

(A)

Central Administrative Tribunal
Lucknow Bench
Date of filing 13-12-96
Date of receipt of Petition

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 406 of 1988/904,

Deputy Registrar (D)

APPLICANT(S) Shri. Ramesh Kant Sharma

RESPONDENT(S) Union of India & others

13/12

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ? *application -*
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 ? *application - yes*
3. a) Is the appeal in time ? *yes*
b) If not, by how many days it is beyond time? *yes*
c) Has sufficient case for not making the application in time, been filed? *yes*
4. Has the document of authorisation/ Vakalatnama been filed ? *yes*
5. Is the application accompanied by B.D./Postal Order for Rs.50/- *yes*
6. Has the certified copy/copies of the order(s) against which the application is made been filed? *yes*
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? *yes*
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? *yes*
c) Are the documents referred to in (a) above neatly typed in double space ? *yes*
8. Has the index of documents been filed and paging done properly ? *yes*
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? *yes*
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? *yes*

Yes

(22)

Particulars to be Examined

Endorsement as to result of examination

1. Are you applicant for/duplicate copy/signed by him signed?
2. Are there copies of the application with annexures filed?
 - a) Identical with the Original?
 - b) Defective?
 - c) Missing in Annexures
3. Are the full size envelopes bearing full addresses of the respondents filed?
4. Are you given address the registered address?
5. Do the names of the parties appear in the copies tally with those furnished in the application?
6. Are the translations certified as correct or supported by an affidavit affirming that they are true?
7. Are the names of the case mentioned in item no. 6 of the application?
8. Are the names distinct reads?
9. Are the names consecutively?
10. Are the names in double space on one side of the paper?
11. Are the particulars for interim orders as indicated with the names?
12. Are all the remedies have been exhausted?

yes

yes

yes

x

N.A.

yes

yes

N.A.

Remedy

yes

yes

yes

yes

2

2/11/12

13/12/40

13/12/40

D.R.

Put up before the Hon.

Bench on 9/1/41 for orders.

12/11/40

ORDER SHEET

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

A3

O.A.NO. 406/90(L)

OF 19

Ramakant Sharma

vs.

Union of India & Others

Sl.No.	Date	Office Report	Orders
1	9/1/91	<p>02 Notice of Gussaf 17/1/91</p> <p>Notice of CP No 7 has been relieve done</p> <p>No sitting Adj to 4.2.91</p> <p>02</p> <p>Notices were issued on 17/1/90</p> <p>Notice of CP No 7 has been relieve done with postal remarks & urgent situation if any let of any other let of next order of higher authority for concerned dept. Con have been relieve done on behalf of other dept.</p> <p>S.F.O.</p> <p>L 11/2/91</p>	<p>Hon'ble Mr.D.K.Agarwal, JM. Hon'ble Mr.K.Obayya, AM.</p> <p>Dated: 9.1.91.</p> <p>Heard. Admit. Issue notice counter may be filed within eight weeks rejoinder within three weeks thereafter List before D.R. on 21.3.91 for completion of pleadings and thereafter for listing for hearing according to its serial number.</p> <p>Issue notice to opposite parties as to why the prayer for interim xxxx relief be not granted. List for disposal of interim matter on 1.2.91.</p> <p>Sd/- Sd/- A.M. J.M.</p> <p>R.S.M.</p> <p>4.2.91</p> <p>Hon. Mr. Justice K Nath J.C. Hon. Mr. K. Obayya, AM.</p> <p>Dr. Dinesh Chandra files country in which it is stated that the applicant was engaged by the E & AS as substitute and not by the Dept. As per documents 7 & 7 were appointed after selection by the Department. The learned counsel for the applicant says that the applicant is working and he may not be disturbed during the pendency of the case. The applicant is expected to produce his orders of appointment to show whether he was working as substitute or as an employee of the Dept. Counsel for the applicant requests for an opportunity to file rejoinders for which he needs a brief time. The case may be listed for orders on 8.2.91. Till then the applicant may be allowed to continue to work. Unless he is working as a mere substitute.</p>

2

1.2.91

3

(5)

5/3/91

Hon Mr. Justice K. P. Singh, SC
Hon Mr. A. B. Tandon, J.

The learned counsel for the applicant as presented an application for adjournment in view of the fact that Dr. Anand Chandra, the learned counsel is out of station. It is stated that he will be back on 12/3/91 of this month. The case may be listed for orders on 2/4/91. In the meantime the applicant may file rejoinder. Respondent No. 7 has not been served for reasons indicated in the Postal Dept's report. The applicant will furnish the correct address of respondent No. 7 within a week after which the office will issue notice for the next date. The remaining respondents 3 to 6 are presumed to be served; they have not filed any reply. The case will proceed ex p. ~~against them~~



A. B. T.



V. C.

OR

Notices was issued to O.P. No 7 on 19.3.91. Neither reply on behalf of O.P. 3 to 6 & 7, nor unserved reply has been on behalf of O.P. No 3 to 6 & 7 have been return back. No RA filed. This case is connected along with Content 14/91/4 S. P. O. 1/4/91

OR

He for the applicant has filed process to serve the O.P. No 7

O.P. No 7. Notice signed 19/3/91

C.A No. 406 of 1990.

OF 19

Ramakant Sharma Vs. Union of India & Others.

Sl.No.	Date	Office Report	Orders
		(6)	<p>Hon'ble Mr. A.B.Gorthi, A.M Hon'ble Mr. S.N.Prasad J.M Dated : 2.4.91.</p> <p>Heard the learned counsel for the applicant on the contempt Application No. 14/91(L) . He contends that the respondents had violated our order dt. 2.2.91 and that they did not let the applicant to continue to work as a substitute of Ram Kumar but instead engaged one Shri Shiv Karan in the said vacancy w.e.f 1.2.91 . We find that the appointment of Shiv Karan has been made on 1.2.91 as mentioned in the contempt application whereas the order of the Tribunal had been passed on 8.2.91. Besides we find that the sahayak Dak Adhikshak, A.S. Alam bagh, Lucknow has been cited as the sale counter in this case whereas he is not one of the respondents in the original application. No.406/90. For the aforesaid reasons, we dismiss this contempt application. The learned counsel for the respondents says that he has already submitted a supplementary counter which does not appear to be on the record the respondents counsel is permitted to furnish which now to be placed on record. List for final hearing on 24.4.91.</p> <p>J.M Sd/-</p> <p>A.M Sd/-</p> <p>M.P.</p>

See
original order
in
Contempt application.

OK
Sd/- by co hen
been not filed
S.F.H
20/4

CA 4061902

(A6)

21.10.91

No sitting adjn to 18.10.91
↓

17.12.91 -

No sitting adj to 19.2.92

↓

19.2.92

No sitting adjn adjn 26.5.92
cf.

2.4.92

No sitting adjn 21.5.92
↓

21.5.92

Case not reached adjn
14.7.92

↓
Noe

CA, RA 2012
Gen. Manager
SFH
19/5

(A7)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
LUCKNOW

O.A.No.406/90

Rama Kant Sharma

Applicant

versus

Union of India & others

Respondents.

Shri S.K.Srivastava

Counsel for Applicant

Shri Dinesh Chandra

Counsel for Respondents.

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

Hon. Mr. K.Obayya, Adm. Member.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

One Ram Kumar was working as Extra Departmental Delivery Agent at Alambagh. The post was vacant, accordingly one Gulab Singh was employed on the post on 1.12.90 who in turn engaged Sri Rama Kant Sharma to work as substitute on his risk and responsibility. The applicant continued to work till 31.1.91, then his services were terminated. He approached the Tribunal against his termination order, as the services of respondents 3 to 7 were not terminated, though they too were working on the same post. The applicant contends that he has worked for 240 days. Therefore, he should be regularised.


2. The respondents contended that there is no provision for regularisation of substitutes. The respondents 3 to 7 were sponsored from Employment Exchange and while making selection on the basis of merit no weightage was given for their engagement as substitutes. The applicant has no right for regularisation on the said post.

So far as other respondents are concerned, it has been pointed out that the respondents were appointed as per provisions contained in P&T, EDA (Conduct & Service) Rules, 1964, and they continued and the ^{applicant} cannot claim right to the post that he has worked for three years.

3. In view of the fact that the post is vacant and the applicant has worked, there appears to be no reason why the applicant's case should not be considered for appointment in the same post office or in the same delivery post office/circle and the claim of the applicant will not be rejected on any technical ground. But for the above observations, the application is otherwise rejected.

4. The application is disposed of as above, with no order as to costs.


Adm. Member.


Vice Chairman.

Lucknow: Dated: 14.7.92

Shakeel/

(M)

In the Hon'ble Central Administrative Tribunal, U.P.
Allahabad Bench at Lucknow.

Application No. 406 of 1990. (L)

Rama Kant Sharma. Vs. P.M.G., U.P. Circle
and others.

Compilation - A

I N D E X

<u>S.No.</u>	<u>Details of application.</u>	<u>Page Nos.</u>
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8.	Relief sought.	8 to 9
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(R)

S.No. Details of application. Page Nos.

10. ~~Annexure No. IV : Copy of communication
from the Director General Posts and
Telegraph, New Delhi, dated 20.10.1984.~~

11. Particulars of Postal order filed in
respect of the application fee.

10

12. Vaklatnama.

12

Pramod Kumar

(Counsel for the Applicant).

For use in Tribunal's Office.

Date of filing :

(Signature for Registrar).

Registration No.

(M)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH, AT LUCKNOW.

Registration No. 406 /1971. (2)

Post Kant Sharma, S/o. Mahendra Kumar Sharma, R/o. Panch
Thana, Allahabagh, Lucknow, Post Office No. 16, Allahabagh, Post
Office, Lucknow.

Applicant.

- Union of India, through
1. Post Master General, U.P. Circle, Lucknow-226001.
 2. Pawan Chakrabarti, Lucknow, Model Lucknow-226007.
 3. Manoj Salivastava, Postman, Area Vikas Post Office,
Lucknow. Pin-226017.
 4. Tazab Singh, Postman, Mandirgah, Post Office,
Lucknow Pin-226011.
 5. Anand Kumar Dubey, S/o. Krishna Kant Dubey, Postman,
C-School, Allahabagh, Post Office Branch, Lucknow,
Pin-226005.
 6. Gulab Singh, S/o. Vijay Prasad Singh, Postman,
Allahabagh Post Office, Lucknow Pin-226005.
 7. Ajit Kumar, ^{Postman} Sarojnagar Post Office, Lucknow,
Pin-226008.

cc. Respondents.

DETAILS OF APPLICATION.

Page 2.

21/11/71

Deputy Registrar
13/12

1. Particulars of the order against which the application is made.

Although the applicant is serving from 1980, with casual breaks, implies IV part-time contingent paid staff in various capacities in the Posts and Telegraphs Department, and has put in 696 days of service in the department, but against equity, justice and good conscience, the applicant has not been made regular on the post of Postman, while respondents Nos 3 to 7, who have, like the applicant, not completed service of 240 days or more in one calendar year, and have rendered longer service in comparison to the applicant, have been made regular. As such, respondents No. 1 and 2 have acted in a discriminatory manner to the detriment of the applicant.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter, 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 Tribunals Act, 1985.

2
Filed today
13.12.90

241 ch/c 21/11

AIB

4. Facts of the Case.

(a) That, the applicant has passed Prathina Examination of Hindi Section Sampada, Allahabad, which is equivalent to High School of the Board of High School and Intermediate Education of Uttar Pradesh. His Date of Birth is 5.4.1937. As such, the applicant fulfills all the necessary qualifications for being made regular in class IV of the Posts and Telegraphs Department.

(b) That the applicant is registered at serial No. 7238/90, dated 20.8.1990 in the office of Employment Exchange, Lucknow.

(c) That, the applicant has served in various capacities in class IV as part time contingency paid staff in the Posts and Telegraphs Department at Lucknow, as per following details:-

S. Nos.	Posts	Period.	Days.
1.	Outside letter Box peon.	3.9.80 to 6.10.80	34
2.	Charbagh,	5.5.81 to 30.6.81	57
3.	Lucknow.	3.8.81 to 1.9.81	30
4.	Seasonal (C.P)	22.2.85 to 1.3.85	8
5.	Waterman	14.6.85 to 2.7.85	19
6.	Alenbagh	15.11.85 to 23.12.85	39
7.	Post Office Lucknow	12.6.86 to 24.6.86	13

Annexure No: A-I.

24/11/81

contd...

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8.	1-7-86 to 12-7-86	12
9. Postman.	22-7-86 to 31-7-86	10
10. Alambagh	1-9-86 to 28-9-86	28
11. Post Office	1-1-87 to 24-1-87	24
12. Lucknow.	2-2-87 to 28-2-87	27
13.	1-3-87 to 14-3-87	14
14.	31-3-87 to 30-6-87	92
15.	1-2-88 to 6-2-88	6
Annexure No: A-II. 16.	26-3-88 to 30-3-88	5
17.	4-4-88 to 30-4-88	27
18.	1-5-88 to 4-5-88	4
19.	17-5-88 to 31-5-88	15
20.	21-6-88 to 30-6-88	10
21.	17-7-88 to 19-7-88	3
22.	20-8-88 to 22-8-88	70
Annexure No: A-III. 23. ACF, D.D. A CUG	5-7-88 to date.	149

Alambagh.

Post Office, Lucknow.

Total 696

The applicant is still continuing in service on the post mentioned at serial No: 23 above. Copies of certificates verifying service rendered by the applicant are being filed as Annexure No: A-II to A-III.

(d) That, vide para 2 (c) of communication No: 4-5-20/73-SPB-I, dated 20-10-84 from Spt. K.D. Shan. S.,

रही की 21/11/84

contd....

AIS

- 5 -

Asstt. Director General (SPN) Office of the Director General, Posts and Telegraphs, New Delhi addressed to All Heads of Postal Circles and copy to others, on rationalisation of categories of various class IV (Group 'D') staff ^{it} has been laid down that part time workers are eligible if they have put in 240 days of service, in each of the preceding four years" A copy of the communication is being filed here with as

Annexure No: A.IV

Annexure No: A.IV The applicant has been serving the Posts and Telegraphs Department from 1980 onwards and has put in 696 days of service to the entire satisfaction of his superiors, but has not been lucky enough to complete 240 days in any calendar year.

5. Grounds for relief with legal provisions.

(a) That, Respondents No. 3 to 7 have also not completed 240 days of service in any calendar year, and their total length of service is lesser as compared to the applicant. The respondents have been made regular from the dates noted below against their respective names:

- (1.) Sri Munnoo Srivastava Postman, Awas
Evan Vikas Post Office, Lucknow. 4.12.89
- (2.) Sri Tezab Singh, Postman, Harsh
Nagar, Post Office, Lucknow. 6.12.89
- (3.) Sri Anand Kumar Dubey, Postman

रिजिस्ट्रार 21/11/89

(A16)

C. School Post Office,

Alambagh, Lucknow,

6.1.90

(iv) Sri Gulab Singh, Postman,

Alambagh, Post Office, Lucknow. 7.1.90

(v) Sri Ajit Kumar, Postman,

Sarojiniagar, Lucknow.

4.7.90

Orders passed in favour of respondents Nos 3 to 7 suffer from the vice of arbitrariness and discrimination and are violative of the provisions of Articles 14 and 16 of the Constitution of India. In the case of Gajinder Bhat Versus. M.C.D. 1988 (1) SLR page 327 Hon'ble Supreme Court has held that

".....if an order for regularisation is made, it should provide for regularisation giving preference to those who may be the senior most among the lot."

The applicant being senior amongst similarly placed candidates should have been regularised prior to Respondents Nos 3 to 7.

(b) That in a number of cases courts have taken the view that there can be no absorption after one year of service. The Government should be a model employer, and it should not deal in exploitation of labour. In the case of Daily Rated casual Labour employed under Post and Telegraphs Department through Ministry of Labour

24/11/90

(AP)

Mazdoor Manch Vs. Union of India and Others(1988) I,

Supreme Court Cases 122 It was held:

"We, therefore, direct the respondents to prepare a scheme on a national basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year in the Posts and Telegraphs Department."

As the applicant has completed more than one year, after ignoring the national breaks, he is entitled to continue on the post he is serving at present. Non-regulation of casual labour for a long period is not a wise policy, and workers should not be forced to knock at every door for employment. This would amount to exploitation of labour.

6. Details of the remedies sought:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules ^{by} ~~from time to time~~ ^{These representations} making representations, were preferred to the following authorities on the dates noted below:

1. Post Master General I. Respondent No: 1, on 13.9.89, 19.10.89, 19.12.89 and 24.1.90.
2. Pravas Dak Adhikshak, Respondent No: 2 on 28.7.87, 13.12.88, 12.10.89, 19.12.89, 21.12.89 and 30.1.90.

24/1/90 21/11

3. Bideshak Dek Savayan, Lucknow, on 24.10.88,
12.10.89, and 19.12.89.

None of the above mentioned authorities have obliged the applicant by giving a reply. Copy of Representation dated 24.1.90 addressed to Respondent No: 1 is attached herewith as Annexure No: A.V.

7. Matters not previously filed or pending with any other court.

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. Reliefs sought.

In view of the facts mentioned in para 5 above the applicant prays for the following reliefs:-

(1) This Hon'ble Tribunal may be pleased to direct the Respondents No: 1 and 2 not tooust the applicant from service in the garb of their complying with the directions of the Director General, Posts and Telegraphs Department, New Delhi, dated 20.10.1984 contained in Annexure 2 No: A-IV.

24/10/84 2141

(219)

(ii) This Hon'ble Tribunal may be pleased to direct Respondents No: 1 & 2 to favourably consider the case of the applicant for regularisation prior to Respondents No. 3 to 7, as the applicant is much senior from them, who also have not served for more than 240 days in a calendar year.

(iii) This Hon'ble Tribunal may be pleased to direct Respondents No: 1 & 2 to grant the applicant the benefits of provisions of the service Rules from the date of his initial appointment as applicable to the department from time to time with continuity of service.

(iv) This Hon'ble Tribunal may be pleased to grant any other or further relief deemed just and proper in the circumstances of the case in favour of the applicant.

(v) This Hon'ble Tribunal may further be pleased to award costs of these proceedings to the applicant and against the Respondents concerned.

9. Interim order passed for

Pending final decision on the application, the applicant seeks the following interim relief.

The applicant respectfully prays that this Hon'ble Tribunal may graciously be pleased to direct Respondents No 1 and 2 not to oust the applicant from the post of

२५६ बा/२१५६

Postman, Alambagh Post office, Lucknow, in the garb of their complying with the directions of the Director General, Posts and Telegraphs, New Delhi, dated 20.10.1984, contained in Annexure No. A.IV.

10. Particulars of Postal Order Filed in respect of the application fees.

1. Number of Indian Postal Order: → One
(02416000)
2. Name of Issuing Post Office. Post office High Court, Branch, Lko.
3. Date of Issue of Postal Order. 12.12.1990
4. Post Office at which payable. GPO, Allahabad

11. List of Enclosures:

1. Annexure No: A.I.

Certificate of service from 3.9.80 to 1.9.81, issued by Sub-Post Master, Charbagh, Post Office Lucknow.

2. Annexure No: II.

Certificate of service from 22.2.85 to 28.6.89, issued by Sub-Post Master, Alambagh, Post Office, Lucknow.

3. Annexure No: A.III.

Certificate of service from 5.7.90 to date issued by Sub-Post Master Alambagh, Post office, Lucknow.

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(A21)

4. Annexure No. A-IV.

Copy of communication dated 20.10.84 from the
Director General, Posts and Telegraphs, New Delhi

5. Annexure No. A-V.

Copy of representation of the applicant dated
24.1.90 addressed to the Post Master General, U.P.
Circle, Lucknow Respondent No: 1.

6. Vakalatnamo

VERIFICATION.

I, Rana Kant Sharma, S/o Jitendra Nath Sharma,
aged about 23 years, working as Postman No: 16 in the
office of Alambagh, Post Office, Lucknow resident of
Bhola Khora, Alambagh, Lucknow, do hereby verify that
the contents of paras 1, 4, 6, 7, 10 and 11 are true to
my personal knowledge, and para 2, 3, 5 and 8, and 9 are
believed to be true on legal advice and that I have not
suppressed any material fact.

Dated: 12.12.90.

Place: Lucknow.

To,

रमाकान्त शर्मा

Signature of the Applicant.

Pramod Kumar
A/V.

The Registrar,

Hon'ble Central Administrative Tribunal, U.P.

Allahabad, Bench at Lucknow.

ब अदालत श्रीमान

महोदय

[वादी] अरीमान

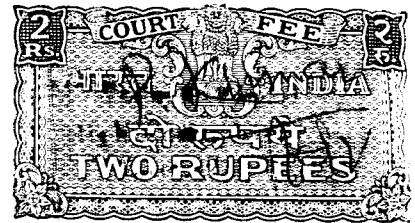
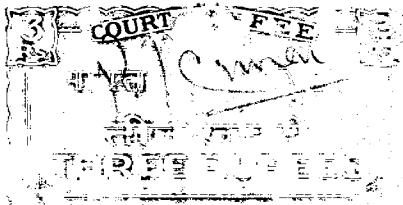
प्रतिवादी [रेस्पान्डेंट]

वकालतनामा

Registration No

Rem Kant Sharma

P.M.G. C.P. Circle



बनाम

प्रतिवादी (रेस्पान्डेंट)

नं० मुकदमा

सन्

पेशी को ता०

१६

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

SRI K. PRIVASTAVA, ADVOCATE वकील

SRI PRAMOD KUMAR, ADVOCATE महोदय

SRI C. P. PAL, ADVOCATE एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिख देता

हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो

कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या

लौटावें या हमारी ओर से डिगरी जारी करावें और रुपये वसूल करें या

सुलहनामा व इकबालदावा तथा अपील निगरानी हमारी ओर से हमारे या

अपने हस्ताक्षरले दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई

रुपया जमा करें या हमारी या बिषक्षी (फरीकासनी) का दाखिल किया

हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (बस्तखती) रसीद लेवें या पंच

नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा

स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं

या अपने किसी पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में

एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील

पर नहीं होगी इसीलिए वह वकालत नामा लिख दिया प्रमाण रहे और

समय पर काम आवे।

हस्ताक्षर रमाशान्त शर्मा

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १६ ई०

स्वीकृत

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD,
BENCH CIRCUIT BENCH, AT LUCKNOW.

Criminal Misc. Case No.

of 1991.

Contempt No. 14/91 (L)

Rama Kant Sharma Son of Sri Jitendra Nath Sharma ,
resident of Bhola Khera , Alambagh, Lucknow , Postman
No. 16, Alambagh , Post Office- Lucknow.

... Applicant .

Versus

Sri R.K. Misra , Sahayak Dak Adhikshak, A.S.P. (South)
Alambagh Post Office , Lucknow , Pin Code No. 226005.

... Opposite Party.

CONTEMPT PETITION UNDER SECTION 17 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985.

The abovenamed applicant begs to submit as under :-

1. That theaforesaid applicant filed a claim Petition original application No. 403 of 1990 (L) before the Hon'ble Tribunal praying the following reliefs:-
 - (i) This Hon'ble Tribunal may be pleased to direct respondent No. 1 and 2 not to oust the applicant from service in the ~~and~~ of their complying with the directions of the Director General, Posts and Telegraphs Department , New Delhi , dated 20.10.1984 contained in Annexure 12.

(2)

Deputy Registrar(U)

S&W
6/3/91

(ii) This Hon'ble Tribunal may be pleased to direct respondent No. 1 & 2 to favourably consider the case of the applicant for regularisation prior to respondents No. 3 to 7 as the applicant is much senior from them, who also have not served for more than 240 days in the Calendar year.

(iii) This Hon'ble Tribunal may be pleased to direct respondents No 1 & 2 to grant the applicant the benefits of provisions of the service Rules from the date of his initial appointment as applicable to the department from time to time with continuity of service.

(iv) This Hon'ble Tribunal may be pleased to grant any other or further relief deemed just and proper in the circumstances of the case in favour of the applicant.

(v) This Hon'ble Tribunal may further be pleased to award costs of these proceedings to the applicant and against the respondents concerned.

(vi) That on 8.2.1991 the Hon'ble Tribunal was Pleased to grant the following interim relief to the applicant.

" In the meantime the applicant will be permitted to continue to work as substitute in place of Ram Kumar unless he has been terminated or is terminated hereafter by him."

2 मी कोर्ट 21 मी

(3)

A Photostat of the order dt. 8.2.1991 passed by Hon'ble Justice K.Nath and Hon'ble K Obayya , Member

Annexure No. 1

(A) is ~~being~~ annexed as Annexure No. 1 to this Application.

3. That a copy of the order dated 8.2.91 was tendered to the Opposite Party on 21.2.1991 in his Office alongwith an application dated 21.2.91 . The Opposite Party refused to take any application from the applicant and also did not allow the applicant to join his duty as Postman No. 16 , Post Office Alambagh, Lucknow , as substitute of Ram Kumar in terms of order dated 8.2.1991, of the Hon'ble Tribunal . A Photostat copy of the application dated 21.2.91 addressed to the Opposite Party is

Annexure No. 2

annexed herewith as Annexure No. 2 to this application .

As the Opposite Party refused the tender , the applicant sent a copy of the application alongwith enclosures by registered Post No. 4824 dated 21.2.91 . A photostat copy of the receipt of registration dated 21.2.91 is annexed

Annexure No. 3

herewith as Annexure No. 3 to this application. The letter was delivered to the O.P. on 23-2-91.

4. That, instead of complying to the order dt. 8.2.91 , the Opposite Party has deliberately and wilfully violated the order passed by this Hon'ble Tribunal , by not allowing the applicant to continue to work as substitute in place of Ram Kumar as Postman No. 16 Alambagh, Post Office , Lucknow and engaging one Sri Hari ^{Shuk} ~~Karan~~ in the vacancy with effect from 1.2.1991.

5. That the Opposite Party was fully aware of the order dated 8.2.91 passed by this Hon'ble Tribunal , and has deliberately and wilfully violated and is continuing to

(4)

violate the order passed by this Hon'ble Tribunal.

6. That, ^{above} in view of the facts and circumstances mentioned ~~above~~ before it is merifest that the Opposite Party has committed gross contempt of this Hon'ble Tribunal, and it is necessary in the interest of justice to punish him suitably.

P R A Y E R

WHEREFORE, it is respectfully prayed that this Hon'ble Tribunal may be pleased to punish the Opposite Party for ~~contempting~~ committing the Contempt of Court by violating the order dated 8.2.91 passed by this Hon'ble Tribunal by not allowing the applicant to continue to work as substitute in place of Ram Kumar and engaging one ^{Shri} Hari Karan in the vacancy with effect from 1.2.1991.

Lucknow ;

Dated ; . 5-3-1991.

Pramod Kumar
Advocate,

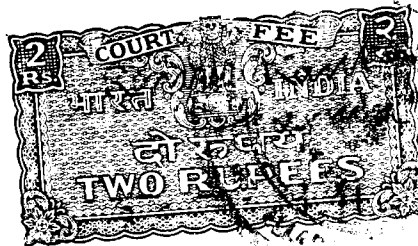
Counsel for the Applicant.

राम कुमार शर्मा

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALAHABAD BENCH,
CIRCUIT BENCH AT LUCKNOW.

Affidavit
In

Criminal Misc. Case No. _____ of 1991.



1991
AFFIDAVIT
76
HIGH COURT
ALAHABAD

Rama Kant Sharma ...

.. Applicant.

Versus

Sri R.K. Misra , Sahayak Dak Adhikshak,
A.S.P.(South) , Alambagh Post Office,
Lucknow , Pin Code No. 226005.

.... Opposite Party.

A F F I D A V I T

I, Rama Kant Sharma , Son of Sri Titendra Nath
Sharma , aged about 23 years , Postman No. 16 , in the
Office of Alambagh , Post Office Lucknow , resident of
Bhola Khara , Alambagh , Lucknow do hereby solemnly affirm
and state on oath as under :-

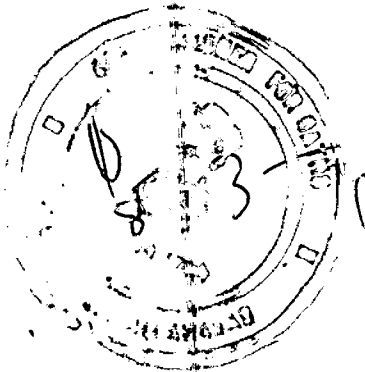
1. That the deponent is the applicant and, as such , he
is well conversant with the facts of the contents of
Paragraphs 1 to 6 of the accompanying application.
2. That the contents of paragraphs 1 to 6 of the accompany-
ing application are true to the own knowledge of the
deponent .

Lucknow ;

Deponent

Dated ; 5-3-1991.

2..



CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

A.NO. 406 of 1990 (L)

Shri Rama Kant Sharma

..... Applicant.

Union of India & Others

..... Respondents.

4.2.91

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

Hon'ble Mr. K.Chayya, A.M.

In compliance of order dated 4.2.91 the applicant has filed Supplementary Affidavit with a photo copy of Muster Roll. According to his affidavit ^{submitted} E.D.A. Ram Kumar has appointed the applicant as his substitute since 5.7.90 and applicant continued to work as such. The photocopy of the Muster Roll contains entry of payment of allowance to applicant upto 31.12.91 and also ^{the} Gulab Singh. According to Dr. Dinesh Chandra for the respondents, the applicant was the substitute of Ram Kumar till 30.11.90 thereafter he was a substitute of one Gulab Singh but on 1.2.91 Gulab Singh terminated the applicant. The question then is whether the applicant was working as substitute of Ram Kumar or Gulab Singh. The dispute can be resolved by perusal of the record to be produced by the respondents. Counsel for the respondents will produce relevant record including ~~xxx~~ letters of appointment of substitute by Ram Kumar and Gulab Singh and list for orders on 5.3.91.

In the mean time the applicant will be permitted to continue to work ^{as} substitute ^{in place} of Ram Kumar unless he has been terminated or is terminated hereafter by him.

Sd/

A.M.

Sd/

V.C.

//True Copy//

Typed by -

R.N.

Central Administrative Tribunal
Lucknow Bench,
Lucknow

पं. ११८

से न मिले

जिसे मान्यता प्राप्त होना चाहिए

(दक्षिणी पुरवण्ड)

आलम बाग, लखनऊ-५

महोदय जी

आप से विनम्र प्रार्थना करता हूँ कि मेरी दिनेश-

१/२/११ को मेरी हालत का फोटो देखने के लिए मेरी इच्छा करने

में सम्मति देना या जिससे १/२/११ में लेना

२०/२/११ तक को ग्राह्य होना चाहिए।

उत्तर में भी मेरी सहायता देना चाहता हूँ जो मैं १/२/११ को

समर्थ देना चाहता हूँ जो मैं १/२/११ को आर्थिक सहायता

लेना चाहता हूँ जो मैं १/२/११ को आर्थिक सहायता

आलम बाग, लखनऊ-५

दक्षिणी पुरवण्ड का औद्योगिक सौभाग्य है जिसमें मैं

फिरने में सहायता देना चाहता हूँ जो मैं १/२/११ को

का सौभाग्य है जो मैं १/२/११ को

अतः प्रार्थना है कि मेरी इच्छा करने

की इच्छा करने के लिए मैं १/२/११ को

अति महत्वपूर्ण होगा।

अति महत्वपूर्ण होगा।

अति महत्वपूर्ण होगा।

प्रार्थना

रमा कान्त शर्मा १/०२/११

मोहना रोड, आलम बाग,

लखनऊ-५

२०/२/११

रमा कान्त शर्मा

बायत नसा/NOT INSURED

संगीत जले का मूल्य रु. ७/२
Amount fixed

क्रमांक/No.

4824

एक प्राप्त दिनांक
Received dated (१२/०५/५१) १०/५/५१

पाने वाले का नाम
Addressed to
.....

पाने वाले अधिकारी का हस्ताक्षर
Signature of Receiving Officer

3-71

रमा कान्त शर्मा

(2)

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of paragraphs 1 and 2 of this affidavit are true to my own knowledge . No part of it is false , and nothing material has been concealed . So help me God.



[Handwritten signature]

रमा कान्त रामा

Lucknow ; Dated ;

Deponent

March 5, 1991.

I identify the deponent who has signed before me.

S. K. Srivastava
Advocate.

Solemnly affirmed before me on 5-3-91 at 1st 8

AM./ P.M. by the deponent who is identified by Sri S. K. Srivastava, Advocate , High Court , Allahabad. I have satisfied myself by examining the deponent who understands the contents of this affidavit which have been readover and explained to him by me.

Oath Commissioner.

[Handwritten signature]

OATH COMMISSIONER.

16-6-91
5-3-91

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

A.N.O. 406 of 1990 (L)

Shri Rama Kant Sharma

..... Applicant.

Union of India & Others

..... Respondents.

4.2.91

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

Hon'ble Mr. K.Chayya, A.M.

In compliance of order dated 4.2.91 the applicant has filed Supplementary Affidavit with a photo copy of Muster Roll. According to his affidavit ^{as per} E.D.A. Ram Kumar has appointed the applicant as his substitute since 5.7.90 and applicant continued to work as such. The photocopy of the Muster Roll contains entry ~~to~~ of payment of allowance to applicant upto 31.12.91 and also ^{the} Gulab Singh. According to Dr. Dinesh Chandra for the respondents, the applicant was the substitute of Ram Kumar till 30.11.90 thereafter he was a substitute of one Gulab Singh but Gulab Singh terminated the applicant. The question is whether the applicant was working as substitute of Ram Kumar or Gulab Singh. The dispute can be resolved by perusal of the record to be produced by the Counsel for the respondents will produce relevant records including ~~xxx~~ letters of appointment of substitute by Ram Kumar and Gulab Singh and list for orders of 4.3.91.

In the mean time the applicant will be permitted to continue to work ^{as} substitute ^{in place} of Ram Kumar unless he has been terminated or is terminated hereafter by him.

Sd/

A.M.

//True Copy//

R.N.

Sd/

V.C.

Central Administrative Tribunal
Lucknow Bench,
Lucknow

पं. १११

रत ना में

प्रति श्री मन्त्रालय-सचिव, अर्थ विभाग,

(दाक्षणी प्रवर्ग)

आत्मसंज्ञा, लक्ष्मण उल्लेख

55-124-58

आप मे तनुम पालना कर ता है कि मेरी दिनें क

1/2/41 को मेरी दालत बाप की खेती के अंगी री जाति धुती करने

मं प्रसंगी देगा। मं लिखेंगे १/२/७५ मं से लखन

20/2/91 नका का साक्ष्य दे दिया था।

ਤਾਂ ਜੋ ਮੇਰੀ ਕੀਮਤੀ ਅੰਗ ਦੇ ਨਾਸ ਤੋਂ ਮੇਰੇ ਮਿਤਰ, ਮਿਤਰੀਆਂ

2. $\frac{1}{x^2} = x^{-2}$ $\frac{d}{dx} x^{-2} = -2x^{-3} = -\frac{2}{x^3}$

संसार इस पृथ्वी के वास्तव में है - आत्मा पर प्रिय है

आलमगिरा की २ हा २२ हा २२ आदि नव मफिया का डीवा उद्घोषित

दशमवी पुरवउ का ओ दश सा गा ५, जिमम में

फिरनेस सारि फिकर, मो.रु.री दाई बाहिलबनहु

का २२ का ३२ कापी मज रदा है।

उत्तर: मुर्खाना है कम गरीब को, जो दुःखि धुरी को रने

की इजाजत प्रधान कारना की वृत्ति की।

अनिमदा न ब्रह्मा होती /

பின்பு : பின்வருமாறு

2. 202 2015 2016

पु. १५१

रमा काकन बासा 5/02 वी जपू नोय रमा

माला खंडा, आलम बाग,

सिद्धांत ५

२. सा. का. त. २। ४।

20/2/91

बायत नही/NOT INSURED

समाप्ति का मूल्य No. 7/5
Amount fixed Rs. 182.4

क्रमांक/No.

एक ... प्राप्त ...
Receive ...
पाने ...
Addressed to ...

पाने वाले अधिकारी का हस्ताक्षर
Signature of Receiving Officer

0
5-3-21

रमा काल रमा

In The Honble Central Administrative Tribunal
Allahabad, Court Bench, Lucknow

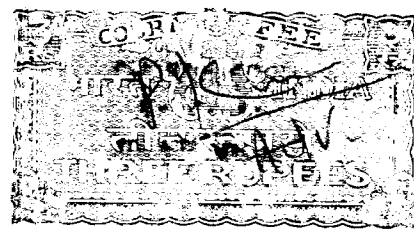
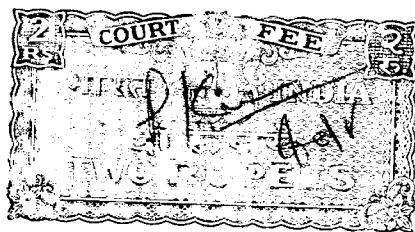
वदालत श्रीमान् महोदय

(वादी) अपीलान्त

प्रतिवादी रेषपाडेन्ट

वकालतनामा

Punjab State ... Applicant
R.K. Mishra ... Opp Party



बनाम

प्रतिवादी रेषपाडेन्ट

नं० मुकदमा

सन्

पेशी की ता०

१९

ई०

ऊपर लिखे मुकदमा में अपनी ओर से

SURI PRAMOD KUMAR, ADVOCATE वकील

SHRI S. K. SRIVASTAVA, ADVOCATE एडवोकेट

महोदय

नाम	महोदय
अदालत	नाम
मुकदमा नं०	फरीकन

को अपना वकील नियुक्ति करके प्रतिज्ञा इकरार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल कर या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
Pramod Kumar
Advocate

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

Accepted
S.K. Srivastava

दिनांक

महीना

सन् १९

ई०

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD,
BENCH CIRCUIT BENCH, AT LUCKNOW.

Criminal Misc. Case No.

of 1991.

Contempt No. 14/91(C)

Rama Kant Sharma Son of Sri Jitendra Nath Sharma ,
resident of Bhola Khara , Alambagh, Lucknow , Postman
No. 16, Alambagh , Post Office- Lucknow.

... Applicant .

Versus

Sri R.K. Mishra , Sahayak Dak Adhikshak, A.S.P.(South)
Alambagh Post Office , Lucknow , Pin Code No. 226005.

... Opposite Party.

CONTEMPT PETITION UNDER SECTION 17 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985.

The abovenamed applicant begs to submit as under :-

1. That the aforesaid applicant filed a claim Petition
original application No. 406 of 1990 (L) before the
Hon'ble Tribunal praying the following reliefs:-

(1) This Hon'ble Tribunal may be pleased to direct
respondent No. 1 and 2 not to oust the applicant
from service in the ^{part} of their complying
with the directions of the Director General , Posts
and Telegraphs Department , New Delhi , dated
20.10.1984 contained in Annexure No. A-IV .

(2)

(ii) This Hon'ble Tribunal may be pleased to direct respondent No. 1 & 2 to favourably consider the case of the applicant for regularisation prior to respondents No. 3 to 7 as the applicant is much senior from them, who also have not served for more than 240 d ys in the Calendar year.

(iii) This Hon'ble Tribunal may be pleased to direct respondents No 1 & 2 to grant the applicant the benefits of provisions of the service Rules from the date of his initial appointment as applicable to the department from time to time with continuity of service.

(iv) This Hon'ble Tribunal may be pleased to grant any other or further relief deemed just and proper in the circumstances of the case in favour of the applicant.

(v) This Hon'ble Tribunal may further be pleased to award costs of these proceedings to the applicant and against the respondents concerned.

(*) That on 8.8.1991 the Hon'ble Tribunal was Pleased to grant the following interim relief to the applicant.

" In the meantime the applicant will be permitted to continue to work as substitute in place of Ram Kumar unless he has been terminated or is terminated hereafter by him."

(3)

A Photostat of the order dt. 8.8.1991 passed by Hon'ble Justice K. Math and Hon'ble K. Okayya, Member

Annexure No. 1

(A) is being annexed as Annexure No. 1 to this Application.

8. That a copy of the order dated 8.8.91 was tendered to the Opposite Party on 21.8.1991 in his Office alongwith an application dated 21.8.91. The Opposite Party refused to take any Application from the applicant, and also did not allow the applicant to join his duty as Postman No. 16, Post Office Alambagh, Lucknow, as substitute of Ram Kumar in terms of order dated 8.8.1991, of the Hon'ble Tribunal. A Photostat copy of the application dated 21.8.91 addressed to the Opposite Party is annexed herewith as Annexure No. 2 to this application.

Annexure No. 2

As the Opposite Party refused the tender, the applicant sent a copy of the application alongwith enclosures by registered Post No. 4824 dated 21.8.91. A photostat copy of the receipt of registration dated 21.8.91 is annexed herewith as Annexure No. 3 to this application. The letter was delivered to the O.P. on 23-2-91.

Annexure No. 3

4. That, instead of complying to the order dt. 8.8.91, the Opposite Party has deliberately and wilfully violated the order passed by this Hon'ble Tribunal, by not allowing the applicant to continue to work as substitute in place of Ram Kumar as Postman No. 16 Alambagh, Post Office, Lucknow and engaging one Sri Hari Karna in the vacancy with effect from 1.8.1991.

5. That the Opposite Party was fully aware of the order dated 8.8.91 passed by this Hon'ble Tribunal, and has deliberately and wilfully violated and is continuing to

(4)

violate the order passed by this Hon'ble Tribunal.

6. That, in view of the facts and circumstances mentioned ^{above} ~~have before~~ it is manifest that the Opposite Party has committed gross contempt of this Hon'ble Tribunal, and it is necessary in the interest of justice to punish him suitably.

P R A Y E R

WHEREFORE, it is respectfully prayed that this Hon'ble Tribunal may be pleased to punish the Opposite Party for ~~neglecting~~ committing the Contempt of Court by violating the order dated 8.2.91 passed by this Hon'ble Tribunal by not allowing the applicant to continue to work as substitute in place of Ram Kumar and engaging one ^{Shiv} Hari Karna in the vacancy with effect from 1.2.1991.

Interim ;

Dated : . . . 1991.

Advocate,

Counsel for the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH,
CIRCUIT BENCH AT LUCKNOW.

Affidavit
In

Criminal Misc. Case No. of 1991.

Rama Kant Sharma ...

.. Applicant.

Versus

Sri R.K. Mishra , Sahayak Dak Adhikshak,
A.S.P.(South) , Alambagh Post Office,
Lucknow , Pin Code No. 226006.

.... Opposite Party.

A F F I D A V I T

I, Rama Kant Sharma , Son of Sri Titendra Nath
Sharma , aged about 43 years , Postman No. 16 , in the
Office of Alambagh , Post Office Lucknow , resident of
Bhola Khara , Alambagh , Lucknow do hereby solemnly affirm
and state on oath as under :-

1. That the deponent is the applicant and as such , he
is well conversant with the facts of the contents of
Paragraphs 1 to 6 of the accompanying application.
2. That the contents of paragraphs 1 to 6 of the accompany-
ing application are true to the own knowledge of the
deponent .

Lucknow ;

Deponent

Dated ; . 1991.

(2)

VERIFICATION

I, the abovesigned deponent do hereby verify that the contents of paragraphs 1 and 2 of this affidavit are true to my own knowledge . No part of it is false , and nothing material has been concealed . So help me God.

Madras ; Dated ;
March , 1991.

Deponent

I identify the deponent who has signed
before me.

Advocate.

Solemnly affirmed before me on _____ at _____

A.M./ P.M. by the deponent who is identified by Sri
_____, Advocate , High Court ,
Allahabad. I have satisfied myself by examining the
deponent who understands the contents of this affidavit
which have been readover and explained to him by me.

Notary Commissioner.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A.NO. 406 of 1990 (L)

Shri Rama Kant Sharma

..... Applicant.

Union of India & Others

..... Respondents.

08.2.91

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

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

In compliance of order dated 4.2.91 the applicant has filed Supplementary Affidavit with a photo copy of Muster Roll. According to his affidavit ^{with the} E.D.A. Ram Kumar has appointed the applicant as his substitute since 5.7.90 and applicant continued to work as such. The photocopy of the Muster Roll contains entry ~~for~~ of payment of allowances to applicant upto 31.1.91 and also ^{for} Gulab Singh. According to Dr. Dinesh Chandra for the respondents, the applicant was the substitute of Ram Kumar till 30.11.90 thereafter he was a substitute of one Gulab Singh but ^{on 1.2.91} Gulab Singh terminated the applicant. The question then is whether the applicant was working as substitute of Ram Kumar or Gulab Singh. The dispute can be resolved by ^{perusal} of the record to produced by the ^{the} department. Counsel for the respondents will produce relevant record including ~~xxx~~ letters of appointment of substitute by Ram Kumar and Gulab Singh and list for orders on 5.3.91.

In the mean time the applicant will be permitted to continue to work ^{as} substitute ^{in place} of Ram Kumar unless he has been terminated or is terminated hereafter by him.

sd/

sd/

A.M.

V.C.

//True Copy//

Typed by -

R.N.

[Signature]
11/2/91
Central Administrative Tribunal
Lucknow Bench,
Lucknow

पं. कृत

से न सें

अति मानसदायक होता उम्मीदों

(1/2/91)

आलम बाग, लखनऊ-५

महोदय जी

आप से मैंने प्रार्थना करती हूँ कि मेरी दिनों-दिनों

1/2/91 को मेरी हालत काफी बेवश हो गयी थी जो सुधरी करने

में सम्मर्प दे गयी थी जिसे मैं 1/2/91 से ले कर

20/2/91 तक को सोड़वा ले दिया था।

अब मेरी बीमारी सही हो गयी है जो मैं डिप्टी करने

सम्मर्प दे गयी है जो मैं डिप्टी करने सम्मर्प दे गयी है

ले कर डिप्टी करने करने सोड़वा ले दिया था

आलम बाग, लखनऊ-५

दोस्तों की पुरबण्ड का ओर दोस्तों से मिलने में

फिरने में सार्जनिक, जो-रही दोस्तों के दिल से बनने

का सेट आइर कोपि सज रहा है।

अतः प्रार्थना है हम गरीबों को सुधरी करने

की इजाजत प्रदान करने की कृपा करें।

अति सदा न कृपा होगी।

संलग्न - डिप्टी सम्मर्प दिनांक

20/2/91 को

प्रार्थी

रमा कान्त बामा 5/02/91 जिते पुनाय गमा

मोला रेवड़ा, आलम बाग,

लखनऊ-५

20/2/91

बालक नही/NOT INSURED

बालक नही/NOT INSURED
आवेदन/Re. 3/7

क्रमांक/No.

15211

प्राप्त/Received

दिनांक/Date

स्थान/Place

आवेदन/Re. 3/7

प्राप्त वाले अधिकारी का हस्ताक्षर
Signature of Receiving Officer

(15)

In the Hon'ble Central Administrative Tribunal, U.P.
Allahabad Bench at Lucknow.

Application No. _____ of 1990.

Rame Kant Sharma. Vs. P.M.G., U.P. Circle
and others.

Compilation - A.

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<u>S.No.</u>	<u>Details of application.</u>	<u>Page Nos.</u>
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4.	Facts of the case.	3 to 5
5.	Grounds for relief with legal provisions.	5 to 7
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8.	Relief sought.	8 to 9
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S.No.	Details of application.	Page Nos.
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10.	Appendure No. IV : Copy of communication from the Director General Posts and Telegraph, New Delhi, dated 25.12.1984.	
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10	Particulars of Postal order filed in respect of the application fee.	10
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12.	Vakletnama.	
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Pramod Kumar

(Counsel for the Applicant)

For use in Tribunal's Office.

Date of filing : (Signature for Registrar).

Registration No.

(102)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
CIRCUIT BENCH, AT LUCKNOW.

Registration No: /1990.

Rama Kant Sharma, S/o Jitendra ^{Nadk} ~~Kumar~~ Sharma, R/o Bhole
Khara, Alambagh, Lucknow, Postman No: 16, Alambagh, Post
Office, Lucknow.

...Applicant.

Versus

- Union of India, through*
1. *Post Master General*, U.P. Circle, Lucknow-226001.
 2. Pravar Dak Adhikshak, Lucknow, Mandal Lucknow-226007.
 3. Munnoo Srivastava, Postman Avas Vikas Post Office,
Lucknow- Pin- 226017.
 4. Tezab Singh, Postman, Manaknagar, Post Office,
Lucknow Pin-226011.
 5. Anand Kumar Dubey, S/o Krishna Kant Dubey, Postman,
C-School, Alambagh, Post Office Branch, Lucknow.
Pin-226005.
 6. Gulab Singh, S/o Vijai Bahadur Singh, Postman,
Alambagh Post Office, Lucknow Pin-226005.
 7. Ajit Kumar ^{Postman} ~~Saroj~~ ninagar Post Office, Lucknow,
Pin-226008.

...Respondents.

DETAILS OF APPLICATION.

contd...2.

रमा कान्त शर्मा

1. Particulars of the order against which the application is made.

Although the applicant is serving from 1980, with casual breaks, in class IV as part-time contingency paid staff in various capacities in the Posts and Telegraphs Department, and has put in 696 days of service in the department, but against equity, justice and good conscience, the applicant has not been made regular on the post of Postman, while respondents No: 3 to 7, who have, like the applicant, not completed service of 240 days or more in one calendar year, and have rendered lesser service in comparison to the applicant, have been made regular. As such, respondent No. 1 and 2 have acted in a discriminatory manner to the detriment of the applicant.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter, 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 Tribunals Act, 1985.

contd...3.

रमा को-त रमा

(15)

4. Facts of the case.

(a) That, the applicant has passed Prathima Examination of Hindi Sahitya Sammelan, Allahabad, which is equivalent to High School of the Board of High School and Intermediate Education of Uttar Pradesh. His date of birth is 5-1-1967. As such, the applicant fulfills, all the necessary qualifications for being made regular in class IV of the Posts and Telegraphs Department.

(b) That the applicant is registered at serial No. 7238/90, dated 20.8.1990 in the office of Employment Exchange, Lucknow.

(c) That, the applicant has served in various capacities in class IV as part time contingency paid staff in the Posts and Telegraphs Department at Lucknow, as per following details:-

	<u>S.No.</u>	<u>Post.</u>	<u>Period.</u>	<u>Days.</u>
<u>Annexure No: A-I.</u>	1.	Outside letter Box peon.	3-9-80 to 6-10-80	34
	2.	Charbagh,	5-5-81 to 30-6-81	57
	3.	Lucknow.	3-7-81 to 1-9-81	30
	4.	Seasonal (C.P)	22.2.85 to 1-3-85	8
	5.	Waterman	14.6.85 to 2-7-85	19
	6.	Alambagh	15.11.85 to 23.12.85	39
	7.	Post Office Lucknow	12.6.86 to 24.6.86	13

रही कलकत्ता 21/4/1

86

	8.	1-7-86 to 12-7-86	12
	9. Postman.	22.7.86 to 31.7.86	10
	10. Alambagh	1.9.86 to 28.9.86	28
	11. Post Office	1.1.87 to 24.1.87	24
	12. Lucknow.	2.2.87 to 28.2.87	27
	13.	1.3.87 to 14.3.87	14
	14.	31.3.87 to 30.6.87	92
	15.	1.2.88 to 6.2.88	6
Annexure No: A-II.	16.	26.3.88 to 30.3.88	5
	17.	4.4.88 to 30.4.88	27
	18.	1.5.88 to 4.5.88	4
	19.	17.5.88 to 31.5.88	15
	20.	21.6.88 to 30.6.88	10
	21.	17.7.88 to 19.7.88	3
	22.	20.4.89 to 22.6.89	70
Annexure No: A-III.	23. As E.D.D. A Out	5.7.90 to date	149

sides Alambagh

Post Office, Lucknow.

Total.	696
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The applicant is still continuing in service on the post mentioned at serial No: 23 above. Certificates verifying service rendered by the applicant are being filed as Annexure Nos: A-I to A-III.

(d) That, vide para 2 (c) of communication No: 4-5-20/73-SPB-I, dated 20.10.84 from Sri K.D. Sharma,

रमा कान्त शर्मा

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Asstt. Director-General (SPN) Office of the Director General, Posts and Telegraphs, New Delhi addressed to All Heads of Postal Circles and copy to others, on rationalisation of categories of various class IV (Group 'D') staff ^{it} has been laid down that part time workers are eligible if they have put in 240 days of service, in each of the preceding four years" A copy of the communication is being filed here with as

Annexure No: A-IV

Annexure No: A.IV. The applicant has been serving the Posts and Telegraphs Department from 1980 onwards and has put in 696 days of service to the entire satisfaction of his superiors, but has not been lucky enough to complete 240 days in any calendar year.

5. Grounds for relief with legal provisions.

(4) That, Respondents No. 3 to 7 have also not completed 240 days of service in any calendar year, and their total length of service is lesser as compared to the applicant. The respondents have been made regular from the dates noted below against their respective names:-

- (i) Sri Munnoo Srivastava Postman, Avas
Evam Vikas Post Office, Lucknow. 4-12-89
- (ii) Sri Tezab Singh, Postman, Manak
Nagar, Post Office, Lucknow. 6.12.89.
- (iii) Sri Anand Kumar Dubey, Postman

रमा कान्त शर्मा

C. School Post Office,

Alambagh, Lucknow.

6-1-90

(iv) Sri Gulab Singh, Postman,

Alambagh, Post Office, Lucknow. 7-1-90.

(v) Sri Ajit Kumar, Postman,

Sarojninagar, Lucknow.

4.7.90.

Orders passed in favour of respondents No: 3 to 7 suffer from the vice of ~~xxx~~ arbitrariness and discrimination and are violative of the provisions of Articles 14 and 16 of the Constitution of India. In the case of Gaiinda Ram Versus. M.C.D. 1988 (1) SLR page 327 Hon'ble Supreme Court has held that

".....if an order for regularisation is made, it should provide for regularisation giving preference to those who may be the senior ~~next~~ among the lot."

The applicant being senior amongst similarly placed candidates should have been regularised prior to Respondents No: 3 to 7.

(b) That in a number of cases courts have taken the view that there can be no adhocism after one year, of service. The Government should be a model employer, and it should not deal in exploitation of labour. In the case of Daily Rated casual Labour employed under Post and Telegraphs Department through Bhartiya Dak Tar

contd...7.

रमा कानन रमा

89

Mazdoor Manch Vs. Union of India and Others(1988) I,
Supreme Court Cases 122 it was held:

"We, therefore, direct the respondents to prepare a scheme on a national basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year in the Posts and Telegraphs Department."

As the applicant has completed more than one year, after ignoring the national breaks, he is entitled to continue on the post he is serving at present. Non-regulation of casual labour for a long period is not a wise policy, and workers should not be forced to knock at every door for employment. This would amount to emphysema of labour.

6. Details of the remedies exhausted:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules ^{by} making representations ^{from time to time} These representations were preferred to the following authorities on the dates noted below:-

1. Post Master General. Respondent No: 1. on 13.9.89, 19.10.89, 19.12.89 and 24.1.90.
2. Pravas Lak Adhikshak, Respondent No: 2 on 28.7.87, 15. 12.88, 12.10.89, 19.12.89, 21.12.89 and 30.1.90.

रमा बालन शर्मा

3. Nideshak Dak Savayan, Lucknow, on 24.10.88,
12.10.89, and 19.12.89.

None of the above mentioned authorities have
obliged the applicant by giving a reply. Copy of
Representation dated 24.1.90 addressed to Respondent
Annexure No: A-V. No: 1 is attached herewith as Annexure No: A-V.

7. Matters not previously filed or pending with any
other court.

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. Reliefs sought.

In view of the facts mentioned in para 5 above
the applicant prays for the following reliefs:-

(1) This Hon'ble Tribunal may be pleased to
direct the Respondents No: 1 and 2 not to oust the
applicant from service in the garb of their complying
with the directions of the Director General, Posts
and Telegraphs Department, New Delhi, dated 20.10.1984
contained in Annexure No: A-IV.

(ii) This Hon'ble Tribunal may be pleased to direct Respondents No: 1 & 2 to favourably consider the case of the applicant for regularisation prior to Respondents No. 3 to 7, as the applicant is much senior from them, who also have not served for more than 240 days in a calendar year.

(iii) This Hon'ble Tribunal may be pleased to direct Respondents No: 1 & 2 to grant the applicant the benefits of provisions of the Service Rules from the date of his initial appointment as applicable to the department from time to time with continuity of service.

(iv) This Hon'ble Tribunal may be pleased to grant any other or further relief deemed just and proper in the circumstances of the case in favour of the applicant.

(v) This Hon'ble Tribunal may further be pleased to award costs of these proceedings to the applicant and against the Respondents concerned.

9. Interim order prayed for.

Pending final decision on the application, the applicant seeks the following interim relief:-

The applicant respectfully prays that this Hon'ble Tribunal may graciously be pleased to direct Respondents No 1 and 2 not to oust the applicant from the post of

Postman, Alambagh post office, Lucknow, in the garb of their complying with the directions of the Director General, Posts and Telegraphs, New Delhi, dated 20-10-1984, contained in Annexure No: A-IV.

10. Particulars of Postal Order filed in respect of the application fee:-

1. Number of Indian Postal Order:
2. Name of Issuing Post Office.
3. Date of Issue of Postal Order.
4. Post Office at which payable.

11. List of Enclosures:-

1. Annexure No: A-I.

Certificate of service from 3.9.80 to 1.9.81, issued by Sub-Post Master, Charbagh, Post Office Lucknow.

2. Annexure No: II.

Certificate of service from 22.2.85 to 28.6.89, issued by Sub-Post Master, Alambagh, Post Office, Lucknow.

3. Annexure No: A-III.

Certificate of service from 5.7.90 to date issued by Sub-Post Master Alambagh, Post office, Lucknow.

रमा कान्त शर्मा

4. Annexure No: A-IV.

Copy of communication dated 20.1.84 from the
Director General, Posts and Telegraphs, New Delhi.

5. Annexure No: A-V.

Copy of representation of the applicant dated
24.1.90 addressed to the Post Master General, U.P.
Circle, Lucknow Respondent No: 1.

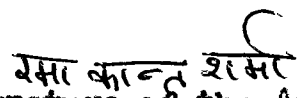
6. Vaklatnama.

VERIFICATION.

I, Rama Kant Sharma, S/o Jitendra Nath Sharma,
aged about 23 years, working as Postman No: 16 in the
office of Alambagh, Post Office, Lucknow resident of
Bhola Khora, Alambagh, Lucknow, do hereby verify that
the contents of paras 1,4, 6,7,10 and 11 are true to
my personal knowledge, and para 2, 3, 5 and 8, and 9 are
believed to be true on legal advice and that I have not
suppressed any material fact.

Dated:

Place: Lucknow.


Signature of the Applicant.

To,

The Registrar,

Hon'ble Central Administrative Tribunal, U.P.

Allahabad, Bench at Lucknow.

B. 5

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(B66)

In the Central Administrative Tribunal,

Lucknow Bench, Lucknow.

O.A.No. 406 of 1990(L)

AFFIDAVIT

Rama Kant Sharma. Applicant.

Versus

Union of India and others Respondents.

...

I, RAM KUMAR, aged about 39 years, son of late Shri Man Sukh, resident of Madhuvan Nagar, Alambagh, Lucknow, do hereby solemnly affirm and state on oath as under:-

1 That today I was shown a letter addressed to Sub.Postmaster, Lucknow-5, which is alleged to have been signed by me. This letter has been filed by Sri Rama Kant Sharma, as Annexure No.VIII. This letter is not in my handwriting. No letter on this subject was ever written by me to Sub.Postmaster, Alambagh, I further state that I joined at Manak Nagar, Post Office as a Departmental Postman on 12.12.1990.

2. Another letter filed by Sri Rama Kant Sharma as Annexure No.VII is in my handwriting but the date mentioned in the said letter is not in my handwriting. The date (1-12-1990) as written in the third line of the letter is not in my handwriting. As a matter of fact, this letter was dictated by Sri Awasthi Postal Asstt. Alambagh, Post Office when I was declared successful in the department postman Examination. In that

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letter the date from which I was to proceed on training was left blank because till then the date on which I was required to proceed on training was not intimated to me. This letter now shows that the blank space contain, the date as 1.12.1990 .This date is not in my hand writing. The date mentioned on the application is also not in my hand writing.

4. That I further state that the letter dt.1.12.90 addressed to Asstt. Supdt. of Post Office ,South, Sub. Division Lucknow which has been filed by the Senior Supdt. of Post Office, Lucknow in the above case is in my hand writing and the statement contained therein is true to the best of my knowledge and belief.

4. I further state that in the said letter dt.1.12.90 I had intimated to Asstt. Supdt of Post Office, Lucknow, that from 1.12.1990 I had withdrawn my responsibility for my substitute i.e. Sri Rama Kant Sharma, whom I had engaged w.e.f. 6.7.1990 thus Sri Rama Kant Sharma was no more my substitute w.e.f. 1.12.1990.

Lucknow dated
April 23, 1991.

Deponent.

verification

I, ~~the~~ Ram Kumar, son of late Shri Man Sukh, do hereby solemnly that the contents of paras 1 to 4 are true to my personal knowledge which I believed to be true. Nothing has been concealed and nothing false. so help me God.

Lucknow dated
April 23, 1991.

Deponent.

I identify the deponent who has signed before me.

Advocate

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Dep. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE CONFIDENTIAL of 199; (2)

NAME OF THE PARTIES

James E. Farnsworth Applicant

Vers JS

_____ Respondent

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(Circular stamp)
9-7-91



ORDER SHEET

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

Contempt No. 12 OF 1951/65

G Panwar Vs. A. J. S Uppe

Sl.No.	Date	Office Report	Orders
		<p>OR</p> <p>4c for the applicant has filed Contempt An. No 12491(C) on 21.2.51 against the judgment dt-24.9.50 passed by Hon. Mr. Justice K. Nalla v/c & Hon. Mr. K. Oberoi A.M.</p> <p>S. F. O</p> <p>L 4/3/51</p>	

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.



CONTEMPT PETITION NO. 12, OF 1991 (L).

Govind Parwani

Applicant.

VERSUS

Shri A.J.S. Uppal and another

Respondents.

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Govind
Applicant 21/2/91

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

82/11

CONTEMPT PETITION No. 12 OF 1991 (L)

Govind Parwani, Clerk Gra-de-II
Civil Construction Wing,
All India Radio, Lucknow. Applicant.

VERSUS

1. Shri A.J.S. Upa-1,
Executive Engineer (Elect.),
Civil Construction Wing,
All India Radio,
9, Rani Laxmi Bai Marg,
Lucknow.
2. Shri Om Prakash,
Executive Engineer (Civil),
Civil Construction Wing,
All India Radio,
9, Rani Laxmi Bai Marg,
Lucknow.

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 21/2/91
Date of Receipt by Post

f. Deputy Registrar (I)
21/2/91

Respondent

APPLICATION FOR CONTEMPT

For the facts and reasons stated in the accompanying affidavit it is most respectfully prayed that the Hon'ble Tribunal may kindly be pleased to punish the opposit parties for the their willful disobedience of the orders dated 26.6.90 contained in Annexure no.-I and order dated 24.7.90 contained in Annexure no.-II^{to} the affidavit. Any other order which this Hon'ble Tribunal deems just and proper may also be passed.

Filed today
21/2/91

Pravind
21/2/91
Applicant

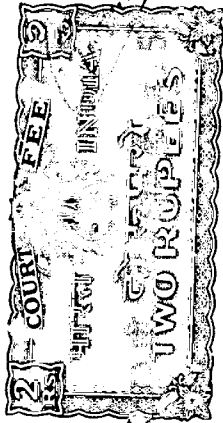
AFFIDAVIT

199
AFFIDAVIT

9
HIGH COURT
ALLAHABAD

2
192/3

I Govind Parwani, aged about 37 years, Clerk Grade-II, Civil Construction Wing, All India Radio, 9, Rani Laxmi Bai Marg, Lucknow do hereby solemnly affirm and state on oath under :-



- That the applicant is the deponent in the above noted case and as such he is fully conversent with the facts of case.
- That this contempt petition is being moved against the order dated 25.6.90 and order dated 24.7.90, copies of these orders are annexed herewith as Annexure-I & II.
3. That the deponent was working as Clerk Grade-II in the office of the opposite party no. 3. He was transferred from Lucknow to Barielly. This transfer order was challenged by the deponent before this Hon'ble Tribunal on 25.6.90 and this Hon'ble Tribunal was pleased to stay the order. The operative portion of the order is that:-
" IN THE MATTER OF INTERIM RELIEF RESPONDENTS 1 & 2 MAY FILE REPLY IF ANY WITHIN 2 WEEKS. TILL THEN THE PETITIONER SHALL NOT BE RELIEVED FROM THE POST OF CLERK GRADE-II, EXECUTIVE ENGINEER (CIVIL), CIVIL CONSTRUCTION WING, ALL INDIARADIO, LIST FOR ORDERS ON 9.7.90. COPY OF THE ORDER MAY BE GIVEN TO THE COUNSEL FOR THE PETITIONER".
4. That on a persual aforesaid order it is clear that the deponent is entitled to get salary.
5. On that date there was no bench available, the case was adjourned to 24.7.90. The opposite parties did not file any counter affidavit or any reply to the interim relief as per the direction of order contained in Annexure-I.
6. That on 24.7.90 respondents filed a counter and in paragraph no. 20 they said that they have no objection in posting the deponent anywhere in Lucknow except in the office of the Executive Engineer (Civil), Civil Construction Wing, All India Radio, Lucknow. (Respondent no. 3 the original applicant).

.....3

Govind
21/02/91



- (3)
7. That deponent agreed, proposal of respondent no. I & II and accordingly this Hon'ble Tribunal was pleased to direct to modify the impugned order of transfer dated 14.3.90 and post the applicant in Lucknow. It was also directed that the orders will be issued within a period of two weeks from the date of receipt of copy of order.
8. That from the above it is very clear that the deponent was serving with ^{opposite party} ~~copy No. III~~ with the opposite no. ² ~~3~~.
9. That in compliance of the orders of the Tribunal contained Annexure no. II, ^{opposite party No. 2} issued an order on 24.8.90 from its Barielly office which was received by the deponent on 29.8.90. A copy of the order dated 24.8.90 is annexed as Annexure no. III.
10. That the deponent joined at the office of the opposite parties party no. I on 29.8.90 (F.N.) from the above it is very clear that the deponent is entitled to get salary upto the end of August, 90.
11. That the deponent moved several representations requesting the opposite parties no. I & II to pay the salary from June, 90 to August, 90 but they did not take any action till today. Some of the representations dated 17.7.90, 10.9.90, 23.10.90, 6.11.90 and 11.01.91 are annexed herewith as annexures no. IV, V, VI, VII and VIII.
12. That though there is no clear directions from this Hon'ble Tribunal to pay salary to the deponent, the order contained in Annexure no. I & II implidely show that the deponent is entitled to get salary.
13. That the deponent moved several representations and all of them are still pending and the deponent was not paid salary which clearly shows that the respondent no. I & II disobeyed the order only with ² the view to harm and harassed the deponent.
14. That under the circumstance opposite parties may be summoned before the Hon'ble Tribunal and they may be punished accordingly for the willful disobedience.

Pravine?
21/2/91
DEPONENT

VERIFICATION

I Govind Parwani son of Late L.C. Parwani, working as Clerk Grade-II in the office of the Executive Engineer (Elect) Civil Construction Wing, All India Radio, Lucknow do hereby verify that the contents of paragraph no. 1 to 14 are true to my own knowledge. No part of it is false and no material has been concealed. So help me god.

Lucknow

Dated :

21.291

Deponent. 2112194

I identify the deponent
who put his signature before
me.

(SURENDRAA.P)
BDV

Solemnly affirmed before me
on 21.2.91 at
9.10 am/pm by the deponent
named above who is identified
by Sri Suresh Kumar P., ADVOCATE
High Court, Lucknow.

✓ Satisfied in
✓ concerning the respondent
who understands its contents
which have been read out
and explained by me.

6642

Both Cocaine and
Heroin are all found
in New York.

No. 91

Date 2-2-91

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BECH LUCKNOW

ANNEXURE No. I

O.A. NO.199 of 1990 (L)

Govind Parwani

Applicant.

Versus

Union of India & Others

Respondents.

25.6.1990

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

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

Admit. Dr. Dinesh Chandra makes appearance on behalf of respondents 1 and 2 and accepts notice on their behalf. Copies of the notices meant for respondents 1 & 2 may be delivered to him. Respondents No.3 has been impleaded on the ground of notice. He has already been transferred to Delhi, as stated by the counsel for the petitioner. We do not consider it necessary for the time being to issue notice to him.

Respondents 1 & 2 may file counter within 2 weeks which the petitioner may file rejoinder within one week thereafter. The respondents will also indicate whether the transfer of the petitioner was recommended by respondent No.3 as stated in para 19 of the application.

In the matter of interim relief respondents 1 & 2 may file reply if any within 2 weeks. Till then the petitioner shall not be relieved from the post of Clerk Gr. II, Ex-Engineer Civil Construction Wing, All India Radio. List for orders on 9.7.1990. Copy of the order may be given to the counsel for the petitioner.

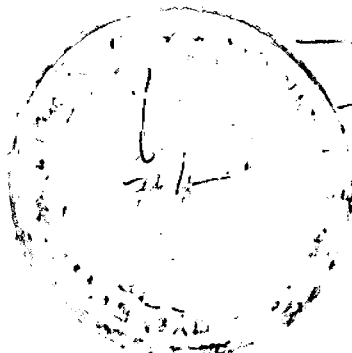
Sd/-
A.M.

Sd/-
V.C.

// True Copy //

rm/

AKS 26/6/90
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow



Govind

ANNEXURE NO. II

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW
Registration (O.A. No. 199 of 1990(L))

Govind Parwani

... Applicant

Vs.

Union of India & others

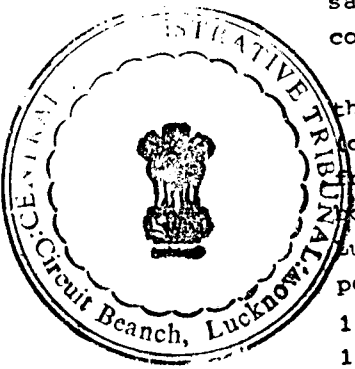
... Respondents

24-7-1990:

Hon'ble Mr. Justice K. Nath, VC,
Hon'ble Mr. K. Obayya, AM

(Delivered by Hon'ble Mr. Justice K. Nath, VC)

Sri Raza Zahir for the petitioner and Sri V.K. Chauhan for the respondents 1 and 2 are present. Sri V.K. Chauhan files counter affidavit on behalf of the respondents 1 and 2. Amongst other things, it is stated in para 20 of the counter affidavit that there is no objection to the posting of the applicant anywhere in Lucknow except in the office of respondent no. 3. The learned counsel for the applicant, on the instruction of the applicant, says that the applicant is agreeable to the proposal contained in para 20 of the counter affidavit.



2. The relief prayed in this petition is to quash the order of transfer of the applicant dated 14-3-1990 contained in Annexure-1), transferring the applicant from Lucknow to Bareilly. In view of willingness of both the parties to post the applicant anywhere in Lucknow except in the office of respondent no. 3, this petition is disposed of with a direction to respondents 1 and 2 to modify the impugned order of transfer dated 14-3-1990, contained in Annexure-1 suitably so as to post the applicant in an appropriate post in Lucknow other than in the office of the respondent no. 3. The respondent will issue the necessary orders at the earliest say within a period of two week from the date of receipt of a copy of this order.

sd
(A.M.)

sd
(V.C.)

EE/

Attested
True Copy

C.T.C.

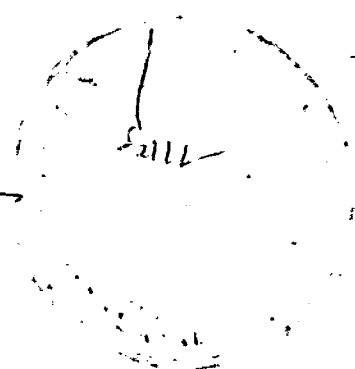
Deputy Secretary
Central Administrative Tribunal
Lucknow Bench
Lucknow

sd
26/7

Attested

sd
26/7

sd



GOVERNMENT OF INDIA
OFFICE OF THE EXECUTIVE ENGINEER(C)
CIVIL CONSTRUCTION WING : ALL INDIA RADIO

Recd.

(7)

ANNEXURE No. III

E-60, Udaipur Khas,
Rajendra Nagar,
Bareilly.

(13)

NO. BLY-1(4)/CCW/AIR/90-S/ 1966

Dated:- 24.8.70

ORDER

In partial modification of Directorate General, All India Radio New Delhi's vide their order No. 129/90-S-II Under file No. 5(15)90-S-II dated 17-8-90, Shri Govind Parwani, Clerk Grade-II is hereby directed to join the duty in the office of Executive Engineer (Electrical), Civil Construction Wing, All India Radio, Lucknow.

(OM PRAKASH) 24/8/70
EXECUTIVE ENGINEER(CIVIL):

✓ Shri Govind Parwani,
Clerk Grade-II,
C-1919(HEG)
Rajajipuram,
LUCKNOW.

202

8
13
A/2

To,

The Executive Engineer (Civil),
Civil Construction Wing,
All India Radio,
Lucknow.

Sir,

Please have reference of my letter dated 26.06.90 wherein I have submitted my Joining report along with the copy of the order for stay against my relieving. In this regard it is stated that my salary for the month of June, 90 has not been disbursed. Therefore it is humbly submitted that this is obviously a case of contempt of Court for which the Court case be moved. As such it is requested that salary for the above mentioned month may please be given to me so that any legal procedure could be avoided. It is further added that some work may please be assigned to me.

Yours faithfully,

Dated: 17.07.90.

Gaurind.
(Gaurind Parwani)
Clerk Grade-II
C. C. VI, AIR,
Lucknow.

Parwani
17/7/90

Alia
Yousuf
212

Gaurind

21/7

The Executive Engineer (Elect.),
Civil Construction Wing,
All India Radio,
Lucknow.

ANNEXURE NO. V

3
12/5

Subject: Salary for the month of
June, July & August, 1990.

Sir,

As you are well known to your goodself
that the salary for months of June, July & August, 1990
have not been paid to me reason for the same
are well known to you.

As I am facing very hard due to non
payment of salary for the above said months so
you are requested to kindly pay the salary -
as early as possible to me.

Thanking you,

Yours faithfully,

Dated 10.09.90

(Signed)
10/09/90
(Avinash Parwan)
Chief Clerk-II

Received
(K.K. Agarwal)
10/9/90

202

(Signed)

6
21/12

अधिवासी अभियन्ता (विद्युत),
 सिविल निगम एन्ड,
 आवाशवाणी,
 लखनऊ

APINE 2015 NO. VI
 10

विषय: मासिक वेतन साह जून, जुलाई तथा अगस्त-90
 हेतु आर्थिक पत्र।

सहाय्य,

निर्देशन है कि मैंने इस पत्र में पहले भी इस
 पत्र दिनांक 10.9.90 को दिया था कि मैंने अध्यागमन
 अधिवासी अभियन्ता (विद्युत), सिविल निगम एन्ड,
 आवाशवाणी, लखनऊ के कार्यालय में अधिवासी
 अभियन्ता (विद्युत), सिविल निगम एन्ड, आवाशवाणी
 कार्यालय में हुआ था तथा हमने वहां पर कार्य और
 ग्रहण न करके रखायालय में रखाय हेतु रखा था।
 रखायालय के आदेश संख्या OA-199 & 1990 (L)
 दिनांक 25.6.90 के अनुसार मैं प्रतिदिन पाल 10.00 बजे
 से सांय 5.00 बजे तक कार्यालय अधिवासी (विद्युत)
 सिविल निगम एन्ड, आवाशवाणी, लखनऊ के कार्यालय
 में जाता रहा परन्तु उन्होंने मुझे वही कोई कार्य दिया
 और नही उपरोक्त पंक्ति के मुझे हस्ताक्षर करने
 दिया उसके उपरान्त रखायालय के रखाय आदेश
 संख्या OA-199 & 1990 (L) दिनांक 24.7.90 के
 अनुसार मुझे इस पंजीकृत पत्र संख्या BLY-1(4000)/AR
 90-3/1969 दिनांक 24.8.90 कार्यालय अधिवासी (विद्युत)
 कार्यालय द्वारा भेदे निवास स्थान पर मुझे दिनांक 29.8.90
 को प्राप्त हुआ उस पत्र के उनके द्वारा मुझे आदेश
 दिया गया था कि मैं कार्यालय अधिवासी (विद्युत),
 सिविल निगम एन्ड, आवाशवाणी, लखनऊ के
 कार्यालय में मैं अपना कार्य और ग्रहण करूँ
 उन्हें के आदेश द्वारा मैंने अपने कार्यालय
 में कार्य और दिनांक 29.8.90 को ग्रहण कर
 लिया था। उन्हें कार्यालय में मुझे साह जून, जुलाई
 तथा अगस्त, 1990 का मासिक वेतन ~~नही~~ दिया।

अतः आपसे अनुरोध है कि मुझे साह जून,
 जुलाई तथा अगस्त, 1990 का मासिक वेतन

दिनांक को रखा जावे।
 दिनांक: 23.10.90।

अनुरोध
 अधिवासी
 (अभिनेता पालवानी)
 निवास- II

आपत्तिका निवारण (विभाग),
 निम्नलिखित विभागों में,
 जिला प्रशासक,
 जयपुर

ANNEXURE No. VII

विषय : आसन्न वेतन काट पूरा, जुलाई तथा
 अगस्त - 1990 हेतु, प्रार्थना पत्र

महोदय,

जैसा कि मैंने आपसे पत्र दिनांक 10.9.90 तथा
 23.10.90 के माध्यम से आपकी अवकाश तथा अनुपेक्षा किया
 था कि मुझे माह जून, जुलाई तथा अगस्त - 1990 का
 आसन्न वेतन प्राप्त नहीं हुआ है जिसकी दिलवायी जाय।
 अतः इस पत्र के माध्यम मादयज से मैं आपका ध्यान
 इस ओर पुनः आकृषित करना चाहता हूँ कि मैंने
 उक्त तीन माह का वेतन यदि अनुमान लगावने
 की प्रक्रिया द्वारा की है क्योंकि कि इस वकती हुई माहगाई
 के कारण मैंने अपना तथा परिवार के सदस्यों का
 खर्च खर्चाना अत्यन्त मुश्किल हो गया है।

अतः आपसे प्रार्थना की जाती है कि मुझे उक्त
 तीन माह का मासिक वेतन तुरन्त दिलवायी की प्रार्थना
 ताकि मैं निवृत्त होकर रक्षाधायक का कदमवाला
 से व्यवस्था हो सके।

शुक्रवार

दिनांक : 06.11.90

(Handwritten signature)
 (F.K. Sharma)

(Handwritten signature)
 (गोविन्द पारवानी)
 जिला प्रशासक-II

(Handwritten signature)
 212



(Handwritten signature)

The Executive Engineer (Elect.),
Civil Construction Wing,
All India Radio,
Lucknow.

ANNEXURE NO. VIII

Subject : Regarding Salary.

Sir,

Please take reference of my letter dated 10.09.90 & subsequent reminders dated 23.10.90 & 06.11.90 regarding disbursement of salary for the months of June, July & August, 1990 . In this aspect it is stated that despite my earnest repeated request the salary has not been disbursed as yet. This is causing tremendous financial hardship to me. The silence on your part is arousing suspicion and conspicuous of your ~~par~~ uncaringness for your subordinates. Therefore, the ~~p~~ compelling circumstance has made me write this letter. This may please be treated as the last and final reminder from the undersigned. If still no action is initiated within 10 days, I will be free to move court. In such an event the entire responsibility of any outcome will rest on your shoulders and all the expenditure incurred on account of filing the case will be claimed from the department through court.

This may please be treated as most urgent.

Yours faithfully,

Govind
11/1/91

(Govind Parwani)
Clerk Grade-II.

Dated : 11.01.1991

Govind
11/1/91
Govind

Govind
11/1/91
202

Govind

11/1/91

(B59)

HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL:

ALLAHABAD CIRCUIT BENCH

AT LUCKNOW.

In re:-

O.A. No. 406 OF 1990 (L).

Rana Kant Sharma ..

Applicant

Versus

Union of India and others ..

Respondents.

COUNTER AFFIDAVIT TO THE AFFIDAVIT DATED

23-4-1991 BY SHRI RAM KUMAR.

I, Rana Kant Sharma, aged about 23 years, son of Sri Jitendra Nath Sharma, resident of Bholi Khera, Alambagh, Lucknow, Postman No. 16, in the office of Alambagh Post Office, Lucknow, hereinafter referred to as the deponent, do hereby solemnly affirm and state on oath as under :-

1. That, the deponent is the applicant in the aforementioned original application. He is fully conversant with the facts of the case. He has read the affidavit dated 23-4-1991, filed by Sri Ram Kumar and has fully understood the contents thereof.
2. That, in reply of the contents of paragraph 1 of the affidavit dated 23-4-1991 by Sri Ram Kumar (hereinafter referred to as the affidavit), it

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is stated that the said Annexure No. VIII is in the hand-writing of Sri Ram Kumar. Sri Ram Kumar has wrongly stated in the affidavit that the afore-said letter is not in his hand-writing. It is further submitted that the said Annexure No. VIII has been written before the deponent. It is very strange that Sri Ram Kumar himself wrote the said Annexure No. VIII in his own hand-writing, and now, he is denying the fact under pressure of his superior authorities.

3. That, in reply to the contents of paragraph 2 of the affidavit, it is specifically stated that the date mentioned in the said letter is also in the hand-writing of Sri Ram Kumar. Sri Ram Kumar himself wrote the date. It is further submitted that the date of written by Sri Ram Kumar before the deponent. It is denied that this letter was dictated by Sri Awasthi.

4. That, the contents of paragraph 3 of the affidavit are not admitted. In reply to this paragraph, it is stated that Sri Ram Kumar is making concocted statement only under the influence and pressure of his superior authorities. The deponent is advised to state that only the hand-writing Expert can give opinion on the dispute whether the said annexure is in the hand-writing of Sri Ram Kumar or not.

5. That the contents of paragraph 4 of the affidavit are wrong, hence denied. In reply to this paragraph, it is stated that the deponent has worked as substitute of Sri Ram Kumar till 31-1-1991.

261

It is specifically denied that Sri Ram Kumar has withdrawn his responsibility from 1-12-1990. Sri Ram Kumar is making wrong statement only under pressure of his superior authorities. It is further submitted that even if it is presumed, only for argument's sake that Sri Ram Kumar has withdrawn his responsibility regarding the deponent from 1-12-1990, it is admitted fact that the deponent has worked from 1-12-90 to 31-1-91 on a clear vacancy as an E.D.A. and not as a substitute. The answering respondents have raised no objection till he came before this Hon'ble Court. Now, the answering respondents are estopped from raising any objection regarding status of the deponent.

Lucknow:

Deponent

Dated:

VERIFICATION

I, Rama Kant Sharma, the deponent, do hereby verify that the contents of paragraphs 1 to 4 (partly) and 5 (partly) are true to my own knowledge and those of paragraphs 4 (partly) and 5 (partly) are true on the basis of legal advice which he believes to be true. No part of it is false and nothing material has been concealed. So, help me God.

Lucknow:

Deponent.

Dated:

I identify the deponent who has signed before me.

Advocate.

1362

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

In re:

Original Application No. 406 of 1990(L)

Shri Kant Sharma Applicant.

Versus.

Union of India and others..... Opp. Parties.

SUPPLEMENTARY AFFIDAVIT OF APPLICANT.

I, Shri Kant Sharma aged about 23 years son of Jitendra Nath Sharma resident of Bhola Khera Alambagh, Lucknow, presently working as Postman No. 16 in the office of Alambagh Post Office, Lucknow hereinafter referred to as the deponent, do hereby solemnly affirm and state on oath as under:-

1. That, the deponent is applicant in the aforesaid original application. He is fully conversant with the facts of case and also conversant with the facts stated in this affidavit.

2. That the applicant is working as "Substitute" of an "Extra Departmental Agent" (hereinafter referred to as "E.D.A."). This E.D.A. is one Shri Ram Kumar. The deponent states that he is working as substitute of aforesaid E.D.A. continuously since 5.7.90 this time. It is pertinent to mention that deponent has b

been continuously working as substitute to E.D.A. since 1980 for different periods already mentioned in paragraph 4 of his original application.

(3) That, the deponent is working as substitute to E.D.A. on a clear vacancy, and this vacancy is still continuing. The deponent submits that Rule 5(2) of the posts and Telegraphs Extra Departmental Agents (Conduct and Services) Rules 1964 deals with the appointment of substitutes for E.D.A. This rule clearly says that one copy of appointment letter should be handed over to "Substitute". The deponent states that opposite parties No. (1) and (2) never handed over to him his appointment letter. They only took work from the applicant and other like substitutes but never handed their any appointment letters. It is further submitted that applicant is a poor and needy man, so he can not tolerate his loss and cannot discontinue his livelihood for an appointment letter. He is working as a substitute for E.D.A. without any appointment letter.

(4) That, the deponent is still working as substitute of E.D.A. He is servant of Post and Telegraph Department and not of E.D.A. He is getting salary from the P & T deptt. regularly for his work. A photostat of acquittance roll for the month of January 1991 of the applicant is being annexed herewith as Annexure No. A-VI. It clearly shows that deponent is a servant of P & T department.

.....3....

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(5) That, the deponent states that he is working as substitute of E.D.A. since 1980 for different periods. He is senior to opp. parties No. 3 to 7. All of them served as "Substitute" to E.D.A. and were junior to the deponent, but opposite parties No. 1 and 2 have regularised their services and are still keeping the deponent as mere substitute; although he has got better claim over them.

(6) That, the deponent states that this time he is continuously working since 5.7.90, on a clear vacancy and that vacancy is still existing. He may be continued as substitute in the vacancy of Sri Ram Kumar because the vacancy is still existing.

Lucknow:

Dated: 8.8.1991.

Deponent.

Verification

I, the aforesaid deponent do hereby verify that the contents of paragraph 1 to 5 of this supplementary affidavit are true to my own knowledge, and those of paragraph 6 are true on the basis of belief. No part of it is false and nothing material has been concealed.

Signed and verified this 8th day of Feb. 1991 within court compound at Lucknow.

Lucknow:

Dated: 8.2.1991.

Deponent.

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me by Sri Rama Kant Sharma, the deponent on _____ at _____ a.m./P.m. who is identified by Shri.....Advocate. I have satisfied myself by examining the deponent that he understands the contents of this supplementary affidavit which have been duly explained by me to him.

(Bsk)

Absentee Statement for the month of Jan 21 of E.D.A. Staff at Alambagh R.D. Xindam -

- 1- Sri Gulab Singh is working at Vacant Post Vice-Ram Kumar who has passed P.T. exam. Duty full month
- 2- u Rama Kant (Substitute to Vice Sri Gulab Singh) Duty full month
- 3- u Otm Prakash Boinedi Duty full month
- 4- u Moti Lal
- 5- u Chhotey Singh
S.D.S. Duty full month

Attested

S.P.M. H S G-11
ALAMBAGH P.O.
LUCKNOW-220005

सर्वोच्च
सचिव

समान सहायक डाक अधीक्षक
दक्षिणी क्षेत्र लावन्नूर

महोदय,

निवेदन इस प्रकार है कि प्रार्थी प्रवर

डाक अधीक्षक लावन्नूर के शापन संख्या

8/8/2/3/अपेन चिं दिनांक 26-11-90

के अनुसार विश्वविद्यालयी जीएन परीक्षा में

सफल घोषित हुआ है तथा प्रार्थी भुक्त

दिनांक 1-12-90 से 10 दिनों का प्रशिक्षण

प्राप्त करने जा रहा है अतः मैं अपनी

इ-जी.डी.ए. के पद पर अपनी जुम्मेदारी

पर दिनांक 6-12-90 से लगे हुए गये

स्वकीदार (समोद्युक्त) की समाकान्त

शर्मा की जुम्मेदारी वापस लेता हूँ

MGIPAh.—150 Posts/87—23-7-87—20,00,000 Pds.

रामचन्द्र कृपया पृष्ठ उलटिये

1-12-90

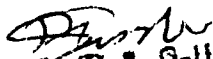
Annex-2-2

(BSS)

Copy of Absentee Placement of
Alam Singh PO Xmas - for the
month of Dec 1990 in v/c EDDH

- 1- In Gulab Singh working
on Vacant Post Vice EDDH on Duty for
Ram Kumar who has
passed Firman Examination month
- 2- In Ram Kant
Substitute working
Vice In Gulab Singh. Only full
month
- 3- In Om Prakash Dinesh
E-DDH Only full
month
- 4- In Mittu Lal - Only full
month
- 5- In Chhotay Singh
E D S/V Only full month

Attended


S.P.M. H.B. G-III
ALAMBACH FO
LUCKNOW-220002

(B4)

Copy of the service statement for the
month of Nov 1990 in respect of EDDA
at Alambhikar Lucknow

1. In Isahar Singh = on duty full month
2. a Rama Kant
(Vice Ram Kumar EDDA who is engaged as
out Adv on Duty full month)
3. In Moti Lal. on Duty full month
4. a In Prakash Dinesh on Duty full month
5. a Chhotay Singh EDSR on Duty full month

H. K. K. K.

S.P.M. (H.S. G-11)
ALAMBHIKAR
LUCKNOW-226005.

(248)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

Misc. Petition No. 141 of 1991. (L)

APPLICATION FOR FILING SUPPLEMENTARY COUNTER-AFFIDAVIT.

Union of India & Senior Supdt. of
Post Offices, Lucknow.....Applicant/Respondents.

In

D.A.No. 406 of 1990(L)

Rama Kant Sharma.....Applicant.

Versus

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

Article

To,

The Hon'ble Vice Chairman and his companion members of the
aforesaid Tribunal.

The applicant above named most respectfully Sheweth:-

1. That the accompanying of supplementary affidavit is being filed
in reply to the supplementary affidavit filed by Shri Rama Kant
Sharma.
2. It is, therefore, prayed that it is in the interest of justice
that the accompanying supplementary-affidavit may be taken on
record.

D. Chandra
(Dr. Dinesh Chandra)

Counsel for Applicant/Respondents.

(B44)

IN THE CENTRAL ADMINISTRATIVE TRIAL TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

GENERAL AFFIDAVIT ON BEHALF OF RESPONDENTS NO.1 & 2.

In

D.A.No.405 of 1990

Rama Kant Sharma.....Applicant.

Versus

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

I, Chandra Prakash aged about 35 years, son of Shri H.P.Verma,
Senior Superintendent of Post Offices, Lucknow do hereby solemnly
affirm and state as under:-

1. That the deponent has read the application filed by Sri Rama Kant Sharma and has read the contents thereof. He is well conversant with the facts of the case deposed hereinafter.
2. That the contents of para 1 need no comments.
3. That the contents of para 2 are admitted to the extent that Sri Rama Kant Sharma worked as substitute of Sri Ram Kumar on his risk and responsibility till 30-11-90. Sri Ram Kumar, F.D.D.A. was in the meantime declared successful in Departmental Postman Examination vide S.F.P.O's, Lucknow Memo No.10-8/273/April,90 dt.25-11-90 (Annexure A-5). The above said Sri Ram Kumar was ordered to undergo ~~under the~~ training for 10 days commencing from 1-12-90 to 10-12-90.

(11) In the above said memo it was also ordered by the
Sr.Suptt. of Post Offices, Lucknow that the vacancy caused by

Contd..2/-

B50

the passing of E.O.As in Departmental posts will be managed by the other E.O. official. In compliance of the above memo. The Sub Postmaster, Alambagh was ordered to manage the vacancy caused by Sri Ram Kumar, E.O.D.A. by another E.O. official of his office vide letter No.L/Armp/Postman dt.1-12-90 (copy Annexed).

(iii) In compliance to above order, Post Master, Alambagh was ordered to depute some E.O.D.A. to work vice the vacancy of Sri Ram Kumar vide order dt.....(Annexure R-). Accordingly Sri Gulab Singh^{was} deployed to work on the post on 1-12-90 who in turn engaged Sri Rama Kant Sharma to work as his substitute on his risk & responsibility. Copies of the Absentee Statements for Nov, Dec, and Jan in this regard are being filed as Annexure R-1, R-2 and R-3. Thus Sri Rama Kant Sharma worked as substitute of Sri Gulab Singh and not of Sri Ram Kumar from 1-12-90 to 31-1-91. Moreover after passing the examination Sri Ram Kumar, E.O.D.A. who was no more on the post of E.O.D.A. had no right to provide his substitute on the vacant post. Sri Ram Kumar had also withdrawn his risk & responsibility for Sri Rama Kant Sharma u.o.1-12-90 (Annexure R-4).

4. That in reply to para 3 it is stated that the applicant worked as substitute of Sri Gulab Singh till 31-1-91 on his risk and responsibility. Sri Gulab Singh has been working on the post which had fallen vacant on appointment of Sri Ram Kumar on the post of Postman. With regard to Rule 5(2) of the PAY E.O.A.Rules, 1964 referred to in the

answering paragraph it is stated that there is no sub para 2 of the said rule. The Director's instructions contained in his letter Circular No.23 dt.24-2-70 and letters No.43/53/Pen dt.27-5-1970 and No.5-5/72-ED Cell dt.18-8-73 have been incorporated in para 2 of the Director General's instruction. The instructions contained in the said para relate to E.O.Agents proceeding on leave. In the present case Sri Gulab Singh who was deputed on the post which had fallen vacant on appointment of Sri Ram Kumar on the post of a postman, had engaged him as his substitute to carry on the duties of E.O.D.A. on his behalf on his risk and responsibility. Now Sri Gulab Singh has joined his duties, the petitioner has been disengaged. As the petitioner was engaged by Sri Gulab Singh, the question of issuing any appointment letter to the petitioner by the department did not arise. He was not an employee of the department.

5. That in reply to para 4 it is stated that the petitioner worked on the post as a substitute of Sri Gulab Singh till 31-1-91. Sri Gulab Singh resumed duty on 1-2-91 and the petitioner stood disengaged u.o.f.1-2-91. As the petitioner had worked till 31-1-91, he was paid the allowance for the month of January, 91. Acquittance Roll is prepared on the basis of Absence Statement which is the only authentic document to rely upon in such cases.

6. That in reply to para 5 it is stated that there is no provision for regularization of substitutes on E.O.Posts. The Respondents No. 3 to 7 were appointed according to the provisions contained in P&T, SDA (Conduct & Service Rules), 1964. All of them were sponsored by Employment Exchange for the advertised posts and while making the selection

BS2

// 4 //

on the basis of merit no weightage was given for their engagement as substitutes.

7. That in reply to paras 6 & 7 it is stated that the applicant had worked as a substitute of Sri Ram Kumar upto 30-11-90. As Sri Ram Kumar was appointed as Postman he terminated the surety for the applicant after 30-11-90. The applicant thus ceased to be the substitute of Sri Ram Kumar after 30-11-90. After 30-11-90 the petitioner worked on the risk and responsibility of Sri Gulab Singh who was ordered to work as E.D.D.A. in place of Sri Ram Kumar till regular appointment on the post of E.D.D.A. is made. As the petitioner was engaged by Sri Ram Kumar and later on by Sri Gulab Singh on their own risk and responsibility, no legal right has accrued to the petitioner for the post. Substitutes are engaged by the E.D. employees on their risk and responsibility. Substitutes are not the employees of the department and the department has no legal authority to ask the E.D. employees to engage any particular person as his substitute.

8. That in view of the submissions made in the above paragraphs, the application filed by Sri Ram Kant Sharma is not tenable in facts and in the eyes of law, it lacks merit and is liable to be dismissed with costs.

Deponent.

Contd...5/-

// 5 //

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-: VERIFICATION :-

I, the deponent named above do hereby verify that the contents of
pages are true of my personal knowledge and those of pages
are believed to be true by me based on record and legal advice. Nothing
has been concealed and nothing is false, so help me God.

Lucknow.

Deponent.

Dated:

I identify the deponent who has
signed before me.

Advocate.

(B3)

In the Hon'ble Central Administrative Tribunal, Allahabad,
Circuit Bench, at Lucknow.

Inre:

Original Application No: 406(L) of 1990.

Rama Kant Sharma.....Applicant.

Versus

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

REJOINDER AFFIDAVIT.

TO COUNTER AND SUPPLEMENTARY COUNTER AFFIDAVITS ON
BEHALF OF RESPONDENTS NO: 1 & 2.

I, Rama Kant Sharma, aged about 23 years, son of Sri Jitendra Nath Sharma, resident of Bhola Khara, Alambagh, Lucknow, Postman No: 16 in the office of Alambagh Post Office, Lucknow, hereinafter referred to as the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is applicant in the aforesaid original application. He is fully conversant with the facts of the case. He has read the counter Affidavit and supplementary counter affidavit filed on behalf of respondents No. 1 & 2 and fully understood the contents thereof.

2. That, the deponent has also filed one supplementary affidavit on 8.2.91. In that supplementary affidavit the deponent has controverted the contentsions raised by respondents No: 1 and 2 in their Counter Affidavit. The deponent has further ^{clarified} ~~clarified~~ his case through the aforesaid supplementary Affidavit. Now the deponent is filing reply of supplementary Counter Affidavit. He will also ^{Controvert} ~~controvert~~ the stand taken by respondents No: 1 and 2 in their original counter affidavit, when it will be necessary, ~~in his reply.~~

3. That the contents of paragraphs 1 and 2 of Supplementary Counter Affidavit filed on behalf of respondent No: 1 & 2 (hereinafter referred to as Supplementary Counter Affidavit), need no reply.

4. That, the contents of para 3 of supplementary Counter Affidavit are admitted to the extent that the deponent worked as substitute of Sri Ram Kumar. Rest of the contents of the para are not admitted as stated. In reply to this paragraph it is stated that the deponent has been continuously working as substitute to E.D.A. since 1980 for different periods already mentioned in para 4 of the original application. It is necessary to point out here that the deponent has worked continuously as substitute since 5.7.1990. It is further submitted that deponent continues to work in place of Sri Ram Kumar even after 1.12.90 A photost at of the application d/

1.12.90 by Sri Ram Kumar is being filed herewith as Annexure No: A-VII. It clearly shows that Sri Ram Kumar has not disengaged the deponent and he continued in place of Sri Ram Kumar. The respondents No: 1 and 2 have wrongly stated in paragraph under reply that deponent worked as substitute of one Shri Gulab Singh. According to respondents No: 1 and 2 deponent was substitute of Sri Gulab Singh from 1.12.90 to 31.1.91. But this contention has no force at all. It is specifically stated that Annexures No. R1, R-2 and R-3 are manufactured documents. There is no date mentioned on these documents. The answering respondents have not produced single application written by Sri Gulab Singh containing signature of Sri Rama Kant to the effect that Rama is substitute of Sri Gulab Singh. It is submitted that such an application is essential requirement of Rule 5 of the Post and Telegraphs Extra Departmental Agents (Conduct and Service) Rules 1964. The answering respondents are raising baseless contention without any legal basis. Moreover Annexure No A-VI (Extract of acquittance roll for the month of January, 1991) clearly shows that both Sri Rama Kant and Sri Gulab Singh have drawn their salaries in the month of January, 1991. It means E.D.A. and his ²⁰ ~~son~~ called substitute both have drawn their salaries in the month of January, 1991. It is necessary to point out ~~in~~ re that substitute only

works in place of E.D.A. It means both cannot draw salary in the same month in said capacities. Annexure No. A-VI clearly shows that Sri Gulab Singh and Sri Rama Kant both have drawn salary in the month of January, 1991. It means Sri Rama Kant cannot be substitute of Sri Gulab Singh. It is further submitted that Sri Gulab Singh never worked at Beat No: (16) i.e the place where Sri Rama Kant, and later on Sri Rama Kant has worked. Sri Gulab Singh has been working at Beat No. (13) till date. The answering Opposite Parties have filed wrong affidavit because in supplementary Counter Affidavit they have stated that deponent worked as substitute of Sri Gulab Singh from 1.12.90 to 31.1.91 whereas Annexure A-VI contradicts this fact. It amounts to estoppel. This annexure ~~also~~ clearly shows that deponent is servant of P & T department and ^{not} that of E.D.A. as repeatedly and wrongly alleged by the respondents.

It is stated that the deponent is continuously working as substitute of E.D.A. Sri Ram Kumar since 5.7.90 apart from previous durations from 1980. It is an admitted fact that deponent is working (as substitute of E.D.A. Sri Ram Kumar) since 5.7.90. It is also an admitted fact that deponent has worked from 1.12.90 to 31.1.91. Now it is an established fact that deponent has not worked as Substitute of Sri Gulab Singh from 1.12.90 to 31.1.91 because firstly neither Sri Gulab Singh nor answering respondents have produced copy of any

(631)

application written by Sri Gulab Singh and signed by deponent to that effect as required by Rule 5 of P & T E.D.A. (Conduct and service ^{Rules} 1964 and Secondly Annexure A.VI is a documentary evidence that deponent is not worked as substitute of Sri Gulab Singh. It is pertinent to mention here that ~~XXXXX~~ Answering respondents have admitted fact that deponent has worked from 5.7.90 to 31.1.91 i.e. 208 days continuously. From aforesaid description and Annexure No.A-VII it is clear that Sri Ram Kumar has assured the department to the effect that deponent will serve the department ~~efficiently~~ ^{efficiently} and honestly. It is also an established fact that department has not ^{appointed} ~~appointed~~ any E.D.A. in place of Sri Ram Kumar even after 30.11.90. It means the deponent has worked on clear vacancy of E.D.A. from 1.12.90 to 31.1.91. The department has taken work of E.D.A. from deponent on clear vacancy of Sri Ram Kumar, because contention of department that Sri Gulab Singh has worked in place of Sri Ram Kumar proved wrong. The answering respondents have filed forged and manipulated documents only to harrass the deponent because firstly he has completed 208 days continuously in one ~~clear~~ Calendar year and Secondly the deponent has come before this Hon'ble court for his regularisation. It is very strange that department has not bothered to appoint any one in clear vacancy of Sri

Ram Kumar for two months and took work from a substitute on that clear vacancy but now they are raising false allegations and filing manufactured documents. It is submitted that it is very easy for any Central Govt. department to get and manufacture documents like that of Annexure No: R-1^{to} R-4. It is very strange that Sri Ram Kumar has written two contradictory letters i.e. Annexure ^{R-4} and A-VII. A bare perusal of these two annexures clearly shows that Annexure A-VII contains signatures of the deponent while Annexure R-4, does not. The signature of substitute on application of E.D.A. is essential requirement of Rule-5. It clearly shows that answering respondents has got the letter (contained in Annexure R-4.) from Sri Ram Kumar under threat and duress. In fact the answering respondents want to finish the deponent completely because he is single individual financially weak and has come before this Hon'ble court for justice and his rights. It is further submitted that the deponent has completed 208 days in one Calender year as substitute of E.D.A. and also on clear vacancy of E.D.A. Now the answering respondents are unhappy with him because the poor deponent has taken protection of this Hon'ble court. It is further submitted that department has allowed the deponent to work on clear vacancy of E.D.A. Sri Ram Kumar for two months, hence the department has now estopped from saying that Sri Ram ^{Kant} ~~Kumar~~ has no such right.

(34)

- 7 -

5. That, the contents of para (4) of supplementary Counter Affidavit are wrong hence denied. In reply to the paragraphs contents of para (3) of Supplementary Affidavit and contents of preceding paragraph of this affidavit are reiterated as correct. It is further submitted that Sri Gulab Singh has never worked in Beat No. (16) i.e. the place where Sri Ram Kumar and the deponent has worked. In fact Sri Gulab Singh has been working in Beat No: (13) till date. Moreover neither Sri Gulab Singh ~~has been working in Beat No. (13) till~~ nor answering respondents have filed any copy of application written by Gulab Singh containing Signature of the deponent, a mandatory ~~provision~~ ^{requirement} of Rule 5. A photostat of letter dated 31.1.91 by Sri Ram Kumar is being filed herewith as Annexure No. A-VIII. A bare perusal of this letter clearly shows that Sri Ram Kumar has written in favour of the deponent and owning responsibility even after 31.1.91.

6. That, the contents of para (5) of the supplementary Counter Affidavit are wrong hence denied. In reply to this paragraph contents of para (4) of supplementary affidavit and para (4) of this affidavit are reiterated as correct. It is further submitted that deponent has not worked as substitute of Sri Gulab Singh from 1.12.90 to 31.1.91, but on clear vacancy of A.D.A. A bare perusal of

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- 8 -

Annexure A-VI clearly show that deponent was not substitute of Sri Gulab Singh for aforesaid period. It is stated that Sri Gulab Singh has no right to disengage him. He is servant of P & T department and has worked on clear vacancy of E.D.A. from 1.12.90 and 31.1.91.

7. That, the contents of paragraph (6) of supplementary Counter Affidavit are wrong, hence denied. In reply to this para contents of para (5) of Supplementary affidavit are reiterated as correct. It is essential to point out here that answering respondents have himself admitted in para (6) of their counter affidavit dated 4.2.91 that status of deponent is that of casual worker. It is an admitted fact that deponent was doing work similar to that of regular worker. The deponent has been advised to state that the Hon'ble Supreme Court in "DAILY RATED CASUAL LABOUR Vs. UNION OF INDIA" reported in 1988(1) SCC page 122 has directed the P & T department to give equal pay for equal work to casual labour and has further directed to make a scheme for absorption of casual labour continuously working in department for more than one year. The deponent is working since 1980, but instead of making him regular employee. The answering respondents are leaving no stone unturned to throw the deponent from employment.

8. That, the contents of paragraph (7) of the supplementary Counter Affidavit are wrong, hence denied. In reply to this paragraph contents of para (6 and (7) of supplementary

(BVS)

~~Counter Affidavit~~ ^{and} ~~the contents of paragraph (4) of the~~
~~this~~ affidavit are reiterated as correct. It is further submitted that the deponent has worked as substitute of Sri Ram Kumar from 5.7.90 to 30.11.90 (apart from other ^{periods} ~~periods~~ since 1980) and on clear vacancy of E.^u.A. from 1.12.90 to 31.1.91 i.e. 208 days in one calendar year. On 1.2.91 the answering respondents have engaged one new person Sri Shiv Karan in place of deponent only because the deponent has come before this Hon'ble court and moreover deponent is going to complete 240 days in one calendar year in the month of March, 1991. On 6.2.91 deponent got stay order from this Hon'ble court. It is stated that deponent fell ill on 1.2.91 and recovered from illness on 21.2.91 but answering respondents have not allowed him to join. on 5.3.91 the deponent has filed contempt petition before this Hon'ble court. It clearly shows the intention of answering respondents. The deponent has legal right to the post on which has worked for last 208 days continuously apart from different period from 1980.

9. That the contents of paragraph (8) of supplementary Counter Affidavit are not admitted. In reply to this paragraph the deponent is advised to state that instant original application has full merits. All the grounds and relief sought are sustainable in law. The

(B44)

deponent states that apart from previous periodical employed the deponent had worked from 2.7.90 to 30.11.90 as substitute of Sri Ram Kumar and from 1.12.90 to ~~31.1.91~~ 4.9.91 on clear vacancy of E.D.A. It means deponent has worked for 208 days continuously. The deponent got interim order on 8.2.91 and submitted his joining report on 21.2.91 which was received by answering respondents on 23.2.91. The deponent has further advised to state that in this way he has completed $(208 + 39) = 247$ days till date in one Calendar year. It means he has completed more than 240 days in one Calendar year.

The deponent is advised to state that the Hon'ble Supreme Court in "ALL INDIA RMS & MMS EMPLOYEES' UNION VS. UNION OF INDIA reported in 1990 (Suppl) SCC 113 has held that the temporary status would be available to the casual labourers in the postal department on completion of one year of continuous service with at least 240 days of work. The Hon'ble Supreme court has further held that claims of those substitutes who work for long periods should have been appropriately considered. The deponent is further advised to state that Hon'ble Kerala High Court in KUNJAN BHASKARAN AND OTHERS VERSUS SUB DIVISIONAL OFFICER TELEGRAMS reported in 1983 L.I.C. page 135 has held that Post and Telegraphs department is industry and services of casual workers in the department

(B45)

could not be terminated orally contrary to section 25 F of Industrial Dispute Act, 1947. The deponent states that he has completed more than 240 days even then answering respondents are not allowing his claim. Moreover the answering respondents have terminated his services orally without complying the provision of Section 25F of Industrial Dispute Act, ^{although} ~~Although~~ he is a casual worker. The deponent very humbly prays from this Hon'ble court that in view of aforesaid description and decisions of various courts the instant application of the deponent should be allowed in toto with cost payable by the answering respondents.

I know:

Dated: 2-4-1991

Deponent.

Verification.

I, the abovesaid deponent do hereby verify that the contents of paragraphs 1, 2, 3, 4 (partly) 5, 6, 7, (Partly) 8, (Partly) and 9 (Partly) of this affidavit are true to my own knowledge and those of 4 (Partly), 7 (Partly), 8 (Partly) and 9 (Partly) are believed to be true by me based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

I know:

Dated: 2-4-1991

Deponent.

I identify the deponent who has signed before me.

Advocate.

संज्ञा में —

अभिमान उपजाऊ पाला

आलम कागज आविजक ह

शिवजीय विवेकन ह के प्रार्थना राय कुमार डी.डी.

पौर में आलम कागज आविजक ह के विवेकन परीक्षा
 ओ ली ह ओ प्रार्थना 1. 12. 90 में हुकूमत पर
 जो रहा ह ओ अर्जत जगह पर पूर्ण हुकूमत
 सहित ओ समाकान्त शक्ति की आधिकारिक
 ओ लिये लगा रहि ह हुकूमत आपस विनय
 निवेदन ह के प्रार्थना की हुकूमत विवेकन
 हुकूमत पर अर्जत की अर्जत हुकूमत
 जीव । अति महान हुकूमत कलिया
 श्री

आपक

ह
रमा कान्त शर्मा

Date: 1.12.90

राम कुमार डी.डी. 90

पौर में आलम कागज आविजक ह

वेवाम

आवनय निवेदन है कि शर्मा रामकुमार पोस्ट में
मानक नगर आ. डी. एम. नो. लावनक ११ की
रमाकान्त शर्मा की पुर्व मांगी की तथ्य
पूर्व जुम्मे दारी ले रहा है और उनकी
आलम बाग लावनक ८ में कीट न. १६
में कार्य करने के लिए अनुमति
प्रदान की जावे/ ज्यों के मैं रमाकान्त
शर्मा को १९८३ में जब तब मैं
आलम बाग में साइट साइटी की है
तो और रमाकान्त शर्मा की संपत्ति
जगह, या पूर्ण जुम्मे दारी या कार्य
आने के लिए प्रभावित मत उन्हे
१-१-९१ को ३१-१-९१ तक ~~जहाँ~~ सागे
जुम्मे दारी ले रहा है। तथा उनकी
कार्य करने आलमबाग में अनुमति
प्रदान की जावे। साथे स्टार कृपा
होगा/ इति

हः
रमाकान्त शर्मा
31-1-91

साधका
रामकुमार पोस्ट में
नं. ३ मानक नगर
आ. डी. एम. नो.
लावनक ११

X-83

X--83

X--83

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X-83
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(83)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH
LUCKNOW

Counter Affidavit on behalf of
Respondents Nos. 1 & 2.

In

O.A. No. 406 of 1990(L)

Rama Kant Sharma

Applicant.

versus

Union of India & others

Respondents.

I, Chandra Prakash, aged about 35 years
son of Shri N.P. Verma, Senior
Superintendents of Post Offices, Lucknow do hereby
solemnly affirm and state as under:

1. That the deponent has read the application
filed by Shri Rama Kant Sharma and has understood
the contents thereof.

2. That the deponent is well conversant with
the facts of the case deposed hereinafter.

B24

3. That in reply to para 1 of the application it is stated that the applicant had been engaged as a substitute by Extra Departmental Employees *from time to time* on their risk and responsibility for the following days from 1980 onwards:

Year	As substitute	As C.P. (Contingent paid part time)
1980	34 days	nil
1981	87 days	nil
1983	nil	66 days
1986	38 days	25 days
1987	157 days	nil
1988	70 days	nil
1989	70 days	nil
1990	131 days	nil

The above period of engagement in the years was not continuous. It was for small spells as is indicated in para 4(c) of the application.

It will be worthwhile to indicate that the Department of Posts is the only department of the Govt. of India where there is a special category of employees working as part timers and are called Extra Departmental Agents (E.D.A.). Their conditions of service has been laid down by a set of statutory rules called Post and Telegraph Extra Departmental

B25

-3-

Agents (Conduct & Service) Rules, 1964 and the instructions issued by the Director General, P&T from time to time. During leave, every Agent/employee is required to arrange for his work being carried on by a "substitute". A substitute is thus engaged by the E.D. Agent on his own risk and responsibility and carries on his work during the sweet will of the E.D. Agent. A substitute is not appointed by the department. Thus, a substitute is to be distinguished ^{from} part time casual worker and a contingent paid staff.

4. That the contents of paras 2 and 3 of the application needs no comments.

7.6
5. That the contents of paras 4(a) to 4(c) of the original application need no comments. However, the submission made in para 3 above is reiterated.

6. That the contents of para 4(d) are admitted. It is, however, submitted that the applicant had been engaged on E.D. posts by the regular Extra Departmental Employees during short spells from time to time on their own risk and responsibility. He was never appointed by the Department on any post except in the years 1985 and 1986 when the applicant had worked ~~for ever~~ as a contingent paid part time casual worker for very short spells and that too on jobs of casual nature. The applicant's

.....4

Bze

-4-

case is not covered up for recruitment to Group D posts under the instructions contained in the letter filed as Annexure AIV by the applicant.

7. That the contents of para 5(a) are misconceived. It is clarified that the services of the respondents No. 3 to 7 were not regularised. Their names were sponsored by the Employment Exchange, Lucknow for the posts of Extra Departmental Agents on requisition from the department from time to time. Photostat copies of the lists received from the Employment Exchange through which their names were sent are being filed as Annexure R-1 to Annexure R-5. The respondents No. 3 to 7 were selected for the E.D. posts from amongst the sponsored candidates. It is necessary to indicate in this connection that recruitment for Extra Departmental Agents is strictly made in accordance with the guidelines prescribed in the Ext P & T Extra Departmental Agent(Conduct & Service), Rules, 1964. The Respondent No. 3 to 7 were thus appointed as fresh candidates.

8. That in reply to para 5(b) it is stated that the applicant was never engaged as a part time casual worker by the department for any long period of time. He had been engaged as their substitute by the E.D. employees on their risk

....5

B29

-5-

and responsibility from time to time as is permissible under the provisions of E.D.A. (Conduct & Service) Rules, 1964. The substitutes work on the sweet will of the concerned E.D. Employees.

9. That the contents of paras 6 and 7 of the original application need no comments.

10. That in view of the submissions made in the above paragraphs the reliefs sought for in para 8 and interim relief prayed for in para 9 are not admissible. The application lacks merit and is liable to be dismissed.

11. That the contents of paras 10 and 11 of the O.A. need no comments.

Lucknow

Deponent.

Dated:

Verification

I, the deponent named & above do hereby verify that the contents of paras to are true to my personal knowledge and those of paras to are believed to be true by me based on legal advice and record. No part of it is false and nothing material has been concealed. So help me God.

Lucknow

Deponent

Dated:

.....6

B28

I identify the deponent who has signed before
me.

Advocate.

Solemnly affirmed before me by Shri Chandra
Prakash, the deponent on at am/pm
who is identified by Shri
Advocate.

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

0A-606/80

R.K. Sharma vs U.O. 1-87

एक्स-82

उत्तर प्रदेश शासन

प्रशिक्षण एवं सेवायोजन निदेशालय

खस विभाग

टेलीफोन नं०-52-2251- - - - - 27-2/87- सेवायोजन कार्यालय

6057- - - - - 27/4/87
संदर्भ संख्या-54/4-57/231

दिनांक-27-11-1987

महोदय,

आपके पत्र संख्या-22-34002/87, दिनांक-22-10-87 के संदर्भ में,
जो ED के रिक्त पदों की सूचना के विषय में है, रस पत्र के साथ उन
योग्य अभ्यर्थियों की सूची की प्रतिका (दो प्रतियाँ) संलग्न की जाती है जिन्हें आपके पास उपरोक्त
पदों में मु.न.ए. के सम्पर्क है। चुनाव करने के पश्चात् प्रतिका के कॉलन 6 तथा 7 में
2 पदों की पूर्ति करने पर सूची का प्रयोग का कष्ट है। उद्देश्य 23/4/87
संलग्न 23/4/87 का पत्र 22

भवदीय,

संलग्न-22-34002/87

सेवा में- 27/4/87-22-34002/87
27/4/87-22-34002/87

सेवायोजन अधिकारी।
27/4/87

टी 0 एस 0 टी 0 पी 0-21 सेवायोजन 2-1-87- (2430)- 1987-4,00,000 (हि०)

27/4/87

GOVERNMENT OF INDIA
DEPARTMENT OF TRAINING AND EMPLOYMENT, M.P.

V-83

FOR THE YEAR'S DS

Letter No. _____
Serial under cover Letter no. X-82

DEPARTMENT OF TRAINING AND EMPLOYMENT, M.P.
To: _____
Dated: _____

Order No. _____
Dated: _____

13407

FOR REC USE

Serial	Name of applicant (with father's name, if necessary)	O. cl. Code no.	Qualifications of applicant (age, qualification, experience, etc.)	Priorit category (if any)	Date of Birth	If on a ed, kindly state pay, if not, please give reasons
1	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	
2	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	
3	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	
4	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	
5	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	
6	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	
7	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	
8	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	
9	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	
10	SHRI. S. H. SHARMA	01.10X	SHR. S. H.	-	15/11	

SHRI. S. H. SHARMA

SHRI. S. H. SHARMA

R.K. Sharma v/s P.1 & P.2

Dr. R. 2

उत्तर प्रदेश शासन

प्रशिक्षण एवं सेवायोजन निदेशालय

अथ विभाग

टेलीफोन नं०- 50501

26/4-- सेवायोजन कार्यालय

संदर्भ संख्या- ५/५२०/६१

दिनांक- 1-11-1991

मन्दय;

महोदय,
 आपके पत्र संख्या १०४/२१९६८, दिनांक १०-१०-६९ के सदर में
 जो २६०२ के रिक्त पदों की सूचना की गयी है, इसमें से सौ उप-
 योग्य अभ्यर्थियों के नाम की तालिका (दो प्रतियाँ) संलग्न की जा रही हैं जिन्हें आप दो पक्ष उपरोक्त
 पदों के चुनाव हेतु प्रस्तुत करेंगे। चुनाव करने के पश्चात् रिक्त पदों की संख्या २ एवं ३ की प्रति का भी इस कार्यालय को लौटाने का कष्ट करेंगे।

भवदीय,

सेवायोजन अधिकारी ।

संलग्न - ६ डाकमार्ग - श्री सच.

सेवा में -
 (१) दायाँ, (२) बायाँ हाथ,
 डाक दा. (अपना डायरी)
 दा. (अपना डायरी)

पी० एस० यू० पी०-ए० पी०-२१ सेवायोजन २-१-८७- (२४३०) १९८७-४,००,००० (हि०)।

31.

(57)

X-8

GOVERNMENT OF UTTAR PRADESH
DIRECTORATE OF TRAINING AND EMPLOYMENT, U.P.

DEPARTMENT OF LABOUR

List of applicants submitted on
Sent under cover of letter no. X-82

To...
Dated...

FOR EMPLOYER'S USE

13212

FOR OFFICE USE

Serial no.	Registration number and name of applicant (with father's name, if necessary)	O. ci. Code no.	Particulars of applicant (age, qualification, experience, etc.)	Priority category (if any)	Date of Birth	If engaged, kindly state pay, if not, please give reasons
1		3	4	5	6	7
① 22863/87	अमित कुमार सिंह, पिता श्री 22863/87	X0120	अमित		17-10-54	
② 15760/82	अमित कुमार सिंह, पिता श्री 15760/82	X0120	अमित	PIC	15-4-61	
③ 20256/89	अमित कुमार सिंह, पिता श्री 20256/89	X0120	अमित	PIC	20-11-65	
④ 22863/87	अमित कुमार सिंह, पिता श्री 22863/87	X0120	अमित		3-2-67	
⑤ 7325/87	अमित कुमार सिंह, पिता श्री 7325/87	X0910	VIII		13-3-68	
⑥ 1612/88	अमित कुमार सिंह, पिता श्री 1612/88	B7C	अमित	PIC	14-10-61	
⑦ 1041/87	अमित कुमार सिंह, पिता श्री 1041/87					

31/7
22000

0A 506/43

श R-k Sharma 1/5 601 x 10m

Page 123

पृष्ठ 82

उत्तर प्रदेश शासन

प्रशिक्षण एवं सेवायोजन निदेशालय

अम विभाग

टेलीफोन नं०-----

सेवायोजन कार्यालय
काशी
01/01/83

सदर्थ संख्या- 01/175720
दिनांक- 27/5/1998

महोदय,

आपके पत्र संख्या- 33 (2430) / 83, दिनांक- 14-6-98-के सदर्थ में,
जो- 3031 पेट्रोल- के रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उन
योग्य अभ्यर्थियों के नाम की तालिका (दो प्रतियां) संलग्न की जाती है किन्हें अभ्यर्थकों के संसोधन
पदों के चयन हेतु भेजा गया है। चयन करने के पश्चात् तालिका के कोलम 6 तथा 7 में
2 एवं 3 की पूर्ति करके इस कार्यालय को भेजने का अनुरोध है। जिन्हें आप डाक
द्वारा भेजना चाहें।
आपका आभार।

भवदीय,

संलग्न- 3- 2430 (2430) / 83

सेवा में-

सहायक प्रशिक्षक,
प्रशिक्षण उप स्क्वड,
काशी

प्री 0 एस 0 यू 0 टी 0- ए 0 पी 0 21 सेवायोजन 2-1-87- (2430)- 1987-4,00,000 (रि०).

काशी
1/5/83

GOVERNMENT OF UTTAR PRADESH
DIRECTORATE OF TRAINING AND EMPLOYMENT, D.P.

FOR EMPLOYER'S USE

List of applicants submitted on
Sent under cover of letter no. X-32

To: 11/10/90
Dated: 11/10/90

Serial no.	Registration number and name of applicant (with father's name, if necessary)	O.C. Code no.	Particulars of application (with date, time, etc.)	Remarks, kindly state in detail, please give reasons	
				1	2
1	① 0110472/90- जितेंद्र कुमार, पटेल, पुत्र- श्री बगारसो राम पटेल ग्राम- गौरी, पो- सराजनी नगर, वरमनाड	X01-10	डाई रजुका 5/11	10.10.70	
2	② 011408/90- अज्ञात कुमार सिंह पुत्र- श्री मणिग सिंह ग्राम- क- फालत अमोसा, लखौकी	X01-10	डाई रजुका 1/11	11.10.70	
3	③ 015607/96- चन्दु मातु गोमा, पुत्र- श्री राम बडाई गोमा, 0/0 ग्राम- टारि नाग सोनी, वरमनाड	X01-10	डाई रजुका 1/11	11.10.70	

उत्तर प्रदेश

11/10/90

11/10/90

GOVERNMENT OF UTTAR PRADESH

DIRECTORATE OF TRAINING AND EMPLOYMENT, U.P.

X-83

FOR EMPLOYER'S USE

13232

1st of applicants submitted on
Sent under cover of letter no. X-82 dated 13/11/64

To: ...
Order No. 14224/64
Date: 14/11/64

176 1527/764 OFFICE USE

Serial no.	Registration number and name of applicant (with father's name, if necessary)	O. cl. Code no.	Particulars of applicant (age, qualification, experience, etc.)	Priority category (if any)	Date of Birth	If engaged, kindly state pay, if not, please give reasons
1	2	3	4	5	6	7
1	4C/8088/88 श्रीम. लाल, फा. 722/मंगल मंगल, मंगल, मंगल	X01-10	X	—	15-1-63	
2	4C/824796/88 श्रीम. लाल, फा. 722/मंगल मंगल, मंगल, मंगल	X01-20	XII	—	7-4-70	
3	4C/220244/83 श्रीम. लाल, फा. 722/मंगल मंगल, मंगल, मंगल	X01-10	X	—	16-11-64	
4	4C/1060/87 श्रीम. लाल, फा. 722/मंगल मंगल, मंगल, मंगल	X01-10	X	—	15-1-63	
5	4C/1002/79 श्रीम. लाल, फा. 722/मंगल मंगल, मंगल, मंगल	X01-10	X	—	1-1-65	
6	4C/55780/88 श्रीम. लाल, फा. 722/मंगल मंगल, मंगल, मंगल	X01-20	XII	—	1-1-65	
7	4C/24014/84 श्रीम. लाल, फा. 722/मंगल मंगल, मंगल, मंगल	X02-10	VIII	—	10-12-62	

3.11
13232

8.4 506/2

R.k. Sharma 2/5 V.O. 18/8

Amr - R-5
R-5

एस-82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
श्रम विभाग

टेलीफोन नं० 50000

देशीय-सेवायोजन कार्यालय

लखनऊ

संदर्भ संख्या 4/504/89

दिनांक 3/12-1989

महोदय,

एच/जी० डी० स्कूल दिनांक 21-11-89

E.D. Kaper आपके पत्र संख्या 4/504/89 के संदर्भ में, जो
के रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उन योग्य
अभ्यर्थियों के नाम की तालिका (दो प्रतियां) संलग्न की जाती है जिन्हें आपके
पत्र संख्या 4/504/89 के अनुसार चुनाव हेतु भेजा गया है। चुनाव करने के पश्चात्
तालिका के क्रानम 6 तथा मद संख्या 2 एवं 3 की पूर्ति करके इस कार्यालय
को लौटाने का आदेश करें। कृपया अभ्यर्थियों को साक्षात्कार
हेतु अभ्यर्थी स्तर से बुलाने का आदेश करें।

भवदीय,

संलग्न-7 अभ्यर्थियों की सूची

सेवायोजन अधिकारी
लखनऊ

सेवा में
रक्षा सेवा, डा. कहीरा, डा.
दामोदरी उप मण्डल, लखनऊ।

मी० ए० पी० 10 सेवायोजन 7-7-77(1142) 1977-
1,50,000 (मैग०)।

3.1.1
228000

In The Honble Central Administrative
Tribunal U.P. Allahabad Bench
At Lucknow

Original Application No 406 of 1990

Compilation B.

Rama Kant Sharma ——— Application

Vs

Union of India, through
Post Master General
and others ———

Respondents

234

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, U.P.

ALLAHABAD BENCH AT LUCKNOW.

APPLICATION NO. OF 1990.

Rana Kant Sharma... Versus... P.M.G., U.P. Circle &

Compilation - B Others

I. H. D. E. S.

Sr. No. Description of Documents relied upon Page No.

~~1. Application~~

~~1 to~~

1. Annexure No. A.I.
Certificate of Service from 3.9.80
to 1.9.81 issued by Sub Post
Master, Alambagh, Post Office,
Lucknow

1

2. Annexure No. A.II
Certificate of Service from 22.2.85
to 28.6.85 issued by Sub Post
Master, Alambagh, Post Office, Lucknow

2

3. Annexure No. A.III
Certificate of Service from 5.7.90
to date issued by Sub Post Master,
Alambagh, Post Office, Lucknow

3

4. Annexure No. IV
Copy of communication from the
Director General, Posts and
Telegraphs, New Delhi dated 20.10.81

4 - 8

5. Annexure No. V
Copy of representation of the applicant
dated 24.1.80 addressed to the P.M.G.,
U.P. Circle, Lucknow, Respondent's 1381

9

~~7. Declaration~~

रसा कान्त शर्मा

Signature of Applicant.

For use in Tribunal's Office.

Date of Filing.....

Registration No:.....

Signature for Registrar.

(8)
BIS

IN THE CENTRAL ADMINISTRATIVE TRIB^UNAL
U.P. ALLAHABAD BENCH AT LUCKNOW

Rama Kant Sharma - vs - P.M.G. Circle Lucknow

ANNEXURE - No A-I

Certified that Shri Rama Kant Sharma worked
as out side Letter Boxpeon in his office from -
3-9-80 to 6-10-80, 5-5-81 to 30-6-81 and 3-8-81 to
1-9-81 with satisfaction.

I wish him success in his life.

The Pay:

3-9-80 to 6-10-80 = 287-60

5-5-81 to 31-5-81 = 264-00

1-6-81 to 30-6-81 = 222-00

3-8-81 to 1-9-81 = 294-00

Total = 1167-60

Char bagh, Lucknow.

15/11/81
11/11/81
11/11/81

रामकान्त शर्मा

True Copy
Pranod Kumar
Adv

(2)
(86)

THE CENTRAL ADMINISTRATIVE TRIBUNAL
UP ALLAHABAD BENCH AT LUCKNOW

Ramakant Sharma . . . VS . . . PM G. C. 2K and others

ANNEXURE - No. A-II

Certified that Shri Ramakant has working

in this office since: --- POST MAN

22/7/86 to 31/7/86

1/9/86 to 28/9/86

1/1/87 to 24/1/87

2/2/87 to 28/2/87

1/3/87 to 14/3/87

31/3/87 to 30/6/87

purely out sider.

Sd/- Illegible

SEAL 16/8/87

Shri Ramakant Sharma worked as Session (C.I.)

Waterman in this office from: ---

22/3/85 to 1/3/85, 14/6/85 to 2/7/85

15/11/85 to 23/12/85, 12/6/86 to 24/6/86

and 1/7/86 to 13/8/86 with satisfactory.

I wish him success in his life.

POSTMAN

from: 1/2/ to 6/2/88

March 26/3/ to 30/3/89

xxxxx xxxxxx xxxxxx

April 1/4 to 30/4/88

May 1/5/ to 4/5/88 and 17/5/ to 31/5/88

June 21/6 to 30/6/88

July 17 to 19/7/88

20/7 to 25/8/87

S

26/01

True Copy

Pramod Kumar

Adv

श्री श्री २२/११

112-

3

(B2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
UP. ALIHABAD BENCH AT LUCKNOW

Ramakant Sharma vs. - PMG, Circle Jhandaoli.

ANNEXURE No A-III

Certified that Sr. Ramakant Sharma F.D.D. ^{outside} worked in this office since 5-7-90 to 15-11-90 and

16/11/90 16/11/90
B.P.M. (H. S. G-M)
ALAM
11/11/90 2.3.105

रामकान्त शर्मा

True Copy
Pramoel Kumar
Adv

(4)

In the Honble Central Administrative Tribunal
U.P. Allahabad Bench at Lucknow

Ramakant Sharma vs. P.M.C. U.P. Circle and others

Annexure No- A-IV

Copy of communication No. 5-20/73-SFB-I. dated 20/7/79, from K.L. Sharma, Asstt. Director-General (SPN.) Office of the Director-General, Posts and Telegraphs, New Delhi addressed to all Heads of Postal Circles and copy to others.

Subject:- Rationalisation of categories of various Class IV. (Group "D") staff.

Sir,

I am directed to invite your attention to this office letter No. 5-20/73-SFB-I. dated the 17th of July, 1979 (Copy enclosed for your reference) on the above subject and to say that it has been brought to the notice of this office that implementation of the above orders in respect of certain functions is not possible and employment of part time contingency paid staff cannot be dispensed with.

The matter has again been examined in detail in consultation with staff side and the following decisions have been taken:-

- (a) Part-time staff may be employed for certain functions for which SP. staff are not permissible, namely, as Watermen, Mailin, Sweepers and Parashers.
- (b) Part time porters or mazdoors for carrying mails should not be employed in future. Where the work of conveyance of mails is of a regular, recurring and part time nature and creation of regular Group "D" posts is not justified SP porters may be employed, in accordance with P.M. Directorate orders. Where work is however, occasional, such as on account of trains, heavy accumulation by over time within the frame work of the existing orders or by coolie system (if required).
- (c) Part time casual labour and full time casual labour may be brought on to a common panel for the purpose of recruitment to Group "D" posts. According to the present orders, full time casual labourers are eligible for recruitment to Group "D" posts, if they have put in 240 days of service in each of the preceding two years and ~~discontinue service~~ part time workers are eligible if they have put in 240 days of service in each of the preceding four years. Subject to these orders the service rendered by part time casual workers may be divided by two and thereafter full time casual workers and part-time casual workers may be listed out in the order of their length of service.

(d) In terms of our orders dated the 17th of July, 1979 the category of part time porters is to be dispensed with in view of the above provisions as may part time porters are to be employed as ~~contingent~~ staff.

True Copy
Pranab Kumar
Adv.

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-: 2 :-

accommodated as full time casual labourers to the extent to which employment of full time casual labourers is justified. In case, ED. posts are sanctioned in accordance with P&T. Directorate orders for creation of such posts for attending to work of a part time, recurring nature as referred to at para 2(b) above the existing full time and part time casual workers may be considered for appointment as ED. staff at their option provided they have been recruited through Employment Exchange (in respect of those employed after the 20th of March, 1979) and provided further that they fulfil all the prescribed conditions for recruitment as ED. staff. In future there should not be recruitment of part-time casual labour except as per para 2(a) above.

- (a) A reference is also invited to orders issued vide P&T. Directorate communication No.47-1/70/STB I dated the 4th of August 1970 (Copy enclosed) wherein it was stated that part time contingency paid staff would be treated as part time casual labourers for the purpose of recruitments to Class IV cadre in terms of Home Ministry's OM. No. 16/6/68-Estt.(D) dated the 5th of July, 1968, circulated to all Heads of Circles vide this office letter No. 100-25/66-SPB-I dated the 15th of April, 1969. These instructions were reiterated vide P&T. Directorate letter No.47/9/81-SPB-I dated the 1st of December, 1983.

3- In order to form a common panel of names as suggested at para 2(c) above for absorption on against Group "B" posts which are to be filled upon the basis of a qualifying examination, the following procedure should be followed:-

- (1) The number of qualifying years of service put in by part-time casual labour (240 days or more per year) will be divided by two to determine his length of service in terms of years for this purpose. In the case of part-time contingency paid staff the total number of years of continuous service will be divided by two to arrive at years of full time casual employment. The number of years of service (240 days or more per year) will be taken into account. The number will be rounded off according to length of service, the official term being "Year of service" rounded off to the nearest year. In the case of part-time employment of less than 240 days of service, the number of years of service will be rounded off to the nearest year.

True Copy

Copy No. 3/1

Pramod Kumar
Adv

रमा अफत शमा

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- 3 -

(11) If officials (full time part time or contingency paid staff) have the same number of years of service, than their length of service will be recalculated in term of number of days of service. While the number of days of service put in by part time casual labour will be divided by two the number of days of service in respect of contingency paid staff will be computed as 150 for every year of completed service (since part-time contingency staff are employed on continuous basis, the number of working days per year is notionally counted as 300). In respect of service rendered in the last year of service which is not complete, actual number of working days upto the date of computation of service will be taken into account which will be divided by two.

4- These orders will take effect from the date of issue in respect of recruitments initiated or to be initiated after that date.

5- Hindi version is enclosed.

Yours faithfully
Sd/-
(K. L. Sharma)

Ref: R-39/V/5

Dated at Lucknow the 11th Nov., 1984.

Copy forwarded for information and guidance to:-

- | | |
|---|-------------------|
| 1- All DPs. | } in UP. Circles. |
| 2- All SPO's/SPC's | |
| 3- All SERS/DRMS | |
| 4- All Supt. of P.S.D.s | |
| 5- The Director, Kanpur/Lucknow. | |
| 6- The Supt. P.S.F. Aligarh. | |
| 7- The Manager, M.L.O. Lucknow. | |
| 8- The Manager, M.M.S. Kanpur. | |
| 9- All Officers of Circles Office, Lucknow. | |
| 10- All Section Supervisor in UP. Circles, Lucknow. | |

24/11/84
21/11/84

True Copy
Pranod Kumar
Adv

(7)
(32)

- 4 -

Copy of letter No. 45/20/73-SPB.I dated 17th July, 1979 from DG P&T New Delhi addressed to the All Heads of Postal Circles, and others.

.....

Sub:- Rationalisation of categories of various Class IV Staff.

.....

Sr,

In a recent Standing Committee meeting with staff representative the question of rationalising of various categories of Class IV Staff was discussed in detail and the following decision was taken.

There will in future be only two categories of non-departmental Class IV officials in the Railway Mail Services (i) ID Posters; and (ii) Casual labourers. It has been decided to dispense with the category of part-time casual mailers and part-time contingency paid staff. The post of part-time contingency paid staff should be replaced by ID posts gradually on occurrence of vacancies except in A.B. and B-2 class cities. Situations in which part-time casual mailers are required to be employed should be arranged by grant of overtime, if necessary, to regular departmental staff. Interests of existing part-time casual mailers and part-time contingency paid staff should, however be protected. In future there shall be no employment of part-time casual mailers and part-time contingency paid staff, the employment of casual mailers should be purely of casual nature. Regular posts should be sanctioned in all cases where casual mailers have been employed on regular basis.

2. These orders will take effect from the issue of this letter and any difficulties arising in implementation of these instructions should be referred to the Directorate for necessary clarification.

3. Final version will follow.

True Copy

Pramod Kumar
Adv

24/7/79 21/4/1

(B2)

(8)

22

Copy of letter No. 47-1/77-100.1 dated 1st August, 1977
from the Director General of Posts and Telegraphs, New Delhi,
to the Postmaster General, Airs.

Sub:- Treating the part-time contingent staff as part
time casual labourers for the purpose of recruitment
to Class IV cadre- Clarification sought for.
.....

I am directed to invite attention to your letter
No. 407/2-1/60 dated 13.12.1979 on the subject referred to
above and to state that the part-time contingent merials who
are paid specified hours of work may be treated as part-time
casual labourers for purposes of recruitment to Class IV
cadre in terms of Home Ministry's O.M. No. 16/5/63-Estt (E)
dated 5.7.63 circulated to all Heads of Circles with this
office letter No. 160-25/66-SPB.I dated 15.4.1979.

.....

True Copy
Pranod Kumar
HdV

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
U.P. ALLAHABAD BENCH AT LUCKNOW

Ramakant Sharma - VS - P.M.G. Cuckoo LK and others

ANNEXURE - No - A - V

सिद्धा मे,
श्रीमान पोस्ट मास्टर जनरल (पीएसपी. राधा)
पू. पी. सी. के. लाखनऊ - 1

— विषय: - स्थानापन्न कर्मचारी के अतिरिक्त पर नियुक्ति के सम्बन्ध में अपमानना

महोदय,

विनम्र निवेदन करता हूँ कि मैंने 3.9.80 से लेकर 28.6.89 तक लखनऊ विभाजन में विभिन्न डाकघर, वारभाग, आलमबाग में एल. पी. पियून व पोस्ट में के पद पर कार्य कर चुका हूँ जिसे वारभाग, आलमबाग पोस्टमास्टर वारभाग प्रमाणपत्र सहित 24.10.88 को प्रतिवेदन प्रवर डाक अधिकारी लखनऊ को दे चुका हूँ। उसके बाद भी अनेक बार लिखित प्रतिवेदन दे चुका हूँ। मगर कार्यवाही नाम वा भी नहीं हुई है। 28.12.89 व 10.1.90 लिखित प्रतिवेदन बाईडेन्ट प्रवर डाक अधिकारी को दिया जो ए.एस. पी. 1 दिनांक को जाँच हेतु लिया मगर ए.एस. पी. आर. के. मिश्रा ने अभी तक नहीं दिया इसके अलावा प्रवर अधिकारी ने ए.एस. पी. मिश्रा से 1.8.89 को वारभाग डाकघर का मेरा रिकार्ड मँगवा, वह भी नहीं दिया जिससे पता चलता है कि आर.के. मिश्रा जानबूझ कर मेरे साथ अन्याय कर रहे हैं।

जैसे :-

1. 24.10.88 के प्रतिवेदन का जवाब न मिलना।
2. मेरा नाम पेदायोजन कार्यालय में आलमबाग डाकघर में छिपे विद्येता के पद हेतु नाम आया, मगर मेरी नियुक्ति नहीं की गयी।
3. सन् 1980 का मैं कर्मचारी था तो आलमबाग, डाकघर में दूसरे जूनियर व्यक्ति की भर्ती क्यों कर दी गयी है।
4. अपने-अपने आदमी सभी लगाते हैं, पुराने व्यक्ति को कोई कार्य नहीं दिया जा रहा है।
5. लखनऊ 1 दिनांक की नियुक्तियों की जाँच करायी जाय।

पत्र मिला पर कुल 20/13 दिनांक 20.10.84, ए-2/12 तथा ए-2/13 दिनांक 10.1.90 के तहत उत्तर दिया जाय।

अतः श्रीमान मेरी मजबूरी समझकर कार्य दिलायें तथा मेरी ओर व्यक्तिगत कार्यवाही करने की कृपा करें।

आपकी सेवा में
संलग्न (3 तीनों)
कोटी हरेर कापी

Ru

24/11/90

कार्यालय चीफ पोस्टमास्टर जनरल
पू. प्र. परिमाण्डन, लखनऊ 226001

रमाकांत शर्मा

दिनांक 24/11/90

रमाकांत शर्मा पुनः श्री स्व. जितेन्द्रनाथ
भोला जी आलमबाग, लखनऊ।

प्रार्थी के लिये

True Copy
Pramesh Kumar
Hdv

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, U.P.

ALLAHABAD? BENCH AT LUCKNOW.

APPLICATION NO: of 1990.

Shri Kant Sharma.....Versus.....P.M.G., U.P. Circle &

Compilation B Others.

I N D E X.

Sl.No: 'Description of Documents relied upon.' Page No:

~~1. Application. 1 to 11~~

1. Annexure No: A-I.
Certificate of service from 3-9-80
to 1-9-81 issued by Sub-Post
Master, Chaurbagh, Post Office,
Lucknow. 1

2. Annexure No: A-II.
Certificate of service from 22-2-85,
to 28.6.89, issued by Sub-Post
Master Alambagh, Post Office, Lucknow. 2

3. Annexure No: A-III .
Certificate of service from 5.7.90
to date issued by Sub-Post Master,
Alambagh, Post Office, Lucknow. 3

4. Annexure No: IV.
Copy of communication from the
Director General Posts and
Telegraphs, New Delhi dated 20.10.84, 4-8

5. Annexure No: A-7.
Copy of representation of the applicant
dated 24.1.90 addressed to the P.M.G.,
U.P. Circle, Lucknow, Respondent No:1. 9

~~6. Vakalatnama.~~

रमा कान्त शर्मा

Signature of Applicant.

For use in Tribunal's Office.

Date of filing.....

Registration No:.....

Signature for Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL^u
U.P. ALLAHABAD BENCH AT LUCKNOW

Rama Kant Sharma - vs - P.M.G. Circle Lucknow

ANNEXURE - No A-I

Certified that Shri Rama Kant Sharma worked
as out side Letter Boxman in this office from -
3-9-80 to 6-10-80, 5-5-81 to 30-6-81 and 3-8-81 to
1-9-81 with satisfaction.

I wish him success in his life.

The Pay:

3-9-80 to 6-10-80 = 287-60

5-5-81 to 31-5-81 = 264-00

1-6-81 to 30-6-81 = 222-00

3-8-81 to 1-9-81 = 294-00

Total = 1167-60

Charbagh, Lucknow.

15TH 1852 30th 1981
11/12/81

रमा कान्त शर्मा

True Copy
Premod Kumar
HIV

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
UP ALLAHABAD BENCH AT LUCKNOW

Ramakant Sharma - VS - P.M.C. Circle 2K and others

ANNEXURE - No. A-II

Certified that Shri Ramakant has working

in this office since: --- POSTMAN

22/7/86 to 31/7/86

1/9/86 to 28/9/86

1/1/87 to 24/1/87

1/2/87 to 28/2/87

1/3/87 to 14/3/87

31/3/87 to 30/6/87..

purely out sider.

Sd/- Incharge

SEAL 16/9/87

Shri Ramakant Sharma working as Session (C.I.)

Waterman in this office from: ---

22/3/85 to 1/3/85, 14/6/85 to 2/7/85

15/11/85 to 27/12/85, 12/6/86 to 24/6/86

and 1/7/86 to 17/8/86 with satisfactory.

I wish him success in his life.

POSTMAN

from: 1/2/ to 6/2/88

March 26/3/ to 30/3/88

xxxxx xxxxxxRxxxxxxx

April 1/4 to 30/4/88

May 1/5/ to 4/5/88 and 17/5/ to 31/5/88

June 21/6 to 30/6/88

July 17 to 19/7/88

20/7 to 29/8/88

रमा कान्त शर्मा

True Copy
Pranod Kumar
Adv

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THE CENTRAL ADMINISTRATIVE TRIBUNAL,
U.P. ALIHAHABAD BENCH AT LUCKNOW

Ramakant Sharma vs. ... P.M.C. Circle J. K. Pandey.

ANNEXURE NO A-III

Certified that Sr. Ramakant Sharma P.D.D. ^{outside} worked in this office since 5-7-90 to 15-11-90 and

16/11/90 16/11/90
B.P.M. (H. S. G-III)
ALAM
10/11/90 2.5.108

True Copy
Pramod Kumar
Adv

राम कान्त शर्मा

In the House. Central Administrative Tribunal
U.P. Allahabad Bench at Lucknow

Ramakant Sharma v.s. P.M.C. U.P. Circle and Others

Annexure No- A-IV

Copy of communication No. 20/73 SPS-I. dated 20/7/79, from K.E. Sharma, Asstt. Director-General (SPN.) Office of the Director-General, Posts and Telegraphs, New Delhi addressed to all Heads of Postal Circles and copy to others.

Subject:- Rationalisation of categories of various classes (Group "D") staff.

Sir,

I am directed to invite your attention to this office letter No. 20/73 SPS-I. dated the 17th of July, 1979 (Copy enclosed for your reference) on the above subject and to say that it has been brought to the notice of this office that implementation of the above orders in respect of certain functions is not possible and employment of part time contingency paid staff cannot be dispensed with.

The matter has again been examined in detail in consultation with staff side and the following decisions have been taken:-

- (a) Part-time staff may be employed for certain functions for which SD. staff are not permissible, namely, as Watermen, Mailin, Sweepers and Parashers.
- (b) Part time porters or mazdoors for carrying mails should not be employed in future. Where the work of conveyance of mails is of a regular, recurring and part time nature and creation of regular Group "D" posts is not justified SD porters may be employed, in accordance with P.M. Directorate orders. Where work is however, occasional, such as on account of trains, heavy accumulation by over time within the frame work of the existing orders or by coolie system (if required).
- (c) Part time casual labour and full time casual labour may be brought on to a common panel for the purpose of recruitment to Group "D" posts. According to the present orders, full time casual labourers are eligible for recruitment to Group "D" posts, if they have put in 240 days of service in each of the preceding two years and part time casual labourers are eligible if they have put in 240 days of service in each of the preceding four years. Subject to these orders the service rendered by part time casual workers may be divided by two and thereafter full time casual workers and part-time casual workers may be listed out in the order of their length of service.
- (d) In terms of our orders dated the 17th of July, 1979 the category of part time porters is to be dealt with in view of the above provisions as may be decided by the competent authority.

रमा कान्त शर्मा

True Copy
Pranod Kumar
H.V.

-: 2 :-

accommodated as full time casual labourers to the extent to which employment of full time casual labourers is justified. In case, ED. posts are sanctioned in accordance with P&T. Directorate orders for creation of such posts for attending to work of a part time, recurring nature as referred to at para 2(b) above the existing full time and part time casual workers may be considered for appointment as ED. staff at their option provided they have been recruited through Employment Exchange (in respect of those employed after the 20th of March, 1979) and provided further that they fulfil all the prescribed conditions for recruitment as ED. staff. In future there should not be recruitment of part-time casual labour except as per para 2(a) above.

- (a) A reference is also invited to orders issued vide P&T. Directorate communication No. 47-1/70/SPB-I dated the 4th of August 1970 (Copy enclosed) wherein it was stated that part time continuing paid staff would be treated as part time casual labourers for the purpose of recruitments to Class IV cadre in terms of Home Ministry's OM. No. 16/6/68-Extt.(D) dated the 5th of July, 1968, circulated to all Heads of Circles vide this office letter No. 100-25/66-SPB-I dated the 15th of April, 1969. These instructions were reiterated vide P&T. Directorate letter No. 47/9/82-SPB-I dated the 1st of December, 1982.

3- In order to form a common panel of names as suggested at para 2(c) above for absorption of "Group II" posts which are to be filled upon the basis of a qualifying examination, the following procedure should be followed:-

- (1) The number of qualifying years of service put in by part-time casual labour (240 days or more per year) will be divided by two to determine his length of service in terms of years for this purpose. In the case of part-time continuing paid staff the total number of years of continuous service will be divided by two to determine the length of service of full time casual employees. The number of years of service 240 days or more per year will be taken into account. This number will be rounded up to length of service. The "Year of service" will be rounded up to nearest whole number of years of service. In the case of part time staff the "Year of service" will include only full time service.

Contd.../1/

रमा कान्त शर्मा

True Copy
Pranod Kumar
Adv

- 3 -

- (11) If officials (full time part time or contingency paid staff) have the same number of years of service, than their length of service will be recalculated in term of number of days of service. While the number of days of service put in by part time casual labour will be divided by two the number of days of service in respect of contingency paid staff will be computed as 150 for every year of completed service (since part-time contingency staff are employed on continuous basis, the number of working days per year is notionally counted as 300). In respect of service rendered in the last year of service which is not complete, actual number of working days upto the date of computation of service will be taken into account which will be divided by two.

4. These orders will take effect from the date of issue in respect of recruitments initiated or to be initiated after that date.

5. Hindi version is enclosed.

Yours faithfully

Sd/-

(K. L. Sharma)

Ref: R-39/V/5

Dated at Lucknow the 11th Nov., 1984.

Copy forwarded for information and guidance to:-

- 1- All DPs.
- 2- All SSPOs/SPOs) in UP. Circle.
- 3- All SERMS/DRMS)
- 4- All Supts. of P.S.D.s)
- 5- The Postmaster, Kanpur/Lucknow.
- 6- The Supt. P.S.P. Aligarh.
- 7- The Manager, M.L.O. Lucknow.
- 8- The Manager, H.M.S. Kanpur.
- 9- All Officers of Circle Office, Lucknow.
- 10- All Section Supervisor in UP. Circle, Lucknow.

रमा कान्त शर्मा

True Copy
Pranod Kumar
Adv

Copy of letter No. 45/20/73-SPB.I dated 17th July, 1979 from DG P&T New Delhi
Addressed to the All Heads of Postal Circles, and others.

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Sub:- Rationalisation of categories of various Class IV
Staff.

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Sr,

In a recent Standing Committee meeting with staff representative the question of rationalising of various categories of Class IV Staff was discussed in detail and the following decision was taken.

There will in future be only two categories of non-departmental Class IV officials in the Railway Mail Services (i) ID Posters; and (ii) Casual labourers. It has been decided to discontinue the category of part-time casual mailers and part-time contingency paid staff. The post of part-time contingency paid staff should be replaced by ID posts gradually on occurrence of vacancies except in A.B. and B-2 class cities. Situations in which part-time casual mailers are required to be employed should be covered by grant of overtime, if necessary, to regular departmental staff. Interests of existing part-time casual mailers and part-time contingency paid staff should, however, be protected. In future there shall be no employment of part-time casual mailers and part-time contingency paid staff. The employment of casual mailers should be purely of casual nature. Regular posts should be sanctioned in all cases where casual mailers are being employed on regular basis.

2. These orders will take effect from the issue of this letter and any difficulties arising in implementation of these instructions shall be referred to the Directorate for necessary clarification.

3. Final version will follow.

True copy
Pramod Kumar
Adv

रमा शान्त शर्मा

Copy of letter No. 47-1/77 -P.B.I. dated 10th August, 1977
 From the Director General of ports and shipping, New Delhi.
 to the Director General, Airports.

Sub:- Treating the part-time contingent staff as part
 time casual labourers for the purpose of recruitment
 to Class IV cadre - Clarification sought for.

I am directed to invite attention to your letter
 No. RCT/ 2-1/66 dated 13.12.1969 on the subject referred to
 above and to state that the part-time contingent merials who
 are paid specified hours of work may be treated as part-time
 casual labourers for purposes of recruitment to Class IV
 cadre in terms of Home Ministry's O.M. No. 16/5/63-Estt (D)
 dated 5.7.63 circulated to all Heads of Circles with this
 office letter No. 160-25/66-PB.I dated 15.4.1969.

.....

True Copy
 Pramod Kumar
 Adv

रमा कान्त शर्मा

ANNEXURE - NO - A - V

प्र० पो० साकिलाल लखनऊ - १

महोदय,

विनम्र निवेदन करता हूँ कि मैंने 3.9.80 से लेकर 28.6.89 तक लखनऊ विधायन में विभिन्न डाकघर, चारबाग, आलमबाग में एल.वी. पियून व पोस्टमैन के पद पर कार्य कर चुका हूँ जिसके चारबाग, आलमबाग पोस्टमाल्टर चार-प्रमाण-पत्र सहित 24.10.88 को प्रतिवेदन प्रवर डाक अधीक्षक लखनऊ को दे चुका हूँ। उसके बाद भी अनेक बार लिखित प्रतिवेदन दे चुका हूँ। मगर कार्यवाही नाम नाम भी नहीं हुई है। 28.12.89 व 10.1.90 लिखित प्रतिवेदन बाईहेन्ड प्रवर डाक अधीक्षक को दिया जो ए.एस. पी. 1टपिंग को जाँच हेतु लिखा मगर ए.एस.पी. सी. आर. शर्मा के. मिश्रा ने अभी तक नहीं दिया इसके अलावा प्रवर अधीक्षक ने ए.एस. पी. मिश्रा से 1.8.89 को चारबाग डाकघर का मेरा रिकार्ड माँगा, वह भी नहीं दिया जिसमें पाश्चित होता है कि आर.के. मिश्रा जानबूझ कर मेरे साथ अन्याय कर रहे हैं।

जेष :-

1. 24-10-88 के प्रातिपदिक का जवाब न मिला ।
 2. मेरा नाम पेदायोजन कार्यालय ने आलमबाग डाकघर में छिटक विक्रेता के पद हेतु नाम आया, मगर मेरी नियुक्ति नहीं की गयी ।
 3. मन् 1980 का मैं कर्मचारी था तो आलमबाग, डाकघर में दूसरे जूनियर व्यक्ति की भर्ती क्यों कर दी गयी है ।
 4. अपने-अपने आदमी सभी लगाते हैं, पुराने व्यक्ति को कोई कार्य नहीं दिया जा रहा है।
 5. लखनऊ (दक्षिण) की नियुक्तियों की जाँच करायी जाय ।
- पत्र संख्या परकुलर 20/73 दिनांक 20-10-84, ए-2/12 तथा ए-2/13 दिनांक 10-1-90 के तहत उत्तर दिया जाय।

अतः श्रीमान मेरी मजदूरी मनाकर कार्य दिलावें तथा मेरी और व्यक्तिगत कार्यवाही करने की कृपा करें ।

प्राच्य विद्या ऋषि
संस्कृत (उत्तीर्ण)
प्राचीन इतिहास काशी विश्वनाथ

20/11/90
कापीलय चीफ पोस्टमार्कर अफिस
स. प्र. परिमंडल, लखनऊ 226001
रेखा भावन्त शर्मा
दिनांक - 24

रमाकान्त शर्मा पुन श्री. स्व. जितेन्द्रनाथः ५४१
भिला उद्गा अलमबाग, लखनऊ ।

A32

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL:

ALLAHABAD CIRCUIT BENCH

AT LUCKNOW.

1.8.91

In re:-

O.A. No. 406 OF 1990 (L).

Rana Kant Shama ..

Applicant

Versus

Union of India and others ..

Respondents.

COUNTER AFFIDAVIT TO THE AFFIDAVIT DATED
23-4-1991 BY SHRI RAM KUMAR.

I, Rana Kant Shama, aged about 23 years, son of Sri Jitendra Nath Shama, resident of Bholi Khera, Alambagh, Lucknow, Postman No. 16, in the office of Alambagh Post Office, Lucknow, hereinafter referred to as the deponent, do hereby solemnly affirm and state on oath as under :-

1. That, the deponent is the applicant in the aforementioned original application. He is fully conversant with the facts of the case. He has read the affidavit dated 23-4-1991, filed by Sri Ram Kumar and has fully understood the contents thereof.
2. That, in reply of the contents of paragraph 1 of the affidavit dated 23-4-1991 by Sri Ram Kumar (hereinafter referred to as the affidavit), it

...2.

Filed today
Ramod Kumar
15.7.91

Filed today
15/7/91

15/7/91

2.

is stated that the said Annexure No. VIII is in the hand-writing of Sri Ram Kumar. Sri Ram Kumar has wrongly stated in the affidavit that the afore-said letter is not in his hand-writing. It is further submitted that the said Annexure No. VIII has been written before the deponent. It is very strange that Sri Ram Kumar himself wrote the said Annexure No. VIII in his own hand-writing, and now, he is denying the fact under pressure of his superior authorities.

3. That, in reply to the contents of paragraph 2 of the affidavit, it is specifically stated that the date mentioned in the said letter is also in the hand-writing of Sri Ram Kumar. Sri Ram Kumar himself wrote the date. It is further submitted that the date of written by Sri Ram Kumar before the deponent. It is denied that this letter was dictated by Sri Awasthi.

4. That, the contents of paragraph 3 of the affidavit are not admitted. In reply to this paragraph, it is stated that Sri Ram Kumar is making concocted statement only under the influence and pressure of his superior authorities. The deponent is advised to state that only the hand-writing Expert can give opinion on the dispute whether the said Annexure is in the hand-writing of Sri Ram Kumar or not.

5. That the contents of paragraph 4 of the affidavit are wrong, hence denied. In reply to this paragraph, it is stated that the deponent has worked as substitute of Sri Ram Kumar till 31-1-19

3.

It is specifically denied that Sri Ram Kumar has withdrawn his responsibility from 1-12-1990. Sri Ram Kumar is making wrong statement only under pressure of his superior authorities. It is further submitted that even if it is presumed, only for argument's sake that Sri Ram Kumar has withdrawn his responsibility regarding the deponent from 1-12-1990, it is admitted fact that the deponent has worked from 1-12-90 to 31-1-91 on a clear vacancy as an E.D.A. and not as a substitute. The answering respondents have raised no objection till he came before this Hon'ble Court. Now, the answering respondents are estopped from raising any objection regarding status of the deponent.

Lucknow:

Dated: 15.7.91

राम कान्त शर्मा
Deponent

VERIFICATION

I, Rana Kant Sharma, the deponent, do hereby verify that the contents of paragraphs 1 to 4 (Partly) and 5 (partly) are true to my own knowledge and those of paragraphs 4 (partly) and 5 (partly) are true on the basis of legal advice which he believes to be true. No part of it is false and nothing material has been concealed. So, help me God.

Lucknow:

Dated: 15.7.91

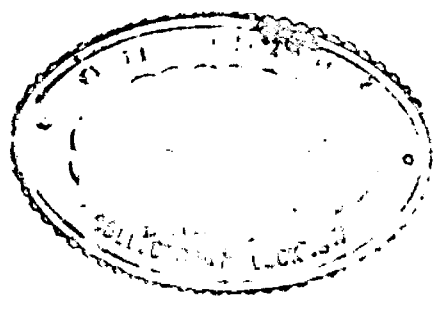
राम कान्त शर्मा
Deponent.

I identify the deponent who has signed before me.

Pramed Kumar
Advocate.

(A35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH
LUCKNOW



Counter Affidavit on behalf of
Respondents Nos. 1 & 2.

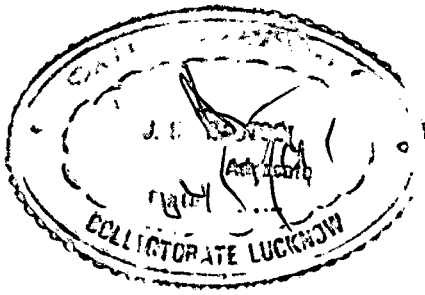
In

O.A. No. 406 of 1990(L)

Rama Kant Sharma

Applicant.

versus



Union of India & Others

Respondents.

I, Chandra Prakash, aged about 35 years
son of Sri N.P. Verma, Senior
Superintendent of Post Offices, Lucknow do hereby
solemnly affirm and state as under:

Handwritten signature
31/9/91
4/2

1. That the deponent has read the application
filed by Sri Rama Kant Sharma and has understood
the contents thereof.

2. That the deponent is well conversant with
the facts of the case deposed herei after.

3. That in reply to para 1 of the application it is stated that the applicant had been engaged as a substitute by Extra Departmental Employees *from time to time* on their risk and responsibility for the following days from 1980 onwards:

Year	As substitute	As C.P. (Contingent paid part time)
1980	34 days	nil
1981	87 days	nil
1985	nil	66 days
1986	38 days	25 days
1987	157 days	nil
1988	70 days	nil
1989	70 days	nil
1990	131 days	nil

The above period of engagement in the years was not continuous. It was for small spells as is indicated in para 4(c) of the application.

It will be worthwhile to indicate that the Department of Posts is the only department of the Govt. of India where there is a special category of employees working as part timers and are called Extra Departmental Agents (E.D.A.). Their conditions of service has been laid down by a set of statutory rules called Post and Telegraph Extra Departmental

Sent

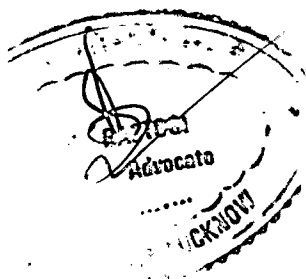
Ludhiana 10-22-2007

Agents (Conduct & Service) Rules, 1964 and the instructions issued by the Director General, P&T from time to time. During leave, every Agent/employee is required to arrange for his work being carried on by a "substitute". A substitute is thus engaged by the E.D. Agent on his own risk and responsibility and carries on his work during the sweet will of the E.D. Agent. A substitute is not appointed by the department. Thus, a substitute is to be distinguished ^{from} part time casual worker and a contingent paid staff.

4. That the contents of paras 2 and 3 of the application needs no comments.

5. That the contents of paras 4(a) to 4(c) of the original application need no comments. However, the submission made in para 3 above is reiterated.

6. That the contents of para 4(d) are admitted. It is, however, submitted that the applicant had been engaged on E.D. posts by the regular Extra Departmental Employees during short spells from time to time on their own risk and responsibility. He was never appointed by the Department on any post except in the years 1985 and 1986 when the applicant had worked ~~for some~~ as a contingent paid part time casual worker for very short spells and that too on jobs of casual nature. The applicant's



Under
31.1.91

Secy
4/2
Lucknow-226001

case is not covered up for recruitment to Group D posts under the instructions contained in the letter filed as Annexure AIV by the applicant.

7. That the contents of para 5(a) are misconceived. It is clarified that the services of the respondents No. 3 to 7 were not regularised. Their names were sponsored by the Employment Exchange, Lucknow for the posts of Extra Departmental Agents on requisition from the department from time to time. Photostat copies of the lists received from the Employment Exchange through which their names were sent are being filed as Annexure A-1 to Annexure A-5. The respondents No. 3 to 7 were selected for the E.D. posts from amongst the sponsored candidates. It is necessary to indicate in this connection that recruitment for Extra Departmental Agents is strictly made in accordance with the guidelines prescribed in the Extd P & F Extra Departmental Agent (Conduct & Service), Rules, 1964. The Respondent No. 3 to 7 were thus appointed as fresh candidates.

8. That in reply to para 5(b) it is stated that the applicant was never engaged as a part time casual worker by the Department for any long period of time. He had been engaged as their substitute by the E.D. employees on their risk



X
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 31-1-91
 9/2
 Lucknow

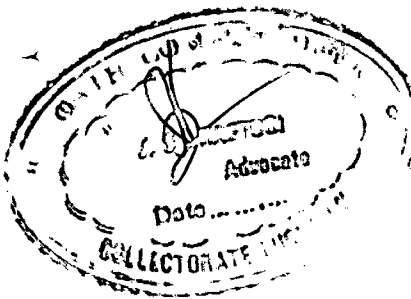
A329

and responsibility from time to time as is permissible under the provisions of A.D.A. (Conduct & Service) Rules, 1964. The substitutes work on the sweet will of the concerned A.D. Employees.

9. That the contents of paras 6 and 7 of the original application need no comments.

10. That in view of the submissions made in the above paragraphs the reliefs sought for in para 8 and interim relief prayed for in para 9 are not admissible. The application lacks merit and is liable to be dismissed.

11. That the contents of paras 10 and 11 of the O.A. need no comments.



Handwritten signature
31.1.91
Lucknow Dist. 220003

Lucknow

Dated: 31.1.91

Handwritten signature
31.1.91
Deponent
Lucknow Dist. 220003

Verification

I, the deponent named & above do hereby verify that the contents of paras 1 to 11 are true to my personal knowledge and those of paras 1 to 11 are believed to be true by me based on legal advice and record. No part of it is false and nothing material has been concealed. So help me God.

Lucknow

Dated: 31.1.91
Handwritten signature

Handwritten signature
31.1.91
Deponent
Lucknow Dist. 220003
.....6

(Aero)

I identify the deponent who has signed before
me.

J. (name)
Advocate.

Solemnly affirmed before me by Shri Chandra
Prakash, the deponent on _____ at _____ am/pm
who is identified by Shri _____
advocate.



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

cu 0448m
to 50 10m Su H. D. Rastogi
at _____ who is identified by Shri _____
clock to _____
I have satisfied myself by examining the deponent
that he understands the contents of the affidavit
which has been duly explained to him.
For Chandra Pr. 1/- 1-50

04/12/91
J. S. RASTOGI
Advocate, Nath Commission
Collectorate, _____

6-11-406/90

Rama Kant Sharma vs. M. S. Kumar

Annex - R-1

(ACV)

(125)

एक्स-82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
घम विभाग

टेलीफोन नं०-52801

3/11/77 सेवायोजन कार्यालय

6051-62443

संदर्भ संख्या-4/457/85

दिनांक-11-11-1987

महोदय;

आपके पत्र संख्या-2-31111/77, दिनांक-2-10-87 के संदर्भ में,
जो ED के रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उन
योग्य अभ्यर्थियों के नाम की तालिका (दो प्रतियां) संलग्न की जाती है जिन्हें आपके पास उपरोक्त
पदों के चुनाव हेतु भेजा गया है। चुनाव करने के पश्चात् तालिका के कालम 6 तथा 7 में
2 एवं 3 की पूर्ति करके इस कार्यालय में लौटाने का कष्ट करें। गुप्तता अ. 9 भा. 4/87
ला. शा. ला. ए. 1/87 अ. 1/87 अ. 1/87

भवदीय,

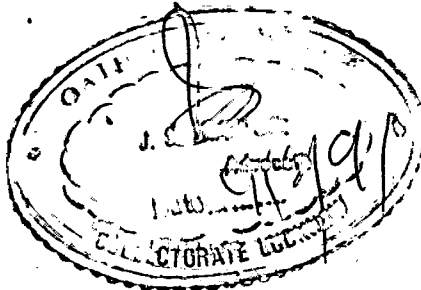
संलग्न-कुल 14 अभ्यर्थियों की सूची

सेवायोजन अधिकारी।

सेवा में-सहायक डा. अ. सी. ए. ए.
डा. ए. ए. ए. ए. ए.

3/11/77

पी 0 एस 0 यू 0 पी 0- ए 0 पी 0-21 सेवायोजन 2-1-87- (2430)- 1987-4,00,000 (हि०)।



31/11/87

- R.K. Sharma \forall s b.o. 1 or 2h

58

एकस- 82

उत्तर प्रदेश शासन

प्रशिक्षण एवं सेवायोजन निदेशालय

अस विभाष

टेलीफोन नं०- 50501

-26/4--- सेवायोजन कार्यालय

_____ May 7 '3 _____

संदर्भ संख्या- ५/५२०/५१

दिनांक-५-११-१९५१

महोदय;

य;
आपके पत्र संख्या- १८७/२१९६८८५५

, दिनांक-1-12-84-के संदर्भ में

जो-----E.D.P.-----के रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उक्त योग्य ग्रन्थियों के नाम की तालिका (दो प्रतियां) संलग्न की जाती है जिन्हें आपके पास उपरोक्त पदों के चुनाव हेतु भेजा गया है। चुनाव करने के पश्चात् तालिका के कॉलम 6 तथा पद संख्या 2 एवं 3 की पूर्ति करके इस कार्यालय को लौटाने का कष्ट करें।

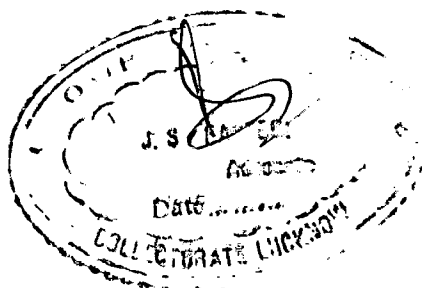
भवदीय,

सेवायोजन अधिकारी ।
मजिनाड

संलग्न- ६ अर्थमिति दां मी सूची

सेवा में -
(गंगाधर, लक्ष्मी देव,
डा. दा. लाला देव (दा. देव)
गंगाधर

पी०एस०यू०पी०-ए०पी०-२१ सेवायोजन २-१-८७- (२४३०)- १९८७-४,००,००० (हि०)।



31/1/20

GOVERNMENT OF UTTAR PRADESH
DIRECTORATE OF TRAINING AND EMPLOYMENT, U.P.

FOR THE EMPLOYER'S USE

U.P. 457/84
Date 11.8.84

13407

FOR OFFICE USE

Serial	Registration number and name of applicant (in father's name, if necessary)	O. C. Code no.	Qualifications of applicant (age, education, experience, etc.)	Prior category, if any	Date of Birth	If employed, kindly state pay, if not, please give reasons
1-11/11/84	आमनलाल चौधरी	01.10X	SH. S.H.	-	1/51	
2-11/11/84	महेश्वर प्रसाद चौधरी	01.10X	SH. S.H.	-	17/61	
3-11/11/84	राजेश्वर प्रसाद चौधरी	01.10X	SH. S.H.	-	5/67	
4-11/11/84	महेश्वर प्रसाद चौधरी	01.10X	SH. S.H.	-	30/66	
5-11/11/84	महेश्वर प्रसाद चौधरी	01.10X	SH. S.H.	-	12/63	
6-11/11/84	महेश्वर प्रसाद चौधरी	01.10X	SH. S.H.	-	16/71	
7-11/11/84	महेश्वर प्रसाद चौधरी	01.10X	SH. S.H.	-	25/66	
8-11/11/84	महेश्वर प्रसाद चौधरी	01.10X	SH. S.H.	-	10/68	
9-11/11/84	महेश्वर प्रसाद चौधरी	01.10X	SH. S.H.	-	3/69	
10-11/11/84	महेश्वर प्रसाद चौधरी	01.10X	SH. S.H.	-	10/67	

Omawany P.T.O.

GOVERNMENT OF UTTAR PRADESH
DIRECTORATE OF TRAINING AND EMPLOYMENT, U.P.

List of applicants submitted on
Sent under cover of letter no. X-82

DEPARTMENT OF LABOUR
To...
Dated...

Order...
Dated...

FOR EMPLOYER'S USE

13212

FOR OFFICE USE

Serial no.	Registration number and name of applicant (with father's name, if necessary)	O. C. Code no.	Particulars of applicant (age, qualification, experience, etc.)	Priority category (if any)	Date of Birth	If engaged, kindly state pay, if not, please give reasons
1	2	3	4	5	6	7
1	9/22863/87 वर्तमान B-511, अन्तिम 510 310 अन्तिम	X0120	अन्तिम	—	17-10-54	
2	15/760/82 अन्तिम 510 310 अन्तिम	X0120	अन्तिम	131C	15-4-61	
3	20256/89 अन्तिम 510 310 अन्तिम	X0120	अन्तिम	131C	20-11-65	
4	2225/89 अन्तिम 510 310 अन्तिम	X0120	अन्तिम	—	30-8-67	
5	7825/87 अन्तिम 510 310 अन्तिम	X0210	VIII	—	13-3-68	
6	1612/88 अन्तिम 510 310 अन्तिम	131C	अन्तिम	131C	14-10-61	
7	104/101 अन्तिम 510 310 अन्तिम	—	—	—	—	

(Handwritten notes and signatures)

AUB

[Signature]

एक्स-82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
अम विभाग

टेलीफोन नं०----- सेवायोजन कार्यालय
31/12/75 *लखनऊ*

संदर्भ संख्या- *U/175790*
दिनांक- *27/5/76* 1976

महोदय,

आपके पत्र संख्या- *उ-सरोजनी नगर-341-डीएम-28*
स्थिति-डोलमवाग, दिनांक- *4-6-75* के संदर्भ में,
जो- *उ.उ.प.का* के रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उन
योग्य अभ्यर्थियों के नाम की तालिका (दो प्रतियां) संलग्न की जाती है जिन्हें आपके संस-उपरोक्त
पदों के चुनाव हेतु भेजा गया है। चुनाव करने के पश्चात् तालिका के कालम 6 तथा मद संख्या
2 एवं 3 की पूर्ति करके इस कार्यालय को लौटाने का कष्ट करें। *जि-ह आप आपनी*
सुविधानुसार, निम्न स्थिति को स्वयं उल्लेख
सोझाएगा। *भवदीय,*

सेवायोजन अधिकारी।

संलग्न- *3-22 मेमोरेण्डम की सूची*

सेवा में- *सहायक उप निदेशक,*
प्रशिक्षण उप खण्ड,
लखनऊ

पी०एस० यू०पी०-ए०पी०-21 सेवायोजन 2-1-87- (2430)- 1987-4,00,000 (हि०)

[Signature]

[Signature]
31/

GOVERNMENT OF UTTAR PRADESH
DIRECTORATE OF TRAINING AND EMPLOYMENT, U.P.
DEPARTMENT OF LABOUR

FOR EMPLOYER'S USE

List of applicants submitted on
Sent under cover of letter no. X-82
No. of applicants submitted on
Dated: 27.6.70

FOR OFFICE USE		FOR EMPLOYER'S USE	
Serial no.	Registration number and name of applicant (with father's name, if necessary)	O. C. Code no.	Priority
1	2	3	4
1	① 410472/90- जितेंद्र कुमार. पटेल, पुत्र- श्री बगारसी राम पटेल ग्राम- गौरी, पो- सराजनी नगर, वरुणा	X01.00	10.10.70
2	② 411408/88- भोजत कुमार सिंह पुत्र श्री मीरग सिंह ग्राम- क- फोल्ड भोजसी, लखौ	X01.10	1.7.70
3	③ 415809/86- नन्द मोहन मोहा, पुत्र- श्री राम बड़ाई मोहा. 6/0 ग्राम- टारि नाग सोनी. वरुणा	X01.10	1.3.66
3 नवम्बर 70		उत्तर प्रदेश सेवा पोस्टर कार्यालय, लखनऊ (उत्तर प्रदेश)	

31/11
3/2
31/11

62. 406/2,
R. k. Sharma 1/5 6.5.10 87m

R-4
AUS

(4)

एक्स- 82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
अम विभाग

टेलीफोन नं० 50801

सेवायोजन कार्यालय

संदर्भ संख्या- 4/424/88

दिनांक- 4/4/1988

महोदय,

आपके पत्र संख्या- 9-10-88 के संदर्भ में,

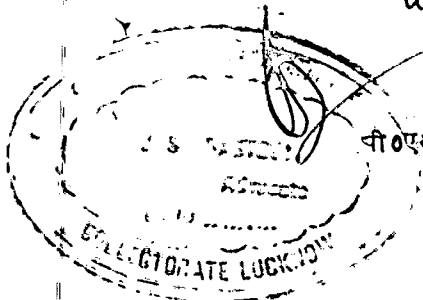
जो E. D. L. B. Form के रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उन योग्य अभ्यर्थियों के नामों की तालिका (दो प्रतियां) संलग्न की जाती है जिन्हें आपके पास उपरोक्त पदों के चुनाव हेतु भेजा गया है। चुनाव करने के पश्चात् तालिका के कालम 6 तथा मद संख्या 2 एवं 3 की पूर्ति करके इस कार्यालय को लौटाने का कष्ट करें।
आपका आभारी हो, लखनऊ

भवदीय

सेवायोजन अधिकारी।
लखनऊ

संलग्न- 7 अभ्यर्थियों की सूची
सेवा में- अभ्यर्थी सुपरिटेण्डेंट आर्म्स
प्रीट अभ्यर्थी लखनऊ वेस्ट

पी०एस० यू०पी०-ए०पी० 21 सेवायोजन- 2-1-87-(2430)-1987-4,00,000(हि०)।



34
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FOR EMPLOYER'S USE

1. No. of applicants submitted on
Serial No. of letter no. X-82 27/1/64
To.....
Order... 60/421/AF.....
Dated... 14/1/64.....
13232

Serial No.	Registration number and name of applicant (with father's name, if necessary)	O. C. Code no.	Particulars of applicant (age, qualification, experience, etc.)	Priority category (if any)	Date of Birth	If engaged, kindly state pay, if not, please give reasons
1	2	3	4	5	6	7
50/8000/88	सुन्दर श्रीजातन-अपराध रामचन्द्राप्रसाद, F722/भावात, धियात, भावात, लखनऊ	X01-10	X	—	15-1-63	
50/24796/88	अनन्दाक राम 810 मी जगन्नाथ प्रसाद, ए/एनएम लुगाट लखनऊ	X01-20	XII	—	7-4-70	
50/20244/87	ए/एनएम लुगाट लखनऊ अनन्दाक राम 810 मी अनन्दाक राम 810 मी	X01-10	X	—	16-11-64	
50/19060/87	अनन्दाक राम 810 मी अनन्दाक राम 810 मी	X01-10	X	—	15-6-63	
50/1002/79	अनन्दाक राम 810 मी अनन्दाक राम 810 मी	X01-10	X	—	1-1-60	
50/7242/80	अनन्दाक राम 810 मी अनन्दाक राम 810 मी	X01-20	XII	—	1-1-65	
50/55701/80	अनन्दाक राम 810 मी अनन्दाक राम 810 मी	X01-20	XII	—	1-1-65	
50/24796/88	अनन्दाक राम 810 मी अनन्दाक राम 810 मी	X02-10	XII	—	20-12-62	

3.11
1/1/64
13232

0A. 406/5
R K. Sharma 7/ 60.15.72

Sharma R-5

047

एक्स-82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
श्रम विभाग

टेलीफोन नं 0-50000

देशीय-सेवायोजन कार्यालय

लखनऊ

संदर्भ संख्या. 4/509/89

दिनांक-3/12-1989

महोदय,

ए/सी. डी. स्कूल दिनांक 21-11-89

आपके पत्र संख्या दिनांक के संदर्भ में, जो
E.D. Kaper के रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उन योग्य
अभ्यर्थियों के नाम की तालिका (दो प्रतियां) संलग्न की जाती है जिन्हें आपने
पत्र संख्या 6 तथा मद संख्या 2 एवं 3 की पूर्ति करके इस कार्यालय
को लौटाने का आदेश करे। कृपया अभ्यर्थियों को साक्षात्कार
के लिए उपयुक्त स्तर से बुलाने का आदेश करे।

भवदीय,

संलग्न-7 अभ्यर्थियों की सूची

सेवायोजन अधिकारी
लखनऊ

सेवा में-
सहायक सचिव, कृषि विभाग,
दक्षिणी उप मण्डल, लखनऊ।

सी 0 एम 0 यू 0 पी 0-ए 0 पी 0 10 सेवायोजन 7-7-77(1142) 1977-
1,50,000 (मैग 0)।

**List of applicants submitted on
Sent under cover of letter no. X--82**

DEPARTMENT OF LABOUR

To: MTC 12644 / STB 700 / 9701

Dated: 27/4/83 / 27. 7651 / 17/10/83

Order. U/S 29/80

Dated... 5-1-84/80

FOR EMPLOYER'S USE

13706

FOR OFFICE USE

Serial no.	Registration number and name of applicant (with father's name, if necessary)	O. C. Code no.	Particulars of applicant (age, qualification, experience, etc.)	Priority category (if any)	Date of Birth	If engaged, kindly state pay, if not, please give reasons
1	पु/५१५६/८७ श्री चन्ड कुमार शर्मा ब्राह्मण लाल झां नरही, रंगपुरा एगार एगार स्ट्रीट पिलकुशा, लखनऊ	X01-10	—	—	5-5-64	
2	C/२२२००/८३ उमेश कुमार शर्मा श्री लाल साहेब सिंह माता पुष्पादेवी देवी ०६/३ सरसिंहवाड़ा, लखनऊ	X01-10	—	—	18-2-60	
3	पु/५११२/८७ अनादोल कुशाल शर्मा लखनऊ	976-10	VIII	—	15-7-59	
4	पु/११६५/८७ प्रसाद शर्मा लखनऊ	X02-10	VIII	—	10-10-68	
5	पु/५५५/८५ विजय कुमार स्वसेना शर्मा धर्मचंद दुधारा स्वसेना, कलकत्ता फुरी C-५२ भालाबाग, लखनऊ	X02-10	VIII	—	19-1-60	
6	C/५१३५/८४ हरिहर सिंह ५० जी. एस. एगार - वार्ड, ई-१/५०९, अलीगंज, सीमापुर रोड, लखनऊ	X01-२०	XII	—	5-6-६६	
7	C/५११/८८ आनन्द कुमार दूबे शर्मा कलकत्ता कांत दूबे, मधु। परिकल्प नगर, कोलकाता लखनऊ-५,	X01-२०	XI	—	5-11-६६	

FORNOST ADMINISTRATIVE MANAGEMENT
SUN 10/15/2010
10:05 AM

H

10/17/2010

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सेवा या ज्ञान योगाद्वारा
करिबंनका

AUG

In the Hon'ble Central Administrative Tribunal, Allahabad,
Circuit Bench, at Lucknow.

Inre:

Original Application No: 406(L) of 1990.

Rama Kant Sharma.....Applicant.

Versus

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

REJOINDER AFFIDAVIT.

TO COUNTER AND SUPPLEMENTARY COUNTER AFFIDAVITS O-N
BEHALF OF RESPONDENTS NO: 1 & 2.

I, Rama Kant Sharma, aged about 23 years, son
of Sri Jitendra Nath Sharma, resident of Bhola Khera,
Alambagh, Lucknow, Postman No: 16 in the office of
Alambagh Post Office, Lucknow, hereinafter referred to as
the deponent, do hereby solemnly affirm and state on oath
as under:-

1. That the deponent is applicant in the aforesaid
original application. He is fully conversant with the
facts of the case. He has read the counter Affidavit
and supplementary counter affidavit filed on behalf of
respondents No. 1 & 2 and fully understood the contents
thereof.

Filed today
2-4-91

सहायक न्यायाधीश

2. That, the deponent has also filed one supplementary affidavit on 8.2.91. In that supplementary affidavit the deponent has controverted the contentions raised by respondents No: 1 and 2 in their Counter Affidavit. The deponent has further ^{clarified} ~~clarified~~ his case through the aforesaid supplementary Affidavit. Now the deponent is filing reply of supplementary Counter Affidavit. He will also controvert the stand taken by respondents No: 1 and 2 in their original counter affidavit, when it will be necessary, ~~in his reply.~~

3. That the contents of paragraphs 1 and 2 of Supplementary Counter Affidavit filed on behalf of respondent No: 1 & 2 (hereinafter referred to as Supplementary Counter Affidavit), need no reply.

4. That, the contents of para 3 of supplementary Counter Affidavit are admitted to the extent that the deponent worked as substitute of Sri Ram Kumar. Rest of the contents of the para are not admitted as stated. In reply to this paragraph it is stated that the deponent has been continuously working as substitute to E.D.A. since 1980 for different periods already mentioned in para 4 of the original application. It is necessary to point out here that the deponent has worked continuously as substitute since 5.7.1990. It is further submitted that deponent continues to work in place of Sri Ram Kumar even after 1.12.90. A photocopy of the application dated

14/12/2014
24/12/2014

AS

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1.12.90 by Sri Ram Kumar is being filed herewith as Annexure No: A-VII. It clearly shows that Sri Ram Kumar has not disengaged the deponent and he continued in place of Sri Ram Kumar. The respondents No: 1 and 2 have wrongly stated in paragraph under reply that deponent worked as substitute of one Shri Gulab Singh. According to respondents No: 1 and 2 deponent was substitute of Sri Gulab Singh from 1.12.90 to 31.1.91. But this contention has no force at all. It is specifically stated that Annexures No. R1, R-2 and R-3 are manufactured documents. There is no date mentioned on these documents. The answering respondents have not produced single application written by Sri Gulab Singh containing signature of Sri Rama Kant to the effect that Rama is substitute of Sri Gulab Singh. It is submitted that such an application is essential requirement of Rule 5 of the Post and Telegraphs Extra Departmental Agents (Conduct and Service) Rules 1964. The answering respondents are raising baseless contention without any legal basis. Moreover Annexure No A-VI (Extract of acquittance roll for the month of January, 1991) clearly shows that both Sri Rama Kant and Sri Gulab Singh have drawn their salaries in the month of January, 1991. It means E.D.A. and his ^{so} ~~set~~ called substitute both have drawn their salaries in the month of January, 1991. It is necessary to point out ~~there~~ that substitute only

23/12/91
23/12/91
23/12/91

works in place of E.D.A. It means both cannot draw salary in the same month in said capacities. Annexure No. A-VI clearly shows that Sri Gulab Singh and Sri Rama Kant both have drawn salary in the month of January, 1991. It means Sri Rama Kant cannot be substitute of Sri Gulab Singh. It is further submitted that Sri Gulab Singh never worked at Beat No: (16) i.e the place where Sri Rama Kant, and later on Sri Rama Kant has worked. Sri Gulab Singh has been working at Beat No. (13) till date. The answering Opposite Parties have filed wrong affidavit because in supplementary Counter Affidavit they have stated that deponent worked as substitute of Sri Gulab Singh from 1.12.90 to 31.1.91 whereas Annexure A-VI contradicts this fact. It amounts to estoppel. This annexure also clearly shows that deponent is servant of P & T department and ^{not} that of E.D.A. as repeatedly and wrongly alleged by the respondents.

It is stated that the deponent is continuously working as substitute of E.D.A. Sri Ram Kumar since 5.7.90 apart from previous durations from 1980. It is an admitted fact that deponent is working (as substitute of E.D.A. Sri Ram Kumar) since 5.7.90. It is also an admitted fact that deponent has worked from 1.12.90 to 31.1.91. Now it is an established fact that deponent has not worked as Substitute of Sri Gulab Singh from 1.12.90 to 31.1.91 because firstly neither Sri Gulab Singh nor answering respondents have produced copy of any

14/12/2014

- 5 -

application written by Sri Gulab ~~Singh~~^{Singh} and signed by
 deponent to that effect as required by Rule 5 of P &
 T E.D.A. (Conduct and service) ~~Rules~~^{Rules}, 1964 and Secondly
 Annexure A.VI is a documentary evidence that deponent
 is not worked as substitute of Sri Gulab Singh. It is
 pertinent to mention here that ~~ANSWER~~ Answering
 respondents have admitted fact that deponent has worked
 from 5.7.90 to 31.1.91 i.e. 208 days continuously. From
 aforesaid description and Annexure No. A-VII it is
 clear that Sri Ram Kumar has assured the department to
 the effect that deponent will serve the department
~~efficiently~~^{efficiently} and honestly. It is also an established
 fact that department has not ~~appointed~~^{appointed} any E.D.A.
 in place of Sri Ram Kumar even after 30.11.90. It
 means the deponent has worked on clear vacancy of E.D.A.
 from 1.12.90 to 31.1.91. The department has taken work
 of E.D.A. from deponent on clear vacancy of Sri Ram
 Kumar, because contention of department that Sri Gulab
 Singh has worked in place of Sri Ram Kumar proved wrong.
 The answering respondents have filed forged and
 manipulated documents only to harrass the deponent
 because firstly he has completed 208 days continuously
 in one ~~year~~ Calendar year and Secondly the deponent
 has come before this Hon'ble court for his regularisa-
 tion. It is very strange that department has not
 bothered to appoint any one in clear vacancy of Sri

2/11/91
 12/11/91

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Ram Kumar for two months and took work from a substitute on that clear vacancy but now they are raising false allegations and filing manufactured documents. It is submitted that it is very easy for any Central Govt. department to get and manufacture documents like that of Annexure No: R-1, ^{to} R-4; It is very strange that Sri Ram Kumar has written two contradictory letters i.e. Annexure ^{R-4} and A-VII. A bare perusal of these two annexures clearly shows that Annexure A-VII contains signatures of the deponent while Annexure R-4, does not. The signature of substitute on application of E.D.A. is essential requirement of Rule-5. It clearly shows that answering respondents has got the letter (contained in Annexure R-4.) from Sri Ram Kumar under threat and duress. In fact the answering respondents want to finish the deponent completely because he is single individual financially weak and has come before this Hon'ble court for justice and his rights. It is further submitted that the deponent has completed 208 days in one Calendar year as substitute of E.D.A. and also on clear vacancy of E.D.A. Now the answering respondents are unhappy with him because the poor deponent has taken protection of this Hon'ble court. It is further submitted that department has allowed the deponent to work on clear vacancy of E.D.A. Sri Ram Kumar for two months, hence the department has now estopped from saying that Sri Ram ~~Kumar~~ ^{Kant} has no such right

14/12/14
14/12/14

ASS

5. That, the contents of para (4) of supplementary Counter Affidavit are wrong hence denied. In reply to the paragraphs contents of para (3) of Supplementary Affidavit and contents of preceding paragraph of this affidavit are reiterated as correct. It is further submitted that Sri Gulab Singh has never worked in Beat No.(16) i.e. the place where Sri Ram Kumar and the deponent has worked. In fact Sri Gulab Singh has been working in Beat No: (13) till date. Moreover neither SriGulab Singh ~~has been working in Beat No. (13) till~~ nor answering respondents have filed any copy of application written by Gulab Singh containing Signature of the deponent, a mandatory ^{requirement} ~~provision~~ of Rule 5. A photostat of letter dated 31.1.91 by Sri Ram Kumar is being filed herewith as Annexure No. A-VIII. A bare perusal of this letter clearly shows that Sri Ram Kumar has written in favour of the deponent and owning responsibility even after 31.1.91.

6. That, the contents of para (5) of the supplementary Counter Affidavit are wrong hence denied. In reply to this paragraph contents of para (4) of supplementary affidavit and para (4) of this affidavit are reiterated as correct. It is further submitted that deponent has not worked as substitute of Sri Gulab Singh from 1.12.90 to 31.1.91, but on clear vacancy of E.D.A. A bare perusal of

14/12/91
2-14/12/91
24/12/91

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Annexure A-VI clearly show that deponent was not substitute of Sri Gulab Singh for aforesaid period. It is stated that Sri Gulab Singh has no right to disengage him. He is servant of P & T department and has worked on clear vacancy of E.D.A. from 1.12.90 and 31.1.91.

7. That, the contents of paragraph (6) of supplementary Counter Affidavit are wrong, hence denied. In reply to this para contents of para (5) of Supplementary affidavit are reiterated as correct. It is essential to point out here that answering respondents have himself admitted in para (6) of their counter affidavit dated 4.2.91 that status of deponent is that of casual worker. It is an admitted fact that deponent was doing work similar to that of regular worker. The deponent has been advised to state that the Hon'ble Supreme Court in "DAILY RATED CASUAL LABOUR Vs. UNION OF INDIA" reported in 1988(1) SCC page 122 has directed the P & T department to give equal pay for equal work to casual labour and has further directed to make a scheme for absorption of casual labours continuously working in department for more than one year. The deponent is working since 1980, but instead of making him regular employee. The answering respondents are leaving no stone unturned to throw the deponent from employment.

14/12/91
15/12/91
16/12/91
17/12/91

8. That, the contents of paragraph (7) of the supplementary Counter Affidavit are wrong, hence denied. In reply to this paragraph contents of para (6 and (7) of supplement-

and
~~Counter Affidavit as forgoing was denied in reply to~~
~~this paragraph contents of para (4) of the~~ *this*
affidavit are reiterated as correct. It is further
submitted that the deponent has worked as substitute
of Sri Ram Kumar from 5.7.90 to 30.11.90 (apart from
other ~~periods~~ *periods* since 1980) and on clear vacancy of
E.D.A. from 1.12.90 to 31.1.91 i.e. 208 days in one
Calendar year. On 1.2.91 the answering respondents have
engaged one new person Sri Shiv Karan in place of
deponent only because the deponent has come before this
Hon'ble court and moreover deponent is going to complete
re 240 days in one calendar year in the month of
March, 1991. On 8.2.91 deponent got stay order from
this Hon'ble court. It is stated that deponent fell
ill on 1.2.91 and recovered from illness on 21.2.91
but answering respondents have not allowed him to join.
on 5.3.91 the deponent has filed contempt petition
before this Hon'ble court. It clearly shows the
intention of answering respondents. The deponent has
legal right to the post on which has worked for last 26
208 days continuously apart from different period from
1980.

14/2
12/11
14/2

9. That the contents of paragraph (8) of supplementary
Counter Affidavit are not admitted. In reply to this
paragraph the deponent is advised to state that
instant original application has full merits. All the
grounds and relief sought are sustainable in law. The

deponent states that apart from previous periodical employed the deponent had worked from 2.7.90 to 30.11.90 as substitute of Sri Ram Kumar and from 1.12.90 to ~~31.1.91~~ ~~1.12.90~~ (31.1.91) on clear vacancy of E.D.A. It means deponent has worked for 208 days continuously. The deponent got interim order on 8.2.91 and submitted his joining report on 21.2.91 which was received by answering respondents on 23.2.91. The deponent has further advised to state that in this way he has completed (208 + 39) = 247 days till date in one Calender year. It means he has completed more than 240 days in one Calender year.

The deponent is advised to state that the Hon'ble Supreme Court in "ALL INDIA RMS & MMS EMPLOYEES' UNION VS. UNION OF INDIA reported in 1990 (Suppl) SCC 113 has held that the temporary status would be available to the casual labourers in the postal department on compleyion of one year of continuous service with at least 240 days of work. The Hon'ble Supreme court has further held that claims of those substitutes who work for long periods should have been appropriately considered. The deponent is further advised to state that Hon'ble Kerala High Court in KUNJAN BHASKARAN AND OTHERS VERSUS SUB DIVISIONAL OFFICER TELEGRAPHS reported in 1983 L.I.C. page 135 has held that Post and Telegraphs department is industry and services of casual workers in the department

14/10/2015
14/2

could not be terminated orally contrary to section 25 F of Industrial Dispute Act, 1947. The deponent states that he has completed more than 240 days even then answering respondents are not allowing his claim. Moreover the answering respondents have terminated his services orally without complying the provision of Section 25F of Industrial Dispute Act, ^{although} ~~Although~~ he is a casual worker. The deponent very humbly prays from this Hon'ble court that in view of aforesaid description and decisions of various courts the instant application of the deponent should be allowed in toto with cost payable by the answering respondents.

Lucknow:

Dated: 2-4-1991

Deponent.

Verification.

I, the abovenamed deponent do hereby verify that the contents of paragraphs 1, 2, 3, 4 (partly) 5, 6, 7, (Partly) 8, (Partly) and 9 (Partly) of this affidavit are true to my own knowledge and those of 4 (Partly), 7 (Partly), 8 (Partly) and 9 (Partly) are believed to be true by me based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Lucknow:

Dated: 2-4-1991

Deponent.

I identify the deponent who has signed before me.

Advocate.

श्रीमाने -

श्रीमान उपकार पाल

अलम बग लावजक ह

शिवजय विवक ह के प्राप्ति राय कुमार डी डी

पौर में अलम बग लावजक ह के विभाग परीक्षा
 को ली है और प्राप्ति 1.12.90 में टाईग पर
 जा रहा है और अपनी जगह पर पूर्ण कुम्हार
 सहित श्री रामकान्त शर्मा की आपूर्ति
 के लिए लगा है है डाटा: आपूर्ति विभाग
 के विवक ह के प्राप्ति के के विभाग
 टाईग पर अर्जन के अकुमार प्रदान की
 जीव। अति महान रुपा करी।
 श्री

आपक

श्रीमाने
 रामकान्त शर्मा

Date: 1.12.90

रामकान्त शर्मा

रामकान्त शर्मा डी डी डी

पौर में अलम बग लावजक ह

सेवार्थ

भावनेय निवेदन है कि शर्मा रामकुमार पोस्ट में
मानक नगर आर. डी. एम. नो. लावनक 11 और
रमाकान्त शर्मा की पूर्व भांति की तरफ
पूर्व जुम्मे दारी ले रहा है और उनकी
आलम बाग लावनक 5 में कीट न. 16
में कार्य करने के लिए अनुमति
प्रदान की जावे। ज्यों के मैं रमाकान्त
शर्मा को 1983 में जब तब मैं
आलम बाग में साइट साइडरी कर ह
तो और रमाकान्त शर्मा को संपत्ति
जबह या पूर्ण जुम्मे दारी या कार्य
करने के लिए प्रकाशित मत उन्हे
1-1-99 को 31-1-91 में ~~प्रकाशित~~ सागे
जुम्मे दारी ले रहा है। तथा उनकी
कार्य करने के आलमबाग में अनुमति
प्रदान की जावे। साथ में स्टाफ़ कृपा
होगी। इति

ह!
रमाकान्त शर्मा
31-1-91
रमाकान्त शर्मा

सापका
रामकुमार पोस्ट में
नं. 3 मानक नगर
नो. डी. एम. नो.
(लावनक 11)

(A62)

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

In re:

Original Application No. 406 of 1990(L)

Rama Kant Sharma Applicant.

Versus.

Union of India and others..... Opp. Parties.

SUPPLEMENTARY AFFIDAVIT OF APPLICANT.

I, Rama Kant Sharma aged about 23 years son of Jitendra Nath Sharma resident of Bhola Khera Alambagh, Lucknow, presently working as Postman No. 16 in the office of Alambagh Post Office, Lucknow hereinafter referred to as the deponent, do hereby solemnly affirm and state on oath as under:-

1. That, the deponent is applicant in the aforesaid original application. He is fully conversant with the facts of case and also conversant with the facts stated in this affidavit.

2. That the applicant is working as "Substitute" of an "Extra Departmental Agent" (hereinafter referred to as "E.D.A."). This E.D.A. is one Shri Ram Kumar. The deponent states that he is working as substitute of aforesaid E.D.A. continuously since 5.7.90 this time. It is pertinent to mention that deponent has b

RH/ 12/11

been continuously working as substitute to E.D.A. since 1980 for different periods already mentioned in paragraph 4 of his original appl-cation.

(3) That, the deponent is working as substitute to E.A.D. on a clear vacancy, and this vacancy is still continuing. The deponent submits that Rule 5(2) of the posts and Telegraphs Extra Departmental Agents(Conduct and Service) Rules 1964 deals with the appointment of substitutes for E.D.A. This rule clearly says that one copy of appointment letter should be handed over to "Substitute". The deponent states that opposite parties No. (1) and (2) never handed over to him his appointment letter. They only took work from the applicant and other like substitutes but never handed them any appointment letters. It is further submitted that applicant is a poor and needy man, so he can not dictate his terms and cannot discontinue his livelihood for an appointment letter. He is working as a substitute for E.D.A. without any appointment letter.

(4) That, the deponent is still working as substitute of E.D.A. He is servant of Post and Telegraph Department and not of E.D.A. He is getting salary from the P & T deptt. regularly for his work. A photostat of acquittance roll for the month of January 1991 of the applicant is being annexed herewith as Annexure No. A-VI. It clearly shows that deponent is a servant of P & T department.

.....3....

Handwritten signature/initials

(5) That, the deponent states that he is working as substitute of E.D.A. since 1980 for different periods. He is senior to opp. parties No. 3 to 7. All of them served as "Substitute" to E.D.A, and were junior to the deponent, but opposite parties No. 1 and 2 have regularised their services and are still keeping the deponent as mere substitute; although he has got better claim over them.

(6) That, the deponent states that this time he is continuously working since 5.7.90, on a clear vacancy and that vacancy is still existing. He may be continued as Substitute in the vacancy of Sri Ram Kumar because the vacancy is still existing.

Lucknow;

Dated: 8.2.1991.

[Signature]
Deponent.

Verification

I, the aforesaid deponent do hereby verify that the contents of paragraph 1 to 5 of this supplementary affidavit are true to my own knowledge, and those of paragraph 6 are true on the basis of belief. No part of it is false and nothing material has been concealed.

Signed and verified this 8th day of Feb. 1991 within court compound at Lucknow.

Lucknow;

Dated: 8.2.1991.

[Signature]
Deponent.

I identify the deponent who has signed before me.

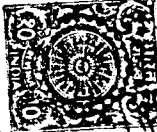

[Signature]
Advocate.

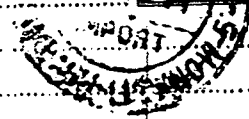
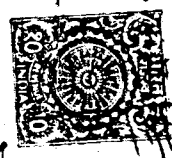
Solemnly affirmed before me by Sri Rama Kant Sharma, the deponent on _____ at _____ a.m./P.m. who is identified by Shri.....Advocate. I have satisfied myself by examining the deponent that he understands the contents of this supplementary affidavit which have been duly explained by me to him.

ALS

13-5

(पूरी ओर/REVERSE)

1	2	3	4	5	6	7
बीछे है छाया गया Brought Forward	1076 50		1076 50			
गुलाब सिंह	420					
181	601		601			
601						
रमाकांत शर्मा	420					
181	601		601	30/90		
601						
	1677 50		1677 50			
बीज/Total	2278 50		2278 50			
—मुद्रांक न की गई बाकी रकम Amount remaining undistributed						
की गई बिबल रकम Amount paid			2278 50			



Telephone
also
at 31-11
S.P.M
A.L.A.
LUCK.

इसे भरा करने वाले अधिकारी द्वारा भरा जाए
To be filled in by the paying officer

के लिए पास किया गया
1677-50 2278-50
(शब्द/Words) Rs. One thousand Six hundred and Eighty Eight and Fifty
के स्थापना/महमाई भत्ता बिल के प्राधिकार पर
the authority of the Establishment travelling allowance bill of H.O.
पदनाम के साथ हस्ताक्षर Postmaster (Gazetted)
Signature with designation Chowk Head Post Office
(पाने वाला अधिकारी/Drawing Officer)
R/S
19/197
Certified that the amount of Rs. 2278-50 has been disbursed in my presence in the presence of my representative and that a proper acquittance has been taken in respect of the amount paid in this Bill from the person entitled to receive it.
(शब्दों में)
Two thousand Two hundred and Eighty Eight and Fifty
अनीबार्बर बीहर का बिबल यदि इसका प्रयोग
होता हो तो पत्र के अदायगी हाथपर की
अनीबार्बर बीहर का बिबल
Press at the round 11 O. stamp or of the
Date stamp of the paying officer in the
former is not used by the office.
MGIPAH-604 P. & T./76-2-11-76-6,50,000.
LUCK. 29-68/75 MH)

2/4
(A66)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

Misc. Petition No. 141 of 1991. (L)

APPLICATION FOR FILING SUPPLEMENTARY COUNTER-AFFIDAVIT.

Union of India & Senior Supdt. of
Post Offices, Lucknow.....Applicant/Respondents.

In

O.A.No. 406 of 1990(L)

Rama Kant Sharma.....Applicant.

Versus

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

To,

The Hon'ble Vice Chairman and his companion members of the
aforesaid Tribunal.

The applicant above named most respectfully Showeth:-

1. That the accompanying of supplementary affidavit is being filed
in reply to the supplementary affidavit filed by Shri Rama Kant
Sharma.
2. It is, therefore, prayed that it is in the interest of justice
that the accompanying supplementary-affidavit may be taken on
record.

(Signature)

(Dr. Dinesh Chandra)

Counsel for Applicant/Respondents.

*Filed today
1/4/91*

A67

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS NO.1 & 2.

In

O.A.No.406 of 1990

Rama Kant Sharma.....Applicant.

Versus

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

I, Chandra Prakash, aged about 35 years, son of Shri N.P.Verma,
Senior Superintendent of Post Offices, Lucknow do hereby solemnly
affirm and state as under:-

1. That the deponent has read the application filed by Sri Rama Kant
Sharma and has read the contents thereof. He is well conversant with
the facts of the case deposed hereinafter.

2. That the contents of para 1 need no comments.

3. That the contents of para 2 are admitted to the extent that

Sri Rama Kant Sharma worked as substitute of Sri Ram Kumar on his risk
and responsibility till 30-11-90. Sri Ram Kumar, E.D.D.A. was in the
meantime declared successful in Departmental Postman Examination vide
S.S.P.O's, Lucknow Memo No.B-8/2/3/April,90 dt.26-11-90 (Annexure R-5).
The above said Sri Ram Kumar was ordered to undergo ~~under the~~ training
for 10 days commencing from 1-12-90 to 10-12-90.

(ii) In the above said memo it was also ordered by the

Sr.Suptd. of Post Offices, Lucknow that the vacancy caused by

Contd..3/-

Handwritten signature: *Uddil*
Stamp: *LETTER SECRETARY, General
Sr. Suptd. of Post Offices
Lucknow - 226007*

(ACW)

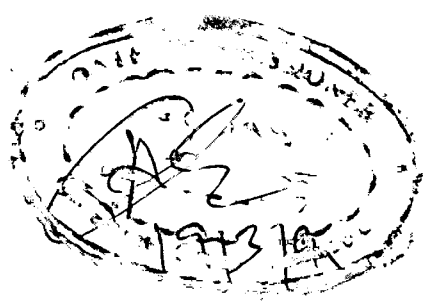
// 2 //

the passing of E.D.As in Departmental posts will be managed by the other E.D. official. In compliance of the above memo, the Sub Postmaster, Alambagh was ordered to manage the vacancy caused by Sri Ram Kumar, E.D.D.A. by another E.D. official of his office vide letter No.B/Arrgs/Postman dt.1-12-90 (copy Annexed).

(iii) In compliance to above order, Post Master, Alambagh was ordered to depute some E.D.D.A. to work vice the vacancy of Sri Ram Kumar, ~~vide order dt. 1-12-90 (Annexure R-1)~~. Accordingly Sri Gulab Singh^{was} deployed to work on the post on 1-12-90 who in turn engaged Sri Rama Kant Sharma to work as his substitute on his risk & responsibility. Copies of the Absentee Statements for Nov, Dec, and Jan in this regard are being filed as Annexure R-1, R-2 and R-3. Thus Sri Rama Kant Sharma worked as substitute of Sri Gulab Singh and not of Sri Ram Kumar from 1-12-90 to 31-1-91. Moreover, after passing the examination Sri Ram Kumar, E.D.D.A. who was no more on the post of E.D.D.A. had no right to provide his substitute on the vacant post. Sri Ram Kumar had also withdrawn his risk & responsibility for Sri Rama Kant Sharma w.e.f. 1-12-90 (Annexure R-4).

That in reply to para 3 it is stated that the applicant worked as substitute of Sri Gulab Singh till 31-1-91 on his risk and responsibility. Sri Gulab Singh has been working on the post which had failed vacant on appointment of Sri Ram Kumar on the post of Postman. With regard to Rule 5(2) of the P&T E.D.A. Rules, 1964 referred to in the

Contd...3/-



Ueekif

Serial Supdt. of Post Offices 4.
Lucknow Division-220001

AGP

// 3 //

answering paragraph it is stated that there is no sub para 2 of the said rule. The Director's instructions contained in his letter Circular No.23 dt.24-2-70 and letters No.43/63/Pen dt.27-5-1970 and No.5-5/72-ED Cell dt.18-8-73 have been incorporated in para 2 of the Director General's instruction. The instructions contained in the said para relate to E.D.Agents proceeding on leave. In the present case Sri Gulab Singh who was deputed on the post which had fallen vacant on appointment of Sri Ram Kumar on the post of a postman, had engaged him as his substitute to carry on the duties of E.D.D.A. on his behalf on his risk and responsibility. Now Sri Gulab Singh has joined his duties, the petitioner has been disengaged. As the petitioner was engaged by Sri Gulab Singh, the question of issuing any appointment letter to the petitioner by the department did not arise. He was not an employee of the department.



5. That in reply to para 4 it is stated that the petitioner worked on the post as a substitute of Sri Gulab Singh till 31-1-91. Sri Gulab Singh resumed duty on 1-2-91 and the petitioner stood disengaged w.c.f.1-2-91. As the petitioner had worked till 31-1-91, he was paid the allowance for the month of January,91. Acquittance Roll is prepared on the basis of Absentee Statement which is the only authentic document to rely upon in such cases.

6. That in reply to para 5 it is stated that there is no provision for regularisation of substitutes on E.D.Posts. The Respondents No. 3 to 7 were appointed according to the provisions contained in P&T,EDA (Conduct & Service Rules), 1964. All of them were sponsored by Employment Exchange for the advertised posts and while making the selection

Contd...4/-

Serial Supdt. of Post Offices
Lucknow Division-220007

970

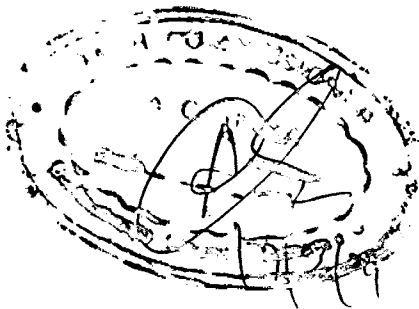
// 4 //

on the basis of merit no weightage was given for their engagement as substitutes.

7. That in reply to paras 6 & 7 it is stated that the applicant had worked as a substitute of Sri Ram Kumar upto 30-11-90. As Sri Ram Kumar was appointed as Postman he terminated the surety for the applicant after 30-11-90. The applicant thus ceased to be the substitute of Sri Ram Kumar after 30-11-90. After 30-11-90 the petitioner worked on the risk and responsibility of Sri Gulab Singh who was ordered to work as E.D.D.A. in place of Sri Ram Kumar till regular appointment on the post of E.D.D.A. is made. As the petitioner was engaged by Sri Ram Kumar and later on by Sri Gulab Singh on their own risk and responsibility, no legal right has accrued to the petitioner for the post. Substitutes are engaged by the E.D. employees on their risk and responsibility. Substitutes are not the employees of the department and the department has no legal authority to ask the E.D. employee to engage any particular person as his substitute.

8. That in view of the submissions made in the above paragraphs, the application filed by Sri Rama Kant Sharma is not tenable in facts and in the eyes of law, it lacks merit and is liable to be dismissed with costs.

Handwritten signature
Sd/-
Joint Secy. of Post Offices
Bokaro Division-226007



Handwritten signature
Deponent.

Sd/-
Joint Secy. of Post Offices
Bokaro Division-226007

(A7)

// 5 //

VERIFICATION :-

I, the deponent named above do hereby verify that the contents of paras 1, 2 are true of my personal knowledge and those of paras 3, 4 are believed to be true by me based on record and legal advice. Nothing has been concealed and nothing is false, so help me God.

Lucknow.

Dated; 19/2/22

Umesh
Deponent.
Secy. of Post Offices
Division-22007

I identify the deponent who has

signed before me.

J. (S)
Advocate.

Chander Prakash
D. Chaly
19/2/22

Copy of the service certificate for the
month of Nov 1990 in respect of E.D.S.V.
at Alambur for the following:-

1. Sri. Lal Singh = on duty full month
2. " Rama Kant
(Vice Ram Kumar EDDA who is engaged as
out Adv on Duty full month
3. Sri. Moti Lal on Duty full month
4. " Om Prakash Dinesh on Duty full month
5. " Chetay Singh EDSV on Duty full month

Attested

Attested

S.P.M. (H.S.D.)
ALAMBUR
LUGENOW-226005.

Under

25/11/91
Section of Post
P. Lucknow Division-226007



(A73)

Copy of the statement of
H. L. Singh in the month of Dec 1990 in VICE
month of Dec 1990 in VICE

1- Mr. Gulab Singh working
on vacant Post Vice EDDA
Raman Kumar who has
passed Postman Examination
on Duty full
month

2- Mr. Ramakant
Substitute working
Vice Mr. Gulab Singh
Duty full
month

3- Mr. P. M. V. K. Singh
S.D. on
Duty full
month

4- Mr. M. S. K. Singh
Duty full
month

5- Mr. Ch. L. Singh
S.D. on
Duty full month

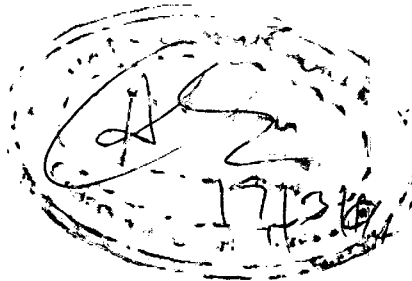
Attested

By Mr.
B.P. Singh (H. 2 G-11)
A.C. Singh
LUCKNOW-226005

Witnessed

By Mr.

By Mr. Singh (H. 2 G-11)
A.C. Singh
LUCKNOW-226005



(A74)

Absentee statement for the month
of Jan 91 of EDDA Staff at Alambagh
PO Lucknow

- 1- Sri Gulab Singh working at Vacant Post Vice Rankman who has passed Postman Exam. Duty full month
- 2- u Rama Kant (Substitute Vice Sri Gulab Singh) Duty full month
- 3- u Om Prakash Dwivedi Duty full month
- 4- u Moti Lal
- 5- u Chhotu Singh E.D.S. / V Duty Full month

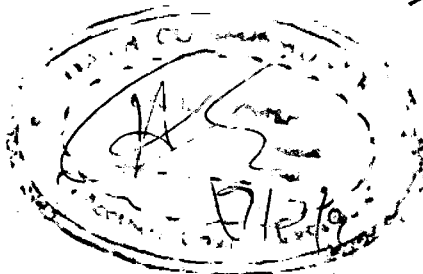
Attended

Present

S.P.M. (H.S. G-II)
ALAMBAGH PO
LUCKNOW-226005

Unread

Secy to the Officer in Charge
LUCKNOW-226005



सर्वोच्च,
सचिव/Secy of the

समान सहायक डाक अधिकारी
दक्षिणी क्षेत्र लावन्नर

महोदय,

Amesbury

निवेदन इस प्रकार है कि प्राचीन प्रवर

डाक अधिकारी लावन्नर के शापक संख्या

8/8/2/3/ अर्पण दिनांक 26-11-90

Chand
Secular Day 12/12/90
Lathbury Division 22/12/97

के अनुसार विभागीय पीर सैन परीक्षा से

सफल घोषित हुआ है तथा प्राचीन भाषा

दिनांक 1-12-90 से 10 दिनों का प्रशिक्षण

प्राप्त करने लावन्नर है अतः मैं अपने

ई.डी.डी.ए. के पद पर अपनी ज़ुम्मेदारी

पर दिनांक 6-12-90 से प्रभाव गये

स्वकी दार (सप्लायर) की समाकान्त

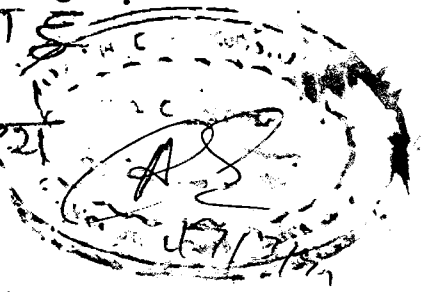
शर्मा की ज़ुम्मेदारी वापस लेता हूँ

MGIPAh.-150 Posts/87-23-7-87-20,00,000 Pads.

राम कुमार

1-12-90

रूपमा प्रवृत्त उल्लेख



भारतीय डाक विभाग

कार्यालय प्रवर डाक अधीक्षक, लखनऊ मंडल, लखनऊ-7

डाकन संख्या बी-8/2/3/अप्रैल 90

लगा 0-7

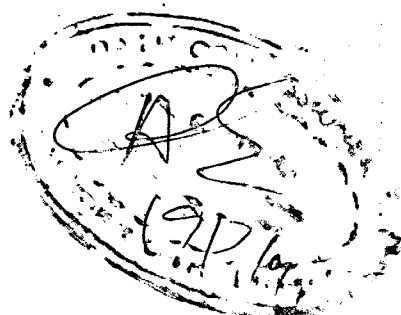
26, नवम्बर 1990

निम्न गुप्त डी व ई0डी0 कर्मचारी जो कि पोस्टमैन परीक्षा में सफल घोषित किये गये है उन्हें उनके नाम के समक्ष लिखी हुई यूनिट को आवंटित किया जाता है। संबंधित उपमंडलीय सहायक डाक अधीक्षक, निरीक्षक डाक्टर तथा प्रमुख प्रधान डाक्टर इन अभ्यर्थियों का प्रशिक्षण एवं अन्य औपचारिक कार्य पूरी होने के बाद नियुक्ति आदेश जारी करेंगे।

यदि किसी ई0डी0 या गुप्त डी के विरुद्ध अनुशासनिक कार्यवाही लम्बित है या उक्त कर्मचारी किसी गबन के मामले में सम्बद्ध है। तो उसे पोस्टमैन वर्ग में नियुक्ति न की जाय तथा संबंधित मामले की रिपोर्ट इस कार्यालय को भेजी जाय।

यदि निम्न ई0डी0 कर्मचारियों को उसी डाक्टर के नियमित ई0डी0 कर्मचारी को चार्ज दिलाकर रिलीफ कराया जाये। यदि ऐसा सम्भव न हो तो निम्न ई0डी0 डाक्टर के नियमित कर्मचारी को चार्ज दिया जाय। आवश्यकतानुसार डबल कार्य किया जा सकता है किन्तु किसी दशा में रिक्त स्थान पर बाहरी व्यक्ति को न लगाया जाय।

क्रमसंख्या	नाम व पद	जाति	आवंटित यूनिट
1-	8368704-7 श्री राम नारायण र0पी0स्त0	ओ0पी0	दक्षिण उपमंडल
2-	8369242 श्रीरेन्दु सिंह र0पी0स्त0	ओ0पी0	दक्षिण उपमंडल
3-	8370310 श्री0स्त0 मिश्रा, र0पी0स्त0	ओ0पी0	दक्षिण उपमंडल
4-	8370344 सैयद मोहम्मद अहमद री र0पी0स्त0	ओ0पी0	दक्षिणी उपमंडल
5-	8370359 अग्रय कुमार सिंह, र0पी0स्त0	ओ0पी0	उत्तरी उपमंडल
6-	8370360 राम स्वामी र0पी0स्त0	ओ0पी0	पूर्वी उपमंडल



(177)

In the Central Administrative Tribunal,

Lucknow Bench, Lucknow.

O.A.No. 406 of 1990 (I)

AFFIDAVIT

Rama Kant Sharma.

.... Applicant.

Versus

Union of India and others

.... Respondents.

...

I, RAM KUMAR, aged about 39 years, son of late Shri Man Sukh, resident of Madhuvan Nagar, Alambagh, Lucknow, do hereby solemnly affirm and state on oath as under:-

1 That today I was shown a letter addressed to Sub.Postmaster, Lucknow-5, which is alleged to have been signed by me. This letter has been filed by Sri Rama Kant Sharma, as Annexure No.VIII. This letter is not in my hand-writing. No letter on this subject was ever written by me to Sub.postmaster, Alambagh, I further state that I joined at Manak Nagar, Post Office as a Departmental Postman on 12.12.1990.

2. Another letter filed by Sri Rama Kant Sharma as Annexure No.VII is in my hand writing but the date mentioned in the said letter is not in my hand-writing. The date (1-12-1990) as written in the third line of the letter is not in my hand writing. As a matter of fact, this letter was dictated by Sri Awasthi Postal Asstt. Alambagh, Post Office when I was declared successful in the department Postman examination. In the

letter the date from which I was to proceed on training was left blank because till then the date on which I was required to proceed on training was not intimated to me. This letter now shows that the blank space contains the date as 1.12.1990. This date is not in my hand writing. The date mentioned on the application is also not in my hand writing.

4. That I further state that the letter dt.1.12.90 addressed to Asstt.Suptd, of Post Office, South, Sub.Division Lucknow which has been filed by the Senior Suptd, of Post Office, Lucknow in the above case is in my hand writing and the statement contained therein is true to the best of my knowledge and belief.

4. I further state that in the said letter dt.1.12.90 I had intimated to Asstt.Suptd of Post Office, Lucknow, that from 1.12.1990 I had withdrawn my responsibility for my substitute i.e. Sri Rama Kant Sharma, whom I had engaged w.e.f. 6.7.1990 thus Sri Rama Kant Sharma was no more my substitute w.e.f. 1.12.1990.

Lucknow dated
April 26, 1991.

रामकुमार

Deponent.

Verification

I, ~~the~~ Ram Kumar, son of late Shri Man Sukh, do hereby solemnly that the contents of paras 1 to 4 are true to my personal knowledge, which I believed to be true. Nothing has been concealed and nothing false, so help me God.

Lucknow dated
24/4/91

रामकुमार

Deponent.

I identify the deponent who has signed before me.

Dr. S. S. Chandra
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Regd. A/D
23-A, Thornhill Road
Allahabad. 211 001

Registration O.A. No. 4106 of 1990

No. CAT/Alld/Jud (83)

.....

Applicant(s)

Versus

.....

Respondent(s)

Handwritten notes:
1. Contd. of the above Bhadur Singh -
2. 1st case in which the court has decided
3. 220
4. 1st time in which the court has decided
5. 2000

Please take notice that the applicant above named has presented an Application a copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed Day of 2/9/91 For.

If, no appearance is made on your behalf, your pleader of ny sone 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 Day of 1990.

For Deputy Registrar
(Judicial)

Handwritten notes:
1. Copy of Petition with court's order
2. 9/11/91 passed there on

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

17/8/0

L.A.NO. 406 of 1990 (L)

Rama Kant Sharma Applicant
Versus
Union of India & Others Respondents

Hon'ble Mr. D.R. Agarwal, J.

Hon'ble Mr. K. Ubayya, J.

Dated: 9.01.1991.

Heard and Admit. The notices counter may be filed within eight weeks rejoinder within three weeks thereafter. At before D.R. on 21.03.1991 for completion of proceedings and thereafter for listing hearing according to its serial number.

Issue notice to the parties as to why the prayer for interim be not granted.

List for disposal interim matter on 1.2.91.

Sd/-
A.N.

Sd/-
A.N.

copy //

R.S.M.

(M)
Circuit Bench
Lucknow
17/8/0



Checked by
[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

17/11/91

Regd. A/D
23-A, Thornhill Road
Allahabad. 211 001

Registration O.A. No. of 199

No. CAT/Alld/Jud 2745/91

R.K. Sharma

Applicant(s)

Versus

Union of India

Respondent(s)

- 1) Union of India through UP Circle Lucknow
- 2) Pravar Dak Adhikshata - Lucknow - Mandal Aka
- 3) Munim Gaurdara Postman Aka Lucknow Post Office
- 4) Rajat Singh Postman Mohan Nagar Post Office
- 5) Anand Kumar Dohay Sr Krishna Kant Dohay
Postman R. School Alambagh Post Office Lucknow
- 6) Gopal Singh Sr Rajai Bhadur Singh Postman Aka
Post Office Aka Lucknow
- 7) Ajay Kumar Postman Aka Lucknow Post Office Aka
Post Office Aka Lucknow

Please take notice that the applicant above named has presented an Application a copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 1. Day of 2/91. For.

If, no appearance is made on your behalf, your pleader of my sons 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 Day of 1990.

For Deputy Registrar
(Judicial)

Copy of Petition with court order
dt 9/11/91 passed that on

$$\frac{A}{82}$$

U.S. 486 of 1980 (L)

Plaintiff Sharma Applicant
 Versus
 Union of India/ Others Respondents

Hon'ble Mr. J. J. Garwal, ...

hon'ble Mr. J. G. Baya, J. J.

date: 7.01.1991.

heard and admit. Issue notices counter may be filed within eight weeks, rejoinder within three weeks thereafter. List before C.C. on 21.12.1941 for completion of proceedings and thereafter for listing for hearing according to its serial number.

Issue notice to opposite parties as to why the prayer for interim relief be not granted.

Agmt. for disposal of interim matter on 1.5.51.


50/-

30/-

•

// True copy //

• • • • •



X
183

In the Central Administrative Tribunal 1 Allahabad

Lucknow Bench

M.P. No. 139/91 (2)

G.A. No. 97 1991

M.S. Pandey and Others

... Applicant

Versus

Union of India and others

... Respondents

Application for leave to file joint application

The applicant begs to submit as under :-

- 1- That the applicants are filing the claim petition on the basis of their position in the seniority list and claim over the persons selected under different quota.
- 2- That the cause of action is one in the matter and the relief prayed is also one for all the applicants.

Wherefore it is prayed that the applicant may be permitted to file application jointly with on best of court fee which has been paid in the interest of justice.

Lucknow

Dated: 1.10.91

(Counsel for applicants)

$\frac{7}{84}$

Shri Rama Kant Sharma


..... Applicant.

Union of India & Others

..... Respondent s.

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

Hon'ble Mr. K.Chayya, A.M.



In the meantime the applicant will be permitted to continue to work ^{as} substitute ~~in place~~ of Ram Kumar unless he has been terminated or is terminated hereafter by him.

5a/

sd/

Y.C.

//True Copy//

Top of page -

R.N.

Central Administrative Tribunal Allahabad

20th Bench

C.A. No. 47 1991 (C)

... May ... Applicant

... Respondents

... joint application

... to submit under :-

... applicants are filing the claim petition on the basis of their position in the seniority list and ... over the persons selected under different quota.

2- That the cause of action is one and the matter in dispute is also one and all the applicants.

... it is held that an applicant may be permitted to file application jointly ... court fee which has been paid in the interest of justice.

Subscribed

Dated:

Counsel for applicants

28/5

before the Hon'ble

of

C. A. T. Court

at Lucknow

- C.A. No. 406 of 1990 (1)

Sr. Advocate Shri

vs

U.C. & others

Hon'ble Sir,

I have respectfully submit that
the Additional Standing Counsel Dr. D. Chandra
is out of Lucknow. He was expected
to reach at Lucknow by 6th March but
he could not return from Delhi.

The case may therefore kindly
be adjourned for the next date.

Yours faithfully
R. K. Mishra

Dt. 2-3-91

(On behalf
of U.C.)

श्रीमान् अधीक्षक न्यायाधीश
हदमा (दिल्ली)
अदालत, सी. टी. कोर्ट
लुक्नो २२

Copy of letter to be sent to
14/10/1947

Attest

FOR DEPUTY REGISTRAR

If, no appearance is made on your behalf, your pleader of
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 19th day of

Please take notice that the applicant above named has
presented an application a copy of which is enclosed
herewith which has been registered in this Tribunal and the Tribunal
has fixed the day of 19th day of 1947 for

..... RESPONDENT(S)

VERSUS

..... APPLICANT(S)

REGISTRATION O.A. No. 1751 of 1947

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

14/10/1947

Central Administrative Tribunal
Circuit Bench, Lucknow.

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406 10-
O.A.No. 407 of 1990 (I)

Shri Rama Kant Sharma Applicant.
Versus
Union of India & Others Respondents.

Dated : 05-3-91

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

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

The learned Counsel for ^{the} applicant is present. An application for adjournment is made on behalf of respondents 1&2 on the ground that Dr. Dinesh ~~Sharma~~ ^{Chandra} Chandra, the learned counsel is out of station. It is said that he will be back on 12-3-91 of this month. The case may be listed for orders on 2-4-91. In the meantime the applicant may file rejoinder. Respondent No. 7 ^{has} has not been served for reasons indicated in the postal Deptt's report. The applicant will furnish the correct address of respondent no. 7 ^{within a week after which the office will issue notice} for the next date. The remaining respondents 3 to 6 are presumed served, they have not filed any reply. The case will proceed ex-parte against them.

A.M.

V.C.

Sd/

Sd/

// True Copy //

R.N.

AKD

Checked by

अदालत श्रीमान

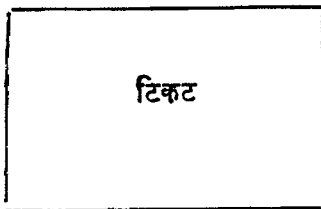
वादी अपीलान्त)

प्रतिवादी [रेस्पाडेन्ट]

17/8 महोदय

...का ...

वकालतनामा



टिकट

वादी (अपीलान्त)

Rama Kant Sharma, ... (प्रतिवादी रेस्पाडेन्ट)

मुकद्दमा नं० 406 सन् 1990 पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री ...

व ... वकील महोदय एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम लफ्फरी

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं उथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिमरी जारी करावें और रुपया वसूल करें या मुलहनामा व इकबाल बाबा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (करीबसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तुवती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही 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 अदम पैरवी में एक तरफ से खेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिद् यह वकालतनामा लिख दिया प्रमाण रहे और हस्त्य पर काम आवे ।

...

हस्ताक्षर ...

23.1.91

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... महिना ... सन् १९ ई०

स्वीकृत