

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE

T.A/048/1987

OF

NAME OF THE PARTIES

Em. Renta Sinsara

Applicant

Versus

U. a. S.

Respondent

Part A, B & C

Sl. No.	Description of documents	Page
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12	Suppl. C.A.	A-43-A-47
13	Index sheet A.S.A.	A-48-A49

CERTIFICATE

Bench copy.
C-file

Pa1-Pass

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

Dated... 15.3.2011

B/c destroyed on 09-5-12.

Counter Signed.....

[Signature]

Section Officer / In charge

[Signature]

Signature of the
Dealing Assistant

Check on
31-1-12

- 2 -

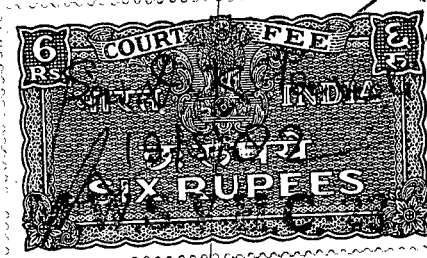
ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2292

of 1982

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
19.5.82	Hon. M.M.H.J. Hon. M.S.J.	
	Admit Notice on behalf of Opps has been taken by Sri B.N. Shukla Advocate. He wants 2 weeks time to file Counter Affidavit. The petitioners will have another weeks time to file rejoinder Affidavit which will be exchanged out of Court. Thereafter list the petition for final hearing.	
	<u>C.M. No. 4966 (W)-82</u>	Sd/- Sd/-
	Issue notice, operation of the impugned order shall remain stayed.	Sd/- Sd/-
24.12.82	Repro Opps were served through Sri B.N. Shukla Advocate.	



(A18)

3

1 rule
26
14/07/82

IN THE HON'BLE ALLAHABAD HIGH COURT SITTING AT LUCKNOW.

----- 4986
Civil Misc. Appln. No. (W) of 1982,

For Interim Relief.

In re: 2292

Writ Petition No. of 1982.

Kumari Rita Srivastava, daughter of late Sri Bhola
Nath Srivastava, resident of 298 Baskinagar, Lucknow.

----- Petitioner.

Versus

1. The Union of India.
2. The Chief Superintendent, Central Telegraph Office,
Lucknow.

----- Opposite Parties.

The petitioner named above respectfully begs
to submit :

That in view of the facts and reasons
stated in the writ petition it is respectfully prayed
that this Hon'ble Court may kindly be pleased to stay
the operation of the termination order of the peti-
tioner, contained in Annexure '3', and the petitioner
may be deemed to continue in service during the pen-
dency of the writ petition.

SRK

Lucknow, Dated:
May 18, 1982.

(D.K. TRIVEDI)
Advocate,
Counsel for the Petitioner.

IN THE HON'BLE ALLAHABAD HIGH COURT SITTING AT LUCKNOW.

----- 2292
Writ Petition No. of 1982.

Under Article 226 of the Constitution of India.

Kumari Rita Srivastava, daughter of late Sri Bholu Nath
Srivastava, resident of 298, Baskiratganj Lucknow.

---- Petitioner.

Versus

1. The Union of India.
2. The Chief Superintendent, Central Telegraph Office,
Lucknow.

----- Opposite Parties.

The petitioner named above respectfully begs
to submit as under :-

1. That the posts of Telegraphists were advertised
in the year 1980 and applications were invited for
the said posts.

2. That the petitioner applied for her appointment
on one of the said posts along with others and
after ^{qualifying} test the petitioner was selected for the
prescribed course of training. A ^{photostat} true copy of the



Rita Srivastava

A22
b/1.

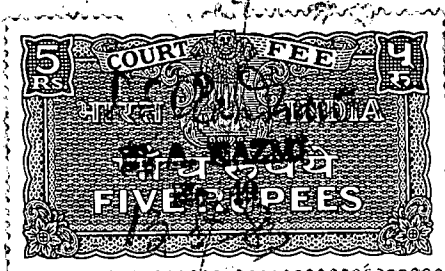
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

C.M. Application No. 5662 of 1983.

Union of India and others Applicants

In re :

Writ Petition No. 2292 of 1982.



Km. Rita Srivastava ... Petitioner.

Versus

Union of India and others ... Opposite Parties.

Application for condonation of delay in
filing the Counter-Affidavit.

The applicants named above, respectfully submit
as under : -

1. That the Writ Petition was admitted on 19.5.1982 and thereafter the opposite parties were to file Counter Affidavit.
2. That on 20.5.1982, the then Central Government Standing Counsel Sri B.L.Shukla, wrote to the opposite party No.2 to send parawise comments for preparing the Counter-Affidavit.
3. That thereafter the parawise comments were received on 18.6.82 and then the Standing Counsel on August 9, 1982 sought certain clarifications from the opposite party No. 1, which were furnished on 28.8.1982.
4. That the draft Counter-Affidavit was prepared



A32

IN THE HON'BLE ALLAHABAD HIGH COURT SITTING AT LUCKNOW.

Civil Misc. Appln. No. 7396 (W) of 1983,

For Condonation of delay in filing Rejoinder Affidavit.

In re;

Writ petition No. 2292 of 1982.

Kumari Rita Srivastava - - - - - Petitioner.

Versus

Union of India and another - - - - - Opposite Parties.

The petitioner named above respectfully begs to submit :

That due to some unavoidable circumstances the rejoinder affidavit in the abovenoted petition could not be filed within the prescribed time and as such it is respectfully prayed that this Hon'ble Court may kindly be pleased to condone the delay in filing the rejoinder affidavit and the same may be accepted.

Lucknow, Dated:
July 13, 1983.

(D.K. TRIVEDI)
Advocate,
COUNSEL FOR THE PETITIONER.

affidavit in reply to the counter affidavit in July 1983. The case is ripe for final hearing.

4. That the petitioner was a temporary employee. She was not qualified, suitable and fit to hold the post and in view of this her temporary services were terminated in accordance with the relevant service rules of 1965, applicable in the case of the petitioner.

5. That when the file was allotted to the newly appointed Standing Counsel Sri Rakesh Sharma, who has been instructed to pursue the case on behalf of the opposite parties in place of Sri B.S. Handhawa, the then Senior Standing Counsel, Central Government, this fact came to the notice of the counsel that the case could not be listed for hearing and disposal of the stay application. It is most respectfully submitted that under Article 226(3) of the Constitution, the disposal of the stay application is necessary within a period of two weeks from the date on which the application for vacation of the stay order is moved in the court.

6. That from the perusal of the file it appears that final disposal of the stay application has yet not been made. The disposal of the stay application after hearing the opposite parties and after considering the submissions made in the counter affidavit is necessary in the interest of justice.

- 11 -

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

.....
Registration T.A. No. 1048 of 1987
(W.P. No. 2292 of 1982)

Km. Rita Srivastava ... Applicant.

Versus

The Union of India
and another ... Respondents.

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

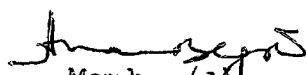
(By Hon. Mr. Justice U.C. Srivastava, V.C.)


By means of this application, the applicant had applied for the post of Telegraphists which were ~~were~~ 2 advertised in the year 1980. The applicant applied for her appointment on one of the said posts along with others and appeared in the test. After qualifying the test, the applicant was selected for the prescribed course of training against a clear vacancy on 26.12.1981. Being higher in the position, her name was put upon the names of Sri A.K. Kesharwani and A.K. Trivedi. The applicant was appointed as Telegraphist in the Central Telegraph Office, Lucknow but all of sudden, vide order dated 14.5.1982, her services were terminated. According to the merit and seniority list the applicant's services have been terminated although Sri A.K. Kesharwani and A.K. Trivedi who are junior to the applicant are still continuing in ~~in~~ service, and against the said order the applicant had filed a writ petition before the Hon'ble High Court at Lucknow Bench and which was received on transfer to this Tribunal under Sec. 29 of the Administrative Tribunal Act, 1985.

(A4)

2. The respondents in their written statement have stated that ~~it was brought out~~ by scrutiny of the records that the applicant did not succeed in the prescribed dictation-cum-handwriting test. The appointment of the applicant was made under mistake which has been corrected by her removal under Temporary Services Rule, 1965. We are of the opinion that the applicant can not suffer for 1 such type of mistake which was committed by administration.

3. Accordingly this application deserves to be allowed, and the termination order dated 14.5.1982 is quashed and the applicant will be deemed to be continue in 2 regular services and the respondents are directed to regularise the services of the applicant w.e.f. the date on which 3 services of her juniors were regularised and let it be done within 3 months from the date of receipt of the copy of this order. The application is disposed of with the above terms. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 9.12.1991

(n.u.)

CIVIL SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Signature and number of case.....

W.P. No.: 2292-82

Name of parties.....

Km. Reta Srivastava

vs. Union of India

Date of institution.....

19-5-82

Date of decision.....

Sl. no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
1-	1-	W.P. with affidavit and annex.	14	-	102-00			
	2-	Power	1	-	5-00			
	3-	C.M.A. 4986(W) of 82. for stay	1	-	5-00			
	4-	C.M.A. 12141(W) of 85	6	-	7-00			
	5-	C.M.A. 7396(W) of 83.	5	-	7-00			
	6-	C.M.A. 5862(W) of 83 with C.A.	8	-	7-00			
	7-	memorandum	1	-	-			
	8-	order sheet	1	-	-			
	9-	Buck Copy	1	-	-			

I have this

day of

198

examined

I have made all necessary corrections and certify that the papers correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and correct up to the date of the certificate

Munsari

CV

Group 2556

32957

IN THE HON'BLE ALLAHABAD HIGH COURT SITTING AT LUCKNOW.

2292
Writ Petition No. of 1982.

Kumari Rita Srivastava - - - - - Petitioner.


Versus

The Union of India and another - - - Opposite Parties.

I N D E X

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2. Affidavit	6-6
3. Annexure '1'	7-12
4. Annexure '2'	12-12
5. Annexure '3'	13-13
4. Annexure '4'	15
Power	

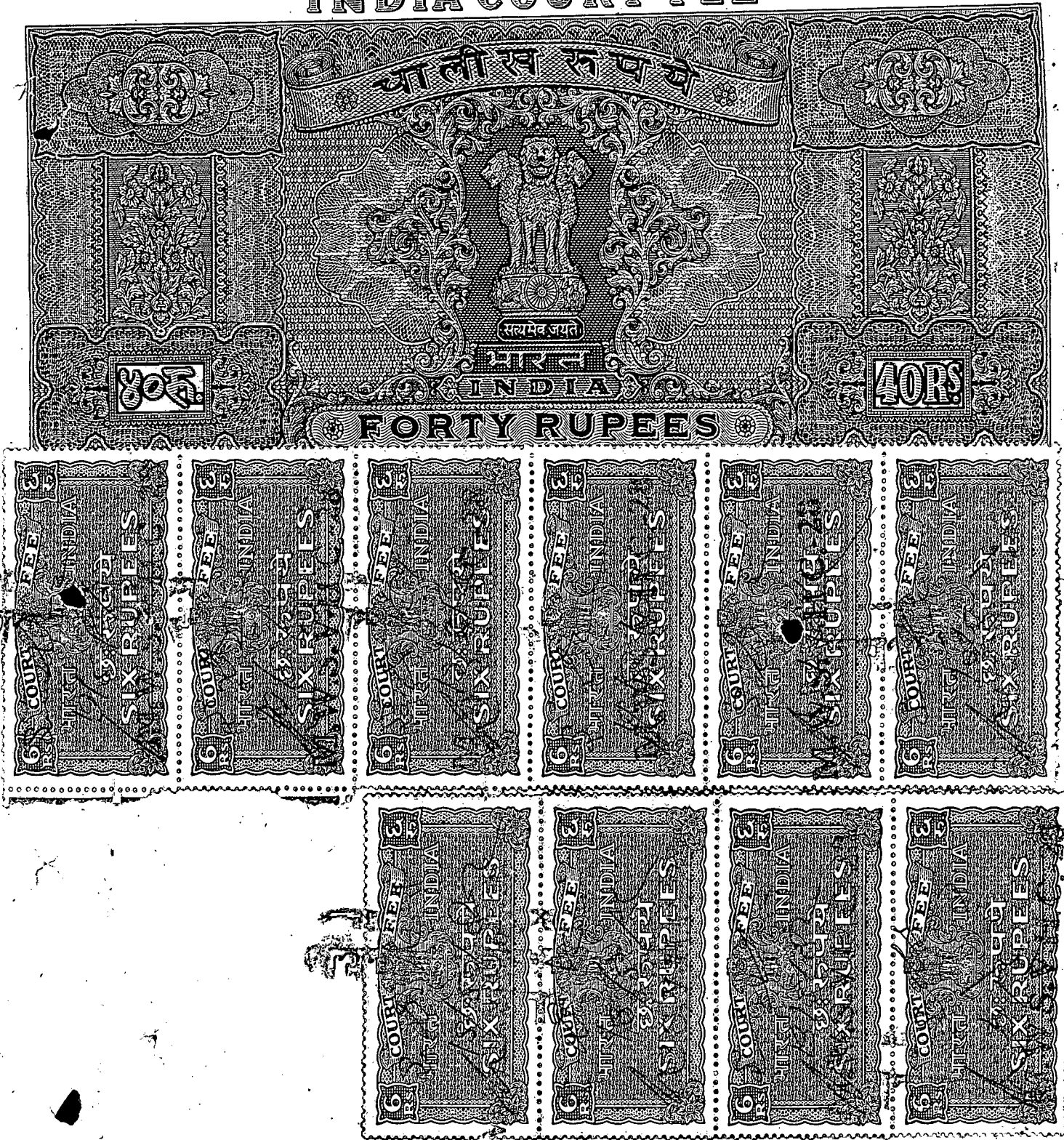
Lucknow, Dated:
May 18, 1982.


(D.K. TRIVEDI)
Advocate,
Counsel for the Petitioner.

INDIA COURT FEE

40 Rs.

A6



Dewan Singh ch of Swidamir
and no 2292
Km Rava Swidamir
by
Anand Indrat
of

Ad

letter is filed herewith as Annexure '1' hereto.

3. That the petitioner after successful completion of training was appointed as temporary Telegraphist against clear vacancies from 26.12.81. A true copy of the appointment letter is filed herewith as Annexure '2' to this writ petition.

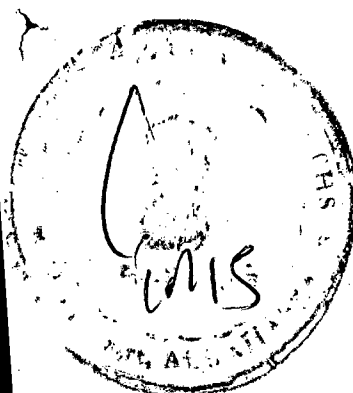
4. That the petitioner was appointed as Telegraphist in the Central Telegraph Office, Lucknow and she joined the service on the basis of the aforesaid appointment letter.

5. That the petitioner was working as Telegraphist without any fault and her work was always found satisfactory.

6. That surprisingly a letter of termination was received by the petitioner by which the petitioner's services were terminated forthwith. The letter in original is filed herewith as Annexure '3'.

7. That neither any post has been abolished nor anybody else was removed from the service. The other persons who are junior to the petitioner are still working.

8. That according to merit and seniority list the petitioner is senior to A.K.Kesharwani and A.K. Trivedi but the petitioner's services have been terminated whereas A.K.Kesharwani and A.K.Trivedi are still continuing in the job.



ecda Srivastava

9. That the candidates who were appointed in the ~~reserve quota~~ are also continuing in the service and the opposite parties are still taking work from them.

10. That the petitioner is an young lady and her father has also died and she is in need of the service and wants to do work honestly and she is not interested in entering into any work which is outside of her service and for this reason some of the officers are annoyed with the petitioner.

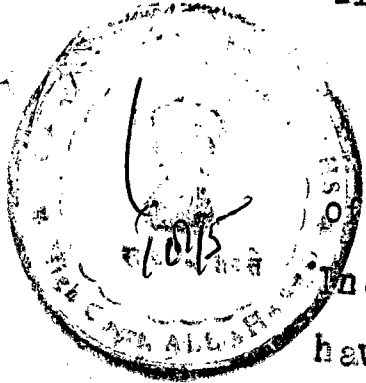
11. That the petitioner has yet not accepted the salary of notice and has not handed over the charge

12. That ~~the order~~ there is no adverse entry against the petitioner nor the petitioner was found unsuitable for the post and as such the termination of the services of the petitioner is unjust and illegal.

13. That the order of termination is violative of Provisions of Article 15 of the Constitution of India as the petitioner being a lady her services have been terminated.

14. That the order of termination is arbitrary and illegal and is violative of provisions of Article 14 and 16 of the Constitution of India when the similarly placed persons are retained in service and the petitioner's services have been terminated.

Reeta Srivastava



15. That if the order of termination is not stayed the petitioner will be put to starvation.

16. That being aggrieved and having no alternative efficacious remedy the petitioner begs leave to file this petition under Article 226 of the Constitution of India, on the following, amongst other -

G R O U N D S

- 1) Because the order of termination is arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India.
- 2) Because ~~the~~ neither any post has been upgraded or abolished nor any fresh appointment has been made.
- 3) Because the juniors have been retained and the persons who were appointed after the petitioner are still working and continuing in service.

Wherefore, it is respectfully prayed that this Hon'ble Court may kindly be pleased to :

- 1) Issue a writ, order or direction in the nature of certiorari quashing the order of termination contained in Annexure '3';

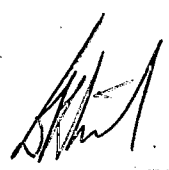
- 2) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties to allow the petitioner to continue in service;

P. S. Srinivasan

211

3) Issue any other writ, order or direction which this Hon'ble Court deems fit and proper in the circumstances of the case;

4) Award costs of this petition to the petitioner.

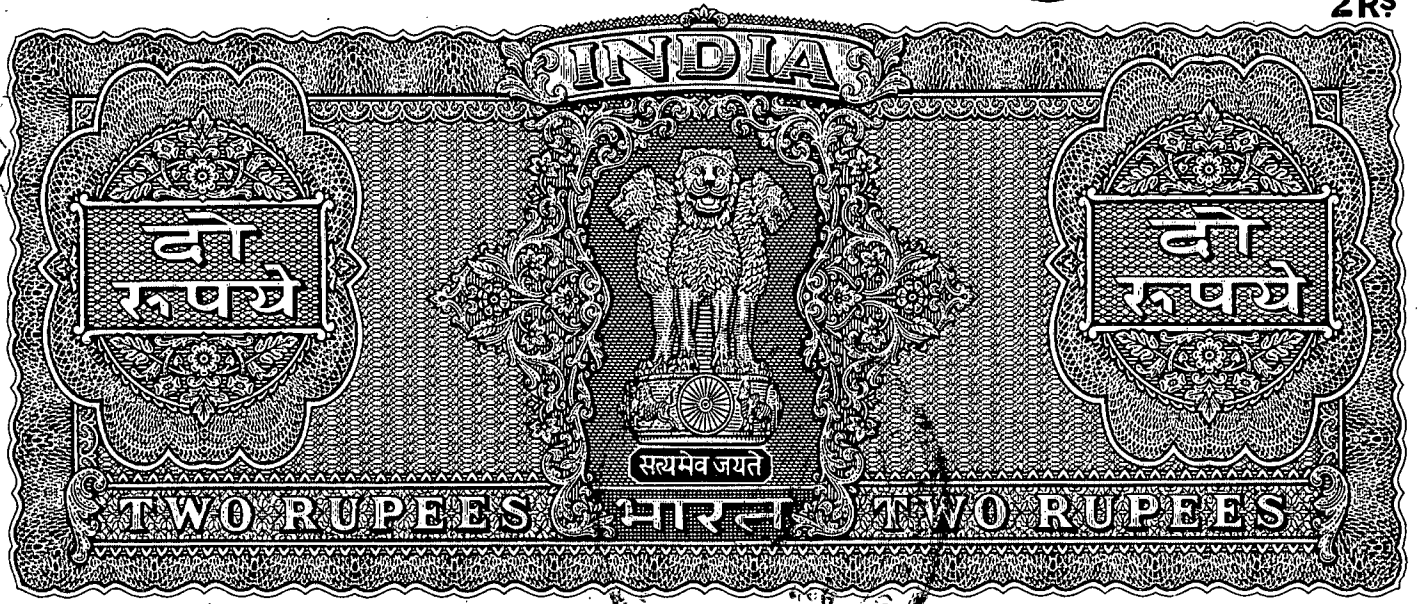


(D.K. TRIVEDI)

Advocate,
Counsel for the Petitioner.

Lucknow, Dated:
May 18, 1982.

Recd



In the Hon'ble High Court Allahabad sitting at Lucknow,

W.P. No. — of 1902

Kumari Rita Srivastava. — — — Petitioner —

Vs.

The Union of India and another — — — Opp. Part



IN THE HON'BLE ALLAHABAD HIGH COURT SITTING AT LUCKNOW.

AFFIDAVIT

In re: Writ Petition No. ... of 1982.
Kumari Rita Srivastava - - - - - Petitioner.
Versus
The Union of India and another - - - - - Opposite Parties.

I, Rita Srivastava, aged about 22 years, daughter of late Sri Bhola Nath Srivastava, resident of 298-Basharat Ganj Lucknow do hereby solemnly affirm and state on oath as under :-

1. That the contents of paras 1 to 12 of the writ petition are true to my own knowledge and those of paras 13 to 15 of the writ petition are true to my knowledge based on receipt of legal advice.

2. That Annexures 1 and 2 are true copies which have been compared by the deponent.

Lucknow, Dated:
May 18, 1982.

Rita Srivastava
Deponent.

I, the deponent named above, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge; that no part of it is false and that nothing material has been concealed. So help me God.

Lucknow, Dated:
May 18, 1982.

Rita Srivastava
Deponent.

I identify the deponent on the basis of the papers produced by her. She has signed before me.

Shambhu Dayal Srivastava
Clerk, to Sri D.K.Trivedi Advocate.

18/5/82

Solemnly affirmed before me on 18.5.82 at 5.30 a.m./p.m. by Kumari Rita Srivastava the deponent who is identified by Sri Shambhu Dayal Srivastava Clerk to Sri D.K.Trivedi Advocate, High Court Allahabad. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read over and explained by me.

In the Hon'ble ⁷Allahabad High Court Sitting at Lucknow.

W. P. No. . . . of 1902

(114)

Kumari Pilo Srivastava : : : : : Petitioner

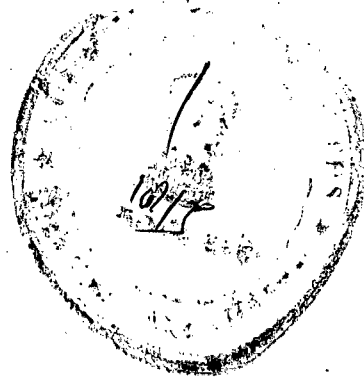
Versus.

The Union of India and others : : : : : Opp. Parties

Annexure No. 1

The photostatic copy of the letter is attached herewith.

Peta Srivastava



INDIAN POSTS AND TELEGRAPHS DEPARTMENT

OFFICE OF THE CHIEF SUPERINTENDENT, CENTRAL TELEGRAPH OFFICE,
LUCKNOW. 226001

Memo No. CT/TTD/RECTT/TL/80-81 Dated at Lucknow the 7th March 1981.

As per advertisement No. 8 of 1980 published in the News Papers, the candidates mentioned in the enclosed select list (Annexed) have been approved for training and appointment to cadre of Telegraphists against the vacancy pertaining to the Year 1980 in the pay scale of Rs. 260/480 Plus allowances as admissible.

2. The candidates included in the select list have qualified the prescribed Dictation-Cum-Handwriting test and their names of the candidates have been arranged in the order of merit in each category. This has got the approval of Selection Committee.

3. The mere inclusion of the name of a candidate in this select list does not confer a right to get himself appointed in the cadre of Telegraphists.

4. The actual offer for training and appointment to the candidates would be given by the undersigned within a reasonable period after completion of the prescribed formalities viz. filling the prescribed application form, attestation form and submission of original certificates etc. by the candidates within the stipulated time.

5. The candidates will be sent for training strictly according to their merit position in the select list except in exceptional circumstances and before deputing for training and offering actual appointment, the undersigned will verify and satisfy himself in respect of educational qualifications, Medical examination and Character antecedents of the selected candidates.

6. This select list is released subject to verification of Registration Number, Name of Employment Exchange on the date of application, genuineness of all the academic qualifications etc. and Caste certificate if their being S/C and S/T and discharge certificate if being EX-Service Man will be properly verified from the respective issuing authorities duly authorised by the Government to issue such certificates.

(B.S. VERMA)
Chief Superintendent
Central Telegraph Office, Lucknow.

Copy forwarded for information and necessary action to :-
(Rectt)

1. The General Manager Telecommunications/ U.P. Circle, Lucknow.
2. The Director Telecom (Central Area) 3-A Habibullah Estate, Lucknow.
3. The A.D.T. (Staff) % The GMT UP Circle Lucknow.
4. The Director Sainik Kalyan Kaiserbagh Lucknow.
5. The Employment Exchange Officer, Lucknow.
6. The A.C.S (G) CTO LW (7) The Estt. CTO LW. (8) The LSG(E)/ LSG(A)
9. Notice Board CTO LW. (10) Vigilance Sec. CTO LW.

Rectt as per order

17/5

1.

VACANCY: (2) T & D : EX - SERVICE MEN:

1. Kunwarji Misra	O/C	15.7.51	51.0	T/5889/80
2. JaiHind Dass	O/C	8.11.46	49.0	T/392/79

RESERVE CANDIDATE : ONE (1)

1. Arvind Bhatnagar	O/C	10.6.46	46.8	T/13369/80
---------------------	-----	---------	------	------------

DEPARTMENTAL VACANCIES : (

1. UP/TL-11	Bacchu Singh	DTO Aligarh
2. UP/TL-13	Mangesh Kumar	DTO Aligarh
3. UP/TL-14	Musafir Uppadhyay	CTO Bareilly.
4. UP/TL-24	Baij Nath Ram	CTO Dehradun.

NOTE: THE CANDIDATES BROUGHT AGAINST THE RESERVE LIST WILL BE IMPARTED TRAINING ALONGWITH THE CANDIDATES IN THE MAIN LIST. THESE RESERVE CANDIDATES WILL BE CALLED UPON TO FUNCTION AS SHORT DUTY STAFF ON HOURLY RATES OF WAGES (RS. TWO PER HOUR) TILL SUCH TIME AS THEY ARE ABSORBED IN REGULAR VACANCIES IN DUE COURSE. THEIR FAILURE TO WORK AS SHORT DUTY STAFF WILL RENDER THE REMOVAL OF THEIR NAMES FROM THE SELECT LIST.

Devi Prakash

1/15

OFFICE OF THE CHIEF SUPERINTENDENT
CENTRAL TELEGRAPH OFFICE, Lucknow 226001.

No. CS/TID/Rectt/TL/80-81 Dated at Lucknow the 24.3.1981.

The following candidates having been approved for appointment to the cadre of Telegraphists in Lucknow Telegraph Traffic Division, are hereby directed to report to the Assistant Engineer I/C, Circle Telecom Training Centre, Patna House, Lucknow on 26.3.1981 for undergoing the prescribed course of training.

OUTSIDE CANDIDATES:-

- | | |
|-------------------------------------|-------------------------------|
| 1. S/Shri, Ravindra Pal Singh | 11. Ashok Kumar Koserwani (P. |
| 2. " Arbind Mukherjee | 12. Arjun Kumar Trivedi |
| 3. " Brijesh Kumar Misra | 13. Prem Nath Raman S/C |
| 4. " Krisrendra Pratap Singh (Prov) | 14. Mahadeo Prasad " |
| 5. " Pratik Saxena | 15. Medilal (Prov) " |
| 6. " Virendra Kumar | 16. Gaya Pd. " |
| 7. " Om Prakash Devrani (Prov) | 17. Kunwarji Misra (Ex-Sc.Ma) |
| 8. " Kamalkumar Srivastava | 18. Jaihind Dass " |
| 9. " KM. Sita Nigan | |
| 10. " KM. Rita Srivastava (Prov) | |

RESERVE CANDIDATES:-

- | | |
|--------------------------|--------------------------------|
| 1. " Mohd. Shareef. | 3. Daya Shanker S/C |
| 2. " Rahkumar Srivastava | 4. Arvind Bhatnagar. Ex.Sc.Ma. |

DEPARTMENTAL CANDIDATES:-

- | | |
|--------------------------------|----------------------------|
| 1. " Baechu Singh CTO Aligarh | 3. Musafir Uppadhy CTO BR. |
| 2. " Mangesh Kumar CTO Aligarh | 4. Baijnath Ram CTO DN. |

The outside candidates will be paid stipend of Rs.130/- p.m. during the training period whereas the Departmental candidates will continue to draw usual pay and allowances of their parent cadre. No T/A will, however, be paid to the outside candidates to join the training class. The candidates will have to make their own arrangements for feeding and lodging.

In the training class, the candidates will have to maintain discipline and one who is found unsuitable at any stage of the training shall be liable to be removed from the training class and will forfeit the security furnished by him.

Their seniority will be fixed on the basis of their merit in the post-training examination.

The candidates on the reserve list will have to work as Short duty TL @ Rs.2/- Per hour if no vacancy to absorb them in regular cadre is available at time of completion of training.

(B.S. VERMA)
Chief Superintendent
Central Telegraph Office, Lucknow.

Copy to;

1. to 26, above candidates for information and compliance.
27. The G.M.T. U.P. Circle (Rectt Sec)/ Staff Sec/ Estt Sec./ Budget Section, Lucknow.
28. 31. The A.E. Trng Centre Patna House, Lucknow. He is requested to open the training class for imparting training to the candidates as given above. The all formalities regarding Health, Character certificates Security deposit and Personnel Security Etc. have been completed at this end.
32. The D.E.T. Lucknow. He is requested to pay the stipend to the outside candidates as given above.
33. The Chief Accounts Officer Tele. Accts Bhopal House, Lucknow.
34. The Establishment Section C.T.O. Lucknow for further disposal in the matter.
35. SSTT Bareilly (36) Saharanpur. (37) ASTT I/C Aligarh
38. CS CTO Agra. (39) Asst I/C CTO Bareilly/ Dehradun.

Re: Srivastava

10/5

IN THE HON'BLE ALLAHABAD HIGH COURT SITTING AT LUCKNOW.

Writ Petition No. of 1982.
 Kumari Rita Srivastava - - - - - Petitioner.
 Versus
 The Union of India and another - - - - - Opp. Parties.

Annexure '2'INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Office of the Chief Superintendent, Central Telegraph Office, Lucknow.
 Memo No. E-32/ch.I/102 dated at Lucknow the Dec. 23, 1981.

On successful completion of the prescribed course of training, the following candidates are hereby appointed as Temporary Telegraphists with effect from 26.12.1981 forenoon in the scale of Rs. 260-8-300 E/B -8-340-10-360-12-420-E/B-12-480 and posted to the offices noted against each:-

1. Sri Mangesh Kumar Jain	Deptl.	C.T.O. Lucknow.
2. " P.N. Raman	S/C	C.T.O. Lucknow.
3. " Pratik Saxena		C.T.O. Lucknow.
4. " A. Bhatnagar		C.T.O. Lucknow.
5. " K.K. Srivastava		C.T.O. Lucknow.
6. " B.K. Mishra		C.T.O. Lucknow.
7. " Gaya Prasad	S/C	C.T.O. Lucknow.
8. " A.K. Kesharwani		C.T.O. Lucknow.
9. Km. Sita Nigam		C.T.O. Lucknow.
10. Sri R.K. Srivastava		C.T.O. Lucknow.
11. " K.P. Singh	S/C	C.T.O. Lucknow.
12. " Medilal		C.T.O. Lucknow.
13. " A.K. Trivedi		C.T.O. Lucknow.
14. " Virendra Kumar		C.T.O. Lucknow.
15. Km. Rita Srivastava		C.T.O. Lucknow.
16. Sri Kunwarji Mishra		D.T.O. Basti.
17. " R.P. Singh		D.T.O. Sitapur.
18. " Mohd. Shareef		D.T.O. Sitapur.

They should clearly understand that their appointments are purely temporary liable to termination at any time even ~~at any~~ without notice or reasons assigned thereof.

They should report duty to the respective Heads of Offices immediately.

Sd. Illegible.
 (B.S. Verma)
 Chief Superintendent,
 Central Telegraph Office,
 Lucknow.

Copy to :-

- 1-18. Above Candidates for compliance.
- 19-36. P/Files of above candidates (to be opened).
37. The A.C.S.(G) C.T.O. Lucknow.
38. The A.S.T.T. I/C, D.T.O. Sitapur. He will please relieve Sri V.P. Mishra Telegraphist of his office for C.T.O. Lucknow at his own request and cost on resumption of duty by the above candidate.
39. The A.S.T.T. I/C, D.T.O. Basti.
40. Pay Bill Sec.
41. Leave Sec.
42. Vig. Sec.
43. O.T.A. Sec.
44. G.P.F. Sec.
45. Store Sec.
46. The Director Telecom (Central Area), Lucknow.
47. The G.M.T. UP Ciercle (Staff Sec), Lucknow.

True Copy
Reta Srivastava

In the Court of Hon^{ble} Allahabad High Court Siting
at Lucknow.

N. P.

1982

Hemari Rita Sinistera

Petitioner

Versus

The Union of India & an or

Opp. parties

Answer 3.

The letter in original is attached here
with.



Reeta Sinistera

113
62

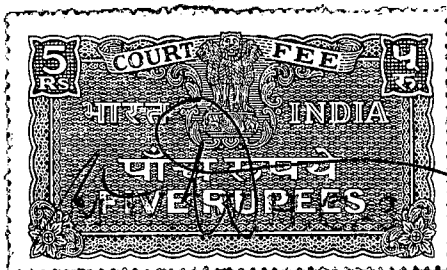
(A19) 4/1

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

C.M. Application No. 12,141 (w) of 1985

In re:

Writ petition no. 2292 of 1982



Kumari Rita Srivastava

... Petitioner

Vs.

Union of India and others m

... Opp. Parties

Application for vacation of stay order

12840

The opposite parties, in the above noted,
writ petition most respectfully beg to submit as
under : -

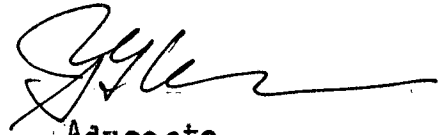
- CTA
1. That the above noted writ petition was filed in this Hon'ble Court in May 1982 and an ex parte stay order was also granted in favour of the petitioner on 19-5-1982. The Hon'ble Court was pleased to stay operation of the order of termination dated 14th May 1982, issued by the Chief Superintendent, Centre Telegraph Office, Lucknow.
 2. That a detailed counter affidavit was filed by the opposite parties in the case on 7-5-1983.
 3. That the petitioner also filed her rejoinder

P R A Y E R

Wherefore, it is most respectfully prayed that the case may kindly be listed for hearing and the ad-interim order of stay dated 19-5-1985, granted in the case may kindly be vacated.

Dated : Lucknow

17.6.1985



Advocate
counsel for the opp. parties

A22

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

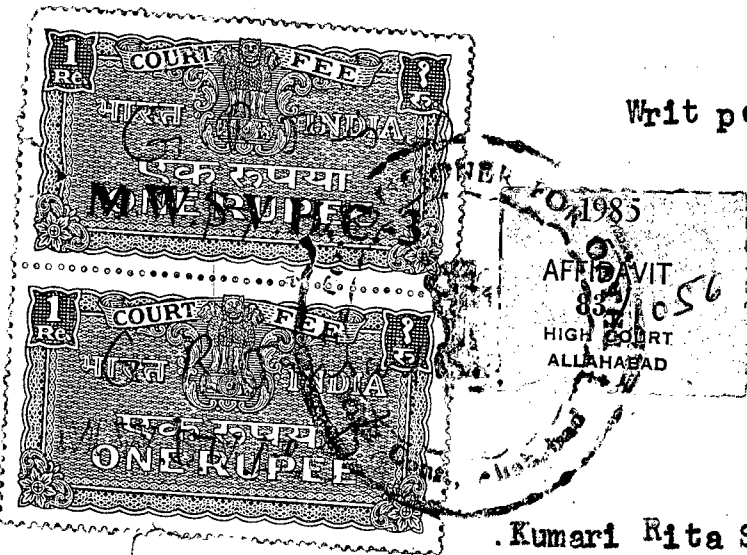
Affidavit

in

support of C.M. appln; no. of 1985

In re:

Writ petition no. 2292 of 1982



Kumari Rita Srivastava

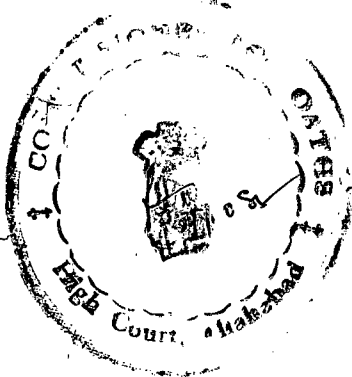
... Petitioner

Vs.

Union of India and others

... Opp. Parties

AFFIDAVIT



I, G. R. JAISWAL, aged about 37 Years
son of Sri H. M. Jaiswal, working as Chief
Superintendent, Centre Telegraph Office, Lucknow,
do hereby solemnly affirm and state on oath as
under : -

1. That the deponent is one of the opposite parties in the above noted writ petition and as such he is fully conversant with the facts deposed to hereinbelow.
2. That the above noted writ petition was filed in this Hon'ble Court in May 1982 and an exparte stay order was also granted in favour of the petitioner on 19-5-1982. The Hon'ble Court was pleased to stay

R Jaiswal
17/10/85

428

- 2 -

operation of the order of termination dated 14th May 1982, issued by the Chief Superintendent, Centre Telegraph Office, Lucknow.

3. That a detailed counter affidavit was filed by the opposite parties in the case on 7-5-1983.

4. That the petitioner also filed her rejoinder affidavit in reply to the counter affidavit in July 1983. The case is ripe for final hearing.

5. That the petitioner was a temporary employee. She was not qualified, suitable and fit to hold the post and in view of this her temporary services were terminated in accordance with the relevant service rules of 1965, applicable in the case of the petitioner.

6. That when the file was allotted to the newly appointed Standing Counsel Sri Rakesh Sharma, who has been instructed to pursue the case on behalf of the opposite parties in place of Sri B.S. Randhawa the then Senior Standing Counsel, Central Government, this fact came to the notice of the counsel that the case could not be listed for hearing and disposal of the stay application. It is most respectfully submitted that under Article 226(3) of the Constitution, the disposal of the stay application is necessary within a period of two weeks from the date on which the application for vacation of the



R. Jaiswal
17/10/85

424

stay order is moved in the court.

7. That from the perusal of the file it appears that final disposal of the stay application has yet not been made. The disposal of the stay application after hearing the opposite parties and after considering the submissions made in the counter affidavit is necessary in the interest of justice.

Dated : Lucknow

17/10, 1985

R. Jaiswal
Deponent. 17/10/85

Verification on

That the contents of paras 1 to 6 (partly) and 7 of this affidavit are true to my personal knowledge while the contents of para 6 (partly) are based on legal advice which the deponent believes to be true. No part of it is wrong and nothing material has been concealed, so help me God.



Dated : Lucknow

17.10.1985

R. Jaiswal
Deponent. 17/10/85

I, identify the deponent who has signed before me. He is personally known to me.

[Signature]
Advocate.

Solemnly affirmed before me on 17.10.85 at 9.20 a.m./p.m. by the deponent *G. R. Jaiswal* who is identified by *Sri M. Rakesh Sharma* Advocate, High Court, Lucknow Bench. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me to him.

[Signature]
OATH CO. *[Signature]*
High Court, Lucknow Bench
LUCKNOW

No. 8.3.10556
Date 17.10.85

on 6.9.1982 and sent to the Opposite parties for vetting.

5. That, in the meantime, there was a change of the Central Government Standing Counsels w.e.f. October 1, 1982 and consequently the Counsel file of the case was taken over by the present Senior Standing Counsel.
6. That the present Senior Standing Counsel wrote to the opposite party No. 2 on 30.10.1982 to return the Draft Counter-Affidavit after vetting.
7. That the draft Counter-Affidavit after vetting was received back in the last week of March 1983 and then a fair Counter Affidavit was prepared and duly affirmed on 6-5-83
8. That there has been no deliberate delay in filing the accompanying Counter Affidavit, on the part of the applicants (opposite parties Nos. 1 & 2 in the writ petition) or their counsel and the delay is liable to be condoned.

WHEREFORE, it is respectfully prayed that the delay in filing the accompanying Counter-Affidavit may kindly be condoned and the same be taken on the record of the case.

D.S. Randhawa

(D.S.RANDHAWA)
Advocate,

(Senior Central Govt. Standing Counsel)
Counsel for the Applicants.

Lucknow:

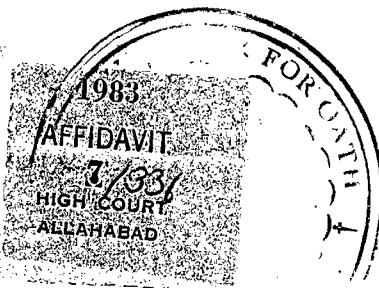
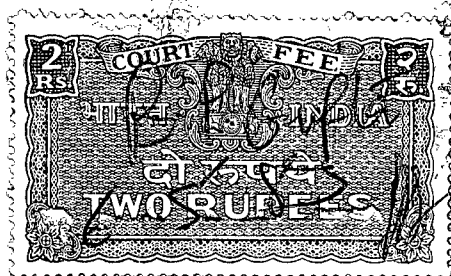
Dt: May 13 1983.

3
A25

IN THE HON'BLE COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH) LUCKNOW.

Writ Petition No. 2292

of 1982.



Km. Reeta Srivastava

..... Petitioner

Versus

Union of India and others

..... Opposite Parties.

Counter Affidavit to Writ Petition on
behalf of Opposite Parties.

I, B.P. Gupta, aged about 39 years, ^{S/o Sri Manohar Lal Gupta} Chief -

Superintendent Central Telegraph Office Lucknow, do
hereby solemnly affirm and state on oath as under : -

1. That the deponent is the Chief Superintendent, Central Telegraph Office, Lucknow and is fully conversant with the facts deposed to hereunder:
2. That the contents of Para 1 of the writ petition are not disputed.
3. That the contents of para 2 of the writ petition are admitted to the extent that the petitioner

Contd.....2/p

A26

applied for the post of a Telegraphist and the letter sent to her intimating the approval for appointment to the cadre of Telegraphist was issued by the Chief Superintendent Central Telegraph Office, Lucknow. It is submitted that it was brought out by scrutiny of the records that the petitioner did not succeed in the prescribed dictation-cum-handwriting test. The petitioner's appointment was made under a mistake which has been corrected by her removal under Temporary Services Rules, 1965. It is, therefore, submitted that the petitioner's contention that she had been selected for the prescribed course of training after qualifying the test is not admitted.

4. That the contents of para 3 of the writ petition are not denied.

MP
6.5.83

5. That in reply to para 4 of the writ petition, it is admitted that the petitioner was appointed as a Telegraphist but it is submitted that her appointment was on a purely temporary basis and as stated in the appointment letter her services were liable to be terminated at any time without assigning any reason.

Dusam

6. That in reply to para 5 of the writ petition it is submitted that during the short span of about 4 months during which the petitioner worked as Telegraphist, there was no occasion for an objective assessment of the quality of her work and conduct.

51

127

7. That in reply to para 6 of the writ petition, it is submitted that the fact of the petitioner's having failed at the dictation-cum-handwriting test having come to light on a subsequent scrutiny of records the mistake was rectified by terminating the petitioner's services under Rule 5 of Temporary Services Rules, 1965. It was not necessary to specify, the reasons of termination of her service, in the said order.
8. That the contents of paras 8 to 9 of writ petition are admitted.
9. That in reply to para 10 of the writ petition, it submitted that petitioner's statement that she is not interested in any work which is outside the scope of her duties is ambiguous as such no proper reply can be given. It is submitted that the cadre in the Central Telegraph Office, anybody staying on overtime beyond his/her hours of duty is duly compensated by payment of overtime allowance. The petitioner never, during her four months services, made a complaint of having been expected to do anything that might have been outside the scope of her duties.
10. That in reply to para 11 of the writ petition, it is submitted that it is correct that even though, one months salary in lieu of one month's



Benjamin

(#28) 6

notice was duly drawn, the petitioner refused to accept the payment despite all persuasion.

11. That the contents of para 12 of the writ petitions are not admitted, and it is submitted that the span of her service being too short, there could be no objective assessment of her work and conduct to award her an entry adverse or otherwise. The termination of her services were terminated as she was not qualified for the appointment and her disqualification came to notice later at the time of the scrutiny of records.

12. That in reply to para 13 of the writ petition it is submitted that the petitioner has failed to show how her termination is in violation of article 15 of the constitution. The termination of her service being under Rule 5 of Temporary service Rules 1965 the same would have followed on discovery of the disqualification, even if the petitioner had not been a female.

13. That in reply to para 14 of the writ petition, it is submitted that the order in question was passed under Rules 5 of Temporary service, Rules 1965, there was no violation of Article 14 and 16 of the constitution. Her services have been terminated as the petitioner was found to be unqualified for the job. It is submitted that there was no discrimination in the case of the petitioner.

Contd.....5/p

129

14. That in reply to para 15 of the writ petition, it is submitted that the petitioner has been granted a stay order by this Hon'ble Court. It is submitted that ~~in~~ the circumstances pointed out above, the petitioner is not entitled to an order for stay of the operation of order of termination of her services ^{and the interim order} of stay granted by this Hon'ble Court is liable to be vacated.
15. That the contents of para 16 of the writ petition are denied and it is submitted that petitioner is entitled to no relief and the petition may be dismissed with costs.

SIONER FO
MP
6.5.83

Dated : Lucknow the
6.5.83

Deponent

Verification

I, B.P.Gupta the deponent above named do hereby verify that the contents of paras [✓] 1 (one) [✓] of this affidavit are true to my own knowledge, those of paras [✓] 2 to 12 [✓] are believed to be true on the basis of information derived from perusal of office records and those of paras [✓] 13 to 15 [✓] are true to my belief on the advice of the counsel. No part of it is false and nothing material has been concealed so help me God.

Lucknow: [✓]
Dated: 6.5.83

Deponent

I identify the deponent who has signed before me.

Contd.....6/p

A30

Solemnly affirmed before me on 6.5.83

at 1.15 AM/PM by Shri B. P. Gupta

the deponent who is identified by Shri

~~Clerk to~~ Shri Diwan Singh Randhawa, Advocate,
High Court, Lucknow.

I have satisfied myself by examining the
deponent that he understands the contents of
affidavit which has been read out and explained
by me.

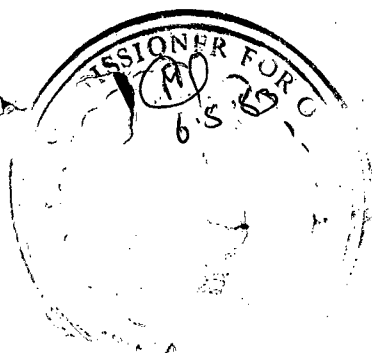
Meena Sandey

OATH COMMISSIONER

High Court, (Lucknow Bench)

LUCKNOW

Date 7/33/



Memo

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD-LUCK NOW BENCH
LUCKNOW

Writ Petition.....No 2292 of 1982

Km. Rita Srivastava.....Petitioner,

versus

Union of India & Others.....Opposite Parties.

REGISTRAR,

I AM appearing as the ^{Senior} Central Government

Standing Counsel, on behalf of ~~Applicant~~/

Respondent/Opposite Parties *No. 1 and 2*.....

Q. Randhawa

13-5-83

Date *13-5-83*.....1983.

Senior

Central Government
Standing Counsel.

(D S RANDHAWA)

Advocate

1983
AFFIDAVIT
98
HIGH COURT
ALLAHABAD



IN THE HON'BLE ALLAHABAD HIGH COURT SITTING AT LUCKNOW.

REJOINDER AFFIDAVIT

In re:

Writ Petition No. 2292 of 1982.

Kumari Rita Srivastava - - - - - Petitioner.

Versus

Union of India and another - - - - - Opposite Parties

I, Rita Srivastava, aged about 23 years, daughter of Late Sri Bholanath Srivastava, resident of II-53-I C.P.H. Colony, Northern Railway, AMV, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner in the above-noted petition and is well-conversant with the facts of the case.

2. That the contents of paras 1 and 2 of the counter affidavit need no reply.

3. That regarding the contents of para 3 of the counter affidavit it is stated that after passing an examination, the deponent was selected by a board consisting of three gazetted officers and was later on appointed after completing all formalities. Thereafter the deponent was sent for the prescribed course of training for nine months and after training an examination was again held in which the deponent was declared successful and was appointed as Telegraphist. It is



Rita Srivastava
2/7/83

A34

3

further stated that thereafter the deponent worked as Telegraphist and her work was always found satisfactory. It is denied that any subsequent scrutiny was done and then it was disclosed that the deponent had failed at the dictation-cum-handwriting test. In fact, the deponent was successful in preliminary as well as secondary tests and it is wrong to say that she had failed in dictation-cum-handwriting test.

4. That the contents of para 4 of the counter affidavit need no reply.

5. That the contents of para 5 of the counter affidavit are denied as stated. It is further stated that the deponent was appointed against a clear vacancy after passing preliminary examination as well as prescribed training test etc.

6. That regarding the contents of para 6 of the counter affidavit it is stated that in fact, the work of the deponent was above mark and therefore there was no occasion of raising any objection against her work.

7. That the contents of para 7 of the counter affidavit are denied. It is wrong to say that the deponent had failed in dictation-cum-handwriting test. In fact, the deponent was declared successful and so she was sent for training and after passing the training test etc. she was appointed as Telegraphist. It is denied that any scrutiny of records was done and the deponent was found unsuccessful in preliminary test.

98/83
8/7/83

Depto. Dir. V. S.
2/7/83

8. That the contents of para 8 of the counter affidavit need no reply.

9. That the contents of para 9 of the counter affidavit are denied as stated and the contents of para 10 of the writ petition are reiterated.

10. That the contents of para 10 of the counter affidavit are denied as stated. It is further stated that the impugned order is itself illegal and void and so there is no question of recovery of one month's pay. However, it is incorrect to say that the deponent had refused to accept the payment despite all persuasions. No payment was offered to the deponent except termination notice.

11. That the contents of para 11 of the counter affidavit are denied and the contents of para 12 of the writ petition are reiterated. In fact, there was no fault in the working of the deponent and her work was found above mark and therefore the opposite party is giving a vague reply.

12. That the contents of para 12 of the counter affidavit are denied as stated and the contents of para 13 of the writ petition are reiterated.

13. That the contents of para 13 of the counter affidavit are denied. It is further denied that the deponent was unqualified for the job. In fact, the deponent was selected and thereafter she was sent for training course and she was appointed after passing out of examination of training test etc.. The contents



For Deponent
8/7/83

A36

of para 14 of the writ petition are reiterated.

14. That the contents of para 14 of the counter affidavit are denied. In fact, the deponent was working as Telegraphist and her work was above mark and so the balance of convenience lies in favour of the deponent and the stay order passed by this Hon'ble Court is liable to be confirmed.

15. That the contents of para 15 of the counter affidavit are denied.

Lucknow, Dated:
July, 2, 1983.

Rachna Srivastava
Deponent.

I, the deponent named above, do hereby verify that the contents of paras ¹ to ² 13 and 15 of this affidavit are true to my own knowledge and those of paras ¹⁴ — are true to my knowledge based on receipt of legal advice that no part of it is false and that nothing material has been concealed, so help me God.

Lucknow, Dated:
July, 2, 1983.

Rachna Srivastava
Deponent.

I identify the deponent on the basis of the papers produced by her. She has signed before me.

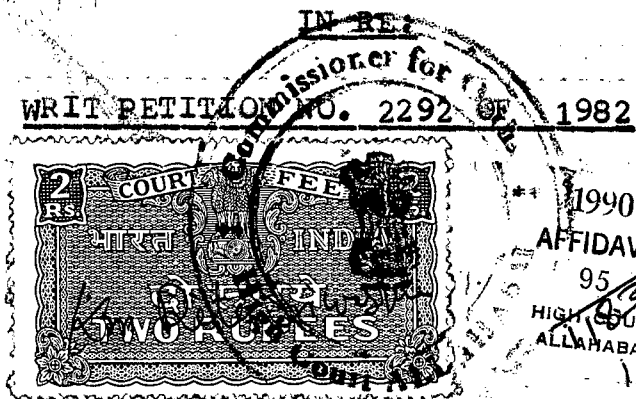
SATISH CHANDRA SRIVASTAVA
OATH COMMISSIONER
High Court Allahabad;
Lucknow Bench,
No. 78 7/83
8-7-83

Shambho Dayal Srivastava
Clerk, to Sri D.K.Trivedi Advocate.
2/7/83

Solemnly affirmed before me on 2-7-83 at 5-10 a.m./p.m. by Km. Rita Srivastava, the deponent who is identified by Sri Shambho Dayal Srivastava Clerk to Sri D.K.Trivedi Advocate, High Court Allahabad. I have satisfied myself by examining the deponent that she understands the contents of this affidavit which have been read over and explained by me.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

SUPPLEMENTARY AFFIDAVIT



Km. Rita Srivastava Applicant

Versus

Union of India and others Respondents

I, Km. Rita Srivastava, aged about 30 years,
daughter of late Sri Bhol Nath Srivastava,
presently residing at II/53-I, C.P.H. Colony,
Alambagh, Lucknow, do hereby solemnly affirm and
state on oath as under:-

1. That the deponent is the petitioner-applicant
in the above noted case and is well conversant
with the facts deposed to hereunder.
2. That the petitioner after passing the written
test was declared successful by the Opposite Party
No. 2 and was called for training and appointment
to the post of Telegraphist against the vacancies
pertaining to the year 1980. Along with the petiti-



Recd

Filed today
12/9/80

1928

over 14 other persons were selected and appointed and ~~was~~ were sent for training. In the select list the petitioner was placed at serial number 10. The persons who were of lesser merit ~~was~~ than the petitioner were placed below the petitioner at serial number 11 and 12 and two candidates were placed in the reserved list. The select list is Annexure-1 to the Writ Petition. They have been regularised and confirmed. Their names are given below:-

1. Ashok Kumar Keserwani
2. Arjun Kumar ^{Trivedi} ~~Tripathi~~
3. Mohd. Sharif
4. Raj Kumar Srivastava.

3. That except Km. Sita Nigam against whom a vigilance enquiry is continuing, all the persons of the list have been regularised.

4. That not only the persons of the select list of 1980 (Annexure-1) have been regularised but the persons who were selected in the next batch of the year 1982 have also been regularised.

5. That after successfully completing her training deponent was appointed as Telegraphist and was doing her duties efficiently and honestly.



Recd

The services of the petitioner were terminated without any rhyme or reason.

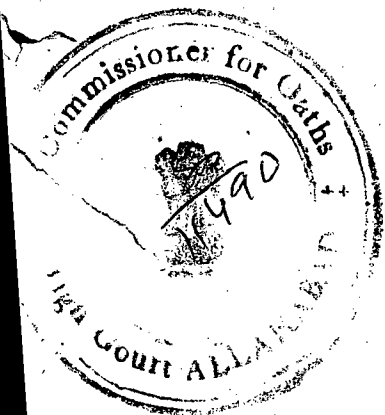
6. That according to the Opposite Parties the services were terminated on the ground that she was not successful in the written test. No material has been placed on the record so far and only bald allegations have been made without any basis.

7. That no opportunity of hearing was given to the petitioner before terminating her services on the baseless ground that she was not successful in the written test.

8. That the order of termination results in civil and evils consequences and affects the right of the petitioner. As such the said order cannot be passed without giving opportunity of hearing to the petitioner.ⁿ

9. That the order of termination is violative of Articles 14 and 16 of the Constitution of India and is also violative of Principles of natural justice.

10. That the persons of lesser merit have been regularised.



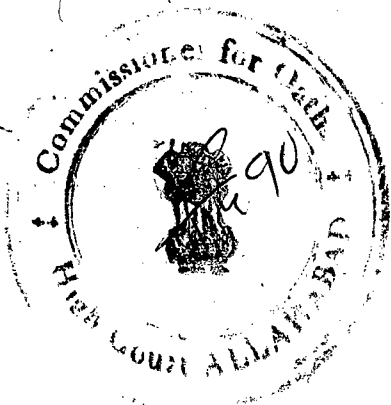
Auo

11. That the petitioner has become over age and because of the pendency of the Writ Petition she could not be transferred to Allahabad where she was married and therefore it resulted in divorce.

12. That only two women candidates were selected against the vacancies of 1980. Out of which the Opposite Parties terminated the services of the petitioner arbitrarily and against the other candidate the vigilance enquiry was initiated as such the attitude of the Opposite parties appears to be against the women candidates and to discriminate and to deprive them in the case of employment.

13. That the work and conduct of the petitioner has always been good and upto the mark and there has been no complaint against the petitioner so far. The petitioner is getting her increments regularly.

14. That it is desirable in the interest of justice that ~~the~~ the order of termination (Annexure-3 to the Writ Petition) ^{be} quashed and the services of the petitioner ^{be} regularised.



LUCKNOW DATED :
APRIL 11 1990.

Deed
DEPONENT.

VERIFICATION

I, the deponent named above do hereby verify that the contents of paras 1 to 14 of this Affidavit are true to my knowledge. Nothing material has been concealed and no part of it is false.

Lucknow Dated:
April 11, 1990.

DEPONENT.

ADVOCATE.



Solemnly affirmed before me on 11.4.90
at 10.10 am by the deponent Ritesh Shashi Srivastava
who is identified by Sh. R. K. Sharma Advocate High Court
Lucknow Bench Lucknow.
I have satisfied myself by
examining the deponent that
she has understood the contents of
affidavit which have been read over
and explained to her by me.

Smt. Shashi Srivastava
Advocate

Oath Commissioner
Allahabad High Court
Lucknow Bench Lucknow.

No. 95. Date 11.4.90

1183

I identify this
deponent who
has signed before
Ritesh Shashi Srivastava
b.

11/4/90

ब अदालत श्रीमान
[वादी अपीलान्ट]
प्रतिवादी [रेस्पाडेन्ट]

Before the District Court
at ...
का वकालतनामा



वादी (अपीलान्ट)

बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

... Ratan Kant Sharma ...

... B. 180 ...

वकील

महोदय

एडवोकेट

नाम अदालत

मुकद्दमा नं०

नाम फरीकन

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 जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरो जारी करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे 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 होमा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर ...

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... महीना ... सन् १६ ई०

स्वीकृत

Acceptance
11/4/20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

SUPPLEMENTARY COUNTER AFFIDAVIT

IN RE:

T.A. No. 1048 of 1987

(WRIT PETITION NO. 2292 OF 1982)

Km. Rita Srivastava

..Applicant

Vs.

Union of India and others

..Respondents

Reply of supp. Affidavit-

I, G. R. Jaiswal, aged about 45 years
S/O Sri H. M. Jaiswal, in the office
of Chief Superintendent Central Telegraph office,
Lucknow, do hereby solemnly affirm and state on oath
as under:-

1.

That the deponent is working as
Superintendent in the office of

R. Jaiswal

Allu

Central Telegraph office , Lucknow and is fully conversant with the facts deposed to here-under.

2. That the contents of para 1 are not disputed.
3. That the contents of para 2 are admitted to the extent that the petitioner applied for the post of Telegraphist and letter sent to her intimating the approval for appointment to the cadre of Telegraphists by Chief Superintendent, C.T.O. Lucknow. It is submitted that it was brought out by scrutiny of the records that the petitioner did not succeed in the prescribed Dictation cum hand writing test. The petitioners appointment was made under a mistake which was corrected by her removal under temporary service rules 1965. It is therefore submitted that the petitioners contention that she had been selected for prescribed course of training after qualifying the test is not admitted.
4. That the contents of para 3 are not denied. It is submitted that telegraphist of select list of 1980 is confirmed in accordance with the departmental rules.
5. That the contents of para 4 need no comments.

AUS

6. That in reply to para 5 of the affidavit, it is submitted that the fact of the petitioners having failed at ~~Oral~~ Dictation-cum-hand writing test, having come to light on subsequent scrutiny of records, mistake was rectified by terminating the petitioner service under rule 5 of CCS(TS), Rules, 1965. It was not necessary to specify, the reasons of termination her services in the aforesaid order.
7. That the contents of para 6 are not denied. But the allegation made therein are matter of records which may be produced before the, Hon'ble Tribunal as when summoned.
8. That the contents of para 7 are not admitted under notice of rule 5 of CCS(TS), Rule, 1965, terminating the services of the petitioner, it is not necessary to indicate reason of such terminate.
9. That the contents of para 8 are not admitted as stated therein. A temporary govt. servant has no rights to the posts such termination of services in terms of contract of employment or rules does not amount to punishment.

R. D. D. D.

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10. That the contents of para 9 are not admitted.

It is submitted that order of termination simpliciter was passed under Rule 5 of Temporary Service Rules, 1965. There is no violation of Article 14 and 16 of the constitution. Petitioners services was terminated since she was found to be unqualified for the job.

11. That the contents of paras 10,11 required no comments. The deponent has no knowledge about the said facts.

12. That the contents of para 12 of not admitted being not based on facts. Departmental action is taken against those officials who deserve for it under rules. The allegation of discrimination against only lady employees of the office, is totally wrong and misconceived. The allegation are false & baseless

13. That the contents of para 13 are not admitted.

It is submitted that the petitioner was terminated as she was not qualified for the appointment and her disqualification came to the notice later at the time of secutiny of the records.

Moreover, the order of termination is simpliciter

R. D. Waisel

(417)

one and does not stigma on the character of the petitioner and does not amount to punishment.

14. That the contents of para 14 are not admitted. It is submitted that the order of termination simpliciter pass under temporary service rule, 1965, is not any way contrary to the provision of law and safeguards available to a govt. servants under constitution. The petition is not tenable and liable to be dismissed as such.

Lucknow:Dated
April ,1990

R. D. Saini
DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that the contents of paras of this affidavit are true to my own knowledge, those of paras are believed to be true on the basis of information derived from perusal of office records and those of paras are true to my belief on the advice of the counsel. No part of it is false and nothing material has been concealed so help me God.

Lucknow:Dated
April ,1990

R. D. Saini
DEPONENT

I identify the deponent who has signed before me.

Shri
Advocate

Solemnly affirmed before me on at a.m/p.m by Shri the deponent who is identified by Sri Advocate, High Court Lucknow. I have satisfied my examining the deponent that he understands the contents of the Supplementary Counter Affidavit which has been read out and explained by me.

27-8-90

p48

बअदालत श्रीमान केन्द्रीय पुरातनिक अधिकारी महोदय

वादी (मुद्दै)

मुद्दै (मुद्दालेह)

का

वकालतनामा

रिट याचिका संख्या

(TA 1048)

टीए १०४८ आफ १६८६

टिप्पणी

वादी [मुद्दै]

बनाम

पुनियन आफ इरिडा

प्रतिवादी [मुद्दालेह]

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा

सन

पेशी की ता०

१६

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

राकेश शर्मा

वकील

एडवोकेट

महोदय

को अपना वकील नियुक्त करके (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 अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत

नं० मुकद्दमा

नाम फरीकन

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

२

सन् १६८० ई०

हस्ताक्षर

केन्द्रीय वार घर; लखनऊ

Chief Superintendent

Central Telegraph Office

LUCKNOW-228001

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

1/50

Km Rita Srinasth

- vs -

FORM OF INDEX

009 2 cases

~~D.A./T.A./R.A./C.C.P./~~ No.

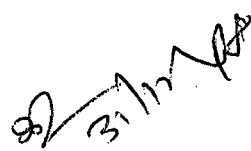
1048

1907(T)

PART - I

WP No. 2292/82

1. Index Papers :- 01
2. Order Sheet :- 2, 2A to 528 to 10
3. Any other orders :- 6 & 7 on MP No 5862/83 & 7394/83
4. Judgement :- 11 to 12
5. S.L.P. :- NIL


DY. Registrar


Supervising Officer


Dealing Clerk

Note :- If any original document is on record - Details. NIL


Dealing Clerk

V.K. Mishra

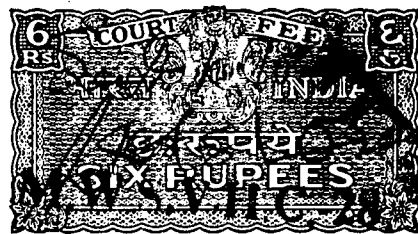
15

(3)

ब अदालत श्रीमान High Court Allahabad Sitting at Lucknow
 W.P. No. of 1902 महादय

वादी (मुद्दे)
 प्रतिवादी (मुद्दे)

का



Kumari Rita Srivastava — Petitioner
 वादी (मुद्दे)

The Union of India and another — off. parties
 प्रतिवादी (मुद्दे)

W.P. No. of 1902

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Sri D. K. Trivedi एडवोकेट महादय

Advocate, High Court Lucknow वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महादय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुजहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महादय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरो को मेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मोरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मोरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Rita Srivastava

साक्षी (गवाह) श्रीमान साक्षी (गवाह)

दिनांक 18 महीना 5

१६८२ई०

नाम	नाम
नं० मुकद्दमा	नाम फरीकस

Accepted

Accepted
 18/6/02