

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title TA 127/92 (LT) of 19
CA 252/98
 Name of the parties Raj Kumar Applicants.

Versus

Union of Delhi

Respondents.

Part B.C.

Sl.No.

Description of documents

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File A		
1) Check list	—	A1 - A2
2) Order sheet	—	A3, A5
3) Invoice	—	A6, A0
4) Petition	—	A4, A15
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6) Annexure	—	A17 - A20
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12/1/83
10/1/83
Pay & allowances during holiday put off days

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 252 of 1983

APPLICANT (s) Laj Kumar

RESPONDENT(s) Govt through Secretary Ministry of

Communication, New Delhi & another

<u>Particulars to be examined</u>	<u>Endorsement as to result of Examination</u>
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Yes, 4 x 6 filed
3. (a) Is the appeal in time ?	Yes
(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 ?	Yes
5. Is the application accompanied by B. D /Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Unverified photo copy filed
7 (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	No other document filed
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	N.A.

13/8/83

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

.....No. 07 252 of 1980

.....Vs.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
①	12.4.00	For order, see the order of the Court on the claim petition.	
②	12.5.00	On the request of reports submitted, counter may be filed by 26.000.	
③	26.00	On the request of the counter, counter may be filed by 107.000.	
④	107.00	On the request of the counter, counter may be filed by 26.000.	
⑤	26.00	On the request of the counter, counter may be filed by 15.11.00.	

Page

(2)

D.A. 252/88

(11)

7. 4. 88

Hon. K. T. Raman, A.M.

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

None appears for the
applicant. S. K. C. Sinha for the
respondents files counsels affidavit.
Rejoinder, if any, be filed within
three weeks hereof. List it
for hearing on 21-8-88.

J

J.M.

Am.

(12) 21.8.89 Due to lawyers strike the
case is adj. to 18.12.89
for hearing. R

CR

This case could not be (13)
listed on the fixed date
due to non-entry in
memo-book by my
predecessor. So that
submitted before DR(1)
for fixing a date.

3/8/90

In view above case
is put up before Dy. Reg. (5)
for fixing a suitable date.

Q
SP

4.5.90 DR

Put up before me today.
List this case before DR(1) on 30.8.90
for fixing a date for hearing.

DR(1)

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CA 252 ALLAHABAD.

NO.

OF 1988

Raj. Kumar Vs. M.O.A.

Sl.No. 1	Date 2	Office Report 3	Orders 4
(18)	19-8-91	Hon K Math - VC Hon A B. Ganth. AM Adjourned to 28-10-91 on account of Reference of late Shri Radha Krishan Agrawal, Advocate.	
(19)	28-10-91	No sitting. Adjourned to 19-11-91 for order.	Br C Sub C
(20)	19-11-91	Hon. Mr D. K. Agrawal, Jm Hon. Mr E. obayya, AM Misc. Application for stay at this stage is not pressed as stayed by Sri K. C. Sinha. Counter affidavit has already been filed. Respondent has not been filed. Keep this case on sine-cue list for listing it for hearing according to its Sr. No.	Su C Cm 18

PANKAJ/

Dec P.T.O.
Jm.

(24/12/91)

The case relates to Transferral Jurisdiction of Lucknow Bench. Hence, as being Transferred to Lucknow Bench. Vide Hon VC's order dated 10-12-1991

LUCKNOW BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH)
~~ALLAHABAD~~, LUCKNOW

C.A. NO. 252 of 1988
T.A. NO. 127/92 (T.L.)

CF No. 199

Date of decision: 2E/E/92

..... Raj Kumar Petitioner

..... Advocate for the Petitioner.

Versus

..... Union of India & Others Respondent

..... Advocate for the Respondent(s)

xxx:xxxxxxxxxxx

CORAM:-

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

The Hon'ble Mr. B. Obayya, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the judgment? ✓
4. Whether to be circulated to all other Benches? ✓

Signature

Nagvi/

f6

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.

O.A. No.252 of 1988

(T.A.No.127/92 (T.L.))

Raj Kumar

... ..

Applicant

Vs.

Union of India & Others

...

Respondents

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

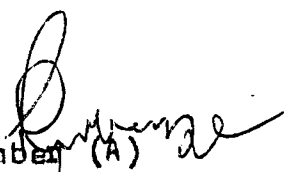
Hon. Mr. K. Obayya, A.M.

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

The applicant was an Extra Departmental Packer at Lalgang Head Post Office. He proceeded on leave on 12th October, 1982 to 12th November, 1982. He over-stayed without proper sanction of the competent authority thereafter. On 16th September, 1983 he returned from leave. He was not allowed to resume his duties as he remained on unauthorised leave for more than 180 days. Proceedings against him were initiated. After conclusion of the proceedings he was taken back on 27-5-1987 with an order that no arrears of pay will be payable to him. The applicant filed an appeal against the same to the Superintendent Post Offices, but the same was rejected vide order dated 9th July, 1987. According to the applicant he provided substitute Mr. Ravi Shanker for the period of authorised leave granted by the competent authority. The applicant was charge-sheeted on 7-8-85 and was exonerated of the charges levelled against him on 27-7-1987. As the applicant was absent during this period his claim was refused.

2. The applicant has approached this Tribunal with a prayer that the respondents may be directed to pay

salary and allowances for the period 16-9-83 to 30-5-1987. The wages have not been allowed to the applicant although he has been treated to be in continuous service on the ground that he has not worked during this period. It is not the case that the applicant really wanted to work, but the applicant was not allowed to work. He himself is responsible for the same as he over-stayed on leave. In case he would have applied for leave then this would not have occurred. The department itself has condoned the absence considering the circumstances, but that does not mean that he is entitled to wages for the period during which he was absent or for the period during which the departmental proceedings were going ahead. Moreover, these Extra Departmental Branch Post Office Packers are not entitled to wages and salary but only to allowances. Accordingly this application deserves to be dismissed and it is dismissed.


Member (A)
Vice-Chairman.

Dated: 28th August, 1992, Lucknow.

(tgk)

LUCKNOW BENCH

AQ

O.A.No.252 of 1988

T.A.No.127/92(T.L.)

28/0/92

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

Hon. Mr. K. Obeyya, A.M.

Judgement has been dictated in the
open Court.

(Hon.)
(A.M.)

p
A.M.

lu
V.C.

210

IN THE MATTER OF THE APPLICATION OF RAJ KUMAR S/O SURIYA BALI FOR POST OFFICE LELGANJ, DISTRICT ALMO, BAREILLY.

3-1-19

Raj Kumar S/o Surya Bali / Uga. No. 124 Suburban, District Almo, Bareilly.....

..... applicant

Valued

1. Union of India through the Ministry of Communication, New Delhi,
2. Superintendent of Post Office, Almo, Bareilly.....

..... respondent

Details of Application :-

I. Particulars of the applicant :

- (i) Name of the applicant -- RAJ KUMAR
- (ii) Name of Father -- Sri Surya Bali.
- (iii) Designation & Office -- Extra Departmental Packer, New Post Office--Lalganj, District: Almo Bareilly.
- (iv) Office address -- Extra Departmental Packer New Post Office, Lalganj, Distt., Almo Bareilly.
- (v) Date of service -- Raj Kumar, T.D.Packer of Almo Bareilly. New Post Office, Lalganj, Distt., Almo Bareilly.

II. Particulars of the respondent:

Rajkumar

()

(i) Name and Designation -- (1) Union of India,
of the respondents Through Secretary
Ministry of Commu-
nication, New Delhi.

(2) The Superintendent
of Post Offices,
Rae Bareilly.

(ii) Office address of the -- (1) Union of India through
respondent. Secretary Ministry of
Communication, Central
Secretariat, New Delhi.

(2) The Superintendent of
Post Offices, Rae
Bareilly.

(iii) Address for Service (1) Central Secretariat
of all notices. New Delhi.

(2) The Superintendent of
Post Offices, Rae
Bareilly.

3. Particulars of the order

against which the application

is made : The application is against the following
order:

- 1) Order No. -- -- 210/ -- III
- 2) Date -- 2-7-87.
- 3) Passed by -- The Super. of Post Offices,
Rae Bareilly.
- 4) Subject in brief: Bar and allowances during the
period of put off duty.

4. Jurisdiction of the Tribunal:--

The applicant claims that the subject matter

of the order remains which he wants redressal is
Rajkumar

(3)

within the jurisdiction of the tribunal.

5. Limitation:

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act 1985.

6. Facts of the Case:

The facts of the case are given below :-

- i) That the applicant was employed as Extra Departmental Peaker at Lalgunj Head Post Office since 2.6.1977.
- ii) That the applicant proceeded on leave on Medical Certificate upto 15.9.83 and during his absence the applicant was provided substitute as per rules.
- iii) That the Postmaster, Lalgunj Head Office did not allow the applicant to join his duty after 15th September 1983 and after a long period the department served charge sheet on 7-1-1985 and after due enquiry the applicant was exonerated of all the charges on 27.5.87.
- iv) That the applicant was not paid for the period 16-9-83 to 27.5.87 without any fault and against the provisions of law.
- v) That the applicant preferred an appeal against the order dated 27.5.87 issued by the Postmaster, Lalgunj Head Office, Lalgunj, District

Rajkumar

B-17.....

(4)

vi) That the Superintendent of Police, ...
Should discontinue the appointment of the applicant
on 9.7.87 hence this application.

7. Relief Sought :-

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

- (i) Payment of Rs 12/- in arrears of wages 16-9-83
to 30-5-87.
- (ii) Payment of 12/- arrears of wages.

8. Interim Order :

Pending final decision in this application the
applicant seeks that if the Civil Court in interim
order :-

- (a) Since the applicant was not the put off duty
on disciplinary proceedings and pending no
order, was to be considered from 16.9.83 to 6.1.85,
the applicant is entitled for wages and arrears
from the Government.
- (b) Hence, the Government may consider the wages
and arrears of the applicant from 16.9.83 to 6-1-1985.
The Government may also consider the wages and
arrears of the applicant from 7-1-1985.

9. Prayer for Interim Order :-

The applicant prays that the Government may
consider the wages and arrears of the applicant
from 16.9.83 to 6-1-1985.

Raj Kumar

2

3

110

- ✕

2

8

[illegible]

RE: S. 1000 - The 1950 Census Act

1000

(6)

Uamou, Dist Leloung, District No 3, 11 a;
 hereby verify that the contents of 1 to 13
 are true to my personal knowledge and belief
 and that I have not suppressed any material
 facts.

Rajkumar

Signature of the applicant.

Place: The Boreli.

Date:

117

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
ALLAHABAD

BETWEEN

Raj Kumar S/o Sri Surya Bali, R/o Ugamau,
Post - Mubarakpur, District - Rae Bareilly.

Versus.

... Applicant

1. Union of India, through Secretary,
Ministry of Communication, New Delhi.
2. Superintendent of Post Offices, Rae Bareilly
3. The Post Master, Lalganj, District -
Rae Bareilly.

... Respondents.

INDEX OF DOCUMENTS

1. Photo copy of order of the appeal
passed by the Supdt. of Post Offices,
Rae Bareilly dated 9.7.87.
2. Photo copy of order passed by the
Post Master, Lalganj, Rae Bareilly
dated 27.5.87.

APPLICANT

(RAJ KUMAR)

Through:

(D.P.M.)
ADVOCATE

Supdt of Post Offices
Rae Bareilly Div. 229001

Regd

अंता में श्री राज कुमार पाली
ई. डी. पैकर लागाडा
प्रधान डाकघर
राय बरेली

सं. २-२६/चौ. प्र. स्तान राय बरेली दि. 9-7-८७

विषय - बुध रात रात दि. का शब्द

संदर्भ - आपकी अपील दि. 26-6-८७

—X—
आपकी आपकी उपर्युक्त
आपकी के संदर्भ में सूचित करना है कि
विश्रांतीय नियमानुसार आपकी कार्य
प्राप्त की रात दि. का कोई भी शब्द
देया नहीं होगा।

Supdt of Post Offices
Rae Bareilly Div. 229001

भारतीय डाक विभाग
कार्यालय पोस्ट मास्टर [मैक-2]
लालगंज

11/7

छापन सं पा: बी/राजकुमार/84-85

दिनांक: लालगंज 27.5.87

इस कार्यालय के समस्त छापन दिनांक: 7.1.85 द्वारा श्री राजकुमार ई0डी0पेड
लालगंज से अतिरिक्त विभागों पर सजेन्ट आचार एवं सेवा नियम 1964 के नियम 8 के अंत
एक आरोप पत्र दिया गया था। आरोपों की सारांश रचना निम्न प्रकार की:-
सारांश रचना आरोप संख्या: 1:

श्री राजकुमार अ0वी0 पेड लालगंज हे0आ0वी0 13.11.82 से
वैयक्तिक स्वोक्त अवकाश के छूट्टी से अनुपस्थित रहे। अतः श्री राजकुमार अ0
वि0 पेड लालगंज हे0आ0ने अ0वी0आचार एवं सेवा नियम 1964 के नियम 5 का उल्लंघन
किया।

सारांश रचना आरोप संख्या: 2: श्री राजकुमार अ0वी0पेड लालगंज हेड ऑफिस 12.10.82 से 12.11.82 तक बर्खास्त होने के लिये अवकाश पर रहे परन्तु श्री राजकुमार अ0वी0 पेड के 5.10.83 के प्रार्थनापत्र के अनुसार वह 12.10.82 से 15.9.83 तक बीमार रहकर श्री रामराजान शक्ति बंधू, श्री शम्भूनाथ जोषा आचार्य सातनपुर को विधिकता में रहे। इस प्रकार श्री राजकुमार अ0वी0पेड ने तथ्य को छिपाया।

अतः श्री राजकुमार अ0वी0पेड ने अ0वी0आचार एवं सेवा नियम 1964 के नियम 17 का उल्लंघन किया।

श्री राजकुमार अ0वी0आचार्य पेड द्वारा उक्त आरोपों को अस्वीकार किये जाने पर इस कार्यालय के समस्त छापन दिनांक 20.2.85 द्वारा जाँच अधिकाारी तथा प्रस्तुतकर्ता अधिकाारी को नियुक्ति/नामांकन दिया गया। जाँच अधिकाारी द्वारा जाँच विभिन्न विधियों में की गई तथा जाँच आख्या दि029.4.87 को प्रेषित की गई। मैंने जाँच अधिकाारी को जाँच आख्या, आरोपित कर्मचारों के लिखित बयान तथा अन्य सभी संबंधित अभिलेखों का माली भाषित अवलोकन दिया तथा मैं जाँच अधिकाारी को जाँच आख्या से पूर्णतया सहमत हूँ।

आरोपित कर्मचारी पर प्रथम आरोप यह था कि वह दि013.11.82 से बिना किसी स्वोक्त अवकाश के छूट्टी से अनुपस्थित रहा। जाँच में यह पाया गया कि उसने 11.10.82 को प्रार्थना पत्र देकर 12.10.82 से 12.11.82 तक की छूट्टी ली थी तथा अपना सबोत्पूट सवजोदार अपनी जिम्मेदारी पर लगाया था तथा वह दि012.10.82 से अवकाश स्वोक्त करके अवकाश पर गया था। इसी उपरोक्त अधीन अवकाश में ही वह बीमार पड़ गया तथा उसने छूट्टी के लिये प्रार्थनापत्र 12.11.82, 12.2.83, 15.3.83, 16.4.83, 11.7.83, तथा 16.9.83 को भेजे। आरोपित कर्मचारी द्वारा दि012.11.82, 12.2.83, 15.3.83, 16.4.83 तथा 11.7.83 के प्रार्थना पत्रों के प्रेषण के साक्ष्य में कुम्हरौरा हाथार से जारी सीटिफिकेट आफ पोस्टिंग प्रस्तुत किये। जाँच अधिकाारी द्वारा तत्कालीन शाखापट्टाक पात कुम्हरौरा तथा वैद्य श्री रामराजान शक्ति तथा ग्राम प्रधान जगन्नाथ शिंदे का आरोपित कर्मचारी निवासी है के भाँ साक्ष्य लिये गये जिससे कर्मचारी के बीमार रहने तथा अवकाश बढ़ाने हेतु प्रार्थनापत्र भेजने की पुष्टि होती है। इस प्रकार कर्मचारी पर लगाया गया आरोप कि वह दि013.11.82 से

क्रमांक: 2पर

॥ गोरक्षनाथगिरिनाथी ॥ १७/५
प्रा. ल. म. ल.
॥ गोरक्षनाथगिरिनाथी ॥

॥३॥ कायस्थिय प्रीः ।

226
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT NEW DELHI

CIVIL MISS. APPLICATION NO. _____/OF 1983

On behalf of the Respondents.

.....

IN

REGISTRATION NO. _____/OF 1983

Raj Kumar

.....

Applicant

Versus

The Union of India & others..... Respondents.

To

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

The humble application on behalf
of the respondent Most Respectfully Showeth
as under:-

1. That the full facts and circumstances

[Handwritten signature]

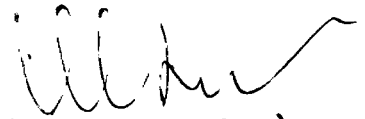
[Handwritten signature]

have been set out in the accompanying counter-affidavit.

2. That for the reasons disclosed in the accompanying counter-affidavit, it is expedient in the interest of justice that this Hon'ble Tribunal may admit the accompanying counter-affidavit and dismiss the petition filed by the aforesaid petitioner.

P R A Y E R

It is, therefore, requested that this Hon'ble Tribunal may kindly be pleased to admit the accompanying counter-affidavit and dismiss the petition with costs.


(K. C. SINHA)
ADDL. STANDING COUNSEL.
Counsel for the Respondents.

Dt/_____/



1923
AFFIDAVIT

HIGH COURT
ALLAHABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

COUNTER AFFIDAVIT

IN

REGISTRATION NO. _____/OF 1938/

Raj Kumar Applicant

Versus

The Union of India & others.... Respondents.

Affidavit of M. J. Seddiqui

aged about 56 years son of

(late) Sheikh Rahmullah posted

as Suppl. of Temp. Officer

Rae Bareilly

Deponent

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

1. That the deponent is posted

as _____ and as such
is fully acquainted with the facts of the
case deposed to below.

2. That before giving a peremptory reply,
the following facts are being asserted in
order to facilitate this Hon'ble Tribunal in
administering justice.

3. That the applicant who was Extra
Departmental Packer proceeded on leave on
12th October, 1982 to 12th November, 1982. His
leave was authorised upto 12th November, 1982, but
he over stayed without proper sanction of the
competent authority thereafter. On 16th September,
1983, the petitioner returned from unauthorised
absence, but he was not allowed to resume his
duties as he remained on unauthorised leave for
more than 180 days. Since the petitioner remained
absent unauthorisedly for more than 180 days
as per the procedure, enquiry under rule-8 was
initiated against the petitioner and on conclusion
of the said proceedings, the petitioner was taken
back on 27th May, 1987 with a clear order that



[Handwritten signature]
1-1-88
M

A25

-3-

no arrears of pay will be payable to the petitioner. A photo stat copy of the order dated 27th May, 1987 is being filed herewith and marked as ANNEXURE-CI-I to this affidavit.

4. That the petitioner preferred an appeal to the Superintendent Post Offices, Raj Bahilly on 26-6-1987, but the same was rejected vide order dated 9th July, 1987. A photo stat copy of the said order is being filed herewith and marked as ANNEXURE-CI-II to this affidavit.

5. That the contents of para-1, 2, 3, 4 and 5 of the petition needs no comments.

6. That the contents of para-6(I) of the petition needs no comments.

7. That the contents of para-6(II) of the petition are not disputed to the extent that the petitioner provided substitute Sri Ravishanker for the period of authorised leave granted by the competent authority for the period



238
[Signature]

720

-4-

12-10-32 to 12-11-32. It is denied that the petitioner proceeded on leave on Medical grounds from 12.11.1932 to 15.9.33 as the petitioner over stayed on unauthoriselly without furnishing proper notice to the Post Master Lalgarh Head Office(Rai Bareilly) under service rules for Extra Departmental staff rule-5 of 1904, an ED employee who is granted leave for a period less than maximum period admissible to him under these rules remains absent from duty for any period which together with the leave granted exceeds the limit upto which he could have been granted such leave. He shall be liable to be removed from service after following the procedure laid down in rule-3 of these rules. Not only this if an ED agent remains absent for more than 180 days or more in a period of one year, he shall cease to be an ED agent vide D.G.'s instruction below rule-5 I.D.Conduct & Services Rules, 1904. The petitioner continued to remain absent from duty and overstayed on leave without proper permission and notice of the competent authority for granting leave.



8. That the contents of para-6(III) of

927

-5-

petition are not disputed to the extent that the petitioner was served with a charge sheet on 7-1-1985 under Post Master, Lalganj Head Office Memo dated 7-1-1985 and was exonerated of the charges imposed upon him vide order dated 27-7-1987. The action of the Post Master, Lalganj Head Office (Rai Bareilly) who did not allow the petitioner to join his duties after 15.9.1983 was correct as the petitioner remained absent for more than 180 days of a stretch and he ceased to be an ED agent as referred above and he was also not entitled for any allowances under rule 9(3).



9. That the contents of para-6(IV) of the petition are not correct as stated, hence denied. It is submitted that the petitioner was not entitled for allowances for the period 16-9-83 to 27-5-1987 under the provisions of rules mentioned in foregoing paragraphs.

10. That the contents of para-6(V) of the petition are admitted to the extent that the petitioner preferred an appeal against the order dated 27-5-1987 which was rejected.

2/1/88
a

11. That in reply to the contents of para-6(VI) of the petition, it is submitted that the petitioner's appeal dated 26-3-37 was rejected vide order dated 2-7-1937 on merits of the case and the applicant was not entitled for allowances for the period, he remained on unauthorised leave/absence.

12. That in reply to the contents of para-7 of the petition, it is submitted that in view of the facts and reasons mentioned above, the applicant is not entitled for any reliefs as claimed in para under reply and the petition is devoid of merits and liable to be dismissed with costs.

13. That as the petitioner has failed to prove any prima facie case in his favour, no interim relief can be granted by this Hon'ble Tribunal at this stage, as claimed in para-8 of the petition.

14. That the contents of para-10, 11, 12 and 13 of the petition are the masters of record and as such needs no comments.

I, the deponent aforesaid do hereby

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verify that the contents of paras _____
of this affidavit are true to my personal
knowledge; those of paras _____ are based
on record and those of paras _____ are based
on legal advice to which I believe to be
true; that no part of it is false and nothing
material has been concealed. So help me God.

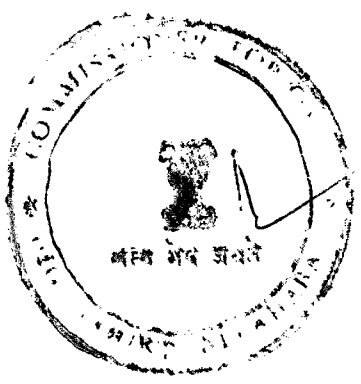
Deponent

I, D.S. Chaubey, Clerk to Shri K.C. Sinha
Advocate, High Court, Allahabad do hereby declare
that the person making this affidavit and
alleging himself to be the same is known to me
from the perusal of papers.

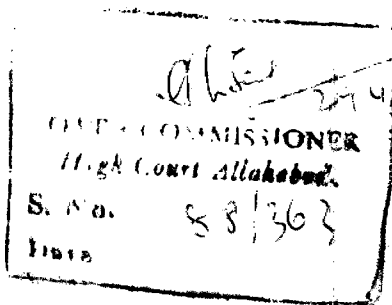
Clerk

Solemnly affirmed before me on
this 29th day of March, 1933 at 8 am/pm by
the deponent who has been identified by the
aforesaid Clerk.

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



[Handwritten signature]



OATH COMMISSIONER.

ANNEXURE-1
CH-1
A30

भारतीय डाक विभाग
कार्यालय प्रोस्ट मास्टर/मंडल-2,
लाहौर

आपन नं०: सी/राज कुमार/84-85 दिनांक: जालंधर 27-5-87
अतः भारतीय के समस्त डाक आपन दिनांक: 7-1-85 द्वारा श्री रामकुमार
डिप्टी प्रोस्ट मास्टर, के प्रतिरक्षा विभागीय सेन्ट आधार एवं सेवा नियम 1964
के नियम 3 के अन्तर्गत एक आरोप पत्र दिया गया था जिसके आरोपों की तारांश
रक्ता निम्न प्रकार की :-

तारांश रक्ता आरोप संख्या-1::

श्री राज कुमार अवि०पैकर जालंधर डेप्टो दि० 13-11-82 से बिना
जि० रजि० प्रमाण के हट्टी से अनुपस्थित रहे। अतः श्री राज कुमार अवि०
पैकर जालंधर डेप्टो में अवि०आधार एवं सेवा नियम 1964 के नियम 5 का
उल्लंघन किया।

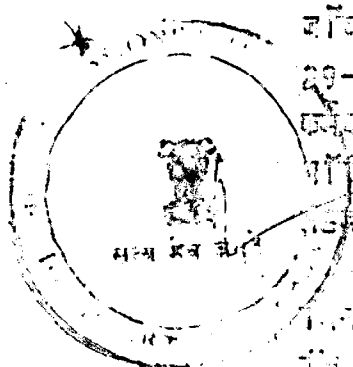
तारांश रक्ता आरोप संख्या-2:

श्री राज कुमार अवि०पैकर जालंधर से० आ० दि० 12-10-82 से 12-11-82
तक रजि० नम्बर के तार अकाउंट पर रहे परन्तु श्री राज कुमार अवि०पैकर के
5-10-83 के प्रार्थना-पत्र के अनुसार वह 12-10-82 से 15-3-83 तक बीमार रहकर
श्री राज कुमार अवि०पैकर, श्री रामू नाथ औद्योगिक मातनपुर की निगरानी में रहे।
अतः प्रचार श्री राज कुमार अवि०पैकर ने सत्य को छिपाया।

अतः श्री राज कुमार अवि०पैकर, ने अवि०आधार एवं सेवा नियम
1964 के नियम 17 का उल्लंघन किया।

श्री राज कुमार अवि०विभागीय पैकर द्वारा उक्त आरोपों की
अधीनस्थ रियेक्वेस्ट पर अतः भारतीय के समस्त डाक आपन दिनांक: 20-2-83 द्वारा
जॉय अधिकारी तथा प्रत्युत्कर्ष अधिकारी किं= को नियुक्ति/नामनिष्ठ किया गया
जॉय अधिकारी द्वारा जॉय विभिन्न तिथियों में जो गई तथा जॉय आठवा दि०
29-4-87 की प्रेषित की गयी। जैने जॉय अधिकारी की जॉय आठवा, आरोपित
कर्मचारी के विरुद्ध ब्यावधान तथा अन्य सभी संबंधित अभिनेओं का कति-
प्राप्ति अकाउंट दिया गया है जॉय अधिकारी को जॉय आठवा से पूर्णतया
हटाया है।

आरोपित कर्मचारी पर प्रथम आरोपित था कि वह दि० 13-11-82 से
जालंधर डेप्टो रजि० प्रमाण के हट्टी से अनुपस्थित रहा। जॉय में यह पाया गया
कि उसने 11-10-82 को प्रार्थना-पत्र देकर 12-10-82 से 12-11-82 तक बीमार
हो गयी तथा जालंधर तस्वीट्यूड अधीनस्थ जालंधर जालंधर पर लगाया था तथा
वह दि० 12-10-82 से अकाउंट रजि० करवाकर अकाउंट पर गया था। इसी
उपरोक्त अकाउंट अकाउंट में ही वह बीमार पड़ गया तथा उसने हट्टी के तार
प्रार्थना-पत्र 12-11-82, 12-2-83, 15-3-83, 15-4-83, 11-7-83 तथा
16-9-83 को भेजे। आरोपित कर्मचारी द्वारा दि० 12-11-82, 12-2-83,
15-3-83, 16-4-83 तथा 11-7-83 के प्रार्थना-पत्रों के प्रेषण के तारख में
जालंधर आठवा से जालंधर तस्वीट्यूड आठवा पोस्टल प्रत्युत्कर्ष किये। जॉय अधिकारी
द्वारा तस्वीट्यूड जालंधर आठवा तस्वीट्यूड तथा वैद्य श्री राम राधान शुक्ल तथा



ग्राम प्रधान आश्वार, जिसमें आरोग्य कर्मचारी नियत हैं, के भी समय मिले की मिले प्रतीति बीमार रहने तथा अस्वास्थ्य होने हेतु प्रार्थना-रूप से ही ही सुख दीती है। इस प्रकार कर्मचारी पर लगाया गया आरोप कि वह दि. 12-11-82 से निर्यात स्वीकृत अस्वास्थ्य के इयुटी से अनुपस्थित रहा तो नहीं होता है।

आरोग्य कर्मचारी द्वारा आरोप पर लगाया गया था कि उसने दि. 12-10-82 से 12-11 तक रमई जाने के लिए अस्वास्थ्य पर रहे परन्तु दि. 5-10-82 से प्रार्थना-रूप से अस्वास्थ्य पर 12-10-82 से 15-9-83 तक बीमार रहकर ही राज राजन सुख की चिकित्सा में रहे तथा इस प्रकार उन्होंने तत्त्व को धियाया। तब भी प्रधान पक्ष द्वारा प्रस्तुत किये गये साक्ष्यों के आधार पर तत्त्व को धियाया जा रहा, ग्राम प्रधान आश्वार के प्रधान, वैद्य की राज राजन सुख से प्रधानों से यह निर्दिष्ट है कि यह दि. 12-11-82 से 15-9-83 तक बीमार रहकर ही राज राजन सुख की चिकित्सा में रहे तथा उन्होंने किसी तत्त्व को नहीं धियाया उसने

अस्वास्थ्य कर्मचारी से ही स्वीकृत कराया था परन्तु अचानक यामार पड़ जाने के कारण वह तब भी जा रहा और अपनी इलाज कराया रहा, तथा अस्वास्थ्य प्रार्थना-रूप से रहा। उसने जगह पर कार्य करने हेतु वह अपनी निर्यातारी पर स्वतंत्रपणे ही जा चुका था। इस प्रकार उस आरोप के तत्त्व में जोर दिया जा रहा "राज कुमार का 12-11-82 से 15-9-83 तक अस्वास्थ्य अस्वास्थ्य रहा" इस दशा में माना जाएगा" से मैं पूर्णतया सहमत हूँ तथा कर्मचारी को भी इस आरोप को भी सिद्ध नहीं माना हूँ।

अस्वास्थ्य के आधार पर कर्मचारी के विरुद्ध बनाये गये आरोपों के तत्त्व में जोर देने के तत्त्व राज नारायण अग्निहोत्री, पोस्ट मास्टर लालगंज कर्मचारी को अस्वास्थ्य पर जाने का आदेश करता हूँ। कर्मचारी द्वारा जो तत्त्व में सुख दीती दी गई, जहां उसे इस अवधि का कोई तत्त्व देय नहीं होता।

20/-

आर. एन. अग्निहोत्री

पोस्ट मास्टर
लालगंज

प्रतिनिधित्व को :-

(1) श्री लाल, 10जीओवर, लालगंज को।

(2) मेधा ज, प्रधान डाक्टर- लालगंज

(3) ज. लाल।

1-24-84

ONCE

High Court

B. No.

Date

Handwritten signature and date 7/11

152

IN THE GENERAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH,
ALLAHABAD.

PLAINT

Raj Kumar S/O Sri Durga Baid A/O Ugaman, Post
Hubarakpur, District Rae Bareilly.....

... Appellant...

Applicant...

Versus

1. Union of India, through Secretary Ministry
of Communication, New Delhi;
2. Superintendent of Post Offices, Rae Bareilly....

... Respondents...

Details of Index:

1. Application Page 1 to 6
2. Photo Copy of Order...Page 7 to 9
3. Postal OrderPage 8.
4. Valuation...Page 9.

Applicant,

Dated:

(Raj Kumar)

RECEIVED

(D. P. Pal)

Advocate.

IN THE GENERAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH,
ALLAHABAD.

ADVOCATE

Raj Kumar S/O Surya Bali R/O Uga Mau, Post Mubarakpur,
District Rae Bareilly.....

.... Applicant

Versus

1. Union of India through Secretary Ministry of
Communication, New Delhi,

2. Superintendent of Post Offices, Rae Bareilly.....

.... Respondent

Details of application :-

1. Particulars of the applicant :

(i) Name of the applicant -- RAJ KUMAR

(ii) Name of Father -- Sri Surya Bali.

(iii) Designation & Office -- Extra Departmental
Packer,
in which employed.

Head Post Office--Lalganj
District: Rae Bareilly.

(iv) Office address -- Extra Departmental Packer
Head Post Office, Lalganj,
Distt., Rae Bareilly.

(v) Address for service -- Raj Kumar, S.D. Packer
of all notices.

Head Post Office, Lal-
ganj. Distt., Rae Bareilly.

2. Particulars of the respondent:

(2)

(i) Name and Designation --(1) Union of India,
of the respondent. through Secretary
Ministry of Commu-
nication, New Delhi.

(2) The Superintendent
of Post Offices,
Rae Bareilly.

(ii) Office address of the --(1) Union of India through
respondent. Secretary Ministry of
Communication, Central
Secretariat, New Delhi.

(2) The Superintendent of
Post Offices, Rae
Bareilly.

(iii) address for Service (1) Central Secretariat
of all notices. New Delhi.

(2) The Superintendent of
Post Offices, Rae
Bareilly.

3. Particulars of the Order

Against which the application

is made : The application is against the following
Order:

1) Order No. -- - 218/ -II

2) Date -- 9-7-37.

3) Passed by --- The Supdt., of Post Offices,
Rae Bareilly.

4) Subject in brief: Pay and allowances during the
period of put off duty.

4. Jurisdiction of the Tribunal:-

The applicant declares that the subject matter
of the Order against which he wants redressal is

.... P 3...

(3)

within the jurisdiction of the tribunal.

5. Limitation:

The Applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act 1985.

6. Facts of the Case:

The facts of the case are given below :-

- i) That the applicant was employed as Extra Departmental Packer at Lalganj Head Post Office since 2.6.1977.
- ii) That the applicant proceeded on leave on Medical Certificate upto 15.9.83 and during his absence the applicant has provided substitute as per rules.
- iii) That the Postmaster, Lalganj Head Office did not allow the applicant to join his duty after 15th September 1983 and after a long period the department served charge sheet on 7-1-1985 and after due enquiry the applicant was exonerated of all the charges on 27.5.87.
- iv) That the applicant was not paid for the period 16-9-83 to 27.5.87 without any fault and against the provisions of law.
- v) That the applicant preferred an appeal against the order dated 27.5.87, passed by the Post Master, Head Post Office, Lal Ganj, District Rae Bareilly..... P 4....

8,30

(4)

v2) That the Superintendent Post Offices, Rae
Barail dismissed the appeal of the applicant
on 9.7.87 hence this application.

7. Relief Sought :-

In view of the facts mentioned in para 6 above
the applicant prays for the following relief :-
(i) Payment of Salary and allowances since 16-9-83
to 30-5-87.
(ii) Payment of 12% interest per annum.

8. Interim Order :

Pending final decision on the application the
applicant seeks issue of the following interim
order :-
(a) Since the applicant was neither put off duty
nor any disciplinary proceeding was pending nor
enquiry was to be conducted since 16.9.83 to 6.1.85,
the applicant is entitled for salary and allowances
from the department.
(b) Hence, the department may kindly be directed
to pay the salary and allowances for the period
16.9.83 to 6-1-1985. The charge sheet was served
on 7-1-1985.

9. Details of Remedies exhausted :-

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

(5)

service rules etc.,

- a) The applicant has preferred appeal against the order of the Post Master, Head Post Office, Lalganj, District Rae Bareilly to the Superintendent of Post Offices, Rae Bareilly, which was rejected on 9.7.87.

10. Matters not pending with any other Court:

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

11. Particulars of Bank Draft/Postal Order in respect of application fee.

- (1) Number of Indian Postal Order :
- (2) Name of the issuing Post Office :
- (3) Date of issue of Postal Orders :
- (4) Post Office at which payable. :

12. Details of Index :

An Index or duplicate containing the details of the document to be sold upon is enclosed.

13. List of Enclosures:

Verification :-

I, Raj Kumar S/O Surya Bali age 27 years working as extra Departmental Packer resident of

B7D

(6)

Ugemaou, Post Lalgunj, District Rae Bareilly do
hereby verify that the contents from 1 to 13
are true to my personal knowledge and belief
and that I have not suppressed any material
facts.

Signature of the applicant.

Place: Rae Bareilly.

Date:

1137

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
ALLAHABAD

BETWEEN

Raj Kumar S/o Sri Surya Bali, R/o Ugamau,
Post - Mubarakpur, District - Rae Bareilly.

... Applicant

Versus.

1. Union of India, through Secretary,
Ministry of Communication, New Delhi.
2. Superintendent of Post Offices, Rae Bareilly
3. The Post Master, Lalganj, District -
Rae Bareilly.

... Respondents.

INDEX OF DOCUMENTS

1. Photo copy of order of the appeal
passed by the Supdt. of Post Offices,
Rae Bareilly dated 9.7.87.
2. Photo copy of order passed by the
Post Master, Lalganj, Rae Bareilly
dated 27.5.87.

APPLICANT

(RAJ KUMAR)

Through:

(D.P.PAL)
ADVOCATE

B40

6

कोर०-7/Com.

भारतीय डाक विभाग INDIAN P. & T. DEPARTMENT

कार्यालय/Office of the

Supdt of Post Offices
Rae Bareilly Div. 229001

Re: 90

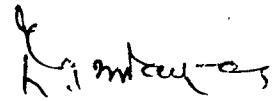
सेवा में श्री राज कुमार चौकी
ई० डी० पैकर लालगंज
प्रधान डाकघर
राय बरेली

सं० २०-२१८/चै० प्रान राय बरेली दि० १-७-८१

विषय:- भुट डाक अवरधि का भन्ता

सन्दर्भ:- आपकी अपील दि० २६-६-८१

आपको आपकी उपर्युक्त
अपील के सन्दर्भ में सूचित करना है कि
विभागीय नियमानुसार आपको कार्य
पुष्पक की अवरधि का लौट भी भन्ता
देय नहीं होगा।


Supdt of Post Offices
Rae Bareilly Div. 229001

भारतीय डाक विभाग
कार्यालय पोस्ट मास्टर [मंडल-2]
लालगंज

ज्ञापन संख्या: बी/राजकुमार/84-85

दिनांक: लालगंज 27.5.87

इस कार्यालय के समस्त ज्ञापन दिनांक: 7.1.85 द्वारा श्री राजकुमार ई0डी0पैकर लालगंज से अतिरिक्त विधानोद्यम एजेंट आचार एवं सेवा नियम 1964 के नियम 8 के अंतर्गत एक आरोप पत्र दिया गया धार्मिक आरोपों की सारांश रचना निम्न प्रकार की:-
सारांश रचना आरोप संख्या: 1:

श्री राजकुमार अ0वी0 पैकर लालगंज डे0आ0वी0 13.11.82 से बिना किसी स्वीकृत अवकाश के छुट्टी से अनुपस्थित रहे। अतः श्री राजकुमार अ0 नि0 पैकर लालगंज डे0आ0ने अ0वी0आचार एवं सेवा नियम 1964 के नियम 5 का उल्लंघन किया।

सारांश रचना आरोप संख्या: 2: श्री राजकुमार अ0वी0पैकर लालगंज डे0आ0 12.10.82 से 12.11.82 तक बम्बई जाने के लिये अवकाश पर रहे परन्तु श्री राजकुमार अ0वी0 पैकर के 5.10.83 के प्रार्थनापत्र के अनुसार वह 12.10.82 से 15.9.83 तक बीमार रहकर श्री रामराठान शूक्त वैद्य, श्री शम्भूनाथ औषाधालय सातनपुर की विचिक्ता में रहे। इस प्रकार श्री राजकुमार अ0वी0पैकर ने सत्य को छिपाया।

अतः श्री राजकुमार अ0वी0पैकर ने अ0वी0आचार एवं सेवा नियम 1964 के नियम 17 का उल्लंघन किया।

श्री राजकुमार अतिरिक्त विधानोद्यम पैकर द्वारा उक्त आरोपों को अस्वीकार किये जाने पर इस कार्यालय के समस्त ज्ञापन दिनांक 20.2.85 द्वारा जांच अधिकाारी तत्ता प्रस्तुतकर्ता अधिकाारी को नियुक्ति/नामांकन किया गया। जांच अधिकाारी द्वारा जांच विधानोद्यम विधायों में की गई तत्ता जांच आख्या दि029.4.87 को प्रेषित की गई। मैंने जांच अधिकाारी को जांच आख्या, आरोपित कर्मचारी के लिखित बयान तत्ता अन्य सभी संबंधित अभिलेखों का माली भागित अवलोकन किया तत्ता मैं जांच अधिकाारी को जांच आख्या से पूर्णतया सहमत हूँ।

आरोपित कर्मचारी पर प्रथम आरोप यह था कि वह दि013.11.82 से बिना किसी स्वीकृत अवकाश के छुट्टी से अनुपस्थित रहा। जांच में यह पाया गया कि उसने 11.10.82 को प्रार्थना पत्र देकर 12.10.82 से 12.11.82 तक की छुट्टी लोटी तत्ता अपना सब्सिड्यूट सप्लीदार अपनी जिम्मेदारी पर लगाया था तत्ता वह दि012.10.82 से अवकाश स्वीकृत कर अवकाश पर गया था। इसी उपरोक्त अवकाश में ही वह बीमार पड़ गया तत्ता उसने छुट्टी के लिये प्रार्थनापत्र 12.11.82, 12.2.83, 15.3.83, 16.4.83, 11.7.83, तत्ता 16.9.83 को भेजे। आरोपित कर्मचारी द्वारा दि012.11.82, 12.2.83, 15.3.83, 16.4.83 तत्ता 11.7.83 के प्रार्थना पत्रों के प्रेषण के साक्ष्य में कुम्हरीरा हाकर से जारी सीई-फिकेट आफ पोस्टिंग प्रस्तुत किये। जांच अधिकाारी द्वारा तत्कालीन शाखापडाक पाल कुम्हरीरा तत्ता वैद्य श्री रामराठान शूक्त तत्ता ग्राम प्रधान उमाभार शिखर मांघ का आरोपित कर्मचारी निवासी है के भी साक्ष्य लिये गये जिससे कर्मचारी के बीमार रहने तत्ता अवकाश बढ़ाने हेतु प्रार्थनापत्र भेजने की पुष्टि होती है। इस प्रकार कर्मचारी पर लगाया गया आरोप कि वह दि013.11.82 से

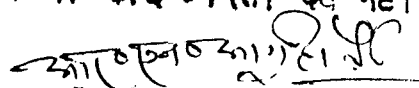
क्रम A: 2 पर

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बिना किसी स्वीकृत अवकाश के छुट्टी से अनुपस्थित रहा सिद्ध नहीं होता है।

आरोपित कर्मचारी पर दूसरा आरोप यह लगाया गया था कि उसने दि 01.10.82 से 12.11.82 तक बम्बई जाने के लिये अवकाश पर रहे परन्तु दि 05.10.83 के प्रार्थना पत्र के अनुसार वह 12.10.82 से 15.09.83 तक बीमार रह कर श्री राम राठान शूल वैद्यकी चिकित्सा में रहे तथा इस प्रकार उन्होंने सत्य को छिपाया। इस मामले में भी बयावपक्ष द्वारा प्रस्तुत किये गये साक्ष्यों में ओवरसीयर लालगंज की जांच आठवा, ग्रामप्रधान जगमान के बयान, वैद्य श्री रामराठान शूल आदि के बयानों से यह निर्विवाद स्म है सिद्ध हुआ है कि आरोपित कर्मचारी बीमार रहा तथा उसने किसी सत्य को नहीं छिपाया उसने अवकाश बम्बई जाने के लिये ही स्वीकृत कराया था परन्तु अचानक बीमार पड़ जाने के कारण वह बम्बई नहीं जा सका और अपना इलाज कराता रहा तथा अवकाश प्रार्थनापत्र भेजता रहा। अपनी जगह पर कार्य करने हेतु वह अपनी जिम्मेदारी पर प्रत्यक्ष स्वकीदार पहले ही लका चुका था। इस प्रकार इस आरोप के संबंध में जांच अधिकाारी की आठवा "राजकुमार का 12.11.82 से 15.09.83 तक अधिभूत अवकाश पर रहना हर दशा में माना जायेगा" से मैं पूर्णतया सहमत हूँ तथा कर्मचारी पर लगाये गये इस आरोप को भी सिद्ध नहीं पाता हूँ।

उपरोक्त कथान के आधार पर कर्मचारी के विरुद्ध लगाये गये आरोपों के सिद्ध न होने के कारण मैं राम नारायण अग्निहोत्री, पोस्ट मास्टर लालगंज कर्मचारी को अविश्वस्य काम पर लिये जाने का आदेश करता हूँ। कर्मचारी द्वारा इस अविद्या में छुट्टी नहीं की गई अतः उसे इस अविद्या का कोई भत्ता देय नहीं होगा।


[आरुण अग्निहोत्री] 27/5
पोस्ट मास्टर
लालगंज

प्रतिलिपि निम्नीलिखित को:-

- 1] श्री राजकुमार, ई0डो0पैकर लालगंज को
- 2] लेखा अनुभाग, प्रधान डाक्टर-लालगंज
- 3] कार्यालय प्रती।

12/1/53

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

STATE NO. APPLICATION NO. _____/OF 1938

On behalf of the Respondents.

.....

IN

APPLICATION NO. _____/OF 1938

1st Party

.....

Applicant

Versus

The Union of India & others..... Respondents.

To

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

The humble application on behalf
of the respondent Most Respectfully sheweth
as under:-

1. That the full facts and circumstances



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have been set out in the accompanying counter-affidavit.

2. That for the reasons disclosed in the accompanying counter-affidavit, it is expedient in the interest of justice that this Honorable Tribunal may admit the accompanying counter-affidavit and dismiss the petition filed by the above-named petitioner.

PRAYER

It is, therefore, requested that this Honorable Tribunal may kindly be pleased to admit the accompanying counter-affidavit and dismiss the petition with costs.


(K. C. SIMA)
ADDL. STANDING COUNSEL.
Counsel for the Respondents.

pt/

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IN THE GENERAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

COUNTER AFFIDAVIT
.....

IN

REGISTRATION NO. _____/OF 1983/

Ref. No. Applicant

Versus

The Union of India & others.... Respondents.

Affidavit of _____
aged about _____ years son of
_____ posted
as _____

(Deponent)

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

1. That the deponent is posted

2. _____ and as such
is fully acquainted with the facts of the
case referred to below.

3. That before giving a narrative reply,
the following facts are being asserted in
order to facilitate this Honble Tribunal in
administering justice.

4. That the petitioner who was Extra
Departmental Officer promoted on leave on
10th October, 1982 to 10th November, 1982. His
leave was authorised upto 10th November, 1982, but
he over stayed without proper sanction of the
competent authority thereafter. On 10th September,
1983, the petitioner returned from unauthorised
absence, but he was not allowed to resume his
duties as he remained on unauthorised leave for
more than 180 days. Since the petitioner remained
absent unauthorisedly for more than 180 days
as per the procedure, enquiry under rule-8 was
initiated against the petitioner and on conclusion
of the said proceedings, the petitioner was taken
back on 27th May, 1987 with a clear order that

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no arrears of pay will be payable to the petitioner. A photo stat copy of the order dated 27th May, 1987 is being filed herewith and marked as ANNEXURE-01-I to this affidavit.

4. That the petitioner preferred an appeal to the Superintendent Post Offices, A-1 Bawling on 26-5-1987, but the same was rejected by a order dated 2th July, 1987. A photo stat copy of the said order is being filed herewith and marked as ANNEXURE-01-II to this affidavit.

5. That the contents of para-1, 2, 3, 4 and 5 of the petition needs no comments.

6. That the contents of para-6(I) of the petition needs no comments.

7. That the contents of para-6(II) of the petition are not disputed to the extent that the petitioner provided substitute Sri Ravi-Shanker for the period of authorised leave granted by the competent authority for the period

13/10/82

12-10-82 to 12-11-82. It is denied that the petitioner proceeded on leave on medical grounds from 12.11.1982 to 15.9.83 as the petitioner over stayed on unauthorisally without furnishing proper notice to the Post Master General's Mail Office (P.M.O. Bareilly) under service rules for Extra Departmental staff Rule-5 of 1964, an AD employee who is granted leave for a period less than maximum period admissible to him under these rules remains absent from duty for any period which together with the leave granted exceeds the limit upto which he could have been granted such leave. He shall be liable to be removed from service after following the procedure laid down in rule-5 of these rules. Not only this if an AD agent remains absent for more than 180 days or more in a period of one year, he shall cease to be an AD agent vide P.O. Instruction below rule-5 I.D. Conduct & Services Rules, 1964. The petitioner continued to remain absent from duty and overstayed on leave without proper permission and notice of the competent authority for granting leave.

3. That the contents of para-5(III) of

13/4/87

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petition are not disputed to the extent that the petitioner was served with a charge sheet on 7-1-1983 under Post Master, Jalgaon Head Office Memo dated 7-1-1983 and was exonerated of the charges imposed upon him vide order dated 27-7-1987. The action of the Post Master, Jalgaon Head Office (Jalgaon) who did not allow the petitioner to join his duties after 15.9.1983 was correct as the petitioner remained absent for more than 180 days of a stretch and he ceased to be an agent as referred above and he was also not entitled for any allowances under rule 8(3).

9. That the contents of para-6(IV) of the petition are not correct as stated, hence denied. It is submitted that the petitioner was not entitled for allowances for the period 15-9-83 to 27-5-1987 under the provisions of rules mentioned in foregoing paragraphs.

10. That the contents of para-6(V) of the petition are admitted to the extent that the petitioner preferred an appeal against the order dated 27-5-1987 which was rejected.

11. That in reply to the contents of para-6(II) of the petition, it is submitted that the petitioner's appeal dated 26-6-87 was rejected vide order dated 3-7-1987 on merits of the case and the applicant was not entitled for allowances for the period, he remained on unauthorised leave/absence.

12. That in reply to the contents of para-7 of the petition, it is submitted that in view of the facts and reasons mentioned above, the applicant is not entitled for any reliefs as claimed in para under reply and the petition is devoid of merits and liable to be dismissed with costs.

13. That as the petitioner has failed to prove any prima facie case in his favour, no interim relief can be granted by this Hon'ble Tribunal at this stage as claimed in para-8 of the petition.

14. That the contents of para-10,11,12 and 13 of the petition are the matters of record and as such needs no comments.

I, the deponent abovesigned do hereby

verify that the contents of paras_____ of this affidavit are true to my personal knowledge; those of paras_____ are based on report and those of paras_____ are based on log, to which I believe to be true; that to part with it is false and nothing should be done to help it.

Deponent

I, B.S. Shrivastava, Clerk to Shri K.C. Sinha, Advocate, Bar to be, attached do hereby declares that the person making this affidavit and alleging himself to be the same is known to me from the personal of papers.

Clerk

Voluntarily affirmed before me on this_____th day of March, 1938 at_____am/pm by the deponent who has been identified by the aforesaid Clerk.

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

OATH COMMISSIONER.

.....

B³²

Postmaster of Post Office,
No. 11.

Subject: Postmaster, No. 11.

Subject: The institution of forced absence
from duty.

Sir,

With due respect, the appellant pr. to submit
the following for kind perusal and necessary action.

- 1) That the appellant was employed as PM Packer at
Lalganj from 2.6.1977.
- 2) That on 11.1.82 the appellant proceeded on leave
on medical certificate and due to the nature of
illness remained on leave upto 15.9.83. The
appellant had provided a substitute on his responsi-
bility.
- 3) That the appellant was not permitted to join after
expiry of leave and on production of fitness
certificates. The Postmaster Lalganj did not take
any necessary action according to the ID service
rules for his dismissal. It was only after the inter-
vention of SPO's the Ranchi that action for dismissal
was initiated vide Charge Sheet dt. 7.1.85
(after more than one year). The ensuing case too
continued more than two years. Finally on 27.3.87 the
appellant was exonerated and permitted to resume
duty.
- 4) The appellant feels that :-
 - a) The final order of PM Lalganj exonerating the
appellant No. 7/11/84-85 on 27.3.87 is
incomplete because his consideration has not been
made of financial loss of the appellant who was
unintentionally forced to sit idle for more than
one and half years.
 - b) That the appellant was put to unnecessary financial
loss and mental harassment or deliberated and
high handed action of the then Postmaster Shri
S.C. Singh.
 - c) That the appellant has been forced to forego
opportunities of promotion viz. recently held
examinations for departmental packer and postman.
It may be mentioned that being a graduate of
should create the appellant had considerable
chances of success.

(Contd....2)

1/14/11
1353

(2)

- 5) As such this appeal is submitted for committing
suitable institution for the ill and
infirm and injustice of the then Postmaster
General.
- 6) The applicant intends to initiate civil action
in suitable court of law, if no satisfactory
action is taken by the department and therefore
request you to kindly take suitable measures to
preserve relevant documents of the case.

Yours faithfully,

S. L.

(Maj Kumar Doshi)

Postmaster.

Malabar Road Post Office,
Mysore.

20.5.11
The applicant

1/14/11
1353

OFFICE OF THE
POSTMASTER
S. No. 1353
Date 1/14/11

1353

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भारतीय डाक विभाग

प्रेषक :

अधीक्षक डाकघर,
रायचरेली-229001.

सेवायें

श्री राज कुमार धोडो
डीडी0 फेर लातगंज -
प्रधान डाकघर, रायचरेली ।

1490

तं0- 2-218/घ0-11 स्थान रायचरेली दिनांक 9.7.87

विषय :- पुट आफ अवधि का भत्ता ।

तंदर्थ :- आपकी अपील दि0 26.6.87.

आपको आपकी उपर्युक्त अपील के तंदर्थ में सूचित करना है कि विभागीय नियमानुसार आपको कार्य पूरक की अवधि का कोई भी भत्ता देय नहीं होगा ।

अधीक्षक डाकघर,

रायचरेली मण्डल-229001.

राय प्रदीप
प्रमाणित
22.07.87

24/87
88/363
DIRECTOR
RAIPUR
10.0.0

1671 1672

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH: LUCKNOW.

NO. CAT/CB/LKO/IRDL

TA 127/92 T.L.

DATE: 26/6

REGISTRATION NO. 252 OF 1988 (L)

Raj Kumar

Applicant

VERSUS

U.O. 9 & ORS

Respondent

Raj Kumar E.D. Bicker, Head Post office
Balgang, Raibareilly.

K.C. Sinha, Adv., C.A.T., 23-A, Thornhill
Road Allahabad.

Please take notice that one applicant above named has presented
an application a copy of _____ thereof is enclosed herewith which
has been registered in this Tribunal and the Tribunal has fixed 28
day of 8/92 to show cause as to why the petitioner be not admitted.
Counter may be filed within _____ weeks. Rejoinder, if any, to be
filed within _____ weeks thereafter. On 28.8.92, for
file Rejoinder.

If, no appearance is made on your behalf, your pleader or by some
one duly authorized to act and plead on your behalf in the said app-
lication, it will be heard and decided in your absence. Given my
hand and the seal of the Tribunal this 25 day of 6 1992.

FOR DEPUTY REGISTRAR

CL

reg'n/-