

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCH

OA/TA/RA/CP/MA/PT 286/88 of 20.....

Shri C.B. Tiwari Applicant(S)

Versus

Union of India Respondent(S)

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Certified that the file is complete in all respects.

B.C. Biled weeded disaray
Signature of S.O.

20/6/2010
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 Union Respondents.

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Part - B

Incl copy of petition

Part - C

7-4-88

Promotion

(A1)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 286 of 1988

APPLICANT (s) C. B. Tiwari

RESPONDENT(s) U.O.I. through Secretary, Ministry of

Communication, New Delhi & 2 others.

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Yes, 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 case for not making the application in time, been filed ?	-
4. Has the document of authorisation, Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B. D. /Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	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 ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes

A3

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.

J.M.

(AR)

4.11.92
O.R.

Mo Siling of D.B. adjo
8-12-92

This file has been recd.

08/12/92

after transfer to this Bench

from C.A.T. Adl.

On 19.10.92.

The date has already been fixed

for orders on

4.11.92.

(mm)

s. f. o.

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 Curfew area.

List for final hearing on

29/1/93

A.M.

V.C.

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

On the request of HC for both parties case is adjourned to 5/2/93

A.M.

re.

O.K.
C.H. J. B.
exchanged 21/10/92
S.F.O.
B
4/11/92

OR
Submitted for final hearing
29/1/93

OR
S.F.O.

(2)

Particulars to be Examined

(A2)

Endorsement as to result of Examination

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

yes [Photo copies filed]

Index filed, paging done in two copies

Yes

No

Two Copies signed.

Yes

Yes

-

-

No

Yes

Yes

N-A

Yes

Yes

Yes

Yes

No

19. Whether all the remedies have been exhausted.

If approved, the case may be listed on 7.4.88

Yes

8/3/88

Subscribed by
8/3/88

Order Sheet

①

QA. 286-1988

7-4-88

①

Hon. A Jay Shri - AM
Hon. G.S. Sharma - J.M.

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

J.M.

~~J.~~
AM.

② 15-7-88

Hon. A Jay Shri AM.
Hon. G.S. Sharma, J.M.

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

to 26-8-88.

J.M.

~~J.~~
AM.

③

AM

26-8-88

Hon D.S. Mishra - AM

No one is present for
the Applicant. The Case is
adJourned.

3 15

CAT /J/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A./T.A. No. 246 1988

Applicant(s)

Versus

Respondent(s)

Sr. No.	Date	Orders
(9)	13.9.89.	<p>अज्ञात न होने के कारण आज आदेश हेतु पदों पर 26.10.89 को प्रस्तुत किया जाय साथ ही साथ उक्त अधिकारी सम्पूर्ण कार्यवाही आदेश / सेवा आदेश के साथ प्रारम्भ प्रस्तुत हो।</p> <p style="text-align: right;">सुभाष, अ.अ.वि.</p> <p>Hon' Mr. K.J. Raman, A.M.</p> <p><u>Hon' Mr. D.K. Agrawal, J.M.</u></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. ^{being} within List this case on <u>3.11.89</u> for admission.</p> <p>Registry is directed to handover the copies meant for the respondents as and when demanded.</p> <p style="text-align: right;">J.M. A.M.</p> <p>(sns)</p> <p>2/11/89</p>

(5)

Order Sheet
on 286/85

(Ab)

(13)

13.3.90 Hon K J Raman AM / Hon J P Sharma JM.

Adjnt to 7.5.90 for
orders before DR for fixing a date
for hearing.

Adjnt
to
DR

(14)

7.5.90 DR

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

(15)

6-9-90 DR

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

DR(s)

(16)

6-11-90 DR

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

sc.

(17)

19-12-90 DR

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

DR(s)

DR(s)

SK
not filed
to

17/12/90

26.2.93

Case not read adj to
26.2.93
ma

AT

OK
Sd/-
h
25/2/93

26/5/93

No sitting of S.B. adj to
10/8/93.

AK

The petitioner has moved
an affidavit and
info 472/93 for
read of order dated
26/2/93, the photocopy
of order dated 26/2/93
has already been enclosed
with Mf No 472/93.

10-8-93

No sitting of S.B.
Adjourn to 14-9-93
B.C.

No sitting of D.B. adj
to 2.11.93
mae

2.11.93

Case not read adj to
16.11.93
mae

OK
25/1/93

16-11-93

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

This Misc. petition No.472/93
has 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.

OK
Mf No 472/93
mae
1/10/93

mae
Mf No 472/93
mae
1/10/93

h
A.M.

J.M.

OK
Mf No 472/93
mae
3/11/93

25/11/93 ~~Constitute the Bench~~
Mr. S.N. Prasad.
list before me on 1-12-93
Rik
25-11-93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH
BENCH

199 (TL)

Date of Deposition 2-2-93

- - C. P. DILLON - - - - - Petitioner.

Advocate for the
Petitioner(s)

V F F S U S

- Union of India & Others - - Respondent.

----- Advocate for the Respondents

C O R

Hon'ble Mr. Justice U.C. Dixit, VC

Hon'ble Mr. A. Chatterjee, Member (L)

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

Vice-Chairman / Member

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 286 of 1988(L)

C.B. Tewari Applicant

Versus

Union of India & Others Respondents

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 ~~was~~ 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, ~~was~~

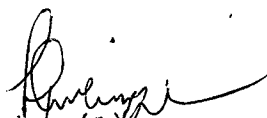
Contd..2/-


A/c

:: 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 ^{Rev 3/9} ~~promotion~~ ^{communication} will be deemed to have been given w.e.f. 1.3.1993. No order as to costs.

corrected
RKA
3-2-94


Member (A)


Vice-Chairman

Lucknow Dated: 26.2.1993.

(RKA)

(AN)

Before the Central Administrative Tribunal
Additional Bench Allahabad

Index

in

Registration No. 286 of 1988

between

Shri C.B.Tiwari ... petitioner
and

Union of India and others ... Respondents

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

R. K. Pandey
(R. K. Pandey)
Counsel for the petitioner

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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

Central Administrative Tribunal

Additional Bench Allahabad

2/2/88

Filed 7/4/88

By Post

Dy Registrar

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

The humble applicant named above Most respectfully sheweth 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.

Filed today
Date for 1/4/88
2/2/88
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

Attested
Dy Registrar

Chandra Bhai Yewar

ALB

- 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, 86 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 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.

Attested
by
A. H.

Chamberlain Bhal Grewar

114

- 3 -

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

Chandra Bhai Grewal

AS

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, 198-A Alopibagh, Jawahar Lal Nehru Road, Allahabad.

2. Particulars of the respondents :

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

Attest
[Signature]
A2

Chandra Bhaluvar

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(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 ~~xx~~ be deemed to be within the

11/8/80
Sd/-
A11

Chandra Bhair Tewari

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 .

Attested
By *[Signature]*
AD

Chandra Prasad Tewari

- 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

Attested
Secretary

Chandra Baul Goswami

(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

Annexures II and III respectively to this petition.

(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

*Heard
Sd/-
Sd/-*

Chandra Bhal Goswami

A2C

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(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

Aug 21/87
S. S. S. S. S.
S. S. S. S. S.

Chandra Bhat Gera

- 7 -

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

Annexure V

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

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

Annexure VI

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

(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 from 18th November, to 19th November, 1987. The

Attested by
[Signature]
AY

Chandra Bhul Sharma

A23

- 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.

Annexure VII

(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~~ 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

*Amended
Sd/-
Sd/-
Sd/-*

Chandra Bhul Sengupta

A24

opposite parties may be directed to forthwith promote ~~promote~~ the petitioner 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
Accepted
AM

Chandra B. B. B. B. B.

A25

- 20 -

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.

Attested
By
A. H.

(b) that a declaration may issue to declare

Chandra B. Shrivastava

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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;

- Removed*
8
11-3-98
- (i) Number of the postal order *567305*
 - (ii) Date of postal order
 - (iii) Name of issuing Post office *Accd*
 - (iv) Post office at which payable

AUG 10
Refused
AM

Chandra Bhal Yewar

A28

वर्तमान : दावे: एक हजार , एसी एच ० ॥ ५० ॥

978/63

वसुधैव कुटुम्बकम्

संज्ञाभाषा त्रिपाटी ।

Лого 44/ 83

बारा 409/430 मा ५० पं०—

ଜାଣି କେତେକାଳୀ ୦

... विष्णु
ॐ नमो भगवते वासुदेवाय

प्रतिपक्ष पक्षज्ञान विवारी के विषय जाबा प्रतिपक्ष कोतवाली के मारोप
वम प्रमाणित द्वारा 409/420 भारतीय व सपड वीरिवा के एडमन मपरणीव
44/63 के वीरिवा विवा के ।

અનિયોગ્ય પણ કદી હિંમત ને અનિયોગ્ય વિનય છે :-

પ્રશ્નપોચક પદ છે કલ્યાણકાર વર્ષ 1982 ને પ્રશ્નિકૃત સહકારી વીમાવાર
 સિદ્ધાંતી પ્રજાતિ જાગૃત વાપરવાની ને કો ઈન્સીડેન્ટ ને જુદા જુદા કારણોસર જાતના
 ટોળે વસતી પેટી ને રિકર્ડે સેક કરેલે જા પ્રશ્નિકૃત ના । વિધાનિક 1-1-82
 થી પ્રશ્નિકૃત ને જરૂરોસર પોરદ પ્રશ્નિકૃત ને જાતના ટોળા 348934, જા. પોરે
 વસા કરેલે જરૂરો જામ ને જાતના સિદ્ધાંતી વિધાનિક 1-1-82 થી 110 જા. પોરે
 ને । જા. જાતે ને 110 જા. પોરે ને જાતના જા 1,110 જા. પોરે । જા. જાતે જા થી
 જા । જા. જાતે જા પ્રશ્નિકૃત ને વિધાનિક 7-1-82, 8-1-82, 9-1-82 થી 100,
 100, 100 જા. પોરે જાતના જા જાતના ને જાતના જાત । વિધાનિક 3-1-82
 થી પ્રશ્નિકૃત ને જાતના ટોળા 348934 જરૂરોસર પોરદ પ્રશ્નિકૃત ને જામ જાત

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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;

- Remanded*
8
11-3-88
- (i) Number of the postal order *567305*
 - (ii) Date of postal order
 - (iii) Name of issuing Post office *Alced*
 - (iv) Post office at which payable

Alced
Alced
Al

Chandra Bhal Yewar

विमान के ताम से खोल कर उपरोक्त एकाउन्ट में धन वापसी करते एक हजार रुपये रुपये विमान कर अमात में खयालत किया। दिनांक 9-7-82 को अग्निवत के खाता संख्या 349830 द्वि अमात के ताम से कर्षी खोल कर आते से दिनांक 22-7-82 को 1800 रुपये दिनांक 5-8-82 को 2250 रुपये, 16-8-82 को 2300 रुपये तथा दिनांक 28-8-82 को 830 रुपये विमान कर अमात में खयालत किया। बटला की प्रथम सुधवा रिपोर्ट धावे पर अंकित करायी गयी। विवेचना उपरान्त आरोप पत्र प्रेषित किया गया।

अग्निवत के अपने सवात में वर्ष 1982 में प्रजात जाकर में ए0डी0 की0 के पद पर कार्यरत होता की। तब से तब तक यह भी स्वीकार किया कि उसके दिनांक 1-1-82 को खाता संख्या 349854 अपने ताम से डाकबादे में खोला था। अग्नि वत के क्षेत्र अग्निवत अग्नि को का लपटा किया तथा अकदमा वाले का आवार रीतिना बताया। न्यायालय द्वारा अग्निवत को आरोप अन्तर्गत चारा 468, 420, 201, 471 भारतीय वपस सीधता के आरोपों से आरोपित किया गया। अग्निवत के उपरोक्त आरोपों का ठाण्डा करते हुए अपना विचारण न्यायालय द्वारा पाता।

अग्निवत पक्ष के अपने अग्निवत में साक्षी संख्या 1 दिसवरी प्रसाद सागर, साक्षी संख्या 2 उप दिरी का राम वपत सिंह, साक्षी संख्या 3 उप दिरी का एस0 के0 सिंह को लपट पर परीक्षित किया।

अग्निवत का बयान अन्तर्गत चारा 313 व0 प्र0 सं0 में अंकित किया गया। अग्निवत के यह अग्निवत किया कि बवाहास विभागीय है, इसलिए मवादी देते है।

भले प्रकारों को अता एवं बवाहासी पर उपलब्ध वस्तुत मोल्लि एवं अग्निवत साक्षी का अकलोक, किया।

साक्षी संख्या 2 प्रत्यत मुकदमे के विवेक है। इस साक्षी के विभागीय गति प्रदर्श क-2 तथा आरोप पत्र प्रदर्श क-3 के विष्पादक को प्रमाणित किया है। इस साक्षी के तथ्य के सन्दर्भ में कोई अग्निवत बडी किया है। वह एक औपचारिक साक्षी है।

साक्षी संख्या 3 उप दिरी का एस0 के0 सिंह के जो अग्निवत अपने कपडे में लिखा था इसकी कर्षी तैयार किया जा, कर्षी प्रदर्श क-4 एवं कर्षी प्रदर्श क-5 के विष्पादक को इस साक्षी के प्रमाणित किया है। कर्षी के सम्बन्धित कागजातों का विवरण प्रदर्श क-6 एवं क-7 से है। इस साक्षी के पास बाकी अकदमा का बौरान विवेचना पवाध अन्तर्गत चारा 161 व0 प्र0 सं0 में किया। यह भी एक औपचारिक साक्षी है। इसके जो तथ्य के

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... के ... के ... को ... की ... की ... किया है ।

... प्रसार ... पर मात्र ... संख्या । ... १९८१ ...

... की ... । १९८१ ... संख्या ... है तथा ...

... संख्या ३४०८५४ , जो श्री ... की ... है ,

... ११० ... के ... १११० ... संख्या ...

... ७-४-८२ को ७०० ... , ८-४-८२ को १०० ... १२-४-८२ को ३०० ...

... ३४९५७८ ... २०-५-८२ को १०० ... ६-५-८२ को ९५० ... १५-५-८२ को १४० ...

... ५-८-८२ को ५५० ... १६-८-८२ को २३०० ... २०-८-८२ को ८५० ... ७२०० ...

... २२-७-८२ को १८०० ... ५-८-८२ को ५५० ... १६-८-८२ को २३०० ... २०-८-८२ को ८५० ...

आपका कहना है कि जो भी आपकी वकील विवेक द्वारा मही कराया गया है ।
 इस आदेश में कोई भी साक्ष्य न्यायालय के समक्ष नहीं आया है कि जो
 अभियोग श्री वन्दनाम तिवारी द्वारा मायब किया जाता बताया जाता है ।
 यह अभियोग प्रायः किसी कस्टडी में रहे जाते थे एवं जिस व्यक्ति की
 कस्टडी में रहे गये थे उसकी कस्टडी से श्री वन्दनाम तिवारी के मुँह से
 मायब किया जाय और अभियोग का आरोप मायब में आया है । किन्तु समस्त
 साक्ष्य के अभाव में यह स्पष्ट है कि इस अभियोग को भी न्यायालय के समक्ष
 सम्बन्धित प्रविष्टियों को प्रमाणित करने लिए प्रस्तुत नहीं किया गया है ।
 प्रकाश सुब्बा रिपोर्ट में यह जगह पर उल्लेखित है कि जालंधरी के
 इन्दराम श्री वन्दनाम तिवारी के तेल में प्रतीत होते हैं । इस प्रतीत होने से
 सामान्य तर्क की दृष्टि से यह माना जा सकता है कि आचार पर वन्दनाम तिवारी
 के विषय अपरोक्ष आरोप लगाया गया है । किसी ऐसे लोग आचार का
 उल्लेख अभियोग पर द्वारा नहीं किया गया है जिसने आचार पर यह प्रमा-
 णित है कि श्री वन्दनाम तिवारी के अपरोक्ष आरोप में अभियोग देराफेरी
 की । खाता संख्या 349854 से सम्बन्धित लेजर फार्म डिवाइस फार्म एन्ट्रि
 रजिस्टर एवं एन्ट्री 3 उपलब्ध नहीं है । खाता संख्या 349578 से सम्बन्धित
 -का डिवाइस फार्म लेजर फार्म भी उपलब्ध नहीं है । खाता संख्या 349830
 के लेजर फार्म एन्ट्री 3 एवं एन्ट्रि रजिस्टर की उपलब्ध नहीं है । इस
 आशय से सम्बन्धित डिवाइस फार्म उपलब्ध है । इस फार्म पर श्री वन्दनाम
 तिवारी के मवाह के रूप में अपने हस्ताक्षर बताया है तथा सभी प्रविष्टियों
 उसकी के हाथ की प्रतीत होती है । प्रकाश सुब्बा रिपोर्ट में स्पष्ट
 स्वीकारोक्ति के उपरान्त भी खाता संख्या 349830 से सम्बन्धित डिवाइस
 फार्म को न्यायालय के समक्ष प्रस्तुत नहीं किया गया है एवं यही इस फार्म
 पर किये गये इन्दराम एवं श्री वन्दनाम तिवारी के तेल को किसी हस्तक्षेप
 विवेक द्वारा परीक्षित नहीं कराया गया है ।

यद्यपि इस आदेश का कोई साक्ष्य न्यायालय के समक्ष नहीं है कि
 अभियोग प्रायः किसी कस्टडी में रहे जाते थे एवं श्री वन्दनाम तिवारी
 को प्राप्त हुए प्रमाण कि वह विवेक के मुँह से अभियोग अभियोग को
 मायब किया , तब तक किसी विवेक पर नहीं स्थापित या उक्त है । इसी
 तब प्रविष्टियों का श्री वन्दनाम तिवारी के तेल एवं हस्ताक्षर से किये गये ,
 का प्रमाण है, इस प्रमाण में यही किसी हस्तक्षेप विवेक की एन्ट्री

21.6.86
प्ले.स. विभाग

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 Bhal Yezar

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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

Reydy
AM

Chandra Bhal Jewar

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

Chandra Bhal Yewari

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L.D.C. at SBCO Gonda H.O. in pursuance of Director
Postal Services Lucknow Region Lucknow letter
ND RBL/STA/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/ITA /LDC/SBCO/CH IV/2 dt. 5.11.86
3. Postmaster Gonda.
4. SPOs Gonda
5. POST Master Barabanki
6. SPAs. Barabanki
7. U/C

True copy

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Chandra Bhal Yewar

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/ICO 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 bracketted together. In respect of the
bracketted 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 bracketted 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

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to this office also.

Sd. A.S.Gonray

Asstt. Director General (DE II)

No. II Endst. No. 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. Slettor 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 1267 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

Devi
A.C.

25
AUC

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

Chandra Bhai Tewari

- 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. ICO, vide his memo no. ICO SB/PF/CB Tiwari /82, dated 8.11.86 and posted in Gonda HO, SBCC, 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, 1982 and was declared passed and qualified vide Memo No. Rectt/420/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 Yewar

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- 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,

SA. C.B.Tiwari

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

Dated 17.11.86

Place Gonda.

True copy

Deepinder
Ad

Chamatra Bhal Yewar

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

[Signature]
Ait

Chandra Bhal Yewar

29 *Aug*

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 (Bov)
in Nov. 87.

Therefore, I request your honour to

Chandra Bhal Yewon

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- 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.

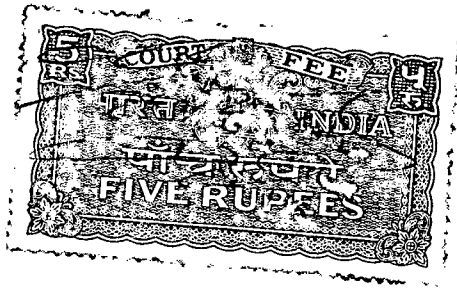
Gonda H.P.O.

Dated 4.2.88

True copy

See copy
A 1

Chamela Bhal Yewans



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अभिभाषक पत्र (वकालतनामा)

सेन्ट्रल अडमिनिस्ट्रेटिव ट्राइबुनल, अडीशनल बेंच, इलाहाबाद

Registration No. सन् १९८४

S. C. B. Tiwari

वादी / प्रतिवादो
अपीलान्ट

वनाम

Union of Graduate 20th

वादी / प्रतिवादो
रेस्पान्डेंट

मैं कि S. C. B. Tiwari

हम at present as lower division clerk
in S. B. C. C. Head post office

Gonda

उपरोक्त प्रकरण में मैं अपनी ओर के पक्ष समर्थन के हेतु
हम

श्री बी० पी० श्रीवास्तव व श्रीमती उमा श्रीवास्तव, एडवोकेट हाईकोर्ट एच

१८८ ए, अलोपोबाग, जवाहरलाल नेहरू मार्ग, इलाहाबाद (Muzaffargarh 110020 एडवोकेट)

को कानूनी शुल्क (मेहनताना) नियत करके अपना अभिभाषक (वकील) नियुक्त करता हूँ
निश्चित करते हूँ

यह स्वीकार करता हूँ कि उक्त सज्जन हमारी ओर से पैरवी करें वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद पत्र, मुनरावलोकन (रेस्टोरेशन प्रार्थनापत्र) एवं पुनर्निर्णय (तजवाजसानी), प्रार्थना पत्र (दरखास्त), शापथिक कथन (हलफनामा) प्रवर्तन पत्र (दरखास्त इजराय) मूजवात अपील, 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 पावती 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 डिग्री 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 सर्वथा स्वीकार होगा अगर मैं कानूनी शुल्क उक्त सज्जन को न दूँ तो उनको अधिकार होगा कि वह हमारी ओर से मुकदमा की 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।

तिथि

मास

सन्

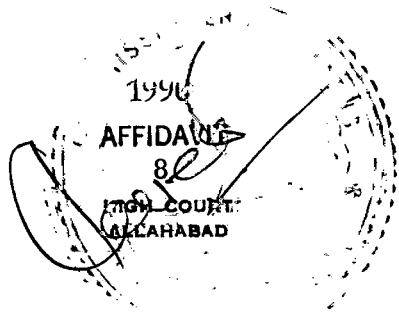
हस्ताक्षर
Chambers Head Post Office

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साक्षी

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Filed today
9/3/90



(A7)

SO(J)

Keep on record
if permissible

9/3/90

DR(J)

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

-oOo-

COUNTER AFFIDAVIT

ON BEHALF OF

RESPONDENTS

IN

REGISTRATION O.A.NO.286/88.

D.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.(SB)

Lucknow (Deponent)

[Signature]

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.(SB) and as such

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.

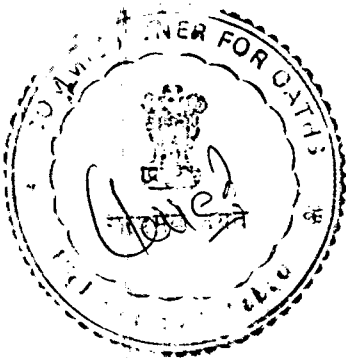
5. THAT during the course of investiga-
tion certain original documents/records were



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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



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Annex.No.I

with this counter affidavit and is marked as ANNEXURE NO.I.

After receipt of the said communication on ~~dated~~ 12.12.1986 the Supdt. of Post Offices informed the respondent no. 3 that ~~it~~ 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 recieved. 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

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Annex.No.VI.

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

Annex.No.VII.

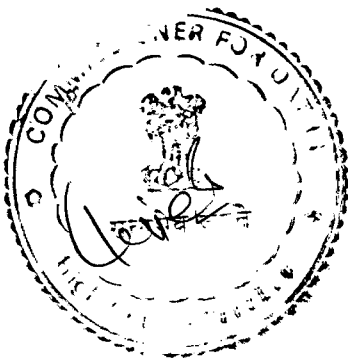
10. THAT in view of the pendency of the departmental proceedings, the petitioner could not be considered for the promotion for the post of Upper Division Clerk, SBCO, and the same was communicated by the respondent no. 2. A photostat copy of the aforesaid communication dated 6.5.1987 is being annexed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



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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 and selected to be posted as U.D.C. vide letter dated 16.12.1982, but in fact ~~th~~ 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 ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ the petition is badly time bared and is liable to be rejected as no convincing grounds have

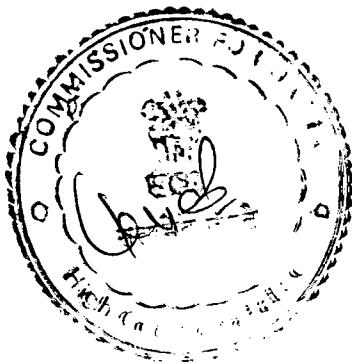
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been narrated in the accompanying application of the petition purported to have been moved under section 21 of sub-clause 3 of C.A.T. Act. 1985.

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 10.6.1986 and as such he was not given promotion on the post of U.D.C. As regards the permission ^{Pt. I} to appear in the Jr. Accounts Officer/examination of 1988, the said permission was given provisionally and his result has been withheld. However ~~since~~ 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.



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.

A handwritten signature in dark ink, consisting of a large, stylized 'S' followed by a horizontal line.

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.

[Handwritten signature]

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 9

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

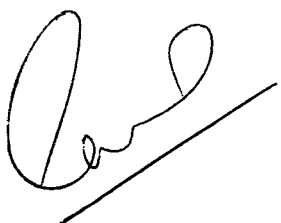
_____ of this affidavit are based on legal advice received in this case which are believed to be true and no part of this affidavit is false and nothing material has been concealed.



SO HELP ME GOD.


Deponent.

I, D.S. Chaubey, Clerk to Sri K.C. Sinha, 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.




Clerk.

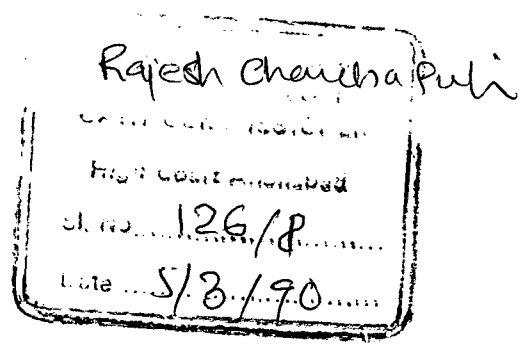
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Solemnly affirmed before me on this 5th
day of March 1990 at 11/10, Amam/par at Allahabad
by the deponent who has been identified by the
aforesaid Clerk.

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.

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

97/e

M.R. Joshi

Accounts Officer

(SB) Lucknow Region

10-12-86

Dear Shri Siddiquo,

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 Barabanki now posted at SBCO Gonda, in this connection it is requested the relevant documents requisitioned by this office, would have not 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

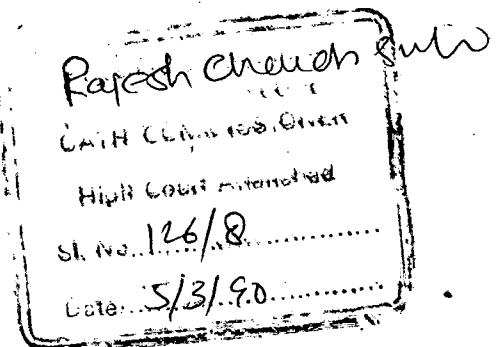
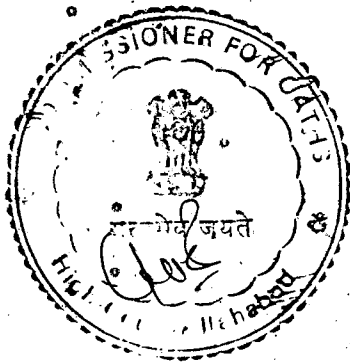
Shri A.A. Siddique
SPOs
Barabanki.

Yours Sincerely

(M.R. Joshi)

Accounts Officer

ICO (SB) Lucknow Region
KNOX



DEPARTMENT OF POSTS

FROM:-
Accounts Officer
ICO(SB)Lucknow-7

TO,
Director Postal Services
Lucknow Region, Lucknow-7

NO:ICO-SB/PF/CBTewari/87 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

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.D.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.

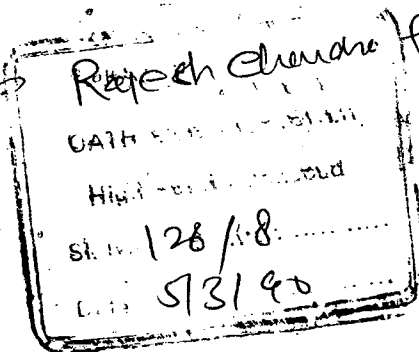
(iii) In the above circumstances the disciplinary proceedings against Shri C.D.Tewari is contemplated and could not be initiated for want of relevant records.

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 1987

भारतीय डाक विभाग

प्रेषक,
निदेशक डाक सेवायें,
लखनऊ क्षेत्र लखनऊ - 226007
सेवा में,
डाक महाध्यक्ष,
उत्तर प्रदेश परिगणक,
लखनऊ - 226001.

संख्या:- आरडीएल/स्टाफ/एम-4/87/2 दि० लखनऊ 27-3-87

विषय:- श्री सी०बी०तिवारी अवसर्ग बचत बैंक संगठन गोण्डा के प्रवर वर्ग
ब०व०सं० में प्रोन्नति के सम्बन्ध में।

संदर्भ :- डाक महाध्यक्ष का पत्र सं० एसटीए/215-पी.सी. /10 दि० 3.2.87.

श्री सी०बी०तिवारी का प्रत्योवेदन निम्न आख्या के साथ भेजा जा रहा है।
लेखाधिकारी ब०व०न०संगठन लखनऊ ने अपने पत्रांक आईसीओएसबी/पीएफ/ सी०बी०
तिवारी /87 दि० 9.1.87 के प्रेषित किया है कि कर्मचारी के विरुद्ध कार्यवाही
(Disc. proceedings) करना है परन्तु अभी कागजात अधीक्षक बाराबंकी ने उपलब्ध नहीं
कराया है। चूंकि लेखाधिकारी ने कर्मचारी के विरुद्ध विभागीय कार्यवाही करने का
निर्णय ले लिया है तो बिना विभागीय कार्यवाही के समाप्त हुए पदोन्नति के
लिए विचार करने का औचित्य नहीं बसता है।

लेखाधिकारी को तुरन्त कागजात प्राप्त करके विभागीय कार्यवाही करने को
लिखा जा रहा है।
सलगनः एक

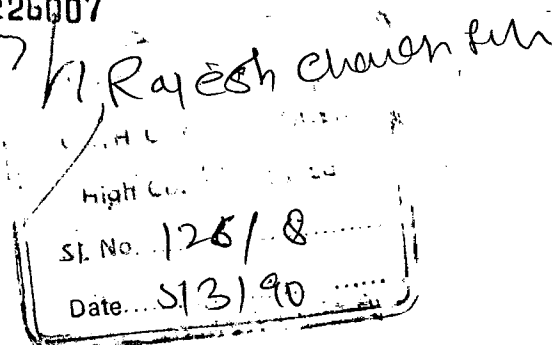
कृपे निदेशक डाक सेवायें

लखनऊ क्षेत्र लखनऊ - 226007

प्रोत्तिलिपि:- लेखाधिकारी बचत बैंक संगठन लखनऊ क्षेत्र कृपया अपने पत्र सं० आई
सीओएसबी /पीएफ/सीबी तिवाही /87 दि० 9.1.87 का अवलोकन करें और
तुरन्त कागजात प्राप्त करके विभागीय कार्यवाही प्रारम्भ करें और तीन माह में
इसे समाप्त कर दें।

कृपे निदेशक डाक सेवायें

लखनऊ क्षेत्र लखनऊ - 226007



A62

आधीक्षक
पत्र संख्या एएवी सी-134/87 दिनांक अक्टूबर 12, 1989
सेवा में;

अधीक्षक डाकघर,
बाराबंकी मंडल
बाराबंकी

कृपया मु0आ0सं0. 44/83 द्वारा 409/420 भा0द0वि0 धाना
कोतवाली बाराबंकी के सम्बन्ध में अपने पत्र संख्या एए/एएवी-9/82-83 दिनांक 23
-9-87 तथा क्षेत्राधिकारी सदर को प्रेषित अपने पत्र संख्या एए/एएवी-9/
82-83 दिनांक 29-8-89 का संन्दर्भ ग्रहण करें।

इस सम्बन्ध में सूचित करना है कि आपके विभाग से सम्बन्धित
तः अभिलेखों को खो जाने के विषय में विभागीय जांच करायी गयी किन्तु
कथित अभिलेख उपलब्ध नहीं हो सके हैं और विभागीय जांच के उपरान्त
अभिलेखों को लेने वाले उप निरीक्षक के विरुद्ध समुचित कार्यवाही की गयी है
यद्यपि भी उल्लेखनीय है कि उक्त मुकदमें से सम्बन्धित अभि-
लेख दिनांक 18-9-87 को श्री सुकई राम जन समीक्षक द्वारा एक
बन्डल सर्व मुहर मसूमेन रजिस्टर व एक अदल लिफाफा श्री मुख्तु-मुक्ति
मजिस्ट्रेट लोवर प्रिमल कोर्ट के आदेश दिनांक 24-7-87 धाना कोतवाली से
प्राप्त किए। श्री सुकई राम को भी चारित्र था कि उक्त तीनों मुहर लिफाफा
धाना से खोलकर व चेक कर अभिलेख प्राप्त हों किन्तु उन्होंने सर्वमुहर बन्डल
व लिफाफा प्राप्त करना अंकित किया है और अपने कार्यालय में धाद में उक्त
सर्व मुहर बन्डल खोला गया।

द्विचक उ0निरीक्षक श्री निधु कुमार सिंह द्वारा दिए
अभिलेखों की सूची दिनांक 25-7-83 के आलोकन से विदित है कि कमिश्नर
खोये गये अभिलेखों की फोटो प्रति उक्त उप निरीक्षक द्वारा प्रमा विभा-
आपके कार्यालय को दिए गये, जो कि आपके कार्यालय में होंगे और इनके आधार
र पर यदि आप चाहें तो सम्बन्धित व्यक्तियों के विरुद्ध विभागीय जांच
किया जाना सम्भव हो सकता है क्योंकि मूल अभिलेख जांच के उपरान्त
उपलब्ध नहीं हो सके हैं। उक्त प्रकरण में अन्य किसी कार्यवाही की सम्भावना
नहीं प्रतीत होती है।

True copy
attested

23/10/89
Supdt Post Offices.
Barabanki Dn. Barabanki 225001



पुलिस ताला
पुलिस अधीक्षक
बाराबंकी

Rajesh Chandra Subh
High Court Bench
Sh. No. 1207/8
Date 07/3/90

Government of India
Department of Posts.

463

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

Memo No. B. LDC. / C.P. Tiwari / II

Dated at Hardoi, the 19.2.90.

1- Shri ... C. B. Tiwari ... LDC ... S.B.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 ... C. 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.

Supdt. of post offices
Hardoi Dn. Hardoi-241001

Regd. AD

True copy attested to
To,
Shri ... C. B. Tiwari ... LDC ...
... S.B.C.O. ... Sandila ...
... (Hardoi) ...

Copy to be for the D.O.H. - A.C.

P.R.YADAV/89/

[Signature]



164

Statement of imputation of misconduct or misbehaviour against
Shri CB Tewari LDC JSCO Jantila (Hardoi).

Shri C.B. Tewari while working as LDC Narabanki 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. 348954 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.

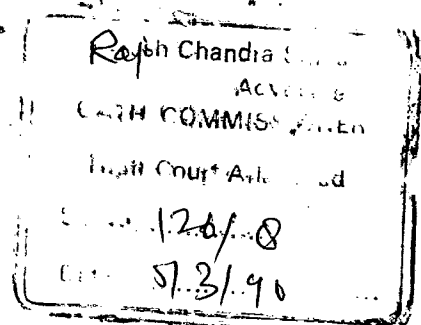
Date	deposit	withdrawal
1.1.82	100/-	-
22.1.82	-	90/-
30.1.82	50/-	-
6.2.82	150/-	-
8.2.82	-	50/-
10.2.82	-	50/-
13.2.82	-	60/-
15.2.82	-	40/-
1.4.82	100/-	-

According to said transactions there was balance of Rs. 110/- (Rs. one hundred and ten only) after transaction on 1.4.82. 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 was suffering from fracture in the hand of his brother-in-law (), subsequently the sum of Rs. 900/- + 20.50 was credited by him vide ACG.67 receipt no. 8AH.3107 dated 8.2.82 at Narabanki HO to Rs. 200/- (Rs. Two hundred only) + Rs. 20.00 (Rs. twenty only) was credited by him vide Narabanki 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(1)(i) and (iii) of CCS (Conduct) Rules, 1964.

Supdt. of Post Offices,
Hardoi Dn. Hardoi-241001

True copy attested by
Yashwantrao Chaudhary
Supdt. of Post Offices,
Hardoi Dn. Hardoi-241001



Government of India
Department of Posts.

Ag 5

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

Memo No. B./LDC/C.B. Tiwari/1

Dated at Hardoi, the 19.2.91

1- Shri C.B. Tiwari LDC S.B.C. 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 C.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.....

Supdt. of post offices
Hardoi Dn. Hardoi-241001

Regd. AD

True copy attached
To
Shri C.B. Tiwari LDC
S.B.C. Sandila
Hardoi

Shri C.B. Tiwari LDC
S.B.C. Sandila
Hardoi

Level

Copy to Branch DO Hardoi

P.R.YADAV/89/



Government of India
Department of Posts

AGG

C/O

Statement of imputation of misconduct or misbehaviour against
Shri CP Tewari LDC 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 get the balance in the said account with malefide intention in ledger card get prepared the applications for withdrawal and identified the fictitious depositor and got made the following withdrawals from said account.

Date	withdrawal
12.7.82	1800.00
5.8.82	2250.00
16.8.82	2300.00
20.9.82	850/-

Total: 7200/-

Thus, by identifying the fictitious depositor said Shri CP Tewari on the dates mentioned above got allowed the payment 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 aforesaid Shri CP 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(1)(i), (ii) and (iii) of CCS (Conduct) Rules, 1964.

True copy attested & certified

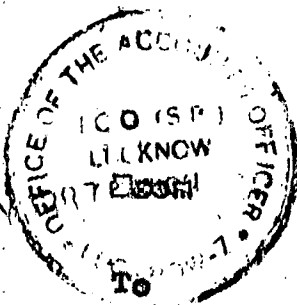
Scd
24/10/81

air



P.R.Y/90

Government of India
Ministry of Posts
With CCN No. 165/81
High Court Andhra Pradesh
Sl. No. 26/108
Date 5/3/90



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

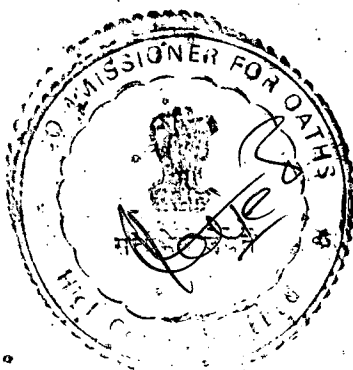
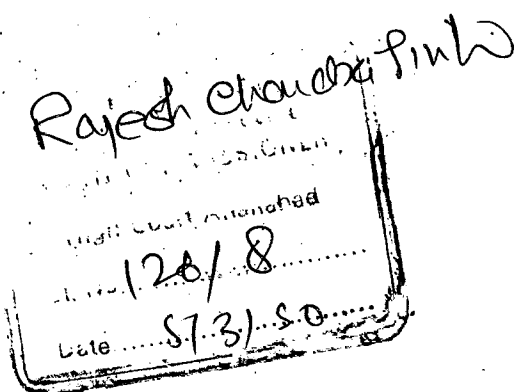
Subject: Promotion as UDC in SBCO case of Shri C.B. Tewari
SBCO ~~main~~ Gonda.

Ref:- Your letter No. RDL/Stg/M-4/87/2 dated 27/3/87.

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

Copy to AO XCO SB
Lucknow for information.

For Postmaster-General UP



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITI NAL BENCH AT ALAABAD

-oOo-

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

..... Petitiiner

Versus

Union of India & others

..... Respondents

To,

The Hon'ble Vice Chairman and his
other comapnion 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.

S/B
Filed today
9/3/90

(A)

(A60)

Recd. D. 09/03/90
2/9/90
8/3/90

SO(J)
Keep on record
if permissible.
DR(J)

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 arisen before the petitioner at least 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,

Q5

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 ~~maintain~~ 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.

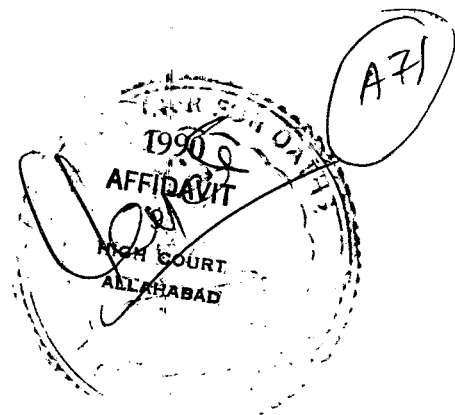
P R A Y E R

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.


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

Dt: 8.3/1990.

Allahabad.



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

-000-

SUPPLEMENTARY COUNTER AFFIDAVIT

ON BEHALF OF THE

RESPONDENTS

IN

REGISTRATION O.A.NO.286/88.

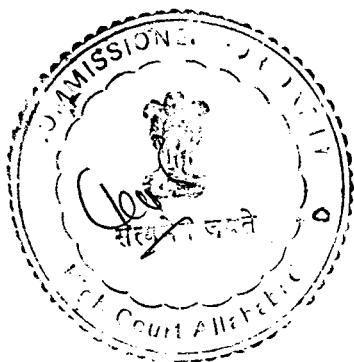
C.B.Tiwari

.... 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.C.(SB)

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

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



Amul

3 -

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 ~~in~~ 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.

APL

4 -

SO HELP ME GOD.

Devent

Deponent.

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

Chau
Clerk.

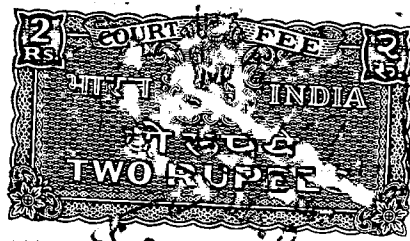
solemnly affirmed before me on this 5th day of March 1990 at 11:20 am/pm at Allahabad by the deponent who has been identified by the aforesaid clerk.

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.

Rajesh Chandra
OATH COMMISSIONER
High Court Allahabad
Sl. No. 126/9
Date 5/3/90



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADTL
BENCH: ALLAHABAD.

...

Rejoinder Affidavit

In

Registration No. 286 of 1988.

Sri C.B.Tewari Petitioner.

Vs.

Union of India &

others..

..Opp.parties.

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, Hardoi:

(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 deposed
to below:

CBTew

A76

: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.



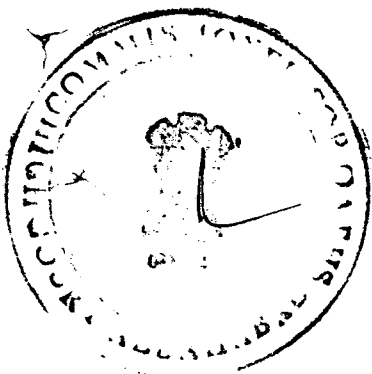
5. That, in reply to the contents of para 4 of the counter affidavit it is submitted that the petitioner was suspended on 18.1.1982 but in the criminal case, the petitioner was honourably acquitted. As such he was reinstated

A77

: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 grivences 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.CCSB/PF/CBT/89 dt.4.7.89 issued by the Accounts Officer, the alleged proceedings against

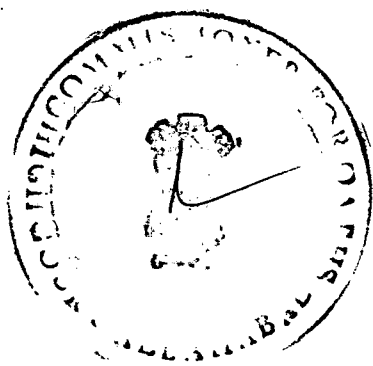
(M. P. Singh)

A78

:4:

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



E. B. Kewari

A79

:5:

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 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



CBTauran

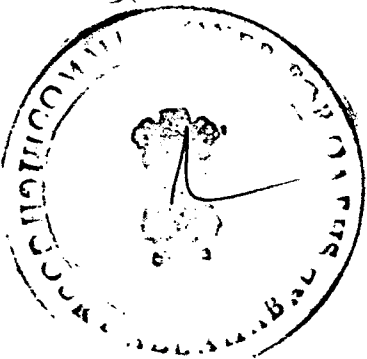
780

:6:

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.



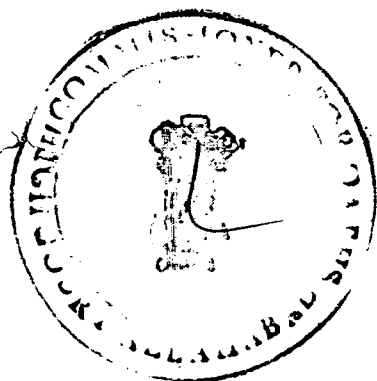
E. B. L. L.

1201

:7:

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 emphatic-



CPD Brown

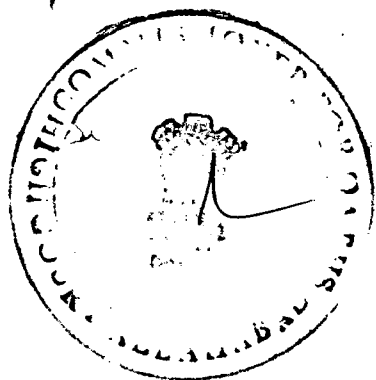
A82

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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 reply to~~ 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 suspensin 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 ~~since~~ 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



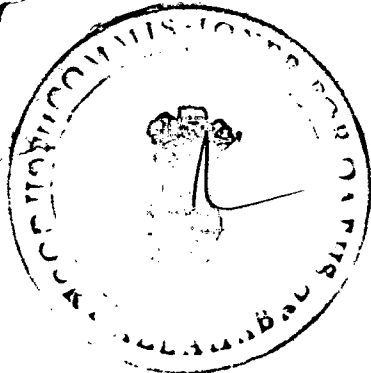
C. B. P. Review

ASB

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 12 17 of the counter affidavit, have already been replied 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



ASB New

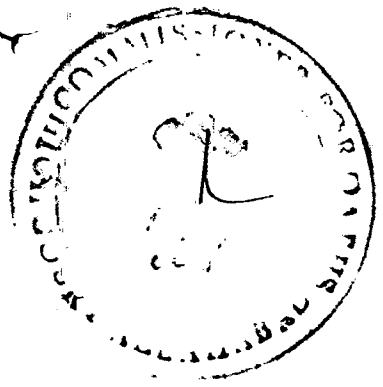
884

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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.

E. B. Dewar

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A85

That, the contents of paragraph nos.
✓ 1 k 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.

SO HELP ME GOD.

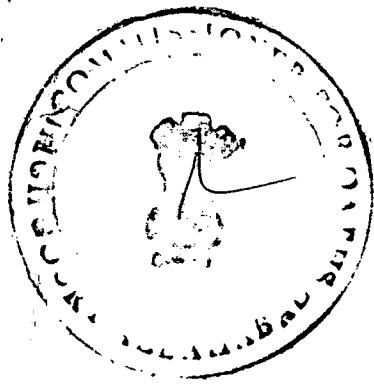
✓
L.B. Tewari

(Deponent)

I, I.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



L.B. Tewari

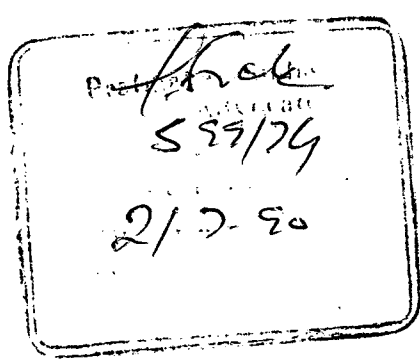
ABC

:12:

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~~ 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. 12/90



1990
AFFIDAVIT
72/192
HIGH COURT
ALLAHABAD
17/12/80

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT BENCH
ALLAHABAD.

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.

(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 deposed
to below:
2. That, the contents of paragraph no. 1 and 2
of the supplementary affidavit need no reply.

C.B. Tewari

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~~ 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.

809

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 along with 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, ~~has~~ ~~has~~ along with the petitioner, has been declared. The action of opposite parties in 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. ICC-58/PF/CBT/89 dt. 4.9.1989 and as a consequence of 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.

C.B. Tewari

890

A 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} ~~made~~ contrary
in para under reply are denied and in reply
the contents of para 5 of the petition are
reaffirmed as correct.

in reply to
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.

1 to 7 of this
affidavit are true to the personal knowledge
of the deponent and those of paragraph nos.

8 to 10 of the
affidavit are based on perusal of papers
on record, and those of paragraph nos.

11 to 12 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.

Ch. Praveen
Dependent

1991

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. Shankar

1998/172
17/12/90

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

.. Annexure-SRA-I - In
Supplementary A
Rejoinder Affidavit

In

Registration No.286 of 1988

Sri & 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

Shri & C.B.Yewari, the then LDC SDCOA
Barabanki now at SDCO Sandila was placed
under suspension by the then ACICO(SB)
Lucknow vide No.100-SB/PF/CBTewari/82
dated 19.9.82, for alleged fraud case
against him.

2- Sri & C.B.Tewari was acquitted by the
court 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

BB Tewari

:2:

AB

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 (SE) Lucknow.

...

P. Shukla
1928/70
17/12/80

C.B. Tewari

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

K 9/8
D. V.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

NOTICE OF MOTION

Misc Petition

in O.A./E.A.

1322 of 286 of 1980
C. B. Tiwari

Applicant/Appellant.

Varsus

Union of India & others

Respondents/Defendant

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

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

*Received by
Advocate
22/8/91*
Expedient Application

Signature

Advocate of petitioner

Applicant/Appellant

or

Petitioner/Defendant in not

Advocate on record for the opposite party

Respondent/Defendant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: 'DDL BENCH'
ALLAHABAD.

..

Expedite 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 Sheweth
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

18

:2:

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 ~~xxx~~ 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.

16

11

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9. 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. 286/1988.

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

Versus

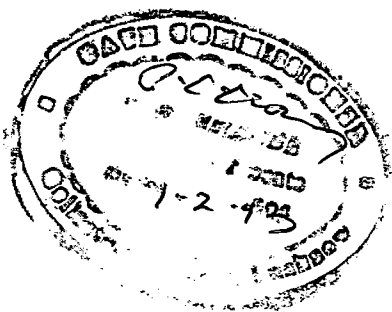
U.O.I and Others..... Respondent.

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.

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

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



Received by
Clerk S.K.C. Awar
5/2/88

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

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~~^{they} are based on records and legal advice. Nothing has been concealed, so help me God.

R. B. Tewari
Deponent.

Sundar 11/2/93

C-69/138, Fatehganj, Lko.

I have not been able to examine the
documents in the past as the contents
are written in a language I do not understand.
I am sorry to hear that you are not well.

P. C. Clawley
SAUNDERS
Advent
1-2-93

Government of India
Department of Posts

O/O Supdt. of post offices HarDOI Dn. HarDOI-241001

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

Dated at HarDOI, the 26.7.90

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

Shri CB Tiwari while functioning as LDC SDC Barabanki from 18.12.79 to 20.9.82 managed to get opened a fake SDA/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 SDC Barabanki, managed to increase balance in the said account with malefide intention in ledger card and got prepared the applications for withdrawals and identified the fictitious depositor and got made the following withdrawals from said account.

Date	Withdrawal.
12.7.82	1800.00
5.8.82	2250.00
16.8.82	2300.00
20.3.82	850/-
Total:	7200/-

Thus by identifying the fictitious depositor said Shri C. Tiwari on the dates mentioned above got allowed the payment 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. Tiwari 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(1)(i)(ii) and (iii) of CCS (Conduct) Rules, 1964."

The memo of charges was delivered to the Co on 20.1.90. The C.O. was provided an opportunity of 10 days to submit a statement of defence as desired. The Co on his application dtd 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 Hon'ble Magistrate Lower criminal court Barabanki proclaiming clear acquittal of the charges levelled against Shri C. Tiwari.

I have carefully gone through the copy of judgement and memo of charges and found that the SPS Shri C. Tiwari is not mentioned in the above mentioned court order for the similar charges as mentioned in the above id memo of charges and was exonerated from the court as such I find no justification to reconsider disc. proceedings against the said Shri C. Tiwari for the facts and accordingly;

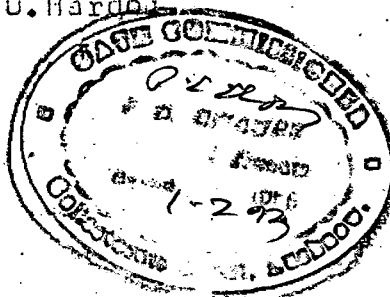
ORDER

I, B.S. DHASKAR, SPS HarDOI hereby "drop" the charges against the said Shri C. Tiwari LDC SDC Sandila levelled in the memo.

Supdt. of Post Offices
HarDOI Dn. HarDOI-241001

Copy to:-

- 1-Shri C. B. Tiwari LDC SDC 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 & Spare.



TC
Sundar Lal
Adv.
1/2/93

Annexure
SR-II

A101

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

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

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/DDC/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.

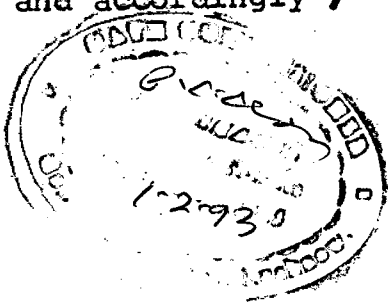
Date.	Deposit	Withdrawal
1.1.82	100/-	-
22.1.82	-	90/-
30.1.82	50/-	-
6.2.82	150/-	-
8.2.82	-	50/-
10.2.82	-	50/-
13.2.82	-	60/-
15.2.82	-	40/-
1.4.82	100/-	-

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 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 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 (name). 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 application 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 Sri C.B.Tewari for the same facts and accordingly.



10. Sundaril
Adv
1/2/93

Page-2

-2-

ORDER

I, B.S. Bhaskar 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.



Annexure
SR-III

A103

कोर-7/Corr-7

भारतीय डाक विभाग

DEPARTMENT OF POSTS INDIA

कार्यालय/Office of the

Sr. C.B. Tiwari

PA SBFO Sandilo

प्रति 21/10/91

No. B/CB Tiwari dated 14/10/92

Sub. Removal of 2 CB Tiwari &
SBFO Sandilo 21/10/92

A copy of memo No RPB/
VIG/Rev-1/91 dated 14/10/92 from
The D.P. Boreilly Regd. Boreilly
is enclosed herewith for further
disposal.

Please acknowledge receipt

Atty. (1) Asabuo

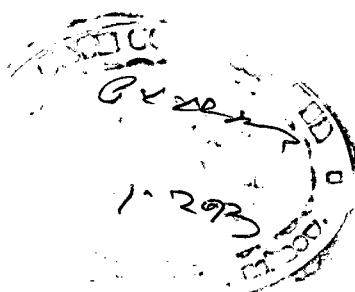
mm mm

Cop to : The P.M. / Boreilly Regd.
& enclosed copy of memo RPB/VIG/
Rev-1/91 Dtd 30/10/92 for disposal

Sc/-

T.C. Sengupta
Adv
12/93

MP-41-150 P-187-237.87-76.00,000 P-100



DEPARTMENT OF POSTS INDIA.

OFFICE OF THE POSTMASTER GENERAL LATERALLY REGION LATERALLY.

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

Dated at Laterally, the 14.1.91.

Shri C.B. Tewari, LDC, SFCO, Sandila was proceeded against under Rule 16 of CCS (CCA) Rules 1965 vide SFCOs, HarDOI memo No. P/LDC/CB Tewari dated 19/2/90. The memo of charges was subsequently dropped by SIC, HarDOI vide his memo No. 1141 dated 26/7/90.

2. The D.I.S. (HQ) C/O Chief IEG, Lucknow acting as Dir., Laterally Region issued a memo No. Inv/E-3/54/82/8 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

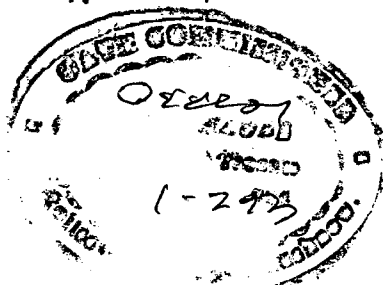
I, O.S. Veerwal, Director Postal Services, Laterally Region Pareilly hereby drop the proceedings of revision against Shri C.B. Tewari, LDC SFCO Sandila H.O.

(O. S. VEERWAL)
Director Postal Services,
Laterally Region, Pareilly.

Copy to :-

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

4. C/C.



T.C. *Amulalal*
1/2/93

In the Central Administrative Tribunal,
Lucknow Bench Lucknow.

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 phal 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 inadvertantly been typed as date
of actual 'Promotion'. (Annexure I)

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. "

Place kept
the Honble
Bench on
26.5.93
29/4

C. B. Tewari

9/10/93

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 applicant.
Advocate
1-65, 1-35, Patelganj, Lko.

733
A107
Annexure I

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 286 of 1988(L)

C.B. Tewari Applicant

Versus

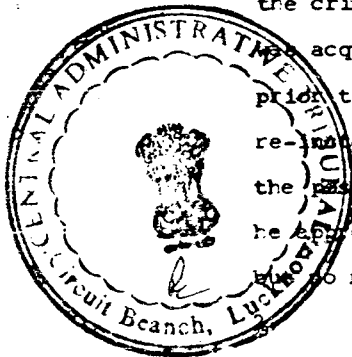
Union of India & Others Respondents

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.



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, etc.

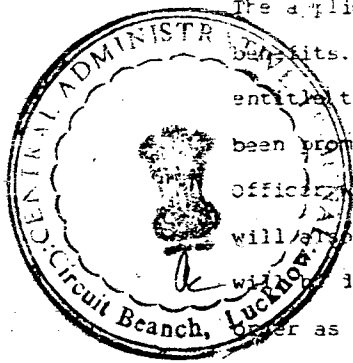
Contd..2/-

C.T.C
Jal Sundar
28/4/83
Sundar

A/108

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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 promotion will be deemed to have been given w.e.f. 1.3.1993. No order as to costs.



Sd/-
Member (A)

Sd/-
Vice-Chairman

Lucknow Dated: 26.2.1993.

(RKA)

C.T.C

Vfd Circular
28/4/93

Sunder La.
for file
C-69 132, Lucknow, Lko.

Certified Copy
Behaudh
Incharge
Judicial Section
C. A. T.
LUCKNOW

16-4-93