

ANNEXURE

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE CA-653/87 OFNAME OF THE PARTIES Nirbhaj Kumar

Applicant

Versus

Union of India. Govt. Respondent

Part A, B & C

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CERTIFICATE

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

Dated 29-5-12

Counter Signed

Signature of the
Dealing Assistant

Section Officer / In charge

9/7 For Appearance in Recruitment Examination of Group 'D'
& Notice for Termination of Service (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 653 of 1987

APPLICANT (s) Niv Brai Kumar Gupta & 4 others.

RESPONDENT(s) Subdt. R.M.S. "LW" Division Hazratganj

Lucknow - 1

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	YB
2. (a) Is the application in the prescribed form ?	YB
(b) Is the application in paper book form ?	YB
(c) Have six complete sets of the application been filed ?	YB, 3 sets filed.
3. (a) Is the appeal in time ?	YB
(b) If not, by how many days it is beyond time ?	-
(c) Has sufficient case for not making the application in time, been filed ?	-
4. Has the document of authorisation, Vakalat-nama been filed ?	YB.
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	YB
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	YB
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	YB
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	YB.

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

.....653.....No.....1987.....of 198

.....VS.....

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned.
1	2	3
29.7.87	<p>Hon. D.S. Misra -AM Hon. G.S.Sharma-JM</p> <p>The learned counsel for the applicant wants to move an amendment application. He is allowed to do so within a week. Later on the applicant applied for leave to amend the petition. It is allowed. Let the amendment be incorporated in the body of petition. Put up on 30-7-1987 for admission.</p> <p><i>VL</i> A.M.</p> <p><i>CR.</i> In compliance of Hon. For. Secy's Order dt. 30.7.87 notices are issued to the respondents by RPA-D. fixing 13.8.87</p> <p><i>20/4/88</i></p>	<p>Amendment done <i>RwZ</i> 31/7/87</p> <p><i>16/8/87</i></p>

OA 653/87

18/12/87. DR

As the Honble bench is not available today the case is adjourned to 18/2/88 as prayed.

✓

DR(J)

f Registrar

As the cases of Sri N.B. Singh are adjourned the list this case on 11/3/88.

Res.

11300 DR

As the cases of Sri N.B. Singh are adjourned, list this case before court for hearing on 22-4-88

DR

20.4.88

OR

Submitted for hearing.

2-4-88

No sitting. Ad 3 to 5-8-88

5-8-88

Hon D.S. Mishra - AM

Hon G.S. Sharma - JM

Shri R.K. Tewari learned Counsel for the applicant is present. No one is present for respondents. The case is adjourned. List the case before DR(J) on 26-9-88 for fixing date of hearing.

JM.

A.M.

(18)

O.A653-87.

4/5

13.2.89

Hon. A. John A.M.

Hon. G.S. Sharma - J.M.

Not reached, the case is
adjourned to 17.3.89 for
hearing.

J.M.

A.M.

17.3.89

No sitting adj. to 24.4.89
for hearing. B

24.4.89

Hon. G.S. Sharma J.M.
Hon. K.J. Narain A.M.

As S. Sharma is present for
the applicant in the request
received from the respondents
counsel, the case is adjourned
to 7.8.89 for hearing.

W.M.

A.M.

J.

J.M.

7.8.89 No sitting adj. to 13.9.89
for hearing. B

13.9.89 Due to lawyers strike the
case is adj. to 20.10.89 for
hearing. B

20.10.89.

No sitting adj. to 02.11.90 for
hearing.

don't
co.

Hon' Mr K.J. Raman, A.M.

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

30/1/90

Shri Satish Dwivedi counsel for the applicant is present. Misc. Application No. 700/90 for amendment is allowed. Let amendment be incorporated within 2 days. As regards the other application dated 15.4.90 seeking an order from this Tribunal to permit the applicant to appear in the recruitment examination for Group 'D', ^{we} feel that the Op.Ps. should be given a chance to file objection, if any, to the grant of this prayer. Shri R.P. Singh briefholder of Shri N.B. Singh is present and takes notice on behalf of op.ps. List this case for orders on this misc. application on 14.5.90.

Dep
J.M.

AMR
A.M.

Amended has been incorporated by the court order dt 30-4-90
AMS
Amr

(sns)

OR.

14/5/90

In compliance with Hon'ble Bench's order dt 30.4.90 Amendment has been carried out by the counsel for ~~the applicant~~ ^{the respondent}. NO objection has been filed by the counsel for respondent till now.

AMR

3/5 for Appearance in exam.

Misc App No is submitted for orders, on 14.5.90.

Received copy of order dated 14/5/90
Shri Kunt Mishra
S.L. Advocate
15-5-90

Hon. Justice K. Nath, Jr.
Hon. K. Chagga, Am.

This application is for permission to appear in the recruitment examination for group 'D' (Test Category) post which is going to be held on 20/5/90. Opportunity was given to the respondents to file objection. They have not filed any objection. We therefore direct the OPs to allow the petitioner to appear in the aforesaid recruitment examination subject to the further ^{order} of this Tribunal and subject to the direction of the result of the petitioners will not be declared till further orders. The will furnish a copy of the order to the applicant's counsel within twenty four hours.

AMR

AMR

VC.

12

AS

Misc 895/90
in

A/X

ORDER-SHEET

O.A. No. 653/87

25.6.90

Hon. K.J. Raman, A.M.
Hon. D.K. Agrawal, J.M.

Sri S. Dwivedi has been heard on behalf of the applicant on Misc. Application No. 895/90.

In this above application the prayer is for a direction to the respondents to permit the applicant to appear in the recruitment examination of Group 'D' 'Test Category' post, which is stated to be likely held in June, 1990 or thereafter on any subsequent date. We find that the prayer in this case is quite vague. Unless the date of the examination is given, the request for any further interim order cannot be considered at this stage. The Misc. Application is, therefore, rejected. But the applicant is entitled to come before this Tribunal at the appropriate time, if so advised.



Member (J).

pg.



Member (A).

OR.

Misc Expedite
App No

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH

P.T.O.

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

17

763/12/80

O.A. 653 No. 187

OF 19

Nirbhar Kumar vs. U.O. 9.

Sl.No.	Date	Office Report	Orders
	12/1/91	Hon. Mr. Justice K. Math, VC. Perused the record. No ground for expediting the case. Rejected. Jm VC.	
	21-3-91	Hon. A.B. Gorthi AM Hon. Mahabir Singh J.M. Name is present for the applicant. Adjourned to 11-4-91 for order on Misc. Application No. 433/91.	B.O.C Jm
	12/4/91	Hon' D.K. Agrawal, J.M. Hon' A.B. Gorthi, A.M. ----- Shri Satish Dwivedi counsel for the applicant and Shri Shishir Kumar Advocate, briefholder of Mr. N.B. Singh and counsel for the respondents are present. M.P.No. 433 of 1991 taken up. The same is allowed. Let the documents mentioned in the application be made available for our perusal on the date of hearing. List this case for hearing on 16-8-1991.	

a/r

Misc. A. 433/91

has been filed
by Sri S. Dwivedi
counsel for applicant.

on 21/3/91 for orders.

Submitted

18/3/91

GHANSHYAM/

A.M.

J.M.

(sns)

Application u/s 19 of Administrative Tribunal Act 1985.

Filed on 27/7/1987

Registration No. of 1987

Reg. No. 653 of 1987
Central Administrative Tribunal

Additional Bench At Allahabad
Date of Filing..... 27/7/87

Signature of the D.R.(J)

Date of receipt
by Post

Chandra
By O, Registrar.

In The Central Administrative Tribunal, Additional Bench, Alld.1

Between

Nirbhai Kumar & 4 others

Applicant

A N B

Supdt. RMS 'LW' Dn. Lucknow

Respondent

I N D E X

Sl. No.	Appendix Marked	Particulars of Documents	Page No.
1	-	Application	2 to 7
2	A I	DG P&T No.269/142/75 STB I dated 20-2-76	8&9
3	A II	Appointment letter No. SRM/Con/85/83 dt.17/1/83	10
4	A III	Memo. No.B2/174/Rectt/Ch.III/87 dt.7/7/87 from SRM Lucknow	11&12
5	A IV	Memo. No.B2/174/Rectt/Ch.III/87 dt.15/7/87 from SRM Lucknow	13&14
6	A V	Memo. No.2-16/Term./R.S.Shula etc./87 dt.20/7/87	15&16

Date of Admission
valid for 28⁷
87

R. K. Tewari

R. K. Tewari

R. K. TEWARI

Advocate

154, Purshottam Nagar

(Khulabad)

Allahabad-16

Subscribed
27/7/87

निर्मल कुमार गुप्ता, उमाशंकर वैदिक
रमेश कुमार (गुप्ता)

अनूप कुमार श्रीवास्तव
रंजी लाल

DETAILS OF APPLICATION

1. Particulars Of Applicants

- (i) Nirbhai Kumar Gupta aged 26 years
S/O Shri Mahabir Prasad Gupta,
252, Khandhari Bazar, Lal Bagh, Lucknow-1
Entered the Deptt. as casual labour on 4/11/1980
vide Item 13 of Annexure A III on Page 11
- (ii) Anup Kumar Srivastava aged 29 years
S/O Shri Narendra Bahadur Srivastava,
260/23, Nawabganj, Aishbagh, Lucknow-4
Entered the Department as casual labour in 1980.
- (iii) Rajesh Kumar Shukla aged 26 years
S/O Shri Ram Sahai Shukla,
255/175, Kundri Rakabganj, Lucknow-4
Entered the Department as casual labour on 1/12/78
vide Item 5 of Annexure A III on Page 11
- (iv) Uma shanker Dwivedi aged 28 years
S/O Shri Kunj Nath Dwivedi,
4, Shri Ram Building, Munni Lal Dharamshala Road,
Charbagh, Lucknow-19
Entered the Department as a casual Labour on 18/1/83
vide Annexure A II on Page 10
- (v) Rangilal aged 27 years
RPF Colony, Sadar Bazar, Lucknow-2
Entered the Deptt. as a casual labour on 18/1/83
vide Item 3 of Annexure A II on Page 10

R. K. Tewari
R. K. TEWARI

Advocate
154, Purshottam Nagar
(Kaulalabad)
Allahabad-16

निर्मल कुमार गुप्ता, उमेशचन्द्र शर्मा
राजेश कुमार शुकला

अनूप कुमार श्रीवास्तव
रंगी लाल

A10
12

- 3 -
- P -

Details of Application

1- Particulars of the Applicant :—

- (i) Name of the Applicant **Nirbhai Kumar Gupta and 4 others**
- (ii) Father's Name **as detailed on Page 2.**
- (iii) Designation &
Office in which employed
- (iv) Office Address **All the applicants are Employed in**
- (v) Address for service **The Head Record Office RMS 'LW' Division,**
Hazratganj, Lucknow-1
of all notices

2- Particulars of the Respondents :—

- (i) Name &/Or Designation **Supdt. RMS 'LW' Division,**
Hazratganj, Lucknow-1
- (ii) Official Address
- (iii) Address for service
of all notices

3- Particulars of the order against which application is made :—

- (i) Order No. **B2/174/Rectt./Ch.III/87 & Z-16/Termination/US Dwivedi**
etc./87
- (ii) Date **15/7/1987 at Page 1344** **20/7/87 at Page 15246**
- (iii) Passed by **Supdt. RMS 'LW' Division, Lucknow-1**
- (iv) Subject in brief **Not allowed to appear in the Recruitment Examination of Group 'D' Test Category and also gave one months notice to terminate services w/o assigning any reason.**

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 Tribunal Act, 1985.

6- Facts of the case

The facts of the case are given below :—

R. Tewari

निर्मल कुमार गुप्ता

उमा शंकर मिश्रा

राजेश कुमार गुप्ता

अशोक कुमार चौधरी

रंगी लाल

(i) The applicants are Casual Labours sponsored by Employment Exchange and recruited after undergoing Interview held by the learned Respondent E. Their exact dates of Appointment are furnished on Page 2 of this Application. They were given jobs only after their furnishing satisfactory proofs of their age, Educational qualification & Good Character. They have been continuously serving the depatt. satisfactorily till this day. As such they have become fully entitled to appear in the Recruitment Exam. of Group 'D' Category announced to be held on 2/8/1987 in accordance with ~~Item~~ Para 2 of D.G. P&T No.269/142/75-SPB I dated 20/2/76 Ann. A I on Page 289

(ii) This Examination was previously announced to be held on 12/7/87 vide Respondent's Memo. No.B2/174/Rectt/Ch.III/87 dated 7/7/87 and two of the applicants viz. Sarva shri Rajesh Kumar Shukla & Nirbhai Kumar Gupta were permitted to appear in the said Examination. A copy of the said Memo. is appended herewith as Ann. A III On Page 119. This Examination was postponed and now the same has been ordered to be held on 2/8/1987 vide Respondent's Memo. No.B2/174/Rectt./Ch.III/87 dated 15/7/87 Annexure A IV on Page 139. In this Memo. the list of persons to appear in the Examination is quite different from that of Memo. dated 7/7/87. In this Memo. none of the 5 applicants have been permitted to appear in the examination although 12 casual labours who entered the Deptt. in March 1983 i.e. are much junior to the applicants have been admitted in the Examination.

(iii) Perhaps to justify this wrong action the learned Respondent has gone one more step forward by serving each of the 5 applicants one month's notice to terminate their services vide his Memo. No.7-16/Termination/ Name of App./87

निर्मल कुमार गुप्ता
राजेश कुमार गुप्ता

उमा शंकर गुप्ता

अश्व कुमार गुप्ता
श्रीमान

R. D. S. S.

dated 20/7/87 appended herewith as Ann. A V on Pages 152/16

- (iv) The said notice does not mention any reason as to why 4 to 8 years old services of the applicants are being dispensed with while their juniors are being regularised as Group 'D' Employees. By virtue of having rendered more than three years of continuous satisfactory service in the Depptt. the applicant's services can not be terminated (vide Art.311(2) of the Const.) unless they have been given a show cause Notice and afforded full opportunity to defend themselves.

7. Reliefs Sought For- In view of the facts narrated in

Para 6 above the applicants pray for the following Reliefs :-

- (i) That the Respondent may be directed to permit the applicants to appear at the Examination for the Recruitment of Group 'D' (Test Category) which he is going to hold on

2/8/1987 or on any later date if the same is postponed on or Permit the applicant to appear in any other recruitment examination for Group D post under the Respondent. 11

- (ii) That one Month's Notice (Ann. A V on Pages 152/16) for removal from services may be declared as void as it contravenes the provisions of Art.311 (2) of the Const. If however the learned Resp. wants to terminate the services of the applicants, he may do so by serving them with a Memo. of Charges and holding Enquiry u/r 7 & 8 of E.D.A. Conduct & Service Rules and thereby affording the applicants Opportunity to defend themselves.

- (ii) (iii) The Respondent may further be directed to reimburse the applicants the cost of this suit.

R. J. Lawrence

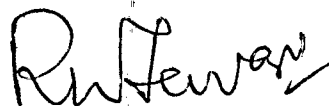
निर्मल कुमार गुप्ता उमाशंकर सिन्हा
राजेश कुमार गुप्ता गुजरा

अश्व कुमार चौधरी
रंजी लाल

8 Interim Order prayed for -

Pending final decision on the application, the appellants seek issue of the following interim order :-

- (i) The learned Respondent may kindly be directed to allow the applicants to appear in the ensuing Examination for the Recruitment of Group 'D' Test category candidates going to be held on the 2nd. August, 1987 or on any later date if it is postponed. However, the applicants have no objection if the result of the said Exam. in respect of the candidates/Applicants is not announced till this case is finalised.



R. K. TEWARI

Advocate

154, Pursi Chhatam Nagar

(Khatwa)

Allahabad-16

निर्मल कुमार उपाध्याय उमाशंकर प्रसाद
राजेश कुमार (अभिलेख)

महेश कुमार श्रीवास्तव
रंजी लाल

8- Interim order, if prayed for, Nil

9- Details of the remedies exhausted

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

There being no time available with the applicants to exhaust the departmental channel, they could not do so.

10- Matter not pending with any other court etc. :-

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law, or any other authority or any other bench of the Tribunal.

11- Particulars of the Postal Order in respect of the application fee :-

(i) No. of I. P. O. DD5/568738

(ii) Name of Issuing P. O. Allahabad H.O.

(iii) Date 29/6/87

(iv) P. O. at which payable

Allahabad H. P. O.

12- Index- An Index of the documents to be relied upon is enclosed with each copy of this application

13- List of enclosures :-

(i) Vakalatnama

(ii) one I. P. O. for Rs. 50/-

(iii) Six documents to be relied upon

In Verification

We, N. R. Kirbhair Kumar and S/O. Shri. 4 others as detailed on Page 2 of this application and working as Casual Labourers hereby verify that the contents from 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

Place- Allahabad

Date 27/7/88

To

The Registrar, Central Administrative Tribunal, (Allahabad)

Allahabad-211001

R. K. TEWARI

Advocate.

154, Purshottam Nagar

Allahabad-16

Signature of applicant

(1) निरंजन कुमार
(2) उमेश कुमार
(3) राजेश कुमार शर्मा
(4) अशोक कुमार
(5) रंजी लाल

AS
A/C

- 8 -

Before The Central Services Tribunal, Additional Bench, Allahabad.

Case No - - - - - of 1986

~~Sunil Kumar V/S Postmaster Agra & one another~~

Nirbhair Kumar

ANNEXURE

AI

GRM 'LW' Dr.

Copy of DG P&T Letter No. 269/ 142/ 75-STB-I dated 20-2-76

Sub:- Absorption of casual Mazdoors and Part time casual Mazdoors in regular class IV cadre-Relaxation given for clarifications regarding.

Various instructions for absorption of casual mazdoors and part time casual mazdoors have been issued from time to time by the Directorate. Instances have ~~xxx~~ come to notice that these instructions have not been interpreted correctly and as a result of they have not been implemented properly. A summary of various relaxations issued so far for absorption of casual mazdoors and part time casual mazdoors are reproduced below for guidance and necessary action.

2- According to the instructions contained in this office letter No. 204/ 22/ 69- TTB I dated 14-5-69 casual mazdoors are eligible for absorption as regular class IV posts provided they have been recruited through employment exchange and rendered a minimum of two years of continuous service (At least 240 days of service during each of two years). The casual mazdoors have also been given age concession for absorption vide this office letter No. 204/ 11/61- STB dated 25-8-61 which inter alia provides that the period spent by casual mazdoors including the broken period of service provided it is in a continuous stretch of 6 months, may be taken into account for the purpose of age relaxation for appointment in regular establishments. The age concessions granted to casual mazdoors for absorption to regular class IV cadre have been extended to casual mazdoors for their appointment as Linemen also vide this office letter No. 18-25 / 67- NCG dated 21-1-1974.

3- As regards the absorption of part time casual mazdoors to regular establishments orders have been issued vide this office letter No. 160-25/66 SPB-I dated 25-4-69 which inter alia provides that part time casual mazdoors are also eligible for absorption to regular establishments if they have acquired experience of a minimum of four years continuous service as part time casual labour in the office establishment to which they are appointed through employment exchange.

4- The condition of Nomination from employment exchange was reviewed in 1973 and it was decided in consultation with DG P&T and orders were issued vide this office letter No. 269-21-68-STB dated 22-8-73 that casual mazdoors appointed without nomination through employment exchange upto 31-7-83 may be considered for regular establishment and casual mazdoors recruited after 31-7-73 without nomination through employment exchange may be dispensed with. The above concession has been extended to all part time casual mazdoors vide this office letter No. 269-105/ 73-STB I dated 6-4-74.

(Contd on page 2/-)

R. Kumar

116

1/18

-9-

127

5- While making recruitment to regular Class IV Estt. it has been made clear vide this office letter No. 269/ 34/64-STB I dated 15-9-64 that recruitment to regular establishment from outsiders may not be made till eligible casual labourers/mazdoors and part time casual labourers who are otherwise suitable are available as mentioned earlier in para 2,3, and 4 above. If such casual mazdoors and part time casual mazdoors eligible for absorption are not available then only recruitment may be made as per the provisions of this office letter no.45-13/72-SPB (pt) dated 29-6-73 which inter alia provide that the recruitment may be made in the following order of preference,

- a- Boy peon (now dying cadre)
- B- Non Test category class IV.
- C- Extra Departmental Agents.
- D- Casual Labourers
- E- Part time casual Labourers.
- F- Outsiders through Employment Exchange.

(b) Obviously the inclusion of non test category staff at who are already on regular establishment, is for consideration to test category. So also the casual labourers and part time casual labourers mentioned at (d) & (e) above refer to those who are not eligible as per paras 2,3, and 4 above.

5. However, some instructions were issued vide this Office No. 45/ 25/ 73- SPB I dated 24-6-74 which inter alia provide that the services of casual labourers who have not initially been recruited through employment exchange and have not completed two years of service as on 30.11.73 may be dispensed for the with and resultant vacancies may be got filled by suitable candidate sponsored by the employment exchange. It has however been clarified vide our letter No. 269/ 95/ 74- STBI dated 23.9.74 that these instructions do not supersede our instructions issued vide our letter No. 269/ 21-68 / STB I dated 27-8-73 wherein some special relaxations have been given to casual mazdoors in regard to their nominations through employment exchange. In short those casual mazdoors who were employed before 31-7-73 and are continuing thereafter will not be disqualified for consideration on the plea of their not being sponsored by the Employment Exchange.

TRUE COPY

(R. K. Tewari Advo)

Annexure A II

Indian Posts & Telegraphs Department


Office Of The Superintendent RMS 'LW' Division, Lucknow.

Memo. No. SRM/Con/85/83 dated at Lucknow-1 the 17-1-1983

The following candidates sponsored by Employment Exchange, Lucknow are hereby declared successful in the interview of Casual Labours held on 16/1/1983. The HRO, RMS 'LW' Division Lucknow will please engage them whenever necessary on duty after verification of their date of Birth, Educational qualification and Character Certificate and also Employment Exchange's Registration Number. He should also obtain from them surity of two responsible persons known to him. :-

Name	Address
3. Rangi Lal	PAC quarters, Sadar Bazar, Iko.-2
10. Uma Shanker Dwivedi	4, Shri Ram Building, Charbagh, Iko-4

True Copy (Extract)


(R.K. Tewari)
Advocate

निर्मल कुमार गुप्ता उमाशंकर द्विवेदी मधुप कुमार श्रीवास्तव
रंजित गुप्ता गुजरा रंजी लाल

Office of the Superintendent RMS 'LW' Division, Lucknow-226001.

Memo No:-B-2/174/Rectt/Ch.III/87 Dtd. at Lucknow the 7.7.87.

Sub:-Recruitment Examination of Group 'D' (Test Category) for the year 1987.

After scrutiny of the applications received on the above subject, the following candidates have been found eligible to appear in the said examination as per verification on the applications by the Unit Incharges to be held on 12.7.87 at "AVANBAI MANSION" Building, 3-Vidhan Sabha Marg, Lucknow-226001. The seniority list of the eligible candidates is being issued. If there is any complaint to the candidates, they should report within 20th Jul 87 and after that the representations will not be considered. The HALL PERMIT is being issued separately.

1. Non-Test Category Candidates

Date from which
working in the
cadre.
22.3.68.

1. Shri Mahadeo, Attendant, RHA Ambala

2. ED Candidates.

1. S/Shri R.K.Dubey, ED MM, SRO Kasganj	9.4.79.
2. Amar Nath, ED MM, SRO Shahjahanpur	24.7.81.
3. Drik Pal, ED MM, SRO Shahjahanpur	25.7.81.
4. Istiaq Ali, ED, Chaukidar, HRO Lucknow	16.9.81.
5. Ram Bali, ED, Chaukidar, RH Ambala	17.12.81.
6. Bankey Lal Verma, ED, Chaukidar, HRO Lucknow	15.1.82.
7. Deoki Prasad, ED, W/M/Farrash, SRO Kasganj	25.2.82.
8. Babu Ram-II, ED, MM, SRO Bareilly	10.5.82.
9. Sheo Shanker Sharma, ED, MM SRO Bareilly	21.8.82.
10. Udai Raj Singh, ED, WM/Farrash, HRO Lucknow	8.12.82.
11. Ram Lakhan, ED WM/Farrash, DO	8.12.82.
12. Jagjiwan Lal, ED WM/Farrash, Lucknow PSD	8.12.82.
13. Shamshad, ED Sweeper, DO	9.12.82.
14. Vijay, ED Sweeper, HRO Lucknow	10.12.82.
15. Smt. Budhan, ED Sweepress, Lucknow PSD	13.12.82.
16. Shri Yashoda Nandan, ED, MM, SRO Shahjahanpur	28.2.83.
17. Sohan Lal-III, ED Sweeper, SRO Bareilly	28.2.83.
18. Ganga Singh, ED, Chaukidar, SRO Kasganj	1.6.83.
19. Satvir Singh, ED MM SRO Bareilly	20.1.84.
20. Rajendra Kumar, ED MM SRO Bareilly	20.1.84.
21. Anand Prakash, ED MM SRO Bareilly	20.1.84.
22. Raja Ram, ED MM SRO Bareilly	20.1.84.
23. Vijay Kumar Sanjay, ED MM SRO Bareilly	20.1.84.
24. Raj Kumar, ED MM SRO Bareilly	20.1.84.
25. Om Pal Bhaskar, ED MM SRO Bareilly	20.1.84.
26. Babu Ram-III, ED MM SRO Bareilly	23.1.84.
27. Raghai Ram, ED Chaukidar, RH Mathura	7.2.84.
28. Duniya Dayal Misra, ED WM cum Farrash, SRO Shahjahanpur.	28.2.84.

3. Casual Labour.

1. S/Sri Ram Chandra, SRO Balamau	5.12.75.
2. Bhaskar Dutt, " "	14.8.76.
3. Amrit Lal, " "	2.4.77.
4. Amar Singh, " Shahjahanpur	27.11.78.
5. Rajesh Kumar Shukla HRO Lucknow	1.12.78.
6. Ram Singh-III, SRO Bareilly	3.1.79.
7. Vishnu Kumar, " "	29.1.79.

TRUE COPY

Contd...2.....

राजेश कुमार शुक्ला
कृष्ण कुमार जोशी
रंजी लाल

-12-
(2)

AM

8. S/Shri Chhotey Lal,	HRO Lucknow	28.6.80	A/2
9. Nimbu Lal,	" "	3.11.80	
10. Om Prakash Johar,	" "	3.11.80	
11. Krishna Kumar Pandey,	" "	3.11.80	
12. Raj Kumar Sharma,	" "	4.11.80	
13. Nirbhay Kumar	" "	4.11.80	
14. Krishna Nand	" "	5.11.80	
15. Surya Mohan Nath Pandey	" "	5.11.80	
16. Ashok Kumar	SRO Bareilly	17.2.82.	
17. Suresh Chandra Seth	" "	18.2.82.	
18. Mohd. Israil	HRO Lucknow	18.1.83.	
19. Santosh Kumar	" "	18.1.83.	
20. Suraj Prasad	" "	18.1.83.	
21. Santosh Kumar Singh	" "	18.1.83.	
22. Vijay Kumar Kureel	" "	18.1.83	
23. Rama Kant Singh Yadav	" "	19.1.83	
24. Vinod Narain	" "	20.1.83	
25. Mohd. Shamim	" "	20.1.83	
26. Kali Prasad	" "	21.1.83	
27. Sanat Kumar	" "	27.1.83	
28. Santosh Kumar	" "	15.3.83	
29. Deep Kishore II	SRO Bareilly	16.2.83 (Provisional)	
30. Sohan Lal-I	" "	16.3.83	
31. Navin Kishore Pandey	" "	16.3.83	
32. Murari Lal	" "	16.3.83	
33. Raghu Nath Pd.	" "	16.3.83	
34. Ram Narain	" "	16.3.83	
35. Om Prakash-III	" "	16.3.83	
36. Bijay Kumar	" "	16.3.83	
37. Mohd. Aslam	" "	16.3.83	
38. Surendra Prakash	" "	17.3.83	
39. Chandra Pal	" "	17.3.83	
40. Sohan Lal-II	" "	17.3.83	

4. PART TIME WORKERS

41. Sri Rakesh Sweeper, SRO Shahajahanpur 13.1.82.
42. " Vijay Kumar Sharma, Chaukidar, RH Bareilly 7.7.79

J.R. Kamal
(J.R. Kamal)
Superintendent RMS
'LW' Dn., Lucknow.

Copy for information and n/a to:-

- 1-71. All the concerning candidates (By Registered Post).
72. The HRO RMS 'LW' Dn., Lucknow.
73-76. SROs RMS 'LW' Dn., Balamau/Shahjahanpur/Bareilly/Kasganj.
77-78. IRM LW-Ist/IRM LW-II Ind Sub-Dn., Lucknow.
79-81. ASRMs Divl. Office/AM Stg/1 Lko./Bareilly.
82. Steno to SRM 'LW' Dn., Lucknow.
83. Stock Asstt., RMS 'LW' Dn., Lucknow.
84. Office Supervisor, Divl. Office 'LW' Dn., Lucknow.
85-90. Office copy and Spare.

VMS/Steno/

TRUE COPY
R. H. Tewari
(R. H. Tewari Advd)

राजेश कुमार मुक्ता
अतिरिक्त सहायक सचिव
रजनी लाल

- 13 -

Annexure A IV

Office of the Superintendent and District Officer, Lucknow.

Memo No.B-2/174/ Rectt/ Ch III/ 37 Dated at Lucknow 15.7.57.

Subject:- Recruitment Examination of Group 'D' (Test-Category) for the year 1957.

After scrutiny of the applications received on the above subject, the following candidates have been found eligible to appear in the said examination as per verification on the applications by the Unit Incharges to be held on 2-8-57 at 'AVARDAI MANSION' Building, 3 Vidhan Sabha Marg, Lucknow 226001. The names of eligible candidates are shown as per their seniority. If there is any complaint to the candidates, they should report within 25th July '57 and after that representations will not be considered. The HALL PERMITS are being issued separately.

LIST OF CANDIDATES.

S.No. Name of the candidate.

Date from which
working in the Dept

1. TEST CATEGORY CANDIDATES.

1. Shri Mahadeo LC Attendant RH Ambala. 22. 3. 55.

2. E.D. CANDIDATES.

1. Shri R.K.Dubey	LC	ED MM SRC Kashganj	9. 4.79.
2. " Amar Nath	CC	ED MM SRC Shahjehanpur	24. 7.81.
3. " Drak Pal	SC	ED MM SRC Shahjehanpur	25. 7.81.
4. " Istiaq Ali	CC	ED Chowkidar HRL Lucknow	16. 9.81.
5. " Ram Bali	SC	ED Chowkidar RH Ambala.	17.12.81.
6. " Dinkay Lal Varma	SC	ED Chowkidar HRL Lucknow	15. 1. 82.
7. " Dacki Prashad	SC	ED MM/Farrash SRC Kasganj	25. 2.82.
8. " Shyam Bali	CC	ED MM/Farrash SRC Balaganj.	27. 2.82.(P)
9. " Babu Ram II	CC	ED MM SRC Bareilly	10. 5.82.
10. " Shree Shankar Sharma	CC	" "	21. 8.82.
11. " Udat Raj Singh	CC	ED MM/Farrash HRL Lucknow	8.12.82.
12. " Ram Lakhan	SC	ED MM/Farrash DO Lucknow.	8.12.82.
13. " Jagjiwan Lal II	ED	MM/Farrash Lucknow PSO.	8.12.82.
14. " Shamshad	SC	ED Sweeper DO Lucknow.	9.12.82.
15. " Vijay	SC	ED Sweeper HRL Lucknow.	10.12.82.
16. Smt. Buddhan	SC	ED Sweeper Lucknow PSO.	13.12.82.
17. Shri Yashoda Mandan	CC	ED MM SRC Shahjehanpur	18. 2.83.
18. " Sohan Lal III	SC	ED Sweeper SRC Bareilly.	23. 2.83.
19. " Ganga Singh	CC	ED Chowkidar SRC Kasganj.	1. 6.83.
20. " Satvir Singh	CC	ED MM SRC Bareilly.	20. 1.84.
21. " Rajendra Kumar	CC	ED MM SRC Bareilly	20. 1.84.
22. " Anand Prakash	SC	" "	20. 1.84.
23. " Raja Ram	CC	" "	20. 1.84.
24. " Vijay Kumar Ganjay	SC	" "	20. 1.84.
25. " Raj Kumar	CC	" "	20. 1.84.
26. " Um Pal Bhaskar	SC	" "	20. 1.84.
27. " Babu Ram III	CC	" "	23. 1.84.
28. " Rughai Ram	CC	ED Chowkidar RH Mathura.	7. 2.84.
29. " Luniya Dayal Misra	CC	ED MM/Farrash SRC Sjp.	23. 2.84.

R. S. S. S.

3124/3211 25/7/57

-14-

S.No. Name of the candidate.

A2 Data from which working in Depptt.
3.

3. CASUAL LADDER

1.	Shri Ram Chandra	OC	SRD	Balamau	5.12.75.
2.	"	Bhaskar Dutta	OC	"	14. 3. 76.
3.	"	Amrit Lal	OC	"	2. 4. 77.
4.	"	Amar Singh	SC	SRD Shahjahanpur.	27.11. 70.
5.	"	Ram Singh III	OC	SRD Bareilly.	3. 1. 79.
6.	"	Vishnu Kumar	OC	"	29. 1. 79.
7.	"	Chhotey Lal	SC	HRO Lucknow.	28. 6. 80.
8.	"	Nimbu Lal	SC	"	3.11. 70.
9.	"	Om Prakash Johar	SC	"	3. 11. 80.
10.	"	Krishna Kumar Pandey	OC	"	3. 11. 80.
11.	"	Raj Kumar Sharma	OC	"	4. 11. 80.
12.	"	Krishna Nand	OC	"	5. 11. 80.
13.	"	Surya Mohan Nath Pandey	OC	"	5. 11. 80.
14.	"	Ashok Kumar	OC	SRD Bareilly	17. 2. 82.
15.	"	Suresh Chandra Seth	OC	"	10. 2. 82.
16.	"	Mohd Israil	OC	HRO Lucknow.	18. 1. 83.
17.	"	Santosh Kumar	OC	"	18. 1. 83.
18.	"	Suraj Prashed	OC	"	18. 1. 83.
19.	"	Santosh Kumar Singh	OC	"	18. 1. 83.
20.	"	Vijay Kumar Kuresl	SC	"	18. 1. 83.
21.	"	Rama Kant Singh Yadav	OC	"	19. 1. 83.
22.	"	Vinod Narain	SC	"	20. 1. 83.
23.	"	Mohd Shamim	SC	"	20. 1. 83.
24.	"	Kali Prashed	OC	"	21. 1. 83.
25.	"	Sanat Kumar	OC	"	27. 1. 83.
26.	"	Santosh Kumar	OC	"	15. 3. 83.
27.	"	Sohan Lal -I	OC	SRD Bareilly	16. 3. 83.
28.	"	Navin Kishore Pandey	OC	SRD Bareilly	16. 3. 83.
29.	"	Murari Lal	OC	"	16. 3. 83.
30.	"	Raghu Nath Pd.	OC	"	16. 3. 83.
31.	"	Ram Narain	OC	"	16. 3. 83.
32.	"	Om Prakash III	OC	"	16. 3. 83.
33.	"	Vijay Kumar	OC	"	16. 3. 83.
34.	"	Mohd Aslam.	OC	"	16. 3. 83.
35.	"	Surendra Prakash	SC	"	17. 3. 83.
36.	"	Chandra Pal	OC	"	17. 3. 83.
37.	"	Sohan Lal II	SC	"	17. 3. 83.

4. PARTTIME WORKERS.

38.	"	Rakesh	SC	Sweeper SRD Shahjahanpur	13. 1. 82.
39.	"	Vijay Kumar Sharma	OC	Chaukidar RH Bly	7. 7. 79.

(J.R.KANAL)

- Copy for information and n/a to :-
 1-69. All candidates as above (BY Regd, Post).
 70. Hro RMS 'LM' Dn Lucknow.
 71-74. Sro Balamau / Bareilly/ Kasganj/Shahjahanpur.
 75-76. IRM LW-I/ LW-II Sub Dn. Lucknow.
 77-79. ASRM Dn./ AMStg./1 Lucknow/Bareilly.
 80. Steno to SRM 'LM' Dn. Lucknow.
 81. Stock Asstt. D.O. RMS 'LM' Dn. Lucknow.
 82. Office Supervisor Divisional Office.
 83-84. Office Copy and spare.

शजेश कुमार मुक्ता

अरुण कुमार अरुण कुमार
रंजी लाल

Notice Board

8/10

TRUE COPY

R. K. Tewari

(R. K. Tewari Adm.)

Annexure A V

Govt. of India
Deptt. of Posts.

Page 15

Memd No:-Z-16/Termination/RK Shukla/87 Dtd. at Lko. the 20.7.87.

I, hereby, give notice to Shri Rajesh Kumar Shukla, Casual Labour/Out Sider MM attached to HRO RMS 'LW' Dn., Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Comm. Nos-49-58/84-SPB-I dtd. 12.2.85 endorsed vide PMG UP Circle, Lucknow's letter No:-Rectt/R-39/V/5 dtd. 30.3.85.

TRUE CC

R. K. Tewari
(R. K. Tewari Advo.)

J. R. Kamal

(J.R. Kamal)
Superintendent RMS
'LW' Dn., Lucknow.

Copy to:-

- 1-3. Shri Rajesh Kumar Shukla, O/S MM C/O HRO 'LW' Dn., Lucknow/HRO RMS 'LW' Dn., Lucknow for information and n/s. The accompanying copy of this memo may pl. be delivered to Shri Rajesh Kumar Shukla, O/S MM & his dated acknowledgement be sent to this office.
- 4-5. HRO (A/Ce) 'LW' Dn., Lucknow/PMG UP Circle, Lucknow.
6. DPS Lucknow Region, Lucknow-226007
- 7-8. Office copy and spare.

राजेश कुमार शुक्ला

Annexure A V
Govt. Of India
Deptt. Of Posts

Memo. No.Z-16/Termination/Rangi Lal/87 dtd. at Lko. the 20.7.87.

I, hereby, give notice to Shri Rangi Lal, Casual Labour/Out Sider MM attached to HRO RMS 'LW' Dn. Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Comm. No.49/58/84-SPB I dtd. 12/2/85 endorsed vide PMG UP Circle, Lucknow's letter No.Rectt/R-39/V/5 dtd. 30/3/85

Sd.
(J.R. Kamal)
Superintendent RMS
'LW' Dn., Lucknow.

TRUE COPY

R. K. Tewari
(R. K. Tewari Advo.)

निर्मल कुमार शुक्ला उमेश कुमार शुक्ला अरुण कुमार शुक्ला
राजेश कुमार शुक्ला राजेश कुमार शुक्ला

Annexure A V (Contd)

Govt. of India
Deptt. of Posts

Memo No:-Z-16/Termination/US Dwivedi/87 Dtd. at Lko. the 20.7.87.

I, hereby, give notice to Shri Uma Shunker Dwivedi, Casual Labour/Outsider MM attached to HRU RMS 'LW' Dn., Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Comm. No:-49-50/84-SPB-I dtd. 12.2.85 endorsed vide PMG UP Circle, Lucknow's letter No:-Rectt/R-39/V/5 dtd. 30.3.85.

(J.R.Kamal)
Superintendent RMS
'LW' Dn., Lucknow.

Govt. of India
Deptt. of Posts.

Memo No:-Z-16/Termination/AKumar/87 Dtd. at Lucknow the 20.7.87.

I, hereby, give notice to Shri Anup Kumar, Casual Labour/Outsider, MM attached to HRU RMS 'LW' Division, Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Communication No:-49-58/84-SPE-I dtd. 12.2.85 endorsed vide PMG UP Circle, Lucknow's letter No:-Rectt/R-39/V/5 dtd. 30.3.85.

(J.R.Kamal)
Superintendent RMS
'LW' Dn., Lucknow.

Govt. of India
Deptt. of Posts.

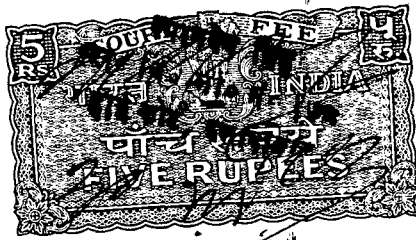
Memo No:-Z-16/Termination/Nirbhair Kumar/87 dtd. at LW the 20.7.87.

I, hereby, give notice to Shri Nirbhair Kumar, Casual Labour/Outsider MM attached to HRU RMS 'LW' Dn., Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Comm. No:-49-58/84-SPB-I dtd. 12.2.85 endorsed vide PMG UP Circle, Lucknow's letter No:-Rectt/R-39/V/5 dtd. 30.3.85.

(J.R.Kamal)
Superintendent RMS
'LW' Dn., Lucknow.

- Copy to:-1-3. Shri Nirbhair Kumar, O/S MM C/O HRU 'LW' Dn., Lucknow/HRU RMS 'LW' Dn., Lucknow for information and n/a. The accompanying copy of this memo may please be delivered to Shri Nirbhair Kumar, O/S MM and his dated acknowledgement be sent to this office.
- 4-5. HRU (A/Cu) 'LW' Dn., Lucknow/PMG UP Circle, Lko.
6. DPA Lucknow Region, Lucknow-226007

7-8. Office copy and spare.



वकालतनामा

अदालत The Central Administrative Tribunal, Allahabad

Application Of 1987 सन् १६ ई०

नम्बर मुकदमा नम्बर इजारा सन् १६ ई० मुद्दै

अपीलान्त

Nirbhai Kumar Gupta & वनाम Supdt. RMS 'LW' Division
Four others Lucknow-1 मुद्दालैह

We Nirbhai Kumar Gupta & Four Others Whose रेस्पान्डेन्ट
मैं हम details are furnished on the overleaf
do hereby appoint

निवासी

श्री R.K. Tewari, Advocate, 154, Purshottamnagar, Allahabad-16

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का बचन देकर मैं / हम अपना वकील नियुक्त करता हूँ / करते हैं। उन वकील महोदय को मैं / हम यह अधिकार देता हूँ / देते हैं कि वह मुकदमे में मेरी ओर से पैरवी करें आवश्यक सवाल पूछें, जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें, व वापस लेवें पंचनामा उपस्थित करें, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें, सुलहनामा दाखिल करें, दावा स्वीकर करें, उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावे, डिग्री का रुपया व खर्चा, हर्जाना का रुपया या किसी दूसरे तरह का रुपया व खर्चा, जो अदालत से मुझे / हमें मिलने वाला हो वसूल करें, मेरी / हमारी ओर से अदालत में दाखिल करें, कोर्टफीस व स्टाम्प देवें या वापिस लेवें, रसीद ले लेवें व प्रमाणित करें, नकल प्राप्त करें, अदालत की अनुमति से मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा स्थापित करावें व इस मुकदमे के सम्बन्ध में दूसरे काम जो जरूरी समझें पैरवी के लिए अपनी ओर से कोई दूसरा वकील नियुक्त करें यदि आवश्यकता हो तो अपील या निगरानी दायर करें और अपील निगरानी की अदालत में पैरवी करें और यह भी बचन देता हूँ/देते हैं कि यदि मैं / हम पूरी फीस या खर्च न अदा करूँ / करें तो वकील साहेब व उनके क्लर्क बहस व पैरवी के लिये बाध्य न होंगे।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं मेरा/हमारा किया हुआ समझा जायेगा और वह मुझे/हमें सदैव ही मेरे/हमारे किये के समान सर्वथा मान्य होगा।

तारीख the 27th. of माह July, 1987 Accepted

R. K. Tewari

सन् १६ ई०

स्वीकार है

हस्ताक्षर

R. K. TEWARI

Advocate

154, Purshottam Nagar

(Lucknow)

Allahabad-16

सन् १६

वनाम

अदालत
मुकदमा नं०

हस्ताक्षर

गवाह

गवाह

(1) निरुद्ध कुमार गुप्ता व अन्य
(2) उ.प्र. शांति आयोग
(3) रजिस्ट्रार कृष्ण व अन्य
(4) अ.प्र. शांति आयोग
(5) रजिस्ट्रार कृष्ण व अन्य
355/17, Lucknow
11/7/87, Lucknow

A25 x/2

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD.

CIVIL MISC. APPLICATION NO.

OF 1987

on behalf of

Union of India--

--Applicants

I N

REGISTRATION NO. 653 OF 1987

DISTRICT: LUCKNOW.

Nirbhay Kumar and others--

--Applicants.

versus

Union of India --

--Respondents

The humble application of the applicant
most respectfully sheweth :

Received copy.
R. J. J. J.
15/10/87

1726
2/8

(2)

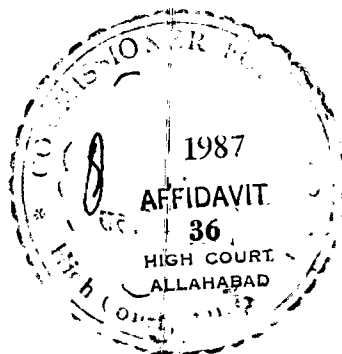
1. That the full facts have been given in the accompanying affidavit.

2 That on the facts and circumstances stated in the accompanying affidavit it is expedient in the interest of justice to dismiss the application with costs.

P R A Y E R

It is , therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the application filed by the applicant in view of the facts and circumstances stated in the accompanying counter-affidavit.

N.B. Singh
(N. B. SINGH)
SENIOR STANDING COUNSEL
CENTRAL GOVERNMENT



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH: ALLAHABAD.

COUNTER-AFFIDAVIT

I N

REGISTRATION NO. 653 OF 1987

DISTRICT: LUCKNOW.

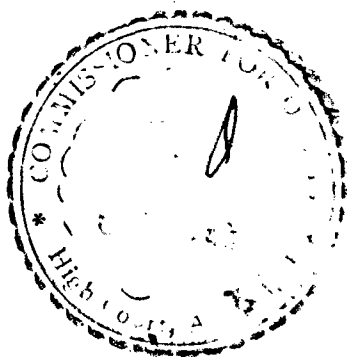
Nirbhay Kumar and others--

--Applicants.

versus

Union of India--

--Respondents.



Affidavit of ~~an~~ J. R. Kamal
aged about 55 years son of Sri
Chithru Ram at present posted
as Superintendent, R.M.S. L.W.
Division, Lucknow.

DEPONENT

I, the deponent, named above, do hereby
solemnly affirm and state on oath as under:

Success

(2)

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1/30

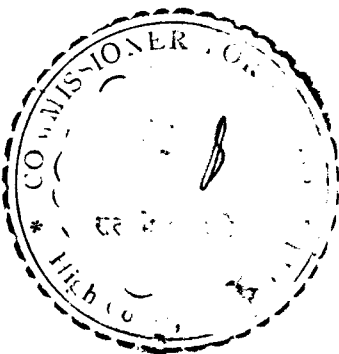
1. That the deponent is posted as *Superintendent*
R.M. S.L.W. Division and is well acquainted
with the facts deposed to below.

2. That the deponent has read the application, alongwith affidavit and annexures and now is in a position to reply the same.

3. That before giving parawise comments it is necessary to give certain facts of the case as follows:

3-A That it is stated that the petitioners are casual labours. They are engaged whenever there is work excess or if the work is not managed by the existing staff, of Group D. It is stated that they are casual employees. They have no right over the posts, as they are not permanent or regular employees. Their services are liable to be terminated without assigning any reason with one month's notice.

3-B That the services of petitioners were terminated with one month's notice. Hence they have



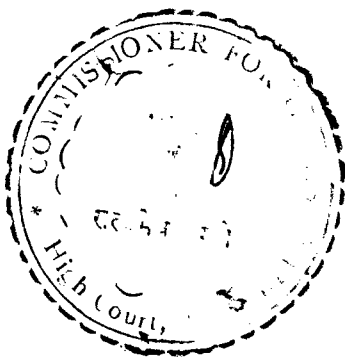
In witness

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(3)

no right to file present petition as their services have already been terminated. Hence the question of their appearing in the said examination does not arise.

3.C That the petitioners have taken no recourse against termination order but approached this Hon'ble Tribunal. It is stated that the petitioners were engaged time to time when required but they were not working throughout the period as they have mentioned. It is further stated that no appointment letter was ever issued in favour of the petitioners except they were engaged for the work by approval of the competent authority. Their engagement for working were terminated. ~~Their engagement for working were terminated.~~ They are not ~~governed~~ governed by any appointment letter.

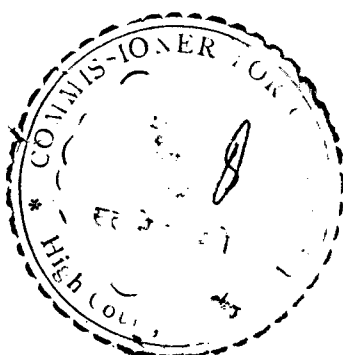


4. That the contents of paragraph 6(1) of the application are not admitted as stated. It is stated that no appointment letter was ever issued in favour of the petitioners. The

dhruv

P/2

petitioners were employed time to time for their engagement only whenever necessity arises in the capacity of casual labour on daily wages. Their continued engagement was not considered necessary due to certain reasons. It is stated that the engagement was terminated after giving one month's notice. It is further stated that the working of the petitioners were not satisfactory. It is absolutely wrong to say that the department was satisfied with the working of the petitioners. It is further stated that the petitioners are not entitled to appear in the regular examinations of Group D category, which was held on 2.8.1987, as their engagement has already been terminated. The petitioners cannot claim as a right to appear in the examination. However, as per the direction of this Hon'ble Tribunal the respondents had permitted them to appear in the examinations of Group D category. It is emphatically stated that petitioners had no right or any claim or entitlement to appear in the said examination.



5. That the contents of paragraph 6(ii) and 6(iii) of the application are not admitted as stated. However, it is stated that the examination was postponed due to likelihood of a strike in the department, which was due to

Dinakar

commence from 14th July, 1987. In these circumstances the department had postponed the examination for a short while. However, it is absolutely wrong to say that the examination was postponed with any other intention. The petitioners were permitted to appear in that examination, as engagement of the petitioners were not terminated at that time. It is wrong to say that for any other purpose other than the proposed strike the examination was postponed. It is wrong to say that the respondents had taken step in postponing the examination just to justify the one month's notice of termination of their engagements.



6- That the contents of paragraph 6(iv) of the application are not admitted as stated. It is stated that the petitioners are casual labours and their engagement ~~are~~ is on the basis of working and contingencies time to time. They are not employees to be covered under Article 311(2) of the Constitution of India. Their employment is on the basis of engagement and no appointment letter was issued. They are not governed by any rules which are applicable to other employees of other departments. They are

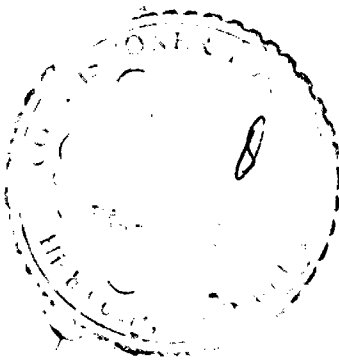
Annexed

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merely governed by a circular on the basis of which they are engaged. It is further stated that it is very much clear in circular that the engagement of casual labour can be terminated after giving one month's notice. The status of the petitioners is nothing but a casual labour. The casual labour cannot claim the benefit of Article 311 (2) of the Constitution as no Government Order, Rules or Regulation is applicable to them. The only option open to the respondents was to terminate their engagement after giving one month's notice. There is no provision under which the departmental enquiry could be made and order for dismissal could have been passed against the petitioners, except to terminate their engagement after giving one month's notice, or wages of one month. Under these circumstances, the respondents had passed necessary and appropriate order as per the circular under which they were engaged. The question of juniors to be retained does not arise in their case. The petitioners are not entitled for any benefit of three-years continuous service, as the petitioners



Dr. A. C. S.

233
A/S

were just like casual labour. It is absolutely wrong to say that the petitioners had served continuously for three years. The petitioners = were neither entitled for any leave benefit etc. The question of giving show-cause notice or affording any opportunity does not arise.

7. That in reply to the contents of paragraph 7 of the application it is stated that the relief claimed by the petitioners is not maintainable as the petitioners are no more engaged in respondent-department. As such the petitioners are not entitled to appear in the said examination, as engagement has already been terminated.

8. That in reply to the contents of paragraph 8 of the application it is stated that though the petitioners are not entitled to appear in the examinations but in order to obey the directions of Hon'ble Tribunal the respondents had permitted them to appear in the examinations.

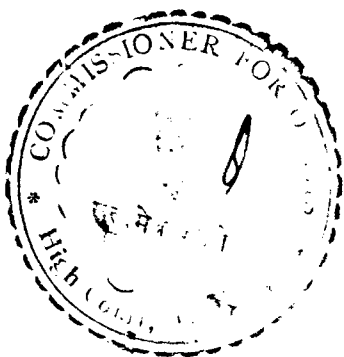


Dr. A. C. S.

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(8)

That the petitioners are neither temporary nor permanent employees of Government of India and their status is of casual labour only engaged for particular job time to time. Their engagements were automatically terminated number of dates on which they were not engaged. They are not entitled for the benefit of government service. They are not entitled for leave etc. They are paid their wages as per hours or their working in a day. In other words they are nothing but simply casual labours getting wages on the basis of their working hours. Except this they are getting no benefits hence they are not entitled for the benefit of Article 311 of the Constitution of India and C.C.S. Rules. Their terminations are not to be governed by any government order.



It is further stated that there is one list which was maintained in the office, for casual labours and the petitioners were in that list.

That it is further stated that the department takes work from penal list of casual labours which is maintained therein. This penal

Dr. M. V. S. S. S.

(9)

of casual labours is prepared on the basis of the names sent by Employment Exchange, verified by the department by asking police ~~report~~ report etc. and persons of penal list are asked time to time for engagement of their work. The petitioners are only in the penal list of casual labours and nothing beyond that.

I, the deponent, named above do hereby verify as under:

That the contents of paragraphs no. 1, 2, 3, of this affidavit are true to the personal knowledge of the deponent; those of paragraph nos. 3A, B, C, D, S, are based on the informations received; those of paragraph nos. 6, 7, 8, are based on the papers of this case and those of paragraph nos. 6, 7, 8, are based on legal advice of the counsel, 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

Deponent
DEPONENT



1736
1/3

(10)

I, V.P.Tripathi, clerk to Sri N.B.Singh,
Senior Standing Counsel, Central Government,
High Court, Allahabad, do hereby declare that
the person making this affidavit and alleging
himself to be the same is known to me from perusal
of documents produced before me.

8

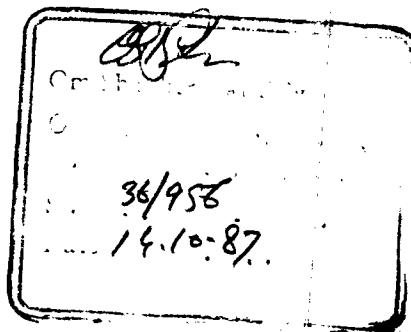
.....



Solemnly affirmed before me on the 14th
th day of Oct, 1937, by the deponent
at 4.55 A.M./P.M. who has been identified by the
person aforesaid.

I have satisfied myself by examining
the deponent who understands the contents of this
affidavit, after going through the same.

In witness



OATH COMMISSIONER

137
139

Before The Central Administrative Tribunal, Allahabad-1

O.A. Regn. No.653 of 1987

Nirbhair Kumar & others v/s SRM 'LW' Dn. Lucknow & Others

R E J O I N D R R T O

The Reply Affidavit filed by the learned Respondents on 15/X/87

(1) Paras 1 to 3 No Comments.

(2) Paras 3A, 3B & 3C- In reply it is submitted that there seems to be a great misgiving to the learned Respondents. The applicants through this present application have simply requested permission to appear in the Recruitment Exam. of Group 'D' Employees for which they are fully entitled as per DG's letter No. 269/142/75-STB I dated 26-3-76 appended at page 8 of the paper-book application. No doubt the applicants have received one month's notice for terminating their employment but that is a totally disputed issue and the applicant's appeal is already pending consideration of the learned DPS Lucknow. On the date of Exam. the applicants were in service as casual labourers and casual labourers are entitled as aforesaid to appear in the exam. Rather the learned Res. has himself permitted a no. of casual labourers even juniors to the applicants, to appear in the Exam. As the contention of the learned Resp. 'The question of their appearing in the Exam does not arise' is anything but correct.

(3) Para 4- Denied. The applicants are no doubt casual labourers but they continued to be engaged regularly for 8 hours a day and were required to perform most important duties like mailmen of Regn. & Parcel Branches. About their unsatisfactory work they are hearing it for the first time.

निर्मल कुमार उस्ता
राजेश कुमार कुमार

उमाशंकर उस्ता

कृष्ण कुमार उस्ता
R. H. Kumar

- (4) Para 5- Denied . The order of termination being under consideration of the appellate authority viz. the DPS Lucknow, would not be proper to be discussed here.
- (5) Para 6- Denied. It has been held by the Hon'ble SC in a number of cases that ED Employees and the Casual labourers are Govt. Servants and they have every right to take the shelter of Art.311(2) of the Constitution just like a permanent Government Servant.

The learned Respondents/ has gone much astray from the point at issue. The applicants have never denied that they are Casual Labourers and their services are also likely to be terminated with one month's notice. But their claim is

(a) because they have rendered more than 2 years of satisfactory service as a casual labourer.

(b) because as per D.G. P&T New Delhi letter No.269/142/75-STB I dated 20-3-76 cited above the applicants are fully entitled to appear in the Recruitment Exam. for Group 'D' cadre.

(c) because the learned Resp. has himself permitted a no. of casual labourers even juniors to the applicants to appear in the Exam. vide his Memo. No.B-2/174/Rectt/Ch III/ 87 dated 15-7-1987 appended as Ann. A IV on P.13 of the paper-book application

(d) because there had never been a single report against the applicants as regards their satisfactory work.

They fully deserve to be permitted to appear in the Recruitment Examination in question.

निर्मल कुमार गुप्ता
रजिस्ट्रार जनरल (मुद्रा)

उमाशंकर झा

अश्वपुष्पा कुमारी
R. S. S. S.

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- 3 -

(6) paras 7&8- In reply it is submitted that the learned Respondents have miserably failed to controvert the allegations ^{raised} ~~made~~ by the applicants. Rather they have ^{tried} ~~try~~ to confuse the issue by dealing with facts quite unconnected with the case hence the applicants are fully entitled to get the reliefs sought for.

I N V E R I F I C A T I O N

We, Nirbhai Kumar, Umashanker Dwivedi, Anup Kumar Srivastava and Rajesh Shukla casual labourers of RMS 'LW' Division, Lucknow and all residents of Lucknow do hereby verify that the contents of 1 to 6 above are true to our personal knowledge and belief.

Nothing material has been concealed.

So help us GOD.

निर्मल कुमार उपा. उमाशंकर द्विवेदी अनूप कुमार श्रीवास्तव
राजेश शुकला (अपेक्षित)
R. H. Verma

(243)

Expedite Application

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

NOTICE OF MOTION

Misc Petition 29/8 of 1990
in O.A./T.A. 653 of 1987
Nirbhay Kumar Applicant/appellant.
Versus R.M.S. Subt Lucknow Respondents/Defantial

Filed today
16/8/90

Take notice that the court will be moved by the order signed on 16th Sept the day of 1990 1990 at 10.30 O'clock in the forenoon or so soon these after the noticed on their occassion can be heard.

the object of the motion is hereby indicated by

A copy of the Application is enclosed herewith. The further notice that meanwhile this court has been pleased to pass that following orders

Dated this the 16th Aug day of 1990

Signature AKABOWS
AKABOWS

Advocate of petitioner

Applicant/Appallant

or

Petition/Defandent in not

To

Advocate on record for the opposite party

Respondent/Defendant.

Received a copy
Print
16/8/90
for Sh. N. B. Singh
S. S. e

SO(J)
Put up the apph
before the court of Hon. V.C.
for orders on 6-9-90 as prayed.
16/8
DR(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

EXPEDITE APPLICATION No 29/6 of 1990

IN

REGISTRATION NO. 653 OF 1987

Nirbhai Kumar Versus. . . . Supdt., R.M.S. Lucknow

The applicant most respectfully sheweth as under :-

1. That this petition has been filed for permitting the applicant to appear in Group D (Test category) examination held by the respondents.

2. That the applicant by the order of this Hon'ble Tribunal appeared in the said test but their result has not yet been declared as this case is pending.

3. That the result of juniors to the applicants have been declared and they have been given regular appointment whereas the applicants due to the pendency of this case have been deprived of their employment and they are suffering a recurring loss of their pay every month.

4. That the applicants are unemployed persons and they do not have any other means of livelihood.

P R A Y E R

It is, therefore, prayed that the Hon'ble Tribunal may kindly be pleased to expedite the hearing of this case in the interest of justice otherwise the applicants will suffer an irreparable loss and injury.

Dated: 16th Aug 1990

Satish Divedi
(SATISH DIVEDI)
COUNSEL FOR APPLICANTS

Anand Kumar

RMS

8/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

EXPEDITE APPLICATION in 29/8 of 1990
IN

REGISTRATION NO. 553 OF 1987

Mirshai Kumar Versus Suptd., R.M.S. Lucknow

The applicant most respectfully sheweth as under :-

1. That this petition has been filed for permitting the applicant to appear in Group D (Test category) examination held by the respondents.

2. That the applicant by the order of this Hon'ble Tribunal appeared in the said test but their result has not yet been declared as this case is pending.

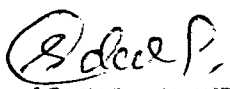
3. That the result of juniors to the applicants have been declared and they have been given regular appointment whereas the applicants due to the pendency of this case have been deprived of their employment and they are suffering a recurring loss of their pay every month.

4. That the applicants are unemployed persons and they do not have any other means of livelihood.

P R A Y E R

It is, therefore, prayed that the Hon'ble Tribunal may kindly be pleased to expedite the hearing of this case in the interest of justice otherwise the applicants will suffer an irreparable loss and injury.

Dated: 16th Aug / 1990


(SATISH DWIVEDI)
COUNSEL FOR APPLT

Received
01/6/90
A/C

Atty

4/8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

.....

NOTICE OF MOTION

Misc Petition 895 of 1990

in O.A./T.A. 653 of 1987

filed for
30/5/90

Sri Anand Kumar Chandra and others Applicant/appellant.

Versus

Sri R. M. S. Jaiswal Respondents/Defendant

Take notice that the court will be moved by the order signed on 25/6/90 the day of Wednesday 1990 at 10.30 O'clock in the forenoon or so soon thereafter as the noticed on their occasion can be heard.

the object of the motion is hereby indicated by

A copy of the Application is enclosed herewith. The further notice that meanwhile this court has been pleased to pass that following orders

Noted for
25/6/90
Advocate

Dated this the 30 day of May 1990

Signature Anand S.
Advocate

Advocate of petitioner
Applicant/Appellant

or

Petitioner/Defendant in not

To

Advocate on record for the opposite party
Respondent/Defendant.

SO(J)
Put up this appn.
before court for orders
25.6.90
as prayed.

Atty
DR(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Misc. Petition No. 895 of 1990

On behalf of

Sri Rangi Lal. Applicant

In

Registration No. 653 of 1987

Nirbhai Kumar Gupta & others. Petitioners

Versus

Supdt. R.M.S. Lucknow & others. Respondents

The humble petition on behalf of the petitioner abovenamed most respectfully sheweth as under :-

1. That by order dated 14.5.1990 the petitioner was permitted to appear in the recruitment examination for Group 'D' (Test Category) post which was going to be held on 20.5.90 but the said examination for the reasons known to the respondents was postponed on 20.5.90 and next date for the examination was not declared.

2. That the said examination is likely to be held in the month of June 1990.

3. That the respondents told the petitioner that unless he would get a fresh order for appearing in the examination, he would not be allowed to appear as the order dated 14.5.1990 was only for the examination dated 20.5.1990.

4. That since the Hon'ble Tribunal has passed order regarding examination which was going to be held on 20.5.1990 and the same has been postponed, therefore it is expedient in the interest of justice that the Hon'ble Tribunal ~~be~~ be pleased to pass a suitable order directing the respondents to allow the applicant to appear in the examination scheduled to be held in June 1990 otherwise the applicant will suffer an irreparable loss and injury.

Q. S.

Received off
P. P. Singh
Cantonment
1st
30/5/90

- 2 -

P R A Y E R

It is, therefore, prayed that the Hon'ble Tribunal may
to direct the respondent
graciously be pleased to permit the petitioner-applicant to
appear in the Recruitment Examination of Group (D) (Test Category)
post which ~~the examination~~ is likely to be held in June 1990
or thereafter on any subsequent date in the interest of justice.

(Signature)

Counsel for applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

O.A. No. 653/87

Nirbhai Kumar Gupta and others-----Applicants.

Vs.

Superintendent R.M.S. Lucknow Division,
Hazratganj, Lucknow-1.....Respondent.

14/5/90

Hon. Justice K. Nath, V.C.

Hon. K. Obayya, A.M.

This application is for permission to appear in the recruitment examination for group 'D' (Test category) post which is going to be held on 20/5/90. Opportunity was given to the respondents to file objections. They have not filed any objection. We therefore direct the DPs. to allow the petitioner to appear in the aforesaid recruitment examination subject to further orders of this Tribunal and subject to further to the direction. The Result of the petitioner will not be declared till further orders. The office will furnish a copy of the order to the applicant's counsel within twenty four hours.

sd.
A.M.

sd.
V.C.

C.T.C.
of Q. 12
15/5/90
Secretary
Central Administrative Tribunal
Allahabad.

A50
8/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:ALLAHABAD.

MISC. PETITION No. 732 of 1990

(On behalf of Rangilal, Applicant No.5)

in

Registration No. 653 of 1987

Nirbhair Kumar Gupta and others. . . .Applicants.

Vs.

Superintendent R.M.S., Lucknow Division,

Hazratganj, Lucknow-1.

Opposite party

The humble petition of the applicant above-named
most respectfully sheweth as under.

1. That the applicant and 4 others filed abovenoted application for directing the respondents to permit the applicants to appear in the examination for the recruitment of Group 'D' post.
2. That in the abovenoted case the Hon'ble Tribunal by order dt.30.7.87 permitted the applicants to appear in the said test.
3. That due to serious illness, the applicant could not appear in the abovementioned examination.
4. That the applicant sent an application

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21/10/87

2.

alongwith medical certificate to the respondent and made request for permitting him to appear in the said examination but he was not allowed, The copy of application and medical certificate are being filed herewith and marked as Annexure nos I and II to this application.

5. That the respondent vide order dt.3.4.90 published a notice for holding recruitment examination on 20.5.90 for group 'D' (Test category). The copy of notice dt.3.4.90 is being filed herewith as Annexure no.3 to this application.

6. That the applicant has sent an application along covering with ~~examining~~ letter on 14.4.90 for appearing in the said examination dt.20.5.90 through Regd.post. The copy of application form and covering letter and postal receipt are being filed herewith and marked as Annexures 4 to 6 to this application.

7. That thereafter when applicant contacted the respondent he told that he would not be allowed to appear in examination dt.20.5.90 unless the Hon'ble Tribunal permits him to appear in the examination.

8. That if the applicant is not permitted to appear in the said examination dt.20.5.90 he will suffer an irreparable loss and injury.

Prayer

It is therefore, ~~it is therefore~~ prayed

AS
19.

AS2
8/54
3.

that this Hon'ble Tribunal may graciously be pleased to permit the applicant to appear in recruitment examination for group 'D' (Test Category) post which is going to be held on 20.5.1990 ~~xx~~ or pass such other and further order as this Hon'ble Tribunal deem fit and proper in the circumstances of the case.

Verification

[Handwritten signature]

I swear that the the contents of paras 1 to 8 of this application are true to my knowledge and believe that no part of it is false. I affixed my signatures below this application and verification clause this 15th day of April, 1990 at Allahabad.

AS.

[Handwritten signature]

सेवा में ;

श्रीमान अधीक्षक महोदय & द्वारा
रेलडाक व्यवस्था , एल.डब्लुम
परिखण्ड , लखनऊ 22600।

श्रीमान प्रधान अभिलेख अधिकारी
रेल डाक व्यवस्था,
एल.डब्लु. प्रखण्ड ,
लखनऊ 22600।

महोदय ,

विनम्र निवेदन यह है कि मैं & प्रार्थी रंगी लाल & दिनांक
31-7-87 से गम्भीर अवस्था में अस्वस्थ हो गया था तथा अब भी
पूर्ण रूप से स्वस्थ नहीं हो सका हूँ । जिसके कारण विभागीय परीक्षा
में दिनांक 2-8-87 को सम्मिलित नहीं हो सका । इस सम्बन्ध में
प्रार्थी मेडिकल प्रमाण-पत्र श्रीमान जी को प्रस्तुत करता है ।

अतः श्रीमान जी से करबद्ध प्रार्थना है कि मुझे दिनांक
2-8-87 को हुई विभागीय परीक्षा में सम्मिलित कर मेरी परीक्षा
लेने के सम्बन्ध में उचित कार्यवाही शीघ्र करें । प्रार्थी सपरिवारे
श्रीमानजी का आजीवन आभारी रहेगा ।

दिनांक
8-2-86

Received

Two Copies with
Medical Certificate

4.8.87

प्रार्थी

रंगीलाल

रंगी लाल पुत्र श्रीशेखमनि
आवसमिक मजदूर
रेलडाक व्यवस्था,
एल.डब्लु. परिखण्ड ,
लखनऊ 22600।



Dr. Afsar Mirza

B.Sc., B.U.M.S., LL.B.

Physician & Surgeon

Ex. H. Officer T. T. Medical
College, Lko.

Ex. H. Officer Distt Hospital
Unnao (U. P.)

Ref No.

Ph. Resl. : 82815

AKASH CLINIC

Crossing Nakhas
Lucknow.

Regd. No. 5105

Dated 4-8-1987

Medical Certificate

This is to Certify that Mr. Langi-Lal
whose attested signature is given below remained
under my treatment since 31-7-87 to
4-8-87

He was suffering from High Malarial
fever & Amoebic dysentery and headache
and he is advised further rest for four
days that is 5-8-87 to 8-8-87.

Patient's Signature

रंगीलाल

Dr. Afsar Mirza
B.Sc., B.U.M.S., LL.B.
Physician & Surgeon
Regd. No. 5105
LUCKNOW.

Dr. Afsar Mirza
B.Sc., B.U.M.S., LL.B.
Physician & Surgeon
Regd. No. 5105
LUCKNOW.

Notice Board
D.C.
ASS
8/5

DEPARTMENT OF POSTS, INDIA

Office of the Superintendent R.M.S. 'LW' Dn. Lucknow-226001.

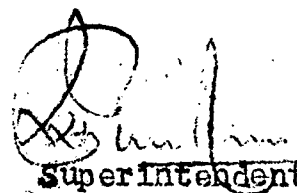
Memo No.-B-2/Recruitment/CL/C-IV/90 dated at Lucknow the 11-1-90.
Subject:-Recruitment of Group 'D' (Test Category) information
in respect of vacancies for the year 1989.

.....

The recruitment test examination is to be held on 20-5-89 and vacancy position for the said examination Unit-wise is as under. As per Departmental Rules 3% vacancies of whole of the vacancies are reserved for candidates recruited under relaxation of Rules.

Sl.No.	Name of the Unit.	Total No. of vacancies.	O/C	S/C	S/T
1.	2.	3.	4.	5.	6.
1.	HRO 'LW' Dn. Lucknow	9	8	1	-
2.	SRO 'LW' Dn. Bareilly	3	2	1	-
3.	SRO 'LW' Dn. Kasganj	1	-	-	1
4.	SRO 'LW' Dn. Shahjahanpur	2	1	-	1
5.	IRM LW-Ist Sub Dn. Lucknow	1	1	-	-
6.	IRM LW-IIInd Sub Dn. Lucknow	1	1	-	-
Total-		17	13	2	2

A copy of this Memo may please be displayed on the Notice-Board.


Superintendent
R.M.S. 'LW' Dn. Lucknow-226001.

Copy for information and necessary action to :-

1-5. HRO, RMS 'LW' Dn. Lucknow/All SROs Balamau/Shahjahanpur/Bareilly/Kasganj.

6-7. IRM LW-Ist/LW-IIInd Sub Dn. Lucknow.

8-9. Office copy and spare.

o/c

Rayd / AD

To

The Superintendent,
RMS Lu on, Lko.

ASB 1/3

Sir

Respectfully I beg to submit - as
under.

That the applicant Shri Rangpal was
allowed to appear in the examination for the
recruitment for Group I Cadre which was held
under your Control on 2/8/37 by the orders
of Hon. Central Administrative Tribunal del Bench
established. The order was issued in Case No
653 of 1937 Madhu Kumar Gupta and others
on 30/7/37. vs State of India

The witnesses and ^{my} ~~my~~ said such I could
not appear in the said Exam. The applicant
had submitted his medical certificate with
an application on 4/8/37.

The next recruitment exam is to be held on
24/5/90 vide your office memo no B.2/Recruitment/CH/
CV/190 dated 3/4/90 as such the enclosed
application form is submitted for consideration
and for to permit to appear in the said Examination.

Yours faithfully,

11/1/90

Yours faithfully,

ASB

चतुर्थ श्रेणी टेस्ट केंद्री ॥ पद पर भर्ती हेतु आवेदन पत्र

1. अभ्यर्थी का नाम - रंजीत सिंह
2. पिता का नाम - श्री. अमर सिंह
3. किस श्रेणी में कार्य कर रहे हैं :- ऑफिसियल गजदूर
 ॥ नान टेस्ट/ऑटो विभागीय/आकोस्मक मजदूर ॥
 यूनिट का नाम जहाँ कार्यरत हैं :- यू.ए.डी. यल डबल प्रखंड ला
4. जन्म तिथि :- 9.5.61 (गौ. सहस्र सह)
 ॥ आयु के प्रमाण पत्र के लिए सत्यापित प्रमाण पत्र को प्रोटोकॉल सिलग्न करें ॥ सत्यमेव
5. किस तिथि से कार्य कर रहे हैं :- 23.11.1983
6. आयु दिनांक 20-4-90 को 28 वर्ष 11 माह 11 दिन
7. सेवा अवधि ॥क॥ यदि आ विभागीय कर्मचारी है तो 20-4-90 तक की सेवा अवधि ॥ :-
 ॥य॥ यदि आकोस्मक मजदूर/आउट साइडर ॥ है तो इस कार्यलय द्वारा जारी डायन के अनुसार :- वर्ष दिनांक से तक
 अधिसूचना में दिये गये निर्देशों के दिनांक से
 अनुसार 2 वर्षों में 240 दिनों की गणना :- वर्ष दिनांक से तक
 ॥ग॥ 20-4-90 को पार्ट टाइम मजदूर की होसयत से लगातार सेवा अवधि :- वर्ष ... माह .. दिन
8. शैक्षिक योग्यता :- हाई स्कूल परीक्षा उत्तीर्ण
 ॥ सत्यापित प्रमाण पत्र को प्रोटोकॉल सिलग्न करें ॥
9. क्या आयु अनुसूचित जाति या अनुसूचित जनजाति से सम्बन्धित है यदि हाँ तो राजस्व अधिकारी/रेवेन्यू अधिकारी द्वारा प्रस्तुत X
 जाति प्रमाण पत्र को सत्यापित प्रोटोकॉल अवश्य सिलग्न करें ।

मैं ॥ पूरा नाम ॥ रंजीत सिंह स्तद्वारा प्रमाणित करता हूँ कि मेरे द्वारा दिया गया उपरोक्त पूर्ण रूप से सत्य तथा भ्रमन जोई नहीं है ।

दिनांक एवं
स्थान :-

॥ अभ्यर्थी के हस्ताक्षर ॥
रंजीत सिंह

आर-एल-सी/5-82-70/

DA
① High School pass Certificate

ASD

10

કુશલિ/No.

78

[illegible]

आपके पत्र पर आधारित प्रमाणों के साथ ही प्रमाणित किया जाता है कि आपने अपने पत्र में उल्लेखित सभी बातों का ध्यान रखा है।
 Date: 30/09/18 To: [Name] and conditions in P.O. guide Signature of Receiving Officer.

Central Administrative Tribunal

Lucknow Bench

C.A. 365/88

Rajni Lal & Others. ——— Applicant

Union of India ^{versus} ——— Respondent

<u>Sl No.</u>	<u>Description</u>	<u>Page No.</u>
	<u>File A</u>	
(1)	Check list	A1 A2 ✓
(2)	Codis sheet	A3 A4 ✓
(3)	Judgment dt 16.4.92	A9 A11 (b.p.)
(4)	Judgment dt 25.6.92	A12 ✓ (M.P.)
(5)	Petitioner	A13 A31,
(6)	Power	A32 ✓
(7)	Council	A33 A44 ✓
(8)	Rejoinder	A45 A58 ✓
(9)	M.P. No-520/90	A59 A64 ✓

File B B65-B 116

File C C 117

Certs find that the file fit for
breached at
on 29/5/92

So (5)

Certs find that no further action is required to be taken
and that the case is fit for closure.

Rajni



35-4-88

Termination

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 3 ES of 1988

APPLICANT (s) Rang Lal + 4 others

RESPONDENT(s) Subject, R.M.S. 'LW' In. Lucknow + another

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	YB
2. (a) Is the application in the prescribed form ?	YB
(b) Is the application in paper book form ?	YB
(c) Have six complete sets of the application been filed ?	YB, 4 sets filed.
3. (a) Is the appeal in time ?	YB
(b) If not, by how many days it is beyond time ?	-
(c) Has sufficient case for not making the application in time, been filed ?	-
4. Has the document of authorisation/Vakalat-nama been filed ?	YB
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	YB
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	YB
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	YB
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	YB

order sheet25/4/80

Hon. D.S. Misra - Am.

Hon. G.S. Sharma - Jm

on the request
of learned counsel for the
applicant, the case is
adjourned to 26/5/80 for
admission.

Am ✓

Jm.

26-5-80.

Hon. S. Zaher Hasan, VC.
Hon. D.S. Misra, Am.

Shri R. R. Tiwari for applicant.

The petitioners' counsel
wants to pay extra court
fee. Put. up on 1-6-80.

A copy of this order be
given to Shri R. R. Tiwari,
learned counsel for the
applicant today.

Am.

VC.

RC

G/R, 9 P.O.S No 20 227135 to 227138
of Rs. 50/- each all are given to
Sri Gulish Kumar For deposit
in Bill Section today 28/5/80.

Received
term order
R/Ty
11/6/80

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

(AM)

.....No.....368.....of 1988

.....Vs.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	5.2.88	<u>leg</u> Compter may be put by 23.9.88	
	23.9.88	<u>leg</u> Compter has been put away. Deposits may be put by 20.10.88	
	20.10.88	<u>leg</u> On the request of applicants counsel, responder may be put by 05.12.88	
	5.12.88	<u>leg</u> Applicant is present. On the application already moved to transfer it to Circuit Bench, Lucknow, let the case be transferred to Lucknow by 22.12.88. Responder may be put at Lucknow	

27/1/89 No sitting. Adjourned to 20-2-89

27/1

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

25/4/89

An application for the amendment of the application has been filed on behalf of the applicant. The learned counsel ^{for the applicant} is directed to file sufficient extra copies for service on the respondents who may file objection, if any, within a month.

List for orders on 30-6-89. The name of the learned counsel for the applicant be corrected in the cause list properly. Shri P.N. Bajpai, learned counsel for the applicant is present.

J.M.
(sns)

A.M.

OR
In compliance of court's order dt. 25.4.89, no extra copies for the amendment to be served of the reply. have been filed. Submitted for order.

29/6

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

30/6/89

Shri P.N. Bajpai, learned counsel for the applicant is present. Copies of the application for amendment meant for the respondents have been served by Shri Bajpai to a representative of the respondents who is present in the Court. The respondents have filed objection in respect of the amendment application. The counsel for respondents is not present and an adjournment has been sought on behalf of the respondents. The case be listed for orders on amendment application on 2-8-1989.

J.M.
(sns)

A.M.

OR
Case is submitted for order in amendment application. Submitted for order.
2
#110

24. 6. 91

Hon. Mr. Justice K. Mahu vs
Hon. Mr. K. ob ay ya AM

On the request of counsel
for the both parties case is
adjourned to 6.9.91 for
hearing.

P
AM.

P
AM

6-9-91

Hon. Mr. D. K. Agrawal J.M.
Hon. Mr. K. ob ay ya J.M.

~~Mr.~~ Mr. P. N. Bajpai for Applicant.
Mr. N. K. Chaudhary for Respondent.

As soon as the arguments commenced
the learned counsel for the parties
prayed brought it to our notice that
O. A. No. 653/87 'Nishchay Kuman & others
vs Union of India' filed Allahabad is
pending at Allahabad and 27-3-91 is
fixed at Allahabad for hearing. It
is requested by counsel for both
the parties that both petitions be
listed together for hearing. The ~~first~~
request is bonafide. We therefore,
order that O. A. 653/87 pending
at Allahabad be transferred
to Lucknow and be connected
with the present petition and list for
hearing on 20-11-91

141

G

P
AM

De

J.M.

AS

O.A No. 365 of 1988

16/4/92

Hon. Mr. Justice U. C. Sivarama, V.C.
Hon. Mr. B. B. Gouthi, Member (A)

Judgment delivered in
the open court

✓
A.M.

✓
V.C.

24.6.92

Hon. Mr. Justice U. C. Sivarama V.C.
Hon. Mr. K. Abayya Sw

Put up documents
Am

✓
✓

28

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH

T.A.No.653/87
(O.A.No.365 of 1988)

Rangi Lal & Others	Applicants
Vs.		
Govt.of India & Others.	Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon.Mr. A.B.Gorthi, Member (A).

(By Hon.Mr.Justice U.C. Srivastava,V.C.)

Since common questions of law have been involved in these 4 applicants' cases they have been bunched together. The names of these applicants were sponsored by the Employment Exchange and they were recruited as Casual Labourers after interview. They were appointed between the year 1980 to 1983 on daily wage basis. According to them there was no break in their services when they were terminated. Prior to their termination, according to them, they have not only attained the temporary status and benefit but also as that of permanent status and benefits as decided by the Supreme Court in the case of ^{Indra} ~~Ventre~~ Pal Yadav's case. It was thereafter that, that the respondents decided to hold an examination to regularise the service of various employees who were working on daily wage basis, but the applicants were not allowed to appear in the examination. The grievance of the applicants is that they were not allowed to appear in the examination, and their services were terminated, but the juniors were retained in the service. The termination of the service of the applicants has been questioned

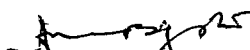
A70

on the ground that such retrenchment is in violation of ~~the rules under~~ section 25 F of the Industrial Dispute Act. The respondents have ^{refused him} ~~raised~~ a claim ^{on the ground} that they 5 have not issued any appointment letters to the applicants and they were engaged in temporary employments whenever necessity arose and it has not been denied that they were continuously engaged in service, but for a temporary break. It was also admitted that they were not allowed to appear in the regularisation examination but they were permitted to appear in the examination in pursuance to the order passed in July, 1987, but they were terminated since their performance was not found satisfactory. It is strange that the respondents discovered that the service of the applicants were not satisfactory after so many years of service. If the services of the applicants were not found satisfactory why they were allowed to continue in the service is not explained. After continuous service for so many years the applicant attained a temporary status. Instead of allowing such benefits they were not allowed to appear in the regularisation examination and they were removed from service while their juniors were retained in the service.

2. Under the orders of the Tribunal, the applicants shall now appear in the examination ~~the examination~~ and the results will be declared and in case they pass in the examination they will be taken back into service. Even otherwise, since the juniors to the applicants are retained in service the applicants will also be taken back and allowed to continue in service. No doubt, if the applicants are qualified for regularisation, they

A11

will be regularised on due dates though back-wages may not be given. In any event, the applicants will be re-appointed into service. No order as to cost.


Member (A)


Vice-Chairman

Dated/ 16 April, 1992, Lucknow.

(tgk)

8727

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

...

A.P. No. 528 of 1992

IN

A.N.No.553 of 1987

(C.A. No. 365 of 1983)

Rangilal and Others Applicants.

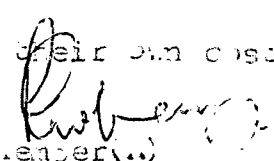
Versus

Union of India
and Others Respondents.

Hon. Mr. Justice C.C. Srivastava, V.C.
Hon'ble Mr. R. Upadhyaya, Member(A)

(By Hon. Mr. Justice C.C. Srivastava, V.C.)

This is an application for clarification of our judgment dated 16.4.1992. In the judgment we observed that the applicants shall now appear in the examination and the result will be declared and in case they pass in the examination, they will be taken back into service. By means of this application, the applicants have pointed out that they have already appeared in the examination vide order dated 30.7.1987 passed by this Tribunal. In case the applicants have appeared in the said examination, the results would be declared and if they have passed they will be taken back into service as has been observed by us in our judgment. With the above observations, the application for clarification is disposed of. Parties to bear their own costs.


Member(A)


V.P.-2-11-92

Date: 25.5.1992

(n.d.)

A13

Application U/S 19 of Administrative Tribunal Act, 1985

Filed on 17/3/1988

O.A. Registration No. 365 of 1988

Signature Of D.R.(J)

In The Central Administrative Tribunal, Allahabad-1

Between

Rangi Lal & 4 Others Applicants

A N D

(1) Supdt. RMS 'LW' X
Dn. Lucknow-1 X
X Respondents
(2) D.P.S., Lucknow X
Region, Lucknow-1 X

I N D E X

Sl. No.	Annexure Marked	Particulars Of Documents	Page No.
1	-	Application	2 to 6
2	A-I	DG P&T No.45/24/85-SPB I dated 21-8-83	7
3	A-II	Appointments letters	8 to 9
4	A-III	Memo. No.B2/174/Rectt/Ch.III dt.7-7-87 from Resp. No.1	10 to 11
5	A-IV	Memo. No.2-16/Term./Rangi Lal etc./87 dt.20-7-87 from Resp. 1	12 to 13
6	A-V	Appeal dated 8-8-87 to DPS Iko.	14 to 15

R.K. Tewari
(R.K. Tewari)
Advocate
154, Purshottamnagar,
Allahabad-16

अशोक कुमार शर्मा
शर्मा कुमार शर्मा
उमाशंकर शर्मा
निर्मल कुमार शर्मा

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- 2 -

DETAILS OF APPLICATION

Biographical of Applicants

(1) Harshad Kumar Gupta aged 25 years
S/O Shri Mahabir Prasad Gupta,
252, Hindustani Bazar, Lal Bazar, Lucknow-1

Entered the Deptt. as casual labour on 4/12/1980
vide Item 19 of Annexure A III on Page 11
and vide Ann. A-I on Page 9

(11) Arun Kumar Prasad Gupta aged 21 years
S/O Shri Mahabir Prasad Gupta,
250/23, Urabganj, Alakhnagar, Lucknow-4

Entered the Department as casual labour on 5/11/80
vide Annexure A-II on Page 9

(111) Rajesh Kumar Shukla aged 23 years
S/O Shri Ram Mohan Shukla,
255/173, Kunderi Rasta, Lucknow-4

Entered the Department as casual labour on 1/12/78
vide Item 3 of Annexure A III on Page 10

(1V) Uma Shankar Dwivedi aged 21 years
S/O Shri Laxmi Nath Dwivedi,
4, Shri Ram Building, Kunderi Rasta, Lucknow-1

Entered the Department as a casual labour on 18/1/83
vide Annexure A IV on Page 8 and 9

(V) Huzefa Lal aged 27 years

707 Colony, Badli Bazar, Lucknow-2

Entered the Deptt. as a casual labour on 18/1/83
vide Item 3 of Annexure A IV on Page 8 & 9

R. K. Tewari

R. K. TEWARI

154, Panchsheel Nagar

10/3/88
18/5/88

Filed on 10/3/88
noted on 25/4/88
R. J. ...
1983

Details of Application

1- Particulars of the Applicant :-

- (i) Name of the Applicant **Rangi Lal And Four Others**
- (ii) Father's Name **As detailed on page 2**
- (iii) Designation &
Office in which employed **All the applicants are the Ex -Employees**
- (iv) Office Address **of Head Record Office, RMS 'LW' Division,**
- (v) Address for service **Hazratganj, Lucknow-1**
- of all notices

2- Particulars of the Respondents :-

- (i) Name &/Or Designation **(1) Supdt. RMS 'LW' Division, Lucknow-1**
- (ii) Official Address **(2) D.P.S., Lucknow Region, Lucknow-1**
- (iii) Address for service **(3) The Union of India through the**
Secretary, Tripartite, New Delhi.
- of all notices

3- Particulars of the order against which application is made :-

- (i) Order No. **Z-16/Termination/Rangi Lal etc./87**
- (ii) Date **20-7-87** at Pages **to**
- (iii) Passed by **Supdt. RMS 'LW' Dn. Lucknow-1**
- (iv) Subject in brief **Termination Of Services.**

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 Tribunal Act, 1985.

6- Facts of the case

The facts of the case are given below :-

(1) अनुपम कुमार (2) रंगीलाल (3) अनिल कुमार (4) निर्मल कुमार

(5) रमेश कुमार शुक्ला

R. J. ...

(i) The applicants are casual employees recruited by employment exchange and recruited after undergoing interview held by the learned respondent No. 1. Their exact dates of appointment are furnished on page 2 of this application. They were given jobs only after their furnishing satisfactory proofs of their age, educational qualification & good character. They have been continuously serving the Department, indisputably till the date of their discharge. By virtue of having rendered satisfactory service of more than 3 years at stretch they became entitled to be regularised as group 'D' employees as per latest orders of the Hon'ble Supreme Court.

No (ii) As (XXI) kindly see the separate 3 sheets,

~~(iii)~~ All the five applicants were permitted to appear at the recruitment examination for the recruitment of group 'D' employees held vide 1st order's Memo No. B-2/174/ Sectt. for III/87 dated 15-7-1987 under the order of this Hon'ble Tribunal issued on 30-1-1987 in case no. 653 of 1987 "Airbhai Nagar and 4 others v/s Supdt Rms Lko and another" still pending finalisation.

(XXII)

~~(iii)~~ In the mean time without any rhyme or reason the respondent No. 1 served each of the five applicants individually a notice for the termination of their services on the completion of one month. Copy of the said notice dated 20-7-1987 is appended herewith as Annexure No. IV on pages 12 to 13. The said notice

R. Tewari

(ii) That the applicants joined the department on 4.11.80, 5.11.80, 1.12.73, 13.1.33 and 18.1.33 respectively on the post of casual labour on daily wages. There is no break in services till 2.8.87 when they have been terminated from the services.

(iii) That the work and conduct of the applicant remained always satisfactory and there was no complaint against them from any corner.

(iv) That the applicants had completed more than one year services and they are entitled to be regularised on their posts treating them as permanent employees.

(v) That the petitioners have acquired the position of a regular ~~employee~~ permanent employee and they could not be ousted from the services in the manner adopted by the Opp. parties.

(vi) That the applicants are entitled to get the benefit of regularisation in the light of the Judgment of the Hon'ble Supreme Court of India passed in Writ Petition No. 373 of 1936 Daily rated casual labour Vs. Union of India reported in Administrative Tribunal Judgments 1938 (1) Page 59.

(vii) That the Hon'ble Supreme Court has directed in the Judgment to the authorities of the department to prepare a scheme on a rational basis for absorbing as far as possible the casual labour who have been continuously working for more than one year in the department. The applicants have completed more than 5 years services in the department.

(viii) That the Opp. parties have decided to hold the examination to regularise the services

A 17

- 2 -

preferred an appeal against the said notice to the learned D.P.S., Lucknow (Respondent No. 2) on 7-5-1987 vide copy at Annexure A-V on pages 15 to 20. As the appeal remained unattended for the last seven months the applicants have approached the Hon'ble Tribunal through this petition for seeking a redressal of their grievance.

(XXIV)
(iv) The services of each of us have been terminated from 20-8-1987 and we are facing starvation. The steps

that the termination orders contained in ANNEXURE A-5 in of all the applicants may be quashed holding it illegal, unconstitutional and void in the eye of law. They may be further allowed the salary and other benefits from the date of termination till the date of actual reinstatement in service.

It is further prayed that the services of the applicant may be directed to be regularised on their post of casual labourers.

It is also prayed that the costs of the application may be allowed alongwith the other relief which are just and proper in the circumstances of the case.

Amendment incorporated vide order passed by this Hon'ble Tribunal on 8.9.39

(F.M. Bajaj)
Advocate.
13.9.39.

- 6 -

8- Interim order, if prayed for— NIL

9- Details of the remedies exhausted

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

They preferred an Appeal to the learned DPS Lucknow on 8-8-1987 vide copy at Ann - V on Pages to .

As the same remained unattended for these last seven months hence this application is submitted

10- Matter not pending with any other court etc. :-

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law, or any other authority or any other bench of the Tribunal.

11- Particulars of the Postal Order in respect of the application fee :-

(i) No. of I. P. O. DD5/531299

(ii) Name of Issuing P. O. Allahabad H.P.O.

(iii) Date 29-2-1988

(iv) P. O. at which payable

Allahabad H. P. O.

12- Index- An Index of the documents to be relied upon is enclosed with each copy of this application

13- List of enclosures :-

(i) Vakalatnama

(ii) one I. P. O. for Rs. 50/-

(iii) Five documents to be relied upon

In Verification

We, Rangilal & 4 others, do hereby verify that the contents from 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

years R/O

Lucknow

and working as EDMP RMS Lko

verify that the contents from 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

Place- Allahabad

Date 17/3/88.

To

The Registrar, Central Administrative Tribunal,
Allahabad-211001

R. K. TEWARI
Advocate

154, Puri, Allahabad

(K. K. Tewari)
Allahabad-16

(1) Rangilal
(2) Signature of applicant

(3) उमाशंकर कुमार

(4) राजेश कुमार शुक्ला

(5) निर्मल कुमार शुक्ला

-7-

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Annexure AD

Copy of ~~xxxxx~~ communication No.45/24/85-SPB.I dated 21 August 1983 % the DG P&T New Delhi. Addressed to the All Heads of Circles endorsed by PMG UP Circle, Lucknow's no. Rec++/- 1-39/Ch.V/5 dtd. -1-84 addressed to this office along with others.

Sub:- Retrenchment of Casual Labours/Mazdoors when there is no work to engage them.

I am directed to enclose a copy of the orders issued on 8th of April, 1983 by the STM Section of the Directorate on the above subject for information and necessary action.

Copy of the letter no.269/23/83-SM, dated the 8th of April, 1983 from

Sub:- Retrenchment of Casual Mazdoors when ~~xxxxx~~ there is no work to engage them.

I am directed to invite a reference to this latter no.28-11/77-SM/STM, dated the 22nd of October, 1980 in which guide lines for retrenchment of casual mazdoors when there is no work was issued.

It has now been brought to the notice of this office by the staff Union that these guide lines are not being observed by some units while retrenching casual mazdoors i.e. persons serving for longer period are retrenched and persons having less service are allowed to continue. This is highly unjustified is, therefore, reiterated that in no case the services of senior casual labour should be dispensed with after retaining the junior casual labour in any unit due to no work.

You are therefore, requested to issue suitable instructions to this effect to all concerned urgently.

Sd/-

For Postmaster-General, UP

No.B-2/Estt/Rtg./Casual Labours' Dated at Lucknow; 16-2-84;

Copy forwarded for information & necessary action and guidance to:-

1. HAO RMS (O) Divn. Lucknow.
2. All SHOs of this division.
3. SHM (S+g.) Lucknow RMS.
4. All IRMs of this division & P.I. Lucknow RMS.
5. Office Copy and Spare.

Compliance may please made at once.

TRUE COPY

R. N. Tewari
(R. N. Tewari Advo.)

① राजेश कुमार शुक्ला

For Senior, Superintendent
R.M.S.(O) Division Lucknow

9
28-
A21
Annexure A - II

Indian P&T Department. Office Of H.R.O. RMS 'LW' Dn.

Certified that Shri Anup Kumar Outsider Casual Labour has worked under HRO RMS 'LW' Dn. Lucknow w.e.f. 5-11-80 to 11-9-86 as and when required on duty. His services are now no more required as per orders of SRM 'LW' Dn. Lucknow Memo. No. Z-16/Termination/A.Kumar/87 ~~87~~ dated 20-7-87

24-8-87 TRUE COPY Sd.S.Nath
HRO RMS 'LW' Dn. Lucknow-1

Rwfever
(R. H. Tewari Advo.)

Indian P&T Department
Office Of H.R.O. RMS 'LW' Division, Lucknow-1

Certified that Shri Rangilal O/S Casual Labour has worked under HRO RMS 'LW' Dn. Lucknow w.e.f. 23-1-83 as and when required on duty. His services are now not required as per orders of SRM 'LW' Dn. Lucknow Memo. No. Z/16/Termination/R.lal/87 dated 20-7-87.

25/8/87 TRUE COPY Sd. S.Nath
HRO RMS 'LW' Dn. Lucknow-1

Rwfever
(R. H. Tewari Advo.)

Indian P&T Department
Office Of HRO RMS 'LW' Division, Lucknow-1

Certified that Shri Uma Shanker Dwivedi S/O Shri K.N.Dwivedi is working as casual labour under HRO RMS 'LW' Dn. Lucknow w.e.f. 20-1-1983.

Further in Compliance to Supdt. RMS 'LW' Dn. Lucknow Memo. No. Z-16/Termination/U.S.Dwivedi/87 dated 20-7-87 the services of of Shri Uma Shanker Dwivedi are not required in this office from 20-8-87.

22-7-87 TRUE COPY Sd. S.Nath
HRO RMS 'LW' Dn. Lucknow-1

Rwfever
(R. H. Tewari Advo.)

Indian P&T Department
Office Of HRO RMS 'LW' Division, Lucknow-1

Certified that Shri Nirbhai Kumar Gupta s/o Shri M.P.Gupta is working as casual labour under HRO RMS 'LW' DN Lucknow w.e.f. 4-11-80. Further in compliance to SRM 'LW' Dn. Memo. No. Z-16/Termination/Nirbhai Kumar/87 dated 20-7-87 the services of Shri Nirbhai Kumar are not required to this office from 20-8-87.

22-7-87 TRUE C Sd. S.Nath
HRO RMS 'LW' Dn. Lucknow-1

Rwfever

श्रीमती गुप्ता
श्रीमती गुप्ता

श्रीमती गुप्ता
श्रीमती गुप्ता

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Deptt. of ...

Office of the Superintendent RHA, W.P. Division, Lucknow-226001.

Mem No: B-2/174/Recd/Lt/Lh.111/07/200, at Lucknow dated 12.7.87.

Sub: Recruitment Examination of Grade 'D' (Test Category)
for the year 1987.

After scrutiny of the applications received on the above subject, the following candidates have been found eligible to appear in the said examination as per verification on the applications by the Unit Incharges to be held on 12.7.87 at "AVANTRI MANSION" Building, 3-Vidhan Sabha Marg, Lucknow-226001. The priority list of the eligible candidates is being issued. If there is any complaint to the candidates, they should report within 20th July and after that the representations will not be considered. The PALL PERMIT is being issued separately.

1. Non-Test Category Candidates

Date from which
working in the
cadre.
22.3.68.

1. Shri Mahadeo, Attendant, RHA Ambala

2. ED Candidates.

1. S/Shri R.K.Dubey, ED MM, SRO Kasganj 9.4.79.
2. Amar Nath, ED MM, SRO Shahjahanpur 24.7.01.
3. Drik Pal, ED MM, SRO Shahjahanpur 25.7.81.
4. Istiaq Ali, ED, Chaukidar, HRO Lucknow 16.9.81.
5. Ram Bali, ED, Chaukidar, RH Ambala 17.12.81.
6. Bankey Lal Verma, ED, Chaukidar, HRO Lucknow 15.1.82.
7. Deoki Prasad, ED, W/M/Farrash, SRO Kasganj 25.2.82.
8. Babu Ram-II, ED, MM, SRO Bareilly 19.5.82.
9. Shao Shankor Shurma, ED, MM SRO Bareilly 21.8.82.
10. Udal Raj Singh, ED, WM/Farrash, HRO Lucknow 8.12.82.
11. Ram Lakhan, ED WM/Farrash, DO 8.12.82.
12. Jagjiwan Lal, ED WM/Farrash, Lucknow PSD 8.12.82.
13. Shamshad, ED Sweeper, DO 9.12.82.
14. Vijay, ED Sweeper, HRO Lucknow 10.12.82.
15. Smt. Budhan, ED Sweepress, Lucknow PSD 13.12.82.
16. Shri Yashoda Nandan, ED, MM, SRO Shahjahanpur 28.2.83.
17. Sohan Lal-III, ED Sweeper, SRO Bareilly 28.2.83.
18. Ganga Singh, ED, Chaukidar, SRO Kasganj 1.6.83.
19. Satvir Singh, ED MM SRO Bareilly 20.1.84.
20. Rajendra Kumar, ED MM SRO Bareilly 20.1.84.
21. Anand Prakash, ED MM SRO Bareilly 20.1.84.
22. Raja Ram, ED MM SRO Bareilly 20.1.84.
23. Vijay Kumar Sanjay, ED MM SRO Bareilly 20.1.84.
24. Raj Kumar, ED MM SRO Bareilly 28.1.84.
25. Om Pal Bhaskar, ED MM SRO Bareilly 20.1.84.
26. Babu Ram-III, ED MM SRO Bareilly 23.1.84.
27. Raghai Ram, ED Chaukidar, RH Mathura 7.2.84.
28. Duniya Dayal Misra, ED WM cum Farrash, SRO Shahjahanpur. 28.2.84.

3. Casual Labour.

1. S/Sri Ram Chandra, SRO Balawan 5.12.75.
2. Bhaskar Dutt, " " 14.8.76.
3. Amrit Lal " " 2.4.77.
4. Amar Singh " Shahjahanpur 27.11.78.
5. Rajesh Kumar Shukla HRO Lucknow 1.12.78.
6. Ram Singh-III, SRO Bareilly 3.1.79.
7. Vishnu Kumar, " " 29.1.79.

Contd...2.....

8.5/Sri Chhotey Lal,	HRD Lucknow	28.6.80
9. Nimbu Lal,	" "	3.11.80
10. Om Prakash Johar,	" "	3.11.80
11. Krishna Kumar Pandey,	" "	3.11.80
12. Raj Kumar Sharma,	" "	4.11.80
13. Nirbhay Kumar,	" "	4.11.80
14. Krishna Nand	" "	5.11.80
15. Surya Mohan Nath Pandey,	" "	5.11.80
16. Ashok Kumar	SRO Bareilly	17.2.82.
17. Suresh Chandra Seth	" "	18.2.82.
18. Mohd. Israil	HRD Lucknow	18.1.83.
19. Santosh Kumar	" "	18.1.83.
20. Suraj Prasad	" "	18.1.83.
21. Santosh Kumar Singh	" "	18.1.83.
22. Vijay Kumar Kurael	" "	18.1.83.
23. Rama Kant Singh Yadav	" "	19.1.83.
24. Vinod Narain	" "	20.1.83.
25. Mohd. Shamim	" "	20.1.83.
26. Kuli Prasad	" "	21.1.83.
27. Anant Kumar	" "	27.1.83.
28. Santosh Kumar	" "	15.3.83.
29. Deep Kumar II	SRO Bareilly	16.3.83/Division
30. Sohan Lal-I	" "	16.3.83
31. Navin Kishore Pandey	" "	16.3.83
32. Murari Lal	" "	16.3.83
33. Raghu Nath Pd.	" "	16.3.83
34. Ram Narain	" "	16.3.83
35. Om Prakash-III	" "	16.3.83
36. Bijay Kumar	" "	16.3.83
37. Mohd. Aslam	" "	16.3.83
38. Surendra Prakash	" "	17.3.83
39. Chandra Pal	" "	17.3.83
40. Sohan Lal-II	" "	17.3.83

4. PART TIME WORKERS

41. Sri Rakesh Sweeper, SRO Shahjahanpur 13.1.82.
 42. " Vijay Kumar Sharma, Chaukidar, RH Bareilly 7.7.79

J. R. Kamal
 (J.R. Kamal)
 Superintendent RMS
 'LW' Dn., Lucknow.

Copy for information and n/a to:-

- ✓ 1-71. All the concerning candidates (By Registered Post).
 72. The HRD RMS 'LW' Dn., Lucknow.
 73-76. SROs RMS 'LW' Dn., Balamau/Shahjahanpur/Bareilly/Kaeganj.
 77-78. JRM LW-Ist/JRM LW-IIInd Sub-Dn., Lucknow.
 79-81. ASRMs Divl. Office/AM Stg/1 Lko./Bareilly.
 82. Steno to SRM 'LW' Dn., Lucknow.
 83. Stock Stt., RMS 'LW' Dn., Lucknow.
 84. Office Supervisor, Divl. Office 'LW' Dn., Lucknow.
 85-90. Office copy and Spare.

TRUE COPY

R. Tewari
 (R. Tewari Advo.)

VMS/Steno/

C. R. Tewari

R. Tewari

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A24

Govt. of India
Deptt. of Posts.

Memd Nos:-2-16/Termination/RK Shukla/87 Dtd. at Lko. the 20.7.87.

I, hereby, give notice to Shri Rajesh Kumar Shukla, Casual Labour/Out Sider MM attached to HRO RMS 'LW' Dn., Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Comm. Nos-49-58/84-SPB-I dtd. 12.2.85 endorsed vide PMG UP Circle, Lucknow's letter Nos-Reott/R-39/V/5 dtd. 30.3.85.

TRUE COPY

(J.R. Kamal)
Superintendent RMS
'LW' Dn., Lucknow.

Copy to:-

1-3. Shri Rajesh Kumar Shukla, O/S MM C/O HRO 'LW' Dn., Lucknow/HRO RMS 'LW' Dn., Lucknow for information and n/a. The accompanying copy of this memo may pl. be delivered to Shri Rajesh Kumar Shukla, O/S MM & his dated acknowledgement be sent to this office.

4-5. HRO (A/Ce) 'LW' Dn., Lucknow/PMG UP Circle, Lucknow

6. DPS Lucknow Region, Lucknow-226007

7-8. Office copy and spare.

Annexure A V
Govt. of India
Deptt. of Posts

Memd. No. 2-16/Termination/Rangil Lal/87 dtd. at Lko. the 20.7.87.

I, hereby, give notice to Shri Rangil Lal, Casual Labour/Out Sider MM attached to HRO RMS 'LW' Dn., Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Comm. No. 49-58/84-SPB I dtd. 12/2/85 endorsed vide PMG UP Circle, Lucknow's letter No. Reott/R-39/V/5 dtd. 30/3/85

(J.R. Kamal)
Superintendent RMS
'LW' Dn., Lucknow.

TRUE COPY

(R. K. Tewari Advo.)

८ राजेश कुमार शुकल २५/७/८७

Annexure A (Contd.)

Govt. of India
Deptt. of Posts

Memo No:-Z-16/Termination/US Dwivedi/87 Dtd. at Lko. the 20.7.87.

I, hereby, give notice to Shri Uma Shankar Dwivedi, Casual Labour/Outsider MM attached to HRU RMS 'LV' Dn., Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Comm. No:-49-58/84-SPB-I dtd. 12.2.85 endorsed vide PMG UP Circle, Lucknow's letter No:-Rectt/R-39/V/5 dtd. 30.3.85.

TRUE COPY

R. H. Tewari

(R. H. Tewari Advo.)

(J.R. Kamal)
Superintendent RMS
'LV' Dn., Lucknow.

Govt. of India
Deptt. of Posts

Memo No:-Z-16/Termination/AKumar/87 Dtd. at Lucknow the 20.7.87.

I, hereby, give notice to Shri Anup Kumar, Casual Labour/Outsider, MM attached to HRU RMS 'LV' Division, Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Communication No:-49-58/84-SPB-I dtd. 12.2.85 endorsed vide PMG UP Circle, Lucknow's letter No:-Rectt/R-39/V/5 dtd. 30.3.85.

(J.R. Kamal)
Superintendent RMS
'LV' Dn., Lucknow.

Govt. of India
Deptt. of Posts

TRUE COPY

R. H. Tewari

(R. H. Tewari Advo.)

Memo No:-Z-16/Termination/Nirbhai Kumar/87 dtd. at Lw the 20.7.87.

I, hereby, give notice to Shri Nirbhai Kumar, Casual Labour/Outsider MM attached to HRU RMS 'LV' Dn., Lucknow that his engagement shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on him. This is in accordance with the instructions contained in DG P&T Comm. No:-49-58/84-SPB-I dtd. 12.2.85 endorsed vide PMG UP Circle, Lucknow's letter No:-Rectt/R-39/V/5 dtd. 30.3.85.

TRUE COPY

R. H. Tewari

(R. H. Tewari Advo.)

(J.R. Kamal)
Superintendent RMS
'LV' Dn., Lucknow.

Copy to:- 1-3. Shri Nirbhai Kumar, O/S MM C/O HRU 'LV' Dn., Lucknow/HRU RMS 'LV' Dn., Lucknow for information and n/s. The accompanying copy of this memo may please be delivered to Shri Nirbhai Kumar, O/S MM and his dated acknowledgment be sent to this office.

4-5. HRU (A/Cs) 'LV' Dn., Lucknow/PMG UP Circle, Lko.
6. DPS Lucknow Region, Lucknow-226007

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Annexure AD

THROUGH PROPER CHANNEL

To,

The Director Postal Services,
Lucknow Region,
Lucknow-I,



Appeal against one Months Notice for the Termination of services given by the Superintendent, R.M.S. "Lw" Division, Lucknow vide his Memo No. 2-16/Termination/R.K. Shukla/87, dt. 20/7/87 copy enclosed.

Sir,

The applicant R.K. Shukla aged 26 years S/o Sri Ram Sahai Shukla working as casual labour in H.R.O., R.M.S. "Lw" Division at Lucknow respectfully begs to submit as follows:-

(1) That the applicant entered the department as a Casual Labour on 1/12/78. He fulfils the condition of Nomination from Employment Exchange and was recruited after undergoing an interview and also a police verification. No appointment order was given to the applicant by the learned S.R.M. "Lw" Division, who simply conveyed the names and full particulars to the H.R.O. "Lw" Division of all those who were found fit to be recruited and directed him to start taking work from the applicant.

(2) In this way the appellant started working from 1/12/78 and had been working continuously uninterrupted till today. He was received with a notice by the learned S.R.M. "Lw" Division vide his memo cited above.

(3) The appellant was permitted for the Examination to be held on 12/7/87 vide S.R.M. Memo No. B-2/174/Rectt/Ch III/87 dated 7/7/87 at SL5 of the casual labour. That examination was cancelled reasons best known to him. The learned S.R.M. held the examination on 2/8/87 for the group 'D' employees vide his memo No. B-2/174/Rectt/Ch III/87, dated 15/7/87. The appellant was initially not permitted to appear in the said examination although by virtue of having rendered much more than two years of service he was fully entitled to appear in that examination in accordance with the D.G. P & T No. 269/142/75 S.T.B.I. dated 20/2/76. He was all the more entitled to appear at the said examination because casual labours junior to him ^{were} permitted to appear at the examination. He was however, permitted to appear the examination at the intervention of the Hon'ble Central Administrative Tribunal, Allahabad. The result of the examination is, however, held up and the question of its announcement or not is sub-judice.

cont.: 2

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11 2 11

A27

(4) The impugned notice of termination of services after one month is unwarranted and unjustified and it deserves to be quashed for reasons stated above.

:: Grounds of Appeal ::

Because the termination of services of an employee who has already rendered more than three years of services is in ~~manifest~~ contravention of Art. 311(2) of the Constitution unless he has been given a show cause notice and also an opportunity to defend himself.

11 PRAYER 11

It is, therefore, humbly prayed that the impugned Notice and also the termination order if the same is passed before the appeal is decided be both quashed.

Dated: 07/08/87.

राजेश कुमार शुक्ला
Yours faithfully,

(R. K. SHUKLA)
RMS. L.W. DN.
LUCKNOW.

Copys - Submitted direct to D.P.S., Lucknow for necessary action.

2 Copies Receipt

TRUE COPY
R. Tewari
(R. K. Tewari Advo.)

7/8/87

① राजेश कुमार शुक्ला

No. 089

R. P.-51 (a)

Stamps affixed except in case of unisu-Rs. P. red letters of not more than the initial Date Stamp weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Received a V. P. Registered addressed to



Insured for Rs. (in figures)

(in words)

weight

rate

Insurance fee Rs.

(in words)

grams

-16-
A28

To

The Director Postal Services,
Lucknow Region, Lucknow-1.

Through Proper Channel.

Appeal against one Months Notice for the Termination of Services given by the Superintendent RMS 'LW' Division, Lucknow vide his Memo. No. Z-16/Termination/Nirbhay Kumar/87, dated 20.7/87 copy enclosed.

Sir,

The appellant Nirbhay Kumar aged 27 years S/o. Shri Mahabir Prasad Working as Casual labour in HRO RMS 'LW' Division at Lucknow respectfully begs to submit as follows:-

- (1) That the appellant entered the Deptt. as a Casual Labour on 4.11.1980. (He was sponsored by the Local Employment Exchange) and was recruited after undergoing an Interview and also a Police verification. No. appointment order was given to the appellant by the learned SRM 'LW' Dn. who simply conveyed the names and full particulars to the HRO 'LW' Dn. of all those who were found fit to be recruited and directed him to start taking work from the appellant.
- (2) In this way the appellant started working from 4.11.1980 and had been working continuously uninterrupted till today. He was served with a notice by the learned SRM 'LW' Dn. vide his Memo. cited above.
- (3) The appellant was permitted for the Examination to be held on 12.7.87 vide S.R.M. Memo. No. B-2/174/Rectt/Ch III/87, dated 7.7.87 at SL 13 of the Casual Labour. That examination was cancelled reasons best known to him. The learned S.R.M. held the examination on 2.8.87 for the group 'D' employees vide his Memo. No. B-2/174/Rectt/Ch III/87, dated 15.7.87. The appellant was initially not permitted to appear in the said examination although by virtue of having rendered much more than two years of service he was fully entitled to appear in that examination in accordance with the D.G.P&T No. 269/142/75 S.T.B.I. dated 20.2.76. He was all the more entitled to appear at the said examination because Casual Labours junior to him were permitted to appear at the examination. He was, however, permitted to appear at the Examination at the intervention of the Hon'ble Central Administrative Tribunal Allahabad. The result of the Examination is, however, held up and the question of its announcement or not is sub-judice.

The impugned notice of termination of services after one month is unwarranted and unjustified and it deserves to be quashed for reasons stated below:-

* Grounds of Appeal *

Because the termination of services of an employee who has already rendered more than 3 years of service is in contravention of Art. 311(2) of the Constitution unless he has been given a Show-Cause Notice and also an opportunity to defend himself.

:: P R A Y E R ::

It is, therefore, humbly prayed that the impugned Notice and also the termination order if the same is passed before the appeal is decided be both quashed.

Dated 8.8.1987

Copy sent direct to DPS, Lucknow for N.A.

Yours faithfully,
निर्भय कुमार २३६००७

TRUE COPY

R. K. Tewari
(R. K. Tewari)

कार्यालय निदेशक

आर.के.टी. नं. २३६००७

110 AUG 1987

कलकत्ता-२३६००७

Received

10/8/87

The Director Postal Services,
Lucknow Region, Lucknow-226007.

THROUGH PROPER CHANNELS.

Subj: Appeal against one months notice for the Termination of services
given by the Superintendent RMS'LN' Division, Lucknow vide his memo No.
B-13/Termination/.Dns.Sha/ker Dwevedi/87 dated 20.7.87 copy enclosed.

Sir,

The applicant Mr. Shanker Dwevedi aged s/o E. M. Dwevedi working
as General labour in HRC RMS'LN' Division at Lucknow is respectfully
to submit as follows:-

(1) That the applicant entered the Dept. as a Casual labour on 20.1.83.
He was sponsored by the local Employment Exchange and was required after
undergoing an interview and also a Police Verification. No appointment
order was given to the applicant by the learned SSM'LN' Dns. who simply
conveyed the names and full particulars to the HRO'LN' Dns. of all those
who were found fit to be recruited and directed him to start taking work
from the applicant.

(2) In this way the applicant started working from 20.1.83, and had
been working continuously uninterrupted till. He was served with a
notice by the learned SSM'LN' Dns. vide his memo cited above.

(3) The learned SSM' also held an Examination on 2.8.87 for the recruit-
ment of Group Employees vide his memo no. B2/174/Recdt/Ch.III/87 dt. 15.7.87.
The applicant was initially not permitted to appear in the said examination,
although by virtue of having rendered much more than two years of service
he was fully entitled to appear in that examination in accordance with
the DG P&T No. 269/142/75 STB I dt. 20.2.76. He was all the more entitled
to appear at the said examination because casual labours junior to him
were permitted to appear at the examination. He was, however, permitted
to appear at the Examination at the intervention of the Hon'ble Central
Administrative Tribunal, Allahabad. The result of the examination is,
however, held up and the question of its announcement or not is sub-
judice.

(4) The impugned notice of termination of services after one month
is unwarranted and unjustified and it deserves to be quashed for reasons
stated below:-

GROUND OF APPEAL

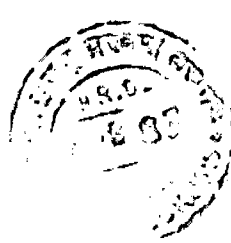
Because the termination of services of an employee who has already
rendered more than 3 years of services is in contravention of Art. 311
(2) of the constitution unless he has been given a show-cause notice
and also an opportunity to defend himself.

PRAYER

It is, therefore, humbly prayed that the impugned notice and also
the termination order if the same is passed before the appeal is decided
be both quashed.

Yours faithfully,

34/2/87
(Signature of Mr. Shanker Dwevedi)
(Name of the Applicant)



20.8.87

The Director Postal Services, Lucknow Region, Lucknow-226007.
(The Director's Office)

TRUE COPY

(Signature)
(Name of the Officer)

-18-

Through proper Channel. 11.2.0 1.0

12. The appeal is granted.....

(11) In this way the appellant continued working from 7:30 AM to 1:30 PM and then working continuously until 10:00 PM. He did not stop working for any reason during this time. He did not stop working for any reason during this time. He did not stop working for any reason during this time.

11. In addition to the above, the following individuals were also entitled to representation under the L.G.F. P.O. 401/1/75-76 and 401/1/76-77. The individuals were entitled to represent the L.G.F. P.O. because they were labourers junior to him in the L.G.F. P.O. and were entitled to representation under the L.G.F. P.O. 401/1/75-76 and 401/1/76-77. The individuals were entitled to representation under the L.G.F. P.O. because they were labourers junior to him in the L.G.F. P.O. and were entitled to representation under the L.G.F. P.O. 401/1/75-76 and 401/1/76-77.

GROUND OF APPEAL

(11) Use the "Pulling Out Bug" is intended to place
and remove the institution of an inquiry after
the official has been removed from the office
by the agency of the Department of Justice.

It is, therefore, possible to say that the proposed letter to the termination order if the same is proposed for the 1st of January 1960.



Copy to: 1. [illegible] [illegible]

TRUE COPY

(R) *[Signature]*
 100

The Director Postal Services,
Lucknow Region, Lucknow-1.

Appeal against One Months Notice for the Termination of Service given by the Superintendent RNS 'LW' Division, Lucknow vide his Memo. No. 3-10/Termination/A.4.447.../87 dated 20/7/87 copy enclosed.

(11) That the appellant entered the Deptt. as a casual labour on 1.1.1986. He was sponsored by the local Employment Exchange and was recruited after undergoing an Interview and also a Police Verification. No. appointment order was given to the appellant by the concerned SRA 'LW' Div. who simply conveyed the names and full particulars to the HRO 'LW' Div. of all those who were found fit to be recruited and directed him to start taking work from the appellant.

From 11/9/86 he was put off duty without assigning any reason, and in continuation he was served with a notice by the learned SSM 'LW' Div. vide his memo cited above.

(14) The impugned notice of termination of services after one month is unwarranted and unjustified and it deserves to be quashed for the following reasons:-

(1) Because the termination of services of an employee who has already rendered more than 3 years of services is in contravention of Art.311(2) of the constitution unless he has been given a show-cause Notice and also an opportunity to defend himself.

P R A Y E R

It is, therefore, humbly prayed that the King's Most Excellent Majesty will be graciously pleased to give His Majesty's assent to the termination of the said Bill if the same is passed before the expiration of the said term of months.

Yours faithfully

SECURITY

21. Feb 3, Sunday

133

✓✓

1

100-443888-1

3

Received
2/19/08

Rangil Lal & 4 others

Versus

Supdt. RMS 'DW'

On Lucknow-1 and another.

----- Respondents.

70,

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

The humble application of the
abovenamed Applicant Most Respectfully Shows

AB21

-2-

1. That for the facts and circumstances stated in the accompanying counter affidavit it is expedient in the interest of justice that the relief claimed by the applicants may kindly be rejected; otherwise the respondents will suffer irreparable loss.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to reject the relief claimed by the applicants.

ABSM
(N.B. SINGH)
Senior Standing Counsel
Central Government.

Dated:

135

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALMABAD.

COUNTER AFFIDAVIT

IN

REGISTRATION NO. 365 OF 1988

(DISTRICT : LUCKNOW)

Rangi Lal and others ----- Applicants

Versus

Supdt. R.M.S. 'LW' Dn.

Lucknow-1 and another.

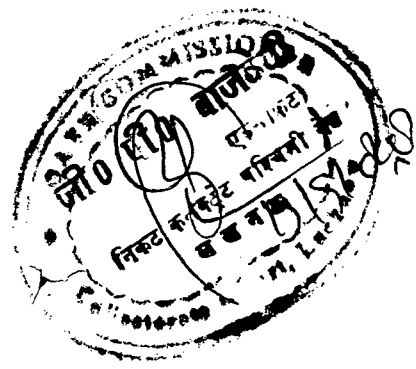
----- Respondents.

AFFIDAVIT of J. R. Karmach
aged about 56 years, son of
Sri Lalishree Chandra Rao.
at present posted as Supdt.
RMS 'LW' Division.
Lucknow.

J. R. Karmach
(DEPONENT) 1919

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

J. R. Karmach
365



1. That the deponent is the

and has been deputed to file this counter affidavit on behalf of respondents in the aforesaid case and as such he is well acquainted with the facts of the case deposed to below.

2. That the deponent has read the application filed by Sri Rangi Lal and others in the Hon'ble Tribunal and has understood their contents.

3. That the contents of paragraph 6(1) of the application are not admitted as stated. It is stated that no appointment letter was ever issued in favour of the petitioners. The petitioners were engaged from time to time for their engagement only whenever necessity arose in the capacity of casual labour on daily wages. Their continued engagement was not considered necessary due to certain reasons. Their engagement was terminated after giving one month's notice. It is further stated that the



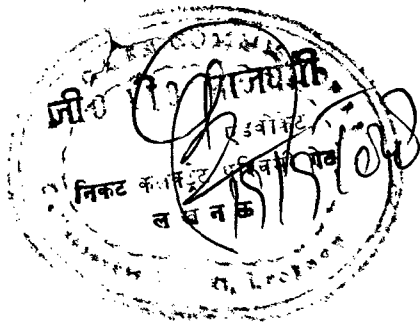
Dr. A. C. S.
21/8

857

-2-

working of the petitioners was not satisfactory. It is absolutely wrong to say that the department was satisfied with the working of the petitioners. The petitioners engagement has already been terminated as such there is no reason for their regularisation as Group 'D' employees.

4. That the contents of paragraph 6(ii) of the application are not admitted as stated. It is stated that the memo No.B-2/174/Rectt/ChIII/87 dated 15.7.87 does not contain the name of all the five applicants. None was permitted to appear in the rectt. examination for the rectt. of Group 'D' employees under said memo. A copy of the said memo is filed herewith and the same is marked as ANNEXURE-1 to the counter affidavit. They were permitted to appear in the examination only in pursuance of the order of the Hon'ble Tribunal passed on 30.7.1987.

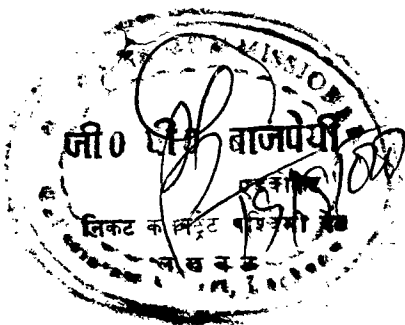


Annex 5
218

5. That the contents of paragraph 6(iii) of the application are not admitted as stated. There were certain reasons for issuing notice for termination of their engagements. Their continued engagement was not found satisfactory. It is admitted that the petitioners have submitted their appeals on the dates shown against each :

- (1). Shri Uma Shanker Dwivedi on 8.8.87
- (2). Shri Nirbhay Kumar on 8.8.87
- (3). Shri Rajesh Kumar Shukla on 7.8.87
- (4). Shri Rangi Lal on 10.8.87
- (5). Shri Anup Kumar Srivastava on 10.8.87.

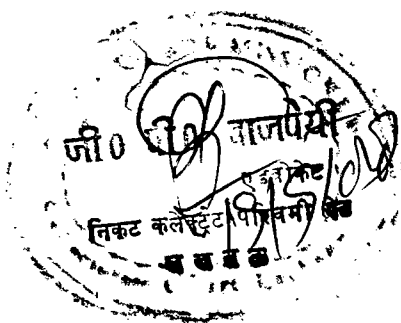
It is further stated that the petitioners have sought relief as item no.7(ii) to declare the order of termination notice as void but the said portion of the application was not considered by the Hon'ble Tribunal vide case No.653 of 1987. The said petition was admitted after deletion of the said para.



Success
318

6. That the contents of paragraph 6(iv) of the application are not admitted as stated. It is stated that there is no question of retrenchment of casual labour. Their engagements were terminated due to certain reasons and unsatisfactory work of the petitioners.

7. That in reply to the contents of paragraph 7(i) of the application it is stated that the relief sought by the petitioners is irrelevant. They were not holding any post. They were merely approved candidates and were engaged whenever the work of an office was not managable by the existing staff. They were neither appointed against any post nor were engaged at any post. As such there is no question of taking back the applicants to any post. Likely, relief for against para 7(ii) " that the respondent may further be directed to count the previous services of the applicant for all purposes." Only a day on which an outsider physically works is accounted for number of days for his



Amicus
318

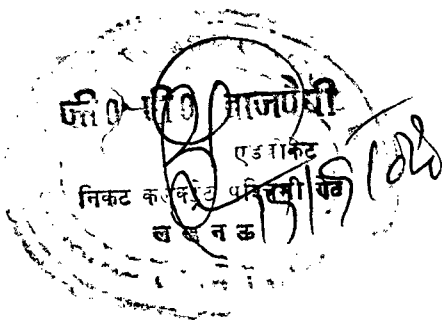
eligibility to appear in the examination. There is no question of counting a day or days on which an out sider does not work, for any purpose.

8. That the present petition is not maintainable. There is no cause of action.

9. That the departmental appeal is still pending hence they should first press the departmental appeal.

10. That the person can not file any petition.

11. That the applicant has failed to make out any case for interference by this Hon'ble Tribunal jurisdiction, the present petition is misconceived and the same is liable to be dismissed.



Am...
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of this affidavit are based on legal advice which all I believe to be true, no part of it is false and nothing material has been concealed.

Donnell Donnell
1919 318

Deponent



L. P. T. Smith
Clerk

AR

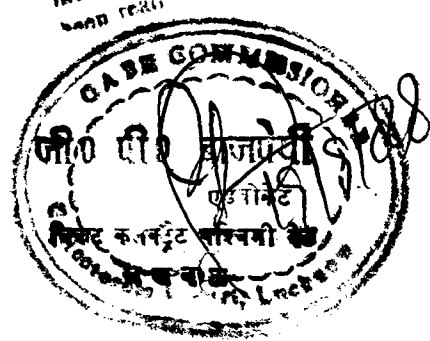
Solemnly affirmed before me on this 19th day of Sept, 1988 at 11-12 a.m./p.m. by the deponent who has been identified by the aforesaid person.

one 72 PM
11-10
J. R. Kamal

I solemnly affirm before me
A.M./P.M. by Sri/Smt
who is identified Sri/Smt
Clark to Shri
I have satisfied my self
he deponent that he
the contents of this
been read out and explained to him

I have satisfied myself by examining the deponent that he understands the contents of this affidavit.

19/9/88



OATH COMMISSIONER

I identify to the deponent who has signed / shown signature before me
19/9/88

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Memo No. D-2/174/Rectt/ Ch III/ 87 Dated at Lucknow 15-7-87.

Subject:- Recruitment Examination of Group 'D' (Test-Category) for the year 1987.

After scrutiny of the applications received on the above subject, the following candidates have been found eligible to appear in the said examination as per verification on the applications by the Unit Incharges to be held on 2-8-87 at 'AVANBAI MANSION' Building, 3 Vidhan Sabha Marg, Lucknow 226001. The names of eligible candidates are shown as per their seniority. If there is any complaint to the candidates, they should report within 25th July '87 and after the representations will not be considered. The HALL PERMITS are being issued separately.

LIST OF CANDIDATES.

Sr. No.	Name of the candidate.	Date from which working in the Dept.
1		3

1. NON TEST CATEGORY CANDIDATES.

1. Shri Mahadeo LC Attendant RH Ambala. 22. 3. 68.

2. E.D. CANDIDATES.

1.	Shri R.K. Dubey	UC	ED MM SRU Kasganj	9.	4.79.
2.	" Amar Nath	UC	ED MM SRU Shahjohanpur	24.	7.81.
3.	" Drik Pal	SC	ED MM SRU Shahjohanpur	25.	7.81.
4.	" Istiaq Ali	UC	ED Chawkidar HRD Lucknow	16.	9.81.
5.	" Ram Bali	SC	ED Chawkidar RH Ambala.	17.	12.81.
6.	" Dankay Lal Varma	SC	ED Chawkidar HRD Lucknow	15.	1.82.
7.	" Dooki Prashad	SC	ED WM/Farrash SRU Kasganj	25.	2.82.
8.	" Shyam Bali	UC	ED WM/Farrash SRU Balanau	27.	2.82. (P)
9.	" Babu Ram II	UC	ED MM SRU Bareilly	10.	5.82.
10.	" Shao Shanker Sharma	UC	" "	21.	8.82.
11.	" Udai Raj Singh	UC	ED WM/Farrash HRD Lucknow	8.	12.82.
12.	" Ram Lakhan	SC	ED WM/Farrash DR Lucknow.	8.	12.82.
13.	" Jagjiwan Lal	UC	ED WM/Farrash Lucknow PSU.	8.	12.82.
14.	" Shamshad	SC	ED Sweeper DR Lucknow.	9.	12.82.
15.	" Vijay	SC	ED Sweeper HRD Lucknow.	10.	12.82.
16.	Smt. Buddhan	SC	ED Sweepers Lucknow PSU.	13.	12.82.
17.	Shri Yashoda Nandan	UC	ED MM SRU Shahjohanpur	28.	2.83.
18.	" Sohan Lal III	SC	ED Sweeper SRU Bareilly.	28.	2.83.
19.	" Ganga Singh	UC	ED Chawkidar SRU Kasganj.	4.	6.83.
20.	" Satvir Singh	UC	ED MM SRU Bareilly.	20.	1.84.
21.	" Rajendra Kumar	UC	ED MM SRU Bareilly	20.	1.84.
22.	" Anand Prakash	SC	" "	20.	1.84.
23.	" Raja Ram	UC	" "	20.	1.84.
24.	" Vijay Kumar Sanjay	SC	" "	20.	1.84.
25.	" Raj Kumar	UC	" "	20.	1.84.
26.	" Om Pal Bhaskar	SC	" "	20.	1.84.
27.	" Babu Ram III	UC	" "	23.	1.84.
28.	" Rughai Ram	UC	ED Chawkidar RH Nathura.	7.	2.84.
29.	" Luniya Dayal Misra	UC	ED WM/Farrash SRU Sjp.	23.	2.84.

Page A.

S.No. Name of the candidate.

Date from which
working in Depott.

3. CASUAL LABOUR

1.	Shri Ram Chandra	UC SRD Balamau	5.12.75.
2.	" Bhaskar Dutta	UC "	14. 3. 76.
3.	" Amrit Lal	UC "	2. 4. 77.
4.	" Amar Singh	SC SRD Shahjahanpur.	27.11. 78.
5.	" Ram Singh III	OC SRD Bareilly.	3. 1. 79.
6.	" Vishnu Kumar	OC " "	29. 1. 79.
7.	" Chhotey Lal	SC HRD Lucknow.	28. 6. 80.
8.	" Nimbu Lal	SC " "	3.11. 80.
9.	" Om Prakash Johar	SC " "	3. 11. 80.
10.	" Krishna Kumar Pandey	OC " "	3. 11. 80.
11.	" Raj Kumar Sharma	OC " "	4. 11. 80.
12.	" Krishna Nand	OC " "	5. 11. 80.
13.	" Surya Mohan Nath Pandey	OC " "	5. 11. 80.
14.	" Ashok Kumar	OC SRD Bareilly	17. 2. 82.
15.	" Suresh Chandra Seth	OC " "	18. 2. 82.
16.	" Mohd Israil	OC HRD Lucknow.	18. 1. 83.
17.	" Santosh Kumar	OC " "	18. 1. 83.
18.	" Suraj Prasad	OC " "	18. 1. 83.
19.	" Santosh Kumar Singh	OC " "	18. 1. 83.
20.	" Vijay Kumar Kureel	SC " "	18. 1. 83.
21.	" Rama Kant Singh Yadav	OC " "	19. 1. 83.
22.	" Vinod Narain	SC " "	20. 1. 83.
23.	" Mohd Shamlu	OC " "	20. 1. 83.
24.	" Kall Prasad	OC " "	21. 1. 83.
25.	" Sanat Kumar	OC " "	27. 1. 83.
26.	" Santosh Kumar	OC " "	15. 3. 83.
27.	" Sohan Lal, I	OC SRD Bareilly	16. 3. 83.
28.	" Navin Kishore Pandey	OC SRD Bareilly	16. 3. 83.
29.	" Muzari Lal	OC " "	16. 3. 83.
30.	" Raghu Nath Pd.	OC " "	16. 3. 83.
31.	" Ram Nargin	OC " "	16. 3. 83.
32.	" Om Prakash III	OC " "	16. 3. 83.
33.	" Vijay Kumar	OC " "	16. 3. 83.
34.	" Mohd Aslam	OC " "	16. 3. 83.
35.	" Surendra Prakash	SC " "	17. 3. 83.
36.	" Chandra Pal	OC " "	17. 3. 83.
37.	" Sohan Lal II	SC " "	17. 3. 83.

4. PARTTIME WORKERS.

38.	" Rakesh	SC Sweeper SRD Shahjahanpur	13. 1. 83.
39.	" Vijay Kumar Sharma	OC Chaudidar RH Dly	7. 7. 79.

Superintendent

RMS 'L.' Dn. Lucknow

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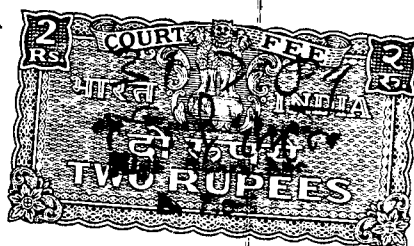
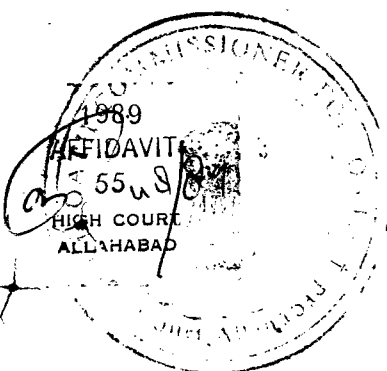
- 1-61. All candidates as above (BY Regd. Post).
70. Hzo RMS 'L.' Dn Lucknow.
- 71-76. Sro Balamau / Bareilly/ Kasganj/Shahjahanpur.
- 75-76. IRM LW-I/ LW-II Sub Dn. Lucknow.
- 77-78. ASHM Dn./ AMStg./1 Lucknow/Bareilly.
80. Steno to SRM 'LW' Dn. Lucknow.
81. Stock Asstt. Dn. RMS 'LW' Dn. Lucknow.
82. Office Supervisor Divisional Office.
- 83-84. Office Copy and spare.

AUS

In the Hon'ble Central Administrative Tribunal
Additional Bench Allahabad

Circuit Bench - Lucknow.

O.A. No.365 of 1988(A)



Rangi Lal & Others ... Petitioners
Vs.
The Union of India & Others ... Opp. parties

Rejoinder Affidavit in the matter of:

Amendment Application

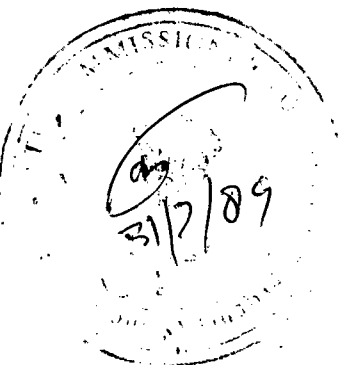
I, Rangi Lal aged about 29 years, S/o Sri Peshman Mo RPF
blauy, Sachr Bazar, Allahabad do hereby solemnly affirm that

1. That the deponent had read the Affidavit filed by Sri S.S. Dhusia on behalf of the Opp. parties. He is not party in the case and could not file the Affidavit on behalf of the Opp. parties.

2. That the deponent is applicant no.1 and is also parokar on behalf of other Petitioners. He has understood the contents of the Affidavit filed by Sri Dhusia. He is able to give the answer of the Affidavit.

3. That the contents of para 1 of the Affidavit are denied. Sri Dhusia has no power to file the Affidavit in the case.

4. That the contents of para 2 & 3 of the Affidavit are denied. The contents of para 1 the Amendment application are reiterated.



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5. That the contents of para 4 of the Affidavit are denied. The application for amendment is necessary to be allowed in the interest of justice. The application is liable to be allowed.

6. That the contents of para 5 of the Affidavit are denied. The Petitioners had worked in the department and they have acquired the status of employees of the department as a permanent employee, because they had worked more than 240 days regularly without any break. The services could not be terminated in the manners adopted by the Opp. parties. The written orders of termination were necessary.

7. That the contents of para 6 of the Affidavit are denied. The contents of para ~~2~~ ² ~~of~~ ² ~~the~~ ² (iii) of the Amendment application are reiterated.

8. That the contents of para 7 of the Affidavit are denied. All the Petitioners have completed 240 days regular services which amount to one year under the provisions of Industrial Dispute Act. They are entitled to be regularised on their posts.

9. That the contents of para 8 of the Affidavit are denied. The contents of para (VII) of the Amendment Application are reiterated.

10. That the contents of para 9 of the Affidavit are denied. The termination was illegal and without jurisdiction.

11. That the contents of para 10 of the Affidavit are denied. The deponent could not appear in the examination, due to illness.



20/1/89

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3.

He is entitled to get an other chance in the examination, if necessary. Infact he has already acquired the status of permanent employee. The termination if any is illegal..

12. That the contents of para 11 of the Affidavit are denied. There are hundreds of posts which are vacant in the Department, & the applicants are entitled to be regularised against them. The Casual labour are still in service and the deponent and other petitioners have been deprived from working in an illegal manner.

13. That the contents of para 12 of the Affidavit are denied. The Petitioners were rightly permitted to appear in the examination. The services of the Petitioners were illegally terminated. They will be deemed in continuous services and they are entitled to get the salary & other benefits accordingly.

14. That the contents of para 13 of the Affidavit are denied. The provisions of Art. 14 & 16 of the Constitution of India have been violated.

15. That the contents of para 14 of the Affidavit are denied. The Petitioners are entitled to be absorbed against the regular posts.

16. That the contents of para 15 of the Affidavit are denied. The Department is certainly Industry as defined in the Industrial Dispute Act.

17. That the contents of para 16 of the



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4.

Affidavit are denied. The Petitioner were regular employees in the eye of law.

18. That the contents of paras 17 to 21 of the Affidavit are denied. The contents of paras (XVIII) ~~mixke~~² to (XXI)² and 5 of the Amendment application are reiterated.

19. That the contents of paras 22 of the Affidavit are denied. The Relief could be added as the nature is not being changed.

20. That the contents of para 23 of the Affidavit are denied. The application deserves to be allowed.

Dated: 31.7.89

Deponent

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 4, 12 & 13 of the R.A. are true to my knowledge and the contents of paras 5 to 11 and 14 to 20 are true to my belief. Nothing material has been concealed and no part of it is false, so help me God.

Signed and verified today this the 31st day of July, 1989, in the Court compound at Lucknow.

Deponent.

I identify the deponent who has signed before me.

(P.N. Bajpai)
Advocate

Solemnly affirmed before me on 31.7.89



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5.

at A.M./P.M. by Sri Rangi La, the above named deponent who is identified by Sri P.N. Bajpai, 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 R.A. which has been read over and explained to me.

2 मील



Kusumendri Nigam, Advocate
OATH COMMISSIONER
High Court. (Lucknow Bench)
LUCKNOW.
No. S.S. 748/89
Date 31/7/89

ASo

Details of application

1. Particulars of applicants.

(i) Rangil Lal aged about 27 years R/o
R.P.F. Colony Sadar Bazar Lucknow 2.

(ii) Nirbhai Kumar Gupta aged about 26 years
S/o Sri Mahabir Prasad Gupta 252 Khanda
-ri Bazar Lal Bagh, Lucknow. 1.

(iii) Anoop Kumar Srivastava aged about 29 y
years son of Sri Narendra Bahadur Srivastava
260/25 Nawab Ganj, Aishbagh, Lucknow.

(iv) ~~Uma Shanker Dwivedi aged about 28~~
~~years~~

(iv) Rajesh Kumar Shukla aged about 26 years
son of Sri Ram Sahai Shukla, 255/175
Kundari Rakabganj, Lucknow.

(v) Uma Shanker Dwivedi aged about 28 years
Son of Sri Kunj Nath Dwivedi ~~aged 28~~
~~years~~ 4, Shri Ram Building,
Munni Lal Dharamshala Road, Charbagh,
Lucknow.

Dated :-

Applicants.

T. C.

K. B. Singh
Asst. Secy.

DETAILS OF APPLICATION

1. PARTICULARS OF THE APPLICANT

- (i) Name of the Applicant : Rangil Lal and Four Others
- (ii) Father's name : As detailed on page
- (iii) Designation & : All the applicants are the Ex-employees of Head Office in which the Ex-employees of Head Record office, RMS 'LW' employed
- (iv) Office address : Division, Hazratganj, Lucknow-;
- (v) Address for service of all Notices : (

2. PARTICULARS OF THE RESPONDENTS

- (i) Name &/ Or Designation : (1) Supdt. RMS 'LW' Division, Lucknow.
- (ii) Official address : (2) D.P.S. Lucknow
- (iii) Address for service of all notices : Region, Lucknow-1
- (3) Union of India through the Secretary, Telecommunication Ministry, Delhi.

PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE

- (i) Order no. : Z-16/Termination Rangil Lal Oct./87
- (ii) Date : 20.7.87 at pages I2 to I3
- (iii) Passed by : Supdt. RMS 'LW' Dn. Lucknow-1
- (iv) Termination of Services.

4. JURISDICTION OF THE TRIBUNAL

The Applicant declares that the subject

Handwritten note:
It should be under
Hd no. 2413 (9/87)
Ref.
18/93.

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 Tribunal Act, 1985.

6. FACTS OF THE CASE

The facts of the case are given below:-

(i) The applicants are Casual Labours sponsored by Employment Exchange and recruited after undergoing Interview held by the learned Respondent. Their exact dates of appointment are furnished on page 2 of this Application. They were given jobs only after their furnishing satisfactory proofs of their age, Educational Qualification and Good Character. They have been continuously serving the departments, satisfactorily till the date of their discharge. By virtue of having rendered satisfactory service of more than 3 years at a stretch they became entitled to be regularised as Group, 'D' Employees as per latest orders of the Hon'ble Supreme Court.

(ii) That the applicants joined the department on 4.11.80, 5.11.80, 1.12.78, 18.1.83 and 18.1.83 respectively on the post of Casual labour on daily wages. There is no break in service till 2.8.87 when they have been terminated from the services.

(iii) That the work and conduct of the ~~applicant~~ remained always satisfactory and there was no complaint against them from any corner.

(iv). That the applicants had completed more than one year services and they are entitled to be regularised on their posts treating them as a permanent employee.

(v) That the Petitioners have acquired the position of a regular permanent employee and they could not be ousted from the services in the manners adopted by the Opp. parties.

(vi) That the applicants are entitled to get the benefit of regularisation in the light of the judgment of the Hon'ble Supreme Court of India passed in writ Petition no. 373 of 86 Daily rated casual labour Vs. Union of India reported in Administrative Tribunal Judgments 1988(1) Page 99.

(vii) That the Hon'ble supreme court has directed in the judgment to the authorities of the department to prepare a scheme on a rational basis for absorbing as far as possible the casual labours who have been continuously working for more than one year in the department. The applicants have completed more than 5 years services in the department.

(viii) That the Opp. parties have decided to hold the examination to regularise the staff of the daily rated / Wages employees on the basis of seniority but the applicants were not allowed to appear in the examination. They have filed a

application before this Hon'ble Tribunal being Registration no. 653 of 1987 and obtained the interim relief to appear in the examination. The petitioner no. 1 to 4 appeared in the examination but the Petitioner Rangil Lal could appear in the examination, due to illness.

(ix) That the services of the Petitioner have been terminated vide order dated 20.7.87 in an illegal manner.

(x) That there was no necessity to terminate the services of the applicants before appearing in the examination for regularisation.

(xi) That the posts of the applicants remained in existence and were not abolished.

(xii) That number of juniors to the applicants were retained in service. The Annexure A-III filed with the petition is the list of seniority in which the names of the applicants no. 1 & 3 are entered at Sl. Nos. 13 & 5, respectively. The persons names at Sl. No. 6 to 40 are junior to the applicant no. 3 and the persons from Sl. No. 14 to 40 are junior to the applicant no. 1.

(xiii) That the persons mentioned at Sl. No. 16 to 40 are junior to the applicant no. 2 and the persons mentioned at Sl. No. 23 to 40 are junior to the applicant no. 4 and 5.

(xiv) That the discrimination has been done with the applicants in terminating their services. The provisions of article 14 and 16 of the Constitution of India have been violated.

(xv) That the applicants could not be terminated in the manners adopted by the Opp. parties. They are permanent employees in the eye of law as they have completed more than 240 days services.

(xvi) That the department of the post and telegraph is an industry as defined under the Industrial Dispute Act 1947 and the provisions of this act are applicable.

(xvii) That the applicants had worked as regular employees and have been allowed the benefit accordingly. They have been paid the bonus which is not permissible to the daily wages employee. Further they have been allowed the weekly, like other regular employees.

(xviii) That the names of the application no. 1 and ^{II} were kept in the list dated 7.7.87 and they were held eligible to appear in the examination but an other list was prepared on 15.7.87 in which names of both these persons were not included and a new name was added. No reasons of not including the names of the applicants were not disclosed in the list.

(xix) That arbitrary action has been taken ~~by the authorities in taking the examination for regularisation.~~ by the authorities in taking the examination for regularisation.

(xx) That the services of the Petitioner have not been terminated on the ground of un-satisfactory work. The order are arbitrary and without any basis.

(xxi) That the terminations orders are

ASb

Liable to be quashed and the applicants are entitled to be reinstated in service with all service benefits including the salary.

(xxii) That all the five applicants were permitted to appear at the recruitment examination for the recruitment of Group 'D' employees held vide respondents Memo No. B-2/174/ Rectt. for III/87 dated 15.7.87 under the order of this Hon'ble Tribunal passed on 30.7.87 in case No. 653 of 1987 Nirbhai Kumar and 4 others V/s Supdt RMS Lko. and another still pending finalisation.

(xxiii) That in the mean time without any rhyme or reason the respondent No. 1 serviced each of the five applicants individually a notice for the termination of their services on the completion of one month. A copy of the said notice dated 20.7.87 is appended herewith as Annexure No. iv on pages 12 to 13. The applicant preferred an appeal against the said notice to the learned D.P.S. Lucknow (Respondant No. 2) on 7.8.87 vide copy at Annexure A.v on pages 15 to 20 as the appeal remained unattached for the last seven months the applicants have approached the Hon'ble Tribunal through this application for getting a redressal of their grievance.

(xxiv) That the services of each of us have been terminated from 20.8.87 and we are facing starvation. The steps taken by the learned Supdt. RMS 'Lko' Division, Lucknow are against the principle of natural justice retraction of casual labour laid down by the learned D.G.P & T, New Delhi vide his No. 45/24/85/86 P & T dated 21.8.83 copy appended herewith as annexure No- A-1 on page 7. This action is also against the provisions of Article 311 (2) of the constitution.

(xxv) That the Relies sought for in ~~xx~~ view of the facts narrated in para 6 above the applicants prays for the following reliefs :-

(a) That the termination orders contained in Annexure a-5 of all the applicants may be quashed holding it illegal, unconstitutional and void in the eye of law. They may be further allowed the salary and other benefits from the date of termination till the date of actual reinstating in service.

(b) It is further prayed that the services of the applicant may be directed to be regularised on their post of casual labours.

(c) It is also prayed that the cost of the application may be allowed along with the other relief which are just and proper in the circumstances of the cases.

~~(XXX)~~ That the nature of the application will not be changed due to the purposed amendment.

Wherefore it is respectfully prayed that the applicants may be allowed to amend their application as mentioned in para 3 of this application.

Dated:

COUNSEL FOR THE
APPLICANTS.

8. Interim order, if prayed for - Nil.

9. DETAILS OF THE REMEDIES EXHAUSTED

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

They preferred an Appeal to the learned
DPS Lucknow on 8-8-1987 vide copy at Ann-V

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on pages 14 to 19 is the same remained
unattended for these last seven months
hence this application is submitted.

10. MATTER NOT PENDING WITH ANY OTHER COURT
ETC.

The applicant further declares that the
matter regarding which this application has been
made is not pending before any court of law,
or any order authority or any other bench of
the Tribunal.

11. PARTICULARS OF THE POSTAL ORDER
IN RESPECT OF THE APPLICATION FEE

- (i) No. of I.P.O. : _____
- (ii) Name of issuing P.O. : _____
- (iii) Dated : ~~22x2x1988~~ _____
- (iv) P.O. at which payable : Allahabad H.P.O.

12. INDEX- AN INDEX OF THE DOCUMENTS TO BE
RELIED UPON IS ENCLOSED WITH EACH COPY
OF THIS APPLICATION

13. LIST OF ENCLOSURES:

- (i) Vakalatnama
- (ii) One I.P.O for Rs.50/-
- (ii) documents to be relied upon

IN VERIFICATION.
aged

I, Rangil Lal & 4 others/S/O Shri as
detailed on page R/O Lucknow and working as
EDMP RMS Lucknow do hereby verify that the
contents of from 1 to 13 are true to my personal
knowledge and belief and that I have not
suppressed any material facts.

Place- Allahabad Dt. _____ Signature of applicant
To- The Registrar, Central Administrative
Tribunal Allahabad- 211001

T.C.
Rangil Lal

AS9

In the Central Administrative Tribunal

Additional Bench : Allahabad: Circuit

Bench : Lucknow.

M. P. 528/92

T.A.No. 653 of 1987.

O.A.No. 365 of 1988.

Rangl Lal and ors.

Applicant.

Vs.

Union of India and ors.

Respondents.

Application for clarification of the
Judgment dated 16.4.1992.

The applicants respectfully begs to submit as under:-

1. That the abovenoted applications have been decided by this Hon'ble Tribunal on 16.4.1992 in which the directions have been issued to the opp parties to give the appointments to the applicants

2. That the in the second para of the judgment the Hon'ble Tribunal has directed the applicants to appear in the examination now and the result will be declared and in case they get success in the examination the applicants will be taken back into service. They applicants had already appeared in the examination already held by the department under the orders of the

Filed today

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22/6/92

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Tribunal passed on 30.7.1987 in application no. 653 of 1987. The ~~part~~ applicant Rangl Lal couldnot appear in the examination due to illness. The result has not been declared uptill now The applicant have full hope of success in the ex amination.

3. That the applicant Rangl Lal ~~appt~~ appeared in the subsequent examination under the orders of this Hon'ble Tribunal passed on 14.5.1990 but the result has not been declared as per directions of the Hon'ble Tribunal. The applicant has full hope of success in his examination.

4. That there is no need to appear in the examination for regularisation now as directed by this Hon'ble Tribunal in the second para of the judgment. The result of the examinations referred above is liable to be declared and the applicants are entitled to be regularised accordingly w.e.f. the date of regularisation of other candidates, and are also entitled to get all the benefits which have been given to the other candidates.

5. That the applicants are ready to appear in the examination if they are fails in the aforesaid two examinations, although they have full hope of success in the examination.

6. That the Hon'ble Tribunal has alrea ~~the~~ held that the applicants will be taken on duty ~~in~~ by giving the reappointme-

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any event.

7. That the second para of the judgment is liable to be modified or clarified to the extent that the result of the examinations of the applicants may be declared, and if they are not passed they will be allowed to appear in the examination now. The remaining para needs no clarification.

8. That the applicants will suffer a great loss if the judgment will not be clarified as mentioned above.

WHEREFORE It is respectfully prayed that the para 2 of the judgment may be clarified to the extent that the result of the applicants may be declared and they may be regularised accordingly and if they are not passed they may be allowed to appear in the examination now.

DATED: -6.1992.

(P.N. Bajpai).

Counsel for the applicant

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CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH

T.A.No.653/87
(O.A.No.365 of 1988)

Rangi Lal & Others Applicants

Govt. of India & Others. Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Member (A).

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

Since common questions of law have been involved in these 4 applicants' cases they have been bunched together. The names of these applicants were sponsored by the Employment Exchange and they were recruited as Casual Labourers after interview. They were appointed between the year 1980 to 1983 on daily wage basis. According to them there was no break in their service when they were terminated. Prior to their termination, according to them, they have not only attained the temporary status and benefit but also as that of permanent status and benefits as decided by the Supreme Court in the case of ^{Indra} ~~Vandana~~ Pal Yadav's case. It was thereafter that, that the respondents decided to hold an examination to regularise the service of various employees who were working on daily wage basis, but the applicants were not allowed to appear in the examination. The grievance of the applicants is that they were not allowed to appear in the examination, and their services were terminated, but the juniors were retained in the service. The termination of the service of the applicants has been questioned

A63

-2-

on the ground that such retrenchment is in violation of ~~the rules under~~ section 25 F of the Industrial Dispute Act. The respondents have ~~refused~~ ^{refused to sign} claim that they have not issued any appointment letters to the applicants and they were engaged in temporary employments whenever necessity arose and it has not been denied that they were continuously engaged in service, but for a temporary break. It was also admitted that they were not allowed to appear in the regularisation examination but they were permitted to appear in the examination in pursuance to the order passed in July, 1987, but they were terminated since their performance was not found satisfactory. It is strange that the respondents discovered that the service of the applicants were not satisfactory after so many years of service. If the services of the applicants were not found satisfactory why they were allowed to continue in the service is not explained. After continuous service for so many years the applicant attained a temporary status. Instead of allowing such benefits they were not allowed to appear in the regularisation examination and they were removed from service while their juniors were retained in the service.

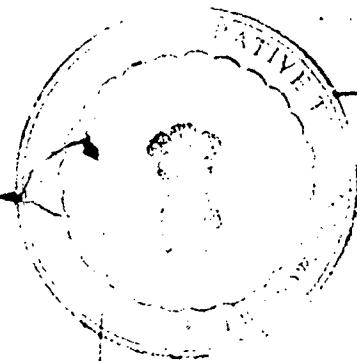
2. Under the orders of the Tribunal, the applicants shall now appear in the examination ~~the examination~~ and the results will be declared and in case they pass in the examination they will be taken back into service. Even otherwise, since the juniors to the applicants are retained in service the applicants will also be taken back and allowed to continue in service. No doubt, if the applicants are qualified for regularisation, they

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-3-

will be regularised on due dates though back-wages may not be given. In any event, the applicants will be re-appointed into service. No order as to cost.



Member (X)

Vice-Chairman

Dated 16 April, 1992, Lucknow.

(tgk)

Handwritten signature and date:
16/5/92
Lucknow

C 111

In the Central Administrative Tribunal: A

Bench : Allahabad.

Circuit Bench: Lucknow.

CM 249 / 179 (C)

C.A.No. 365 of 1988.

Rang Lal and ors.

Applicants

VERSUS

Superintendent, R.M.S., and ors. Respondents

Application for amendment of the application

The applicants respectfully beg to state as under:-

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1. That "The Union of India through the Secretary ~~xxxxx~~ telecommunication" is a necessary party in the application but it could not be ~~impleaded~~ impleaded at the time of filing of the application due to the slip of mind of the counsel.
 2. That the applicants want to add the The Union of India as opp-party no. 3 in the application.

Wherefore it is respectfully prayed that the applicants may kindly be allowed "The Union of India through the Secretary Telecommunication New Delhi to be added as opp-party no. 3 in the application.

(1) रजिेश कुमार शुक्ला (2) उमा शंकर शर्मा

DATED: 18.9.1989.

[Signature]

(3) रजिेश कुमार शुक्ला
(4) उमा शंकर शर्मा
(5) रजिेश कुमार शुक्ला

C112

In the Central Administrative Tribunal Addl.
Bench Allahabad, Circuit Bench, Lucknow.

CM An No 53109 (C)

Case No. 365 of 1988

Rangl Lal & others Applicants.

Versus

The Supdt. R.M.S. & others Opp. Parties.

Application for Amendment of the application.

The applicants beg to submit as under:-

1. That certain facts and the legal points which are necessary for correct decision of the case. could not be taken in the application due to the slip of mind of the applicants and their counsel.
2. That in the interest of justice the facts and legal points are necessary to be added in the application.
3. That the applicants want to amend their application as under:-

"(a) That after para 6(i) the following paras may be allowed to be added:-

"(ii). That the applicants joined the department on 4.11.80, 5.11.80, 1.12.78, 18.1.83 and 18.1.83 respectively on the post of casual labour on daily wages. There is no break in service till 2.8.87 when they have been terminated from the services.

राजेश कुमार
उपस्थित

रंगलाल

राजेश कुमार शुक्ला
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(iii) That the work and conduct of the applicant remained always satisfactory and there was no complaint against them from any corner.

(iv). That the applicants had completed more than one year services and they are entitled to be regularised on their posts treating them as a permanent employee.

(v). That the petitioners have acquired the position of a regular permanent employee and they could not be ousted from the service in the manners adopted by the Opp. Parties.

(vi). That the applicants are entitled to get the benefit of regularisation in the light of the judgment of the Hon'ble Supreme Court of India passed in writ petition No. 373 of 1984 Daily rated casual labour Vs. Union of India reported in Administrative Tribunal Judgments 1988(1) page 99.

(vii) That the Hon'ble supreme court has directed in the judgment to the authorities of the department to prepare a scheme on a rational basis for absorbing as far as possible the casual labours who have been continuously working for more than one year in the department. The applicants have completed more than 5 years services in the department.

(viii) That the Opp. Parties have decided to hold the examination to regularise the services of the daily rated /wages employees. on 2.8.1987, but the applicants were allowed to appear in the examination

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filed an application before this Hon'ble Tribunal being Registration No. 653 of 1987 and obtained the interim relief to appear in the examination. The petitioner No. 1 to 4 appeared in the examination but the petitioner Rangil Lal could not appear in the examination, due to illness.

(~~ix~~ (ix)) That the services of the petitioner have been terminated vide order dated 20.7.87 in an illegal manner.

(x) That there was no necessity to terminate the services of the applicants before appearing in the examination for regularisation.

(xi) That the posts of the applicants remained in existence and were not abolished.

(xii) That number of juniors to the applicants were retained in service. The Annexure A-III filed with the petition is the list of seniority in which the names of the applicants/^{no. 1 & 3} are entered at Sl. Nos. 13 & 5, respectively. The persons names at Sl. No. 6 to 40 are junior to the applicant no. 3 and the persons from Sl. No. 14 to 40 are junior to the applicant no. 1.

(xiii) That the persons mentioned at Sl. No. 16 to 40 are junior to the applicant No. 2 and the persons mentioned at Sl. No. 23 to 40 are junior to the applicant no. 4 and 5.

(ivx) That the discrimination have been done with the applicants in terminating their services. The provisions of article 14 and 16

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राजेश कुमार शुक्ला
निर्देश अध्यापक

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of the Constitution of India have been violated

(xv) That the applicants could not be terminated in the manners adopted by the Opp. Parties. They are permanent employees in the eye of law as they have completed more than 240 days services.

(xvi) That the department of the post and telegraph is an industry as defined under the Industrial Dispute Act 1947 and the provisions of this act are applicable.

xvii) That the applicants had worked as regular employees and have been allowed the benefit accordingly. They have been paid the bonus which is not permissible to the daily wages employees. Further they have been allowed the weekly and other allowances like other regular employees.

(xviii) That the names of the applicants no. 1 and 3 were kept in the list dt. 7.7.87 and they were held illegible to appear in the examination but an other list was prepared on 15.7.87 in which names of both these persons were not included and a new name was added. No reasons of not including the names of the applicants were not disclosed in the list.

(xix) That arbitrary action has been taken by the authorities in taking the examination for regularisation.

(xx) That the services of the petitioner have not been terminated on the ground of unsatisfactory work. The order are arbitrary and without any basis.

31.7.87
3.11.87

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(xxi) That the terminations orders are liable to be quashed and the applicants are entitled to be reinstated in service with all service benefits, including the salary."

(b) That the present para no. 6(ii) to (iv) may be allowed to be renumbered as para nos. (xxii) to (xxiv).

(c) That the present relief mentioned in 7 of the application may be allowed to be deleted and on its place the following reliefs may be allowed to be substituted.

"That the termination orders contained in annexure a-5 of all the applicants may be quashed holding it illegal, unconstitutional and void in the eye of law. They may be further allowed the salary and other benefits from the date of termination till the date of actual reinstating in service.

It is further prayed that the services of the applicant may be directed to be regularized on their post of casual labours.

It is also prayed that the costs of the application may be allowed along with the other relief which are just and proper in circumstances of the case."

4. That the nature of the application may not be changed due to the proposed amendments.

Wherefore it is respectfully prayed that the applicants may be allowed to have their application as mentioned in para 3 of the application.

Dated:- 18.12.1988

Counsel for the

applicants

अनुप कुमार
अनुप कुमार

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Registered A/D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow - 226 001

(Registration No. 36 of 1989)

No. CAT/LKO/Jud/CB/1076

dated

22/7/89

APPLICANT(S)

VERSUS

RESPONDENT(S)

Please take notice that the applicant above named
has prescribed an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and has
fixed 5th day of 12/12 1989
for hearing.

If, no appearance is made on your behalf, your
pleader or by some one duly authorised to Act and plead
on your behalf in the said application, it will be heard
and decided in your absence.

Given under my hand and the seal of the Tribunal
this 22 day of July 1989

Dinesh

For DEPUTY REGISTRAR

Under of India through the secretary

Hand copy of letter with enclosure

dated 22/7/89 for the

C118

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. No.365 of 1988

Rang Lal & ors

.....

Applicant.

Versus

Union of India & ors

.....

Respondents.

18.9.1989

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

Shri P.N. Bajpai, Counsel for the applicant has moved an application No.246 of 1989 (L) for impleadment of Union of India as an opposite party in the application. Allowed. Let the amendment be incorporated today itself.

Amendment incorporated in the main application.

Issue notice to respondents No. 3 inviting counter affidavit within six weeks to which the applicant may file rejoinder affidavit, if any, within two weeks thereafter. The respondent Nos. 1 and 2 may file supplementary counter affidavit, if they so desire, within six weeks to which the applicant may file supplementary rejoinder affidavit, if any, within two weeks thereafter.

List this case for further orders/hearing on 5.12.1989.

Checked
6/24/9

Judicial Member

// True Copy //

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C119

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : LUCKNOW.

CIVIL MISS. APPLICATION NO.

OF 1989

on behalf of

Union of India--

--Applicant.

in

REGISTRATION NO. 365 OF 1988

Rengi Lal--

--Petitioner

versus

superintendent RMHS.
and others--

--Respondents.

To

The Hon'ble the Chairman and his companion
members of Hon'ble Tribunal.

The humble application of the applicant
most respectfully sheweth :

1. That full facts have been given in the
accompanying supplementary counter-affidavit.

MS

*filed today
29/8*

C120

(2)

2. That on facts and circumstances stated in the accompanying Supplementary Counter-affidavit it is expedient in the interest of justice that the amendment application filed by the petitioner may be dismissed.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the amendment application filed by the petitioner. Detailed facts have been given in the accompanying Supp. Counter-affidavit.


(N. B. SINGH)
SENIOR STANDING COUNSEL
CENTRAL GOVERNMENT

C121

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : LUCKNOW.

SUPPLEMENTARY
COUNTER-AFFIDAVIT

I N

REGISTRATION NO. 365 OF 1988

Rangil Lal--

--Petitioner

VERSUS

Superintendent,
R.M.S. and others--

--Respondents.

Affidavit of Sri S. S. Dhusca
aged about 57 years son of Late

Sri S. S. Dhusca at present

posted as SRM LW Dm Lko


DEPONENT

I, the deponent, named above, do
hereby solemnly affirm and state on oath as
under :

(2)

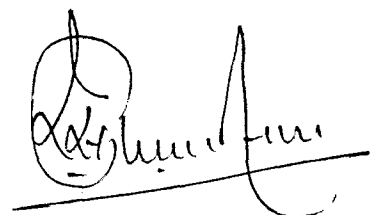
1. That the deponent is posted as

and is authorised to file this supplementary counter-affidavit, on behalf of department, being well acquainted with the facts deposed to below.

2. That the deponent has read the amendment application and is now in a position to reply the same.

3. That the contents of paragraph 1 of the amendment application are not admitted as stated.

4. That the contents of paragraph 2 of the amendment application are denied as stated. It is stated that the petitioner has got no case for any amendment. This application should be rejected.



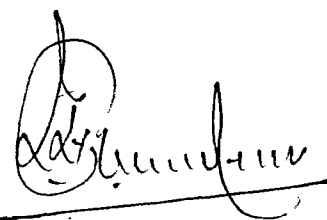
C123

(3)

5. That the contents of paragraph (II) of 3 (a) of the amendment application are denied as stated. The petitioner has never joined the department. He was given casual work. Casual labourers are never on strength of the department. The dates given are mis-leading. There was also break in casual job of the petitioner. The petitioner's services were never terminated as he was never appointed in the department.

6. That the contents of paragraph (III) of the amendment application are not admitted as stated, as there is service record of the petitioner who was merely casual labour. However, it is also irrelevant for the present case.

7. That the contents of paragraph (IV), (V) and (VI) of the amendment application are not admitted as stated. The petitioner is



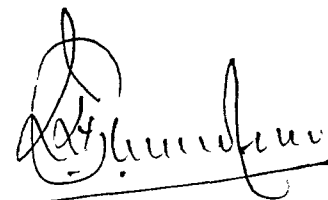
(4)

not completed one year as required. The petitioner is not entitled for regularisation, The judgment, cited is not applicable in the present case.

8. That the contents of paragraph VIII of the amendment application are not admitted as stated. It is stated that the allegations in the paragraph under reply are irrelevant and meaningless.

9. That the contents of paragraph IX of the amendment application are denied as stated. It is stated that the termination of the petitioner was legal and justified.

10. That the contents of paragraph X of the amendment application are denied as stated. It is further stated that in spite of order of Hon'ble Tribunal he did not appear. Since the engagement of petitioner was already terminated terminated hence he has got no case.

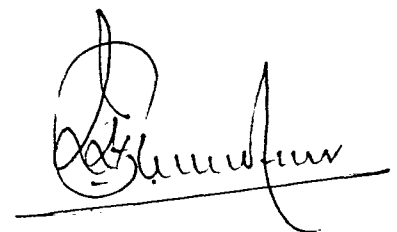


(5)

11. That the contents of paragraph XI of the amendment application are denied as stated. There is no post or any casual labour. There is also no post vacant at present. The regular appointees are working. The casual labour are required only when there is casual work. But at present there is no work or post.

12. That the contents of paragraph XII and XIII of the amendment application are not admitted as stated. It is stated that the engagement of the petitioner was already terminated, hence those who were on engagement of casual labour on the date were permitted. Since the engagement of petitioner was already terminated hence they were not asked to appear but on the basis of order of the Hon'ble Tribunal they were permitted.

13. That the contents of paragraph XIV of the amendment application are denied. There



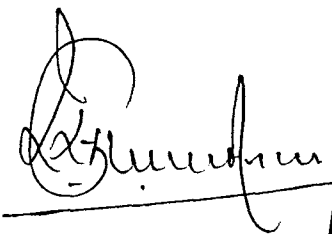
(6)

is no violation of Article 14 of the Constitution of India.

14. That the contents of paragraph XV of the amendment application are denied, as stated. They were not even temporary employees. They were never permanently absorbed.

16. That the contents of paragraphs XVII of the amendment application are denied as stated. It is stated that the department is not interesting.

16. That the contents of paragraph XVII of the amendment application are not admitted as stated. It is wrong to say that they are regular employees.



(7)

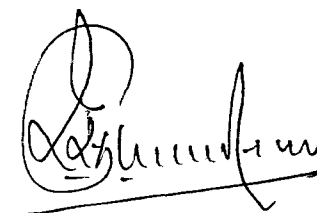
17. That the contents of paragraph XVIII of the amendment application are denied as stated.

18. That the contents of paragraph XIX of the amendment application are denied as stated. There is no arbitrariness.

19. That the contents of paragraph XX of the amendment application are denied as stated.

20. That the contents of paragraph XXI of the amendment application are denied as stated.

21. That the contents of (B) of the amendment application are denied as stated.



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(8)

22. That the contents of paragraph (c) of the amendment application are denied as stated. It is stated that the relief should not be permitted to be added. The petitioner is not entitled for any relief.

23. That the contents of paragraph 4 of the amendment application are denied as stated. The amendment application deserves to be dismissed.

I, the deponent, named above, do hereby solemnly verify that the contents of paragraph nos. 1, 2 of this affidavit are true to the personal knowledge ; those of paragraph nos. 3 to 21 are based on records and those of paragraph nos. 22 & 23 are based on legal advice of counsel, 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

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(9)

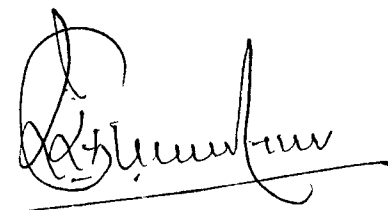
I, V.P.Tripathi, clerk to Sri N.B.Singh, senior standing Counsel, Central Government, High Court, Allahabad, do hereby declare that the person making this affidavit and alleging himself to be so is known to me from perusal of the documents produced before me.

.....

(Clerk)

solemnly affirmed before me on the 12th day of JUNE, 1939 by the deponent at 12.5 A.M./P.M. who has been identified by the person aforesaid.

I have satisfied myself by examining the deponent, who has understood the contents of the affidavit after going through the same.



OATH COMMISSIONER

Filed 27/8

C130

In the Central Administrative Tribunal Addl.
Bench Allahabad, Circuit Bench, Lucknow.

CM An 53/89(C)

Case No. 365 of 1988

Rangi Lal & others Applicants.

Versus

The Supdt. R.M.S. & others Opp. Parties.

Application for Amendment of the application.

The applicants beg to submit as under:-

1. That certain facts and the legal points which are necessary for correct decision of the case. could not be taken in the application due to the slip of mind of the applicants and their counsel.
2. That in the interest of justice the facts and legal points are necessary to be added in the application.
3. That the applicants want to amend their application as under:-

"(a) That after para 6(i) the following paras may be allowed to be added:-

"(ii). That the applicants joined the department on 4.11.80, 5.11.80, 1.12.78, 18.1.83 and 18.1.83 respectively on the post of casual labour on daily wages. There is no break in service till 2.3.87 when they have been terminated from the services.

अनुप कुमार
उपस्थित
अभिषेक
रजिंद्र कुमार शुक्ला
अभिषेक कुमार शुक्ला

[Signature]

(iii) That the work and conduct of the applicant remained always satisfactory and there was no complaint against them from any corner.

(iv). That the applicants had completed more than one year services and they are entitled to be regularised on their posts treating them as a permanent employee.

(v). That the petitioners have acquired the position of a regular permanent employee and they could not be ousted from the services in the manners adopted by the Opp. Parties.

(vi). That the applicants are entitled to get the benefit of regularisation in the light of the judgment of the Hon'ble Supreme court of India passed in Writ petition No. 373 of 86 Daily rated casual labour Vs. Union of India reported in Administrative Tribunal Judgments 1988(1) page 99.

(vii) That the Hon'ble supreme court has directed in the judgment to the authorities of the department to prepare a scheme on a rational basis for absorbing as far as possible the casual labours who have been continuously working for more than one year in the department. The applicants have completed more than 5 years services in the department.

(viii) That the Opp. Parties have decided to hold the examination to regularise the services of the daily rated /wages employees. on 2.3.1987, but the applicants were not allowed to appear in the examination. They have

3724 कुमार
उमेशचंद्र
अमित

राजेश कुमार शुक्ला
जयप्रिय कुमार 15/6/87

3.

filed an application before this Hon'ble Tribunal being Registration No. 653 of 1987 and obtained the interim relief to appear in the examination. The petitioner No. 1 to 4 appeared in the examination but the petitioner Rangil Lal could not appear in the examination, due to illness.

(xx) (ix) That the services of the petitioner have been terminated vide order dated 20.7.87 in an illegal manner.

(x) That there was no necessity to terminate the services of the applicants before appearing in the examination for regularisation

(xi) That the posts of the applicants remained in existence and were not abolished

(xii) That number of juniors to the applicants were retained in service. The Annexure A-III filed with the petition is the list of seniority in which the names of the applicants^{no. 1 & 3} are entered at Sl. Nos. 13 & 5, respectively. The persons named at Sl. No. 6 to 40 are junior to the applicant no. 3 & and the persons from Sl. No. 14 to 40 are junior to the applicant no. 1.

(xiii) That the persons mentioned at Sl. No. 16 to 40 are junior to the applicant No. 2 and the persons mentioned at Sl. No. 23 to 40 are junior to the applicant no. 4 and 5.

(ivx) That the discrimination have been done with the applicants in terminating their services. The provisions of article 14 and 16

अनुप कुमार
3 मासिक वेतन

रंगिलाल

राजेश कुमार शुक्ला
विनय कुमार शुक्ला

YJR

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4.

of the Constitution of India have been violated

(xv) That the applicants could not be terminated in the manners adopted by the Opp. Parties. They are permanent employees in the eye of law as they have completed more than 240 days services.

(xvi) That the department of the post and telegraph is an industry as defined under the Industrial Dispute Act 1947 and the provisions of this act are applicable.

xvii) That the applicants had worked as regular employee and have been allowed the benefit accordingly. They have been paid the bonus which is not permissible to the daily wages employee. Further they have been allowed the weekly ~~and other~~ like other regular employees.

(xviii) That the names of the applicants no. 1 and 3 were kept in the list dt. 7.7.87 and they were held illegible to appear in the examination but an other list was prepared on 15.7.87 in which names of both these persons were not included and a new name was added. No reasons of not including the names of the applicants were not disclosed in the list.

(xix) That arbitrary action has been taken by the authorities in taking the examination for regularisation.

(xx) That the services of the petitioner have not been terminated on the ground of unsatisfactory work. The order are arbitrary and without any basis.

उत्तर कुंज
उत्तर कुंज

रामलक्ष्म

राजेश कुमार शुक्ला

निरीक्षक मा २ उत्तर

32

5.

(xxi) That the terminations orders are liable to be quashed and the applicants are entitled to be reinstated in service with all service benefits. including the salary."

(b) That the present para no. 6(ii) to (iv) may be allowed to be renumbered as para nos. (xxii) to (xxiv).

(c) That the present relief mentioned in 7 of the application may be allowed to be deleted and on its place the following reliefs may be allowed to be substituted.

"That the termination orders contained in annexure a-5 of all the applicants may be quashed holding it illegal, unconstitutional and void in the eye of law. They may be further allowed the salary and other benefits from the date of termination till the date of actual reinstating in service.

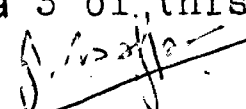
It is further prayed that the services of the applicant may be directed to be regularise on their post of casual labours.

It is also prayed that the costs of the application may be allowed along with the other relief which are just and proper in the circumstances of the case."

4. That the nature of the application will not be changed due to the proposed amendment.

Wherefore it is respectfully prayed that the applicants may be allowed to have their application as mentioned in para 3 of this application.

Dated:- 18.12.1988


Counsel for the
applicants.

अवधूत कुमार
उमा शंकर मिश्रा
रंगलाल
रजिंद्र कुमार शुक्ला
बिनीश कुमार

Central Adm. Tribunal Delhi

ब अदालत श्रीमान

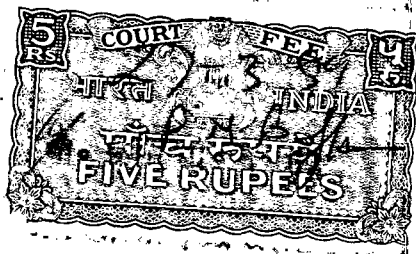
[वादी अपीलान्त]

प्रतिवादी [रैस्पाडेन्ट]

In the High Court of Judicature at Madras
Bedi Lal Choudhary (Plaintiff) vs. ...
का

वकालतनामा

Rangji Lal Choudhary



वादी (अपीलान्त)

The State of U.P. vs. ...
बनाम

प्रतिवादी (रैस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की तां०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री ...
... K. ...
वकील
महोदय
एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकैन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होना मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकर को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

① नजिल कुमार शर्मा
② ...
हस्ताक्षर
③ ...

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... 27/3/89 ... महीना ... सन् १६ ८९ ई०

स्वीकृत

C136

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : LUCKNOW.

CIVIL MISS. APPLICATION NO. OF 1989

on behalf of

Union of India--

--Applicant.

in

REGISTRATION NO. 365 OF 1988

Rangi Lal--

--Petitioner

versus

superintendent RAMS.
and others--

--Respondents.

To

The Hon'ble the Chairman and his companion
members of Hon'ble Tribunal.

The humble application of the applicant
most respectfully sheweth :

1. That full facts have been given in the
accompanying supplementary counter-affidavit.

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C137

(2)

2. That on facts and circumstances stated in the accompanying Supplementary Counter-affidavit it is expedient in the interest of justice that the amendment application filed by the petitioner may be dismissed.

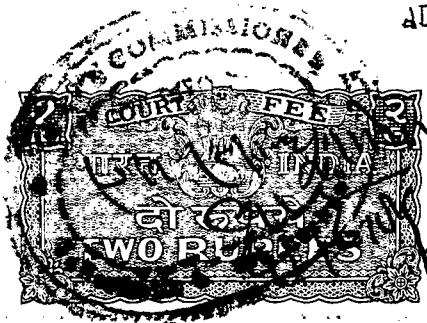
P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the amendment application filed by the petitioner. Detailed facts have been given in the accompanying Supp. Counter-affidavit.


(N. B. SINGH)
SENIOR STANDING COUNSEL
CENTRAL GOVERNMENT

C138

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : LUCKNOW.



SUPPLEMENTARY
COUNTER AFFIDAVIT

I N

REGISTRATION NO. 365 OF 1988

Rangil Lal--

--Petitioner

versus

Superintendent,
R.M.S. and others--

--Respondents.

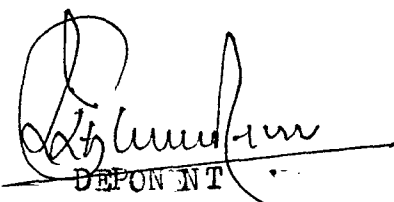
Affidavit of Sri S.S. Dhusia

Shobali Sui G.R. Dhusia aged about 51 years son of

at present

posted as S.R.M. 'LW'Dn LKO.




DEPONENT

I, the deponent, named above, do
hereby solemnly affirm and state on oath as
under :

(2)

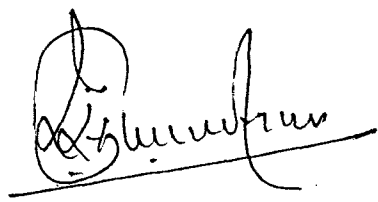
1. That the deponent is posted as

and is authorised to file this supplementary counter-affidavit, on behalf of department, being well acquainted with the facts deposed to below.

2. That the deponent has read the amendment application and is now in a position to reply the same.

3. That the contents of paragraph 1 of the amendment application are not admitted as stated.

4. That the contents of paragraph 2 of the amendment application are denied as stated. It is stated that the petitioner has got no case for any amendment. This application should be rejected.






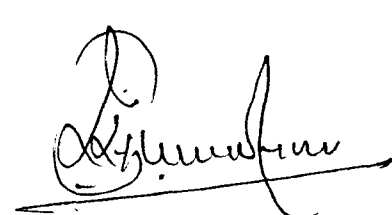
P140

(3)

5. That the contents of paragraph (II) of 3 (a) of the amendment application are denied as stated. The petitioner has never joined the department . He was given casual work . Casual labourers are never on strength of the department. The dates given are mis-leading. There was also break in casual job of the petitioner. The petitioner's services were never terminated as he was never appointed in the department.

6. That the contents of paragraph (III) of the amendment application are not admitted as stated, as there is service record of the petitioner who was merely casual labour. However, it is also irrelevant for the present case.

7. That the contents of paragraph (IV), (V) and (VI) of the amendment application are not admitted as stated. The petitioner has

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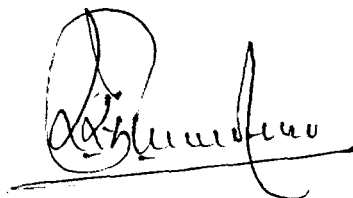

(4)

not completed one year as required. The petitioner is not entitled for regularisation, The judgment, cited is not applicable in the present case.

8. That the contents of paragraph VIII of the amendment application are not admitted as stated. It is stated that the allegations in the paragraph under reply are irrelevant and meaningless.

9. That the contents of paragraph IX of the amendment application are denied as stated. It is stated that the termination of the petitioner was legal and justified.

10. That the contents of paragraph X of the amendment application are denied as stated. It is further stated that in spite of order of Hon'ble Tribunal he did not appear. Since the engagement of petitioner was already ~~terminated~~ terminated hence he has got no case.



(5)

11. That the contents of paragraph XI of the amendment application are denied as stated. There is no post of any casual labour. There is also no post vacant at present. The regular appointees are working. The casual labour are required only when there is casual work. But at present there is no work or post.

12. That the contents of paragraph XII and XIII of the amendment application are not admitted as stated. It is stated that the engagement of the petitioner was already terminated, hence those who were on engagement of casual labour on the date were permitted. Since the engagement of petitioner was already terminated hence they were not asked to appear but on the basis of order of the Hon'ble Tribunal they were permitted.

Pr
12/6/09

13. That the contents of paragraph XIV of the amendment application are denied. There

[Signature]

(6)

is no violation of Article 14 of the Constitution of India.

14. That the contents of paragraph XV of the amendment application are denied, as stated. They were not even temporary employees. They were never permanently absorbed.

15. That the contents of paragraphs XVI of the amendment application are denied as stated. It is stated that the department is not interesting.

16. That the contents of paragraph XVII of the amendment application are not admitted as stated. It is wrong to say that they are regular employees.

12/6/09

D. B. Srinivasan

C144

(7)

17. That the contents of paragraph XVIII of the amendment application are denied as stated.

18. That the contents of paragraph XIX of the amendment application are denied as stated. There is no arbitrariness.

19. That the contents of paragraph XX of the amendment application are denied as stated.

20. That the contents of paragraph XXI of the amendment application are denied as stated.

21. That the contents of (B) of the amendment application are denied as stated.



[Handwritten signature]

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(8)

22. That the contents of paragraph (c) of the amendment application are denied as stated. It is stated that the relief should not be permitted to be added. The petitioner is not entitled for any relief.

23. That the contents of paragraph 4 of the amendment application are denied as stated. The amendment application deserves to be dismissed.

I, the deponent, named above, do hereby solemnly verify that the contents of paragraph nos. 1, 2 of this affidavit are true to the personal knowledge ; those of paragraph nos. 3 to 91 are based on records and those of paragraph nos. 92 to 97 are based on legal advice of counsel, 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

e146

(9)

I, V.P.Tripathi, clerk to Sri N.B.Singh,
Senior Standing Counsel, Central Government,
High Court, Allahabad, do hereby declare that the
person making this affidavit and alleging himself
to be so is known to me from perusal of the
documents produced before me.

.....

(Clerk)

Solemnly affirmed before me on the 12th day of JUNE, 1989 by the deponent
identified Shri/Smt. R. G. Gaur at 12.05 A.M./P.M. who has been identified by the
person aforesaid.

I have satisfied myself by examining the
deponent, who has understood the contents of
the affidavit after going through the same.

[Signature]

OATH COMMISSIONER

[Signature]

C.R.A.
12.05 A.M./P.M. by Sri/Smt. S. D. Singh
identified Shri/Smt. R. G. Gaur
at 12.05 A.M./P.M. who has been identified by the
person aforesaid.

2147

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

MISCELLANEOUS. APPLICATION NO. OF 1988

IN

REGISTRATION CASE NO. 365 OF 1988

Rangi Lal - - - - - Applicant

Versus

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

The humble application of the applicant
abovenamed Most Respectfully Showeth as Under :-

1. That the respondent is required to file counter affidavit but it could not be filed.
2. That the respondent requires one month time to file counter affidavit, otherwise the respondent will suffer irreparable loss.
3. That it is in the interest of justice
Very kindly
that the Hon'ble Tribunal may grant one month time
^
for filing counter affidavit.

PRAYER

It is, therefore most respectfully prayed

C140

-2-

that the one month time may be granted for
filing counter affidavit otherwise the respondent
will suffer irreparable loss.

NBSA

(N.B.Singh)
Advocate

Counsel for the Applicant.

Dt/-

श्री सन० बी० सिंह

सीनियर स्टेंडिंग कौंसिल

४, ठिंडिल रोड, जार्ज टाउन, इलाहाबाद

को कानूनी निश्चित शुल्क (मेहनताना) नियत करके अपना/हमारा अभिभाषक (वकील) नियुक्त करता हूँ और यह स्वीकार करते हूँ

करता हूँ कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद पत्र, पुनरवलोकन एवं पुनर्निर्णय प्रार्थना-पत्र (दरखास्त), शापथिक कथन (हलफनामा), प्रवर्तन-पत्र (दरखास्त इजराय), मुजबात अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें और आवश्यक सवाल जबाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्राप्य धन को अपने हस्ताक्षरी पावती देकर प्राप्त करें, हमारी ओर से किसी को मध्यस्थ तथा साक्षी (गवाह) मानें और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावें छोड़ें अथवा सनझौता करें तथा मुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उनका समर्थन करें अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री के भर पाई होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भांति हम को सर्वथा स्वीकार मुझ को

होगी। अगर मैं कानूनी शुल्क तथा विशेष शुल्क आखिरी वहस के वक्त उक्त सज्जन को न दूँ/देँ तो उनको अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करें। उपरोक्त दशा में उक्त सज्जन का कोई उत्तरदायित्व न रहेगा।


अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

तिथि

माह

सं०

मेहरोत्रा प्रिंटिंग वर्क्स, इलाहाबाद। फोन : ५१०५६


J. R. Kamal
Superintendent R.M.S. 'LW' Divn
LUCKNOW

28-4-1968

26/5/68

अभिभाषक पत्र (वकालतनामा)

सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्युनल, एडिशनल बेच, इलाहाबाद

मुकदमा नं०

365

सन १९६८

Rangilal

बनाम

Union of India & others

रेस्पान्डेन्ट

मे कि हेम

G. R. Mahmal

5615

BLACKHAW

S. R. Mahmal

उपरोक्त प्रकरण (मुकदमा) में मे अपना पक्ष समर्थन हेतु

26/5/68

Before The Central Administrative Tribunal, Allahabad

Misc. Petition No.

Of 1988

I N

O.A. Regn No.385 of 1988

Rangi Lal & 4 Others v/s DPS Lucknow & Another

MOTION NOTICE

Kindly take notice that the undersigned proposes to move the court on 1-6-1988 at 10-30 A.M. or soon thereafter to consider & pass orders on the enclosed application the subject matter of which is given below.

dated : 30-5-88

R. K. Tewari
(R.K.Tewari)
Advocate for Applicants

DA-1

Subject Matter

Joinder of more than one Applicant.

*Received by
R.L. SW Ady
Regn No. 385
30/5/88*

Before The Central Administrative Tribunal, Allahabad-1

O.I. Regn. No.365 of 1988

Rangi Lal & 4 Others v/s DPS Lucknow & Another

* * * * *

In compliance with the orders of the Court passed on 26-5-1988 "To pay 4 additional fee of Rs.50/- each within a week" the applicant begs to pay 4 Additional fee of Rs.50/- each through 4 IPOs of Rs.50/- each enclosed & detailed below.

P R A Y E R

It is humbly prayed that the joinder of the applicants may kindly be allowed and the case may kindly be admitted.

Enclosed 4 IPOs
dt. 30-5-88

R. K. Tewari
(R.K. Tewari)
Advocate for Applicant

Details of IPOs Enclosed

Allahabad Ho. dated 30/5/88
IPOs no DP 227135 to 227138
4 Rs 50/- each

R. K. Tewari

Before The Central Administrative Tribunal, Allahabad-1

O.A. Regn. No. 365 of 1988

Rang Lal & 4 Others v/s DPS Lucknow & Another


* * * * *

In compliance with the orders of the Court passed on 26-5-1988 "To pay 4 additional fee of Rs.50/- each within a week" the applicant begs to pay 4 Additional fee of Rs.50/- each through 4 IPOs of Rs.50/- each enclosed & detailed below.

P R A Y E R

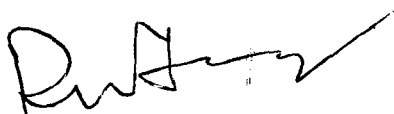
It is humbly prayed that the joinder of the applicants may kindly be allowed and the case may kindly be admitted.

Enclosed 4 IPOs
dt. 30-5-88


(R.K. Tewari)
Advocate for Applicant

Details of IPOs Enclosed

Allahabad Ho dated 30/5/88
IPOs no DD 227135 to 227138
4
of Rs 50/- each



C181

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

MISCELLANEOUS. APPLICATION NO. OF 1988

IN

REGISTRATION CASE NO. 365 OF 1988

Rangi Lal - - - - - Applicant

Versus

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

The humble application of the applicant
abovenamed Most Respectfully Sheweth as Under :-

1. That the respondent is required to file counter affidavit but it could not be filed.
2. That the respondent requires one month time to file counter affidavit, otherwise the respondent will suffer irreparable loss.
3. That it is in the interest of justice
Very kindly
that the Hon'ble Tribunal may grant one month time
for filing counter affidavit.

PRAYER

It is, therefore most respectfully prayed

C152

- 2 -

that the one month time may be granted for
filing counter affidavit otherwise the respondent
will suffer irreparable loss.

NBS

(N.B.Singh)

Advocate

Counsel for the Applicant.

Jt/-

C153

~~CONFIDENTIAL~~
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL.
BENCH: ALLAHABAD. (CIRCUIT BENCH)
LUCKNOW.

O.A. Registration No. 365 of 1988

Rangil Lal and others.

Applicants.

Versus.

Superintendent, RMS 'A' Division
Lucknow, and another.

Opp-Parties.

APPLICATION FOR TRANSFER OF THIS CASE TO THE
CIRCUIT BENCH: LUCKNOW.

The applicants respectfully begs to submit as under :-

1. That the ab-venoted petition has been filed for quashing the order of termination and taking back the applicants in service on their posts.
 2. That all the applicants are residents of Lucknow and the opposite parties also belongs to Lucknow.
 3. That both the parties will get the benefit if the case will be decided at Lucknow.
- There will be no loss to any party if the case is transferred to Lucknow.
4. That the applicants want that their case may be transferred to Lucknow.

82 (4)

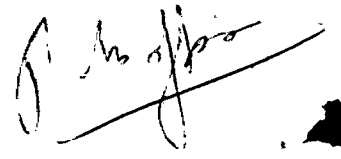
Primer

16/5/88

2154

5. That the applicants are out of employment since about 10 months and they are facing the great financial trouble.
6. That a huge amount will be expended in per diem of the case at Allahabad.
7. That the justice demands that the case may kindly be transferred to Lucknow.

Wherefore It is respectfully prayed that the abovenoted application may kindly be transferred to the Central Administrative Tribunal (Circuit Bench) Lucknow before the date fixed in the case and the next date may be fixed at Lucknow.



DATED : 28.4.1988.

COUNSEL FOR THE APPLICANTS.

A. ANURAG KUMAR
P.C.S. (J)



By hand
No CAT/Alld/J.A./03/91

DY. REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL

23-A, Thornhill Road
Allahabad - 211001

Dated 26.9.91

C157

To,

The Deputy Registrar,
Central Administrative Tribunal
Circuit Bench, Lucknow
Gandhi Bhawan, Opposite Residency
Lucknow.

Subject:- Transfer of Case OA No. 653/87 (Nirbhai Kumar Vs.
U.O.I. and Others)

Sir,

Please refer to your letter No CAT/CB/Lucknow/OA-365/88
(L) /88 TR/359 dated 20.9.91.

The case file (Part A,B and C) of OA 653/87, as
desired, is sent herewith for placing it before Hon'ble
Court for hearing on 20.11.91.

Please acknowledge receipt.

Yours faithfully

Anurag Kumar 26/9
(ANURAG KUMAR)
DEPUTY REGISTRAR.

26-9-91

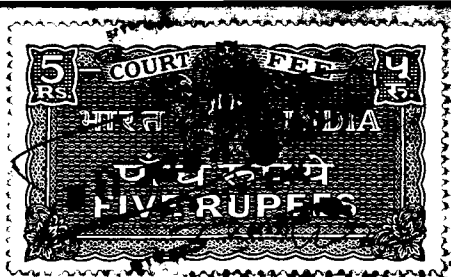
R. No. 627/91
27.9.91

Register
- this file and
place before

So Upadhyaya
for compliance
30/9/91

for the review
20.11.91

27.9.91



applicant no 5

158

बअदालत

for Court Administrator, Tribunal And

नम्बर मुकदमा Registration No. 653 of 1987 सन् १६ ई०

नम्बर इजारा सन् १६ ई०

Nirbhai Kumar Rothery मुद्दै

अपीलाचन्द

वनाम

मुद्दालय

रेस्पान्डेन्ट

Superintendent R.M.S. Lucknow Prison, Hazrat

SS, Lucknow

मैं/हम Reng Lal S/o RPF Colony, Sadar Bazar

निवासी Lucknow

श्री (निर्भय)

विवेदी

एडवोकेट हाईकोर्ट इलाहाबाद

एडवोकेट को

22, Janakpuri, Delhi
Dharam Singh

उपरोक्त मुकदमें की पैरवी के लिए मेहनताना अदा करने का वचन देकर मैं अपना वकील नियुक्त करता हूँ/करते हैं उक्त वकील महोदय को मैं/हम यह अधिकार देता हूँ/देते हैं कि इस मुकदमा में वह मेरी ओर से पैरवी करें आवश्यकता सवाल पूछें जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें व वापस लेवें पचनामा उगस्थित करें, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें सुलहनामा दाखिल करें, दावा स्वीकार करें या उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावे डिग्री वा रुपया व खर्चा हर्जाना का रुपया या किसी दूसरी तरह का रुपया जो अदालत में मुझे/हमें मिलने वाला हो बसूल कर मेरा हमारी ओर से अदालत दाखिल करें, कोर्ट फीस व स्टाम्प देवें वा वापिस लेवें रसीद लेवें व प्रमाणित करें, नकल प्राप्त करें, अदालत की अनुचित मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा स्थापित करावे इस मुकदमें के सम्बन्ध में दूसरे काम जो जरूरी समझे करें पैरवी के लिए अपनी ओर से कोई दूसरे वकील को नियुक्त करें यदि आवश्यक हो तो अपील या निगरानी दायर करें और अपील निगरानी की अदालत में मैं पैरवी करें।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमें के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं हमारा किया हुआ समझा जायेगा और वह मुझे/हमें सदैव अपने ही किये के समान सुविधा मान्य होगा।

तारीख माह सन् १६ ई०

स्वीकार है

हस्ताक्षर (Signature)

Comm for the applicant no (5)

अदालत
मुकदमा नं०
बनाम

45/11
 अदालत श्रीमान सुधीर २३/११/२०१८ महोदय

[वादी] (अपीलान्ट)
 प्रतिवादी [रिस्पॉन्डेंट] का **वकालतनामा**



वादी (अपीलान्ट)

मिनि पं. सुधीर कुमार

बनाम सुधीर २३/११/२०१८ प्रतिवादी (रिस्पॉन्डेंट)

रजि. नं. १ मुकदमा नं. ६५३ सन १९८९ पेशी की ता. ५-५-१९८९ ई.

ऊपर लिखे मुकदमा में अपनी ओर से श्री अनूप कुमार (510 नं. १९८९)
उमाशंकर (510 नं. १९८९) पुत्र श्री अनूप कुमार (510 नं. १९८९)
शुभा (510 नं. १९८९) पुत्र श्री अनूप कुमार (510 नं. १९८९)
 २९/१२/८९ नं. ६५३ में महोदय

नाम अदालत
 मुकदमा नं. नाम
 फरीकन
 पता

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा छपर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर मिनि पं. सुधीर कुमार
(३-११-८९)

साक्षी (गवाह) (३) अनूप कुमार साक्षी (गवाह) (५) उमाशंकर
(५) राजेश कुमार
 दिनांक महीना सन १९ ई०

Superintendent

11/8

11/8

11/8

हस्ताक्षर

हस्ताक्षर

माती

माती

उपरोक्त प्रकरण में/हम अपनी ओर के पक्ष समर्थन के हेतु

श्री N. B. Singh Senior Deputy Court एडवोकेट हाईकोर्ट इलाहाबाद

को कानूनी निश्चित शुल्क (मेहनताना) नियत करके अपना अभिभाषक वकील (वकील) नियत करता है/करते हैं। वह स्वीकार करता है/करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अजीदावा), प्रतिवाद-पत्र (बयान नहरोरी), वाद स्वीकार पत्र, विवाद पत्र पुनरवलोकन एवं पुनर्निर्णय प्रार्थना पत्र (दरस्वास्त) शापथिक कथन (हलफनामा) प्रवर्तन पत्र (दरस्वास्त इजराय) मूजघात अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना वादि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्रायधन को अपने हस्ताक्षरी पावती देकर प्राप्त करें हमारी ओर से किसी को यध्य पत्र तथा साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावे, छोड़े अथवा समझौता करें तथा मुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना पत्र पर दाखिल करके उसका समर्थन करें अथवा प्रकरण में सम्बन्ध रखने वाली कुल कार्यवाही डिप्री भर पाई होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भांति हमको/मुमको स्वयं स्वीकार होगी अगर मैं/हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दें दे तो उनका अधिकार होगा कि वह हमारी ओर से मुकदमा की तैरथी न करें। उपरोक्त दशा में सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आवे।

वकालतनामा मन्जूर है

तिथि

माह

सं०

Atm
MSA

C161

12

Before The Central Administrative
Tribunal, Allahabad-1
Reg No 653 of 1987

Nirbhair Kumar Vs SRM & W/O
& L O H L S Lucknow

Application for amendment
to the Pleint.

Para 7 of Paper Book
application contains plural
remedy sought for which
is not provided in the Act
It is therefore humbly prayed

PRAYER

that remedy no 2 prayed
for in sub para (ii) of Para 7
of the Paper Book application
may kindly be allowed
to be deleted and sub para
(iii) ibid to be renumbered as (ii)

R. K. Tewari
Advocate

I R. K. Tewari counsel for
the applicant do hereby
swear that the contents
of this application is true to
my knowledge & belief
& nothing herein is false.

29/7/87 R. K. Tewari
Advocate

C162
332

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,
23-A, Thornhill Road, Allahabad-211001

No. CAT/ ALLO/ REGISTERED A.D.

Dated :

On re

Registration No. 653 of 1987 of 198

Nirbhai Kumar Gupta and others.

Applicant

Versus

Supdts. R.M.S. L.W. Division Lucknow and other

Respondents

To,

1. 1. Supdt. R.M.S.E.W. Division Hazratganj Lucknow.
.....
.....
.....

R Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith which has been registered in this Tribunal, and the Tribunal has fixed.....13.8.87.....day of198....for the hearing of the said application..

If no appearance is made on your behalf, you pleader or by someone duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence....

Given under my hand and the seal of the Tribunal this....

30.7.87

..... day of198....

copy of order is enclosed herewith.

DEPUTY REGISTRAR

Recd Cm
Rw
30/7