

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ... C.A.113 ..... OF 89 .....

NAME OF THE PARTIES ... M. S. Lal ..... Applicant

Versus

..... Director Postal (A.C.C.) ..... Respondent

Part A.

Sl.No.	Description of documents	Page
1	A Check list	1
2	A order sheet	2 to 3
3	A Judgment dt. 3-2-93	4 to 7
4	A Petition with Annexure Paused to 32	8 to 32
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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)

Check on Dated 28/12/11.....

Counter Signed.....



Signature of the  
Dealing Assistant

Section Officer/In charge

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Registry

Registration No. 113 of 1989 (L) Deputy Registrar (J)

29-5-89

APPLICANT(S)

Mishri Lall

RESPONDENT(S)

Union of India & Others

Particulars to be examined:

	<u>Endorsement as to result of examination</u>
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 cause for not making the application in time, been filed?	Yes
4. Has the document or authorisation/ Vakalatnama been filed?	Yes
5. Is the application accompanied by B.C./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 paginated properly?	Yes
9. Have the chronological details of representation made and the date 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.

<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
	Yes
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

dinesh/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

1

PL

REGISTRATION NO. 113 of 1989 (C)

APPELLANT  
APPLICANT

M. Lal

DEFENDANT  
RESPONDENT

VERSUS  
U.O.2

Serial  
number  
of order  
and date

Brief Order, Mentioning Reference  
if necessary

How complied  
with and date  
of compliance

19.10.89

No Siting : Adj. to 11.10.89.

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. Chatterjee, J.M.

10/11/89

Shri Qamrul Hasan counsel for the applicant is not  
and Shri U. K. Chatterjee counsel for the respondents  
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 25-11-90  
for orders/hearing as the case may be.

De

(SNS)

A.M

T.M

D.R. AB

30-12-91

D.R.

Applicant is present.

He desires to file

Rejoinder by 14/12/92.

AKS  
SO.

14-2-92  
D.R.

Both the parties are present. Applicant to file Rejoinder by 7/5/93.

DR

7-5-92  
D.R.

Applicant to file Rejoinder by 3-8-92.

DR

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.

O.R.

No R.A has been filed till today.

S.F.O.

30/7/92

R.A filed on

3-8-92

S.F.O.

6/8/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH  
LUCKNOW

W.P. NO 113 of 1969 199 (L)

W.P. NO 199 (TL)

Date of Decessing 3.2.93

W. S. Misri Lal ....., Petitioner.

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

W E P I S U S

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

..... Advocate for the  
Respondents

Q U E S T I O N S

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

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

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

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW**

Original Application No. 113 of 1989(L)

## Versus

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

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) <sup>which</sup> 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

:: 2 ::

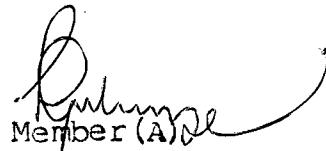
19.4.1988. While he was working as Chowkidar yet another office he closed the old record room at 5.30 P.M. which according to the respondents was done deliberately to humiliate the Accounts Officer/NSC who was inside lavatory of the Old record, and lock was opened by the applicant on his knocking the 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 works 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 the <sup>to the</sup> to report/employer and the employer must have confidence in functioning and working such chaukidar. Obviously, it was

Contd.. 3/-



:: 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.

  
R.K. Agarwal  
Member (A)  
AJP

Vice-Chairman

Lucknow Dated: 3.2.1993

(RKA)

Central Administrative Tribunal  
Circuit Bench Lucknow  
Date of Filing 29/5/89  
Date of Receipt by Post

In the Central Administrative Tribunal, Addl. Bench,  
Allahabad, Circuit Bench at Lucknow. A8  
Deputy Registrar(J)

Application no. 113 of 1989 (L)

Misri Lal

....Applicant

Versus

The Director Postal (Accounts) U.P.

and others

... Respondents

Index

I. Writ Petition

Pages

I-I4

2. Impugned order of termination orally 12  
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.

3. Vakalatnama

Postal order no. dated I989

filed today noted  
19.7.89

Riesen

29/5/89

Hasan

(Qamrul Hasan)  
Advocate

Lucknow dated: Counsel for the Applicant

May 22, 1989

29

A9

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-I920 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 I9 way Gokaley Marg, Lucknow.

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

of the Director Postal Account Branch I9

way Gokhley, Marg Lucknow.

...Respondents.

Details of Application

4- Particulars of the Applicant

(I) - Name of the Applicant

...Mishri Lal

14/2/89

ALO

2.

III)- 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  
I9-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 Terminatio  
is made orae dated 3rd June,  
1988 given by opposite  
party no. 214e.  
Account Officer.  
II- Order dated I9/4/I988  
passed by Accounts Officer  
Rashtriya Bachat Patra Shakha

Nature

(a)- For quashing impugned oral  
order of Termination dated 3rd,  
June, 1988 and order dated I9/4/I988  
(b)- For the issue of Mandamus Respondents  
no.1 and 2 to allow the petitioner to  
continue on his as daily wages labourers.

*1/2 copy on 10/09*

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 Scholl Failed. A true photostat copy of the Marksheets dated 27/6/1980 is filed herewith as Annexure-2 to this application.

4-(3) That the applicants name was sponsored by the employment exchange on 2/I2/I983 for selection on 21/I2/I983 for the engagement of daily reted labourers. A true photostat copy of the call latter is filed as Annexure-3 to this application.

ज्यौलाय

4.

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, I9- 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

CTC

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

5-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.

5-(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 <sup>of coming</sup> 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 whispering. When the applicant went to the otherside for putting off electricity he did not know as to when the Officer entered the Bath room .

5-(I3) That on 19.4.1988, the opp.party no.2 served an order upon the applicant with a warning that Sri Mishri Lal, 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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5- (14)- 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.

5- (15)- That the applicant aggrieved by the aforementioned order made representation to O.P. no.I on 22/5/88, A true copy of the representation ~~is~~ ~~XXXXXX~~ is Annexed as Annexure-5 to this application.

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

5-(17)- 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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5-(18)- That immediately thereafter on 3.6.1988, when the applicant attended the office the opp.

<sup>he</sup> party/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.

5-(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.

5-(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.

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

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to meet the charges of which he is <sup>said</sup> to be guilty and supplied copy of Enquiry rep't 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 ) solely acted at the behest of Sri M.P; Pandey, Assistant Accounts Officer who wanted to accommodate his own man, nemly, 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 exercist of power.

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

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~~xxx(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.

¶-(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 .

¶-(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.

¶- (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.

¶- (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 ~~impeach~~ opp. party no. 2 could impose any minor penalty as given in para II of C.C.S (C.C.A) Rules.

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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. 11.5.1988 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, <sup>or</sup> 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, bade 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 accommodating his own man, namely Sri Jitender

*Reff 8101  
Date*

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

(d)- Because after putting ~~for~~ 4 years continuous services in the Postal Department, the applicant acquired "temporary" status who 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 II.4.1988 at 5.30 in the office, as Sri M.P.Pandey had conspired with opp.party3 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 I~~4~~ of Central Civil Services (Classification Control & Appeal ) Rules according to which no order ~~or~~ imposing penalties specified in clause (V) to(IX) of Rule II shall be made except after an inquiry is held under the Act.

*Copy (110)  
Dated*

13.

(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~~ <sup>or</sup> ~~the~~ 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.

10- Interim order, if any prayed for pending final decision of this application, The applicant may kindly be issued interim order 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.

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Date

10- Not applicable.

11. Particulars of Indian postal order in respect of application fees: AA 240951 and 52 of Rs 10/-  
(I) Indian Postal Order no. 23/699414 of Rs 10/- dated 19th May 198

(ii) Issued by The High Court's Post Office LKO

12. List of Documents

Annexure-1

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 5-19, 5-20, 5-30, Para 6, 10, 12, and 13

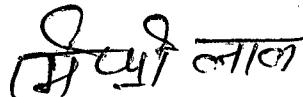
are true to my personal knowledge, those of 4, 5-20 to 5-27 and 5-29, Para 9, 11

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

Lucknow dated:

May 22, 1989

Signature of Applicant



(Qamrul Hasan)

Advocate

Counsel for the applicant

To

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

18

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.....

A23

श.न.प. १/२०२०-०६२

R.O. ११-४-८८

श्री मिसरी लाल दैनिक वेतन गोगी चौकिदार जी १९-वे गार्ड २१० बैलॉन  
शास्कंड में कार्यरत हैं को कार्यलय हैं। को कोई अधिक कार्यालय नहीं बिना आया।  
पुरेश न करे और व्यक्ति कर्मचारी तक आवंशिक व्यापक कार्यालय नहीं गई है। १९८८  
दिनों के ११/४ से १३/५/८८ को देरबां गया कि उस नियमानुसारी विधि के तुलना में उपरोक्त  
पर आवंशिक व्यक्ति उसके उम्मीद विषय बदल हुये पुरेश को लेते हैं, गार्ड भी आवंशिक है।  
कार्यालय के अन्यान्य को द्वारा पहुँचाते हैं।

श्री मिसरी लाल चौकिदार अपनी उम्मीद पुरी नियमों से नहीं बदल है और उन्होंने उन्हें  
करने में असम्भव है। क्योंकि वे तो बदल उन व्यक्तियों को शोकों और नाश के बिना बदल देते हैं।  
विधि की ११-५-८८ को शो ११-५-८८ को नियमों के बदल देते हैं। इसके बाद उपरोक्त विधि के बदल देते हैं।  
श्री मिसरी लाल ने बिना विलम्ब और भाव बदलाव के शोकों नियमों को  
बदल ही ताला लगा दिया जिसकि ताला दूपत्व के बाद होने पर हमारा वाहिनी  
और उसकी ताला हमारे से पहले आद्या तरह जीना बदलाव करनी चाहिए।

श्री मिसरी लाल को यह सूचित किया जाता है कि वह अपने कर्तव्य के बाद  
से और मियामारुसार करने में अस्वीकृत है; आगर उसके बाद उसके कर्तव्य में कोई  
दृष्टि पाई गई तो उसके विरह समर्थ कार्यालय की जागीरी।

लोकालयान्दी १९/५/८८

२१० बैलॉन शास्कंड

मिसरी लाल

(प्रतिक्रिया करने वाले गोगी)

श्री मिसरी लाल दैनिक वेतन गोगी चौकिदार अपने कर्तव्य को  
प्रति पुरी मिलावान नहीं है और उसका कार्य भी उसको ध्वनि करने है।  
उसको परिवर्तित करने के विषय में आवित कार्यालय  
करने का सामान्य स्थेवा अंडरगांग की निर्देश है।

मिस्री लाल

Attested

Chesay

Before the Central Administrative Tribunal  
Adal Bench Allahabad

यादालत श्रामान

महोदय

A24

वादी (मुद्दई)  
मुद्दई (मुद्दालेह)

का

Circuit Bench Lucknow

वकालतनामा

Application No 87 1989.

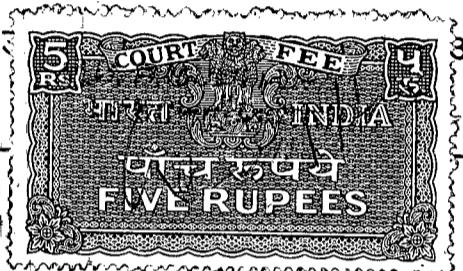
Misri Lal - - - - - Applicant

V3  
Director Postal (Accounts) U.P. Circle - - Respondent  
& others बनाम प्रतिवादी (रेस्पान्डेन्ट)

नं० मुद्दमा

सन पेशी की ता०

१९ ई०



ओर से श्री QAMRUL HASAN  
Mohd Fatehuddin वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं 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 हूं 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।

*Accepted  
Chpav*

*Accepted  
G. V. H.*

साक्षी (गवाह)  
16/5/89

दिनांक

हस्ताक्षर *M. V. Lal*  
Applicant

साक्षी (गवाह)

महीना

सन् १९ ई०

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad, Circuit Bench,  
Lucknow. A25

Application no. of 1989  
Misri Lal ... Applicant  
Versus  
Director Postal (Accounts) U.P. .. Respondents  
and others

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2.	Annexure-2(A photostat copy of High School) School Marks sheets	16
3.	Annexure-3(Call letter dt.2.12.83)	17
4.	Annexure-4 (Impugned order dt.19.4.88) annexed with petition.	18
5.	Annexure-5(Representation to Director) Postal Accounts dt.11.5.88	19-20
6.	Annexure-6(Written statement demanded by) Enquiry Officer dt.30.5.88	21
7.	Annexure-7(Representation dt.31.5.88) to O.P no.2	22-23
8.	Annexure-8(Photostat copy of Transfer) Certificate of School showing age.	24

*Hasan*  
(Qamrul Hasan)  
Advocate

May 29, 1989

Counsel for the applicant

15  
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.....

मुद्रा प्रिलिपि

कार्यालय जिला प्रेसिडेंट, कानपुर ।

प्राप्ति प्रक्रिया 1902

श्री एन्ना जाल वार्षी सम०स्त०सी० की आव्या दिनांक २१-१-१९७९  
के आधार पर यह प्राप्तिपत्र जाल है कि श्री मिशी जाल पुरुष राम कृष्ण  
जाल निवासी ग्राम/नगर ३/४, नगर कराराजिया जाली, कानपुर जिला-  
कानपुर उत्तर प्रदेश राज्य के 'दलगार' अनुदित जाति/जन जाति की  
स्थानीय है। यह बालि जिस्तीयूल (जन्मजुबित जन जातिपत्र) (उत्तर प्रदेश)  
राज्य आदेश १९६७ के अन्तर्गत मान्यता प्राप्त है जो श्री मिशी जाल, ३/४  
नगर ग्रामपालिया जालीनी तथा/अधिकारी जनजाति प्रतिवाद एवं प्रतिवेदन  
राज्य के ग्राम/नगर जिला-कानपुर में साधारणन्तरा नियात करते हैं।  
दिनांक २१-१-१९७९

संलग्न  
डिलीप बेंद्रेट

मुद्रा प्रतिपत्र प्राप्ति

26/11/83

व्यापक नामांकन (प्रकाशन)

कानपुर जिला प्रेसिडेंट

कानपुर

दूर अवलोकन

जालीयूल जिला प्रेसिडेंट  
कानपुर

(मिशी जाल)  
Mistered  
Chy

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

A2>

. 996 C

हार्ड सफल

११६

दिनांक २६-६-५०

परिषद् द्वारा संबलित १९७० की हाई स्कूल परीक्षा में संस्थानत/व्यक्तिगत परीक्षार्थी के रूप में सम्मिलित अनुक्रमांक २५६६९५ हारा प्राप्तांकों का विवरण वर्ग का साम

परीक्षार्थी द्वारा लिये गये विषयों के नाम	विषय के लिये निर्धारित मंक	प्रथम					क्रियात्मक विषय			परीक्षा	
		प्रश्न पत्र	द्वितीय प्रश्न-पत्र	तृतीय प्रश्न-पत्र	चतुर्थ प्रश्न-पत्र	योग	प्रथम	द्वितीय	योग	कुल योग	एग स्टर्टर की अवधि वर्ष प्राइविटिंग काट दी जाती
1	2	91	8	5	6	6	6	6	10	11	12
हिन्दी	900	96	95	92						20	उत्तीर्ण शैक्षणी
गणित	900	96	92							(30)	विशेष योग्यता
वाक्यांक	900	99	92			(22)			11	35	कृपांक
संख्या	900	28	96							84	अनुत्तीर्ण
गणित	900	95	92							35	पुरक परीक्षा का अधिकारी है
											स्वतः परिनिरीक्षण का अधिकारी है

सम्पूर्ण प्राप्तांक (शब्दों में) ..... (अंकों में) .....

### परीक्षाफल के सम्बन्ध में आवश्यक सूचना

(१) प्रत्येक विषय का व्यून उत्तीर्णीक ३३ प्रतिशत है। जिन विषयों में लिखित एवं अधिकात्मक परीक्षा के लिये व्यून उत्तीर्णीक विवरण पत्रिका (prospectus) में निर्धारित है, उनमें परीक्षार्थी को उत्तीर्ण होने के लिये दोनों में प्रत्या-ग्रन्थ द्वारा अनुमति प्राप्त करना अनिवार्य है।

(२) विशेष योग्यता पाने के लिके किसी विषय के सम्बन्ध प्राप्तांक योग में ७५ प्रतिशत अंक प्राप्त करना आवश्यक है।

(३) प्रथम, द्वितीय एव तृतीय श्रोणि होने के लिये सम्पूर्ण योग कम से कम क्रमशः ६०, ४५ एवं ३३ प्रतिधारा होना चाहिये।

१४ यदि कोई दरीकार्थी सम्पूर्ण धरीका में सम्मिलित हुआ है तथा केवल एक विषय में अउत्तीर्ण है, तो वह पूरा धरीका का अधिकारी है।

(४) पूरक परीक्षा के योग्य घोषित होने धारे सभी परीक्षार्थी स्वतः परिनिरीक्षण के अधिकारी नहीं होते। ये कल ये परीक्षार्थी, जो केवल एक विषय में २८ प्रतिशत अथवा उससे अधिक अंक प्राप्त करने पर अनुसूतीर्ण घोषित किये गये हैं, पूरक परीक्षा पर अधिकारी होने के साथ ही साथ स्वतः परिनिरीक्षण के अधिकारी भी होते हैं। उनकी उत्तर पुस्तिकाओं का परिनिरीक्षण विना शुल्क के ही किया जायेगा, अतः उन्हें वांछित शुल्क जमा करने की आवश्यकता नहीं है। फिर भी यदि वे इसके लिये शुल्क जमा कर देते हों तो उसे लौटाया नहीं जायेगा।

(६) जो परीक्षाथी पूरक परीक्षा के अधिकारी होते हुये भी स्वना परिनिरीक्षण के अधिकारी नहीं होते तथा अनुच्छेद १५ में उल्लिखित परीक्षाधियों की श्रेणी में नहीं आते, वे पदि चाहूँतों शुल्क देकर अपनी उत्तर-पुस्तिसांखों का परि निरीक्षण कर सकते हैं। इसके लिये वे सम्बन्धित विद्यालय के प्रबन्धनाचार्य अथवा केन्द्र व्यवस्थापक से निर्धारित आवेदन-ग्रन्थ लेफर तथा उगमी पूर्ण करके निर्धारित शुल्क के ट्रैजरी चालान सहित परिषद् कार्यालय में भेजें। परिनिरीक्षण आवेदन-पत्र द्वारा कार्यालय में प्राप्त होने की अधिंग नियम १५ जुलाई, १९७५ है। उपर्युक्त तिथि के पश्चात् ऐसे आवेदन पत्रों को रवीकार नहीं किया जाएगा। पदि परिनिरीक्षण द्वारा निर्धारित आवेदन-पत्र उपलब्ध न हो सके, तो भारतीय विद्यालय ना पूरा हैप्प भित्ति परि निरीक्षण का आवेदन-पत्र भेज सकता है।

प्राप्ति-प्राप्ति ये दो वाक्य विवेचन के बहुत अधिक लाभ

17

A26

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. 22.12.83.

No: G.S./Daily Wagers. ST2

Shri ... *Ansari* .. . . . . is hereby informed that his name has been sponsored by Employment Exchange for the engagement of daily waged mafdoos. He is, therefore directed to appear before the Selection Committee for determining his suitability for the post as a daily waged mafdoos (i.e. labourer) along with his testimonial 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.

*R.D. S.*  
Accounts Officer  
(G.S.)

Copy to Shri *Ansari*.  
14th EMP. Bldg. (2nd Floor)  
Kanpur

\*\* K. UDDIN \*\*\*

*Ansari*  
21.12.83

*Ansari*  
Attested  
Chas.

卷之三

०५ देशक दाक लखा जमिनावाप

३०५० परिवहन लेखन क्र.

सहित्य

मेरी दिनांक 1995-8-2 दोपहर 2.00 बजे द्या दाता

१० वर्षों तक १२-४-८ दोपहर २-०० बजे से रात्रि  
की तरफ दूर की दृश्यता को उल्लंघन कर बजे से दोपहर  
१० बजे तक तार की दृश्यता कर रहा था उल्लंघन कर

अपनी गाड़ी की उसी समय उनसे हो गई। और उन्होंने उनसे कहा कि साहब वे अचानक ही गया क्योंकि जब मैंने नाप-रखा तो किया था और उसके बाद भी नाप-रखा था तो यांड़ ऐसे बात कर रहे थे और उसके बाद भी नापों लुभाने अन्दर की तरफ चला गया और उपरोक्त नाप-रखा जाने की तुम्हें जानकारी नहीं हो गयी। इसके बाद उपरोक्त गाड़ी की गांगता हु, भावेष्य में रेसा नहीं हुआ तब दोस्रा लारी के तुम्हें कोण की गाँण कर दिया गया।

त्रिवेदी वाद की विवादित १३-८-२२ से १२-८-२२ तक २८-८-२२ 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-अवधार-22  
Corr.-22

**भारतीय डाक-तार विभाग**  
**INDIAN POSTS AND TELEGRAPHS DEPARTMENT**

१९७८  
From

उत्तम भी रमण कृपा  
निष्ठा नहीं।  
in every  
place : quote

३६८

१८८५

Part 2  
Dated 20

Subject

২২.৭.০৩

21. 3. 211963  
- 3785

~~1st~~ 2nd Oct  
Attested  
Chasan

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

22

A.31

Application No. 1989  
Misri Lal ..... .... Applicant  
Versus  
Director Postal (Accounts)  
U.P. Circle, Lucknow ..... Opp. Party  
Annexure No. 7.....

8/11/97

नेवाराधारी

ડોલ લેખા લેખનક,

महाद्या

उन्नाते पड़े १६ नोव्हेम्बर ३०६८-६९ के सान्दर्भ में  
मुझे आ गए निवेदन करना है कि, ऐसा पर्व से आहे परम्परा  
रातो आ रही पीछे आ रही रिकार्ड की कापात्तम तन्द है जो केसमें  
से तुम्हे गिनाट राहता ही तन्द किंग आता रहा है ताकि रिकार्ड में  
सम्मानी विना विस्तीर्ण साचना के उस अनुभाव से रिकार्ड में  
ले जा सके तथा चुंके गद्दी पर काप इपल हो जाए।  
तल सात पर तथा दूसरा द्वितीय माजल पहुँचे औल रिकार्ड  
में तुम्हे गिनाट युत तन्द करके उपार लो माजल को कर्ता  
किंग आता रहा है। ऐसा लोकाधिकारी तथा अन्य सम्बान्धी  
कानून लोकाधिकारी के आशा पर दुःख करता है।  
उपर्युक्त परम्पराओं एवं लोकतंत्र आद्धरों के तहट ही  
हिन्दू ११-५-६८ तो सांग कापात्तम तन्द होने के कानून गिनाट  
युत औल रिकार्ड को तन्द कर रहा था तन्द करने इन युत  
में प्रभाग मुजाल्लम का निराकाश करते हुए औल रिकार्ड में  
अन्य गांडीजी का उपर्युक्त सम्बन्धित कागजारी पीकर उन का  
संशान है जो निराकाश करते हुए में औल रिकार्ड का स्फूरण  
तन्द किया। उन्होंने ही में तथा लगागा वा किं अन्दर से  
राहत रहता तो आताजु आतो है तुरन्त दरता जाएवाला है  
पापा कि हुगोर लोकाधिकारी गद्दादेय अन्दर है में स्वतंत्र  
जो दो जपा और उनको दुष्ट सानता रहा। मैं गद्दादा की  
कापी विश्वास दिलाया कि पहुँचना अन्जन में हो  
पर दुमाग्य में राह उत्ती है वी।

ଶ୍ରୀକୃଷ୍ଣମା

Attested

७ भूदीदा इन सारी लाटनाओं के लिए भाल आये  
किसी भी किसी गति का गति इरादा नहीं पा। मैं पुरी लिए  
उपना तृतीय निषारहा तो उस लाटना के लिए  
लाटनाओं को गहातप से भासा की गाढ़ना लिया गया  
हो तो तो तो । और गहातप में ऐसी जहाँ तक  
नहीं होगी

A350

Deftikālf. T. नाम संस्था

## नाम संस्था

छात्र पत्रावली तथा स्थानावलिका प्रभारी पत्र

देश पंजिका सं० ३४

‘निष्कासन पंजिका सं०’

४०-८५  
त्रिविक्रमी त्रिविक्रमी

३ / छात्रा का नाम तथा राष्ट्रोत्तरा एवं  
जाति, यदि हिन्दू हो अन्यथा धर्म

संरक्षक, पिता अथवा पर्ति का नाम,  
वक्ति तथा पता

धारा / धारा की  
जान्म विधि

410-1126-1

150

ਫਿਲ੍ਡ ਹਵਾਇ

मवृत्त्या नान  
पूर्णा

14. Oct 19

जन्म तिथि शब्दों में पञ्चांश दिसम्बर में १८८५

टिप्पणी:- यदि लाव्र अपनी कक्षा के पांच श्रेष्ठ में एक है तो यह बात 'काय' कामुक में लिखी जानी चाहिए।

उपरिधाति	
कुल अधिकारी	कुल अधिकारी
उपरिधाति वाले	उपरिधाति वाले
कुल भाषण	कुल भाषण
उपरिधाति वाले	उपरिधाति वाले

प्रभागिन किया जाता है कि नपर्युक्त धारा-प्रभागिनी विद्या प्रिया अनुसार ध्यायि/ध्यात्रा द्वारा संस्था त्याग के दिन तक के लिए अविद्या है।

६० प्रधानमान

३५८

ଶ୍ରୀମତ୍ ପ୍ରଦୀପକୁମାର ପାତ୍ରମାତ୍ରା ମୁଦ୍ରଣ

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

A33

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

113  
R.T. 25-10-81  
J.F. 30-12-81

Mishri Lai

... Applicant

-vs-

Union of India and others ... Opp. parties

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

I, S. R. Abidi <sup>or</sup> aged about 54

years son of Late Tazmizel Hassan <sup>or</sup>  
Accounts Officer Admin I.O.O or  
at present posted as Director of Accounts (Postal)

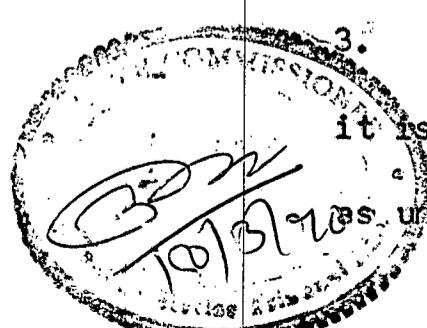
UP Circle, Lucknow do hereby solemnly affirm and

stated as under:-

*Ex. T. at 1.30 P.M.*  
1. That the deponent has been authorised  
to file this counter affidavit on behalf of  
opposite parties.

*Con  
B  
10/3/90*  
2. That the deponent has read and under-  
stood the application and ~~has made~~ <sup>is</sup> fully  
conversant with the facts stated in the application  
and he is in a position to give parawise comments  
as hereinunder:

*3.  
10/3/90*  
3. That before giving parawise comments,  
it is necessary to give brief history of the case  
as under:



-2-

(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 wagers 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.

22/3/90  
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.

~~COO 13/9~~  
(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 <sup>a</sup> 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 un- authorised persons to enter the premises of office with effect from 11.04.88 to

-4-

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.m., 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

with effect from 25.4.1988 onwards without any 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.

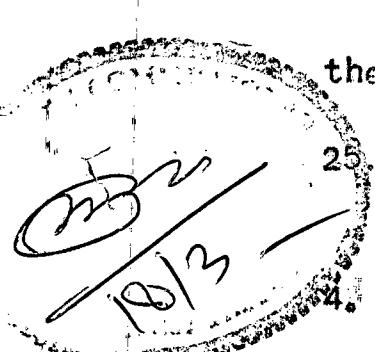
(e) The applicant ~~wa~~ has made the application with the Hon'ble CAT since he was daily rated mazdoor and the prescribed rules namely, the CCS(Conduct) Rules and CCS(CCA) Rules etc. are not applicable to him. No disciplinary action can be taken against a daily rated mazdoor unlike a regularly appointed 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 DPC. The DPC 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 DPC 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 informative 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

- 7 -

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(3) 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.

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 are not disputed. Further it is submitted that the wages at daily rate basis were paid as prescribed by Government from time to time.

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 (12) of the application it is submitted that the applicant ~~is~~ 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.

-10-

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) <sup>23</sup> of the

application are incorrect as stated hence denied.

-11-

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 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

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-12-

and in reply it 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. <sup>29</sup> That the contents of para 4(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. <sup>29</sup> That the contents of para 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.

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.

-14-

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



ACO

-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,

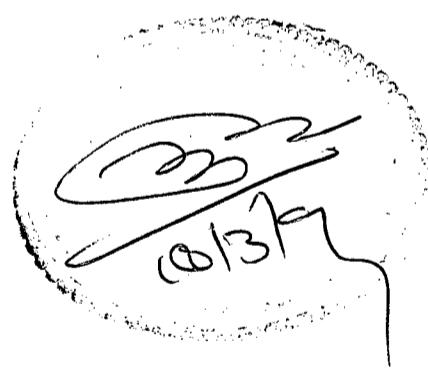
dated: 18/3/90

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)

  
18/3/90

8x15 mm

S. B. M. Patel  
V. Gehraudw. A. G.

T. G. K. S. S. S.

18/3/90

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 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

*10/10/10*

AUG

2.

and his 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 a Chankidar allowed unauthorised 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

YFC/CTO

3.

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 ~~work~~ 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

*Hyd Cm*

4.

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 on 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 ~~approx~~ 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)

TC/CH/OT/OS

## 5.

of the application are reiterated to be correct.

The vague allegations has been made that if persons ~~Employment~~ ~~have found fit~~ sponsored by 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

9/20/01

6.

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.

29. 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, ~~xx~~ 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 ~~continuing~~ service as IVth class employee on the basis of selection.

*Signature*

AS4

7.

22- That the contents of paragraphs 25 and 26 of counter affidavit are denied and those of paras 4 (23) and ~~4~~ 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 putting continuously 4 years service <sup>after</sup> <sup>he</sup> ~~as~~ <sup>was</sup> has acquired " Temporary Status " as ~~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.

*AS4*

ASS

8.

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 the and 41 of/counter affidavit are admitted to be correct. The writ petition contains good grounds and there is ~~is~~ away clear evidence that deponents service have been taken 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 .

14/4/2010

9.

The correct position has been explained above.

*Adv. J. S. Chaturvedi*  
Deponent.

Lucknow : Dated

July, 19, 1992

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 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

I identify the deponent in

who has signed before me.

*Adv. Q. Hasan*  
( Qamrul Hasan )  
Advocate

Counsel for the applicant

# VAKALATNAMA

In the Hon'ble High Court of Judicature at Allahabad  
At  
Lucknow Bench

108

Mishri Lal ..... Plff./Applt./Petitioner/Complainant

Veres

Union of India & others ..... 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.

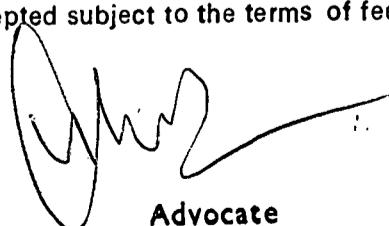
And I/we the undersigned do hereby agree that in the event of the whole or part of  
the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to  
withdraw from the prosecution of the said case until the same is paid up. The fee settled  
is only for the above case and 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.

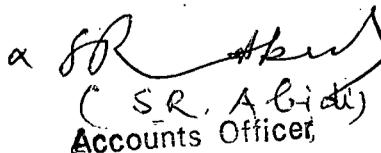
IN WITNESS WHEREOF I/we do hereunto set my/our hand to these presents the  
contents of which have been understood by me/us on this ..... day of ..... 1989

Accepted subject to the terms of fees.

Client

Client

  
Advocate

  
(S.R. Akbar)  
Accounts Officer  
लेखांकनकारी

Accounts Officer

Accounts Officer

Accounts Officer

Accounts Officer

Accounts Officer