

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 66 OF 1988

NAME OF THE PARTIES... Chhatay Lal

.....Applicant

Versus

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

Part A, ~~Part B~~

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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.. 30/12/2011.

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE C.A. 66/199 (L) of 199

Name of the parties Chhotey Lal

Applicant.

Versus.

Union of India & others Respondents.

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(R)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 60 of 1980 (C)

APPLICANT (s) Chhotey Lal

RESPONDENT(s) U. of I. through Min. of Communications
New Delhi & 3 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 cause for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	ys
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	ys, DD 06/01/92, 19/1/80
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 Administrative Tribunals

(P.B.)

C.A. No. 66 of 80 (1)

Chhotey Lal - vs - U.O.A.

ORDER SHEET

7.00 A.M. Hon'ble Ajay John, A.M.

Admit, Issue Notice

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

Put up on 19.9.88 for final Hearing

9.9.88

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

1.00

Both the Counsel ^{8 the party} are present.

Put up this case on 24.10.88
for filing reply.

DR.

Cases called

Out. Reply ~~not filed~~

Writ. & Tres.

24.11.88 + rejoinder.

DR
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 sign 2 copy 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 representations but all are pending.

*If agreed to case may be listed before Hon'ble Tribunal
dt. 21-07-2020. Regd. No. = 010720*

(14)

23/3/89

Hon. Justice K. Natti, V.C.
Hon. Mr. A. Sethi, A.M.

On the request of the learned counsel
for the applicant the case is adjourned to
3.4.89 for trial hearing.

2

A.M.

OR

V.C.

h
23/3

3/4/89.

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

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

✓

OR

A.M.

V.C.

May

21.4.89

Hon. Justice K. Natti, V.C.

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

OR
Case is submitted
for hearing.

Adj
20/4

OR
V.C.

Adj
21/4

26.5.89.

No sitting. Adjourned to 18.6.89
hearing.

B.O.C.

(15)

7.2.91.

Hon. Mr. Justice K. Math VC
 Hon. Mr. K. Obeyappa ALP

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

~~DR~~
 Adm.

DR
 NC

19.4.91

No striking date to 3.7.91

DR

Received copy
 of New
 Civil
 Registry
 11798
 21.4.91
 DR

Received copy
 of Civil
 Registry
 11798
 21.4.91
 DR

8-7-91

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

(AT)

-2-

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, unmannered 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; 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 threatend 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(Mai) in a nearby restaurant with dire consequences and on false pretent. The case is still under investigation. In this case FIR was also lodged with D.S. Hazratganj, 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 pray."

Finally it has been stated in the counter that the applicant committed a bloody fight with Ram Dc, Chowkidar before commencement of the office hours and was handed over ^{to} the 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.

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-4-

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.

Shakeel
A.M.

Shakeel/

Lucknow Dt. 5-7-91.

Lu
V.C.

(216)

I. THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAWABID BETCH:

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
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7.	Annexure No.6 : Copy of impugned order dt. 29-6-87	16
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11.	Power	do

John R. P.

DATED: 28/7/1988

COUNSEL FOR THE APPLICANT

List this Case 007-21-07-38

hole(s) for 21-7-88
P.B.D.
2x2x88

Ref. path:
20/07/08

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.

✓ ✓ ✓ ✓

(2)

(A12)

(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.

..... 000

(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 Office, Lucknow.

✓ ✓ ✓ ✓

113

(3)

(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	286
1981-82	315
1982-83	details not given to the petitioner
1983-84	157
1984-85	81
1985-86	255
	1566

Photostat copies of the certificates
showing the details of the petition-
er'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

S. C. M. C.

All

allotted for Scheduled Caste/Handi capped 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~~ applications after completing for a period 1386 days, for his regularisation ~~and~~ ~~as a representative~~ to the Post Master General, and he issued a letter to opposite party no.4 that ~~then~~ the applicant may be regularised. A true copy of the order is being annexed herewith as Annexure No.5 to this Claim Petition.

~~xx~~ 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 Chow-kidar 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 'marpeet' 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

contd

(5)

(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 ~~deo~~ /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 ~~to~~ several representations 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.

C.R. 2014

(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 23-1-1985 the services of the petitioner are to be regularised but the opposite parties have not done the same ~~trikā~~ 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.5 is a clear indication that the ~~performing~~ ^{Services of the Petitioner is} permanent in nature. Thus at any cost the services of the petitioner cannot be terminated.

25 C 2015

(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 Suman 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 chroologically 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. ¹ Relief(s) sought : (1)To quash the termination
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).

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.

ccr C C C C

(8)

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

(4) Any other relief 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 : P. O. High Court Branch, Agra
3. Date of Issue of Postal Order(s) : 19-7-1988
4. Post Office at which payable : Agra (U.P.)

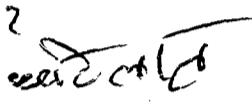
S. C. D. K.
Costs

(9)

(119)

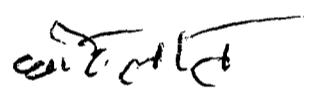
13. List of enclosures.

1. Letter dated 19-10-82
2. Letter dated 16-10-86
3. Copy of letter of Tahsiladar dated 22-3-1977
4. Letter of C.H.O. dated 16-1-1985
5. Copy of letter of P.M.O. dated 23-1-85
6. Copy of Terminalia order dated 29-6-87
7. Copy of order of the Com. dated 2-12-87
8. Copy of application dated 7-12-87
9. Copy of representation dated 27-5-88

Signature of Applicant

Verification

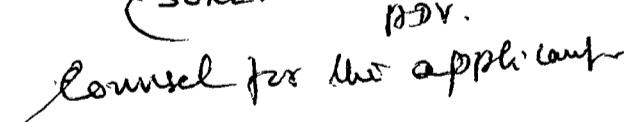
I, Chhotey Lal (Name of the applicant) son of late sri babu Lal, aged about 28 years, r/o house No. 148/45 Dugawan, Lucknow, do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge and that I have not suppressed any material fact.

Signature of the Applicant

Dated: 20-7-1988

Place: Lucknow

Through: 
SURENDRA N. P.
B.A.
B.B.U.

Counsel for the applicant

Chotey Lal versus Union of India and others

Annexure No 1

10
120

Section

File No.

Prod. of Compt. 1/47
casual labour 1/47

Serial No.

Heading

DEPT.
BRANCH

NOTES

Pro.

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 during employment is given below :-

Year	No. of days
1978-79	163
1979-80	309
1980-81	286
1981-82	315

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

Year	No. of days
1979-80	309
1980-81	286
1981-82	315

As per orders contained in D.G. Letter No. 26/5/82/PAP dated 29 September 1982 addressed to all heads of circles 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. DS II

AP. M. O. S

Kindly see above note
and check it.

S.D.B.

15/10/82

En Rm. A/82

BR

S. - 1

W.M.F.P.A. - 1984-85-86-1,84,600.

checked

Free copy allowed
Circular

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALLAHABAD

Between

CHOT'EY 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

10

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 ChoteyLal engaged for
HLO

Ref. :- Your's Office Memo No.ACA/Lisc/RL0/86 dt.15.10.86

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

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

~~201 Cdt (6)~~

True copy attested
S. M. Shultz
M. M.

112

(12)

(12)

(2)

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
<u>Total 255 Days</u>	

In this context it will be not out of point to mention that Shri ChoteyLal has worked in previous years for the number of ~~days~~ 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.

Sd. Illegible
16.10.86
Manager
R.L.O.
Lucknow.

allow 4 months
allow 1 month
allow 1 month
allow 1 month

accord

(सू)

उन द्वि जानरेष्टुल डार्विन द्वितीय युध के दौरान इलाहाबाद

लज्जान्तर जैव विज्ञान ।

१२० अप्रैल १९८५ वार्षिक । १००

८०३ लाल

प्रियोरिटीशनर

बनाम

पूनियन जाफ इन्डिया नामि

जपौ० पाटीजू०

अनेत्रजर नं० :- ३

वर्त्यालय लखनऊ पर सदर, लज्जान्तर ।

संघा नमी । ४० ना० नामा० दिनांक २२-३-७७

जन्मसूचित जाति का प्रमाण का

प्रमाणित लिपा जाता है जै श्री४०३ लाल

पुन जाबू लाल निवासी । ४३/४५ रानीगंजमुगांवा, लज्जान्तर उत्तर प्रदेश

जन्मसूचित जाति की है और उक्ती उपजाति धारी है यह प्रमाण

यह श्री नाथानी संह सुपर्वालजर कानूनाँ, काकौरी/ के कारा

प्रमाणित प्रमाण पर के जाधार पर लिपा जाता है ।

३०/- वर्फनीय २२-३-७७
तक्षील्कार सदर, लज्जान्तर ।

सील :-

तक्षील्कार सदर, लज्जान्तर

संघ प्रतिलिपे

संघ प्रतिलिपे

तक्षील्कार सदर, लज्जान्तर

(14) (24)
Chaleg Lal versus Kumar of India and
others

Annexure A.O. 4

OFFICE OF THE CHIEF MEDICAL OFFICER, LUCKNOW.

No. 45185

Dated 16/1/85

HANDICAP CERTIFICATE

Examined Sri/Smt./Km. Chaleg Lal
aged about 28 yrs years S/0/1/0/0/0 Balu Lal
R/O 148/45 Degawali, Bulandsh.

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

Scars
x 3 cm
from
wrist
eye

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

Orthopaedic Surgeon
HANDICAP BOARD
SR. ORTHOPAEDIC SURGEON

Signature of the Candidate

20/1/85
CHIEF MEDICAL OFFICER,
Chief Medical Officer
L LUCKNOW W.

Chief Med.
LUCKN



all the true copy
Subhedar
Copy

Subhedar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALIABAD BENCH

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.

Mo. Recd / 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.F. 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.

— 10 —

y ~~111.9.13.0~~

egible

23-1-85

sd. Illegible
for Post Master General U.S.A.

John Galt

-1-85
3-25 hrs.
A. H. E. L. B.
True Copy
of
Document
sent

16

62

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

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 ~~here~~ 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:-

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

Regd. A/D

allotted me ~~copy~~ ~~my~~ ~~copy~~

covered lot

मन द्वि ग्रन्तिमुल इर्द्द निर्दि जाक तु चिक्केर रेट छातापाप
ल्पाक्कु वैन्य लज्जन्तु ।

रेत लिजिरान ० ०८५ । ३०

मैत्री लाल

लिजिरान ०

बनाम

मुनिमन जाफ राज्जुखा जादि

जामी० जातिं०

बनै र बर र० :- ७

५८५ लिंगिट्टर र००

(४/४००)

निमानिक जपर काम वैन्य-निक्कै (प्रथम) लज्जन्तु ।

मुल्लना नम्बर ५७१/८७ जस्तार जाम देटि लाल

थाना हजरतांग, लज्जन्तु धारा १०७/११६ ती जार बी ती

प्रतिलिपि जापेशा दिनकै २०-१२-८७

०८-१२-०७

पावली भेटा दुर्दृ । खुांग बर्दाई दर्दृ । बिपाती ७५ स्थित
३ । तट्टप बडी जाया लम्बय कै जमात मैं पाक्कीहाटी झाटपा कौ
हाती ३ ।

जाबश्क कार्यालयी कै उपरान्त पावली ५-जिल ५ कलर हो ।

८०/-
जपर जेडी निकिट्टै (प्रथम),

लज्जन्तु ।

मान्दूक्य १८

allotted tree
भूमि
संस्था भ्रातृत्वलिपि

(18)

628

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Versus

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
(CHHOTEY LAL)
C.L.A.BOUR
..C., Lucknow.

7.12.1987

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

Sd. Chhotey Lal
CHHOTHEY LAL)

True copy attached
Searched
[Signature]

2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

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.

Yours faithfully

sd. Chhotey Lal

CHHOTEEY LAT

CHAPTER II

Ex-Casaar Laban
148/45-Dugawan.

by 20 Juggan
Tucknow

Copy to: ■

Copy to:-

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

Sd. Chhotey Lal
(CHHOTEY LAL)

True copy attached


Before the Central Arbitration Tribunal
Delhi.

ब अदालत श्रीमान

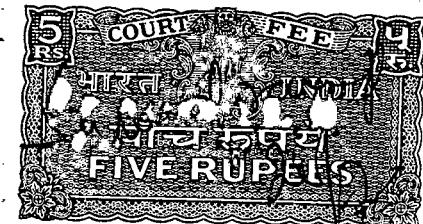
महोदय

वादी (मुद्दे)

प्रतिवादी (मुद्दालेह)

का विकालतनामा

Claim Petition No. of 1988



Chokey Lal

वादी (मुद्दे)

Government of India and others बनाम

प्रतिवादी (मुद्दालेह)

नं० मुकदमा सन् १९८८ पेशी की ता० १९ ८८ ई०
उपर लिखे मुकदमा में अपनो ओर से

SURENDRA N. P.

एडवोकेट

law

महोदय

बकील

को अपना वकील नियुक्त करके प्रतेज्ञा (इकरार) करता हूँ और
लिखे देता हूँ इस मुकदमा 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 दिगरी
जारी करावें और रुपया बसूल करें या सुलहनामा या इकबाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें
या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का
दाखिल किया रुपया ग्राने या हमारे हस्ताक्षर-युक्त (दस्तखतो)
रसीद से लेवं या पंव नियुक्त करें- वकील महोदय द्वारा की
गई यह कार्यवाही हमको सर्वथा सीकार है और होगी मैं
यह भी सीकार करता हूँ कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में
एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी
मेरी बकोल पर न होगी । इसलिए यह बकालतनामा लिख दिया
किया गया है कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर के साथ

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक १० महीना ७ सन् १९८८.....

(A3)

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

Chotey Lal ... Applicant

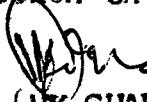
Versus

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 CHAUDHARY)

Addl. Central Govt Standing Counsel
for Opp. parties.

Lucknow,

Dated: 24 Oct. 1988

332
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:

333
M.Y.R.

7235

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 on 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 ^{the} 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 ~~xxxxxxxxxxxxxx~~ he always tried to abuse and disregard his superiors.

(132)

(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 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/PNG(A) who had taken

(M)

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. Hazerethganj, 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 think physique, but quite contrary of his bony skeleton, he punches upon every superior like a lion on his pray.

~~31087~~ 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.

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

736

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.

(A.S)

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/~~maxxhexxx~~ 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.

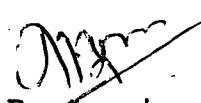
13. That in reply to the contents of para 6(S) of the application it is submitted that the Casual labours working at present have duly been selected under the provisions of departmental rules through the agency of employment exchange and duly recruited by the competent authority ie. the Postmaster General, 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

BB/310/8

DR/202

Section CO ignored him and kept him ~~as~~ 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.~~ Oct. 1988.

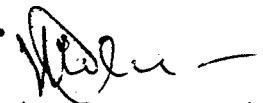
Verification.

I, the above named deponent do hereby verify that the contents of para 1 to ~~14~~ are true to my own knowledge, those of paragraphs ~~15~~ to ~~12~~ are believed by me to be true on the basis of records while those of paragraphs ~~13~~ to ~~1~~ 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.

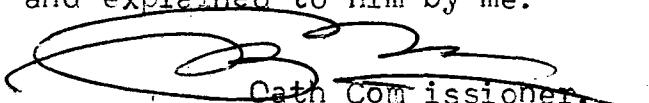
Lucknow,
Dated: 3 Oct 1988.

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

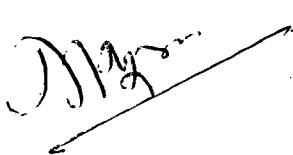

(V. K. CHAUDHARI)
Advocate.

Solemnly affirmed before me on 31/10/88
at 5 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.


Oath 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				
Sept		27		Jan 1982	19	
Oct		24		Feb	26	
Nov		26		Mar	28	
Dec		25	308	Apr	22	
Jan 1980		24		May	28	
Feb		25		June	28	
March		22		July	27	
April		25		Aug	29	
May		22		Sept	26	
June		25		Oct	19	
July		22		Nov	21	
Aug		27		Dec.	26	299
Sept		21		Jan. 1983	28	
Oct		23		Feb	25	
Nov		24		Mar	28	
Dec		27	287	Apr	25	

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	May	14
	49	Jun	19
Jan. 1985	7		112
Feb	25		
Mar	27		<u>Total working days - Rs- 2159.</u>
Apr	24		
May	27		
Jun	20		
Jul	23		
Aug	20		
Sept	17		
Oct	16		
Nov	17		
Dec	21	244	
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	

BW 310188

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH: LUCKNOW



1988

versus

AFFIDAVIT

12126

HIGH COURT
ALLAHABAD

Union of India and others Opp. parties

REJOINDER AFFIDAVIT

I, Chotey Lal, aged about 28 years, son of late gri
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

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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(c)(i) 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)(4)(i) 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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action taken by the respondents against the applicant.

9. That the contents of para 2(c) (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(c)(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 indiscipline 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.

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 109/116 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

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 9 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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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(F) of the application are reiterated as correct.

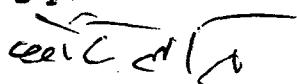
24. That in reply to the contents of para 11 of the counter affidavit, it is submitted that the respondents admitted that the petitioner worked for more than 240 days therefore they have not complied with the provisions of section 25F of the Industrial Dispute Act.

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.6. 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
22.12.1986

Deponent



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VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 28 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

Sri C. C. Lal

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

S. P. Bhattacharya
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.

S. P. Bhattacharya
Advocate

Dated
High Court
Lucknow
No 1211761
22.12.88

पत्र-व्यवहार-22
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Dated on (A.C.A Section)

DP-16-10-86

क्रम संख्या
No. Casual labour/RLO/Loose

विषय

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

Ref:- Your office Memo. No A.C.A/Misc
RLO/86 121-15.10.86.

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 years 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 mentioned 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.

Enc 2 on 16

On 16/10/86
Manager
B.L.O Lucknow