

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW Bench, PETI BAHAL, LUCKNOW.

Case Title O.A. 247/90 of 19

(L)  
(T)

Name of parties  
VERSUS

Rayendra Prasad

Applicant's

Union of India & others

009

Respondents.

Sl. No.

Particular of Documents

No. of page

PART-A		
Check list	1 to 2	✓
Order sheet	3 to 12	✓
Final Judgment	8-5-96 13 to 15	✓
Petition copy with order	16 to 29	✓
Annexure	20 to 34	✓
Counter with power	35 to 40	✓
Rejoinder with Annexure		
Supplementary Counter		
Supplementary Rejoinder		
Misc. Application		

1- Notice/order copy dt 23/90

41

64

PART-B

Returnable notices.

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 / chintan

So, J. R. K.

Signature of the dealing Assistant

Signature of the dealing Assistant

Counter-Sign

Incharge.

Section officer.

Court Officer.

(RN)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 247 of ~~1989~~ 1990 (C/

APPLICANT(S) Shri Rajendra Prasad

RESPONDENT(S) V. S. 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 case 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 sapce ?	yes
8. Has the index of documents been filed and paging done properly ?	yes
9. Have the chronological details of representation made and the out come 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  
24/11/8

CA. No 247/90 (1)

(2)

-8-90 (1)

No sitting Adj to 28-9-90

(u)

(1) 28/9/90

Hon. Mr. Justice K. Math, vs  
Hon. Mr. K. Oberya, Ans.

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

Am.

VC

R

2.10.90 (3)

No sitting Adj to 19.11.90

(1)

(4) 19/11/90

Hon. Mr. Justice K. Math, vs  
Hon. Mr. M. M. Singh, Ans.

Put up tomorrow.

M. M. L.  
Am.

VC

0.11.90 (5)

Hon. Mr. Justice K. Math vs  
Hon. Mr. M. M. Singh

Due to death demise of Sri B. K. Srinivasulu  
rescheduled to 23.11.90 (M) MB. nA

247-903

(14)  
(3)

(8)

4/1/91

Counter has  
been filed.  
Case in list  
of Reposer  
+ 15/3/91

R

(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.

R

(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.

R

(11)

5.7.91

D. R.

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

R

11-5-92 (17)

No sitting of D.B. adj. to  
7-7-92

(18) 7-7-92

No sitting of D.B. adj. to  
2-9-92

(19) 2-9-92

No sitting adj. to 6.11.92

(20) 4.11-92

No sitting of D.B. adj.  
to 22-12-92

(21) 22-12-92 - No sitting adj. to 18/2/93

OK  
CARRERA

(22) 18-2-93

No sitting adj. to 24-2-93

SN

(23) 24-2-93

No sitting Car and reached adj.  
to 8-4-93

1/2/93

(24) 8-4-93

No sitting of D.B. adj.  
to 12-5-93

OK  
CARRERA

(25) 12-5-93

No sitting of D.B. adjourned  
to 2-8-93

OK  
CARRERA

OK  
CARRERA

OK  
CARRERA

OK  
CARRERA

OK  
CARRERA

OK  
CARRERA

(26) 2-8-93 Hon Mr. SN. Bouda FM

The lawyers have  
abstained from work  
today. but this case on  
27-8-93

5-9-94


CA 267/90

Hon Mr. D. C. Verma, Jm  
Hon. Mr. B. Daryal, Jm

None present for either of  
the parties.

list on 24-10-94 for orders.

  
Am


  
Jm

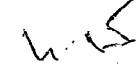


24.10.94

Hon. Mr. V. K. Seth, Jm  
Hon. Mr. D. C. Verma Jm

None responds either at  
the parties list. The case on  
9.12.94

  
Jm

  
Jm

CA RA filed  
SFH  
2/12/94

9.12.94

No thing at D. D. Verma  
3-2-95


  
D.C.

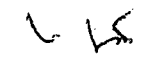
3-2-95

~~Hon Mr. Justice B. C. Sankar, Jm~~  
Hon Mr. V. K. Seth, Jm  
Hon Mr. D. C. Verma, Jm

None for applicant. A perusal  
of record shows that brief was  
earlier held by Hon Mr. K. Chandrasekhar  
who is no more. Fresh notices  
be therefore issued to respondent  
by airtel post.

list for hearing on 3-4-95.

  
Jm

  
Jm



CA  
notice must  
be  
proceedings are complete  
SFH  
3/13/95

PA 247/20

17

1/6/85

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

None for the applicant. Km.  
A Chowdhary for respondents.  
Pleadings in the MT are complete.

List for hearing on 17/8/85.  
On the next date the MT shall  
be disposed of in the absence  
of either or both the Counsel.

JS

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.

learn.counsel for respon.  
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. Mr. Justice B.C. Sharma &  
Hon. Mr. V.K. Seth, A.M.

None responds either side.  
Paras for the Petitioner on 9.10.95.

JS

V.K.  
A.M.

JS  
V.K.

JS  
SM  
12/11/95

9.10.95

Learn. Abstar to India m. app.

21.11.95

JS



13

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  
Bor

that one Shri Awdhesh 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 Avdhes Narain Dixit were terminated. The said Shri Avdhes 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 Avdhes 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 Avdhes Narain Dixit filed another O.A. No. 269/89. This O.A. was allowed and the order was quashed. Shri Avdhes 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. Saksena*

VICE CHAIRMAN

Lucknow; Dated: 8.5.96

Shakeel/

(18)

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.

..Respondants.

I N D E X.

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

Lucknow dated: 24

July ,1990.

*G.S. Sikarwar*

(G.S. Sikarwar)  
Advocate.

Counsel for the Applicant.

*Filed today  
5/8/90  
11/8/90*

*Noted for  
23/8/90  
Shri.  
C/O Shri H. N. T. Khan  
1.8.90 J.*

(17)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

AT

ADDITIONAL BENCH ALLAHABAD,

CIRCUIT BENCH AT LUCKNOW.

O.A.No. 247 of 1990. (4)

Central Administrative Tribunal  
Circuit Bench Lucknow  
Date of Filing 11/8/90  
Date of Receipt by Post 11/8/90

711  
Deputy Registrar(J)  
11/8

Rajendra prasad aged about 20 years son of Sri Behari Lal

Resident of Village Mannapur Hamlet of unrapur District

Hardoi. ... .. Applicant.

Versus.

1. Union of India Ministry of communication Through its  
New Delhi.

2. Suprintending of post offices-Hardoi.

3. Assistant Suprintendent 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

whcih the application is made:-

21/8-5 52116

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, ~~here~~thereby terminating the services of applicant.

2. JURISDICTION OF THE ~~THE~~ 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

राजिन्द्र प्रसाद

21.6.89 in pursuance of appointment order No. B/arrangement 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 pursuance 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 than 240 day during 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 emolument without reason.

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

राजिन्द्र झा

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 ~~xxxx~~ dated 23.6.90

राजेश्वर प्रसाद



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

2. Because applicant can not be termination 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, Writ Petition or suit pending before any of them.

राजेश्वर प्रसाद

8. :- Relief (S) Sought :-

In view of the facts mentioned in para 4 of the application the applicant submits and prays 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 requested 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.

राजेंद्र 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.

राजेंद्र 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  
Rajender Prasad  
VERSUS  
U.O.I. & others

O.A. No. 11990

11990

Applicant

Opp Parties

Annexure No. 1

Department of Post

% The Sub-Post Office  
Hardoi-241001

Memo No. R/arrangement/1  
dated at Hardoi the 12/6/96

Shri Ravendra Kumar EOR Surso -  
Hardoi, is here by ordered to take on  
the charge of EOR Faridkot (Punjab)  
Hardoi and work till further order, on  
the responsibility of Shri Jyoti Ram Verma  
Telephone Supervisor Hardoi.

Shri Rajender Prasad Substituted offered  
by Shri Ravendra Kumar EOR Surso is  
on his own responsibility is here  
by approved on the clear understand-  
ing that the substitute may be re-  
charged by the appointing authority  
at any time without assigning any  
reason. Shri Rajender Prasad Substituted  
understand that he has no status of  
absorption in the department.

Sub-Post Office 15/6

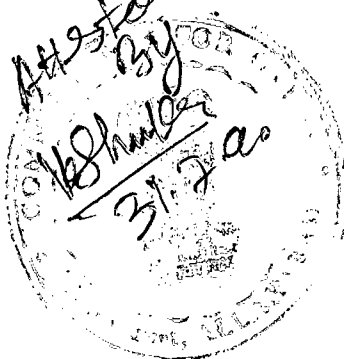
Hardoi-241001

Copy to -

1. Shri Ravendra Kumar EOR Surso Hardoi for information
2. Shri Rajender Prasad Substituted
3. The P.O. Hardoi
- 4-6 The B.O. Faridkot / Bikaner / Jaipur, Rajasthan Hardoi for information
7. Shri Jyoti Ram Verma Telephone Supervisor Hardoi for information
8. Spare.

True copy

Attested by



राजेंद्र प्रसाद

Before the Central Administrative Tribunal, Circuit Bench Lucknow  
Rajendra Prasad  
 U.O.I. & others  
 O.A. No. 11990  
 Applicant  
 Opp. Party  
 Annexure No. 2

11

मान्यता

प्रमाणित किया जाता है कि ऊपर विवरण 21-6-89 के अतिरिक्त उक्त  
 ई.जी. आर. सुरसा ने अपना चार्ज श्री राजेन्द्र प्रसाद को सौंप  
 गत कर सुरसा ने निरीक्षक डाक घर टापोई केन्द्रीय के आदेश  
 अन्वयात् / एरिजेंट / 89 दिनांक 15-6-89 के अनुसार न त

दिनांक  
 ह. चार्ज मा. सुरसा  
 कर्मचारी  
 राजेन्द्र प्रसाद  
 21-6-89

Attested  
 H. Sharma  
 B.P.M.  
 21-6-89

सुरसा  
 21-6-89  
 नमस्ते

ह. चार्ज गहन नारायण  
 नाम का आता  
 राजेन्द्र प्रसाद  
 21-6-89

अतिरिक्त :  
 चार्ज अन्वयकता का चार्ज सुरसा

राजेन्द्र प्रसाद

True copy  
 Attested by  
 31.7.89

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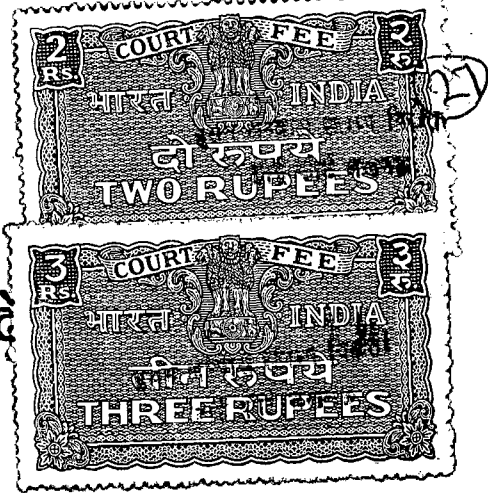
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Munich  
22/6/90

True copy  
Attested  
by  
Shirley K.  
31.2 an

# वकालतनामा

माननीय उच्च न्यायालय उत्तर प्रदेश  
इलाहाबाद-लखनऊ



या

न्यायालय श्रीमान् *In the... Central... Administrative Tribunal*

प्रथम/द्वितीय अपील, रिट/याचिका/रिजोवन

*Additional Bench Allahabad*  
*Circuit Bench Lucknow*

निःवाद/आवेदन पत्र/निष्पानन/प्रकीर्ण

संख्या

सन् १९९०

*Respondents Based*

वादो/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  
१६२/४२, अस्तबल चारबाग लखनऊ

तथा श्री *श्री हरीनाथ मोतीलाल तिलहरी एडवोकेट*

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 प्राथना 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 शपथ 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 रु० अपने या हमारे हस्ताक्षरयुक्त रसीद लेवें। कोर्टफीस, स्टाम्प तलबाना व अन्य खर्च दाखिल करें व वापस लेवें व रसीद देवें और नकल लेवें मुकदमें की पत्रावली का निरीक्षण करें, मुकदमा पुनरीक्षण स्थगित करावें। रिट, अपील, बाद, चुनाव याचिका या अन्य कोई भी प्राथना पत्र स्वहस्ताक्षरों से किसी भी न्यायालय, दीवानो, फौजदारी, माल उच्च न्यायालय, ट्रिब्यूनल, प्राधिकारी (इनकम टैक्स, सेल टैक्स व सर्व प्रकार के अन्य) आदि हमारी ओर से प्रस्तुत करें व तसदीक करें। आय व्यय का रिटर्न प्रस्तुत करें व शपथ पत्र उपस्थित करें या मेरा/हमारी ओर से मौखिक बयान दें। मुकदमें में गवाह तलब करावें, अपनी ओर से कोई अन्य वकील नियुक्त करके मुकदमें की सब कार्यवाही 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 मुकदमें के सम्बन्ध में करेंगे मुझे/हमें स्वीकार है और होगी और वह मेरा/हमारा किया हुआ समझा जावेगा मैं/हम यह भी प्रतिबन्ध करता हूँ/करते हैं कि मुकदमें के दौरान जो भी परिव्यय मुकदमें को स्थगित कराने या बाद पत्र अथवा लिखित उत्तर में संशोधन करवाने के कारण या अन्य किसी कारण से न्यायालय, प्राधिकारी, ट्रिब्यूनल आदि द्वारा मेरे विपक्षी को, मुझे/हमें देने की, आज्ञा दी जावगी वह सब परिव्यय आय अधिवक्ता महोदय पाने व स्वयं रखने के अधिकारी होंगे। यदि मेरी/हमारी अथवा मेरे/हमारे वकील की गैर मौजूदगी में 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 मुकदमें की पैरवी न करें और उनके द्वारा ऐसा करने पर वह किसी भी प्रकार के हर्जा खर्चा के जिम्मेदार नहीं होंगे।

हस्ताक्षर *श्री हरीनाथ मोतीलाल तिलहरी*

दिनांक.....

साक्षी.....

*amp*  
*ESW*

स्वीकृति  
*Harinath Motilal Tilhari*  
(हरीनाथ मोतीलाल तिलहरी)  
एडवोकेट

*Accepted*  
*Sanjay Verma*  
*(for)*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

S.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, Deskali Prasad

aged about 48 years

years, son of Shri Neehar

at present posted as ~~Supt. of Post Offices~~, Sub Divisional Officer (Central)) Post office, Hardoi  
~~xxxxxx~~, Hardoi do hereby solemnly affirm

and state as under:-

Officer

1. That the deponent is posted as ~~Supt. of Post Offices~~ Sub Divisional

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 ~~thx~~ he is fully conversant with the facts of the case as well as the facts deposed to herein under in reply thereof.

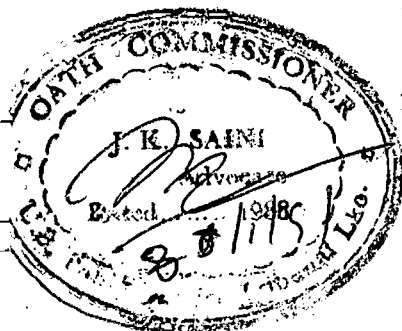
3. That before giving parawise comments it is expedient in the interest of justice, to give brief history of the case as detailed below:

(a) That one Shri Awadesh Narain Dixit EDR, Curse

Hardoi was involved in a criminal charge of the murder

Filed today  
25.1.91

Deskali Pr.  
8.1.91





of his daughter in-law for demand of dowry. He was convicted by the court and was punished for the offence under section 496 IPC with an imprisonment of 5 years. Consequently the services of Shri Awadhash Narain Dixit EDR Sursa Hardoi was terminated under Rule.7 of EDA (Conduct and Services) Rules, 1964 vide Memo No.A/Kutwapur 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

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8.1.91

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.

That during the above arrangement Shri Awadesh Narain

Dixit EDR Sursa Hardoi has filed the case at CAT Allahabad

under Registration No.OA 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 Awadhash Narain Dixit was given an opportunity to explain his conduct/conviction. The show-cause notice was delivered to Shri Awadhash Narain Dixit on 27.5.1989. In response to the said notice Shri Awadhash Narain Dixit submitted his representation which was received on 28.6.1989. 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 Awadhash 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 Awadhash Narain Dixit in service with all consequential benefits throughout.

(g) In pursuance of judgement delivered by Hon'ble CAT Lucknow Bench dated 25.5.90 case OA No. 269 of 89, Shri Awadhash 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 Awadhash Narain Dixit assumed charge on 22.6.90 and Shri Rajendra Prasad purely a substitute



provided by Shri Ravendra 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.

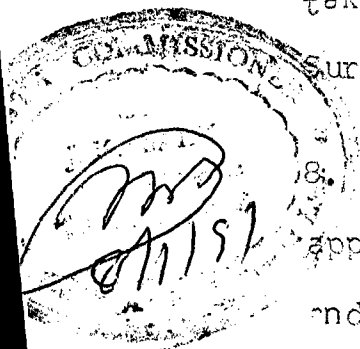
5. That in reply to the contents of para 4(a) of the application it is submitted that the applicant was offered purely a substitute to arrange for work vide Shri Ravindra Kumar EDR Sursa Hardoi who was allowed to work as EDMP Faridapur Hardoi ~~as~~ as per his application dated 14.6.1989. The appointing 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 Ravindra Kumar EDR Suras Hardoi.

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 ~~are~~

Deokalin  
8-1-91



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 ~~it~~ 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 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 ~~xxx~~ 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.



*Deokali Ad.*  
Deponent

Lucknow,

Dated: 01-12-91

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 Pd.*

Deponent.

Lucknow,

Dated: 8.1.91

I identify the deponent who

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

*OK*  
(VK Chaudhari)

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

Solemnly affirmed before me by the deponent this *8* day of *Jan* 1991 at *5.55* 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.

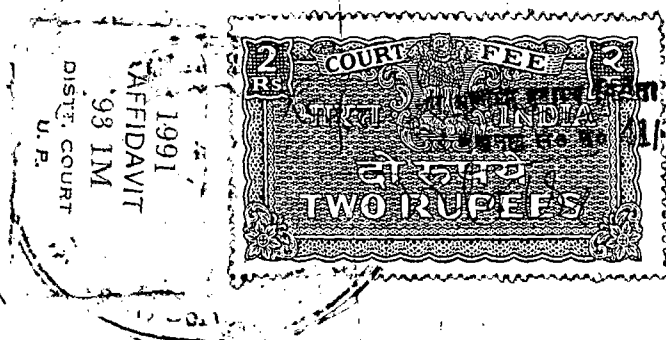
*ees*  
Oath Commissioner.



35

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 ~~CIRCULAR~~ 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*  
*13/8/91*  
*रजेंद्र प्रसाद*

राजेन्द्र प्रसाद

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. <sup>2</sup> 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 <sup>2 in 3</sup> para 3 'c' of the counter affidavit the ~~vac~~vacancy was caused by and an 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 <sup>2</sup> 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. The Petitioner has further been advised that discharge <sup>3</sup> ~~with~~ 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-iterated the allegations of para 4 'c' of the Claim Petition.

8. That the petition<sup>er</sup> deponent denies the correctness of allegations of para<sup>2</sup> 8, 10 and 15 of the counter affidavit as drafted and re-iterates as advised, <sup>3</sup> the allegations of para 4<sup>2</sup> (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 reiterates allegations of para 4<sup>2</sup> 'a' to 'g' of the claim petition any thing to the contrary is denied.

Lucknow Dated:-

August 13, 1991.

राजेश्वर प्रसाद  
Deponent.

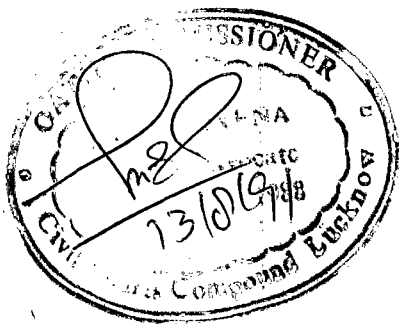
Verification.

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<sup>2</sup> been<sup>3</sup> concealed so help me God.

Lucknow dated:-

August 13, 1991

राजेश्वर प्रसाद  
Deponent.



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

*a m sakash*

Clerk to Sri Hari Nath Tilhari, Advocate.

Lucknow dated:-

August 13, 1991.

Solemnly affirmed before me by the deponent

this day of 1991

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

11:10 AM. *a m sakash* Sri *a m sakash* Clerk to Sri Hari Nath Tilhari, Advocate  
who is identified by Sri *a m sakash*  
Clerk to Sri

I have s. *a m sakash* High Court Lucknow Bench, Lucknow.

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

*a m sakash* he understands the contents of this affidavit which have  
been read over and explained to him by me.

रजि. नु. प्रसाद



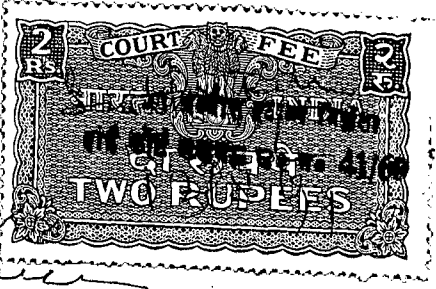
39

# Vakalatnama

## High Court of Judicature at Allahabad

### SITTING AT LUCKNOW

CV



In The Central Administrative  
Tribunal Circuit Bench Lucknow

Defendant Respondent

**VERSUS**

Complainant Petitioner

O.A No. 2317 of 1970

I/We the undersigned do hereby nominate and appoint Shri. Ravi Nath Tellari  
and Shri. Advocate Mr. Astabek Chakrabarty

..... 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 Tellari

1. ----- Advocate

Signature of Client 23/3/74

2. ----- Advocate

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-----  
-----

व अदालत श्रीमान

महोदय

[वादी] अपीलान्त

श्री

का वकालतनामा

प्रतिवादी

(टिकट)

वादी (अपीलान्त)

Rajendra Prasad (बनाम) प्रतिवादी (रेस्पान्डेंट)

मुकदमा नं० २४७ सन् १९८८ पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री बी० 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

(नाम अदालत)  
(मुकदमा नं० नाम)  
(फरीकन बनाम)

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही 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 मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (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 रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम अवे ।

Accepted

स्वीकृत  
(बी० के० चौधरी)  
एडवोकेट हाईकोर्ट

हस्ताक्षर

Supdt. of Post Office  
Hardoi Dn.  
Hardoi 241001

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow  
\*\*\*\*\*

No.OA/TA/

5385-00.

dated the

929-11-90.

Registration no. C.A.No. 247/90(L) of 1990

APPLICANT

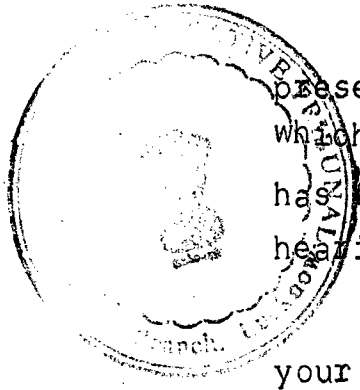
**RAJENDRA PRISAN**

VERSES

RESPONDENT

**UNION OF INDIA & OTHERS**

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



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 01 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleaser or by some on 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.

*[Signature]*  
DEPUTY REGISTRAR

\*\*\*\*\*

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

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x  
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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. N. Singh, A.M.

ADMI

Issue note to file Counter within  
4 weeks, rejoinder within 2 weeks thereafter.  
List before D. No 18.1.91, for fixing a  
date if possible.

Sd/

Sd/

A.M.

V.C.

Sd/

//ne Copy//

*Checked by  
L*

78/11/90  
(Mehd. Khan)  
Secy. Secy.  
Central Administrative Tribunal,  
Circuit Bench  
LUCKNOW