

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLEO.A.....60.....OF88.....

NAME OF THE PARTIESSukh.....Sagar.....Shukla.....Applicant

Versus

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

Part A.

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5	Counter affid. along with annexes	21
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CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated ..26.12.2011

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE Reg. CH. 60 - OF 1900 (C)

Name of the Parties Sukh Sagar Shukla

Versus

Union of India and ors.

Part A, B and C

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21/7

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

60

of 198

01(1)

APPLICANT (s)

Sukh Sagar Shukla

RESPONDENT(s)

U. of J. High Secy, Min. of Tele-
Comm., Central Sec. New Delhi &
3 others,

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(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 ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

yes

yes

yes

~~6 sets~~ yes

yes

—

—

yes

DD 00015 18/7/00

yes

yes

yes

Particulars to be ExaminedEndorsement as to result of Examination

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

yes

yes

yes

no

Find 2 copies are signed.

yes

yes

—

—

yes, Postage for Br. 11/- (B. eleven only) has been given on an env. by

yes

yes

A.A.

yes

yes

yes

yes

yes

yes.

If agreed to, can may be listed before the Tribunal on 21-07-00.

Q19

[Signature]

O.A. 60 of 88(L)

Sukh Sagar Shukla Vs. U.O. 2

ORDER SHEET

A2/1

21.7.88 :

Hon'ble A. John, A.M.

- Issue notices to the Respondents to show cause within a month as to why this petition should not be admitted, Notices be returnable on 22.8.88

Josh

22.7.88

Notices issued to Respdts.

Josh

FR.

16.8.88

Notices were issued to the respondents fixing 22.8.88 to show cause under the Regd. Post.

No Reply on behalf of other respondents have been filed so far.

Submitted for admission.

Josh

16/8/88

22.8.88

Hon. A. John, A.M.

Heard Sri Pasmaluma Swaroop for the applicant and Sri V. K. Chaudhary for the respondents.

In spite of notices issued on 21.7.88 to ~~show~~ show-cause as to why this application be not admitted, no reply has been filed till date.

Admit.

Sri Chaudhary further prays for and is allowed two weeks' time to file a reply. Rejoinder affidavit, if any, may be filed within another ten days.

Let this case for hearing on

22.9.88.

31

A.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCULAR BENCH AT LUGANO.

O.A./T.A. No. 60 1988 (C).

S. S. Shukla

Applicant(s)

Versus

U.O. & Co.

Respondent(s)

Sr. No.	Date	Orders
3/3/09	OR	Misc. Petition as per the Court and direction dt 23.2.09 has not been filed by the applicant.
8/3/09		<p>Non Jurisdictional/Kamleshwar Nath, VC. Mr. Ajay Dolmi, Am.</p> <p>The applicant's counsel has filed supplementary rejoinders affidavit. The counsel for the respondents prays for and is allowed two weeks time to file reply as according to him there are some new points. List for hearing on 27-3-09 when this application will also be considered.</p> <p>Am. VC.</p>

23/3

OR

NO reply filed.

23/3

Registered

dc

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/ 1129

Dated : 31/3/89

OFFICE - MEMO

Registration No. O.A. of 193
T.A.

Sukh Sagar Shukla

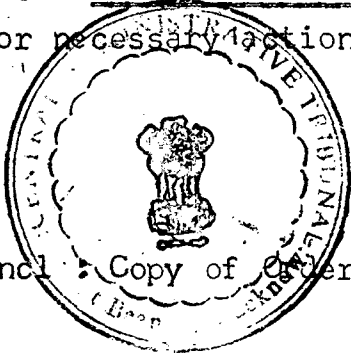
Applicant's

Union of India and vs.

Versus

Respondent's

A copy of the Tribunal's Order/Judgement
dated in the abovenoted case is forwarded
for necessary action.



For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated

1.3.89

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

To.

Sukh Sagar Shukla

V.K. Chaudhary Adv

Adv

dinesh/

① Received one Copy.

सुखसागर (Applicant)
31.3.89.

②

Recd
Adv
7/4/89

A3
1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at LUCKNOW

Registration O.A. No. 60/88 (L)

Sukh Sagar Shukla Applicant

Versus

Union of India and ors ... Respondents

Hon' Mr. D.S. Misra, A.M.

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

(By Hon. Mr. D.S. Misra, A.M.)

In this application under section 19 of Central Administrative Tribunal Act. 1985, the applicant has prayed for a direction to the respondents to treat the applicant to be on leave from 17-4-88 to 2-5-88 and to treat him as actually working as Jeep Driver in Lower Division Clerk Grade as before without interruption, and to declare the applicant confirmed on the post of Jeep Driver in permanent vacancy with retrospective effect at least from 8-4-1987.

2. The brief facts of the case are as, ^{he} ~~that~~ follows: -

^{he} The applicant, while working as Branch Post Master Pathwalia Branch, Gonda, was deputed to work as Jeep Driver by the Superintendent of Post Offices, Gonda from November, 1978. He was paid the salary as a Lower Division Clerk, he continued to work on this post up to 16-4-88 without any interruption. The applicant was arrested by the Police in an

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assault case of Shri H.D. Vansiya, the then Superintendent of Post Offices, Gonda, under section 120(b) of I.P.C. and as such, he was not engaged from 17.4.88, because of loss of reliance. The applicant made a representation to the Director, Postal Services, vide his letter dated 20.5.88 (copy Annexure-VII to the petition), but, he got no reply and filed the present application on 19-7-1988.

3. We have heard the learned counsel for the parties, and we have carefully perused the documents on record, the respondents have admitted that the applicant was removed from the post of Jeep Driver by an oral order, because of loss of reliance and unsatisfactory work. It is also alleged by the respondents that he was an outsider on daily wages basis and did not enjoy the status of a civil servant, and, therefore, the application filed by him does not come within the jurisdiction of this Tribunal.

4. We have considered these contentions of the respondents and we are of the opinion that there is no merit in any of these contentions. The respondents have admitted in their reply that the applicant was holding the post of EDBPM since 21-11-1973 and Extra Departmental Sub-Post Master, since 16-4-1981. He was deputed to work as Jeep Driver by the respondents and if, on a subsequent date the respondents had to terminate

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his services as a Jeep Driver, he should have been reverted to his original post of Extra Departmental Sub-Post Master. The respondents have also admitted that they did not pass any written order terminating the services of the applicant as Jeep Driver. This action on the part of the respondents No. 3, Supdt. Post Offices, Gonda is against the established norms of engaging or terminating the services of an employee, even though, such an employee may be working on ad hoc basis or as a daily rated casual employee. The respondents further admit that the applicant was denied duty after 16.4.88, on the basis of loss of reliance and unsatisfactory work. Such action on the part of Respondents No. 3 is also against the established norms and discloses arbitrariness and misuse of power.. The Respondents have not denied the receipt of representation dated 20.5.88 alleged to have been made by the applicant to the Director, Postal Services, Lucknow. It is strange that even the Director, Postal Services did not give any reply, nor he did look into the matter.

5. The second contention of the Respondents that the applicant was an outsider working as Jeep Driver also has no merit. The applicant was working as EDBPM since 21.11.73, when he was orally directed by Respondent No. 3 to work as Jeep Driver in November, 1978. The applicant had been working in the capacity of Jeep Driver for almost 10 years and his services could not be terminated for unsatisfactory work by an oral order without following the procedure under C.C.S., C.C.A. Rules. The applicant was working on a permanent post of Jeep Driver and even though his status was that of a daily rated worker, he was

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entitled to be given an opportunity to show cause against the termination of his services on the ground of mis-conduct. Our above view is in accordance with the following case law :

- (1) 1988(2) SLJ 109 (HC) Kuldeep Singh Vs. H.P. & others.
- (2) 1986(3) SLJ 98 (HC) S. Govindaraju Vs. KSRTC & ors.
- (3) 1987 (3) SLJ 210 (HC) Tek Chand Vs. H.P. & ors.
- (4) 1984 (1) SLJ 142 (SC) Management of Karnataka State Road Trans. Corp. Bangalore Vs. M. Boriah and another etc.
- (5) 1987 AIR, SC 1791 R.K. Jha Vs. Chief Commr.

6. We have also considered the contentions of the applicant that he is entitled to be regularised on the post of Jeep Driver. It is stated on behalf of respondents that in the year, 1983, some names were invited for regular appointment for the post of Jeep Driver, but the name of the applicant was not sponsored by the Employment Exchange and hence, he could not be considered for regularisation by the D.P.C. The Post of Jeep Driver was created in the year 1978 and the respondents kept sleeping over the matter of making regular appointment on the post of Jeep Driver for a period of 5 years before they requested employment exchange to sponsor candidates. In the year, 1983 they failed to make selection of a suitable candidate for appointment on regular basis and they allowed the earlier arrangement to continue for another 5 years and suddenly on 16-4-88 they decided to orally terminate the services of the applicant without even obtaining the explanation. The real reason for the termination of the services of the applicant appears to be the

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A3/5

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incident of an assault on Shri H.D. Vansiya the then Supdt. of Post Offices, Gonda and the suspicion in his mind that the applicant was also involved in this assault case. It appears to us that having failed to establish any case against the applicant, in the matter of assault on Shri H.D. Vansiya, the Respondents No. 3, adopted the dubious method of getting rid of the applicant by not permitting him to perform the duties of the Jeep Driver. We are of the opinion that such action on the part of the Respondents No. 3, is clearly violative of the Principle of Natural Justice and discloses not only arbitrariness on the part of the Respondent No. 3, but also contempt for rules and procedures prescribed by the Government in service matters. Our above view is based on the principles enunciated in the following cases :

- (1) 1987 (1) SLJ. 279 (CAT) Dalip Dass Vs. UOI
- (2) 1988 (2) SLJ. 109 (CAT) DMS Employees Vs. UOI
- (3) 1988 (2) SLJ. 17 Prem Chand Vs. HP & ors.
- (4) 1988 (2) SLJ. 645 (CAT) Sheo Nath Singh Vs. UOI
- (5) 1988 (2) SLJ. 109 (CAT) DMS Employees Union Vs. UOI.

7. On the facts and circumstances of the case we are of the opinion that the oral order of Respondent No. 3 prohibiting the applicant from performing the duties of a Jeep Driver is without jurisdiction, illegal and is accordingly quashed. We accordingly direct the respondents to allow the applicant ~~to continue~~ ^{to} join the duties of the Jeep Driver within one month of the receipt of the copy of this order. The applicant will be treated in the service of the respondents as Jeep Driver without interruption from

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17-4-88 to the date of his rejoining the duties under the respondents. He will also be entitled to such leave as may be due for the period he remained absent from duty and made an application for grant of leave.

8. We are also of the opinion that by virtue of the fact that the applicant has worked on the post of Jeep Driver for about ten years, he is entitled to be regularised on that post. Accordingly we direct the respondents to treat the applicant as a regular Jeep driver.

9. The application is disposed of accordingly. We also direct the Registrar to send a copy of this order to the Director General, Posts and Telegraphs, Lucknow for information and suitable action in the matter. *There will be no order as to costs*

J.M.
J.M.

A.M.
A.M.

(sns)

Lucknow

MARCH 31, 1989.

To

The Registrar,

FORM II

(See Rule 4 (5))

Receipt Slip

Receipt of the application filed in the Central
Administrative Tribunal Allahabad Bench
by Shri/Kum/smt. Subh Sagar Duble working
as Jeep driver, office of Superintendent in the Ministry/
Post offices Gonda division, Gonda
Department/Office of Post & Telegraph Deptt.
residing at Gonda is
hereby acknowledged.

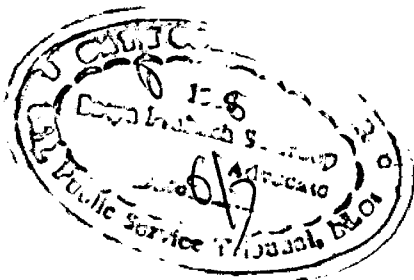
for Registrar

Central Administrative Tribunal

..... Bench

Date :

Seal :



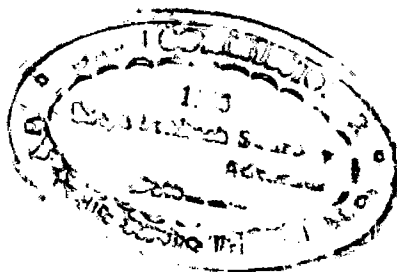
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

APPLICATION NO. OF 88

SUKH SAGAR SHUKLA

V/S

UNION OF INDIA



AV

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALAHABAD BENCH

APPLICATION NO.of 88

Sukh Sagar Shukla

V/s

Union of India

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3.	ANNEXURE NO. 2	14
4.	ANNEXURE NO. 3	15
5.	ANNEXURE NO. 4	16
6.	ANNEXURE NO. 5	17
7.	ANNEXURE NO. 6	18
8.	ANNEXURE NO. 7	19
9.	AFFIDAVIT	20-21 ✓
10.	VAKALATNAMA	21
11.		

List this

Case on 21.07.2018 ~~For use in Tribunal's Office~~

21.07.2018

SIGNATURE OF THE APPLICANT

For use in Tribunal's Office

Date of filing

or

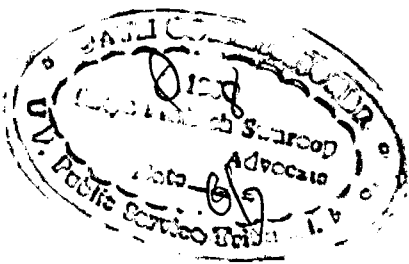
Date of Receipt by post

Registration No.

Anand Kumar
Advocate
21.07.2018

SIGNATURE ~~XX~~

for Registrar



Handwritten mark: A circle containing 'A7' and '2' with a checkmark.

In the Central Administrative Tribunal
ALLAHABAD BENCH, (Lucknow Jurisdiction)

Application No..... /88

Between

Shri Sukh Sagar Shukla
Jeep Driver,
Office of Superintendent,
Post Offices Gonda Division, Gonda U.P..... Applicant

And

1. Union of India through Secretary, to ^{the} Ministry of
Tele-communication, Central Secretariat, New Delhi.
2. Post Master General, Lucknow.
3. Superintendent Post Offices, Gonda Division, Gonda U.P.
4. Director, Postal Services, Lucknow Region,
New Hyderabad, Lucknow.

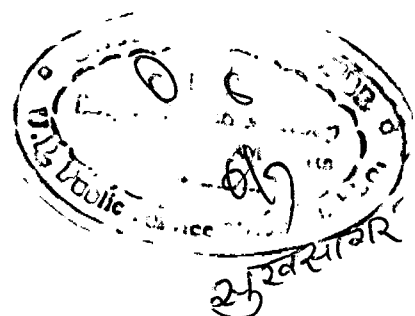
.... Respondents

DETAILS OF APPLICATION :-

1. Particulars of applicant :

- i) Name of the applicant : Sukh Sagar Shukla
- ii) Name of Father : Sri Ram Anuj Shukla
- iii) Age of the applicant : About 40 years.
- iv) Designation and par- : Jeep driver in the Office
ticulars of the office of Superintendent, Post
last employed offices, Gonda Division,
Gonda.(U.P.) ✓
- v) Office Address : Sukh Sagar Shukla,
Jeep Driver, Office of
Superintendent Post Offices
Gonda Division, Gonda(U.P.)
- vi) Address for service : Sri Sukh Sagar Shukla
of notices S/O Sri Ram Anuj Shukla
Village Portarganj,
P.O. Pathvalia
Tehsil & Distt. Gonda (U.

Contd.....2.



14/3

- 2 -

2. Particulars of the Respondent :-

1. Union of India,
through Secretary to the Ministry of
Telecommunication, Central Secretariat
New Delhi.
2. Post Master General, Lucknow.
3. Supriendent, Post Offices, Gonda Division,
Gonda, U.P.
4. Director, Postal Services, Lucknow Region,
New Hyderabad, Lucknow.

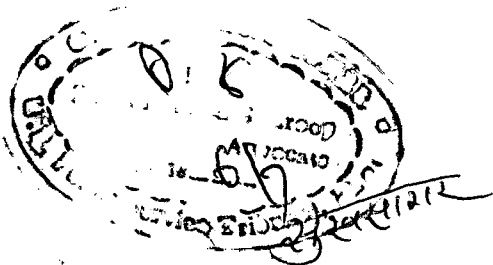
3. Particulars of the order against which application
is made :-

- a) For non-payment of salary as Jeep driver (of
Supriendent Post Offices Gonda) from 17.4.1
without any order for with-holding it or ter-
minating the applicant's services.
- b) O.P.'s *apathy* to regularize the applicant i
the permanent vacancies of Jeep driver or *some* *any*
other class 'D' Post.
- c) Respondents interference in the applicant's /
as driver of jeep of respondent no. 3
discharge of duties, in the absence of any
order to this effect to the applicant's
knowledge.

4. Jurisdiction of the Tribunal :-

The applicant declares that the acts *and* of ommissi
of O.P.'s and the subject matter in question
against which he wants redressal *are* is within the
jurisdiction of the Tribunal.

Contd.....3.



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- 3 -

5. Limitation :

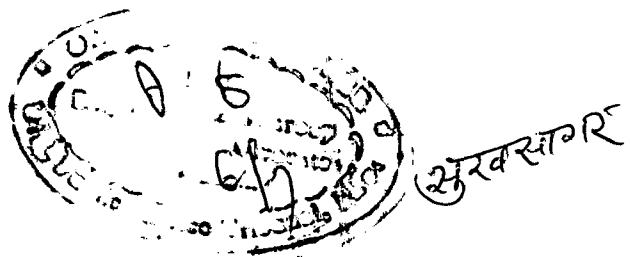
The applicant further declares that the application is within the limitation prescribed in the section 21 of the Administrative Tribunals Act 1985.

6. Facts of the Case :

The facts of the case are given below :-

- (a) The applicant Sukh Sagar Shukla was appointed Branch Post Master on 21 Nov. 1973 in Pathwalia Branch Post Office Gonda, which is an extra departmental Branch Post Office of the Head Post Office, Gonda. He worked as such ~~in~~ till 12.11.78 when he was appointed Jeep driver in the Office of Supriintendent Post Offices Gonda division, Gonda, by the Order of the then Supriintendent Post Offices Gonda, O.P. No. 3.
- (b) That the applicant Sukh Sagar has been enjoying the Lower Division Clerk Grade Rs. 950[~] 1500[~], since then on this post, with dearness allowance, house rent allowance, ^{of} bonus etc. as will appear from the letter ^{of} O.P. No. 3 & The Senior Supriintendent Post Offices cum Joint Encharge, Supriintendent Post Offices Gonda, dated 25.9.87 (Annex. 1) and the letter of Supriintendent Post Offices Gonda (Annex. 2)

Contd.....4.



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- 4 -

(c) That the applicant has not yet been confirmed on his appointment, nor his appointment regularized even though the Constitution of India contains provisions like Articles 14, 16, 21, 23, 37, 38 etc. and both the executive + judicial pronouncements are against the policy of ad-hocism and keeping employees devoid of security in service within the range of hire & fire action.

(d) That the applicant is working satisfactorily as jeep driver since his appointment to the entire satisfaction of his superiors and he has never been communicated any adverse entry or any warning. He has served the postal department continuously for about 15 years.

(e) That in December 1987 when Shri H.D. Vansiya took charge of ^{the post of} Superintendent, Post Offices, Gonda the applicant was deputed to drive his office jeep. He too was always pleased with the applicant till 16.4.88 when ^{one} Ram Prah^{was}lad, who, along with ^{others} ~~was~~ involved in the incident of belabouring Mr. Vansiya on 13.4.88 in the evening when he was on a stroll with Shri R.S. Singh, Inspector Post Offices and Shri Mohd. Shami Postal Assistant Regional Divisional Office, Gonda, falsely gave the statement to the Police due to ^{the} enmity with the applicant that Shri Ram Prah^{was}lad had assaulted Mr. Vansiya at the instigation of the applicant, Sukh Sagar.



Contd.....5.

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- 5 -

The relevant facts of this incident are as follows :-

(i) ~~The~~ ^{Shri Prayag Dutt} brother-in-law (Bahnoi) ^{ot} the accused Ram Prahlad is posted as chawkidar at Dhanapur Post office. Shri R.K. Tewari Inspector Post Offices checked security arrangement, of Dhanapur Post Office in the night of the first week of April 88 and found this chawkidar lying on a cot in side Dhanapur Post Office insted of guarding it outside the building, Shri R.K. Tewari ~~xx~~ called his explanation for punishing him, This fact annoyed, the said (accused) Ram Prahlad and he made a plan to beat Mr. Tewari, as the applicant came to know of it after the incident. It has also been revealed that when Shri Tewari, Inspector shifted the responsibility of that show cause notice to the Suprintendent Post Offices, Ram Prahlad made up his mind to teach him lesson and assaulted and beat him. With this purpose he intercepted and assaulted Mr. Vansiya on 13.4.88 in the evening at about 6.30 P.M. when he was on a stroll in a lonely place.

(ii) The applicant was not at all there even in the vicinity of the site of occurance. Rather he was at his house in Porter ganj about 5 km. ^{away} at that time. The applicant Sukh Sagar had strained relations with this accused Ram Prahlad from before, as



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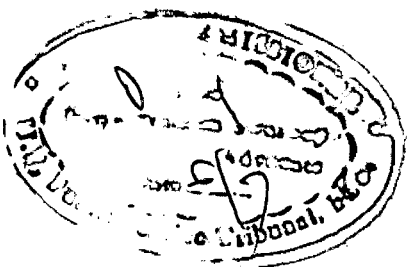
- 6 -

he (Ram Prahlad) had shown a country made pistol to the applicant's son and abused & threatened the applicant also on 23.2.88, that is about 3 weeks before the occurrence of Shri Vansiya. The applicant therefore sent a complaint by post to the Thana incharge Kotwali Gonda against Ram Prahlad the accused on 24.2.88. The copy of the complaint against Ram Prahlad is Annex. 3 and the certificate of posting is Annex. 4.

(iii) The assailants of Shri Vansiya alongwith Ram Prahlad, ^{were} ~~was~~ arrested on 16.4.88. Ram Prahlad due to the said ^{enmity} ~~enmity~~ and complaint dt. 24.2.88 gave the statement ^{due to} ~~due to~~ ^{enmity} ~~enmity~~ in police custody involving the applicant Sukh Sagar falsely ^{and} ~~and~~ stating that he had committed that crime at the instance of applicant Sukh Sagar.

(iv) That the applicant Sukh Sagar had no cause of ^{and motive for such assault} ~~and motive for such assault~~ complaint against Shri Vansiya, ^{and} ~~and~~ he never could have entered into such a conspiracy with Ram Prahlad for a assault on his own revered and loved officer. It was all a trick statement of Ram Prahlad due to ~~enmity~~ ^{enmity} of Feb.88 and was made to harm the applicant maliciously ^{to} ~~to~~ and frivously.

(v) That when the police informed Shri Vansiya of the said (false) statement of Ram Prahlad accused, he felt into that ^{gimmicks} ~~gimmicks~~ and became displeased with him and got the applicant arrested through police on 16.4.88 when the



सुखसगर

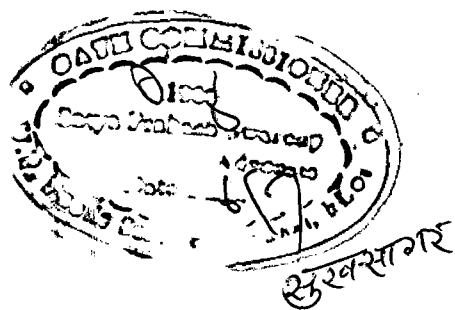
Contd.....7.

applicant had taken Shri Vansiya on the jeep, did not ~~not~~ all consider the applicant's said explanation in this regard. The applicant was, however, released on bail on 17.4.88. That case is still ~~pending~~ ^{Police} under investigation.

(vi) That the applicant then proceeded away on leave as he fell ill and when he ~~written~~ ^{recovered} on 2.5.88 and requested Shri Vansiya by a ~~on 2.5.88~~ ^{on it} to permit him to work, (Annex. No. 5) Shri Vansiya did not pass any order and told that another driver was working on his jeep. In April 1988 his Salary was Rs. 950/- (Basic) + 18% D.A. + Ra. 120/- H.R.A. per month besides yearly bonus.

(f) That the applicant has not been paid any salary of the period subsequent to 16.4.88 and permitted to work or given any job by ^{The} Supdt. Post Offices Respondent No. 3 to perform inspite of his application (Annex. 6) dated 12.5.88 to the Supdt. Post Offices Respondent No. 3 and the application dated 20.5.88 (Annex. 7) to the Director Post offices Respondent No. 4.

(g) That the applicant has presented himself for service each day from 2.5.88 but he has not been given any work or permitted to sign the attendance register ^{no order} on the applicant's application Annex. 5,6,&7 and their reminders and his leave applications have yet been passed to the applicant's knowledge by the O.P.s nor any order of ^{the} termination of the applicants services has yet been passed to the petitioner's



from the applicant for this knowledge. No explanation for misconduct has ever been called nor any enquiry made in this regard.

was created on 13.11.78 and
(h) That the petitioner's post has been made permanent on 8.7.87 memo no. RDL/EST/X-16/P Gonda dated Lucknow 8.7.87 and another person new Sri Suraj Pd. Yadav is working on this applicant's post from 17.4.88.

(i) That the withholding of the applicant's salary from 17.4.88 and not permitting him to work as driver is illegal, arbitrary, discriminatory and unconstitutional. It violates the applicant's services rules and Articles 14, 16, and 21 of the constitution of India and is based upon ill-will malice prejudices against him and is a mala fide action of Respondents 3 & 4

(j) That the O.Ps. are still permitting the petitioner's junior R.B. Pandey jeep driver in the office of Supdt. Post Offices Bahraich division to work and earn wages but are discriminating in the petitioner's case illegally and mala fide violating Article 14, 16 of the constitution of India.

7. Details of remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, namely the representations Annex. 6 & 7 and their reminders dated 14.6.88 and 15.6.88. Since the

days are hard & he does not expect any favourable order ^{on} from them and since further waiting with ^{it} only ~~app~~ create complications ~~from~~ for the applicant so this application is filed.

8. Matters not previously filed or pending with any other court.

The applicant further declares that he has not filed any application, writ petition or suit previously regarding the matter 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 and no such application, writ petition or suit is pending before any of them.

9. Relief(s) sought :

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

- (1) The Respondent[✓] be ordered to treat the applicant to be on leave in the period of 17.4.88 to 2.5.88 and to be actually working without interruption ^{since then as jeep driver of Respondent No.3 ✓} ~~as such~~ till now, to permit him to work without interruption on this post henceforth and pay his salary etc. according to rules regularly in future.

- (2) The Respondent[✓] be directed to pay the applicant his salary as before of the period from 17.4.88 till now treating him to be working as jeep driver in L.D.C. grade as before without interruption.

Am
11

- 10 -

(3) Grant costs of the proceedings and such other relief as the Hon'ble Tribunal deems just and ~~justice~~. *proper*.

(4) Direct Respondents to declare the applicant confirmed on the post of jeep driver in per-
manent vacancy with retrospective effect from *at least*
or from such earlier
8.4.87 ~~on the next~~ such date as the Hon'ble
just and
Tribunal deems ~~just~~ *proper*.

10. Interim order, if any prayed for :-

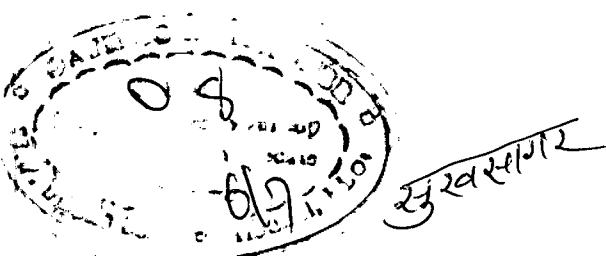
Pending final decision of this application, the applicant seeks the issue of the following interim order :-

(a) The Respondents be directed to pay the applicant's salary as before from 17.4.88 till the filling of this application and go on paying him regularly according to rules during the pendency of the case and not interrupt him from working and noting his attendance an attendance register.

11. If the Hon'ble Tribunal feels any necessity of *on admission stage*
hearing ~~xxx~~ arguments, then the applicant's
✓
counsel may be informed on the following address :-

Parmatma Swaroop, *Advocate*
Sector 18/179, Indira Nagar,
Lucknow.

Contd.....11.



AY
12

- 11 -

12. Particulars of Bank Draft/Postal Order in respect of the Application Fee :

1. Name of the Bank on which drawn

2. Demand Draft No.

or

1. Number of Indian Postal Order(s) 5 067815

2. Name of the issuing Post Office High Court branch,
Post Office Lucknow

3. Date of Issue of Postal Orders(s) 18.7.88

4. Post Office at which payable At Allahabad

13. List of enclosures

(1) Application Index ✓

(2) Annexure No. 1.

(3) Annexure No. 2

(4) Annexure No. 3

(5) Annexure No. 4

(6) Annexure No. 5

(7) Annexure No. 6

(8) Annexure No. 7

(9) Affidavit

(10) Vakalatnama

11/ Postal order of Rs 150 ✓

सुश्रवसागर

Contd.....12.

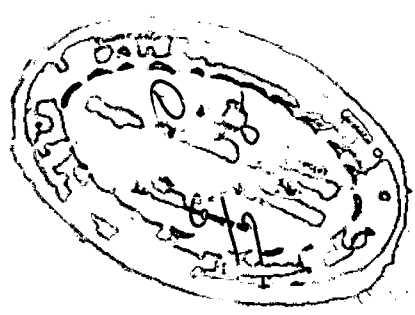


- 12 -
VERIFICATION

I, Sukh Sagar Shukla..... (Name of the
applicant) S/O, D/O, W/O Shri Ramnaray Shukla..
Age about 40 yrs working as Jeep driver.. in the
office of Subd. Post Office, Gonda..... resident of
Village Palkavalia, Dist. Gonda..... do hereby verify that
the contents of paras 1, 3, 6 & 7, to 7, 8 are
true to my personal knowledge and paras 4, 5..... to
..... are believed to be true on legal advice and that I have
not suppressed any material fact.

सुखसागर शुक्ला
Signature of the applicant

Date : 6.6.88
Place : Gonda



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No..... of 88

Sukh Sagar Shukla

V/S

Union of India

Annexure-1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No..... of 88

Sukh Sagar Shukla

V/S

Union of India

Annexure - 2



उत्तर के समय कृपया
निम्न संदर्भ दें
In reply
Please quote

प्रधान
From

अधीक्षक डाकघर
गोंडा
गोंडा-211001

सेवा में
To

पोस्टमास्टर,
गान्डा गुडगाँव, गान्डा-271001

क्रम संख्या
No.

सं/कालिंग 7/ बोनरा

दिनांक
Dated at

गान्डा दिनांक 1-12-87

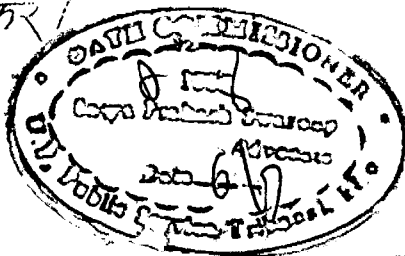
विषय
SUBJECT

श्री सुरवसागर गुप्त जीप चालक गान्डा गुडगाँव
के बैच 85-86 के बोनरा गुप्तान का मागना

XX

श्री सुरवसागर गुप्त दिनांक 13-11-78 से ~~मिले~~
जीप चालक के पद पर कार्य कर रहे हैं। इन्हें स्वामी
श्री सुरवसागर गुप्त का बेटा माना जाता है। इन्होंने प्रथम यह
आवेदन 0 उपपोस्टमास्टर पशवालोया के पद पर कार्यरत
से जिस पर श्री जगन्नाथ राय दिनांक 12-2-85 से कार्यरत
रहे हैं। इनकी नियुक्ति जी.पी.सी. में उपपोस्टमास्टर
विशुनपुर के पद पर तत्कालीन अधीक्षक
गोंडा के द्वारा की गई थी।

आपका उत्तर जेगा के आधार पर श्री सुरवसागर
गुप्त पर 0 उपपोस्टमास्टर पशवालोया के पद
से कार्य सम्पन्न नहीं है। मुद्दा तत्कालीन कारणों से
उनकी नियुक्ति निरुपलब्ध रही हो या रही है वैसे
श्री सुरवसागर गुप्त जीप चालक के पद पर कार्यरत हैं
वर्ष 85-86 का बोनरा श्री गुप्त को ई.पी.
मानचारी के रूप में गुप्तान किया गया था जबकि उन
को 0 उपपोस्टमास्टर के पद प्रस्था करने के बाद से उमर
पद से कार्य सम्पन्न नहीं है। आइए उन्हें वर्ष 85-86
का बोनरा स्वामी श्री सुरवसागर के रूप में मानकर गुप्तान
करें एवं ई.पी. के रूप में दिनांक गान्डा बोनरा का
समाधान करें।



अधीक्षक डाकघर
गोंडा
गोंडा-211001

अधीक्षक डाकघर
गोंडा
गोंडा-211001

सुरवसागर

MCIPAL, 24 F. & T. 1-12-87, 100,000 Bk.

सूचना

श्री सुरवसागर गुप्त जीप चालक को

सेवा में,

श्री मान शान्तधरा मोहोदय,
शान्त कोतवाली नगर, गौन्डा

दिनांक 24.2.88

सविनय निवेदन है कि प्राणी राम पौट्ट राज डामर पंचवर्तिया शान्त कोतवाली नगर गौन्डा का निवासी है। काम रात करीब 8 बजे मेरा लड़का लालजी मुझसे अपने गठान से पार्श्व की ओर पारवाने गत था थोड़ी देर बाद राम प्रहलाद पुत्र वैजनाथ तिवारी, जो कि मेरे गठान के सामने रहता है, वह भी उसी ओर गया और लालजी जब घर की ओर वापस आ रहा था तो राम प्रहलाद ने उसे आवाज देकर अपने पास बुलाया। लालजी जब राम प्रहलाद के नजदीक पहुंचा तब राम प्रहलाद ने अपने नित्यान के नीचे से कट्टा निकाला और कहा देखो इसी से आदमी मारा जाता है। लालजी अभी करीब 16 वर्ष का है वह कट्टा देखकर डर गया और हाफता हुआ भागकर घर पहुंचा और सारी बात मुझे बतलाई। थोड़ी देर बाद राम प्रहलाद भी वापस आया। मैंने राम प्रहलाद से उस कट्टा के सम्बन्ध में पूछा तो उन्होंने वह कट्टा मुझे भी दिखाया और कहा कि मैं इसे बेचना चाहता हूँ इसीलिए दिखाया था कि कहीं बेचकर दूँ।

जब मैंने इसकी सूचना थाने गैजने की बात कही और राम प्रहलाद से भी वही कट्टा थाने पर जमा करने का कहा तो मैं गाली बोलने लगे और मुझे धमकी देने लगे कि यदि इसकी सूचना थाने गैजने जाय तो मार दूंगा या दण्डागोला फेककर जान ब माल का भारी नुकसान पहुंचा दूंगा। इस बात की त के दौरान पड़ोस के अन्य लोग भी थे।

राम प्रहलाद कोलेज में साइकिल स्टैंड पर चोरी कर लेता है और कुछ लड़कों को साथ लेकर किसी भी सभ्यता में मार सकता है या कोई नुकसान करे, किसी भी सभ्यता बदला चुका सकता है इसीलिए इनसे कट्टा थाने पर जमा करवाया जाय।

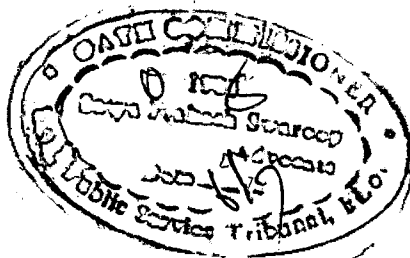
अतः श्री मान जी से कवि निवेदन है कि मेरे जान व माल की सुरक्षा हेतु, उत्ता बाटणा की जांच करने की दृष्टि से जाय और राम प्रहलाद का दण्डित किया जाय अतः कृपा होगी सूचना श्री मान जी की सेवा में प्रेषित है।

प्राणी - सुरेश चन्द्र शर्मा

राम - पौट्ट राज

शान्त - कोतवाली नगर

जनपद - गौन्डा



True copy attested
Shant Dwivedi

सुरेश चन्द्र शर्मा

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No..... of 88

Sukh Sagar Shukla

V/S

Union of India

Annexure - 4

Annex-4

Certificate of Posting.

24.2.88

एक लिफाफा निम्न पते पर भेजने हेतु प्राप्त किया।

सेवा में:

श्री मान शानादयस म्होदय,
शाना कोलवाली नगर
जनपद - गोंडा (उ.प्र.)



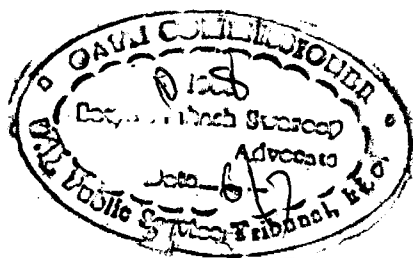
द्वारा - सुखसागर शुक्ला

ग्राम - पीटिंगंज
डाला - पथबालिया
जनपद - गोंडा



सुखसागर

The copy attested
Shant Jwanti



Annexure - 5

श्री मान

डाक अधीक्षक महोदय,

गोन्डा मण्डल

गोन्डा

25

दिनांक. 2.5.88

स्वेवा में,

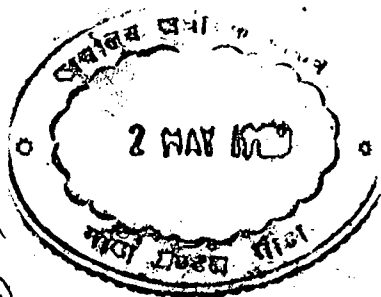
सविनय निवेदन है कि प्राची ने, स्वास्थ्य खराब हो अपने के कारण 15 दिन के अवकाश का प्रार्थना पत्र दिया था जिसके अनुसार आज दिनांक 2.5.88 को अवकाश पूरा हो चुका है तथा प्राची भी स्वस्थ हो गया है। अब प्राची कल दिनांक 3.5.88 से कार्य भार ग्रहण करना चाहता है।

अतः श्री मान जी से कर्तव्य प्रार्थना है कि प्राची को कल दिनांक 3.5.88 से कार्य भार ग्रहण करने की कृपया प्रदान की जाय। अति कृपा होगी।

प्राची इस महान दया दुर्बल है, सदैव आपका भागरी रहेगा।

Received-

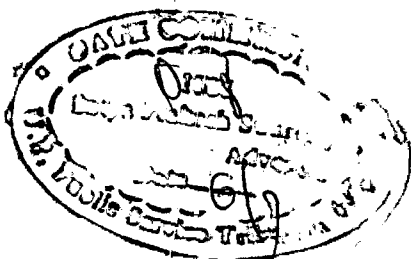
25/5/88



प्राची- सुख सागर शुकल
जीप चालक
गोन्डा मण्डल

The copy attested
Shri. Shukla

सुख सागर



Annexure - 6

श्री गान, डाक अधीक्षक महोदय,
गोन्डा मण्डल, गोन्डा

दिनांक 12.5.88

सर्वोच्च,

सर्वोच्च निवेदन है कि प्राप्ति ने 21.11.73 से 12.11.78 तक शारदा डाकपाल पदवर्धिका के पद पर कार्य किया और 13.11.78 से लगातार जीप चालक के पद पर कार्य कर रहा था किन्तु 13.4.88 को कुछ अशुभ तत्वों द्वारा, तत्कालीन डाक अधीक्षक महोदय पर हमला किया जाने और 16.4.88 को हमलाबेशों के पकड़े जाने पर, एक अभियुक्त राम प्रहलाद (जो कि मेरे ही गांव में, मेरे घर के सामने रहता है) के कहने पर, मुझे उस समय पुलिस द्वारा हिरासत में लिया गया जबकि मैं तत्कालीन डाक अधीक्षक महोदय के साथ जीप लेकर, अभियुक्तों को पहचानने शान कोतवाली नगर गया था।

घरेलू अगड़े को लेकर, आपसी संज्ञा के कारण, अभियुक्त राम प्रहलाद ने प्राप्ति को उक्त मामले में फंसाया है जबकि उक्त घटना के सम्बन्ध में प्राप्ति को कोई जानकारी नहीं है और प्राप्ति बेगुनाह है।

उक्त घटना के उपरान्त प्राप्ति को अपने पद पर कार्य करने की अनुमति नहीं मिली जिसकी वजह से प्राप्ति बेरोजगार हो गया है। प्राप्ति के पास नौकरी के अतिरिक्त, आय का और कोई साधन न होने के कारण, बच्चों का गणनापिषा करना असम्भव हो गया है। प्राप्ति के ऊपर 8 सदस्यों का पारिवारिक बोझ है जिनमें गौजन की व्यवस्था प्राप्ति के वेतन से ही होता था जिसके बाद ही जौन से प्राप्ति के परिवार पर बड़ा संकट आ गया है।

1- प्राप्ति को जीप चालक के पद पर लगातार कार्य कर रहे हुए लगातार 10 वर्ष पूरा हो रहा है किन्तु किसी भी आधिकारिक तौर पर प्राप्ति में कोई कमी नहीं मिली। प्राप्ति के चरित्र के सम्बन्ध में पूर्व अधिकारियों से जानकारी प्राप्त करने की कृपा की जाय।

2- यदि प्राप्ति को उक्त घटना की कुछ भी जानकारी होती या प्राप्ति ने अभियुक्तों को उक्त घणित कार्य करने के लिए सहयोग दिया होता तो अभियुक्तों को पकड़े जाने पर प्राप्ति, डाक अधीक्षक महोदय के साथ जीप लेकर शान कोतवाली नगर (पुलिस के सामने) जाने का साहस भी नहीं कर सकता था।

3- प्राप्ति की संवर्धन अंगी नियमित भी नहीं हुई थी और प्राप्ति के पास परिवार पालन हेतु और अन्य कोई साधन भी नहीं है। ऐसी दशा में प्राप्ति अपने बच्चों को कमी संकट में नहीं डालना चाहेगा और अपने परिवार के जीविका का साधन संभाल नहीं करना चाहेगा।

अतः श्री गान से कठिना प्रार्थना है कि स्मरक समर्थ पर सहानुभूति पूर्वक विचार किया जाय और प्राप्ति को किसी भी विभागीय पद पर कार्य करने की अनुमति प्रदान की जाय ताकि प्राप्ति अपने बच्चों के लिए गौजन का प्रबन्ध कर सके और उनकी जीविका चला सके।

अति क्षुब्ध होगी। प्राप्ति इस महान दयाद्वारे हेतु सापरिवार सहित आपका आभारी रहेगा।

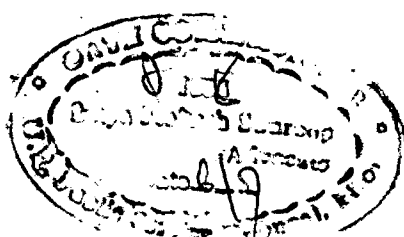
(एक प्रति प्रमाण पत्र संलग्न है)

प्राप्ति- सुरेश सागर शुक्ल

जीप चालक

गोन्डा मण्डल

सुरेश सागर



12/5/88

The copy forwarded
Shan (Gondal)

Received one
copy
12-5-88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No..... of 88

Sukh Sagar Shukla

V/S

Union of India

Annexure-6

(18)

~~18/1~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No..... of 88

Sukh Sagar Shukla

.....

V/S

Union of India

.....

Annexure - 7

(14)
(14)
14/23

श्रीमान,

Annexure-7

My 24

(19)

श्रीमान, निदेशक महोदय (आ.स.स.स.)

जिला अदालत, जालंधर

20.5.88

श्रीमान, अधीक्षक डाक्टर

जिला अदालत, जालंधर

दिनांक 20.5.88

विषय - जीप चालक के कार्य भार ग्रहण करने के सम्बन्ध में।

रहितगार निवेदन है कि प्राथी ने 21.11.73 से 12.11.78 तक शारदा प्रबल पञ्चोदया के पद पर कार्य किया और 13.11.78 से लगातार जीप चालक के पद पर कार्य कर रहा था किन्तु 13.4.88 को कुछ लड़कों द्वारा तत्कालीन डाक अधीक्षक महोदय पर हमला किया जाने और 16.4.88 को हमलावश के पकड़े जाने पर, रुक अग्निगुप्त के कहने पर, मुझे उस समय पुलिस द्वारा हिरासत में लिया गया जबकि मैं अधीक्षक महोदय के साथ, जीप लेकर (अग्निगुप्त के पद चोरी) थाना चौतवाली नगर गया था।

रुक अग्निगुप्त के कहने पर पुलिस ने प्राथी पर धारा 120 B (Conspiracy) का आरोप लगाया है। प्राथी ने अपनी जमानत तत्काल कशाली है धरिल गंगई और आणसी राजेश के कारण अग्निगुप्त राम प्रहलाद ने प्राथी को उत्त मामले में फंसाया है जबकि उत्त दाटना की प्राथी को कोई जानकारी नहीं है और प्राथी बेगुनाह है। विश्वस्त सूत्रों से ज्ञात हुआ है कि अग्निगुप्त राम प्रहलाद का बहनेई दौलपुर डाक्टर के चौकीदार है जिसे निरीक्षक महोदय (मध्य) श्री आर.के. तिवारी द्वारा रात में चेक किया गया था, उसे डाक्टर के अन्दर लेटा जाया गया था और उसे सेवा से मुक्त करने की दायिमी देकर रुक नोकर दी गयी थी। अग्निगुप्त राम प्रहलाद निरीक्षक महोदय के निवास पर रुक लड़के के साथ गया था और उगाध व्यवहार के साथ बल प्रयोग करते हुए भारन की दायिमी भी दी थी। इस बात को निरीक्षक महोदय ने थाना चौतवाली में स्वयं स्वीकार किया है। उत्त दाटना में प्राथी बिल्कुल बेगुनाह फंसाया गया है।

प्राथी को जीप चालक के पद पर लगातार कार्य करते हुए लगभग 10 वर्ष पूरा हो रहा है किन्तु आज तक किसी भी अधीक्षक महोदय को प्राथी से कोई कमी नहीं मिली। यदि प्राथी को उत्त दाटना की कुछ भी जानकारी होती तो अग्निगुप्त के पकड़े जाने पर, डाक अधीक्षक महोदय के साथ, प्राथी थाना चौतवाली नगर (पुलिस के समक्ष) जाने की साहस ही नहीं कर सकता था।

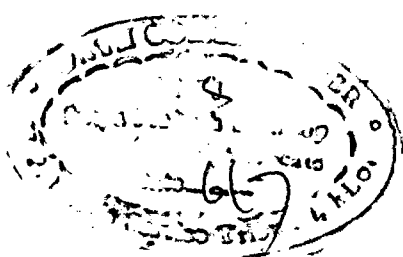
उत्त दाटना के बाद प्राथी को अपने पद पर कार्य करने की अनुमति नहीं मिली जिसकी वजह से प्राथी बेरोजगार हो गया है। प्राथी के पास गौकरी के अतिरिक्त और कोई आय का साधन नहीं है। प्राथी पर 8 सदस्यों का परिवारिक बोझ है जिसके बोझ का प्रबन्ध प्राथी के वेतन से ही होता था और वेतन न मिलने से बच्चों के गुरुओं करने की स्थिति उत्पन्न हो गयी है।

अतः श्रीमान जी से कर्तव्य प्राथी है कि प्राथी को पुनः अपने पद पर कार्य करने की कृपा प्रदान की जाय ताकि प्राथी अपने बच्चों की जीविका चला सके। यदि कोई द्वारा प्राथी को अपराधी सिद्ध किया जाय या दण्डित किया जाय तो गतिव्य में प्राथी को सेवा से मुक्त करने में कोई आपत्ति न होगी।

अति कृपा होगी। प्राथी सदैव सार्वजनिक आपका आभारी रहेगा।

(प्राथी) आपका आज्ञाकारी - मुखसागर

मुखसागर
जीप चालक
जिला अदालत
जालंधर



मुखसागर

Received

20/5/88

The copy of the letter is being forwarded to the concerned authorities for their consideration.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No..... of 88

Sukh Sagar Shukla

V/S

Union of India

1988

AFFIDAVIT



AFFIDAVIT

I, Sukh Sagar Shukla aged about 40 years S/o Shri Ramanuj Shukla r/o B. Puri, Ganj, Patna do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner in the above noted claim petition and is well conversant with the facts of the case.
2. That the contents of paras nos. 1 to 3, 6, 7, 8 of the accompanying application ~~claim petition/interim relief application~~ are true to my own knowledge and those of paras nos 4 & 5 are believed to be true by me and those of para are based on legal advice.

That annexures nos. 1 to 7 of the accompanying claim petition are true copies and they have been duly compared with the originals.

Lucknow : Dated

6/7 - 1983

DEPONENT

VERIFICATION

I, the above deponent do hereby solemnly verify that the contents of paras 1 and 3 of this affidavit are true to my own knowledge and those of para 2 are true on the basis stated in that para. No part of it is false and nothing material has been concealed.

SO HELP ME GOD.

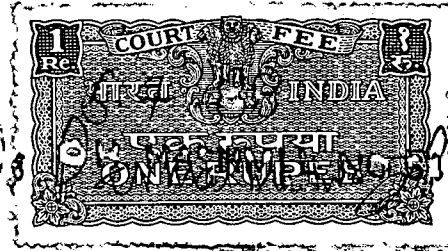
Lucknow : Dated

6/7 1983

DEPONENT

I, Advocate, do hereby declare that the person making this affidavit and alleging himself to be Shri Sukh Sagar Shukla is known to me from perusal of the papers in his possession produced before me and I am satisfied therefrom that he is the same person.

Advocate
ADVOCATE



(AS)
2/18

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT ALLAHABAD - CIRCUIT BENCH LUCKNOW

O.A. No.60 of 88 (L)

Sukh Sagar Shukla

... Applicant

Versus

Union of India and others

.. Respondents.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I, *R. S. Singh*

aged

about 47 years; Son of

Late Raj Bahadur Singh

present posted as Superintendent of Post Office,

Gonda Division, Gonda do hereby solemnly affirm

and state as under:-

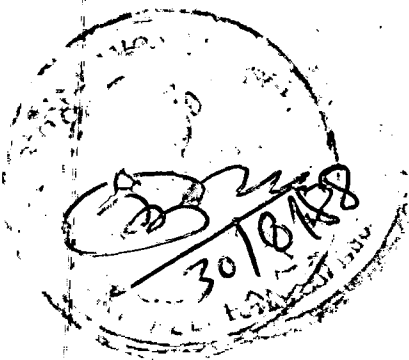
1. That the deponent has read and understood the contents of paragraphs of application filed by the applicant as well as the facts deposed to herein under in reply thereof :-
2. The deponent is filing this counter affidavit on behalf of all the Respondents for which he has been authorised. That before giving parawise reply to the contents of application, it is necessary to give brief history of the case which is as under :-

R. S. Singh

1988
AFFIDAVIT
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DIST. COURT

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In November 1978 a new Jeep was supplied by the Department to the SPOs Gonda. As the jeep was supplied for the first time there was no jeep driver available, hence Shri Sukh Sagar Shukla Branch Postmaster Pathwalia the plaintiff was engaged as outsider jeep driver to be paid from contingent fund, Shri Sukh Sagar Shukla engaged his brother on the place of BFM Pathwalia taking responsibility of his work and conduct on him, In this way Shri Sukh Sagar Shukla remained holder of the post Extra Departmental Branch Postmaster, Pathwalia upto 12.11.78 and the Branch office was converted in to E.D. Sub Office on 2.11.79 hence he was again appointed as E.D. Sub Post Master Pathwalia on 15.4.81.

Meanwhile action for appointment of jeep driver was started and employment officer employment exchange, Gonda was addressed to send the list of candidates registered as jeep driver on 8.7.83, The Employment officer was again reminded on 28.7.83. He send two lists of candidates on 18.8.83 under his letter No.O.C./101/83/996. In these two lists the name of plaintiff was not included. Thus he was not considered at all. The appointment case could not be finalised due to some technical difficulties and ~~max~~ ban was imposed by the Department in the year 1984 for recruitment,

R. Singh

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Therefore, Shri Sukh Sagar Shukla continued to work as out sider jeep driver on daily wages. His performance as jeep driver was not satisfactory at all. Due to his careless driving three accidents occurred in which S/Shri D.D. Pandey, K.C. Mishra and H.D. Vansiya the then SPOs Gonda sustained injuries. An assault was committed by s/o e Prahlad on Shri H.D. Vansiya on 17.4.88 the then SPOs Gond. The incident was reported to police, During course of investigation by the police Shri Sukh Sagar Shukla plaintiff was arrested by police under section 120(b) of I.P.C. and taken into custody, and subsequently he was released on bail, and thereafter he was not engaged to work as driver, because he has to drive the vehicle of the officer, who was assaulted and this particular man had link with the miscreants, The case is under police investigations.

3. That the contents of paragraphs 1 & 2 of the application needs no comment.

4. That the contents of paragraph 3(a) are not admitted, and in reply it is submitted that the applicant was engaged to drive the jeep as outsider only when necessity arose and was paid on daily wages rates. Since the applicant was never appointed as jeep driver the question for payment of salary does not arises. the applicant was never appointed on this post the of termination order too was not issued after 17.4.

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The applicant was not engaged as jeep driver and as there t ere is no question of payment of his remuneration after 17.4.1988.

5. That the contents of para 3(b) of the application it is submitted that a new jeep was supplied in November 1978. Action for regular appointment of the post of jeep driver was taken at that time and employment exchange. Gonda was addressed to send the names of candidates for jeep driver. Two lists were received from Employment Exchange but the name of plaintiff was not mentioned in this lists, however due to some technical difficulties and ban order of Government on appointment could be final sed for the post.

6. That the contents of paragraph 3(c) of the application in reply it is submitted that the services of the applicant during the period he was engaged as outsider were not satisfactory and he was arrested by the police in an assault case of Shri H.D. Vansia the then SPOs Gonda under Section 120(b) of IPC as such he was not engaged from 17.4.1988 because of loss of reliance. There was no question for issue of any written order as the plaintiff was an outsider.

7. That in reply to the contents of paragraph 4 of the application it is submitted that since the applicants engagement in the capacity of jeep driver was purely on daily wages and that the applicant is not Government

30/8/88
R. B. Singh

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-5-

servant and does not come within jurisdiction of Central Administrative Tribunal.

8. That the contents of paragraph 5 of the application it is submitted that the applicant was purely outsider and does not come within the jurisdiction of Central Administrative Tribunal. Therefore does not come within the limitation prescribed in the Section 21 of Administrative Tribunal Act, 1985.

9. That in reply to the contents of paragraph 6(a) of the application, it is submitted that the applicant was never appointed as Jeep Driver. He was only engaged as outsider jeep driver till the finalisation of selection of jeep driver in support of this contention, the deponent is filing the following documents:-

- (i) Copy of letter No.H/Pathwalia dated 17.4.79 addressed to Shri Sukh Sagar Shukla in the capacity of Branch Postmaster, Pathwalia - Annexure -C.1.
- (ii) Copy of letter dated 18.4.79 from Shri Sukh Sagar Shukla EDSPM Pathwalia - Annexure C-2.
- (iii) Copy of letter dated 30.4.1980 from Shri Sukh Sagar Shukla EDSPM, Pathwalia. Annexure-C-3.
- (iv) Copy of appointment order No.H/Pathwalia dated 15.4.81 appointing the applicant on the post of EDSPM Pathwalia w.e.f. 2.11.79. Annex.C4
- (v) Copy of letter dated 4.7.83 from Shri Sukh Sagar Shukla in which he has admitted that he is working as Branch Postmaster since 21.11.73. - Annexure-C-5
- (vi) Copy of the certificate dated 14.7.83 issued by SFOs Gonda. - Annexure- C-6.

30/8/88
R. Singh

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-6-

- (vii) Copy of outsider bill for Nov.87 & Feb. 1988 employed in Divisional office, Gonda.
(Annexure- C-7).
- (viii) Copy of FIR No.196/88 dated 13.4.88.
- Annexure C-8.
- (ix) Copy of D.P.C. ~~data~~ decision dt. 13.1.83 held at D.O. ~~xxxxx~~ for finalization of appointment case of jeep driver.

It is submitted that the above documents make it clear that the applicant was approved on the post of EDBPM;/ EDSPM and was never appointed as jeep driver. He was only engaged as outsider jeep driver till finalisation of regular selection of jeep driver.

10. That the contents of paragraph 6(b) of the application in reply is is submitted that the applicant was ^{not} enjoining the lower division clerk's grade instead he was being paid on daily wages rates for the number of days in a month he was engaged to drive the departmental jeep. The applicant was not given any dearness allowance, pay scale or any increment . The daily wages paid to the applicant was also charged under head -contingency instead of salary.

11. That the contents of paragraph 6(c) of the application in reply it is submitted that the applicant was engaged as purely outsider the question of regular appointment without following the normal procedure prescribed in the recruitment rules for the jeep driver does not arise. However the applicant's name was never sponsored by the Employment exchange

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whenever lists of candidates were sent by them.

12. That the contents of paragraph 6(d) of the application in reply it is submitted that the applicant was never appointed as jeep driver. Moreover during his engagement, two ~~ka~~ major accidents took place and he was found indulged in manhandling with Shri H.D. Vansia SPOs Gonda in the month of April 1988. From the act of the applicant it is clear that services of the applicant as outsider jeep driver were quite unsatisfactory.

13. That the contents of paragraph 6(e) of the application in reply it is submitted that the applicant himself has admitted that after assumption of the charge of SPOs Gonda in the month of December 1987 the applicant was deputed to drive his office jeep. This itself goes to show that the applicant was not appointed on the post of regular jeep driver and was engaged by the SPOs Gonda as and when his services were required. Moreover the payment was made to the applicant from contingencies as outsider and his pay was never drawn in the regular establishment pay bill. The case of assault on the then SPOs Sri H.D. Vansia is under ~~ka~~ investigation with the police and the applicant was taken into custody by police under section 120(b) IPC. The story of enmity with person named Prahlad narrated by the applicant is not known to the Department.

30/8/88
L. Singh

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14. That the contents of paragraph (e)(i) to (v) of the application in reply it is submitted that the case of criminal assault on Shri H.D. Vansia the then SPOs Gonda is still under inquiry with the police and ~~xxxxxxkfxkx~~ as such no comments can be made at this stage. The story of enmity with a person named Prahlad narrated by the applicant is not known to the Department.

15. That the contents of para 6-(e)(vi) of the application in reply it is submitted that the applicant proceeded after 16.4.88 is not correct. The fact is that the services of the applicant were not required due to being quits unsatisfactory and he was stopped to be engaged as out sider after he was arrested by the police being indulged in the criminal assault on Shri H.D. Vansia, SPO, Gonda.

16. That the contents of para 6(f) of the application in reply it is submitted that the applicant was paid for the day of his engagement as jeep driver from the contingency on the vacant post. There is no rule for payment to the outsider for the days he is not engaged to work. The applicant's services are not required from 17.4.88 therefore question of payment of wages does not arise.

17. That the contents of paragraph 6(g) of the application it is submitted that the past work of the applicant have been quite unsatisfactory. Therefore,

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he can not be engaged even as outsider and the question for pay ent after 16.4.88 does not arises.

Since the applicant was not appointed as jeep driver any termination order was not necessary to be issued.

18. That the contents of paragraph 6(h) of the application it is submitted that the post of jeep driver Gonda Division was created in the month of November 1978 and was made permanent after some time . Due to some technical difficulty and due to ban order issued by the Government of India the regular appointment on this post has not been made so far.

19. That the contents of paragraph 6(i) of the application, need no reply.

20. That the contents of para 6(j) of the application are not admitted.

21. That the contents of paragraph 7 of the application are not correct as alleged, hence denied.

22. That the contents of paragraph 8 of the application need no comment.

23. That the contents of paragraph 9(i) & (ii) of the application in reply it is submitted that the applicant is not regular Govt. servant and is not entitled to any leave or leave salary.

24. That the contents of paragraph 9(iii) & (iv) of the application are not correct, hence denied.

Accepted

25, That in view of the facts and circumstances stated above, the applicant is not entitled to get any relief and the application is liable to be dismissed with costs.

R. S. Singh
Deponent.

Lucknow,

Dated 30th August, 1988.

Verification.

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 22 are true to my personal knowledge, and those of paragraphs 23 to 25 are believed to be true on the basis of perusal of records as well as information gathered and those of paragraphs 27 to 28 are believed to be true on the basis of legal advice. Nothing material fact has been concealed and no part of it is false ., So help me God.

R. S. Singh
Deponent.

Lucknow,

Dated 30th August, 1988.

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

(VK Chaudhari)
Advocate. High Court.

Lucknow,

Dated

Solemnly affirmed before me on 30/8/88 at 9.30 am/pm by the deponent Shri R. S. Singh who has been identified by Shri VK Chaudhari, Advocate, High Court, Lucknow.

R. S. Singh
Deponent.

9-30 am

R. S. Singh
Deponent.
V. K. Chaudhari
Oath Commissioner
30/8/88

Seema / Ashw. Jain
M.
30/8/88

अधीक्षक ११, बर

प्रेषक,

गोडा प्रमाण
गोवा-271001

पंजीकृत
(3)

सेवा में श्री सुख शागर शुक्ल
शाखा अधिकारी, जयपुर
गोडा

11

रुद्रा / पंचवलिथा दिनांक / गोडा / 17.4.79

विषय: शाखा अधिकारी पंचवलिथा आ आ वि. उपशाखर में
परिवर्तित करना।

आप अपने अन्तिम शैक्षिक योगदान का
शुल प्रमाण पत्र जिसमें अम सिद्धि भी हो सका निजी नाम
की अन्तिम सम्पत्ति का प्रमाण इस कार्यालय को भेज
दिए गए हैं, साथ ही साथ प्रेमी प्रमाण करें कि
सावजनिक-टेलीफोन आपके कार्यालय में, कि दिनांक को
लागा है

हस्ताक्षर -

11/5/79-327 P, & 1,77-6-10-77-6/2,33 P

OFFICE
J. R. SAT
30/1/88
Tribunal Ltd.

निदेशक कार्यालय
गोवा प्रमाण
गोवा-271001

0 श्रीमान

अधीक्षक (डाकघर) महीपथ

Am 2

गोन्डा प्रखण्ड,

गोन्डा 871001

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श्रीमान

आपके पत्र संख्या रुच - पशुबालिका, गोन्डा दिनांक 17.4.79 के
अपेक्षानुसार प्राची अपनी अन्तिम शैक्षिक योग्यता का प्रमाण पत्र भेज
रहा है जो कि इस प्राचीना पत्र के साथ संलग्न है तथा निजी नाम की
अचल सम्पत्ति का प्रमाण पत्र (अपने नाम लिख गये खेत का मैदान का
कमल दस्तावेज) प्राची ने शाखा डाकघर के पद पर नियुक्त होने के
समय ही आपके कार्यालय में जमा कर दिया था। उसकी अन्य प्रति
प्राची के पास उपलब्ध नहीं है।

अतः निजी नाम की अचल सम्पत्ति का प्रमाण पत्र भेजी
शुभकामनाओं से देखने की कृपा की जाय।
अति कृपा होगी।

संलग्नक -

- 1- दार्द संयुक्त परीक्षा प्रमाणपत्र
- 2- दार्द भीड़िया " " "

प्राची - सुमन सागर मुख्यालय

शाखा डाकघर, पशुबालिका

गोन्डा

18.4.79

Signature

30/8/88

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अवधौय

जीमान अमीरक डाकघर मिथवाय

गोन्डा प्रखण्ड

गोन्डा

विषय :- उप डाकघर के निराय हेतु ।

CLAYP.O.
A-3771

सिमा

सोचनधीनवेदन है कि प्रार्थी उप डाकघर पदवीलिखा के पद पर कार्य कर रहा है। उक्त डाकघर दि. 24-2-32 ई. से शेषता डाकघर के रूप में था। अब यह शेषता डाकघर दि. 2-11-34 से अंगीकृत उप डाकघर में परिवर्तित हो गया है।

उप डाकघर का कार्य करने हेतु प्रार्थी के पास अपना मकान (उपलब्ध नहीं था) जिसके कारण प्रार्थी को एक मकान और शमानुजपुर पुन और चन्द्रिका प्रसाद शुक्ला निवासी ग्राम पदवीलिखा से मु. 400-00) बोलिस रु. माहवार किराये पर लेना पड़ा है। उक्त मकान सड़क के किनारे गोन्डा से लगभग जौन बाली सड़क पर प्रधान डाकघर गोन्डा से कुछ किमी दूरी पर स्थित है। जिसमें बिजली, पानी की व्यवस्था है। और अपने काउन्टर भी बना हुआ है। इस मकान में अंगीकृत उप डाकघर का कार्य बड़ी सुविधा से हो रहा है। अतः उप डाकघर और प्रार्थी से कार्य निवेदन है कि प्रार्थी को निराय का भुगतान करने हेतु विभाग से अनुराधा देव की स्वीकृति के जाम।

गठान हुआ होगी।

30/4/80

आवश्यक कार्य नहीं हेतु प्रार्थना पत्र
जीमान जी के लेख में प्रकित है। तथा
प्रार्थना पत्र के साथ मकान का नक्सा
व अग्रे में संलग्न है।

प्रार्थी

Sukh. Sagar Shukla
E. D. S. P. M. Lathwala
Gonda
30/4/80

Inspected
E. D. S. P. M.
Lathwala Gonda
30/4/80

Recommended
30/4/80

Signature

INSPECTOR OF POST OFFICES
EAST SUD DIVISION
GONDA - 271004

An 4

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INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPDT. OF POST OFFICES GONDA DIVISION GONDA

Memo. No. *19 Pathwala*

Dated at Gonda the *15-4-81*

Sri Sukh Sagar Shukla S/O *Sri Ramany Shukla*
Resident of village *2* P.O. *Pathwala* Distt. *Gonda*
who worked as ED BPM *Pathwala* upto *1.11.79*
and previously appointed as ED BPM is hereby provisionally
appointed as Extra Departmental Sub Post Master *Pathwala*
ED SO with effect from *2.11.79* (date of upgradation of
ED SO into ED SO). His date of birth is *16.7.1947*. He shall
be paid such allowances as admissible from time to time. The
orders of appointment of ED BPM are hereby cancelled with effect
from the date of upgradation i.e. *2.11.79* on conversion
of post of ED BPM into ED SPM.

Sri Sukh Sagar Shukla should clearly under-
stand that his appointment as ED SPM shall be in the nature of
contract liable to be terminated by him or the undersigned
by notifying the other, in writing and that he shall also be
governed by the Posts and Telegraphs Extra Departmental Agent
(Conduct and Services) Rules 1964 as amended from time to time.

If these conditions are acceptable to him, he should communi-
cate his acceptance in the proforma reproduced below.

The security bond must be furnished by the candidates under
rules.

[Signature]
Supdt. of Post Offices
Gonda Division
Gonda-271001

Copy to:-

1. The IPOs
n/a.

Gonda (E)

Sub Dn. for information and

2. The P.M. Gonda/Bahraich for necessary action.
3. P.F. of the official.
4. The candidate concerned.

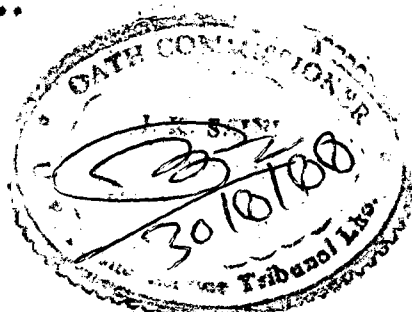
To.
The Supdt. of Post Offices
Gonda Division

I acknowledge the receipt of
memo. no. dated and hereby accept
the appointment of ED SPM under the
specific condition that my appointment is in the nature of a
contract liable to be terminated by notice given in writing.
2. I further declare that I have read the P&T EDAS (Conduct
and Services) Rules 1964 and clearly understand that I become
liable to the provisions and penalties contained in these rules
on being appointed as ED SPM ED SO in the P&T
Department.

Signature of ED SPM
Designation.

Dated

Recd/K 177
[Signature]



Am 5

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श्री मान अर्पण अर्पण मैत्रिण
जीवन मण्डल
जीवन

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सौम्य निवेदन है कि प्रार्थी किन्तु 21.11.73 से
शास्त्रा मुक्त माल प्रमाणीयता के पद पर कार्य कर रहा है
और प्रार्थी इस प्रमाण पत्र का पदम अध्यापनता है।

अतः श्री मान जो से निवेदन है कि प्रार्थी को
उपरोक्त निवेदन का प्रमाण पत्र प्रदान करने की प्रार्थना
प्रदान की जाय।

११०
आदि हुआ होगा।

Submitted for order.

H. S. Mehta
6-7-83

प्रार्थी. सुखराम
द्वारा श्री रामानुजमुनि
मानविकीय परीक्षा
निका

4.7.83

Reliance

30/8/83
30/8/83

Rathwala
EDSO

mb

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प्रमाण-पत्र

प्रमाणित किया जाता है कि श्री सुखतागर कुंजर
नाम व डाकघर पथवतिया गोंडा की, दिनांक 21 नवम्बर
अतिरिक्त विभागीय शाखा डाकघर पथवतिया के पद पर नि-
रुद्ध की। इन्होंने दिनांक 12.11.78 तक शाखा डाकघर के प-
[र] 98.50 पे. प्रति माह की दर से। कार्य किया है तथा 13.11.78
से डाक अधीक्षक महोदय की जीप चलाने का कार्य दैनिक भत्ता कर्मचारी
के रूप से [र] 260.00 एवं मंहवाई भत्ता सहित प्रति माह की दर से।
कर रहे हैं किन्तु किसी विभागीय पद पर नियुक्ति होने तक, डाक
विभाग के नियमावुसार इनकी गणना अतिरिक्त विभागीय शाखा डाकघर
के उक्त पद पर ही होती रहेगी और इनके उत्तरदायित्व पर इन्होंने
द्वारा प्रदान इनका स्थानापन्न व्यक्ति कार्यरत रहेगा।

Rathwala

डी.डी. पाण्डेय
अधीक्षक डाकघर,
गोण्डा मंडल,
गोडा-271001.

30/11/88

Statement of B/S rendered in P.O. Gonda during the month of Nov. 1967

S.No.	Name of the D/S	Post & Designation	Period for which the D/S was engaged	No. of days	Scale of Pay	Amount
					B	P.
1-	Sub Major Shukla	Vacant	2.11.67 to 30.11.67	(30)	1026.00 P.M.	1026.00
	Asst District					
2-	No D Phoe (C.P. Hoik)	Dist Devt Deon Pandey	1.11.67 to 30.11.67	(30)	010.00 P.M.	010.00
	D.O. Emdo	O/P to A.S.P.O. (T)				
		Gonda				

Total Rs. 1036.00

Total Rs. 1036.00

Corroborated that no other class with or candidate

No. F.....

in this order was available in this unit. The D/S have been engaged in holidays also

Passed for Rs One Thousand Eight Hundred & Thirty Six only.

Supdt. for Post Office
Gonda Division
Gonda - 271001

30/11/67

271001

Heath

30/11/67

1/12/67

④

Certified that no drug class 15% or Candidate
1500 available in this unit.

प्राचिन

गौड-१४ :

सॉफ्ट-2710-4

1750

1330

Date: 1-1-80

Record for Big Game Thousands Eight Hundred Fifty

eight and paid twenty four only

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10-10-1968

Sta. 1000 C. 1000

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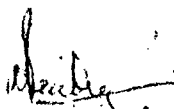
✓

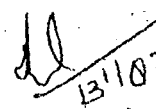
15/19

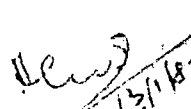
- (1) Sri Suraj Prasad Yadav Group 'D' Gonda NO
(2) " Sukh Sagar Shukla, out sider Driver D.G. Gonda.

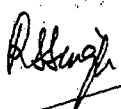
3. Shri Sukh Sagar Shukla could not be considered being in the capacity of an outsider, but not sponsored by Employment Exchange.

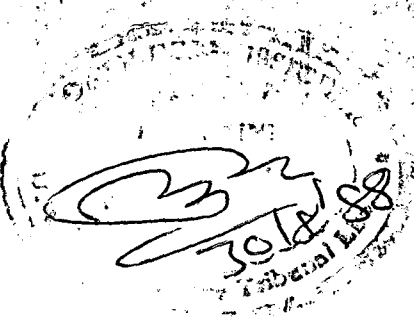
4. Shri Suraj Prasad Yadav was examined by committee who does not have 3 years minimum requisite service experienced and was not found well at the job. He was also not found conversent with the motor machanism and road signals. He was therefore not considered fit.


(D.D. Pandey)
Spes Gonda
13/10/83


(Ramprasad)
SPOs Bahraich


(H.G. Narang)
SPOs Basti





मूल/द्वितीय/तृतीय प्रतिलिपि

पुनिय संख्या (13)

मुद्रांक संख्या 13/3/5-6

प्रथम सूचना की रिपोर्ट

पत्र संख्या

क्या विधि-संगत की जाए 184 के अन्तर्गत पुलिस द्वारा प्रस्तुत की जाने वाली सूचना की प्रथम सूचना

प्रमाणित किया जाता है

पत्र संख्या

पत्र संख्या

पत्र संख्या 19/4/88

13.4.88

पत्र संख्या का दिनांक पत्र संख्या 25/4/88

दिनांक व समय, जहाँ की रिपोर्ट

घटना-स्थल, दिना और पुलिस स्टेशन से दूरी

पुलिस स्टेशन से भेजे जाने का दिन

13.4.88

14.4.88

19.4.88

नोट-प्रथम सूचना देने वाले के हस्ताक्षर या मुद्रा का बिना लेना चाहिये और इसकी पुष्टि गवाही लिपि में करने गवाही करने के हस्ताक्षर के द्वारा होनी चाहिये।

1. नाम व पता या नाम व पता निवासी	2. जन्म-स्थान	3. द्वारा सहित अपराध ले जायी गयी सम्पत्ति (यदि कोई हो) का संक्षिप्त विवरण	4. तहकीकात के सम्बन्ध में जो कार्यवाही की गयी तथा सूचना के दिये जाने से देरी होने का कारण	5. मुकदमे का परिणाम
1. 13/4/88	2. 14/3/23	3. 14/4/88	4. 14/4/88	5. 14/4/88
6. 14/4/88	7. 14/4/88	8. 14/4/88	9. 14/4/88	10. 14/4/88
11. 14/4/88	12. 14/4/88	13. 14/4/88	14. 14/4/88	15. 14/4/88
16. 14/4/88	17. 14/4/88	18. 14/4/88	19. 14/4/88	20. 14/4/88
21. 14/4/88	22. 14/4/88	23. 14/4/88	24. 14/4/88	25. 14/4/88
26. 14/4/88	27. 14/4/88	28. 14/4/88	29. 14/4/88	30. 14/4/88
31. 14/4/88	32. 14/4/88	33. 14/4/88	34. 14/4/88	35. 14/4/88
36. 14/4/88	37. 14/4/88	38. 14/4/88	39. 14/4/88	40. 14/4/88
41. 14/4/88	42. 14/4/88	43. 14/4/88	44. 14/4/88	45. 14/4/88
46. 14/4/88	47. 14/4/88	48. 14/4/88	49. 14/4/88	50. 14/4/88
51. 14/4/88	52. 14/4/88	53. 14/4/88	54. 14/4/88	55. 14/4/88
56. 14/4/88	57. 14/4/88	58. 14/4/88	59. 14/4/88	60. 14/4/88
61. 14/4/88	62. 14/4/88	63. 14/4/88	64. 14/4/88	65. 14/4/88
66. 14/4/88	67. 14/4/88	68. 14/4/88	69. 14/4/88	70. 14/4/88
71. 14/4/88	72. 14/4/88	73. 14/4/88	74. 14/4/88	75. 14/4/88
76. 14/4/88	77. 14/4/88	78. 14/4/88	79. 14/4/88	80. 14/4/88
81. 14/4/88	82. 14/4/88	83. 14/4/88	84. 14/4/88	85. 14/4/88
86. 14/4/88	87. 14/4/88	88. 14/4/88	89. 14/4/88	90. 14/4/88
91. 14/4/88	92. 14/4/88	93. 14/4/88	94. 14/4/88	95. 14/4/88
96. 14/4/88	97. 14/4/88	98. 14/4/88	99. 14/4/88	100. 14/4/88

प्रमाणित किया जाता है कि यह सूचना सही है

Signature

30/8/88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW CIRCUIT
ALLAHABAD BENCH, LUCKNOW.

O.A.NO.60 of 1988(L)

Sukh Sagar Shuklavs. Union of India, etc.

Fixed for 8.3.1989

Sir,

The applicant has admittedly worked continuously for more than a year (i.e. from 1973) in the opposite parties' Postal Department. But the counter affidavit of the opposite parties shows that they allege to have terminated the applicant services orally without a Govt.'s permission and without paying him gratuity, ^{notice pay} compensation etc. which is a condition precedent under Sections 25-F & 25-N of the Industrial Dispute Act. This plea may now be permitted to be taken by the applicant on the basis of the facts mentioned in the counter affidavit and the accompanying supplementary rejoinder affidavit may be allowed to be filed ^{in this connection} in the interest of justice.

Dated:

March 4, 1989

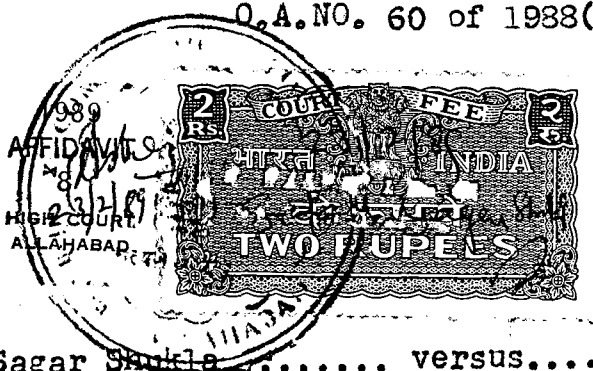
(PARMATMA SARUP)
Advocate
Counsel for the Petitioner.

Paramatma Sarup

Ab
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
(LUCKNOW CIRCUIT, LUCKNOW)

O.A.NO. 60 of 1988(L)



Sukh Sagar Shukla versus....Union of India etc.

Rejoinder
SUPPLEMENTARY AFFIDAVIT

I, Sukh Sagar Shukla, aged about 40 years son of
Sri Ramanuj Shukla, resident of Pathwalia, Gonda, take oath
and state :-

1. That the deponent is the petitioner of the above-noted case and is personally conversant with the all its facts.
2. That the deponent has served the Postal Department of the opposite parties as Jeep Driver/Branch Postmaster continuously without interruption and break for more than a year.
3. That the deponent's services are alleged ^{in the combined effect} to have been terminated orally by the opposite parties from 17.4.1988.
4. That the deponent has not been paid any gratuity, ^{or notice pay or} compensation etc. before such alleged termination of service. ^{or} a no requisite permission for rebranchment obtained.



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5. That thus, alleged termination of service is illegal for non-compliance of provisions of Section 25 F₁ of the Industrial Disputes Act also.

Lucknow, dated
Feb. 23, 1989

श्री स्वराज
Deponent

Verification

I the above named deponent do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God.

Signed and verified this 23rd day of February 1989 in the court compound at Lucknow.



श्री स्वराज
Deponent

Ashok Mehrotra
ASHOK MEHROTRA
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench.

23-2-89

I identify the deponent who has signed before me.

Parmatma Swarup
(Parmatma Swarup)

Advocate
by Sushil Kumar Shukla

No. 8
Date 23/2/89

Solemnly affirmed before me on 23-2-89 at 1 am/pm by the deponent who has been identified by Sri Parmatma Swarup, Advocate, High Court, Lucknow Bench, Lucknow.

I have fully satisfied myself by examining the deponent who has understood the contents of this affidavit which have been readout and explained to him by me

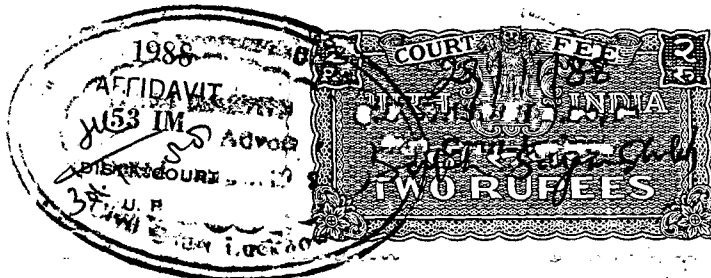
Ashok Mehrotra
Oath Commissioner.

D.R. Filed today
23/12

(A2/1)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
(Circuit Bench at Lucknow)

O.A.No. 60 of 1988(L)



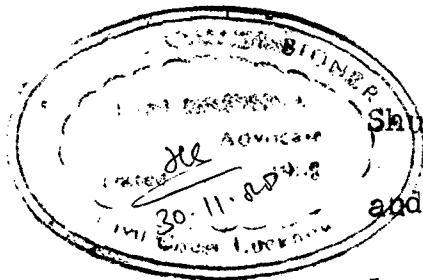
Shri Sukh Sagar Shukla- - - - -Applicant.

versus

Union of India and others - - - - -Respondents.

(APPLICANTS' Rejoinder affidavit to the counter affidavit
of the respondents filed in September, 1988).

-0-



I, Sukh Sagar Shukla aged about 40 years, son of Sri Ramanuj
Shukla, resident of village Porgeranj P.O. Pathwalia Tehsil
and district-Gonda, take oath and state as follows:-

1. That the deponent is the applicant of this case and is personally conversant with all its facts.
2. That the deponent has read and understood the written statement/counter affidavit of the respondents filed in this case in September 1988 and replies it parawise below.
3. That paras nos. 1, 3, 19 to 22 of the said counter affidavit/
written statement needs no comments.

सुखसागर

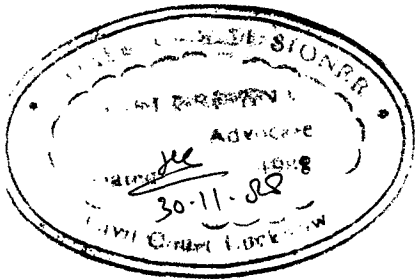
A2
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-2-

4. That the contents of para-2 of the counter affidavit/
written statement are not admitted except to the extent
as stated in the applicants application U/S 19 of
~~Act No. 19 of 1978~~ Act No.13 of 85 of this case.

^{respondents}
The ~~replies~~ have avoided to clearly stated when
the applicant was engaged as Jeep Driver of the
Superintendent, Post Offices, Gonda.

The applicant was appointed Branch Postmaster,
Pathwalia Post Office as Extra Departmental ^{agent} ~~agent~~
and worked as such to the satisfaction of his super-
iors throughout. On 13.11.1978 the deponent was called
by the then Superintendent Post Offices, Gonda, Shri
Ram Swaroop Srivastava and was orally ordered to
drive the Gonda Superintendent Post Offices official
Jeep ~~on~~ ^{on} the salary payable to the lower division
clerk. He was assured by the S.P.O. Shri Srivastava that
his services as Jeep Driver would be soon regularised.
The deponent was also instructed by Shri Srivastava
that the deponent should appoint his own man to carry
on the work of the said Branch Postmaster Pathwalia.
Since then the work of Jeep Driver is being taken over by
the S.P.O. Gonda from the petitioner on the ground



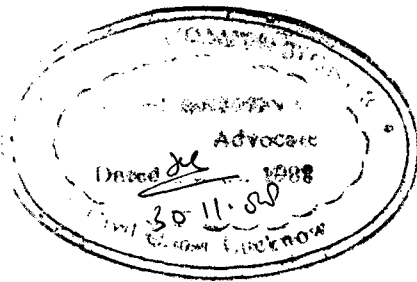
सुख सगर

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-3-

salary of L.D.C. with usual D.A. and other allowances ^{holidays. 14} (including Bonus) and without deduction for ^{holding} (The certificate of Shri D.D. Pandey SPO Gonda dated 4.7.1983 Annexure No.C-6 filed by the respondents supports these facts). The applicant then deputed his brother Shri Satya Narain Shukla to look after the work of the said Branch Postmaster. The applicant was then used to be shown in the departmental records ^{as} as Branch Postmaster and the salary of this post used to be disbursed to S.N. Shukla.

When this Branch Post Office Pathwalia was upgraded as sub-post office on 2.11.1979 a letter was certainly issued to the applicant appointing him its Sub Postmaster but he was not permitted to work as such and the then existing arrangements of the jeep driver and the post office Pathwalia were orally ordered to continue as before. After some time Shri S.N. Shukla was illegally removed in 1984 from the said post and other person was appointed as such. This Pathwalia post office has again been down-graded as Branch Post Office in 1986 or so.



सुरक्षार

The then S.P.O. Gonda Shri R.S. Srivastava several

A2
4

-4-

times held selection committee from 1979 for the regularisation of the applicants services as Jeep Driver till his transfer in 1981 but the same could not be held for want of attendance of requisite number of members. When Shri D.D.Pandey succeeded him on ^{the} transfer, he got the selection committee changed and invited names in 1983 from the Employment Exchange ,which did not send the applicant's name mos probably because the applicant was already in the employment of the post office. The selection committee rejected the name of the persons sent by the Employment Exchange and did not at all consider the applicant's name for it illegally even though he was working as such for the last more than five years continuously on full time basis and his services must have been regularised under law and the then Departmental Instructions (vide Annexure No.R-1 letter No.45/20/73-SPB-1 dated 20.10.1984 from Shri K.L.Sharma Asstt. Director General;CAT (Calcutta), judgment reported in 1987(1)SLJ 279 Dalip Das vs.U. O.I etc.).

The opposite parties have illegally avoided and

सुखसागर

delayed the regularisation of applicant's services from 1978 and now take the flimsy and illconceived plea of ban on appointments from 1984. They have not filed the Departmental instructions on which they have ^{been} this plea. The alleged ban is denied and in any case its legality is challenged. Never an appointment on necessary posts was prohibited. Jeep Drivers appointment for a newly acquired Jeep was necessary when this post stood already sanctioned permanently. To ^{avoid} ~~provide~~ regularisation of labour for years (e.g. 10 years as ~~have~~) is its exploitation violating Articles 14, 23 and contrary to Articles 38, 39, 41 of the Constitution of India and other principles of ^{social} ~~natural~~ justice propounded by law courts of this land.

The applicant is not an outsider Jeep Driver on daily wages but at least Ex-Dept. Branch Sub Post Master working in officiating capacity as Jeep Driver subject to regularisation by the selection committee. He has certainly been not issued any appointment letter as Jeep Driver nor have his service been terminated as Ex. Deptt. Sub Postmaster according to rules till now. But the various certificates and

12/6

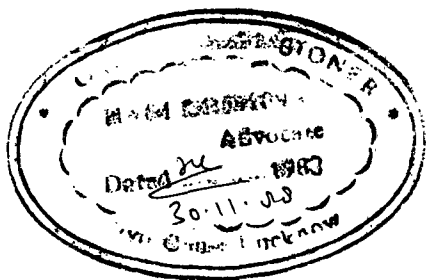
-6-

letters (e.g. Annexures 1,2, and C-6) confirm the position (i.e. the work of Jeep Driver is being taken from the applicant from 1978).

None of the alleged Jeep accidents, have occurred due to the applicant's fault. He has never been punished for any of them. Shri D.D. Pandey, Shri K.C. Misra and Shri H.D. Vansaiya were never injured in any alleged accident.

The police has without due evidence arrested the applicant for the assault on Shri H.D. Vansaiya on 13.4.1988 merely at the instance of the accused of ^{of War can} Prahlad, who had previous enmity with the applicant. The police has not yet submitted any charge sheet against the applicant.

The respondents have illegally stopped taking work from the applicant as Jeep Driver and stopped his wages from 17.4.1988 without terminating his services according to law. In the worst case, he should have been reverted to his previous post of Branch Post-Master Pathwalia Post Office.



5-

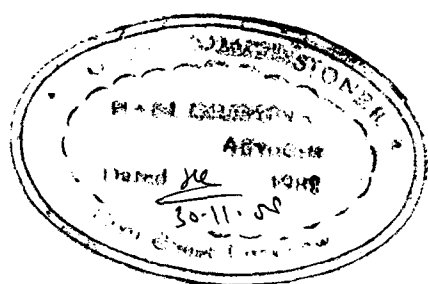
That the contents of para 4 of the counter affidavit/

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written statement are not admitted. The petitioner was certainly ^{ordered} ~~averred~~ orally to work as Jeep Driver on officiating basis on monthly salary of L.D.C. without increment with the assurance of regularisation of services as such soon and he has worked whole-time continuously as such from November 1978. The opposite parties have illegally avoided regularisation of his services to which he is entitled under law with retrospective effect. The termination of his services without passing written order, according to proceedings prescribed by rules and giving him benefit of showing cause against this punishment for alleged misconduct is illegal. Even daily-rated workers are entitled to the benefit of principles of natural justice which have been denied in the applicant's case. The procedure prescribed by Rule 8 of the Posts and Telegraphs Extra Departmental Agents (Conduct and Services) Rules 1964 has also not been followed which was necessary to be applied in the worst case.



6-

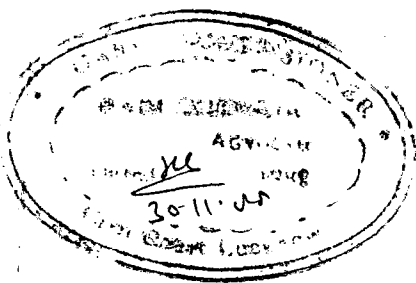
That the contents of para 5 of the counter affidavit/
written statement require no comments except that the

सुखसार

avoding of regularisation of the petitioner's services as Jeep Driver was illegal for the facts and reasons mentioned in para-4 of this affidavit.

7- That the contents of para 6 of the counter affidavit/ written statement are denied and contents of the petitioner's claim application and para 4 of this affidavit are reiterated.

8- That the contents of para-7 of the counter affidavit/ written statement are denied. The applicant holds a civil post under the Union of India as the post of Jeep Driver which he holds is admissibly a permanent one and he has worked on it from 1978 continuously whole time without break and his regularisation order has been delayed illegally and unconstitutionally merely to harm and exploit him. In any case he is still an Ex-Dept. Branch Post Master which is a civil post and this case lies in the Central Administrative Tribunal as it relates to violation of statutory services rules and directions and Constitutional provisions.



सुखसागर

9- That contents of para 8 of the counter affidavit/
written statement are denied. This application is
within time as filed within a year of the arising of
cause of action i.e. termination of petitioner's
services and refusing ~~the~~ to taken work from him from
April 1988.

10- That the contents of para 9 of the counter affidavit/
written statement are not admitted, except as noted
above, out of Annexures C1 to C9 Annexure No. C-3 is no
admitted. It does not bear deponent's signature and
was not written by him ^{or by} ~~or~~ on his instructions.

11- That the contents of para 10 of the counter affidavit/
written statement are not admitted as written. The
petitioner used to be paid the minimum of LDC Pay
with DA, Bonus and other allowances. No deduction for
holidays used to be made. Payment, if it was made from
contingency, was wrong as the Jeep Drivers post
had been sanctioned and made permanent long ago.

12- That the contents of paras 11 to 14 of the counter

सुरेश सागर

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extent as stated above in this affidavit and the claim application. The applicant never served on the post of Jeep Driver as outsider but while serving as Ex. Deptt. Sub Postmaster was officiating as Jeep Driver. The termination of the applicant's services for assault on Shri H.D. Vansaiya^{xy} is illegal specially when it is based on the solitary statement of the accused in that case and the investigation thereof is still pending and no investigation by the postal Department or the police has yet been made regarding the deponent's conspiracy in that case.

- 13- That the contents of paras 15,16,17,23,24,25, of the counter affidavit/written statement are not admitted. It is wrong to say that the applicants services were ever held unsatisfactory and terminated as this account. He was never warned for the same, nor was even given any punishment after necessary enquiry for the alleged accidents. His services have been illegally terminated ^{due to ill will} ~~for all necessary~~ ^{xy} ~~arbitrarily~~ ^{xy} without adopting the necessary ~~provisions~~ procedure prescribed by the service rules and the Government.

30.11.24

सुरेश सागर

17/11

-11-

of India and the principles of natural justice. It violates Articles 14, 16 and 311 of the Constitution of India also. It is wrong to say that the applicant was merely an outsider not entitled to benefits of principles of natural justice or ^{my} ~~announced~~ by the ^{my} ~~abs~~

C. No. 53 M.

11.05 AM. by Suth Sagar Shukla. Constitution of India. He is entitled to leave salary,

identified by Shri P. Swaroop. as he is not an outsider.

I have satisfied my self by examining the contents of the document and he understands the contents of the same. It has been read out and

That the opposite parties have rightly alleged in

Hari Krishna

30.11.88

para 18 of the written statement/counter affidavit that the deponents part of jeep driver ~~is~~ permanent. The ^{my} ~~that~~ rather regularisation of deponents services was

avoided on illegal grounds and misconceived notions.

Oath Commissioner of ^{my} ~~my~~
 Civil Court, Lucknow

Lucknow, dated

Nov. 30, 1988

DEPONENT

VERIFICATION

I the above named deponent do hereby verify that the contents of paras 1 to 14 of this affidavit are true to my personal knowledge

Signed and verified this 30 day of November, 1988 in the court compound at Lucknow.

Lucknow, dated

Nov. 30, 1988

Daya Nand Joshi
clear
W. P. Swaroop
Rohda

DEPONENT

30.11.88

Before the Central Administration - Technical All India
Le Public Service Commission (Central Recruitment Board)
Union of India
Amro P. P.

Copy of communication no. 45/20/73-SPB.I, dtd. 20/10/84 from K.L. Sharma, Asstt. Director-General (SPN.) Office of the Director-General, Posts and Telegraphs, New-Delhi addressed to All Heads of Postal Circles

Subject:- Rationalisation of categories of various Class-IV. (Group 'D') Staff.

Sir,

I am directed to invite your attention to this office letter No. 45/20/73-SPB.I, dated the 17th of July, 1979 (Copy enclosed for ready reference) on the above subject and to say that it has been brought to the notice of this office that implementation of the above orders in respect of certain functions is not possible and employment of part time contingency paid staff cannot be dispensed with.

2- The matter has again been examined in detail in consultation with staff side and the following decisions have been taken :-

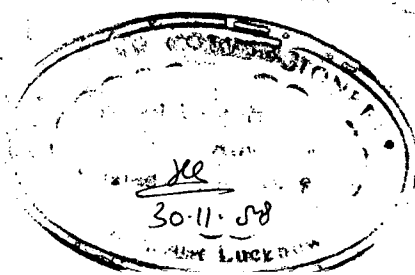
(a) Part-time staff may be employed for certain functions for which ED. staff are not permissible-namely, as Waterman, Mails Sweepers and Farashers.

(b) Part-time porters or mazdoors for carrying mails should not be employed in future. Where the work of conveyance of mails is of a regular, recurring and part time nature and creation of regular Group 'D' posts is not justified ED porters may be employed, in accordance with P&T Directorate orders- Where work is however, occasional such as on account of dislocation of trains, heavy accumulation by over time within the frame work of the existing orders or by coolies system (if required).

(c) Part-time casual labour and full time casual labour may be brought on to a common panel for the purpose of recruitment to Group 'D' posts. According to the present orders, full times casual labourers are eligible for recruitment to Group 'D' posts, if they have put in 240 days of service in each of the proceeding two years and part-time workers are eligible if they have put in 240 days of service in each of the proceeding four years. Subject to these orders the service rendered by part time casual workers may be devide by two and thereafter full time casual workers and part time casual workers may be listed out in the order of their length of service.

(d) In terms of our orders dated the 17th of July, 1979 the category of part time porters are to be dispensed with in view of the above proposals, as many part time porters as may be in service at present may be accomodated as full time casual labourers to the extent to which employment of full time casual labourers is justified. In case, ED. Posts are sanctioned in accordance with P&T. Directorate orders for

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- 2 -

creation of such posts for attending to work of a part time. recurring nature as referred to at para 2 (b) above the existing full time and part time casual workers may be considered for appointment as ED. Staff at their option provided they have been recruited through Employment Exchange (in respect of those employed after the 20th of March, 1979) and provided further that they fulfil all the prescribed conditions for recruitment as ED. staff. In future there should not be recruitment of part-time casual labour except as per para 2(a) above.

(e) A reference is also invited to orders issued vide P&T Directorate communication no. 47-1/70/SPB.I dtd. the 4th of August 1970 (Copy enclosed) wherein it was stated that part time contingency paid staff would be treated as part time casual labourers for the purpose of recruitments to Class IV. cadre in terms of Home Ministry's OM.No. 16/6/68-Estt(D) dated the 5th of July, 1968, circulated to all Heads of Circles vide this office letter no. 160-25/66-SPB.I dtd. the 15th of April, 1969. These instructions were reiterated vide P&T Directorate letter no. 47/9/83-SPB.1., dtd. the 1st of December, 1983.

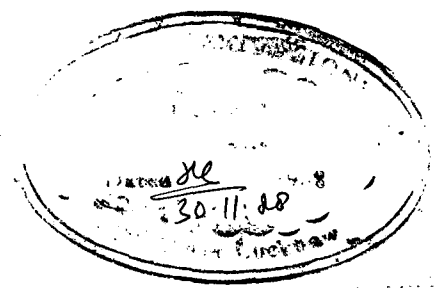
3- In order to form a common panel of names as suggested at para 2 (c) above for absorption against Group D posts which are to be filled upon the basis of a qualifying examination, the following procedure should be followed :-

(i) The number of qualifying years of service put in by part-time casual labour (240 days or more per year) will be divided by two to determine his length of service in terms of years for this purpose. In the case of part-time contingency paid staff the total number of years of continuous service will be divided by two. In the case of full time casual employees. The total years of service (240 days or more per year) will be taken into account. The names will be arranged according to length of service, the officials having more "Year of Service" computed as above will be senior to those who have less number of "year of service." In the case of part-time staff the term "years of service" will include a half year also.

(ii) If officials (full time part time or contingency paid staff) have the same number of years of service, then their length of service will be recalculated in terms of number of days of service, while the number of days of service put in by part time casual labour will be divided by two the number of days of service

contd....3/-

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77/14

in respect of contingency paid staff will be computed as 150 for every year of completed as service (since part-time contingency staff are employed on continuous basis, the number of working days per year is nationally counted as 300). In respect of service rendered in the last year of service which is not complete, actual number of working days upto the date of computation of service will be taken into account which will be divided by two.

4- These orders will take effect from the date of issue in respect of recruitments initiated or to be initiated after that date.

5- Hindi version is enclosed.

Yours faithfully,
Sd/-

(K.L. SHARMA)

.....

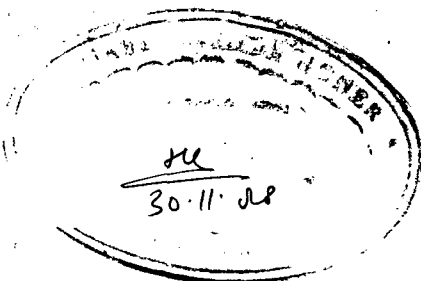
No: Rectt/R-39/V/5

dated at Lucknow, the 19/11/84

Copy for warded for information and guidance to:-

- 1- All DPS/SSPO's/SPO's/SSRMs/SRMs/Supdt.of PSDs in UP Circle.
- 2- The Postmaster, Kanpur/Lucknow.
- 3- The Supdt.PSF. Aligarh.
- 4- The Manager, RLO, Lucknow.
- 5- The Manager, MMS, Kanpur.
- 6- All Officers of circle office, Lucknow.
- 7- All Section Supervisor in UP Circle, Lucknow.

Sd. (O.P. Malhotra)
for Postmaster-General, UP.
Circle, Lucknow-226001.



मुख्य सचिव

A2/15

Copy of letter no.45/20/73-SPB.I, dt. 17th July, 1979 from DG.P&T, New Delhi addressed to the All Heads of Postal Circles & others.

....

Subj- Rationalisation of categories of various Class IV Staff.

.....

Sir,

In a recent standing committee meeting with staff representative the question of rationalising of various categories of Class IV Staff was discussed in detail and the following decision was taken.

There will in future be only two categories of non-departmental Class IV officials in the Railway Mail Services (i) ED Porters; and (ii) Casual Labourers, it has been decided to dispense with the category of part-time casual mazdoors and parttime contingency paid staff. The post of part-time contingency paid staff should be replaced by ED posts gradually on occurrence of vacancies except in A.B. and B.2 class cities. Situations in which part-time casual mazdoors are required to be employed should be managed by grant of overtime, if necessary to regular departmental staff, Interests of existing part-time casual mazdoors and part-time contingency paid staff should however be protected. In future there should be no employment of part-time casual mazdoors and part-time contingency paid staff. The employment of casual mazdoors should be purely of casual nature. Regular posts should be sanctioned in all cases where casual mazdoors are being employed on regular basis.

2- These orders will take effect from the issue of this letter & any difficulties arising in implementation of these instructions should be referred to the Directorate for necessary clarification.

3- Hindi Version will follow.

.....

Copy of letter no. 47-1/70-SPB.I, dtd. the 4th August, 1970 from the Director-General, of Posts and Telegraphs, New-Delhi to the Postmaster-General, Madras.

.....

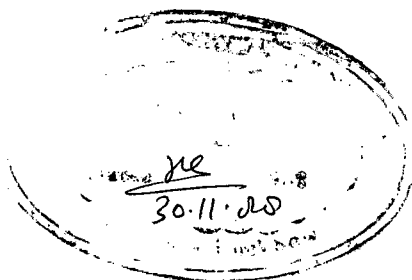
Sub:- Treating the part-time contingent staff as 'part-time casual labourers for the purpose of recruitment to Class-IV cadre- Clarification sought for.

....

I am directed to invite attention to your letter no. RCT/83-1/69 dated 13.10.1969 on the subject referred to above and to state that the parttime contingent merials who are paid specified hours of work may be treated as part-time casual labourers for purposes of recruitment to Class IV cadre in terms of Home Ministry's O.M.No. 14/5/63-Estt(D) dated 5.7.63 circulated to all Heads of Circles with this office letter no. 160-25/66-SPB.I, dated 15.4.1969.

.....

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GOVERNMENT OF INDIA.
DEPARTMENT OF POSTS.

OFFICE OF THE POSTMASTER GENERAL, UP. CIRCLE, LUCKNOW.

NO: RECTT/R-39/V/5

dated at Lw, the 19/11/87

Sub:- Rationalisation of categories of various
Class- IV (Group 'D') staff.

-.....-

A copy of D.G.Posts, New-Delhi communication
no. 45/20/73.SPB.I., dtd. 20/10/84 circulated under this
office endst. no. even dated 19/11/84 to all the Sub-
ordinate units in U.P. Circle on the above noted subject
is sent herewith for ready reference.

for Postmaster-General,
UP.Circle, Lucknow.

lv

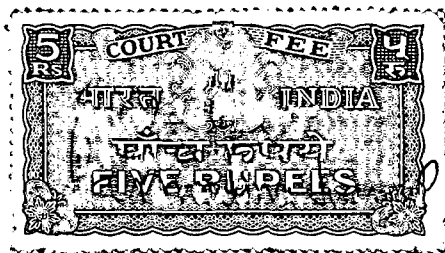
He
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(B1)

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ब अदालत श्रीमान् Central Administrative Tribunal, Allahabad Bench
 [वादी] अपीलान्त Sulch Sagar Shukla महोदय
 श्री का वकालतनामा
 प्रतिवादी [रेस्पाडेंट]



वादी [अपीलान्त]

Sulch Sagar Shukla

बनाम Union of India & others प्रतिवादी [रेस्पाडेंट]

नं० मुकदमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री पालाहा स्वयं एवं
 श्री अनंत स्वयं (Paramatma Samp & Anant Samp) वकील
 महोदय
 एडवोकेट

नाम अदालत
मुकदमा नं०
नाम फरीकन
नाम

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

Accepted
 Paramatma Samp
 Accepted
 Anant Swamy
 Advocate

हस्ताक्षर (स्वयं सागर)

साक्षी (गवाह)

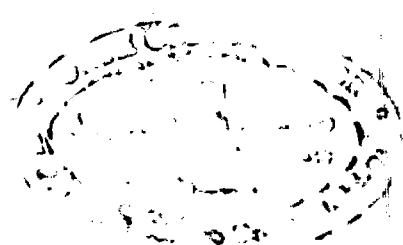
साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

स्वीकृत



(B1/2)

VAKALATNAMA

In the Hon'ble High Court of Judicature at Allahabad

At

Lucknow Bench

.....Sukh Sagar Shukla.....Plf./Applt./Petitioner/Complainant

Verses

.....Union of India.....Defent./Respt./Accused

KNOW ALL to whom these presents shall come that We.....I. R. S. Singh
the above-named.....Supt. of Post Office, Gonda.....do hereby appoint

Shri V. K. CHAUDHARI, Advocate,

.....High Court, Lucknow Bench

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and authorised him :—

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents, to admit &/or deny the documents of opposite partys.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause,

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority/herby conferred upon the Advocate whenever he may think fit to do so & to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case untill the same is paid up. The fee settled is only for the above case and above Court I/we hereby agree that once the fees is paid, I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this.....25th.....day of.....Aug.....19 88

Accepted subject to the terms of fees.

Client

Advocate

Client
(महाराष्ट्र एसोसिएट)
पबीएस डायर
गोण्डा-271001