

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE ..O.A. 221 OF 1988.....

NAME OF THE PARTIES.....Chhedi Lal ~~vs~~ Tripathi.....

.....Applicant

Versus

.....Union.....ref.....India.....Respondent

Part A, ~~etc~~

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CERTIFICATE

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

Dated..30/12/2011..

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

Annexure - A
CAT-82
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

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CAUSE TITLE 221/88 OF 198

Name of the Parties Chhedi vs. Tapathi

Versus

Union of India

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

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

Chhedi Lal Tripathi Applicant(s)

Versus

Union of India Respondent(s)

Sl. No.	Date	Orders
	27-1-89	NO SITTING, ADJOURNED TO 8-2-89. FOR ADMISSION. R.A. 27/1/89.
	8.2.89	Hon. A. 2nd, A.M. No one is present, the case is adjourned to 20.2.89 for admission. 3rd A.M.
	4/3/89	Hon. D.S. Misra, A.M. Admit. Issue notice to the parties to file reply within a month. R.A. may be fixed within 15 days thereafter before the D.R. D.R. who will list this case for final hearing. A.M.
	8/3/89	8th Notices issued to the parties through Rep. Post. fix p. 17.4.89 for final hearing before D.R (J). Jish 7/3/89

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, J.M. Hon. Mr. K. Obayya, A.M.	
	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.	
	D.P.	
	A.M.	J.M.
	R.	
	No. Slett. reply to 21-3-90	
	24-1-90	
	Hon. D. K. Agrawal, J.M.	
	Hon. Mr. K. Obayya, A.M.	
	Shri M. Dubey for Applicant Shri V.K. Chaudhury for respondent had made a request for adjournment. However, we commenced the arguments from Shri 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 24/1/90	
	D.P.	J.M.
	R.	
	D.P.	
	J.M.	

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. Obayya, A.M.

(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 ^{and intermediate} passed High School 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 ~~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 ~~373~~ 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 ^{as} 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 simple or termination order. It casts stigma on the applicant. Therefore, the

same is bad in law. The ~~disciplinary~~ 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 ^{of} 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 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 liberty to initiate disciplinary proceedings in light of the observations made above in the body of the judgment. Parties shall bear their own costs.

A.M.
J.M.

D.K.Q.
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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For use in Tribunal's office

Date of filing 23-12-88

Registration No.

Signature of the applicant

Signature
For Registrar

M. Dulal
Bawali

A3

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 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.

4/1/88 1/4/88

2.

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

(iv) Subject in brief:- The applicant

... 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 in initio void.

3. Alternative T

tion 21 of the Administra

1. *What is the primary purpose of the study?* (e.g., to evaluate the effectiveness of a new treatment, to describe a population, to compare two groups).

2

(1) Examination of U.P. Board
1979 with Roll No. 989745 from Shri Ch
Chandrika, prata

He was in
a library

livelihood. Father at Kanpur, he met Shri Nath Mal Rathi, 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 Rathi said to the applicant, "I take guarantee for your employment" and in bona fide belief in him, the applicant did what he said and gave him the original marksheet, signed on 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 requisit 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/485-86 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. 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 marks sheet 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/

41-CTT-418

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

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.

after

(11) That the applicant/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
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MTR
14161

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.

19/1/1988
14/1/1988

83
10

(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.

441 0101 T-418

M. Gulen
D.A.V

Registration no.

of 1988

(10)

Chhedi Lal Tripathi v/s Union of India and others

Annexure no A-1

AN
/

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

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

Regd

TO,

SHRI Chhedi Lal Tripathi

Village Bhadayi, Kole

P.S. Rawali Rajgarh Pin

260001 Pratapgarh

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

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

With reference to your application dated 6/1/1983 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 (2nd Floor), The Mall, Kanpur on 11/1/1983 alongwith the following documents in original.

1. High School Certificate showing the date of birth.
2. Marksheets and certificate of educational qualification.
3. Two character Certificates of the Gazzeted 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 ever & wherever called for and they will be

Contd....2.

Chhedi Lal Tripathi

Chhedi Lal Tripathi
w/ee
BDM

Chhedi Lal Tripathi v/s Union of India and others

Annexure no A-2

A4
2INDIAN POSTS AND TELEGRAPHS DEPARTMENT.OFFICE OF THE SR. SUPDT. OF POST OFFICES,
KANPUR CITY DIVISION, KANPUR-51.

Memo No. B-27/RTP/83-84 Dated. a; 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 ensure 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.

1. Shri Kamal Yadav, S/o Shri Arjan Yadav, Village-Sondhari P.O. Sondhari via Nizamabad, Distt Azamgarh.
2. Shri Chhedi Lal Tripathi S/o Rajnai in Tripathi Vill. Mavaiya Kole PO Raiji Rajanipur Distt Pratapgarh.
3. Shri Suresh Chandra 447/6 Shastry Nagar, Kanpur-5.
4. Shri Gajraj Ram S/o Shri Jiwdhan 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 Bachchanlal Vill & P.O. Barni Village Distt- Etawah.
6. Shri Ram Autar Jatav, S/o Shri Kalika Prasad Nagla Hirmi P.O. Erwakatra, Etawah.
7. Shri Rajaram S/o Shri Rajhuhir Village-Sangrampur Sami P.O. Khaga, Distt, Gatahpur.
8. Shri Ram working at Anwaganj, P.O. Kanpur.

Charge report should be submitted.

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

Copy to: 1. to 8. The Candidates concerned.

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

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

19. 5PM Anwaganj PO Kanpur

20 to 28. Office copy & Spare.

Attested
Me w/ 3
W. B.
B.W.

Official Seal
14/4/1984

(12)

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-3

GOVT. OF INDIA
Ministry of communication
Department of Posts
Office of the Sr. Supdt. 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 for first to earn further increment.

1. Shri Komal Yadav, RTP candidate Nawabganj, HO to TPA Nwg. HO against vacant post.
2. Shri Gaj 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, RT.P candidate Hatia PO to be T.P.A. Hatia PO against vacant post.
4. Shri Suresh Chandra RTP candidate Nayaganj, PO to be T PA 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 gice 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. Supdt. 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.

Attested

TRUE COPY

W. Lee
R.D.W.

A/4
4/4

Chhedi Lal Tripathi v/s Union of India and others

Annexure no A-4

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS.

OFFICE OF THE SR. SUPDT. OF POST OFFICES KANPUR CITY-DNA 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/KP City/4 dt. 10.12.85 approving the transfer under Rule no. 38 of P&T Man. Vol. IV, the undermentioned transfers and postings are hereby ordered on the conditions noted below.

1. Sri Jang Bhaup Singh PA, Lucknow GPO to be temporary PA, Nawabganj H.O. Kanpur -208002.
2. ✓ Shri Chhedi Lal 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 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.M.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.

Attested
Date 14/12/85
Signature

/SHARAD/2812-85/

4/4
4/4
4/4
4/4

P.M.

In The Central Administrative Tribunal, Circuit Bench, Lucknow
Registration no. 45988 (14)

Chhedi Lal Tripathi v/s Union of India and others

Annexure no A-5

PA
15

Copy of I.M.G. 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 14th 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:-

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

* * * * *

BD Singh
Chief Postmaster
Lucknow GPO 226001.
Dated: 15.10.87

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.

BD Singh
Chief Postmaster
Lucknow GPO 226001.

Attested
True copy

BD Singh
15.10.87

Exhibit F-2418

In The Central Administrative Tribunal, Circuit Bench, Lucknow
Registration no. of 1988 (15)

Chhedi Lal Tripathi vs Union of India and others

Annexure no A-6

AM/6

The Chief Postmaster,
Lucknow GPO

Sub: Verification of High School
mark's sheet and Certificate
from M.P. Board of High School
and Intermediate examination
1979 and 1981 respectively.

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

518'

—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 Certificates and mark's sheet with the roll no under 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 un-veil the factual position has been taken up as under by the applicant in absence of the original in his possession:

- (a) The Secy, M.P. 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 Challan 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

(Chhedi Lal Tripathi)

P.A.

Chhedi Lal Tripathi B-50, GPO

Lucknow

able 1 Current Pg 418

7-10-87

Attested
me on
10-10-87
P.W.

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

PA
1

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.

Ram Briksh
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 under-signed.
2. The Dy. PM 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.

Ram Briksh
Dy. Chief Postmaster,
Lucknow GPO 226001.

*Altered
True copy
R.B.W.*

*Chhedi Lal Tripathi
1-1-1988*

In The Central Administrative Tribunal, Circuit Bench, Lucknow
Registration no 1988 (17)

Chhedi Lal Tripathi vs Union of India and others
Annexure no A-8

24/8

राष्ट्रका
प्रधानमंत्री
श्री व्यापारिका दूषणीय
कालेज सचिवालय
स्ट्रीपार्ट
सांचिव
साधारण विकास परिषद
उम्मीद इलाकावाद

प्राप्ति

दिनांक 27-10-1988

विषय: संघोचनके द्विलाल ६० राजनारायणका
प.र. परीक्षा १९७९ का प्रभागका काउंक्ल

अद्यता

सांचिव एवं उम्मीद इलाकावाद परीक्षा १९७९में,
मा. द्विलाल ६० राजनारायण अनुसार १९७९/४५
हितोपकारी, एवं सामान्यानित कारोनी संस्कृत
अवधारित विषयों के लिये उत्तीर्णिता का लोडले
विषयों में अकाली उत्तीर्ण नहीं होता है। यहां पुनः
व्यापकीय व्यापक (संलग्न) में अवधारित
इवानमें नागरिककाल आवेदन होता है, जिसे
उत्तीर्ण का प्रभाग एवं अनुकूल होता है,

अतः निकाले एवं दाता के उम्मीद परामर्श

नागरिक यात्रा विषय होकर अवधारित कितनी
जोड़े ०९३२८ उपाय पक्ष निर्दित करेंगी इसकी जांच।

मन्त्री

राजनारायण
अनुसार १९७९/४५ प.र. परीक्षा
१९७९ का प्रभाग

Effd
प्राप्ति
श्री विधिका एवं नीतिपूर्वीकारी
मंडल दूषणीय, प्रधान
१३३ २७-१०-८८

दिनांक २७-१०-८८
प्राप्ति

Mesled
True copy
by
R.A.W.

(18)

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.

Chhedi Lal Tripathi

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 ended

TRUE COPY

Chhedi Lal
A.M.W.

21/10/1988
Chhedi Lal

✓

TRUE COPY

✓

District Lucknow.
Motihari P.O.
Village Patanchawali,
C/O Yadv Nath Trivedi,
(CHHEDI LA TRIPATHI)

Dated : 31.10.1988 .

Yours faithfully,

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

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

(2) M. Duhem

Mr. ~~W. H. Thompson~~

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नाम अद्वालते
मुकहमा नं०
नाम फरीकेन बनाम

ગુજરાતી

anomalous, transitions

July 21, 1944
Dear Mr. and Mrs. Nason,
I am enclosing a copy of the
newspaper clipping from the
Daily News.

ପାଦପାତ୍ର ପାଦପାତ୍ର ପାଦପାତ୍ର ପାଦପାତ୍ର ପାଦପାତ୍ର ପାଦପାତ୍ର

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ମୁଖ୍ୟମନ୍ତ୍ରାଲ୍ୟ

କାଳିମନ୍ଦିର କାର୍ତ୍ତିକା ପାତାର ପାତାର ପାତାର

.....**ك**.....
.....**ك**.....

INDIAN POSTS & TELEGRAPH DEPARTMENT

From:

Postmaster,
Lucknow GPO-226001.

To:

The Secretary
Post & Telegraph
Department

No. B-4/ 553

Dated: Lucknow, 13/86

Subject: Verification of educational qualification and date of birth - case of Shri. Chhedi 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/markebooks issued in favour of Shri. Chhedi 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 256/55
- 3) Date of birth - 15-8-63

Yours faithfully,

Postmaster,
Lucknow GPO.

जीरो/Com.

प्राक्तन उच्चालय विधायक/मोठा ०. ०. ८. विधायकांचा
प्रियांची धारात्मक, मोठ्या प्रधान मंत्री

सेवा मी.

दर्शक,

दावीदारी परिणाम,

ठार्टुलाहात्याक.

संव्या शी ४/८१९/ दाखान्त / दिवाह २२०७०८८

दिव्येः श्री छेदीपांड शियाठी हुय दी शप्तराळा त्रिपाठी
हाईस्कूल ग्रीष्मा १९७९ दिवाह १०७७९५ अन्तीतिधि
१५०८०८३ दा सत्यापन ।

- ८ -

वडोदय,

हाया थाप अपने पत्र संव्या सत्यापन/३०/८८ याठी
४०६०८७/२३९५ दिनाक १९०७०८६ ला संदर्भ दी तथा दी
छेदी लास शियाठी हाईस्कूल अनुसंधाक १९७७९५ पर व
दि १९७१९५ पर परीक्षा विवरण सत्यापित दी ।
हे दीत दाखयक सम्हेते ।

धक्कीय,

श्री शोहधात्मक
दाखान्त प्रधान, ठार्टुल-२२६००८

AB
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सिवं
मार्गोमक, विद्या पारपद, उत्तर प्रदेश
लालाबाद।
विद्यालय।

आकाश स्टी प्रांड, कानपुर ।

त्रिकाक - गोप ० ८/ १९८४-८६ । १८६-८७ लालाबाद दिनांक ६-६-८६

दिक्षा - श्री छेदी लाल आक सहायक का पुरुष स्टी मण्डल के शिक्षक योग्यता प्रमाण प्राप्ति ४६
के मत्यापन के तंत्रमें ।

महेश्वर - श्रीपके कार्यालय फरांक ब० ५/ जनरल/आरट साइटर ४५/ दिनांक १५-६-८६ के द्वारा र
उक्त श्री छेदी लाल आक सहायक को शिक्षक योग्यताओं की जांच इस विद्यालय के मूल दर्भारों
से को गई तिसका विवरण नमूनत है :-

हाई स्कूल परीक्षा

- १- बनुकांक १४५
- २- व्यं - क, साहित्यक
- ३- व्यं - १९७९
- ४- विद्यालय का नाम - छेदी लाल त्रिपाठी
- ५- जन्म तिथि - १५-८-६३
- ६- पिता का नाम - राज नारायण त्रिपाठी
- ७- कुल मास्तांक ३७३ पूर्णांक ५००
- ८- विद्यालय का नाम - श्री चौण्डका हाई स्कूल सूण्डवा चौण्डका मतापाद
- ९- प्रमाण पत्र का क्रमांक व दिनांक १००४/८ दिनांक १६-७-८१

इंटरमीडिएट परीक्षा

- १- बनुकांक - १७२४९८
- २- परीक्षा वर्ष - १९८१
- ३- व्यं "ए" साहित्यक
- ४- प्रमाण पत्र का क्रमांक व दिनांक १००४/८ दिनांक १६-७-८१
- ५- कुल मास्तांक २६ पूर्णांक ५००
- ६- विद्यालय के चार नाम - एस० फी० इंटर कॉलेज गडवा गा., मतापाद
लग्न बंड ताल्लों छ निलान करने पर भी उपरोक्त सभी विवरण सत्य हैं।

आख्या एवनार्थ प्रेषित है।

महादीप
कुल गोपकर द्वय
उप संचालक गोपनीय विद्यालय संस्था
विद्यालय विद्यालय
मतापाद गडवा गा.
लग्न बंड ताल्लों छ

धारतीय डाक विभाग

- १ -

प्रै. नं.

पोर्ट बौद्धास्त्र,
लडानउ प्रधान डाकथर-226001

2010/10/10
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संघिय,
माध्यमिक शिक्षा परिषद्,
उ.पु.इलाहाबाद।

ज्ञ. दी ५/लडानउ / दिनांक ३०/८/१९८६
विषय: श्री छेदीलालत्रिपाठी डाक सहायक लडानउ दी.पी.डी.०५५ डार्टस्कूल गण्डी
१९७९ अनुब्राह्म ८९।५ के सत्यापन के लिंबध में।

- १ -

लहोख्य,

द्विया शाप अपने संभाक सत्यापन-३०/२८/जाली/८६०८७/२३७५ दिनांक १९०७०८
का पूनः अप्लॉइन करें। इस लिंबध में श्री छेदीलाल त्रिपाठी से डार्टस्कूल १९७९ की मूल
मार्क्सीट मार्गी गई थी। उसने श्री लंपिङ्गा हाईस्कूल सण्डवा थीन्द्रिया, प्रतापगढ़
द्वारा दिनांक २१०७०७९ की मूल मार्क्सीट प्रत्युत की है। जिसमें उसके ग्राहकांतां ३७३/५००
प्रथम श्रेणी में उत्तीर्ण व गोप्ता व दंस्कूल में विक्रोष्ट योग्यता प्राप्ति दिल्लीया गया है।
इसी बीच प्रधार अधीक्षक डाक कानपुर तिटी प्रछांड कानपुर ने इस कायालिय को ४० पन्न
क्षेत्र है जो हिंदूप्रधार अधीक्षक डाक कानपुर तिटी प्रछांड कानपुर तिटी
को लिखा गया है। जिसमें श्री कुल भास्कर वर्मा उपसीचिव के द्वात्ताधर प्रसीत होते हैं।
इस पत्र के पढ़ने से यह मालूम होता है कि छेदीलाल त्रिपाठी ने अनुब्राह्म ८९।५
द्वारा दिण्डिङ्गा हाईस्कूल सण्डवा थीन्द्रिया का प्रतापगढ़ से १९७९ में प्रथम श्रेणी में पाठ लिया
है। इस पत्र के स्कॉल फोटोस्टेट कापी साथ में भेजी जा रही है।

ज्ञातव्य है कि यह कर्मचारी पहले सन १९८५ में कानपुर तिटी प्रछांड में नियुक्त
हुआ था। नियुक्ति के पूर्व उसने जो मार्क्सीट की द्वस्तिलिपि दी थी उसमें
अनु. १९७४५ कर्त्तव्या गया था। नियुक्ति के बाद उसने जो फोटोस्टेट कापी थी उसी
उसमें अनु. १९७५ था। अन्य विवरण वैसे ही थे। कानपुर प्रछांड से अपछे छायालिय
को लिखा गया था। जिसका उत्तर फाइल में नहीं है। बाद में यह कर्मचारी द्वारे छायालिय
में अपनी प्रार्थना पर स्थानान्तरित हो गया है दिनांक ३०।१०।८६ को पाल्भार ग्रहण
किया है। जिस पत्र की फोटो स्टेट ऐ रहे हैं। उसका है. गोप.५/१९८६ है पहले
दिनांक ६।०५।८६ दिल्लीया गया है। उसको लेस्ट करके १६।०७।८६ किया गया है। और
रबर की मोहर के अनुसार डाक अधीक्षक कानपुर के कायालिय में ४।०८।८६ को पहुँचा है।
इस पत्र से यह प्रतीत होता है कि अधीक्षक डाकथर कानपुर तिटी प्रछांड में शपने
की त्रिकाक ब-५/गनरल/आउटसाइटर/८५ दिनांक १४।२।८६ द्वारा आपसे इस वर्षीयांतों के
लिंबध में जांच करायी थी। जिसका उत्तर आपके यहां से भेजा गया था।

अतस्य आप अपने पत्र संख्यात्त्यापन-३०/२८/जाली/८६०८७/२३७५ दिनांक
१९०७०८६ रुप. गोप.५/१९८६।६६ दिनांक ६।०५।८६।१६।०७।८६ जिसको कोटा स्टेट
कापेयां भेज रहे हैं। एक साथ अप्लॉइन करें और यह देखेंगी। इनमें से छीन उत्तर संग्रह
है। और इस छेदीलाल त्रिपाठी नाम के विद्यार्थी ने वास्तव में १९७९ में डार्टस्कूल
परीक्षा में अनुब्राह्म ८९।५ द्वारा भी विद्यार्थी का प्रतिक्रिया द्वारा संस्कृत, प्रतापगढ़

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से पृष्ठेश्वर उत्तीर्ण का है। यह अनु० १४७।५५ परम्पराः श्री भौतानाथ शास्त्रम् प्री
बीपतेन्द्रिय का है। अन्तर्गत सूर्योन्दर्शण इंटर मी। स्थानालेख कोड द्वारा प्रतापगढ़ से
सम्मोहित हुआ था।

ਇਸ ਅੱਪਨੇ ਕਾਰਾਤਿਥਿ ਹੈ ਪੀਰਖਾਦ ਨਿਰੰਗਿਕ ਸ਼੍ਰੀ ਥੀ. ਖਲ. ਘਰਾਂ ਕੀ ਵੱਡਾ ਪੜ੍ਹ ਹੈ ਦਾਤ
ਮੈਂ ਰਿਹਾ ਹਾਂ। ਪ੍ਰੀਕ ਯਹ ਮਾਮਲਾ ਬਹੁਤ ਮਹਤਵਪੂਰਵ ਹੈ ਜਿਸ ਕਾਰਣ ਤਾਪ ਪੂਰੀ ਛਾਨ-ਹੀਨ ਛਾਨ
ਵਿਵਹਤ ਥੇ ਨਿਰਧਾਰਤ ਉਸਤਰ ਦੇਣੇ ਕੀ ਕੁਪਾ ਕਰੋ ਜਿਸਤੇ ਕਿ ਥਾਥਿਅਤਕਾ ਜੁਤਾਰ ਫਾਰੀਜ਼ਾਂਦੀ
ਕੀ ਜਾ ਸਕੇ।

ଶରୀରକ ୬

भवदीय,

धीर पोस्टमास्टर ॥
लाहानऊ जूधान छाक्खर-22600।

प्रृतिलिपि:- दी दी. खल. क्षर्मा पौरवाद निर्मली लालानऊ जी. पी. और लो प्रस आशाय से प्रेषित कि हमें धत अधिकारी ल. १००३ दे । उनसे बातधीत करके तर्हा उत्तर प्राप्त हरें। यह हम भृष्ट देखोगी कि पुर स कोन ता पत्र गया था। प्रियम्ये उत्तर में सीधप्रमा शिवा. परिष्कर इलाहाबाद जा उत्तर गया था लोड से पता करें कि बोर्ड के कल्पनानुसार अनु. १८९।५ से भोलानाथ नाम का छात्र परविक्षा में बैठा है। उसके विभिन्न विषय क्या-क्या-क्या प्राप्तांक क्या है। यह भी पता लगावें कि अनु. १८९।५ से कोन छात्र कहाँ से परीक्षा में बैठा है व उसके विभिन्न विषयों में क्या प्राप्त किया है।

चीफ पोस्टमास्टर,
लेहानऊ पुस्तान डाक्यर-226001

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१०८ विद्यालय
१०९ विद्यालय
११० विद्यालय

15.568 रुपये २० पैसे

$$65 + 22 + 22 = 65$$

$$(2) 2100 \text{ m}^2 - 24 + 2 = 2076 \text{ m}^2 \quad 82 + 38 = 60$$

$$\text{अंकों का योग} = 2 + 1 + 3 + 6 = 12 \quad \text{तथा} \quad 32 + 36 = 68$$

$$15.7077 - 324.312 = -308.6043$$

111378883-0923-8 2215.89+318.65

प्रत्येक वर्ष की विविध विद्युत उपलब्धि = 263 द्वितीय वर्ष = 363 द्वितीय

ବିଜ୍ଞାନାବ୍ୟାକ୍ଷରିତି । ୧୯୮୨୦ । ପ୍ରକାଶିତ ।

مختصرات

10. *Chit Chat*

10

In my presence.

Blues

5/11/86

21.

checked by [Signature]
5-19 5-11-86

1. 1975-76 वर्ष के लिए 100.

11

6. *Leucosia* + *Leucosia* = *Leucosia*

କାନ୍ତିରୁଦ୍ଧିକାରୀ ପଦକାରୀ ପଦକାରୀ

૩૮૮

प्र० आपके घोषणाता द्वावले में ५० दर्दियाँ आवेदन हो गी। इसलिए, परं पर नियमित है कि उन्हें आवेदनी जरूरत आपके द्वावले वाले भेजा है तभी उसी द्वावले जो लगत रहिया है वहाँ जो दर्दियाँ दर्दियाँ हों तभी जरूरत आवेदन की जरूरत होती है। आपके द्वावले वाले भेजा है तभी उसी द्वावले जो लगत रहिया है वहाँ जो दर्दियाँ दर्दियाँ हों तभी जरूरत आवेदन की जरूरत होती है।

मुख्य बाबू भारती अन्दाजी का दिन १०-१० वीं अप्रैल १९८७ की
मुख्य अन्दाजी का अन्दाजी करेगा अपनी विद्या
मुख्य अन्दाजी करेगा अपनी विद्या के अन्दर
मुख्य अन्दाजी करेगा अपनी विद्या के अन्दर
मुख्य अन्दाजी करेगा अपनी विद्या के अन्दर

मैल बहुत गान्धीजी के लिए जानकी
दूर गान्धीजी के लिए जानकी दूर
दूर ११-११-४२

आप मेरे इस गीत का गाए दीजिये कि निषुक्त वेस्टम आपके जी आवेदन ५३ ८.११.११ द्वा दिया गया उल्लेख द्वारा मालवी एवं द्वारा दिया गिरावं ग्राहक ३३/१२० है ११ अप्रैल द्वारा दिया गया है अधिक नहीं गुणवत्ता पड़ा जाए देखकर गाया।

DYCPM / CPM

(137)

AB
PV

Case of Sri C. L. Tripathi PA
was referred to IC P.M. G. U.P.
Circle in regard of submission
of forged mark sheet.

In the regard IC letter
of P.M. G. U.P. Circle No. 11-188
containing instructions is
placed below for your kind
perusal and order.

the CPM

2/1/88

Kindly find the C.P.
letter & P.M. G. U.P. Circle
No. 11-188 dated 1-1-88
in the attachment case of Sri
C. L. Tripathi otherwise certificates
and book passed to be bages
terminated. Immediate course of action to
be taken may initially be
under Rule 4 be taken may initially be
of the temporary suggested.

The Candidature of Sri
C. L. Tripathi be terminated &
and action as pointed in C.P. letter should
follow. 2/1/88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A No.221/88(L)

A7

C.L. Tripathi ... Applicant

Versus

Union of India and others ... Opp. parties

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

I, B.D. Haneja

aged 52

about 27 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 thereto.

B.D. Haneja
T. 2000
B.D. Haneja
Chief Post Master
Lucknow U.P.O. 226001

3. That before giving parawise comments it is pertinent to give brief history of the case as detailed below:-

(a) That the applicant was recruited

as RTP in Kanpur ~~Kakarla~~ ~~Rakha~~ ~~Rajkumar~~,

~~City Division, Kanpur~~ on the basis

of high school and intermediate marks

sheets and appointed as PA Kanpur vide

SFOs Kanpur City. Division, Kanpur No. B-27/

Rectt/RTF/83-84 dated 24.10.83. Further he was

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

85-86 dated 17.9.85 as regular P.A.

(b) The applicant was transferred under rule

38 of P&T Manual Vol. IV to Lucknow GPO

on mutual exchange vide Memo No. B-30/Genl/85-86

 dated 24.12.85 of SFOs Kanpur city Division

Kanpur in pursuance of P.M.G., UP Circle,

Lucknow Memo No. Staff/T-85/KP City/4 dated

10.12.1985.

(c) That the SFOs Kanpur City Division,

Kanpur addressed the Secretary Madhyamik

Shiksha Parishad UP Allahabad to verify

 marks of high school and intermediate

संस्कृत जी.पी.ओ

Chief Post Master

१०१२२६००१

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.

(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

मुख्य प्रमुख मास्टर
प्रस्तुत जी, प्रमुख General UP Circle, Lucknow vide letter
Chief Post Master
Lucknow (U.P.) 260001

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 ~~except~~ except the
version that the academic qualifications were
verified by the Respondent no.3.

BBM
मुख्य प्रस्तावक
प्रस्ताव दी. पी.ओ.
Chief Post Master
Lucknow U.P. 226001

RA/
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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 SGOs Kanpur City Division at the time of appointment while in service in Kanpur. The applicant was transferred in PA cadre in Lw.GFO under rule 38 of P&T Manual Vol. IV where Dy. CPM is the appointing authority of PAs 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 PA 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.

12. 13

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 ~~dated~~ Ests A dated 22.6.56 the appointing authority is not liable to intimate reasons. The appellate authority D.P.S. S 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.

B. Lalit Singh
Lucknow,

Dated:

B. Lalit Singh
Deponent.

पुस्त क्रमालय
लखनऊ पौ.पी.बी.
Chief Post Master
Lucknow G P O 226001

Verification.

I, the abovenamed deponent do hereby verify that the contents of para 1 to 13 of this affidavit are true to my personal knowledge and based on official records and those of para 2 ~~14 to 24~~ are on the

PA
basis of legal advice which I believe to be true.

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

B. P. Manjrekar
Deponent.

Lucknow,

Dated: 4.4.89

पुस्त विस्त गास्टर
लगतक जौ.पी.ओ
Chief Post Master,

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

VK Chaudhari

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

Lucknow,

Dated:

Solemnly affirmed before me

on 4 at 6:00 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

B. P. Manjrekar
Vice President

Supercilious

Location: Lucknow
Date: 4.4.89

4.4.89

VAKALATNAMA

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

.....C. L. T. R. P. D. A. Plff./Applt./Petitioner/Complainant

Veres

.....Union of India & OthersDefent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We
the above-named Respondents do hereby appoint

Shri V. K. CHAUDHARI, Advocate, *Advocate, Secretary, Counsel, Clerk*
GovernmentHigh 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
partys.

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 hereby 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 until 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 1988

Accepted subject to the terms of fees.


Advocate

Client


X

मुख्य प्रेस्ट मास्टर

लखनऊ गोपी जो

Chief Post Master
Lucknow G.P.O. 226001

Client


X

मुख्य प्रेस्ट मास्टर

लखनऊ गोपी जो

Chief Post Master
Lucknow G.P.O. 226001

Filed today
3/2/15
336/567
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. Haneza 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. ^{the same}
7. 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. ^{want} The rest of the contents of this para are denied for ^{want} of knowledge.

Rejoinder Affidavit

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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 no 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/attached.

12. That the contents of para 7 to the extent they are repugnant to the contents of para 4 of the application are re-asserted.

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 statements 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 Ganatal 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 Kanpur became the appointing authority. The initial 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 belly this contention.

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 services is in violation of section 25(f) of the I.D. Act and hence

RJD/7

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 ^{mis} 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 simplicitor, 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 rights 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)."

couched "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 rights.

Lokhitam

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

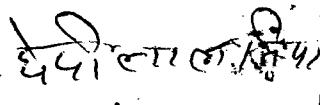
17. That the contents of para 11 of the counter are not relevant to para 10 of the application, which concerns "Interim relief if any prayed for" and calls for no reply. However, if this para is intended to reply to para 6(10) of the application, it is stated that the applicant was making all possible 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 Dm^o for giving a satisfactory reply to the respondent no. 2 as already stated in para 6(7) and 6(10) of the application which/ reiterated.

18. That the contents of para 12 of the counter are denied in view of the submissions already made in para 16 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 311(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.

18¹⁹. That the contents of para 13 need no reply.

19²⁰. That 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.

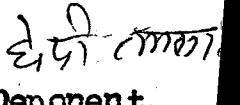
Lucknow, Dated:
May 18, 1989.


Deponent.

VERIFICATION

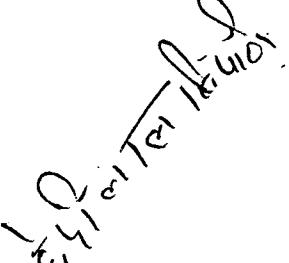
I, the above named deponent, do hereby verify that the contents of paras 1 to 19 are true to his knowledge and those of para 20 are believed to be true. No part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow, Dated:
May 18, 1989.


Deponent.

I identify the deponent who has signed before me.


Advocate.


Advocate.