

Central Administrative Tribunal
Lucknow Bench

Cause Title TA 101 of 1992 CU

Name of the Parties Ram Nath Kakkar Applicant

V e r s u s

Supdt. of P.Ws, Sultanpur Respondents.

Part A - P.C.

Sl. No.

Description of documents

Page

1.

Check List

2.

Order Sheet.

A1 - A5 ✓

3.

Judgement.

A6 - A11 ✓

4.

Petition Copy.

A12 - A18 ✓

5.

Annexure

A19 - A31 ✓

6.

Power

7.

Counter Affidavit.

A34 - A51 ✓

8.

Rejoinder Affidavit.

A52 - A53 ✓

9.

Miscell. papers
(All duly assigned)

A54 - A60 ✓

B - File

B. - File

B1 - B51

C - File

File B/C Withdrawn / Destroyed

(Bols)

20/7/00

(4)

Hon. D.S. Mishra - Am.
Hon. G.S. Sharma - JM

on the request of
learned counsel for the
applicant, the case is
adjourned.

Am.
JM

Am.
3.8.88

3.8.88

Hon. D.S. Mishra - AM
Hon. G.S. Sharma - JM

For order of
admission of
applicant.

JM -AM

OR
अभिमान जो यह न्यायालय गलत देखे
हो जाने के आगे unaltered हो नहीं आता
कमाल पक्ष के लिए एलायंस प्रार्थना है। 3/8-88

10.1.89
no one appears for reply
complaint may be filed by
3.3.89

3.3.89
no one appears for reply
complaint may be filed by 07.4.89

AL

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

..... Reg. No. 792 of 1988

Ram Kishan Kulkarni vs. Secy. Posts & Telecom.

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
		CIR. Noting for all Respondents are issued for a Reply fixing 13/9/88 to 11/8/88. <i>[Signature]</i> 11/5/88 OK against the order dated 6/12/88. The order is cancelled. <i>[Signature]</i> 6/12/88	
	22.2.90	The Case is adj. to 8-5-90 before JAL (S) fixing a date for hearing. <i>[Signature]</i> JAL (S)	

20.8.91

No sitting adjourned to

23.8.91 for hearing

Box

32

(AS)

25.8.91

Hon Mr. K. Obayya, AM

On the adjournment request
of the Counsel for the
applicant, the case is
adjourned to 6.9.91.

AM

(mu)

12.12.91

T. A. 101/92 T. L

Sec. R.K. L. counsel for the applicant
is present. No sitting adjourned to (AM)
16.12.91 for hearing and

16-12-91

Hon M.C. Swastika - VC

On the request of the parties
the case is adjourned to
20-12-91 for hearing.
20-12-91

20.12.91

No sitting. Adjourned to 9-1-92.
for hearing of

The case relating to territorial jurisdiction
of unknown Bench. Hence is being transferred
unknown Bench vide Honble V.C's order dt
18.12.1991.

Amulal
So. (5)

9.4.92

D.R.

Register the case as T.A.

This file has been received
after transfer to this Bench
from CAT Add.

Give notice to both the
counsel for both the parties.
List for hearing on 29/6/92
before the Hon. Bench.

OR
Notice Issued
21/4/92

T.M. 10/1/92

(AS)

29.6.92

No. 24-8.92
24-8.92

24-8.92

Case no. read off
27.8.92

O.R.

CA/RA have

been exchanged.

s. f.o. before
the Hon. Single
Member.

8
26/8/92

Date
27/8/92

Honble Mr. S.N. Prasad, J.M.

Case called out. Sri Anil Kumar learned counsel for the applicant and Sri K. C. Srinivas learned counsel for the respondents are present. The learned counsel for the parties state that this case be taken along with case C.A. no. 1292/88, which is between the same parties. List this case along with the O.A. No. 1292/88 for hearing on 28.8.92.

J.M.

Honble Mr. S.N. Prasad J.M.

Case called out. None responds on behalf of either of the parties. Put up again after lunch.

2

J.M.

(2)
A6

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 792 of 1988

(T.A. No. 101 of 1992)

Ram Nath Kakkar Applicant

Versus

Superintendent of Posts, Sultanpur & others ... Respondents

Hon'ble Mr. S.N. Prasad, Member (J)

The above O.A. No. 792 of 1988 which was filed before the Central Administrative Tribunal, Allahabad Bench, Allahabad has been received here by way of transfer and has been ^{numbered} ~~no.~~ here as T.A. No. 101 of 92.

2. The applicant has approached this tribunal for directing the respondents to pay interest to the applicant as detailed in the application within a reasonable time and has also prayed for awarding at cost a sum of Rs. 800/- to the applicant against the respondents as the respondents have been extremely negligent in paying the amount of gratuity and pension to the applicant.

3. Briefly, stated the facts of the case, inter-alia, are that the applicant was serving in the Department of Posts as Assistant Post Master, Sultanpur in the scale of Rs. 425-640/- and retired from service on 31.8.83. A gratuity of Rs. 16038/- was sanctioned in his favour by the Director of Accounts (Postal) Lucknow (Vide Annexure A-1) and out of the said gratuity a sum of Rs. 11,000/- was paid to the applicant as per office memo dated 4.12.86 (Vide Annexure-A-3) and the remaining amount of the gratuity viz. Rs. 5038/- was detained by the Resr

Cont

(A7)

:: 2 ::

dents on the ~~pleas~~^{of} the pendency of the disciplinary proceeding against the applicant. Similarly out of the sanctioned pension of Rs. 468/- per month, ^{the} applicant was allowed a payment of only Rs. 300/- per month (vide order dated 1.10.1983 (Annexure-4)). It has further been stated that out of the two disciplinary proceedings, one was dropped by the D.G. Posts New Delhi, as intimated to him as per letter dated 20.10.86 (Annexure A-2). The other disciplinary proceedings which was initiated by the Superintendent of Posts Office vide memo dated 25.3.82 ended in the award of punishment of recovery of Rs. ~~325~~² from the pay of the applicant. Against the above recovery, the applicant filed a civil suit in the Court of Munsif, Sultanpur and that suit was decreed against the respondents and against the aforesaid judgement and decree of the Munsif, Sultanpur ~~and~~ an appeal bearing an appeal No. 305/88 was filed by the respondents and that appeal was transferred ^{to the C.A.T. Allahabad} ~~to the C.A.T. Allahabad~~ under section 29 of the Central Administrative Tribunals Act, 1985 and the same was decided by ^{said} ~~the~~ tribunal on 18.12.1986 whereby the above appeal of the respondents was dismissed and after the dismissal of that appeal the applicant was paid the balance of the gratuity amount on 26.5.87 (Annexure A-5) and the remaining portion of the pension was also paid to the applicant ~~as per order dated 26.3.86~~^{on 26.3.86}. It has further been

Contd...3/-

2

AS

:: 3 ::

stated that due to the above disciplinary proceedings and due to illegal and invalid order of the respondents concerned; the applicant had ^{injured} ^{a lot} ~~allowed~~ and due to delaying practice, adopted by the respondents, the applicant is entitled to get interest ^{the} ~~of~~ tune of Rs. 4037.40 as detailed in the para 6 of the application.

4. The respondents have resisted the claim of the applicant with the contentions, inter-alia, that the applicant while working in Sultanpur as Assistant Postmaster, was served with a charge-sheet under rule 16 of the Central Civil Services (C.C.A.) Rules, 1965 on 21.6.83 and he was required to give the reply within 10 days, but the applicant demanded certain record and submitted ^{his defence as late} as on 4.6.1985 approximately after two years and as such the applicant himself is responsible for his delaying practices. It has further been stated that the disciplinary proceedings was ordered to be ^{dropped} ~~only~~ on 15.9.86 and the communication was received to the effect on 13.10.1986 and immediately thereafter the step for payment of the D.C.R.G. was taken up and the portion of the amount of the D.C.R.G. was ordered to be paid on 4.12.1986, and after dismissal of the above civil appeal by the tribunal as per order dated 18.12.1986 ^{and} ~~and~~ remaining amount of the D.C.R.G. was ordered to be paid on 6.3.1987 and as such the payment of the D.C.R.G. was not delayed due to the administrative lapses, but infact every step was taken at the appropriate time and there is no deliberate attempt on the part of the respondents to delay the payment; and in support of their contentions the respondents

Contd.

:: 4 ::

filed papers which are annexures C.A.-1 to C.A.-5 and it has been contended that in view of the above circumstances the applicant is not entitled to any relief.

5. I have heard the learned counsel for the parties and have thoroughly gone through the records of the case.

6. The learned counsel for the applicant while drawing my attention to the contents of the application and papers annexed thereto and to the contents of the counter-affidavit and papers annexed thereto and while re-iterating the view points as set out in the application, has stressed that since both the Disciplinary proceedings ^{- ended -} without proof of any charge against the applicant, and since the punishment awarded by the Disciplinary Authority for recovery of the amount of Rs. 3225/- has been set aside by the learned Munsif, Sultanpur by his judgement and decree and the civil appeal no. 305 of 1983, which was filed by the respondents ^{~ said ~} have been dismissed by the ^{tribunal} as per judgement and order dated 18.12.1986, as referred to above, and since the payment of the above amount was made after in-ordinate delay; [~] and the applicant is entitled for interest as claimed in para 6 of the application, [~] and has further argued that the applicant is also entitled for cost, ^{~ amounting to Rs. 800/- ~} as prayed.

7. The learned counsel for the respondents while adverting to the contents of the application, counter-affidavit and papers annexed thereto has argued that from the perusal of the entire material and evidence on record, it would be obvious that th

A/C

:: 5 ::

delay was caused during the Disciplinary proceedings due to the defence statement having been submitted by the applicant after a long period of 2 years, and has further argued that there is no intentional delay of any ^{kind} ~~amount~~ by the respondents ⁱⁿ ~~in~~ paying the remaining amount ^{of} ~~of~~ gratuity and pension and whatever delay was caused ^{was} due to the Administrative reasons and as such the applicant is not entitled to any relief.

8. This is noteworthy that from the perusal of the aforesaid judgement and order dated 18.12.86 passed by the C.A.F., Allahabad, it is apparent that the appeal filed by the respondents was dismissed and the judgement and decree of the trial court was affirmed. Rule 68 of Central Civil Services Pensions Rules, 1972 as amended, provides that payment of gratuity has been authorised after 3 months from the date when ~~the~~ payment became due and it is clearly established that the delay in payment was ^{attributable to} ~~remaining by~~ Administrative lapses, interest at the rate of 7% beyond 3 months and upto one year and 10% per annum beyond one year shall be payable and it further provides that the delay ^{for} ~~for~~ in the payment was not caused on account of failure on the part of the Government Servant to comply with the procedure laid-down in this chapter." Annexure ~

9. This is noteworthy that a perusal of C.A.F. ^{with} ~~that~~ to C.A.-5 read together ^{with} the entire material and evidence on record shows that the defence statement was submitted by the applicant in the Disciplinary proceedings after about 2 years.

2

(M)

:: 6 ::

10. This fact should also not be lost sight of that scrutiny of entire material on record further reveals that there was no much delay in paying the remaining amount of gratuity and pension to the applicant. Thus, from the fore-going discussions and after considering and scrutinizing all the ~~entire~~ facts and circumstances of the case and all aspects of the matter, I find it expedient that the ends of justice would be met if the applicant is allowed ^{~ a ~} for total interest of Rs. 3000/- only.

11. In the result, the application of the applicant is allowed as above and respondents are directed to pay a sum of Rs. 3000/- ^{(three thousand) only} to the applicant by way of interest within a period of 2 months from the date of receipt of ~~the~~ copy of this judgement; and in ~~this~~ circumstances of the case, parties are directed to abide by their own costs.


Member (J)

28.9.92

Lucknow Dated 28.9.1992.

(RKA)

112

Application under Section 13 of Administrative Tribunal Act, 1967.

Filed on 27-1-1988.

Regn. No. of 1988.

Signature of ... (3).

In the Central Administrative Tribunal, Allahabad.

Between

1. ... (Applicant).

And

2. ... (Respondent).

3. ... (Respondent)
4. ... (Respondent)
5. ... (Respondent)
6. ... (Respondent)
7. ... (Respondent)

Sl. No.		Particulars of Documents		Page No.	
1.	-	Application		2 to 7	
2.	A-1	Credibility Declaration Form.		8 to 9	
3.	A-2	Report, ... Allahabad D.O. 2/80-81 dt. 20-10-86		10	
4.	A-3	Report, ... Allahabad dt. 4-12-1986.		11 - 12	
5.	A-4	Report, ... Allahabad dt. 4-12-1986. 1-10-1986.		13 - 14	
6.	A-5	Report, ... Allahabad dt. 16-5-1987		15	
7.	A-6	Report, ... Allahabad dt. 11-12-87		16 to 20	

...
(Signature)
...
...
...

रक्षा नाथ - ५५३

Details of Application

1- Particulars of the Applicant :—

- (i) Name of the Applicant **RAMANATH KAKKAR**
 (ii) Father's Name **Late Shri R.J. Kakkar**
 (iii) Designation & **Asstt Postmaster, Sultanpur**
 Office in which employed **-**
 (iv) Office Address **-**
 (v) Address for service **450, Tehganj, Sultanpur**
 of all notices

2- Particulars of the Respondents :—

- (i) Name &/Or Designation **(1) Supdt. Posts Sultanpur**
(2) DPs Allahabad
(3) Union of India through
 (ii) Official Address **Secy, P.O., Allahabad**
100, E.O.D., Allahabad
 (iii) Address for service **100, E.O.D., Allahabad**
 of all notices **1977/180**
Order for Cont. Order 1977/180

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

- (i) Order No. **This application is against an inadvertent attitude of**
 (ii) Date **learned Supdt. Posts Sultanpur in not allowing the**
 (iii) Passed by **legitimate interest on the withheld amt of Gratuity**
 (iv) Subject in brief **Denial of Interest on withheld amt. of Gratuity**

4- Jurisdiction of the Tribunal

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

5- Limitation

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

6- Facts of the case

The facts of the case are given below :—

Ramanath Kakkar

रमानाथ कक्कर

Filed today
 Under P.O. No. 100
 dated 20/7/88
 27/6/88
 (183)

27-6-88
 27-6-88
 - 2 -

(44)

1. The applicant, serving in the Department of Revenue, Government of India, in the scale of Rs. 425-840. He retired from service on 31-3-1983. A gratuity of Rs. 16,58/- (Rs. sixteen thousand and thirty eight) was sanctioned in his favour by the Director of Accounts, (Central), Lucknow vide his No. A-1 on pages 898. This gratuity was not paid to the applicant in full by the learned Supt. Dy. Commr. Lucknow (Superintendent), as the learned Supt. Dy. Commr. allowed payment of Rs. 11,000/- only vide his order No. C-37/81-82/A.A. dated 4-12-1980 at para A-3 on pages 11 to 12. The remaining amount of gratuity vide Rs. 5,588/- was detained in the file that a disciplinary proceeding was pending against the applicant. One of the disciplinary proceedings was dropped by the S.D. Govt. New Delhi vide his letter No. 9/42/86-71, T.I. dated 5-9-1986 as intimated by the learned Supt. Dy. Commr. vide his No. C-37/81-82 dated 20-1-1987 at Annexure A-2 on pages 10 to 11.

II- Likewise but the sanctioned gratuity of Rs. 16,58/- i.e. the learned Supt. Dy. Commr. allowed payment of only Rs. 600/- vide his No. C-37/81-82 dated 1-12-1980 at Annexure A-4 on pages 13 to 14.

(iii) The State of Jharkhand...

रमनाथ रुक्मिणी

Al^b

-3-

25-7-1986., in the default, is not, is due to the
 tendency of disciplinary proceeding on the date of
 retirement and appellant is exonerated in the proce-
 dings, interest at the following rates is to be
 paid :-

- (i) Beyond 3 months upto one year. 7%.
- (ii) Beyond one Year. 10%.

Since the appellant's gratuity is retained with-
 held on account of disciplinary proceeding which
 ultimately ended in his exoneration of all charges.
 He is therefore, entitled to the following interest.

- 1. Rs. 16038/- from 1-1-1984 to 31-3-1984 7% = Rs. 542/-
- 2. Rs. 16038 from 1-11-1985 to 30-11-1986 10% = Rs. 3,341/50
- 3. Rs. 5038 from 1-12-1986 to 18-11-87 10% = Rs. 125.90
- 4. Rs. 1308 from 1-5-1987 to 31-11-87 10% = Rs. 7.70

Total

Rs. 4,041.90

Interest on said

Rs. 26.00

Grand Total

Rs. 4,067.90

रमानाथ क. क. ३

(v) In the above representation

on 11-11-87 the only reference is A-6 on page 16 to 20

15 Milanou . But the ... remained unattended.
of the last seven ... the ... in submitting this
application before the Hon'ble Tribunal.

7. ... in view of the facts narra-
ted in para 6 above the applicant prays for the follow-
ing reliefs :-

1. That the respondents may be directed to pay the amount of interest due to the applicant within a reasonable time.
2. That they may further be directed to pay to him sum of Rs. 200/- as the costs of this suit which the applicant is forced to incur due to the extreme negligence of the respondents.
3. He may further be directed to grant other reliefs deemed fit by the Hon'ble Tribunal.

Ramachandran

रमानाथ रक्कड़

(A/S)

- 7 -

8- Interim order, if prayed for— NIL

9- Details of the remedies exhausted

The applicant declares that he has availed of all the remedies available to him under relevant service rules—

He submitted a representation to the learned

DPS Allahabad on 11-12-87 vide copy at Ann. 1-6 on Pages

16 to 20. As the same remained unattended hence this Application

10- Matter not pending with any other court etc. :-

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law, or any other authority or any other bench of the Tribunal.

11- Particulars of the Postal Order in respect of the application fee :-

(i) No. of I. P. O. 4/227156

(ii) Name of Issuing P. O. Allahabad H.P.O.

(iii) Date 31-1-88

(iv) P. O. at which payable

Allahabad H. P. O.

12- Index- An Index of the documents to be relied upon is enclosed with each copy of this application

13- List of enclosures :-

(i) Vakalatnama

(ii) one I. P. O. for Rs. 50/-

(iii) Six documents to be relied upon

In Verification

I, R.N. Kakkar S/O Shri B.N. Kakkar aged 62

years R/O 430, Bahganj, Sultanpur and working as Ex APN Sultanpur hereby

verify that the contents from 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

Place- Allahabad

Date 198

To 27-6-1988

The Registrar, Central Administrative Tribunal,
Allahabad-211001

Signature of applicant

रमनाथ कक्कर

N. TEWARI

State

Naga

(A19)

- 2 -

Office of the Director of Accounts (General) U.P. Circle
19, May 1983, Lucknow - 226 001.

Gen.I/SG G/L.T Lucknow 11402 / / Dated.

To,

The S.P.Cs.
Sultanpur.

1. Retired on 31-8-1983
2. Due to notice on:
3. Died on.

Sub:- Intimation of S.G. Gratuity in favour of Shri A.K.
Bakkar ex. S.P.C.

who will be drawing/is drawing pension from Sultanpur
P.O. Under Sultanpur.

Ref: Year no. C-37/81-82/A.K.Bakkar.

Sir,

A sum of Rs. 16038/- (Rupees sixteen thousand
thirty eight only) being the amount of S.G. Gratuity in
favour of Shri A.K.Bakkar, may please be drawn and
disbursed in accordance with rule 55(2) of the C.C.S.
(Pension) Rules 1972 as amended read with rule 63
ibid after adjusting the Govt. dues (including immediate
relief and provisional gratuity sanctioned and paid if
any, referred to in rule 71 and rule 64 ibid.

2- The outstanding dues if any recovered may
please credited through U.I. with appropriate details
in facilitate proper classification of accounts.

3. The amount of S.G. Gratuity is debitable to
355 G-(4) B.S. .S. vote.

4. The payee is also being informed suitably.

प्रमाणित है

(PSE)

-4-

-2-

5- The observations in the C/A made in this case may, kindly be kept in view before action upon this intimation.

6- The receipt of this letter may kindly be acknowledged.

7. The disbursing officer may kindly be instructed to quote this Intt. No. in the payment voucher.

sd/-

Accounts Officer/Pension.

No. Pen. I/3000/LT 100 (p) /85-86/P- Lt.

Copy forwarded to Sri M.L. Kukkar, Mohalla Shahganj, Sultanpur. for information. He is requested to contact the S.F.Os. Sultanpur in this regard.

Jr. Accounts Officer/Pension.
for Director of A/CS.(P), Lucknow.

TRUE COPY

R. K. Tewari
(R. K. Tewari Advo.)

रमानाथ नकु

121

-10-

Annexure -A-2.

Indian P & T Department.

Supdt. of Post Offices,
Sultanpur, Dn 228 001.

Shri Ram Nath Kakkar,
(Retired A.P.S. Sultanpur Dn.)
Mohalla: Shahganj, Sultanpur.

No. W-2180-81 Sultanpur dated 20-10-1986.

Sub: Disciplinary Action under Rule 30-B, C.S.S.
(Pension) Rules, 1972 against you.

Disciplinary action under Rule 9 of CCS.
(Pension) Rules 1972 against you. have been ordered to
be dropped by Directorate vide his Letter no.9/42/86.
Vig.III dated 25-9-1986 communicated rule W.P.S.
Allahabad letter no. Vig. 17-12-1985. dated 13-10-1986
this is for your information.

Supdt of Post Officers
Sultanpur Dn. 228 001.

TRUE COPY

B. K. Tewari
(B. K. Tewari Advo.)

रमानाथ कक्कर

(A22)

-11-

Annexure No. A-3

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS.
OFFICE OF THE SUPER. OF POSTS & TELS,
SULTANPUR DIVISION - 228 001.

Memo No. C-37/81-82/ N.N.Kakkar dated at Sultanpur the
4-12-1986.

In exercise of the powers conferred under Rule 71 of the P.O. (Pension) Rules, 1972, sanction of the Suptd. of Post Offices, Sultanpur Div. is hereby accorded to the payment of provisions P.G.A.G. particularised below to Shri Nand Nath Kakkar Ex-A.P.M. Sultanpur D.O.

- (a) Amount of pension already sanctioned.
- (b) P.G.A.G. 11,000/-

The payment of a provisional pension will continue only for a period of 6 months from the date of following the retirement _____ unless the period is further extension by the Dy. ~~Officer~~ Director of Accounts (Postal) Lucknow under Rule 3.,

Provisional /P.G.A.G. as stated above is payable at Sultanpur D.O and chargeable to the abstract 'C' pensionary charges etc.

This order is subject to the condition that if the amount of provisional pension P.G.A.G. is afterwards found to excess of the amount in which pension is entitled under the rule, he shall be liable to refund such excess.

Noted: A sum of Rs. 1308/- Suptd. of POST & TELS, on thousand three hundred eight must be recovered SULTANPUR D.O 228 001. before making payment of provisional P.G.A.G.

रजिस्ट्रार का 3

425

~~12~~

Copy to:-

- 1- Shri A.P. Kakkar retired A.P.M. Pul .C. Mon.
Shahanj, Sultanpur.
2. The Postmaster Sultanpur A.C. He will please obtain
certificate of non-employment from the retire and
sent the same to this office.
3. The Director of Accounts (Postal) Lucknow -226 001.
4. Office copy.
5. Sh. re.

TRUE COPY
R. K. Tewari
(R. K. Tewari Advo.)

रमानाथ कक्कर

(724)

-13-

Memorandum

IN THE OFFICE OF THE SUPERINTENDENT
OF POST OFFICES, SULTANPUR.
SULTANPUR, 228 001.

Memo No. C.37/83-3/ A.A.Akhar dated at Sultanpur the,
1-10-1983

In exercise of the powers conferred under Rule 71 of the G.O. (Pension) Rules, 1972, sanction of the Supt. of Post Offices, Sultanpur Dn. is hereby accorded to the payment of provisional pension and Particularised below to Shri A.A.Akhar A.A.P.O. Sultanpur.

- (a) Amount of Pension. 300/-
- (b) D.O.A.G. X -
- (c)

The payment of Provisional pension will continue only for a period of 6 months from the date following the retirement viz -10-1983 unless the period is further extension by the Jvl Director of Accounts (Postal) Lucknow under Rule 3.

Provisional Pension/D.O.A.G. as stated above is payable at Sultanpur P.O. and chargeable to the abstract 'C' pensionary charges etc.,.

This order is subject to the condition that if the amount of provisional pension D.O.A.G. is afterward found to be excess of the amount in which pension is entitled under the rules shall be liable to refund such excess.

Supt. of Post Offices,
Sultanpur Dn. 228 001.

24/10/83

225

-2-

copy to:-

1. Shri A.N.Nakkar ex. A.N.N. Mohalla Shahganj, Sultanpur.
2. The Postmaster Sultanpur, N.C. He will please obtains certificate of non-employment from the retire and sent the same to this office.
3. The Director of Accounts (Postal) Lucknow. 226 001.
4. Office Copy.
5. Spare.
- 6;
- 7.

TRUE COPY

R. L. Tewari
(R. L. Tewari Advo)

रमानाथ म. ५३

Annexure A-5
GOVERNMENT OF INDIA
DEPARTMENT OF POSTS.

APC

TO THE SUPDT. OF POST OFFICES, SULTANPUR DN. 222001.
No. P-7/80-81, Dated at Sultanpur the, 26.5.87

As per order of Honourable Justice S. Zahir Hasan
Chairman Honourable Shri Ajay Johri Member (A) Central
Administrative Tribunal (Allahabad Bench), Allahabad
announced on 18th December, 1986, the amount Rs. 2130/-
recovered from the pay of Shri R. N. Kakkar the then
S.M. Sultanpur H.O. Sultanpur is ordered to be refunded
to him.

The date of refund of money may be intimated to this
office.

Supdt. of Post Offices,
Sultanpur Dn. - 222001.

Shri R. N. Kakkar Ex. APM Sultanpur (Mohalla
Shahganj) Sultanpur for information.
The Postmaster Sultanpur H.O. for effecting
payment.
The Director of Accounts (Postal), Lucknow.

Office Copy and Space.

234/1101/87

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS.

OFFICE OF THE SUPDT. OF POST OFFICES, SULTANPUR DN. 222001.

No. P-7/80-81, Dated at Sultanpur the, 26.5.87.

---000---

For the satisfaction of the order Honourable Justice
S. Zahir Hasan Chairman, Honourable Shri Ajay Johri
Member (A) Central Administrative Tribunal (Allahabad Bench),
Allahabad order dated 13th Dec. 1986, Sanction is hereby
accorded for the refund of Rs. 1308/- (Rs. One thousand
three hundred eight) only to Shri R. N. Kakkar Ex APM Sultanpur
H.O. The amount Rs. 1308/- was recovered from his DCRG to-
wards adjustment of loss credited under A.O.R. on 9.12.87
at Sultanpur H.O.

The amount will be charged under Head U.C.P.

Supdt. of Post Offices,

Sultanpur Dn. - 222001.

Copy to:

1. Shri R. N. Kakkar Ex. APM Sultanpur H.O.
Mohalla Shahganj Sultanpur.
2. The Postmaster Sultanpur for information
and effecting payment.
3. The Director of Accounts (Postal) Lucknow.
4. Space and Office Copy.

234/1101/87

A27

-16-

Annexure A-6.

To,

The Director Postal Services,

Allahabad Region,

ALLAHABAD.

Sub:- Representation for payment of interest on
delayed payment of D.S.O. and pension to ...
Kakar retired Assistant Postmaster, Sultanpur.

Sir,

The abovenamed applicant, I. M. Kakar, retired
A.P.O. Sultanpur resident of Mohalla Bhanganj, Sultanpur
begs to submit as under :-

Facts of the case in brief are that the
applicant was appointed as Postal Assistant in the
year 1945 with effect from 10-7-1945. He was promoted
and confirmed in D.S.O. Cadre. with effect from 1-1-1979.

2. That in connection with loss of insured
letter on 25-9-1980 disciplinary proceedings were initiated
against applicant vide Memo No. 1-7/80-81 dated 10-8-81.
This charges sheet was dropped after the applicant
had submitted his defence vide order No. even dated
25-3-1982. The Supdt. Post Offices Sultanpur however
issued another chargesheet which was dropped on 25-3-82
after submission of defence.

3. That the Supdt. Post Offices Sultanpur without
affording reasonable opportunity passed order vide

3/4/82 ✓ 43

- 17 -

-2-

Memo No. F-7/80-81 dated 31-12-1982 imposing the penalty ~~pen~~ or recovery of 5225/- from the pay of the appellant in monthly instalment of Rs. 2.13 and Rs. 1095/- from ~~L.O.O.~~ of the applicant.

4. That the appellant filed suit no. 64 of 1983 in court of Munsif Sultanpur against the illegal act & of the Supdt. Post Office Sultanpur which was decreed. The department filed appeal in court of District Judge, which was transferred to Central Administrative Tribunal.

5. That the said Civil appeal was dismissed on 18-12-1986.

6- That with ulterior motive another disciplinary proceeding was initiated vide Memo No. F-2/80-81 dated 21-6-1982 just before 3 months of retirement. This proceeding has been ordered by the Directorate to be dropped vide No. 9/42/86-vig III dated 25-9-1986 which was communicated by D.P.O. Allahabad vide No. Viz/7-12/85 dated 13-10-1986 to S.P. Sultanpur who communicated it to applicant vide No. F-2/80-81 dated 20-1-1986 (copy enclosed as Annexure (A)).

7- That the purpose of initiation and continuation of proceeding under rule 16 of the C.O.S. (C.O.S.) rule on 15-7-1981 and 1-6-1982 was to deny local Adhoc promotion to the applicant in A.O.S.II Cadre which fell on 25-9-1982 to favour Junior Official Shri ~~Pr~~ivastava who was promoted on Adhoc basis as Postmaster, Sultanpur from 25-9-1982 and continued to work

रमाना व निका

A-29

-18-

-5-

upto retirement of applicant.

8- That the applicant retired from service with effect from 1-10-1983 . He was granted provision pension of Rs. 300/- malafide against provisions in the rules vide C.I. Sultanpur order C-37/83-84/...Kakkar dated 1-10-1983.

9- That the Supdt. Post Offices Sultanpur has paid Rs. 300/- as provisional pension and Rs. 11000/- as provisional gratuity vide order no.C-37/83-84 dated 1-00-1983 and C-37/83-84 dated 4-12-1986 (Copies attached as annexure B and C out of which 1308 /- was recovered on payment.

10- That it may be noted that the Director Audit and Account had already intimated to C.Post Sultanpur vide No. 1/L, C.I.C./1 ... (Lac)(1) 11402 dated 30-9-83 that amount of pension is Rs. 468/- and C.I.R. Gratuity is Rs.,160038/- copy attached as Annexure (D).

11- That though the aforesaid orders were received the Supdt. Post Offices illegally issued order for provisional gratuity of Rs..11000/- Instead of Rs. 160038/- . The amount of Rs. 1308/- if desired could have been recovered from 160038/-.

12- That in this way payment of gratuity was withheld illegally as under :-

रमानन्द

230

-18-

-4-

- (a) Rs. 16038/- from 1-11-1983 to 30-11-1986-
- (b) Rs. 5038/- from 1-12-1986 to 28-2-1987.
- (c) Rs. 1308/- from 1-3-1987 to 31-3-1987.

and the appellant is entitled for interest on the aforesaid amount.

13. That Rs. 13,992/- arrears or pension from 1-11-83 to 28-2-1987 was paid to applicant on 6-3-1987 as the S. Post Gultenour had illegally fixed provisional pension Rs. 300/- instead of 90% of Rs. 468/- fixed by audit after lapse of 3 years. The applicant is entitled for interest on Rs. 160/- from 1-11-1983 to 28-2-87 regularly for each month.

14- That the Govt of India vide Dept. or personnel & A.M.S. No. 7/3/1984 Pension Unit letter dated 28-7-84 lays down that in cases in which gratuity is not paid due to pendency of disciplinary proceeding on date of retirement and appeal is exonerated in the proceeding interest at the following rate is to be paid:-

- (i) Beyond 3 months upto one year 7%
- (ii) Beyond one year 10.

15- That in the case of applicant the gratuity was withheld on the basis of disciplinary proceeding initiated vide Memo No. 1-2/80-81 dated 1-6-1983 which has been dropped vide order dated 25-9-1986 from Directorate (Annexure-1).

रमानाथ कश्यप

(831)

-25-

-45-5--

As such the applicant is entitled for interest as Under :-

- (i) On Rs. 16038/- @ 7% from 1-2-1984 to 31-10-1984
- (ii) On Rs. 16038/- @ 10% from 1-11-1984 to 30-11-1986.
- (iii) On Rs. 5038/- @ 10% from 1-12-1986 to 28-2-1987.
- (iv) On Rs. 1308/- @ 10% from 1-3-1987 to 31-5-1987.

Besides interest on Rs. 168/- is admissible from 1-11-1983 to 28-2-1987 as the amount was withheld by the S.Post Sultanpur illegally.

PRAYER

The applicant, therefore, prays that necessary orders for payment or interest as detailed in above para be ordered to be paid to the applicant.

Yours faithfully,

(J.N.Kakkar).

A.S.M. Retd.

Shahganj, Sultanpur.

Dated: 11-11-1987.

Copy to :- 1. S.Post Sultanpur.

2. Director General Posts,
New Delhi.

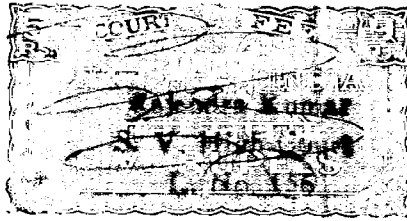
3. Hon'ble Shri Rajan Singh,
Minister of Communication.

TRUE COPY

R. K. Tewari
(R. K. Tewari Advo.)

J.N.Kakkar,
Mohalla: Shahganj,
Sultanpur.

रमानाथ कक्कर



वकालतनामा

अदालत The Central Administrative Tribunal
Allahabad
 नम्बर मुकदमा सन् १९ ई०
 नम्बर इजारा OA Regn No 07/1980 सन् १९ ई०
 मुद्दै

R.N. Kakkar बनाम BPS Allahabad अपीलान्त
2-2-81 मुद्दालेह

में Ram Nath Kakkar 80 Lal Shri B.N. Kakkar

में/हम M. D. Li Zou, Shahganj
Sullainpur
 निवासी

श्री R.N. Tewari, Advocate
154, Pusthottam Nagar, Allahabad-16

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का वचन देकर मैं / हम अपना वकील नियुक्त करता हूँ / करते हैं। उन वकील महोदय को मैं / हम यह अधिकार देता हूँ / देते हैं कि वह मुकदमे में मेरी ओर से पैरवी करें आवश्यक सबाल पूछें, जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें, व वापस लेवें पंचनामा उपस्थित करें पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें, सुलहनामा दाखिल करें, दावा स्वीकार करें, उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावे, डिग्री का रुपया व खर्चा, हर्जाना का रुपया या किसी दूसरे तरह का रुपया व खर्चा जो अदालत से मुझे / हमें मिलने वाला हो वसूल करें मेरी / हमारी ओर से अदालत में दाखिल करें, कोर्टफीस व स्टाम्प देवें या वापिस लेवें रसोद ले लेवें व प्रमाणित करें, नकल प्राप्त करें, अदालत की अनुमति से मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा स्थापित करावें व इस मुकदमे के सम्बन्ध में दूसरे काम जो जरूरी समझें पैरवी के लिए अपनी ओर से कोई दूसरा वकील नियुक्त कर यदि आवश्यकता हो तो अपील या निगरानी दायर करें और अपील निगरानी की अदालत में पैरवी करें और यह भी वचन देता हूँ / देते हैं कि यदि मैं / हम पूरी फीस या खर्च न अदा करूँ / करें तो वकाल साहेब व उनके क्लर्क बहस व पैरवी के लिये बाध्य न होंगे।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं मेरा/हमारा किया हुआ समझा जायेगा और वह मुझे हमें सदैव ही मेरे/हमारे किये के समान सवंधा मान्य होगा।

तारीख 3 माह 6 - 1980 सन् १९ ई०
Accepted
R.N. Tewari स्वीकार है
R.N. Tewari हस्ताक्षर
 Advocate

154, Pusthottam Nagar
 (Khandua)
 Allahabad-16

गवाह

गवाह

सन् १९

बनाम

अदालत
 मुकदमा नं०

IN THE COURT OF THE DISTRICT JUDGE AT BANGALORE

IN THE MATTER OF

CIVIL APPEAL NO. _____ OF 1988.

On behalf of the respondents.

..... Solicitors.

IN

COMMISSIONER NO. 792 OF 1988.

..... Applicant.

Versus

..... Respondents.

..... Respondents.

to

the whole the Vice-Chairman and his other
colleagues of the aforesaid Tribunal.

The humble decision of the aforesaid
applicant is respectfully shown:-

1. That the full bench have been set up in the
course of my course of litigation.
2. That it is necessary in the interest of justice
that the relief sought by the applicant may kindly
be granted.

PRAYER

It is, therefore, respectfully prayed that
the Hon'ble Tribunal may be pleased to allow this

955

(2)

the Court will reject the reliefs sought by the
petitioner in his aforesaid application.

For the further pleasure to pass such other
and further orders which this Hon'ble Court may deem
fit and proper under the circumstances of the case.

Yours faithfully,
Sd/- S. V. S.

((())
(K.C. S.),
Addl. Secy. to Govt.,
for Central Government.

1988

AFFIDAVIT
243/794
HIGH COURT
ALLAHABAD

754

IN THE COURT OF THE JUDGE, HIGH COURT OF ALLAHABAD

FILE NO. D.

COMPLAINT AFFIDAVIT

IN

CRIMINAL CASE NO. 792 OF 1988.

State of Uttar Pradesh Applicant.

Vs.

Superintendent of Prisons, Sultanpur

and another.

..... Respondents.

Affidavit of Sri Hari Gangai

Singh aged about 55 years son of

Sri Chhatra Lal Singh, Superintendent

of Prisons, Sultanpur.

(Deponent)

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

1. That the deponent is posted as Superintendent of Prisons, Sultanpur and has been authorized to file this counter-affidavit on behalf of the respondents.

Hari Gangai Singh

(A35)

(2)

and he is fully acquainted with the facts of the case referred to below.

7. The components of the collection filed by the defendant have been read over by this agent and he has fully understood them and is in a position to apply the same.

3. The Court has advised previously fully to the
 Republic on its necessity to give effect to laws which
 reject this horrible proposal in deciding the
 controversy involved in the present case.

1. That the said laborer while working as
a night porter at the hotel was served with a charge-
sheet under rule 16 of the General Civil Services
(Discipline) Rules, 1955 (No. 18) on 21-6-1965
and he was required to give the reply of the said charge-
sheet within 10 days of the receipt of the said charge-sheet.

3. That the defendant has reviewed certain records on 8-1-48 and has an existing New Orleans address. He was interviewed at the New Orleans Social Club through a letter

Harri Mangal Swk

936

(3)

At 13-7-1983.

6. That the petitioner had been following those
the rules since his last statement as late as
on 1-6-1985 approximately after two years.

7. That the petitioner was retired from service
in the month of 13-2-1983.

8. That since the petitioner had retired and
as such under the provisions of the Central Civil
Service (Discipline) Rules, 1972 a sanction of the
discipline of India was necessary and as such the papers
were forwarded to the Director of Postal Services,
110 on 30-6-1986 for onwards transmission to the
General
Director of Posts, New Delhi and the other appropriate
authorities.

9. That the Director General of Posts, New Delhi
was by letter dated 25-7-1986 ordered to drop the
proceedings against the petitioner and the said order
was confirmed by the Director General of Posts, 110.
on 13-10-1986.

Hari Mangal Singh

(237)

(4)

10. That in fact or else the petitioner was also aggrieved against under rule 16 of the Central Civil Services (Classification, Control & Appeals) Rules, 1965 on 1-6-1982 relating to the loss of 19 insured letters amounting to Rs. 7550/- on 25-7-1980 and in the said case the petitioner was awarded the punishment of the recovery of Rs. 3225/- from his pay and allowances, being the portion of the loss sustained by the Government in its intervention of Rs. 213/- and the remaining loss of Rs. 1095/- from his DCS revolving fund of the Central Civil Services (Pension) Rules, 1922, vide letter dated 31-1-1982. A photostatic copy of the said letter dated 31-1-1982 is being filed herewith and the same is FILED IN K.C.S.I.

11. That the petitioner filed civil suit no. 64 of 1983 in the Court of the District City Court, against the order of the punishment and the recovery from his pay and DCS which was decreed and the appeal which was filed by the Government was transferred to this Hon'ble Tribunal which was registered as transfer appeal no. 100 of 1983, which was dismissed on 10-12-1983.

12. That due to the pendency of the disciplinary

Handwritten signature: Hari Mangal Singh

1730

(5)

proceeding, the suit was filed by the plaintiff and the answer was preferred by the defendant and as such the decree of the D.C.M.C. could not be said to be set aside. The disciplinary proceeding was ordered to be stopped only on 18-2-1986 and the communication was received to that effect on 13-10-1986. Immediately after the stop for payment of the D.C.M.C. was taken up and the portion of the amount of the D.C.M.C. was ordered to be paid on 14-10-1986. The copy of the judgment in the transcript no 1 n .300 of 1986 which was dismissed on 18-12-1986 could be received only on 16-11-1986 and as such the remaining amount of the D.C.M.C. was ordered to be paid on 6-3-1987.

13. In view of the aforesaid facts, the delay of the D.C.M.C. was not delayed due to the administrative lapses. In fact every step was taken at the earliest time and there is no deliberate attempt of the respondents to delay the payment.

14. In fact it is the petitioner himself on whom the responsibility if fixed, should be fixed as the reply of discharge-sheet was submitted by the

Hari Mangal Singh

(3)

petitioner after a lapse of about two years. Had he submitted his reply earlier, the matter could have been decided at the earlier stage.

15. That the petitioner has not exhausted the departmental remedy of filing an appeal.

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

17. That the contents of paragraph no. 6(i) of the application are not correct, as stated.

It is further submitted that the petitioner was retired on 30-9-1983 and not on 31-8-1983 as referred to in the para under reply. On 30-1-1987 the plaintiff was

ordered to be paid the death-cum-retirement gratuity amounting to Rs. 13038/-. Since a sum of Rs. 11,000/-

was already sanctioned and paid on 4-12-1984 as a

provisional gratuity, the said amount was adjusted from the whole amount of the gratuity payable to the plaintiff

through the letter dated 6-2-1987. A photocopy of

of the letter dated 13-1-1987 and 6-2-1987 are being

filed herewith and marked as FILED 133 N.S.C.4.2 & C.4.3.

As stated earlier, the disciplinary proceeding was

Hari Mangal Singh

(Auc)

(7)

Approved by the Director General of Posts, New Delhi only on 25-9-1986 and the decision was communicated on 20-10-1986 through the appropriate authority. Photostat copy of the letter dated 13-10-1986 issued by the Director General Postal Services, attached, is being filed herewith and marked as ANNEXURE NO.3..4 and a photostat copy of the letter dated 20-10-1986 of the Superintendent of Post-offices, Sultanpur is being filed herewith and marked as ANNEXURE NO.3..5.

18. In reply to the contents of paragraph no.5(ii) of the petition it is submitted that through a letter dated 21-11-1983 an information was given that superannuation pension of Rs.468/- per month is admissible to the plaintiff but he was paid the provisional pension at the rate of Rs.312/- per month subject to the condition that if the amount of provisional pension is afterwards found to be excessive of the amount to which the plaintiff was entitled under the rules, he would be liable to refund such excess paid amount of pension. In this regard an order was issued on 30-1-1987 for Rs.468/- per month.

Hari Mangal Singh

19. The contents of paragraph no.5(iii)

(P)

(3)

of the application are admitted with the additional information that the payment of DDO was delayed due to the reasons directly attributable to the Plaintiff. The Plaintiff was served with summons on charges on 2-6-1935. He submitted his representation on 4-6-1935 i.e. after the date of his retirement and due to late submission of representation the case could be decided on 25-2-1936. Under these circumstances, there is no delay on the part of the department, as such no interest is admissible to the Plaintiff. Most of the events mentioned in the para under study being matters of record, need no comments.

20. That the contents of paragraph no.6.4 of the application are incorrect, need no comments.

21. That the contents of paragraph no.6.5 of the application are not correct and as such are denied. It is absolutely wrong to allege that the representation dated 11-11-37 referred to in the para under study has ever been forwarded to the Director, Postal Services, Allahabad. No such representation is available on the records of the Director of Postal Services, Allahabad.

Hari Prasad Singh

AC12

(9)

It appears that in order to file the petition before the Hon'ble Tribunal, according to the provisions of the Central Administrative Tribunal Act, 1985 the petitioner has conducted the story or making a representation dated 11-11-1987, whereas the fact remains that no such representation has ever been made by the petitioner. The petitioner should be put to strict proof about preferring the said representation and whether he has got any receipt to that effect and in case he fails, the petition is liable to be dismissed on this ground alone, firstly that he has not ~~initially~~ availed the departmental remedy which was available to him and secondly that he has not come before this Hon'ble Tribunal with clean hands.

22. That in reply to the contents of paragraph no.7 of the application it is submitted that in view of the facts and circumstances mentioned above, the petitioner is not entitled to any of the reliefs as claimed in the application under reply.

23. That in contents of paragraph no.8 of the application no comment is made.

Hari Mangal Singh

143

(10)

24. That the contents of paragraph no.9 of the application are not correct and as such are denied in view of the reply already ~~xxxx~~ furnished while giving reply to the corresponding paragraph no.6.5 of the application. Moreover, it is also relevant to mention here that in the case under reply the applicant refers that he has submitted a representation to the Director of Civil Services, Allahabad on 11-11-1987 whereas the number is 645 dated 11-11-1987 and a reference has also been made to that subject in paragraph no.6.5 of the application.

25. That the contents of paragraphs nos.10, 11, 12 and 13 of the application need no comments.

That the contents of paragraphs nos.1, 2 and 3 of this affidavit are true to my personal knowledge; those of paragraphs nos.4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 are based on record of the case; those of paragraph no.26 are based on legal advice which I believe to be true and no part of it is false and no other statement has been concealed. IS SWORN TO.

Hari Mangal Singh

Hari Mangal Singh

(10/11/87)

(AUG)

(11)

I, J. S. Dhillon, Clerk of Sri K. S. Singh, District
Judicial Officer, District Court,
Hoshiarpur, do hereby declare that the person making this
affidavit and calling himself to be Sri K. S. Singh
is known to me personally.

.....
13/9/83

(Clerk)

Solely relied to prove on this 13th
day of September, 1983 by the person
who is identified by the Clerk.

I have satisfied myself by examining the document
that the person is the owner of this affidavit which
has been read and explained to him.

Hare Mangal Singh

.....
13/9/83
13-9-83

Annexure C4-D
TMENT 10/11

2/10/8

.....000.....

Shri R. N. Kakkar was the APM of Regn. Import Branch of Sultanpur H.O. on 25.9.80. His duty hours were 9.00 AM to 17.00 PM. 19 Ins. letters were received as mail sent through Regd. bag of Sultanpur AMS batch 'B' dated 24.9.80 on 25.9.80 at Sultanpur H.O. These 19 Insd. letters were reported to have been lost and the enquires made into the case established that the occurrence of loss of 19 Ins. articles happened due to the negligence of duties on the part of Postmaster, APM of the branch and the clerk of the Regn. Import Branch.

Shri R. N. Kakkar AMP Sultanpur H.O. was informed that it was proposed to take action against him under rule 16 of CCS (CA) Rules-1965 vide this office memo of even no dated 1.6.82 on basis of memo of imputation of misconduct or misbehaviour reproduced below;

Statement of imputation of misconduct or misbehaviour
against Sri R. N. Kakkar APM delivery Sultanpur H.C.

16 Nineteen Insured letters were received at Sultanpur H.Q. on 25.9.80 as mislent through Nago. bag closed by Sultanpur H.Q. batch No. 'B' dt. 24.9.80 and were lying with Shri Chhabil Lal Ragn. Import clerk Sultanpur H.Q.

Malad East Bombay Insured letter No. 273 and Landra by. Ins. letter No. 981 was to be despatched for S.M.I. To n Sub office at 9.30 hrs. Para Bazar Cal. Ins. letter No. 327, Paza-gaon Road Ins. letter No. 785, Falkland Road by. Ins. letter No. 539, Hains Road by. Ins. letter no. 283, Maulana Azad Road by. Ins. letter no. 540, Zion H.S. By. Ins. letter No. 250, P.P. Lane by. Ins. letter No. 50, and Chinch Bunder by. Ins. letter No. 61 was to be despatched for Doodrikaganj S.M.I. at 10.30 hrs. Masabal Ins. letter no. 321, Falk Land Road by. Ins. letter no. 545, Ranpur Ins. letter No. 549 and Malad East by. Ins. letter No. 272 was to be despatched to RMS Sultanpur at 10.30 hrs.

Shri N. N. Kokkar while working as Asst. Deliver, Sultanpur N.N. on 25.5.80 failed to cause despatch of above noted articles by the first despatch to their destinations and thereby allegedly to have violated the provision of Rule 209 read with rule 167 of P&T Man. Vol. VI Part-I.

Nineteen Ins. articles were reported to a loss at 1.00% and thereby he a talent has sustained a loss of Rs. 750/- being the value of 19 Ins. articles. Thus it is alleged that A. N. Kerkar while working as APM and very Sultanpur failed to maintain absolute integrity and devotion to duty as required under Rule-3 (i) and (ii) of CCS (Conduct) Rules-1964.

He was given an opportunity to make such representation as he may wish to make against the proposal within ten days from the receipt of the said memo. The said memo was delivered to Srd. H. Bakker on 2.6.62.

[illegible]

Ita mangal Sw.

addressee is not willing to take delivery of the letter and was treated as refused. However this letter was delivered to Sri R. N. Kakkar through SDI Kadirur while he was working as SPM Deera on 1.10.82. He was again addressed under this office letter of even no. dated 3.12.82. My Regd. A/D Post to submit his representation. The official submitted a list of 14 following documents for his inspection for preparing his defence statement against the memo under his letter No. read. no. 26 dated 13.12.82 which was received in this office on 27.12.82

1. Mail receipt register dt. 25.9.80.
2. Register of Mail Branch on which register has been transferred to Regn. Import branch on 25.9.80
3. OTA register of mail and Regn. Import branch including the date from 20.9.80 to 30.9.80.
4. Copy of distribution of work of mail branch and Regn. Import branch.
5. Copy of Postmaster Order Book regarding A.S. posting in Regn. Import branch since 1.9.80 to 25.9.80.
6. Abstract of Regn. Import branch containing the date from 1.9.80 to 30.9.80.
7. Copy of nominal roll of Sultanpur from 1.9.80 to 30.9.80.
8. Copy of Regd. list of cul. SMS Batch 'B' dt. 24.9.80.
9. Regn. Export list prepared by regn. import clerk of misent ins. articles dt. 25.9.80. (in which the ins. letters lost were entered).
10. Copy of due mail and sorting of Sultanpur H.O. affecting during Sept, '80.
11. F.I.R. lodged on 25.9.80 regarding loss ins. articles referred above prepared by Regn. Import Clerk.
12. Copy of statements taken by officials regarding loss ins. articles on 25.9.80 as referred above.
13. To intimate the date from which the arrangement of safe was made by the P.M. Sultanpur to regn. Import branch as per invoice.
14. To intimate the date since KNT has been treated as T.S.C. instead of delivery P.C. like other P.C. of division.
15. Intimate the ~~xxxxxx~~ reason of instituting the proposal of taking action against him under rule 10 of CCS(CRA) Rules 1-65 vide your memo no. F-2/R-81 dt. 15.7.81 and dropping the same under letter of even no. dt. x25x8x81x 25.3.82.

The documents required for inspection and information were found not relevant as the charge sheet was not based on the documents called for inspection. Sri R. N. Kakkar was informed under this office letter of even no. dated 24.1.83 by Regd. A/D Post that the required documents are not relevant and can not be allowed to inspect them and to submit his representation within 3 days from the receipt of the above said letter failure of which ~~xxxxxx~~ party decision will be considered. This letter was reached at Deera S.O. on 27.1.82 where Sri R. N. Kakkar is working as SPM but he avoided to take delivery. He sent an application under his no. Regd. No. 29/82 dated 29.1.82 which has been read in this office on 31.12.82. In this letter he has shown that this is unable to submit his defence without inspection records. These are not relevant and official is ~~xxxxxx~~ dictatory. From these act of the official it is evident that he is knowingly evading to submit any representation only to ~~xxxxxx~~ delay and he has no representation to offer against the proposals.

The official was charged sheeted for the violation of rule 209 read with rule 17 of P.T.R. Vol VI Part-1. The provision of rule 209 read with rule 167 of P.T.R. Vol. VI is that, that Insp. articles which are misused should be forwarded with acknowledgement if any to their correct destination by the first mail.

1. Insp. Post by. Int. letter No. 2/3 and Regd. No. 1 letter No. 901 were ~~xxxxxx~~. 1-5 and was to be ~~xxxxxx~~

Continued on P/3A

Hari Mangal Singh

208/C

(A47)

: 3 :
 to their destination by the mail of 9.30 hrs. for K.N.T. S.O.
 are Bazar C.O. Ins. letter No. 327, Majhaon Road By. Ins. letter
 No. 795, Falkland Road By. Ins. letter No. 639, Main Road By.
 Ins. letter No. 293, M.A. Road By. Ins. letter No. 640, Sign Road By.
 Ins. letter No. 250, B.P. Lane By. Ins. letter No. 30 and Chind
 Ins. letter No. 81 were Dwarikaganj S.O. and was to
 be despatched to their destination by the mail of 12.30 hrs. for
 Dwarikaganj. In the same day Ansaol Ins. letter No. 321, Falk-
 land Ins. letter No. 545, Kanpur Ins. letter No. 940 and Malad East
 By. Ins. letter No. 272 was to be despatched to Sultanpur RM3 for
 its onward ~~transmission~~ transmission to their correct destination at
 12.30 hrs. All the noted Ins. articles were not got despatched
 to their destinations by their first available despatch of mails
 but were allowed lying with the clerk of Regn. Import Branch. Shri
 R.N. Kakkar attended his duty at 9.00 AM and it was the most impor-
 tant factor of his supervision over the regn. import branch which
 was functioning in his supervision from 9.00 AM to ascertain the
 position of Ins. article regarding their receipt and disposal. Had
 it been done then undisposed Ins. article could be disposed off
 and occurrence of loss of Ins. articles could be avoided.

I have examined the memo of imputation of misconduct or
 misbehaviour against Shri R. N. Kakkar and records of the case.
 Non submission of representation against the memo by Shri Kakkar
 clearly shows that he has nothing to say against the memo and the
 charges framed against him are fully proved in the light of the
 above discussed facts.

O R D E R

I Khurshed Ahmad Supdt. of Post Offices Sultanpur
 Division hereby order that a sum of Rs. 3225/- (Three
 thousand two hundred twenty five) only being a portion of
 loss sustained by the department be recovered from the
 pay and allowances of Shri R.N. Kakkar SPM Deera (Sultanpur)
 in 10 instalments of Rs. 213/- each and remaining amount of
 Rs. 1095/- be recovered from his DCG revoking rule-9 of
 CCS (Pension) rules-1972.

(KHURSHED AHMAD)
 SUPDT. OF POST OFFICES
 SULTANPUR DIVISION - 228001.

Copy to :-

1. Shri R.N. Kakkar SPM Deera, Sultanpur.
2. S.P.M. Deera for information and n/a.
3. Postmaster Sultanpur for necessary action.
4. P/F of the official.
5. C.R. File of the official.
6. Vigilance Section D.O. Sultanpur.
- 7.8. Spare.

Hari Mangal Singh.

240

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS
OFFICE OF THE SUPDT. OF POST OFFICES,
SULTANPUR DIVISION-228001.

Head Office C-37 181-571 R.N. Kakkar dated at Sultanpur the 4th/8/86

In exercise of the powers conferred under Rule 71 of the CCS (Pension) Rules, 1972, Sanction of the Supdt. of post offices, Sultanpur Dn. is hereby accorded to the payment of provisional pension DCRG particularised below to Shri

- (a) Amount of pension *Already sanctioned*
- (b) D.C.R.G. *11000/- Eleven thousand only*

The payment of a provisional pension will continue only for a period of 6 months from the date of following the retirement unless the period is further extension by the Dy. Director of Accounts (postal) Lucknow under Rule 9, CCS (Pension) Rules, 1972.

Provisional pension DCRG as stated above is payable at *Sultanpur Dn.* and chargeable to the abstract 'C' pensionary charges etc.

This order is subject to the condition that if the amount of provisional pension D.C.R.G. is afterward found to be excess of the amount in which pension is entitled under the Rules, he shall be liable to refund such excess.

Note - A sum of Rs 1300/- must be recovered before making payment of provisional DCRG.
SUPDT. OF POST OFFICES,
SULTANPUR DN.- 228001.

Copy to:-

1- Shri *R.N. Kakkar Ex. A.P. Sultanpur*

2- The Postmaster Sultanpur H.O. He will please obtain certificate of non-employment from the retiree and sent the same to this office.

3- The Director of Accounts (Postal) Lucknow-226001.

4- Office copy

5- Spare

6- To

Hari Mangal Singh

Aug

Department of Posts
Ministry of Communications
डाक मंत्रालय

Office - सुलतानपुर २२४०९१
Superior Post Office
Sultanpur, U.P. 228091

14. C - 37/81-82/R.N. KAKKAR dated 6.2.87

*Sub:- Intimation for payment of DERS to Shri
R.N. KAKKAR by APM Sul H.C. Sultanpur 30.7/83.

As authorised by Director of A/c 2
(Postal) Lucknow vide his letter no. Pen I / 80RG / 30.1.87
(P) 11482/85-86/398 dated 30.1.87 a sum of Rs 16038/-
Sixteen thousand thirty-eight only being the amount
of DERS in favour of Shri R.N. KAKKAR may please
be drawn and disbursed in accordance with Rule
65 (2) of C.E.S. (Pension) Rules 1972 as amended read
with 63 ibid after adjusting the gen. dues (including
immediate relief) and provisional gratuity. Same to be
and paid if any referred to in Rule 7 and Rule 64
ibid.

The outstanding dues if any recovered
may please be credited through U.C.R. with appropriate
details to facilitate proper classification of accounts.

The amount of DERS is debitable to 3555(4)
DERS cited.

The authority no. of Director of A/c 2 (Postal)
Lucknow may be quoted on the payment voucher.

22.8/87
डाक अधिकारी

सुलतानपुर २२४०९१
Superior Post Office
Sultanpur, U.P. 228091

Copy to:-

- ① The Post Master Sultanpur for necessary
action as required above.
- ② Shri R.N. KAKKAR retired APM Sul H.C. Moh-
Shahganj Sultanpur.

Hari Mangal Singh

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

[illegible]

इतर वेळे सगळ्या कुप्या
विना संदर्भ व
in reply
Please quote

the School - Mrs
Sullivan

दिनांक
Dated at

131036

विषय
SUBJECT

Disc. action under Rule 9 of CCS (Pensions) Rules
1972 against Sh. R N Kakkara field ADM Sukkur

Ref: Young F 2/Sr 81 - 11 30.6.80

The Directorate has informed vide its letter no 9/42/86-Vig III dt 25.9.86, that the prosecution has ordered to stop the proceedings against the Officer. The Officer may be informed accordingly. The Misc file, CR and source book of the Officer is also returned h/w.

01- 11
 Communi cut off
 a 20 07 on
 1st to
 acct
 at S. bank - was
 order in
 his branch.
 17-10 86
 86.
 20-X-86
 20-11-86
 20-11-86

सहायक निदेशक डाक सेवा
इलाहाबाद
Assistant Director Postal Services
Allahabad-211001

Hariganga Swami

Annexure C. A-5 (AS)

(15)

को. 403/क. 70-8

कायसीम हाक-सार, विभाग/INDIAN P. & T. DEPARTMENT

Recd.

राशक/व. 10/06/06

Shri Ram Nath Kulkarni
(Retired Adm Supt)

Moh. Shergang Sultantar

No: P. 2. 180-81. Sultantar dated 20¹⁰/06.

Sub: Disciplinary action under Rule 9 of CCS
(Pension) Rules 1972 against you.

Disciplinary action under Rule 9 of
CCS (Pension) Rules 1972 against you
has been ordered to be dropped by
Directorate vide his letter no 9/42/86-
vig II dated 27/06/06 communicated vide
his telegraphic letter no. vig 17-12/85
of 13¹⁰/06. This is your
information.

20/06/06

Hari Mangal Singh

~~RECEIVED - P. & T. DEPT. - 27-06-06~~

A 52

Before The Central Administrative Tribunal, Allahabad-1

O.A. Regn. No. 792 Of 1988

R.N. Kakkar versus Supdt. Posts Sultanpur & Others

R E J O I N D E R

The applicant's comment to the Reply affidavit filed by the learned Respondents is submitted below. The paras requiring no comment have been ignored.

(1) Paras 1 to 10 - In reply it is submitted that the

facts narrated in these paras are quite irrelevant to the issue and they have unnecessarily mentioned just to side track the main issue.

(2) Paras 12 & 13 - In reply it is submitted that when

the civil suit was decided in the applicant's favour and the appellate court had not granted any stay for withholding the payment of the s. t. of Gratuity, It was quite irregular & unlawful to withhold the same till the decision of the appeal. Thus the claim for the Interest is perfectly justified and lawful.

(3) Para 14 - In reply it is submitted that the applicant

retired on 30-9-83 and the punishment order of recovery was passed on 31-12-82 as confirmed by the respondents in Paras 7 & 10 respectively of their affidavit thus the absurdity of the facts narrated in para under reply may kindly be observed.

(4) Para 15 - The applicant did exhaust the departmental channel.

(5) Paras 17 & 18 - Withholding payment of Gratuity &

Part Pension without obtaining any stay order from the appellate Court was totally irregular & unjustified as such the interest claimed is perfectly justified.

(6) Para 19 - Para 3 of this rejoinder may kindly be referred to in this connection.

- (7) Paras 21 & 24 - In reply it is submitted that the representation dated 11-11-87 was duly despatched under Regd. Cover and the same shall be produced if challenged.
- (8) Para 22 - As the respondents have miserably failed to controvert any of the allegations made by the applicant he is fully entitled to get the reliefs claimed for.

In Verification

I, R.N.Kakkar, the applicant do hereby verify that the contents of 1 to 8 above are true to the best of my knowledge & belief and that nothing material has been suppressed. So help me GOD.

Deponent/Applicant.

Dated : 24-10-89

(R.K.Tewari)
Advocate for the Applicant

(A54)

Before The Central Administrative Tribunal, Allahabad-1

Misc. Application No. of 1988

I N

O.A. Regn. No.792 of 1988

Ran Nath Kakkar v/s Supt. Posts Sultanpur & Others

Submission Of Additional Papers

The applicant most respectfully begs to file a copy of the Judgment dated 11-12-86 passed by this Hon'ble Tribunal in T.A. Regn. No. 300 of 1986 "Union of India v/s Ran Nath Kakkar" a civil appeal transferred by the District Judge Sultanpur, as per orders of the Court.

dated : 29-7-1988
D.A. 1 Judgment

R.K. Tewari
(R.K. Tewari)
Advocate for Sri R.N. Kakkar

AS

CHIEF JUSTICE CHIEF JUDGE,

ALLAHABAD.

1933

Registration No. T.A. 30 of 1933.

Union of India and . . . vs. . . . Ram Nath Bahar.
another.

Hon'ble Justice Sri S. Zahoor Hussain, Vice-Chancellor.

~~Union of India and . . . vs. . . . Ram Nath Bahar.~~

(Delivered by Hon. S. A. Meer Hassan, V.C.)

Civil Appeal No. 13 of 1933 filed by the
Union of India and the Cross Objection filed by
Ram Nath Bahar pending in the Court of District
Judge, Sultanpur have been transferred to this
Tribunal under Section 21 of the Administrative
Tribunals Act (No. 13 of 1925).

Ram Nath Bahar, to be described as the
plaintiff, was working as Assistant Post Master
at Head Post Office, Sultanpur and Chheta Lal was
working as his ~~Personal~~ ^{Postal} Assistant. On 21.1.33
insured letters valued at Rs. 7,500/- were
stolen while in custody of Chheta Lal. Half of
the money was recovered from Chheta Lal and the
remaining half was ordered to be recovered from
the plaintiff since Chheta Lal was acting under
his supervision. Report was lodged and the police
made investigation in this case. A charge-sheet

was submitted for major penalty on 1.7.1981 against the plaintiff. He filed his explanation and thereafter on 29.3.1982 the charge-sheet was dropped without prejudice to future action. On 1.6.1982 another charge-sheet was submitted on the same facts and on 31.12.1982 it was ordered that the remaining half amount (that is Rs. 3,221/-) be deducted by withholding 10 months' salary of the plaintiff at the rate of Rs. 213/- per month and by recovering Rs. 1,91/- from the De-th-cum-Retirement Gratuity (D.C.R.G.). The plaintiff filed Suit No. 64 of 1983 for declaration that the order dated 31.12.1982 was illegal and the authorities be directed not to make recovery from the salary and of the gratuity etc. The case of the Department is that there was no defect in the departmental proceedings and the deductions were rightly made. The learned Jnsif decreed the suit. Union of India filed Civil Appeal No. 305 of 1983 and the Cross Objection was filed by the plaintiff.

At the time of arguments following two points were pressed:

Firstly, in view of the D.C., P. & T's letter No. 14/82-Disc. dated 5.7.1979 the second proceedings could not be started since the first proceedings were dropped without giving any reasons. This letter runs as follows:-



It is clarified that once the proceedings initiated under rule 14 or rule 16 of C.S.S.

AST

(C.C.A.) Rules, 1962, are dropped, the Disciplinary Authorities would be deterred from initiating fresh proceedings against the delinquent officer unless the reasons for cancellation of the original charge-sheet or for dropping the proceedings are appropriately mentioned and it is duly stated in the order that the proceedings were being dropped without prejudice to further action which may be considered in the circumstances of the case. It is, therefore, important that when the intention is to issue a subsequent fresh charge-sheet, the order cancelling the original one or dropping the proceedings should be carefully worded so as to mention the reasons for such an action and indicating the intention of issuing a subsequent charge-sheet appropriate to the nature of charges the same was based on."

The first charge-sheet was given on 15.7.1981 and when the explanation was submitted by the plaintiff, the proceedings were dropped on 25.3.1982 with a simple note that ^{the same were} ~~it were~~ being dropped without prejudice to future action. No reasons were given.

In the written statement a vague allegation was made that the proceedings were dropped on administrative ground. Here again no reasons have been given in the written statement. According to

his letter dated 5.7.1979, the disciplinary authority

ASD

is debarred from initiating fresh proceedings unless the reasons for cancellation of the original charge-sheet are clearly mentioned. In this way, the directions contained in the aforesaid letter were not followed. In this connection it may be added that Loh K. Lal was handling these 19 ensured letters valued at Rs. 7,550/-. He was charge-sheeted. The matter was reported to the police. The occurrence took place on 2.1.1980; the charge-sheet was submitted on 5.7.1981; and on 21.3.1982 without assigning any reason the proceedings were dropped with a note that it was being dropped without prejudice to ^{future} ~~future~~ action.

Secondly, the provisions of Rule 109 of the P.O.T. Manual, Volume-III have not been followed. Rule 109 of the P.O.T. Manual runs as below:-

"In a case of recovery of loss imposed on a Government servant as a measure of penalty, the recovery from pay should be effected in the normal course. If during the course of recovery, the official retires from service and a balance is still outstanding for recovery, the amount so outstanding cannot be adjusted against the gratuity without following the procedure laid down in Rule 9 of C.G.S. (Pension) Rules, 1972. In cases where a Government servant is due to retire shortly and the amount of loss caused by a

AS4

Government servant cannot be recovered in full because of his impending retirement, the final punishment order should not be passed and the case referred to the Directorate for initiation of action under Rule 9 of C.C.S. (Pension) Rules, 1972, along with the record of disciplinary proceedings. "

In this case the disciplinary authority stated in the order that 10 instalments of Rs. 213/- each from the salary of the plaintiff and remaining amount of Rs. 1,055/- be recovered from the gratuity etc. The plaintiff was due to retire shortly and the amount of the loss could not be recovered in full from his salary due to his impending retirement. Therefore, the final punishment order should not have been passed and the case should have been referred to the Directorate for action according to law. ~~the~~ 4

The learned Munsif rightly held that the impugned order was against the aforesaid rule (i.e. Rule 109 of the P. & T. Manual), and, therefore, was bad in law. Plaintiff's suit was rightly decreed.

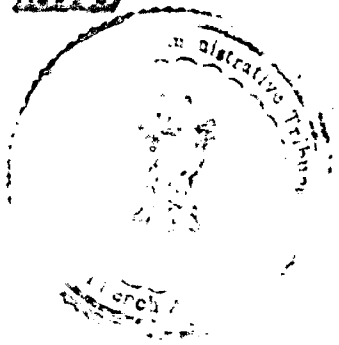
No other point was pressed before us. The plaintiff did not press his cross-objection, and, therefore, it is not necessary for us to go into the merits of the same. The appeal filed by the Union of India has no substance and is liable to be dismissed.

A60

dismissed.

This application (Civil Appeal No. 305 of 1983) is dismissed. The cross-objection filed by the plaintiff is disposed of as not-processed. Parties are directed to bear their own costs.

December 18, 1986. Vice Chairman. Member(A).
R.F.R./



TRUE
COPY

D.S. Dubey

D. S. Dubey

(D. S. DUBEY)
SECTION OFFICER
Central Administrative Tribunal
Delhi.

249

Regd

C/c

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

Reg. no. A. Ven 792-88..

No. CAT/

Dated : _____

Ram Nath Kakkar

APPLICANT(s)

VERSUS

Seplat. posts, Sultanpur.

RESPONDENT(s)

To (1) Seplat. posts Sultanpur.

(2) D.P.S. Allahabad.

Please take notice that the applicant above named has presented an application, a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 13th day of Sept. 1988 for Reply.

If no, appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 14th day of Aug. 1988.

For DEPUTY REGISTRAR(Judicial)

dinesh/

Before The Central Administrative Tribunal, Allahabad-1

Misc. Application No. 229 Of 1989 1990

O.A. In Registration No. 263 Of 1988 772/52

versus Union Of India & Others

MOTION NOTICE

Kindly take Notice that the undersigned (on behalf of the applicant) wants to move the court on 13/7/90 at 10-30 hrs. or soon thereafter to consider and pass orders on the enclosed application. The subject matter of the same is given below.

(B.K. Tewari)

Advocate for the Applicant

Dated : 31/1/90
D.O. 1

154, Purshottamnagar, Allahabad-16

Subject Matter

Amendment to the Plaintiff

Received copy
along with
copy of Plaintiff
for the 2nd 9

@ 31/1/90

Shri B. K. Tewari
Advocate

Filed today
Noted to 13/7/90

Received

Noted for
08/7/90

Ruf 3
28/1

Before The Central Administrative Tribunal, Allahabad

C.A. Regn. No. 792 of 1988

R N Kulkarni

versus Union Of India & others

Application for the amendment Of Plaintiff.

The applicant Inadvertently omitted to implead Union Of India as a party which he wants to do now. He, therefore humbly prays

P R A Y E R

that on pages 1 & 2 of the plaint he may kindly be permitted to add:-

(iii) Union Of India through the Secretary, Ministry Of Communications, G.O.I., New Delhi-1

I N V E R I F I C A T I O N

I, R N Kulkarni, the applicant do hereby verify that the contents of this amendment application is true to the best of my knowledge & belief. That nothing herein is false or concealed.

Dated : 31/1/90

Deponent/Applicant

R N Kulkarni
(R.N. Tewari)

Before the Central Administrative Tribunal, Allahabad

C.A. Regn. No. 792 Of 1988
R N Karkar versus Union Of India & others

Application for the amendment Of Plaint.

The applicant Inadvertently omitted to implead Union Of India as a party which he wants to do now. He, therefore humbly prays

P R A Y E R

that on pages 1 & 2 of the plaint he may kindly be permitted to add:-

(iii) Union Of India through the Secretary, Ministry Of Communications, G.O.I., New Delhi-1

I N V E R I F I C A T I O N

I, R N Karkar, the applicant do hereby verify that the contents of this amendment application is true to the best of my knowledge & belief. That nothing herein is false or concealed.

Dated : 31/1/90

Deponent/Applicant

(R.K. Tewari)

Inter est a Gratia

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 792 of 1980

APPLICANT (s) Ram Nath Kakkar

RESPONDENT(s) Subek Bosh Sultanpur + another

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 ? 4 sets filed
3. (a) Is the appeal in time ? Ys
 - (b) If not, by how many days it is beyond time ? -
 - (c) Has sufficient case for not making the application in time, been filed ? -
4. Has the document of authorisation, Vakalat-nama been filed ? Ys
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/- Ys 20 22/156 At 31.5.89 for 352/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ? The application is not against any particular order
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

752 1500

(T. A. 101 1992)

From note Kof/ka Anne

US
Subst for Apics Sultanah

Alke'ani was serving with Genl. A. Post
as Assistant Post Master Sultanah in the rank of
P. 125-640 and retired from service on 31.8.83

A gratuity of Rs. 16038/- was sanctioned
in his favour by the Director of Accounts
(Postal) Lucknow (vide Annexure A-1) and

out of the said gratuity a sum of Rs. 11,004/-
was paid to the Government as per office
memo dated 4.12.86 (vide Annexure A-3) and

the remaining amount of gratuity viz. Rs. 5038/-

was detained with the plea of a hindrance of the accounting
proceedings of the Government.

16038/-
11004/-
5038/-

Balance of gratuity was paid on 26.9.87
Similarly out of the sanctioned

amount of Rs. 460/-

payment of Rs. 300/- is made

on 1.10.1983 (Annexure A-4)