

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 66 OF 1988NAME OF THE PARTIES Chhaty Lal

Applicant

Versus

Union of India RespondentPart A, ~~B & C~~

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CERTIFICATE

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

Dated... 30/12/2011..

Counter Signed.....

Section Officer / In Charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE C.A. 66/010 (L) of 199Name of the parties Chhotey Lal Applicant.

Versus.

Union of India & others Respondents.

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(21)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

66

of 1980(L)

APPLICANT (s)

Chhotay Lal

RESPONDENT(s)

U. of G. through Mins. of Communication
New Delhi & Others.

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	ys
2. (a) Is the application in the prescribed form ?	ys
(b) Is the application in paper book form ?	ys
(c) Have six complete sets of the application been filed ?	ys
3. (a) Is the appeal in time ?	ys
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient case for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	ys
5. Is the application accompanied by B. D. /Postal-Order for Rs. 50/-	ys, DD 0670192, 19/5/80
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	ys
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	ys
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	ys

Central Administration Tribunal

(A3)

S.A. No. 66 of 88 (L)

Chhotey Lal - vs - D.O. 2

ORDER SHEET

7.00

Hon'ble Ajay John, A.M.

Admit, Issue Notice

40 days for file Reply. 15 days thereafter
for R.A.

Put up on 19.9.08 for final Hearing

9.7.08

Sri V.K. Chaudhry ^{has been} taken notices on
behalf of the Respt. as per order.

hish
28/7

1.00

Both the Counsel ^{of the parties} are present.
Put up this case on 24.10.88
for filing reply.

hish
28/7

le
DR.

Case called
Out. Reply not met
today. The
24.11.88 + rejoinder.

le
24.10.88

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*
11. Are the application/duplicate copy/spare copies signed? *I st 2 Cops are signed.*
12. Are extra copies of the application with Annexures filed?
- (a) Identical with the original? *yes*
- (b) Defective? *—*
- (c) Wanting in Annexures *—*
- Nos...../Pages Nos.....?
13. Have file size envelopes bearing full addresses, of the respondents been filed? *yes with postage of Rs. 10/- (Rs. ten only) on each.*
14. Are the given addresses, the registered addresses? *yes*
15. Do the names of the parties stated in the copies tally with those indicated in the application? *yes*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *N-A.*
17. Are the facts of the case mentioned in item No. 6 of the application?
- (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? *No*
19. Whether all the remedies have been exhausted. *yes. The applicant has made several representation but all are pending. If agreed to case may be listed before Hon'ble Tribunal dt. 21-07-08. Pro,*
- Registered 20/07/08*

BA. 66/00(C)

(14)

23/3/89

Hon. Justice K. Nath, V.C.

Hon. Mr. A. 27th, A.M.

On the request of the learned counsel for the applicant the case is adjourned to 8.4.89 for final hearing.

J

A.M.

R

V.C.

h
23/3

3/4/89.

Hon. Justice K. Nath, V.C.
Hon. D. S. Mishra, A.M.

The learned counsel for the parties are present.
List for hearing on 21-4-89.

✓

A.M.

R

V.C.

10/4

21.4.89

Hon'ble Justice K. Nath, V.C.

Due to indisposition of Hon'ble Mr. D. S. Mishra, A.M., the case can not be taken today. Case is postponed for hearing on 26.5.89.

OR
Case is submitted for hearing.

And
20/4

R

V.C.

And
21/4

26.5.89.

No sitting. Adjourned to 18.8.89 for hearing.
B.O.C.


(15)

7.2.91

Hon. Mr Justice K. Math VC
 Hon. Mr. K. Okeyy AM

On the request of both
 parties case is adjourned
 to 19.4.91.


 AM


 VC



19.4.91

No further adj to 3.7.91
 &

Received by
 O.P. Mwa
 C.O. N.C. Chaudhary
 11/7/91
12/8/91
12/8/91
12-2-91

(A6)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

O.A. No. 66/88 (L)

Chhetey Lal

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant who was appointed as casual labour in the year 1978 in the Postal Department, U.P. worked as such for several years, though with broken periods. According to him, he was appointed as such being a member of Scheduled Caste Community and a handicapped person but instead of regularising him ultimately his services have been terminated vide order dated 29.6.87. He has approached the Tribunal for reinstatement and ~~with~~ for a direction to the respondents to be treated continuous in service with all benefits. In the year 1985-86 he worked for 255 days. It appears that there was some quarrel between the applicant and one Ram Deo, Chowkidar and some physical assault took place and the matter was reported to the police and both sent to the police station and a case under section 107/116 Cr. P.C. was registered as result of the same the said Ram Deo was suspended and according to the applicant the services of the applicant were terminated. The criminal case came to an end on 2.12.1987 as the prosecution failed to produce the

U

necessary witnesses. The case of Ramdeo also came to an end. Ramdeo was taken back in service but the petitioner was not taken in service. The applicant requested the respondents to permit him to carry on his duties and he continued to make representations. According to the applicant, the order of termination has been challenged on the ground that it amounts to retrenchment and retrenchment can be made as per the provisions of section 25 F of the Industrial Disputes Act. The applicant has also stated that he was getting payment of Productivity Linked Bonus and there is a clear indication that the services of the applicant were permanent in nature and at any rate his services could not have been terminated.

The respondents in their counter affidavit have said that during his stay as casual labour in the office of Return Letter Officer, the applicant was found to be most indisciplined, ^{ill-}mann^{le}ered and aggressive, never performed his duties and always tried to abuse and disregard his superiors; that on 26.12.84 he used most filthy language and slapped with chappals to Shri Ved Prakash, Dy. Manager-I; that on 4.9.85 late Shri C.M. Shar and Shri Chaitu Ram reported that he had abused them using filthy/abusive language and threatened them with dire consequences; that on 16.6.86 he tried to hamper office work regarding destruction of dead articles at the close of the office in a drunken state^{and} that on 18.11.86 he showed gross disobedience and non-compliance of Government order by refusing to bring the Mail bags upstairs from the group floor, for which one day wage cut was imposed as penalty. Since his case was

li

initiated he abused and threatened the Manager RLO with dire consequences. Finally, the case was put upto Hon'ble Postmaster General Sri S.P.Rai, who remarked 'Regret' and stated that he would not like to intervene on his behalf. The applicant appears to be indisciplined." In another case the applicant's behaviour of indiscipline was seriously viewed by ADP/PMG(A) who had taken a lenient view that time and asked the Manager RLO to remove if such things were repeated by the applicant." "that in the first week of June, 1987 the applicant had threatened and he shouted Dy. Manager-I/Asstt. Manager(Mail) in a nearby restaurant with dire consequences and on false pretext. The case is still under investigation. In this case FIR was also lodged with D.S. Harratganj, Lucknow."

"that as far as the impertinence/indiscipline and misbehaviour are concerned they are his routine matters and one cannot keep the long record of his bad habits."

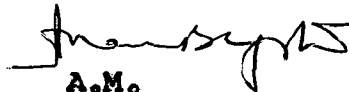
"that the most common plea taken by the applicant, every now and then, it is his lean and thin physique, but quite contrary of his bony skeleton, he punches upon every superior like a lion on his prey."

Finally it has been stated in the counter that the applicant committed a bloody fight with Ram Doo, Chowkidar before commencement of the office hours and was handed over^k the ~~to~~ police station and was chargesheeted and his services were dispensed with under the orders of Assistant Post Master General, U.P.Circle. Regarding his termination it has been said that when he was employed, he was handicapped and regarding his earlier termination

61.

it has been said that due to reduction at the time bound scheme, he was retrenched, he could not be engaged again under the departmental rules and later on due to imposition of ban/recruitment case of regularisation could not be considered. His case for regularisation was taken up by the Post Master General in the year 1987 after ban was lifted and vacancies found available, but his services were terminated on account of gross indiscipline he could not be considered. The facts stated above indicate that the applicant's services have been terminated because of his acts of omission and commission and because of the criminal case and quarrel with Ramdeo and police case and previous history. Termination order, obviously amounts to retrenchment within the meaning of Industrial Disputes Act without complying with the provisions of Section 25 F of the Industrial Disputes Act which required notice and compensation. His services could not have been terminated without following the procedure of I.D. Act. The termination order manifestly is illegal. Accordingly the application is allowed and the termination order dated 29.6.87 is quashed. The applicant will be deemed to be in continuous service for ~~any~~ other purpose ^{except that} the applicant will not be entitled to salary from the date of termination. It is for the respondents to consider the case of the applicant for regularisation taking into consideration the conduct and assessment of all the relevant things.

The application stands disposed of finally with no order as to costs.


A.M.

Lucknow Dt. 5-5-91.


V.C.

Shakeel/

(110)

I THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH:

Chhotey Lal Applicant
Versus
Union of India and others Opposite Parties.

I N D E X

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(SURENDRA P.)
ADVOCATE

DATED: 20/7/1988

COUNSEL FOR THE APPLICANT

List this Case 007 - 21-07-88

noted for 21-7-88
R.D.V.
20-7-88

Rs. Pan.
20/07/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BETWEEN

Chotey Lal, aged about 28 Years, Son of

late Sri Babu Lal, resident of 148/45 Dugawan,

Lucknow.

. Applicant

AND

1. Union of India through the secretary
Ministry of Communication, New Delhi

2. Post Master General, U.P. Circle, Lucknow.

3. Assistant Post Master General (Mails) office of
Post Master General, U.P. Circle, Lucknow.

4. Manager, Returned Letter Office, Lucknow.

. Opposite Parties.

DETAILS OF APPLICATION

1. Particulars of the Applicant :

- (i) Name of the Applicant : Chotey Lal
- (ii) Name of Father/Husband : late Sri Babu Lal
- (iii) Age of the Applicant : 28 Years
- (iv) Designation and particulars of office (name and station) in which employed or was last employed before ceasing to be in service. : Returned Letter officer

(2)

(v) Office Address : Nil.

(vi) Address for service of Notice : Chotey Lal
: Son of late Sri Babu Lal
resident of house no.148/45 Dugawan
Lucknow.

2. Particulars of the Respondents:

(i) Name of the respondents: (a) The secretary, Ministry of
communication, New Delhi.

(b) The Post Master General,
U.P. Circle, Lucknow.

(c) The Assistant Post Master
General (Mails) office of
Post Master General, U.P. Circle
Lucknow.

(d) The Manager, Returned Letter
Officer, Lucknow.

.....

(ii) Name of Father/Husband :

(iii) Age of the Respondent :

(iv) Designation and particulars of office (Name and station) in which employed: As above

(v) Office Address : As above

(vi) Address for service of Notices : "

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

The application is against the following order:

(i) Order No. : Misc/RLO/26/6/87

(ii) Date : 29/6/87

(iii) Passed by : Manager, Returned Letter Officer,
Lucknow.

(iv) Subject in Brief : Termination.

4. Jurisdiction of the Tribunal : Lucknow.
The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation :

6. Facts of the case : (a) That the applicant was appointed as Casual Labour in the year 1978. The applicant has worked as Casual Labour as per the following:

<u>Year</u>	<u>No. of days</u>
1978-79	163
1979-80	309
1980-81	266
1981-82	315
1982-83	details not given to the petitioner
1983-84	157
1984-85	81
1985-86	255
<hr/>	
1566	

Photostat copies of the certificates showing the details of the petitioner's are ~~here~~ annexed herewith as Annexure No. 1 and 2.

(b) The applicant is a scheduled caste and also a handicapped person. His appointment was made in the quota

Handwritten signature/initials

(4)

allotted for Scheduled Caste/Handi caped person. copies of Certificate showing the above facts are attached herewith as Annexures Nos. 3 and 4 respectively.

(c) That the applicant used to ~~send~~ application after completing for a period 1386 days, for his regularisation ~~and~~ ~~XXXXXXXXXXXXXXX~~ ~~to the post~~ to the post Master General, and he issued a letter to opposite party no.4 that ~~that~~ the applicant may be regularised . A true copy of the order is being annexed herewith As Annexure No.5 to this Claim Petition.

(d) Thereafter the petitioner was continuously serving upto 25-6-1987 without any break after the issuance of the aforesaid letter.

(d) That as usual on 26-6-1987 when the petitioner reached his duties, the Chowkidar Ramdeo told the petitioner not to work till the time when the Manager comes. But the petitioner started in carrying out his duties then the aforesaid Ram Deo intervened and tried to prevent the petitioner. On this there occurred some 'marpest' and both the petitioner as well as Ram Deo were sent to the police Station and a case under section 107/116 Cr. P.C. at crime No. 571/87 at Police Station Hazratganj, Lucknow.

(e) That as a result of the aforesaid case, Ram Deo was suspended and the petitioner was terminated from service. A Copy of the aforesaid termination order is being annexed herewith as Annexure No.6 to this claim petition

(f) That on 2-12-1987 the case under section 107/116 Cr.P.C. has come to an end as the prosecution failed to produce the necessary witnesses. A copy of order dated 2-12-87 passed by Upper City Magistrate (A) Lucknow is being annexed herewith as Annexure No.7 to this Claim petition.

(g) That like wise the Case of Ram ^{had} ~~Deot~~ also come to an end on 20-10-87. Immediately thereafter Ramdeo was taken back in service , but the petitioner was not given service .

(h) That immediately on 7-12-1987 the petitioner submitted a copy of the order dated 2-12-1987 and requested the opposite party no.3 to permit him to carry on his duties but no action has taken till today. A copy of the representation is being annexed herewith as Annexure No.8 to this Claim Petition.

(i) That besides the above the petitioner moved a several representation, but all in vain. The dates of the representations are 22-7-1987, 7-7-1987 and 17-11-1987 .

(j) That on 27-5-1988, the petitioner moved another representation to the opposite parties . A copy of the said representation is being annexed herewith as Annexure No.9 to the Claim Petition.

(k) That the petitioner employer is an 'Industry' within the meaning of section 2(j) of the Industrial Dispute Act.

(l) That the petitioner having been worked about 2000 days he is entitled for regularisation.

File

(6)

- (m) That the opposite party no.1 directed that the petitioner may be regularised even then the subordinate of opposite party no.1 , terminated the services of the petitioner.
- (n) That by means of Post and Telegraph letter dated ²³⁻¹¹⁻¹⁹⁸⁵ ~~23-11-1985~~ the services of the petitioner are to be regularised but the opposite parties have not done the same ~~till~~ till today.
- (o) That Sri Ram Deo who was also similarly involved in Criminal Case, his suspension order was revoked and he is in service, but the petitioner was not permitted to carry-out his duties, thus he was discriminated by the opposite parties in the matter of his employment.
- (p) That the termination of the services of the petitioner is punitive in nature for which he has not given any opportunity . Thus violated the provisions of Article 311 of the Constitution.
- (q) That the petitioner has worked more than 2000 days , his services cannot be terminated, and the termination order amounts to retrenchment. Retrenchment can be made as per the provisions of section 25 F of the Industrial Dispute Act. But in this case the opposite parties have not complied with the provisions of the Industrial Dispute Act.
- (R) That the petitioner was also getting payment of productivity Linked Bonus as per the Existing orders of the opposite parties. Further the order contained in Annexure No. 5² is clear indication that the ^{Services of the petitioner is} ~~permanent~~ permanent in nature. Thus at any cost the services of the petitioner cannot be terminated.

det C on 12/11/85

(7)

(S) That the opposite parties have not complied with the provisions of section 25-G of the Industrial dispute Act as junior to the petitioner are still working . They are;

- (1) Ram Surat , (2) Munish, (3) Ram Sunan Tripathi,
(4) Ravi and (5) B.D.Joshi.

Thus the opposite parties have not followed the principles of first come last go.

(7) Details of the remedies exhausted(a) The applicant moved

The applicant declares that he has to availed of all the remedies available to him under the relevant service rules, etc. (give here chrologically the details of representations with reference to the Annexure Numbers).

serveral representation dated 22-7-87, 7-7-87 17-11-87 and 27-5-88 but all the same are pending.

8. Matters not previously filed or pending with any other Court. The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other Bench of the Tribunal and nor any such application , writ petition or suit is pending before any of them.

Nil

9. $\frac{1}{2}$ Relief(s) sought In view of the facts mentioned in para 6 above the applicant prays for the following relief(s) (Specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) relied upon).

:(1)To quash the termination order contained in Annexure No.6 dated 29-6-87 passed by opposite party no.4.

(2) To treat the petitioner in continuous service with all benefits.

ced C 11/21

(8)

(3) to issue a direction to the opposite parties to regularise the petitioner in service.

(4) Any other relief ~~which~~ which this Hon'ble Court deems just and proper be also passed.

10. Interim order, if any prayed for Nil

Pending final decision on the application, the applicant seeks issue of the following interim order

(Give here the nature of the interim order prayed for with

11. In the event of application being sent by Registered Post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed post Card/Inland Letter at which intimation regarding the date of hearing could be sent to him. Nil

12. Particulars of 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): DD / 067819

2. Name of the issuing Post office

3. Date of Issue of Postal Order(s)

4. Post Office at which payable

5 P.O. High Court Branch: HCo

19-7-1988

ALLAHABAD.

CCP & dtd

13. List of enclosures.

1. Letter dated 19-10-82
2. Letter dated 16-10-86
3. Copy of letter of Tahsil dar dated 22-3-1977
4. Letter of C.M.O. dated 16-1-1985
5. Copy of letter of PHC dated 23-1-85
6. Copy of termination order dated 29-6-87
7. Copy of order of the Court dated 2-12-87
8. Copy of application dated 7-12-87
9. Copy of representation dated 27-5-88

Signature of Applicant

Verification

I, Chhotey Lal (Name of the applicant) son of late Sri Babu Lal, aged about 28 years, r/o house No. 148/45 Dugawan, Lucknow, do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge and that I have not ~~suppressed~~ any material fact.

Dated: 20-7-1988

Signature of the Applicant

Place: Lucknow

Through : *Surinder P.*
(SURINDER P.)
ADV.
Counsel for the applicant

(10) (120)

Chotey Lal versus Union of India and others

Annexure No 1

DEPT.
BRANCH

Section

Heading

Para.

NOTES

105

No.

File No.

No. of days 126/47

Serial No.

Subject

Productivity linked Bonus for the year 1981-82

Case of Shri Chotey Lal Casual Labour R.L.O Lucknow.

Notes and Orders.

This is a case for the grant of Productivity Linked bonus for the year 1981-82 to Shri Chotey Lal Casual Labour R.L.O Lucknow. Number of days on which Shri Chotey Lal worked in this office since employment is given below :-

Year	No. of days
1978-79	163 X
1979-80	309
1980-81	206
1981-82	315

During the last three years he has worked as follows:-

Year	No. of days
1979-80	309
1980-81	206
1981-82	315

As per orders contained in D.O. Letter No. 26/5/82/PAP dated 29 September 1982 addressed to all heads of circle and endorsed under P.M.G NO. EST/A/R-78/ dated 1-10-82 Shri Chotey Lal casual labour is entitled for bonus for the year 1981-82 as he has worked for each year for 3 years on 31-3-82. Submitted for orders please.

Manager R.L.O.

Dr. D.S. II

AP. K.O. (S)

Kindly see above note and check it.

19/1/02

19/1/02

Encl. 1

19/1/02

S.-1

MACEPA-454-31.7.88-1,34,000.

ccd/cdd

True copy attested
J. S. S. S. S.

(11) 921

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALLAHABAD

Between

CHOTEY LAL

. . . . Applicant

Versus

Union of India and others Respondents

Annexure No.2

CORR.22

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

In reply
Please quote

From
Manager
R.L.O. Lucknow
Pin Code-226001

To
The Post Master General
U.P. Circle, Lucknow
(ACA Section)

No. Casual Labours/RLO/Loose Dt. 16.10.86

Subject: - Payment of Productivity Linked bonus to
Casual Labour Sri Chotey Lal engaged for
RLO

Ref. :- Your's Office Memo. No. ACA/Lisc/RLO/86 dt. 15.10.86

With reference to above cited letter of your & office
the required information is given as under:-

Attendance of Sri Chotey Lal Casual Labour engaged for R.L.O.
(Monthwise) for the year 1985-86.

...2.

201 C.A. 61

*True copy attested
D. S. Singh
M*

जिन दि जानरेडुल जर्सी पीट जाफ पुअपेकर देउ इलाहाबाद

लजानउ पैय लजानउ ।

रउ पिअरान नं० फरफ

जाफ 1 क्क

दोरे लाल

पिटीशनर

ब नाम

पुनियन जाफ इलिया जादि

अपी० पाटीज

अ नै अजर नं० :- ३

वर्षीत्य तहसीलार सहर, लजानउ ।

संख्या नैमी 140

ना० नागर

दिनांक 22-3-77

अनुसूचित जाति का प्रमाण पत्र

प्रमाणित किया जाता है कि श्री दोरे लाल

पुन जाबू लाल निवासी 148/45 रानीगंज मुगावा, लजानउ उत्तर श्रीरा

अनुसूचित जाति के है और उनकी उपजाति धौबी है यह प्रमाण

पत्र श्री माधो सिंह सुपरवाइजर कानूनगौ, काकोरी/ के द्वारा

दिये गये प्रमाण पत्र के आधार पर दिया गया है ।

30/- अफ नीय 22-3-77

तहसीलार सहर, लजानउ ।

सील :-

तहसीलार सहर, लजानउ

सत्य प्रतिलिपि

cedd 1/6/77

allotted 1/6/77
Sundar Singh

143

124

Chetey Lal versus Insurance of India and others

Annexure No: 4

OFFICE OF THE CHIEF MEDICAL OFFICER, LUCKNOW.

No. 45/85

Dated 16/1/85

HANDICAP CERTIFICATE

Examined Sri/Smt./Mm. Chetey Lal

aged about 28 yrs years S/O/W/O/P/O Balvohal

R/O 143/45 Dargawan Bulandshahr

whose signature/L.T.I./RTI is given below and certify that he/she is case of

Swf Elbow Right Side

Scar
x 3 cm
from
index
eye

We certify that he/she is permanently physically handicaped person.

Signature of the Surgeon
HANDICAP BOARD
16/1/85
SR. ORTHOPAEDIC SURGEON

Signature of the Candidate

Signature of the Chief Medical Officer
CHIEF MEDICAL OFFICER,
Chief Medical Officer
L LUCKNOW.W.

Chief Medical Officer
LUCKNOW



Signature of the Candidate

allotted true copy
Signature of the Surgeon

(15)

(125)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Chotey Lal Applicant

Versus

Union of India and others Respondents

Annexure No.5.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

From

The Postmaster General
U.P.Circle,Lucknow

To

The Manager R.L.O.
Lucknow.

No.Rectt/C-39/Rep/Chhotey Lal Dated at Lucknow the 23-1-1985

Sub: Engagement of Casual Labour Case of Shri Chhotey Lal

Shri Chhotey Lal Casual Labour of your office represented to the P.M.G.U.P. regarding his retrenchment from the duty after working 1386 days.

2. The P.M.G. has observed that the Manager R.L.O. may continue engage him as a Casual Labour as per rules till his case regularised.

Compliance should be reported.

Recd. Copy

Sd. Illegible

23-1-85

13-25 hrs.

Sd. Illegible
for Post Master General, U.P.

[Handwritten signature]

*allotted True copy
[Signature]
[Signature]*

16

228

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Chhotey Lal Applicant

Versus

Union of India and others Opposite parties

Annexure No.6

Department of Posts

Govt. of India

No. Misc/RLO/26/6/87

Dated at Lucknow; 29/6/87

From: - Manager, R.L.C.,
Lucknow.

To: - Shri Chhotey Lal,
Casual Labour,
R.L.C., Lucknow.

Sub: - Termination of Service as Casual Labour in
R.L.C., Lucknow.
.

Under the orders of A.P.M.G.(Mails) O/o Postmaster General,
U.P. Circle, Lucknow; your services as casual labour in R.L.C.,
Lucknow ~~has~~ are hereby terminated with immediate effect.

Sd. Illegible

29/6/87

Manager, R.L.C., Lucknow.

Seal

Manager

R.L.C., Lucknow

Pin Code-22600

Copy to:-

Regd. A/D

1. Sri Chhotey Lal, 148/45, Dugawan, Lucknow
2. S/S, STA, C.O., Lucknow.
3. S/S, ACA, C.C., Lucknow.
4. S/S, VIG, C.C., Lucknow.
5. Spare

cc: C.O. C

allotted true copy
L. Chhotey
m

उन पि जानरेकुन इररुं लीई जाक बुजियर डेट कालापाप

लानऊ पैन्प लानऊ ।

रुः लिपिरान ८ ७५५१३०

६ डि लल

१५०११११

ब न र म

पुनियन जाक शिञ्जा जादे

जपू ० पडोई

अ नै ३ ज र नं ७

६१ डि उधर रु०

(२/५००)

न्यायलय जपर नार मैक्सिड (प्रथम) लानऊ ।

मुदना नम्बर ५७१/८७ तरार काम ६ डि लल

थाना वजरतांज, लानऊ धारा १०७/११६ डी जर नी ती

प्रतिनिधि जापेहा दिनक २-१२-८७

०२-१२-८७

पनावली भेरा दुर् । फुमार कतराई कर् । विपरीत उपास्वत
३ । तान्य वजी जाया कस्य के जभात्र में कायवाही कमाप्ता को
कती ३ ।

जावश्यक कार्याही के उपरान्त पनावली व जिल्ल व फतर डी।

६०/-
जपर सिञ्ज मैक्सिड (प्रथम),

लानऊ ।

०२-१२-८७

alleged true copy
Lum Durg
मस्य प्रतिनिधि

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Chhotey Lal Applicant

Versus

Union of India and others opposite parties

Annexure No.8

To

The A.P.M.G.(Mails)
Office of the P.M.G., U.P.,
Lucknow.

Sub: Illegal termination of service

Sir,

In continuation of my previous application on the subject, I enclose copies of F.R. admitted by the court in the case of Shri Ram Deo of R.L.O. and myself. While suspension of Shri Ram Deo has been revoked, I have not been taken back.

Kindly order so that I could join my duties.

Yours faithfully,

Sd. Chhotey Lal
(CHHOTY LAL)
O-LABOUR
R.L.O., Lucknow.

7.12.1987

Copy to Shri Babu Baidak, Director(Vigilance) o/o the
P.M.G., U.P., Lucknow.

Sd. Chhotey Lal
CHHOTY LAL)

*True copy attested
Dumthap
m*

acc m/c

(19)

(229)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Chhotey Lal Applicant

Versus

Union of India and others Opposite parties

Annexure No.9

To

The Assistant Post Master General (Mails),
office of the Post Master General, U.P.,
Lucknow.

Subject: - Illegal Termination of Service

Sir,

This is in continuation of my previous application dated 7.7.87, 22.7.87, 25.8.87, 19.11.87 and 7.12.87, in relation to my illegal termination from service, but no action has yet been taken by you.

Under the above circumstances, it is once again requested that my case may kindly be decided and I may kindly be taken back in service, otherwise I have no other alternative left except to approach the Court to get my grievances redressed.

An early action is highly appreciated.

Dated: 27-5-88

Yours faithfully
Sd. Chhotey Lal
(CHHOTY LAL)
Ex-casual labour
148/45-Dugawan,
Lucknow

Copy to: -

1. The Post Master General, U.P. Circle,
Lucknow for necessary action.
2. The Manager, Returned Letter Officer,
Lucknow.

Sd. Chhotey Lal
(CHHOTY LAL)

clear copy to

*True copy attached
Sd. Chhotey Lal*

20

1730

Before the Central Administration Tribunal
Lucknow.

ब अदालत श्रीमान

महोदय

वादी (मुद्दी)

(मुद्दी)

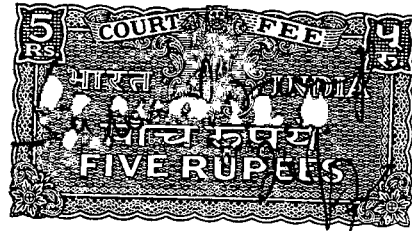
प्रतिवादी (मुद्दालेह)

का

वकालतनामा

claim Petition No.

of 1988



Chokri Lal

वादी (मुद्दी)

Union of India and others

वनाम

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा

सन् १९

पेशी की ता०

१६

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ऊपर लिखे मुकद्दमा में अपनी ओर से

SURENDRAN. P.

एडवोकेट

महोदय

1988

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानो हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखत) रसीद से लेवें या पंज निशुक्त करें - वकील महोदय द्वारा की गई यह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया है कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Chokri Lal

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

२० महीना

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सन्

1988

Accepted
Suren P.
(Suren P.)

(A3)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW
O.A. No.66 of 88(L)

Chotey Lal

... Applicant

Versus

Union of India & others

... Opp. parties.

APPLICATION FOR TAKING COUNTER AFFIDAVIT ON RECORD.

The applicant/Opposite Party No.4 begs to submit as under:-

1. That in the above mentioned case the counter affidavit is ready but the same could not be filed earlier.
2. That the counter affidavit is enclosed with this application and the same may kindly be taken on record.
3. It is, therefore, very humbly prayed that the accompanying counter affidavit be taken on record.


(VK CHAUDHARI)

Addl. Central Govt Standing Counsel
for App. parties.

Lucknow,

Dated: 24 Oct. 1988

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

-Chotey Lal

... Applicant

Versus

Union of India & 3 others ... Opp. parties

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

I, Mathu Ram, aged about 47 years,

son of Shri (Late) Mangali Prasad

at present posted as Manager, Returned Letter

Officer, Lucknow do hereby solemnly affirm and state

as under:-

1. That the deponent is the Opp. Party No.4 in the above case and posted as the Manager, Returned Letter Officer, Lucknow and he has been authorised to file this counter affidavit on behalf of all other opp. parties. He has read the application and has understood the contents thereof and is fully conversant with the facts stated in the application and he is in a position to give parawise comments as hereinunder:-

2. That before giving parawise reply to the averments made in the application certain facts and circumstances which are relevant and have not been stated in the application are being stated hereinunder:

1988
AFFIDAVIT
96/IM
DIST. COURT
U. P.

Mathu Ram

1433

b

X.(a) That the applicant was engaged as a casual labour in the office of the Manager RLO, Lucknow against one of the four vacant ED Facker's post on 26.8.1978 on adhoc basis as an outsider and unapproved candidate was however being engaged as such as and when required till his services were dispensed with on account of gross indiscipline.

(b) That the applicant's case for regularisation to the departmental cadre could not be taken up earlier because he was not eligible and later on due to imposition of ban on recruitment. However, his case for regularisation was taken up by the Postmaster General, U.P in the year 1987 soon after the ban was relaxed and vacancies were found available but having been terminated from service on account of gross indiscipline he could not be considered.

(c) That during the stay of applicant as casual labour in the office of the deponent he was found to be most indisciplined, unmannered and aggressive nature as per instances discussed as under:

(i) That the said casual labour, the applicant ever since his first appointment never performed his duties properly.

(ii) That the applicant is very aggressive in nature and ~~with his aggressive nature~~ he always tried to abuse and disregard his superiors.

M. K. Singh

1134

(iii) That on 26.12.84, the applicant used most filthy language and slapped with chappals to Shri Ved Prakash, Dy. Manager-I, in the office of the Deponent.

(iv) That on 4.9.85 late Shri C.M Sharma and Shri Chaitu Ram, Packers had reported that he had abused them using filthy/abusive language and threatened them with dire consequences.

(v) That on 16.6.86, the applicant tried to hamper the office work regarding destruction of dead articles at the close of the office in a drunken state.

(vi) That on 18.11.86, he showed gross disobedience and non-compliance of Government order by refusing to bring the Mail bags upstairs from the group floor. For which one day wage cut was imposed as penalty. Since his case was initiated, he abused and threatened the Manager, RLO with dire consequences.

Finally, the case was put unto Hon'ble Postmaster General Sri S.P. Rai, who remarked 'Regret' and stated that he would not like to intervene on his behalf. The applicant appears to be indisciplined.". In another case the applicant's behaviour of indiscipline was seriously viewed by ADP/PMG(A) who had taken

3/10/88

M. S. V.

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a lenient view that time and asked the Manager RLO to remove if such things were repeated by the applicant.

(vii) That in the first week of June 1987, the applicant had threatened and he shouted Dy. Manager-I/Asstt. Manager(Mails) in a nearby restaurant with dire consequences and on false pretext. The case is still under investigation. In this case FIR was also lodged with P.S. Hazarethganj, Lucknow.

(viii) That as far as the impertinence/indiscipline and misbehaviour are concerned they are his routine matters and one cannot keep the long record of his bad habits.

(ix) That the most common plea taken by the applicant, every now and then, it is his lean and thin physique, but quite contrary of his bony skeleton, he punches upon every superior like a lion on his prey.

3/10/87
Finally on 26.6.1987 when the applicant was found to have committed a bloody fight with Shri Ram Deo Departmental chowkidar, RLO Lucknow before commencement of the office hours he was handed over to Police at Kotwali Hazratganj, Lucknow where he was chargesheeted and challenged to the competent court of Law and his services were therefore dispensed with under the orders of Asstt. Postmaster General, UP, Circle, Lucknow.

3. That the contents of para 1 to 5 of the application needs no reply.

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4. That the contents of para 6(A) of the application needs no comments.

5. That in reply to the contents of para 6(B) of the application it is submitted that the applicant belongs to Scheduled Caste category but his engagement was not made on the basis of handicapped person. At the time of his engagement he was not handicapped, it is evident from his certificate issued on 16.1.1985.

6. That in reply to the contents of para 6(C) of the application it is submitted that due to reduction of staff at the time of time bound promotion scheme in 1983 the applicant was retrenched. The order shows simply that he may be engaged again. He could not be regularised under Departmental rules as discussed in the narrative of the case in para-2 above.

7. That the contents of para 6(D) to 6(G) of the application, needs no reply.

8. That in reply to the contents of para 6(H) to 6(J) of the application it is submitted that the applicant was disengaged due to gross indiscipline and bad record. His case was not reconsidered at all by Asstt. Postmaster General (Mails), U.P Circle, Lucknow.

8. That the contents of para 6(K) to (N) of the application are wrong, hence denied.

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3/10/88
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9. That in reply to the contents of para 6(O) of the application it is stated that as casual labour the applicant was disengaged, no question arises of discrimination as alleged. Therefore, he cannot be treated at par with other regular employees.

10. That the contents of para 6(P) of the application needs no reply.

11. That in reply to the contents of para 6(Q) of the application it is stated that the total working days/~~xxxxxx~~ months/year is mentioned in the attached statement, being filed as Annexure-C-1 to this counter affidavit.

12. That the contents of para 6(R) of the application requires no reply, being false.

13. That in reply to the contents of para 6(S) of the application it is submitted that the Casual labours working at present have duly been selected under the provisions of departmental rules through the agency of employment exchange and duly recruited by the competent authority ie. the Postmaster General, UP Circle, Lucknow. At this time Ex.casual labour, the applicant was not in service hence no question arises of seniority or juniority. In the termination order, no reason was mentioned as the enquiry conducted by Investigation

3/10/18

M. J. Singh

Section CO ignored him and kept him ~~xx~~ away from Enquiry purview.


In view of the facts stated above, the application filed by the applicant is liable to be dismissed with costs to the Opp. parties.


Deponent.

Lucknow,
Dated: 3 ^{Sept.} ~~Sept.~~ ^{Oct.} 1988.

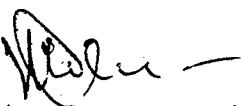
Verification.

I, the above named deponent do hereby verify that the contents of para 1 to 04 are true to my own knowledge, those of paragraphs 05 to 12 are believed by me to be true on the basis of records while those of paragraphs 13 to — are also believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed so help me God.


Deponent.

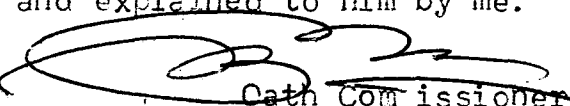
Lucknow,
Dated: 3 Oct 1988.

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


(V.K. CHAUDHARI)
Advocate.

Solemnly affirmed before me on 31/10/88 at 5-00 am/pm by the deponent who is identified by Shri VK Chaudhari, Advocate, High Court, Lucknow Bench.

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


Cath Commissioner.

31/10/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. /88

Chotey Lal

... Applicant

Versus

Union of India and 3 others -. Opp. Parties

WORKING DAYS/PERIOD MONTH/YEAR WISE POSITION OF THE
APPLICANT.

.....

Month	Year	Days	Yearly Total	Month	Days	Yrly Total
Aug 78		2		Jan. 1981	26	
Sept		15		Feb.	18	
Oct		13		Mar	26	
Nov		21		Apr	26	
Dec		22	73	May	27	
Jan. 1979		24		Jun	28	
Feb		24		July	29	
March		26		Aug	27	
April		24		Sept	26	
May		28		Oct	24	
June		28		Nov	26	
July		29		Dec.	27	310
Aug.		23		Jan 1982	19	
Sept		27		Feb	26	
Oct		24		Mar	28	
Nov		26		Apr	22	
Dec		25	308	May	28	
Jan 1980		24		June	28	
Feb		25		July	27	
March		22		Aug-	29	
April		25		Sept	26	
May		22		Oct	19	
June		25		Nov.	21	
July		22		Dec.	26	299
Aug		27		Jan. 1983	28	
Sept		21		Feb	25	
Oct		23		Mar	28	
Nov		24		Apr	25	
Dec		27	287			

May 1983	12	
Jun	Nil	
Jul	Nil	
Aug	12	
Sept	27	
Oct	26	
Nov	26	
Dec.	29	238

Jan. 1984 Retrenched wef 2.1.84 due to reduction of post due to implementation of TBP Scheme.

Feb. 1984	-		Jan 1987	22	
Aug	24		Feb	19	
Sept	25		Mar	21	
Oct	Nil		Apr	17	
Nov&Dec	Nil	49	May	14	
			Jun	19	112

Jan. 1985	7
Feb	25
Mar	27
Apr	24
May	27
Jun	20
Jul	23
Aug	20
Sept	17
Oct	16
Nov	17
Dec	21

Total working days -Rs- 2159.

Jan 1986	24	
Feb	19	
March	18	
Apr	20	
May	16	
Jun	19	
Jul	21	
Aug	20	
Sept	21	
Oct	23	
Nov	19	
Dec. 19	19	239

Handwritten signature and date 3/10/88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH: LUCKNOW



1988

AFFIDAVIT

12/176

HIGH COURT
ALLAHABAD

Chotey Lal Applicant

versus

Union of India and others Opp. Parties

REJOINDER AFFIDAVIT

I, Chotey Lal, aged about 28 years, son of late Sri Babu Lal, resident of 148/45 Dugava, Lucknow do hereby solemnly affirm and state as under :-

1. That the deponent is the applicant in the above noted case and as such he is fully conversant with the facts of the case.
2. That the deponent has gone through the counter affidavit filed by the respondent No. 4 and has understood its contents and the para-wise comments are as follows:-
3. That the contents of para 1 of the counter affidavit need no reply.
4. That the contents of para 2(a) of the counter affidavit are denied. It is further submitted that the petitioner was appointed against the Scheduled Cast quota/handicapped, against one of the 4 posts vacant in the year 1978 and he was continuously permitted to do his duties till 25.6.1987.
5. That the contents of para 2(b) of the counter affidavit are denied. It is further submitted that the case of the petitioner was considered by the respondent No. 2 and ordered by means of Annexure No. 5 to the application that the deponent

..2..



Handwritten signature/initials

be engaged till his case is regularised. Thus the applicant attained the status of a temporary employee and his services cannot be dispensed with in the manner as stated by the respondent No.4. It is further submitted that the services of the applicant was terminated on account of gross indiscipline for which he has not given any opportunity.

6. That the contents of para 2(e)(1) of the counter affidavit are denied. It is further submitted that if the applicant was not performing his duties how he was getting his pay besides bonus and other facilities. It is very surprising that a person who was not performing his duties was continuously engaged from 1978 to 1987. After a period of 9 years the respondents cannot say that the applicant was not performing his duties.

7. That the contents of para 2(c)(ii) of the counter affidavit are denied. The applicant's behaviour was so polite. He never abused any of his superiors. All those stories were prepared only to justify their illegal action to be legalised.

8. That the contents of para 2(a)(400) of the counter affidavit are denied. It is further submitted that during these period the applicant was not engaged which is very clear from Annexure C-1 which was filed by the respondent No. 4 which may kindly be perused. There was no such incident took place and it is a vague allegation only to demoralise the applicant. It is further submitted that the department was silent and did not take any action by way of filing any FIR or other departmental action against the applicant. The counter affidavit do not disclose the

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-5-

action taken by the respondents against the applicant.

9. That the contents of para 2(o) (iv) & (v) of the counter affidavit are denied. It is further submitted that the respondents never took any action against the applicant and all these charges were made only to legalise their illegal action.

10. That the contents of para 2(c)(vi) are denied. The applicant never refused to do the work. In fact one day pay was cut but the applicant reported the matter to the respondent No. 2 and 3 and his representation in this behalf is still pending. It is further submitted that the post-master General is a party in this case and he has not filed any counter regarding the same. In fact the applicant was never behaved in an indisciplined manner. It is very surprising that even after the incidents as alleged in paragraph 2, the respondents were used to engage the applicant in service, which clearly shows that the applicant is innocent and all those averments were made only to legalise the respondents illegal action.

11. That the contents of para 2(e)(viii) of the counter affidavit are denied. There was no such incident took place or any FIR was lodged against the applicant or any case is pending investigation. The respondent failed to give even the case No. which was registered against the applicant.

12. That the contents of para 2(c)(VIII) of the counter affidavit are denied. It is very surprising that the respondents stated that the applicant is impertinence and indicipline and misbehaviour but they are continuously engaging the applicant in service and no departmental action was taken against the applicant, and the reasons best known to them.

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13. That in reply to the contents of para 2(c)(ix) of the counter affidavit, it is submitted that the applicant is a handicapped person and is unable to any marpeet or fight with any one.

14. That in reply to the contents of para 2(d) of the counter affidavit it is submitted that the chowkidar Ram Doo told the petitioner not to work till the manager comes but the deponent started to carry out his duties, the chowkidar intervened and tried to prevent the deponent in carrying out his duties, thus there occurred some marpeet and both the deponent and the chowkidar Ram Doo were taken into police station and a case under section 108/116 CrPc was registered against both the persons. As a result of the same Ram Doo was suspended and the deponent was terminated from service. At last both of them were acquitted and the chowkidar Ram Doo was given employment but the petitioner was not given the service. This action of the respondents are prejudicial and violative of Article 14 and 16 of the Constitution.

15. That the contents of para 3 of the counter affidavit need no reply.

16. That the contents of para 4 of the counter affidavit need no reply.

17. That the contents of para 5 of the counter affidavit are denied and in reply the contents of para 5(b) of the application are reiterated as correct. It is wrong to say that at the time of his employment the deponent was no handicapped. The respondents demanded the certificate then the deponent produced the certificate.

18. That the contents of para 6 of the counter affidavit

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are denied and in reply the contents of para 6(C) of the application are reiterated as correct.

19. That the contents of para 7 of the counter affidavit need no reply as the respondents have admitted the averments made in paras 6(d) to 6(G) of the application.

20. That the contents of para 8 of the application is denied and in reply the contents of para 6(H) to 6(J) of the application are reiterated as correct. It is pertinent to point out here that in paragraph 2(d) of the Counter Affidavit it is stated that the services were dispensed with as a result of the criminal case and in para under reply the respondents said that the applicant was disengaged due to gross indiscipline and bad record of the petitioner and in para 2(b) of the counter affidavit they said that the services were terminated on account of gross indiscipline. Thus the respondents are not sure whether the services of the petitioner was terminated, disengaged or dispensed with. But no opportunity was ever been given to the applicant.

21. That the contents of para 8 of the counter affidavit are denied and in reply the contents of para 6(K) to 6(N) of the application are reiterated as correct.

22. That the contents of para 9 of the counter affidavit are denied and in reply the contents of para 6(O) of the application are reiterated as correct. The services of the petitioner was terminated which is very clear from a perusal of Annexure No. 6 to the application as the applicant has attained the status of a temporary employee by means of Annexure No. 5. Further the applicant has completed more than 240 days of continuous service and he cannot be terminated from

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Commissioner for Labour
22/12/88

cc: C M (M)

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service without complying with the provisions of Industrial Dispute Act.

23. That the contents of para 10 of the counter affidavit are denied and in reply the contents of para 5(D) of the application are reiterated as correct.

24. That in reply to the contents of para 11 of the counter affidavit, it is submitted that the respondents admitted that the petitioner worked for more than 240 days therefore they have not complied with the provisions of section 25F of the Industrial Dispute Act.

25. That the contents of para 12 of the counter affidavit are denied and in reply the contents of para 6(R) of the application are reiterated as correct. It is further submitted that the applicant received productivity linked bonus for the year 1979-80, 1980-81, 1982-83 which is very clear from Annexure No. 1 to the petition. It is further submitted that the petitioner also received productivity linked bonus for the year 1985-86 as he had worked about 255 days which is very clear from the letter dated 16.10.1986 ~~xxxxxxxxxxxxxxxxxxxxxx~~ of respondent No.4. A copy of letter dated 16.10.1986 is annexed herewith as Annexure No.R-1 to this affidavit.

26. That the contents of para 13 of the counter affidavit are denied and in reply the contents of para 6(S) of the application are reiterated as correct. The application filed by the applicant has every force and is liable to be allowed with costs.

Dated: Lucknow
22.12 1988

Deponent

[Signature]

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VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 23 of the affidavit are true to my knowledge. No part of it is false and nothing material has been concealed. So help me God.

Dated: Lucknow
22.12.1988

Deponent

cel. Cori [Signature]

I identify the deponent who has signed before me, but I know him personally.

[Signature]
Advocate

Solemnly affirmed before me on 22.12.88 at 9.05 am/pm by the deponent who is identified by Sri Surendran.P. Advocate, High Court, Lucknow. I have satisfied by examining the deponent who understands its contents which have been readout and explained by me.

[Signature]
Advocate

Dated: 22.12.88
High Court, Lucknow
Lucknow District Court, Lucknow
No. 121761

22.12.88

पत्र-संख्या-22
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भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHIS DEPARTMENT

उत्तर देते समय कृपया
लिख संदर्भ दें
In reply
Please quote

प्रभु
From **MANAGER,**
A. L. O. LUCKNOW
File Code-226001

सवा से
To

The Post Master General
U.P. Circle, Lucknow

क्रम संख्या

No. Casual labours/RLO/Loose

दिनांक

Dated at

(ACA Section)

Dt-16.10.86

विषय

SUBJECT :- Payment of Productivity
linked Bonus to Casual
labour Sh. Choteyal engaged
in RLO.

Ref:- your office Memo. No ACA/Misc/
RLO/86 Dt-15.10.86.

With reference to above cited letter of your office the
required information is given as under:-

Attendance of Sh. Choteyal Casual labour engaged in RLO
(Monthwise) for the year 1985-86.

March 1985	27 Days
April	24
May	27
June	20
July	23
Aug	20
Sep.	17
October	16
Nov.	17
Dec.	21
Jan 86	24
Feb. 86.	19
Total.	<u>255 Days</u>

In this context it will be not out of point to mention that
Sh. Choteyal has worked in previous years for the number of
days mentioned below:-

1983-84 — 157 days only
1984-85 — 81 days only.

In the light of above information, if admissible, further
necessary action may be taken at your end.

for 2 at 6

Manager,
A.L.O. Lucknow,
16/10/86