

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

## INDEX SHEET

CAUSE TITLE O.A.-221 OF 1988NAME OF THE PARTIES Chhedi Lal ~~Patel~~ Tripathi

Applicant

Versus

Union cf India RespondentPart A, ~~Part B~~

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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.. 30/12/2011...

Counter Signed.....

Section Officer / In charge

Signature of the  
Dealing Assistant

Annexure - A

CAT-02

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD/  
CIRCUIT BENCH, LUCKNOW

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Atma

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CAUSE TITLE 221/88 OF 198

Name of the Parties Chandi Lal Tripathi

Versus

Union of India

Part A, B and C

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BENCH AT BANGALORE.

\*\*\*\*

O.A./T.A. No. 221 1988(L)

Chhedi Lal Tripathi Applicant(s)

Versus

Union of India Respondent(s)

Sr. No.	Date	Orders
	27-1-89	NO SITTING, Adjourned to 8-2-89. for Admission. <div style="text-align: right;">R.M. 27/1/89</div>
	8.2.89	Hon. A. Zohri, A.M. No one is present, the case is adjourned to 20.2.89 for admission. <div style="text-align: center;">32 A.M.</div>
		Hon. D.S. Mirra, A.M. Admit. Issue notice to the repete. to file reply within a month. R.A. may be filed within 15 days thereafter before the D.R. D.R. who will list this case for final hearing. <div style="text-align: center;">A.M.</div>
	4/3/89	OB Notice issued to the repete. Through Repd. Post. fix 17.4.89 for final hearing before D.R (J). <div style="text-align: right;">Jish 7/2/89</div>

A1/✓

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

10-11-89

Hon. Mr. D.K. Agrawal JM  
 Hon. Mr. K. O. Bayya - AM

On the adjournment application of Mr. V.K. Chaudhury Counsel for respondent Mr. M. Dubey Counsel for applicant has no objection. The case is adjourned to 24-1-90 for hearing.

  
 AM

  
 JM

R.

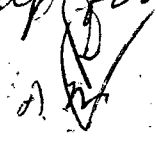
24-1-90

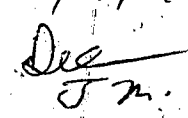
No. Siltu. Del. to 21-3-90

21-3-90

Hon. D.K. Agrawal, JM  
 Hon. K. O. Bayya, AM

Shri M. Dubey for Applicant.  
 Shri V.K. Chaudhury for respondent.  
 had made a request for adjournment. However, we commenced the arguments from Sh. M. Dubey and peruse of the counter affidavit we feel that the case is one which should be heard by both the parties. We would also like to peruse the original documents relating to applicant. Therefore, put up for hearing on 24/7/90

  
 AM

  
 JM

17/1

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
CIRCUIT BENCH, LUCKNOW.

O.A. 221/88

Chhedi Lal Tripathi                      Applicant.

versus

Union of India & Others                      Respondents.

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

Hon. Mr. K. Jbeyya, A.M.

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

This application under section 19 of the Administrative Tribunals Act, 1985 is directed against the order dated 12.1.88 terminating the services of the applicant who was posted as Postal Assistant in General Post Office, Lucknow at the relevant time.

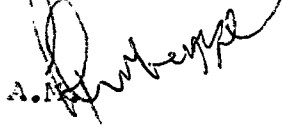
2. Briefly, the facts are that the applicant passed High School <sup>and intermediate</sup> Examination from U.P. Board and secured second division in both examinations. He applied for recruitment in reserved trained pool of Postal Assistant in Kanpur city division. He was selected and after due training he was attached to Nawabganj Head post office, Kanpur in postal assistant cadre and in due course appointed on regular basis as Postal Assistant vide order dated 17.9.85. On his request he was transferred to Lucknow subsequently. The competent authority, it appears that on the basis

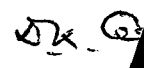
of some information and a fact finding enquiry came to the conclusion that the marks sheet for the High School Examination submitted by the applicant was bogus and therefore, proceeded to pass the order under rule 5(i) (a) of the C.C.S. (Temporary) Rules, 1965 dated 12.1.88. The applicant, feeling aggrieved, filed the present application.

3. We have heard the learned counsel for the opposite parties at length and also perused the record produced by <sup>of</sup> ~~him~~. It appears that the original High School certificate was not produced by the applicant at the time of selection, nor recruiting authority insisted upon its production. On the other hand the recruiting authority was satisfied with a marks sheet produced by the applicant to have been issued/attested by the Principal of the College. According to the said marks sheet, the applicant was shown to have secured ~~total of~~ 373 marks out of 500, while it was discovered later on during the fact finding enquiry that the applicant had secured only 273 marks for the High School Examination. It, therefore, raises a question as to whether the marks sheet issued/attested by the Principal of the College was the result of a collusion on the part of the applicant or it was a mistake on the part of the Principal or that it was not issued at all by the Principal and the document was completely forged. No departmental enquiry has been made in this regard <sup>as</sup> contemplated by rule 14 of C.C.S. (C.C.A.) Rules, 1965. Instead, an order of termination has been passed which is not a simplicitor termination order. It casts <sup>a</sup> stigma on the applicant. Therefore, the

same is bad in law. The ~~disc~~ disciplinary proceedings as warranted by the rules have to be drawn against the applicant and opportunity provided to him to defend himself within the meaning of Article 311 of the Constitution of India. Then and then only punishment order either <sup>of</sup> removal of service or minor punishment as the case may be can be inflicted upon the applicant. In the absence of a regular enquiry the impugned order has to be set aside. Before we part we make a mention that while making an enquiry, the disciplinary authority must also take into account as to why the Matriculation certificate was not obtained? who was responsible? Whether the initial appointment can be said to be bad in law if an administrative error was committed on the part of recruiting officer in not obtaining the High School <sup>is</sup> certificate? This/one aspect of the matter. The second point to be considered is as to who is responsible for a bogus marks sheet- the applicant or the Principal or the both and what punishment, if any can be awarded to the applicant in the circumstances of the case. Unless an enquiry as observed in this judgment is conducted, it is not possible to inflict any punishment on the applicant.

4. In the result we hereby set aside the impugned order dated 12.1.88 and direct that the applicant ~~will~~ be reinstated forthwith without payment of back wages. The competent authority shall, however, be at liberty to initiate disciplinary proceedings in the light of the observations made above in the body of the judgment. Parties shall bear their own costs.

  
A. M. Singh

  
J. M.

Lucknow Dt. 8.1.91

Application under Section 19 of the Administrative  
Tribunal Act 1985.

Chhedi Lal Tripathi.

.... Applicant.

Versus

Union of India and others.

.... Respondents.

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12.	Vakalatnama.	

For use in Tribunal's office

Date of filing 23-12-88

Registration No.

Signature of the applicant

Signature  
For Registrar

M. Dulair  
Bhar

not in  
27-1-89  
M. Dulair  
Bhar



A3  
1/2

In the Central Administrative Tribunal, Circuit Bench,  
Lucknow.

Between

Chhedi Lal Tripathi. .... Applicant.

Versus

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

Details of Application:

(1) Particulars of the applicant:

- (i) Name of the applicant --- Chhedi Lal Tripathi
- (ii) Name of father --- Shri Raj Narain Tripathi
- (iii) Age of applicant -- 25 years (15.8.63)
- (iv) Designation and particulars of office in which employed or was last employed before ceasing to be in service. Postal Assistant  
Lucknow G.P.O.
- (v) Office address -- Ex. Postal Assistant, Lucknow G.P.O.
- (vi) Address for service: Chhedi Lal Tripathi C/o  
M.Dubey, Advocate, 4th Lane  
of notices -- Nawaiya, Ganeshganj,  
Lucknow.

(2) Particulars of the Respondents:

- (1) Union of India, through the Secretary to Ministry of Communication Department of Post New Delhi.
- (2) Dy. Chief Postmaster Lucknow G.P.O., Lucknow.
- (3) Sr. Supdt. of Post offices Kanpur City Dn. Kanpur.
- (4) Postmaster General U.P. Circle, Lucknow.

(3) Particulars of the order against which the application is made:

The application is against the following order:

- (i) Order No. B4/599/Chhedi Lal Tripathi  
----- Annexure A-7

- (ii) Date --- 12.1.88.

दहीलाल त्रिपाठी

(iii) Passed by --- Dy. Chief Postmaster Lucknow G.P.  
(Respondent No. 2)

(iv) Subject in brief:- The applicant was appointed as a regular Postal Assistant in the pay scale of Rs.260/480 by Sr. Supdt. of Post offices, Kanpur City Division, Kanpur, vide his Letter no. B-5/Genl/outsider/85-86 dated 17.9.85. He worked satisfactorily without any complaint or adverse remark, whatsoever. The applicant also passed the confirmation examination held on 14.6.87 and while he was waiting for his confirmation in the post, he was amazed and shocked to receive letter dated 12.1.88 (Annexure A-7) from the respondent no. 2, terminating his services abruptly without any rhyme or reason. Several persons junior to the applicant, have been continuing in service and the applicant has been singled out for termination in violation of the principles laid down in Articles 14, 16 and 311 of the Constitution. The order of termination is prejudicial, arbitrary and discriminatory. It is also incompetent and without jurisdiction, as the applicant was appointed by a Class I authority and his services have been terminated by a Class II officer. The order of termination is ab-initio void.

(4) Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against \_\_\_\_\_ is within the \_\_\_\_\_ redressal

in Section 21 of the Administrative Tribunal Act 1985.

(6) Facts of the Case:

The facts of the Case are given below:-

(1) That the applicant passed his High School Examination of U.P. Board Allahabad U.P. of 1979 with Roll No. 989745 from Shri Chandrika High School, Sandwa, Chandrika, Pratapgarh. He was in search of a job to earn his livelihood. While he was living with his father at Kanpur, he met Shri Nath Mal Rath, staff clerk of the office of the respondent no. 3, who was well known to the applicant's father as Pujari of the locality. He promised the applicant to secure an appointment in the Postal Department. On his suggestion, the applicant sent application from his native village in Pratapgarh District but when the applicant met him again after sending the application by registered post, he said that registered letter did not reach and required the applicant to hand him over the marksheet in original and sign on black papers which he had in his possession. The said clerk Shri Nath Mal Rath said to the applicant, "I guarantee for your employment" and in bona fide belief in him, the applicant did what he said and gave him the original marksheet, signed black form and on a black paper for the purpose of application.

(2) That the applicant got an intimation that he was selected for recruitment in Reserve Pool of Postal Assistants in Kanpur City Division, by letter dated 28.4.83, from

respondent no. 3. A true copy of this letter dated 28.4.83 is Annexure A.1.

- (3) That the applicant after observance of usual formalities and after undergoing the requisite training was attached to Nawabganj Head Post office Kanpur in Postal Assistant Cadre by the respondent no. 3, by his letter dated 24.4.84, to be utilized and paid at Rs. 2.75 per hour during the shortage of staff. A true copy of the respondent's no. 3 letter dated 24.4.84 is Annexure A.2.

- (4) That the applicant was appointed on a regular basis as a Postal Assistant with immediate effect in the pay scale of Rs. 260-8-300 EB 8-340-10-360-12-420 EB 12-480 subject to the satisfactory Police verification report and academic qualifications, by the respondent no. 3 vide his letter no. B-5/Genl/outsider/85-86 dated 17.9.85. The police verification report and academic qualifications were got verified by respondent no. 3 and the appointment order dated 17.9.85 became final. A true copy of the appointment order dated 17.9.85 is Annexure A.3.

- (5) That subsequently the applicant applied for his transfer to Lucknow G.P.O. under Rule 38 of P & T Vol. IV, which was approved by the Postmaster General U.P. Circle Lucknow and the applicant was transferred and directed to report for duty to Postmaster(Gazetted) Lucknow G.P.O., by letter no. B-30/Genl/85-86 dated 24.12.85, issued by the respondent no. 3. A true copy of this letter dated 24.12.85 is Annexure A.4.

- (6) That the applicant appeared in the confirmation examination held on 14.6.87 and was declared successful. The passing of confirmation examination is a pre-requisite condition for being confirmed in the appointment. The applicant having passed the confirmation examination successfully within time and having satisfactory record of service at his credit was entitled to be confirmed in the grade of Postal Assistant. A true copy of the communication no. B-4/conf/Exam/DA/87 dated 15.10.87 issued by the Chief Postmaster Lucknow G.P.O., declaring the applicant to have passed the confirmation examination is Annexure A.5.
- (7) That certain enquiry regarding the High School marksheet and certificate was taken up by the respondent no. 2 and as the marks sheet and the certificate were not available with the applicant, and the marks' sheet already supplied by the School, had been deposited in the office of respondent no. 3, the applicant applied to the Secretary U.P. Board of High School and Intermediate, Allahabad (U.P.) by his letter dated 2.1.87, with prescribed form and fee to supply duplicate Mark-sheet & certificate. This fact was intimated to the Chief Postmaster Lucknow G.P.O. in reference to his file mark B-4/599, by the applicant vide his letter dated 7.10.87, a true copy of which is Annexure A.6.
- (8) That the respondent no. 2 who is a Class II officer and lower in rank than the appointing authority of the applicant viz. Sr. Supdt. of Post offices Kanpur City Division a Class I officer, arbitrarily by his memo no. B-4/599/

Chhedi Lal dated 12.1.88 terminated the services of the applicant forthwith, under the purported exercise of power under proviso to sub rule (1) of Rule 5 of the C.C.S (Temporary) Rules 1965. A true copy of this order dated 12.1.88 is Annexure A-7.

Rule 5(1)(a) of the said Rule reads as under:-

5(1)(a). "The services of a temporary Government servant who is not in a quasi permanent service shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant;"

The services of the applicant could not be terminated by respondent no. 2 who is lower in authority than his appointing authority viz respondent no. 3. The impugned order is, therefore, bad, malicious, prejudicial, arbitrary, incompetent, without jurisdiction, illegal and null and void.

- (9) That the applicant is a workman and he could not be terminated/removed from service without following the procedure as envisaged under labour laws, as he had put in more than 240 days continuous service in a year; in terms of Sections 25-B, 25-F and 25-N of the Industrial Disputes Act 1947. The termination of the applicant's services on this account too is illegal and void.
- (10) That the copy of the marks-sheet recently received from the Board of the High School and Intermediate Examinations Allahabad, was found to be erroneous. It was, therefore, returned

५५१११११ ५५१११११

by the Principal of the School to the Secretary of the Board for correction, by his letter dated 27.10.88 which was given to the applicant for being transmitted. The applicant got photostat copies of this letter dated 27.10.88 prepared and the same is annexed as Annexure No. A-8. This letter was delivered at the Board's office personally by the applicant.

- (11) That the applicant/<sup>after</sup>being terminated from his services went to his native village in Pratapgarh District and he became mentally disturbed. He was under treatment and on being cured, he submitted a representation dated 31.10.1988 to the respondent no. 2, requesting him to intimate the circumstances and the reasons for terminating his services. A true copy of this representation dated 31.10.88 is Annexure A-9. No reply has been received from the respondent no. 2. Several officials viz. Suresh, Harish Chand, Ram Autar Jatav and Raja Ram etc., who are junior to the applicant are still continuing in service.
- (12) That under the circumstances no alternative is left to the applicant, except presenting this application before this Hon'ble Tribunal for adjudication and imparting justice.

(7) Details of the remedies exhausted:

The applicant declares that no departmental remedy is provided under Rules against the order of termination.

- (8) Matters not previously filed or pending with any other Court:

1/41 11/11/11 4/61

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

(9) Reliefs sought:

In view of the facts mentioned in para 6 above, the applicant prays for the following relief(s):-

- (i) That the impugned order dated 12.1.88 (Annexure A.7), be declared as incompetent without jurisdiction, null and void and be accordingly quashed.
- (ii) That the respondents be directed to treat the applicant as continuing in service and entitled to all the benefits of pay and allowances etc of the post from the date of termination to the date of re-instatement.
- (iii) That the cost of the Case be allowed in favour of the applicant and against the respondents.
- (iv) Any other relief deemed just and proper in the circumstances of the Case be allowed in favour of the applicant.

(10) Interim order, if any, prayed for:

No interim order is prayed for. It is requested that the Case be decided early.

(11) The application is being presented personally.

1/9/88 A.416

(12) Particulars of the Postal order in respect of the Application fee:

- (1) Number of Indian Postal order(s) DD 065939
- (2) Name of the issuing Post office Lucknow High Court Bench
- (3) Date of issue of Postal order(s) 20.12.88
- (4) Post office at which payable -- Allahabad G.P.O.

(13) List of enclosures:

- (1) Annexure no. 1, Copy of letter dated 28.4.83
- (2) Annexure no. 2, Copy of letter dated 24.4.84
- (3) Annexure no. 3, Copy of appointment order dated 17.9.85.
- (4) Annexure no. 4, Copy of transfer order dated 24.12.85
- (5) Annexure no. 5, Copy of Confirmation Exam result dated 15.10.87.
- (6) Annexure no. 6, Copy of letter dated 7.10.87 addressed to Chief Postmaster Lucknow G.P.O.
- (7) Annexure no. 7, Copy of termination order dated 12.1.88.
- (8) Annexure no. 8, Copy of letter addressed to the Secretary of Board by the Principal.
- (9) Annexure no. 9, Copy of representation dated 31.10.88 sent to respondent no. 2.

#### Verification

I, Chhedi Lal Tripathi, S/o Shri Raj Narain Tripathi, age about 25 years Ex Postal Assistant Lucknow G.P.O., R/o Village Mawaiya Kalan Post Raivi Rajanipur, District Pratapgarh do hereby verify that the contents of paras 1 to 8 and 11 to 13 are true to my personal knowledge and para 9 believed to be true on legal advice and that I have not suppressed any material fact.

Date 19-12-88

Place Lucknow.

To The Registrar,  
C.A.T., Circuit Bench,  
Lucknow.

Signature of the Applicant.

६५१ ०१०१ १२५१८

M. Suleman  
Adv



Chhedi Lal Tripathi

V/s Union of India and others

Annexure no A-1

A4  
1INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

OFFICE OF THE SUPDT. OF POST OFFICES KANPUR CITY DN. KANPUR -208001.

Regd

TO,

SHRI Chhedi Lal Tripathi

Village Bhadary, Kala

P.O. Ravi Rajanpur

Distt. Pratapgarh

NO. B.27/ Rectt. /Reserve Train Pool/83-84 dt. at Kanpur-1 dated 24.4.85

SUB: RECRUITMENT OF THE RESERVE TRAIN POOL TO WORK AS  
SHORT DUTY STAFF IN THE POST OFFICES.

With reference to your application dated 6/4/85 for the above recruitment it is to inform you that you have been selected for recruitment in Reserve Train Pool of Postal Assistants in Kanpur City Division Kanpur - 208001. You are directed to attend the office of the undersigned at the premises of H.P.O. Kanpur (IInd Floor); The Mall, Kanpur on 16/7/85 alongwith the following documents in original.

1. High School Certificate showing the date of birth.
2. Marks sheet and certificate of educational qualification.
3. Two character Certificates of the Gazetted Officers.
4. Character Certificate from the last attended Institution.
5. Registration Card of Employment Exchange.
6. Schedule Caste/ Scheduled Tribe certificate in prescribed proforma from the competent authority ( Not less than the rank of Tehsildar in the case of SC/ST Only.
7. In the case of Ex. Serviceman original discharge certificate alongwith the spare copy.

CONDITION OF SERVICE :

The selected candidates in Reserve Trained Pool will have to work as Short duty staff @ Rs. 2.75 per hour till regular absorption where even & wherever called for and they will be

Contd.....2.

4/4/85 11/4/85

M. S. Tripathi

W. S.

D. W.

Chhedi Lal Tripathi V/s Union of India and others

Annexure no A-2

A4  
2

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

OFFICE OF THE SR. SUPD. OF POST OFFICES,  
KANPUR CITY DIVISION, KANPUR-1.

Memo No. B-27/RTP/83-84 Dated at Kanpur-208001 the 24.4.84.

...  
The undermentioned trained candidates of Reserve Trained Pool for Postal Asstt. cadre are hereby ordered to report for duty to Post Master concerned where they are allotted to work.

They shall be paid @ Rs 2.75 per hour for duty performed by them. The Postmasters concerned will utilize their services during shortage of staff and to curtail overtime.

The Post Master will insure that their services are not utilized when there is no shortage of staff or no other justification like curtailment of O.T.A. etc.

List of candidates of RTP for Postal Asstt Cadre attached to Nawabganj, Head Post Office.

X

1. Shri Kemal Yadav, S/o Shri Arjan Yadav, Village-Sondhari P.O. Sondhari Vda Nizamabad, Distt Azamgarh.
2. Shri Chhedi Lal Tripathi S/o Rajnarain Tripathi Vill. Mavaiya Kile PO Raikhi Rajanipur Distt Pratapgarh.
3. Shri Suresh Chandra 447/6 Shastri Nagar, Kanpur-5.
4. Shri Gajraj Ram S/o Shri Jivdhan Ram V & P.O. Bargahan Distt. Azamgarh.

List of Candidates of RTP for Postal Asstt Cadre attached to Kanpur Cantt H.P.O.

5. Shri Harish Chandra S/o Shri Bachanlal Vill & P.O. Barnin ~~Distt~~ Etawah.
6. Shri Ram Autar Jatav, S/o Shri Kalika Prasad Nagla Hirni P.O. Erwakatra, Etawah.
7. Shri Raja Ram S/o Shri Rajhubir Village-Sangrampur Sami P.O. Khagga, Distt, Ghatampur.
8. ~~Shri~~ ~~one~~ ~~now~~ working at Anwaganj, P.O. Kanpur.

Charge report should be submitted.

*Asstt*  
Sr. Supdt. of Post Offices  
Kanpur City Division,  
Kanpur-208001.

Copy to: 1. to 2. The Candidates concerned.

3. to 16 The P.F. of the candidates

17 to 18. P.M, KP Cantt/ Nawabganj HPO.

19. SPM Anwaganj P.O Kanpur  
20 to 21. Office copy & Spare.

24.4.84

Attested  
me  
Adv

Chhedi Lal Tripathi V/s. Union of India and others.

Annexure No. A-3

GOVT. OF INDIA

Ministry of communication

Department of Posts

Office of the Sr.Suptd.of Post Offices, Kanpur City Division, Kanpur  
/Memo/

No: B-5/Genl/Outsider/85-86 dated at Kanpur-1, the 17.9.85.

.....

The Reserve trained pool candidates mentioned below who have already completed the prescribed training for Postal Asstt Cadre are hereby appointed as Postal Asstt with immediate effect in the pay scale of Rs.260-8-300 EB-8-340-10-360-12-420-EB-12-480 subject to the satisfactorily Police verification report and academic qualifications.

All the candidates should clearly understand and that they will have to pass an examination in the Departmental rules, & regulations within 3 years of his appointment in six numbers of maximum No. permissible chances failing which they will forfeit to earn further increment.

1. Shri Komal Yadav, RTP candidate Nawabganj, HO to TPA Nwg.HO against vacant post.
2. Shri Gaj Raj Ram RTP candidate Nayaganj, PO to be TPA Nayaganj, P.O. against vacant post vide Shri S.K.Verma, transferred.
3. Shri C.L.Tripathi, RTP candidate Hatia PO to be T.P.A. Hatia PO against vacant post.
4. Shri Suresh Chandra RTP candidate Nayaganj, PO to be TPA Nayaganj against vacant post vide Shri Phool Chandra II transferred.
5. Shri Harish Chandra RTP candidate Naronah Exchange to be P.A. Pheelkhana P.O. against vacant post vide Shri A.K.Dwivedi, Transferred.
6. Shri Ram Autar Jatav RTP candidate Chakeri A.O. PO to be TPA KP Cantt HO against vacant post vide Shri R.K. Tiwari II Tfd.
7. Shri Raja Ram R.T.P. Candidate Chakeri A.D. PO to be P.A. Chakeri A.D. PO against vacant post vide Shri R.K. Dubey, Ltfd.

Charge report should be submitted to all concerned.

Sr.Suptd.of Post Offices,  
Kanpur City Division,  
Kanpur - 208001.

Copy forwarded for information, guidance and necessary action to:-  
1 to 7. the Officials concerned.

8 to 14 the P.F. of the officials.

15 to 21. The Service Books of the officials.

22 to 24 The P.Ms, KP HO./Nawabganj, HO/KP Cantt HO.

25 to 27. The APM, A/cs, KP HO/ Nawabganj, HO/ KP-Cantt HO.

31 to 35 The SPMS, Nayaganj, Hatia, N.Exchange PO/Chakeri Pheelkhana PO.

36 to 40 Office copy & spare.

1/9/85

Tested

TRUE COPY

\_\_\_\_\_ *[Signature]*  
DdV

Chhedilal Tripathi Vs Union of India and others

Annexure no A-4

GOVERNMENT OF INDIA  
DEPARTMENT OF POSTS.

OFFICE OF RHE SR. SUPDT. OF POST OFFICES KANPUR CITY DIV. KANPUR -10

Memo no. B.30/Genl/85-86 dt. at Kanpur -208001 the, 24.12.1985.

In pursuance of the Post Master General U.P. Circle Lucknow memo no. Staff/T-85/KPCity/4 dt. 10.12.85 approving the transfer under Rule no. 38 of P&T Man. Vol. IV, the unpermentioned transfers and postings are hereby ordered on the conditions noted below.

1. Sri Jang Bhaaur Singh PA, Lucknow GPO to be temporary PA, Nawabganj H.O. Kanpur -208002.
2. ✓ Sri Chhedilal Tripathi, PA, Nawabganj H.O. (Resignate) and presently working as PA Hatia P.O. to report for duty to Postmaster (Gazette) Lucknow GPO vice no. 1.

CONDITIONS

1. That the officials will not be entitled to any TA or joining time.
2. That the seniority of the officials in the new unit of their transfer will be fixed strictly in accordance with provisions of Rule 38 of P&T Manu. Vol. IV.
3. That the officials will not be permitted for repatriation.
4. That the request of the officials for their postings at a particular station may not be accepted.
5. That the officials will have to forego all the claim for for confirmation in their old unit when a permanent vacancy becomes available.

SR. SUPDT. OF POST OFFICES  
KANPUR CITY DIVISION  
KANPUR -208001.

Copy forwarded for information N/A to:-

- 1-2. The Officials concerned.
- 3-4. The P&F's of the officials.
- 5-6. The Postmaster Kanpur H.O./ Nawabganj H.O.
- 7&8. Asstt. Postmaster Kanpur H.O./ Nawabganj H.O.
9. The Postmaster (G) Lucknow GPO Lucknow.
10. The Sub Postmaster Hatia P.O.
11. The DPS Kanpur Region, Kanpur - 208001.
12. The Postmaster General U.P. Circle Lucknow.
- 13-15. Office & Spare Copy.

/SHARAD/28121985/

418

Attested  
True copy  
Adv

In The Central Administrative Tribunal, Circuit Bench, Lucknow  
Registration no 1488 (14)

Chhedilal Tripathi V/s Union of India and others

Annexure no A-5

14/5

Copy of IMG UP Circle Letter No. ADR/Con/M-70/May-87 dt. 9 Oct. 87  
Copy endorsed to PM Lucknow and others.

The following candidates are hereby declared successful in the confirmation examination held in this circle on 14 th June 87 discrepancy if any, should be pointed out to the undersigned immediately and the result of such candidates should not be declared till the discrepancy is cleared.

Result of Lucknow Division will be announced on the finalisation of the representation of a candidate against regular appointment of certain candidates who have appeared in the examination.

LUCKNOW GPO:-

LWG-01 Shri Mohd. Saleem  
✓ LWG-04 Shri C.L. Tripathi  
LWG-05 Smt. Kanak Lata  
LWG-06 Shri Uma Kant

\*\*\*\*\*

No. B4/Conf/Exam/PA/87

Copy to:-

1. 4. officials concerned.
- 4-7. P/File of the officials.
- 8-11. Dy. PM A/C.
- 12-20. Spare.

*BDDHing*  
Chief Postmaster  
Lucknow GPO 226001.  
Dated: 15.10.87

*BDDHing*  
Chief Postmaster  
Lucknow GPO 226001.

Attested  
True copy

14/10/87

*Wheeler*  
14/10/87

In The Central Administrative Tribunal, Circuit Bench, Lucknow

Registration no

of 1988

(15)

Chhedilal Tripathi Vs Union of India and others

Annexure no A-6

AY  
6

The Chief Postmaster,  
Lucknow G.P.O.

Sub: Verification of High school  
marks sheet and Certificate  
from UP Board of High School  
and Intermediate examination  
1979 and 1981 respectively-

Ref: yr office file Mark B-4/599. refers to.

Sir!

- x -

Humble submission is as under:-

1. That the applicant has come to understand that due to wrong mention of High school examination held in the year 1979 some complications have come up for enquiry purposes.
2. That during the course of some enquiry it has also been revealed that Certificate and marks sheet with the roll no tender dispute. The applicant has stated what actually has been supplied by the Principal of the institution last attended by the applicant inadvertently and without any doubt in good faith. This has, perhaps, complicated the case further.

Accordingly the right course to unveil the factual position has been taken up as under by the applicant in absence of the original in his possession:

- (a) The Secy, UP High School and Intermediate Education Board has been requested to supply a duplicate of the High School Certificate and High School Marks Sheet for the alleged period vide application dt 2-1-1983 alongwith other documents noted below:

(A) Prescribed app.

(B) Treasury Chalan for Rs 10/- towards the prescribed.

Since then the applicant is in contact and he will deposit these Certificates as soon as received from the said board.

With due regards.

Yours faithfully

(Chhedilal Tripathi)

P.A.

Chhedilal Tripathi B-50, G.P.O.

7-10-87

Lucknow

Attested  
me

12/11

able to attend 12/11

In The Central Administrative Tribunal, Circuit Bench, Lucknow  
Registration no. of 1988 (16)

Chhedi Lal Tripathi V/s Union of India and others

Annexure no A-7

DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER LUCKNOW GPO 226001.

Memo No. B4/599/Chhedi Lal Tripathi Dated: 12.1.88

\*\*\*  
Proviso to

In pursuance of the ~~provision of~~ sub. rule (1) of rule 5 of the Central Civil Services (Temporary Service) rule 1965) I Ram Briksh Pandey, Dy. Chief Postmaster, Lucknow G.P.O. hereby terminate forth with the services of Sri Chhedi Lal Tripathi Temporary Postal Assistant Lucknow G.P.O. and direct that he shall be entitled to Claim a sum equivalent to the amount of his pay plus allowances for the period of notice i.e., one month at the same rates which he was drawing them immediately before the termination of his service.

*[Signature]*  
Dy. Chief Postmaster,  
Lucknow GPO 226001.

Copy to:-

1. Sri Chhedi Lal Tripathi, Temporary Postal Assistant Lucknow G.P.O. for information and submitting his charge report to the undersigned.
2. The Dy. FM A/C Lw. GPO for information and n/a.
3. The P.M.G. U.P. Circle, Lucknow for information ~~and~~ his letter no. Vig/CVO 1B/52/87/3 dt. 1.1.88.
- 4-10. Spare.

*[Signature]*  
Dy. Chief Postmaster,  
Lucknow GPO 226001.

*[Signature]*  
Attested  
True  
*[Signature]*  
ADW

*[Handwritten note]*  
1.0 1/10/1

Chhedi Lal Tripathi v/s Union of India and others  
Annexure no A-8

AY/8

प्रेषक:

प्रधानाध्यापिका  
श्री चण्डिका इण्डियन  
कालेज, सखवा-बांडी  
प्रतापगढ़

से नाम

सचिव  
माध्यमिक शिक्षा परिषद  
उ० प्र० इलाहाबाद

पत्रांक

दिनांक 27-10-1988

विषय: संशोधन हेतु श्री देवीलाल शं० राजनारायण का  
M.A. परीक्षा 1979 का प्रमाणपत्र का प्रेषण

असेपा

मा० शि० प्र० की सहित प्रतीक्षा 1979 में  
श्री देवीलाल शं० राजनारायण अनुक्रम 989) 45  
द्वितीय श्रेणी में, हिन्दी, सामान्य ज्ञान, अंग्रेजी, संस्कृत  
अभ्यास विषयों के लिये उत्तीर्ण विद्यार्थी को उच्च  
विषयों में अल्प भी प्राप्त हुए पाठ्य पुन  
व्याख्या के प्रमाणपत्र (संलग्न) में अभ्यास के  
स्थान पर नागरिक शास्त्र अंकित होगा है जिसे  
उपरोक्त का प्रमाणपत्र अग्रुद्ध लेगा है,

अतः निवेदन है कि दाख के प्रमाण पत्र से  
नागरिक शास्त्र विषय हटाकर अभ्यास अंकित किया  
जावे तदनुसार प्रमाण पत्र निम्नलिखित रूप में जारी

अन्तीम

संलग्न: श्री देवीलाल शं० राजनारायण  
अनुक्रम 989) 45 M.A. परीक्षा  
1979 का प्रमाणपत्र का

श्री चण्डिका इण्डियन कॉलेज  
सखवा-बांडी, प्रतापगढ़  
13/3/88 27-10-88

1/11 ला. ला. 1/5 4/81

Mested  
me  
AW



In the Central Administrative Tribunal, Circuit Bench,  
Lucknow.

Registration No. of 1988.

Chhedi Lal Tripathi V/s. Union of India and others.

Annexure No. A-9

To

The Dy. Chief Postmaster,  
Lucknow G.P.O.,  
Lucknow.

Sir,

The humble applicant states as under:-

1. That the applicant was appointed in the department as a Postal Assistant in the year 1983 and he served the department sincerely, honestly and devotedly for over four years. The work and conduct of the applicant during the period in service were satisfactory and there was nothing adverse against him.
2. That the applicant had passed the confirmation examination conducted by the department in 1987.
3. That while the applicant was waiting for his confirmation order, he was astonished and shocked to receive you letter No. B 4/599/Chhedi Lal Tripathi dated 12.1.88 terminating his service forthwith, without disclosing the reasons for the same.
4. That several persons junior to the applicant have been allowed to continue in service while the applicant has been picked up for termination of his services, which amounts to his removal/dismissal from service.
5. That the applicant on receipt of the aforesaid order dated 12.1.88 went to his native village in Pratapgarh and became mentally disturbed and so he was not in a position to make any correspondence in the matter. He is now cured.

41/11/88

(19)

AY  
10

6. That it should be in the interest of equity and justice that the reasons for terminating applicant's services is intimated to him.

It is, therefore, most respectfully prayed that the circumstances under which and the reasons leading to the termination of applicant's services be kindly intimated to him immediately.

Yours faithfully,

Dated : 31.10.1988.

Sd/- Chhedi Lal

- (CHHEDI LAL TRIPATHI)  
C/O Yadu Nath Trivedi,  
Village Paltanchawani,  
Mohibullapur P.O.  
District Lucknow.

All tested

TRUE COPY

1/4/2018

TRUE COPY

*[Signature]*

6. That it could be in the interest of equity and

justice that the reasons for terminating applicant's services is intimated to him.

It is, therefore, most respectfully prayed that the circumstances under which and the reasons leading to the termination of applicant's services be kindly intimated to him immediately.

Yours faithfully,

SA/- Chhedi Lal

(CHHEDI LAL TRIPATHI)  
C/O Yadu Nath Trivedi,  
Village Patanchawati,  
Mohibulapur P.O.  
District Lucknow.

Mukherjee

TRUE COPY

Mukherjee

19/10/1988

(2) M D U Key - Rev

दिनांक \_\_\_\_\_ सन्निवृत्ति \_\_\_\_\_ वर्ष १९८८ ई०

साली (पाद) साली (पाद)

10/11/2015 2:15 PM

को अपना वकील नियुक्त करके प्रतिवा ( इकरार ) करना है और लिख देना है इस मुकदमा में वकील सहोदय स्वयं आया अन्य वकील द्वारा जो कुछपूरवी व जवाब देही व प्रतीतिर करे या कोई कागज दाखिल करे या लौटावे या हमारी ओर से तिगरी जारी करावे और स्वयं बसूल करे या सुनहनामा व इकबाल दावा तथा अपनी निगरानी हमारी ओर से हमारी या अपने इतनाअर से दाखिल करे और नसदीक करे मुकदमा से ठावे या कोई स्वयं जमा करे या हमारी विपक्षी ( इरीफसाबी ) का दाखिल किया हुआ स्वयं अपने या हमारे इतनाअर युक्त ( इतनाअरी ) रखावे से लेवे या जब नियुक्त करे—वकील सहोदय द्वारा जो गह्वे एवं सब कार्यवाही हमको सर्वथा स्वीकार है और हमारा में यह जो स्वीकार करना है कि मैं हर वषी पर स्वयं या किसी अपने वरिष्ठार को भेजना रहूंगा अगर मुकदमा अदम पुरवी में एक तरफ मेरे खिलाफ फैसला हो जाना है उसकी जिम्मेवारी मेरे वकील पर नहीं होगी इसलिये यह वकीलनामा लिख दिया गया रहे और समय पर कोस आवे ।

नाम अदालत.....  
मुकद्मा नं०.....  
नाम फरीकैन.....क्षनाम.....

Lyonesse, Ludwig

Weekend and M. Puker, the same, Nauraja

उपर लिखे मुकदमा में अपनी ओर से श्री

१०. सुलक्षणा  
सन् १९८८  
पृथ्वी की गो.  
१८  
१९०

**०१८ रु०**

886, 11

95 50

(2-51632) 121845

**बुद्धि**

069 d. 11/11/11

(अर्थात्) ३३

5/11

with edited diploma.



व अग्रतः श्रीमान् C.A.T. Muckelbauer, Circuit Criminal Judge, London  
[प्राची अग्रतः] श्री  
प्रतिवादी [रिप्लाय-र]  
प्रतिवादी [रिप्लाय-र]  
प्रतिवादी [रिप्लाय-र]

ਸਰੀਰ

INDIAN POSTS & TELEGRAPHS DEPARTMENT

From:

Postmaster,  
Lucknow GPO-226001.

To:

The Secy.  
Box 207, High School, Lucknow  
U.P. A.P.

No. B-4/ 559

Dated: Lucknow, 13/8/86

Subject: Verification of educational qualification and date of  
birth - case of Shri. Chhed Lal Tripathi  
a candidate selected for appointment in the Scale  
Clerical cadre in Lucknow G.P.O.

Dear Sir,

The attested copy/copies of High School/intermediate/  
.....examination  
certificate/certificates/marksheet/marksheets issued in favour  
of Shri. Chhed Lal Tripathi .....are  
enclosed herewith for verification and early return.

His Roll No(s).....in the session.....

is/are as under:

- 1) High school year 1979 Roll No. 989145 mark 373/500
- 2) Intermediate year 1981 Roll No. 172498 mark 254/50
- 3) Date of birth - 15-8-53

Yours faithfully,

Postmaster,  
Lucknow GPO.



भारतीय प्रजासत्ताक गणराज्य/INDIAN U. G. V. DEPARTMENT  
भारतीय प्रजासत्ताक गणराज्य, प्रजासत्ताक प्रजासत्ताक  
भारतीय प्रजासत्ताक गणराज्य/INDIAN U. G. V. DEPARTMENT

100

**३.४. कलाउवाह।**

વિષય:શ્રી ઈન્દીરાસ ત્રિપાઠી સુ. શ્રી રાજનરાયણ ત્રિપાઠી

हार्दित्वा गरीक्षा १९७९ अक्टूबर १९७९ जन्मतिथि  
१५-८-७९ का सत्यापन ।

— 3 —

प्रिया आप अपने पत्र संख्या सत्यापन/32/22 पाजी

8-6-87/2394 दिनांक 19-7-86 छा संदर्भ 1 तथा 2

ઁદી લાલ ત્રિપાઁી ઢાઈસ્કૂલ અનુક્રંબાકં 989745 પર ન

कि १८११५५ पर परीक्षा विवरण सत्यापित हो

एते द्वौ च प्रायक समर्थे ।

**भवदीय,**

समिः पौस्व्यः स्वरः

सहानुक्त प्रचार, पं०-२२६००१

शिक्षक, माध्यमिक शिक्षा परीक्षा, उत्तर प्रदेश  
बलाहाबाद

शिक्षक

आक 118 सिटी प्रान्त, कानपुर

क्रांक - गोप 15/ 978-86

86-87 बलाहाबाद दिनांक 6-5-86

विषय - श्री छेदी लाल आक सहायक का पुर सिटी मण्डल के शिक्षक योग्यता प्रमाणपत्रों 86 के सत्यापन के संबंध में।

महोदय,

आपके कार्यालय फ्रांक ब-5/जनरल/आउट साइडर 85 दिनांक 14-8-86 के अनुसार उक्त श्री छेदी लाल आक सहायक को शिक्षक योग्यताओं की जांच के लिये कार्यालय के मूल अभिलेखों से को गई जिसका विवरण निम्नवत है :-

#### हाई स्कूल परीक्षा

- 1- अनुक्रमांक 989145
- 2- वर्ग - क, साहित्यिक
- 3- वर्ष - 1979
- 4- अभ्यर्थी का नाम - छेदी लाल त्रिपाठी
- 5- जन्म तिथि - 15-8-63
- 6- पिता का नाम - राज नारायण त्रिपाठी
- 7- कुल मा.सं. 373 पूर्णांक 500
- 8- विद्यालय का नाम - श्री चण्डिका हाई स्कूल सुण्डवा चण्डिका मताफाट
- 9- प्रमाण पत्र का क्रमांक व दिनांक - श्री निरत नाथ दुवा है।

#### इण्टरमीडिएट परीक्षा

- 1- अनुक्रमांक - 172498
- 2- परीक्षा वर्ष - 1981
- 3- वर्ग "ए" साहित्यिक
- 4- प्रमाण पत्र का क्रमांक व दिनांक - 100418 दिनांक 16-7-81
- 5- कुल मा.सं. 256 पूर्णांक 500
- 6- विद्यालय केन्द्र का नाम - एसो पीओ इण्टर कॉलेज गडवा रा., मताफाट

निम्न अंकतालिकाओं का मिलान करने पर भी उपरोक्त सभी विवरण सत्य है।

आज्ञा एवं कार्य प्रेषित है।

भक्तिय  
कुल शास्त्र  
उप सचिव गोपनीय विभाग  
प्रमाणित किया जाता है  
6/5/86



भारतीय डाक विभाग

-1-

प्रेषक

श्री ए. सी. आर. सर,   
 लखनऊ प्रधान डाकघर-226001

संलग्न

सचिव,   
 माध्यमिक शिक्षा परिषद,   
 उ.प्र. इलाहाबाद

सं. बी 4/लखनऊ /

दिनांक / अगस्त / 1986

विषय: श्री ऐसीलाल त्रिपाठी डाक सहायक लखनऊ सी.पी.ओ. के कार्यालय परीक्षा 1979 अनुक्रमांक 989145 के सत्यापन के संबंध में।

-1-

महोदय,

कृपया आप अपने पत्र संख्या सत्यापन-30/28/जाली/86-87/2394 दिनांक 19-7-86 का पुनः अवलोकन करें। इस संबंध में श्री ऐसीलाल त्रिपाठी से आईस्कूल 1979 की मूल मार्कशीट मांगी गई थी। उसने श्री चण्डिका हाईस्कूल सण्डवा चण्डिका, प्रतापगढ़ द्वारा दिनांक 21-7-79 की मूल मार्कशीट प्रस्तुत की है। जिसमें उनके प्राप्तांक 373/500 प्रथम श्रेणी में उत्तीर्ण व गणित व संस्कृत में विशेष योग्यता प्राप्त दिखया गया है। इसी बीच प्रवर अधीक्षक डाक कानपुर सिटी प्रह्लाद कानपुर ने इस कार्यालय को एक पत्र भेजा है जो सचिव मा. शिक्षा परिषद इलाहाबाद द्वारा अधीक्षक डाकघर कानपुर सिटी को लिखा गया है। जिसमें श्री कुल भास्कर वर्मा उपसचिव के हस्ताक्षर प्रतीत होते हैं। इस पत्र के पढ़ने से यह मालूम होता है कि ऐसीलाल त्रिपाठी ने अनुक्रमांक 989145 द्वारा चण्डिका हाईस्कूल सण्डवा चण्डिका प्रतापगढ़ से 1979 में प्रथम श्रेणी में पास किया है। इस पत्र के एक फोटोस्टेट कापी साथ में भेजी जा रही है।

ज्ञातव्य है कि यह कर्मचारी पहले सन 1985 में कानपुर सिटी प्रह्लाद में नियुक्त हुआ था। नियुक्ति के पूर्व उसने जो मार्कशीट की हस्तलिखित प्रतिलिपि दी थी उसमें अनु. 989745 दर्शाया गया था। नियुक्ति के बाद उसने जो फोटोस्टेट कापी दी थी उसमें अनु. 989145 था। अन्य विवरण वैसे ही हैं। कानपुर प्रह्लाद से आपके कार्यालय को लिखा गया था जिसका उत्तर फाइल में नहीं है। बाद में यह कर्मचारी हमारे कार्यालय में अपनी प्रार्थना पर स्थानान्तरित हो गया है दिनांक 3-1-86 को परामर्श ग्रहण किया है। जिस पत्र की फोटो स्टेट भेज रहे हैं। उसका सं. गोप. 5/978-86 है पहले दिनांक 6-5-86 दिखाया गया है। उसको बहाल करके 16-7-86 किया गया है। और रबर की मोहर के अनुसार डाक अधीक्षक कानपुर के कार्यालय में 4-8-86 को पहुँचा है। इस पत्र से यह प्रतीत होता है कि अधीक्षक डाकघर कानपुर सिटी प्रह्लाद में अपने पत्रांक ब-5/जनरल/आउटसाइडर/85 दिनांक 14-2-86 द्वारा आपसे इस कर्मचारी के संबंध में जांच करायी थी। जिसका उत्तर (आपके यहां से भेजा गया था)

अतएव आप अपने पत्र संख्या सत्यापन-30/28/जाली/86-87/2394 दिनांक 19-7-86 सं. गोप. 5/978-86 दिनांक 6-5-86 16-7-86 जिसको फोटो स्टेट कापी भेज रहे हैं। एक साथ अवलोकन करें और यह देखें कि इनमें से कौन उत्तर सही है। और क्या ऐसी लाल त्रिपाठी नाम के विद्यार्थी ने वास्तव में 1979 में हाईस्कूल परीक्षा में अनुक्रमांक 989145 द्वारा श्री चण्डिका हाईस्कूल सण्डवा चण्डिका, प्रतापगढ़

*Handwritten signature and date*  
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से परीक्षा उत्तीर्ण का है। यह अनु-989145 वस्तुतः श्री भोलानाथ शास्त्री जी की पत्नी का है। अनु-989145 सुपेन्ड्रमरी इंटर मी। उद्योगालेख कोड वीर प्रतापगढ़ से सम्मिलित हुआ था।

हम अपने कार्यालय में पौरवाद निर्णीत श्री जी.एस.वर्मा को इस पत्र में साप भेज रहे हैं। चूंकि यह मामला बहुत महत्वपूर्ण है इस कारण आप पूर्ण ध्यान-शील रह विस्तृत व निर्णायक उत्तर देने की कृपा करें जिससे कि शास्त्रयज्ञानुसार कार्यवाही की जा सके।

सिल्लाबस (4)

भवदीय,

|| चीफ पोस्टमास्टर ||

लखनऊ प्रधान डाकघर-226001

प्रतिलिपि:- श्री जी.एस.वर्मा पौरवाद निर्णीत लखनऊ जी.पी.ओ. को इस आशय से प्रेषित कि संबंधित अधिकारी को पत्र देकर उनसे बातचीत करके सही उत्तर प्राप्त करें। यह भी देखो कि कौन सा पत्र गया था। जिसमें उत्तर में संविधान प्रा. परिषद इलाहाबाद का उत्तर गया था बोर्ड से पता करें कि बोर्ड के कथनानुसार अनु-989145 से भोलानाथ नाम का छात्र परीक्षा में बैठा है। उसके विभिन्न विषय क्या-क्या प्राप्त किए हैं। यह भी पता लगा दें कि अनु-989145 से कौन छात्र कहाँ से परीक्षा में बैठा है व उसने विभिन्न विषयों में क्या प्राप्त किया है।

|| चीफ पोस्टमास्टर ||

लखनऊ प्रधान डाकघर-226001

पत्राचार-22

भारतीय डाक-तार विभाग  
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

अति-गोपनीय

From Complaint Inspector  
Reference G.P.O. 226091

कृपया देते समय कृपया  
In reply  
Please quote

To चीफ पोस्ट मास्टर  
लखनऊ जी.पी.ओ.  
226001.

उप संख्या No. ४०३०/जांच 186 दिनांक 23-8-86

SUBJECT :- श्री देदी लाल शिपाही डाक

सहायक लखनऊ जी.पी.ओ. के हाई स्कूल परीक्षा  
1979 अ.क्र. 989145 के सम्बन्ध में

सन्दर्भ :- आपका बी.५/५११/लखनऊ दि. 18-8-86

सहायक,

आपके कार्यालय से प्राप्त अन्तर्गत अधिसूचना में  
वर्णित निर्देशों के अनुसार उक्त परीक्षा की जांच अति  
माध्यमिक शिक्षा परिषद 3090 इलाहाबाद के कार्यालय  
जाकर की निम्न तथ्य प्रकाश में आया :-  
परिषद के अभिलेखों के अनुसार वर्ष 1979 ई.  
अ.क्र. 989145 से भोलानाथ श. श्री दीपतरण नामक  
बुजेंद्रगण इन्टरमीडिएट कॉलेज कोहडौर प्रखण्ड  
परीक्षा में सम्मिलित हुआ है। देदी लाल शिपाही इस  
परीक्षा में सम्मिलित नहीं हुए हैं। इस केन्द्र में सम्मिलित नहीं हुए हैं।  
अ.क्र. 989145 से देदी लाल श. श्री राजनरत्न  
1979 में श्री चणिका हाई स्कूल राउतवा चन्द्रिका नाम  
केन्द्र से हाई स्कूल की परीक्षा में सम्मिलित हुआ  
है। श्री देदी लाल ने वर्ष 1979 में हाई स्कूल की परीक्षा  
में उत्तीर्ण होने में उत्तीर्ण की है। उनके शतांकी का विवरण  
निम्न है।

विषय	शतांक
हिन्दी	54
सां. गणित	49
अंग्रेजी	60
संस्कृत	67
अ.भा.स.	43
योग	273

इस प्रकार श्री देदी लाल ने 500 में से 273  
प्राप्त किये हैं और उनकी जगहनिधि 15-8-83  
(K.T.O.)

सिद्ध

संस्कृत भाषा में  
वर्णमाला का नाम है

यह

संस्कृत भाषा में

संस्कृत भाषा में

संस्कृत भाषा में

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संस्कृत भाषा में



जिसके नाम पर लखनऊ में  
एक मंदिर बनाया गया है।

प्र. 1. श्रीमान्, मैं आपसे पूछना चाहता हूँ कि  
आपके नाम पर बनाया गया मंदिर  
कहाँ है?

प्र. 2. आपका नाम मद्रास में 17 वीं सदी में  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी

आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी

आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी

प्र. 3. आप मेरे इस प्रश्न का जवाब दीजिए कि निम्नलिखित  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी

श्रीमान्, मैं आपसे पूछना चाहता हूँ कि  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी  
आपके नाम पर बनाया गया है क्या? और आपकी

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DYCPM / CPM

Case of Sri C.L. Tripathi PA  
is referred to IC Pm. G. U.P.  
Circle for regarding submission  
of forged mark sheet.

In the regard IC letter  
of Pm. G. U.P. Circle dated 1.1.88  
containing instructions is  
placed below for your kind  
perusal and order.

Shri CPM

2/11/88

Kindly forward the CC  
letter placed below in reply  
to our letter dt. 30.11.87 in  
the regardment of one of Shri  
C.L. Tripathi whose certificates  
have been found to be bogus  
in the course of action to  
terminate his services  
under Rule 5 of the Temporary  
Service Rules. The  
Candidature of Shri  
C.L. Tripathi be terminated  
and action as pointed in CC letter should  
follow.

2/11/88

A7  
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A No.221/88(L)

C.L. Tripathi

... Applicant

Versus

Union of India and others

... Opp. parties

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

I, *B.D. Hameja* aged *52*

about *57* years, son of *Late Shri Mohan Lal*

posted as Chief Postmaster, Lucknow General Post

Office, Lucknow do hereby solemnly affirm and

state as under:-

1. That the deponent is well conversant with the facts of the case and he is filing this affidavit on behalf of the opp. parties.

2. That the deponent has read and understood the contents of application as well as the facts given herein under in reply thereof.

*B.D. Hameja*  
Chief Postmaster  
Lucknow G.P.O. 226001



Q

our KakaxkoxRakxRajankux,

of high school



*[Handwritten signature]*

appointed as PA vide memo No. B-5/Genl/Outsider/

Shiksha Parishad UP Allahabad to verify

Boothby

Chief Post Master

SECRET  
P ( ) 226001

A7/3

which were confirmed by his letter No.Gop/5/978 dated 6.5.86/16.7.86. Earlier to this a reference was also made on 13.1.86 by this office to verify the marks of the candidate in reply where to the Secretary- Madhyamik Shiksha Parishad UP Allahabad informed that the marks reported by the officer were not the marks he had obtained.

(d) That on the other hand the same were reported to be bogus on getting two conflicting reports of the same office Secy. adhamik Shiksha Parishad was addressed to examine everything thorowly and report the facts. He confirmed vide his letter No.Sasiyapan-30/Nali/28/86-87/3134 dated 2.9.86 that the marks sheet produced by the candidate was bogus. He also

confirmed ~~that the marks sheet produced by~~

~~that the candidate was bogus~~ that the confirming the

marks as correct purported to have been issued from the office on 16.7.86 was also a bogus one. Thereafter the office of the deponent wrote to the Principal of the School to verify the marsheets issued by him but to no avail , SSFOs pratapgarh Division was also addressed several times. He too could not do anything positive.

(e) That the applicant was asked to throw light in the matter and confirm submission of the works sheet by him, but he avaded to give satisfactory reply. The matter is therefore brought to the notice of

*[Handwritten signature]*

Post Master General UP Circle, Lucknow vide letter  
Chief Post Master  
Lucknow G.P.O. 226001

No.34/599/Chhedi Lal Tripathi FA dt. 30.11.87,

(f) That the PMG UP Circle Lucknow advised

vide his letter No.Vig/CVOIB/52/87/3 dated  
1.1.88 that the CPM Lucknow is himself  
competent to take action.

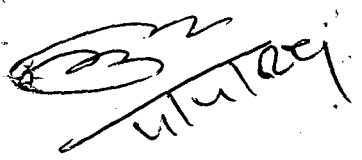
(g) That consequently the services of the applicant  
terminated vide letter No.B4/599/Chhedi Lal Tripathi  
dated 12.1.88 in pursuance of the proviso to sub  
Rule (1) of Rule 5 of the CCS(Temporary Service)  
Rules, 1965.

4. That the contents of para 1 of the application  
are not concerned by the answering deponent,

5. That the contents of para 2 of the  
application need no comments.

6. That the contents of para 3 of the  
application are admitted to the extent that the  
applicant was appointed pending completion of  
usual formalities.

7. That the contents of para 4 of the  
application are admitted ~~xxxxxx~~ except the  
version that the academic qualifications were  
verified by the Respondent no.3.

  
मुख्य पोस्ट मास्टर  
महानगर लखनऊ  
Chief Post Master  
Lucknow G.P.O. 226001

17/5

8. That the contents of ~~para~~ 5 to 7 of the application are not disputed.

9. That in reply to the contents of para 8 of the application it is submitted that the appointing authority of the applicant was S3FOs Kanpur City Division at the time of appointment while in service in Kanpur. The applicant was transferred in FA cadre in Lw.GFO under rule 38 of F&T ~~xx~~ Manual Vol.IV where Dy. CPM is the appointing authority of FAs as well. However, the orders of termination of services of the applicant were made by Shri B.D. Haneja Chief Postmaster, Lucknow GFO who is the senior Class I Officer and the same were communicated by Dy. CPM Lw.GFO under his signature.

10. That in reply to the contents of para 9 of the application it is submitted that the applicant was working as Temporary FA and was governed by the CCS Temporary services rule 1965 and the orders was issued under the provisions of said rule.


11. That in reply to the contents of para 10 of the application it is submitted that it is not concerned by the answering deponent because the documents have neither been addressed to the office of the deponent nor received in the office of the deponent.

M/b


12. That in reply to the contents of para 11 of the application it is submitted that under Government of India, Ministry of Home Affairs OM No.39/14/56 ~~xxxx~~ Ests A dated 22.6.56 the appointing authority is not liable to intimate reasons. The appellate authority D.P.S. 5 Lucknow Region and the official should have sought the relief through proper channel by way of an appeal against any order prejudiced to the applicant.

13. That the contents of para 12 of the application need no comments.

14. That in view of the facts and circumstances stated above, the application filed by the applicant is liable to be dismissed with costs.

  
Lucknow,

Dated:



Deponent.

मुख्य पोस्ट मास्टर  
लखनऊ पी.पी.ओ.  
Chief Post Master  
Lucknow G P O 226001

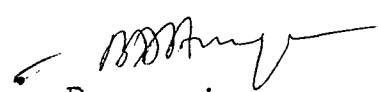
Verification.

I, the abovenamed deponent do hereby verify that the contents of para 1 to 24 of this affidavit ~~those of para 1 to 13~~ are believed to be true on are true to my personal knowledge and based on official records and those of para 24 to 27 are on the

87/7

basis of legal advice which I believe to be true.

No part of this is false and nothing material has been concealed.


  
Deponent.

Lucknow,

Dated: 4.4.89

मुख्य पीठ मास्टर  
सचिव जी.पी.ओ.  
Chief Post Master

I identify the above deponent who is known to me and has signed before me.


  
(VK CHAUDHARI)  
Addl Standing Counsel for Central Govt  
Counsel for Opp parties.


Lucknow,

Dated:  
Solemnly affirmed before me

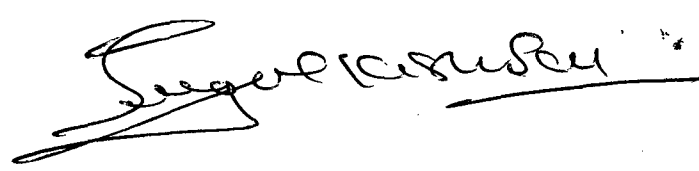
on 4 at 2 am/pm by the deponent who is identified by Shri VK Chaudhari, Advocate, High Court, Lucknow Bench.

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

  
Oath Commissioner

  
4/4/89  
G. Chaudhary

B. P. Mangin  
V. K. Chaudhary



Court...  
Date...  
4/4/89

A7/6

# VAKALATNAMA

In the Hon'ble High Court of Judicature at Allahabad

At

Lucknow Bench

..... C. L. Tripathi ..... Plff./Applt./Petitioner/Complainant

Verses

..... Union of India & others ..... Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We.....

the above-named..... *Respectfully* .....do hereby appoint

Shri V. K. CHAUDHARI, Advocate, *Adv. & Stand. Counsel, Allahabad*  
*General* ..... High Court, Lucknow Bench

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and authorised him :—

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents, to admit &/or deny the documents of opposite parties.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause,

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority/herby conferred upon the Advocate whenever he may think fit to do so & to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case untill the same is paid up. The fee settled is only for the above case and above Court I/we hereby agree that once the fees is paid. I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this..... *4* .....day of... *4* .....19*99*

Accepted subject to the terms of fees.

Client

Client

*[Signature]*  
Advocate

*[Signature]*

मुख्य पोस्ट मास्टर  
लखनऊ जी.पी.ओ.

Chief Post Master

Lucknow G. P. O. 226001

*[Signature]*

मुख्य पोस्ट मास्टर  
लखनऊ जी.पी.ओ.

Chief Post Master

Lucknow G. P. O. 226001

C.L. Tripathi (Chhedi Lal Tripathi)

Applicant

Versus

Union of India and others

Respondents

REJOINDER AFFIDAVIT OF THE APPLICANT.

I, Chhedi Lal Tripathi, aged about 26 years, son of Raj Narain Tripathi, R/O village Mawaiya Kalan, Post Raivi Rajanipur, District Pratapgarh, do hereby state on oath as under -

1. That the deponent is the applicant in the above noted case and he is fully conversant with the facts deposed to in this rejoinder affidavit. The deponent has read the contents of the counter affidavit filed by the respondents, understood them and is replying to the same.

2. That Sri B.D. Haneja who has filed the counter affidavit is not a party in the case either by name or by his official capacity as Chief Postmaster, Lucknow, General Post Office, Lucknow as stated by him and as such he is not competent to file the counter affidavit under reply under the rules. In view of that the counter affidavit is liable to be ignored and the case decided ex parte. With the aforesaid submission, the reply is being furnished.

3. That the contents of para 1 & 2 are denied as stated. Sri B.D. Haneja is not a party in the case and so he is not competent to file the counter affidavit.

4. That in reply to the contents of para 3(a), it is stated that the deponent has given the facts in his application how he was appointed in the Department by the Sr. Supdt. of Post Offices, Kanpur City Division, Kanpur.

5. That para 3(b) needs no reply.

6. That the contents of para 3(c) & 3(d) are denied for want of knowledge. It may be stated that the applicant had handed over his original certificate, papers and mark sheets given by the School in the office of the respondent no. 3 & was not returned to the applicant. <sup>the same</sup>

That the contents of para 3(e) are wrong and vague as it does not indicate when and what light, the applicant was asked to throw. <sup>want</sup> The rest of the contents of this para are denied for/of knowledge.



8. That the contents of para 3(f) are denied for want/knowledge.

9. That in reply to the contents of para 3(g) only this much is admitted that the services of the applicant were terminated by the Dy. Chief Postmaster, Lucknow wrongly, maliciously & illegally by his order dated 12.1.88.

10. That the contents of paras 4 & 5 need no reply.

11. That the contents of para 6 need not reply except that it is wrong to say that the applicant was appointed pending completion of usual formalities. Certain documents were called for by the appointment order dated 28.4.83 (Ann. A-1) which were duly furnished by the applicant. When the applicant was appointed as a regular Postal Assistant by order dated 17.9.85 (Ann. A-3) no condition <sup>was</sup> attached.

12. That the contents of para 7 to the extent they are repugnant to the contents of para 4 <sup>are denied and the contents of para 4</sup> of the application are re-asserted.

~~13.~~ 13. That the contents of para 8 do not call for any reply.

14. That the contents of para 9 of the counter are not relevant to the contents of para 8 of the application. The averments of the respondents that the appointing authority of the applicant at Kanpur was the Sr. Supdt. of Post Officer Kanpur City Division (who is a class I officer) and the applicant was transferred in Postal Asstt. cadre in Ganetal Post Office, Lucknow under Rule 38 of P7T Manual Vol. IV are not disputed, but it is denied that in the G.P.O. Lucknow the Dy. Chief Postmaster who is a class II officer and lower in authority than the Sr. Supdt. of Post Officer Kanpur City Division <sup>the initial appointing authority</sup> Kanpur became the appointing authority cannot change. It is also denied that the orders of termination of services of the applicant were made by Sri B.D. Haneza, Chief Postmaster Lucknow G.P.O. and a perusal of the impugned order dated 12.1.88 will belie this contention.

~~15.~~ 15. That the contents of para 10 of the counter are not relevant to the contents of para 10 of the application which concerns relief sought by the applicant. If however, para 10 under reply is intended to relate to para 6(9) of the application, it is stated that the application of Industrial Dispute Act and Labour Laws has not been disputed and in view of that the termination of the applicant's services is in violation of section 25(f) of the I.D. Act and hence

illegal and void. It may further be stated that the applicant was a regular appointee against a permanent post and his services could not be terminated abruptly without any show cause notice and opportunity of hearing. Several officials junior to the applicant were allowed to continue in service and the applicant could not be discriminated. It has been held in 1985 SC page 1046 to 1050, K.C.

Jauhari Vs UOI and others, para 8 thereof, that 'termination by way of punishment is violative of the principles of natural justice in that no opportunity was given to clear himself of the alleged <sup>mis</sup>conduct which never found its expression on paper but which remained in the minds of those passing the order of termination. If it is a discharge simpliciter, it would be violative of Article 16, because number of store keepers junior to the applicant are shown to have been retained in service and the applicant cannot be picked up arbitrarily. He had the protection of Article 16 which confers on him the fundamental right of equality and equal treatment in the matter of public employment". In P. L. Dhingra Vs UOI AIR 1958 SC 36(48) it has been held that 'Termination of service of a Govt. servant appointed substantively to a permanent post must per se be a punishment for it operates as a forfeiture of the servant's right and brings about a premature end of his employment. Again, where a person is appointed to a temporary post for a fixed term of say 5 years, cannot in the absence of a contract or a service rule permitting to premature termination, be terminated before the expiry of this period unless he has been guilty of some misconduct, negligence, inefficiency or other disqualifications and appropriate proceedings taken under the rules read with Article 311(2). The premature termination of the servants so appointed will prima facie be a dismissal or removal from service by way of punishment and so in the purview of Article 311(2).'

<sup>couched</sup> "The order of discharge though couched in unambiguous terms must be held to be a punishment as the foundation for exercise of the power of discharge was that he was not honest. The order has resulted in injury to him and is a punishment. The order is, therefore, not valid as it infringes the provisions of Article 311(2)," as held in State of Haryana Vs Rajinder Sareen AIR-1972 SC 1004(1027-28) is equally applicable in the applicant's case as he has been discharged on the ground of stigma against him in violation of Article 311(2) and also Article 16 as several officials junior to him were allowed to continue in service to the prejudice of the applicant's right.

44 continued

It is denied that the order of termination was passed validly under the provisions of CCS(Temporary Services) Rules 1965.

- 16<sup>2</sup> 17. That the contents of para 11 of the counter are not relevant to para 10 of the application, which concerns "Interim relief if any prayed for" and calls for no reply. However, if this para is intended to reply to para 6(10) of the application, it is stated that the applicant was making all possible efforts to procure duplicates of the certificate and marksheet which were not returned by the office of the Sr. Supdt. of Post Offices Kanpur City Dn. for giving a satisfactory reply to the respondent no. 2 as already stated in para 6(7) and 6(10) of the applicatio which/ reiterate<sup>are</sup>d.
17. That the contents of para 12 of the counter are denied in view of the submissions already made in para 15 above. The termination order is not a termination simplicitor but infected with stigma against the applicant and is violative of principles of natural justice and Articles 31(2) & 16 of the Constitution. It has also not been passed by the competent authority. No appeal lies against the termination order and it is wrong to say that the applicant should have sought the relief through proper channel by way of appeal. There is no such provisions in the rules.

18<sup>12</sup> 18. That the contents of para 13 need no reply.

19 20. That ~~the~~ in view of the facts and circumstances of the case & the submissions made by the applicant, the application filed by the applicant is sound, well grounded and liable to be allowed with cost and special cost.

Lucknow, Dated:  
May 18, 1989.

*[Signature]*  
Deponent.

#### VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 19 are true to his knowledge and those of para 20 are believed to be true. No part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow, Dated:  
May 18, 1989.

*[Signature]*  
Deponent.

I identify the deponent who has signed before me.

*[Signature]*  
Advocate.

*[Handwritten note:]*  
10/11/1989