

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ~~h.c./c.~~ BENCH

OA/TA/RA/CP/MA/PT 985/88 of 20.....

Ravi Prakash Tiwari.....Applicant(S)

Versus

U.O.I. Govt.Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1 -	Order Meetings A1 to A3 dt 6-2-95	
2 -	Copy of Petition for record. A4 to A23	
3 -	Answer	A24
4 -	Counter Affidavit	A25 to A38
5 -	Memo 259/95 Dismissal of Pet.	A39 to A41
6 -	Notice issued	A42 to A44

Certified that the file is complete in all respects.

B/C. ~~dated date~~ / destroyed

30/8/12

Signature of S.O.

Signature of Deal. Hand

6.1.89

DR

On the request of the
Counsel for the applicant;
the case list before court
on 24.2.89 for hearing.

DR

① 24.2.89 No sitting adj. to 12.5.89 B

② 12.5.89 No sitting adj. to 18.8.89 MS

③ 18.8.89 Due to lawyer's strike the
case is adj. to 18.12.89
for hearing. B

④ 18.12.89 No sitting adj. to 14.1.90 before
DR(J) for fixing a date of hearing. B

⑤ 14.2.90 The case is adj. to 2-5-90
before DR(J) for fixing a date
for hearing.

DR(J)

⑥ 25.90 DR Adjourned to 28.8.90 before
DR(J) for fixing a date for hearing.

DR(J)

DA: 9025/807 (9025/808)

23-9-94

Hon. Mr. V.K. Seth, A.M.

Hon. Mr. D.C. Verma, T.M.

None for the parties. Smt M. P. Sharma, counsel for the applicant who is no more and also that Dr K. C. Sinha counsel for the respondent has not been attending for the last several occasions. Fresh notices by the Registered AD. post be issued to the parties. List for hearing on 17-11-94.

OB
NOTICE ISSUED
on 31-10-94
m-91

J
T.M.

h.s
A.M.

17-11-94 No sitting of D.B. Adj. to
21-12-94 for hearing

RE
B.V.

21-12-94 No sitting of Div. Bench
Adj. to 31-1-95 for F.H.

31-1-95 Hon. Mr. Justice D.C. Saksena, V.C
Hon. Mr. V.K. Seth, A.M.

RE
B.V.

The learned counsel for the parties are proceeding at Allahabad they have not been able to come. List on 6-2-95 for hearing.

Bar

BA 985/88 ²³

6-2-85

Hon Mr S Das Gupta, A.M
Hon Mr. D.C. Neog, J.M.

None for the applicant.
Or & Chandas for respondent.
The applicant has filed
M.W. Application for dismissal
of this petition as not pressed.
The learned counsel for the
respondent has also filed
similar application in this
regard. Application is dismissed
as not pressed.

J.M.

D

W.C.
A.M.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH AT ALLAHABAD.

Registration No. 985 of 1988

Ravi Prakash Tiwari Applicant
versus

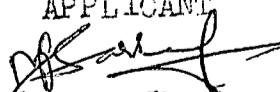
Union of India and others Respondents

I N D E X

S. No.)	Description of Documents rejoiced upon	Page No
1.	Application	1 to 8
2.	Annexure No. '1', Statement of Work done since 1983	9
3.	Annexure No. '2' Letter dated 17.6.1988	10 33XX
4.	Annexure No. '3' Copy of Telegram dated 10.6.1988	11
5.	Annexure No. '4' Copy of letter dated 17.6.1988	12 to 14
6.	Annexure No. '4-A' Copy of letter No. 335547 dt. 24.6.1988	15
7.	Annexure No. '5' Copy of letter dated 26.7.1988	16 to 20
8.	Annexure No. '5-A' Photo Stat of Postal Receipt	20
9.	Vakalatnama	22

DATED: AUGUST, 1988

Ravi Prakash
SIGNATURE OF THE
APPLICANT


(M.P. SARRAF)
Advocate
Counsel for the Applicant

Central Administrative Tribunal,
Additional Bench At Allahabad
Date of Filing.....12-8-88
Date of Receipt.....12-8-88
by Post

FORM I

Application Under Section 19 of the
Administrative Tribunals Act 1985.

C.T. No. filed today & plotted to
12/9/88

12/9/88

[Signature]

[Signature]

For use in Tribunal's Office

Date of Filing 12/8/88

Or

Date of Receipt by Post 12/8/88

Registration No.

Signature
for Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

BETWEEN

Ravi Prakash Tiwari s/o Sri Ramraj Tiwari
village Dewai, P.O. Deorhi, district Faizabad.

-----APPLICANT

versus

Union of India through
The Secretary, Department of
Personnel & Training, Ministry of
Personnel, Public Grievances and
Pensions, New Delhi.

-----RESPONDENT

DETAILS OF APPLICATION

1. Particulars of the applicant:

(i) Name of the applicant	Ravi Prakash Tiwari.
(ii) Name of the Father	Sri Ramraj Tiwari.
(iii) Age of the applicant	Approximately 30 years.
(iv) Designation and particular of office.	Contingent paid casual worker, Office of Asstt. Director, Directorate of Anti Evasion(C.E.XXX X.) 117/40 Sarvodaya Nagar Kanpur. -do- Village Devai, Post Deorhi District Faizabad.
(v) Office Address	
(vi) Address for service of notice.	

2. Particulars of the respondent:

(i) Union of India through the Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances & Pensions, Govt. of India, New Delhi.
(ii) The Director, Directorate of Anti Evasion(Central Excise) West Block no.8, Wing no.6, R.K.Puram, Sector no.1, New Delhi.

Ravi Prakash

Ranjana

Revenue Intelligence which is now working separately. Working as one of the department of Directorate of 24.3.1984. At that time respondent no. 2 and 3 were in Intelligence, New Delhi, in his order no. 59/84, dated 24.3.1984. At that time respondent no. 2 and 3 were as contingent paid casual worker W.E.F. 17.6.1983 which was confirmed by the then Director of Revenue as specified in the office of respondent no. 3 as 'farras', respondent no. 3. After interview the petitioner was casual worker. He was interviewed in the office of through Employment Exchange by respondent no. 3 as (i) That in the year 1983 the applicant was recruited examination from Madhyamik Shiksha Parishad Aligarh.

(ii) That the applicant had passed his Intermediate

The facts of the case are given below:-

6. Facts of the case:

Within the limitation prescribed in section 21 of the Admnistrative Tribunals Act, 1985. The applicant further declares that the application is

4. ~~Excessive~~ Jurisdiction of the Tribunal: The applicant declares that the subject-matter of the jurisdiction of the Tribunal is within the order against which he wants redressal is within the order aggrieved in service. 16.2.1988 while persons junior to the applicant are the services of the applicant within effect from the respondents 2 and 3 have illegally terminated

(iii) Subject in brief.

(ii) Passed by Assistant Director (A.D.M.), Directorate of Anti-Evasion, (Central Excise) New Delhi.

(i) Order no. DAE.F.No. 428/CE/8/88-Estt, dated 9.2.88 with reference to Annexure no. 2.

The application is against the following order:-

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

(iv) The Chairman, Board of Customs and Central Excise, Govt. of India, Ministry of Finance, New Delhi.

(v) The Assistant Director, Directorate of Anti-Evasion (Central Excise) 117/40, Sarvodaya Nagar, Kanpur.

20

3.

(iii) That the work of Farras is to clean the office and attend the calls of the officers.

(iv) That the petitioner, apart from the above work of Farras, had done the following work which are generally done by clerks and Sipahies in the department.

- (a) Diary Dispatch work.
- (b) Dak receipt and distribution work.
- (c) to bring local mails.
- (d) to deliver local mails.
- (e) to assist and work in the raid parties.
- (f) to scrutinise the record seized in raids.

(v) That the petitioner assisted in approximately 14 raid parties during the period of his service in the deptt.. On the recommendation of respondent no.3, the petitioner was awarded Rs.1875/- as reward for doing meritorious work in five raid parties.

(vi) That the petitioner also scrutinised the record seized by the department in raid one of which is scrutiny done in the year 1985 of seized record of Powerloom cases.

(vii) That the Superior officers of the petitioner were pleased with the performance of the petitioner. The petitioner's performance was meritorious.

(viii) That the respondent no.3, on the basis of petitioner's performance, in the year 1985 recommended to higher authority for petitioner's regularisation in the department.

(ix) That the petitioner continued in the service of respondent without any break from 17.6.83 to 15.2.88 for 1411 days. Year and monthwise details are given in Annexure-1 to this application.

(x) That the problem of adhoc/casual employees was considered by the Hon'ble Supreme Court in many cases. In the case of daily rated casual labour employed in the Post and Telegraph department (1987 (55) FLR 842) The Hon'ble Supreme Court observed and issued the following directions to the Union of India, respondent no.1, "It is against this background that we say that non-regularisation of temporary employees

Ranjivkash

labour for a long period is not a wise policy. We, therefore, direct that the respondents to prepare a scheme on a rational basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year in the Post and Telegraph Department."

In the case of U.P. Income Tax Department, Contingent paid staff Welfare Association vs. Union of India, 1988 (56) FLR 121, orders similar to the orders passed in the case of Post and Telegraph department were ~~for~~ passed by the Hon'ble Supreme Court while dealing with the problem of and claim of regularisation made by the class-iv employees in the Income Tax Department.

In the case of L. Robert D'Souza vs. Executive Engineer, Southern Railway 1982(44)F.L.R.250, the Hon'ble Supreme Court observed that the termination of an employee at a stretch by the respondent treating the employee as daily rated servant is thoroughly opposed to the Socio Economic justice and against the ~~principles of~~ Directive Principles of State Policy as inunciated in clause 4 of the Constitution. ~~But the respondent have not paid according to equal pay for equal work.~~

(xi) That in view of petitioner's long and meritorious service of approximately four years and eight months, recommendations of respondent no.3 and direction of Hon'ble Supreme Court in many cases the petitioner's services ought to have been regularised.

(xii) That to the utter surprise of the petitioner his services as casual worker were terminated with effect from 16.2.88 by respondent no.3 in compliance of Order no. DAE/F No. 428/CE/8/88-ESTT, dated 9.2.88 passed by respondent no.2. A photocopy of order dated 9.2.88 is enclosed as Annexure-2 to this application.

(xiii) That still many persons are working as casual worker either in the office of respondent no.2 or offices under the control of respondent no.2 in India. ~~fresh appointments as casual labourers are also being made today.~~

(xiv) That many persons junior to the petitioner are still working as casual worker in the office of respondent no.2 and other offices under the control of respondent no.2 in India. It is requested that the respondent no.2 may produce the seniority list of casual workers on all India basis.

Ranbirakash

(xv) That the respondent no.1 is the proper authority who looks after the appointment of employees in various departments working under the Union of India and, as such, the respondent no.1 is made a party to the application.

(xvi) That the petitioner immediately after receipt of the order on 16.2.88 submitted an application in the office of respondent no.3 for reappointment. The respondent no.3 forwarded the petitioner's application to respondent no.2 strongly recommending his reappointment but no heed had been paid by the respondents.

(xvii) That the petitioner again sent a fresh representation to the respondents inter alia requesting that the petitioner is ready to serve in any office in India. His arrears of pay and bonus be paid. The petitioner is starving and his services had been terminated without any fault on the part of the petitioner but no heed has been paid.

(xviii) That thereafter the petitioner sent a telegram on 10.6.88 to respondent no.4, Prime Minister of India, New Delhi, Finance Minister, New Delhi and respondent no.1 but no reply has been received so far. A true copy of telegram dated 10.6.88 is being enclosed herewith as Annexure- 3 to this application.

(xix) That thereafter the petitioner sent letter dated 17.6.88 to the Hon'ble Prime Minister and sent copy to the Finance Minister and respondent no.1. The Prime Minister's Office intimated by letter no.335547, dated 24.6.88 that the petitioner's letter dated 17.6.88 had been forwarded to the Secretary Finance(Revenue) for necessary action. A true copy of letter dated 17.6.88 and 24.6.88 are annexed as Annexures-4 and 4-A to this application.

(xx) That the petitioner received no reply from Secretary Finance(Revenue) in the matter.

(xxi) That the petitioner on 26.7.88 sent another letter to Hon'ble President under copy to Prime Minister and Respondent nos. 1, 2 and 4 by registered post and certificate of posting inter alia praying the for payment of bonus and employment in any department in India. A true copy of letter dated 26.7.88 and postal receipt are enclosed as Annexures-5 and 5A to this application.

Ranbir Singh

22x

(xxii) That inspite of somany representations made the petitioner has received no reply in the matter, hence this application.

(xxiii) That the order of respondents terminating the petitioner's service is illegal, void, arbitrary and capricious and violates Articles 14, 16 ~~and 31~~ of the Constitution of India.

(xxiv) That the order of respondent no.2 terminating the petitioner's service is inhuman ~~inasmuch~~ as his services have been terminated after the petitioner had served meritoriously for approximately four years and eight months.

(xxv) That the order of termination of petitioner's service is illegal inasmuch as the persons junior to the petitioner have been retained in service.

(xxvi) That the order of termination is against the provisions of socio economic justice, directive principles of state policy and fair play.

(xxvii) That the order of termination is against the directions issued by the Hon'ble Supreme Court to respondent no.1 in cases referred to above.

(xxviii) That the applicant has no other alternative remedy except to file the present application before this Hon'ble Court on the following amongst other grounds:-

G R O U N D S

A) Because the impugned order is against the directions of the Hon'ble Supreme Court.

B) Because the impugned order is violative of Articles 14, 16 ~~and 31~~ of the Constitution of India.

C) Because the impugned order is illegal, void, arbitrary and capricious.

D) Because the impugned order is inhuman.

E) Because many persons junior to the petitioner have been detained in the service by respondents ~~of new~~ appointments are being made.

F) Because the impugned order is against the

Ranibakash

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7.

principles of socio-economic justice, Directive Principles of State Policy and fair play, and natural justice.

7. Details of remedy exhausted:-

The applicant declares that there is no remedy available to him under the relevant service rules etc. The applicant further declares that he has received no communication from the authorities in the matter.

8. Matters not previously filed or pending with any other Court:-

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

9. Relief sought:-

In view of the facts mentioned in paragraph no.6 above, the applicant prays for the following reliefs:-

a) an order or direction in the nature of mandamus directing the respondents to certiorari quashing the termination order dt. 9.2.88(Annexure-2).

b) an order or direction in the nature of mandamus directing the respondents to take the petitioner in service without any break as a regular employee, with all benefits attached thereto, or in the alternative as casual employee, and pay the arrear of bonus salary equal for equal work.

c) any other direction or order which the Hon'ble Tribunal deems fit and proper in the circumstances of the case.

d) award cost of the petition to the applicant.

10. Particulars of Bank Draft/Postal Order in respect of the application fee:

i) Name of the Bank on which drawn

ii) Demand Draft No.

Or W 258744 for Rs. 10/- CC 167246
1. No. of I.P.O. 48 for Rs. 40/-
2. Name of the issuing Post Office. High Court, Allahabad
3. Date of issue of P.O. 11/8/88
4. Post Office at which payable. Allahabad

11. Details of Index.

An index in duplicate containing the details of the documents to be relied upon is enclosed.

12. List of enclosures as per index:

VERIFICATION

I, Ravish Prakash Tiwari, s/o Sri Ramraj Tiwari, aged about 30 years worked as contingent paid casual worker in the office of Asstt. Director, Directorate of Anti Evasion (CEX) Kanpur, r/o Devrai, Post Debrahi, distt. Faizabad do hereby verify that the contents of paras (i)(ii)(iii)(iv)(v)(vi)(vii)(viii)(ix)

1, 2, 3, 4, 5 and

Ravish Prakash

(xiiii), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi),
 (xxii), + 7, 8, 9, 10, and 11

are true to my personal knowledge, and paras 6(x)(b),
 (xxiii), (xxiv), (xxv), (xxvi), (xxvii), (xxviii)

believe to be true on legal advice and that I have
 not suppressed any material fact.

Ran Prakash
 Signature of the applicant.

Dated: August 12, 1988.

Place: Allahabad.

To

The Registrar,
 Central Administrative Tribunal,
 Additional Bench,
 Allahabad.

Ran Prakash

9
X/2

ANNEXURE NO. "E"

STATEMENT SHOWING NUMBER OF DAYS WORKED BY RAVI PRAKASH TIWARI IN THE OFFICE OF A.D., D.A.E, (CEX), KANPUR.

YEARS	1983	1984	1985	1986	1987	1988	
MONTHS		23	27	29	27	29	
Jan.	-	27	23	26	27	12	* Service
Feb.	-	24	22	21	27	-	terminated
Mar.	-	22	25	25	30	-	w.e.f. 16.2.88
Apri.	-	27	23	26	28	-	by order
June	14	25	19	23	17	-	of DAE(CEX),
July	24	25	29	27	31	-	Letter no.
Aug.	24	22	29	23	31	-	DAE/F. no.
Sept.	22	24	23	30	28	-	428/CE/8/88-
Oct.	25	21	25	29	27	-	ESTT. dt.
Nov.	18	24	19	28	28	-	9.2.88
Dec.	26	25	20	27	29	-	
Total	153	289	284	314	350	41	

TRUE COPY

3E

Ravi Prakash 
Advocate

10
X

ANNEXURE - 2

Directorate of Anti-Evasion
(Central Excise)
West Block No.VIII, Wing No.VI
(2nd floor) ; R.K. Puram, New Delhi

DAE.F.No, 428/CE/8/88-Estt.

Dated: Feb. '88,

Q U E E R

The Services of the following contingent
paid staff are terminated with immediate effect.

- i) Shri Harkishan C.P.S. Kanpur R/Unit.
- ii) Shri R.P. Tiwari C.P.S. -de-
- iii) Shri Rajesh Ugalmugle -de- Indore R/Unit..
- iv) Shri Jasbir Singh C.P.S. Ludhiana R/Unit,
- v) Shri Surjit Singh C.P.S. Ludhiana R/Unit,

This issues with the approval of Director.

(M.D. Singh)
Assistant Director(Admn.)

1. Copy to Individuals
2. Copy to Assistant Director, Regional Unit Kanpur/
Indore/Ludhiana. He is requested to intimate
the date of their relieve immediately.
3. Copy to P.A.O. CSE &C, New Delhi.
4. Copy to contingent Bill Clerk, DAE, New Delhi(2 copies)

(M.D. Singh)
Assistant Director(Admn.)

Ran Prakash D
TO BE
TRUE COPY
Ran Prakash D
Ran

11

ANNEXURE - 3

Attested True Copy

Ex. ५२२२ परमि Asst. Supdt. Incharge (Telegraph)
Departmental Telegraph Office - Dehradoon

प्राप्ति अधीक्षक देहाज तार दार्दोह

फैसला दर्ता कर-दार्दोह

O. 1620 A-02 Faizabad 10 Form add 59/64

Chairman Board of Customs Central Special

New Delhi and Prime Minister New Delhi and

Finance minister New Delhi and ministry of

Home affairs Department of personnel and

Administrative reforms New Delhi =

Appointed 16/6/83 Contingent paid Casual

labour under Asslt. Director Anti evasion

117/40 Sanayaganagar Kanpur Served 1394
days continuously terminated 16/2/88 without

assigning reason v/s Director Anti evasion

West Block eighth wing Six Sector one second

level RKpuram New Delhi family starting (sewing)

request reemployment. Raniprakash Tewari

Village Devai Post Dehradoon

Special
Attention
16/6/88

ATTENDED TO BY
TRUE COPY

Raniprakash D/Saif
Raniprakash

ANNEXURE NO. "4"

To The
Prime Minister
Office of Prime Minister
New Delhi:

Subject :- REQUEST FOR RE-EMPLOYMENT OF TERMINATED CASUAL LABOURS

Sir

RESPECTFULLY I BEG TO SUBMIT THE FOLLOWING FEW LINES FOR YOUR KIND PERSONAL AND JUSTIFIED CONSIDERATION ORDERS --

(1) I was appointed as CONTINGENT PAID STAFF W 17.6.83 in the Through Employment Exchange and there to the satisfaction of superiors Till 1 The date on which My services were terminated vi letter No. DAE/F. No. 428/Ce/88 ESTT Dated 9.2. From Director Anti-Evasion(Central Excise) Yes Block No. VIII, Wing No 6. Section No.1; 2 Levewl, R.K. Puram, New Delhi without as any reason whereas two or three casual La to me are working in the Department:

(2) My Service in the Department were there was no complaint regarding my was awarded Rs.1875/-for working in also strongly recommended during my appointment by the then Assistant

Rai Prakash

-2-

(3) It is surprising to note that the services of Casual Labours with 1394 days of working and appointed w.e.f. 17.6.83 have been terminated without keeping into consideration the source of a low paid employee.

(4) It is learnt that the Supreme Court has given many decisions for the benefits of casual Labourers even with a service of the year or so but nothing has been heard in my case by the Director on my application dated 16.2.1988 forwarded by Asstt. Director Kanpur on 2.3.88 and 10.5.88 recommending strongly in my favour:

(5) In this connection I also requested personally with the Deputy Director (Admn) New Delhi on 23.3.88 But it was told that there was no vacancy:

(6) Due to termination of my Services myself and my family members are starving and there is no other employment due to myself being over age.

(7) It is surprising to note that Bonus of 1987-87 has also not been paid while the Asstt. Director Anti Evasion 117/40 Sarvodayanagar Kanpur has recommended and given many letters for the payment of Bonus:

Under the above circumstances I request your

 **ATTESTED TO BE** **Ran Prakash**

X

-3-

honour to kindly arrange for my re-employment immediately or in near future on any post and place keeping in view of my services w.e.f. 17.6.83 and 1394 days meritorious services to avoid starvation by myself and my family members in these hard days Particularly when two or three Junior Casual Labourers are working the Department.

Thanks

Yours faithfully

(Ravi Prakash Tewari)

Village- Dewai

P.O. Deorhi

Distt- Faizabad.

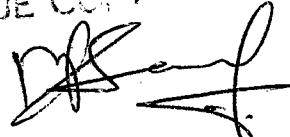
Copy forwarded for information
and necessary :

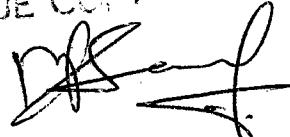
- (1) Finance Minister, New Delhi
- (2) Ministry of Home
Affairs Department of personnel
and Administrative Reforms, New Delhi.

TRUE COPY

ATTESTED TO BE

TRUE COPY

Ravi Prakash 


Ravi Prakash

प्रधान मंत्री कार्यालय
PRIME MINISTER'S OFFICE

ANNEXURE-4A

(सभा पत्र व्यवहार में कृपया इस पत्र
की संस्था तथा तारीख का उल्लेख करें)
नई दिल्ली-110011

NBW DELHI-110011

पत्र सं० ३३५५४७

दिनांक २४-६-८८

प्रिय बहोदय/महोदया,

मुझे निदेश हुआ है कि प्रधान मंत्री जी को सम्बोधित
आपके पत्र दिनांक १७-६-८८ की प्राप्ति सूचना आपको दूं और
सूचित करें कि यह पत्र उचित कार्यवाही के लिए, सचिव, वित्त (भारत)
मंत्रालय, नई दिल्ली को भेज दिया गया है।

श्री रवी प्रकाश तिवारी
भाग - देवार्दि धोर देवरदी
जला - एजगाबाद।

भवदीय,

अनुभाग अधिकारी

ATTESTED TO BE
TRUE COPY

Ravi Prakash

A/19

ANNEXURE NO."5"

To

The Hon'ble President of India,
 Rashtrapati Bhawan,
 New Delhi.

Sir,

The humble petition of the petitioner is as follows :

1. That I was appointed as contingent paid casual worker with effect from 17.6.83 in the office of Assistant Director, D.A.E.(Tax) Kanpur. My appointment was confirmed by the D.A.E.(Cex) New Delhi in order no. 59/84 dated 24.3.1984. My appointment was made through Employment Exchange Procedure.
2. That I worked continuously for 1411 days without any break from 17.6.83 to 15.2.88 as per following details :-

STATEMENT SHOWING NUMBER OF DAYS WORKED

Year	1983	1984	1985	1986	1987	1988
Month						
Jan.	-	23	27	29	27	29
Feb.	-	27	23	26	27	12
Mar.	-	24	22	21	27	nated
Apr.	-	22	25	25	30	w.e.f.
May	-	27	23	26	28	16.2.88
June	14	25	19	23	17	by
July	24	25	29	27	31	order
Aug.	24	22	29	23	31	of DAE
Sept.	22	24	23	30	28	(CE
Oct.	25	21	25	29	27	Letter
Nov.	18	24	19	28	28	no.DAE/
Dec.	26	25	20	27	29	Eno.428
						CE/8/88
						ESTT.
						dt.
						9.2.88
TOTAL	153	289	284	314	330	41

ATTESTED TO BETRUE COPY

Ran Prakash 

S.P

-2-

3. That though I was appointed as Farris but I was associated with other work of the department. I took part in raid party and I was awarded Rs.1225/- as reward for my best work. The A.D., D.A.E. (Tax) Kanpur has recommended to his higher authorities for regularising my services in the year 1986.

4. That instead of regularising my services I was terminated w.e.f. 16.2.1988.

5. That I submitted many representations to the Hon'ble Prime Minister, Home Minister, Finance Minister, D.A.E. (CEX) New Delhi and Chairman, Central Excise Board, New Delhi but no reply has been received till today in the matter.

6. That the Hon'ble Supreme Court also considered the question of daily rated workers in many writ petitions filed under Article 226 of the Constitution. The Hon'ble Supreme Court directed the Union of India to prepare a scheme on a rational basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year.

7. That in view of my performance in my service recommendation of A.D.D.A.E. Kanpur and direction of

Ravi Prakash

ATTESTED TO BE
TRUE COPY

R.K.

X
X
-3-

the Hon'ble Supreme Court I was expecting to be regularised in the department but to my utter surprise I was terminated even as casual labourer.

8. That in my representations I had submitted that I am ready to work in any department throughout India.

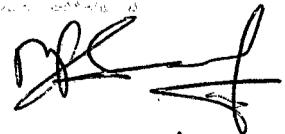
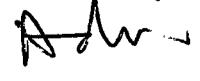
9. That my bonus has also not been paid. I made a request to pay the same but the same is still due.

10. That my family is starving and I have no source of income.

11. That I am still ready to work in any department throughout India either as regular employee or as casual employee.

12. That I am presenting this petition with great hope that your Honour will sympathetically

ATTESTED TO BE

Ran Prakash 


B/2

-4-

considered my case.

Yours faithfully

(Ravi Prakash Tiwari)

s/o Sri Ramraj Tiwari, Village
Dewai, P.O. Deorhi,

District Faizabad.

Dt./- July 26, 1988.

Copy forwarded for information and necessary
action to :-

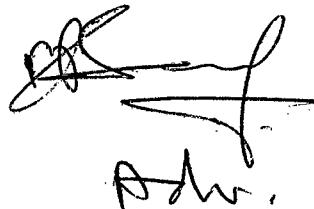
1. The Hon'ble Prime Minister of India, New Delhi.
2. The Director, D.A.E. (CEX), New Delhi.
3. The Chairman, Central Excise Board, New Delhi.
4. The Secretary, Department of Personnel, Ministry
of Personnel Training and Pensions, Govt. of India,
New Delhi.

(Ravi Prakash Tiwari)

TRUE COPY

ATTESTED TO BE
TRUE COPY

Ravi Prakash



Adm.

ANNEXURE 5A

Under Certificate of Posting

Received the envelope from R. P. Tiwari addressed to: -

- ① The Hon'ble Prime Minister of India,
Govt. of India, New Delhi.
- ② The Director,
Directorate of Anti Evasion (Cent. Excise)
West Block No. 8, Wing No. 6, R. K. Puram, Sector No. 1
New Delhi.
- ③ The Chairman,
Central Excise Board, New Delhi.
- ④ The Secretary,
Department of Personnel,
Ministry of Personnel, Training & Pensions,
Govt. of India.
New Delhi.

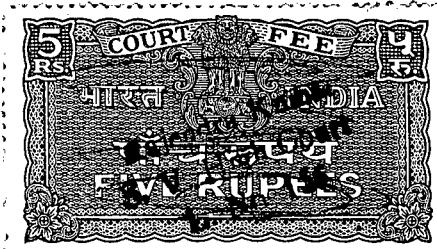


4. **AD 995**
Bills of Exchange in Rupees 60/-
Amount of stamp duty
6/60
Re Kanti Bera
Re Pacific Bank
Kanti Bera
Signature of Recipient
Signature of Recipient

ATTESTED TO BE
TRUE COPY

TRUE COPY

Ran Prakash



Cont. Adm. Tribunal वकालतनामा
हाईकोर्ट ऑफ जूडिकर एट इलाहाबाद
इलाहाबाद

Regd. No.
रिट्रॉयल

नम्बर

निगरानी

सन् १६ दि. १९८१

जिला

Ram Bahadur Tiwari

वादी प्रतिवादी

अपीलान्ट

बनाम

Union of India

वादी प्रतिवादी

रेस्पान्डेन्ट

मैं कि R. P. Tiwari vs. Ram Bahadur Tiwari, P. W.

हम Will Denli, P. O. Denli, Dist. Faizabad.

मैं

उपरोक्त प्रकारण — अपनी ओर के पक्ष समर्थन के हेतु

हम

श्री M. P. Sailesh, एडवोकेट

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का वचन देकर मैं अपना वकील नियुक्त करता हूँ/करते हैं उक्त वकील महोदय को मैं/हम यह अधिकार देता हूँ/देते हैं कि इस मुकदमे में वह मेरी ओर से पैरवी आवश्यक सवाल पूछें जवाब दें, और बहस करें। दस्तावेज का कागज अदालत में दाखिल करें व वापिस लें। पंचनामा उपस्थित करें पंच नियुक्त करें यदि आवश्यक हो तो पंच के निर्णय का लिखित विरोध करें सुलहनामा दाखिल करें दावा स्वीकार करें या उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावें, डिग्री का रूपया व खर्च व हरजाने का रूपया व किसी तरह का रूपया जो अदालत से मुझे/हमें मिलने वाला हो तो वसूल करें। मेरी/हमारी ओर से अदालत में दाखिल करें। कोर्ट फीस व स्टाम्प देवें या वापिल लेवें रसीद लेवें व प्रमाणित करें। नकल प्राप्त करें अदालत की अनुमति से मिसिल का मुआइना करें आवश्यकता होने पर मुकदमा स्थापित करावें व मुकदमे के सम्बन्ध में दूसरे काम काज जो जरूरी समझे करें पैरवी के लिये अपनी ओर से कोई दूसरा वकील नियुक्त करें यदि आवश्यकता हो तो अपील या निगरानी दायर करें और अपील या निगरानी अदालत में पैरवी करें।

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 अपने ही किये के सप्ताह/सर्वथा मान्य होगा।

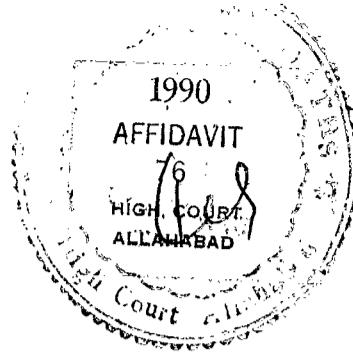
तारीख १२ माह ८

सन् १९८१

Signature

स्वाकार है।

3/5/91



S. O 71
Keep on record
in this DR.
3/11/91

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD.

.....

COUNTER AFFIDAVIT

ON BEHALF OF

UNION OF INDIA & OTHERS.

RESPONDENTS.

IN

REGISTRATION NO. 985 of 1988

Ravi Prakash Tiwari

Applicant

Versus

Union of India & others.

Respondents.

Affidavit of DHARM RAJ

SENGH aged about 44 years, s/o Sri

Lalosar Singh

Asstt Director, Directorate General
of the Reserve Bank of India (Deponent)

I, the deponent above named do hereby
solemnly affirm and state on oath as under

1- That the deponent is

and has been

file this counter affidavit on behalf

D.Singh
3/11/91

2.

and is well conversant with the facts deposed to below.

2- That the deponent has read the petition and has understood the contents therein fully and is in a position to reply the same.

3- That before giving a parawise reply to the petition, following facts are asserted in order to facilitate this Hon'ble Tribunal in administering justice :

a/- That the petitioner was engaged as a Contingent Paid Staff on daily wages w.e.f. 17th June 1983 and his job was performing the duties of a Farrash to clean the office furniture etc. But sometime his services were utilised in the Raids organised by the Department and also since he was educated upto Intermediate, he was deployed to perform certain minor work of the office.

b/- That on 9th February 1988, the Assistant Director (Admin) DAE, New Delhi issued an order directing the respondent no.3 to terminate the services of the petitioner as also other Contingent paid staff, mentioned therein and in compliance of



DR Singh
SPM/90

3.

the said orders, the petitioner's services were terminated.

4- That the contents of paragraphs 1, 2, 3, 4 and 5 of the petition need no comments.

5- That the contents of paragraph 6(i) of the petition are matters of record and as such need no comment.

6- That ~~in~~ the contents of paragraph 6(ii) of the petition are not correct and as such are denied. It is further submitted that since a daily wages staff cannot be confirmed in the Department and in the order dated 24th March 1984 itself it was specifically mentioned that services of such staff are liable to be dispensed with at any time without assigning any reasons thereof.

7- That the contents of paragraph 6(iii) of the petition need no comment. However, it may be added that a daily paid staff is engaged to do the work in the office, where difficulties are faced in absence of regular staff and as such they also attend to the some other functions in the office.

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besides cleaning the office and attending to the calls of the officers.

8. That the contents of paragraph 6(iv) of the petition are not correct as stated. In the office of the Respondent No.3 there is no such record which reveals the fact that the petitioner was asked to do dairy/ despatch work and also other work as mentioned in the application but it is a fact that the petitioner was deployed some time for minor work as required by the Contingent paid staff..

9. That the contents of paragraphs 6(v) of the petition are not correct as stated. It is further submitted that as pleaded earlier, the petitioner some times taken in the raid work as a contingent paid staff and he was awarded cash award amounting to Rs. 1650/- only while the said award was given to other staff of the Raid Party.

10. That the contents of paragraphs 6(vi), 6(vi) 6 (vii) and 6(viii), of the petition are not correct and as such are denied. There is no such record in the office of respondent no.3 which may fortify the contentions raised in para under reply. The petitioner is put

to strict proof of the assertions

Dilbagh Singh
3/12/90

made in para under reply. Moreover the scrutiny of records in Central Excise cases being of a very technical nature, it is not possible for any contingent paid staff to do scrutiny of such seized records.

11- That the contents of paragraph 6(ix) of the petition are matter of record and as such need no comment.

12- That the contents of paragraph 6(x) of the petition raises legal issue, hence are not replied through an affidavit. However, suitable reply shall be furnished at the time of hearing of the petitioner. However, the deponent is advised to state that the decision which has been referred in para under reply shall not be applicable in the facts of the present case.

13- That in reply to contents of paragraph 6(xi) of the petition, it is submitted that the pronouncement given by the Hon'ble Supreme Court does not mean that the petitioner's services automatically stands regularised. The Hon'ble Supreme Court has given a direction to the Employer that a process of

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SPM 10

6.

regularisation should be taken in the cases of employees referred therein.

14- That the contents of paragraph 6(xii) of the petition are matter of record and as such need no comment. However, the petitioner's services were dispensed with since there was no requirement for daily paid staff in the office of respondent No.3 at Kanpur and other places, as the requirements for which he was engaged, was of a temporary nature and for a brief period.

15- That the contents of paragraphs 6(xiii) and 6(xiv) of the petition are not correct as stated. In fact a few casual workers are working in some offices of the Directorate General, since services of such persons are required in those offices. However, when the need for engagement of a daily wage staff arose in the Headquarters office in the Directorate General, the petitioner was given option to express his willingness for his engagement at Delhi. He has since been engaged as daily wages staff at Delhi since 29th September, 1988 after obtaining his willingness and is still continuing in the office.

*Delhi
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16- That the contents of paragraph 6(xv) of the petition are matters of record and as such need no comments.

17- That in reply to contents of paragraph 6(xvi) of the petition, only this much is admitted that application of the petitioner which were addressed to the Deputy Director ,AEmDZU R.K.Puram, New Delhi has been forwarded to the addressee.

18- That the contents of paragraphs 6(xvii), 6(xviii), 6(xix), 6(xx), 6(XXI), 6(xxii), 6(xxiii), 6(xxiv), 6(xxv), 6(xxvi) and 6(xxvii) of the petition are not correct and as such are denied. The detailed reply has already been furnished in foregoing paras, hence need not be repeated here again. None of the grounds taken by the petitioner are sustainable in the eye of law and petition devoids merit and is liable to be rejected.

19- That the contents of para 7 of the petition need no comments.

20- That the contents of para 8 of the petition are not within the knowledge of answering respondent and as such no positive comments are being offered.

8.

21- That the contents of paragraph 9 of the petition are not correct and as such ~~xxx~~ are denied. In view of facts and circumstances stated above, the petitioner is not entitled for the relief as referred in para under reply.

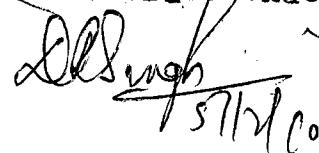
22- That the contents of paragraphs 10, 11, 12 and 13 of the petition need no comments.

That the contents of paras 1 and 2 of this affidavit are true to my personal knowledge; those of paras 3 to 17, 19, 20, and 22 are based on record and those of paras 18, and 21 are based on legal advice, which all I believe to be true. No part of it is false and nothing material has been concealed in it. So help me GOD.


D.S. Chaubey
Deponent. STHC


I, D.S.Chaubey, clerk to Shri KC Sinha, Advocate

declare that the person making this affidavit and


D.S. Chaubey
STHC

9.

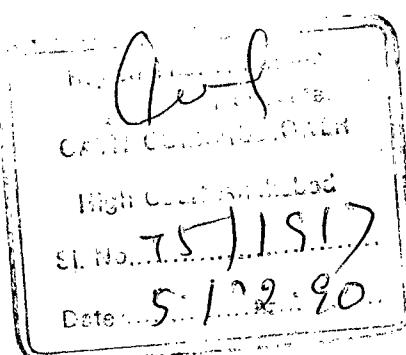
alleging himself to be the deponent is known to
me personally.

IDENTIFIER.

Solemnly affirmed before me on this 5/5 day
of January 1990 at 10.20 AM
by the deponent, who
is identified by aforesaid.

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

OATH COMMISSIONER.



Geif

In The Court of Administrative Tribunal,
Allahabad Bench, Allahabad.

Miss. Application No. of 1988

IN ^{of} Registration No. 985 of 1988

Ravi Prakash Tiwari - Applicant

VS

Union of India & others - Respondents

Take notice that the Court will
be moved by undersigned by the day
(Application will be filed in office)

of 1988 at 10.30 AM or so soon thereafter
& the parties & their Counsels can be heard.

The object of the motion is briefly
indicated below

"To bring the application"

A copy of application enclosed herewith.
Take further notice meanwhile this Court
has been pleased to pass the following order.

Dated this 7th day of Nov. 1988

To,
Advocate on Record
for Respondents


Advocate
Counsel to Applicant

82(G)
Pl. keep this
application on
file.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

CIVIL MISC. APPLICATION NO.

CF 1988

(Under Section 151 C.P.C.)

REGISTRATION NO. 985

CF 1988

Ravi Prakash Tiwari Applicant.

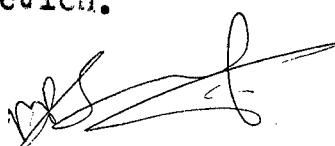
Versus.

Union of India and others. Respondents.

Recd by

*for the
Advocate
S.K.C. Noor
16/11/88*
The abovenamed applicant Most Respectfully
submits as here under:-

1. That the aforesaid application was filed on 12.8.88 and was admitted on 5.10.88, when Mr. K.C. Sinha, Advocate, appeared on behalf of respondents and prayed to serve notice.
2. That after the filing of the above application the applicant received letter dated 3.8.88 and 17.8.88 from the office of President Secretariate of Respondent no. 1 respectively that the applicant representation dated 26.7.88 have been sent to Ministry of Finance for appropriate action.



3. That there after in the month of September , 1988, the applicant received letter dated- 26.8.88 from respondent no. 2 appointing him as C.P.S. in his office at New Delhi.

4. That there after on 29.9.88 the applicant went to Delhi for joining after arranging money. The applicant submitted joining letter dated 29.9.88 without prejudice to the claim of continuity in service. This letter was torn in pieces by Mr.Khanna O.S. and asked to give unconditional joining.

5. That as already stated the applicant has no means of livelihood, so he was left with no alternative except the above orders of Mr. Khanna O.S. The applicant gave a joining report.

6. That though in the joining report no mention about pending case has been made the applicant's case is not ousted because of fresh appointment in as much as the order is silent on point of Continuity of service, pay and regularisation.

7. That the officers and employees are pressurising the applicant to withdraw the pending case , otherwise his services may be terminated.

8. That persons junior to the applicant have been regularised in the department.

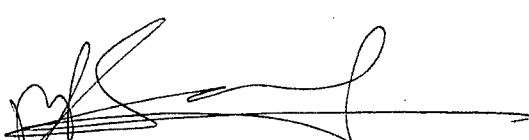
9. That all these facts will be incorporated by way of amendment after making detailed enquiry in the matter.

10- That the above facts are relevant & it is expedient in the interest of justice to bring them on record of the Hon'ble Tribunal.

PRAYER

It is therefore MOST RESPECTFULLY prayed that the Hon'ble Tribunal be pleased to place on record the present application for incorporating amendments by way of amendment application.

NOV.7, 1988


(M.P.SARRAF)

COUNSEL FOR APPLICANT R.P.TIWARI.

Before the Registrar, Central Administrative Tribunal
Allahabad.

Registration No. 985 of 1988.

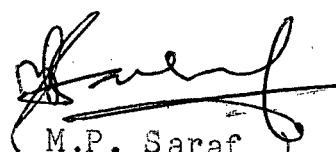
Ravi Prakash Tiwari vs. Union of India & others.

Sir,

The above case due to oversight of the typist some mistake has occurred in spacing of the application which is unintentional and may kindly be excused.

Prayer

It is, therefore, most respectfully prayed that the mistake of spacing in the application may be excused.


M.P. Saraf
Advocate

Counsel for the Applicant.

Dated: Sept. 16, 1988.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

M.P.NO. 259 OF 1995.

In

O.A.NO.985/88.

Ravi Prakash Tiwari Applicant.

Place before the

Hon'ble Bench

for orders on date fixx Union of India & Others Respondents.

Versus

By Registrar

APPLICATION FOR DISMISSAL OF O.A. AS NOT PRESSED.

Respectfully SHEWETH,

File today

30/1/95

That for the facts and circumstances disclosed in the accompanying affidavit the above O.A. is liable to be dismissed as not pressed.

-; PRAYER ;-

Wherefore for the facts & circumstances indicated in the accompanying affidavit it is respectfully prayed this Hon'ble Tribunal may kindly be pleased to dismiss the above O.A. as not pressed for which act of kindness the respondents shall ever remain grateful.

LUCKNOW.

DATED:- 25-1-95

/30

D. (s) *Dinesh Chandra*

(DR. DINESH CHANDRA),

Counsel for Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

-; AFFIDAVIT ;-

In

O.A. NO. 985/88.

Ravi Prakash Tiwari Applicant.

Versus

Union of India & Others Respondents.

I, D.R. SINGH, Assistant Director, Directorate General of Anti Evasion, 117/42, Sarvodaya Nagar, Kanpur do hereby solemnly affirm and state on oath as under ;-

1. That the deponent is well conversant with the facts of the case deposed hereinafter.

2. That the applicant has moved an application before this Hon'ble Tribunal for withdrawal of the above O.A. as not pressed.

DR Singh That a copy of the withdrawal application (in original) is being filed as Annexure R-1.

DR Singh
(DEPONENT)

-; VERIFICATION ;-

I, the deponent above named do hereby verify that the contents of paras 1 to 3 of the affidavit are true to my knowledge and belief. No part of it is false and nothing material has been concealed. So help me God.

DR Singh
(DEPONENT)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

M.P. OF 1998

IN

O. A. NO: 985/88

RAVI PRAKASH TIWARI ----- APPLICANT

V/s

U. O . I . AND OTHERS ----- RESPONDANT

APPLICATION FOR WITHDRAWAL OF O.A . AS NOT PRESEED

The applicant above named most respectfully submits as under:-

1. THAT the applicant of the present Misc: Petition is the applicant in the above O.A.
2. THAT the applicant does not want to press his application any longer.

PRAYER

THEREFORE it is most respectfully prayed that the above O. A . may kindly be dismissed as not pressed.

Ravi Prakash
(RAVI PRAKASH TIWARI)

Applicant.

R2

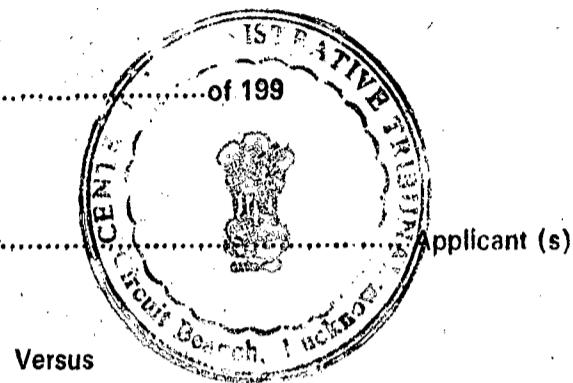
CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW

NO./CAT/LKO/JUDL/ 1606 T O 1610

DATED :

3/10/94

O. A. No.....of 199



Versus

.....Applicant (s)

.....Respondents.

Please take notice that the applicant above named has presented an application on a copy of.....there of is enclosed here with which has been registered in this Tribunal and the Tribunal has fixed.....day of.....to show cause as to why the petition be not admitted. Counter may be filed Within.....weeks. Rejoinder, if any to be filed within.....weeks there after.

If, no appearance is made on your behalf your pleader or by some one duly authorised to act. plead on your behalf on the said application, it will be heard and decided in your absence. Given my hand and the seal of the Tribunal this day of _____ 199.

ENCL:

For. DEPUTY REGISTRAR

C. A. T.

LUCKNOW BENCH, LUCKNOW.

J C R 3/10/94

Central Ad. Tribunal
ब अदालत श्रीमान् महोदय

(वादी अपीलान्ट) Lucknow - Bench
श्री प्रतिवादी (रेस्पाडेन्ट)

टिकट

(वादी अपीलान्ट)

Ravi Prakash Tripathi बनाम U.O.I. & others

(प्रतिवादी रेस्पाडेन्ट)

नं. मुकद्दमा ०४१०० १०५/८८ सन् पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Dr. Dinesh Chandra

Addl. Mr. Standing Counsel, Central Govt. वकील
महोदय
Lucknow एडवोकेट

को अपवा वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

साक्षी (गवाह) (गवाह) Asst. Director (A.D.M.Y)
दिनांक महीना सन् १६ ई०
स्वीकृत

In the High Court of Judicature at Allahabad

No. 985 of 19. 00.

Ram Prakash T. Wani Petitioners

Appellant
Applicant

VERSUS

Union of India and others Respondent
Opposit Party

in the above matter hereby appoint and retain

SHRI KRISHNA CHANDRA SINHA, Advocate High Court

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

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

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

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

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

Executed by me/us this

day of

19

at

Narendra Kumar Bajpai

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

have/signed

Signature
before me

Dir. Ch. 8V
Autograph
(C.E. Kapoor)

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

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

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

Accepted
K. C. SINHA

Advocate

Additional Standing Counsel

Central Government

High Court-Allahabad

Counsel for Applicant/Respondents
No.