

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE Q.A. 60 OF 28

NAME OF THE PARTIES Sukh....Sagar....Shukla.....Applicant

Versus

..... Union of India Respondent

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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 leg. off. be - OF 1980 (4)

Name of the Parties Sankl Sagar Shukla

Versus

Union of India and ors.

Part A, B and C

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21/F

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 60 of 1980(C)

APPLICANT (s) Sukh Sagar Shukla

RESPONDENT(s) U. S. I. Thruh Seey. Min. of Tele-
Comm., central Secy. New Delhi &
3/1/2018.

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	yes
2. (a) Is the application in the prescribed form ?	yes
(b) Is the application in paper book form ?	yes
(c) Have six complete sets of the application been filed ?	yes yes
3. (a) Is the appeal in time ?	yes
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient cause for not making the application in time, been filed ?	—
4. Has the document of authorisation/Vakalat-nama been filed ?	yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	DD 06/015 87, 18/1/2018
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes

Particulars to be ExaminedEndorsement as to result of Examination

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

yes

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

yes

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

yes

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

no

First 2 copies are signed.

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

yes

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

yes

(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 ?

yes, Postage for Rs. 11/- (Rs. eleven/-) has been given on one copy.

14. Are the given addresses, the registered addresses ?

yes

yes

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

A. A.

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

(a) Concise ?

yes

(b) Under distinct heads ?

yes

(c) Numbered consecutively ?

yes

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

yes

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

yes

19. Whether all the remedies have been exhausted.

yes

If agreed to, can may be listed before the Tribunal on 21-07-2000.

R. J. S.

O.A. 60 of 08(L)

~~A2~~
Such Sagan Shinde Vs. U.O.T.

ORDER SHEET

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. Notice be returnable on 22.8.88

for

22.7.88

Notices issued to Respdts.

Ans

FR.

16.8.88

Notice 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 admision.

Ans

16.8.88

22.8.88

Hon. A. John, A.M.

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

In spite of notices issued on 21.7.88 to 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. Rejoined affidavit, if any, may be filed within another ten days.

Let this case for hearing on

22.9.88.

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A.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LOKNO.

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

S. S. Shunk

Applicant(s)

Versus

U.O & Co

Respondent(s)

Sr. No.	Date	Orders
	3/3/89	<p><u>OB</u></p> <p>Misc. Petition as per the Court direction dt 23.2.89 has not been filed by the applicant.</p> <p><i>Just 3/3/89</i></p>
	8/3/89	<p><u>OB</u></p> <p>Res. Justice Kamleshwar Nath, V.C. <u>Res. Ajay John, Am.</u></p> <p>The applicant's counsel has filed supplementary rejoinder affidavit. The counsel for the respondent prays for and is allowed two weeks time to file reply as according to him there are some new points. List for hearing on 27-3-89 when this application will also be considered.</p> <p><i>Am.</i></p>

23/3

OB

No reply filed.

23/3

Registered

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. 1111 of 193¹¹)
T.A.

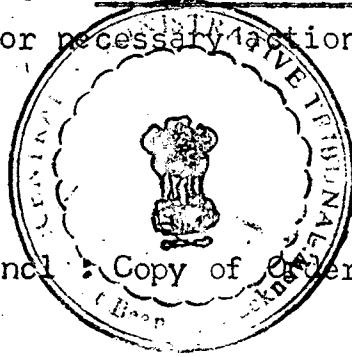
Sukh Sagar Shukla

Applicant's

Union of India and vs.

Respondent's

A copy of the Tribunal's Order/Judgement
dated 11/11/89 in the abovenoted case is forwarded
for necessary action.



For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 11.3.89

Deputy Registrar

Central Administrative Tribunal
Lucknow Bench,

To.

Sukh Sagar Shukla

V.K. Chaudhary Adv. CLP

dimesh/

① Received one Copy.

सुक्षेप प्राप्त (Applicant)
31.3.89.

②

Reed
Date
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(A3)
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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, that follows:-

l/s 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

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

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 xx 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 sleep/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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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~~ ~~xx~~ 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~~ 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

(A3/6)

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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 orders to posts.

Dr. Agarwal

J.M.

B.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. Sushil Sagar working
as Jeep driver, office of Superintendent in the Ministry/
Post office Gonda division, Gonda, U.P.
Department/Office of Post & Telegraph deptt.
residing at Gonda is
hereby acknowledged.

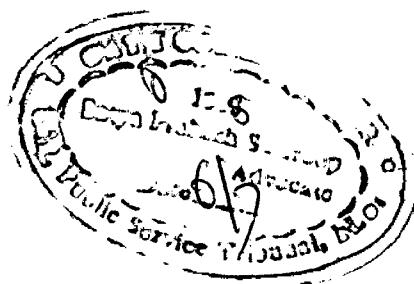
for Registrar

Central Administrative Tribunal

..... Bench

Date :

Seal :



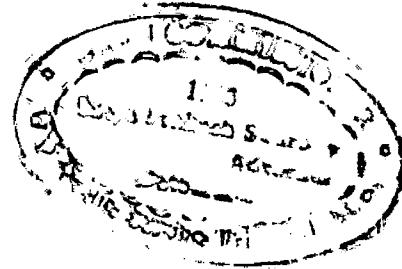
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

APPLICATION NO. OF 88

SUKH SAGAR SHUKLA

V/S

UNION OF INDIA



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AALAHABAD BENCH
APPLICATION NO. of 88

Sukh Seggar Shukla

v/s

Union of India

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11.		

List this

Case on 21.07.2018 ~~in the~~ ~~Central Administrative Tribunal~~ Office

21/07/2018

SIGNATURE OF THE APPLICANT

For use in Tribunal's Office
Date of filing

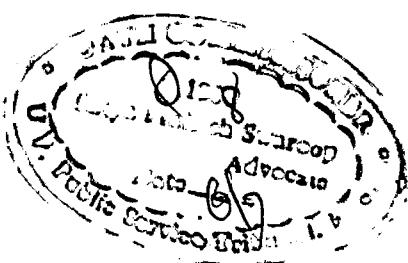
or

Date of Receipt by post
Registration No.

Arvind Narayan
Advocate
21.07.2018

SIGNATURE 

for Registrar



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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 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 Hyedrabad, 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 particulars of the office last employed : Jeep driver in the Office of Superintendent, Post 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 of notices : Sri Sukh Sagar Shukla S/O Sri Ram Anuj Shukla Village Portarganj, P.O. Pathvalia Tehsil & Distt. Gonda (U.P.)

25/2/2013

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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. Superintendent, Post Offices, Gonda Division,
Gonda, U.P.
4. Director, Postal Services, Lucknow Region,
New Hyderabad, Lucknow.

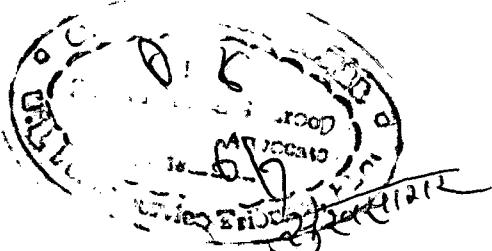
3. Particulars of the order against which application
is made :-

- a) For non-payment of salary as Jeep driver (of
Superintendent Post Offices Gonda) from 17.4.
without any order for withholding it or ter-
minating the applicant's services.
- b) O.P.'s ~~apathy~~ to regularize the applicant in
the permanent vacancies of Jeep driver or ~~any~~
other class 'D' Post.
- c) Respondents interference in the applicant's
~~as driver of jeep of Respondent~~ 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 ~~of omission~~
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.



(AU)

5. Limitation :

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

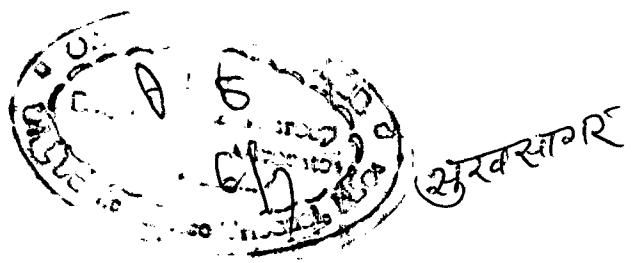
6. Facts of the Case :

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 Superintendent Post Offices Gonda division, Gonda, by the order of the then Superintendent Post Offices Gonda, O.P. No. 3.

(b) That the applicant Sukh Sagar has been enjoying the Lower Division Clerk Grade Rs. 950/- (which is from 1.1.87 Rs. 950/- to 1500/-), since then on this post, with dearness allowance, house rent allowance, ~~etc~~ bonus etc. as will appear from the letter ~~of~~ of O.P. No. 3 of The Senior Superintendent Post Offices cum Joint Encharge, Superintendent Post Offices Gonda, dated 25.9.87 (Annex. 1) and the letter of Superintendent Post Offices Gonda (Annex. 2)

Contd.....4.



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(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 Ram Prahlad ^{one} ~~was~~ 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 Prahlad had assaulted Mr. Vansiya at the instigation of the applicant, Sukh Sagar.



(Au 6)

The relevant facts of this incident are

as follows :-

Shri Prayag Bhull ~ of
(i) The brother-in-law (Bahnoi), 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 ~~had~~
called his explanation for punishing him,
This fact annoyed, the said (accussed)
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 Superintendent
Post Offices, Ram Prahlad made up his
mind to teach him lesson and assault and
beat him. With this purpose he intercepts
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 occurrence.
Rather he was at his house in Porterganj
away about 5 km./at that time. The applicant
Sukh Sagar had strained relations with
this accused Ram Prahlad from before, as



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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 and complaint dt. 24.2.88 gave the statement ~~due to~~ ^{due to} 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} complaint against Shri Vansiya 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 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 gimmick and became displeased with him and got the applicant arrested through police on 16.4.88 when the

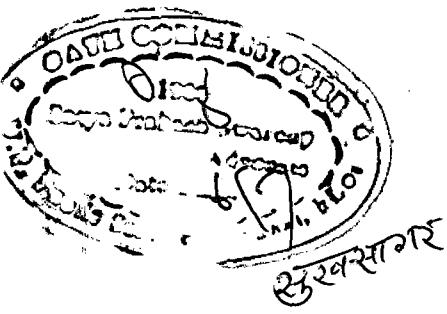
~~My
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applicant had taken Shri Vansiya ~~to~~ the jeep, did not ~~eat~~ all consider the applicant's ~~said~~ explanation in this regard. The applicant was, however, released on bail ^{on} 17.4.88. That case is still ~~pending~~ ^{Police} under investigation.

(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 2xx88~~ 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



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from the applicant for this knowledge. No explanation for misconduct has ever been called nor any enquiry ^{has been} 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~~ ^{now} Sri Suraj Pd. Yadav is working ~~on this~~ ^{new} applicant's post from 17.4.88.

(i) That the withholding of the applicant's salary from 17.4.88 and not permitting him ^{arbitrary, discriminatory} to work as driver is illegal 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 Bahrach division to work and earn wages but ~~are~~ ^{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



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days are hard & he does not expect any favourable order ~~from~~ ^{on} them and since further waiting with ~~will~~ only ~~will~~ create complications ~~exist~~ 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 ^{since then as jeep driver of Respondent No. 3} interruption ~~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.



(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 permanent vacancy with retrospective effect from ~~or from such earlier~~ 8.4.87 ~~on the next~~ such date as the Hon'ble Tribunal deems ~~just~~ proper.

10. Interim order, if any prayed for :-

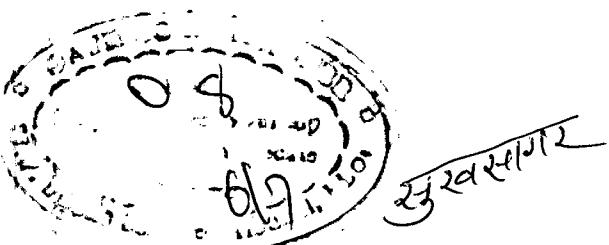
Pending final decision of this application, the applicant seeks the issue of the following interim order :-

(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.



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

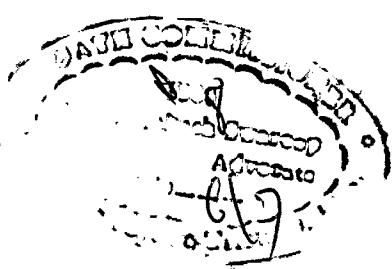
1. Name of the Bank on which drawn
2. Demand Draft No.
or
1. Number of Indian Postal Order(s) 067815
2. Name of the issuing Post Office High Court branch, Post Office Lucknow
3. Date of Issue of Postal Orders(s) 18.7.88
4. Post Office at which payable At Allahabad

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 15/-

23/2/2012

Contd.....12.

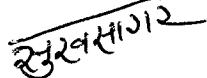


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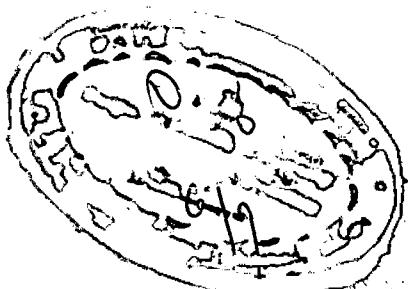
VERIFICATION

I, Sulch Sagar Shukla (Name of the applicant) s/o, b/o, Shri Ramannji Shukla
Age about 40 yrs working as Jeep driver in the office of Subd. Post Office, Gonda resident of Village Palkwalia, Dist. Gonda do hereby verify that the contents of paras 1 to 3, 6, 9, 10, 11, to 7, 8 are true to my personal knowledge and paras 4, 5, 12, 13, 14, 15, 16, 17, 18 are believed to be true on legal advice and that I have not suppressed any material fact.


Signature of the applicant

Date : 6.6.88

Place : Gonda



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No. of 88

Sukh Sagar Shukla

v/s

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Union of India

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Answer - 1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No. of 88

Sukh Sagar Shukla

v/s

Union of India

Annexure - 2



ਦੱਸਾਰ ਦੇ ਸਮਾਂ ਛੁਪ ਗਏ
ਜਿਸ ਸੰਤਰੇ ਦੇ
In reply
Please quote

प्रधान
From

अधिकार लाभव
गोप्ता या गोप
गोप्ता-गोपी

सवा में
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३० श्रीरामानन्दर

277-57 90370, 277-57-271001

क्रम संख्या
No.

क्रम संख्या No. ८१/एल-८/लानरा/ दिनांक Dated at ३०-११ दिसेंबर १९८७

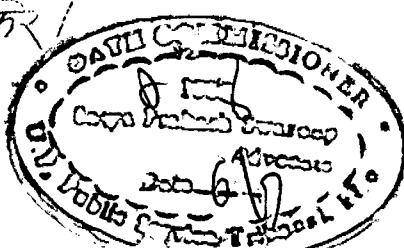
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४) रुरक्तारुदल ने बालक गांडा में
को बैठी ४५-४६ के बालक गुगलान का गांगा

श्री गुरु रामार गुरुवार २०१३-११-१४ से ~~तिथि~~
गांधी जानार के पह पर लागी कर रहे हैं। इन्हे सबको
रो रक्तेन लाने वाले गाने नहीं। यहाँ है। इन्हें यह
आत्मा न। अपेक्षा रामार यथावादीयों के पह पर कानूनित
रो गानों पर श्री गुरु रामार २०१३-११-१४ से लायक हैं।
इन्होंने गुरुवार २०१३-११-१४ अपेक्षा रामार
तिथि गुरुवार के पह पर लागी कर रहे हैं। ताका अपेक्षा रामार
श्री गुरु रामार के पह पर लागी कर रहे हैं।



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Sukh Sagar Shukla

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V/S

Union of India

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Annexure - 3

रात्रि,

श्री मान शासनाधारा गवर्नर,

शासन कोतवाली नगर, गोन्डा

दिनांक 24.2.88

रात्रिनग निवेदन है कि श्रीमी ज्ञान पौड़ी राजा देवराज डाक्टर पद्मविलाया शासन कोतवाली नगर, गोन्डा का निवासी है। वार्षिक पार्वती की ओर पार्वती वार्षिक दर नाद राम प्रह्लाद पुत्र देवराज तिवारी, जो कि भैरव गवाम के सामने रहता है, वह गी उसी ओर गगा और लालजी जाय धार की ओर वापस आ रहा था तो राम प्रह्लाद से उसे उगलाज देवराज उपरोक्त परा बुलाया। लालजी जाय राम प्रह्लाद के नजाहीन पहुँचा तक राम प्रह्लाद ने आपने लनियान के नींदे से कट्टा निकाला और कदा देसे इसी से आपनी शार उत्तर है। लालजी अपनी करीब 16 वर्ष का है वह कट्टा देखकर डर गया और हाफता हुआ रागकर धार पहुँचा और सारी बात गुप्त बताया। धौड़ी दर लाद राम प्रह्लाद गी बास आय। गीने राम प्रह्लाद से उस घटना के सम्बन्ध में पूछता है इन्होंने नह कट्टा गुप्त गी दिरवाया और कदा कि को इसे लंधाना महत है इरीलिए दिरवाया था कि कही बैचबा है।

जब गीने इसली सूचना थीं गीजने की बात थी और राम प्रह्लाद से गीजु ही कट्टा गीजे पर जामा करेते को जहा हो ये गाली बोले लौंग और गुप्त दामली देने लौंग कि गीज इसकी सूचना थीं गीजने हो जाए तो गार दूँगा या इशारा फिकार जान ब गाल का गारी गुमसान पहुँचा दूँगा। इस बात जीत के दोरान पौड़ी से उपर लौंग गी थी।

राम प्रह्लाद को लौंग जो साइफिल स्टैन्ड पर चालोदारी करता है और कुद लड़कों को राश लोकर कि सी गी सामां गुप्त गार समता है या लौंग गुमसान करेके किसी गी समाग नदला चुका सकता है इरालिया इनसे कट्टा गीजे पर जागाकर बाया भाग।

अतः श्री मान जी से कविता निवेदन है कि गीर जानवे गाल की सुरक्षा हेतु उस घटना की जांच करें। लौंग की जाग और राम प्रह्लाद को दोषित किया जाए गुप्त को तुम्हें कहा होगी रुचाना श्री मान जी की रात्रा से दुष्प्रिय है।

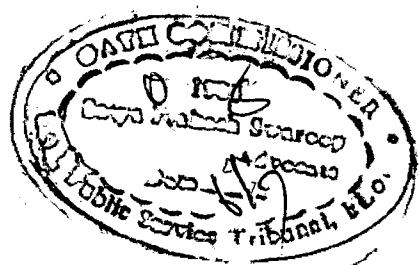
प्राप्ति - राजलराजे गुप्त

उपाय - लौंग जी

प्राप्ति - निवाली नगर

प्राप्ति - जानवे

(सुरक्षार्थी)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No. of 88

Sukh Sagar Shukla

V/S

Union of India

Annexure - 4

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Annex-4

Certificate of Posting.

24.2.88

—एक लिफाला निम्न पते पर भेजने हेतु प्राप्त किया।

सेवा में:

श्री माल धानाद्यक्ष महोदय,
धाना कोलकाती नगर
जनपद - बौन्डा (उप्र०)



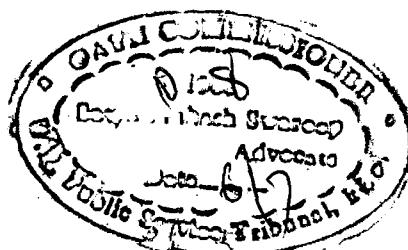
क्षारा - सुख साहर बुक्स

ग्राम - पीर्ही गंगा
जनपद - पश्चिम बंगाल
जनपद - बौन्डा



सुख साहर

The copy attached
Sukh Sagar Shukla



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No. of 88

Sukh Sagar Shukla

v/s

Union of India

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Annexure - 5

जी मान

डाक अधीक्षक मंडोपर्य,
गोन्डा अण्डल
गोन्डा

AR5

दिनांक. २.५.४४

स्वेच्छा में

सर्वेन्द्र निवेदन है कि प्रार्थी ने, स्वास्थ्य स्वस्त्र है उसके
के कारण 15 दिन के अवकाश का प्रार्थना पत्र दिया था जिसके
अनुसार आज दिनांक. २.५.४४ को उव्वकाश छूस हो चुका है तथा
प्रार्थी भी स्वस्थ हो गया है। अब प्रार्थी कल दिनांक. ३.५.४४
से कार्य भार ग्रहण करना चाहता है।

अतः जी मान जी से कर्वतु प्रार्थना है कि प्रार्थी को
कल दिनांक. ३.५.४४ से कार्य भार ग्रहण करने की कृपाज्ञा
प्रदान की जाय। उहि कृपा होगी।

प्रार्थी इस महान दमा डूँगि है तथा आपका
आगामी स्वेच्छा

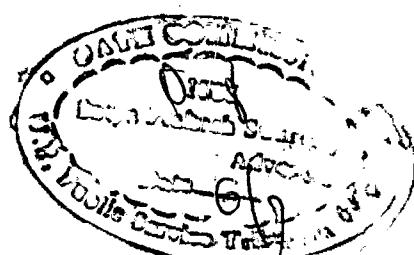
Received

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The copy attested
Agent Shrawan
सुरव साहन

प्रार्थी - सुरव साहन श्रवण
जीप चालक
गोन्डा अण्डल



श्री मान, डाक अधीक्षक महोदय,
गोडा गांडल, गोरक्षा

दिनांक १२.५.८८

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राजीना,

समिनग निवेदन है कि प्राचीने २१.११.७३ से १२.११.७४ तक शारदा
डाकपाल पदवालिया के पद पर कार्य किया और १३.११.७४ से लगातार उपीय
चालक के पद पर कार्य कर रहा था किन्तु १३.४.८८ को द्वादश अक्षयवृत्त
तत्त्वों द्वारा, तत्कालीन डाक अधीक्षक महोदय पर हमला किया जाने और
१६.४.८८ को हमलावरों के पकड़े जाने पर, उक्त अभियुक्त राम प्रहलाद (जो कि
मेरे ही गवर्नर, मेरे धर के समैने रहता है) के कहने पर, गुम्फे उस समाय
पुलिस द्वारा हिसासत में लिया गया उपीय भी तत्कालीन डाक अधीक्षक महोदय
के साथ उपीय लेकर, अभियुक्तों को पहचानें थाना कोतवाली नगर गया था।

घरेलू उपग्रहों को लेकर, आपसी रंजिश के कारण, अभियुक्त राम प्रहलाद ने
प्राचीने को उक्त मार्गों में फ़ंसाया है जबकि उक्त घटना के समयमें प्राचीने
को कोई जानकारी नहीं है और प्राचीने के गुनाह है।

उक्त घटना के उपरान्त प्राचीने पद पर कार्य करने की अनुमति
नहीं मिली हिसाली वजह से प्राचीने के रोजाना द्वारा गया है। प्राचीने के साथ
नीकरी के अतिरिक्त, आग का और कोई साधन न होने के कारण, बद्दों का
उपरान्त लोधाना असम्भव हो गया है। प्राचीने के ऊपर ४ सदस्यों का
परिवारिक बोग्य है जिनमें गोजान की व्यवस्था प्राचीने के बेटन से ही होता
था जिसके बाद ही जाने से प्राचीने के पीरवार पर कड़ा सबट आ गया है।

१- प्राचीने को गोप-चालक के पद पर लगातार कार्यकरते हुए लगातार
१० वर्ष पूरा हो रहा है किन्तु किसी भी उपीयों की जानकारी कोई
नहीं मिलती। प्राचीने के चरित्र के सम्बन्ध में पूछि उपीयों से जानकारी
प्राप्त करने की कृपा की जाय।

२- चाहे प्राचीने को उक्त घटना की कुदरती या प्राचीने ने
अभियुक्तों को उत्तम दृष्टिकोण के लिये सहयोग दिया होता तो
अभियुक्तों को पकड़े जाने पर प्राचीने, डाक अधीक्षक महोदय के साथ भी
लेकर थाना कोतवाली नगर (पुलिस के समैने) जाने ला साहस में नहीं
कर सकता था।

३- प्राचीने की सेवाएँ अपीलियन भी नहीं हुई थी और प्राचीने के पास
पीरवार पालन हेतु और अन्य कोई साधन भी नहीं है। ऐसी दशा में प्राचीने
अपने बच्चों को कड़ी संकट में नहीं छोड़ सकता चाहे वह और उनके पीरवार के
परिवार का साधन संभाल नहीं करना चाहे।

आठ: श्री मानसुन्दर के क्षेत्र प्राचीने है कि अपराध सम्बन्धीय पर सहायता
पूर्वानुदान किया जाय और प्राचीने को किसी भी विभाजीय पद पर कार्य
करने की अनुमति प्रदान भी जाय ताकि प्राचीने अपने बच्चों के लिये
गोजान का प्रबन्ध कर सके और उनकी जीविता चला सके।

अति कृपया होगी। प्राचीने इस महान दयालुष्ठि हेतु स्वप्रिवार
स्वीकृत आपका आगरी रहेगा।

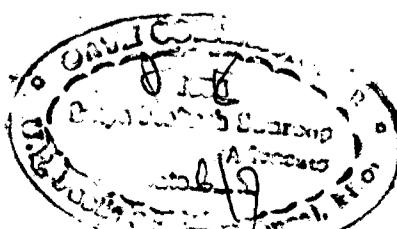
(सब तीत प्रमाण पत्र संलग्न है)

प्राचीने- दुर्लभ सागर चुवला

उपीय चालक

गोडा गांडल

25 सितंबर



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No. of 38

Sukh Sagar Shukla

V/S

Union of India

(13)

~~W/21~~

Annexure - 6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

Application No. of 88

Sukh Sagar Shukla

V/S

Union of India

.....

Annexure - 7

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संस्कृता दो,

Annexure - 7

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श्री मान, अद्विक्षित गांधीदार (डाक संग्रहालय)

बालगांधी नं. ८० रवनड़ी

26.5.1988 द्वारा श्री मान अद्विक्षित गांधीदार

गोन्डा गांधीदार, गोन्डा

दिनांक 20.5.88

विषय - पीड़ा चालेत्वादेष्ट तार्ग गार गांधी के रेस तक समन्वय।

संस्कृतगांधी ने प्राची ने २१.६.७३ से १२.११.७४ तक शारखाड़बायाह प्राचीदार्याके पदपर कार्य किया और १३.११.७४ से लगातार जीव चालकके पदपर कार्य करा था विन्तु १३.५.८४ को कुछ लड़कों द्वारा तत्कालीन डाक अधीक्षक माहोदय द्वारा हमला किये गये और १६.५.८४ को हालांकि जीव चालकके पदपर रखे उग्रागुत्तम के कहने पर, गुरु उस रमण पुलिस डाक हिरासत में लिया गया और उसके बाद अद्विक्षित गांधीदार के साथ, जीप लैकर (उग्रागुत्तम को पहचानें) थाना कोतवाली जगर गया था।

इस उग्रागुत्तम के हानि पर पुलिस ने प्राची पर धारा 120B (Conspiracy) का औरप लगाया है। प्राची ने अपनी उम्मानत तत्काल कशली है दैरेलू चालक और उपर्यासी राजीव के कारण उग्रागुत्तम राम प्रदलाद ने प्राची को उत्तम शासकीय को फसाया है जबकि उत्तम दाटना को प्राची को छोड़ दिया गया है। विन्तस्त सूची से ज्ञात हुआ है कि उग्रागुत्तम राम प्रदलों का बदलाव दैनिकपुर डाकदार द्वारा कीदर है जिसे निरीक्षात्मक गोप्य (मैदान) श्री आर. कौर तिवारी द्वारा राहीं चैल किया गया था, उसे डाकदार के अन्दर लैटा पागा गया था और उसे सैवा से गुत्ता करने की इच्छा देकर सूक्ष्म नारें दी गयी थी। आर्म्गुत्तम राम प्रदलाद निरीक्षात्मक गोप्य के निवास पर राम लड़के के साथ गया था और उग्रागुत्तम के साथ विन्तस्त करेत हुरु मारेन की इच्छा दी थी। इस लातकों निरीक्षात्मक गोप्य के शान्ति कोतवाली में रखाये रखी गये हैं। उत्तम दाटना को प्राची ने पर, जोक अद्विक्षित गोप्य के साथ, प्राची शान्ति कोतवाली जगर (पुलिस के रागड़ा) गांजे की साहस ही नहीं कर सकता था।

प्राची को उपर्यासके पद पर लगातार कार्य करेत हुरु लगावर्षी १० वर्ष पूरा हो रहा है विन्तु आज तक किसी गरी अद्विक्षित गांधीदार्य को प्राची को लोड़ करी नहीं दिली। गर्दि प्राची को उत्तम दाटना की कुछ गरी जानकारी हीली हो उग्रागुत्तम के पकड़े गये पर, जोक अद्विक्षित गोप्य के साथ, प्राची शान्ति कोतवाली निरीक्षात्मक विन्तस्त के बाबूदा प्राची के बेतन से ही होता था और बेतन न मिलने से बच्चों के गुरुत्वों द्वारा उनके की दृष्टिते उत्पत्त हो गयी है।

आते: श्री मान जी से कर्तव्य प्राचीना है कि प्राची को पुनः उपर्यासके पद पर कार्य करेन की दृष्टियां प्रदलाकी जाए ताकि प्राची उपर्यासकों की उपर्यासकों की जाए ताकि प्राची को उपर्यासी द्वारा प्राची को उपर्यासी द्वारा किया जाए तो गतिवर्षी में प्राची को सैवा के गुत्ता करने में जोड़ उपर्यासकी न होगी।

मात्र कुपाहोगी। प्राची रखेव रापिवार आपवा उम्मारी रहगा।

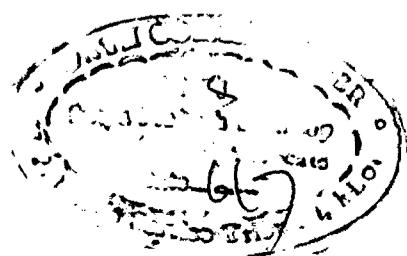
(प्राची) आपका आवाकामी - सुखसागर

शुल्क

जीप चालक

गोप्य गांधी

गोन्डा



25/5/88

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 Shri Ramayaj Shukla r/o Portuguese Patharki Dist. Gonda do hereby solemnly affirm

and state as under :-

- That the deponent is the petitioner in the above noted claim petition and is well conversant with the facts of the case.
- That the contents of paras nos. 1 to 3 of the accompanying application claim petition/interim relief application are true to my own knowledge and those of paras nos 4 to 5 are believed to be true by me and those of para 6 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

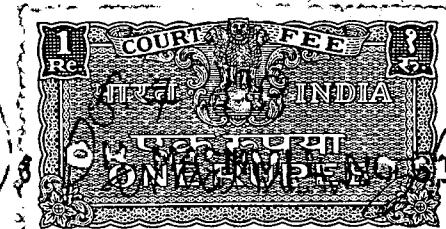
6/7 1983

23/2/1983

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 a perusal of the papers in his possession produced before me and I am satisfied therefrom that he is the same person.

Parmanand Singh
ADVOCATE



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.

1988
AFFIDAVIT
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DISTT. COURT

I, R. S. Singh, aged about 47 years, Son of Late Raj Bahadur Singh, at 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 thereto :-
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

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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 canidates 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 ~~was~~ ban was imposed by the Department in the year 1984 for recruitment,

R. Shukla

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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 enjuries. An assault was committed by so e Prahlad on Shri H.D. Vansiya on 10.4.88 the then SPOs Gond. The incident was reported to police, During course of investigation by the police Shri Sukh Sagar Shukla plaintiff was ar rested 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 q of termination order too was not issued after 17.4.

R. Sengh -

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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 17.4.1983 because of loss of reliance. There was no question for issue of any written order as the plaintiff was an outsider.

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30/8/88

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

R. Singh

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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 merely outsider and does not come with in the jurisdiction of Central Administrative Tribunal. Therefore does not come within the limitation prescribed in the Section 21 of Ad inistrative Tribunal Act, 1985.

9. That in reply to the centents 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 EDPM Pathwalia - Annexure C-2.
- (iii) Copy of letter dated 30.4.1980 from Shri Sukh Sagar Shukla EDSPN, Pathwalia. Annexure-C-3.
- (iv) Copy of appointment order No.H/Pathwalia dated 15.4.81 appointing the applicant on the post of EDSPN 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 cf the certifiiate dated 14.7.83 issued by SPOs Gonda. - Annexure- C-6.

R. Singh -

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(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. ~~date~~ decision dt. 13.1.83
held at D.O. ~~exam~~ for finalization of appoint-
ment 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 submitted that the
not
applicant was 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.

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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 ~~xxxxxxxxxx~~ 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 outsider 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,

R. B. Singh

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he can not be engaged even as outsider and the question for payment 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.

2. 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.

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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. Singh
Deponent.

Lucknow,

Dated 30th August, 1988.

Verification.

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 24 are true to my personal knowledge, and those of paragraphs 25 to 27 are believed to be true on the basis of perusal of records as well as information gathered and those of paragraphs 28 to 30 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. 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 30/8/1988
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. Singh R.S. Singh
J. K. Chaudhari Oath Commissioner 30/8/1988
M.

Sepral Chaudhari S. M.
Court Comm
30/8/1988

अदीक्षा- ११४८

गोंडा प्रदेश
गोंडा-२८१००१

पुस्तकालय

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प्रेषक,

संदर्भ में श्री रुद्र शाहर तुकारा
शारदा इकाया बालकालय
गोंडा

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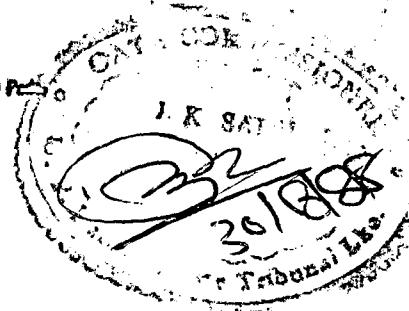
रुक्ति/ प्रधानलिपि: दिनांक/ गोंडा / १७.६.७७

विषय: शारदा इकाया प्रधानलिपि ३८० ३८५ वि. उप्रायाकार से
परिवर्तित करना।

आप अपने अपनीमा श्रेष्ठता का
इस ग्रन्थ पर लिखे हों तो राजगुरु निर्मल
की अप्ति लगानी का उम्माद कर सकते हैं कि
विषय से ही बचे, सभ्य ही तात्पुरता दर्शित करें तो
राजगुरुका टेलीकोर उपर्युक्त लार्यलप से लिखे दिनांक को
देंगा ही।

Signature -

मान्यता-२८१००१, १७-६-७७-४३२८३८८०



प्रधानलिपि दारायर

गोंडा प्रदेश

गोंडा-२८१००१

श्री माता

अधीक्षक (डाकघर) महापाल

Am 2

गोन्डा प्रखण्ड,

डोन्डा ३७१००१

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आपके पश्च संस्था रत्न-पथवलिया, गोन्डा दिनांक १७.५.७९ के ओपेशनसार प्राची अपनी आनंद शास्त्रक उभत का प्रभाग पश्च भेज देता है जो कि इस प्राचीन पश्च के साथ संलग्न है तथा निजी नाम की अचल सम्पादन का प्रभाग पश्च (अपेक्षा नाम लिख गये रखेत का बैतामा का दस्तावेज) प्राची ने शास्त्र हाक पात्र के पद पर नियुक्त होने के समय ही आपके कार्गिलय में जामा कर दिया था। उसकी अन्त भी प्राची के पाश आश्रम नहीं है।

अब निजी नाम की अचल सम्पादन का प्रभाग पश्च गोन्डा राज्यपाल प्राचीन दस्तावेज में दखन की कृपा की जाए। अपि कृपाहोग।

दंडनका -

- १- एक सूत यात्रीहा प्राणपत्र
- २- दोषमिलिंग ॥ ॥ ॥

प्राची - सुन सार बुझ

शास्त्र डाकघर, गोन्डा

गोन्डा

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Signature

30/8/88

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उत्तराखण्ड

गोन्डा अंतर्राज्यीय डाकघर संचालन

गोन्डा प्रखण्ड

गोन्डा

विषय:- उप डाकघर के लिये हैं।

CLMF P.O.
A-3771

संवाद

संवित्तपत्र जिवहत है कि प्रत्येक उप डाकघर परालीला के पास पर कर रहा है। उक्त डाकघर दि. 27-2-1925 से शहर उप डाकघर के कर्त्ता था। अब यह शहर डाकघर दि. 2-11-96 से 30 वर्ष उप डाकघर में परिवर्तित हो गया है।

उप डाकघर का कर्म करने हैं प्रार्थी के पास अंतर्राज्यीय उपलब्ध नहीं था। जिसके कारण प्रार्थी को एक मकान भी नहीं दिया गया था। यह एक बुराया जिवहत व्यापारी के लिये उपलब्ध नहीं है। उक्त मकान सड़क की ओर से गोन्डा से लगता है जो वालों सड़क पर प्रधान डाकघर गोन्डा से उत्तरी दूरी पर स्थित है। जोसमें विजली, परना, को वालस्था है। लौट समेत काउन्टर भी बना दिया है। इस मकान में दुर्गांशु उप डाकघर का कर्म करने की सुविधा ही हो रहा है। अतः उप डाकघर अंगठी की जिवहत है। कि प्रार्थी को किसी व्यापारी के गुरुतार तरह है तो विभाग के अनुसार 20 ली. स्कैप्पर के जाम।

जहां दूर हैं।

30/4/80

आधिकारिक कार्यालयी है तो प्रार्थी का पर्याप्त

कार्यालयी की दूरी में प्रवित हो तबा

प्रार्थी का पर्याप्त समय नहीं होता

वह कार्यालयी की दूरी में समय है

30/4/80
S. P. M.
Pathwala Gonda

Recommends

Sukh. Sagar Shukla

E. D. S. P. M. Pathwala.

Gonda.

30/4/80

INSPECTOR 5/6/80
EAST SUW DIVISION
GONDA - 271001

R. B. S. P. M.

Am 4

(11)

AS
14

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

Mem. No. 49 Pathvala

Dated at Gonda the 15.4.81

Sri Sukh Sagar Shukla.....S/o Sri Ramnay Shukla,
resident of village2.....P.O. Pathvala.....Distt.
Gonda.....who worked as ED BPM Pathvala upto 1.11.79
and previously appointed as ED BPM is hereby provisionally
appointed as Extra Departmental Sub Post Master Pathvala
ED SPM with effect from 2.11.79.....(date of upgradation of
ED DSO into ED SPM). 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 understand that his appointment as ED SPM shall be in the nature of
a 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 communicate his acceptance in the proforma reproduced below.

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

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/Bahrain for necessary action.
3. P.F. of the official.
4. The candidate concerned.

To.

The Supdt. of Post Offices
Gonda Division

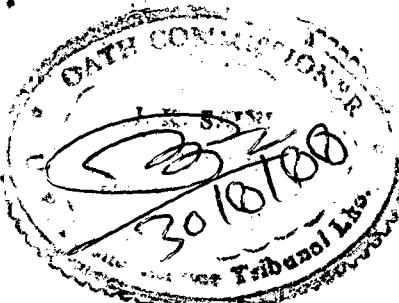
I.....acknowledge the receipt of
memo. no.....dated.....and hereby accept
the appointment of ED SPMunder the
specific condition that my appointment is in the nature of a
contract liable to be terminated by notice given in writing.
2. I further declare that I have read the P&T EDAS (Conduct
and Services)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

Signature of ED SPM
Designation.

Dated.....

Recd/K 177

R. B. Singh -



Am 5

दोनों दो

की पार अधिकार दावावं प्रतिवेदन

प्रिया भज्जर

गोप्य

(9)

AS

15

स्वीत्यप्तिवेदन के प्राप्ति निकू. २१.८.७३ के

आदा तथा पाल अधिकार के बदलाव को देता है

तो यह प्राप्ति द्वारा अधिकार को परम अधिकार है।

उल्लंघन के से निवेदन के प्राप्ति की
उत्तराधिकार का अधिकार या अदान को यहाँ
मदान के जाय।

Submited for order
S. S. 6-7-83

प्राप्ति. सुरेशार
प्राप्ति शमशुभ्र
गोप्य अधिकार देती है।

Abenchi

4-7-83



*Pathwalia
EDSO*

Ans

*AS
16*

प्रमाण-पत्र

प्रमाणित किया जाता है कि श्री हुखागर झुम्ला
ब्राम ब डाकघर पदवीलिया गोडा की, दिनांक 21 नवम्बर
श्रीतीरक्त विभागीय शाखा डाक्याल पदवीलिया के पार पर
मुद्दे थी। इन्होंने दिनांक 12.11.78 तक शाखा डाक्याल के पार
प॑. 98.50 प॑. प्रीत माह की दर के। कार्य किया है तथा 13.11.78
के डाक गदीक फटोदय की जीप यताने का कार्य फैनिक भत्ता र्मसाही
प॑. प॑. 260.00 एवं मैंहार्ड भत्ता रीट प्रीत माह की दर के।
यह रहे हैं किन्तु किसी विभागीय पद पर नियुक्ति होने तक, डाक
विभाग के नियमाबुद्धार इनकी गणना श्रीतीरक्त विभागीय शाखा डाक्याल
प॑. उक्त पद पर ही होती रहेगी और इनके उत्तरदायित्व पर इन्हीं
द्वारा प्रदान इनका स्थानापन्न व्यक्त कार्यरत रहेगा।

Abhaya

1. डी.डी.पाण्डेय।
गदीक डाक्याल,
गोडा भंडा,
गोडा-271001।

31/10/78

Statement of A/S engaged in P.M. Gonda during the month of May, 1932.

S. No. Name of the O/S Name & Designation Period for which No. of days Scale of Pay Amount
of the absentee the O/S was engaged D. P. C. P.

1. Sath 'Sugor Shatto' Vacant 0.00.07 to 30.05.07 (30) 1026.00 P.M. 1026.00
Jeeb Deviwar

2. No. 0 Phoo (C.P. Hall) Sri Devi Deon Ponthay. 11.07 to 30.04.07 (30) 010.00 P.M. 010.00
D.O. Senthil O/P to A.S.P.Ds. (M)

Gonda

Total Rs. 1026.00

Recorded that no any other classmate or candidate No. E.....766..... Dated

for class under use available in this unit. The O/S have passed for Rs One Thousand Eight Hundred &

Thirty Six only.

Supdt. of Post Office
Gonda Division
Gonda - 271001

1/4/32

3/1/32

3/1/32

3/1/32

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3/1/32

3/1/32

3/1/32

3/1/32

3/1/32

R. S. Singh -

Statement of outsiders engaged in D.C. Grade during this month of January 1951

(C)

No.	Name of the officers engaged	Name & designation of the absentee	Period during which he was engaged	No. of days	Rate of pay	Amount of Remuneration
1	Sukh Singh Shethia	Vacant	1.2.51 to 29.2.51 (29)	29	1194 CPM 1194 CC	The sum is Rs. 21,642/-
2	Ram Pher Malica	Sri Devi Dham	9.2.51 to 29.2.51 (21)	21	912 CPM 664.75	The sum is Rs. 14,100/-

D.C. Grade
Bench of P.D. & A.S.P.A.
(T.Genda)

Certified that no army class 10th or Commodity
was available in this unit.

U.C.P.
D.C. Grade
Bench of P.D. & A.S.P.A.
Date: 1-3-51
Engaged for Rs. 12,000/- Thousand Rupees only
Eight and half months
S. G. D. Grade
Bench of P.D. & A.S.P.A.
Date: 1-3-51
Engaged for Rs. 12,000/- Thousand Rupees only

for engaged to S/o's Comptroller
for services of Banister
S/o's Comptroller
Date: 1-3-51
Engaged for Rs. 12,000/- Thousand Rupees only

(T.G.)

13

Dr 9

(AS
19)

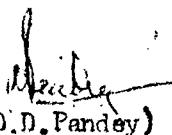
Government of India, Ministry of Labour, New Delhi

Two months after examination.

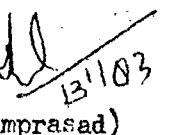
- (1) Shri Suraj Prasad Yadav Group 'D' Gonda HO
- (2) " Sukh Sagar Shukla, out sider Driver D.O. Gonda.

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 experience and was not found well at the job. He was also not found conversent with the motor mechanism and road signals. He was therefore not considered fit.


(D.D. Pandey)

Spes Gonda
13/1/83

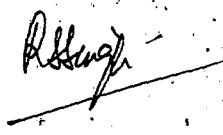

(Ramprasad)

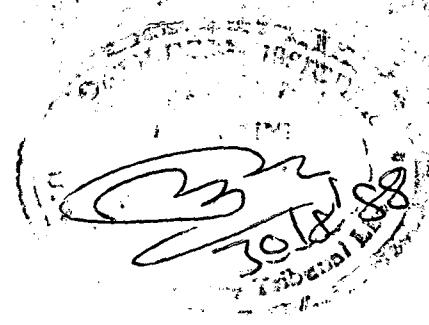
SPOs Bahraich

13/1/83


(H.G. Narang)

SPOs Basti


A. S. Singh


B. S. Singh
13/1/83
Special Officer

Am 10

AS
28

पूर्ण/द्वितीय/सुसीध प्रक्रियाविधि

ପୁନଃ ପ୍ରପଦ ୩

କୁଳାଳ ରୋ କୌଣସିବିରୁଦ୍ଧ/କୁଳାଳ ରୋ କୌଣସିବିରୁଦ୍ଧ/ ୩୩/୩୬

ਭਾਖ ਸੂਚਨਾਵਾਂ ਵਿੱਚ ਰਿਪੋਰਟ । ੧੦੮ ਸਾਲਾ

ਦੇਵ ਪਿਪਿ-ਦੇਵਦੁ ਪੀ ਘੁੰਦੀ ੧੬੧ ਪੰਜਾਬ ਪੂਰੀ ਹੋ ਰਿਹਾ ਪ੍ਰਸ਼ੰਸਨੀ ਦਿਵੇ ਜਾਨੇ ਥੀਏ ਮਹਾਂਦੀ ਦੀ ਪ੍ਰਤੀ ਪ੍ਰਸ਼ੰਸਨੀ

दाय-प्र०-१९८८
प्र०-१९८८
प्र०-१९८८/८८

13.4.FF

पटमा द्वा शिराम य सर्वे-२५ प०

पठना-शृङ्खला, दिशा और पूलिस स्टेशन से पूरी पुलिस स्टेशन से भेदी आमे का दि-

3.6188 2111 2174 0000 16.4.88

1945 वर्ष, अक्टूबर

रोट—प्रथम गूढ़ी के बाले के हस्ताक्षर या गंगुठे का चिन्ह लेना पाहिये और इसकी पुष्टि गवाही लिये जाने पर्याप्तिकाः के हस्ताक्षर के ढारा होनी पाहिये ।

प्राप्ति का नाम व स्थान	प्राप्ति का नाम व स्थान	वारा सहित अपराष्ठ व ले यारी यारी सम्पर्क (यदि कोई हो) का संक्षिप्त विवरण	तहकीकात के मध्यम से जो कार्ययाही भी यारी तथा दूसरों के दर्शकारी में देखी गयी का वर्णन	प्रक्रम का नियम
103/161	147/323			
103/161	56/11/91/12			
103/161	102/1700			
103/161	2150			
103/161	2150			

Albano -

ଓৰ: কলা এফ ২৬-৩৩০৫৮ বাবু

202 2-16 2000

13/4/83

CB 2
30/8/88
Allright

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

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

Sukh Sagar Shukla vs. 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, 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 the interest of justice.

Dated:

March 4, 1989

24/3/1989

(PARMATMA SARUP)

Advocate

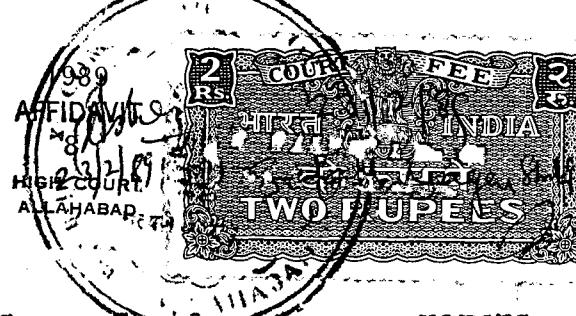
Counsel for the Petitioner.

Parmatma Sarup

AC
2

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 to have been terminated orally by the opposite parties from 17.4.1988. *in the continuation*
4. That the deponent has not been paid any gratuity, compensation etc. before such alleged termination of service. *nor a pay* *no* *requisition for retirement obtained.*



2529 RTDR

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-2-

5. That thus alleged termination of service is illegal for non-compliance of provisions of Section 25 F^{25N} of the Industrial Disputes Act also.

Lucknow, dated
Feb. 23, 1989

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.



Deponent

23-2-89

ASHOK MEHROTRA
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench.

No. 8
Date 23/2/89

I identify the deponent who has signed before me.

Parmatma Swarup
(Parmatma Swarup)

Advocate
by Sukh Singh Shukla

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

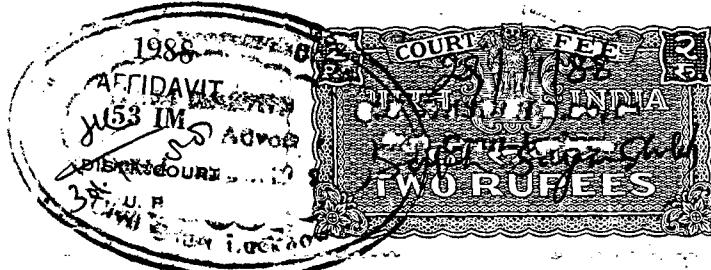
Oath Commissioner.

D.R. filed today
23/12

A2

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

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



versus

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

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

- 8 -

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

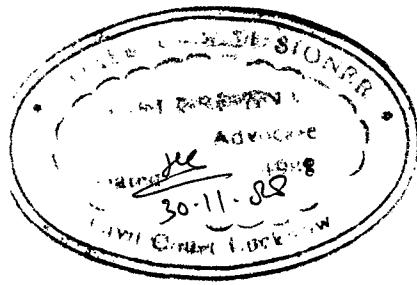
1. That the deponent is the applicant of this case and is personally conversant with all its facts.
2. That the deponent has read and understood the written statement/counter affidavit of the respondents filed in this case in September 1988 and replies it parawise below.
3. That paras nos.1,3,19 to 22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

ਤੁਰਖ ਸਾਹਿਬ

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 ~~the~~ ~~Section 19 of~~ Act No.13 of 85 of this case.

respondents
The ~~replies~~ have avoided to clearly state 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} ~~against~~ and worked as such to the satisfaction of his superiors 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~~ ^{by} 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 by the S.P.O. Gonda from the petitioner on the mont



salary of L.D.C. with usual D.A. and other allowances
(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 lookafter 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 disbursed to S.N.Shukla.

When this Branch Post Office Pathwalia was up-
graded 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.

सुरक्षा

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

(A7
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-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 applica -nt'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 (v-ide 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, p judgment reported in 1987(1)SLJ 279 Dalip Das vs.U.O.I etc.).

The opposite parties have illegally avoided and

সুব্রত রায়

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 ^{took} ~~took~~ have 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.

^{and} ~~and~~ To 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 ^{and} ~~and~~ 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

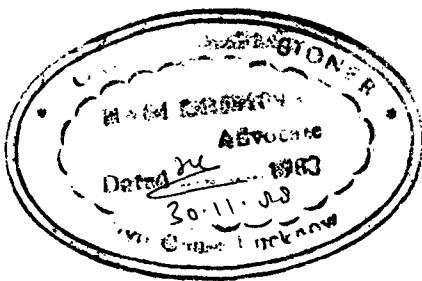
30.11.89

सुरक्षा गार्ड

letters (e.g. Annexures 1,2, and C-6) confirm this 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. Mansaiya were never injured in any alleged accident.

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



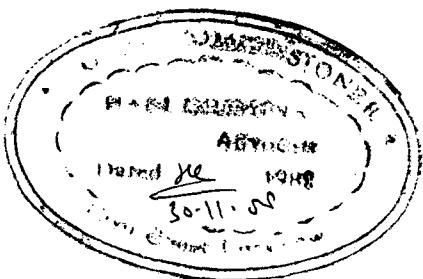
The respondents have illegally stopped taking work from the applicant as Jeep Driver and stopped his wages from 17.4.1988 without terminating his services according to law. In the worst case, he should have been reverted to his previous post of Branch Post-Master Pathwalia Post Office.

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written statement are not admitted. The petitioner was certainly ^{ordered by} 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



avoding of regularisation of the petitioner's service 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 admissibbly a permanent one and he has worked on it from 1978 contineously whole time without break and his regularisation order has been delayed illegally and unconstitutionally merely to harm and explit 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 voilatation of statutory services rules and directions and Constitutional provisions.

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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 take 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 not admitted. It does not bear deponent's signature and ^{or} was not written by him ~~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 ~~hol~~ days 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

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. Vansaya ^{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 ¹⁴ alleged accidents. His services have been illegally ¹⁴ ~~due to ill will~~ ¹⁴ terminated ~~before all necessary~~ ¹⁴ ,arbitrarily without ¹⁴ adopting the necessary ~~procedures~~ procedure prescr

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-ibed by the service rules and the Constitution.

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 ^{my} principles of natural justice or ~~announced~~ by the

C. No. 53 M.

Constitution of India. He is entitled to leave salary, 11.05 A.M. by Smt. Sagar Shukla.

Identified by Shri. P. S. Srawoop as he is not an outsider.

Shri.

I have ascertained my self by examining 14 the deponent that he understands the contents of the statement he has been read out and explained to him. Hari Krishna 30.11.88. That the opposite parties have rightly alleged in para 18 of the written statement/counter affidavit that the deponent post of jeep driver is permanent. The ^{my} that rather regularisation of deponents services was avoided on illegal grounds and misconceived notions.

Oath Commissioner of Lucknow
Civil Court, Lucknow

Lucknow, dated

P. S. Srawoop
DEPONENT

Nov. 30, 1988

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 Ram and Jethi
clerk
W. P. Srawoop
Advocate

DEPONENT

Before the Central Administration - Tribunal Appointed
in Delhi Sahi Gurukul Central Building, Delhi

Union of India as
Annexure A. 1

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~~ Sweopers 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 causal workers may be devide by two and thereafter full time causal workers and part time causal 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 accommodated 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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Post Office Lucknow

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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 these 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 via P&T Directorate letter no.47/9/83-SPB.I., dtd. the 1st of December, 1983.

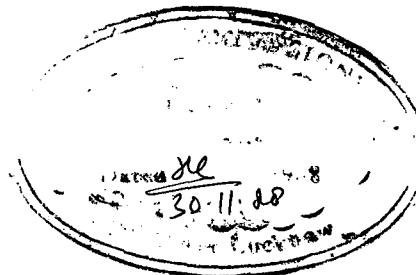
3- In order to form a common panel of names as suggested at para 2 (c)above for absorption against Group D posts which are to be filled upon them basis of a qualifying examination, the following procedure should be followed :-

(i) The number of qualifying years of service put in by part-time causal 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, than their length of service will be recalculated in term 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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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)

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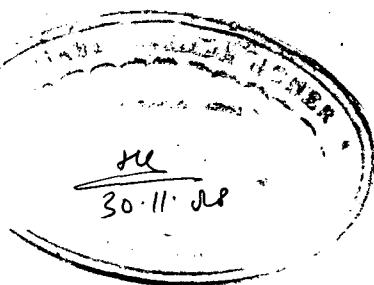
No: Rectt/R-39/V/5

dated at Lucknow, the 19/11/84

Copy forwarded 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.



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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.

Sub:- 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 part-time 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.

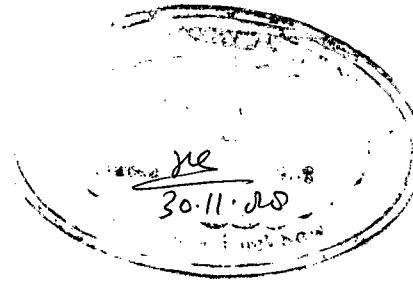
3- Hindi Version will follow.

Copy of letter no. 47-1/70-SPB.I, dt. 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 part-time contingent mazdoors 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: REC/T/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.

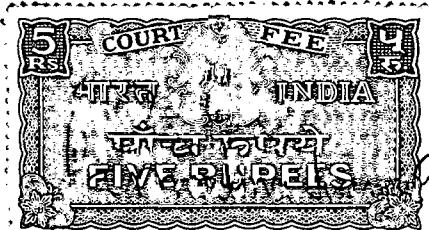
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30.11.88

अमर राम

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ब अदालत श्रीमान् Central Administrative Tribunal, Allahabad Bench
 [वादी] वधीलान्ट महादय
 लक्ष्मीनगर मुंडा का प्रतिवादी [रेस्पाइन्ट]



वादी [अपीलान्ट]

Sukh Sagar Saini

बनाम Union of India & others, प्रतिवादी [रेस्पाइन्ट]

नं० मुकद्दमा सन् पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री परमानंद (वकील एवं
 श्री अनंत ईश्वरी (Paramanand Singh & Anant Singh) वकील महोदय
 एडवोकेट

नाम अदालत	नं०	बनाम
मुकद्दमा	फरीकेत	नाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा 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 रूपया वसूल करें या सुनहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त [दस्तखती] रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पैरवी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा 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 ।

हस्ताक्षर सुरेश साह

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १९ ई०

स्वीकृत

(B1/2)

VAKALATNAMA

In the Hon'ble High Court of Judicature at Allahabad
At
Lucknow Bench

..... S. L. Kh. Sagar ... Shukla Off./Appl./Petitioner/Complainant

..... Union of India Verses
Defendant, Respt./Accused

KNOW ALL to whom these presents shall come that I, R. S. Singh
the above-named..... Export of Post Office, Gorakhpur 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 hereby 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.

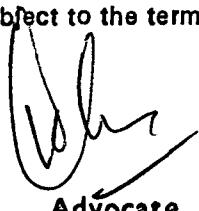
And I/we the undersigned do hereby agree that in the event of the whole or part of
the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to
withdraw from the prosecution of the said case until the same is paid up. The fee settled
is only for the above case and above 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 1988

Accepted subject to the terms of fees.

Client

Client
(गारु एस० शु.)
पंचांग वारपर
गोप्ता-271001


Advocate