

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE OF

NAME OF THE PARTIES *Box man* Applicant

Versus

Union of India & Ors.

Respondent

Part A, B & C

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CERTIFICATE

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

Check by

Dated. 23-2-12

Counter Signed.....

Section Officer / In charge

m
Signature of the
Dealing Assistant

A

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

12-2-89

Registration No. 207 of 1989 (L)

APPLICANT(S) Laxman

RESPONDENT(S) Union of India & Others.

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

Particulars to be ExaminedEndorsement 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 ? No

c) Wanting in Annexures No

Nos. _____ pages Nos. _____ ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ? No

14. Are the given address the registered address ? Yes

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

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? Yes

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

a) Concise ? Yes

b) Under distinct heads ? Yes

c) Numbered consecutively ? Yes

d) Typed in double space on one side of the paper ? Yes

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

19. Whether all the remedies have been exhausted. Yes

dinesh/

O.A.N. 207/89

20-9-95

Hon'ble Mr. Justice B.C. Saksena - V.C.
Hon'ble Mr. V.K. Seth - A.M.

The learned counsel for the applicant has sent an illness slip.
Hence all the

20-9-95

Hon'ble Mr. Justice B.C. Saksena - V.C.

Hon'ble Mr. V.K. Seth - A.M.

The order dated 28-8-95
is re-called. The O.A. is restored
to its original no.

We have heard the learned
counsel for the parties on
the O.A.

Order reserved.

B.C.

K.N.

V.C.
A.M.

V.C.

26.9.95

Hon'ble Mr. V.K. Seth. A.M.
Hon'ble Mr. D.C. Verma. B.M.

Order of the Bench consisting
Hon'ble Mr. Justice B.C. Saksena V.C.
and Hon'ble Mr. V.K. Seth pronounced
today with open Court

J.M.

*V.K.
A.M.*

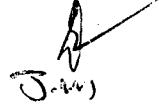
22.2.95

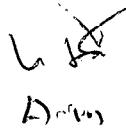
Monthl. Mr. V. K. Seth. A.M.
Monthl. Mr. D.C. Vannier. 3.M.

XX

On the - adjournment application
of Committee for suspended. adjourn
to 17.4.95

6


J.M.


A.M.

17.4.95 Hon. Mr. Justice B.C. Saksena, V.C.
Hon Mr. V.K. Seth. A.M.

The Learned Counsel for
the applicant seeks some time
to prepare the case, but
on 10.5.95.

~~or
Proceedings are
Completed
SPT
SSTS~~

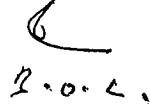



A.M.


V.C.

10.5.95

case not reached adj. to 14.7.95.


A.M.

~~On
SPT
SSTS
10/5/95~~

14.7.95

No Adm'g of D.B.off
to 28.8.95


A.M.

19.8.93

MS. 5110 93-00710
5.10.93
Date

5.10.93

Carew - reached off
DR
Date

R.A.M.D.
5/19
5/10

6.1.94

DR

Vide order of Hon. V.C. on

the expedite application,
list this case before Hon.

Court for hearing on 12.1.94

DR

12.1.94

DR

Dear Mr. Justice R.C. Verma
Dear Miss B.S. Sehgal

Fix 1 hr. on a hearing
on 22.1.94

R.K.M.

V.C.

OR

C.R.R.
has been filed
already.
Submitted for
hearing
17.1.94

17.1.94

Due to bad dense of Dr. J.B. Singh
Adv. adj'd 17.2.94

DR

OR

C.R.R.
has already
been filed
Submitted for
hearing
17.1.94

Mr. Justice R.C. Verma
Mr. V.L. Sehgal
Non responds either of
parties adj. 1st. m. on 31.3.94

R.K.M.
V.C.

ORR D E R S H E E T
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD / LUCKNOW
BENCH

OPN 2/1/89

OF 19

Laxmi v. U.P. Tel.

No. Date

Office report

10.3.89. No writing on m
right side

DL
P.M. 25/1/89

C. 6.3.89. No writing on m
right side

(A) ✓ J. 11.

10.3.89.

11/3

S. S. 89. No writing on m
right side

DL
P.M. 25/1/89

✓ J. 11.

CAILED
RAN
W.D.
S.C.
P.

✓ J. 11.
RAN
S.C.
P.
15/1/89

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

203

No.

OF 1991

Laxman Vs. B. I. F.

Sl. No.	Date	Office Report	Orders
		<u>18.11.91</u>	No. Siting adjm to 15.1.92
		<u>15.1.92</u>	No. Siting adjm to 27.2.92
		<u>27.2.92</u>	No. Siting adjm to 21.4.92
		<u>21.4.92</u>	No. Siting adjm to 29.5.92
		<u>29.5.92</u>	Case not reached adjm to 14.6.92
		<u>14.6.92</u>	No. Siting adjm to 20.7.92
O. R.			Case not reached adjm to 16/8/92
Preliminary Objection along with M.P. 503/92 and 504/92 has been filed by O. P. On 29.5.92.			On notice
S. O. O.		<u>17.2.92</u>	No. Siting adjm to 3/3/93
27/8/92		<u>3.3.93</u>	No. Siting adjm to 11.3.93
O.P.			M.P. No 205/93, 206/93 adjm to 11.3.93
			M.P. No 207/93 adjm to 11.3.93
			Adjm to 29/3/93
			Exm. reached adjm to 18.3.93
		<u>29/3/93</u>	Adjm to 18.3.93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 297 of 1989 (L)

APPELLANT
APPLICANT

Lax Man

VERSUS

DEFENDANT
RESPONDENT

Union of India & others

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<u>22.9.89</u> <i>See original order on main petition</i>	<p><u>Hon'ble Mr. D.K. Agrawal, J.M.</u></p> <p>Sri R.K. Gour, Counsel for the applicant heard.</p> <p><u>Admit.</u></p> <p>Issue notice to respondents to file counter affidavit within six weeks to which the applicant may file rejoinder within two weeks thereafter.</p> <p>Issue show cause notice to respondents as to why the interim relief prayed for be not granted.</p> <p>List this case as <u>4.12.1989</u> for order.</p>	<p><i>CIR Notice filed 27/11/89</i></p>
<u>4.12.89</u>	<p>J.M.</p> <p>rrm/</p> <p>Hon. Justice R. N. Nauti, V.C. Hon. K. J. Rawal, A.M.</p> <p>Learned counsel for the applicant is present. No one is present for the respondents.</p> <p>List this case for ex parte final hearing on 20.12.89 as the respondents have not filed any counter affidavit so far.</p> <p>We see no reason to grant any interim order. The application for interim relief is rejected.</p>	<p><u>OR</u></p> <p>Notices were issued on 27.9.89.</p> <p>Neither reply nor any unsealed reply. Counsel has been return back so far.</p> <p>Submitted for order on interim relief.</p>

No reply filed
Case is submitted
for ex parte hearing

regularisation. The applicant in the present case however, relies on M.M. dated 30.3.88 and reliance is placed in para 4.3 therein which deals with the adhoc promotions and provides that the claim of Scheduled Caste candidates can be considered in accordance with the guidelines contained in O.M. dated 30.9.83. There is no question of any claim for promotion in the present case. the applicant's services have been terminated on the initial post of C/-T maker.

7. Since no good ground has been shown to challenge the validity of the order of termination the claim for regularisation would not arise. See 1994 SCC(L&S) 1222 Union of India vs. Dr. Arun Kumar Sharma.

8. The relief for quashing of termination order has not been made but the learned counsel submitted that since the applicant is seeking a direction to be issued to the respondents for his reinstatement that by implication would mean that he is seeking the quashing of the order of termination. Even if it be so, we are not satisfied ~~that there was~~ ^{that there was} any arbitrariness ~~be~~ which vitiates the termination order.

9. The O.A. therefore, deserves to be dismissed and accordingly it is dismissed. No order as to costs.

MEMBER (A)

Lucknow; Dated: 26-9-95

Shakeel/

VICE CHAIRMAN

Badaleew

and others. In this decision the question was with regard to termination of services of an adhoc employee for unsuitability. The communication of the defects and deficiencies in his performance had not been communicated and therefore it was held that the termination was arbitrary. As explained by the Hon'ble Supreme Court in subsequent decisions, this decision was confined to the facts of the said case and lays down no binding principle of law.

3. The third decision is reported in 1988(4) SLJ page 66. This is a single Member decision of Calcutta Bench of the Tribunal. This decision has been cited to support the plea that adhoc appointments cannot continue for long ~~days~~ ^{period}. This decision does not apply in the present case. Here, the order of applicant's appointment clearly was for specified short durations and by subsequent order issued from time to time, he was re-appointed. There is nothing to show that the applicant's appointment was in any manner in the nature of adhoc appointment. The learned counsel for the applicant cited a decision of Division Bench of this Tribunal in O.A. No. 206/89, 'G.K. Verma vs. Union of India and others'. This case also proceeded on the particular facts therein and no benefit can be derived by the applicant from the said decision. The applicant therein having worked on the post of C/T maker was appointed as L.D.C.. The government instructions contained in O.M. dated 29.3.85 were considered in respect of the claim for

5. The learned counsel for the applicant submitted that the order of termination of the applicant dated 1.11.88 is arbitrary and violative of provisions of Article 14, 16 and 311 of the Constitution of India. he further submitted that the order violates the principles of natural justice.

6. The learned counsel for the applicant drew our attention to the notification dated 23.12.80 by which certain rules have been framed with retrospective date from 1.10.79 pursuant to the notification dated 11.12.79 whereby all posts in the canteen and tiffin room run by the government of India were declared the posts in connection with the affairs of the union and incumbents of such posts were declared as holders of civil posts under the Central Government with effect from 1.10.79 vide notification dated 11.12.79. Though the learned counsel has drawn our attention to these rules, but he has not been able to indicate any of the provisions in the said rules ~~that~~ ¹¹³ the Departmental canteen employees (Recruitment and Conditions of service) rules, 1980 ~~has~~ having been violated ^{ed} in passing the orders for termination of the applicant's services. The learned counsel for the applicant cited before us the following decisions:

1. Guru Prasad vs. Union of India and others reported in 1988(4) C.A.T. A.I.S.L.J. , 749. The various circulars considered therein have no bearing the facts and pleas taken in the present O.A. Thus, the applicant cannot derive any support from the said decision.
1. The second decision relied upon by the learned counsel for the applicant is reported in 1989 SC 1431, Dr. Sumati P. Shere vs. Union of India

for

some spells. The applicant alleges that he is a member of Scheduled caste. Various orders of appointment issued from time to time have been annexed as Annexures 1 to 9. The appointments were made for one month or till such time his services were regularised whichever is earlier. Thereafter the orders for re-appointment have been issued from time to time, after expiry of earlier period for appointment. The respondents in their counter affidavit have taken ~~the~~ ^a preliminary objection but we find that the preliminary objection had been rejected by an order dated 16.9.92 as passed in this O.A.

4. The respondents' further stand in the Counter affidavit is that employees of non statutory tiffin rooms have been declared government servants with effect from 1.10.91 through office memo dated 29.1.91 issued by the department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions in compliance of the judgment passed by the Hon'ble Supreme Court on 11.10.91. In effect the submission is that since the applicant was not an employee of non statutory tiffin room on 1.10.91 ~~as~~ this Tribunal had no jurisdiction in the matter. This preliminary objection, as noted hereinabove had already been rejected. The stand of the respondents is that the applicant was temporarily appointed as Coffee ~~Tea~~ maker in the non statutory tiffin room C.B.I. for a period of one month and he was re-appointed from time to time but was not engaged continuously. It has been indicated in the C.A. that the applicant was disengaged from the non statutory tiffin room keeping in view the need of the said tiffin room of C.B.I. Lucknow.

1
Pch

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 26th day of Sept. of 1995.

O.A. no. 207 of 1989

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. V.K. SETH, MEMBER(A)

Laxman aged about 25 years son of Shri Raja Ram, resident of Gram Ajgain, District Unnao.

Applicant.

By Advocate Shri R.K. Gaur.

versus

1. union of India through Home Secretary, Ministry of Home Affairs, New Delhi.
2. The Superintendent of Police, C.B.I./SPE, 7, Newal Kishore Raod, Lucknow.

Respondents.

By Advocate Shri A.K. Chaturvedi.

O R D E R (RESERVED)

HON. MR. JUSTICE B.C. SAKSENA, V.C.

We have heard the learned counsel for the parties and have been taken through the respective pleadings.

2. The applicant through this O.A. seeks a direction to be issued to the respondents to reinstate him in the cadre of C/T maker in Tiffin room of Superintendent of Police C.B.I./S.P.E., Lucknow, alongwith a further relief to regularise him on the said post.

3. The applicant states that he was in service upto 31.10.88 ~~as~~ by an order dated 1.11.88 his services were terminated. He had put in service for two years one month, with effect from 25.9.86 in

B.C.

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing: 18.8.89
Date of Recd. by Postman:

In the Central Administrative Tribunal,

Allahabad Bench, Lucknow.

Deputy Registrar/JR

Application u/s 19, of Central Administrative
Tribunal Act, 1985.

GA. No 207/09 (L)

Laxman

.....Applicant.

versus

Union of India & others

.....Respondents.

I N D E X

Sl. NO.	Description of Documents relied upon	Page Nos.
1.	Application	1 to 8
2.	Annexure A-1	h 32 16
3.	Annexure A-2	h 34 11
4.	Annexure A-3	h 30 12
5.	Annexure A-4	h 29 13
6.	Annexure A-5	h 28 14
7.	Annexure A-6	h 27 15
8.	Annexure A-7	h 26 16
9.	Annexure A-8	h 25 17
10.	Annexure A-9	h 24 18
11.	Annexure A-10	h 23 19
12.	Annexure A-11	h 22 20
13.	Annexure A-12	h 21
14.	Annexure A-13	h 19 to 20 22 to 23
15.	Annexure A-14	h 18 to 19 24 to 28
16.	Annexure A-15	h 17 to 18 29 to 31
17.	Annexure A-16	h 10 32
17A.	Annexure A-17	h 9 33
18.	Bank Draft	h 28
19.	Vakalatnama	h 29

Filed today
Dated for 22/9/89
18th Aug.
1989

Lucknow:

Dated: 18th Aug., 1989. Signature of the Applicant
contd....2

01/8/49

For use in Tribunals Office

Date of Filing :

Registration No.:

Signature for Registrar

(ii) Name of the Father : Shri Raja Ram.

(iii) Designation and Office : Ex-C/T Maker,
in which the applicant Office of Central
is employed Bureau of Investigation,
Special Police
Establishment under
Ministry of Home
Affairs (Department
of personnel & Training).

(iv) Office Address:

7, Nawal Kishore Road,
Lucknow.

(v) Address for service : R.O. Gram Ajgain,
of all notices. P.O. Ajgain, Distt. Unnao.

2) Particulars of Respondents:

Respondent No. 1

(i) Name and/or Designation: Union of India, through
Home Secretary,
Ministry of Home Affairs
New Delhi.

(ii) Office Address : Same as above.

(iii) Address for service : Same as above.

Respondent No. 2

(i) Name and/or Designation : Superintendent of police, C.B.I./S.P.E.

(ii) Office address : 7, Nawal Kishore Road, Lucknow.

(iii) Address for service of : Same as above.
all notices

3) Particulars of the order against which application is made:

The application is against the following order:-

(i) Order No. 273/1988 with reference to Annexure
No. A-10.

(ii) Date : 1.11.88

(iii) Passed By : Superintendent of police,
C.B.I./S.P.E., Lucknow.

(iv) Subject in brief:

The applicant was appointed as C/T maker in C.B.I. Tiffin Room, Lucknow under Ministry of Department of Personnel and Training (Ministry of Home Affairs) on 25.9.86 (F.N) on temporary basis vide S.P., C.B.I./S.P.E., Lucknow order No. 223/1986

.....Annexure No. A-1.

The applicant was in service upto 31.10.88 (AN) but suddenly he was terminated/removed from service vide termination order No. 273/1988 dated 1.11.88.

.....Annexure No. A-10.

The applicant had served with very good conduct and work.

.....Annexure No. A-11.

The applicant was in service for two years and one month, including continuous service for
contd.....3

XXX2XXX

In the Central Administrative Tribunal,

Allahabad Bench, Lucknow.

CA. No. 207 of 1909 (L)

Laxman

.....Applicant

versus

- 1) Union of India, through Home Secretary, Ministry of Home Affairs, New Delhi.
- 2) The Superintendent of police, C.B.I./S.P.E., 7, Nawak Kishore Road, Lucknow.

.....Respondents.

Details of the Application

1) Particulars of the Applicant:-

- (i) Name and age of the applicant : Laxman, aged about 25 Years.
- (ii) Name of the Father : Shri Raja Ram.
- (iii) Designation and Office : Ex C/T Maker, Office of Central Bureau of Investigation, Special police Establishment under Ministry of Home Affairs (Department of personnel & Training),
- (iv) Office Address : 7, Nawal Kishore Road, Lucknow.
- (v) Address for service : R/O Gram Ajgain, of all notices P.O. Ajgain, Distt. Unnao.

2) Particulars of Respondents:-

Respondent No. 1

- (i) Name and/or Designation: Union of India, through Home Secretary, Ministry of Home Affairs New Delhi.
- (ii) Office Address : Same as above.
- (iii) Address for service : Same as above. of all notices

Respondent No.2

(i) Name and/or Designation : Superintendent of police, C.B.I./S.P.E.

(ii) Office address : 7, Nawal Kishore Road, Lucknow.

(iii) Address for service of : Same as above.
all notices

3) Particulars of the order against which application is made:

The application is against the following order:-

(i) Order No.273/1988 with reference to Annexure
No. A-10.

(ii) Date : 1.11.88

(iii) Passed By : Superintendent of police,
C.B.I./S.P.E., Lucknow.

(iv) Subject in brief:

The applicant was appointed as C/T maker in C.B.I. Tiffin Room, Lucknow under Ministry of Department of personnel and Training (Ministry of Home Affairs) on 25.9.86 (FN) on temporary basis vide S.P., C.B.I./S.P.E., Lucknow order No.223/1986

.....Annexure NO.A-1.

The applicant was in service upto 31.10.88 (AN) but suddenly he was terminated/removed from service vide termination order No.273/1988 dated 1.11.88.

.....Annexure NO.A-10.

The applicant had served with very good conduct and work.

.....Annexure NO.A-11.

The applicant was in service for two years and one month, including continuous service for contd.....3

one year and 3 months i.e. w.e.f. 5.2.87 to 31.10.88

(P.M.)

...Annexure A-4-11

That the applicant is of Scheduled Caste and there are Government instructions regarding regularisation of services, in which the continuous service is more than one year on temporary basis.

....Annexure A-12 to 16.

4) Jurisdiction of the Tribunal

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

5) Limitation:-

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

6) Facts of the Case:

The facts of the case are given below:-

(i) That the applicant is of Scheduled caste and was appointed as C/T maker on temporary basis, on 25.9.86 vide S.P., CBI/SPE office order No.223/1986 dated 26.9.86. ...Annexure No.A-1

(ii) That the applicant was continued in service on 7.11.86 vide S.P., CBI/SPE office order No.262/1986 dated 7.12.86. ..Annexure No.A-2.

(iii) That the applicant was again continued in service on 17.12.86 vide S.P., CBI/SPE office order No.290/1986 dated 17.12.86. ...Annexure No.A-3.

(iv) That the applicant was reappointed on 5.2.87 vide SP, CBI/SPE Office order No.63/1987 dated 20.2.87. Annexure NO.A-4.

(v) That the applicant was continued in service ~~from~~ 10.3.87 vide SP,CBI/SPE Office Order No.115/1987 dated 24.3.87. Annexure A-5.

(vi) That the termination order from 4.5.88 (AN) was issued by the Respondent No.2 vide their office order No.143/88 dated 5.5.88 but again appointed from 5.5.88 (FN) vide their Office order No.148/88 dated 5.5.88. Thus there were ~~no~~ ^{were} ~~spells~~ ^{in one day} of break. Annexure NO.A-6-7.

(vii) That the applicant was again terminated on 3.8.88 (AN) ~~and~~ vide office order No.213/88 dated 4.8.88 and reappointed ~~on~~ from 4.8.88 (FN) vide their office order No.218/88 dated 10.8.88. Thus there were ~~also~~ no spells of break.

.... Annexure NO.A-8,9

(viii) That at last, the applicant was terminated on 1.11.88 (FN) vide SP, CBI/SPE Office order No.273/1988 dated 1.11.88 for ever, without assigning any reason. Thus article 14 and 16 of the Indian Constitution, have been violated by the Respondents. Annexure NO.A-10.

(ix) That the applicant was given an experience certificate for having very good work and conduct in two years and one month of his service.

.... Annexure NO.A-11.

contd.....

(x) That the applicant had appeal to S.P., C.B.I./S.P.E., Lucknow (The appointing authority) for justice, but no action has been taken so far, whereas Articles 309 to 311 of Indian Constitution provides the principles of natural justice in which it is clear that justice is to secure justice or to put it negatively to prevent miscarriage of justice. ...Annexure A-12.

(xi) That the applicant has served two years and one month service including one year and 3 months continuous service and there are Govt. instructions to regularise service of Scheduled caste candidate on priority basis if they have served continuously more than one year on temporary basis/ad-hoc basis.

(xii) That, thus in this manner, the impugned action of the Respondent No.2 is entirely arbitrary and violative of Fundamental rights guaranteed to the applicant under articles 14, 19, 309 to 311 and 335 of Constitution of India.

7) 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.

(a) Appeal dated 20.12.88, addressed to the Superintendent of police, C.B.I./S.P., Lucknow; but no reply received till now. Annexure No.A-12.

8) Matters not previously filed or pending with any other court:-

The applicant further declares that he had

not previously filed any application, Writ petition or suit regarding the matters in respect of which this application has been made, before any court of law or any other authority or any other bench of the Tribunal and nor any such application, Writ petition or suit is pending before any of them.

9) Reliefs Sought:-

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

(a) To direct the respondents to reinstate the applicant in the cadre of C/T maker in Tiffin Room of S.P., CBI/SPE, Lucknow.

(b) To regularise the post of C/T maker under the ~~dire~~ instructions of Government of India, on the following grounds:-

(i) Because the applicant has served two years and one month service, with some spells of break, i.e. w.e.f. 25.9.86 to 31.10.88, including continuous service for one year and ~~8~~⁴ months w.e.f. 5.2.87 to ~~31.10.88~~ ^{4-5-88 (PN)} ... Annexure A-4 to 11.

(ii) Because the applicant is terminated w.e.f. 1.11.88 (forenoon) without assigning any reason whereas he has served with very good work and conduct. ... Annexure A-10 and 11.

(iii) Because the respondent No.2 has violated the principles of natural justice under articles

309 to 311 of the Indian Constitution, whereas there is Supreme Court ruling that justice should not only be done but should manifestly be seen to be done. Justice can never be done if a man acts as a Judge in his own cause or is himself interested in its outcome. This principle applies not only to judicial proceedings but also to quasi-judicial and administrative proceedings. ..Annexure A-11, 12

(iv) ~~xx~~ Because the applicant is of Scheduled caste and he has claim under Article 335 of Indian Constitution.

Annexure A-17

(v) Because there are Govt. instructions from time to time to consider the cases of service of more than one year on ad-hoc or temporary or casual basis. ..Annexure No. A-13 to 16.

10. Interim Order:-

As above.

11. The application is presented through counsel.

12. Particulars of Bank Draft in respect of the application fee.

(i) Name of the Bank on which drawn.

SBI, Can't. Lucknow

(ii) Name of Demand Draft No. OT/A/132 516936

13. List of Enclosures:-

As per Annexures mentioned in para No.6 in various paragraphs and in the Index.

Verification

I, Laxman S/O Sri Raja Ram, aged about 25 years, terminated as C/T maker in the office of the SP, CBI/SPE, 7, Nawal Kishore Road, Lucknow at present, Resident of Gram Ajgain, P.O. Ajgain Distt. Unnao, do hereby verify that the contents of para 1 to 13 are true to my personal knowledge and that I have not suppressed any material fact.

Date: 18th Aug., 1989.

Place: Lucknow.

Signature of the Applicant

To,

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

through:

R.K.G.
(Raj Kumar Gaur)
Advocate
Counsel for the Applicant.

Ansakher-100 (29)
24
CENTRAL BUREAU OF INVESTIGATION

Office Order No. 273 /1988.

The Services of Sri Laxman Prasad, Coffee

Tea Maker appointed vide office order No. 218/88 dated hereby terminated w.e.f. 1.11.88 (F.N.). The order is being issued with the approval of S.P. available on the file.

Supdt. of Police,
CBI: SPE: Lucknow.

Endt. 5592 /40/*/E/CBI/LKO/88

Dt. 1-11-88

Copy for information and necessary action to:-

1. Estt. Clerk-II/CBI/Lucknow.
2. Sri Laxman Prasad. Coffee Tea Maker, CBI, LKO.

Supdt. of Police
CBI: SPE: Lucknow.

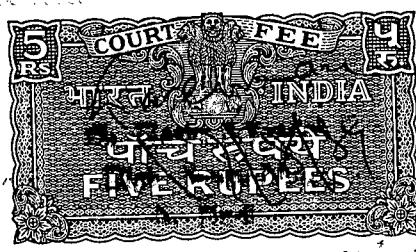
SCV

In the Central Administrative Tribunal
Allahabad Bench, Lucknow महोदय

ब अदालत थीमान्
[वादी अपीलान्ट]

प्रतिवादी [रेस्पाडेन्ट]

का वकालतनामा
Gurish Kumar Verma - Applicant



Gurish Kumar Verma

वादी (अपीलान्ट)

Union of India और बनाम

प्रतिवादी (रेस्पाडेन्ट)

न० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से थी २११५८१२) ११५ अधिनाय

वकील

महोदय
एडवोकेट

न० मुकद्दमा न० ११५ अदालत द्वारा दिल्ली में दाखिल कराया गया अपील का नाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौठावें या हमारी ओर से डिगरी जारी करावे और रूपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रूपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकर को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समब पर काम आवे ।

हस्ताक्षर 

साक्षी (गवाह) साक्षी (गवाह)

दिवांक १७ ८-८१ महीना सन् १६ ई०

स्वीकृत
२११५ अधिनाय

OFFICE CIRCLER. 223/1986.

Shri Laxman S/S Amt. 800/- is hereby appointed as
coffee/tea maker in CSC Lucknow Room Lucknow with effect from
25-9-1986 (R.N.) in the pay scale of Rs. 196-3-220-13-3-232/-
for a period of ^{one} month or till the time the services
are required which ever is earlier.

Certified & Verified
by
A.M. 26/9/1986

RECD. OF POLICE, C.R.I. BH
LUCKNOW.

Encl No. 7459 20/10/86 (R.N.) Dated the 20th October, 86.

1. Pay & A.C. C.R.I. A.D. 2nd Flr. 2nd Wing, Delhi.
2. Payment Clerk (to delivery).
3. CSC Lucknow Coffee/Tea Room Lucknow.
4. P/B of Shri Laxman, Coffee/Tea Room / CSC Lucknow, CSC, Lucknow.

26/9/1986
RECD. OF POLICE, C.R.I. BH
LUCKNOW.

Annexure 2

Original dated 11/26/1968.

In continuation of this office, to State Order No. 8223
dated 21 December 1967, and for the purpose of
clarifying certain points of paragraph 11, the
Government of India, in view of the fact that
the State of Bihar has not yet been
represented in the State Council, has
decided to

Supply of police, 400/600
now.

Copy
for
the
State
Council

State Council

State
Council

2

3

4

5

Copy
for
the
State
Council

Mr. M. M. K. 103

July 26, 1986.

In continuation of my letter dated 17th July 1986, I am enclosing herewith a copy of the letter sent to the Honorable Minister of State for Environment and Forests, dated 17th July 1986, in which I have requested him to take steps to ensure that the following recommendations of the Standing Committee on Environment and Forests are implemented.

Yours truly,
R. K. M.

Suppt. of Police, Mysore
Indore.

1. Pay compensation to the families of the deceased.
2. Establish a State Environment and Forests Commission.
3. Establish a State Environment and Forests Board.

Suppt. of Police, Mysore
Indore.

Annexure no 9

63
MICHIGAN DEPARTMENT OF AGRI.

Shpt. Lubkin 5/6 and 1 May 1961 border disputes
as referee to a hearing in the Duffin Road Lumber
Contract from 5-2-1962 (W. H. L.) in the pay scale of £s. 750-33/-
per month for a period of 32 days till the date
Kittner Verber is entitled

GUIDE TO POLITICAL PARTIES

Digitized by srujanika@gmail.com

Annexe No. 1

OFFICE ORDER NO. 11/1987.

Dear Sirs, Please be advised that I am temporarily
posting post of 2nd Mates in Cafeteria Room Liner
Branca in the sale of \$ 750-12-070-02-1987/- plus
other allowances as standard under the rules V.G.F.
10.3.87 for a period of one month or till the
regular assignment is available, whatever is concerned.

Supply of Petrol
Oil/Aviation
Gasoline.

Amount Rs. 518 /- 10/1/86/87/1987. Date 11-2-87

Copy to:

1. Pay & A.O.O, C.O.I./M.C.I.-Mumbai, for information.
2. Establishment Store/Accounts Clerk-1 (Financial Section).
3. and Harbor S/E Harbor/and Harbour.

10/3/87
B.R.D.
B.R.D.
C.O.I./M.C.I.-Mumbai.

Annexure No 6

OFFICE ORDER NO. 143

The Services of Smt. Laxmi Prasad, I.A. Branch
Approved Video Office order No. 62/66 is hereby transmitted
V.O.P. No. 5.66.

Supply of Police Station
Laxmi

24/20 Street 1/2/66/100/100-5-5-50

Copy not instructed on and necessary notation is to be

1. Accounts Section, 1/2/66/100/100-5-5-50
2. Smt. Laxmi Prasad, 1/2/66/100/100-5-5-50
3. File No. 60/1/2/66/100/100-5-5-50

PPH/Annexure

Supply of Police Station
Laxmi

Ancrene Wisse

66

三

OAKLEY OAKLEYS 148

2nd. Lease in 1855 to S. Lurey 2000 acres for
meat in C. & P. & St. Louis. Land & cattle \$1500.
A bushel of corn day - in this time became 62 lb. / 7000
a bushel of corn day a day \$112.50 a bushel. 1500
bushels \$16500.

COLONY POLITICAL PARTIES AND THE STATE IN INDIA 113

1. 1960 2. 1961 3. 1962 4. 1963 5. 1964 6. 1965 7. 1966 8. 1967 9. 1968 10. 1969 11. 1970 12. 1971 13. 1972 14. 1973 15. 1974 16. 1975 17. 1976 18. 1977 19. 1978 20. 1979 21. 1980 22. 1981 23. 1982 24. 1983 25. 1984 26. 1985 27. 1986 28. 1987 29. 1988 30. 1989 31. 1990 32. 1991 33. 1992 34. 1993 35. 1994 36. 1995 37. 1996 38. 1997 39. 1998 40. 1999 41. 2000 42. 2001 43. 2002 44. 2003 45. 2004 46. 2005 47. 2006 48. 2007 49. 2008 50. 2009 51. 2010 52. 2011 53. 2012 54. 2013 55. 2014 56. 2015 57. 2016 58. 2017 59. 2018 60. 2019 61. 2020 62. 2021 63. 2022 64. 2023 65. 2024 66. 2025 67. 2026 68. 2027 69. 2028 70. 2029 71. 2030 72. 2031 73. 2032 74. 2033 75. 2034 76. 2035 77. 2036 78. 2037 79. 2038 80. 2039 81. 2040 82. 2041 83. 2042 84. 2043 85. 2044 86. 2045 87. 2046 88. 2047 89. 2048 90. 2049 91. 2050 92. 2051 93. 2052 94. 2053 95. 2054 96. 2055 97. 2056 98. 2057 99. 2058 100. 2059 101. 2060 102. 2061 103. 2062 104. 2063 105. 2064 106. 2065 107. 2066 108. 2067 109. 2068 110. 2069 111. 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2170 212. 2171 213. 2172 214. 2173 215. 2174 216. 2175 217. 2176 218. 2177 219. 2178 220. 2179 221. 2180 222. 2181 223. 2182 224. 2183 225. 2184 226. 2185 227. 2186 228. 2187 229. 2188 230. 2189 231. 2190 232. 2191 233. 2192 234. 2193 235. 2194 236. 2195 237. 2196 238. 2197 239. 2198 240. 2199 241. 2200 242. 2201 243. 2202 244. 2203 245. 2204 246. 2205 247. 2206 248. 2207 249. 2208 250. 2209 251. 2210 252. 2211 253. 2212 254. 2213 255. 2214 256. 2215 257. 2216 258. 2217 259. 2218 260. 2219 261. 2220 262. 2221 263. 2222 264. 2223 265. 2224 266. 2225 267. 2226 268. 2227 269. 2228 270. 2229 271. 2230 272. 2231 273. 2232 274. 2233 275. 2234 276. 2235 277. 2236 278. 2237 279. 2238 280. 2239 281. 2240 282. 2241 283. 2242 284. 2243 285. 2244 286. 2245 287. 2246 288. 2247 289. 2248 290. 2249 291. 2250 292. 2251 293. 2252 294. 2253 295. 2254 296. 2255 297. 2256 298. 2257 299. 2258 300. 2259 301. 2260 302. 2261 303. 2262 304. 2263 305. 2264 306. 2265 307. 2266 308. 2267 309. 2268 310. 2269 311. 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2670 712. 2671 713. 2672 714. 2673 715. 2674 716. 2675 717. 2676 718. 2677 719. 2678 720. 2679 721. 2680 722. 2681 723. 2682 724. 2683 725. 2684 726. 2685 727. 2686 728. 2687 729. 2688 730. 2689 731. 2690 732. 2691 733. 2692 734. 2693 735. 2694 736. 2695 737. 2696 738. 2697 739. 2698 740. 2699 741. 2700 742. 2701 743. 2702 744. 2703 745. 2704 746. 2705 747. 2706 748. 2707 749. 2708 750. 2709 751. 2710 752. 2711 753. 2712 754. 2713 755. 2714 756. 2715 757. 2716 758. 2717 759. 2718 760. 2719 761. 2720 762. 2721 763. 2722 764. 2723 765. 2724 766. 2725 767. 2726 768. 2727 769. 2728 770. 2729 771. 2730 772. 2731 773. 2732 774. 2733 775. 2734 776. 2735 777. 2736 778. 2737 779. 2738 780. 2739 781. 2740 782. 2741 783. 2742 784. 2743 785. 2744 786. 2745 787. 2746 788. 2747 789. 2748 790. 2749 791. 2750 792. 2751 793. 2752 794. 2753 795. 2754 796. 2755 797. 2756 798. 2757 799. 2758 800. 2759 801. 2760 802. 2761 803. 2762 804. 2763 805. 2764 806. 2765 807. 2766 808. 2767 809. 2768 810. 2769 811. 2770 812. 2771 813. 2772 814. 2773 815. 2774 816. 2775 817. 2776 818. 2777 819. 2778 820. 2779 821. 2780 822. 2781 823. 2782 824. 2783 825. 2784 826. 2785 827. 2786 828. 2787 829. 2788 830. 2789 831. 2790

R. H. H.

153

Annuance no 87

2
Eg.

GENERAL BUREAU OF INVESTIGATION LUCKNOW

OFFIC. ORD R NO. 213 / 1988

The services of Sri Laxman Rd., C/T Mekar appointed
via O.O. No. 142/88 is hereby terminated w.e.f. 3/8/88 (A.N.)

*Certified and
dated by
S. D. S. S. S. S.*
Supdt. of Police,
CSI/SPB/Lucknow.

Recd. No. 40015 Dated: 4/8/88
40/1/88/CSI/LAO

Copy for information and necessary action to:-

- 1: Accounts Section, A/c-II and B/c-II/CSI/LKO
(in duplicate)
- ✓ 2: Sri Laxman Rd., C/T Mekar, C.I. Tiffin Room, Lucknow.
- 3: P/F of Sri Laxman Rd., C/T Mekar.

Rathore
Supdt. of Police,
CSI/SPB/Lucknow.

Annexure no 9

PG)

34

General Board of INVESTIGATION

OFFICE ORDER NO. 210 /88

Sri Laxman Prasad is appointed purely temporarily on ad-hoc basis to the post of Coffee/Tea maker in the pay scale of Rs.750-940/- with effect from 4/8/88 for a period of 30-days. His service can be terminated at any time without any notice or assigning any reason.

*Copy forwarded
2/8/88/SPB*

Supdt. of Police,
CBI/SPB/Lucknow.

Encl. No. 11225 /4/1/88/CBI/LKO. dt. 10/8/88

Copy forwarded for information and necessary action to-

- 1: Pay & A.O., CBI, Adm.-Building, New Delhi.
- 2: Establishment Clerk-c-III (in duplicate)/CBI/LKO.
- 3: Sri Laxman Prasad, C/T maker, CBI Tiffin Room, LKO.

*R.H. am
10/8/88*

Supdt. of Police,
CBI/SPB/Lucknow.

EXPERIENCE CERTIFICATE

It is certified that Sri Lechman was appointed as Coffec/Tea Maker on 24/3/86 (FN) as on an ad-hoc basis with a break after every three months in the pay scale of Rs. 750-940. His services were terminated on 31.10.86.

He was sincere and hard worker. His work and conduct was very good. He has worked 2 Years & one month and days only.

I wish him success in his life.

Dy. Supdt. Of Police
Lucknow.
34-बूलीस बड़ीकाम
Dy. Supdt. of Police
क० अ० बूरो, नगरान
C. B. I., Lucknow

सेवा में ।

पुलिस अधीकारक ।

६३०

सी० बी० आई० । एस० पी० ई० ।

लखनऊ ।

भीमान् ।

सांख्य निवेदन है कि प्राथी० स्क बहुत ही गरीब परिवार का व्यक्ति है । उसके पिता की इतनी आमदनी नहीं है कि घर का भरण पौष्णण हो सके । कोई वर्ष व स्क माह आपको यहाँ काफी । टी मेकर की नौकरी अरके प्राथी० घर का भरण पौष्णण कर रहा था । परन्तु आपसे अचानक प्राथी० को १-११-८८ को नौकरी से निकाल दिया । अतः अब प्राथी० और उसका परिवार खुले मरने की स्थिति में आ गया है । अतः आपसे प्रार्थना है कि प्राथी० को किर से नौकरी दे दी जाए । जबकि इस विषय में सरकारी आदेश भी है कि स्क वर्ष से शैक्षिक होने पर नौकरी रेगुलर की आसक्ति है । भाँर अनुमूलित जाति का होने पर प्राथमिकता दी जाती है ।

अतः मुझः प्रार्थना है कि प्राथी० को शीघ्र ही नौकरी पर बुला लिया जाए । प्राथी० इसके लिए सदा आपका आभारी रहेगा ।

आपका विश्वासपात्र ।

दिनांक २०-१२-८८

लखनऊ ।

प्राथी०
११६८८

No.39021/5/83-Estt. (B)

Government of India,
Ministry of Personnel & Training,
Administrative Reforms and
Public Grievances and Pension,
(Department of Personnel & Training).

.....
New Delhi, the 9th July, 1985.

OFFICE MEMORANDUM

Sub:- Ad-hoc appointments in Groups A, B, C and D posts -
need for effective control.

In terms of Regulation 4 of the Union Public Service Commission (Exemption from Consultation) Regulations, 1958, it shall not be necessary to consult the Commission in regard to Selection for a temporary or officiating appointment to a post if -

Certified and checked from photocopies of the original document

(i) the person appointed is not likely to hold the post for a period of more than one year and

(ii) it is necessary in the public interest to make the appointment immediately and a reference to the Commission will cause undue delay.

Provided that -

(a) such appointment shall be reported to the Commission as soon as it is made;

(b) if the appointment continues beyond a period of 6 months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission; and

(c) if such an estimate indicates that the person appointed is likely to hold the post for a period of more than one year from the date of appointment the Commission shall immediately be consulted in regard to the filling up the post.

2. The provisions in the above Regulation clearly stipulate that consultation of UPSC need not be made only if, at the time when the temporary or officiating appointment is made, the person appointed is not likely to hold the post for a period of more than one year. Obviously, therefore, if the vacancy that has arisen is of such a nature that it is likely to last for more than a year, appointment should not be made except in consultation with UPSC.

- 3 -

5. The situations in which the ad-hoc appointments are made may be of two types:-

- (a) Where the Recruitment Rules exist for the posts, and
- (b) Where the recruitment Rules for the posts do not exist.

In the cases falling in the first category, in respect of anticipated vacancies on account of factors like superannuation or promotion to the higher rank, the Ministries/Departments concerned should be able to make reference to the Commission at least 4 months, prior to the dates on which vacancies are expected to arise. Where recruitment rules are available and an unanticipated vacancy occurs on account of factors like death, resignation or compulsory/voluntary retirement, and the vacancy cannot be allowed to remain unfilled even for a period of 3 to 4 months, then ad-hoc promotions/appointments can be made by Ministries/Departments, strictly in accordance with the recruitment rules and after observing the procedure for promotion/appointment laid down in the rules, but without consulting UPSC. Simultaneously with such ad-hoc appointment an indent will have to be forwarded to UPSC for regular appointment. It is only then that it can be ensured that ad-hoc appointments are, in fact, ad-hoc in nature, for a purely temporary period, till a regular appointment is advised by UPSC.

6. In so far as the appointments in the second category are concerned, hitherto a view had been taken in terms of para 10 of the Ministry of Home Affairs O.M. dated 26.12.68* that in the absence of recruitment rules laying down definite mode of recruitment for a post, the normal procedure should be that the post is filled up by competitive selection through the Commission. It has been provided in this O.M. that when for some unavoidable reasons delay is anticipated in finalising the recruitment rules for a post, recruitment for that post should be entrusted to the Commission as soon as the post is sanctioned and it is decided to fill it, to enable the Commission to take necessary action for filling it up by competitive selection. In accordance with this procedure, the absence of recruitment rules the only type of regular appointment made was by open advertisement and selection through the Commission. In the absence of recruitment rules, appointment by promotion or transfer or deputation was not being considered and the posts were continued to be filled on ad-hoc basis and with the delay in finalising the recruitment rules such ad-hoc appointments continued beyond the period of one year. Para 5 of the Ministry of Home Affairs O.M. No. 39021/35/78-Estt(B) dated 15/25.11.79@ provides that when new posts are created and no recruitment rules have been framed, consultation

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(59)

Annexure No 14

LATEST

Govt. Orders on Staff Matters

*Copy of O.M. No. 28036/8/87-Estt. (D) dated 30-3-88
from Ministry of Personnel, Public Grievances and Pension
(Dept. of Personnel & Training)*

Sub : Ad-hoc appointment—Revision of Instructions on.

Certified and read all my 31/12/88

The undersigned is directed to say that instructions have been issued from time to time by the Department of Personnel and Training requesting all Ministries/Departments to fill all posts only in accordance with the prescribed procedure and Recruitment Rules on a regular basis. Consequently, Ministries/Departments are required to ensure that all appointments made on an ad-hoc basis are limited to posts which cannot be kept vacant until regular candidates become available. However, it has been noted that appointments continue to be made on an ad-hoc basis and proposals are being received in this Department for regularisation of these appointments on the grounds that the persons concerned have been working against these posts for a long time. This has led to instances where Courts and Tribunals have directed the Govt. to fix seniority after taking into consideration the period of service rendered on an ad-hoc basis. This unintended benefit of adhoc services has, therefore, been bestowed to a number of persons whose adhoc promotions have made on the basis of seniority-cum-fitness, even though the Recruitment Rules for the post may have prescribed promotion by selection.

2. In view of the position explained above, it has been decided that the Ministries/Departments may not make any appointment on an ad-hoc basis including appointments by direct recruitment, promotion, transfer on deputation etc. The procedure to be followed in circumstances when ad-hoc appointments are presently frequently being resorted to, is explained below :—

(i) **'Absence of Recruitment Rules**

Ad-hoc appointments are frequently resorted to on the grounds that Recruitment Rules for the post are in the process of being framed. In this Departments

J.C.M. Bulletin

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(25)

O. M. No. 39021/5/83-Estt. (B), dated 9th July, 1985, all Ministries/Departments have been advised that if there are overriding compulsions for filling any Group A or Group B post in the absence of Recruitment Rules, then they may make a reference to the Union Public Service Commission (UPSC) for deciding the mode of recruitment to that post. Further action to fill the post may be taken according to the advice tendered by the UPSC. All such appointments will be treated as regular appointments. In the case of Group C and D posts which are outside the purview of UPSC, powers to frame Recruitment Rules without consulting the Department of Personnel and Training have already been delegated to the Administrative Ministries vide this Deptt.'s O. M. No. CD-14017/10/85-Estt. (RR), dated 21st March, 1985. Therefore, no appointment may be made to any post on an ad-hoc basis on the ground that no Recruitment Rules exist for the same.

*Certified to be true
from public record
at every place*

(ii) **Revision of Recruitment Rules:**

Ad-hoc appointments are also frequently resorted to on the ground that proposals are under consideration to amend the existing Recruitment Rules. The legal position in this regard is that posts are to be filled as per eligibility conditions prescribed in the rules in force at the time of occurrence of the vacancies unless amended Recruitment Rules are brought into force with retrospective effect. In fact, the practice has been to give effect to amendments in the Recruitment Rules only prospectively, except in rare cases. Hence, regular appointment/promotions may be made in all such cases in accordance with the Recruitment Rules in force at the time when the vacancy arises. No ad-hoc appointments/promotions may be made on the grounds that the Recruitment Rules are being revised or amended.

(iii) **Revision of Seniority List:**

Another reason for making ad-hoc arrangements and delaying regular promotions is that the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases regular DPCs may be held based on the existing seniority list. In case such disputes are pending before a Court/Tribunal, unless there is an injunction/stay order against making regular promotions, the appointing authority may convene the DPC and make promotions on the basis of the existing seniority list. However, while issuing the orders in such cases it should be stipulated that these promotions are provisional and subject to the final decision of the Court/Tribunal. Subsequently, when the directions of the Court/Tribunal become available a review DPC may be held and the necessary adjustments made in the promotions of officers based upon the revised seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC they may be reverted to the posts held by them earlier.

(iv) **Shortage in Direct Recruitment Quota**

Ad-hoc appointments are also made on the consideration that adequate number of qualified candidates are not available for filling the vacancies through the direct recruitment quota prescribed in the Recruitment Rules. In some cases, even though the required number of candidates are recommended by the Union Public Service Commission/Staff Selection Commission, some of them do not join or they joint to resign thereafter.

August, 1988

According to the instructions contained in this Department's O. M. No. 24012/34/80-Estt. (B), dated 20th Feb 1981, while notifying vacancies to recruiting agencies especially the SSC, the appointing authority is expected to compute the total number of vacancies taking into consideration the likely vacancies during the period beginning from the date of announcement of the examination in question upto the date of announcement of the subsequent examination so that the total number of posts to be kept vacant may be very few.

In spite of this, if some vacancies still remain unfilled the following measures may be adopted :—

- a) Wherever feasible, the posts may be allowed to remain vacant until qualified candidates become available at the next examination.
- b) Wherever the Recruitment Rules for the posts provide alternative methods of recruitment i. e. not only by the direct method but also by transfer on deputation, efforts may be made to fill those vacancies which cannot be held over (until candidates of next examination become available), by the alternative methods, i. e. by transfer on deputation etc.
- c) However, in cases where direct recruitment is the only method provided in the Recruitment Rules, Ministries/Departments have been advised vide O. M. No. 14017/8/84-Estt. (RR), dated 19th June, 1986, that the Rules may be amended to provide for transfer on deputation as an alternative method to fill short-term vacancies in the direct recruitment quota. In case the rules have not been amended the Ministries/Departments may take steps to do so immediately so that the shortage of qualified candidates against the DR quota, may be met by filling the vacancies through transfer on deputation for short periods.
- d) Whenever short-term vacancies are caused by the regular incumbents proceeding on leave for 45 days or more, study leave deputation etc, of less than one year duration, they may be filled by officers available on an approved panel. Such a panel may be maintained taking into account not only the actual but also the vacancies anticipated over a period of 12 months in accordance with the existing instructions/holding DPCs. Wherever an officer is not available on an approved panel the post may be kept vacant, as far as possible.

3. If the prescribed instructions and procedures are strictly adhered to, it may be seen that there will be very few cases where appointments need to be made on an ad-hoc basis. Such circumstances may be :—

- i) Where there is an injunction by a Court/Tribunal directing that the post may not be filled on a regular basis and if the final judgement of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- ii) Where the DR quota has not been filled and the RRS also do not provide for filling it up on transfer or deputation temporarily and the post cannot also be kept vacant.

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iii) In short terms vacancies due to regular incumbents being on leave/deputation etc. and where the posts cannot be filled as per para 2(v), and cannot also be kept vacant.

4. In such exceptional circumstances ad-hoc appointments may be resorted to subject to the following conditions:

i) The total period for which the appointment/promotion may be made on an ad-hoc basis, will be limited to one year only. The practice of giving a break periodically and appointing the same person on an ad-hoc basis may not be permitted. In case there are compulsions for extending any adhoc appointment/promotion beyond one year, the approval of the Department of Personnel and Training may be sought at least two months in advance before the expiry of the one year period. If the approval of the Deptt. of Personnel & Training to the continuance of the adhoc arrangements beyond one year is not received before the expiry of the one year period of the adhoc appointment/promotion shall automatically cease on the expiry of the one year term.

ii) If the appointment proposed to be made on an adhoc basis involves the approval of the Appointments Committee of the Cabinet, this may be obtained prior to the appointment/promotion being actually made.

iii) Where adhoc appointment is by promotion of the officer in the feeder grade, it may be done on the basis of seniority-cum-fitness basis even where promotion is by selection method as under :—

(a) Ad-hoc promotions may be made only after proper screening by the appointing authority of the records of the officer.

(b) Only those officers who fulfil the eligibility conditions prescribed in the recruitment rules should be considered for ad-hoc appointments. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances.

(c) The claims of Scheduled Caste and Scheduled Tribes in adhoc promotions shall be considered in accordance with the guidelines contained in the Department of Personnel & A. R. Office Memorandum No. 36011/14/83-Estt. (SCT), dated 20.4.1981 and 30.9.1983.

iv) Where adhoc appointment by direct recruitment (which as explained above should be very rare) is being done as a last resort, it should be ensured that the persons appointed are those nominated by the employment exchange concerned and they also fulfil the stipulations as to the educational qualifications/experience and the upper age limit prescribed in the Recruitment Rules.
Where the normal procedure for recruitment to a post is through the employment exchange only, there is no justification for resorting to adhoc appointment.

August, 1988

v) Where the appointing authority is not the Ministry, the Authority competent to approve adhoc appointments may be decided by the Administrative Ministries themselves. The competent authority so authorised by the Ministry should be one level higher than the appointing authority prescribed for that post.

5. Ad-hoc promotions with respect to officers whose cases are kept in a sealed cover in accordance with O.M. No. 22011/2/86-Estt, (A), dated 12.1.1988, will, however, continue to be governed by these special instructions. Similarly, adhoc promotions of officers belonging to the Central Secretariat Service (CCS) to posts of Under Secretary/Deputy Secretary under the Central Staffing Scheme, will continue to be regulated by special instructions contained in O.M. No. 31/16/82-EO (MM), dated 28.8.1983.

6. All adhoc appointments including adhoc promotions shall be reviewed on the basis of the above guidelines. In exceptional circumstances, wherever such appointments are required to be continued beyond the present term, the decision thereon may be taken by the authority prescribed in para (4) (v). However, it may be noted that the continuance of such adhoc appointments including adhoc promotions will be subject to the over all restrictions of one year from the date of issue of these instructions.

7. All Ministries/Departments are requested to take action in accordance with the above mentioned instructions in respect of both Secretariat as well as non-Secretariat offices under them.

8. The receipt of this O. M. may kindly be acknowledged.

*Enclosed for
consideration and
action by
Par*

Sub : Casual labour-Regularisation Govt. Policy-Recruitment of Casual workers and
pensions on daily wages-Review of Policy.

The policy regarding engagement of casual workers in Central Govt. Offices has been reviewed by Govt. keeping in view the judgement of the Supreme Court delivered on the 17th January, 1986 in the Writ Petition filed by Shri Surinder Singh and other Vs. Union of India and it has been decided to lay down the following guidelines in the matter of recruitment of casual workers on daily wage basis :-

- i) Persons on daily wages should not be recruited for work of regular nature.
- ii) Recruitment of daily wages may be made only for work which is of casual or seasonal or intermittent nature or for work which is not of full time nature, for which regular posts cannot be created.
- iii) The work presently being done by regular staff should be reassessed by the administrative Department concerned for output and productivity so that the work being done by the casual workers could be entrusted to the regular employees. The Departments may also review the norms of staff for regular work and take steps to get them revised, if considered necessary.
- iv) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.
- v) In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour or the State Government/Union Territory Administration, whichever is higher, as per the Minimum Wages Act, 1948. However, if a Department is already paying daily wages at a higher rate, the practice could be continued with the approval of its Financial Adviser.

Wages

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(W)

*Certified & Verified
from published book
11/12/2013/Adm*

- (vi) The casual workers may be given one paid weekly off after six days of continuous work.
- (vii) The payment to the casual workers may be restricted only to the days on which they actually perform duty under the Government with a paid weekly off as mentioned at (vi) above. They will, however, in addition, be paid for a National Holiday, if it falls on a working day for the casual workers.
- (viii) In cases where it is not possible to entrusts all the items of work now being handled by the casual workers to the existing regular staff, additional regular posts may be created to the barest minimum necessary, with the concurrence of the Ministry of Finance.
- (ix) Where work of more than one type is to be performed throughout the year but each type of work does not justify a separate regular employee, a multifunctional post may be created for handling those items of work with the concurrence of the Ministry of Finance.
- (x) The regularisation of the services of the casual workers will continue to be governed by the instructions issued by this Department in this regard. While considering such regularisation, a casual worker may be given relaxation in the upper age limit only if at the time of initial recruitment as a casual worker, he had not crossed the upper age limit for the relevant post.
- (xi) If a Department wants to make any departure from the above guidelines, it should obtain the prior concurrence of the Ministry of Finance and the Department of Personnel and training.

All the administrative Ministries/Departments should undertake a review of appointment of casual workers in the offices under their control on a time-bound basis so that at the end of the prescribed period, the following targets are achieved :

- (a) All eligible casual workers are adjusted against regular posts to the extent such regular posts are justified.
- (b) The rest of the casual workers not covered by (a) above and whose retention is considered absolutely necessary and is in accordance with the guidelines, are paid emoluments strictly in accordance with the guidelines.
- (c) The remaining casual workers not covered by (a) and (b) above are discharged from service.

2. The following time limit for completing the review has been prescribed in respect of the various Ministries/Departments :

- (a) Ministry of Railways

2 years

3/18)

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(b) Department of Posts, Department of Telecommunications and Department of Defence Production 1 year

(c) All other Ministries/Offices.

Each Ministry should furnish a quarterly statement indicating the progress of the review in respect of the Ministry (proper) and all Attached/Subordinate offices under them to the Department of Personnel and Training in the proforma attached. The first quarterly return should be furnished to this Department by the 10th October, 1988.

3. By strict and meticulous observance of the guidelines by all Ministries/Departments, it should be ensured that there is no more engagement of casual workers for attending to work of a regular nature, particularly after the review envisaged above is duly completed. Each Head of Office should also nominate an officer who would scrutinise the engagement of each and every casual worker and the job for which he is being employed to determine whether the work is of casual nature or not.

Annexure no 16

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ANNEXURE—IV
[Para 5.3]

No. 6/(2)/23/79—Welfare dated the 11th
Dec. 1979.

GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/ GRIH
MANTRALAYA

Department of Personnel and Administrative Reforms

New Delhi, the 11th Dec. 1979

NOTIFICATION

No. 6/(2)/23/77—Welfare. It is hereby notified for the information of all concerned that the Government of India have taken a decision to treat, with effect from the 1st day of October, 1979, all posts in the canteens and mess rooms run departmentally by the Government of India as posts in connection with the affairs of the Union. Accordingly present and future incumbents of such posts would qualify as holders of civil posts under the Central Government. Necessary rules governing their conditions of service will be framed under proviso to article 309 of the Constitution to have retrospective effect from 1st day of October, 1979.

Copy forwarded for information and necessary action to

1. All Ministries/Departments of the Govt. of India (as per standard list), Cabinet Secretariat Lok Sabha Secretariat, Rajya Sabha Secretariat, Union Public Service Commission, Comptroller and Auditor General of India, Controller General of Defence Accounts, New Delhi.

2. Managing Committees of all Canteens/Tiffin Rooms run departmentally in Central Govt. Offices (as per attached list.).

Sd/-

T. V. RANGARAJAN,
Joint Secretary.

Sd/-

Under Secretary to the Govt. of India.

Amesbury 1017

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संस्कार - २४८४ / लोकोत्तोष / प्रमाण-पत्र (। १९८०-८१)

कायांचिय प्रित्तिकापु उन्नप ।
दिनांक ५ - ३३, १९४५।

प्रियापिता राम उल्लास - ८२

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH : LUCKNOW

M.P. No. 503/92
Q.A. No. 207 of 1989(L)

(18)

Laxman

...

Applicant

Vs.

Union of India & others ...

Respondents

Application for delay condonation
in filing preliminary objection

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The respondents most respectfully submit as under :-

1. That the respondents could not file the reply/preliminary objections due to unavoidable circumstances.
2. That the delay in filing reply/preliminary objection is bonafide and as such it may kindly be condoned in the interest of justice.

P.T.
Asit Kumar Chaturvedi
29/5/92
Therefore it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to condone the delay in filing reply/preliminary objection in the above noted case, and the preliminary objection herewith filed may kindly be taken on records in the interest of justice.

Dated, Lucknow:
15/11/1991

Asit Kumar Chaturvedi
(Asit Kumar Chaturvedi)
Advocate
Counsel for Respondents

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

M. P. 504/92

(49)

O.A. No. 207 of 1989 (L)

Laxman

... Applicant

Versus

Union of India & Others

... Respondents

APPLICATION FOR DISMISSAL OF ORIGINAL APPLICATION

The Respondents most respectfully submit as under :-

That the Original Application is not maintainable against the Opposite Parties arrayed in the Original Application for the reasons indicated in the accompanying Preliminary Objections. The necessary parties to the Original Application have not been arraigned as Opposite Parties; as such also the Original Application is liable to be dismissed.

Therefore, it is most respectfully
prayed that for the reasons disclosed in
the accompanying Preliminary Objections,
this Hon'ble Tribunal may be please to
dismiss the Original Application as not
maintainable in the interest of justice.

Asit Kumar Chaturvedi

Lucknow,

Counsel for the Respondents

Dated 15.11.1991

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

O.A. No. 207 of 1989 (L)

Laxman

... Applicant

Versus

Union of India & Others

... Respondents

PRELIMINARY OBJECTIONS ON BEHALF OF THE RESPONDENTS

I, Atul, S/o Mr. Vishvendra Nath, presently posted as Superintendent of Police, Central Bureau of Investigation, Special Police Establishment, Lucknow, Respondent No. 2, and as such, fully conversant with the facts and circumstances of the case. The Deponent has read and understood the contents of the Original Application and states hereinafter :-

(51)

PRELIMINARY OBJECTIONS

1. That the applicant was engaged as Coffee-Tea Maker in the Central Bureau of Investigation Tiffin Room in the Office of the Superintendent of Police, Central Bureau of Investigation, Special Police Establishment, Lucknow. The Engaging Authority of the Applicant as Coffee-Tea Maker is the Managing Committee of the Central Bureau of Investigation Tiffin Room, Lucknow keeping in view the administrative instructions of the Director of Canteens, Department of Personnel and Administrative Reforms, New Delhi.
2. That the service conditions of the staff of the Tiffin Room are governed under the directions of the Director of Canteens, Deptt. of Personnel & Administrative Reforms, New Delhi and Ministry of Personnel and Training, Administrative Reforms and Public Grievances and Pension, Govt. of India. The Staff of the Tiffin Room are not the staff of the Central Bureau of Investigation and as such, the Original Application is not maintainable against the answering Respondents.
3. That the answering Opposite Parties have

3/1/2

(3)

not been arrayed as Respondents in the Original Application, as such, the Original Application is liable to be dismissed as not maintainable.

~~3/15~~
Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of Paras 1 to 3 of the accompanying Preliminary Objections are true and correct to the best of my knowledge. Nothing has been concealed. So help me God.

Sworn and verified on this
....11..... day of November 1991.

~~3/15~~
Deponent

Lucknow,
Dated 11.11.1991

Before the Hon'ble Central Administrative Tribunal
बायदालत श्रीमान Current Bench Lucknow महोदय

बादी (मुद्र्द्देश)
मुद्र्द्देश (मुद्रालेह)

का

वकालतनामा

O.A. N. 209 व 89.

Lascman

बनाम

प्रतिबादी रेस्पान्डेन्ट

नं० Union of India & all
मुकद्दमा सन् पेशी की ता० १९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Asit Kumar Chaturvedi, Advocate

Additional Standing Counsel, Central Govt, CAT, Lucknow

R. B. Building, Pandit, Lucknow महोदय
एडवोकेट

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

नाम अदालत
नं० मुकद्दमा
नाम पैरवी

साक्षी (गवाह)

साक्षी (गवाह)

Dep't. of Police
F.B.I, S.P.E.A.C.B.
LUCKNOW.

(Respondent No 2).

दिनांक १२/१/११

महीना

सन् १९ ई०

हस्ताक्षर

तिल

Adv. No. B-9-83
D.B. S. 104019 - 17-2-93

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

M.P. No. 205 of 1992

Union of India & Others

... APPLICANTS/
RESPONDENTS

In Re:
Original Application No. 207 of 1989(L)

Laxman

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

APPLICATION FOR
CONDONATION OF DELAY IN FILING COUNTER REPLY

*F.T.
7/12/93
AK*
The Applicants / Respondents most respectfully
beg to submit as under:-

That the Counter Reply could not be filed in
response to the Notice, within the time specified
by this Hon'ble Tribunal due to reasons beyond the
control of the Answering Respondent. The delay is
not deliberate and as such the delay may be
condoned.

*Pleasee
before last
Habib Bench
on the date
fixed
2/12/93*
Therefore, it is most respectfully prayed that
for the reasons stated above, this Hon'ble Tribunal
may be pleased to condone the delay in filing the
Counter Reply and take the Counter Reply on record
of the Hon'ble Tribunal in the interest of justice.

Place : Lucknow
Dated : OCT 1992

Asit Kumar Chaturvedi
(ASIT KUMAR CHATURVEDI)
Advocate
COUNSEL FOR THE APPLICANTS/RESPONDENTS

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

M.P. No. 206 1992

(50)

Union of India & Other

... APPLICANTS/
RESPONDENTS

In Re:
Original Application No. 207 of 1989(L)

Laxman

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

APPLICATION FOR
DISMISSAL OF THE ORIGINAL APPLICATION

The Applicants / Respondents most respectfully beg to submit as under:-

That in view of the facts, reasons and circumstances stated in the Statement, it is expedient in the interest of justice that the Original Application filed by the Applicant before this Hon'ble Tribunal may be dismissed.

Therefore, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to dismiss the Original Application filed by the Applicant in the interest of justice.

Place : Lucknow
Dated : OCT 1992

Asit Kumar Chaturvedi
(ASIT KUMAR CHATURVEDI)
Advocate
COUNSEL FOR THE APPLICANTS/RESPONDENTS

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

M.P. No. 207 of 1993

(51)

Union of India & Others

... APPLICANTS /
RESPONDENTS

In Re:
ORIGINAL APPLICATION No.207 OF 1989(L)

Laxman

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

APPLICATION FOR
PERMISSION TO FILE OBJECTIONS TO
THE BRIEF FACTS

LEADING TO THE APPLICATION DATED 14TH AUGUST 1992
RECEIVED ON 16TH SEPTEMBER 1992

The Applicants / Respondents most respectfully beg to submit as under:-

That keeping in view the Brief Facts Leading to the Application, it is necessary that the Respondents should file Objections to the same.

Therefore, it is requested that this Hon'ble Tribunal may be graciously pleased to permit the Respondents to file Objections to the Brief Facts leading to the Application, and take the same on record in the interest of justice.

Asit Kumar Chaturvedi

Place : Lucknow

(ASIT KUMAR CHATURVEDI)

Dated : OCT 1992

Advocate

COUNSEL FOR THE APPLICANTS/RESPONDENTS

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

ORIGINAL APPLICATION No.207 OF 1989(L)

Laxman

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

OBJECTION TO THE BRIEF FACTS
LEADING TO THE APPLICATION DATED 14TH AUGUST 1992
RECEIVED ON 16TH SEPTEMBER 1992

I, Atul, aged about 39 years, S/o Shri Vishvendranath R/o 7, Naval Kishore Road, Lucknow, states as under:-

1. That the Deponent is presently working as Superintendent of Police, Central Bureau of Investigation, Lucknow, Respondent No. 2, and is fully competent to file Counter Reply on behalf of Respondent No. 1, as such, is fully conversant with the facts and circumstances of the Case. The Deponent has read and understood the contents of the Brief Facts leading to the Application dated 14th August 1992 received on 16th September 1992 and states hereinafter.

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2. That the contents of Paragraph 1 of the Brief facts leading to the Application are denied. The Original Application is not maintainable as the employees of non-statutory Tiffin Rooms have been declared to be Government employees w.e.f. 01st October 1991. As such, prior to that, they were not Government Servants.
3. That the contents of Paragraphs 2, 3, 4 & 5 of the Brief facts leading to the Application are denied. In fact, the Superintendent of Police, Central Bureau of Investigation, has signed the letters in the capacity of the Chairman, Managing Committee, Tiffin Room in the Office of the Central Bureau of Investigation, Lucknow Branch.
4. That in reply to the contents of Paragraph 6 of the Brief facts leading to the Application, it is stated that the employees of non-statutory Tiffin Rooms have been declared to be Government Servants w.e.f. 01st October 1991 through Office Memorandum No. 29th January 1992 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, in compliance of the Hon'ble Supreme Court Order dated 11th October 1991. The

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S. G.

Applicant cannot raise any dispute before this Hon'ble Tribunal in regard to the issues related prior to 01st October 1991. However, the Applicant was not an employee of the non-statutory Tiffin Room on 01st October 1991. As such, also this Hon'ble Tribunal has no jurisdiction in the matter.

Place : Lucknow


DEPONENT

Dated : 29 OCT 1992

VERIFICATION

I, the Deponent above named, verify that the contents of Paragraphs 1 to 4 above are true and correct to my knowledge derived from information and records and those of the legal paras are based on legal advice received, which is believed by me to be true and correct.

Verified this, the 27th day of October 1992, at Lucknow.


DEPONENT

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

(6)

ORIGINAL APPLICATION No.207 OF 1989(L)

Laxman

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

COUNTER REPLY
ON BEHALF OF THE RESPONDENTS

I, Atul, aged about 39 years, S/o Shri Vishvendranath R/o 7, Naval Kishore Road, Lucknow, states as under:-

1. That the Deponent is presently working as Superintendent of Police, Central Bureau of Investigation, Lucknow, Respondent No. 2, and is fully competent to file Counter Reply on behalf of Respondent No. 1, as such, is fully conversant with the facts and circumstances of the Case. The Deponent has read and understood the contents of the Original Application under reply and states hereinafter.
2. That the contents of Paragaph 1 of the Original Application are denied.

...2.

SLG

3. That in reply to the contents of Paragraph 2 of the Original Application it is stated that the Applicant has not impleaded the Chairman, Managing Committee, Tiffin Room of Central Bureau of Investigation, Lucknow as Respondent in the above Original Application whereas the fact is that the Competent Authority for the post of Coffee/Tea Maker in the Tiffin Room, is the Chairman, Managing Committee, Tiffin Room, Central Bureau of Investigation, Lucknow. The Central Bureau of Investigation is governed by the Ministry of Personnel, Public Grievances and Pensions and NOT the Ministry of Home Affairs. As such, the concerned Ministry of the Government of India has not been impleaded as Respondents in the above Original Application. As such, the Original Application is not maintainable on the ground of non-joinder of necessary parties. The Applicant has impleaded unnecessary parties, as such also, the Original Application is not maintainable on account of mis-joinder of parties.

4. *That in reply to the contents of Paragraph 3 of the Original Application it is stated that the Tiffin Room of Central Bureau of Investigation, Lucknow is a Type "A" Tiffin Room.*

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As such, only three employees can be appointed i.e. one each on the post of Counter Clerk/Sales Man, Tea-Coffee Maker and Wash Boy/Dish Cleaner. One Shri Panni Ram is working as Counter Clerk, Shri Hari Ram is working as Tea-Coffee Maker and Shri Raj Mohan is working as Wash Boy. As such, no post is vacant in the Tiffin Room of the Central Bureau of Investigation, Lucknow. The Ministry of Personnel, Public Grievances and Pensions has treated the employees of the non-statutory tiffin rooms as Government Servants w.e.f. 01st October 1991, in compliance of the Hon'ble Supreme Court of India Judgement delivered on 11th October 1991 in Writ Petition No. 6189-7044 and 8246-55 - C.K. Jha & Others Vs. Union of India & Others; and P.N. Sharma & Others Vs. Union of India & Others through Office Memorandum No. 12/5/91-Dir)C) dated 29th January 1992. A copy of the Ofice Memorandum dated 29th January 1992 is being annexed as ANNEXURE No.C-1 to this Counter Reply. As such, prior to 01st October 1991, the employees of the non-statutory Tiffin Rooms were not Government Employees. No Notification was issued under Section 14(2) of the Administrative Tribunal Act in regard to non-statutory Tiffin Room.

Slgo

...4.

5. That the contents of Paragraph 4 of the Original Application are denied. This Hon'ble Tribunal has no jurisdiction in regard to employees of non-statutory Tiffin Rooms, in regard to the issues prior to 01st October 1991.
6. That the contents of Paragraph 5 of the Original Application need no comments.
7. That in reply to the contents of Paragraph 6(i) of the Original Application it is stated that the Applicant was temporarily appointed as Coffee-Tea Maker on 25th September 1986 in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow for a period of one month.
8. That the contents of Paragraph 6(ii) of the Original Application are denied. The Applicant was reappointed on temporary basis as Tea-Coffee Maker in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow for a period of one month. The Applicant was not engaged continuously.

9. That the contents of Paragraph 6(iii) of the Original Application are denied. The Applicant was again reappointed for a period of one month as Coffee-Tea maker in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow. The Applicant has not worked continuously.

10. That in reply to the contents of Paragraph 6(IV) of the Original Application it is stated the Applicant was appointed w.e.f. 05th February 1987 for a period of 30 days as Coffee-Tea Maker in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow.

11. That in reply to the contents of Paragraph 6(v) of the Original Application it is stated that the Applicant was appointed temporarily as Coffee-Tea Maker in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow Branch, w.e.f. 10th March 1987 for a period of one month.

12. That in reply to the contents of Paragraph 6(vi) of the Original Application it is stated that the Applicant's services were terminated w.e.f. 04th May 1988. The Applicant was

reappointed for a period of ninety days as Coffee-Tea Maker in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow.

13. That in reply to the contents of Paragraph 6(vii) of the Original Application it is stated that the Applicant's services were again terminated w.e.f. 03rd August 1988. The Applicant was reappointed w.e.f. 05th August 1988, for period of ninety days as Coffee-Tea Maker in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow.
14. That the contents of Paragraph 6(viii) of the Original Application are denied. It is stated that the Applicant's services were terminated w.e.f. 01.11.1988 (forenoon) from the post of Coffee-Tea Maker in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow. The Applicant was appointed on a purely temporary basis. The Applicant's services were terminated as there was no need for the Applicant to continue on the post of Coffee-Tea Maker in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow.

15. That in reply to the contents of Paragraph 6(ix) of the Original Application it is stated that the Applicant was engaged on temporary basis for a period of one month or 30 days or 90 days, as per the requirements of the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow.
16. That in reply to the contents of Paragraph 6(x) of the Original Application it is stated that the Applicant's services were not required since 01.11.1988 as there was no need for the Applicant's engagement in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow keeping in view the strength laid down for Type "A" Tiffin Rooms. The Applicant was engaged as and when his services were required in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow.
17. That the contents of Paragraph 6(xi) of the Original Application are denied. The Applicant was engaged as Tea-Coffee Maker in the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow from 25th September 1986 to 31st October 1988 with frequent gaps keeping in view the need of the

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non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow. Whenever the Applicant was engaged, an Order was issued. The Applicant was fully aware that the Applicants services were purely temporary and it will only continue till the non-statutory Tiffin Room was in need of the Applicant's engagement.

18. That the contents of Paragraph 6(xii) of the Original Application are denied. The disengagement of the Applicant as Coffee-Tea Maker from the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow was done keeping in view the need of the non-statutory Tiffin Room of the Central Bureau of Investigation, Lucknow.
19. That the contents of Paragraphs 7 & 8 of the Original application need no reply.
20. That the contents of Paragraph 9 of the Original Application are denied. The Applicant is not entitled for any relief on thee grounds stated therein as well as the facts stated hereinabove.

St. G

21. That the contents of Paragraphs 10, 11, 12 & 13 of the Original Application need no comments.

Place : Lucknow.

Dated : 29 OCT 1992

~~SDG~~
DEPONENT

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

I, the Deponent above named, verify that the contents of Paragraphs 1 to 21 above are true and correct to my knowledge derived from information and records and those of the legal paras are based on legal advice received, which is believed by me to be true and correct.

Verified this, the 29 day of October, 1992, at Lucknow.

~~SDG~~
DEPONENT

Before the Hon'ble Central Administrative Tribunal, Lucknow

Case No. 207/91

Laxman

- Applicant

Unacademy India and others - - - Respondents

(SR)

Annexure (-1)

No.12/5/91-Dir(C)

Government of India

Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Trg)

ICIE
3/3/92
New Delhi,

Dated: 29/1/92, 1992.

OFFICE MEMORANDUM

PROJECT: Implementation of Supreme Court judgement in case of Non-Statutory Departmental/Cooperative canteen employees located in the Central Government Offices - Matter regarding.

The undersigned is directed to say that the Ministries are aware that a section of the canteen/tiffin room employees had filed Writ Petitions before the Hon'ble Supreme Court of India seeking parity with the Central Government employees (WT(C) Nos. 6189-7044) and in compliance with the interim order of the Hon'ble Supreme Court dated 26.9.1983 the employees of the non-statutory Departmental canteens/cooperative canteens located in Central Government offices are being paid at the same rate and on par with the Central Government employees of equal status. The instructions contained in this Ministry's Letter No.3/2/8/83-Dir(C) dated 3rd November, 1983 refers. The revised pay rules after the implementation of the Fourth Pay Commission report were also made applicable to the employees of these canteens w.e.f. 1.1.1986 vide this Ministry's letter No.3/2/10/86-Dir(C) dated 24th November, 1986.

2. The Hon'ble Supreme Court of India in their judgement delivered on 11.10.1991 in the Writ Petition No.6189-7044 and 8246-55 - C.K. Jha and others and P.N. Sharma and others have since passed the final orders. The relevant para with regard to confirmation of the interim order of Hon'ble Supreme Court as well as granting of further benefits to the canteen/tiffin room employees is re-produced below:

"BY AN INTERIM ORDER DATED 26.9.1983 CERTAIN RELIEFS HAD BEEN GRANTED. IN RESPECT OF THE RELIEFS ALREADY GRANTED THIS ORDER SHALL BE DEEMED TO BE OPERATIVE FROM THAT DATE. IN CASE ANY FURTHER BENEFITS ARE ADMISSIBLE THOSE WILL BE ADMISSIBLE FROM 1.10.1991."

3. Consequent upon the said judgement of the Hon'ble Supreme Court, it has been decided that the employees of the Non-statutory Departmental/Cooperative canteens/Tiffin rooms located in Central Government Offices should be treated as Government servants w.e.f. 1.10.1991. The employees of these canteens may, therefore, be extended all benefits as are available to other Central Government employees of comparable

TC
Dr. Chaitanya

... P.T.

from prepare:

status from 1.10.1991 except GPF, Pension and Group Insurance Scheme in respect of which a separate communication will follow.

4. These instructions may be implemented with due care and scrutiny in consultation with the Internal Finance of your Ministry. Due care may be taken so that the benefits of these instructions are granted only to the employees of non-statutory Departmental/Cooperative canteens located in Central Government Offices to whom the subsidy/loan is being granted by your Ministry. As the pay and allowances of the employees of these Canteens who will be treated as Central Government servants w.e.f. 1.10.1991 will be borne by the Administration the practice of granting a subsidy to meet 70% of the wage bill of the staff of these canteens and the grant of interest free loan to meet 30% balance thereof stands dis-continued from 1.10.1991.

5. The expenditure on payment of 'Pay and Allowances' to the employees of Canteens is to be booked under a new sub-head 'Departmental Canteens' below minor head 'Other Expenditure' under the major head of account to which the revenue expenditure of the related Ministry/Department is ordinarily debited, and exhibited as such in the Detailed Demands for Grants. This expenditure has to be absorbed from within the ceilings of non-plan expenditure approved by the Ministry of Finance. In this regard, a copy of Ministry of Finance (Budget Div) O.M.No.F.2 (26)-B(CDN)/92 dated 24.1.92 is enclosed.

6. This issues with the concurrence of Ministry of Finance (Budget Division) vide their No.2(26)-B(CDN)/92 dated 28.1.92, MHA Finance under their No.S-8/92-Fin.I dated 29.1.92 and Department of Legal Affairs, Ministry of Law and Justice vide their No.5673/91 of 18.12.1991.

7. All the Ministries etc. are requested to implement these orders with immediate effect so as to avoid any contempt proceedings.

8. Please acknowledge receipt.

R.C. RICHHARIYA
(R.C. RICHHARIYA)
DIRECTOR(CANTEENS)

TO

1. All Ministries/Departments of the Govt. of India (as per standard list).
2. All Registered Canteens/Tiffin Rooms (as per list attached).
3. Ministry of Finance (Dept. of Expenditure).
4. Home Finance Division.
5. Director of Audit, Central Revenue, New Delhi.
6. Controller General of Accounts, New Delhi.
7. C.G.D.A, R.K. Puram, New Delhi.
8. A.O(Canteens) - with 500 spare copies.

T. C
A. C. Chatterjee

IN the Hon'ble Central Administrative Tribunal,

Lucknow Bench Lucknow.

Original application No.207 of 1989(L).

Misc. Applications. - of 1993

Laxman

..... Applicant.

Versus

Union of India and others

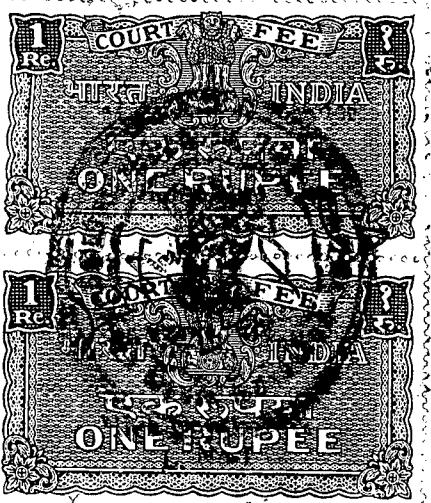
..... Respondents.

Brief facts ready, to the application

The applicant most respectfully begs to submit as under

1. That the application for condonation of delay in filing counter reply by the respondent, may not kindly be condoned in the interest of justice as the delay is deliberate and no specified reason is given whereas this Hon'ble Tribunal had passed order four years back, for submitting counter affidavit. Therefore, the deliberate delay may not be condoned, if this Hon'ble tribunal is pleased in the interest of justice.

2. That the application for dismissal of the original application, is on ^{by the respondent} false-grounds and circumstances stated in their statement. There is a maxim that if delay is in justice, justice is denied and the respondent wants decision in his favour after submitting counter affidavit on lapse of four years. Therefore the application for dismissal of the original application may kindly be dismissed and original application of the applicant may kindly be allowed in the interest of justice.



N THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

REJOINDER AFFIDAVIT
IN

ORIGINAL APPLICATION NO. 207 of 1989(L)

Laxman

..... Applicant.

Versus

Uion of India and others

.... Respondent.

Affidavit of Laxman aged about 28 years, son of Shri
Raja Ram, R/o Gram Ajgain Post Ajgain District Unnao, ~~UP~~

.....


Deponent.

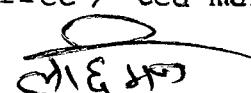
I, the deponent named above do hereby solemnly
affirm and state on oath as under:-

1. That the deponent is the applicant in the above noted
case and as such is fully acquainted with the facts
of the case deposed to below.

2. ^{Affidavit} That the counter, filed by ~~the~~ Sri Atul S.P. (C.B.I.)
Lucknow has been read over, translated and explained to
the deponent and he has understood the contents thereof
and now is in a position to reply the same by means of
rejoinder affidavit.

3. That the contents of para 1 as alleged are wrong,
incorrect and hence are denied. In reply it is submitted
that the deponent was working as coffee / tea maker in the





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canteen of S.P. (CBI), it is wrong statement and misleading to the court that only three employee can be appointed at the Tiffin, ^{room, which} has already been upgraded to 'D' type canteen w.e.f. 1.6.87 wide Director of Canteen New Delhi letter No. 22/2/87-C)/DD dated 16.7.87, It is true that Shri Panni Ram is working as counter clerk and Shri Raj Mohan is working ~~as~~ [✓] [✓] wash boy, but it is again misleading to the court that Sri Hari Ram is working as Coffee/tea maker. Still the post of coffee/tea maker is vacant, after termination of the applicant. Mr. Hari Ram is working as bearer w.e.f. 8.5.92 vide S.P. (CBI) Lucknow office order No. 115/92. Secondly the canteen employees are Government Servant w.e.f. 1.10.79 vide Government Notification No. of Department of personnel and administrative Reform New Delhi dated 23.12.1980. The referred judgement only indicate the further benefit which are admissible to those only ^{+ Servants also} who, ~~is~~ ^{the} entitled the benefits w.e.f. 1.10.1991. This again it is being tried to mislead the Hon'ble tribunal.



4. That the contents of para 2 to 4 as alleged are incorrect wrong, ~~intended~~ and hence are denied. In reply, it is submitted that the deponent was serving as coffee/tea maker and was terminated without assigning any reason on arbitrary basis.

5. That the contents of para 5 as alleged are wrong

to 12 (except 6)

(1181)

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3.

incorrect and hence are denied. In reply, it is submitted that it is wrong and misleading that he was government servant from 1.10.1991nd instead of 1.10.1989. There is clear notification of Ministry of Personnel Administrative Reforms New Delhi dated 23.12.1980 vide G.S.R.54 that he was government servant w.e.f. 1.10.1979.

6. That the contents of paras 6 of the counter affidavit need no reply.

7. That the contents of para 13 and 14 as alleged are wrong ~~was~~ in correct and hence are denied. In reply, it is submitted that the deponent was reappointed w.e.f. 4.8.88, not from 5.8.88, and there is also no reason for termination of deponent.

8. That the contents of para 15, 16, 17 and 18 as alleged are wrong, incorrect and hence are denied. In reply, it is submitted that the deponent was terminated without assigning any reason whereas ~~was~~ a certificate ~~for~~ good conduct and work was issued to him. He ~~was~~ also a schedule caste candidate but this fact was not considered at the time of terminating him, without any specified reason.

9. That the contents of para 19 of the counter affidavit need no reply.

10. That the contents of para 20 as alleged are wrong



...

incorrect and hence are denied. In reply, it is submitted that the deponent is entitled for ~~reinstatement~~ ^{reinstatement service,} ~~release~~ in the interest of justice.

Thus the deponent further reaffirms that the contents of para 1 to 13 of this original application are based on real facts and ~~on~~ ⁱⁿ the principles laid down court in the several judgements of Supreme and High court.

11. That the contents of para 21 of the counter affidavit needs no reply, and it is submitted that the impugned termination order of the administration is absolutely, arbitrary and malafide.

The deponent solemnly submits that the application is liable to be allowed and the respondents may be directed to ~~the~~ ^{the} ~~sixty~~ reinstate the applicant to the post of Coffee/Tea maker, with retrospective effect i.e. 25.9.86 with full pay and allowances.

I, , the deponent named above do hereby swear and declare that the contents of paras 1 to 11 of this rejoinder affidavit, are true to my personal knowledge and no part of it is false and nothing material has been concealed therein..

So help me God.



31/8/1986

Deponent.

(X)

I, R.K.Gaur, Advocate, do hereby declare that the person making the affidavit and alleging himself to be Mr. Laxman is known to me from the papers produced by him, before me in the present case and I am satisfied that he is the same person.

R.K.Gaur
Advocate.

Solemnly affirmed before me on this 22 day of September 1993 at 12.35 pm by the deponent that who is identified by the aforesaid Advocate.

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



H.K. Sharma
Oath Commissioner.
Advocate
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow.
No. C.N.A.
Date ... 22.9.93 ...

3. That the application for permission to file objections to the brief facts leading to the application dated 14th August 1992 ~~xxxx~~ received on 16 September 1992 and objection to the brief facts leading to the application dated 14th August 1992 received on 16th September 1992 by the respondent, is misleading to the court whereas the objection by the respondent have already been filed in the Hon'ble court and ~~are~~ ^{was} rejected by this Hon'ble court. Now they are again filing this objection only for delaying justice. ~~Therefore, xxxxxxxxx~~

Relief or Prayer —

IT is therefore prayed that this Hon'ble court may kindly be pleased to allow the original application applicant of the ~~deponent~~ and the application ~~for~~ ^{for} permission to file objection, may kindly be dismissed in the interest of justice and the respondent may pleased be warned for delaying justice, ^{in the interest of justice}.

Place: Lucknow

(Raj Kumar Gaur)

Dated : September . 1993

Advocate

Counsel for the applicant.

11/9/93

Central Administrative Tribunal

Lucknow Bench

Date of Filing

29.8.95

Date of Receipt by Post

1670 18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

Dy. Registrar (J)

Application No. 1643 of 1995

(10)

Place before the

Hon'ble Bench

for orders on 6.9.95

in:

O. A. No. 207/89.

f18
Dy. Registrar

Laxman

..... Applicant.

Versus

Union of India and others

..... Opp. parties.

APPLICATION FOR RESTORATION

Hon'ble Vice Chairman and companion Members.

undersigned
The ~~Applicant~~ begs to submit as under:-

1. That the above referred O.A. No. 207/89 was fixed for final hearing on 28.8.95 and there was practice in the court that final hearing cases were being heard after lunch hours.
2. That on 28.8.95 the case was heard before lunch and the undersigned could not attend the above case due to misimpression that the case is to be heard after lunch, the undersigned was also suffering from heart trouble therefore, he could not verify the actual position of the case on 28.8.95.

Central Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Receipt by Post

2.

3. That when the undersigned came to the court after ^{Dy. Registrar (J.)} lunch hours to attend the above case, he was told by the reader that the case has already been heard before lunch and the above case is dismissed in default.

4. That if the above case is not restored in the interest of justice the applicant will suffer an irreparable loss.

Wherefore, it is most respectfully prayed
that the above case may ~~immediately~~ ^{please} be restored to its original number in the interest of justice.

Lucknow

11/8/95

Dated: 29.8.95

Counsel for the applicant.

1055

In the Central Administrative Tribunal, Circuit Bench,

Lucknow.

O.A. No. 207 of 1989

Expedite Application.

11-12-2395/96

Place before the
Hon'ble
Court
for order
of a
Date
By Registrar

Laxman

..... Applicant.

Versus

Union of India and others Respondent.

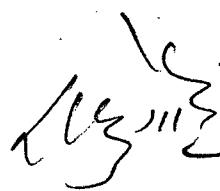
Without date.

Sir,

As the above case is pending since long time i.e. about five years and is still without date and the applicant facing financial hardship due to termination from the service. The date of the case ~~may kindly be pleased~~ ^{please} ~~be pleased~~ ^{be fixed} at the earliest, in the interest of justice.

Lucknow

Dated: 25-11-96


(Raj Kumar Gaur) Adv.
Counsel for the
applicant.

21/12/96
Applicant

IN THE GENERAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

O.A. No. 207 of 1989.

Laxman Applicant.

Versus
Union of India and others Respondents.

Take notice that the court will be moved by the undersigned on 25-11-1994 at 10 a.m. in afternoon and the parties as their counsels can be heard.

The object of this motion is carefully indicated by the counsel for the applicant.

A copy of the Misc. application is enclosed herewith.

Take further notice that while this court has been pleased to pass the order, dated this the

25-11-1994.

Lucknow

Dated: 25-11-94

11
R.K.G.
(Raj Kumar Gaur)
Advocate
Counsel for the applicant.

In the Central Administrative Tribunal, Circuit Bench,

Lucknow.

O.A. No. 207 of 1989.

(P) of 1994.

Misc. Application No.

Laxman

..... Applicant.

Versus

Union of India and others

.... Respondents.

The applicant most respectfully begs to submit
as under:-

1. That the Ban on creation of posts has been withdrawn
vide Ministry of Finance Department of Expenditure No.
7/(12)-E-Coord/94 dated 29.3.1994.

Annexure No. MA-1.

2. That the application may ~~be~~ pleased be considered
by this Hon'ble court with considering the above annexure
and the application be admitted, in the interest of
justice.

RELIEF OR PRAYER.

It is therefore prayed that this Hon'ble court may
kindly be pleased to allow the original application along
with this Misc. application and the applicant be re-instated
in the interest of justice.

Lucknow

Dated: 25-11-94


Counsel for the applicant.

Applicant

No. 7(12)-E, Coord/94
Government of India
Ministry of Finance
Dept. of Expenditure

✓
New Delhi, the 29th March,
1994.

OFFICE MEMORANDUM

Sub:- Economy in the administrative expenditure of Govt.
- Ban on creation of posts.

The undersigned is directed to refer to this Ministry O.M. No. 7(1)-E, Coord./84 dated 20.6.1984, as amended from time to time including O.M. No. 10(4)-E, Coord/85 and O.M. No. 7(7)-E, Coord./93 dated 3.5.1993 on the subject indicated above and to state that the powers given to Ministries/Departments to create 'Plan' posts in Groups 'B', 'C' and 'D' (including non-Scientific 'plan' posts under the Department of Science & Technology) are hereby withdrawn. The above mentioned O.Ms. dated 8th June, 1988 and 3.5.93 will stand modified to the extent indicated above with immediate effect.

2. All Ministries/Departments are requested to ensure implementation of the above decision.

3. Hindi version is enclosed.

*CR checked and
Liaison
Sd/-
(D. SWARUP)
JOINT SECY. TO THE GOVT. OF INDIA.*

To

All Ministries/Departments of the Govt. of India.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

O.A.NO. 297/89

Laxman Applicant
-Vs-
Union Off India Respondents

28.8.95

Hon'ble Mr. V.K. Seth -A.M.
Hon'ble Mr. D.C. Varma -J.M.



For applicant :- None

For Respondents :- Sri A.K. Chaturvedi

This is a old case of 1989 the last occasion on 16.4.95 learned counsel for the applicant has sought time to prepare the case. Today no body has put in appearance on behalf of the applicant nor there is any application for adjournment in the circumstances we dismiss this O.A. for default of the applicant.

प्रमाणित प्रति

Sd/
J.M.

Sd/
A.M.

प्रभारी अधिकारी अनुभाग
केन्द्रीय प्रशासनिक अधिकरण
लखनऊ न्यायपीठ, लखनऊ