FORM NO. 21

(See rule 114)

	Dwonika s	P/MA/PT 124/	Applica	nt(S)
. *		Versus		
•	00 I Am	(:	Respond	ent(S)
		INDEX SHEET		
Serial No.	DESCRIF	TION OF DOCU	MENTS	PĄC
	Thecap list		A1 to A2:	
2 -	ender Meet 39	udencest at 8 qu	A3 to. A8.	
	Capy of Petits	on/gnnexan	A9 to 419	
3-	Alaer	/ .	A20	
4 -	law orter office	detek	1721 to A.	25
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6 -	Notice		A 26	•
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Signature of	$^{-}\mathcal{O}$ $^{\vee}$		Signature of Deal.	30/9/

CENTRAL ADMINISTRATIVE Cercent ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001 Gonothi Bhasan weleness

Registration No. BA of 1988 124

(s) ... Droarek a ... Singh.

RESPONDENT(s) ... Ikmier / malia through frarelay Department

y Post and Telegrapho New Delhi 2023

Particulars to be examined

Endorsement as to result of Examination

- 1. Is the appeal competent?
- (a) Is the application in the prescribed form?
 - (b) Is the application in paper book form?
 - No (only two at home bear fiked) (c) Have six complete sets of the application been filed?
- (a) is the appeal in time?
 - (b) If not, by how many days it is beyond time?
 - (c) Has sufficient case for not making the application in time, been filed?
- 4. Has the document of authorisation, Vakalat- 400. nama been filed?
- Is the application accompanied by B. D. /Postal- P.O. N. 65065110 out. 20,9.88 Order for Rs. 50/-
- 6. Has the certified copy/copies of the order (s) against which the application is made been filed?
- (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?
 - (b) Have the documents referred to in (a) yes (Bey Grazelles of hear) above duly attested by a Gazetted Officer above duly attested by a Gazetted Officer and numberd accordingly?

C.A.T, Circuit Bench, Lucience ERDER SHEET 0 A No 124/00 (C) ORDER Hon. D. S. Misra, A.M. Issue notices. One month for C.A. 4 14 Admit days for R.A. The prayer for interim relief is rejected. S. M. . C. . T. . Lim CREAL LA CALL MAINTENANCE LA govern affice it spid to have the Notices for respondents No. received by 11 Son V. K. Chaudhing, Cart Council fizery 21-11.00 for Leaving with No Setting. Adjourned to 241-09. 21.11.0N for filing nethers. Compel for applicant is present. DR 24.1.09 None is present to the o.l. 21.2.29 Repley may be filed by No sitting. Adjourned do 9-3-89 21-2-89 coursel For the applicant present. And CA Filed today on behalf of The respondents. The case is slisted For Piling nejounder on 11/4/89

Brief Order, Mentioning Reference if necessary with and date of compliance. Han Joses L. Malh. Ve 28.2-90 Han Mr. K. J. Roman The erse is adjoinentory. 5.90 to hooring No RA Hey Are MM. SFH -5-90 Harloh Mr. D.K Agawal Im Honor Im. K. Oberjya Am Bar is on Chrice Adking to A. O. 90 12-11. No Sitting Belg: to 20/11/90 dys. No Rothled 2011-00 8,P4 Herbl. Mr. 3128/200 K Mair. Ve Agents. . W. W. M. Singer 10/11 Due to said do muse of shi B. K. Svivestovi Adv Concern adjoined to 22 . 1. 91 ine sitting Had to 27.3 . 31.

Di.nesh/

¥5 3

M 7. R.

Both the parties are abound. Applicand to file Rypeinder by 15/5/92.

15.5.92 D.R.

counsel for o.p. is

present. Applicant

to file Rejoinder by

6/8/92.

2.3.93 D.R.

This file has been traced undated during physical verification.

9kme notice for 10. 4.93 by U.P.C:

holita, rations
back Altroffer

Notice 2824 ed

0.2-4-95

(2) 12/4/93 D.R.

Both the parties are absent.

C. A. has been filed but

R.A. has not been filed

today. Applicant to file R.A.

en the date board. Ust on

315193 for F.H.

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13.8.93

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ROSOHA SZ

HOMM. Mr - S.N. Presad J.M. Homm. W.1C. Selh D.M.

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30 26 11.93

Haild. Mr Josopher R. R. R. Venn Ve Daild. Mo V.K. Selv Du

Carph. b'en et pladings & bilings
Reporter en 23.12-53

<u>, L</u>

MKN-Ve

Charbeer De O

23.12 .93. D.R.

Both the patites are not present. C.A. has been filed but R.A. has not been filed till today by the applicant.

Applicant is directed to file it on the date fixed. List on 15.2.94 before me.

Amit..

RAhm Med Joeln Hed Joeln Strate D.R.

15.2.94. D.R.

been filed. till today. Respondents are directed to file in on the date fixed.

List on 8.4.94 before me.

Amit

D). R.

8.4.94.

Applicant is not present, Respondents are also present. C.A. filed but R.A. has not been f-iled today by the mapper licant. Applicantis directed to file it by 16.5.94 before me.

Amit..

D.R.

5/10/94. Hon.Mr. Justice B.C. Saksena, V.C. Hon. Mr. V.K. Seth, A.M.

This O.A. is of 1988. The order sheet discloses that on a large number of dates when the case was fixed earlier, no one appeared on behalf of the applicant. To-day also when the case was called out no one responded on behalf of the applicant.

It appears that the applicant is not interested in pursuing the matter. The O.A. is accordingly dismissed in default and for non-prosecution.

(nair)

Member (A)

Vice-Chairman.

ed they are a father

Wheel trans

OA 124 of OOLL)

IN THE ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

between

Dwarika Singh

Versus

Union of India and others

INDEX.

S.No.	Particu	lars	Page No.
1.	Claim Applic	1 to 7	
2.	Annexure-I	Photo State copy of the Leaving Certificate to Show Date of Birth of applicant 10.12.24.	8
3.	Annexure-II	Order of Retirement dt. 30.8.88 Memo No. A-398	9
4.	Vakal atnama		

Lucknow dated: -

September 20,1988.

GS. Sikarwar)
(G.S.SIKARWAR)
ADVOCATE
COUNSEL FOR THE APPLICANT
HICH COURT, LUCKNOW.

Not fer.

21.9.88.

7. C G. Silam 2019

In the Central Administrative Tribunal Allahabad Circuit Bench, Lucknow.

Between

. Dia rika Singh

.....Applicant

1/0

Versus

Union of India and others

Respondents.

Petailas

Details of the Application: -

Particulars of Applicant

(i) Name of Applicant

Dwarika Singh

(ii) Name of Father

Sri Gaya Singh

(iii) Age of the Applicant

About 64 years

E D B P M Munder Haider

(iv) Particulars

Nil.

CARACTO Office Address

(vi) Address of Service of Notice Dwarika Singh son of Sri Gaya Singh Resident of village and Post

Munder District Hardoi.

Versus.

Departmento

- 2. 1. Union of India through Secretary Posts and Telegraphs
 New Delhi.
 - 2. Director General Posts and Telegraphs Lucknow.
 - 3. Superintendent of Post Office Hardoi District Hardoi 24100
 - 4. S.D.I. (North) Hardoi

5. Post Master Hardo1.

5. Particulars of the order against which application is made -

I. Memo No. A- 398

Annexure II

II. Date

30.8.1988.

III. Passed by

The Supdt of Post Offices

X.

Hardoi District Hardoi.

IV. Retiring the applicant with immediate effect.

I happings order Servedon - 1.9.1988

4. Jurisdiction of the Tribunal

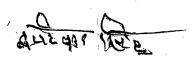
The applicant declares that the subject matter of the order against which they want redressal is within the jurisdiction of the Tribunal.

5. Limitation-

The applicant further declare that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act 1988.

6. FACTS-

1. That the applicant has passed Class V examination in 1934. The date of Birth has been shown in leaving certificate is 10.12.24. The photo



State copy of the Leaving Certificate of the applicant issued by Principal dated 2.8.74 is being annexed as Annexure I to the application.

- 2. That the applicant is a ex-Army Personnel.
- 3. That applicant join in Army Infantry (Boys) in 10.7.40
- 4. That on 10.12.43 applicant was regular on the post of Havaldar in the Unit of Rajput Regiment. His date of enrolment is 10.12.1943. At that time his age was recorded Eighteen years.
- 5. That on 14.4.61 applicant was Transferred to pensionest under Army Rule 13(3) III(1) after service Eighteen years and Thirty are days.
- orally he was requested to join in Postal Service as Branch Post Master Munder Hardoi. The applicant Join the Service and remain in service their continuing on Service
- 7. That no complaints have been made against the applicant and his conduct has been very good during service.
- vide dated 30.8.88 by which applicant has been permitted to retire from service with immediate with only giving any reason in cycle.

 effect) The original copy of order of retirement

his

व्यार करत एन्ड

pondent it that operation and implementation of order dated 30.8.88 Annexure II issued by Respondent No. 3 may kindly be stayed pending final decision on the application.

11. In the event of application being sent by Registered Post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self addressed Post card/Inland Letter at which intimation regarding the date of hearing could be sent to him.

Not applicable.

12. Particulars of Bank Draft Postal Order in respect of the application fee.

Number Indian Postal order (s) ID065110 1. Name of the Bank or which drawn. - 250/-

- 2. Comand Frast No. Name of the issip P.O. High Court Bench
 3. Date of Issne of Postal order 20.9.80
 4. Post office at which payable Contral Administration Didning Allehaber
 - I. Photo state copy of the Leaving Certificate issued by Principal dated 2.8.84. Annexure I.
 - II. The Original Copy of the order of Retirement Memo
 No.A-398 dated 30.8.88 Annexure-II.

Verification.

I, W Dwarika Singh son of Sri Gaya Singh aged about

विषय करा सिंह

7. DETAILS OF THE REMEDIES EXHAUSTED:

The applicant declares that he has availed of all the remedies available him under the relevant rules etc.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

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

9. (A) RELIEF SOUGHT.

In view of the facts mentioned in para 6 of above applicant prays for the following reliefs:-

- (i) Issue a direction to Respondents to quash the order dated 30.8.88 passed by the Respondent no. 3 which is now speaking order.
- (ii) Issue a direction or appropriate order to this

वागरेका एक्ट

Section 4

effect that applicant may deem to be continue his services till 65 years as prescribed in E D A (Conduct and Service) Rules, 1964 on the basis of Annexure I to the application.

The above mentioned reliefs has been prayed on the following grounds.

(B) GROUNDS.

- (a) Because date of Birth of the applicant is 10.12.24.
- (b) Because age limit for employment as E D Agent
 Agent can be retained in Service will be 65
 years has been prescribed under E D A
 (conduct and Service) Rules, 1964.
- (c) Because the impugned order has been passed without holding any inquiry.
- (d) Because the impugned order has been passed

against the principles of Natural Justice.

(e) Because the order impenged is non-speak

ing & is prefinablise order of retirement.

10. INTERIM ORDER IF ANY PRAYED FOR -

Pending final decision on the application, the seeks issue of the following interim order-

agricus DE

To issue a direction or suitable order to respondent that operation and implementation of order dated 30.8.88 Annexure II issued by Respondent No. 3 may kindly be stayed pending final decision on the application.

11. In the event of application being sent by Registered Post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self addressed Post.card/Inland Letter at which intimation regarding the date of hearing could be sent to him.

Not applicable.

12. Particulars of Bank Draft Postal Order in respect of the application fee.

Number Indian Postal order (s) ID065110

1. Nome of the Bank or which drawn. - R. 50/-

2. Remand Frakt No. Name of the issip P.O. Ingh Court Bened 3. Date of Issne of Postal order - 20.9.80 G. Post office at which payable - Central Administration - Bubunal Allehabe

- I. Photo state copy of the Leaving Certificate issued by Principal dated 2.8.84. Annexure I.
- II. The Original Copy of the order of Retirement Memo
 No.A-398 dated 30.3.88 Annexure-II.

Verification.

I, W Dwarika Singh son of Sri Gaya Singh aged about

विगरका श्रिष्ट

64 years Working as E.D. Branch Post Master Munder Hardoi resident of village and Post Munder District Hardoi do hereby verify that the contents of para 1 to 8 and 10 to 13 are true to my own knowledge and para 9 of the application believed to be true on legal advice and have not suppressed any material fact.

Date: -

Place

Signature of applicant.

G.S.Sikarwar,

Advocate,

1/6

· High Court, Lucknow.

through

_&

Ø.

Lucknow

Owanika Singh

Applicant

8

Annexure- I

Union of India other -

opproto Rashis

सार्टीफिकेट ऋम संख्या लीविंग सार्टीफिकेट स्कूल तथा रिजस्ट्रांकित संख्या क्रास्त्र प्रिक्त प्राचित संख्या क्रास्त्र संख्या क्रास्त्र प्राचित संख्या क्रास्त्र संख्या क्रास्त संख्या क्रास्त्र संख्या क्रास्त्र संख्या क्रास्त्र संख्या क्रास्त् जन्म तिथि " एक विकास मार्थिक मार्थिक विकास मार्थिक विकास मार्थिक विकास मार्थिक विकास मार्थिक मार्थिक विकास मार्थिक विकास मार्थिक मार्या मार्थिक मार्या मार्थिक मार्थिक मार्थिक मार्थिक मार्या मार्थिक मार्या मार्या मार्या मार्या मार्या मार्य स्कूल छोड़ते समय आयु "१० व व पिता का नाम उपारिस्ट जाति (यदि हिन्दू हो अन्यथा धर्म) द—विद्यार्थी की भाषा (हिन्दी या उद्दे हिन्दू मिन्ड वहसील प्राप्त होता है। वह निःशुल्क था संग्रक प्रवेश का दिनांक प्रवेश का दिनांक अ-स्कूल खुलने की दिन संख्या प्रवेश रिजिस्टर की क्रम संख्या का विचार्थी की उपस्थित संख्या का स्कूल प्रवेश का अन्तिम दिनांक """ "" स—बीमारी की दिन संख्या "" " "" स्कूल प्रवेश की अन्तिम कम संख्या द-पिता का व्यवसाय द-पिता का व्यवसाय नाम काटने का दिनांक " 38 है लिलाराम सं भी मास ट सन् १० ईए इति हस्ताक्षरं प्रधानाष्यापक नोट :--(१) उपर्यु क्त उल्लेख शुद्ध और सुन्दर हो तथा प्रधानाध्यापक अपने हस्ताक्षर करें। 🎗 🕻 (२) सार्टीफिकेट का लेख प्रवेश रजिस्टर के अनुसार हो। (३) आचरण संक्षेप में लिखना चाहिये। (४) स्कूल छोड़ते समय की आयु की गणना नाम काटने की Assistant Register (Exam) तारीख तक नहीं। Canpur University Kanpur

Lucknow

Applicant

Dinarille Singh

. Union of Indus gehers

Rispondelin

Annexure- 1.

Government of India Department of Posts

O/O The Supdt. of Post Offices Hardoi Dn. Hardoi.

Memo No.A-398/

Dated at Hardoi. the 30.8.88

Shri Dwarika Singh, EDBPM Munder in a/c with PaliSO is hereby permitted to retire with immediate effect. Charge report should be submitted to all concerned.

Supdt. of Dest Offices
Hardor Dn. Hardo1-241001

Copy to:-

1. Shri Dwarika Singh EDBFW Munder, Hardon.
2. The SDI(North) Hardoi for engaging Mail O/S.
till further orders.

3. The Postmaster Hardoi

Leieknow

K/A

Iwanike Ligh

Applicant

K

Union of Incha other -

Respondent

Annexure in

Government of India Department of Posts

O/O The Supdt. of Post Offices Hardoi Dn. Hardoi.

Memo No.A-398/

Dated at Hardoi. the 30.8.88

Shri Dwarika Singh, EDBPM Munder in a/c with Paliso is hereby permitted to retire with immediate effect. Charge report should be submitted to all concerned.

Supdt. of Post Offices
Hardor Dn. Hardo1-241001

Copy to:-

1

2. The SDI(North) Hardoi for engaging Mail O/S.
till further orders.
3. The Postmaster Hardoi

1962 426 1967 20

Lucknow

वादी (मुहई) प्रतिवादी (मुद्दालेह)

वकालतनामा

V.P

Peravike Sigh वादी (म्हई)
वनाम
Undar of have other प्रतिवादी (म्हाव्ह) नं मुकदमा सन १६ पेंशी की ता॰ 38 उपर किस्वे मुकदमा में अपनी ओर से श्री Gyanendra Ligh Likarvar एड नोकेट महोद्य

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखें देता हुँ इस मुक्टमा में वकील महोदय स्वयं अथवा अन्य वकोल द्वारा जो कुछ पैरवी व जवाबदेही व प्रनोत्तर करें या अन्य कोई कागज दाखिल करे या लौटावे या हमारी ऋोर से डिगरी जारी कराबें छोर रुपया वसूल करें या सुलहनामा या इक बाल दाबा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताचर सें दाखिल करें और तस्दीक करें या मुकद्मा उठावें या कोई रूपषा जमा करें या हमारी या विपन्न (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताद्धर-युवत (दस्तखर्ता) रसीद से लेवे या पंच नियुक्त करें। वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्ध्या स्वीकार है और होगी में यह भी स्वीकार करता हूँ कि मैं हर पशी स्वयं या किसी अपने पेरोकार को भँजता रहूगा अगर मुकदमा अदम पैरवी में एक तरफा मोरे खिलाफ फैसला हो जाता है उसकी जिम्मोदारी मोर वाकील पर न होगी । इसलिए यह वकालतनामा लिख दिया कि प्रमाग रहे और समय पर काम आठो।

.....साची गवाह

BEFORE THE CENTRAL AD INISTRATIVE TRIPUNAL CIRCUIT BENCH, LUCKNOW

O.A. No.124 of 88(L)

Dwarika Singh

... Applicant

Versus

Union of India and others

.. Opp. parties/ Respondents.

-2COUNTER AFFIDAVIT ON BEHALF OF OPT. FARTIES

I, Sri Khurto, R.S., aged about 56
years, son of Shri (Lat) RAMCHANORA
do hereby solemnly affirm and state as under:-

1. That the deponent posted as Supdt. of
Fost Offices, Hardoi and have been authorised
to file this counter affidavit on behalf of all the
other Opp. parties.

2. That the deponent has read and understood the contents of the application filed by the applicant as well as the facts deposed to herein under in reply thereof:

3. Before giving the parawise comments on the application it is expedient in the interest of justice

RBM

Bupds. of Post Offices Hardol Da. fun/Pin 241 001

to submit the following few facts in brief which are as follows:-

X.

- (a) That Shri Dwarika Singh, EDBFM Munder Hardoi was permitted to retire with effect from 9.10.1987 vide SFOs Hardoi Memo No.A-398/ dated 5.10.87 as he had completed 65 years of his age according to date of birth noted in discreptive particulars as 12.9.1922.
- (b) That Shri Dwarika Singh, the petitioner sent a complaint to the DPS, Lucknow Region Lucknow stating that he had not completed 65 years of his age according to his Military service papers.

That the applicant was addressed on 6.11.87 to

- That after examination of his military papers informed to the DFS Lucknow that indescriptive particulars the date of birth of the applicant is noted 12.9.1922 while in Military Service Certificate his age is written as 18 years at the time of enrolement and date of his enrolement is written as 10.12.1943.
 - (e) That it was also informed that in the descriptive particulars the date of birth has been written by the different ink.
- (f) That the R.D. office ordered that the age written

 Report Notices Hardoi Da

 Super May/Pin 241 001

on military service certificate is certified and correct because the date of birth noted on descriptive particulars is without any proof on receipt of above orders. SDI (North) Hardoi was ordered vide SPCs Hardoi letter No.A-398 dt. 8.2.88 for handing over the charge of BFM under to the applicant. It was informed through RD letter No.

/II/3 dated 26,8,88 that the official may be retired immediately because enquiring ade from Treasury Officer Farrukhabad and Record Office Rajpoot Regiment Fatehgarh revealed that the official was eighteen years old on 10.7.1940 instead of 10.12.1943.

(g) That on receipt of the above letter the applicant was ordered to be retired with effect from 27.9.88(A/N).

That the contents of paras 1 to 5 of the ication need no comments.

5. That the contents of para 6(1) of the application are incorrect, hence denied and in reply it is submitted that in descriptive particulars of appallent his educational qualification is written Class VIII and his date of birth is noted 12.9.1922.

Super of Post Offices Hardoi Da.

No educational certificate and certificate regarding age are available in the file.

- 6. That the contents of para 6(2) of the application are matter of records.
- 7. That the contents of para 6(3) of the application are matter of records.
- - That the contents of para 6(5) of the application are matter of records.

That in reply to the contents of para 6(6) of the application it is submitted that the Fost Office was opened on 29.2.1964 and no orders of appointment are available in the file.

11. That the contents of para 6(7) of the application are matter of records.

Super of Post Offices transfor Da

That the contents of para 6(8) of the 12. application are admitted.

That the grounds taken by the applicant 13. are not tenable in the eyes of law.

In view of the facts and circumstances stated 14. above the application filed by the petitioner is liable to be dismissed with cost.

Deponent.

Lucknow.

Dated:

^{जनस}्य प्राप्त दिकाग, हरदीई प्रजन्ह eaph of Post Offices Hardol Da, Pia/Pia 241 001

Verification.

I, the above named deponent do hereby verify that

the contents of paras 1 to 2 are true to y personal

knowledge and belief and those of paragraphs 63 to 2

are believed by me to be true on the basis of records and

information gathered and those of paragraphs toly are also believed by me to be true on the basis of legal

advice. No part of this affidavit is false and nothing aterial has been concealed.

Lucknow, Љ. Дес. 88. Dated: \7

Deponent. Supdic of Post Ordices Hardol Do. श्वि/Pin 241 001

I identify the deponent who has signed before me and is also personally known to me and signed on

at 6 Wampom in the Gourt compound at Lucknow.

D John Manage Beiors to Shaking toons who is identified by shore , Vr & chandhis All, I have seringen

(V.K. CHAUDHARI) Advocate, High Court,

Counsel for the Opp. parties.

Commissioner of Affidavita. Court Compound, Luckney, Date

17/148

THE JOHN/CE/LE HONERY 18 TO 23

Date: 2-4-93

REGISTRATION No. 0-A /24/8805 1992/93

Dugy log Singh Applicant

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If, no appearance is made on your behalf, your plunder of by some on duly authorised to Act and plead on your behalf on the said application, it will be heard and decided in your absence. Given my hand and the seal of the Tribunal this day of 99-3-9 199.

Be
FOR DEPUTY REGISTRAR

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