

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

AB

ORDER SHEET

OA 106 of 1988

APPELLANT  
APPLICANT

VERSUS

DEFENDANT  
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
--	---	--

26/9/89.

Hon. Justice K. Nath, VC.  
Hon. K. Obayya, A.M.

The learned counsel for the applicant requests for and is allowed time to file rejoinder. The case is listed for final hearing on 31-10-89; but the applicant shall deliver a copy of the rejoinder to the counsel for the opposite parties within three weeks.

  
A.M.

OR  
VC

OR  
No rejoinder filed  
submitted for hearing  
14/10/89

31.10.1989 Hon'ble Mr.D.K.Agarwal, J.M.

Shri C.B.Tripathi counsel for the applicant is present. Rejoinder affidavit on behalf of applicant is filed. List this case on 12.1.90 for Hearing.

OR  
J.M.

14/10/89

No Setting Adjudged 15.3.90

14/10/89

OR  
No R.A filed  
S.P.Y

14/10/89

Central Administrative Tribunal  
Delhi, India

Cause No. 106/SS/93 (C)  
Cause Title - of 1993

Name of the Parties S. N. (Name) ... Applicant

V. S. S. S.

... The Secretary, General Medical Service (India) Respondents.

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B - File

C - File

Recd. dated on 30.5.92

(Copy 5/4/92)

Log

Sc(5)

01.04.93

1001 Complaint Filed on 26/10

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**  
23-A, Thornhill Road, Allahabad-211001

Registration No. OA 106 of 1988

APPLICANT (s) Smt. Parwati

RESPONDENT (s) U.O. Jt. & Others

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent?	Yes
2. (a) Is the application in the prescribed form?	Yes
(b) Is the application in paper book form?	Yes
(c) Have six complete sets of the application been filed?	4 Sets filed
3. (a) Is the appeal in time?	Yes
(b) If not, by how many days it is beyond time?	
(c) Has sufficient cause for not making the application in time, been filed?	
4. Has the document of authorisation, Vakalat-nama been filed?	Yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	Yes (By Advocate)

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? Yes

8. Has the index of documents been filed and paging done properly ? Yes

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? Yes

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? No

11. Are the application/duplicate copy/spare copies signed ? Yes

12. Are extra copies of the application with Annexures filed ? Yes

(a) Identical with the original ?

(b) Defective ?

(c) Wanting in Annexures

Nos...../Pages Nos..... ?

13. Have file size envelopes bearing full addresses of the respondents been filed ? Yes

14. Are the given addresses, the registered addresses ? Yes

15. Do the names of the parties stated in the copies tally with those indicated in the application ? Yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? No

17. Are the facts of the case mentioned in item No. 6 of the application ? Yes

(a) Concise ?

(b) Under distinct heads ?

(c) Numbered consecutively ?

(d) Typed in double space on one side of the paper ?

Have the particulars for interim order prayed for indicated with reasons ? Yes

Whether all the remedies have been exhausted. Yes

Case be listed on 28.3.1918. Date 26/3/18

Order-Sheet  
On Top of 884

Mr. A John AM  
Mr. S. S. Shams, TM

No one is present  
for application & fee  
C. day onward to 19.9.88

Ar  
26/6

Z  
DMS

Z  
TM

Rs 9.00 fixed for admission

C.A.T., Circuit Bench, U.K.

AY

O.A. No. 106/88(C)

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ORDER

19.9.88

Hon. D.S. Muria, A.M.

Heard the learned Counsel for the applicant who does not press part (b) of the relief mentioned in the claim petition. The petition is admitted for other reliefs. Issue notices - one month for C.A. 15 days thereafter for R.A.

Put up on 21.11.88 for hearing

30/11-  
A.M

1988

OR

Notices for respondents Nos 1 & 2 received by Sri V.K. Choudhary, Govt. Counsel. fixing 21.11.88 for hearing.

~~1988~~  
21/11

21.11.88

No setting. On the request of Counsel for respondents, the case is adjourned to 24.1.89 for filing reply.

~~1988~~  
21/11

24.1.89

O.R

On the request of Counsel for respdts., he is allowed to file reply by 21.2.89.

O.R

21/2/89

D.R

NO SETTING. Adjourned to 9-3-89

9.3.89

D.R

Both the opposite parties present. The case adjourned to 27/3/89 for reply.

From  
21/2

D.R.

22-10-91

OA No. 106/1988 (L) 88

Applicant in person.  
Mr. V.K. Chaturvedi - Counsel for the  
respondent.

Since the counsel for the applicant  
is not available today, she has prayed  
for adjournment.

May be listed for hearing on 30/12/91.

~~(S.N. Prasad)~~  
Member (Judg.)

~~(Kaushal Kumar)~~  
Vice Chairman

30.12.91.

No setting Adm to 10.3.92

10.3.92

No setting of D.M. adj to 12.5.92

12.5.92

No setting of D.M. adj  
to 25-6-92

d

cl

or have  
been arranged  
S P.H.

25-6-92

Hon. Mr. Justice V.C. Arivastava - V.C.  
Hon. Mr. K. obaya - A.M.

25/6/92

Counsel for both the parties  
heard. Judgment dictated in the open  
court.

A.M.

V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ( ALLAHABAD BENCH ), ALLAHABAD .

0.A.NO.  
T.O.H.NO.

106/88

OF 199

Date of decision : 25-6-92

.....Smt. Parwati.....Petitioner  
.....Advocate for the Petitioner.

Versus

.....The Director General Medical Service (Army).....Respondent  
.....Shri...V.K. Chaudhary.....Advocate for the Respondent (s).

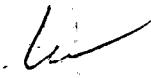
\*\*\*\*\*

CORAM:-

The Hon'ble Mr. Justice U.C. Srivastava - V.C.

The Hon'ble Mr. K. abayya - A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

  
Signature

R9

THE CENTRAL ADMINISTRATIVE TRIBUNAL-LUCKNOW BENCH:LUCKNOW.

D.A. NO. 106 of 1988.

Smt. Parwati..... Applicant.

Versus

The Director General Medical Service(Army).... Opp. Party.

Hon'ble Mr. Justice U.C. Srivastava- V.C.  
Hon'ble Mr. K. Obayya - A.M.

( By Hon'ble Mr. Justice U.C. Srivastava- V.C.)

The applicant 's husband late Shri Chhotey Lal was serving in the Command Hospital Central Command Lucknow as washerman for about 30 years. He died on 14.3.82 leaving behind three major sons, two unmarried daughters of marriagable age and ~~have~~ according to her the major sons/separated. Thus remaining are dependants on her. From the pleadings of the parties it appears that the applicant earlier made a request for employment of her son Ashok Kumar whose application dated 22.4.83 was referred to the higher authorities. Later on she changed her mind with request that her son Ashok Kumar be enrolled in the Army and efforts in this behalf was made and D.O. was also sent. She changed her mind and came forward to the request for her own employment in place of her son. Her application was considered and same was rejected; may be that she was working at Dhobi Ghat of the Army.

2. According to the applicant she was also called for interview and according to her one lady whose husband is alive and Km. Sudha and one Ram Bahadur ~~were~~ appointed during the pendency of her claim. It may be that the applicant being an illiterate lady appeared and moved an application for appointment on compassionate ground of her son, but subsequently she wanted that he may be enrolled in Army and it could not be said to be deviation or departure except that she named the place of her son as same. It may be that mother and son, they fell out lateron and that is why they wanted that she should be appointed in his place. In view of the fact that the persons who were appointed whose husband is alive, the respondent may consider the claim of the applicant for getting an appointment, may be on

daily wage basis as the work of Washerman as it is in earlier service and it is expected that the request of the applicant for getting an appointment will be considered and she will be provided with a job ~~as~~ any where, so that she may get money emoluments or wages may be on daily wages only after doing the work ~~and~~~~and~~~~and~~~~and~~~~and~~ With these observations, the application is disposed of finally. No order as to the costs.

Member (A)

**Vice Chairman.**

Dt: 25.6.92.

(DPS)

In the Hon'ble Central Administrative Tribunal, Allahabad  
(Lucknow Bench) Lucknow.

Application Registration No. 106 of 1988. (C)

Smt. Parvati

.... Applicant/  
Petitioner.

Versus

The Director General Medical Services

(Army) and others.

.... Respondent/  
Opp-parties.

I N D E X

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Lucknow

Dated 25/6/88

Signature of applicant  
C. B. Upadhyay  
25/6/88 A.P.

AII

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
LUCKNOW BENCH, LUCKNOW.

APPLICATION REGISTRATION NO --1982

OA. 106 of 1980 (L)

Smt. Parwati Wife of Late Shri Chhotey Lal, Ex-Washerman  
R/O F/I/9RAML Lines Atal Road, Cantt. Lucknow -----Applicant.

VS.

1. Director General Medical Services(Army) D.G.M.S. 38  
Adjutant General Branch, Army Head Quarter D.H, QPO, New Delhi

2. Commandant Command Hospital  
Central Command, Lucknow ----- Respondent.

Application under Section 19 of the Administrative  
Tribunal Act 1985.

1. Particulars of the applicant.

i) Name of the Applicant

:Smt. Parwati

ii) Name of the Husband

:Late Shri Chhotey Lal

iii) Designation & office in  
which husband was employed

: Washerman, Command  
Hospital, Central Command,  
Lucknow.

iv) Office address

: Command Hospital  
Central Command, Lucknow.

v) Address for service of Notice: F/1/9 R.A.M.L. Lines  
Atal Road, Cantt. Lucknow.

2. Particulars of the Respondent

1. The Director General Medical Service(Army) D.G.  
M.S. 38 Adjutant General Branch Army Head Qtrs  
D.H. Q.P.O., New Delhi.

2. The Commandant Command, Hospital Central Command, Lucknow

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

1. Order No.

: 11346/RC 30/87/DG MS-3(B)

2. Date

: 22 June '88.

3. Pass by

: Surjeet Singh, Co. Director  
Medical Services(TIC) for Director  
General of Medical Service army.

cont-2

Abnababu

**4. Subject in brief**

: That her case was considered by the Competent authority and was rejected since three of her sons are earning member and they are under moral obligation to support of the family.

**4. Jurisdiction of the Tribunal :-**

The applicant declares that the subject matter of the order against which she wants redressal is with in the jurisdiction of Hon'ble Court.

**5. Limitation.**

The applicant further declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act 1985.

**6. Facts of the case.**

i) That the applicant/petitioner's husband late Shri Chhotey Lal was serving in the Command Hospital Central Command, Lucknow as civilian Washerman for about 30 years.

ii) That the husband of the applicant/Petitioner died on 14 March '83 leaving behind three major sons, two unmarried daughter of marriagable age and the applicant In which the major sons have separated and have no concern with the family during the life time of Late Shri Chhotey Lal. Hence he left behind the dependents are widow the applicant and two daughter.

iii) That the applicant/Petitioner under the Govt. order and policy moved an application to the Director of Medical services Army Head Quarter and various authorities for the appointment in Class IV vacancy under the distress and duress vacancy under compensatory ground on 14 July 1983. It is also mentioned here that the sons have no concern with the applicant and they are all separate and live separate with their families during the life time of Shri Chhotey Lal. Now the applicant has liability of two unmarried daughters and her-self and there is no surce of income of their livelihood- Annexure No. one or two are the copy of the application & G.O Respectively.

iv) That since no information were received by the applicant . She moved another application to the various authorities for considering her appointment, later on she received one letter dated 11 Aug. 1983 . In this letter it has been requested to the applicant to contact C.H(CC) Lucknow in regard to the application. Annexure No 3 is true copy of the letter.

Amrit  
Amrit

vi) That some documents and affidavit were also required from time to time. She submitted to the authority concern.

vii) That the applicant were sent for medical examination. She was found fit for Govt. Employment. The certificate was also submitted to the authority concern.

viii) That the applicant was also called for interview an ensurance was also given to the applicant for her appointment.

ix) That after laps of time she was not get any employment. She moved reminder to the higher authority wherein it was mentioned in her application dated 27 Oct. 1987. The facts which are given in para (x) below.

x) "That Smt. Sheela whose husband is still alive, Km. Sudha, Sri Ram Bahadur were appointed during pendency of her claim for appointment" Annexure No. 5 is true copy of the application.

xi) That at last, a letter dated 22 June 1988(after five years) was received to the applicant. In this letter it has been mentioned " that her case was considered by the Competent authority and was rejected since three of her sons are earning member and they are under moral obligation to support of the Family". Annexure No. 6 is true copy of the letter.

xii) That the applicant is living the Quarter which was allotted to her husband as she was seeking her Employment as in the same department and is also ready to pay the rent as per Govt. rule. She is entitled to keep occupation of the same as per rules. Annexure No. 7 is true copy of Govt. order.

#### 7. Relief Sought.

a) That the applicant/Petitioner be get employment on compensate ground as per Govt. order.

b) Damages caused by the applicant be awarded to the applicant.

c) Cost of the suit be awarded to the applicant.

d) Any other relief which this Hon'ble Tribunal be deemed fit be also awarded.

#### 8) Interim order Prayer:-

That the applicant/Petitioner will not be evicted the premises till the decision by this Hon'ble Court.

#### 9) Details of the remedy exhausted:-

That the applicant exhausted all the remedies from Commandant to the Adjutant General( Org. 4 Civ-B) Army Head Quarters D.H.Q. P.O. , New Delhi.

#### 10) Matter not pending with any other Court extra:-

That no other application are pending or decided by any other Court or authorities concern.

11. Particulars of Bank Draft/Postal Order in respect of the application Fee:-

1. No. of Indian Postal order... P.D. 823328
2. Name of issuing Post Office..... Q.P.O. Lucknow
3. Date of issue of Postal order... 25/8/88
4. Post office at which payable ... G.O. ....

12. Details of Index:-

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

13. List of enclosures:-

- i) Application dated 14 July 1983.
- ii) G.O. dated 25th Nov. 1978 and 19 Oct. 1982.
- iii) A letter dated 11 Aug. 1983.
- iv) A letter dated 3 March 1984
- v) Application dated 27 Oct. 1987.
- vi) A letter dt. 22 June 1988.
- vii) G.O. dated 17 March 1981.

Verification.

I, Smt. Parwati aged about year w/o Late Shri Chhotey Lal R/O F/L/9 R.A.M.L Lines Atal Road, Cantt. Lucknow do here by that the contents from 1 to 13 are true to my personal knowledge. Signed and verified to Civil Court Compound dated 3

Lucknow Dated 26/9/88

Signature of Applicant.

C.B. Infra 26/9

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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNEL  
ALLAHABAD LUCKNOW BENCH, LUCKNOW

Application Registration No. \_\_\_\_\_ of 88.

Smt Partati.....Applicant

Vs

The Director General Medical,  
Services and other .....Respondants

ANNEXURE - I

To

The Director of Medical Services,  
( D M S - 3 D )  
ARMY HEAD QUARTERS  
D.H.Q.P.O. NEW DELHI-11

SUBJECT : REQUEST FOR APPOINTMENT IN CLASS IV VACANCY UNDER  
DISTRICT AND DURESS VACANCY

Reference: My application dated 27 June 83.

Respected Sir,

Most humbly and respectfully I beg to lay down few words for your kind favourable consideration and urgent action please.

2. My late husband Civilian washerman CHHOTE LAL was serving in the Command Hospital, Central Command, Lucknow for 30 years. As bad luck would have it, he was taken to C.H. (C.C.) M I ROOM, LUCKNOW for severe chest pain on 13 March 83. He was detained in M.I. Room for 12 hours and expired on 14 March 83 due to ACUTE MYOCARDIAL, INFARCTION (severe) his dead body was handed over to me in M. I. Room itself on 14 March 83. He left behind me and my five children in these hard and famine days.

3. Since the death of my husband, I have been repeatedly

.....2....

requesting the Company Commander to appoint me in any class IV vacancy in C H (C.C.) Lucknow under distress and duress vacancy. But all my requests were given a deaf ear by U.D.C VIJAY SINGH and the Company Commander.

4. To add fuel to the fire, knowingly, VIJAY SINGH submitted a demand to the Employment for sponsoring the names of Civilian Bhabie came for interview but were returned by them stating that there is no vacancy.

5. The matter did not end here U.D.C. VIJAY SINGH then forwarded the surplus/ deficiency return to Adjutant General (Org 4 Civ-B) Army Headquarters NEW DELHI for posting of a civilian Bhabie without dis-closing the fact that, I am the widow of Civilian Washerman CHOTTE LAL who is requesting for appointment under distress and duress vacancy.

6. Accordingly one Civilian Washerman reported for duty from GWALIOR. In view of the above, it would be seen that U.D.C. VIJAY SINGH and Company Commander are bent upon to throw me on the street.

7. To cover up the above deliberate mistakes, U.D.C., VIJAY SINGH called my son to company office on 9 July 83 and company Commander threatened him to sign an undertaking which he has refusing and gave a D.O. letter to the Recruiting Officer, Lucknow for his recruitment in the Army.

8. On the very day the Company Commander came to the Bhabie Ghat and asked me to vacate my Quarter I requested him to retain my Quarter ~~Exxistment~~ till I am appointed under distress and duress vacancy. He then threatened me that he would call the ~~pink~~ police and throw my belongings on the street. I am so much depressed by the

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.....3....

torture and harrassment given by U.D.C. VIJAY SINGH and the Company Commander that my life is worthless and end my life to save my mental agony.

Hence I pray your honour to have mercy on my miserable plight and appoint me in any of the Class IV vacancy in C H ( C.C. ) Lucknow so that I may save my family from acute starvation.

Hoping to grant my request and thanking your honour in anticipation.

Dated : 14 July 1983

Yours faithfully

(Smt Parwati, widow of Late  
Chhotey Lal, Washerman,  
No. F/I/9, R.A.M.C.Lines.  
Post Dilkusha, Lucknow.

Copies :-

1. Adjutant General, (Org 4 Civ B)  
Army Headquarters, D. H. Q. New, Delhi-11
2. The D. D. M. S., H. Q. Central Command,  
Lucknow.
3. The A. D. M. S., H. Q., U.P. Area, BAREILLY
4. The Officer Incharge, A.M.C. Records, Lucknow
5. The Commandant, Command Hospital,  
Central Command, Lucknow

For favour  
and  
necessary  
action  
please  
at an  
early date.

*True Copy  
C. B. M. P. H.  
25/7/83*

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IN THE HON'BLE CENTRAL ADMINISTRATION TRIBUNAL ALLAHABAD  
LUCKNOW BENCH LUCKNOW.

Ap plication Registration No. 88  
Smt. Parwati..... Applicant  
Vs.  
The Director General Medical  
Services and Others..... Respondants

#### ANNEXTURE II

##### MINISTRY OF DEFENCE

D(R&D)

Subject:- compensationate appointments of son/daughter /near  
relative of deceased Government servant consolidated  
instructions.

A copy of Mimistry of Home Affairs Departments of Fancial/  
and an office memorandum 14014/1/77/Est(D) dated 25.11.1978 on  
the above subject ~~xxx~~ is forwarded herewith for information  
and compliance.=

This supports the instructions on circulate unde Ministry  
of Defence letter No. 27(1)677/5367/D(Lab dated 17.6.1978.

Sd/- XXXXXX  
Deputy Secretary,

Subject:- Copessionate appointment son/daughter/near  
relative of the deceased Government servant  
consolidate instructions.

Copy of the Ministry Home Affairs Department of personal  
and AR Office Memorandum No. 14014/1/77/Est/(D) dated 25.11, 1978  
on the above subject.

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The undersigned is directed to say that in supersession of this ~~existing~~ Department's O.M. NO. 14034/1/77/Est(D) dated 23.5.1977 ~~existing~~ the following revised instruction are circulated for information and compliance.

1. A. General scheme

1. Ministries/ Departments are competent to appointment in relaxation of the procedure of requirement through the staff selection commission of employment exchange, but subject to others requirements set out below, the son/ daughter/near relative of a Govt. servant who dies in harness, leaving his family in immediate need of assistance in the event of their being no other earning member in the family, So a group C post or group D post, after the proposal for such appointment has been approved by the Joint secretary incharge of the Adminstration in attached and subordinate office the power of compassionate appointment may be exercised by the head of Department under supplemental rules 2(10)-

2. Filling of Post

2. While the restrictions of the percentage of the 3% earlier laid down for the making the compassionate appointments removed, the appointing authority may exercise care so that the number of posts to be earmarked do not exceed substantially and significantly 30% of the vacancies in any calander year after allow for the following reservations which will not be the same for all cadres-

i) Scheduled castes	15%
ii) Scheduled Tribes	7.5%
iii) Ex service man(in LDC Post	10%
iv) Group D employees in LDC Posts	10%
v) Handicaped	5%
vi) Other catagories under consideration.	

3. Eligibility

3. Ministries/ Departments are aware that applicants for compassionate appointments should be appointed ~~if~~ only if they are eligible and suitable for the post ~~in all respects~~

.....3.

under the provisions of the recruitment rules. Cases where the condition of the family is very hard and appointment can be made only by relaxation of educational qualification. Departments may relax educational qualifications in case of appointment of the lowest level i.e. group D/ LDC post where a son/daughter/near relative applying for the post does not ~~have~~ yet have the necessary qualifications and has been given an ~~opportunity~~ opportunity to acquire the requisite qualifications. This relaxation will be permitted for a period up to two years. Beyond this no ~~more~~ relaxation of educational qualification will be admissible and the services of the person concerned is still unqualified are liable to be terminated where the Ministries/Department condition of the family they may relax the age limit in accordance with the general orders No. 4/1/55-RPS dated 12.2.19755.

4. Where the death took place long ago

4. It will no longer be necessary for Departments to refer to Departments of personal and administrative reforms cases of compassionate appointments of the wards of the Government servants ~~more~~ merely because a long time so 5 years has lapsed since the death of the Govt. servants. The Departments/ Ministries may consider such cases themselves on merit but while admitting claims of such application Ministries/Departments may ~~know~~ concept of compassionate appointments is largely related to the need for immediate assistance to the family on the passing away of the Govt servant in harness. When several years have passed after the death of a Govt servant, it would appear prima facie that the family has been able to manage somehow all these years and had some ~~means~~ means of deal with such requests with great deal of circumstances in order to give due allocation to more deserving cases, if any. The decision in such cases belated appointments may be taken after the secretary has approved the proposal.

5. When there is an earning member.

In deserving cases even where there is an earning member in the family, a son/daughter/near relative of a Govt. Servant who dies in harness leaving his family in indigent circumstances, may be considered for appointment to the post. All such appointments are however, to be made ~~with~~ with the prior approval of the secretary of the Ministry/Departments concerned who before approving the appointment satisfy himself that the grant of the concession is justified, having regard to the matter of

dependents left by the deceased Government servant the assets and liabilities left by him, the income of the earning member as also, his liabilities, whether the earning member is residing with the family of the deceased Govt. Servant and whether he should not be a source of support to the other members of the family.

6. Govt. servants retired on medical grounds. 6. In exceptional cases when a Department is satisfied that the condition of the family is indigent and in great distress, the benefit of compassionate appointment may be extended to the son/daughter/near relative of Government Servant retired on medical grounds under Rule 38 of the Central Civil Services (Pension Rules) 1972 or corresponding provisions in the Central Civil Regulations one.

7. Appointment to the post of peon etc. 7. In view of the existing ban on filling up to posts of peons and Jamadars, as long as the ban exists, compassionate appointments should be made only against Group 'D' posts for the filling up of which there is no ban at present. Where however, there are no vacancies in one posts, compassionate appointments could be made against posts of peons/Messengers, provided that regular vacancies exist and persons concerned are eligible and suitable for the job.

8. Deaths during re-employment or exten. 8. It is hereby clarified that a son/daughter/near relative of a Government servant who dies during the period of extension in service are eligible for the concession under the scheme of compassionate appointments. However, the benefit of this scheme is not admissible to those Government servants who pass away during re-employment.

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9. Request in charge in post 9. A person has accepted a compassionate appointment to a particular post, the set of circumstances which led to his initial appointment should be deemed to have ceased to exist and thereafter the person who has accepted compassionate appointment in a particular post should arrive in his career, like his colleagues for future advancement and claims for appointment to higher post on consideration of compassion should invariably be rejected.

10. Recruitment rules 10. Ministries/Departments may please take steps to amend Recruitment Rules in order to make specific provision in the Rules for compassionate appointments under the Scheme.

11. Selective approach 11. It is necessary to emphasise that over through ministries /departments may kindly adopt highly selective in view of the following considerations.

a) The appointments made on grounds of compassion should be done in such a way that persons appointed in the past do have the essential educational and technical qualifications requirements of the maintenance of efficiency of administration.

b) These instructions do not restrict employment of son/ daughter/near relatives of the deceased group B employee to a group B post only. As such a son/daughter/near relative of a deceased employee can be appointed to a group C post for which he is educationally qualified, provided a vacancy in Group C exists.

c) As the appointments have to be cleared at the Head of Department level, and as all the vacancies are to be pooled for compassionate appointments it may be observed that subordinate field offices get and equitable share in the compassionate appointment. The general proforma - in annexure may continue to be used by Ministries/Departments for processing the cases of compassionate appointments.

Hindi version will follow

12. General

(N. Nagarajan) Director,

True copy  
C. B. N. Nagarajan  
25/10/2016

A23

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNELALLAHABAD LUCKNOW BENCH LUCKNOW

Application Registration No. \_\_\_\_ of 88.

Smt Parwati..... Applicant  
Vs.The Director General Medical,  
Services and other ..... RespondantsANNEXURE IIQMINISTRY OF DEFENCE  
D(Msc.2/Genl-1)Subject :- Exemption from requirement of educational  
qualifications in respect of widows of  
deceased Government servants, appointed on  
compensatory grounds to the post of peon

\*\*\*\*\*

A copy of Ministry of Home Affairs, Department of Personnel and Administrative Reforms O.M.No.49019/6/80-Est(C) dated the 19th October, 1982 on the subject mentioned above is calculated herewith for information and necessary action.

Sd/x-x-x-

( R. BARUA )  
SECTION OFFICER

All PSS/PAs/Sections in the Ministry of Defence including Deptt. of Defence Production, Deptt. of Defence Supplies, Deptt. of Defence Research & Development and Intergrated Finance.

M. of D.L.D. No.2(13)/78/D(Est.2(Genl-I))  
Dated 13.11.1982.

Copy to :- D(Appts), D(PA), D(Fy-I), D(N-II)  
D(Civ-I), D(Civ-II), D(DS), D(Lab),  
D(A-II) and CAC's Office

Copy of Ministry of Home Affairs, Deptt. of Personnel & A.R. O.M. No.49019/80-Estt.(C) dated the 19th October, 1982 on the above subject.

Contd... 2/-

Q24

.....2.....

The undersigned is directed to say that the Staff Side of the Departmental Council (JCM) of the Department of Personnel and Administrative Reforms had demanded that the condition of acquisition of requisite educational qualifications may be waived in the case of widows of deceased Govt. Servant, who were employed on compassionate grounds to the posts of Peon (Group 'D' post).

2. The demand of the Staff Side has been carefully considered and it has been decided that the widows of deceased Govt. Servants appointed as Peons on compassionate grounds may be exempted from requirements of the educational qualification laid down in the Ministry of Home Affairs O.M. No.13/1/51-NGS, dated 16.11.51.
3. It is requested that the above decision may be given wide publicity among all the concerned.

Sd/-x-x-x-

( MISS S. T. RIKHA )

Deputy Secretary to the Government of India,

*Int. of  
C. S. I. P. A. P.  
25/11/51*

1725

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNELALLAHABAD LUCKNOW BENCH LUCKNOW

Application Registration No. \_\_\_\_\_ of 88.

Smt Parwati.....Applicant

Vs

The Director General Medical,  
Services and other. vvv.....RespondantsANNEKURE III

Tele : 284

291973/1/M-3(B)/

CH(CC) Lucknow

Headquarters  
Uttar Pradesh Area  
Bareilly  
11 Aug 83REQUEST FOR APPOINTMENT IN CLASS IV VACANCY  
UNDER DISTRESS AND DURESS VACANCY

1. Refer application dt 03 Aug 83 in respect of Smt. Parwati, Widow of Late Shri Chhote Lal, Washerman addressed to DMS(Army) with copy to you amongst others.
2. The answer to the application has already been sent to you vide this HQ letter No.291973/1/M-3(B) dated 04 Aug 83. This may be intimated to the applicant.

Sd/-x-x-x-  
( Lt Col  
DADMS  
For ADMS

Copy to :-

Smt Parwati, Widow of Late  
Shri Chhote Lal Washerman,  
No. F/ 1/8, R.A.M.C.Lines  
P.O. Dilkusha, LucknowYou are requested to contact  
CH (CC) Luckinw in regard to  
your application.True copy  
C.B. DADMS  
25/10/83

R-26

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

AFRAHABAD LUCKNOW BENCH LUCKNOW

Application Registration No. 88.

Smt Parwati.....Applicant

Vs.

The Director General Medical,  
Services and other .....Respondants

ANNEXURE - IV

Tel : 421

Command Hospitals  
Central Command  
Lucknow

505/Cen/X

03 Mar 84.

Smt Parwati  
w/o Late Shri Chhota Lal W/man  
Gr No. F/1/8, R.M.C. Lines,  
PO Dilkusha. Lucknow Cantt

EMPLOYMENT ASSISTANCE

Madam,

You have been asked several times to submits the following information to enable this after to resubmit your case to higher authorities, but you have not yet submitted the same :-

- (a) Character vouching certificate from a Gazetted Officer,
- (b) Moveable and immovable property Certificate duly verified from the Civil authorities.

2. Also no demand certificate from UA BSO Lucknow has not yet been submitted with the result your pension Grauitity could not be claimed.

*True copy  
e. S. Saini*

(AS Pafeshar)  
Major  
Cen Commander  
for Commandant

A27

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNELALLAHABAD LUCKNOW BENCH LUCKNOW

Application Registration No. \_\_\_\_ of 88.

Smt Parwati.....Applicant

Vs

The Director General Medical,  
Services and other .....RespondantsANNEXURE - V

To

The Commandant,  
Command Hospital,  
Central Command,  
Lucknow-2

Subject: EMPLOYMENT ASSISTANCE : CIVILIANS

Reference : Your letter No.517/Coy/Chhote Lal dated 26th Sept 87.

(ii) Your letter No.517/Coy/Chhote Lal dated 14th Oct. 87.

Respected Sir,

1. Most humbly and respectfully I beg to lay down words for your kind and favourable consideration and urgent action please.

2. With reference to para 2 of your letter No.517/Coy/Chhote Lal dated 26th Sept.87, the limitations and restrictions imposed vide Government of India, Ministry of Home Affairs(Dept of Personnel and Administrative Reforms) on No.14014/1/77-Estt(D) dated 25th Nov.78(CPRO 45/79) is not applicable to the vacancies both plan and non-plan arising due to promotion, retirement or death may be filled up vide Government of India, Ministry of Finance, Department of Expenditure letter No.F 7(I) E(Coord)/86 dated 20th May 1986(Copy attached)

3. My late husband expired on 14th March 83 while in service since then, I am applying for the post of Washer-woman or Mazdoor but my case was deliberately delayed by your administration with one pretext or other.

Contd....2/-

A28

....2....

4. In this connection, I beg to say that if the limitations and restrictions imposed vide Govt. of India, Ministry of Home Affairs (Dept. of Personnel and Administrative Reforms) on No.14014/1/77-Estt.(D) dated 25th Nov. 78 (CPR 45/79) then how the following appointments were made in spite of the restrictions imposed :-

- (i) Smt Sheela whose husband is still alive and doing business, has been appointed as a MAZDOOR on 30th March 1985 whereas my husband died in service.
- (ii) Kumari Sudha, Daughter of Late Ward Sahayika Surasti Devi of your Hospital was appointed as LDC on 16th Aug. 1985 in M H. Suratgarh. She has now been transferred to A.M. C Centre and School, Lucknow.
- iii) Shri Ram Bahadur S/o one of your MALI has been appointed as a MALI in M H, Meerut during 1985.

5. In view of the above, I know that your honour have no answers to save your Skin. Your honour is bent upon to ruin my life and stressing upon vacating my Govt. accommodation by force and throwing my family on the street instead of appointing me under your kind control.

6

Hence I pray your honour to have mercy on my miserable plight and appoint me either as a Washer-woman or Mazdoor under your kind so that I may save my family acutte starvation.

7. Hoping to grant my request and thanking your honour in anticipation.

Encl : One

Yours faithfully

Sd/x-x-x-

Date 27 Oct 1987.

Smt PARWATI, WIDOW OF  
LATE SHRI CHHTE LAL, WASHER MAN  
QR. NO. F/1/9, R.A.M.C.Line  
LUCKNOW

Conted...3/-

A29

.....3.....

## Copies to :-

1. The Government of India,  
Ministry of Defence,  
New Delhi.
2. The Director General,  
Medical Services(DGMS 38),  
Army Headquarters,  
D H Q P O New Delhi -11
3. The D D M S,  
HQ. Central Command,  
Lucknow.
4. The A.D.M.S.,  
HQ. U.P. Area,  
Bareilly.

for favour of  
necessary action  
at an early date  
please.

True copy  
etc: 25/10

A30

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNEL  
ALLAHABAD LUCKNOW BENCH LUCKNOW

Application Registration No. \_\_\_\_\_ of 88.

Smt. Parwati.....Applicant

Vs

The Director General Medical,  
 Services and other .....Respondants

ANNEXURE VI

Tele : 301 9234

Chikitsa Seva (Sena) Mahanideshalaya  
 Adjutant General's Shakha  
 Sena Mukhyalaya  
 Dte Gen of Medical Services (Army)  
 Adjutant General's Branch  
 Army Headquarters  
 DHQ PO New Delhi-110011

11346/PC 30/87/DG MS-3(B)

22 Jun 88

MEMORANDUM

With reference to her application dated 07 June 88,  
 Smt Parwati is informed that her case for employment assistance  
 was considered by the competent authority and was rejected  
 since three of her sons are earning and they are under moral  
 obligation to support the family.

2. Once again, on her subsequent request, the case was  
 taken up with the Ministry but was turned down. She is,  
 therefore, advised to seek the assistance of Employment  
 Exchange in finding the employment.

Sd/-x-x-x-

( Surjeet Singh )  
 Col

Dir of Medical Services( T&C )  
 for Dir Gen of Medical Services (Army)

Smt Parwati,  
 Gr. No. F/1/9  
 R A M C Line  
Lucknow-226002

*True Copy  
 e. B. W. P. M.  
 27/6/88*

A31

IN THE HON'BLE CENTRAL ADMINISTRATIVE  
TRIBUNEL ALLAHABAD LUCKNOW BENCH  
LUCKNOW

Application Registration No. \_\_\_\_\_ of 88.

Smt Parwati..... Applicant

Vs.

The Director General, Medical,  
Services and other ..... Respondants

ANNEXURE VII

No A/48475/Q3(D-1)/232-Q/D(Qtg)  
Government of India,  
Ministry of Defence,  
New Delhi - 17.3.1981

Tb

The Chief of the Army Staff

Subject:- RETENTION OF GOVERNMENT ACCOMODATION BY THE  
FAMILIES OF CIVILIANS PAID FROM THE DEFENCE  
SERVICES ESTIMATES AFTER THEIR DEATH

Sir,

In accordance with this Ministry's letter No.65761/  
Q3(b)/377/D(Q & Eng ) dated 16th March 1983 as amended vide  
corrigendum No.65761/Q3(B)/2183-Q/D(Qtg) dated 7 April, 1969  
families of decess civilians paid from Defence Services  
Estimates are eligible to retain Govt. Accommodation at norma  
rates for a period not exceeding four months from the date  
of their death. Para 3 of this Ministry's letter No.A/48475/  
Q3(Bt/2689-Q/D(Qtg) dated 21st June 1979 provides for adhoc  
allotment of accommodation to the dependent of the decess  
civilian Government servant provided he/she gots an employment  
in an eligible office withing a period of 12 months after the

Conted...2/-

A3

....2....

demise of the individual and that the accommodation in his/her occupation has not been vacated but stipulates that eviction in such cases will not be delayed on consideration that the dependent is likely to get an appointment. In order that the dependent is not deprived of this benefit of adhoc allotment because of this stipulation president is pleased to decide that Area Commander may permit retention of accommodation for a further period not exceeding six month in consideration of the fact that the dependent of the deceased is likely to get an appointment in an eligible office, rent for the extended period will be payable at 10% of the last drawn pay or twice the assessed, whichever is higher.

2. This issues with the concurrence of Ministry of ~~Exe~~ Finance (Defence) vide their U.O. No. 2790/W-VI of 1981.

Yours faithfully

Sd/-x-x-x-

( Aditya Kumar )  
Under Secretary to the  
Govt. of India,

Copy to :-

The controller of Gen of Defence Accounts, New Delhi.  
The Director of Audit, Defence Services, New Delhi.

in C.P.Y  
C.S.I.P.T.  
25/7/77

प परामर्श दीपाली

[ पादी ] परीक्षामूल

परिपादी (रेस्पोन्डेंट)

Central Administrative Tribunal Allahabad

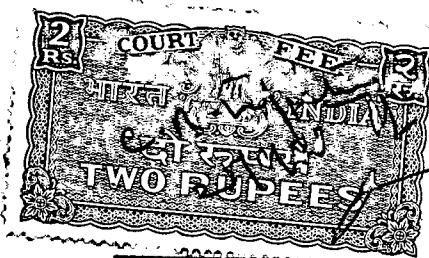
कोर्ट बैन्ड वे.

Smt. Narwadi

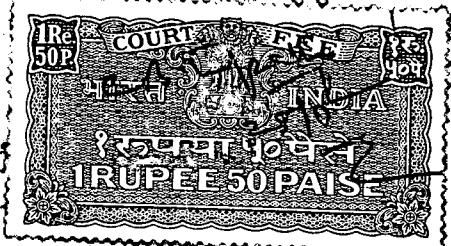
The Director General Medical  
Services etc.

द० मुफद्दा

जरार जिहे मुफद्दा



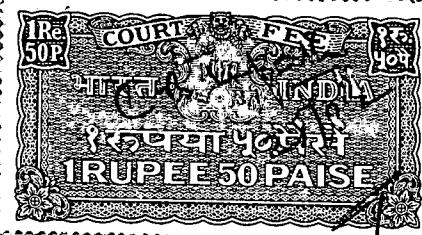
बद्धालतज्जासा



प्रतिपादी (रेस्पोन्डेंट)

जी ८१०

१० ५०

कजील  
महोदय  
एएबीकेट

प्रतिपादी	जी ८१०
जरार जिहे मुफद्दा	१० ५०
मुफद्दा	१० ५०
मुफद्दा	१० ५०
मुफद्दा	१० ५०

जो अपना घजील नियुक्त फरपे प्रतिज्ञा (इजरार) फरता हूं और लिखे देता हूं उस मुफद्दा में घजील महोदय स्वयं अधिकार अन्य घजील द्वारा जो कुछ ऐरवी या दावा देही व अश्वनोत्तर फरे या जोई फालव यासिल परे या लौटाये या हमारी ओर से उग्री दारी फराबे और उस्वया घसूल परे या मुलहनामा व एकबाल दावा स्वया अधीक्ष निवारानी हमारी ओर ० हमाले या अपने हस्ताक्षर से यासिल करे और तस्तीज फरे मुफद्दा उठावे या जोई उस्वया घमा परे या हमारी दिष्ट्सी (फरीजसामी) या यासिल दिष्ट्सी हुआ उस्वया अपने या हमारे हस्ताक्षर युक्त (हस्ताक्षती) एसोइ से लेये या पंच नियुक्त फरे—घजील महोदय द्वारा जो वह पूर स्वया यार्याहु एकफो सर्वंगा स्वीकार है और होमा क्षे वह जी प्यासाए फरता हूं जि मैं हर पेणी पर स्वयं या दिसी अधिक ऐरोपार जो मेजसा एहंगा अगर मुफद्दा अदम ऐरवी में एक तरह मेरे दिलाल फैसला हो पाता है उसजो दिव्यमेहारी बेरे घजील पर पहां होगी इसलिए यह घजीलसमामा लिख दिया घजाप एहे और समय परु जान आये।

लाली (परामर्श) —————— साली (परामर्श) ——————

पिण्डी 28 —————— मुफद्दा ० —————— लाली १०५० ०

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

RA34

CIRCUIT BENCH, LUCKNOW

O.A. No. 106 of 1988 (L)

Smt Farwati

... Applicant

Versus

DG M.S (Army HQs)  
and others

.. Opposite parties.

COUNTER AFFIDAVIT ON BEHALF OF OFF. PARTIES.

I, Capt. V.P. Singh, aged

about 50 years, son of late Sri Indrapal Singh,  
~~posted as Company Commander~~  
in the office of the Commandant, Command Hospital, C.C.

Lucknow do hereby solemnly affirm and state

as under:-

1. That the deponent is posted as ~~Company Commander~~

in the office of the Commandant, Command Hospital

Lucknow and had been authorised to do ~~P. Bairvi~~

of the above noted case on behalf of the

Opposite parties.

2. That the deponent has read and understood

the contents of application filed by the applicant

as well as the facts deposed to herein under in reply

thereof.

*Mr. V.P. Singh  
Capt.*

3. That the contents of para 1 of the application are formal and need no reply.

4. That in reply to the contents of para-2 of the application it is submitted that Civilian Washerman late Shri Chhote Lal was serving with Command Hospital Central Command Lucknow. After putting 28 years of service he expired on 14 March 1983 while in service.

5. That in reply to the contents of para 3 of the application it is submitted that Smt Farwati widow of late Shri Chhote Lal, Washerman had requested for employment of her son Shri Ashok Kumar whose application dated 22 April 1983 was referred to higher authorities on 23 April 83 for his appointment. The applicant later changed her mind and came with a request to get her son Shri Ashok Kumar enrolled in the Army. Therefore, efforts were made to get her son enrolled in the Army and a D.O. letter was also written to the local Recruiting office at Lucknow on 09 Jul. 1983. This applicant again changed her mind and came forward with a request for her own employment instead of her son. However, her application dated 19 Jan. 1984 was sent to ADMS UP Area on 03 Feb. 1984. In view of the



fact allegations made by the applicant

that her requests were given deaf ears is

completely false and baseless.

6. That the contents of para 4 of the application are false and baseless, hence denied.

7. That in reply to the contents of para 5& 6 of the application it is submitted that as per existing orders of Army Headquarters, whenever any vacancy occurs due to retirement, resignation or death etc. it is required to be notified to the Army HQs. through staff channels vide Special Army order No.8/S/76 for adjustment from the units holding the person of the category in surplus to their authorisation. To meet this requirement, the vacancy of Washerman was notified for adjustment. After notification the vacancy was filled up by transferring a washerman from 11 GR C/o. 56 AD holding one surplus to their authorisation.

8. That in reply to the contents of para 7 of the application the reply given against para-3 of the application are reiterated.



9. That in reply to the contents of para 8 of the application it is submitted that Copy, Commander had gone to the Dhoby Ghat on a routine check and found the applicant washing private clothes. She was advised not to visit the Dhoby Ghat in future for washing purposes as it is highly irregular and objectionable. This applicant was rendered all help and assistance after the death of her husband. The undermentioned ~~xxx~~ amounts were paid to her as shown against each:-

(a) Insurance money	.. Rs.10,000/- on 17 Jun 83
(b) Provident Fund	.. Rs.7,894/- on 25 Aug 83
(c) Encashment of leave	.. Rs.2,649/- on 17 Jun 83

10. That in view of the facts and circumstances as stated above, the application filed by the applicant is liable to be dismissed with costs to the Opp. parties.

  
  
Deponent.

Lucknow,

Dated: 11th ~~April~~ 89.

  
Verification.

I, the above named deponent do hereby verify that the contents of paragraphs 1 & 2 of the counter affidavit are true to my personal knowledge and paras 3 to 9 are believed to be true on the basis of perusal of office

- 5 -

records as well as information gathered and those of para 10 of the affidavit are believed to be true on the basis of legal advice. Nothing material fact has been concealed and on part of it is false.

  
Deponent.

Lucknow,

Dated: 11th ~~Feb~~ <sup>April</sup> 89.

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



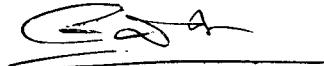
(V. K. CHAUDHARI)  
Advocate, High Court,  
Addl. Standing Counsel for Central Govt  
Counsel for the Oppo. parties.

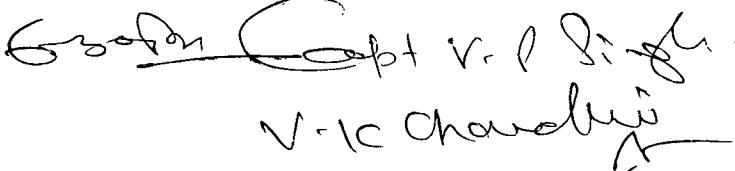
Lucknow,

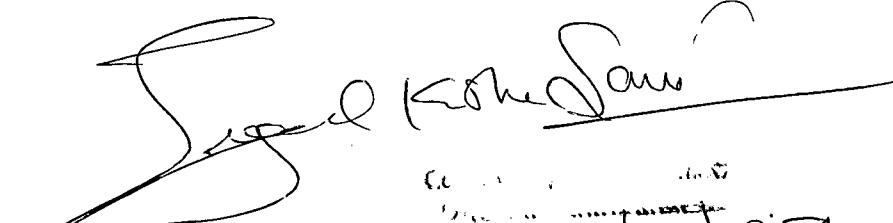
Dated: 11th ~~Feb~~ <sup>April</sup> 89

Colemnly affirmed before me on  
at am/pm by the deponent by Shri VK Chaudhari,  
Advocate.





  
Ensdon Capt V. P. Singh  
V. K. Chaudhari

  
Ensdon Capt V. P. Singh  
V. K. Chaudhari

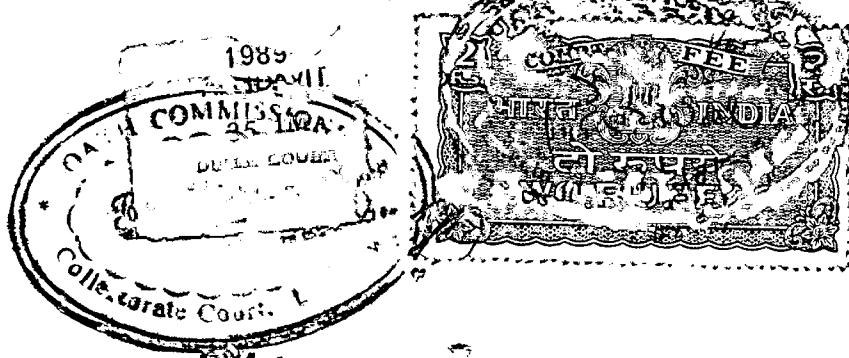
11/4/89

Before the Central Administrative Tribunal,

Circuit Bench, Lucknow.

A39

C.A. No. 1060/ 1988 (L)



Smt. Parwati

... Applicant.

Versus

D.G.M.S. (Army HQs)

Opposite Party.

*Filed to day*  
13/10/88

REJOINDER AFFIDAVIT ON BEHALF OF  
APPLICANT.

*Received 20/10*  
*Dear Sir*  
*(On 21/10/88)*  
I, Smt. Parwati aged about 48 years &/o Late  
Shri Chhotey Lal resident of F/ 1/ g.RAM.C Linces Atal  
Road Cantt. Lucknow do hereby solemnly affirm on oath  
as under :-

1: That the defendant is the applicant Petitioner in  
this case and is fully conversant with the facts  
of the case.

That the defendant as understood the contents of  
the Counter affidavit filed by the department.

3: That the contents of the paras 1 to 3 needs no  
reply.

4: That the contents of para 4 of the counter



:2:

Affidavit are not controverted by the deponent reiterated para 2 of his petition is correct.

5: That the contents of para 5 of the Counter affidavit are twisted and the reply is not correct. The reply is not parawise comment of the deponent's petitioner's fact mentioned in para 3. The vague reply is given by the answering opposite party. The facts is that the application of the deponent were considered time to time and the request of the petitioner/ deponent were rejected by one pretext or the other but the case of the petitioner which was under consideration by the department and the grounds of turning down, the request is unwarranted and against the policy and norms of the government rules, the fact deed as mentioned by the department in para 5 of his reply that they have assisted the deponent son Ashok Kumar for getting employment in the regular army is false and the department has no concerned with his employment. The Son was not given employment in place of his father death. The question of the employment of the deponent in place of his husband death cannot be rejected on the grounds given in the order of rejection which is under consideration of this Hon'ble Tribunal., the deponent is reiterated



;3;

defects mentioned in the petition are correct.

6: That the contents of para 6 of the counter affidavit are denied and the contents of para 4 of the petition are reiterated as correct.

7: That the contents of paras of Counter affidavit are denied as the deponents has no concern with the same as to how the department adjust the employee the appointment of destress and durrer ~~new~~ vacancy cannot be thrown out by the authorities although the authority appointed other persons's during the pendency of the deponent's case , by the department ~~new~~ The contents of para 5 and 6 of the petition are a reiterated as correct.

8: That the Contents of para 8 of the counter affidavit need no reply.

9: That contents of para 9 of the counter affidavit are false the amounts given to the deponent which she was entitled but the question herein this case is of her appointment in place of her husband death.

10: that the contents of para 10 of the counter affidavit are baseless. .

Dated.

LjC in

Deponen



Aug 2

## verification

I, the above named deponent do hereby verify  
that the contents of paras 1 to 10 of Rejoinder  
Affidavit are true to my own knowledge. no part  
of it is false, nothing has been concealed so help  
me God.

Signed and verified this 31 day of October, 89

in the Court compound at Lucknow.

Dt. 31 | 10 | 89

**Deposant:**

Lucknow.

କାନ୍ଦିର ପାଇଁ  
କାନ୍ଦିର ପାଇଁ

33 Jan

Voluntary admission before me in Office of  
it..... D. S. Kirby. Sack Penal

which is identified by Shri.....

L. J. S. Shri

→ have sat

deponent that he understands the contents of this affidavit which has been read out and explained by the Fee Charged Rs. 1-00/-/-50