

ANNEXURE

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE 0.A.282 OF 1985

NAME OF THE PARTIES.....Kripal Singh.....

Versus

..... Union of Instig Respondent

Part A, ~~EEG~~

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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 222 of 1988

NAME OF THE PARTIES Ksibal Singh

Applicant

Versus

C. I.

Respondent

Part A, B & C

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आदेश पत्रक
ORDER SHEET

(A)

अपील
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application
Appeal Register

D.A. 282-38.

अपील अनिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

Appellant
Applicant

प्रत्यर्थी द्वारा
Respondent

Kalyan 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

1812/88

Hm. D.J. Chis, M.A.
Hm. S.P. Sharma, D.O.L
— D.C. (contd.)
Adm. 15/Jan/88. C.A.
2. P.R. to be exchanged before
22.3.

G.R. or notices are drawn on 22.3.88
if P.R. is not sent to the office by 22.3.
Date 22.3.88

104/88
No one appears for the reply
Reply may be filed by 22.3.88

D.R.

27/1/89

(A2)

AT 20200

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

24/2/89

DR

Lgrh

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 DR

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

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

Box

2

OR

Counsel for applicant
has not filed any rejoinder
so far.

Submitted for orders

Al
3/4

(A3)

O.A. No. 282/89(26)

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

8/8/89 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 do. 3 filed today, keep on record. Learned counsel for the applicant desires time to file rejoinder. Let rejoinder be filed within three weeks hereof, and fix the case on 1-11-89 for hearing.

D.M.

62
R.A filed today
10/11/89

(sns)

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

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

D
J.M.

(sns)

10/11/90 No sitting of D/B. Adj to 3-4-90. Both the counsel are present. On the request the date was fixed.

L
B.C.

OR

Case
ready
hearing
S.F.A
L
30

4/4/90
Hon. Justice. K. Nath, V.C.
Hon. K. J. Ramai, A.M.

To the adjournment application of the applicant, the case is adjourned to 7/8/90.

W.M.
A.M.

D
V.C.

7-8-90 No sitting adj. it. 30/11/90

5/11/90 Due to Holiday. Adjourned to 20/12/90.

18-3-88. D. B. AU

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 282 of 1988

APPLICANT (s) Kripal Singh

RESPONDENT(s) Supdt. P. B. Banerjee & another

Particulars to be examined

Endorsement as to result of Examination

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

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? *Ys*

8. Has the index of documents been filed and paging done properly ? *Ys*

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *Ys*

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *NA*

11. Are the application/duplicate copy/spare copies signed ? *Ys*

12. Are extra copies of the application with Annexures filed ? *Ys*

(a) Identical with the original ? *Ys*

(b) Defective ? *—*

(c) Wanting in Annexures *—*

Nos...../Pages Nos..... ?

13. Have file size envelopes bearing full addresses, of the respondents been filed ? *No*

14. Are the given addresses, the registered addresses ? *Ys*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Ys*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *NA*

17. Are the facts of the case mentioned in item No. 6 of the application ?

(a) Concise ? *Ys*

(b) Under distinct heads ? *Ys*

(c) Numbered consecutively ? *Ys*

(d) Typed in double space on one side of the paper ? *Ys*

18. Have the particulars for interim order prayed for indicated with reasons ? *Ys*

19. Whether all the remedies have been exhausted. *Ys*

If approved, the case may be listed
on, 18/2/88 (cc) 18/3/88

Submitted by
V. Chandrasekhar
10/3/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

(AB)

C.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 thereby 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.C. 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.

h. mawd
22/10/91 Now, therefore, the undersigned hereby reinstates

(A7)

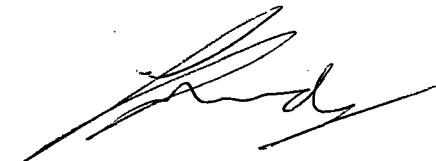
O.A.No.282/88

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".

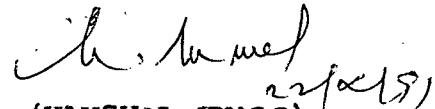
3. The learned counsel for the applicant concedes that the O.A. has become infructuous in view of the order dated 21/2/1991 referred to above. However, he presses for grant of consequential benefits.
4. Having heard both the learned counsel, we dismiss the application as having become infructuous but direct the respondents to consider the matter regarding consequential benefits in accordance with rules and law on the subject after the appeal against conviction pendin in the High Court is finally disposed of.

Parties to bear their own costs.



(S.N. PRASAD)

MEMBER (JUDL.)



KAUSHAL KUMAR
VICE CHAIRMAN.

inf(S)

APPLICATION UNDER SECTION 19 OF ADAMISTATIVE 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

AND

(1) Supdt. Posts Barabanki

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Rufus Dan

R. K. TEWARI

Advocate

154, P. T. S. Main Nagar

(Kuwait)

Addendum-16

कृपालासंह

Reg No. 282 of 1988

Administrative Tribunal

Single Bench At Allahabad

Date 10/3/88

File No. 1813188

Date of receipt

by Post

By Registered

10/3/88

(A9)

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

Ruferwar

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 Assistant 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. Amritsar Appellate
Tribunal dated 9/5/89 P.Case No.
of Amritsar Tribunal dated 10/7/88
at Paper 2626

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

(i) Order No. B/PF/Kripal Singh } RDL/APP-55/87/13 } 9/5/89 P.Case No.
{ 24 P2v 20-6-87 } 10/7/88 at Paper 2626

→ (ii) Date 25-3-87
(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 :—

Ruferwar

27/4/2018

(A10)

(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 Session's 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 ~~accused~~ ^{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 Baranaki (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} ~~major~~ 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 submitted by the applicant

Rukhawari

जूलालस्क

(AII)

-4-

and he dismissed the applicant from services vide his impugned order No. 3/PP/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. Jaiswal

मुख्यमंत्री

(A12)

-5-

bail to the applicant on ~~merits~~ merits. There is every likely-hood of the appeal being allowed and the applicant ~~being~~ ^{ed} acquitted 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~~ ^{injustice} he will suffer irreparable loss which would cause him and his family in distressive ~~grave~~ ^{grave} 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 ~~has~~ Barabanki ~~had~~ 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

D. J. Sawant

गुरुताराज

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 has upheld that dismissal order ^{on 1.27} stating in para 4 "A close reading of the orders passed by the Justice Hon'ble K.Nath himself ~~under~~ 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 orders of~~ dismissed

कृपालूस्ट

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 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 for 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. Stewart

the learned Special Judge Barabanki vide his order dated 13.3.87 passed in S.T. No. 67/86 State Vs. Gajraj Singh and others U/s 396 I.P.C. And an appeal ³⁹⁶ ~~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 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 ~~wife~~ ^{the 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. H. J. S.
R. H. J. S.

कृष्णलालसह

(A16)

- 9 -

(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.

R. S. Jaiswal

27/10/1987

- 10 -

(A1)

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 28-4-87 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 branch 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

Removed
8
10-3-88
Allahabad H. P. O.

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 9-3-1988

३०३/८८
Signature of applicant

To

The Registrar, Central Administrative Tribunal,
Allahabad-211001

R. K. TEWARI
R. K. TEWARI
Advocate
154, Purshottam Nagar
(Khan Market)
Allahabad-16

- 11 -

(A18)

Annexure A-I

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

Crl. Misc. Appn. No. 281 of 1987

INROR

Crl. Appeal No. 60/87

Gagraj Singh & others Appellants.

V.O.

The State of U.P. Opp. Party.

Kripal Singh applicant-appellant.

V.O.

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 in S.T. No. 67/86 (State vs.
Gagraj Singh & Oth vs U.P. S.S.C. I.P.C.) by the learned Special
Judge, B.C.W.C.

Lucknow Dated:-
11-3-1987

sd/-P.C.Rastogi

P.C.RASTOGI
Advocate
Counsel for the Appellants
Appellant

TRUE COPY

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

sd/- Kripal Singh



12

AIQ

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

Crl. Misc. App. No. /87
Affid. etc. in re:

Appeal No. 60/87

Deogarh 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
b/o Jongli, resident of village Siswara, P.S. Maguli, 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 implicities in the
Sessions case.
3. That on account of the deponent's conviction
and sentence of life imprisonment under section
89C 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 stop him, why he
be not dismissed.
4. That the Hon'ble High Court has granted bail
to the applicant on merits. There is no
likelihood of the appeal being dismissed and the
appellant having registered an order to go to



A20

-B-

-2-

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 n ed above,do hereby verify that the contents paras nos. 1 to 5 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.Rastegi
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

13/4/87

Section Officer

Copy of document

High Court Lucknow

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IN THE HIGH COURT OF JUDICATURE AT CALCUTTA

LUCKNOW BENCH, LUCKNOW.

Off. M100, Acc. No. 281 D2 1997

In-FO

W.F.L. Appeal No. 90 of 1957.

1. Gajraj Singh, aged about 71 years) Head of family.
2. Kripal Singh,) B/o Gajraj Singh.

P.S. Mouuli, Dicitt. Bogobonli.
S. Kondholi Lal, aged about 70 years) son of Achorli S/J
4. Pachoo, aged about 45 years.) Powariya Bod P.O.
5. Chet Ram, aged about 15 years son of Dicitt. Bogobonli
Khaloo, F/o Powariyabod.

Appollonto.

(In J022)

Vorwort

State of U.P. Opp. Port No. 100.

Criminal Appeal against the judgment and order dated 8.1.1987 passed by Sri K.S. Misra, Special Judge, Barabanki in S.T. No. 67 of 1986, U/S 3(1) I.P.C. Crime No. 75 of 1985 P.S. Mogauli Distt. Barabanki.

Encls. No. 8 Dec. 12, 1967.

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Riverton
(R. E. Tewari & Sons)

(A22)

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Annex. A-11

Govt. of India

Department of Posts

6/0 The Supdt. of Post Offices, Barabanki Dn, Barabanki-1.
Mem No:- B/PP/Kripal Singh, dt. at BSK the, Q-3-1907.

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 consid-
ered 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.

Barabanki

TRUE COPY.

R. K. Singh
(R. K. Singh, A.D.P.)

(A. A. SIDDHIVI)

Supdt. of Post Offices,
Barabanki Dn, Barabanki-225 001.

Copy to Official concerned by Regd A/D Post.

- 16 -

(A22)

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Annexure A IV

Brigadier General
Postal Commissioner (Sri Lanka Army).

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Between 1000 hours and 1500
BARABANKI DIVISION,
MANUFACTURE (2000)

1. Higher Level Branch
Postal Station & Post Office
City of Lucknow
State of
U.P. 0000 00. D/R/Brigadier General dated 2.9.59.
00000

880

18/9/59. No reference year in the above letter dated 2.9.59
received by the petitioner, it is respectfully
submitted that the proposed penalty of Rs.1000/-
be kindly set aside upon the petitioner in view of
facts and law as stated before me.

(i) That the petitioner as Brigadier General has been fully
appreciated in the Criminal Code under Section 34
of the Indian Penal Code along with his other family
members and relatives on account of family.

(ii) That the conviction of the petitioner under Section
34 of the Indian Penal Code in Section 34 of
09/1959 by the Special Judge, Barabanki and
of 1959 subsequently imposed upon him as a result
of law and practice, set in fact the application of Rs.1000/-
penalty.

(iii) Since the petitioner has filed an appeal against
the sentence and order of the Special Judge and the
application for review granted him.

At. 1. 201

Brigadier General

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- 8 -

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

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

(i) That the petitioner had no motive to loot
and commit murder of Dharot Singh or
Amar Singh witness or anybody else. On the
other hand Amar Singh and his family members
had motive to apprehend the petitioner, for he
is the close relation of Kanchai Lal who had
complained to the S.P. Darowal, that Dharot Singh
his son Ramesh and his wife were torturing his
daughter and that was risk to her life and
they were not allowing her to go to her parents.
The Sub-Inspector - P.I. Major of Police-Station
Mossulli got the matter settled and the girl was
allowed to his parents. The copy of the said
report is Annexure-A. The petitioner and his
brother Mahoraj DAKHOL of Kanchai Lal
have been solely apprehended, so that they
may not be even called "purbas" on behalf of
Kanchayal accused and his brother.

(ii) That the P.I.R. does not notice that the
members of the house did see the applicant
and other known persons as the accused or
witness.

It is noticed in the P.I.R. that several
witness people including Sambhu, Sri Khan,
Ranbir, Sri Dularoy, Jitkaran Singh and Ram
Kumar Verma had seen and recognized the applicant

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(111) That had the value of the First Information Report Accts Brought to the Court Dec 1940, P10 witness
Rao and Smt. Mahadeva were the applicants before
the District, they would have stated so before
the Police and Amor Singh would have clearly
stated in the First Information Report that Mr.
his brother and author - Smt. Mahadeva had been
the applicants and recognized him. Rather the P.I.R.
stated that Village people who arrived at the
time of occurrence had recorded the culprit
and yet they have not come forward to support
their evidence. There is no independent evidence
in this case.

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Second stated above is to the proper and just
that Your Honour will do for the result of appeal
and notice is discharged for the present.

(7) Your attention of your honour is humbly drawn
to the above facts. It could 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 from the appeal is
pending and conviction is not yet final- the only
should act be disposed, his suspension itself suffi-
cient punishment.

The Government Instructions on Rule-19(1) of
C.C.S. (Classification, control and appeal) Rules say
that the fact and circumstances of the case is when
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
disposal should be passed.

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

Defendant Dated,
March 18/3/1987.

Kripal Singh
(Kripal Singh)
Total Doctor (Under
suspension) Head-Post Office,
Defendant.

TRUE COPY
(R. K. Tewari Adv.)

-20-

Annexure A V

A22

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATION
DEPARTMENT OF POSTS

CASE OF THE DEPUTY OF POST OFFICE DABABANDI BH. BARABANKI 225001

.....

Copy to Mr. Kripal Singh, Dated at B.M. the 25-5-37.

ANNEXURE

Whereas Sri Kripal Singh, Postal Assistant Barabanki HO (U/S), has been convicted on a Criminal Charge, under Section 90C of U.S.O.

and whereas it is considered that the conduct of the said Sri Kripal Singh, Postal Assistant Barabanki HO (U/S), which 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 exercise of powers conferred by Rule 19 (2) of the Central Civil Service (Classification, Control & Appeal) Rules, 1935 the undersigned hereby directs that the said Sri Kripal Singh, Postal Assistant, Barabanki HO (U/S) from service with effect from the date of issue of this order.

*Subd. of Post Office,
Barabanki, Madras 225001*

Copy to :-

- The official concerned.
- The Postmaster Barabanki.
- D.M. of the circle.
- P.M. D.A. Lucknow.
- D.P. Dated. of Lucknow.
- The P.W. Lucknow Section, Lucknow.
- The Legal Office, O.P. P.W. U.P. Circle, Lucknow.
- O.P. Office O.P. Lucknow.

TRUE COPY

*R. L. Tewari
(R. L. Tewari Advo.) 9/3/38*

21
Annexure A VI
22

820 Inspector Postal Service,
Ludhiana Region, Ludhiana.

Sub:to Appeal against the order of Supdt.

Post Office Barabanki imposing the
penalty of disqualification from service
on Kirpal Singh, Postal Asstt.

Barabanki vide Dms No. B/PP/Kirpal
Singh dated 23.3.87 delivered on
10.4.87 (Copy enclosed to Annexure 'A')

820

the above named appellant begs to submit
as under :-

Received copy
17/4/87

to that facts of the case in brief are that the
hon'ble appellant was working as Postal Asstt
Barabanki. Smta Shri Kandhni Lal and Bharat Singh
were related to the appellant. The daughter of Shri
Bharat Lal was married to son of Shri Bharat Singh.
Shri Ramchand Mantri the relation between Ramchand
(Bharat) and his wife became strained after about
15 years and therefore a Panchayat was held of the
villagers office Bharat Singh. The appellant being a
relative of both the parties was also requested
and called for participation in the said Panchayat.
According to the Constitution of Panchayat the
villagers were asked to bring their

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Shri Amrit Singh son of Karam Singh Chaudhary
may have lodged Police in Police Station Macauli
on 27.9.05 alleging therein that Shri Kamal
Lal accompanied with appellant, his Brother
Gurjeet Singh, Panhu Ram and Chot Ram entered the
house of Kartar Singh during the night of 26/27.
2005 and committed crime to the amount of Rs. 10,000/-
Rach Chandra 100, daughter of Kamal Lal on
behalf of the above persons beat Shri Kartar
Singh up to Rs. 100. At the spot, other family members
also sustained injury. It was also alleged that
the above persons also Rs. 1000/- The Police
station registered the case under section 390
I.P.C. and after enquiry 100 submitted charges
sheet copy of Police is attached as Annexure 'B'.

2. That the appellant and others were tried
in the court of Special Judge Bawali and the
appellants and others were convicted under following
323 of the I.P.C. copy of judgement is annexed
as Annexure 'C'.

3. That the appellants and others were tried
before the High Court and appeal was dismissed by
Hon'ble Mr. Justice S. K. Srivastava, D.O.L.C. on
22.1.2007. Copy of judgement is annexed as Annexure 'D'.

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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 Superintendent 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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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 :- That on account of defendant's conviction and sentence of life imprisonment under section 396 I.P.C. by the Supdt. Post Office of Barabanki Division, Barabanki he was issued a notice under rule 10 of Q.C.C. (Classification Control and Appeal Rules

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to show exco, why he do not dismissed.

Para 4-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 ~~being~~ ^{being} acquitted as there are good ground 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 ~~not~~ exist.

3. Because the Supdt. of Post Offices Barabanki 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 as 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 aforesaid 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 imposition which have been made. It is therefore ~~argued~~ that ~~order~~ ^{order} of disciplinary is not ~~valid~~ ^{valid}.

20/12/88 S.D.

Appellate

20/12/88 S.D.

TRUE COPY

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

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C. Dated 10/8/87.

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

1. 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(i) of the CCS(CCA) Rules 1965 was, 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.f. 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(CC&A) 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 dismissed 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.

copy to
(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. J. Jaiswal
(R. J. Jaiswal Advo.)



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ब्रह्मालतनामा

ब्राह्मालतनामा The Central Administrative Tribunal, Allahabad-1

नम्बर मुकदमा O.A. Registration No. संख्या 1988 ई०
 नम्बर इजारा संख्या १६ ई०
 मुद्रा

KRIPAL SINGH

ब्राह्माम D.P.S. Lucknow & another
मुद्रालेह

मैं Kripal Singh s/o Shri Jangli Prasad रेस्पान्डेन्ट

मैं/हम x/o Village Siswara P.O. Nasimnagar, 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, पच 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 समझे 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 वकाल
साहेब व उनके बल्कि 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 सबथा मान्य होगा।

तारीख

7th माह March, 1988
Accepted

संख्या १६ ई०

स्वीकार है

हस्ताक्षर

R. K. TEWARI

Advocate

154, Purshottam Nagar

(Kbuli Ward)

Allahabad-16

१६

ब्राह्मा

अदालत
मुकदमा नं०

(ABD)

.3.

informed that while he was availing his medical leave from 20.5.1985, he came to know that one Sri Amar Singh, son of Bharat Singh resident of village Kureja, district-Barabanki has lodged a complaint against him in shape of F.I.R. under Section 396, I.P.C. in Police Station Nasahi, district-Barabanki and that Police was behind him in search and as such he has surrendered himself in the court on 31.5.1985 and was sent to jail as his bail applied for could not be granted. He has also intimated that jail was granted to him on 10.6.85 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 31.5.1985 vide Supdt. Post Offices Barabanki Memo. No. 14/rial Singh dated 12.6.85. Criminal case No. 67 of 1986, State vs. Gajraj Singh, etc. including Sri Arripal Singh was tried in the lower court and thereafter in Sessions Court and Sri Arripal Singh was sentenced to imprisonment for life vide judgment dated 8.1.87 by the Special Judge, Barabanki.

9/8/86
9/8/86

(A39)

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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. 1/Mripal 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(CCA) 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 had been implicated in the murder case/to ~~entity~~ due to ~~entity~~ because he had accompanied Kanhai for lodging a report against Sri Lamesh, son of Sharat, resident of village-Kurpia, Police stat on- Masauli to the Supdt. of Police Barabanki on 13.5.1985 ~~now~~ 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. 1/FF/Mripal Singh dated 27.2.1987 clarifying him that it was proposed to award an appropriate penalty under rule-19 of CCS(CCA) Rules, 1965 and that the

as above *YR*

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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/PT/Kripal Singh dated 27.2.1987. The petitioner submitted his written representation dated 13.3.1987 which was received in the office on 13.3.1987 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./PT/Kripal Singh dated 25.3.1987. The petitioner preferred an appeal against the order of dismissal from service dated 25.3.1987 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.

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(PHL)

.6.

9. That the content of paras no.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 Chhatarpur 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 20.6.1987 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 H.L. Court of which the Supdt. Post - offices Chhatarpur 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 remanded on bail.

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13. That the contents of para no.6(ii)(i) 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)(i) 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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(A43)

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Disciplinary authority, i.e. Superintendent Post Offices Arakaniki 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 Allahabad 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 12.3.1987 passed by Allahabad 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

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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 20.7.87 were in accordance with rule-12(1) of COS(Gen)-rules,1968 and appellate order dated 20.6.1987 was in accordance with rule 27(2)(i) 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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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. 3, 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.

22. The deponent, abovenamed, do hereby verify and declare that the contents of paras nos. 4 and 2 _____
of this affidavit are true to my personal knowledge; those of paras nos. 5 to 21 _____
of this affidavit are based on information received from persons or the papers on record;
those of paras nos. 9 _____

N. S. P.

(A46)

.11.

all this affidavit are base 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.

To help me God.

Abdul 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 8:40 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.

Abdul Siddiqui

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|-----------------------|
| Jawaharlal |
| Mr. Commissioner |
| 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 .

(A67)

*Filed Today
Dated 24/4/88
24/4/88*

Kripal Singh Applicant .

vs.
Superintendent Post, Bareilly
Office

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 contents of the counter affidavit ~~given~~ explained to him . facts of the case, and states as under :--
2. That the contents of paragraph No. 1 of the Counter need no comments . to 3
3. That the contents of paragraph No. 4 of the Counter are not disputed .
4. That the contents of paragraph No. 5 ~~are~~ not disputed .

24/4/88

Ramji Associates

(A.Y.D)

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 Barabanki, ^{Office, b} ~~has, b~~ 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 b} ~~the stay b~~ granted bail 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 .

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(Ahu)

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

10. That in reply to the contents of para - graph 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 ~~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~~s~~ passed by the learned Special Judge Barabanki , saying that if Operation of Order is not stayed ~~not~~ and 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 ~~not~~ 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 ^{official} authority has however rejected the contention of

21-6

ASD

the applicant saying " The Stay will not by any ~~V~~ 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 ~~V~~ ~~wide~~ 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 ~~as~~ ^{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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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
Sisuwarā , Post Office Nasir Nagar , district
Barabanki do hereby verify that the contents of
paragraph Nos. 1 to 17 of this Rejoinder - Replica-
tion are true to the best of my knowledge, ^{and}
✓ ~~and~~
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,
— 1929, in Court compound.

2024/01/21 2

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

Case No. 282 of 1968

(ASD)

Kripal Singh Applicant

Versus

~~Shri. Ramdev Verma~~
Superintendent of Post Offices

and others

...

Opp. Parties

Supplementary Counter-affidavit to Rejoinder
on Behalf of Plaintiff No. 32

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:-

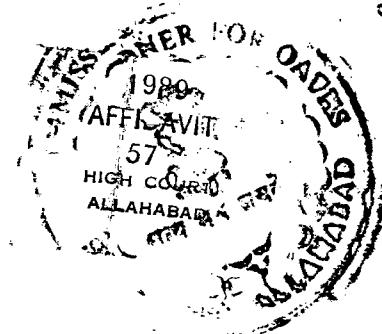
1. That the deponent is the Supt. of Post
Offices, Bara Banki and is well acquainted with the facts
of the case deposed hereinafter.

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 ~~but~~ 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

R. A. 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 ~~Effect~~ Rule 19 of the CCS (CCA) Rule 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. Deponant
Deponant

Verification

(ASV)

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 10 are based on records which I believe to be true. Nothing is false and no material fact has been suppressed. So help me God.

R. A. Verma
Deponent

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

J. G. Goud
Advocate

Solemnly affirmed before me on 8-8-2016 AM by Ram Asrey Verma who has been identified by D. Gouda Advocate from court Lekhuan 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.



Ram Asrey Verma
Deponent
Commissioner
Court, Allahabad
S. 7112.5
Date 8-8-16

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

O.A. ~~992~~ 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

कृपाल सिंह

(Signature)

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 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

Signature

(ASD)

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' .

मुमालासिंह

(A59)

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 .

कृपाल सिंह
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 .

कृपाल सिंह
APPLICANT .

(6) Central Administrative Tribunal, New Delhi
बांगालता श्रीमान **महोदय**

वादी (मुद्दे) **Kripal Singh** का
मुद्दे (मुद्दालेह)

बकालतनामा



(C15)

Kripal Singh
 (Name and Address)

बनाम **Superintendent Post Office**
 प्रतिवादी (रेस्पान्डेन्ट)

नं० मुद्दमा **282** सन '८८ पेशी की ता० 27. 1. १९८९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री प्रेमचंद्र रसाना

Prem Chandra Rasana, वकील

महोदय
 एडवोकेट

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 रूपया बसूल 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 रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया 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 बकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted

P.C. Ras 23/3/88

Advocate साक्षी (गवाह)

दिनांक 23/3/88

हस्ताक्षर *कृपाल सह*

साक्षी (गवाह) →

महीना *मार्च* सन् १९८९ ई०

ब. शालत श्रीमान्

Central Administrative Tribunal at Allahabad
Civil Bench, Lucknow

महोदय

(वादी) अपीलान्ट

श्री

प्रतिवादी [रेस्पाडेन्ट]

का विवारितनामा

टिकट

वादी (अपीलान्ट)

Kamlesh S.L.

बनाम *Mr. J. Vinay* प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा २४२ सन् १९८४

पेशी की ता० २४-३-१९८४ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Dr. J. Vinay (Lokender Advocate)
A.I.M. C. & S. Secy. Standard Council

वकील

महोदय
एडवोकेट

नाम अदालत
मुकद्दमा नं०
प्रीरक्षा का
नाम

को अपना वकील नियुक्त फरफे प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरबी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अधील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वशा स्वीकार है और होगा मैं यह भी स्वीकार फरता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरबी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया ग्रामण रहे और समय पर छाम आवेद्य

हस्ताक्षर

वकील का विवर
नाम: डॉ. ज. विनय
पात्रता: लोकेन्द्र एवं सेक्यूरिटी काउन्सिल
मुकद्दमा नं०: २४२

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

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