

Central Administrative Tribunal

Lucknow Bench

Cause Title CA 374/83 1993

Parties Ravi R. Gupta Applicant.

V E R S U S

Union of India Respondents

Part A.B.C.

Description of Documents Page

Check List

Order Sheet

Final Judgement

Petition Copy

Annexure

Power

Counter Affidavit

Rejoinder Affidavit

A1 to A5 - ✓

A6 to A72 ✓

A8 to A12 ✓

A13 to A20 ✓

A21 ✓

A22 to A30 ✓

A31 to A38 ✓

B- File

C- File

B/C destroyed on 09-5-12

50/5

14.6.93

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

734 of 1988(L)

APPLICANT (s)

RESPONDENT(s)

Particulars to be examined

Endorsement as to result of Examination

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./I.A. No. 234 1988(L)

Ram Roop Applicant(s)

Versus

Union of India Respondent(s)

Sr. No.	Date	Orders
27-1-89		No sitting, Adjourned to 20-2-89 For admission. <div>Perm 27/1</div>
20-2-89		No sitting, Adjourned to 8-3-89 For admission. <div>Perm 20/2</div>
8/3/89		Mr. Justice Kamleshwar Nath, V.C. Mr. Ajay Sethi, Jm. On the application of the applicant's counsel, list for orders on 13/3/89. <div>Am. V.C.</div>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 234 of 1988(L)

Ram Roop

APPELLANT
APPLICANT

VERSUS

601

DEFENDANT
RESPONDENT

Trial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<u>3.5.1989</u>	<p>Hon'ble Mr. Justice K. Nath, V.C. Hon'ble Mr. D.S. Misra, A.M.</p> <p>Shri H.D. Srivastava, learned counsel for the applicant is present. Notices to opposite parties were issued by Registered Post on <u>5-4-1989</u> to show cause to why the delay in filing application may not be condoned. The notices have been served on the opposite parties. No objection is filed. Sufficient cause is made out and therefore delay in filing the application is condoned.</p> <p>Admit. Issue notice to the respondents who will file counter reply within four weeks to which the applicant will file rejoinder, if any, within two weeks thereafter. List this case for <u>final hearing on 30.6.1989.</u></p> <p style="text-align: right;">A.M. V.C. (rm)</p>	<p>SP Notice issued to the respondents through regd. post fixing 30.5.89 for orders. h 5/9</p> <p>OR Notice fixing 30.5.89 for filing objection to the delay condoned on application have been issued to the respondents under regd. cover on 5.6.89. Neither any undersigned order nor any reply to condonation of delay has been received in the office. Sub H.D. for Orders</p> <p>OR 2/5 No extra copies have been filed by the learned counsel for the applicant. No extra copies to be served of the respondents have been filed by the applicant. Submitted for order h 2/6</p>

→ ~~So~~ This case is
listed before me
on 20.1.91 for
filing counter.

11.12.90

D.R.

Mr. H.D. Srivastava
ad. counsel for
the applicant
moved an
application
for adjourn-
ment. Mr. V.K.
Chandhary
makes appear-
ance on behalf
of respondents
But he did not

file counter

He is ordered
to file counter
by 23.1.91.

23.1.91

D.R.

None appeared
for the parties.
Counter has not
been filed by O.P.
till today. O.P. to

14/2/91

Counter has
been filed on
31.1.91. Applicant
to file rejoinder
by 21.3.91. ~~St~~

21.3.91

D.R.

Both the parties are
absent today. R.A. has
not been filed till
today. Applicant is
ordered to file it, by
10.5.91.

le
7/11/91

10.5.91

D.R.

Both the parties are
absent today. Applicant
to file Rejoinder

by 15/7/91.

15.7.91

D.R.

Both the parties are
absent today. Rejoinder
has not been filed.
Applicant to file R.A.
by 3/9/91. ~~St~~

(A5) OA 234/88

6-7-92

D. R.

Applicant's side is present. No appears for the O.P. Applicant to file Reply under by 11/9/93.

1-9-92

D.R.

Both the parties are absent.
Applicant failed for file
Rejoinder. It is a old
Case of the year 1988
List for final hearing before
the Honble Bench on. 30.10.92

Due to Autumn
vacation cage
is shifted on
12.1.43.

S.F.O.

12-1-93

No. 51 mg of D. B. adf
N 3.2-93

1/15
 3.293
 0249

~~220 M. m. 20870 b. e. 20870 b. e.~~
~~220 M. m. 10. 20870 b. e.~~

~~Dist. 10/10 to Warrington~~

Ami

Ve

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. NO 234 / 88 199 (L)

A. NO 199 (TL)

Date of Deceasion

Ram Krip

Petitioner.

Advocate for the
Petitioner(s)

V E R S U S

S.D. Jepherson Gado

Respondent.

Advocate for the
Respondents

C O R A

Hon'ble Mr. Judge V C S Mustafa, V.C.

Hon'ble Mr. K. Chandra, Member (A)

1. Whether Reporter of local papers may be allowed to see the Judgment.
2. To be referred to the reporter or not ? ☒
3. Whether their Lord Ships wish to see the fair copy of the Judgment ? ☒
4. Whether to be circulated to other benches ? ☒

Vice-Chairman / Member

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 234 of 1988(L)

Ram Roop Applicant

Versus

S.D.O. Telegraph, Gonda & Another Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

Justice

(By Hon'ble Mr. U.C. Srivastava, V.C.)

The applicant was appointed as an S.I.T. in the Telephone exchange at Bareilly and later on was transferred in the year 1963 from Bareilly to Gonda. He was issued a work order on 31.12.1983 for January 1984 for erecting line and wire for opening of L/D P.C.O. at Gajpur grant to be provided from Telephone Exchange Utraula. The work was started on 1.1.1984. The relevant stores for the purpose were got issued by the applicant against estimate dated 7.1.84 and were transported by him on a particular truck. They were unloaded and dumped by him at several places on the site of work, instead of dumping it at his own camp site. With the result, a theft occurred and the government had to suffered a loss of Rs. 14,176, and F.I.R. was lodged against the applicant, but no trace of the accused could be found out as a result of which, the final report was given. The charge-sheet was issued to the applicant and two charges were levelled against the applicant in respect of the said matter. The applicant denied the said charges by submitting his reply stating that he never made any request for the aforesaid material and he also never engaged any truck for loading and dumping of the articles, and that he was not responsible for the loss of the goods .

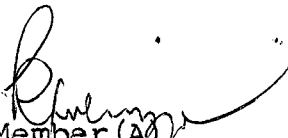
2. The applicants' reply did not find favour of the respondents and they came to the conclusion that in fact, the applicant was responsible for the loss and accordingly, a

Contd..2/-

A7

:: 2 ::

recovery of loss caused to the Government by/negligence his
was ordered and it was directed that one third of his
pay spread over a period of three years should be
deducted in order to make ^{for} the loss of stores. The
case is dismissed for default as no one appeared.


Member (A)


Vice-Chairman

Lucknow Dated: 3.2.1993

(RKA)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

APPLICATION NO. 239 of 1988 (C)

(Under Section 19 of the Central Administrative Tribunal Act)

BETWEEN

Ram Roop Applicant.

Vs.

A N D

S.D.O. Telegraph, Gonda & another Opp. Parties.

I N D E X

Sl.No.	Particulars	Page Nos.
1.	Application u/s 19 of the Central Administrative Tribunal Act.	1 to 6
2.	Annexure No.1: Order dated 9.5.86	7 to 12
3.	Annexure No.2: Representation dated 8.6.1986	13 to 14
4.	Power (Vakalatnama)	15

Noted 27/1/89
filed to day

W. Joshi
C/O Sri H.D. Sonkar

Lucknow, dated
29.11.1988.

H.D. Srivastava
(H.D. SRIVASTAVA)

Advocate
Counsel for the Applicant

(71)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW

CLAIM PETITION NO. OF 1988

I- Ram Roop aged about 53 years son of
late Sri Raj Dutt, posted as S.I.T.
Utraula Telephone Centre, Utraula
district-Gonda .

.....Petitioner.

Versus.

2- (2) S.D.O. Telegraph, Gonda.

(2) D.E. Telephone, Gonda K H P U R.

.....Opp. Parties.

3- The application is against the following orders :-

(1) Order No. G17/Ram Roop/19

(2) Dated : 9.5.1986

(3) Passed by : Sub Divisional Officer (Telegraph)
Gonda.

(4) The opposite party No.1 imposed a penalty of
recovery of Rs.14,176/- from the salary of the
applicant within a period of 3 years.

4- That the aforesaid claim petition is well within the
jurisdiction of this Hon'ble Central Administrative
Tribunal as the complainant/applicant is the employee
of Union of India.

5- That the claim petition is within time as the impugned
order was passed by the opposite party No.1 on 9.5.1986

and thereafter the complainant/applicant made representation before the opposite party No.2 on 8.6.1986 and till today no orders has been passed by the opposite party no.2 and if in any case this Hon'ble court came to the conclusion ~~mm~~ that the claim petition is beyond time then the delay in filing the same be condoned.

- 6- That the applicant was appointed on 28.4.1956 as S.I.T. at Bareilly and he served there with the full satisfaction of the authorities concerned.

The applicant was transferred from Bareilly to district-Gonda in 1963 and since then he is working there.

That on 6.2.1984 a charge sheet was issued under C.C.S.(CCA) Rules-16 against the applicant by the opp. party No.1 and in the aforesaid charge sheet 2 charges were shown against the applicant. The charge sheet dated 6.2.1984 issued by the opposite party no.1 indicates that while the applicant was posted as S.I.T.Utraula district-Gonda on the request of the applicant several articles were issued for the purposes of installation of Telephones lines and in view of the request made by the applicant on 7.1.1984 several articles were issued and the applicant engaged a truck bearing number USF- 3717 and it is alleged that the applicant instead to dump the aforesaid articles on the site he dumped the same at several places.

A4

3.

That the charge no.1 also indicates that due to misconduct and carelessness of the applicant some articles were misplaced and as such the applicant shown his misconduct and his carelessness against the deptt. and as such he is liable to pay the damages.

That according to charge no.2 the applicant was responsible for making good the loss of Rs.14,176/-.

That after receiving the aforesaid charge sheet the applicant prayed for some time and further he prayed that the relevant documents may be shown to him in order to file his reply.

That on 5.6.1984 the applicant submitted his reply to the effect that he never made any request for the aforesaid material and he also never engaged any truck for loading and dumping of the articles. It is further stated here that on 8.1.1984 the applicant put his signatures on the receipt of the aforesaid goods and the truck driver obtained the signatures by saying on the instructions of the officers concerned he dumped the goods and he the applicant is required to put his signatures on the paper as the ordered of his superior authority.

That the applicant also stated in his reply that he is not responsible for the loss of the goods as no watchman was appointed by the department for looking the

21/12/84

A/3

goods. The applicant also stated in his reply that the goods were stolen by some one on 17.1.1984 and the F.I.R was lodged by the applicant with the Police of Police Station Utraula. The said F.I.R. was written by the concerning Junior Engineer and the applicant put his signatures on the complaint. The applicant also intimated the opposite party no.1 vide his letter dated 20.1.84. The said report was registered by the police of P.S. Utraula under Section 379 I.P.C. but later on the police of P.S. Utraula submitted the final report that Sri Shiv Nath, Junior Engineer, Balrampur confirmed the theft in the preliminary enquiry but he reported that the theft was occurred due to the carelessness of the applicant and as such he ^{recommended} ~~remanded~~ for the aforesaid enquiry.

That during the course of enquiry the applicant clearly stated that he is not well educated and as such he used to put his signatures only whenever the officer concerned asked him for the same.

That the applicant stated in his reply dated 5.6.1984 that the charge no.1 is not made out against the applicant and as such the charge no.2 is baseless.

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That the E.O. without considering the reply submitted by the applicant and further without considering the F.I.R. came to the conclusion that the goods was lost due to carelessness of the applicant and as such he imposed a penalty of Rs .14,176/- and ordered that the same may

be realised from the salary of the applicant within a period of 3 years.

7- That the applicant made a representation but nothing has been done till today ~~and~~ as he never received any information ~~regarding~~ ^{regarding} the same.

8- That this is the first claim petition filed by the applicant and no other case or any claim regarding the aforesaid matter is pending in any court of law.

9- That in view of the facts and circumstances as stated above, it is prayed:-

(i) That the impugned order dated 9.5.1986 passed by the opposite party No. 1 be set aside.

10- That in view of the facts and circumstances as stated above the further realisation of the amount in question from the salary of the petitioner be stayed.

12. Particulars of the Postal order:

13. List of enclosures :-

- (1) Impugned order dated 9.5.1986.
- (2) Representation dated 8.6.1986.

I have not suppressed any material fact.

Lucknow, dated

21/2/86
APPLICANT.

VERIFICATION

I, Ram Roop aged about 53 years son of late Sri Ram Dutt, working as S.I.T.GONDA, do hereby verify that the contents of paras 1 to 13 of this petition are true to my personal knowledge.

Luck now, dated
1. XI. 1988

21/2/86
APPLICANT.

H. D. Shrivastava
Advocate

7 (A13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ,CIRCUIT BENCH,LUCKNOW.

CLAIM PETITION NO. OF 1988

Ram Roop

...

Applicant

vs.

S.D.O.Telegraph,Gonda & another...

Opp.Parties.

ANNEXURE NO.I

DEPARTMENT OF THE COMMUNICATION
OFFICE OF THE S.D.O. TELEGRAPH,GONDA

MEMO.NO. G-17/Ram Roop/19

Dated at GDA 9/5/86

.....

Shri Ram Roop an S.I.(T) Gonda was issued with a charge sheet under Rule 16 of C.C.S(CCA) Rules,1965 vide this office Memo.no. C-17/Ram Roop/5 dt.6.2.84. The imputation of misconduct or misbehaviour on which action was proposed is summerised below:-

"Shri Ram Roop SI(T) Gonda was issued a work order no.3 dt.31.12.83 alongwith Muster Roll no.31797/14 for Jan 84 for erecting line and wire for opening L/D P.C.O. at Gajpur grant to be provided from Telephone Exchange Utraula. The work was started from Telephone exchange Utraula on 1/1/84. The relevant stores were got issued by Shri Ram Roop SIT against the estimate No.W-17054 D(a)/on 7/1/84 and was got transported by himself on truck no. USF-3717 authorised by this office.The stores were unloaded and dumped at several places on the site of work instead of dumping it at his own camp site. The places of dumping the stores were:-

- 21/2/84
- (1) Tinnihiwa village
 - (2) Sahiyapur village
 - (3) Bichchihiwa Vill and
 - ..(4) Bhujindihiwa vill.

According to the intimation received from Shri Ram Roop vide his letter dated 20/1/84, following stores from the villages where the stores were dumped by him. were stolen as per details shown against each in the night of 17/1/84 the value of which costs Rs.14,176.00 only.

List of stores stolen

- (1) At Vill. Tinnihiwa : Socket - 10 No.

1/wire 600lbs/m	400 Kgs(One hundred kgs)
" 300 lbs/m	400 "
Anchors	8 Nos.
- (2) At vill. Sahiyapur: Socket 8 "
- (3) At vill. Eichchihiwa " 10 "

1/wire 300lbs/m	250 kgs.
-----------------	----------
- (4) At vill. Bhujaindihwa-1/wire 300 lbs/m - 250 kgs.

The F.I.R. under Sec.379 IPC was lodged by him on 20/1/84 at Utraula P.S.

Shri Ram Roop S.I.T. Gonda was therefore, charged with the following:-

- (1) Negligency and incapability of handling Govt. work causing thereby loss of stores.
- (2) Responsibility for making good the loss of Rs.14176.00 as per Rules."

The preliminary enquiry was also carried out through Shri Sheo Nath, J.E.P. Balrampur who under his report no. G-1/Genl. dt. 2/2/84, has confirmed the theft and has intimated the incident occurred due to carelessness of Sri Ram Roop SIT

As such after getting the stores issued and transported-

(115) 9

from Gonda it was his responsibility for the safeguard of Govt. property besides he kept himself untouched with the stores distributed at several places.

In his application dated 14/2/84 Shri Ram Roop requested for an additional time to reply the charge sheet which was allowed. In his another application dt. 27/2/84 he demanded certain records which were made available to him under this office letter no. G-17/Ram Roop/10 dt. 25/5/84 as during 2/4/84 to 15/5/84 the official was on medical leave.

According to the intimation received from police authorities, the theft case was enquired into by them and through the final report the case was closed as the accused could not be traced.

In the representation dt. 5.6.84 submitted by Shri Ram Roop SIT against the charge sheet, he has intimated that the papers required by him through his application dt. 27/2/84 were not made available to him within a week besides they were made available to him after 3 months which has caused him delay for submitting his natural reply. But according to memory of incident he submitted his reply as follows:-

- (1) That neither chaukidar was allowed on work order nor it was ordered by the J.E.P. Balrampur while on tour. He was also not concerned with the transportation of stores. Neither he engaged any truck for transportation of stores nor paid the charges for the same. Therefore, he was not responsible for unloading of the stores. He has alleged that he was compelled to sign on a written paper. The F.I.R.

21/2/214

A/c

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4.

lodged at Utraula P.S. signed by him was written by JEP and submitted at P.S. after taking his signatures. His signatures were taken after unloading the stores at different places by the truck driver.

(2) That the charge no. 2 is automatically null and void in the event of charge no. (1) being ineffective.

His representation as above has been gone through very carefully and after examining it from all angles it has been found that:-

(1) The staff of delay for making the required papers available to him is not correct as the official was on the medical leave during 2/4/84 to 15/5/84 and his allegation of poor memory of the case is also baseless as he himself has requested for additional time in his application dt. 11/2/84 and 27/2/84. The staff of non-provision of chaukidar on the work order issued to him is also not correct at all. One man amongst the labourers allowed to work in the party is always utilised for watching the camp along with its stores etc. and there is no extra provision to mention of work of individual labour. Since the stores were unloaded and dumped in different places at his own will, it was his full responsibility for its safe guard.

As per his staff, he went to the site only on 19/1/84 where he found the quantity of stores lesser than the number previously kept there and on enquiry from the Hospital Chaukidar the fact came to his knowledge that the stores were lifted by some

21/2/84

truck on 17/1/84(night).It shows his clear negligence and carelessness towards Govt.Stores.

His denial of any concern with transportation of stores is also not tenable as he was accompanied with the truck while transporting the stores.His staff,that he is a less intersts official and onsome adverse accassions, officers compell him to sign on self written papers is also not convincing as the official is a senior one and no such fact has ever been brought in the knowledge of his office records earlier.It is only the time when he has intimated such thigg in his explanation in order to get rid of the responsibilities and has tried to take advantage of his lesser literacy. As such his staff,the original F.I.R. made at the Police Station Utraula was not in his hand writing is also not understood as at one side he urges to be lesser literate and on the other side he urges that the F.I.R. is not in his handwriting. Then how it would be possible to him to write a report if he is not literate sufficiently. Moreover,the copy of the F.I.R. lodged by him was submitted to this office through his letter dated 21/1/84. Shri Ram Roop never brought such facts in this office records about the forced signature on F.I.R. ever before submitting his above representation dated 5/6/84 while the incident was of 20/1/84.

The official similarly admitted that he acknowledged the receipt of stores on different places dropped by truck driver on 8/1/84 which were issued on 7/1/84. In case he was not satisfied with the unloading of the stores at different places he should have intimated the same to the competent authority which he never done.

Seeing the gravity of the case from all angles,the

(A 15)

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6.

representation of the official, dtd. 5/6/84 has been found quite malicious, baseless and untenable and as such has been found guilty of the charges made against him under this office Memo. no. G-17/Ram Roop/5 dtd. 6/2/84.

I, B. N. Misra, S.D.O. T. Gonda therefore, imposed upon Shri Ram Roop the penalty of recovery of loss caused to the Govt. by his negligence, from his pay.

MONOTORY LIMIT OF RECOVERY

The Monetary limit of recovery from pay as punishment further pecuniary loss caused to the Govt. by negligence should be ONE THIRD of his pay and should spread over a period of three years.

sd.

(B. N. MISRA)
Sub Divisional Officer Tele-
graphs GONDA-271001

Copy forwarded for information and necessary action to:-

1. Shri Ram Roop SIT Gonda (On leave)
2. The D E Telephones, Gorakhpur.
3. Spare copy to the C.R. File of the official concerned.

Altes Cell
Mr. Srivastava
Advocate

21/2/24

(A114)
13

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

CLAIM PETITION NO. .OF 1988

Ram Roop

....

Applicant.

Vs.

S.D.O. Telegraph, Gonda & another..

Opp. Parties.

ANNEXURE No.2

To,

The D.E. TELEGRAPH,
Gorakhpur.

Sub: Realisation of Rs.14,176/- from the
salary of the undersigned.

Respected sir,

The applicant is posted as S.I.T. Gonda under
the subordination of S.D.O. Telegraph, Gonda.

That on 6.2.1984 the charge sheet was issued
by the S.D.O. (T) Gonda against the applicant and the opposite
parties 2 charges shown against the applicant.

That after receiving the aforesaid charge sheet
dated 6.2.1984 the applicant submitted his reply dated
5.2.1984 narrating therein all the facts and circumstances.

That the applicant stated ~~that~~ in his reply
that he never made any request for the goods in dispute and
he also stated that he never engaged any truck for loading
and the same and when the aforesaid goods were dumped by
the truck driver on that the applicant only put his signa-
tures and when the aforesaid goods were stolen on that F.I.R.
were lodged by the applicant.

21/2/84

A24

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2.

That without considering the material available on record the Enquiry officer came to the conclusion that the aforesaid goods were lost due to carelessness of the applicant and as such he imposed the penalty against the applicant.

It is therefore prayed that Your Honour may kindly be pleased to call for the records of the aforesaid matter and after considering the same set aside the impugned order.

Yours faithfully

sd.

(Ram Roop)
S.I.T., Gonda.

Gonda, dated
June 8, 1986

Attested
H Q Shrivastava
Advocate

2182142

(A21)

बिचदालत श्रीमान Central Administrative Tribunal महोदय
Circuit Bench, Uo,

वादी (मुद्दी)
प्रतिवादी (मुद्दालेह)

का वकालतनामा



Ram Roop

वादी (मुद्दी)

S.D.O. Telephones ^{वनाम} प्रतिवादी (मुद्दालेह)

Applicant मुकद्दमा सन १६ पेंशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

H.D. Srivastava Advocate एडवोकेट महोदय
High Court- Uo, वकील

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

हस्ताक्षर.....

साची (गवाह).....साची गवाह.....

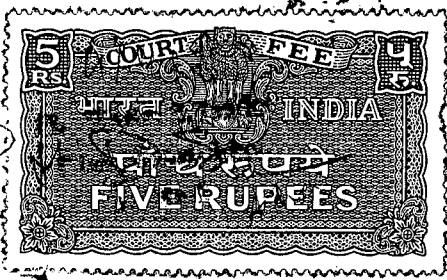
दिनांक.....महीना.....

Accepted
H.D. Srivastava
Advocate

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

A 2 3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.



CMA No. 61 of 1989(4)

CLAIM PETITION NO. 234/1988

Ram Roop - - - - - Petitioner.

versus

S.D.O. Telegraph, Gonda and others - - - - - Opp. Parties.

APPLICATION UNDER SECTION 5 OF INDIAN
LIMITATION ACT FOR CONDONATION OF DELAY

Wherefore for the facts, reasons and under the circumstances as stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble court may kindly be pleased to condone the delay in filing the aforesaid claim petition.

Lucknow, dated

April 4, 1989

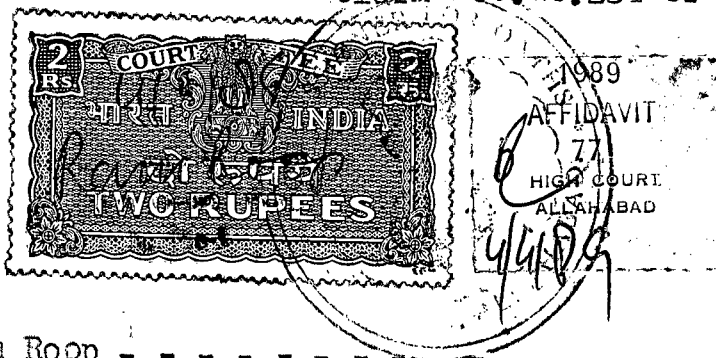
(H.D. SRIVASTAVA)

Advocate
Counsel for the Petitioner.

A 2

In the Hon'ble Central Administrative Tribunal, Circuit Bench
Lucknow.

Claim Pet. No. 234 of 1988



Ram Roop - - - - -Petitioner.

versus

S.D.O. Telegraph, Gonda and others - - - - -Opp. Parties.

AFFIDAVIT

I, Ram Roop aged about 53 years son of late
Sri Raj Dutt, posted as S.I.T. Utraula Telephone Centre,
Utraula, district-Gonda, do hereby solemnly affirm and
state on oath as under:-

1. That the deponent himself is the petitioner/applicant
as such he is fully conversant with the facts as
deposed to hereunder.
2. That the opp. party no. 2 passed an order against the
deponent on 9.5.1986 for the realisation of an
amount of Rs. 14,176/- from the salary of the deponent
3. That against the aforesaid order the deponent
preferred a Representation before the Opp. Party No. 2
on 8.6.1986 and the said representation is still
pending.



4. That the deponent was advised by his counsel that the deponent is required to file the claim petition after the disposal of the said representation.
5. That when the deponent contacted Sri H.D.Srivastava, Advocate on that he came to know that he is required to file the said claim petition immediately as the deponent need not required to wait the decision of the said representation.
6. That the deponent immediately filed the aforesaid claim petition .
7. That the deponent is not law knowing person and he is also not aware the legal preposition of law and as such delay in filling the aforesaid claim petition deserves to be condoned.
8. That if the delay in filing the said claim petition is not condoned the deponent will face a great hardship.
9. That the ~~deponent~~ is filing the aforesaid claim petition is bonafide, and deserves to be condoned.



Lucknow, dated
April 4, 1989

L.H.H.
DEPONENT

Verification

I the abovenamed deponent do hereby verify that the contents of paras 1 to 9 of this affidavit are true to my personal knowledge.

Signed and verified this 4 day of April 1989
in the court compound at Lucknow.

Lucknow, dated

April 4, 1989

21444

Deponent

I identify the deponent who has signed
before me.

H. A. Anwar
Advocate



KUNWAR S. K. SINGH
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench Lucknow.

No. 0077
Date 4/4/89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD

CIRCUIT BENCH:LUCKNOW

....

CIVIL MISC. APPLICATION NO. M. P. No. 44/91 (L) OF 1991

ON BEHALF OF RESPONDENTS

IN

ORIGINAL APPLICATION NO.234 of 1988(L)

Ram Roop

.applicant

Versus

~~Smt~~-S.D.O.Telegraphs,Gonda & another...Respondents.

To

The Hon'ble The Vice Chairman and His
Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed
MOST RESPECTFULLY STATES AS UNDER :

1- That the aforesaid petition was filed by
the petitioner challenging the order dated 9th May 1986
through which an order has been passed for affecting
recovery of loss occurred to the Government from the
petitioner's pay and allowances.

2- That inadvertently counter affidavit

(K)

Date Fixed
For 14/2/91

Filed today
3/1/91

2.

could not be filed before this Hon'ble Tribunal, as copy of application as well as notice have ever been received either by the office of respondent no.1 or respondent no.2.

3- That in view of not filing the counter affidavit, this Hon'ble Tribunal was pleased to pass an order, through which the case has to proceed ex-parte.

4- That in fact the counter affidavit could not be filed for want of information regarding filing of the present petition.

5- That the accompanying counter affidavit is being filed showing the hollowness of the petition.

6- That in the interest of justice, the order of ex-parte proceedings may kindly be recalled and the matter may be decided after hearing both the parties taking into account the accompanying counter affidavit, otherwise the answering respondents would suffer grave irreparable loss.

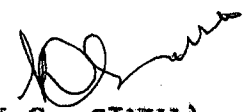
(142)

3.

P R A Y E R

WHEREFORE, this Hon'ble Tribunal may kindly be pleased to recall the order of ex-parte proceedings and decide the matter after hearing both the parties, taking into account the accompanying counter affidavit, otherwise respondents would suffer grave irreparable loss.

Dt/-January 24 ,1991.


(K.C. SINHA)
ADDL. STANDING COUNSEL
CENTRAL GOVT.
COUNSEL FOR THE RESPONDENTS.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH :ALLAHABAD.

.....

CIVIL MISC. APPLICATION NO.

OF 1st/11/1991

ON BEHALF OF

UNION OF INDIA & OTHERS.

.RESPONDENTS

IN

O.A.NO. 234 of 1988(L) // 1991

/s/ Ram Roop

.applicant.

Versus

Union of India & others.

.Respondents.

To

The Hon'ble The Vice Chairman and His
Companion Members of the aforesaid Tribunal.

The humble application of the abovesigned
MOST RESPECTFULLY STATES AS UNDER:

- 1- That in view of facts and circumstances
stated in the accompanying counter affidavit, it
is in the interest of justice that the interim relief

/s/ K. S. /

K. S.

बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु०
Amount of stamps affixed Rs. P.

एक रजिस्ट्री*

Received a Registered*

पाने वाले का नाम

Addressed to

क्रमांक/No.

45761

तारीख-मोहर

Date-stamp

पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

1990

AFFIDAVIT

52

HIGH COURT

ALLAHABAD

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

....

COUNTER AFFIDAVIT
ON BEHALF OF RESPONDENTS

IN

O.A. NO. 234 of 1988(L)

Ram Roop

.petitioner

Versus

S.D.O. Telegraph, Gonda & another..Respondents.

Affidavit of Ramji Gupta
aged about 50 years, s/o Shri Mathurs Prasad
posted as S.D.O. Telegraphs - Gonda

(Deponent).

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

- 1- That the deponent is S.D.O. Telegraphs
Gonda and has been
deputed to file this counter affidavit on behalf of
respondents and is well acquainted with the facts
deposed to below.

- 2- That the deponent has read the petition

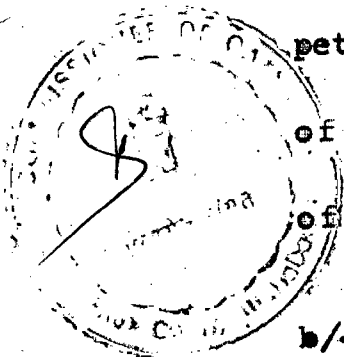
2.

and has understood the contents therein fully and is in a position to reply the same.

3- That before giving parawise reply to the petition, the following facts are asserted in order to facilitate this Hon'ble Tribunal in administering justice:

a/- That the petitioner was issued a work order no.3 dated 31st December, 1983, along with Muster Roll No. 31797/14 for January 1984 for erecting line and wire for opening of L/D P.C.O. at Gazipur grant to be provided from Telephone Exchange Utraula. The work was started from Telephone Exchange, Utraula on 1.1.1984. Their relevant taxm stores for the purpose were got issued by the petitioner against estimate dated 7.1.1984 and were got transported by the petitioner himself on Truck No. USF-3717. The stores were got unloaded and dumped by the petitioner at several places on the site of work, instead of dumping it at his own camp site, which resulted theft of stores costing at Rs.14,176/-.

b/- That a F.I.R. was lodged by the petitioner on 20.1.1984 at Police Station Utraula which was registered by the police ~~xxxxxxxxxxxxxx~~ under section 379, I.P.C.. The case was investigated by the police but ~~the~~ no trace of the accused could be found out as a result of which the case was subsequently closed by the police by submitting a final report.



R. Gupta

4.

reports and records, imposed penalty of recovery of loss caused to the Government by petitioner's negligence from his pay and allowances.

4- That the contents of paragraphs 1,2,3 and 4 of the petition need no comment.

5- That in reply to contents of paragraph 5 of the petition, it is submitted that the petition filed by the petitioner is not within the limitation as per provisions of Section 21 of the Administrative Tribunals Act, 1985 and as such the petition is time barred and is liable to be rejected on this count alone.

6- That the contents of paragraph 6 of the petition are not correct and as such are denied. True facts have already been submitted in paragraph 3 of this affidavit. It is wrong to allege that the petitioner did not make any request for supply of stores and also that he did not engage any truck for transportation of stores. The petitioner was issued a work order on 31st December, 1983 and he being the work incharge and a mustering official, it was his duty to procure the required stores as per the estimate to carry out the installation work. It was also obligatory on the part of

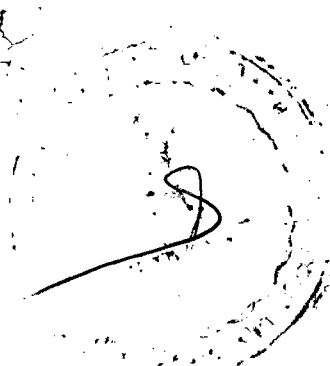
R. Gupta



5.

the petitioner to arrange the transportation of stores to the site of work for which he was supposed to engage a ~~xxx~~ truck. All these functions form the part of his duty and he can not get rid of his responsibilities. There is no validity in the assertion of the petitioner that he is required to put his signature on the paper as ordered by his superior authority. The petitioner is a senior government servant and is fully responsible for his work and duty and is supposed to perform his job with utmost care and responsibility and not mere on advice of others. The contention that the truck driver dumped the stores at different places and obtained his signature by saying that it has been done as per the instructions of the officer, is far away of the fact and reality. In fact the petitioner himself accompanied with the truck, while transporting the stores and it was his duty to see that the stores are unloaded at proper place, i.e. at his own camp site, for which he should have insisted but he took no care which resulted the theft of valuable stores. Further the contention of the petitioner that no watchman was appointed to watch the stores is not at all tenable as the petitioner is fully aware that one man amongst the labourers engaged to work in the party, is always utilised for watching the camp along with the stores etc.. There exists no other provision for the engagement of watchman

Blupla



A36

6.

to take care of the stores having been dumped at different places. As the stores were unloaded and dumped at different places at the sweetwill of the petitioner, it was his own responsibility to ensure the safeguard of the stores to which he failed to exercise. The concerned Junior Engineer has committed no offence for preparing the draft of F.I.R. on the request of the petitioner. Rather the petitioner should have been grateful to the Junior Engineer concerned who helped him lodging the F.I.R. It is further submitted that the charges levelled against the petitioner were duly proved and he was fully responsible for the theft of stores and as a result thereof the penalty of recovery of Rs.14,176/- from the pay and allowances of the petitioner was rightly imposed, as he can not get an excuse on the fake pleas and pretensions.

7- That in reply to contents of paragraph 7 of the petition, it is submitted that charges levelled against the petitioner were fully proved and penalty of recovery was imposed for the loss of stores, which happened due to his negligence and carelessness. The representation as alleged by the petitioner was misconceived and does not

deserve any consideration as only Appeal lies under Rule 23 of C.C. & C.C. AD Rules 1965 and not Representation.

8- That the contents of paragraph 8 of the petition need no comment.



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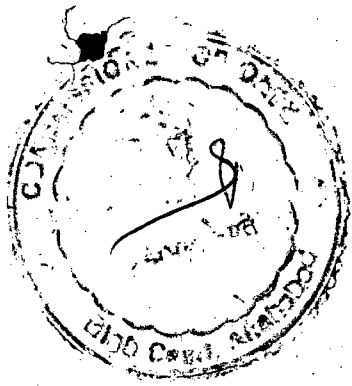
7.

9- That in reply to contents of paragraph 8 of the petition, it is submitted that in view of facts and circumstances stated in foregoing paras, the petitioner has failed to make out any case for interference by this Hon'ble Tribunal and the relief claimed by the petitioner in para under reply is liable to be rejected. The petition is devoid of merit and is liable to be rejected.

10- That in reply to contents of paragraph 10 of the petition, it is submitted that petitioner is not entitled for interim relief, as prayed in para under reply inasmuch as he is guilty of his own conduct as enumerated in foregoing paras.

11- That the contents of paragraphs 11 and 13 of the petition need no comments.

That the contents of paragraphs 1 and 2 of this counter affidavit are true to my personal knowledge; those of paragraphs 3, 4, 5,



Reply

8.

6, 7, 8 and 11 of this affidavit are based on perusal of records and those of paragraphs 9 and 10 of this affidavit are based on legal advice, which all I believe to be true. No part of it is false and nothing material has been concealed in it.

SO HELP ME GOD.

R. Gupta
DEPONENT.

I, D.S. Chaubey, clerk to Shri KC Sinha, Advocate declare that the person making this affidavit and alleging himself to be the deponent is known to me personally.

D.S. Chaubey
IDENTIFIER.

Solemnly affirmed before me on this 20th day of Jan January 1991 at 8.25 am/pm by the deponent, who is identified as aforesaid.

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

OATH COMMISSIONER.

S. M. Singh
COMMISSIONER

5/20/99

20/1/91