

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCHOA/TA/RA/CP/MA/PT 286/88 of 20.....

Shri. C.B. Tilwari.....Applicant(S)

.....versus.....Union of India.....Respondent(S)

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Certified that the file is complete in all respects.

B.C. Filed needed copy.....20/06/2010.....

Signature of S.O.

Ram
16/8/10

Signature of Deal. Hand

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow-BENCH
Lucknow

CAUSE TITLE O. A. 286 OF 1988 (L)
I.A. (T)

Name of parties.....C. B. Tewari.....Applicant's.

VERSUS

Union of India.....U.I.A......Respondents.

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<u>Part - B</u>		
<u>Ind copy of petition</u>		
<u>Part - C</u>		

1-4-88
Promotion
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,
23-A, Thornhill Road, Allahabad-211001
(A)

Registration No. 286 of 1989

APPLICANT (s) C. B. Tiwari

RESPONDENT(s) U.C.I. - ~~the~~ Secretary, Ministry of

Communication, New Delhi & 2 others.

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Ys
2. (a) Is the application in the prescribed form ?	Ys
(b) Is the application in paper book form ?	Ys
(c) Have six complete sets of the application been filed ?	Ys, 5 sets filed.
3. (a) Is the appeal in time ?	yes
(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 ?	Ys
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/-	Ys
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	The application is not against any particular order
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Ys
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Ys

AB

9.9.92

Hon'ble Mr. Maharaj Din, J.M.

This case pertains to jurisdiction of Lucknow Bench hence the case is transferred to Lucknow Bench. The case be listed in Lucknow Bench on 4.11.92 for orders.

The parties or their counsel are not present today so the date be notified on the Notice Board for appearance before the Lucknow Bench.

(AR)

J.M.

4.11.92
8.12.

No hearing of D.M. adj'd
8.12.92

This file has
been recd.
after transfer
to this Bench
from C.A.T. Abd -
On 19.10.92.

The date has
already been fixed
for orders on
4.11.92.

(M.M.)

s. f. o.

OK
C.H.
exchanged
S.F.O.

17.10
exchanged 21/10/92

11/12/92

OR
Submitted for
final hearing
Subjkt
29/11/92

OR
S.F.O.

Subjkt

29/11/92

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

The applicant is present
in person and states that his counsel
has not been able to come being in Cur-
few area.

List for final hearing on
29/11/93

R.
A.M.

U.C.
V.C.

29/11/93 - Hon. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

On the request of He
for both parties case is
adjourned to 5/12/93

R.
A.M.

U.C.

V.C.

Particulars to be ExaminedEndorsement as to result of Examination

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

Ys [Photo copies filed]

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

Index filed, paging done in two copies

Ys

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

No

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 ?

Two Copies signed.

Ys

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

Ys

(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 ?

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 ?

N-A

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

Ys

(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 ?

No

19. Whether all the remedies have been exhausted.

Ys

If approved, the case may be listed

On 7.4.88

8/3/88

Submitted by
Manohar
8/3/88

Order Sheet

①

AM
QA. 286-1988

7-4-88

①

Hon. A. Jay John - AM
Hon. A. S. Sharma - JM

On the request of
learned Counsel for the
Applicant, the Case is
Adjourned to 15-7-88
for admission.

J. M.

38 AM.

②

15.7.88

Hon. A. Jay John, AM.

Hon. A. S. Sharma, JM.

Due to illness of the
learned Counsel for the
Applicant Sri B.P. Srivastava
the case is adjourned

to 26-8-88.

J. M.

38 AM.

③

AM

26-8-88

Hon D. S. Misra - AM

NO one is present for
the Applicant. The Case is
Adjourned.

38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

CAT /J/1

O.A./T.A. No. 286 1988

Applicant(s)

Versus

Respondent(s)

Sr. No.	Date	Orders
(9)	13.9.89.	<p>આરોગ્ય વિભાગ કે કાર્યાલાય અને, આરોગ્ય વિભાગ 26.10.89 કે યાદું રજીસ્ટરેશન માટે અને અને 3 કાર્યાલાય કે કાર્યાલાય અને અને 21.10.89 કે કાર્યાલાય યાદું રજીસ્ટરેશન</p> <p style="text-align: right;">(13.9.) 26.10.89.</p>
		<p>Hon' Mr. K.J. Raman, A.M.</p> <p>Hon' Mr. D.K. Agrawal, J.M.</p>
(10)	26/10/89	<p>Shri B.P. Srivastava counsel for the applicant is present and heard. None is present on behalf of respondents. A direction was given to issue notice to respondents to show cause. The office report is not available whether service is effected or not? Let report of the office be submitted within 3 days hereof. Shri K.C. Sinha present in the court is willing to assist the Court, therefore, he is directed to take notice and file a short counter as to how the application is within time or not on the aspect of limitation ^{whether} the application is within time or not on the aspect of limitation. List this case on 3.11.89 for admission. Registry is directed to handover the copies meant for the respondents as and when demanded.</p> <p style="text-align: right;">(13.9.) 26.10.89.</p> <p style="text-align: right;">(sns) (D.K.A.)</p> <p style="text-align: right;">(J.M.)</p> <p style="text-align: right;">(A.M.)</p>

the respond
J. M.
(sns)

104
A.M.

21/11/89

(5) Order Sheet
on 286/86

(Ab)

13.3.90 Hon K. Raman Am / Hon J.P. Sharma Jm.

Adjourned 5.9.90 for
orders before DR for fixing a date
for hearing.

Jan 10
Box

(6)

7-5-90 DR

Adjourned to 6-9-90 before
DR (G) for fixing a date for hearing

(7)

6-9-90 DR

Rejoinder has not been filed
in this case, it can be filed
by 6-11-90

(8)

6-11-90 DR

Rejoinder not filed, it can be filed by 19-12-90. No further time will be allowed.

(9)

19-12-90 DR

Rejoinder and Supl. rejoinder filed to
by Sri RK Pandey counsel for applicant. He
was filed by Sri KC Sinha Counsel for respdent.
Pleadings are complete. Keep in the file the list

se

DR (G)

SK
not filed
to
19/12/90

5/2/93

Case not received adj to
26.2.93
Mao

AT

OR

S.F.M.

L

25/2/93

OR

26/5/93

No sitting of Sub. adj to
10/8/93.

The petitioner has moved
over affidavit and
replies 472/93 for
releg of order dated
26/2/93, the photocopy
of order dated 26/2/93
has already been enclosed
with Pet. No 472/93.

10-8-93

AK

No sitting of D.B.
Adjourn to 14-9-93

R

B.O.C.

14-9-93

No sitting S.I. D. B. adj
do 2-11-93

R
Mao2-11-93

Case not received adj to
16.11.93

R
Mao

OR

25/3/93 M.R.(not)M

Mao

472/93

16-11-93

Hon. Mr. S.N. Prasad, J.M.
Hon. Mr. V.K. Seth, A.M.

OR

Mao 472/93

Mao

2-11-93

This Misc. petition No. 472/93
is emanated from the judgement and
order dated 26-2-93 passed by the
then Hon. V.C. Justice U.S. Srivastava,
in O.A. No. 286/88 who has retired.
Hence put up this case before the
Hon. V.C. for orders.

A.M.

L

J.M.

OR

472/93

Mao

2-11-93

25/11/93

Constitute the Bench as
M. S. N. Prasad.

With before me on 1-12-93

R.K.V.

25-11-93

(AE)

THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

Case No. 200/SC/80199 (L)

Case No. 199 (TL)

Date of Decision 23-2-93

Comptroller - - - - - Petitioner.

- - - - - Advocate for the
Petitioner(s)

V E R S U S

Government of India & Others - - - Respondent.

- - - - - Advocate for the
Respondents

Available Mr. S. C. Chatterjee, QC

Available Mr. A. Chatterjee, Member (L)

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

Vice-Chairman / Member

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 286 of 1988(L)

Versus

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

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

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

The applicant who was working as a Lower Division clerk and was entitled to be promoted as Upper Division Clerk, but he was not promoted while his juniors were promoted. The applicant was not promoted on the ground that disciplinary proceeding against him was pending. In the criminal case, which was filed against the applicant, he was acquitted on 12.6.86, whereafter he was re-instated as prior to which he was placed under suspension. After re-instatement, he filed the application for promotion to the post of U.D.C. on 17.11.86 followed by the reminders, he approached the Accounts Officer and Post Master General but no relief was granted, he has approached the tribunal.

2. From the counter-affidavit and from the supplementary counter-affidavit, which has been filed today, it is clear that the enquiry proceeding against the applicant has been dropped. The applicant has been ~~made~~ acquitted and the enquiry proceedings having been dropped, the result would be as if there was no charges against him, as no point of time, the applicant was facing the disciplinary enquiry, as such, the applicant becomes entitled to the promotion w.e.f. the date his juniors were promoted, ~~will~~

ALC

:: 2 ::

3. Accordingly, the respondents are directed to promote the applicant w.e.f. the date his juniors were promoted within a period of three months from the date of communication of this order. The applicants' promotion w.e.f. the date his juniors were promoted will be notional. The applicant will also be entitled to the consequential benefits. In view of the fact that the applicant becomes entitled to the promotion and he will be deemed to have been promoted, his result for the post of Junior Accounts Officer will also be declared and consequential benefits will also be given to the applicant. The actual ^{communication} ~~promotion~~ will be deemed to have been given w.e.f. 1.3.1993. No order as to costs.

unrected
RKA
3-2-94

Member (A)

Vice-Chairman

Lucknow Dated: 26.2.1993.

(RKA)

(AII)

Before the Central Administrative Tribunal

Additional Bench Allahabad

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in

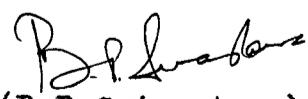
Registration No. 286 of 1988

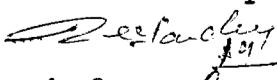
between

Shri C.B.Tiwari ... petitioner
and

Union of India and others ... Respondents

S.No.	Particulars	Pages
1.	Misc. Application for condonation of delay	.1. to .3.
2.	Memo of petition	.1. to .12
3.	Annexure I Judgment of Criminal Court	.13 to .17
4.	Annexure II Application dt. 18th May, 1986	.18 to .19
5.	Annexure III Order of reinstatement	.20 to .21
6.	Annexure IV copy of order, declaring result of UDC	.22 to .24
7.	Annexure V Application dt. 17th Nov. 1986	.25 to .27
8.	Annexure VI Reminder	.28 to ...
9.	Annexure VII Application dt. 4.2.88	.29 to .30
10.	Affidavit/Vakalathana	.31 to ...


(B.P.Srivastava)
Counsel for the petitioner


(R. K. Pandey)
Counsel for the Petitioner

Before the Central Administrative Tribunal
Additional Bench Allahabad

Misc. Application No. 286 of 1988

of

Shri C.B.Tiwari ... Applicant

in

Registration No. of 1988

between

Shri C.B.Tiwari ... petitioner

and

Union of India and others ... Respondents

Reg. No. 286 of 1988 The Hon'ble the Vice Chairman and his other
companion Member of the aforesaid Tribunal.

Additional Bench Allahabad

7/4/88
by Post
8/3/88
By Registered

The humble applicant named above Most
respectfully showeth as under:-

1. That the petitioner has filed the aforesaid
petition for a declaration that he may be declared
to have been appointed on the post of Upper Division
Clerk on the basis of his having passed Upper
Division Clerk's examination.

8/3/88

2. That the petitioner became subject-matter
of the criminal case, as a consequence of which
he was suspended on 21st September, 1982 but was

Amrit
Deputy

Chamrabhul Gyanay

AB

- 2 -

honourably acquitted by the criminal court on 12th June, 1986. Thereafter he was reinstated on 13th November, 1986.

3. That after his reinstatement, the petitioner had filed an application on 17th November, 1986 for appointment on the post of Upper Division Clerk. A reminder was also given on 15th December, 1986 but no reply was received by the petitioner.

4. That thereafter the petitioner personally met the Post Master General and the Accounts Officer for his promotion to the post of Upper Division clerk but he was assured that necessary orders would be passed but they have not yet been passed.

5. That in the mean time, the petitioner appeared ~~in~~ for the examination for the post of Junior Accounts Officer Part I in November, 1987. A supplementary examination was also held on 10th January, 1988, and the result of the same is expected at any time, as such the petitioner has been left with no option but to take shelter of this Hon'ble Tribunal.

*Attn:
S. S. A.*

Chandrabhushan

6. That in the ends of justice, it is necessary that the delay, if any, in filing the aforesaid petition may be condoned, so that justice may be done in the petitioner's case, otherwise the applicant would suffer grave and irreparable loss.

Prayer

Wherefore, on the facts stated above, and in the accompanying petition, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to condone the delay, if any, in filing the petition to meet the ends of justice.

B.P.Srivastava
(B.P.Srivastava)
Counsel for the petitioner

*Respectfully
by
(R.K.Pandey)*
Counsel for the petitioner

(A.S)

In the Central Administrative Tribunal
Additional Bench Allahabad

Registration No. of 1988

between

Shri C.B.Tiwari ... Petitioner
and
Union of India and others ... Respondents

1. Particulars of the Applicant:

(i) Shri C.B.Tiwari, aged about 29 years, son of Shri Tilak Narain Tiwari, at present posted as Lower Division Clerk in S.B.C.O. Head Post Office Gonda.

Note: The notices meant for the petitioner may be served on Shri B.P.Srivastava, Advocate, 188-A Alopibagh, Jawahar Lal Nehru Road, Allahabad.

2. Particulars of the respondents :

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

*A.H.S.
S. S. S.*

Chandra Bala Tiwari

4/6

- 2 -

(ii) Post Master General , U.P.Circle
Lucknow.

(iii) Accounts Officer , I.C.O. (SB)
Lucknow Region, Lucknow.

Note. The notices meant for the respondents may
be served on the aforesaid addresses.

3. That the present petition is being filed
for declaration that the petitioner be deemed
to have been promoted as Upper Division Clerk
with effect from the date when his juniors
have been promoted to the aforesaid post and that
he be accorded /paid the arrears of the aforesaid
post of Upper Division clerk and that the
petitioner who was allowed to appear in the
examination for the post of Junior Accounts
Officer Part I as provisional candidate be given
a certificate of having appeared in the aforesaid
examination as a regular candidate.

4. That the applicant declares that the
subject-matter of the order against which
he wants redressal is within the jurisdiction
of this Hon'ble Tribunal.

5. That the applicant further declares
that the petition ~~ex~~ be deemed to be within the

*Alleged
Secretary
AU*

Chandra Bhanu Seward

AP

- 3 -

limitation as he was suspended by an order dated 18th September, 1982 . Thereafter a criminal case was filed against the petitioner , in which he was clearly acquitted by judgment dated 12th June, 1986 and that he was reinstated on 13th November, 1986. After his reinstatement, he filed an application for promotion to the post of Upper Division clerk on 17th November, 1986. When no orders were passed, he made a reminder on 15th December, 1986 but no orders were passed on the said reminder as well. Thereafter the petitioner met the Accounts Officer as well as the Post Master General several times and he was assured that he would be promoted as Upper Division Clerk shortly but no orders have been passed as yet , as such he has been left with no option but to take shelter of this Hon'ble Tribunal and as such the delay, if any, in filing the present petition may kindly be condoned.

6. That the facts of the present case are as under:

(I) That the petitioner was initially appointed on the post of Lower Division clerk on 18th December, 1979 in S.B.C.O.(Savings Bank Control Organisation) H.P.O. Barabanki .

*Alleged
Reproduced
AD*

Chandru Patel Yewardi

Alia

- 4 -

(II) That for being appointed to the post of Upper Division Clerk , an examination for direct recruitment to the post of U.D.C. , was held on 27th June, 1982 . The petitioner also appeared in the said examination for the post of Upper Division Clerk.

(III) That thereafter was on inimical basis , involved in a criminal case on 8th September, 1982 , as a consequence of which he was suspended by an order dated 18th September, 1982.

(IV) That thereafter a first information report was lodged against the petitioner on 27th January, 1983 and a criminal case No. 978 of 86 was conducted against the petitioner under Sec. 409/420 I.P.C. in the Court of Munsif/Magistrate Barabanki.

(V) That the petitioner was honourably acquitted by the aforesaid Munsif/Magistrate by his judgment dated 12th June, 1986.

A true copy of the said judgment dated 12th June, 1986 is being filed herewith as Annexure I to this petition.

Annexure I

*Alia
Chandra Bhushan Goyal*

Chandra Bhushan Goyal

(VI) That thereafter the petitioner submitted an application on 18th September, 1986 for his reinstatement as he has already been acquitted from the charges levelled against him.

(VII) That by virtue of an order of reinstatement dated 8th November, 1986, the petitioner joined his duties as Lower Division Clerk on 13th November, 1986.

A true copy of the petitioner's application dated 18th September, 1986 as well as the order of reinstatement dated 8th November, 1986 are being filed herewith as Annexures II and III respectively to this petition.

Annexures II and III

(VIII) That, as already mentioned earlier, the petitioner had already appeared in the examination for appointment on the post of Upper Division Clerk on 27th June, 1982. The result of the aforesaid examination was declared on 9.3.1983 in which the petitioner was duly selected.

A true extract of the said order declaring the result of U.D.C. is being filed herewith as Annexure IV to this petition.

Annexure IV

*Attestd
Secretary*

- 6 -

(IX) That the petitioner was declared as having been passed the said examination and out of the list of 115 candidates, the petitioner's name appears at S.No. 68.

(X) That as the petitioner had to remain under suspension from 21st September, 1982 to 13th November, 1986, therefore, he could not be appointed on the post of Upper Division Clerk. Had the petitioner not been subjected to the aforesaid criminal case, he would have also been promoted as Upper Division Clerk.

(XI) That during the aforesaid period of suspension and reinstatement, several of the petitioner's juniors were appointed as Upper Division Clerk. The names of a few of such juniors are given as under:

1. Shri G.K. Misra,
2. Shri Ram Lal
3. Shri Asnok Kumar Srivastava,
4. Shri Aslam Siddique and several others.

(XII) That after the reinstatement, the

*AHC/2
Bef/2
A/C*

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petitioner also submitted an application for promotion for the post of Upper Division Clerk on 17th November, 1986.

A true copy of the said application is being filed herewith as Annexure V to this petition.

Annexure V

(XIII) That when no orders were passed on the aforesaid application, the petitioner sent reminder on 15th November, 1986.

A true copy of the said reminder dated 15th November, 1986 is being filed herewith as Annexure VI to this petition.

Annexure VI

(XIV) That thereafter the petitioner met the Post Master General as well as the Accounts Officer ~~for~~ several times for his appointment on the post of Upper Division clerk and he was assured that necessary orders would be issued but no orders have been issued, therefore, the petitioner had to take shelter of this Hon'ble Tribunal.

(XV) That it may further be mentioned that an examination for the post of Junior Accounts Officer Part I was going to take place. The aforesaid examination for promotion to the post of Junior Accounts Officer Part I took place

August 2 *September* *1987* from 18th November, to 19th November, 1987. The

Amrapali Devani

Amrapali Devani

- 8 -

petitioner was permitted to appear in the aforesaid examination as a provisional candidate. Thereafter supplementary examination was held for the aforesaid post on 10th January, 1988.

(XVI) That on 4th February, 1988, the petitioner submitted an application to the Post Master General requesting therein that his case regarding provisional candidature may be finalised so that his result may be announced. It may be submitted that unless and until the petitioner is taken as a regular candidate, his result for the aforesaid examination for Junior Accounts Officer Part I would not be declared.

A true copy of the said application dated 4.2.88 is being filed herewith as Annexure VII to this petition.

(XVII) That no orders have been passed on the aforesaid application and it is expected that the result of the aforesaid examination for the post of Junior Accounts Officer Part I would be declared at any time.

(XVIII) That under the aforesaid circumstances

it is necessary in the interest of justice that the

*Alister C
Begley AM*

Chandrabhan Stewart

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opposite parties may be directed to forthwith promote
petitior to the post of Upper Division
Clerk with effect from the date when his juniors
were promoted as the petitioner had also passed
the said examination.

(XIX) That there is no justification
to keep the petitioner as provisional candidate
for the examination of Junior Accounts Officer
Part I, as such the opposite party no. 2 is
liable to be directed to consider the petitioner
as a regular candidate so that his result for the
post of Junior Accounts Officer Part I may be
declared.

7. That the applicant declares that the
petitioner was ordered to be reinstated on the
post of Lower Division Clerk by the Accounts
Officer by an order dated 8th November, 1986. Being
aggrieved by the aforesaid order of reinstatement
on the post of Lower Division Clerk, the
petitioner made a representation to the Post
Master General on 17th November, 1986 and a
reminder was also given on 15th December, 1986
but to no effect. Whereafter the petitioner
personally met the Post Master General several

*Alleged
Reefordley
Act*

Chandrabhushan

times but when he assured the petitioner that the petitioner would be promoted shortly but no promotion order has been issued and in the mean time, the petitioner had also appeared in the examination for the post of Junior Accounts Officer Part I, therefore, the petitioner has been left with no option but to take shelter of this Tribunal.

8. That the petitioner further declares that he has not previously filed any application, writ petition or suit regarding the order in respect of which this application has been made before any court of law or any other authority or any other Bench of the Tribunal, except what has been stated by the petitioner above, nor any such application, writ petition or suit is pending before any of them.

9. That in view of the facts mentioned above, the petitioner prays for the following reliefs:

(a) that a declaration may issue to declare the petitioner as having been promoted as Upper Division Clerk with effect from the date when his juniors were promoted.

*Alleged
Secretary
A.Y.* (b) that a declaration may issue to declare

- 11 -

that the petitioner is entitled for all the benefits and privileges of the post of Upper Division clerk, which have been accorded to his juniors and that the petitioner be given the arrears thereof.

(c) that the opposite parties may be directed to consider the petitioner as a regular candidate, so that his result for the post of Junior Accounts Officer Part I may be declared.

(d) that any other suitable order, declaration or direction may also be issued which this Hon'ble Tribunal may deem just and proper in the circumstances of the case.

(e) That the costs of this petition may also be awarded to the petitioner.

10. That no interim relief is prayed for at the present moment.

11. Particulars of the Postal Orders:

Referred 8/11-3-98

(i) Number of the postal order 567305
 (ii) Date of postal order
 (iii) Name of issuing Post office *Algod*
 (iv) Post office at which payable

*Aust D
Bachchan A*

Chandram Bhal Yewar

120

ਮੋਹਾਂ ਪਾਧਰ ੧੭੮/੬੦

ବର୍ଷାରୀ

୧୦୫

खन्दमात्र विषाटी १

गोद० ४४/ ८३

ભારત 409/430 પાઠ ૫૦ પ્રો-
પાઠ્ય પ્રેરણાલી ।

ପିଲ୍ଲେ
ପାତ୍ରବିଦ୍ୟା

ਪ੍ਰਿਯਾਤ ਪਕੜਾਤ ਲਿਖਾਈ ਦੇ ਬਿਖੁ ਤਥਾ ਕਾਨੂੰਨ ਕੌਤਥਾਨੀ ਦੇ ਹਾਲੋਂ
ਏਸ ਯਾਤਰੀ ਬਾਰਾ 409/420 ਪਾਰਤੀ ਦੇ ਹਾਲ ਬੰਦੀਵਾ ਦੇ ਟਾਪੂਆਂ ਪਾਰਾਵੱਲੇ
40/33 ਦੇ ਪੰਡਿਤ ਲਿਧਾ ਹੈ ।

॥ शिवोदय एव ओ विष वै शिवोदय विष्णु वै ॥

that the petitioner is entitled for all the benefits and privileges of the post of Upper Division clerk, which have been accorded to his juniors and that the petitioner be given the arrears thereof.

(c) that the opposite parties may be directed to consider the petitioner as a regular candidate, so that his result for the post of Junior Accounts Officer Part I may be declared.

(d) that any other suitable order, declaration or direction may also be issued which this Hon'ble Tribunal may deem just and proper in the circumstances of the case.

(e) That the costs of this petition may also be awarded to the petitioner.

10. That no interim relief is prayed for at the present moment.

11. Particulars of the Postal Orders:

Particulars

(i) Number of the postal order 567305
(ii) Date of postal order
11-3-86 (iii) Name of issuing Post office Algodon
(iv) Post office at which payable

*Alleged
Zachodny
AM*

Chandram Bhaiya

1961-62 के वार्ष से लोन फर बारोत्रत एकाउन्ट में बात चारी रही 93 हजार लक्ष्ये अये विंगल दर अमाले में व्यावत दिया । दिक्षांत 9-7-82 तो प्रतिवर्षत के साता ईश्या 349830 ईश्य अमाले दे बास के पर्यां लोन दरों के विकास 22-7-82 तो 1800 अये विकास 5-8-82 तो 2250 अये , 16-8-82 तो 2300 अये ताका विकास 20-8-82 तो 830 अये विंगल दर अमाला में व्यावत दिया । बट्टा भी प्रका दूधधा रिपोर्ट थार्ड पर अप्रियत फरारी गयी । विवेकां ठपराना अरारोप एवं व्रेष्णा विकास ।

गोपनीयता के आदेश व्यापार के वर्ष 1982 में प्रकाश जारी की 40310
मी.0 के पद पर जारीकर दीवार वी.र व व्यापार यु.डी. सी. स्थीरार द्विया
मि. डिस्ट्रिक्ट 1-1-82 को व्यापार वर्ष 148354 अपेक्षा लागे के अनुसार
मे खोला था । अधिकारी द्वारा दीवार वी.र व व्यापार यु.डी. स्थीरार
तथा ग्रामदग्गा को द्वारा दीवार दीवार । व्यापार व्यापार दीवार
को व्यापार व्यापार व्यापार 468, 420, 201, 471 मार्टिय व्यापार दीवार के
व्यापार के व्यापार व्यापार । अधिकारी द्वारा व्यापार व्यापार के
दीवार व्यापार व्यापार ।

प्र० नौवीं वर्ष के अंदे ब्रिटिश सम्राज्य में बांधी गया । इसकी प्र-
बाद बांग्ला , बांधी गया 2 अप्रैली क्षेत्र राम जपत रिया , बांधी गया
2 अप्रैली क्षेत्र रिया । इसके बाद बांधी गया ।

अभियात फा बधाब अन्नार्थी बारा ३१३ व० द० रु० मे अंतिम
फिया पया । अभियात के यह अभियात फिया छि बधाब विभागीय है ।

मैंने पश्चात् तो यहां एवं पश्चात्यरी पर छपता यहस्त मौरिय
एवं गुरुभिर्लीय बाट्य फा अकांक्ष, फिया ।

ਸਾਈ ਈਤਥਾ 2 ਪ੍ਰਖਤ ਕੁਝਦੇ ਕੇ ਪਿਵੇਖਣ ਹੈ। ਇਥ ਸਾਈ ਲੈ ਪਿਸ਼ਾਬੀ ਬਾਅਦ ਪ੍ਰਵਾਸੀ ਫ-2 ਤਥਾ ਆਰੋਪ ਦੇ ਪ੍ਰਵਾਸੀ ਫ-3 ਕੇ ਲਿਖਿਤਾਵਣ ਫੋ ਪ੍ਰਮਾਣਿਤ ਕੀਤਾ ਹੈ। ਇਥ ਸਾਈ ਕੇ ਤਥਾ ਕੇ ਬਨਵੀ ਮੇ ਫੋਂਡ ਪ੍ਰਮਾਣਿਤ ਕੀਤੀ ਕੀਤਾ ਹੈ। ਬਹ ਏਹ ਗ੍ਰੌਪਵਾਰਿਕ ਸਾਈ ਹੈ।

ਬਾਣੀ ਬਲਧਾ ਤੇ ਭਾਵ ਕਿਰੀਤ ਏਥੋ ਫੋ ਬਿਵੰਦੀ ਕੇ ਜੇ ਪੁਸ਼ਟੇ ਪਾਂਧੇ ਤੇ ਪੁਸ਼ਟੇ ਪਾਂਧੇ ਮੇਂ ਲਿਵਾ ਬਾਂ ਫਲਲੀ ਫਰੰਦ ਕੇਤਾਰ ਛਿਧਾ ਹਾਂ , ਫਰੰਦ ਪ੍ਰਵਾਹੀ ਫ-੪ ਏਵੰ ਫਰੰਦ ਪ੍ਰਵਾਹੀ ਫ-੫ ਕੇ ਬਿਣਾਵਕ ਤੋਂ ਜ਼ਿਸ ਬਾਣੀ ਕੇ ਪੁਸ਼ਟੇ ਲਿਵਾ ਹੈ । ਕਈ ਕੇ ਪਾਂਧੇ ਚਿਨਤਾ ਫਾਗਯਾਤੋਂ ਵਾਂ ਬਿਵਰਾਵ ਫਰੰਦ ਪ੍ਰਵਾਹੀ ਫ-੬ ਏਵੰ ਫ-੭ ਕੇ ਹੈ । ਇਹ ਬਾਣੀ ਹੈ ਧਾਰ ਬਾਣੀ ਅਭਿਆ ਵਾਂ ਬੌਰਾਵ ਬਿਵੇਵਾ ਵਧਾਵ ਅਨਾਵੰਤ ਥਾਰਾ । ੬। ਲੱਗੋ ਲੱਗੋ ਕੇ ਲਿਵਾ । ਧਿਤ ਥੀ ਏਥੇ ਮਾਂਪਚਾਰੀਏਤ ਬਾਣੀ ਹੈ । ਕਿਵੇਂ ਕੀ ਤਾਵੇ ਕੇ

3
वाले वाले कोई श्री शिव का लाली लिया है ।

ए प्रात्र प्रात्कली पर भात खाकी सेंडया । वाली श्रवणा ईश्वरी
हुआ । उत्तर का उत्तर धिवारा भूमि भैरव विदा है ।

साक्षी हैं वा । ईश्वरी श्रवण उत्तर वाली श्रवणा है तथा उन्होंने
हुआ भूमि भैरव विदाकी जांच की है । इस वाली ऐ वार्ता
रिपोर्ट प्राप्त ०-२ फो श्रवणा लिया है ।

वालु ईश्वरा ३४००३४ , जो श्री वन्देश्वर शिवारी के वास है है ,
उसके नाम को नाम ना भौत ने नहीं लिया है । उपर्युक्ता ।
जितारी है । ११० लक्ष्य के आगे ७५ त तक १२ फो । ११० लक्ष्ये वाला लिया तथा
उसके बावजूद १५वाँ ७-४-८२ फो ७०० लक्ष्ये , ४-४-८२ फो १०५० लक्ष्ये तथा १२-४-८२
फो ३०० लक्ष्ये वाला वाली छर्के लिया है ताँ ईश्वर पात्र लेवर गार्ड ३ शिवारी एवं
एवं दुर्लक्षण रविस्टर भा एवं एवं १८० ली०३ ग्राम छर लिया । वाला १०५०
३४९५७८ राम शगार श्रियांठी के वाय है है । उस वाले है २०-५-८२ फो १००८८८
जमा छरले वालया गे लेवर छरके लियाँ ६-५-८२ फो ९५० लक्ष्ये , १५-५-८२ फो
१४० लक्ष्ये भी शिवारी वाला वाली छरके ली लयो है । इस लियारी पर्याँ फो एवं
लेवर गार्ड फो ० लुंब्धश्वरा शिवारी के गोका पात्र लाल छर ग्राम छर लिया
है । उसकी लियारट के अस्तर श्री वन्देश्वर शिवारी के पर्याँ श्री राम शमार शिवारी
के वाय लेवर एवं वाला जोला जाओर उपरोक्त वालाकी लिया । इस तरह इस वाले है
१०९० लक्ष्ये के ग्राम वालालूत फो लिया है लिए वाल्य लिया अस्तित्वांको फो लाल
छर पायव छर लिया भया है । वाला १०५० श्री लिया शगार शिवा के
पात्र है है । इस वाले है अवलोकने लेवरोरी छर २२-७-८२ फो १८०० लक्ष्ये ,
५-८-८२ फो ३५० लक्ष्ये , १६-८-८२ फो २३०० लक्ष्ये , २३-८-८२ फो ८५० लक्ष्ये उपर्याँ
छर वाला वाली छरके ७२०० लक्ष्ये श्री वन्देश्वर शिवारी के लियात लिया । इस उम्मी
शिवारी के पात्र भालालूत है । इस पर्याँ पर श्री वन्देश्वर शिवारी के वाल छर के लाल मे
उपर्ये दस्तावक्त वालये है तथा सभी श्रवणिटर्स इन्हीं है लाल की ग्रामीण होती है ।
इस वाले है लेवर गार्ड १८० ली०३ इन्डेस्ट्री रविस्टर के वाला है श्री वन्देश्वर
शिवारी के कौले पर लाल छर वायव छर लिया है । उपरोक्त उम्मी शावरी श्री राम शमार
छरकोषे वायव छर लिया है । महाराजी वाल वडे है लिडपरोरत वाला वाली के
ग्रामिक लक्ष्यों फो श्रवणिट्र छरके के लिए व्यापारिये के उम्मी फोई की ग्रामिक लक्ष्यों की ग्रामिक
लिया पका है एवं वही छरके लियि है लाल लियारों के अस्त्र श्रवणिट्र लिया भया है ।
वही तब वह उपर्युक्त लिया भया है जि उस वाल वाली की वन्देश्वर
शिवारी श्रवणी वाली वयी है तथा इन्वराय छरके लेवर मे लिया वस्त्र ग्रामीण छोरा है ।
इस संदर्भ मे उपरोक्त वह है जि श्री वन्देश्वर शिवारी के उत्तरोत्तर एवं उपर्युक्तों पर

A3

यदि तम इस भाष्य का छोड़ द्या ये व्यायाम पै उपरी प को छोड़ द्यो तो यह भाष्यः फिर भी उटकी में रहे जाते हैं एवं ऐसे ही दुन्दुभास तिपारी छोड़ द्यायें क्यों उक्त विवरण एवं इतिवारों में दून्दुभोंके उक्त विवरण उपरोक्तों को पाये लिया, तब तब फिरी यह छोड़ द्या उपरोक्त या उपरोक्त है। असौ तो यह विवरणों तर्फ श्री बनुभास तिपारी है लेकिं एवं उस्ताद्दर है क्षेत्र या उपरोक्त ००४ अल्प अवधि है, इस उपरोक्त में उसी फिरी उपरोक्त विवरण की उपरोक्त

आद्यम

गणित उम्मीदात तिवारी ने आरोप अन्तर्गत लारा 400, 420, 201, 471, भारतीय वर्ष 5 दीक्षित में बोध स्वात लिखा गया है। इसके द्वितीय पत्र वर्ष 4 दीक्षित लिखे गये हैं तथा उन्हें ने उन्होंने लिखा दिया है।

क्रमांक 1 12.6.56

। रात्रेद्व छंदाए ॥

ਲੰਘਿਅ ਬੈਧਿ੦ ਸਾਡਾ ਚਿਮਿਤਾ ਓਈ,
ਪਾਰਾਵਾਂਹੀ ।

Printed 11-2-6-80

ਹੁਦਰੋਹਤ ਖਿੱਚ ਧਾਰ ਦੇ ਘਾਰਘਾਤਪ ਪੈ ਸਤਾਇਏ ,
ਪਿਤਾਂਭਿੱਤ ਏਵੇਂ ਹੁਦਰੀਂ ਪਿੱਤ ਬਿਹਾਰ ਪਾਰ ।

ବର୍ଷାକ

॥ राज्येन्द्र उमार ॥

ਪ੍ਰਿਹਿਲ ਮੈਡਿਕਲ ਸੈਕਾਰ ਲਿਮਿਟੇਡ,
ਬਾਰਾਪਟਾਨੀ

ਪਿੰਡੀ । 2-0-90

4/21/63 abd. urography L + R
met. c. (liver) 1000 ml
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negative 4/18
negative 4/19
negative 4/20
negative 4/21

18

(A33)

In the Central Administrative Tribunal
Additional Bench Allahabad

Annexure II

in

Registration No. of 1988

between

Shri C.B.Tiwari ... petitioner

and

Union of India and others ... Respondents

To

The Accounts Officer,

ICO (SB)

Lucknow Region,

Lucknow.

Subject: Reinstatement

Sir,

I was placed under suspension vide your Memo No. ICO SB/P.F./CB Tiwari/82 dt. 18.9.82 with effect from 21.9.82 in a criminal complaint case no. 978 /86.

I am to inform you that the Hon'ble Court of Munsif Magistrate Lower Criminal Court Barabanki vide his judgement of 12.6.86 has decided that no charge stands against me and has honourably

Chandra Bhanji

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- 2 -

acquitted me of all the charges. A certified copy of said judgment is enclosed herewith for your kind perusal.

It is, therefore, requested that I may be reinstated and permitted to join duties.

Thanking you,

Yours faithfully,

Sd. C.B.Tiwari

L.D.C. U/S

SB CO Barabanki

Barabanki

Dated 18.9.1986

Encls. As above.

True copy

Zeynab
AI

Chandra Bihari Tiwari

20
(A35)

In the Central Administrative Tribunal
Additional Bench Allahabad

Annexure III

in
Registration No. of 1988

between

Shri C.B.Tiwari ... petitioner
and
Union of India and others ... Respondents

Department of Post
Office of the Accounts Officer
ICO Lucknow -7
Dated 8.11.1986

ORDER

Whereas an order placing Shri C.B. Tiwari LDC, SHCO, Barabanki under suspension was deemed to have been made by Shri R.N.Arora the then A.U. ICO (SB) Lucknow vide NO Even dated 18.9.82.

Now, therefore, the undersigned, in exercise of the powers conferred by clause (c) of sub rule (5) of Rule 10 of the C.C.S. (C.C.A.) Rules, 1968 hereby revoked the said order of suspension with immediate effect and Shri C.B.Tiwari will join as

Chander Bahadur Yewari

21(A36)

- 2 -

L.D.C. at SBCO Gonda H.O. in pursuance of Director
Postal Services Lucknow Region Lucknow letter
NU RDL/TTA/LDC/SBCO/CH. IV/2 dated 5.11.86.

Sa. M.R. Joshi

Accounts Officer

ICO(SB) Lucknow -7

copy for information and neey action forwarded

to :

1.Official concerned,

2.Director Postal Services Lucknow Region, Lucknow
w/r letter NU RDL/TTA /LDC/SBCO/CH IV/2 dt. 5.11.86

3.Postmater Gonda.

4.SPOs Gonda

5.POST Master Barabanki

6.SPAs. Barabanki

7.U/C

True copy

Rejulu
A/1

Chandra Bhal Yewar

22
A37

In the Central Administrative Tribunal
Additional Bench Allahabad

—
Annexure IV

in

Registration No. of 1988

between

Shri C.B.Tiwari ... petitioner

and

Union of India and others ... Respondents

—
copy of communication No. 2-1/82 DE dated 16th
December 1982 from C/O the D.G. P & T New Delhi
addressed to all Postmasters General

—
Sub. Examination for direct recruitment to the
cadre of UDCs in SDC/ICO , held on 27th
June, 1982 --- Announcement of Result.

The list of candidates who have been
selected for appointment as Upper Division clerk
in SBC/JCO on the results of the above examination
is given in the Annexure to this circular. The
names of the candidates have been arranged in the
order of merit except those candidates who have
been bracketed together. In respect of the
bracketed candidates the orders of merit
will be determined in accordance with the principles

- 2 -

laid down in this respect viz. with reference to age and if age is also the same, with reference to marks in matriculation examination.

In some cases, all the bracketed candidates have been shown even though vacancies may not be available for some of them. Appointments in such cases may be made after fixing their interse seniority and appointments restricted to the actual no of available candidates , if some candidates do not accept the offer, their particulars may be furnished so that more candidates can be nominated.

2. As a result of stay granted by the Supreme Court it may be clarified that appointments on the basis of the result are subject to the final decision of the ~~xxx~~ writ petition no. 3402 of 82 pending before the Supreme Court on the subject.

3. In respect of candidates, if any , whose admission to the examination was provisional their results are subject to the final decision regarding their eligibility for taking the examination.

4. The names of the candidates against the Roll Nos. concerned have been shown , as furnished by the circles etc. if, however, any mistake in the names of the candidates are noticed , the same may please be corrected and the corrections intimated

24
(A39)

- 3 -

to this office also.

Sd. A.S.Gonray

Asstt. Director General (DE I¹)

No. II Endst. N. Recrtt /130/UDC/SBCO /82 dated
at LW, the 9.3.83

copy along with the application of the candidature forwarded to STA Sec. G.O. Lucknow for further necessary action para 2 of D.G. Sletter will have to be mentioned in the appointment order of each candidates.

Sd. Illegible

for Postmaster General

Lucknow

True copy

Uttar Pradesh Circle

1. UP 1967 Bhagat Singh

.....

68. UP 1967 Radha Kishan Pandey
1951 Devendra Pd. Sharma
UPD 62 Chandra Bhal Tiwari

.....

151 UPD 72 Dalip Singh Rana (ST)

Sd. Illegible

for P.M.G.U.P.

True copy

Deputy
A.O.

25
AUO

In the Central Administrative Tribunal
Additional Bench Allahabad

—
Annexure V

in

Registration No. of 1988

between

Shri C.B.Tiwari ... petitioner

and

Union of India and others ... Respondents

—
To

The Post Master General,

U.P. Circle, Lucknow 226001

Through - Proper Channel

Sub Promotion as UDC in SBCO

Respected Sir,

I beg to state as under:

1. That I was placed under suspension vide A.O. letter No. ICO -SB/PF/CB Tiwari/82 dated 18-9-82, as criminal proceedings was contemplated against me.

2. That vide judgement, dated 12.6.86 in case no. 978/86, I have been honourably acquitted

Chandrababu Yewar,

26
A4

- 2 -

by the learned Munsif Magistrate, Lower Criminal Court, Barabanki.

3. That, as I have been honourably acquitted by the Court of law, my suspension has been revoked by the A.O. IICO , vide his memo no. IICO SB/PF/CB Tiwari /82 , dated 8.11.86 and posted in Gonda HO, SBCO, as L.D.C.

4. That in compliance of the said order, I have joined the Gonda HO, as L.D.C.

5. That ~~myself~~ I had appeared in UDC, Examination on June 27, 1.82 and was declared passed and qualified vide Memo No. Rectt/430/UDC/SBCO/82 dated 9.3.83, but could not be promoted due to suspension.

6. That my Roll No. in the said examination was UPD-62 and was declared successful at Sl. 68 in the list of successful candidates.

7. That since I have been honourably acquitted by the Court of law and posted as LDC Gonda HO, I may

Chandra Bhal Grewar

27
A42

- 3 -

kindly be posted as UDC in promotion, as I had already passed the UDC examination held in year 1982.

With the above, it is respectfully prayed that I may kindly be promoted and posted as UDC, instead as L.D.C.

Thanking you,

Yours faithfully,

S. C. B. Tiwari

L.D.C., SBCO, Gonda HO Gonda

Dated 17.11.86

Place Gonda.

True copy

Chambra Bhal Yewar

Chambra Bhal Yewar

28

443

In the Central Administrative Tribunal
Additional Bench Allahabad

—
Annexure VI

in

Registration No. of 1988

between

Shri C.B.Tiwari ... petitioner

and

Union of India and others ... Respondents

—
To

The Post Master General,

U.P. Circle,

Lucknow.

Through The A.O. (A.C.O.) S.B. Lucknow.

Ref. My representation dated 17.11.86

Respected sir,

While inviting your kind attention to my representation dated 17.11.86 regarding my promotion in U.D.C. I beg to request to kindly issue expeditious orders and oblige. Thanks.

Yours faithfully,

Sd. C.B.Tiwari,
L.D.C. (S.B.C.O.)
Gonda H.O.

Dated 15.12.86

True copy

Chandra Bhanji

Chandra Bhanji

29 *Am*

Before the Central Administrative Tribunal
Additional Bench Allahabad

—
Annexure No. VII

in
Registration No. of 1988
between
Shri C.B.Tiwari ... petitioner
versus
Union of India and others ... Respondents

—
To

The Post Master General

U.P. Circle

Lucknow.

Through Proper Channel

Subject Request for clearance of provisional
candidature in J.A.O. (Part I) Examination
field in Nov. 87

Respected sir,

Most respectfully /humbly I beg to
request that I have appeared in above mentioned
examination with ~~exhibit~~ Roll No. U.P. 567 (Boy)
in Nov. 87.

Therefore, I request your honour to

Chandrabhushan Yerwani

30
AUG

- 2 -

kindly finalise my provisional candidature
so that my result may be announced.

I shall be extremely oblige for this
act of kindness.

Thanks.

Yours faithfully,

Sd. C.B.Tiwari
L.D.C.S.B.C.O.

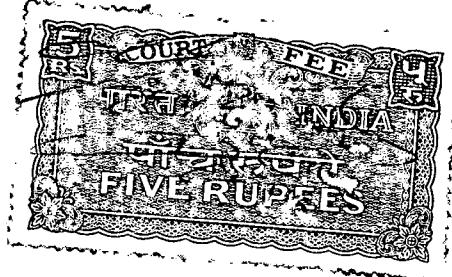
Gonda H.P.O.

Dated 4.2.88

True copy

Deepak
A.Y.

Chandrabhushan



A46

अभिभाषक पत्र (वकालतनामा)

सेन्ट्रल अडिसिनिस्ट्रेटिव ट्राइबुल, अडीशनल बैंच, इलाहाबाद

Registration No. - - - - - सन् १९६८

S. C. B. Tiwari

वादी / प्रतिवादी
अपीलान्ट

बनाम

Union of Gadite Zaili

वादी / प्रतिवादी
रेस्पान्डेन्ट

मैं कि S. C. B. Tiwari

at present as Lower division Clerk
in S. B. C. O. Head post office
Gonda

मैं हम अपनी ओर के पक्ष समर्थन के हेतु

श्री बी० पी० श्रीवास्तव व श्रीमती उमा श्रीवास्तव, एडवोकेट हाईकोर्ट (पंचायती विभाग)
१८८ ए, अलोपोबाग, जवाहरलाल नेहरू मार्ग, इलाहाबाद (उत्तर प्रदेश) का

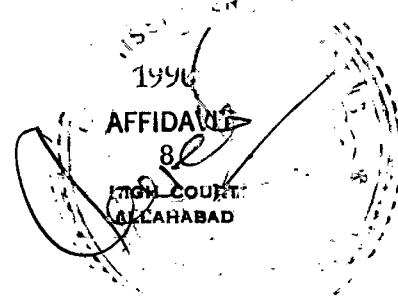
को कानूनी शुल्क (मेहनताना) नियत करके अपना अभिभाषक (वकील) नियुक्त — करता है
निश्चित करते हैं

यह स्वीकार करता है कि उक्त सज्जन हमारी ओर से पैरवी करें वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (वयान तहरोरी), वाद स्वीकार पत्र, विवाद पत्र, मुनरावलोकन (रेस्टोरेशन प्रार्थनापत्र) एवं पुनर्निर्णय (तज्ज्ञाजसानी), प्रार्थना पत्र (दरखास्त), शापथिक कथन (हलफनामा) प्रवर्तन पत्र (दरखास्त इजराय) मूजवात अगील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एवं लेखादि को प्रतिलिपियाँ अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें और आवश्यक प्रश्न करें अथवा उत्तर दें और लेखादि की प्रतिलिपियाँ एवं हमारे प्राप्य धन को अपने हस्ताक्षरी पात्री देकर प्राप्त करें, हमारी ओर से किसी को मध्य-पत्र, तथा साक्षी (गवाह माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा प्रमाणित करें वाद-पत्र उठावें, छोड़ें अथवा समझौता करें तथा मुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना करके उसका समर्थन करें अर्थात् प्रकरण से सम्बन्धित कुल कार्यवाही दियों के भर पाई होने के समय तक स्वतः या संयुक्त करें, इजरा दाखिल करें। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भाँत हमको सुझको सर्वथा स्वीकार होगा अगर हम निश्चित कानूनी शुल्क उक्त सज्जन को न दें तो उनको अधिकार होगा कि वह हमारी ओर से मुकदमा को पैरवी न करें। उपरोक्त दशा में उक्त सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।
वकालतनामा मन्जूर है।

filed today
RZ
9/3/90



(AMT)

SO(J)

Keep on record
if permissible

9/3/90

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD

-00-

DR(J)

COUNTER AFFIDAVIT

ON BEHALF OF

RESPONDENTS

IN

Received copy

REGISTRATION O.A.NO.286/88.

13/3/90

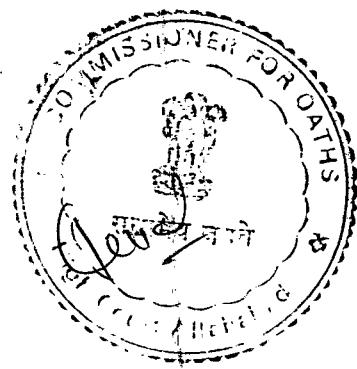
O.B.Tiwari

.... Petitioner

Versus

Union of India & others

.... Respondents



Affidavit of Sri A. K. Agarwal aged about 40 years, son of Shri S. M. Agarwal, posted as Accounts Officer, I.C.O.C (S.B) Lucknow (Deponent)

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

1. THAT the deponent is posted as Accounts Officer I.C.O.C (S.B) and as such

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is fully acquainted with the facts of case deposed to below.

2. THAT before giving parawise reply following facts are being asserted in order to facilitate this Hon'ble Tribunal in administering justice.

3. THAT while the petitioner was working as Lower Divisional Clerk (hereinafter referred as L.D.C.) in the S.B.C.O. Barabanki, he committed certain fraudulent act from his own post office saving bank A/c No.348854 and three other saving bank accounts and opened in the name of bank depositors and in this way the department suffered a great loss amounting to Rs. 12, 840/-.

4. THAT in view of the aforesaid involvement the petitioner was put under suspension on 18.9.1982 and a criminal case was also instituted against him, which was numbered as 978/86.

5. THAT during the course of investigation certain original documents/records were

collected by the police authorities from the department but either the same were not produced by the police authorities and it appears that the case was not properly defended on behalf of the State. However solely on the technical ground i.e. in absence of the proper evidence the petitioner was acquitted by means of judgment dated 12.6.1986 by the Munsif Magistrate, Barabanki. The perusal of the judgment, Annexure I to this petition, would go to show that it was observed that the prosecution has failed to prove his case beyond doubt.

6. THAT in view of the judgment of the Munsif Magistrate, Barabanki, the decision was taken to initiate disciplinary proceedings against the petitioner under the provisions of C.C.S.(CCA) Rule 1965. It is further submitted that on 21.9.1986 a letter was written by the Supdt. of Post Offices, Barabanki, which was addressed to Account Officer, ^{ICO} S.B. Lucknow, i.e. respondent no. 3 alongwith the copy of the judgment. Immediately after the receipt of the said communication, the matter was again scrutinised after consultation of the Supdt. of Post Offices, Barabanki and on 10.12.1986 a letter was written to him regarding the records so that the disciplinary proceedings may be initiated against the petitioner. In A photostat copy of the aforesaid letter dated 10.12.1986 is being annexed

A handwritten signature in black ink, appearing to read "R. S. D." or a similar initials.

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with this counter affidavit and is marked as
Annex.No.I

After receipt of the said communication
on dated 12.12.1986 the Supdt. of Post Offices
informed the respondent no. 3 that as soon as
these documents are received from the court, the
same shall be supplied. On 9.6.1987 the
respondent no. 3 has written a letter to the
Director Postal Services, Lucknow, in which it
has been narrated that for want of the relevant
records, the departmental proceedings could not
be initiated. Though it was under contemplation.
A photostat copy of the said communication dated
9.1.1987 is being annexed with this counter
affidavit and is marked as ANNEXURE NO. II.

Annex.No.II

On 27.3.1987 another communication was made
by the Director, Postal Services to the
respondent no. 2 in which it was specifically
stated that the departmental proceeding were
under contemplation and as such no promotion
can be made to the petitioner. In that letter
it was also stated that the records were not
received. A photostat copy of the letter dated
27.3.1987 is being annexed with this counter
affidavit and is marked as ANNEXURE NO.III.

Annex.No.III

7. THAT since the police authorities
didn't return those documents after the finalisation

of the aforesaid case to the respondents, the proper action could not be taken at the earliest and as late as on 12.9.1989 the Supdt. of Police, Barabanki, issued a letter in which it was informed to the respondents that the documents which were submitted by the respondents to the police authorities were not returned. Photocopies of the certain documents were verified by the police Inspector as a true copy and it has been suggested that on the basis of these photocopies, the action may be taken. A photocopy of the aforesaid reply dated 12.9.1989 is being annexed with this counter affidavit and is marked as ANNEXURE NO. IV.

Annex. No. IV.



8. THAT the respondents had no alternative photocopies of except to rely those documents and on the basis of those records a chargesheet, under rule 16 of C.C.S.(CCA)Rule 1965, was issued on 19.2.1990. A photostat copy of the said chargesheet dated 19.2.1990 is being annexed with this counter and is being marked as ANNEXURE NO. V.

Annex. No. V.

9. THAT it is also pertinent to mention here that regarding the fraud played in his own amount on the basis of the written statement of the petitioner, stating therein that he deposited the loss, another chargesheet was issued on the same day i.e. 19.2.1990, under the rule 16 of

A handwritten signature in black ink, appearing to be 'Raj'.

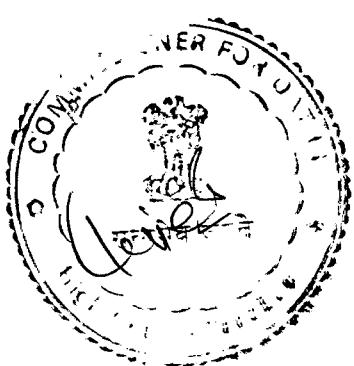
of C.C.S(CCA) Rule 1965. A photostat copy of the same is also being annexed with this counter Annex.No.VI. affidavit and is marked as ANNEXURE NO.VI.

10. THAT in view of the pendency of the departmental proceedings, the petitioner could not be considered for the promotion for the post of Upper Division Clerk, SBCO, and the same was communicated by the respondent no. 2. A photostat copy of the aforesaid communication dated 6.5.1987 is being annexed with this counter Annex.No.VII. affidavit and is being marked as ANNEXURE NO.VII.

11. THAT it is also pertinent to mention here that during the pendency of the suspension, an examination of the U.D.C., SBCO cadre from the outside was conducted on 27.6.1982 and the petitioner was selected to be posted as U.D.C. vide letter dated 16.12.1982, but in fact he could not be given promotion due to the court case. It is made clear that when the petitioner passed the aforesaid examination of the U.D.C. he was under suspension and as such he could not be given promotion and thereafter after the decision in the criminal case, the respondents took a decision to initiate a disciplinary proceeding against the petitioner under the provisions of C.C.S(CCA) Rule 1965 and as such in view of the contemplation of the



disciplinary proceedings, the petitioner could not be given promotion. It is also made clear that in the said examination of U.D.C. the petitioner appeared as an outside candidate and not as a departmental candidate. The result was to be declared from Director General, P&T Services, New Delhi, and the said fact i.e. involvement of the petitioner in the criminal case could not be brought in the knowledge of the Director General and as such the result was declared and of course the action on the result could not be taken by the department, in view of the involvement of the petitioner in the criminal case as he was suspended and thereafter he was deprived of the promotion, in view of the fact that the disciplinary proceeding was under contemplation and now the chargesheet has been served upon the petitioner. In the subsequent examination of the Jr. Accounts Officer, the petitioner was again provisionally permitted to appear in the said examination in 1987, but his result has been kept withheld in view of the factum of contemplation of the disciplinary proceedings.



12. THAT it is also made clear that the petitioner has approached to this H'n'ble Tribunal at such belated stage and ~~andxxxundxxthe petition is~~ the petition is badly time bared and is liable to be rejected as no convincing grounds have

been narrated in the accompanying application of the petition purported to have been moved under section 21 of sub-clause 3 of C.A.T.Act. 1985.

13. THAT the contents of paragraphs nos. 1 and 2 of the writ petition needs no comment.

14. THAT in reply to the contents of paragraph no. 3 of the writ petition it is submitted that, as stated above, the disciplinary proceeding was under contemplation against the petitioner and as the decision was taken immediately after the acquittal from the criminal case on 19.6.1986 and as such he was not given promotion on the post of U.D.C. As regards the permission to appear in the Jr. Accounts Officer/examination of 1985, the said permission was given provisionally and his result has been withheld. However ^{Pt. I} as soon as the disciplinary proceeding shall be finalised and in case he is exonerated, the result shall be declared.


15. THAT the contents of paragraph no. 4 of the writ petition needs no comment.

16. THAT the contents of paragraph no. 5

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of the writ petition are not correct and as such are denied. The petition is badly time bared and is liable to be rejected. It is admitted case of the parties that the result of the U.D.C. was declared on 16.12.1982 and in case he was not given the benefit of the said examination, the petitioner ought to have agitated the matter immediately thereafter. Since the petitioner has approached this Hon'ble Tribunal at such a belated stage, therefore in view of the circumstances mentioned above, the petition is not liable to be maintainable. However the criminal case was also decided on 12.6.1986 even at that stage also the petitioner, except making certain representations or making prayer to revoke the suspension order, don't sought the relief which he has sought in the present application.



A handwritten signature in black ink, appearing to read "J. K. B."

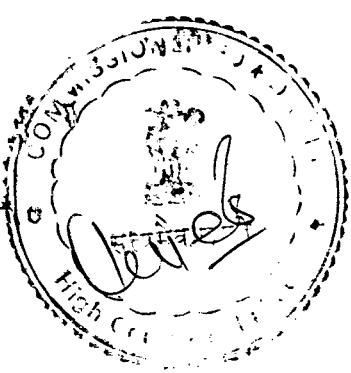
17. THAT in reply to the contents of paragraphs nos. 6.(I), 6.(II), 6.(III), 6.(IV), 6.(V), 6.(VI), 6.(VII), 6.(VIII), 6.(IX), 6.(X), 6.(XI), 6.(XII), 6.(XIII), 6.(XIV), 6.(XV), 6.(XVI), 6.(XVII), 6.(XVIII), and 6.(XIX) of the writ petition it is submitted that a detail reply has already been furnished in the foregoing paragraphs hence need not to be repeated here again.

18. THAT in reply to the contents of

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paragraph no. 7 of the writ petition it is submitted that the petitioner was reinstated as L.D.C. vide letter dated 8.11.1986. The representation of the petitioner dated 17.11.1986 was considered in the light of the judgment of Munsif Magistrate Barabanki and it was decided to take disciplinary action against the petitioner on the departmental lapses on his part. Therefore his promotion to U.D.C. cadre was not considered pending the finalisation of the disciplinary action against him.

It is further submitted that in during the meetings of the petitioner with the Post Master General, the petitioner was informed the facts of his case, as stated above.



19. THAT the contents of paragraph no. 8 of the writ petition needs no comment.

20. THAT in reply to the contents of para no. 9 of the writ petition it is submitted that in view of the facts and circumstances stated above, the petitioner is not entitled for any relief as prayed for in the paragraph under reply.

21. THAT the contents of paragraphs nos. 10, 11 and 12 of the writ petition needs no comment.

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I, the deponent named above, do hereby solemnly affirm on oath and verify that the contents of paragraphs nos. 1, 2 and 3

_____ of this affidavit are based on my personal knowledge and those of paragraphs nos. 4 to _____

_____ of this affidavit are based on perusal of records of this case and those of paragraphs nos. _____

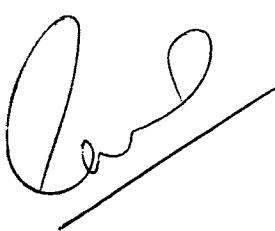
_____ of this affidavit are based on legal advice received in this case which are believed to be true and no part of this affidavit is false and nothing material has been concealed.



SO HELP ME GOD.



Deponent.



I, D.S.Chaubey, Clerk to Sri K.C.Sinah, Advocate, High Court, Allahabad, do hereby declare that the person making this affidavit and alleging himself to be the deponent is known to me from the perusal of records of this case which have been produced by him and I believe that he is the same person.



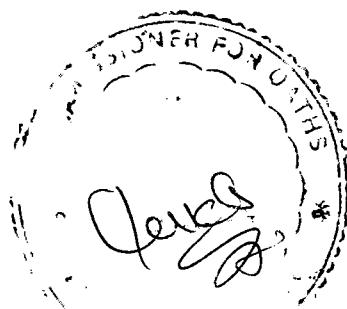
D.S.Chaubey
Clerk.

ASD

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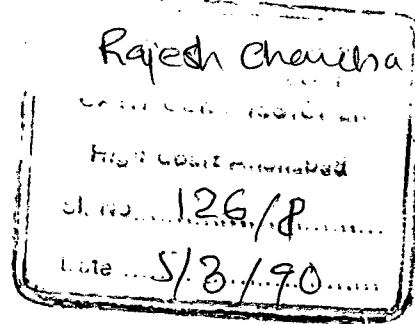
Solemnly affirmed before me on this 5th
day of March 1990 at 11.00 A.M./pm at Allahabad
by the deponent who has been identified by the
aforesaid Clerk.

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



OATH COMMISSIONER.

Deponent.



D.O.NO:ICO-SB/P/02

97/e

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M.R. Joshi

Accounts Officer

CO (SB) Lucknow Region

Deer shri Siddiquo,

10-12-86

Kindly refer to your letter NO: F/SB-9/82-83 dated 21.9.86 forwarding herewith a copy of judgement in r/o in case of Shri C.D.Tewari LDC SBCO Barebanki now posted at SBCO Gonda, in this connection it is requested the relevant documents requisitioned by this office, would have now been returned by the court. The required documents may please be sent to this office so that disciplinary proceedings may be initiated against the official.

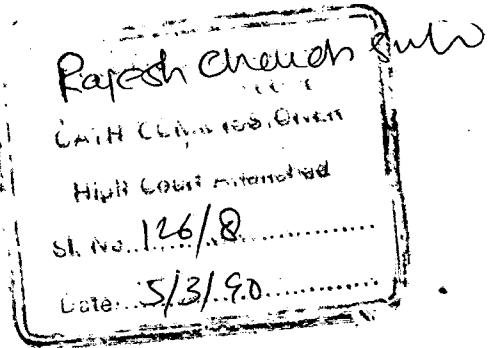
With

Shri A.A. Siddique
SPoS
Barabanki.

Yours Sincerely

(M.R. Joshi)

Accounts Officer
CO (SB) Lucknow Region
LKN(W)



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Abc

DEPARTMENT OF POSTS

FROM:- TO,
Accounts Officer Director Postal Services
ICO (SB) Lucknow-7 Lucknow Region, Lucknow-7

NO:ICO-SB/PF/CB/1986 Lw. Dated: 9-1-1987

Sub:- Promotion in U.D.C. cadre- Case of
Shri C.B.Tewari LDC SBCO Gonda.

Ref:- P.M.G.U.P.Circle,Lucknow letter NO:STA/1215-
PS/10 dated 5.1.87

L also

Kindly find enclosed herewith a representation of above noted official addressed to The Postmaster General U.P.Circle, Lucknow as desired by C.O. vide letter NO:Cited above dated: 5.1.87. that case of Shri C.B.Tewari should be submitted to this office through D.P.S. Lucknow. Brief history of the case is as under:-

(i) Shri C.B.Tewari was placed under suspension vide this office letter NO:ICO-SB/PF/82/C.B.Tewari dated 18.9.82 for alleged fraud case against him. He was acquitted by the court on 12.6.86 as such Shri Tewari was reinstated vide this office memo NO:ICO-SB/PF/C.B.Tewari/82 dated 0.11.86 and posted as L.D.C. SBCO Gonda.

(ii) The SPoS Barabanki has been asked for supplying the relevant documents for initiation of Departmental proceedings against Shri C.B.Tewari the then LDC SBCO Barabanki vide this office letter NO:ICO-SD/P/82 dated 20.8.86 & 10.12.86. The SPoS Barabanki has replied vide his NO:F/SD-9/82-83 dated 12.12.86 that relevant documents are awaited from the court, the same will be supplied when received from the court.

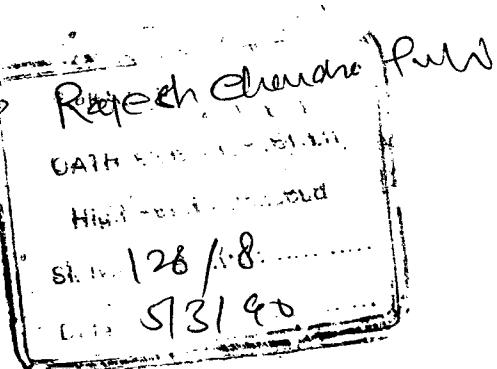
(iii) In the above circumstances the disciplinary proceedings against Shri C.B.Tewari is contemplated and could not be initiated for want of relevant records.

D.A. As above.

Sd/-
Accounts Officer
ICO (SB) Lucknow.

Copy to P.M.G.U.P.Circle,Lucknow W/R letter
NO:STA/1215-PS/10 dated 5.1.87

Sd/-
Accounts Officer
ICO (SB) Lucknow-7



30 APR 1991

107/8

(A6)

भारतीय डाक विभाग

प्रेषक,
निदेशक डाक देवार्ये,
लखनऊ ईत्र लखनऊ - 226007

रेपा मे,
डाक महाध्यक्ष,
उत्तर प्रदेश परिवहन,
लखनऊ - 226001.

संख्या: - आरडीएल/स्टाफ/सम-4/87/2 दिन 10 लखनऊ - 3-87

विषय: - श्री सी.बी.तिवारी अवर्धन बघत बैक संगठन गोपन्ना के प्रधर की
बोधसंसो में प्रो-न्नति के सम्बन्ध में।

संदर्भ: - डाक महाध्यक्ष का पत्र सं0 सरटीए/215-पी.सी. /10 दिन 3-2-87.

श्री श्री.सी.तिवारी का प्रत्योवेदन निम्न आछाया के साथ भेजा जा रहा है।
लेखाधिकारी बोधसंसोंगठन लखनऊ ने अपने पत्रांक आईसीओसबी/पीएफ/ श्री.बी.तिवारी /87 दिन १०.१.८७ के, स्थिति लिया है फिर कर्मियारी के विषय जारीयादी करना है परन्तु अभी कागजात श्रद्धीधक बाराबंकी ने उपलब्ध नहीं कराया है। यौंक लेखाधिकारी ने कर्मियारी के विषय विभागीय कार्यवाही के समाप्त हुए पदोन्नति के लिए विधार करने का और्ध्वत्य नहीं बताता है।

लेखाधिकारी को तुरन्त कागजात प्राप्त करके विभागीय कार्यवाही करने को लिखा जाना है।

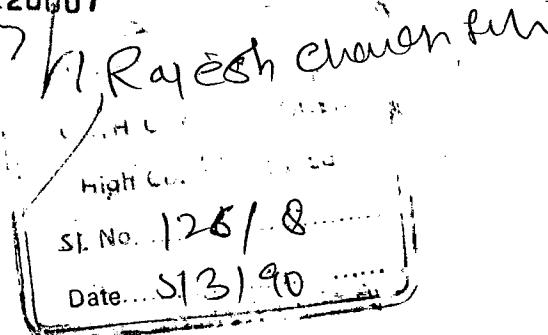
सलर्न: एक

कृपा निदेशक डाक देवार्ये

लखनऊ ईत्र लखनऊ - 226007

प्रांगिलिपि: - लेखाधिकारी बघत बैक संगठन लखनऊ ईत्र की व्यया अपने पत्र सं0 आई सीओसबी/पीएफ/श्री.बी.तिवारी /87 दिन १०.१.८७ का अपलोड करें और तुरन्त कागजात प्राप्त करके विभागीय कार्यवाही प्रारम्भ करें और तीन माह में इसे समाप्त कर दें।

कृपा निदेशक डाक देवार्ये
लखनऊ ईत्र लखनऊ - 226007



(A62)

पत्र संख्या सं. 134/37, दिनांक 12.1989
सेवाओं:

अधीक्षक डाकघर,
बारांकी बंडल
पारांकी

कृपया मु030सं0.44/83 घारा 409/420 फ्ट0द0घि0. धाना
कोतवाली बारांकी के सम्बन्ध में अपने पत्र संख्या एस-9/82-83 दिनांक 23
-9-87 तथा दोनों विवाहित की सदूर को ऐचित अपने पत्र संख्या एस-9/
82-83 दिनांक 29-8-89 का संन्दर्भ ग्रहण करें।

द्वितीय भाग में लिखा लिखा है कि आपके विभाग से तमन्दिर
त अभिलेखों को लाए जाने के बिंदाय में विभागीय जांच करायी गयी जिसमें
कठिन अभिलेख उपलब्ध नहीं हो सके हैं और विभागीय जांच के उपरान्त
अभिलेखों को लेने वाले उप निरीक्षक के विस्तृत सामुहित कार्यवाही की गयी है
यदांग भी उल्लेखनीय है कि उपरा गुरुदर्में से तमन्दिर अभिलेख
लेहा दिनांक 10-9-87 को श्री शुक्ल राम जन तमारी निरीक्षक घारा एक
बंडल भर्त गुहर गहमूलोर्ड रजिस्टर व एक अटट लिशषा श्री मानु मुलाल
मजिस्ट्रेट लांचर द्विमाल कोटि के आरोग्य दिनांक 24-7-87 धाना कोतवाली में
प्राप्त किए। श्री शुक्ल राम को भी चाहिए था कि उपरा गुहर लिशषा
धाने से खातिकर व देख कर अभिलेख भापत लें। किन्तु उन्होंने सर्वगुहर बंडल
व लिफाफा प्राप्त करना अंदिरा किया है आरु आगे लायलिय में धाद में उप
सर्व गुहर बंडल छोला गया।

द्वितीय उपनिरीक्षक श्री निकुंज दुबारा दिनांक
अभिलेखों की तारीख दिनांक 25-7-83 के अन्तर्वेक्षन से विद्यित है कि कलिरा
क्षोये गये अभिलेखों की फोटो प्रति उक्त उप निरीक्षक घारा पुगा है।
आपके कार्यालय दो दिए गये, जो कि आपके कार्यालय में होंगे और इनके लिए
र पर यदि आप चाहें तो तमन्दिर बांधियों के लिए विभागीय निरीक्षक
किया जाना समाव हो तकता है। जबकि गूत अभिलेख लांग के उपरान्त भी
उपलब्ध नहीं हो सके हैं। उक्त प्रकरण में अन्य विभागीय कार्यवाही की जाएगी
नहीं प्रतीत होती है।

True copy
Attested
Shri K. D. Shukla
Supdt. Post Offices
Barabanki Dist. Barabanki 225001



Rajeshwar Singh
Ex-H. Comm. 12878
High Court Barabanki
Sl. No. 12878
Date..... 31/8/89

Government of India
Department of Posts.

(A63)

o/o The Supdt. of Post Offices Hardoi Dn. Hardoi-241001

Memo No.B.L.D.C./C.B.Tiwari/II

Dated at Hardoi, the 19.2.90.

1- Shri ...C.B.Tiwari...L.D.C...S.B.C...Sandesh...Hawala...) is hereby informed that it is proposed to take action against him under Rule 16 of CGS(CEA) Rules, 1965. A statement of imputation of misconduct or misbehaviour on which action is proposed to be taken as mentioned above is enclosed.

2- ShriC.B.Tiwari..... is hereby given an opportunity to make such representation as he may wish to make against the proposal.

3- If Shri ...C.B.Tiwari..... fails to submit his representation within 10 days of the receipt of this memorandum it will be presumed that he has no representation to make and order will be liable to be passed against Shri C.B.Tiwari ex parte.

4- The receipt of this memorandum should be acknowledged by Shri ...C.B.Tiwari.....

Sc
Supdt. of post offices
Hardoi Dn. Hardoi-241001

Reqd. AD

True copy attested
To,
Shri ...C.B.Tiwari...L.D.C.
...S.B.C...Sandesh...
.....(Hawala...)...



P.R.YADAV/89/

Revd

Copy to: f/c branch D.O H-A-C

ACG

Statement of imputation of misconduct or misbehaviour against
Shri CB Tewari LDC SBCO Janjila (Hardoi).

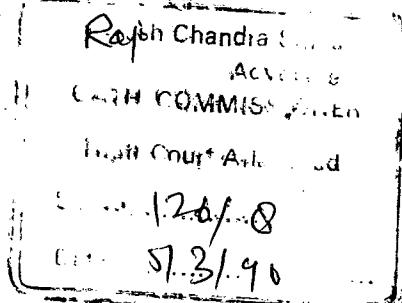
Shri C.B.Tewari while working as LDC Barabanki HO during the period from 10.12.79 to 20.9.82 committed a grave misconduct in as much that he opened SB account no.348854 on 1.1.82 in his own name with the initial deposit of Rs.100/- (Rs. one hundred only) Subsequently he made the following transactions in it.

Date	deposit	withdrawal
1.1.82	100/-	-
22.1.82	-	90/-
30.1.82	50/-	-
5.2.82	150/-	-
8.2.82	-	50/-
10.2.82	-	50/-
13.2.82	-	60/-
15.2.82	-	40/-
1.4.82	100/-	-

According to said transactions there was balance of Rs.110/- (Rs. one hundred and ten only) after transaction on 1.4.82. At even then the said Shri CB Tewari made the withdrawals of Rs.700/-, 100/- and Rs.300/- on 7.4.82, 8.4.82 and 12.4.82 respectively within the short period of one week and however managed to get allow all the three said withdrawals of Rs.1100/- (Rs. one thousand and one hundred only) fraudulently. Subsequently the said Shri C.B.Tewari however explaining that he committed the said three withdrawals of Rs.1100/- (Rs. One thousand one hundred only) to meet the medical expenses in connection with the accident of fracture in the hand of his brother-in-law (). Subsequently the sum of Rs.900/- + 20.50 was credited by him via ACG.67 receipt no.8AU.3107 dated 8.2.82 at Barabanki HO. Rs.200/- (Rs. Two hundred only) + Rs.20.00 (Rs. twenty only) was credited by him via Barabanki ACG.67 no.9 dated 8.9.82. He also managed to turn out make it disappear the page of Index register, ledger card, SB-3 and vouchers.

The said Shri CB Tewari failed to maintain absolutely integrity and also acted in a manner unbecoming of a Govt. servant violating the provisions contained in rule 3(i)(i) and (iii) of CCS(Conduct) Rules, 1964.

True copy attested of
Supt. of Post Office,
Hardoi Dn. Hardoi-241001



Government of India
Department of Posts.

(A65)

o/o The Supdt. of Post Offices Hardoi Dn. Hardoi-241001

Memo No. B.I.L.D.C./C.B.Iwan/1

Dated at Hardoi, the 19.2.91.

1- Shri ...C.B.Iwan.I.D.C.S.R.C.O....Sandila(Hardoi).....
is hereby informed that it is proposed to take action against him
under Rule.16 of CCS(CCA) Rules, 1965. A statement of imputation of
misconduct or misbehaviour on which action is proposed to be taken
as mentioned above is enclosed.

2 Shri ...S.B.Iwan.....
is hereby given an opportunity to make such representation as he
may wish to make against the proposal.

3- If Shri ...C.B.Iwan.....
fails to submit his representation within 10 days of the receipt of
this memorandum it will be presumed that he has no representation
to make and order will be liable to be passed against Shri ...C.P.Iwan/1
.....ex-parte.

4- The receipt of this memorandum should be acknowledged by
Shri ...C.B.Iwan.....

Supdt. of post offices
Hardoi Dn. Hardoi-241001

Regd. AD

True copy attested
To
Shri ...C.B.Iwan.I.D.C.S.R.C.O
.....S.B.C.O....Sandila
.....Hardoi.....
Date: 21.2.91

Ans Copy to G branch Do Hardoi

P.R.YADAV/89/



Government of India
Department of Posts

c/g

Statement of imputation of misconduct or misbehaviour against
Anri CP Tewari Lee SBCO Sandila HO (Hardoi)

Shri CP Tewari while functioning as LDC SBCO Barabanki from 18.12.79 to 20.9.82 managed to get opened a fake SB A/C no. 349830 at Barabanki with initial deposit of Rs.10/- (Rs. ten only) Subsequently the deposit of Rs.50/- (Rs. fifty only) and Rs.10/- (Rs. one hundred only) took place on 17.7.82 and 6.8.82 respectively. He however being the LDC in SBCO Barabanki managed to use balance in the said account with malefic intenti on in ledger card he prepared the applications for withdrawal and identified the fictitious depositor and got made in making withdrawals from said account.

date	withdrawal
12.7.82	1800.00
5.8.82	2250.00
16.8.82	2300.00
26.8.82	850/-
Total:	7200/-

Thus, by identifying the fictitious depositor and third
C. Toward on the dates mentioned above got allowed the payment
of Rs. 7200/- (Rs. Seven thousand two hundred only) and subsequently
he could not make payable the said sum to depositor.

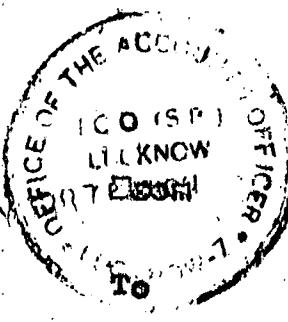
By this above acts the aforesaid Shri Ch. Tewari is alleged to have failed to maintain absolute integrity and devotion to duty and have acted in a manner unbecoming of a Govt. servant violating the provisions of rule 3(i)(i),(ii) and (iii) of CCG (Conduct) Rules, 1964.

True copy attached
col. 1

Scd



P.R.Y /90



GOVERNMENT OF INDIA
DEPARTMENT OF POSTS

The Postmaster-General
U.P. Circle Lucknow

To

The Director Postal Services
Lucknow

No. STA/215-PC/10

Dated at Lucknow, the

6-5-1987

Subject: Promotion as UDC in SECO case of Shri C.B. Tewari
SECO main Gondia

Reff: Your letter No. RDL/Stg/M-4/87/2 dated 27.3.87.

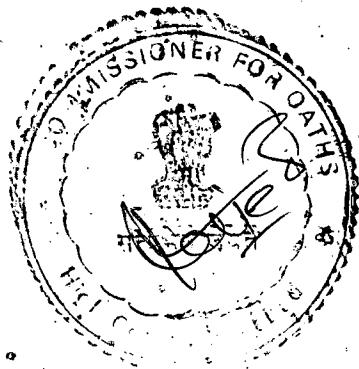
The ~~case~~ official can not be promoted without
finalisation of departmental proceedings. The official
may be informed accordingly. Necessary action may be taken
to expedite departmental proceedings.

Copy to AO ECO SB
Lucknow for information.

Recd
For Postmaster-General UP

Rajesh Chandra Singh

With best regards
128/8
Date 31.7.87



5/3
filed today
9/3/90

(60)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD

-000-

OBJECTIONS

IN

Misc. Application No. of 1988

ON BEHALF OF

Union of India & others

... Applicants/
Respondents

IN

REGISTRATION O.A.NO.286/88.

C.B.Tiwari

..... Petitioner

9/3/90

Versus

Union of India & others Respondents

To,

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

The humble application of the abovenamed
respondents MOST RESPECTFULLY WHOETH as under :-

1. THAT the contents of paragraph no. 1
of the application needs no comment.

A69

2 -

2. THAT the contents of paragraph no. 2 of the application are matter of record and as such needs no comment. It is further submitted that the judgement of the criminal case would go to show that he has not been honourably acquitted in the said criminal case.

3. THAT in reply to the contents of paragraphs nos. 3 and 4 of the application it is submitted that it is a well settled law that by making repeated representations or approaching to the higher authorities for the redress, no one can enlarge the period of limitation. In fact the petitioner is badly time bared and the cause of action has arises before the petitioner atleast in June 1986 and he should have agitated the matter at that time.

4. THAT the contents of paragraph no. 5 of the application are not correct. The supplementary examination dated 10.1.1988, which has been referred in paragraph under reply, has got no relevance with the present case. However the petitioner was allowed to appear in the exam. of 1987 of Jr. Accounts Officer, Pt.I, provisionally and after finalisation of the disciplinary proceedings, the action shall be taken accordingly,

✓

5. THAT in reply to the contents of paragraph no. 6 of the application it is submitted that in the present application the petitioner has failed to ~~mixatainxxha~~ make out any case or show any convincing ground for not agitating the matter earlier except the narration of the facts which are also not true and as such the petition is liable to be rejected.

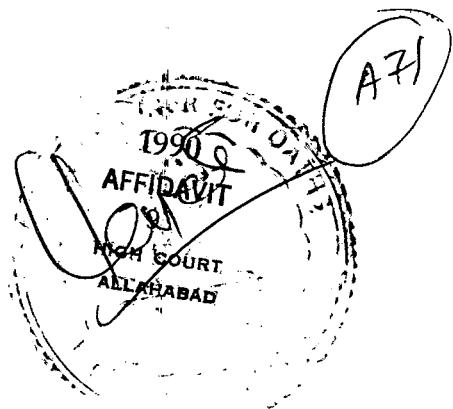
P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to kindly reject the petition, in view of the facts and circumstances stated above, otherwise the respondents shall suffer a grave irreparable loss, in the interest of justice.

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

Dt: 8.3/1990.

Allahabad.



IN THE HON'BLE CENTRAL ADMINISTRATIVE TIRUBNAL
ADDITIONAL BENCH AT ALLAHABAD

-000-

SUPPLEMENTARY COUNTER AFFIDAVIT

ON BEHALF OF THE

RESPONDENTS

IN

REGISTRATION O.A.NO.286/88.

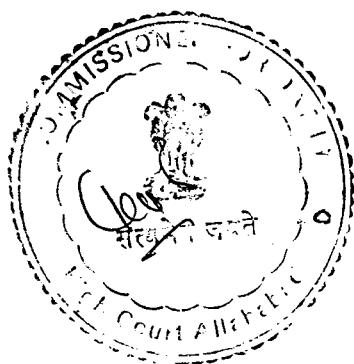
C.B.Tiwari

.... Petitiiner

Versus

Union of India & others

.... Respondents.



Affidavit of Sri A.K.
Agarwal aged about 40
years, son of Shri S.M.
Agarwal posted as
Accounts Officer, I.C.C.(S.B.)
Lucknow (Deponent)


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

1. THAT THE deponent is posted as
and as such

APZ

2 -

is fully acquainted with the facts of case deposed to below.

2. THAT the contents of paragraph no. 1 of the application needs no comment.

3. that the contents of paragraph no. 2 of the application are matter of record and as such needs no comment. It is further submitted that the judgment of the criminal case would go to show that the petitioner has not been honourably acquitted in the said criminal case.

4. THAT in reply to the contents of paragraphs nos. 3 and 4 of the application it is submitted that it is a well settled law that by making repeated representations or approaching to the higher authorities for the redress, no one can enlarge the period of limitation. In fact the petition is badly time bared and the cause of action has arisen before the petitioner atleast in June 1986 and he should have agitated the matter at that time.

5. THAT the contents of paragraph no. 5 of the application are not correct. The

supplementary examination 10.1.1988, which has been referred in paragraph under reply, has got no relevance with the present case. However the petitioner was allowed to appear in the Exam. of 1987 of Jr. Accounts Officer, Pt.I, provisionally and after finalisation of the disciplinary proceedings, the action shall be taken accordingly.

6. THAT in reply to the contents of paragraph no. 6 of the application it is submitted that in the present application the petitioner has failed to make out any case or show any convincing ground for not agitating the matter earlier except the narration of facts which are also not ~~inx~~ true and as such the petition is liable to be rejected.

I, the deponent, named above, do hereby solemnly affirm and state on oath and verify that the contents of paragraphs nos. of this affidavit are based on my personal knowledge and those of paragraphs nos. of this affidavit are based on perusal of case and those of paragraphs nos. of this affidavit are based on legal advice received in this case which are believed to be true and no part of this affidavit is false and nothing material has been concealed.

Apel

4 -

SO HELP ME GOD.

Reent

Deponent.

I, D.S. Shaubey, Clerk to Sri K.C. Sinah, Advocate, High Court, Allahabad, do hereby declare that the person making this affidavit and alleging himself to be the deponent is known to me.

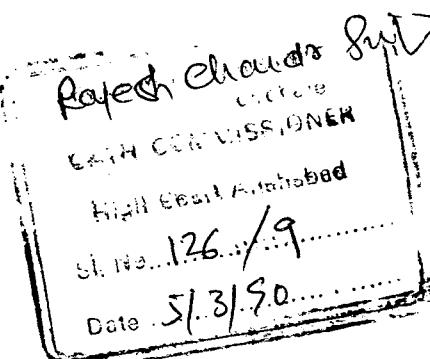
Ch
Clerk.

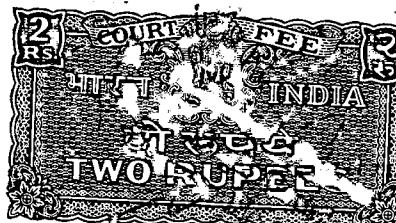
solemnly affirmed before me on this 5th day of March 1990 at 11.20 am/pm at Allahabad by the deponent who has been identified by the aforesaid clerk.

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

OATH COMMISSIONER.

Deponent.





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: AD'L
BENCH: ALLAHABAD.

...

Rejinder Affidavit

In

Registration No. 286 of 1988.

Sri C.B.Tewari Petitioner.

Vs.

Union of India &

others..

.. Cpp. parties.

*Rejinder Singh
Chandok Singh
Anil Singh*
Affidavit of Sri C.B.Tewari,
aged about 31 years son of Sri
Tilak Narain Tewari, at present
posted as Lower Division Clerk,
Head Post Office, Sandila, Wardha:

(Deponent).

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

1. That, the deponent is the petitioner in
the aforesaid petition, and as such he is
acquainted with full facts of the case deposited
to below:

Rejinder

:2:

2. That, I have gone through the counter affidavit filed by Shri A.K. Agarwal, and have fully understood the contents thereof. My para-wise reply is as under:

3. That, the contents of paragraphs no. a 1 and 2 of the counter affidavit need no reply.

4. That, the averments made in para 3 of the counter affidavit are incorrect and emphatically denied. It is submitted that the charges levelled against the petitioner have been struck-off by the criminal court by its judgment dt. 12.6.1986 as the opposite parties have failed to produce the original record on the basis of which the alleged allegations have been levelled against the petitioner. As such it is wrong to say that the petitioner committed any fraud.

5. That, in reply to the contents of para 4 of the counter affidavit it is submitted that the petitioner was suspended on 18.1.1982 but in the criminal case, the petitioner was honourably acquitted. As such he was reinstated

AFF

:3:

by order dt. 8.11.1986 and the suspension order was revoked.

6. That, in reply to the contents of paragraph no. 5 of the counter affidavit, it is submitted that if the opposite parties had any grievances against order and judgment dt. 12.6.1986, passed by the lower criminal court, acquitting the petitioner from the charges, they would have taken further recourse to law in any competent court, but they did not do so even after the lapse of considerable time. The candidature of the petitioner has not been considered illegally and the petitioner has not been given promotion to the post of upper division clerk arbitrarily.

Averments made contrary in para under reply are emphatically denied. However, a further reply shall be given at the time of hearing of the petition.



7. That, the averments made in para 6 of the counter affidavit, are the matter of record. However, it is submitted that by letter dt. No. CCOSB/PF/CBT/89 dt. 4.7.89 issued by the Accounts Officer, the alleged proceedings against

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the petitioner had been dropped. As such the action of the opposite parties with regard to issue of chargesheet etc. on the same charges is completely illegal and without jurisdiction. A true copy of order dt. 4.9.1989, has already been annexed in supplementary rejoinder affidavit as Annexure-SRA-I. It is further submitted that after the suspension order revoked, the petitioner was reinstated on the post of lower division clerk and the petitioner is working to the entire satisfaction of his superior officers after his reinstatement. After the reinstatement of the petitioner the DAR enquiry was dropped and as such there is no question of withholding the promotion of the petitioner on the post of Junior Clerk. It may here be mentioned that the Annexures-I & III, said to have been annexed with the counter affidavit have not been annexed, and as such the petitioner is unable to say anything on the same.

8. That, the averments made in para 7 of the counter affidavit are misleading, hence denied. The alleged documents cannot lead to

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to any DAR enquiry against the petitioner, neither there are record on which any reliance can be placed. The opposite parties have no jurisdiction to proceed with the DAR enquiry on the basis of chargesheet, and the chargesheet framed on the basis of alleged documents cannot be made the basis for DAR enquiry against the petitioner. However, it is submitted that the Annexures-IV and V have not been annexed with with the counter affidavit, and as such the deponent is handicapped to say anything about those documents.

9. That, in the contents of para 9 of the counter affidavit, only this much is admitted that the petitioner has been served with two chargesheet on the same day i.e. 19.2.90. The rest of the averments made contrary in para under reply are emphatically denied. It is submitted that the petitioner had never submitted any statement saying that he has deposited any amount with the department.

10. That, in reply to contents of para 10 of the counter affidavit, it is submitted that

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when the proceeding initiated against the petitioner were dropped by letter dt. 4.7.89, as such the action of respondent in withholding the candidature of the petitioner and not promoting him to the post of junior accounts clerk is illegal arbitrary and against the principles of a fair play.

11. That, in reply to the contents of para 11 of the counter affidavit it is submitted that in view of the judgment and order dt. 12.6.1986 the petitioner was reinstated on the post and also the disciplinary proceedings initiated against the petitioner have already been dropped by letter dt. 4.7.1989. As such no stigma remain with the petitioner's service career. The action of respondents in not promoting to the petitioner is illegal, arbitrary and without jurisdiction, and averments made contrary in para under reply are emphatically denied.

12. That, the contents of para 12 of the counter affidavit are denied. It is submitted that the petition is within time.

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13. That, the contents of para 13 of the counter affidavit need no reply as they have not refuted the contents of para 1 and 2 of the writ petition.

14. That, in reply to contents of para 14 of the counter affidavit, it is submitted that after being acquitted in the criminal case, the suspension order dt. 18.9.82 was revoked by order dt. 8.11.86 and the period of suspension from 21.1.1982 to 12.11.86 has been treated as the period on duty for all purposes with full pay and allowances admissible during the period and also in pursuance of letter dated 4.9.1989, the petitioner had been paid all his arrears inasmuch as inasmuch as the departmental proceeding initiated against the petitioner, after the acquittal, have also been dropped. As such the action of the opposite parties in not declaring the candidature of the petitioner and is not considering him for promotion with effect from the date when his juniors were promoted, is arbitrary, and against the principles of natural justice. The averments made contrary in para under reply are emphatically



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lly denied and in reply the contents of para 3 of the ~~xx~~ petition are reaffirmed as correct.

15. That, in ~~any~~ ~~xx~~ the contents of para 15 of the counter affidavit need no reply as they have not refuted the contents of para 4 of the petition.

16. That, in reply to the contents of para 16 of the counter affidavit, it is submitted that the petitioner appeared in the UDC examination on 27.6.1982 and thereafter on 8.9.1982, the petitioner was involved in the criminal case and was suspended on 18.9.1982 and during the suspensions period of the petitioner the result of the UDC examination was declared on 9.3.1983 in which the petitioner was declared as successful. It is further submitted that after the acquittal in the aforesaid criminal case, the petitioner was reinstated on 8.11.1986 and ~~six~~ on 7.10.1986 the petitioner made representation to Post Master General U.P. Lucknow requesting therein that the petitioner be promoted as Upper Division clerk on the basis of the aforesaid selection which was held on 27.6.1982. Thereafter no orders were passed in the aforesaid representation of the petitioner. The petitioner had sent several reminders but to no



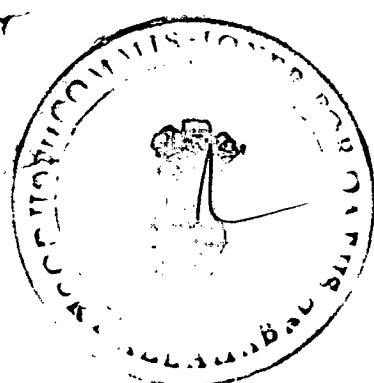
21 Dec 1986

AB3

effect. As such the petitioner had no alternative but to take shelter of this Hon'ble court and filed this petition on 8.3.1988 within the limitation as prescribed u/s. 21 of the Tribunal's Act. As such the allegations made in para under reply are incorrect and denied. However, a further reply shall be given at the time of hearing of the petition.

17. That, the averments made in para 17 of the counter affidavit, have already been relied in preceding paragraphs of this affidavit and as such they are not repeated again. However, in reply the contents of para 6(i) to 6(19) of the petition are reaffirmed as correct.

18. That, in reply to contents of para 18 of the counter affidavit, it is submitted that the petitioner has been reinstated as LDC vide letter dt. 8.11.1986 and thereafter the petitioner had filed representation on 17.11.1986 requesting that the petitioner may be promoted on the post of UDC. Rest of the averment made contrary in para under reply are denied for want of knowledge. It is submitted that the petitioner



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had never been communicated any decision/order taken in respect of his representation dated 17th November, 1986.

19. That, the contents of para 19 of the counter affidavit need no reply as they have not refuted the contents of para 8 of the petition are reaffirmed as correct.

20. That, the contents of para 20 of the counter affidavit are denied and in reply the contents of para 9 of the petition are reaffirmed as correct.

That, the petitioner has filed the petition within time, and that he has been advised that the petition of the petitioner has enough force and the same is liable to be allowed. On the aforesaid narration of facts it is quite evident that the petitioner was declared successful in the selection of WDC, and after acquittal by the court, he is fully eligible for being promoted to the post of WDC as no stigma remains with the petitioner.

EB/ewm

That, the contents of paragraph nos.

1 to 20

of this affidavit are true to the personal knowledge of the deponent, and those of paragraph nos.

of the affidavit are based on perusal of papers on record, and those of paragraph nos.

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

SC HELP ME GOD.

Abhishek

(Deponent)

I, T.N. Singh, clerk to Sri B.P.

Srivastava, Advocate, High court, Allahabad, do hereby declare that the person making this affidavit and alleging himself to be above named deponent is known to me from the perusal of papers produced by him.

T.N. Singh
Clerk. 21.7.90



Abhishek

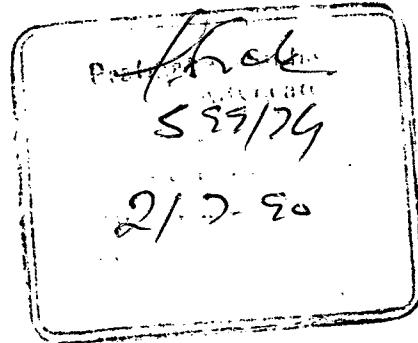
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AFG

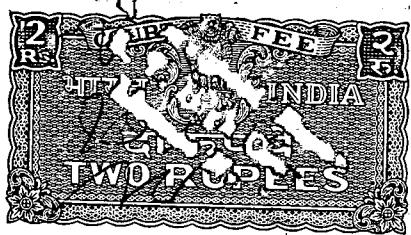
Solemnly affirmed before me on this ²⁰ day
of 1990, at about 6:15 a.m./p.m. by the deponent
who is known to be identified by the aforesaid
clerk.

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

Cath Commissioner.



C. B. Davies



1990
AFFIDAVIT
72/192
HIGH COURT
ALLAHABAD
17/12/90
AD7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADD'L BENCH

ALLAHABAD.

(6)

Supplementary Rejoinder

Affidavit

In

Registration No. 286 of 1988

Sri C.B.Tewari... .. Petitioner.

Vs.

Union of India

and others.. .. Opp. parties,

Affidavit of Sri C.B.Tewari,
aged about 31 years son of
Sri Tilak Narain Tiwari,
at present posted as
Lower Division Clerk, Head post
Office, Sandila, Distt. Hardoi.

Received copy
of
Affidavit
from
19/12/90

(Deponent).

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

1. That, the deponent is the petitioner
in the aforesaid petition and as such he is
acquainted with full facts of the case deposited
to below:
2. That, the contents of paragraph no. 1 and 2
of the supplementary affidavit need no reply.

C.B.Tewari

Add

3. That, in reply to paragraph no. 3 of the supplementary counter affidavit (hereinafter referred to as SCA) it is submitted that by judgment dt. 12.6.1986, the petitioner was Honourably acquitted from the charges levelled against him and thereafter there was no grievance against the said judgment and order passed by the criminal court, otherwise the opposite parties would have proceeded further in the matter, but they did not do so. As such the judgment and order dt. 12.6.1986 had become final and the petitioner has been acquitted honourably and if there is anything infirmity in the judgment, the Tribunal has no jurisdiction to entertain any prayer of the opposite party to that effect. As such the averments made contrary in para under reply are emphatically denied. However, further reply shall be given at the time of hearing of the petition.

4. That, the contents of paragraph no. 4 of SCA are incorrect and denied and in reply the contents of para 3 and 4 of the petition are reaffirmed as correct. The petitioner has been advised to say that he has agitated the matter within time as he was under suspension from 21.9.1982 to 13.11.1986 and just after his reinstatement he filed representation dt. 17.11.86 but since the respondents had paid no attention as such the present application has been filed well within time.

E. B. S. L. E. M. A. S. /

109

5. That, in reply to contents of paragraph n.5 of the SCA it is submitted that as a result of some infirmity in the examination held in November, 1987 the supplementary examination was held on 10.1.88 in which the petitioner alongwith other candidates had appeared and the result of the same has yet not been declared with regard to the petitioner while the result of other candidates appeared in the said examination, however alongwith the petitioner, has been declared. The action of opposite parties is not declaring the result of the petitioner is illegal and arbitrary as the disciplinary proceeding conducted against the petitioner have been dropped by letter no. ICO-58/PF/CBT/89 dt. 4.9.1989 and as a consequence of it which letter dt. 4.9.1989 has been issued by the Accounts Officer ICO(SB) Lucknow-7, to the effect that the period of suspension of the petitioner may be treated as on duty for all purposes of payment of allowances etc. admissible to the petitioner during the period of suspension. Now again on 26.7.1990 the Superintendent of Post Offices, Hardoi had issued letter and dropped the charges levelled against the petitioner.

At true copy of aforesaid letter
dt. 4.9.1989, is being filed as Annexure-SRA-I

6. That, consequent of this order the
petitioner has been paid his arrears
etc. As such the averments ^{made} contrary
in para under/ reply are denied and in reply
the contents of para 5 of the petition are
reaffirmed as correct.

7. That, the contents of paragraph 6 of SCA
it is submitted that the petitioner's
petition has been filed on legal grounds and
the same is liable to be allowed with cost.

That, the contents of paragraphs nos.

17 of this
affidavit are true to the personal knowledge
of the deponent and those of paragraph nos.
1 of the
affidavit are based on perusal of papers
on record, and those of paragraph nos.

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

SO HELP ME GOD.

(C.R.P. No. 1000)
(Depositor)

PGL

I, T.N.Singh, clerk to Sri B.P.Srivastava,
Advocate, High court, Allahabad do hereby declare
that the person named above and alleging to be
the deponent, is known to me from the perusal of
papers produced by him.

T.N.Singh
Clerk.

Solemnly affirmed before me on this...¹⁷ day
of 12.1990, at about...⁸ a.m/p.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 by me to him.

Oath Commissioner.

J. Sherkh

1928172
17/12/90

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD.

** Annexur e-SRA-I - In
Supplementary &
Rejoinder Affidavit

In

Registration No. 286 of 1988

Sri v. C.B.Tiwari.. ..Applicant.

Vs.

Union of India and

others.. ..Opp. parties.

...

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS

OFFICE OF THE DIRECTOR POSTAL SERVICES
LUCKNOW 226 007.

Memo no. 100-SR/PF/CUT/89 Dt. 4.9.1989.

ORDER

1- Shri v. C.B.Yewari, the then LDC SDCCOA Barabanki now at SDCCO Sandila was placed under suspension by the then AICO(SB) Lucknow vide No. 100-SB/PF/CBTEwari/82 dated 18.9.82, for alleged fraud case against him.

2- Sri v. C.B.Tewari was acquitted by the court ~~as~~ of Munsif Magistrate Barabanki on 12.6.86 accordingly vide No. ICO-SB/PF/CB Tewari/ 82 dt. 8.11.86 as per orders of DPC Lucknow:RDL/STA/LDCO/Ch. IV/2 dt. 5.11.86

CB Tewari

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(APB)

Now, therefore, the undersigned under the
powers conferred on him, orders that the period
of suspension of Shri C.B.Tewari, LDC SDCO Sandila
from 21.9.82 to 12.11.86 be treated as Duty for
all purposes on full pay and allowance admissible
during the period.

sd/

M.R.Joshi
Accounts Officer
ICO(SB) Lucknow.

...

M.R.Joshi
19.2.87
12.11.86

C.B.Tewari

(A94)

S. O. (J) to keep it with file
and put up before Hon'ble
Court for orders
on 22.8.91 K 918

D. D.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

NOTICE OF MOTION

91

Misc Petition

1322 of

in O.A./R.A.

286

of 1980

C. B. Tiwari

Applicant/Appallant.

Varsus

Union of India and others - Respondents/Defaintial

Take notice that the court will be moved by the order
signed on 22nd the day of August 1991
at 10.30 'clock in the forenoon or so soon these after the
noticed on their occassion can be heard.

~~Received on 22nd August 1991~~
the object of the motion is hereby indicated by
A copy of the Application is enclosed herewith. The further
notice that meanwhile this court has been pleased to pass
that following orders

Dated this the 9 day of August 1991

Signature 3 Aug 91

Advocate of petitioner

Applicant/Appallant

or

Petition/Defendant in not

To

Advocate on record for the opposite party

Respondent/Defendant.

IN THE CENTRAL ADMINISTRATIVE RIBUNAL : DDLBENCH
ALLAHABAD.

Ex parte Application No. of 1991

on behalf of

C.B.Tewari.. .. Applicant.

In

REGISTRATION NO. 286 of 1988.

Sri C.B.Tewari.. .. Petitioner.

Vs.

Union of India and
others.. .. Opp. parties.

To,

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

The humble application of the applicant
above named Most Respectfully Showeth
as under:

1. That, the present application has been filed by the applicant for his promotion from the post of Lower Division Clerk to the post

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of Upper Division Clerk and the petitioner has also prayed that he may be considered ~~xxx~~ as regularised candidate in the examination held on 26.6.1982 for Junior Accounts Officer part-I.

2. That, after the aforesaid examination, the petitioner was suspended on the ground of ~~x~~ criminal charges on 18.09.82 and thereafter, he was reinstated on 18.09.86 after acquittal in the aforesaid criminal case. In the meantime, several juniors of the petitioner have been promoted but the petitioner was ignored due to his suspension.

3. That after his reinstatement, the petitioner requested ~~that~~ through several representations to the authorities, but neither the petitioner's candidature was considered, nor the petitioner was promoted to the post of Upper Division Clerk.

4. That, in the aforesaid ~~xx~~ petition counter and rejoinder affidavits have been exchanged and the petition is ripe for hearing.

10

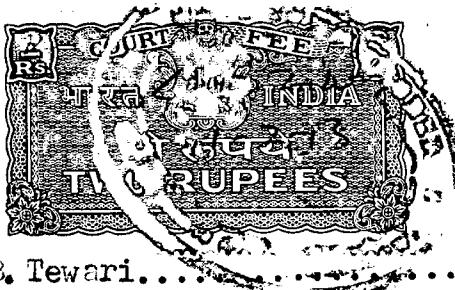
§. That, under the aforesaid circumstances
it is necessary in the interest of justice
that the aforesaid petition may be ordered to
be listed for hearing forthwith, otherwise the
applicant will suffer grave and irreparable loss.

Prayer.

It is, therefore, most respectfully
prayed that the aforesaid petition may be
ordered to be listed forthwith for hearing.

B.P. Srivastava
(B.P. SRIVASTAVA)
Counsel for the Petitioner.

Before the Central Administrative Tribunal,
Lucknow Bench, Lucknow.



O.A. No. 286/1788.

C. B. Tewari.....Applicant.

Versus

U.O.I and Others..... Respondent.

Affidavit of Shri C. B. Tewari, aged about 33 years
Son of Shri Tilak Narain Tewari, at present posted as
Lower Division Clerk, SBCO Head Postoffice, Sandila.

126/2
I, the above named deponent, do hereby
solemnly affirm and state on oath as Under:-

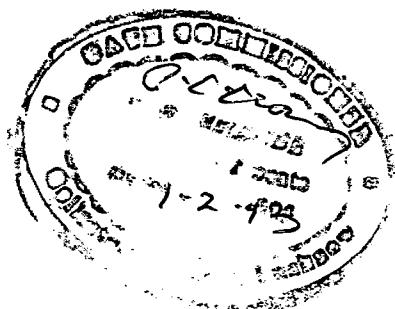
Received C.M.
10/1

Chenkt. & K.C.
A.W.

5/2/55

1. That the deponent is the applicant in the aforesaid application and as such he is well conversant with the facts of the case.
2. That the respondents in Para 11 of the Counter Affidavit and in Para 5 of the Supplementary Counter affidavit have stated that the deponent shall be promoted in U.D.C. and his result of the Junior Accounts Officer Part I shall be declared on the finalisation of the pending/contemplated disciplinary proceedings against the deponent.
3. That all the pending/contemplated disciplinary cases against the deponent have been dropped and even the contemplated revision proceedings have been dropped. The Said orders are being annexed herewith as Annexures SR-I, II and SR-III to this affidavit.

C. B. Tewari



(P.M)

4. That since all the disciplinary proceedings have been dropped and there is no stigma against the deponent, he is entitled for all the reliefs sought for in the application.

C. B. Tewari
(C. B. Tewari)
Deponent

VERIFICATION

I, the above named deponent do hereby solemnly affirm and state on oath that all the contents in para 1 & 2 of this affidavit are true to my personal knowledge and those of para 3 and 4 are believed by me to be true as ~~they~~ are based on records and legal advice. Nothing has been concealed, so help me God.

Verified this 1st day of ~~Jan~~^{Feb}, 1993 in the Court compound.

C. B. Tewari
Deponent.

Identified the deponent.

C. B. Tewari
20 is identified by Shri Sunder Lal Asl
Identified by Shri Sunder Lal Asl
I have identified deponent by examining his
peculiarities, his gait, his voice, his manner
of talking, his handwriting, read over his
relatives and his friends.

Sunder Lal
11-193
Sunder Lal
Advocate
Q. 69/138, Fatehganj, U.P.

P. C. Sharma
Advocate
Fatehganj Court, U.P.
1-2-93

Government of India
Department of Posts
C/O Supdt. of post offices Hardoi Dn. Hardoi-241001

Annexure

SR-1

B/100

Memo No. B/LDC/C. B. Tiwari/I

Dated at Hardoi, the 26.7.90

Shri C. B. Tiwari LDC SPCU Sandila was served with memo of charges under rule 16 of CDS(CLA) Rules, 1965 vide this office memo No. B/LDC/C B. Tiwari/I dtd. 19.2.90. The text of memo is reproduced below:-

Shri C B Tiwari while functioning as LDC SPCU Barabanki from 18.12.79 to 20.9.82 managed to get opened a fake SJ A/C No. 349830 at Barabanki with initial deposit of Rs. 10/- (Rs. ten only). Subsequently the deposit of Rs. 50/- (Rs. Fifty only) and Rs. 100/- (Rs. One hundred only) took place on 17.7.82 and 6.8.82 respectively. He however being the LDC in SPCU Barabanki, managed to increase balance in the said account with maleficent intention in ledger card and got prepared the applications for withdrawal and identified the fictitious depositor and got made the following withdrawals from said account.

Date	Withdrawal
12.7.80	1800.00
5.8.82	2250.00
16.8.82	2300.00
20.8.82	850/-
Total:	7200/-

Thus by identifying the fictitious depositor said Shri C. B. Tiwari on the date mentioned above got allowed the account of Rs. 7200/- (Rs. Seven thousand two hundred only) and subsequently he could not make available the said fake depositor.

By this above acts the said Shri C. B. Tiwari is alleged to have failed to maintain absolute integrity and devotion to duty and have acted in manner unbecoming of a Govt. servant violating the provisions of rule 3(1)(i)(ii) and (iii) of CDS (Conduct) Rules, 1964."

The memo of charges was delivered to the Cu on 23.4.90. The Cu was provided an opportunity of 10 days to submit his/S of defence as desired. The Cu on his application dtd 1.5.90 and 21.5.90 was allowed the extension of 3 (three) weeks on each occasion. The Cu, in turn produced the copy of judgement pronounced by the Hon'ble Naseef Magistrate Lower Criminal Court Barabanki pronouncing clear acquittal of the charges levelled against Shri C. B. Tiwari.

I have carefully gone through the copy of judgement and memo of charges and found that the SPS Shri C. B. Tiwari was tried in the said Cu mentioned ^{court} for the similar charges as mentioned in aforesaid memo of charges and was exonerated from the court as such. I find no justification to reconsider disc. proceedings against the said Shri C. B. Tiwari for the facts and accordingly;

ORDER

I, B. S. BHASKAR, SPOs Hardoi hereby "drop" the charges against the said Shri C. B. Tiwari LDC SPCU Sandila levelled in the memo.

Supdt. of Post Offices
Hardoi Dn. Hardoi-241001

COPY TO:-

- 1-Supdt. C B. Tiwari LDC SPCU Sandila.
- 2-P. M. Sandila.
- 3-CR file of the official.
- 4-Punishment register.
- 5-Fraud branch D.O. Hardoi
- 6-DPS Bareilly.
- 7&8.O/C & Spire.



T. C. Sandila
Adv.
1/2/93

GOVT. OF INDIA
DEPARTMENT OF POST INDIA
OFFICE OF THE SUPDT. OF POSTOFFICES, HARDOI DN. HARDOI.

Annexure
SR-II

Memo No. LDC/C.B.Tewari/II
dt. at Hardoi the 26.7.90

A101

Shri C.B.Tewari LDC SBCO Sandila was served with memo of charges under rul.16 of CCS(CCA) Rules.1965 vide this office memo B/LDC/C.B.Tewari/II dt.19.2.90. The text of memo is reproduced below:-

Shri C.B.Tewari while working as LDC Barabanki HO during the period from 18.12.79 to 20.9.82 committed a grave misconduct in as much as he opened SB account no. 348854 on 1-1-82 in his own name with the initial deposit of Rs.100/- (Rs.one hundred only) subsequently he made the following transactions in it.

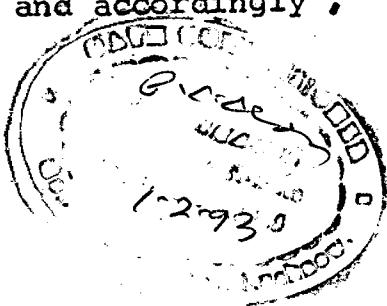
Date.	Deposit	Withdrawal
1.1.82	100/-	-
22.1.82	-	90/-
30.1.82	50/-	-
6.2.82	150/-	-
8.2.82	-	50/-
10.2.82	-	50/-
13.2.82	-	60/-
15.2.82	-	40/-
1.4.82	100/-	-

According to said transactions there was balance of Rs.110/- (Rs.one hundred and ten only) after transaction on 1.4.82 but even then the said Shri C.B.Tewari made the withdrawals for Rs.700/-, 100/- and Rs.300/- on 7-4-82, 8-4-82 and 12.4.82 respectively within the short period of one week and however managed to get allow all the three said withdrawals of Rs.1100/- (Rs.one thousand and one hundred only) fraudulently. Subsequently the said Shri C.B.Tewari however explaining that he committed said three withdrawals of Rs.1100/- (Rs.one thousand one hundred only) to meet the medical expenses in connection with treatment of fracture in the hand of his brother-in-law (~~brother~~). Subsequently the sum of Rs.900/-+ 20.50 was credited by him vide ACG.67 receipt no. AH.3107 dated 8.9.82 at Barabanki HO and Rs.200/- (Rs.two hundred only)+ Rs.20.00 (Rs.twenty only) was credited by him vide Barabanki ACG.67 receipt no.9 dt. 8.9.82. He also managed to tear out and make it disappeared the page of index register, ledger card SB.3 and vouchers.

The said Shri C.B.Tewari failed to maintain absolutely integrity and also acted in a manner unbecoming of a Govt.servant violating the provisions contained in rule.3(1)(i) and (iii) of CCS(Conduct) Rules, 1964."

The memo of charges was delivered to the CO on 23.2.90. The CO was provided an opportunity of 10 days to submit his w/s of defence as desired. The CO on his ~~desire~~ dt. 1.3.90 and 21.3.90 was allowed the extension of 3(three) weeks on each occasion. The CO in turn produced the copy of judgement pronounced by the honourable ~~Munsif~~ Munsif Magistrate lower criminal court Barabanki proclaiming clear acquittal of the charges levelled against Shri C.B.Tewari.

I have carefully gone through the copy of judgement and memo of charges and found that the SPS Shri C.B.Tewari was tried in the above mentioned court for the similar charges as adumbrated in aforesaid memo of charges and was exonerated from the court as such I find no justification to reconsider disc-proceedings against the said Shri C.B.Tewari for the same facts and accordingly .



Tc. *Sandila*
Adv
1/1/93

A/62

-2-

O R D E R

I, B. S. Bhasker SPOs Hardoi hereby "drop" the charges against the said Shri C. B. Tewari LDC Sandila levelled in the memo.

(B. S. Bhaskar)
Supdt. of Postoffices,
Hardoi Dn. Hardoi.

Copy to:-

1. Shri C. B. Tewari LDC SBCO Sandila.
2. The P. M. Sandila.
3. CR file.
4. Punishment register.
5. Fraud branch.
6. DPS Bareilly.
7. O/C.
8. Spare.

T. C. S. Sandila
1/5/83



Annexure
SR-III

1103

ठोरो-7/Corr-7

भारतीय ड्रॉक विभाग

Reqd

DEPARTMENT OF POSTS INDIA

ग्रामाधारी/Office of the

Dr. C.B. Tiwari

PA SACO Sandil & Footh

Patna 241001

No. B/CB/1001 dated 27th Nov 5/6/92

Sub: Recovery of Rs 10.13 lakhs due

SACO Sandil & Footh

Enc.

A copy of memo no R/PB/
VIG/Rov. 1/91 dated 14/12/92 from
The D.P.C. Board, D.P.C. Board
is enclosed herewith for further
disposal.

Please acknowledge its receipt.

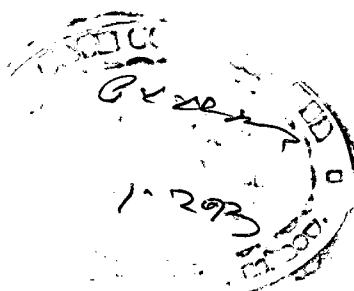
Dr. D. Asabu

Am m/s

Copied to : The Postmaster/Dr. D. Asabu
Enclosed 10/12/92 after R/B/VIG/
Nov-1/91 Date 30/12/92 for his kind

T. C. Sandal & Footh
Adv 1/7/93

H-10000-1500000000-2307-87-25,00,000/-



DEPARTMENT OF POSTS, INDIA.
OFFICE OF THE POSTMASTER GENERAL, BAREILLY REGION, BAREILLY.

Memo No. 1 RPB/VIG/Rev-1/91

Dated at Bareilly, the 14/1/91.

(A109)

Shri C.B. Tewari, LDC, SECO, Sandila was proceeded against under Rule 16 of CCS (CCA) Rules 1965 vide SPOs, Hardoi memo No. P/LDC/CP Tewari dated 19/2/90. The memo of charges was subsequently dropped by SIC, Hardoi vide his memo No. ibid dated 26/7/90.

2. The D.I.S. (HQ) C/o Chief I.M.G., Lucknow acting as Dis., Bareilly Region issued a memo No. Inv/M-3/54/82/6 dated 12/1/91 proposing revision of orders passed by the disciplinary authority under the powers of revision conferred upon appellate authority in rule 29 of CCS (CCA) Rules 1965. The notice proposing revision of penalty was delivered to the official on 28/1/91. As per powers of revision conferred upon appellate authority under Rule 29 (1) (v), the appellate authority has the powers to revise the penalty imposed by disciplinary authority within 6 months ^{from} date of order proposed to be revised i.e. decision by disciplinary authority. In this case the period of limitation of 6 months expired on 25/1/91 and the notice proposing revision of penalty was delivered to the official on 28/1/91. The notice has been delivered after expiry of period of limitation of revision of orders by the appellate authority. Therefore, it cannot be said that the process of revision has been initiated within 6 months from the date of orders of disciplinary authority.

ORDER

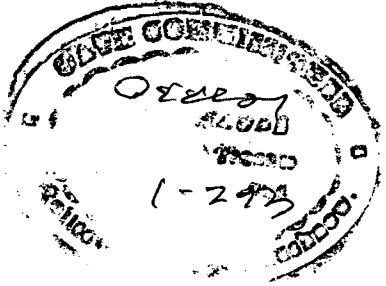
I, O.S. Veerwal, Director Postal Services, Bareilly under Bareilly hereby drop the proceedings of revision against Mr. C.B. Tewari, LDC SECO Sandila H.O.

(O.S. VEERWAL)
Director Postal Services
Bareilly Regd. on, Bareilly

Copy to :-

1.3. The SPOs, Hardoi. Please arrange deliver one copy of this memo to the official concerned under intimation to this office.

4. O/C.



T.C. (Signature)
14/1/91
Adv.

In the Central Administrative Tribunal,
Lucknow Bench Lucknow.

Pls

522

M. P. No 472/93

In re

O. A. No. 286/88(L)
decided on 26.2.93

C. B. Tewari.....Applicant.

Versus

U. O. I. and others....Respondents.

Application for correction in the order dtd 26.2.93.

I, Chandra Bhal Tewari aged about 33 years
Son of Shri Tilak Narain Tewari, resident of Krishna
Nagar Satrikh Naka, Barabanki do hereby affirm as under

1. That the applicant had moved an application No.
O. A. 286/88(L) before this Honble Tribunal.

2. That the said application has been heard and
finally disposed of by this Hon'ble Tribunal Lucknow
Bench Lucknow on 26.2.93, a copy of which has been
received by the Counsel of the applicant on 23.4.93.

3. That in the end of the order, their Lordships
had indicated the date of actual communication as
1.3.93 which has inadvertently been typed as date
of actual 'Promotion'. (Annexure 1)

Prayer.

For the reasons and circumstances explained
above, it is respectfully prayed that the word
'Promotion' be ordered to be corrected as 'Communication'
- in the last but one sentence, to read as 'The actual
communication will be deemed to have been given w.e.f.
1.3.1993. "

C. B. Tewari

Place left
in the
file
26.5.93

26.5.93

29.4.93

11/4/93

(p/16)

V E R I F I C A T I O N

I, the above named applicant do hereby verify that the contents of para 1 to 3 are true to my personal knowledge and that of prayer clause is based on record.

No material fact has been concealed or suppressed.

Verified on this 28th day of April, 1993 in court compound Lucknow.

C.B.Tewari
Applicant.

Identified

Sunder Lal

Counsel for the ^{Advocate} applicant.
Advocate, Lucknow, Lko.

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 286 of 1988(L)

Versus

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

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

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

The applicant who was working as a Lower Division clerk and was entitled to be promoted as Upper Division Clerk, but he was not promoted while his juniors were promoted. The applicant was not promoted on the ground that disciplinary proceeding against him was pending. In the criminal case, which was filed against the applicant, he was acquitted on 12.6.86, whereafter he was re-instated as prior to which he was placed under suspension. After re-appointment, he filed the application for promotion to the post of U.D.C. on 17.11.86 followed by the reminders. He approached the Accounts Officer and Post Master General but no relief was granted, he has approached the tribunal.

From the counter-affidavit and from the supplementary counter-affidavit, which has been filed today, it is clear that the enquiry proceeding against the applicant has been dropped. The applicant has been made acquitted and the enquiry proceedings having been dropped, the result would be as if there was no charges against him, at no point of time, the applicant was facing the disciplinary enquiry, as such, the applicant becomes entitled to the promotion w.e.f. the date his juniors were promoted, ~~and~~

Contd.. 2/-

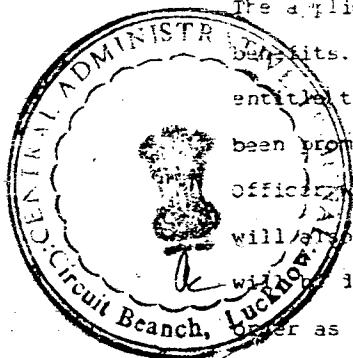
C.I.C
Jabal Sundarban
Sundarban
28/4/92

June 1900

A/108

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6. Accordingly, the respondents are directed to promote the applicant w.e.f. the date his juniors were promoted within a period of three months from the date of communication of this order. The applicants' promotion w.e.f. the date his juniors were promoted will be nominal. The applicant will also be entitled to the consequential benefits. In view of the fact that the applicant becomes entitled to the promotion and he will be deemed to have been promoted, his result for the post of Junior Accounts Officer will also be declared and consequential benefits will also be given to the applicant. The actual promotion will be deemed to have been given w.e.f. 1.3.1993. No expenses will be incurred as to costs.



Sd/-
Member (A)

Sd/-
Vice-Chairman

Lucknow Dated: 26.2.1993.

C.T.C
(RKA)

Wfd Certified
28/4/93
Sunder Lal
C-69 133, Lucknow
Certified Copy
Behandling
Incharge
Judicial Section
C.A.T.
LUCKNOW
R
16-4-93