(A1)

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 17/10/90
Date of Receipt
Deputy Registrar

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 340 of 1990 (L)

APPLICANT(S) Shri Phool Singh

RESPONDENT(S)

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 in time ?	yes
b) If not, by how many days it is beyond time?	
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 Postal order
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 ?	No
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

Particulars to be Examined	Endorsement as to result of examination
11. Are the application/duplicate copy/spare copies signed ?	two sets
12. Are extra copies of the application with Annexures filed ?	Dr. D. Chandra received 1 to 3 Respondents copy
a) Identical with the Original ?	
b) Defective ?	
c) Wanting in Annexures	
Nos. _____ pages Nos. _____ ?	
13. Have the size envelopes bearing full addresses of the respondents been filed ?	N.A.
14. Are the given address the registered address ?	yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	yes
17. Are the facts of the case mentioned in item no. 6 of the application ?	Item No. 4
a) Concise ?	yes
b) Under distinct heads ?	yes
c) Numbered consecutively ?	yes
d) Typed in double space on one side of the paper ?	yes
18. Have the particulars for interim order prayed for indicated with reasons ?	yes
19. Whether all the remedies have been exhausted.	yes

dinesh/

Put up before Hon'ble Bench on 5/11/90
17/10

17/10

ANNEXURE-A

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title OA 340 of 1990 (L)

Name of the parties Phool Singh Applicants.

Versus

Union of India Respondents.

Part B.C.

Sl.No.	Description of documents	Page
	File A	
(1)	Check list	A1 - A2
2.	Order sheet (10-12-92) Judgment	A3 - A5 A6 - A7
3.	Petition	A8 - A22
4.	Power	A23
5.	Annexure	A24 - A30
6.	C.A	A31 - A40
7	Rejoin	A41
8.	R.A	A42 - A47
	File B	B48 - B84

Extra copy of petition (L)

Needed/not needed

No

SO(J)

A3 340/90 (L)

5.11.90 Hon'ble Mr. D. K. Agrawal JM.
" Mr. M. Y. Priolkar AM.

Due to resolution of Bar Association case is adjourned to 22.11.90.

22.11.90 Hon. Mr Justice K. Nath. VC
Hon. Mr M. M. Singh AM

B.O.C.

On account of the death of Sri P.C. Saxena, Advocate whose cremation is likely to ~~be made~~ on, by prayer for adjournment is made on behalf of Advocate. List for admission on 26.11.90.

AM.

VC

14.1.91
D.R.
Applicant's side is present. O.P. is absent today. O.P. did not file counter. O.P. to file counter by 12/2/91.

12.2.91
D.R.
Both the parties are absent today. Respondent shall also be filed to the C.A. by 26.3.91

7

O.A 340/90

18.7.91

D.R.

Sri V.K. Chaudhary appears for the respondent. Applicant is present in person. He did not file Rejoinder. He is ordered to file it, by 19/9/91.

19.9.91

D.R.

Respondent is present. Applicant did not file Rejoinder. He is ordered to file it, by 14/11/91.

14.11.91

D.R.

Applicant is present. He desires to file Rejoinder by 6/1/92.

6.1.92

D.R.

Both the parties are absent. Applicant to file Rejoinder by 16/3/92.

(A5)

OA 340/90

11.11.92

C.A/R.A have been exchanged.

S.F.O.

21.11.92

19/11/92

No sitting of D.B. adj to 21.11.92.

21.11.92

Heard Mr. Dobie to e. [illegible] and Mr. K. Chaya [illegible]

On the request of learned Counsel for appl. cul. Com. adjourn to 10.12.92

AM

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 340 of 1990

Phool Singh . . . . . Applicant

Versus

Union of India & Others . . . . . Respondents

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

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

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

The name of the applicant was sponsored by the Employment Exchange Lucknow vide letter dated 19.10.1989 and as such the applicant was offered the job to work as contingent Empty Driver on daily wages basis @ Rs. 30/- per day. The applicant was asked to join by 31.10.1989, but actually he joined his duty on 26.10.1989 as a Driver. According to the applicant he was also issued a certificate for working and he continued to work. The services of the applicant were terminated vide order dated 5.9.1990, which order was communicated to him on 12.9.1990. Aggrieved against the same, the applicant has approached this tribunal contending that of course he was given an appointment and a requisition was sent to the employment exchange for the post of Driver, which was lying vacant and there was no rhyme and reason for the respondents to terminate his services. It has been further contended that he has worked for more than 240 days in a year as such his regularisation in the last year -ly should not have been confirmed.

2. The respondents have not denied the facts that the post is not lying vacant and have also stated that some regular employees have already been appointed, but it has been contended that the applicant was purely and daily wage appointee and as such he has no right to the

Contd..2/-

said post and as per rules he was required to put in two years as casual worker with at least 240 days during each of two years for regularisation and as such the applicant did not work for 240 days during each of two years and as such he is not entitled for regularisation. May it be so, if the post is lying vacant and no regular appointment has been made, there appears to be no reason why the applicant should not be allowed to continue in service. Accordingly, the respondents are directed to allow the applicant to continue to work as Driver again. In case, there is no criminal case is pending and there is no serious charges levelled against him, he is entitled to the said post, so long the regular appointment is not made. The applicants case will also be considered for regularisation, in case, he fits in within the same. With these observations, the application is disposed of as above. No order as to costs.

Member (A) Vice-Chairman

Lucknow Dated: 10.12.1992.

(RKA)

Application No. 340 of 1990.

FORM-I

See rule 4

APPLICATION UNDER 19 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985

Phool singh ... ..Applicant.

VERSUS

Union of India through Secretary related to Central Ground Water Board, Government of India, New Delhi and others.

..Respondents.

INDEX

Signature of the Applicant.

For the use of our Tribunals Office

Date of filing or Date of Receipt by post Registration number Signature for Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL BENCH ALLAHABAD

CIRCUIT BENCH AT LUCKNOW.

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 17.10.90
Date of Receipt by Post.....
Deputy Registrar(J)
17/10

Phool Singh aged about 35 years
S/o Sri Goray Lal resident of House
No.7-2936 Rajajipuram, Lucknow.

...Applicant.

VERSUS

1. Union of India through Secretary related to Central Ground Water Board, Government of India, New Delhi.

2. Scientist - D (Director) Central Ground Water Board, Northern Region, B-43 Mahanagar Extension, Lucknow.

3. O.C. Stores and Vehicles, Central Ground Water Board, Northern Region, B-43 Mahanagar Extension, Lucknow.

...Respondents.

filed today
17/10

Noted for
5/11/90
24/10/90

1. Details of application:

Particulars of the orders against which

application is made:

Application is against the following orders:

a. Order of termination Memo No.2058/7(17) /CGWB/NR/estt/90 dated 5.9.90 (Not communicated).

b. Verbal order of termination is alleged in the aforesaid order of termination of dated 7.9.90 (Not communicated).

c. Order of termination Memo No.2125/9(49) CGWB/NR/ST/90 dated 12.9.90(Communicated).

2. Jurisdiction of Tribunal:

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. Limitation:

The applicant further declares that the application is within the limitation period prescribed in section 21

of the Administrative Tribunal Act 1985.

4. Facts of the case:

Facts of the case are hereby given below:

i. That the applicant was sponsored by the local Employment Exchange Lucknow vide letter No. T/250/89 dated 19.10.89 on the want of the Opposite party and as such the applicant was offered the job to work as contingent Empty Driver purely on daily wages basis amounting Rs.30/- per day with immediate effect for a period of two months from the date of his joining. The Photo-stat copy of the same letter is being annexed for the kind perusal of this Hon'ble Court as Annexure no.1.

ii. That the appointment letter was sent to the applicant dated 20th October, 1989 directing the applicant to join by 31.10.89, while the applicant was given the joining on

26.10.89.

iii. That the applicant since then continuously without even a break of day working on the same post and very recently by order dated 17.4.90 he has been attached with Sri S. Mukherji, Scientist(D) and allotted Vehicle No.UVJ 4069 at the aforesaid office of B-43, Mahanagar Extension, Lucknow. The photostat copy of the order dated 17.4.90 is being annexed for the kind perusal of this Hon'ble Court as Annexure no.2.

iv. That in the applicant's services no break has been given.

v. That for the same continuation of his services, he has also been issued a certificate on 19.7.90. The photostat copy of the Certificate is being annexed for the kind perusal of this Hon'ble Court as Annexure no.3.

vi. That the applicant has been served with an impugned order directing the applicant to handing over the charge

of the vehicle allotted to him alongwith the Tools, Log Book, Key and History Sheet etc. and this order was conveyed for the first time to the applicant on 12.9.90.

vii. That the contents made in this letter dated 12.9.90 that by order dated 5.9.90, the order of termination like this way have been passed and served is false and it is also false that any verbal termination order dated 7.9.90 has been conveyed to the applicant.

viii. That only order passed on 12.9.90 has been served to the applicant on the same day that amounts the termination of the services of the applicant., though the charge has yet not been taken over by the applicant, nor any order again has been served as yet to the applicant for handing over the charge. The photo-stat copy of the termination order dated 12.9.90 is being annexed for the kind perusal of this Hon'ble Court as Annexure no.4.

ix. That the applicant is a Scheduled caste i.e. by caste is 'Chamar'. The certificate for the same issued by the competant authority is also being annexed for the kind perusal of this Hon'ble Court as Annexure No.5.

x. That the applicant is also High School passed and he has been given the complete training apart from the driving the vehicle, Mechanic of the Motor Vehicle by the Government Technical Centre Baxi Ka Talab, Lucknow. The photo-stat copy of the Annexure No.6 & 7 respectively are being annexed for the kind perusal of this Hon'ble Court.

xi. That the applicant has served in the aforesaid department for more than 240 days continuosly.

xii. That the applicant has neither been given any break as per the conditions of the appointment letter after two months nor his services have been

terminated at that moment, as per the condition of the appointment letter.

xiii. That since then the date of the joining i.e. 26.10.89 to 12.9.90 he has worked as a driver without even a break of day and as such now he can not be ousted by such an adrupt arbitrary and the order against the natural justice.

xiv. That this impugned order Annexure No.4 is against the law and not sustainable under the law as well as the orders passed by the pleasure of the Hon'ble High Court as well as Hon'ble Supreme Court.

xv. That the applicant is a poor and scheduled caste employee, the applicant will suffer an irreparable loss.

5. <u>Ground for Relief with Legal Provisions:</u>

i. Because the applicant has been

appointed on the want of Opposite party and he has been given the appointment for two months but satisfying by the services of the applicant, his services have been continued for about a year. More than 240 days by the several orders of the Hon'ble High Court as well as by the Hon'ble Supreme Court. The relevant ruling will be presented before this Hon'ble Court at the time when require.

ii. Because while in the applicant's services no break has been given after the period of two months as per the condition of the appointment letter, meaning thereby the condition have been either ignored legally if any and services of the applicant may be treated even as a regularised services after completing the period of 240 days according to the wishes of the Hon'ble High Court as well as Hon'ble Supreme Court. The applicant happens to be the regular driver of Opposite parties and his services can not be in such a way directed to be terminated.

iii. Because against the applicant there is no complaint during this period nor the applicant has been found guilty for any offence nor inquiry is pending nor made against the applicant, there is absolutely nothing against the applicant as yet hence the services adruptly in such manner, arbitrary fashion against the natural justice can not be terminated by giving ~~by~~ this direction to handing over the charge which amounts to be the termination order.

iv. Because the applicant has appointed by the order directly passed by the Opposite party no.2 while this order of termination has been passed by the lower Cadre Officer i.e. Opposite party No.3, hence the order of termination have no weight in the eyes of law.

v. Because the applicant have signed on the attendance register regularly and he has been paid salary regularly every month, hence the condition of the appointment letter itself became

null & void, now the applicant is serving in the aforesaid department as a regular employee.

6. Details of remedies exhausted:

That the applicant has tried to make representation that has not been accepted by the authorities, as there is no provision of representation or appeal, hence the applicant has no option except to come up before this Hon'ble Court for the ends of justice. Since the day of the service for the first time of this order which amounts to termination of the applicant of dated 12.9.90. He has tried a lot upto to this time but no relief has been granted by the Opposite parties, hence the applicant has no explanation to come before this Hon'ble Court for seeking the justice.

7. Matters previously filed or pending WITH ANY OTHER COURT:

That the applicant has filed nothing prior to this application and neither the petitioner/Applicant's appeal

is quashed or appeal is pending in any where.

8. Reliefs fought:

That in view of the facts mentioned in para 6 that this Hon'ble Court allow the application and also pleased to quash the order of termination passed by the Opposite party no.3 after calling the relevant records if any from the possession of the Respondents.

This Hon'ble Court may further be pleased to issue the direction as deem found fxx fit for the salary of the applicant and other amoluments and also direct the Respondents not to terminate the services of the applicant in future in such a adrupt manner, against the natural justice, arbitrarily.

9. Interim order if any prayed for pending final decision on the application, the applicant seeks the following interim reliefs:

That the applicant prays very humbly

that during the pendency of this application, the applicant's such orders directing the applicant to handing over the charge passed by the Opposite party no.3 may be stayed being passed by the incompetent officer an illegal order and direct the Respondents not to make any hinderance and obstruction in the peaceful work as a driver and also not to take any charge from the applicant and to pay the salary regularly.

10. In the even of application being sent by the Registered post, it may be stated whether the applicant desires to have real hearing at the admission stage and if so, he shall attach a self addressed Post Card or Inland letter at which intimation regarding the date of hearing could be sent to him.

That is not applicable.

11. Numbers of Bank Draft/Post Order filed in respect of the application fees:

Post order No. 8 02 466254

for Rs. 50/-

for Rs. 50/- total.

Postal order for Rs. 50/- issued from G.P.O ~~High Ct~~ post office Lko.

, in favour of the Registrar Administrative Tribunal Allahabad.

12. List of enclosures:

1. Index 1 - 21
2. Application 1 - 13
3. Impugned order. Annex 14
4. Vakalatnama 15
5. Postal orders 1

Verification

I, Phool Singh aged about 35 years S/o Sri Goray Lal resident of House No. B-2936 Rajajipuram, Lucknow, working as a Driver in the office of Central Ground Water Board, Northern Region, B-43 Mahanagar, Extension, Lucknow, the deponent, do hereby verify that the contents of paras 1 to 4, 6,7,10 to 12 are true to my personal knowledge and paras 6,8,9 believed to be true on legal advice and that I have not suppressed for any material facts.

LUCKNOW:

DATED: 4/10 1990.

Signature of the Applicant.

Central Administrative Tribunal Bench Allahabad
Bench Lucknow
Claim Petition No. /90 Annexure No 4

Phool Singh - - - - - - - - - - Claimant.

vs

Union of India - - - - - - - - - - Opp.

No. 2125 /9(40)CGWB/NR/32/90
Government of India,
Central Ground Water Board,
Northern Region,
B-43, Mahanagar Extension,
Lucknow-226006.

Dated. 12/9/90

Office Memorandum.

In continuation to this office memorandum No.2058/7(17) CGWB/NR/Estt/90 dt.5.9.90. Sri Abhimanu Vs. Phool Singh, Awdhesh Bahadur Singh, Ex-Contingent Drivers are hereby directed to handover the charge of their respective vehicles alongwith tools, log book, key, and history sheet to Store Keeper of this Region immediately. They have not handedover the charge of the vehicle despite of information given to them verbally on 7.9.90(FN). The payment of their salaries will not be released till charges is handedover.

12.9.90

(A.K.Srivastava)
O/C Stores & Vehicles,
for Director.

Distribution:

1. Person concern. Sri Phool Singh, Ex Contg. Driver
2. O/C of vehicle No.UUJ-4069, UUJ-4070, CRC-5103, CGWB, NR, Lucknow.
3. Store Keeper, for information & necessary action.
4. Accounts Branch, for information & necessary action.

True Copy
Attested

Central Administrative Tribunal Lko.

माननीय ~~उच्च न्यायालय इलाहाबाद खण्ड पीठ~~ लखनऊ

वादी (मुद्दई)
प्रतिवादी (मुद्दाअलेह)

का **वकालतनामा**

COURT FEE 1 Re 50 P. भारत INDIA 1 रुपया 50 पैसे 1 RUPEE 50 PAISE

COURT FEE 2 Rs. भारत INDIA दो रुपये TWO RUPEES

COURT FEE 1 Re 50 P. भारत INDIA 1 रुपया 50 पैसे 1 RUPEE 50 PAISE

Phool Singh

वादी (मुद्दई)

बनाम

Union of India and others

प्रतिवादी (मुद्दालेह)

नं० मुकदमा सन १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से **श्री विनोद कुमार** Advocate

निवास L-1/58 सेक्टर बी (बसन्त बिहार) अलीगंज, लखनऊ

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिख देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलाहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से या हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई यह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह स्वीकार करता हूँ कि मैं हर पेशी स्वयं या अपने पैरवकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए वकालतनामा लिख दिया है कि प्रमाण रहे और समय पर काम आवे।

नामअदालत ..... नम्बर मुकदमा ..... नाम फरीकैन .....

Accepted Vino

हस्ताक्षर ..... फूलसिंह

साक्षी (गवाह) ..... साक्षी (गवाह) .....

दिनांक 9 महीना 10 सन 90

Central Administrative Traminal Bench Allahabad. Bench Lucknow A24/14

claim/iti. No 190 Annexure No 1

Phool Singh - - - - - - - - vs - - - - - - - - Clmt.

Union of India - - - - - - - - - - - - Ors.

No: 2275/1(39)/Estt./89

GOVERNMENT OF INDIA.
Central Ground Water Board.
Northern Region,
B-43. Mahanagar Extn.,
Lucknow -226006

Dated the 20th Oct., 1989.

OFFICE MEMORANDUM

The following candidates sponsored by the Local Employment Exchange, Lucnow vide letter No.T/250/89 dt. 19.10.89 are offered the job to work as Contingent M.T. Driver purely on daily rated basis @ Rs.30/- per day with immediate effect for a period of two months from the date of his joining.

Sl.No.	Name and Address	Registration No.
1.	Shri Prem Chand, S/o Sh. Mata Prasad, Mirzapur, Kursi Road, Aliganj, Lucknow.	T/2379/87.
2.	Shri Phool Singh S/o Gorey Lal, H.No. E-2936, RajaJi Puram, Lucknow.	T/2540/85
3.	Shri Raghubir Singh, S/o Sh. Dhazar Singh, H.No. ~~[illegible]~~ Hind Motor Store, Sardari Khera, Alambagh, Lucknow.	T/5053/87
4.	Shri Avdesh Bahadur Singh, S/o Sh. Surya Prakash Singh, H.No. E-III, 282Centre, H.C.D.A. Colony, Aliganj, Lucknow.	T/1055/87

Since their engagement is purely temporary and on daily rated basis, their services can be terminated at any time without assigning any reason what so ever.

It the ~~offers~~ offer is acceptable on the above [illegible] and conditions, they should report for duty by ~~22~~ [illegible].10.89 failing which offer will be treated as cancelled.

[illegible]

20/X/89
(N.S. Atram)
Scientist D(Director).

DISTRIBUTION:

1. Person concerned Sh. Avdesh Bahadur Singh
2. Officer-incharge, Stores, CGWB, NR, Lucknow.
3. Accounts Branch, CGWB, NR, Lucknow.

Central Administrative Tribunal Bench Allahabad
Bench Lucknow
Claim petition No 190 Annexure No 2

Phool Singh ..... Claimant

vs

Union of India ..... Opp.

No.9(37)/CGWB/NR/894
Central Ground Water Board,
Northern Region
B-43 Mahanagar Extension
Lucknow-226006(UP)

Dated: 17/4/90

OFFICE MEMORANDUM

Following allotment of vehicle is made with immediate effect for the Field Season 1990-1991 :-

Sr.No.	Name of Officer	Vehicle No.	Name of Driver	Place of Posting
1.	Sh.N.S.Atram Director N.R.	CPC-5103	Sh.Prem Chand	B-43
2.	Sh.S.Mukherjee Scientist 'D'	UVJ-4069	Sh,Phool Singh	B-43.
3.	Sh.V.P.Gupta A.A.O.(Esstt., Accounts & Cash)	UVJ-4070	Sh.Avdhesh Bahadur Singh.	B-67
4.	Sh.A.K.Srivastava OIC Stores & Vehicle	UVJ-4073	Sh.Abhimanu Parsad	B-43
	Exploration Unit No.1			
5.	Sh.Aftab Ahmad Scientist 'B'	UHE-5581	Sh.Abdul Sattar	B-67
6.	Sh.Kamal Mahmood Scientist 'B'	UAE-8420	Sh.Kailash Singh	E-5A
7.	Sh.R.C.Verma Asstt.Hydrogeologist	UVJ-4072	Sh.Shashank Mani	B-46
8.	Sh.S.A.Q.Abidi Asstt.Hydrogeologist	UHE-5580	Sh.S.A.Siddique	E-5A
9.	Sh.A.K.Pareekh S.T.O.(HG)			
10.	Sh.Arun Kumar Asstt.Hydrogeologist	UAE-3712	Sh.Prakash Singh	B-67
	Exploration Unit-II			
11.	Dr.S.B.Singh Scientist 'B'	BPJ-9863	Sh.Achchey Lal	B-43
12.	Sh.G.D.Parthwal Asstt.Hydrogeologist	UCO-4572	Sh.Daya Ram	B-46
13.	Sh.G.B.Pareekh	UHE-5582	Sh.Jagdish Parsad	C-43

Central Administrative Tribunal Bench Allahabad
Bench Lucknow
Claim Petition No 190 Annex No 3

Phool Singh - - - - - - - - - Claimant.

vs

Union of India - - - - - - - - - Opp.

No. 1677/7(1)/CGWB/NR/Estt/90
Government of India,
Ministry of Water Resources,
Central Ground Water Board,
Northern Region,
B-43, Mahanagar Extension,
Lucknow-226 006.

Dated : 19/7/90

TO WHOM IT MAY CONCERN

Certified that Shri Phool Singh, has been serving as Contingent M.T. Driver since 26/10/1989 in this office.

(V.P. GUPTA)
ASSTT. ADMN. OFFICER,
FOR DIRECTOR.

A.A.O.
C.G.W.B., N.R.
Lucknow

ral Administrative Tribunal Bench Allahabad
Bench Lucknow
claim petition No. 190 Annexure No 4

Phool Singh - - - - - - - - - - - Claimant.

vs

Union of India - - - - - - - - - - Opp.

No. 2125/9(49)CGWB/NR/90
Government of India,
Central Ground Water Board,
Northern Region,
B-63, Mahanagar Extension,
Lucknow-226006.

Dated. 12/9/90

Office Memorandum.

In continuation to this office memorandum No.2950/7(17) CGWB/NR/Estt/90 dt.5.9.90. Sri Abhimanu No. Phool Singh, Awdhesh Bahadur Singh, Ex-Contingent Drivers are hereby directed to handover the charge of their respective vehicles alongwith tools, log book, key, and history sheet to Store Keeper of this Region immediately. They have not handedover the charge of the vehicle despite of information given to them verbally on 7.9.90(FN). The payment of their salaries will not be released till charges is handedover.

12.9.90

(A.K.Srivastava)
O/C Stores & Vehicles,
for Director.

Distribution;

1. Person concern. Sri Phool Singh, Ex Contg. Driver
2. O/C of vehicle No. UVJ-4069, UVJ-4070, CRC-5103, CGWB, NR, Lucknow.
3. Store Keeper, for information & necessary action.
4. Accounts Branch, for information & necessary action.

True Copy
Attested

tral Administrative Tribunal Bench Allahabad
Bench Lucknow
Claim Peti. No 190 Annex No

A8 19

Phool Singh - - - - - - - - - Claimt.
vs
Union of India - - - - - - - - Opp.

5

श्रीमान तहसीलदार साहब, तहसील औरैया जिला इटावा

महोदय,

निवेदन है कि प्रार्थी — — — फूलसिंह — — — — — —
पुत्र श्री — — गौरे लाल निवासी ग्राम — — [illegible]
तहसील औरैया जाति — — — अनुसूचित उप जाति — चमार — — — का
प्रार्थी के पिता/अभिभावक की मासिक आय मु० — — 300/- — — — रुपया
एवं आय मु० — 3600/- — — — — रुपये है।

उपरोक्त सभी तथ्यों को हम शपथ पूर्वक पुष्टि करते है और यदि कोई तथ्य गलत सिद्ध हो तो हमारे विरुद्ध वैधानिक कार्यवाही की जावे और हम दण्ड स्वीकार करेंगे।

गौरे लाल
पिता/अभिभावक के हस्ताक्षर

फूलसिंह
प्रार्थी के हस्ताक्षर

लेखपाल/मु० कानूनगो
जाँच कर आख्या दें।
1/1/9
तहसीलदार/औरैया

अतः आख्या में जाँच करली है कि प्रार्थी श्री फूलसिंह — ... — — निवासी ग्राम [illegible]
पुत्र श्री — गौरे लाल — — —
जाति — — अनुसूचित ... — — उप जाति — चमार — — ...के है।

हस्ताक्षर लेखपाल 2/1

मैंने भली भाँति जाँच करली कि उक्त प्रार्थी के पिता/अभिभावक श्री — गौरे लाल — —
— — — — — ...... — पुत्र श्री — [illegible] ... ... — — — —
निवासी ग्राम — [illegible] — — — ... — तहसील औरैया जिला इटावा के पास कुल
कृषि — [illegible] — ... — — ... — एकड़ है तथा उनकी सभी स्रोतों से मासिक आय मु० अंकों
में — 250/- — — शब्दों में [illegible] — ... ... रु० है।

हस्ताक्षर लेखपाल

मैं उपरोक्त लेखपाल की आख्या की पुष्टि करता हूं।

2/1
ह० मु० कानूनगो

[illegible]
उपरोक्तानुसार प्रमाण पत्र जारी करें।

फूलसिंह

हस्ताक्षर तहसीलदार औरैया

विक्रेता का पता—स्वामबाबू गुप्ता स्टाम्पवेन्डर तहसील औरैया (इटावा)

Central Administrative Tribunal Bench Allahabad
Bench Lucknow
Claim Petition No 190 Annex No 83

Phool Singh - - - - - - - - - - Claimant.
vs
Union of India - - - - - - - - - - Opp.

अनुक्रमांक 23228 क्रम-संख्या 197796

माध्यमिक शिक्षा परिषद, उत्तर प्रदेश

हाई स्कूल परीक्षा, १९७६

प्रमाणित किया जाता है कि परीक्षार्थी/परीक्षार्थिनी, जिसका अभिलेखानुसार विवरण निम्नवत् है, ने मार्च/अप्रैल, १९७६ की हाई स्कूल परीक्षा तृतीय श्रेणी में उत्तीर्ण की है और ——— में विशेष योग्यता प्राप्त की है।

नाम फूल सिंह

पिता का नाम श्री गोरे लाल

जन्म-तिथि पांच दिसम्बर उन्नीस सौ पचपन (5.12.1955)

विद्यालय/केन्द्र का नाम श्री जनता इण्टर मीडिएट कालेज, बिरहनी, इटावा

परीक्षा-विषय :—

१—हिन्दी	५—भूगोल
२—सामान्य गणित/गणित/गृह-विज्ञान	६—कला (ड्राइंग)
३—संस्कृत	७—×

(रघुनन्दन सिंह),
सचिव।

क्रमाधार :

दिनांक १८ जून, १९७६ ई०।

True copy
Attested

A13 21

Central Administrative Tribunal Bench Allahabad
Bench Lucknow
Claim Petition No 190 Annexure No 7

Phool Singh - - - - - - - - - - Claimant.
vs
Union of India - - - - - - - - - - Opp.

GOVT. OF UTTAR PRADESH 3992

Govt. Technical Training Centre

Bakshi-ka-Talab, LUCKNOW (Q.B.L 99)

Provisional Certificate

Sri/Smt. Phool Singh Son of
Sri ..... having completed
Two years/~~one year~~ course of National Council for Training in Vocational Trades and
passed / ~~failed~~ in the prescribed Trade Test, in trade of Mechanic Motor vehicle
held on July 1980
Period of Training :—From Aug 1978 to July 1980
Character :— Good

Trade Test Marks	Max Marks	Marks obtained	Exempted for failed Candidate
1. Practical (including sessional work)	400	290	
2. Trade Theory (including Sessional work)	120	82	
3. Workshop Calculation & Science (including sessional work)	60	40	Passed
4. Engineering Drawing (including sessional work)	70	40	
Total	650	432	

~~Date of birth as recorded in~~ School Certificate 5-12-55

Signature of Certificate holder .....
Address Vill - Birhuni
P.O. - Birhuni
Distt. - Etawah

Date 25-9-80
Place : Bakshi-ka-Talab, Lucknow.
Prepared by
25/9/80

PRINCIPAL
Govt. Technical Training Centre
Bakshi-ka-Talab, Lucknow.

Principal,
Govt. Technical Training
Bakshi - Ka - Talab,
LUCKNOW

True Copy
Attested

A59

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

M.P. No. -

O.A. NO. 340 of 1990(L)

Phool Singh .. Applicant

-versus-

Union of India and others .. Opposite parties.

APPLICATION -CONDONATION OF DELAY IN FILING COUNTER AFFIDAVIT BY OPPOSITE PARTIES.

The opposite parties begs to submit as under:-

1. That due to some unforeseen circumstances the counter affidavit could not be filed before this Hon'ble Tribunal in time. Now the counter affidavit is ready for filing, and is being filed herewith along with this application and which may kindly be taken on record after condoning the delay.

File today
30/5/91

PRAYER.

Wherefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to condone the delay in filing the counter affidavit in time and the accompanying counter affidavit be taken on record after condoning the delay.

(VK Chaudhari)
Addl Standing Counsel for Central government
(Counsel for Opp. parties)

Lucknow,
Dated: 30.5.91.

4. That the contents of para 4(i) & 4(ii) of the application need no comments.

5. 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's service can not be said as continuous. He was paid for the actual days he worked in a month for performing Driver's duty and was directed to drive the vehicle No.UVS 4069 attached with Shri S. Mukherjee, Scientist-D. Therefore, quoting of the reference to the order dated 17.4.1990 is irrelevant, this order indicates the distribution of vehicles to the Drivers.

6. That in reply to the contents of para 4(iv) of the application it is submitted that the applicant was paid for actual days he has worked in a month including Sunday therefore the contents of this para are totally incorrect.

7. That in reply to the contents of para 4(v) of the application it is submitted that the experience certificate was issued to the applicant on 19.7.1990 on his request in support of his Driving experience gained in the office of the deponent during the period of his working for his better carreer, and not in support of his continuity in service.

S.Ganganathan

6.3.92

A22

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. No. of 1990

Dhool Singh .. Applicant

-versus-

Union of India and others .. Opposite parties

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES

I, S. Ranganathan, aged about 56 years, son of Dr. R. Seshadri, at present posted as Director, Central Ground Water Board, Lucknow do hereby solemnly affirm and state as under:

1. That the deponent is opposite party no.2 in the above mentioned application and he has been authorised to file this counter affidavit on behalf of all the opposite parties.

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

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

S. Ranganathan

8. That in reply to the contents of para 4(vi) of the application it is submitted that the order for handing over keys/tools etc. of the vehicle as impugned order as alleged in this para is totally incorrect hence denied. Further it is submitted that the order for handing over of the vehicle which the applicant was driving and its keys/tools/log book etc. was issued taking into consideration that services of the applicant would no longer required to the Department, and he has to hand over the charge of vehicle/keys etc. to avoid dislocation of Government work and the orders dated 12.9.1990 are very much correct and in order.

9. That the contents of para 4(vii) of the application are incorrect as stated, hence denied and in reply it is submitted that the applicant was well aware about his removal from the job and the date by which he would not be required to drive the vehicle.

10. That the contents of para 4(viii) of the application are irrelevant in the instant case. It is is further submitted that the applicant was in receipt of the order dated 12.9.1990, wherein he was directed to hand over keys of the vehicle, tools, Log book as confessed in the application. Therefore, the sentence in 4th line of this para in the application which reads as 'though the charge has yet not been taken over by the applicant is misconceived. There was no question of his taking over charge after issuing the order of termination. contrary, he had

to hand over charge.

11. That the contents of para 4(ix) & (x) of the application need no comments.

12. That in reply to the contents of para 4(xi) of the application it is submitted that the applicant has not continuously worked as alleged.

13. That in reply to the contents of para 4(xii) of the application it is submitted that the initial appointment of the applicant was purely on daily rated basis and his services could be terminated at any time without assigning any reason whatsoever. This condition was acceptable to the applicant, and he accordingly reported for duty.

14. That in reply to the contents of para 4(xiii) of the application it is submitted that the averments made in this para are misconceived as per terms of his initial engagement which was acceptable to the applicant his services was terminated and orders issued in this regard are quite in order and there has neither been violation of any natural justice nor the orders have been issued in arbitrary manner. The applicant was removed from his engagement as per the condition of contract of offer of engagement.

15. That the contents of para 4(xiv) of the application are incorrect, hence denied and in reply

S.Jangannathay

6/3/91

it is submitted that the terrisation order in its shape is quite in order and it requires to be constructed with objective nature.

16. That the contents of para 4(xv) of the application needs no comments.

17. That in reply to the contents of para 5(i) of the application it is submitted that the applicant has not completed 240 days in a year, and thus contention that he has been continuously engaged is not correct as stated and as per rules he was required to put in two years as casual worker with at least 240 days during each of two years for regulerization in group-D service. Extract of relevant rule is enclosed.

18. That in reply to the contents of para 5(ii) of the application it is submitted that nothing has been ignored in terminating services of the applicant, which is unlawful and he was only a daily paid and can not be said as regular Driver.

19. That in reply to the contents of para 5(iii) of the application it is submitted that the services of the applicant has been terminated as per the condition of appointment which was acceptable to him. No injustice has been done to him, the order of termination has its legal validity and the department has acted in a legal manner and after observing the principle of natural justice.

20. That in reply to the contents of para 5 (iv) of the application it is submitted that the order

S. Ranganathan

6/3/91

passed by the respondent no.2 is quite in order as its prior approval was obtained on file from Respondent no.1, i.e. Controlling/Appointing Authority, and termination order conveyed to the applicant is in order.

21. That in reply to the contents of para 5(v) of the application it is submitted that the applicant was paid only for actual days ~~to~~ wages he has worked in a month and his contention to treat him a regular employee is misconceived.

22. That in reply to the contents of para 6 ~~xxxxxx~~of the application it is submitted that the applicant was engaged purely on daily rated worker, and his contention that he has tried to make representation is false and misconceived, as he did not turn up after terminating the services and moreover he did not care to hand over keys of Government vehicle so far which tantamounts to ~~xxxx~~ stealing of Government property with deliberate intention and to dilocate the Government work and is liable for prosecution under law.

23. That the contents of para 7 of the application need no comments.

24. That in reply to the contents of para 8 of the application it is submitted that in view of the facts mentioned in the above paragraphs and condition of the offer of engagement and the behaviour for keeping the keys ~~m~~ & documents of the Government vehicle, still

S.Jangaratheq

6.3.91

with the applicant, the as such the reliefs sought by the applicant are not tenable in the eyes of law and the applicant is not entitled to get any relief as sought in this para.

24. That in reply to the contents of para 9 of the application it is submitted that the applicant is not entitled to get any relief and his claim is absolutely misconceived and baseless.

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

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

S.Ramanathan
Deponent.

Lucknow,
Dated: 6-3-91 ~~Nov.~~ 1990.

Verification.

I, the above named deponent do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge, those of paragraphs 3 to 23, 25 & 26 are believed to be true on the basis

S.Ramanathan

6-3-91

of records and information gathered and those of paragraphs 24 & 27 of the affidavit are also believed to be true on the basis of legal advice. No part of this affidavit is false and nothing material fact has been concealed.

S Ranganathan
Deponent.

Lucknow,
Dated: 6 3 91 ~~Nov. 1990.~~

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

(VK Chaudhari)
Addl Standing Counsel for Central Govt
(Counsel for the Respondents)

Solemnly affirmed before me by the deponent xxxxxx this 6th day of March 1990 at 11.30 am/pm who has been identified by Shri VK Chaudhari, Advocate, High Court, Lucknow Bench, Lucknow.

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

Authorised Officer,
6 3 91.

S Ranganathan

Each Ministry should furnish a quarterly statement indicating the progress of the review in respect of the Ministry (proper) and all Attached/Subordinate Offices under them to the Department of Personnel and Training in the *pro forma* attached (*not printed*). The first quarterly return should be furnished to this Department by the 10th October, 1988.

4. By strict and meticulous observance of the guidelines by all Ministries/Departments, it should be ensured that there is no more engagement of casual workers for attending to work of a regular nature, particularly after the review envisaged above is duly completed. Each Head of Office should also nominate an officer who would scrutinise the engagement of each and every casual worker and the job for which he is being employed to determine whether the work is of casual nature or not.

5. Ministry of Finance, etc., are requested to bring the contents of this O.M. to the notice of all the appointing authorities under their respective administrative control for strict observance. Cases of negligence in the matter of implementing these guidelines should be viewed very seriously and brought to the notice of the appropriate authorities for taking prompt and suitable action against the defaulters.

[G.I., Dept. of Per. & Trg., O.M. No. 49014/2/86-Estt. (C), dated the 7th June, 1988.]

2. Appointment of casual labourers to Group 'D' posts

2.1. The appointment of casual labourers to Group 'D' posts, borne on the regular establishment which are required to be filled by direct recruitment, will be made subject to the following conditions:—

(*i*) No casual labourer not registered with the Employment Exchange should be appointed to posts borne on the regular establishment;

(*ii*) Casual labourers appointed through Employment Exchange and possessing experience of a minimum of two years' continuous service as casual labour in the office/establishment to which they are so appointed will be eligible for appointment to posts on the regular establishment in that office/establishment without any further reference to the Employment Exchange.

(*iii*) Casual labourers recruited in an office/establishment direct, without reference to the Employment Exchange, should not be considered for appointment to regular establishment unless they get themselves registered with the Employment Exchange, render, from the date of such registration, a minimum of two years' continuous service as casual labour, and are subsequently sponsored by the Employment Exchange in accordance with their position in the register of the Exchange. (*See* paragraph 3 below for one time relaxation).

2.2. A casual labourer may be given the benefit of 2 years' continuous service as casual labourer if he has put in at least 240 days (226 days in the case of offices observing 5 days week) of service as a casual labourer (including broken periods of service) during each of the two years of service referred to above.

[G.I., M.F., O.M. No. F. 8(2)-Estt. (Spl/60, dated the 24th January, 1961; M.H.A., O.M. No. 6/52/60-Estt. (A), dated the 16th February, 1961; No. 16/10/66-Estt. (D), dated the 2nd December, 1966; 14/1/68-Estt. (C), dated the 12th February, 1969; and D.P. & A.R., O.M. No. 49014/19/84-Estt. (C), dated the 26th October, 1984.]

3. Regularisation of services of casual workers, not recruited through employment exchange before 7-5-1985, in Group 'D' posts

3.1. The services of casual workers may be regularised in Group 'D' posts in various Ministries/Departments, etc., subject to certain conditions, in terms of the general instructions issued by this Department. One of these conditions is that the casual workers concerned should have been recruited through the employment exchange. Sponsorship by the employment exchange being a basic and essential condition for recruitment under the Government, it has repeatedly been brought to the notice of the various administrative authorities that recruitment of casual workers should always be made through the employment exchange. It has, however, come to the notice of this Department that in certain cases these instructions were contravened and casual workers were recruited otherwise than through the employment exchange. Though these persons may have been continuing as casual workers for a number of years, they are not eligible for regular appointment and their services may be terminated any time. Having regard to the fact that casual workers belong to the weaker section of the society and termination of their services will cause undue hardship to them, it has been decided, as a one time measure, in consultation with the Director-General, Employment and Training, that casual workers recruited before the issue of these instructions may be considered for regular appointment to Group 'D' posts, in terms of the general instructions, even if they were recruited otherwise than through the employment exchange, provided they are eligible for regular appointment in all other respects.

3.2. It is once again reiterated that no appointment of casual workers should be made in future otherwise than through the employment exchanges. If any deviation in this regard is committed, responsibility should be fixed and appropriate departmental action taken against the official concerned.

[G.I., D.P. & T., O.M. No. 49014/18/84-Estt. (C), dated the 7th May, 1985.]

4. Regulation of wages for the casual labour in the Department of Telecommunication

4.1. The employment of casual labour in the Telecommunication wing (*of the Posts and Telegraphs Department*) who are working for a reasonably long period, on continuous basis was one of the items under

व अदालत श्रीमान CAT Circuit Bench Lko महोदय

[वादी] अपीलान्ट

श्री Respondent का

प्रतिवादी

वकालतनामा

(टिकट) वादी (अपीलान्ट)

Phool Singh

UOI & ors

बनाम प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं० सन् पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से **श्री वी० के० चौधरी एडवोकेट** हाईकोर्ट ऊपर स्थायी अधिवक्ता भारत सरकार लखनऊ वेन्च, निवास- १४/६२९ बरफखाना, नईबस्ती अलंकार सिनेमा के पास लखनऊ टेली. न. २३४९८६ हाईकोर्ट चेम्बर न. १४ टेली. न. २४०९०७

नाम अदालत.....
मुकद्दमा नं० नाम.....
फरीकैन.....बनाम.....

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

Gangawathi 23/X

Director, Central Ground Water Board, Min. of Water Resources, N.K. Lucknow (U.P.)

Director, Central Ground Water Board, Min. of Water Resources, N.R. Lucknow (U.P.)

23/X

स्वीकृत

(वी० के० चौधरी)
एडवोकेट हाईकोर्ट

हस्ताक्षर.....

साक्षी (गवाह).....साक्षी (गवाह).....

दिनाङ्क.....महीना.....सन् १९ ई.

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD:

CIRCUIT BENCH AT LUCKNOW:

In :

O.A. No.340 of 1990 (L)

Phool Singh aged about 37 years,
son of Sri Gorey Lal r/o House No.
2936 Rajajipuram Lucknow..... Petitioner.

Versus

Union of India & others..... Opp.Parties.

Reioinder Affidavit on behalf of above applicant.

I, Phool Singh aged about 37 years son of Sri Gorey Lal resident of House No.E2936 Rajajipuram Lucknow do hereby solemnly affirm and state on oath as under:-

Filed today
6/7/92

1. That it is very humbly submitted that para 1 to 4 of C.A. needs no comment.

2. That in reply of para 5 of the C.A. para 4 (iii) is being reiterated . It is again being submitted that the petitioner is in continuous since, he has been served with the order dated 17.4.92 and it shows the allotment of the Vehcle with name of applicant, hence it is the most relevant order to be placed before this Hon'ble Court by this document it is xxxxxx crystal clear that the petitioner is in the continuous services and there is no brake and as such

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Advocate
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the contents made in the para 5 of the C.A. as written is denied whatsoever brake is contended is an artificial brake.

3. That in reply of para 6 of C.A. para 4 of application is being reiterated it is very humbly submitted that it is incorrect to say that the applicant was paid for the actual days of his working even of the payment of Sunday and Saturdays which are the holidays have also been paid to the applicant @ 30/-per day,it can be easily perused by the please of this Hon'ble Court for the records calling from the opposite parties hence the contention made in paragraph 6 of ~~xxxxxxx~~ C.A. is incorrect and misconceived hence denied.

4. That in reply of para 7 para 4(v) being reiterated . It is very humbly submitted that the certificate which have been referred is the document to prove the continuating of the service of the applicant hence the contention made in para 7 of C.A. is incorrect and denied.

5. That in reply of para-8 of the C.A para 6 of the applicant is being reiterated. The remaining contents of para 8 as written are denied. It is the misconceived facts while this is absolutely nothing against the applicant such orders are arbitrary against the natural justice and unwarranted.

6. That in reply of para 9 of the C.A. para 4(VI) of applicant is being reiterated. The remaining contents of the para 9 of C.A. are not clear,misconceived hence not admitted.

7. That in reply of para 10 of C.A. para 4(VIII) of the applicant is being reiterated. That though the order dated 12.9.90 amounts termination but regarding the factual charge no direction has been given to the applicant not as yet the key or logbook have been taken from applicant it is still with the applicant even during the pendency of this case he tried to see the clear orders but nothing has been said by the opposite parties till date.

8. That para 11 of C.A. needs no comment.

9. That in reply of para 12 of the C.A. para 4(XI) of the application is being reiterated. The remaining allegation order in para 12 is denied.

10. That in reply of para 13 of the C.A. para 4(XII) is reiterated and remaining contention made in this para are denied and absolutely incorrect.

11. That in reply of para 14 of the C.A. para 4(XIII) of the application is being reiterated. The remaining contention made in para 14 are denied, and incorrect.

12. That in reply of para-15 para 4(XIV) is being reiterated and remaining contents made therein are denied and absolutely misconceived and against natural justice.

13. That para 16 of C.A. needs no reply.

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14. That in reply of para 17 of the C.A. para5(i) of the applicant is being reiterated remaining contentio on made in para 17 is misconceived and against the fact The applicant has worked continuously for such a period which entitled him to be regularisedeven after such impugned order passed against the applicant the opposite parties have again gave the employment while there is vacancy and the three persons of this have been employed, the applicant cannot be deprived of from his natural right of his employment.

15. That in reply of para 18 of C.A. para 5(II) of the applicationis being reiterated. The remaining contention made therein para 18 is denied.

16. That in reply of para 19 of the C.A. (III) of the applicationis being reiterated, the remaining contention made therein are absolutely incorrect hence denied.

17. That in reply of para 20 of the C.A. para -5 (iv) of the application is being reiterated the remaining contention made therein is denied and is said as manipulated.

18. That in reply of para 21 of the C.A. para 5(V) of application is being reiterated and the remaining contention made therein are denied remaining the continuously of the service of the applicant has already been submitted in the preceeding paragraphs.

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19. That in repoy of para-22 of the counter affidavi para 6 of the application is being reiterated the remaining contention made therein are incorrect false and not at all according to law,hence denied.

20. That para -23 needs no comment.

21. That reply of para 24 of the C.A. para of the applicant is being reiterated. The remaining contents made therein are incorrect and misconceived and for the relief say it is entitled by pleasure of this Hon'ble Court.

22. That in reply of para 25 para 9 of the applicant is reiterated and the applicant is for the relief sought in para 9 of the application the remaining contention of para 25 of the C.A. are not tenable.

23. That para 26 needs no reply.

24. That in reply of para 27 of the C.A. it is very humbly submitted that the applicant is entitled for all the relief sought on the basis of the fact and on the basis of law which have been submitted in the application as such the contention made in para 27 are quite misconceived misguide.

Place: Lucknow:

July ,1992

Deponent.

Solemnly affirmed before me by ... Shri ... satisfied myself by examining that He/She understands the contents of this affidavit which have been read ...

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 24 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed. So help me God.

Signed and verified today on within court's compound Lucknow:

Place: Lucknow:

July ,1992

Deponent

I, identify the deponent who has signed before me.

Advocate,

OATH COMMISSIONER
Advocate
Date 6.7.92
U. P. LUCKNOW

Solemnly affirmed before me so as
by, Pool Singh
Identified Shri Vinod Kumar
Advocate
I have satisfied myself by examining the witness
6/7/92