

Central Administrative Tribunal  
Lucknow Bench

INDEX SHEET

Cause Title T.A. 78/92 (T-1) of 1993

Name of the Parties Mohd. Yasin Khan Applicant

Versus

Union of India Respondents

Part A.E.C.

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Df. 18/7/96 File B/C Wadded acct / destroyed

S.O. (5)

6/3

Compulsory retirement

ASX

# CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 697 of 1988

APPLICANT (s) Mohd. Yasin Khan

RESPONDENT (s) U.O. I. Through Director Postal Service, Lucknow

Region, Lucknow & another.

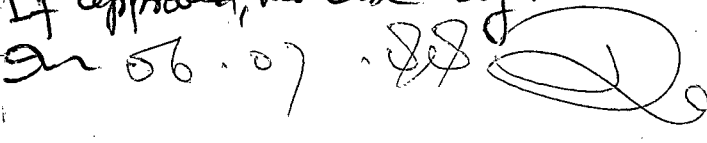
Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	YB
2. (a) Is the application in the prescribed form ?	YB
(b) Is the application in paper book form ?	YB
(c) Have six complete sets of the application been filed ?	5 sets filed
3. (a) Is the appeal in time ?	YB
(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 ?	YB
5. Is the application accompanied by <del>D-D</del> Postal Order for Rs. 50/-	YB. I.P.O. No. DD 227292 of 26/5/88 Feb 15/88
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	YB
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	YB
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	YB

Particulars to be Examined

Endorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space? *Photo copies filed.*
- 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? *Yes*
- 12. Are extra copies of the application with Annexures filed? *Yes*
  - (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? *No*
- 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? *Yes*
  - (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*

*If approved, the Case may be listed on 06.07.08*



*Sulmi Halil  
Wahid  
27/5/08*

(A1)

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

.....CA No. 697.....of 1981

.....Vs.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	8.11.81	DL In the said case the valuation for the counter may be fixed by 30.9.81	
	30.9.81	DL On the request of the Council, counter may be fixed by 13.12.81	
	13.12.81	Rg. on the request of the Council for Respondents CA can be filed by 27.1.82	
	27.1.82	Rg. Counsel's requests have been filed today. List before court for hearing on 17.3.82	
	17.3.82	No setting adj. to 1.5.82	B

(A)

78/92 T.2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

O.A./T.A. NO. .... 697... 19 88

Applicant(s)

Verse

Respondent(s)

S.L. No.	Date	Orders
	8-5-90	DK The case is adjourned to 10-9-90 before DR(J) for fixing a date for hearing.  pe DR(J)
	10-9-90	DK The case is ripe for hearing but as of the year 1988 adjourned sine die.  pe DR(J)
	30-3-92	D.R. Register the case as T.A. This case has been received after transfer to this Bench from CAT Alld. today. Issue notice to the counsel for both the parties. Case is listed on 27/5/92.

नं० 18

आजकीय उपारमरन से 18/54  
के आदेशानुसार पत्राचार  
नरमन का केस नमोला रहै  
गाइरो.सि. काइटी फो वे रिच  
गतिपहाके उपारमरन 4/10/92

20/3/92

Notice for 27.5.92  
Chand K.C. 11/11/92

SSG

P.T.O.

CR  
Notices Issued  
1/4/92

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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

...

Registration O.A. No. 697 of 1988

Mohd Yasin Khan ... .. Applicant.

Versus

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

---

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicant while working as 'Extra Departmental Mail Peon at Gonda city post office was ordered to be transferred to Bahraich Postal Division. According to the applicant, it was a motivated transfer and was also not in conformity to the rules, but it appears that he did not join and later on the said order was modified vide order dated 7.4.1979 and the applicant was posted as Mail Peon at Maskanwa Railway Station, Post Office Gonda.

2. According to the applicant, the transfer order passed was not in public interest and the whole thing was because a complaint against him of his illicit relationship with a lady whose moth-in-law made a complaint against him. According to him, the lady herself made a complaint before the Superintendent of Post office, Gonda regarding his attempt for illicit relationship with the lady, and on the complaint of the said lady, an enquiry was made and in the enquiry the charges against the applicant were found false and the enquiry was made by the Postmaster General U.P. Circle, Lucknow. She admitted that on the instance of the applicant, the same was done and the applicant rather tendered his apology in this case. Subsequently, a charge-sheet was served upon the applicant under ruel-14

Contd ...2p/-

of the CCS( CC &A ) Rules. The applicant denied charges levied against him. An enquiry was held and the enquiry officer has stated that the officer concerned himself could not have held enquiry because he himself was made a party. The enquiry officer submitted his report to the Superintendent of Post Office and the Superintendent of post office found certain short coming and flaws in the same and returned it back to the enquiry officer. The enquiry officer, it appears, refused to act and return<sup>ed</sup> it back stating therein that he has reported earlier. The result of which the disciplinary authority who disagreed with the finding recorded by the enquiry officer, himself decided to hold further enquiry and summoned the witnesses. After completing the enquiry the punishment order retiring the applicant compulsorily from service was passed. The applicant filed a departmental appeal and it appears, that after rejecting the same by the department, he has approached the Tribunal. Learned counsel for the applicant contended that the enquiry could not be held by the disciplinary authority himself and in case there was a disagreement, the procedure followed in rule-14( of) the CCS (CC&A) Rule have been followed;

- (1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 14, as far as may be.
- (2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on

AS

- 3 -

any article of charge, record its reasons for such disagreement and record its own findings on ~~the~~ such charge if the evidence on record is sufficient for the purpose.

- (3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clause (i) to (iv) of Rule-11 should be imposed on the Government servant, it shall, notwithstanding anything contained in rule-16, make an order imposing such penalty.

Provided that in every case where it is necessary to consult the commission, the record of the inquiry shall be forwarded by the disciplinary authority to the commission for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the Government servant.

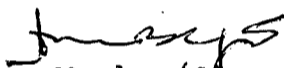
- (4) If the disciplinary authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (v) to (ix) of Rule-11 should be imposed on the Government Servant it shall make an order imposing such penalty and it shall not be necessary to give the Government servant any opportunity of making representation on the penalty proposed to be imposed;


Provided that in every case where it is necessary to consult the commission, the record of the inquiry shall be forwarded by the disciplinary authority to the commission for its advice and such advice shall be taken into consideration before making an order imposing any such penalty on the Government Servant."

The disciplinary authority did not agree with the findings of the enquiry officer, so he wanted to the enquiry officer

Contd .... 4p/-

to hold further enquiry, But the enquiry officer refused to do so. The disciplinary authority has no option but to hold the enquiry and the reasons for the same was there. The applicant was given full opportunity and it can not be said that any opportunity was denied to him, and the charges against the applicant was established, therefore, the only option was to punish him. He was not dismissed or removed from service but he was only retired from service compulsorily. There appears to be no good ground for interference in this case and the application is dismissed. Parties to bear their own costs.

  
Member(A)

  
Vice-Chairman

Dated: 27.5.1992  
(n.u.)

S.L.P. No 32/93

S.L.P. No 32/93

M/B/3

78/92 TL

D. NO. 4282/92/S.C. XI  
SUPREME COURT OF INDIA  
NEW DELHI

From :-

DATED :- 16-12-92

The Registrar (Judicial)  
Supreme Court of India  
New Delhi.

To

The Registrar,  
Central Administrative Tribunal  
Circuit Bench, Lucknow.

F.T.  
2/3/93

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL/ ) NO.  
(Petition under Article 136 (1) of the Constitution of India

from the judgment and order dated 27-5-92

of the High Court of Judicature at Central Admn. Tribunal  
Circuit Bench, Lucknow in Registration O.A. No. 697/88).

Put up with  
file

Mohd. Yashin Khan.

.....PETITIONER(S)

VERSUS!

U.O.I Cam.

.....RESPONDENT (S)

Sir,

I am directed to inform you that the petition above  
mentioned filed in the Supreme Court was dismissed by the  
Court on 7-12-92

Yours faithfully

For Registrar

AYR  
4/2/93

Recd Room

Put up with  
file  
21/12/92

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IN THE HON<sup>BLE</sup> CENTRAL ADMINISTRATIVE TRIBUNAL,  
ADDITIONAL BENCH, AT ALLAHABAD.

I N D E X

I N

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*D C Saxena*

( D.C. SAXENA )

Advocate  
Counsel for the Applicant.

Dated: May, 1988.

Central Administrative Tribunal

Additional Bench At Allahabad

Date of filing... 27.5.88

Date of Receipt  
by Post

By Registrar

AA

OR list for Feb. 87-88  
[Signature]

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

\*\*\*\*\*

Application Under Section 19 of the Central  
Administrative Tribunal, 1985.

Date of Filing.

Registration No. 697

Registrar.

Mohd. Yasin Khan, Son of AzimUllah Khan,  
aged about 46 years, resident of Village  
Handia, Post Charoo, Babnan, Basti.

----- Applicant

Versus

1. Union of India through the Director  
Postal Services, Lucknow Region, Lucknow.

2. Superintendent of Post Offices, Gonda

----- Respondents.

1. Detail of the applicant:

- (1) Name of the Applicant- Mohd. Yasin Khan
- (2) Father's name- Azim Khan *Azimullah Khan*
- (3) Designation and office in which employed. Now compulsorily retired as a Mail Peon Maskanwa R.S. Gonda.
- (4) Office address. No. Since compulsorily retired.

Filed To  
Deptt  
27/5/88

6/7/88  
N. K. S. /  
12/7/88

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(5) Address for serving of all the notices. **Mohd. Yasin Khan,**  
**Ex. Mail Peon at village**  
**Handia Post Charoo via**  
**Babnan, Basti.**

2. Particulars of the respondents.
- (1) Union of India through the Director,  
Postal Services, Lucknow.
  - (2) Superintendent Post Offices, Gonda.

Office addresses of the respondents Same as above.  
for services of notices.

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

- 1. D.P./Mohd.Yasin/Ad-hoc/82 dt.30.3.87.
- 2. R.D.L./APP-17/88/13 dt.29.2.1988.

4. Jurisdiction of the Tribunal.

The applicant declares that the subject matter,  
the act of commission against which the applicant  
wants redressal is within the jurisdiction of  
this Hon'ble Tribunal.

5. Limitation.

That the applicant declares that the application  
is within the limitation prescribed under section 20  
of the Central Administrative Tribunal Act, 1985.

6. Facts of the case:

- 1. That the applicant entered into the  
postal department as a E.D.A. w.e.f.21.1.1961, and  
thereafter having passed the departmental examination,

(211)

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he was promoted as a Class IV, hereinafter referred to as Group 'D' on regular basis. The applicant discharged his duty to the best satisfaction of his superiors.

2. That the applicant, while working as a Mail Peon at Gonda City Post Office was ordered to be transferred to Bahraich Postal Division. In fact the applicant was posted in Gonda Divn. as a result of bifurcation.

3. That since the order No.B-7/General/Mhd. Yasin dated 10.7.1978 transferring the applicant from Gonda to Bahraich was motivated and also not in conformity to the rules, the order dated 10.7.1978 was modified vide letter dated 7.4.1979. The applicant was posted as a Mail Peon Maskanwa Railway Station Post Office Gonda.

4. That in fact the transfer of the applicant dated 10.7.1978 was not issued in the interest of Service, but due to complaint of Smt. Krishna Kumari of Gonda dated 31.3.1978 to the Superintendent of Post Office, Gonda, who happened to be her relation. In the said complaint she <sup>had</sup> alleged that the applicant was keeping illicit relation with her daughter-in-law Smt. Anjani Devi being Muslim. She further alleged that he forcibly taken away a table fan,

*M. K. Singh*

Radio, Sewing Machine and as such he should be transferred. She also lodged complaint in the police.

5. That Smt. Anjani Devi daughter-in-law of Smt. Krishna Kumari of Gonda also made a report to the Home Secretary, U.P. Lucknow on 8.8.1978 and a copy endorsed thereof to the Post Master General U.P. Lucknow. In her complaint she had alleged that the Superintendent of Post Offices, Gonda, Sri R.S. Srivastava wanted to establish relation with her as his kept wife being her own caste. In the said complaint she further alleged that her mother-in-law has created domestic dispute and as a result she made a complaint as stated above.

6. That on the basis of aforesaid complaint, Shri S.P. Purwar, Vigilance Officer, office of the P.M.G. Lucknow conducted enquiries and obtained the written statement of the applicant under duress and pressure on 3.3.1979. As a result the applicant submitted an application before the Post Master General U.P. Lucknow dated 3.3.1979. A photostat copy of the said application is being filed and is marked as Annexure '1' to this application.

*[Handwritten signature]*

7. That since the Postal Administration was determined to done away the applicant issued the charge sheet under Rule 14 of the C.C.S.- C.C.A. Rules, 1965 vide Memo. No. DP/Mohd. Yasin/Ad-hoc dv/82 dated 25.5.1982. A photostat copy of the said charge sheet is being filed and is marked as Annexure '2' to this application.

8. That the applicant denied the charges levelled against him and as such proper enquiry was ordered to be conducted. In fact the charges were framed against the applicant, when earlier action having frustrated, being the transfer dated 10.7.1978 having been modified by the order dated 7.4.1979. Therefore, the proposed action under rule 14 of C.C.S.-C.C.A. Rules, 1965 was invoked in colourful exercise of powers vested with the disciplinary authority on the basis of complaint of Smt. Anjali Devi.

9. That in charge of Article No.1 of the Memo. dated 25.5.1982, it is alleged that while functioning the applicant as a Mail Peon, Gonda City Post Office, he brought on influence on one Smt. Anjali Devi Srivastava and persuaded her to file false complaint against Shri R.S. Srivastava, Superintendent Post Offices,

*MSG com*

Gonda, which purported to be his alleged transfer from Gonda to Bahraich. The said Yasin thus committed above misconduct with intentionally to defame and harassment to the said officer, thereby infringed rule 3(1) Sub.Rule(iii) of C.C.S.-C.S.A. Rules, 1964.

(10) That before the start of the enquiry the Presiding Officer claimed certain additional documents and witnesses vide application dated 22.6.1983 before the Enquiry Officer, which were not listed in Annexures 'III' and 'IV' of the charge sheet dated 25.2.1982. The Enquiry Officer allowed the said application without showing justification of and their relevancy in this case.

11. That after enquiry, the Enquiry Officer submitted his report to the Disciplinary Authority on 30.12.1985. The Disciplinary Authority after getting the said report, he again sent back the same to the Enquiry Officer, vide letters dated 6.5.86 and 17.9.1986, raising unnecessary objections, not relevant to this case. The Enquiry Officer returned the same without accepting the suggestions of the Disciplinary Authority as contemplated in the references dated 6.5.1986 and 17.9.1986.

*M. K. Singh*

12. That Disciplinary Authority thereafter acted upon as a Enquiry Officer and issued the notice to the S. P. S. (applicant) to appear before him on 2.3.1987. The applicant appeared on 2.3.1987 and denied all the points raised by the Disciplinary Authority. The applicant did not give any brief after having submitted the brief earlier to the Enquiry Officer. A photostat copy of the order dated 15.1.1987 is being filed as Annexure '3' to this application.

13. That in fact, the Disciplinary Authority can not function as Enquiry Officer once he decided to appoint Enquiry Officer in the disciplinary cases.

14. That the Enquiry Officer proved the charges without persuing the statements of defence and state witnesses. The Disciplinary Authority while showing the agreement of the Enquiry Officer's report dated 30.12.1985 punished the applicant vide order dated 30.3.1987. Under the order dated 30.3.1987, the applicant was made to retire compulsorily from the service. A photostat copy of the order dated 30.3.1987 is being filed as Annexure '4' to this application.

*MA*

15. That against the order dated 13.5.1987 the applicant preferred an Appeal before the Director, Postal Services, Lucknow hereinafter referred to as the Appellate Authority. The said Appellate Authority also failed to accept the submissions made by the applicant and illegally upheld the order dated 13.5.1987 passed by the disciplinary authority vide order dated 29.2.1988. The said order was received by the applicant on 17.5.1988 through the Sub. Gonda Divisional Inspector, Post Offices/East. A photostat copy of the order is being filed as Annexure 'IV' to this application.

16. That the Appellate Authority also confirmed the action of the disciplinary authority to this effect that he can function as an Enquiry Officer, Evenafter appointing another Enquiry Officer in a disciplinary cases. In C.C.S.-S.C.A. Rules, 1965, it is provided that once the disciplinary authority appointed Enquiry Officer in Rule <sup>14</sup> the Enquiry, who having completed the whole proceedings and submitted final report, he is refrained from being the Enquiry Officer. In fact Sub.Clause 18 of Rule 14 is applicable when action is proposed

*D.K. Singh*

under rule 19 of the C.C.S.-C.C.A. Rule, 1965 as a result of conviction. A photostat copy of the order dated 15.1.87 <sup>has been</sup> ~~is being~~ filed as Annexure III to this application. *at page 21*

17. That none of the charges of articles <sup>proved</sup> ~~were/proves~~ against the applicant through fair way. As already stated that the whole Administration of Gonda (Postal) was bent upon to punish the applicant on the basis of the report of Smt. Anjani Devi Srivastava against the Superintendent Post Offices, Gonda. In order to protect the position of the Superintendent Post Offices, Gonda, the applicant was made the target, thus gross injustice has been done through out.

18. That the postal authorities have illegally cut short the services of the applicant by retiring him in mid of the service, thus violated articles 14-16 of the Constitution of India.

19. That the applicant has exhausted alternative remedy by way of submitting Appeal and final appellate order has been passed, and

*Handwritten signature/initials*

thereafter no other effective or alternative remedy available to the applicant, except to approach to this Hon'ble Tribunal under Section 19 of the Act ( C.A.T.) inter-alia on the following grounds deposed to below.

G R O U N D S

- (a) Because, the impugned order dated 30.3.1987 passed by the Disciplinary Authority is arbitrarily, illegal, and without jurisdiction.
- (b) Because, the appellate authority has wrongfully and illegally refused to quash the order dated 30.3.1987.
- (c) Because, the Disciplinary Authority as well as the Appellate Authority have failed to consider the important and material aspect of the case that the Disciplinary Authority cannot function as An Enquiry Officer. In the circumstances of the case, serious miscarriage of justice has been occasioned.

*Handwritten signature*

(d) Because, from the entire material and evidences on the records, it has been abundantly proved that Smt. Ajnani Devi made a complaint of her own volition and this being so, the initiation of the proceedings are wholly unwarranted.

(e) Because, in any view of the matter the applicant cannot be charged for having shown integrity, lack of devotion of duty.

(f) Because, the impugned orders passed by the Respondents are not sustainable in the eyes of law and the punishment awarded to the applicant is too excessive avengeful.

7. PRAYER

Therefore, the applicant respectfully prays that this Hon'ble Tribunal may graciously be pleased to:

(a) after quashing both the impugned orders dated 30.3.1987 and 29.2.1988 passed by the respondents, and to direct them to take the applicant into service;

(b) to pass such order and further orders as it may deem fit and proper.

*M. B. S.*

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8. Interim Order. No.
9. Detail of remedy:-  
The applicant declares that he has availed of representation under relevant Service Rules.
10. Matter not pending with any other Court or Authority:-  
The applicant further declares that the matter regarding which the application has been made is not pending before any court of law, or any authority or any bench of this Tribunal.
11. Particulars of the Indian Postal Order in respect of application Fee.
1. No. of the I.P.O. <sup>OP</sup> 227292
  2. Name of the Issuing P.O. Head P.O. *td*
  3. Date of issue of the I.P.O. 26.5.88
  4. Post Office where payable. Hd. Post Office, Allahabad.
12. Detail of Index. Attached.
13. List of Enclosures:-
1. Photostat copy of application dt. 3.3.79.
  2. Memo No. DP/Mohd. Yasin/Ad-hoc/82 dt. 25.5.82.
  3. DP/Mohd. Yasin/Ad-hoc/82 dt. 30.3.87.
  4. RDL/APP-17/88/13 dt. ~~29.2.88~~ 29.2.88.
  5. OP/Mohd. Yasin/Ad-hoc/82 dt. 15.1.87

*DP/Mohd. Yasin*

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VERIFICATION CLAUSE:-

I, Mhd. Yasin Khan, S/o Sri Azim Ullah Khan, aged about 46 years, resident of village Handia, Post Charu, via Bahnam, Basti do hereby verify that the contents of paras 1 to 13 of the application are true to my personal knowledge and belief and that I have not suppressed any material facts.

Dated: May, , 1988.

*Mhd. Yasin Khan*

-----  
Signature of the Applicant.

श्रीमान  
सुबम

श्रीमान डा. मधु सच्यपत महोदय  
पादमण्डल उत्तर प्रदेश  
लखनऊ

Booked at  
Muzammar R S  
D.P.S.  
J.K.O

उचित माध्यम द्वारा

विषय:- श्रीमान लखनऊ अधिकारी श्री सुबम और उनके सहयोगी  
सच्यपत द्वारा प्राथी को उराध्यता कर गलत ध्यान  
लिखनामे जाने के सुबध में।

महोदय:-

काल दिनांक 3.3.79 को श्रीमान सुबम उत्तरी जंगी गौडा के  
न्यायालय में अपने मकान के निजी मुकदमे के तारीख पर पाद सुबमनाथ  
रेलवे स्टेशन पर गया हुआ था लखनऊ अधिकारी महोदय पादमण्डल  
उपस्थित थे श्री बनारसी लाल उर्फ निरीशक मध्य गौडा मुकदमे रेलवे स्टेशन  
पर मिलकर सुबमनाथ व बनानाथ के गैरट्ट डाक में जेठे जेठे य सलकता  
अधिकारी को विभागीय लोग उपास्थित थे सहयोग सच्यपत सलकता  
ने मुक गैरट्ट डाक के कोठी में जेठे को बद में श्री सुबम साधक को  
कोठी में पहुंच कर कोठी बंद कर दिया और ध्यान बोल बोल कर निरपान  
कर म किया प्राथी नकद के साधक काज हमरे मुकदमे की नकद है हमे गौडा  
जाना बहुत ही आनन्द है इस पर उद्येने कथ कि मैं कुछ सुनना नहीं चाहता  
मैं व्यजना से प्रेरणा उठाकर भाग्य हूँ भाग्य का नौकरी और जिन्दगी  
प्यारी है तो मैं बताने हूँ सभी बतों को लिखना होगा प्राथी ने श्री  
सुबम साधक के पैसे पर पकड़ कर गौडा को श्रीमान में गरीब भागमी हूँ  
उस भाग न के हमरे भाषण के निर खतरा उत्पन्न हो जाय भा किन्तु  
मैं दैजाल हूँ मुक वाध्य करके गलत ध्यान को लिखा रहे  
बीच में प्राथी के सर में कुल काभी नद उत्पन्न हुआ जो दिनांक 17.2.79  
को सुबम द्वारा मया गया था और कलम धय ले गया मुक सुबम कागप  
कि श्री पानी पिना कर ध्यान सर करमा गया जो श्री मान गलत है  
अतः श्रीमान जी से विनम्र निवेदन है कि श्री सुबम और उनके सहयोगी द्वारा  
जिसे मुझे प्राथी धय ध्यान लिख पिना कुल गलत है प्राथी को जिसे ध्यान को  
निरस्त समझा जाय ताकि प्राथी के नौकरी और जिन्दगी पर और उनके  
मायूस बच्चा पर किसी प्रकार का कोई अन्ध न पड़ा हो काप की  
सहय कथा होगी।

नोट:- श्रीमान जी को कुछ किया जा रहा है  
श्री. राम स्वरूप सच्यपत डाकध्या गौडा के परधकत  
तथा हमारे मुकदमे के संबंध के किमती रखा है जिससे  
प्राथी को सुकधान मुच्येन संबंध किमती रखा है।

प्राथी  
गौडा साधक  
अपका धय  
नेल सुबम गौडा  
नेमरी गौडा  
दिनांक 3/3/79

Handwritten signature and date 15/3/79

- 1- अश्रीम काफे कर्षे हेतु सुरक्षित
- 2- श्री सुबम को रक्षा सार्केल सिनेटरी N.P.H.D. लखनऊ
- 3- श्री मान निरीशक डाक धर नाथ

वधवा सुबम  
गौडा साधक  
3.3.79

श्रीमान वधवा सुबम

सच्यपत

Handwritten signature and name

A23

Annexure

1

Received  
R.L. 14/12/82  
16/12/82  
Compd. PO  
A-4301

INDIAN POSTS AND TELEGRAPHS DEPARTMENT  
office of the Supdt. of post offices Bahraich Dn.  
Bahraich-271801.

Memo NO:DP/Mohd.Yasin/Ad-hoc/82. dated at Bahraich the, 25<sup>5</sup>/<sub>82</sub>

The undersigned proposes to hold an enquiry against Shri Mohd. Yasin, Mail Peon under Rule 14 of the central civil services (Classification, control and appeal) Rules 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A Statement of imputations of misconduct of misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and list of witnesses by whom, the article of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

2. Shri Mohd. Yasin is directed to submit within 10 days of the receipt of this memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an enquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specially admit or deny each article of charge.

4. Shri Mohd. Yasin is further informed that if he does not submit written statement of defence on or before the date specified in para-2 above or does not appear in person before the inquiring authorities or otherwise fails or refuse to comply with the provisions of rules 14 of the CCS(CCA) Rules, 1965 or the orders / directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him Ex-Parte.

5. Attention of Sri Mohd. Yasin is invited to rule 20 of the Central Civil Services (Conduct) Rules 1964 which no Govt. servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from

Contd.....2

Attended TC

M. Yasin

M. Yasin

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another person in respect of any matter dealt with in these proceedings it will be presumed that shri Mohd Yasin is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS(Codot) Rules 1964

6. The receipt of memorandum may be acknowledged.

*dl*

Supdt. of Post offices  
Bahraich Division  
Bahraich-271801.

*[Handwritten signature]*

Copy to:-

✓ Shri Mohd, Yasin Mail peon Maskanwa R.S.  
S.O. (Gonda) for information.

*Kogel A.D*

*[Handwritten signature]*

*[Handwritten signature]*

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ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SHRI  
MOHD.YASIN MAIL PEON MASKANWA R.S.SO (GONDA) DN.  
DISTRICT GONDA.

ARTICLE-I

That the said Sri Mohd. Yasin while functioning as mail peon Gonda City Post office used influence on one Smt Anjani Devi Sriavastava and persuaded her to send false complaint against Shri Ram Swaroop Srivastava the then SPGs Gonda Division Gonda , on account of his transfer from Gonda City post office to Bahraich North Sub Division Bahraich, because it was done by the above officer. The said Sri Yasin did this with intention to cause humiliation and harrassament to the said officer, thereby ifringed rule 3(1) Sub Rule (III) of CCS (Conduct) Rules 1964.

*attached TC*

*[Handwritten signatures]*

*[Handwritten signature]*

**Ram Prasad**  
Superintendent of Post Offices  
Bahraich Division

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR  
IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST  
SHRI MOHD. YASIN MAIL PEON MASKANWA R.S. SO (GONDA).

ARTICLE-I

That the said Sri Mohd. Yasin while functioning as mail Peon Gonda City Post office was transferred to Bahraich North Sub D<sub>n</sub> in the interest of service under SPOs Gonda Memo No.B-7/Genl/Mohd.Yasin dated 10.7.78, made hue and cry against this transfer and went to such an extent that he used influence on Smt Anjani Devi Srivastava W/o Dr. Suresh Chandra Srivastava khargoopur (Gonda) and persuaded her to send false and baseless complaint against Shri R.S. Srivastava SPOs Gonda with intention to humiliate and harrass him. Whereas during the course of enquiry the conduct of Sri R.S.Srivastava S<sub>u</sub>pdt. of Post offices Gonda was found above board by Sri S.P. Purwar the then Vigilence officer (I) PMG's office Lucknow, Shri Mohd. Yasin Mail peon also involved himself in mud slinging over the character of Shri R.S.Srivastava to cause much harrassment and humeliation and bringing him (SPOs) in disrepute on account of these false complaints. This fact was admitted by Shri Mohd. Yasin in his W/S dated 3.3.79 recorded by the Vigilence officer (I) PMG's office Lucknow. Thus Shri Mohd. Yasin is responsible to carry his vendetta against his own superior officer stooping as low as possible which is unbecoming of a Govt. servant as required under Rule 3(1) (iii) of CCS (Conduct) Rules 1964.

*attested*  
*Ram Prasad*  
Superintendent of Post Offices  
Bahraich Division

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ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE  
FRAMED AGAINST SHRI MOHD. YASIN MAIL PEON MASKANAWA  
R.S.(SO) GONDA PROPOSED TO BE SUSTAINED.

- ✓ 1. W/S of Smt. Anjanti Devi Srivastava w/o sri  
dr. Suresh chandra Srivastava ,Gonda dated  
2.3.79 recorded by Sri S.P.Purwar Viglence  
officer-I.
- ✓ 2. W/SSHri Mohd. Yasin Mail dated 3.3.79 recorded  
by Shri S.P.Purwar Viglence officer (I) PMG's  
office Lucknow.
- ✓ 3. Report of Shri R.S.Srivastava the then SPDs  
Gonda Division.
4. Letter written by shri Mohd. Yasin to shri  
R.N.Dey PMG UP Circle on behalf of Smt. Anjani  
Devi Srivastava.
5. Letter from Smt. Anjani Devi Srivastava addressee  
to PMG UP Circle Copy to communication Minister  
Shri Noor Mohd. Circle secretary National Union  
Lucknow.
6. Letter addressed to the above person by Smt.  
Anjani Devi Srivastava dated 8.9.78.

*akshay*  
*Te*  
*Prasad*  
Ram Prasad  
Superintendent of Post Offices  
Bahraich Division

*M/S*  
*Prasad*

ANNEXURE-IV.

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE  
FRAMED AGAINST SHRI MOHD. YASIN MAIL PEON MASKANAWA  
R.S. SO (GONDA) ARE PROPOSED TO BE SUSTAINED.

1. Smt. Anjani Devi Srivastava W/o Dr. Suresh  
Chandra Srivastava Khargoopur Gonda.
2. Sri S.P.Purwar Vigilence Officer PMG's office  
Lucknow.
3. Sri R.S.Srivastava the then SPOs Gonda Dn.
4. Sri Noor Mohd. Circle Secretary Nation Union  
class IV & Postman UP Circle Lucknow.
5. The dealing official of circle office who  
dealt with letters cited in annexure-III.

accord  
TR

dl  
Ram Prasad  
Superintendent of Post Offices  
Bahraich Division

ms  
gla

ms  
gla

ANO III

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DEPARTMENT OF POSTS  
O/O SUPDT. OF POST OFFICES BARRAICH DN.  
BARRAICH-271801.

Memo No. DP/Mohd. Yasin/Ad-hoc/82 dt. at Barraich the, 15.1.1987

Whereas an enquiry under rule-14 of CCS(CCA) Rules, 1965 is being held against Sri Mohd. Yasin Mail Peon Maskanawa Gonda.

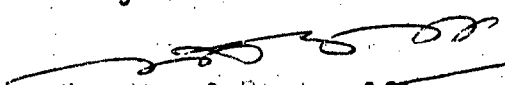
and whereas Sri C.R. Saxena P.M. Gonda who was appointed as enquiry officer in the above case vide Memo No. DP/M. Yasin/Ad-hoc/82 dt. 11.8.82, has since submitted his report vide No. Enqy./Genl/86 dt. 16.12.86.

And whereas the undersigned considers that Govt. servant has not so far been generally questioned on all the circumstances appearing against him in evidence during enquiry for the purpose of enabling him to explain any such circumstances as appearing against him ~~xxxxxxxxxxxx~~ in evidence as required under rule-18 of Sub Rule-14 of CCS(CCA) Rules, 1965.

Now, therefore, the undersigned fixes another date on 3.2.87 at Divl. office Barraich at 11.00 AM for holding further enquiry to give the SPS an opportunity to explain the circumstances appearing against him in course of enquiry.

The following are required to attend the enquiry as scheduled.

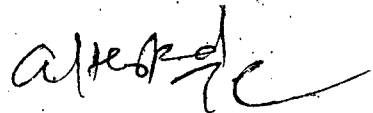
1. Sri Mohd. Yasin Mail Peon Maskanawa RS Gonda (SPS).
2. Sri J.M. Sinha, P.M. Ballia (PD).
3. Sri S.A. Lias P.A. Allahabad City (D.A.).

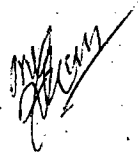
  
~~Supdt. of Post Offices,  
Barraich Division  
Barraich-271801.~~

Copy to-

1. Sri Mohd. Yasin Mail Peon Maskanawa RS (Gonda). (SPS).
2. Sri J.M. Sinha P.M. Ballia.
3. Sri S.A. Lias P.A. Allahabad City.
4. The SPOs Gonda for information & n/a.
5. The PMG UP Circle Lucknow w.r.t. C.O. VI6/M-8/19/82/7 dt. 24.11.86.
6. U/C.

7. SPT & Allahabad

  
Allahabad



GOVERNMENT OF INDIA  
DEPARTMENT OF POSTS  
O/O SUPST. OF POST OFFICES DAHRAICHH DN.  
DAHRAICHH-271801.

Hemo No. BP/Mohd. Yasin/Ad-hoc/82 dt. at Dahraich the,  
30.3.1987

Shri Mohd. Yasin Mail Peon Maskanawa RS SU Gonda was informed vide this office memo no. even dated 25.5.82 that it was proposed to proceed against him under rule-14 of the Central Civil Services (Classification, Control and appeal) Rules, 1965, on the basis of allegations reproduced below.

" That the said Shri Mohd. Yasin while functioning as Mail Peon Gonda City Post office used influence on one Smt. Anjani Devi Srivastava and persuaded her to send false complaint against Shri Kam Swaroop Srivastava the then SFUs Gonda Dn. on account of his transfer from Gonda city Post office to Dahraich North Sub Dn. Dahraich, because it was done by the above officer. The said Sri Yasin did this with intention to cause humiliation and harassment to the said officer, thereby infringed rule-3(f) sub rule (iii) of CCs (Conduct) Rules, 1965."

The said Sri Mohd. Yasin was given an opportunity to submit a written statement of his defence and also to state whether he would like to be heard in person within 10 days of receipt of the aforesaid Memo. failing which the case would be proceeded ex parte. The memo was delivered to the official on 23.4.82 but instead of submitting any representation of defence he requested for supply to him the copies of documents listed in Annexure-III of the charge sheet to enable him to submit his written statement of defence vide his application dated 2.6.82 which was received in this office on 4.6.82. The enquiry was set up and Shri C.R. Saxena the then ASFOs Enquiry-II O/A PMS UP, Circle Lucknow was appointed as enquiry officer to enquire into the charges framed against the said Shri Mohd. Yasin vide this office Memo no. even dated 11.8.82. Shri J.M. Sinha the then ASFOs Gonda Dn. was appointed as presenting officer to present the case on behalf of the disciplinary authority. Shri A.A. Lias who was

attached

MSK

Read by Smt. (A)  
4.8.87  
MSK

MSK

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nominated as Defence Asstt. by Shri Mohd. Yasin assisted the official in his defence. Shri C.R. Saxena conducted the enquiry from beginning to the end and submitted his enquiry report vide his letter No. Inqu/Genl dated 30.12.85. On examination of enquiry report of the E.O. it was observed that the charged official Shri Mohd. Yasin was not given ample opportunity to explain his position on certain points and therefore enquiry report was returned back to the enquiry officer vide this office letter no. even dated 6.5.86 & 17.9.86 for holding further enquiry as the official was to be given an opportunity to explain his position on certain points which were against him in course of enquiry. However since the EU did not hold any further enquiry and returned the case it was held necessary for the administration of justice to ~~generally~~ fix another date for holding further enquiry myself in order to generally question the official on the circumstances appearing against him in the evidence. At this, the enquiry date was fixed for 3.2.87 by the disciplinary authority himself and the charged official was generally questioned on circumstances appearing against him in the evidence. The deposition of the charged official was sent to the P.O. for submitting a further brief if desired by him vide this office letter no. even dated 3.2.87. The P.O. submitted his brief vide his letter No. PRU-1/82-83 dated 27.2.87, a copy of which was sent to the defence nominee Shri Shah Abul Lais P.A. City Allahabad for submitting his further brief from his side also vide this office no. even dated 2.3.87 but instead of submitting further brief the defence Asstt. Shri Shah Abul Lais in his letter dated 26.3.87 has questioned the propriety of calling the charged official on 3.2.87 by the Disc. Authority himself. It is therefore felt that the defence Asstt. does not intend to submit any further brief and this objection has been raised simply with the view to gain a point for the purpose of any future appeal against the order of punishment imposed if any. As such the case is being decided on the basis of the brief already submitted by the Defence Asstt. before the Enquiry officer.

In course of Inquiry a number of documents have been produced as exhibits which have been

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proved by the witnesses from the side of department in course of their oral evidence . Out of these exhibit in Ex-5-2 & 5-4 Smt. Anjani Devi has tried to raise the transfer of the SPS as a communal issue which appears to have been raised in order to have the transfer of the SPS cancelled . While in Ex.-5-2, 5-3 & 5-4 Smt. Anjani Devi has impressed upon the need for transfer of the SUI Shri Banarasi Lal and SPS Sri R.S. Srivastava . In Ex.-5-3, 5-4 & 5-5 Smt. Anjani Devi has made certain serious allegations against Sri R.S. Lal SPS Gonda relating to so called incident dated 11.6.78 but it is not understood as to why no complaint was made by Smt. Anjani Devi till 10.7.78 i.e. the date on which the SPS was relieved from Gonda and was transferred by Shri R.S. Lal Srivastava SPS Gonda to G.P.Colony (Bahraich) in the interest of service. The official was generally questioned on the above points by the undersigned on 3.2.87 but he denied any knowledge about these circumstances . As regards his own statement Ex-5-7 in which the official has himself admitted that Smt. Anjani Devi told him about the incident of 11.6.78 and also that he has written complaint addressed to Sri R.W. Beyer ,PMG UP Lucknow against Sri R.S. Lal Srivastava and Shri Banarasi Lal S.U.I. The SPS deposed that the part of Ex. 5-7 was written by him under duress. But in view of the categorical evidence of Sri.P.Purwar the then V.O. this statement of the official i.e. Ex-5-7 was written by the S.P.S. without any fear and pressure. There appears no reasons why a responsible officer like V.O. should try to influence the course of inquiry in either way. The SPS has failed to produce any convincing evidence to prove that the statement of SPS i.e. Ex.-5-7 was recorded under duress . Thus after generally questioning the official on almost all the circumstances appearing against the SPS in course of Inquiry and after considering his replies, I fully agree with the findings of the Inquiry officer and hold that the charges contained in the articles of charges against the SPS stand fully proved for the reasons discussed above as also for the reasons discussed by the Inquiry officer in his Enquiry report.

Since the conduct of the SPS has been proved to be unbecoming of a Govt. servant , I feel the

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the official is not a fit person to be retained in service. At the same time I also feel that the punishment of removal from service will be too harsh and will adversely effect the well being of his children and wife at this stage. I, therefore, consider that the punishment of compulsory retirement of the official from service would meet the ends of justice.

I, M.P. Tewari, Supdt. of Post offices Bahraich Division, therefore, award on the SPS Shri Mohd. Yasin Group-D Maskanawa (Gonda) the punishment of compulsory retirement from Service with immediate effect.

( M.P. TEWARI )  
 SUPDT. OF POST OFFICES,  
 BAHRAICH DIVISION  
 BAHRAICH-271801.

Copy to-

1. Sri Mohd. Yasin Mail Peon Maskanawa RS. (Gonda) along with a copy of enquiry report submitted by the E.O.
2. The Supdt. of Post offices Gonda Division for information & n/a.
3. The P.F. of the official.
4. The Postmaster Gonda H.U.
5. The MIG UP Circle Lucknow.
6. The C.R. file of the official.
7. U/C.
8. spare.

*affected*

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ANNO ~~II~~ ANNO 5  
ABY 26

OFFICE OF THE DIRECTOR POSTAL SERVICES  
LUCKNOW REGION, LUCKNOW-226007

Memo No. RDL/APP-17/88/13 dated at LW: Feb 29, 1988

This is the appeal dated 13.5.87 from Shri Mohd Yasin Ex Mail peon Maskanwa RS SO (Gonda) preferred against the penalty of compulsory retirement imposed upon him under SPOS Bahraich Division memo No. DP/Mohd/Yasin/Ad-hoc/82 dated 30.3.87. The appeal is not time-barred.

2. (i) It is alleged that the appellant while working as Mail peon Gonda City TSO was transferred to Bahraich North Sub Dn. by Shri R.S.Srivastava, the then SPOS Gonda Division which made him against the said officer and consequently he managed several complaints being lodged against Sri Srivastava in connivance with one Smt Anjani Devi Srivastava in a bid to mud slinging over the character of Shri R.S.Srivastava. During the course of V.O. level inquiry into the allegations against the said Sri Srivastava it was established that the appellant was responsible for carrying his vendetta against his own superior officer stooping as low as possible which was unbecoming of a government servant as also an infringement of Rule 3(1)(iii) of CCS (Conduct) Rules 1964.

(ii) Since Shri R.S.Srivastava SPOS Gonda Divn was a party to the case, SPOS Bahraich Division was appointed the ad-hoc disciplinary authority to initiate disciplinary proceedings against the appellant on above charges. Accordingly a memo of charges u/r 14 of CCS (CCA) Rules 1965 was issued to the appellant under SPOS Bahraich memo No. DP/Mohd Yasin/Ad-hoc/82 dated 25.5.82 and vide memo no. even dated 11.8.82 Sri C.R.Saxena ASPOS Enquiry II PMG's office Lucknow was appointed as E.O.

(iii) The E.O. submitted his enquiry report on 30.12.85 with a finding that the charges levelled against the appellant stand proved. The disciplinary authority (SPOS Bahraich) holding that the appellant was not given ample opportunity by the E.O. to explain the circumstances appearing against the appellant during the course of enquiry, himself held inquiry on 3.2.87 and questioned the appellant on the points which were found against him and also called for additional brief from P.O. and D.A. The defence assistant did not submit any additional brief. The SPOS Bahraich after a careful consideration on the memo of charges and records of enquiry held the charges proved against the appellant and therefore, imposed the penalty appealed against.

3. I have gone through the appeal and all other relevant reports files etc. I would like to discuss the salient arguments put forth by the appellant in his appeal as under:

(i) The plea that disciplinary authority has acted simultaneously as E.O. without sanctity of any provision in CCS(CCA) Rules with a view to fill up the gap is not convincing and tenable as records of the proceedings clearly show that the disciplinary authority had rightly remitted the case back to E.O. for examination of appellant on certain points and when the E.O. did not comply with the directions the disciplinary authority itself resorted to hold further inquiry. Moreover ~~the~~ disciplinary authority is not debarred from acting as enquiring authority under CCS(CCA) Rules 1965.

(ii) The plea of the appellant about ~~contradictory~~ contradictory opinion of disciplinary authority on the enquiry report is also not tenable as the disciplinary authority while holding that ample opportunity was not

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given to appellant to explain his circumstances, had never expressed its opinion about the charges.

(iii) The argument that all the three basic documents viz. the complaints of Smt. Krishna Kumari were false and bogus and procured by Sri R.S.Lal is not tenable. No doubt, the documents could not be testified by the complainant Smt. Krishna Kumari during the course of inquiry due to her death but the same have duly been testified by other witnesses as such their genuineness cannot be doubted. The contention of the appellant that these complaints contained allegations against the disciplinary authority which were criminal in nature not requiring departmental action is not tenable. Since the complaints contained serious allegations against the appellant involving moral turpitude, and misconduct, the SPOs Gonda was perfectly right to get them inquired into departmentally and take departmental action against the appellant.

(iv) The plea advanced by the appellant with regard to falseness of Ex S-18 does not appear to be convincing. This is a preliminary inquiry report of SPOs Gonda Division made to the P.M.G. and to say that it was never presented before the V.C. on 2.3.79 and 3.3.79 does not appear to be based on facts rather the contention of the appellant is presumptive and unsubstantiated and therefore does not carry weight.

(v) The argument that all the complaints against the appellant were bogus and manipulated by Sri Banarsi Lal IPOs on the instance of SPOs Gonda Dn. is baseless and the pleas advanced in support of this argument are not tenable.

(vi) The argument that the prosecution could not produce any independent witness from public rather the witnesses produced by prosecution were the subordinates of the Supdt of Post Offices Gonda is not convincing. The primary object of producing witness is to testify the documentary or other evidence on record which has rightly been done in this case and hence the plea is found unconvincing.

4. On the basis of the discussions in para 3 above it has been found that the appellant stooped to the lowest level of misconduct, attempted to malign the character of his superior and thus acted in a manner which was totally unbecoming of any government servant. He deserved exemplary penalty in the larger interest of discipline and good conduct in Government offices. I find that the appellant has earned the penalty which he deserved and, therefore, there does not appear any justification to interfere in the order already issued against him.

5. In view of the above, I, hereby reject the appeal and confirm the penalty already imposed on the appellant vide SPOs Bahraich memo referred to above.

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( B.P. Singh )  
Director Postal Services,  
Lucknow Region, Lucknow.

- Copy to:-  
1. Official concerned.  
2-3: SPOs Gonda  
4-5: Office copy.

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अतएव यह अधिपत्रक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

उत्तरदायित्व न रहेगा।

अधिकार होगा कि वह हमारी ओर से मुकदमा की प्रती न करे। उपरोक्त दशा में उक्त सचन का कोई

होना। अगर <sup>हम लिखित</sup> भुक्त तथा विशेष भुक्त अधिपत्री बहस के बचन उक्त सचन को न <sup>हो</sup> जो उक्त

उक्त सभी कार्यवाही जो उक्त सचन करने में प्रत्येक दशा में अपने किये की शर्त <sup>हमको</sup> सर्वथा स्वीकार

आवश्यकता होने पर किसी अन्य बकील महोदय को बकील करे।

अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही लिखी के भर पाई होने के समय तक स्वतः या संयुक्त करे।

समकालीन करे तथा सुननेगामा दायित्व करे तथा उसके सम्बन्ध में प्राधान्य-पत्र दायित्व करके उक्तका सचन करे

सम्बन्धित प्राधान्य-पत्र प्रस्तुत करे तथा उक्तका सचन करे तथा बचतीक करे, बाद-पत्र उठावे छोड़े अथवा

हस्ताक्षरी प्रावती देकर प्राप्त करे, हमारी ओर से किसी को मध्यस्थ तथा साक्षी (प्रावह) माने और उससे

पुष्टीकरण करे, और आवश्यक सवाल जवाब करे और लेखानि की प्रतिलिपियाँ एवं हमारे प्राप्य धन को अपने

की प्रतिलिपियाँ अपने हस्ताक्षर करके स्यादातय में प्रस्तुत करे अथवा किसी पत्र पर आवश्यकतापूर्वक श्राप्यक

(दस्तावेज इत्यादि), मुबवान अर्थात्, निगरानी इत्यादि करे प्रकार के अन्य प्राधान्य प्राप्ति एवं लेखानि

पत्र, निवाद-पत्र, गुणवतीकरण एवं प्रतिलिपि प्राधान्य-पत्र (दस्तावेज), श्राप्यक (कथन (हस्तकामा), प्रवर्तन-पत्र

करती <sup>हम</sup> कि उक्त सचन हमारी ओर से बाद-पत्र (अर्थात्वा), प्रनिवाद-पत्र (बयान बहतीकी), बाद स्वीकार

की <sup>हम</sup> लिखित भुक्त (प्रवर्तनामा) प्रिय करके अपना/हमारी अधिपत्रक (बकील) लिखित करती और यह स्वीकार

साक्षी ..... हस्ताक्षर ..... साक्षी

*D. C. Jenkins*  
*Halmao Wray*

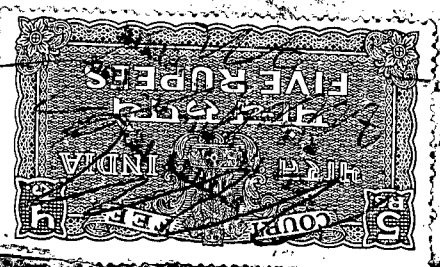
उपरोक्त प्रमाण (मुकदमा) में <sup>हम</sup> अपना पत्र सचन है

महोदय <sup>हम</sup> *Union of Indes*  
*Now Yasin Khan 87, Amulka*  
*Khan, Village Haveli, Balaram*  
*Balaram, Balaram*

महोदय <sup>हम</sup> *Now Yasin Khan*  
*Union of Indes*  
*Now Yasin Khan 87, Amulka*  
*Khan, Village Haveli, Balaram*  
*Balaram, Balaram*

*सुप्रीम कोर्ट ऑफ इंडिया*  
*Supreme Court of India*  
*100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120*

*Abulhasin Khan*  
*Abulmullah Khan*  
*Village Haveli*  
*Po. Chano (U47) Balaram-Bas*



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A37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH  
AT ALLAHABAD.

\*\*\*\*\*

CIVIL MISC. APPLICATION NO. \_\_\_\_\_ OF 1988.

On behalf of the respondents.

..... Applicants.

IN

REGISTRATION NO.697 OF 1988.

Mohd. Yasin Khan ..... Applicant.

Vs.

The Union of India

and others;

..... Respondents.

To

The Hon'ble the Vice-Chairman and His other  
companion members of the aforesaid Tribunal.

The humble petition of the abovenamed applicants  
most respectfully Showeth:-

1. That the full facts have been set out in the  
accompanying counter affidavit.
2. That it is necessary in the interest of justice  
that the reliefs sought by the applicant in his aforesaid  
application may kindly be rejected.

*llan*

A38

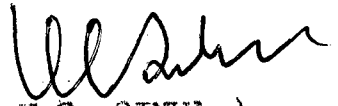
(2)

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to allow this application and reject the reliefs sought by the applicant in his aforesaid application.

And/or be further pleased to pass such other and further order which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case.

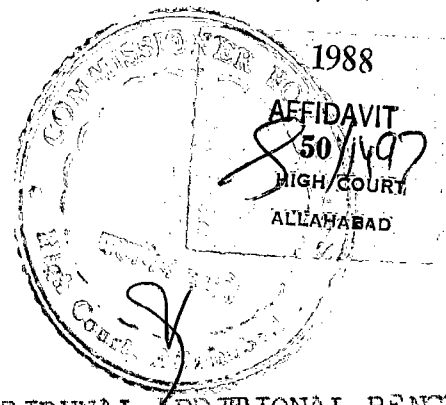
DT/-



( K.C. SINHA ),

Addl. Standing Counsel,  
Central Government.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH  
AT ALIHAHABAD.

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COUNTER AFFIDAVIT

IN

REGISTRATION NO.697 OF 1988.

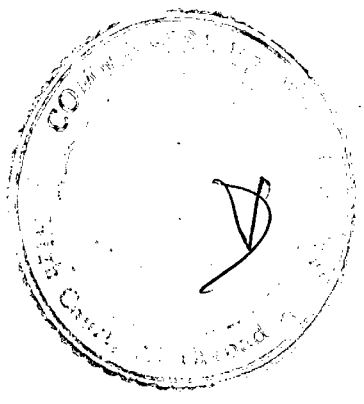
Mohd. Yasin Khan ..... Applicant.

vs.

The Union of India  
and others.

..... Respondents.

Affidavit of Shri R. S. Singh  
aged about 46 years son of  
Shri Raj Bahadur Singh



(Deponent)

I, the deponent abovenamed do hereby solemnly affirm  
and state on oath as under:-

1. That the deponent is posted as Supdt of Post Office  
Gonda Dist. and is authorised to file  
this counter affidavit on behalf of the respondents and as

R. S. Singh

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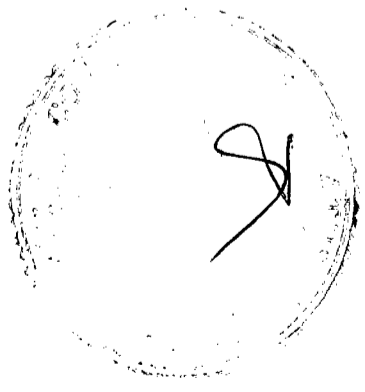
(2)

such he is fully acquainted with the facts of the case deposed to below.

2. That the contents of the application filed by the petitioner have been read over by this deponent and he has fully understood them and is in a position to reply the same.

3. That before giving parawise reply to the application it is necessary to give certain facts which may assist this Hon'ble Tribunal in deciding the controversies involved in the present case.

4. That the applicant was working as Mail Peon Gondar city in the year 1979. Before it he has also worked in Khargupur Post-office. While the applicant was working in Gondar city, a complaint from Smt. Krishna Kumari resident of Khargupur was received in the office of the answering respondent with the allegation that the applicant while working at Khargupur established illicit relations with Smt. Anjani Srivastava (widow) daughter-in-law of Smt. Krishna Kumari Srivastava and took away the domestic property viz. Radio, Table fan, Sewing

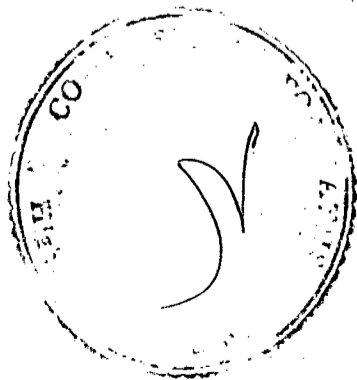


R.S. Singh

AYI

(3)

Machine with Smt. Anjani Srivastava. This complaint was enquired into by the then Sub-Divisional Inspector Shri Banarasi Lal who established the allegations to be true. Therefore, the applicant was transferred to Bahraich Central Sub-Division, Bahraich and he was relieved on 18-7-1978 for Bahraich. The applicant made several efforts to get the transfer cancelled but he could not succeed in it. Therefore, he started lodging complaint against Shri R.S.Srivastava, the then Superintendent of Post Offices, Gonda Division on behalf of Smt. Anjani Devi who was under his influence. Smt. Anjani Devi had alleged that Shri R.S.Lal, Superintendent of Post-offices Gonda Division wanted to establish illegal relation with her like husband and wife. These complaints were enquired by Shri S.P.Purwar V.O. O/O the Postmaster General, U.P. Circle, Lucknow who conducted the enquiry with the result that the allegations levelled against Shri R.S.Lal could not be established. During the course of enquiry the applicant also admitted before the V.O. that these complaints were lodged by him on behalf of Smt. Anjani Devi and that he may be pardoned. As the applicant had the complaints with intention to cause humiliation & harassment to the Divisional Superintendent by mud slinging on the character of the Superintendent of



R. Singh

(4)

Post-offices which was an act of unbecoming on the part of the conduct of government servant namely the applicant. A charge-sheet under Rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 was issued vide memo no. DP/Mohd Yasin/Adhoc/82 dated 25-5-1982. The Superintendent of Post-offices, Bahraich Division was appointed as Ad hoc Disciplinary authority since Shri R.S. Srivastava, Superintendent of Post-offices, was a party in the case. The above mentioned charge sheet was finalised by the Superintendent of Post-offices, Bahraich (ad hoc Disciplinary Authority) vide memo No. DP/Mohd. Yasin/Adhoc/82 dated 30-3-1987 and the applicant was ordered to be retired compulsorily from government service. The plaintiff submitted an appeal against the above order to the Director Postal Services, Lucknow Region, Lucknow who after examination of record and case full consideration of all aspects of the case upheld the penalty already imposed by the disciplinary authority under his office memo No. RDL/APP-17/88/13 dated 29-2-1988. Hence the applicant has filed the present application before this Hon'ble Tribunal.



R.S. Singh

(5)

5. That the contents of paragraph nos.1, 2, 3, 4, and 5 of the application being matters of record, need no comments.

6. That the first sentence of paragraph no.6.1 of the application are admitted, rest is not admitted. The work of the applicant was not satisfactory. The applicant was involved in immoral activities which was against the conduct rules. Therefore, he was charge-sheeted and punished.

7. That the contents of paragraph no.6.2 of the application are not admitted. The applicant was transferred to Central Sub-Division, Bahraich in the year 1978 when Bahraich revenue District was under Gonda Postal Division, Bahraich district was bifurcated into Bahraich Postal Division with effect from 1-11-1980.

8. That the contents of paragraph no.6.3 of the application are not admitted. The applicant was transferred to Bahraich Central Sub-Division on administrative ground on receipt of serious complaints against him which involved his conduct. As the applicant did not join, there a long time he was again transferred and posted as Mail Peon M<sub>3</sub>skanwa



R.S. Singh

A44

(6)

R.S. P.O. Gonda Division.

9. That the contents of paragraph no.6.4 of the application are not admitted. Smt. Krishna Kumar who had lodged complaint against the applicant was not at all related with the then Superintendent of Post-offices Shri R.S.Srivastava. The applicant was transferred to Bahraich Central Sub-Division only due to the reason that allegations levelled against him by Smt. Krishna Kumar in her complaint was found fully proved against the applicant.

10. That the contents of paragraph no.6.5 of the application are not admitted. Smt. Anjani Devi, daughter-in-law of Smt. Krishna Kumari was living with the applicant as his kept wife. Therefore, the applicant himself lodged complaint against the Superintendent of Post-offices, Gonda Division on behalf of Smt. Anjani Devi with the allegation that Shri R.S.Srivastava wanted to establish relation with Smt. Anjani Devi like a kept wife. This complaint was enquired by Shri S.P. Purwar Vigilance Officer O/O the Postmaster General, U.P. Circle, Lucknow.



R.S. Gupta

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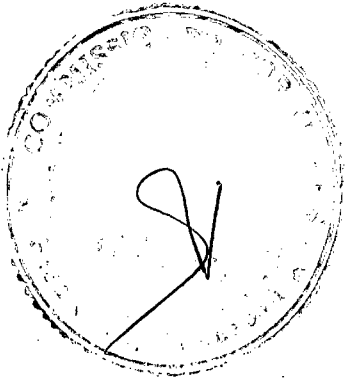
(7)

During the course of enquiry the applicant himself admitted that the complaints were lodged by him on behalf of Smt. Anjani Devi and that he may be excused for it.

11. That the contents of paragraph no.6.6 of the application are not admitted. The statement of the applicant was not recorded under duress. The applicant has given statement at his own accord.

12. That the contents of paragraph no.6.7 of the application are not admitted. As the allegation levelled against the plaintiff involved his conduct and character, therefore, charge-sheet under rule 14 of the Central Civil Services (Classification, Control & Appeal) Rules, 1965 was served on him.

13. That the contents of paragraph no.6.8 of the application are not admitted. The applicant was served with the memo of charges under rule 14 of the Central Civil Services (Classification, Control & Appeals) Rules, 1965 vide SPOs Bahraich memo No.DP/Mohd.Yasin/Adhoc/82 dated 25-5-1982. The applicant denied the charges levelled



R.S. Singh

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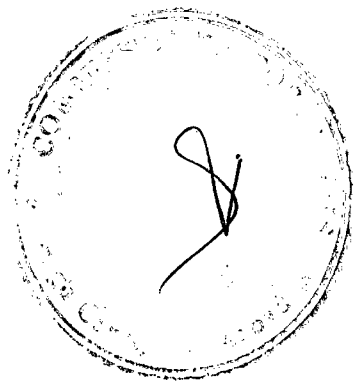
(8)

against him. Therefore, enquiry officer was appointed and on conclusion of enquiry the disciplinary authority i.e. Superintendent of Post-offices, Bahraich Division awarded punishment of compulsory retirement on the applicant. Therefore, question of frustration of action taken by the Superintendent of Post-offices, Gonda by transferring the applicant to first to Bahraich Central Sub-Division and afterwards to Maskanwa R.S. Post-office does not arise.

14. That the contents of paragraph no.6.9 of the application need no comments.

15. That the contents of paragraph no.6.10 of the application are not admitted. Under the rules before start of enquiry the Presenting Officer can submit application to the enquiry Officer for inclusion of certain documents and witnesses which can be permitted by the Enquiry Officer for which the Enquiry Officer is also competent to order so under the rules.

16. That the contents of paragraph no.6.11 of the



R.S. Singh

A47

(9)

application need no comments.

17. That the contents of paragraph no.6.12 of the application are not admitted. The disciplinary authority is not debarred from acting as Enquiry Authority under the Central Civil Services (Classification, Control & Appeals) Rules, 1965.

18. That the contents of paragraph no.6.13 of the application are not admitted. The Enquiry Officer had submitted his enquiry report after proper examination of all the documents and witnesses and proved the charges. The Disciplinary Authority also passed the punishment order after careful examination of document, statement and enquiry report.



19. That the contents of paragraph no.6.15 of the application are not admitted. The appeal as submitted by the applicant was rejected by the Director Postal Services, Lucknow Region, Lucknow, the appellate authority and order of the disciplinary authority was upheld by him after thorough study of the ground given by the applicant in his appeal and other prosecution

R. S. Singh

And

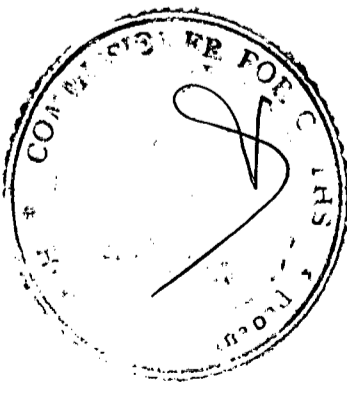
records.

20. That the contents of paragraph no.6.16 of the application are not admitted. The action taken by the disciplinary authority for further clarifying certain points correct under Central Civil Services (Classification, Control & Appeals) Rules, 1965.

21. That the contents of paragraph no.6.17 of the application are not admitted. The punishment order of compulsory retirement was issued on 31-3-1987 after thorough enquiry giving as opportunity to the applicant to explain his position, as necessary.

22. That the contents of paragraph no.6.18 of the application are not admitted. The punishment order of compulsory retirement has been issued by the disciplinary authority after finding the charges proved levelled against the applicant. Therefore, there is no violations of Articles 14 and 16 of the Constitution.

23. That the contents of paragraph no.6.19 of the application are not admitted. The applicant would have



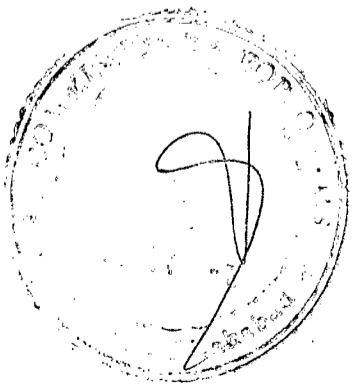
R.S. Singh

submitted this petition to the President of India ( P & T Board) before filing the application before this Hon'ble Tribunal. Thus the applicant has not exhausted all the departmental ~~channels~~ channels of appeal. The present application of the petitioner is liable to be dismissed on this ground alone.

24. That none of the grounds taken by the petitioner are sustainable in the eyes of law. In view of the facts and circumstances, mentioned in the earlier paras of this counter affidavit, the petitioner has failed to make out any case for interference by this Hon'ble Tribunal and the present application being wholly devoid of merit, is liable to be dismissed with costs.

25. That in reply to the contents of paragraph no.7 of the application it is submitted that in view of the reply already furnished in the earlier paras of this counter affidavit, the petitioner is not entitled to any of the reliefs sought by him in the para under reply.

26. That the contents of paragraph nos.8, 9, 10, 11 and 12 of the application being matters of record, need no comments.



RS. Singh

A50

(12)

That the contents of paragraph nos.1, 2 and 3 of this affidavit are true to my personal knowledge; those of paras nos.4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 , 23(partly), and 26 of this affidavit are based on perusal of record; those of paragraph nos.23(partly), 24 and 25 of this affidavit are based on legal advice; which I believe to be true that no part of it is false and nothing material has been concealed.

SO HELP ME GOD.

*R. S. Chaubey*  
.....  
Supdt of Post Office  
(DEPONENT) *Grundy*

I, D.S. Chaubey, Clerk to Shri K.C. Sinha, Additional Standing Counsel, Central Government, High Court, Aild. do hereby declare that the person making this affidavit and alleging himself to be Shri \_\_\_\_\_ is known to me personally.



*D.S. Chaubey*  
.....  
(CLERK)

ASI

(13)

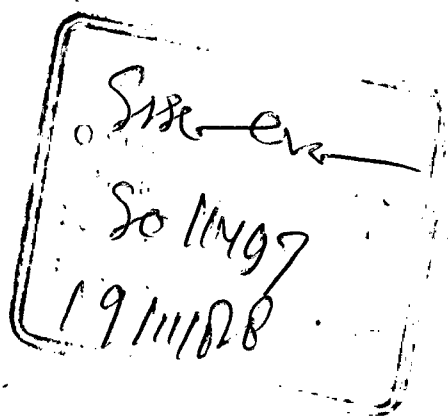
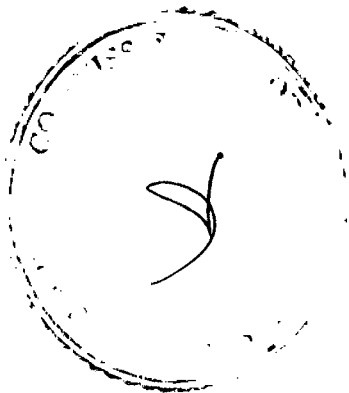
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1988

2 Solemnly affirmed before me on this ~~day~~ day of ~~September~~ NOV 2, 1988 at 11:20 A.M./P.M. by the deponent who is identified by the Clerk.

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

OATH COMMISSIONER :



AS2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Additional Bench at ALLAHABAD.

\*\*\*\*\*

REJOINDER REPLY

On behalf of Mohd Yasin Khan - - - - - Applicant.

IN

Registration No. ~~897~~ 697 of 1988.

Versus

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

1. That I am the applicant in the above noted case and as such fully conversant with the facts deposed to below.

2. That the applicant has read over the contents of the counter affidavit filed by the opposite party No.2 of the application and as such I am in a position to give parawise reply to the same.

3. That the contents of paras 1 and 2 of the counter affidavit call for no comments.

4. That the averments of para 3 of the counter affidavit call for no reply. It is however, stated that the facts have been distorted.

5. That in reply to the para 4 of the same C.A. it is submitted that the allegation regarding the alleged theft are wholly false. It is further pointed out that the allegation of the theft...

*Handwritten notes:*  
Reviewed @ 27/11/87  
Chaitanya C. Singh  
A. S. B.

*Handwritten signature:*  
M. S. Khan

ASS

-2-

been proved, cannot have bearing and relevance in respect of the controversy in question, as already disclosed in the application, the disclosure of correct facts against Shri R.S.Lal Srivastva the then Superintendent Post Offices, Gonda resulted in creating annoyance on the part of the postal authorities and the applicant was falsely implicated for the same. It is further pointed out that the applicant aggrieved against the order of his transfer was within his rights to prefer appeal.

6. That the contents of para 5 of the counter affidavit need no reply.

7. That the averments made in para 6 of the counter are not admitted and the averments made in para 6 (i) of the main application are re-asserted.

8. That the contents of paragraph 7 of the counter are not admitted. It is further stated that the background of the transfer of the applicant was the alleged complaint against him and not due to bifurcation of the postal division Gonda as alleged.

9. That the contents of para 8 of the counter it is stated that the averments made in para 6 (iii) of the main application are correct, the same are re-asserted

10. That in reply to the contents of para 9 of the counter it is stated that the applicant had reliably

learnt that Smt. Krishna Kumari is related to Shri R.S.

*Handwritten signature/initials*

Srivastava the then Superintendent of Post Office, Gonda. The denial of the facts in the counter on the basis of record itself shows that the denial of facts is not at all wellfounded. It is further stated the allegation made in the complaint were without any foundation. The averments made in para 6 (iv) of the main application are re-asserted.

11. That the averments made in para 10 of the counter are denied. It is absolutely wrong to allege that Smt. Anjani Devi was living as a kept wife of the applicant. That in view of the facts that the matter was brought to light gainst the then S.P.O., Gonda, the postal authorities got annoyed and prejudiced against the applicant and so called enquiry was just an empty formality. The alleged admission of the applicant does not affect the merit of the case.

12. That the averments made in para 11 of the counter are not admitted and those contents of para 6 (vi) of the main application are re-asserted.

13. That the contents of para 12 of the counter affidavit are not admitted and those contents of para 6 (vii) of the main application are re-asserted.

14. That the averments made in para 13 of the counter are not admitted and contents of para 6 (viii) of the main application are re-asserted.

15. That the contents of para 14 of the counter call for no reply.

*my son*

16. That the averments made in para 15 of the counter affidavit are based on misconception of law and detailed reply will be given at the time of final hearing. The averments made in para 6 (x) of the main application are re-asserted.

17. That the contents of para 16 of the counter need no comment.

18. That the averments made in para 17 of the counter are not admitted. The said averments are based on misconception of law and detailed reply will be given at the time of argument. The averments made in para 6 (xii) of the main application are re-asserted

19. That the averments made in para 18 of the counter are not admitted and those contents of para 6 (xiii) of the main application are re-asserted.

20. That the averments made in para 19 of the counter are not admitted and those contents of para 6 (xv) are re-asserted of the main application.

21. That the averments made in the para 20 of the counter are not admitted and those contents of para 6 (xvi) are re-asserted of the application.

22. That the averments made in para 21 of the counter are not admitted. It is pertinent to mention here that the applicant was actually relieved on 9.4.87 after noon. The averments made in para 6 (xvii) of the main application are re-asserted.

*Handwritten signature*

ASb

23. That the averments made in para 22 of the counter are not admitted and those contents of para 16 (xviii) of the main application are re-asserted.

24. That the averments made in para 23 of the counter are not admitted. It is submitted that it was not at all obligatory to have preferred further appeal. The application before this Hon'ble Tribunal is perfectly valid and the averments made to the contrary are wrong and being ~~xxxx~~ based on misconception of law.

25. That the averments made in para 24 of the counter are emphatically denied. The application has merits and the grounds raised therein are maintainable. The application is likely to be allowed.

26. That the averments made in para 25 of the counter are denied, and it is further submitted that the applicant is entitled for the reliefs prayed for.

27. That the contents of para 26 of the counter call for no reply.

VERIFICATION CLAUSE.

I, Mohd Yasin Khan s/o Shri Azim Ullah Khan aged about 46 years resident of Village- Handia, Post Charu, via Bahnan Basti do hereby verify that the contents of paras 1 to 27 of the Rejoinder are true to my personal knowledge and

Mohd Yasin Khan  
Sig of the applicant

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(21)

CRD

# Before Central Administrative Tribunal Additional Bench Allahabad

Registration No. 697 of 19 88

Shri Mohd Yasin Khan District Gonda Applicant

VERSUS

Union of India & Others Respondents

I/We Supdt. Post Office  
Gonda Division  
Gonda-271001

in the above matter hereby appoint and retain  
SHRI KRISHNA CHANDRA SINHA, Advocate High Court CAT Allahabad  
to appear, act and plead for me/us in the above matter and to conduct/prosecute and  
defend the same in all interlocutory or miscellaneous proceedings connected with the same  
or with any decree or order passed therein, appeals and or other proceedings therefrom  
and also in proceedings for review of judgment and for leave to appeal to Supreme Court and  
to obtain return of any documents filed therein, or receive any money which may be payable  
to me/us.

2 I/We further authorise him to appoint and instruct any other legal practitioner  
authorising him to exercise the powers and authorities hereby conferred upon the Advocate  
whenever he may think fit to do so.

3. I/We hereby authorised him/them on my/our behalf to enter into a compromise  
in the above matter, to execute any decree order therein, to appeal from any decree/order  
therein and to appeal. to act, add to plead in such appeal or in any appeal preferred by  
any other party from any decree/order therein.

4. I/We agree that if/we fail to pay the fees agreed upon or to give due instruction at  
all stages he/they is/are at liberty to retire from the case and recover all amounts due to  
him/them and retain all my/our monies till such are paid.

5. And I/We, the undersigned do hereby agree to ratify and confirm all acts done by  
the Advocate or his substitute in the matter as my own acts, as if done by me/us to all  
intents and purposes.

Executed by me/us this 30<sup>th</sup> day of June 19 88 at Gonda

*[Signature]*  
Supdt. Post Office  
Gonda Division  
Gonda-271001  
Signature  
before me

Executant/s are personally known to me he has/they

have/signed

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate blind or unacquainted with the language of vakalat)

Certified that the content were explained to the executant/s in my presence  
in.....the language known to him/them who appear/s perfectly to understand  
the same and has/have signed in my presence.

Accepted

*[Signature]*

K. C. SINHA  
Advocate

Additional Standing Counsel  
Central Government  
High Court-Allahabad

Counsel for Applicant/Respondents  
No. *[Signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH : LUCKNOW  
Opp. Residency Gandhi Bhavan, Lucknow.

749

No. CAT/CE/IKO/JUDL/

T-A 78/92 T.L.

Date :

21/4/92

REGISTRATION NO

697/88

OF 1991/92 (L)

Mohd. Yasir Khan

Applicant.

VERSUS

Union of India & others

Respondents.

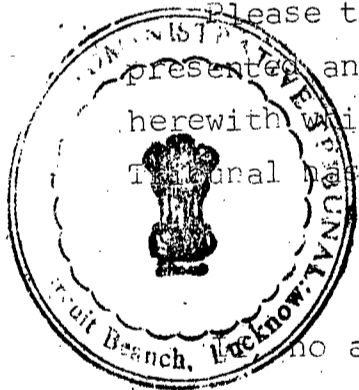
① Mohd. Yasir Khan,

Village - Handia,

Post - Charoo, Babnana,

Distt - Basti.

Please take notice that the applicant above named has presented an application a copy \_\_\_\_\_ thereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 27 day of May, 1992 for hearing.



no appearance is made on your behalf, your pleader of by some one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given under my hand and the seal of the Tribunal this 1st day of April 1992

For Deputy Registrar.

*[Handwritten Signature]*

M. Panda./

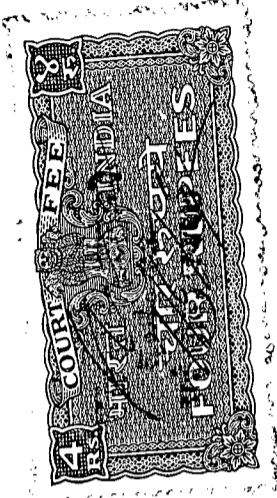
OIC

In the Central Administrative Tribunal  
Lucknow  
Bane

VAKALATNAMA

In the High Court of Judicature at Allahabad  
SITTING AT LUCKNOW

FF-27-5-92



Mohd Yaseen

VERSUS

Union of India



O.A.T.A No 78 (L) of 19 92

I/We the undersigned do hereby nominate and appoint Shri PRASHANT CHANDRA and Shri ~~SURENDRAN P.~~ Suren Dran P. Advocate Farooq Ahmad Advocate Advocate. to

be counsel in the above matter, and for me / us and on my / our behalf to appear, plead, act and answer in the above Court or any Appellate Court or any Court to which the business is transferred in the above matter, and to sign and file petitions, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising therefrom, and also to apply for and receive all documents or copies of documents, dispositions, etc. etc, and to apply for issue of summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrant or order and to conduct any proceeding that may arise thereout; and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

FT  
4.5.92

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town; then, and in such an event my/ our said advocate shall not be bound to appear before the courts and if my/our said advocate doth appear in the said case he shall be entitled to an outstation fee and other expenses of travelling, lodging, etc. Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate(s) shall not be held responsible for the same. And all whatever my/our said advocate(s) shall lawfully do, I do here by agree to and shall in future ratify and confirm.

ACCEPTED

accepted  
Suren Dran P.  
Farooq Ahmad  
Advocate

1. \_\_\_\_\_ Advocate.

Signature of Client Mohd Yaseen Khan

2. \_\_\_\_\_ Advocate.