

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CA No. 207/88

CAUSE TITLE ..... OF .....

NAME OF THE PARTIES..... *Het Ram* .....

Applicant

Versus

*Union of India Govt.*

Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	<i>Cheer list</i>	<i>A1 to A2</i>
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3	<i>Judgment dt. 28-8-92</i>	<i>A6 to A7</i>
4	<i>Copy of Petition/Annexure</i>	<i>A8 to A28</i>
5	<i>Index</i>	<i>A29</i>
6	<i>CA</i>	<i>A30 to A35</i>
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CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided) *B/C Certified and destroyed*

Dated... *5/6/12* .....

Counter Signed.....

Section Officer / In Charge

Signature of the  
Dealing Assistant

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Registration No. 207 of 1988

APPLICANT (s) H. H. Ravi

RESPONDENT(s) Union of India through Secy. Dept. of Ls.

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 ? only two sets have been filed.
3. (a) Is the appeal in time ? yes  
(b) If not, by how many days it is beyond time ? NA  
(c) Has sufficient case for not making the application in time, been filed ? NA
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 ? No (By Advocate) name  
copy:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCULAR BENCH AT LUDHIANA.  
\*\*\*\*\*

O.A./T.A. No. 207 (2) 1988

Het Ram

Applicant(s)

Versus

UOI

Respondent(s)

Sr. No.	Date	Orders
23.1.89	23.1.89	<p>Hon. D.S. Misra, Am Hon. G.S. Sharma, JM</p> <p>On the request of learned Counsel to the applicant, the case is adjourned to 22.2.1989 for admission.</p> <p><i>[Signature]</i> JM</p> <p><i>[Signature]</i> Am</p>
22.2.89	23.1.89	<p>Hon. D.S. Misra, A.M.</p> <p>Admit. Issue notice To file reply within a month. 15 days thereafter for R.A before D.R.</p> <p><i>[Signature]</i> JM</p>
6.3.89.	6.3.89.	<p><u>GP</u></p> <p>A.M.</p> <p>h 212</p> <p>Notices issued to the applicants through regd. Post fixing 17.4.89 for final hearing before D.R.</p> <p><i>[Signature]</i> JM</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 207/88(L) of 198

APPELLANT  
APPLICANT

Het Ram

VERSUS

DEFENDANT  
RESPONDENT

Union of India & ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
25/8/89	<p><u>Hon' Mr. D.K. Agrawal, J.M.</u></p> <p>Shri D.S. Pandey, counsel for the applicant files rejoinder affidavit. Keep it on record. List this case for <u>hearing on 27/10/89.</u></p> <p style="text-align: right;"><i>Dep</i> J.M.</p> <p>(sns)</p> <p>No sitting of D/B. Adj. to 2-1-90 Both the counsel are present.</p> <p style="text-align: right;"><i>h</i> B.O.C</p>	<p>Submitted for hearing</p> <p style="text-align: right;"><i>h</i> 2/1/90</p>
27.8.89		<p>Submitted for hearing</p> <p style="text-align: right;"><i>h</i> 2/1/90</p>
2/1/90	<p><u>Hon' Mr Justice Kamleshwar Nath, V.C.</u> <u>Hon' Mr. K. Obayya, A.M.</u></p> <p>Shri D.S. Pandey counsel for the applicant is present. List this case for <u>hearing on 2-3-90.</u></p> <p style="text-align: right;"><i>A.M.</i> V.C.</p> <p>(sns)</p>	

19.11.90

Hon. Mr Justice K. Math. VC  
Hon Mr M.M. Singh AM

On the request of both counsel  
case is adjourned to 4.1.91.

M. H. L  
AM.

VC

4.1.91

No sitting Adj to 15.3.91.

26.6.15.3.91

No sitting Adj to 25.4.91  
2

5.4.91

Hon. Mr D. K. Agrawal JM.  
Hon. Mr K. Subramanyam AM

On the request of counsel  
for applicant case is adjourned  
to 19.8.91 for hearing

AM.

De.  
JM.

19.8.91

No sitting adj to 27.9.91  
2

7.9.91

No sitting Adj to 13.11.91.

3.11.91

No sitting Adj to 31.12.91.

31.12.91

No sitting of D.B. adj to 20.1.92  
2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW

O.A. NO 207/88 199 (L)  
T.A. NO \_\_\_\_\_

Date of Decision \_\_\_\_\_

Hef Ram PETITIONER.  
Shri D. S. Pandey Advocate for the Petitioner(S)

VEREUS

Union of India & others RESPONDENT.  
Shri D. S. Pandey Advocate for the RESPONDENT(S)

CORAM

The Hon'ble. Mr. Justice V.C. Srivastava, J.C.  
The Hon'ble. Mr. K. G. Garg, Actg. Member

1. Whether Reporters of local papers may be allowed to see the Judgment? N
2. To be referred to the reporter or not? N
3. Whether their Lordships wish to see the fair copy of the Judgment? ✓
4. Whether to be circulated to other benches? N

lu  
Vice-Chairman/Member

A/L

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 207/88 .

Het Ram

Applicant

versus

Union of India & others

Respondents..

Shri D.S. Pandey      Counsel for Applicant  
Shri D.S. Randhawa      Counsel for Respondents.

CORAM

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

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

In this application, we have gone through the record and heard the learned counsel for the respondents. The applicant has prayed that the reversion order dated 6.9.88 be quashed and to allow him to continue on the post of HGS II Cadre and the adverse entries for the year 1987-88 be quashed.

2. The applicant entered the service of Post and Telegraph as Clerk in the year 1953 and promoted to the post of L.S.G. on 1.6.74. According to the applicant he was promoted on the post of Post Master (HSG II Cadre) on 5.6.85 and posting order issued by D.P.S. Dehradun on 8.8.85 and the promotion was made temporary and on adhoc basis.

3. The respondents have resisted the claim of the applicant and stated that he has been working in the said grade but temporarily <sup>on</sup> and adhoc basis. His case for

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regularisation in HSG II cadre was considered by the D.P.C., which met on 12.1.88 but he was not found fit for promotion by the D.P.C. and was reverted to the post of Lower Selection Grade, in pursuance of Memo dated 6.9.88. The applicant had earned certain adverse remarks during the period which were communicated to him, against which he did not file any representation to the appellate authority. The representation which was submitted on 12.8.88, was not submitted through proper channel and was sent to Director, Postal Services, Dehradun. After due consideration of the representation, it was rejected as time barred.

3. As the applicant's representation was rejected as possible time barred, but as far as the departmental authorities should decide the matter on merit, as they do not sit as court and Law of limitation does not apply there and cut short method should be adopted. Anyhow, the applicant was considered by the D.P.C. and because of the adverse remarks he was not found fit. In case, at any stage, the adverse remarks are expunged, the applicant may approach to the authorities to consider his case. With the above observations, the application is dismissed. No order as to costs.

Adm. Member.

N  
Vice Chairman.

Shakeel/

Lucknow: Dated: 26.8.92

1/4

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

APPLICATION REGISTRATION No. 267 OF 1988

Application Under Section 19 of the Administrative  
Tribunal Act 1985.

HET RAM                      VERSUS                      UNION OF INDIA AND OTHERS

I N D E X

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4.	<u>Annexure No. 3</u> - Posting and transfer order dated 30-5-88	12 - 13
5.	<u>Annexure No. 4</u> - <del>Adverse</del> entries dated 2-6-88	14 - <del>15</del>
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D. S. Pandey  
Advocate

LUCKNOW

DATED 14-11-88

21/11/88

Signature of Applicant

8/10

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

APPLICATION REGISTRATION NO.                      of 1988

Het Ram, aged about 55 years  
S/o Sri Dharam Jit R/o Nagala Binayak  
P/o Nawab Ganj, Farrukhabad.

.. Applicant

Versus

(i) Union of India through Secretary,  
Department of Posts and Telegraphs,  
New Delhi.

(ii) Director, Postal Services HQ of P.M.G.  
U.P. Circle, Lucknow

(iii) Director Postal Services, Dehradun  
Region, Dehradun.

(iv) Senior Superintendent of Post Offices,  
Nainital Division, Nainital.

.. Respondents

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT, 1985

(1) Particulars of the Applicant

(1) Name of the Applicant	.. Het Ram
(ii) Name of the father	.. Sri Dharam Jit
(iii) Designation and office in which employed	.. Manager (HSG-II Cadre) PSD Bareilly
(iv) Office Address	.. Department of Postal Store Depot Bareilly.
(v) Address for service of Notice	.. Het Ram C/o S.R. Gupta Rishi Namak Ki Kothi Shahjahanpur Road, Bareilly

CONTD.  
ON PAGE -2

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(2) Particulars of Respondents

- (i) Union of India Through Secretary, Department  
of ~~Post~~ Posts and Telegraphs, New Delhi
- (ii) Director Postal Services (D.P.S.) HQ. of P.M.G.  
U.P. Circle, Lucknow.
- (iii) Director Postal Services Dehradun Region, Dehradun
- (iv) Sr. Superintendent of Post Offices, Nainital  
Division, Nainital.

(3) Particulars of the Order  
against which application  
is made.

The application is  
against the following  
order

- (i) Order No. . STA/TP.3 HSG II/IV
- (ii) Date .. 6. 9. 88
- (iii) Passed by .. DPS Dehradun  
Region Dehradun in  
pursuance of DPS HQ of  
P.M.G. U.P. Circle  
Lucknow Memo No. STA/18  
IX A/HSG II/SE I/88/2
- (iv) Subject in brief .. The applicant was promoted  
to the post of Higher  
Selection Grade (HSG II)  
with effect from 8.8.85.  
He has been ordered to be  
reverted to his former  
post of LSG
- (4) Jurisdiction of the  
Tribunal .. The applicant declares  
that the subject matter of  
the order against which he  
wants redressal is within  
the jurisdiction of this  
Hon'ble Court.

AK

(5) Limitation

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

(6) Facts of the Case

- (i) The applicant initially entered in service of Post and Telegraph Department as Clerks at Kaimganj, Farrukhabad on 19th August 1953 and worked on the post of Clerk with good performance till 1975.
- (ii) The applicant was promoted to the post of Lower Selection Grade, here in after mentioned as L.S.G. vide order dated 1.6.74 and took charge to this post on February 1975 and worked on this post (LSG) carefully till 16.8.85
- (iii) In accordance with the direction contained in C.O. Memo No. STA/TP-3/HSG II/CH II dated 5.6.85, the applicant has been promoted to the post of Post Master (HSG II Cadre) at Nainital Head Quarter and a posting order has been issued by DPS Dehradun Region, Dehradun dated 8.8.85. These two directions are annexed herewith as Annexure No. 1 and 2 respectively. The promotion was made temporary and on adhoc basis.

MP

(iv) The applicant joined the promotional post at Nainital and took charge in pursuance of Annexure No. 2 and ultimately the applicant was transferred as Manager PSD Bareilly on 30.5.88. The posting and transfer order dated 30.5.88 is annexed herewith as ANNEXURE No. 3.

(V) The Senior Superintendent of Post Offices Nainital Division Nainital reproduces some adverse remarks in the applicant's Confidential report for the year 1987-88 which is illegal and without giving any opportunity to the applicant. This is annexed herewith as ANNEXURE NO. 4 dated 2.6.88.

(VI) The applicant made a representation against the SS POS Nainital Memo No. SSP/Con-10/AR dated 2.6.88 to the DPS Dehradun which is pending and not yet decided till today. The representation is annexed herewith as ANNEXURE No. 5

(VII) The applicant has been reverted vide D.P.S. Dehradun Memo No. STA/TP-3 HSG II/IV dated 6.9.88 in pursuance of D.P.S. HQ of P.M.G.

Jif/lan

U.P. Circle Lucknow Memo No. STA/181 XA/HSG II  
Se /88/2 after officiating the job of H.S.G.II  
for three years. The order of reversion is  
annexed herewith as Annexure No. 6 *against which*  
*representation is Annexure 7*

(VIII) The applicant has been given increment in the  
month of August 1988.

(IX) That so many juniors are retained though  
having bad records in comparison to the  
applicant. *The list of the Juniors are mentioned*  
*in Annexure No 3*

#### 7. Relief Sought

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

- (i) to quash the order of reversion dated 6.9.88  
passed by D.P.S. Dehradun contained in Annexure  
No. 6 and consequently to allow him to continue  
on the post of HGS II Cadre ~~uninterrupted~~ unentrrupted.
- (ii) To quash the adverse entries reproduced by  
the Senior Superintendent of Post Offices  
Nainital Division, Nainital in the Confidential  
Report of the applicant for the year 1987-88  
contained in Annexure No. 4

#### On the following amongst grounds

- (a) Because the reversion order is bad in law  
as it is purely illegal and arbitrary and  
did not comply with the provisions of  
natural justice.
- (b) Because the superior officers, while passing  
the reversion order made some background on  
the basis of some adverse entries for the year  
1987-88 for which the representation is pending  
before the appellate authority.

H.N.

- (c) Because the reversion order violates the provision of Art. 311 of the Constitution of India
- (d) Because so many juniors are retained having bad ~~xxxxx~~ records than the applicant.

Legal Provision Relied upon

The applicant relied upon the following Hon'ble Supreme Court Ruling which is as follows:-

1976 S.L.J. Page 387

OR

A.I.R. 1976 S.C. Page 1766

The Regional Manager and others ... Appealants

Vs.

Pawan Dumar Dubey ..

Respondent

In the above said case the Supreme Court has observed as follows:-

Government servant reverted from the officiating appointment on the ground of adverse entry in the Character Roll while the juniors were retained -- Government servants representation against the last adverse entry pending with the Govt. - Allegations no administrative reasons for reversion were not controverted in the counter affidavit filed by Govt. - Reversion cannot be said to be "Devoid of an element of punishment" hence illegal without complying the provision of Art.

311 (a)

*Allen*

The sudden reversion of the petitioner for the reason of unfitness given in the reversion order, could be held to amount to an unjustified stigma which could not be said to be "devoid of an element of punishment"

8. Interim Order, Prayer

For the facts and grounds mentioned above the applicant seeks issue of interim relief to the effect that the operation and implementation of reversion order dated 6.9.88 may be stayed and the applicant who is on leave, may be allowed to continue on the post of H.S.G. -II Cadre during pendency of this application.

9. Details of <sup>Remedy</sup> Pendency exhausted

The applicant declares that he has availed of all the remedies available to him under the relevant service rules. No appeal or representation lies against the order dated 29.4.88 under the Service Rules and representation earlier is pending.

10. Matter not Pending with any other Courts etc.

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or has been rejected by any court of law or any Bench of the Tribunal.

11). Particular of Bank Draft/Postal Order in respect of the application fee

- 1). No of Indian Postal order .. DP 020998/ Rs.50  
5
- 2). Name of issuing Post Office .. G.P.O. Lucknow.

H.N.

- (iii) Date of issuing Postal order .. 5.11.88
- (iv) Post Office at which payable .. G.P.O Allahabad

12). Details of Index

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

13. List of enclosures:-

- (i) Posting and Promotion order dated 5.6.85
- (ii) Order of Posting dated 8.8.85
- (iii) Posting and transfer order dated 30.5.88.
- (iv) Adverse remarks in C.R. of the Applicant dated 2.6.88
- (v) Representation of the Applicant against order dated 2.6.88
- (vi) Reversion order of Rs. 50/-
- (vii) Postal order of Rs 50 -
- (viii) Power.

VERIFICATION

I, Het Ram aged about 55 years, S/o Sri Dharam Jit R/o Nagala Binayak, P.O. Nawab Ganj District Farrukhabad do hereby verify that the contents of Para 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Lucknow.

Dated:- 14-11-88  
21-11-88

Signature H. Ram of the Applicant

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A/X

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

APPLICATION REGISTRATION NO. 1988

Het Ram .. Applicant  
Vs.  
Union of India .. Respondent

ANNEXURE NO. 1

OFFICE OF THE DIRECTOR POSTAL SERVICES, DEHRADUN REGION  
DEHRADUN-248001

Memo No. STA/TP-3/HSG II/CHII Dated at D.Dun 5.6.85

The D.P.S. -Dehradun Region has ordered the postings of the following officials promoted to HSG IICadre and allotted to their Region vide C.O. Memo No. STA/ISI-XA/HSG II/Ch II/1 dated 23.4.85 on the post noted against each:-

Sr. No.	NAME	Present posting	New Posting	Remarks
1.	Shri Sheo Ram Singh	LSG Meerut H.O.	Dy. P.M. Meerut No.1	
2.	" Zafaryab Ali	APM A/C Buland.	SPH Hardwar S.C.	
3.	" Mohd. Akhtar.	APM A/C PTTC Saharanpur	P.M. Meerut H.O.	
4.	" B.N. Gill	LSG Hapur	P.M. Bijnor H.O.	
5.	" Kishan Lal	APM A/C Muzaffarnagar	SPM Mussoorie	
6.	" S.D. Sharma	APM A/C D.Dun Cantt.	Manager PSD Saharanpur	
7.	" S.N. Rai	LSG Ghazipur	P.M. Khurja H.O.	
8.	" N.W. Siddiqui	Gorakhpur	S.P.M. Kashipur	
9.	" R.C. Srivastava	Gorakhpur	P.M. Dhampur HO	
10.	" T.D. Lal APM A/c	Varanasi	P.M. Dehradun Cantt., M. HO	
11.	" R.S. Shukla	Pratapgarh	P.M. Pilibhit H.O.	
12.	" N.K. Agrawal	Agra Fort	SPM Modinagar S.O.	
13.	" Het Ram	Fatehgarh	P.M. Nainital H.O.	
14.	" L.N. Nim	Aligarh	P.M. Hapur H.C.	
15.	" R.C., al Verma	APM A/C Etawah	P.M. Lansdowne	
16.	" R.K. Mishra	APM A/C Deoria	P.M. Tehri	

The officials should clearly understand that their promotion in HSG II cadre is purely temporary and on adhoc basis and would not bestow upon them any right for continued officiation or regular absorption and seniority in HSG II cadre.

10 X

-2-

In case any vigilance/disciplinary case of the type - referred to in the DG P&T New Delhi letter No. 6/16/72-Disc dated 25.3.72 is pending against the official now being promoted HSG II cadre or where punishment of stoppage of increment or reaction is current against any of them the matter should be reported this office immediately and the officials should not be relieved for their new appointments.

In case any of the officials named above is not to accept the promotion foregoing promotion should be obtained and sent to this office.

Charge reports should be submitted to all concerned.

Sd/-  
For Director  
Postal Services  
Dehradun 248001

5.6.85

Copy to

- 1). All S.SPOs/SPOs in Dehradun Region.
- 2). All P.Ms in the Region.
- 3). SSPOs - Gorakhpur/Varanasi/Agra/Aligarh/Pratapgarh/Etawah/Deoria.
- 4). Post Master - Gorakhpur/Varanasi/Agra/Aligarh/Pratapgarh/Etawah/Deoria.
- 5). P.M.G. U.P. Circle, Lucknow-226001
- 6) Officials concerned
- 7) O/c
- 8). Spare.

True copy  
Attested

  
Pandey  
Advocate

11  
A/C

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

APPLICATION REGISTRATION NO 1988

Het Ram .. Applicant  
Vs.  
Union of India .. Respondent

ANNEXURE NO.. 2

Ministry of Communications  
Department of Posts

From The Director Postal Services  
Dehradun Region Dehradun

To

The SPOs  
Fatehgarh

No. STA/TP.3/Genl/HSG-II/II dt. at D Dun the 8.8.85  
Subject:- Orders of posting of Sri Het Ram  
in HSG-II Cadre.

A copy of this office memo of even no.  
dated 5.6.85 after necessary correction is sent h/w  
for your office use and necessary action.

Sd/-  
For Director Postal Services  
Dehradun Region, Dehradun

Copy to:-

Sri Het Ram  
LSG SPM Chhibradan PO Fatehgarh

Sd/-  
for Director Postal Services  
Dehradun Region Dehradun

True copy  
14-11-88.  
Advocate

Heaven

13<sup>1/2</sup>

-2-

18. R.N.Verma	LSG Almora	DPM Almora	& Vacant
19. KS Bhal	LSG Nainital	PM Ranikhet	-do-
20. SS Singh	APM A/c Kunraghat (Gorakhpur)	P.M.Tehri HO	-do-
21. Ram Nagina Ram	LSG Ghazipur	DPM Pithoragarh	-do-
22. Dan Sahai	LSG Moradabad	PM Baraut	Vice M.S. Chauhan tfd.
23. S.K.Saxena	LSG Bareilly	PM Dhampur	Vice S.D.Shukla retiring on 30.6.88

All the officials should clearly understand that their promotion in HSG II cadre is purely temporary and on adhoc basis and does not confer on the any right for regular absorption, continued officiation and seniority in the cadre.

Promotion and transfer ordered above are not temporary for the purpose of TA/DA etc.

In case any vigilance/disciplinary case of the type referred to in Dts letter No. 6/16/72 Disc-1/ dated 15.3.72 read with Dte No. SC/7/77/disc dated 13.2.77 is pending against the officials now being promoted in HSG II cadre or punishment of stoppage of increment or reduction in current against any of them the matter should be reported to CO under intimation to this office immediately and the official should not be relieved for his new appointment.

In case any of the officials is not willing to accept promotion an unconditional declaration foregoing the promotion should be obtained and sent to CO within 10 days under intimation to this office.

Charge report should be submitted to all concerned.

Sd/- 30.5.88  
for Director Postal Services  
Dehradun

Copy forwarded for information and NA to PMG U.P. Circle  
Lucknow.

2. SSPOs /SPOs Nainital, Moradabad, Dehradun, Saharanpur, Bareilly Budaun, Meerut, Almora, Supdt. PSD Bareilly, Allahabad, Pratapgarh Azamgarh, Ghazipur, Sultanpur, Varanasi East Dn., Gorakhpur.
3. P.M./ SPM Allahabad, Pratapgarh, Azamgarh, Ghzipur, Sultanpur, ~~Bareilly~~ Varanasi, Gorakhpur, Hapur, Haldwani, Nainital, Pilibhit, Amroha, Moradabad, Bareilly city, Bareilly HO, Budaun, Bijnor, Dhampur, Hardwar, Saharanpur, Roorkee, Shamli, Sr. PM Dehradun HO PM Dehradun Cantt, Mussoorie SO, Baraut, Almora, Ranikhet, Tehri, Pithoragarh.
4. Officials concerned.
5. Manager, PSD Bareilly
6. DPS Allahabad/Kanpur/Lucknow.

True Copy  
Attested

*[Signature]*  
Advocate

148/22

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

Application Registration no. 1988

Het Ram .. Applicant  
Vs.  
Union of India .. Respondent

ANNEXURE NO. 4

REGISTERED AD

GOVERNMENT OF INDIA  
DEPARTMENT OF POSTS  
OFFICES OF THE SR. SUPDT. OF POST OFFICES  
NAINITAL DIVISION NAINITAL - 263001

Memo No. SSP/Con-10/AR 86 Dated Nainital the 2.6.88  
My dear

I produce below adverse remarks recorded in your Confidential report for the year 1987-88. I am sorry that such an entry had to be made in your confidential report but this has been done solely with a view to acquaint you with the shortcomings which have come to notice and which I am sure you would like to know, I am also confident that you will give me an opportunity to congratulate you next year on your successful efforts to remove the defects. I am afraid if you do not make a sincere effort to remove the defects, it might effect your future prospects.

I reproduce below the substance of good remarks recorded in year so that you may be aware of your good qualities.

Please return the duplicate copy in the enclosed cover within 3 days of its receipt after signing it for record at the end.

Yours sincerely,

Sri Het Ram  
Post Master Nainital

Sd/-  
Sr. Supdt. of Post Office  
Nainital Dn.Nainital

Substance of Adverse remarks

1. Period 1.4.87 to 1.10.87 -Item No.6- No he was never prompt and efficient in discharging his duties.
- Item No.8 (d) (poor)  
Item No.9-(c) Inadequate knowledge)  
Item No. 10(i) No ability  
(ii) Slow and trends to delay  
(iii)(d) Poor
- Item No. 11 - No initiative  
Item No. 12-(c) ( Inadequate)
2. Period 2.10.87 to 31.3.88 Item No.7 -Poor  
(State of Health)  
Item No. 1:- The official was censured vide memo No.F/CC-1/87-88 dt.25.1.88

Signature of the official  
Date Sd/- Het Ram  
4.6.88

Received one copy.

True copy  
Attested  
Sd/-  
Sunder

15  
8/23

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAD.  
LUCKNOW BENCH LUCKNOW

APPLICATION REGISTRATION NO.

1988

Het Ram ..

Applicant

Vs.

Union of India ..

Respondent

ANNEXURE NO. 5

The Director Postal Services  
DEHRADUN

Representation against the SSPOS Nainital Memo No. SSP/Con-10/  
AR dated 2.6.88

-

I have to lay down the following facts for your kind  
consideration and sympathetic order:

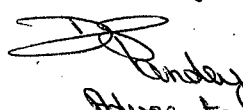
1. That the learned SSPOs has given his assessment regarding promptness and efficient discharging of duty as "no.. In this connection it is to say that the finding of the SSPOs are not based on any file even the SSPOs has never issued a single warning to me showing his dissatisfaction about promptness and efficient discharging of any duty like wise he has given bad remarks against column. 8,9,10,11&12 of my C.R. . In this case I have to request that if my work was not satisfactory on these points as a matter of facts all these facts should have been brought in my notice from the different files for improvement. But nothing has been done by the SSPOs in these regards at all in writing before bringing these bad entries in my C.R.

It is therefore requested that I am may kindly be absolved from these bad entries and necessary orders may kindly be issued to appropriate authority to expunge these orders .

Yours faithfully

Sd/- (Het Ram)  
Now Manager P.S.D.  
Bareilly-243001  
12.8.88

Attested

True Copy  
  
Advocate  
14-11-88

16

18/2/88

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAD.  
LUCKNOW BENCH LUCKNOW

App.Reg.No. 1988

Het Ram .. .. Applicant

Vs.

Union of India .. .. Respondent

ANNEXURE NO. 6

Ministry of Communication  
Department of Posts  
Office of the Director Postal Services Dehradun  
Region, Dehradun- 248001

Memo No STA/TP.3 NSG II/IV

Dated D.Dun the 6.9.88

.....

Promotion and Allotment in HSG II Postal cadre  
(Part (B))

In pursuance of DPS HQ/PMG UP Circle Lucknow Memo No. STA/181 XA/HSG II/ESI/88/2. The DPS Dehradun Region Dehradun has ordered the following postings transfers with immediate effect.

- |                   |           |                         |                             |  |
|-------------------|-----------|-------------------------|-----------------------------|--|
| 1. S/Shri         | RE Saxena | LSG<br>Moradabad<br>Dn. | PM<br>Amroha                | Vice Shri Nathu Singh<br>not approved for<br>promotion in HSGII.<br>As per CO STA/181-XA/<br>HSG II/SE-L/88/2 dt.<br>21.3.88 '8.8.88 |
| 2. " Vishnu Sahai |           | LSG<br>Budaun           | Manager<br>PSD<br>Bareilly. | Vice Shri Het Ram<br>not approved for<br>promotion in HSG -II<br>Cadre.  |
| 3. " K.D. Pathak  |           | LSG<br>Meerut           | PM<br>Tehri                 | Vice Shri S.B. Singh<br>Referred promotion<br>CO/STA/181 XA/HSG<br>II/88/2 Dt.17.8.88  |

Part (B)

The DPS has also ordered the reversion of following officials to their former post/cadre as they have not been found fit for promotion in HSG II cadre vide CO No. STA/181 XA/HSG II/SEL/2 dtd. 21.3.88 & 8.8.88 and they are posted in LSG cadre s/pwn against them.

- |                       |                |          |   |
|-----------------------|----------------|----------|---|
| 1. S/Shri Nathu Singh | PM             | Amroha   | New Posting<br>APM S/c Bijnor<br>against vacant post. |
| 2. " Het Ram          | Manager<br>PSD | Bareilly | LSG (...Line)<br>Etawah.                              |

All the officials should clearly understand that their promotions in HSG XX Cadre is purely temporary and on adhoc basis and does not confer of their any right for their regular absorption continued officiation and seniority in the cadre.

Promotion and Transfer ordered above are not temporary for the purpose of TA/DA etc.

In case of vigilance, disciplinary case of the type referred to in DTC letter No. 6/1/72 Disc 1/ dated 25.3.72 read with DTC No. SC/7/77 Disc/dtd.1.2.77 is pending against the officials now being promoted in HSG II cadre or punishment or stoppage of increment or reduction is current against any of them. The matter should be reported to CO under intimation to this office immediately and the official should not be relieved for his new appointment.

In case any of the officials is not willing to accept promotion an unconditional declaration foregoing the promotion should be obtained and sent to CO within 10 days under intimation to this office.

Charge report should be submitted to all concerned.

Sd/-

for Director Postal Services  
Dehradun Region Dehradun  
6.4.88

Copy forwarded for information and N.A. to:-

1. The Addl. PMG UP Circle Lucknow.
2. The Director D.P.S HO P.M.G.U.P. Circle Lucknow.
3. D.P.S. Kanpur/Allahabad/Lucknow
4. SSPOs Moradabad/Nainital  
SPOs Budaun/Etawah
5. PM Moradabad HO/Amroha HO/Nainital HO/Budaun HO/  
Etawah.
6. Official concerned
7. Spare.

*True copy*

*Attested*

*J. Pandey  
Advocate*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.LUCKNOW BENCH, LUCKNOW.

Registration No. 207/88

Het Ram

-----

Petitioner.

Versus.

Union of India.

-----

Opp. Parties.

ANNEXURE NO. 7

The P.M.G.,

U.P. Lucknow.

Sub: Discriminatory Victimisation of Sri Het Ram  
(H S G II) Manager PSD Bareilly on Caste prejudice.

-----

Respected Sir,

I may kindly be excused to write you directly as the water of harassment has gone above the hose. I beg to lay down few lines of my pathetic services story.

1. After rendering my Supreme services to the department having a unblemished record of 32 years, I was promoted as Post-Master Nainital in H.S.G.II cadre in the year 1985 (17-8-85).

2. I was charge sheeted by the S.S. Post Nainital and awarded with a censured punishment for no fault of mine simply because of caste prejudices.

3. Though I preferred an Appeal to the D.P.S. Dehradun yet it was not considered favourably for the reasons best explained above (Due to caste biased).

4. I have been reverted vide D.P.S. Dehradun Memo No. STA/TP-3 HSG II/IV dt. 6.9.88 in pursuance of D.P.S. Hq. 0/0 P.M.G. U.P. Circle Lucknow Memo No. STA/18IXA/HSG II/Sell/88/2 After Officiating the job of H.S.G. II on the lame excuse of my inefficiency, often it happens with SC/ST employees.

A/X

- 2 -

5. For any fault of mistake only one punishment can be imposed but I fail to understand as to how the punishment of censured and reversion has been awarded which is against the interest of fair justice. More so it was done on filmy grounds.
6. I was transferred and posted as Manager P.S.D. Bareilly at my own request and cost on 1.7.88.
7. My children have been admitted in respective classes in Bareilly and they are receiving their education at Bareilly itself.
8. I hail out from schedule caste community which has perhaps became the disqualification to me.
9. It will not be out of point to mention here that Sri A .K. Singh and Sri Rajesh Mishra S.S. Post Nainital and Smt. Sunita Trivedi D.P.S. Dehradun were having the Clique against the Scheduled caste Employees, I am afraid that scheduled caste Employees working under them will never be safe during their service periods.
10. Violating the orders of Ministry of Home Affairs, Govt, of India the department has reverted and transferred me which is an explicit flout of the 20 point- programme run by the Govt. and as well against the Policy and statement issued by the honourable Prime Minister of India from time to time.

P R A Y E R

In view of circumstances explained I request to your kind honour to kindly investigate the case in such a fashion that the truth may be divulged and I may

be safed of from the partial hands of officers who  
are sitting on apex and unluckly they are communal.

Yours Faithfully

Sd.

( Het Ram )

Manager P.S.D.

Bareilly.

Dated: 20-9-88

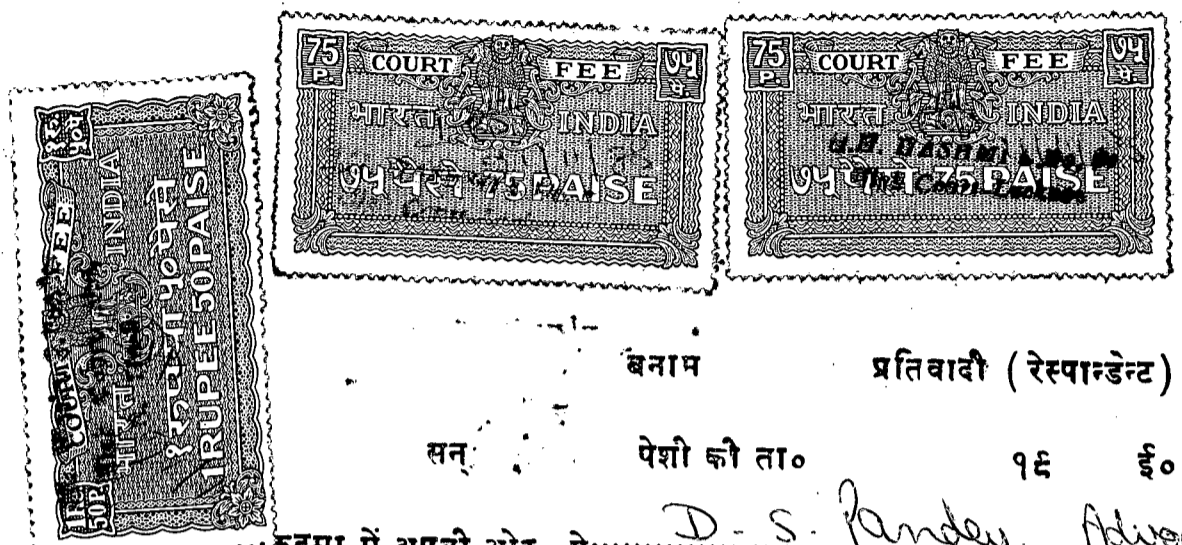
Bareilly.

1. Copy to the D.G. Deppt. of Posts, New Delhi for  
Spl. attention of SC/ST cell (Director Welfare)  
for information and he is requested to kindly  
investigate the case immediately to safeguard  
the larger interest to SC/ST employees.
2. Minister for Communication Govt. of India, New H  
Delhi for information & necessary action.

TRUE COPY

Attested  
Randy  
Advocate

ब अदालत श्रीमान..... *Central Administrative Tribunal*  
..... *Allahabad Lucknow Bench Ltd* महोदय  
[वादी] अपीलान्त, श्री *Het Ram* का **वकालतनामा**  
प्रतिवादी [रेस्पान्डेन्ट]



बनाम प्रतिवादी (रेस्पान्डेन्ट)

सन पेशी की ता० १६ ई०

मुकदमा में अपनी ओर से *D. S. Pandey, Advocate*

*B-40 Sarvodaya Nagar* वकील  
*Lucknow* महोदय  
एडवोकेट

नाम अदालत.....	नाम.....
मुकदमा नं०.....	फरीकन.....

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरबी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल 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 करे या हमारी या विपक्षी (फरीकसनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (बिस्तखती) रसोद लेवें यह पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पंरोकार को भेजता रहूंगा अगर मुकदमा अदम पंरबी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

Accepted

हस्ताक्षर *[Signature]*

*[Signature]*  
Advocate

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... महीना..... सन् १६ ई०



K  
198

In the Hon'ble High Central Administrative Tribunal  
Additional Bench Allahabad.

Circuit Bench,

Lucknow.

C.A.No. 207 of 1988

Het Ram

...

Applicant.

Versus.

Union of India and others.

Respondents.

Counter Affidavit on behalf of Respondents.

I, B.D.Tewari, aged about 57 years, son of  
Manorath Tewari, r/o Asstt. Supdt. Post Offices  
Nainital, do hereby solemnly affirm and state on  
oath as under:

1. That the deponent is Asstt. Superintendent of Post Offices, Nainital and he has been authorised to affirm this counter affidavit on behalf of Respondent nos.1 to 4.
2. That the contents of paras 1 to 5 being the matter of record need no reply.
3. That before giving replies to the contents of para 6 of the application, it is necessary to state the following facts by way of brief background to the case:

The applicant Shri Het Ram was promoted temporarily on ad-hoc basis in higher Selection



*Dr. S. Kumar  
to Mr. Singh  
Secy  
20/5*



Grade II cadre vide P.N.G.U.P. Memo No.XA/HSG/II/84/Chii dated 23.4.1985 and he had been working in the aforesaid grade with effect from 17.8.1985. His case for regularisation in HSGII cadre was duly considered by the Departmental Promotion committee which met on 12.1.88, but he was not found fit for promotion in the Higher Selection Grade II cadre by the Departmental Promotion committee, and as such he had to be reverted, to the post of Lower Selection grade vide memo No.STA/HSG/IV dated 6.9.1988 of the Director Postal Services Dehradun in pursuance of Memo No.STA/181-XA/HSG/II/88/II of the P.N.G. , U.P. Circle True copy<sup>2</sup> of the aforesaid Memos dated 6.9.88 of the Director of Postal Services Dehradun has already been filed by the applicant as Annexure No.6 to the application.

4. That the contents of para 6(i) to (iv) of the application are not denied.

5. That in reply to the contents of para 6(v) of the application it is admitted that some adverse remarks were recorded in the Confidential reports of the applicant for the period 25.2.86 to 31.3.86 and 1.4.86 to 31.3.87, 1.4.87 ,1.10.87 and 2.10.87 to 31.3.88. However, rest of the contents of this para are not admitted.

6. That in reply to the contents of para 6(vi) of the application, it is submitted that the adverse remarks were communicated to the applicant vide SSP,



*Base*

X/32

Nainital -SSP/Con/10/AR,dt.2.6.88, which was received by the applicant on 4.6.88. No representation against the above adverse remark as communicated to him was made to the appellate authority within the prescribed period of 30 days, it may be added that so far representation dated 12.8.1988, was not submitted through proper channel but it was sent to the Director, Postal Service Dehradun. But this representation was duly considered by the Director of Postal Services Dehradun, but the same was rejected as time barred.

7. That the contents of para 6(vii) and (viii) of the application are not denied.

8. That the allegations contained in para 6(ix) of the application are denied and it is emphatically stated that the persons who had been retained had certain better records and as such, they were found fit by the Departmental promotion Committee.

9. That in reply to the contents of para 7 of the application it is submitted that in view of the position stated in the foregoing paragraphs of this counter affidavit, the applicant is not entitled to any relief sought in this para.

10. That the deponent has been advised to state that the grounds as taken by the applicant in para 7 of the application are not sustainable in law and the applicant was not entitled to benefit of Article 311(2) of the Constitution of India. Further, it is submitted



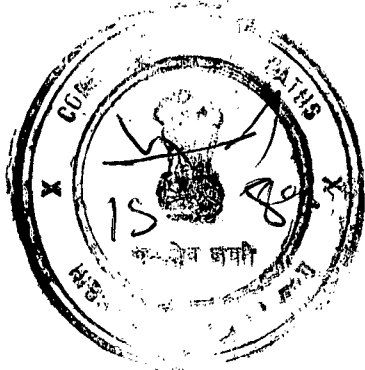
that the Supreme Court Ruling (AIR1976 S.C.1966) relied upon by the applicant does not support the case of the applicant. In this regard, submissions will be made at the time of arguments.

11. That in reply to the contents of para 8 of the application, it is submitted that there is no prima facie case in favour of the applicant and as such, the applicant is not entitled to any interim order during the pendency of the application.

12. That the contentions raised in para 9 of the application are denied and it is submitted that it was ~~not~~ open to the applicant to appeal to the higher authorities against reversion order dated 24.8.1988, but he has deliberately avoided to avail of this departmental remedy.

13. That the contents of paras 10 to 13 of the application being the matter of record need no reply.

14. That the deponent has been advised to state that the impugned order dated 29.4.1988, in fact is not a reversion order because the applicant was working on the promotional post temporarily and on purely ad-hoc basis and since he was not found fit for regularisation by the



- 5 -

Departmental Promotion Committee on that post, he was no more longer retained on that post.

15. That the deponent has been advised to state that the claim of the applicant is not sustainable in Law and he is not entitled to any relief prayed for in the present claim application which is devoid of any merit and is liable to be dismissed with costs.

Lucknow; Dated  
15-5, 1989

*[Signature]*  
Deponent.

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 2 of this affidavit are true to my own knowledge and the contents of paras 3 to 13 are true to my personal knowledge derived from the official records and the contents of paras 14 to 15 of this affidavit are believed by me to be true on the basis of legal advice. No part of it is false and nothing material has been concealed.

So help me God.


Lucknow; Dated  
15-5, 1989

*[Signature]*  
Deponent.



- 6 -

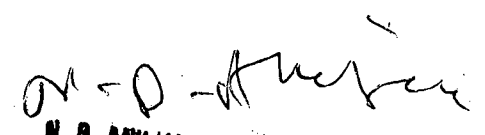
I, identify the deponent who is personally known to me and has signed before me.

  
15-5-89  
Advocate.

Solemnly affirmed before me on 15-5-89  
at 1-15 A.M./P.M. by the deponent Shri B. D.  
Tiwari who is identified by Sri B. L. Mishra  
High Court Lucknow Bench Lucknow.

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



  
N. D. ANUJANI  
OATH COMMISSIONER  
High Court Lucknow Bench Lucknow  
No. 83/153  
Date 15/5/89

A  
26

F. F. 25-8-89

IN THE COURT OF HON'BLE CENTRAL ADMINISTRATIVE  
TRIBUNAL, LUCKNOW BENCH LUCKNOW

Registration No. 207/88

HET RAM

..

Applicant

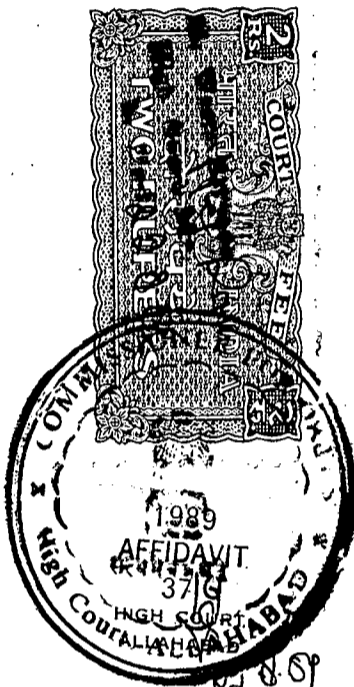
Vs.

UNION OF INDIA  
AND OTHERS

..

Opposite parties

Rejoinder Affidavit of Sri Het Ram to the  
Counter Affidavit of Respondents.



I, Het Ram, Adult, son of Sri Dharam Jit

R/o Namak Ki Kothi Shahjahanpur Road, Bareilly

do hereby solemnly affirm and state on oath as under:-

- 1). That the deponent is the petitioner in the above noted case and is well acquainted with facts of the case and also understood the facts deposed in the counter affidavit.
- 2). That para 2 of the counter affidavit needs no reply.
- 3). That the contents of para 3 of the counter affidavit are denied to the extent that the applicant



*[Signature]*

17/3

-2-

was declared unfit only on the ground of some adverse entries against which the representation of the applicant was pending at that time.

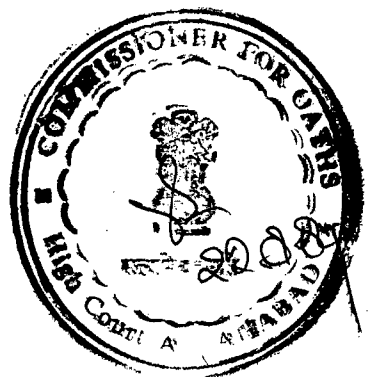
4). That the contents of para 4 and 5 of the Counter Affidavit need no reply.

5). That the contents of para 6 of the Counter affidavit need no reply. So far as limitation for representation is concerned, the period for representation to the appellate authority is 90 days and the applicant made his representation ~~in~~ within time. But the appellate authority rejected the applicant's representation as time-barred which is illegal and unjust. The appellate authority was bound to decide the representation on merits and consider the ease of applicant, but appellate authority did not do so and rejected the representation as time-barred.

6). That the contents of para 7 of the Counter affidavit need no reply.

7). That in reply to para 8 of the Counter Affidavit, the contents of para 6(IX) of the petition is reiterated.

8). That the contents of Para 9 of the Counter affidavit are denied.



*[Handwritten signature]*

9). That the contents of para 10 & 11 of Counter affidavit are denied and the contents of the petition in this regard are reiterated.

10). That the contents of para 12 of the Counter affidavit are denied, the applicant never avoided the departmental remedy.

11). No reply needed for Para 13 of the Counter Affidavit.

12). That the contents of Para 14 and 15 are denied. The impugned order is actually a reversion order based on the adverse entries.

Lucknow.

Dated. 22-8-89

  
Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of Para 1 to 12 of this Affidavit are true to my personal knowledge and nothing material has been concealed. So help me God.

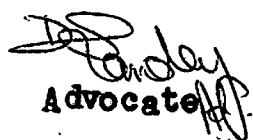



Lucknow

Dated: 22-8-89

  
Deponent.

I identify the deponent who has signed before me.

  
Advocate

  
OATH COMMISSIONER  
High Court Allahabad  
Lucknow Bench.

No. 27151

Date 22.8.89