

(See rule 114)

OA/~~TA/RA/CP/MA/PT~~316.....of 20-1990 (C)

Versus

U.O.I. & others, Respondent(S)

[illegible]

B.C. file, bedded out & destroy

 Signature of S.O.

Signature of Deal. Hand

(AI)
Date of filing 17/9/90
Date of receipt 17/9/90

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

17/9/90
17/9

(AI)

Registration No. 316 of 1989 90 (4)

APPLICANT(S) Shri Kant Shukla

RESPONDENT(S) -vs-
U.C.I.

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal ^{application} 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 ^{application} in time ?	
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

A-2

25

Particulars to be Examined

Endorsement as to result of examination

1. Is the application/duplicate copy/spare copies signed?
2. Are there copies of the application with annexures filed?
3. Is it identical with the Original?
4. Defective
5. Missing in Annexures
6. How many pages are _____?
7. Are all the said envelopes with all addresses of the applicants been filed?
8. Are the given address the registered address?
9. Do the names of the parties shown in the copies tally with those indicated in the application?
10. Are the translations certified to be true or supported by an Affidavit affirming that they are true?
11. Are the facts of the case mentioned in item no. 6 of the application?
12. a) Corrected
13. b) Under distinct heads?
14. c) Numbered consecutively?
15. d) Typed in double space on one side of the paper?
16. Have the particulars for interim order prayed for indicated with reasons?
17. Whether all the remedies have been exhausted.

Original

yes

yes

N.A.

yes

yes

N.A.

Given No 4

yes

yes

yes

digest/

out
17/9

Put up before Double Bench
on 4.10.90
S 17/9

316/90 (1)

(A-3)

(A-1)

9.10.90

No sitting Aoi to 26.10.90

26.10.90

No sitting Aoi to 22.11.90

22.11.90

Hon. Mr Justice K. Math. VC
Hon. Mr M.M. Singh AM.

On Account of the death of
Sri P.C. Saxena, Advocate whose
cremation is likely to be today
prayer for Adjournment is made
on behalf of advocate. List
for Admission on 27.11.90

Am VC

27.11.90

Hon. Mr Justice K. Math. VC
Hon. Mr M.M. Singh AM

None is present case is
Adjourned to 8.1.91

Am VC

8.1.91

Hon. Mr J.K. Agrawal J.M.
Hon. Mr K. B. Singh AM.

Heard the applicant's counsel.
No legal right accrued to the applicant -
on the post of Extra Departmental Branch
Post man is. He was never selected on the post
therefore, the application is summarily rejected
at the admission stage.

Am J.M.

A-4

(S)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

O.A. No. 316 of 1990

Shri Kant Shukla Applicant.

VS.

Union of India & others. Opp. Parties.

<u>S.No.</u>	<u>I N D E X.</u> <u>Particulars.</u>	<u>Page No.</u>
1A	Original Application.	1 to 6
1.	<u>Annexure No. 1 :-</u> True copy of order dt. 6.12.84.	7 to 8
2.	<u>Annexure No. 2 :-</u> True copy of order dt. 24.3.86.	9 to 10
3.	<u>Annexure No. 3 :-</u> True copy of letter dt. 9.8.90.	- 11 -
4.	Power.	- 12 -
5.	Postal order.	- 13 -

Filed today
5/9/90
17/9

Lucknow

Dated : Sept,

990.

Counsel for the Petitioner

(N.N. Jaiswal)

Advocate

AS
17/9/90
17/9

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. APPLICATION No. 316 of 1990. (L) 58/17/9

Shri Kent Shukla son of sri Sankata Prasad Shukla
r/o. village Harakhpur, Post Harakhpur, Distt. Behraich.

.....Applicant.

VS.

1. Union of India through Secretary Ministry of Communication (R.N.T)
2. Sub-divisional Inspector of Post offices, Behraich North.
3. Superintendent of Post office, Behraich.
4. Railway shyam Pal A.D.D.A. Harakhpur, Mehipurwa, Distt/ Behraich.

.....Respondent.

DETAILS OF APPLICATION.

2.

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION MADE.

1. Dated 8.8.1990.
2. Passed by Sub-divisional Inspector of Post Office North, Behraich.
3. The applicant has not been served with a copy of aforesaid order dt. 8.8.90 but he has been conveyed about the same vide letter dt. 9.8.90 issued by Mail orcear (Ist) Behraich North. It is also stated that the applicant has not been informed of any reason or ground by the opposite parties for dispensing with the services of the applicant.

2. JURISDICTION OF THE TRIBUNAL :

The claim of the applicant is triable by the Central Tribunal.

श्री कन्त शुकला

A-6

(8/2)

3. INITIATION.

The claim petition is well well within time.

4. FACTS OF THE CASE:-

1. That the applicant was appointed on the post of E.D.D.A. Harakhpur Mehipurwa vide order dt. 6.12.84 the true copy of which is being filed herewith this petition as Annexure No. 1.
2. That the applicant continued on the post of E.D.D.A. since then, without any break and he was never issued any warning or chargesheet during the period.
3. That however in 1986 the applicant was again issued a fresh appointment letter by the opposite party No.2 whereby the applicant's appointment was made conditional in the sense that the petitioner's appointment was shown to be in place of Radhey shyam Pal. The true copy of the said order dt. 24.3.86 is being filed herewith this petition as Annexure No. 2.
4. That thereafter the applicant was working continuously on the post to the utmost satisfaction of the authorities concerned and the applicant was never issued any adverse entries chargesheet during this period.
5. That now all of sudden without any prior notice, the Mail Orcear (Ist) Bahraich has communicated the Post Master of Harakhpur Branch that charge be taken from the applicant and the same ~~may~~ may be given to Shri Radhey Shyam Pal who had come to join the post. It is also submitted that the applicant was there fter called upon by the post Master Harakhpur branch to handover the charge of the post and when

20/05/2001

:5 :

when the applicant insisted an order in writing for he same then he was given a copy of the letter dt. 9.8.90 sent by Mail Orcear to him. The true copy of the said letter is being filed herewith this petition as Annexure No. 3.

6. That it may be mentioned here that except the aforesaid letter of communication, the applicant had not been given any other order or notice with regard to the termination of his services, but the applicant have been verbally told by the post master H rakhour branch that the petitioner's services has been infact terminated due to joining of the post by Radhey Shyam Pal.
7. That it is pertinent to mention here that the applicant's initial appointment on the post of .P.D.A. was never subjected to any condition and subsequently in 1986 the opposite parties did not extend any opportunity to the applicant for giving his consent, choice or option before inposing and adding the said condition in his appointment letter, hence the action of the opposite party No. 2 adding and including a condition in the appointment of the applicant and in issuing a fresh letter of appointment to the applicant was without authority. It is also submitted that the services of the applicant was not terminated or ~~dispensed with~~ dispense with prior to 24.3.86 and the applicant was continuing on the post since 6.12.84, and therefore there was no occassion for the opposite party No. 2 to issue a fresh letter of appointment to the applicant.
8. That since the applicant has worked continuously for a period of more than 5 years on the post of E.P.D.A. and therefore his services cannot be dispensed with in such an illegal and arbitrary manner by the opposite parties.

Contd....4/-

अभिनेता अचल



5. REQUISITES FOR RELIEF UNDER LEGAL PROVISIONS.

- A. Because the opposite parties respondents have acted in excess to their jurisdiction authority in issuing fresh appointment letter in 1986, while the applicant was still continuing in the services and his services were never terminated before and in putting condition a fresh appointment letter subsequently issued to the applicant in 1986.
- B. Because the services of the applicant cannot be terminated in such an illegal and arbitrary manner by the opposite parties and it will be deemed to have regularised under the law.
- C. Because the applicant has not been given any opportunity for hearing and has not been told him reasons by the opposite parties while disposing with his services.

6. DETAILS OF OTHER REMEDIES REQUESTED:

The applicant moved the application before the Higher Authorities but the same has not been disposed off.

7. Matter HAD PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT :

The applicant never filed claim petition

8. RELIEF SOUGHT :-

The applicant prayed that this Hon'ble Tribunal pleased to quash the termination order if any oral or written with regard to the applicant and the opposite parties may be directed not discontinue with the services of the applicant without following the procedure of the Law.

9. INTERIM ORDER IF ANY PRAYED FOR :-

The opposite parties may be directed to allow the applicant to work on the post of B.D.D.A. during the pendency of the present petition before this Hon'ble Tribunal.

Shonika Shonika

(A9) (10/10/90)

; 5 ;

10. PARTICULARS OF BANK DRAFT/POSTAL ORDER FILED IN RESPECT
OF APPELLATE FEE.

1. The postal order No. 802414283.
2. Dated. 30/8/90
3. Amounting to Rs. 50/-
4. Payable at Registrar C.A.T. Allahabad

11. LIST OF ENCLOSURES :

1. True copy of appointment letter dt. 6.12.84 served
2. by the applicant.
3. True copy of the order dt. 24.3.86.
4. True copy of the letter dt. 9.3.90.

VERIFICATION.

I, Srikanth Shukla son of Sri Sankata Prasad r/o
Village/Harakhpur Post Harakhpur, Distt, Behraich do
hereby solemnly verify that the contents of para 1 to 11
of this claim petition are true to my personal knowledge
and that I have suppressed any material fact.

Lucknow.

Dated : 14, 1990.

Signature

Signature of applicant

through

Counsel.

Signature of Counsel

माननीय उच्चन्यायालय इलाहाबाद, लखनऊ खंडपीठ, लखनऊ

अथवा

व अदालत श्रीमान

Control Administration Tribunal

महोदय

[वादी] अपीलान्त

Circuit Bench Lucknow

प्रतिवादी [रेस्पान्डेन्ट]

श्री

का

वकालतनामा

(टिकट)

Shri Kant Shukla

वादी (अपीलान्त)

बनाम

Union of India and

प्रतिवादी (रेस्पान्डेन्ट)

सेकेन्ड अपील/निगरानी/रिपेटिशन/मुकदमा नं०

सन्

ऊपर लिखे रिटपिटिशन/सेकेन्ड अपील/निगरानी/मुकदमा में अपनी ओर से श्री

एन० एन० जायसवाल, एडवोकेट निवासी ई-२०५५, राजाजी पुरम, लखनऊ

Umajest Gupta Advocate

को अपना वकील नियुक्त करके प्रतीज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस

मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील के 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 हूँ 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 आवे।

स्वीकृत

हस्ताक्षर

श्री कान्त शुक्ला

Accepted
Ugupta

(11)
(12)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

O.A. NO. OF 1990

Shri Kant Shukla... Applicant.

VS.

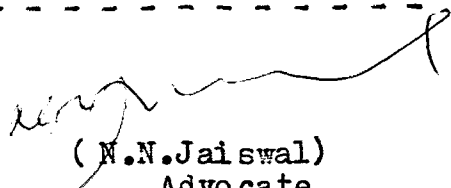
Union of India & others Opp. Parties

Index.

<u>S.No.</u>	<u>Particulars.</u>	<u>Page No.</u>
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Lucknow

Dated : Sept. 1990


(N.N. Jaiswal)
Advocate
Counsel for the Petitioner.

7- A12



In the Hon'ble Ortool Administrative Tribunal
Circuit Bench Lucknow.

C. A. No of 90

Sos Kant Shukla ————— Apph.
VS

Union of India ————— Opp. R

Annexure No 1

Signature

पत्र-संख्या-22
Cen-22

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT



प्रपक
From

कलकत्ता माल न. ला. न.
510-आंध्रप्रदेश का
T.O. न. 10/11
पु. 220 न. न. न.

उपर दत्त सना रूप
निम्न संदर्भ है
In reply
Please quote

सेवा में
To

271-51-माल न. न. 42

क्रम संख्या
No.

दिनांक
Dated at 6-12-84

SUBJECT

आपका आदेश प्राप्त हुआ है कि श्री साहूजी महोदय को 10.11.84 तक
को आप सूचनी लाया है 10.11.84 तक को सूचनी लाया है 10.11.84 तक
मेरे निम्नलिखित पर जो प्रमाण न पुनः सकल प्रमाण द्वारा सूचनी लाया है
10.11.84 तक को आप पर लगा है। इनको आपकी सूचनी लाया है 10.11.84 तक
10.11.84 तक को आप पर लगा है। इनको आपकी सूचनी लाया है 10.11.84 तक
मैं जो सूचनी लाया है 10.11.84 तक को आपकी सूचनी लाया है 10.11.84 तक
को आपकी सूचनी लाया है 10.11.84 तक को आपकी सूचनी लाया है 10.11.84 तक

कलकत्ता माल न. ला. न.

510-आंध्रप्रदेश का

12-84

प्राप्त लिख.

- 1- श्रीमान साहूजी महोदय को सूचनी लाया है (11)
- 2- श्रीमान साहूजी महोदय को सूचनी लाया है (11)
- 3- निम्न

Attested
Ugupta

श्रीमान साहूजी महोदय

Before the Administrative Tribunal
Circuit Bench Lucknow

- 9 -

AB

AIU

AIU

O. A. No. of 1990

Shri Kant Shukla ————— Rebr
VS

Union of India & ————— opp. re

Annexure No 2

श्री कान्त शुकला

10 - (A12)

(S)

Govt of India: Department of Posts

O/o

24.3.86

Memo NO — A/ Harbharpur/ Barmaichik

Whereas Smt Radhy Shyam BSA Harbharpur Mithipura Barmaichik has been terminated from service and the need has arisen to engage a person to look after the work of BSA Harbharpur, the undersigned has decided to make a provisional appointment for the said post.

2. The provisional appointment is liable till the disciplinary proceedings against Smt Radhy Shyam are finally disposed off and he has exhausted all channels of departmental and judicial appeals and petitions etc. and in case it is finally decided not to take Smt Radhy Shyam back into service till regular appointment is made.

3. Smt Shrikant Shukla S/o Samrat Prasad Shukla village and post office Harbharpur is offered the provisional appointment to the post of BSA Harbharpur. Smt Shrikant Shukla should clearly understand that if ever it is decided to take Smt Radhy Shyam back into service, the provisional appointment will be terminated without notice.

4. The undersigned reserves the right to terminate the provisional appointment any time before the period mentioned in Para 2 above without any notice and assigning any reason.

5. Smt Shrikant Shukla shall be governed by the Extra. Departmental Agents (Conduct) Rules 1964, and all other rules and orders applicable to Extra. Departmental Agents.

6. In case the above conditions are acceptable to Smt Shrikant Shukla, he should sign in a enclosed acknowledgement and the same to the undersigned immediately.

Copy to

1. Official concerned for information and N/A.
2. Postmaster Barmaichik for information and N/A.
3. Line ops Mithipura for information and assigning take over of charge.
4. Spare.

Attested
by
[Signature]

[Signature]

-11-

14

of 90

Appr

o/pd. 85

2020年11月

६२२११३२

विश्वसनी

अभिदत्त

Q) Write Sierpinski

20/05/2015

Attested

എന്നിവിടെ