

TA. NO. 190/92

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: -----

Case Title 697/89 19

Name of Parties.

Pooresh Singh Applicant

U.O. 2 & ors versus Respondents.

PART -A

<u>Sl.No.</u>	<u>Description of Documents</u>	<u>Page</u>
1-	Check-List	A 11
2-	Order Sheet	A2 15
3-	Final Judgement <u>23.4.93</u>	A6 18
4-	Petition Copy	A9 134
5-	Annexure <u>Misc App with Affidavit</u>	A36 152 A53 163
6-	Power	A35 135
7-	Counter Affidavit	A64 185
8-	Rejoinder Affidavit	A86 1100
963	M.P 1103/91	A101 - A105

PART -B

B106 - B200

~~It is hereby certified that no further action is required. The case is fit for consignment to record room.~~

Part -C

C201 - C204

Certified that no further action is required. The case is fit for consignment to record room.

Section Officer

Court Officer

Incharge

Signature of Deaf.
Assistant.

File already consigned

File B/c handwritten/damaged

SO (5)

P. Narayan
25/10/94

Particulars to be Examined Endorsement as to result of Examination

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?

c) Wanting in Annexures

Nos _____ Pages Nos _____ ?

13. Have the file size envelopes bearing full address 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 the true or supported by an Affidavit affirming that they are true? *NA*

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

~~XX~~.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? *No*

19. Whether all the remedies have been exhausted. *yes*

Submitted

Amit/

Registered as O.A. & list before court

on 28.8.89.

*27.8.89
DR(J)*

*07/8/89
SO (J)*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

..... 697 of 1989.
Registration No.

APPLICANT(S) Parash Singh

RESPONDENT (S) U.O.I. & Muz

Ordinance Factory

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? Five sets
3. a) Is the appeal in time? yes
- b) If not, by how many days it is beyond time? —
- c) Has sufficient case for not making the application in time, been filed? —
4. Has the document of authosisation/ Vakalatnama been filed? yes
5. Is the application accompanied by B.D./Postal Order for Rs 50/- yes Bank Draft No. OT/A/116 873428 dt 4-8-89 Rs 50/-
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 applicatio, been filed? yes
- b) Have the documents referred to in (a) above duly attested by a Gazett- ed Officer and numbered accordingly? yes
- c) Are the documents referred to in (a) above neatly typed in double space. yes
8. Has the index on documents been filed and paging done properly? yes
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application. yes
10. Is the matter raised in the application pending before any Court of Law or any other Bench of Tribunal? No

Particulars to be Examined Endorsement as to result of Examination

- | | |
|---|-----|
| 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? | |
| c) Wanting in Annexures | |
| Nos _____ Pages Nos _____? | — |
| 13. Have the file size envelopes bearing full address 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 the true or supported by an Affidavit affirming that they are true? | NA |
| 17. Are the facts of the case mentioned in item No.6 of the application? | yes |
| XX.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? | No. |
| 19. Whether all the remedies have been exhausted. | yes |

Submitted

Amit

Registers as O. A. &
list before court

on 28.8.89 Date 27.8.89
DR(J)

07/8/89
Sv (J)

GA 697/89

① 20.10.89 Hon G.S.S/K.Obeyya.

• Due to lawyers strike case is adjourned to 24.10.89 for admission.

P2

Hon Mr. K. J. Ramam, AM.

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

Bor.
Hon

② 24 ¹⁰/₈₉

None appears for the applicant

Adjournment has been ~~the~~ sought on behalf of the applicant. Allowed.

Let this case on 11-12-89 for admission.

Shri K. E. Saha files power on behalf of respondents. Kept on record. Let copies of the application meant for respondents be delivered by the office to Shri Saha.

J.M.

W.R.

Reminded for 11.12.89 (SNG)
③
W.R. C. Saha
15.1.90

③ 11.12.89

W.R.

On the Request, let this case be put up before DR. (5) for counter affidavit on 15.1.90

DR

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD.

NO.

OF 19

Vs.

13

Sl.No. 1	Date 2	Office Report 3	Orders 4
		<p>Misc. Amendment App. No. 1103/91 is submitted before the Hon' court for orders on 28-8-91.</p> <p align="right"><u>SS</u> 27/8/91</p>	<p align="center"><u>28-8-91</u></p> <p>Hon. D.K. Agrawal Hon. A.B. Joshi</p> <hr/> <p>Not reached Adjournd 17-9-91 for</p>
		<p><u>OR 16/9</u></p> <p>Misc Amendment App No 1103/91 is submitted for order before Hon'ble Court on 17.09.91.</p> <p align="right"><u>Ac</u> 16/9.</p>	<p align="center"><u>17.9.91</u></p> <p>no sitting. Adj. to 14.10.91 for hearing</p>
		<p><u>OR</u></p> <p>MISC. Amendment App. No. 1103/91 is Submitted for orders before Hon'ble court on 14-10-91.</p> <p align="right"><u>SS</u> 15/10/91</p>	<p align="center"><u>14.10.91</u></p> <p>Hon. S.N. Prasad, J.</p> <hr/> <p>Put up before Amritan Bench on 22/11/91 for orders.</p>
		<p><u>OR</u></p> <p>Misc. Amendment App. No. 1103/91 is pending Submitted before the Hon' court for orders on 22-11-91</p> <p align="right"><u>SS</u> 15/11/91</p>	<p align="right">P.T.O.</p>

PANKAJ/

ORDER-SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD)

27A No. 697 199-89

VERSUS

Sl. No.	DATE	OFFICE REPORT	ORDER
1	2	3	4
	17.8.92	<p>Mr. Justice V. S. Srinivasan, J.</p> <p>Mr. K. Abanaya, J.</p> <p>Parties counselled parties that the case may be taken up at Lucknow. List this case on 14.9.92 at Lucknow for hearing. Let the file be sent to Lucknow by the office.</p> <p><i>[Signature]</i></p>	<p><i>[Signature]</i></p> <p>V.S.</p>

C.R.

This file has been recd. on 24.8.92 from CAT Adld.

S. P. O.

[Signature]

PIYUSH/

Central Administrative Tribunal
Lucknow Bench, Lucknow.

.....
ORDER SHEET

T.A. 190/92 T.L.

O.A./I.A. No. 697/89

Date / Office Report /

Order

10.9.92
D.R.

Register the Case as T.A./T.L.
and List for hearing as per orders
of the Honble Courts dated 17.8.92.
Case is Listed for hearing on 14.9.92
before the Honble Bench.

14.9.92

Case adjourned
to 16.9.92

Box

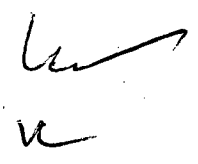
16.9.92

Honble Mr. Justice S. H. B. ...
Honble Mr. Justice S. H. B. ...

Now in physical adjourn to

S. H. B.


Am


u

16.3.93
D.R.

This file has been found undated
during physical verification.
Issue notice for 23.4.93
by U.P.C.

received 23/4/93
@
C.A. K. K. ...
Am
(14/5/93)

MANISH/-

2R
NOTICE issued
on 8/4/93
R

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (LUCKNOW BENCH)
LUCKNOW

O.A. No. 697/89

T.A. No.

Date of decision 23/4/93

..... Paresh Singh Petitioner

..... Shri N.K.Nair Advocate for petitioner

Versus

..... U.O. I. & Others Respondents

..... Shri K.C.Sinha Advocate for respondents

CORAM :-

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

The Hon'ble Mr. V.K.Seth, A.M.

1. Whether Reporters of local papers may be allowed to see the judgement ? *N*

2. To be referred to the Reporter or not ? *N*

3. Whether their Lordships wish to see the fair copy of the judgement ? *N*

4. Whether to be circulated to all other Benches ? *N*

Uk
Signature

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

A6

O.A. No.697/89

Paresh Singh ::::: Applicant

Vs.

Union of India &
Others. ::::: Respondents.

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

Hon. Mr. V.K. Seth, A.M.

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

The applicant was working in the Ordnance Factory, Kanpur, as Examiner (Skilled) in the pay scale of Rs.950-1500/-. According to the applicant, the Foreman Shri V.P. Sachdeva, for certain reasons became annoyed with^him and revengeful, the details of which have been given in^ethe application. He found fault with the applicant. The applicant was suspended vide order dated 12/4/88. A charge sheet was issued to him on 28-9-88 levelling the charges that he has abused and assaulted the Foreman. An Enquiry Officer was appointed. The Enquiry Officer submitted his report. On the basis of the Enquiry Officer's report the disciplinary authority, vide order dated 13-12-88 imposed penalty of reduction in rank to the post of Examiner(semi-skilled) in the pay scale of Rs.800-1150 from the date of the order and that he shall not be automatically restored to the higher grade (original grade) untill he is found fit by the competent authority and further he was warned to be in very careful in his conduct and/performance of his duties and any future lapses will be viewed seriously. Thus

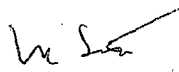
W

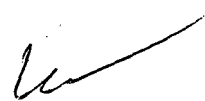
according to the applicant, it is not a case of one punishment, but it is a case of 3 punishments inasmuch as he was reduced from his original rank to lower rank and secondly even after the expiry of the said period he will not be automatically restored to his original grade and thirdly he was warned so far as his conduct is concerned.

2. The applicant preferred an appeal on 19-1-89 against this punishment to the Chairman, Ordnance Factory. It was thereafter a notice was issued to him on 24-1-89 to show cause as to why his pay and allowances of the applicant, over and above the subsistence allowance paid during the period of suspension, be not forfeited and by the period of suspension be not treated as period not spent on duty. The applicant filed objection against the same and yet without considering his objections and other pleas, an order was passed stating that no further pay and allowances over & above his subsistence allowances already paid to the applicant for the period of suspension from 12-7-88 to 7-12-88 will be paid to the applicant and the period of suspension shall not be counted for increment. According to the applicant, yet another, 4th punishment was given to him in this manner. The appeal of the applicant was not decided. Thereafter he approached this Tribunal praying that the punishment order may be quashed on the ground that no authority below the rank of D.G.O. could have initiated disciplinary proceedings against the applicant and the one who started the proceedings was not competent to do so. Further there was no material evidence on the basis of which the said charges framed against the applicant could have been held as proved and in the absence of any

evidence no finding could have been recorded and as such the enquiry officer has recorded a biased finding, accordingly he should not have been reverted.

3. In the Counter Affidavit filed although the and action have been justified/it has been admitted that under rule 11 & 17 of the Rules the Government Servant can be reduced to a lower post to which he was not initially recruited. It appears that the respondents have not read the rule 11 & 17 of 1965 Rules carefully. It does not permit reduction of rank to a cadre to which the Government Servant does not belong. The applicant does not belong to the cadre to which he was reverted. Accordingly this punishment could not have been given. As such the punishment order deserves to be quashed and accordingly the same is quashed. As far as the competency of the authority is concerned, the punishment order was given by a competent authority. So far as the other punishments are concerned, we do not find any ground to interfere with the same and the applicant has already been subjected to several punishment. Accordingly this application is partly allowed and the punishment order dated 13-12-88 is quashed. As far as the punishment of reduction in rank is concerned, the same is quashed and the other part as well as the suspension period is concerned, the same shall stand.


Member (A)


Vice-Chairman.

Dated: 23-4-93, Lucknow.

(tgk)

(COMPILATION NO. 1)

IN. THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India & Others. Respondents.

I N D E X

Sl. No.	Description of Document relied upon.	Date of document	Annexure No.	Page Nos.
1.	Application			01-23
2.	True copy of the Punishment Order, issued by the GM/OFC.	13.12.88	A-1	24
3.	True copy of the XXXXXXX Ordnance Factory, Kanpur order Part II No. 1131 dated 18.3.89 regarding treatment of suspension period as non qualifying period for increment, leave, pension etc and forfeiting pay and allowances for the period of suspension.	18.3.89	A-2	25
4.	Vakalatnama			

SIGNATURE OF THE APPLICANT.

(N.K. NAIR)
Advocate.

N.K. Nair
ADVOCATE.
KANPUR.

Place : Kanpur

Date : 5-8-1989.

FOR USE IN TRIBUNAL'S OFFICE

Date of Filing :

Registration No. :

Signature
for REGISTRAR.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Registration No. of 1989.

Pareesh Singh, aged about 30 years,
S/O Shri R.N. Singh, R/O 91/12,
Vijay Nagar, Kanpur, presently employed
as Examiner Semi-skilled, Ordnance Factory,
Kanpur. APPLICANT.

V E R S U S

1- Union of India, through the Secretary,
Ministry of Defence Production,
Government of India, New Delhi.

2- The Chairman Ordnance Factory Board/
Director General of Ordnance Factories,
10-A, Auckland Road, Calcutta-700001.

3- The General Manager, Ordnance Factory,
Kanpur. RESPONDENTS.

DETAILS OF APPLICATION

1= PARTICULARS OF THE ORDERS AGAINST WHICH THE
APPLICATION IS MADE:

The application is against the following
Orders:

(i) Order No. 1210/Comp/VIG/IE/110 dated
13.12.1988, issued by the General Manager,

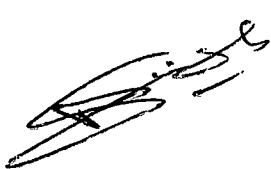
(contd.....2)

A11

(2)

Ordinance Factory, Kanpur, imposing on the applicant the penalty of reduction in rank to the post of Examiner Semi-skilled in the Time Scale of Pay of Rs. 800-1150, from the post of Examiner Skilled in the pay-scale of Rs.950-1500, from the date of the Order, also directing that the applicant shall not be automatically restored to the higher Grade, until he is found fit by the Competent Authority and further warning the applicant to be more careful in his conduct and application to duty and that any further lapse/breach on his part would be viewed as aggravated in view of the punishment, rendering the applicant liable to severe disciplinary action accordingly. (ANNEXURE A-1) (IN COMPILATION NO. 1)

- (ii) Ordinance Factory, Kanpur Order Part II No. 1131 dated 18.3.1989, ordering that the period of suspension of the applicant from 12.4.1988 (A/N) to 7.12.1988 will not count towards increment, leave and pension etc., and that the applicant is not entitled to any further pay and allowances beyond the subsistence allowance and other allowances already paid during the period of suspension. (ANNEXURE A-2) (IN COMPILATION NO. 1).



(contd.....3)

(3)

(iii) The application is also against the omission on the part of the Chairman, Ordnance Factory Board/Director General of Ordnance Factories, to consider and pass appropriate Orders rescinding the punishment order dated 13.12.1988, on the appeal dated 19.1.1988, preferred by the applicant.

2= JURISDICTION OF THE TRIBUNAL:

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

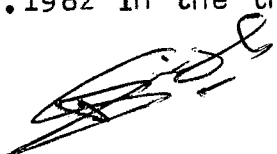
3= LIMITATION:

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

4= FACTS OF THE CASE:

The facts of the case are given below:-

(1) That the applicant is presently working as Examiner Semi Skilled in the Quality Control (Weapons) Department of the Ordnance Factory, Kanpur. Initially, the applicant was appointed as Junior Examiner on 8.9.1982 in the then pay scale of




(contd....4)

(4)

Rs. 210-290. After completion of probation the applicant was duly confirmed. Subsequently, the pay scale of Rs. 210-290 applicable to Junior Examiners was revised to Rs. 260-400. With the implementation of the recommendations of the Fourth Pay Commission for Central Govt. employees, the pay scale was revised to Rs. 950-1500 and the designation of Junior Examiner was changed to Examiner Skilled. The applicant has been working as Examiner ~~(S)~~skilled in the pay-scale of Rs. 950-1500 with sincerity, devotion to duty and discipline. In the beginning the applicant was posted in the W.I. (Gun) Section and subsequently he was transferred to the Q.C. (O.A.) (Shell Machine Section). During the period of service of over five years in the said Section, there has been no complaint whatsoever against the work and conduct of the applicant by any of the superior officers of the factory.

(2) That some time around the end of the year 1987, it was notified in the factory that those Examiners who were interested in changing over to Q.C. (Gauge) Section should apply for such change over. Since the work in the Q.C. (Gauge) Section was more sophisticated, the applicant was ~~xxxxxxxx~~ interested in changing over to the said Section and along with other examiners the applicant also applied for such change over. The name of the applicant was also



(contd.....5)

(5)

forwarded to the Foreman QC(G) by the Foreman QC(OA), but, while the other persons who had opted for such change over were allowed such change over, the applicant alone was left out. Having ~~xxxxxx~~ been given to understand that the Foreman/QC(G) had rejected the case of the applicant for change over to QC (G) Section, the applicant met him and enquired about the reasons for not permitting the applicant to change over to the QC(G) Section. The Foreman became annoyed with the applicant and on repeated requests made by the applicant the Foreman used some harsh words against the applicant. Subsequently, however, the applicant requested the Assistant Works Manager/ QC(G) FOR his transfer to the QC(G) Section and thereby the applicant was allowed to change over to the QC(G) Section. This was not liked by the Foreman/QC(G) and he nurtured illwill and malice against the applicant.

(3) That on 11.4.1988, the applicant was required to attend a funeral of a relation of the applicant and the applicant had to seek short leave for the purpose. Initially the Foreman, Shri V.P. Sachdeva did not permit the applicant to go out on short leave and it was with great difficulty that the applicant could prevail upon the Foreman to permit the applicant to attend the funeral on short leave. After attending the funeral, they ^{applicant} returned to the Factory and resumed duty. At about 2.00 P.M. on the same day the Foreman, Shri V.P.

(contd.....6)

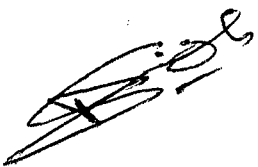
A/S

(6)

Sachdeva called the applicant to his Office and unfortunately, he became annoyed with the applicant during discussions and there ensued some exchange of hot words between the Foreman and the applicant. The Foreman threatened to harm the applicant and asked the applicant to get out of his Office and accordingly the applicant went out of the Foreman's Office and resumed duty in the Section. The applicant remained under the impression that the matter might have ended thereby.

(4) That unfortunately the Foreman, Shri V.P. Sachdeva remained revengeful and sought to falsely implicate the applicant in a disciplinary case and to cause undue harm to the applicant. A false complaint was made by him against the applicant and he induced and forced some of his subordinates to become witnesses against the applicant in such allegations. The said Shri V.P. Sachdeva, Foreman QC (G) made false allegations that the applicant abused him and slapped him in his Office, while the fact remained that it was the Foreman Mr. Sachdeva himself who had abused and threatened the applicant. The applicant had not at all misbehaved with him.

(5) That on the basis of such false complaints made against the applicant by the said Shri V.P. Sachdeva, the applicant was issued an Order No. 1210/Comp/Vig dated 12.4.1988 by the General Manager, Ordnance Factory, Kanpur,



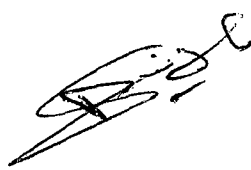
(contd.....?)

(7)

placing the applicant under suspension pending disciplinary proceedings. The true copy of the Suspension Order is annexed herewith as Annexure A-3.

ANNEXURE A-3

(6) That a Memorandum No.1210/Comp/Vig/IE/110 dated 28.4.1988 was issued to the applicant under the signature of the Deputy General Manager (Admin), Ordnance Factory, Kanpur, charging the applicant with gross misconduct, in that on 11.4.1988, at about 2.30 P.M., the applicant allegedly hurled abuses and assaulted/slapped Shri V.P. Sachdeva, Foreman QC (G), in front of other staff in his Office. In the list of documents by which the Article of Charge against the applicant was proposed to be sustained, a report dated 11.4.1988 from Shri V.P. Sachdeva, Foreman QC(G) was mentioned and the said Shri V.P. Sachdeva was cited as the lone witness. In the copy of the said complaint of Shri V.P. Sachdeva dated 11.4.1988, it was mentioned that Shri K.M. Tewari, Examiner, Ticket No. 57/QC(G), accompanied the applicant to the Office of the Foreman, QC (G) and that the said Shri Tewari tried to pacify the applicant. It was also mentioned that Shri A.B. Srivastava, Assistant Foreman QC(G) was also sitting in front of Shri V.P. Sachdeva in his Office and was witnessing the alleged incident of manhandling and abusing. Shri R.L. Nigam, UDC/QC(G) was also cited as one of those who were present



(contd.....8)

(8)

on the spot during the alleged incident. It was also mentioned that Shri Sachdeva had immediately gone to the Office of the Deputy General Manager/QC, namely, Shri K.K. Bhagati and narrated to him the alleged incident. Surprisingly, none of the said persons, namely, Shri K.M. Tewari, Examiner, Shri A.B. Srivastava, Assistant Foreman, Shri R.L. Nigam, UDC and Shri K.K. Bhagati, Deputy General Manager/QC, was cited as witness of the alleged incident (Annexure IV to the Memorandum of Charges). Since the allegations were false and fabricated, the said persons might have refused to collude with Shri V.P. Sachdeva in becoming witnesses in support of the false allegations and that might ^{have been the} reason why none of the said persons was named as witness in the Charge-Sheet. The true copy of the Memorandum of Charges is annexed herewith as Annexure A-4.

ANNEXURE A-4

(7) That by reply dated 5.5.1988, addressed to the General Manager, Ordnance Factory, Kanpur, the applicant denied the charges and requested that he be heard in person and that an impartial court of enquiry be constituted and the applicant be allowed opportunity of defence. The true copy of the said reply is annexed herewith as Annexure A-5.

ANNEXURE A-5

(8) That no preliminary/fact finding enquiry was conducted before framing the charges against the applicant and the applicant was not afforded any opportunity to explain before framing the charges. The charge-sheet in question was based solely on the false complaint made by Shri V.P. Sachdeva and there was no genuine material, on the basis of which such

(contd....9)

(9)

a charge sheet could be framed.

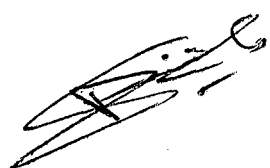
(9) That the applicant was hopeful that as requested by him, the applicant would be given personal hearing before proceeding under Rule 14 of the C.C.S. (C.C. & A.) Rules, 1965 and that a preliminary/fact finding enquiry would be conducted to ascertain whether there was any necessity to proceed under Rule 14.

(10) That by an Order dated 27.5.1988, issued by the Deputy General Manager/Admin, Shri Om Prakash, Works Manager/Bomb was appointed as Enquiry Officer to enquire into the charges. The true copy of the said

ANNEXURE A-6 . Order is annexed herewith as Annexure A-6.

(11) That the applicant having been appointed in the year 1982 at the time when the General Manager was not the competent appointing and disciplinary authority of the applicant and the DGOF was such appointing and disciplinary authority, the General Manager had no jurisdiction to frame and issue charge-sheet or to appoint Enquiry Officer in the case of the applicant. In the instant case, the charge-sheet was issued and the Enquiry Officer was appointed by the Deputy General Manager/Admin., who was still subordinate to the General Manager, hence too the disciplinary proceedings were illegal and untenable.

(12) That by a representation dated 15.4.1988, addressed to the General Manager, Ordnance Factory,



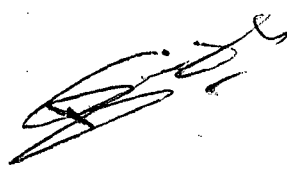
(contd....10)

(10)

ANNEXURE A-7

Kanpur, the applicant requested that since he was wholly innocent and was suspended merely on the basis of suspicion, the suspension order be revoked. The true copy of the applicant's representation dated 15.4.1988 is annexed herewith as Annexure-7 (in Compilation No. 2). The applicant submitted another representation dated 10.5.1988, addressed to the GM/OFC regarding revocation of suspension and objecting to the issuance of charge-sheet on the basis of the solitary complaint of the Foreman QC(G), with the said Foreman shown as the only witness in the charge-sheet. The true copy of the same is annexed herewith as Annexure A-8 (in Compilation No. 2). The request of the applicant was not conceded by the General Manager and the applicant was illegally and wrongfully continued under suspension.

(13) That the Enquiry Officer by a letter dated 1.7.1988 informed the applicant that the enquiry proceedings would be held on 12.9.1988. The applicant appeared before the Enquiry Officer on the said date and the statement of Shri V.P. Sachdeva, Foreman/QC(G) was recorded. Shri V.P. Sachdeva re-iterated the allegations ^{mentioned} in his ~~false~~ complaint and named the persons who, according to him, had allegedly witnessed the incident. During cross examination, the said Shri V.P. Sachdeva stated that the alleged witnesses remained silent witnesses of the alleged abuse and manhandling. The cross-examination was concluded on 22.7.1988.



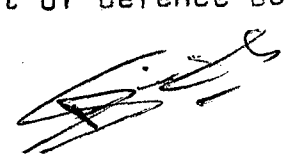
(11)

(14) That none of the persons whom Shri V.P. Sachdeva had named ^{as} ~~such~~ persons who had allegedly witnessed the incident was produced in the enquiry from the ~~xxxxxx~~ side of the management and the solitary evidence of Shri V.P. Sachdeva was recorded during the enquiry. Since the persons named by Shri Sachdeva were responsible officials of the factory, there was no justification to omit examination of such persons during the enquiry to ascertain the facts. There was no corroborative evidence whatsoever to substantiate the false allegations of Shri V.P. Sachdeva.

(15) That in view of the fact that the management had not produced any of the alleged witnesses of the ~~ex~~ incident to corroborate the solitary testimony of Shri V.P. Sachdeva, the Enquiry Officer ought to have discarded the only and uncorroborated testimony of Shri V.P. Sachdeva and the Enquiry Officer ought ^{to} have held the applicant not guilty of the charges levelled against him.

(16) That the written brief, if any, submitted by the Presenting Officer before the Enquiry Officer was not shown to the applicant and no copy of the ~~same~~ ^{same} was supplied to the applicant. The applicant was thus not enabled to counter the written brief of of the Presenting Officer.

(17) That the applicant submitted a Written statement of defence before the Enquiry Officer



(12)

denying the false allegations made by Shri V.P. Sachdeva. Neither the Presenting Officer, nor the Enquiry Officer deemed it necessary to ask any question to the applicant in regard to the written statement of defence submitted by the applicant. Hence too, there was no justification for the Enquiry Officer to disbelieve the correct defence version of the applicant, denying the false allegations made by Shri V.P. Sachdeva.

(18) That the applicant produced Shri K.M. Tewari, Examiner as his defence witness. He did not at all corroborate the allegations made by Shri V.P. Sachdeva, though, Mr. V.P. Sachdeva had mentioned that the said Shri K.M. ~~Tewari~~ Tewari was a witness of the alleged incident. The Enquiry Officer was biased and went to the extent of making a remark on the statement of the defence witness to the effect that the defence witness was irrelevant. The Enquiry Officer ought to have noted that though the said Shri K.M. Tewari was mentioned as an eye witness of the alleged abuse, man-handling and beating in the written complaint dated 11.4.1988 made by Shri V.P. Sachdeva and the said Shri V.P. Sachdeva had re-iterated such allegations in the oral evidence given before the Enquiry Officer during the course of enquiry, the said Shri K.M. Tewari appeared as a defence witness and

(contd..... 13)

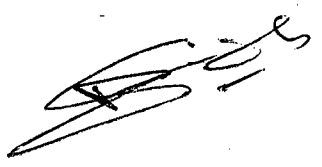
(13)

denied that any such happening occurred in his presence. No other witnesses mentioned by Shri V.P. Sachdeva was examined by the management.

(19) That the Defence Assistant of the applicant submitted a written brief dated 29.8.1988, explaining the anomalies and discrepancies in ^{the} evidence that had come during the course of enquiry. The true copy of the said written brief submitted on behalf of the applicant, is annexed herewith as Annexure A-9.

ANNEXURE A-9

(20) That the Enquiry Officer did not properly assess the evidence. He simply narrated the prosecution version and gave his findings based on mere conjectures and surmises. There was no legal evidence to substantiate the charges. The Enquiry Officer concluded that "On the basis of the findings, charges are said to be established against the individual Shri Paresh Singh, T.No. 56/QC(G) Examiner." The Enquiry Officer omitted to consider that except the solitary testimony of Shri V.P. Sachdeva, there was no evidence whatsoever against the applicant and that the statement of Shri K.M. Tewari had, in fact, negated the story narrated by Shri V.P. Sachdeva. The Enquiry Officer also did not consider the fact that none of those who were named as witnesses of the incident in the written complaint of Mr. V.P. Sachdeva and in the oral testimony of Shri V.P. Sachdeva was examined to corroborate the version of Shri V.P. Sachdeva and that one among those witnesses had, in fact,



(contd....14)

(14)

denied the allegations of Shri V.P. Sachdeva. The Enquiry Officer did not examine the evidence and the written brief submitted on behalf of the applicant. The findings were perverse and untenable and the Enquiry Officer submitted a biased report. The true copy of the findings of the Enquiry Officer is annexed herewith as Annexure A-10. (In Compilation No. 2).

ANNEXURE A-10

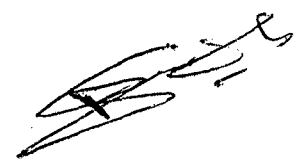
(21) That the General Manager, Ordnance Factory, Kanpur, did not properly consider the evidence, the facts and the circumstances of the case and the perverse findings of the Enquiry Officer and mechanically agreed with the Enquiry Officer's findings and held the applicant guilty of the charges by an Order No. 1210/Comp/Vig/IE/110 dated 13.12.1988, after mechanically agreeing with the perverse findings of the Enquiry Officer. The General Manager, Ordnance Factory, Kanpur, held the applicant guilty of the charge and by a non-speaking Order, the General ^{Manager} imposed on the applicant the penalty of reduction in rank, to the post of Examiner Semi-Skilled, in the Time Scale of pay of Rs. 800-1150, from the date of the Order, from the post of Examiner Skilled in the Time Scale of pay of Rs. 950-1500 holding the applicant guilty. It was further ordered that the applicant shall not be automatically restored to the higher grade of Examiner, until he was found fit by the Competent Authority. It was also warned that the applicant should be

(contd...15)

(15)

more careful in the conduct and application to ~~the~~ duty and it was further stated that any further lapse/breach on the part of the applicant would be viewed as aggravated, rendering the applicant liable to severe disciplinary action accordingly. The General Manager, Ordnance Factory, Kanpur, did not apply his mind properly in the matter and wrongly imposed such a harsh punishment on the applicant. The true copy of the punishment order is annexed herewith as Annexure A-1 (in Compilation No.1). The General Manager was not competent to punish the applicant, inasmuch he was not the competent appointing and disciplinary authority of the applicant, who was appointed in the year 1982. As per Rule 2(a), Rule 2(g), Rule 9, Rule 12 and Rule 13 and the Schedule of the C.C.S. (C.C. & A.) Rules, 1965, *as they existed at the time of appointment of the applicant,* the General Manager was not competent to impose any punishment on the applicant or to initiate disciplinary proceedings against the applicant. The punishment order was illegal and null and void on that account also.

(22) That the punishment of reduction to the post of Examiner Semi Skilled was even otherwise illegal and wrongful, inasmuch as there does not exist any such post of Examiner Semi-skilled and the applicant did not hold such a post at any time. The applicant could not have been reduced to a post which he did not hold and which post does not exist. The punishment order



(16)

is liable to be set aside on this ground also. By the punishment order in question the applicant had been put to suffer undue monetary loss of about more than Rs. 500/- per month in his salary.

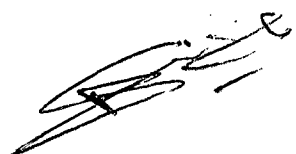
(23) That by Order dated 6.12.1988, issued on behalf of the General Manager, Ordnance Factory, Kanpur, the suspension was revoked and the applicant was allowed to resume duty with effect from 8.12.1988. The true copy of the said order is annexed herewith as

ANNEXURE A-11

Annexure A-11.

(24) That the applicant preferred an appeal dated 19.1.1989, addressed to the Chairman, Ordnance Factory Board/D.G.O.F., Calcutta, stating the facts and explaining in detail the grounds and circumstances which warranted the cancellation of the punishment order in appeal. Even though the appeal was submitted on 20.1.89, the D.G.O.F. has not disposed off the appeal, even after the passage of more than six months and hence this application.

(25) That a Show Cause Notice No. 1210/Comp/Vig/IE/110 dated 24.1.1989 was issued to the applicant by the Deputy General Manager (Admin), Ordnance Factory, Kanpur, calling upon the applicant to show cause as to why the pay and allowances of the applicant, over and above the



(contd.....17)

(17)

subsistence allowance paid during the period of suspension, be not forfeited and why the period of suspension be not treated as period not spent on duty. The true copy of the said notice is annexed herewith as Annexure A-12. The applicant submitted a reply dated 4.2.1989 requesting that the proposed action be not taken against the applicant. The applicant had also stated that his appeal against the punishment order was pending with the D.G.O.F. The true copy of the said reply is annexed herewith as Annexure A-13.

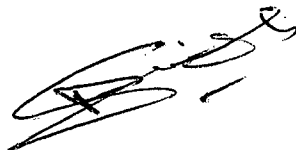
ANNEXURE A-12ANNEXURE A-13

(26) That the General Manager, Ordnance Factory, Kanpur, did not consider the facts and circumstances and illegally and wrongfully ordered that no further pay and allowances, beyond ^{the} subsistence allowance already paid to the applicant for the period of suspension from 12.4.1988 (A/N) to @ 7.12.1988, would be paid to the applicant and that the period of suspension shall not count towards increment, leave, pension etc. The [✓] Factory Order Part II No. 1131 dated 18.3.1989 relating to the said Order, issued by the Deputy General Manager (Admin), Ordnance Factory, Kanpur, is annexed herewith as Annexure A-2 (in Compilation No. 1).

ANNEXURE A-2

(27) That the Punishment Order No. 1210/COMP/VIG/IE/110 dated 13.12.1988, issued by the General Manager, Ordnance Factory, Kanpur, imposing

(contd.....18)



(18)

on the applicant the penalty of reduction in rank, to the post of Examiner Semi-skilled in the Time Scale of Pay of Rs. 800-1150, from the post of Examiner Skilled in the Time Scale of pay of Rs. 950-1500 and imposing further punishment/warning on the applicant as well as the Order passed on behalf of the General Manager, Ordnance Factory, Kanpur, dated 18.3.1989, forfeiting the pay and allowances of the applicant for the period of suspension from 12.4.1988 to 7.12.1988 and holding that the said period of suspension would not count towards increment, leave and pension etc., as published vide Factory Order Part VII No. 1131 dated 18.3.1989, issued under the signature of the Deputy General Manager/Admin, Ordnance Factory, Kanpur, are liable to be quashed, with entitlement to the applicant ^{to} all benefits arising therefrom.

5- GROUND FOR RELIEFS WITH LEGAL PROVISIONS:

- (i) Because the applicant having been appointed in the Ordnance Factory, Kanpur, in the year 1982, no authority below the rank of D.G.O.F. could have initiated disciplinary proceedings or imposed any punishment on the applicant.
- (ii) Because under Rule 2(a), Rule 2(g), Rule 9, Rule 12 and Rule 13 and the



(contd.....19)

(19)

Schedule of the C.C.S. (C.C. & A.) Rules, 1965, the General Manager Ordnance Factory, Kanpur, was not competent to initiate disciplinary proceedings or to impose any punishment on the applicant.

- (iii) Because there was no material on the basis of which the charge could be framed against the applicant, in the manner in which the charge had been framed. *No preliminary enquiry was conducted before framing the charges.*
- (iv) Because the Enquiry Officer was biased and the findings were perverse.
- (v) Because there was no independent evidence whatsoever to prove the charges levelled against the applicant.
- (vi) Because in the absence of any corroborative evidence, the solitary testimony of the Foreman, Shri V.P. Sachdeva could not have been taken to impose any punishment on the applicant and to hold the applicant guilty of the charge.
- (vii) Because none of the persons, who were named by Shri V.P. Sachdeva as the eye-witnesses of the incident, *was* named as witnesses in the charge-sheet, appeared as witnesses to corroborate the charge, nor was any such person examined during the course of enquiry.

(20)

- (viii) Because there was no legal evidence to sustain the charge and the applicant could not be held guilty at all.
- (ix) Because the General Manager, Ordnance Factory, Kanpur, did not apply his mind and did not pass a Speaking Order, with reference to the evidence that had come during the course of enquiry *and the statements of the applicant.*
- (x) Because the enquiry was conducted with material irregularity.
- (xi) Because the appeal preferred by the applicant has not been properly considered and disposed off within reasonable time.
- (xii) Because the punishment order is bad on account of the fact that the applicant has been reduced to a post, which he never held.
- (xiii) Because the applicant has been subjected to double jeopardy, inasmuch as the General Manager had imposed multiple penalties on the applicant in the punishment order and further he had illegally and wrongfully forfeited the pay and allowance for the period of suspension, over and above the subsistence allowance paid and also held that the period of suspension would not count towards increment, leave and pension etc.

(contd....21)

(21)

6- DETAILS OF THE REMEDIES EXHAUSTED:

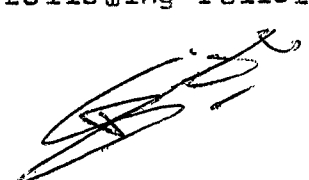
The applicant declares that he has availed of all the remedies available to him under the relevant Service Rules, etc., inasmuch as against the punishment order dated 13.12.1988 (Annexure A-1 in Compilation No. 1), the applicant had preferred an appeal dated 19/20-1-1989. Even though a period of more than six months has passed since the submission of the appeal, no orders have been passed on the appeal.

7- MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

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

8- RELIEFS SOUGHT:

In view of the facts mentioned in paras 4 and 5 above, the applicant prays for the following reliefs:



(contd.....22)

(22)

- (i) The Punishment Order No. 1210/Comp/VIG/IE/110 dated 13.12.1988 (Ann. A-1), issued by the General Manager, Ordnance Factory, Kanpur, imposing the penalty of reduction in rank to the post of Examiner Semi Skilled in the Time Scale of pay of Rs. 800-1150, from the date of the Order, from the post of Examiner Skilled in the Time-Scale of pay of Rs. 950-1500 and holding that the applicant shall not be automatically restored to the higher Grade until he is found fit by the Competent Authority and further warning ~~to~~ him in regard to his conduct and application ~~as~~ ^{to} duty etc., be quashed and thereby the applicant be ~~restored~~ to the post of Examiner Skilled, with all consequential benefits, including arrears of pay and allowances for the period of suspension, from 12.4.1988 to 7.12.1988 and counting of the said period of suspension towards increment, leave, pension etc.

The grounds for the relief and the legal provisions relied upon have already been given in paras 4 & 5 above.

9- INTERIM ORDER, IF ANY, PRAYED FOR.

None.

(contd....23)

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(23)

10- PARTICULARS OF BANK DRAFT IN RESPECT OF
APPLICATION FEE :

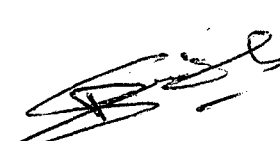
Demand Draft No. *ST/A 116 873428* Date *4-8-89*
of *the State Bank of India, Industrial Estate, Kanpur*

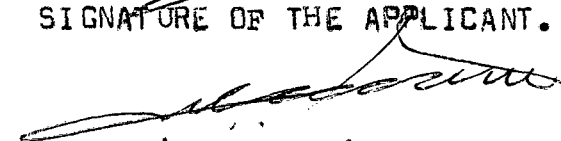
11- LIST OF ENCLOSURES :

A list of enclosures, being the documents
relied upon by the applicant, has been given in
the Index attached to this application.

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

I, Paresh Singh, S/O Shri R.N. Singh, aged
about 30 years, R/O 91/12, Vijay Nagar, Kanpur,
presently employed as Examiner Semi Skilled in the
Ordnance Factory, Kanpur, do verify that the contents
of paras 1, partly 2, partly 3, partly 4, partly 5,
6, 7, 8, 9, 10 and 11 are true to my personal knowledge
and paras partly 2, partly 3, partly 4 and partly 5
are believed to be true on legal advice and that I
have not suppressed any material fact.


SIGNATURE OF THE APPLICANT.


(N.K. NAIR)
Advocate.

N.K. Nair
ADVOCATE,
KANPUR.

DATE: *5-8-89*
PLACE : KANPUR.

(COMPILATION NO. 1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India and Others Respondents.

O R D E R

ANNEXURE A-1

NO. 1210/COMP/VIG/IE/110
Ordnance Factory, Kanpur.
Dated:- 13-12-88.

- Ref:- 1) Memo of chargesheet of even number dt. 28.4.88.
2) Order of even number dated 27.5.88 convening court of enquiry.

WHEREAS Shri Paresh Singh, T.NO. 56/QC(G), Examiner (S) was issued Memorandum under reference (1) above Under Rule-14 of the CCS(CC&A) Rules 1965 for the following charge:-

Gross misconduct in that on 11.4.88 at about 2.30 PM he hurled abuses and assaulted/slapped Shri V.P. Sachdeva, Foreman/QC(G) in front of other staff in his office. The above act on his part is in violation of Conduct Rules.

AND WHEREAS on receipt of his reply dated 5.5.88 thereto an Inquiry Authority was appointed vide order reference (2) above to investigate into the said charge levelled against Shri Paresh Singh, T.NO. 56/QC(G).

AND WHEREAS on careful consideration of the enquiry report submitted by the Enquiry Officer holding Shri Paresh Singh, T.No. 56/QC(G), Examiner (Skilled) GUILTY of the charge above, the undersigned agrees with the findings of the Enquiry Officer and holds that the said Shri Paresh Singh is GUILTY of the charge as concluded by the Enquiry Officer. A copy of the enquiry report is enclosed.

AND NOW, therefore, I the undersigned do hereby impose the penalty of Reduction in rank to the post of Examiner Semi-Skilled in the scale of pay of Rs. 800-1150/- on Shri Paresh Singh T.NO. 56/QC(G), Examiner (Skilled) from the date of this order. The individual shall not be automatically restored to the higher grade until he is found fit by the Competent Authority.

Shri Paresh Singh is also hereby warned to be more careful in his conduct and application to duty and any further lapse/breach on his part will be viewed as aggravated in view hereof rendering him liable to severe disciplinary action accordingly.

Sd/- (P U BHAVIKATTI)
GENERAL MANAGER.

To,
Shri Paresh Singh.
T.NO. 56/QC(G),
Examiner Skilled.
Encl :- As above (1 sheet)

Through:- Foreman/QC(G).

True Copy
N.K. Nair
ADVOCATE

A34

(25)

(COMPILATION NO. 1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

~~Case No.~~ Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India and Others Respondents.

ANNEXURE A-2

NO 1131

SUB:- I.E. - SUSPENSION PERIOD REGULARISATION OF.

Ref:- 1) F.O. Pt. II NO. 1443 dated 27.4.88.
2) F.O. Pt. II NO. 4795 dated 29.12.88.
3) F.O. Pt. II NO. 4794 dated 29.12.88.

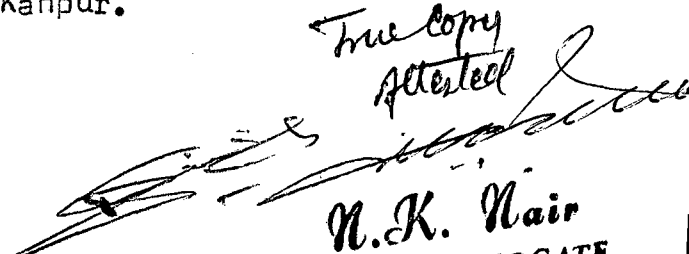
Consequent upon imposition of penalty of Reduction in rank to the post of Examiner Semi-Skilled on Shri Paresh Singh, T.NO. 12/QC(W) (Ex-T.NO.56/QC(G)) there will be no interruption in his service due to suspension from 12.4.88 (A/N) to 7.12.88 but it will not count towards his increment, leave and pension etc. He is also not entitled for any further pay and allowances beyond the subsistence allowance and other allowances already paid to him vide F.O. Pt. II NO. 1443 datd 27.4.88.

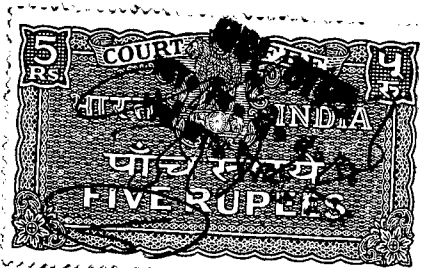
Sd/- (SMT. M SETH)
DGM/A

In the name & by the order of General Manager.

Copy forwarded for information and necessary action to:-

1. The Secretary, OFB)A/VIC, 10A, Auckland Road, Calcutta-700001.
2. The C of A (Fys.), 10A, Auckland Road, Calcutta.
3. The A C of Accounts (Fys.), Accounts Office/O.F.C.
4. The Sr. S.O.
5. The Foreman/L.B. ... (15 copies for proper endorsement in the service book of the individuals concerned)
6. The I/C. Main Gate.
7. The I/c. Cash Office.
8. The I/c. Pension Cell.
9. The I/c. E A F
10. The Labour Officer.
11. The Foreman/Estt.
12. The I/c. GMS.
13. The I/c. ~~XXXXXX~~ C S.
14. The I/c. Pay Bill.
15. The Secretary, OFCS Ltd. Kanpur.
16. The Foreman/Estate.
17. The Foreman/OFTI.
18. The Foreman/Stores.
19. The Foreman/Gun Barrel.
20. The Foreman/MM.
21. The Foreman/25 Pdr.
22. The Foreman/Q C N A.
23. The Foreman Q C (G).
24. The Foreman/N S M.

*True copy
attested*

N.K. Nair
ADVOCATE,
KANPUR.



A35

वकालतनामा

न्यायालय का नाम Central Administrative Tribunal Allahabad Bench.नाम फरीकन Pareesh Singh & Union of India & others

किस्म दावा

Pareesh Singh

उक्त मुकदमे में पैरवी करने के लिए मैं : हम

बातमब R. N. Singh

निवासी

91/12, VIJAYANagar
Kanpur

श्री युक्त

N. K. Nair Advocate & Co. S. P. Kumar & Co. Adv.

को अपना वकील नियुक्त करता हूँ/करते हैं। आपको अधिकार है कि आप मुकदमे में हमारी ओर से पैरवी व सवाल जबाब बहस करे व दस्तावेज व अन्य कागज उपस्थित करे व वापस लेवे। पंच नियुक्त करे पंचनामा व पंच निर्णय के विरोध में कारण उपस्थित करे सुलहनामा व स्वीकृत पत्र उपस्थित कर दावा स्वीकार करे या उठा लेवे। डिग्री हो जाने पर उसे कार्य रूख में परिणित करावे, डिग्री का इपया तत्सम्बन्धी व्यय या अन्य कोई धन जो हमें प्राप्त होने को हो प्राप्त करे, कोर्ट फीस स्टाम्प व अन्य खर्च दाखिल करें व वापसी लेवे व रसीद देवे व नकल लेवे। मिसिल निरीक्षण करें व मुर्कदगा स्थापित करावे व अर्जीदावा व लिखित बयान उपस्थित करे व अगील या अन्य कोई प्रार्थना पत्र उपस्थित करें या शपथ पत्र उपस्थित करे या हमारी ओर से मौखिक बयान दें। मुकदमे में गवाह तलब कराव या अपनी ओर से अन्य वकील नियुक्त करके मुकदमे की सब कार्यवाही करावे य उक्त मुकदमा सम्बन्धी जो आवश्यक कार्य हो करें।

नाम
वद सो
नाम न्यायालय

मैं/हम उक्त वकील साहब की उनकी फीस निश्चित करने के बाद उपरोक्त अधिकार देते हुए अपना वकील नियुक्त करता हूँ/करते हैं और इकरार करता हूँ कि जो कुछ कार्य वकील साहब इस मुकदमे के सम्बन्ध में करेंगे वह हमारा किया हुआ समझा जायगा और हम स्वीकार होगा।

हस्ताक्षर प्रार्थी

साक्षी

साक्षी

स्वीकृति वकील

तारीख 5/8/89

accepted
N.K. Nair
ADVOCATE.
KANPUR.

Accepted
[Signature]

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India & Others Respondents.

I N D E X

Sl. No.	Description of document relied upon.	Date of document	Annexure No.	Page s No s.
1.	True copy of the Suspension Order issued by the GM/OFC.	12.4.88	A-3	26
2.	True copy of the Memorandum of Charges dated 28.4.88, issued by the DGM/A/OFC.	28.4.88	A-4	27-28
3.	True copy of the reply dated 5.5.88.	5.5.88	A-5	29
4.	True copy of the Order dated 27.5.88 appointing Enquiry Officer, issued by the DGM/A/OFC	27.5.88	A-6	30
5.	True copy of the letter of of the applicant dated 15.4.88.	15.4.88	A-7	31
6.	True copy of the Representation of the applicant dated 10.5.1988.	10.5.88	A-8	32
7.	True copy of the written brief submitted on behalf of the applicant dated 29.8.88.	29.8.88	A-9	33-35
8.	True copy of the findings of the Enquiry Officer		A-10	36-37
9.	True copy of the Order revoking suspension of the applicant dated 6.12.88.	6.12.88	A-11	38
10.	True copy of the Show Cause Notice dt. 24.1.88 regarding suspension period.	24.1.89	A-12	39-40
11.	True copy of the reply of the applicant dated 4.2.1989.	4.2.89	A-13	41

PLACE : Kanpur

DATE : 5.8.89

(N. K. Nair)
Advocate
KANPUR.

(COMPILATION NO. 2)

A37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India and Others Respondents.

ANNEXURE A-3

ORDNANCE FACTORY, KANPUR

O R D E R

No : 1210/COMP/VIG

Dated: 12: 04: 1988

WHEREAS a disciplinary proceedings against Shri PARESH SINGH T. No. 56/QC(G), Examiner(S) is contemplated.

Now, therefore, the undersigned in exercise of the powers conferred by Sub.Rule (1) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules 1965, hereby places the said Shri PARESH SINGH, T.No. 56/QC(G) under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the head quarters of Shri PARESH SINGH shall be Kanpur and the said Shri PARESH SINGH shall not leave the head quarter without obtaining prior permission of the undersigned.

Orders regarding subsistence allowance admissible to him during the period of his suspension will issue separately.

Sd/- (P.U. BHAVIKATTI)
GENERAL MANAGER.

To

SHRI PARESH SINGH, T.No. 56/QC(G)
EXAMINER (SKILLED).

Thro: FM/Incharge QC (G)

Copy to:

- 1- The Foreman/Incharge QC(G)
- 2- The S.O./OFC.
- 3- The FM/LB
- 4-
- 5- The I/C-Main Gate.

Please collect attendance token and identity pass of the individual and deposit the same to S.O. for its safe custody.

Sd/-
(SMT. M. SETH)
DE. GENERAL MANAGER (A)
FOR GENERAL MANAGER.

*True Copy
attested*

N. Ch. Nair
ADVOCATE,
KANPUR.

Sd/-

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Paresh Singh Applicant.

Versus

Union of India and others Respondents.

ANNEXURE A-4

No. 1210/COMB/VIG/IE/110
Ordnance Factory, Kanpur
Dated:- 28-4-1988.

M E M O R A N D U M

The undersigned proposes to hold an inquiry against Sri PARESH SINGH, T.NO.56/QC(G), Examiner Skilled Under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III and IV).

2. Shri Paresh Singh is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

3. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri Paresh Singh is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rule 14 of the CCS(CCA) Rules, 1965 or the orders/directions issued in pursuance of the said rule, the inquiring authority may hold the inquiry against him ex-parte.

5. Attention of Sri Paresh Singh is invited to Rule 20 of the Central Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence or bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri Paresh Singh is aware of such a representation & that it has been made at his instance and action will be taken against him for violation of Rule 20 of the CCS (Conduct) Rules 1964.

5 a.) This issues under the instruction of the competent disciplinary authority.

6. The receipt of this memorandum may be acknowledged.

5d/- (SMT. M SETH)

REGISTERED A/D

DGM/A
In the name & by the order of GM.

To

Sri Paresh Singh,
T.No.56/QC(G), Examiner(S), Thro: Foreman/Incharge xxx
Quarter No. 91/12 Vijay Nagar, Kanpur.

(ANNEXURE-I)

Statement of Articles of charge framed against Sri Paresh Singh, T.NO. 56/QC(G), Examiner Skilled.

(ARTICLE - I)

That the said Sri Paresh Singh, T.NO. 56/QC(G) while functioning as Examiner Skilled during the period of his employment is charged with gross misconduct and assaulted/slapped Shri V P Sachdeva, Foreman/QC (G) in front of other staff in his office.

The above act on his part is in violation of Conduct Rules.

(ANNEXURE-II)

Statement of imputations of misconduct or misbehaviour in support of the article of charge framed against Sri Paresh Singh.

On 11.4.88 at about 8.30 AM Shri Paresh Singh, T.NO. 56/QC(G) ~~xxx~~ approached for attending a funeral of a relative. Shri Sachdeva told him that as per existing instruction of G.M. on duty gate pass is not permitted. After lunch at about 2.30 PM as a reaction of the gate pass, Shri Paresh Singh, T.NO. 56/QCG duly accompanied by Shri Tewari Examiner, T.NO. 57/QCG entered the office of Foreman/QCG and hurled abuses at Shri Sachdeva for not giving on duty gate pass to participate in the funeral of a relative. Shri Sachdeva kept complete restraint on this and pacified him. Suddenly Shri Paresh Singh slapped him (Sachdeva) and tried to manhandle him.

(ANNEXURE-III)

List of documents by which the ~~xx~~ articles of charge framed against Sri Paresh Singh are proposed to be sustained.

1. Report dated 11.4.88 from Shri V P Sachdeva, F/QCG

(copy enclosed)

(ANNEXURE-IV)

List of witnesses by whom the articles of charge framed against Sri Paresh Singh are proposed to be sustained.

1. Shri V P Sachdeva, Foreman/QC G.

Sd/- (SMT. M SETH)
DGM/A

In the name & by the order of G.M.

True Copy
Rustee

N.K. Nair
ADVOCATE.
KANPUR.

[Signature]

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India and Others Respondents.

ANNEXURE A-5

To

The General Manager,
Ordnance Factory,
KANPUR.

Through: Proper Channel.

Sub: Discipline.

Ref: OFC. Memorandum No. 1210/COMP/VIG/110

dt. 28.4.88.

Sir,

With due respect I beg to deny the charges contained in the Memorandum of Charges quoted under reference and desire to be heard in person.


In this connection it is further prayed that I shall submit my statement of Defence a.w. the names of witnesses after the prosecution is over

Hoping that an impartial court of inquiry will be ordered allowing me due opportunity of defence as provided under the rules of discipline submitted for your kind perusal Sir.

Yours faithfully,

Sd/-
(PARESH SINGH)
T.No. 56/QC (G)
O.F.C.

Dated: 5-8-1988.

*True Copy
Attested*

N.K. Nair
ADVOCATE
KANPUR.

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH.

Paresh Singh Applicant.

Versus

Union of India and others Respondents.

ANNEXURE A-6

O R D E R

NO. 1210/COMP/VIG/IE/110
Ordnance Factory, Kanpur.
Dated:- 27.5.88.

WHEREAS an enquiry Under Rule-14 of the CCS (CC&A) Rules 1965 is being held against Shri Paresh Singh, T.NO. 56/QC (G), Exam. Skilled (under suspension)

AND WHEREAS the undersigned considers that an Enquiry Officer should be appointed to enquire into the charge framed against him in chargesheet NO. 1210/COMP/VIG/IE/110 dated 28.4.88.

NOW, therefore, the undersigned in exercise of the powers conferred by Sub Rule (2) of the said rule, hereby appoints Shri Om Prakash, WM/Bomb as Enquiry Officer to enquire into the charge framed against the said Shri Paresh Singh, T.NO. 56/QC (G).

Sd/-
(SMT. M SETH)
DGM/A

In the name and by the order of General Manager

REGISTERED A/D

To,
Shri Paresh Singh,
T.NO. 56/QC(G) (Under Suspension),
Quarter NO. 91/12 Vijay Nagar,
Kanpur.

*True Copy
attested*
N.K. Nair
ADVOCATE,
KANPUR.

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Paresh Singh ... Applicant.

Versus

Union of India and others ... Respondents.

ANNEXURE A-7

To

The General Manager,
Ordnance Factory,
Kanpur.

Sub:- Request for the revocation of Suspension
Order.

Ref:- Your Order No. 1210/Comp/Vig dt. 12.4.88.

Respected Sir,

Most submissively I beg to state that I am surprised to receive your order under reference wherein you will find that I have been suspended under suspicion whereas I am totally innocent in my regular performance of duties.

Under the circumstances I would like to request your goodself to be kind enough to this poor and arrange to revoke the suspension order under suspicion immediately till the fact is impartially unknown to you.

The request is submitted for your kind consideration and sympathetic action please.

Thanking you,

Yours faithfully,

Sd/-
(PARESH SINGH)
T.No. 56/Q.C.(G)
Ordnance Factory, Kanpur.

Kanpur

Dt. 14-4-1988
15-4-88

*True Copy
Attested*
N.K. Nair
ADVOCATE,
KANPUR.

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
Allahabad Bench

Paresh Singh Applicant.

Versus

Union of India & Others. Respondents.

ANNEXURE A-8

To

The General Manager,
Ordnance Factory,
Kanpur.

Sub:- Request for the revocation of
Suspension Order.

Ref :- (i) Your Order No.1210/Comp/Vig
.. dt. 12.4.88.

(ii) My application dt. 14.4.88,
received at your end on 15.4.88.

Respected Sir,

With due respect I beg to state that on being innocent I was surprised to receive your order as per reference (i) above and requested to revoke the same as per reference (ii) which is under your kind consideration but the decision is still awaited.

In the meantime I received your Memorandum No. 1210/Com/Vig/IE#110 dt. 28-4-88 which is rather more surprising in the view of charging me on the basis of F/Q.C.G's report dt. 11-4-88 witnessed by himself.

Under the circumstances I would like to request your honour to kindly think over the matter impartially and arrange to revoke the suspension order under reference, providing with my National duty to me for the sake of justice please.

Thanking you.

... Yours faithfully,

Kanpur,
Dt. 10-5-88.

Sd/-
(Paresh Singh)
T.No. 56/Q.C.(G),
O.F.C.

True Copy
Attested
[Signature]
N.K. Nair
ADVOCATE,
KANPUR.

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

@ Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India and Others Respondents.

ANNEXURE A-9

To

The Enquiry Officer,
Shri Om Prakash,
WM/QC,
OFC.

Ref:- 1210/Comp/VIG/IE/110 dt. 28.4.88.
-----000-----

Sir,

I have the honour to submit following few lines, in connection with aforesaid memo, for your kind consideration and sympathetic action:-

2. That on 11.4.88 I along with few other industrial employees approached our Foreman for Gate-Pass to attend funeral of my relative. The Foreman Sri Sachdeva agreed to issue 'on-duty Gate-Pass' and advised to intimate AWM/QC(G) and seek his permission.

3. That I along with others even after repeated attempt could not meet AWM/QC(G) due to his non-availability. Since the time was passing all of us took 2 hrs short leave from Sri Sachdeva F/M and went to attend the funeral.



4. That at about 2:30 PM Sri Sachdeva F/M called me in his Office and explained that although I am liberal in these type of cases and allow people on 'On-duty Gate-Pass' but today due to non-availability of Divisional Officer I could not allow you and others and do not mind for the same.

5. That I did not agree to Sri Sachdeva's version and requested him that you should be impartial in General and should be frank enough in your decision on these matters of sentiments.

6. That on this he was silent and asked to get out from his office remarking that I have just called you to console and listen your preaching.

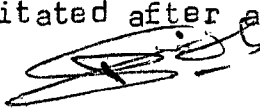
7. That the matter ended from this point but being aggrieved with my words of truth and reality Sri Sachdeva became revengeful and made false and fabricate complaint against me.

8. That none of the employee i.e. NGO/NIE or IE present on the spot have supported his allegation of slapping him.

9. That Sri A.B. Srivastava A/F (Now superannuated) Sri Nigam UDC did not appear in the Court. Sri M.L. Tewari who was on the spot has appeared and stated in the Enquiry that no such incident has taken place in his presence.

10. That Sri Sachdeva, being head of Section, is misutilizing his post to through this allegation on me but is unable to materialise any proof of such happening.

11. That I along with others IE's went out to attend funeral in morning. The reaction if any could have been in morning. Moreover the funerals are always sad and full of sorrows and no human being is agitated after attending the funeral.



12. That even in the morning foreman has not played any adverse role in granting 'on duty' Gate-Pass to me and others.

13. That Sri Sachdeva F/M, in his written complaint, has stated that Sri Prem Singh came to his office and stood mum/silent for about 4 minutes but in the enquiry he has stated that Sri Singh hurrelled abuses to him soon after entry in the room and shook his left shoulders with right hand in presence of A/F Srivastava, Tewari and Sri Nigam.

14. That Sri Sachdeva F/M has reported that Singh slept him twice and thrice and in between he console Sri Singh and Sri Singh also threatened him and he would have manhandled him but he averted. It is not understood as to why he could not avert before and how he could escape if Sri Singh in so much anger and no body recued him.

15. That in the circumstances it could be seen that the place, situation, evidences do not throw any light for happining of such an incident. It has also come-out in the Enquiry that only the complaint of Sri Sachdeva F/M is the evidence and nothing else.

In these circumstances it could be seen that Blame can not be apportioned on me in in any way as such the memo may kindly be cancelled/dropped.

Thanking you.

Yours faithfully,

Sd/-

(D.P. Tewari)
Defence Asstt.

to

Sri Paresh Singh
I. No. 56/QC (G)
OFC.

29/8/88.

*True copy
Attested*

N.K. Nair
ADVOCATE,
KANPUR.

[Signature]

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India and others Respondents.

ANNEXURE A-10

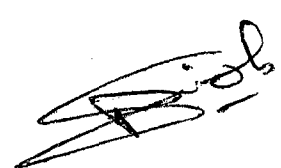
FINDING OF THE COURT OF ENQUIRY

In pursuant to GM's Order No. 1210/COMP/VIG/IE/110 OFC dt. 27.5.88 a court of Enquiry was conducted against Shri Paresh Singh, T.No. 56/QC(G) as per memorandum of even No. dt. 28.4.1988, and the findings are as under:-

1. That Shri Paresh Singh, T.No. 56/QC(G) Examiner, Shri R.L. Singh, T.No. 02/QC(G), Examiner and Shri K.M. Tiwari, T.No. 57/QC(G) approached Foreman/DC(G) along with Shri P.N. Kapoor, C/M-1/QC(G) in connection with on-duty gate pass at about 8.30 A.M. on 11.4.88 to attend a funeral procession of a relative. But Foreman/QC(G) expressed his inability to permit for on-duty gate pass on such private matters without the approval of his Divisional Officer. Accordingly the individuals made a frantic search of Shri P.K. Dwivedi, AWM/QC(G) inside the factory, but he could not be traced out. Thus ultimately they (T.No. 56 & 57/QC(G)) again approached Foreman/QC(G) at about (10.30 A.M.) for granting them short leave and they were given short leave for one hour.

However, after lunch at about 2.30 P.M. Shri Paresh Singh, entered in the office of Foreman/QC(G), along with Shri K.M. Tiwari and used filthy and abusive language against Foreman QC(G) for not giving him on-duty gate pass in the morning. Though the Foreman/QC(G) tried to pacify him, Shri Paresh Singh was so furious that he suddenly slapped him twice and thrice, though in the presence of Shri A.B. Srivastava, AF/QC(G) who was sitting there as silent spectator, but he simply denied any such happenings.

Further the statement of Shri K.M. Tiwari does not throw any light on the incident, as if he is not aware of anything and trying to hide/suppress the information - intentionally, so his evidence as a defence witness can be kept a-side.



Now the statement of Shri Paresh Singh, T. No. 56/QC(G) that he approached F/QC(G) at 8.30 A.M. for Short Leave to attend the funeral of his relative and the same was granted to him & later on after lunch when he was just passing by the Office of Mr. Sachdev, F/QC(G) he called to sympathize him that on such occasions normally on duty gate passes are issued, but due to restriction on gate passes, this could not be made possible and on the other hand, he F/QC(G) suddenly turned wilent and started behaving arrogantly are quite contradictory and not at all, convincing.

And the fact that he entered in the office of the F/QC(G) with the intention of humiliating him and indulged in threatening and manhandling, is also derived from para 5 & 6 of brief submitted by Shri D.P. Tiwari which states that when Shri Paresh Singh objected to Shri Sachdev's partiality shown to him on the issue of giving gate passes on such sentimental matters, on this he turned wilent and asked him to get out of his office. But this was already argued a lot in the morning itself and the individual had to avail short leave when he could not succeed in securing get pass from F/QC(G) and as a revenge he resorted to humiliation of Shri V.P. Sachdev at about 2.30 P.M. in his office.

CONCLUSION

On the basis of the above findings, the charges are said to be established against the individual Shri Paresh Singh, T. No. 56/QC(G), Ex.

Sd/-
(OM PRAKASH)
7/11/88
WORKS MANAGER
ENQUIRY OFFICER.

True Copy
Attested
N.K. Nair
ADVOCATE.
KANPUR.

(COMPILATION No. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD BENCH.

Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India and others Respondents.

ANNEXURE A-11ORDNANCE FACTORY, KANPURO R D E R.

No. 1210/COMP/VIG/IE/110

Date: 6:12:88

WHEREAS an order placing Shri Paresh Singh, T.No. 56/QC(G) under suspension was made on 12.4.88 (A/N).

Now, therefore, the undersigned in exercise of the powers conferred by clause (c) of Sub.Rule 5 of Rule 10 of the CCS(CC&A) Rules 1965 hereby revokes the said order of suspension with immediate effect.

This revocation is without prejudice to the outcome of the disciplinary proceedings pending against him.

Sd/-
(P U BHAVIKATTI)
GENERAL MANAGER

REGD. A/D:

To

Shri Paresh Singh, T.NO. 56/QCG - You are directed to report
Examiner Skilled. for duty immediately on
Quarter NO. 81/12 Vijay Nagar, receipt of this Order.
Kanpur.

Copy to:-

1. The Foreman/Incharge QC(G) The date of resumption of duty by the individual may please be intimated to Vigilance Section.
2. The S.O./DFC
3. The Foreman/LB
4. The Incharge % Pay Bills
5. The Incharge/Main Gate.

Sd/- (SMT. M SETH)
DGM/A
for General Manager.

*True copy
Attested*
N.K. Nair
ADVOCATE.
KANPUR.

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India and others Respondents.

ANNEXURE A-12

No : 1210/COMP/VIG/IE/110
ORDNANCE FACTORY, KANPUR
DATED: 24.01.1989.

SHOW CAUSE NOTICE

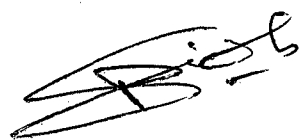
Disciplinary action under Rule 14 of CCS(CCA) Rules, 1965 was initiated against Shri Paresh Singh while functioning as Examiner at OFC factory vide Memorandum No 1210/COMP/VIG/IE/110 dated 28.4.88.

02. The said proceedings have been finalised by the imposition of the penalty of Reduction in rank to the post of Examiner Semi-Skilled, T.No. 12/QC(W) vide GM order No: 1210/COMP/VIG/IE/110 dated 13.12.88.

03. In connection with the said proceedings the said Shri Paresh Singh. T.NO. 12/QC(W) was placed under suspension w.e.f. 12.4.88 (A/N) to 7.12.88.

04. In the nature of the charges levelled against Shri Paresh Singh which have been held proved by the Disciplinary Authority and for which the said penalty has been duly imposed, it is considered by GM that the said suspension of the said Shri Paresh Singh was justified.

05. In view of the foregoing consideration that the said suspension was justified, it is proposed that Shri Paresh Singh T.NO. 12/QC(W) should be allowed only such pay and allowances as has been admitted to him during the said period of suspension & that the said period shall not be treated as periods spent on duty.



-2-

06. Shri Paresh Singh is hereby given an opportunity to making representation on this proposal on the basis of the facts and circumstances relating to the subject proceedings. Any representation which he wishes to make on the proposal will be considered by G.M. Such representation, if any, should be made in writing and submitted so as to reach the GM not later than 15 days from the date of receipt hereof by Shri Paresh Singh, T. NO. 12/QC(Q).

07. Receipt of this Memorandum should be acknowledged.

Sd/-

(SMT. M SETH)
DGM/A

In the name & by the order of General Manager.

To

Shri Paresh Singh, Ex.-T.NO. 56/QC(G).
Now. T.NO. 12/QC(W), Thro: Foreman/Incharge AC(W).

*True Copy
Attest*
N.K. Nair
ADVOCATE,
KANPUR.

AS2

(40) (41)
(41)

(COMPILATION NO. 2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Registration No. of 1989.

Paresh Singh Applicant.

Versus

Union of India & Others Respondents.

ANNEXURE A-13

To

The General Manager
Ordnance Factory
KANPUR

Through' Proper Channel

Ref:- Show Cause Notice No. 1210/COMP/VIG/IE/110
dt 24.1.89.

Sir,

With reference to above show cause notice I submit
as under:-

2. That my suspension from 12.4.88 to 7.12.88 is not
justified since my presence in the factory was in No case
danger to the Estate in any way. There was no chance of
Mass reaction also.

3. That as per the latest Judgment of Supreme Court
of India my pay and allowances during the period from
12.4.88 to 7.12.88 may please be hiked accordingly.

4. That as regards Imposition of Penalty ordered vide
GM OFC Order No. 1210/COMP/VIG/IE/110 dt 13.12.88 my appeal
dt 19th Jan 89 addressed to Chairman, Ordnance Factory
Board stands.

Submitted for your kind consideration please.

Thanking you.

Yours faithfully,

Dated 04.2.1989.

Sd/- (PARESH SINGH)
T/No 12 QC(W)
Ex T/No 56 QC(G)
OFC

*True Copy
Attested*
N.K. Nair
ADVOCATE,
KANPUR.

DS3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

.....

CIVIL MISC. APPLICATION NO. _____/1991

ON BEHALF OF RESPONDENTS

IN

ORIGINAL APPLICATION NO .697 of 1989

Paresh Singh

.applicant

versus

Union of India & others.

respondents.

TO

That Hon'ble The Vice Chairman and His
Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed

MOST RESPECTIFULLY SHOWETH :

- 1- That the aforesaid case relates to the
punishment order out of disciplinary proceedings,
which was enunciated in view of provisions of the
Central Civil Services (Classification, Control &
Appeal) Rules, 1965, hereinafter referred to as Rules.

Received copy
MS Singh
27/9/91

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2- That after the judgment delivered by the Hon'ble Supreme Court in the case of Union of India vs. Mohd. Ramzan Khan (AIR-1988-SC-471) where the Hon'ble Bench has laid down the preposition that it is incumbent on the authorities to furnish the enquiry report before imposing the penalty as it attracts the principles of Natural Justice.

3- That in view of facts and circumstances stated in the accompanying Supplementary Affidavit the amendment application moved by the petitioner is liable to be rejected.

P_R_A_Y_E_R_

WHEREFORE, this Hon'ble Tribunal may graciously be pleased to reject the amendment application moved by the petitioner, otherwise respondents would suffer irreparable loss.

Dt-/ 30/9/91


(K.C.SINHA)
ADDL. STANDING COUNSEL
CENTRAL GOVT.
COUNSEL FOR THE RESPONDENTS.

1991
AFFIDAVIT
42/187
HIGH COURT
ALLAHABAD

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S.O. 5

Keep on record

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30/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADLAHABAD BENCH

....

SUPPLEMENTARY AFFIDAVIT
ON BEHALF OF RESPONDENTS

IN

O.A. NO. 697 of 1989

Faresh Singh.

.applicant

Versus

Union of India & others.

.respondents.

Affidavit of shri A.K. NAYAK

aged about 29 years, s/o Satya Narayan

Nayak posted as Works Manager / Admin.

Ordinance Factory, Kanpur.

(Deponent).

I, the deponent abovenamed do hereby

solemnly affirm and state on oath as under :

- 1- That the deponent is Works Manager / Admin.
in Ordinance Factory Kanpur and has been deputed to
file this supplementary affidavit on behalf of the



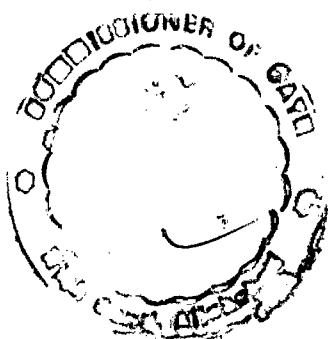

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respondents and is well acquainted with the facts
deposed to below.

2- That the deponent has gone through the
Amendment application filed by the petitioner and
he has understood the contents therein fully and
is in a position to reply the same.

3- That in reply to contents of paragraphs
1 and 2 of the Amendment Application, it is submitted
that ~~xxxxxx~~ based on the constitutional require-
ments laid down in Article 311(2) of the Constitution
of India and the provisions of Rules 15 and 17 of the
Central Civil Services(Classification, Control & Appeal
Rules,1965,hereinafter referred to as Rules,1965 ,
and rulings of the Various benches of ths Hon'ble
Tribunal and various Courts, it has been decided by
Government of India,Department of Personnel & Training,
New Delhi vide Office memorandum dated 26th June 1989
that the Disciplinary Authority,if it is different
from the Inquiring Authority, shall before making a
final order in the case,forward a copy of the enquiry



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3.

report to the Government servant concerned. A photo copy of Office Memorandum dated 26.6.89 is enclosed herewith and marked as Annexure SA-1 to this affidavit.

While issuing the above instructions, it has been laid down in the aforesaid instructions that these will operate prespectively from the date of issue, i.e. 26th June 1989 and accordingly will apply only in case where the disciplinary authority is yet to pass orders. It has been categorically laid down that the past cases need not be re-opened for consideration and these instructions will be reviewed after the final decision of the Hon'ble Supreme Court in the case of Prem Nath K. ~~Sax~~ Sharma and E.Bashyam. Keeping in view of the above instruction it is further submitted that the disciplinary case in respect of the applicant was concluded much earlier from the date of issue of these instructions and even final orders were passed by the Disciplinary Authority and as such it is not necessary to supply/forward copy of findings/report of the Inquiry Officer to the Government servant before final orders are passed



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4.

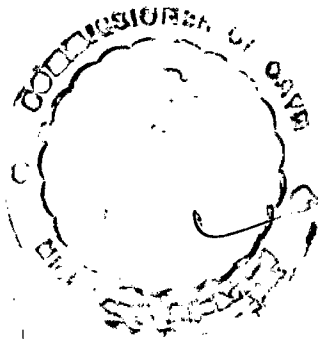
by the Disciplinary Authority. However, it is further submitted that copy of proceedings on day to day basis were invariably handed over to the Government ^Servant by the Inquiry Officer immediately after the sittings of the Court of Inquiry were over.

##

4- That it is further submitted that against the judgment of Full Bench of this Hon'ble Tribunal in the case of Prem Nath Sharma vs. Union of India, the department has filed Special Leave Petition before the Hon'ble Supreme Court, which has been admitted for hearing and stay order has been granted by the Hon'ble Court against its operation.

5- That ⁱⁿ ~~perusal of~~ the decision of Hon'ble Supreme Court in Union of India vs. Mohd. Ramzan Khan (AIR-1988-SC-471) it has been held that since the disciplinary proceeding is a quasi-judicial proceeding and as such the delinquent employee has got right to get copy of the inquiry report before imposing penalty. The Hon'ble Supreme Court has observed that :

"We have not been shown any decision of a coordinate or a larger bench taking this view, therefore, the conclusion to the



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5.

contrary reached by any two judge bench in this Court will also no longer taken to be laying down good law. But this shall have prospective application and no punishment imposed shall be opened to challenge on this ground".

The said dedision was delivered by Three Hon'ble Judges of the Hon'ble Supreme Court . It appears that before the Hon'ble Supreme Court, the judgment delivered by the Supreme Court, reported in ~~1988-SC-1338~~ 1988-SC-1338 by Three Hon'ble Judges in the case of Shri K.C.Ashthana vs. State of U.P. has not been brought to the knowledge of the said Court, where the Hon'ble Judges have specifically stated that copy of the report of the enquiry proceedings before ~~the~~ imposing punishment is immaterial.



6- That the Hon'ble Supreme Court has laid down in the case ~~reported in~~ of Punjab Land Development And Reclamation Corporations Ltd., Chandigarh vs. Presiding Officer, Labour Court, Chandigarh & others that in case the subsequent bench has not taken notice of the earlier bench which is contrary, the judgment delivered subsequently shall be a judgment

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6.

in Per Incuriam. A decision is said to have been given in Per Incuriam when a Court has acted in ignorance of a previous decision of its own or of a court of coordinate jurisdiction.

7- That in view of facts and circumstances stated above, when the judgment of K.C. Ashthana vs. State of U.P. has not been brought to the knowledge of the Hon'ble Supreme Court and as such the judgment in the case of Union of India vs. Mohd. Ramzan Khan is a judgment in per incuriam.

8- That moreover, the said judgment has specifically stated that it will have its prospective effect and not retrospective and as such the cases, which have already been decided ~~xx~~ at disciplinary stage will not be reopened as the judgment itself says that the law laid down by the Hon'ble Supreme Court shall not have its effect in those cases.

9- That in view of facts and circumstances stated above, the amendment application has got no




7.

merit and is liable to be rejected.

That the contents of paragraphs 1
and 2 of this supplementary affidavit are
true to my personal knowledge; those
of paragraphs 3 are based on perusal
of records and those of paragraphs
4, 5, 6, 7, 8, and 9 are based on
legal advice, which all I believe to
be true. No part of this affidavit
is false and nothing material has been
concealed in it.

SO HELP ME GOD.

[Handwritten signature]



[Handwritten signature]

(DEPONENT)

AGV

(8)

I.D.S. Chaubey, clerk to Shri Kc Sinha

Advocate declare that the person making this affidavit and alleging himself to be the deponent is known to me personally.


IDENTIFIER

S Solemnly affirmed before me on this 22nd day of Sept. 1991 at 10:30 am/pm by the deponent, who is identified by aforesaid.

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





OATH COMMISSIONER.

OATH COMMISSIONER	
42/1856	
Date	22/9/91

(9)

Annexure No. SA-1

/COPY/

A03

No.11012/13/85-Estt.(A)
Government of India
Department of Personnel & Training

North Block, New Delhi-110001
Dated, the 26 June, 1989.

OFFICE MEMORANDUM

Subject:- Rule 15 of CCS (CCA) Rules, 1965. Supply of copy of inquiry report to the accused Government servant before final orders are passed by the disciplinary authority.

The undersigned is directed to state that the issue as to whether in cases, where the disciplinary authority itself is not the inquiry officer, a copy of the inquiry report should be furnished to the accused Government servant to enable him to make his submissions, if any, before the disciplinary authority in regard to the findings of the report, before such authority passes its final orders, has been examined. The constitutional requirements laid down in Article 311(2) of the Constitution of India, and the provisions of Rule 15 and 17 of the CCS (CCA) Rules, 1965 and rulings of the various benches of the Central Administrative Tribunal and of various courts on the matter have been kept in view.

2. The full bench of the Central Administrative Tribunal in the case of Prem Nath Sharma Vs. Union of India (represented by Ministry of Railways) have held that to fulfil the constitutional requirement of affording a reasonable opportunity it is necessary that in all cases where the disciplinary authority is itself not the inquiry authority, a copy of the inquiry report shall be furnished to the accused Government servant to enable him to make his submissions in regard to the findings of the inquiry, before the disciplinary authority passes its order imposing the penalty. While giving its verdict, the full bench had taken into account rulings of the various courts pronounced earlier on this issue. Although the special leave petition filed by the Ministry of Railways against the aforesaid judgement has been admitted for hearing and a stay order has been granted by the Supreme Court against its operation, the various benches of the Tribunal continue to follow the ratio laid down by the full bench. The special leave petitions filed by the concerned Ministries and Departments in some of the subsequent cases have not been admitted by the Supreme Court. In another similar case of E. Bashyam Vs. Department of Atomic Energy, in the special leave petition filed by the Department against the judgement of the CAT, the Supreme Court has expressed its view in favour of the principle laid down by the Tribunal, but directed that the matter be referred to the larger bench of the court.

[Signature]

...2/-

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SL (76)
on file

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

.....

CIVIL MISC. APPLICATION NO. _____ OF 1989

ON BEHALF OF

UNION OF INDIA & OTHERS.

.APPLICANTS/
RESPONDENTS.

IN

O.A. NO. 697 of 1989

Paresh Singh.

.Applicant

Versus

Union of India & others.

. Respondents.

To

The Hon'ble ~~The~~ Vice Chairman and His
Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed
MOST RESPECTFULLY STATES AS UNDER :

- 1- That in view of facts and circumstances
stated in the accompanying counter affidavit, it

12


2.

would be in the interest of justice that this Hon'ble Tribunal may be pleased to reject the relief as prayed by the petitioner, otherwise respondents would suffer irreparable loss.

P_R_A_Y_E_R

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to reject the relief as prayed by the petitioner, otherwise respondents would suffer irreparable loss.

Dt/-January 15, 1990.


(K.C. SINHA)
ADDL. STANDING COUNSEL
CENTRAL GOVT.
COUNSEL FOR THE RESPONDENTS.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

.....

COUNTER AFFIDAVIT

ON BEHALF OF RESPONDENTS

IN

O.A. NO. 697 of 1989

Paresh Singh.

.Applicant

Versus

Union of India & others.

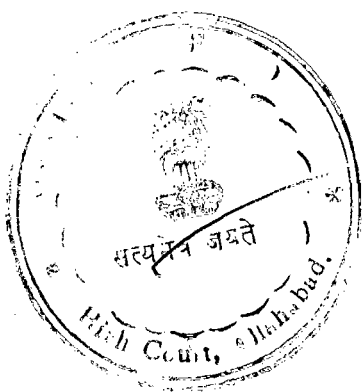
.Respondent

Affidavit of SURESH K. KULS

aged about 57 years, s/o L. J.

posted as WORKS MANAGER

(Deponent)



I, the deponent ~~above~~ named do hereby
solemnly affirm and state on oath as under

1-

That the deponent is WORKS MANAGER

IN ORDNANCE FACTORY KANPUR and has been

2.

to file this counter affidavit on behalf of respondents and is well conversant with the facts deposed to below.

2- That the deponent has read the petition and has understood the contents therein and is in a position to reply the same.

3- That the contents of paragraphs 1,2 and 3 of the petition need no comment being matter of record.

4- That the contents of paragraphs 4(1) and 4(2) of the petition need no comments.

5- That the contents of paragraphs 4(3) and 4(4) of the petition are not correct and as such are denied. It is further submitted that the petitioner has not only distorted and cooked up the facts, He has suppressed the material information. The facts of the case are that on 11th April 1988, the petitioner approached the Foreman of HIS Section in the



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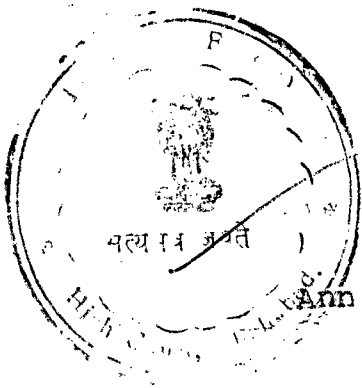
3.

forenoon with the request to permit him to go out on DUTY PASS to attend some funeral. Shri V.P. Sachdev, Foreman told him to seek approval of the Divisional Officer. Having failed to locate the Divisional Officer, the petitioner applied for short leave, which was duly sanctioned. On the same day in the afternoon at about 14.30 hours, the petitioner alongwith Shri Tewari entered the office of Shri V.P. Sachdev, Foreman and started hurlling abuses at Shri Sachdev, manhandled him and slapped him twice on his face. In this connection, the report submitted by Shri Sachdev, Foreman is enclosed herewith and marked as Annexure I to this affidavit. It is also

Ann I.

mentioned in this connection that the petitioner himself has agreed about asking of on Duty Pass, in his statement before the departmental enquiry. A copy of petitioner's statement at the time of departmental enquiry is enclosed herewith and marked as Annexure-2 to this affidavit. No false allegations have been made against the petitioner by the Foreman Shri V.P. Sachdev.

Ann 2.



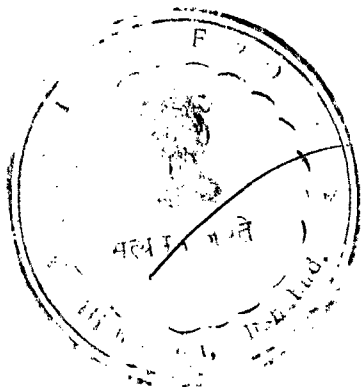
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4.

6- That the contents of paragraph 4(5) of the petition need no comment being matters of record.

7- That in reply to the contents of paragraph 4(6) of the petition, it is stated that Memorandum ~~dated~~ No.1210/Comp/Vig/IE/110 was issued to the petitioner under the signature of Deputy General Manager(A) who signed it for and in the name of General Manager, Ordnance Factory, Kanpur. It may be mentioned that the General Manager has authorised the Deputy General Manager(A) to sign all such documents on his behalf. The rest of the contents in para under reply are matter of record and no comment is needed. However, it is mentioned that it is upto the Disciplinary Authority to include any person as witness against the delinquent government servant. It was not considered necessary to include any other person as witness in this case except Shri V.P. Sachdev, Foreman.

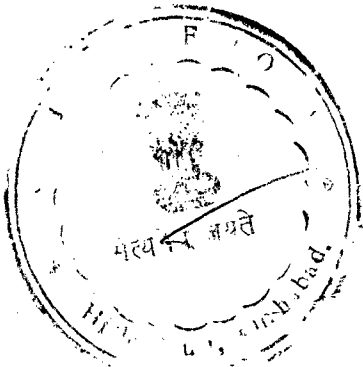
8- That the contents of paragraph 4(7) of the petition need no comment.



5.

9- That the contents of paragraphs 4(8), 4(9) and 4(10) of the petition are not correct and as such are denied. It is submitted that it is not necessary to appoint a fact-finding enquiry before framing the charges against an individual if the Disciplinary Authority is satisfied that a prima facie case against the individual exists. In the present case, the Disciplinary Authority was satisfied after going through the report submitted by Shri V.P. Sachdev, Foreman and the report submitted by Shri K.K. Bhagwati, Deputy General Manager(A). A copy of the report submitted by Shri K.K. Bhagwati, Deputy General Manager(ac) is enclosed herewith and marked as Annexure-3 to this affidavit. The allegations against the petitioner was not fabricated and false. The witness mentioned on the report of Shri Sachdev, it appears got scared after witnessing the incident in the office of the Foreman Shri V.P. Sachdev and refused to come to testify against the petitioner for fear/treated in the same manner as Shri V.P. Sachdev. It is a fact that Shri Om Prakash, Works Manager was appointed as an enquiry officer to

Ann-3.



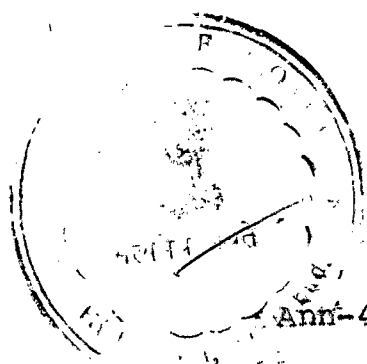
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conduct the departmental enquiry under the provisions of Central Civil Services (Classification, Control & Appeal) Rules, 1965, which was necessitated on account of the fact that the petitioner has denied the charges framed against him in reply to the memo of charge sheet. A preliminary fact finding enquiry is conducted only before initiating action under the Rules, 1965 and not afterwards.

10- That the contents of paragraph 4(11) of the petition are incorrect and based on the false motions and as such are denied. The General Manager has now been empowered with full authority to act as Disciplinary Authority w.e.f. 2nd January 1987 in case of all group 'C' and Group 'D' employees except group 'C' selection grades. The order authorising General Manager as Disciplinary Authority is enclosed herewith and marked as Annexure-4 to this affidavit.

11- That in reply to the contents of paragraphs 4(12) and 4(13) of the petition, it is



Ann-4.

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submitted that since the petitioner was undergoing the process of departmental enquiry, his suspension could not have been revoked.

12- That the contents of paragraphs 4(14) and 4(15) of the petition have already been replied in foregoing paras, hence need not be repeated here again.

13- That in reply to the contents of paragraph 4(16) of the petition, it is submitted that during the course of enquiry, the petitioner had produced his own defence/defence witness. Hence it was not obligatory on the part of the Enquiry Officer to show him the brief of presenting officer, because it was the petitioner who had to give his brief first followed by the Presenting Officer.

14- That the contents of paragraph 4(17) of the petition are not correct and as such are denied. It is not obligatory on the part of the Enquiry Officer to ask any question from the accused government servant if he is producing the



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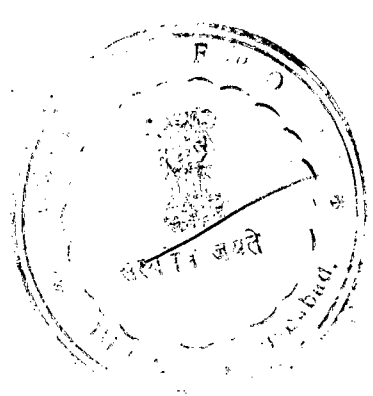
defence witnesses.

15- That the contents of paragraph 4(18) of the petition are not correct as stated. It is submitted that Shri K.M. Tewari, being his defence witness, would naturally support the petitioner only.

16- That the contents of paragraph 4(19) of the petition need no comment being matter of record.

17- That the contents of paragraph 4(20) of the petition are not correct and as such are denied. It is further submitted that as the circumstantial evidences and examination of Enquiry Officer proved the charges levelled against the petitioner, Shri K.M. Tewari, colleague of the petitioner tried his best to defend his colleague.

18- That in reply to the contents of paragraph 4(21) of the petition, it is submitted that the petitioner was given penalty of reduction in

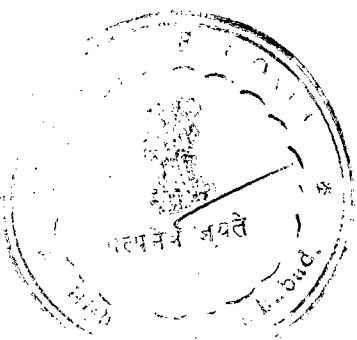


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rank to the post of Examiner-semi skilled in the scale of Rs.800-1150/- from the post of Examiner skilled in the scale of Rs.950-1500/- holding the petitioner guilty. It is also admitted that the petitioner shall not automatically restore higher promotion until he will be found fit by the competent authority. The General Manager is the competent authority to take the disciplinary action, and as such the punishment order is valid and relevant to the facts of the case.

19- That in reply to the contents of paragraph 4(22) of the petition, it is submitted that under Rule 11(17) of the Rules, 1965, it is clearly mentioned that a government servant can be reduced to a lower post in another cadre to which he was not initially recruited.



20- That in reply to the contents of paragraph 4(23) of the petition, it is submitted that suspension was revoked vide order dated 20 December, 1988 and the petitioner join duty immediately.


10.

21- That in reply to the contents of paragraph 4(24) of the petition, it is submitted that appeal of the petitioner was sent to the appellate authority, i.e. the Ordnance Factory Board, Calcutta for consideration alongwith departmental proceeding file. The decision of the appellate authority is still awaited.

22- That the contents of paragraph 4(25) of the petition need no comment.

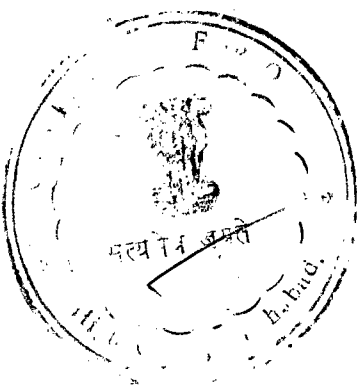
23- That in reply to the contents of paragraph 4(26) of the petition, it is submitted that the General Manager, Ordnance Factory, Kanpur imposed the penalty after examining the case properly. The penalty imposed is correct and under the law. Since the charges levelled were established upon the petitioner, hence payment beyond subsistence were not permitted to the petitioner. Allegations to the contrary are wrong and denied.




24- That the contents of paragraph 4(27) of the petition are not correct and as such are

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denied. It is further submitted that the punishment is given as per statutory rule and it was passed after due examination and consideration of evidences and records by the Disciplinary Authority. It is further submitted that the petitioner is a defence personnel and receiving pay and allowances from the defence estimates as he is working under the control of Ministry of Defence. The petition has been filed and the order of punishment has been challenged stating therein that various provisions of the Central Civil Services(Classification, Control & Appeal) Rules 1965 have not been followed. In view of Law of the Land under Article 141 of the Constitution of India, the provisions of the Central Civil Services(Classification, Control & Appeal) Rules, 1965 shall not be applicable in the case of employees who are receiving salary from the Defence estimates.



25- That in reply to the contents of paragraph 5 of the petition, it is submitted that in view of facts and circumstances stated above

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none of the grounds taken by the petitioner are sustainable in the eye of law. Moreover, the petition is devoid of merit and is liable to be dismissed.

26- That the contents of paragraphs 6 and 7 of the petition need no comments.

27- That in reply to contents of paragraph 8 of the petition, it is submitted that in view of facts and circumstances stated above, the petitioner has failed to make out a case for interference by this Hon'ble Tribunal and as such the question of granting ^{any} relief, as prayed in paragraph under reply, does not arise.

28- That the contents of paragraphs 9, 10 and 11 of the petition need no comments.

That the contents of paragraphs 1 and 2 of this affidavit are true to my personal knowledge; those of paras 3 to 23, 26 and 28 are based on records/informations and those of paras 24, 25, 27 are based on legal advice, which all I believe to




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13.

be true. No part of it is false and nothing material has been concealed in it.

SO HELP ME GOD.

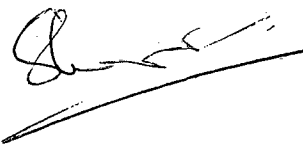

DEPONENT.

I, D.S. Chaubey, clerk to Shri KC Sinha
Addl. Standing Counsel, Central Government
declare that the person making this affidavit
and alleging himself to be the deponent is
known to me personally.


IDENTIFIER.

Solemnly affirmed before me on this 15th day
of January 1990 at 11:00 am/pm by the deponent, who
is identified by aforesaid.

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






OATH COMMISSIONER
Allahabad


OATH COMMISSIONER.

14.1.90

The General Manager

Ord. Fy. Kanpur.

Thru. Addl. G.M. DGM/oc AWM/oc

Snb- Manhandling & Misbehaving with
Head of Section by an I.E.

at 2-30 Pm. on 11. 4. 88.

Sir,

At about 8-30 to - day S/Sh. R. L. Singh

Sh. Tewari

Examiner T. No. 02/OC(G), Examiner 57/OC(G) and

Sh. Parsh Singh Examiner T. No. — 56/OC(G) approached

me along with Sh. P. N. Kapur Chairman - I/OC(G) for
an "On duty Gate Pass" to participate in
funeral of a relative. I told them that

as per existing instructions of G.M., On duty
Gate pass is not permitted. However, I

told them that please inform AWM/OC(O)
(Sh. P. K. Dwivedi) ^{first} and take his approval
for giving "On duty Gate Pass"; then

I will sign Gate Pass for "on duty"

immediately taking a sympathetic
view of your case. ^{Thereafter} The above fellows

made a frantic search of Shri P. K.

Dwivedi (AWM/OC(O)) inside the factory

but he was not made available
to them. At about 10-30 Am. T. No. 56/OC

Contd - 2

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when this complete incident of
manhandling happened, Sh. A.B. Srivastava

ASSH. Foreman/AC(G) was present and
sitting in front of me on the chair.

Sh. R.L. Nigam UDC/AC(G) also came
for a while outside my office when the
incident happened and went away.

At about 2-40 hr. I left my
Office and came to DGM/AC(S) office
(Shri K.K. Bhagati) and waited for him
to arrive. Then I narrated him
the whole incident in short and
requested him to help in my
case, being a Head of Section.

Submitted for suitable action, as
deemed necessary to be initiated in
this regard, keeping in view the
dignity of post and disgrace/dishonour
meted out to the undersigned
while discharging normal duties
as Foreman of the Section and
executing the policy of the
management in streamlining
the Section administration
and maintaining discipline.

Submitted for order please

Yours faithfully
(V.P. Sachdev)

Foreman/AC(G) (V.P. Sachdev)

11141X8

Obd 11.4.1988



Statement of Sh. Parsh Singh.

T.M.O. 56/00 (वि.)

Amr-2

दिनांक 11-8-20 को प्रातः 12 बजे मैं अपने स्वयंसेवक
हार्दय श्री पी. यम कपूर जी को साथ में लेकर श्री सचदेवा
जी के ऑफिस में अपने रिश्तेदार के अन्तिम संस्कार
में सम्मिलित होने हेतु 'शाहि जीव' गेट पास हेतु
गया, गेट पास प्राप्त होने पर मैं चला गया। दोपहर लगभग
12 बजे सचदेवा जी के ऑफिस के पीछे जहाँ पर कि पेशाब
करने का जगह बना हुआ है मैं पेशाब करने जा रहा था
कि सचदेवा जी ने मुझे सड़क पर रोका और बोले तुम
मेरे ऑफिस में आकर मुझसे ~~किसी~~ मिलो मैं इनके
साथ में ही ऑफिस गया जहाँ पर सचदेवा जी बोले
ऐसे अवसर पर सभी को आन इयूरी गेट पास देना
आया है परन्तु तुम्हें नहीं दे सका इसका मुझे दुःख है
मैं बोला साहब ऐसी बात नहीं है आपने तो दे ही दिया था
आधिकारी नहीं मिले इसमें आप का क्या दोष है। इनने मेरे
मेरे सहकर्मी श्री कृष्ण मोहन तिवारी पेमेंट का पर्चा लिपि
हुए ऑफिस में प्रवेश किए। उसके आते ही सचदेवा सा
हो बोले, तुम जा सकते हो, कभी भी मेरे पास आन इयूरी के
लिए मत आना मैं बोला साहब आप बेवाफा इतना भारी
क्यों हो रहे हैं, इस पर सचदेवा जी बोले मैं तुम्हें गेट से बाहर
करवा दूंगा, तुम्हारी मौकरी रवा जाऊँगा, गेट आइड
में उसी समय सचदेवा जी के ऑफिस से बाहर आ गया।

12/8/20 श्री

12/8/20

G.M / Admin ^{W.C.} ^{12/4/88}

Ann-3

Report of F/O C (a) Sh. V. P. Sachdeva is attached h/with. In this report F/O C (a) has alleged that he has been assaulted by Sh. Pareek Singh T. No 56 / O C (a) Examiner of O C (a) section in the presence of Sh. A. B. Srivastava A/F.

Sh. Srivastava in his report does not corroborate the above. He has said that he went out of the office of F/O C (a) for 05 minutes and he has not seen the assaulting of F/O C (a).

Two more individuals Sh. R. L. Nigam UDC / O C (a) and Sh. C. L. Gupta Examiner 53 / O C (a) were in the adjacent office. Their statements have also been taken. They both support that two examiners including Sh. Pareek Singh were talking to F/O C (a) in his office in the presence of Sh. A. B. Srivastava but they also show their ignorance of assault for reasons of leaving office for 05 minutes for attending natural call.

Sh. C. L. Gupta Examiner has stated that at the time of going to W/C he saw Sh. Srivastava in the room of F/O C (a) along with the two examiners. After 05 minutes he saw only Sh. Srivastava in the room. During the five minutes the assault (alleged) had taken place. This indicates that Sh. Srivastava was in the office of F/O C (a).

- 9 -

Hon-4

D23

Copy of Min. of Def. U.O. No. 5(3)/86/D(LAB) dt. 2.1.87
addressed to Ordnance Factory Board, Calcutta and others.

MINISTRY OF DEFENCE

Sub. : Amendment to part V of the Schedule of
CCS(CCSA) Rule, 1965.

Part V of the CCS(CCSA) Rules 1965 was last amended vide
D2AR Notification dated 25.4.1984 circulated by this Ministry
vide I.D. No. 5(1)79/D(LAB) dated 5.6.1986.

It has been further amended vide Department of Personnel
& Training Notification dated 26.11.1986, copy enclosed for
information.

Sd/- (M.L.Uppal)

Under Secretary of the Govt. of India.

(TO BE PUBLISHED IN THE GAZETTE OF INDIA IN PART II
SECTION-3, SUB-SECTION (ii))

No. F-11012/24/85-Estt(A),
Government of India,
Ministry of Personnel, P.G. & Pensions,
(Department of Personnel & Training)

New Delhi, the 26th November, 1986.

NOTIFICATION

S. O. in exercise of the powers conferred by the proviso
to article 309 of the Constitution, the President hereby makes
the following rules further to amend the Central Civil Services
(Classification, Control and Appeal) Rules, 1965, namely :-

1. (1) These rules may be called the Central Civil Services
(Classification, Control and Appeal) Amendment
Rules, 1986.

(2) They shall come into force on the date of their
publication in the Official Gazette.

2. In the Schedule to the Central Civil Services
(Classification, Control and Appeal) Rules, 1965-

(i) in Part I - Central Civil Services, Group 'A' after
the existing entry No. 43, the following shall
be inserted, namely :-

" 22 Armed Forces Headquarter Civil Services
(Group- A)"

(ii) in Part V- Civil posts in Defence Services :-
(a) under Serial Number 1 (B), in column 4, against
entry (1) GS Branch, for the words "Signals Officer-
in-Charge" the words "Signals Officer-in-Chief"
shall be substituted ;

(b) after the existing entry number (B) (xiv)
the following shall be inserted, namely :-

A Saxena

14.1.90

Page-4

Sl. No. Description of Service Post. Appointing Authority Authority competent to impose penalties and penalties which it may impose (with reference to item number in rule 11)

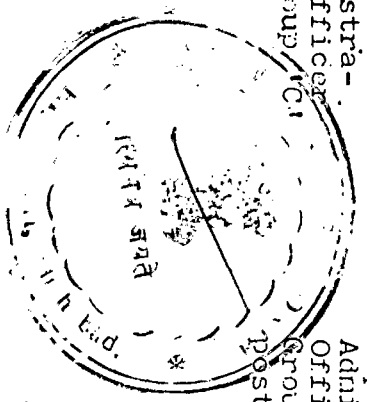
1. 2. 3. 4. 5. Penalties

"(NV) Posts in subordinate units of Radar & Communications Project Office. Project Director, Radar & Communications Project Office. Project Director Radar & Communications Project Office. All

(iii) under Serial number 2 -Group 'C' and Group 'D' posts- (a) for serial number 2(A) and entries relating thereto, the following shall be substituted, namely :-

Sl. No. Description of Service/post Appointing Authority Authority competent to impose penalties and penalties which it may impose (with reference to item number in rule 11) Penalties

"(A) Posts in- (i) Armed Forces Headquarters. Deputy Chief Administrative Officer for Group 'C' posts. Deputy Chief Administrative Officer for Group 'C' posts. All.



-14-

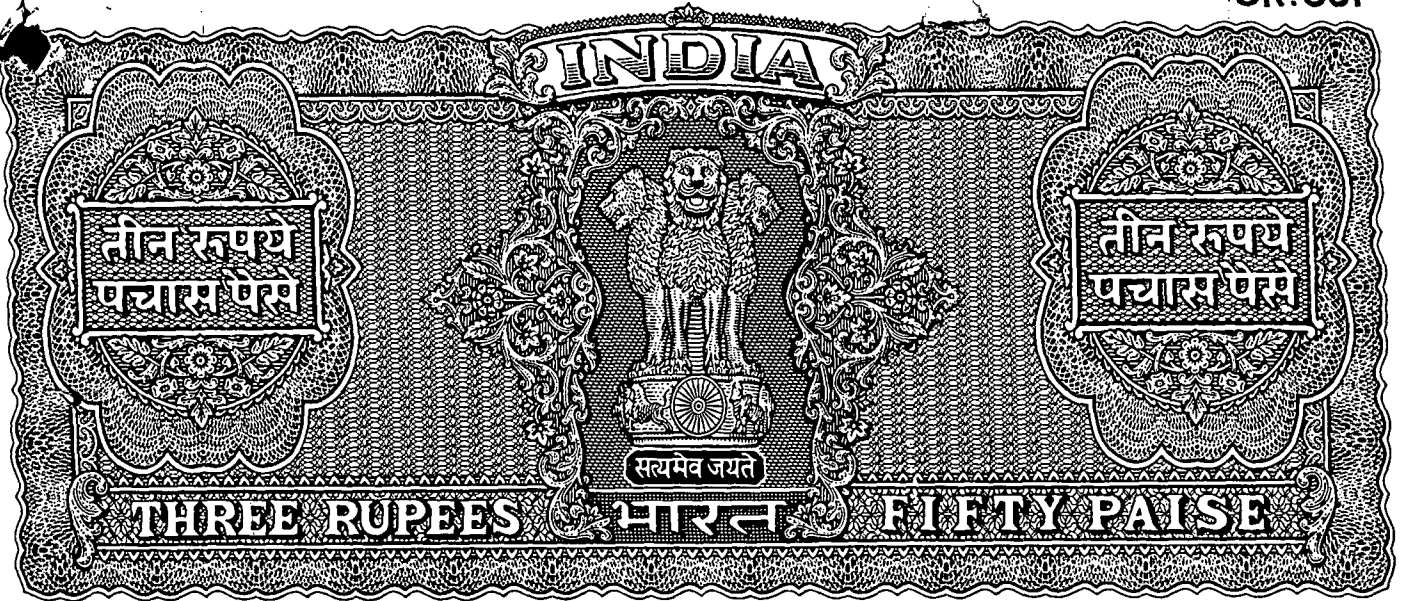
Am-4

(c) For serial number 2(B) (xi) DGOF, the following shall be substituted, namely :-

Sl. No.	Description of Service post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item number in rule 11)	Penalties
1.	2.	3.	4.	5.
(xi)(a)	All Grade C posts of Chargean Grade I, Asst. Store Holder, Foreman, Store Holder Foreman, Principal Foreman and equivalent posts.	Deputy Director General Ordnance Factories	Deputy Director General Ordnance Factories	All
(b)	All Grade C posts other than (a) above and Grade D posts in Ordnance Factories, Ordnance Equipment Factories.	General Manager	General Manager	All
(c)	All Grade C posts other than (a) above and Grade D posts in Ordnance Factory Staff College.	Director Ordnance Factory Staff College	Director Ordnance Factory Staff College.	All

A. Saccena

14.1.90



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD BENCH.

REJOINDER AFFIDAVIT

IN

Registration No. 697 of 1989.

Paresh Singh.

... Applicant.

Versus

Union of India & Others ... Respondents.

AFFIDAVIT OF PARESH SINGH, AGED ABOUT

30 YEARS, SON OF SHRI R.N. SINGH, R/O

91/12, VIJAY NAGAR, KANPUR. ... (DEPONENT)

I, the abovenamed deponent do hereby

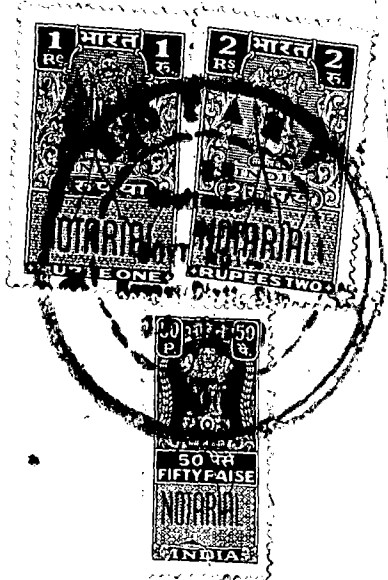
solemnly affirm and state as under:

(1)

That the deponent is the applicant in

the above case and, as such, is fully conversant

[Signature]

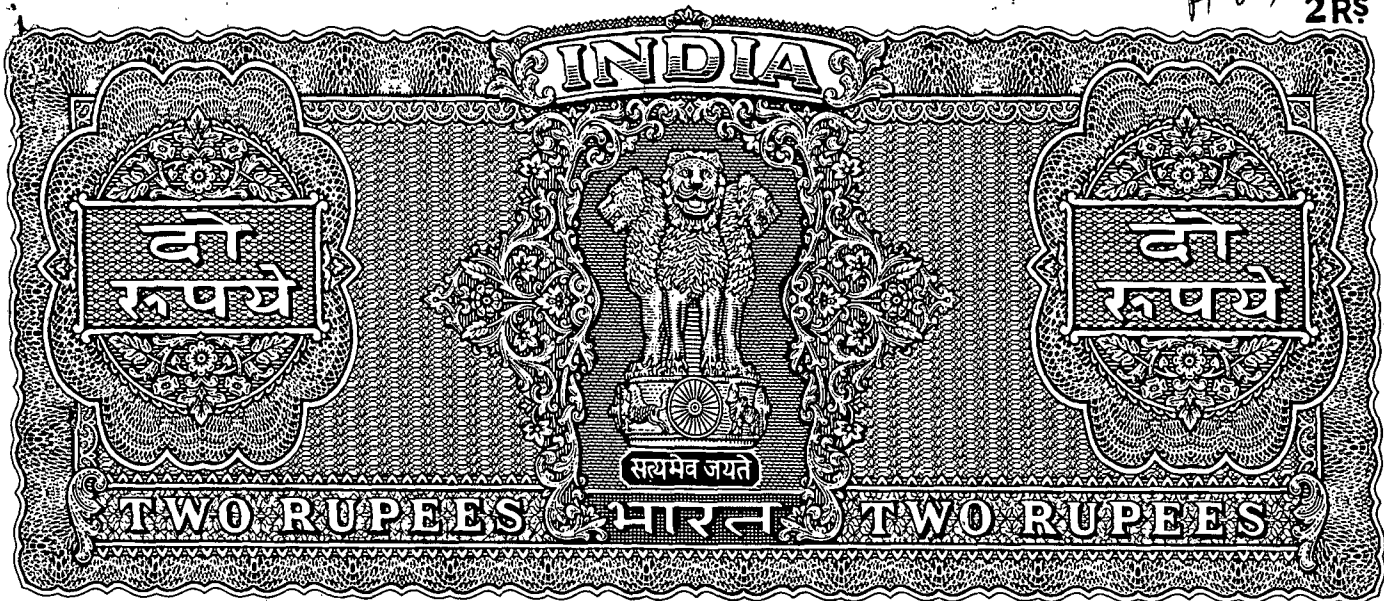


SO(J)

Keep on record
if ordered by the
court.

Recd 05-3-90

DR(J)



(2)

conversant with the facts of the case deposed to below. The deponent has been read over and explained the contents of the Counter Affidavit of Shri Suresh K. Kulshreshtha, Works Manager/ Admin, Ordnance Factory, Kanpur, filed on behalf of the respondents.

(2) That the contents of paragraphs 1, 2,

3 and 4 of the Counter Affidavit need no reply.

③ That the contents of paragraph 5 of the Counter Affidavit are not admitted. (4)

The averments contained in paragraphs 4(3) and

4(5) of the Application under Section 19 of the

Administrative Tribunals Act, 1985, hereinafter

referred to as 'the application', are correct

and are re-iterated. There is no question of

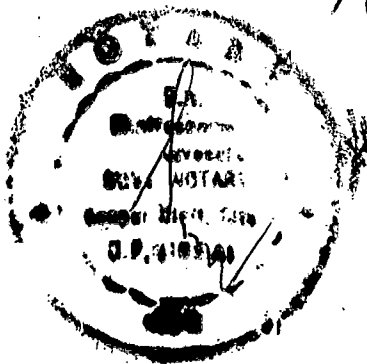
the deponent having distorted, suppressed or

cooked up any facts or material informations,

as alleged. It is emphatically denied that on

11.4.1988, in the afternoon, at about 14.30 Hours

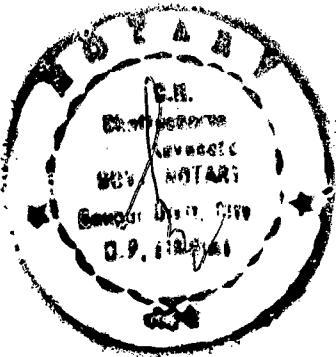
or ever, the deponent hurled abuses at Shri



Page 8

(3)

V.P. Sachdeva, Foreman or manhandled him or slapped him on his face, as alleged. The facts have been stated by the deponent in the application and all averments to the contrary, are not admitted and are denied. The Foreman was annoyed with the deponent and he called the deponent to his Office at about 2.00 p.m. on 11.4.1988 and started unnecessarily accusing the deponent on account of the fact that the deponent had taken leave and gone out of the factory for attending the funeral. During the discussions, he started speaking in high tone and there ensued some exchange of hot words between the Foreman and the deponent and the Foreman had threatened to harm the deponent and the deponent was asked to get out of the Office. Accordingly, the deponent went out of the Office. The Foreman with ulterior motive made a false complaint against the deponent. It is not admitted that the deponent himself had agreed about asking for ON DUTY PASS, as alleged. The statement of the deponent, Annexure-2 of the Counter Affidavit, is being wrongly interpreted. It is reiterated that the complaint made by the Foreman, Shri



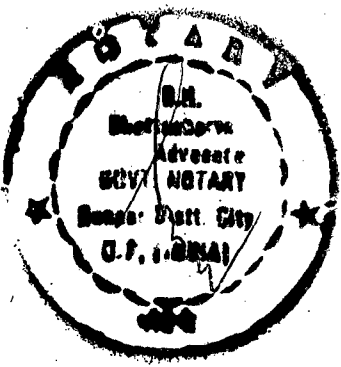
[Handwritten signature]

(4)

V.P. Sachdeva against the deponent, was false and fabricated. ✓

(4) That the contents of paragraph 6 of the Counter Affidavit need no comments. ✓

(5) That regarding the contents of paragraph 7 of the Counter Affidavit, it is submitted that the Deputy General Manager/Admin ^{10FC} was not competent to sign and issue the charge-sheet for and in the name of the General Manager of the factory. The power to issue charge-sheet could not have been delegated by the disciplinary authority and in ^{the} case of the deponent, it is submitted that the DGOF is the disciplinary authority and in any case, the General Manager could not have made delegation of the power to issue charge-sheet to any lower authority. It may be submitted that the disciplinary authority cannot include or delete a person arbitrarily as witness against the delinquent Government Servant. Only a person who is said to have witnessed the incident, could be included as witness in the disciplinary proceedings. Shri V.P. Sachdeva could not have been a witness ✓



(5)

and complainant, both. *lv*

(6) That the contents of paragraph 8 of the Counter Affidavit need no comments. *lv*

(7) That the contents of paragraph 9 of the Counter Affidavit are not admitted. The averments contained in paragraphs 4(8), 4(9) and 4(10) of the application are correct and are re-iterated. In fact, a charge-sheet envisaging major punishment can be issued only on the authority issuing the charge-sheet becoming satisfied on the basis of a preliminary/ fact-finding enquiry that the allegations that *are* being made in the charge-sheet can prima-facie *be* made on the basis of such fact-finding enquiry. *lv*

The complaint of Shri V.P. Sachadeva, Foreman, *been* has not corroborated even by the alleged witness, *lv* Shri A.B. Srivastava, Assistant Foreman, before whom it was alleged by Shri V.P. Sachdeva that the occurrence took place. From Annexure-3 of the Counter Affidavit itself, it is clear *that* that the Deputy General Manager/*Admin.*, namely Shri K.K. Bhagwati has categorically stated that Shri A.B. Srivastava, Assistant Foreman in his report did not corroborate the allegations made *lv*



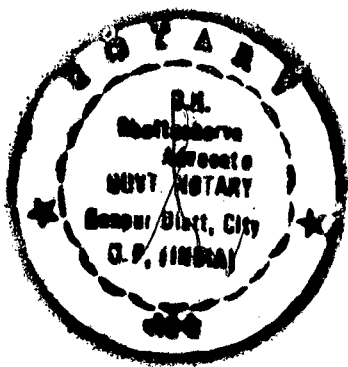
(6)

by Shri V.P. Sachdeva and that the Assistant Foreman had categorically stated that he had not seen the alleged assault of the Foreman. The Deputy General Manager/Admin has further reported that S/Shri C.L. Gupta and R.L. Nigam, who were in the adjacent office have only stated that the deponent and another Examiner were talking to the Foreman, Shri V.P. Sachdeva in his Office in the presence of Shri A.B. Srivastava and that the said witnesses had also expressed their ignorance about the allegation of alleged assault. The Deputy General Manager had not given any categorical finding of any preliminary/fact finding enquiry against the deponent. In fact, in the absence of any fact-finding enquiry and also without having made any reference to the deponent regarding the allegations made against the deponent, the General Manager could not have framed such charges against the deponent. It is reiterated that the allegations made against the deponent were false and fabricated. There was no question of the witnesses being scared, as alleged. The allegations are simply ridiculous. The deponent has been victimised on the basis of conjectures



(7)

and surmises. The averment that the alleged witnesses refused to testify against the deponent due to fear, is a sheer make-belief. The deponent has rightly stated that before initiating action under the C.C.S. (C.C. & A.) Rules, 1965 (Rule 14), a fact-finding enquiry has to be conducted and the last sentence of the paragraph 9 of the Counter Affidavit admits this stand of the deponent. Hence, it is admitted by the respondents that a preliminary/ fact finding enquiry ought to have been conducted before initiating action against the deponent and the deponent had no-where stated ~~such~~ that such fact finding/preliminary enquiry was to be conducted after initiation of action under the C.C.S. (C.C. & A.) Rules. ✓



(8) That the contents of paragraph 10 of the Counter Affidavit are not admitted. The averments contained in paragraph 4(11) of the application are correct and are re-iterated. The General Manager was not the competent appointing/ disciplinary authority of the deponent at the time when the deponent was appointed. It was the DGDF alone who was competent to act as the disciplinary authority of the deponent. The empowering of the

✓

✓

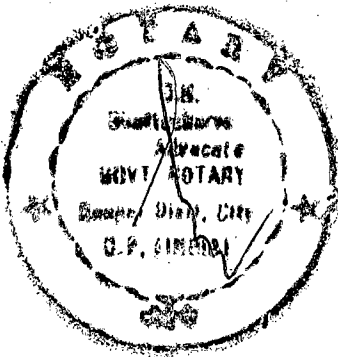
✓

(8)

General Manager with full authority to act as disciplinary authority with effect from 2.1.1987, does not make any difference to the cases of employees who were appointed before the said date. *W*

(9) That regarding the contents of paragraph 11 of the Counter Affidavit, it is submitted that the suspension was illegal and unwarranted. *W*

(10) That regarding the contents of paragraph 12 of the Counter Affidavit, it is submitted that the averments contained in paragraphs 4(14) and 4(15) of the Application are correct and are re-iterated. *W*



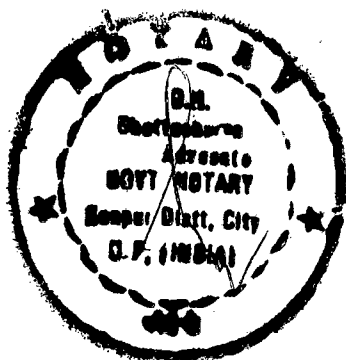
(11) That regarding the contents of paragraph 13 of the Counter Affidavit, it is submitted that it is not correct to say that it was not obligatory on the part of the Enquiry Officer to show/supply the deponent a copy of the written brief of the Presenting Officer. It is not correct procedure that the deponent had to give his written brief first, followed by the written brief of the Presenting *W*

(9)

Officer. The Enquiry Officer has not followed the correct procedure and the deponent was prejudiced in the enquiry, as rightly stated in the application. *lv*

(12) That the contents of paragraph 14 of the Counter Affidavit are not admitted. The averments contained in paragraph 4(17) of the application, are correct and are re-iterated. The procedural rules have been violated in the instant enquiry. *lv*

(13) That the contents of paragraph 15 of the Counter Affidavit are misconceived. The averments contained in paragraph 4(18) of the application, are correct and are re-iterated. *being*
Shri K.M. Tewari *lv* as the lone independent witness in the instant enquiry, his statement ought to be believed as against the solitary and uncorroborated statement of the complainant, Shri V.P. Sachdeva. If the statement of the defence witness is to be brushed aside in this manner, as is being suggested in the Counter Affidavit, there is no point in the provision for examination of defence witnesses given in the Rules relating to disciplinary proceedings. *lv*

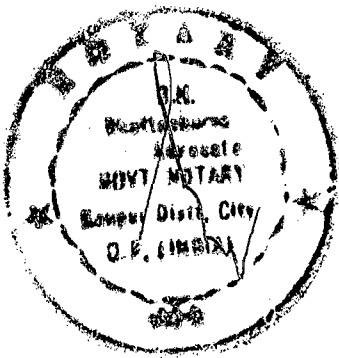


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(10)

(14) That the contents of paragraph 16 of the Counter Affidavit need no comments.

(15) That the contents of paragraph 17 of the Counter Affidavit are not admitted. The averments contained in paragraph 4(2) of the application, are correct and are re-iterated. There was no question of any circumstantial evidences in the instant case. The alleged circumstantial evidence has not been spelt out. The deponent is at a loss to understand as to what the respondents mean by saying that the alleged "circumstantial evidence and examination of the Enquiry Officer proved the charges levelled against the petitioner". The insinuation that Shri K.M. Tewari, the defence witness, "tried his best to defend his colleague", is also misconceived. In fact, there was no independent evidence whatsoever to hold the deponent guilty and, on the contrary, whatever independent evidence existed in the instant enquiry, only proved the innocence of the deponent. It is a case of no evidence and perverse appreciation of evidence and this Honourable Tribunal has got every right to look into the matter and to hold that the deponent has not been found guilty in the domestic enquiry.



Page

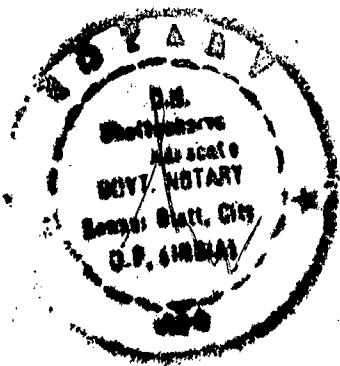
(11)

(16) That regarding the contents of paragraph 18 of the Counter Affidavit, it is submitted that the deponent was not at all guilty and the Order of punishment was unwarranted, illegal and mala fide. The punishment is liable to be quashed as the same is not warranted from the facts of the case. *lv*

(17) That regarding the contents of paragraph 19 of the Counter Affidavit, it is submitted that the deponent could not have been reduced to a post in a cadre which he never held. *lv* The Order of punishment is perverse and untenable on this ground also. *lv*

(18) That the contents of paragraph 20 of the Counter Affidavit need no comments. *lv*

(19) That regarding the contents of paragraph 21 of the Counter Affidavit, it is submitted that it is surprising that even after 13 months of the submission of the Appeal, the respondents still contend that the decision of the Appellate Authority is still awaited. The deponent has filed the present case, after waiting for more than six months of the submission of the *lv*

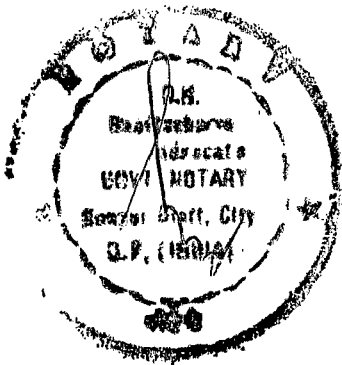


(12)

appeal. The punishment is liable to be quashed also on the ground that the appeal preferred under the Rules has not been considered and disposed of for a period of more than one year. *ju*

(20) That the contents of paragraph 22 of the Counter Affidavit need no comments. *ju*

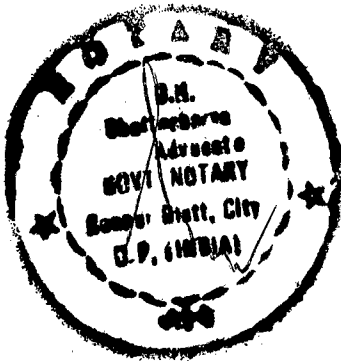
(21) That regarding the contents of paragraph 23 of the Counter Affidavit, it is submitted that the Order imposing punishment on the deponent, was illegal, mala fide, arbitrary, untenable and uncalled-for. It is emphatically denied that ^{the} charges levelled against the deponent have at all been established in the enquiry. There was no question of forfeiture of the pay and allowances, over and above the subsistence allowance paid during the period of suspension. The averments contained in paragraph 4(26) of the Application, are correct and are re-iterated. *ju*



(22) That the contents of paragraph 24 of the Counter Affidavit are not admitted. The averments contained in paragraph 4(27) of the application are correct and are re-iterated. The alleged evidence and records said to have been *ju*

(13)

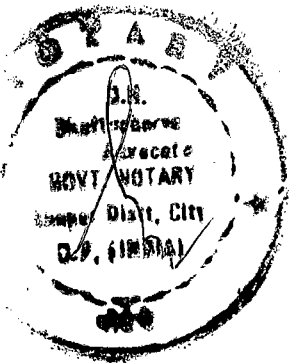
examined and considered before passing the Order of punishment, have not been specified. In any case, as rightly stated by the deponent, there was no evidence whatsoever to hold the deponent guilty ~~of~~ and to warrant ~~the~~ punishment imposed on the deponent. It is surprising that the respondents, who have issued the charge-sheet under the provisions of the C.C.S. (C.C. & A.) Rules, 1965, conducted the enquiry under the said Rules and imposed punishment on the deponent under the said Rules, are now backing out of their own stand and are contending that the said ~~charges~~ Rules are not applicable to the case of the deponent. In case the Rules are not applicable, the entire proceedings and the punishment imposed under the Rules, should be deemed to be illegal and untenable. As a matter of fact, the CCS (CC&A) Rules, 1965, themselves state clearly that the same are applicable to Civilians in Defence Services also. Only in a case, where the President invoking the provisions of Article 310 of the Constitution removes a Government servant, such a Government servant cannot invoke the provisions of the C.C.S. (C.C. & A.) Rules, 1965. In all other cases, where action has been taken under the



(14)

C.C.S. (C.C. & A.) Rules, 1965, ^{any} ~~is~~ ^{an} infraction of the Rules would be fatal to the disciplinary proceedings ^{and} of the respondents, are seeking to ^{to} misinterpret the Rules and the legal position on the matter. ^{by}

(23) That the contents of paragraph 25 of the Counter Affidavit are not admitted. It is reiterated that under the facts and the circumstances of the case, as rightly stated in the application as well as in this Rejoinder Affidavit, the punishment order is not sustainable in the eye of law and is liable to be quashed, as prayed by the deponent. All averments ^{to} the contrary made in the Counter Affidavit, are not admitted and are denied. ^{by}



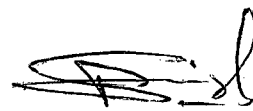
(24) That the contents of paragraph 26 of the Counter Affidavit need no comments. ^{by}

(25) That the contents of paragraph 27 of the Counter Affidavit are not admitted. The deponent has made out a very strong and fool-^{proof} case for interference by this Honourable Tribunal and the deponent is entitled to the reliefs calimed in the application. ^{by}

1100

(15)

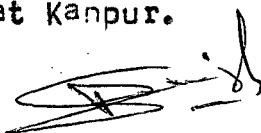
(26) That the contents of paragraph 28 of the Counter Affidavit need no comments.



DEPONENT.

VERIFICATION:

I, Paresh Singh, do hereby verify that the contents of paras 1, 2, 3, 4, party 5, 6, party 7, party 8, 9, 10, party 11, 12, 13, 14, 15, 16, party 17, 18, 19, 20, 21, party 22, party 23, 24, 25 and 26 are true to my personal knowledge and those of paras party 6, party 7, party 8, party 11, party 17, party 22 and party 23 are true on the basis of legal advice received from my counsel, which I verily believe to be true. Nothing contained herein is false, nor has anything material been concealed, so help me God.

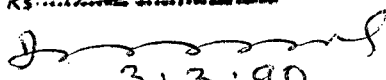
Verified on this the 3rd day of March, 1990, at Kanpur.



Dependent.
Identified By.....

Advocate

Sworn before me this day of 3.3.90 at 6.30
by Sri... Paresh Singh
who is duly identified.

Received the Fee of Rs.


3.3.90
Advocate & Notary
Kanpur District

N.K. Nair
ADVOCATE,
KANPUR.



C. (C) to keep it with file
and put up before Hon'ble
Court for orders

29/8/91

K
9/7

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AMU

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

NOTICE OF MOTION

Misc Petition 1103 of 57

In O.A./E.A. 697 of 1989

Panesh Singh Applicant/Appallant.

Varsus Union of India

Union of India Respondents/Defantial

Take notice that the court will be moved by the order
signed on 29/8 the day of Aug 1991
at 10.30 O'clock in the forenoon or so soon these after the
noticed on their occassion can be heard.

the object of themotion is hereby indicated by

A copy of the Application is enclosed herewith. The further
notice that meanwhile this court has been pleased to pass
that following orders

Dated this the 9 day of Aug 1991

Signature [Signature]

Advocate of petitioner

Applicant/Appallant

or

Petition/Defandent in not

To

Advocate on record for the opposite party

Respondent/Defendant.

[Signature]
Curatice
8/7/91

A102

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH.

Misc. Amendment Application No. 1102 of 1991.

IN

Registration No. 697 of 1989

Paresh Singh Applicant.

versus

Union of India & Others Respondents.

Before the Hon'ble Vice-Chairman and
his Companion Members of the aforesaid Tribunal.

The humble application of the applicant
most respectfully sheweth as under:

(1) That an important legal plea which has become very relevant in view of some recent pronouncements of the Honourable Supreme Court and some High Courts as well as Benches of the Central Administrative Tribunal, has got to be incorporated in the Original Application by way of amendment. The said legal plea will not change the nature of the pleadings and in case the amendments are not incorporated, the applicant

(contd.....2)

Raj K

A103

(2)

will be put to suffer undue loss. Hence it is necessary for the proper prosecution of the case that the application be appropriately amended by incorporating the said legal plea.

(2) That a copy of the Report of the Enquiry Officer ought to have been supplied to the applicant, before the disciplinary authority considered the said Report and ~~xx~~ passed final order thereon, so that the applicant should have been in a position to make his submissions/representation on the report of the Enquiry Officer. Since the copy of the report of the Enquiry Officer was not supplied before imposing the Punishment and the same was supplied along with the punishment order only, the order of punishment became vitiated and ~~then~~ applicant was prejudiced thereby and hence too the punishment order deserves to be quashed. This legal plea has got to be incorporated in the Application under Section 19 of the Administrative Tribunals Act, 1985 and hence this application.

(contd...3)

7/2/21/Hic

A104

(3)

P R A Y E R

It is, therefore, respectfully prayed that the applicant be permitted to make the following amendments in the Application.

PROPOSED AMENDMENTS.

1- That after the existing sub-para (21) of paragraph 4 of the Application, a new sub-para 21-A be added as follows:

"21.-A That it was incumbent upon the disciplinary authority to have supplied a copy of the report of the Enquiry Officer to the applicant for enabling the applicant to make his submissions/representation on the same, before the disciplinary authority passed final orders on the basis of the said report. A copy of the report of the Enquiry Officer was supplied to the applicant only along with the final punishment order dated 13.12.1988, passed by the General Manager,

A105

(4)

Ordinance Factory, Kanpur and thus the applicant was not enabled to make his submissions/ representation on the report of the Enquiry Officer before the axe fell on him and thereby the disciplinary proceedings were vitiated and the principles of natural justice were violated. The punishment order is illegal and is liable to be quashed on this ground also.




APPLICANT

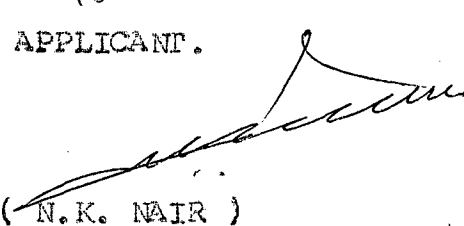
VERIFICATION.

I, Paresh Singh, do verify that the contents of the above amendment are partly true on my personal knowledge and partly true on the basis of legal advice received from my counsel.

Verified on this 6th day of July, 1991, at Kanpur.



APPLICANT.


(N.K. NAIR)
Advocate.

DATE : 6.7.91 ✓
PLACE : KANPUR.

N.K. Nair
ADVOCATE.
KANPUR.

21/19
केन्द्रीय प्रशासनिक अधिकरण, इलाहाबाद

अतिरिक्त शारवा इलाहाबाद

पंजीकरण संख्या 697 तन 1989

महोदय,

श्री स्न के नायर साहब उपरोक्त केशा में वकील है जो आज
कानपुर से नहीं आ पाये हैं । कृपा करें करके नवम्बर में कोई सोमवार
की तिथि देने की कृपा करें ।

संजय केसरवानी
~~संजय केसरवानी~~
रजि० मुन्शी श्री स्न के नायर

C202

केन्द्रीय प्रशासनिक अधिकरण, इलाहाबाद

अतिरिक्त शारदा इलाहाबाद

पंजीकरण संख्या 697 तन 1989

महोदय,

श्री स्न के नायर साहब उपरोक्त केश में वकील हैं जो आज

कानपुर से नहीं आ पाये हैं । कृपा करें करके नवम्बर में कोई सोमवार

की तिथि देने की कृपा करें ।

संजय केसरवानी

रजि० मुन्शी श्री स्न के नायर

In the Central Administrative Tribunal Allahabad.

Registration No. 697 of 1989.

..... PARESH SINGH Petitioners
Appellant
Applicant

VERSUS
UNION OF INDIA & OTHERS.

..... Respondent
Opposit Party

I, in the above matter hereby appoint and retain
SHRI KRISHNA CHANDRA SINHA, Advocate High Court
to appear, act and plead for me / us in the above matter and to conduct/prosecute and defend
the same in all interlocutory or miscellaneous proceedings connected with the same or with
any decree or order passed therein, appeals and or other proceedings there from and also in
proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain
return of any documents filed therein, or receive any money which may be payable to me / us.

2. I / We further authorise him to appoint and instruct any other legal practitioner
authorising him to exercise the powers and authorities hereby conferred upon the Advocate
whenever he may think fit to do so.

3. I/We hereby authorised him/them on my/our behalf to enter into a compromise in the
above matter, to execute any decree order therein, to appeal from any decree / order therein
and to appeal, to act, add to plead in such appeal or in any appeal preferred by any other
party from any decree / order therein.

4. I/We agree that if/we fail to pay the fees agreed upon or to give due instruction at
all stages he / they is are at liberty to retire from the case and recover all amount due to
him / them and retain all my/our monies till such are paid.

5. 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 own acts, as if done by me / us to all
intents and purposes.

Executed by me/ us this day of 19 at

(SURESH K. KULSHRESHTHA)
WORKS MANAGER (ADMIN)
FOR GENERAL MANAGER
ORDNANCE FACTORY, KANPUR.
Signature

Executant's are personally known to me he has / they have / signed before me

Satisfied as to the identity of executant's signature/s.

(where the executant/s is / are illiterate blind or unaquainted with the language of
vakalat)

Certified that the content were explained to the executant/s in my presence
in the language known to him / them who appear/s perfectly to
understand the same and has / have signed in my presence.

Accepted

K. C. SINHA
Advocate

Additional Standing Counsel
Central Government
High Court, Allahabad
Counsel for Applicant/Respondents
No.

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

WPC

C204

No. CAT/CB/LNw/Jud1/

2003

Date: 01/4/93

REGISTRATION No. TA. 190/92 of 1992/93

(in O.A. 697/89)

Paresh Singh

Applicant

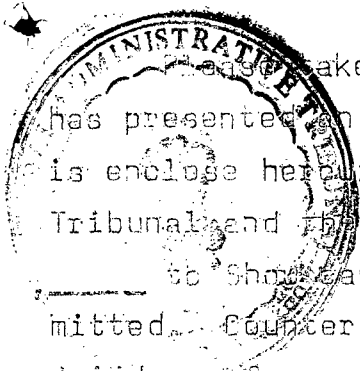
V E R S U S

Union of Indus

Respondent

Paresh Singh aged about 30 years s/o Sri
R.N. Singh R/o 91/12, Vijay Nagar, Kanpur
Presently employed as Examiner Semi-skilled,
Oxelnaney factory Kanpur

Issue notice for 23/4/93



Please take notice that the applicant above named
has presented an application a copy of _____ thereof
is enclose herewith which has been registered in this
Tribunal and the Tribunal has fixed _____ day of _____
_____ to show cause as to why the Petition be not ad-
mitted. Counter may be filed within _____ weeks. Re-
joinder, if any, to be filed within _____ weeks there-
after.

If, no appearance is made on your behalf, your
pleader or by some one duly authorised to act and plead
on your behalf on the said application, it will be heard
and decided in your absence. Given my hand and the seal
of the Tribunal this day of 30/3/93 1993.

Be 30/3
FOR DEPUTY REGISTRAR

OC