

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE C.A. 263 of 1989 (L)

Name of the parties

Pradeep Dixit

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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Check

94/6/2011 - 10/2/18
So (J)

Certified that no further action is required to be taken and that
the case is fit for consignment to the record room (D).

Regd

P.T.O. ↗

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 263 of 1989 (A).

APPLICANT(S) Policemen Detkt.

RESPONDENT(S) U.P. Govt.

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ? ✓ 83
2. a) Is the application in the prescribed form ? ✓ 83
- b) Is the application in paper book form ? ✓ 83
- c) Have six complete sets of the application been filed ? ✓ 83
3. a) Is the appeal in time ? ✓ 83
- b) If not, by how many days it is beyond time ? ✓ 83
- c) Has sufficient cause for not making the application in time, been filed ? ✓ 83
4. Has the document of authorisation/ Nakalatnama been filed ? ✓ 83
5. Is the application accompanied by B.D./ Postal Order for Rs. 50/- ✓ 83
6. Has the certified copy/copies of the order(s) against which the application is made been filed ? ✓ 83
 - (a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ? ✓ 83
 - (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? ✓ 83
 - (c) Are the documents referred to in (a) above neatly typed in double space ? ✓ 83
7. Has the index of documents been filed and pagging done properly ? ✓ 83
8. Have the chronological details of representation made and the cut copy of such representation been indicated in the application ? ✓ 83
9. Is the matter raised in the application pending before any court of law or any other Bench of Tribunal ? ✓ 83

AP

Particulars to be ExaminedEndorsement as to result of examination

12. Are extra copies of the application/duplicate copy/spare copies signed ?

13. Are extra copies of the application with Annexures filed ?

- Identical with the Original ?
- Defective ?
- Wanting in Annexures

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

15. Are the given address the registered address ?

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

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

- Concise ?
- Under distinct heads ?
- Numbered consecutively ?
- Typed in double space on one side of the paper ?

18. Have the particulars for interim order prayed for indicated with reasons ?

19. Whether all the remedies have been exhausted.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 263 of 1989(C)

P. Dant

APPELLANT
APPLICANT

VERSUS

U.S.L

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
29-9-94	<p>Hon. Justice K. Nath, M.C.</p> <p>No one is present. The case is adjourned to 16-X-94 for admission.</p> <p>ve</p>	
29/9/94	<p>Hon. Justice K. Nath, M.C.</p> <p>Sir, I.R. (Honorable) takes notice on behalf of opposite parties. Office will deliver copies of notice and draft for the opposite parties to file. The opposite parties may file case why the application may not be admitted, in particular they will state whether the authority which passed the administrative order was competent to do so and list for admission on 25-10-94.</p> <p>ve</p> <p>VC.</p>	<p>OR</p> <p>No reply filed submitted to admission</p> <p>h 24/1</p>

P.M.

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

27-10-89

See
original order
on
main Petition

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

Shri V.K.Choudhary appears for the opposite parties, requests for and is allowed four weeks time to file a counter to which the applicant may file rejoinder within two weeks thereafter. The application is admitted. List for further orders on 14-12-1989. In the matter of interim relief issue notice to opposite parties. The interim relief will be considered on the date fixed.

V.C.

rrm/

14-12-89

No sitting. Adj. to 30.1.90.

Both the Counsel are present.

30/1
90

Hon. Justice K. Nath, V.C.

14/12/89

Hon. K. J. Raman, A.M.

Sri P. Nath for the applicant and Sri V.K. Choudhary for the respondents are present. Sri Choudhary requests for one more opportunity to file a counter affidavit. In the matter of interim relief, he points out that the appointment letter (Answer to 'A-5') under the signatures of Brig. Commanding Officer expressly mentions as having been issued under the authority of the Director General and therefore, the Doctor of Dermatology issued by the Deputy Director General does not suffer from infirmity on the point of appropriate appointing authority.

A counter affidavit, as prayed for, may be filed within three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List for final hearing

Dinesh

on 28.3.90.

P.M.

V.C.

A.M.

OA 263/89-L

(P5)

19.3.91

No Siting Adf to 19.4.91

fr

19.4.91

No Siting Adf to 27.5.91

fr

27.5.91

No Siting Adf to 16.7.91

fr

16.7.91

None present for applicant.

OR

Mr. V.K. Chaudhary, counsel for
respondents.

No objection
has been filed.

S.F.O

may be listed for directions
on 21.8.91.

L
15/7

See
(D.K. Agrawal)
I.M.

See
(Kanthal Kumar)
V.C.

21.8.91

No Siting Adf to 11.9.91

11.9.91

No Siting Adf to 15.9.91

26/9/91

~~No Adf~~

or

M.P. 385/91 (1) filed
by applicant
CA filed by respondent
S. PO

✓
13.9.91

Received
Copy
of Adf
for Applicant
Sir P. Nath
Advocate
Anil Kumar Srivastava
26/9/91
See
28/9/91

46

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.263 of 1989

Pradeep Dixit Applicant

Versus

Union of India & Others Respondents

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

Hon.Mr. A.B.Gorthi, Member (A)

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

~~The applicant's~~ A short question is involved in this case. With the consent of the parties we have heard the learned counsel for the parties and decided the case finally.

2. The applicant's name was sponsored by the Employment Exchange for the post of Fire Engine Driver in the Armed Forces Medical Stores Depot, Lucknow. The applicant was found suitable and that is why he was appointed. Initially the appointment order was for a period of two years. After completion of one year a memo was issued to him on 3.10.88 requiring him to show cause as to why his services should not be terminated for false declaration and suppression of facts. It appears that three cases were pending against the applicant in the Court of ACJM II. No reference was made for the same in the attestation form. The learned counsel for the applicant stated that the applicant was not conversant ^{with} _{to} the English language and he could not understand the meaning and purport of the said column given in the attestation form. The

AP

respondents instead of holding an enquiry terminated the services of the applicant vide order dated 29.12.88. The applicant filed an appeal which was also rejected by the appellate authority. The learned counsel for the applicant stated before us that his services were terminated by way of punishment. The respondents' reply is that the applicant was not a fit person to be retained in service. Before terminating the services of the applicant an enquiry should have been held but the respondents instead of holding an enquiry terminated the services of the applicant. In this way, the termination order is obviously by way of punishment and cannot be passed in violation of Article 311 of the Constitution of India. The application is allowed and the termination order as well as appellate order rejecting the appeal of the applicant are quashed. It is open to the respondents to hold an enquiry in accordance with law which may be just and proper. Parties shall bear their own costs.

Parasgupta

Member (A)

L

Vice Chairman

Dated the 17th Sept., 1991.

RKM

Deputy Registrar (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.Application under Section 19 of Adminis-
trative Tribunals Act, 1985

O.A. No. 263 of 1989 (L)

Pradeep Dixit ... Applicant
 VS
 Union of India & others ... Respondents

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Dated Lucknow
September 1, 1989(PRADEEP DIXIT)
APPLICANT

THROUGH:

(R. NATH)

Advocate

Counsel for Applicant

For use in Tribunal's Office

Date of filing

or

Date of receipt by post

Registration No.

Signature
For Registrar.

(P)

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

Application under Section 19
of the Administrative Tribu-
nals Act, 1985.

O.A. No. 263 of 1989

Pradeep Dixit, aged about 27 years, son of Sri D.S.
Dixit, residing at House No. 555-Kha/55, Bhola
Khera, Alambagh, Lucknow 226 005.

... Applicant
VS

1. Union of India through Secretary to the Government of India, Ministry of Defence, New Delhi.
2. Director General, Armed Forces Medical Services, Raksha Mantralaya, New Delhi, 110 001.
3. Deputy Director General, Armed Forces Medical Services (E & S), Raksha Mantralaya, New Delhi, 110 001.
4. Commandant, Armed Forces Medical Stores Depot, Lucknow, 226 002.

... Respondents

DETAILS OF APPLICATION

1. Particulars of the orders against which the application is made:

1.1 Order No. 11348/DGAFMS/DG-28 dated 29.12.88, issued by the Deputy Director General, Armed Forces Medical Services (E & S), terminating the applicant's services from the post of Fire Engine Driver, Armed Forces Medical Stores Depot, Lucknow, an attested true copy of which is attached as Annexure A-1, and

Ann. A-1

1.2 Order of even number dated 3.3.1989 by which the applicant's appeal was rejected by the Director General, Armed Forces Medical Services, an attested true copy of which is attached as Annexure A-2.

Ann. A-2

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the orders against which he wants redressal is within the jurisdiction of the Tribunal.

Page 2 ...

Pradeep Dixit

3. Limitation

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

4. Facts of the Case:

4.1 Having been sponsored by the local Employment Exchange, the applicant appeared for an interview and test held at the Armed Forces Medical Stores Depot, Lucknow, for the post of Fire Engine Driver, in the month of August 1986, and having been found suitable for the appointment to the said post, he was offered the said appointment by the Commanding Officer of the Depot vide his letter No. 920501 dated 18.8.1987, a true copy of which is attached as Annexure A-3.

Ann. A-3

4.2 Pursuant to the aforesaid offer, the applicant joined his duty as Fire Engine Driver at the Depot on 19.8.1987.

Ann. A-4

4.3 The applicant's appointment was notified by the Commanding Officer of the Depot vide Daily Order Part I dated 19.8.1987 at item¹⁰ of the order, a true copy of which is attached as Annexure A-4.

Ann. A-5

4.4 The applicant's formal appointment order was also issued vide Daily Order Part II No. 205/Non-Industrial, dated 19.8.1987 by the Commanding Officer, a true copy of which is attached as Annexure A-5.

4.5 A perusal of the aforesaid orders would show that the applicant had been placed on probation for two years with effect from 19.8.1987.

4.6 After about five months, i.e. in January 1988, the applicant was required to fill the attestation form for verification of character and antecedents.

4.7 Ever since his appointment, the applicant had put in his heart and soul in the performance of his duties and he did not give any cause of complaint to his superiors either in regard to his work or conduct. And whether it was night or day, he performed his duties with the same enthusiasm and in recognition of his good work and conduct, the applicant was given


Pradeep Dixit

(All)

his annual increment from the due date.

Ann. A-6

4.8 The applicant was looking forward to completion of his second year of probation also with credits. However, vide memorandum no. 920508 dated 3.10.1988, a true copy of which is attached as Annexure A-6, the applicant was required to show cause as to why his services should not be terminated for false declaration and suppression of facts in the attestation form.

4.9 The allegation was that although there were three cases registered against the applicant in Police Station Krishna nagar, Lucknow, and the said cases were under consideration in the Court of Addl. Chief Judicial Magistrate II, as intimated by the authorities concerned vide letter No. 60/16/RA dated 6th July 1988, the applicant had not indicated about the said cases in reply to para 12 of the attestation form submitted in January 1988.

4.10 Paragraph 12 of the attestation form which consisted of 3 parts and the replies given thereto by the applicant would appear from a perusal of the show cause letter vide Annexure A-6 referred to above.

Ann. A-2

4.11 The applicant submitted his reply to the aforesaid show cause memorandum on 7.11.1988 and a true copy of it is attached as Annexure A-2.

4.12 In his reply, the applicant submitted respectfully that since he was not competent in English language - he was only an Intermediate and the entire attestation form was only in English language without its Hindi translation - the applicant had to take the assistance of one of his well wishers and the form was filled, by the applicant as per his advice and suggestion.

4.13 According to the said well-wisher, the first part of paragraph 12 meant if the applicant had been kept under lock up for more than 48 hours, and produced in Court or the Court had found him guilty of any offence or fined or convicted him as a result of which the applicant had been found unfit by the Public Service Commission for any examination, admission or selection or refused him permission to so



4
A.2

appear. Further the second part was a part of third part. In case the applicant had been locked up for more than 48 hours and produced in Court or had been found guilty of any offence by the Court, or fined or convicted, then the second part was to be filled in the affirmative and the complete details were to be then given in reply to the third part. Thus, the correct reply to paragraph 12 was only "NO".

4.14 The applicant submitted that if the correct meaning of paragraph 12 in English was also to include false cases registered by the police, then he regretted for the unintentional mistake on his part and requested for being supplied a set of forms afresh so that he ^{may} fill the same again.

4.15 The applicant also pointed out that during the period 1985-87, prior to his appointment, he used to drive tempo to earn his livelihood and since he did not give illegal gratification to the police, he had been implicated falsely in the three cases in question, one after another.

4.16 The applicant further submitted that out of the three cases reported to be pending against him he had already been acquitted in Case No. 288/85 under Section 25 Arms Act vide judgment and order dated 30.11.1987.

Ann. A-8 A true copy of the same is attached as Annexure A-8.

4.17 In so far as the other, two cases were concerned, the applicant's submission was that the same were pending but the prosecution had failed to produce its witnesses despite several dates and he would furnish copies of the final orders in the said cases as and when passed.

4.18 In conclusion, the applicant once again apologised for the unintentional mistake on his part and requested for being provided with a fresh set of attestation form for re-submission.

4.19 Although in paragraph 3 of the show cause memorandum, it was said that the applicant was fully aware of the fact that furnishing of false information or suppression of any factual information in the attestation form would be a disqualification and was likely to

Paradip 10/7/77

P 5...

render him unfit for employment under the Government and that he was also liable for disciplinary action and his services were liable to be terminated, no proceedings were drawn against the applicant nor was his reply considered and his services were terminated under proviso to sub-rule (1) of rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, by the Deputy Director General(E & S) vide order no.

11348/DGAFMS/DG-DB dated 29.12.1988(Annexure A-1), which order was served on the applicant through the Commandant, AFMS Depot, Lucknow.

4.20 The applicant thereupon submitted his appeal under rule 5(2) of the CCS(TS) Rules, 1965, to the Director General, AFMS, New Delhi, on 27.1.1989, through the Commandant, AFMSD, Lucknow, a true copy of which is attached as Annexure A-9.

Ann. A-9

4.21 In order to save the present application from becoming lengthier the applicant adopts the submissions made by him in his appeal as submissions of the present application and requests a perusal of the appeal by this Hon'ble Tribunal.

4.22 By his letter dated 9.2.1989, the applicant informed the appellate authority that the remaining 2 false cases were expected to be decided by the end of March 1989 and that he would submit copies of the judgments as soon as they were pronounced.

4.23 The applicant's appeal, however, was rejected in the mean while vide order no. 11348/DGAMS/DG-28 dated 3.3.1989(Annexure A-2) which was forwarded to the applicant by the Commandant, AFMSD, vide his letter no. 920508/DD/ dated 10.3.1989.

4.24 The applicant has been seriously prejudiced and discriminated by being required to fill an attestation form which was only in English without its Hindi translation. He submits that had the form been in Hindi, he would not have committed the unintentional mistake in replying to paragraph 12 of the attestation form.

Tran DIXit

After all only 2 cases were pending against him and pendency of cases could not lead to termination of his employment.

4.25 The applicant submits that if no exception has been taken against the authorities who were expected to act in a responsible manner since they were verifying the attestation form of an employee for reporting falsely after seven months that Case No. 288/85 was still pending against the applicant, though it stood dismissed in favour of the applicant on 30.11.1987 a mountain of a mole cannot be made only against the applicant for having committed an unintentional mistake since the form was only in English.

4.26 The applicant submits that he also could not be made to suffer on account of pendency of cases since the prosecution was taking dates after date, the last dates being 14.8.1989 in Crime No. 301/85 (Case No. 494/86) and 31.7.1989 in Crime No. 146/87 (Case No. 2172/87).

4.27 It is respectfully submitted that in Case No. 494/86 (Crime No. 301/85), beginning from 23.7.1986 and upto 14.8.1989, there has been thirty one dates so far and now the case is fixed for 15.9.1989. Likewise in Case No. 2172/87 (Crime No. 146/87), beginning from 3.12.1987 to 31.7.1989, there has been 19 dates and now the case is fixed from 28.9.1989. And in both the cases the examination of prosecution witnesses has not finished thus far.

4.28 The applicant also submits that the report on which the show cause was issued was dated 6.7.1988. The applicant's first annual increment fell due on 19.8.1988 which was granted to him without any demur. Accordingly the authorities were also estopped in law and fact to reopen the question to deprive him of his job.

4.29 The applicant has in effect been dismissed from service without any proceedings and in gross violation of principles of natural justice and fair play. Even his reply to the show cause memorandum has not been considered at all.

Pradip

(PIS)

5. Grounds for relief with legal provisions.

5.1 Because the report of the authorities concerned regarding the attestation form being dated 6.7.1988 and the applicant having been given his annual increment due on 19.8.1988, the authorities were estopped in law as also fact to issue the show cause notice(memorandum) on 3.10.1988 leading to the termination of the applicant's job.

5.2 Because the applicant was seriously prejudiced by being required to fill an attestation form purely in English without its Hindi translation.

5.3 Because had the form been in Hindi, the applicant would not have even committed this unintentional mistake.

5.4 Because if a case already decided on 30.11.87 could be reported as still pending 6.7.1988, and no action was obviously taken against the officer concerned the applicant could not be penalized for just an unintentional mistake.

5.5 Because unintentional mistake could not be equated to either suppression or giving false information.

5.6 Because the termination of the applicant's service was arbitrary, against the principles of natural justice, fair play, malafide and without jurisdiction.

5.7 Because it was done without application of mind and a mountain was made of a mole.

5.8 Because the termination was violative of Articles 14, 16 and 311 of the Constitution of India.

5.9 Because the termination was also void since the order had not been issued by the appointing authority as required under the CCS(TS), Rules, 1965.

5.10 Because the appellate order was also void. It was also done in a mechanical manner and did not contain any reason.

Prachan Dixit

Rb

5.11 Because both the impugned orders contained in Annexures A-1 and A-2 are liable to be quashed.

6. Details of the remedies exhausted

6.1 As shown above, the applicant submitted his appeal against the termination order on 27.1.1989 vide Annexure A-9 which was rejected vide Annexure A-2 dated 3.3.1989.

7. Matters not previously filed or pending WITH ANY OTHER Court

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

8. Reliefs sought:

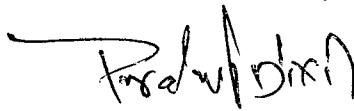
8.1 In view of the facts mentioned in paragraph 4 above, the applicant prays for the following reliefs:

- a) quash the orders contained in Annexures A-1 and A-2, the said orders being void and violation of the rules and Constitution of India shown in paragraph 5 above, and
- b) allow all the consequential benefits as if the said orders had never been passed, viz. arrears of salary, increment and confirmation etc.,
- c) grant such other relief which ^{may} be deemed fit and proper in the circumstances of the case by this Hon'ble Tribunal.

9. Interim order, if any prayed for:

9.1 Pending final decision on the application, the applicant seeks the following interim relief:

Payment of his salary month by month



A/P

10. Not applicable since the application is being presented personally through counsel.

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

(1) Postal Order No. AA 979341 dated 17.4.89 for Rs. 20/-
23

(2) - do - 979342 - do - for Rs. 20/-

(3) - do - 04999361 - do - - 5/-

(4) - do - 04999366 - do - - 5/-

Total 50/-

All Postal Orders issued by Dilkusha Post Office, Lucknow. In favour of Registrar, CAT, Allahabad.

12. List of enclosures:

The application is accompanied with the following annexures:

1. Ann. A-1 Order No. 11348/DGAFMS/DG-2B dated 29.12.1988 terminating the applicant's services.
2. Ann. A-2 Order of even No. dated 3.3.1989 rejecting the applicant's appeal.
3. Ann. A-3 Letter No. 920501 dated 18.8.1987 offering appointment to the applicant on the post of Fire Engine Driver at the AFMS Depot, Lucknow.
4. Ann. A-4 Daily order Part I dated 19.8.1987 notifying the applicant's appointment.
5. Ann. A-5 Daily Order Part II dated 19.8.1987 containing the formal appointment order of the applicant.
6. Ann. A-6 Show Cause Memorandum No. 920508 dated 3.10.1988 as to why services should not be terminated for false declaration and suppression of facts in the attestation form.
7. Ann. A-7 Applicant's reply to above dated 7.11.1988
8. Ann. A-8 Judgment and Order dated 30.11.1987 in Case No. 288/85 acquitting the applicant.
9. Ann. A-9 Applicant's appeal dated 27.1.1989 against termination.


P. S. Dixit

PAB

VERIFICATION

I, Pradeep Dixit, son of Sri D.S. Dixit, aged about 27 years, residing at House No. 555/Kha/55 Bhola Khera, Alambagh, Lucknow, do hereby verify that the contents of paragraphs 1,4,7 and 10 to 12 are true to my personal knowledge and paragraphs 2, 3,5,8 and 9 believed by me to be true on legal advice and that I have not suppressed any material fact.

Date: September 12, 1989
Place: Lucknow

Pradeep Dixit
Applicant

(P.M.)

11

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

Annexure No. A-1

C.A. NO. OF 1989(L)

Pradeep Dixit

VS

... Applicant

Union of India & others

... Respondents

Annexure No. A-1

DAILY TELEPHONE: 3018308

11348/2G/ATL/2G-28

REGISTERED/SLS
RAKSHA MANTRALAYA
KARYALAYA MNR, NILADHARI
SABHADRA, SENA CHIKITSA BLDG.
NEW DELHI 110 001

29 Dec 88

Under

In pursuance of the Proviso to sub-rule(1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, I, Maj Gen A.K Chakravarti, Dy Director General Armed Forces Medical Services (E&S) hereby terminate forthwith the services of Shri Pradeep Dixit, Temp. Fire engine Driver, Armed Forces Medical Stores Depot, Lucknow, and direct that he shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of notice at the same rates at which he was drawing them immediately before the termination of his service, or, as the case may be, for the period by which such notice falls short of one month.

Ashokavansh

(At Chakravarti)

Maj Gen

DyDG (E&S)

Kritey Bhava Niladri Sabhadrak Sena Chikitsa Sena

Shri Pradeep Dixit
Temp. Fire Engine Driver,
AFMSD, Lucknow

'Thru'

The Commandant
Armed Forces Medical Stores Depot
LUCKNOW

T.C

Pradeep Dixit

(A20)

Annexure No. A-2

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

C.A. NO. OF 1989(L)

Pradeep Dixit ... Applicant
VS
Union of India & others ... Respondents

Annexure No. A-2

12

CONFIDENTIAL

DELHI TELEPHONE : 3018309

REGISTERED/SMS
RAKSHA MANTRALAYA
KARMEALAYA MAHA NIDESHAK
SASHASTRA SENA CHIKITSA SEWA
NEW DELHI - 110 001

11348/DGAFMS/DG-2B

03 Mar 89

Brig RGS Murthy
Commandant
Armed Forces Medical Stores Depot
Lucknow - 226002

TERMINATION FROM SERVICE - SHRI PRADEEP DIXIT
EX FIRE ENGINE DRIVER, AFMSD LUCKNOW

1. Reference your letter No. 920503/PD/1 dated 30 Jan 88.
2. The appeal submitted by Shri Pradip Dixit, Ex-Fire Engine Driver, of your Depot, has been rejected by the DGAFMS.

Sd/- x x x
(JD Pal)

Col

ADG (Plng)

Kritey MAHA NIDESHAK SASHASTRA SENA CHIKITSA SEWA

TRUE COPY

Pradeep Dixit

A21

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

Application under Section 19 of
Administrative Tribunal Act 1985

C.A. No. of 1989(L)

Pradeep Dixit ... Applicant
VS
Union of India & others ... Respondents

I N D E X OF COMPILATION NO. 2

Sl. No.	Description of documents relied upon.	Page no.
1.	Ann. A-3 Letter No. 920501 dated 18.8.87 offering appointment to the applicant on the post of Fire Engine Driver at the AFMS Depot, Lko.	15
2.	Ann. A-4 Daily Order Part I dated 19.8.87 notifying the applicant's appointment	16-17
3.	Ann. A-5 Daily Order Part II dated 19.8.87 containing the formal appointment order of the applicant.	18
4.	Ann. A-6 Show Cause Memorandum No. 920508 dated 3.10.88 as to why services should not be terminated for false declaration and suppression of facts in the attestation form	19-20
5.	Ann. A-7 Applicant's reply to above dated 7.11.1988	21-22
6.	Ann. A-8 Judgment and Order dated 30.11.87 in Case No. 288/85 acquitting the applicant.	23-26
7.	Ann. A-9 Applicant's appeal dated 27.1.89 against termination	27-31

Dated Lucknow
September 17, 1989

10

(Pradeep Dixit)
Applicant

Annexure No. A-3

A22

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

C.A. NO. OF 1989(L)

Pradeep Dixit

VS

... Applicant

Union of India & others

... Respondents

Annexure No. A-3

15

Mil Telo : 364

REGISTERED BY POST

ARMED FORCES MEDICAL STORES DEPOT
Dilkusha P.O.
LUCKNOW -226 002

No. 920 501/

18 Aug 87

To,

Pradeep Dixit
 Shri
 S/O Shri DS DIXIT

 A.F.M.S.D. Lucknow 226 002.

APPOINTMENT : FIRE ENGINE DRIVER (GROUP 'C' POST)

With reference to your interview/joint test held at this depot during the month of Aug 86, for the post of Fire Engine Driver, you have been found suitable for the appointment of above cited post in the pay scale of Rs. 850-26-1150-EB-25-1400 (Revised) plus usual allowances as admissible from time to time.

2. In case the above offer is acceptable to you, please report at this depot for duties immediately but not later than 1st July, 1987, alongwith the fitness certificate as to your health in all respects as per prescribed forms attached in duplicate from the competent medical authorities C.M.O., Lucknow, as well as your testimonials together with its C.T.O./Photostat copies duly attested in support of your qualification and date of birth, failing which the said offer will be cancelled and you shall have no claim for it.

3. Please note that :-

- (a) Your appointment to the above post will be temporary and will be treated as regularised only after satisfactory completion of your probation period and receipt of clearance report as to your character/antecedents from civil authorities.
- (b) your seniority will be reckoned from the date of your joining duty at this depot.
- (c) your services will be governed by Civil Service Rules/Government orders issued from time to time.
- (d) on the day of joining this depot, your age should not exceed 25 years and 30 years in case of SC/ST.
- (e) no TA/DA will be admissible and any expenses incurred on account of your medical examination etc will be borne by you.

4. You may, however, present this letter to the competent medical authority/CMD concerned as authority for your medical examination.

Enclos: 6

(18/8/87)

By
 (RGS MURTHY)
 Brig
 COMMANDING OFFICER

T.C.

Pradeep Dixit

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

C.A. NO. OF 1989(L)

Pradeep Dixit

... Applicant

VS

Union of India & others

... Respondents

Annexure No. A-4

RESTRITED

SATYDEV JAYTE

(TRUTH ONLY TRIUMPHS)

SAVVE SANTUWIR JAYTE

(MAY ALL BE TRUE FROM DIST. TS)

DAILY ORDER PART I BY DR. AGS MISHY, CM COMM. DIO CO. LUCKNOW, MEDICAL STORES DEPOT, LUCKNOW - 2

Any information given in these orders is not to be communicated either

directly or indirectly to the press or to any other person not holding

an official position in the Government of India Services.

WEDNESDAY - 19 AUG 87

(Last Daily Order Part I No. 703 dt 18 Aug 87).

DUTIES

FIELD OFFICER & Capt P CHANDRASEKHARAN

ON DUTY

NEXT FOR DUTY

DUTY OFFICER (CIV)	SHRI DL JAIN, SO(CIV)	SHRI KL S.H. SO(CIV)
DUTY JCO	SUB AS SAHI	N/SUB KUNDAN LAL
DUTY NCO	H.V HARI DAS	H.V ... SHIMLE
DUTY CLK	H.V ML VYKOMA	H.V RAM MEHAR
DUTY MESSENGER	SEP MR CHANDRAN	SEP AK TIWARI
DUTY MY ROOM	SEP NV DHOMANI	SEP RAJMANI K
DUTY LINE GUARDS	NK D.RIPTER	NK D.RIPTER

DUTY STORE GUARDS

NK GOVIND N	SEP BANI SINGH	SEP DEVRAJ N KK
SEF SURENDAR SINGH	SEF BANI SINGH	SEF A. K.Y.M
NK K SHIMLA SINGH	NK K SHIMLA SINGH	NK SE CHOWDEY
SEF RKS KUSHWAH	SEF RKS KUSHWAH	SEF T. Y.DAV
SEF SH CHAVAN	SEF SH CHAVAN	SEF VA BHAI
SEF BUTI RAM	SEF BUTI RAM	SEF L. K.JEEMAN
L/NK KP R.JAN	L/NK KP R.JAN	L/NK KP R.JAN
L/NK D.Y. SHANKAR	L/NK D.Y. SHANKAR	SEP B.DILIP SINGH
NK T. SINGH	NK T. SINGH	NK ... N.HAK
SEP GOVIND RAM	SEP GOVIND RAM	SEP GOVIND RAM

DUTY LINE RP

1st shift(0600-1400) N/SUB K. LAL

SUB A. SINGH

DUTY METROLOGY GUARDS

2nd shift(1400-2200) SUB AS SAHI

N/SUB K. LAL

STAND BY DRIVER

3rd shift(2200-0600) Duty JCO of the day

Duty JCO of the day

U/S DRIVER

SECURITY SEARCH LADIES

Smt KALISHNA M. T. ASARI

Smt KALISHNA M. T. ASARI

SECURITY GATE DUTY

1st shift(0600-1400)

N/SUB K. LAL

Duty JCO of the day

2nd shift(1400-2200)

SUB AS SAHI

Smt KALISHNA M. T. ASARI

3rd shift(2200-0600)

Duty JCO of the day

Smt KALISHNA M. T. ASARI

SECURITY SEARCH LADIES

1.0 APPOINTMENT : FIRE ENGINE DRIVER

1. Having been sponsored by local Employment Exchange and found medically fit, Shri PRADEEP DIXIT is appointed as Fire Engine Driver w.e.f. 19 Aug 87(F/N).

2. He is placed on probation for a period of two years w.e.f. 19 Aug 87(F/N).

3. He is posted to Fire Section.

1.1 PRESENT POSTED STRENGTH

A consolidated list of present address and date of posting in the Groups/Sections of all the civilian staff including officers of the depot is to be submitted to CE Section by 27 Aug 87 as per format given below.

Sl. No.	Name & Designation	Date of posting in Gps/Secs	Present address
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RESTRITED

Contd. -

Pradeep Dixit

625

RESTRICTEDLAST DAILY ORDER, PART I NO. 711 DATED 19 AUG 87 - CONTINUED2 SUMMARY COURT MARTIAL

No. 13846251X Sop/An MLK Debnath, AMO of this depot has been tried by Summary Court Martial for an offense under Section 38 (1) "DESERTING THE SERVICE" and awarded three months rigorous imprisonment by confinement in civil prison and dismissal from service, by MR-0919H Brig RQS Murthy, SM, Commanding Officer, on 19 Aug 87.

Chandrasekhan
 (P. CHANDRASEKHARAN)
 Capt
 Administrative Officer
 for COMMANDING OFFICER

RESTRICTEDT-CProd-Officer

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

C.A. NO. OF 1989(L)

Pradeep Dixit

VS

... Applicant

Union of India & others

... Respondents

Annexure No. A-5

DO PART II NO. 205/NON. INDUSTRIAL DATED 19 AUG 87 BY BRIG
RGS MURTHY COMMANDING OFFICER, ARMED FORCES MEDICAL STORES
DEPOT LUCKNOW - 276002

APPOINTMENT OF THE POST OF FIRE ENGINE DRIVER

Having been sponsored by Employment Exchange, Lucknow and selected by the Board of Officers, Shri Pradeep Dixit is appointed as Fire Engine Driver in this depot with effect from 19 Aug 1987 (Forenoon), against an existing vacancy and accordingly taken on strength of this depot with effect from 19th Aug 87 (FN), with the following terms and conditions:

- a) He will draw pay @ Rs.950/- per month with effect from 19th Aug 87 (FN) in the pay scale of Rs.950-20-1150- EB-25-1400 plus usual allowance enforced from time to time.
- b) He will be placed on probation for a period of two years with effect from 19 Aug 87 (FN).
- c) The appointment carries with the liability to serve in any part of India including Field Service.
- d) The ~~order~~ conditions of service will be governed by the relevant rules and orders enforced from time to time.
- e) His date of birth is 10th September 1963 as per High School Certificate from Utter Pradesh, Board, Allahabad.
- f) His Educational qualification is Intermediate examination passed.
- g) He has been medically examined by the competent medical authorities and found fit in all respect including Civil Service.

AUTHORITY:— DGAFMS, Ministry of Defence, New Delhi
Letter No. 11348/DGAFMS/DG-OB dated 17 Aug 87

No. 920501/XIII/

Copy to:—

RGS MURTHY
BRIG
COMMANDING OFFICER

DGAFMS (DG-OB)
Ministry of Defence
1M Block, New Delhi-110001

CDA, Lucknow
Pay Bill
Service Book.

T.C.

Pradeep Dixit

Annexure No. A-6

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

C.A. NO. OF 1989(L)

Pradeep Dixit

VS

... Applicant

Union of India & others

... Respondents

Annexure No. A-6

Annexure
19

CONFIDENTIAL

Tale Mil : 2364

Sashastra Sena Chikitsa Saman Depot
Armed Forces Medical Stores Depot
Lucknow - 226 002

920508/

03 Oct 88

MEMORANDUM

1. Attestation form dated Jan 88 in respect of Shri Pradeep Dixit, Fire Engine Driver was sent to the District Magistrate, Lucknow for verification of character and antecedents on the basis of information given by him in the attestation form, wherein he had stated against para 12 of the attestation form as under:-

Para 12

Have you ever prosecuted/kept under detention or bound down/fined/ convicted by a court of law of any offence or debarred or disqualified by any public service commission from appearing at its examination/ selection? - No

Is any case pending against you in any court of law at the time of filling up this attestation form? - No

If the answer is 'YES' full particulars of the case, detention, fine, conviction, sentence etc, should be given. - No

2. It has been intimated by the authorities concerned vide their office letter No 60/16/RA 3 dated 06 Jul 88 that the following cases are registered against Shri Pradeep Dixit in Police Station Krishnanagar Lucknow and these cases are under consideration in the Court of ACJM II : -

CRIMINAL

Case No 85/86 (a) Case No. 288/85 U/S 25 A Act.
Case No 492/86 (b) Case No 301/85 U/S 384/323 IPC.
Case No 492/86 (c) Case No 146/87 U/S 4/25 A. Act.

3. Shri Pradeep Dixit is fully aware that the furnishing of false information or suppression of any factual information in the attestation form would be a disqualification and is likely to render him unfit for employment under the Government. He is also liable for disciplinary action and his services are liable to be terminated.

.....2/-

CONFIDENTIAL

Pradeep Dixit

CONFIDENTIAL

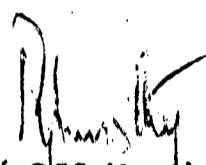
A27

20

2

4. Shri Pradeep Dixit, Fire Engine Driver is hereby directed to show cause as to why his services should not be terminated for false declaration and suppression of facts.

5. His reply must reach the undersigned by 21 Oct 88 without fail.


(RGS. Murthy)

Brigadier
Commandant

Shri Pradeep Dixit, FED

Through OIC Fire Station

CONFIDENTIAL

T.C.


T. C. Dixit

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

C.A. NO. OF 1989(L)

Pradeep Dixit

... Applicant

Union of India & others

... Respondents

Annexure No. A-7

त्रिवा में

भ्रीमान लमान्डे-ट लाटेप.

स० रप० स० म० स० इ०

४६४

महादेव

આપણે પણ તંત્ર ૧૨૦૫૦૮ દિનાંક ૩ વાયદાચ, ૧૯૮૮ કે સંદર્ભ મે

प्रत्येक संविनय निषेद्धन करना है फिर:-

1- प्राथी कीली में तम्भूँ छास नहीं रखा है इसी भारताप्पाम्
भद्राने में मटद लेनी पड़ी। कामी भद्राने दाते तज्जने जौ-जौ
तूना मार्यते रहे भै उत्तरा जबास देता क्या बीर में भारते गये।

121 मुझे अच्छी तरह से याद है कि इन तज्जने के जौ मेरा कामी
भद्राने में मटद बर रहे थे। 230 पैरा भारते तम्भूँ मूते कही
था कि इसके निम्न बांधों का हिम्दी स्पान्सर इस प्रकार है:-

୪୪ ପତ୍ର

— शिरा तुमको किंग । 48 घट स आठाठ छट छिरा गया —
आठाठ में शिरा छिरा गया वधा लदाता ने छिरी पुरी के
छिराक अटापी पाया या उसके लिए परहेज किया या तब
दी उसके शारीर तुमको परिष्कर तरिके इमीरान के दाखिले
इमीरान और युनाय के लिए उपरोक्त पाया गया। वधा भारती
के दी गयी।

द्वितीय शंतीय छाण्डः - द्वितीय छाण्ड शंतीयवाण्ड का एक भाग है जिसका अर्थ है । 48 पद्मे ते बटिकाहं द्वितीय गया हो जाए वेदात्मा मैं परेत द्वितीय गया हो वेदात्मा वेदात्मा ने द्वितीय उमेर के द्वितीय अराधी पाया गया या वह के द्वितीय द्वितीय द्वितीय या या तथा द्वी हो तो द्वितीय छाण्ड में ही लिखा है जिसका पूर्ण विवरण द्वितीय छाण्ड में देना है। इस प्रकार एवं परेत 12 छ तटी उत्तर अस्त्रां नदी ही होता है। यदि औंजी में लिखी परा 12 के अर्थ के अनुसार पुलिस में रजिस्टर-पूर्णे मामले भी इसमें लिखावाने थे तो मुझे उतका असते हैं बोट इस ज्ञान में हुयी गती के लिए में माफी चाहता हूँ। इसके लिए में आपसे प्रार्थना की है जिसके अनुसार यह उपर फारम का एक सेट प्रदान द्वितीय जास ताकि मेरे पिछे उसे जेता ठीक हो भर सका।

A29

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2- आपके उक्त पत्र के पैरा-2 के सिलसिले में मुझे कहना है कि उब में 1985-87 तक टैम्पैटेक्सी बार ब्ल बलाता था तो पुलिं जो भी कुछ देना होता है। ऐसा मुझे मालूम नहीं था इसलिए मेरे उनको कुछ देने पाया तो उन्होंनेक्स के बाद एक दूरे क्षेत्र में प्रसाने की वेष्टा की। दो ब्ल जो बास्त रेप्ट की थारा 4/25 ए० के छिनाप बनाये उनमें से एक में ब्रातलत ने मुझे दैब्ल्युस बाया उसको प्रतिलिपि मेरी सेलग्न एवं RET है। आई० पी० जी० की थारा 384/323 में रजिस्टर एक क्षेत्र और बास्त रेप्ट की थारा 4/25 ए० के रजिस्टर एक के 1985 से 1987 तक निवालय में विवाराधीन है जिनमें भी तक अभियोगन एवं पक्ष अने तात्पुर प्रस्तुत नहीं एवं तक है। जैसे ही उपरोक्त क्षेत्रों का निवारण होगा उसकी भी प्रतिलिपियाँ आपकी सेवक में प्रस्तुत एवं दूगा।

प्रतीक्षा:- ब्रीमान जी से मुझे कहना है कि जंगले में भी हूपों गलती का मेरी दोष है बार ब्ल बलाता है कि मेरी विवराता के ब्लान में एक हुए मुझे उसके लिए क्षमा क्षिता जाए बाइ। ब्लेटेक्स कार्य का एक सेट प्रदान क्षिता जाए ताकि मेरी उसे भर बर बापकी सेवा में प्रस्तुत एवं सकूं। मेरा उपकार केनिए बापका हमेशा शर्णी हैगा।

बापकी सेवा में तत्पर
सदा ही बापका सेवक

पूर्वीपूर्वीकरण (अपॉड-डी)
प्रदीप दीक्षित, (अपॉड-डी)
फायर इंजन हाईवर,

स्प०
फायर स्टेन, स० स० म० स० डी०
लक्षणड०

T.C.

Read & Verified

उपीक्षा: शेर शर्मा

अपराध संखा - २४४, ८५

केस नंबर - ८५३/८५

सरकार

.....

अभियोग

लगाय

प्रदोष दोषित उर्फ़ पापू

अभियुक्त

कल निर्णय

अभियुक्त प्रदोष दोषित उर्फ़ पापू के विष्व धाना कृष्णा गर ने दुलिल ने धारा ४/२५ शास्त्र अधिनियम के अन्तर्गत आरोप पत्र प्रस्तुत किया है।

संक्षेप में आरोप पत्र के अनुसार घटना दिनांक २२/८/८५ को साथ करीब २०.३५ बजे रात को बताई जाती है कि जब एस.आई.प्रोड लुमार तिवारी व कौरा रामकुमार पाठक यातायात द्यवस्था में पापू द्वारा जीर्ये मुँहुलिर छास की सूखना पर नहर पुल के पास, कानपुर गेह, धाना कृष्णानगर जिला लखनऊ में उन्होंने अभियुक्त को मग एक भद्र यात्रा पाक के गवाहान के लिया गया, गौके पर फट बांधे हैं तथा गौकों की गई, गवाहों गवाहान कराई गई तथा पाक को गौके पर गोल भेजा गया।

अभियुक्त पर आरोप दिनांक १५.७.८६ को मेरे पूर्ण तिवारी ने अभियुक्त धारा ४/२५ शास्त्र अधिनियम के अन्तर्गत लगाया, जिससे अभियुक्त के कल्कार किया तथा रोक्षित होना पाया।

इसके बाद मेरे पुकारा लगायार । तर्क तक साक्ष्य में घलता रहा, परन्तु एक भी गवाह साक्ष्य में प्रस्तुत नहीं किया गया, एस.आई.प्रोड लुमार तिवारी को नामन बिलिया भेजा गया था, परन्तु वह लैटर वार्ड पारिस नहीं आया। गवाह कियाकृत पर सम्मन नामोल है उसे बातकूद भी वह साक्ष्य लेतु उपर्युक्त नहीं आया है, जबकि इस पात्रे को प्रोड को ७ तारोंसे दो गिरे हैं।

अभियोगन साक्षा समाप्त किया गया।

आगे अभियुक्त ने धारा-३।३ दंडांगोष्ठी के अन्तर्गत बयान जिया गया तो उसे कहा "कुछ उपर्युक्त वार्ड पर पुकारा गलत गला है तथा उसे कोई सफाई नहीं देनी है।

अतः अभियोगन अभियुक्त के विष्व धारा- ४/२५ शास्त्र अधिनियम का अपराध नियम करने से असफल रहा है, वह तदनुसार दोषित होने देंगा है।

पृष्ठ १०८

मालेश

अधिकारी प्रदोष दोषित रूप पाणी को द्वारा अधिकारी के अपराध से दोष प्राप्त होने के बाबत दोषित किया जाता है तसे बना पत्र निरसा दिले तथा प्रभु उन्नोदित किये जाते हैं।

लापद पाकु बाद मियाद अपोल नष्ट हो।

दिनांक: 30.11.87

६४

गोर घन्द

४०८००४०४०

निर्णय द्वारा द्वारा निराकार में दिनांकित दिनांक
एवं गोर घन्द किया गया।

दिनांक: 30.11.87

६४

गोर घन्द

४०८००४०४०

Concise by (1)

TRUE COPY

Reader

W.M. A.C.J.M.

etc.

7/4/85

Pradip Singh

IN THE COURT OF IND Additional Chief Judicial Magistrate
State of Uttar Pradesh Lucknow.

State

Verus

Pradeep Dixit

Pipoo

Case No. 853/36

Crime No. 248/3

COPY OF JUDGEMENT

Here attached with folio

Pradeep
Dixit

11-12-36



Pradeep Dixit

25
A32

433

26

2 x 1 = Rs 2/- Only.

FEES ONLY

Date of appli	Date of prop.	Date of issue	Signature
11/1/83	7/4/88	7/4/88	7/4/88



Tran Dinh

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

Annexure No A-9

27

C.A. NO. OF 1989(L)

Pradeep Dixit

VS

... Applicant

Union of India & others

... Respondents

Annexure No. A-9

27

To

The Director General,
Armed Forces Medical Services,
'M' Block, New Delhi -110001

Through : - Commandant, Armed Forces
Medical Stores-Depot, Lucknow-226002

Subject : - Representation/Appeal under Sub-Rule(2)
of Rule 5 of the Central Civil Services
(Temporary Service) Rules, 1965 against
order of Termination issued by the
Deputy Director General Armed Forces
Medical Services (E&S) New Delhi vide
order No. 11348/DGAFMS/DG-2B dated
29 December 1988 under Sub-Rule(I) of
Rule-5 of the Central Civil Services
(Temporary Service) Rules 1965.

Respected Sir,

Most respectfully I beg to submit my present
representation against the Termination of my services
from the Post of Fire Engine-Driver at the AFMSD
Lucknow vide order dated 29.12.88, referred to above.

2. I was appointed to the post, in question by
the Commanding Officer AFMSD Lucknow vide DO PT-II
No. 205/Non-INDUSTRIAL dated 19.8.87 after my
candidature had been sponsored by the Local Employment
Exchange and I had been selected by the Board of
Officers and I was placed on probation for two years.
My aforesaid appointment was made under the authority
of DGAFMS, Letter No.11348/DGAFMS/DG-2B dated
17.8.1987.

3. I respectfully submit that ever since my
appointment, I put in my heart and soul in the
performance of my duties and I did not give any cause
of complaint to my superiors either in regard to my

contd....P/2

Pradeep Dixit

A35

- 2 -

work or conduct. And whether it was night or day, I performed my duties with the same enthusiasm. It was in recognition of my good work and conduct that I was granted my annual increment from the due date and I was looking forward to completion of my second year of Probation also with credits.

4. But as ill Luck would have it, vide Memorandum No. 920508 dated 03 October, 1988, I was required to Show Cause as to why my services should not be terminated for false declaration and suppression of facts in the attestation form.

5. The allegation was that although there were three cases registered against me in Police Station Krishna Nagar, Lucknow and the said cases were under consideration in the court of Addl. Chief Judicial Magistrate-II, as intimated by the authorities concerned vide letter No. 60/16/RA 3 dated 6 July, 88, I had not indicated about the said cases in reply to para -12 of the attestation form submitted in January 1988.

6. I submitted my reply to the aforesaid Memorandum on 7.11.88 and submitted respectfully that since I was not competent in English I had taken the assistance of a relation of mine and the form was filled according to his direction. I also pointed out that during the period 1985-87, prior to my appointment, I used to drive Tempo to earn my livelihood and since I did not give illegal

contd....P/3

gratification to the Police, I was implicated falsely in the three cases in question, one after another.

7. I further submitted that out of the three cases reported to be pending against me, I had already been acquitted in case No. 288/85 under Section 25 Arms Act vide Judgement and order dated 30.11.87. In regard to the other two cases, the same were pending but the prosecution had failed to produce its witnesses despite several dates and I would furnish the copy of the final order as and when passed.

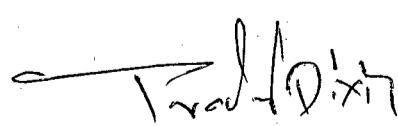
8. Instead of appreciating my reply, my services were terminated forthwith vide order dated 29.12.88 against which the present representation/Appeal is being submitted.

9. A perusal of the termination order would indicate that it has been passed by "DDG(E&S) for DGAFMS" who is not my appointing authority and as such it is not an order passed in accordance with the rules.

10. A perusal of the aforesaid order would also indicate that my reply to the Memorandum dated 03.10.88 had not been considered at all and accordingly the order suffers from, If I am permitted to say, arbitrariness and non-application of mind.

11. My respectful submission is that I had filled the attestation form in January 1988 i.e. nearly after

contd....p/4



about 5 months of my appointment and if I would have indicated the pendency of two false cases against me in which the prosecution had not been able to produce its witnesses despite several dated and pointed out that I had been already been acquitted in one case, my services could not have been terminated by the department. It would be appreciated that merely pending of a case against a person does not mean that he is not innocent. And no person can be penalised despite his being innocent.

12. In the circumstances, what I beg to submit is that when I had no fear of my services being dispensed with if I had indicated about the three cases in the attestation form, there was no reason for me either to give a false declaration or suppress factual information.

13. Accordingly my humble submission is that it cannot be held that I gave any false declaration or suppress factual information and my services cannot be terminated for this reason.

14. It is also my respectful submission that in the circumstances of the case my termination is in fact and in law a dismissal from service and since the same had been done in violation of the rules and disregard of Article 16 and 311 of the Constitution of India, it is void.

15. As a matter of fact, if the authorities would have considered my reply dated 7.11.88 in a fair and just manner, it would have come to conclusion that it was case of un-intentional mistake and I

contd.. P/5

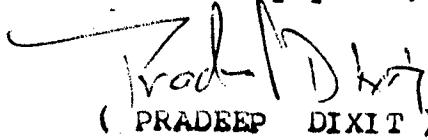


should not have been penalised so harshly. I am already overage, married with a minor child and I cannot get any Government employment.

P R A Y E R

In conclusion, I request your goodself to kindly call for the records of the case and set aside the termination order with all consequential benefits and for this I shall ever remain grateful to you.

Obediently yours,


(PRADEEP DIXIT)

Fire Engine Driver
Armed Forces Medical
Stores Depot, Lucknow
226002.

Lucknow:

Dated: 27, Jan. 1989

Residential Address:

C/o D.S.Dixit,
House No. 555 Kh/55,
Bhola Khera,
Alambagh, Lucknow-226005





AS¹

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 263 of 1989 (L)

Pradeep Dixit .. Applicant

-versus-

Union of India and others .. Opposite parties

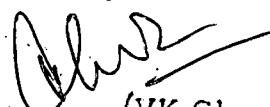
APPLICATION FOR CONDONATION OF DELAY IN FILING
COUNTER AFFIDAVIT.

The respondents beg to submit as under:-

1. That the Respondents could not file the counter affidavit within the stipulated time due to inadvertance. Now the Counter affidavit is ready and being filed herewith along with this application. It is expedient in the interest of justice that the delay in filing the counter affidavit may kindly be condoned.

Prayer.

Wherefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to condone the delay in filing the counter affidavit and after condoning the delay the accompanying counter affidavit may kindly be taken on record.


(VK Chaudhari)
Addl Standing Counsel for Central Govt

Lucknow,

Dated: 6.2.1991.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. 263 of 1989(L)

Pradeep Dixit ... Applicant

-vs-

Union of India and others ... Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I, Ram Dularay, aged about 48 years
son of Sri Mahavir Prasad, at present
posted as Administrative Officer(Civilian)
Commandant,
in the office of the Armed Forces Medical
Stores Depot, Lucknow do hereby solemnly
affirm and state as under:-



1. That the deponent has been
authorised to file this counter affidavit
on behalf of Respondents 1, 2, 3 & 4.

2. That the deponent is working in the
office of the Respondent no.4 in the above
noted case and as such he is fully conversant
with the facts of the case.

3. That the deponent has read and under-
stood the contents of application and he is in
a position to give parawise comments as herein-
under:-

4. That before giving parawise comments, it is necessary to give brief history of the case as under:-

(a) That the applicant sponsored by the Employment Exchange, Lucknow was selected against a direct vacancy of Fire Engine Driver and appointed as Fire Engine Driver with effect from 19 August 1987 provisionally on the basis of character certificates issued by two gazetted officers subject to verification of his character and antecedents by the District Magistrate concerned.

(b) Accordingly, he was handed over verification/attestation form for completion and re-turn immediately ~~dukyxemakaxda~~ after his appointment.

The applicant duly completed the same and returned the form to the office of the answering Respondent on 24 August 1987, which was forwarded to the District Magistrate, Barabanki on 27 August 1987 on the basis of information furnished by the applicant. The said attestation form was returned

(b) -

as unauctioned by the District Magistrate, Barabanki ~~on 27th August 1987~~ vide his letter dated 10th Sept. 1987 with certain observation/remarks. In January 1988, the applicant submitted a fresh attestation form and this time he gave the address of Lucknow therein.

(c) That the said attestation form was sent to the District Magistrate Lucknow on 14 January 1988. The report received from the ~~Dxx~~ District Magistrate, Lucknow in September 88 vide his letter of 06 Jul. 1988 revealed that ~~ht~~ there were three cases pending in the Court of ~~ACJM~~ II Lucknow against the petitioner, whereas the applicant did not mention this fact in his attestation form.

(d) That the show cause notice was issued to the applicant for suppressing this fact. The applicant resorted to the plea in his reply there to that he was not conversant with English as the attestation form was in English, hence he furnished information according to his knowledge in the said attestation form.

The fact is that the petitioner has passed High School and Intermediate examinations with English as one of the subjects. The applicant should

have asked for a copy of the Hindi version of attestation form if he was not conversant with English. Hence, his plea was not found convincing/acceptable and he being a temporary employee, his service was terminated by the competent authority with effect from 05 Jan. 89 as per existing rules ie. sub rule (1) of Rule 5 of the Central Civil Services(Temporary Service) Rules, 1965.

(e) That thereafter the applicant appealed to the appellate authority but his appeal was also rejected.

(f) That on the rejection of his application by the appellate authority, the instant application filed before the Hon'ble Tribunal by the applicant.

65. That the contents of para 1 to 3 are informative and needs no comments.

6. That the contents of para 4.1 of the application are not disputed.

7. That the contents of para 4.2 of the application are admitted to the extent that his appointment was provisional on the basis of

character certificates issued by two ~~gaxxy~~
~~gazetted~~ officers.

8. That the contents of para 4.3, 4.4 & 4.5
of the application are not disputed.

9. That in reply to the contents of
para 4.6 of the application it is submitted
that the statements given by the petitioner
are incorrect. It is further submitted
that the attestation form was handed over
to the applicant for completion and return
immediately after his appointment on 19th
August 1987. A copy of the said form is
being filed herewith as Annexure C-1 to this
affidavit. The petitioner having duly
completed the same returned the form to
the office of the ~~gaxxy~~ Respondent no. 4
on 24 August 1987, which was forwarded to
District Magistrate, Barabanki as per
information furnished by him vide letter No.
920508/52 dated 27 August 1987. A photostate
copy of the said letter is being annexed
as Annexure no. C-2 to this counter affidavit.

The said verification/attestation form was
returned by the District Magistrate, Barabanki
vide his letter No. Memo/L.B.C.L.229(G) dated 10

-6-

with certain observations. Sept. 1987/ A photostat copy of the said letter is being filed herewith as Annexure no.C-3 to this counter affidavit. The fresh attestation form was again submitted by the applicant but this time he gave the address of Lucknow instead of Barabanki as given earlier. On the basis of same, the said attestation form was sent to the District Magistrate, Lucknow vide letter No.920508/58 dated 14 January 1988, A photostat copy of the said letter is being filed herewith as Annexure no.C.5 to this counter affidavit.

10. That the contents of para 4.7 of the application needs no comments. However it is submitted that the applicant was given increment in the normal course as he was still in service when his increment was due.

11. That in reply to the contents of para 4.8 of the application it is submitted that the show cause notice was issued to the applicant for suppressing facts ie. that no cases are pending against him in court of Law whereas as per District Magistrate, Lucknow letter No.60/Solah/RA-3 dated 06 Jul 88 in which it is revealed that there were three cases ~~were~~

pending against him in the Court of AGJM II Lucknow.

12. That in reply to the contents of para 4.9 of the application it is submitted that as per report received from the District Magistrate, Lucknow vide his letter No.60/Solah/RA-3 dated 06 Jul 88 that there were three cases bearing No.288/85 U/S 25 A. Act, No.301/85 U/S.384/323 IPC and No.146/87 U/S 4/25 -A. Act registered in the Court against the petitioner.

13. That in reply to the contents of para 4.10 of the application it is submitted that para 12 of the attestation form clearly shows that the applicant has suppressed facts as can be seen from the extract given below:-

"Para-12 - Have you ever prosecuted/kept under detention or bound down/fined/convicted by a court of law or any offence or debarred or disqualified by any public service commission from appearing at its examination/selection? ... No.

Is any case pending against you in any court of law at the time of filling up this attestation form No.

If the answer is 'YES' full

particulars of the case, detention, fine, conviction, sentence etc. should be given

.. No .."

14. That in reply to the contents of para 4.11 of the application it is submitted that the reasons given by the applicant in the reply to show cause notice for wrong filling of the attestation form is incorrect and not convincing.

15. That in reply to the contents of para 4.12 of the application it is submitted that as per certificates of High School and ~~information~~ Intermediate in respect of the applicant, he has passed High School and Intermediate examinations with English as one of the subjects. Hence his plea that he is not conversant with English is incorrect. He should have asked for a copy of the Hindi version of the attestation form if he was not conversant with English, which he has not done.

16. That the contents of para 4.13 of the application are incorrect as stated, hence denied.

17. That in reply to the contents of para 4.14 of the application it is submitted

(V) - D

that there were three cases registered against the petitioner in the court as per letter No.60/
Solah/RA-3 dated 06 July 88 of District
Magistrate, Lucknow. It is not for ~~this department~~ to comment whether the cases registered were false/
true.

18. That the contents of para 4.18 of the application needs no comments from the answering Respondent.

19. That in reply to the contents of para 4.16 of the application it is submitted that the petitioner's service was terminated because of suppressing facts while filling up the attestation form. Hence his plea~~s~~ has no relevance as far as termination of service is concerned.

20. That the contents of para 4.17 of the application needs no comments.

21. That in reply to the contents of para 4.18 of the application it is submitted that the mistakes were not unintentional but a deliberate attempt to suppress facts to get employment. Hence question he being given another set of attestation forms does not arise.

22. That in reply to the contents of para 4.19 of the application it is submitted that in terms of sub-rule (1) of rule 5 of the Central Civil

Services (Temporary Services) Rules, 1966, there is provision to terminate the services of any temporary Government servant with the notice of one month from either side to quit the service.

23. That ~~xxx~~ the contents of para 4.20 are not disputed
23A. ~~1~~ That the contents of para 4.21 & 4.22 and ~~4.23~~ of the application need no comments.
23B. That the contents of para 4.23 of the application are not disputed.
need no comments.

24. That the contents of para 4.24 of the application are not convincing for reasons already brought out in preceding paragraphs.

25. That in reply to the contents of para 4.25 of the application it is submitted that the form being printed in English as made out by the applicant, reply to para 4.12 ^{of the application} ~~above~~ may be referred to.

26. That the contents of para 4.26 and 4.27 of the application needs no comments.

27. That in reply to the contents of para 4.28 of the application it is submitted that the issue of show cause notice has no bearing on stoppage of annual increment. Hence he was given annual increment due to him even after issue of show cause notice, as he was still in service on 18/9

Aug. 1988 i.e. on completion of one year service.

28. That the contents of para 3.29 of the application are incorrect as stated, hence denied and in reply, it is submitted that the services of applicant was terminated as per rules as mentioned in para preceding paragraphs. Hence there has been no violation of principles of natural justice and fair play. As regards consideration of his reply, the termination order was issued by the competent authority after having considered the petitioner's reply. His service was terminated as per rule ie. sub rule (1) of Rule 5 of the CCS(Temporary Services) Rules, 1965.

29. That the contents of para 5.1 of the application it is reiterated the comments given above against para 4.28 of the application.

30. That in reply to the contents of para 5.2 of the application it is submitted that the applicant never asked for Hindi translation of attestation form, hence not given.

31. That in reply to the contents of para 5.3 of the application it is stated that the mistakes does not appear to be unintentional as the applicant has knowledge of English as English was one of the subject in High School as well

Intermediate :

32. That the contents of para 5.4 of the application needs no comments.

33. That the contents of para 5.5 of the application are incorrect and not convincing.

34. That the contents of para 5.6 and 5.7 & 5.8 of the application needs no comments. *✓* *✓*

35. That the contents of para 5.9 of the application are incorrect as stated hence denied and in reply, it is submitted that the services of the applicant was terminated by the DDG (E&S) who is the appointing authority.

36. That the contents of para 5.10 and 5.11 of the application needs no comments.

37. That the contents of para 6 & 6.1 of the application need no comments.

38. That the contents of para 7 and 7.1 of the application needs no comments.

39. That the reliefs sought by the applicant under para 8 are not tenable in the eyes of law, hence he is not entitled to get any relief.

(0) ✓

40. That the applicant is not entitled to get any interim order as prayed for under para 9 of the application.

41. That in view of the facts and circumstances stated above in the preceding paragraphs, the application filed by the applicant is liable to be dismissed with costs against the applicant.

() u
Deponent.

Lucknow,

Dated: 07 Mar. 1990.

Verification.

I, the above deponent named above do hereby verify that the contents of paragraphs 1 & 2 are true to my personal knowledge and those of paras 3 to 39 of the affidavit are believed by me to be true on the basis of perusal of office records as well as information gathered and those of paras 40 & 41 of the affidavit are believed to be true on the basis of legal advice. Nothing material fact has been concealed and no part of it is false.

() u
Deponent.

Lucknow

Dated: 07 Mar. 1990.

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

(VK Chaudhari)
Advocate, High Court Bench Lucknow
(Counsel for the Respondents)

Lucknow

Dated: 07 Mar. 1990.

(Sheet: 1 of 2)

MINISTRY OF DEFENCE

ATTESTATION FORM

WARNING " THE FURNISHING OF FALSE INFORMATION OR SUPPRESSION OF ANY FACTUAL INFORMATION IN THE ATTESTATION FORM WOULD BE A DISQUALIFICATION AND IS LIKELY TO RENDER THE CANDIDATE UNFIT FOR EMPLOYMENT UNDER THE GOVERNMENT. IF THE FACT THAT ~~THIS~~ INFORMATION HAS BEEN FURNISHED OR THERE HAS BEEN SUPPRESSION OF ANY FACTUAL INFORMATION IN THE ATTESTATION FORM COMES TO NOTICE AT ANY TIME DURING THE SERVICE OF A GOVERNMENT PERSON, HIS SERVICES WOULD BE LIABLE TO BE TERMINATED "

1. Name in full (in block capitals) (with aliases, if any)

(Please indicate if you have added or dropped at any stage any part of your name or surname)

Surname Place

PRADEEP DIXIT

2. Present address in full (i.e. village, Thana and District, or house No. Lane, Street/Road & Town)

J. N. 555 Khjss Bhola Khera, Subhas Nagar, P.S. Krishna Nagar Lucknow, Alambagh

226005.

3. Home address in full (i.e. village, Thana and District or House Number Lane/ Street/Road and Town and Name of the District Headquarters).

C/o Shri Daya Shanker Dixit

Village- Amoli Kirat Pur

P.O. Tilwari

P.S. Ram Nagar

DIST. BABA BANIKI- U.P.

3.A. If originally a resident of Pakistan, the address in that country and the date of migration to Indian Union.

NO.

4. Particulars of places (with periods of residences) where you have resided for more than one year at a time during the preceding five years. In case of stay abroad (including Pakistan) particulars of all places where the candidate has resided for more than one year after attaining the age of 18 years, should be given.

From To Residential address in full Name of the District
 ie Village, Thana, and Dist, Headquarters of the
 or House No, Lane/Street, Road place mentioned in the
 and Town preceding - col

Since Birth **Address- Amoli Kirat Pur - Baba Baniki**
P.O. Tilwari **U.P.**

P.S. Ram Nagar
Dist. Baba Baniki - U.P.

(R.S.U.)

ANNEXURE No.CA-1

(Sheet: 2 of 2)

11. If you have at any time, been employed give details
Designation of post held _____ Period _____ Full address _____ Full reasons
or description of work _____ To _____ of the office _____ leaving _____
from institution _____ previous _____

— NO —

12. Have you ever prosecuted/ kept under
detention, or bound down/fined/convicted
by a court of law of any offence or abandoned
or disqualified by any public service commis-
sion from appearing at its examination/selection ?

NO

Is any case pending against you in any court of law
at the time of filling up this application form ?

NO

If the answer is 'YES' full particulars of the case,
detention, fine, conviction, sentence etc. should be
given.

NO

13. Names of two responsible persons of
your locality of two references to
whom you are known

(1) Shri SRS GARGHA
Subhas Nagar
Alambagh, Lucknow

(2) Shri Girija Shanker DIXIT
Bhola Khera
Alambagh, Lucknow

I certify that the foregoing information is correct and complete
to the best of my knowledge and belief. I am not aware of any
circumstances which might impel my disuse for employment under
Government.


Signature of Candidate
(PRADEEP DIXIT)
Date: 22.8.1987
Place: Lucknow

Model No. 4

ASS

ANNEXURE NO. CA-2

CONFIDENTIAL

Tel Wil 364

REGISTERED

Armed Forces Medical Stores Depot
Lucknow - 226002

No.920508/52

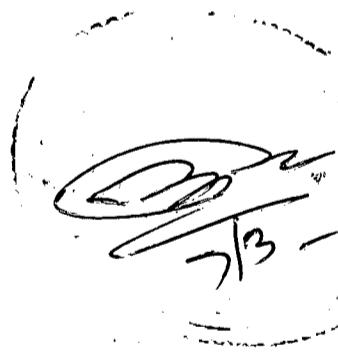
27 Aug 87

The District Magistrate
Bara Banki, U.P.

VERIFICATION OF CHARACTER AND ANTECEDENTS
OF CANDIDATE FOR THE POST OF FIRE ENGINE DRIVER

Sir,

I am directed to say that Shri PRADEEP DIXIT son of Shri DAYA SHANKAR DIXIT, whose particulars are entered in the enclosed application form is a candidate for the post of Fire Engine Driver. To enable this office to determine the suitability of the candidate for Government service, I am to request you kindly to certify on the basis of the information available in your records, whether he has come to adverse notice or not and whether there are any facts about him on record which would render him unsuitable for employment under Government. It may be specifically indicated whether or not the candidate is suitable, for Government service and if he is considered unsuitable, a brief statement of the grounds for the opinion expressed may be added. The result of the scrutiny may be communicated immediately to this office.

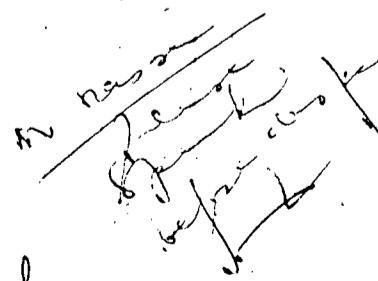


Yours faithfully



(HARISH CHANDRA)
Administrative Officer
for Commanding Officer

Encl: 2 Sheets



CONFIDENTIAL

(RSB)

ANNEXURE No. 3

OFFICE OF THE DISTRICT MAGISTRATE, BARABANAI.

No. Memo/ L.B.C. 1.228 (M) (1)

Dated: 10.9.87

Returned ~~Mr~~ in original with the remarks that:-

1. The Forms be sent in duplicate with the Photo affixed thereon.
2. The Photo be affixed on the Forms.
3. Full address with the name of Police Station be given.
4. Verification Fee Rs. 20/- be sent to Treasury Chalan.

Encls. As above.

For District Magistrate,
Barabanki.



A5X

MINISTRY OF DEFENCE

ATTESTATION FORM

WARNING

"THE FURNISHING OF FALSE INFORMATION OR SUPPRESSION OF ANY FACTUAL INFORMATION IN THE ATTENTION FORM WOULD BE A DISQUALIFICATION AND IS LIKELY TO RENDER THE CANDIDATE UNFIT FOR EMPLOYMENT UNDER THE GOVERNMENT. IF THE FACT THAT FALSE INFORMATION HAS BEEN FURNISHED OR THERE HAS BEEN SUPPRESSION OF ANY FACTUAL INFORMATION IN THE ATTENTION FORMS COMES TO NOTICE AT ANY TIME DURING THE SERVICE OF A PERSON, HIS SERVICE WOULD BE LIABLE TO BE TERMINATED".

VERIFICATION OF CHARACTER AND ANCESTORS
ATTESTATION FORM

1. Name in full (in block letters)
with alias if any.

(Please indicate if you have
added or dropped at any stage
any part of your name or surname)

2. Present address in full (i.e. Vill.,
Thana and District or House No.,
Lane/Street/Road or Town)

ADDRESS DIXIT

3. (a) Home address in full (i.e. Vill.,
Thana, District or House No.,
Lane/Street/Road or Town)

House No. 555 Kh/55 Bola Khera
Subhas Nagar, P.S. Krishna Nagar
Lucknow 226006

(b) If originally a resident of
Pakistan, the address in that
country and the date of
migration to INDIAN Union.

Q/No. Sri Daya Shanker Dixit
Village Amoli Kiretpur
P.O. Tilwari (TILWARI)
Distt. Bareilly, U.P.

4. Particulars of places (with periods
of residence) where you have resided
for more than one year at a time
during the preceding five years. In case of stay
abroad (including Pakistan) particulars of all places where
the candidate has resided for more than one year after
attaining the age of 21 years, should be given.

NO

From To Residential address in full Name of the Distt
ie village, Thana, and Distt Headquarters of the
or House No. Lane/Street, place mentioned
Road and Town in the preceding

1885 1887

House No. 555 Kh/55

Bola Khera

Subhas Nagar, P.S. KRISHNA NAGAR, LAMBACH,
LUCKNOW 226006

Contd on page 2/-

VJ

ANNEXURE No. CA-4

(Sheet 2 of 2)

100

106

11. If you have at any time, been employed give details
Designation of post held Period Full address Full reasons
or description of work From To of the office, leaving
 From institu- previous
 tion.

四

12. Have you ever prosecuted/kept under detention, or bound down/fined/convicted by a court of law of any offence or banned or disqualified by any public service commission from appearing at its examination/selection?

Is any case pending against you in any court of law at the time of filling up this attestation form?

If the answer is 'YES' full particulars of the case, detention, fine, conviction, sentence etc, should be given.

13. Names of two responsible persons of (i)
your locality of two references to
whom you are known.

Shri S.R.G. CHAN
Subhas Nagar
Almora, Lucknow

Shri GURIA SHANKAR DIXIT
Bhola Ratra
Almora, U.P.

I certify that the foregoing information is correct and complete to the best of my knowledge and belief. I am not aware of any circumstances which might impair my fitness for employment under Government.

Signature of Cardholder

Digitized

3200

JAN. 1948

London

— 10 —

ANEXURE No. CA-5
PS

CONFIDENTIAL

Tel M1 364

No. 920508/58

REGISTERED
Armed Forces Medical Stores Depot
Lucknow - 226002

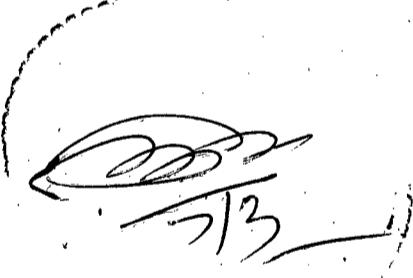
14 Jan 88

The District Magistrate
LUCKNOW
U.P.

VERIFICATION OF CHARACTER AND ANTECEDENTS
OF CANDIDATE FOR THE POST OF FIRE ENGINE DRIVER

Sir,

I am directed to say that SHRI PRADEEP DIXIT son of Shri DAYA SANKER DIXIT, whose particulars are entered in the enclosed attestation form is a candidate for the post of Fire Engine Driver. To enable this office to determine the suitability of the candidate for Government Service, I am to request you kindly certify on the basis of the information available in your records, "Whether he has come to adverse notice" or not and whether are any facts about him on record which render him unsuitable, a brief statement of that grounds for the opinion expressed may be added. The result of the scrutiny may be communicate immediately to this office.


Yours Faithfully


. (K L SEN)
Stores Officer (Civilian)
for Commanding Officer
462

Encl: Form in ~~duplicate~~
(six copies)

CONFIDENTIAL

Confidential

କାନ୍ତିଜୀବ ବିଜ୍ଞାନୀ ୨୯ ୭୨୫୩୩

1/2001 60/4700 RA-3

① 25.533

1971-6.7.88

Commanding Officer,
Armed Forces Medical Stores Depot
Lucknow - 226002

ପ୍ରକାଶ କରାଯାଇଥାଏ
ମୁଦ୍ରଣ ୨୯୩୧ ଜାନ୍ମ ୧୯୨୫ ଫିବୃ
ପ୍ରକାଶକ ପରିଷଦ

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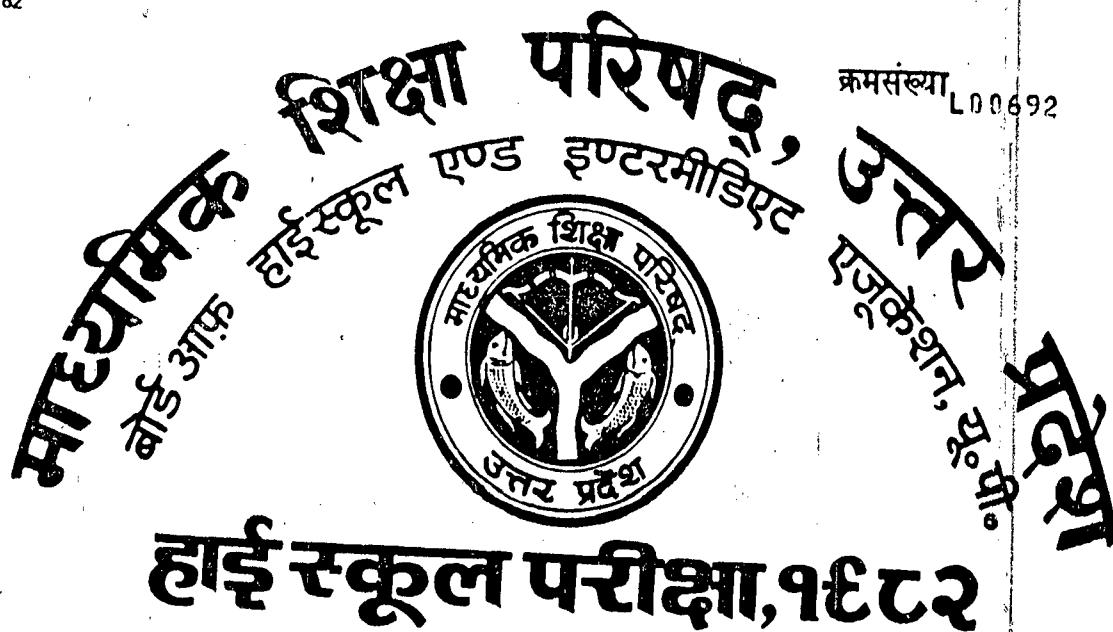


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HSIBUP-82

क्रमसंख्या L00692



प्रमाणित किया जाता है कि परिषद् के अभिलेखानुसार

PRADEEP DIXIT अनुक्रमांक ५८९२२०४
आत्मज श्री DAYA SHANKER DIXIT

ने, जिनकी जन्मतिथि

TWELVETH SEPTEMBER NINETEEN HUNDRED AND SIXTY THREE

है, मार्च/अप्रैल, १९८२ की हाईस्कूल परीक्षा निम्नलिखित विवरण के अनसार उत्तीर्ण की है:-

ENGLISH

ECONOMICS

उत्तीर्ण श्रेणी SECOND

विद्यालय/केन्द्र UNION I COLLEGE RAMNAGAR BARABANKI

इलाहाबाद,

दिनांक

२५ मार्च १९८२

(प्रधान सचिव/प्रधान सचिव)
सचिव

'D' का अर्थ सम्बन्धित विषय में 'विशेष योग्यता' है।

'HONOURS' का अर्थ "सम्मान सहित उत्तीर्ण" है।

(१)

क्रमांक

10968

द्वितीय प्राप्तांक-पत्र

इण्टरमीडिएट परीक्षा, १९६६

साध्यमिक शिक्षा परिषद, उत्तर प्रदेश, इलाहाबाद
(योई आफ हाई स्कूल एण्ड इण्टरमीडिएट परीक्षा, उत्तर प्रदेश)

प्रदेशीय प्राप्तांक

धो

द्वारा इण्टरमीडिएट/इण्टरमीडिएट-पूर्व परीक्षा, १९६६ में बगां

दिनांक

अनुक्रमांक

५२०४०३

के अन्तर्गत प्राप्तांकों का विवरण

क्रमांक-संख्या	विद्यार्थी के नाम	विद्यार्थी के अधिकृतमंडक	विद्यार्थी प्राप्तांक-पत्र	द्वितीय प्राप्तांक-पत्र	तीसरी प्राप्तांक-पत्र	प्रत्येकांक	गो	अनुक्रमांक	दिनांक	विद्यार्थी के नाम
1	साईं देव	१८०	१८६	२०	१३	५०				
2	पार्वती शर्मा	१८०	१८५	२०		३०				
3	रमेश शर्मा	२००	२२	३०	४२	४८	८८			
4	रमेश	१८०	१८५	१६		३०				
5										
6										
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8										
9										

सम्पूर्ण योग-- २१६ १५८

(अंकों तथा शब्दों में) दो हाई स्कूल गो

परीक्षाकल १५३ ३११
२१६ १५८ ३११

टिप्पणी—विद्यय के अंकों तथा सम्पूर्ण योग में, जितमें परीक्षार्थी असफल है, उक्त बगा है।

पी० एस० य०० पी००-१५९ मा० (य० प०-१६-१०'-८४-२५० पंड (जाव)।

७८ उत्तर प्रदेश के लिए विद्यार्थी का अनुक्रमांक
विद्यार्थी का अनुक्रमांक

२५०१२

४/३

463

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

Misc. Application No. of 1999
IN ORIGINAL APPLICATION NO.263 of 1989(L)

PRADEEP DIXIT ...APPLICANT
VERSUS
UNION OF INDIA & OTHERS ...RESPONDENTS

APPLICATION FOR CONDONATION OF DELAY IN FILING
THE REJOINDER-STATEMENT.

The applicant most respectfully submits as under:

1. That for the facts and circumstances stated in the accompanying rejoinder-statement, it would be expedient in the interest of justice that this Hon'ble Tribunal be pleased to condone the delay in filing the rejoinder-statement.

P R A Y E R

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal be pleased to condone the delay in filing the rejoinder statement and direct the office to place the same on record. It is so prayed in the interest of justice

LUCKNOW:

Pankaj Nath
(PANKAJ NATH)
ADVOCATE

DATED: 11th SEPTEMBER, 1991. COUNSEL FOR THE APPLICANT.

171

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

O.A. No. 263 of 1989(L)

PRADEEP DIXIT

... APPLICANT

VS

UNION OF INDIA & OTHERS

... RESPONDENTS

APPLICANT'S REJOINDER STATEMENT
IN REPLY TO THE COUNTER AFFIDAVIT
ON BEHALF OF RESPONDENTS.

I, Pradeep Dixit, aged about 29 years, son of Shri D.S. Dixit, residing at 555-Kha/55 Bhola Khera, Alambagh, Lucknow, do hereby solemnly affirm as under:

1. That the applicant is fully conversant with the facts and circumstances of the case and in the present rejoinder statement he is replying to the counter affidavit filed on behalf of respondents. The rejoinder statement could not be filed earlier within the time allowed by this Hon'ble Tribunal on account of the serious illness of applicant's father and in the circumstances he craves the indulgence of this Hon'ble Tribunal for the delay in filing the rejoinder statement.

2. That the contents of paragraphs 1, 2, and 3 of the counter affidavit do not call for any reply.

3. Para 4(a). - The terms of the appointment would appear from a perusal of order of appointment dated 18.7.87 (Annexure A-3) and order dated 19.8.87 (Annexure A-5), by which the applicant was placed on probation for a period of 2 years with effect from 19.8.1987 (F.N.).

3.1 Para 4(b). - The earlier attestation/verification form submitted by the applicant on 24.8.87 (Annexure A-1) and which was forwarded by the authorities to the District Magistrate, Barabanki, vide their letter dated 27.8.87 (Annexure CA-2), was returned by the District Magistrate, Barabanki vide his letter dated 10.9.87 (Annexure 3) with the following remarks:

"The forms be sent in duplicate with the photo affixed thereon."

Instead of fulfilling the requirement as desired by the District Magistrate, Barabanki, the authorities required the applicant to submit the attestation form afresh which was duly complied with. In both the forms the applicant had given the present address of Lucknow and ~~home~~ home address of Barabanki which can be seen from Annexures CA-1 and CA-4. It is denied that the report sent by the District Magistrate, Lucknow vide his letter dated 6.7.88, Annexure CA-6 was received by the respondents in September 1988. The circumstances under which the applicant did not mention about the pendency of the two criminal cases pending against him have been explained in detail in the application itself. However, it may be stated that the report submitted by the District Magistrate, Lucknow vide Annexure CA-6 was also not correct in as much as case no. 288 of 85 was shown to be pending against him although infact it stood dismissed in favour of the applicant way back on 30.11.87 itself vide Annexure A-8 to the application. As regards the other 2 cases, it is submitted that the same are still pending in the Court of 2nd A.C.J.M., Lucknow and is being adjourned time and again for want of evidence which is to be led by the prosecution. ~~A statement prepared by the applicant showing the various dates fixed in the court below and the purpose with respect to case no. 494/86 and 2172/87 are attached as Annexures A-10 and A-11 respectively (9 annexures having already been filed with the application)~~

Frank D'Souza

3.2 Para 4(d). - It is not disputed that the show cause notice was issued to the applicant. In reply there to the applicant has submitted his explanation vide reply dated 7.11.1988(Annexure A-7). However, the same had not been considered by the authorities. It is not disputed that the applicant has passed his High School and Intermediate examination and english was one of the subject. However, ^{from} a perusal of Annexure CA-8 which is the mark sheet of the applicant, it would kindly be seen that the applicant had obtained only 30 marks out of 100 in the english subject and thus he was failed in the said subject. However, he was declared successful in the Intermediate examination in III Division by allowing a grace mark of 3 in the english subject. This circumstances itself speaks about the applicant's proficiency in the english subject and shows how much was he conversent with the english subject and it also supports his explanation given in reply

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to the show cause notice. It is denied that it was for the applicant to have required the respondents for supply of Hindi Version of the attestation form. In fact it was the duty of the authorities to have supplied the applicant the Hindi version of the attestation form also alongwith english version especially when they were dealing with class III employee and also Hindi being the National Language. As a matter of fact it appears that there is no Hindi version of the attestation form. Had it been then the respondents would have filed a copy of thereof. In the circumstances the submissions made and the contentions raised by the respondents are nothing but misconceived and denied. It is also denied that the applicant's services were terminated by the competent authority in accordance with sub. rule 1 of rule 5 of Central Civil Services(Temporary Service) Rules 1965. The applicant was appointed vide order dated 19.8.87(Annexure A-5) by the Brig. R.G.S. Murthy, who was Commanding Officer, Armed Forces Medical Stores, Depot, Lucknow, while his services were terminated by Major General A.K. Chakravarty, DDG(E & S) who was higher in rank than the Commanding Officer Brig. R.G.S. Murthy. Thus the order of termination has not been issued by the applicant's appointing authority.

3.3 Para 4(e). - The contents of this paragraph are admitted to the extent that the applicant preferred an appeal before the appellate authority but it is stated that the appellate order was void and the same was done in a machanical manner.

3.4 Para 4(f). - It is true that after his dismissal of appeal the applicant preferred the present application.

4. Para 5. - The contents of paragraph 5 of the counter-affidavit do not call for a reply.

5. Para 6. - The contents of paragraph 6 of the counter-affidavit do not call for a reply.

6. Para 7. - The contents of paragraph 7 of the counter-affidavit are denied in so far as it says that the applicant's appointment was provisional. It is submitted that the applicant was appointed on the post inquestion on probation which was for 2 years and the same was treated to be regularised only after satisfactory completion of the aforesaid

probation period and also receipt of clearance report as regsd to his character/antecedents from Civil Authorities.

7. Para 8. - The contents of paragraph 8 of the counter affidavit do not call for a reply.

8. Para 9. - It is not disputed that the applicant was required to fill up the attestation form immediately after his joining on the post in question in August 1987 and it was also submitted vide Annexure C-1 which was in turn forwarded to District Magistrate, Barabanki vide Annexure C-2. It is also not disputed that the attestation form submitted vide Annexure C-1 was returned by the District Magistrate Barabanki vide his letter dated 10.9.87 (Annexure C-3) with the remark that the forms be sent in duplicate with the photo affixed thereof. However, instead of sending the first application form alongwith the photo, as required, the respondents required the applicant to submit attestation form afresh. It was this attestation form which was submitted by the applicant in January 1988(Annexure CA-4). Since the applicant was required to fill up attestation form afresh, as shown above, he did not make reference about the earlier attestation form. In the circumstances there was also no necessity for making any reference thereof. The applicant has given the addresses of both of Lucknow and Barabanki on both the occasions.

9. Para 10. - The contents of paragraph 4.7 of the application are reiterated and anything urged to the contrary is denied. The averments that the applicant was given increment in the normal course as he was still in service when his increment was due, is nothing but strange, misconceived and denied. It is well settled principle of service jurisprudence that increments are allowed to an employee only upon his satisfactory, sincere and honest performance of duties. On failure of any of the condition the authorities are within their right not to allow the increment so due. That apart granting of increment to the applicant is all the more important since he was on probation and especially when it was granted to him on 19.8.1988 ^{when} the report dated 6.7.1988 from the District Magistrate, Lucknow (Annexure CA-6) had already been received.

T. V. S. D. K. T.

10. Para 11. - The circumstances under which the applicant could not mention about the pendency of the two cases

against him in court of A.C.J.M., Lucknow have already been explained in the application. It is denied that there was any suppression of fact. The non disclosure of the said information was unintentional and on account of ill advice of the applicant's well wisher of whom he had taken assistance since he is not conversent with the english language. Even the information given by the District Magistrate, Lucknow vide his letter dated 6.7.88 was incorrect in as much as case no. 288 of 1985 was not pending against the applicant since it had been decided in his favour way back on 30.11.1987(Annexure A-8).

11. Para 12. - The contents of paragraph 12 of the counter affidavit are nothing but repetition of the contents of paragraph 11 of the counter affidavit. Accordingly the applicant craves the indulgence of this Hon'ble Tribunal to refer his reply given in para 10 above.

12. Para 13. - The contents of paragraph 4.10 of the application are reiterated. The contents of para 12 of the attestation form would appear from a perusal thereof. It is denied that the applicant has suppressed the facts.

13. Para 14. - The contents of paragraph 14 of the counter affidavit are denied. It is also denied that the reasons given by the applicant in his reply to show cause notice were either incorrect or unconvincing.

14. Para 15. - The contents of paragraph 4.12 of the application are reiterated and anything urged to the contrary is denied. The applicant's proficiency in the english subject is self evident from the mark sheet of intermediate which has been annexed by the respondents as Annexure CA-8. A perusal thereof would show that the applicant had obtained only 30 marks in the english subject and was thus failed. However, he was declared successful only by allowing grace mark to him in the english subject. In the circumstances the contention raised and the submissions made by the respondents is nothing but misconceived and denied.

K. D. Dixit
It was incumbent upon the respondents to have provided the applicant the Hindi version of the attestation form especially when they were dealing with a class III employee.

(Infact the applicant has come to know through reliable sources that there is no Hindi version of the attestation form existing in the department). It has also not been filed by the respondents alongwith their counter affidavit. Thus there was no occassion for the applicant to require the authorities to supply a Hindi version of attestation form.

15. Para 16. - The contents of paragraph 4.13 of the application are reiterated and anything urged to the contrary is denied.

16. Para 17. - The contents of paragraph 4.14 of the application are reiterated and anything urged to the contrary is denied. It is reiterated that the remaining 2 cases pending against the applicant are also false and they would also meet the same fate which the earlier case no. 288/85 had met vide Annexure A-8.

17. Para 18. - The contents of paragraph 4.15 of the application are reiterated.

18. Para 19. - The contents of para 4.16 of the application are reiterated. The reply given by the respondents is irrelevent to the submissions made in the application.

19. Para 20. - The contents of paragraph 20 of the counter affidavit do not call for a reply.

20. Para 21. - The contents of paragraph 21 of the counter affidavit are denied. There was no occassion for the applicant to suppress the information regarding pendency of the 2 criminal cases against him, had he understood the real import of the contents of paragraph 12 of the attestation form, since pendency of criminal cases could not and should not be a bar for seeking employment as it is well settled principle of law that a man cannot be put to his prejudice simply on the basis of suspicion or on account of pendency of criminal case. Even the services of a permanent employee could also be terminated or he could be dismissed under Article 311 of the Constitution of India if he has been convicted by a competent court and conduct and nature of complicity of the charges vis-a-vis requirement of service jurisprudence have to be taken into consideration and not otherwise.

It is denied that it was not possible for the respondents to have provided the applicant the fresh attestation form in the circumstances of the case. Infact the applicant has been discriminated vis-a-vis one Sri Shashi Kant (Fire Man) employed in the same office, ^{who} was given a fresh attestation form subsequently when it was reported by Civil Authorities, on verification that the information furnished by him were incorrect. It may be stated that Sri Shashi Kant was interviewed and appointed more or less simultaneously alongwith the applicant.

It is nothing but unfortunate that in the applicant's case the respondents have decided to terminate the services of the applicant for no rhyme and reason, notwithstanding even after receipt of the report from the District Magistrate, Lucknow vide Annexure WA-6 in July 1988 they allowed him increment on 19.8.1988 in recognition of his honest, sincere and dedicated services.

21. Para 22. - The contents of paragraph 4.19 of the application are reiterated. The reply given by the respondents is irrelevant to the submissions made and accordingly denied.

22. Para 23. - The contents of paragraph 23 of the counter affidavit do not call for a reply.

23. Para 23-A. - The contents of paragraph 23-A of the counter affidavit do not call for a reply.

24. Para 23-B. --The contents of paragraph 23-B of the counter affidavit do not call for a reply.

25. Para 24. - The contents of paragraph 4.24 of the application are reiterated and anything urged to the contrary is denied. It is denied that the reasons given by the applicant were not convincing.

26. Para 25. - The contents of paragraph 4.25 of the application are reiterated. The reply given by the respondent is irrelevant and denied.

27. Para 26. - The contents of paragraph 26 of the counter affidavit do not call for a reply. However, it may

be stated that now in both the cases the next date fixed is 16.10.1991 for leading the rest evidences by the prosecution. Thus, the cases are pending since 23.7.1986 till date on account of prosecution's failure to produce their witnesses and not on account of any failure on the part of the applicant and thus for about 48 dates have been fixed for the purpose.

28. Para 27. - The contents of paragraph 4.28 of the application are reiterated and anything urged to the contrary is denied. The submissions made are irrelevant to the contention raised in the paragraph under reply of the application.

29. Para 28. - The contents of paragraph 4.29 of the application are reiterated. It is denied that the applicant's reply to the show cause notice was considered by the respondent authorities. There is no such indication in the order of termination dated 29.12.1988 (Annexure A-1) or in the order dated 3.3.1989 (Annexure A-2) rejecting the applicant's appeal. Both the orders are non speaking and accordingly void, ab initio and in a nulity. The termination order was also without jurisdiction and void ab-initio since it was not passed by the applicant's appointing authority who was Commanding Officer and of the rank of Brig. as would appear from the appointment order contained in Annexure A-3 and Annexure A-5, the order of termination has been passed by Major General, A.K. Chakravarty as Deputy Director General Armed Forces Medical Services (E&S) who was higher in rank than Brig. R.G.S. Murthy, Commanding Officer and the applicant's appointing authority. The termination order has although been passed by Major General, A.K. Chakravarty but it has been camouflaged to purport that the same has been passed and issued for Maha Nideshak, Sashastra Sena Chiki Sewa. Be it as it may the order of termination has been issued by Major General, A.K. Chakravarty, who was not the applicant's appointing authority and in accordance with sub. rule 1 of rule 5 of the CCS (Temporary Services) Rule 1965 it is only the appointing authority who could terminate the services of a temporary employee and none else.

Frank Dinesh
It is also denied that there was no violation of principles of natural justice and fair play.

30. Para 29. - The grounds urged vide paragraph 5.1 of the application are reiterated.

31. Para 30. - The contents of paragraph 5.2 of the application are reiterated.

32. Para 31. - The contents of paragraph 31 of the counter affidavit are denied. It is reiterated that the mistake was unintentional and on account of applicant's poor knowledge in english and also on account of ill advice of his well wisher of whom he had taken ~~xxxx~~ assistance in filling up the attestation form.

33. Para 32. - The reply give is evasive hence denied.

34. Para 33. - The grounds urged vide paragraph 5.5 of the application is reiterated. The submissions made is denied.

35. Para 34. - The respondent authorities themselves do not dispute the ground urged vide para 5.6 to 5.8.

36. Para 35. - It is denied that DDG (E&S) was the applicant's ^{Appointing} authority. It is reiterated that the order of termination was void having not been passed by the applicant's appointing authority viz. Commanding Officer, who was the rank of the Brig.

37. Para 36. - The grounds urged vide para 5.10 and 5.11 are reiterated.

38. Para 37. - The contents of this para needs no comment.

39. Para 38. - The contents of this para needs no comment.

40. Para 39. - The contents of paragraph 39 of the counter affidavit are denied. It is denied that the reliefs sought by the applicant were not tenable in the eye of law or that he was not entitled to get any relief.

41. Para 40. - It is denied that the applicant was not entitled to get any interim relief as prayed by him vide paragraph 9 of the application.

42. Para 41. - The contents of paragraph 41 of the

counter affidavit are denied. It is denied that the application filed by the applicant was liable to be dismissed much less with costs against him.

Pradeep Dixit
(Pradeep Dixit)
Applicant

Lucknow:
Dated: 11.9.1991

Verification. -

I, Pradeep Dixit, son of Sri D.S. Dixit, aged about 29 years, residing at House No. 555 Kha/55 Bhola Khera, Alambagh, Lucknow, do hereby verify that the contents of paragraphs 1 to 42 of this rejoinder statement are true to my personal knowledge and nothing material has been concealed by me. So help me God.

Verified and signed this the 11th day of September 1991 at Lucknow.

Pradeep Dixit
(Pradeep Dixit)
Applicant

Lucknow:
Dated: 11.9.1991

I identify the applicant who has signed before me.

Rajesh Nath
(Rajesh Nath)
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. NO. 263 of 1989(L)

A23

Pradeep Dixit

... Applicant

-versus-

Union of India and others ... Respondents

APPLICATION FOR CONDONATION OF DELAY

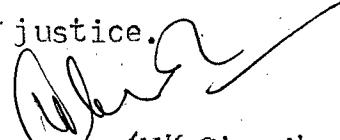
The Respondents above named begs to submit as

under:-

1. That the counter affidavit could not be filed earlier due to some administrative reasons and now the counter affidavit is ready for filing. It is therefore requested that the counter affidavit accompanying this application may kindly be taken on record after condoning the delay in filing the same.

P R A Y E R.

Wherefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to fix accept the accompanying the counter affidavit and taken on record in the ends of justice.


(VK Chaudhari)
Addl. Standing Counsel for Central Govt.
(Counsel for the Respondents)

Lucknow,

Dated:- 16 Jul. 1991.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. No. 263 of 1989 (L)

Pradeep Dixit

.. Applicant

-versus-

Union of India and others .. Respondents

SUPPLEMENTARY COUNTER AFFIDAVIT IN REPLY
TO 2ND APPLICATION FOR INTERIM RELIEF.

I, Ram Dularay, aged about 48 years,

son of Shri Mahavir Prasad, at present posted

as Administrative Officer (Civilian) in the

office of the Commandant, Armed Forces,

Medical Stores Depot, Lucknow do hereby solemnly

affirm and state as under:-

1. That the deponent has been authorised to file this supplementary counter affidavit on behalf of Respondents 1, 2, 3 & 4.
2. That the deponent has read and understood the contents of 2nd application for interim relief filed by the applicant and he is in a position to give parawise comments as hereinunder:-
3. That the contents of para 1, 2, 3 & 3 of the 2nd application need no comments.
4. That the contents of para 4 of the

(A78)

(N) u

application are incorrect as stated as mentioned in our counter affidavit dated 07 March 90 in reply to the main petition.

5. That the contents of para 5 of the application are incorrect as the post was not kept vacant because of application pending in this Hon'ble Tribunal. The matter for filling up the post of Fire Engine Driver was under process with Army Headquarters and Ministry of Defence (Office of the Director General Armed Forces Medical Services, New Delhi) who have now released the vacancy in question for filling up through local employment exchange as per DG AFMS, New Delhi letter No.11348/FED/DGAFMS/DG-2B dated 11 Dec 1990. A true copy of the said letter is being enclosed as Annexure No.S-1 to this affidavit.

6. That the contents of para 6 of the application are not disputed.

7. That the contents of para 7 of the application are admitted to the extend that the documents ie. Daily orders Part I dated 04 Feb 1991 copy of which has been attached as Annexure-A.10 with the application is a restricted one. The aforesaid

-3-

document itself bears a clear warning on the top that 'any information given in these orders is not to be communicated either directly or indirectly to the press or to any other person not holding official position in the Government of India Service.' It is not understood as to how the applicant has obtained this document and enclosed its copy to application without seeking permission of the Commandant, Armed Forces Medical Stores Depot, Lucknow. In view of this, the information furnished by the applicant on the basis of this document, should be treated as invalid.

8. That the contents of para 8 of the application are not disputed. However, it is submitted that the test/interview was fixed for 14 February 1991 but was postponed due to non-arrival of any candidate from Local Employment/due to closure of the office of the Employment Exchange on account of strike. However, the next date for test/interview has been fixed for 18 March 1991.

9. That in view of the facts and circumstances

4)

stated in the foregoing paragraphs and the facts stated in the counter affidavit the applicant is not entitled to get any interim relief sought by him in his second application and the the main application filed by the applicant is liable to be dismissed with costs to the Respondents.

(b) al
Deponent.

Lucknow,

Dated: 03 July
April 1991
(b) al

Verification:

I, the above named deponent do hereby verify that the contents of paragraphs 1 & 2 of the supplementary affidavit are true to my personal knowledge and those of para 3 to 9 are believed to be true on the basis of information gathered as well as records and also on the basis of legal advice. Nothing material fact has been concealed and no part of it is false.

Nay

(VK Chaudhari)

Addl Standing Counsel for Central Govt
(Counsel for the Respondents,

C. B. Nay

5/10/91

Paras Chaudhary
VIC COUNSEL

Paras Chaudhary

Paras Chaudhary

3/10/91

(22)

In the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

Misc. Application No. 385 of 91 (L)
In O.A. No. 263 of 1989 (L)

Pradeep Dixit ... Applicant
VS

Union of India & others ... Respondents

2nd Application for Interim Relief

Fixed for Final Hearing on 6.2.91

The applicant most respectfully submits as under:

1. That the applicant has filed his application on 18.9.1989 against his termination order dated 29.12.1988, (from the post of Fire Engine Driver).
2. That the applicant has also prayed for interim relief for payment of his salary month by month.
3. That on 27.10.1989 this Hon'ble Tribunal was pleased to admit the application and to issue show cause and also to direct the respondents to file counter-affidavit.
4. That the respondents have thus far not shown any cause.
5. That the post in question from which the applicant's services were terminated, was kept vacant by the respondents since the matter with regard to application for interim relief is pending before this Hon'ble Tribunal.
6. That the applicant has reliably learnt that the respondents have called for the names of the candidate from the Local Employment Exchange for the post in question.

Pradeep Dixit

(A.F.I)

7. That vide Order No. 95 Part I dated 4.2.1991 issued by Lt. Col. P.S.R. Ayear, officiating Commandant the names of the departmental candidates were also invited for the post in question and ~~for~~ the last date of receiving the application is fixed as 9.2.1991. A true copy of the order is attached as Annexure A-10.

8. That the interviews are going to be held on 14.2.1991 for the post of Fire Engine Driver i.e. the post in question.

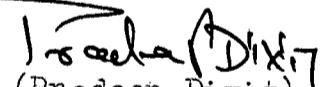
9. That the applicant is facing extreme hardships for want of funds.

10. That in the circumstances of the case (unless the operation of the order dated 29.12.1988 is stayed by this Hon'ble Tribunal, the applicant shall be seriously prejudiced and discriminated and shall also suffer an irreparable loss and injury).

PRAYER

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal be pleased to stay the operation of the impugned termination order dated 29.12.1988 or in the alternative the respondents may be directed to pay him salary month by month or they may be restrained from holding any interview and from filling the post in question. It is so prayed in the ends of justice.

Lucknow:
6.2.1991


(Pradeep Dixit)
Applicant

Verification. -

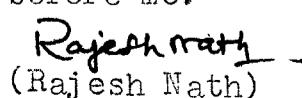
I, Pradeep Dixit, aged about 29 years, son of Sri D.S. Dixit, resident of 555-Kha/55, Bhola Khera, Alambagh, Lucknow, do hereby verify that the contents of paragraphs 1 to 5, 7, 9 of this application are true to my own knowledge and those of paras 6 & 8 are to be true on the ~~exact~~ basis of information received and those of para 10 are based on legal advice.

Verified and signed this the 6th day of February, 1991, at Lucknow.

Lucknow:
6.2.1991


(Pradeep Dixit)
Applicant

I know the applicant who has signed before me.


(Rajesh Nath)
Advocate

3
AO

Annexure - A-10

RESTRICTED

SATYAMEVA JAYATHE

(TRUTH ONLY TRIUMPHS)

SARVA BANTHU NIRMAYAHA

(MAY ALL BE FREE FROM DISEASES)

DAILY ORDERS PART I BY LT COL PSR AIYER, OFFG COMMANDANT, AFMSD LUCKNOW-2
Any information given in these orders is not to be communicated either directly or indirectly to the press or to any other person not holding an official position in the Govt of India Services.

01 Feb 91 (MONDAY)

(LAST DO PART I NO. 91 DATED 02-2-91)

92. DUTIES : FIELD OFFICER : LT COL SC SHARMA

04-2-91

DUTY OFFICER (CIV) SHRI VN SINGH, AO (C)

DUTY JCO N/SUB SK PANDEY

DUTY NCO HAV PARAS RAM

DUTY CLERK SEP US PRASAD

DUTY MESSENGER SEP BA VASAVA

DUTY DR SEP RA PANDEY

DUTY LINE RP SEP RK VERMA

DUTY DVRS L/NK SS RAM

DUTY LINE/CSD GD L/NK RD SAXENA

DUTY LINE/CSD GD HAV SIDHIMAN
RFN ANIL KUMAR SINGH
SEP ASHOK SINGH
L/NK B RAVI SWAMY

DUTY STORE/QM NK KESHAR SINGH
OFFICE SEP MD ALI
SEP ARUL MM
SEP KS PANDU

DUTY SECURITY GUARD

1st shift N/SUB RA DWIVEDI
2nd shift SUB SP TRIPATHI
3rd shift DUTY JCO OF THE DAY

05-2-91

SHRI RAM LAL, SO (C)

N/SUB S SHANKARAN

HMT AMAR SINGH

HAV NB SINGH

SEP BR YADAV

L/NK RN YADAV

SEP RK VERMA

L/NK SS RAM

SEP KT LAXMAN

HAV OM PRAKASH RAI
RFN NARAYAN SINGH
SEP RAM KUMAR
RFN MAHINDER SINGH

NK S PATHAK
SEP BN RAJU
SEP SHER SINGH
CFN M YADAV

SUB SP TRIPATHI
N/SUB RA DWIVEDI
DUTY JCO OF THE DAY

93. VISIT - ADDL DG DS

Maj Gen DRP Choudhury, AVSM, Addl DG DS will be visiting this depot on 07 Feb 91 from 0900hrs to 0940hrs. All Groups/Sections/Depts will be kept neat and clean for the visit.

2. OIC Gp II/IC, Dental Stores will be kept ready for the visit.

94. WITHDRAWAL OF PRIVATE ARMS

141325-X SUB (Honorary Lieut) P Paikaray of this depot is authorized to draw his pvt SBBL-12 Bore Gun Regd No 13798 from the

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RESTRICTED

1 CAPT

Contd... 2/-

Frontal Digit

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APJ

Appendix to DO Part I Sl. No. 55
Dated 01 Feb 91

हिन्दी अनुवाद

परीक्षा / साधात्कार : फायर इंजिन इंडिपर

- 1- सम्बन्धित कर्मचारियों को दूषित किया जाता है कि इस डिपो में दिनांक 14 फरवरी 91 तथा आवश्यकता पड़ी तो अन्य दिन भी, सीधी भली के अन्तर्गत फायर इंजिन इंडिपर के एक पद के लिए परीक्षा/साधात्कार होता है।
- 2- इस डिपो का विभागीय अधिकारी, यदि कोई हो, जो एस.आर. औ. संख्या 145 दिनांक 27 मई 1976 में उल्लिखित आवश्यक घोष्यता तथा रासीरिक धमता, इत्यादि रखता हो और कथित परीक्षा/साधात्कार में सम्मालित होने का छ्चुल हो, तो अपने सम्बन्धित विभागीय अधिकारी से डायना-पत्र संस्तुति फराके दिनांक 09 फरवरी 91 दोपहर 12 बजे तक अभिभावक अधिकारी, असैनिक स्थापना विभाग के पात्र अग्रसारित कर सकता है। निर्दिष्ट तिथि के बाद प्राप्त हुये डायना-पत्रों को स्वीकार नहीं किया जायेगा।

। आर.डी.एस. बुरानिया ।
प्रशासनिक अधिकारी
द्वारा स्थानापन्न कमांडेन्ट

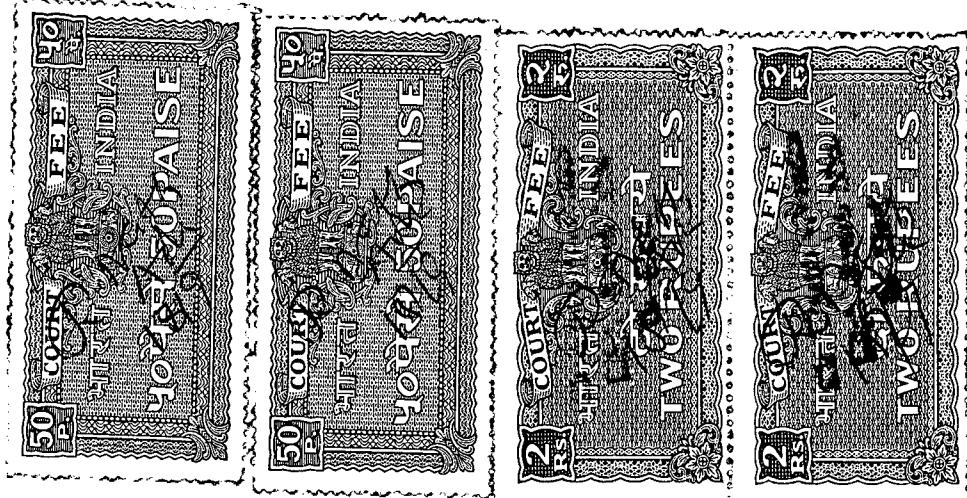
Attested
Rajesh Nath
Advocate
6/19/91

True Copy

True Copy

ब अदालत श्रीमान

महोदय



Pradeep Dixit

बनाम

वादा (मुद्रा)
लिखा-

Union of India and others

प्रतिवादी (मुद्रालेख)
Respondents

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

R. NATH)

RAJESH NATH } ADVOCATES

PANKAJ NATH)

एडवोकेट महोदय

वकील

अदालत
नाम मुकदमा नं० मुकदमा नाम फरिकन

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

Accepted.

Rajesh
Adv.
17.9.89

Rajeshivrat,
Adv.

Pankaj
Adv.
17.9.89

हस्ताक्षर

साक्षी (गवाह).....साक्षी (गवाह).....

दिनांक 17.9.1989 महीना September सन् 1989.....

Pradeep Dixit