

Particulars to be Examined

Endorsement as to result of examination

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
1. Are the application/duplicate copy/signed copies signed?	yes
2. Are there copies of the application with annexures filed?	yes
a) Identical with the Original?	yes
b) Defective?	yes
c) Missing in Annexures Nos. _____ pages Nos _____?	x
3. Are the file size envelopes bearing full addresses of the respondents filed?	N.A.
4. Are the given addresses the registered address?	yes
5. Do the names of the parties appear in the copies tally with those mentioned in the application?	yes
6. Are the translations certified or sworn or supported by an affidavit affirming that they are true?	N.A.
7. Are the grounds of the case mentioned in item no. 6 of the application?	New copy
8. Are the grounds distinct heads?	yes
9. Are they consecutively numbered?	yes
10. Are they in double space on one side of the paper?	yes
11. Are the particulars for interim relief prayed for indicated with figures?	yes
12. Are all the remedies have been exhausted?	yes

13/12/90

13 12 90

D. R.

Put up before the Hon

Bench on 9/1/91 for orders.

K. M. V. G.

2
cyu
13/12

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><i>OR</i> Notice of CP No 7 has been relax base</p> <p><i>OR</i> Notice of CP No 7 has been relax base with postal remark 4 amount 21000/- if add of 2000/- of 1000/- for current repd. Can have been relax base on behalf of other repd. S.F.O. 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 order relief be not granted. List for disposal of interim matter on 1.2.91.</p> <p>Sd/- A.M. Sd/- J.M.</p> <p>R.S.M.</p> <p>No sitting Adj to 4.2.91</p> <p><i>OR</i></p> <p>4.2.91 Hon. Mr. Justice K Nath & c. Hon. Mr. K. Obayya, AM. 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 Deptt. Respondents 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 order of appointment to show whether he was working as substitute or as an employee of the Deptt. Counsel for the applicant requests for an opportunity to file rejoinder for which he needs a week's 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>

OR
Notice of CP No 7
17/1/91

Notice of CP No 7 has been
relax base

No sitting Adj to 4.2.91

OR
Notices were issued
on 17/1/90

Notice of CP No 7
has been relax base
with postal remark 4
amount 21000/- if add
of 2000/-
of 1000/-
for current repd.
Can have been relax
base on behalf of
other repd.

S.F.O.
L
11/2/91

4.2.91
Hon. Mr. Justice K Nath & c.
Hon. Mr. K. Obayya, AM.
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
Deptt. Respondents 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 order
of appointment to show whether he was
working as substitute or as an
employee of the Deptt. Counsel for
the applicant requests for an opportunity
to file rejoinder for which he needs
a week's 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.

2

1.2.91

3

(L)

(DU)

5/3/91

Hon. Mr. Justice K. P. Singh, J.
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 noted 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 rejoinders. 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 parte against them.

[Signature]

[Signature] 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 covers have 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 14/3/91 S. P. C.

14/3/91

OR

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

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

21.10.91

No sitting adjourn to 18.10.91
↓

17.12.91 -

No sitting adj to 19.2.92

19.2.92

No sitting adj to 26.2.92
cf.

24.92

No sitting adj to 21.5.92
↓

21.5.92

Case not reached adj to
14.7.92

↓
Boe

CA 4061902
Gen. Manager
SFH
19/5

07

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.

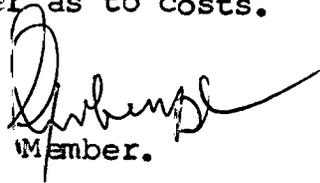
2. The respondents contended that there is no provision for regularisation of substitutes. The respondents 3 to 7 were sponsored from Employment Exchange and while making selection on the basis of merit no weightage was given for their engagement as substitutes. The applicant has no right for regularisation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

(42)

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 is 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/

(109)

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>
1.	Particular of the order against which the application is made	2
2.	Jurisdiction of the Tribunal .	2
3.	Limitation.	2
4.	Facts of the case.	3 to 5
5.	Grounds for relief with legal provisions.	5 to 7
6.	Details of the remedies exhausted.	7 to 8
7.	Matters not previously filed or pending with any other court.	8
8.	Relief sought.	8 to 9
9.	Interim order prayed.	9 to 10

(R)

<u>S.No.</u>	<u>Details of application.</u>	<u>Page Nos.</u>
10.	Annexure No. IV : Copy of communication from the Director General Posts and Telegraph, New Delhi, dated 20.10.1984.	
10.	Particulars of Postal order filed in respect of the application fee.	10
11.	Vaklatnama.	12

Pramod Kumar

(Counsel for the Applicant).

For use in Tribunal's Office.

Date of filing : (Signature for Registrar).

Registration No.

(111)

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

Registration No: 406 / 1971 (2)

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

Applicant

- Union of India, through
1. Lt Colonel, U.P. Circle, Lucknow-226001.
 2. Faqir Zak Achikhat, Lucknow, Madad, Lucknow-226007.
 3. Manoj Salvestara, Postman, Agra Vikas Post Office,
Lucknow. Pin-226017
 4. Tazab Singh, Postman, Mandiragar, Post Office,
Lucknow Pin-226011.
 5. Jagan Kumar Dubey, S/o. Krishna Kant Dubey, Postman,
C-School, Allahab, Post Office Bannh, Lucknow,
Pin-226005.
 6. Gulab Singh, S/o. Vijay Prasad Singh, Postman,
Allahab Post Office, Lucknow Pin-226005.
 7. Ajit Kumar, ^{Postman} Sarojnagar Post Office, Lucknow,
Pin-226008.

Respondents.

DETAILS OF APPLICATION.

11/01/71 21/11

Page 2.

AV2

Deputy Registrar
cyw?
13/12

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

Although the applicant is serving from 1980, with casual breaks, in Grade 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 lesser 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.

R
Hireel Holey
cyw
13.12.90

3. Limitations.

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

C
2/11 ch/c 2/11

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 5.1.1907. 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:-

Annexure No: A.I.

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.	Alambagh	15.11.85 to 23.12.85	39
7.	Post Office Lucknow	12.6.86 to 24.6.86	13

24/11/81 (C) 21/11/81

114

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	
16.	26-5-88 to 30-5-88	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 Nos A-III.	23. Mr. D. D. A. C. U. G.	5-7-89 to date.	149

Annexure Nos A-III.

Annexure Nos A-III.

Alambagh.

Post Office, Lucknow.

Total 696

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-III 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.,

रहित शिष्टाचार

contd.....

(A/S)

- 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

(A/B)

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 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 Red 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 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 Executive Order dated 7.

१२/११/९०

(A7)

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 cas of 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 4/1 2/1 2/1

A/B

3. Bideshak Dek Sovnyan, 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.

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 2 No: A-IV.

3
1912 2014 1984

(219)

(ii) This Hon'ble Tribunal may be pleased to direct Respondents No: 1 & 2 to favourably consider the case of the applicant for regularization 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

२५/११/२१

A20

Postmen, 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.

२५१ ५१८८ २५१

(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. Verdict.

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, 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,

The Registrar,

Hon'ble Central Administrative Tribunal, U.P.

Allahabad, Bench at Lucknow.

रामकान्त शर्मा

Signature of the Applicant.

Premod Kumar
A21

ब अदालत श्रीमान

महोदय

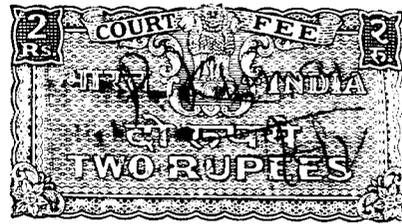
92

[वादी] अरीनाम्द

प्रतिवादी [रेस्पान्डेन्ट]

वकालतनामा

Application No. _____
 Rem Karit Karmine
 P.M.G. U.P. Circle
 Allahabad



बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा सन् पेशी को ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री ...
 श्री K. PRIVASTAVA, ADVOCATE वकील
 श्री PRAMOD KUMAR, ADVOCATE महोदय
 श्री C. P. PAL, ADVOCATE एडवोकेट

सदरतः (MIG-12, Aligarh, Jm. Court, Allahabad, Lucknow)

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिख देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरबी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षरसे दाखिल करें और तसदीक करें या मुकद्दमा 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 पंरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पंरबी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए वह बकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

नाम आदालत
 मुकद्दमा नं० नाम
 फरीकन

Accepted
 S.K. Saran

हस्ताक्षर रमाशान्त शिमा

Accepted
 Prakash Kumar

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 Bholu Khara , 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 ~~part~~ ^{part} of their complying
with the directions of the Director General, Posts
and Telegraphs Department , New Delhi , dated
20.10.1984 contained in annexure 1.

Deputy Registrar(U)

JKR
6/3/91

(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 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.

Handwritten notes: 3, 4, 5 with arrows pointing to the text.

(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."

Handwritten note: 2/11/91

(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 ^{Shah} 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...

241 011-01 21 811

(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 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

S-3-9
(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

~~contempt~~ 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,

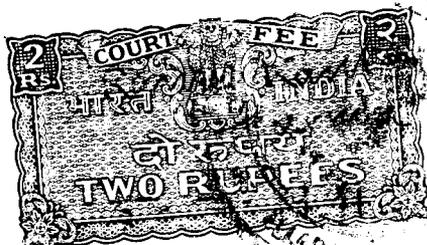
Counsel for the Applicant.

राम कुमार शर्मा

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

Affidavit
In

Criminal Misc. Case No. _____ of 1991.



1991
AFFIDAVIT
76
HIGH COURT
ALIHAHAD

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.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 ^{captioned} 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.

// True Copy //

R.N.

Sd/

V.C.

Central Administrative Tribunal
Lucknow Bench,
Lucknow

Typed by -

(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 ;
March 5, 1991.

Deponent

I identify the deponent who has signed before me.

S. K. Srivastava
Advocate.

Solemnly affirmed before me on 5-3-91 at 1st 1/2

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.

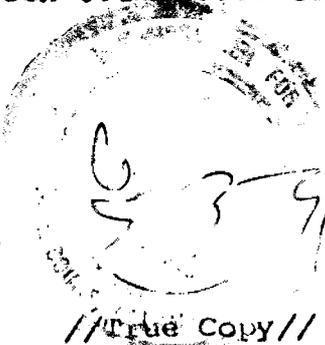
In compliance of order dated 4.2.91 the applicant has filed Supplementary Affidavit with a photo copy of Muster Roll. According to his affidavit ^{as per} E.D.A. Ram Kumar has appointed the applicant as his substitute since 5.7.90 and applicant continued to work as such. The photocopy of the Muster Roll contains entry 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 ^{the} 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} 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.

R.N.



Sd/

V.C.

Central Administrative Tribunal
Lucknow Bench,
Lucknow

1/11/91
1/11/91
1/11/91

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

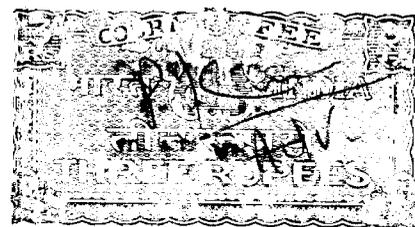
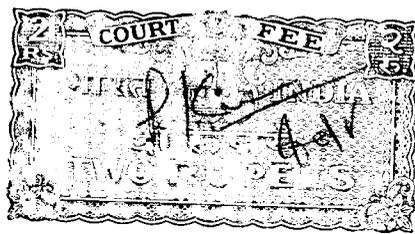
वदालत श्रीमान् महोदय

(वादी) अपीलान्त

..... श्री का
 प्रतिवादी रेषपाडेन्ट

वकालतनामा

Rumkant Sharma Applicant
 vs
 R. K. Mishra Opp Party



बनाम

प्रतिवादी रेषपाडेन्ट

नं० मुकदमा सन् पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से

SHRI PRAMOD KUMAR, ADVOCATE वकील
SHRI S. K. SRIVASTAVA, ADVOCATE महोदय एडवोकेट

नाम अदालत
 मुकदमा नं०
 फरीकन नाम

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 ज्ञात 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(L)

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 ^{year} ~~year~~ 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 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.

(*) 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. Obayya, 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

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. 8.8.91, 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 ^{Swv} 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

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.

Ramo Kant Sharma Applicant.

Versus

Sri R.K. Misra , 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, Ramo 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 abovesaid 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)

Sari 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 help of} 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 ~~is~~ of payment of allowances to applicant upto 31.1.91 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 hereafter 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

बालत नही/NOT INSURED

आधार नं./No. १५२३३
पत्रिका नं./No. ३/७

क्रमांक/No.

१५२३३

प्राप्तकर्ता/Receiver

पता/Addressed to

पत्रिका प्राप्तकर्ता/Signature of Receiving Officer



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.

INDEX

<u>S.No.</u>	<u>Details of application.</u>	<u>Page Nos.</u>
1.	Particular of the order against which the application is made	2
2.	Jurisdiction of the Tribunal .	2
3.	Limitation.	2
4.	Facts of the case.	3 to 5
5.	Grounds for relief with legal provisions.	5 to 7
6.	Details of the remedies exhausted.	7 to 8
7.	Matters not previously filed or pending with any other court.	8
8.	Relief sought.	8 to 9
9.	Interim order prayed.	9 to 10

<u>S.No.</u>	<u>Details of application.</u>	<u>Page Nos.</u>
10.	Annexure No. IV : Copy of communication from the Director General Posts and Telegraph, New Delhi, dated 23.10.1984.	
10	Particulars of Postal order filed in respect of the application fee.	10
11	Vakletnama.	

Pranod 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 ^{Nath} ~~Kumar~~ Sharma, R/o Bholu
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} Sarojnagar 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 Nos: 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.

(105)

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>
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.	3.81 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

Annexure No: A-I.

१५११ १५११ २१५१

contd...4.

DE

	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 30.5.88	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
--------	-----

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 कांत शर्मा

(107)

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:-

- (i) Sri Munoo 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 कांत 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 Gajinda 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 ~~most~~ 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.

(B9)

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 Dak 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 Sevayan, 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 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.

1011

(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

रहित वाच्य शिष्ट

(B12)

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.

रसा भोन्त शसत

(B13)

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.

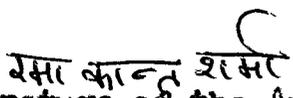
6. Vaklatnama.

VERIFICATION,

I, Rama Kant Sharma, S/o Jitendra Nath Sharma, aged about 25 years, working as Postman No: 16 in the office of Alambagh, Post Office, Lucknow resident of Moha 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,

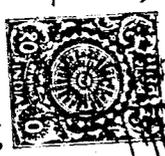
Hon'ble Central Administrative Tribunal, U.P.

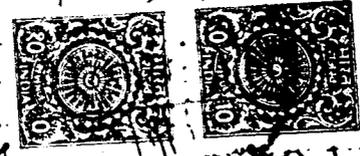
Allahabad, Bench at Lucknow.

BES

B-5

(ऊपरी ओर/REVERSE)

1	2	3	4	5	6	7
पीछे से छाया गया Brought Forward						
	1076 50		1076 50			
गुलाबजी सिंह 425 181 <u>607</u>	(607)		(607)			
रमाकांत शर्मा 425 181 <u>607</u>	607		607	21/90		
	(1677 50)		(1677 50)			
बीज/Total	2278 50		2278 50			
अनुपलब्ध न की गई बाकी रकम Amount remaining undisbursed						
की तर्जिब रकम Amount paid			2978 50			



Telephone
all
of 31-1-81
8 P.M.
A.C.
LUCKNOW

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

के लिए पास किया गया
 (बैंक/Figures) 1677-50 2278-50 (शब्द/Words) Two thousand two hundred and seventy eight and fifty
 के स्थापना/महगाई भत्ता बिल के प्राधिकार पर

.....
 (लेखा वा बिल बंदी/Accountant or BIL Clerk)

पदनाम के साथ हस्ताक्षर Postmaster (Gazetted)
 Signature with designation
 (पाने वाला अधिकारी/Drawing Officer)

.....
 197
 प्रमाणित किया जाता है कि ऊपर दिखाई गई अदा की गई रकम अर्थात् रुपये 2278-50 (शब्दों में) Two thousand two hundred and seventy eight and fifty
 अदा की गई हर रकम के सम्बन्ध में उक्त नाम के हकदार व्यक्ति से
 Certified that the amount as shown above has been paid in the presence of my representative and that a proper acquittance has been taken in respect of the amount paid in this Roll from the person entitled to receive it.

मनीवाइर कीहर का चिह्न यदि इसका प्रयोग
 होता हो तो पदनाम के अक्षरों के साथ ही
 प्रयोग करने के लिए।
 The stamp of the round 11 O. stamp or of the
 Drawing Officer of the paying office in the
 former is not used by the office.

पदनाम सहित हस्ताक्षर
 Signature with designation
 अदा करने वाले अधिकारी/Drawing Officer

B66

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.
O.A.No. 406 of 1990(L)

AFFIDAVIT

Rama Kant Sharma. Applicant.

Verus

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

B67

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, ~~Shri~~ 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

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

INDEX SHEET

CAUSE TITLE State of U.P. vs. [unclear] of 1991 (L)

NAME OF THE PARTIES _____

[unclear] Applicant

Versus

[unclear] & Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1	[unclear]	1
2	[unclear]	2
3	[unclear]	3
4	[unclear]	4
5	[unclear]	5
6	[unclear]	6
7	[unclear]	7
8	[unclear]	8
9	[unclear]	9
10	[unclear]	10
11	[unclear]	11
12	[unclear]	12
13	[unclear]	13
14	[unclear]	14
15	[unclear]	15
16	[unclear]	16
17	[unclear]	17
18	[unclear]	18
19	[unclear]	19
20	[unclear]	20
21	[unclear]	21
22	[unclear]	22
23	[unclear]	23
24	[unclear]	24
25	[unclear]	25
26	[unclear]	26
27	[unclear]	27
28	[unclear]	28
29	[unclear]	29
30	[unclear]	30
31	[unclear]	31
32	[unclear]	32
33	[unclear]	33
34	[unclear]	34
35	[unclear]	35
36	[unclear]	36
37	[unclear]	37
38	[unclear]	38
39	[unclear]	39
40	[unclear]	40
41	[unclear]	41
42	[unclear]	42
43	[unclear]	43
44	[unclear]	44
45	[unclear]	45
46	[unclear]	46
47	[unclear]	47
48	[unclear]	48
49	[unclear]	49
50	[unclear]	50
51	[unclear]	51
52	[unclear]	52
53	[unclear]	53
54	[unclear]	54
55	[unclear]	55
56	[unclear]	56
57	[unclear]	57
58	[unclear]	58
59	[unclear]	59
60	[unclear]	60
61	[unclear]	61
62	[unclear]	62
63	[unclear]	63
64	[unclear]	64
65	[unclear]	65
66	[unclear]	66
67	[unclear]	67
68	[unclear]	68
69	[unclear]	69
70	[unclear]	70
71	[unclear]	71
72	[unclear]	72
73	[unclear]	73
74	[unclear]	74
75	[unclear]	75
76	[unclear]	76
77	[unclear]	77
78	[unclear]	78
79	[unclear]	79
80	[unclear]	80
81	[unclear]	81
82	[unclear]	82
83	[unclear]	83
84	[unclear]	84
85	[unclear]	85
86	[unclear]	86
87	[unclear]	87
88	[unclear]	88
89	[unclear]	89
90	[unclear]	90
91	[unclear]	91
92	[unclear]	92
93	[unclear]	93
94	[unclear]	94
95	[unclear]	95
96	[unclear]	96
97	[unclear]	97
98	[unclear]	98
99	[unclear]	99
100	[unclear]	100

[unclear]
[unclear]
[unclear]

(W) [unclear] 19.7.91



ORDER SHEET

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

Contempt No. 12 OF 1991 CS

G Panwar Vs. A. J. S Uppe

Sl.No.	Date	Office report	Orders
		<p><u>OR</u></p> <p>4c for the affidavit has filed Contempt An. No 12/91(C) on 21.2.91 against the judgement dt-24.9.90 passed by Hon. Mr. Justice K Nalla v/c & Hon. Mr K Oberoi A.M.</p> <p>S. F O</p> <p>L 4/3/91</p>	



CONTEMPT PETITION NO. 12 OF 1991 (L).

Govind Parwani Applicant.

VERSUS

Shri A.J.S. Uppal and another Respondents.

INDEX

Sl. No.	Particulars	Page No.
1.	Application for contempt	1
2.	Affidavit	2 to 4
3.	Annexure No.-I. Photo copy of Hon'ble Tribunals order O.A. No. 199 of 1990 (L) dated 25.6.90.	5
4.	Annexure No. II. Photo copy of Hon'ble Tribunal order no. O.A. No. 199 of 1990 (L) dated 24.7.90.	6
5.	Annexure No.III. Photo copy of transfer order No.BLY-1(4)CCW/AIR/90-S/1966 dated 24.8.90.	7
6.	Annexure No.IV. Photo copy of applicant application dated 17.7.90	8
7.	Annexure No.V. Photo copy of applicant application dated 10.9.90	9
8.	Annexure No.VI. Photo copy of applicant application dated 23.10.90.	10
9.	Annexure No.VII. Photo copy of applicant application dated 6.11.90.	11
10.	Annexure N-o.VIII. Photo copy of applicant Application dated 11.1.91.	12

Govind
Applicant 21/2/91

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

12/2

CONTEMPT PETITION No. 12 OF 1991 (L)

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

VERSUS

1. Shri A.J.S. Uppa-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 Ba-i 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, the affidavit. Any other order which this Hon'ble Tribunal deems just and proper may also be passed.

Filed today
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 :-



1. That the applicant is the deponent in the above noted case and as such he is fully conversent with the facts of case.
2. 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 Parwani



- (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 ~~a copy No. III~~ ^{opposite party No. 2} with the opposite no. 2.
9. That in compliance of the orders of the Tribunal contained Annexure no. II, 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 ²the 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.

b
21/12

Pravine?
21/12/91
DEPONENT

4
2/3

****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 :

21.2.91

Govind
21/2/91
Deponent.

I identify the deponent who put his signature before me.

Suren P.
(SURENDRA P.)
ADV.

Solemnly affirmed before me
21.2.91 at
on 21.2.91 at Lucknow by the deponent
named above who is identified
by Sri Suren P., ADVOCATE
High Court, Lucknow.

I certify in
presence of the deponent
who understands its contents
which have been read out
and explained by me.

Suren P.
Notary Public,
H. No. 10, All India Radio,
Lucknow Branch.
No. 91
Date: 21.2.91

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH 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.

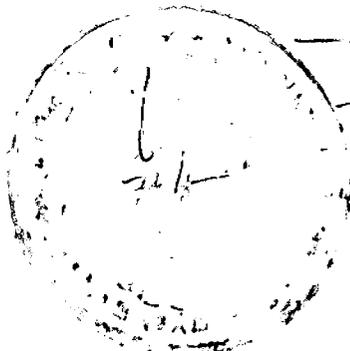
Sd/-
V.C.

// True Copy //

Checked
Sd/-
26/6/90

rm/

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



Govind

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

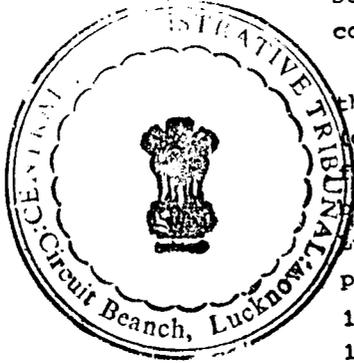
Govind Parwani ... Applicant
Vs.
Union of India & others ... Respondents

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
26/7

Attested
[Signature]

[Signature]



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

202

202

8
13
A/S

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

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.

Ground.
(Ganesh Parwani)
Clerk Grade-II
C. C. W., AIR,
Ducknow.

ALL
4057
212

Ground

-212-

Ground
17/7/90

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

FINNEXURE NO. V

3
13
15/5

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
(Anand Parwan)
Chief Clerk-II

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

ATC
202

(Signed) 6
21/6

अध्यात्म प्रतिष्ठान (विश्व),
 सिविल निगम एन्ड,
 आवाशवाणी,
 लखनऊ

APINE 2015 NO. VI
 10

विषय: श्रीमद वेतन साह पुन, पुनर्दि तथा अगस्त-90
 हेतु श्रमिका पत्र।

सहाय्य

शिर्षक ११ कि जैसे इस पत्र है पहले श्री रम
 पत्र दिनांक 10.9.90 के दिया था कि मैं दयानन्दशुभ
 अध्यात्म प्रतिष्ठान (विश्व), सिविल निगम एन्ड,
 आवाशवाणी, लखनऊ के कार्यालय है अध्यात्म
 अध्यात्म (विश्व), सिविल निगम एन्ड, आवाशवाणी
 कार्यालय में हुआ था तथा हमने वहां पर कार्य शर
 ग्रहण न करके रघुचन्द्र के न्याय हेतु गया था।
 रघुचन्द्र के आदेश संख्या OA-199 of 1990 (L)
 दिनांक 25.6.90 के अनुसार मैं प्रतिदिन पाल 10.00 बजे
 से सांघ 5.00 बजे तक कार्यालय अध्यात्म (विश्व)
 सिविल निगम एन्ड, आवाशवाणी, लखनऊ के कार्यालय
 में जाता रहा परन्तु उन्होंने मुझे न ही कोई कार्य दिया
 और न ही उपरोक्त पंजिका के मुझे हस्ताक्षर करने
 दिया उसके उपरान्त रघुचन्द्र के रघुचन्द्र
 संख्या OA-199 of 1990 (L) दिनांक 24.7.90 के
 अनुसार मुझे रम पंजीकृत पत्र संख्या BLY-1(10000/AIR
 90-3/1969 दिनांक 24.8.90 कार्यालय अध्यात्म (विश्व)
 कार्यालय द्वारा भेटी निवाह दयानन्द मुझे दिनांक 29.8.90
 को प्राप्त हुआ उस पत्र के उनके द्वारा मुझे आदेश
 दिया गया था कि मैं कार्यालय अध्यात्म (विश्व),
 सिविल निगम एन्ड, आवाशवाणी, लखनऊ के
 कार्यालय में मैं अपना कार्य शर ग्रहण करूं
 उन्हें मैं ~~करके~~ आदेश द्वारा मैंने अपने कार्यालय
 में कार्य शर दिनांक 29.8.90 को ग्रहण कर
 लिया था। उन्हें कार्यालय मैं मुझे साह पुन, पुनर्दि
 तथा अगस्त, 1990 का आधिक वेतन ~~करके~~ न ही दिया।

Receipt
 (K.K. Singh)

अतः आपसे अनुरोध है कि मुझे साह पुन,
 पुनर्दि तथा अगस्त, 1990 का आधिक वेतन
 दिनांक को दिया जाए।

दिनांक: 23.10.90

अग्रिम
 अध्यात्म
 (अधिकार पालिका)
 सिविल निगम - II

आपत्तियों के निवारण (विभाग),
सिखिरी सिखिरी हंदा,
कानपुर नगर,
उत्तर प्रदेश

ANNEXURE No. VII

11/11

विषय : शारीरिक वैनन माह जून, जुलाई तथा
अगस्त - 1990 हेतु प्रार्थना पत्र

सहाय्य,

जैसा कि मैंने अपने पत्र दिनांक 10.9.90 तथा
23.10.90 के माध्यम से आपकी अवकाश तथा अनुपस्थिति किया
था कि मुझे माह जून, जुलाई तथा अगस्त - 1990 का
शारीरिक वैनन प्राप्त नहीं हुआ है जिसकी दिलवायी जाय।

प्रति: इस पत्र के माध्यम माध्यम से मैं आपकी ध्यान
इस फ्रेट पुनः जासूसित करवा चाहता हूँ कि मैंने
उक्त तीन माह का वैनन वरीय अनुपस्थिति करवाये
की अंगीकृत किया की वहाँ कि इस वकती हुई अहंताई
की कारण मैंने अपना तथा अंगीकृत परिवार का
व्यय खर्चा का प्रत्यक्ष भुगतान ही गया है।

प्रति: आपकी आज्ञा सिद्ध है कि मुझे उक्त
तीन माह का मासिक वैनन पुराने दिनांक की प्रथा की
तालि मैंने किन्ना हीमा रथापालय का दरवाजा
वा खर्च खर्चा का पड़े।

शुक्रवार

गोविन्द

(गोविन्द पारवाणी)
कौशल श्रेणी-II

दिनांक : 06.11.90

Reel
11/11/90
(P.K. Singh)

217



Goverind

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 ~~parx~~ *unconcerningness* 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 Parwani

Govind
11/1/91
202

Govind

6
21/1

(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 Hola 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.

B/10

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 aforesaid 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
.....2

663

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. as 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.

824

(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 3 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.

..... 0. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15.

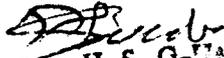
क्र.सं.	नाम व पता	जाति	आवेदन
1	2	3	4
1-	सर्वश्री राम जीवन गुप्ता, शांखा हाकमाल अडेसुवा, लखनऊ	अन्यजाति	उत्तर उपमंडल
2-	श्रीमती सखी श्रीकस्तद, शांखा हाकमाल आलमनगर, लखनऊ।	अन्यजाति	पश्चिमोत्तरमंडल
3-	सर्वश्री लक्ष्मण कुमार मिश्रा, बैकर, दिलकुशा, लखनऊ	अन्यजाति	चौक प्रधान हाकमाल लखनऊ
4-	चन्द्रभान सिंह, शांखा हाक पाल बाहर गाँव, लखनऊ	अन्यजाति	पूर्वोत्तरमंडल
5-	राम कुमार ई०डी० समझी० बाहर गाँव, लखनऊ।	अन्यजाति	उत्तरी उपमंडल
6-	विश्वाम्बर दयाल ई०डी०डी०२१० अर्जुनगंज, लखनऊ	अन्यजाति	दक्षिणी उपमंडल
7-	पुष्पा लाल मौर्य, ई०डी०स्टेम्पोडर नदवा, लखनऊ।	अन्यजाति	उत्तरी उपमंडल
8-	लक्ष्मी नरयण, ई०डी०डी०२२० बराह कला, लखनऊ	अन्यजाति	दक्षिणी उपमंडल तद्वैव
9-	कोटे लाल कुरील, शांखा हाकमाल माटी, लखनऊ।	तद्वैव	उत्तरी उपमंडल
10-	अमिन्दा, गलाद, ई०डी०जेकर गाजीपुर, लखनऊ	तद्वैव	उत्तरी उपमंडल
11-	महादेव प्रसाद मौर्य, ई०डी०जेकर नदवा, लखनऊ।	अन्यजाति	उत्तरी उपमंडल
12-	गया प्रसाद ई०डी०बी०पी०एम० रजौली, लखनऊ।	अन्यजाति	उत्तरी उपमंडल
13-	शिव कुमार घोरासिंह, ई०डी० लेटर बक्स मजिरी, लखनऊ	अन्यजाति	चौक प्रधान हाकमाल
14-	राम सुनही ई०डी०एस्०बी० आर्यानगर, लखनऊ	अन्यजाति	पूर्वोत्तरमंडल
15-	दानशंकर शंकर, ई०डी०जेकर सुन्दर जाग, लखनऊ।	अन्यजाति	पूर्वोत्तरमंडल
15-	सिखा राम सिंह, ई०डी०डी०२२० महोना, लखनऊ	अन्यजाति	दक्षिणी उपमंडल

(BSC)

Attendance Statement for the month
of Jan 21 of E.D.A Staff at Alambagh
R.O. Lucknow

- 1- Sri Gulab Singh 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 Pt. Prakash Kumar Duty full month
- 4- u Moti Lal
- 5- u Chhotey Singh S.D.S. Duty Full month

Attested


S.P.M. (H.S.G-III)
ALAMBAGH P.O.
LUCKNOW-226005

नं० 7/Corr-7

भारतीय डाक विभाग
DEPARTMENT OF POSTS INDIA

Annex - R-4

सेवा में

कार्यालय/Office of the

श्रीमान महायुक्तक अधीक्षक

दक्षिणी क्षेत्र लावन्नरु

(557)

महोदय,

निवेदन इस प्रकार है कि प्राचीन प्रवर

डाक अधीक्षक लावन्नरु के शापन संख्या

8।8।2।3। अप्रैल 20 दिनांक 26-11-90

के अनुसार विभागीय पीएच सेन परीक्षा में

सफल घोषित हुआ है तथा प्राचीन प्रवर

दिनांक 1-12-90 से 10 दिनों का प्रशिक्षण

प्राप्त करने जा रहा है अतः मैं अपनी

ई-डी.डी.प. के पद पर अपनी ज़ुम्मेदारी

पर दिनांक 6-7-90 से प्रत्यागमन

स्वीकृत (सर्वोत्थुट) श्री रमाकान्त

शर्मा की ज़ुम्मेदारी वापस लेता हूँ

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

राम कुमार

1-12-90

रुपया प्लेट उलटिया

(BSS)

Copy of Absentee Replacement of
Alam Singh PO XWS - for the
month of Dec 1990 in 2/EDE4

- 1- Sri Gulab Singh working on Vacant Post Vice SDDH Rank Kumar who has passed Firman Examination on Duty full month
- 2- Sri Ramakant Substitute working Vice Sri Gulab Singh. Only full month
- 3- Sri Om Prakash Smeed SDDH Duty full month
- 4- Sri Mittal - Duty full month
- 5- Sri Chhotey Singh SDDH Duty full month

Attended

[Signature]
S.P. H. B. G-11
ALAMBACH P.O.
LUCKNOW-226002

(BY)

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

- 1- Sri Isakali Singh = on duty full month
- 2- a Rama Kant
 (Vice Ram Kumar EDDA who is engaged as
 out Andy on Duty full month)
- 3- Sri Moti Lal. on Duty full month
- 4- a Sri Prakash Dinesh on Duty full month
- 5- a Chhotay Singh EDSV on Duty full month

H. C. K. S. S.

S.P.M. (4 S. G. II)
 ALAMBHIKPO
 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 Supt. 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.


(Dr. Dinesh Chandra)

Counsel for Applicant/Respondents.

2019

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

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

In

O.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.No, Lucknow Memo No.11-8/2/3/April,90 dt.25-11-90 (Annexure A-5). The above said Sri Ram Kumar was ordered to undergo ~~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.Suptd. of Post Offices, Lucknow that the vacancy caused by

Contd..2/-

// 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 vide P.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

Contd...3/-

BSI

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.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 w.o.p. 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 Manoj 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/-

BSS

// 5 //

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.

(33)

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 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 contents 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

(63)

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 Calend 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.

(B/W)

- 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 owing 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 S.D.A. A bare perusal of

BV2

Annexure A-VI clearly show that deponent was not substitute of Sri Gulab Singh for aforesaid period. It is stated that SriGulab Singh has no right to disengaged 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 affi avit 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 supplement

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~~ 31.1.91 on clear vacancy of B.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 PWS & NMS 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

845

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.

आलमबाग लावनक 5

वेदिका

आवनय निवेदन है कि शर्मा रामकुमार पाण्डे में
 मानक नगर आर. डी. एम. सो. लावनक 11 की
 रमाकान्त शर्मा की पूर्व मांती की तदनु
 पूर्ण 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 की त्यों रमाकान्त
 शर्मा को 1983 में जब तब में
 आलम बाग में साइट साइडी की है
 तो उसी रमाकान्त शर्मा की संपत्ति
 जगह, या पूर्ण जुम्मे दारी या कार्य
 करने के लिए प्रयोगाया है अतः उन्हें
 1-1-91 को 21-1-91 में ~~जहाँ-जहाँ~~ सागे
 जुम्मे दारी ले रहा है। तथा उनकी
 कार्य करने के आलमबाग में अनुमति
 प्रदान की जावे। साथ में मर्यादा
 है।

हः
 रमाकान्त शर्मा
 31-1-91

सापका
 रामकुमार पाण्डे
 नं. 3 मानक नगर
 मोर. डी. एम. सो.
 लावनक 11

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

X-83

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

DEPARTMENT OF LABOUR
To: RTI/2014-15/31/1911
Dated: 21/11/14 - 31.10.2014, 19/11/14

Order: U/5/91/89
Dated: 5/12/09.....

FOR EMPLOYER'S USE

13766

FOR 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, place give reasons
1	2	3	4	5	6	7
1	1. U/19196/07 <u>श्री. वसुदेव प्रसाद शर्मा श्री. रामचंद्र शर्मा</u> <u>पति श्री. रामचंद्र शर्मा एवं पत्नी श्री. रामकुशी, लखनऊ</u>	X01.10	X	-	5-5-64	
2	2. C/25260/09 <u>श्री. अशोक कुमार शर्मा</u> <u>श्री. अशोक कुमार शर्मा एवं पत्नी श्री. अशोक शर्मा</u>	X01.10	X	-	10-2-60	
3	3. U/4712/87 <u>श्री. अशोक कुमार शर्मा</u> <u>श्री. अशोक कुमार शर्मा एवं पत्नी श्री. अशोक शर्मा</u>	976.10	VIII	-	15-7-55	
4	4. U/1165/07 <u>श्री. अशोक कुमार शर्मा</u> <u>श्री. अशोक कुमार शर्मा एवं पत्नी श्री. अशोक शर्मा</u>	X02.10	VIII	-	10-10-60	
5	5. U/59/84 <u>श्री. अशोक कुमार शर्मा</u> <u>श्री. अशोक कुमार शर्मा एवं पत्नी श्री. अशोक शर्मा</u>	X02.10	VIII	-	19-1-60	
6	6. C/9735/09 <u>श्री. अशोक कुमार शर्मा</u> <u>श्री. अशोक कुमार शर्मा एवं पत्नी श्री. अशोक शर्मा</u>	X01.20	XII	-	5-6-66	
7	7. C/927/08 <u>श्री. अशोक कुमार शर्मा</u> <u>श्री. अशोक कुमार शर्मा एवं पत्नी श्री. अशोक शर्मा</u>	X01.20	XII	-	5-11-66	


 Director
 Directorate of Training and Employment
 Lucknow

13766
 5/12/09

13766
 5/12/09

(23)

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.

Handwritten marks

I, Chandra Prakash, aged about 35 years
son of Shri N.P. Sharma, 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

2.6
2

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

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.

T.C
h

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~~ as a contingent paid part time casual worker for very short spells and that too on jobs of casual nature. The applicant's

BZE

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.

26
↓

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

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:

Handwritten signature/initials

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.

DA-406/80

R. K. Sharma vs U.O. 18-8/80

125

एक्स-82

उत्तर प्रदेश शासन

प्रशिक्षण एवं सेवायोजन निदेशालय

धर्म विभाग

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

6057 ----- 6-11/87
संदर्भ संख्या-4/4-27/87

दिनांक-27-11-1987

महोदय,

आपके पत्र संख्या-2-34202/87 -----, दिनांक-2-10-87 के संदर्भ में,

जो ~~SD~~ ----- के रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उन

दीर्घ प्रत्यर्थियों की सूची की शालिका (दे. सं. 2/87) संलग्न की जाती है जिन्हें आपका नाम संश्लेषित

पदों में चुना गया है। चुनने के रई के अन्तर्गत शालिका के कॉलम 6 तथा 7 में

2 पदों की पूर्ति के लिए इस कार्यालय में सूचीबद्धों का कट्टा है। 27/11/87 27/11/87

साथ ही संख्या 25/10 या 27/2/87

भवदीय,

संलग्न-3 27/11/87 आयोजन अधिकारी

भवदीय,
सेवायोजन अधिकारी।
27/11/87

सेवा में- 27/11/87 518 अर्थी/87
27/11/87 518 अर्थी/87

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

Handwritten notes and signatures at the bottom of the page.

SA 406/90

Dr. R. 2

R.k. Shama vs. 1-1-89

(178)

(33)

एकस-82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
धर्म विभाग

टेलीफोन नं०- 50351

सेवायोजन कार्यालय

20/1/89

संदर्भ संख्या- 5/420/89

दिनांक- 1-1-1989

महोदय,

आपके पत्र संख्या 100/1/1989 के दिनांक 1-1-89 के संदर्भ में

जो 25.12 के रिक्त पदों की सूचना को ध्यान में है, इतना कि सार उक्त
योग्य अभ्यर्थियों के नाम की तालिका (दो प्रतिया) सारा की जाच है किन्तु आपसे प्राप्त उक्त
पदों के चुनाव हेतु जा रहा है। चुनाव करने के पश्चात् उक्त तालिका में उक्त पद संख्या
2 एवं 3 की प्रति का सेवा कार्यालय को लाने का कर्तव्य है।

भवदीय,

[Signature]
सेवायोजन अधिकारी।
निदेशालय

संलग्न- 6 अभ्यर्थियों की सूची

सेवा में- (1) 1/1/89, (2) 2/1/89,
3/1/89 (4) 4/1/89
5/1/89

पी 0 एस 0 यू 0 पी 0- ए 0 पी 0- 21 सेवायोजन 2-1-87- (2430) 1937-4,00,000 (हि०)

[Signature]
3/1

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

FOR EMPLOYER'S USE

To...
Dated...
D. no. ...

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	2	3	4	5	6	7
1	202863/87 [Name in Hindi]	X0120	Printer		17-10-54	
2	15760/82 [Name in Hindi]	X0120	Printer	PIC	15-4-61	
3	20256/89 [Name in Hindi]	X0120	Printer	ISIC	20-11-65	
4	20255/89 [Name in Hindi]	X0120	Printer		3-2-67	
5	7325/87 [Name in Hindi]	X0910	VIII		13-3-68	
6	161288 [Name in Hindi]	B71	Printer	BIC	14-10-61	
7	10410 [Name in Hindi]					

(Signature)
[Signature]

[Signature]
[Signature]
[Signature]

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

DEPARTMENT OF

FOR EMPLOYER'S USE

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

To: ...
 Dated: ...

11/05/90
 17/05/90

16895

FOR OFFICE USE

Serial no.	Registration number and name of applicant (with father's name, if necessary)	O. C. Code no.	No. of years of applicable experience	Date of application	Remarks, kindly state date, if not, please give reason
1	?	3			7
①	9/10472/90- जितेंद्र कुमार, पटेल, पुत्र- श्री बगारसी राम पटेल ग्राम- गौरी, पो- सरजनी नगर, वाराणसी	X01-10	एई एम्प्लॉय 5TH	10.10.70	
②	9/11408/88- राजा कुमार सिंह पुत्र श्री गिराज सिंह ग्राम- क- फोल्ड भांगसा, जलपाई	X01-10	एई एम्प्लॉय 1TH	11.7.70	
③	9/5707/86- चन्द्र माता गोमा, पुत्र- श्री राम बहाई गोमा, ९० श्री श्री राम गोमा, वाराणसी	X01-10	एई एम्प्लॉय 1TH	11.6.66	

3/5/90

...

...

GOVERNMENT OF UTTAR PRADESH

DIRECTORATE OF TRAINING AND EMPLOYMENT, U.P.

DEPARTMENT OF LABOUR

No. of applicants submitted on _____
 Sent under cover of letter no. X-82 dated 13/11/62
 To: ...
 Order No. 1422/62
 Date: 14/11/62

FOR EMPLOYER'S USE
 13232

X-83

1	2	3	4	5	6	7
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	JE/8088/88 श्रीमती सुशीला देवी, F722/मंगल मंगल, मंगल, मंगल	X01-10	XI		15-1-63	
2	C/214796/88 श्रीमती सुशीला देवी, F722/मंगल मंगल, मंगल, मंगल	X01-20	XII		20-4-70	
3	C/2022/79 श्रीमती सुशीला देवी, F525/मंगल मंगल, मंगल, मंगल	X01-10	XI		15-1-63	
4	C/55780/88 श्रीमती सुशीला देवी, F366/मंगल मंगल, मंगल, मंगल	X01-20	XII		1-1-55	
5	C/214796/88 श्रीमती सुशीला देवी, F722/मंगल मंगल, मंगल, मंगल	X02-10	VIII		0-12-62	

FOR EMPLOYER'S USE
 13232

R.K. Sharma 1/2 V.O. 100

R-5

एक्स-82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
श्रम विभाग

टेलीफोन नं० 50001

देशीय - सेवायोजन कार्यालय

लखनऊ

संदर्भ संख्या U/509/89

दिनांक 2/12/1989

महोदय,

ए/सी. डी. स्कूल दिनांक 21-11-89

E.D. Kaper आपके पत्र संख्या ... दिनांक ... के संदर्भ में, जो प्रभुत्वों के नाम की तालिका (दो प्रतियां) संलग्न की जाती है जिन्हें आपके पत्र संख्या ... 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 आदेश करें। कृपया कर्मचारियों को साक्षात्कार हेतु अपने स्तर से बुलाने का आदेश करें।

भवदीय,

संलग्न - 7 कर्मचारियों की सूची

सेवायोजन अधिकारी
लखनऊ

सेवा में
स्वा. सेवा, डा. कहीबाबा,
दमौली उप मण्डल, लखनऊ।

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

3.11

225001

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

214

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 N D E X

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

- ~~1. Application~~
- 1. Annexure No. I
Certificate of Service from 3.9.80 to 1.9.81 issued by Sub Post Master, Alarbagh, Post Office, Lucknow 1
- 2. Annexure No. II
Certificate of Service from 22.2.85 to 28.6.85 issued by Sub Post Master, Alarbagh, Post Office, Lucknow 2
- 3. Annexure No. III
Certificate of Service from 5.7.90 to date issued by Sub Post Master, Alarbagh, 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. V
Copy of representation of the applicant dated 26.1.80 addressed to the P.M.G., U.P. Circle, Lucknow, respondents 13&14 9

~~7. Annexure No. VI~~

रमा कान्त शर्मा
Signature of Applicant.

For use in Tribunal

Date of filing

Registration No.

Signature for Registrar

(3)
BUS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
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

Charbagh, Lucknow.

Handwritten signatures and stamps, including a circular stamp with text.

Handwritten signature at the bottom left.

True Copy
Pranod Kumar
Adv

2
Bk

THE CENTRAL ADMINISTRATIVE TRIBUNAL
L P ALLAHABAD BENCH AT LUCKNOW

Ramakant Sharma . . . VS . . . P M G. C. C. 2K0 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 12/8/86 with satisfactory.

I wish him success in his life.

POST MAN

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

March 26/3/ to 30/3/89

xxxxxx xxxxxx xxxxxxxx

April 1/4 to 30/4/88

May 1/5/ to 4/5/88 and 17/5/ to 21/5/88

June 21/6 to 30/6/88

July 17 to 19/7/88

25/7 to 25/8/87

S
26/8/87
Time Copy
Pranod Kumar
Adv

24/11/87

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

Ramakant Sharma vs P.M.C. U.P. Circle and others
Annexure No- A-IV

Handwritten notes:
All HSC/LSC/DO
OS/CI
10/1/85

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 classes (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 Writemen, 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.T. 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 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.

Handwritten notes:
True Copy
Pranesh Kumar
Adv.

Handwritten notes:
FC
2/1/81
24/1/81

In terms of our orders dated the 17th of July, 1979 the category of part time porters to be dispensed with in view of the above provisions may part time porters to be employed as...

5

B19

-: 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/SFB 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-SFB-I dated the 15th of April, 1969. These instructions were reiterated vide P&T. Directorate letter No.47/9/83-SFB-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 the number of full time casual employees. The number of years of service (240 days or more per year) will be taken into account. Employees will be considered according to length of service, the officer having more "Year of service" will be considered for absorption. In the case of part-time casual labour, the number of years of service will be taken into account.

True Copy

Contd...3/11

Pramod Kumar Adv

रहा था 21/11

- 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 of continous 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)

Watt/R-39/V/5

Dated at Lucknow the 11th Nov., 1984.

Copy forwarded for information and guidance to:-

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

} in UP. Circle.

14/12 P-140 142
21/11

True Copy
Pranod Kumar
Adv

320 (7)

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 workers 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 workers are required to be employed should be arranged by way of overtime, if necessary, to regular departmental staff. Interests of existing part-time casual workers and part-time contingency paid staff should, however be protected. In future there shall be no employment of part-time casual workers and part-time contingency paid staff, the employment of casual workers should be purely of casual nature. Regular posts should be sanctioned in all cases where casual workers 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

2/11/79 21/11

(B2)

(8)

22

Copy of letter No. 47-1/77-UB.I dated 10th August, 1977
from the Director General of Posts and Telegraphs, New Delhi,
to the Director General, Airs.

Sub:- Details of 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. 437/21-1/68 dated 13.12.1977 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-SPB.I dated 15.4.1979.

.....

True Copy
Pranod Kumar
HdV

24/11/77

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

Ramakant Sharma - vs - P.M.G. C.A.C. (L.K.) and O.S.

ANNEXURE - No - A - V

सेवा में,

श्रीमान पोस्ट मास्टर जनरल (पीएसपी.सय)

पू.पी. सीकिल - लखनऊ - १

विषय: - स्थानापन्न कर्मचारी के प्रतिष्ठान 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 मैन के पद पर कार्य कर चुका हूँ जिसे वारभाग, आलमबाग पोस्टमास्टर द्वारा प्रमाणित प्रमाण-पत्र सहित 24.10.88 को प्रतिवेदन प्रेषित डाक अधीक्षक लखनऊ को दे चुका हूँ। उसके बाद भी अनेक बार लिखित प्रतिवेदन दे चुका हूँ। मगर कार्यवाही नाम मात्र भी नहीं हुई है। 28.12.89 व 10.1.90 लिखित प्रतिवेदन बाईहेन्ड प्रेषित डाक अधीक्षक को दिया जो ए.एस. पी. 1 दिनांक को जाँच हेतु लिया मगर ए.एस.पी. पी. आर. शं.के. मिश्रा ने अभी तक नहीं दिया इसके अलावा उपर अधीक्षक ने ए.एस. पी. मिश्रा से 1.8.89 को वारभाग डाकघर का मेरा रिकार्ड माँगा, 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 मिला।
2. मेरा नाम पेदायोजन कार्यालय में आलमबाग डाकघर में टिकट विक्रेता 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 जम्हा पर सूचना पर कुल 20/13 दिनांक 20.10.84, ए-2/12 तथा ए-2/13 दिनांक 10.1.90 के तहत उत्तर दिया गया।

अतः श्रीमान मेरी मजदूरी सम्बन्धित कार्य दिलायें तथा मेरी ओर व्यक्तित्वगत कार्यवाही करने की कृपा करें।

उपरोक्त पत्र
संलग्न (3 तीनों)
कोर्टो हेतु कापी

Ru

24/11/90

कार्यालय चीफ पोस्टमास्टर जनरल
पू. प्र. परिभाजन, लखनऊ-226001

दिनांक 24/11/90

True Copy
Pranay Kumar
H/tv

रमाकान्त शर्मा पुत्र श्री स्व. जितेन्द्रनाथ
भोला उर्फ आलमबाग, लखनऊ।

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
2.	<u>Annexure No: A-I.</u> Certificate of service from 3-9-80 to 1-9-81 issued by Sub-Post Master, Charbagh, Post Office, Lucknow.	1
2.	<u>Annexure No: A-II.</u> Certificate of service from 22-2-85, to 28.6.89, issued by Sub-Post Master Alambagh, Post Office, Lucknow.	2
3.	<u>Annexure No: A-III .</u> Certificate of service from 5.7.90 to date issued by Sub-Post Master, Alambagh, Post Office, Lucknow.	3
4.	<u>Annexure No: IV.</u> Copy of communication from the Director General Posts and Telegraphs, New Delhi dated 20.10.84,	4-8
5.	<u>Annexure No: A-7.</u> 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.	

रम 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.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 odt 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.

A. K. B. Singh

15/11/85

11/11/85

रामा कान्त शर्मा

True Copy
Premod Kumar
AATV

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 outsider.

Sd/- Imgeble
SEAL 16/9/87

Shri Ramakant Sharma worked as J. Assistant (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

25/4 to 29/6/87

रमा कान्त शर्मा

True Copy
Promoted Kumar
Adv
Sd/-
26/9/87

~~12~~

(3)
A25

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

Ramakant Sharma vs. P.M.C. Circle, Khandoli.

ANNEXURE NO A-III

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

[Signature]
16/11/90
B.P.M. (H. S. G-11)
ALAM
11/11/90

Tone Copy
Premod Kumar
Adv

श्री रामकान्त शर्मा

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

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

Announcement No. A-IV

Handwritten notes:
11/11/79
Asst. Secy / SDI
All HSC/LSC
OS/CI
10/11/79

Copy of communication No. 20/73-SB-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-SB-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 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 to be dealt with in view of the above provisions as may be part time porters...

Handwritten signature:
True Copy
Pranod Kumar
11/11/79

रमा कान्त शर्मा

-: 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 casual 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-Ext.(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 vacant 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 continuing paid staff the total number of years of continuous service will be added to the number of years of full time casual employees. The number of years of service 240 days or more per year will be taken into account. There will be no regard given to length of service, the official will be given "Year of service" as stated above will be added to those who have less than a year of service. In the case of part-time casual labour, the number of years of service will include the full time period.

Contd.../1/

रमेश 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 aservice (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)

3000/R-39/V/5

Dated at Lucknow the 11th Nov., 1984.

Copy forwarded for information and guidance to:-

- 1- All DPs.
- 2- All SSPOs/SPO's
- 3- All SERMS/DRMS
- 4- All Supdt. of P.S.D.s
- 5- The Postmaster, Kanpur/Lucknow.
- 6- The Supdt. 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 Cir. Office, Lucknow.

[Faint handwritten notes]

रमा कान्त रमा

[Handwritten signature]
Pranod Kumar
ADY

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 avoided 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
Pranod Kumar
AV

रमा शान्त शर्मा

ABO (8)

22

Copy of letter No. 47-1/77 -P.H.I. dated 10th August, 1977
From the Director General of Posts and Telegraphs, New Delhi,
to the Director General, Airps.

Sub:- Treatment of 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. RCI/2-1/66 dated 12.12.1969 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. 16/5/62-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
Pranod Kumar
Adv

रमा शर्मा शर्मा

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

Ramakant Sharma - vs - P.M.G. Circle Lko and others
ANNEXURE - No - A - V

श्रीमान श्रीमान मास्टर जनरल (पीएसपी.सय)
प्र.पी.सिक्रीला - लखनऊ - १

विषय :- स्थानापन्न कर्मचारी के अतिरिक्त पर नियुक्ति के सम्बन्ध में उपमानना।

महोदय,

विनम्र निवेदन करता हूँ कि मैंने 3.9.80 से लेकर 28.6.89 तक लखनऊ विभाजन में विभिन्न डाकघर, चारबाग, आलमबाग में एल.वी. पियून व पोस्ट में के पद पर कार्य कर चुका हूँ जिसे चारबाग, आलमबाग पोस्टमास्टर चार-प्रमाण-पत्र मिति 24.10.88 को प्रतिवेदन प्रवर डाक अधीक लखनऊ को दे चुका हूँ। उसके बाद भी अनेक बार लिखित प्रतिवेदन दे चुका हूँ। मगर कार्यवाही नाम मात्र भी नहीं हुई है। 28.12.89 व 10.1.90 लिखित प्रतिवेदन बाईडेन्ड प्रवर डाक अधीक को दिया जो ए.एस. पी. 1 टिपिंग को जाँच हेतु लिखा मगर ए.एस.पी. श्री. आर. शंके.के. मिश्रा ने अभी तक नहीं दिया इसके अलावा प्रवर अधीक ने ए.एस. पी. मिश्रा से 1.8.89 को चारबाग डाकघर का मेरा रिकार्ड मँगा, वह भी नहीं दिया जिसमे पत्रित होता है कि आर.के. मिश्रा जानबूझ कर मेरे साथ अन्याय कर रहे हैं।

जेमे :-

- 24.10.88 के प्रतिवेदन का जवाब न मिलना।
- मेरा नाम पेदायोजन कार्यालय में आलमबाग डाकघर में क्लिक विक्रेता के पद हेतु नाम आया, मगर मेरी नियुक्ति नहीं की गयी।
- सन् 1980 का मैं कर्मचारी था तो आलमबाग, डाकघर में दूसरे जूनियर नियुक्ति की भर्ती क्यों कर दी गयी है।
- अपने-अपने आदमी सभी लगाते हैं, पुराने नियुक्ति को कोई कार्य नहीं दिया जा रहा है।
- लखनऊ 1 टिपिंग 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 मजबूरी समझकर कार्य दिलायें तथा मेरी ओर व्यथितगत कार्यवाही करने की कृपा करें।

श्रीमान श्रीमान मास्टर जनरल
प्र.पी.सिक्रीला - लखनऊ - १
दिनांक - 24/11/90

True Copy
Pranesh Kumar
श्रीमान श्रीमान मास्टर जनरल
प्र.पी.सिक्रीला - लखनऊ - १

कापीलिंग चीफ, पोस्टमास्टर जनरल
सं. प्र. परिमाण्डल, लखनऊ 226001
दिनांक - 24/11/90
रमाकान्त शर्मा पुन श्री सयुजितेन्द्रनाथ
श्रीमान श्रीमान मास्टर जनरल
प्र.पी.सिक्रीला - लखनऊ - १

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.

Filed today
Ramod Kumar
15.7.91

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 Eholia 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 :-

Filed today
15/7/91

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

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

राम कुमार की शिकायत

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, 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:

Dated: 15.7.91

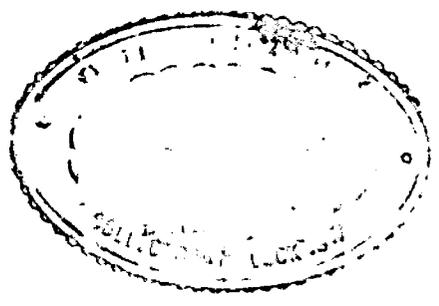
राम कान्त शर्मा
Deponent.

I identify the deponent who has signed before me.

Pramed Kumar
Advocate.

ASS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH
LUCKNOW



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

In

O... 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

31-1-91
Sent
Luch

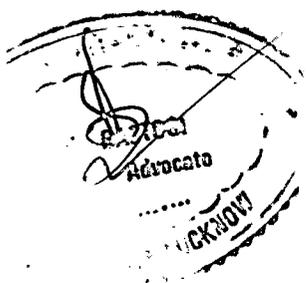
A37

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~~ as a contingent paid part time casual worker for very short spells and that too on jobs of casual nature. The applicant's



Wander
31.1.91

SECRET
4/2
Luzon 226001

A28

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 Annex P & F Extra Departmental Agent (Conduct & Service), Rules, 1964. The respondent No. 3 to 7 were thus appointed as fresh candidates.



X
31/1/91
9/2/91
Lucknow

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

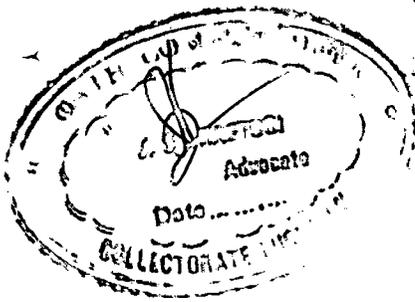
A329

and responsibility from time to time as is permissible under the provisions of S.D.A. (Conduct & Service) rules, 1964. The substitutes work on the sweet will of the concerned S.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. 220002

Lucknow

Dated: 31.1.91

Handwritten signature
31.1.91
Deponent
Lucknow Dist. 220002

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. 220002
.....6

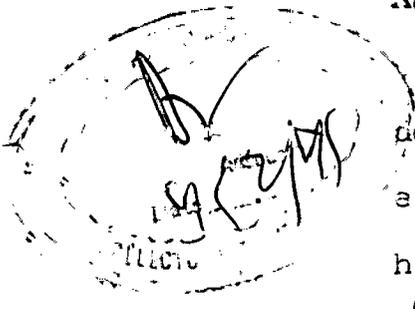
(Aero)

I identify the deponent who has signed before me.

J. Chandra
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 fully explained by me to him.



01/04/91
50/10/91
at _____
who is identified by Shri _____
clerk to _____
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been fully explained by me.
Fee Charge Rs. 1/- 1-00

J. S. Rastogi
Advocate, Nath Commission
Collector, _____

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

31/11/87 सेवायोजन कार्यालय

6051-11443

संदर्भ संख्या-4/457/87

दिनांक-11/11/1987

महोदय;

आपके पत्र संख्या-2-31102/87, 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 कॉलम 6 तथा मुद. संख्या
2 एवं 3 की पूर्ति करके इस कार्यालय को लौटाने का कष्ट करें।
लौटाने का कष्ट करें। गुप्तता अथवा 2/11/87

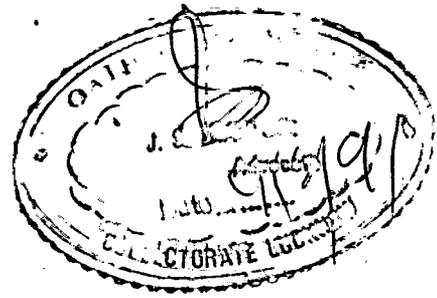
भवदीय,

सेवायोजन अधिकारी।
31/11/87

संलग्न-कुल 14 अभ्यर्थियों की सूची

सेवा में-सहायक डाक अधीक्षक
डाकघर, गौतमपुर

पी०एस० यू० पी०-ए० पी०-21 सेवायोजन 2-1-87- (2430)- 1987-4,00,000 (हि०)।



31/11/87
Handwritten notes and dates.

b.A 406/2

R-2

R.K. Sharma V/S b.o. 1 & 2

78

एक्स-82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
अस विभाग

टेलीफोन नं०- 50501 ----- 26/11/87 ----- सेवायोजन कार्यालय
----- 01/11/87 -----
संदर्भ संख्या- 5/420/87
दिनांक- 11/11/87

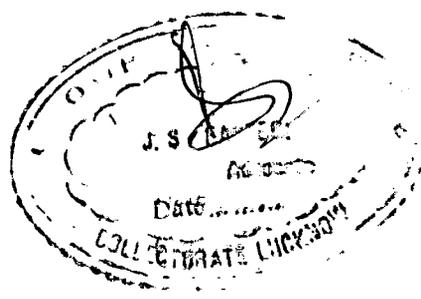
महोदय;
आपके पत्र संख्या No 5/219 टैलर/87, दिनांक- 1-11-87 के संदर्भ में
जो E.D.P. के रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उक्त
योग्य अभ्यर्थियों के नाम की तालिका (दो प्रतियां) संलग्न की जाती है जिन्हें आपके पास उपरोक्त
पदों के चुनाव हेतु भेजा गया है। चुनाव करने के पश्चात् तालिका के कॉलम 6 तथा पद संख्या
2 एवं 3 की पूर्ति करने इस कार्यालय को लौटाने का कष्ट करें।

भवदीय,

M. J. Singh
सेवायोजन अधिकारी।
01/11/87

संलग्न कुल 6 अभ्यर्थियों की सूची
सेवा में- (1) 14 पत्र, टैलर/87, पत्र,
516 डा. (ल/पत्र/3 (4) 11/87)
01/11/87

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



M. J. Singh
31/11/87

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

List of applicants submitted on
sent under cover of letter no. X-83

DEPARTMENT OF LABOUR
To...
Dated...
Order...
Dated...

FOR EMPLOYER'S USE

13212

FOR OFFICE USE		FOR EMPLOYER'S 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	2	3	4	5	6	7
1	9/22863/87 Vaidya B-511, 10/10/54	X0120	Printer	—	17-10-54	
2	15/760/82 10/10/54	X0120	Printer	B1C	15-9-61	
3	20256/89 10/10/54	X0120	Printer	B1C	20-11-65	
4	2225/89 10/10/54	X0120	Printer	—	30-8-67	
5	7825/87 10/10/54	X0210	VIII	—	13-3-68	
6	1612/88 10/10/54	B1C	Printer	B1C	14-10-61	
						(Please see serial 13212)

(Handwritten notes and signatures)

(Handwritten signature and date)

AUB

[Handwritten signature]

एक्स-82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
धर्म विभाग

टेलीफोन नं० ----- सेवायोजन कार्यालय
इलाहाबाद *लाहाबाद*

संदर्भ संख्या- *5/175790*

दिनांक- *27/5/1998*

महोदय,
आपके पत्र संख्या- *इ-सरोजनी नगर-331-21 मंगल-28*
इलाहाबाद; दिनांक- *4-6-98* के संदर्भ में,
जो- *3031 पंजाब* 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 परिसर में
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-हू आप आपनी*

सुविधा अनुसार, निम्न विधि का स्वयं उल्लेख
साक्षात्कार वाले।

भवदीय,
सेवायोजन अधिकारी।

संलग्न- *3-22 मेमोरेण्डम की सूची*

सेवा में- *सहायक उप आयुक्त,*
प्रशिक्षण उप स्वच्छ,
लाहाबाद

पी० एस्० यू० पी०-ए० पी०-21 सेवायोजन 2-1-87- (2430)- 1987-4,00,000 (हि०)

[Handwritten mark]

[Handwritten signature]
31

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

FOR EMPLOYER'S USE
16895

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

No. of applicants... 4/175/90
Dated... 27.6.70

Sl. no.	Registration number and name of applicant (with father's name, if necessary)	O. C. Code no.	Qualification, experience, etc.	Present employer	Date of birth	If en aged, kindly state if not, please give reason.
1	2	3	4	5	6	7
1	① 410472/90. जितेंद्र कुमार. पटेल, पुत्र- श्री बजराम साह पटेल ग्राम- गोरी, पो- सराजनी नगर, वाराणसी	X01.10	हाय स्कूल पास	—	10.10.70	
2	② 411408/88-भगत कुमार सिंह पुत्र श्री गीतग सिंह ग्राम-क-पोल: भागसा, वाराणसी	X01.10	हाय स्कूल पास	—	1.7.70	
3	③ 415809/86- राजू गोमा, पुत्र- श्री राध कड़ाई गोमा, 6/0 श्री टार नाग सोनी, वाराणसी	X01.10	हाय स्कूल पास	—	1.3.66	

3/2/70
31/11

31/11

31/11

वाराणसी
(30/11/70)
उत्तर प्रदेश सरकार, वाराणसी

4

एक्स- 82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
अम विभाग

टेलीफोन नं० 50801

क्षेत्रीय सेवायोजन कार्यालय

संदर्भ संख्या- 4/424/88

दिनांक- 4/11/1988

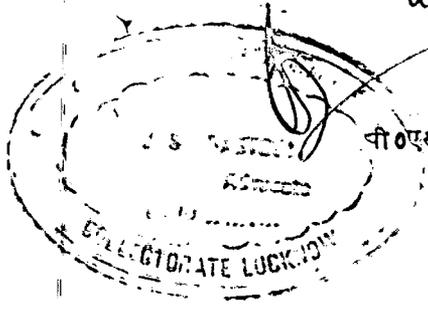
महोदय,

आपके पत्र संख्या- 2-आवा/विभा/आवा/दिनांक- 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 चुनने 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 आभारपूर्वक धन्यवाद।

भवदीय

सेवायोजन अधिकारी।
लखनऊ

संलग्न- 7 अभ्यर्थियों की सूची
तथा 1 अभ्यर्थी सुपरिटेण्डेंट आर्मा
पीएच आर्मा/सेवा लखनऊ वेएच



पी0एस0 यू0पी0-ए0पी0 21 सेवायोजन- 2-1-87-(2430)-1987-4,00,000(हि०)।

34
0

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

FOR EMPLOYER'S USE

Order No. 60/421/AF
Dated 14/11/63

To: ...
From: ...

List of applicants submitted on
Gent under cover of letter no. X-82 dated 17/11/63

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		3			6	7
2	सुन्दर श्रीवास्तव-सुन्दर राजेश्वर, F 722/आवा विद्याल, आवा, लखनऊ	X01-10	X		15-1-63	
3	C/24796/00 अमरक राम शिरो जगन्नाथ शर्मा, C/O श्रीमत् युगात् लोना शरणा मरी, एरिया गेज, लखनऊ	X01-20	XII		7-4-70	
4	C/20244/03 लाल लखनऊ श्री श्री अरुण, सी, ए-55-32	X01-10	X	1370	16-11-64	
5	वागीशी कुंज, लखनऊ Y/C/19060/07 राजेश्वर शिरो - F 525	X01-10	X		15-6-63	
6	मन्मथ शर्मा, लखनऊ C/1002/79 राजेश्वर शिरो-श्री गोपाल	X01-10	X		1-1-60	
7	F-7242-राजाजी कुंज, लखनऊ C/55707/00 जगदीश शिरो-श्री शिरो	X01-20	XII		1-1-65	
8	श्री शर्मा-दमाल शिरो, F 3665 राजाजी कुंज, लखनऊ	X02-10	XII		20-12-62	
9	पुष्पलाल शिरो, U/2103/04 श्रीवास्तव शिरो, 3456 राजाजी कुंज, लखनऊ शिरो शिरो-श्री शिरो					

13232

...

o.A. 406/5
R. K. Sharma 26.10.72

Sharma R-5

047

एक्स-82

उत्तर प्रदेश शासन
प्रशिक्षण एवं सेवायोजन निदेशालय
श्रम विभाग

डेलीफोन नं०-5000

देशीय-सेवायोजन कार्यालय

लखनऊ

संदर्भ संख्या. U/509/89

दिनांक- 2/12-1989

महोदय,

ए/सी. डी. स्कूल दिनांक 21-11-89

E.D. Kaper आपके पत्र संख्या... दिनांक... 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 आपने पत्र संख्या... के द्वारा हेतु भेजा गया है। चुनाव करने के पश्चात् तालिका के क्रम 6 तथा मद संख्या 2 एवं 3 की पूर्ति करके इस कार्यालय को लौटाने का आदेश करें। कृपया आभार प्रदर्शित करके साक्षात्कार हेतु अभ्यर्थी स्तर से बुलाए जाने का आदेश करें।

भवदीय,

संलग्न- 7 अभ्यर्थियों की सूची

सेवायोजन अधिकारी
लखनऊ

सेवा में- सहायक सचिव, कक्षा-3, दक्षिणी उप मण्डल, लखनऊ।

31/12/89

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 ON

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

श्री राम कान्त शर्मा

ASO

- 2 -

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

14/12/91
12/11/91
12/11/91

AS

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} ~~self~~ called substitute both have drawn their salaries in the month of January, 1991. It is necessary to point out ~~there~~ that substitute only

1/15/91
R. S. P. S.

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

1/12/90
20/1/91
31/1/91

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 regularisation. It is very strange that department has not bothered to appoint any one in clear vacancy of Sri

14/12/14
21/14/14

AS4

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

1/11/1972

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 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 ^{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 owing 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

1412
12-11-90
1412

ASG

Annexure A-VI clearly show that deponent was not substitute of Sri Gulab Singh for aforesaid period. It is stated that SriGulab Singh has no right to disengaged 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 untured to throw the deponent from employment.

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

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

457

~~Counter Affidavit~~ ^{and} ~~as follows~~ ~~is~~ ~~replied~~ ~~to~~ ~~in~~ ~~reply~~ ~~to~~ ~~the~~ ~~contents~~ ~~of~~ ~~para~~ ~~(4)~~ ~~of~~ ~~the~~ ~~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 Calender 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 calender 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.

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

14/12/91
12/11/91
14/11/91

ASB

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

14/12/2015
14/12

AS9

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:

[Handwritten signature]

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, help me God.

Lucknow:

[Handwritten signature]

Dated: 2-4-1991

Deponent.

I identify the deponent who has signed before me.

[Handwritten signature]
Advocate.

अनामें -

श्रीमान उपकार पाल

अलम बाग लावन्क ह

शिवजय विवक ह के प्राप्ति राय कुमार डी डी

पीर में अलम बाग लावन्क ह के विभाजन परीक्षा
 का ली है और प्राप्ति 1-12-90 में टाईग पा
 जा रहा है और अपनी जगह पर पूर्ण कुम्हार
 सहित श्री रामान्त शर्मा की व्यापक
 के लिए बना रहे है डाटा: आपस विनम्र
 के विवक ह के प्राप्ति की क विभाजन
 टाईग पा अर्जन की अनुमति प्रदान की
 जीव। अति महान रूपा करी।
 श्री

आपक

रामकुमार डी-डी-डी-डी

पीर में अलम बाग लावन्क ह

श्री रामान्त शर्मा

Date: 1-12-90

श्री रामान्त शर्मा

(A61)

श्रीमान

आवेज्य निवेदन है कि शर्मा रामकुमार पोस्ट में
मानक नगर आर. डी. एम. सो. लावनक 11 की
रमाकान्त शर्मा की पूर्व मां की लक्ष्मी
पूर्व कुम्भे वाली ले रहा है सो उनका
आलम बाग लावनक 5 में कोट न. 16
में कार्य करने के लिए अनुमति

प्रदान की जावे। ज्यों कि मैं रमाकान्त
शर्मा को 1983 में जब तब मैंने
आलम बाग में साइट साइडी की है
तो उस रमाकान्त शर्मा को अपनी
जगह पर पूर्ण कुम्भे वाली पर कार्य
करने के लिए प्रगाया है मतः उंह

1-1-99 को 21-1-91 में ~~रमाकान्त शर्मा~~ सागे
कुम्भे वाली ले रहा है। तथा उनका
कार्य करने के आलमबाग में अनुमति
प्रदान की जावे। साथे स्टार कृपा
इति

हः
रमाकान्त शर्मा
31-1-91
रमाकान्त शर्मा

सापका
रामकुमार पोस्ट में
जे. 3 मानक नगर
सो. डी. एम. सो.
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

R.H. Sharma

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.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....

2/11/91

AB4

(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.

AGG

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.

(Handwritten 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

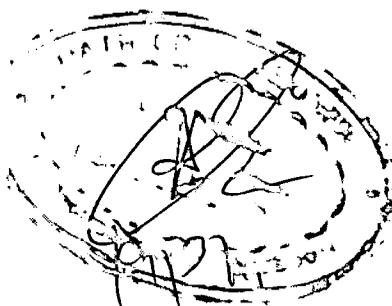
Sri Rama Kant Sharma worked as substitute of Sri Ram Kumar on his risk
and responsibility till 30-11-90. Sri Ram Kumar, E.D.D.A. was in the
meantime declared successful in Departmental Postman Examination vide
S.S.P.O's, Lucknow Memo No.B-8/2/3/April,90 dt.26-11-90 (Annexure R-5).

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
Sr. Suptd. of Post Offices
Lucknow - 226007

(A6)

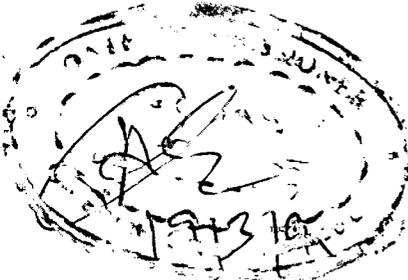
// 2 //

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 B)~~. 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/-



Ueckif

Serial Suptt. of Post Offices 4,
Lucknow Division-220001

AGY

// 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.

Used
 Senior Supt. of Post Offices
 Lucknow Division-220007

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

170

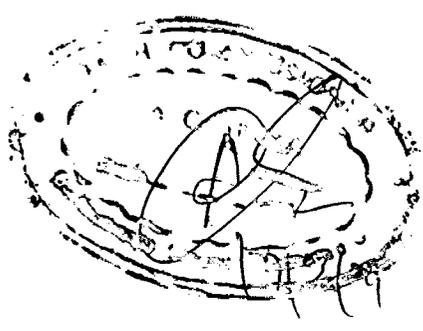
// 4 //

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
 Head, Dept. of Post Offices
 Lucknow Division-226007



Handwritten signature
 Deponent,
 Head, Dept. of Post Offices
 Lucknow Division-226007

// 5 //

VERIFICATION :-

I, the deponant 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; 19/2/23

Umesh

Deponant.

Secretary of Post Offices
Division-22007

I identify the deponant who has

signed before me.

J. G. ...

Advocate.

Umesh
Charan Prakash
D. Chaly
[Signature]
19/2/23

(A72)

Copy of the same certificate in the
month of Nov 1990 in respect of
at Alamkumar's house

- 1- In Lal Singh = on duty full month
- 2- in Ramakant
(Vice Ram Kumar EDDA who is engaged as out Adv on Duty full month
- 3- In Moti Lal on Duty full month
- 4- in Om Prakash Dinesh on Duty full month
- 5- in Chhotay Singh EDSV on Duty full month

Attested

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

Attested

Under
25/11/91
Section 5 of Act
P. District Division-226007



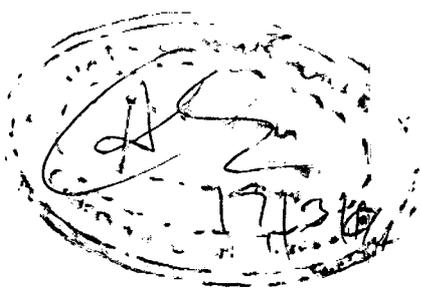
(A73)

Copy of Absentee Statement of
Hukum Singh P.O. in 1st Fortia
month of Dec 1990 in VICE/EDDA

- 1- Mr Gulab Singh working on vacant Post Vice EDDA Ram Kumar who has passed Text man Examination on Duty full month
- 2- Mr Romakant Substitute working Vice for Gulab Singh on Duty full month
- 3- Mr P. M. V. K. Singh S.D. on Duty full month
- 4- Mr M. S. Lal on Duty full month
- 5- Mr Chhotey Singh S.D.S.I.V on Duty full month

At Lucknow
 B.P.M. H. P. G-III
 A.C. HIGH P-3
 LUCKNOW-226005

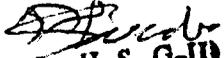
Witnessed
 (Signature)
 1990



(A74)

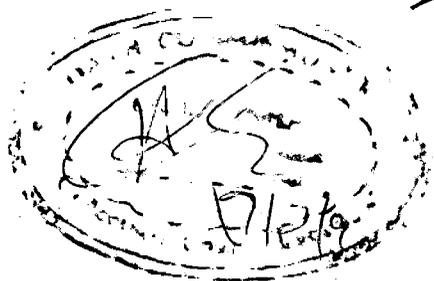
Absentee statement for the month
of Jan 91 of E.D.D.A Staff at Alambagh
PO Lucknow

- 1- Sri Gulab Singh working at Vacant Post Vice Rankman who has passed P.D. man 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 Chhotay Singh E.D.S.I.V Duty Full month

Attested

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

Received

 Secy to the Director of Post Offices
 Lucknow-226007



175

कार्यालय/Office of the

सर्वोच्च

समान सहायक डाक अधिकारी

दक्षिणी क्षेत्र लावनक

महोदय,

Amesbury

मिर्चक इश प्रचार के लिए प्रार्थना प्रवर

डाक अधीक्षक लावनक के शापक संख्या

8/8/2/3/अप्रील 20 दिनांक 26-11-90

के अनुसार विभागीय पोस्ट मैन परीक्षा के

सफल घोषित हुआ है तथा प्रार्थना प्रवर

दिनांक 1-12-90 से 10 दिनों का प्रशिक्षण

प्राप्त करने जा रहा है अतः मैं अपने

ई.डी.डी.प. के पद पर अपनी ज़ुम्मेदारी

पर दिनांक 6-12-90 से कर्तव्य ग्रहण

स्वकी धार (सपोस्ट्यूट) श्री रामकान्त

शर्मा की ज़ुम्मेदारी वापस लेता हूँ

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

राम कुमार

1-12-90

कृपया पृष्ठ उलटिए



Handwritten notes and scribbles at the top left.

भारतीय डाक विभाग

कार्यालय प्रवर डाक अधीक्षक, लखनऊ मंडल, लखनऊ-7

हापन संख्या बी-8/2/3/अंश 90 लख 0-7 26, नवम्बर 1990

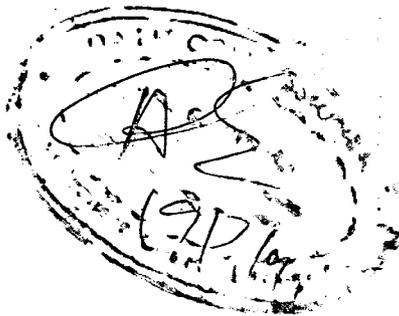
निम्न गुण डी व ई0डी0 कर्मचारी जो कि पोस्टमैन परीक्षा में सफल घोषित किये गये है उन्हें उनके नाम के समक्ष लिखी हुई यूनिट को आवंटित किया जाता है। संबंधित उपमंडलीय सहायक डाक अधीक्षक/ निरीक्षक डाक्टर तथा प्रमुख प्रधान डाक्टर इन अभ्यर्थियों का प्रशासन एवं अन्य औपचारिक कार्य पुरी होने के बाद नियुक्ति आदेश जारी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

यदि किसी ई0डी0 या गुण 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।

घयनित ई0डी0 कर्मचारियों को उसी डाक्टर के नियमित ई0डी0 कर्मचारी को घार्ज दिलाकर रिलीव कराया जाये। यदि ऐसा सम्भव न हो तो निकट के शाखा डाक्टर के नियमित कर्मचारी को घार्ज दिया जाय। आवश्यकानुसार 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 स0पी0स्त0	ओ0पी0	दक्षिण उपमंडल
2	8369242 श्री वीरेन्द्र सिंह स0पी0स्त0	ओ0पी0	दक्षिण उपमंडल
3	8370310 श्री अर0स्त0 मिश्रा, स0पी0स्त0	ओ0पी0	दक्षिण उपमंडल
4	8370344 शैयद मोहम्मद अहकरी स0पी0स्त0	ओ0पी0	दक्षिण उपमंडल
5	8370359 अग्रय कुमार सिंह, स0पी0स्त0	ओ0पी0	उत्तरी उपमंडल
6	8370360 राम स्वर्णधर, स0पी0स्त0	ओ0पी0	पूर्वी उपमंडल

Handwritten signature and initials at the bottom left.



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

Handwritten notes:
 1.
 24/4
 X
 24/12



A78

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.

x रामकुमार

Lucknow dated
April 26, 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
24/4/91

x रामकुमार
Deponent.

I identify the deponent who has signed before me.

Dr. S. S. Chandra
Assistant



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

7/1/91

79

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

Registration O.A. No. 4106 of 1990

No. CAT/Alld/Jud (17)
R. K. Sharma
.....

Applicant(s)

Versus

State of U.P.
.....

Respondent(s)

(Handwritten notes in Hindi)
केंद्रित सूची के अन्तर्गत श्री. राजेश कुमार सिंह -
वै. सं. 1/1/91 का अर्ज प्रमाणित किया गया।
अर्ज में उल्लिखित तथ्यों पर विचार करके
अर्ज को खारिज किया गया।

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 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)
Copy of Petition with court's order
दिए गए हैं।

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

17/8/91

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

Rama Kant Sharma Applicant
Versus
Union of India & Others Respondents

Hon'ble Mr. D.K. 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. It 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/-
..

copy //

R.S.M.

(M...
Sub-Commissioner
Lucknow
1991



Checked by

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 *17/11/91*
R.K. Sharma
.....

Applicant(s)

Versus

Union of India
.....

Respondent(s)

- 1) Union of India through I.P. Chandra Juckman
- 2) Pravar Dak Adhikshate - Ikar - Mandal Ikar
- 3) Munner Sureshwar Postman Aves Vides Post office Ikar
- 4) Rajat Singh Postman Mohan Nagar Post office Ikar
- 5) Anand Kumar Dubey Sr. Krishna Kant Dubey Postman K. School Alambigh Post office Ikar
- 6) Kishor Singh Sr. Raju Bhadr Singh Postman Alambigh Post office Ikar
- 7) Anand Singh Postman S. Nagar Post office Ikar

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 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 _____ Day of _____ 1990.

For Deputy Registrar
(Judicial)

Copy of Petition with court's order
all 9/11/91 passed that on

A
83

In the Central Administrative Tribunal 1 Allahabad

Lucknow Bench

M.P. No. 139/91/2,

G.A. No. 97 1991

S.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. 11. 91

Counsel for applicants

17/8

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

O.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 ^{affidavit} E.P.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 ~~is~~ of payment of allowances to applicant upto 31.12.91 and also ^{to} Gulab Singh. According to Dr. Dinesh Chandra for the respondents, the applicant was the substitute of Ram Kumar till 30.11.90 and thereafter he was a substitute of one Gulab Singh but ~~W.P. 12.91~~ 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 ^{reference} ~~view~~ of the record to be produced by the department. Counsel for the respondents will produce relevant record including ~~is~~ letters of appointment of substitute by Ram Kumar and Gulab Singh and list for orders on 5.3.91.

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 his.

Sd/

Sd/

.....

V.C.

//True Copy//

Typed by -

R.N.

Classified

19/11/91
17/2/91

Lu. Know Bench

C.A. No. 47 1991 (C)

... Plaintiff

... Applicant

...

... Respondents

... Respondents

Application for leave to file joint application

... Applicant to submit under :-

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

2- That the cause of action is one in the matter in which relief prayed is also one for all the applicants.

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

SUBMITTED

Dated:

Council for applicants

28/12

before the members
of
C. A T. Council
at Lucknow

- CA No. 106 of 1990 (1)
Sh. Ram Kant Sharma
vs
U.C.I. & others

Honble Sr.

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.I.

श्रीमान् श्री केशव
सहाय (दिल्ली)
1987. 8. 11
Lucknow : 1990

Handwritten notes at the top of the page, including "AP" and "Copy of..."

Handwritten word, possibly "dlesh".

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 19 day

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 2 day of 19 for

RESPONDENT(S)
VERSBS

APPLICANT(S)

REGISTRATION O.A. No. 1751 of 1971

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

Handwritten notes and signatures at the bottom left of the page.

Central Administrative Tribunal
Circuit Bench, Lucknow.

1/8

O.A.No. ⁴⁰⁶ ~~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, J.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 ~~Chandra~~ ^{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 no office will issue notice} 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.

J.M.

V.C.

Sd/

Sd/

// True Copy //

R.N.

ASD

Checked by

अदालत श्रीमान
(वादी अपीलान्त)
प्रतिवादी [रेस्पाडेन्ट]

A
48 महोदय

श्री..... का
.....

वकालतनामा

टिकट

वादी (अपीलान्त)

Rama Kunt Sharma / ... (प्रतिवादी रेस्पाडेन्ट)

मुकद्दमा नं. 406 सन् 1990 पेशी की ता. १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Dinesh Chandra
M. C. Pvt. Standing Counsel वकील
Lucknow महोदय एडवोकेट

नाम अदालत
मुकद्दमा नं.
नाम लफ्फेकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ 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 डिबरी जारी करावें और रुपया वसूल करे या मुलहनामा व इकबाल बाबा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (करीबसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिद् यह वकालतनामा लिख दिया प्रमाण रहे और इस्य पर काम आबे ।

[Handwritten signature]

हस्ताक्षर..... 23.11.91

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महिना सन् १६ ई०

स्वीकृत