

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 113 OF 89

NAME OF THE PARTIES Misri Lal Applicant

Versus

Director Postal (Aue.) Respondent

Part A.

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CERTIFICATE

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

Checked Dated 28/12/11

Counter Signed.....



Section Officer/In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

29-5-89
Deputy Registrar(I)

Representation No. 113 of 1989 (L).

APPLICANT(S) Mishra Lal
RESPONDENT(S) Union of India & Others

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent? yes
2. a) Is the application in the prescribed form? yes
b) Is the application in paper book form? yes
c) Have six complete sets of the application been filed? yes
3. a) Is the appeal in time? yes
b) If not, by how many days it is beyond time? No.
c) Has sufficient case for not making the application in time, been filed? yes
4. Has the document of authorisation/ Wakalatnama been filed? yes
5. Is the application accompanied by B.O./Postal Order for Rs.50/- yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed? yes
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed? yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? yes
c) Are the documents referred to in (a) above neatly typed in double space? yes
8. Has the index of documents been filed and paging done properly? yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? yes
10. Is the matter raised in the application pending before any court of law or any other Bench of Tribunal? No.

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<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	Yes
12. Are extra copies of the application with Annexures filed ?	Yes
a) Identical with the Original ?	Yes
b) Defective ?	No
c) Wanting in Annexures	No
Nos. _____ pages Nos _____ ?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	No
14. Are the given address the registered address ?	Yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	Yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	Yes
17. Are the facts of the case mentioned in item no. 6 of the application ?	Yes
a) Concise ?	Yes
b) Under distinct heads ?	Yes
c) Numbered consecutively ?	Yes
d) Typed in double space on one side of the paper ?	Yes
18. Have the particulars for interim order prayed for indicated with reasons ?	Yes
19. Whether all the remedies have been exhausted.	Yes

dinosh/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

①

PL

REGISTRATION No. 113 of 198 9/4

APPELLANT
APPLICANT

M. Lal

VERSUS

U. O. 2

DEFENDANT
RESPONDENT

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

① 19.7.89

No Sitting. Adj. to 11.8.89

② 11-8-89

Hon'ble Mr. D.K. Agrawal, J.M.

Heard Mr. Qamrul Hasan learned counsel for the applicant.

Admit.

Issue notice to respondents to file counter reply within six weeks to which the applicant may file rejoinder within two weeks thereafter.

List this case on 10-11-89 for orders/hearing as the case may be.

MEMBER (J)

(rrm)

Hon'ble Mr. D.K. Agrawal, J.M.

Hon'ble Mr. K. Chagga, J.M.

See original order on main petition

OK
Notices were issued on 17.8.
Neither reply nor answer has been submitted
Order

③ 10/11/89

Shri Qamrul Hasan counsel for the applicant and Shri V.K. Choudhary counsel for the respondent has sought 4 weeks time to file reply. Let counter reply be filed within 4 weeks, the applicant may file rejoinder within 2 weeks thereafter. List this case on 25-1-90 for orders/hearing as the case may be.

De

A.M.

T.M.

(SNS)

O.A. 113/89

D.R. P3

30-12-91

D.R.

Applicant is present.

He desires to file

Rejoinder by 14/2/92.

AKS
SO.

14.2.92

D.R.

Both the parties are present. Applicant

to file Rejoinder

by 7/5/92.

9/11

7.5.92

D.R.

Applicant to file Rejoinder by

3.8.92.

D.R.

O.R.

No R.A has been
filed till today.

S.F.O.

8

30/7/92

R.A filed on

3.8.92

S.F.O.

8

6/8/92

3.8.92

D.R.

Both the parties are present.

Applicant is filed rejoinder

today and case is listed

for final hearing on 7.8.92

AL

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH
LUCKNOW

U.A. No 113 of 1989 199 (L)

U.A. No 199 (TL)

Date of Deceaseion 3.2.93

Misri Lal Petitioner.

..... Advocate for the
Petitioner(s)

V E R S U S

~~The Director Postal (Accounts),~~ Respondent.
U.P. and others

..... Advocate for the
Respondents

C O P Y

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

Hon'ble Mr. K. Jbayya, Member (A)

1. Whether Reporter of fiscal papers may be allowed to see the Judgment.
2. To be referred to the reporter or not ?
3. Whether their Lord Ships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to other benches ?

//
Vice-Chairman / Member

AS

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 113 of 1989(L)

Misri Lal Applicant

Versus

The Director, Postal(Accounts), U.P.

and others Respondents

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

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava, VC)

The applicant's name was sponsored by the employment exchange for the engagement of daily rated Chaukidar in the office of the Director of Accounts (Postal) ^{which} is at present functioning in three different buildings in the city of Lucknow. He was engaged as such on 6.3.1984. The applicant's services were orally terminated on 3.6.1988 alongwith copy of the order dated 19.4.1988, which was given to him. The applicant filed the representation against the same, in which it has been stated that he has been working for last few years and yet his services have been orally terminated and the termination order, according to him because of some findings of mis-conduct behind his back to which he was not associated.

2. According to the respondents, the applicant did not behave properly with the Supervisors while working and he also not carried out his work with full devotion and loyalty for which he was warned verbally and in writing but of no use. While he was entrusted to work as Chowkidar allowed unauthorised persons to enter the premises of office with effect from 11.4.1988 to 13.4.1988, which has caused nuisance in the office and disrupted the work. For these lapses he was warned vide memo dated

Contd..2/-

:: 2 ::

19.4.1988. While he was working as Chowkidar yet another office he closed the old record room at 5.30 P.M. which according to the respondents was ~~done~~ deliberately to humiliate the Accounts Officer/NSC who was inside lavatory of the Old record, and lock was opened by the applicant on his knocking the door, who was called for to explain as to what was his intention in locking the office so early. The explanation was not found satisfactory as per enquiry report, and he was found to be habitual of being absent without permission when an exigency of work arose. He was absent w.e.f. 25.4.1988 without any information and as he was a daily rated Mazdoor ~~and~~ his work was found unsatisfactory, his services were thereafter terminated. The learned counsel for the applicant contended that it is because of mis-conduct that his services have been terminated without giving any enquiry. According to the applicant that because he has worked more than 120 days, of course he attained temporary status. The applicant was an employee of Postal Department, but no provision has been brought to our notice, person working after 120 days will become a temporary employee and against him no action can be taken. The applicant still continued to be daily rated Chowkidar and his performance and work are found to be wholly unsatisfactory, the respondents have no option but to dispense with the services. The post of Chowkidar is a very important post and he must report confidentially and must make effort to report ^{to the} employer and the employer must have confidence in ^{as} functioning and working such/chaukidar. Obviously, it was

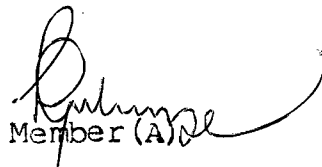
Contd..3/-


Us

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:: 3 ::

within the domain of the employer to terminate the service. Because of his unsatisfactory work and performance, his services have been terminated. The applicant has got no cause of action for getting it. Accordingly, the application is dismissed. The learned counsel contended that of course, he has been performing duty, the respondents should have allowed him to continue in service. It is for the applicant to approach the respondents requesting him to get another chance if not a chaukidar, then for any other post to which he is found suitable. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 3.2.1993

(RKA)

In the Central Administrative Tribunal, Addl. Bench,
Allahabad, Circuit Bench at Lucknow.
Deputy Registrar (J)

Application no. 113 of 1989 (L)

Misri Lal

....Applicant

Versus

The Director Postal(Accounts)U.P.

and others

... Respondents

Index

	Pages
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2. Impugned order of termination orally given by Opp.Party no.2 on 3.6.1988 and also order dt.19.4.1988 passed by the Accounts Officer as contained in Annexure-4.	12
3. Vakalatnama	
Postal order no.	dated 1989

Filed today noted
19.7.89

Rosen
29/5/89

Qamrul Hasan
(Qamrul Hasan)
Advocate

Lucknow dated:

Counsel for the Applicant

May 22, 1989

29

In the Central Administrative Tribunal Addl. Bench,
Allahabad.

-e--
Circuit Bench at Lucknow.

Between

Application No. 113 of 1989 (2)

Mishri Lal aged about 36 years,

S/o Shri Ram Krishna Lal, C/o Shri V.K.

Verma, E-1920 Rajajipuram city, Lucknow

Distt. Lucknow.

...Applicant

Vs.

1- The Director Postal (Account),

U.P. Circle, Lucknow.

2- The Account Officer, Rashtriya Bachat Patra

Shakha, Office of the Director, Postal
Account, Branch 19 way Gokaley Marg, Lucknow.

3- Shri B.L.Deogan, Accounts Officer, Office

of the Director Postal Account Branch 19

way Gokhley, Marg Lucknow.

...Respondents.

Details of Application

4- Particulars of the Applicant

(I) - Name of the Applicant

...Mishri Lal

14/11/89

II)- Name of father ...Shri Ram Krishna Lal

III)- Age ... 36 years

IV)- Designation and
Particulars of Office ...Daily-Wages
Labourers

V)- Office ...Accounts Officer
Rashtriya Bachat Patra Shakha
Branch Director Postal Accoun
19-way Gokhley Marg, Lucknow.

VI)- Address of service ...Shri Qamrul Hasan
of Notices (Advocate)
349, Talab Gagni Shukl
Lucknow.

I- Particulars of the Order I- The application is
against which the application against oral Termination
is made order dated 3rd June,
1988 given by opposite
party no. 21 ²/_{ie.}
Account Officer.

II- Order dated 19/4/1988
passed by Accounts Officer
Rashtriya Bachat Patra Shakha

Nature

- (a) For quashing impugned oral
order of Termination dated 3rd,
June, 1988 and order dated 19/4/1988
- (b)- For the issue of Mandamus Respondents
no. I and 2 to allow the petitioner to
continue on his as daily wages labourers.

TH cept on 05

3.

2- Jurisdiction of the Tribunal

The applicant declares that the subject matter of the orders against which he wants redressed is within the jurisdiction of the Addl. Bench, Allahabad, Circuit Bench, Lucknow.

3- Limitation

The applicant further declares that the application is within the limitation prescribed in Section -2I of the Administrative Tribunal Act. 1985.

4- Facts of the Case

4- I)- That the instant application is directed against the arbitrary, unjust and malafide order of oral Termination and action causing injury to the applicant who is Scheduled Caste IVth class daily wages labourers. A true photostat copy of the Caste Certificate is filed as Annexure-I to this application.

4-(2) That the academic qualification of the applicant is High School Failed. A true photostat copy of the Marksheet dated 27/6/1970 is filed herewith as Annexure-2 to this application.

4-(3) That the applicants name was sponsored by the employment exchange on 2/12/1983 for selection on 21/12/1983 for the engagement of daily reted labourers. A true photostat copy of the call letter is filed as Annexure-3 to this application.

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- 4- (4)- That in pursuance of the call letter, the applicant appeared before the Selection Committee and the selection committee on the said date found fit the applicant for the IVth class daily rated labourer.
- 4- (5)- That in view of the above the applicant was asked to join Aminabad Head Office, Director Postal Account, where he joined on 6th March, 1984.
- 4- (6) That at the time of initial engagement of the applicant, he was paid daily wages at the rate of Rs. 9/=80 which was subsequently revised as Rs. 12/=40.
- 4- (7)- That thereafter, the applicant was entrusted the duty with different officers and sections of the Postal Account.
- 4- (8) That it is worth while to mention that the applicant mostly remained attached for about two years to Director, Postal Account, who found applicants work good and satisfactory.
- 4 (9) That subsequently the applicant was posted at Postal Account Branch Office, 19- Way Gokhley Marg Lucknow as Chaukidar.
- 4- (10) That one Shri M.P. Pandey presently posted as the Account Officer wanted to accommodate his near relative, namely Jitendra for which he played a foul game with the connivance

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of Sri B.L.Devgan(O.P.no.3) .

4-II. That on 11.4.1988, the applicant became the victim of the said Officers as noted above who hatched conspiracy against the applicant to take away his services.

4-(I2) That thus on the said date, the opp.party no.2 all of a sudden at about 5.30 p.m on April 11, 1988 entered the bath room at the time when the applicant was engaged in putting locks at the Hall of Old Record Room and in putting off the electricity. Meanwhile the applicant heard a voice ^{coming} from the inside and on this basis he opened the lock of the room/hall. The applicant was astonished seeing the faces of the both Officers present there.

That on an enquiry and anger shown by the opp.party no.3 Sri B.L.Devgan, the applicant told him that when he was checking Bath room the opp.party no.2 and Sri M.P.Pandey, Asstt. Accounts officer were wishpering. When the applicant went to the otherside for putting off electricity he did not know as to when the Officer entered the Bath room .

4-(I3) That on 19.4.1988, the opp.party no.2 served an order upon the applicant with a warning that Sri Mishri Lal^{is} informed that he is incapable to do his duty rightly and according to rules, if in future, any such mistake is committed then strict action will be taken against him. A true photostat copy of the order is filed as Annexure-4 to this application.

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4- (I4)- That a perusal of the aforesaid order as contained in Annexure-4 also indicates that the opposite party no. 2 also endorsed a copy to Shri R.A.Sumra Deputy Director. (Dock Lekha) informing him that the applicant is not fully devoted to his duties, therefore, a suitable step may be taken for his replacement change.

4- (I5)- That the applicant aggrieved by the aforementioned order made representation to O.P. no.I on 11/5/88, A true copy of the representation ~~is~~ ~~xxxxxx~~ is Annexed as Annexure-5 to this application.

4-(I6)- That despite the above facts, one Shri S.R. Abdi was made an enquiry officer who demanded complete ^{written} statement in writing from the applicant on 30/5/88. A true photostat copy of the same annexed as Annexure-6 to this application .

4-(I7)- That the applicant in compliance of the order (Annexure-6) gave written statement to the said enquiry officer on 31/5/88 saying that on wrong and false charges, a conspiracy as being hatched against the applicant in order to turn away the applicant from the office. A true photostat copy of the written statement dated 31/5/88 is annexed as Annexure-7 to this application.

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4-(18)- That immediately thereafter on 3.6.1988, when the applicant attended the office the opp. party ^{he} restrained the applicant from discharging his duty and told that his services were no more required and the order dt. 19.4.1988 has already passed.

4-(19)- That it is significant to note that the opp. party no. 2 by his order dt. 19.4.1988 had given warning to applicant regarding performance of duty and had requested the Dy. Director (Postal) Accounts for his replacement due to unsatisfactory work.

That thus there was no exigency or justification for the opp. party no. 2 to orally terminate the services of the applicant.

4-(20)- That from the order dt. 30.5.1988 (Annexure-6) issued by the Enquiry Officer Sri. S.R. Abdi, it reveals that the department wanted to conduct disciplinary enquiry regarding the alleged incident otherwise the applicant would not have been required to give written statement to the effect as to why the applicant locked Bath Room without any checking.

4-(21)- That before terminating services of the applicant, he must have been afforded opportunity

to meet the charges of which he is ^{said} to be guilty and supplied copy of Enquiry report to show cause. before proposing punishment.

4-(22)- That the applicant could not know as to what the Enquiry Officer reported against him and whatever he conducted the enquiry conducted behind the back of the applicant, which is vitiated.

4-(23)- That the opp. party no. 3 (Sri B.L.Devgan) ^{the} solely acted at the behest of Sri M.P; Pandey, Assistant Accounts Officer who wanted to accommodate his own man, namely, Jitender in place of the applicant, who was engaged immediately after after applicants oral termination order dt. 3.6.1988, though his name was not sponsored by the Employment Exchange, But after some time, following persons, who were called through Employment Exchange, have been engaged as IVth class Daily rated earner on 14.3.1989.

1- Sri Surya Prakash Singh

2- Sri Jaspal Singh

4-(24)- That in view of the above, the action of terminating applicant's services by an oral order is unjust, arbitrary, malafide and against law. It amounts to colourable exercise of power.

4-(25)- That the opp. parties have flouted the G.O. no. 42014/7/86.-Estt. (SCT) dt.12.9.1986 by

प्रतिवादी

~~5xx(26)~~ - which the Central Govt. has issued ~~clear~~ instructions that govt. servant should desist from any act of discrimination and officials to SC/ST are not subjected to harassment and discrimination.

9-(26)- That the applicant's services couldnot been taken away by oral order of termination as he has put in 4 years continuous services as Daily rated earners. He has acquired 'temporary' status in the postal department .

9-(27)- That it is settled law that even casual or seasonal workmen who rendered continuous service for one year or more cannot be retrenched without complying requisite of the provision of Sec. 25-F of the Industrial Dispute Act. It is unfair labour practice.

9- (28)- That on account of his good work and conduct, the Postal Authorities also granted bonus Rs. 278/- for the year 1987-88. His work was always appreciated by his superiors.

9- (29)- That the applicant on the basis of warning was found that he was guilty of his blame worthy act and misconduct, adverse entry could be recorded in his character roll or ~~xxxxxxxx~~ opp. party no. 2 could impose any minor penalty as given in para II of C.C.S (C.C.A) Rules.

मिथी लाल

4-(30)- That the applicant has now become overage after serving Postal Department for four years and now his age is about 36 years, A truephotostat copy of T.C. showing age is filed as Annexure-8.

5-

Details of Remedies

The applicant declares that he has availed of the remedy available to him.

(I)- The applicant made representation dt. II.5.1988 to Director, Postal,Accounts , Aminabad, U.P. Circle, Lucknow (Annexure-5) and to Accounts Officer dt. 31.5.1988 vide Annexure-7 .

6-

Matter not previously filed or pending other court

The petitioner further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this present ~~application~~ has been made before any court ^{or} other bench of the Tribunal and nor any such application, writ or suit is pending before any of them

7-

Relief sought

That the applicant in view of the above prays for the following reliefs;-

(a)-- Necessary orders may kindly be issued to respondents to allow the applicant to continue on his post of IV class ~~daily~~ rated labourer (chowkidar) in the office of opp. party no. 2

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alongwith other benefits, including consequential benefits etc.

(b)- To quash oral order of termination dt. 3.6.1988 given by opp. party no. 2 alongwith impugned order dt. 19.4.1988 (Annexure-5).

(c)- To declare the oral termination order given by opp. party no. 2 as illegal unconstitutional, bad in law, discriminatory, malafide and violative of principle of natural justice.

8.

G_R_O_U_N_D_S

A)- Because there was no exigency or any occasion for the opp. party no. 2 to orally terminate the services of the applicant on the ground of misconduct or any disciplinary enquiry while ~~any disciplinary~~ by order dt. 19.4.1989 opp. party no. 2 had only requested to Dy. Director Postal Accounts for his replacement on warnings.

B)- Because the oral order of termination and restraining applicant from performing his duty as chowkidar by opp. party no. 2 is arbitrary, malafide, discriminatory, bad in law, and violative of principle of natural justice.

(c)- Because Sri B.L.Devgan (opp. party no-3), solely acted at the behest. of Sri M.P. Pandey, Assistant Accounts Officer, who succeeded in accomodating his own man, namely Sri Jitender

सुप्रीम कोर्ट
आपस

and ~~Ja~~after him Surya Prakash Singh and Jaspal Singh were recruited as daily rated earner.

- (d)- Because after putting ~~4~~ 4 years continuous services in the Postal Department, the applicant acquired "temporary" status and is liable to be absorbed in service.
- (e)- Because the applicant is ~~any~~ innocent and in order to take away the applicant's services, an incident is shown to have happened on 11.4.1988 at 5.30 in the office, as Sri M.P. Pandey had conspired with opp. party 3 in order to involve him in a false case so that in applicant's place his man Jitendra may get service in Postal Department.
- (f)- Because there was no occasion for the opp. party no. 2 to orally terminate petitioner's services as earlier to it vide his order dt. 19.4.1988 (A-4) the opp. party no. 2 had issued warning letter to applicant and he had also endorsed a letter to Dy. Director Postal (Accounts) for applicant's change and replacement by another person/chowkidar.
- (G)- Because there is clear violation of Rule 14 of Central Civil Services (Classification Control & Appeal) Rules according to which no order of imposing penalties specified in clause (V) to (IX) of Rule II shall be made except after an inquiry is held under the Act.

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(H)- Because on the basis of an order by the enquiry officer Sri S.R. Abdi calling for written statement from the applicant, the authorities were legally bound to conduct, ~~the authorities~~ ~~the authorities~~ disciplinary proceedings against the applicant for alleged misconduct and without doing so and show cause, the services of the applicant could not be orally terminated which amount punishment, and provisions of Article 311 of the Constitution are attracted.

(I) Because the opp. parties have acted against a G.O no. 42014/7/86-Estt. (SCT) dt. 12.9.86 whereby Ministry of Personnel, Union of India has laid down that the Govt. servant should desist from any act of discrimination and officials to scheduled caste should not be subjected to harassment and discrimination.

19-

Interim order, if any prayed for pending final decision of this application,

The applicant may kindly be issued interim orders directing the opp. parties not to give effect to the oral order of termination dt. 3/6/1988 and not to give effect to the order dt. 19.4.1988 as contained in Annexure-4.

The respondents be directed to allow the applicant to work on his post of Chowkidar, being daily rated labourer by removing the person illegally engaged against his post.

Copy to
14/11/88

10- Not applicable.

11. Particulars of Indian postal order in respect of application fees:
(I) Indian Postal Order no. ^{AA 240951 and 52 of Rs 20 each} ²³ 606 999414 dated 19/11/1988
(ii) Issued by *The High Courts* Post Office LKO

12. List of Documents

Annexure-I

Annexure-2

Annexure-3

Annexure-4

Annexure-5

Annexure-6

Annexure-7

Annexure-8

Verification

I, Misrilal, above-named, orally terminated Chowkidar of Director Postal (Accounts) U.P., resident of E-1920 Rajaji Puram, city Lucknow, district Lucknow do hereby verify that the contents of paras 1 to 3, 5-1 to 5-11, 5-12, 5-13, Para-6, 10, 12, and 13

are true to my personal knowledge, those of 4, 5-14 to 5-27 and 5-28, Para 9, 11

-----are true to my belief and legal advice and I have not suppressed any material facts.

Lucknow dated:

May 22, 1989

मिथिल लाल

Signature of Applicant

Qamrul Hasan

(Qamrul Hasan)

Advocate

Counsel for the applicant

To

The Registrar,
Central Administrative Tribunal,
Addl. Bench, Allahabad.

In the Central Administrative Tribunal
Additional Bench, Allahabad
Circuit Bench, Lucknow.

Application No. 1989
Misri Lal Applicant
Versus
Director Postal (Accounts)
U.P. Circle, Lucknow Opp. Party
Annexure No. 4.....

18
A23

श. न. प. 1/ 2002-062

दि. 19-4-88

श्री मिसरी लाल दैनिक वेतन भोगी चौकीदार जो 19-तै मार्ग 2000 पर शाखा में कार्यरत है, का कर्तव्य है कि कोई व्यक्ति कार्यालय में बिना आवाज प्रवेश न करे और व्यक्ति, कर्मचारी तथा अवकाशित व्यक्ति कार्यालय में गडबड न करे। दिनांक 11/4 से 13/4/88 को देखा गया कि कुछ कर्मचारी जिसके तत्पर में प्रवेश पर आवाज नहीं है वह उसके ड्यूटी पर रहते हुये प्रवेश करते हैं, गडबड करते हैं व कार्यालय के फनीयर को हानि पहुंचाते हैं। श्री मिसरी लाल चौकीदार अपनी ड्यूटी पूरी निष्ठा से नहीं करता है और इसको कर्म में असक्त है क्योंकि वही वह इन व्यक्तियों को रोका और गडबड न होने देता है। 11-4-88 को शाम 5-30 बजे जब मैं निम्नलिखित को रोकने के लिए आया तो श्री मिसरी लाल ने बिना बिजली और आंच पड़ताल के शोल्डर गिटार को बाहर से तावा लगा दिया जबकि तावा फायर के बन्द होने पर लगाना चाहिए। और इसकी तावा लगाने से पहले अच्छी तरह जांच पड़ताल करनी चाहिए। श्री मिसरी लाल को यह सूचित किया जाता है कि वह अपना कर्तव्य ठीक प्रकार से और नियमावली के अनुसार करने में अक्षम है, अगर इसके बाद उसके कर्तव्य में कोई सुधार नहीं आये तो उसके विरुद्ध सरकारी कार्यवाही की जायेगी।

Handwritten signature
लेखाधिकारी 19/4/88

श. न. प. 1/ 2002-062

मिस्री लाल
(चौकीदार)

श्री मिसरी लाल दैनिक वेतन भोगी चौकीदार अपने कर्तव्य का प्रति पूर्ण निष्ठावान नहीं है और इसका कार्य भी असंतोषजनक है। इसलिये इसको परिवर्तित करने के विषय में उचित कार्यवाही करने का सामान्य सेवा अड्डाग को निर्देश है।

मिस्री लाल
Attested
Handwritten signature

Before The Central Administrative Tribunal
Allah Bench Allahabad
अदालत श्रीमान महोदय
Circuit Bench Lucknow

वादी (मुद्दै)
मुद्दै (मुद्दालेह)

का

वकालतनामा

Application No 87 1984

Misri Lal - - - - - Applicant

Director Postal (Accounts) U.P. Circle - - Respondents
& others बनाम प्रतिवादी (रेस्पॉन्डेन्ट)

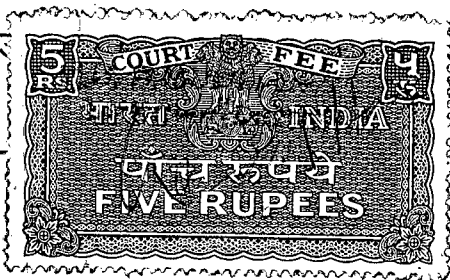
नं० मुद्दमा

सन

पेशी की ता०

१९

ई०



ओर से श्री RAMRUL HASAN
Mohd Fatehuddin वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें 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 रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

Accepted
Resan

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

ई०

In the Central Administrative Tribunal, Allahabad Bench,
Allahabad, Circuit Bench,
Lucknow.

ArS

Application no. of 1989

Misri Lal

...Applicant


Versus

Director Postal (Accounts) U.P.
and others

..Respondents

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(Qamrul Hasan)
Advocate

May 29, 1989

Counsel for the applicant

13
A26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ,

Additional bench Allahabad

Circuit bench Lucknow

Application No. 1989

Misri Lal Applicant

vs

Director Postal (Accounts)
U.P. Circle, Lucknow.

..... Opp. Party

Annexure No. 1.....

सत्य प्रमाणपत्र

कार्यालय जिला मैजिस्ट्रेट, कानपुर ।

प्रमाण पत्र
=====

1002

श्री पन्ना लाल तारीख 21-11-79
के आधार पर यह प्रमाणित किया जाता है कि श्री मिथी लाल पुत्र राम कृष्ण
लाल निवासी ग्राम/नगर 3/4, नगर मर्यादासिद्ध कालीनी, कानपुर जिला-
कानपुर उत्तर प्रदेश राज्य के "दलवार" अनुसूचित जाति/जन जाति के
व्यक्ति हैं। यह जाति जम्हीरसूक्त (अनुसूचित जन जातिपत्र) (उत्तर प्रदेश)
राज्य आदेश 1967 के अन्तर्गत मान्यता प्राप्त है जो श्री मिथी लाल, 3/4
नगर मर्यादासिद्ध कालीनी तथा/अथवा उनका परिवार उत्तर प्रदेश
राज्य के ग्राम/नगर जिला- कानपुर में स्थापना निवास करते हैं।
दिनांक 21-11-1979

सोल
डिस्ट्रिक्ट मैजिस्ट्रेट
कानपुर

सत्य प्रमाणपत्र
=====

20/7/83
अध्यक्ष नियुक्त (प्रमाणपत्र),
कानपुर जिला मैजिस्ट्रेट
कानपुर

को अग्रणीय

जिला मैजिस्ट्रेट
कानपुर

मेरी चेक
Attested
Chy

हार्द स्कल

ਸ਼ਾਂਤਿ ਫੋਰਸ 2022-23 ਵਿੱਚ, ਮਿਥਾਈ, ਮਾਮੂਲੀ, ਮਾਮੂਲੀ

996

दिनांक 26-6-60

परिषद् द्वारा संवालिit, १९७० की हाई स्कूल परीक्षा में संस्थागत/व्यक्तिगत परीक्षार्थी के रूप में सम्मिलित
 अनुक्रमांक २३६६१५ द्वारा प्राप्तांकों का विवरण वर्ग का नाम

परीक्षार्थी द्वारा लिये गये विषयों के नाम	विषय के लिये निर्धारित अंक	प्रथम प्रश्न-पत्र	द्वितीय प्रश्न-पत्र	तृतीय प्रश्न-पत्र	चतुर्थ प्रश्न-पत्र	योग	क्रियात्मक विषय			कुल योग	परीक्षा-1972
							प्रथम	द्वितीय	योग		इस स्तर पर की आवश्यक प्रतिष्ठियाँ काट दी जायें
1	2	8	8	8	8	8	8	8	10	11	12
हिन्दी	100	94	92	92						20	उत्तीर्ण श्रेणी
गणित	100	96	92							(20)	विशेष योग्यता
विज्ञान	100	99	92			(22)			11	35	कृपांक
संस्कृत	100	28	96							89	अनुत्तीर्ण
अंग्रेजी	100	92	92							35	पूरक परीक्षा का अधिकारी है
											स्वतः परीक्षणीय का अधिकारी है

सम्पूर्ण प्राप्तांक (शब्दों में) (अंकों में)

परीक्षाफल के सम्बन्ध में आवश्यक सूचना

(१) प्रत्येक विषय का न्यून उत्तीर्णांक ३३ प्रतिशत है। जिन विषयों में लिखित एवं क्रियात्मक परीक्षा के लिये न्यूनतम उत्तीर्णांक विवरण पत्रिका (prospectus) में निर्धारित है, उनमें परीक्षार्थी को उत्तीर्ण होने के लिये दोनों में अलग-अलग न्यूनतम अंक प्राप्त करना अनिवार्य है।

(३) विशेष योग्यता पाने के लिये किसी विषय के सम्पूर्ण तात्त्विक योग में ७४ प्रतिशत अंक प्राप्त करना आवश्यक है।

(३) प्रथम, द्वितीय एवं तृतीय श्रेणी हों। के लिये सम्पूर्ण योग कम से कम क्रमशः ६०, ४५ एवं ३३ प्रतिशत होना चाहिये।

18 यदि कोई परीक्षार्थी सम्पूर्ण परीक्षा में सम्मिलित हुआ है तथा केवल एक विषय में अउत्तीर्ण है, तो वह पूरा परीक्षा का अधिकारी है।

(५) पूरक परीक्षा के योग्य घोषित होने वाले सभी परीक्षार्थी स्वतः परिनिरिक्षण के अधिकारी नहीं होंगे। केवल वे परीक्षार्थी, जो केवल एक विषय में २८ प्रतिशत अथवा उससे अधिक अंक प्राप्त करने पर अनुत्तीर्ण घोषित किये गये हैं, पूरक परीक्षा का अधिकारी होने के साथ ही साथ स्वतः परिनिरिक्षण के अधिकारी भी होंगे। उनकी उत्तर पुस्तिकाओं का परिनिरिक्षण बिना शुल्क के ही किया जायेगा, अतः उन्हें वांछित शुल्क जमा करने की आवश्यकता नहीं है। फिर भी यदि वे इसके लिये शुल्क जमा कर देंगे तो उसे लौटाया नहीं जायेगा।

(६) जो परीक्षार्थी पूरक परीक्षा के अधिकारी होते हुये भी स्वना परिनिरीक्षण के अधिकारी नहीं होंगे तथा अनुच्छेद १५ में उल्लिखित परीक्षार्थियों की श्रेणी में नहीं आते, वे यदि चाहें तो शुल्क देकर अपनी उत्तर-पुस्तिकाओं का परि निरीक्षण करा सकते हैं। इसके लिये वे सम्बन्धित विद्यालय के प्रधानाचार्य अथवा केन्द्र व्यवस्थापक से निर्धारित आवेदन-पत्र लेकर तथा उभरी पूर्ति करके निर्धारित शुल्क के ट्रेजरी चालान सहित परिषद् कार्यालय में भेजें। परिनिरीक्षण आवेदन-पत्र इस कार्यालय में प्राप्त होने की अंतिम तिथि १५ जुलाई, १९७५ है। उक्त तिथि के पश्चात् ऐसे आवेदन पत्रों को स्वीकार नहीं किया जायेगा। यदि परिनिरीक्षण के लिये निर्धारित आवेदन पत्र उपलब्ध न हो सके, तो यदि आवश्यक हो तो पूरा निरीक्षण देते हुए निम्नलिखित शुल्क का भुगतान करना होगा-परीषद का भुगतान करने वाले विद्यालय के निदेशों के अनुसार।

14/07/2019

4. 4. 1941 3150.

In the Central Administrative Tribunal
Additional Bench, Allahabad
Circuit Bench, Lucknow.
Application No. 1989
Misri Lal Applicant
Versus
Director Postal (Accounts)
U.P. Circle, Lucknow Opp. Party
Annexure No. 3....

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL)
U.P. CIRCLE, LUCKNOW- 226018.

Dated. 2-12-83.

No: G.S./Daily Wagers. 512

Shri is hereby
informed that his name has been sponsored by Employment Exchange
for the engagement of daily rated majdoors. He is, therefore
directed to appear before the Selection Committee for determining
his suitability for . . . as a daily rated majdoor (i.e.
labourer) along with his testimonials at the above noted address
on 20-12-83/21-12-83/22-12-83 at 11.00 A.M. sharp. No travelling
allowance will be paid for this purpose.

Accounts Officer
(G.S.)

Copy to Shri . . .
1602 E.M.T.C. . . .
.

K.UDDIN

21/12/83

Attested
Chair

Versus
Director Postal (Accounts)
U.P. Circle, Lucknow Opp. Party
Annexure No: 5.....

लेखा में

दिनांक ११-८-८८ को लेखा अभिनावक

उ० प्र० परिगण्डप लेखन ३

सहित

मैं दिनांक ११-८-८८ को दोपहर २-०० बजे से रात्रि

१० बजे तथा १२-८-८८ को सुबह ६-०० बजे से दोपहर २-०० बजे तक चौकीदार की इधरी कर रहा था उस दौरान किसी प्रकार की कोशिलाय में तोड़-फोड़ नहीं हुई।

दिनांक ११-८-८८ को सायं ५-३० बजे लेखा अधिकारी को मैंने श्री एम० पी० चान्दे उ० प्र०/१५८८-७ से बात कर रहे थे। उसी दौरान में (ओल्ड रिकार्ड) के हाल का ताला लगाने का काम लगा, हाल की चाँची बुझाने लगा जो कि बाध-रुख से काफी दूर है इसी दौरान लेखा अधिकारी प्रहोदप बाध-रुख चले गये जिसकी मुझे जानकारी नहीं हो पायी। क्योंकि ताला लगाने के पहले मैंने एक बार फिर हाल को चेक किया कि मुझे कोई नहीं दिखाई दिया। इतने में ही ताला लगाते ही तुरन्त अन्दर से खत-खताने की आवाज सुनायी दी और मैंने तुरन्त ही ताला खोल दिया तो देखा कि लेखा अधिकारी गद्दी पर थे।

मैं अपनी गद्दी की उसी समय उनसे हाथ जोड़कर बोली और मैंने उनसे कहा कि साहब मे अन्यायक हो गया क्योंकि जब मैंने बाध-रुख चेक किया था तब उ० प्र०/१५८८-७ चान्दे से बात कर रहे थे और उसके बाद मैं चाँची बुझाने अन्दर की तरफ चला गया और (ओल्ड रिकार्ड) बाध-रुख जाने की मुझे जानकारी नहीं हो पायी। इससे लगे में आपसे माफी मांगता हूँ। भविष्य में ऐसा नहीं होगा तब लेखा अधिकारी ने मुझे माफ कर दिया था।

श्री एम०

उसके बाद मैं दिनांक १३-८-८८ से १८-८-८८ तक इधरी कर रहा था तथा १८-८-८८ से २४-८-८८ तक

In the Central Administrative Tribunal
Additional Bench, Allahabad
Circuit Bench, Lucknow.
Application No. 1989
Misri Lal Applicant
Versus
Director Postal (Accounts)
U.P. Circle, Lucknow Opp. Party
Annexure No. 6

पत्र-संख्या-22
Corr.-22

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

सेवा
From

उक्त की समय कृपया
निम्न सं. में
In reply
Please quote

सेवा में
To

श्री मिर्सी लाल
दैनिक वेतन, मासिक

सं. संख्या
No.

दिनांक
Dated at

विषय
SUBJECT

दिनांक 28.7.22 मासिक वेतन
वै. जे. लुमने आरु का 15 रुका
1.10 वे. गौरवह मासिक बिना किसी
अका अका के हफ्ता वन्द
होने के 1 घंटे पहले बगैर
बाध सन बगैर के देखे जे.
वै. वन्द कर दिया था 1.10 वना
पूरा बयान लिख कर है.

28.7.22

श्री. र. मासिक
वे. आदि

सि. सी. लाल
Attested
Chaman

In the Central Administrative Tribunal
 Additional Bench, Allahabad
 Circuit Bench, Lucknow.
 Application No. 1989
 Misri Lal Applicant
 Versus
 Director Postal (Accounts)
 U.P. Circle, Lucknow Opp. Party
 Annexure No. 7.....

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 A31

श्री लाल मिश्र

लेखाधिकारी

डॉ. लेखा, लखनऊ

महोदय

आपके पत्र दिनांक 30-12-88 के शब्दों में मुझे यह निवेदन करना है कि, ऐसा पूर्व से यह परम्परा चली आ रही थी कि ओल्ड रिमांड को कागजात बन्द होने के समय से कुछ मिनट पहले ही बन्द किया जाता रहा है ताकि कोई भी कामचारी बिना किसी सूचना के उस अनुभाग से रिमांड न ले जा सके तथा चौकी गद्दी पर काम स्थल दो जगह (एक ताल खाल पर तथा दूसरा चौकी मंजिल पर) ओल्ड रिमांड को कुछ मिनट पूर्व बन्द करके ऊपर की मंजिल को बन्द किया जाता रहा है। ऐसा लेखाधिकारी तथा अन्य सम्बन्धित कनिष्ठ लेखाधिकारी के आदेश पर हुआ करता था। उपर्युक्त परम्पराओं एवं मौखिक आदेशों के तहत ही दिनांक 11-12-88 को खाता कागजात बन्द होने के कुछ मिनट पूर्व ओल्ड रिमांड को बन्द कर रहा था तब बन्द करने से पूर्व मैं प्रथम सूत्रालय को निरीक्षण करते हुए ओल्ड रिमांड अन्य जगहों को जहाँ पर सम्बन्धित कामचारी के बैठने का स्थान है को निरीक्षण करते हुए मैं ओल्ड रिमांड को खराब बन्द किया। जैसे ही मैं ताल खाल लगाया था कि अन्दर से खतर खतान की आवाज़ आई मैं तुरन्त दरवाजा खोला और पाया कि हंगर लेखाधिकारी महोदय अन्दर हैं। मैं मुझसे बोला जया और उनके हाथ सुनता रहा। मैं महोदय को अपनी विश्वास दिलाया कि यह बात अजीब से हुई है पर दुर्भाग्य मेरे साथ जुड़ी हुई थी।

मि. लाल

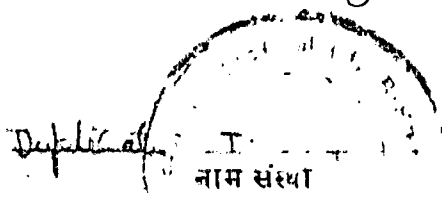
Attested
 Charles

महोदय इन सभी बातों को पीछे गिरा और किसी भी किरम का जल्द इरादा नहीं था। मैं पूरी निष्ठा से अपना कर्तव्य निभा रहा था मैं उक्त बातों के लिए लेखाधिकारी महोदय से फासा की गारन्टी लिखवा ले कर चुका हूँ। और भविष्य में ऐसी जल्ती नहीं होगी।

In the Central Administrative Tribunal
Additional Bench, Allahabad
Circuit Bench, Lucknow.
Application No. 1989
Misri Lal Applicant
Versus
Director Postal (Accounts)
U.P. Circle, Lucknow Opp. Party
Annexure No. 2

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छात्र पत्रावली तथा स्थानान्तरण प्रमाण पत्र

५१०-मया

स्थानान्तरण प्रमाण पत्र पंजीक सं०

पंजीक सं० 38

निष्कासन पंजीक सं०

छात्र / छात्रा का नाम तथा राष्ट्रीयता एवं जाति, यदि हिन्दू हो अन्यथा धर्म	संरक्षक, पिता अथवा पति का नाम, वृत्ति तथा पता	छात्र / छात्रा की जन्म तिथि	अनित संख्या / पंजीक सं०
मन्मथ लाल हिन्दू दबगर	रामकृष्ण लाल या०- रायपुर पो०- भीमगढ़ जि०- भाजपुर	12.02.1989	

जन्म तिथि शब्दों में पच्चीस दिसम्बर सन 1989

प्रवेश तिथि	कक्षा प्रविष्टि तिथि	निष्कासन तिथि	निष्कासन का कारण जैसे शुल्क का न देना, कुटुम्बका स्थानान्तरण, निकाला जाना इत्यादि	वर्ष	आचरण	कार्य
9-12-89	-	30-4-90	सन् 1989 में 100वीं हाई स्कूल परीक्षा में उत्तीर्ण कर विद्यालय छोड़ दिया	12-90	अ.दा.	उत्तराखण्ड
			प्रमाणपत्र जारी			
			गोपी विद्यालय, भाजपुर (पु०) मया			

टिप्पणी:- यदि छात्र अपनी कक्षा के पांच श्रेष्ठ में एक हो तो यह बात 'कार्य' काष्ठक में लिखी जानी चाहिए।

व्यवस्थापक				
कक्षा	कुल अधिवेशन	उपस्थिति वाले अधिवेशन	कुल भाषण	उपस्थिति वाले भाषण

प्रमाणित किया जाता है कि उपर्युक्त छात्र-पत्रावली जिस दिनांक अनुसार छात्र/छात्रा द्वारा संस्था त्याग के दिन तक के लिए जारी है।
ह० प्रधानाचार्य

दिनांक 12/12/89
A3

दिनांक

छात्र पत्रावली का नामांकन

A33

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

~~286~~
O.A. NO. ~~113~~ of 1989(L)

113

P.T. 25-10-81
R.F. 30-12-81

Mishri Lal

... Applicant

-vs-

Union of India and others -. Opp. parties

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

I, S. R. Abidi aged about 54

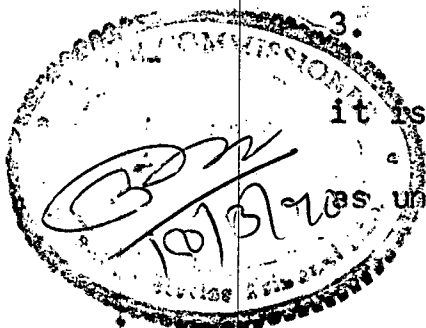
years son of Late Tannizel Hassan
Accounts Officer Admin. Dept.
at present posted as Director of Accounts (Postal)

UP Circle, Lucknow do hereby solemnly affirm and
stated as under:-

1. That the deponent has been authorised
to file this counter affidavit on behalf of
opposite parties.

2. That the deponent has read and under-
stood the application and has read u is fully
conversant with the facts stated in the application
and he is in a position to give parawise comments
as hereinafter:

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



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(a) That the office of the Director of Accounts (Postal) is at present functioning in three different buildings in Lucknow. Being a centralised Postal Accounts office for entire UP Circle persons on Daily wages are also engaged for working of not regular nature like waterman during summers or for shifting of accumulated records from one branch to Record section etc. Whenever vacancies in regular Gr. 'D' occur such vacancies are filled out of these daily wagers on merit basis. No service rules are applicable to daily rated mazdoor. Yet they are expected to carry out their allotted work upto the satisfaction of their supervisors. The applicant failed to come up to expectation by his poor performance. Whenever a daily wager is required for a short period they are taken from the local market and if the services are required for a longer period list of candidates obtained from the local employment exchange and such labourers known as Casual Labourers who are engaged after judging their fitness. The name of the applicant was forwarded by the local Employment exchange and he was engaged as a daily rated mazdoor with effect from 6.3.84.

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18/3/90

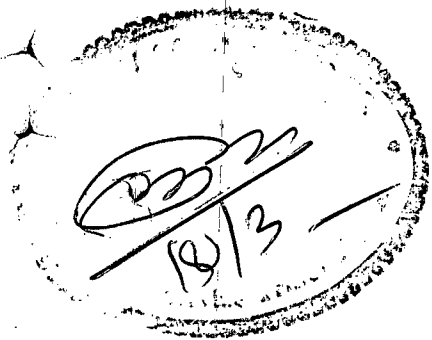
-3-

(b) That the regular Group-D staff is covered under CCS (Conduct) Rules or CCS(Temporary Service Rules. But the casual labourers are not covered by CCS(Temporary) Service Rules. Their engagement is subject to good-work, good behaviour and sound health and they are paid wages at daily rates for the days they are engaged. Being a large establishment of about 800 employees in various offices under the answering opp. party, the daily rated mazdoors are very often required to be recruited for various purposes when the Class-IV cadre are absent. The daily rated mazdoors are engaged on daily basis depending upon the requirements. The applicant was also engaged as and when required basis.

(c) That while the applicant was working as daily rated mazdoor to guard the building at 19 Way Road, Lucknow where his work was found not satisfactory. The applicant did not behave properly with the Supervisors while working ⁱⁿ ~~the~~ above place. He also not carried out his work with full devotion and loyalty for which he was warned. - Verbally and in writing but of no use. While he was entrusted to work as Chowkidar allowed unauthorised persons to enter the premises of office with effect from 11.04 88 to

13.4.88 which has caused nuisance in the office and disrupted the work. For these lapses he was warned vide office memo dated 19.4.88 to work properly in future otherwise he will not be engaged. While he was working as Chowkidar at 19 Way Road closed the old record room on 11.4.88 at 5.30 p., deliberately to humiliate the Accounts officer/ NSC who was inside ~~the~~ lavatory of the Old record, Accounts officer was there in lavatory and lock was opened by the applicant on his knocking the door, the applicant was called for to explain as to what was his intention ⁱⁿ locking the office so early. The explanation given by the applicant vide his representation dated 11.5.88 was found not satisfactory as per Enquiry report.

(d) That the applicant was found to be habitual of being absent without permission when an exigency of work arose while working in N.S.C. section at 19, Way Road, Lucknow. It happened so that the applicant who was engaged against as daily rated mazdoor work as Chowkidar on daily-rated mazdoor basis, was absent with



SR

with effect from 25.4.1988 onwards without a information. Accordingly being a daily rated mazdoor he was not engaged subsequently for which written orders are not required. The applicant was engaged in place of Chowkidar as no Grade-D staff was available to manage the work from the existing strength of Group-B on that very day.

(e) The applicant ~~wa~~ has made the application with the Hon'ble CAT since he was daily rated mazdoor and the prescribed rules namely, the CCS(Conduct) Rules and CCS(CCA) Rules etc. are not applicable to him. No disciplinary action can be taken against a daily rated mazdoor unlike a regularly appointed Government servant. The applicant has been paid wages for number of days he has worked paid wages. No leaves etc. was granted to him and no wages for the Sundays & Holidays for which he was not engaged, was paid to him. The applicant is not a Government servant and as such the Hon'ble CAT has no jurisdiction to entertain such applications from the daily rated mazdoors who has been paid daily wages.

(f) The work and conduct of the applicant has been found to be unsatisfactory and as such no such person can be further engaged as daily-rated

mazdoor in Government service.

(g) That the appointment of regular Group -D official is made also from amongst the daily rated mazdoor who have got good record of work while engaged as daily rated mazdoor. The appointment is made by the administration after holding a DFC. The DFC recommends those cases in which the daily rated mazdoors are upto the mark and loyal to their work. Moreover, the cases of persons like the applicant do not fall within the purview of recommendation by the DFC in future also, as this applicant has been totally found unfit for the Government job and he does not fulfill the conditions by remaining absent from work since 25.4.1988.

That the contents of para 1 to 3 of the application are informatory and require no comments.

5. That the contents of para 4(1) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant himself confirms he was a daily-rated mazdoor who are engaged whenever there is casual work. Accordingly the word 'termination order' is irrelevant. Similarly Caste-certificate has no

relevancy to the work of a daily rated mazdoor.

6. That in reply to the contents of para 4(2) of the application it is submitted that the educational qualification has no relevance with the daily rated mazdoor as alleged.

7. That the contents of para 4(2) of the application are not disputed.

8. That the contents of para 4(4) of the application are incorrect as stated hence denied and in reply it is submitted that the daily rated mazdoors are engaged on their physical fitness. Question of call letter does not arise. Simply if persons sponsored by Employment exchange are found fit, they are informed that they will be engaged as and when the work is available on the daily rated basis.

9. That the contents of para 4(5) of the application are incorrect as stated, hence denied and in reply the applicant was engaged as daily-rated mazdoor with effect from 6.3.84 for casual work off and on intermittently.

10. That the contents of para 4(6) of the application ~~was~~ are not disputed. Further it is submitted that the wages at daily rate basis were paid as prescribed by Government from time to time.

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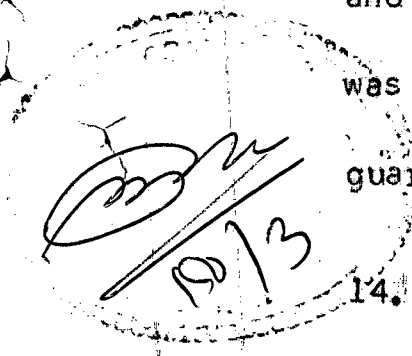
11. That ~~xxxx~~ the contents of para 4(7) of the application are incorrect as stated hence denied and in reply it is submitted that the applicant was engaged for the casual work whenever available

12. That the contents of para 4(8) of the application are incorrect as stated hence denied and in reply it is submitted that the applicant was engaged off and on, as daily rated mazdoor only.

13. That the contents of para 4(9) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant was engaged as daily rated mazdoor sometime to guard the office building.

14. That the contents of para 4(10) & 4(11) of the application are incorrect and baseless hence denied.

15. That in reply to the contents of para 4 (12) of the application it is submitted that the applicant ~~m~~ locked the old record room deliberately knowing well that the Accounts officer/NSC was inside the lavatory just to humiliate him. This was done in connivance of the mischievous





other staff.

16. That the contents of para 4(13) of the application are admitted to the extent that the warning was given so that he may improve himself.

17. That the contents of para 4(14) of the application are incorrect as stated hence denied and in reply it is submitted that the copy of the warning was forwarded to Shri RS Sumra, Deputy Director as he was overall incharge of the NSC Branch.

18. That the contents of para 4(15) & (16) of the application need no comments.

19. That the contents of para 4(17) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant was found involved with the mischievous staff to create disturbance in the office.

20. That the contents of para 4(18) of the application are incorrect as stated, hence denied, and in reply it is submitted that the applicant absented himself after 25.4.88 and subsequently, he was not engaged due to non-availability of work.

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21. That the contents of para 4(22)x (19) of the are incorrect as alleged and which are only imaginary.

22. That the contents of para 4(20) of the application are incorrect as stated, hence denied and in reply it is submitted that the daily rated mazdoors not covered under disciplinary rules, fact is that the incident dated 11.4.88 in which the applicant while working as daily rated mazdoor closed old record room/NSC before the closing time besides was enquired into to know the facts.

23. That the contents of para 4(21) of the application are incorrect as stated, hence denied, and in reply it is submitted that the terms of services used by the applicant is not correct. He was simply a daily rated mazdoor for casual work. The non-engagement was due to the applicant's non-coming to the office after 25.4.88 and subsequently due to non-availability of work.

24. That the contents of para 4(22) of the application need no reply being irrelevant.

25. That the contents of para 4(24)²³ of the application are incorrect as stated hence denied.

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26. That the contents of para 4(24) of the application are incorrect as stated, hence denied, and in reply it is submitted that a daily rated ~~ma~~ mazdoor the applicant was not engaged subsequently question of termination of services does not arise in the instant case.

27. That the contents of para 4(25) of the application are incorrect and in reply it is submitted that orders relating to SC/ST are strictly followed in the office.

28. That the contents of para 4(26) of the application are incorrect as alleged hence denied and in reply it is submitted that the applicant was not engaged continuously for four years as stated by him. Further it is stated that there is no provision that a daily rated mazdoor acquires status of a temporary Government servant by virtue of his work for continuous four years as daily rated mazdoor.

29. That the contents of para 4(27) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant is also not covered under industrial dispute Act as Postal Department is not an Industry.

30. That the contents of para 4(28) of the application are incorrect as stated hence denied

and in reply it ~~xxx~~ is submitted that payment of Bonus to daily rated mazdoor is not based on their good and satisfactory work. As a matter of fact, a daily rated mazdoor is entitled to bonus if he was engaged during particular year.

31. That the contents of para 4²⁹(~~29~~) of the application are incorrect as stated, hence denied and in reply it is submitted that daily rated mazdoors are not covered under CCS Rules and accordingly, no character rolls are maintained for daily rated mazdoors.

32. That the contents of para ~~4(29)~~ 4(30) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant was not in service of the department. He was engaged from time to time merely as daily rated mazdoor whenever work was available.

33. That the contents of para 5 of the application are irrelevant as such need no comment.

34. That the contents of para 6 of the application need no reply.

35. That the contents of para 7(a) of the application are incorrect as stated, hence denied and in reply it is submitted that the daily rated mazdoors are engaged on availability of work.

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36. That the contents of para 7(b) & (c) of the application are incorrect as stated, hence denied and in reply it is submitted that the question of termination order is irrelevant in the instant case as he was only a daily rated mazdoor and was engaged off and on for casual work.

37. That the contents of para 8(A) of the application are incorrect as stated, hence denied and in reply it is submitted that the question of termination of service does not arise in the instant case as he was simply a daily rated mazdoor.

38. That the contents of para 8(B) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant absented himself after 25.4.88 and subsequently there was no work for his engagement, and allegations made in this para are totally baseless and irrelevant.

39. That the contents of para 8(c) of the application are incorrect and imaginary, hence denied.

40. That the contents of para 8(D) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant was not engaged continuously for four years, further there is no provision for temporary status relating to daily rated mazdoors as alleged by the applicant.

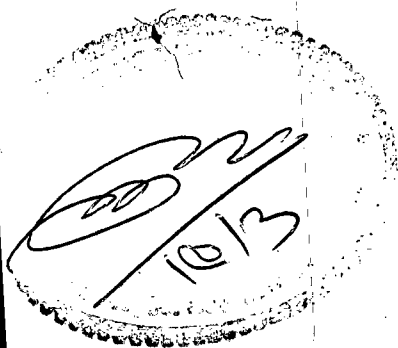
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41. That the contents of para 8(E) , (F), (G), (H) & (I) of the application are incorrect as alleged in view of the facts stated above, hence denied.

42. That in reply to the contents of para 9 of the application it is submitted that this is not case of termination of service as alleged but the applicant was only engaged on a daily rated basis as mazdoor for casual work as and when required.

43. That the reliefs sought by the applicant are not tenable in the eyes of law.

44. That in view of the facts and circumstances stated in the foregoing paragraphs, the application filed by the applicant is liable to be dismissed with cost against the applicant.





Deponent.

Lucknow

Dated: 18/3 March 1990.

Verification.


I, the above named deponent do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge and those of para 3 to 42 of this affidavit

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-15-

believed by me to be true on the basis of
the information gathered and official records and
those of the contents of paras 43 and 44 are also to be
true on the basis of legal advice.


Deponent.

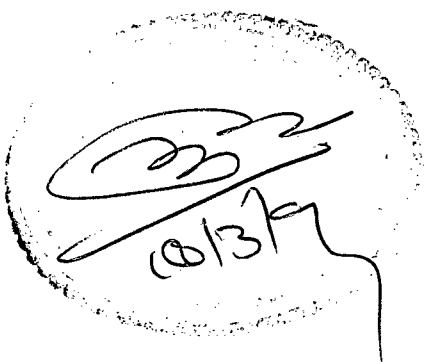
Lucknow,

dated: 18/3/90

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


(VK Chaudhari)

Addl Standing Counsel for Central Govt
(Counsel for Opp. parties)





8/15/90

S. B. Bhatnagar

V. K. Chaudhari

Jugendra Kumar Jaiswal

18/3/90

A46

Before the Hon'ble Central Administrative Tribunal,

Lucknow Bench, Lucknow.

Rejoinder to the Counter Affidavit

O.A. No.113 of 1989 (L)

Misri Lal

...Applicant

Vs.

Union of India & Others

...Opp. Parties

I, Misri Lal, aged about 40 years, s/o Sri Ram Krishna Lal, r/o 17/847 Near Munshi Pulia, Indira Nagar Lucknow, do hereby solemnly affirm and state on oath as under;-

1- That the deponent is the applicant in the x present petition and is fully conversant with the facts deposed to below.

2- That the deponent has been read over the contents of the counter affidavit and he has understood the same.

3- That paras 1 and 2 of the counter affidavit do not call for any reply.

4- That as to allegations contained in sub para (B) of para 3 of the counter affidavit the deponent states that he was engaged and his

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~~and~~ name was sponsored by the Employment Exchange because services of IVth class employees were required at the relevant time by the Department. It is to be noted that he was not engaged in a leave arrangement or in place of any IVth class employee.

5- That the allegations made in sub-para (c) of para 3 of the counter affidavit are denied being wrong, false and frivolous. That it is quite incorrect that the deponent did not become properly, with full devotion, and loyalty for which he is said to have been warned. He was never given any warning or any explanation was called for by Superior Officer before his termination on 11-4-88/25-4-88. The vague allegation has been made against the deponent that he ^{as} as a Chankidar allowed unauthorized persons to enter the premises who is alleged to have caused a nuisance in the office. After the incident of 11-4-88, the deponent was issued office Memo dt. 19-4-88 vide Annexure-4 to the application and from the reading of the Annexure -4 it will show the opp. party no. 2 made an endorsement to Deputy Director that a suitable step may be taken for his replacement/change; the deponent has fully explained as to how he had put a lock on Bathroom on 11-4-88. He has explained that there was no intention to humiliate the Accounts Officer but it was happened due to the pre-planning of the opp. party no. 2 and 3.

6- That as to allegations made in sub-para (d) of para 3 of the counter affidavit

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it is incorrect to state that the deponent was habitual of the being absent without permission. There is no such documentary evidence on record and opp. parties are put to strict proof. It is quiteful wrong and false that the deponent was found absent on 25-4-88. In fact the deponent after the alleged incident proceeded on leave from 13-4-88 to 18-4-88 and from 19-4-88 to 24-4-88 . It may be stated that when the deponent visited the Head Office Aminabad the Care Taker as well as Lekha Adhikari, told him that he should not come on duty untill and unless orders were not received from higher authorities . It is again submitted that names were called for from Employment Exchange as services of Class IVth were needed by the ~~department~~ department . It is denied that no grade 'D' staff was available to manager the ~~xxxx~~ work.

7- That the allegations of sub-para(e) of para 3 of the counter affidavit are denied that the applicant is not a Govt. Servant disciplinary action could be taken against him. As a matter of fact deponent services have been taken away by oral orders of termination given on 25-4-88 not on the ground of habitual absent from duty. It may be stated that no direct appointments for Class IVth are made by the department but they are recruited through Employment Exchange as daily wages. The deponent acquired a "temporary

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status" as he has put in continuous four years service.

8- That the contents of sub-para (f) and (g) of para 3 of counter affidavit are denied in view of the assertions made in the preceding paragraphs. In fact one Sri S.R.Abdi was made an Enquiry Officer, who demanded written explanation from the deponent on 30-5-88 vide Annexure-6 to the application and then deponents services were abruptly taken away without conducting enquiry and without compliance ~~approval~~ of provision of Art. 311(2) of the Constitution of India.

9- That para 4 of the counter affidavit needs no reply.

10- That in reply to para 5 of the counter affidavit, it is stated that the services of the applicant have been orally terminated on the basis of alleged misconduct. No reservation quota rule has been followed in respect of S.C./S.T. candidates.

11- That the contents of the para 6 of the counter affidavit are denied and those are para 4(2) of the application are reiterated.

12- That para 7 of the counter affidavit needs no reply.

13- That the contents of para 8 of the counter affidavit are denied and those of para 4(4)

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of the application are reiterated to be correct.

The vague allegations has been made that if persons ^{Employment} sponsored by ^{have found fit to} Exchange ~~Employment~~, they are informed.

14- That the contents of para 9 of the counter affidavit are denied and those of para 4 (5) of the application are reiterated to be correct .

15- That the contents of paras 10, 11, 12 and 13 of the counter affidavit are incorrect and the correct facts are stated in paras 4 (6), 4 (7) and 4 (9) of the application . The deponent was engaged through Employment Exchange after selection.

16- That the contents of the para 14 of the counter affidavit are denied and those of paras 4 (10) and 4(11) of the application which contains malafide allegation against opp. party no. 3, are reiterated to be correct.

17- That the contents of the para 15 of the counter affidavit are denied and those of paras 4(12) of the application are reiterated. It is quite incorrect to say that the deponent deliberately locked old record room with the connivance of mischievous persons.

18- That in reply to para 16 and 17 of the counter affidavit it is incorrect to state that warning was given so that he may improve himself. It may be stated that in para 5(20) of application

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it has already been stated that Sri R S.R. Abidi wanted to conduct disciplinary enquiry and that is why he had directed the deponent to give his written statement to the effect as to why the applicant locked Both Room without checking. It was not a warning but due to alleged misconduct he wanted to conduct this departmental enquiry against him.

19. That para 18 of the counter affidavit needs no reply.

20. That the contents of para 19 of the counter affidavit contains contradictory statement to paras 20 and 22 of the counter affidavit. In para 20, it has been contended on behalf of the opp. party that the deponent absented himself after 24-4-88 and he was not engaged for non ~~xxx~~ availability of work. Whereas in para 22 of the counter affidavit, it has been ~~xx~~ said that incident occurred on 11-4-88 due to closing of old record room.

21- That the contents of paragraphs 20, 21, ~~x~~ 22, 23 and 24 of the counter affidavit are denied in view of the assertions made in the earlier paragraphs. The deponent was not casual worker but he has put in 4 years continuous service as IVth class employee on the basis of selection.

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22- That the contents of paragraphs 25 and 26 of counter affidavit are denied and those of paras 4 (23) and 4 (24) of the application are reiterated to be correct.

23- That the contents of paragraph 27 of the counter affidavit are not correct and the correct facts are stated in para 4(25) of the application .

24- That in reply to para 28 of the counter affidavit , it is stated that it is altogether wrong that he was not engaged and ^{after} putting continuously 4 years service ^{he} has acquired " Temporary Status " ^{as} ^{was} he never restrained from work.

25- That the contents of paras 29 and 30 of the counter affidavit are denied and those of paras 4-27 and 4-28 of the application are reiterated to be correct.

26- That in reply to para 31 of the counter affidavit, it is stated that the major punishment of termination of services can not be given to any Govt. employee without applying the provisions of Article 311 (2) of the Constitution.

27- That the contents of paras 32 and 33 of the counter affidavit are denied and those of paras 4-30 and para 5 of the application are reiterated to be correct.

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28. That the contents of para 34 of the counter affidavit needs no reply.

29. That the contents of paras 35 and 36 of the counter affidavit are denied and those of para 7(A) and 7(B) and C of the application are reiterated to be correct.

30. That the contents of paragraphs 37 and 38 of the counter affidavit are denied being wrong and false on the ground that oral order of termination has been given on 25-4-88 due to the alleged misconduct of 11-4-88 and it is a false statement that the deponent absented himself after 25-4-88 .

31- That the contents of paras 39, 40 and 41 of the counter affidavit are admitted to be correct. The writ petition contains good grounds and there is clear evidence that deponents service have been taken away in an arbitrary manner by the opp. party no. 2 on the basis of a conspiracy hatched by Sri B.L. Devgun (opp. party no. 3) who wanted to engage on Jitendra Singh in place of the deponent and for this reason , the opp. parties no. 2 and 3 cooked up false story against the deponent.

32- That the contents of paras 42, 43 and 45 of the counter affidavit are denied .

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The correct position has been explained above.

Lucknow & Dated
July, 19, 1992

[Signature]
Deponent.

V E R I F I C A T I O N

I, the above named Misri Lal, do hereby
verify that the contents of paras. 1, 2, 4 to 8, 10, 11,
... 13 to 18, 21 to 23, 25 and 27
... are ~~these~~ true to
my personal knowledge, those of paras. 3, 9, 12, 20
... 24, 26, 28 to 32
... are based on legal advice and nothing
has been suppressed.

Lucknow : Dated
July, 19, 1992

[Signature]
Deponent.

I identify the deponent ~~as~~
who has signed before me.

[Signature]
~~Advocate~~
(Qamrul Hasan)
Advocate

Counsel for the applicant

VAKALATNAMA

In the Hon'ble High Court of Judicature at Allahabad

At

Lucknow Bench

Mishri Lal Plff./Applt./Petitioner/Complainant

Union of India & others Verses Defent./Respt./Accused

KNOW ALL to whom these presents shall come that I/We
the above-named opp. Parties do hereby appoint

Shri V. K. CHAUDHARI, Advocate,
..... High Court, Lucknow Bench

(hereinafter called the advocate/s) to be my/our Advocate in the above-noted case and authorised him :—

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents, to admit &/or deny the documents of opposite partys.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive moneys, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause,

To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority/herby conferred upon the Advocate whenever he may think fit to do so & to sign the power of attorney on our behalf.

And I/we the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all hearings & will inform the Advocate for appearances when the case is called.

And I/we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case untill the same is paid up. The fee settled is only for the above case and above Court I/we hereby agree that once the fees is paid. I/we will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 12 day of 4 1989

Accepted subject to the terms of fees.

Client

Client

[Signature]
Advocate

a for [Signature]
(S.R. A. Bidi)
Accounts Officer,
लेखाधिकारी
Administration
Director of Accounts