



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

...

Original Application No. 236 of 1990

this the 31st day of July, 1997.

HON'BLE MR S. DAS GUPTA, ADMN. MEMBER  
HON'BLE MR D.C. VERMA, JUDICIAL MEMBER

Dinesh (Kumar) Saxena, aged about 30 years, S/o Sri Lal  
Man Saxena, R/o Village & Post Office Gandhu Nagla,  
Ghaziabad.

Applicant

By Advocate : Sri Gulam Rabbani

Versus

Union of India through Chief Post Master General,  
Lucknow.

2. Senior Superintendent of Post Offices, Ghaziabad  
Division, Ghaziabad.

Respondents

By Advocate : Dr. D. Chandra

ORDER (ORAL)

S. DAS GUPTA, MEMBER (A)

Through this application under section  
19 of the C.A.T. Act, 1985, the applicant has challenged  
the order dated 31.5.88 by which his services as  
Extra Departmental Branch Post Master ( in short E.D.B.P.M.)  
Gandhu Nagla, Ghaziabad, were terminated with immediate  
effect. The applicant has sought quashing of the  
impugned order and <sup>has</sup> further prayed to provide all consequen-

tial financial reliefs.

2. The undisputed facts in the case are that the applicant was initially appointed as Substitute on 26.3.87 as E.D.B.P.M., Gandhu Nagla, Ghaziabad on the recommendation of one Sri Raja Ram, Mail Overseer, who was holding the charge of the post office. Subsequently, the regular selection was made. The Employment Exchange forwarded three names including the name of the applicant and after proper selection, the applicant was appointed on provisional basis by the appointment letter dated 21.12.87 (Annexure-9). Since <sup>he</sup> he had been working until his services were terminated by the impugned order dated 21.5.88. The applicant has challenged this order on the ground that the said order was issued without affording any opportunity to him and, therefore, it is illegal.

3. The respondents have contested the case by filing Counter affidavit in which they have brought-out that after the applicant was appointed on provisional basis, a reference was made for police authorities for verification of his character and antecedents of the applicant. In response, the police authorities informed by the letter dated 13.4.88 (Annexure R-2) that the applicant was involved in a criminal case under section 323 & 324 IPC which had already been decided but in <sup>380 IPC</sup> other criminal case <sup>was</sup> under section ~~447~~ in which he also involved, still sub-judice. On receipt of this report, the respondents terminated the services of the applicant by the impugned order. The respondents have also taken a plea regarding non-maintainability of this application. It has been stated that the application

2

in the appointment letter itself.

in conformity with the service conditions as set-out termination of the services of the applicant is thus, the applicant notifying the other in writing. The liable to be terminated by appointing authority or employment as EBBPM shall be in nature of a contract there is a clear provision that the applicant's & Service) Rules 1964 as amended from to time. Thus, governed by PAF Extra Departmental Agents (Conduct It was also stipulated that the applicant shall be the applicant by notifying the other in writing. liable to be terminated by appointing authority or his employment was stated to be in nature of a contract as set out in the appointment letter at Annexure-9.

6. It is seen from the conditions of appointment

order.

stigmatic and penal order in the garb of a simplifier be normally challenged unless it is shown to be a issued in terms of the condition of the service cannot simplifier order. A simplifier order which has been 5. The impugned order on the face of it is a

was acquitted on 24.1.93.

under section 380 IPC was also decided and the applicant in which he has brought out that criminal case 4. The applicant has filed Rejoinder affidavit

arisen in Ghaziabad.

admission in the O.A. and the cause of action had also applicant is a resident of Ghaziabad by his own not have the jurisdiction in this matter as the limitation and that this Bench of the Tribunal does has not been filed within the prescribed period of

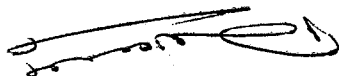


-4-

second ground is that this Bench of the Tribunal has no jurisdiction to entertain this application as neither the cause of action had arisen within the jurisdiction of this Bench nor the applicant is residing within its jurisdiction. The applicant's plea that his brother is residing in Lucknow cannot be of any assistance to the applicant.

9- In view of the foregoing, the O.A. is dismissed. The parties shall bear their own costs.

10. The learned counsel for the applicant submitted that at least a direction be given to the respondents to consider the case of the applicant for appointment on any other E.D. Post on future vacancy, as he no longer under a cloud. No such direction can be given to the respondents. It is for the applicant who make a representation to the authorities, if so advised and for respondents to consider the representation if made, in accordance with the law.



MEMBER (J)



MEMBER (A)

LUCKNOW: DATED: 31.7.97

11.2.96

No sitting of D. B. adj. to  
28.8.96

L  
BEC

CP/DA corrected  
28/8/96

28/8/96

Hon. Mr. V.K. Seth A.M.  
Hon. Mr. D.C. Verma J.M.

for applicant: Sh. G. Rabbani for  
R. Zaher  
for respondent: Dr. D. Chandra  
Pleadings are complete  
List on 18/10/96.

A  
J.M.

LK  
A.M.

A

18.10.96

Hon. Mr. V.K. Seth A.M.  
Hon. Mr. D.C. Verma J.M.

Now adj. - postponed:  
on 18.12.96

J  
J.M.

LK  
A.M.

18.12.96

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

learned counsel for the applicant  
prays for adjournment.  
List on 3-2-97.

LK  
A.M.

BCH  
V.C.

3-2-97

No sitting of D.B. Case is  
adj. to 20-3-97.

BCH

19-1-96  
D.R.

lir on 15-2-96 for filing  
R.A. before me.

A

for  
D.R.

15-2-96  
D.R.

lir on 11-4-96 for  
filing R.A. before me.  
None for parties. This  
is a last opportunity  
for filing R.A.

A

for  
D.R.

11-4-96  
D.R.

Proxy Counsel of Sri Raza Zahir  
Counsel for applicant is  
present. No R.A. has been  
filed till today, ~~the same has been~~  
~~that the same has been~~  
~~that the same has been~~ List  
before Hon'ble Bench on  
11-7-96 for orders.

h

D.R.



GA No. 936/90

5/4/95

Hon. Mr. Justice B.C. Saksena, VC  
Hon. Mr. VK. Seth, A.M.

The learned Counsel for applicant  
says & is granted 2 weeks  
time to file R.A.

List before DOR on 21/4/95.

LC  
A.M.

Boh  
VC

ls

~~15-5-95~~

D.R.

Learned Counsel for the  
applicant is present. None  
for the respondents listed  
before me today. Office is  
directed to more careful  
in future about the listing  
reports. List on 13-7-95  
for filing R.A. before me.

DR

13.7.95

DR

Parties are present. No R.A.  
filed. Let it be filed by  
07-8-95 before me.

R

AC  
DR

(8)

7/7/94  
D.L.

Both the parties are present.  
C.A. has not been filed.  
Applicant move an application M.P. No. 384/94  
for Early disposal & expedite  
in the case. Place before  
the Hon'ble Bench on 11/8/94  
for orders.

OP  
C.A. not filed  
M.P. 984/94  
an application  
for early  
disposal  
& expedite  
move the  
same in Submitted  
for order

1.8.94

Lawyer absent & adjourned  
C.A. 23.9.94

29.7.94  
21/9/94

23.9.94 Case not reached adjourned  
25.10.94

25.10.94 Now Mr. V.K. Seth AM  
Now Mr. DC Verma JM

Dr. Dinesh Chandra states that copy of  
C.A. has not been furnished to him. He  
may obtain a copy from the office. The  
respondents are allowed 6 weeks time  
for filing of C.A. C.A. may be  
filed within 2 weeks thereafter  
but on 20-12-94 before DR (J)  
for completion of proceedings.

JM

AM

O.A. 236/90

(6)

15/11/93

D.R.

Both the parties are absent.

C.A. has not been filed.

Respondents are directed to file it by 20/1/94 before me.

20.1.94.

D.R.

Both the parties are absent. C.A. has not been filed till today. Respondents are directed to file it on the date fixed. Lis-t on 31.3.94 before me.

Amit..

Dy. Registrar..

CR

CA not filed  
MP 129/92  
moved for H.  
same is submitted  
a) per order  
DR (C)  
dated 21-1-94

DR  
2.2.94

Vide order of Hon. VC. on the application the applicant, list this case for hearing on 22.3.94 before DR.

DR

CR  
CA not filed  
MP 129/92  
moved for H.  
same is submitted  
a) per order  
DR (C)  
dated 21-1-94

①

27.7.1990

Hon'ble Mr. Justice K. Nath, V.C.

Hon'ble Mr. K. Obayya, A.M.

Application to implead Union of India is allowed. Issue notice to the respondents why this petition may not be admitted and list for admission on 9.10.1990 on which date the respondents will also produce records relating to applicant's appointment and termination.

The petition may be disposed finally on the date fixed.

on notice of 1-8-90

Sd/-  
A.M.

Sd/-  
V.C.

rrm/

9.10.90

No sitting Aai to 24.10.90

①

24.10.90

No sitting Aai to 22.11.90

②

22.11.90

Hon. Mr Justice K. Nath vs  
Hon. Mr M.M. Singh AM

OR

On account of the death of Sen P.C. Saxena, Advocate whose cremation is likely to be made, prayer for Adjournment is made on behalf of Advocate. List for Admission on 26.11.90.

U/c for the applicant has incorporated amendments. Notices were issued on 1.8.90. No reply nor any unserved sept. conv has been return back.

M. L. L  
AM

gc  
vc

S. FA -  
24/11

③

(3)

30.3.92

2

No sitting adjourned to 26/5/92.  
for hearing before the Hon. Bench.

26.5.92

Case adj. &amp; adj. 10.8.92

Mae

10.8.92

No sitting adj. 13.10.92

13.10.92

No sitting adj. 20.10.92

Case is  
S.F.A.

8

19/10/92

Dated: 20.10.92

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

Hon'ble Mr. S.N. Prasad, J.M.

No appearance has been made on behalf of the respondents so far. Sri V.K. Chaudhary counsel for the Union of India who is present in the court, is directed to take notice in this case and assist the court for filing reply. Let reply/counter be filed within 3 weeks hereof and rejoinder, if any, within 2 weeks thereafter. List this case for admission/hearing on 3.12.1992. A copy of the application may be given to the V.K. Chaudhary, meant for the respondents by counsel for the applicant.

G.M.

A.M.

(rka)

Received Notice  
for V.K. Chaudhary  
16.11.92

OK  
11/11/92  
8/11/92

10/11/92  
11/11/92  
12/11/92  
21/11/92

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

26/2/96

Registration No. 236 of 1995 (LL)

APPLICANT(S) D. K. Sreenivas

RESPONDENT(S) J. D. C.

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent?
2. a) Is the application in the prescribed form?  
b) Is the application in paper book form?  
c) Have six complete sets of the application been filed?
3. a) Is the appeal in time?  
b) If not, by how many days it is beyond time?  
c) Was sufficient case for not making the application in time, been filed?
4. Has the document of authorisation/ Vakalatnama been filed?
5. Is the application accompanied by B.D./Postal Order for Rs.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?  
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?  
c) Are the documents referred to in (a) above neatly typed in double space?
8. Has the index of documents been filed and paging done properly?
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

Yes/No

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Particulars to be Examined

Endorsement as to result of examination

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

YD

YD

No

YD

YD

No

YD

YD

YD

dinesh/

26/7/90  
1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ADDITIONAL BENCH, ALLAHABAD,  
CIRCUIT BENCH, LUCKNOW

...

O.A.NO. 236 OF 1990 (L)

DINESH KUMAR SAXENA

... APPLICANT

VERSUS

20  
UNION OF INDIA, <sup>through</sup> CHIEF POST MASTER GENERAL, LUCKNOW  
& ANOTHER

... RESPONDENTS

COMPILATION 'A'

.....  
S.No.      List      Page Nos.  
.....

1.      Application      ...      1 - 11

2.      Annexure No.10:- Impugned order  
         of termination of services  
         of the petitioner dated  
         31.5.1988 passed by the  
         Senior Superintendent of  
         Post Offices, Ghaziabad  
         Division, Ghaziabad.

12

3.      Power      ...      13

LUCKNOW

DATED 27-7-90

Raza Latif  
Anand Mohan  
COUNSEL FOR THE APPLICANT

Filed today  
Sd/-  
26/7/90



26/7/90  
1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ADDITIONAL BENCH, ALLAHABAD,  
CIRCUIT BENCH, LUCKNOW

...

O.A.NO. 236 OF 1990 (L)

DINESH KUMAR SAXENA

... APPLICANT

VERSUS

through  
GOVERNMENT OF INDIA, CHIEF POST MASTER GENERAL, LUCKNOW  
& ANOTHER

... RESPONDENTS

COMPILATION 'A'

| S.No. | List                                                                                                                                                                                                      | Page Nos. |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 1.    | Application                                                                                                                                                                                               | 1 - 11    |
| 2.    | <u>Annexure No.10:-</u> Impugned order<br>of termination of services<br>of the petitioner dated<br>31.5.1988 passed by the<br>Senior Superintendent of<br>Post Offices, Ghaziabad<br>Division, Ghaziabad. | 12        |
| 3.    | Power                                                                                                                                                                                                     | 13        |

Filed today  
54w  
26/7/90

LUCKNOW

DATED 27-7-90

Raza Latif

Anand Mohan  
COUNSEL FOR THE APPLICANT

26/7/90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ADDITIONAL BENCH, ALLAHABAD,  
CIRCUIT BENCH, LUCKNOW

O.A. NO. 236 OF 1990 (L)

DINESH KUMAR SAXENA, aged about 30 years,  
son of Sri Lal Man Saxena, resident of  
village and Post Office Gandu Nagla,  
Ghaziabad.

... APPLICANT

VERSUS  
UNION OF INDIA through

1. CHIEF POST MASTER GENERAL, Lucknow;

2. SENIOR SUPERINTENDENT, POST OFFICES,  
Ghaziabad Division, Ghaziabad.

... RESPONDENTS

(I). DETAILS OF THE APPLICATION:

- (i) Particulars of the applicant:
- (ii) Name of the applicant : Dinesh Kumar Saxena.
- (iii) Name of father : Sri Lal Man Saxena.
- (iv) Designation and office : Extra Departmental  
Branch Post Master (E.D.B.P.M.), Gandu  
Nagla, Ghaziabad.
- (v) Office address : E.D.B.P.M., Gandu Nagla, Ghaziabad.
- (vi) Address of office : As given in the application  
of all notices.

Contd...2

(II). JURISDICTION OF THE TRIBUNAL:

The applicant declares that subject matter of the claim is within the jurisdiction of the Tribunal.

(III) PARTICULARS OF ORDERS AGAINST WHICH THE APPLICATION IS MADE :

Order dated 31.5.1988 issued by the Senior Superintendent of Post Offices, Ghaziabad Division, Ghaziabad terminating the services of the petitioner with immediate effect. (Annexure No.10).

(IV) LIMITATION

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

(V) FACTS OF THE CASE

(1) That the applicant was appointed as Extra Departmental Branch Post Master (E.D.B.P.M.) on 26.3.1987 by Senior Superintendent, Post Offices, Ghaziabad Division, Ghaziabad after fulfilling the required service conditions and was posted as E.D.B.P.M. at Gandu Nagla, Ghaziabad. The applicant was appointed on the recommendation of Shri Raja Ram, Mail Overseer, B.P.M., Gandu Nagla, Ghaziabad. A copy of the order dated 26.3.1987 issued by the opposite party No.2 is being annexed hereto as ANNEXURE NO.1.

*As per*

(2) That the applicant as per the order of the opposite party No.2 joined as the E.D.B.P.M., Gandu Nagla, Ghaziabad on 28.3.1987. A photostat copy of the joining report is being annexed hereto as ANNEXURE NO.2.

(3) That vide order dated 26.3.1987 passed by the opposite party No.2, the applicant was asked to submit the required papers in the office of opposite party No.2 by 15.4.1987. A photostat copy of the aforesaid letter is being annexed hereto as ANNEXURE NO.3.

(4) That in compliance to the letter dated 26.3.1987, issued by the opposite party No.2, the applicant submitted the required papers in the office of opposite party No.2 on 9.4.1987. A photostat copy of the aforesaid reply is being annexed hereto as ANNEXURE NO.4.

(5) That on 22.11.1987 Sri C.P.Sharma, Mail Oversear, Garh Mukteshwar, E.D.B.P.M., Gandu Nagla, Ghaziabad lodged an first information report under section 380 I.P.C. at Crime No.44/87 against the applicant that he had stolen some postal papers from his bag in his absence from his house. A copy of the first information report is being annexed hereto as ANNEXURE NO.5.

(6) That on 21.11.1987 Sri C.P.Sharma, Mail Oversear had taken the statement of applicant as well as one Kali Charan regarding the non-deliverance

*As per*

of a registered letter No.1392 and 1393. The grievance of Mail Overseas was that the applicant had not checked as why the aforesaid letters were delivered at a care of address. A photostat copy of the statement of the applicant is being annexed hereto as ANNEXURE NO.6.

(7) That in fact the applicant had stolen nothing from the bag of Sri C.P.Sharma but only due to the malicious design of Mr. C.P.Sharma, who asked the applicant to give Rs. 2,000/- otherwise he will make his complaint to the higher authorities regarding the wrong deliverance of the registered letters. That on 26.11.1987 the applicant made a written complaint against Sri C.P.Sharma to the opposite party No.2. A photostat copy of the complaint is being annexed hereto as ANNEXURE NO.7.

(8) That on 12.4.1988 the applicant was granted bail under section 380 I.P.C. That it is pertinent to mention here that the Kali Charan has also supported the case of the applicant vide his letter dated 26.11.1987 to the opposite party No.2. A copy of the aforesaid letter is being annexed hereto as ANNEXURE NO.8.

(9) That again on 21.12.1987 the opposite party No.2 again appointed the applicant as E.D.B.P.M. at Gandu Nagla, Ghaziabad. A photostat copy of the letter dated 21.12.1987 is being annexed hereto as ANNEXURE NO.9.

*Bap...*

(10) That the applicant was on continuous service from 28.3.1987 to 31.5.1988 when the opposite party No.2 terminated the services of the applicant with immediate effect without affording any opportunity of personal hearing or a show cause notice to the applicant as the applicant had become a regular employee of the department and his services could be terminated *only* as per the Post & Telegraphs Extra Departmental Agents (Conduct and Service) Rules, 1964. A photostat copy of the termination order is being annexed hereto as ANNEXURE NO.10.

(11) That on 2.6.1988 the Deputy Inspector (Postal), Hapur asked the Main Overseer to take over the charge from the applicant. A copy of the order dated 2.6.1988 is being annexed hereto as ANNEXURE NO.11.

(12) That on 3.6.1988 the applicant gave reply to the Postal Inspector, Hapur. A copy of the reply is being annexed hereto as ANNEXURE NO.12.

(13) That from 4.6.1988 to 11.6.1988 the applicant went on medical leave and deputed his elder brother Sri Naresh Kumar Saxena to look after the postal work in his absence and the applicant intimated this fact to the Postal Inspector, Hapur.

*As per*  
(14) That the applicant till 23.6.1988 has not handed over the charge as he was waiting for the instructions from the office of opposite party No.2. But the opposite party No.2 on 23.6.1988 forcefully took possession by breaking lock of the post office

with the help of police without the knowledge of the applicant.

(15) That on 23.6.1988 the opposite party No.2 has lodged an first information report under section 138/409 I.P.C. against the applicant that some of amount is missing from the record and sealed the whole record and the record is lying with the police. The applicant on 14.10.1988 was bailed out from the aforesaid offences. The applicant came to know about the aforesaid first information report in the month of July.

(16) That the applicant on 1.7.1988 made a representation to the opposite party No.1 regarding his termination of service. A copy of the representation is being annexed hereto as ANNEXURE NO.13.

(17) That the applicant <sup>was</sup> compelled to approach Shri Krishan Swarup Sharma, Member, Tele-communication Advisory Committee, Delhi, who wrote a letter to the opposite party No.2 to consider the case of the applicant. A copy of the aforesaid letter is being annexed hereto as ANNEXURE NO.14.

(18) That the opposite party No.2 on 4.10.1988 gave reply to Sri Krishan Swarup Sharma that the case of the applicant is under consideration. A copy of reply is being annexed hereto as ANNEXURE NO.15.

*Khander*  
(19) That on 7.9.1988 the opposite party No.2 wrote a letter to Senior Superintendent of Police,

Ghaziabad as to send the antecedents of applicants. The Senior Superintendent of Police, Ghaziabad sent the two cases history of the applicant as already mentioned above in the application. A copy of letter of the opposite party No.2 to the Senior Superintendent of Police, Ghaziabad is being annexed hereto as ANNEXURE NO.16.

(20) That when nothing materialises from the adamant and rough conduct of the opposite parties, the applicant made a representation to his Union and the Union, vide its letter No.P-4/7/89 dated 23.1.1989 raised the question before the opposite party No.2. A copy of the Union letter is being annexed hereto as ANNEXURE NO.17.

(21) That the Union, in its monthly meeting, raised the question of applicant vide proposal No.13 and the opposite party No.2 gave the reply that the matter is under consideration. A copy of proposal is being annexed hereto as ANNEXURE NO.18.

(22) That on 28.3.1990 the applicant again sent a registered reminder to the opposite party No.1 but of no avail. A copy of reminder is being annexed hereto as ANNEXURE NO.19. Earlier the applicant also gave representation to the opposite party No.1 on 28.9.1989 and 9.1.1990.

*Assurance*  
 (23) That after running from pillar to post, the applicant is compelled to knock the doors of justice before the Hon'ble Tribunal with the hope that justice will be delivered in favour of the applicant.



(24) That the order of termination is illegal and is passed without affording opportunity of personal hearing and is also passed by way of malice and ulterior motive.

(25) That again the opposite party No.2 had appointed one Bhopal Singh, who has not got necessary qualification and also ~~has~~ got criminal record.

(26) That the applicant's brother-in-law is a Office Superintendent in Milk Commissioner's Office at Lucknow and the applicant can do much better pairvi at Lucknow than ~~at~~ Allahabad. The applicant is a poor man and he cannot afford a costly lawyer at Allahabad as his brother is doing pairvi here.

(27) That criterion of appointment of E.D.B.P.M. is that the applicant should be a man of means, population of 3000- one School and Panchayat beside a distance of 3 kilometers and resident of same village. The applicant has all the qualification and that is why he was appointed.

(VI) On the basis of the facts mentioned above, the order of applicant's termination is being challenged on the following grounds:-

(A) Because the order of termination is violative of Articles 14 and 16 of the Constitution of India.

(B) Because there is violation of principles of equity and natural justice.

(C) Because the order of termination was passed without affording any opportunity to explain or defende.

(D) Because the order of termination is bad, illegal and is passed by way of malice *and is stigmat*

(E) Because order of termination is a non-speaking one as no show cause notice was given to the applicant.

(VII) RELIEF SOUGHT

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

(a) That the Hon'ble Tribunal may kindly be pleased to quash the order of termination contained in Annexure No.10.

(b) That it is further prayed that the Hon'ble Tribunal may be pleased to provide all consequential financial reliefs to the applicant.

(c) That to allow the application with costs in favour of the applicant.

(VIII) INTERIM RELIEF IF PRAYED FOR:

*Here*  
The interim relief sought for is to stay the operation of the impugned order of

termination dated 31.5.1988.

(IX) DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has availed all the remedies available to him under the relevant service rules etc.

(X) MATTER NOT PENDING WITH ANY OTHER COURT ETC.

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law, or any other authority, or any other bench of Tribunal.

(XI) PARTICULARS OF POSTAL ORDER IN RESPECT OF THE APPLICATION FEE

- (1) Number of Indian Postal Orders .. 02 468621
- (2) Name of the Issuing post office .. G.P.O. Lko
- (3) Date of issue of postal order .. 25.7.90
- (4) Post office at which payable ..

(XII) LIST OF INDEX

Annexed to this application.

(XIII) LIST OF ENCLOSURES

Annexed to this application.

VERIFICATION

I, Dinesh Kumar Saxena, son of Sri Lal Man Saxena, resident of Village and Post Office Gandle Nagla, Ghaziabad, do hereby verify that the

.11.

contents of paragraph Nos. I to XIII of this application are true to my own knowledge and belief and that I have not suppressed any material facts.

LUCKNOW

DATED 27.7.90

*Abanjan*

SIGNATURE OF APPLICANT

*Abanjan*

ANNEXURE No. 10  
GOVERNMENT OF INDIA  
DEPARTMENT OF POST

Office of the Sr. Supdt. of Post Offices,  
Ghaziabad Division, Ghaziabad.

Memo No. B2/EPA/Gandhu Nagla, Dated Ghaziabad the  
31.5.88

Provisional appointment of Shri Dinesh  
Kumar Saxena E.D.B.P.M. Gandhu Nagla Distt.  
Ghaziabad is hereby terminated with immediate  
effect.

Charge report should be submitted to  
all concerned.

Sr.Supdt. of Post Offices  
Ghaziabad Division

31.5.88

Copy to:-

- (1) Dinesh Kumar Saxena B.P.M. Gandhu Nagla Distt.  
G.Bad.
- (2) The S.D.I.(P) Hapur. The charge of the B.P.M.Ship  
be made over to the Mail O/S temporarily till  
further orders and get complete the verification  
work of Gandhu Nagla within one month.
- (3) The Post Master, Hapur H.O.
- (4) The S.P.M., Garh Mukteshwar.
- (5)(6) Office Copy.

...

*Handwritten signature*

Circuit Bench Lucknow

व अदालत श्रीमान

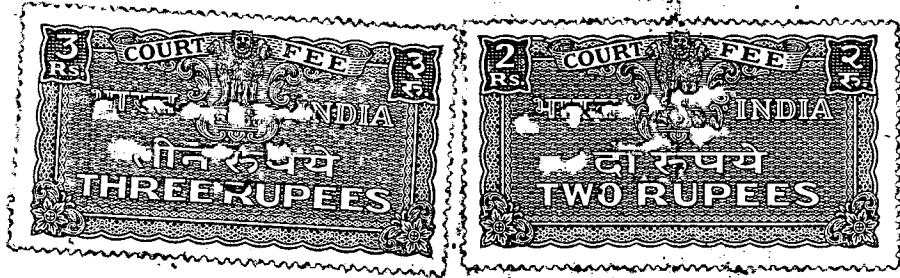
महोदय

[वादी अपीलान्त]

प्रतिवादी [रेस्पॉण्डेंट]

वकालतनामा

Densh Kumar Sarena



Chief Postmaster General वनाम प्रतिवादी (रेस्पॉण्डेंट)

नं० मुकद्दमा

पृष्ठ

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री RAZA ZAHED

व ANAND MOHAN & S.B. VERMA वकील महोदय एडवोकेट

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकन

को अपना पकीय नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में पकीय महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेंरबी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई यह सब कार्यवाही हमको सर्वथा स्वीकार है और होमा में यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पेंरोकार को भेजता रहूंगा अगर मुकद्दमा अदालत पेंरबी में एक तरफ मेरे खिलाफ फैसला हो जातो है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक २७ महीना ७ सन् १९१० ई०

स्वीकृत

Accepted Raza Zahed Adv

Accepted

Anand Mohan & S.B. Verma

141

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ADDITIONAL BENCH, ALLAHABAD,  
CIRCUIT BENCH, LUCKNOW

...  
O.A. NO. 23<sup>1</sup> OF 1990 (L)

DINESH KUMAR SAXENA

... APPLICANT

VERSUS

UNION OF INDIA CHIEF POST MASTER GENERAL, LUCKNOW

& ANOTHER

... RESPONDENTS

COMPILATION 'B'

| S.No. | List of Enclosures                                                                        | Page Nos. |
|-------|-------------------------------------------------------------------------------------------|-----------|
| 1.    | <u>Annexure No.1:-</u> Copy of the order of appointment dated 26.3.1987.                  | 16        |
| 2.    | <u>Annexure No.2:-</u> Photostat copy of the joining report dated 28.3.1987.              | 17        |
| 3.    | <u>Annexure No.3:-</u> Photostat copy of the letter dated 26.3.1987.                      | 18        |
| 4.    | <u>Annexure No.4:-</u> Photostat copy of the reply of the applicant dated 9.4.1987.       | 19        |
| 5.    | <u>Annexure No.5:-</u> Copy of the first information report dated 22.11.1987.             | 20-21     |
| 6.    | <u>Annexure No.6:-</u> Photostat copy of the statement of the applicant dated 21.11.1987. | 22        |
| 7.    | <u>Annexure No.7:-</u> Photostat copy of the complaint dated 26.11.1987.                  | 23        |
| 8.    | <u>Annexure No.8:-</u> Copy of the letter dated 26.11.1987.                               | 24        |
| 9.    | <u>Annexure No.9:-</u> Photostat copy of the letter dated 21.12.1987.                     | 25        |
| 10.   | <u>Annexure No.11:-</u> Copy of the order dated 2.6.1988.                                 | 26        |
| 11.   | <u>Annexure No.12:-</u> Copy of the reply dated 3.6.1988.                                 | 27        |
| 12.   | <u>Annexure No.13:-</u> Copy of representation dated 1.7.1988.                            | 28        |

Contd...2

.2.

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S.No.                      List of Enclosures                      Page Nos.  
-----

- |     |                                                                                                                                                 |       |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 13. | <u>Annexure No.14:-</u> Copy of the letter<br>of the Member, Tele-communica-<br>tion Advisory Committee, Delhi.                                 | 29    |
| 14. | <u>Annexure No.15:-</u> Copy of reply<br>dated 4.10.1988 of the<br>opposite party No.2.                                                         | 30    |
| 15. | <u>Annexure No.16:-</u> Copy of letter<br>dated 7.9.1988 of the opposite<br>party No.2 to the Senior<br>Superintendent of Police,<br>Ghaziabad. | 31    |
| 16. | <u>Annexure No.17:-</u> Copy of Union<br>letter dated 23.1.1989.                                                                                | 32    |
| 17. | <u>Annexure No.18:-</u> Copy of proposal<br>of the Union.                                                                                       | 33-34 |
| 18. | <u>Annexure No.19:-</u> Copy of reminder<br>dated 28.3.1990.                                                                                    | 35    |

LUCKNOW

DATED 27.7.90.

*Raza Kabeer.*  
*Arunel Mohan*  
COUNSEL FOR THE APPLICANT



GOVERNMENT OF INDIA-DEPARTMENT OF POSTS

ANNEXURE No. 1

From,

Sr. Supdt. of Post Offices,  
Ghaziabad Division,  
Ghaziabad-201001.

To,

✓ Shri Rajaram,  
Mail Overseer Garhmukteshwar,  
at BPM,  
Gandunagala,  
Via- Garhmukteshwar,  
Distt Ghaziabad.

No. B/2/EDA/Gandunagala dated at Ghaziabad the, 26.3.87

Sub: Regarding Arrangement of BPM Gandunagala.

Ref: Your application dated 21.3.87.

With reference to your above cited application, you are hereby permitted to handover the charge of BPM Gandunagala (Garhmukteshwar) to Shri Dinesh Kumar Saxena S/O Shri Lajpat Ram Resident of Gandunagla via Garhmukteshwar Ghaziabad, name proposed by you till regular arrangement is made.

Shri Dinesh Kumar will work as BPM Gandu Nagla on your personal responsibility.

Charge report should be submitted.

*Q. E.*  
Sr. Supdt. of Post Offices,  
Ghaziabad Division.

Copy to:-

1. The Postmaster Hapur.
2. The Sub Divisional Inspector (Postal) Hapur Sub Division.

*True copy  
As above*

*Sd/-*  
Sr. Supdt. of Post Offices,  
Ghaziabad Division.

Township  
Municipal

7/11/2011  
21/11/2011

15/11/2011  
19/11/2011  
28/11/2011  
26/11/2011

19/11/2011

18/11/2011



MINISTRY OF HEALTH, GOVERNMENT OF INDIA

Ministry of Health

Ministry of Health

Chargé de Post

II

ANNEXURE NO. 2

17

O. A. No. 1990

(17)

Before the Central Administrative Tribunal, New Delhi

EXHIBIT NO. 3

भारतीय डाक विभाग

प्रेम

प्रवर अधीक्षक डाकघर  
गजियाबाद मण्डल  
गजियाबाद-201001

सेवा में

श्री प्रियंका कुमार हजारी SI/O  
श्री राजेश राय  
गान्धिका गन्ध माला  
जिला गजियाबाद

पत्रांक: बी02/ईडीए/गन्ध माला दिनांक. गजियाबाद 26-3-87

विषय: अ0वि0 गजियाबाद डाकघर/गजियाबाद गन्ध माला  
गजियाबाद डाकघर/गजियाबाद अ0वि0 की नियुक्ति के सम्बन्ध में।

उपरोक्त पद पर नियुक्ति हेतु आपका नाम रोजगार कार्यालय  
हापुर से प्राप्त हुआ है। अतः आप उपरोक्त पद पर  
नियुक्ति हेतु अपने आवेदन पत्र विम्बलिखित प्रमाण-पत्रों सहित इस कार्यालय  
को भेजें। जो कि इस कार्यालय में दिनांक 15-4-87 तक पहुंच जाने  
चाहिए। बाद में प्राप्त आवेदन-पत्रों पर कोई विचार नहीं किया जायेगा।

1. निम्नलिखित प्रमाण-पत्र जिसमें जन्म-तिथि भी दर्शायी गयी हो।
2. निम्नलिखित प्रमाण-पत्र जिसमें डाकघर रखने की पूर्ण  
व्यवस्था की जा चुकी हो दिखाया जा हो।
3. आय प्रमाण-पत्र जिसमें आय के वर्गीकरण का भी दर्शाया जा हो।
4. जाति प्रमाण-पत्र अ0ज0/अ0ज0 जाति के अभ्यासियों के लिए।

प्रवर अधीक्षक डाकघर  
गजियाबाद मण्डल

Truecopy  
Khan

ANNEXURE No. 4

19

राजगो

9 APR 1987

श्री मान पवर अधीक्षक

Office of the

Superintendent

(राजियावाद)

पत्रक

गडगला दिनांक 26-3-87

राजगो

श्री ००० शारदा डकधर गडगला शारदा डकधर  
श्री ००० की नियुक्ति के सम्बन्ध में।

महोदय

राजगो

मिलता है कि आपके पत्रक ०००/

३०० गडगला दिनांक २६-३-८७ से

आपने ३०० से कि गडगला में शारदा डकधर की नियुक्ति  
उपर आपने आपके कार्यालय में प्रस्ताव पत्रों की मंजूरी दी है।  
आपके आदेशानुसार में २६-३-८७ से शारदा डकधर से कार्य  
कर रहा हूँ। तथा आपके आदेशानुसार निम्न लिखित प्रमाण पत्र  
आपके आदेशानुसार के साथ संलग्न कर रहा हूँ। अतः आपसे  
मिलता है कि प्रमाण पत्रों को समस्त रूप से कार्य करने का निर्देश  
दिया जाए। अतः कृपा होगी। सधन्यवाद।

- (१) - निम्न प्रमाण पत्र (द्वारा श्री ०००/०००/०००)
- (२) - निम्न प्रमाण पत्र एवं आदेशानुसार प्रमाण पत्र, एवं अन्य प्रमाण पत्र (प्रमाण पत्र)
- (३) - आदेशानुसार प्रमाण पत्र (प्रमाण पत्र)
- (४) - आदेशानुसार प्रमाण पत्र (प्रमाण पत्र)
- (५) - आदेशानुसार प्रमाण पत्र (प्रमाण पत्र)
- (६) - आदेशानुसार प्रमाण पत्र (प्रमाण पत्र)
- (७) - आदेशानुसार प्रमाण पत्र (प्रमाण पत्र)
- (८) - आदेशानुसार प्रमाण पत्र (प्रमाण पत्र)
- (९) - आदेशानुसार प्रमाण पत्र (प्रमाण पत्र)
- (१०) - आदेशानुसार प्रमाण पत्र (प्रमाण पत्र)

True copy

प्रमाण पत्र सहित (७) वक्त

4/4/87

प्रति लिखित प्रमाण पत्र

प्रमाण पत्र सहित

प्रमाण पत्र के दस्तावेज



21

-2-

मुकदमा आराध सज्जत न पारा 380 आ 30 पी सी था ना सह हुमद

दिनांक 22/11/87

गाम जगदपुर प पत्तना रक डिजिटीटर 0 पूर्व हकीकत

पुनः स्टेसन मिलेगा.

पर से एक सम्बन्धित कागजत पेक में ले निशान कर जोरो से ले जाना

पारा 380/ आ 30 पी सी तस्वीर हाकेर।

22/2/88

अथ 15-300/10000

Princely  
Saver

22

ANNEXURE No. 6

6

जमान देने का सुचारु आरम्भ शरणा आक पाल गद्द नगला  
आपु 26 वर्ष लगभग साबित व माह लगभग

अभिगत जा,

R. 1 No 1398 गायपुता जो यहाँ 1-10-87 में  
आगये वह गदरुडो S/O सुन्दर लाल C/O मशहोर सिंह गद्द नगला  
के नाम भी जो गये 1-10-87 को श्री काली चरन F.D.P.  
को बांटने को दे दी जो सुन्दर लाल गद्द नगला श्री मशहोर सिंह का

3-10-87 को F.D.P. द्वारा कर दी गयी

R. 1 No 1392 गायपुता जो 1-10-87 को यहाँ आइ है जो कहल  
जो S/O गों हर्नोक का C/O श्री चरन सिंह के नाम भी यह रजिस्ट्री  
F.D.P. श्री काली चरन के श्री चरन सिंह के तत्कालीन को है।

युके S/O चरन के कार्य करते हुए बहुत कम समय हुआ है।  
युके यह जमान नहीं था कि गों यह देख कर बूझ ताकि करता  
को श्री रजिस्ट्री C/O के कपों वाली है। युके यह यह जा।  
है। जसा है कि C/O के कोई वरु भी वाली जाती है।  
मानिय में इस विषय में पूरा ध्यान रखा जायेगा।

Truely

Signature

Signature B.P.M.  
31/11/87

ANNEXURE No. 7

सोनी प्रोडक्ट्स प्रा. लि.  
पंजीकृत - 201003

16 NOV 1997

श्रीमान जी

OFFICE OF THE

CHARTERED ACCOUNTANT

Chartered Acc. - 201003

श्रीमान S.S.P. (Post)

गाजियाबाद (दरिद्र शांति आवास) गजपुरी

सावित्र्य मेलेका हैं कि प्रार्थी शारदा डाकपाल

पद पर 28/3/87 से आपके आदेशानुसार शारदा  
रूप से कार्य कर रही हैं। मजर्स श्री C.P. Sharma गजपुरी वर ने कई बार

ग्राहिक विवाद किया है। तथा 28 वर S.D. Post Gajpuri के विरुद्ध पता

गोपनीय रहे हैं। जो मैंने अपनी गजपुरी देखा कर अब तक नहीं देखा।

अब श्री C.P. Sharma द्वारा 21/11/87 को आदेश जारी किया। S.D. Post

द्वारा 29/8/87 को जारी मजरी R.R. No 1392, व 1393 जो रकम 1-10-87 को

आदेश श्री, को 3-10-87 में श्री काशीचरण E.D. P. ने 3-10-87 में 10/0

को तकलीफ कर दी गयी। इनकी तकलीफ की प्रत्येक में मेरे तथा

श्री काशीचरण के व्यापार विरुद्ध। तथा 10/0 को R.R. तकलीफ करने के अक्षेप

में हंग वोग को रखा ठीक कारणों को दायिमी दी। तथा 2000/- S.D.

Post Gajpuri के विरुद्ध मजरी। मैंने अपनी गजपुरी बताया तथा इनसे कुछ

करा रक्का होने के विरुद्ध मजरी तब 22/11/87 रविवार को गुप्त

तथा श्री काशीचरण को अपने घर बुलाया। 22/11/87 को जयपुरी घर

पहुँचा तो श्री शर्मा घर नहीं मिले। धुर पर बताया कि श्री शर्मा

जो हैं। अबतक प्रार्थी लाना रहे हैं। हम शारदा प्रत्येक कर दूध वीला

पर पहुँचे वहाँ काफी देर तक उनसे बात हुई। तथा 500/- देकर

इस आरोप से मुक्त कराने की बात कही। 500/- पायसों संपर्क कर

श्री शर्मा ने कहा कि अब 500/- लेकर शीघ्र आओ। तब मैंने इस

R.R. तकलीफ के आरोप से मुक्त करा दिया जायगा तथा रक्का

करा दिया जायगा। कृपया आपसे प्रार्थना है। इस मांग को मैंने

करने के द्वारा लाभवादी की जाय।

प्रतिनिधि - श्रीमान S.D. P. Gajpuri

श्री A.K. Sharma गजपुरी

शारदा डाकपाल

True copy  
Keweenaw



ANNEXURE No. 2

विषय,

पीमाशु प्रवर अखिल, अखिल  
प्रवर- गाजियाबाद।

दिनांक- 20.11.1987

कारण- कृपा अकपाल गम्पु मन्त्रा।

महोदय,

आदरपूर्वक मन्त्र निवेदन है कि जी पीएमपी आई भैय चौधरामियर  
अधिवक्ता 21.11.1987 को आठ आठ लाख गम्पुमन्त्रा विधि पर आये।  
29.7.1987 को आठ निरीक्षक पापुल के द्वारा फेली गई रजिस्ट्री नं-1392,  
1393 को 1.10.1987 को भी वितरण करने को मिली। मैं दोनों  
रजिस्ट्री दिनांक- 3.10.1987 को मार्फत पार्टी को वितरण करदी।  
जिसके विषय में जी पीएमपी आई में नि व्याप्त मिले कि उक्त रजिस्ट्री  
गत 10 को बाटो में पहुँचे व्याप्त दे दिये। फलते समय सड़क पर आकर  
उसमें लगे कि बाबा अकपाल में जी अपने व्याप्त दिये है इसके व्याप्त से  
सुन्दारे नोकरी को कारा है जोर तुम परीक्षा में नहीं बैठ पाओगी। हो  
सकता है कि जलम भी जो जाओ। सो तुम कल मेरे घर पर जाना। और  
दिनेश को साथ जाना। मैं अपने 500/- रुपये लेकर उनके घर गया। घर  
पर पता चला कि पेट में पानी लगा रहे हैं। उन्होंने मुझसे सड़क पर 1000/-  
रुपये की मांग की थी। इसलिये मैं और दिनेश दोनों उनके घर पर गये  
और पता चला कि पेट में पानी लगा रहे हैं। रास्ता पूछ कर दोनो  
पेट पर पहुँचे तो वहाँ फर्मा जी मिले। मैं उनसे व्याप्तों के बारे में कहा  
तो उन्होंने 1000/- रुपये की मांगी की मैंने उन्हें अपनी नोकरी बचाने के  
लिये रुपये 500/- दिये। और कहा कि बस एतना ही मेरे पास है। इसके  
बाद किछोरी जाल व जितेन्द्र भी पेट पर जा पहुँचे। फर्माजी मुझे, किछोरी  
जाल व दिनेश को लेकर अपने घर पर आये। और दिनेश से कहा कि तुम अपने  
एक लाख रुपये की प्रबन्ध पीछे कर लेना। फर्मा जी ने कहा कि तुम यदि  
मेरे करने के मुताबिक व्याप्त लिखोगे तो सब सकेलें होंगे। मुझसे फर्माजी ने दबाव  
पेकर अपने घर में लिखाया कि दिनेश मेरे पैस में सारे काम मेरे सामने निकाल  
कर ले गया यह लिखी। यदि ऐसा न लिखोगे तो मैं सुन्दारे नाम की एक-बार  
घरों दब कराने जा रहा हूँ। यह व्याप्त जी फर्माजी ने लिखाया किछोरी  
जाल व सामने जबरदस्ती मुझसे दबाव डाल कर लिखाया गया। पॉपि विन्सुल  
कहा है। कृपया जे प्रार्थना करता है कि मामले को उचित जति पर कार्यवाही  
की जाये।

प्रतिनिधि:-

1. पीमाशु अख निरीक्षक पापुल
2. पीमार-के-फर्मा प्रणवीय मन्त्री,  
गाजियाबाद।
3. अखिल प्रतिनिधि प्रवर अखिल  
आकशर कार्यालय में दी गई।
4. हरिजनकनाथ विभाग अधिकारी नई दिल्ली।

प्रार्थी,

अखिल प्रवर  
॥ कामीचरण ॥  
व. जी. एम. पी.  
गम्पुमन्त्रा, गाजियाबाद।

25

ANNEXURE No. 9

Govt of India Deptt of Posts  
Office of the Sr.Suptd of Post Offices,  
Ghaziabad Dn., Ghaziabad

Memo No. B2/WDA/Gandu Nagla. Dated at Ghaziabad, the 21.12.87.

Shri Dinesh Kumar Saxena, s/o Shri Lajpat Rai Saxena, village and PO Gandu Nagla, Distt Ghaziabad is hereby appointed as ED BPM Gandu Nagla provisionally. He shall be paid such allowances as admissible from time to time.

Shri Dinesh Kumar Saxena should clearly understand that this employment as EDBPM Gandu Nagla shall be in nature of a contract liable to be terminated by him or the undersigned by notifying the other in writing and that ~~the~~ he shall also be governed by the Posts and Telegraphs Extra Deptl. Agents (Conduct & Service) Rules 1964 as amended from time to time.

If the conditions are acceptable to him, he should communicate his acceptance in the proforma enclosed and hand over to the SDI(P) Hapur before actual taking over the charge of the post of ED BPM Gandu Nagla.

Sr.Suptd of Post Offices,  
Ghaziabad Division

Copy to:.

1. Shri Dinesh Kumar Saxena, s/o Shri Lajpat Rai Saxena village and PO Gandu Nagla, Distt. Ghaziabad.
2. The Postmaster Hapur.
3. The SDI(P) Hapur. He will please arrange the transfer of charge to him after observing usual formalities and send the requisite documents and charge report to this office along with the declaration enclosed h/w.
4. The SP Garhmukteshwar.
5. Mail C/s Garhmukteshwar.
6. 1 cc and spare.

*Dr. Mehta*  
*Dr. Saxena*

Exhibit No. 10

①

No A/Gandhymagar

Shri Reje Lal  
Mail of Jharkhand

Jharkhand 2.6.88.

आप पुराने गाम ग-पुनगला जल घर पुन कर  
B.P.M. श्री दिनेश कुमार सक्सेना के सहाय गोमो देना  
आर मुक्त करे तथा अगले आदेश तक B.P.M. का कार्य करो  
व B.O. पुराने श्री दिनेश कुमार से पुन सुरक्षित स्थान  
पर रखे। B.O. का समस्त कार्य चेक कर Report दीष्ट  
प्राप्त करो।

उप-प्रमुख निरीक्षक (आकषा)

डा. 85 उप प्रमुख

(अ.पु. 245101)

Finally  
Kumar

ANNEXURE No. 12

82

सोचा

श्रीमान डाक पोस्टल अधिकारी

51990

21/6/88

विषय है कि मैं बी०पी०एन० 15131 कुमा  
संख्या ग-५-12/ला 15131 कुमा  
3-6-80 को आपने आदेश द्वारा लाने के  
समय पर यहां आये और इन्होंने कहा कि आप मुझे  
शायद डाक घर का चार्ज दी। मैंने उनसे पूछा कि  
मुझे चार्ज क्यों लाना पड़ा है। उन्होंने कहा कि  
आप को कोई स्पेस नहीं है तथा नया मैंने आपने  
आप कारी के कोई गलती की है। आपके कार्य करते  
हुए 10 गाह से ऊपर हो गये हैं। मैंने (28/3/87) के  
आदेश S.S.P. और आपका गाजिआबाद के आदेशाचार कार्यमा संभाला  
मा 7 गिफ्ट आदेश गरे पास गो सुदह। गरे बिना भी  
लेगाईपल राध रावतोग ने भी 23 वर 3 वरत आगला को  
संता करके गंज पुक्ती गह ने भी। मैं लाल वल्लो पर आदमी  
हैं। मुझे चार्ज लाने से पहले मेरी गलती से आगत करगगा  
जाय। तब तक चार्ज देने से अस्वार्थ है।

आ — श्री

सदस्य प्रशासक श्री  
3/6/88  
True copy  
As per

संलग्नक B200  
दिनांक 3/6/88

गाम लपोर ग-५-12/ला  
जिला गाजिआबाद

सेवा में

ANNEXURE No. 13

28

(13)

श्री मान पोस्ट मास्टर जनरल  
(भरतपुर परिमण्डल  
(उत्तर प्रदेश))

महोदय

महोदय निवेदन है कि पाथी दिनांक 28-3-87 से  
श्रीमान पुवर अधीक्षक डाकघर गाजियाबाद के आदेश  
सं. B/2/E.D.A./गन्धनगला दि. 26-3-87 के आदेशानुसार  
अरुणाई रूप से शाखा डाकघर गन्धनगला के पद पर  
कर रहा था। उसके पदचल दिनांक 21-12-87 को  
पाथी की पुनः एक आदेश सं. B/2/E.D.A./गन्धनगला द्वारा  
पाथी की नियुक्ति की तथा दिनांक 31-5-88 को बिना  
किसी पूर्व आदेश के आदेश पारित कर पाथी की सेवा  
समाप्त कर दी। जो नियम के विरुद्ध तथा विरुद्ध है।  
पाथी ने इस निवेदन में श्रीमान पुवर अधीक्षक डाकघर  
गाजियाबाद को भी कई बार मौखिक तथा लिखित रूप से  
आवेदन कराया किन्तु पाथी के विषय में कोई ध्यान नहीं  
दिया गया। अतः प्रार्थना है कि पाथी आपकी सेवा में  
आवेदन पत्र लिख रहा है। आशा है कि आप मामले की जांच करा कर पाथी को पुनः  
सेवा का अवसर देंगे जिससे पाथी अपने बच्चों का  
पालन पोषण कर सकें। श्रीमान जी की गहन कृपा होगी।  
दिनांक 01-07-88  
प्रमाणित  
श्रीमान जी

01-07-88  
Prakash  
Aravind

दिनेश कुमार स्वयंसेवा  
तत्कालीन श्री. पी. एम.  
शाखा डाकघर गन्धनगला  
जिला गाजियाबाद

ANNEXURE NO. 14

KRISHNA SWARUP SHARMA  
Member  
TELEPHONE ADVISORY COMMITTEE (DELHI)

Tel. No. Resi. 3017756  
Offi. 3014058

Residence  
106, NORTH AVENUE,  
NEW DELHI.

DATED 10.8.1988

Dear Shri Ahmed ji,

I am writing to you regarding  
Shri Dinesh Kumar Saxena a ex-B.P.M. of  
Village - Gander Nagar - Ghaziabad. I am  
told that Shri Saxena has been terminated from  
the present job without any reason. Some  
senior political persons have complained me  
regarding area inspector who is playing maschaaf.  
Some villagers are very much annoyed on this  
subject.

I shall be grateful if you kindly take  
up this matter personally and re-instate Shri  
D.K. Saxena immediately.

Shri K. Ahmed,  
Senior Supt. of Post Office,  
Ghaziabad - C.P.  
Yours com  
K. Saxena

Yours Sincerely  
K. Saxena

Before the Central Administrative Tribunal, Circuit Bench Lucknow  
O.A. No. 11990 (30)

EXHIBITURE No. 15

(15)

सं. १००१/१००१/१००१

Rel

भारतीय डाक-तार विभाग/INDIAN P. & T. DEPARTMENT

आयतालय/Office of the

प्रमुख भारतीय डाक-तार विभाग

१००१,

१००१,

१००१,

No B21ENA/Gandu Nagla,  
Gbad, 100, L. x. 80

To  
Sh. Krishna Swarup Sharma  
Member, Telephone Advisory  
Committee.  
106, North Avenue, New Delhi

Subj. Regarding Shri Dinesh Kumar  
Saxena, Ex EDBpm, Gandu  
Nagla, Ghosiabad

Dear Sir,

Your letter No — dated  
10-8-80 is acknowledged.  
Due Consideration is  
being made on the facts  
mentioned in your letter.

Yours sincerely

Shree

True copy  
Admitted

ANNEXURE No. 16  
GOVERNMENT OF INDIA  
DEPARTMENT OF POSTS

From: the

The Sr. Supdt. of Post Offices  
Ghaziabad Division Ghaziabad

To,

The Sr. Supdt. of Police  
Ghaziabad - 201001.

No: B-2/EDA/Gandu Nagla dated at Ghaziabad, the 7.9.88  
Sub: Appointment on the post of EDBPM. Gandu Nagla. 28

.....

Sir,

Kindly refer to your letter No. GVR/85 dated 13.4.88 a copy of which is also enclosed for ready reference. This is regarding the verification of character and antecedents of Shri Dinesh Kumar Saxena S/O Shri Lalman Saxena of Gandu Nagla village (Police Station, Bahadur Garh). In this connection, this office letter No. even dated 18.7.88.

You are therefore requested to kindly intimate clearly the fitness or otherwise of Shri Dinesh Kumar Saxena for appointment as ED Branch Postmaster Gandu Nagla under Union Government.

(Sr. Supdt. of Post Offices  
Ghaziabad Division)

Copy to:

1. Shri K.K. Sharma P.R.I(P) Ghaziabad for information. He will please collect and submit the information in person as early as possible.

The copy  
As per



ANNEXURE No. 17

खेल भारतीय डाक कर्मचारी संघ पोरबंदर में चयन प्रक्रिया में शामिल होने के लिए मांग करने वाला पत्र

प्री-4/1/1999

दि 23/1/99

सेवा में

श्री यु. के. अहमद जी

प्रवर अधीक्षक

डाकघर गाजियाबाद।

विषय गंदुगला की पीछे को वापिस ड्यूटी में लेने हेतु।

महोदय

उपरोक्त विषय में निवेदन करना चाहूंगा कि गंदुगला डिप्लोमा को एक खंडित छात्रा कार्यवाही No. 15 श्रीचन्द्र प्रकाश शर्मा SDA हाउस 33 आर के गुला त्वरा कर के पुर आण ड्यूटी कराया गया प्रवर डाक अधीक्षक कार्यालय ने उस ओर ध्यान नहीं दिया कि श्रीचन्द्र प्रकाश शर्मा मेल ओवर सीपर सरकारी दस्तावेज को लेकर अपने घर चले गये न ही SDA हाउस ने अपनी कार्यवाही में क्योंकि SDA व NO. 15 दो ही इस डिप्लोमा को अपनी चाल जाल में फाँस कर अन्य व्यक्ति को उस पर पर नियंत्रित करना चाहते हैं।

भारत सरकार व उच्च अधिकारियों की दिल्ली के स्पष्ट आदेश है कि किसी डाक कर्मचारी व आर. विभागीय कर्मचारियों को मिलभूत न रहना और उन पर भी प्रभाव है वे बराबर चले रहे और शेष कर्मचारियों को सेवा में ले लिया जाय जैसा कि गाजियाबाद डाक मंडल में क्रिमाना अन्य मामले में शेष भी उद्घरण है जो डाक कर्मचारियों एवं E.O. कर्मचारियों को सेवा में लिया गया जिस का समस्त समकरी मिनिस्ट्री और के कार्यालय में उपलब्ध है।

अतः आप के आश्वासन पर आधारित यह सर्व आप का ध्यान आह्वित करना चाहूंगा कि उपरोक्त E.O. कर्मचारी शर्म छोटा व गरिब न संख्या में है आप की सेवा में रह कर अपने परिवार का पालन पोषण कर रहा था। अतः आप ले यह सर्व आता ही नहीं बल्कि पूर्ण विफल करता है कि आप इस की उपरोक्त स्थिति पर ध्यान में रख कर उस कर्मचारी को वापिस ड्यूटी में लेने का कष्ट करेंगे जिस से इस गति E.O. कर्मचारी अपने बच्चों का पालन पोषण कर सके।

भवदीय

23/1/99

Truethy Recd. 23/1/99  
A. B. S.

ANNEXURE No. 18 334

कार्यवाही नासिक मीटिंग जो दिनांक 3.3.39 को अखिल भारतीय इन्डियन संघ पोस्टमेंट एवं पत्रों के माजियाबाद के साथ मण्डलीय कार्यालय नासिक में सम्पन्न हुई। जिसमें निम्नलिखित एकाधिकारियों के नाम लिया।

1. सर्वोपरी सुधीर अहमद, प्रवर अधीक्षक
2. रागकुमार शर्मा, प्रधानीय सचिव
3. अमल लाल शर्मा, पत्रवाहक हाफुड
4. दीपक, पत्रवाहक हाफुड

इस मीटिंग में नीचे दिये गये विषयों पर विचार विमर्श हुआ।

1. प्रवर अधीक्षक कार्यालय द्वारा युनियन को नियम के आधार पर नासिक मीटिंग में जिसमें युनियन व युनियन कार्यकर्ताओं पर दुरा बसर एवं कनेक्टिविटी की समस्याओं पर समाधान करने के प्रयास असफल रहे सुविधाओं पर प्रतिवेदन 1938 एवं जनवरी 39 के माह में दिसम्बर 88 की मीटिंग सच को कृपया अवगत कराया जाय।

आइटम डिस्क के बाद समाप्त कर दिया गया।

2. यह सच प्रवर अधीक्षक महोदय से कई बार अनुरोध करने पर भी नासिक मीटिंग की समय पर नहीं मिला जाता एवं मीटिंग पर दोनों पक्षों से सहमति होने के बाद सहमति को बदल दिया जाता है कृपया सच को अवगत एवं उचित विचारों पर रोक हेतु एवं सुविधाये नियमित दी जाय।

मीटिंग की काफी शीघ्र पोस्ट कर दी जायेगी।

3. उपरान्त मुरादगंज द्वारा पद का उपयोग करना व पोस्टमेंट के पत्रों पर रकम आती कराने का हमला एवं पुलिस से अपमानित कराना, प्रवर अधीक्षक नासिकबाद द्वारा कोई कार्यवाही एसपीएम के विरुद्ध प्रवर अधीक्षक नासिकबाद द्वारा भी इलियास उपरान्त बजाया जो कि विरुद्ध के कृपया भी मौं इलियास कार्यवाही एसपीएम के विरुद्ध कार्यवाही एवं एसपीएम के पद से हटाया जाय कृपया सच को अवगत कराया जाय के विरुद्ध कार्यवाही प्रवर अधीक्षक महोदय के दिवस मजबूरियों में मीटिंग मौं इलियास कार्यवाहक एसपीएम को सुरक्षा किम मजबूरियों में किया गया एक माह आर की एक प्रतिलिपि सच को कृपया दिनांक 7.7.39 से सच को अवगत कराये।

जिस पुलिस केस का हुवाला दिया गया है वह व्यवस्थित देव है पिता को इसमें कुछ नहीं करना है।

4. मूल की बोहरी सिंह ग्राह चितौडा मुरादगंज के एसएसपी में जहाँ लोभने करके प्रस्ताव जदकि नोमिनेशन का पत्र सच पी-4/07/33 दिनांक 7.7.39 कृपया सच को अवगत कराया जाय।

इस केस में कार्यवाही चल रही है।

5. एसपीएम 307155-80 367 दिनांक 5.3.38, 604533 दिनांक 1.3.39 रकम 15000 टीडीओ आता नं 132534, रकम 3530 दिनांक 3.3.38 प्रवर अधीक्षक महोदय को अवगत कराये गये। आता नं 132534 को जोर लोकी क्वेटरी के डिमांड कार्यवाही नहीं की गई।

पारलोक निरीक्षक नासिकबाद इस मामले में आवश्यक जांच कर रहे हैं।

6. आता नं 250690 रकम 7723-54 पी 13.9.38 का गवत आर.डी. शर्मा मण्डलीय सचिव ने प्रवर अधीक्षक नासिकबाद को चल रहे हाफुड एसपीएम के सुवायों में यह जानकारी दी कि उक्त आते की पत्र एक को बसरी में भुक्त बनाकर 7723-54 पी निकात लि गये एवं दस्तावेज वाली पत्रों को कार्यवाहक हाफुड ने एसएसपी को स्पष्ट इन्कार दिया कि आता में गवत नहीं है व 61 मुझे इस आते की जानकारी है प्रवर अधीक्षक महोदय को सुवायों और उस क्वेटरी के कार्यवाहक नासिकबाद को उक्त आते की पूरी रिपोर्ट से अवगत एवं सभी कार्यवाही आता और एसएसपी को

Tmecon

Assent

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समस्त डाकपाल ने अपनी दरार से पूरा फेस निकाल कर दिया, समझा गया था कि श्री उमराव सिंह कार्यवाही डाकपाल को समस्त जानकारी देने के बावजूद भी एस.एस.पी. के समस्त इन्कार करने के कारण से संघ को अवगत तथा श्री महाराज सिंह डाकपाल हापुड के गबन दबाके के कारण से अवगत एवं प्रवर अधीक्षक कार्यवाही से अवगत कृपया कराया जाय एवं किन किन कर्मचारियों को दोषी ठहराया गया है कृपया अवगत एवं उनके विरुद्ध कार्यवाही कृपया की गई अथवा नहीं जानकारी हेतु ।

इस मामले में परिवार निरीक्षक गाजियाबाद आवश्यक जांच कर रहे हैं ।

- 7. एल.आर. पिलखुवा की यूनिट जो प्रधान डाकघर को प्रवर अधीक्षक महोदय के हापुड पी.एम. की यूनिट में बदली थी । प्रवर अधीक्षक ने संघ को आश्वासन दिया था कि एस.डी.आई. हापुड की यूनिट में ही उस कर्मचारी की यूनिट बदल दी जायेगी किन्तु 31.1.89 की मीटिंग से अभी तक यूनिट नहीं बदली गई कृपया यूनिट को बदलने हेतु ।

आदेश हैल्ड इन अवेन्स कर दिये हैं ।

2-1-89  
श्री.नि.स.  
73 - 1400  
समा 2073

- 8. आईहापुड के गबन हापुड में गवाही एवं प्रगतान लेने वाली दोनों व्यक्ति ने घोषणा करके कृपया को निकाला जिनमें से एक डाक कर्मचारी है जिसने विडराल काम पर गवाही तो की ही है मगर समस्त प्रत्यक्ष उसी का रखा हुआ है जो अन्य गबन में श्री उसके विरुद्ध प्रवर अधीक्षक गाजियाबाद ने जांच होती हुई से संघ को अवगत कराया किन्तु प्रवर अधीक्षक महोदय से संघ मांग करता है कि उक्त प्रगतान के व्यक्ति एवं डाक कर्मचारी के विरुद्ध कार्यवाही एवं एफ.आई.आर. दर्ज कराई जाय ।

इस मामले में कार्यवाही चल रही है ।

- 9. दादरी गबन के परिणाम से संघ को जानकारी हेतु ।

आइटम डिसकस के दादर समाप्त कर दिया गया ।

- 10. 100 से 200 ईडीआर बम्बेटा से हड़पने के विषय में सी.आई.द्वारा जांच पूरी करा ली गई कृपया अवगत संघ को कराया जाय ।

उक्त मामले में आवश्यक जांच चल रही है ।

- 11. हापुड के एकाउन्ट नं० गबन सम्बन्धी 31.1.89 को संघ द्वारा मीटिंग में दिये गये कृपया संघ को दोषी कर्मचारियों के नाम व वारंताधिक में गबन पाये गये अथवा नहीं कृपया संघ को जानकारी हेतु ।

इस मामले में आवश्यक जांच चल रही है ।

- 12. प्रवर अधीक्षक कार्यालय में फाइलों को अंदर से बाहर एवं गोपनीयता नहीं जिससे गबनकारी अपना बचाव कर रहे हैं जैसा कि प्रवर अधीक्षक महोदय को यह जानकारी 6 माह पूर्व संघ के सचिव आर.के.शर्मा ने दी थी ।

इस मामले में आवश्यक जांच चल रही है ।

- 13. गबन बंगला बीपीएम को लगाने का आश्वासन दिया था कि निदेश को इयूटी पर लिया जा रहा है किन्तु कार्यवाही नहीं की है कृपया आदेश करें तथा गबनकारी को भी बीपीएम के विरुद्ध एफ.आई.आर. दर्ज कराई जाय ।

इस मामले में आवश्यक जांच चल रही है पुलिस ने खिलाफ रिपोर्ट दी है ।

- 14. ईडीडीए कर्मचारियों की परीयता सूची में भारी अनियमितताएं कृपया दूर कराई जाय जो फाइलों के आधार पर जांचा रिक्त कराया जाय तथा परीक्षा में जो कर्मचारी उम्र के अधिक होने के कारण नहीं बैठ सके उनके आगे रिमार्क लगाया जाय ।

Toncom पुलिस के निवेदन रिपोर्ट दी है आदेश जारी किये जा चुके हैं ।

AKBare

! दुर्गा अहमद ।  
प्रवर अधीक्षक डाकघर गाजियाबाद

ANNEXURE No. 19

सेवा में

श्रीमान चीफ जस्टिस मास्टर जनरल  
परिमंडल लखनऊ (5090)

निम्न रिगान्डर बाबत शाखा डाक पाल  
गन्धुगला की निधुक्ति के सम्बन्ध में  
आपके विभाग द्वारा अपनाई गयी निधुक्ति विरुद्ध  
नीति के सम्बन्ध में

महोदय,

उपरोक्त विषय में मैंने एक शार्पना पत्र दिनांक  
29.9.89 को दत्तीस यमो परि सहित आपके कार्यालय  
के समक्ष प्रस्तुत किया था। किन्तु आपने इस विषय में  
कोई रुचि नहीं ली। तो शार्पी ने एक नोटिस 10-1-90  
को रजिस्ट्री नं० 41671 द्वारा भेजा था। किन्तु उस पर भी  
आपने कोई रुचि नहीं ली। उसके पश्चात् मैंने दिनांक  
2.2.90 सजे० नं० 3865 को वह नोटिस अगस्तित श्री के० सी०  
त्यागी संसद सदस्य द्वारा करा कर भेजा था किन्तु इस पर  
भी आपने कोई कार्रवाई नहीं की तथा नहीं किसी बात से  
शार्पी को अवगत कराया गया। अतः श्रीमान जी से शार्पना है।  
कि शार्पी को अफावत का बारीकी से निरीक्षक करके शार्पी को  
न्याय दिलाया जाए। तथा इधूदी पर वापस लिया जाए जिससे  
शार्पी अपना तथा अपने बच्चों को पालन पोषण कर सकें।  
अतः शार्पी की शार्पना स्वीकार करके इधूदी पर वापस लें।  
श्रीमान जी को महान कृपा होगी।

दिनांक  
28/3/90

T. M. Singh  
DK Singh

डा. ~~श्रीमान जी~~ श्री  
दिनेश कुमार सबौता  
पूर्व शाखा शाकपाल गन्धुगला  
जिला - गाजियाबाद  
PIN 245208

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUT

BENCH LUCKNOW.

M. P. No. 468/90

O.A.NO.236 of 1990



Dinesh Kumar Saxena ... Applicant

Versus

Union of India and others. ... Opp. Parties

APPLICATION FOR AMENDMENT IN MAKING UNION OF INDIA  
AS NECESSARY PARTY

For the facts and reasons stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court Tribunal may be pleased to implead the Union of India as necessary party through opposite party no.1 in the array of the petition.

Lucknow Dated:

July 27, 1990.

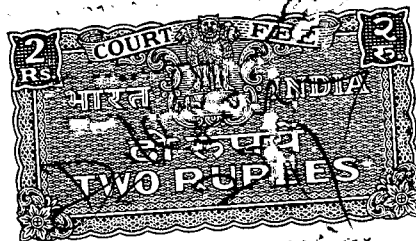
*Arvind Mohan*  
Advocate  
Counsel for the Applicant.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUTE BENCH  
LUCKNOW.

...

O.A. No.236 of 1990



1990  
AFFIDAVIT  
74  
HIGH COURT  
ALLAHABAD

Dinesh Kumar Saxena ... Applicant  
Versus  
Union of India and others. ... Opp. Parties

AFFIDAVIT

I, Dinesh Kumar Saxena aged about 30 years son of Sri Lalman Saxena r/o village Post Office Gandu Nagla Ghaziabad, the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant himself in the abovenoted case and as such he is fully conversant with the facts of the case deposed hereinafter.
2. That inadvertently the Union of India is not made the party in the main application before the Hon'ble Court.
3. That during admission stage to-day i.e. on 27.7.1990 the Hon'ble Tribunal has directed that Union

of India is also be made necessary party and as per the directions of the Hon'ble Tribunal, the Union of India is being made necessary party.

Lucknow Dated:

July 27, 1990.

*Akshay*

Deponent.

VERIFICATION

I, the deponent named above, do hereby verify that the contents of paragraphs 1 to 3 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow Dated:

July 27, 1990.

*Akshay*

Deponent.

I identify the deponent, who has signed before me.

*Anand Mohan*

Advocate.

Solemnly affirmed before me on 27/7/90 at 9.45 a.m./p.m. by Sri Dinesh Kumar Sadana the deponent, who is identified by Sri Anand Mohan Advocate, High Court, at Allahabad.

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

*[Signature]*

24/12/1990  
27/7/90

BEFORE THE DEPUTY REGISTRAR, CENTRAL ADMINISTRATIVE  
TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A. NO. 236 OF 1990

MP 984/94

Dinesh Kumar Saxena . . . . Applicant.

Versus :

Union of India through  
Chief Post Master General  
& Another. . . . Respondents.

DATE FIXED FOR : 7-7-1994

APPLICATION FOR EARLY DISPOSAL  
AND EXPEDITE IN THE CASE.

The humble applicant begs to state  
hereasunder :-

1. That the applicant has filed the abovenoted case in the year 1990 before this Hon'ble Tribunal and the respondents, who are directed to file the Counter Affidavit, but till date, no Counter Affidavit has been filed although the Hon'ble Tribunal earlier has given the last opportunity to the respondents to file the Counter Affidavit.
2. That the applicant earlier also moved an application for early disposal in the said case was listed before the bench and again the respondents

..... 2/-

Place before the  
Hon'ble Bench on  
1/8/94 for orders.

2/11  
2.2.

File today  
5/12/94



sought time to file the Counter Affidavit and again more than six months have been passed, no Counter Affidavit has been filed.

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal in the interest of justice and for the early disposal of the case may kindly be pleased to list the aforesaid case for ex-parte hearing at the earliest. The applicant shall be highly obliged.

*Raza Zaheer*

LUCKNOW  
DATED: - 7/7/84

THROUGH COUNSEL.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

M.P.NO. 104 of 1994

APPLICATION FOR CONDONATION OF DELAY.

Union of India & Others ..... Applicant.

In

O.A.NO. 236/90.

Dinesh Kumar Saxena ..... Applicant.

Versus

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

\*\*\*\*\*

Respectfully SHEWETH;

1. That the Counter-affidavit in the above case could not be filed within the time allotted by the Hon'ble Tribunal on account of the fact that the copy of the above <sup>C.A.</sup> Counter-affidavit does not appear to have been received in the office of the Sr. Superintendent of Post Offices, Ghaziabad.

2. That the Govt. Counsel at Lucknow was instructed to obtain a copy of the above <sup>C.A.</sup> Counter-affidavit to enable the respondent No.2 (Sr. Superintendent of Post Offices, Ghaziabad) to send para-wise comments to him for drafting the Counter-affidavit.

3. That on receipt of the copy of the O.A. from the Govt. Counsel, para-wise comments were sent to him for drafting the appeal.

Contd....2/-

// 2 //

4. That after vetting the draft Counter-affidavit, the same

is being filed without further delay.

5. That the delay in filing the Counter-affidavit is bonafide

& deserves to be condoned.

--: PRAYER :-

Wherefore it is respectfully prayed that for the facts &

circumstances indicated above this Hon'ble Tribunal may kindly be

pleased to condone the delay in filing the Counter-affidavit in the

above case.

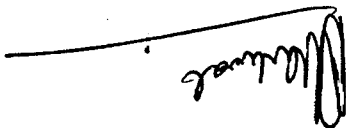
LUCKNOW.

DATED:-

31-12-55

Sr. Suptd. of Post Offices,

For Respondents.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENTS.

In

O.A.NO. 236/90.

Dinesh Kumar Saxena ..... Applioant.

Versus

Union of India through the  
Chief Postmaster General, Lucknow  
& Others. .... Respondents.

\*\*\*\*\*

I, Amitabh Khazkwal, Sr. Superintendent  
Of Post Offices, Ghaziabad do hereby solemnly affirm and state as  
under :-

1. That the deponent has read the application filed by Shri Dinesh Kumar Saxena 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 Counter-affidavit on behalf of all the respondents.
3. That the contents of para I need no comments.
4. That in reply to para II of the O.A. it is stated that the subject matter of the claim does not fall within the jurisdiction of this Tribunal. The services of the applicant were terminated while

Contd.....2/-

he was working as E.D.B.P.M, Gandu Nagla Post Office in Ghaziabad district and at present also his place of residence has been given in Village; Gandu Nagla of Ghaziabad district.

5. That the contents of para III need no comments.

6. That in reply to para IV it is stated that the O.A. is barred by limitation under Section-21 of the Administrative Tribunal Act, 1985 in as much as the cause of grievance arose as long back as on 22-7-88 when the Mail Overseer of Hapur Sub-division took charge of the Extra Departmental Branch Post Office, Gandu Nagla in compliance of the order of dismissal dt. 31-5-88 of the applicant passed by the Sr. Superintendent of Post Offices, Ghaziabad. The applicant had refused to hand over charge of the Post Office to the Mail Overseer. After handing over charge to his brother unauthorisedly he absconded. The Mail Overseer took over charge of the Post Office from the applicant's brothers on 22-7-88 with the help of the Police.

7. That the contents of para V (1) are denied. Shri Tej Pal Singh, regular E.D.B.P.M., Gandu Nagla was put off duty and Shri Raja Ram, Overseer, Garhmukteshwar was deployed to carry on the work of the E.D.Branch Post Office, Gandu Nagla. Thereafter on the risk and responsibility of Shri Raja Ram, Mail Overseer, Shri Dinesh Kumar Saxena (Applicant) was permitted by the Sr. Superintendent of Post Offices, Ghaziabad vide Memo dt. 26-3-87 to take over charge of the above Sub Post Office and carry on the work of the said post office till regular arrangement was made. (Annexure No.1 of O.A.)

// 3 //

8. That the contents of para V (2) need no comments.

9. That in reply to para V (3) it is stated that the post of

E.D.B.P.M., Gandu Nagla was notified to the Employment Exchange, Hapur

for sponsoring suitable candidates for the said post in response

to which the Employment Exchange had sent a list of 3 (Three)

candidates including the name of the applicant. All the three candi-

dates including the applicant were asked vide Memo dt.26-3-87 to

send the documents as indicated in the above Memo. Annexure-3 is the

photo copy of the said letter under which the applicant was asked

to send the necessary documents.

10. That the contents of paras V (4) to V (6) need no comments.

11. That in reply to para V (7) it is stated that no complaint

dt.26-11-87 was received by the respondent No.2 from the applicant.

12. That the contents of para V (8) need no comments.

13. That in reply to para V (9) it is stated that the applicant

was provisionally appointed on the post of E.D.B.P.M., Gandu Nagla

post office vide order dt.21-12-87.

14. That in reply to para V (10) it is stated that the applicant

was offered provisional appointment on the post of E.D.B.P.M., Gandu

Nagla vide Memo dt.21-12-1987. At the same time his case was

referred to the Superintendent of Police, Chazabed for verification

of his character and antecedents vide letter dt.05-1-88 (Annexure

R-1). The police report received from the Sr. Superintendent of

Police, Chazabed vide letter dt.13-4-88 (Annexure R-2). Indicated

Contd.....4/-

// 4 //

49

that the applicant was charged Under Section- 323 and Section- 324 IPC in Criminal case No.61/80 and Criminal case No.44/88 under Section- 380 I.P.C. was under investigation.

15. That in reply to paras V (11) and V (12) it is stated that on receipt of the police report dt.18-4-1988, the provisional appointment of the applicant was terminated vide Memo dt.31-5-88 with a direction to S.D.I., Hapur to make over the charge of the E.D.B.P.M., Gandu Nagla to the Mail Overseer. (Annexure R-3). But the applicant did not hand over charge of the Post Office to the Mail Overseer. He made over charge of the post office to his brother and absconded.

16. That in reply to para V (13) it is stated that instead of handing over charge to the Mail Overseer, the applicant fled away after handing over charge of the post office to his brother unauthorisedly.

17. That in reply to para V (14) it is stated that the applicant absconded after handing over charge of the post office to an unauthorised person as a result of which the Mail Overseer took over charge of the Post Office with Police assistance on 23-6-1988.

18. That in reply to para V (15) it is stated that while taking over charge of the Post Office with police help it was found that certain Govt. records were missing from the Post Office. F.I.R. for the missing documents was however lodged at the local Police Station.

19. That the contents of paras V (16) to V (18) need no comments

Contd.....5/-

20. That in reply to para V (19) it is stated that the Sr. Suptd. of Police, Ghaziabad was again addressed on 7-9-88 for verification of the character and antecedents of the applicant and also to intimate about the fitness or otherwise of the applicant for appointment on the post of E.D.B.P.M., Gandu Nagla Post Office. The Sr. Superintendent of Police in response to the above Communication informed the deponent vide his letter dt. 12-12-88 (Annexure R-4) that the applicant was of Criminal temperament.

21. That the contents of paras V (20) to V (23) need no comments.

22. That in reply to para V (24) it is stated that the services of the applicant were terminated on account of adverse police report. (Annexure R-2).

23. That in reply to para V (25) it is stated that Shri Bhopal Singh was selected and appointed on the post of E.D.B.P.M., Gandu Nagla from amongst the candidates sponsored by the Employment Exchange as he was found to be the fittest candidate for the post. He fulfilled all the eligibility conditions. The allegations made against him are denied.

24. That the contents of paras V (26) & V (27) need no comments.

25. That the Grounds indicated in the various sub-para of para VI are misconceived and wrong as dealt with in detail in the above paragraphs and need no further comments.

26. That in view of the submissions made in the above paragraphs



// 6 //

the reliefs sought for in para VII and Interim Relief prayed for in para VIII are not admissible.

27. That the contents of para IX are denied. The applicant has not made any representation against, the impugned order of termination of his services to an authority immediately superior to the authority passing the orders who in the present case is the Director Postal Services, Dehradun. According to the instructions contained in D.G., P&T, Communication No.18/1/65-Disc. dt.4th May 1986 an order of termination can be reviewed within a period of 6 months under Rule-16. The Chief Post Master General, U.P.Circle, Lucknow is not the Competent authority to decide the representation against an order of termination of an E.D.Agent passed by the Senior/Superintendent of Post Offices.

28. That the contents of paras X to XIII need no comments.

*[Signature]*

( DEPONENT )

-; VERIFICATION :-

I, the deponent above named, do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge and those of paras 3 to 28 are based on records and nothing material has been suppressed. So help me God.

*[Signature]*

( DEPONENT )

Ghar



कार्यालय

ज्येष्ठ

पुलिस

अधीक्षक,

गाजियाबाद ।

पत्र संख्या: जी०वी०आर०=85

दिनांक: अप्रैल, 13, 1988

सेवामें,

अधीक्षक या  
201

✓ प्रवर डाक अधीक्षक,  
गाजियाबाद डिवीजन,  
महाराष्ट्र गाजियाबाद ।

Annexure-R 2

48

8 APR 1988

319

UP 201

कृपया आप अपने पत्र संख्या: बी-2/ई०डी०ए०/गन्दू नगला दिनांक:

5-1-88 का अवलोकन करने का कष्ट करें, श्री दिनेश कुमार पुत्र श्री लाजपत राय सक्सेना उर्फ लालमन सक्सेना ग्राम गन्दूनगला धाना बहादुरगढ़, जनपद गाजियाबाद के चरित्र सत्यापन के सम्बन्ध में है।

आपको अवगत कराना है कि श्री दिनेश कुमार पुत्र श्री लाजपत राय सक्सेना छी जांच धाना बहादुरगढ़ से करायी गयी तो तथ्य इस प्रकार पाये गये:-

1. अ०सं० 61/80 धारा 323/324 भा०दं०वि० धाना बहादुरगढ़ बनाम दिनेश कुमार सक्सेना पुत्र श्री लालमन सक्सेना, निवासी गन्दूनगला, सी०ए०सं० नं० 64 दिनांक: 24-7-80 को अदालत भौजी गयी थी जिसमें दिनांक: 18-1-83 को अदालत में दोनों पक्षों में फैसला हो गया है। ✓
2. अ०सं० 44/88 धारा 380 भा०दं०वि० धाना बहादुरगढ़ बनाम दिनेश कुमार सक्सेना दिनांक: 20-2-88 को पंजीकृत होकर विवेचनाधीन है। वादी चन्द्र प्रकाश शर्मा, मेल ओवरशायर, गढ़ जिला सारपुर ।

13/4/88  
✓ ज्येष्ठ पुलिस अधीक्षक,  
गाजियाबाद ।

31/4/88

Annexure (R-3)

Government of India  
Department of Posts

384

Office of the Sr. Supdt. of Post Offices,  
Ghaziabad Division, Ghaziabad.

Memo No. B2/224/GANDU Nagla Dated at Ghaziabad the, 31.5.88.

Provisional appointment of Shri Dinanath Kumar  
Saxena EDUPM Gandu Nagla Distt. Ghaziabad is hereby  
terminated with immediate effect.

Charge report should be submitted to all concerned.

Sr. Supdt. of Post Offices,  
Ghaziabad Division.

Copy to:-

1. Shri Dinanath Kumar Saxena EDUPM Gandu Nagla Distt. Ghaziabad.
2. The SDE(P) Meerut. The Charge of the EDUPM ship be made  
over to the Mail O/S temporarily temporarily till further  
orders and get complete the verification work of Gandu  
Nagla within one month.
3. The Postmaster Meerut H.O.
4. The SPM Garhwa.
5. Office copy.

31/5/88

B2

कार्यालय ज्येष्ठ पुलिस अधीक्षक गाजियाबाद।  
पत्र संख्या- GVR 85/88  
दिनांक- 14/12/88  
399

Amended  
RM  
Superintendent Post-Officer  
Ghaziabad Division  
Ghaziabad.

कृपया आप अपने फाइल नं. - B-2/88A/  
Grandu Nagla दिनांक 7/4/88 का आवेदन करने का  
कष्ट करें, जो की दिनेश कुमार सक्सेना पुत्र जी  
बालगढ़ लन्हेला निवासी ग्राम- गढ़ू नगरा धानाबहाल-  
गढ़ जिला गाजियाबाद की पुत्र। जांच करने के संबंध  
में हो।

उपरोक्त की दिनेश कुमार सक्सेना का-पत्र  
सत्यापन स्थानीय याता एवं स्थानीय अभिलेखन इकाई में  
पुनः जांच की करवाई गयी है। जांच (हुआ है कि  
उपरोक्त की दिनेश कुमार सक्सेना के विरुद्ध याता राजपत्र  
किन्हीं मुकदमा पंजीकृत है।

- 1- 800 ए. 70/88 धारा- 40। रि. प्र.
  - 2- 800 ए. 61/88 धारा 323। रि. 324। रि. प्र.
  - 3- 800 ए. 144/88 धारा 380। रि. प्र. 4
- आ पंजीकृत हो।

आतः यह अपराधिक इष्टाव का वर्णन हो  
तथा स्थानीय अभिलेखन में इसके विरुद्ध कोई रिकार्ड  
नहीं है।  
संलग्न-पत्र सत्यापन  
रजि. प्रकरण में।

14/12/88  
(सहायक पुलिस अधीक्षक)  
पुलिस उपायुक्त  
ज्येष्ठ पुलिस अधीक्षक  
गाजियाबाद  
(विप. सहाय)  
उपाधिकारी वार्ड  
गाजियाबाद

71/12

ब अदालत श्रीमान्

CAT

Lucknow Bench

महोदय

(वादी अपीलान्त)

प्रतिवादी (रेस्पाडेंट)

वकालतनामा



टिकट

(वादी अपीलान्त)

Jinesh Kumar Son बनाम Anghar Singh

(प्रतिवादी रेस्पाडेंट)

नं. मुकद्दमा 6A/236 सन् 1990 पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री J. Jinesh Kumar

व. A.M. Son. Standing Counsel वकील महोदय एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें- वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकन

हस्ताक्षर

(Amitabh Kharkwal)

साक्षी (गवाह) (गवाह)

दिनांक महोना सन् १६ ई०

स्वीकृत

11-7-96  
IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A.NO.236 OF 1990.

P.F. 1-28/8/96

DINESH KUMAR SAXENA.....APPLICANT.

VERSUS

UNION OF INDIA & OTHERS.....RESPONDENTS.

REJOINDER

- 1) That the applicant had gone through the content of counter affidavit and the para wise reply of it is hereas under:
- 2) That in reply to para 2 of the application it is here by stated that the delay in filing the counter affidavit is deliberate and intentional on the part of the respondents so as to delay and linger the case of the applicant.
- 3) That the averments made in para No.1 to 3 of the counter needs no reply.

4) That the averments made in the para 4 of the counter is not correct hence denied. In para 26 of the O.A. the applicant has explain the reason of filing the O.A. at Lucknow.

5) That the averments made in para 5 of the counter needs no reply.

6) That the averments made in para 6 of the counter are not correct hence denied. The applicant has approached the Hon'ble Tribunal when his all efforts to persuade the respondents have failed by way of making representation and last representation made by the applicant is on 28.3.90 as such the application within the limitation.

7) That the averments made in para 7 of the counter are not correct hence denied.

8) That the averments made in paras 8 to 10 of the counter need no reply.



Handwritten notes and signatures in the top right corner.

is not correct hence denied.

13) That the averments made in paras 16 & 17 of the counter

applicant.

12) That in reply of para 15 of the counter it is hereby stated that the service of the applicant was wrongly terminated without affording any opportunity to the

21.1.93.

11) That as regards the averments made in para 14 of the counter it is hereby stated that in Crime No.61/80 U/S 323,324 I.P.C. a compromise has been reached between the party so no case is pending. The applicant has been acquitted in another case 44/88 U/S 380 I.P.C. on

needs no reply.

10) That the averments made in paras 12 & 13 of the counter

not arises.

9) That the averments made in para 11 of the counter is not correct hence denied. The complaint made through a registered letter so no question of not receiving does

Official stamps and signatures at the bottom of the page.

That in regard to contents of para 22 of the counter it is hereby stated that the impugned order is a punitive order and has passed with a stigma without affording an opportunity to the applicant and violative of Article 311(2) of Constitution of India as well as the various provisions of the Service Rules of the Extra Department-

That the averments made in 21 of the counter needs no

That as regards para 20 of the counter the Annexure R-4 is contradictory to Annexure R-2. The position in this regard has already been explained in proceedings paras.

that the averments made in para 14 of the counter needs

That as regards the para 18 of the counter that the police has filed a final report in the referred case as the applicant was innocent and not committed in any

to: [redacted] (4)

SIGNATURE OF APPLICANT.

DATED : 11/4/96

LUCKNOW:

*1/12/96*

I, Dinesh Kumar Singh S/O Sri Lal Man Saxena, R/O of Village and Post Office Gandhu Nala, Ghaziabad, do hereby verify that the contents of paragraph Nos. 1 to 22 of the rejoinder are true to my own knowledge and belief and that I have not suppressed any material facts.

VERIFICATION

22) That the averments made in para 28 of the counter needs no reply.

21) That the averments made in paras 25 to 27 are not correct hence vehemently denied. It is hereby stated that if the order of terminated is illegal and perverse then there is no necessity to file appeal or revision and the Hon'ble Tribunal has got a jurisdiction to entertain the application.

20) That the averments made in para 24 of the counter needs no reply.

That the averments made in para 23 of the counter is not correct hence vehemently denied.

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( 5 )

Control Authority  
District Court  
City of Lucknow  
City of Lucknow

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

O.A. NO. 236 OF 1990



Dinesh Kumar Saxena ..... Applicant.

Versus

Chief Post Master General ... Opposite Parties.  
And Another.

SUPPLEMENTARY AFFIDAVIT

I, Dinesh Kumar Saxena aged about

33 years, son of Sri Lal Man Saxena, resident of

Village & Post Office Gandu Nagla, District

Ghaziabad, the deponent do hereby solemnly affirm

and state on oath as under :-

1. That the deponent is the applicant

himself and as such, he is fully conversant with

the facts and circumstances of the case deposed to

hereinafter.

2. That certain new facts has come into

the knowledge of the applicant, which are necessary

for the proper disposal of this case and the

deponent is placing these facts for the kind consi-

deration of this Hon'ble Tribunal.



I identify the deponent, who has signed before me.

DEPONENT.

LUCKNOW  
DATED:- 16/3/93

March, 1993.

Signed and verified this 16th day of

belief.

Affidavit are true to my personal knowledge and  
verify that the contents of paras 1 to 4 of this  
I, the abovenamed deponent, do hereby

VERIFICATION

DEPONENT.

LUCKNOW  
DATED:- 16/3/93

against the applicant.

moment, no criminal case of any kind is pending  
police has filed final report. Therefore, at the  
another case lodged u/ss. 188/409 I.P.C., the  
4. That it is reliably learnt that in

NO. S.A.-1.

Judgement is being annexed herewith as ANNEXURE

the papers. A certified copy of the aforesaid  
eye-witness have seen the applicant from stealing  
a concrete finding that none of the prosecution  
the criminal charges. The Hon'ble Court has given  
326/90 has honourably acquitted the applicant from  
Chief Judicial Magistrate, Hapur, vide Case No.  
in the First Information Report. The Additional  
I.P.C. on false and frivolous charges as levelled  
falsely been implicated in a criminal case u/s. 380  
3. That the applicant, who was earlier

2.7.01

ਮਰਾ ਮਿਲਾ 16.2/193

੧੨.੮੮੧੬

ਮਰਾ - 380 180

ਮਰਾ ਮਿਲਾ 14.2/193

੧੬.੨੨੬/੧੦

ਮਰਾ ਮਿਲਾ 14.2/193

98/1106

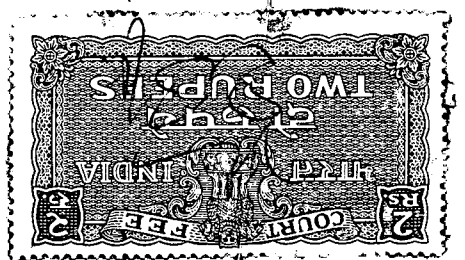
- 95-1-93 (ਮਰਾ ਮਿਲਾ 14.2/193)
- 95-1-93 (ਮਰਾ ਮਿਲਾ 14.2/193)
- 95-1-93 (ਮਰਾ ਮਿਲਾ 14.2/193)

95/1143

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95/1143

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राणीलक्ष्मी:- मोहम्मद बख्श, पीएस ०५२०३

भारत ३२० भागदंड

गना बहादुरगढ ।

प्रसार.....केनाम.....दिनेश कुमार

-----: नमः:-----

[illegible][illegible]

9-12-63  
20/63

cord - 5w  
compared by - ~~substant~~  
Type by - Steno

SD - ~~substant~~  
21/1/93

21-1-93

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