

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 04225 of 20.9.0

Ramzan Ali

Applicant(S)

Versus

U.B.9.

Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
①	Check list	1 to 2
②	Judgment	3 to 4
③	Petition	5 to 11
④	Annexure with Power	12 to 38
⑤	C.A.	39 to 47
⑥	B.A.	48 to 51
B-C-File needed and destroy		

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

① 225/90 (L).

AI

31-7-80.

No sitting. Adjourn to 12-9-80

Ryz.

②

12/9/80

Hon. Mr. Justice K. Seth, VC
Hon. Mr. M.M. Singh, AM.

OR

As per court's order
at 11/9/80, the case
is fixed today
S. P. N.

11/9

Dr. Dinesh Chandra accepts
notice on behalf of the respondents.
The respondents will show cause
why the petition may not be
admitted. In particular they
will show whether the dismissal
order was passed by a competent
authority. Copies of the notices
meant for respondents be delivered
to Dr. Dinesh Chandra, dist for
admission/hearing on 10/10/80
when the case may be disposed
of finally.

K. K. L.
AM.

DR
VC.

Notices has been
accepted by Dr
Chandra for
Resp. No. 1 to 4.
28.7.80

12
but let's notice for
Resp. No. 1 to 4

J. Chandra
20/9
D. N. S.

③

10.10.80

No sitting Adj to 22.10.80

22.10.80

No sitting Adj to 20.11.80

OR
Dr. D. Chandra accepts
notice on behalf of repts.
but no reply filed.
A. N. A.

(A2)

7.11.91

Attest. Mr. J. J. G. b. c. S. m. D. v. r
Attest. Mr. D. B. G. m. D. m.

Argument heard. Judgment
delivered separately

[Signature]
r

[Signature]
D. m.

Received
Rangan A. G.
12/11/91

[Signature]
10/11/91
D

A3

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A. 225/90

Ramzan Ali

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

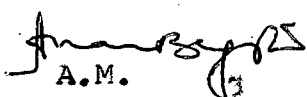
The applicant who was transferred to Electrical Division and was confirmed on 1.10.1985, has made certain allegations of malafides against some of the officers stating that he was chargesheeted on 3.8.87 by the Superintending Engineer (Electrical) who is neither the appointing nor the disciplinary or punishing authority of the applicant. The disciplinary enquiry proceeded and the enquiry officer submitted his report. From the facts it appears that the enquiry officer submitted his report without giving a copy of the same to the applicant. The disciplinary authority, agreeing with the enquiry report passed the order dated 16.11.88 dismissing the applicant from service. Even along with this order, the report of the enquiry officer was not furnished to the applicant and it was given to the applicant on 7.12.88 along with letter dated 5.12.88. The applicant filed departmental appeal which was not decided. After waiting for a few months he approached the Tribunal.

li

(14)

Although, the order has been challenged on variety of grounds, but it is not necessary to go into the grounds in detail, as this application deserves to be allowed on the ground that the copy of the enquiry report was not given to the applicant to file any representation and the applicant was thus prejudiced in his defence. This action of the respondents was violative of principles of natural justice. In Union of India vs. Mohd. Ramzan Khan (A.I.R. 1991, S.C. 471) in which it has been held that wherever enquiry has been held and the enquiry officer has recommended punishment, and the disciplinary authority has punished the delinquent, then in case the report of the enquiry is not given to the applicant to make his effective representation, the same violates the principles of natural justice and makes the entire enquiry proceedings vitiated. The same position is here in the present case. Accordingly, this application is allowed and the order ^{of} dismissal dated 16.11.88 is quashed. However, this order will not preclude the disciplinary authority from proceeding ^{with} the enquiry beyond the stage of giving a copy of enquiry report for giving ~~him~~ opportunity to applicant to file the representation and proceed in accordance with law. Applicant will be deemed in service ^{and is entitled to} ~~including with~~ all consequential benefits including service benefits.

No order as to costs.


A.M.

Lucknow Dt. 7.11.91
Shakeel/


V.C.

FORM-I

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW/ALLAHABAD

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS

ACT, 1985.

O.A. No. 225/90(2)

Ramzan Ali Applicant.

Versus

Superintending Engineer (Electrical) Postal

Electrical Circle, Chanakyapuri, New Delhi

and others Respondents.

INDEX

<u>Sl. No.</u>	<u>Description of Documents</u>	<u>Page No.</u>
1.	Application	1 - 7
2.	<u>Annexure A-1</u> . Dismissal order dated 16.11.88.	8 - 9
3.	<u>Annexure A-2</u> . Letter dated 5.12.88 with) enquiry report dated 1.8.88)	10-19
4.	<u>Annexure A-3</u> . Charge-sheet dated 3.8.87	20-22
5.	<u>Annexure A-4</u> . Suspension order dated 20.3.87	23
6.	<u>Annexure A-5</u> General Order dated 20-1-78	24
7.	<u>Annexure A-6</u> . General order dated 20.4.80	25
8.	<u>Annexure A-7</u> . Transfer order dated 25.7.83	26
9.	<u>Annexure A-8</u> . Confirmation order dt.1.10.85	27
10.	<u>Annexure A-9</u> Application dated 18.5.88	28-29
11.	<u>Annexure A-10</u> . Appeal dated 20.1.89	30-33

Filed today
58/18/7/90

Dated:
July 17, 1990

Ramzan Ali
Signature of the Applicant
RC Srinivas Adm. Cell For All India 18/7/90

FOR USE IN TRIBUNAL'S OFFICE

Date of filing :

Registration No.

Signature
For Registrar

Noted for
31/7/90
Noted 31-7-90
RC Srinivas
Adm. Cell
18/7/90

(AS) ①

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW - ALLAHABAD

APPLICATION No. OF 1990
(Under Section 19 of Administrative Tribunals Act)

BETWEEN

Ramzan AliAPPLICANT

and

Superintending Engineer (Electrical) Postal Electrical
Circle, Yashwant Place, New Delhi & others...RESPONDENTS

DETAILS OF APPLICATION

1. Particulars of the applicant

- (i) Name of the applicant: Ramzan Ali
- (ii) Name of Father : Late Sri Subham Ali
- (iii) Age of applicant . About 36 years
- (iv) Designation and particulars of office in which applicant was employed before ceasing to be in service:
Works Clerk Grade II, Office of Executive Engineer
Electrical, Postal Electrical Division, Lucknow
- (v) Office Address: As in para 1 (iv) above
- (vi) Address for service of notice :
Ramzan Ali r/o House No. ES-1/592, LDA Colony,
Aliganj, Sitapur Road-Sector A, LUCKNOW.

2. Particulars of the respondents :

- (1) Superintending Engineer (Electrical) Postal Electrical
Circle, Yashwant Place, Chanakyapuri, New Delhi.
 - (2) Executive Engineer (Electrical) Postal Electrical
Division, 15- Ashok Marg, Lucknow.
 - (3) Chief Engineer (Civil) Department of Posts, Office of
Director General Posts, Parliament Street New Delhi.
 - (4) Union of India, through Secretary, Ministry of Communication New Delhi.
3. Particulars of the order against which application is

Para 1

made.

- (i) Order No. SE/END/DO P/7(50)/3133-34 (Contained at Annexure A-1) dated 16-11-88, passed by Superintending Engineer (Electrical) Postal Electrical Circle, Yashwant Place, Chanakya Puri, New Delhi dismissing the applicant from service. This order was served on the petitioner on 1-12-88, and copy of Enquiry Report relied upon in the said order was served on the applicant on 7.12.88 vide

contd.....2/-

Ramzan Ali

(H)

letter dated 5-12-88 contained at Annexure A-2.

(2) Order/Memorandum No. SE/E/DOP/ND/7(50)/1797 (Contained at Annexure A-3) dated 3-8-87 passed by Superintending Engineer (Electrical) Postal Electrical Circle, Chanakyapuri New Delhi issuing Charge-Sheet to the applicant.

(3) Order No. 15(129)/PTCL/1118-20 (Contained at Annexure A-4) dated 20-3-87 passed by Executive Engineer (Electrical) Postal Electrical Division, Lucknow suspending the petitioners.

Para 2 (H) JURISDICTION OF TRIBUNAL.

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

Para 3 (H) LIMITATION.

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

Para 4 (H) FACTS OF THE CASE.

4(1) (H) That the applicant was appointed as Works Clerk Grade - II vide appointment order dated 13-11-78 passed by Superintending (Posts and Telegraph CIVIL CIRCLE), Lucknow and he joined his service in the said office at Lucknow on 22.11.78

4(2) (H) That Superintending Engineer, Posts and Telegraphs CIVIL CIRCLE - Lucknow was declared as INDEPENDENT CIRCLE vide order dated 20-1-78, a true extract where-of is being filed herewith as Annexure No. A-5.

4(2-A) (H) That subsequently vide order dated 29-4-80, it was clarified that each INDEPENDENT CIRCLE shall be the COORDINATING AUTHORITY for the purposes of recruitment, promotion etc., of the ministerial staff attached to Electrical Divisions and Architects Divisions located within the jurisdiction of such Civil Circle. A true copy of said order is contained at Annexure No. A-6. It is pointed out at this place that Civil Wing of Posts and Telegraphs

.....3/-

Rangan H.

A7

department consisted 3 arms i.e. Civil Engineering arm, Electrical Engineering arm and Architectural Engineering arm.

4(3) ~~4(3)~~ That Posts and Telegraphs Electrical Division, Lucknow falls within the jurisdiction of Posts and Telegraph CIVIL CIRCLE, Lucknow and accordingly the ministerial staff working in the office of said Electrical Division (i.e. Executive Engineer P&T Electrical Division, Lucknow) was neither recruited by Executive Engineer, P&T Electrical Division, Lucknow nor by his Superior Authority i.e. Superintending Engineer(Electrical) P&T Electrical Circle, New Delhi/^{but}by Superintending Engineer, P&T Civil Circle, Lucknow.

4(4) ~~4(4)~~ That vide order dated 25-7-83, Superintending Engineer P&T Civil Circle, Lucknow transferred the applicant from his own office and attached him to Accounts Branch of P&T Electrical Division, Lucknow and a true copy of said order is being filed ~~here~~ herewith as Annexure No. A-3.

4(5) ~~4(5)~~ That the Superintending Engineer, P&T Civil Circle has been re-designated as Superintending Engineer, Telecom. Civil Circle since, 1984.

4(5A) ~~4(5A)~~ That the Superintending Engineer Telecom. Civil Circle, ^{Lucknow} vide order dated 1-10-85 confirmed the applicant on the post of Works Clerk Grade-II, when the applicant remained attached to P&T Electrical Division, Lucknow and a true copy of said order is being filed herewith as Annexure No. A-8.

4(6) ~~4(6)~~ That Sri Pramod Kumar, Executive Engineer(Electrical) Postal Electrical Division, Lucknow with whom the petitioner was attached bears malice and ill-will against the applicant and with the collusion of Sri K.L. Tandon, Accounts Officer under him falsely implicated the applicant

Ramjan AG

in financial matters and initiated disciplinary proceedings against him with object to harm and harass the applicant

4(6A) ~~4(6A)~~ That accordingly Sri Pramod Kumar, Executive Engineer (Electrical) Postal Electrical Division, Lucknow vide order dated 20-3-87 contained at Annexure-3, suspended the applicant. The applicant ~~tax~~ submits that he had no jurisdiction to suspend the applicant and the suspension order is liable to be struck down on this ground.

4(6B) ~~4(6B)~~ That on the report of Sri Pramod Kumar the charge-sheet dated 3-8-87 contained at Annexure-2 was issued by Superintending Engineer (Electrical) Postal Electrical Circle Chanakyapur, New Delhi but he is not the appointing authority or Disciplinary or Punishing Authority of the petitioner and he had no jurisdiction to issue the said charge-sheet and the said charge-sheet and disciplinary proceedings against the applicant pursuant thereto are liable to be struck down on this ground.

4(6C) ~~4(6C)~~ That in the aforesaid disciplinary proceedings against the applicant, Sri C.P. Bhalla, Assistant Superintendent Post Offices, Office of the P.M.G. Lucknow was appointed as Enquiry Officer by the aforesaid Superintending Engineer (Electrical) Postal Electrical Circle New Delhi, but he not being the appointing authority or the Disciplinary or Punishing Authority of the applicant had no jurisdiction to do so and as such the enquiry conducted against the applicant by the said Enquiry Officer is without jurisdiction and stands vitiated.

4(6D) ~~4(6D)~~ That the aforesaid defects of jurisdiction were pointed out by the applicant to the Enquiry Officer as well as Superintending Engineer (Electrical) Postal Electrical Circle, New Delhi with prayer to cancel the charge-sheet

..... 5/-

Ramgon R.

(A)

and drop the disciplinary proceedings vide application dated 18-5-88 sent by the applicant and a true copy of the same is being filed herewith as Annexure No.A-9.

4(6-E) ~~6(6-E)~~ That however, the applicant has been dismissed by the Superintending Engineer(Electrical) Postal Electrical Circle, New Delhi vide order dated 16-11-88 contained at Annexure-I., but the applicant submits that he not being the appointing authority or the Disciplinary Or Punishing Authority of the applicant; the said dismissal order is without jurisdiction and is liable to be struck down on this ground.

4(7) ~~6(7)~~ That enquiry report was not supplied to applicant alongwith dismissal order and was later on given to him on 7-12-88 under letter dated 5-12-88. Said letter alongwith enquiry report is contained at Annexure No.A-2.

4(8) ~~6(8)~~ GROUNDS OF APPLICATION.

Because the suspension order of applicant, the charge-sheet issued against him, the enquiry conducted against him and the dismissal order passed against him are all without jurisdiction.

Para 5 7. That the applicant declares that he has availed of all the remedies available to him under the relevant service rules.

5(1) ~~7(1)~~ That being aggrieved the applicant sent an appeal dated 20-1-89 to the Chief Engineer(Civil) Department of Posts, Parliament Street, New Delhi by registered post and a true copy of the same is being filed herewith as Annexure No.A-10.

5(2) ~~7(2)~~ That the appeal filed by the applicant has not yet been decided and no orders have yet been communicated to him on the said appeal. In these circumstances, he is constrained to file this application under section 19 of the Administrative Tribunals Act before this Hon'ble Tribunal.

110

Para 6 8. That the applicant further declared that he has not previously filed any application, writ petition or Suit regarding the matter 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 nor any such application writ petition or suit is pending before any of them.

Para 7 8. Relief Sought.

7(1) 8(1) The applicant humbly prays that the suspension order dated 20-3-87 (contained at Annexure-3) the charge-sheet dated 3-8-87 (contained at Annexure-2) and the Dismissal order dated 16-11-88 (contained at Annexure-1) which are all without jurisdiction, may kindly be set aside and quashed, and the applicant may kindly be declared to be continuing in Service on the post of Works Clerk Grade-II entitled to full salary and all ^{attenuating} ~~attenuating~~ benefits.

7(2) 8(2) The applicant also humbly prays that this application may kindly be allowed with costs against the respondents.

Para 8 8. That the applicant humbly submits that the entire disciplinary proceedings against him including the dismissal order being absolutely without jurisdiction, this Hon'ble Tribunal may kindly be pleased to pass an interim order directing the respondents to allow the applicant to resume his duties and directing the respondents to pay full salary to the applicant, as the applicant and his family members are undergoing starvation due to aforesaid orders passed by respondents. Para 9 10. The applicant is presenting this application in person.

Para 10 10. Particulars of Bank Draft/Postal Order in respect of the Application Fee.

- (1) Number of Indian Postal Order... 8... 02... 4369.81
- (2) Name of the issuing Post Office.. Aminabad Park, Lucknow
- (3) Date of issue of Postal Order .. 17-7-90.....

Ranjan A.

- (4) Post Office at which payable... Aminabad Park, Lucknow
(5) Amount of Postal Order... Rupees Fifty.....

Para 11 12. LIST OF ENCLOSURES.

1. Annexure A-1 Dismissal order dated 16-11-88.
2. Annexure A-2 Letter dated 5-12-88 with Enquiry report dated 1.8.88.
3. Annexure A-3 Charge-Sheet dated 3-8-87.
4. Annexure A-4 Suspension Order 20-3-87.
5. Annexure A-5 General Order dated 20-1-78.
6. Annexure A-6 General Order dated 20-4-80
7. Annexure A-7 Transfer order dated 25-7-83.
8. Annexure A-8 Confirmation order dated 1-10-85.
9. Annexure A-9 Application dated 18-5-88.
10. Annexure A-10 Appeal dated 20-1-89.

VERIFICATION.

I, Ramzan Ali aged about 36 Years S/O Late Sri Subhan Ali, r/o House No. ES-I/592, L.D.A. Colony, Aliganj, Sitapur Road Scheme, Sector-A, Lucknow, do hereby verify that the contents of paras 1.....to ^{14(7), 5, 6, 9 to 11}..... are true to my personal knowledge and paras ^{14(8), 7}..... to ⁸..... believed to be true on legal advice and that I have not suppressed any material fact.

Date : 17-7-90

Place : Lucknow

TO

Registrar
Central Administrative Tribunal
Circuit Bench, Lucknow - Allahabad.

Ramzan Ali
SIGNATURE OF THE APPLICANT.

Regd./ConfidentialMINISTRY OF COMMUNICATIONS
DEPARTMENT OF POSTS

No. SE/E/ND/DO P/7(50) 133-34

Dated : 16-11-88.

ORDER

In memorandum No. SE/E/DO P/ND/7(50)/1797 dated 3-8-87 Shri Ramzan Ali, W. C. Grade-II O/O the Executive Engineer(Elect.) Postal Electrical Division, Lucknow 15, Ashok Marg was proceeded against under Rule 14 of the Central Civil Services (Classification, control and Appeal) Rules, 1965 on the following Articles of Charges:-

ARTICLES NO. I

Shri Ramzan Ali, W.C. Grade-II while functioning as Cashier in the O/O the Executive Engineer(Elect.) Postal Elect. Division, 15 Ashok Marg, Lucknow has misappropriated Govt. money on different occasion and as such violated Rule 3(1)(i), (ii) and (iii) of CCS (Conduct) Rules, 1964.

Thus by his above acts, the said Shri Ramzan Ali ~~committed~~ committed grave misconduct, exhibited absolute lack of devotion to duty and acted in a manner unbecoming of a Govt. Servant, thereby contravening the provision of Rule 3(1)(i), (ii) and (iii) of the Central Services (Conduct) Rules, 1964.

2. Since the charges have not been admitted or denied by Shri Ramzan Ali, an inquiry was held by Shri C.P. Bhalla, A.S.P. (Vig.II) O/O R & P.M.G. U.P. Circle, Lucknow who was appointed as the Inquiring Authority vide letter No. SE(E)ND/DO P/PF/2(60)/427-29 dated 8.2.88. Shri V.K. Gupta, A.E.(Elect.) Postal Lucknow was appointed as Presenting Officer vide letter No. SE(E)ND/DO P/PF/2(60)/424-26 dated 8-2-88.

The Inquiring Officer has submitted his report vide Inquiry Report/Ramzan Ali/88 dated 1.8.88 giving his findings that the Articles of Charges No.I as framed against Shri Ramzan Ali has been established. A copy of the enquiry report is enclosed.

After an objective assessment of the entire case, keeping in view the Memo of charges issued to the officer,2/-

Ramzan Ali

the enquiry report the evidence, oral and documentry, adduced both on behalf of disciplinary authority and the charged officer since Shri Ramzan Ali has contravened the provision of Rule 3(1)(i), (ii) and (iii) of CCS (Conduct) Rule 1964 by misappropriation Govt. money on different occasions, the Superintending Engineer (Elect.) Postal Elect. Circle, Yaswant place, Chankyapuri, New Delhi order that Shri Ramzan Ali, W.C. Grade-II office of the Executive Engineer (Elect.) Postal Elect. Division Lucknow may be dismissed from service.

Encl. :- Enquiring Officer's Report.

Sd/-
(A. S. CHANDEL)
Superintending Engineer (Elect.)
Postal Electrical Circle,
New Delhi-110021.

TO

Shri Ramzan Ali
H.NO. ES-1/592,
Sitapur Road Scheme, Phase-I, P.O. Nirala Nagar,
Lucknow (Through Executive Engineer (E) Postal Elect.
Division, Lucknow)

Copy forwarded to :

Shri P.K. Gupta, Executive Engineer (Elect.) Postal
Elect. Division, Lucknow. The enclosed copy of the
order meant for Shri Ramzan Ali, W.C. Grade-II may be
delivered to him under acquittance and the same may be
forwarded to this office for record.

Sd/- 8-11-88

(A. S. CHANDEL)
Superintending Engineer (Elect.)
Postal Electrical Circle,
New Delhi-110021.

Attested
R.C. Sinha
Deputy Secy

Ramzan Ali

(10) 2

Annexure No. A-2 APW

नियोज/Corr.-7

भारतीय डाक विभाग/DEPARTMENT OF POSTS INDIA

कार्यालय/Office of the

Regd./1/2.

No. 15(124)/PEDL/681

Date: 5/12/88

To,

Shri Ramzan Ali,
H.No. 55-1/532,
Sitapur Road Scheme, Phase - T,
P.O. Mir. Lohar, Lucknow.

Please find enclosed photograph copy of the report of the Inquiry Officer dt. 1.8.88 containing 2 pages in connection with your disciplinary case. Please acknowledge receipt of the same.

You are also ~~XXXXXX~~ requested to make it convenient to attend this office on any working day from 14th Dec, 88 to collect your subsistence allowance.

Encl: Inquiry report.

~~Signature~~

R.C.D.S.
Accounts Officer,
Postal Elect. Division,
Lucknow-226001.

15/12/88

Received on 07/12/88
Razvi
7/12/88

Ramzan Ali

* Allegations wise findings are noted below:-

Article I

That the said Sh. Ramzan Ali u.s. qasbi (Ex Cashier) o/o Mu Ex Engineer (Elect) Peshawar Elect. Div. Lucknow has misappropriated Govt money on different occasions such as:-

- (i) Balance amount of Rs 892/- (out of Rs. 12,000/- paid as Temporary advance to Sh. A.G. Khan A.E (Elect.) Lucknow on 12-10-86) is acknowledged as received by Sh. Ramzan Ali on 25-10-86. But this amount was not credited in the cash book / Govt account by him.

FINDINGS

- As per statement of Sh. A.G. Khan Pw-I dated 6-6-88 the aforesaid amount of Rs. 892/- was paid by him to Sh. Ramzan Ali Ex Cashier on 25-10-86 in the o/o Mu Ex Eng Elect Peshawar Elect. Div. Lucknow and acknowledgement was obtained on A.E(2) counterfoil (Exhibit P-I). This amount has not been noted in cash book by Sh. Ramzan Ali, as per statement of Sh. K.D. Kandpal, the then Accounts officer Pw-6 dated 20-6-88, as per cash book made exhibit P-XVIII A. P-XVIII B. There is no such credit.
- * Thus it is proved that a sum of Rs 892/- was received from Sh. A.G. Khan by Sh. Ramzan Ali Ex Cashier ^{on 25-10-86} and the same was not credited into Govt account by him.

- (ii) A sum of Rs 775.50 (out of Rs. 12,000/-) paid as Temporary advance to Sh. A.G. Khan A.E (Elect) Lucknow on 12-12-86 is acknowledged as received by Sh. Ramzan Ali on 26-12-86. But this amount was not credited in the cash book / Govt account by Sh. Ramzan Ali.

FINDINGS

Sh. A.G. Khan Pw-I has stated in his statement dated 6-6-88 that a sum of Rs. 775.50 was paid by him to Sh. Ramzan Ali, the then cashier on 26-12-86 and acknowledgement thereof was obtained on (other A.3) 50 dated 26-12-86 which has been made Exhibit P-II

Ramzan Ali

(K-10 Page-3)

From

(Page 3)

क्रम संख्या
No.

Dated at

विषय
SUBJECT

Sh. K.D. Khandelwal, Station Accounts Officer PW-6 in his statement dated 20.6.88 has stated that the sum of Rs. 775.00 has not been credited to Govt by Sh. Ramzan Ali as it finds no entry in cash book which is Exhibit P XIX

In charge sheet amount of Rs. 11,000/- has been shown to have been paid to Sh. A.G. Khan on 12.12.86 whereas correct date was 22.12.86, but it ^{does} not matter much since as far as the ~~charge~~ allegation is concerned it relates to misappropriation of Rs. 775.00 paid to Sh. Ramzan Ali on 26.12.86.

From the documents and statements mentioned above it is proved that the sum of Rs. 775.00 was paid to Sh. Ramzan Ali on 26.12.86, but he failed to credit it in Govt accounts and thus ^{it was} misappropriation by Sh. Ramzan Ali.

(iii) A sum of Rs. 853.20 (out of Rs. 13,000/- paid as Temporary advance to Sh. A.G. Khan A.E. (Elcot) Lucknow on 25.9.86) is acknowledged as received by Sh. Ramzan Ali cashier but the amount was not credited to the cash book/Govt account by Sh. Ramzan Ali.

FINDINGS

Sh. A.G. Khan A.E. (Elcot) Lucknow PW-2 has stated on 6.6.88 that a sum of Rs. 853.20 was paid by him to Sh. Ramzan Ali the then cashier on 26.9.86 who recorded 'credited Rs. 853.20'

his signature with date 26.9.86 on A.E. 2 made Exhibit P IV. This amount has not been (KTC Page 4)

Ramzan Ali

✓ Credited by Sh. Ramzan Ali in cash book, Sh. K.D. Khan (PW-6), has also corroborated it in his statement dated 20.6.88, Cash book made exhibit P-XX, does not have any entry for deposit of Rs. 853.20 on 26.9.88

Thus it is proved that a sum of Rs. 853.20 has been misappropriated by Sh. Ramzan Ali

(iv) A sum of Rs. 982/- (out of temporary advance of Rs. 12,000/- paid to Sh. A.G. Khan AE Lucknow on 24.1.87) was acknowledged as received by Sh. Ramzan Ali to the Comptroller on 28.1.87. But this amount of Rs. 982/- was not credited in Cash book / Govt account by Sh. Ramzan Ali

FINDINGS:

Sh. A.G. Khan AE Lucknow, PW-1, has stated on 7.6.88 that he had sent a sum of Rs. 982/- on 27.1.87 through Sh. Om Prakash Peon of the AE (Elect) Sub Div Lucknow, who paid this amount to Sh. Ramzan Ali the then cashier after obtaining acknowledgment of the amount in form date in page 36 (made exhibit P-XII) and on 27.1.87 (made exhibit P-X). Sh. Om Prakash Peon (PW-3) in his statement dated 7.6.88 has also mentioned that the sum of Rs. 982/- was paid to Sh. Ramzan Ali, after obtaining acknowledgment in form book no. 10000-2 (Exhibits P-XII and P-X)

Sh. G.P. Pandey, Junior Secy of the PW-7 has stated on 20.6.88 that the amount of Rs. 982/- shown to have been received and acknowledged in the handwriting of Sh. Ramzan Ali has not been credited to Cash book on 27.1.87 ~~as per~~ in Cash book (made Exhibit P-XVI)

On the basis of documents and statements of prosecution witnesses, it is proved that a sum of Rs. 982/- was paid to Sh. Ramzan Ali, who failed to credit the amount to Govt. in cash book

Ramzan Ali

(Kro Page 5)

उपरोक्त में माला कृपा
दिष्ट नमो है
Please quote

(Page 5)

क्रम संख्या
No.

दिनांक
Dated at

विषय
SUBJECT

(V) A sum of Rs 77.30 (out of Rs 1500/- paid as temporary advance to Sh. A. G. Khan on 23.1.87) was deposited with Sh. Ramzan Ali who acknowledged it but this amount of Rs 77.30 is not credited by him in Cash book/Govt Acct.

FINDINGS.

Sh. A. G. Khan - Elected Member, P.W.-I in his statement dated 7.6.88 has stated that a sum of Rs 77.30 was paid by him to Sh. Ramzan Ali. The balance sheet of Sh. Ramzan Ali dated 6.4.87 shows his signatures (without date) Rs 77.30 credited to his account. (Exhibit P. XI-A-B)

Sh. G. P. Pandey, Junior, Dist. Accountant P.W.-I and Sh. M. Tandon, Mr. Main Accountant (Secy), P.W. 5 in their statements dated 20.6.88 have stated that amount of Rs 77.30 has not been credited to Govt. acct. and it has not been noted in cash book (Exhibit P. XVII).

Sh. Ramzan Ali has a balance Rs 77.30 credited to his account from Sh. A. G. Khan, whose signature (with date) is present on the receipt dated 23.1.87 by Sh. A. G. Khan. Thus it is proved that a sum of Rs 77.30 was paid to Sh. Ramzan Ali but this amount has not been credited in cash book/Govt account as discussed above. Thus this allegation stands proved.

(VI) An entry indicating that a sum of Rs 1500/- was paid as temporary advance to Sh. A. G. Khan A.E. (Elected) Member has been made by Sh. Ramzan Ali in cash book on 26.5.86. This entry is not supported by MGIPAS report/proof/estimate/consolidated/sanction memo.

Ramzan Ali

(Kno Page 6)

FINDINGS

A20

16

Sh. A.G. Khan A.I. (Zindagi) Lucknow. Pw1 in his statement dated 26.5.88 has stated that a sum of Rs 1500/- shown to have been paid by Sh. Ramzan Ali (consist) to him (A.G. Khan) on 26.5.86 was actually not paid to him (A.G. Khan). He has further stated that sanction issued by Sr. Engineer (Elect) Lucknow on 6.6.86 shows a list of outstanding temporary advances pending a adjustment "pld" date of issue of letter viz 6.6.86 but no such amount of Rs 1500/- alleged to have been paid to him on 26.5.86 has been included in that list (Exhibit P.VII refer).

Entries of total, noted with pencil on page 239 a) Cash book of date 26.5.86 (Exhibit P.XIV) are shown signature and so writing, which are reported to have been made by Sh. Ramzan Ali after checking by Mr. A.D. Sh. B.L. Srivastava (P.V-4) as per his statement dated 20.6.88.

Entry at page 237 in cash book 29 (Exhibit P.XIII) made in receipt regarding payment of Rs 1500/- a temporary advance to Sh. A.G. Khan written by Sh. Ramzan Ali is reported to have been made after the checking of Mr. Mr. A.D. as per statement dated 20.6.88 of Sh. B.L. Srivastava (P.V-4).

How this amount shown paid to Sh. A.G. Khan on 26.5.86 it must have found place in list 6/86 of pending amount towards Sh. A.G. Khan, thus it is proved that a sum of Rs 1500/- shown to have been paid to Sh. A.G. Khan on 26.5.86 in records was actually not paid to him by Sh. Ramzan Ali and misappropriated by Sh. Ramzan Ali.

Ramzan Ali and misappropriated by Sh. Ramzan Ali (K.T. 19.7).

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

A24

17

कृपया उत्तर दें
In reply
Please quote

से न करें
Do not

क्रम संख्या
No.

दिनांक
Dated at

(Pg. 7)

विषय
SUBJECT

(vii) A sum of Rs. 7000/- (Seven thousand only) was sanctioned as temporary advance to Sh. A.K. Aligami J.E (Elect) Kharajpur on 19.5.86. An entry towards payment of Rs. 7000/- was made in the cash book by Sh. Ramzan Ali. He subsequently tampered the entries in the sanction memo and cash book, altered the amount of Rs. 7000 to 17000 by inserting '1' and 'teen' respectively in figures and words. He has also altered the amount released by Sh. Aligami from Rs. 7000/- to Rs. 17000/-.

FINDINGS

(Pw-2) Sh. A.K. Aligami has stated on 7.6.88 that he requested for a sum of Rs. 7000/- (Seven thousand only) to be sanctioned to him as temporary advance vide letter no. 38 (P.T.E./CASH) dated 19.5.86 (Exhibit P-VIII). Accordingly sanction vide Ex. Engineer no. P.T.E./CASH/17035.36 dated 19.5.86 was issued for Rs. 7000/- (Seven thousand only). Exhibit P-IX and Exhibit P-X - office copy & copy for J.E (Elect) respectively as confirmed by Sh. P.K. Gupta Ex. Engineer (Elect) Postal Lucknow - Pw-5 vide his statement dated 18.7.88. Another copy of the said sanction vide P.T.E./CASH/17035.36 (date incorrectly shown as 16-5-86 instead of 19.5.86) made (Kro. Page 8)

Ramzan Ali

Exhibit P-X ^{entry of} ^(P22) shows that the amount of Rs. 7000, Seven thousand was altered as Rs. 17000, Seventeen thousand respectively by adding 'i' and 'teen' thereto, in as amount sanctioned, amount received by Sh. Ak Nigam, pay order above signature of the P.O. Office. On the contrary amount shown as paid by cash 7000/- is clearly duly signed by Sh. Ramzan Ali with date 19/5/88 in red ink, a

Sh. Ak Nigam Pw-2 in his statement dated 7.6.88, Sh. B. S. S. S. S. S. Pw-4 in his statement dated 20.6.88, G.P. Pandey Pw-7 in his statement dated 20.6.88 and Sh. P.K. Gupta, Pw-8 in his statement dated 18.7.88 have confirmed that sanction of Rs. 7000/- was issued for Rs. Seven thousand only and not for Seventeen thousand. Alteration in amount in words and figures from seven thousand to Seventeen thousand was made by Sh. Ramzan Ali. Alteration on page 230 of cash book 29 (Exhibit XV) in amount from Rs. 7000 to Rs. 17000 and alteration in total struck with pencil were made by Sh. Ramzan Ali on page 232 of Cash book 29 (Exhibit XVI).

All these documents and statement of the witnesses mentioned above, show that alterations in amount from Seven thousand to Seventeen thousand (Rs. 7000/- to Rs. 17000/-) were made in various records by Sh. Ramzan Ali and payment was made for Rs. Seven thousand only.

Ramzan Ali

(KTO Page-9)

(Page - 9) (19)
to Sh. AK Nigam, Thus a sum of Rs. ten thousand was misappropriated by Sh. Ramzan Ali by making forged entries/manipulating relevant entries in official records. The allegation stands proved.

All the items (i), (ii), (iii), (iv), (v), (vi), and (vii) of article I in annexure II of the charge sheet dated 3.8.87 against Sh. Ramzan Ali (Assistant MC Grade II / The Executive Engineer (Elect) Postal Elect. Div. Lucknow) stand proved as discussed above.

Sh. Ramzan Ali failed to attend enquiries on any date of hearing though information was sent to him by registered post on each occasion and copies of daily progress report with statements furnished in it. Various witnesses from day to day were sent to him by registered post after hearing each time.

All these relevant documents are also enclosed herewith for your kind perusal.

Annex A - List of statement of witnesses PW-I to PW-8 with statements as detailed

Annex B - List of documents exhibit P-I to P-XXII

along with documents at srl 1-12 and Two cash

bills vol 29-30 for other exhibits P-XXIII to P-XXVII

Annex C - List of daily progress report with 62 parts

Annex D - Written brief dated 19.7.88 from P.O. in duplicate

Annex E - Correspondence file with srls I to 30/26.7.88

Ramzan Ali

five

(S. P. BHALLA)

INSPECTION OFFICER
ASP Vig. II of the PWS of
Lucknow.

ANNEXURE-A-3.

Department of Posts
Office of the Superintending Engineer(Elect.)
Postal Electrical Circle, Chankyapuri
New Delhi-21.

No.SE/E/DO P/ND/7(50)/1797

dated : 3-8-87.

MEMORANDUM

The undersigned proposes to hold an enquiry against Shri Ramzan Ali, W.C. Grade-II, O/O the Executive Engineer (Elect.) Postal Electrical Division, Lucknow, 15, Ashok Marg Lucknow under Rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules 1965. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure III and IV).

2. Shri Ramzan Ali, W.C. Grade-II is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person.

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

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

5.

Ramzan Ali

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

6. The ~~xxx~~ receipt of the Memorandum may be acknowledged

sd/- 30-7-87

TO

Shri Ramzan Ali
W.C. Grade-II

C-1061/4 Indira Nagar,
Lucknow.

(V. P. DEWAN)
Superintending Engineer (Elect.)
Postal Electrical Circle,
Yashwant Place, Chankya Puri
New Delhi-21

Attested
RCSisthan
And make

Ramzan Ali

A-NNEXURE-I (Part of Annexure No A-3)

Statement of the articles of charges framed against
Shri Ramzan Ali, W.C. Grade-II (Ex.Cashier) Office of the
Executive Engineer(Elect.) Postal Electrical Division, 15,
Ashok Marg, Lucknow.

Article No.1 :-

That the said Shri Ramzan Ali, W.C. Grade-II,
while functioning as Cashier in then Office of the Executive
Engineer (Elect.) Postal Electrical Division, 15 Ashok Marg,
Lucknow has mis-appropriated Govt. money on different
occassions and as such violated Rule 3(i)(ii)and (iii)
of C.C.S. (Conduct) Rule, 1964.

Sd/- 30-7-87
Superintending Engineer(Elect.)
Postal Electrical Circle,
New Delhi.-110021.

Affected
R. G. Srinivasan
Kolkata

Ramzan Ali

STANDARD FORM OF ORDER OF SUSPENSION
(RULE 10(1) OF THE C.C.S. (C.C.A.) RULES, 1965).

No. 15(129)/PTEL/1118-20

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS.

DATED AT LKO THE 20TH MARCH, 1987.

ORDER

Whereas a disciplinary proceeding against ~~xxxx~~
Shri Ramzan Ali, W.C. Gr. II (Ex. Cashier) in respect of
a criminal offence is contemplated.

Now, therefore, the undersigned in exercise of the
powers conferred by the sub-rule (1) of ~~xxx~~ rule 10 of the
Central Civil Services (Classification, Control & Appeal)
Rules, 1965, hereby places the said Shri Ramzan Ali,
W.C.Gr.II (Ex. Cashier) under suspension with immediate
effect.

It is further ordered that during the period that
this order shall remain in force the headquarters of
Shri Ramzan Ali, W.C.Gr.II(Ex. Cashier) shall be Lucknow
and the said Shri Ramzan Ali, W.C.Gr.II (Ex. Cashier)
shall not leave the headquarters without obtaining the
previous permission of the undersigned.

Sd/-
(PRAMOD KUMAR)
Executive Engineer(E)
Postal Electrical Division
Lucknow-226001.

Copy to Shri Ramzan Ali, W.C. Gr.II (Ex.Cashier).
Orders regarding subsistence allowance admissible to him
during the period of his suspension will issue separately.

Sd/-
(PRAMOD KUMAR)
Executive Engineer(E)
Postal Electrical Division
Lucknow.-226001.

Attested
RC Finister
Admission

Ramzan Ali

Extract CopyINDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

No.10-91/77-CSE

New Delhi-110001, the 20.1.78.

TO

1. All the Superintending Engineers, P&T Civil/
Electrical/Air Conditioning,
2. All Superintending Surveyor of Works.

Sub : Staff Inspection Unit recommendations implementation of
.....

Sir,

I am directed to say that consequent upon implementation of the Staff Inspection Unit recommendations, certain Civil Wing Circles have sought clarifications on the following points :-

-
- (xi) Co-ordination of newly formed Circles.
-

2. The points referred to above have been duly examined and clarifications are as under seriatim:-
-

(xi) Consequent upon formation of new Circles and shifting of the existing Architectural Office outside New Delhi, it has been decided to make the Superintending Engineer-I, P&T Civil Circle Bombay, SE-I, Calcutta and S.E. Madras Co-ordinating Circle, like P&T Civil Circle, New Delhi for the formations mentioned under each for administrative convenience:-

- (a) S.E. P&T Civil Circle-I Bombay.
- (i) P&T Electrical Circle, Bombay.
 - (ii) S.S.W. Bombay.
 - (iii) P&T Civil Circles I & II Bombay.
 - (iv) All Architectural offices at Bombay.
- (b) S.E. P&T Civil Circle-I Calcutta.
- i) P&T Electrical Circle, Calcutta.
 - ii) P&T Civil Circle I & II, Calcutta.
 - iii) All Architectural offices at Calcutta.
- (c) P&T S.E. P&T Civil Circle Madras.
- i) P&T Civil Circle Madras.
 - ii) All Architectural offices at Madras.

(in respect of Architect Units, the Superintending Engineers will be the Co-ordinating authority only for ministerial staff).

The remaining Civil Wing Circle- Ambala, Shillong, Lucknow, Bhopal, Ahmedabad, Hyderabad and Bangalor will function as Independent Circles.

.....

Yours faithfully
Sd/- C.M. TREHAN
ENGINEER OFFICER(CIVIL)

Attested
RC Srinivas
Admiral

Ramzan Ali

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS .

No.10-91/77-CSE.

New Delhi-110001, the 29-4-80

TO

The Superintending Engineer,
P&T Civil Circle,
AHMEDABAD.

Subject:- Clarification regarding Administrative power for
Electrical Division stationed at Ahmedabad and
Architect Office, Ahmedabad.

Sir,

I am directed to refer to your Office letter No.16(2)/80/SEPT(AHD)/318, dated 20-3-80 on the above mentioned subject and to say that for the ministerial staff attached to Electrical Divisions and Architects Offices located within the jurisdiction of a Civil Circle, designated as independent Circle vide this Directorate letter No.10-91/77-CSE, dated 20-1-78, the Civil Circle shall be the Co-ordinating authority for the purposes of recruitment, promotion etc.

2. It is further clarified that the 2 additional posts of Upper Division Clerks admissible for a Co-ordination Circle shall be available to only the following four Civil Circles.

- (i) P&T Civil Circle, New Delhi.
- (ii) P&T Civil Circle Madras.
- (iii) P&T Civil Circle, No.1, Calcutta.
- (iv) P&T Civil Circle, No.1 Bombay.

This also disposes of your Officer letter No.16(2)/80, SEPT/(AHD)/418 dated 14-4-80.

Yours faithfully

Sd/-

(S. K. VERMA)
ENGINEER OFFICER(CIVIL)-I

No.10-91/77-CSE

New Delhi-110001, the 29-4-80

Copy to :-

- 1. All S.Es, P&T (Civil/Electrical)
- 2. All S.S.Ws.
- 3. All S.As.

Sd/-

(S. K. VERMA)
ENGINEER OFFICER(CIVIL)-I

Attested.
RCSm-shar
Architect

....

Ramzan Ali

ANNEXURE-A-7.

INDIAN POSTS & TELEGRAPHS DEPARTMENT
(Civil Wing)

No. 1(1) 83/SEPT-LHO/3465

Dated : 25-7-1983.

OFFICE ORDER

The following transfers and postings of W.C. Gr.II are hereby made with immediate effect in the interest of Govt. works:-

S.No.	Name of the Official	From	To	Remarks
S/Shri :-				
1.	Shakeel Ahmad W.C. Gr-II	P&T Civil Dn. Dehradun(C/B)	P&T Civil Dn. Dehradun(AB)	
2.	A.M.Dhaundiyar W.C. Gr.II	P&T Civil Dn. Dehradun(AB)	P&T Civil Dn. Dehradun(CB)	
3.	Km. Manju Rani Gupta, W.C.Gr.II	P&T Elect.Dn. Lucknow(AB)	P&T Civil Circle Lucknow.	
4.	S/Sh. Sanker Sahai Sahai Srivastava, W.C.Gr.II	P&T Elect.Dn. Lucknow(AB)	P&T Elect. Dn.Lucknow(CB)	Posted against existing sanctioned strength of Divn.He shall work of English & Hindi Typing both.
5.	Ramzan Ali, W.C.Gr.II	P&T Civil Circle,Lucknow	P&T Elect. Dn.Lucknow (AB)	
6.	Sita Ram W.C.Gr.II	Posted as Cashier in P&T Civil Division Kanpur vice Shri R.N.Kansal W.C. Gr.I.		

There

The officials at Sl. no. 1 & 5 shall move first. The officials should not proceed on leave prior to their joining in the changed post.

Sd/
(D.N. Bhatia)
Superintending Engineer
P&T Civil Circle, Lucknow

Copy to:-

1. The Ex. Engineer, P&T Civil Dn., Kanpur/Dehradun.
2. The Ex. Engineer, P&T Elect. Dn. Lucknow
3. Officials concerned.
4. The Cashier, P&T Civil Circle, Lucknow
5. Shri A.K. Nigam, W.C. Gr.I, P&T Civil Circle, Lucknow
6. P/files.

Attested
R. S. Singh
Adm. Secy.

Ramzan Ali

S d/-
Superintending Engineer.

ANNEXURE -A-8.

DEPARTMENT OF TELECOMMUNICATIONS

(Civil Wing)

No. 10(6) SEPT-LKO/2222

Telecom.Civil Circle
Lucknow.

Dt. 1-10-85

OFFICE- ORDER

The following W.C. Gr.II attached to this Circle are hereby declared confirmed in their grade w.e.from the date noted against each in the scale of Rs.260-400/- against permanent posts sanctioned vide D.G. P&T No.19-4-85/CSE dt. 24-5-85 and vacated by W.C.Gr.I due to their confirmation as W.C.Gr.I.

Sl No.	Name S/ Shri	Date of birth	Date of entry in the grade	Date of confir- mation	S/C or U/R	Office to which attached
1.	G.K.Dixit	2.12.52	20.7.73	1.3.82	U/R	P&TCivilDn.Alla
2.	Ram Prasad Misra	2.1.52	16.2.78	1.3.82	U/R	P&TCivilDn. Kanpur.
3.	Mohd. Aslam	19.9.56	18.11.78	1.3.82	U/R	P&TCivilDn. Allahabad.
4.	Mani Ram	23.7.56	15.1.80	1.3.82	U/R	P&TElect.Dn.Lko
5.	A.M.Dhaundiyal	30-6-54	27.11.78	1.3.82	U/R	P&TCivilDn.DDN
6.	Surendra Bahadur Singh	30.10.54	27.11.78	1.3.82	U/R	" "
7.	Ramzan Ali	5.12.53	22.11.78	1.3.82	U/R	P&TElect.Dn. Lucknow.
8.	Smt.Asha Rani Nigam	22.7.50	21.11.78	1.3.82	U/R	P&TCivil Circle Lucknow
9.	Raghu Raj	20.1.53	9.1.80	1.3.82	S/C	P&TCivil Dn. Kanpur.
10.	B.K.Nigam	15.6.53	22.12.78	1.3.82	U/R	P&TElect.Dn.Lko
11.	K.S. Rawat	27.1.49	7.2.79	1.3.82	U/R	P&TCivilDn. DDN
12.	Krishan Kapoor	5.11.54	28.6.79	1.3.82	U/R	" "

Sd/-

Superintending Engineer.

Copy to:-

1. The D.G. P&T (CSE Section) New Delhi w.r.to his above referred letter.
2. Service Book.
3. Officials concerned.
4. P/files.
5. All Executive Engineers, P&T Civil & Elect.(with 2 spare copies).
6. E.C.II

Sd/

Superintending Engineer.

Attested
RC snr. Asst. Secy.

Rangon Singh

TO

The Enquiry Authority
Sri C.P. Bhalla,
Asstt. Superintendent Post Offices
(Vigilance-II)

C/O Post Master General, U.P. Circle,
LUCKNOW.

Dear Sir,

I am constrained to submit as follows :-

- 1) That I was appointed as Works Clerk Grade-II by Superintending Engineer, Posts and Telegraphs Civil Circle, Lucknow vide order dated 13-11-78 and joined in his office on 22-11-78.
- 2) That vide order dated 1-10-85 passed by Superintending Engineer (Telecom. Civil Circle) Lucknow I have been confirmed on the post of Works Clerk Grade-II with effect from 1.3.82.
- 3) That Shri P.K. Gupta, Executive Engineer (Electrical) Postal Electrical Division, Lucknow bears malice and ill will against me, and with the collusion of Sri K.L. Tandon, Accounts Officer falsely implicated me in financial matters and initiated disciplinary proceedings against me with the object of harrassing me.
- 4) That the disciplinary proceedings initiated against me are without jurisdiction.
- 5) That my appointing authority and punishing authority is Superintending Engineer (Telecom. Civil Circle) Lucknow and he alone can initiate any disciplinary proceedings against me.
- 6) That I have been suspended by Sri P.K. Gupta Executive Engineer (Electrical) Postal Electrical Division Lucknow who has no jurisdiction to suspend me. Similarly the Charge Sheet dated 3-8-87 against me has been issued by Superintending Engineer (Electrical) Postal Electrical Circle New Delhi and he has appointed you as Enquiry Authority but he has no jurisdiction

.....2/-

Ramzan Ali

A33

29

to do so.

7) That since the disciplinary proceedings and the inquiry being conducted against me is without jurisdiction, therefore, I am unable to participate in the enquiry conducted by you.

You are, therefore, requested to please lay your hands off, and do not conduct any enquiry against me, unless empowered to do so by my appointing authority i.e. Superintending Engineer(Telecom. Civil Circle)Lucknow.

Yours faithfully

Dated: 18-5-88

Sd/-
(RAMZAN ALI)
Works Clerk Grade-II
Office of Executive Engineer(Elect.)
Postal Electrical Division
Lucknow.

Copy to Superintending Engineer-(Electrical) Postal Electrical Circle Yashwant Place, Chanakyapuri, New Delhi with the remarks that my suspension order passed by Executive Engineer(Elect.) Postal Electrical Division Lucknow is without jurisdiction as also the charge sheet dated 3-8-87 issued by you and the Enquiry Officer appointed by you are also without jurisdiction, as my appointing authority Punishing Authority and Disciplinary Authority is Superintending Engineer(~~xxxx~~ Telecom. Civil Circle)Lucknow You are, therefore, requested to cancel the charge-sheet and withdraw the disciplinary proceedings against me, forthwith.

Sd/-

Dated : 18-5-88

(RAMZAN ALI)

Attested
RCS
Advised

Ramzan Ali

1284

30

ANNEXURE-A-10.

TO

The Chief Engineer(Civil)
Department of Posts
Office of the Director General Posts,
Parliament Street, New Delhi.

Ramzan Ali, S/O Sri Subhan Ali, R/O ES-I/592, Sitapur Road
Scheme, LDA Colony, Sector-A, Aliganj, Lucknow.

Appellant

Subject : Appeal against order dated 16-11-88 passed
by Superintending Engineer(Electrical)
Postal Electrical Circle, New Delhi served on
the appellant on 1.12.88 dismissing ~~fr~~ him
from service.

....

The appellant ~~was~~ ~~xx~~ above named respectfully
submits as follows :-

- 1) That the appellant was appointed as Works Clerk Grade II
vide appointment order dated 13-11-78 passed by Superinten-
ding Engineer(Posts and Telegraphs Civil Circle)Lucknow,
and he joined his services in the said office on 22-11-78.
- 2) That vide para 2(XI) Order No.10-91/77-CSE dated
29-1-78 of Director General Posts and Telegraphs New Delhi
Civil Wing Circle at Lucknow (i.e. Superintending Engineer
Posts and Telegraphs Civil Circle Lucknow was declared to
be an independent Circle. Subsequently vide order No.
10-91/77-CSE dated 29-4-80 of the Director General; it
was clarified that each independent Civil Circle shall be
the Co-ordinating Authority for the purposes of recruitment
promotion etc. of the ministerial staff attached to
Electrical Divisions and Architects Divisions located
within the jurisdiction of such Civil Circle.
- 3) That accordingly the ministerial staff working in the
office of Electrical Division, Lucknow (i.e. Executive
Engineer, Electrical Division, Lucknow) was neither
recruited by Executive Engineer, Electrical Division,
Lucknow nor by his Superior authority (i.e. Postal
Electrical Circle) New Delhi, but by Superintending

...2/-

Ramzan Ali.

435

31

- 2 -

Engineer Posts and Telegraphs Civil Circle, Lucknow.

4) That vide order dated 25-7-83, Superintending Engineer, Posts and Telegraphs Civil Circle, Lucknow transferred the appellant from his own office and attached him to Accounts Branch in the office of Executive Engineer (Electrical) Posts and Telegraphs Electrical Division, Lucknow which has been redesignated as Executive Engineer (Electrical) Postal Electrical Division, Lucknow.

5. That the Superintending Engineer Posts and Telegraphs Civil Circle, Lucknow (redesignated as Telecom. Civil Circle Lucknow), is the Co-ordinating Circle for the purpose of recruitment, promotion etc. of the ministerial staff of the Postal Electrical Division, Lucknow.

6. That vide order dated 1-10-85 the Superintending Engineer (Telecom. Civil Circle) Lucknow has confirmed the appellant on the post of Works Clerk Grade-II with effect from 1.3.82.

7. That Sri P.K. Gupta, Executive Engineer (Electrical) Postal Electrical Division, Lucknow with whom the petitioner was attached bears malice and ill-will against the appellant and with the collusion of Sri K.L. Tandon, Accounts Officer has falsely implicated the appellant in financial matters and initiated disciplinary proceedings against him with the object of harrasing the appellant.

8. That the appointing authority of the appellant is Superintending Engineer (Telecom. Civil Circle) Lucknow and Executive Engineer (Electrical) Postal Electrical Division Lucknow or Superintending Engineer (Electrical) Postal Electrical Circle, New Delhi have no jurisdiction to initiate any disciplinary proceedings against the appellant or to punish him in any manner.

9. That however, vide order dated 20-3-87, the Executive Engineer (Electrical) Postal Electrical Division, Lucknow has illegally suspended the appellant and the said order is absolutely without jurisdiction.

Ramzan Ali

.....3/-

9-A. That vide order dated 8.2.88, Superintending Engineer(Electrical) Postal Electrical Circle, New Delhi illegally appointed Sri C.P. Bhalla, A.S.P. (Vigilance)-II, C/O P.M.G. U.P. Circle, Lucknow as Inquiry Authority against the appellant which order is also beyond his authority and is without jurisdiction.

9-B. That thereafter, vide order dated 3-8-87 Superintending Engineer(Electrical) Postal Electrical Circle, New Delhi illegally issued a charge-sheet against the appellant. The said charge-sheet is also without jurisdiction.

10. That the departmental proceedings initiated against the appellant and the departmental enquiry being without jurisdiction, the appellant sent an application dated 18.5.88 to Inquiry Authority pointing out that the departmental proceedings against the appellant were without jurisdiction and the conduct of enquiry by him was also without jurisdiction and as such a request was made to him to lay his hands off and not to conduct the enquiry against him, unless empowered to do so by the appointing authority of the appellant. A copy of the said application was also endorsed to S.E. (Electrical) Postal Electrical Circle, New Delhi to withdraw the disciplinary proceedings against the appellant.

11. That the disciplinary proceedings and enquiry against the appellant being without jurisdiction as pointed out by the appellant to Inquiry Officer as also to S.E. (Electrical) New Delhi vide his application dated 18-5-88 as such the appellant did not participate in the enquiry.

12. That however, instead of withdrawing the disciplinary proceedings illegally initiated against the appellant the S-Superintending Engineer(Electrical) Postal Electrical Circle, New Delhi has illegally and without jurisdiction passed order dated 16-11-88 dismissing the appellant

.....4/-

Ramzan Ali

from service. The said order has been served on the appellant on 1.12.88.

13. That the disciplinary proceedings against the appellant were not initiated by the appointing authority of the appellant and the dismissal order has also not been passed by his appointing authority i.e. Superintending Engineer(Telecom. Civil Circle) Lucknow and as such the same are liable to be quashed.

14. That the disciplinary proceedings against the appellant have been illegally initiated by Superintending Engineer(Elect.) Postal Electrical Circle, New Delhi who is not the appointing authority of the appellant as such he has no jurisdiction for the same and the dismissal order dated 16-11-88 has been illegally passed by Superintending Engineer(Electrical) Postal Electrical Circle, New Delhi who is not the appointing authority of the appellant and as such has no jurisdiction. Accordingly, the said dismissal order dated 16-11-88 passed by Superintending Engineer (Electrical) Postal Electrical Circle, New Delhi is liable to be quashed.

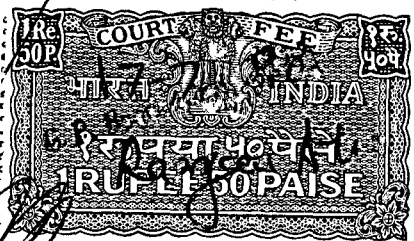
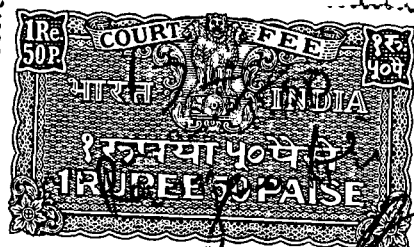
WHEREFORE, it is humbly requested that order dated 20-3-87 passed by Executive Engineer(Electrical Postal Electrical Division, Lucknow suspending the appellant and order dated 16-11-88 passed by the Superintending Engineer(Electrical) Postal Electrical Circle, New Delhi may kindly be set aside and quashed.

Dated : 20-1-89

APPELLANT

Attested
RCSistan
Admcl

Ramzan Ali



वअदालत श्रीमान
[वादी] अपीलान्त

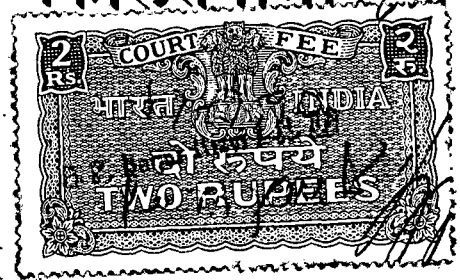
In the Honble Civil Administrative Tribunal
Circuit Bench Lucknow - Allahabad

वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]

टिकट

(वादीअपीलान्त)



Ramzan Ali

वमाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकदमा

सन्

Superintending Engineer (Electrical) P. + T. Electrical

पेशी को ता० Circle New Belhi & others

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Sri R. C. Srivastava

Advocate

वकील

32 Kachori Road

LUCKNOW

महोदय एडवोकेट

नाम	वनाम
मुकदमा नं०	
परीकृत	

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावे और रुपया वसूल करे या सुलहनामा व इकबालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकदमा उठावे या कोई रुपया जमा करे या हमारी या विपक्षी (फरीकासनी) को दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंचनियुक्त करे वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वदा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिये यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Ramzan Ali

साक्षी (गवाह)

साक्षी (गवाह)

Accepted

R C Srivastava

दिनांक

महीना

सन् १९

ई०

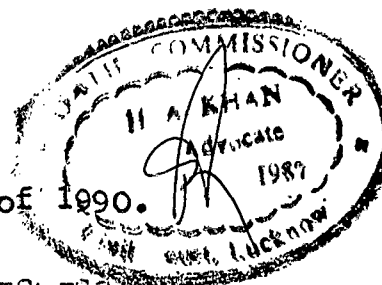
Advocate

स्वीकृत

B9 1997

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

W.P. No. of 1990.



APPLICATION FOR DISMISSAL.

Superintending Engineer (Electrical) Applicant.

In

M.P. No. 703/90 (L) ✓

D.A. NO. 225 of 1990 (2)

Ramzan Ali

Versus

Superintending Engineer (Elect.)
Postal Electrical Circle, New Delhi.

To,

The Hon'ble Vice Chairman and his companion
members of the aforesaid Tribunal.

The humble petition of the applicant most respectfully
showeth:-

1- That the facts and circumstances of the above case
have been set out in the accompanying Counter-affidavit which
may be taken on record.

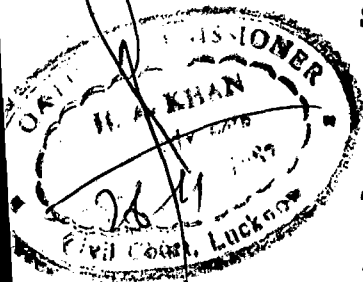
2- That for the facts and circumstances mentioned
in the accompanying affidavit, the petition filed by
Sri Ramzan Ali is liable to be dismissed.

PRAYER.

Wherefore it is respectfully prayed that this Hon'ble
Tribunal may be kind enough to dismiss the present application
with costs as the same lacks merit and is not tenable in law
and facts.

(DR. DINESH CHANDRA)

Counsel for applicant.



(410)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

In

G.A.No. 225 of 1990(2)

Ramzan Ali Applicant

Versus

Superintending Engineer(Electrical)
Postal Electrical Circle, New Delhi & others Respondents

I, J.K. Puri aged about 50 years, son of
Shri. Rashan Lal Puri Executive Engineer (E) Postal
Electrical Division, Lucknow do hereby solemnly affirm and
state as under:-

- 1- That the deponent has read the petition filed by
Shri Ramzan Ali and has understood the contents thereof.
- 2- That the deponent is well conversant with the facts
of the case deposed hereinafter.
- 3- That the deponent has been authorised to swear this
affidavit on behalf of the Superintending Engineer, Postal
Electrical Circle, New Delhi. also.
- 4- That the contents of paras 1 to 3 of the application
need no comments.
- 5- That the contents of para 4(1) to 4(5-A) are admitted.
- 6- That the contents of para 4(6) are denied as the

(AUL)

-2-

same are false and baseless. The applicant has not mentioned even a single instance that could go to show that Shri Promod Kumar or Shri K.L.Tandon bore any ill-will or malice against the applicant.

7- That the contents of para 4(5-A) are denied.

Shri Promod Kumar, Executive Engineer was the Supervising officer of the applicant and was ^{authorised by the authority} ~~thus~~ competent to place the applicant under suspension.

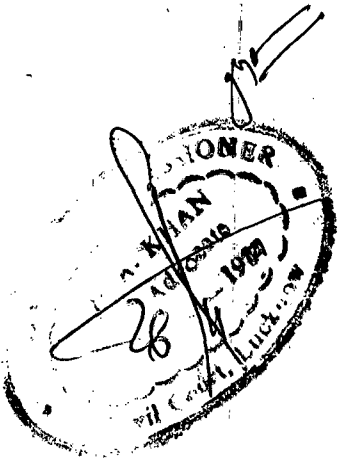
8- That in reply to para 4(6-B) it is stated that the Charge-sheet dated 3-8-87 was issued by the Superintending Engineer(Electrical), Postal Electrical Circle, New Delhi who was the appointing authority of all the posts held under his jurisdiction and also the authority competent to impose penalties with reference to Rule 11 of the CCS (CCA) Rules, 1965.

9- That the contents of para 4(6-C) are admitted to the extent that in the disciplinary proceedings initiated against the applicant, Shri C.P.Bhalla, Assistant Supdt. of Post offices, Office of the Post Master General, Lucknow was appointed as Enquiry Officer. Rest of the contents are denied. In this connection submissions made in paragraph 8 above are re-iterated.

10- That the contents of para 4(6-D) are admitted.

11- That the contents of para 4 (6-E) are admitted to the extent that the applicant was dismissed from service by the

---3---



Superintending Engineer(Elect.), Postal Electrical Circle, New Delhi. Rest of the contents are denied.

It is, however, submitted that according to posts and Telegraph Manual, Vol.III, Superintending Engineer by designation is the competent Appointing Authority as well as the Authority competent to impose penalties which it may impose(with reference to item numbers in Rule 11 of the CCS (CCA) Rules, 1965) for all posts under his jurisdiction. As such the applicant was dismissed from service by the competent authority. An extract of the relevent P&T Manual, Vol.III is being enclosed as Annexure.R-1. Further it is respectfully pointed out that all the Superintending Engineers, respective of the discipline to which they are attached viz Civil,Electrical or Coordination, are of equal rank and enjoy equal powers.

12- That the contents of para 4(7) are not denied.

13- That the GROUNDS OF APPLICATION contained in para 4(B) are denied. Submissions made in paragraphs 7,8 and 11 above are re-iterated.

14- That the contents of para 5,5(1),5(2), and 6 needs no comments.

15- That in view of the submissions made in the above paragraphs, the reliefs sought for in paras 8 and 7 are not admissible and the application is liable to be dismissed with costs.



(DEPONENT)

VERIFICATION:-

I, the above named deponent do hereby verify that the contents of paras 1 & 5 of this affidavit are true to my personal knowledge as derived from record in this office and also based on legal advice and no part of it is false and nothing material has been concealed in it. So help me God.

Dated:- 26.11.90

(DEPONENT)

I identify the deponent who has signed this affidavit before me and known by me.

ADVOCATE.



who is identified by Shri
Clerk to Shri

I have satisfied myself by examining the deponent that the contents of the affidavit are true and explained by me for charged fee.

H. A. KHAN
Oath Commissioner, Advocate
Civil Court, Lucknow

(HMS)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALAHAABAD,
CIRCUIT BENCH, LUCKNOW.

M.P.No. 124 of 1991(L)

APPLICATION FOR DISMISSAL To File Detailed Counter-affidavit

Superintending Engineer(Electrical).....Applicant.

In

O.A.No.225 of 1990(L)

Ramjan Ali

Versus

Superintending Engineer(Elect.),
Postal Electrical Circle, New Delhi &
Others.

To,

The Hon'ble Vice Chairmen and his companion members of the
aforesaid Tribunal.

The applicant above named most respectfully Showeth:-

1. That a short Counter-affidavit in the above case has been filed.
2. That in the interest of justice it is necessary to file a detailed Counter-affidavit.
3. That it is prayed that accompanying detailed counter-affidavit may kindly be taken on record.
4. That in view of the submissions made in the short Counter-affidavit and the detailed Counter-affidavit, the application filed by Shri Ramjan Ali may be dismissed with costs.

Filed today

CSJ
18/3/91

D. S. S. S.

Counsel for Applicant/Respondents.

(7/9/95)
(APR 16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

DETAILED COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENTS.

In

O.A.No.225 of 1990(L)

Ramzan AliApplicant.

Versus

Superintending Engineer(Electrical),
Postal Electrical Circle, New Delhi & Others.....Respondents.

I, J.K.Puri, aged about 50 years son of Shri Roshan Lal Puri
do hereby solemnly affirm and state as under:-

1. That the contents of para 1 to 3 need no comments.
2. That in reply to paras 4(i) to 4 (6-D), submissions made in short Counter-affidavit are re-iterated.
3. That in reply to para 4(6-E) of the application, submissions made in para 11 of the short Counter-affidavit are re-iterated. It is further submitted that Article 311(1) of the Constitution of India is limited to the extent that penalties of removal, dismissal or Compulsory retirement shall not be imposed by an authority which subordinate to the authority which made the appointment of Civil Servant concerned but does not speak of exercise of powers necessarily by an authority in a particular Ministry, Department or office where the concerned civil servant might be working. Therefore, exercise of disciplinary powers against an employee by the S.E.(E) does not

Contd..2/-

constitue a violation of the constitutional provision as well as the provisions of the C.C.S.(C.C.A.) Rules, 1965 as the reasonable opportunity of defence has been given to the accused Govt.Servant and there is no miscarriage of justice or violation of the provisions of the constitution. Therefore, the action taken by the S.E.(E) is not questionable and S.E. is also the prescribed disciplinary authority irrespective of the Discipline as per the C.C.S.(C.C.A.) Rule, 1965. Hence the removal order passed by him is tenable and valid in the eyes of law.

4. That in reply to paras 4(7) to 8 of the application, submissions made in paras 12 to 15 of the short Counter-affidavit are re-iterated.

5. That the contents of paras 9 to 11 need no comments.

Deponent.

:- VERIFICATION :-

I, the deponent named above do hereby verify that the contents of paras are true of my personal knowledge and those of paras 26.5 are believed to be true by me based on record and legal advice. Nothing has been concealed and nothing is false, So help me God.

Deponent.

Lucknow.

Dated: 26.2.91

I identify the deponent who has signed before me.

Advocate.

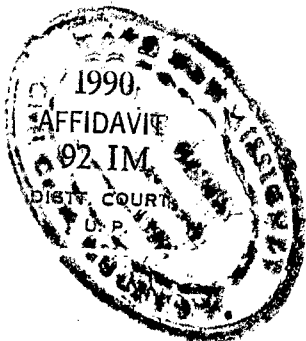
3.48 PM 26.2.91
J.R. Raw
Deputy Commissioner
Lucknow
I have verified the contents of the application and the counter-affidavit and find them to be true and correct.

26.2.91

ALB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW.



REGOINDER AFFIDAVIT

IN RE:

O. A. No. 225 of 1990



Ramzan Ali Applicant

Versus

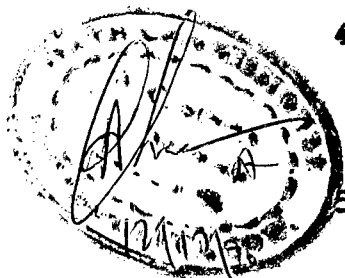
S.E.(Electrical) and others. Respondents

I Ramzan Ali aged about 36 years S/o Sri Subhan Ali R/o house No. ES-1/592, LDA Colony, Aliganj, Sitapur Road (Sector A), Lucknow do hereby solemnly affirm as follows:--

1. That the deponent is applicant in the above case, and is well conversant with the facts of the case.
2. That the contents of para 2 of the counter affidavit need no reply.
3. That the contents of para 3 of the counter affidavit need no reply.
4. That the contents of para 4 of the counter affidavit need no reply.
5. That in reply to para 5 of the counter affidavit the contents of para 4 to 6(5-A) of the O.A. are reaffirmed.
- 5.A. That in paras 5,6,7,8,9,10,11,12,13,14 and 15 of the counter affidavit, paras 6(1) to 6(5-A),6(6), 6(6-A),6(6-B),6(6-C),6(6-D),6(6-E),6(7),6(8) and 7,7(1),7(2),8, and 9,10 of O.A. have been wrongly

contd..2

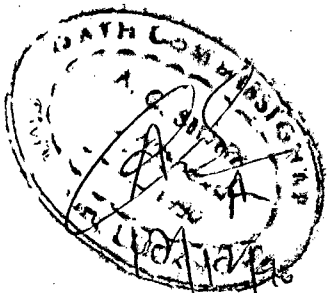
f. T. B
13.12.90



Ramzan Ali

noted as as paras 4(1) to 4(5-A), 4(6), 4(6-A), 4(6-B), 4(6-C), 4(6-D), 4(6-E), 4(7), 4(8), and 5, 5(1), 5(2), 6, and 7, 8 respectively.

6. That in reply to para 6 of the counter affidavit the contents of para 6(6) of the O.A. are reaffirmed.
7. That in reply to para 7 of the Counter Affidavit the contents of para 6(6-A) of the O.A. are reaffirmed.
8. That in reply to para 8 of the counter affidavit are denied, and the contents of para 6(6-B) of the O.A. are reaffirmed.
9. That in reply to para 9 of the counter affidavit the contents of para 6(6-C) of the O.A. are reaffirmed.
10. That the contents of para 10 of the counter affidavit need no reply.
11. That in reply to para 11 of the counter affidavit, re-iterating the contents of para 6(6-E) of the O.A., the following submissions are made:-
 - 11.A. That the Superintending Engineer mentioned in columns 2 and 3 of the chart annexed to counter affidavit refers to the Superintending Engineer, Civil Engineering Wing mentioned in column 1. It is submitted that the word "Superintending Engineer" used in column 2 cannot be interpreted to include any other Superintending Engineer and it is asserted that all group-C posts of the office of Superintending Engineer Civil Engineering Wing can be ~~recruited~~ recruited and appointed by the Superintending Engineer, Civil Engineering Wing only, and not by the Superintending Engineer ELECTRICAL WING OR



Ramzan Ali

1450

-3-

ARCHITECTURAL WING. Similarly "Superintending - Engineer" mentioned in column 3 also refers to the Superintending Engineer (Civil Engineering Wing) only.

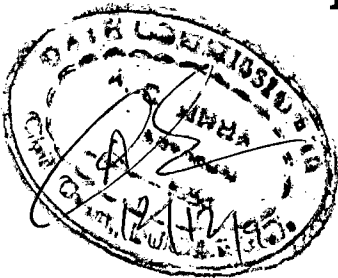
11.B. That in the case law reported in 1975 BLJR page 394 involving similar facts, it has been held as follows:-

" Article 311 which prohibits removal or dismissal from service by an authority subordinate in rank to that of appointing authority does not mean that simply because the dismissing authority happens to be an officer of the same rank, as that of appointing authority, he can dismiss any person whosoever he may be, on this ground alone. There must be some nexus between the right of the authority passing the order of dismissal, and his control over the service in question. Where the appointing authority was the Divisional Mechanical Engineer, but the order of removal from service was passed by the Divisional Electrical Engineer, who was equal in rank, but to whom the former had not delegated his power, the order of removal was held to be invalid."

11.C. The deponent asserts that the power of appointment or dismissal or punishment of the deponent or any other group-C employee of the office/Establishment of Superintending Engineer (Civil Engineering Wing) and other offices under his jurisdiction has never been conferred or delegated to Superintending Engineer (Electrical) by any authority whatsoever.

11.D. The deponent also asserts that his lien continued to be retained under Superintending Engineer (Civil),

contd..4



Ramzan Ali

(99)

-4-

and the same never stood transferred to Superintending Engineer(Electrical) or Executive Engineer(Electrical)

12. That the contents of para 12 of the counter affidavit need no reply.

13. That in reply to para 13 of the counter affidavit, the deponent is advised to assert that the grounds taken in para 6(8) of the O.A. are perfectly good and tenable.

14. That in reply to para 14 of the counter affidavit the contents of paras 7,7(1),7(2) and 8 of the O.A. are reaffirmed.

Ex No 922

15. That in reply to para 15 of the counter affidavit

the deponent is advised to assert that the reliefs sought under paras 9(1), 9(2) and 10 of the O.A. are liable to be allowed.

I have submitted the above deponent's affidavit to the court and the same has been accepted by the court.

Dated: 12.12.90

Ramzan Ali
Deponent

52/2 CHANDRA SINHA
JUDGE COMMIS
Dated: 12/12/90

I the above deponent verify that the contents of paras 1 to 15 of this rejoinder affidavit are true to my own knowledge, that nothing deposed therein is false, nor anything material has been concealed. So help me God. Verified at my residence noted above, as I am confined to bed owing to an accident.

Dated: 12.12.90

Ramzan Ali
Deponent.

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

Dated: 12.12.90.

R.C. Srivastava
Advocate

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT CCP. 46 of 20 91

Ramzan Ali in OA 228/90 Applicant(S)

Versus

J. K. Puri and another Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
①	Order sheet	1
②	Judgment	2 to 3
③	Petition	4 to 7
④	Annexure	8 to 10
⑤	M.P.	11 to 16
⑥	CA	17 to 22
⑦	RA	23 to 27
⑧	Annexure	28 to 33
⑨	Suppl. CA	34 to 36
	Suppl. RA	

B-C file weeded and destroyed

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

(A)

Cont. appli. No. 46/91 (L)

28-12-91

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

Issue notice to two O.P. No. 1 and 2 to show cause why they should not be punished for committing contempt of this tribunal in disobeying the orders ^{passed by this Tribunal} given by it ~~in its judgment~~ dated

7-11-91 in O.A. No. 225/90 Ramzan Ali vs.

Union of Indrag. The respondent No. 2 shall further also show cause why he should not be punished for making such utterances as are mentioned in para 8 of the application.

The respondent No. 1 shall appear personally to explain the charges levelled against him ^{on the} ~~date fixed~~

The respondent No. 2 may appear personally or through some advocate on the date fixed. He shall ^{file his} return before 26-2-92

(PR)

V.C.

or
Notice issued
10/1/92

26-2-92

NO. 2
Smt. J.D. B. adf 4.3.92
2

4.3.92

Subl. Mr. Justice V.C. Srivastava, V.C.
Subl. Mr. A. B. Sonu, D.M.

Applicant is present in person. Contemner no. 1 is also present in person.

Contemner no. 2 is asked not to present on the next date.

Contemner no. 1 is directed to present on 22-4-92 on which date the case will be decided finally.

DM

A2

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Contempt Petition No. 46/91

Ramzan Ali

Applicant.

versus

Sri J.K. Puri and another

Respondents.

Shri R.C. Srivastava, Counsel for Applicant.

Shri Dinesh Chandra, Counsel for Respondents.

CORAM

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

Hon. Mr. K. Obayya, Adm. Member.

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

By means of this application the applicant prays that the respondents be punished for committing contempt of Court. The application was allowed only on the ground that the enquiry report was not given to the delinquent enable him official/to file representation but the disciplinary authority was not precluded from going ahead from the enquiry beyond the stage of giving a copy of enquiry report. The applicant prayed that the respondent No. 1 & 2 who have refused to give joining ^{order} to the applicant and failed to comply with the order passed by the Tribunal, have committed contempt of the Tribunal and as such they may be punished for committing contempt.

2. In reply, it has been stated by the Executive Engineer that he has never spoken the words alleged by the applicant. The post on which the petitioner was

C.P. 46/91/4

Before: Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow.

Ramzan Ali S/o Late Sri Subhan Ali R/O House No. ES-I/592,
L.D. A. Colony Aliganj, Sitapur Road, Lucknow.

Date of Filing 13/12/91
Date of Receipt by Past..... APPLICANT

Versus

1. Sri J.K. Puri, Executive Engineer (Electrical), Postal Electrical Division, Lucknow. Deputy Registrar (I)
2. Sri B.V. Raman Murti, Superintending Engineer (Electrical) Postal Electrical Circle (Meghdoot Bhawan, Link Road), New Delhi.

CONTEMPT APPLICATION U/S 17 of C.A.T. Act
above named

Opposite Party.

The applicant most respectfully submits as hereunder:-

(1) That the applicant was appointed as Works Clerk Grade-II by Superintending Engineer (Civil) Posts & Telegraphs Civil Circle, Lucknow on 13-11-78, who vide order dated 1-10-85 conformed the applicant on said post w.e.f. 1.3.82.

(2) That Superintending Engineer (Civil) Posts & Telegraphs Civil Circle, Lucknow is the Co-ordinating authority for the purpose of recruitment, posting, promotion, transfer etc., of the Ministerial Staff attached to Electrical Divisions and Architects Divisions located within the jurisdiction of said Civil Circle.

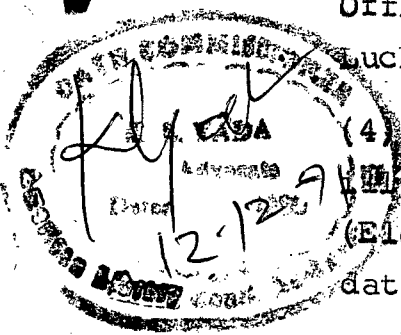
(3) That accordingly the said Superintending Engineer (Civil) vide order dated 25-7-83 transferred the applicant from his own office and attached him to the Accounts Branch of the Office of Executive Engineer, P&T Electrical Division, Lucknow.

(4) That while working in the said office the applicant was illegally dismissed from Service by Superintending Engineer (Electrical) Postal Electrical Circle, NEW DELHI vide order dated 16-11-88.

(5) That being aggrieved the applicant filed O.A. No. 225 of 1990 before this Tribunal which has been allowed on 7.11.91 by the bench of Hon'ble U.C. Srivastava (Chairman) and Hon'ble A.B. Gorathi (Member). A Copy of the said order is enclosed with this application as Annexure- 1.

(6) That under the aforesaid order dated 7.11.91 the applicant's dismissal has been quashed and it has been provided that the applicant will be deemed in service,

...2/-



Filed today
13/12/91
Ramzan Ali

(AS)

entitled to all consequential benefits including service benefits.

(7) That on receipt of the said order on 12.11.91, the applicant submitted his joining application dated 13.11.91 in the forenoon to Executive Engineer(Electrical) Postal Electrical Division, Lucknow enclosing therewith copy of order dated 7.11.91 passed by this Hon'ble Tribunal praying him to permit the applicant to resume his duties and accord him all consequential and service benefits to the applicant. A true copy of said application is being enclosed as Annexure- 2.

(8) That, however, O.P. No.1 who is Executive Engineer (Electrical) Postal Electrical Division, Lucknow deliberately and wilfully did not pass any order on 13.11.91 permitting the applicant to resume his duties. Thereupon, the applicant met O.P. No.1 on 14.11.91 and requested him to obey and comply with the aforesaid order dated 7.11.91 passed by this Hon'ble Tribunal to which he flatly made the following utterances:-

"तुमको एसओडो ने नौकरी से निकाला है मैं उसी को मानूंगा । मैं ट्राइबुनल का आदेश नहीं मानता । मैं तुमको झूटी ज्वाइन नहीं करने दूंगा ।

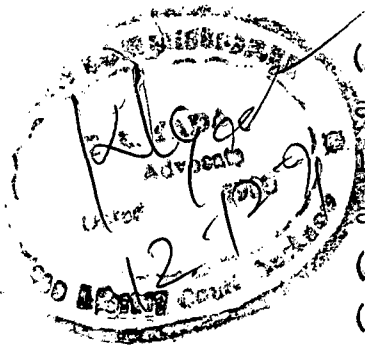
(9) That by making aforesaid utterances, O.P. No.1 has scandalised and lowered the authority of this Hon'ble Tribunal, and thereby he has committed gross and inexcusable offence of Criminal Contempt.

(10) That ~~the~~ thereupon the applicant met his counsel and narrated him the above incident, who gave a letter dated 18.11.91 to the applicant for personal delivery to O.P.No.1, and sent endorsement of said letter to Superintending Engineer (Electrical) at New Delhi as well as Superintending Engineer (Civil) at Lucknow by registered post enclosing therewith copy of order dated 7.11.91 and requiring them to obey and comply the said order at their respective ends and to take necessary action at their ends for joining his duties by Sri Ramzan Ali. A true copy of said letter is being filed as Annexure- 3.

(11) That the applicant gave the said letter to O.P.No.1, personally on 18.11.91 but he refused to take the same. Thereupon the same was re-typed on an INLAND LETTER and sent to him by registered post on 22.11.91.

(12) That O.P. No.1 has wilfully disobeyed the order dated 7.11.91 passed by this Hon'ble Tribunal and has

..3/-



Ramzan Ali

deliberately not allowed the applicant to join his duties ^{kl}
nor has paid any salary, nor has given any consequential or service benefit to him
in compliance of the said order. He has thus committed gross
and inexcusable offence of Civil Contempt, besides Criminal
Contempt referred to above.

(13) That Sri B.V. Raman Murti is the Superintending
Engineer(Electrical) Postal Electrical Circle, New Delhi, and
he has wilfully and deliberately not obeyed the order dated
7.11.91 passed by this Hon'ble Tribunal and accordingly he has
not yet issued any order at his own end for joining his duties
by the applicant, ^{kl or for payment of salary or giving consequential & service benefit to him} By the aforesaid conduct, he has also
committed gross offence of Civil Contempt. ^{kl}

(14) That from the facts stated above, it is evident that
the opposite parties have committed the offence of contempt as
mentioned herein-before, and further they are wilfully,
deliberately and adamantly not obeying the order dated 7.11.91
passed by this Hon'ble Tribunal.

WHEREFORE it is respectfully prayed that :-

I. O.P. No.1 may kindly be suitably punished for the
gross and inexcusable offence of Criminal Contempt committed by
him by passing sentence of imprisonment and fine against him.

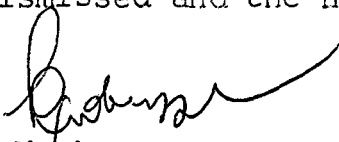
II. O.P.s 1 and 2 may kindly be suitably punished for
gross and inexcusable offence of Civil Contempt committed by
them, and adequate sentences of imprisonment and fine may
kindly be passed against them in this respect.


Dated :
12-12-91

Ramzan Ali
(Ramzan Ali)
APPLICANT.

working was not vacant. The petitioner was asked to assist the Head Clerk till his posting was decided, but he stopped coming to the office and started sending notices through his counsel. and that he has been paid arrears of pay including house rent allowance amount to Rs 71,751/-

3. After the judgment he was paid arrears. His pay beyond the E.B. stage could not be enhanced as the E.B. was to be crossed on the recommendations of the ^{Departmental} Promotion Committee. These facts make it clear that the respondents not only have complied with the directions given by the Tribunal but also have cleared the dues. It is not a case in which it can be said that contempt has been committed, and accordingly the contempt application is dismissed and the notices are discharged.


Adm. Member.


Vice Chairman.

Shakeel/

Lucknow; Dated: 6.8.92.

deliberately not allowed the applicant to join his duties ^{kl}
nor has paid any salary, nor has given any consequential or service benefit to him ^{kl}
in compliance of the said order. He has thus committed gross
and inexcusable offence of Civil Contempt, besides Criminal
Contempt referred to above.

(13) That Sri B.V. Raman Murli is the Superintending
Engineer(Electrical) Postal Electrical Circle, New Delhi, and
he has wilfully and deliberately not obeyed the order dated
7.11.91 passed by this Hon'ble Tribunal and accordingly he has
not yet issued any order at his own end for joining his duties
by the applicant. ^{kl} or for payment of salary or giving consequential & service benefit to him ^{kl}
By the aforesaid conduct, he has also
committed gross offence of Civil Contempt.

(14) That from the facts stated above, it is evident that
the opposite parties have committed the offences of contempt as
mentioned herein-before, and further they are wilfully,
deliberately and adamantly not obeying the order dated 7.11.91
passed by this Hon'ble Tribunal.

WHEREFORE it is respectfully prayed that :-

- I. O.P. No.1 may kindly be suitably punished for the
gross and inexcusable offence of Criminal Contempt committed by
him by passing sentence of imprisonment and fine against him.
- II. O.P.s 1 and 2 may kindly be suitably punished for
gross and inexcusable offence of Civil Contempt committed by
them, and adequate sentences of imprisonment and fine may
kindly be passed against them in this respect.

Dated :
12-12-91

Ramzan Ali
(Ramzan Ali)
APPLICANT.

(AS)

entitled to all consequential benefits including service benefits.

(7) That on receipt of the said order on 12.11.91, the applicant submitted his joining application dated 13.11.91 in the forenoon to Executive Engineer(Electrical) Postal Electrical Division, Lucknow enclosing therewith copy of order dated 7.11.91 passed by this Hon'ble Tribunal praying him to permit the applicant to resume his duties and accord him all consequential and service benefits to the applicant. A true copy of said application is being enclosed as Annexure- 2.

(8) That, however, O.P. No.1 who is Executive Engineer (Electrical) Postal Electrical Division, Lucknow deliberately and wilfully did not pass any order on 13.11.91 permitting the applicant to resume his duties. Thereupon, the applicant met O.P. No.1 on 14.11.91 and requested him to obey and comply with the aforesaid order dated 7.11.91 passed by this Hon'ble Tribunal to which he flatly made the following utterances:-

"तुमको एसओडो ने नौकरी से निकाला है मैं उसी को मानूंगा । मैं ट्राइबुनल का आदेश नहीं मानता । मैं तुमको झूठी जवाइन नहीं करने दूंगा ।

(9) That by making aforesaid utterances, O.P. No.1 has scandalised and lowered the authority of this Hon'ble Tribunal, and thereby he has committed gross and inexcusable offence of Criminal Contempt.

(10) That ~~the~~ thereupon the applicant met his counsel and narrated him the above incident, who gave a letter dated 18.11.91 to the applicant for personal delivery to O.P.No.1, and sent endorsement of said letter to Superintending Engineer (Electrical) at New Delhi as well as Superintending Engineer (Civil) at Lucknow by registered post enclosing therewith copy of order dated 7.11.91 and requiring them to obey and comply the said order at their respective ends and to take necessary action at their ends for joining his duties by Sri Ramzan Ali. A true copy of said letter is being filed as Annexure- 3.

(11) That the applicant gave the said letter to O.P.No.1, personally on 18.11.91 but he refused to take the same. Thereupon the same was re-typed on an INLAND LETTER and sent to him by registered post on 22.11.91.

(12) That O.P. No.1 has wilfully disobeyed the order dated 7.11.91 passed by this Hon'ble Tribunal and has

..3/-

Handwritten signature and stamp of the Tribunal.

Ramzan Ali

C.P. 46/91/4

Before: Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow.

Ramzan Ali S/o Late Sri Subhan Ali R/O House No. ES-I/592,
L.D. A. Colony Aliganj, Sitapur Road, Lucknow.

Date of Filing 13/12/91
Date of Receipt by Past..... APPLICANT

Versus

1. Sri J.K. Puri, Executive Engineer (Electrical), Postal Electrical Division, Lucknow.
2. Sri B.V. Raman Murti, Superintending Engineer (Electrical) Postal Electrical Circle (Meghdoot Bhawan, Link Road), New Delhi.

CONTEMPT APPLICATION U/S 17 of C.A.T. Act
above named

Opposite Party.

The applicant most respectfully submits as hereunder:-

(1) That the applicant was appointed as Works Clerk Grade-II by Superintending Engineer (Civil) Posts & Telegraphs Civil Circle, Lucknow on 13-11-78, who vide order dated 1-10-85 conformed the applicant on said post w.e.f. 1.3.82.

(2) That Superintending Engineer (Civil) Posts & Telegraphs Civil Circle, Lucknow is the Co-ordinating authority for the purpose of recruitment, posting, promotion, transfer etc., of the Ministerial Staff attached to Electrical Divisions and Architects Divisions located within the jurisdiction of said Civil Circle.

(3) That accordingly the said Superintending Engineer (Civil) vide order dated 25-7-83 transferred the applicant from his own office and attached him to the Accounts Branch of the Office of Executive Engineer, P&T Electrical Division, Lucknow.

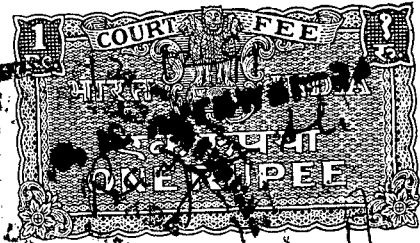
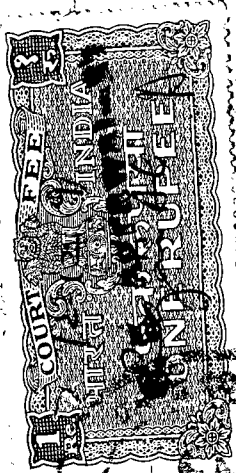
(4) That while working in the said office the applicant was illegally dismissed from Service by Superintending Engineer (Electrical) Postal Electrical Circle, NEW DELHI vide order dated 16-11-88.

(5) That being aggrieved the applicant filed O.A. No. 225 of 1990 before this Tribunal which has been allowed on 7.11.91 by the bench of Hon'ble U.C. Srivastava (Chairman) and Hon'ble A.B. Gorathi (Member). A Copy of the said order is enclosed with this application as Annexure-1.

(6) That under the aforesaid order dated 7.11.91 the applicant's dismissal has been quashed and it has been provided that the applicant will be deemed in service,

...2/-

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



Ramzan Ali
Versus
Shri J.K. Puri and another



AFFIDAVIT

1991
AFFIDAVIT
762 M
DIST. COURT
U. P.

I Ramzan Ali aged about 38 years s/o late
Sri Subhan Ali P/o House No. ES-I/592 LDA Colony, Aligarh
Sitapur Road, Lucknow do hereby solemnly affirm as follows:-

- ① That the deponent is the applicant, in above contempt case and is well conversant with facts of the case.
- ② That the contents of paras 1 to 14 of the contempt application are true to own knowledge of deponent



Dated:
12-12-91

Ramzan Ali
Deponent

I the above deponent verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge, that nothing deposed therein is false, nor anything material has been concealed. So help me God.

Dated:
12-12-91

Ramzan Ali
Deponent

I identify the deponent Ramzan Ali, who has signed before me today

12-12-91

R. C. Srivastava
Advocate

6201

11:15 AM Ramzan Ali

read by Shri

R. C. Srivastava

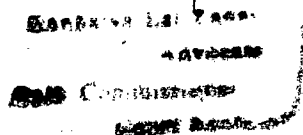
satisfied myself or examine

that he understands the contents

of the affidavit which has been read out and

is true to him/her dated

12-12-91



5
Annexure No. 1 AS

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A. 225/90

Ramzan Ali

Applicant

versus

Union of India & others

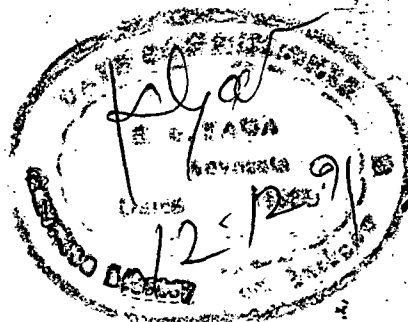
Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

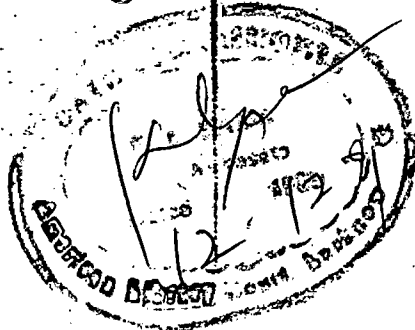
The applicant who was transferred to Electrical Division and was confirmed on 1.10.1985, has made certain allegations of malafides against some of the officers stating that he was chargesheeted on 3.8.87 by the Superintending Engineer (Electrical) who is neither the appointing nor the disciplinary or punishing authority of the applicant. The disciplinary enquiry proceeded and the enquiry officer submitted his report. From the facts it appears that the enquiry officer submitted his report without giving a copy of the same to the applicant. The disciplinary authority, agreeing with the enquiry report passed the order dated 16.11.88 dismissing the applicant from service. Even alongwith this order, the report of the enquiry officer was not furnished to the applicant and it was given to the applicant on 7.12.88 alongwith letter dated 5.12.88. The applicant filed departmental appeal which was not decided. After waiting for a few months he approached the Tribunal.

Ramzan Ali



Although, the order has been challenged on variety of grounds, but it is not necessary to go into the grounds in detail, as this application deserves to be allowed on the ground that the copy of the enquiry report was not given to the applicant to file any representation and the applicant was thus prejudiced in his defence. This action of the respondents was violative of principles of natural justice. In Union of India vs. Mohd. Ramzan Khan (A.I.R. 1991, S.C. 471) in which it has been held that wherever enquiry has been held and the enquiry officer has recommended punishment, and the disciplinary authority has punished the delinquent, then in case the report of the enquiry is not given to the applicant to make his effective representation, the same violates the principles of natural justice and makes the entire enquiry proceedings vitiated. The same position is here in the present case. Accordingly, this application is allowed and the order of dismissal dated 16.11.88 is quashed. However, this order will not preclude the disciplinary authority from proceeding with the enquiry beyond the stage of giving a copy of enquiry report for giving him opportunity to applicant to file the representation and proceed in accordance with law. Applicant will be deemed in service ^{and is entitled to} including with all consequential benefits including service benefits. No order as to costs.

Ramzan Ali



Sd/-
Lucknow Dt. 7.11.91
Shakel/

Attested

Copy
A.K. Singh
Senior Officer
Central Administrative Tribunal
Lucknow Bench
LUCKNOW

TO

The Executive Engineer(Electrical)
Postal Electrical Division,
LUCKNOW. (U.P.)

Subject:- JOINING REPORT.

Sir,

The applicant submits as follows :-

- 1) That the applicant was appointed as Works Clerk Gr.II on 13-11-72, by the Superintending Engineer, Posts & Telegraphs Civil Circle, Lucknow who is the appointing authority of the applicant.
- 2) That subsequently Superintending Engineer Posts & Telegraphs Civil Circle, Lucknow posted the applicant in your office on 25-7-83 and subsequently confirmed the applicant on 1-10-85.
- 3) That, however, the applicant was illegally suspended by you on 20-3-87 and eventually he was illegally dismissed from service by order dated 16-11-88 passed by the Superintending Engineer(Electrical) Postal Electrical Circle, New Delhi, and the applicant's suspension merged in the order of dismissal.
- 4) That the applicant's suspension, the order of his dismissal and the entire disciplinary proceedings culminating in his dismissal besides being illegal are absolutely without jurisdiction.
- 5) That being aggrieved the applicant filed O.A.NO.225 of 1990 in the Hon'ble Central Administrative Tribunal, Circuit Bench, Lucknow which has been allowed on 7-11-1991 and the order of dismissal has been quashed.
- 6) That the aforesaid order dated 7-11-1991 has been given to applicant on 12-11-1991 and he is enclosing the same herewith.
- 7) That the said order directs that the applicant will be deemed in service and entitled to all consequential benefits including service benefits.

Wherefore, the applicant herewith submits this joining report this 13th day of November 1991 in the forenoon and prays as follows:-

- A) That the applicant may be permitted to resume his duties forthwith.
- B) That the directions and order dated 7-11-91 passed by the Hon'ble Central Administrative Tribunal Circuit Bench, Lucknow may kindly be obeyed, and seeing him in service, all consequential benefits and service benefits may kindly be accorded and given to the applicant.

Thanking you.,

Dated/ 13-11-1991.

Enclosure

Order Dated 7-11-91 passed
by Hon'ble Central Administrative
Tribunal, Circuit Bench, Lucknow.

Yours Faithfully,
Ramzan Ali
(RAMZAN ALI)
Works Clerk Grade-II
APPLICANT.

Ramzan Ali

Received
Despatcher
Postal Electrical Division
Lucknow.
12-11-91

TO

The Executive Engineer(Electrical)
Postal Electrical Division,
Lucknow.

Dear Sir,

I am constrained to send you this letter as follows:-

(1) That my client Sri Ramzan Ali, Works Clerk Grade-II was illegally and unauthorisedly dismissed from service by order dated 16-11-88 passed by the Superintending Engineer(Electrical) Postal Electrical Circle, New Delhi, which order has been quashed by Hon'ble Central Administrative Tribunal, Circuit Bench, Lucknow vide judgement and order dated 7.11.91 passed in O.A.No.225 of 1990.

(2) That Sri Ramzan Ali submitted his joining report in the forenoon of 13-11-91 enclosing therewith copy of aforesaid order dated 7.11.91 but you did not pass order permitting him to join his duties.

(3) That thereupon Sri Ramzan Ali met you on 14.11.91 and requested you to obey and comply with the order dated 7.11.91 passed by Hon'ble Central Administrative Tribunal to which you made the following utterances :-

"तुमको एस0इ0ने नौकरी से निकाला है-मैं उसी को मानूंगा । मैं ट्राइबुनल का आर्डर नहीं मानता । मैं तुमको इयूटी ज्वाइन नहीं करने दूंगा ।

(4) That by making the above utterances you have committed inexcusable gross contempt of the Hon'ble Tribunal.

(5) That besides making the above utterances, you are adamant not to obey the order of Hon'ble Tribunal and not to allow Sri Ramzan Ali to join his duties, which fact is strengthened from your conduct is not yet permitting Sri Ramzan Ali to resume his duties.

(6) That you are hereby apprised that it is your legal duty to obey and comply the order dated 7.11.91 passed by the Central Hon'ble Tribunal and also permit Sri Ramzan Ali to join his duties.

WHEREFORE, this letter is being sent to you requiring you to please permit Sri Ramzan Ali to join his duties forthwith under intimation to me.

Dated/
18-11-91

Sd/-
(R.C. Srivastava)
Counsel of Sri Ramzan Ali
32, Kacheri Road, Lucknow.

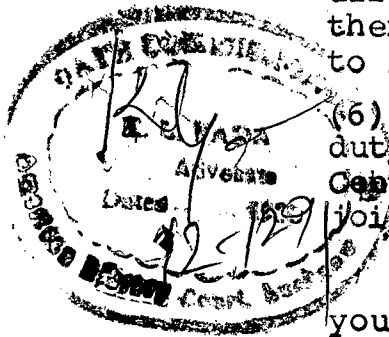
Copy of above letter alongwith copy of order dated 7.11.91 passed by Central Administrative Tribunal Circuit Bench, Lucknow is sent to the following authorities requiring them to obey and comply the said order at their respective ends and take necessary action at their ends for joining his duties by Sri Ramzan Ali:-

- 1) Superintending Engineer(Electrical) Postal Electrical Circle, Meghdoot Bhawan, Link Road, New Delhi-110001.
- 2) Superintending Engineer(Civil) Telecom . Civil Circle 7, Rani Lazmi Bai Marg, Pandey Bhawan, Lucknow.

Dated/
18-11-91

Sd/-
(R.C. Srivastava)
Counsel of Sri Ramzan Ali
32, Kacheri Road, Lucknow.

TRUE COPY



Ramzan Ali

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

M.P.NO. 174 OF 1992.

In

Contempt Petition No.46 of 1991 (L)

Ramzan AliApplicant.

Versus

J.K.Puri and others.....Respondents.

APPLICATION FOR DROPPING CONTEMPT PROCEEDINGS

To,

The Hon'ble Vice Chairmen and his companion members of
the aforesaid Hon'ble Tribunal.

The Respondents most respectfully submit as under:-

That for the facts and circumstance indicated in the
accompanying affidavit, the Contempt Petition is liable to be
dismissed and Contempt notice may is liable to be discharged.

:- PRAYER :-

Wherefore it is respectfully prayed that for the facts
and circumstances indicated in the accompanying affidavit this
Hon'ble Tribunal may graciously be pleased to discharge the
Contempt notice issued against the respondents.

Lucknow.

Dated:-

(DR.DINESH CHANDRA),

Counsel for Respondents.

A12

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

CONTEMPT PETITION NO. 46 of 1991 (L)

In

O.A.No.225/90

Ramzan AliApplicant.

Versus

1. Shri J.K.Puri

2. Shri D.V.Raman MurtiRespondents.

:- COUNTER-AFFIDAVIT BY RESPONDENTS :-

I, J.K.Puri, Executive Engineer (Electrical), Postal
Electrical Division, Lucknow do hereby solemnly affirm and
state as under :-

1. That I have read the Contempt Petition filed by Ramzan
Ali in O.A.No.225 of 1990 (L) and have understood the contents
thereof. I am filing this affidavit on behalf of Shri D.V.
Raman Murti, Superintending Engineer (Electrical), Postal
Electrical Circle, New Delhi and on my own behalf.

2. That the Hon'ble Tribunal while allowing the application
and quashing the order of dismissal dt.16-11-88 vide judgement/
order dt.7-11-91 ordered that, "however this order will not

Contd....2/-

413

// 2 //

preclude the disciplinary authority from proceeding with the enquiry beyond the stage of giving a copy of enquiry report for giving opportunity to file the representation and proceed in accordance with law. Applicant will be deemed to be in service and is entitled to all consequential benefits including service benefits " .

3. That the petitioner submitted his joining report on 13-11-91 and was asked to assist the Head Clerk in his work till his posting is finally decided.

4. That immediately after receipt of his joining report, the Superintending Engineer (E), Postal Electrical Circle, New Delhi who is the disciplinary authority in the matter was informed about this Hon'ble Tribunal's judgement and order vide office letter No.EEPE/2/ 2688 dt.14-11-91, a copy of which is being filed as Annexure R. C.R.-I.

5. That the Superintending Engineer (E), New Delhi referred the matter to the Asstt. Director General (CW), Ministry of Communication, Sanchar Bhawan, New Delhi on 28-11-91. A reminder was subsequently sent on through a D.O. letter on 6-1-92.

6. That as the post of Cashier on which the petitioner was

Contd....3/-

~~A~~ A14

// 3 //

working before his dismissal was not vacant in my office, the Superintending Engineer, Telecommunication Civil Circle, Lucknow was requested to decide his posting.

7. That the petitioner who was asked to assist the Head Clerk till his posting was decided, stopped coming to the office and started sending notices through his counsel to preassure and malign the department in total disregard of the Conduct Rules.

8. That the petitioner has been paid arrears of pay including house rent allowance upto 12-11-91 amounting to Rs. 71,751/- vide Cheque No. 939999 dt. 23-1-92. His pay beyond the E.B. stage could not be enhanced as the E.B. will be allowed to be crossed on the recommendation of the Departmental Promotion Committee.

9. That the petitioner has also been paid house rent allowance and bonus as admissible to him.

10. That an order to prejudice the Hon'ble Tribunal against the respondents the petitioner has maliciously and falsely made allegations against me in para 8 of the Contempt Petition which I vehemently deny. The falsehood of his allegations is evident from the fact that his joining report was accepted by me on

Contd.... 4/-

AKS

// 4 //

13-11-91 and on the next day i.e. on 14-11-91, the Superintending Engineer, New Delhi was informed about it alongwith judgement of the Hon'ble Tribunal his case.

11. That from the above it is evident that there has been no laxity in compliance with the orders dt. 7-11-91 of this Hon'ble Tribunal.

(DEPONENT)

-: VERIFICATION :-

I, the above named deponent do hereby verify that the contents of paras of this affidavit are true to my personal knowledge and those of paras are believed by me to be true based on records and as per legal advise of my counsel. That nothing material facts has been concealed and no part of it is false, so help me God.

Signed and verified this the day of 199 within the court compound at Lucknow.

Lucknow

Dated;

(DEPONENT)

I identify the deponent who signed
before me.

(ADVOCATE)

128- A/16
Annex E-1
DEPTT. OF POSTS, GOVT. OF INDIA.

REGD/CONFIDENTIAL.

No. EEPE/L#2688

Dated: 14-11-91

To,

The Superintending Engineer(E),
Postal Elect. Circle,
New Delhi.

Sub: O.A.No.225/90(C)-Shri Ramzen Ali, Ex.W.C.Gr.II,
O/O The E.E.(E) Postal Elect. Divn., Lucknow.

Kindly find enclosed a copy of the judgement dt.7.11.91 passed by the Central Administrative Tribunal, Allahabad, Circuit Bench, Lucknow in the above cited case together with a copy of letter dt.13.11.91 from Shri Ramzen Ali, Ex.W.C.Gr.II submitting his joining report in the forenoon of 13.11.91. The Tribunal in their judgement has quashed the order of dismissal dt.16.11.88 of Shri Ramzen Ali and ordered that the applicant will be deemed in the service and is entitled to all consequential benefits including service benefits.

However, the Tribunal has further mentioned in their judgement that this order will not preclude the disciplinary authority from proceeding with the enquiry beyond the stage of giving a copy of enquiry report for giving opportunity to applicant to file the representation and proceed in accordance with law.

It is, therefore, requested that further necessary action on the judgement may very kindly be taken at your end and the undersigned advised suitably in the matter so as to enable him to take such further action in the matter as is deemed necessary to be taken by him.

kindly
This may be treated as 'MOST URGENT'.

SA
S/ (J.K. Puri)
Executive Engineer(E),
Postal Elect. Division,
Lucknow-226020.

*11/91

In mte
for file

(A17) Bench Copy

IN THE HONORABLE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench Lucknow

Rejoinder Affidavit

In re;

Contempt case No. 46 (L) of 1991

Ramzan Ali Applicant

Versus

1. Sri J.K. Puri
2. Sri B.V. Raman Murti Opposite Parties.

I, Ramzan Ali, aged about 38 years, S/o
Late Sri Subhan Ali R/o House No. ES-I/592, LDA Colony
Aliganj, Sitapur Road, Lucknow do hereby solemnly
affirm as follows :-

1. That the respondent - opposite parties have not filed a counter affidavit against each para of the contempt application. However the contents of para 1 to 14 of the contempt application are reaffirmed.
2. That the contents of para 2 of the Counter Affidavit are not denied.
3. That in reply to para 3 of the counter affidavit, it is denied that O.P. No. 1 asked the deponent on 13-11-91 or on any future date to assist the Hard work in his work till his posting is finally decided, and it is asserted that the facts

contd.....2

A18

-: 2 :-

mentioned in paras 7 to 11 of the contempt application are the correct facts.

3A. It is asserted that O.P. No. 1 did make the utterances mentioned in para 8 of the contempt application, and he is now trying to disown his utterances simply to save his skin from punishment for the offence of contempt. Had he not made the said utterances, there is no reason why he did not send any reply to applicant's counsel that he did not make the said utterances, and the allegations contained in para 3 of his letter dated 18.11.91 are false.

3B. That on the date of termination of petitioner's services on 16.11.88, 4 work clerks grade II were working in the office of O.P. No. 1 namely (1) Applicant Ramzan Ali (2) K.K. Gupta, (3) Sunday Lal and (4) Manju Rani Gupta, whereas on 13.11.91 the following 3 persons only were serving as work clerk grade II in the office of O.P. No.1, as such no question arose to decide the question of posting of the applicant or to ask him to Assist the Head Clerk as applicant could well be posted against the 4th post, and the plea in para 3 of the counter affidavit has now been falsely set up by O.P. No.1 to save himself from punishment for contempt :-

1. Sri R.C. Kesri
2. Sri Raghunandan
3. Sri Jamuna Prasad.

contd....3

HA

-: 3 :-

- 3C. That even from the perusal of Annexure 1 to the Counter Affidavit, it is clear that O.P. No.1 nowhere mentioned therein that he has permitted the applicant to resume his duties or asked him to assist the Head Clerk.
4. That in reply to para 4 of the Counter Affidavit it is pointed out that Annexure 1 to the Counter Affidavit only shows that O.P. No.1 pointed out to O.P. No. 2 that tribunal's order does not preclude the enquiry beyond the stage of giving opportunity to applicant against the enquiry report and he sought advice of O.P. No.2 on that point. But the said action did not absolve O.P. No.1 from permitting the applicant to join his duties, which O.P. No. 1 deliberately did not do.
5. That the contents of para 5 of the Counter Affidavit are quite irrelevant so far as the contempt case against the opposite parties is concerned.
6. That in reply to para 6 of the Counter Affidavit asserting the contents of para 3B, above, it is pointed out that O.P. No.1 has deliberately not given the date as to when he moved S.E. Telecom Civil Circle Lucknow to decide applicants position.

It is however stated that the applicant filed contempt case on 13.12.91 and on coming to know of the same O.P. NO. 1 sent the first letter dated 17.12.91, which were followed by his letters dated 1.1.92 and 2.1.92, which fact

contd....4

become evident from letter dated 1.1.92 sent by O.P. No. 1 to applicant and from Transfer order dated 7.1.92 passed by S.E. Telecom civil Circle Lucknow transferring the applicant out of Lucknow on insistence of O.Ps 1 and 2 , true copies whereof are being filed herewith as Annexure No. R-1 and R-2 respectively.

7. That the contents of para 7 of the Counter Affidavit are denied, and reaffirming the contents of paras 7 to 11 of the contempt application , it is pointed out that if the applicant was asked to assist the Head Clerk and if he stopped coming to office, there is no reason why O.P. No.1 did not, send reply to applicants counsel's letter dated 18.11.91 pointing out the said facts.
- 7A. That the applicant filed this contempt case on 13.12.91, and ^{on} coming to know of the same when O.P. No. 1 realised that he has committed ~~an~~ a serious wrong in not allowing the applicant to join his duties despite his joining application dated 13.11.91 and despite his counsel's letter dated 18.11.91, then in order to save his skin from punishment for contempt, O.P. No. 1 vide letter dated 17.12.91 falsely set up therein that applicant is not attending office and called for his explanation. The said letter was delivered to applicant on 31.12.91, which was adequately replied by the applicant vide reply dated 9.1.92. True copies of letter dated 17.12.91 of O .P. No.1 and of applicants reply dated 9.1.92 are being

filed herewith as Annexure No. R-3 and R-4 respectively.

- 7B. That it is pertinent to point out that in Annexure R-3 dated 17.12.91 which is the first letter sent by G.P. No. 1 to the applicant after his joining application dated 13.11.91, it has nowhere been mentioned that applicant was asked to assist the Head Clerk and the applicant asserts that said fact has been falsely set up and concocted by O.P. No. 1 as an after - thought.
8. That in reply to para 8 of the counter affidavit, *amount in question has not been paid in reply of O.P. No. 1, but of his kitchen charke and* it is stated that the applicant has not been yet paid the following items of amounts, which he must have been paid threatening him to be continuing in service entitled to all consequential benefits including service benefits as ordered in order dated 7.11.91 passed by this Hon'ble Tribunal:-
- (a) Applicant's duty pay from 13.11.91 (when he submitted his joining application) to 4.2.92.
- (b) Applicant's arrear pay for the periods 1.11.88 - 31.10.89, 1.12.89-31.10.90, 1.12.90-31.10.91 and 1.11.91 onwards has been calculated at Rs. 1150/-, 1175/-, 1200/- and 1225/- p.m. respectively which should be calculated at Rs. 1175/- 1200/-, 1225/- and 1250/- respectively after adding my E.E. w.e.f. 1.11.88.

A22

-: 6 :-

9. That the contents of para 9 of the counter affidavit are not disputed.
10. That the contents of para 10 of the counter affidavit are denied, and the contents of paras 7,8,9,10,11, of the contempt petition as also the contents of paras 3 to 3-C, 7-A and 7-B of this rejoinder affidavit are reaffirmed. It is also pertinent to point out that in Annexure 1 of counter affidavit O.P. No. 1 has nowhere informed O.P. No. 2 that he has accepted the joining report of the applicant.
11. That the contents of para 11 of the counter affidavit are denied.

Dated : March , 1992

DEPONENT.

I, the above deponent verify that the contents of paras 1 to 11 of this rejoinder affidavit are true to my own knowledge, that nothing deposed therein is false nor anything material has been concealed. So help me God.

Dated: March , 1992

DEPONENT

I identify the deponent , who has signed before me today.

Dated : March . 1992

ADVOCATE

A23

7

Annexure No 1

copy sent

SECRETARY GENERAL
DEPARTMENT OF POSTS INDIA

SECRETARY, C&E of the

No.15(129)/PF/3111-13 Dt: 18/Dec. 91.
Jal.

✓ To

Shri Ramzan Ali,
W.C.Gr.II

You are hereby directed to report
to Superintending Engineer, Telecom Civil
Circle, Lucknow for further instructions.

(J.K.Puri)
Executive Engineer(E)
Postal Elect. Division
Lucknow-226020.

Copy to:-

Copy sent

1. The Superintending Engineer, Telecom Civil Circle, Lucknow for information and necessary action in continuation of this office letter No.15(129)/PF/3013-14 dt. 17.12.91 .
2. The Superintending Engineer(E) Postal Elect. Circle, New-Delhi for information and necessary action please.

Executive Engineer(E)
Postal Elect. Division
Lucknow.

Annexure No 2

Am

8

DEPARTMENT OF TELECOMMUNICATIONS
(CIVIL WING)

NO.: 15(4)/SETL/77

Telecom. Civil Circle,
7-Rani Laxmi Bai Marg,
Lucknow.

Dated: 7.1.92

OFFICE ORDER

Shri Ramjan Ali, Ex.W.C. Gr.-II is hereby posted to office of the Executive Engineer, Telecom. Electrical Division, Meerut against ^{an} the existing vacancy.

cpd.
Superintending Engineer,
Telecom. Civil Circle
Lucknow.

Copy to:-

1. The Superintending Engineer, Postal Electrical Circle, New Delhi for information and necessary action. This has telephonic discussion with him by the undersigned on 6.1.92.
2. The Superintending Engineer, Telecom. Electrical Circle, Lucknow.
3. Shri J.K. Puri, Executive Engineer, Postal Electrical Division, Lucknow. The posting is made as requested vide his office Demi Official letter No.15(129)/3114-15, dated 1.1.92. *
4. Executive Engineer, Telecom. Electrical Division, Meerut.
5. The Chief Accounts Officer, Bhopal House, Lucknow.
- ✓ 6. Shri Ramjan Ali, Ex. W.C.Gr.II, H.No. ES-1/592, Sitapur Road scheme, Sector 'A' Aliganj, Lucknow.
- ✓ 7. File No. 1(6)/SETL/.


Superintending Engineer,

* This also refers to his office letter No.15(129)PF/3111-13, dt.1.1.92 and D.O. No. 15(129)/3/4/, dt.2.1.92.

A25

Annexure No. 3

DEPTT. OF L. & S. GOVT. OF INDIA.

SECRET/CONFIDENTIAL.

No. 15(129)PF/3015-17

Date: 17-12-91

To,

Shri Ramzan Ali,
H.No. 5-1/592,
Sitapur Road Scheme, Phase-I,
P.O. Birelanagar,
Lucknow.

Please refer to your letter dt. 13.11.91 under which you have submitted your joining report along with the copy of the Tribunal's order dt. 17.11.91.

In this connection you are informed that a copy of the Inquiry Report was ~~XXXXXX~~ already given to you under this office letter No. 15(129)/PEDL/4001 dt. 5.12.1988, a copy of which you have filed with your petition filed in the Central Adm. Tribunal which was registered at S.No. 225 of 90. You are hereby given an opportunity to file your representation which should reach the undersigned within 15 days of the receipt of this letter failing which it will be presumed that you have nothing to say in the matter.

Regarding your consequential benefits, the matter has been referred to the J.C. (Postal Elect. Circle, New Delhi) who is the competent authority in the matter. This office is closed of the matter and all the benefits will be paid to you as early as possible.

Since your submission of the joining report you have not attended this office for which you are ordered to give satisfactory explanation.

(J.K. Puri)
Executive Engineer,
Postal Elect. Division,
Lucknow-226020.

Copy to:-

1. Dr. Dinesh Chandra, Jt. Central Govt. Standing Counsel, 22, Dr. B.N. Sharma Road (Kutchery Road) West-Passport L.F. Lucknow-226019 for information & necessary action.
2. The J.C. (Postal Elect. Circle, New Delhi) for information in continuation of this office letter No. CC/PIL/2680 dt. 14.11.91 & copy of letter dt. 18.11.91 from the Counsel of Shri Ramzan Ali.

*12/91

Received on 31/12/91
RANG
31/12/91

EXECUTIVE ENGINEER (P)

70

The Executive Engineer(E)
Postal Electrical Division,
Lucknow.

R/Sir,

With reference to your letter No.15(129)PF/3015-17, dated 17.12.91, delivered to me on 31.12.91, I have to submit as follows :-

- (1) With regard to para 1 of your aforesaid letter, it is pointed out that Tribunal's order is dated 7.11.91, which has been delivered by me to you on 13.11.91 alongwith my joining application dated 13.11.91, but you have incorrectly mentioned the date of Tribunal's order as 17.11.91.
- (2) With regard to para-2 of your letter under reference, it is pointed out that you are not competent to invite a representation to be submitted to you against enquiry report dated 1.8.88.
- (3) With regard to para-3 of your letter under reference, it is urged that you are still deliberately not complying with the order dated 7.11.91 passed by the Hon'ble Central Administrative Tribunal passed in O.A. No.225 of 1990. Regarding my joining, you did not pass any order on my joining application dated 13.11.91 permitting me to join my duties and when I met you on 14.11.91, you made the undesirable utterances quoted in letter dated 18.11.91 sent to you by my counsel. Now with regard to consequential benefits (i.e. my arrears salary etc.) payable to me, you are again adopting the same path and instead of paying me the same in compliance of Tribunal's order, you are deliberately avoiding to pay the same on the pretext that the same has been referred to S.E.(E) Postal Electrical Circle, New Delhi. As a matter of fact, said authority has no concern with payment of my arrears salary, which has to be paid under your order and for which you alone are the competent authority and which is payable to me in compliance of the clear order passed by the Tribunal. It is thus evident that you are deliberately flouting the orders passed by the Tribunal on every court and regarding every relief which I am entitled to get under Tribunal's order.
- (4) That with regard para-4 of your letter under reference, it is quite false that I have not attended the office since submission of the joining report and the following facts are strenuously urged in this respect:-
 - (A) That I have been attending your office regularly since 13.11.91 the date when I submitted my joining application to you, but you did not pass any order permitting me to join.
 - (B) That thereafter, I personally met you on 14.11.91 but you refused to allow me to join my duties and made undesirable utterances, which I narrated to my counsel who thereupon gave me a letter dated 18.11.91 for personal delivery to you, in which the utterances made by you were also quoted. I gave the said letter to you personally on 18.11.91, but you refused to take the same, whereupon the same was re-typed on INLAND letter and sent to you by registered post which has been received in your office on 26.11.91.
 - (C) That despite said letter sent by my counsel, you did not allow me to join my duties, although I have although ~~xxxxxx~~ been attending the office on all working days, and although in the said letter my counsel had clearly requested you to permit me to join under intimation to him.

.....2/-

(D) That despite my application dated 13.11.91, you did not deliberately pay me any consequential benefits (including my arrears salary etc.) as ordered by the Tribunal, nor you allowed me to join my duties, nor S.E.(E) Postal Electrical Circle, New Delhi passed any order at his end, as such I was compelled to file a contempt petition against you both in the Central Administrative Tribunal, Circuit Bench, Lucknow on 13.12.91 well within the knowledge of your counsel Dr. Dinash Chandra.

(E) That on coming to know that a contempt case has been filed against you, in order to save your skin, you issued the aforesaid letter dated 17.12.91, falsely mentioning therein that I have not attended the office since submission of my joining report (dated 13.11.91).

(F) That for reasons best known to you, the said letter dated 17.12.91 was deliberately sent to me at incorrect address, and the same was not delivered to me personally although I continued attending office daily. However, when the same was returned back undelivered for want of correct address, you had no option but to deliver the same to me personally, and since I was regularly attending the office, I at once received the same when the same was given to me on 31.12.91.

(G) As urged above, your version in the letter under reference that I did not attend the office since submitting my joining report is quite false. Will you kindly let me know, whether you sent any intimation to my counsel as requested by him in registered inland letter dated 18.11.91 sent to you that you have allowed me to join duties and that I am not attending duties. You have sent letter dated 17.12.91 subsequent to filing of contempt case dated 13.12.91 only in order to save your skin from the contempt, raising false allegation therein that I am not attending office since 13.11.91.

In the end, I would request you to kindly pay me my arrears salary upto 12.11.91 and duty salary since 13.11.91 without any further delay as my family members including myself are facing starvation and are undergoing unendurable hardships for want of money.

Dated/ 9.1.92.

Yours faithfully

Real
9/1/92
(RAMZAN ALI)
WORKS CLERK GR.II

P/c.

Recd copy
9/1/92
Despatched
Postal Electrical Division
Lucknow.

A2S

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH.

APPLICATION FOR FILING SUPPLEMENTARY-AFFIDAVIT.

In

Contempt Petition No. 46/91.

Ramzan Ali Applicant.

Versus

Union of India & Others Respondents.

To,

The Vice Chairman and his companion members of the afore-
said Tribunal.

The respondents above named most respectfully submit as
under :-

1. That for the facts & circumstances mentioned in the accom-
panying Supplementary Counter-affidavit it is expedient in the
interest of justice that the same may be taken on record and the
Contempt notice be discharged.

-: PRAYER :-

Wherefore, it is respectfully prayed that for the facts
and circumstances indicated in the accompanying supplementary
counter-affidavit it is expedient in the interest of justice
that the same may kindly be taken on record and the Contempt
notice be discharged.

Dated;

Lucknow.

(Dr. Dinesh Chandra),

Counsel for Respondents.

124

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

SUPPLEMENTARY COUNTER-AFFIDAVIT BY RESPONDENTS

In

Contempt No. 46/91.

Ramzan Ali Applicant.

Versus

Shri J.K.Puri and others Respondents.

I, J.K.Puri, Executive Engineer (Electrical), Postal
Electrical Division, Lucknow do hereby solemnly affirm and
state as under :-

1. That the deponent has read the Rejoinder-affidavit filed
by the applicant and has understood the contents thereof.
2. That the deponent is well conversant with the facts of
the case deposed hereinafter and is filing this affidavit on
behalf of respondent No. 2 and on his own behalf.
3. That it is necessary in the interest of justice to deny
certain false, fictitious and fabricated averments made by the
applicant in the Rejoinder-affidavit with a view to mislead
the Hon'ble Tribunal.
4. That with regards to contents of para 3 A of the

Contd...2/-

A72

// 2 //

Rejoinder-affidavit it is stated that the applicant has concocted the utterances alleged to have been made by respondent No.1 to prejudice the Hon'ble Tribunal against the respondents. No sensible person worth the name can ever use such words against the judgement of the Hon'ble Tribunal as have been alleged by the applicant. The fact is that the applicant embezzled the government money to the tune of about Rs.55000/- in piece-meal while working as Cashier in the deponents office. F.I.R. was lodged with the police which is under investigation. Departmental proceedings were also initiated against him for the embezzled amount which resulted in his dismissal from service. But the dismissal order was quashed by this Hon'ble Tribunal and the applicant was deemed to be in service on the ground that the copy of the enquiry report was not given to him before the said order of dismissal was passed. However, the disciplinary authority was not precluded from proceeding with the enquiry beyond the stage of giving a copy of the enquiry report for giving the applicant opportunity to file the representation and proceed in accordance with law.

In compliance to the above order of the Hon'ble Tribunal

Contd....3/-

A31

// 3 //

the department paid him an amount of Rs. 717.54/- for its failure in not furnishing a copy of the enquiry report to the applicant to enable him to file representation before passing the order of dismissal against him. The applicant with a guilty mind is apprehensive of final outcome of his representation. In desperation he has forsaken even the official decorum to the extent that he wants to communicate with the department through the medium of an advocate. He does not seem to lose anything in making concocted and malicious allegations against the deponent which are patently false and are vehemently denied.

5. That with regards to contents of paras 3 & 6 it is stated that the applicant submitted his joining report to the deponent on 13-11-91 and it was for the deponent to decide on his regular posting in consultation with his higher authorities simply because the applicant was under cloud for embezzlement of government money amounting to about Rs. 55000/- while he was working as Cashier in the deponent's office. Moreover there is no post of Cashier lying vacant at present in the deponent's office. The applicant was ordered to be deemed in service. His posting was in no way to affect his monetary entitlement. It is the discretion of the competent authority to decide as

Contd...4/-

932

// 4 //

to how and where his services were to be utilised.

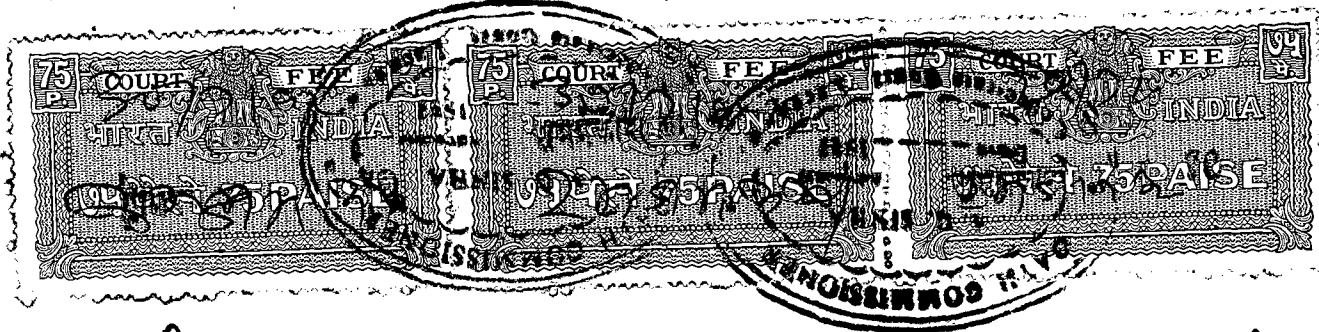
6. That with regard to para 8(a) it is stated that the applicant was paid all the financial benefits as admissible to him upto 13-11-91 (the date on which he submitted the joining report). Payment of salary from 13-11-91 onwards is beyond the scope of the present contempt petition as it is confined to the payment of all consequential benefits admissible to the applicant upto date of his resuming duty. The payment of salary from 13-11-91 to 4-2-92 to the applicant is under consideration of the department.

7. That with regards to para 8 (b) it is clarified that the case of the applicant for crossing the efficiency bar was not considered fit by the D.P.C. w.e.f. 1-11-88 as he was under cloud and the subsequent D.P.C. ^{also} which met on 26-3-92 did not find him fit for crossing the E.B. Thus the benefit of crossing the E.B. was not admissible to him. The applicants pay was, therefore, calculated in the pay scale of L.C. giving all the annual increments without the E.B. increments.

8. That in view of the above facts, the Contempt notice

Contd....5/-

A34
In the Honble Central Administrative Tribunal
Circuit Bench, Lucknow.



REPLY TO SUPPLEMENTARY COUNTER AFFIDAVIT OF O.P.

In re:

Contempt Case No. 46 of 1991

Ramzan Ali Applicant

Versus

1. Sri J.K. Puri
2. Sri B.V. Raman Murli } Opposite Party

F T
26/8

I Ramzan Ali aged about 39 years s/o Late Sri Subhan Ali R/o House No. ES-I/592, LDA Colony, Aligarh Sitapur Road, Lucknow do hereby solemnly affirm as follows:-

- ① That the contents of para 1 of supplementary counter affidavit need no reply.
- ② That the contents of para 2 of Supplementary C.A. also need no reply.
- ③ That the contents of para 3 of the supplementary C.A. are unfounded and false.
- ④ That in reply to para 4 of the supplementary C.A. it is stated as follows:-
 - ④A That the contents of para 3A of the rejoinder affidavit are reaffirmed, and it is asserted that O.P. No. 1 did make the contemptuous utterance reproduced in para 3 of Annexure 3
 - ④B That as regards the letter of deponent's Counsel contained at Annexure 3, the deponent has a legal right to have sent the same through Counsel, when despite deponent's joining application he was not allowed to join, thereby dis-obeying the verdict passed by this Honble Tribunal, and when the contemptuous utterances in question were made by O.P. No. 1. The deponent is advised to state that one should feel pity on the attitude and understanding of O.P. No. 1, as well as the person who suggests him to state that no such letter could be sent by the Counsel.



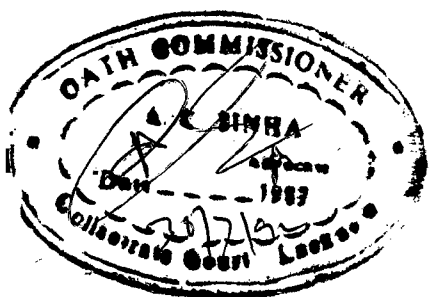
Ramzan Ali

(4-C) That as regards the departmental proceedings against the deponent, it is stated that the same are absolutely without jurisdiction, as such the deponent sent letter dated 18.5.88 (Annexure A-9 of O.A. No. 225 of 1990) to O.P. No. 2 to drop the same. It is asserted that the deponent did not commit any embezzlement or any wrong, and he has been falsely implicated as asserted in para 3 of his aforesaid application dated 18.5.88 (Annexure A-9).

(4-D) That O.P. No. 1 deliberately flouted the order of this Honble Tribunal, and deliberately did not allow the deponent to join, despite joining application dated 13.11.91, on the other hand he made the most unwanted contemptuous utterances. O.P. No. 1 or 2 cannot have any cheeks to allege that deponent's salary from 13-11-91 to 4.2.92 is not the subject-matter of contempt petition. The uncontroverted fact remains that the opposite parties have not yet paid the deponent's salary from 13.11.91 to 4.2.92, and since they deliberately did not allow the deponent to join on 13-11-91 they thereby committed contempt, and by not paying the same to deponent they are continuing the offence of contempt.

(5) That in reply to para 5 of the supplementary CA reiterating the contents of paras 4-C and 4-D above it is stated that the deponent ~~is~~ never claimed for his joining on any particular post, but the opposite parties are not at all justified in, firstly not allowing the deponent to join on any post, and thereafter in withholding the deponent's salary for the period (13.11.91 to 4.2.92) for their own contemptuous action in not allowing the deponent to join, thereby deliberately flouting the orders of this Honble Tribunal.

It is asserted that the opposite parties have deliberately committed contempt the disobedience of the verdict of this Honble Tribunal and from the facts stated in paras 7-A and 7-B ^{of reply of deponent} ~~the~~ the conduct of O.P.s is well evident, and from a perusal of the letters contained at Annexure R-4, it is evident that deponent is being harassed for no fault on his part, and that O.P.s cannot escape from their conduct of having committed the contempt in question.



Ramzan Ali

⑤ That in reply to para 6 of Supplementary C.A. it is denied that ^{non} ~~the~~ payment of petitioners salary for the period 13.11.91 to 4.2.92 does not constitute the offence of contempt or that the same is beyond the scope of contempt petition, and the contents of para 4-D above are also reaffirmed.

⑦ That in reply to para 7 of supplementary CA, the contents of para 8(b) of the rejoinder affidavit are reaffirmed.

⑧ That the contents of para 8 of supplementary C.A. are denied.

Dated:
July 30, 1992

Room 3 on A2
DEPONENT

I the above deponent verify that the contents of paras 1 to 8 of this affidavit are ~~correct~~ true to my own knowledge, that nothing deposed therein is false, nor anything material has been concealed. So help me God.

Dated:
July 30, 1992

Ramzan Ali
DEPONENT

I identify the deponent, who has signed before me today

30-7-92

RCS Srivastava
ADVOCATE

9/4/20
 Ramzan Ali
 R. C. Swagston
 As
 30/7/9-
 With Commencement
 Subsequent to the 1st of 1909