

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 11 of 1990 (L)

Versus

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

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

(By Hon'ble Mr. Justice U.C.Srivastava, V.C.)

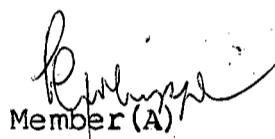
This application is directed against the order dated 30.11.1989 by which the representation of Smt. Jhankia, contingency paid sweeper of Mandhata Post office was allowed and she was restored back and it was ordered that the applicant be removed from duty as contingency paid Safaiwala-cum-Gardener from the said post office. Smt. Jhankia Devi contingency paid Sweeper was working as C.P. Sweeper for last more than 10 years and upto 30.9.1987 at Mandhata Post Office. During this period she was habitual for non-attending the office daily for sweeping work and her husband was performing the work of sweeper and even she refused to remove the dead body of a dog lying in front of gate of Mandhata Post Office. It appears that she was removed from service under oral order and the applicant was appointed. Smt. Jhankia made a representation against the same and ultimately, her representation was allowed after an enquiry and she was restored back to the said position and in pursuance/thereof of she has taken charge .

2. The applicants' grievance is that he has continued to work for 2 years and he having been appointed to the said post and has worked for a period of two years , he could not have been removed from service . As a matter of fact, the Contingency paid sweepers have no such right, but even otherwise, as Smt. Jhankia was restored back to the said post

A/0

:: 2 ::

the applicants' post could not be deemed to have been vacant. The post not being vacant, the applicant can not claim any right to the said post and he was rightly removed from service after restoration of Smt. Jhankia and as such no relief can be granted to the applicant. However, in view of the fact, that the work has been taken from him more than two years and offered his service for the same. It is desirable that his case for appointment as contingency paid sweeper or mali may be considered for any other post office in the vicinity or in the locality of district, incase, he accepts the same on the post is available. With these observations, the application is disposed of finally. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 3.2.1993.

(RKA)

Central Administrative Tribunal
Lucknow Bench

OA. NO 11/90 C.S

Ram Phal Brijabati

vs
U.O. 8

1.	order Sheets	- A1 - A8
2.	final order Date - 3.2.93	- A9 - A10
3.	Petition	A11 - A20
4.	Power	A21 - A22
5.	Affidavit	A23 - A29
6.	C.A.	A25 - A41
7.	RA, Dated 26.10.91	A42 - A45
8.	RA, Dated 26.10.91 notices.	A46 - A52
9.	Bench Copy	B54 - B109
10.	C. papers	C110 - C138

Decided and / or dictated

S. D. S.

Central Administrative
Court
15/03/02

① O.A. No. 11 (L) of 1990

PA

Ramphal Pratap Singh .. . Applicant.

The Union of India & others .. . Respondent.

① 8.2.90 No. S. I. H. P. Adm. to 23.3.90

2

② 23/3/90

Hon. Mr. D. K. Agarwal, J.M.

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

Shri. S. B. Mishra, for the applicant is present. This application has been filed against the order of removal dated 30/11/89. However, statutory remedial appeal has not been availed of. The application with the same is not maintainable. The learned counsel, however, urged that this is the case where the remedy of ^{any} appeal cannot be applied under law. We are unaware of any such case under the provision of law. The learned counsel for the applicant, however, wants some time.

list it for admission on 20/4/90

A.M.

J.M.

②

04/11/90 (2)

26-7-90

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

Hon. Mr. K. Dayya, A.M.

A3

Heard Counsel for the applicant. A amendment for imploring Smt Thanorkija with light of the orders dated 2-5-90 are allowed. The applicant shall incorporate the amendment within a week time and the case be listed for admission on 24-9-90.

b
AMM

OR

V.C.

Amendment made today

1/8/90

24-9-90

To setting Adm to 31-10-90.

⑪

31-10-90 Due to Halliday Case is adjourned

to 6.12.90

⑫

12-90 To setting Adm to 14.12.90.

⑬

OR
4c for the applicant has incorporated amendment.

S.P.A.

17/12

R.S

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

No.

OF 19

Vs.

Sl.No.	Date	Office Report	Orders
			Hon. Mr. Justice K. Nath, V.C. Hon. Mr. A.B. Gorthi, A.M. Dated: 7.3.91. Heard. Admit. Issue notice to respondents to file a counter within four weeks to which the applicant may file rejoinder within two weeks thereafter. List before the D.R. on 18.4.91 for fixing a date for final hearing, if possible, after completion of records.
	18.4.91	<p>D.R. Shri S. B. Mishra appears today for the applicant. Dinesh Verma files his vakalatnama on behalf of respondent. He desires to file counter reply by 24.6.91.</p>	Sd/- Sd/-
	24.6.91	<p>D.R. Applicant's counsel is present. Sri K. N. Singh appears and he files his vakalatnama on behalf of O.P. He desires to file counter by 20/8/91.</p>	

AM 11/10/02

3.1.92

No sitting adj to 5.2.92

5.2.92

No sitting adj to 14.6.92

16.4.92

Cox adj. read adj n
27.5.92

27.5.92

Cox adj. read adj n
Bee

7.8.92

Cox adj. read adj n
Bee

4.8.92

Cox adj. read adj n
7.8.92

been ex changed.

S. P. a.

8
7/8/92

16.10.92

Cox adj. read adj n
OD 14.10.92

21.10.92

No sitting adj. to 21.10.92

d

Mr. M. K. Bagga, OM
Mr. S. N. Basu, FMS

Fix for 21.12.92

OR
NOTICE ISSUED
on 20/11/02
H

Ad. need of
applicant.

8
4/12

lawed counsel for the
applicant the SIB wishes to
no more. Notice be issued to
the applicant to engage another
counsel or to appear
personally on the next date.
In case no arrangement is made
to engage his counsel or to
appear in person, the case will
proceed.

JMR

AM

or ready
for hearing
JMR
29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

C.A. NO

11/90

199 C (L)

C.A. NO

199 (TL)

Date of Deception

Ram Phal Singh

Petitioner.

Advocate for the
Petitioner(s)

VERSUS

Union of India

Respondent.

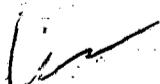
Advocate for the
Respondents

C O R A

Hon'ble Mr. Justice S. S. Venkateswara

Hon'ble Mr. Justice A. M.

1. Whether Reporter of local papers may be allowed to see the Judgment.
2. To be referred to the reporter or not ?
3. Whether their Lord Ships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to other benches ?


Vice-Chairman / Member

In THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, Lucknow.

O. A. NO. 11 (L) of 1990

RAMPHAL PRAJAPATI

APPLICANT

Vs.

UNION OF INDIA & 2 ORS.

RESPONDENTS

S. B. Mishra
(S. B. Mishra)
Advocate
Counsel for the applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

O.A.NO. 11 (L) OF 1990.

DISTRICT : PRATAPGARH.

Ramphal Prajapati Applicant.

Versus,

The Union of India & two others Respondents.

:: I N D E X ::

Sl. No.	Description of Documents	Page Nos. From To
1.	Application	1 - 7
2.	Annexure-1 (Order dt. 30.11.89 passed by the Senior Superintendent of Post Offices, Pratapgarh.)	8
3.	Annexure-2 : (Photo copy of the order dt. 1.10.87 passed by the Sub Post Master, Post Office- Mandhata, District- Pratapgarh.)	9
4.	Annexure-3 : (VR/Mandhata /) dated 7.9.88.	10
5.	Postal Order No. dated for Rs.50/-.	11
6.	Power of Counsel for Applicant.	12

Recd for 16/1/90
Smt 1/1/90

Dated: 4.1.1990.

Lucknow.

S. B. Mishra
(S. B. MISHRA) 4/1/90
ADVOCATE,
COUNSEL FOR THE APPLICANT, LUCKNOW.

Date of filing

or

Date of receipt by
post Registration No.

For REGISTRAR.

P11 ①

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

O.A.NO. 11 (L) OF 1990.

DISTRICT : PRATAPGARH

Ramphal Prajapati, aged about 33 years, S/o Chedi,
R/o Village & Post- Mandhata, Pargana & Tehsil-Sadar,
District- Pratapgarh. Applicant.

Versus,

1. The Union of India, through the Secretary, Telecommunication, (Postal), Parliament Street, ~~Kank~~ New Delhi.
2. Senior Superintendent of Post Offices, Pratapgarh.
3. Sub Post Master of Mandhata, District- Pratapgarh.
4. ~~Smt. Jhankia, aged about 55 yrs, w/p Mithoo w/o Bageswar Lalpuri, Pargana & Tehsil Sadar, P.O. Mandhata, Dist. Pratapgarh, Respondents.~~

1. This application is made against the order dated 30.11.89 passed by the respondent No.2 above named, but received quite late by the applicant, by which the respondent No.3 allowed the representation of one Smt. Jhankia, contingency paid Sweeper of Mandhata Post Office and ordered that the applicant be removed ~~removed~~ from duty as contingency paid Safaiwala-cum-Gardener from the Mandhata Post Office- District Pratapgarh, where and on which post he is working even to this day, in order to bring said Smt. Jhankia on duty at that post office.

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

S. J. S.

...2.

AB (2)

-2-

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

4(i) The applicant above named was appointed as a contingency paid Safaiwala-cum-Gardener of Mandhata Post Office, District- Pratapgarh, on 1.10.87 by the respondent No.3 with the oral approval of the respondent No.2. The incumbent working at the post office, prior to the applicant's appointment, had already deserted her duty on account of the meagre pay of Rs. 25/- only per month, which was then being paid. It was due to this reason and dissatisfaction, had displayed negligent performance of duty and had refused to carry out the gardening and the Safai work in the compound of the Post office.

(ii) That the respondent No.2, in his visit remark dt. 24.6.87, took up the question of enhancement of the allowance for the post. Further, for getting better outlook to the gardening work of the compound, he (Respondent No.2) authorised the respondent No.3 to purchase some 25 eucalyptus plants and get them planted in the post office compound and be maintained as per visit remarks dated 7.9.1988.

(iii) That the applicant accepted the job of the contingency paid Safaiwala-cum-Gardener and began to give highly satisfactory performance of his duties, which pleased the respondent No.2 and, being so pleased, he revised the amount of allowance from Rs. 25/- per month to Rs.53.80p. per month, with effect from November, 1987. This amount was further raised to Rs. 359.50p. which the applicant has been drawing even at present.

CHM

....3.

(iv) That the previous incumbent, who was a non-local one, residing at a distance of 4 kms. from the said post office, when came to know about the increase in the allowance, moved an application to the Post Master General, U.P., Lucknow, alleging that the removal order from 1.8.87 was not proper, rather it was bad in law.

(v) That the above said application was moved by the previous incumbent Smt. Jhakia after 2 years from the date of desertion from duty, which application was sent to the respondent No.2 by the Post Master General, U.P., Lucknow on 5.5.89 under his endorsement No. 3133,

(vi) That the respondent No.2 made some secret enquiries *Amended vide date of this Tribunal 26.7.90.* behind the back of the applicant and of which the applicant had no knowledge. Consequent upon this confidential enquiry, the respondent No.2 issued the order No. B-3/C.P. Safaiwala, dated 30.11.89 which is filed herewith as Annexure-1. to this application, ordering the applicant to be removed from his post of C.P..Safaiwala-cum-Gardener and taking the old incumbent

(VII) *That said Mst. Jhankia left her duty at Safaiwala-cum-gardener on 10.10.87 and the application was engaged for the same for on 10.10.87 since which date he has been continuously working at his post.* That the above said order dated 30.11.89 (Annexure-1) is without any break in duty. That the above said order dated 30.11.89 (Annexure-1) is bad in law, void and inoperative on the following grounds:-

(VIII) *That Mst. Jhankia attended the post of Safaiwala-cum-gardener on 7.10.87 for taking account of her allowances & other grounds:-* & thereafter (i) That the applicant has been continuously working at his said post since 1.10.87 in the capacity of a contingency paid employee. At the present, he had to go on leave on medical grounds, but had given his wife as a substitute for him to work and act to discharge the duties of her husband.

(X) *That the removal order of the applicant is without having been given any opportunity to the applicant before the order was passed....4. talk and as such is liable to be quashed.*

AM (4)

-4-

(ii) That the appointment of the applicant was made by the respondent No.3 in consultation with the then respondent No.2, vide Annexure-2 filed herewith.

(iii) That all requisite formalities were completed and documents filed in by the respondent No.3.

(iv) That the appointment of the applicant was made soon after Smt. Jhankia left her work and duties on account of a scanty amount of Rs. 25/- per month, for the combined job of Safaiwala and Gardener and also being not willing to remove the dog dung pit lying in front of the post office, saying that she had become a ~~baugh~~ 'Bhaktin' and could not do that particular job.

(v) That the old incumbent did not make any representation against her removal for about two years she had herself left and abandoned her job, on her own accord, having turned a 'Bhaktin'.

(vi) That it was only after two years, when the said old incumbent came to know of the increase in the allowance that she made the said representation to the Post Master General, U.P., Lucknow, the contents of which have never been disclosed to the applicant as yet.

(vii) That the applicant learns that the head of the department has issued the orders that the contingency paid employees who were at work, continuously for at least one complete year, should not be removed without further orders from that authority.

(viii) That it is wholly incorrect to allege that Smt. Jhankia was removed from 1.8.87. In fact she has been paid her allowances for the period upto 30.9.1987.

GBM

....5.

-5-

(ix) That the respondent No.2, by his visit remarks dated 7.9.88 found the work of the office with regard to the satisfactory performance of the gardening work done by the applicant and authorised the respondent No.3 to purchase eucalyptus plants and get them planted and maintained in the post office compound which was complied with as would appear from Annexure-3 attached hereto and made part of this application.

(x) That the order of removal of the applicant dated 30.11.89 has not given any reasons, much less cogent or convincing and this order was passed without hearing the applicant, who was the victim of the order.

(xi) That the appointment of the applicant was, however, ~~never~~ challenged by the respondent No.2 for more than two years because the appointment made by the respondent No.3 was in consultation with him (respondent No.2). Hence the order was perfectly good and valid.

(xii) That the office of the respondent No.2 also did not ~~question~~ ~~fraction~~ the power of the respondent No.3 when a copy of the appointment letter dated 1.10.87 (Annexure-2) was furnished to it.

6. Since the order in question was passed by the highest departmental authority, namely, the Post Master General, U.P., Lucknow, no representation against it was made and the applicant has come to this Hon'ble Tribunal for the redressal of his grievances. Further there are no rules or orders for making a representation against such an order.

Copy

7. That the applicant further declares that he had not previously filed any application, Writ Petition or suit, regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.
8. That ~~is~~ in view of the facts mentioned in para 6 above above, the applicant prays that the order dated 30.11.89(Annexure-1) be quashed or set aside and the applicant be allowed to continue on his present post of C.P. Safaiwala-cum-Gardener at the Post Office- Mandhata, District- Pratapgarh.
9. That pending final decision on this application, the applicant seeks the interim relief to the effect that the operation of the order of his removal dated 30.11.89(Annexure-1) be stayed, as he is already working on his post till this day, and neither he has been actually removed nor any charge taken from him and the respondents be restrained from hindering or disturbing the peaceful working of the applicant by taking over charge from him.
10. The applicant has already engaged a counsel and he must be heard on behalf of the applicant before any order is passed and he shall be noting the future dates put in the case.
11. The applicant is filing herewith a postal order of Rs. 50/- No. 802 409821 dated 11-1-90 issued from post office ~~Hajipur, Lucknow~~ in favour of the Registrar, C.A.T., Lucknow Bench, Lucknow and payable at Lucknow.

12. List of enclosures:-

(i) Annexure-1 dated 30.11.89 passed by the Senior Superintendent of Post Offices, Pratapgarh.

(ii) Annexure-2, copy of the order dated 1.10.87 passed by the Sub Post Master, P.O. Mandhata, District- Pratapgarh.

(iii) Annexure-3, VR/Mandhata/ dated 7.9.88.

Lucknow.

Dated: 4th January, 1990.

Ramphal Prajapati

4/1/90 (RAMPHAL PRAJAPATI)

APPLICANT.

VERIFICATION

I, Ramphal Prajapati, S/o ~~xx~~ Shri Chedi, aged about 33 years, working as C.P. Safaiwala-cum-Gardener, in the office of the Sub Post Master of Post Office- Mandhata, District- Pratapgarh and resident of the same village, Pargana and Tehsil-Sadar, District- Pratapgarh, do hereby verify that the contents of paras 1 to ~~1~~ 12 are true to my personal knowledge and paras ~~8~~ — to — are believed to be true on legal advice and that I have not suppressed any material fact.

Dated: 4th January, 1990.

Lucknow.

(RAMPHAL PRAJAPATI)

APPLICANT.

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS

B/S

⑧

Office of the Superintendent of Post Offices
Pratapgarh Division-230001.

Memorandum No. B-3/C.1.16/161616. Dated at P.M., the 30-11-39.

This is a representation from Smt. Chankia, Sweeper Mandhata, received with P.M.G. C. 161616, on 30-11-39 regarding her removal from service. The matter was enquired into and it was found that Smt. Chankia was working as C.P. Sweeper Mandhata since May after the death of her mother-in-law but she was relieved by Smt. Mandhata w.e.f. 1-3-37. Shri Anakesh Prasad Tripathi, C.M. Mandhata stated that Smt. Chankia was habitual to remain absent and in her place her husband was performing her duty. He has further stated that she refused to remove the dead body of a dog which was lying in front of the office and thus he removed her under verbal orders of the then P.M.G. and engaged Smt. Ila Prakapati as C.P. Sweeper w.e.f. 1-3-37 but the records of the office shows that the office was not visited by Smt. Chankia on that day. In case the P.M.G. had visited the office and asked him to remove her, he must have given place in his V.R. but neither the office was visited nor V.R. issued. It was also found that Smt. Chankia has been paid by the S.M.D. upto 30-7-37 and no any deduction has been made thereafter.

On the other hand it is a matter of consideration that Smt. Chankia is not empowered either to appoint or remove any C.P. employee. In case there was any dispute with Chankia, it must have been brought to the notice of the S.M.D. in writing and the orders of the office should have been obtained but it was not done by Smt. Mandhata.

Under the above circumstances I do not find the action of Smt. Mandhata is justified and therefore I order that Smt. Chankia be brought on duty immediately. Shri Ram Bahadur Prakapati whose engagement is quite irregular.

In accordance
Supt. of Post Offices
Pratapgarh Dist.-230001.

Copy to:-

1. Smt. Chankia C.P. Sweeper Mandhata for information.
2. Shri Ram Bahadur Prakapati Mandhata for information.
3. The Mr. Postmaster P.M.G.
4. The S.M.D. West sub di. P.M.G. for information. He will please arrange engagement of Smt. Chankia as the post of C.P. Sweeper Mandhata immediately.
5. The S.M.D. Mandhata, P.M.G. for information.
- 6-7. M.R.C. & Co.

True copy
S. S. S.
4/11/90

1	3	4	5

820

10

VR/mandata/24.6.87

6. The SPM has directed that the expenditure attached to this so is paid a magistrate's allowance of Rs. 25/- P.M. only. My office will check up the bill case no enhancement in order, failing to receive, the measurement obtained during P.M. concerned and done need file.

✓ 3

VR/mandata/7.7.88

10. The SPM has taken interest of plantation of certain flower plant which are looked after by CP Sweeper. A target of plantation of 25 sq. feet of plant is fixed for this office which, the SPM has been asked to purchase from nearest nursery and have planted by this side of the building wall and intimate completion to my office, the cost of plant may be charged under head bills paid to Sweeper and to my office through SPM P.T.B.W for sanction.

MGIPAK 163/4-88-25,00,000.

True Copy
Sunder
4/1/90

12

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow
O.A. NO. (L) of 1990 AM
Dutt. Pratapgarh

वकालतनामा

Ramphal Prajapati - Applicant

Union of India & 2 ors - Respondents
Vs.

अदालत

वनाम

सुइ

मनकि

Sh/ Shyam Bhal. Mishra, Advocate & मुद्राकालेह
Shambhu Mishra Advocate, R.B.L. Rd Lucknow

कू कि मिन्मुकिर ने वास्ते सवाल जवाब मजकूर
वकील हाईकोर्ट को इकरार अदाय मे हनताना व तसफिया खुदहा वकील को अपना मुकरर
किया है। लिहाजा इकरार करते हैं। कि वकील साहब मौसूफ जो कुछ पैरवी कोशिश सवाल
का जवाब तहरीर य दस्तावेजात दाखिल करे सालिश व मुकरर करें व फैसला सालसी में
उजरात दाखिल करें व वापिस लेवें या उकरारनामा सालिश दाखिल करे व मुकदमा मजकूरा
वाला में सुलहनामा वरें रखाह सुलह करें वसर्ते सुदूर डिगरी व खचा उजरात कुकीं नीलामी व
दीगर रकम आफ्तान हमारी वसूली करें। या कोटीफीस दाखिल करें व रखाह सवाल रसीद
वसूलयावी दाखिल करें। व तस्दाक व दरखास्त नकल हासिल करें व दरखास्त मुवाइना
मिसिल देवें या मिसिल का मुआइना करें या कोई दरखास्त मुतालिका मुकदमा गुजरने था
बघक्त जरूरी व कोई दूसरा वकील मुकरर करें या चिक लेवे या इसका रुपया बसूल करें।
अर्जीदावा व बयान तहरीर व अपील दाखिल करें व सब दास्ता वकील मौसूफ का मिल खास
अपने को मन्जूर है। लिहाजा यह चन्द कलम बतौर वकालतनामा लिख दिया कि सनद रहे
और वक्त पर काम आवे।

Accepted
Shambhu

4/1/90

माह 4.1.1990

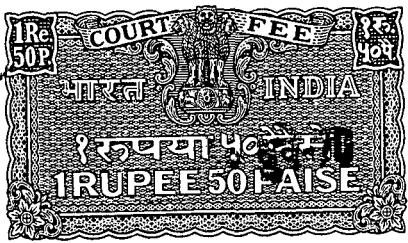
अलमरक्म

Accepted
Shambhu
Advocate

4/1/90

वकालतनामा मन्जूर है।

अलब्द



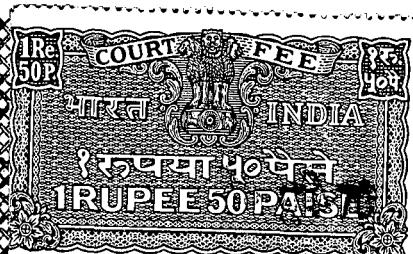
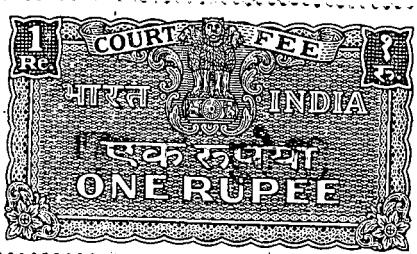
ब अदालत श्रीमान

[बादो अपोलान्ट]

श्री
प्रतिवादी [रेस्पाडेन्ट]

सन् 1990 महोदय

बकालतनामा



Ramkrishna Prasad

Hopkins

दनाम

Union of India v others (प्रतिवादी रेस्पाडेन्ट)

नं मुकद्दमा CA 11 सन् 1990 पेशी की ता० २१.१२.१९९२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री M. Dubey, Advocate, B.M. Lane

नाम अदालत नाम कर्ता
मुकद्दमा नाम कर्ता

को अपना बकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में बकील महोदय स्वयं अथवा अन्य बकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिगरी जारी करावें और रूपया बसूल करें या सुलहनामा व इक्रबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तस्वीर करे मुकद्दमा उठावे या काँई रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—बकील महोदय द्वारा की गई वह सब कायंवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदालत पैरवी में एक तरफा मेरे खिलाफ फेसला हो जाता है उसकी जिम्मेदारी मेरे बकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

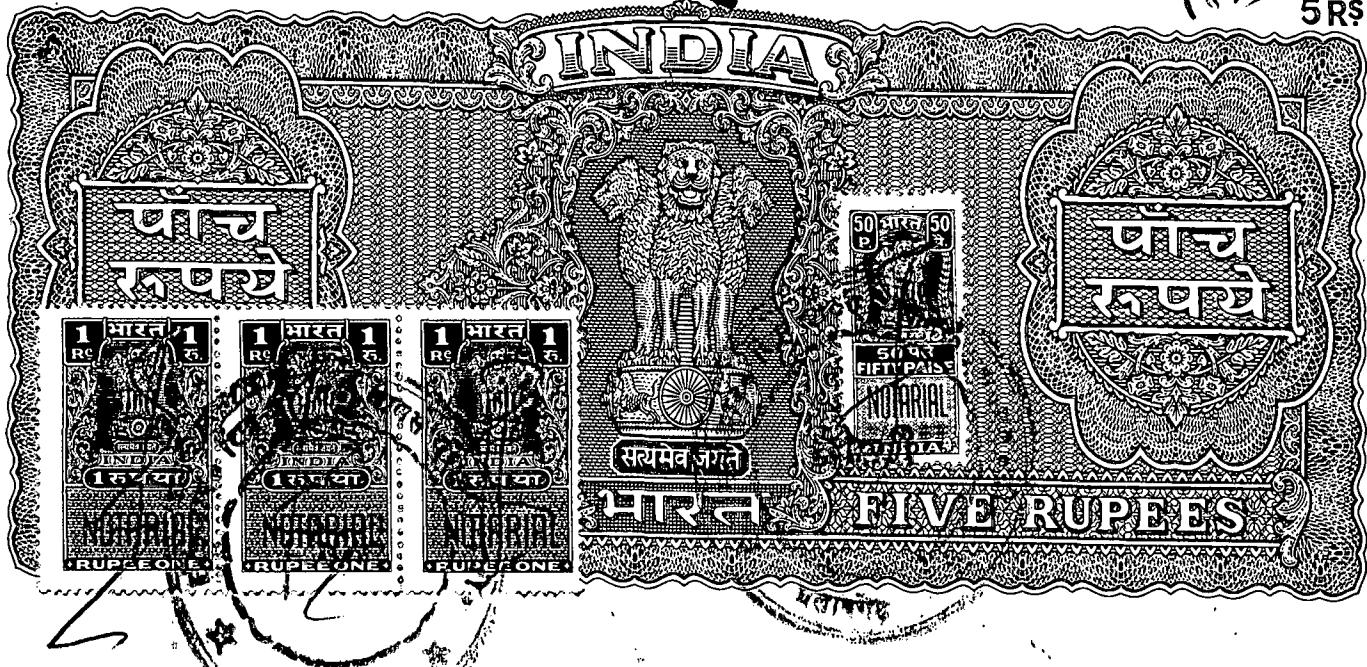
हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह) 12.12.1992

दिनांक 14.12.1992 महीना सन् १९९२ ई०

हस्ताक्षर

M. Dubey
Advocate
14-12-92



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW CIRCUIT BENCH,

LUCKNOW

O. A. No.

11(L)

of 1990.

Ram Phal Prajapati.....Applicant.

Vs.

Union of India & others.....Respondents.

AFFIDAVIT

of Ramphal Prajapati S/o Ghedi R/o Village and Post
Mandata, P. S. Mandata, District Pratapgarh.

.....Deponent.

I, the deponent abovenamed do hereby solemnly affirm
and state on oath as under:-

1. That I am the applicant in the abovenoted case and am
fully aware of its facts and circumstances.

2. That the respondent Smt. Jhankaria has been avoiding
submission of Counter affidavit at the direction of the other
respondents to linger on the final hearing of the case to
the great prejudice of the applicant deponent.

3. That the respondents have withheld disbursement of the
allowance to the applicant deponent though he has neither



S.
20/S

A24

relinquished charge of his duty nor has he signed any charge report and continuously performing his duty.

4. That no copy of the C.A. has been furnished to the applicant deponent so far and that if any filed is liable to be ignored as barred by time prescribed by the Hon'ble Tribunal.

5. That the applicant deponent has worked for more than 3 years at the post of Gardener cum-Safaiwala and he is still at work.

6. That Smt. Jhanakia respondent had deserted her duty of the P.O. and taken job in the local Police Station where she has been working for the last 4 years on a fixed allowance to her best monetary gain and advantage.

That the respondents are delaying C.A. with malafide intention to cause damage to the applicant deponent.

8. That the applicant deponent above named does hereby solemnly affirm and state on oath that contents of paras 1 to 6 of this affidavit are true to his personal knowledge. Nothing material has been concealed and no part of this affidavit is false to the best of his knowledge. So may help him God.

Verification in the
Kutchery compound of
Pratapgarh on

12th day of August 1991.

Deponent.

Ramphal Prejapati

12.8.91 / T.I. Ramphal Deponent.

Dated 12-8-91

Copy for the opposite party

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW CIRCUIT BENCH

LUCKNOW

O.A. No.

of 1990

Ramphal Prajapati.....Applicant.

Vs.

Union of India & others.....Respondents.

AFFIDAVIT

of Ramphal Prajapati S/o Ghedi R/o Village and Post
Mandhata, P. S. Mandhata, District. Pratapgarh.

.....Deponent.

I, the deponent abovenamed do hereby solemnly affirm
and state on oath as under:-

1. That I am the applicant in the abovenoted case and am
fully aware of its facts and circumstances.
2. That the respondent Smt. Jhankaria has been avoiding
submission of counter affidavit at the direction of the other
respondents to linger on the final hearing of the case to
the great prejudice of the applicant deponent.
3. That the respondents have withheld disbursement of the
allowance to the applicant deponent though he has neither

relinquished charge of his duty nor has he signed any charge report and continuously performing his duty.

4. That no copy of the C.A. has been furnished to the applicant deponent so far and that if any filed is liable to be ignored as banned by time prescribed by the Hon'ble Tribunal.
5. That the applicant deponent worked for more than 3 years at the post of Gardner cum-Safaiwala and he is still at work.
6. That Smt. Jhanekia respondent had deserted her duty of the P.O. and taken job in the local Police Station where she has been working for the last 4 years on a fixed allowance to her best monetary gain and advantage.
7. That the respondents are delaying C.A. with malafide intention to cause damage to the applicant deponent.
8. That the applicant deponent above named does hereby solemnly affirm and state on oath that contents of paras 1 to 6 of this affidavit are true to his personal knowledge. Nothing material has been concealed and no part of this affidavit is false to the best of his knowledge. So may help him God.

Verification in the
Kutchery compound of
Pratapgarh on
12th day of August 1991.

Deponent.

T.I. Ramphal Deponent.

Dated 12-8-91.

Ramphal Prajpati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW CIRCUIT BENCH

LUCKNOW

Case No.

of 1990

Ramphal Prajapati.....Applicant.

Vs.

Union of India & others.....Respondents.

AFFIDAVIT

of Ramphal Prajapati S/o Ghulam S/o Village and Post
Mandata, P. o. Mandata, District Pratapgarh.

.....Deponent.

I, the deponent abovenamed do hereby solemnly affirm
and state on oath as under:-

1. That I am the applicant in the abovenoted case and am
fully aware of its facts and circumstances.
2. That the respondent Mr. Jharkha has been evading
submission of Counter affidavit at the direction of the other
respondents to longer on the final hearing of the case to
the great prejudice of the applicant deponent.
3. That the respondents have withheld a statement of the
allowance to the applicant deponent though he has neither

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUDHIANA CIRCUIT BENCH

LUDHIANA

C. 10400

02 1090

Ramphal Prajapati.....Applicant.

V.S.

Union of India & others.....Respondents.

AFFIDAVIT

of Ramphal Prajapati S/o Ghedi R/o Village and Post
Mardan, P. Mandi, District Pratapgarh.

.....Respondent.

I, the deponent hereinabove do hereby solemnly affirm
and state on oath as under:-

1. That I am the respondent in the aforesaid case C. 10400
of 1990 dated 20.6.2000 before this Tribunal.

2. That I am the respondent hereinabove to the aforesaid
affidavit of Plaintiff herein and to the direction of the other
Respondents herein to file my affidavit in this case to
the satisfaction of the learned Tribunal.

3. That the statements made in the aforesaid affidavit are
true and correct to the best of my knowledge and belief.

Bench Copy.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW CIRCUIT BENCH,
LUCKNOW

O. A. No.

of 1990.

Ram Phal Prajapati.....Applicant.

Vs.

Union of India & others.....Respondents.

AFFIDAVIT

of Ramphal Prajapati, S/o Jhedi R/o Village and Post
Mandata, P. S. Mandata, District Pratapgarh.

.....Deponent.

I, the deponent aforesaid do hereby solemnly affirm
and state on oath as under:-

1. That I am the applicant in the aforesaid case and am
fully aware of its facts and circumstances.
2. That the respondent Mr. Jhankia has been avoiding
submission of Counter affidavit at the direction of the other
respondents to linger on the final hearing of the case to
the great prejudice of the applicant deponent.
3. That the respondents have withheld disbursement of the
allowance to the applicant deponent though he has neither

relinquished charge of his duty nor has he signed any charge report and continuously performing his duty.

4. That no copy of the C.A. has been furnished to the applicant deponent so far and that if any filed is liable to be ignored as barred by time prescribed by the Hon'ble Tribunal.
5. That the applicant deponent has worked for more than 3 years at the post of Gardener cum-Safaiwala and he is still at work.
6. That Smt. Jhankia respondent had deserted her duty of the P.O. and taken job in the local Police station where she has been working for the last 4 years on a fixed allowance to her best monetary gain and advantage.
7. That the respondents are delaying C.A. with malafide intention to cause damage to the applicant deponent.
8. That the applicant deponent above named does hereby solemnly affirm and state on oath that contents of paras 1 to 6 of this affidavit are true to his personal knowledge. Nothing material has been concealed and no part of this affidavit is false to the best of his knowledge. So may help him God.

Verification is the
Kutcheri compound of
Pratapgarh on
12th day of August 1991.

True to my
Signature
Deponent.

T.I. Ramesh Deponent.

Ramesh Pratap

Dated 12-8-91.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

A25
565/91

O.A No. 11 of 1990 (L)

RF- 20-8-81

Ram Phal Prayapati .. Applicant

-versus-

Union of India and others .. Opposite parties

APPLICATION FOR CONDONATION OF DELAY

The opposite parties begs to submit as under:

1. That in the above noted case the counter affidavit could not be filed in time inadvertent. The same is being filed herewith.
2. Wherefore it is most respectfully prayed that the delay in filing the counter affidavit / reply may kindly be ~~excused~~ condoned and counter affidavit be taken on record and such other order as are deemed just and proper be also passed.



(VK Chaudhari)
Addl. Central Govt. Counsel
Counsel for Opp. parties.

Lucknow,

September

Dated: 20 ~~Sept~~ 1991.

A26

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 11 of 1991(L)

Ram Phal Prajapati .. Applicant

- versus -

Union of India and others .. Opposite parties

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES.

I, R.K. Mishra, aged about 57 years, son of Shri Thakur Pal
mishra at present

posted as Senior Supdt of Post Offices,

Pratapgarh do hereby solemnly affirm and state
as under:-

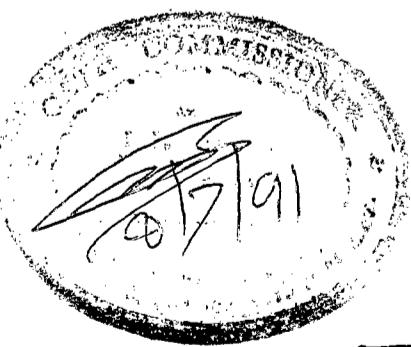
That the deponent is posted as
Sr. Supdt of Post offices, Pratapgarh (Respondent
No. 2) and has been authorised to file this affidavit
on behalf of all the other Respondents also.

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

21/3/91
प्रबन्ध अधीक्षक द्वारा
प्रतापगढ़ मण्डल-230001

3. That before giving parawise comments it is pertinent to give breif history of the case as detailed below:

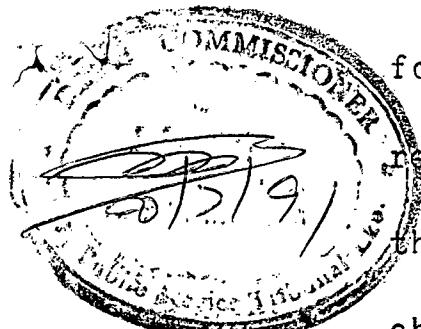
(a) That one Smt. Jhankia Devi, wife of Shri Mithu, Sweeper, Resident of Village and PO Vaishpur, Mandhata Pratapgarh was working as C.P. Sweeper for last more than 10 years and upto 30.9.1987 at Mandhata Post office. During this period she was habitual for non-attending the office daily for sweeping work and her husban Shri Mithu was performing the work of sweeper and she refused to remove the dead body of a dog lying in front of gate of Mandhata Post office. The Sub Postmaster Mandhata who is not appointing authority of the C.P. Sweeper made an order in his order book on 1.10.87 at S.N. 16 about appointment of applicant in place of Smt. Jankia-Devi as under:-



२१९३१
"ज्योमान प्रबु अप्पी जाक भतापगढ़ के भौ रियक
आदेशानुसार आज दिनांक १-१०-८७ को
स्वीपर भौमरी मानकालिका के स्थानपर अप्र
रामणल भजा पति मो स्वीपर के स्थानपर
भार्प सर्वे के लिए नियुक्त किया गया। स्थू-चनाम
इकापाता ८५० जिसी दो क ~~भतापगढ़~~ भतापगढ़ ८५०
पवर अप्पी जाक देखित ।।"

२१९३१
द्वारा अधीक्षक द्वारा
भतापगढ़, मण्डल-230001

(b) That the said order was neither shown to Smt Jhankia Devi (displaced official) nor applicant (newly appointed official). But the applicant was working as C.P. Sweeper since 1.10.1987 and Smt. Khankia has made no objection before May 1989. She made an representation without date to the Postmaster General, Lucknow which was received in his office on 1.9.1989 and forwarded to the Senior Supdt of Post Offices vide his No.3313 dated 3.5.1989 for disposal and necessary action. On receipt of the representation the case was enquired by the Sr. Supdt of Post Offices Pratapgarh and issued an order vide his No. B-3/CP Safaiwala dated 30.11.1989 for engagement of Smt. Jhankia as C.G. Sweeper by removing Shri Rama Phal Prajapati(applicant) for the post of C.P. Sweeper Mandhata and she taken the charge of this post on 23.12.1989 (A/N).



Parawise comments.

4. That the contents of para 1 of the application are not admitted and in reply it is submitted that the removal order dated 30.11.89 was issued on the same day and given the Sub-Divisional Inspector for arranging its effect, but

the applicant proceeded on leave by giving an application of illness for 25 days with effect from 8.12.1989 to 2.1.1990 but the medical certificate dated 7.1.1990 was submitted on 8.1.1990 with request for extension of leave upto 22.1.1990. During this period Smt. Jhankia has taken the charge of C.P. Sweeper on 23.12.1989. It is not admitted that the applicant was working as C.P. Sweeper cum Gardener but he was working only on the post of C.P. Sweeper. Actually there is no post of G.P. Gardener in Mandhata Post office.

5. That the contents of para 2 & 3 of the application are formal as such need no comments.
6. That the contents of para 4(i) of the application are incorrect as stated, hence denied and in reply it is submitted that the Respondent No.3 engaged the applicant at his own accord without getting verbal or written approval of direction from any authority ie. Respondent no.2. The Respondent no.3 is neither the appointing authority nor disciplinary authority of the post. The incumbent has left the duty due to his removal and

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गवर अवौक्षक डाकघर
गोपनीय मण्डल-230001

appointment of another official. It is wrong to say that she left the work of C.P. Sweeper due to meagre allowance of Rs.25/- only.

7. That in reply to the contents of para 4(ii) of the application it is submitted that in visit remark dated 24.6.1987 it was proposed to enhance the allowance of the post of C.P. Sweeper and also authorised the Sub Postmaster Mandhata for plantation of 25 plants vide his visit remark dated 7.9.1988.

8. That the contents of para 4(iii) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant was only working on the post of C.P. Sweeper and not on the post of C.P. Sweeper cum-Gardener because there is no post of such type. The allowances of the post were raised from time to time as per work load of the post and as per Government orders.

9. That the contents of para 4(iv) & (v) of the application are incorrect as stated, hence denied and in reply it is submitted that the case was

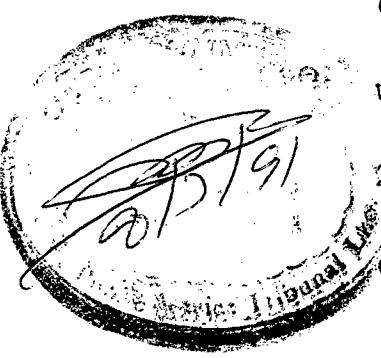


२१०३१८
प्रधार अधीक्षक स्कॉर
तापगढ़ मण्डल-२३०००१

initiated on the receipt of representation from the previous incumbent.

10. That in reply to the contents of para 4(vi) of the application it is submitted that enquiries were made on the receipt of representation of previous incumbent but it is wrong to say that secret enquiries were made. The applicant was not heard in this enquiry because there is not complaint against the applicant in this representation.

11. That in reply to the contents of para 5(1) of the application it is submitted that the applicant has worked as C.P. Sweeper from 1.10.87 to 7.12.1989 and given an application of leave for 25 days with effect from 8.12.1989 to 2.1.90 but on the decision ~~of~~ representation of Smt. Jhankia, she was again appointed as C.P. Sweeper with effect from 23.12.1989 A.M and the services of applicant was ceased after 23.12.1989.



12. That the contents of para 5(ii) of the application are incorrect as stated, hence denied

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बवर अधीक्षित छाइघर
इतापाट, मण्डल-२३०००१

and it is reiterated the comments given against para 4(i) above as well as the brief history of the case.

13. That the contents of para 5(iii) of the application need no comments.

14. That the contents of para 4 5(iv) of the application are incorrect as stated, hence denied and in reply it is submitted that the services of the previous incumbent was irregularly terminated by the Respondent no.3.

15. That ~~in~~ in reply to the contents of para 5(v) and (vi) of the application it is submitted that the department has taken suitable decision on the representation of previous incumbent.

16. That in reply to the contents of para 5(vii) of the application it is submitted that the order dated 30.11.1989 was issued by the competent authority in the interest of natural justice. The applicant was not given any appointment order on 1.10.1987 but he was appoint-

21/10/89
पंक्ति प्राप्तीकाल प्राप्ति
प्राप्ति क्रमांक-230331

ed in place of Smt. Jhankia to look after the work of C.P. Sweeper, after acceptance of representation of previous incumbent there is no another alternate to remove the services of applicant being a single post.

17. That the contents of para 5(viii) of the application are not disputed.

18. That ~~the~~ in reply to the contents of para 5(ix) of the application it is reiterated the comments given above ~~is~~ against para 4(ii) above.

19. That in reply to the contents of para 5(x) of the application it is submitted that the comments given against para 5(vii) above are reiterated.

20. That in reply to the contents of para 5(xi) of the application it is submitted that the answering deponent has come to the knowledge of the appointment of the applicant only on receipt of representation of previous incumbent in May 1989 and taken suitable decision in the representation. Neither consultation was made by respondent no.3 with respondent no.2

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पंचायतीक नगर
कालापाली नगरपालिका-१२०३०१

nor there is any rule for consultation with the other authority.

21. That in reply to the contents of para 5(xii) of the application it is submitted that the copy of the appointment order dated 1.10.87 was not despatched to the office of the Respondent no.2 nor his office has any knowledge of this appointment.

22. That the contents of para 6 of the application are not admitted as the representation was decided by the Senior Supdt of Post offices, Pratapgarh on 30.11.89 and applicant and the can make representation to the higher authority of the Department.

23. That in reply to the contents of para 7 of the application it is submitted that the answering Respondents has no knowledge about this.

24. That the contents of para 8 of the application is a prayer as such need no comments.

25. That the reliefs sought by the applicant are not tenable in the eyes of law in view of the facts stated above and the new incumbent has already joined the post of C.P. Sweeper on 23.12.89 as such the stay order should not be issued at this stage.

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26. That the contents of para 10 & 11 of the application need no comments.

27. That in view of the facts and circumstances stated in the foregoing paragraphs the application filed by the applicant is liable to be dismissed with costs to the Respondents.

- 2/3/25 -
Deponent:
इवर अवीक्षक हाँकघर
पतापगढ़ मण्डल-230001

Lucknow,

Dated: 8. April 1991.

Verification.

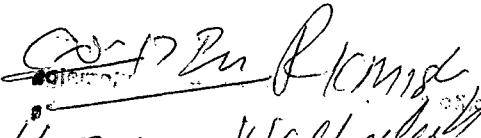
I the above named deponent do hereby verify that the contents of paragraph 1 & 2 of the affidavit are true to my personal knowledge and those of para 3 to 27 are believed to be true on the basis of information gathered as well as records and also based on the legal advice. Nothing material fact has been concealed and no part of it is false.

- 2/3/25 -
Deponent:
इवर अवीक्षक हाँकघर
पतापगढ़ मण्डल-230001

Lucknow,

Dated: 8. April 1991.

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


S-11, Dr. VK Chaudhary (VK Chaudhary)
Addl Standing Counsel for Central Govt
(Counsel for the Respondents)


Justice
B/3/25

R&B

In the Court of Central Administrative Tribunal,
Lucknow Bench, Lucknow.

O.A.No: 11 of 1990.

F.F. 20-9-1991.

Ram Phal Prajapati.....Applicant.

Versus

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

Application for Condonation of delay in filing Counter-

Affidavit.

It is submitted as under:-

1. That this Hon'ble court was pleased to issue notice against the Respondents.
2. That the Respondent 4, being main answering respondent and made party in person having been working at present on the post claimed in the application.
3. That the answering respondent could not have preferred counter affidavit previously due to change of Counsel, her sickness and the professional engagement of the counsel and application were moved on the date fixed in this case. As such the delay in filing the Counter Affidavit may be condoned in the interest of justice.

Wherefore it is prayed that in the interest of justice this Hon'ble court may kindly be pleased to condone the delay so caused in the interest of justice.

Lucknow:

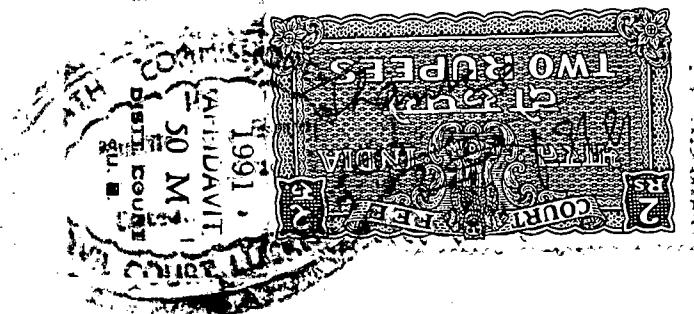
M. S. Gupta
Adv.

A3)

In the Court of Central Administrative Tribunal,
Lucknow Bench, Lucknow.

O.A.No: 11(L) of 90.

F.F. 20-9-915



Ramphal Prajapati.....Applicant.

Versus

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

Counter Affidavit by Respondent No: 4.

I, Smt. Jhankia Wife of Shri Ram

resident and working as Contingency paid Sweepers,
Sub-Post Office, Mandhata District Pratapgarh, do
hereby solemnly affirm and state on oath as under:-

1. That the deponent is the Respondent No: 4 and she is well conversant with the facts of the case.

2. That the deponent received a copy of the application No: 11 of 90 and ^{got} read its contents and understood the same. The delay in filing Counter Affidavit was due to reasons shown in applications moved. As such delay in filing Counter Affidavit may be excused in the interest of justice.

3. That contents of para 1, 2 and 3 of the application are admitted.



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4. That in reply of the contents of para 4(1) of the said application it is submitted that the applicant was never appointed as contingency paid sweeper in place of deponent. It is also submitted that Respondent No. 3 is not empowered to appoint applicant. Hence the order dated 1-10-87 is no appointment in the eyes of law as the same has been passed by an incompetent authority and the order dated 1-10-87 is without jurisdiction having no force of law. It is further submitted that there has not been any oral approval at all. The rest allegations of the said paragraph 4(1) of the application are vehemently denied.

4.(ii) That in reply of the contents of para 4(ii) of the application it is submitted that the order dated 24-6-87 and order dated 7-9-88 have no bearing on the merit of the case. Hence the same are irrelevant and unreasonable.

4.(3). That the contents of para 4 (3) of the application are denied, as the same are not in the knowledge of the deponent. The applicant is put to strict proof.

4.(4). That the contents of para 4(4) of the said application are denied except that the deponent was removed w.e.f. 1-8-87 and resumed her duties on 13-12-89 in compliance of order dated 30-11-89

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passed by Respondent No: 2.

4.(5). That in reply of the contents of para 4(5) of the application it is submitted that the representation preferred by the deponent was also endorsed by the P.M.G., U.P., Lucknow.

4.(6). That in reply of the contents of para 4(6) of the application it is submitted that order dated 30-11-89 was passed by Respondent No, 2 and the rest allegation of the aforesaid para are denied

5. That in reply of the contents of para 5(1) it is submitted that neither the applicant nor his wife working as C.P.Sweeper. The deponent has already resumed her duties and working as such.

5(2) That in reply of the contents of para 5(2) of the said application it is submitted that the Annexure No: 2 has no legal force, hence the same is liable to be quashed and the application itself is liable to be dismissed on this count alone.

5(3) That the contents of para 5(3) of the application are denied.

5(4). That the contents of para 5(4) of the application are denied.

5(5) That the contents of para 5(5) of the application are denied.

5(6) That the contents of para 5(6) and 5(5) of the

RATI Shanka

*Deputy Commissioner
District Court
Muzaffarnagar*

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application are irrelevant and baseless hence denied.

6. That the contents of para 6 of the application are denied.

7. That the contents of para 7 of the said application are ~~marked~~ within the knowledge of the deponent hence the same are denied.

8. That the contents of para 8 of the said application are vehemently denied.

9. That the contents of para 9 of the said application are denied.

10. That the contents of para 10 of the said application need no comments.

11. That in reply of the contents of para 11 of the application it is submitted that the deponent has no knowledge about the Postal Order and the enclosed Annexures filed in the case cannot be relied ^{in favour of} ~~challenged~~ in the present applicant.

12. That it is submitted that the application is not maintainable and as no cause of action ever accrued to the applicant.

A.T.I. Thanka



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- 5 -

13. That the said application is misconceived

and is liable to be dismissed.

14. That the aforesaid application is malafide

mischievous and moved with ulterior motive hence

the same is liable to be dismissed.

Lucknow:

Dated: 20-9-1991

Deponent.

R.T.I. Thanka

Verification.

I, the above named deponent do hereby verify

that the contents of paragraph 1 to 11 of the above

affidavit are true and correct to the best of my

knowledge and belief & those of para 12 to 14 are

believed to be true on legal advice received. Verifie

& Put T.I. on 20-9-1991 at

Lucknow.

R.T.I. Thanka

Deponent.

I identify the deponent who has put T.I. before me.

K.N. Singh
Advocate.

Adv.

(K.N. Singh)

Before the central Administrative Tribunal

Circuit Bench, Lucknow.

1990
O.A. No. 11 of 1990(L)
1990

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fixed on 26.11.91

Ramphal Prajapati Applicant.

Vs.

Union of India & others Oppoiste parties

Application for condonation of delay
on behalf of Opposite party No.2.

The applicant most humbly begs to submit
as under:-

1. That the detailed objections to the filing of
Counter Affidavit after expiry of period allowed by
this Hon'ble Tribunal, are furnished in the accompanying
Rejoinder Affidavit.

Prayer

It is respectfully prayed that the appli
for condonation of the deliberate delay and the C.A.
rejected as time barred and without explanation of the
whole period of delay. Any other order as deemed to be
and proper may also be passed.

S.B.Misra
(S.B.MISRA) Advocate

Dated 26-10-91.
13/11

Counsel for applicant

For The Bench

Before the central Administrative Tribunal

Circuit Bench, Lucknow.

O.A. No. 11 of 1990(L)

Ramphal Prajapati Applicant.

Vs.

Union of India & others Opposite parties

Application for condonation of delay
on behalf of Opposite party No. 2.

The applicant most humbly begs to submit
as under:-

1. That the detailed objections to the filing of
Counter Affidavit after expiry of period allowed by
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Prayer

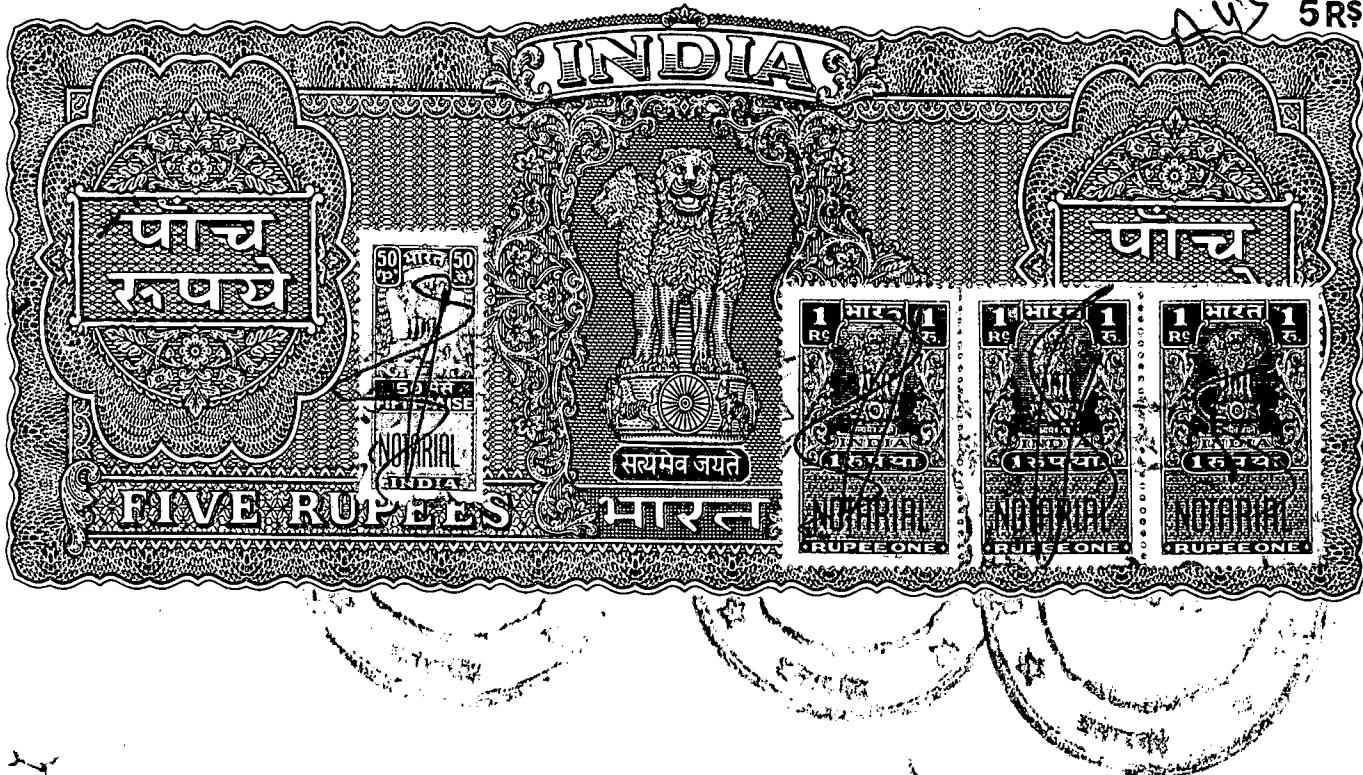
It is respectfully prayed that the application
for condonation of the deliberate delay and the C.A. be
rejected as time barred and without explanation of the
whole period of delay. Any other order as deemed to be just
and proper may also be passed.

T.C.
S. B. MISRA
Advocate,

(S. B. MISRA) Advocate,

Dated 26-10-91.

Counsel for applicant.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A.No.11 of 1990(L)
1990

Ram Phal PrajapatiApplicant

Vs.

Union of India &3others Opposite parties

Rejoinder Affidavit of Ram Phal Prajapati aged
about 34 years S/o Chhedi R/o Village Post and P.S.
Mandhata, District.Pratapgarh.

.....Applicant Deponent.

I, the abovenamed deponent do hereby solemnly affirm
and state on oath as under:-

1. That I have received the C.A. and application dated

20-9-91 for condonation of delay and their contents have
been explained to me and I have understood them.

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unreasoned simply to cause harassment to the applicant. It is further violative of the principles of natural justice which further indicates that O.P.No.2 has no intention to assist this Hon'ble Tribunal to dispose of the case within 6 months or as earlier as may be possible.

7. That the O.P.no.2 by virtue of his arbitrary action has directed the O.P.No 3 to stop payment of allowance to the applicant who has neither ceased his work nor relinquished charge of his duty.

8. That for the above submissions the plea of inadvertance in filing the C.A. is without sufficient cause and explanation of the entire period of delay to justify its condonation.

9. That the O.P.No.2 is not entitled to the benefit under Sec.5 of Limitation Act 1963 and his application and C.A. are liable to dismissal as time barred.

Deponent.

Dated 25-10-91. ✓

VERIFICATION

I, Ram Phal Prajapati the above named deponent do hereby solemnly affirm and verify on oath that the contents of para 1,2,3,6 and 7 are true to my knowledge and those 4,5,8, and 9 of this affidavit are true on the legal advice which I believe to be true. Nothing in this Rejoinder affidavit is false and nothing has been concealed. So help me God.

Deponent.

Place of Verification.
Pratapgarh Collectorate. ✓

(Ram Phal Prajapati)

Dated 26-10-91.

(Ram Phal Prajapati)

Dated 25-10-91.

राम फल प्रजापति
कर्म दर दर दर दर
दर दर दर दर

26/10/1991

For the Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

O.A.No.11 of 1990(L)

Ram Phal PrajapatiApplicant

Vs.

Union of India & Others Opposite parties

Dejoinder Affidavit of Ram Phal Prajapati aged
about 34 years S/o Chhedi R/o Village Post and P.S.
Mancheta, District, Pratapgarh.

.....Applicant Deponent.

I, the abovenamed Deponent do hereby solemnly affirm
and state on oath as under:-

1. That I have received the C.A. and application dated
20-9-90 for condonation of delay and their contents have
been explained to me and I have understood them.

2- That necessary amendments in the application impleading Smt.Jhanakia as Opposite party No.4 were made under orders of the Court on 1-8-90 whereafter exchange of copies of C.A. and R.A. were to be done by the parties and the case was to be put upon 26-8-91 for the final hearing.

3. That neither the Sr.Supt.of Post Offices O.P.No.2 nor Smt.Jhanakia O.P.No.4 filed any C.A. before 20-9-91 within one month of the service of notices on them as required under rule 12 of C.A.T.Procedure Rules 1987.

4. That a time barred C.A. with an application dated 20-9-91 for condonation of delay has been filed by O.P.No.2 which is without explanation of the whole period of delay with sufficient cause to justify the negligence to court's order.

5. That the O.P.No.2 has stated that the C.A. could not be filed in time "inadvertant"(inadvertently). This cannot be sufficient ground for condonation of the delay under Sec.21 of the Act 1985 and note below that section(3). In this connection it is further submitted that the Hon'ble Supreme Court has observed that explanation of each day's delay with sufficient cause is necessary for the condonation of delay ————— vs. ————— reported in A.I.R.1962 S.C.361 followed in a number of cases via A.I.R.1971 Cal., A.I.R.1975 S.C. and A.I.R.1978 Sc.537 etc. The O.P.No.2 holds an office with a large staff of Postal Asstts. with an Asstt.Supt.of Posts and many sub Divisional Inspectors to assist him in his administrative and court work as such he should not have felt difficulty in preparation of C.A. and its submission through the Additional Govt. Counsel. The only ground of inadvertance is not acceptable as bonafide mistake.

6. That the delay in filing the C.A. is deliberate and

unreasoned simply to cause harassment to the applicant. It is further violative of the principles of natural justice which further indicates that O.P.No.2 has no intention to assist this Hon'ble Tribunal to dispose of the case within 6 months or as earlier as may be possible.

7. That the O.P.no.2 by virtue of his arbitrary action has directed the O.P.No 3 to stop payment of allowance to the applicant who has neither ceased his work nor relinquished charge of his duty.

8. That for the above submissions the plea of inadvertence in filing the C.A. is without sufficient cause and explanation of the entire period of delay to justify its condonation.

9. That the O.P.No.2 is not entitled to the benefit under Sec.5 of Limitation Act 1963 and his application and C.A. are liable to dismissal as time barred.

Deponent.

Dated 25-10-91.

VERIFICATION

I, Ram Phal Prajapati the above named deponent do hereby solemnly affirm and verify on oath that the contents of paras 1,2,3,6 and 7 are true to my knowledge and those 4,5,8, and 9 of this affidavit are true on the legal advice which I believe to be true. Nothing in this Rejoinder affidavit is false and nothing has been concealed. So help me God.

Place of Verification.
Pratapgarh Collectorate.

(Ram Phal Prajapati)

Dated 25-10-91.

T.S
Surya
A/C

(Ram Phal Prajapati)

Dated 25-10-91.

For the Counsel for D.P.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

O.A.No.11 of 1990(L)

Ram Phal PrajapatiApplicant

Vs.

Union of India &3others Opposite parties

Rejoinder Affidavit of Ram Phal Prajapati aged
about 34 years S/o Chhedi R/o Village Post and P.S.
Mandhata, District.Pratapgarh.

.....Applicant Deponent.

I, the abovenamed deponent do hereby solemnly affirm
and state on oath as under:-

1. That I have received the C.A. and application dated 20-9-90 for condonation of delay and their contents have been explained to me and I have understood them.

It is necessary to indicate in the application for 1981/82
that the cause of delay is not due to any fault or omission
of the court. 1981/82 is the final court of appeal
and it should be noted that the cause of the delay
to be put upon 20-8-91 for the final hearing.

3. That neither the Sr. Supdt. of Post Offices O.P.No.2
nor Smt. Jhanakia C.P.No.4 filed any C.A. before 20-9-91
within one month of the service of notices on them as
required under rule 12 of C.A.T. procedure Rules 1987.
4. That a time barred C.A. with an application dated 20-9-91
for condonation of delay has been filed by O.P.No.2 which
is without explanation of the whole period of delay with
sufficient cause to justify the negligence to court's order.
5. That the O.P.No.2 has stated that the C.A. could not be
filed in C.A. "DIRECTLY" (DIRECTLY). He cannot
be held guilty for non-mention of the C.A. under rule 21
of C.A.T. but can note below the following (S. 10 of the
C.A.T.) as far as I am aware that the Hon'ble court is
open but however the omission of any right of delay
is not fault for it to be necessary for the condonation
of delay

RECORD IN A.D. 1981 & 1982 FOLLOWING AS ON DATES OF RECORD
VIA. 1981/103. 1981/1975. 1981/1976. 1981/1977
1981/1978. THE COUNSEL FOR APPEAL 20-8-91 1981/1982
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unreasoned simply to cause harassment to the applicant. It is further violative of the principles of natural justice which further indicates that O.P.No.2 has no intention to assist this Hon'ble Tribunal to dispose of the case within 6 months or as earlier as may be possible.

7. That the O.P.no.2 by virtue of his arbitrary action has directed the O.P.No 3 to stop payment of allowance to the applicant who has neither ceased his work nor relinquished charge of his duty.

8. Thatfor the above submissions the plea of inadvertance in filing the C.A. is without sufficient cause and explanation of the entire period of delay to justify its condonation.

9. That the O.P.No.2 is not entitled to the benefit under Sec.5 of Limitation Act 1963 and his application and C.A. are liable to dismissal as time barred.

Deponent.

Dated 25-10-91.

VERIFICATION

I, Ram Phal Prajapati the above named deponent do hereby solemnly affirm and verify on oath that the contents of paras 1,2,3,6 and 7 are true to my knowledge and those 4,5,8, and 9 of this affidavit are true on the legal advice which I believe to be true. Nothing in this rejoinder affidavit is false and nothing has been concealed. To help me God.

Place of Verification.
Pratapgarh (Collectorate).

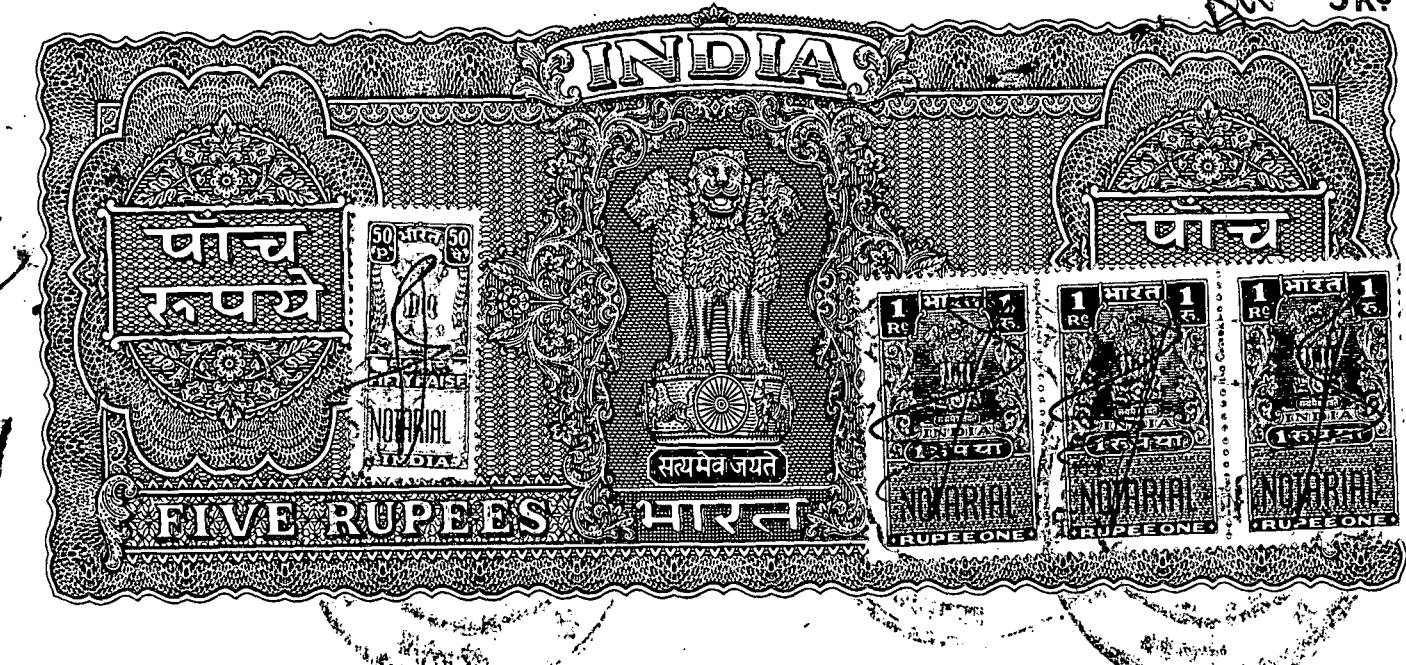
(Ram Phal Prajapati)

Dated 25-10-91.

T. C. *say*
SPB/AN

(Ram Phal Prajapati)

Dated 25-10-91.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

O.A.No.11 of 1990(L)
1988
1990
1920

F.F. 26.11.91

Ram Phal Prajapati.....Applicant.

Vs.

Union of India & 3 others.....Respondents.

Rejoinder affidavit of Ram Phal Prajapati
aged 34 years S/o Chhedi R/o Mandhata, pargana
Tahsil and District.Pratapgarh Oudh
..... Deponent.

I, Ram Phal Prajapati above named deponent do hereby
solemnly affirm and state on oath as under:-

That I am the applicant deponent in this case and I am
fully conversant with the facts and circumstances of the same.
The copy of the time barred C.A. was received on 20-9-91 which
was read over and explained to me and I am now in a position
to controvert the contents of the said C.A. as below;-

1. That the contents of para 1 of the C.A. need no reply.

AM

2. That the contents of para 2 of the said C.A. are not correct, hence denied. In reply it is humbly stated that the reasons of illness and change of professional Counsel are not sufficient cause for condonation of delay ~~and~~ extension of time as the whole period of delay has not been explained according to law laid down by the Hon'ble Supreme Court from time to time as given below sub Rule (3) of Section 21 of the C.A.T. Act 1985.

3. That contents of para 3 of the C.A. require no reply.

4. That the contents of para 4 of the time barred C.A. are false hence denied. In reply ~~for~~ it is stated that the O.P.No.3 is the supervising Officer of the Office and on wilful desertion from duty by O.P.No.~~4~~ a report was made to O.P.no.2 who ordered engagement of the applicant as Safaiwala cum gardener and in compliance of this order the O.P.No.3 engaged him at the post at which he worked for 27 months with allowance and thereafter he has been working but no allowance is being paid to him as a result this application filed in this Hon'ble Tribunal. It is further stated that the order dated 1-10-87 made by O.P.No.3 was in compliance to order of O.P.No.2 as such it was perfectly valid in as much as the O.P.No.2 did not object to the engagement of the applicant for the job at the time of his visit to Mandhata Post Office on 7-9-88. It is further stated that O.P.No.4 did not appear before O.P.No.2 on this date because she had taken job in the Police Station on a higher allowance and cared not for a meagre allowance of Rs.25/- paid by the Post Office. It is further submitted that the order dated 1-10-87 was made after the approval from O.P.No.2 to carry on work of cleanliness of the

office and compound as such it was legal and to this arrangement no objection was taken by the O.P. No.4 and also by O.P.No.2. It is further submitted that O.P.No.4 remained absent continuously without any information whereas after 6 months or over a year and a proceeding for her removal should have been started under Rule 62 of P & T Man. Vol.III for her wilful absence and infringement of provisions of Rule 152 ibid but contrary to that outright removal of the applicant was made arbitrarily without any opportunity to him as required by principles of natural justice. It is further submitted that the said rule 152 ibid lays down very clearly that no employee of the Office shall remain absent from duty without information to his immediate superior who was O.P.No.3. There is utter failure of compliance of this rule by the O.P.No.4 but no action was taken against her and in her stead unwarranted removal order of the applicant was passed by the O.P.No.2 without sanctioning leave or condoning the unauthorised absence of said O.P.No.4. It is further stated that there has been exercise of discretion in an inappropriate manner as such the removal order dated 30-11-89 is illegal and without following procedure.

4(ii) That contents of para 4(ii) of the C.A. as written are not correct hence denied. In reply it is submitted that visit remarks dated 24-6-87 and 7-9-88 were rightly made by O.P.No.2 . Had the O.P. No.4 any grievance at the applicant's engagement she ought to have come forward to lodge a complaint before O.P.No.2 at the spot but she did not appear because of her taking a more beneficial

RAYG

job in the Police Station which she has still been performing and reaping double advantage of allowance at one time. This is relevant to the case.

4(3) That contents of para 4(3) of the C.A. as written are denied as false. In reply it is submitted that the allowance for the cleanliness of the Office Compound and maintenance of garden was raised from Rs.25/- to Rs.53.80 from 1-1-87 and it was further raised to Rs.359.50 which watered the month of O.P.No.4 and she made an undated complaint to the P.M.G.U.P. There has been no denial of it by O.P. No.2 and O.P.No.3 and no other proof is required.

4(4) That the contents of para 4(4) of the C.A. as written are denied as incorrect. The O.P.No.4 deserted the duty of her own accord w.e.f. 1-8-87 causing to engagement of the applicant to the post. She has been illegally brought on duty from 13-12-89 hence this application before this Hon'ble Court. It is also submitted that it is not at the sweet will of the O.P.No.4 to remain ~~absent~~ ^{from 6.1.87 to} for 27 months unauthorisedly and resume duty thereafter without facing action under rules 62 and 152 ibid.

4(5) In reply to para 4(5) of the C.A. it is stated that the deposition made is not relevant to the facts in as much the undated representation did not lie to the P.M.G.U.P. and also she could not explain her absence of 27 months from duty and at the same time she cannot occupy two posts at the same time as has been doing at present.

AS

4(6) That the contents of para 4(6) of the C.A. are denied. In reply it is submitted that the order of removal dated 30-11-89 was passed illegally and without affording opportunity to the applicant and the same is violative of principles of natural justice.

5. That contents of para 5 of the C.A. are denied as false. In reply it is humbly submitted that the applicant's Wife worked as his substitute during his absence as per application given to the immediate superior O.P.No.3 and after expiry of the leave the applicant resumed his duty but the O.P.No.2 has stopped payment of his allowance. It is further submitted that the applicant has not yet relinquished charge of his duty nor has he signed any charge report.

5(2) That the contents of para 5(2) of the C.A. are denied as incorrect. In reply it is stated that the arrangement made by the O.P. No.3 under the oral orders of the O.P. No.2 to carry on work was fully valid as the work of Safaiwala cum gardener could not be allowed to be held up. The contents of Annexure 2 thus has full force of law. It is also submitted that O.P.No.3 has not denied the same.

5(3) That the contents of para 5(3) of the C.A. are denied. The O.P.No.4 has not stated any reason.

5(4) That the contents of para 5(4) of the C.A. are without statement of any reason on the facts regarding removal of dog dung lying in-front of the Post Office. The O.P.No.2 has stated ~~that~~ it to be dead body of the dog which is contradictory but confirms the

ASJ

statement of the applicant that O.P.no.4 was not willing to clean the dirty material lying infront of the main gate through which Public customers and even V.I.P.happen to pass on Postal business. The O.P.No.2 and O.P.No.4 both have made efforts to conceal real facts as to why she left her work because she had become a "BHAGTIN " hence was unable to clean the dog dung or its dead body. There has been disobedience of orders of the immediate superior O.P.No.3 which warrants removal of said Smt.Jhanakia.

5(6) That contents of para 5(6) of the C.A. are denied as false. The O.P.No.4 has not been able to explain the circumstances which compelled her to leave Office without information for 27 months. The only reason was that she had become a "BHAGTIN" ^{6 or 8} and was unable to work on a meagre allowance of Rs.25/- The O.P.No.4 has not been able to advance sufficient cause of her absence from duty without information. The facts stated in the plaint are true and relevant to the case.

6. That the contents of para 6 of the C.A. are without attribution of reason hence denied as incorrect.

7. That the contents of para 7 of the C.A. as stated are denied as false as the facts are in the knowledge of the O.P.No.4.

8. That the contents of para 8 of the C.A. are not correct. In reply it is stated that O.P.No.4 has not given any justification.

AS2

9. That the O.P.No.4 has not been able to oppose the prayer made in para 9 of the application as such the relief is liable to be awarded as the charge of his duty.
has not yet been made over.

10. That contents of para 10 of the C.A. need no reply.

11. That the contents of para 11 of the C.A. are denied as incorrect. The O.P. no.4 has full knowledge of the matter.

12. That in reply to para 12 of the C.A. it is submitted that the question is to be decided by this Hon'ble Tribunal.

13. That the contents of para 13 of C.A. are denied.

14. That contents of para 14 of the C.A. are false hence denied.

Deponent

Dated 26-10-91.

(Ram Phal Prajapati)

VERIFICATION

I, the above named deponent do hereby solemnly affirm and verify on oath that contents of paras 1, 2, 3, 4(1) to (3), (5) to (6), 5, to 11 of this R.A. are true to my knowledge and those of paras 4(2) and (4), 12, 13, and 14~~3~~
~~RTI IS MY GONG (S)~~ ~~are true~~ on legal advice which I believe to be true.
Nothing is false and nothing has been concealed. So help me God.

Place of verification

26/10/91 Collectorate, Pratapgarh.

26-10-91.

Deponent.

(Ram Phal Prajapati)

Dated 26-10-91.

बालत श्रीमान

महोदय

व (मुद्रित) / Mrs. Thakuria
मुद्रित द्वालेह

का

वकालतनामा 53

R. P. Jajati

(Union India (P&T)

बनाम

प्रतिवादी रेस्पान्डेन्ट

ना. A. No 11(1) / 1991 सन् पेशी की ता० 18-4-1991 ई०

मुकद्दमा में अपनी ओर से श्री

Dinesh Verma

Type III - Dr. No 26 Amausi Airport Colony वकील

Lucknow.

महोदय

एडवोकेट

मना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता
 मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो
 पैरबी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज
 करें या लौटावें या हमारी ओर से डिगरी जारी करावें और
 इस्तूल करें या सुलहनामा या इकबाल दावा तथा अपील व
 नी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें
 और तस्दीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या
 हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या
 हमारे हस्ताक्षर - युक्त (दस्तखती) रसीद से लेवें यां पंच नियुक्त करें
 वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है
 और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं
 या किसी अपने परोक्तार को भेजता रहूँगा। अगर मुकद्दमा अदम
 पैरबी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी
 मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि
 प्रमाज रहे और समय पर काम आवे।

हस्ताक्षर (L.T.I. Thakuria)
W/o Smt. Mithu

गवाह)

Shyam Lal

साक्षी (गवाह)

/8

महीना सन् १९९१ ई०

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

Copy to
A/54

No. 471/C/81/Lko/Jud/ 350 to 352

(18/13)91

REGISTRATION O.A. No. 11 of 1990

..... R.P. Pratap Singh, APPLICANT(s)

VERSOS

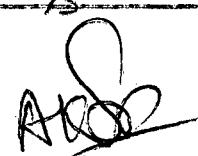
..... Union of India, RESPONDENT(s)

1 The Union of India through the Secretary of Telecommunications Section (Postal) Parliament Street, New Delhi
2 Senior Superintendent of Post offices Pratap Singh
3 Sub-Post Master of Mandhata D.S.H. Pratap Singh
4 Mst. Shandeesi w/o Dithoo w/o Bageshwar Lalgarh Parganah tehsil. Sardan P.C. mandhata D.S.H
Pratap Singh

Please take notice that the applicant above named has presented an application a copy Pratap Singh here of is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 18 day of 14/11/91 for

D.R. 27/11/91

If, no appearance is made on your behalf, your pleader 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 15 Day of 3 1991.



FOR DEPUTY REGISTRAR

dinesh/

Enc. copy of Petition with Order
dt 11/11/91 passed there on

Central Administrative Tribunal
Circuit Bench, Lucknow.

O.A.No. 11 of 1990 (L)

Shri Ram Patal Prajapati Applicant.
Versus
Union of India & Others Respondents.

Dated: 07-3-91

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

Hon'ble Mr. A.B.Gorthi, A.M.

Heard.

Admit.

Issue notice to respondents to file a counter within four weeks to which the applicant may file rejoinder within two weeks thereafter. List before the D.R. on 18-4-91 for fixing a date for final hearing, if possible, after completion of records.

A.M.

V.C.

Sd/

Sd/

//True Copy//

R.N.

Secy. *ABR*
Central Administrative Tribunal
Circuit Bench
Lucknow

Checked by

QH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

No.CAT/CB/LKO/JUDL

3111

20/11/92

O.A. No 11/90(L) DATE:

REGISTRATION NO. _____ OF 199 (L)

~~Ram Phal Paafati~~ Applicant(s).

VERSUS

~~Union of India~~ Respondent(s)

① Ram Phal Paafati S/o Soi ched R/C
Vill & Post - Manchhati, Pargan & Tehsil - Sadar
District - Pratapgarh.

~~Applicant~~

Notice is issued to the applicant to engage and
couched to appear personally on the next date.
Please take notice that the applicant above name has
presented an application a copy of _____ therefor is enclose
herewith which has been registered in the Tribunal and the
Tribunal has fixed _____ day of _____ to Show-Cause as to
why the Petition be not admitted. Counter may be filed with-
in _____ weeks. Rejoinder, if any, to be filed within
XXXXX _____ weeks thereafter.

If, no appearance is made on your behalf, your XXXX
pleader if by some or duly authorised to Act and plead on
your behalf on the said application, it will be heard and
decided in your absence. Given my hand and the seal of the
Tribunal this day of _____.

Fee
13/11/92

FOR DEPUTY REGISTRAR

In case no arrangement is made to engage his Counsel
or to appear in person, the case will proceed.
(M. Mehrra)

List on - 21-12-92.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

Misc. Application No. 491 of 1991. of Pratapgarh.
491

Ram Phal Prajapati.....Applicant.

vs.

Union of India & others.....Opposite Parties.

IN

O.A. No. 114 of 1990. Date fixed.....1991.

Ramphal Prajapati.....Applicant.

vs.

Union of India and others.....Respondents.

The applicant abovenamed begs to submit as
under:-

1. That full facts of the case are stated in the
accompanying affidavit.

Prayer

Most humbly and respectfully it is prayed that no
copy of counter affidavit if any filed by O.P., has been
furnished. The case be proceeded ahead and C.A. if filed, be
ignored with any further relief which the Hon'ble Tribunal
considers to be proper.

S. B. Misra

S. B. Misra, Advocate,

Dated 20-8-1991.

Counsel for applicant.

filed today

20/8/91

Bench Copy

C/S

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

Misc. Application No. 491 of 1991. of Pratap Singh.

Ram Phal Prajapati.....Applicant.

Vs.

Union of India & others.....Opposite Parties.

IN

O.A. No. of 1990. Date fixed.....1991.

Ram Phal Prajapati.....Applicant.

Vs.

Union of India and others.....Respondents.

The applicant abovenamed begs to submit as
under:-

1. That full facts of the case are stated in the
accompanying affidavit.

Prayer.

Most humbly and respectfully it is prayed that no
copy of counter affidavit if any filed by O.P., has been
furnished. The case be proceeded ahead and C.A. if filed, be
ignored with any further relief which the Hon'ble tribunal
considers to be proper.

S. B. Misra
S. B. Misra, Advocate,

Dated 26-3-1991.

Counsel for applicant.