

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 282 OF 1988

NAME OF THE PARTIES Kripal Singh

.....Applicant

Versus

.....Union of India.....Respondent

Part A, ~~B & C~~


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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.. 29/11/2011..

Counter Signed.....


Section Officer / In charge


Signature of the
Dealing Assistant

ANNEXURE -A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE 722 of 19 88

NAME OF THE PARTIES

Ksibal Singh

Applicant

Versus

L. C. I.

& Respondent

Part A, B & C

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आदेश पत्रक
ORDER SHEET

(A1)

अपील
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application Register
Appeal

DA 282-28.

अपील अनिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

Appellant
Applicant

प्रत्यर्थी द्वारा
Respondent

Krupal Singh

Vs.

प्रत्यर्थी

Respondent

Union of India

आदेश की क्रम संख्या
और तारीख
Serial number of
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of compliance

18/2/88

Mr. D. S. Sharma, Jm.
Mr. S. S. Sharma, Jm.
Deputy Commr.

Adm. Insp. India. CA.

2. Rm. he exchanged before

DR

O/R. for notices are dated 22/3/88

IP 21/3/88 कोर्ट में नोटिस वापस आये 22/3

अमे ही 13-4-88

10/4/88 DR

no one appears for the respondents
Reply may be filed by 13.5.88

27-1-89

for

(A2)

GA 202-003

As already ordered, this case to Circuit Bench Lucknow
fixing 24.2.89

24/2/89

DR

for

As already ordered on 2-12-88 & 27-1-89
send this case to Circuit Bench, Lucknow.
fixing on 28-3-89.

for DR(J)

10/3/89

D.R

This file has been received from
C.A.T Allahabad Bench. The case
is put up before Deputy Registrar
on 28-3-89.

28/3/89

DR

for

Vakalatnama of Shri Boem Chandra
Rastogi Adv. filed today on behalf
of applicant. As the presiding officer
is not present, the case is adjourned
to 24/4/89

Boe
for

OR

Counsel for applicant
has not filed any rejoinder
so far.

Submitted for orders

for
21/4

A3

O.A. No. 282/89(28)

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

6/8/89 Shri P.C. Rastogi learned counsel for the applicant and Shri Dinesh Chandra, learned counsel for respondents are present. Counter affidavit on behalf of respondents No. 3 file today, keep on record. Learned counsel for the applicant desires time to file rejoinder. Let rejoinder be file within three weeks hereof, and fix the case on 1-11-89 for hearing.

J.M.

(sns)

SL
R.A. filed today
19/8

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

1/11/89 No division bench is sitting. List this case on 18-1-90 for hearing.

J.M.

(sns)

10/11/90 No sitting of D/B. Adj to 34.90. Both the counsel are present. On the request the date was fixed.

L
B.sc

OK
Case ready
heavy
S.F.H

4/4/90

Hon. Justice K. Nath, V.C.
Hon. K.J. Ramani, A.M.

To the adjournment application of the applicant, the case is adjourned to 7/8/90
W.S.A
A.M
J.M.
V.C.

SL

7-8-90

No sitting. Adj. to 30/8/90

Bps

5/11/90

Disc. to holder. Adjourned to 20-12-90
J

18-3-88.

Dismal

(24)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 282 of 1988

APPLICANT (s) Kripal Singh

RESPONDENT(s) Supdt, Post, Bank & 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 6 sets 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 ?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes

(15)

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?
11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
- (a) Identical with the original ?
- (b) Defective ?
- (c) Wanting in Annexures
- Nos...../Pages Nos..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ?
14. Are the given addresses, the registered addresses ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item No. 6 of the application ?
- (a) Concise ?
- (b) Under distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?

Photo Copies filed.

Yes

Yes

N/A.

Yes

Yes

Yes

-

-

No

Yes

Yes

N/A

Yes

Yes

Yes

Yes

Yes

Yes

19. Whether all the remedies have been exhausted.

If approved, the Case may be listed
on. 18/3/88

See 10/3/88

Submitted by
V. Chandu
10/3/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

...

(AB)

O.A.No.282/88

Date of Order: 22nd Oct., 1991.

Kripal Singh - Applicant.
Mr.P.C. Rastogi - Counsel for the Applicant.
Vs.

U.O.I. - Respondents.
Mr. D. Chandra - Counsel for the Respondents.

CORAM:

1. The Hon'ble Mr. Kaushal Kumar - Vice Chairman.
2. The Hon'ble Mr. S.N. Prasad - Member (Judl.)

Mr. Kaushal Kumar, Vice Chairman.

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order of dismissal passed by respondents on 25/3/1987 filed as Annexure A-V and has claimed all consequential benefits vide para (ii) of the relief clause 7.

2. The learned counsel for the respondents has produced a copy of the order dated 21/2/1991 whereby the applicant has been reinstated in service. The order dated 21/2/1991 is extracted below :-

"Whereas Sri Kripal Singh Ex. Postal Assistant Barabanki H.O. was convicted on a criminal charge under section 396 of IPC vide judgement order dated 8/1/87 passed by special judge Barabanki.

And whereas the order of dismissal of the said Sri Kripal Singh from service was issued vide this office memo of even no. dated 25/3/87.

And whereas the operation of the conviction order dated 8/1/87 passed by Special Judge Barabanki against the said Sri Kripal Singh has been ordered to be suspended by Hon'ble High Court Lucknow bench order dated 27/7/90 on criminal appeal No.50 of 87.

Now, therefore, the undersigned hereby reinstates

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O.A.No.282/88

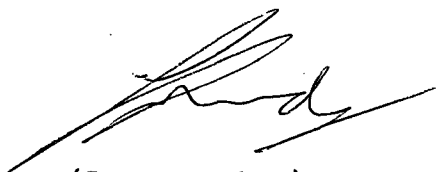
the said Shri Kripal Singh in service and allow to work as P.A. Barabanki H.O. with immediate effect. Further action in this regard will depend on final decision/judgement of Hon'ble High Court Allahabad.

sd/
Supdt. of Post Offices,
Barabanki Dn., Barabanki-225 001".

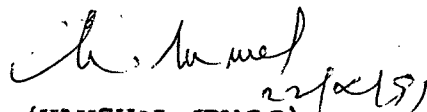
3. The learned counsel for the applicant concedes that the O.A. has become infructuous in view of the order dated 21/2/1991 referred to above. However, he presses for grant of consequential benefits.

4. Having heard both the learned counsel, we dismiss the application as having become infructuous but direct the respondents to consider the matter regarding consequential benefits in accordance with rules and law on the subject after the appeal against conviction pending in the High Court is finally disposed of.

Parties to bear their own costs.



(S.N. PRASAD)
MEMBER (JUDL.)



(KAUSHAL KUMAR)
VICE CHAIRMAN.

CA 8

APPLICATION UNDER SECTION 19 OF ADMINISTRATIVE TRIBUNAL
ACT, 1985.

FILED ON 9.3.1988.

Registration No. of 1988.

Signature of D.R.(J).

In the Central Administrative Tribunal, Allahabad-1.

Between

Kripal Singh Applicant.

AND

(1) Supdt. Posts Barabanki

(2) D.P.S. Lucknow. Respondents.

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R. K. TEWARI

R. K. TEWARI

Advocate

154, Puri, Karam Nagar

(K. M. Road)

Allahabad-16

कृपालीसिंह

Reg No 282 of 1986

Administrative Tribunal

Benches at Allahabad

10/3/88

Date of receipt
by Post

18/3/88

By Registrar - 2 -

10/3/88

(19)

Filed on 14/3/88
and noted for 18/3/88

R. Tewari

10/3

Details of Application

1- Particulars of the Applicant :-

(i) Name of the Applicant KRIPAL SINGH

(ii) Father's Name Shri Jangli Prasad

(iii) Designation & Postal Asistant Barabanki Head Post Office

Office in which employed

(iv) Office Address

(v) Address for service Vill. Siswara, P.O. Nasirnagar, via Masauli

of all notices District Barabanki

2- Particulars of the Respondents :-

(i) Name &/Or Designation (1) Supdt. Posts Barabanki

(ii) Official Address (2) D.P.S. Lucknow

(iii) Address for service
of all notices

(3) Union of India through the Secretary
Ministry of Communications, Government of India
New Delhi - 1.

Amended copy of order
of Hon'ble Tribunal dated
9/5/89 P. Kashyap
10/7/8

3- Particulars of the order against which application is made :-

(i) Order No. B/PP/Kripal Singh } RDL/APP-55/87/13

(ii) Date 25-3-87 } at P20 20-6-87

(iii) Passed by Supdt. Posts Barabanki D.P.S. Lucknow

(iv) Subject in brief Dismissal from Services

4- Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order against which he wants redressal is 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 :-

R. Tewari

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(A10)

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(1) The applicant is a permanent Postal Assistant at Barabanki Head Post Office in Barabanki Postal Division. He was awarded the punishment of Life Imprisonment Under Section 396 I.P.C. by the learned Special Judge Barabanki vide his order dated 8.1.1987 in Sessions Trial No. 67. The applicant preferred an appeal against the said order in the High Court of Judicature at Allahabad (Lucknow Bench) and also prayed that till the finalisation of his said appeal the operation of order dated 8.1.1987 may kindly be stayed. The stay application was moved on 11.3.1987 vide copy appended herewith as Annexure marked A-I on pages 11 to 13. The Hon'ble High Court was pleased to ^{acceded} ~~accused~~ to the request of the applicant vide their order dated 13.3.1987 Annexure 'A-II' on Page 14. The applicant kept the learned Superintendent Posts Barabanki (Respondent No.1) informed of the full facts with its latest developments. The learned Respondent No.1 served the applicant with a show cause notice dated 2.3.1987 (Annexure 'A-III') on page 15 as to why a ^{major} ~~infer~~ penalty may not be imposed upon the applicant. The applicant submitted his representation on 18.3.1987 vide copy as Annexure 'A-IV' on page 16 to 19. But the learned Respondent No.1 was not satisfied with the representation ^{is} submitted by the applicant.

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and he dismissed the applicant from services vide his impugned order No. B/PF/Kripal Singh dated 25.3.1987 at Annexure 'A-V' on page 20. The applicant preferred an appeal to the learned D.P.S. Lucknow (Respondent No.2) on 23.4.1987 against the said order of dismissal. A copy of the said appeal is appended herewith as Annexure 'A-VI' on pages 21 to 25. The learned Respondent No.2 was pleased to uphold the dismissal order passed by the learned Respondent No.1 and he rejected the appeal vide his order dated 30.6.1987 Annexure 'A-VII' on pages 26 to 27. Hence the applicant is submitting this application before the Hon'ble Tribunal.

(ii) While seeking stay of the operation of the order dated 8.1.1987 passed by the learned Special Judge Barabanki the applicant had stated in paras 3 and 4 of his affidavit (on Page 12 of Annexure 'A-I'). "That on account of the deponent conviction and sentence of life imprisonment under Section 396 I.P.C. the Superintendent Post, Barabanki has issued a notice under Rule 19 of CCS.(JCA) Rules to show cause, why he be not dismissed.

"That the Hon'ble High Court has granted

R. Tewari

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bail to the applicant on ^{merits} ~~merits~~. There is every likely-hood of the appeal being allowed and the applicant ^{being} ~~during~~ acquittal ^{ed} as there are good grounds for the same.

"That it is very necessary in the ends of justice that the order appealed against him be suspended or else if he is dismissed from ^{Service} ~~in justice~~ he will suffer irreparable loss which would cause him and his family in distressive st ~~st~~arvatory condition."

From the above, three things are distinctly clear and they are : -

- (a) That the applicant's appeal had already been admitted by the Hon'ble High Court and that he was also granted bail on merits.
- (b) That the learned Superintendent Posts Barabanki ^{has} ~~he~~ served the applicant with a show cause notice as to why he may not be dismissed from service because he had been awarded the punishment of Life Imprisonment by the learned Special Judge Barabanki. The said application dated 11.3.87 had been submitted by the applicant before the Hon'ble High Court simply for one specific

Rufewari

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A(13)

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request that the order dated 8.1.1987 may not operate in causing the dismissal of the applicant which would bring him and his family distress and starvation and.

(c) In consideration of all these facts the Hon'ble High Court had passed their order dated 13.3.1987 (at Annexure A-II on Page 14) that order dated 8.1.1987 shall remain suspended till the pendency of the appeal.

(iii) ~~misinterpreting~~ Misinterpreting the said orders of the Hon'ble High Court, the learned Respondent No.1 has passed the dismissal order and the learned Respondent No.2 ^{on p. 27} has upheld that dismissal order stating in para 4 "A close reading of the order-s passed by the Justice Hon'ble K.Nath himself ^{under} ~~order~~ dated 13.03.1987 would show that the appellant's contention is not correct. The Hon'ble Judge had stayed only the operation of the judgment order of the Special Judge, Barabanki or in other words its logical cause leading to imprisonment on criminal stage in dispensation of criminal Justice. The stay will not by any stretch of imagination extend to the order of dismissal issued by the appointing authority who ~~had based his decision (and had also made the basis in his order of dismissal~~

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issued by the appointing authority who had based his decision (and had also made the basis in his orders of dismissal dated the 25.3.87) on the conduct of ~~the~~ the appellant which had led to his conviction under Section 396 of I.P.C. and as such conduct would make the appellant's further retention in public service undesirable."

(iv) From the above orders passed by the learned Respondent No.2 *Two* things are made clear.

(a) That the orders passed by the Hon'ble High Court on 13.3.87 is to remain confined to imprisonment on criminal charge in dispensation of criminal justice.

(b) That the order of dismissal was passed on the conduct of the appellant which had led to his conviction under Section 396 I.P.C.

(v) In this connection it may be mentioned that as far as IV(a) is concerned the order dated 22.1.1987 passed by the Hon'ble High Court through which the applicant had been granted bail, no doubt, had been confined to imprisonment on criminal charge in dispensation of criminal justice. The present order dated 13.3.1987 is definitely more than that.

(vi) As far as IV(b) is concerned the misconduct on the part of the applicant for which the dismissal order has been passed was established by

R. Tewari

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the learned Special Judge Barabanki vide his order dated 13.3.87 passed in ~~S.T.No.~~ ³⁹⁶ S.T.No. 67/86 State Vs. Gajraj Singh and others U/s ~~306~~ ³⁹⁶ I.P.C. And an appeal ~~against~~ ^{against} that order has already been admitted by the Hon'ble High Court (Lucknow Bench) and it is they who have stayed the operation of orders dated 8.1.1987 passed by the learned Special Judge Barabanki in every respect.

(vii) In other words suppose the order of dismissal is allowed to stand and suppose after 2-3 years the appeal pending before the Hon'ble High Court is allowed in full. The applicant would ⁿ become entitled to put back to duty from the very date of his dismissal, ^{which is not practical.} Further suppose he is granted monetary compensation for that but how the distress and starvation which the applicant and his family members would suffer for all these years will be compensated? The proper education of ~~the~~ ^{the wards} ~~wards~~ of the applicants which will be neglected thereby can never be compensated. In consideration of all these facts alone the Hon'ble High Court passed the stay order of suspension of the orders dated 8.1.87 passed by the learned Special Judge Barabanki twice, ^{once} ~~one~~ on 22.1.1987 and next on 13.3.87. As such to interpret the orders passed by the Hon'ble High Court on 13.3.1987 in the manner in which the learned Respondent No.2 has done would clearly amount to a Contempt of Court.

7. Reliefs sought for -

In view of the facts narrated in para 6 above the applicant prays for the following reliefs:-

R. Tewari

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(1) That the impugned punishment order of dismissal passed by the learned Respondent No.1 vide his No.3/PF/Kripal Singh dated 25.3.1987 (at Annexure 'A-V on page 20), and the appellate order dated 20.6.87 (at Annexure A-VII on page 26 to 27) passed by the learned Respondent no.2 may both be set aside.

(ii) The applicant's services may be restored retrospectively from ^{the} date from which he had been dismissed with all consequential benefits.

(iii) He may be allowed the cost of this suit together with all other benefits deemed fit by the Hon'ble Tribunal.

8. Interim order if any prayed for

As the appellate order is apparently misconceived the applicant may be allowed to be taken to duty (of course with conditions as deemed fit by the Hon'ble Tribunal) till the finalisation of this application.

Rufewari

सुप्रीम

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8- ~~Interim order~~, if prayed for ~~N I L~~

9- Details of the remedies exhausted

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

He preferred an appeal on 25-4-87 to D.P.S Lucknow who rejected the same vide his order dated 20-6-1988 at Ann. A VII on Pages 26 to 27.

10- Matter not pending with any other court etc. :-

The applicant further declares that the matter regarding which this 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 the Postal Order in respect of the application fee :-

(i) No. of I. P. O. DD5/531297

(ii) Name of Issuing P. O. Allahabad H.P.O.

(iii) Date 29-2-88

(iv) P. O. at which payable

Allahabad H. P. O.

Removed
8
10-3-88

12- Index- An Index of the documents to be relied upon is enclosed with each copy of this application

13- List of enclosures :-

(i) Vakalatnama

(ii) one I. P. O. for Rs. 50/-

(iii) Seven documents to be relied upon

In Verification

I, Kripal Singh

S/O Shri Jangli Prasad

aged 33

years R/O Vill. Siswara P.O. Nasirnagar and working as Ex P.A. H.O. do hereby
Dist. Barabanki Barabanki
verify that the contents from 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

Place- Allahabad

Date 9-3-88

To

The Registrar, Central Administrative Tribunal,
Allahabad-211001

कृपाल सिंह
Signature of applicant

R. K. TEWARI

Advocate

154, Pursottam Nagar

(K. L. S. S. S.)

Allahabad-16

(418)

Annexure A-I

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LU KNOW BENCH), LUCKNOW:

Crl. Misc. Appn. No. 281 of 1987

Intro:

Crl. Appeal No. 60/87

Gajraj Singh & othersAppellants.

vs.

The State of U.P.Opp. Party.

Kripal Singhapplicant-appellat.

vs.

The State of U.P.Opposite party.

Application u/s 389 Cr.P.C. for suspension
of Order appealed against dt. 8.1.1987.

For the facts and reasons as given in the
accompanying affidavit, it is most respectfully prayed
that the Hon'ble Court may kindly be pleased to suspend
the order dt. 8.1.1987 passed as S.T.NO. 67/86 (State vs.
Gajraj Singh & others u/s 386 I.P.C.) by the learned Special
Judge, District.

Lucknow Dated:-
11-3-1987



sd/-P.C.Rastogi

(P.C.RASTOGI)

Advocate

Counsel for the Appellant

TRUE COPY

R. P. Tewari

(R. P. Tewari)

sd/- Kripal Singh

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

Crl. Misc. App. No. /87
Affidavit in support of

Appeal No. 60/87

Gajraj Singh & Appellants.

Vs.

State of U.P. Opp. Party.

Kripal Singh Applicant-Appellant.

Vs.

The State of U.P. Opp. Party.

AFFIDAVIT

I, Kripal Singh, (deponent), aged about 33 years
o/o Jungli, resident of village Siswara, P.S. Nagauli, distt.
Barabanki, do hereby solemnly affirm and state on oath as under:

1. That the deponent is one of the accused/appellants in Crl. Appeal No. 60/87, pending in the Hon'ble High Court.
2. That the deponent was posted as Postal Assistant in the Head Post Office at Barabanki. He was suspended in view of his implication in the Sessions case.
3. That on account of the deponent's conviction and sentence of life imprisonment under section 396 I.P.C., the Superintendent of Post Office, at Barabanki Division, Barabanki has issued a notice under rule 19 of C.C.S. (Classification Control & Appeal Rules) to show cause, why he be not dismissed.

That the Hon'ble High Court has granted bail to the applicant on merits. There is every likelihood of the appeal being allowed and the applicant during request as there are good reasons therefor.



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6. That it is very necessary in the ends of justice that the order appealed against him be suspended or else, if he is dismissed from injustice, he will suffer irreparable loss which would cause him and his family in distressive starvatory condition.

Lucknow Dated:-
11.3.1987.

sd/-Kripal Singh.
DEPONENT

Verification

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

Lucknow Dated:-
11.3.1987

sd/-Kripal Singh
DEPONENT

I identify the deponent who has signed before me.

sd/-P.C.Rastogi
ADVOCATE.

Solemnly affirmed before me on 11.3.87 at 830 A.M./P.M. by Kripal Singh the deponent who has been identified by Sri P.C.Rastogi, Advocate High Court Lucknow.

I HAVE fully 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.

sd/-Kripal Singh.



TRUE COPY
Blm 10/13/4/07
Section Officer
Copy to be submitted.
High Court, Lucknow Bench.
11/3/87

(A2)

LUCKNOW BENCH, LUCKNOW.

1n-ro

UFL Appeal No. 50 of 1957.

2. Kripol Singh,) E/o S20050,

P.S. Macauli, Diett, Borobanki.

9. Kondhoo Lal, aged about 70 years) none of Address B/U

4. Pechoo, aged about 45 years.) Poweriya Bad P.O.

5. Chet Ren, aged about 15 years son of Dieth. Nordbom

Kolico, F/O Powaiyabod.

... Appollonto.

(In JO22)

Vorrede

The State of U.P.

Opp. Post Doc.

Criminal Appeal against the judgment and order dated 8.1.1987 passed by Sri K.S. Mier, Sessions Judge, Barabanki in S.T. No. 67 of 1986, U/S 50 I.P.C. Crine No. 75 of 1985 P.S. Macauli District, Barabanki.

Enrollment Date 12.3.1967.

Hon'ble K. N. Raju

Non-120 K. N. 2000
 आदेशों का अंतःकरण। जो कि वे रक्त के
 आलस में आसानीसे और आदेश दिनांक 22-1-87 के
 अंतर्गत पत्राचार के अंतर्गत पत्राचार में अंतर्गत पत्राचार
 सिद्ध हो। वे रक्त के अंतर्गत पत्राचार द्वारा सिद्ध हो।
 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816

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Section Officer

Copying Department

High Court, Luceno

DO YOU KNOW

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R. K. Tewari
(R. K. Tewari Adv.)

A22

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Annex A-III
Govt. of India
Department of Post.

O/O The Supdt. of Post Offices, Barabanki Dn, Barabanki-1.
Memo No:- B/PP/Kripal Singh, dt. at BSK the, 2-3-1967.
....

Whereas Sri Kripal Singh P/A Barabanki HO (U/S) has been convicted on a criminal charge under section 396 of IPC and has been awarded a sentence of imprisonment for life by Special Judge, Barabanki.

And whereas, the undersigned proposes to award an appropriate penalty under rule 19 of CCS (CCA) Rules, 1965, taking into account the gravity of the criminal charges.

And whereas before coming to a decision about the quantum of penalty, Shri Kripal Singh, P/A was given an opportunity of personal hearing to explain the circumstances, why penal action should not be taken against him in pursuance of the provisions of Rule 19, ibid.

And whereas on a careful consideration of Inquiry Report (copy enclosed), the undersigned has provisionally come to the conclusion that the gravity of the charge is such as to warrant the imposition of a major penalty and accordingly proposes to impose on him, the penalty of dismissal from Service.

Now, therefore Shri Kripal Singh is hereby given an opportunity of making representation on the penalty proposed above. Any representation, which he may wish to make against the penalty proposed, will be considered by the Undersigned. Such a representation, if any, should be made in writing and submitted, so as to reach the undersigned not later than fifteen days from the date of receipt of this memorandum by Shri Kripal Singh, P/A Barabanki HO.

The receipt of the memo should be acknowledged.

TRUE COPY

(A. A. SIDDHUI)
Supdt. of Post Offices,
Barabanki Dn, Barabanki-225 001.

Copy to official concerned by Regd A/D Post.

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Annexure A IV

Postal Officer,
Postal Assistant (Senior Correspondence)

To

THE SUPERINTENDENT OF POST OFFICES
DARABANKI DIVISION,
DARABANKI-124 001

Ref: No. D/W/Postal Stamp dated 2.3.57.

o o o o o

Sir,

Reference your letter dated 2.3.57 received by the petitioner, it is respectfully submitted that the proposed penalty of Rs. 1000 do kindly not imposed upon the petitioner in view of facts and law as stated hereunder:-

(1) That the petitioner, Kripal Singh has been falsely implicated in the Criminal Case under Section 303 of the Indian Penal Code along with his other family members and relations on account of caste.

(2) That the conviction of the petitioner under Section 303 of the Indian Penal Code in Sessions Trial No. 07/1953 by the Special Judge, Darabanki and sentence of life imprisonment imposed upon him are against law and facts, and so that the applicant is entitled to be released.

(3) Since the applicant has filed an appeal against the judgment and order of the Special Judge and the applicant has been granted bail.

(Signed: ...)

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case has been finally decided, the penalty of dismissal merely on the alleged conviction should not be imposed.

(6) That the petitioner has shown in his appeal :-

(1) That the petitioner had no motive to lose and commit murder of Dherat the father of Amar Singh witness or anybody else. On the other hand Amar Singh and his family members had motive to implicate the petitioner, for he is the close relation of Kanchal Lal who had complained to the S.P. Deraonkhal, that Dherat Singh his son Ramiah and his wife were torturing his daughter and there was risk to her life and they were not allowing her to go to her parents. The Sub-Inspector - P.H. Deraonkhal of Police-Station Hissaul got the matter settled and the girl was allowed to his parents. The copy of the said report is Annexure-1. The petitioner and his brother Chaudhary "BARKH" of Kanchal Lal have been falsely implicated, so that they may not be even able to take "police" in behalf of Kanchal Lal accused and his brothers.

(2) That the P.I.R. does not notice that the residents of the house had seen the applicant and other known persons as the doers of the crime.

It is stated in the P.I.R. that several village people including Sanchal, Sri Mahan, Dhanu, Ram Pularey, Jadhawan Singh and Ram Lal Verma had seen and recognized the applicant

-18-

of D 10

(A25)

and also politicians. But not one has come forward to state on oath that the accused were the persons who had committed the crime and murder in the above offences and there is no independent evidence.

(iii) That had the author of the First Information Report Amar Singh o/o Dargat deceased, his brother Ramch and Sgt. Maharaja seen the applicant amongst the accused, they would have stated so before the police and Amar Singh would have clearly stated in the First Information Report that he, his brother and mother - Sgt. Maharaja had seen the applicant and recognised him. Rather the P.S.D. mentioned that village people the officers of the village of Sanyasara had recognised the culprit, and yet they have not come forward to support their evidence. There is no independent evidence in this case.

There is a detailed P.S.D. in this case. It is stated that Amar Singh, Sgt. Maharaja and Ramch had recognised the applicant and on the same reason he had and that he had in the district would not have been missed.

(iv) That this case is fully covered by the facts of the case of P.S.D. A. Chandra ... No ... The ... of ... reported in ... Police ...

... (Note: Copy of the ...)

... (Note: ...)

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10 10
(176)

someone stated above it is not proper and just
that Your honour waits for the result of appeal
and notice is discharged for the present.

(7) That attention of your honour is humbly drawn
to the above facts. It would appear from the facts
that the prosecution case against the petitioner
is false and not proved by any reliable evidence.
It is neither proved on facts or in law and the
petitioner certainly likely to be acquitted. Hence
under these circumstances when the appeal is
pending and conviction is not yet final- the penalty
should not be imposed, his suspension itself suffi-
cient punishment.

The Government Instructions on Rule-10(1) of
C.C.S. (Classification, control and appeal) Rules say
that the fact and circumstances of the case in which
the employee is convicted and sentenced must be
kept in view, it is not necessary that in every case
in which trial Court has convicted, the order of
dismissal should be passed.

IN RESPONSE, it is humbly prayed that in view of
the facts and reasons above, Your Honour may kindly
be pleased not to dismiss the petitioner and the notice
may kindly be discharged.

Darabanki Dated,
March 18/3, 1937.

(KRIPAL SINGH)
Postal Assistant (Under
suspension) Head-Post Office,
Darabanki.

TRUE COPY

R. G. Tewari Adv.

-20

Annexure A V

(A27)

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATION
DEPARTMENT OF POSTS

LETTER OF THE SUPR. OF POST OFFICE BARABANKI NO. BARABANKI-225001

....

OLD NO. 147/Kripal Singh, dated at BIL the 2-9-57.

Whereas

Whereas Sri Kripal Singh, Postal Assistant Barabanki HO (U/s), has been convicted on a Criminal charge, under Section 396 of I.P.C.

And whereas it is considered that the conduct of the said Sri Kripal Singh, Postal Assistant Barabanki HO (U/s), which has led to his conviction is such as to render his further retention in the public service undesirable.

And whereas Sri Kripal Singh, Postal Assistant Barabanki HO (U/s) was given an opportunity of personal hearing and offer his written explanation.

And whereas, the said Sri Kripal Singh has given a written explanation, which has been duly considered by the undersigned.

Now, therefore, in accordance of powers conferred by Rule 19 (2) of the Central Civil Services (Classification, Control & Appeal) Rules, 1955 the undersigned hereby directs the said Sri Kripal Singh, Postal Assistant, Barabanki HO (U/s) from service with effect from the date of issue of this order.

Signature
Capt. of Post Office
Barabanki Sub-Post Office-225001

Copy to:-

- 1. The official concerned.
- 2. The Postmaster Barabanki.
- 3. The Secy. of the Circle.
- 4. The Secy. of the Div.
- 5. The Secy. of the Div.
- 6. The Secy. of the Div.
- 7. The Vigilance Officer, O/A Div. of Circle, Lucknow.
- 8. The Secy. of the Div.

TRUE COPY
Signature
(R. L. Tewari Advo.) 9/3/58

42
Annexure A VI

(A72)

The Director Postal Services,
Lucknow Region, Lucknow.

Subj: Appeal against the order of Supdt.
Post Office Barabanki imposing the
penalty of disqualification from service
on Kirpal Singh, Postal Assistant
Barabanki vide Memo No. B/PV/Kirpal
Singh dated 23.3.87 delivered on
1.4.87 (copy enclosed as Annexure A.)

Received copy
De 23/4/87

Sir,

The above named appellant begs to submit
as under :-

Received copy
15/4/87

1. That facts of the case in brief are that the
Hon'ble appellant was working as Postal Assistant
Barabanki. Sarva Shri Kamdhari Lal and Bharat Singh
were related to the appellant. The daughter of Shri
Kamdhari Lal was married to son of Shri Bharat Singh,
Shri Ramchandra Chandra. The relation between Ramchandra
Chandra and his wife was ^{strained} strained after about
3 years and therefore a Panchayat was held at the
residence of Shri Bharat Singh, the appellant being a
relative of both the parties was also requested
and taken for participation in the said Panchayat.
According to the decision of Panchayat Shri Bharat Singh

- 22 -

(A29)

Shri Anand Singh son of Kharat Singh who for many days lodged Police in Police Station Macauli on 27-9-05 alleging therein that Shri Kharat Lal accompanied with appellant, his brother Gajraj Singh, Panchu Ram and Chhot Ram entered the house of Kharat Singh during the night of 25/27-9-05 and murdered about the daughter of Kharat Lal. On arrival one of the boys person shot Shri Kharat Singh who died at the spot. Other family members also sustained injury. It was also alleged that the entire material was also looted. The Police Commissioner registered the case under section 300 I.P.C. and after enquiry submitted charge sheet. Copy of Police is attached as Annexure 'B'.

3. That the appellant and others were tried in the court of Special Judge Barabanki and the appellant and others were convicted under section 302 of the I.P.C. Copy of judgment is attached as Annexure 'C'.

4. That the appellant and others were tried in the court of Special Judge Barabanki and the appellant and others were convicted under section 302 of the I.P.C. Copy of judgment is attached as Annexure 'D'.

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- 3 -

A30

holding skeleton enquiry. Copy of show cause notice is attached as Annexure 'E'.

6. That on the receipt of show cause notice the appellant further moved an application in Hon'ble High Court Lucknow on 11.3.87. Copy attached as Annexure 'F'. In the affidavit and appeal it was categorically stated that the application was filed for the reasons that S. Post Barabanki has proposed penalty of dismissal on the basis of judgment of special judge. It was prayed that the order of conviction be suspended. Copy enclosed as Annexure 'G'.

7. That the Hon'ble High Court passed orders on 18.3.87 that the order of conviction passed by Special Judge, Barabanki is suspended during the pendency of the appeal, pending in the Hon'ble High Court. Copy enclosed as Annexure 'H'.

8. That the appellant submitted representation to show cause notice attaching the copy of Hon'ble High Court and prayed that the grounds on which punishment of dismissal was proposed do not exist now as the Hon'ble High Court has suspended the conviction order. The Supt. of Post Office Barabanki did not consider the representation with open mind and imposed the penalty of dismissal. The appeal is therefore submitted on the following grounds:-

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(1731)

GROUND OF APPEAL :-

1. Because the grounds on which the show cause notice was issued and dismissal order was passed did not exist on the day on which order of dismissal was passed. The Supdt. of Post Offices did not act judicially.

2. It may be submitted that when the Hon'ble High Court has stayed the operation of order of the conviction there was no conviction in the eye of law. The perusal of show cause notice will show that the punishment of dismissal was proposed ~~merely~~ merely on the ground that the appellant was convicted under section 396 I.P.C. The appellant thereafter submitted an application in the Hon'ble High Court, submitting therein as under :-

"For the facts and reasons so given in the accompanied affidavit, it is most respectfully prayed that the Hon'ble High Court may kindly be pleased to suspend the order dated 8.1.87 passed in S.O. No. 67/86 (State Vs. Gajraj Singh & others under section 396 I.P.C.) by the learned Special Judge, Barabanki." This application was moved on 11.3.87. The affidavit contains following facts in para 3 - 9. That on account of dependent's conviction and sentence of life imprisonment under section 396 I.P.C. the Supdt. Post Offices at Barabanki Division, Barabanki has issued a notice under rule 19 of C.C. (Classification Control and Appeal Rules

25-

- 5 -

A32

to show cause, why he be not dismissed."

□ Para 4-That the Hon'ble High Court has granted bail to the applicant on writs. There is every likelihood of the appeal being allowed and the applicant being acquitted as there are good grounds for the same."

Thus there is no conviction order in operation as per orders of Hon'ble Court and the grounds on which dismissal was passed do not exist and did not exist.

3. Because the Supdt. of Post Offices Darabanki has violated Govt. of India instruction No. (I) below Rule 15 of the C.C.S. (C.C.A.) Rules 1965.

In the aforesaid Govt. of India order it is mentioned that the Supreme Court in the case of Mahabir Prasad Vs. State of U.P. (A.I.R. 1970 1302) observed that recording of reasons in support of decision by a quasi-judicial authority is obligatory so it ensures that the decision is reached according to law and is not a result of caprice, whim or fancy or reached on ground of Policy. The final order will show that no reasons have been recorded. In the case of Om Prakash Vs. D.P.S. Punjab, it was held that the competent disciplinary authority has to consider all circumstances of the case and then make such orders in relation to the question of discipline. This has not been done. It is therefore prayed that order of dismissal be set aside.

Shri M. S. Singh

Appellant

TRUE COPY
Reviewed
(B. K. Tewari Adv)

-26- (A33)
Annexure A-VII
GOVERNMENT OF INDIA
DEPARTMENT OF POSTS

OFFICE OF THE DIRECTOR POSTAL SERVICES
LUCKNOW REGION, LUCKNOW- 226007

No. RDL/APP-55/87/13 dated at Lucknow: June 20, 1987

This is the appeal dated 23.4.87 from Shri Kripal Singh ex PA Barabanki H.O. against the order of punishment of dismissal from service awarded by SPOs Barabanki vide his memo No. B/P.F./Kripal Singh dated 25.3.87.

2. The case of disciplinary action taken against the appellant under Rule 19(1) of the CCS(CCA) Rules 1965 was as follows:

Shri Kripal Singh the appellant while working as PA Barabanki HO was arrested and sent to jail on 31.5.85 on the charge of dacoity and murder under section 396 IPC and he remained there in Jail upto 10.6.85. In between 31.5.85 to 10.6.85 neither the appellant nor Postmaster Barabanki informed the SPOs Barabanki about above incident and it was only on 11.6.85 when the appellant after being released on bail, attended Barabanki HO to resume duties and submitted an application stating therein the circumstances under which he was sent to Jail on 31.5.85 and remained there upto 10.6.85. On receipt of application of the appellant SPOs Barabanki placed him (appellant) under suspension w.e. from 31.5.85 vide his memo no. B/PF/Kripal Singh dated 12.6.85. The criminal case instituted against him under section 396 of IPC was decided on 8.1.87 by Special Judge Barabanki and the appellant was awarded the punishment of imprisonment for life for the commission of an offence punishable under section 396 IPC. On receipt of the copy of judgement on 16.2.87 SPOs Barabanki under Rule 19 of CCS(CCA) Rules, 1965 allowed the opportunity of oral hearing to the appellant on 25.2.87 to explain his position. Thereafter the appellant was served with Show Cause Notice under SPOs Barabanki memo No. B/PF/Kripal Singh dated 2.3.87 proposing the penalty of dismissal from service. The appellant submitted his representation on 18.3.87 against the above proposed punishment and the SPOs Barabanki after giving due consideration to the oral hearing and the above representation of the appellant, dismissed him (appellant) from service vide his memo No. B/PF/Kripal Singh dated 25.3.87 on the grounds of his undesirable conduct which led to his conviction in the above criminal case for an offence punishable under section 396 I.P.C.

3. In his appeal dated 23.4.87, the appellant has argued that the grounds on which show cause notice was issued and dismissal orders were passed by on 25.3.87 by the SPOs Barabanki Division, did not exist on the day on which the order of punishment of dismissal from service was passed by him (SPOs Barabanki) as the Hon'ble High Court has already stayed the operation of the order of conviction vide order dated 13.03.87 in Criminal Misc. Application no. 281 of 1987 in respect of Criminal Appeal No. 50 of 1987 in the High Court of Judicature, Allahabad Lucknow Bench. He has further pleaded that the Hon'ble Court has granted him bail on merits and that there is every likelihood of the appeal being allowed and the appellant being acquitted as

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there are good grounds for the same. His further appeal is that SPOs Barabanki has violated Govt. of India's Instructions no. (I) below Rule 15 of the CCS (CCA) Rules, 1965 as the order of dismissal was not a speaking order and does not contain the reasons whereof the decision of dismissal conveyed by the order was reached.

4. A close reading of the orders passed by the Justice Hon'ble K. Nath himself under dated 13.03.87 would show that the appellant's contention is not correct. The Hon'ble Judge had stayed only the operation of the judgment orders of the Special Judge, Barabanki or in other words its logical course leading to imprisonment on criminal charge in dispensation of criminal justice. They stay will not by any stretch of imagination extend to the order of dismissal issued by the appointing authority who had based his decision (and had also made the basis clear in his orders of dismissal dated the 25.03.87) on the conduct of the appellant which had led to his conviction under Sec. 396 of I.P.C. and as such conduct would make the appellant's further retention in public service undesirable. Even otherwise, the stay will operate only against further action on the sentence of conviction with imprisonment for life, but has not set aside the very sentence of conviction. Hence, there is no substance in the points made in the appeal against the orders of dismissal.

5. In view of the above, I hereby reject the appeal of the appellant and confirm the punishment already awarded by SPOs Barabanki vide his memo referred to above.

B. P. Singh
(B.P. Singh)

Director Postal Services,
Lucknow Region, Lucknow.

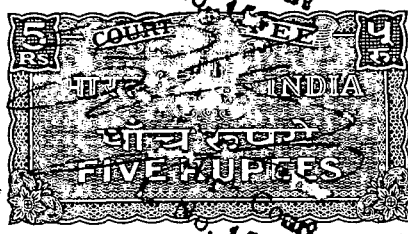
Copy to:-

1. The official concerned
c/o SPOs Barabanki.

2-4: SPOs Barabanki
5: Office copy

TRUE COPY

R. N. Tewari
(R. N. Tewari Advo.)



A35

वकालतनामा

अदालत The Central Administrative Tribunal, Allahabad-1

नम्बर मुकदमा O.A. Registration No. 08 1988 ई०

नम्बर इजारा सन् १६ ई०
मुद्दई

KRIPAL SINGH

बनाम D.P.S. Lucknow & another

अपीलान्त

मुद्दालेह

में Kripal Singh s/o Shri Jangli Prasad

रेस्पान्डेन्ट

में/हम R/o Village Siswara P.O. Nasirnagar, via Masauli

निवासी District Barabanki.

श्री R.K. Tewari, Advocate, 154, Purshottamnagar, Allahabad-16

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का वचन देकर मैं / हम अपना वकील नियुक्त करता हूँ / करते हैं। उन वकील महोदय को मैं / हम यह अधिकार देता हूँ / देते हैं कि वह मुकदमे में मेरी ओर से पैरवी करें आवश्यक सवाल पूछें, जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें, व वापस लेवें पंचनामा उपस्थित करें, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें, सुलहनामा दाखिल करें, दावा स्वीकार करें, उठा लेवें और डिग्रा प्राप्त हो जाय तो उसे जारी करावे, डिग्री का रुपया व खर्चा, हर्जाना का रुपया या किसी दूसरे तरह का रुपया व खर्चा जो अदालत से मुझे / हमें मिलने वाला हो वसूल करें मेरी / हमारी ओर से अदालत में दाखिल करें, कोर्टफीस व स्टाम्प देवें या वापिस लेवें रसीद ले लेवें व प्रमाणित करें, नकल प्राप्त करें, अदालत की अनुमति से मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा स्थापित करावें व इस मुकदमे के सम्बन्ध से दूसरे काम जो जरूरी समझें पैरवी के लिए अपनी ओर से कोई दूसरा वकील नियुक्त कर यदि आवश्यकता हो तो अपील या निगरानी दायर करें और अपील निगरानी की अदालत में पैरवी करें और यह भी वचन देता हूँ / देते हैं कि यदि मैं / हम पूरी फीस या खर्च न अदा करूँ / करें तो वकालत साहेब व उनके क्लर्क बहस व पैरवी के लिये बाध्य न होंगे।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं मेरा/हमारा किया हुआ समझा जायेगा और वह मुझे हमें सदैव ही मेरे/हमारे किये के समान सवंधा मान्य होगा।

तारीख

7th March, 1988
Accepted

सन् १६ ई०

R. K. TEWARI

Advocate

R. K. Tewari

स्वीकार है

हस्ताक्षर

154, Purshottam Nagar

(Khatuad)

Allahabad-16

हस्ताक्षर

मुकदमा नं०

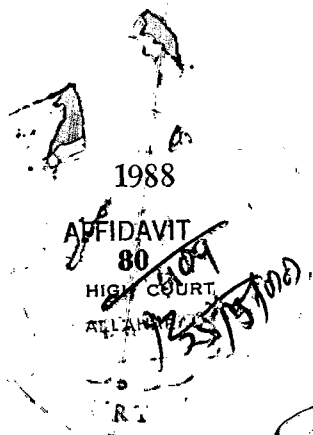
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बनाम

अदालत
मुकदमा नं०



(A 36)

In the Central Administrative Tribunal, Adml. Bench,
Allahabad.

...

Counter-Affidavit

In

Registration No. 388 of 1988.

Kripal Singh ...

.. Petitioner.

Versus.

1. Superintendent, Post Offices, Barabanki.
2. Director Postal Services, Lucknow.

.. Respondents.

Received copy
R. J. S. S.
26/5/88

Affidavit of A. A. Siddiqui,
aged about 58 years, son
of Mr. Mohammad HAKKI
Superintendent, Post offices
Barabanki.

Deponent.

I, the deponent, above named, do hereby
solemnly affirm and state as under:-

1. That the deponent is working as
Superintendent, Post Offices, Barabanki and has
been authorised to file the present counter affidavit
on behalf of the respondents in the afore said case.
He is, as such, well acquainted with the facts of the
case deposed to below.

CH. ALLAHABAD

no. 822/94

A38

.2.

informed that while he was availing his medical leave from 20.5.1935, he came to know that one Sri Amar Singh, son of Bharat Singh resident of village Kurpia, district-Sarabanki has lodged a complaint against him in shape of F.I.R. under Section 396, I.P.C.. in Police Station Masanki, district-Sarabanki and that Police was behind him in search and as such he has surrendered himself in the court on 31.5.1935 and was sent to Jail as his bail applied for could not be granted. He has also intimated that bail was granted to him on 10.6.35 and he is medically fit to resume his duty and requested that he may be allowed to join duties.

5. That since he had already been under custody for more than 48 hours and a criminal offence was also under investigation/trial against him. He was deemed to have been under suspension with effect from 31.5.1935 vide Supdt. Post Offices Sarabanki Memo.No. 1/Marhal Singh dated 12.6.35. Criminal case .1.no.67 of 1936, State Vs. Gajraj Singh, etc. including Sri Arupal Singh was tried in the lower court and thereafter in Sessions Court and Sri Arupal Singh was sentenced to imprisonment for life vide judgment dated 8.1.37. by the Special Judge, Sarabanki.

908/27

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.4.

6. That on receipt of copy of judgment, Sri Kripal Singh was served with a Show cause notice vide Supdt. Post Offices Barabanki letter no. 2/Kripal Singh/PP dated 13.2.87 and he was given an opportunity for personal hearing and to explain the circumstances as to why action should not be taken against him under rule-19(1) of CCS(COA)-rules, 1965. He was also required to present himself before the Supdt. Post Offices, Barabanki on 25.2.1987 at 11.00 A.M. for the personal hearing.

7. That the petitioner was heard on 25.2.1987 in the chamber of the Superintendent Post Offices, Barabanki where he deposed that he ^{due} had been implicated in the murder case/to enmity because he had accompanied Kanhai for lodging a report against Sri Ramesh, son of Bharat, resident of village-Murpia, Police Station-Masauli to the Supdt. of Police Barabanki on 13.5.1985 ~~1985~~ and the murder was stated to have taken place after one week from the above date, i.e., 18.5.1985, when the said report was lodged. The petitioner pleaded not guilty. The petitioner was again served with a show cause notice vide Supdt. Post Office, Barabanki letter no. 4/PP/Kripal Singh dated 27.2.1987 clarifying him that it was proposed to award an appropriate penalty under rule-19 of CCS(COA) rules, 1965 and that the

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gravity of the charge was such as to warrant the imposition of a major penalty and accordingly it was proposed to impose on him the penalty of dismissal from service and he was required to make a written representation against the penalty proposed. He was also required to submit his written representation within 15 days of the receipt of the memo no. B/PF/Kripal Singh dated 27.2.1987. The petitioner submitted his written representation dated 13.3.1987 which was received in the office on 18.3.1987 itself.

8. That the representation of the petitioner was considered and after taking into the entire facts and circumstances into consideration the penalty of dismissal from service was imposed vide office memo No. B./PF/Kripal Singh dated 23.3.1987. The petitioner preferred an appeal against the order of dismissal from service dated 23.3.1987 to the Director, Postal Services, Lucknow Region, Lucknow. The said appeal was filed on 23.4.1987. The Director, Postal Services, Lucknow Region Lucknow considered his appeal and rejected the same vide his letter dated 20.6.1987 and the petitioner was informed regarding the decision of the Director of Postal Services, Lucknow.

2

20/6/87

(PH)

.6.

9. That the content of paras nos.1 to 5 of the petition requires no reply by means of this affidavit.

10. That in reply to the content of para no.6(i) of the petition it is stated that it is not correct to say that the applicant was a permanent postal assistant in Bareilly Postal Division. It is also to point out that date of decision on departmental appeal by the Director Postal Services Lucknow is 20.6.1987 and not 30.6.1987 as has been mentioned in 12th line on page-4 of the application. Rest of the averments made in para under reply are denied.

11. That in reply to the contents of para no.6(ii) of the petition it is stated that the contents of the para under reply relate to the affidavit filed by the applicant in the Hon'ble High Court of which the Supdt. Post-offices Bareilly or Director Postal Service Lucknow had no knowledge.

12. That in reply to the contents of para no.6(ii)(a) of the petition it is stated that it is correct to say that the applicant's appeal was admitted by Hon'ble High Court and he was released on bail.

22/6/87

PH2

.7.

13. That the contents of para no.6(ii)(c) of the petition are not admitted. It is stated that the Supdt. Post Offices Barabanki had served the applicant with a show cause notice because he had been awarded punishment of life imprisonment by learned Special Judge, Barabanki. Infact it was the conduct of the applicant which had led to his conviction in a criminal case which made Supdt. Post Office, Barabanki to issue the said show cause notice. Rest of the contents relate to the affidavit filed by the applicant in Hon'ble High Court of which respondents have no knowledge or concern.

14. That in reply to the contents of para no.6(ii)(c) of the petition/only this much is in the knowledge of respondents that the Hon'ble High Court in their order dated 13.3.1987 had suspended operation of the order dated 3.1.1987 till pendency of the appeal. It is not however, known as to on what consideration the said order was passed by Hon'ble High Court.

15. That in reply to the contents of para no.6(iii) of the petition it is stated that only this much is correct that decision of the

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.8.

Disciplinary authority, i.e. Superintendent Post Offices Varananki and appellate authority, i.e. Director Postal Services, Lucknow were based on the discussions made in this para. It is, however, not correct to say that the orders of Hon'ble High Court were, in any way, misinterpreted.

16. That in reply to the contents of paras nos. 6(iv)(a) & (b) of the petition it is stated that the aforesaid facts are petitioner's own conclusions and, as such, requires no reply by means of this affidavit.

17. That in reply to the contents of paras nos. 6(v) & (vi) of the petition it is stated that the contention of the applicant does not appear to be correct. The order dated 12.3.1937 passed by Hon'ble High Court has only stayed the operation of order of lower court. It has not been expressly ordered in the stay order that further departmental action on the basis of judgment of lower court was also to be stayed.

18. That in reply to the contents of para no. 6(vii) of the petition it is stated that the contention of the applicant appears to be

as per

(44)

.9.

Based on presumptions not on facts. However, in case the Hon'ble High Court in their appellate orders set aside the punishment the departmental case against him will be reviewed in the light of appellate orders.

19. That in reply to the contents of para no.7 under the heading relief sought it is submitted that the orders dated 28.5.87 were in accordance with rule-19(1) of CCS(Con)-rules, 1968 and appellate order dated 20.6.1987 was in accordance with rule 27(2)(1) Ibid, the reliefs sought for by the applicant are not admissible. and the petitioner is not entitled to any relief (i), (ii) and (iii) as sought by him in the present petition.

20. That the contents of para no.8 of the petition are not admitted. It is stated that the appellate order is self-speaking in itself and the petitioner in view of the facts and circumstances stated above, is not entitled to any interim relief prayed for. It is stated that Hon'ble High Court has only stayed the operation of the judgment and had granted bail on the finding that his conviction is not set aside.

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.10.

Therefore, the department is free to initiate proceedings against the petitioner in accordance with law and the petitioner is not entitled to any relief by this Hon'ble Tribunal.

21. That the contents of paras nos. 9, 10, and 11, all are matters of record and, as such, require no reply by means of this affidavit. It is stated that in view of the facts and circumstances disclosed above no case for interference under Section 19 of the Central Administrative Tribunal Act is made out and the petition is accordingly liable to be rejected.

I, the deponent, abovenamed, do hereby verify and declare that the contents of paras

nos. 1 and 2 _____

of this affidavit are true to my personal knowledge; those of paras nos. 3 to 21 _____

of this affidavit are based on information received from perusal of the papers on record; those of paras nos. _____

scrip

(A46)

.11.

of this affidavit are based on legal advice
which all the deponent believes to be true;
that no part of this affidavit is false and
that nothing material has been concealed in it.

So help me God.

a a Siddiqui
Deponent.

I, R.C. Yadav, clerk to Sri Ashok Mohiley,
Advocate, High Court, Allahabad do hereby declare
that the person making this affidavit and
alleging himself to be Sri A.A. Siddiqui is the
same person who is personally known to me.

R.C. Yadav
Clerk. 25-5-88

Solemnly affirmed before me on this 25th
day of May, 1988 at 8⁴⁰ A.M. by the deponent
who is identified by the aforesaid clerk.

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.

a a Siddiqui

Jawahar Lal
OATH COMMISSIONER
High Court, Allahabad.
No. 80/404
25-5-88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

LUCKNOW BENCH : LUCKNOW :

O.A. REGISTRATION NO. 282 OF 1988 .

(A47)

Filed to Day
24/4 24/4

Kripal Singh

..... Applicant .

Vs.

Superintendent Post, ^{Office} Barabanki

and others .

.....OPP. Parties .

REJOINDER & REPLICATION .

I , Kripal Singh, son of Sri Jangali Prasad ,
resident of village Siswara , Post Office Nasir Nagar ,
district Sitapur beg to submit as under :--

1. That the applicant is well acquainted with the
✓ ~~the contents of the counter affidavit have been explained to him.~~ facts of the case, and states as under :--

2. That the contents of paragraph No. 1/ of the
to 3 ✓
Counter need no comments .

3. That the contents of paragraph No. 4 of the
Counter are not disputed .

4. That the contents of paragraph No. 5 ^{are} ~~are~~ not
disputed .

कृपाली सिंह

Prasad
Barabanki

ALG 8

5. That the contents of paragraph No. 6 of the Counter is not disputed .

6. That the contents of paragraph No. 7 of the Counter are denied . The applicant had submitted an Appeal before the Hon-ble High Court of Judicature at Allahabad , Lucknow Bench , Lucknow , which was admitted and the applicant was granted Bail. [✓] While moving the application for staying the operation of orders passed by the learned Special Judge, Barabanki , the applicant had, in para 3 and 4 of his affidavit (copy at Page 12 of the Paper Book Application) " That on account of the deponent's conviction and sentence of Life Imprisonment Under Section 396 I.P.C. , the Superintendent of Posts, ^{Office, ✓} Barabanki, ^{has ✓} issued a Notice Under Section 19 of the CCS (CCA) Rules to show cause , why his services may not be terminated " . The learned High Court had, [✓] ~~therefore~~ [✓] granted [✓] ~~bail~~ ^{the stay ✓} in consideration of the above facts . Hence it would not be just to terminate his services till the Appeal is finalised .

7. That the contents of paragraph No. 8 are denied in view of the facts narrated below in para 12 of this Rejoinder .

8. That the contents of paragraph No. 9 of the Counter need no comments .

प्रमाणित

प्रमाणित

(Aha)

9. That the contents of para No. 10 of the Counter are denied . The applicant was ^{permanent} ~~was~~ ' Postman ' . Rest of averments are not disputed .

10. That in reply to the contents of paragraph No. 11 of the Counter , it is respectfully submitted that : A copy of the affidavit filed has been furnished with the Paper Book application as ANNEXURE Nos. A-I .

11. That the contents of paragraph No. 12 of the Counter are not disputed .

12. That the contents of paragraph NO. 13 and 14 of the Counter are not admitted . As stated above in para 5 of this Rejoinder , the applicant had made a Specific Request before the Hon'ble High Court to Stay the operation of Order passed by the learned Special Judge Barabanki , saying that if Operation of Order is not stayed & he is dismissed , his family will starve and that he would suffer irreparable loss , and so in consideration of these facts the Hon'ble High Court had passed the operation of the Stay order . It was not for the Postal Departmental to know as to what were the reasons for the court to order stay .

13. That the contents of paragraph No. 15 of the Counter are denied . The appellate authority has however rejected the contention of

Appellate

RA-4

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the applicant saying " The Stay will not by any ~~xxxxxx~~ stretch of imagination extend to the order of dismissal issued by the appointing authority " . The Hon'ble High Court in Criminal Appeal preferred by the petitioner could not direct the Postal Authorities not to dismiss him .

However the orders of the Superintendent Post Offices and Director Postal Services contravene the principles of Natural Justice . *The ~~written~~ decision of the Appeal before the Hon'ble High Court , would take several years in view of the large Numbers of cases pending before the Hon'ble High Court . By the time ~~the~~ ^{the case is decided} the Applicant and his family would be ruined for want of any source of livelihood and irreparable loss would be caused to him .*

14. That the contents of paragraph No. 16 of the Counter need no comments .
15. That the Appeal is continuation of the case unless the ~~case~~ is finally decided, i.e. the Appeal is decided , the termination of Applicant's Service is not justified and is unwarranted .
16. That the contents of paragraph No. 18 of the Counter are not admitted . The Applicant's contention is based on the facts and circumstances of this case .

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CHULIKIZ

(151)

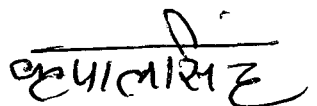
17. As regards the contents of paragraph Nos. 19 and 20 of the Counter , It is submitted that the respondents have misreably failed to controvert[✓] the allegations made by the applicant , and so he is fully entitled to get the reliefs sought for .

VERIFICATION .

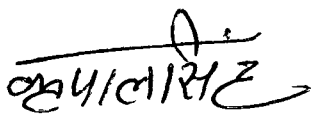
I , Kripal Singh aged about 34 years son of Shri Jangli Prasad , resident of village Sisuwara , Post Office Nasir Nagar , district Barabanki do hereby verify that the contents of paragraph Nos. 1 to 17 of this Rejoinder - Replication[✓] are true to the best of my[✓] knowledge, ~~and~~ ^{and} ~~believe~~[✓]. Nothing material has been concealed . and No part of it is false .

Lucknow Dated :

24.4, 1989 .


Applicant .

Signed and verified this 24th day of April ,
1989 , in Court compound .

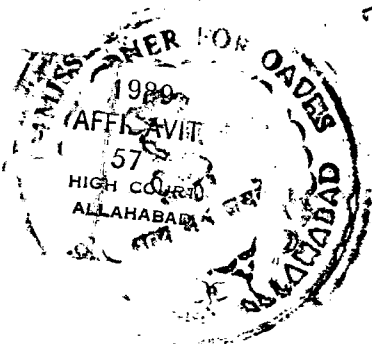


In the Central Administrative Tribunal at Allahabad
Circuit Bench, Lucknow.

Case No. 282 of 1968

AS2

Kripal Singh ... Applicant
Versus
~~Superintendent of Post Offices~~
and others ... Opp. Parties



~~Supplementary Counter-affidavit to rejoinder~~
on behalf of Respondent No. 31

I, Ram Asrey Verma, aged about 51 years, son
of Shri. Ramdev Verma, Superintendent of Post Offices,
do hereby solemnly affirm and state as under:-

1. That the deponent is the Supt. of Post
Offices, Bara Banki and is well acquainted with the facts
of the case deposed hereinafter.

2. That the deponent has read the rejoinder
filed by the applicant and has understood the contents
thereof.

3. That the contents of paras 1 to 5 of the
rejoinder needs no comments.

4. That the Hon'ble High Court by its order
dated 13.3.87 has simply stayed the operation of the
sentence, awarded by the ~~pat~~ lower court till the
pendency of the appeal but the conviction stands. The
applicant has been released on bail. The disciplinary
action called for under Rule 19 of the CCS(CCA), Rules
1965 was to be finalised on the basis of information



RA Verma

(A53)

regarding the applicants' conviction in a criminal case. It is further submitted that the Hon. High Court has not made any observation with regard to the action which was proposed to be taken against the applicant under ~~Section~~ Rule 19 of the CCS (CCA) Rules, even though relief in this regard was also ~~requested~~ prayed for before the Hon'ble High Court.

5. That the contents of paras 7 to 11 of the rejoinder need no comments.

6. That in reply to the contents of para 12 of the rejoinder it is stated that the contention of the applicant is misconceived. The position has been explained in para 4 above.

7. That the contents of paras 13 ~~to~~ of the rejoinder need no comments.

8. That the relief prayed for is not admissible to the applicant and the prayer to this effect is liable to be rejected. This is not a situation in which the applicant could be allowed to remain under suspension for an indefinite long period. Moreover, during the period of suspension the applicant was entitled to allowance which could not be recovered in case the appeal filed by the applicant is rejected by the Hon. High Court.

9. That the application filed by the applicant is not tenable in law, it lacks merit and is liable to be dismissed.

R.D. Vengal
Deponent



Verification

(AS4)

I, Ram Asrey Verma, aged about 51 years, son of Shri. Ramdev Verma, the deponent above named do hereby verify that the contents of para 1 to 3 of the affidavit are true to my knowledge and those of paras 4 to are based on records which I believe to be true. Nothing is false and no material fact has been suppressed. So help me God.

RA. Verma
Deponent

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

J. Gaud
Advocate



Solemnly affirmed before me on 8-8-79 at 10-16 AM by Ram Asrey Verma who has been identified by ... D. Chandra Adv. et al. 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.

R. Verma
Not a Commissioner
of the Court, Allahabad
known Bench

5717.5
8-8-79

BEFORE THE HON'BLE CENTRAL ADMINISTRATION TRIBUNAL
CIRCUIT BENCH , LUCKNOW .

O.A. ~~PRE~~ Registration No. 282 of 1988 .

ASS

Kripal Singh

..... Applicant .

Vs.

Superintendent , Post Offices Barabanki
and others .

.....OPP.Parties .

APPLICANT'S REJOINDER

TO THE

COUNTER AFFIDAVIT FILED ON BEHALF OF

OPPOSITE PARTY NO. 3 UNION OF INDIA .

I , Kripal Singh , the applicant in the
above noted case beg to submit in reply to the
pleas set up by Union of India in its Rejoinder
as under :---

1. That paragraph 1 to 3 of the Counter Affidavit
of opposite party need no comments .

2. That with reference to para 4 of the
Counter Affidavit of opposite Party No. 3 it may be
noted that the Hon'ble High Court granted Bail to the

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applicant and three others , on the facts stated in the grounds of Appeals as they were not given any role of committing murder and they were on bail in the Trial Court . The true copy of the bail order is attached as Annexure ' A' .

One Panchoo to whom specific role of committing murder was allotted in evidence was also granted bail later on , on the ground that none of the alleged eye witnesses of the village of the occurrence was examined . The true photocopy of the certified said order of bail is ANNEXURE ' B' for perusal .

It is true that the sentence imposed on the applicant has been suspended , but granting of bail and suspending of sentence , together with the fact that Appeal which is continuation of the trial , has been admitted . The appeal having been admitted the whole case is opened and it throws the whole case for interference by the Hon'ble High Court . It is a well settled law that the appeal is continuation of trial and unless the case is finally disposed of by the appellate court which can go into the facts and scrutinise the evidence and arrive at its own findings , it cannot be said that the conviction has become final . The word " Conviction " in Article 311 of the Constitution of India refers to ' final Order ' . On appeal there is no conclusion of proceeding. Hence the service of the applicant could not be

जुपालसिंह

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terminated unless the case is finally decided Rule 19 of CCS(CCA) Rules has no application unless the Criminal proceeding finally comes to an end . The action to be taken and procedure to be adopted are subject to the provisions of Constitution and law .

As regards the plea that no prayer was made to Hon'ble High Court to stay the proceedings Under Rule 19 , it is submitted that in this case in appeal , the Hon'ble High Court could not pass any order Staying the proceeding Under Rule 19 .

3. That paragraph No. 5 of the Counter Affidavit needs no comments .
4. That regarding paragraph No. 6 of the Counter Affidavit , it is submitted that the contention of the opposite party No. 3 is not correct and hence it is refuted . The application for Stay of operation of the Trial Courts Order was given .
5. That paragraph No. 7 of the Counter Affidavit needs no comment .
6. As regards the paragraph No. 8 of the Counter Affidavit , it is submitted that the plea of the opposite party No. 3 in para 8 of the counter affidavit is legally wrong and not sustainable . The deponent was under

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ASB

suspension since 31.5.1985 as his trial was pending or going on . Since after the judgement of the special Judge , appeal has been filed the whole case is still pending and that being so he can still be continued in the same position and under the same condition in which he was prior to the judgment of the trial judge . Since at present his service stands terminated as ordered , he is on the verge of starvation and is facing untold misery if this continues he and his family would suffer immeasurable loss and irreparable injury which could not be overcome even if his appeal is allowed by the Hon'ble Court and ultimately he is found to be innocent .

7. That regarding paragraph No. 9 of the Counter affidavit it is stated that the application is according to Law and is fit to be allowed .

8. That the deponent is a permanent Postman as would appear from the true photocopy of the order dated 12.8.1981 . If he is not allowed to continue in service he would suffer great loss . The true copy of the said order is annexed as ANNEXURE NO. 'C' .

कृपालसिंह

(139)

9. That there are several good grounds on the basis of which , the deponent has good chance of being acquitted by the Hon'ble High Court in appeal , hence if the termination of the deponents ' service ' is not set aside he would be punished doubly for nothing in case , the guilt is not proved against him and he is acquitted . Since he has been under suspension during trial , he is entitled to remain under suspension till final decision of the case against him .

Lucknow Dated :

August 25, 1989 .

कृपालसिंह
APPLICANT .

VERIFICATION .

I , Kripal Singh applicant do hereby verify that para 1 is true to my personal knowledge and paras 2 , 3 , 4 , 5 , 6,7,8 and 9 are true to my belief on the basis of legal advice . The Annexures A , B and C are true copies of their originals .

Lucknow Dated :

August 25, 1989 .

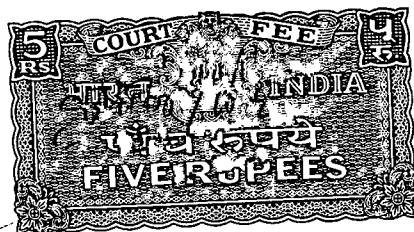
कृपालसिंह
APPLICANT .

Hon'ble Central Administrative Tribunal, Lucknow

वकालत श्रीमान महोदय

वादी (मुद्दै) Kripal Singh
 मुद्दै (मुद्दै) का

वकालतनामा



Kripal Singh
 Plaintiff

बनाम Superintendent Post Office
 प्रतिवादी (रेस्पॉन्डेंट)

नं० मुद्दमा 282 सन '88 पेशी की ता० 27. 1. 99 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री प्रेमचन्द्र रस्तोगी

PREM CHANDRA RASTOGI वकील

एडवोकेट महोदय

नाम अशालन
 नं० मुकद्दमा
 नाम फरीकन

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

Accepted
PC Rasogi
 Advocate
 साक्षी (गवाह)

हस्ताक्षर कृपाल सिंह

साक्षी (गवाह)

दिनांक 23/5/88

महीना मई सन् १९८८ ई०

(व्यदौ) अंपीलान्ट

प्रतिवादी [रैस्पॉडेन्ट]

Central Administrative Tribunal at Allahabad
Civil Bench: Lucknow महोदय

महोदय

वक्तालिङ्गनाम्ना

टिकट

वादी (अपीलान्ट)

Kupfer 82.

बनाम Union of India प्रतिवादी (रेस्पाडेंट)

नं० मुकद्दमा 282 सन् 1988 पेशी की ता० 28-3-1988 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Dr. Dinesh Chandra Advani वकील
All. Cn. Sub. Standing Counsel. महोदय
एडवोकेट

वकील

‘महोदय

एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन
बनाम

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 जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फंसला हो जाता है उसकी जम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह पफालतनामा लिख दिया प्रमाण रहे और समय पर काम आने लगे

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गुवाही)

दिनांक

महीना

सन् १६

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