

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, L6o BENCH
OA/TA/RA/CP/MA/PT 46 of 2008

Smt. Renu Pant.....Applicant(S)

Versus

U.O.G. S... Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
Order Sheet		1 to 4
Judgment	05-3-91	5
Judgment	1-291	6 to 14
Judgment	24-7-90	15 to 23
Judgment	4-90	24 to 34
Petition & Order with Answer		35 to 54
C.A & R.R. with Answer		56 to 64
Q.A. with Answer		67 to 105

Certified that the file is complete in all respects.

B6e file is correct and ordered

Signature of S.O. 15/16 Kar

Signature of Deal. Hand

Case

12-11-90

No Sitter Adj. to 16/11/90
Counsel Appellant & Plaintiff

6/11/90 (1)

16/11/90

No Sitter Adj. to 29/11/90
Both the parties are present

012

to 29/11/90

Case is adjourned
for hearing

29/11/90

Hon. Justice K. Nath, V.C.
Mr. K. J. Rana, A.M.

On the request of the Plaintiff
Counsel for the parties fixed
to tomorrow.

DR. Q

AM V.C.

30-11-90

Case not reached. Adj. to

2.12.90

DR. Q
AM

1.12.90

to Justice K. Nath, V.C.
Mr. K. J. Rana A.M.

On the request of the
Plaintiff counsel for both the
parties, the case is adjourned
to 19.2.90.

DR. Q
AM V.C.

19.2.90

to Justice K. Nath - V.C.
Mr. K. J. Rana A.M.

Case is adjourned to 26.2.90

DR. Q
V.C.

Justice K. Nath, V.C.
Mr. K. J. Rana A.M.

Case is adjourned to 26.2.90

27/2/90

T.A. 46/88

(A2)

24.7.90

Hon'ble Mr. Justice K. Nath V.C.

Separate Judgment of Hon'ble

Mr. Justice K. Nath V.C. and Hon'ble

Mr. K. J. Ramam A.M. placed on record.

Judgment of difference of opinion
containing a reference to Hon'ble

Chairman v/s 26 of C.A.T. Act - 1985

promised. Let the necessary papers
be sent to Hon'ble chairman. P.R.U.P
for further orders on 27.8.90

Off

V.C.

OR

Paper has been
sent to the C.A.
Principal Bench
26.7.90. Desk
No 4030 -

26/3

27-8-90 - Division Bench not available
adj to 9.10.90

(u)

9.10.90 No setting Adj to 9.11.90

(u)

8.11.90 Hon. Mr. M.N. Patelkar A.M.
Hon. Mr. D.K. Agarwal, I.M.

Due to resolution of Bar
Association case is adjourned
to 14.12.90.

(1)
B.O.C.

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

(A3)

Sl. No.

No.

OF 19

Vs.

Sl. No.	Date	Office Report	Orders
1		Notices sl.no. 1, 2, 5 received by hand and sl.no. 3, 4 issued by R. Post, 9.12.90	<u>28.11.1990</u> <u>Hon'ble Mr. Justice K. Nath, V.C.</u> List for hearing on 8.11.91 after Lunch before Hon'ble D.K. Agrawal. Parties counsel be informed and record be kept ready. <u>See original order (on main application) Sd/</u> <u>V.C.</u> sd/
		<u>OR</u> Sri A.K. Chaturvedi on behalf of Sri A. Kumar for the applicant & Sri V.K. Chaudhary on behalf of replete name been recd. Notices were issued to Sri R.B. Sinha, & Sri D.S. Randhawa by Repd. POD: No unswerved repd. Cover letter been return back.	<u>8.1.91</u> Hon'ble Mr. D.K. Agrawal S.M. Hon'ble Mr. K. Chaudhary, A.M. On the request of Sri A.K. Chaturvedi Counsel for the applicant and Party before Sri R.B. Sinha Counsel for respondent No 3 & Sri V.K. Chaudhary Counsel for respondent No 1 & 2 case no adjudged 10.1.91
		S. F. H. 27/4	O2 Hon'ble Mr. D.K. Agrawal S.M.
			<u>10.1.91</u> Hon'ble Mr. D.K. Agrawal S.M. On the request of both parties Counsel Counsel adjudged to 31.1.91 for a hearing after lunch.

Office Note

(P)

Sri Anurag Kumar, Dy. R. C.A.T. Allahabad has
on phone dt. 13/1/92
desired to have one copy of each of Judgements
as follows -

- (1) Judgement Reserved by Hon'ble Mr. Justice K. Nath
dt 24-7-90 V.C.
- (2) Judgement Reserved by Hon'ble Mr. K. J. Raman,
dt 24-7-90 A.M.
- (3) Difference of ~~opinion~~ opinion of Judgement
pronounced by Hon'ble Mr. Justice K. Nath V.C. and
Hon'ble Mr. K. J. Raman, A.M. dt 24-7-90.
- (4) Judgement pronounced by Hon'ble Mr. D. K. Agrawal
dt. 1-2-91.

If allow the same be sent to Dy. Registrar
C.A.T. Allahabad as desired by his good offices. A
Draft is putup for your approval be.

Dy. Registrar

per
13.1.92

Attn
13/1/92
S.O.

(R.S.)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration T.A. No.46 of 1988

Smt. Renu Pant Petitioner

Versus

Indian Council of Agricultural
Research, New Delhi and Others .. Respondents

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. K. J. Raman, Member (A)

On difference of opinion arising on some points in our judgements delivered separately in this case, the difference was referred under orders of the Hon'ble Chairman under Section 26 of the Administrative Tribunals Act, 1985 to Hon'ble Mr. D.K. Agrawal, J.M.

2. Hon'ble D.K. Agrawal, JM has given his opinion in his judgement dated 1.2.91 and has agreed with the opinion expressed by one of us namely Hon'ble Mr. Justice K. Nath, V.C. that the Original Application has no force and is liable to be dismissed. In view of the opinion of the majority of the Members who heard this case, T.A. No.46 of 1988 is dismissed; parties shall bear their costs.

Member (A)

Vice Chairman

Dated the 5th March, 1991.

RKM

(Pb)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

T.A. No. 46 of 1988

Smt. Renu Pant

Petitioner

versus

Indian Council of Agricultural
Research, New Delhi & others. Respondents.

Hon'ble Mr. D.K. Agrawal, Judl. Member.

This is a case of termination of the services of petitioner-Smt. Renu Pant, by an order dated 9.1.86 (Annexure 2 to the petition). The petitioner was a temporary employee (on probation) and her services were terminated in exercise of powers under rule 5 of the C.C.S. (Temporary services) Rules, 1965.

2. The case was originally heard by a Bench consisting of Hon. Mr. Justice K. Nath, Vice Chairman and Hon. Mr. K.J. Raman, Member (A). There was a difference of opinion and consequently two separate judgments were recorded by them. The difference of opinion was referred to Hon. Chairman under section 26 of the Administrative Tribunals Act, 1985. The following two points were contained in the reference order:

i) Whether on the facts and circumstances of this case the petitioner had been informed of her inadequacy and poor performance.

A.K. Agrawal
....2

(A)

ii) Whether in the facts and circumstances of the case the impugned termination order was punitive or was an order simplicitor in terms of the applicable Rule.

2. The Hon. Chairman passed the following order: "Let the matter be heard and decided by Hon. Mr. D.K. Agrawal, J.M."

3. The facts have already been detailed in the judgment recorded by Hon. K.J. Raman, Member (A). The controversy centres round a very short point. The petitioner was appointed w.e.f. 17.9.83 on probation for two years. Her performance was not found up to the mark. A preliminary enquiry was also held about her conduct. The competent authority passed the impugned order dated 9.1.86 terminating her services. She filed application under section 19 of the Administrative Tribunals Act, 1985 raising various pleas, interalia, i) that the impugned order was vitiated on the ground of malice ii) the period of probation could not be extended after 22.9.85 and iii) the impugned order was punitive. The point No. 1 and 2 were answered against the petitioner by the Bench. However, there was difference of opinion about point No. 3. The Hon. Members of Bench expressed conflicting views thereon. One view was that the order was punitive in nature and the other view was that the order was not punitive in nature. Therefore, this reference. Before I deal further with the controversy in question it may also be mentioned that

D.K. Agrawal

a plea was raised by the respondents that the petition was bad because the petitioner had not availed of the opportunity of appeal. This point has already been answered by the Bench against the respondents. It has been held that the petition was not bad for want of availing of alternative remedy.

4. Thus, the only question which is to be answered is whether the order was punitive in nature or the services of the petitioner were **terminated** because of her poor performance during the probation period. The personal file of the petitioner was looked into by the Bench which heard the case. It has been made available to me as well. The sequence of facts are that the competent authority recorded the following order and the impugned order of termination was issued thereafter on the basis thereof:

"In the light of the above and most indifferent attitude to work, the services of Mrs. Ramu Pant must be dispensed with under Rule 5, since she is still under probation".

"In the light of the above" refers to an incident of absence from duty in June/July, 1985 despite refusal of leave duly communicated to the petitioner. It so happened that the petitioner applied for leave but it was refused. Still the petitioner availed the leave and during that period she performed journey to and back from Delhi. To regularise the period of absence the petitioner submitted a medical certificate of her illness. The competent authority got the information that she was not ill. Therefore, a

Dr. Gopal

preliminary enquiry ~~enquiry~~ was made and it was discovered that she was actually not ill and that she had performed journey to and back from Delhi. Thus it was noted that despite refusal the petitioner availed leave on false pretext. The arguments on behalf of the petitioner is that the competent authority was thus, guided by the misconduct on the part of the petitioner in availing leave despite refusal. The argument of the other side is that even if it be accepted that it was also one of the grounds which led to the termination of the petitioner it cannot be lost sight of that the petitioner's performance during the probation period was unsatisfactory and that the competent authority was **influenced** by the fact that her attitude to work was most indifferent. In this manner the controversy centres round as to if the competent authority took a decision for termination of services of the petitioner on both the grounds what will be its effect.

5. It is not disputed that the performance of the petitioner during the probation period was not satisfactory. The first Annual Remark for the period 17.9.83 to 31.12.83 reads interalia as follows:

".....She has been verbally advised several ~~times~~ times for impoliteness and casual performance; to be watched further"

The second remark for the period 1.1.84 to 31.12.84 reads interalia, as follows:

".....She has occasionally been advised in

skipped

person for paying proper attention towards work assigned to her....."

The third remark for the period 1.1.85 to 31.12.85 interalia, reads as follows:

".....reprimanded for availing refused leave...

Inspite of several oral warnings, Mrs. Pant showed neither improvement in her work and conduct nor made any effort to achieve better result....."

6. The first and second probation reports, interalia, read as follows:

(a) ".....Mrs. Pant is finding rather difficult to devote her attention to work allotted to her....."

(b) ".....the work given to Mrs. Pant is simple and has been explained many times. Working conditions are as good as to other employees of the Institute. But coming late, keeping the work pending, going on leave without notice irrespective of the urgency of work in hand have been her serious shortcomings....."

7. In view of the above, the only question of law is if the enquiry or investigation was set up to collect the data regarding the petitioner's absence from 1st to 3rd July, 1985 despite refusal of leave, will make the impugned order of termination of services [✓] _✓ bad in law notwithstanding the fact that the petitioner's performance during the period of probation was found unsatisfactory or most unsatisfactory ? The answer to this question in one way finds place in the

Dre Gyan

(11)

decision of Supreme Court in the case of State of Orissa and others vs. Vidya Bhushan Mohapatra (1963, Supreme Court, 779) referred to in the Judgment of Hon. Mr. Justice K. Nath, V.C wherein it was held that if the order of dismissal finds support on any finding of substantial misdemeanour for which punishment can lawfully be imposed, it is not for the court to consider whether that ground alone would have weighed with the authority in dismissing the public servant. The court has no jurisdiction if the findings of the enquiry report or the Tribunal prima facie make out a case of misdemeanour to direct the authority to reconsider that ~~xxx~~ order because in respect of some of the findings but not all, it appears that there had been violation of rules of natural justice. Therefore, even if the ground of unauthorised absence be excluded, the finding that the petitioner had "most indifferent attitude to work" remains valid ground on which the orders of termination is to be sustained. Five Judges Bench in the case of Champaklal Chimanlal Shah vs. Union of India (A.I.R. 1964, Supreme Court 1854) laid down that if a preliminary enquiry was made to find out whether a prima facie case for a formal departmental enquiry is made out, the services of an employee can be terminated under the terms of contract of employment. The Supreme Court held that so far as the preliminary enquiry is concerned it was only for the satisfaction of the Government to decide whether punitive action should be taken or action

D.K. Agarwal

should be taken ~~exaggeration~~ under the contract ~~as~~
the rules in the case of a temporary government
servant who has no right to hold the post. It was
also laid down by the Hon. Supreme Court that the
provision of Article 311(2) were not attracted in
such a case. Thus, it appears to me that if the
impugned order of termination proceeded on two
grounds, one of which even if supposed to be invalid,
although the same is not invalid and does not in
any manner affect the validity of the impugned order,
the other valid ground which forms the basis of the
impugned order is sufficient to maintain the legal
validity of the same. There is, however, no manner
of doubt that if the impugned order was punitive
in nature, the same was liable to be struck down
as laid down in number of cases like Aneop Kumar
Jaisawal vs. Govt. of India (1984) 2, S.C.C. 369. It is
also no longer a matter of debate that the court has
the power to lift the veil to find out if the impugned
order was made under the camouflage or cloak or the
order of termination was simplicitor as held in a
number of cases like Jarnail Singh and others vs.
State of Punjab and others (1986) 3 SCC 277. However,
in a case like the present one where it is clearly
established that the performance of the petitioner
during the period of probation was not satisfactory
and there was additional ground of misconduct as
well, the order of the competent authority under
Rule 5 in exercise of the power which flowed from
the contract of service it could not be termed as
bad in law. If the competent authority finds that

DKC

418

the petitioner was not suitable for being retained in service, that cannot vitiate the order impugned, nor can it be termed as punitive attracting Article 311(2). The remarks earned by the petitioner in the first and second year of service provided sufficient material to hold that the petitioner's performance during the period of probation was not satisfactory. The law is settled that remarks in Confidential Rolls are not intended to cast any stigma on the Government servant (See Oil and Natural Gas Commission and others vs. Dr. Mohammad S. Iskander Ali, (1980) 3, SCC 428).

8. The next point is whether the petitioner was unaware of her shortcomings and she was not provided a chance to improve. The learned counsel for the petitioner laid emphasis on the following observation of Supreme Court in the case of Dr. (Mrs.) Sumati P. Shere vs. Union of India & others. (A.I.R. 1989 S.C. 1431):

".....Defects or deficiencies in difference of indiscretion may be with the employee by inadvertance and not by incapacity to work. Timely communication of the assessment of work in such cases may put the employee on right track....."

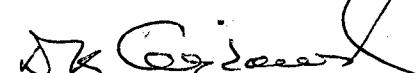
However, the present case is not one where an employee was not made aware of the defects in her work and deficiency in her performance and movement order to the employee on the ground of unsuitability was passed like the bolt from the blue as was done

De Esdewk

AM

in the case of Dr. (Mrs.) Sumati P. Shere (Supra). The petitioner rather was assessed twice by means of the two annual remarks and the two probation reports which make mention that she was reprimanded for availing leave without notice, she was advised to pay attention to her work, and she was orally warned on several occasions but that she did not improve her work and conduct. Thus the present case is one where the services were put to an end on account of poor performance during the period of probation, not with a view to award some punishment to her. The impugned order of termination is as such an order of termination simpliciter.

9. In the circumstances, I agree with the view taken by Hon. Mr. Justice K. Nath, Vice Chairman. Accordingly, the petition is liable to be dismissed. Let it be put before appropriate Bench for pronouncement of the judgment in accordance with the majority view.


1.2.91
(D.K. AGRAWAL)
JUDL MEMBER.

Lucknow.

Dated: 1- 2.1991.

(AIS)

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH.

Registration T.A. No.46 of 1988

(Writ Petition No.1612 of 1986 of the)
(Hon. High Court of Judicature at Alld)
(Lucknow Bench, Lucknow)

Smt. Renu Pant Applicant

Versus

Indian Council of Agricultural
Research and Others Respondents

Hon. Mr. Justice Kamleshwar Nath, V.C.

Hon. Mr. K.J. Raman, Member (A)

(By Hon. Mr. Justice K. Nath, V.C.)

The facts involved in the Writ Petition described above are set out in the judgement of brother K.J. Raman. I have the benefit of carefully going through the judgement. I agree with his observations and findings contained in paras 1 to 8 of the judgement; but I have some difficulty in agreeing with the views thereafter. Dealing with the petitioner's counsel contention that the petitioner was never given any warning or Censure or any indication as to in what manner and in what respect her performance was lacking and the counsel's reliance on the Hon'ble Supreme Court's judgement in Dr. (Mrs) Sumati P. Shere Vs. Union of India & Others 1989 SC 1431, brother Raman has held in para 9 of the judgement as follows :-

" as in the case before the Hon'ble Supreme Court, in the present case also there does not appear to have been a prior communication of the difficulties or deficiencies, if any, in the work of the petitioner. We are therefore bound to hold that the impugned order is liable to be set aside on this ground".

2. I am afraid, this is not borne out by the service record which was produced before us. The episode regarding the petitioner's unauthorised absence and making a journey to and back from Delhi in June/July, 1985 despite clear refusal of leave duly communicated to the petitioner was not the only reason for which her services were terminated. On the office note on that subject being submitted to him, the respondent No.3 recorded a note for termination of services as reproduced in para 10 of brother Raman's judgement. It clearly mentions two situations for which services were ordered to be terminated : (i) "in the light of the above", which refers to the absence episode, and (ii) "and most indifferent attitude to work", which undoubtedly refers to the petitioner's indifferent attitude as reflected in the record of her work and conduct. As shall appear hereafter, the service record contains enough material to establish her poor performance and of her being informed about such inadequacy.

3. The record contains the petitioner's A.C.Rs and probation reports. The petitioner joined service on 17.9.83 on the basis of appointment letter dated 17.9.83, Annexure-5 under which her period of probation was two years from the date of her joining in the office of respondents 2 & 3 which was capable of being extended at the discretion of the competent authority.

4. The first A.C.R. for the period from 17.9.83 to 31.12.83 contains the Reporting Officer's remarks dated 20.3.84 assessing her "as just satisfactory" on most of the counts "to be watched"; it is recorded "that she had been verbally advised every time for her impoliteness and casual performance." On 3.5.84 the respondent No.3 recorded as follows :-

" a hardly working individual, her work and conduct needs constant supervision".

5. The Second A.C.R. is for the period from 1.1.84 to 31.12.84. The Reporting Officer recorded his remarks on 18.2.85. Again he assessed the petitioner "as just satisfactory", "just average" and remarked that "she has occasionally been advised in person for giving proper attention towards work assigned to her". On 23.4.85, respondent No.3 remarked that the petitioner was just about an average worker and would have to improve her behaviour with co-workers.

6. The first probation report is for the period from 17.9.83 to 16.9.84. It was recorded on 26.4.85. While recording a general appraisal it was mentioned that the petitioner was sincere, devoted and amenable to discipline. In respect of various elements of performance it was noted that she met requirements of job. Respondent No.3 recorded his appraisal on 13.5.85 in which he said that she was not yet fit for confirmation; that she ought to be watched for another year; that she was finding rather difficult to devote her attention to work allotted to her. It was observed that she might perhaps improve if she devoted her full attention

A/S

to the work. It will be noticed that both the A.C.Rs and the first probation report had been recorded before the June/July episode of the petitioner's unauthorised absence. It may be mentioned that according to the case taken in the petition, the petitioner was being harassed by respondent No.3 ever since her posting in the Department. This is negatived by the contents of Annexure-I dated 8.1.86 which purports to be the petitioner's resignation letter in which she said that she was being harassed by respondent No.3 for a period of six months and therefore it was not possible for her to work and consequently she tendered her resignation. It is clear that the allegation 'harassment' concerns a period since about July, 1985; that was the period when the petitioner was unauthorisedly absent. The idea is that the remarks regarding the petitioner's work and conduct coupled with the facts that the petitioner had been advised verbally several times in person had been made before the period of commencement of alleged harassment by respondent No.3. We have already said that the allegations of malafides against respondent No.3 have not been established. The second probation report is for the period from 19.8.84 to 16.9.85 and therefore had to be recorded essentially after the unauthorised absence episode.

7. In that second probation report written by the Senior Technical Officer on 3.10.85, it was mentioned that the petitioner only partially met the requirements of this job in respect of ability to plan a programme direction and control, ability to evaluate the work of individual and to project of the scheme. On 18.10.85, respondent No.3 recorded his remarks as follows :-

(p9)

" Her working as well as work has shown little improvement during the year. Had to be orally advised not to keep the work pending. Her probation period may be extended by a year more during which we may watch the progress. The work given to Mrs. Pant is simple and has been explained many times. Working conditions are as good as to other employees of the Institute. But coming late, keeping the work pending, going on leave without notice, irrespective of the urgency of the work on hand have been her serious shortcomings. We may extend her probation by a year during which we hope Mrs. Pant improves."

8. It will be seen that even in this report it was specifically recorded that the petitioner had been orally advised not to keep the work pending and that many times the work given to her had been explained to her. The mere fact that this report was recorded in October, 1985 after the commencement of the alleged period of harassment by respondent No.3 will not derogate from the value and veracity of the report. As already stated, the allegation of malafide of respondent No.3 stands rejected. It cannot be said therefore that the report recorded by the Senior Technical Officer on 3.10.85 and by respondent No.3 on 18.10.85 cannot be taken into consideration for the purposes of this case. It is also noticeable that the services were not ordered to be terminated at that time but the period of probation was extended. It may also be mentioned that investigations regarding the

first and third July, 1985 commenced a few weeks after the last probation report had been recorded. A careful appreciation of the entire material on the record shows that from the very beginning of her posting her performance was noticed to be casual; her conduct impolite, her attention towards work inadequate and her behaviour towards co-workers not upto the mark, her late coming and keeping the work pending; and for these shortcomings she had been orally informed from time to time. It is not possible to accept the petitioner's case that she was never given any indication that her performance was lacking. It will be appreciated that neither rules required nor is it ^{humanly} possible or desirable to tell or communicate in writing to an employee about the latters faults every now and then. That would lead to a constant state of confrontation. Prima facie the version of the Controlling Officer deserves to be accepted ~~as~~ unless malafides are proved.

91. Moreover, where a person knows a fact for himself, there is no need to inform him formally. It is also reasonable to hold that a person may be presumed to know what he ought to know. Thus the petitioner should have known that the work which was being entrusted to her in connection with the Regional Committee Meeting of July, 1985 was within the scope of her employment; it was not excluded in her appointment letter, Annexure-5. She, nevertheless, took up the false case that it was not a part of the employment. That confirms the view of respondent No.3 that the petitioner was not devoted to the performance of her duties. Again the petitioner

know that she was putting up a false case in respect of her absence from 1st to 3rd July, 1985, as also about her alleged harassment by respondent No.3. There is not an iota of evidence to show that respondent No.3 harassed her; the only evidence which she could set up are her own after-thought statements which under the Law of Evidence cannot be proved in her own favour. Again, the allegation of the petitioner that respondent No.3 used to order her to go on tours, "the most important being the Regional Committee Meeting at Patna fixed for 12th and 13th January, 1985" was specifically denied by respondent No.3, but the petitioner has not been able to produce any corroborative material to support her allegation. Incidentally, the dates of Patna - Meeting stated by the petitioner in Annexure-3 are wrong; they were in July, 1985, not January, 1985. It will be appreciated that these allegations of the petitioner must be false to her knowledge.

10. The mere fact that an investigation was set up to collect the date regarding the petitioner's absence from 1st to 3rd July, 1985 does not justify a conclusion that the order of termination was passed because of misconduct. As already indicated, the investigations had been set up after the ACRs and probation reports had already been recorded. Further the fact of reservation of onward journey is admitted by the applicant herself. That material was enough to lend assurance to the views of the Appointing Authority in the decision dated 8.1.86 leading to the issue of the impugned termination order, Annexure-2 dated 9.1.86 that the petitioner had a most indifferent attitude to work. The petitioner was a probationer and therefore the respondent No.3 was justified and within his powers to terminate the services of the petitioner.

11. The fact that the ground of unauthorised absence in June/July, 1985, is also mentioned as one of the factors persuading respondent No.3 to terminate

A22

- 8 -

the services does not vitiate the termination order. In the case of State of Orissa and Others Vs. Bidya Bhushan Mahapatra, 1963 SC 779, it was held that if the Court finds some of the grounds of the Disciplinary Authority ordering dismissal as to substantial misdemeanour to be valid, and other grounds to be not valid, it is not for the Court to consider whether the valid ground alone would have weighed with the authority in dismissing the public servant. So even if the ground of unauthorised absence be excluded, the finding that the petitioner had "most indifferent attitude to work" is a valid ground on which the termination is sustainable. One of the Fundamental Duties enshrined in Clause (j) of Article 51-A of the Constitution of India is for every citizen "to strive towards excellence in all spheres of individual and collective activity". An employee who has an indifferent attitude towards work does not measure up to a Fundamental Duty and runs the risk of being dispensed with. Indeed, it appears to me that the ground of unauthorised absence was not so much a ground or basis of termination as the occasion which activated the competent authority to be assured that for reasons of her "most indifferent attitude to work" it was proper to terminate her services.

12. Considerable emphasis was laid by the learned counsel for the petitioner on the case of Dr. (Mrs) Sum P. Shere Vs. Union of India & Others 1989 SC 1431 to show that in the relationship of master and servant there is a moral obligation to act fairly, that on the assessment of work of the employee there should be

(A23)

informal, if not formal, give and take, that the employee should be made aware of the defects in his work and deficiency in his performance and that without such communication it would be arbitrary to give a movement order to the employee on the ground of unsuitability. Those observations do not help the petitioner, firstly because as I have pointed out above, the petitioner had been made aware of her infirmities as mentioned in the two ACRs and probation reports and secondly because the decision does not say that there ought to be a communication of the defects even in those cases where the employee is aware of them or ought to be aware of them in the natural course of things. The Hon'ble Supreme Court distinguished the particular facts of that case with those of other cases in which termination of a temporary Govt. servant on probation was done and the employees' work had not been found satisfactory and he was not found suitable for being retained in service. I hold therefore that the decision in Dr.(Mrs) Sumati P.Shore's case (supra) is of no help to the petitioner.

13. The application, for reasons stated above, has no force and is dismissed. Parties shall bear their costs.

Member (A)

Kinali
Vice Chairman

Dated the 24th July, 1990.

RKM

P24

RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.
CIRCUIT BENCH AT LUCKNOW.

Registration (T.A.) No. 46 of 1988.

Smt. Renu Pant Petitioner.

Versus

Indian Council of Agricultural Research, New Delhi & others Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

(Delivered by Hon. K.J. Raman, A.M.)

This is a Writ Petition No. 1612 of 1986 filed on 10.3.1986 in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow and has been transferred to this Tribunal for disposal under Section 29 of the Administrative Tribunals Act, 1985. The petitioner, Smt. Renu Pant, was working as Technical Assistant (T-II-3) in the Indian Institute of Sugarcane Research ~~ICAR~~ (IISR), Lucknow, run by the Indian Council of Agricultural Research (ICAR), New Delhi. Her services have been terminated by the Director of the IISR. The petition seeks to get the impugned order of termination quashed. The respondents are the (i) ICAR, (ii) Director, IISR, Lucknow in his official capacity and also (iii) Sri Kishan Singh, Director of the above Institute in his personal capacity.

2. The petitioner was appointed as a Technical Assistant with effect from 8.3.1983 in the Indian Agricultural Research Institute (IARI), New Delhi under respondent no.1. On her own request, she was again appointed as Technical Assistant (TA) in the IISR, Lucknow with effect from 17.9.1983. The terms of her appointment were contained in a letter dated 16.8.1983 from the IISR to the Director, IARI (Annexure '5'). One of the conditions mentioned in the above letter is that she would be on probation for a period of two years from the date of her joining the post

at IISR, which may be extended at the discretion of the competent authority. Failure to complete the period of probation to the satisfaction of the competent authority would render her liable to be discharged from service. Another condition stated that other conditions of service would be governed by the relevant rules and orders issued from time to time by ICAR/Government of India. The petitioner accepted the terms and was appointed by an order dated 22.9.1983 (Annexure 'A-1' to the counter affidavit), which referred to the above letter dated 16.8.1983. By the impugned order dated 9.1.1986 (Annexure '2'), respondent no.3 (who was also respondent no.2) terminated the services of the petitioner under the proviso to sub-rule (1) of Rules 5 of the CCS (Temporary Service) Rules, 1965 as applicable, mutatis mutandis, to the employees of the IISR. No reason was cited in the said order for the termination. In paras 5 and 8 of the writ petition, the petitioner alleges that respondent no.3, Dr. Kishan Singh, had been harassing the petitioner with ulterior motives. In this connection the petitioner has annexed a copy of a letter dated 10.1.1986 written by her, addressed to the Director General (DG), ICAR. According to this letter (Annexure '3'), respondent no.3 used to detain the petitioner in the office after office hours for his pleasure and that her husband requested respondent no.3 on 19.4.1985 not to detain her after 5.00 P.M. A further allegation made in that letter is that respondent no.3 used to ask her to accompany him on tours, particularly on a visit to Patna in January, 1985. It is stated that due to some reason she could not go. It is further stated that she had requested on 29.6.1985 leave for a few days to go to Delhi. Respondent no.3 allegedly refused this leave on the pretext of work connected with the work of a Regional Committee. It is said that she fell ill and did not attend office for a few days for which her explanation was called for and an enquiry initiated. Her services were also terminated forthwith. The above letter is in the nature of a representation against the

termination order. The petitioner also states that she had herself submitted a resignation letter to respondent no.3 personally on 8.1.86. Respondent no.3, however, refused to receive the same and she sent it by registered post on 9.1.1986, which was received by the respondents on 13.1.1986, long after the services were terminated by the impugned order. These narrations are obviously intended to substantiate the allegation of malice and illwill made against respondent no.3, as leading to the issue of the impugned order. One of the major contentions made in the petition is that the CCS (Temporary Service) Rules, 1965 are not applicable to her case and that she was on probation for two years and the probation period had expired successfully for her. It is contended that the impugned order of termination from service is by way of punishment and is in utter violation of the principles of natural justice. On this ground she has sought the quashing of the impugned order, as well as reinstatement, and arrears of wages, and continuity of service.

3. Respondent no.3, Dr. Kishan Singh, has filed a counter affidavit on behalf of all the respondents. He avers that as the work of the petitioner was not found satisfactory, her services were terminated. The allegations made in paras 5, 6 and 8 of the writ petition are totally denied as being entirely false and fabricated. It is stated that the petitioner had fabricated letters and documents and a false story of harassment and vilification against him has been concocted. It is stated that the so called resignation letter of 8.1.1986, was actually written and sent on 9.1.1986 after the petitioner had come to know about the issue of the impugned order. Certain overwritings of dates, postal evidence, etc. have been submitted along with the counter affidavit. Attention is drawn to condition 5 in the offer of appointment, referred to above, stipulating that other conditions of service will be governed by the relevant rules and orders issued from time to time by the ICAR/Government of India. It is said that the CCS (TS) Rules, 1965 are applicable

-: 4 :-

to the employees of respondents no.1 and 2 in view of Rule 30 of Chapter III of the Rules and bye-laws pertaining to the employees of IISR being a constituent unit of ICAR, New Delhi. These rules state that except as otherwise provided, the service and financial rules of Government of India shall apply mutatis mutandis to the employees of the respondents. The entire contents of Annexure '3' to the writ petition have been firmly denied. The refusal of leave to the petitioner has been justified on the ground of exigencies of work. One more point taken is that the petitioner had not availed of the alternative remedy by way of appeal to the DG of the ICAR.

4. In a rejoinder affidavit filed by the petitioner, while reiterating the allegations in the petition, it is stated that the allegation of respondent no.3 about the unsatisfactory work or performance of the petitioner is vague and misleading. It is stated that she was never given any warning or censure or any indication as to in what manner and in what respect her performance was lacking.

5. The case was heard on 27.2.1990 when the learned counsel for both the sides advanced their arguments. The learned counsel for the respondents submitted the file of the respondents relating to the issue of the impugned order, for our perusal.

6. The plea of the respondents that the petitioner had not availed of the alternate remedy by way of appeal, may be disposed of first. The CCS (TS) Rules, 1965, under which the impugned order was purportedly issued, does not seem to contain any provision for filing an appeal as such. However, Rule 5(2) of the said rules provides for reopening of the case by the Head of the Department or specified authorities, of their own motion or otherwise. These authorities are empowered to make such enquiry as they deem fit and to confirm the action taken or withdraw the notice; reinstate the Government servant in service or make other order. It is further provided that such authorities shall specify the amount or portion

P28

of pay and allowances, if any, to be paid to the Government servant for the period of his absence, if he is reinstated, and also to pass how orders on, such period of absence should be treated, whether on duty etc. As a matter of fact, the petitioner admittedly submitted the letter in Annexure '3', referred to above, to the DG, ICAR, against the termination order. In these circumstances, we do not think that there has been any failure to avail of alternative remedy in this case.

7. The next point advanced by the learned counsel for the petitioner is that the latter had completed the probation period of two years, as prescribed in Annexure '5', referred to above. There was no extention of the probation period. He contended that the respondents are estopped from extending the period of probation after 22.9.1985 (completion of two years period). The learned counsel stated that there was no failure to complete the period of probation to the satisfaction of the competent authority which would have rendered the petitioner liable to be discharged from service in terms of condition no.3 in the offer of appointment (Annexure '5'). Put ~~it~~ in ~~an~~ another way, the contention is that because of the above period of condition no.3 prescribing a/probation, Rule 5 of the CCS (TS) Rules, 1965 had become inapplicable to the petitioner. On the other hand, the learned counsel for the respondents has drawn our attention to condition no. 5 in the offer of appointment, under which, other service conditions will be governed by the relevant rules and orders issued from time to time by the ICAR/Government of India and under Rule 30 of the bye-laws, referred to above, service rules like the CCS (TS) Rules, 1965 have been made applicable to employees like the petitioner. There is nothing in the CCS (TS) Rules which, in terms, exclude the application of these rules to employees ~~of~~ on probation. It is seen that this question has received judicial attention. We may reproduce para 23 of the Hon'ble Bombay High

Lok

Court's judgment in Ishverlal J. Naik v. S.C. Arya, Principal Government Arts and Science College Daman and others (1984 (1) SLJ 1), where this point is explained and decided :-

"23. As a second limb of this contention the petitioner submitted that if it is held that he continued to be on probation till his service was terminated by the impugned order, that could not have been done since the Temporary Service Rules would not be applicable to him as he was on probation. Sub-rule (4) of rule 1 of the Temporary Service Rules specifies categories of Government Servants to whom these Rules do not apply. A government servant on probation has not been included in this sub-rule and has therefore not been excluded from the purview of the Temporary Service Rules. Rule 5 of the Rules applies to a temporary Government servant and excludes a Government servant who is in quasipermanent service. The petitioner cannot be deemed to be in quasi-permanent service as no declaration to the effect that the appointing authority was satisfied that the petitioner was a suitable for employment in quasi-permanent capacity as required by clause (ii) of rule 3 of the said Rules, was made by the appointing authority. Sub-rule (3) of rule 1 provides that the Temporary Service Rules shall apply subject to what has been said in sub-rule (4) to all persons who hold a civil post, but do not hold a lien or a suspended lien on any post under Government of India or in State Government. In other words, the Rules will apply to all persons who hold a civil post under a Government except those who hold a lien or a suspended lien on any post. In other words, the Rules would apply to all Government servants who are not permanent. In these circumstances, therefore, it is not possible to hold as contended by the petitioner that these Rules do not apply to Government servants on probation."

~~We respectfully agree and consequently reject the contention of the learned counsel for the petitioner in this respect.~~

8. The next major contention of the learned counsel for the petitioner is that the impugned order is vitiated by mala fide on the part of respondents no.3. The basis for such allegation is, as indicated earlier in this order, particularly paras 5 and 8 of the writ petition and Annexure '3'. These allegations have been totally and firmly denied by ~~the~~ personal affidavit filed by respondent no.3, Dr. Kishan Singh. It is seen that apart from the petitioner's word for it, the accusation against respondent no.3 is not backed up any corroborative evidence. All the letters and documents in this connection are ~~all~~ dated 9.1.1986 or later. Even the alleged resignation letter of 8.1.1986, seems to have been really sent on 9.1.1986 only and it appears most probable that the petitioner had written such a letter after coming to know about the termination of her services. If there had been any harassment of the type mentioned in the petition, there would have been some reaction on the part of the petitioner earlier and there would have been some documentary evidence by way of complaint, etc. No such evidence has been produced. The learned counsel for the respondents pointed out to the Hon'ble Supreme Court's judgment in the case of E.P. Royappa v. State of Tamil Nadu and others (SLR 1974 (1) SC 497), wherein it has been stated :-

"we must not also overlook that the burden of establishing mala fide is very heavy on the person who alleges it. The allegations of mala fides are often more easily made than proved, and the very seriousness of such allegations demands proof of a high order a credibility."

In this case, the allegations made by the petitioner border on ~~moral~~ ^{those of} in order turpitude and such a serious accusation requires very strong evidence, to be upheld. That has not happened in this case. The allegation of mala fides or malice has to be, therefore, rejected.

9. The learned counsel for the petitioner was on better grounds when he questioned the basis for the termination, as stated by respondent no.3 in the counter affidavit. He argued that the

:- 8 :-

that the statement / work of the petitioner was unsatisfactory is vague and misleading. He emphasised that the petitioner was never given any warning or censure or any indication as to in what manner and in what respect her performance was lacking. He heavily relied on the recent judgment of the Hon'ble Supreme Court in Dr. (Mrs.) Sumati P. Shere v. Union of India & others (AIR 1989 S.C. 1431).

According to him, the ratio of the above case was fully applicable to the case of the petitioner and on this ground, the impugned order was bad in law. We find considerable force in this argument of the learned counsel for the petitioner. We may, for convenience's sake, reproduce the relevant extract of the above decision :-

"5. We must emphasize that in the relationship of master and servant there is a moral obligation to act fairly. An informal, if not formal, give-and-take, on the assessment of work of the employee should be there. The employee should be made aware of the defect in his work and deficiency in his performance. ~~Defects or deficiencies in his performance~~
Defects or deficiencies; indifference or indiscretion may be with the employee by inadvertence and not by incapacity to work. Timely communication of the assessment of work in such cases may put the employee on the right track. Without any such communication, in our opinion, it would be arbitrary to give a movement order to the employee on the ground of unsuitability.

6. The counsel for the respondents argued that the appellant being temporary servant no enquiry need be held for her removal if her services are not upto the mark. He placed reliance on the decisions of this Court in : (i) Champaklal Chimanlal Shah v. Union of India, (1964) 5 SCR 190 : (AIR 1964 SC 1854) and (ii) Oil and Natural Gas Commission v. Dr. M.D.S. Iskender Ali, (1980) 3 SCC 428 : (AIR 1980 SC 1242). Both the cases pertain to the termination of a temporary Government servant who was on probation. The termination was on the ground that his work had never been satisfactory and he was not found suitable for being retained in the service. This

Court held that the termination of service in such cases on the ground of unsuitability for the post does not attract Art.311(2) of the Constitution.

7. There cannot be any dispute about this proposition. We are not laying down the rule that there should be a regular enquiry in this case. All that we wish to state is that if she is to be discontinued it is proper and necessary that she should be told in advance that her work and performance are not up to the mark."

As in the case before the Hon'ble S.C., in the present case also there does not appear to have been a prior communication of the defects or deficiencies, if any, in the work of the petitioner. We are, therefore, bound to hold that the impugned order is liable to be set aside on this ground.

10. A perusal of the record of respondent no.2 relating to the issue of the impugned order, reveals a totally different aspect of this case, which had not come in the counter affidavit of the respondents. It appears that certain enquiries with the Railway authorities were made regarding the trip the petitioner made to Delhi in June-July, 1985. It has already been briefly indicated earlier in this order that the petitioner had asked for leave to go to Delhi, but this was refused. Nonetheless, the petitioner remained absent for a few days and afterwards asked for leave on ground of illness. She also submitted two medical certificates in support of her as well as her son's illness. These facts also broadly figure in Annexure '3' to the writ petition. In the confidential file, referred to above, there is a note dated 4.1.1986 which gives a detailed account of the enquiries made in this connection. It is said that a committee consisting of 5 employees was constituted by respondent no.3. This committee visited the Lucknow Charbagh Railway Station on 5.12.85 and made enquiries regarding the reservations made in the name of the petitioner. Such a reservation was found for the date 29.6.1985 from Lucknow to New Delhi. There was also a similar evidence

AB3

-: 10 :-

of return trip of the petitioner and her family from New Delhi to Lucknow. In the note it was said that in view of the above, it was obvious that the petitioner had deliberately flouted the orders of the Director for not availing of leave and went to Delhi as per her scheduled programme. In order to support her explanation she had submitted two medical certificates on false grounds, it is said. Consequently, the note said that this was a fit case for initiating disciplinary action against her for lack of devotion to duty and behaving in a manner which is unbecoming on the part of the Council's employee under Rule 3 of the CCS (Conduct) Rules, 1964.

The note was submitted for order whether she should be charge-sheeted for minor or major penalties. The note was submitted to respondent no.3 who asked (by an endorsement) on 4.1.1986 some one to discuss with him. Thereafter respondent no.3 has recorded the following note, immediately below the note, referred to above:-

"In the light of above and most indifferent attitude to work, the services of Mrs. Renu Pant may be dispensed with under Rule 5, since she is still under probation."

11. The above decision of respondent no.3 leaves no room for doubt that the real basis and foundation of the impugned order is the above enquiry and finding of availing of leave on false ground and deliberately flouting the orders of respondent no.3. This is clearly an instance of action for misconduct and there can be no manner of doubt that the termination was penal in character. It is no-doubt true that the impugned order reads *ex facie simpliciter*. But when the veil is lifted, it transpires that it is an order of punishment disguised as a simple termination of service of a temporary servant. Such an order of termination is bad in law. The above position is very well settled in, starting from Parshottam Lal Dhingra v. Union of India (AIR 1958 SC 36); Jagdish Mittar v. Union of India (AIR 1964 SC 449); Jarnail Singh and others v. State of Punjab (ATR 1986 (2) SC 193); Anup Jaiswal v. Government of India

134

and another (AIR 1984 SC 636).

12. In the circumstances pointed out above, the impugned order of termination under CCS (TS) Rules, 1965 is also hit by the provisions of Article 311(2) of the Constitution of India and is liable to be set aside on this ground also.

13. In the result, the writ petition is allowed to the extent specified hereafter. The impugned order of termination dated 9.1.1986 (Annexure '2') is quashed. The petitioner shall be reinstated by the respondents within one month from the date of receipt of a certified copy of this order. On reinstatement, the period from the date of termination of the services of the petitioner to the date of reinstatement, shall be treated as a period spent on duty for all purposes except for payment of back wages for that period. She shall not be entitled to get any back wages for that period. The respondents are no doubt at liberty to take action as per law in regard to the petitioner in the light of the discussions above. There will be no order as to costs.

LOP Nayak

~~MEMBER (A).~~

~~VICE-CHAIRMAN.~~

Dated: April 1990.

PG.

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI Rules 2, 9 and 15)

P.55

Nature and number of Case..... W.P. No. 1652 of 86 (S/B)

Name of parties Smt. Reni Pant vs. Indian Council of Agric. Research & C.S.

Date of institution 12/3/86

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
1.	Index		1-2		Rs. P.			
2.	Memo of writ Petition with Affidavit		3-18					
3.	Annex No. 1		19-20					
4.	Annex No. 2		21-24					
5.	Annex No. 3		25-30					
6.	Annex No. 4		31-32					
7.	Annex No. 5		33-36					
8.	Power		39-40					
9.	Appln. for Interim Relief		41-42					
10.	Appln. with 13-68 Counter Affidavit							
11.	Annex. A-1		69-72					
12.	Annex. A-2		73-76					
13.	Annex. A-3		77-80					
14.	Annex. A-4		81-84					
15.	Annex. A-5		85-88					
16.	Annex. A-6		89-92					
17.	Annex. A-7		93-96					
18.	Annex. A-8		97-100					
19.	Annex. A-9		101-104					

P.T.O

I have this 7th day of Jan. 1988 examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court fee stamps of the aggregate value of Rs. 100/- that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date

Munsarim

Clerk

2412
PSC
IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER 612 OF 1986.

Shrimati Renu Pant. Petitioner.

Versus.

Indian Council of Agricultural Research and Others.

..... Opposite Parties.

INDEX.

Particulars.

Page Numbers.

1. Writ Petition.	1 to 6
2. Affidavit.	7 to 8
3. Annexure No. 1 (Copy of letter dated 8th January, 1986).	9 to 9
4. Annexure No. 2 (Copy of order dated 9th January, 1986).	10 to 11
5. Annexure No. 3 (Copy of letter dated 10th January, 1986).	12 to 14
6. Annexure No. 4 (Copy of Order dated 16th January, 1986).	15 to 15
7. Annexure No. 5 (Copy of order dated 16th August, 1983).	16 to 18

A. Chaurasia
Counsel for the Petitioner.

DATED: LUCKNOW:
MARCH 11, 1986.

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER

1612 OF 1986.

3

Shrimati Renu Pant, aged about 25 years, Wife of Shri Arvind Pant, Resident of 365, Kesharwani Bhawan, Purana Quila, LUCKNOW. Petitioner.

versus.

1. Indian Council of Agricultural Research, 'Krishi Bhawan', NEW-DELHI; through it's Director-General;
2. The Director, Indian Institute of Sugar Cane Research LUCKNOW.
3. Sri Kishan Singh, Director, Indian Institute of Sugar Cane Research Lucknow. Opposite Parties

WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA.

The above named Petitioner most respectfully submits as under :-

1. That on being recommended by the Employment Exchange, the Petitioner was appointed as Technical Assistant in the establishment of the Opposite Party number 1, with effect from 8th March, 1983 and since then she performs her duties honestly and efficiently without any complaint.

2. That the Opposite Party Number 1, is an All India Organisation under the Ministry of Agriculture, Government of India, though it is a Registered Society, but it is wholly controlled by the Government, and is amenable to the writ jurisdiction.

Renu Pant

P38

3. That the Opposite Party Number 1 run various research institutions in the different fields of Agriculture all over the country, The Indian Institute of Sugar-Cane Research, Lucknow is one of such institutes run and managed by the Opposite Party Number 1, of which the Opposite Party Number 2 is the Director.

4. That lastly the Petitioner was posted as Technical Assistant (T-II-3) in the Indian Institute of Sugar-Cane Research, Lucknow, under the administrative control of the Opposite Party Number 2.

5. That ever since the posting of the Opposite Party Number 3, as director at Lucknow, he started harassing the Petitioner with ulterior motives, which will be evident from the circumstances narrated hereinafter and also elaborated in the various annexures appended with this Writ Petition.

6. That being compelled by the ~~atmosphere~~ of the extreme hardships and embarrassment, the Petitioner submitted the conditional resignation on 8th January, 1986, addressed to the Opposite Party Number 2, and a copy forwarded to the Opposite Party Number 1. A copy of the said resignation letter dated 8th January, 1986, is annexed as ANNEXURE NUMBER 1 to this Writ Petition.

7. That on 9th January, 1986, the services of the Petitioner were terminated by the Opposite Party Number 3, in exercise of the powers conferred by sub-rule 1 of rule 5 of the Central Civil Service Temporary Service Rules, 1965. A copy of the impugned termination order dated



Rehu Pant

- : 3 : -

9th January, 1986, is annexed as ANNEXURE NUMBER 2 to this Writ Petition.

8. That on 10th January, 1986, the Petitioner submitted an elaborate application to Dr. N. S. Randhava, Director-General, Indian Council of Agricultural Research, 'Krishi Bhawan', New Delhi, narrating the circumstances faced by the Petitioner at Lucknow due to the attitude of the Opposite Party Number 3. A copy of this application dated 10th January, 1986, is annexed as ANNEXURE NUMBER 3 to this Writ Petition. The facts narrated in Annexure number 3 are correct, they may be treated as part of this Writ Petition.

9. That through a letter dated 16th January, 1986, the Petitioner was informed by the Opposite Party number 3 that there is no question of her resignation as her services have already been terminated. A copy of this letter dated 16th January, 1986, is annexed as ANNEXURE NUMBER 4 to this Writ Petition.

10. That the impugned termination of the services of the Petitioner under the temporary service rules, 1986, is wholly arbitrary and illegal, those rules do not apply in the case of the Petitioner.

11. That actually the resignation letter, Annexure number 1 was offered by the Petitioner to the Opposite Party Number 3, on 8th January, 1986, itself, personally, but he refused to take it and then the Petitioner posted it on 9th January, 1986.

12. That the Petitioner did not receive any reply of his application submitted to the Opposite Party No. 1,



Renu Paul

contained in Annexure Number 3, upto now and she waited for the same, which delayed the filing of the Writ Petition.

13. That the impugned termination of the services of the Petitioner is wholly arbitrary, malafide and prompted by the extreaneous consideration, due to the bias of the Opposite Party Number 3.

14. That initially the Petitioner was appointed and posted at Delhi in the establishment of the Opposite Party number 1, but in August/September, 1983, after her marriage, she was transferred to Lucknow on her own request, but she had to fulfil and sign the conditions of her appointment again, with the Opposite Party Number 2 and then she joined at Lucknow on 17th September, 1983, since then she had been working at Lucknow. On joining she was placed on probation for a period of two years, with effect from 17th September, 1983, which she completed successfully.

15. That for the purposes of joining at Lucknow, at this Institute, the Petitioner was offered terms and conditions of her employment through a letter dated 16th August, 1983, which were accepted by the Petitioner. A copy of the same is annexed as ANNEXURE NUMBER 5 to this Writ Petition.

16. That according to the conditions for joining at Lucknow, in the establishment of the Opposite Party Number 2 the terms and conditions, contained in Annexure Number 5 do not provide for a simple termination under the Central Civil Services Temporary Rules, 1965, as such

Renu Pant

THEREFORE, it is most humbly prayed that this Hon'ble High Court may be pleased to issue :-

(i) A Writ, Order or Directions in the nature of Certiorari, quashing the impugned order of termination, dated 9th January, 1986, contained in Annexure Number 2, after summoning the records from the Opposite Parties.

(ii) A Writ, Order or Command in the nature of Mandamus, commanding the Opposite Parties to treat the Petitioner still continuing on the post of Technical Assistant (T-II-3), pay her salary, allowances, back wages, if any, and other consequential benefits arising therefrom.

(iii) Any other Writ, Order or Directions deemed proper.

(iv) Waive off the notice to the Opposite Parties, as the matter is MOST URGENT.

(v) Allow the Writ Petition with costs.

DATED: LUCKNOW:
MARCH 11, 1986.

A. Anwar
Counsel for the Petitioner.

12

lenu Pant

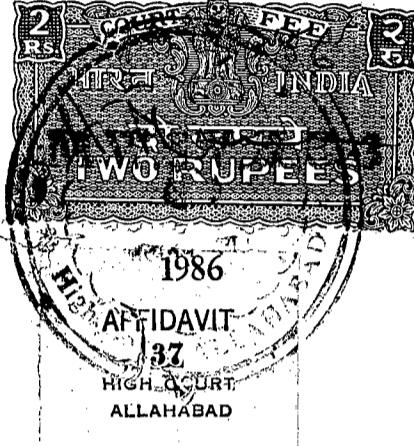
- : 7 : -

RB

15

IN THE HON'BLE HIGH COURT OF JUDICATURES, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER OF 1986.



Shrimati Renu Pant. Petitioner.

Versus.

Indian Council for Agricultural Research & Others.

.... Opposite Parties.

AFFIDAVIT.

I, Renu Pant, aged about 28 years, Wife of Shri Arvind Pant, Resident of 365, Kesharwani Bhawan, Purana Quila, Lucknow, states on oath as under :-

1. That the deponent is the Petitioner in the above mentioned Writ Petition, as such she is fully conversant with the facts and the circumstances stated in the said Writ Petition.
2. That the contents of paragraph number 1 to 17 of the Writ petition are true to my own knowledge.
3. That the deponent, herself, has compared the Annexure Number 1 to 5, either by the copies maintained, or served or as could be fetched by her and they are their true copies.

DATED: LUCKNOW:
MARCH 10, 1986.

Renu Pant
SMT. (RENU PANT)
Deponent.

R.T.I. OF THE DEPOENT

(C)
(A)

11

the impugned order of termination, contained in Annexure Number 2, is not in accordance with the terms and conditions of the employment.

17. That the impugned termination of the services of the Petitioner is due to the ill-will of the Opposite Party Number 3, it has been issued in the colourable exercise of the powers.

18. That in the facts and the circumstances stated in the foregoing paragraphs, the Petitioner has no any other equally effective remedy, but to evoke the jurisdiction of this Hon'ble High Court, Lucknow Bench, among others on the following -

G R O U N D S :-

- (A) Because, the impugned termination of the services of the Petitioner is wholly arbitrary, malafide.
- (B) Because, the impugned termination of the services of the Petitioner is contrary to the terms and conditions of her appointment.
- (C) Because, the impugned termination of the service of the Petitioner is by way of punishment and it is in utter violation of the Principles of Natural Justice and the rules on the subject.
- (D) Because, the impugned termination of the service of the Petitioner is arbitrary and is violative of the provisions of Article 14 and 16 of the Constitution of India.
- (E) Because, the impugned termination of the service of the Petitioner is contrary to the rules and is not supported by any statutory provisions.

Reu. Part

Jur

13

• THEREFORE, it is most humbly prayed that this Hon'ble High Court may be pleased to issue :-

(i) A Writ, Order or Directions in the nature of Certiorari, quashing the impugned order of termination, dated 9th January, 1986, contained in Annexure Number 2, after summoning the records from the Opposite Parties.

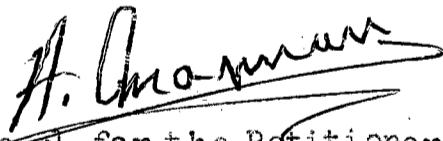
(ii) A Writ, Order or Command in the nature of Mandamus, commanding the Opposite Parties to treat the Petitioner still continuing on the post of Technical Assistant (T-II-3), pay her salary, allowances, back wages, if any, and other consequential benefits arising therefrom.

(iii) Any other Writ, Order or Directions deemed proper.

(iv) Waive off the notice to the Opposite Parties, as the matter is MUST URGENT.

(v) Allow the Writ Petition with costs.

DATED: LUCKNOW:
MARCH. 11, 1986.


Counsel for the Petitioner.

12


Birendra Pant

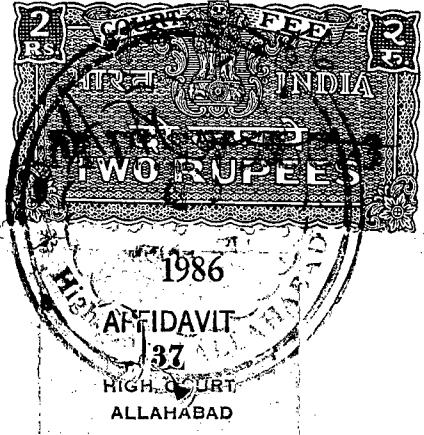
- : 7 : -

avb

15

IN THE HON'BLE HIGH COURT OF JUDICATURES, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER OF 1986.



Shrimati Renu Pant. Petitioner.

Versus.

Indian Council for Agricultural Research & Others.

.... Opposite Parties.

A_F_F_I_D_A_V_I_T.

I, Renu Pant, aged about 28 years, Wife of Shri Arvind Pant, Resident of 365, Kesharwani Bhawan, Purana Qila, Lucknow, states on oath as under :-

1. That the deponent is the Petitioner in the above mentioned Writ Petition, as such she is fully conversant with the facts and the circumstances stated in the said Writ Petition.
2. That the contents of paragraph number 1 to 17 of the Writ petition are true to my own knowledge.
3. That the deponent, herself, has compared the Annexure Number 1 to 5, either by the copies maintained, or served or as could be fetched by her and they are their true copies.

DATED: LUCKNOW:
MARCH 10, 1986.

Renu Pant
SMT. (RENU PANT)
Deponent.

Renu Pant

R.T.I. OF THE DEPOENT

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraph number 1, 2 and 3 of this affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

DATED: LUCKNOW:
MARCH 10, 1986.

Renu Pant
SMT (RENU PANT)
Deponent.

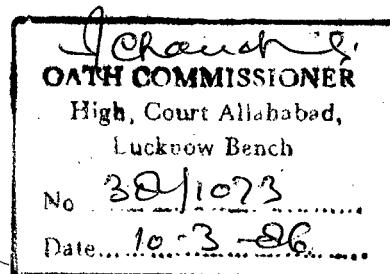
R.T.I. OF THE DEPONENT.

I know the deponent, identify her, who has signed before me.

DATED: LUCKNOW
MARCH 10, 1986. *D. N. Tewari* Clerk to Shri Abdul Mannan, Advocate,
Counsel for the Petitioner.

Solemnly affirmed before me on this the 10th day of March, 1986, at 9.25 a.m./p.m., by Shrimati Renu Pant, the deponent, who has been identified by the Clerk to Shri Abdul Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

I have satisfied, myself, by examining the deponent that she fully understands the contents of this affidavit, which has been read out and explained by me.



AMU

19

- : 9 : -

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER

OF 1986.

Shrimati Renu Pant.

Petitioner.

✓ Versus.

Indian Council for Agricultural Research & others. Opposit
Parties.

ANNEXURE NUMBER - 1.

To

The Director,
Indian Institute of Sugarcane Research,
Raibareli Road, P.O. Dilkusha,
LUCKNOW 226002.

SUBJECT: - RESIGNATION FROM THE POST OF TECHNICAL
ASSISTANT T-II-3.

Sir,

With due regards I am to state that I am being harrassed by the Director, I.I.S.R., from a period of six months, therefore, it is not possible for me to work in this atmosphere in this office.

Under these circumstances, I hereby tender my resignation from the post of Technical Assistant (T-II-3) with immediate effect. Kindly clear all my dues as early as possible.

Thanking you,

c.c.

to,

The Director-General,
Indian Council of Agricultural
Research,

Krishi Bhawan,
NEW DELHI-110001.

Yours faithfully,
Sd/- 8.1.86.
(RANU PANT)

365, Kesharwani Bhawan
Purana Quila, Lucknow.

Renu Pant

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER OF 1986.

SMT. Renu Pant. Petitioner.

Versus.

Indian Council of Agricultural Research and Others.

.... Opposite Parties.

ANNEXURE NUMBER - 2.

INDIAN INSTITUTE OF SUGARCANE RESEARCH, LUCKNOW - 2.

No. F.3-195/83-ADM.I. DATED: JANUARY 9, 1986.

OFFICE - ORDER.

In pursuance of the proviso to sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, as applicable mutatis mutandis to the employees of the Indian Institute of Sugarcane Research, Lucknow, under the Indian Council of Agricultural Research, I, Dr. Kishan Singh, Director, Indian Institute of Sugarcane Research, Lucknow hereby terminate forthwith the services of Mr. Renu Pant, T.II.3 (Technocal Assistant), I.I.S.R., and direct that she shall be entitled to claim a sum equivalent to the amount of her pay plus allowances for the period of notice at the same rates at which she was drawing then immediately before the termination of her service, or, as the case may be, for the period ~~as~~ by which such notice falls short of one month.

Sd/-
(KISHAN SINGH)
DIRECTOR.

Renu Pant



- : 11 : -

ANP

23

DISTRIBUTION:

1. Mrs. Renu Pant, T II-3 (Technical Assistant) through Incharge, Technical Cell, I.I.S.R., LUCKNOW;
2. Incharge, Technical Cell, I.I.S.R., He may arrange to take over complete charge from Mr. Renu Pant.
3. Incharge, Project Files, I.I.S.R., Lucknow;
4. Assistant Accounts Officer, I.I.S.R., Lucknow;
5. Superintendent, Administration II Section, I.I.S.R., LUCKNOW;
6. C.C.R., Dossier of Mrs. Renu Pant.



Renu Pant

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER

OF 1986.

Shrimati Renu Pant. Petitioner.

Versus.

Indian Council of Agricultural Research and Others.

.... Opposite Parties.

ANNEXURE NUMBER - 3.

January 10, 1986.

Respected Sir,

Please refer to my resignation (a copy was sent to you by Registered A.D.) dated 8th January, 1986, from the post of Technical Assistant (T-II-3) from Indian Institute of Sugarcane Research, Rae-Bareli Road, Lucknow U.P. due to harrasement by Dr. Kishan Singh, Director of the Institute.

I have the following points to elaborate:-

1. Dr. Kishan Singh used to detain me after the office timings i.e. after 5.p.m., not for work, but for his pleasure. Once on 19th April, 1985, my husband came to him at about 5.30 p.m. and requested him not to detain me after 5.p.m., because, I am a married lady and having a kid to look after. Sir, you please tell me that how can it be possible for a mother to give pleasure to others instead of looking after her kid. This was the beginning of my tension with Dr. Kishan Singh.

2. He used to order me to go on tours, the most important instance happened when he asked me to accompany him

Renu Pant



1



important instance happened when he asked me to accompany him to PATNA for Regional Committee Meeting No. IV (for U.P. Bihar, Delhi and Punjab) on 12th and 13th January, 1985. That time he was the Member Secretary of that Meeting.

I should have gone there but the very first thing I would like to explain you that I was not appointed for Regional Committee work but for project file work. Well I did not say this to him but told him about my son who was eleven months old and in reply he said that Shri Inder Deo (his retired peon) will look after him at PATNA. This was not possible for me/ my family members specially for my father-in-law who is a retired Assistant Cane Commissioner, in the Cane Department.

Before the Regional Committee, he issued an order that the staff of Director's Personal Cell and Technical Cell will not take any holiday on account of Regional Committee work, though the agenda was completely well in time. I requested him on 29th June, 1985, that I have to go to Delhi as my brother is coming from SHARJAH (United Arab Emirates) after a period of two years, and also I told him about my reservation to Delhi but he refused my request. Anyway, I accepted his order not to go to Delhi but as luck would have it my son as well as myself fell ill and I was not able to attend the Office, for this, a memo was issued to me on 25th July, 1985, I gave the reply alongwith the medical certificate.

Another lady, Shrimati Usha Kiran (Junior Clerk) Director Personal Cell was also on leave in the same period when he ordered not to take leave. But to your surprise, her leave and medical certificates were accepted but not mine. Later on as a punishment she was transferred to Agricultural Engineering Division of the

Leave Part



transferred to Agricultural Engineering Division of the Institute and for me recently an enquiry was set up regarding my visit to Delhi. Yesterday only the Director has sent the termination order of my services under Rule 5 without giving me any charge-sheet.

Like this I have many points to say but I am afraid that the letter may become very lengthy and you may not go through it properly. Sir, is this the reward I got for the work done during the period from 1983 to 1985. I hope, rather sure that you will look into the matter personally and I certainly expect justice from your end.

Hoping to receive an early communication from your kindself.

Thanking you and with regards.

Yours faithfully,

(Mrs) RENU PANT.

D-r. N. S. RANDHAWA,
Director General,
Indian Council of Agricultural Research,
Krishi Bhawan,
NEW-DELHI-110001.

c.c. to :

1. Union Agriculture Minister,
Government of India,
Krishi Bhawan, NEW-DELHI.
2. Hon'ble Prime Minister,
Prime Minister Secretariate,
NEW-DELHI-110001.

Reenu Pant

- : 15 : -

AS1

31

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER

OF 1986.

Shrimati Renu Pant.

Petitioner.

Versus.

Indian Council of Agricultural Research & Others.

.... Opposite Parties.

ANNEXURE NUMBER - 4.

INDIAN INSTITUTE OF SUGARGANE RESEARCH, LUCKNOW.
REGISTERED.

No. 3-195/83-Adm., I. DATED: JANUARY 16, 1986.

OFFICE MEMORANDUM.

With reference to her resignation letter dated 8th January, 1986 (posted on 9th January, 1986) received at this Institute on 13th January, 1986, by Registered post and copy of conditional resignation letter undated (posted on 11th January, 1986) received at this Institute on 14th January, 1986 addressed to the Dr. N.S. Randhawa, Director-General, Indian Council of Agricultural Research Mrs. Renu Pant is informed that as her services had already been terminated with effect from 9th January, 1986, forthwith vide this Office Order No. 3-195/85-Adm.I dated 9th January, 1986, the question of accepting her conditional resignation does not arise. She is further informed that no harrasement has been caused to her as alleged.

Mrs. Renu Pant,
365, Keshwarwani Bhawan,
Purana Quila, Cantt. Road,
LUCKNOW-226001.

Sd/- KISHAN SINGH
DIRECTOR.

Renu Pant

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:

LUCKNOW BEING, LUCKNOW.

WRIT PETITION NUMBER

OF 1986.

Shrimati Renu Pant.

Petitioner.

Versus.

Indian Council of Agricultural Research & Others.

.... Opposite Parties.

ANEXURE NUMBER - 6.

INDIAN INSTITUTE OF SUGARCANE RESEARCH, LUCKNOW.

REGISTERED.

No. F.8-22/83- Adm. I.

DATED: AUGUST 16, 1983.

To

The Director,
Indian Agricultural Research Institute,
NEW DELHI-12.

Sir,

With reference to your office letter No. 2-33/83-
Per-V, dated 20th July, 1983, regarding transfer of Mrs.
Renu Pant, T-II-3 (Technical Assistant) on compensation
grounds to this Institute, The Director, I.I.S.R.,
Lucknow is pleased to offer a post of T-II-3 sanctioned
under 6th Plan of this Institute in the pay scale of Rs.
425-15-500-~~SB~~-15-560-20-700 to Mrs Renu Pant subject to
the following conditions :-

1. Mrs. Renu Pant will rank enblee Junior to all existing regular T.I..3 Technicians at this Institute on the date she resumes her duties at this Institute.

Renu Pant

2. Her pay will be fixed as per rules.

3. She will be on probation for a period of two years from the date of her joining the post at I.I.S.R., which may be extended at the discretion of the competent authority. Failure to complete the period of probation to the satisfaction of the competent authority will render her liable to be discharged from service.

4. Since the transfer is at her own request, Mrs. Renu Pant will not be entitled to any T.A., joining time or joining-time pay etc.

5. Other conditions of service will be governed by the relevant rules and orders issued from time to time by the I.G.A.R./~~Department~~ Government of India

6. Her appointment will be subject to the conditions that her character and antecedents have been verified by I.A.R.I and found ~~satisfactory~~ satisfactory and she is declared medically fit for service by the prescribed medical authority. In her case Civil Surgeon/Chief Medical Officer of a Government Hospital.

7. She will be entitled to all the benefits of her present service rendered under I.G.A.R., according to rules on the subject issued/ approved by the I.G.A.R..

(2) In case Mrs. Renu Pant accepts the post on the terms and conditions stipulated above, she may be relieved with instructions to report for duty at I.I.S.R., Lucknow immediately. Her service-book may please be forwarded to the undersigned alongwith her leave account and L.P.V.. It may please be confirmed whether she is

Renu Pant

- : 18 : -

(A.S.)

37

clear from vigilence angle. Her uptodate O.C.R., dessier alongwith attested copies of her Character Verification report, the Medical Fitness certificate, and martial declaration, oath of alligiaabce etc, may also please be sent to this undersigned.

A spare copy of this letter meant for Mrs. Renu Pant is also sent herewith.

Yours faithfully,

Sd/-

16.8.83.

Senior Scientist and Head of
Office.

Renu Pant



ब अदालत श्रीमान *In the Hon'ble High Court Lucknow* महादय ४५५

वादी (मुद्रा)
प्रतिवादी (मुद्रालेह)

का वकालतनामा



1955
1955

Shrimati Reenu Pant

वादी (मुद्रा)

बनाम
Indian Council of Agricultural Research (प्रतिवादी) (मुद्रालेह)
and others.

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री

एडवोकेट

Shri A. Maniann
A. K. Chaturvedi

महोदय

वकील

अदालत नाम	मुकदमा नं०	फैरिन नाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है और
लिखे देता है इस मुकदमा में वकील महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी
जारी करावें और स्पष्ट बसूल करें या सुलहनामा या इकबाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें
या कोई स्पष्ट जमा करें या हमारी या विपक्ष (फरीकसानी) का
दाखिल किया स्पष्ट अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)
रसीद से लेवें या पंच नियुक्त करे। वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता है कि मैं हर पेशी स्वयं या किसी
पैरोकार को भेजता रहूगा अगर मुकदमा अदम पैरवी
में एक तरफा मेरे स्विलाफ फैसला हो जाता है उसकी जिम्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर *from court*

साक्षी (गवाह)..... साक्षी (गवाह).....
दिनांक..... महीना ३..... सन् १९५६
.....

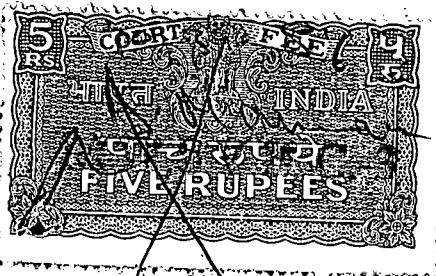
IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:

LUCKNOW BENCH, LUCKNOW.

Civil Misc. Application No. 316 (W) of 1986:

IN RE :

WRIT PETITION NUMBER 16 OF 1986.



Shrimati Renu Pant. Petitioner / Applicant.

Versus.

Indian Council of Agricultural Research and Others.

.... Opposite Parties.

AN APPLICATION FOR THE INTERIM RELIEF.

The above named Petitioner - Applicant most respectfully submits as under :-

1. That through the above mentioned Writ Petition, the applicant has challenged the validity of her termination order, contained in Annexure Number 2, if the same is allowed to operate, she will suffer irreparable loss, and has every hope of success in her Writ Petition.

THEREFORE, it is most humbly prayed that for the reasons already disclosed in the Writ Petition and the affidavit, the further operation of the impugned order of termination, contained in Annexure Number 2, may kindly be stayed, pending the disposal of the Writ Petition, in the interest of justice.

DATED: LUCKNOW.
MARCH 11, 1986.

A. Anamika
Counsel for the Petitioner/
Applicant.

1
RSP
43

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

C.M. Application No..... of 1986

Indian Council of Agricultural Research, New Delhi, and
others (Opes 1 to 3 of Writ petition)..... applicants

In re :

Writ petition No. 1612 of 1986

Shrimati Renu Pant Petitioner

Versus

Indian Council of Agricultural Research, New Delhi and others
..... opposite parties

Application for condonation of delay in filing Counter

Affidavit

*10/2/86 5/2
20/3/86*
The Applicants above named respectfully submit as under:-
That in view of the facts and circumstances stated
in the accompanying Counter Affidavit, specially its para 19...
the three day's delay in filing the Counter Affidavit is
liable to be condoned in the interest of justice.

Wherefore, it is respectfully prayed that the three
day's delay in filing the accompanying the Counter Affidavit
may kindly be condoned and this counter Affidavit be taken
on the record of the case.

D. S. Randawa
(D. S. Randawa)

Advocate
(Sr. Standing Council Central Govt.
Council of the applicant

Lucknow

Dated: 20-3-1986.

156
45

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH : LUCKNOW)

Writ Petition No. 1612 of 1986.

Shrimati Renu Pant, ~~Detainee~~ Petitioner
Versus

1. Indian Council of Agricultural Research, New Delhi and
others Opposite Parties

Counter Affidavit on behalf of Opposite -
Parties Nos. 1 to 3.

I, Dr. Kishan Singh aged about 55 years son of Dr. G.P. Singh
resident of D-II-2, Ikshupuri, Kunwar Jagdish Marg, Lucknow,
do hereby solemnly affirm and state as under :-

1. That the deponent is the Director of IISR, Lucknow and he is opposite party No. 2 by his designation and opposite party No. 3 by his name and he has been authorised on behalf of opposite party No. 1 also to affirm this counter affidavit.
2. That the deponent has read and understood the contents of the writ petition, the affidavit filed in support thereof and application for interim relief and he is well acquainted with the facts of the case desposed hereinafter.
3. That the petitioner's initial appointment wee.f. 8.3.1983 was in the Indian Agricultural Research Institute, New Delhi and not with the opposite party No. 1 which is Headquarter of the answering opposite parties. As for the work of petitioner in Indian Institute of Sugarcane Research Lucknow is concerned, it was not found satisfactory



Kishan Singh

Contd.... 2B

40

4)

4. That the contents of these paras of writ petition being matter of record need no reply.

5. That the contents of para 4 being factual are admitted. It is added that she was appointed as T-II-3 (Technical Assistant) on purely temporary basis. A photostat copy of O.M. No. F.3-195/83-Adm.I dated 22nd Sept., 1983 regarding her appointment is filed herewith as Annexure No A-1.

6. That the ~~contents of para 5 of writ petition~~ baseless allegations as contained in this para 5 of the Writ Petition are totally denied as being entirely false and fabricated. The allegations of harrassment with ulterior motives are all false and have been made as an after thought to create grounds for the Writ Petition. It is significant to point out that all the letters and other documents fabricating a false story of harrassment and vilification against the Director, Indian Institute of Sugarcane Research, Lucknow have been made out only on 9.1.86 and thereafter with the purpose of making out a case of mala-fide against the Director.

7. (a) That the allegation is contained in Para 6 of the Writ Petition that, "She was compelled by atmosphere of the extreme hardship and harrassment," is entirely false and baseless. Mrs. Renu Pant's socalled resignation letter addressed to Director, Indian Institute of Sugarcane Research, Lucknow is filed herewith as Annexure A-2. This letter was in fact written on 9.1.1986 but it was ante-dated as 8.1.1986 and it was posted on 9.1.1986 as per post office date and stamp of G.P.O. Lucknow on the cover of registered letter No. 5159 dated 9.1.86. A photo ~~set~~ copy of the cover of the registered letter indicating Regis.



Viswanath Singh

→

- : 3 : -

450

49

tration No. 5159 with the date 9.1.86 is filed herewith as Annexure No. A-3. This ante dating is also evident from the fact that there is overwriting on the date of the letter which was earlier written as 9.1.86 but through an overwriting it was changed from 9.1.86 to 8.1.86. Then she wrote the date separately also as 8.1.86 which also shows an after-thought. This letter was received at this Institute on 13.1.86.

7.(B) That as a matter of another after-thought she wrote a letter sometime on 11.1.86 to Dr. N.S. Randhawa, Director General, Indian Council of Agricultural Research and endorsed a copy to Director, Indian Institute of Sugarcane Research, Lucknow after-knowing contents of the termination order as it is evident from the contents of this letter, mentioning therein that her earlier resignation letter addressed to the Director, Indian Institute of Sugarcane Research, Lucknow be treated as conditional resignation letter. This letter by itself does not carry any date but the registered cover of this letter carries the stamp and date of Post Office, Lalbagh, Lucknow dated 11.1.86. A copy of the above letter addressed to Director General was endorsed to Director, Indian Institute of Sugarcane Research and received in the office of the Institute on 14.1.86. A photostat copy of aforesaid undated letter is filed herewith as Annexure A-4 and a photostat of the Registered cover No. 3539 with date 11.1.1986 is filed herewith as Annexure A-5. The allegations of harassment as contained in aforesaid undated letter are totally denied.



Ismael Singh

Contd.....4/-.

7. (C) That the termination order dated 9.1.86 was served to her in the forenoon of 9.1.86 through messenger which she refused to take and left the office immediately as is evident from the notings of the messenger dated 9.1.86 Annexure A-6. The same order was again served at her residence through another messenger on 9.1.86 in the afternoon and she again declined to receive the same after going through the contents of the termination order as is obvious from the reporting messenger dated 9.1.86 Annexure A-7. Thereafter from the afternoon she stopped coming to office and accordingly the aforesaid order was despatched to her through registered A.D. cover, which was received back within inscription of postal authorities that the house is locked address not known, referred back to sender. Even the socalled resignation letter which was ante dated as 1.1.86 was not a conditional resignation. In fact, it was written on the 9.1.86 after the termination order was issued and the same was shown to her but she left the office after having refused to receive a copy of the same and after having handed over the keys of the drawer and other articles under her charge to the immediate supereor officer, the tech. officer.

8. That the contents of the para 7 of writ petition are admitted and it is stated that para 5 of the offer of appointment issued to her on 16.8.83 stipulates, "other condition of service will be governed by the relevant rules and orders issued from time to time by the Indian Council of Agricultural Research/Govt. of India." After accepting the terms and conditions laid down in above referred offer of appointment, Mrs. Pant joined as Technical Assistant at Indian Insitute of Sugarcane Research, Lucknow w.e.f. 17.9.83 (Forenoon) and accordingly hers status as Council's employee remained temporary till her termination on 9.1.86 under the Central Civil Services (T.S) Rules, 1965, Since she had not completed three years of service, her services could be terminated under

Same Shri

Contd.... 5/-

- : 5 : -

sub-rule 1 of Rule 5 of Central Civil Services (Temporary Service)

Rules 1965. Accordingly her services were terminated and she was allowed to draw one months pay in lieu of one month's notice. Further it is emphatically stated that the Central Civil Services (Temporary Service) Rules 1965 are applicable in this case in view of Rule 30 of Chapter III of the Rules and bylaws pertaining to employees of Indian Institute of Sugarcane Research, Lucknow being the constituent unit of Indian Council of Agricultural Research, New Delhi. Rule 30 says, "Except in regard to matters for which specific provision has been made in the rules, by-laws, regulations or orders made or issued by the Society, the service and financial rules framed by the Govt. of India and such other rules and orders issued by the Govt. of India from time to time shall apply mutatis mutandis to the employees of the Society in regard to matters concerning their condition of service." Thus her termination under temporary service rules is perfectly justified legal and valid.

(A) That the allegations as contained in Annexure-3 of writ petition referred to in para 8 of the writ petition are denied as being entirely false and fabricated. As per practice prevalent in the office, "Lady staff members are neither called earlier to office hours nor detained after office hours. The alleged incidents dated 19th April, 1985 showing her husband's request to the Director not to detain her after 5.00 p.m., is denied being false and fabricated.

Further her allegation that the Director used to order her for going on tours, is also false. She was never asked to proceed on tour and she never went on tour.

(B) That the contents of sub-para 1, 2&3 of Para-2 of her letter dated 10th January 1986 (cited as Annexure-3 of writ petition) are denied being false. She was never asked by the Director to accompany him to visit Patna for Regional Committee No. 4 on 12th & 13th July, 1985. Her allegation about the

- : 6 : -

AEG

SS

Director's telling has that Shri Inder Deo, Retired peon will take care of her 11 months old son at Patna is also totally false and baseless. Moreover, her contention that she was not appointed for Regional Committee No.4 but for project file work is also wrong. She was not offered the post for looking-after the project files work exclusively.

(c) That the instructions were issued by the Director, Indian Institute of Sugarcane Research on 29.6.85 to 7 employees of Director's personal Cell and Technical Cell that in the light of the ensuing meeting of Regional Committee on July 12-13 1985 at Patna leave/absence of any kind was not permitted till that meeting is over. All the 7 employees including Mrs. Renu Pant noted the contents for compliance. However, Mrs. Renu Pant mentioned on the same note that she would be on 3 days casual leave w.e.f. 1st to 3rd July, 1985 but the leave was refused to her because of exigency of the institute work. She again noted the same for compliance. A photostat copy of the office note dated 29.6.85 alongwith the remarks and notings is filed herewith as Annexure A-8. Thereafter Mrs. Renu Pant submitted an application dated 4th July 1985 applying thereby for 3 days casual leave for the past three days, 1st to 3rd July 1985 on the grounds of unavoidable family circumstances, after having absent for three days, in defiance of clear instructions of the Director. A photostat copy of her application dated 4th July, 1985 is filed herewith as Annexure A-9.

Lokman Singh

(D) That the case of Smt. Usha Kiran, who also proceeded on leave during the above mentioned period, the circumstances were quite different from these of Mrs. Pant. Smt. Usha Kiran submitted an application dated 3-7-85 for four days Earned leave w.e.f. 1.7.85 to 4.7.85 on the grounds that she is suffering from high fever. She further extended leave vide application 6.7.85 for 2 days earned leave on 5.7.85 to 6.7.85 on the grounds of fever. She was directed for submitting medical certificates in support of her sickness and she submitted the same. Thus she was sanctioned the leave. The contention of Mrs. Pant that Mrs. Usha Kiran was transferred to Agricultural Engineering Division as a measure of punishment is also baseless. According to Office Order No.8-7/75-Adm.I dated 11th July, 1985 she was not the only Junior Clerk who was transferred but there, were two other Jr. Clerks who were also transferred as a matter of routing. A photostat copy of the office order dated 11.7.85 about transfer of Mrs. Usha Kiran and other is filed herewith as Annexure No. A-10

9. That the contents of para 9 of the writ petition are admitted being factual.

10. That the contents of the Para 10 of the Writ Petition are not admitted Para-5 of the offer of appointment issued to her on 16.8.83 stipulates, "Other conditions of service will be governed by the relevant Rules and orders issued from time to time by the Indian Council of Agricultural Research/ Govt. of India". Thus Central Civil Services (Temporary Service)



Shah Sajid

(165)

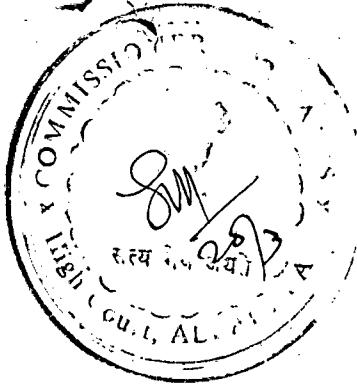
59

- : 8 : -

Rules 1965, are applicable in this case in view of Rule 30 of Chapter-III of the Rules and Bye-laws pertaining to employees of Indian Institute of Sugarcane Research, Lucknow being constituent unit of Indian Council of Agricultural Research, New Delhi. The above Rules and Bye-laws say : "Except in regard to matters for which specific provision has been made in the Rules, Bye-laws, regulations or orders made or issued by the Society, the service and financial rules framed by the Government of India from time to time, shall apply mutatis mutandis to the employees of the society in regards to matters concerning their conditions of service."

Mrs. Renu Pant joined at Indian Institute of Sugarcane Research, Lucknow w.e.f. 17.9.83 (Forenoon) and since she had not completed three years of service, her services could be terminated under the sub-rule-1 of Rule-5 of Central Civil Services(Temporary Service) Rules 1965. Accordingly her services were terminated vide office order No. 3-195/83-Adm.I dated 9.1.86 and she was allowed to draw one month's pay in lieu of one month's notice. Thus the termination order dated 9.1.86 is not arbitrary and it is perfectly legal and valid.

11. → That the contents of Para 11 are denied. Petitioner's assertion that the resignation letter was tendered by the petitioner to the opposite party No.3 that is Dr. Kishan Singh, Director, Indian Institute of Sugarcane Research, Lucknow on 8th January 1986 personally but he refused to take it, is entirely false and is only an afterthought on her part to create grounds for the writ petition, as it is evident from the so-called resignation letter that the date 9.1.86 has been tampered and changed into 8.1.86. Moreover, she again gave date on the same letter as 8.1.86, which is an afterthought.



Indra Singh

Contd.....9/-

- : 9 :-

A66

61

12. That in reply to the contents of Para 12 of the Writ Petition, it is stated that the application referred to in this para was with the consideration of opposite party No. I, but in the meantime, the Petition filed the present Writ Petition. Further that application of the petitioner can not be regarded as an appeal against the termination order addressed to Director General, Indian Council of Agricultural Research, New Delhi. The alternate remedy by way of appeal which lies with Director General, Indian Council of Agricultural Research, under instructions issued by the Secretary, Indian Council of Agricultural Research vide letter No. 1(9)/79-Vig. dated 28th March, 1981

→

Annexure 17, but the petitioner has not availed of the alternate remedy. A photostat copy of the aforesaid circular letter is filed herewith as Annexure No. A-13.

13. That the contents of the para 13 of the Writ Petition are denied. The termination of services of the petitioner is neither arbitrary nor malafide. It is also not prompted by the extraneous considerations or due to bias of opposite party No. 3. In fact opposite party No. 3 at no point of time, had any malafide or bias against the petitioner.

14. That the contents of the para 14 of the Writ Petition are admitted being factual except that she was appointed vide office order No. 3-195/83-Adm.I dated 22 Sept., 1983 on purely temporary basis and a copy of which was served on her. Her assertions that she had completed her probationary period successfully is baseless and it is denied.

15. That the contents of Annexure-5 as referred to in Para 15 of the writ petition are not denied.

16. That the content raised in Para 16 of the writ petition is denied. Further, it is stated that para-5 of the offer of appointment issued to her on 16.8.83 stipulates,



"Other conditions of service will be governed by the relevant rules and orders issued from time to time by the Indian Council of Agricultural Research, Government of India." Thus CCS(Temporary Service) Rules 1965, are applicable in this case, in view of Rules 30 of chapter-III of the Rules and Bye-laws pertaining to employees of Indian Institute of Sugarcane Research, Lucknow being constituent unit of Indian Council of Agricultural Research New Delhi. The above rules of Bye-laws say : "Except in regard to matters for which specific provision has been made in the Rules, Bye-laws, Regulations or Orders made of issued by Society, the service and financial Rules and Orders, issued by Society, the service and financial Rules and Orders, issued by the Government of India from time to time, shall apply mutatis mutandis to the employees of the Society in regards to matters concerning their conditions of service." Thus the termination order is in accordance with the terms and condition of the employment.

17. That the contents of para 17 of the Writ Petition are denied and it is stated that her services were terminated in accordance with the rules and regulation, as her work was found unsatisfactory. There has been neither any illwill nor any colourable exercise of power on the part of opposite party No.2 and 3 in terminating the services of the petitioner. There is absolutely no malafide on the part of opposite party No.3.
18. That the termination order as issued on 9.1.86 was implemented with effect from the same date and the petitioner handed over the keys of the drawer and other articles under the charge to her immediate superior officer the technical officer. Since than nothing remains under her charge.
19. That the Hon'ble High Court on 12.3.86 when the writ petition was heard for admission, directed the opposite parties to file the counter affidavit by Monday the 17th March 1986 but since the matter related to the Indian Council of Agricultural Research who has its Headquarters at New Delhi the parawise comments had to be approved by the authorities at New Delhi. This could be done only yesterday, further

Viswanath Singh



Contd....11/-

(269) 67
- : 12 : -

I identify the deponent who has signed before me.

S. S. Malik
ADVOCATE

Solemnly affirmed before me on 20.3.86. at 10.00 AM
by the Deponent Sai. K. Singh who is identified by S. S. Malik
D. S. Randhan, Advocate High Court Lucknow.

I have satisfied myself by examining the Deponents that
he understand the contents of this affidavit which have been
read over and explained by me.

S. S. Malik
ADVOCATE
20/3

S. S. Malik
Advocate Cath Commissioner
Allahabad High Court
Lucknow Bench, Lucknow.
No. 79/61/86.....
Date. 20.3.86.....



65
100

the deponent himself mostly remained out of station on official tours during this period. As such the counter affidavit could not be prepared and filed, earlier. The delay in preparing and filing this counter affidavit is not deliberate and it is liable to be condoned.

20. That the deponent has been advised to state that alternate remedy by way of appeal to the Director General, Indian Council of Agricultural Research, New Delhi was open to the petitioner but he has not availed of the same.

21. That the grounds taken by the petitioner are not sustainable in law and the petitioner is not entitled to any relief prayed for. The writ petition being devoid of any merit is liable to be dismissed with cost.

Lucknow

Dated 20.3.86

Isaac Singh
DEPONENT

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1, 2 and 19 are true to my own knowledge, the contents of paras 3 to 18 are true to my knowledge derived from the official records and the contents of paras 20 and 21 of this affidavit are believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed so help me God.

Lucknow

Dated 20.3.86

Isaac Singh
DEPONENT

(P69) 67
- : 12 : -

I identify the deponent who has signed before me.

S. S. Malik
ADVOCATE

Solemnly affirmed before me on 20.3.86. at 10.30 am
by the Deponent *Sri. K. Singh* who is identified by *S. S. Malik*
D. S. Randhan, Advocate High Court Lucknow.

I have satisfied myself by examining the Deponents that
he understand the contents of this affidavit which have been
read over and explained by me.

S. S. Malik
ADVOCATE
20/3

S. S. Malik
Advocate Cath Commissioner
Allahabad High Court
Lucknow Bench, Lucknow.
No. 7761/86
Date. 20.3.86



870

69

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH

LUCKNOW

Writ Petition No. of 1986

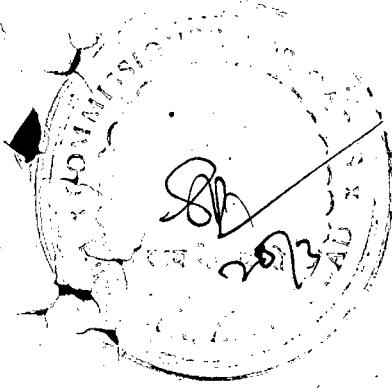
Shrimati Renu Pant Petitioner.

Versus

Indian Council of Agricultural Research Opposite
Parties.
and others.

Isaude Singh

Annexure No. A - 1



INDIAN INSTITUTE OF SUGARCANE RESEARCH
P.O. DILKUSHA : LUCKNOW - 226002
NO. F.3-195/83-Adm.I

Dated : September 22, 1983

OFFICE ORDER

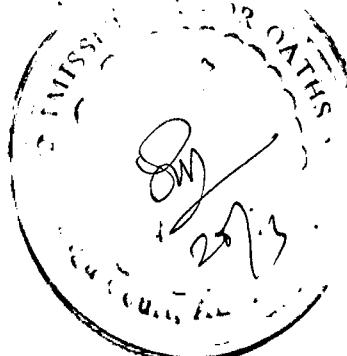
The Director, IISR has been pleased to appoint Mrs. Renu Pant to the post of T-II-3 (Technical Assistant) at this Institute in the scale of Rs. 425-15-500-EB-157 560-20-700, in a purely temporary capacity with effect from 17.9.1983 (P.N.) on the terms and conditions laid down in this office memorandum No. 8-22/83-Adm.I dated 16.8.1983 until further orders.

(P.N. Avasthy)
Senior Scientist &
Head of Office

Distribution :-

1. Mrs. Renu Pant, T-II-3 (Tech. Asstt.) through the Incharge, Tech. Cell, IISR, Lucknow.
2. The Chief Administrative Officer, I.A.R.I., New Delhi with reference to his office order No. 2-33/83-Per.IV dated 16.9.1983. Head L.P.E. Service Book & Leave Account may please be kept & be kept.
3. Asstt. Accounts Officer, IISR, Lucknow.
4. Adm.II Section, IISR, Lucknow.
5. Concerned Section. (Tech. Cell)
6. Guard File.

*BAGCHI/19/9/1983.



APP

73

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH

LUCKNOW

Writ Petition No. 10000 of 1986

Shrimati Rema Park 5555555555555555 Petitioner.

Vegetables

Indian Council of Agricultural Research ~~versus~~ Opposite
Parties.
and others.

Michael Snijders

Specimen No. A-2



R/31
13/1/86

(2)
Annexure A-2

To,
The Director (Sr. A.O.)
Indian Institute of Sugarcane Research
Raibareili Road
P.O. Dilkusha.
Lucknow- 226 002

75

SUBJECT: Resignation from the post of
Technical Assistant T-II-3

Sir,

With due regards I am to state that I am
being harrassed by the Director, IISR from a period of six
months, therefore it is not possible for me to work in this
atmosphere in this office.

Under these circumstances, I hereby tender
my resignation from the post of Technical Assistant (T-II-3)
with immediate effect. Kindly clear all my dues as early as
possible.

Thanking you.

13/1/86
Date, 8/1/86.

Yours faithfully

RENU PANT

365 Kesarwani Bhawan
Purana Quilla
Cantt; Road LUCKNOW.

cc

To, The Director General
Indian Council of Agricultural Research
Krishi Bhawan
New Delhi-110 001.

Submitted for perusal. If approved she may be
informed that as her services had already been
terminated on 9-1-86, the question of resignation does
not arise. Moreover it may be seen from the postmark
on the envelope of this letter that she had despatched
it on 9-1-86 i.e. after termination of her services.

Sr. Au. Secretary
13/1/86

Director

D. P. Chandra
15.1.86

15/1/86

(274)

77

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUDHIANA BENCH

LUDHIANA

Unit Petition No. 50000 of 1986

Shri Sant Ram Parkash Chawla vs. Indian Council of Agricultural Research & others Petitioner.

Versus

Indian Council of Agricultural Research vs. Opposite Parties.
and others.

all rights

Argg. No. A - 3



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH

LUCKNOW

Writ Petition No. of 1986.

Shrimati Benu Pant petitioner.

versus

Indian Council of Agricultural Research Opposite
and others. Parties.

Issued Draft

Annexure No. A-4



R/uc
14/11/86

83

A-4

822

365, Kashiwan Bhawan
Purana Qila
Court Road
Lucknow 226001

Sir,

Please refer to my resignation dated 8.1.86 from the post of Tech. Asstt I.I.S.R from the I.I.S.R. Lucknow. I request you to consider it as 'Conditional Resignation' because I got the information from the I.I.S.R Head- Dr. Kishan Singh, Director IISR has terminated my services under Rule II w.e.f 8.1.86.

Now, further to request you that I am ready to serve anywhere except I.I.S.R i.e. under Dr. Kishan Singh. Again, I request you to consider my earlier resignation as 'Conditional Resignation' as I was constantly being harassed by Dr. Kishan Singh.

Hopeing a sympathetic reply /
action from your good self.

Thanking you.

With regards
Renu Pant

S.M.
DR N.S. Rundhawa
Director-General
Indian Council of Agricultural Research
Kashi Bhawan
New Delhi - 110001

(Mrs) RENU PANT

✓ CC to : Director
Indian Institute of Sugarcane Research
Rae Bawali Road
Lucknow - 226002 (U.P.)

Renu Pant
(RENU PANT)

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

LICEN^{CE} REG.

LUCKNOW

Writ Petition No. 666 of 1986.

Sudeshi Devi Pant vs. Indian Council of Agricultural Research & others Petitioner.

versus

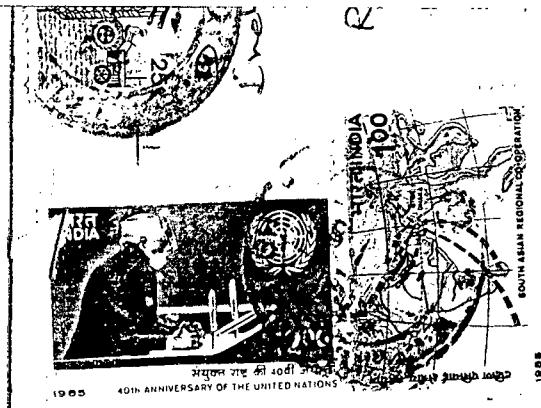
Indian Council of Agricultural Research vs. Opposite Parties
and others.

Issue Date

ATTESTED FOR A-5



A-5
67



Ranipet
365, Kanchipuram, Tamil
Nadu, India 602 002

Yashwant Singh



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH

LUCKNOW

Writ Petition No. of 1986

Shrimati Renu Pant Petitioner.

Versus

Indian Council of Agricultural Research Opposite
and others. Parties.

Issue Date Annexure No. A - 6



At $\alpha = 6$

2712. 21st Oct 1924

Spring
weather



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH

LUCKNOW

W.M. Petition No. 50000 of 1986

Sukhdev Ram Patel 50000 50000 Petitioner

versus

Indian Council of Agricultural Research 50000 Opposite
and others. Parties.

Ishtiaq Singsh.

FILE COPY NO. A-7



(A-3)

A-7

95 —

નિયમો નોંધે આ એ | ૩૪૭
નિયમો નોંધે કરું એક આર્થ
ને એ વિનાની એ એક એ
નોંધે એ એ

Ahmed
9.1.86

ADM
FMS

list of Snips -



2000

97

THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

1920-21

卷之三

1993 EDITION 1000 of 1000

卷之三十一

卷之三

Indian Council of Agricultural Research  **Opposite
Parliament.**

Michael Sniff

卷之三



In the light of the meeting of the Regional Committee on 12-13, 1985 at Patna, leave from absence of any kind may not be permitted till this meeting is over, from the Technical Cell and the Director's Personal Cell.

Iskandar Singh

Director. 29/6/85

1) Mr. Bakhtawar Singh B. Singh
 2) Dr. T.R. Budhraja 29/6/85
 3) Smt. Renu Pant 29.6.85
 4) Shri Aparash Mukerji. 29/6/85
 5) Shri B.C. Chakravarty 29/6/85
 6) Shri Jethanand H.C. 29.6.85
 7) Smt. Usha Raisharma 29/6 ^{Noted thanks}
Urgent ^{29.6.85} ^{to} ^{the Sr. Tech. Officer}

Leave from

your leave
 has already been
 refused
 upto 8.7.85.

As informed earlier, I shall
 be on 3 days leave on 1, 2 and
 3rd July '85 for some urgent
 work in Delhi. Thank you.

Please don't take leave for granted.
 Our work has a priority.

Renu

Director

29.6.85

29/6/85

1. May kindly see the note of
 Mrs Renu Pant for order.

2. Shri Saeed Akhtar may B. Singh
 also be instructed not
 to take any leave during
 the above period and
 should also ensure his
 punctuality and accountability
 of work. B. Singh

29/6/85

Iskandar Singh



826

10/

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH

LUCKNOW

Writ Petition No. of 1986.

Shrimati Renu Pant Petitioner.

Versus

Indian Council o-f Agricultural Research Opposite
and others. Parties.

Swif Annexure No. A - 9



(S)

A-9 (D)

To,

The Senior Tech. Officer

103

Technical Cell

I.I.S.R.

Lucknow.

Sir,

Due to unavoidable family circumstances, I was unable to attend the office on 1st, 2nd and 3rd July, 1985. Therefore, kindly grant me 3 days leave on the above dates.

Thanking you,

Yours faithfully

Renu Pant

Tech. Asstt.

Tech. Cell

I.I.S.R. Lucknow

Date - July 4th, 1985.

Forwarded with the remark that Mrs Renu Pant T-II-III was refused leave by Director up to 8.7.85 as per his note dated 29.6.85 (copy enclosed) due to pressure of work of the ensuing meeting of the Regional Committee No 4 to be held at Patna on July 12-13, 1985. Despite Director's refusal she availed 3 days leave (c.l.) from July 1-3, 1985 vide her post-leave application dated July 4, 1985. Submitted for appropriate action in the matter.

B. Singh
5/7/85

Signature *Stamp* Encl. as above

Head of office/Director

Yelson
5/7/85

Director

original
tackled please
B. Singh
22/7/85

Please attach the Director's order in original. In further m.a. in this case
Tech cell
22/7/85

PSB

105

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH

LUCKNOW

Case Petition No. 105 of 1956.

Plaintiff, Name etc. etc. etc. Petitioner.

Defence

Defence Council, e.g. Agricultural Research etc. Opposite
Parties.

and others.

Israfil Singh

105/10



INDIAN INSTITUTE OF SUGARCANE RESEARCH, LUCKNOW - 2.

No. 8-7/75-Adm.I.

A-10

ASY

Dated the 11th July, 1985.

OFFICE ORDER

Director, I.I.S.R., Lucknow, has been pleased to order the following transfers with immediate effect.

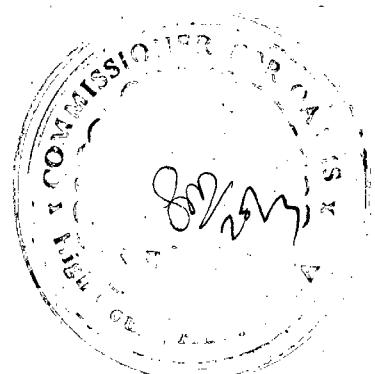
Name and Designation	From	To
1. Smt. U. K. Sharma, Jr. Clerk	D.P.C.	Division of Agricultural Engineering.
2. Shri Ram Naresh Jr. Clerk	Division of Agril. Engineering	D.P.C.
3. Shri S. K. Bagchi, Jr. Clerk	Adm. I. Section	D.P.C.

Distribution

(Y.R. SAXENA)
SR. SCIENTIST AND HEAD OF OFFICE

1. All concerned through Divisional/Sectional Head.
2. All concerned Divisional/Sectional Head.
3. Asstt. Accounts Officer, I.I.S.R., Lucknow.
4. Incharge, Adm. II Section, I.I.S.R., Lucknow.
5. A.A.O. (S & V), Adm. V Section, I.I.S.R., Lucknow.
6. A.A.O., Adm. III Section, I.I.S.R., Lucknow.
7. Personal File of the concerned.
8. Guard File.

• 8-7/11-7-85.



890

109

IN THE HIGH COURT OF JUDICATURE OF MADRAS

LETTER BEING

LIQUIDATION

Under Petition No. Date of 1925

Contract Farm Park Date 1925 Petitioners

Defects

Indian Central & Industrial Board, Date 1925
and others.

Ismael Singh

RECEIVED FOR RECORD



A-11

REVIEWED BY: [Signature]

RESEARCH INSTITUTE

No. 1 (S) / 79-Vig.

Dated the 25th March, 1981.

To

The Directors of Research Institutes.

Subject: Schedule of Disciplinary and Appellate Authorities for imposition of penalties on ICAR employees in terms of Central Civil Services (Classification, Control & Appeal) Rules, 1965 (as extended to ICAR employees).

Sir,

I am directed to invite a reference to the Council's letter No. 7-1/77-Per.IV dated the 14th March, 1978 notifying the schedule of disciplinary/appellate authorities in respect of posts for which President/D.G., ICAR is the appointing authority and to say that since this schedule did not cover all categories of posts the matter has been reviewed in the Council.

As a result of this review, a comprehensive schedule of disciplinary/appellate authorities in respect of major and minor penalties (as per CCS(CCA) Rules, 1965 as extended to ICAR employees) covering various categories of posts both at the headquarters of the Council and at the research institutes has been drawn up and approved by the President, ICAR. A copy of the revised schedule is enclosed.

This supersedes all previous orders regarding appointing/disciplinary/appellate authorities in the institute and the headquarters of the Council. It is requested that hereafter all disciplinary cases may be processed strictly in accordance with the said schedule.

Yours faithfully

(P.N. Rau) 27/3/81
Secretary

Copy forwarded to:-

1. All D.D.G., ICAR.
2. Director(p)/Director(Fin)/Director(Works)
Director (P&I).
3. Addl. Secy (AS)/Addl. Secy (AR)/Addl. Secy (A)/
Dy. Secy (DARE)/Secretary (ASRD).
4. DD(P)/Al) under secretaries/Controller of
examination, ASRD/Legal Adviser, ICAR.

P.T.O.

To be forwarded to the Director, ICAR
for the orders and
reference.

B.M./81

(sgd)

Schedule of Disciplinary and Appellate Authorities for
Imposition of Penalties on I.C.A.R. Employees in terms of
Central Civil Services (Classification, Control & Appeal)
Rules and Institutes of Bye-Law, etc. of the Eye-Research & Agricultural Research.

S. No.	Description Appointing Authority to impose penalties	Appellate Authority	Authority to impose penalties	Appellate Authority	Authority to impose penalties
1.	Scientific Posts	(v)	HEADQUARTERS	(v)	INSTITUTE
2.	Posts in Grade	S-6 (Rs. 3500 fixed)	S-7 (Rs. 3000 fixed)	S-6 (Rs. 2500-125/- 3000)	S-5 (Rs. 2000-125/- 2-2500)
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
17.					
18.					
19.					
20.					
21.					
22.					
23.					
24.					
25.					
26.					
27.					
28.					
29.					
30.					
31.					
32.					
33.					
34.					
35.					
36.					
37.					
38.					
39.					
40.					
41.					
42.					
43.					
44.					
45.					
46.					
47.					
48.					
49.					
50.					
51.					
52.					
53.					
54.					
55.					
56.					
57.					
58.					
59.					
60.					
61.					
62.					
63.					
64.					
65.					
66.					
67.					
68.					
69.					
70.					
71.					
72.					
73.					
74.					
75.					
76.					
77.					
78.					
79.					
80.					
81.					
82.					
83.					
84.					
85.					
86.					
87.					
88.					
89.					
90.					
91.					
92.					
93.					
94.					
95.					
96.					
97.					
98.					
99.					
100.					
101.					
102.					
103.					
104.					
105.					
106.					
107.					
108.					
109.					
110.					
111.					
112.					
113.					
114.					
115.					
116.					
117.					
118.					
119.					
120.					
121.					
122.					
123.					
124.					
125.					
126.					
127.					
128.					
129.					
130.					
131.					
132.					
133.					
134.					
135.					
136.					
137.					
138.					
139.					
140.					
141.					
142.					
143.					
144.					
145.					
146.					
147.					
148.					
149.					
150.					
151.					
152.					
153.					
154.					
155.					
156.					
157.					
158.					
159.					
160.					
161.					
162.					
163.					
164.					
165.					
166.					
167.					
168.					
169.					
170.					
171.					
172.					
173.					
174.					
175.					
176.					
177.					
178.					
179.					
180.					
181.					
182.					
183.					
184.					
185.					
186.					
187.					
188.					
189.					
190.					
191.					
192.					
193.					
194.					
195.					
196.					
197.					
198.					
199.					
200.					
201.					
202.					
203.					
204.					
205.					
206.					
207.					
208.					
209.					
210.					
211.					
212.					
213.					
214.					
215.					
216.					
217.					
218.					
219.					
220.					
221.					
222.					
223.					
224.					
225.					
226.					
227.					
228.					
229.					
230.					
231.					
232.					
233.					
234.					
235.					
236.					
237.					
238.					
239.					
240.					
241.					
242.					
243.					
244.					
245.					
246.					
247.					
248.					
249.					
250.					
251.					
252.					
253.					
254.					
255.					
256.					
257.					
258.					
259.					
260.					
261.					
262.					
263.					
264.					
265.					
266.					
267.					
268.					
269.					
270.					
271.					
272.					
273.					
274.					
275.					
276.					
277.					
278.					
279.					
280.					
281.					
282.					
283.					
284.					
285.					
286.					
287.					
288.					
289.					
290.					
291.					
292.					
293.					
294.					
295.					
296.					
297.					
298.					

1. Posts in Grade	1. Posts in Grade
2. Posts carrying a Pay Scale, the maximum of which President, Vice-President or Secretary of the Ministry concerned exceeds Rs. 2000/- per month.	2. Posts carrying a Pay Scale, the maximum of which President, Vice-President or Secretary of the Ministry concerned exceeds Rs. 2000/- per month.
3. Posts in Grade	3. Posts in Grade
4. Posts in Grade	4. Posts in Grade
T-9(Rs. 1500-2000)	D.G., All President ICAR.
T-8(Rs. 1300-1700)	a) D.G., All President ICAR. b) Secy., (1) D.G., to ICAR. (17)
T-7(Rs. 1100-1600)	b) Secy., (1) D.G., to ICAR. (17)

Copy
2

Final Draft

193

132

Strong
see

1878

$$u_9 = 6p - 36$$

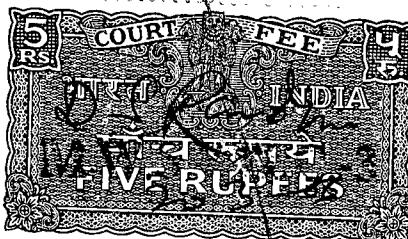
In The Hon'ble High Court of Judicature at Allahabad
(Lucknow Bench, Lucknow, (295)

ब अदालत श्रीमान

महोदय

[वादी] अपीलान्ट ✓

प्रतिवादी [रेस्पान्डेन्ट] O.P.S. 143.



श्री I.C.A. Adelai

का वकालतनामा

W.P. No. 1612-1946.

दादी (अपीलान्ट)

10. 11. 1946, 119

Smt. Renu Pant Vs. J.C. A.R. & others

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं.

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

D. S. RANDHAWA, Advocate
Senior Standing Counsel, Central Court वकील

Allahabad High Court, Lucknow Bench, Lucknow.

महोदय
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही 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 हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा द्वितीय दिया प्रमाण रहे और समय पर काम आवे।

(KISHAN SINGH)

Director

Indian Institute of Sugarcane
Research, Lucknow. हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

20/3/86

महीना

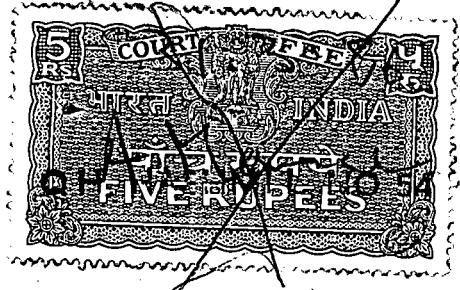
सन् १६ ई०

(Service Benign)

100

12

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALAHABAD:
LUCKNOW BENCH, LUCKNOW.



Civil Misc. Application No. 379 (W) of 1986:

IN RE :

WRIT PETITION NUMBER 1612 OF 1986.

Shrimati Renu Pant. Petitioner/ Applicant.

Versus•

Indian Institute of Agricultural Research and Others.

Opposite Parties.

AN APPLICATION FOR THE INTERIM RELIEF.

The above named Petitioner - Applicant most respectfully submits as under:-

1. That the above mentioned Writ Petition is directed against the impugned termination of the services of the applicant. The Counter and Rejoinder Affidavits have been exchanged, which also indicate that the termination of the services of the applicant was only arbitrary.

THEREFORE, it is most humbly prayed that for the reasons already disclosed in the accompanying Rejoinder Affidavit, the impugned order of termination may kindly be stayed, pending the disposal of the Writ Petition and the Opposite Parties be directed to pay the salary regularly to the applicant, in the interest of justice.

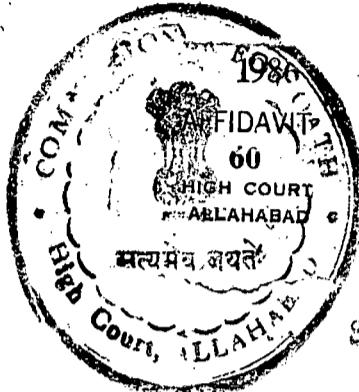
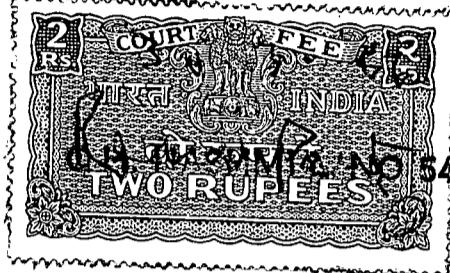
DATED: LUCKNOW:
MARCH 31, 1986.

A. Quinall
Counsel for the Petitioner/
Applicant.

APR 123

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

WIT PETITION NUMBER 1612 OF 1986.



Shrimati Renu Pant.

Petitioner.

Versus.

Indian Council of Agricultural Research and Others.

.... Opposite Parties.

Rejoinder Affidavit to the Counter
Affidavit, furnished on behalf of the
Opposite Party Number 1, 2 and 3, sworn
by Dr. Kishan Singh, dated March , 1986,
received on 20th March, 1986.

I, Shrimati Renu Pant, aged about 25 years,
Wife of Shri Arvind Pant, Resident of 365, Kesharwani
Bhawan, Purana Quila, LUCKNOW, states on oath as under:

1. That the deponent is the Petitioner in the
above mentioned Writ Petition, she has read the Counter
Affidavit furnished on behalf of the Opposite Party No.
1 to 3, understood the contents thereof and is fully
conversant with the facts and the circumstances stated
hereinafter.

2. That the contents of paragraph number 1 and 2
of the Counter Affidavit need no reply .

3. That the contents of paragraph number 3 of the
Counter Affidavit are denied, the deponent was origi-
nally appointed in the Indian Agricultural Research
Institute, which is one of the research institutes run



Renu Pant

Par

125

- : 2 : -

and managed by the Opposite Party Number 1, like the ~~government~~ Indian Institute of Sugar Cane Research, Lucknow, it may be further pointed out that the work and conduct of the deponent remain more than satisfactory, the allegation in the para under reply is vague and mis-leading. It may also be pointed out that apart her routine functions the deponent was marked several files by the Opposite Party Number 3, she was never given any, warning, or censure or any indication as to in what manner and in what respect her performance is lacking, hence this allegation of unsatisfactory work made by the Opposite Party number 3 is an after thought.

4. That the contents of paragraph number 4 of the Counter Affidavit need no reply.

5. That in reply to the contents of paragraph number 5 of the Counter Affidavit, it may be pointed out that the appointment, Annexure Number 'A-1' was issued in pursuance of the conditions of appointment offered to the deponent and accepted by her through Annexure number 5 to the Writ petition, which clearly indicate that the appointment of the deponent was on a probation for two years, which expired in September, 1985 satisfactorily and the deponent ought to have been confirmed thereafter. In any case the temporary service rules do not apply in the case of the deponent.

6. That the contents of paragraph number 6 of the Counter Affidavit are vehemently denied and the contents of paragraph number 5 of the Writ Petition are reiterated as correct. All the allegations of harassment are



Reva Pant

correct, the allegations made in Annexure Number 1 and 3 are also correct. It is incorrect that those allegations are after thought. It may be pointed out that the written resignation letter was ~~sent~~ ^{written} on 8th January, 1986, when the Opposite Party number 3 refused to take it, it was posted on 9th January, 1986 and there is nothing after thought in it.

7. That the contents of paragraph number 7 (a) of the Counter Affidavit are denied. It may be pointed out that there was no antidating, it was written on 8th January 1986 and posted on 9th January, 1986 (the conditional resignation) as mentioned by the deponent in the writ petition. It may further be pointed out that the allegations made therein are correct. The allegations of harrassment are true which was going on for the sufficient time, all the allegations have not been narrated in the Writ Petition or in Annexure Number 3, in which it has been mentioned that the deponent was asked to accompany the Opposite Party Number 3 to visit Patna with a halt at VARANASI. It may be further pointed out in that regard that the departmental vehicle was also arranged for the said journy.

8. That the contents of paragraph number 7 (b) ~~are~~ of the Counter Affidavit are not admitted. The letters contained in Annexure Number 'A-4' and 'A-5' were despatched on 11th January, 1986, ofcourse the deponent missed the date over it.

Ree Part



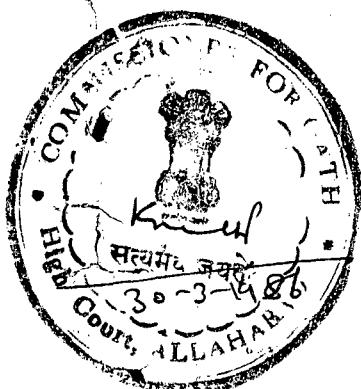
100

129

9. That the contents of paragraph number 7 (c) of the Counter Affidavit are denied, the deponent came to know about her termination on 10th January, 1986, the impugned termination order is wholly unwarranted. The story that the deponent refused to take the termination order is wholly false and fabricated, it was a result of the resignation letter of the deponent, which was conditional.

10. That the contents of paragraph number 8 of the Counter-Affidavit are denied, the deponent was appointed on two years probation, which she successfully completed in September, 1985. The Central Civil Services (Temporary Services) Rules, 1965 do not apply in the case of the deponent.

11. That the ~~Plagiarized~~ averments contained in sub-para (a) of paragraph number 8 of the Counter-Affidavit are denied, the allegations made by the deponent in Annexure No. 3 to the writ petition and paragraph number 8 of the writ petition are correct and bonafide, the impugned termination is wholly arbitrary, even in the counter affidavit it has not been indicated that how the deponent's work was treated unsatisfactory or not satisfactory. Suddenly on 9th January, 1986, how it became unsatisfactory under what conditions and under what circumstance and the only circumstance was as suggested by the deponent. The Opposite Parties have not pointed out any administrative exigency or public interest to warrant the impugned termination of the services of the deponent. There was no anti-dating, in any case, the conditional resignation was written on 8th January, 1986 and posted on 9th January 1986, there was no over-writing in it.



Leave Part

(10)

131

12. That the contents of paragraph number 8 (b) of the Counter Affidavit are denied, averments are false as those contradicted by subsequent averments of the counter affidavit, itself. It may also be pointed out that no reason will cause of so sudden termination has been disclosed in the counter affidavit.

13. That in reply to the contents of paragraph number 8 (c) of the Counter Affidavit, it may be pointed out that all the seven employees of the Directorate Personnel Cell ~~and~~ ^{including} four employees of the technical cell were not needed at Patna, at the maximum some officials of the personnel cell might be needed genuinely, but this all was planned with ulterior motives and not in the administrative interest, these activities are nothing new on the part of the Opposite Party number 3, other instances can be brought to the notice of the court. For the three days leave, the deponent submitted medical certificate and was paid salary for that period. At the time of the said leave and suggested visit of Patna, the child of the deponent was only of 11 months and the Opposite Party Number 3 was fully aware of it, the deponent was also ill.

14. That the contents of paragraph number 8 (d) of the Counter Affidavit are denied, like Shrimati Usha Kiran the deponent was also ill in any case she availed only three days leave and it was not due to any fault or default on the part of the deponent, but it was due to the illness and unavoidable circumstances.

15. That the contents of paragraph number 9 of the Counter Affidavit need no reply.



Reenu Pant

AOV

133

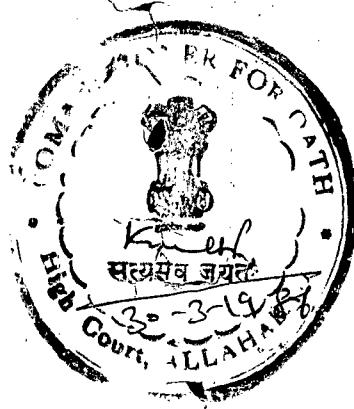
- :- 6 : -

16. That the contents of paragraph number 10 of the Counter Affidavit are denied and the contents of paragraph number 10 of the Writ Petition are reiterated as correct. It may be again pointed out that rule 5 of the Central Civil Services (Temporary Services) Rules, 1965, is not applicable in the case of the deponent.

17. That the contents of paragraph number 11 of the Counter Affidavit are denied and the contents of paragraph number 11 of the Writ Petition are reiterated as correct. It may be again stated that the deponent tried to deliver her conditional resignation to the Opposite Party Number 3, she was refused and then only she posted it on 9th January, 1986, ~~2000~~

18. That the contents of paragraph number 12 of the Counter Affidavit are denied and the contents of paragraph number 12 of the Writ Petition are reiterated as correct. There is no appeal or revision provided against the impugned termination in the C.C.C.A. Rules or elsewhere, so there is no question of existence of any alternative remedy. The deponent has not received any copy of Annexure Number 'A-13' as mentioned in paragraph number 12 of the Counter Affidavit.

19. That the contents of paragraph number 13 of the Counter Affidavit are denied and the contents of paragraph number 13 of the Writ Petition are reiterated as correct. The circumstances attendant and preceding clearly indicate that the impugned termination of the services of the deponent is wholly arbitrary and discriminatory, it is evident from the Counter Affidavit, itself.



Revised

20. That the contents of paragraph number 14 of the Counter Affidavit are not admitted as framed, and the contents of paragraph number 14 of the Writ Petition are reiterated as correct.

21. That the contents of paragraph number 15 of the Counter Affidavit are denied and the contents of paragraph number 15 of the Writ Petition, referring Annexure number 5 are reiterated as correct.

22. That the contents of paragraph number 16 of the Counter Affidavit are denied and the contents of paragraph number 16 of the Writ Petition are reiterated as correct. It may be further pointed out again that the provisions of Central Civil Services (Temporary Services) Rules, 1965 cannot be applied in the case of the deponent

23. That the contents of paragraph number 17 of the Counter Affidavit are denied and the contents of paragraph number 17 of the Writ Petition are reiterated as reiterated as correct. It may be further pointed out that the averments made therein are vague and misleading.

24. That the contents of paragraph number 18 of the Counter Affidavit are denied.

25. That the contents of paragraph number 19, 20 and 21 of the Counter Affidavit are denied.

DATED: LUCKNOW:
MARCH 3rd, 1986.

Renu Bant
(Shrimati Renu Bant)
Deponent.

R.T.I. OF THE DEPOENT.



Alou

137

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraph number 1 to 25 of this Rejoinder Affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

DATED: LUCKNOW:
MARCH 30th, 1986.

Renu Pant
(Shrimati Renu Pant)
Deponent.

R.T.I. OF THE DEPOSITION.

I know the deponent, identify her, who has signed before me.

DATED: LUCKNOW:
MARCH 30th, 1986. Clerk to Shri Abdul Mannan, Advocate,
Counsel for the Petitioner.



Solemnly affirmed before me on this the 30th day of March, 1986, at 11.45 a.m./p.m., by Shrimati Renu Pant, the deponent, who has been identified by the Clerk to Shri Abdul Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

I have satisfied, myself, by examining the deponent that she fully understands the contents of this Rejoinder Affidavit, which has been read out and explained by me.

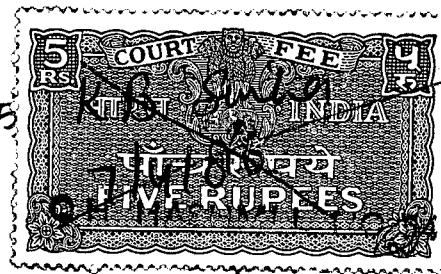
Kneel
SWEARING COMMISSIONER
High Court, Allahabad
Lucknow Bench
60 081986
30-3-1986

4/4-86

High Court at Allahabad.

व अदालत

लखनऊ

बादी Rep. No. 3. का वक्त
प्रतिवादी

139

Smt. Renu Pant

बनाम

Indian Council of Agriculture Research प्रतिवादी (मुद्राअलेह)

W.P. नं मुकदमा 1612 सन् १९४६. पेशी की ता १९८ १९०

ऊपर लिखे मुकदमे में अपनी ओर से श्री के० बी० सिन्हा व
श्री आलोक सिन्हा and Rekha Negam एडवोकेट महोदय
को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे
देता हूँ कि इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा
जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज़ दाखिल
करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल
करें या सुलहनामा वा इकबाल दावा तथा अपील व निगरानी हमारी
ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या
मुकदमा उठावे या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकसानी)
का दाखिल किया हुआ रूपया 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 होगी। इसलिए यह वकालत-
नामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

1. Suran Singh (OP3)

SHRI SURAN SINGH
Director
Indian Council of Agricultural Research
LUCKNOW-2.

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

7

महीना

५

सन् १९८६ ई०

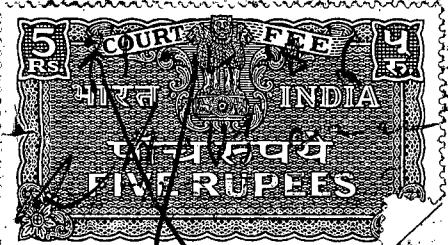
Accepted
Rekha
Negam
Adv.

Service Bench *AOB*

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:

LUCKNOW BENCH, LUCKNOW.

Civil Misc. Application No. 668/ (W) of 1986:



IN RE :

WRIT PETITION NUMBER 1612 OF 1986.

(4)

Shrimati Renu Pant. ... Petitioner / Applicant.

Versus.

Indian Council of Agricultural Research & Others.

Opposite Parties.

AN APPLICATION FOR THE INTERIM RELIEF.

The above named Petitioner - Applicant most respectfully submits as under : -

1. That through the above mentioned Writ Petition the applicant has challenged the validity of her impugned termination, which is wholly arbitrary and aafide.

THE THEREFORE, it is most humbly prayed that for the reasons already disclosed in the Writ Petition, affidavit and in the accompanying affidavit, the further operation of the termination order may kindly be stayed, pending the disposal of the Writ Petition and the Opposite Parties be directed to pay the salary to the applicant regularly, pending the disposal of the Writ Petition, in the interest of justice.

DATED: LUCKNOW:
APRIL 21, 1986.

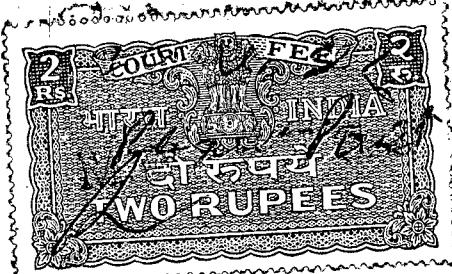
A. Chauhan
Counsel for the Petitioner /
Applicant.

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

Alot

M3

WRIT PETITION NUMBER 1612 OF 1986.



Shrimati Renu Pant.

Petitioner.

Versus.

Indian Council of Agricultural Research and Others. Oppo-
site Parties.

AN AFFIDAVIT IN SUPPORT OF THE APPLICATION
FOR THE INTERIM RELIEF.

I, Shrimati Renu Pant, aged about 25 years, Wife
of Shri Arvind Pant, Resident of 365, Kesharwani Bhawan
Purana Quila, Lucknow, states on oath as under :-

1. That the deponent is the Petitioner in the above mentioned Writ Petition, as such she is fully conversant with the facts and the circumstances stated in the said Writ Petition as well as stated hereinafter.
2. That the above mentioned Writ Petition is directed against the termination of the services of the deponent in the said writ petition, the affidavit between the parties have been exchanged and the question of Interim Relief is important, hence it is expedient in the interest of justice that the termination order of the deponent be stayed.

DATED: LUCKNOW:
APRIL 20th 1986.



1408

2

145

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraph number 1 and 2 of this affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

DATED: LUCKNOW
APRIL 26th 1986.

Renu Pant

(SHRIMATI RENU PANT)
Deponent.
R.T.I. of the Deponent.

I know the deponent, identify her, who has signed before me.

D. N. Tewari
DATED: LUCKNOW
APRIL 26th 1986. Clerk to Shri Abdul Mannan, Advocate,
Counsel for the Petitioner.



Renu Pant

Solemnly affirmed before me on this the 2nd th day of April, 1986, at 5.30 a.m./p.m., by Shrimati Renu Pant, the deponent, who has been identified by the Clerk to Shri Abdul Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

I have satisfied, myself, by examining the deponent that she fully understands the contents of this affidavit, which has been read out and explained by me.

Kiran
** COMMISSIONER
High Court, Allahabad,
Lucknow Bench
99 of 198
26-4-1986

(104)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.p.

No. 1612 of 198-86

155

vs.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
12-3-86	Jcm SS A,? Jcm K Nath,? a/44 off	31/3/86 DA 25/10/86
	20-3-86 a/1 31/3/86 DA 25/10/86 a/1 20-3-86 a/1 31/3/86 a/1 25/10/86 31/3/86 22/3/86 DA 25/10/86	
	a/12 (a/2)	Sd. SS A Sd. K Nath
12-3-86	13-3-86 cm. no. 3161 @ 86	
12-3-86	Jcm. SS A,? Jcm K Nath,? Put up along with the w.p.	Sd. SS A Sd. K Nath
		12-3-86

ORDER SHEET

(A10)

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WP

No.

1612

of 198

6

157

vs.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
4.4.86	<p>C.M. Am No. 3797 (W) 86 Hon. P. Dayal, J. Hon. D. S. Bajpai, J.</p> <p>Advocates are on strike, hence adjourned</p> <p style="text-align: right;">S 4/4</p>	C.O.
6/5/86	<p>Filed with C.M. Am No. 3797 (W) 86 for order.</p> <p>Hon. S. C. Mukherjee Hon. B. L. Lomberi.</p>	orders.
6/5/86	<p>Hon'ble S. K. Dhaon, J. Hon'ble D. S. Bajpai, J.</p> <p>Put up tomorrow</p> <p style="text-align: right;">M S</p>	
7.5.86		
7.5.86	<p>Hon. S. C. Mukherjee Hon. B. L. Lomberi</p>	
21-4-86	<p>Am No 66 MIL 86 for interim relief</p> <p>Hon. S. S. Ahone, J. Hon. B. L. Lomberi</p>	

Put up with the record
 8d-85 A
 5d 82 L

(AII)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1612 of 1986

159

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
19/11/86	fixed for adjourned hearing	1st Month
8.12.86	Hon S.C.M.J Hon B.L.L.J Sri V.K. Chaudhary has filed power on behalf of respondent No. 1. He prays for adjournment. List in the next week.	8.12.86
17/12/86	Hon S.C.Srinivasan, S Hon B. Kumar, S In view of this Court's order dated 17-10-86 this case should have been listed before the hearing Bench. List this case before the hearing Bench in the month of January, 1987.	8.12.86

Recd - 1
17.12.86
in

A/12

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. W.P. 1612 of 1986

VS.

[6]

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
3-3-87	<i>fixed for Ad & For Before H. C. Bench</i>	<i>to Bench M.L. - 10/3-87</i>
	<i>Hon. S. S. Ahmad J. Hon. P. Dayal J.</i>	
	<i>In the case shall stand out with request made on behalf of S/o K. B. Singh</i>	
	<i>of 3-3-87</i>	<i>On 10/3-87</i>
	<i>RS</i>	
10/3/87	<i>Hon. S. S. Ahmad J. Hon. P. Dayal J.</i>	
	<i>S.S. P.D.J.</i>	
24-3-87	<i>Hon. S. S. Ahmad J. Hon. P. Dayal J.</i>	
	<i>As directed earlier, this case shall be listed before a hearing Bench.</i>	

*On 10/3-87
24-3-87.*

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 161 of 198 (3)

—Vs.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
30.4.87	Arrang for adjournance before the f. s. c. of Hon. U. C. S. J. Hon. D. S. B. J.	Be. 1 st 11/5/87 2 weeks
7.5.87	Hon. S. C. M. J. Hon. S. S. A. J. SV L 7/5	
14.5.87	Hon. S. C. M. J. Hon. S. S. A. J. S. C L 7/5	
21.5.87	Hon. S. C. M. J. Hon. B. C. L. J.	
21.12.87	Hon. S. C. M. J. Hon. V. G. M. J.	1/1/88