ANNEXURE

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. No. 96/92 in O.A. 798/88 OF

NAME OF THE PARTIES Udai Raj Mishra

Applicant

Versus

U.O.I. & ors. (P.O. G.P.O. U.P. Lucknow & ors)

Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	Check list dt. 27.8.88	A1 to A2
2	CAT order sheets dt. 25.8.88 to 25.8.92	A3 to A6
3	Memo of judgment dt. 25.8.92	A7 to A9
4	Copy of petition / Vakalatnama	A10 to A20
5	Counter affidavit	A21 to A28
6	Rejoinder	A29 to
7	Application No 667/12/90	A30 to A31
8		
9		
10		
11		
12		
13		

CERTIFICATE

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

File. R/C Weeded out / destroyed.

Dated 25-2-14

Counter Signed

Section Officer / In charge

Signature of the Dealing Assistant

Reduction in Pension + Gratuity

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 798 of 1989

APPLICANT (s) Udai Raj Mishra

RESPONDENT(s) P.M.G. U.P. Lucknow & another

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Seven filed.
3. (a) Is the appeal in time ?	Yes
(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/Vakalatnama been filed ?	Yes
5. Is the application accompanied by ~~B.D.~~/Postal-Order for Rs. 50/-	Yes, D.D. 227525 dt 2/6/88 for Rs 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	The application is not challenging any particular order.
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numberd accordingly ?	Yes

(1) 798/88

25/8/88 Hon D.S. Misra, Am.

On the request of Shri R.K. Tiwari he is allowed fifteen days time to file some documents.

Am.

O/R श्रीमान जी आज दिनांक 12.9.88 तक कोई भी documents file नहीं किया गया है आगे तिथि हेतु प्रस्तुत है 12.9.88

OR. Cause list has been prepared upto 15-9-88 so the case stands

12/9

16.9.88 Hon.

On the request of applicant's counsel, necessary documents may be filed by 7.10.88

7.10.88 Hon

On the request of applicant's counsel, necessary documents may be filed by 04.11.88

4.11.88 Hon

On the request of applicant's counsel, required documents may be filed by 5.12.88

ORDER SHEET (3)

Registration No. 798 of 1988

Appellant / Applicant: Udai Raj Misra

Versus

Respondent: U.O.I.

Serial number of order and date	Brief Order, mentioning reference, if necessary	How complied with and date of compliance
23/2/89	DR On the request of Counsel for respdt, he is allowed to file reply by 10/3/89. for DR(J)	
10.3.89	[illegible] On request, counsel may be filed by [illegible] [illegible]	
1-5-89	DR Reply not filed so far, it can be filed by 26/5/89. DR(J)	
26/5/89	DR On the request of respdts counsel reply can be filed by 21/7/89. No further time will be allowed DR(J)	

24.7.90 DR Adjourned to 5.10.90 before DR(S) for fixing a date for hearing.

per
DR(S)

21-11 to DR

In the interest of applicants counsel request can be filed by 17-1-91. No further time will be allowed.

DR(S)

M.A. APPL No. 66 / 112/90 filed on 12/9 for withdrawal of the case. filed C.D. after the case was closed on 1-9-91 and closed on this

12/1

T.A. No. 96/92, T.L

(7)

7.4.92

D.R.

Register the case as T.A. This case has been received after transfer to this Bench from CAT Alld.

Issue notice to the counsels for both the parties. Case is listed on 29.6.92

OR
Notices issued
21/4/92

29.6.92 No sitting of DB adj to 28.8.92

OR
Notices have been issued but no any received back till today.
24.8.92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. NO 798/88 199 (L)

T.A. NO ~~96/92~~

Date of Decision _____

Udai Raj Misra PETITIONER.

Shri R.K. Tewari Advocate for the Petitoner(S)

VERSUS

P.M.G., U.P. Lucknow & other RESPONDENT.

Shri K.C. Sinha Advocate for the RESPONDENT(S)

CORAM

The Hon'ble Mr. Justice U.C. Srivastava, VC

The Hon'ble Mr. K. Obayya, Adm Member

1. Whether Reporter of local papers may be allowed to see the Judgment? N

2. To be referred to the reporter or not ? N

3. Whether their Lord ships wish to see the fair copy of the Judgment? N

4. Whether to be circulated to other benches ? N

Vice-Chairman/~~Member~~

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

T.A. No. 96/92
(O.A. No. 798/88)

Udai Raj Misra — Applicant

versus

P.M.G. U.P. Lucknow and others — Respondents.

Shri R.K. Tewari — Counsel for Applicant
Shri K.C.Sinha — Counsel for Respondents.

CORAM

Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

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

The applicant has approached this Tribunal with the prayer that the Post Master General, U.P. be directed to approve the officiating arrangements made by the ~~learned~~ Senior Superintendent Posts in the interest of service in promoting the applicant to officiate in clear/leave vacancy forthe periods mentioned in para 6(i) of the application and a copy of the approval be also supplied to D.A.(P) who may further be directed to restore the old sanctioned pension and gratuity of the applicant and be directed to refund the difference of officiating pay already recovered from the applicant with interest.

2. Before filing of the counter the respondents stated that they granted the reliefs which were claimed by the applicant and prayed that the application be dismissed as infructuous.

After counter affidavit being filed, the applicant moved an application that although the relief has been granted but he had incurred Rs 1200/- as expenses etc. which he has not been paid.

3. It may be so, because theentire relief has been granted andhe has been made to suffer. It will not be a case in which entire amount of costs is granted, as such a sum of Rs 500/- is to be granted to the applicant which is due to non action of the respondents. The respondents aredirected to pay a sum of Rs 500/- to the applicant. But for the above observation the application is dismissed.

Adm. Member.

Vice Chairman.

Shakeel/

Lucknow:Dated 25.8.92

Application U/s 19 of Administrative Tribunal Act, 1985.

Filed on 27-6-88

Reg. No. [illegible] of 1988

Signature of D.R.(J)

Before The Central Administrative Tribunal, Allahabad

Between

[illegible] Applicant

[illegible]

(1) [illegible] Lucknow

(2) Director Accounts (Postal) [illegible]

(3) Union of India through Secy., New Delhi

No.	Marked		
1		Application	2 to 7
2		Vakalatnama to [illegible] on 27-6-88	8 to 10

(S.K. Dwivedi)
Advocate
[illegible]
Allahabad-16

Central Administrative Tribunal
Allahabad Bench Allahabad
Date of Filing 27.6.88
Date of Receipt by Post
Fixed for 25-8-88
Deputy Registrar 27.6.88

Filed today
Date of Admission
Noted for 25-8-88
Review
26/6/88

- 2 -

Details of Application

1– Particulars of the Applicant :—

(i) Name of the Applicant — UDAI RAJ MISHRA

(ii) Father's Name — Late Shri Gripal Mishra

(iii) Designation & Office in which employed — Ex Dy. Postmaster Pratapgarh Head Post Office UP

(iv) Office Address

(v) Address for service of all notices — Vill. Pure Darshan Mishra, P.O. Dwarikaganj District Sultanpur PIN-228121

2– Particulars of the Respondents :—

(i) Name &/Or Designation — (1) PMG UP Lucknow

(ii) Official Address — (2) Director Of Accounts (Postal), Lucknow

(iii) Address for service of all notices — (3) Union of India through Secretary Ministry of Defence New Delhi.

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

(i) Order No.
(ii) Date
(iii) Passed by
(iv) Subject in brief — This application is against a reduction in Pension & Gratuity by the Director Accounts Postal ~~[illegible]~~ for grant of sanction to be given by PMG UP for Officiation in Gazetted Rank under the Express orders Of Sr Supdt. Posts Pratapgarh.

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 :–

25-2-88

[illegible]

[illegible] 16 days.

[illegible] = 29 days.

[illegible] = 29 days.

[illegible] = [illegible] 7 days.

[illegible] 10 days.

[illegible]

[illegible] Rs.29/- per [illegible]

[illegible] 20-[illegible]-1997.

[illegible]

[illegible] recovery if the amount over

you.

[illegible]

[illegible]

[illegible]

(4) [illegible] cost of this gift, [illegible] gift by the [illegible]

8– Interim order, if prayed for— N I L

9– Details of the remedies exhausted

The applicant declares that he has availed of all the remedies available to him under relevent service rules— He made a representation to the PMG UP vide his application dated 23-2-88 at Ann. A-1 on Pages 8 to 10. As the same remained unattended hence this application is submitted

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. DD4/227505

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

(iii) Date 22-6-88

(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) One documents to be relied upon

In Verification

I, Udai Raj Mishra S/O Shri Sripal Mishra aged 60 years R/O Vill. Pure Darshan Mishra P.O. Dwarikaganj Sultanpur and working as Ex Dy. Postmaster Pratapgarh do 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 27-6-88 198 .

Signature of applicant
25-6-8

To

The Registrar, Central Adminstrative Tribunal,
Allahabad—211001

(R.K. Tewari)
Advocate
154, Purshottamnagar, Allahabad-16

To,

8

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

Through: Proper Channel

Sub:- Representation against order of revision of Pension and DCRG issued by DA(P)Lucknow vide his No.AE/Pen II/PI/CRFC- 644/87-88 Dt.25.1.88.

Respected Sir,

With due respect I have to submit the following lines for favour of your kind consideration and favourable orders:-

(1) That while working as Dy.Postmaster HSG-I Pratapgarh Head Post Office I retired from service on 31.7.87 AN on superannuation pension. Myself was promoted as Dy.P.M.HSG-I Pratapgarh vide DIS H.Qr.Lko.Memo No.STA/181/XA/HSG-I-83/2 dt. 26.8.83 and confirmed as P.M. Raibareli w.e.f. 1.11.85 in LSG-I Cadre vide HSG U.P. Lucknow memo No.STA/181-XA/Conf./HSG-I/85/2 Dt.24.1.86.

(2) That my pension case was taken up by Sr.Postmaster Pratapgarh on 25.10.86. The pension paper was received back from DA/P) Lucknow under his No.AE/II/PI/PC/353/86-87/385 Dt. 22.12.86 admitting my pension R.997 +73PP and DCRG R.36069/- taking my emoluments of pay pre-revised scale of pay 1986.

(3) That in the above audit enfacement Dt. 22.12.86 the DA(P) Lucknow has raised only the following points to be complied with for issue of final payment order.

1- Order of promotion in HSG-I cadre may be recorded in S-Book.

2- LPC and 3-Retirement order should be submitted.

(4) That on receipt orders in respect of pension,DCRG and commutation vide IV pay commission recommendation revised pension calculation sheet indicating pension 1250/DCRG 41663 and commuted value of 1/3 pension R.419 being R.54202 after fixation of my pay under revised pay rules 1986 was submitted to the DA(P) Lucknow vide Sr.Postmaster Pratapgarh No.C-4/Pension/86-87 Dt. 16.5.87.

(5) That Sri R.K.Misra Sr.Postmaster Pratapgarh was on leave more than one month from 23.5.87 to 29.6.87 and I was ordered to work as Senior Postmaster Pratapgarh vide Sr.Supts Pratapgarh memo No.BX/R.K. Misra Dt. 2.6.87 copy enclosed.

Contd..-2-

9

(6) That my pension and DCRG were again recalculated taking into account my ofig.pay for the above period and those were admitted vide DA(P)Lucknow No.Pen.II/P-I/PC-853/86-87/CRPC-48/87-88/VS/Camp Dt. 25.8.87 Rs.1269+DAR from 1.8.87 and Rs.41850/- respectively and pension + DCRG paid under proper authority of DA(P)Lucknow on issue of pension P.P.O.No.LKO.(P)9230 Dt. 25.8.87 on 4.9.87 and 14.9.87 respectively. But authority for payment of commuted value of my 1/3 pension due on 1.8.87 has yet not been issued even after 6 months from the date of retirement.

(7) That DA(P)Lucknow under his No.AE/Pen II/P-I/CRPC 644/87-88/322 Dt. 25.1.88 addressed to Sr.Postmaster HBH, that (Official Sri U.N.Misra Officiated vice PM.(G) on the dates and has been paid for the post without the approval of PMG U.P.Circle.If then Ofig.arrangement has not been approved by the PMG then he has been over paid and it is to be recovered from him under intimation to this office.

14.10.83 to 29.10.83
1.4.84 to 29.4.84
2.6.84 to 29.11.84
23.5.87 to 29.6.87.

(8) That after the period of about 6 month from the date of issue of final payment order dt. 25.8.87 under the above order dt. 25.1.88 mentioned in para 27 DA(P)Lucknow has revised my pension as Rs.1259/-instead of Rs.1269/- per month and DCRG as Rs.41663/- instead of Rs.41850/- to the disadvantage of the retired pensioner and also ordered the of Senior Postmaster Pratapgarh for the recovery of the same from the pensioner.

GROUNDS OF THE REPRESENTATION

1- That the representationist worked as officiating Sr.Postmaster under order of his immediate superior i.e.Sr.Supdt.of Post offices Pratapgarh in the leave vacancy from 14.10.83 to 29.10.83,1.4.84 to 29.4.84 2.6.84 to 29.6.84 and 23.5.87 to 29.6.87 and in clear vacancy from 1.7.84 to 29.11.84 after the retirement of Sri K.N.Verma it ~~is~~ was the duty of the administration to obtain the approval of the competent authority, I was paid for the post of Dy.P.M.ITB BSG-1 on 30.6.84.

2- That my service book was checked and verified under local audit inspection on 16.6.81 and on subsequent dates

Contu...-3-

at the time of local audit inspection at Pratapgarh.

3- That my service book together with the pension case was submitted to the DA(P)Lucknow under Sr.Post master Pratapgarh No.C-4/Pension/86-87 dt. 25.10.86, 16.5.87 and 10.8.87 thereafter my final pension and DCRG were authorised and pension P.P.O.No.Lucknow (P) 9230 Dt. 25.8.87 issued under proper authority of DA(P) Lucknow.

4- That my pension and DCRG were already admitted and final payment order issued by DA(P) Lucknow on 25.8.87

5- That revision of pension and DCRG order by DA(P) LKO. to the disadvantage of this pensioner is incontravention of Rule 70 of the Swamis Pension compilation of Central Civil Services Pension Rules.

PRAYER

It is,therefore,respectfully prayed that the period of my officiating as Sr.Postmaster Pratapgarh in leave vacancy for the period from 14.10.83 to 29.10.83, 1.4.84 to 30.4.84, 2.6.84 to 29.6.84 and 23.5.87 to 29.6.87 and in clear vacancy from 1.7.84 to 29.11.84 may kindly be got approved at this sta and orders regarding revision of my pension and DC to the disadvantage of this applicant pensioner by DA(P) Lucknow may kindly also be ordered to be set aside. For this act of kindness the applicant pen will be ever grateful to your honour.

Yours faithfully,

TRUE COPY

(B. K. Tewari Advo.)

U.N.Misra 23

Ex.Sy.P.M.(HSG-I)Pratapg

Pension Holder PO LKO.

Village Pure Varolidy Hlar

at the time of local audit inspection at Pratapgarh.

3. That my service book together with the pension case was submitted to the DA(P)Lucknow under Sr.Post master Pratapgarh No.C-4/Pension/86-87 dt. 25.10.86, 16.5.87 and 10.8.87 thereafter my final pension and DCRG were authorised and pension P.P.O.No.Lucknow (P) 9230 Dt. 25.8.87 issued under proper authority of DA(P) Lucknow.

4- That my pension and DCRG were already admitted and final payment order issued by DA(P) Lucknow on 25.8.87.

5- That revision of pension and DCRG order by DA(P) LKO. to the disadvantage of this pensioner is incontravention of Rule 70 of the Swamis Pension compilation of Central Civil Services Pension Rules.

PRAYER

It is, therefore, respectfully prayed that the period of my officiating as Sr.Postmaster Pratapgarh in leave vacancy for the period from 14.10.83 to 29.10.83, 1.4.84 to 30.4.84, 2.6.84 to 29.6.84 and 23.5.87 to 20.6.87 and in clear vacancy from 1.7.84 to 29.11.84 may kindly be got approved at this stage and orders regarding revision of my pension and DCRG to the disadvantage of this applicant pensioner by the DA(P) Lucknow may kindly also be ordered to be set aside. For this act of kindness the applicant pensioner will be ever grateful to your honour.

TRUE COPY

(R. K. Tewari Advo.)

Yours faithfully,

23.2.88

U.N.Misra
Ex.Dy.P.M.(HSG-I)Pratapgarh,
Pension Holder PPO LKO.(1)9230
Village Pure Darshan Misra,
P.O.Dwarikaganj,
Distt.Sultanpur.

Dated: Pratapgarh 23-2-88

Original forwarded through proper channel and advance copy to P.M.G., U.P.Lucknow for favour of necessary action. 2 to 4 copy to DA(P)LKO.DPS.Allahabad & Sr.Supdt.of Post Offices for favour of information & Necessary action.

23.2.88

COURT FEE

वकालतनामा

बअदालत The Central Administrative Tribunal, Allahabad-1

नम्बर मुकदमा ..... Orig. Regn. No. ..... Of 199 B सन् १९ ई०

नम्बर इजारा ..... सन् १९ ई०

मुद्दई

Vijai Raj Mishra **बनाम** UOI & Others अपीलान्ट

मुद्दालेह

मैं Vijai Raj Mishra S/O Late Shri Sripal Mishra रेस्पान्डेन्ट

मैं/हम R/O Village Pure Darshan Mishra

निवासी P.O. Dwarikaganj, Dist. Sultanpur

श्री R.K. Tewari, Advocate, 154, Purushottamnagar, Allahabad-10

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 सवाल पूछें, जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें, व वापस लेवें पंचनामा उपस्थित करें, पच 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 रसीद 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 वकील साहेब व उनके क्लर्क बहस व पैरवी के लिये बाध्य न होगें।

अदालत मुकदमा नं० बनाम सन् १९

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 सर्वथा मान्य होगा।

तारीख 27th. माह June, 1998 सन् १९ ई०

स्वीकार है

R.K. TEWARI हस्ताक्षर.....

Advocate

154, Purshottam Nagar

(Khuldabad)

Allahabad-10

हस्ताक्षर

गवाह

गवाह

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD.

******

CIVIL MISC. APPLICATION NO. 491 OF 1989.

On behalf of

Union of India.....Applicant.

IN

REGISTRATION NO. 798 OF 1988.

(DISTRICT: PRATAPGARH)

Udai Raj Misra----------Applicant.

Versus

Union of India & others----------Respondents.

To,

The Hon'ble the Chairman and his companion members of the aforesaid Tribunal.

The humble application of the abovenamed application Most Respectfully Showeth:-

1. That for the facts and circumstances stated in the accompanying counter affidavit it is expedient in the interest of justice that the prayer for the relief claimed by the applicant may be rejected.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to reject the prayer for the relief claimed by the applicant in the aforesaid applicantion,.

Dated_____/1989.

(N.B.SINGH)
SENIOR STANDING COUNSEL
CENTRAL GOVERNMENT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD.

*****

COUNTER AFFIDAVIT

IN

REGISTRATION NO. 796 OF 1988.

(DISTRICT:PRATAPGARH)

Udai Raj Misra----------Petitioner

Versus

Union of India & others----------Respondents

AFFIDAVIT of S.R. Abidi

aged about 52 ,years, son of

Shri S. Tanizul Hasan

at present posted as Accounts Officer

in the DPA Lucknow

S.R. Abidi

(DEPONENT).

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

1. That the deponent is the Accounts Officer

and has been authorised to file this counter af

on behalf of respondent no ___ in the aforesaid case and as such he is well acquainted with the facts of the case deposed to below .

2. That the deponent has read the application of Sri Udai Nath Mishra and others filed in the Hon'ble Tribunal and has understood their contents.

3. That the contents of paragraph 6(i) of the application are denied .It is stated that officiating arrangement during the period;

14.10.83	to	29.10.83
1.4. 84	to	29.4.84
2.6. 84	to	29.11.84
23.5. 87	to	29. 6.87

as the same was not made by the competent authority viz P.M.G. U.P. as only P.M.G.

Vide para 4 of schedule to P & T Manual Vol. III is empowered to make officiating arrangement in Gr'B' Sr. Post Master cadre. Shri Udai Raj Mishra was not approved by P.M.G. to officiate in Sr. Post Master post Hence claim is not admissible .

4. That in reply to the contents of paragraph 6(ii) of the application are admitted as stated. It is stated that pension/DCRG was revised under Sub Para 3 of C.C,S(Pension) Rule 70.

5. That in reply to the contents of paragraph 6(iii) of the application, it is stated that pay & allowances of Gazetted officers are authorised by D.P.A. Lucknow vide Para 14.07 of Accounts Manual Vol. I and the drawal of Pay & allowances of Gazetted Post without authorisation by DPA were irregularly drawn by Shri Udai Raj Mishra.

5. That the contents of paragraph 6(iv) of the application, it is stated that suitable reply has already been in the above paragraph.

7. That the petitioner was not made a party to the union of India. Hence The present application is libelto be dismissed on this ground alone.

8. That the applicant has failed to make out any case for interference by this Hon'ble Tribunal as such the present application is liable to be dismissed with costs.

I, the abovenamed deponent do hereby declare that the contents of paragraphs 1 to 6 are true

SR

of this affidavit are true to my personal knowledge those of paragraphs _____

_____

of this affidavit are based on perusa l of record and those of paragraphs _____

_____

of this affidavit are based on legal advice which all I believe to be true, no part of it is false and nothing material has been concealed.

SO HELP ME GOD.

Deponent.

I, ~~V.P.Tripathi Clerk to Sri N.B.Singh~~ Narendra Kumar Advocate ~~Senior Standing Counsel Central Government~~ High Court Allahabad do hereby declare that the person making this affidavit and all-eging

himself to be the same person who is known to me from the perusal of record which was produced before me by the deponent.

Advocate

~~Clerk~~.

Solemnly affirmed before me on this 8 th day of March 1989 at 2.45 ~~a.m.~~/p.m. by the deponent who has been identified by the aforesaid person.

I have satisfied myself by ~~the~~ examining the deponent that he understands the contents of this affidavit .

OATH COMMISSIONER.

Harikesh Sharma
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 58/14
Date 8-3-89

Before The Central Administrative Tribunal, Allahabad

O.A. Regn. No.79 Of 1988

U.R.Mishra versus Union Of India & Others

Rejoinder

1) Paras 1 to 4 of the Reply Affidavit (R.A. In brief hereafter) do not require any comment.

2) In reply to 5 of R.A. it is submitted that the Applicant got the benefit of his officiating service only after he had filed the instant case in the Tribunal by incurring an expenditure of Rs.900/-. Had his application dated 23-2-88 addressed to PMG UP, a copy of which is enclosed as Ann. No.A-1 on pages 8 to 10 of the application been disposed of by the learned PMG UP this application at an expenditure of Rs.900/- before the Hon'ble court would have been avoided. Thus the applicant's claim for the cost of the suit (viz. Rs.900/-) is fully justified and may kindly be not settled before the case is closed.

3) In reply to para 7 of the R.A. it is submitted that the claim for Rs.900/- as the cost of this suit may kindly be not settled before this case is closed.

4) The facts narrated in para 9 of the Paper Book application have not been denied by the learned Respondents. It clearly means that they do accept that the applicant's representation dated 23-2-88 addressed to PMG UP remained unattended. Thus the applicant is fully entitled to get Rs.900/- as the cost of this suit.

In Verification

I, U.R.Mishra, the applicant of this application do hereby verify that the contents of paras 1 to 4 above of this Rejoinder are true to the best of my knowledge and belief & that nothing material has been suppressed.

Dated : 7-1-91

Rejoinder

(R.V.Tewari)
Advocate for the Applicant

Before the Central Administrative Tribunal, Allahabad-[illegible]

Misc. Application No. 667/12 of 19

I N

O.A. Registration No. [illegible] of 199[illegible]

[illegible] versus Union of India & Others

[illegible] O F I [illegible]

[illegible] the undersigned on behalf of the applicants [illegible] 21.12.[illegible] [illegible] to consider a mass order [illegible] the subject matter of which is given below [illegible].

[illegible]
Advocate for the applicants

Date: [illegible]

[illegible] application [illegible] by the Hon'ble Tribunal [illegible] the case.

[illegible] 18/12/[illegible]

3.1.91

Before The Central Administrative Tribunal, Allahabad-1

C.A. 567/12 04 Jc

O.a. Regn. No.798 of 1988

U.R.Mishra versus U.O.I. & Others

Request for filing the application as not filed.

The applicant respectfully begs to submit That the first main request of the applicant having been acceded to by the learned Respondents they have urged to declare our Petition as infructuous in their Reply Affidavit. The second request for the grant of full cost of the suit viz.Rs.1200/- has remained to be granted. The same is fully justified

(a) Because the applicant had filed this suit only after exhausting the departmental remedy. His application dated 23-2-88 addressed to the PMG UP in this connection had remained unattended. This fact narrated in para 9 of the application has not been controverted by the learned Resp. in their Reply Affidavit.

(b) Because had the learned Respondent granted the relief seen after 23-2-88 when he had applied to him the applica would have been saved from filing the suit and thereby incurring the avoidable expenditure Rs.1200/-

(c) Because by the grant of first relief the applicant will be getting Rs.10/- per month extra in Pension and he has also been allowed Extra gratuity of Rs.200/- in lump sum. Thus if the cost is not allowed it will mean that the applicant had been a losser..

In Verification

I, U.R.Mishra, the applicant do hereby verify that the contents of this application are true to the best of my knowledge and belief. Nothing material has been concealed.

Dated : 10-12-90

Applicant

971 to 972

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

22/4

No. CAT/CI/LKO/JUDL/ T.A. 96/92 T.L. Date :
in
OA 798/88

REGISTRATION NO _____ OF ~~1991/92 (L)~~

Udai Raj Misra Applicant.

VERSUS

P.M.G. U.P. Lko. & others Respondents.

(1) Sri K.K. Tiwari, Adv., 154, Purshottam-Nagar, Khuldabad, Allahabad.

(2) Sri K.C. Sinha Adv., C.A.T., 23 A, Thornhill Road Allahabad.

Please take notice that the applicant above named has presented an application a copy ___—___ thereof is enclosed herewith which has been registred in this Tribunal and the Tribunal has fixed 29 day of Jun, 92 for hearing.

If, 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 21 day of 4 1992.

For Deputy Registrar.

M.Panda./

O/C