

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW SECTOR, KOTI PHATA, LUCKNOW.

Case Title O.A. 247/90 of 19

(L)
(T)

Name of parties Reyendegh Prasad Applicant's
VERSUS U O S Respondents.
Union of India & others

Sl. No. Particular of Documents No. of page

PART-A

Check list	1	2
Order sheet	9	to 12
Final Judgment	8-5-96	13 to 15
Petition copy with Annexure	16	to 29
Annexure	20	to 34
Counter with power	35	to 48
Rejoinder with Annexure		to
Supplementary Counter		to
Supplementary Rejoinder		to
Misc. Application		to

1 - notice/ order copy dt 23/4/90 PART-B

41 to 64

PART-C

Returnable Notice

Case No. of 199

CERTIFICATE

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

DATED:

Decided out / destroyed
R.P.M
S.O. 57

Signature of the dealing Assistant

Counter-Sign

Incharge.

Section officer.

Court Officer.

(RN)

2

18190
7/1
SAC
118

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 247 of 1989-1990 (L)

APPLICANT(S) Shri Raymendra Prasad

RESPONDENT(S) V. O. G

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

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	yes
12. Are extra copies of the application with Annexures filed ?	yes
a) Identical with the Original ?	
b) Defective ?	x
c) Wanting in Annexures	
Nos. _____ pages Nos. _____ ?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	yes
14. Are the given address the registered address ?	yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	
17. Are the facts of the case mentioned in item no. 6 of the application ?	yes
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 ?	yes
19. Whether all the remedies have been exhausted.	yes

dinesh/

R
SAC
118

OR. No 247/90 (1)

8.00
(1)

No sitting Adi to 28-9-90

(1)

28/9/90

Hon. Mr. Justice K. Nath, re-
tion. Mr. K. Oberaya, Adv.

Case called. No one is
present for the applicant.
Re-list for admission on
22/10/90.

✓
Am.

✓
VC.

10

2. 10.90
No sitting Adi to 19.11.90

(1)

Hon. Mr. Justice K. Nath, re-
tion. Mr. M. M. Singh, Adv.

Put up tomorrow.

M. M. L
Am.

✓
VC.

OR. No 247/90 (2)
Hon. Mr. Justice K. Nath, re-
tion. Mr. M. M. Singh AM

Due to bad climate of Srinagar
Case adjourned to 23.11.90 (P.)

247-903

⑧ 4/1/91

Complaint has
been filed.
Case to be listed
of Respondent
+ 15/3/91

✓

⑨ 15.3.91

D.R.

Both the parties are
absent today. R.A. has
not been filed yet.
Applicant is directed
to file it by 19.4.91.

⑩ 19.4.91

D.R.

Applicant is present
in person. O.P. is absent.
Applicant did not file
R.A. till today. He is
ordered to file it by
5/7/91.

⑪ 5.7.91
D.R.

Applicant is present in
person. Respondent has
not been filed. O.P.'s side
is present. Applicant to
file R.A. by 13/8/91

✓

04/24/92

11.5.92 (11)

No. 81/92 of D.B. adj. to
7.7.92

(12) 7.7.92

No. 81/92 of D.B. adj. to
2.9.92

(13) 2.9.92

No. 81/92 adj. to 6.11.92

(14) 6.11.92

No. 81/92 of D.B. adj.
22.12.92

(15)

22.12.92 - No setting adj. to 18/2/93

or
CRAH/PL

(22)

18.2.93 - No setting adj. to 24.2.93

or
CRAH/PL

(23)

24.2.93

No setting Case adjourned adj.
to 8.4.93

or
CRAH/PL

(24)

8.4.93

No. 81/92 of D.B. adj.
to 12.5.93

or
CRAH/PL

(25)

12.5.93

No. 81/92 of D.B. adjourned

to

2.8.93

or
CRAH/PL

(26)

2.8.93 for Mr. S.N. Board of PL

or
CRAH/PL

(27)

The lawyers have
disclaimed from 6000
today. but this case on
27.5.93

OA 217/90

5-9-94

Hon Mr. D. C. Verma, J.M
Hon. Mr. S. Dayal, J.M

None present for either of
the parties.

Adjourned on 24-10-94 for orders.


Ami


J.M.

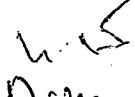

Ami

24.10.94

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

None responds either al
or parties best. The Case on
9.12.94


J.M.


A.M.

9.12.94

No filing of D.O.B. & J.P
3-2-95


A.M.

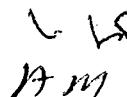
3-2-95

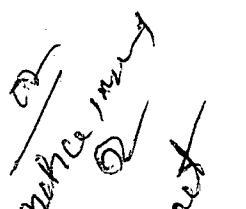
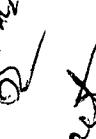
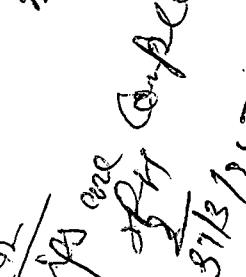
~~Hon Mr. Justice B.C. Gadhok, V.C.~~
Hon Mr. V. K. Seth, A.M.
Hon Mr. D. C. Verma, J.M.

None for application. A copy
of record of how that brief was
earlier held by Mr. V.K. Gadhok
who is no more. Fresh notice
is therefore issued to respondent
by copy to be posted.

Not for hearing on 3-4-95.


J.M.


A.M.


Ami
or

Complete
or

Recd/copy sent
3/13/95

PA 247/20

(11)

1/6/95

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

None for the applicant. Km.
A Chaudhary for respondents.
Pleadings in the PA are complete.
List for hearing on 10/8/95.
On the next date the PA ~~shall~~ ^{may} be disposed of in the absence
of either or both the counsel.

1/8

J.M.

V.K.
A.M.

17-8-95

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

Hon'ble Mr. D.C. Varma -J.M.

None for applicant.

Km. A. Chaudhary has submitted an illness slip.

List for hearing on 10-9-95.

K.N.

J.M.

V.K.
A.M.

11.9.95

Hon'ble Mr. Justice B.C. Saldanha &
Hon'ble Mr. V.K. Seth, A.M.

None responds either on the
parties Inst. on 10-9-95.

V.K.
A.M.

for
VC

OKM
5/11/95

Dr

9.10.95

Leave application for 3rd week of Nov.

21.11.95

13/11

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 8th day of may, 1996.

O.A. No. 247/90

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

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

Rajendra Prasad aged about 20 years son of Sri Behari Lal resident of village Manapur Hamlet of Umrapur District Hardoi.

Applicant.

By Advocate None.

versus

1. Union of India through Ministry of Communication through its New Delhi.
2. Superintending of Post offices, Hardoi.
3. Assistant Superintendent of Post Offices-sub Divisional Sandila Hardoi.
4. Sub Divisional Inspector (Central) Post Office, hardoi.

Respondents.

By Advocate Km. Asha Chaudhari.

O R D E R (ORAL)

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

No one responded on behalf of the applicant when the case was called out. We have heard the learned counsel for the respondents Km. Asha Chaudhari and have been taken through the pleadings.

2. The applicant was by an order dated 15.6.89 (Annexure-1) was approved for appointment as a Substitute E.D. Runner. One Ravindra Kumar, E.D.A Sursa, Hardoi, on his request was ordered to join as E.D.A. and the applicant was offered vice said Shri Ravindra kumar on his own liability to work as a Substitute.
3. In the Counter Affidavit it has been indicated

1
BDR

that one Shri Avdhesh Narain Dixit was involved in a criminal case of having allegedly murdered his daughter in law for payment of dowry. He was convicted and sentenced with imprisonment of five years. Consequently, the services of Shri Avdhesh Narain Dixit were terminated. The said Shri Avdhesh Narain Dixit filed O.A. 211/88 against the order of termination and by a judgment rendered in the said O.A. the termination order dated 5.6.1987 was quashed and it was left to the competent authority to re-examine the case and pass a fresh order with respect to the conduct of the applicant which had led to his conviction in accordance with law. In the Counter Affidavit, it has further been explained that Shri Avdhesh Narain Dixit was given an opportunity to explain his conduct. In his representation he could not explain his clear position which led to his conviction and as such he was removed from service by an order dated 29.8.89.

4. Against this order of removal the said Shri Avdhesh Narain Dixit filed another O.A. No. 269/89. This O.A. was allowed and the order was quashed. Shri Avdhesh Narain Dixit was reinstated in service and he took over the charge on 29.8.90. On his taking over charge, since the applicant was merely a substitute for Shri Ravindra Kumar, was discharged from service.

5. The only ground taken to challenge the order is that the applicant had put in more than 240 days and the order of discharge had been passed without compliance with section 25-F of the Industrial Disputes Act. In the Counter Affidavit this plea has been countered and it has been averred that since the applicant was merely a substitute and was not an

BD

employee of the Postal Department, he will not be governed by the provisions of Industrial Disputes Act.

We find force in this submission. No other point has been raised. The O.A. is therefore, dismissed. No costs.

LK
MEMBER(A)

B.S. Akbar
VICE CHAIRMAN

Lucknow; Dated: 8.5.96

Shakeel/

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH ALLAHABAD,
CIRCUIT BENCH AT LUCKNOW.

O. A. NO. 247 / of 1990 (L).

AR

Rajendra Prasad.

..Applicant.

Versus.

Union of India and others.

..Respondents.

I N D E X.

SL. NO.	PARTICULARS OF PAPERS	PAGE NO.
1.	Claim Petition.	1 to 6,
2.	<u>Annexure No. 1</u> Copy of appointment order.	7
3.	<u>Annexure No. 2</u> , Copy of pursuance of appointment	8
4.	<u>Annexure No. 3</u> , Copy of order dt. 22.6.89.	9
5.	<u>Annexure No. 4</u> , Copy of order,	9
	<u>Annexure No. 5</u> , Vakalatnama.	10

Lucknow dated: 24

July , 1990.

Hilani

(G.S.Sikarwar)
Advocate.

Counsel for the Applicant.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

AT

ADDITIONAL BENCH ALLAHABAD,

CIRCUIT BENCH AT LUCKNOW.

O.A.No. 249 of 1990. (L)

Central Administrative Tribunal
Circuit Bench Lucknow
Date of Filing 11/8/1990
Date of Receipt by Post 11/8/1990
71
Deputy Registrar (J)

Rajendra prasad aged about 20 years son of Sri Behari Lal
Resident of Village Mannapur Hamlet of umrapur District
Hardoi. Applicant.

Versus.

1. Union of India Ministry of communication Through its
New Delhi.
2. Suprindending of post offices-Hardoi.
3. Assistant Superintendent of post office-Sub-Divisional
Sandila Hardoi.
4. Sub-Divisional Inspector (Central) Post Office, Hardoi.

... ... Respondent.

DETAILS OF APPLICATION

1*

Particulars of the order against

which the application is made :-

21/5/1990

That the application is made

against the order Memo No. A/Sursa/87-88 dated at Hardoi
the 20.6.90 (Annexure-V) Passed by respondent no. 4,
hereby terminating the services of applicant.

2. JURISDICTION OF THE ~~EXTRA~~ TRIBUNAL:-

That the applicant declares that
the subject matter of the order against which redressal
is claimed by the applicant is within the jurisdiction
of this Hon'ble Tribunal.

3. LIMITATION.

That the applicant further
declares that the application is within the limitation
prescribed under section 21 of the Administrative
Tribunal Act 1985.

4. FACTS OF THE CASE-:

(a) That the applicant was appointed
as Extra Departmental Runner on 15.6.89, by respondent no.
4 at Branch Post office Sursa Distt. Hardoi. The copy
of appointment order is being filed herewith as Annexure
No. I, to this application.

(b) That the applicant was given
charge at Branch Post Office Sursa District Hardoi on 21

21.6.89 in pursuance of appointment order No. B/arrange-
ment 89 dated 15.6.89 by Ravindra Kumar, A copy of which
is being annexed as Annexure No. II to this application.

(c) That it was also certified by
respondent no. 4, that deposited money of applicant as
security has been sent to Sursa to Hardoi on 16.2.90, and
applicant is regularly working after the charge in pursua-
nce of order memo No. B/arrangement/89, Dated 15.6.89.
A copy of the said order is being annexed as Annexure No.
III is to this application.

(d) That applicant since after his
appointment i.e. from 15.6.1990 has been regularly
working as E.D.A. (Runner at Post Office(B) Sursa) and
has worked continuing worked for more then 240 day duri-
the year.

(e) That Opposite Parties are not
allowing the applicant to work with effect from 23.6.90
and the applicant is also being not paid the emolumen-
without reason.

(f) That the applicant has been a-
-sed to state that Post and Telegraph department is co-
coverd by Expression 'Industry' used in Industrial
Dispute Act and as such the applicant being a 'Worker'
with the frame work Expression under Industri-
Dispute Act and has been illegally retrenched i.e.

21/6/90 SMTG

terminated in breach of section 25 F, of Industrial Dispute Act by opposite parties and is being not allowed to work.

(g) That the applicant with effect from is not being allowed to work by Ops. 23.6.90 without giving written order or serving him any type of order or notice and applicant approached respondents personally several time during this period but was not heard so applicant is being preferred before this Hon'ble Tribunal.

(h) That in view of above facts and circumstances the interference of this Hon'ble Tribunal is very necessary.

6. Grounds for Relief with legal Remedies:-

That the applicant being aggrieved of the illegally oral dated 23.6.90 passed by respondent No. 5 whereby terminating the services of applicant without giving applicant of hearing or information and in breach of S.25 F, of Industrial Dispute Act the applicant is seeking relief (s) amongst other on the following:-

:-G R O U N D S :-

1. Because the oral order refusing applicant to work terminating her service dated 23.6.90

RECORDED

service arbitrary unjust illegal and without jurisdiction
and liable to be quashed.

2. Because applicant can not be terminated without giving opportunity of hearing as well as without complying with S. 25F, of Industrial Dispute Act

3. Because the termination of applicant is out come of respondents.

6. :-Details of Remedies Exhausted:-

That the applicant declares that he has availed all the remedies available to him under the relevant departmental rules, the representation submitted by the applicant have not been given due consideration and respondent no. 4, refused to hear the applicant. Hence no other remedy is available except to approach before this Hon'ble Tribunal.

7. :-Matter not previously filed or pending with any other Court:-

That the applicant declares that he has not previously filed any application writ petition or suit regarding the matter in which this application has been made before any other Bench of this tribunal nor any such application application, Writ Petition or suit pending before any of them.

21/2/2016

8. :- Relief (s) Sought :-

In view of the facts mentioned in para 4 of the application the applicant submits and prays or for the following relief(s).

(a) That the Hon'ble Tribunal may graciously be pleased to allow the application quashing written ~~order~~ order of terminating if any to aswell as to hold oral order dated 23.6.90 to be illegal and to direct the respondents to reinstate ... the applicant in service as before and pay him salary.

(b) That the Hon'ble Tribunal may further be pleased to allow the cost of the petition.

(c) That any other relief or reliefs which the Hon'ble Tribunal may deem fit and proper in the circumstances of the case be also awarded to the applicant as against the respondent.

9. :- Interim Order if any Prayed for :-

That pending final decision of the application the Hon'ble Tribunal may graciously be pleased to direct the respondents to pay the salary and other dues and benefits arising out of the post of the applicant from 28.6.90.

10. NIL.

11. A postal order Serial No.

dated issued from the post offices

is enclosed herewith as Court fee.

12. List of Enclosers.

Annexure No. A-I, A-II, A-III, A-IV, A-V

Lucknow dated:-

July 31, 1990.

राजेन्द्र प्रसाद

Applicant.

I, Rajendra Prasad aged about 20 yrs. son of Sri Behari Lal hereby verify that the contents of paras 1, to 4 & 6 to 11 are true to my personal knowledge and the contents of para 5 on legal advice which I believed to be true and that I, have not suppressed any material fact.

राजेन्द्र प्रसाद

Applicant.

Lucknow dated:-

July 31, 1990.

Identified Shri Rajendra Prasad who has signed before Me.

G. S. Sikarwar
(G. S. Sikarwar)

Advocate.

Before the Central Administrative Tribunal, Circuit Bench, New Delhi
Ravinder Prasad O.A. No. 31990 (29)
versus Applicant
U.O.T. & others Opp. Parties
Annexure No. 1

Department of Posts:

The Sub-Postmaster, Meena No. 8/arrangement by
Hardoi-241001 Dated at Hardoi the 12th day

Shri Ravinder Kumar, E.O. Gurra -
Hardoi, is here by ordered to take over
the office of Post Master of Bhagwali
Post and work till further order, in
the responsibility of Shri Jaya Ram Kumar
telephone subscriber name.

Shri Ravinder Prasad Substituted, offered
by Shri Ravinder Kumar, E.O. Gurra will
on his own responsibility is here
by approved on the clear understanding
that the Substitutes may be
charged by the appointing authority
at any time without assigning any
reason. The Subsidiary P.M. Shri J. R. Kumar
understands that he has no objection to
the appointment in the department.

Sub. Post G.

196

Hardoi-241001

Copy to -

1. Shri Ravinder Kumar, E.O. Gurra, Shri
2. Shri Ravinder Kumar, Substitutes
3. Shri P. M. Gurra.
- 4-6 The B.M. Faridkhan / Bishan Singh, Gurra,
Kutubwala, Gurra for information
7. Shri J. R. Kumar, telephone subscriber
Hardoi for information
8. Sparc.



registering

Before the Central Administrative Tribunal, Circuit Bench Lucknow
Rajendra Prasad O. A. No. 11990 (2) Applicant
versus U.O.T. & others Amexco No. 2 Opp. partie

一一

卷之三

1944 10

ଶୁଣି କଥା ମାତ୍ରାମାତ୍ରା

ann. 411

ବିଜୟ ପ୍ରକାଶ

21-6-29

ज्ञात लिखिः ।

Attested
H. Johnson

Mr. Shew
Dr. P. M.
Brown
21-6-89

216-1

1950
S. D. S. A. D. C.
E. C. G. O.
P. C. S. C.

卷之三

१०.११.११.११.११.११.

9月26日

21-6-89

21-6-89

୨୬୭ ମେ ମୁହାଦ

Tree com
Infested by
X rot
Vespa
3/17. ad

10

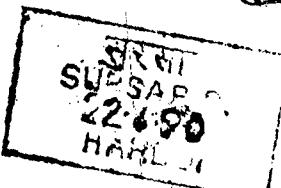
Before the Central Administrative Tribunal, Circuit Bench Lucknow
Rajendra Prasad vs. U.O.T. & others O.A. No. 11990 29
versus - applic - oppor
Amexxx No. 3

Branch office Surveyor of India

Subject — श्री राजेन्द्र प्रसाद जी के द्वारा नियासी ग्रन्थालय
को द्वान्त के द्वारा वार्षिक रकम-की विकल्प के बाब्क

प्रमाणित किया जाता है कि श्री राजेन्द्र प्रसाद जी की विवाहित
E.C.R. सुरक्षा अधिकारी वार्षिक 750 (सहकार्यालय)
दिनांक 16-2-90 B.O. सुरक्षा से 21.80. एरोड़ोप्लान के लिए
रकम।

प्रत्यापद्वारा द्वारा दिया गया विवाहित वार्षिक रकम
E.C.R. अधिकारी वार्षिक 750 (सहकार्यालय)
दिनांक 15-6-89 के तालिकी के द्वारा के अनुसार श्री राजेन्द्र प्रसाद
को वार्षिक रकम के द्वारा 375 के अद्वितीय रूप से दिया गया विवाहित
रकम है। तात्काल 6/190 समय 11-10 A.M. पर दर्ज किया
गया।

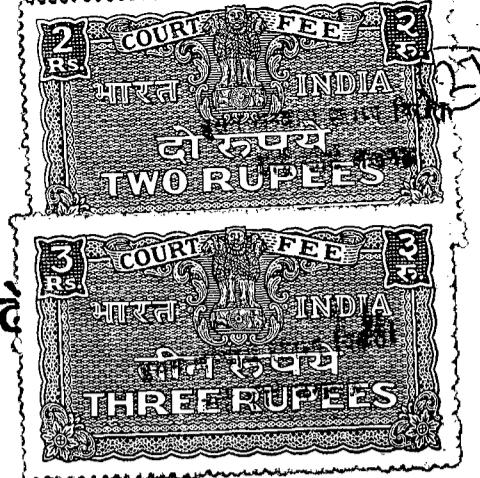


22/6/90
SUSPENDED
H.A.M.

True copy
APPROVED
Shillie
31.7.90

वकालतनामा

माननीय उच्च न्यायालय उत्तर प्रदेश¹
इलाहाबाद-लखनऊ



या

न्यायालय श्रीमान् *In the Central Administrative Tribunal*
प्रथम/द्वितीय अपील, रिट/याचिका/रिजीन
निवाद/आवेदन पत्र/निष्पादन/प्रक्रीण

Additional Bench Allahabad
Circuit Bench Lucknow

निवाद/आवेदन पत्र/निष्पादन/प्रक्रीण
रिजीन
रिजेंस/पास

सन् १९७०

वादी/प्रार्थी/अपीलार्थी

प्रति

प्रतिवाद/विपक्षी/प्रतिउत्तरदाता

Union of India and others, तिथि पेशी

उपर्युक्त बाद में, मैं/हम अपनी ओर से श्री हरीनाथ मोतीलाल तिलहरी एडवोकेट
१६३/४२, अस्तवल चारबाग लखनऊ

तथा श्री *अनिन्दु लक्ष्मण रामकौर्मी तथा सुलभ बहादुर इक्कोर्मी*

को अपना अधिवक्ता नियुक्त करके प्रतिबन्ध करता हूँ/करते हैं कि आपको अधिकार है कि आप उपर्युक्त मुकदमे में हमारी ओर से स्वयम् अथवा अन्य वकील द्वारा पैरवी व प्रश्नोत्तर व जवाब व बहस करें, सर्व प्रकार के बाद पत्र, अर्जी दावा व लिखित उत्तर सर्व प्रकार के प्रायना पत्र, निष्पादन पत्र व अन्य प्रकार की पत्रावली, दस्तावेज व अन्न लेख व दस्तावेज व कागज अपने हस्ताक्षर से हमारी ओर से प्रस्तुत करें व वापस लेवें, पंच नियुक्त करें व पचनामा व पंच निर्णय के विरोध में कारण उपस्थित करें। अपने या हमारे हस्ताक्षरों से हमारी ओर से सुलहनामा स्वीकृति पत्र उपस्थित करें एवं दावा स्वीकार करें या उठावें, डिग्री हो जाने पर उसे कार्य रूप में परिणित करावें व डिग्री का इपवा व तत्सम्बन्धी व्यय या अन्य कोई धन जो मुझे/हमें प्राप्त होने को हो अपने हस्ताक्षरों से हमारी ओर से प्राप्त करें, हमारी ओर से रु० जमा करें मेरे/हमारे या विपक्षी द्वारा जमा किया ह० अपने या हमारे हस्ताक्षरयुक्त रसीद लेवें। कोटंकीस, स्टाम्प तलबाना व अन्य खर्च दाखिल करें व वापस लेवें व रसीद देवें और नकल लेवें मुकदमे की पत्रावली का निरीक्षण करें, मुकदमा पुनरीक्षण स्थगित करावें। रिट, अपील, बाद, चुनाव याचिका या अन्य कोई भी प्रार्थना पत्र स्वहस्ताक्षरों से किसी भी न्यायालय, दीवानी, फोजदारी, माल उच्च न्यायालय, ट्रिब्युनल, प्राधिकारी (इनकम टैक्स, सेल टैक्स व सर्व प्रकार के अन्य) आदि हमारी ओर से प्रस्तुत करें व तसदीक करें। आय व्यय का रिटन प्रस्तुत करें व शायद पत्र उपस्थित करें या मेरी/हमारी ओर से मौखिक बयान दें। मुकदमे में गदाह तलब करावें, अपनी ओर से कोई अन्य वकील नियुक्त करके मुकदमे की सब कार्यालयी करावें व उक्त मुकदमा सम्बन्धी जो अन्य आवश्यक कार्य हो करें।

मैं/हम उक्त वकील साहब को उनका शुल्क निश्चित करने के पश्चात उपरोक्त अधिकार देते हुए अपना वकील नियुक्त करता हूँ/करते हैं और इकरार करता हूँ/करते हैं कि जो कुछ भी कार्यवाही अधिवक्ता महोदय इस मुकदमे के सम्बन्ध में करेंगे मुझे/हमें स्वीकार है और होगी और वह मेरा/हमारा किया हुआ समझा जावेगा। मैं/हम बह भी प्रतिबन्ध करता हूँ। करते हैं कि मुकदमे के रौरान जो भी परिव्यय मुकदमे को स्थगित कराने या बाद पत्र अथवा लिखित उत्तर में संशोधन करवाने के कारण या अन्य किसी कारण से न्यायालय, प्राधिकारी, ट्रिब्युनल आदि द्वारा मेरे विपक्षी को, मुझे/हमें देने की, आज्ञा दी जावागी वह सब परिव्यय आय अधिवक्ता महोदय पाने व स्वयं रखने के अधिकारी होंगे। यदि मेरी/हमारी अथवा मेरे/हमारे वकील की गंर मौजूदगी से कोई हुक्म मेरे/हमारे विरुद्ध हो जाय तो उसकी कोई जिम्मेदारी अधिवक्ता पर नहीं होगी। यदि मैं/हम अधिवक्ता महोदय का निश्चित शुल्क न देवें तो उन्हें पूर्ण अधिकार है कि वे हमारे मुकदमे की पैरवी न करें और उनके द्वारा ऐसा करने पर वह किसी भी प्रकार के हर्जां खर्च के जिम्मेदार नहीं होंगे।

हस्ताक्षर *श्रद्धापूर्वक*

दिनांक

साक्षी

Hari Nath Moti Lal Tilhase
हरीनाथ मोतीलाल तिलहरी

(हरीनाथ मोतीलाल तिलहरी)
एडवोकेट

*Accepted
Sanjay Verma
(H.V.)*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

C.A. NO. 247 of 1990 (L)

Rajendra Prasad ... Applicant

-versus-

Union of India and others .. Opposite parties

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES

I, Deokali Prasad.

aged about 48 years

years, son of Shri Neelav

at present posted as Subdt. of Posts & Telegraphs, Sub Divisional Officer (Central) Post office, Hardoi

~~मुख्य प्रिविलेजीज ऑफिसर~~, Hardoi do hereby solemnly affirm

and state as under:-

1. That the deponent is posted as Subdt. of Posts & Telegraphs Sub Divisional Officer

Post Offices, Hardoi is the opposite party no. 2 in the above noted application and he has been authorised to file this counter affidavit on behalf of all the opposite parties.

2. That the deponent has read and understood the contents of the application and that he is fully conversant with the facts of the case as well as the facts deposed to herein under in reply thereof.

3. That before giving parawise comments it is expedient in the interest of justice, to give brief history of the case as detailed below:

(a) That one Shri Avadesh Narain Dixit EDR, Cursive

Hardoi was involved in a criminal charge of the murder



of his daughter in-law for demand of dowry. He was convicted by the court and was punished for the offence under section 206 IPC with an imprisonment of 5 years. Consequently the services of Shri Awadheesh Narain Dixit EDR Sursa Hardoi was terminated under Rule.7 of EDA (Conduct and Services) Rules, 1964 vide Memo No.A/ Kutuwapur dated 5.6.1987.

(b) That Shri Revendra Kumar, Son of Behari Lal, Resident of village Mannapurwa post Sursa, Hardoi was appointed as EDR Sursa, Hardoi vide Memo No.A/Sursa/87 dated 11.12.1987.

(c) That Shri Revindra Kumar EDR, Sursa, Hardoi offered his substitute Shri Rajendra K Prasad, his brother to work as EDR Sursa (Hardoi) on his own responsibility and applied to allow him to work on the vacant post of EDMP Faridapur (Hardoi) till the regular appointment is made of EDMP Faridapur Hardoi. Shri Ravindrakumar was allowed to work as EDMP, Faridapur Hardoi and Shri Rajendra Prasad, the substitute offered by him was approved on the clear understanding that the substitute may be discharged by the appointing authority at any time without assigning any reason vide Memo No.B/arrangement/89 dated 15.6.1989.

*Declaratory
8/1/89*

That during the above arrangement Shri Awadheesh Narain Dixit EDR Sursa Hardoi has filed the case at CAT Allahabad Banking under Registration No.0A No.211/88. The order of termination Memo dated 5.6.1987 was quashed by Vice Chairman, CAT, Lucknow Bench. The court has also allowed the competent authority to re-examine the case and pass a fresh



order with respect to the conduct . Shri A.N. Dixit EDR Sursa Hardoi which has led to his conviction in accordance with law.

(e) That in pursuance of the aforesaid judgement of the Hon'ble CAT Allahabad Lucknow Bench Shri Awadhesh Narain Dixit was given an opportunity to explain his conduct/conviction. The show-cause notice was delivered to Shri Awadhesh Narain Dixit on 27.5.1989. In response to the said notice Shri Awadhesh Narain Dixit submitted his representation which was received on 27.6.1989. In the representation Shri AN Dixit could not explain his clear position which led him to conviction and such he was removed vide Memo No.A/Sursa/87-88 dated 29.8.1989 as he was found to involved his moral turpitude.

(f) Shri Awadhesh Narain Dixit EDR Sursa Hardoi has again filed the case at CAT Lucknow Bench under Registration No.CA269/89 (b) . The order of removal Memo dated 29.8.89 was quashed with a direction to treat Shri Awadhesh Narain Dixit in service with all consequential benefits throughout.

*Accidental
81.91*



(g) In pursuance of judgement delivered by Hon'ble CAT Lucknow Bench dated 25.5.90 case OA No.

269 of 89, Shri Awadhesh Narain Dixit EDR Sursa Hardoi was ordered to put back duty as EDR Sursa Hardoi vide Memo No.A/Sursa/87-88 dated 20.6.90.

Shri Awadhesh Narain Dixit assumed charge on 22.6.90 and Shri Rajendra Prasad purely a substitute

provided by Shri Revendra Kumar newly appointed as EDR Sursa Hardoi was automatically replaced on 22.6.1990.

4. That the contents of para 1 to 3 of the application needs no comments.

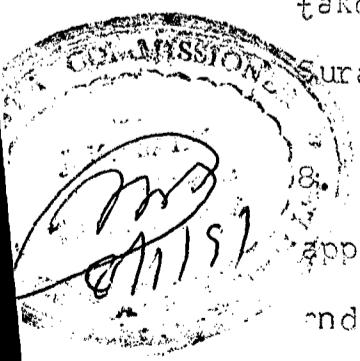
5. That in reply to the contents of para 4(a) of the application it is submitted that the applicant was offered purely a substitute to arrange for work vice Shri Ravindra Kumar EDR Sursa Hardoi who was allowed to work as EDM P Faridapur Hardoi as per his application dated 14.6.1989. The appointing authority has only to approve the engagement of substitute for the purpose of drawing the allowances only to the substitute provided by Shri Ravindra Kumar.

6. That the contents of para 4(b) of the application needs no comments.

7. That the contents of para 4(c) of the application are incorrect as stated, hence denied and in reply it is submitted that no security money is needed from the substitute whose security has already been taken from the regular employee Shri Revindra Kumar EDR Sursa Hardoi.

Deokalpur
8/1/91

8. That the contents of para 4(d) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant was offered as substitute by Shri Ravindra Kumar regular employee to arrange for his work. The rules for 240 days



days service in a year is not applicable to this.

The applicant thus is a substitute and not an employee of the postal department and the provisions of Section 25 F & 25 N of the Industrial Disputes Act did not apply to mere substitutes who can be discharged at the will of the approving authority at any time in accordance with the relevant Rules of the postal department.

9. That the contents of para 4(e) of the application need no comments.

10. That the contents of para 4(f) of the application are incorrect as stated, hence denied and in reply it is submitted that the reply given against para (d) above are reiterated.

11. That the contents of para 4(g) of the application are incorrect as stated, hence denied and in reply it is submitted that in pursuance of judgement delivered by Hon'ble CAT Lucknow Bench dated 25.5.1990 in OA No. 269 of 1989

Decided 1/8/91
Shri Awadhesh Narain Dixit EDR Sursa Hardoi was ordered to put back duty as EDR Sursa Hardoi who assumed charge on 22.6.1990 and the applicant was replaced.

12. That the contents of para 4(h) of the application needs no comments.

13. That the contents of para 5(1 to 3) of the application are incorrect as stated, hence denied and in reply it is submitted that the



-6-

reply given against para 4(d) of the application are reiterated.

14. That the contents of para 6 and 7 of the application needs no comment.

15. That the contents of para 8(a) of the application are incorrect as stated , hence denied and in reply it is submitted that the reply given against para 4(d) above are reiterated.

16. That the contents of para 8(b&c) of the application needs no comments.

17. That the contents of para 9 of the application needs no comments.

18. That the contents of para 10 and 11 of the application needs no comment.

19, That the reliefs sought by the applicant are not tenable in the eyes of law.

20 . That in view of the facts and circumstances stated above, the application filed by the applicant is liable to be dismissed with costs to the opposite parties.

Deokarh Af.
Defendant

Lucknow,

Dated: 01-91



Verification.

I, the above named deponent do hereby verify that the contents of para 1 to 2 of the affidavit are true to my personal knowledge, those of Paragraphs 3 to 18 of the affidavit are believed to be true on the basis of information gathered and office records and those of paragraphs 19 & 20 are based on the legal advice. No part of this affidavit is false and nothing material fact has been concealed.

Deokali fd.

Deponent.

Lucknow,

Dated: 8/1/91

I identify the deponent who

has signed before me and is also personally known to me.

Ch
(VK Chaudhari)

Addl Standing Counsel for Central Govt
(Counsel for the Opp. parties)

Solemly affirmed before me by the deponent this 8 day of May 1991 at 10:55 am/pm who has been identified by Shri VK Chaudhari, Advocate High Court,

Lucknow Bench, Lucknow.

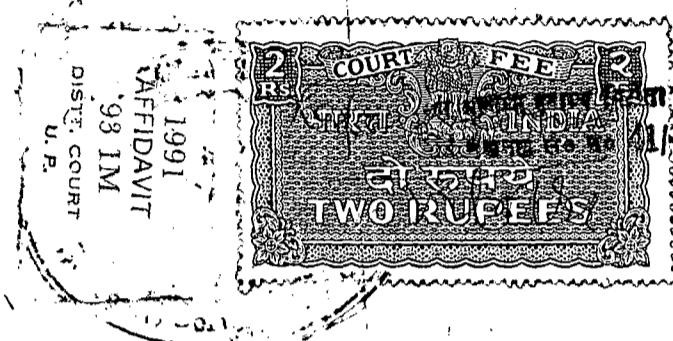
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read over and explained to him by me.

ee
Deputy Commissioner.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH: LUCKNOW.

O. A. NO. 247 of 1990(L).



Rajendra Prasad

Applicant.

Versus.

Union of India and others.

Opp. Parties.

REJOINDER AFFIDAVIT ON BEHALF OF CERSONEE XATE

THE PETITIONER.

I, Rajendra Prasad aged about 21 years son of Sri Behari Lal Resident of Village Mannapur Hamlet of Umrapur District Hardoi, do hereby solemnly affirm and state as under:-

1. That the deponent is the applicant in the above case & is well conversant with the facts of the case and deposed in the claim petition as well as hereinafter;-
2. That the deponent has got the counter affidavit read with and explained and has understood the same.
3. That para 1, 2, 4, 6, 9, 12, 14, 16, 17, 18,



*Filed today
S. S. SAXENA
13/8/91*

21/8/91

of the counter affidavit of opposite parties need no comment.

4. That as regards the allegations of para 5, ~~of~~ the allegations of sub paras 'a' ² 'b' ² 'e' ² 'g' are denied for want of knowledge and proof.

5. That as regards the allegations of para 3 'b' of the counter affidavit said allegations need no comment.

6. That as regards sub para 'c' of para 3 and para 5 of the counter affidavit it may be stated that Ravindra Kumar E.D.R. ² Sursa having been appointed as E.D.M.P. at Faridpur Hardoi in clear and vacant post for an indefinite period, the applicant petitioner was given as E.D.A. appointment in clear vacancy and not in leave

vacancy a substitute as per own allegation ² para 3 'c' of the counter affidavit the ~~vacancy~~ was caused by and on account of Ravindra Kumar (E.D.R. Sursa) appointment as E.D.M.P. Faridpur Hardoi for in-definite period as per Annexure No. 2 to the Claim Petition as well and so the petitioner deponent's appointment was in clear vacancy at Sursa. It may further be stated that as per annexure 3 to the Claim Petition the security was furnished by deponent and sent to H.P.O. Hardoi on 16.2.1990 by E.D.P.M. Sursa.

राजेश यात्कु
The Petitioner has further been advised that discharge ² without assigning reason is negation of doctrine of equality under Article 14 of the constitution as such at term as void.



It is as such denied that petitioner deponent has been a pure substitute.

7. That deponent denied the allegations of para 7 as drafted and deponent petitioner re-itated the allegations of para 4 'c' of the Claim Petition.

8. That the petitioner deponent denies the correctness of allegations of para 10 and 15 of the counter affidavit as drafted and re-itated as advised, the allegations of para 4(d) of the claim petition.

9. That the deponent does not admit the correctness of para 11 of counter affidavit.

10. That deponent denies the correctness of a allegations of para 19 and 20 of counter affidavit.

The petitioner deponent re-itates allegations of para 'a' to 'g' of the claim petition any thing to the contrary is denied.

Lucknow Dated:-

August 13, 1991.

21/8/91

Deponent.

Verification.

I, the above named deponent do hereby verify that the contents of para 1 to 10 of the rejoinder affidavit are true to my own knowledge. No part of this affidavit is false and nothing material fact has been concealed so help me God.

Lucknow dated:-

August 13, 1991

21/8/91

Deponent.

I, identify the deponent who has signed
before me and is also personally known to me

Om Prakash

Clerk to Sri Hari Nath Tilhari, Advocate-

Lucknow dated:-

August 13, 1991.

Solemly affirmed before me by the deponent

this day of 1991

93/M.

at a.m./p.m. who has been identified by

Sri Om Prakash Clerk to Sri Hari Nath Tilhari, Advocate

Clerk to Shri

I have seen and identified the deponent before the High Court Lucknow Bench, Lucknow.

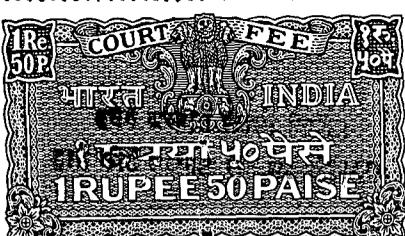
deponent *Om Prakash* is the son of *Sri Hari Nath Tilhari* and

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

Om Prakash he understands the contents of this affidavit which have

been read over and explained to him by me.

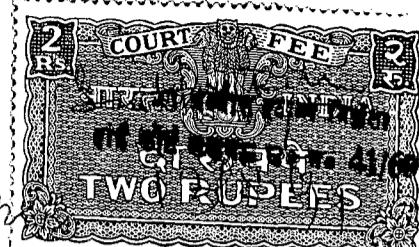
Om Prakash



Vakalatnama

High Court of Judicature at Allahabad

SITTING AT LUCKNOW



in the Central Administrative
Tribunal Circuit Bench Lucknow

Defender Prasad

VERSUS

Crown of India vs

Q-A

No.

2317

of 1970 (1)

I/We the undersigned do hereby nominate and appoint Shri..... Ravi Nath Tilhare and Shri..... A. D. V. O. C. A. Asst. Legal Char. L. S. C. A. S. Advocate, to

be counsel in the above matter, and for me/us and on my / our behalf to appear, plead, act and answer in the above Court or any Appellate Court or any Court to which the business is transferred in the above matter, and to sign and file petitions, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from, and also to apply for and receive all documents or copies of documents, depositions, etc, etc, and to apply for issue of summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrant or other and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however that if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town, then, and in such an event my / our said advocate shall not be bound to appear before the court and if my/our said advocate doth appear in the said case he shall be entitled to an outstation fee and other expenses of travelling, lodging, etc. Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate (s) shall not be held responsible for the same. And all whatever my / our said advocate (s) shall lawfully do, I do hereby agree to and shall in future ratify and confirm.

ACCEPTED :

Ravi Nath Tilhare

1. ----- Advocate

Signature of Client 23/7/47

2. ----- Advocate

व अदालत श्रीमान्

[वादी] अपीलान्ट

प्रतिवादी

- ୩୭ -

Chu An

महोदय

१ वकालतनामा

(टिकट)

वादी (अपीलान्ट)

Rajendra Prasad (बनाम राजेन्द्र प्रतिवादी) (रेस्पन्डेन्ट)
 मुकदमा नं० १६७ सन् १९८८) पेशी की ता० १६ ६०

ऊपर लिखे मुकद्दमा सें अपनी ओर से श्री वी० के० चौधरी एडवोकेट हाईकोर्ट
 ऊपर स्थायी अधिवक्ता भारत सरकार लखनऊ वेन्य, निवास- १४/६२६
 बरफखाना, नईबस्ती अलंकार सिनेमा के पास लखनऊ टेली. न. २३४६८६
 हाईकोर्ट चेम्बर न. १४ टेली. न. २४०६०७

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवों व जबाबदेहीं 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 हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विष्क्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर फुक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलोफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होंगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम अवे।

Accepted

स्वीकृत
~~Mr. Ariful~~
(बी० के० चौधरी)
एडवोकेट हाईकोर्ट

हस्ताक्षर Supdt. of Post Office,
Hardoi Dn.
Hardoi 241001

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... 18 महीना 1 सन् १९६९। ई.

A/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

No. OA/TA/

5385-00-

dated the

129-11-90

Registration No. 347/90(L) of 1990

APPLICANT

RAJENDRA PRASAD

VERSES

C/G

RESPONDENT

UNION OF INDIA & OTHERS

1. UNION OF INDIA MINISTRY OF COMMUNICATION THROUGH ITS NEW DELHI.
2. SUPERINTENDENT OF POST OFFICES MANDI
3. ASSISTANT SUPERINTENDENT OF POST OFFICE SUB-DIVISIONAL GANDILA MANDI.
4. SUB-DIVISIONAL INSPECTOR (CENTRAL) POST OFFICE MANDI.

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 18 day of 21 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleaser or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this

27 day of 11 1990.

J. K. 23/11/90
DEPUTY REGISTRAR

ENCL: COPY OF PETITION WITH COURT'S ORDER DATED 23.11.90

K
42

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A.NO. 247 of 1990 (L)

Rajendra Prasad

... Applicant.

Versus

Union of India

... Respondents.

23.11.1990

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

Hon'ble Mr. M. Singh, A.M.

ADMI

Issue note to file Counter within
4 weeks, rejoiner within 2 weeks thereafter.
List before D. on 18.1.91, for fixing a
date if possible.

sd/

sd/

A.M.

V.C.

sd/

1/1e Copy//

(Mchd. J. Khan)

Ce. C. O.

Central Administrative Tribunal

Circuit Bench

LUCKNOW

Checked by
L

7/11/90