

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 77/90 of 20.....

J.C. Pandey

Applicant(S)

Versus

U.O.-9.

Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

(41)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 CIVIL SERVICE, LUCKNOW

Registration No. 77 of 1990 (C)

APPLICANT(S) Dai Chander

REGISTRATION NO. 606

Particulars of examination

Endorsement as to result of examination

1. Is the applicant a citizen of India? Yes
2. Is the applicant a citizen of the State of Uttar Pradesh? Yes
3. Is the applicant a citizen of India? Yes
4. Have the applicant's details of the application been taken? Yes
5. Is the applicant a citizen of India? Yes
6. Is the applicant a citizen of India? Yes
7. a) Have the applicant's details of the application been taken? Yes
 b) Have the applicant's details of the application been taken? Yes
 c) Have the applicant's details of the application been taken? Yes
8. Has the applicant's details of the application been taken? Yes
9. Have the applicant's details of the application been taken? Yes
10. Is the applicant a citizen of India? No

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
Are the application/duplicate copy/spare copies signed ?	Y
Are extra copies of the application with Annexures filed ?	Y
a) Identical with the Original ?	
b) Defective ?	
c) Missing in Annexures	
Ans. _____ pages Nos _____ ?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	NO
14. Are the given address the registered address ?	Y
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	Y
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	NA
17. Are the facts of the case mentioned in item no. 6 of the application ?	Y
a) Concise ?	
b) Under distinct heads ?	
c) Numbered consecutively ?	
d) Typed in double space on one side of the paper ?	
18. Have the particulars for interim order prayed for indicated with reasons ?	Y
19. Whether all the remedies have been exhausted.	Y

Checked/

(A3)

8/3/90

Hon. Mr. J. P. Sharma, J.M.

The learned counsel for the respondent, Shri V.K. Choudhary, has taken notice, so, the matter has to be put up on 13/3/90, for orders on interim relief. The learned counsel for the respondent, Shri V.K. Choudhary, is indicating that, till 13/3/90, order will not be even effective. The ^{copy} of the order passed on the above ^{may} be given dash; to Shri H.K. Mishra, learned counsel for the applicant and to Shri V.K. Choudhary learned counsel for the respondent.

Received Copy of petition
for V.K. Choudhary

C/o G.M. Bursery

J.P.

13/3/90

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. K. Obayya, A.M.

S.P.A
L
12/3

Shri H.K. Mishra, for the applicant and Shri V.K. Choudhary, for the respondent are present. The case ^{has been} heard in ~~full~~ ^{at} length. Let the counter and rejoinder affidavits be exchanged.

~~Therefore~~, let counter affidavit be filed within 4 weeks and rejoinder affidavit, if any, within 2 weeks, there after. List it on 24/5/1990 for hearing

OR Case not admit.
Neither CA
nor RA have
been filed.
Submitted for
hearing as per order
dt. 13/3/90

A.M.

J.M.

(A)

C.A. 77/90 (C)

9.4.91
D.R.

Both the parties are absent today. Applicant did not file rejoinder till today. He is directed to file R.A. by 9.5.91.

9.5.91
D.R.

Applicant is present with counsel. He files rejoinder today.

C.A./R.A. have been exchanged. Case is to be listed on 26/6/91 for final hearing before the Hon. Bench.

26.6.91

Case not reached. Adj. to 2.7.91

Recd. Secy
D.P. Munn
C/O V.C. Chaudhary
11/7/91

Aug 1
11/7/91
Applicant

(AS)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.77 of 1990 (L)

J.C. Pandey Applicant

Versus

Union of India & Others Respondents

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

Hon.Mr. A.B.Gorthi, Member (A)

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

The applicant who was appointed as LDC(TA) on 13.2.89 on compassionate ground has prayed this Tribunal against the order dated 5.3.90 terminating his services.

2. The applicant's father was working in the Department of Telecommunication and died in service at the age of 30 years in the year 1970. The applicant passed the intermediate examination in the year 1986 and after attaining the age of 19 years he applied for being appointed in place of his father under the said Rule. The applicant was appointed as is evident from the letter dated 13.2.89 followed by formal order dated 16.2.89. The applicant's services were abruptly terminated vide impugned order ^{dt. 5.3.90} and the applicant's grievance is that the same has been done on some police report regarding pendency of the criminal case against him.

3. From the Counter Affidavit, it is seen that the services of the applicant has been terminated on the basis of the report received from the office of the District Magistrate regarding his character and antecedents. In the report it has been stated four court cases ~~as detailed below~~ are pending against the applicant

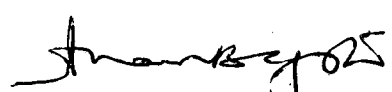
(P.F.)


and the cases pending against ^{Sections} ~~Art.~~ 379 IPC, 498A/120B IPC are involving moral turpitude and unless he is acquitted by the court, he is not fit for the Govt. service. The applicant has stated that it is absolutely wrong. It is totally wrong and false to state that four cases were pending against the applicant. The Supdt. of Police, Sultanpur has given certificate that one false case has been lodged against the applicant and which was found false and final report has been submitted on 26.2.86 and there was no case against the applicant at all. In one case, the applicant has been falsely implicated i.e. under Section 498A and 120B of the I.P.C. and in which he has also been acquitted by an order dated 10.4.91. The said case was started on the basis of a report ~~that~~ by one A.D. Chaubey ^{had} his sister Vidyawati was being harassed for not bringing sufficient dowry and an attempt was made by some of the family members including ~~by~~ the applicant to kill her but in that they did not succeed and later on after snatching all her belongings they ^{had} ~~thrown~~ ^{her} out of the house. Later on second marriage of her husband Harish Chandra appears to take place. From the facts it is obvious that only case which was pending against the applicant, he was acquitted. The applicant was appointed on compassionate ground. He was not asked to give details of any case which was pending against him. After the District Magistrate ^{report} regarding his character and antecedents he was not ^{report} called upon to explain or to verify its correctness. The termination order in these circumstances would be arbitrary and violative of natural justice. In these terms, the application

AP

- 3 -

is allowed and the termination order dated 5.3.90 is quashed and the applicant will be reinstated back in service without delay though he may not get salary for the impugned period but he will be deemed to be in continuous service. There will be no orders as to costs.


Member (A)


Vice Chairman

Dated the 3.7 July, 1991.

RKM

8-7-80

(A2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

O.A. NO. 77 OF 1990(L)

JAI CHANDRA PANDEY APPLICANT
VERSUS
Union of India and others Opposite parties

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Handwritten:
2/3/80

Presented by
(H.K. Misra)
M.A., LL.M.
Advocate
Counsel for the Petitioner

(AR)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL²CIRCUIT BENCH,
LUCKNOW

O.A. NO.⁷⁷...OF 1990(L)

8-3-90

Jai Chandra Pandey aged about 22 years son of
Late Sri Ham Achal Pandey, r/o ^{84/222} Katra Maqbool Ganj,
Lucknow

.....Applicant

Versus

1. Union of India, through the Secretary Ministry of
Communication, New Delhi
2. Deputy General Manager, Telecom, U.P., Hazaratganj,
Lucknow
3. Chief Accounts Officer (Telecom Accounts), Bhopal
House, Lucknow

..... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF CLAIM AGAINST WHICH APPLICATION IS MADE

Violation of Articles 14, 16 and 311(2) of the
Constitution of India and further violation of the
principles of natural justice in dismissing the
services of the petitioner ^{from the post of L.D.C.(T.A.)} on the ground of
secret inquiries and pendency of a case without
providing an opportunity of being heard and maintaining
a large number of juniors to the applicant in service
in the garb of innocuous termination order dated
5.3.90 while in reality it is dismissal order
and casts stigma on the petitioner and penalises him.
The true copy of ~~xxxxxx~~ the order dated 5.3.90
is Annexure no.1 to this application.

14/03/94

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the cause of action and subject matter of grievance lies within the jurisdiction of the Hon'ble 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 .

4. PARTICULARS OF THE CASE

(1) That the father of the applicant was working in the Department of Telecommunication and died in service at the age of 30 years in the year 1970 leaving behind the applicant , ~~his~~ sister of the applicant , mother of the applicant and grand mother of the applicant who were his dependent.

(2) That the applicant passed ~~the~~ examination in the year 1986 and became of 19 years age and made application for the ~~appointment~~ ^{appointment} in the Telecommunication Department giving benefit of the dying in harness rules .

(3) ~~T~~^hat after giving many reminders by letter dated 13.2.1989 , it has been decided that the petitioner be appointed to the post of L.D.C.(T.A.) after completing all the formalities. The ~~the~~ true copy of the order dated 13.2.1989 is Annexure no. 2 to this application .

(4) That by a letter dated 16.2.1989 by the office of the General Manager, Telecommunication , U.P., Lucknow , it was informed

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(A11)

that the petitioner was ~~appointed~~^{selected} for appointment to the post of L.D.C.(T.A.). The true copy of the letter dated 16.2.1989 is Annexure No. 3 to this application.

(5) That the opposite party no. 2 appointed the ~~app~~ applicant to the post of L.D.C.(T.A.) by a letter dated 13.4.1989. The true copy of the appointment letter dated 13.4.1989 is Annexure no. 4 to this application.

(6) That the applicant joined the services of L.D.C.(T.A.) on 13.4.1989. The true copy of the joining report dated 13.4.1989 is Annexure no. 5 to this application.

(7) That prior to the joining of the services one Smt. Vidyawati started a criminal case against her husband that he is demanding dowry from her and also complained against 7 other persons who are the relatives of the husband of Smt. Vidyawati that they are helping her husband in this illegal demand. The name of the ~~app~~ applicant was also included in this case and case is still pending before the Judicial Magistrate, Sultanpur.

(8) That the abovenoted false case has been started by Smt. Vidyawati against her husband and applicant and other persons were arrayed as accused in order to get rid of her own husband and to marry with other person and actually she has now been ~~married~~ married to other person.

(9) That the applicant has learnt that the services of the applicant has been terminated on the basis of complaints and police verification and on the ground

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(A/2)

that the abovenoted criminal case was pending investigation against the applicant in the Court of Judicial Magistrate, Sultanpur and till now no charge sheet has been filed and the police is investigating the case .

(10) That if the applicant might have ~~xxx~~ been given an opportunity of being heard he must have explained to the satisfaction of the authorities that there is no role of the applicant and the case is totally false and so it will soon be decalred by the competent court of law and in such circumstances terminating the serviees of the petitioner and depriving him from the lawful livelihood is highly unjust and compel to starve the family of ~~them~~ the petitioner and his father who are dependent on him after the death of his father who was in service of the department .

(11) That the conduct and work of the petitioner has ever been appreaciated by his superiors and no warning etc.. has ever been given to the petitioner .

(12) That the petitioner was on probation and the termination cannot be abruptly made on the basis of false cases without affording an opportunity of being heard to the applicant .

(13) That the applicant was on leave (casual) as he became ill on 5.3.1990 and these orders were passed in the back of he applicatnt and the applicant came to know about these orders through his colleague that these have been passed in the standard form but in reality these are punitive and impugned order has not

understand

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A12

been served on the applicant till now .

(14) That about ten junior persons to the applicant are being retained in service and the applicant is wrongly being discriminated and being penalised without any fault of his own. Sri Ram Chandra Awasthi, Sri Awadesh Nisad, Sri Arun Kumar, Sri Amar Nath Singh etc. who are junior to the applicant are being retained in service and the services of the applicant has been terminated stigmatically and without jurisdiction.

(15) That the termination order is not innocuous and simpliciter but is based on alleged misconduct of being involved in criminal case and is highly discriminatory and it is a fit case in which veil should be lifted and the records be called for and seen and the order be set aside .

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS

The applicant is filing this application amongst others on the following grounds:-

(i) Because the juniors to the applicant are being retained in service and thereby the Articles 14 and 16 of the Constitution of India have been violated ;

(ii) Because the impugned order has not been served on the applicant and it has been passed in the back of the applicant with undue haste and without affording an opportunity of being heard;

(iii) Because the principles of natural justice, equity and good conscience and established policy of service jurisprudence that the person working well should not be terminated on the basis of complaint or a false criminal case which demoralises the whole service and causes loss

5/11/84

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(14)

in long run to the services and feeling of own possession is destroyed which is the moving force of good services ;

(iii) Because during the period of service even a single warning has not been administered to the petitioner;

(iv) Because the order of the termination has been passed on the ground that criminal complaint in the Court of Judicial Magistrate Sultanpur is pending falsely alleging that he helped the main accused in pressing the demand for dowry;

(v) Because the provisions of Article 311(2) of the Constitution of India have been violated .

6. DETAILS OF THE REMEDIES EXHAUSTED :

That no ~~max~~ remedy is available departmentally against the order of termination and hence the applicant is directly approaching this Hon'ble Tribunal .

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 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.

11/11/2017

AIS 7

8. RELIEF SOUGHT

In view of the facts mentioned in para 4 above the applicant prays for the following reliefs :-

(1) the order dated 5.3.1990 contained in Annexure no.1 be quashed after summoning the original from the respondent no.2 and consequential reliefs of salary, etc. be provided ;

(2) any other relief or reliefs including the costs of case which this Hon'ble Tribunal deems proper and just be provided to the applicant .

9. INTERIM RELIEF IF ANY PRAYED FOR

Pending final decision on the application the applicant prays for the following interim relief :-

For the facts and circumstances mentioned above, it is necessary and just and balance of convenience lies in favour of the applicant that the operation and effect of the order dated 5.3.1990 contained in Annexure no.1 be stayed and the applicant be allowed to perform his duties regularly .

10. The applicant is presenting this application through his counsel Sri H.K.Misra , Advocate , B-1/40, Q Sector , Aliganj, Lucknow .

11. PARTICULARS OF POSTAL ORDER

No. 802409873 Dated 7.3.1990

High Court Bench , Lucknow

416

12. List of the Enclosures

1. True copy of the order dated 5.3.1990 terminating the ~~services~~ services of the applicant
2. Letter dated 13.2.1989 informing the ~~per~~ applicant that he will be appointed to the post L.D.C.(T.A.) under the ^Dying in Harness Rules
3. Letter dated 16.2.1989 ~~that~~ informing that the applicant has been selected to the post of L.D.C.(T.A.)
4. Appointment letter dated 13.4.1989
5. Joining report on the post of L.D.C.(R T.A.)

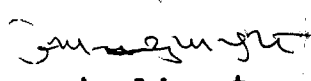
VERIFICATION

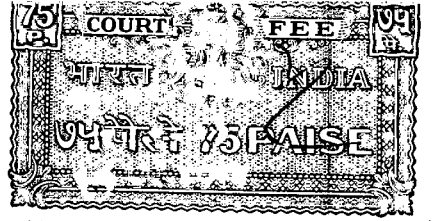
I, the abovenamed applicant do hereby verify that the contents of paras 1 to 4, 6, 7, 10, 11, 12 are true to ~~the~~ my personal knowledge and the contents of paras 5, ~~9x~~ 8, 9 are believed to be true on the basis of legal advice and nothing material ~~has~~ been concealed .

Signed and verified this

7th day of March, 1990 in Lucknow .

Lucknow
5.3.1990


Applicant



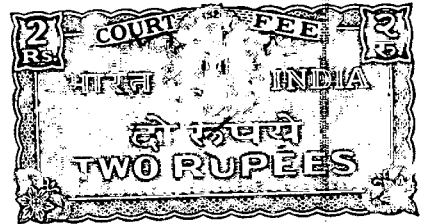
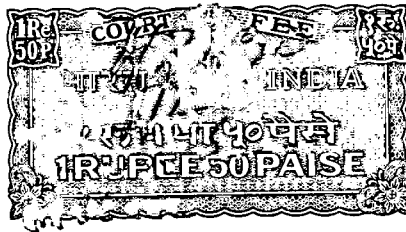
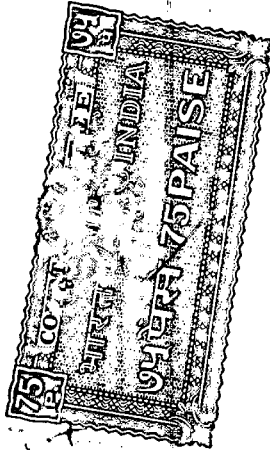
द अदालत श्रीमान

[वादी अपीलान्त]

प्रतिवादी [रेस्पाडेन्ट]

श्री *Central Police Station* का *वकील*

OP No. - - 1994/4



वनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

H. K. ...

व

वकील

महोदय

एडवोकेट

नाम अपीलकर्ता
मुकद्दमा नं०
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) करता हूं और लिखे देता हूं कि मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लीटावे या हजारी ओर से डिगरी जारी करावे और अपना लसूब करें या बुलहनावा व इकबाल दावा तथा अपील निगरानी हजारी ओर से हजारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई अपना जमा करे या हजारी दिपक्षी (फरीकसानी) का दाखिल किया हुआ अपना अपने या हजारे हस्ताक्षर युक्त (वस्तुस्थिति) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई यह सब कार्यवाही हजारी सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह इकालतनामा लिख दिया समाप्त रहे और समय पर काम आवे।

हस्ताक्षर *H. K. ...*

लाक्षी (गवाह) ... लाक्षी (गवाह) ...

बिदांत ... महीना ... सन् १६ ई०

एडवोकेट

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

O.A. NO.77.....of 1990(L)

Jai Chandra Pandey Applicant

Versus

Union of India and others Respondents

ANNEXURE NO.1

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE CHIEF GENERAL MANAGER TELECOMMUNICATIONS

U.P. CIRCLE, HAZARATGANJ, LUCKNOW -226001.

Memo No. Staff/375-EJ/6 Dated : 5.3.90

In pursuance of the Proviso to sub-rule (1) of the Central Civil Services (Temporary Service) Rules, 1965, I, J.K. Chhabra Dy. General Manager (Adm.) U.P. Circle, Lucknow hereby terminate forthwith the services of Sri Jai Chandra Pandey . L.D.C. and direct that he shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of notice at the same rates at which he was drawing them immediately before the termination of his service, or , as the case may be , for the period by which such notice falls short of one month .

Sd/- (J.K. Chhabra)
Dy. General Manager (Adm.)
U.P. Circle , Lucknow -226001

Copy to :-

1. The CAO(TA), Bhopal House , Lalbagh, Lucknow
2. The AO(Cash), C.O. Lucknow
3. The ADT(PP), C.O. Lucknow
4. Sri Jai Chandra Pandey, vill Pure Dutta Pandey, PO: Taithikpur , Distt. , Sultanpur
5. File No. Staff /M-72-1/LDC(TA)/6
6. Spare

Attested

Attested on the basis of standard
proforma and information

10

दूरसंचार विभाग
कार्यालय मुख्य महाप्रबन्धक दूरसंचार 3090 परिमंडल, लखनऊ

सेवा में

सहायक महाप्रबन्धक (अमाना)
कार्यालय 3090 परिमंडल, लखनऊ

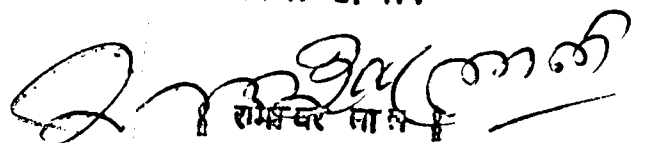
संख्या: स्तर्/सम-42/22/88/6

दिनांक 2.2.89

विषय: स्तर् नियमों में छूट देकर श्री एच.डी.सी.टी.ए. की राम अचल पाण्डेय के पुत्र
श्री जय चन्द्र पाण्डेय की नौकरी देने के बारे में।

भारत सरकार ने विशेष मायना समझे हुए तथा अनुकम्पा के आधार पर स्तर्
नियमों में छूट देकर श्री जय चन्द्र पाण्डेय को ग्रुप सी (एल.डी.सी.टी.ए.) पद
पर नियुक्त करने के लिए सहमत प्रदान की है उस महाप्रबन्धक ने तदर्थ इनको मुद्रा
दृष्टि कार्यालय में नियुक्ति की स्वीकृति प्रदा की है।

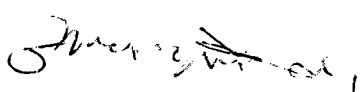
1. नियुक्ति से सम्बन्धित सभी औपचारिकताओं को पूरा कर लेने के बाद
नियुक्ति के लिए शीघ्र कार्यवाही करें।
2. उसके सभी शिष्टिक योग्यताओं से सम्बन्धित मूल प्रमाण पत्रों को नियुक्ति
देने से पहले नियमानुसार जांच लिया जाय और देख लिया जाय कि उम्मीदवार
उक्त संवर्ग में स्तर् हेतु निर्धारित शिष्टिक योग्यता रहता है।
3. सेवा पुस्तिका में इस बात का उल्लेख कर दिया जाय कि सम्बन्धित
व्यक्ति को सेवा नियमों में छूट देकर स्तर् किया गया है। इस पत्र का प्राधिकार
पत्र के रूप में सेवा पुस्तिका में दर्ज किया जाय।
4. नियुक्ति देते समय अनुमोदित उम्मीदवार से यह लिखा जाय कि वह लिखा जाय
कि वह मूलतः रम्याली के परिवार की स्त्री प्रकार देखावास करेगा।
5. दूरसंचार निदेशावली नई दिल्ली के पत्रांक 268-303/88-उत्पटीएन
दिनांक 19.1.89 से इस मामले में उम्मीदवार की नियुक्ति समय अधिकतम सीमा
में दी गई जाने का अनुमोदन प्रदान हुआ है।
इस पत्र की प्राप्ति के
6. अस्पर्ती की नियुक्ति एल.डी.सी.टी.ए. संवर्ग में हुई है अतः उसे
निर्धारित समय में ही टाईप टेस्ट परीक्षा उत्तीर्ण करनी होगी।


सहायक निदेशक दूरसंचार (स्तर्)

मुख्य महाप्रबन्धक दूरसंचार 3090 परिमंडल, लखनऊ

प्रतिलिपि :-

1. दूरसंचार मंडल अस्थिरता सेवावाद को सूचनाई
2. अतिरिक्त
3. स्तर् अनुभाग की प्राप्ति स्तर्/सम-42/स्टेटमेंट/1
4. श्री जय चन्द्र पाण्डेय पुत्र एच.डी.सी.टी.ए. की राम अचल पाण्डेय
ग्रुप पूरे दत्ता पाण्डेय, पीओ-तीर्थपुर जिला सुल्तान



In the Central Administrative Tribunal
for the State of Uttar Pradesh
Amritha Wagon

11

दूरसंचार विभाग

कार्यालय महाप्रबन्धक दूरसंचार, 30 प्र० परिमण्डल, लखनऊ-1

सेवा में,

श्री श्री चन्द्र पण्डित
श्री श्री दुर्गा पण्डित वी० तैदिकपुर
श्री० मुन्तासपुर

संख्या: अमला/ 375- ई०जे०/ 6

लखनऊ, दिनांक 16-2-1987

विषय: लखनऊ डी० ति० (सी० 100) के संवर्ग में नियुक्ति

मुझे यह सूचित करने का निदेश हुआ है कि उत्तर प्रदेश दूरसंचार परिमण्डल में संवर्ग में आपको नियुक्ति के लिए चुन लिया गया है। आपसे निवेदन है कि निम्नलिखित सूचनाएं तत्काल प्रस्तुत करें ताकि यह कार्यालय

संवर्ग में आपकी नियुक्ति कर सके।

- १॥ आपकी लम्बाई २॥ आपकी आंखों का रंग
२॥ आकृति ४॥ व्यक्तिगत शिनाखत के निशान

निम्नलिखित दस्तावेजों की मूल और उनकी सत्यापित प्रतियां प्रस्तुत करें:-

1. हाईस्कूल परीक्षा प्रमाण पत्र जिसमें जन्मतिथि अंकित हो
 2. उच्च योग्यताओं के प्रमाण पत्र यदि कोई हों
 3. यदि अनुसूचित जाति या अनुसूचित जनजाति के हों तो सक्षम प्राधिकारी का जाति प्रमाण पत्र मूलरूप में प्रस्तुत करें।
 4. खेलकूद संबंधी प्रमाण पत्र यदि कोई हों
 5. निर्धारित फार्म पर एक चरित्र प्रमाण पत्र जो जिलाधिकारी अथवा उप मण्डल मजिस्ट्रेट या उनसे उच्च अधिकारी द्वारा विधिपूर्वक सत्यापित होना चाहिए।
 6. मुख्य चिकित्साधिकारी का स्वास्थ्य प्रमाण पत्र निर्धारित फार्म पर, फार्म संलग्न है
- ३॥ तीन प्रतियों में संलग्न सत्यापन फार्म और घोषणा पत्र पूर्ण रूपेण भरें और ऊपर बताई गयी सूचनाओं/दस्तावेजों के साथ ये सत्यापन फार्म भेज दें।
- ४॥ संबंधित दस्तावेज/सूचनाएं पत्र प्राप्त होने के 10 दिन के अंदर इस कार्यालय में आ जानी चाहिए।
- ५॥ आपकी नियुक्ति उत्तर प्रदेश दूरसंचार परिमण्डल में कहीं भी की जा सकती है लेकिन आप अपनी पसंद के साथ वरीयता क्रम में बता सकते हैं।

संलग्नक-उपर्युक्त

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16/2
कृते महाप्रबन्धक दूरसंचार
उत्तर प्रदेश परिमण्डल, लखनऊ

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723-84
2-2-87

*In the Central Administrative Tribunal Lucknow
Shri Jai Chandra Pandey & Shri Chandra Pandey
Annexure No. 1*

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DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOMMUNICATIONS
U.P. CIRCLE, HAZRATGANJ, LUCKNOW - 226001.

Memo.No.Staff/375-EJ/6

Dated at Lw, the April 13, 1989.

Dy.General Manager Telecom., UP Circle, Lucknow is pleased to appoint Shri Jai Chandra Pandey as Lower Division Clerk (TA) in relaxation of recruitment rules in the office of the CAO(TA), Bhopal House, Lucknow in the pay scale of Rs.950-20-1150-EB-25-1500 with usual allowances with effect from the date he takes over charge.

Shri Jai Chandra Pandey should please note that his appointment as LDC(TA) is purely temporary and that it does not confer upon him any right for permanent or continued absorption in LDC(TA) cadre and that his services can be terminated at any time without assigning any reasons for notice and he is liable to serve any where within the jurisdiction of this Telecom. Circle.

The appointment of Shri Jai Chandra Pandey is also subject to the conditions that he will be required to pass an aptitude test within the period of probation before he is confirmed as LDC(TA) and also he will have to acquire a minimum speed of 30 words per minute in English typewriting and or 25 words per minute in Hindi typewriting with not more than 5% errors within a period of two years of his appointment and that he will not be eligible for drawing increment in the pay scale or for confirmation or quasi-permanency till he passes the aptitude test and typewriting test.

An undertaking to the effect that the official will maintain the livelihood of the family of the deceased, may be obtained and kept on record.

(J.K. Chhabra)
Dy. General Manager (Admn)
UP Circle, LUCKNOW-226001.

Copy to:-

1. The CAO(TA), Bhopal House, Lalbagh, Lucknow.
2. The AO(Cash), C.O. Lucknow.
3. The ADT(PP), C.O. Lucknow.
4. Shri Jai Chandra Pandey, Vill. Pure Dutta Pandey, PO: Taidhikpur, Distt. Sultanpur.
5. File No. STAFF/M-72-1/UDC(TA)/LDC(TA)/6
6. Spare.

Shri Jai Chandra Pandey

2. The Central Administrative Tribunal, Lucknow
Shri Jai Chandra Singh & Sons, Lucknow

Annexure/Warrant

कार्य-भार विभाग

कार्य-भार वित्तीय नियम पुस्तिका खण्ड-1, द्वितीय संस्करण का नियम 267

कार्य-भार रिपोर्ट

प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी जय-चंद्र पांडेय

पदनाम अवर वित्तीय अधिकारी मुख्य लेखाधिकारी (आ. वित्त) उ. प्र. में

ने दिनांक 13.4.84 पूर्वाह्न/अवसाह्न को लेखन के नाम पत्र संख्या

Stop P 375 E J/6 दिनांक 13.4.84 के अनुसार दिनांक से तक लेखन स्थान में अपना कार्य-भार छोड़ने/ग्रहण किया/सौंपा।

कार्य-भार मुक्त अधिकारी
Assistant Accounts Officer,
Telecom Accounts U.P. Circle,
Bhopal House, Lucknow-226001

जय-चंद्र पांडेय
कार्य-भार ग्रहण करने वाला अधिकारी

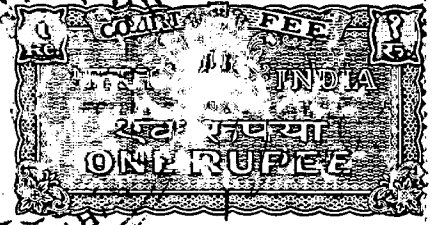
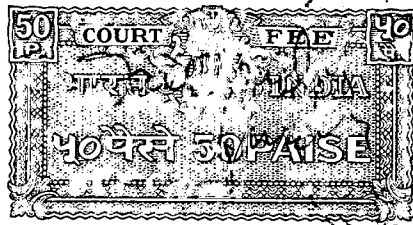
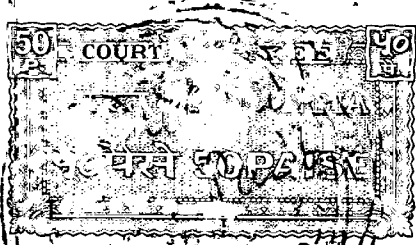
प्रतीति - दू. सी. ए. ओ. (टी. ए. ए.)

note that the appointee is confident to serve in the post assigned to him and that he is not a permanent employee and that he is not a permanent employee and that he is not a permanent employee

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO. 77/90 (S)



1001
AF/10/70
2-240

HIGH COURT
ALLAHABAD

Jai Chandra Pandey ...

Applicant

Versus

Union of India ...

Opposite Party

REJOINDER AFFIDAVIT ON BEHALF OF THE
APPLICANT

I, Jai Chandra Pandey, aged about ~~33~~ 22 years son of Sri Ram Achal Pandey, Resident of Katra Maqboolganj, Lucknow, do hereby solemnly affirm on oath and state as under :

1. That the deponent is the applicant as such he is well conversant with the facts deposed hereinunder :
2. That the contents of para 1 and 2 of the counter affidavit need no reply.

(H23)

3. That the contents of para 3 of the counter affidavit are not correct and those contents of para 1 of the application are reiterated to be correct.

4. That the contents of para 4 and 5 of the counter affidavit need no reply and the contents of para 2, 3, 4(i) to 4 (vi) are reiterated to be correct.

5. That the contents of para 6 are not correct as those are stated. The form was filled up as the authorities have directed to fill it up and the contents of para 4(vii) to 4 (viii) of the application are reiterated to be correct.

6. That the contents of para 7 of the counter affidavit are admitted, ~~and~~ the contents of para 4(ix) of the application are reiterated to be correct and hence the service of the petitioner have been terminated on the basis of wrong police report. It is totally wrong and false to state that four cases were pending against the petitioner. The Superintendent of Police, Sultanpur has given certificate that one false case has been lodged against the petitioner and which ~~was~~ was found false and final report has been submitted on 26.2.1986

ADW

- 3 -

and thus there was no case against the petitioner at all. In one case, the petitioner has been falsely implicated i.e. under section 498A and 120B I.P.C. and in which he has also been acquitted by an order dated 10.4.1991. Thus it is clear that a total wrong and false version has been given by the persons who were interested to injure the applicant if before passing the order of removal, the applicant might have been given an opportunity of ~~exam~~ explanation, he must surely have explained the same and the authorities must have come to the right conclusion that no case was pending against the petitioner.

In para 7 the respondents have themselves have admitted that the applicant may be a fit for the services if he is acquitted in the case u/s 498A and 120 B I.P.C. and in such circumstances, they must have waited for the result of the criminal case. It is basic and fundamental rule that until and unless decision has been given by the Criminal court no one can be presumed to be guilty and every one must be presumed to be innocent and in such circumstances, the services of the applicant should not have been terminated untill and unless the result of the criminal case



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might have been seen. The criminal court has decided that the applicant has been not found guilty in the case u/s 498A and 120B I.P.C., 3/4 Dahej Nivaran Adhiniyam and ordered as follows :-

"Aadesh - Abhiyuktgan Harish Chandra Pandey, Ram ~~Rxxxxx~~ Pratap, Ram Bahadur Pandey, Amar Nath, Jai Chandra, Lalita, Sri Krishna Va RamPal ko Bhartiya Dand ki dhara 498A Va dhara 3/4 Dahej Nivaran Adhiniyam key antargat aaropit arope se doshmukt kiya jata hai . Vey jamanat par hai ~~xx~~ unkey bandhpatra nirast evam pratibhugan unmochit kiye jate hai"

Sd/- S.P.Singh
Mukhya Nyayayik Magistrate
Sultanpur + 10.4.1991"

7. That it is a ~~xxxx~~ settled law that rights of the man should not be jeopardised without giving an opportunity of being heard. This Hon'ble Tribunal in the case of M.Venkaiah Vs. Union of India and others (1989) 11 ATC 96 at page 99 observed :-

"We are of the opinion that in modification and cancellation of a final order which visits the Government employee, ~~xxxx~~ can be passed only after affording him an opportunity to represent

1426

his case by giving him due notice for the same.

We would like in this context to cite the Supreme Court judgment in H.L.Trehan Vs. Union of India (1989) 9 AT& 650. It has been held therein :

"That there can be no deprivation or curtailment of any existing right, advantage or benefit enjoyed by government servant without applying that the rules of natural justice by giving the government servant an opportunity of being heard. Any arbitrary or whimsical exercise of power prejudicially affecting the existing conditions of service of the government servant will offend against the provisions of article 14"of the

The Supreme Court in the case of H.L.Trehan Vs. Union of India and others (1989) 9ATC 650 observed that "It is well established principle of law that there can be no deprivation or curtailment against any existing right, advantage or benefit enjoyed by a government servant without applying with the rules of natural justice by giving the government servant concerned an opportunity of being heard. Any arbitrary whimsical exercise of power prejudicially affecting the existing conditions of service of a government servant will affect against the provisions of article 14 of the constitution..... in our opinion, the post

1429

decisional opportunity of hearing does not subserve the rules of natural justice. The authority who embarks upon the post decisional hearing will naturally proceed with a close mind and there is hardly ~~of~~ giving proper consideration of the representation at such a post decisional opportunity....."

Any complaint or any false case can be lodged against any person only on the basis of such false complaints or criminal cases if a man is thrown away on the street and ~~has~~ his livelihood is snatched then it will be highly unjust, improper and violative of principles of natural justice, equity, good conscience and further violative of article 14 of the Constitution of India.

8. That the contents of para 8 of the counter affidavit are incorrect specially in view of the ~~recent~~ recent decisions and further only for the sake of justice and for coming to a right conclusion it is necessary that the opportunity of being heard must be given. If ~~an~~ in the present case, the opportunity of being heard might have been given the applicant would surely have satisfied the authorities that nothing like 4 cases were existing against the petitioner. The contents of para 4

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(x) of the application are reiterated to be correct.

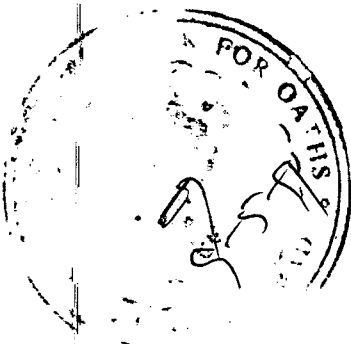
9. That the contents of para 9 of the counter affidavit are incorrect and the contents of para 4(xi) and 4(xii) of the application are reiterated to be correct. The respondents have wrongly removed the services of the applicant.

10. That the contents of para 10 of the counter affidavit need no reply and the contents of para 4(xiii) of the application are reiterated to be correct.

11. That the contents of para 11 of the counter affidavit are incorrect and the contents of para 4 (xv) of the application are reiterated to be correct. It was the duty of the respondents to give an opportunity of hearing to the applicant and without that great injustice has been caused with the petitioner.

12. That the contents of para 12 of the counter affidavit are incorrect and hence denied and the contents of para 5 of the application are reiterated to be correct.

13. That the contents of para 6 and 7 of the application are reiterated to be correct and the contents of para 13 of the counter affidavit are



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A201

not correct and hence denied.

14. That the contents of para 14 of the counter affidavit are wrong false and hence denied. The application is liable to be allowed with cost.

15. That the contents of para 9 to 12 of the application have not been denied and hence these stand admitted and the contents of para 15 of the counter affidavit need no reply.

16. That the contents of para 16 need no reply.

17. That the contents of para 17 of the counter affidavit are not correct and the contents of para 13 of the application are reiterated to be correct.

Lucknow: *L*

[Signature]
Deponent

Dated : 9-5-91

VERIFICATION

I, the abovenamed deponent, do hereby verify that the contents of paras 1 to 17 of the Rejoinder affidavit are true to my personal knowledge nothing material has been concealed, so help me God.

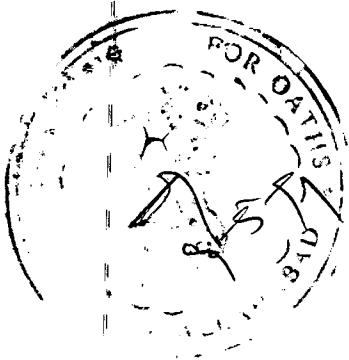
Lucknow:

Deponent *[Signature]*

Dated : 9-5-91 *L*

Personally Known
I identify the deponent who has signed before me.

[Signature]
Advocate.



[Signature]

Report of CAT Circuit Breakdown

Case No. 77 of 1990

Jai Chandra Prasad V. Union of India

Annexure No. 16

Page No. 1

1. The first part of the report is devoted to the description of the facts of the case. It is stated that the respondent, Union of India, is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, which was signed at Geneva on 7th March 1948 and entered into force on 4th January 1969. The respondent is also a party to the Indian Constitution, which guarantees equality of treatment to all citizens. It is further stated that the respondent has a duty to ensure that its laws and policies do not discriminate on the basis of race or caste.

2. The second part of the report is devoted to the description of the facts of the case. It is stated that the respondent, Union of India, is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, which was signed at Geneva on 7th March 1948 and entered into force on 4th January 1969. The respondent is also a party to the Indian Constitution, which guarantees equality of treatment to all citizens. It is further stated that the respondent has a duty to ensure that its laws and policies do not discriminate on the basis of race or caste.

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17/1/90
Y. S. Chandra Prasad
Sunderbhar
17/1/90

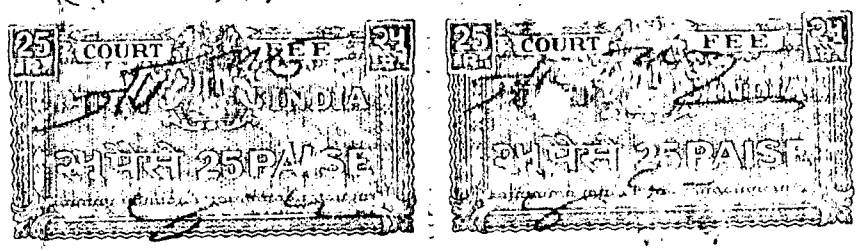


2-5-90

Before the CAT, Circuit Bench, District
 No. 77 of 1990
 For Child Protection Commission
 Announcements 7-

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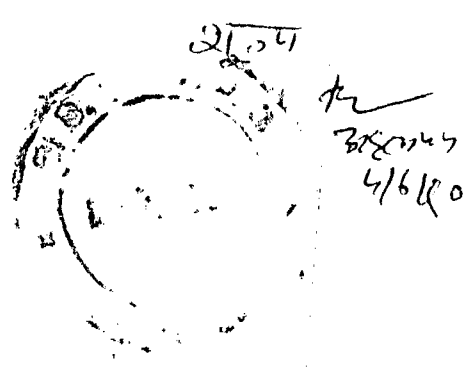
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1. ... 1990/1991

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Dr. Anand...

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S.D.M.
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 4/6/90

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Before the CAT Circuit Bench, Lucknow

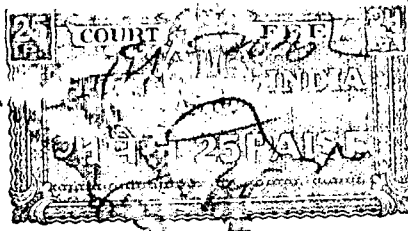
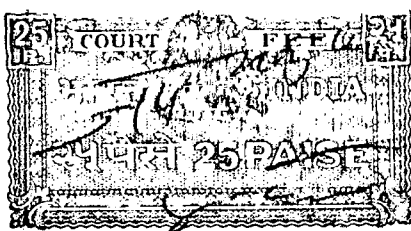
Case No 77 of 1990

For Cancellation of Registration

Answer No 8

ASD

आप-जन्डे कोर्ट का मुकदमा नं. 77/1990



मुकदमा नं. 77

2-0-50

आप-जन्डे कोर्ट का मुकदमा नं. 77/1990
समाप्त हो चुका है।
आप-जन्डे कोर्ट का मुकदमा नं. 77/1990
समाप्त हो चुका है।
आप-जन्डे कोर्ट का मुकदमा नं. 77/1990
समाप्त हो चुका है।

उत्तर

उत्तर

उत्तर

1. न्याय के अन्तर्गत 43/87

अन्तर्गत आदेश 116 आदेशों
में से प्रत्येक के विरुद्ध
आप-जन्डे कोर्ट में चलाया
गया है (विचारधीन) है।

Cr. Ahmed

S.D.M (M)
04/01/90



आप-जन्डे कोर्ट

आप-जन्डे कोर्ट का मुकदमा नं. 77/1990
समाप्त हो चुका है।
आप-जन्डे कोर्ट का मुकदमा नं. 77/1990
समाप्त हो चुका है।
आप-जन्डे कोर्ट का मुकदमा नं. 77/1990
समाप्त हो चुका है।

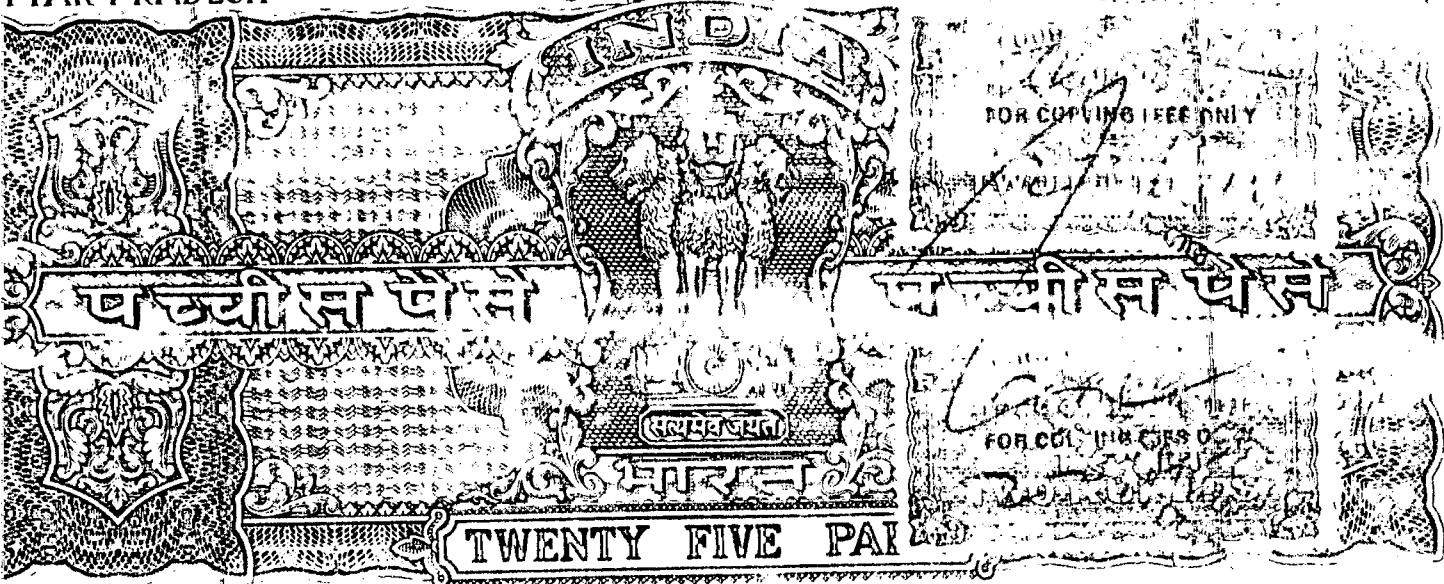
20/4/91

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UTTAR PRADESH

FOR COPYING FEES ONLY

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केवल नकल की फीस के लिए

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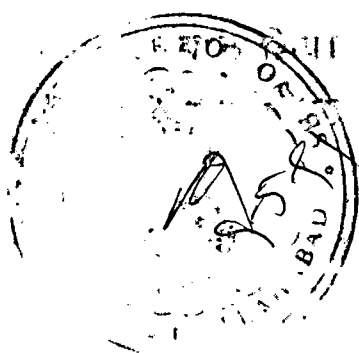
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THE UNIVERSITY OF CHICAGO

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20. 7. 1940 - 10. 11. 1940 - 1. 1. 1941

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बिफोर दी सेंट्रल एडमिनिस्ट्रेटिव ट्रिब्युनल

सर्किट बेन्च लखनऊ ।

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Raj

जय चन्द्र पाण्डे

----- अपीलीकैन्ट

काम

यूनियन आफ इंडिया

----- अपोजिट पार्टी

न्यायालय मुख्य न्यायिक मजिस्ट्रेट, सुलतानपुर

उपस्थित - श्री एस० पी० सिंह ,

आप ० वाद सं० 636।90

राज्य ----- काम ----- 1- हरिश्चन्द्र पाण्डेय , 2- राम प्रताप
3- राम बहादुर पाण्डेय , 4- अमरनाथ , 5- जय चन्द्र 6- लालता ,
7- श्री कृष्ण , 8- राम पाल ,

धारा 498 ए मा० दं० वि० व धारा 3 । 4

दहेज निवारक अधिनियम

थाना बल्दीराय जिला सुलतानपुर

निर्णय

अभियुक्त गण हरिश्चन्द्र पाण्डेय , राम प्रताप , राम बहादुर पाण्डेय ,
अमरनाथ , जयचन्द्र , लालता , श्रीकृष्ण व राम पाल का बालान पुलिस
थाना बल्दीराय जिला सुलतानपुर की पुलिस द्वारा मा० दं० वि० की धारा
498 ए व धारा 3 । 4 दहेज निवारक अधिनियम के अन्तर्गत अपराध हेतु किया
गया है ।

संक्षेप में अभियोजन पक्ष का कथन यह है कि दिनांक 27-5-87 में
वादी अमरनाथ चौबे पुत्र त्रिभुवन दत्त चौबे निवासी ग्राम पूरे गनेश चौबे
नन्दियावा थाना जामों जिला सुलतानपुर ने इस आशय की लिखित रिपोर्ट
दिया कि उसकी बहन श्रीमती विद्या देवी पुत्री त्रिभुवन दत्त निवासी ग्राम पूरे
गनेश चौबे नन्दियावा थाना जामों तहसील गौरीगंज जिला सुलतानपुर की शादी
7-8 वर्ष पहले हरिश्चन्द्र पुत्र राम प्रताप पाण्डेय निवासी ग्राम पूरे दत्ता
पाण्डेय (तोधिकपुर) पुलिस चौकी हलियापुर थाना बल्दीराय जिला
सुलतानपुर के साथ हुयी थी , गाँना जाने के बाद से उसकी बहन अपनी
ससुराल में रहती थी । त्योहार एवं घर में पड़े किसी शुभ उत्सव पर
जब भी आती थी तो अक्सर कहा करती थी कि ससुराल के लोगों
ने कहा है कि भाई के विवाह पर हमें भैस , व खर्रा दुम्हारे बाप
ने न दिया और न लेकर आयीं तो ठीक न होगा । जिससे उसकी
बहन हमेशा मयमात रह करती थी , इसी बात को लेकर उसे गाली

गुप्ता देकर मारपीट कर प्रताड़ित किया जाता रहा । नवम्बर 86 में उसकी बहन के अनुसार राम बहादुर , राम पाल , हरिश चन्द्र , लालता प्रसाद व जयचन्द्र ने सलाह करके उसकी बहन को गड़ासे से मार डालने की का असफल प्रयास किया तथा उसकी बहन को मारपीट कर और समस्त जेवरात आदि को छीन कर घर से निकाल दिया और तब श्रीमती विद्या देवी अपने भाई के घर स्क फटे पुराने कपड़े में आयीं तो उसके घर से गया प्रसाद , शिव प्रसाद व शशिभाल हरिश चन्द्र के घर गये , उसकी बहन की स्थिति के बारे में जब राम बहादुर व लालता प्रसाद से बात किया तो हरिश चन्द्र के सभी परिवार के सदस्यों ने अमयदत्त चाँबे आदि को अनेक तरह की धमकिया देकर घर से चले जाने के लिये कहा , और यह भी कहा कि जब तक पैस व साख्त न मिले तब तक यहां पर आने की जरूरत नहीं है , तब पता चला कि राम पाल राम प्रताप , राम बहादुर , अमरनाथ , श्री कृष्ण , हरिश चन्द्र , लालता प्रसाद व जय चन्द्र की मिली मगत से दूसरी शादी तय कर ली गयीं , जो दिनांक 8-6-87 को निश्चित है । अमयदत्त चाँबे बहुत ही गरीब किसान है , उससे जो कुछ भी हो सका वह अपने बहन की शादी व गोने में दान के रूप में उसके ससुराल वालों को दिया था , साखर व पैस उसको सीमा के बाहर की चीज है जिसे वह देने में असमर्थ है । अभियुक्तगण आपराधिक किस्म के व्यक्ति है जिनमें से राम बहादुर व लालता प्रसाद को सजा भी हो गयी है ।

उक्त प्रार्थना पत्र के आधार पर प्रथम सूचना रिपोर्ट अंकित की गयीं और विवेचना के पश्चात् अभियुक्तगण के विरुद्ध न्यायालय में आरोप पत्र प्रेषित किया गया ।

प्राथमिक रूप से साक्ष्य प्राप्त होने पर अभियुक्तगण को भा0 द0 वि0 की धारा 498 ए व धारा 3 । 4 दहेज निवारक अधिनियम के आरोपों से आरोपित किया गया जिन्होंने आरोपों को अस्वीकार किया तथा परीक्षा की इच्छा व्यक्त की ।

अभियोजन पदा ने अपने कथन की पुष्टि में अमयदत्त को अ0 सा01 विद्यावती को अ0 सा0 2 , देवनाथ को अ0 सा0 3 , व गंगा प्रसाद को अ0 सा0 4 के रूप में परीक्षित किया है ।

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अभियुक्त अ० सा० 1 ने अपने बयान में इस तथ्य की पुष्टि की कि उसकी बहन की शादी अभियुक्त हरिश चन्द्र के साथ 7-8 वर्ष पूर्व हुयी थी गोने के बाद जब उसकी बहन लौट कर आयीं तो उसने बताया कि उससे दहेज मांगा जाता है और दहेज की पूर्ति न होने पर मारापीटा तथा गाली गुप्ता दिया जाता है तथा नवम्बर 86 में अभियुक्त राम बहादुर , राम पाल , हरिश चन्द्र , लालता और जय चन्द्र की उपस्थिति में राय करके गड़ोसे से मारने की योजना कर रहे थे । इस साक्षी ने यह भी कहा कि इस संबंध में जानकारी की तो यह तथ्य फट्टा पाया गया । अभियुक्त हरिश चन्द्र के घर वालों ने दहेज की मांग भी नहीं की थी । इस साक्षी ने प्रथम सूचना रिपोर्ट प्रदर्शक -1 पर अपने हस्ताक्षर की पुष्टि की परन्तु उसने यह भी स्वीकार किया कि उसकी अभियुक्त गण से सुलह हो गयी है । उसने दरोगा जी को कोई बयान नहीं दिया है । इस साक्षी को पदाद्रोही घोषित किया गया है ।

विद्यावती अ० सा० 2 ने स्पष्ट रूप से अपने बयान में अभियुक्त हरिश चन्द्र को किसी भी प्रकार से दहेज न मांगने की पुष्टि की । इस साक्षी ने अपने बयान में कहा कि कुछ धरेलू फंफट हो जाती थी इस साक्षी को पदाद्रोही घोषित किया गया है । इसने यह भी कहा कि पदाक्षरों में सुलह हो गयी है और सुलहनामा पत्रावली पर उपलब्ध है ।

देवनाथ अ० सा० 3 व गंगा प्रसाद अ० सा० 4 भी पदाद्रोही घोषित किया गया है । इन्होंने भी इस तथ्य की पुष्टि अपने बयान में की कि अभियुक्तगण द्वारा न तो कोई दहेज मांगा गया और न ही दहेज के लिये विद्यावती को प्रताड़ित किया गया ।

अभियुक्तगण के विद्वान अधिवक्ता ने कि प्रथम सूचना रिपोर्ट प्रदर्शक 3 , जी० डी० की प्रतिलिपि प्रदर्शक 4 व क 5 , फर्द प्रदर्शक 6 व आरोप पत्र की औपचारिक प्रमाणिकता को स्वीकार कर लिया है अतः उक्त अभिलेखों को उक्त क्रमानुसार प्रदर्शित किया गया ।

चुकि अभियोजन पत्रा द्वारा प्रस्तुत सभी साक्षीगण पदाद्रोही

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हो गये हैं उन्होंने इस तथ्य को स्पष्ट रूप से अस्वीकार किया कि अभियुक्तगण द्वारा विधावती को न तो दहेज के लिये कभी प्रताड़ित किया गया और न ही दहेज की मांग की गयी। अतः इसी आधार पर अभियुक्तगण के विरुद्ध भा० नं० वि० की धारा 498 ए व धारा 314 देह निवारक अधिनियम का कोई आरोप सिद्ध नहीं हो सका है और इस प्रकार अभियुक्तगण उक्त आरोपित आरोपों से दोषमुक्त किये जाने योग्य हैं।

आदेश

अभियुक्तगण हरिश चन्द्र पाण्डेय, राम प्रताप, राम बहादुर पाण्डेय, अमरनाथ, जय चन्द्र, लालता, श्री कृष्ण व राम पाल को भा० नं० वि० की धारा 498 ए व धारा 314 देह निवारक अधिनियम के अन्तर्गत आरोपित आरोपों से दोषमुक्त किया जाता है। वे जमानत पर हैं उनके बंध पत्र निरस्त एवं प्रतिभूण उन्मोचित किये जाते हैं।

एस० डी०

(एस० पी० सिंह)

मुख्य न्यायिक मजिस्ट्रेट,
सुलतानपुर 10-4-91

निर्णय न्यायालय में हस्ताक्षरित, दिनांकित एवं उद्घोषित किया गया।

एस० डी०

(एस० पी० सिंह)

मुख्य न्यायिक मजिस्ट्रेट,
सुलतानपुर 10-4-91

सत्य प्रतिलिपि

25/4/91

(A40)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

MISC. APPLI. NO. 361 of 1990 (L)

IN RE

O.A. NO. 77 of 1990

JAI CHAND SONDEY APPLICANT

VERSUS

UNION OF INDIA AND OTHER RESPONDENTS

Application for condonation of delay in filing counter
~~affidavit~~ Affidavit .

The respondents beg to submit as under :-

1-That the counter affidavit in the above case could
not be filed due to some inadvertance of procedure of
vetting etc.

2- That the counter affidavit is now ready
and the respondents are filing the same with this
applications

3- That is is expedient in the interest of
justice that delay of filing counter affidavit may be
condoned.

It is most respectfully prayed that the
accompanying counter affidavit be very kindly ordered
to be taken on record after condoning the delay.

Dr 22.5.90



(V.K. CHADUHARI)
Addl. Standing Counsel for Central
Govt.

~~Respondents~~
for Respondents.

S.L. 21

f.T.
54.8
24/5/90

(AM)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. 77 of 1990 (L)

Jai Chandra Pandey Applicant

Versus

Union of India Respondent.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I, Ramlal, aged about 59 years, son of late Durga Prasad presently posted as Personnel Officer in the office of Chief General Manager, Telecom U.P. Circle, Lucknow do hereby solemnly affirm and state as under:

1. That the deponent is pairokar of Respondents Nos. 1, 2, & 3 and he has been authorised to file this counter affidavit on behalf of all the opposite parties. The deponent is working as personnel officer in the office of the Respondent No. 2 and as such he is fully conversant with the facts of the case.

2. The deponent has read and understood the contents of the application and he is in a position to give parawise comments replies and facts as herein under :-

3- That in reply to the contents of the paragraph 1 of the application it is submitted that the termination order No. Staff/375-EJ/6 dated 5.3.90 does not violate Art 14 of the constitution. It is contended by the petitioner that his services have been terminated while certain persons junior to him have been continued in service. It is clarified that the termination of the petitioner's services has not been on the ground of retrenchment. The question of offending Art 14, ~~therefore~~

Contd....2

Am 2

therefore, does not arise.

Under Art. 16 of the constitution, it is not one of the fundamental rights that a person who is an employee of the Govt. shall be entitled to continue his service and that his employment shall not be terminated so long as person junior to him remain in service.

The termination order does not attract Art. 311(2) of the constitution as this order has been passed under the rules of employment and without anything more. The order of termination passed is not as a punishment.


4- That the contents of paras 2 & 3 of the application need no comments.

5- That the contents of paragraph 4(1) to 4(6) of the application need no comments.

6- That the contents of paragraph 4(7) & (8) of the application are not admitted are stated and in reply, it is submitted that this fact has not been disclosed by the applicant against column 12 of the attestation form filled up by him on 20.2.89.

7- That in reply to the content of paragraph 4(9) of the application it is submitted that the services of the applicant have been terminated on the basis of report received from the office of District Magistrate, Sultanpur regarding his character and antecedents. The office of D.M., Sultanpur has informed vide their letter No.

dated 14.9.89 that four court cases as detailed below are pending against the applicant and the cases pending against Art. 379 IPC, 498 A/120 B IPC are involving moral turpitude and unless he is acquitted by the court, he is not fit for the Govt. service.



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- (i) Case No. 152/85 under section 107/116 of IPC
- (ii) Case No. 43P/87 under section 116 of IPC
- (iii) Case No. 195/85 " " 379 of IPC
- (iv) Case No. 94/87 " " 498 A/120 B of IPC

8- That in reply to the contents of para 4(10) of the application it is submitted that the applicant was not entitled to get any opportunity of being heard, as he was appointed as temporary employee and his service were terminated. In accordance with Central Civil service temporary service Rule 1965.

9- That in reply to the content of the para 4(11) & (12) it is submitted that the respondent have not other alternate but to terminate the services of the applicant as the District Magistrate of Sultanpur reported that the applicant is a not fit person for being appointed as a Govt. servant.

10- That the content of the para 4(13) do not required any comments as the prayer of the granting interim relief has been refused by this honourable tribunal.

11. That in reply to the contents of the paragraph 4(15) of the application it is submitted that in the present case the provisions of article 14 or 16 of the constitution of India will not be attracted as the applicant was appointed in ignorance of his character and antecedents which he successfully kept away from the employer by non-disclosure and when the facts have been brought to the notice of the employer by the office of D.M, Sultanpur, his services have been terminated. The order is an order of termination simpliciter and it can not be said to be an order of termination by way of punishment.

12- That the ground taken by the applicant in para 5 of the application are not tenable in eyes of the law in view of the facts stated above.

13- That the content para 6 & 7 of the application do not required any comments.

Contd.....4

14- That the applicant is not entitled to get the relief claim in para 8 of the application.

15- That the content of paragraph 9 to 12 of the application need no comments.

16- That the respondent are ready to give employment to any other member of the family dependent of deceased who was employed in the deptt. and died before his retirement.

17 That in view of the facts and circumstances stated in the above paragraphs, the application filed by the applicant is liable to be dismissed with costs against the applicant.

Randhawa
Deponent

Lucknow

Dated; 24.5.90

VERIFICATION

I, the avive baned deoibebt digerevt sikkenbkt verify that the contents of para 1 & 2 of this affidavit are true to mu personal knowledge, those of paragraphs 3 to 16 of the affidavit are believed by me to be true on the basis of records and information gathered and those of paragraphs 17a is also believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed

Randhawa
Deonent.

Lucknow.

Dated.

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

24.5.90

V.K. Chaudhary
V.K. CHAUDHARI)
Addl. Standing Counsel for Govt
Central Govt.
(Counsel for Opp parties)

Lucknow

Dated.