

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET 173/89

CAUSE TITLE O.A. 642 and Rev. 173/89 OF 1987

NAME OF THE PARTIES Chandra Gupta Applicant

Versus

Union of India Respondent

Part A.

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2 A	Order sheet	9 = 10
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4 A	Petition with Annexure	25 = 46
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10	Notice	
11	Reve Petition and order	
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15		
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18		

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated 07-06-11

Counter Signed.....

Signature of the  
Dealing Assistant

Section Officer/In charge

310  
Retenement

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Registration No. 642 of 1987

APPLICANT (s) Chandra Gupta

RESPONDENT(s) U.O.I., Ministry of Home Affairs New Delhi.

& 2 others.

<u>Particulars to be examined</u>	<u>Endorsement as to result of Examination</u>
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	No
(c) Have six complete sets of the application been filed ?	Yes. 5 sets filed
3. (a) Is the appeal in time ?	No
(b) If not, by how many days it is beyond time ?	The impugned order is dated 7-7-84
(c) Has sufficient case for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B. D. /Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?
11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
- (a) Identical with the original ?
- (b) Defective ?
- (c) Wanting in Annexures
- Nos...../Pages Nos.. ..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ?
14. Are the given addresses, the registered addresses ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item No. 6 of the application ?
- (a) Concise ?
- (b) Under distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ?
- Have the particulars for interim order prayed indicated with reasons ?

YB

Index filed but paging done in 1st copy only.

YB

No

Only 1st copy signed.

YB

YB

—

—

No

YB

YB

N.A.

YB

YB

YB

YB

No

YB

Submitted by  
Chander  
21/7/02

all the remedies have been exhausted.

and the case may be  
31/01/02 as prayed

K-(J)

21/7/02

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH ALLAHABAD

.....No 642.....of 1987

.....VS.....

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned.
1	2	3
3/8/87	Hon. D.S. Mishra - AM. Hon. G.S. Sharma - JM  None is present for the applicant. The case is adjourned to 20/9/87 for admission. AM ✓ JM ✓ JA	
21-9-87	Hon. D.S. Mishra - AM. Hon. G.S. Sharma - JM  None is present for the applicant. The case is adjourned to 2-11-87 AM ✓ JM ✓	
2-11-87	Hon. S. Zaker Husain, VC. Hon. Jyoti Bhatt, AM.  No one appears. Court up for hearing admission on 21/12/87. VC ✓ AM ✓	

21/12/87  
I.R.

(A)  
3

ORDER SHEET

OFFICE REPORT

An application has been filed in this Tribunal for transferring the case No. 542... of 87..... to the Circuit Bench, Lucknow.

If approved, 20 July 1938 may kindly be fixed for hearing at Circuit Bench Lucknow. In this regard the notices may be sent to the parties counsel.

S. K. Kumar  
29-6-38

20-7-38

Hon. Ajay John, Am.

This case was dismissed in default on 12-1-38. Thereafter an application was filed on 9-2-38 for the restoration of the case. This application has not yet been disposed of. The case be put up for disposal of the restoration application before the Division Bench on 23-8-38.

Am.

Am.


आदेश की क्रम संख्या  
और तारीख  
Serial Number of  
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो  
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन  
करने की तारीख  
How complied with and  
date of compliance

23.5.88

O.R.

O.R. dated 3.3.88 and  
16.5.88 is submitted  
before DR (1) for orders,  
on 26.5.88. 

26.5.88

Re:

On the request of applicants  
concerned, the High Court for  
orders on 15.7.88. Counter of  
any may be filed in the meantime.  
There is also one application for  
transfer the case at Circuit  
Bench Lucknow.



(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUCKNOW.

\*\*\*\*

O.A./T.A. No. 642 1987

Chandra Gupta

Applicant(s)

Versus

U O A

Respondent(s)

Sr.No.	Date	Orders
	28.7.88	Hon. D.S. Misra, Am Hon. G.S. Sharma, JM  The case has been restored by an order of date passed in separate sheet. Sri K.C. Sinha has filed reply. Rejoinder, if any, may be filed within 15 days. List this case for hearing on admission on 22.12.88.  Am JM 28.7.88 leedy DB 14.11.00 No rejoinder has been filed by the Counsel for the applicant as directed by the Court's vide order dt. 20.8.00. Submitted. 22/12/88 No sitting. Adjourned to 23-1-89 <sup>fresh</sup> 14/11 for admission. Bm 22/12

16/1/89

No rejoinder filed

h  
16/1

Q.A. 642/07

(A/9)

10/3/09.

Hon. Justice Ramleswar Nath, V.C.  
Hon. Ajay John, Am.

On the application of the applicant's  
counsel the case be listed for admission  
on 30-3-09.

None

By

Am.

By

V.C.

Hon' Mr. D.S. Mishra, A.M.

Hon' Mr. D.K. Agrawal, J.M.

30/3/89

None is present for the applicant's  
and no reply has been filed on  
behalf of the applicant, in spite of  
several opportunities given to him.

Shri K. C. Sinha learned counsel  
for respondent is present and heard.

Order reserved.

By  
J.M.

By  
A.M.

By



o/c

✻ ✻ ✻

Dated : 2-24-89

Registration No. O.A. 642 of 193 700  
T.A.

Versus

A copy of the Tribunal's Order/Judgement dated ~~24-1-20~~ in the abovenoted case is forwarded for necessary action.

D. S. L. v. C.

Encl : Copy of Order/Judgement dated 24-07

① M. A. Sackel's: Polym. 1972

9) ~~Blank Sheet A/V e/K~~

\*\*\*\*\*

4-12 e/k.  
Q Q  
20/14

192/1  
3

Central Administrative Tribunal, Allahabad.  
Circuit Bench- Lucknow.

Registration Misc. Application No. 35 of 1988

IN  
Registration O.A.No. 642 of 1987.

Chandra Gupta                      .... Applicant  
Vs.

Union of India and  
others                              ..... Respondents.

Hon. D.S.Misra, AM  
Hon. G.S.Sharma, JM

( By Hon. G.S.Sharma, JM)

This application has been received for the restoration of O.A.No.642 of 1987 dismissed in default of the applicant on 12.1.1988. The application appears to have been filed within time and supported by an affidavit. The cause shown also appears to be sufficient. Restoration is accordingly allowed to its original number.

  
MEMBER (J)

  
MEMBER (A)

Dated: 28.10.1988  
kkb.

A2  
1

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH AT LUCKNOW.

\*\*\*\*\*

Registration (O.A.) No. 642 of 1987

Chandra Gupta

....

Applicant.

Versus

Union of India & others

....

Respondents.

\*\*\*\*\*

Hon'ble D.S. Misra, A.M.

Hon'ble D.K. Agrawal, J.M.

(Delivered by Hon. D.K. Agrawal, J.M.)

This application, under Section 19 of the Administrative Tribunals Act, 1985, has been filed by the applicant, Chandra Gupta, feeling aggrieved with the order of retrenchment dated 7.7.1984 passed by the office of the Director of Census Operations, Government of India, Ministry of Home Affairs, Uttar Pradesh, Lucknow.

2. The facts, in brief, are that the applicant was appointed on the post of S/orter on a fixed pay and for specific period from 23.4.1971 to 13.10.1971 and on the post of Assistant Compiler from 14.10.1971 to 30.4.1974. He was retrenched on 30.4.1974 on account of reduction of staff. Again the applicant was appointed for a specific period, on ad hoc basis, on the post of Tabulator on a fixed pay of Rs.280/- per month from 3.2.1981 to 28.2.1982 and on the post of Coder on a fixed pay of Rs.280/- per month from 1.3.1982 to 30.6.1984. He was again retrenched on account of reduction in establishment on 7.7.1984.

3. The question is as to whether the applicant acquired any legal right to hold the post, and secondly, whether the termination order was bad in law. The facts, as stated in the application or in the counter affidavit,

DK Agrawal

A2  
2

-: 2 :-

leave no scope of doubt that the appointments were given to the applicant as and when vacancies arose in the Department of Census Operations. It is a matter of common knowledge that the Department of Census Operations is most active at the time ~~xx~~ census is carried out. The nature of appointments offered to the applicant from time to time were that of casual or on ad hoc basis. The impugned termination order (Enclosure 'D') dated 7.7.1984 also mentions it clearly that the services of the applicant were put to an end on account of reduction in the Establishment. There was no complaint against the work and conduct of the applicant. In fact the said enclosure 'D' mentions it clearly that the work and conduct of the applicant was satisfactory. Therefore, we have no hesitation in coming to a conclusion that the application is misconceived. The applicant did not acquire any legal right to hold the post and that the termination order was not passed for any ~~other~~ <sup>✓ other ✓</sup> reason than the decrease in the number of posts in the Establishment. Consequently, the application is liable to be dismissed and is dismissed accordingly with no order as to costs.

*SK Agarwal*

MEMBER (J).

*Bhm*

MEMBER (A).

Dated: 24th April, 1989.

PG.

Reg. No 642 of 1987  
Central Administrative Tribunal  
Additional Bench At Allahabad  
Date of Filing..... 21/7/87  
OR  
Date of Receipt  
by Post  
By Dy Registrar

A3  
1

In the Central Administrative Tribunal, Allahabad.

Application under Section 19 of the  
Administrative Tribunal Act, 1985.

BETWEEN

Chandra Gupta

.....

Applicant

AND

Union of India and 2 others . ....

Respondents.

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3. Power. ....

For use in Tribunal's Office

Date of filing

or

Date of Receipt by post

Registration No.

(Mushtaq Ahmad Siddiqi)

Advocate,

Counsel for the Applicant.

Signature  
for Registrar.

To be listed  
a 21/8/87 as requested  
by the applicant.

Noted for 3/8/87  
29/7/87  
21/7/87

Gupta

A3  
2

In the Central Administrative Tribunal, Allahabad.

BETWEEN

Chandra Gupta, aged about 38 years,

S/o Sri Ganga Prasad,

R/o 359, Ganga Bhawan,

Alam Nagar, New Basti,

Sitapur.

.....-

Applicant

AND

1. Union of India, Ministry of Home Affairs,

New Delhi,

2. Director, Census Operations, U.P.,

Administrative Section,

25, Nawal Kishore Road,

Lucknow,

3. Registrar, General of India,

Office of the Census Operations,

2A, Mansingh Road,

New Delhi.

.....

Respondents.

Gupta

DETAILS OF APPLICATION:

1. Particulars of the applicant :

(i) Name of the applicant.

Chandra Gupta

(ii) Name of the father

SriGanga Prasad

A3  
3

2.

(iii) Age of the applicant

38 years.

(iv) Designation and particulars of office

(name and station) in which employed or was  
last employed before ceasing to be in service.

Coder in the Office of  
Director of Census Operations,  
Uttar Pradesh.

(v) Office address

Through:-  
Director of Census Operations,  
Uttar Pradesh,  
25 Nawal Kishore Road,  
Lucknow.

vi) Address for service of notice.

359, Ganga Bhawan,  
Alam Nagar, New Basti,  
Sitapur.

2. Particulars of the respondents:

(1) Name of the respondents

(1) Union of India, Ministry of Home Affairs,  
New Delhi,

(2) Director, Census Operations, U.P.,  
Administrative Section,  
25, Nawal Kishore Road, Lucknow.

(3) Registrar, General of India,

A3  
4

3.

Office of the Census Operations,  
2A, Mansingh Road,  
New Delhi.

(ii) Name of Father/Husband.

Nil.

(iii) Age of the respondent.

Nil.

(iv) Designation and particulars of office (name and station) in which employed.

As mentioned in column No.2 (1) above

(v) Office address.

As mentioned in column No.2 (1) above.

(vi) Address for service of notices.

As mentioned in column No.2 (1) above.

3. Particulars of the order against which application is made.

The application is against the following order :-

(i) Order No. AE/D.C.O., U.P. /A-(81/F-590).

(ii) Date : 7th July, 1984.

(iii) Passed by : Director of Census Operations,  
Uttar Pradesh, Lucknow.

(iv) Subject in brief.

Retrenchment of the applicant  
from service.

Gupta



A3  
5

4.

**4. Jurisdiction of the Tribunal :**

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

**5. Limitation :**

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

**6. Facts of the case :**

The facts of the case are given below :-

(A) That the applicant is a citizen of India by birth and is a resident of district Sitapur. The applicant is Kumhar (earthen pot makers) Prajapati by caste and falls within the category of Backward classes. A true copy of the certificate regarding the applicant belonging to backward class is attached herewith as Enclosure 'A'.

Gupta

5.

(B) That the applicant passed the High School Examination of the U.P. Board of High School & Intermediate Examinations in 1968 and he also studied up to XII Class but belonging to very poor family he could not pass the Intermediate Examinations due to various reasons.

(C) That the applicant was employed in the organisation of opposite party No.2 on the post of Sorter as well as Assistant Compiler with effect from 23-4-1971 and was discharged on 30-4-1974 on account of reduction in establishment. A true copy of the Discharge Certificate is attached herewith as Enclosure 'B'.

(D) That the applicant having worked for more than three years he acquired the status of Quasi permanent employee and his services could not be dispensed

Gupta

A3  
7

(6)

with on account of reduction in establishment. The applicant made representations to the opposite parties and his case remained under consideration for a considerable period of time.

(E) That with the applicant some other persons were also appointed and retrenched on 30-4-1974, but the cases of the retrenched employees were considered and Smt. Arun Dhatta Talwar and R.K. Diwan were given permanent employment in 1978. These two persons were employed with the applicant and in all matters case of the applicant is at par and identical with these two persons. A true copy of the appointment order of Smt. Arun Dhatti Talwar is enclosed herewith as Enclosure 'C' to this claim petition.

Gupta

A2  
8

(7)

(F) That any way the applicant was making his representations running from pillar to post.

Then he was again given appointment in the establishment of the opposite party No.2 on the post of Tabulator and worked on this post from 3-2-1981 to 28-2-1982. From 1-3-1982 the applicant was shifted to carry on the work of Coder and also worked thereon, but again the applicant was retrenched with effect from 30-6-1984. A true copy of the discharged certificate again on account of reduction in establishment is attached herewith as Enclosure 'D' .

Gupta

(G) That again the petitioner worked for a continuous period of three years 4 months and even if earlier tenure of his service for the sake of argument is excluded, he acquired the status

A3  
9

(8)

of quasi permanent employee on account of his continuous working from 2-2-1981 to 30-6-1984 and in no circumstance he could be retrenched.

(H) That in the meantime a number of orders have been issued from the Government of India regarding absorption of retrenched employees and the applicant ought to be absorbed and in no circumstance for such a long time working the applicant could be said to be a Daily Wages Worker and retrenched in the manner it has been done.

after

(I) That a list of retrenched employees was called upon by the opposite party No.1 from the opposite party No.2 for absorption of such employee in the other departments and also in the State Government services, but due to the mistake of the opposite party No.2 the name of

Gyph

A3  
10

9.

the applicant was not included and it is why the applicant is running from pillar to post till this date out of employment.

In this regard certain instructions were issued also to the State Government and the applicant also contacted such authorities, but his applications are lying here and there. He moved an application even to the Collector Sitapur on 22.6.1985 enclosing all the materials, but till this date everything is in air.

(J) That in this period the applicant has approached every authority and has left no stone unturned, but till this date no orders have been passed except asking for the report from one authority to the other authority. A true copy of an application dated 21.12.1986

Gupta

A2  
R

10.

is attached herewith as Annexure 'E' to this petition.

(K) That the applicant sent a last application in the month of March, 1987 to both the opposite parties and also to the Registrar, General of India, and Office of the Census Operation, 2A, Mansingh Road, New Delhi, but no order has been passed. A true copy of the last application sent by the applicant is attached herewith as Enclosure 'F' to this petition.

7. Details of the remedies exhausted.

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc.

The applicant has sent a number of applications to the authorities concerned and the two applications Enclosures 'E' and 'F' are attached herewith which have been sent

A3  
12

11.

already stated, but no reply has been given except calling upon the report by one authority from the other authority. On the last application of March, 1987 Enclosure 'F' the applicant was assured by the opposite party No.3 that report is being called upon from the Opposite party No.2 and suitable orders will be passed within two months.

8. Matters not previously filed or pending with any other Court.

The applicant farther declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

Gupta



A3  
13

12.

9. Reliefs sought:

(A) In view of the facts mentioned in para 6 above the applicant prays for the following reliefs :-

- (i) Order of retrenchment dated 7-7-1984 contained in Enclosure 'D' be quashed holding it to be void and inoperative, and the applicant continuing in service entitled to get all the emoluments and incidental benefit thereto.
- ( ii ) Costs of this petition be awarded to the applicant.
- ( iii ) Any other relief which this Hon'ble Tribunal deems fit and proper in the circumstances of the case be granted in favour of the applicant including a direction to absorption of the applicant if relief as prayed for, does not find favour with this Hon'ble Tribunal.

A3  
14

13.

10. Interim order, if any prayed for :

In view of the circumstances stated above no prayer for any interim order is made but it is prayed that the petition itself be decided as early as possible within a period of four months taking into account the miseries of the applicant and his family members being out of employment from 1984 and onwards.

11. In the event of application being sent by Registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed Post Card/Inland Letter at which intimation regarding the date of hearing could be sent to him.

Does not arise.

12. Particulars of Bank Draft/Postal Order in respect of the Application Fee :

....14.

A3  
15

14.

1. Name of the Bank on which drawn
2. Demand Draft No.

Ord

1. Number of Indian Postal Order(s) DD 985706  
4
2. Name of the issuing Post Office High Court  
Lucknow
3. Date of Issue of Postal Orders(s) 20/11/82
4. Post Office at which payable. ~~Post~~ Allahabad  
Head Post  
office

13. List of enclosures :

- (A) A true copy of the certificate regarding  
the applicant belonging to backward class.
- (B) A true copy of the Discharge Certificate.
- (C) A true copy of the appointment order of  
Smt. Arun Dhatti Talwar.
- (D) A true copy of the discharged certificate  
again on account of reduction in  
establishment.
- (E) A true copy of an application dated  
21-12-1986.
- (F) A true copy of the last application

Gupta

13/16

15.

sent by the applicant.

Chandra Gupta  
VERIFICATION

I, Chandra Gupta, son of Sri Ganga Prasad,  
aged about 36 years, resident of 359, Ganga Bhawan,  
Alam Nagar, New Basti, Sitapur do hereby verify that  
the contents of paras 1 5/2  
are true to my personal knowledge and paras

believed to be true on legal  
advice and that I have not suppressed any material  
fact.

Chandra Gupta  
Signature of the applicant.

Date : 20.7.87  
Place: Lucknow

Prasad  
Gupta  
Sri

Enclosure - A

कार्यालय तहसीलदार

सीतापुर

दिनांक 11-6-85

16  
A3  
17

उत्तर प्रदेश राज्य के पिछड़े वर्ग के लिये जाति प्रमाण- पत्र

प्रमाणित किया जाता है कि श्री चन्द्र गुप्त आत्मज श्री गंगाप्रसाद निवासी ग्राम/मोहल्ला आलम नगर सीतापुर परगना छौरावाड़ तहसील लील पुर जिला सीतापुर की (कुम्हार) पिछड़ी जाति के है जो कि शासनादेश संख्या 131 /26-761-1958 दिनांक 17 सितम्बर 1958 के अर्जितगत मान्यता प्राप्त है।

श्री चन्द्र गुप्त उत्तर प्रदेश राज्य में साधारणतया निवास करते है।

४ -

तहसीलदार

सीता पुर

11-6-85

Allosted in  
S. L. Pant  
22737  
Private Secretary  
High Court (Lucknow Bench)  
LUCKNOW

Gupta

Enclosure 'B'

No. AE. / /DCO-UP/A - 3772

Government of India

Ministry of Home Affairs

Office of the Director Census Operations, U.P.

(Administrative Section)

6, Park Road: LUCKNOW

Dated: 15/10/1980.

DISCHARGE CERTIFICATE:

Shri Chandra Gupta S/o Shri Ganga Prasad R/o R.P.F.

Line, Mawaiya Lucknow worked in the Regional Tabulation

Office (1) and C.P. Cell, Lucknow on the post and for the

period given below. He was retrenched on 30.4.74 on

account of reduction in Establishment.

He is considered suitable for employment under Government.

POST	PERIOD	PAY
SORTER	From 23.4.71 to 13.10.71	Fixed pay Rs.175/- Consolidated.
Assistant	14.10.1971 to	
Compiler	30.4.74	Rs.260=400.

Sd/- Illegible

Attested by  
Private Secretary,  
High Court (Lucknow Bench)  
LUCKNOW.

TRUE COPY:

Page 10  
A3  
19

Enclosure 'C'

21/1/78 DCS:III  
Government of India  
Ministry of Home Affairs  
Department of Personnel and Admn. Reforms.  
.....

New Delhi - 1, dated the ... December, 1978

To

26 DEC. 1978

Shri G.P. Garg  
iac 9(HQRS) ADMN.  
Commissioner of Income Tax,  
Delhi-1, New Delhi.

Subject:- Re-deployment/absorption of retrenched temporary  
Central Government Employees.  
.....

Sir,

I am directed to refer to your D.O. letter No.Est.4/NG/  
/III Rect/DDC/78/16569 dated the 8th December, 1978 and this  
Department letter No.2/B/78-CS.III dated the 20th December,  
1978, on the above subject and to say that it has been decided  
to nominate Shrimati Arundhati Talwar, a retrenched Assistant  
Compiler of the Director of Census Operation, U.P. Lucknow  
against the post of a Lower Division Clerk in the scale of pay  
of Rs.260-400 in your office in terms of this Department Office  
Memorandum No.42014/1/75-Estt(j) Vol. III dated the 27th March,  
1978 read with their O.M. of the same number dated the 29th June,  
1978 (copies enclosed). It is requested that she may be  
absorbed against the said post immediately and this Department  
be informed of the date of her absorption at an early date.  
Smt. Arundhati Talwar is being directed to report to you for  
duty.

2. The service documents in respect of Smt. Arundhati  
Talwar may be obtained direct from the Office of the Director  
of Census Operation, U.P. Lucknow.

Yours faithfully,

Sd/-  
(K. B. Nair)

Under Secretary to the Government of India.

LUCKNOW. No.2k/1/78-CS-III dated the 26 DEC. 1978

(A copy is forwarded to Smt. Arundhati Talwar, 34, Arya  
Nagar, .....U.P. with instructions to report for duty to the  
Income Tax Commissioner, New Delhi by 30th December, 1978  
positively.

(K.B.Nair)

Under Secretary to the Government of India.

True Copy:

Attested-  
S. L. Nair  
Private Secretary,  
High Court (Lucknow Bench)  
20.12.78

Gupta

A3  
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19

Enclosure 'D'

NO: AE/D.C.O. U.P./A- (81 (.....))

GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS  
UTTAR PRADESH

23, Nawal Kishore Road  
Lucknow.

Dated 7th July, 1984.

DISCHARGE CERTIFICATE:

Shri/..... Chandra Gupta has worked in the office of the Director of Census Operations, U.P. Lucknow on the post (s) and for the period (s) given below. His services have been terminated with effect from 30.6.84 (A.N.) on account of reduction in establishment. His work and conduct was satisfactory.

Post	Period	Pay without allowance.
Tabulator	3.2.81 to 28.2.82	Rs.280/-
Coder	1.3.82 to 30.6.82	Rs.280/-
Coder	1.7.82 to 30.6.84	Rs.350/-

*gth/Alksted*  
*V.S. Singh*  
Private Secretary,  
Court (Lucknow Bench)  
LUCKNOW.

Signature

Sd/-

Designation of Officer  
and Office Seal.  
( M.N. Srivastava)

LUCKNOW.

True Copy:

*Gupta*



(A3/21) 22

Enclosure 'E'

From

Chandra Gupta,  
C/o Shri Mahatma Prajapati,  
359, Ganga Bhawan near Phat-Phata pul,  
Moh. - Alam Nagar,  
Distt. Sultanpur (U.P.)

To

The Registrar General of India,  
Office of the Census Operations,  
2A, Maan Singh Road, New Delhi.

Sub: Redeployment facility to the temporary retrench  
employees of the office of the Director of Census  
Operations, U.P. Lucknow.

Respected Sir,

I beg to state that I was employed as Sorter and Asstt.  
Compiler in the office of the D.C.O.U.P. Lucknow w.e.f. 23.4.71 to  
30.4.74 and after completing three yrs, and eight days and in  
1981 Census w.e.f. 28.2.81 to 30.6.84 as Coder Rs.350/-  
Consolidated pay), my services were terminated and due to the  
negligency of the office of the Director of Census Operations  
UP Lucknow my name was excluded in the list of the retrenched  
employees which was forwarded to the special cell of the  
Deptt. of personnel & AR (M.H.A.) Govt. of India, for redeployment  
facility and due to this mistake I am still unemployed.

I would request that the Director Census Operations  
UP Lucknow may be contacted and the reason for not forwarding my  
name may be asked (copy of my service particular may be seen  
from the office order No.AR/1/81/DCO-UP/A dt.16 March 1981 &  
No.AE/1/81/DD/DP/A-3550 dated 15 July 1981 (copy enclosed for  
ready reference). In view of the office order of the Director

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of census operations UP Lucknow. I am illigible for redeployment facility in accordance with the Deptt of Personnel & AR (MHA) G/I, O.M.No.42014/1/75 Estt.D. Vol.III dated 29 June, 1978, (copy enclosed). In the last I would request you kindly to look into the matter personally and my name may be forwarded to the Deptt. of personnel & AR (MHA)G/1, for redeployment facility as early as possible.

Hope that my humble request will be considered by your honour and my name will be forwarded with suitable recommendation.

Thanking you with profoundest regards,

Your's very truly,

Sd/-

( CHANDRA GUPTA)

Dt.21.12.1986.

Encl: 1. Appointment letter of Mr. Talwar,

2. Experience Certificate.

3. DCO UP letter No.AE/1/81/DCOUP/A dt.16 March,81 & AE/1/DD/DA/A3550 Dt. 15 July 81.

\*\*\*\*\*

Gupta

TRUE COPY:

*Handwritten:*  
M. B. Shukla  
S. K. Shukla  
Private Secretary,  
High Court (Lucknow Bench)  
LUCKNOW.

A3  
1/24 22

Enclosure 'F'

From

Chandra Gupta,  
C/o Shri Mahatma Prajapati,  
359, Ganga Bhawan near Phat-Phata pul,  
Moh.- Alam Nagar,  
Distt. Sitapur (U.P.)

To

The Registrar General of India,  
Office of the Census Operation,  
2A, Maan Singh Road, New Delhi.

Respected sir,

Respectfully I beg to submit that I am an Indian citizen and belonging to backward class and I was appointed in 1971 and worked at that time for three years and eight days and was illegally retrenched at that time. Since then the applicant has been making approaches to your honour and also other concerned authorities. The other employees appointed and retrenched with the applicant have been finally absorbed. The applicant was left untouched. In 1981 he was again employed but with effect from 30-6-1984 he was again retrenched against which the applicant has submitted a number of applications referring to various orders of your honour and the Government and the reason for non-absorption of the applicant is that the Director of Census Operation omitted my name in the list sent by him. On my earlier applications the reports have been called upon but till this date no final order has been passed. My children are now dying

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starvation death and in this regard I am sending my last representation to your honour and if I do not get any redressal, I would be forced to make my application before the Central Administrative Tribunal, Allahabad, if no final orders are passed within two months.

Your's very truly,

Sd;

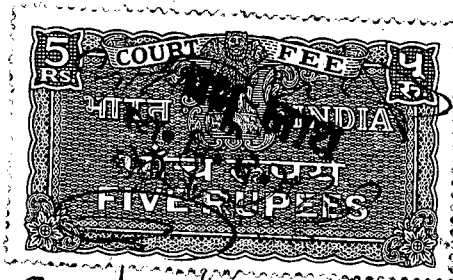
( CHANDRA GUPTA )

DATED:- 11.3 1987.

Alleged  
True copy  
Chandra Gupta

H.B. This enclosure is the copy of application sent by the applicant himself and it is on official papers & checked by the app. com. kindly and also by me.

MSD  
Adm  
20/7/87



(B)

In the Central Administrative Tribunal  
Allahabad

न्यायालय श्रीमान् ... ..

Chandra Gupta

वादी अपोलान्त/प्रार्थी/अभियुक्त

... ..

विरुद्ध

Union of India and Others

... .. प्रतिवादी / रिस्पान्डेंट / विपक्षी / अभियुक्त

व्यवहार विवरण

उपयुक्त व्यवहार में मैं / हम ... ..

Mushtaque Ahmad Siddiqui

प्रतिज्ञ/एडवोकेट

को व्यवहार की कार्यवाही, उत्तर प्रति-उत्तर निमित्त प्रारम्भिक न्यायालय से अन्तिम न्यायालय अपील तक बअदाय मेहनताना नियुक्त करके अधिकार देता हूँ। देते हैं कि एडवोकेट वकील महोदय मुझे / हम प्रतिज्ञ के पक्ष से जो कुछ कार्यवाही प्रश्न या उत्तर लिखित अथवा मौखिक करें या कोई प्रमाण-पत्र तथा दस्तावेज इत्यादि प्रस्तुत या प्रविष्ट करें या वापस लें या प्रतिलिपि पत्र लें या रूपया चेक प्राप्त करें या मेरे/हमारे हस्ताक्षर की हुई संधि-पत्र प्रस्तुत करें या प्रमाणित करें विक्री-कर कार्यालय से 'सी' फार्म प्राप्त करें। अन्य एडवोकेट वकील की कार्यवाही तथा विवादार्थ स्वयं नियुक्त करें या प्रार्थना-पत्र दें या निगरानी या क्रास आब्जेक्शन या तजबीज सानी या वाजदायर या इजराय डिग्री अपने हस्ताक्षर दायर करें वह सब मुझे / हम प्रतिज्ञ के लिये हुए के समान होगा वह सब मुझको / हमको स्वीकार होगा उसका दायित्व प्रतिज्ञ के ऊपर होगा।

न्यायालय  
नं० मुकदमा  
नाम करीबिन

अतः यह वकालतनामा लिख दिया कि प्रमाण रहे और अवसर पर काम आवे।

तिथि

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चिन्ह या हस्ताक्षर

साक्षी

साक्षी

Gupta

स्वीकृत

Accepted  
MASS  
20/7/74

एडवोकेट प्लीडर

AY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

CIVIL MISC. APPLICATION NO. \_\_\_\_\_/OF 1988

On behalf of the Respondents  
-.-.-.-.-

IN

REGISTRATION NO. ~~22~~ 642 OF 1987/

Chandra Gupta .....Applicant

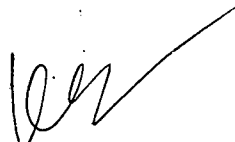
Versus

The Union of India & others .....Respondents.

To

The Hon'ble the Vice-Chairman and  
his other companion Members of the aforesaid  
Hon'ble Tribunal.

The humble application on behalf of the  
Respondents Most Respectfully Showeth as  
under: -

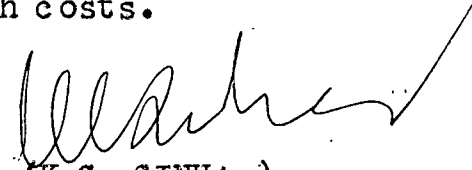


1. That the full facts and circumstances have been set out in the accompanying counter-affidavit.

2. That for the reasons and facts stated in the accompanying counter-affidavit, it is expedient in the interest of justice that this Hon'ble Tribunal may be pleased to dismiss the application filed by the applicant with costs.

P R A Y E R

It is, therefore, prayed that this Hon'ble Tribunal may kindly be pleased to admit the counter-affidavit on behalf of the respondents and dismiss the application filed by the applicant with costs.

  
(K.C. SINHA )  
Addl. Standing Counsel  
Counsel for the Respondents.

Dt/ January , 1988/

Ag  
B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

*W. H. S. S. S.*  
~~COUNTER - AFFIDAVIT~~  
.....

IN

REGISTRATION NO. 642 OF 1987/

Chandra Gupta .....Applicant

Versus

The Union of India & others.....Respondents.

Affidavit of L. Singh  
aged about 48 years son of  
Lakshmi K. Singh posted as  
Asstt. Director Census, U.P.

(Deponent)

I, the deponent abovenamed do hereby  
solemnly affirm and state on oath as under:-

1. That the deponent is posted as Asstt.  
Director Census and as such is fully  
acquainted with the facts of the case deposed to  
below.

*Singh*



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2. That the contents of para-1,2,3,4 and 5 of the application are matters of record, hence no reply is being offered.

3. That the contents of para-6(A) & (B) of the application needs no comments.

4. That in reply to the contents of para-6(C) of the application, it is submitted that the applicant was appointed on the post of Sorter on fixed pay and for specific period from 23.4.71 and worked upto 13.10.71 and on the post of Asstt. Compiler from 14.10.71 to 30.4.74 in the scale of Rs. 110-180. He was retrenched on 30-4-74 on account of reduction of staff.

5. That in reply to the contents of para- 6(D) of the application, it is submitted that the allegations made by the applicant are not correct as stated hence denied. It is further submitted that the applicant has worked on scale pay post for only about two and half year i.e. from 14.10.71 to 30.4.74. He was not entitled for Quasi-permanency due to none completion of 3 years required period for Quasi-permanent. It is incorrect

*Long*



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to say ~~to say~~ that any representation of the applicant is pending in this office in this connection.

6. That the contents of para-6(E) of the application are emphatically denied. It is incorrect to say that Smt. Arundhati Talwar and Sri R.D. Dewan got permanent employment in this department. In fact they are no more in this department. The department is not aware where they are working at present.

7. That in reply to the contents of para-6(F) of the application, it is submitted that in connection with the 1981 Census the applicant was appointed for specific period and adhoc basis on the post of Tabulator on fixed pay of Rs. 280/- p.m. from 3.2.81 to 28.2.82 and on the post of Coder on fixed pay of Rs. 280/- p.m. from 1.3.82 to 30.6.84. He was retrenched on 30-6-84 on account of reduction in establishment.

8. That in reply to the contents of para-6(G) of the application, it is submitted

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that as mentioned in reply to the contents of para-(F) ; the applicant worked on adhoc basis and for specific period.

9 . That in reply to the contents of para-6(H) of the application, it is submitted that it is incorrect to say that the government has issued any instruction for the absorption of retrenched employees in this department.

10. That the contents of para-6(I) of the application are denied. It is submitted that no such list was demanded by the opposite party no.1 and the so-called list was asked for consideration for the appointment of the cases of the retrenched employees in the State Government department by the state government which was sent.

11. That in reply to the contents of para-6(J & K) of the application, it is submitted that the services of the applicant were terminated on account of reduction in establishment. This department has no knowledge about the action

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taken by the state government department in cases of appointment of retrenched employees. No application of the applicant is pending with the respondents.

12. That the declaration made by the applicant in para-7 of the application are based and hence emphatically denied.

13. That the contents of para-8 of the application need no comments.

14. That in view of the facts and circumstances stated above, the applicant has failed to prove any prima-facie case in his favour and hence the reliefs sought in para-9 and 10 of the application cannot be granted by this Hon'ble Tribunal. Moreover, the application is liable to be dismissed with costs.

15. That the contents of para-11,12 and 13 are matters of record,hence need no comments.

I, the deponent abovenamed do hereby verify that the contents of paras 1 to 15 of this affidavit are true to my

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personal knowledge; those of paras 7  
are based on record; those of paras 7  
are based on legal advice to which all I  
believe to be true; that no part of it is false  
and nothing material has been concealed.

So help me God.

Deponent

I, D.S. Chaubey, Clerk to Shri K.C. Sinha,  
Advocate, High Court, Allahabad do hereby declares  
that the person making this affidavit and alleging  
himself to be the same is known to me from the  
perusal of papers.

Clerk

Solemnly affirmed before me  
on this \_\_\_\_th day at \_\_\_\_am/pm by the deponent  
who has been identified by the aforesaid Clerk.

I have satisfied myself by examining  
the deponent that he has understood the contents  
of this affidavit which have been read over and  
explained to him by me.

OATH COMMISSIONER.

AS  
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To

The Chairman,  
Administrative Tribunal,  
Uttar Pradesh,  
Allahabad.

Chandra Gupta

.....

Applicant

Versus

Union of India &amp; two others .... Respondents

Misc. Application no. 35 of 88

In

Original Application no. 642 of 1987

*discontinued 12-1-88 pending*

Application under section 25 of the *Restoration*  
Administrative Tribunals Act, 1985.

*Two days to the Bench ems*  
The applicant respectfully begs to submit  
as under:-

*Hdld D.S. Mishra Member A*  
*G. S. Sharma*

1. That the applicant is a poorman and he is out of employment since long. After exhausting departmental remedies any way the applicant has approached this Tribunal and got drafted his application by Shri M.A. Siddiqui, Advocate who practices at Lucknow Bench of the Allahabad High Court.
2. That the applicant is a resident of Sitapur and he being poor man is not in a position to come to Allahabad on each and every date or engage some counsel who may do pairvi of his case in his absence.
3. That the applicant has come to know that in the near future a Bench of the Tribunal occasionally

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or permanently is to sit at Lucknow.

4. That in case the applicant's case is fixed for hearing at Lucknow it will be convenient for him. On account of poverty he is not in a position to manage its hearing at Allahabad.

It is, therefore, very respectfully prayed that the above noted case may kindly be transferred to a Bench sitting at Lucknow and the applicant be informed regarding the aforesaid case through Shri M.A.Siddiqui, Advocate whose address is given here below for convenience.

Dated:

22/3/06

(Chandra Gupta)  
Applicant

*[Handwritten signature]*  
for applicant

Address:

Chandra Gupta C/o

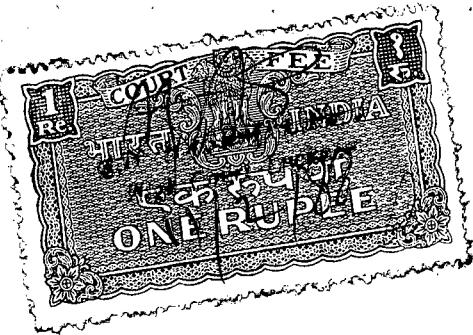
Shri M.A.Siddiqui, Advocate

36, Jagat Narain Road,

Golaganj, Lucknow.

(18)                      2/5/88                      (15)

Before the Central Administrative Tribunal, U.P.  
Allahabad.



Chandra Gupta                      .....                      Applicant  
Versus  
Union of India & two others .... Opposite-parties

Misc. Application no. 35 of 88 &

In

Original Application no. 642 of 1997

Application for recalling the order dated  
12-1-88 passed by the Hon'ble Tribunal

The applicant, abovenamed, submits as under:-

- SO [Signature]
1. That the applicant is a resident of Sitapur and he got filed the aforesaid petition through Shri M.A. Siddiqui, Advocate, Allahabad High Court, Lucknow Bench, Lucknow, and on account of poverty the applicant himself could not manage to reach the court on each and every date.
  2. That the applicant approached one time, also Shri Prabhu Kant, Advocate through Shri M.W. Siddiqui, Advocate, Allahabad but on that date the application could not be taken for admission.
  3. That the applicant himself came to know about



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-2-

the case but he was informed that now the case is fixed on 12-2-88 and he ~~XX~~ was very much inclined to appear before the Tribunal on 12-2-1988 but in the meantime he received information ~~XX~~ that the instant case has been dismissed on 12-1-88.

4. That the applicant is a poor man and out of employment since long and on account of poverty it is very difficult for him to reach on each and every date.

5. That the dismissal of the application causes irreparable loss and hardship to the applicant and there is no intentional default on the part of the applicant.

It is, therefore, very respectfully prayed that the ~~No~~ble Tribunal may kindly be pleased to allow this application and restore the original application to its original number and the case on merits, if possible fixing some date here at Lucknow.

Dated:

9/7 00

Applicant

u-6'41

17

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL U.P.

ALLAHABAD

AFFIDAVIT IN SUPPORT OF

Misc. Application No.

of 1988

In re;

Original Application 642 of 1987

Chandra Gupta

Applicant

Versus

Union of India & two others

Opp. Parties

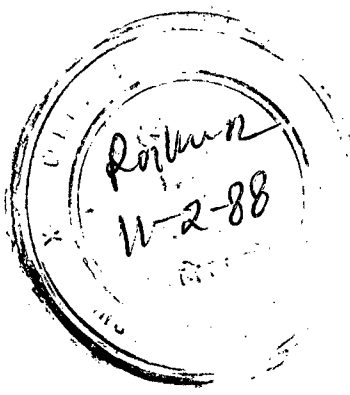
Affidavit

I, Chandra Gupta, aged about 38 years, son of Sri Ganga Prasad, resident of 359, Ganga Bhawan, Alam Nagar New Basti Sitapur, the deponent do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the sole applicant in the above noted application and as such he is fully conversant with the facts of the case deposed hereunder;.

2. That the deponent is a resident of Sitapur and he got filed the aforesaid petition through Shri M.A. Siddiqui, Advocate, Allahabad High Court Lucknow Bench, Lucknow and on account of poverty the applicant himself could not manage to reach the court on each and every date.

3. That the deponent approached one time also Shri Prabhu Kant, Advocate through Shri M.A. Siddiqui Advocate, Allahabad but on that date the application could not be taken for admission.



11-2-88

(A7)

4. That the applicant himself came to know about the case but he was informed that now the case is fixed on 12.2.1988 and he was very much inclined to appear before the Tribunal on 12.2.1988 but in the meantime he received information that the instant case has been dismissed on 12.1.1988.

5. That the applicant is a poor man and out of employment since long and on account of poverty it is very difficult for him to reach on each and every date.

6. That the dismissal of the application causes irreparable loss and hardship to the applicant and there is no intentional default on the part of the applicant.

Lucknow; Dated  
Feb. 10, 1988

*[Signature]*  
Deponent

Verification

I, the named above deponent do hereby verify that the contents of paras 1-*6* are true to my personal knowledge while those of paras to are believed by me to be true. No part of it is false and nothing material has been concealed so help me God.

Lucknow; Dated  
Feb. 10, 1988

*[Signature]*  
Deponent

I, identify the deponent who has signed before me.

*[Signature]*  
Advocate

Solemnly affirmed before me on 11-2-88 at 1-15 A.M/P.M. by Sri Chandra Gupta the deponent who is identified by Sri M. A. Sodique Advocate High Court of Judicature at Allahabad Lucknow Bench Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read over and explained to him by me



*[Signature]*  
JUDGE COMMISSIONER  
High Court, Allahabad  
Lucknow Bench

At 11-2-88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

C.M. Review An No. 173/87 (L)

REGISTRATION No. 642 of 1987

APPELLANT  
APPLICANT

Chandra Gupta

VERSUS

DEFENDANT  
RESPONDENT

U.O. & Ors.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
	<p>A. Misc. Review Application NO 173/87 (L) in O.A. No 642 of 87 (Chandra Gupta - vs. U.O. &amp; Ors) has been filed today. The original petition was decided by the Bench consisting of Hon'ble Sri D.S. Mishra, A.M. and Hon'ble Sri D.K. Agarwal, J.M. on 24.4.89. The author of the Judgement is Hon. Sri D.K. Agarwal, J.M.</p> <p>Submitted for orders.</p> <p>21/6/89</p> <p>Hon'ble D.K. Agarwal, J.M.</p>	
22-6-89	<p>Seen. The review application can be decided by circulation. The order be placed before Hon' Member Administrative for his concurrence.</p> <p>(SNS)</p>	<p>Dr. Agarwal J.M. 3.6.89</p>

Registered

de

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, GANDHI BHAWAN  
LUCKNOW  
\*\*\*

No. CAT/CB/LKO/

Dated : 22.6.89

OFFICE - MEMO

Registration No. O.A. 642 of 1937. (1)  
T.A. Review No. 173/89

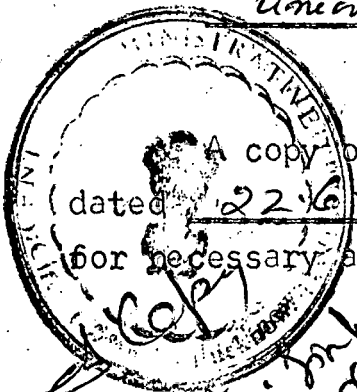
Chander Gupta

Applicant's

Versus

Union of India

Respondent's



A copy of the Tribunal's Order/Judgement  
(dated 22.6.89) in the abovenoted case is forwarded  
for necessary action.

For DEPUTY REGISTRAR (H)

Copy of Order/Judgement dated 22.6.89

To.

- ① Shri M.A. Siddiqi Adv e/A.
- ② Shri K.C. Sinha Adv e/R.

dinesh/

\*\*\*\*\*

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench, Lucknow

...

June 22, 1989

Registration Review Petition No. 173 of 89(L)

In

O.A. No. 1987

Chander Gupta ..... Applicant

Vs.

Union of India & ors ..... Respondents

Hon' Mr. D.S. Misra, A.M.

Hon' Mr. D.K. Agrawal, J.M.

( Hon' Mr. D.K. Agrawal, J.M.)

This is an application for review of the judgment dated 24-4-89 passed in Registration(O.A. No. 642/87 Chandra Gupta Vs. Union of India & ors).

2. In the above application, the retrenchment order dated 7-7-84 was challenged. The finding of this Tribunal was to the effect that the impugned termination order dated 7-7-84 was an order of termination on account of reduction in the establishment. It was also held that the appointment given to the applicant was for a fixed period on ad hoc basis. It was, therefore, held that the applicant did not acquire the legal right to hold the post and that the termination order was not passed for any reason other than the reduction in the number of posts/of establishment. Consequently the application was dismissed.

3. We have given our careful consideration to the review application. We are unable to arrive at a conclusion other than the one already arrived at in the main application. There is no good ground for review of the order.

  
Member(A)

  
Member(J)

(sns)

Lucknow

June 22, 1989.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUT  
BENCH LUCKNOW

Review Petition No. 173 of 1989 (L)

Chandra Gupta, aged about 40 years,  
son of Sri Ganga Prasad, resident of Ganga Bhawan,  
Alam Nagar, New Basti Sitapur.

Applicant

Versus

1. Union of India, Ministry of Home Affairs, New Delhi
2. Director, Cansus operations, U.P. Administrative Section, 25- Newal Kishore Road, Lucknow.
3. Registrar, General of India, Office of the Consus Operations, 2-A, Mansingh Road, New Delhi.

Opp. Parties

*Filed today.*

In re;

*Keep on record.*

Case No. 642 of 1987

Chandra Gupta

Petitioner

*13/6/89*

Versus

Union of India and others

Respondents

APPLICATION FOR REVIEW OF JUDGMENT AND ORDER  
DATED 24.4.1989, In re; Case No. 642 of 1987  
Rendered by Hon'ble P.S. Misra Administrative  
Member and Hon'ble D.K. Agarwal Judicial Member

The applicant most respectfully begs to  
submits as under:-

1. That the above noted case, filed initially  
at Allahabad, was dismissed in default and application  
for restoration has been moved by the applicant.

However prior to any order of admission or issue notice requiring to file counter affidavit, a counter affidavit was filed on behalf of opposite parties.

2. That 30.3.89 was fixed for disposal of restoration application and on that day the counsel of the applicant was not there and the case was fixed for orders and the applicant has received the copy of order passed by this Hon'ble Tribunal dated 24.4.1989 by which the case has been finally dismissed. The applicant received the order on 12.5.1989 and as such the Review application is being filed.

3. That Hon'ble Tribunal has been pleased to reject the applicant's case for relief -I, quashing the termination order, but the Hon'ble Tribunal has not considered relief III regarding which the averments of the applicant's has not been repelled.

4. That the applicant is a retrenched employee as per his alternative case and the other retrenched employees having been absorbed the applicant could not be left on the street.

5. That the Government has also framed rules and issued the orders regarding absorption of retrenched employee and in case the order of termination is not held bad as contended by the petitioner the order is of retrenchment.

6. That in case the applicant had been allowed to file rejoinder affidavit and substantiated his case the applicant is pretty sure that his case could have been allowed by the Hon'ble Tribunal.



the Hon'ble Tribunal.

7. That due to not sending the name of the applicant at the relevant time the applicant could not be absorbed although his fellow employees have been absorbed and the applicant has fallen a victim of inaction of opposite parties.

8. That in the circumstances it is most respectfully expedient in the interest of justice that this Hon'ble Tribunal recall its order dated 24.4.1939 and rehear over the whole matter or in the alternative hears the matter for relief III.

PRAYER

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to recall its order dated 24.4.1939 and rehears over the whole matter or in the alternative hear the matter for relief no.3.

Lucknow; Dated

June 17, 1939

(M.A.Siddiqui)  
Advocate

Counsel for the Applicant

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH . LUCKNOW

REVIEW Application No.

of 1989

In re:

Case No. 642 of 1987

1989  
AFFIDAVIT  
53  
HIGH COURT  
ALLAHABAD



Chander gupta

Versus

Union of India and others

Opp. Parties

Affidavit

I, Chander Gupta, aged about 40 years, son of Sri Ganga Prasad, resident of 359, Ganga Bhawan, Alam Nagar, New Basti, sitapur, the deponent do hereby solemnly affirm and state on oath as under:

1. That the deponent is the applicant in the above noted application and as such he is fully conversant with the facts of the case deposed hereunder;

2. That the above noted case filed initially at Allahabad was dismissed in default and application for restoration has been moved by the applicant. However prior to any order of admission or issue notice requiring to file Counter Affidavit, a counter affidavit was filed on behalf of opposite parties.

3. That 30.3.1989 was fixed for disposal of restoration application and on that day the counsel of the applicant was not there and the case was fixed for orders and the applicant has received



महेश्वर

the copy of order passed by this Hon'ble Tribunal dated 24.4.1989 by which the case has been finally dismissed. The applicant received the order on 12.5.1989 and as such the Review Petition is being filed.

4. That the Hon'ble Tribunal has been pleased to reject the applicant's case for relief no.1 quashing the termination order but the Hon'ble Tribunal has not considered relief No.3 regarding which the averments of the applicant has not been repelled.

5. That the applicant is a retrenched employee as per his alternative case and the other retrenched employees having been absorbed the applicant could not be left on the street.

6. That the Government has also framed rules and issue the orders regarding absorption of retrenched employees and in case the order of termination is not held bad as contended by the petitioner the order is of retrenchment.

7. That in case the applicant had been allowed to file rejoinder affidavit as substantiated his case the applicant is pretty sure that ~~has~~ his case could have been allowed by the Hon'ble Tribunal.

8. That due to not sending the name of the applicant at the relevant time the applicant could not be absorbed although his fellow employees have been absorbed and the applicant has fallen a victim of in action of opposite parties.

9. That in the circumstances it is most



4-335

expedient in the interest of justice that this Hon'ble Tribunal recalled its order dated 24.4.39 and rehears over the whole matter or in the alternative hears the matter for relief No. III of the main petition.

Lucknow; Dated

June 12, 1939

4-537

Deponent

Verification

I, the deponent named above do hereby verify that the contents of paras 1 to 9 of this affidavit are true to my personal knowledge while those of paras 10 to 11 are believed by me to be true.

No part of it is false and nothing material has been concealed so help me God.

Signed and verified this 12th day of June 1939.

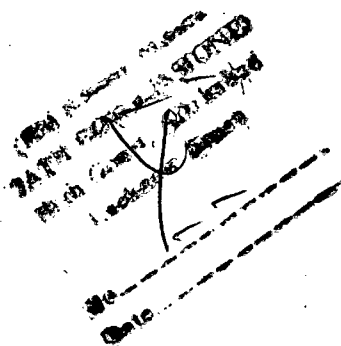
4-537

Deponent

I, identify the deponent who has signed before me.

MR

Advocate



RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH AT LUCKNOW.

\*\*\*\*\*

Registration (O.A.) No. 642 of 1987

Chandra Gupta ..... Applicant.

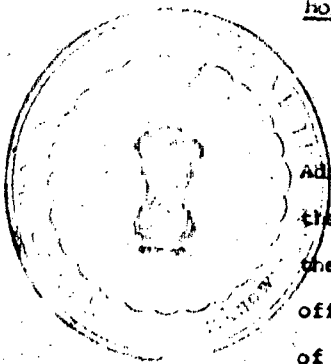
Versus

Union of India & others ..... Respondents.

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Hon'ble D.S. Misra, A.M.  
Hon'ble D.K. Agrawal, J.M.

(Delivered by Hon. D.K. Agrawal, J.M.)



This application, under Section 19 of the Administrative Tribunals Act, 1985, has been filed by the applicant, Chandra Gupta, feeling aggrieved with the order of retrenchment dated 7.7.1984 passed by the office of the Director of Census Operations, Government of India, Ministry of Home Affairs, Uttar Pradesh, Lucknow.

2. The facts, in brief, are that the applicant was appointed on the post of ~~Stenographer~~ on a fixed pay and for specific period from 23.4.1971 to 13.10.1971 and on the post of Assistant Compiler from 14.10.1971 to 30.4.1974. He was retrenched on 30.4.1974 on account of reduction of staff. Again the applicant was appointed for a specific period, on ad hoc basis, on the post of Tabulator on a fixed pay of Rs.280/- per month from 3.2.1981 to 28.2.1982 and on the post of Coder on a fixed pay of Rs.280/- per month from 1.3.1982 to 30.6.1984. He was again retrenched on account of reduction in establishment on 7.7.1984.

3. The question is as to whether the applicant acquired any legal right to hold the post, and secondly, whether the termination order was bad in law. The facts, as stated in the application or in the counter affidavit,

Deputy Registrar

Centre

Allahabad

Lucknow

*[Handwritten signature]*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT  
BENCH LUCKNOW

Review Petition No. 173 of 1989(4)

Chandra Gupta, aged about 40 years,  
son of Sri Ganga Prasad, resident of Ganga Bhawan,  
Alan Nagar, New Basti Sitapur.

Applicant

Versus

1. Union of India, Ministry of Home Affairs, New Delhi
2. Director, Census operations, U.P. Administrative section, 25- Newal Kishore Road, Lucknow.
3. Registrar, General of India, Office of the Census Operations, 2-A, Mansingh Road, New Delhi.

Opp. Parties

In re;

Case No. 642 of 1987

Chandra Gupta

Petitioner

Versus

Union of India and others

Respondents

APPLICATION FOR REVIEW OF JUDGMENT AND ORDER  
DATED 24.4.1989, In re: Case No. 642 of 1987  
Rendered by Hon'ble P.S. Misra Administrative  
Member and Hon'ble D.K. Agarwal Judicial Member

The applicant most respectfully begs to  
submit as under:-

1. That the above noted case filed initially  
at Allahabad was dismissed in default and application  
for restoration has been moved by the applicant

However prior to any order of admission or issue notice requiring to file counter affidavit, a counter affidavit was filed on behalf of opposite parties.

2. That 30.3.89 was fixed for disposal of restoration application and on that day the counsel of the applicant was not there and the case was fixed for orders and the applicant has received the copy of order passed by this Hon'ble Tribunal dated 24.4.1989 by which the case has been finally dismissed. The applicant received the order on 12.5.1989 and as such the Review application is being filed.

3. That Hon'ble Tribunal has been pleased to reject the applicant's case for relief -I quashing the termination order but the Hon'ble Tribunal has not considered relief III regarding which the averments of the applicant's has not been repelled.

4. That the applicant is a retrenched employee as per his alternative case and the other retrenched employees having been absorbed the applicant could not be left on the street.

5. That the Government has also framed rules and issues the orders regarding absorption of retrenched employee and in case the order of termination is not held bad as contended by the petitioner the order is of retrenchment.

6. That in case the applicant had been allowed to file rejoinder affidavit and substantiated his case the applicant is pretty sure that his case could have been allowed by the Ho

the Hon'ble Tribunal.

7. That due to not sending the name of the applicant at the relevant time the applicant could not be absorbed although his fellow employees have been absorbed and the applicant has fallen a victim of inaction of opposite parties.

8. That in the circumstances it is most respectfully expedient in the interest of justice that this Hon'ble Tribunal recall its order dated 24.4.1939 and rehear over the whole matter or in the alternative hears the matter for relief III.

PRAYER

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to recall its order dated 24.4.1939 and rehears over the whole matter or in the alternative hears the matter for relief no.3.

Lucknow: Dated

June , 1939

(M.A. Siddiqui)  
Advocate

Counsel for the Applicant



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

REVIEW Application No.

of 1989

In re:

Case No. 642 of 1987

Chander Gupta

Applicant

Versus

Union of India and others

Opp. Parties

Affidavit

I, Chander Gupta, aged about 40 years, son of Sri Ganga Prasad, resident of 359, Ganga Bhawan, Alam Nagar, New Basti, Sitapur, the deponent do hereby solemnly affirm and state on oath as under:

1. That the deponent is the applicant in the above noted application and as such he is fully conversant with the facts of the case deposed hereunder:
2. That the above noted case filed initially at Allahabad was dismissed in default and application for restoration has been moved by the applicant. However prior to any order of admission or issue notice requiring to file counter Affidavit, a counter affidavit was filed on behalf of opposite parties.
3. That 30.3.1989 was fixed for disposal of restoration application and on that day the counsel of the applicant was not there and the case was fixed for orders and the applicant has received

the copy of order passed by this Hon'ble Tribunal dated 24.4.1939 by which the case has been finally dismissed. The applicant received the order on 12.5.1939 and as such the Review Petition is being filed.

4. That the Hon'ble Tribunal has been pleased to reject the applicant's case for relief no.1 quashing the termination order but the Hon'ble Tribunal has not considered relief No.3 regarding which the averments of the applicant has not been repelled.

5. That the applicant is a retrenched employee as per his alternative case and the other retrenched employees having been absorbed the applicant could not be left on the street.

6. That the Government has also framed rules and issue the orders regarding absorption of retrenched employees and in case the order of termination is not held bad as contended by the petitioner the order is of retrenchment.

7. That in case the applicant had been allowed to file rejoinder affidavit as substantiated his case the applicant is pretty sure that ~~his~~ his case could have been allowed by the Hon'ble Tribunal.

3. That due to not sending the name of the applicant at the relevant time the applicant could not be absorbed although his fellow employees have been absorbed and the applicant has fallen a victim of in action of opposite parties.

9. That in the circumstances it is most

expedient in the interest of justice that this Hon'ble Tribunal recalled its order dated 24.4.89 and rehears over the whole matter or in the alternative hears the matter for relief No. III of the main petition.

Lucknow; Dated

June , 1989

Deponent

Verification

I, the deponent named above do hereby verify that the contents of paras 1 to of this affidavit are true to my personal knowledge while those of paras to are believed by me to be true.

No part of it is false and nothing material has been concealed so help me God.

Signed and verified this th day of June 1989.

Deponent

I, identify the deponent who has signed before me.

Advocate

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH AT LUCKNOW.

\*\*\*\*\*

Registration (O.A.) No. 642 of 1987

Chandra Gupta

....

Applicant.

Versus

Union of India & others ....

Respondents.

\*\*\*\*\*

Hon'ble D.S. Misra, A.M.  
Hon'ble D.K. Agrawal, J.M.

(Delivered by Hon. D.K. Agrawal, J.M.)

This application, under Section 19 of the Administrative Tribunals Act, 1985, has been filed by the applicant, Chandra Gupta, feeling aggrieved with the order of retrenchment dated 7.7.1984 passed by the office of the Director of Census Operations, Government of India, Ministry of Home Affairs, Uttar Pradesh, Lucknow.

2. The facts, in brief, are that the applicant was appointed on the post of ~~S~~orter on a fixed pay and for specific period from 23.4.1971 to 13.10.1971 and on the post of Assistant Compiler from 14.10.1971 to 30.4.1974. He was retrenched on 30.4.1974 on account of reduction of staff. Again the applicant was appointed for a specific period on ad hoc basis, on the post of Tabulator on a fixed pay of Rs.280/- per month from 3.2.1981 to 28.2.1982 and on the post of Coder on a fixed pay of Rs.280/- per month from 1.3.1982 to 30.6.1984. He was again retrenched on account of reduction in establishment on 7.7.1984.

3. The question is as to whether the applicant acquired any legal right to hold the post, and secondly, whether the termination order was bad in law. The facts, as stated in the application or in the counter affidavit,

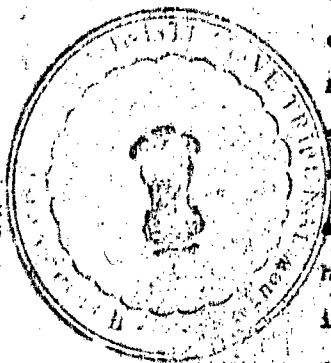
Deputy Registrar

Order

Final

Lucknow

leave no scope of doubt that the appointments were given to the applicant as and when vacancies arose in the Department of Census Operations. It is a matter of common knowledge that the Department of Census Operations is most active at the time a census is carried out. The nature of appointments offered to the applicant from time to time were that of casual or on ad hoc basis. The impugned termination order (Enclosure 'D') dated 7.7.1984 also mentions it clearly that the services of the applicant were put to an end on account of reduction in the Establishment. There was no complaint against the work and conduct of the applicant. In fact the said enclosure 'D' mentions it clearly that the work and conduct of the applicant was satisfactory. Therefore, we have no hesitation in coming to a conclusion that the application is misconceived. The applicant did not acquire any legal right to hold the post and that the termination order was not passed for any other reason than the decrease in the number of posts in the Establishment. Consequently, the application is liable to be dismissed and is dismissed accordingly with no order as to costs.



MEMBER (J).

MEMBER (A).

Dated: 24th April 1989.

PG.

*True copy*

*[Signature]*

Deputy Registrar

Central Administrative Tribunal

Lucknow Bench,

Lucknow

*[Signature]* *True copy*

**Mushtaq Ahmad Siddiqi**  
BENGLATE HIGH COURT