

(See rule 114)

OA/TA/RA/CP/MA/PT No. 01/9c of 20.....

Versus

INDEX SHEET

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4 -	Copy of Petition with all exhibits	49 to 11 117 11221

Certified that the file is complete in all respects.

Signature ~~of~~ S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

Application No. _____ of 1993

Against Application No. _____ of 1993

Interim Petition No. _____ of 1993

CERTIFICATE

Certified that no further action is required to be
taken and that the case is fit for consignment in the
record room.

Witnessed and signed

Signature of the dealing
Assistant

Deputy Officer / Court Officer

TA 11/90

A2

7-91

Justice Mr. Justice B.C. Srivastava - V.C.
Hon Mr. A.B. Gokhale AM

1/27

The respondent - Counsel instructed
to keep all the documents available
mentioned in application on the date
of hearing in case the Tribunal ~~decide~~
^{be not} decide ~~there~~ all the documents be
available for perusal of the Com. Dist.
for hearing on 16.9.91

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16.9.91

Hon. Justice V.C. Srivastava - V.C.
Hon Mr. A.B. Gokhale AM

The T.A. has been disposed of
by a separate order.

V.C.

A.M.

1000
8/11 AM

CIRCUIT BENCH

1. CIVIL

S.N. No. 1/90
(S.N. No. 254/80)

V.N. Jastam

Plaintiff/Applicant.

v

Union of India & others

Respondents.

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

Hon. Mr. J.S. Gargi, J. (P. Bench).

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

The applicant who was employed in Civil Aviation Department, New Delhi, filed a writ of declaration with a prayer that the date of birth of the applicant is 15.11.1919 and not 20.5.1919 as a correct entry in the service book and the date of birth be corrected with all consequential benefits granted to him.

The application was filed on 31.5.77. The suit was filed by him on the same date. The respondent contested the case of the applicant. The suit was dismissed by the court after he filed an appeal to the District Court, which was confirmed by the District Officer, Nagar Mahapalika Tribunal. At the same stage, the applicant filed a public document which was issued by the Municipality as containing the date of birth of the applicant. The applicant also filed an affidavit of his mother regarding his date of birth. The applicant's declaration is that the date of birth is 15.11.1919 and not 20.5.1919. The court is giving him a remedy, which is the suit. The court is also giving him a remedy, which is the suit. The court is also giving him a remedy, which is the suit.

5/14



Lickner J. 1991: 16.3.91

AS

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH: LUCKNOW.

M P No. 700/90 (L)

T A Claim Petition No. 1 of 1990 (TL)

FF 14-12-90

Vishwa Nath Gautam Petitioner

Versus

Union of India & others Opp. Parties

APPLICATION FOR SUMMONING THE SERVICE RECORD OF
SRI K.K.Pali, Radio Operator, A.C.S. Palam Air Port,
New Delhi.

The petitioner most respectfully begs to
state as under:-

1. That in the above noted petition, the petitioner has challenged the impugned order of the opposite parties retiring him prematured without deciding his dispute of date of birth, which was pending prior to attaining the date of superannuation according to the office record.

2. That the representation of the petitioner was dismissed on the ground that under the Home Affairs Ministry memorandum no. 55/3/54 establishment dated 5.6.1954 no representation can

Contd.....2/-

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joined today
23/11/90

be entertained within a year or 2 of the date of superannuation.

3. That in reply to the aforesaid order, the petitioner again represented the matter that the department itself has not abided with the aforesaid memorandum and it did ~~not~~ consider the petitioner's case as well as the case of Mr. K.K.Pali and did not follow the aforesaid office memorandum as mentioned in their order in Annexure No. - IX to the affidavit filed in support of Claim Petition by the petitioner.
4. That in reply to the aforesaid representation of the petitioner the opposite parties vide their letter dated 15th July 1977, which is Annexure no. - XIII to the affidavit of the petitioner clearly held that "since your case is not identical to that of ^{Sr} K.K.Pali quoted by you, I have to regret that it is not possible to change the decision already communicated to you earlier."
5. That this decision of the department is totally arbitrary and without any basis because said Sri K.K.Pali R.O.(S.G.) posted at A.C.S. Palam Air Port, New Delhi under the Director General of Civil Aviation, New Delhi and whose date of superannuation according to the office record was August 1976, but

Contd....3/-

on being his representation his date of birth was changed by the department only within few days of the aforesaid date of superannuation and he was retired on February 1978 after the change of the date of birth from the official record.

6. That the petitioner's case is totally identical to the case of Sri K.K.Pali and the petitioner with the consent of the department had represented for change of the date of birth atleast 8 months prior to date of his superannuation but as the opposite parties have adopted a policy of pick and choose and arbitrarily rejected the representation of the petitioner on the ground of the aforesaid office memorandum of 1954.

7. That to finally decide the arbitrariness of the opposite parties it is necessary that the service record of Sri K.K.Pali the then R.S. (S.G.) at A.C.S. Palam Air Port, New Delhi is liable to be summoned for the just and proper decision of the case.

WHEREFORE it is most respectfully prayed that the aforesaid service record of Sri K.K.Pali the then R.S. (S.G.) at A.C.S. Palam Air Port, New Delhi, which is in possession of the opposite party no. 1 may kindly be summoned prior to hearing of the case for just and proper decision of the case.

LUCKNOW: No. 6.
DATED: October 23, 1990 Counsel for PETITIONER

In the Court of the District Judge, Macknow.

Appeal No. 254 of 1905

Vs. [illegible]

1. Entry list	1		2.8.80
2. Order sheet	1		"
3. Appeal	1	6.15.80	"
4. Address	1		"
5. Copy of order	1	1.1.80	"
6. [illegible]	1	3.10.80	"
7. [illegible]	1	15.5.81	"
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સરકારી જમીન, ભાગ 3,

P C A 754/80

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સુધારા કમિશન

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22/7/80

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ક્રમ ૩૧ કોમિશન ૧

ક્રમ ૩૨ કોમિશન ૧

ક્રમ ૩૩ કોમિશન ૧

ક્રમ ૩૪ કોમિશન ૧

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1/8/83

23/8/89

Reg. Civil appeal No. 244 of 80

Uphua Natl. Union of India.

2980

Abstract

Appeal U/s 30 C.R.C. is
being put up with Munshiram's
report.

02-03

Adm.

07/12

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Wm. Judge

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 2. Find the value of x

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Reminder: NS, AC, CH, and
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অন্যদিকে (১৯৭৩) ১৯৭৩

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10 Aug.

1-3-84

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Parallel circuit

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3/11/53

कमबद्ध आदेश—पत्र (अध्याय ४ नियम

आदेशिका

स्थान

५

मामला

RCA 254

सन् १९८० ई०

सरकारी

Shua Nath Kane

प्रांत Union of India

पुन

निवासी

आदेश की संख्या	दिनांक	आदेश अथवा आदेश का संक्षेप	मैजिस्ट्रेट के हस्ताक्षर	टिप्पणी
	10/2/83	Recd by D. Rampr. P.O. in Kane. <u>crim</u> Register. Put up on 16/3/83 for ch. panel		25 V. Kramtani
	24/3/83	मुकार हुई। अपीलान्त हाजिर। निपटारा तो तब तक से कोई नहीं मिला। ५५ मुकदमा लटकाते हैं, दो गड्डे जो मंजूर हुं। आदेश। मुकदमा तां २५/४/८३ वास्ते सुनवाई पेश हो।	P.O.	
	२५/४/८३	मुकार हुई। वकालत। जारी केर से आगे सफा नहीं लाया। आदेश। मुकदमा तां २५/४/८३ वास्ते सुनवाई पेश हो।	P.O.	V. Kramtani 26/4/83
			P.O.	H. Kramtani 26/4

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Vishwa Nath Gautam & Union of India

10.1.81 - Deed of my transfer from Union of India
of VII A.D. 110. (117)

order
Register. Fee 12.85 for Regd.

1.2.81 - Summar - Summar - 2 (am) at 29 ...
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17.2.81 - Summar - Summar - (am) at 29 ...
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17/4

15.4.1985.

Present Sri Vishwar Nath Gautam
appellant in person.

Sri Harnam Shanker advocate for the
Union of India.

all ...
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Ka-23 is amendment application so as to incorporate
certain facts in support of the appellant's assailing the
judgment of the court below in the grounds of appeal. The
amendment application is opposed verbally mainly on the
ground that it is belated.

Heard the learned appellant and the learned co
for the Opposite party and also perused the reco

~~REMARKS.~~
26.4.1955.

Present Sri J.R.Chhabra Advocate alongwith
K.R.Jurnani Advocate for the appellant/ Sri Viswa Nath
Gautam. (4)

Sri Harnam Shanker Advocate for the respondent
Union of India.

In the ~~briefing~~ argument was submitted by the learned
counsel for the appellant that the ^{lower} court committed error in
not according opportunity to the parties to lead evidence
on the issue no.3 which was framed on 26.7.50 and it is ^{it} a
case ~~222~~ ²²² either for remitting the issue no.3 ~~or~~ ^{or}
seeking the finding of the court below or for remanding of
the case. In reply the counsel for the respondent is that
issue no.3 was framed in presence of the parties counsel and
this issue was framed on the point of the date of birth
of the plaintiff appellant which is the matter in issue in
the suit as a whole and issue no.1 was also on this point
though ^{but} very much specific and the parties had also lead
evidence on the point of date of birth. He has further
submitted that there was no need, as rightly ^{found} ~~held~~ by the
court below to ask the parties to give additional evidence
on issue no.3. He further submitted that if the appellant
wanted to adduce any evidence, opportunity could be availed
either at the time when the issue no.3 was framed and the
date was fixed for judgment or any time thereafter but
no application was moved to that effect. ~~xxxxxxx~~

At this stage I do not express any opinion on
the point whether the ^{statement} ~~statement~~ of the appellant has
any substance or not. However, the learned counsel for
the appellant submitted that some other date maybe given
to him to argue the matter on merit as he has prepared the
case only for the above point. The learned counsel for the
respondent has no objection in showing this much indulgence
to the learned counsel for the appellant. As the appeal
is pending since 1950, hence I fix 24.4.55 for hearing of
appeal on merit.

22.7.89

The file of this appeal alongwith the lower court record has been traced on vigorous search, being made pursuant to the directives of the Hon'ble High Court on the application of the plaintiff-appellant Sri Vishwa Nath Gautam who is also present today.

The file has been traced by the untiring efforts of the Sader Munsif Sri Har Govind Sahai who deserves commendation for it.

It is found that in the appeal the Addl. District Judge, Lucknow/Meghar Mahapalika Tribunal Sri S.K. Agrawal to whom it was transferred for disposal, passed an order dated 10.5.89 remitting issue no 3 to the lower court (V Addl. Munsif) for recording evidence and sending back to the appellate court. However, the file is on its way to the Record Room.

Now at this stage it is found that the plaintiff-appellant who has sued for a declaration that his date of birth recorded in the service record is incorrect and the correct date should be recorded entitling him to all the consequent benefits, was a Central Govt. employee in the Aviation Department.

According to section 29 of the Administrative Tribunal Act, cases of this nature are to be exclusively heard by the Central Administrative Tribunal which has already been constituted and the appeal alongwith the case stands transferred to the said Tribunal.

Since the learned counsel for the parties are not present due to lawyers strike today ~~order~~ is not proper to pass final order in this regard. The case is adjourned to 1.8.89 to show cause as to why the record be not transferred to the CAT, Lucknow for hearing and disposal. The appeal is recalled to this court.

The respondent's counsel Sri Harman Singh Saxena be also informed.

a.m.

22

20/7

23/8

D.C. 22.7.89

4-10-1989

96

According to Sec.29 of the Administrative Tribunals Act, 1985, every suit or other proceeding, pending before a court or other authority, immediately before the date of establishment of a Tribunal under this Act, shall stand transferred, on that date, to such Tribunal. As has been observed by my learned predecessor in his order dated 22-7-1989, this appeal and the suit stand transferred to the said Tribunal.

It appears that, by that order, my learned predecessor also directed a notice to be given to the learned counsel for the parties, but none of the parties appeared inspite of the service.

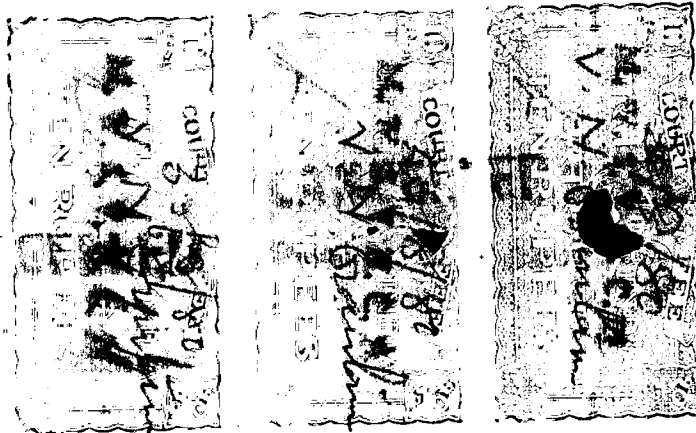
Since the matter relates to a dispute, which is covered by the Administrative Tribunals Act, 1985, the suit and the appeal stand transferred to that Tribunal and the record be sent to the said Tribunal for proceeding in accordance with law.

Let the record be sent to the CAT, Lucknow, and intimation be sent to the parties.

(Signature)
District Judge,
Lucknow.
4-10-1989.

83/1
IN THE COURT OF DISTRICT JUDGE, LUCKNOW

254 OF 1980
CIVIL APPEAL NO. 254 OF 1980



Vishwa Nath Gautam S/o Late Sri Brij Lal Gautam,
R/o Subhash Nagar, Alambagh, Lucknow.

... APPELLANT
(Plaintiff)

Versus

1. Union of India through Director General,
Civil Aviation Department, East Block II & III
Rama Krishna Puram, New Delhi.
2. The Secretary, Ministry of Civil Aviation &
Tourism, Govt. of India, New Delhi.
3. Asstt. Director (Admn.), Civil Aviation
Department, Rama Krishna Puram, New Delhi.
4. Regional Director (Civil Aviation Department),
Delhi Region, Safdarganj Airport, New Delhi.
5. The Officer Incharge, Aeronautical Communication
Station, Civil Aviation Department, Lucknow
Air Port, Lucknow.

... RESPONDENTS
(Defendants)

Nature of case	.. Declaration
Valuation of suit	.. Rs. 500/-
Valuation of appeal	.. Rs. 500/-
Court fee paid	.. Rs. 30/-
(as in Trial Court)	

*Plaintiff's
Petition*

FRESH CIVIL APPEAL UNDER SECTION 96, CODE OF CIVIL
PROCEDURE AGAINST THE JUDGEMENT AND DEGREE DATED 4.8.80
AND 12.8.80 PASSED BY SRI SUBHASH CHANDRA VERMA VTH
ADDITIONAL MUNSIF, LUCKNOW IN REF. SUIT NO. 190 VI

NARAI GAUTAM V/S UNION OF INDIA & OTHERS DISMISSING
THE APPELLANTS SUIT FOR DECLARATION, INTERALIA ON
THE FOLLOWING GROUNDS:

G R O U N D S

1. Because the Learned Court below failed to appreciate that the appellant's representation regarding the correction of date of birth was decided without affording reasonable opportunity of being heard in the matter.
2. Because the order rejecting the appellant's representation for correction of date of birth was passed arbitrary without recording any reasons.
3. Because the order rejecting the appellants' representation for correction of date of birth was a non-speaking order and was a result of non-application of mind by the authority concerned and the Learned Court below erred in law in not considering this relevant aspect of the matter.
4. Because the statement of P.W.I., and P.W. 2, clearly establishes that the plaintiffs' correct date of birth is 15.11.1919 and the Learned Trial Court erred in law in holding otherwise.
5. Because the finding recorded by the Trial Court are based on surmises and imagination and are not based on any evidence on record.
6. Because the plaintiff's oral evidence coupled with documentary evidence adduced before the trial Court fully proves the plaintiff's case that his correct date of birth is 15.11.1919.

*Decided by
the Trial Court*

7/3
(22)

7. Because the Learned Trial Court also committed error of law in not considering the documentary evidence adduced by the plaintiff and admitted by the defendants.

8. Because the Learned trial Court further failed to take into consideration that no evidence of any sort was adduced by the defendants in their defence.

9. Because the Learned Trial Court committed error of law in invoking the principle of estoppel which under the facts and circumstances of the case was in-applicable.

10. Because the judgement and decree of the Trial Court is factually wrong and legally untenable.

Handwritten notes in left margin:
 1977 Because the Learned Trial Court...
 ...on the basis of evidence on record.
 ...appeal may be allowed, the judgement and decree passed by the Court below may be set aside and the plaintiff's suit may be decreed with cost through out.

Because the findings recorded by the Trial Court and conclusion reached by him on the issues are such as no reasonable prudent person could have arrived at on the basis of evidence on record.

WHEREFORE, it is respectfully prayed that the

appeal may be allowed, the judgement and decree passed by the Court below may be set aside and the plaintiff's suit may be decreed with cost through out.

Lucknow:

Dated: 2.9.1980

Signature
 (R.C. SAXENA)
 ADVOCATE
 COUNSEL FOR THE APPELLANT.

Note :- my power is already on lower courts' record

Signature
 Ach

Handwritten notes at bottom left:
 ...
 18.11.85
 12/11/85

The Officer in charge Aeronautical Communication
Station, Civil Aviation Deptt, Lucknow
Airport, Lucknow

इ टिल्लानामा बनाम रैस्पाडेन्ट मुशहर इ तिल्ला
254 के , जो समागत अपील के लिये मुकर्र की जाय
(आर्डर ४१, कायदा १४)

बअदालत *Mr. Judge* जिला *lucknow* अपोलार्टे
V. N. Gauram बनाम *Union of Mohors & others.*
Appeal against judgement and decree dated 4.8.80
अपील बनारा जी *by Mr. Aditya Kant Munshi* रैस्पाडेन्ट *lucknow*
मुशरिखा *in R.S. No 140-79* सन् १६८ ई० सन्
बनाम रैस्पाडेन्ट

मुश्तिलन हो कि अपील बनारा जी डिग
सुदना सुन्दरबाबाला में *Copy attached* ने पेश किया और
हदतल में दर्ज न जिस्टा हुआ और अदालत ने तारीख 11-3-
कायदा बनाम इस अपील के मुकर्र की है : अगर खुद आप या
हदतल का कोई और सस्स नो दाखून आपकी तरफ से एपोर
बनाम व तालु करने का मजाज हो हाजिर न आवेगा तो उसका
और आवेज आपका रैस्पाडिरी में की जायेगा ।

आज बतारोख ६ माह | सन् १६९७
हदस्तखत और मसैह अदालत से जारी किया गया ।

(Signature)

तम्बाहि अगर इजराय डिगरी के मुलतवी होने का हुस्म हुआ ह
उसकी इ तिल्ला हस इ तिल्लानामा में लिखना चाहिये

on 22/9

IN THE COURT OF PRESIDING OFFICER, DISTRICT JUDICIAL TRIBUNAL,

MUMBAI.

D.C. No. 254 of 1980

viswa Nath Jantam. Vs. Union of India

10.5.1985

C-25 with affidavit C-26 is application by the appellant J/O 41 Rule 27 read with Section 151 C. J.C. to allow the appellant to adduce oral and documentary additional evidence before this court or before the Munsif Magistrate from whose decree the appeal has been preferred.

It is alleged that the appellant has filed a suit for declaration with a prayer that the appellant's date of birth is 15.11.1919 and not 20.5.1919 as recorded in the service record of the defendants, the employer, with other consequential reliefs. The main contest raised from the side of the defendant respondent was that since the appellant has failed to get the date of birth corrected in his high school certificate, hence the respondent refused to correct his date of birth on the service record.

The learned Munsif Magistrate i.e. the trial court after perusing the pleading of the parties framed the following issues:-

1. Whether the order for refusing the correction in the date of birth of the plaintiff is illegal, void as alleged in paragraph 14 of the plaint.
2. To what relief if any plaintiff is entitled.

It is further submitted that the appellant and the respondent adduced evidence on the aforesaid two issues. In support of issue No.1 the burden of the appellant was only to the extent to lead the evidence whether the refusal of the correcting the date of birth in service record was illegal and void.

It is said that after hearing the arguments on 20.7.80, the learned trial court at the time of writing judgment, found that an additional issue is to be framed concerning the date of birth of the appellant. Accordingly

✓

524/2

-3-

Record of the trial court shows that arguments were heard on 25.7.00 and 26.7.00 was fixed for judgment. On 26.7.00 the trial court passed another order on the ordersheet that "while writing judgment I thought that an additional issue may be framed concerning the date of birth of plaintiff's nence judgment could not be pronounced".

The following issue was framed after hearing the parties counsel:-

Kya vadi ki date of birth 20.5.1919 na hoker 15.11.

1919 hai jaisa ki vad patra key para 2 aur 3 mey kaha gaya hai.

Fix 4.8.00 for judgment. Thus it apparently appears that additional issue no.3 was framed in the ^{presence} ~~absence~~ of the parties counsel; Or at least after hearing them. It also appears that this issue no.3 would require evidence on the factum of the actual date of birth ^{where} ~~that~~ evidence may be documentary as well as oral. The trial court does not seem to have called upon the parties to adduce evidence on this issue no.3 and straight away fixed 4.8.00 as date for judgment.

The point arises whether the trial court's omission to call upon the parties to adduce evidence on the additional issue no.3 would attract the provision of Order 41 rule 27 and section 151 C.P.C. so as to allow the plaintiff's appellant to adduce additional evidence.

Rule 27 of Order 41 C. C. comes into play when the trial court has refused to admit evidence which ^{ought} ~~is~~ to have been admitted or the parties seeking to adduce additional evidence could not produce the evidence before the trial court despite exercise of due diligence or the appellate court ^{is} ~~is~~ requiring any document or witness to enable it to pronounce judgment or for any other substantial cause.

The submission of the counsel for the plaintiff's appellant is that his case comes in the first category in the sense that the trial court by not calling upon the parties to adduce evidence on issue no.3 did virtually refuse to admit the evidence which ought to have been admitted on this issue no.3. His other submission is ^{with} ~~that~~ regard to the court's

m 2/3

The mere fact that the plaintiff appellant did not request the trial court for affording opportunity for additional evidence on this issue No.3 would not be sufficient to conclude, as submitted by the learned ~~xxxxxx~~ counsel for the respondent, that the plaintiff appellant did not himself want to adduce evidence. When there is an issue ~~xxxxxx~~ before the court more so when it was framed by the court itself and it would require evidence for its decision, it was the duty of the court itself to call upon the parties to adduce evidence if so desired by them. The court below straight away ^{fixed} the date for judgment, without affording any opportunity to any of the parties for adducing evidence. Hence there was no opportunity or occasion to the appellant to adduce evidence.

I do find force in the submission of the counsel for the appellant that if the appeal is allowed on this law in the trial court of the court below and the case is remanded back for taking evidence on issue No.3, much time would be wasted and if evidence is taken either here in appeal or the trial court ^{is} would be directed to record evidence on issue No.3 and then send to the appellate court, the matter would be decided expeditiously.

With the result I dispose of the application C-25 and the objection C-27 in the manner that the appellant may adduce evidence documentary as well as oral on this issue No.3 and the respondent may also adduce evidence on this issue. The record be sent back to the trial court 6th Addl. Munsif, Lucknow, for taking the parties evidence documentary as well as oral on issue No.3 alone so as to forward the said evidence along with the record to this court by 17.8.1985. Parties are directed to appear before the Civil court, 6th Addl. Munsif, Lucknow, on 17.8.1985.

[Signature]
 S.P. Munsif,
 Presiding Officer,
 Muzar Mahapalika, Lucknow,
 10/8/85

Formal Order

(17)

In the Court of the Presiding Officer, Nagar Mahapalika
Tribunal + Addl Distt Judge Lucknow.

R.C.A No. 254/80

Vishwa Nath Gautam s/o late Sri Brij Lal Gautam,
R/o Subhash Nagar Alambagh Lucknow.

Versus

Appellant
(Plaintiff)

1. Union of India through Director General Civil Aviation Department East Block II + III Ram Krishna Puram New Delhi.
2. The Secretary, Ministry of Civil Aviation & Tourism, Govt of India, New Delhi.
3. Asst Director (Admin) Civil Aviation Department, Ram Krishna Puram New Delhi.
4. Regional Director (Civil Aviation Department) Delhi Region, Sardaarganj Air port New Delhi.
5. The officer Incharge Aeronautical Communication Station, Civil Aviation Department Lucknow, Air port Lucknow.

Respondent-
(Defendants)

Value of Case - Declaration

Valuation of Suit - Rs 500/-

Court fee Paid - Rs 30/-

This Appeal is coming on this day for final disposal before Sri S.P. Agarwal Addl Distt Judge & P.O. Nagar Mahapalika Tribunal & in the presence of Sri G.R. Chhabra Adv. & K.R. Guernami for the Appellant and Sri Harman Shankar Adv. for the respondents. Upon reading the orders that the case with the result of disposal of

IN THE COURT OF DISTRICT JUDGE, LUCKNOW
CIVIL APPEAL NO. _____ OF 1980

Vishwa Nath Gautam

... Appellant

Versus

Union of India and others

... Respondents

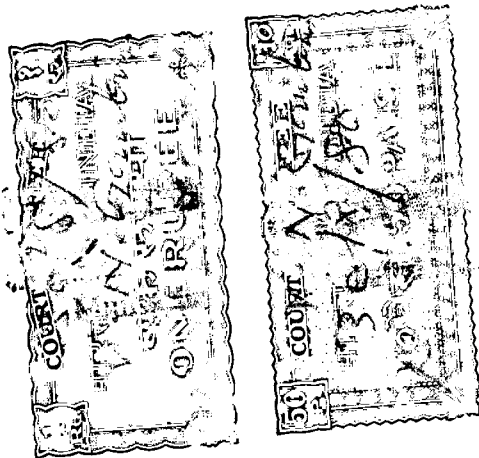
REGISTERED ADDRESS

" VISHWA NATH GAUTAM
S/O LATE SRI BRIJ LAL GAUTAM
R/O SUBHASH NAGAR,
ALAMBAGH,
LUCKNOW. "

LUCKNOW:

DATED: 2.8.1980

R. S. Saxena
Counsel for APPELLANT



257-500
12/9/40

Additional Municipality

Government of India

Ministry of P. & W.

Government of India

Rec. No. No. 100 of 1943

Government of India

12/9/40

1. The Government of India, Ministry of P. & W., New Delhi.

2. The Government of India, Ministry of P. & W., New Delhi.

3. The Government of India, Ministry of P. & W., New Delhi.

4. The Government of India, Ministry of P. & W., New Delhi.

5. The Government of India, Ministry of P. & W., New Delhi.

Defendants.

12/9/40

1. The Government of India, Ministry of P. & W., New Delhi.

2. The Government of India, Ministry of P. & W., New Delhi.

3. The Government of India, Ministry of P. & W., New Delhi.

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5. The Government of India, Ministry of P. & W., New Delhi.

6. The Government of India, Ministry of P. & W., New Delhi.

7. The Government of India, Ministry of P. & W., New Delhi.

8. The Government of India, Ministry of P. & W., New Delhi.

9. The Government of India, Ministry of P. & W., New Delhi.

10. The Government of India, Ministry of P. & W., New Delhi.

[illegible]

Under the above facts, it is found that the plaintiff
has not established by a preponderance of the
evidence that the defendant is liable for the
injury.

... of which, it is the printing entitled,

उपरोक्त विवरण के अनुसार Department Date of birth change करने के लिए एक Administrative order है, परन्तु जब एक Administrative order होता है तो उससे पहले से 3 months of service पर effect हो तो सम्भावित समस्याओं को ध्यान में रखते हुए जो अप्रैप्राइजमेंट हो रहा है। इसलिए पर यह विचार करने के बाद ही निर्णय ले। यदि यह सही है तो यह भी सम्भव है कि वे सभी को सम्भव है।

100-101201-20 Page 7 of 20

19. 2. 1. 67 Jan. 1939.

[illegible]

१०. यदि हमें कोई आशीर्वाद प्राप्त हो, तो हमें उसे अपने जीवन में उपयोग करना चाहिए।
 ११. यदि हमें कोई आशीर्वाद प्राप्त हो, तो हमें उसे अपने जीवन में उपयोग करना चाहिए।
 १२. यदि हमें कोई आशीर्वाद प्राप्त हो, तो हमें उसे अपने जीवन में उपयोग करना चाहिए।
 १३. यदि हमें कोई आशीर्वाद प्राप्त हो, तो हमें उसे अपने जीवन में उपयोग करना चाहिए।
 १४. यदि हमें कोई आशीर्वाद प्राप्त हो, तो हमें उसे अपने जीवन में उपयोग करना चाहिए।
 १५. यदि हमें कोई आशीर्वाद प्राप्त हो, तो हमें उसे अपने जीवन में उपयोग करना चाहिए।

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 ... 23/8/20

11th April 1951
IN THE COURT OF *District Judge* Lucknow
Vishwa Nath Gaurant Plaintiff

Versus

Union of India Defendant

R.R./Appeal/R.S.No. 254 of 80

Filed for 15.5.81

I, Harnam Shanker Saxena Advocate, Government panel
Lawyer(Civil) Lucknow, authorised to act on behalf of State
of ~~U.P.~~ *U.P. no 5* Union of India appear on behalf of State of U.P./
~~Union of India~~ *U.P. no 5*

Lucknow

Dated 15.5.81

H. Saxena
ADVOCATE,
Government Panel Lawyer(Civil),
Lucknow

78

Vishwa Nath Gaurain
vs

Appellant.

Union of India & others

Respondents - (5)

RC No 254 of 80
H. 15.5.81

Sr. in the above case I have filed my
memo of appearance on behalf of Respondent no 5.
Since I have not received instructions from other
Respondents the memo of appearance on their behalf
could not be filed today which shall be filed on the
next date after seeking instructions from them.

Dated 15.5.81

H. Kumar
for
Respondent (Cont)

Allowed
Di 17.5.81

for her
15.5.81

for
Vishwa Nath Gaurain

In the Court of the Third Additional District Judge,
Lucknow.

Vishwa Nath Gautam Appellant.
Versus.
Union of India & Others Respondents.

M.C.A. No. 254 of 1980

Fixed for 19-10-81.

Objections on behalf of the Respondents to the
Appellant's Application under Order 8 Rule 17
read with Section 151 C.P.C.

The respondents submit as under :-

1. That the Appellant's application under reply is misconceived and is liable to be rejected.
2. That the amendments sought for intend to change the nature of the suit and as such are not permissible under law.
3. That a substantial portion of the reliefs sought to be introduced by the proposed amendments have become time barred and as such also the amendments cannot be allowed.
4. That the Appellant's application under reply is otherwise also not tenable.

(2)

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2

WHEREFORE, it is respectfully prayed that
the application of the appellant be rejected.

(8)

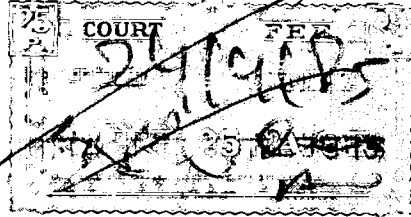
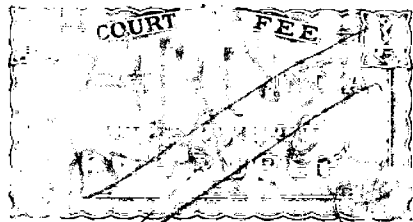
Truly submitted

October 19, 1981

H. Jones
Associate
Counsel for Respondent
Objectors.

11/2/7

IN THE COURT OF ADDITIONAL DISTRICT JUDGE (SPECIAL JUDGE:
"WAPLIKAD): LUTONON



Time = 11 to 11.30
4/5
= 44

Vishwanath Gautam ..

.. Appellant

Versus

Union of India & others ..

.. Respondents.

CIVIL APPEAL NUMBER 254 OF 80 -

FIXED FOR 24.4.1985

APPLICATION UNDER ORDER 41 RULE 27 READ
WITH SECTION 151 C.P.C.

The above-named appellant most respectfully
submits as under:-

1. That the appellant has filed a suit for declaration with a prayer that the appellant's date of birth is 15.11.1919 and not 20.5.1919 as recorded in the service record of the defendants with other consequential reliefs.
2. That the respondents contested the aforesaid suit with a main objection that since the appellant has failed to get the date of birth corrected in his High School Certificate and, as such,

21

respondents have refused to correct his date of birth on the service record.

3. That the learned Munsif Magistrate after perusing the pleadings of the parties, framed the following two issues: -

I. Whether the order for refusing the correction in the date of birth of the plaintiff is illegal, void as alleged in paragraph 14 of the plaint?

II. To what relief if any plaintiff is entitled?

And after making the aforesaid two issues, appellant and respondents adduced evidence on the aforesaid two issues. In support of issue number 1, the burden of the appellant was only to the extent to lead the evidence to the extent whether the refusal of correcting the date of birth in service record was illegal and void.

4. That after hearing the arguments on 26.7.80, the learned Munsif Magistrate, at the time of writing the judgment, found that an additional issue is to be framed concerning the date of birth of the appellant. Accordingly, the learned Munsif Magistrate in absence of the appellant's counsel framed the following issues: -

I. Whether the actual date of birth of the appellant is 15th November, 1919 instead of 20.5.1919 as alleged in paragraphs 2 & 3 of the plaint?

ER

27/3

- 3 -

5. That after framing the aforesaid issues, the learned Munsif Magistrate had not called upon the parties and/or their counsel for adducing evidence on the additional issues framed by the Munsif Magistrate at the time of writing the judgment. (M)
6. That the learned Munsif Magistrate's not giving the opportunity to the parties to adduce evidence on the additional issues which was directly or indirectly not connected with the issue number 1, amounts to refusal to admit evidence.
7. That at the time of recording the evidence of the appellant before the Munsif Magistrate, the appellant was allowed to adduce evidence only on the following points:-

I. Whether the refusal by the respondents to correct the date of birth in service record is illegal?

II. Whether the order of refusal is non-speaking, perverse and against the Rules of natural justice?

III. Whether the respondents have not applied their mind at the time of refusing to correct the date of birth?

IV. Whether the respondents did not afford opportunity to the appellant of he being heard in person and the order of rejecting the appellant's claim for correction is also contrary to the statutory provision applicable in this regard.

ER

8. That as provided under Rule 2 of Order XVIII CPC, the appellant who has right to produce his evidence in support of issue number 3 was not afforded any opportunity to lead evidence. (W)
9. That the appellant has filed a public document which was issued by Municipal Board has not afforded an opportunity to prove the said document since as per the opinion of the court, there was no such issue with regard to the date of birth of the appellant.
10. That circumstances narrated hereinabove and in the ends of justice, the appellant is to be allowed to adduce additional evidence on the additional issue number 3 framed by Munsif Magistrate at the time of writing the judgment.
11. That as submitted hereinabove, the appellant was not afforded an opportunity of adducing the evidence on issue number 3 as per provision of Order XVIII hence this application.

WHEREFORE, it is respectfully prayed that this Hon'ble Court may be graciously pleased to allow the appellant-plaintiff to adduce oral and documentary additional evidence before this court or before the Munsif Magistrate from whose decree the appeal has been preferred as provided under Order 41 Rule 27 CPC.

For which act of kindness, the appellant shall ever pray as duty bound.

LUCKNOW: DATED

24.4.1985.

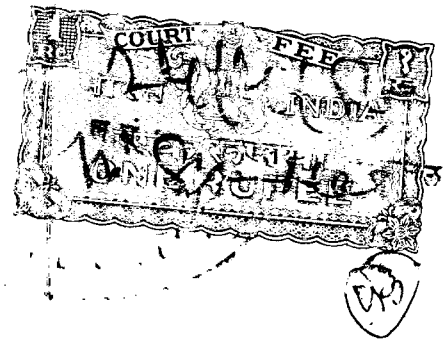
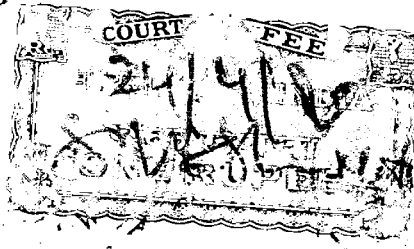
V. Prantam
APPELLANT.

12/4/85
COUNSEL FOR THE APPELLANT.

774/1

IN THE COURT OF ADDITIONAL DISTRICT JUDGE(SPECIAL
JUDGE: MAHAPALIKA): LUCKNOW

1985
AFFIDAVIT
88 IN
DISTT. COURT
U. P.



Vishwanath Gautam Appellant

Versus

Union of India & others Respondents.

AFFIDAVIT IN SUPPORT OF APPLICATION UNDER
ORDER 41, RULE 27 READ WITH SECTION 151 CPC

I, Vishwanath Gautam, aged about 66 years,
son of Shri Brij Lal Gautam, resident of Subhash
Nagar, Alambagh, Lucknow, do hereby solemnly
affirm as under:-

1. That the deponent is the appellant in the instant appeal and as such being well conversant with the facts deposes hereunder.
2. That the deponent has filed a suit for declaration with a prayer that the deponent's date of birth is 15.11.1919 and not 20.5.1919 as recorded in the service record of the respondents with other consequential reliefs.
3. That the respondents contested the aforesaid suit with a main objection that since the

deponent has failed to get the date of birth corrected in his High School Certificate and, as such, respondents have refused to correct his date of birth on the service record.

4. That the learned Munsif Magistrate after perusing the pleadings of the parties, framed the following two issues:-

I. Whether the order for refusing the correction in the date of birth of the plaintiff is illegal, void as alleged in paragraph 14 of the plaint?

II. To what relief if any plaintiff is entitled?

And after making the aforesaid two issues, deponent and respondents adduced evidence on the aforesaid two issues. In support of issue number 1, the burden of the deponent was only to the extent to lead the evidence to the extent whether the refusal of correcting the date of birth in service record was illegal and void.

5. That after hearing the arguments on 26.7.80, the learned Munsif Magistrate, at the time of writing the judgment, found that an additional issue is to be framed concerning the date of birth of the deponent. Accordingly, the learned Munsif Magistrate in absence of the

77 7m/3

- 3 -

deponent's counsel framed the following issues:-

I. Whether the actual date of birth of the deponent is 15th November, 1919 instead of 20.5.1919 as alleged in paragraphs 2 & 3 of the plaint?

WS

6. That after framing the aforesaid issues, the learned Munsif Magistrate had not called upon the parties and/or their counsel for adducing evidence on the additional issues framed by the Munsif Magistrate at the time of writing the judgment.
7. That the learned Munsif Magistrate's not giving the opportunity to the parties to adduce evidence on the additional issues which was directly or indirectly not connected with the issue number 1, amounts to refusal to admit evidence.
8. That at the time of recording the evidence of the deponent before the Munsif Magistrate, the deponent was allowed to adduce evidence only on the following points:-

24/11

I. Whether the refusal by the respondents to correct the date of birth in service record is illegal?

II. Whether the order of refusal is non-speaking perverse and against the Rules of natural justice?

V. Brantani

III. Whether the respondents have not applied their mind at the time of refusing to correct the date of birth?

IV. Whether the respondents did not afford opportunity to the deponent of he being heard in person and the order of rejecting the deponent's claim for correction is also contrary to the statutory provision applicable in this regard.

9. That as provided under Rule 2 of Order XVIII CPC, the deponent who has right to produce his evidence in support of issue number 3 was not afforded any opportunity to lead evidence.
10. That the deponent has filed a public^{official} document which was issued by Municipal Board has not afforded an opportunity to prove the said document since as per the opinion of the court there was no such issue with regard to the date of birth of the deponent.
11. That circumstances narrated hereinabove and in the ends of justice, the deponent is to be allowed to adduce additional evidence on the additional issue number 3 framed by Munsif Magistrate at the time of writing the judgment.
12. That as submitted hereinabove, the deponent was not afforded an opportunity of adducing the evidence on issue number 3 as per provision of Order XVIII.

LUCKNOW: DT:24.4.1985.

V. Prantain
DEPONENT.

..5/-

57-24/2

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 241 of this affidavit are true to my personal knowledge and those of paragraphs 901 are believed by me to be true.

Signed and verified this 24th day of April, 1985 in the court compound, at Lucknow.

V. Kantam

DEPONENT.

I identify the deponent who has signed this affidavit before me.

[Signature]

ADVOCATE.

C. M. 88 M.

24-10-15 A.M. Vishwa Nath Gupte
G. R. Chhabra
Adv.

[Signature]

24/4/85

2029/9

100-44388-10

⑤

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

Filed Feb 9, 1953

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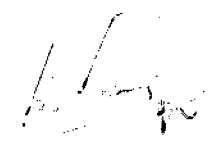
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... 2/-

- That it is a well settled principle of law that the
burden of proof is on the appellant in the absence of the
affirmative evidence.
3. That the facts have been made out by the evidence
and the nature of evidence and the facts are such that
the appellant has been able to establish the application
of the law. The appellant is not to be rejected
to be rejected.

WHEREFORE, it is respectfully requested that the
application of the appellant be rejected.



Counsel for the appellant

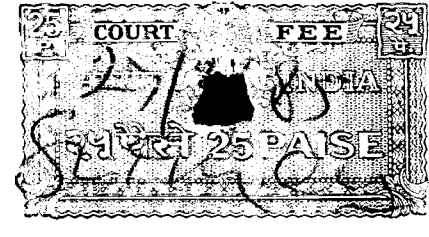
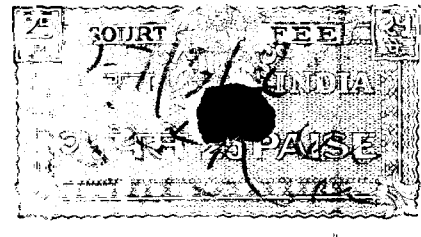
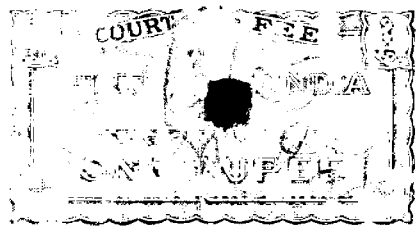
Respectfully,
[Signature]

IN THE COURT OF THE DISTRICT JUDGE, DISTRICT OF ...

Case No. ...

Between ...

60



Three = 11/50
45
27/3

Viswanath Guruswami

Appellant

Respondent

State of India

Respondents

IN THE COURT OF THE DISTRICT JUDGE, DISTRICT OF ...

Case No. ...

The appellant submits as under:-

1. That the appellant has filed the first civil appeal against the judgment and decree dated 4.9.80 and 10.9.80 passed by the District Judge, Additional District Judge, Lucknow in Session Suit No. 100 of 79 Viswanath Guruswami Vs. State of India and others.

2. That the appellant has respectfully closed to take the case for disposal from the order sheet dated 24.7.80.

3. That the order sheet dated 24.7.80, the appellant has been closed to take the case for disposal from the order sheet dated 24.7.80.

1/10/80
1/10/80
1/10/80

ER

"whether the actual date of birth of the plaintiff is (5th November, 1919) instead of 20.6.1912 as alleged in paragraphs 2 and 3 of the plaint?"

4. That after framing the aforesaid issue on 26.7.20 the learned trial court did not afford any opportunity to the parties to lead evidence on said issue nor have given any findings on the aforesaid additional issue. It is submitted that the appellant has missed to take the said legal steps in the proceedings of appeal.

5. It is respectfully submitted that the appellant has allowed to incorporate the aforesaid grounds in addition to the grounds set forth in the plaint of appeal. It is submitted that the appellant is not entitled to be heard in respect of the said grounds which he has not previously raised in the proceedings of appeal. In absence of which the appeal is liable to fail as it is:-

"12. Because the learned trial court erred in law and on facts both in not affording any opportunity to the parties to lead evidence on the additional issues framed on 26.7.20 this has resulted into great miscarriage of justice."

"13. Because the learned trial court has erred in law and on facts both in holding that since the appellant has raised objections to the said issues and as such, he is not entitled to lead evidence on the said issues this has resulted into great miscarriage of justice."

E. H.

In the Court of IIIrd Additional District Judge,
Lucknow.

5-9
-1

Vishwanath Gautam

----Appellant.

Versus

Union of India and others

----Respondents.

R.C.A. 25A of 1980
Fixed for 24.9.1981.

5-1-82
7/1/81

Application under Order VI Rule 17
read with Section 151 C.P.C.

In the abovenoted case the appellant respectfully
state as under:-

1. That the appellant wants to make some amendments
in the plaint which were left inadvertently and
due to mistake.

2. That the amendments sought for neither creates
any new cause of action nor the claim sought
for is barred by limitation.

3. That the amendment sought for is necessary
and essential.

4. That the amendment sought for is nothing
but a consequential relief.

5. That the balance of convenience lies in

Pl. Co. be given to
respondent for objection
19.10.11
15/11/11
24/9/11
Vishwanath

Crash 4/11/81
24/9/81

granting amendments and if the amendments sought for is not granted the appellant will suffer an irreparable loss.

6. That the following ^{are the} ~~are the~~ amendments which the appellant wishes to make in his plaint:-

A) The following paragraphs after para 16(a) be added:-

(aa) That a decree for death-cum-retirement gratuity permissible under the new Pension to those who retire after 1970 be passed in favour of the plaintiff against the defendants;

(aaa) That a decree for compensation at enhanced salary for the promoted post of Communication Assistant w.e.f. 12.1.1977 be passed in favour of the plaintiff against the defendants;

(aaaa) That a decree for salary ^{from} 1.6.1977 inclusive of J.A. and A.D.A. ^{etc} till the date of plaintiff's retirement be awarded in favour of the plaintiff against the defendants.

(aaaaa) That a decree for enhanced rate of pension be passed in favour of the plaintiff against the defendants.*

Therefore it is most respectfully prayed
that the plaintiff-appellant be permitted to make
the amendment as detailed above.

Lucknow, dated,
23.9.81

V. Prantaris
Appellant.

Verification.

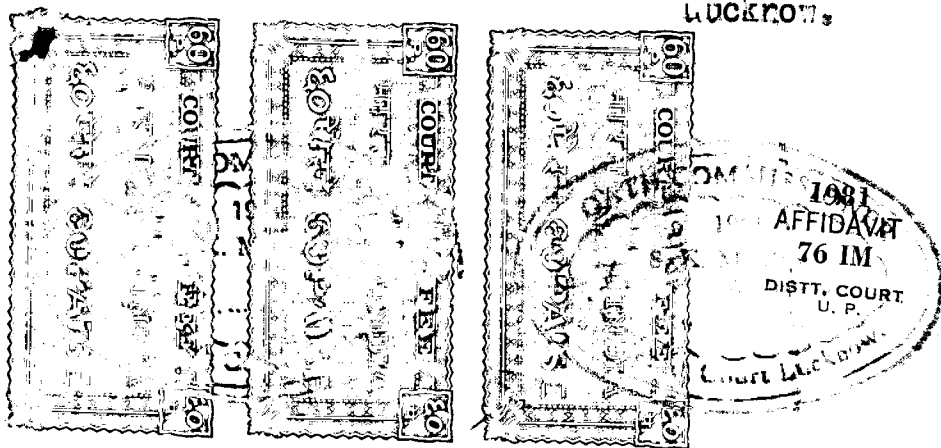
I, the appellant abovenamed verify that
the contents of amendments paras 16(aa) to
16(aaaa) are true to my belief.

Signed and verified on 23.9.81 at
Lucknow.

V. Prantaris
Appellant.

Counsel for the appellant.

In the Court of Mrd. Additional District Judge,
Lucknow.



Vishwanath Gautam

----Appellant.

Versus

Union of India and others

----Respondents.

R.C.A. 254 of 1980
Fixed for 24.9.1981.

Affidavit.

In re:

Application under Order VI Rule 17
read with Sec. 151 C.P.C.

I, Vishwanath Gautam, aged about 62 years, son
of Sri Brij Lal Gautam, r/o Subhan Vagar, Alambagh,
Lucknow, do hereby solemnly affirm as under:-

1. That the deponent is the appellant and is well conversant with the facts of the case.
2. That the deponent wants to make some amendments in the plaint which were left inadvertantly and due to mistake.
3. That the amendments sought nor neither create any new cause of action nor the claim sought for is barred by limitation.

V. Gautam

4. That the amendment sought for is necessary and essential.

5. That the amendment sought for is nothing but a consequential relief.

6. That the balance of convenience lies in granting amendments and if the amendments sought for is not granted the deponent will suffer an irreparable loss.

7. That the following are the amendments which the deponent wishes to make in his plaint:-

A) The following paragraphs after para 16(a) be added:-

aa) That a decree for death-cum- retirement gratuity permissible under the new pension to those who retire after 1970, be passed in favour of the plaintiff against the defendants;

aaa) That a decree for compensation at enhanced salary for the promoted post of Communication Assistant w.e.f. 12.1.1977 be passed in favour of the plaintiff against the defendants;

aaaa) That a decree for salary 1.6.1977 inclusive of D.A. and A.D.A. till the date

5/10/81

of plaintiff's retirement be awarded in
favour of the plaintiff against the
defendants.

aaaaa)That a decree for enhanced rate of
pension be passed in favour of the plaintiff
against the defendants.*

Lucknow, dated,
23.9.81

V. Brautain

Deponent.

Verification.

I, the deponent abovenamed verify
that the contents of paras 1 and 2 of
this affidavit are true to my knowledge
and those of paras 3 to 7 are verified on
legal advice and believe to be true.

Signed and verified on 23.9.81 at

Lucknow.

- V. Brautain
Deponent.

I identify the deponent who

has signed before me.

Advocate.

(SUSP. JUDICIAL MISTRUST) 1/81
Cath Commissioner
Collectorate Court, LUCKNOW

RCA

A.C.A. no 254/80

Deaden

~~Rechts~~ on 10-5-85

31

(8)

B. N. Gantam Vishwamath Gantam

V.

Y

line of India

U.O.9.

Bhanwar Singh, H.J.S.,
Additional Registrar.



' CONFIDENTIAL '

D.O.NO. 637/34/2-88 1989.

Lucknow Bench,
Lucknow.

Dated- 6/7/ , 1989.

Dear Sri Srivastava,

C 31
2

I am desired to enclose herewith
a copy of complaint made by Sri V.N.
Gautam and to ask you to obtain the report
from the Court concerned and send the
same to this Court immediately.

With regards,

Yours sincerely,

Encl- As above

Bhanwar Singh
(Bhanwar Singh)

Sri A.B.Srivastava,
District Judge,
Lucknow.

2-10-89

17-10-89

2-11-89

3-11-89

4-11-89

5-11-89

400.

C 31/3

(59)

COMPLAINT

Shri Brijesh Kumar,
Administrative Judge,
Lucknow Bench of Allahabad High Court,
Lucknow

Subject:- Missing of Court file of service case
No. 254/1980 for the last four years.

Sir,

I am a retired Central Govt. employee since May 1977. My service case was pending for decision in the court of Municipal Corporation Judge Shri Agarwal. After the long debate the Honourable Judge found some flaw and remanded back my case to the previous court of 5th Additional Munsif at Civil Court Lucknow on 10.5.85.

I have been trying my best for the last four years and approached several times personally to the 5th Additional Munsif Court and Municipal Corporation Judge Amrican Library Court alongwith their respective offices but all proved in vain. The matter was also reported to the District Judge and ten reminders in that connection have already been served so far, but no body hears.

I am completely exhausted at this age of 70 years and approaching your goodself to do the needful before it is too late.

Photocopy of Reminder No. ten addressed to the District Judge is enclosed for reference.

With regards,

Yours faithfully,

V. Krantam

(V.N. GAUTAM)

Subhash Nagar, P.O. Alambagh,
Lucknow. Pin. 226005.

Dt. 12.5.1989

Encl - one.

✱

क्या खून तुमारा है !
स्वाक हो जायेंगे हम, उनको नवरहने
देक

Reminder No. 19

To:
The District Judge,
Civil Courts,
Lucknow.

Subj:- Missing of file of Service Case No. 234/1939 for the
last three years.

Sir,

Reference is made to my previous reminder dated 24.5.39 and
copy forwarded to Registrar Sri Bhawar Singh, Lucknow Bench of
Allahabad High Court, Lucknow.

I have requested personally from time to time and given
several reminders to you in writing to trace out missing file
and deal the case according to law, but there has been no
response.

Again it is pointed out that Sri Agarwal, Municipal Corporation
Judge at Aurang Library Court, Lucknow remanded back the case to the
5th Additional Munsif at Civil Courts on 10.5.35.

But the file is neither available at Aurang Library Court
nor at 5th Additional Munsif. Similarly neither there has been
any reply from the Honourable District Judge nor from the
Honourable Registrar in spite of my repeated reminders.

I was retired from the Central Government in May 1977.
Since then, justice has been delayed which means refused.
Above all, the file of the case is not available and no
reply so far has been given either in person or in writing
I hope that the case will be dealt with as soon as possible.
Yours faithfully,

Dt. 20.5.1939

Yours faithfully,

V. K. Gautam
(VISHWANATH GAUTAM)
Subhash Nagar,
P.O. Alambagh,
Lucknow-226 003.

Copy forwarded to the Registrar Sri Bhawar Singh, Lucknow
Bench of Allahabad High Court, Lucknow.

Dt. 20.5.39

- sd -
(VISHWANATH GAUTAM)

प्रशासकीय कार्यालय,
जनपद न्यायालय,
लखनऊ।

दिनांक: जुलाई 10, 1989

श्री वी० एन० गौतम,
सुभाष नगर,
पोस्ट ऑफिस, आलमबाग,
लखनऊ।

आपके परिवाद दिनांक 12-5-89 जो, कि माननीय उच्च
न्यायालय, लखनऊ पीठिका, लखनऊ के प्रशासकीय न्यायाधीश, को
सम्बोधित है, के सन्दर्भ में मुझे आपको यह निर्दिष्ट करना है कि
आप अपने मुकदमे के तथ्य के सम्बन्ध में, दिनांक 17-7-1989 दिन
सोमवार को समय 4 बजे अपराह्न, अधोदस्ताक्षरी के कार्यालय में
उपस्थित हों।

15/7/89

C 21/6
16

L.O. 10. District Judge's chamber,
Lucknow, July 12, 1989.

Dear Sir,

I am writing to you regarding the
... 1988, on the
... recording
... 1954/80 being mislaid
... Judge/ Addl.
...

In this connection, I have to
state that, after the file's forgo, the
file has been placed in the Record Room
where it was assigned by mistake and
remained lying for 22 three years. The
... admitted as issue to
... instead of the same
being carried, the record found its way
to Record Room. The concerned party has
since been sponsored by me and further
proceedings will be started soon on his
assurance. With regards

Yours sincerely,

(A. P. PRIVASTAVA)

Mr. Chander Singh,
Addl. Registrar,
Hon'ble High Court of
Judicature at Allahabad
(Lucknow Bench).

Police

C-32

204/60

(9)

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the Court of District Judge, Lucknow.

(14)

P.C.A No. 254/30

Fixed to 23. 6. 38

Justice P. K. Ghosh v. C. I.

1- Sri Harman Singh ^{Shankar} Saxena Adv.

2- K. C. Saxena Adv.

... 23. 6. 38 ...
to show that as to why the record is
not transferred to the Central Administrative
Tribunal for hearing and disposal

... 22/21 ... 12/39.

14/8

12/11/39

3 n the name of J. N. G. ...

1885

FOR PAYMENT TO GOVERNMENT

N. I. Chapter III, Paragraph 26, Finance
Handbook Volume V, Part D

Receipt No. 1021

Date 27

Pl. ...
Department office

Received from Vishwa Nath Gout
in the name of 3/ free only

on request of C.R.

Signature of Government
granting the request

Designation

15

Appellant

us. 1(0) = 3/14
24/11/82

Respondent

R.C.A. 254/170
3.2. 27.11.1982

Application 15/1510.D.C.

On the above - who can the Applicant
specially noted on the ...
1) That the consent for ...
and no notice of ...
and as such ...
to ...

It is therefore prayed

that the above ...
be kindly ...

and

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(14)

6194

COURT
V.N. GAUTAM

COURT
V.N. GAUTAM

COURT
V.N. GAUTAM

COURT
V.N. GAUTAM

COURT
V.N. GAUTAM

Nilash Chandra Jauhari
ADVOCATE (HIGH COURT)

PREM - A - LOK
Amir Nagar,
LUCKNOW-4

Date 3.3.1972

To,

The Honble ADDL Dist Judge
Lucknow.

Reg. R.C.A. 254/80
Vishwa V. B. Gaudan
vs.
16

In the above matter

appears for the Applicant
b. Jamma for respondent

appears for the respondent
of the present matter
and the respondent is known as

17.3.72
17.254/80
16/7/72

In the Court of the High Court of
Lagos

(2)

1976

Visitors' Union Agreement
vs
Union of such & as

Appellants
Respondents

R.C.A 254 of 1980
J.J. 1.7.1983

Appellate Jurisdiction

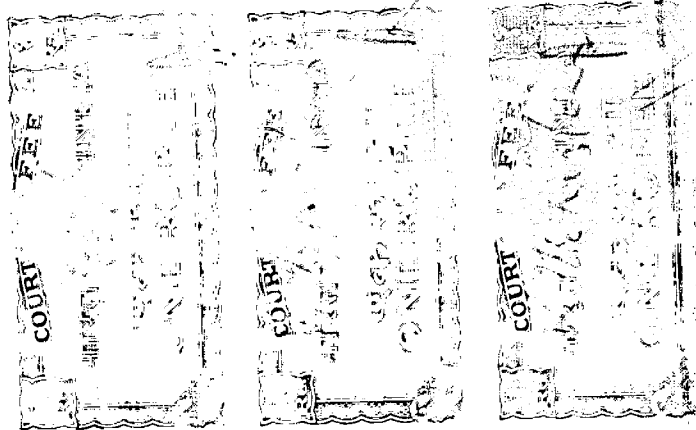
In this case, the appeal
the appellant's right to full trial
is under:
1) That the court should for the
appellant should not prepare
the appeal as the court will
well. As such, he is not in a
position to argue.

It is therefore proposed

that the appellant should appeal
the decision for any other date

Let Date
1.7.1983

Court of the
Appellate



323.00

20/12

Kailash Chandra Jauhari

ADVOCATE

CHIEF JUSTICE (CIVIL)

Phone : 28440

Prem-a-Lok

Amir Nagar,

LUCKNOW-4

Dated 7/12/83

IN THE COURT OF THE

CHIEF JUSTICE

Re. R.C.A 251 of 1980
U. S. N. S. G. S. vs

Union of India

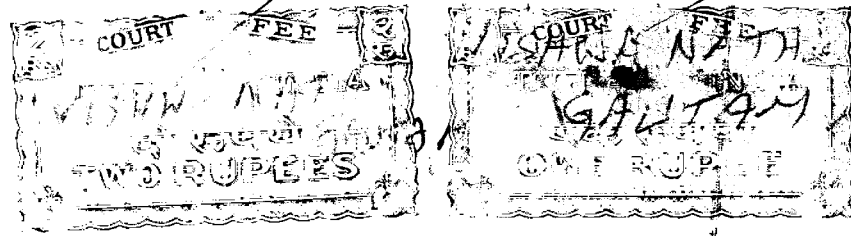
Sir,
In the above case
I appear on behalf of the appellant
but all of sudden I have to go
to Delhi for an urgent and
unavoidable work. As I am
not in a position to
attend the trial I request

I, therefore request
you to kindly adjourn
the case.

Yours faithfully

K. Jauhari

In the Court of Mr. J. S. Judge
Lucas



2 3 00
1/1
2/4

Vishva Nath Gautam

Appeller

vs

Respondent

U. O. Dindhi

R.C.A. 254 of 1980

2. 7. 7. 4. 1984

Application by S. S. Ch

In the above noted case
appellant respectfully states
under -
1) That the Court for the Appeller
is busy in his own personal work
and as such is unable to attend
him this case.
He is therefore prays

that the above noted case
be kindly and passed for an
order.

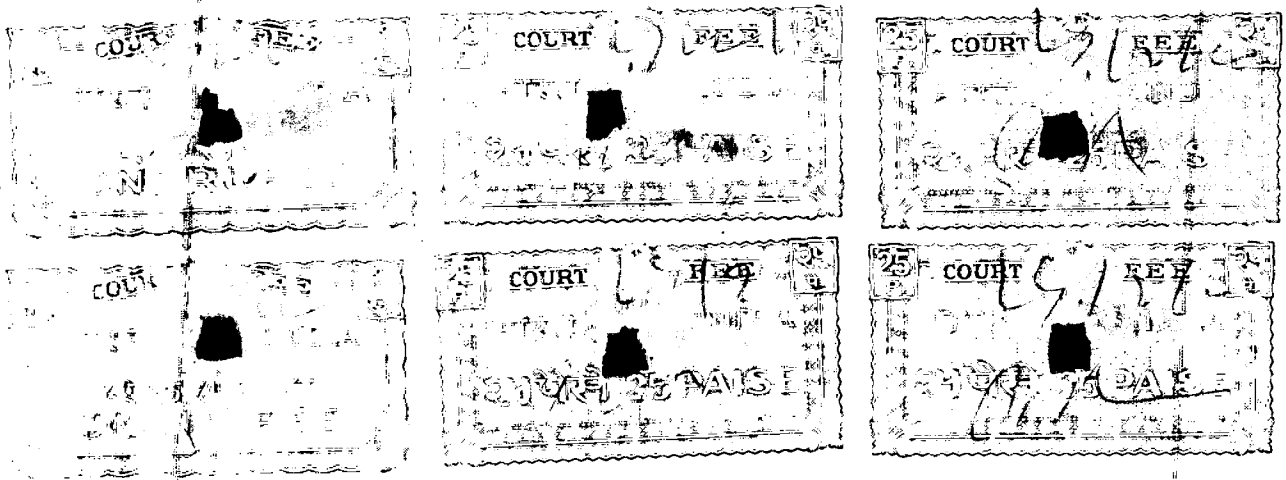
U. O.

April 1, 1984

Court for the

Appeller

Jan 22



$$\begin{array}{r} \text{Dec} = 3/2 \\ \hline 115 \\ \hline 1912 \end{array}$$

Dishwallath Goulam - Plaintiff

vs
 Gouvenor de la Re - Defendant

Sh.

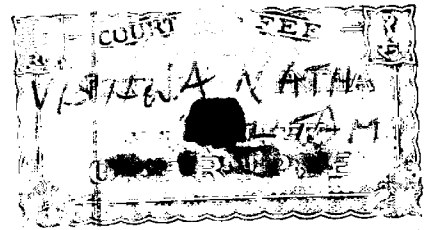
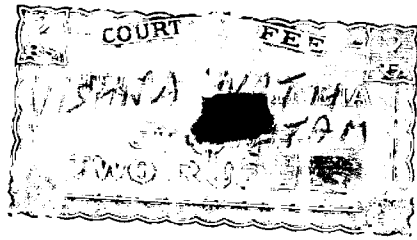
In the above matter
 On the undersigned Panel
 and prepared his case
 to say

That the undersigned
 require at least 2 or 3 weeks
 in preparing his case

wherefore it is prayed
 that the opposing party may
 please be adjourned for today

I, the undersigned, do hereby
 certify that the above is a true
 and correct copy of the
 original as filed in the
 Court of the Judge
 Metropolitan
 at the City of New York
 this 21st day of January
 1912
 J. P. [Signature]
 Clerk of the Court

In the Court of Add Judge
Kulman 29



- 120-31- Vishwanath Gantam - Applicant
1/2/85
1/2/85
Honour of Judge - Respondent

RCA 254/810
FFI-2-85

Sir

In the above noted
appeal the Ad Court set for
the applicant could not
appear in case since he was
busy in personal work

It is therefore prayed
that the appellant can
may please be adjourned
for some another date.

(No objection)

1/2/85
1/2/85
1/2/85

For which out of
let dress the applicant shall
ever pay as duty and

Kulman 29
29

of Applicant

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 10th inst.

and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Yours obedient servant,
J. H. S. [Signature]

Received
17th Dec 1891
G. H. S.

I am, Sir, very respectfully,
Yours obedient servant,
J. H. S. [Signature]

Yours obedient servant,
J. H. S. [Signature]

1891

Yours obedient servant,
J. H. S. [Signature]

In the Court of His Honor Judge
Lynch

(11)

Viswanath Gantam

Appellant

v.

Ch. O. Sankar

Respondent

RCA _____

77-242-1902

In the above case the
appellant respectfully requests
an order -

1) That his counsel for the
appellant is being inserted
Hamberger Case.

It is respectfully prayed

that the above may be
be kindly taken up after

4 p.m. ()

2014 2501

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Application ... to ... no reason for
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R. No 190/79
Bishwanath Gauri

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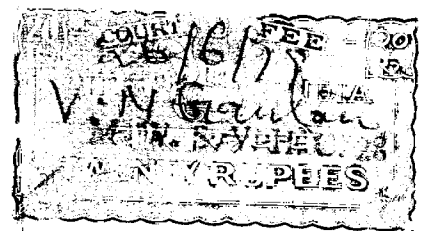
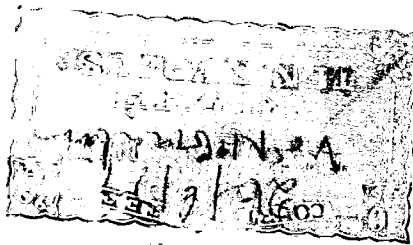
...

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Hawaii,
... 190 ... 1971.

37/18



2-3-1

Vishnu Nath Gautam, son of Sri Brij
Lal Gautam, R/o Subhash Nagar,
Alambaga, Lucknow.

... PLAINTIFF.

VERSUS

- S 1. Union of India, through Director
General, Civil Aviation, Post
Blocks III & VIII, New Delhi.
2. The Secretary, Ministry of Civil
Aviation & Tourism, Govt. of
India, New Delhi.
- S 3. Assistant Director (Administration)
Civil Aviation Department, R.A.
Purana, New Delhi.
4. Regional Director (Civil Aviation
Department) Delhi Region, Jafarabad,
Airport, New Delhi.
- S 5. The Officer Incharge, Aeronautical
Communication Station, Civil Aviation
Department, Lucknow Airport, Lucknow.

... DEFENDENTS.

Nature of Suit - Declaration

Valuation - Rs. 500/-

Court fees paid- Rs. 30/-

The plaintiff above named most respectfully
submits as under:-

1. That the plaintiff joined service as Radio
Operator in Civil Aviation Department on 1st
defendant no. 1 in the month of January 1948, after
obtaining six months professional training. The
plaintiff since then had been discharging his duties

with utmost honesty, devotion and efficiency and his service record through-out remained unblemished and commendable. (79)

2. That the plaintiff was born on 15.11.1919 at Ferozepur City and his date of birth in fact is 15.11.1919.

3. That due to some error or omission the plaintiff's date of birth in the University Certificate of High School was recorded as 20.5.1919.

4. That in the month of October 1976 while the plaintiff was posted as Radio Operator, A.C.S., Lucknow he for the first time came to know that his date of birth in the service record has wrongly been entered as 20.5.1919 instead of 15.11.1919, he on 18th October 1976 sent a letter to the Director General of Civil Aviation, R.K. Puram, New Delhi requesting him to advice as to whether the correct date of birth can be taken into consideration if it is supported by genuine certificates.

5. That the plaintiff on 15.12.1976 received the reply of the letter dated 18.10.1976 requiring him to produce necessary documents in support of his claim for change in his date of birth in service record.

6. That thereafter the plaintiff submitted his own affidavit about his date of birth. The defendant No. 5 vide his letter dated 21.1.1977 quoting therein the extract of orders passed by defendant No. 4 required the plaintiff to produce some convincing and authentic documentary proof in support of his claim.

102/3
(2)

7. That the plaintiff was born at Ferozepur City on 15.11.1919 with infant name "Mahesh Chand". The birth of the plaintiff was recorded in the Statutory record of Municipal Community Ferozepur City called the "Births and Deaths" Register. The plaintiff's date of birth in the said register has been shown as 15.11.1919. The relevant extract of the said "Birth and Deaths" Register relating to the birth of the plaintiff duly certified and attested by the competent authority was submitted on 19.3.1977 by the plaintiff to the defendant.

8. That besides the above the plaintiff also submitted a duly sworn affidavit dated 1.5.77 of his mother to the effect that the plaintiff was born on 15.11.1919 with infant name "Mahesh Chand" and that on "Nam Karan Ceremony" the present name "Vishwa Nath" was assigned to him.

9. That on 27.5.1977 the plaintiff received a Memorandum No. C-13013/15/76 dated 24.5.1977 sent by the defendant No. 3 requiring the plaintiff to give clarification regarding the matters enumerated in the said memorandum. It was also made clear in the said memorandum that the change of date of birth will not in any way effect the date of plaintiff's retirement on attaining the age of Superannuation on 31.5.1977. The copy of aforesaid memorandum was also endorsed to defendant No. 4 directing him to retire the plaintiff on 31.5.77 totally ignoring the matter regarding the determination of correct date of birth was still pending.

10. That thereafter the plaintiff received a letter No. IX-434-VSC/1102 dated Lucknow 24th May 1977 signed by the defendant No. 5 informing him about the

Defendant

82/28 (5)

- 1 -

rejection of his request regarding the change in his date of birth and retiring him with effect from 31.5.1977 on the basis of incorrect date of birth recorded in his service record giving rise ~~of~~ to the cause of action.

11. That the plaintiff feeling aggrieved served a notice dated 5.5.1977 under section 80 Code of Civil Procedure on defendants but invane.

12. That on 28.5.1977 the plaintiff further explained the correct position regarding the quarries made by the defendant No. 3 vide his memorandum dated 24.5.1977 referred to in para 9 above.

13. That the defendants rejected the plaintiff's claim by a non-speaking, cryptic and *scatchy* order.

✓ 14. That the order refusing to correct the date of birth recorded in the service record and to retire the plaintiff from the post of Radio Operator 5 months 15 days earlier is illegal, arbitrary, void and inoperative for the following facts:-

(i) The order is non-speaking, perverse and against the Rules of Natural Justice.

(ii) The defendants did not apply their mind to the material and documents produced by the plaintiff in support of his claim regarding his date of birth and passed the orders in an arbitrary manner.

(iii) The defendants did not offer opportunity to the plaintiff of being heard in the matter.

Hewittam
(iv) The orders rejecting the plaintiff's claim for correction of the date of birth is also

contrary to the statutory provisions applicable in this regard.

15. That the cause of action accrued to the plaintiff against the defendants on 28.5.1977 when he received a letter dated 24.5.1977 under the signatures of defendant No. 5 intimating the plaintiff about the rejection of plaintiff's claim regarding the correction of date of birth and subsequently on 31.5.1977 when he was retired from the service on the basis of incorrect date of birth recorded in his service record within the jurisdiction of this Hon'ble Court.

16. That the plaintiff has already served the requisite notice dated 5.5.77 under section 80, Code of Civil Procedure on the defendants and Sixty days since then had expired.

17. That the valuation of the suit for the purposes of jurisdiction and court fees is fixed to Rs.500/- on which a fixed court fee of Rs.30/- is paid herewith.

18. That the plaintiff prays for the following reliefs:-

(a) That a declaratory decree in favour of the plaintiff and against the defendants to the effect that the plaintiff's date of birth is 15.11.1919 and not 20.5.1919 as recorded in the service record and his retirement with effect from 31.5.1977 on the basis of incorrect date of birth is illegal, arbitrary, void and inoperative entitling the plaintiff with all the benefits regarding salary, increments, etc. till 30.11.1977.

Plaintiff

(b) Any other declaration or order which under the facts and circumstances of the case is deemed fit and proper be made in favour of the plaintiff against the defendants.

(c) The suit be decreed with cost against the defendants.

Lucknow:

Dated: May 26 : 1979.

V. B. Tewari
PLAINTIFF.

VERIFICATION

I, the above named plaintiff, do hereby verify that the contents of paras 1 to 14 and 16 are true to my own knowledge and the contents of para 15 and 17 and 18 are believed by me to be true.

Signed and verified this 26th day of May 1979 within the Civil Court Compound, Lucknow.

Lucknow:

Dated: May 26 : 1979.

V. B. Tewari
PLAINTIFF.

A-1
3

that thereafter also the plaintiff's signature was obtained in the Service Book on 13 Aug. 1957 and 14 Sept. 1957, which were duly attested by the Officer in-charge of the plaintiff. (98)

That the plaintiff's allegations that he for the first time knew of the date of birth of his service book in the year, 1976 is nothing but a deliberate lie.

That the answering defendants shall be guided by the service records and have NO jurisdiction to make any correction in the date of birth, unless it has been recorded in contravention of the one, given in the High School Certificate.

That the plaintiff has failed to give any convincing, positive evidence, so as to warrant any action in the matter by the answering defendants.

That the plaintiff could have got his date of birth corrected in his high school certificate and thereafter the defendants could have considered his case.

That the case made out by the plaintiff is an afterthought and the facts seem to have been concocted for the purposes of this case. That the suit of the Plaintiff is misconceived and is liable to be dismissed with costs.

Verification.

I, M.L. Srivastava, do hereby verify that the contents of para 1 to 13 are true to my knowledge on the basis of the records available in the Department and also on legal advice.

Signed and verified this 20 August 1979
at my office.

20 Aug. 1979.

M.L. Srivastava
(Signature)
Officer in Charge
Agricultural Census & Statistics
Lucknow Division, Lucknow

Volume 11, 1984, pp. 1-549

3.

A. W.
T₀

[illegible][illegible]

— ابراهيم —

1/2 century.

21.7.20

ਮਾਰਚ ੧੯੬੮

ਸ਼੍ਰੀ ਭਗਤ ਸਾਹਿਬ ਜੀ, ਮਾਨਯੋਗ, ਸ਼੍ਰੀ ਭਗਤ ਸਾਹਿਬ

ਮੇਰੇ ਪਿਤਾ ਜੀ (ਜੋ) ਮੇਰੇ ਮਾਪੇ ਵਿਚਲਾ ਕੇ ਮੇਰੇ ਮਾਪੇ 58
ਦੇਸ਼-ਵਾਸੀ ੨੦ (ਦੋ) ਸਾਲਾਂ ਲਈ ਮੇਰੇ ਮਾਪੇ ਵਾਂਗ
ਦੇਸ਼-ਵਾਸੀ ੨੦ (ਦੋ) ਸਾਲਾਂ ਲਈ ਮੇਰੇ ਮਾਪੇ ਵਾਂਗ - (੬੧)

ਵਿਚਲਾ ਕੇ ਮੇਰੇ ਮਾਪੇ

੬੧ ਮੇਰੇ ਪਿਤਾ ਜੀ (ਜੋ) ਮੇਰੇ ਮਾਪੇ ਵਿਚਲਾ ਕੇ ਮੇਰੇ ਮਾਪੇ 58
ਦੇਸ਼-ਵਾਸੀ ੨੦ (ਦੋ) ਸਾਲਾਂ ਲਈ ਮੇਰੇ ਮਾਪੇ ਵਾਂਗ
ਦੇਸ਼-ਵਾਸੀ ੨੦ (ਦੋ) ਸਾਲਾਂ ਲਈ ਮੇਰੇ ਮਾਪੇ ਵਾਂਗ - (੬੧)

X

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ਮੇਰੇ ਪਿਤਾ ਜੀ (ਜੋ) ਮੇਰੇ ਮਾਪੇ ਵਿਚਲਾ ਕੇ ਮੇਰੇ ਮਾਪੇ 58
ਦੇਸ਼-ਵਾਸੀ ੨੦ (ਦੋ) ਸਾਲਾਂ ਲਈ ਮੇਰੇ ਮਾਪੇ ਵਾਂਗ
ਦੇਸ਼-ਵਾਸੀ ੨੦ (ਦੋ) ਸਾਲਾਂ ਲਈ ਮੇਰੇ ਮਾਪੇ ਵਾਂਗ - (੬੧)

ਸ਼੍ਰੀ ਭਗਤ

कमबद्ध आदेश-पत्र
(अध्यास 4, नियम 3)

व्याप्त

सन् 19 20

राष्ट्र

सन्

(97)

| दिनांक | आदेश अथवा आवेद का संक्षेप | मैजिस्ट्रेट के हस्ताक्षर | टिप्पणी |
|----------|--|--|-----------------|
| 10-12-77 | <p>Call - 1.</p> <p>Res - 1. Pelt - 1. ...</p> <p>For R. k. A. ...</p> <p>Person - 1. ...</p> <p>... ..</p> <p>1. While the order is returned
the to correct the date of
... .. the pelt is illegal
... .. as possible
the pelt ...</p> <p>2. To what extent, if any, is
the pelt ...</p> <p>... ..</p> <p>No other ... in ...</p> <p>... ..</p> <p>... .. 15.1.80 for ...</p> |  | <p>10/12-77</p> |

4

Spent = 144 mg. hydro. i
Dose 100 mg.

D. 10. a 3rd application by the pref.
on the ground of a second meeting of
the pref. board & a material
introduction of a new and improved
piston & a new application
file 10-5-10-10-10-10

100

Grand. Parkers Coal

D.11. Adjoornment application by the
pep. on the 1st of that day
was who is a material witness
than a case today.
The pep. has taken on more
a Government as the 1st
in 1st. Arrest on the 1st
important of B. 15th as per to
it 1st of C. on the 1st
a Government.

Feb 21. 7. 806 24.

case transferred to the court of
J.H. Alder. missing, also note
D.J.'s own date of 9-5-80

12500

Isle Dorey

31

बादो प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

Hawall (अनुच्छेद 13, नियम 9)

पेशावाला

कानून

निष्ठाद्वारा

कार संख्या

सं 1979 ई.

2178

North Hill

बादो

अन्य

Director of Police and others.

अतिरिक्त

बादो/प्रतिवादी की ओर से बाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

अवधि-सुनवाई के समय

पेश की

Plaintiff

के साथ सं 1979 ई. के

July

2

दिनांक को पेश किया।

| कागज क्या हुआ | | | | | |
|---------------|--|--|---|--|---------|
| क्र.सं. | दस्तावेज का वर्णन और उसकी तारीख यदि कोई हो | यदि अभिलेख में सम्मिलित किया गया तो अवधि/चिह्न को उस पर डाला गया | यदि न संजूर हुआ तो पक्ष कार की मोटाये जाने की तारीख और पक्षकार या उसके अभिव्यक्ति के हुताक्षर जिसकी कागज मोटाया गया | यदि बाद के जिनियस के पश्चात् कागज अभिलेख में रह जाय और अध्याय 3 नियम 24 के अन्तर्गत सिफाफा में बन्द किये जाने की तारीख | टिप्पणी |
| 1- | Copy of letter dated 18.10.76 to General | | 18.10.76 sent by Plaintiff to (C.A. & D.) | | |
| 2- | Letter dated 15.12.76 to Plaintiff | | Received by Plaintiff dated 18.10.76 | | |
| 3- | Letter dated 31.1.77 asking for production of authentic proof regarding birth of Plaintiff | | 31.1.77 asking for production of authentic proof regarding birth of Plaintiff | | |
| 4- | Plaintiff's statement sworn by his mother | | 1.5.77 submitted by Plaintiff | | |
| 5- | Memorandum No. 13013/15/76 dated 15.5.77 asking for clarification | | 13.5.76 dated 15/5/76 | | |
| 6- | Letter dated 15.5.77 requesting change of birth and asking the Plaintiff | | 15.5.77 requesting change of birth and asking the Plaintiff | | |
| 7- | Notice U/s 80 & P.C. | | | | |
| 8- | Postal receipts from S.No 5444 to 5449. | | | | |
| 9- | Memorandum from S.No 5444, 5445, 5447, 5448, 5449 | | | | |
| 10- | Registered A to envelope marked by Defendant No 55 | | | | |

पश्चात् कागज -
बाद लेखा -
पक्ष के बाद -

सूची को पेश करने वाले पक्षकार की अभिव्यक्ति के हुताक्षर

Plaintiff

X

(101)

71 2/2

~~SECRET~~

The Director General of Civil Aviation,
New Delhi-22

PERSONAL LETTER

It is stated that date of birth in the Govt. Records has been
declared according to my university certificate of High School
which is incorrect, with the result I have to retire earlier from
service for no fault of mine. Kindly advise me if the correct date of
birth can be taken into consideration if it is supported by genuine
documents.

Yours faithfully,

Yours faithfully,

Sd/-V.K. Gupta

1/6
Sd/-: Unknown

GOVERNMENT OF INDIA
POST AND TELEGRAPH DEPARTMENT
Major Office, Lucknow, Central Communication Station
Lucknow, A.P. Lucknow.

NO. SA/P-10/2624
Dated 15.12.76

Application dated 13/10/1976
for the post of Radio Operator
(7/10/1976) to the P.D.C. Lucknow Delhi
and change in his date of birth.

Whereas the above request is
submitted by the Deputy, P.D.C.
(7/10/1976) is required
to submit necessary documents in
support of the request for change in
date of birth to this office at an
early date.

(10/12/76)
The Deputy, P.D.C. Lucknow
is requested to submit the
necessary documents to this office at an
early date.

personal knowledge. He may therefore be advised to produce some convincing and authenticative documentary proof in support of his claim."

(H.L.Srivastava)

Shri V.N.Gautam,
Radio Operator (SG),
A.C.S.; Lucknow.

No.LK/P-76/153

Dated Lucknow the 21 JAN 1978

MEMORANDUM

Reference application dated 11.1.77 from Shri V.N.Gautam, R/Opr(SG) regarding change in his date of birth, an extract of letter No.1/9/74-EC, dated 19.1.77 from the Regional Director, New Delhi is reproduced below for information and necessary action:-

" The affidavit submitted by Shri Gautam has been considered and it is observed that how a person can solemnly affirm and declare his own date of birth as true by his personal knowledge. He may therefore be advised to produce some convincing and authenticative documentary proof in support of his claim."

(H.L.Srivastava)

Shri V.N.Gautam,
Radio Operator (SG),
A.C.S., Lucknow.

भारत सरकार
नागर विमानन विभाग
कार्यालय, महानिदेशक नागर विमानन
पूर्वी खंड II-III, रामकृष्णपुरम
GOVERNMENT OF INDIA

CIVIL AVIATION DEPARTMENT
OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION
EAST BLOCKS II AND III, R. K. PURAM

IMMEDIATE

संख्या

No. C.13013/15/76-EC(Pt)

नई दिल्ली-22, तारीख.....1977
Dated New Delhi-22, the.....24.....May, 1977.

MEMORANDUM

Subject: Change of date of birth.

-1-

With reference to his applications for the change of his date of birth Shri V. N. Gautam, Radio Operator (Selection Grade), Aeronautical Communication Station, Lucknow is hereby requested to let the undersigned know the basis on which the date of birth in his University Certificate of High School was entered. He should also indicate the name/address of the School where he got his primary/high school education. At the same time he may also mention the reasons as to how two different dates of birth have been shown in the two recent documents produced by him (i.e. in Municipality Certificate it is 16.11.1919 and in affidavit it is 17.11.1919). This enquiry will not in any way affect the date of his retirement on attaining the age of superannuation on 31.5.1977 (A.N.). This may please be noted.

(P. C. Jain)

Asstt. Director (Administration)
for Director General of Civil Aviation

✓ Shri V. N. Gautam,
Radio Operator (Selection Grade),
a/o Officer-in-Charge,
Aeronautical Communication Station,
Civil Aviation Department,
LUCKNOW.

Copy forwarded to:-

1. The Regional Director, Delhi Region, Safdarjung Airport, New Delhi. It is specifically for his information that this will not in any way affect the date of retirement of Shri Gautam fixed for 31st May, 1977.
2. The Officer-In-Charge, Aeronautical Communication Station, Civil Aviation, Department, Lucknow.

GOVERNMENT OF INDIA
CIVIL AVIATION DEPARTMENT

Officer-in-Charge, Aeronautical Communication Station
Lucknow Airport, Lucknow

No.LK/A-3B/VNG/1142

Dated Lucknow, the 24 May 1977

Shri V. N. Gautam,
Radio Operator, Sel. Grade,
Aeronautical Communication Station,
Lucknow Airport, Lucknow.

The request for change in your date of birth
is not covered in Govt. of India Decision Rule 79
of C.P. Rules. This disposes off your several
letters and notice under section 80 of 5 May 77.
The decision contained in Director General of
Civil Aviation, New Delhi letter No.C13013/15/76-EC Pt
dated 20 April 77 addressed to the Regional Director
Delhi Region, New Delhi is given as below for
your information, which please acknowledge :

"I have to refer to your letter No 1/9/74-EC
dated 31st March 1977 on the above subject and to say
that the request of Shri V.N.Gautam, Radio Operator
for a change in his date of birth has been considered
but it is regretted that it cannot be acceded to.
Shri V.N.Gautam, Radio operator may please be informed
accordingly."

2. Accordingly Shri V.N.Gautam, Radio operator
Sel. Grade will stand relieved Afternoon 31st May 1977
of service from Government Service on superannuation.

(A.L.Srivastava)
Communication Officer.

Officer-in-Charge
Aeronautical Communication Station
Lucknow Airport, Lucknow

25/5/77

25/5/77

REGISTERED A.P.

NOTICE UNDER SECTION 89 OF G.P.O.

From

Baldeo Raj Menon,
Advocate,
23A Singar Nagar,
Alambagh,
Lucknow-226 005.

For & on behalf of Shri Vishwa Nath Gautam,
Radio Operator (S/G), Aeronautical Communication
Station, Lucknow Air Port, Lucknow W.

To:

1. The Secretary,
Ministry of Civil Aviation and Tourism,
New Delhi.
2. Director General of Civil Aviation,
New Delhi.
3. Regional Director, Delhi Region,
Safdarjung, Airport, New Delhi.
4. Officer Incharge, Aeronautical Communication Station,
~~New Delhi~~ Lucknow Airport, Lucknow.

Dear Sir,

Having been instructed by my client Shri Vishwa Nath
Gautam S/O Late Shri Brij Lal Gautam R/O Subhash Nagar, P.S.

Krishna Nagar, Lucknow, I serve you the following notice:-

- 1 - That my said client joined the Civil Aviation Department
at Gwalior Madhya Pradesh as Radio Operator on 22.1.1948.
- 2 - That at present my said client is posted at
Aeronautical Communication Station, Lucknow Airport
Lucknow under the direct subordination of the Communication
Officer, Shri H.L.Srivastava.
- 3 - That as there is some difference in the actual date of
birth of my client and his date of birth as recorded in the
official records of the Civil Aviation Department of India,
my said client vide letter dated 18.10.1978 to the

..2/-

Director General of Civil Aviation, New Delhi intimated this difference in the date of his birth and also sought the advice whether his correct date of birth could be taken into consideration.

4 - That in response to the said letter, he received a memorandum No.LK/P-76/2624 dated 15.12.1976 from Shri H.L.Srivastava, Officer Incharge, Aeronautical Communication Station, Lucknow Airport, Lucknow, requiring him to produce necessary documents in support of his request for change of the date of birth.

5 - That sometimes in the month of Jan'1977, my said client submitted an affidavit to the Officer Incharge, Aeronautical Communication Station, Lucknow Airport, Lucknow, in respect of his actual date of birth.

6 - That on 21 January, 1977 my said client received a Memorandum No.LK/P-76/183 from the Officer Incharge Aeronautical Communication Station, Lucknow Airport, Lucknow and he was required to produce some convincing and authentic documentary proof in support of his claim.

7 - That in compliance to the order as per Memorandum dated 21.1.1977 referred to above, my said client went to his birth place at Ferozpur City and brought the Birth Certificate from the Municipal Committee Ferozpur City. In the said certificate, the date of birth of my said client is mentioned as 15.11.1919 and is the name is mentioned as Mahesh Chand. It may be submitted here that Mahesh Chand was the name given to him at the time of his birth but at Namkaran ceremony his name was changed to Vishnu Nath Gautam.

6

10

- 3 -

1 - That the said birth certificate was submitted by my
said client on 19.3.1977 to the Regional Director, Delhi
Region, Indira Airport, New Delhi through his department.

2 - That since 19.3.1977 no rent has been received by my
client upto now. My client is afraid that his
has been put in cold storage.

That a representation dated 23.4.1977 was also made
in connection to the Hon'ble Home Minister,
Shri Charan Singh, Ministry of Home Affairs, New Delhi,
for the same.

3 - That the date of birth of my said client recorded in
the Birth Registration Department of India
is 15.11.1918. There
are in

10 -
in this
Chaudhry.

11 - That the date of birth of the official record of the child is 20.5.1919 and as per the birth records of Ferozepur the difference of birth

Official File No. 20.5.1919 and as per Municipal records of Ferozepur is a very short difference of five months between the two dates of birth as said above.

12 - That the said certificate bears the name of Mahesh Chand. In this connection, it is submitted that birth name of my said client was MAHESH CHAND which changed by his parents after some time at the time of naming ceremony (Nam Karan Sanskar) solemnized under the Hindu rites and as such Mahesh Chand and Vishnu Nath Gauran both are the one and the same person. An affidavit to this effect, is deemed necessary, can be sworn by mother of my said client.

As per the recorded date of birth i.e. 20.5.1919, the said client is due in the next date of birth as per Municipal records.

15 - That as per the recorded date of birth i.e. 20
the retirement of my ¹⁵ said client is due in the month
but according to his actual date of birth as per
Memon - Adhwal

SP Menon Advocate

8 - That the said birth certificate was submitted by my said client on 19.5.1977 to the Regional Director, Delhi Region, Jaijajung Airport, New Delhi through his department.

9 - That since 19.5.1977 no reply has been received by my said client until now. My client is afraid that his case has been put in cold storage.

10 - That a representation dated 23.4.1977 was also made in this connection to the Hon'ble Home Minister, Chaudhury Charan Singh, Ministry of Home Affairs, New Delhi, through proper channel.

11 - That the date of birth of my said client recorded in the official record of the Civil Aviation Department of India is 20.5.1919 and as per the birth certificate from the Municipal records of Ferozepur City it is 15.11.1919. There is a very short difference of five months and 26 days in between the two dates of birth as said above.

12 - That the said certificate bears the name of Mahesh Ghand. In this connection, it is submitted that the birth name of my said client was MAHESH GHAND which was changed by his parents after some time at the time of naming ceremony (Nam Karen Sanskar) solemnized under the Hindu rites and as such Mahesh Ghand and Vishnu Nath Gantam both are the one and the same person. An affidavit to this effect, is deemed necessary, can be sworn by mother of my said client.

13 - That as per the recorded date of birth i.e. 20.5.1919, the retirement of my said client is due in the month of May '77 but according to his actual date of birth as per the Municipal

M. Munshi - Advocate

records of Ferozepur City, his retirement will be ^{As per} ~~be~~ ^{take} place on 15.11.1977, hereby giving him a chance to serve the Department for another six months.

14 - That in case my said client is retired in May 1977 he shall be deprived of his lawful claim of Rs. 6,010/- only, the salary for six months on account of his premature retirement for no fault of his, due to wrong recording of his age.

15 - That further my said client has incurred a substantial sum and physical trouble for collecting the certificate of birth from ^{the} Ferozepur City by travelling all the way from Lucknow to Ferozepur and back as per assurance given in letter dated 21.1.1977 mentioned in para 6 above.

16 - That in case the claim of my client regarding age is not entertained, he will be forced to seek relief by way of claiming arrears of salary, dues etc. for the period 21.5.1977 to 15.11.1977 besides expenses for going to Ferozepur and back.

It is, therefore, to call upon you to take necessary action in the matter before the date of retirement of my client, failing which after the expiry of two months next after the delivery of this notice at your office my said client shall file a civil

..5/-

15/11/77
Ad. 22/2/78

suit for damages and loss of salary for the period of
six months i.e. 20.5.1977 to 15.11.1977 as also for the
expenses in obtaining the birth certificate from
Farosepur which have come to about Rs.500/- .

Yours faithfully,

B/S/M. Memon

Encknow.

(Baldeo Raj Memon)
ADVOCATE

Dated: 5.5.1977

Wigmore North Circular - - - - - Planning
 Union of Districts - - - - - Dependents.

बीमा नहीं NOT INSURED क्रमांक/No. 5444

प्राप्ति पर एक टिकटों का मूल्य र० १० P. 5444
 Amount of Stamp affixed Rs. P.

प्राप्त किया गया रजिस्ट्री Date Stamp
 Received & Registered

प्राप्त करने का नाम Addressed to

प्राप्त करने वाले अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

बीमा नहीं NOT INSURED क्रमांक/No. 5445

प्राप्ति पर एक टिकटों का मूल्य र० 32 P. 5445
 Amount of Stamp affixed Rs. P.

प्राप्त किया गया रजिस्ट्री Date Stamp
 Received & Registered

प्राप्त करने का नाम Addressed to

प्राप्त करने वाले अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

बीमा नहीं NOT INSURED क्रमांक/No. 5446

प्राप्ति पर एक टिकटों का मूल्य र० 3 P. 5446
 Amount of Stamp affixed Rs. P.

प्राप्त किया गया रजिस्ट्री Date Stamp
 Received & Registered

प्राप्त करने का नाम Addressed to

प्राप्त करने वाले अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

बीमा नहीं NOT INSURED क्रमांक/No. 5447

प्राप्ति पर एक टिकटों का मूल्य र० 3 P. 5447
 Amount of Stamp affixed Rs. P.

प्राप्त किया गया रजिस्ट्री Date Stamp
 Received & Registered

प्राप्त करने का नाम Addressed to

प्राप्त करने वाले अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

बीमा नहीं NOT INSURED क्रमांक/No. 5448

प्राप्ति पर एक टिकटों का मूल्य र० 3 P. 5448
 Amount of Stamp affixed Rs. P.

प्राप्त किया गया रजिस्ट्री Date Stamp
 Received & Registered

प्राप्त करने का नाम Addressed to

प्राप्त करने वाले अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

Wigmore North Circular - - - - - Planning
 Union of Districts - - - - - Dependents.

ACKNOWLEDGMENT

DATE

{ क्रमांक
No.

5444

Address/Postage/Weight/Parcel

The Secretary

Ministry of Civil Aviation & Tourism,

NEW DELHI 110 001.

Signature of addressee

Signature not required.

For use only.

21/5
-94

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

To
Sr Supdt of Post Offices,
Lucknow Division-226001.

Sr R. N. Saxena
Sr V. N. Pantou Adv
Ind. Nagar, Kumbhghat

NO. CR/R 79/72 79

Dated at Lucknow 226001 the

18

Dear Sir/ Madam,

With reference to your letter No X dated 22 7 79
regarding disposal of IP/RP/RL No. 5465 dated 17-6-79
This is to inform you that the article in question was delivered to
the addressee on 15-6-79. A copy of the addressee's
receipt is enclosed herewith.

Inconvenience caused to you however regretted.

22/7/79
Sr Supdt of Post Offices,
Lucknow Division, 226001.

(अधीन) **ACKNOWLEDGMENT**

Letter/Postcard/Packet/Parcel

Shri P.C. JAIN

ASSTT. DIRECTOR (ADMN)

CIVIL AVIATION

East Block II & III

L.K. Puram,

NEW DELHI 110 022.

{ क्रमांक
No. 544 }

116

पत्र के हस्ताक्षर/Signature of addressee

but the latter not required.

For use of addressee only.

P. Jain
19/6/78

ACKNOWLEDGMENT

क्रमांक
No.

Letter/Postcard/Packet/Parcel

The Regional Director,

DELHI REGION,

Safdarjung Airport,

NEW DELHI - 110 008.



हस्ताक्षर/Signature of addressee

Postage not required.

For insured articles only.

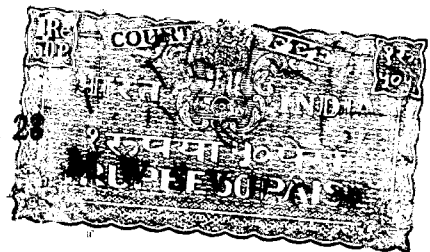
वकालत भीमान

वादी (पुद्दा)

प्रतिवादी (पुद्दाअलेह)

का

वकालतनामा



Witness North Grammar

वादी (पुद्दा)

वमाम

प्रतिवादी (पुद्दाअलेह)

नं० मुकदमा

सन १६

पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

एडवोकेट महोदय वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा जपौल व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखतो) रसोद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वकालत नामा लिख दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

२६

महीना

५

१६७९ ई

Handwritten
IN THE COURT OF JUDGE ~~SOUTH~~ LUCKNOW.

R.S. no.

10/8
of 1979.

Vishwa Nath Gautam

... Plaintiff.

VERSUS

Union of India & Others.

... DEFENDENT.

REGISTERED ADDRESS

VISHWA NATH GAUTAM
S/O SRI BRIJ LAL GAUTAM
R/O SUBHASH NAGAR
ALAMBAGH
LUCKNOW.

Lucknow:

Dated: 26 5-79

R.C. Saxena
(R.C. Saxena)
Advocate
COUNSEL FOR THE PLAINTIFF.

FROM

MR. CHITRA SINGH LALWATI,
DIRECTOR

405, HIND NAGAR,
P.O. ALAMBAGH,
LUCKNOW 226 005.

1

1. The Secy to Govt, Ministry of Civil Aviation and Tourism, New Delhi.

2. The Secy to Govt, Ministry of Civil Aviation and Tourism, New Delhi.

3. The Secy to Govt, Ministry of Civil Aviation and Tourism, New Delhi.

4. The Secy to Govt, Ministry of Civil Aviation and Tourism, New Delhi.

5. The Secy to Govt, Ministry of Civil Aviation and Tourism, New Delhi.

6. The Secy to Govt, Ministry of Civil Aviation and Tourism, New Delhi.

SECTION 80 C.P.C.

- Sub: i) For a declaration to the effect that the orders rejecting the request for change of date of birth.
- ii) Orders rejecting the request for extension of service upto the date of superannuation calculated from the actual date of birth recorded in the Statutory records of Municipal Committee, and
- iii) The orders causing premature retirement, are invalid and issued in mala fide exercise of powers.

MR. CHITRA SINGH LALWATI, RADIO OPERATOR (SELECTION GRADE)

MINISTRIES, COMMUNICATIONS STATION LUCKNOW AIRPORT, LUCKNOW

AT PRESENT RESIDING AT SHIVASHI NAGAR, P.O. ALAMBAGH, LUCKNOW-226005

Dear Sir,

Under instructions and on behalf of my above named client,

I serve this notice as under:

My above named client joined service as Radio Operator in Civil Aviation Deptt. in January 1948 after six months of professional training (July 1947 - January 1948).

That my client has got a clear record of blotless and meritorious service career.

6. That although the Pay Commission had recommended for such avenues of promotion as could ensure two grades higher for the employee before their attaining superannuation, yet no such avenues existed in the case of Radio Operators as such my client was forced to secure last for limited post of Radio Operator as he joined after serving the department for 50 years.

7. That in the year 1976, my client learnt from his mother, the fact that his name as recorded in the High School Certificate was incorrect.

8. That my client informed this fact to the Director General of Civil Aviation New Delhi and also sought permission of the Director General of Civil Aviation New Delhi for his name to be corrected in his service records at that time (about eight months prior to retirement). The copy of letter dated 13.10.1976 is the proof of the above fact being filed herewith as Annexure 'A'.

9. That the Director General of Civil Aviation New Delhi entertained the aforesaid request of my client and asked my client to produce necessary documents in support of this request. The letter of Director General dated 15.12.1976 is being filed herewith as Annexure 'B'.

10. That my client submitted a personal affidavit in respect of his date of birth on the basis of his memory, but the Regional Director Civil Aviation rejected this affidavit of my client on the basis that no person can solemnly affirm and declare his own date of birth on the basis of his personal knowledge and asked him for some more convincing and authentic proof in support of his claim.

11. That the letter of the Officer Incharge, A.C.S., Lucknow dated 21.1.77 confirming the orders of Regional Director dated 19.1.77 is being filed herewith as Annexure 'C'.

12. According to the above, instructions, my client submitted his mother's

personal affidavit dt. 1.5.77 to the Officer Incharge, A.C.S. Lucknow and also supplied an attested copy of the same to the Secretary to the Ministry of Civil Aviation and Transport which was in respect of representation made by my client. This was submitted on 9.5.77.

That my client was born at Meerapur City on 15.11.1919 and his

birth records are maintained under the name of my client. My client submitted the said records in support of his claim for change of date of birth on 19.3.1977.

10. That my client had also represented against the Administrative ranks in the Civil Aviation Deptt. which according to him, failed to create the chances of promotion for the Radio Operators as recommended by the appropriate authority.

11. That my client has a reasonable apprehension in the mind of my client that the Administrative Officers of the Deptt. got prejudiced against him as a result of the aforesaid representation.

12. That my client has also got a reasonable apprehension to believe that he has been retired prematurely through hostile discrimination and exercise of powers by Sh. P. C. Jain, Asstt. Director (Admn.)

13. That Sh. A. K. Jain, Radio Operator (S/O) requested for change in his name in the records of his retirement and the request was not granted. My client has been discriminated and as such the orders issued in violation of the 14 and Article 311 of the Constitution of India.

14. That my client has not heard any person on the subject and the orders issued in violation of the rules of natural justice.

15. That my client's appeals, memorials and petitions of my client have remained unreplyed because the administration is well aware of the fact that there is no reasonable and rational basis for the issue of such orders. My client has submitted the proof of this.

16. That my client is being prevented from performing his duties on the

basis of the ~~impugned~~ impugned orders and that his wages have been wrongfully deducted and with-held from payment. The details of the wages wrongfully deducted and withheld is being filed herewith as Annexure (I).

17. That my client be paid all the wages allowances dues and compensation as claimed by him for his premature retirement.

Therefore, hereby serve this notice to pay all the wages, allowances, bonuses and dues to my client within sixty days from the receipt of this notice, failing which my client will be forced to file a suit for the relief claimed in a suitable Court of Law and that you will be liable for the cost of litigation.

Yours faithfully,

FILED: 1700 JUNE 1978.

Miswara
(R. N. SAXENA)

SAXENA

ADVOCATE

Journal of Management Studies, 20(6), 791-807.



1. Head in profile, facing left. The bird has a dark cap and a long, pointed beak.

2. Head in profile, facing right. The bird has a dark cap and a long, pointed beak.

3. Head in profile, facing left. The bird has a dark cap and a long, pointed beak.

4. Head in profile, facing right. The bird has a dark cap and a long, pointed beak.

1

CONFIDENTIAL

U.S. STATE DEPARTMENT
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

Vol: 1X/P-76/2624
Dt: 15.12.75

On 08/17/76 from SrA V.R. Gattau
to the C.S.C., New Delhi regarding

...member (A) is required to produce new
...request for change in his date

To: Mr. Privately,
 Agent-In-Charge, C.S.
 Albany, New York.

... 1111 - 0

U.S. DEPARTMENT OF COMMERCE
BUREAU OF COMMUNICATIONS

0.007 - 16/15. dated 21.1.1977

On 11/11/77 from Ch. V. S. Canton,
Director, Ch. V. S. Canton, in the North, a extract of
11/11/77 for the official Director New Delhi
and also a copy of the same for the Secretary General.

...AND THE ...
...THE ...
...THE ...

33/-H.L.Srivastava
OFFICER IN CHARGE/IOS/Jaipur

[Faint, mostly illegible handwritten text, possibly bleed-through from the reverse side of the page. Some words like "and" and "others" are visible.]

And
there others

... HANDED TO ...
... JUST ...
... 1954.

... dated 1.5.77

... dated 18.3.77

... dated 21.4.77

... dated 25.4.77

... dated 10.8.77

... dated 5.8.77

... dated 3.9.77

... dated 15.9.77

... dated 18.9.77

... dated 19.10.77

... dated 18.1.77

... dated 14.8.77

... dated 11.9.77

... dated 4.8.77

... dated 10.3.77

... dated 3.1.78

... dated 13.1.78

... dated 13.2.78

... dated 10.2.78

... dated 19.1.78

... dated 25.2.78

... dated 15.3.78

... dated 15.3.78

... dated 17.3.78

... dated 20.3.78

... dated 5.3.78

... dated 7.4.78

... dated 13.4.78

... dated 14.4.78

... dated 14.4.78

... dated 14.4.78

... dated 13.4.78

... dated 22.4.78

... dated 26.4.78

... dated 1.5.78

... dated 1.5.78

... dated 1.5.78

... dated 11.5.78

36
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Statement of Expenditure

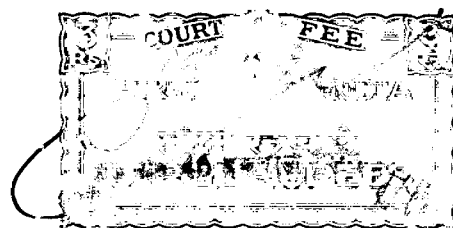
| Particulars | Amount | | Amount admissible | | Total | Remarks |
|---------------|-----------------|-----------------|-------------------|---------------|-----------------|--|
| | Rs. | P. | Rs. | P. | | |
| Salaries | 1073.40 | | 1073.40 | | 1073.40 | This salary was admissible to me had I been promoted Communication Assistant vide letter No. LK0/8-5 (8)186-88 dated 27.1.77 but for the decision of the case. |
| Gratuity | 1073.40 | | 1073.40 | | 1073.40 | |
| House rent | | | | | | |
| Medical | | | | | | |
| Conveyance | | | | | | |
| Food | | | | | | |
| Light & power | | | | | | |
| Telephone | | | | | | |
| Postage | | | | | | |
| Printing | | | | | | |
| Stationery | | | | | | |
| Repairs | | | | | | |
| Travel | | | | | | |
| Other | | | | | | |
| Total | 4,952.80 | 1,600.20 | 182.40 | 607.80 | 6,440.40 | |

Amount paid by Government
 Rs. 4,404.00

Amount payable

Rs. 4,404.00
Rs. 70,844.40

D-87



$v = 372$

15/11/20

7. a. Count of SRS for
Mar. 1997

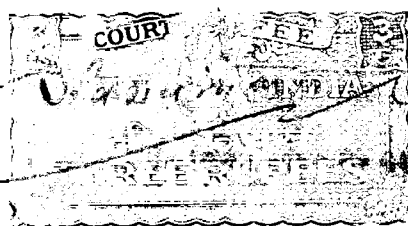
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In the morning

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D-9
(122)

Micro-Nucleation - - - - -
VS.

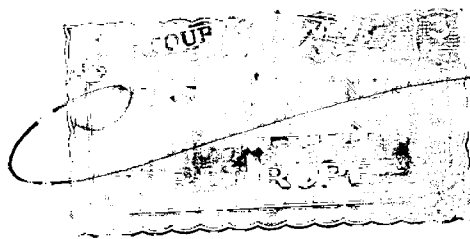
[illegible]

Ammonium nitrate NH_4NO_3

I have been thinking of you
 and wondering how you are
 getting on. I hope you are
 well and happy. I have been
 very busy lately, but I
 will try to write to you
 more often. I love you
 and miss you very much.
 Write back when you have
 a chance. I am always
 thinking of you.
 Your loving mother,
 Mary

27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054

I have not been able to find any more
 information about the "A" or "B"
 of the "N" of the "D".
 The "N" of the "D" is the same as the "N" of the "A".



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... in der ...

5. 11-12-20

17/3/0

1. Die Wirtschaft

100

Journal of Management Education 30(6)

1. *Chlorophyll a* (Chl *a*) is the primary photosynthetic pigment in most plants and algae. It is a green pigment that absorbs light energy in the blue and red regions of the visible spectrum.

...and the ...

...and the fact that the *Journal* is a journal of the American Psychological Association, the largest and most influential organization in the field of psychology, adds to its prestige and makes it a must-read for all psychologists.

[illegible]

Figure 1. The effect of the number of trials on the number of correct responses. The number of correct responses was significantly higher than the number of incorrect responses in all cases. The number of correct responses was significantly higher than the number of incorrect responses in all cases. The number of correct responses was significantly higher than the number of incorrect responses in all cases.

100

1990

Journal of Management Education 36(7) 809-824

[illegible][illegible]

10. *Agave*

Case - 5/3/50

1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 26

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To,

THE DISTRICT JUDGE,
LUCKNOW.

(124)

Kindly issue me copies of the papers mentioned below :-

The application is urgent/ordinary.

1. Name of the Court : Vin Additional District Judge
2. Name of the parties: Vishwanath Gautam vs Union of India & others
3. No. of the case: Suit no 150 of 77 - 53
4. Date of decision : 4.0.00
5. Particulars of the papers
copies of which are required.
 - ✓ (i). Copy of Judgement : Copy of Judgement
 - ✓ (ii). Copy of Decree : copy of decree
 - (iii). Copy of Statement of

H. Shanker Saxena
HARNAM SHANKER SAXENA
(Advocate)
Govt., Counsel (Civil)
LUCKNOW

Dated: 12.3.1901
18

Vishnu Nath Granam

Macintoff

Union of India and others

F.F. 12.5.80

Adjournment Application

The applicant/plaintiff begs to

submit as under:-

1. That the above noted case is fixed for final hearing today.

2. That the applicant has to examine his mother as P.W. in support of his contention regarding the date of birth of the applicant.

3. That the applicant's mother is residing in Punjab. She applicant went to take her mother but as she is ill and not feeling well she could not come along with the applicant.

4. That she has agreed to come at Lucknow as soon as she is well.

5. That the statement of the applicant's mother is very much material and it is expedient in the interest of justice that the applicant is permitted to produce her on some other date in the month of July 1980.

Wherefore, it is most respectfully prayed that the final hearing of the above noted case may kindly be adjourned to some other date in the month of July so that the applicant can produce his mother in support of his contention.

13/5/80
17/5/80

Adv. M. M. D. D. D.
D.S. No. 190-79
V. N. Granam vs Union of India

नम्बर मुकदमा

पुर्वादि ५, कायदा १ ब ५)

जिला मुकदमा

Munsey

580

March of 1979

Shivra

दस्तावेज

जिला

दस्तावेज

1979

Union of India

वनाम

वकील

1979

हरगाह Plaintiff

वकील

वकील

1979

ने आपके नाम एक नालि बत (युद्दालेह) के बापर जी है निहाय आपकी हकम होता है कि आप बतारी १० बचवत उनके दिन के अरलता म कुत

8

॥ ५ ॥

१५५५

1998

31770

(1) यदि आपको यह लगता है कि जर्मन गवाह को जो वे लाजिर
होती हैं आप हालत में से स्वतंत्र कर सकते हैं कि जो गवाह
आप को देने के लिए तैयार हो दिया जाय और जिस दस्तावेज को किसी गवाह
आप अपने हाथ में रखते हैं वह उसे पेश कराई जाय। यहाँ कि आप
को यह से वाकिल करके इस बात की वरदयास्त गुजराने ;
आप मुतालया मुद्दे की तस्लीम करते हैं कि आपको लाजिम है
कि गवाह जवाब में वाकिल करें, ताकि कारवाई इजराय दिगरा
या दोनों पर हो, यहाँ न पड़ ।
यहाँ प्रति करती ।

Through - District Registrar
 Block 11 & 12, P. K. Park,
 New Delhi
 बमुना काबिल करोब

वसत बिनावर इनफिताल मुकद्दमा
 (आर्डर नं. कायदा 1 व 2)
 1979/9/10

मजदूर मुकद्दमा NO. 190/9/10
 एजवालात Munnir South जिला Lucknow
 Vishwa Nath Gautam साकिन

union of Moh and others
 इताम साकिन

हरगाह Plaintiff ने आपके नाम एक नालिश बावत 3 माह
 के बाबर की है, लिहाजा आपकी हकम होता है कि आप बतारीख 3 माह

उन् 1979 ई० यद्यत 10 बजे दिन के अमालतत या माफत वकील के जो
 मुकद्दमे के हातात से करार वाकई वाकफ किया गया हो और जो कुल उमूर,
 अहम मुताल्लिके मुकद्दमा का जवाब दे सके या जिसके साथ कोई और
 शरत हो कि जो जवाब ऐसे सवालात का दे सके, हाजिर हो और जवाब-
 देही बाबा की करें और हरगाह बही तारीख, जो आपके इजहारों के लिये
 मुकरर है, वास्ते इनफिताल फतई मुकद्दमा के तजवीज है, पस आपको
 लाजिम है, कि उसी रोज अपने जुम्ला गवाहों की, जिनको इज्हादत पर
 ए नीज तमाम दस्तावेजात की, जिन पर आप अपनी जवाबदेही के ताईद
 में इस्तदाल करना चाहते हैं पेश करें। आपको इतिला दी जाती है कि
 अगर आरोप सचकूर आप हाजिर न होंगे, तो मुकद्दमा अगर हाजिरी
 आपके मसजूब और फंसल होगा।

दरखवास्त मेरे दस्तखत और मुहर अदालत के आज बतारीख 3 माह
 उन् 1979 ई० जारी किया गया।

इतिला
 1979/9/10

(1) अगर आपकी यह अन्देशा हो कि आपके गवाह अपनी मर्जी से हाजिर
 न होंगे तो आप अदालत हाजा से समन बई मुराव जारी करा सकते हैं कि जो गवाह
 हाजिर न हो वह जबरन हाजिर करा दिया जाय और जिस दस्तावेज को किसी गवाह
 से दौल कराने का आप इस्तेहकास रखते हैं वह उससे पेश कराई जाय। बशर्ते कि
 आप जल्दी अदालत में दाखिल करके इस अन्न की दरखवास्त मुकरायें।

(2) अगर आप मुताल्लिका मुद्दों को तस्लीम करते हैं तो आपको
 कि जवदा मय कर्षा नालिश अदालत में दाखिल करें, ताकि करवाई इन
 को आपकी जात व माल या दोनों पर ही, करना न पड़े।

Note

मुद्रा - नया पैसा प्रति कापी
 पी० एस० यू० पी० - ०१५५ - एन० पी०

10-
The office of the
Station Clerk Aviation Department
has no record of the
above mentioned aircraft
being registered at
the Port of New York
and New York
on 10/10/78.

Hawala

IN THE COURT OF MUNSIF SEETH. LUCKNOW

R.S. No.

of 1979.

Vishwa Nath Gautam, son of Sri Brij
Lal Gautam, R/o Subhash Nagar,
Alambagh, Lucknow.

... PLAINTIFF.

VERSUS

1. Union of India, through Director
General, Civil Aviation East
Blocks II & III, New Delhi. *R.K. Kulkarni*
2. The Secretary, Ministry of Civil
Aviation & Tourism, Govt. of
India, New Delhi.
3. Assistant Director (Administration)
Civil Aviation Department, R.K.
Puram, New Delhi.
4. Regional Director (Civil Aviation
Department) Delhi Region, Safdarganj,
Airport, New Delhi.
5. The Officer Incharge, Aeronautical
Communication Station, Civil Aviation
Department, Lucknow Airport, Lucknow.

... DEFENDENTS.

Nature of Suit - Declaration

Valuation - Rs. 500/-

Court fees paid- Rs. 30/-

The plaintiff above named most respectfully
submits as under:-

1. That the plaintiff joined service as Radio
operator in Civil Aviation Department under the
defendant No. 1 in the month of January 1948, after
obtaining six months professional training. The
plaintiff since then had been discharging his duties

7. That the plaintiff was born at Ferozepur City on 15.11.1919 with infant name "Mahesh Chand". The birth of the plaintiff was recorded in the Statutory record of Municipal Community Ferozepur City called the "Births and Deaths" Register. The plaintiff's date of birth in the said register has been shown as 15.11.1919. The relevant extract of the said "Births and Deaths" Register relating to the birth of the plaintiff duly certified and attested by the competent authority was submitted on 19.3.1977 by the plaintiff to the defendant

8. That besides the above the plaintiff also submitted a duly sworn affidavit dated 1.5.77 of his mother to the effect that the plaintiff was born on 15.11.1919 with infant name "Mahesh Chand" and that on "Nag Karam Ceremony" the present name "Vishwa Nath" was assigned to him.

9. That on 27.5.1977 the plaintiff received a Memorandum No. C-13013/15/76 dated 24.5.1977 sent by the defendant No. 3 requiring the plaintiff to give clarification regarding the matters innumarated in the said memorandum. It was also made clear in the said memorandum that the change of date of birth will not in any way effect the date of plaintiff's retirement on attaining the age of Superannuation on 31.5.1977. The copy of aforesaid memorandum was also endorsed to defendant No. 4 directing him to retire the plaintiff on 31.5.77 totally ignoring that the matter regarding the determination of correct date of birth was still pending.

10. That thereafter the plaintiff received a letter no. LK-A-3E-VNG/1192 dated Lucknow 24th May 1977 signed by the defendant No. 5 intimating him about the

with utmost honesty, devotion and efficiency and his service record through-out remained unblemished and commendable.

2. That the plaintiff was born on 15.11.1919 at Ferozepur City and his date of birth in fact is 15.11.1919.

3. That due to some error or omission the plaintiff's date of birth in the University Certificate of High School was recorded as 20.5.1919.

4. That in the month of October 1976 while the plaintiff was posted as Radio Operator, A.C.S., Lucknow he for the first time came to know that his date of birth in the service record has wrongly been entered as 20.5.1919 instead of 15.11.1919, he on 18th October 1976 sent a letter to the Director General of Civil Aviation, R.K. Puram, New Delhi requesting him to advice as to whether the correct date of birth can be taken into consideration if it is supported by genuine certificates.

5. That the plaintiff on 15.12.1976 received the reply of the letter dated 18.10.1976 requiring him to produce necessary documents in support of his claim for change in his date of birth in service record.

6. That thereafter the plaintiff submitted his own affidavit about his date of birth. The defendant No. 5 vide his letter dated 21.1.1977 quoting therein the extract of orders passed by defendant No. 4 required the plaintiff to produce some convincing and authentic documentary proof in support of his claim.

7. That the plaintiff was born at Ferozepur City on 15.11.1919 with infant name "Mahesh Chand". The birth of the plaintiff was recorded in the Statutory record of Municipal Community Ferozepur City called the "Births and Deaths" Register. The plaintiff's date of birth in the said register has been shown as 15.11.1919. The relevant extract of the said "Births and Deaths" register relating to the birth of the plaintiff duly certified and attested by the competent authority was submitted on 19.3.1977 by the plaintiff to the defendant

8. That besides the above the plaintiff also submitted a duly sworn affidavit dated 1.5.77 of his mother to the effect that the plaintiff was born on 15.11.1919 with infant name "Mahesh Chand" and that on "Nag Karam Ceremoney" the present name "Vishwa Nath" was assigned to him.

9. That on 27.5.1977 the plaintiff received a Memorandum No. C-13013/15/76 dated 24.5.1977 sent by the defendant No. 3 requiring the plaintiff to give clarification regarding the matters innumarated in the said memorandum. It was also made clear in the said memorandum that the change of date of birth will not in any way effect the date of plaintiff's retirement on attaining the age of Superannuation on 31.5.1977. The copy of aforesaid memorandum was also endorsed to defendant No. 4 directing him to retire the plaintiff on 31.5.77 totally ignoring that the matter regarding the determination of correct date of birth was still pending.

10. That thereafter the plaintiff received a letter No. LA-4-3E-VNG/1192 dated Lucknow 24th May 1977 signed by the defendant No. 5 intimating him about the

rejection of his request regarding the change in his date of birth and retiring him with effect from 31.5.1977 on the basis of incorrect date of birth recorded in his service record giving rise to the cause of action.

11. That the plaintiff feeling aggrieved served a notice dated 5.5.1977 under section 80 Code of Civil Procedure on defendants but invane.

12. That on 28.5.1977 the plaintiff further explained the correct position regarding the queries made by the defendant No. 3 vide his memorandum dated 28.5.1977 referred to in para 9 above.

13. That the defendants rejected the plaintiff's claim by a non-speaking, cryptic and *Seately* order.

14. That the order refusing to correct the date of birth recorded in the service record and to retire the plaintiff from the post of Radio Operator 5 months 15 days earlier is illegal, arbitrary, void and inoperative for the following facts:-

(i) The order is non-speaking, perverse and against the Rules of Natural Justice.

(ii) The defendants did not apply their mind to the material and documents produced by the plaintiff in support of his claim regarding his date of birth and passed the orders in an arbitrary manner.

(iii) The defendants did not offer opportunity to the plaintiff of being heard in the matter.

(iv) The orders rejecting the plaintiff's claim for correction of the date of birth is also

contrary to the statutory provisions in this regard.

15. That the cause of action accrued in plaintiff against the defendants on 28.5.1977. Plaintiff received a letter dated 24.5.1977 under the signature of defendant No. 5 intimating the plaintiff about the rejection of plaintiff's claim regarding the correction of date of birth and subsequently on 31.5.1977 when he was retired from the service on the basis of incorrect date of birth recorded in his service record within the jurisdiction of this Hon'ble Court.

16. That the plaintiff has already served the requisite notice dated 5.5.77 under section 80, Code of Civil Procedure on the defendants and Sixty days since then had expired.

17. That the valuation of the suit for the purposes of jurisdiction and court fees is fixed to Rs.500/- on which a fixed court fee of Rs.30/- is paid herewith.

18. That the plaintiff prays for the following reliefs:-

(a) That a declaratory decree in favour of the plaintiff and against the defendants to the effect that the plaintiff's date of birth is 15.11.1919 and not 20.5.1919 as recorded in the service record and his retirement with effect from 31.5.1977 on the basis of incorrect date of birth is illegal, arbitrary, void and inoperative entitling the plaintiff with all the benefits regarding salary, increments, etc. till 31.11.1977.

Other declaration or order which under facts and circumstances of the case is deemed fit and proper be made in favour of the plaintiff against the defendants.

(c) The suit is decreed with cost against the defendants.

Lucknow:

Dated: May 26th 1979.

PLAINTIFF.

VERIFICATION

I, the above named plaintiff, do hereby verify that the contents of paras 1 to 14 and 16 are true to my own knowledge and the contents of para 15 and 17 and 18 are believed by me to be true.

Signed and verified this 26th day of May 1979 within the Civil Court Compound, Lucknow.

X

Lucknow:

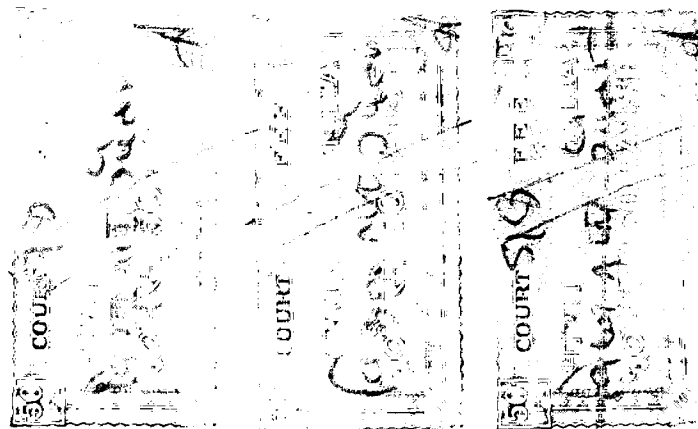
Dated: May 26th, 1979.

PLAINTIFF.

45 3/9

(13)

11C



37 1/2

Victor ... of ...
 resident of ...

1. Union of ...
2. ...
3. ...
4. ...
5. ...
6. ...

Office to report and ...
 ...

On 10/3

...
 (Person in default - 5-8-83)

Line

132

2 3/2

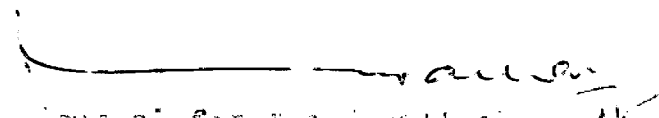
2.

that the above noted appeal was fixed for today
and yesterday it was under -

1. that the above noted appeal was fixed for today
for reading.
2. that the appellant went to call his counsel from
the premises of the High Court when the case
was called out.
3. that the appellant, with the junior of the
counsel reached the Hon'ble Court when the rains
stopped he could know that the appeal has been
dismissed in default.
4. that the appellant was prevented from the afore-
said ground which was not intentional.
5. that the appellant will suffer an irreparable
loss if the ex parte order is not set aside.
6. that the balance of convenience lies in setting
aside the ex parte order dated 5.8.1983.

It is, therefore, prayed that the ex parte order
dated 5.8.1983 be kindly set aside and the above noted
appeal be reconsidered and be heard on merits.

Enclosed, annexed.
Date: 5.8.83.


Counsel for the Appellant

In the Court of VII Additional District Judge, Lucknow.

.....

Vishva Nath Gautam.

...Appellant.

Versus

Union of India and others.

.... Respondents.

.....

Sine Case No. of 1983.

In re:

No. 254 of 1980.

.....

Affidavit in support of Application Under Order 41

Rule 10 read with Section 151 C.P.C.

.....

Affidavit.

I, Vishva Nath Gautam, aged about 63 years, son of Late Sri Brij Lal Gautam, resident of Subhash Nagar Alambagh, Lucknow, do hereby solemnly affirm as under:-

1. That the above noted appeal was fixed for today for hearing.

That the deponent went to call his counsel

π 8

(132)

In the Court of VII Additional District Judge Lucknow.

.....

Vs. With Cause.

Applicant.

Verdict

Union of India and others.

Respondents.

.....

Registered address of the Applicant-Applicant

VICAR GENERAL OF THE CHURCH OF ENGLAND

GENERAL SECRETARY OF THE CHURCH OF ENGLAND

LONDON.

Lucknow, dated,

15th 5, 1933.

[Signature]
Applicant-Applicant.

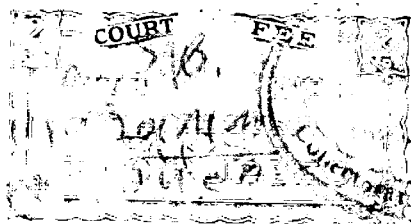
51 4/9

(22)

In the Court of the Additional District Judge, Lucknow

.....

1983
AFFIDAVIT
14 M
DISTRICT COURT
LUCKNOW



The State of Uttar Pradesh vs. The People's Union of India and others.

Verdict

Union of India and others vs. The People's Union of India and others.

.....

Case No. 254 of 1983.

At Lucknow

On 25th day of 1983.

.....

Affidavit in support of Application Under Order 41

Rule 1 of Order 41 Section 151 of C.P.D.

.....

Affidavit

I, Shri. ..., aged about 33 years, son of late Shri. ..., resident of ..., ..., do hereby solemnly affirm as under:-

1. That the above named ... is a ... for today for ...

.....

5/3/83

Signature

Kailash Chandra Jauhari

ADVOCATE
~~NOT A BENCH COUNSEL (CITY)~~

Phone : 28440

Prem-a-Lok
Amir Nagar,
LUCKNOW-4

Dated 13.10.83

To,

Yr. Hon. AD Dist Judge
Lucknow

Re: R. C. A
Viswa Nathi Gauram
vs.

U. O. D. No.

Sir,

In the above noted
appeal I appear for the appellant.
I am busy in my personal
work and shall be free by

12 o'clock.

I, therefore, request
you to kindly hear the appeal
after 12 o'clock.

Yours faithfully
Kailash Chandra Jauhari

11 1/2

2.

from the evidence of both sides, the court was of the opinion that the case was decided in favor of the defendant.

3. That the defendant, along with the junior of the counsel, reached the court when the trial stopped, he could know that the case was decided in favor of the defendant.

4. That the defendant was granted the right to the ground which was not intentional.

5. That the defendant will suffer a considerable loss if the expert order is not reversed.

6. That the balance of convenience lies in setting aside the order made on 5.2.1983.

Thereby, said.

August 5, 1983.

V. K. Prantam
Deponent.

Verified before me.

I, the deponent, have read and duly verify that the contents of pages _____ are true to my knowledge and those of pages _____ are believed by me to be true.

Signed and verified this 5th day of August, 1983, within the precincts of the Civil Court, Madras.

I, hereby the deponent.

V. K. Prantam
Deponent.

who has signed before me.

Signature

578/1
S. K. Prasad

In the Court of His Additional District Judge, Lucknow.

.....

..... Respondents.

.....

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..... fixed for today

.....

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2.

... Court when the ...

... the junior of the ... Court when the rains ... that the appeal has been ...

... prevented from the afore-said ...

... will offer an irreparable loss ... not set aside.

... of convenience lies in setting ... 5. 8. 1983.

...

...

Deponent.

...

... verify that the ... are true to my knowledge and ... are believed by me to be true.

... this 7th day of August, 1983 ...

Deponent.

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

...the ... the ...

...the ... the ...

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at 2

In the course of ED A.D. 7. C 100

Ilse Casani / 83

Uphwa Aaith - K - Union of India

6. 8. 83

6. 8. 83 Application 4/0. 41 rule 19 send
with Sec. 151 e.p.e. file by the
applicant for restoration. Put up
for order. (25)

Order

* Note: For Regalia, as mise case fixing
27-8-83 for objection & disposal
27/8/83. Steps work in 3 days send for the
second.
V. K. Ramani
VII AD7.

En AD7.

.....स्थान.....जिला

सन् १९५७ ई०

बनाम
८८७
वादी

Western North Carolina
The official newspaper of the
Commonwealth of North Carolina
Published at Newbern, North Carolina
Thompson, Manager
Editorial Office
बर्फाक प्रकाशक नानाभाकिना
...ने इस न्यायालय में

यह आवेदन किया है कि... .. अतएव आपको एतद्वारा ज्ञानवनी दी जाती है कि आप इस आवेदन के खिलाफ हेतु सर्वाभत करने के लिए के दिवस को बजे पूर्वाह्न में स्वयं या सम्प्रक रूपेण अनुमिद अपने अधिवक्ता द्वारा उपसंजाता हूं और ऐसा करने में अमफल रहने पर उसके आवेदन एक पक्षीय रूप सुना जायेगा और अवधारितस किया जायेगा ।

न्यायक्षेत्र की मोहर

स्थायित्व स्थान जिला

सप्त ११८ ॥ ६०

वन्नाम

विश्वनाथजी के सम्बन्ध में ... वादी

The English are known for their ... प्रतिवादी

Stalinist Dictatorship ...

Thousand men ...

Edith ...

वर्क उपरोक्त नामांकित ... ने इस न्यायालय में

यह आवेदन किया है कि अतएव आपको एतद्वारा चेतावनी दी जाती है कि आप इस आवेदन के खिलाफ हेतु संदर्भित करने के लिए के दिवस को बजे पूर्वान्ह में स्वयं या सम्यक रूपेण अनुष्ठित अपने विविक्तता द्वारा उपसंज्ञात हैं और ऐसा करने में असफल रहने पर उसके आवेदन एक पक्षीय रूप सुना जायेगा और अवधारित किया जायेगा ।

न्यायालय-मोहर

हेतु संदर्भित करने की सूचना । साधारण प्रारूप ।

न्यायालय ... स्थान ... जिला

वाद सं० ... सन १९८८ ई०

विश्वनाथ नैथि (कार्टर) बनाम ... वादी
 असस्तांत बरखतर (अमान) द्वारा प्रतिवादी
 परामर्श प्रान्तर शास्त्र परामर्श नैथि
 प्रामर्श, प्रामर्श शास्त्र शास्त्र शास्त्र
 वाकि उपरोक्त नामांकित ... ने इस न्यायालय में

यह आवेदन किया है कि ... अतएव आपको
 एतद्वारा चेतावनी दी जाती है कि आप इस आवेदन के खिलाफ हेतु संदर्भित
 करने के लिए ... के दिवस को बजे पूर्वान्ह में स्वयं या
 सम्यक रूपेण अनुमिद अपने अधिवक्ता द्वारा उपसंजाता हैं और ऐसा करने में
 असफल रहने पर उसके आवेदन एक पक्षीय रूप मुना जायेगा और अवधारित
 किया जायेगा ।

मेरे हस्ताक्षर और न्यायालय की मुद्रा सहित आज दिनांक १९८८ ई०
 के दिवस को लिखाई गई ।

न्यायालय की मोहर

हेतु संदर्भित करने की सूचना । साधारण प्रारूप ।

न्यायालय ... स्थान ... जिला

वाद सं० ... सन १९८८ ई०

विश्वनाथ नैथि (कार्टर) बनाम ... वादी
 असस्तांत बरखतर (अमान) द्वारा प्रतिवादी
 परामर्श प्रान्तर शास्त्र परामर्श नैथि
 प्रामर्श, प्रामर्श शास्त्र शास्त्र शास्त्र
 वाकि उपरोक्त नामांकित ... ने इस न्यायालय में

यह आवेदन किया है कि ... अतएव आपको
 एतद्वारा चेतावनी दी जाती है कि आप इस आवेदन के खिलाफ हेतु संदर्भित
 करने के लिए ... के दिवस को बजे पूर्वान्ह में स्वयं या
 सम्यक रूपेण अनुमिद अपने अधिवक्ता द्वारा उपसंजाता हैं और ऐसा करने में
 असफल रहने पर उसके आवेदन एक पक्षीय रूप मुना जायेगा और अवधारित
 किया जायेगा ।

मेरे हस्ताक्षर और न्यायालय की मुद्रा सहित आज दिनांक १९८८ ई०
 के दिवस को लिखाई गई ।

न्यायालय की मोहर

हेतु संदर्भित करने की सूचना । साधारण प्रारूप ।

न्यायालय... जिला

वाद सं० 10 सन १९८३ ई०

Viskner Nathi Gaudern बनाम Use 9

वादी

Unmanned India Thomson Brother
General Civil Aviation Department
Board of Civil Aviation
Ministry of Civil Aviation
Government of India
New Delhi

यह आवेदन किया है कि ...
एनद्वारा बतावनी दी जाती है कि आप इस आवेदन के खिलाफ हेतु संदर्भित करने के लिए ...
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न्यायालय की मोहर

हेतु संदर्भित करने की सूचना । साधारण प्रारूप ।

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न्यायालय की मोहर

हेतु संदर्भित करने की सूचना । साधारण प्रारूप ।

न्यायालय ... स्थान ... जिला

वाद सं० ... सन १९८७ ई०

वादी

Plaintiff Name: ...
 Defendant Name: ...
 Plaintiff Address: ...
 Defendant Address: ...
 Plaintiff's Advocate: ...
 Defendant's Advocate: ...

यह आवेदन किया है कि ...
 एतद्वारा चेतावनी दी जाती है कि आप इस आवेदन के खिलाफ हेतु संदर्भित करने के लिए ...
 समयक रूपेण अनुविष्ट अपने अधिवक्ता द्वारा उपसंजाता हूं और ऐसा करने में असफल रहने पर उसके आवेदन एक पक्षीय रूप मुना जायेगा और अवधारित किया जायेगा ।

मेरे हस्ताक्षर और न्यायालय की मुद्रा सहित आज दिनांक ... १९८७ के दिवस को लिखाई गई ।

न्यायालय की मोहर

हेतु संदर्भित करने की सूचना । साधारण प्रारूप ।

न्यायालय ... स्थान ... जिला

वाद सं० ... सन १९८७ ई०

वादी

Plaintiff Name: ...
 Defendant Name: ...
 Plaintiff Address: ...
 Defendant Address: ...
 Plaintiff's Advocate: ...
 Defendant's Advocate: ...

यह आवेदन किया है कि ...
 एतद्वारा चेतावनी दी जाती है कि आप इस आवेदन के खिलाफ हेतु संदर्भित करने के लिए ...
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मेरे हस्ताक्षर और न्यायालय की मुद्रा सहित आज दिनांक ... १९८७ के दिवस को लिखाई गई ।

न्यायालय की मोहर

हेतु संदर्भित करने की सूचना । साधारण प्रारूप ।

न्यायालय ... स्थान ... जिला

वाद सं० ... सन १९८३ ई०

Viskwa North Chaitanya बनाम ...

वादी

The Secretary, Municipal Civil ...
Thousand ...
...

यह आवेदन किया है कि ...

एतद्वारा चेतावनी दी जाती है कि आप इस आवेदन के खिलाफ हेतु संदर्भित करने के लिए ... के दिवस को बचे पूर्वानुद में स्वयं या सम्यक रूपेण अनुचित अपने अधिकारता द्वारा उपसंज्ञाता हूं और ऐसा करने में असफल रहने पर उसके आवेदन एक पक्षीय रूप मुना जायेगा और अवधारित किया जायेगा ।

मेरे हस्ताक्षर और न्यायालय की मुद्रा सहित आज दिनांक १९८३ के दिवस को लिखाई गई ।

न्यायालय की प्रेस

हेतु संदर्भित करने की सूचना । साधारण प्रारूप

न्यायालय ... स्थान ... जिला

वाद सं० ... सन १९८३ ई०

Viskwa North Chaitanya बनाम ...

वादी

The Secretary, Municipal Civil ...
Thousand ...
...

यह आवेदन किया है कि ...

एतद्वारा चेतावनी दी जाती है कि आप इस आवेदन के खिलाफ हेतु संदर्भित करने के लिए ... के दिवस को बचे पूर्वानुद में स्वयं या सम्यक रूपेण अनुचित अपने अधिकारता द्वारा उपसंज्ञाता हूं और ऐसा करने में असफल रहने पर उसके आवेदन एक पक्षीय रूप मुना जायेगा और अवधारित किया जायेगा ।

मेरे हस्ताक्षर और न्यायालय की मुद्रा सहित आज दिनांक १९८३ के दिवस को लिखाई गई ।

न्यायालय की प्रेस

In the Court of VII Additional District Judge, Lucknow.

... with certain son of Late Sri Brij Lal Gautam,
... of Subhas Nagar, Alambagh, Lucknow.

... Appellant.

...

... of ... through Director General Civil
... Department, Wazirpur (I) and III Rama
... Park, New Delhi.

... the Secretary, Minister of Civil Aviation & Tourism,
... of India, New Delhi.

... Assistant Director (Admin). Civil Aviation Depart-
... New Delhi.

... Regional Director (Civil Aviation Department)
... Delhi Region, Safdarjung Airport New Delhi.

... Officer Incharge Aeronautical Communication
... Civil Aviation Department, Lucknow at ...
...

.../nts.

... of 1983

...

... 25th of 1980.

... 79 ... with Section
... under order 41

the appellant's appeal the appellant
has respectfully stated as under:-

1. The appellant appeared on the fixed for today
for hearing.

2. That the appellant went to call his counsel from
the office of Hon'ble High Court when the case
was called out.

3. That the appellant, with the junior of the
counsel, was in the court when the rains
fell and he could know that the appeal had been
dismissed on merits.

4. That the appellant was prevented from the afore-
said ground which was not intentional.

5. That the appellant will advise an irreparable
loss if an ex parte order is not set aside.

6. That the balance of convenience lies in setting
aside the ex parte order dated 4.8.1983.

7. That the appellant prayed that the ex parte order
dated 4.8.1983 be set aside and the above noted
appeal be reconsidered and be heard on merits.

Respectfully stated,

August 5, 1983.

Counsel for the Appellant

In the Court of the Additional District Judge, Lucknow.

Plaintiff: Sri Lal Gaur

Defendant: Sri Kishore Lal Gaur

Case No. 100/1932

Plaintiff: Sri Kishore Lal Gaur

Defendant: Sri Lal Gaur

Plaintiff: Sri Kishore Lal Gaur

Defendant: Sri Lal Gaur

Plaintiff: Sri Kishore Lal Gaur

Defendant: Sri Lal Gaur

Plaintiff: Sri Kishore Lal Gaur

Defendant: Sri Lal Gaur

Plaintiff: Sri Kishore Lal Gaur

Defendant: Sri Lal Gaur

Lucknow

Plaintiff: Sri Kishore Lal Gaur

Defendant: Sri Lal Gaur

Plaintiff: Sri Kishore Lal Gaur

Defendant: Sri Lal Gaur

Plaintiff: Sri Kishore Lal Gaur

Defendant: Sri Lal Gaur

...the appellant
repectfully state as under:-

...the above noted appeal was fixed for today

...the appellant went to Court in ... from
... High Court even the case
... 1977

...the appellant along with the justice of the
... the appellant ... the rule
... he could not ... the ...
... 1977

...the appellant was prevented from ...
... not intentional

...the appellant ...
... not set aside

...the appellant ...
... order dated 5/11/77

...the appellant ...
... we have
... be heard by ...

...dated

5/11/77 ... for the appellant.

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to the Court of VI Additional District Judge, Moscow.

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direction under part 41 of the 19 read of

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(141)

IN THE COURT OF PRESIDING OFFICER NAGAR MHAPALIKA TRIBUNAL,
Lucknow.

A.C.A.No. 254 of 1980

Viswa Nath Jaisan. vs. Union of India
10.5.1985

C-25 with affidavit C-26 is application by the appellant u/o 41 Rule 27 read with Section 151 C. P.C. to allow the appellant to adduce oral and documentary additional evidence before this court or before the Munsif Magistrate from whose decree the appeal has been preferred.

It is alleged that the appellant has filed a suit for declaration with a prayer that the appellant's date of birth is 15.11.1919 and not 20.5.1919 as recorded in the service record of the defendant, the employer, with other consequential reliefs. The main contest raised from the side of the defendant respondent was that since the appellant has failed to get the date of birth corrected in his High School Certificate, hence the respondent refused to correct his date of birth in the service record.

The learned Munsif Magistrate i.e. the trial court after perusing the pleading of the parties framed the following issues:-

1. Whether the order for refusing the correction in the date of birth of the plaintiff is illegal, void as alleged in paragraph 14 of the plaint.
2. To what relief if any plaintiff is entitled?

It is further submitted that the appellant and the respondent adduced evidence on the aforesaid two issues. In support of issue No.1 the burden of the appellant was only to the extent to lead the evidence whether the refusal of the correcting the date of birth in service record was illegal and void.

It is said that after hearing the arguments on 25.7.80, the learned trial court at the time of writing judgment, found that an additional issue is to be framed concerning the date of birth of the appellant. A

142

Record of the trial court shows that arguments were heard on 23.7.00 and 20.7.00 was fixed for judgment. On 23.7.00 the trial court passed another order on the ordersheet that "While writing judgment I thought that an additional issue may be framed concerning the date of birth of plaintiff hence judgment could not be pronounced".

The following issue was framed after hearing the parties counsel:-

Kya vad ki date of birth 20.5.1919 no noker 15.11.1919 hai jaise ki vad patra say para 2 aur 3 say kahe gaya hai.

Fix 4.8.00 for judgment. Thus it apparently appears that additional issue no.3 was framed in the ~~order~~ ^{minutes} of the parties counsel, or at least after hearing them. It also appears that this issue no.3 would require evidence on the factum or the actual date of birth, this evidence may be documentary as well as oral. And trial court does not seem to have called upon the parties to adduce evidence on this issue no.3 and straight away fixed 4.8.00 as date for judgment.

The point arises whether the trial court's omission to call upon the parties to adduce evidence on the additional issue no.3 would attract the provision of Order 41 rule 27 and Section 151 C.P.C. as to allow the plaintiff's appellant to adduce additional evidence.

Rule 27 of Order 41 C.P.C. comes into play when the court has refused to admit evidence which ^{ought} to have been admitted or the parties seeking to adduce additional evidence could not produce the evidence before the trial court despite exercise of due diligence or the appellate court requires any document or witness to enable it to pronounce judgment or for any other substantial cause.

The submission of the counsel for the plaintiff is that in this case comes in the first category is that the trial court by not calling upon the parties to adduce evidence on issue no.3 and virtually refuse to admit the evidence which ought to have been admitted on this issue and its other submission is ^{with} regard to the court's

The mere fact that the plaintiff appellant did not request the trial court for a "ording opportunity" or additional evidence on this issue No. 3 would not be sufficient to conclude, as submitted by the learned ~~Advocate~~ counsel for the respondent, that the plaintiff appellant did not himself want to adduce evidence. When there is an issue ~~raised~~ before the court more so when it was "raised by the court itself" and it would require evidence for its decision, it was the duty of the court itself to call upon the parties to adduce evidence if so desired by them. The court held straight away ^{fixed} the date for judgment, without affording any opportunity to any of the parties for adducing evidence. Hence there was no opportunity or occasion for the appellant to adduce evidence.

There is no "ind" force in the submission of the counsel for the appellant that if the appeal is allowed on this "law in the trial court" of the court below and the case is remanded back for taking evidence on issue No. 3, much time would be wasted and if evidence is taken either here in appeal or the trial court ^{is} directed to record evidence on issue No. 3 and then send to the appellate court, the matter would be decided expeditiously.

With the result I dispose of the application C-25 and the objection C-27 in the manner that the appellant may adduce ~~oral~~ documentary as well as oral on this issue No. 3 and the respondent may also adduce evidence on this issue. The case is sent back to the trial court (5th Adl. Munsif, Lucknow) taking the previous evidence documentary as well as oral ~~and~~ to adduce so as to forward the said evidence along with ~~the~~ record to this court by 17.8.1985. Parties are directed to appear before the 6th Adl. court (5th Adl. Munsif, Lucknow) on 22.8.1985.

One ~~De~~ ^{De} ~~De~~

[Signature]
Adv. AGAR
Muzar Maheshil
Lucknow

43, 44, 45, 46

(144)

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

Doc: 13-7-20

DATE: 12-10-1964

I, William Henry Bell, aged about 71 years, son of John and Elizabeth Bell, residing at 1011 1/2 Street, N.W., District of Columbia, do hereby solemnly swear and state as follows:-

1. The defendant cannot be kept from appearing before
the Civil Court and as well so he is also plaintiff
-56 of the said transfer - as title on the Tribunal
from the Civil Court for the decision, as such he is
well conversant with the facts of the case.

2. That the plaintiff joined service as Radio Operator in Civil Aviation Department as being the defendant no 1 in the case of 1948, a letter obtaining the same was also issued to him. He is satisfied and contented with his service with the department, he offers no objection to his service being throughout in the department and no objection.

3. [redacted] 10-11-1913
[redacted]
10-11-1913

- [illegible]

V. 12 an Lami

(AM)

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5. That in October, 1976 while the plaintiff was on active duty, A.C.S., Ludnow for his first time. Now that his date of birth in the service record has been entered as 20-5-1917 instead of 18-11-1914. He on 10th October 1976 sent a letter to the Director General of Civil Aviation, New Delhi, asking him to advise as to whether the date of birth can be taken into consideration if it is supported by genuine certificate. The true photograph copy of the said letter is being filed herewith as Annex-1 to this affidavit.

Annex-1

6. That the plaintiff on 10-11-1976 received the reply of the letter dated 18-10-1976 advising him to produce some documentary in support of his claim for change in his date of birth in service record. The true photograph copy of the said letter is being filed herewith as Annex-2 to this affidavit.

Annex-2

7. That after the plaintiff submitted his own affidavit about his date of birth on 11-1-77, the defendant No. 5 vide his letter dated 21-1-1977 stating therein the extract of order No. 4 dated 10-1-77 required the plaintiff to produce some documentary in support of his claim. The true photograph copy of the said letter dated 21-1-77 is being filed herewith as Annex-3 to this affidavit.

19-4-80

V. K. Antani

B. That the said Plaintiff was born at Peshawar City on 15-11-1919 with full name "KHALID ALI". The birth of the Plaintiff was recorded in the Statutory record of Municipal Committee Peshawar City called the "Births and Deaths" Register. The Plaintiff's date of birth in the said register has been shown as 15-11-1919. The relevant extract of the said "Births and Deaths" Register relating to the birth of the plaintiff duly certified and attested by the competent authority was submitted on 19-3-1977 by the Plaintiff to the defendants true and correct copy of the said certificate along with its Hindi translation is being filed herewith.

24A

Annexure-6 to this affidavit.

9. That besides the above affidavits also submitted a duly sworn affidavit dated 12.3.77 of his father to the effect that the "Circular" was shown on 11-11-1910 with infant name "Nicholas David" and that on "William Corcoran" the present name "William David" was assigned to him. The true photocost copy of the said affidavit is being filed herewith as enclosure-1 to this affidavit.

10. That on 27-5-1977 the plaintiff received by post a letter from the D.O. C-10013/15/76 dated 24-5-1977 in which the defendant No.3 mentioned the plaintiff as being a defaulter regarding the payment made to him for the said amount. The said letter also stated that the said plaintiff had not paid the said amount.

ALB
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in having effect the above plaintiff's retirement on attaining the age of superannuation on 31-5-1977. The copy of aforesaid memorandum was also endorsed to defendant No. 1 directing him to retire the plaintiff on 31-5-77 totally ignoring that the matter regarding the determination of correct date of birth was still pending. The photostat copy of the said memorandum

Annexure-6

is being filed herewith as Annexure-6 to this affidavit

14. That thereafter the plaintiff on ^{✓ same ✓} 27-5-77 also received a letter No. 11-A-31-11 G/1192

dated Lucknow 24th May, 1977 ^{✓ by hand ✓} signed by the defendant No. 1 intimating him about the rejection of his request regarding the change in his date of birth and retiring him with effect from 31-5-77 on the basis of a decision

already taken by the [✓] ~~Opp. Party~~ [✓] Opp. Party No. 1 through letter No. G-130/3/15/76-Te.Pt. dated 20-4-77 addressed to Opp. Party No. 1 which was intentionally not communicated to the defendant till 27-5-77 and a parallel eye washing proceeding for inquiry was taken by the subordinate authority in spite of the knowledge of the final decision of the Opp. Party No. 1. The said ^{✓ received on 27-5-77 ✓} letter dated 24-5-77 is being filed herewith as

Annexure-7

Annexure-7 to this affidavit.

15. That the plaintiff feeling aggrieved served a notice dated 5-5-1977 under section 133 of the Code of Civil Procedure in defendant No. 1 but in ^{✓ gain ✓} ~~no~~ [✓] no reply was received. The plaint was filed by the plaintiff with the District Court on 24-5-77.

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13. That on 31-5-1977 the Plaintiff further explained the correct position regarding the charges made by the Defendant No. 3 with his memorandum dated 31-5-1977 referred to in para-2 above. The true copy of the said letter is being herewith ^{filed} ^{as} annexure-8 to this affidavit.

Annexure-8

14. That the defendant & object of the Plaintiff's claim is by a non-resisting, critical and costly order dated 31-5-77. The true copy of the said order is being herewith annexure-9 to this affidavit.

Annexure-9

15. That on being referred to ^{from} service on 31-5-77 the Plaintiff's representative in the name of Mr. J. K. Singh in the Ministry of Civil Aviation, New Delhi stating all the costs of the said appeal ^{to} were forwards and enclosed articles too. The photocopy of the said appeal is being herewith annexure-10 to this affidavit.

Annexure-10

16. That the said appeal is being referred by the Private Secretary to the Minister of Civil Aviation, New Delhi, dated 13-6-77. The true copy of the said letter is being annexure-11 to this affidavit.

Annexure-11

17. That in the said letter dated 13-6-77 the Plaintiff's representative stated that the costs of the said appeal are being referred by the Private Secretary to the Minister of Civil Aviation, New Delhi, dated 13-6-77.

FOR

19-4-90

W. K. Sankar

A15

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reply to the letter dated 31-5-77 already filed as
 Annexure-9 to this affidavit, in which the deponent
 ✓ *appraised that* ✓
 has ~~acted~~ the decision by L.O. 5/7/74-dirs. dated
 ✓ *acted upon* ✓
 5-8-1954. It had been ~~decided~~ by the Department
 to ~~not~~ *noted* the first round of the case of one Sri K.K.
 Paul, Officer in Charge of the Department. The
 true copy of the said representation is being filed
 here as Annexure-12 to this affidavit.

Annexure-12

18. That the Asstt. Director Administration
 ✓ *replying* ✓
~~decided~~ the said matter by this L.O. dated 9-6-77 vide its
 letter dated 5th July, 1977 mentioning ~~that~~ that as the case
 of the deponent is not identical to that of Sri K.K.
 Paul, it is not possible to change the decision
 already communicated to the deponent earlier. The
 true photostatic copy of the said letter dated 5th July
 1977 is being filed herewith as Annexure-13 to this
 affidavit.

Annexure-13

19. That the deponent again made representation
 to Cop. Party No. 1 in reply to his above said letter
 dated 5-7-77 which was received by the deponent on
 9-7-77 vide his letter dated 10-7-77. The true photo-
 static copy of the said letter dated 10-7-77 is being *filed*
 here as Annexure-14 to this affidavit.

Annexure-14

20. But thereafter the deponent made several
 representations in the shape of reminders to the
 Department, but no reply was received from them.

FOR
 19-4-90

V. Prantam

4/6

150

11-12-77-15

21. That after the deponent was compelled to
have a mercy appeal before the Hon'ble President of
India vide his letter dated 15-11-77. The true photostat
copy of the said letter is being filed herewith as
Annexure- 15 to this affidavit.

22. That thereafter the deponent further made several
representation to the different authorities for justice
but in vain as such the deponent was compelled to file
the present suit.

23. That the order referring to correct the date of
birth recorded in the service record and to retire the
deponent from the post of Radio Operator 5 months
days earlier is illegal, arbitrary, void and inoperative
for the following facts :-

- (i) The order is non-speaking, perverse and
against the rules of Natural Justice.
- (ii) The date of birth not only discredited by
the material documents produced by the
plaintiff in support of his claim regarding
his date of birth but also the order is
in substance wrong.
- (iii) The deponent was not offered an opportunity to
the plaintiff of being heard in the matter.
- (iv) The order is rejecting the plaintiff's claim for
correction of his date of birth is
contrary to the statutory provisions in force
in this regard.

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19-4-90

V. N. Kantam

157 (A17)

24. That the deponent has very well aware with his
✓ the date of birth recorded in his service record and
21 is not the case of deponent that only in the
year 1976 ^{he} ~~came to know~~ that his date of birth recorded
✓ But the case of the deponent is that only in the year 1976 he came to know
as 15-11-1919. ~~deponent was not aware~~ ✓ his actual date of birth ^{that} is 15-11-1919 through his mother for the
correction of the said date is not once applied
to the Department. ~~deponent was not aware~~ ✓

25. That it was not obligatory on the deponent to
get firstly corrected the date of birth in his High
School Certificate prior to moving for correction in
his service record. The authorities [✓] ~~are~~ [✓] fully competent
to correct the date of birth recorded in the service
record on presenting any authentic and convincing
documentary proof in support of his claim for which
the Department has not shown any sound reasons for
not relying on the said documents [✓] though the same was
himself was ^{asked} ~~examined~~ by them.

26. That the department has also adopted pick and
choose policy in the matter and though they have
considered the case of Sri L. P. Li of the same rank
and department and in the same circumstances in last
month of 11th date 1976 ^{but} ~~they~~ did not consid-
-ered the case of deponent who has applied for the
correction about 6 months before ~~the~~ ^{his} date of
superannuation. This clearly shows discrimination
and a violation of the principles of natural justice and
violation of the principles of natural justice and
violation of the principles of natural justice and

19-4-90

4.12.2010

(152) (A13)

... article-14 of the Constitution of India and also against the Indian Constitutional Justice.

27. The deponent has certain evidence been provided to the deponent and authentic documents as well as other evidence produced by the deponent was not considered by the authorities concerned and decided the matter in a manner which is clearly violation of article-31 of the Constitution of India.

28. The in the circumstances mentioned above and in the interest of justice, the impugned order dated 20-5-77 filed as Annexure-7 and order dated 31-5-77 filed as Annexure-9 and lastly order dated 5-7-77 filed as Annexure-12 are liable to be quashed and on the basis of uncontested evidence produced by the deponent the date of birth of the deponent be declared as 15-11-1919 instead of 20-5-1919 and the deponent be also allowed all the benefits regarding salary, promotion and pension etc. in conformance of the said order.

Inclosure ✓

Dated: 19 April, 1980 DEPUTY COMMISSIONER.

VERIFICATION

I, the deponent above named, hereby verify that the contents of paras-1 to 22, 24, 25 & 26 of this affidavit are true in my personal knowledge and that of paras- 23, 27 and 28 are believed by me to be true.

I have verified this 19th day of April, 1980 at the District Commissioner's Office.

Signature: 19 April, 1980

DEPUTY COMMISSIONER.

Munwar Sultana
19-4-80

RECEIVED FOR
19-4-80
V. K. antoni

Hanikushme

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19-4-80

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

AK
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Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 1

LUCKNOW
DATED: 19/4/1990

T. C
V. K. Gautam
Deponent.

FOR
19-4-90

~~SECRET~~
A. B. S. L. - 1

(1154)

Chief, General of Civil Aviation,
New Delhi, India,
Bombay.

(Here go original certificate)

... Date of Birth is the
... been examined according to my
... certificate of High School which is incorrect,
... it I have to retire earlier from service
... of age. Kindly advise if the correct
... be taken into consideration if it
... genuine certificate.

Yours faithfully,

Yours faithfully,

S/-

V. N. DEUTAN
R/O, A.C.S., RO/AC.

T. C.
V. N. Deutan 19/4/90
D. Panit

80
19-4-90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALL HABAS
JUDICIAL BENCH, LUCKNOW.

Transferred Claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 2

ANNEXURE -3

GOVERNMENT OF INDIA
CIVIL AVIATION DEPARTMENT
Officer -In-Charge, Aeronautical Communication Station
Lucknow Airport, Lucknow

Ho.LK/P-76/2624
Dated 15.12.1976

MEMORANDUM

Reference application dated 18.10.76 from Shri V.M.Gautam,
Radio Operator (S/O) addressed to the D.G.C.A., New Delhi regarding
change in his date of birth.

Shri V.M.Gautam, Radio Operator(S/O.) is required to produce
necessary documents in support of his request for change in his
date of birth at an early date.

Sd/- H.L.Privastava
Officer -In-Charge
Aeronautical Communication
Station, Lucknow Airport,
Lucknow.

Shri V.M.Gautam,
Radio Operator(S/O)
A.C.S., Lucknow.

211
19-4-90

Lucknow
Dated:- 19/4/1990.

True Copy
V. Gautam
Dependent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALL INDIA
CIRCUIT BENCH, LUCKNOW.

Transferred Claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 3

ANNEXURE -G

GOVERNMENT OF INDIA
CIVIL AVIATION DEPARTMENT
Officer - in- Charge, Aeronautical Communication Station,
Lucknow Airport, Lucknow.

No. LA/P-76/153

Date: Lucknow the 21 Jan, 1977

MEMORANDUM

Reference application dated 11.1.77 from Shri V. N. Gautam,
R/Operator(S/O.) regarding change in his date of birth, an extract
of letter No. 1/9/74-EC, dated 19.1.77 from the Regional Director
New Delhi is reproduced below for information and necessary action :-

" The affidavit submitted by Shri Gautam has been considered
and in it is observed that how a person can solemnly affirm and
declare his own date of birth as true by his personal knowledge.
He may therefore be advised to produce some convincing and authentic-
ative documentary proof in support of his claim."

Sd/- E. L. Srivastava
Officer-in-Charge
Aeronautical Communication Station
Lucknow Airport, Lucknow.

Shri V. N. Gautam,
Radio Operator(S/O)
A.C. Lucknow.

Lucknow
Dated:- 19/4/1990.

True Copy
V. N. Gautam
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

A23
657

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 4

LUCKNOW
DATED: 19/4/1990

T. C
V. K. Gautam
Deponent.

19-4-90

ਜਨਮ ਦਾ ਸਰਟੀਫਿਕੇਟ

ਬੀਡ ਰਜਿਸਟਰਾਰ (ਜਨਮ ਅਤੇ ਮੌਤ)
ਪੰਜਾਬ ਦੇਸ਼ੀਕਾਮ।



ਇਹ ਫਾਰਮ ਬੀਡਾ ਜਾਂਦਾ ਹੈ ਕਿ ਹੇਠ ਲਿਖੀ ਸੂਚਨਾ ਅਸਲ ਜਨਮ ਰਿਕਾਰਡ ਵਿਚੋਂ ਲਈ ਗਈ ਹੈ ਜਿਹੜਾ ਕਿ

ਬੀਡ ਰਜਿਸਟਰਾਰ ਜਨਮ ਅਤੇ ਮੌਤ ਮੁਹੰਮਦ ਅਹਮਦ ਰਹਿਮਤ ਮੁਹੰਮਦ

ਕਿਸ ਮੁਹੰਮਦ ਪੰਜਾਬ ਦੇ ਰਜਿਸਟਰ ਵਿਚ ਦਰਜ ਹੈ।

ਨਾਂ ਮੁਹੰਮਦ ਰਜਿਸਟਰੇਸ਼ਨ ਨੰਬਰ 872

ਪੁਰਖ/ਲਿਜਤੀ ਮੁਹੰਮਦ

ਜਨਮ ਦੀ ਮਿਤੀ 1919 ਰਜਿਸਟਰੇਸ਼ਨ ਦੀ ਮਿਤੀ 1919

ਜਨਮ ਅਸਥਾਨ ਮੁਹੰਮਦ

ਮਾਤਾ ਦਾ ਨਾਂ ਮੁਹੰਮਦ

ਪਿਤਾ ਦਾ ਨਾਂ ਮੁਹੰਮਦ ਮਾਤਾ ਮੁਹੰਮਦ

ਮਾਤਾ ਪਿਤਾ ਦਾ ਪੂਰਾ ਪਤਾ ਮੁਹੰਮਦ

ਸਰਟੀਫਿਕੇਟ ਤਿਆਰ ਕਰਨ ਵਾਲੇ ਦੇ ਹਾਤਖਰ

ਨਾਂ ਮੁਹੰਮਦ

ਪਦ S. S. M. C. Registrar ਮਿਤੀ 1919

ਲੋਕਲ ਰਜਿਸਟਰਾਰ
Births & Deaths
Municipal Committee
Ferozepur City

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

(59)

A2

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 4-A

19-4-90

LUCKNOW
DATED: 19/4/1990

T. C
V. Kantam
Deponent.

B.H-368

1728/2-1-

- 7, 000- पंजाब सरकार

पटियाला

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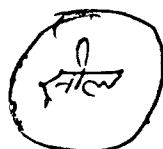
(A25)

कॉम नं० 9
(देखें 9)

(16)

जन्म का प्रमाणपत्र

चीफ रजिस्ट्रार (जन्म और मृत्यु)
पंजाब, चंडीगढ़।



यह प्रमाणित किया जाता है कि निम्नलिखित सूचना उसका जन्म रिकॉर्ड में से ली गई है जो कि लोकल रजिस्ट्रार जन्म एवं मृत्यु - फिरोजपुर शहर तहसील फिरोजपुर जिला फिरोजपुर पंजाब के रजिस्ट्रार में दी गई है।

नाम - महेश चन्द रजिस्ट्रेशन नं० - 872

लिंग - पुरुष

जन्म तिथि - 15 नवम्बर 1919 रजिस्ट्रेशन की तिथि - 4 दिसम्बर 1919

जन्मस्थान - श्री मिसत्री निहाल सिंह

माता का नाम - _____

पिता का नाम - श्री लाल

माता पिता का पूरा पता - श्री मिसत्री निहाल सिंह काला, फिरोजपुर शहर।

नोटिफिकेट तैयार करने वाले के हस्ताक्षर (Sd/-)

नाम - _____

जगह - S. J. M. C. Ferozpur city

(Sd/-) 19-4-90

मौहर

Local Registrar,
Births & Death
Municipal Committee,
Ferozpur city.

True Copy
V. Bantam
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

Transferred claim Petition NO. 1 of 1990.

(161)

Shri Vishwa Nath Gautam..... Petitioner

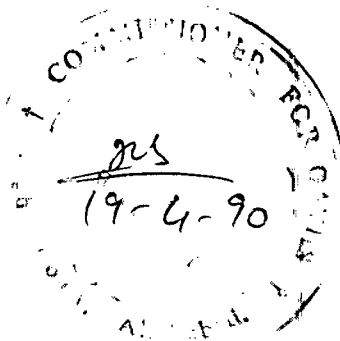
Vs

Union of India.....Opp parties

ANNEXURE NO. 5

LUCKNOW
DATED: 19/4/1990

T. C
V. S. Gautam
Deponent.



" AFFIDAVIT "

Affidavit of Ram Piari Wd/o Shri Diwan Brij Lal resident of
Vedan Mohalla Nawanshahr district Jullundur.

That the above named deponent do hereby solemnly affirm
and declare as under on oath:-

1. That my son named Vishwa Nath was born at Ferozpur and at
the time of birth his name was Mahesh Chand and after the 5 year of
age his name was declared as Vishwa Nath according to the Religious ceremony
and his name Vishwa Nath is correct.

2. That Vishwa Nath and Mahesh Chand is the one and the same person
but only his names are different i.e. two names of one person.

3. That there is no difference between Mahesh Chand and Vishwa Nath
and it is the only one and the same person but not two.

4. That my son named Vishwa Nath is correct.

5. That my son named Mahesh Chand also known as Vishwa Nath was born
at Ferozpur, from the union of Shri Diwan Brij Lal with Smt. Rampiari
on 15.11.1919

Sd/- Ram Piari
Deponent

Verification:-

Verified at Jullundur on this 1st. May '77 that the contents of the
above said affidavit of mine are true and correct to the best of my belief
and knowledge and nothing has been concealed therein.

Verified by:

Sd/-

AFFIDAVIT ATTESTED

Sd/- 1.5.77.

Notary Jullundur (Punjab) India

Sd/- Ram Piari
Deponent

SEAL
NOTARY

True Copy
1/2/77
Deponent 19/4/77

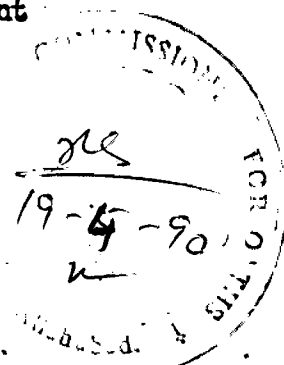
Asst. Director Research (S.M.)

Ministry of Railways

Ministry of Railways

Ministry of Railways

R. D. S. O., Munak Nagar.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

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Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

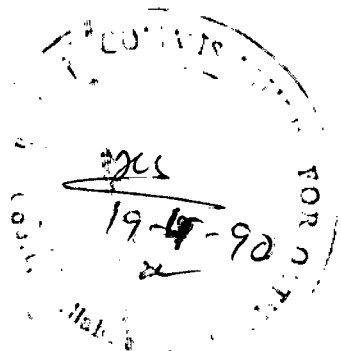
Vs

Union of India.....Opp parties

ANNEXURE NO. 6

LUCKNOW
DATED: 19/4/1990

T. C
V. Gautam
Deponent.



A28
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GOVERNMENT OF INDIA
CIVIL AVIATION DEPARTMENT, OFFICE OF THE DIRECTOR
GENERAL OF CIVIL AVIATION, EAST BLOCKS II & III
R.K. PURAM

IMMEDIATE

No. C.13013/15/76-EC(Pt.)

Dated New Delhi 22 the 24th May, 1977

M E M O R A N D U M

Sub:- Change of date of birth

With reference to his applications for the change of his date of birth Shri V.N.Gantam, Radio Operator(Selection Grade), Aeronautical Communication Station, Lucknow is hereby requested to let the undersigned know the basis on which the date of birth in his University Certificate of High School was entered. He should also indicate the name/Address of the School where he got his primary/High School education. At the same time he may also mention the reason as to how two different dates of birth have been shown in the two recent documents produced by him(i.e. Municipality Certificate it is 15.11.1919 and in affidavit it is 17.11.1919). The enquiry will not in any way affect the date of his retirement on attaining the age of superannuation on 31.5.1977(A.H.) This may please be noted.

Sd/- P.C.Jain

Asstt. Director(Admn.)

for Director General of Civil-
Aviation.

Shri V.N.Gantam,
Radio Operator(S/G),
A.C.S., Lucknow.

Copy forwarded to:- The Regional Director, Delhi Region, Safdarjung Airport, New Delhi. It is specifically for his information that this will not in any way affect the date of retirement of Sh. Gantam fixed for 31st May, 1977.

2. The Officer-In-Charge, A.C.S., C.A.D., LUCKNOW.

True Copy
V.N.Gantam 19/4/90
Deponent

328
19-4-90

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

Transferred Claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 7

ANNEXURE "H"

GOVT. OF INDIA/CIVIL AVIATION DEPARTMENT
Office of the C-in-C, ACS, Lucknow
No. 4K/A-3B/VNG/1192

Dated Lucknow, the 24th May 1977.

Sh. V. N. Gautam, P.O. (SC), ACS, Lucknow Airport, Lucknow.

The request for change in your date of birth is not covered in Govt. of India Decision Rule 79 of G.F. Rules. This disposes off your several letters and notice under section 80 of 5 May 77. The decision contained in Director General of Civil Aviation, New Delhi letter No. 013043/15/76-SC Pt. dt. 20.4.77 addressed to the Regional Director Delhi Region. New Delhi is given as below for your information, which please acknowledge:-

"I have to refer to your letter No. 1/9/74-SC dt. 31.3.77 on the above subject and to say that the request of Shri V. N. Gautam, Radio Operator for a change in his date of birth has been considered but it is regretted that it cannot be acceded to. Shri V. N. Gautam, may please be informed accordingly".

2. Accordingly Shri V. N. Gautam, P.O. S.G. will stand relieved after noon 31st May '77 on retirement from Government Service on Superannuation.

Recd 27-5-77, afternoon.

28-5-77 from ACS-150.

3d/-

(H. L. Srivastava)
Communication Officer.
C-in-C, ACS/Lucknow.

Lucknow
Dated:- 19/4/1990.

True Copy
V. N. Gautam
Deponent
19-4-90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

166

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

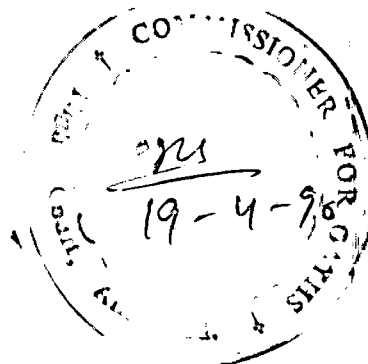
Vs

Union of India.....Opp parties

ANNEXURE NO. 8

LUCKNOW
DATED: 19/4/1990

T. C
✓ Vishwa Nath Gautam
Deponent.



Regd A.D

To

Shri P.C. Jain
Assistant Director (Administration),
R.K. Puram, NEW DELHI-110 022.

Ref: Your memorandum No.C.13013/15/76-SC(PT)
dated 24th May 1977 delivered to me on
27.5.77 when only 4 days are left in
my retirement.

....

Sir,

In reply to your aforesaid memorandum, I am to submit as follows:

1. That the date of Birth in the University Certificate of High School was got entered by the family servant late Sh. Devi Dass who took the applicant to School for admission and on the sheer remembrance to the best, he might have registered the date of birth of the applicant as 20.5.1919. It appears the said date of birth (20.5.1919) was not supported by any document by the servant.
2. That so far as the place of my Primary/High School education is concerned, I completed my primary/High School education from D.A.V. High School, Nawashahr Doaba, Distt; Jullundur, Punjab.
3. That in connection with date of birth of the applicant, it is submitted that the applicant vide his letter dated 18.10.1976 to the D.G.C.A. New Delhi sought an advice regarding the consideration of the correct date of birth and only on the assurance given by Shri H.L. Srivastava Officer-in-Charge, A.C.S., Lucknow vide his memorandum LK/P.76/2624 dt. 15.12.76, the applicant proceeded further in the matter, in question, and submitted his affidavit mentioning therein, his date of birth. However, the said affidavit did not find any favour and the applicant vide memorandum No. LK/P-76/155 dt. 21.1.1977 from Shri H.L. Srivastava, O-In-C, A.C.S., Lucknow and with reference of Regional Director Delhi's letter No. 1/9/74-EC dated 19.1.77, which reads as under:

"The affidavit submitted by Shri Gautam has been considered and it is observed that how a person can solemnly affirm and declare his own date of birth as true by his personal knowledge. He may therefore be advised to produce some convincing and authenticative documentary proof in support of his claim."

As such the applicant went personally to Ferozepur City my place of birth and submitted the highly authenticated document i.e., Birth Certificate obtained from Municipal Committee, Ferozepur City, according to which the date of birth of the applicant is 15.11.1919 (and not 20.5.1919) and as such, there is a difference of five months and 26 days still to retire.

4. The authenticated birth certificate was submitted by the applicant as early as 19.3.77 but no action had been taken at all on this authenticated certificate, that being the victim of the

...2.

red tapism policy of the department, the applicant had to give notice under section 80 Cr.P.C. on 5.5.1977 to:-

- I. The Secretary, Ministry of Civil Aviation and Tourism, New Delhi.
- II. The Director General of Civil Aviation, New Delhi.
- III. The Regional Director, Delhi Region.
- IV. The Office Incharge A.C.S. Lucknow.

through Shri B.R. Menon Advocate Lucknow. The applicant also submitted an affidavit of Smt. Rampiari, the mother of the applicant regarding the actual date of birth etc. of the applicant.

5. That the applicant is further shocked to receive the above cited Memorandum on 27.5.77 after lapse of considerable period of 70 days and that too when only four days are left to his retirement, i.e. 31.5.77 and also note with great regret the queries asked for therein which only proves that my appeals etc. were deliberately withheld in the cold storage for 70 days and the Department was not in mood to settle my case early which would have provided me ample chance to defend my case properly. This is only one sided affair and an ex parte judgment wherein no time has been afforded to me to say either in person or in writing. This cannot be called a justice. I hope the authorities will appreciate the mental agony which I had had to face during this period of 70 days without a single response of consolation from you. It is evidently a case of denial of justice. It is further pertinent to note that the queries asked for in the above said memorandum are not at all a material of the case, when the authenticated document from the component authorities has already been produced, in support of the proof of my date of birth, the question of any query does not arise at all. In the face of the document, the applicant feels deprived of his genuine rights and claims which the Department at one time had agreed in writing to consider but now has turned back from its words when I have submitted the authenticated proof of my date of birth, as desired by the Department.

Dated: 28.5.77

Yours faithfully,

(V.N. GATTA)
R/O A.C.S. CIVIL AIRPORT LUCKNOW
LUCKNOW

Copies forwarded to:

1. Minister of Civil Aviation and Tourism with a request that no reply and decision of the service matters which are pending with him for months together have been received so far. A telegram in that connection was also sent on 25.5.77 to wire result of the case pending under him as the applicant is retiring on 31.5.77, i.e., after three days.
2. Secretary Ministry of Civil Aviation and Tourism with whom the important papers are still pending for decision and the applicant is retiring on 31.5.77.
3. Regional Director, Delhi Region Safdarjung Air Port New Delhi for information and necessary action in the matter as he is also equally responsible in this connection.

Yours faithfully,

Dated: 28.5.1977

True Copy 19/4/93
V. N. GATTA
R/O A.C.S. CIVIL AIRPORT LUCKNOW
LUCKNOW

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW. (A31)

Transferred Claim Petition NO. 1 of 1990. (169)

Shri Vishwa Nath Gautam..... Petitioner
vs.
Union of India & Others..... Opp. Parties.

ANNEXURE NO. 9

विमानन के पदनाम से
संबोधित होने चाहिए, नाम से
नहीं।
तार: "एयरसिविल"

All communications should
be addressed to the Director
General of Civil Aviation, by
title, NOT by name.

Telegram :

"AIRCIVIL"

कार्यालय, महानिदेशक नागर विमानन
पूर्वी खंड II-III, रामकृष्णपुरम
GOVERNMENT OF INDIA
OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION
EAST BLOCKS II AND III, R. K. PURAM

संख्या/No. C-13013/15/76-EC(pt.1)

नई दिल्ली-22, तारीख.....197 .

Dated New Delhi-22, the.31.5..197 7.

MEMORANDUM

Subject:- Change in date of birth

With reference to the correspondence resting with his representation dated 28.5.77, Shri V.N. Gautam, Radio Operator, Selection Gr. is hereby informed that the plea put forth by him in para 1 of his aforesaid representation cannot be accepted at this late stage; particularly when as per the instructions laid down in the Ministry of Home Affairs Office Memorandum No.55/3/54-Ests. dated 5.6.54 requests for alterations of birth-date are not to be entertained within a year or two of the date of superannuation.

(P.C. Jain)

Asstt. Director (Administration)
for Director General of Civil Aviation

Lucknow
Dated:- 19/4/1990.

True Copy
V. N. Gautam
Deponent

19-4-90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

170

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

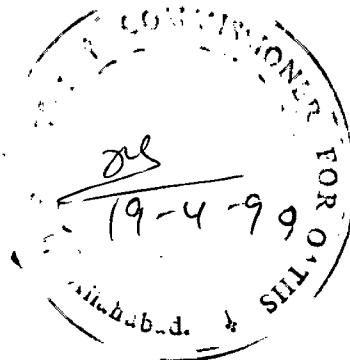
Vs

Union of India.....Opp parties

ANNEXURE NO. 10

LUCKNOW
DATED: 19/4/1990

T. C
V. B. Gautam
Deponent.



(5) (2)
132
131

Shri P.L. Kaushik,
Hon. Minister for
Civil Aviation & Tourism,
NEW DELHI.

Respected Sir,

Sub: Appeal against premature retirement on 31.5.77 - Pray justice.

Ref: i) Letter No.C 13013/15/76-EC(Pt) dated 24.5.77 received on 27.5.77 and ~~28.5.77~~ on 28.5.77 to HQ under intimation to you.
ii) Letter No.LK/ASB/VNG/1192 dated 24.5.77 received on 28.5.77.
iii) Letter No.40C15/1/77 EC dated 28.5.77 received on 31.5.77.

In reference to the above, I have the honour to inform that, as you are well aware, that I have been pleading my case with the CAD for the last one year. All my representations appeals reminders and telegram in connection with meritorious service matters (Reference attached separately) were put in the cold storage only to reply to me not earlier than 27.5.77 i.e. only three/four days before the proposed date of my premature retirement, and all my representations and appeals have been turned down by the Department. In this context, I beg to bring the following facts to your kind notice for careful examination, with request not to pass on as a routine matter because it pertains to the career of a patriot of whom the deptt. should be proud of and who had undergone British Tyranny followed by life term stagnation and thus completely ignored by the Deptt. for three decades on the same post as a Radio Operator, without a single promotion during the defamed congress rule. I suffered heavily while posted at Banihal, forward area of J&K, during the Indo-Pak War in 1965-66, when the country was in peril, even then, as an Incharge, I controlled the A.C.S., Banihal without any proper facilities, protection and incentive from the Deptt., but served the country as my duty. This all has gone unnoticed by the Deptt.

2. In the last year of my service career, the deptt. was, "kind enough" to offer me the first promotion in my service career as Communication Asstt. at the verge of retirement! As a claim of my meritorious services and due to incorrect entry of date of birth, I requested the department for continuity in service, so that the first promotion of service offered to me at the nick of retirement may be of some worth honour and the prestige of the department is also maintained and was off the stigma of the department for getting a bad name in retiring a loyal worker with neat and clean service who had been recommended by officers incharge and the controller of Communication under whom I served for a long period without a single promotion in thirty years of service. It is a tragedy to note that what to talk of continuity in service, the department has prematurely retired me on 31.5.77 when accordingly to my authenticative date of birth I actually retire on 30.11.77 i.e. six months later.

3. As desired by the department, I had submitted an authenticative and convincing documentary proof of my date of birth from the Municipal Authorities, Ferozepore, showing my date of birth 15.11.1919 according to which I retire on 30.11.77 and not on 31.5.77. But the department has even turned down this document also under Rule 79 of GFR when the HOD is deputed with such powers. I fail to understand what more authenticative proof is required by the department other than the aforesaid document from the municipal authorities, has also not been communicated to me. It seems that the officers under DCA now are not in favour of correcting my date of birth and are insisting on the incorrect date of birth to be continued as such, is ridiculous, even though the Department at one time had earlier agreed to make a change, that is why, the department asked me this letter No.1/9/74EC dated 19.1.77 from Regional Director/ New Delhi to submit an authenticative proof and the above said document was accordingly, submitted by me in original. It is further again

...2/-

astonishing that the department is now turning back from its words which is also not clearly understood. The contents of the above letter are:

"The affidavit submitted by Shri Gautam has been considered and it is observed that how a person can solemnly affirm and declare his own date of birth as true by his personal knowledge. He may, therefore, be advised to produce some convincing and authentic documentary proof in support of his claim."

In view of the above facts, I pray your honour to kindly study my case carefully and accept the authenticative document for the correct date of birth rather than insisting on an incorrect one and take a correct decision in the matter to meet the ends of the justice.

4. It may also not be out of place to mention here that there has been inordinate delay in dealing with my case for no fault of mine and the Department has not afforded sufficient time to me to express my self for which, I hope, your honour will ask for the reasons from the concerned authorities also which only lead me to unwanted misery, agony, mental torture, victimisation, partiality, injustice, stagnation and what not!

5. It is evident from the above that my case has been delayed for a longer period than required intentionally and the decision purposely communicated to me by the department on the day of my premature retirement, so that I may be deprived of pleading my case properly. It is shocking that such an important case has taken a long time in deciding the fate of a sufferer. This further arouses suspicion of malafide intension of the department for denying justice to me by delaying the case.

6. JUSTICE DELAYED IS JUSTICE DENIED And I have been denied the justice. It is proved beyond doubt that the justice has been denied to me altogether. The man sitting on the chair to do justice is either quite unaware of my case or is intentionally quiet, brushing aside his responsibilities, forgetting his promises given to the public before the Recent Parliament Elections although my case is S03. The assurances given must be fulfilled.

7. I only pray that justice should triumph. If needed, I will not even hesitate to raise question in the Parliament/ go to the court of law/ hunger strike in support of my claim to get justice in the matter. But I am confident that your honour will save me from this catastrophe which has been thrust upon me by the department for no fault of mine. Hoping for an early action in the matter under intimation to the undersigned so that I may not remain in suspense as before.

K With kindest regards,

Yours faithfully,

Encl. One.

Dated: 31.5.1977.

(V.N.GAUTAM) R/O(S.G.)
(Life Term Victim of the Civil
Aviation Department)
A.C.S., Lucknow Air Port, Lucknow.

Copy forwarded to:

1. The D.G.O.A., New Delhi.
 2. Shri P.C.Jain, Asstt. Director(Admn).
 3. Regional Director, Delhi Region, New Delhi.
 4. Officer Incharge A.C.S./Lucknow.
 5. General Secretary of Communicators Guild.
 6. General Secy., Civil Aviation Deptt. Employee's Union, New Delhi.
-) For infor-
) mation and
) necessary
) action
) please.

Dated: 31.5.1977.

*Tone copy
V. N. Gautam
Department* 19/4/90

(V.N.GAUTAM)

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

Transferred Claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 11



No. 2280/77-AM(1)

मंत्री

पर्यटन और नागर विमानन

MINISTER OF
TOURISM & CIVIL AVIATION

New Delhi-110001.

June 13, 1977.

Shri V.N. Gautam,
A.C.S., Lucknow Airport,
Lucknow.

Dear Sir,

I am desired to acknowledge receipt
of your representation dated 31.5.77, reg.
your appeal against premature on 31.5.77.

Your representation has been referred
to the concerned authorities for examination.

Yours faithfully,

S.N. Chaturvedi

(S.N. Chaturvedi)
Private Secy. to Minister

Lucknow
Dated: 19/4/1990

19-4-90

T. C.
V. N. Gautam
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

174

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

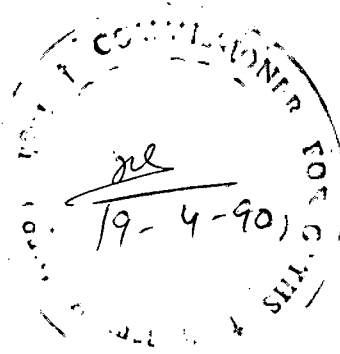
Vs

Union of India.....Opp parties

ANNEXURE NO. 12

LUCKNOW
DATED: 19/ 4/1990

T. C.
V. N. Gautam
Deponent.



The Director General of Civil Aviation,
R.K.Puram, NEW DELHI-110 022.

(Kind Attn: Sh. P.C. Jain, Asstt. Director (Admn.))

Sir,

Sub: Premature retirement on 31.5.77 instead of 30.11.1977.

Ref: Letter No. C-130B/15/76-EC(Pt.I) dt. 31.5.77 despatched on 5.6.77 delivered to me on 8.6.77.

While acknowledging the above quoted memorandum, I have the honour to state the Ministry of Home Affairs Memorandum No. 55/3/54-Ests dt. 5.6.54 has been quoted in my case saying that "alterations in Date of Birth are not to be entertained within a year of two of the date of superannuation" but in my case you have already entertained my case and secondly the case of Shri K.K. Pali R/O (S.G.) whose case is mentioned below was not only entertained but finally decided with full benefits in his favour. Neither the extracts nor a copy of the M.H.A.'s Memorandum has been given to me for my reference. Moreover, this has never been quoted by the Deptt. in my earlier correspondence at all. The decisions on the policy matters are taken on the basis of "what is in practice" than what is prescribed in the rules because the rules are not well interpreted and are only enforced where justice is to be denied. For example, I may mention the case of Shri K.K. Pali R/O/SG in whose case date of birth has been changed during the last days of his superannuation, (AUGUST 1976) has been granted continuity in service on the basis of the changed date on the basis of which he is still continuing in the service in the deptt. of Civil Aviation and is in position at Palam Airport. If it is true, where does the MHA's Memorandum quoted above stand?

2. Further in violation of the above quoted MHA Memorandum, I was asked by the Department vide Memorandum No. 1/9/74/EC dated 19.1.77 to produce an authenticative proof of my date of birth which I did submit from the competent authority, and it may please be noted, in particular, that no such MHA Memorandum was ever quoted to me. It clearly proves that the Deptt. is not dealing with my case on the sound footing. It appears there was a provision and sufficient grounds to alter my incorrect date of birth that is why authenticative proof was called for from me. My case is simply being rejected on one pretext or the other without valid reasons. On one hand the deptt. say something and on the other hand contradicts its own verdict. I only mean that the department should stick to its words vide Memorandum No. 1/9/74/EC dated 19.1.77 in reference to which I have produced my correct date of birth from the competent authority which is not only convincing, but legally speaking, is a document which no Government department in India would reject and such matters are decided on the basis of Municipal Records only. I am strangely surprised to note that the Deptt. by referring the MHA's Memorandum cited above at such a later stage, is contradicting its own version i.e. Memorandum No. 1/9/74/EC dated 19.1.77. I am really at a great loss to understand the labyrinthine twist given to the case.

3. I once again pray your honour to accept the correct date of birth in my case and grant me all the benefits and privileges with continuity in service till 30.11.1977. Your kind attention is also invited to my representation dated 31.5.77 with enclosures (copy attached for reference) reply of which is also awaited.

Hope JUSTICE will prevail.

Yours faithfully,

Sd/-

(V.N. GAUTAM)

Prematured Retired R/O (S.G.),

O/o O-in-C, A.C.S., Lucknow Airport, Lucknow.

Encl.

Dt. 9th June 1977

- Copies forwarded for information and n/a in continuation of my rep. dt. 31.5.77 to:
1. Hon. Minister for Civil Aviation and Tourism, New Delhi.
 2. Sh. P.C. Jain, Asstt. Director (Admn.) R.K.Puram, New Delhi.
 3. The Regional Director (Delhi Region) Safdarjung Airport, New Delhi.
 4. The Officer Incharge, A.C.S., Lucknow.

Sd/-

True copy
V. N. Gautam
17/4/90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW. (156)

Transferred Claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner (176)
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 13

कार्यालय, महानिदेशक नागर विमानन

पूर्वी खंड II-III, रामकृष्णपुरम

GOVERNMENT OF INDIA

OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION

EAST BLOCKS II AND III, R. K. PURAM

नागर विमानन के पदनाम से
संबोधित होने चाहिए, नाम से
नहीं।
तार : "एयरसिविल"

All communications should
be addressed to the Director
General of Civil Aviation, by
title, NOT by name.

Telegram :

"AIRCIVIL"

संख्या/No. C.13013/15/76-EC

नई दिल्ली-22, तारीख.....1977 .

Dated New Delhi-22, the 15th July, 1977.

To

✓ Shri V.N. Gautam,
Radio Operator (Selection Grade) (Retired),
c/o Aeronautical Communication Station,
Lucknow Airport, Lucknow.

Subject:- Premature retirement on 31.5.1977 instead of
30.11.1977.

-:-

Sir,

I have to refer to your letter dated the 9th
June, 1977 on the subject noted above and to say that
your request for a change in your date of birth has
again been examined with reference to the instance
quoted by you. Since your case is not identical to
that of Shri K.K. Pali quoted by you, I have to regret
that it is not possible to change the decision already
communicated to you earlier.

/particular

Yours faithfully,

(P.C. Jain)

Assistant Director (Administration)
for Director General of Civil Aviation

Dated:- 19/4/1990.

T. C.
V. B. Gautam
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALL INDIA
CIRCUIT BENCH, LUCKNOW.

Transferred Claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 14

The Director General of
Civil Aviation,
New Delhi.

For kind attention of Shri P.C.Jain.

Through ACS/Lucknow.

Sir,

Sub: Premature retirement on 31.5.77 instead
of 30.11.1977.

Ref: Your letter No.C.13013/15/76-EC dt.5.7.77.

In this connection I may point out that the case of Shri K.K. Pali quoted by me earlier, also pertains to the same subject of change of date of birth, and in whose case the change in date of birth was granted by the Department. But in my case, no action has so far been taken even though I have already produced an authenticated documentary proof from the Municipal authorities, Ferozepur as desired by the Department. The lacuna in both the cases may kindly be clearly clarified. Merely to say "case is not identical" does not serve any purpose and meet the ends of justice.

2. I hope the matter will be looked in deeper details and the results communicated to me as early as possible.

Yours faithfully,

Lucknow.
13.7.1977.

(V. N. Gautam)

Lucknow
Dated:- 14/4/1990.

True Copy
V. N. Gautam
Dependent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

(18)

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

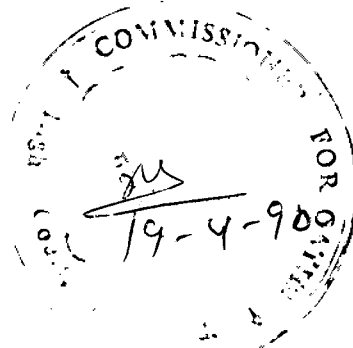
Vs

Union of India.....Opp parties

ANNEXURE NO. 15

LUCKNOW
DATED: (9) 4/1990

T. C
V. Vishwanath
Deponent.



Hon. President of India,
Government of India,
Rashtarpati Bhawan, NEW DELHI. THROUGH PROPER CHANNEL

Sir,

CIVILIZATION UNDER CIVIL AVIATION

1. I, the undersigned, one of the founders of the Civil Aviation Deptt., by virtue of meritorious services was awarded with medal and befitting certificate from Royal Signals and got position while entry in the C.A.D. Even recommended for promotion by the senior officers, I was forced to stagnate for three decades as Radio Operator and ultimately degraded to such a worst position of no less than a Harijan under torture! This is the height of ill treatment meted out to a Govt. servant after putting in Thirty Years of neat and clean service under the regime of Free Sovereign Democratic Socialist Republic of India of which we are so proud of!

2. Further under the terror of Emergency, when the extent of tolerance and suppression of the voice of my conscience went out of my control, I dared to bring into light the truth concerning the negligent working of the high level administration of CAD. for the plight of the cadre of miserable and neglected Radio Operators in the Deptt. as a sole right, the authorities got annoyed with me on this, who consequently made me target, with the result the constant victimisation ended in premature retirement! I referred this injustice to the Hon. Minister of Civil Aviation and Tourism who at one occasion assured me that my case of Premature Superannuation was under examination. But till this date no intimation from the ministry or the Head of the Deptt. regarding any decision of my case of premature retirement & service matters has been received in spite of my dozens of letters in the shape of representations and reminders sent so far, but to no effect. I am thankful to the Hon. Ministers, Members of Parliament, other prominent persons and the Daily News Papers who as a mark of sympathy referred and pleaded my case for justice, but it is a pity that the Deptt./Ministry have not shown any courtesy to do justice, even to a patriot who sacrificed a lot for the sake of country.

3. This is to make an appeal to your goodself against a miserable failure to invoke sympathy and justice in the Civil Aviation Deptt. Administration for equality and treatment for the service benefits as has been granted to one of my colleague, but at the same time denied the same benefit to the undersigned. The applicant however, begs most respectfully to appeal as under:-

.1 That my date of birth recorded in my service records as per the High School Certificate was in-correct, with the result, I had to retire from service six months earlier. After coming to know that my counterpart Sh.K.K.Pali's incorrect date of birth was amended in the last week of his superannuation, I approached the employing Admn. (when about eight months were left to my superannuation) for amending the in-correct date of birth. At this, The Deptt. permitted me to produce necessary authenticated documents in support of my request for change in my date of birth.

.2 I accordingly produced an original birth certificate from the Municipal Committee Forozepur (where I had taken birth) who are the authority under law to maintain the records of date of births and deaths, while the affidavit submitted earlier affirmed on the basis of hearing of my date of birth from my mother from memory in a court of law, was rejected.

.3 That I had, under the same plea as it had been done in the case of Sh.Pali, prayed to Admn. for accepting the correct date of birth in my case also and allow me to continue in service for a period of another six months. That, had this correction been accepted, I would have worked for six months more and I would have earned my wages for those six months. This non-acceptance has caused premature retirement earlier by 6 months than the actual date I would have retired.

.4. Under the circumstances explained above, it is a fact that I have been forced to unemployment for six months earlier than the date from which I was due. I am, therefore, entitled to the payment of wages for those six months period w.e.f. 1.6.77 to 30.11.77 which I am due to be paid.

5. I therefore pray that my appeal to be considered favourably and orders passed for arranging payments of those six months period to me as early as possible.

A word in acknowledgement will be highly appreciated.
Thanking you,

Yours faithfully V. Brautani

21-15-11-77

(V.N.GAUTAM) Prematurely Retired and
A Life term Victim of the Civil Aviation Department A.C.S. Aerodrome, Lucknow
RESIDENCE: Subhash Nagar, P.O. Alamb, Lucknow-226 005.

True Copy
V. Brautani
Defendant
19/4/90

OFFICE OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
(CIRCUIT BENCH)
LUCKNOW.

Claim Petition No.1 of 1990

Vishwanath Gautam ----- Petitioner.

Versus

Union Of India ----- Opposite Pa-rty.

Fixed For : 18-7-90

AFFIDAVIT IN SUPPORT OF CLAIM PETITION

I, Vishwanath Gautam, aged about 71 years, son of Late Brij Lal Gautam, resident of Subhash Nagar, Alambagh, Lucknow do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner before this Hon'ble Tribunal as well as he is the also plaintiff of the suit transferred to this Hon'ble Tribunal from the Civil Court for the decision, as such he is well conversant with the facts of the case.

2. That the plaintiff joined service as Radio Operator in Civil Aviation Department under the defendant no.1 in the month of January, ¹⁹⁴⁸1948, after obtaining six months professional training. The plaintiff since then had been discharging his duties with utmost honesty, devotion and efficiency and his service record through-out remained unblemished and commendable.

3. That the plaintiff was born on 15-11-1919 at Ferozepur city and his date of birth in fact is 15-11-1919.

4. That due to some error or omission the plaintiff's date of birth in the University certificate of High School was recorded as 20-5-1919.

-----2/-

5. That in the month of October, 1976 while the Plaintiff was posted as Radio Operator, A.C.S., Lucknow he for the first time came to know that his date of birth in the service record has wrongly been entered as 20-5-1919 instead of 15-11-1919. He on 18th October 1976 sent a letter to the Director General of Civil Aviation, R.K. Puram, New Delhi requesting him to advice as to whether the correct date of birth can be taken into consideration if it is supported by genuine certificates. The true photostat copy of the said letter is being filed herewith as annexure-1 to this affidavit.

Annexure-1

6. That the plaintiff on 15-12-1976 received the reply of the letter dated 18-10-1976 requiring him to produce necessary documents in support of his ~~claim~~ claim for change in his date of birth in service record. The true photostat copy of the said letter is being filed herewith as Annexure-2 to this Affidavit.

Annexure-2

7. That thereafter the plaintiff submitted his own affidavit about his date of birth on 11-1-77. The defendant No.5 vide his letter dated 21-1-1977 quoting therein the extract of orders passed by defendant No.4 required the plaintiff to produce some convincing and authenticative documentary proof in support of his claim. The true photostat copy of the said letter dated 21-1-77 is being filed herewith as Annexure-3 to this Affidavit.

Annexure-3

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8. That the plaintiff was born at Ferozepur City on 15-11-1919 with infant name "MAHESH CHAND". The birth of the plaintiff was recorded in the Statutory record of Municipal Committee Ferozepur City called the "Births and Deaths" Register. The plaintiff's date of birth in the said register has been shown as 15-11-1919. The relevant extract of the said "Births and Deaths" Register relating to the birth of the plaintiff duly certified and attested by the competent authority was submitted on 19-3-1977 by the plaintiff to the defendants. ^{true} The photostat copy of the said certificate along ~~with~~ to with its Hindi translation ^{is} is being filed herewith Annexure-4^{24A} as Annexure-4 to this affidavit.

9. That besides the above the plaintiff also submitted a duly sworn affidavit dated 1.5.77 of his mother to the effect that the plaintiff was born on 15-11-1919 with infant name "Mahesh Chand" and that on "Nam Karan Ceremony" the present name "Vishwa Nath" was assigned to him. The true photostat copy of the said affidavit is being filed herewith as annexure-5 Annexure-5 to this affidavit.

10. That on 27-5-1977 the plaintiff received ^{by post a} memorandum No. C-13013/15/76 dated 24-5-1977 sent by the defendant No.3 requiring the plaintiff to give clarification regarding the matters inumerated in the said memorandum. It was also made clear in the said memorandum that the change of date of birth will not

in any way effect the date of plaintiff's retirement on attaining the age of Superannuation on 31-5-1977. The copy of aforesaid memorandum was also endorsed to defendant No.4 directing him to retire the plaintiff on 31-5-77 totally ignoring that the matter regarding the determination of correct date of birth was still pending. The photostat copy of the said memorandum

Annexure-6

is being filed herewith as annexure-6 to this affidavit.

17. That thereafter the plaintiff on ^{same} ~~Sunday~~ i.e.

27-5-77 also received a letter No. LK-A-3B-VNG/1192

dated Lucknow 24th May, 1977 ^{by hand} ~~by~~ signed by the defendant

No.5 intimating him about the rejection of his request

regarding the change in his date of birth and retiring

him with effect from 31-5-77 on the basis of a decision

already taken by the ~~Opp.Party~~ Opp.Party No.1 through

letter No. C-130/3/15/76-Ec.Pt. dated 20-4-77 addressed

to Opp.Pa rty No.4 which was intentionally not

communicated to the deponent till 27-5-77 and a

parallel eye washing proceeding for enquiry was taken

by the subordinate authority inspite of the knowledge

of the final decision of the Opp.Party No.1. The said

received on 27-5-77

letter dated 24-5-77/1s being filed herewith as

Annexure-7

Annexure-7 to this affidavit.

18. That the plaintiff feeling aggrieved served

a notice dated 5-5-1977 under section-80 Code of Civil

Procedure on defendants but in ^{vain} ~~vane~~. The copy of notice

has already been filed by the deponent vide list of

document dated 2-7-79.

12/5

Annexure-8

13. That on 28-5-1977 the plaintiff further explained the correct position regarding the quarries made by the defendant No.3 vide his memorandum dated 24-5-1977 referred to in para-9 above. The true copy of the said letter is being ^{filed} herewith ^{as} annexure-8 to this affidavit.

Annexure-9

14. That the defendants rejected the plaintiffs claim by a non-speaking, cryptic and scatchy order dated 31-5-77. The true copy of the said order is being filed herewith as Annexure-9 to this affidavit.

Annexure-10

15. That on being premature retired ^{from} service on 31-5-77 the deponent at once made a representative in the shape of appeal to Hon'ble Ministry Civil Tourism Aviation ~~Department~~ Department, New Delhi stating all the facts of the case and the copies of the said appeal was also forwarded ^{to} concerned authorities too. The true photostat copy of the said appeal is being hereby filed as annexure-10 to this affidavit.

Annexure-11

16. That the said appeal was acknowledged by the Private Secretary to Hon'ble Ministers of Tourism and Civil Aviation, vide his letter dated June,13,1977. The true copy of the said letter is being filed as Annexure-11 to this affidavit.

17. That in the mean time the deponent has also made a representation to the Director General of the Civil Aviation through his letter dated 9-6-1977 in



reply to the letter dated 31-5-77 already filed as annexure-9 to this affidavit, in which the deponent ^{apprised that} has ~~quoted~~ the memorandum No.55/3/54-Ests. dated 5-6-1954 had not been ^{acted upon} ~~considered~~ by the Department and quoted the instances of the case of one Sri K.K. Pali, Radio Operator of the same Department. The true copy of the said representation is being filed Annexure- 12 herewith as Annexure No-12 to this affidavit.

10. That the Asstt. Director Administration ^{replying} ~~noted~~ the said representation dated 9-6-77 vide its letter dated 5th July, 1977 mentioning that as the case of the deponent is not identical to that as Sri K.K. Pali as such it is not possible to change the decision already communicated to the deponent earlier; the true photostat copy of the said letter dated 5th July Annexure- 13 1977 is being filed herewith as Annexure-13 to this Affidavit.

11. That the deponent again made a representation to Opp.Party No.1 in reply to his afore said letter dated 5-7-77 which was received by the deponent on 9-7-77 vide his letter dated 10-7-77. The true photostat copy of the said letter dated 10-7-77 is being ^{filed} Annexure- 14 herewith as Annexure- 14 to this affidavit.

20. That thereafter the deponent made several representation in the shape of reminders to the Department, but no reply was received from them.

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2. That thereafter the deponent was compelled to move a mercy appeal before the Hon'ble President of India vide his letter dated 15-11-77. The true photostat copy of the said letter is being filed herewith as

Annexure- 15 Annexure- 15 to this affidavit.

22. That thereafter the deponent further made several representation to the different authorities for justice but in vain as such the deponent was compelled to file the present suit.

23. That the order refusing to correct the date of birth recorded in the service record and to retire the deponent from the post of Radio Operator 6 months ~~25~~ days earlier is illegal, arbitrary, void and inoperative for the following facts :-

- (i) The order is non-speaking, perverse and against the Rules of Natural Justice.
- (ii) The defendant did not apply their mind to the material and documents produced by the plaintiff in support of his claim regarding his date of birth and passed the orders in an arbitrary manner.
- (iii) The defendants did not offer opportunity to the plaintiff of being heard in the matter.
- (iv) The orders rejecting the plaintiffs claim for correction of the date of birth is also contrary to the statutory provisions applicable in this regard.

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24. That the deponent was very well aware with his the date of birth recorded in his service record and this is not the case of deponent that only in the year 1976 ^{he} came to know that his date of birth recorded as 20-5-1919 ~~is not correct~~ ^{But the case of the deponent is that only in the year 1976 he came to know that} and his actual date of birth is 15-11-1919 through his mother and for the correction of the said mistake he at once applied to the Department, ~~for the correction.~~

25. That it was not obligatory on the deponent to get firstly corrected the date of birth in his High School Certificate prior to moving for correction in his service record. The authorities ^{were} ~~are~~ fully competent to correct the date of birth recorded in the service record on presenting authenticate and convincing documentary proof in support ~~ing~~ of his claim for which the department has not shown any cogent reasons for not relying on the said documents through the same was himself was ^{asked} ~~required~~ by them.

26. That the department has also adopted pick and choose policy in the matter and though they have considered the case of Sri K.K.Pali of the same rank and department under the same authorities with in last month of his date of superannuation ^{but} ~~and~~ did not considered the case of deponent who has applied for the correction about 8 month before ~~from~~ his date of superannuation. This clearly shows discrimination of the department which is not permissible in the eye of ~~the department which is a clear violation of article 14 of~~

law and the same is clear violation of article-14 of the constitution of India and also against the principle of Natural Justice.

27. That no proper opportunity had been provided to the deponent and authentic documents as well as other evidence produced by the deponent was not considered by the authorities concerned and decided the matter in arbitrary manner which is clearly violation of article-31 of the constitution of India.

India.

28. That in the circumstances mentioned above

dated 24-5-77 filed as Annexure-7 and order dated 31-3-77 filed as Annexure-9 and lastly order dated 5-4-77 filed as Annexure-13 are liable to be quashed and on the basis of uncontroverted evidence produced by the deponent the date of birth of the deponent be declared as 15-11-1919 instead of 20-3-1919 and the deponent be also allowed all the benefits regarding salary, promotion and pension etc. in consequence of the said order.

Ludhiana

Dated: 19 April, 1990

VERIFICATION

I, the deponent above named do hereby verify that the contents of para-1 to 22, 24, 25 & 26 of this affidavit are true in my personal knowledge and those of para-23 to 26 (Annexures 10 to 13) are believed by me to be true.

within the Courts Compound at Ludhiana.

Ludhiana/Dated: 19 April, 1990

D E S H M E R

me.

I know the deponent, who has signed before me.

ADVOCATE.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

(189)

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 1

LUCKNOW
DATED: 19/4/1990

V. Krantam
Deponent.

Sp. 22

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(120)

ANNEXURE-1

Director General of Civil Aviation,
New Delhi, India,
19/4/90-22.

(For information only)

1. In the above letter, Date of Birth in the
Govt. Certificate has been determined according to my
Govt. Certificate of High School which is incorrect,
as the result I have to retire earlier from service
of A.C.S. Kindly advise if the correct
Date of Birth can be taken into consideration if it
is supported by original certificate.

Yours faithfully,

Yours faithfully,

Sd/-

19/4/90

V.N. GAUTAM
R/O, A.C.S., LUCKNOW.

T. C.
V. Gautam 19/4/90
Debonair

Transferred Claim Petition NO. 1 of 1990. (191)

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 2

ANNEXURE - 2

GOVERNMENT OF INDIA
CIVIL AVIATION DEPARTMENT
Officer -In-Charge, Aeronautical Communication Station
Lucknow Airport, Lucknow

Ho.LK/P-76/2624
Dated 15.12.1976

M E M O R A N D U M

Reference application dated 18.10.76 from Shri V.H.Gautam,
Radio Operator (S/O) addressed to the D.G.C.A., New Delhi regarding
change in his date of birth.

Shri V.H.Gautam, Radio Operator(S./O.) is required to produce
necessary documents in support of his request for change in his
date of birth at an early date.

Sd/- H.L. Srivastava
Officer -In-Charge
Aeronautical Communication
Station, Lucknow Airport,
Lucknow.

Shri V.H.Gautam,
Radio Operator(S/O)
A.C.S., Lucknow.

Lucknow
Dated:- 19/4/1990.

True Copy
V H Gautam
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALL INDIA
CIRCUIT BENCH, LUCKNOW.

Transferred Claim Petition NO. 1 of 1990. (192)

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 3

ANNEXURE -3

GOVERNMENT OF INDIA
CIVIL AVIATION DEPARTMENT
Officer - In- Charge, Aeronautical Communication Station,
Lucknow Airport, Lucknow.

So.LK/P-76/153

Dated: Lucknow the 21 Jan, 1977

MEMORANDUM

Reference application dated 11.1.77 from Shri V. N. Gautam,
R/Operator(S/G.) regarding change in his date of birth, an extract
of letter No. 1/9/74-EC, dated 19.1.77 from the Regional Director
New Delhi is reproduced below for information and necessary action :-

" The affidavit submitted by Shri Gautam has been considered
and it is observed that how a person can solemnly affirm and
declare his own date of birth as true by his personal knowledge.
He may therefore be advised to produce some convincing and authentic-
ative documentary proof in support of his claim."

Sd/- E.L. Srivastava
Officer-In-Charge
Aeronautical Communication Station
Lucknow Airport, Lucknow.

Shri V. N. Gautam,
Radio Operator(S/G)
A.C. Lucknow.

Lucknow
Dated:- 19/4/1990.

True Copy
v. N. Gautam
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

(193)

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 4

LUCKNOW
DATED: 19/4/1990

V. Kantam
Deponent.

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DPE-268

1722/3-1-4-48 - 7,00,000 - ਪੰਜਾਬ ਸਰਕਾਰ ਪਤਿਆ, ਖਿਤਾਬਨਾ।

ਜਨਮ ਨਿਰਦੇਸ਼

(ਚੰਡੀ ਚੂਚ 8)

1919

ਜਨਮ ਦਾ ਸਰਟੀਫਿਕੇਟ

ਚੰਡੀ ਰਜਿਸਟਰਾਰ (ਜਨਮ ਅਤੇ ਮੌਤ)
ਪੰਜਾਬ ਚੰਡੀਗੜ੍ਹ।



ਇਹ ਦਸਤਖਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਹੇਠ ਲਿਖੀ ਸੂਚਨਾ ਅਸਲ ਜਨਮ ਰਿਕਾਰਡ ਵਿਚੋਂ ਲਈ ਗਈ ਹੈ ਜਿਸਤਾ ਕਿ
ਚੰਡੀ ਰਜਿਸਟਰਾਰ ਜਨਮ ਅਤੇ ਮੌਤ ਮੁਹੰਮਦ ਅਲੀ ਰਹਿਸੀਲ ਮੁਹੰਮਦ
ਵਿਸ਼ਾ ਮੁਹੰਮਦ ਪੰਜਾਬ ਦੇ ਰਜਿਸਟਰਾਰ ਵਿਚ ਦਰਜ ਹੈ।
ਨਾਂ ਮੁਹੰਮਦ ਰਜਿਸਟਰੇਸ਼ਨ ਨੰਬਰ 872
ਵਿਸ਼ਾ ਮੁਹੰਮਦ ਪੁਰਸ਼/ਦਿਲਾਤਰੀ
ਜਨਮ ਦੀ ਮਿਤੀ 15 ਫਰਵਰੀ 1919 ਰਜਿਸਟਰੇਸ਼ਨ ਦੀ ਮਿਤੀ 1919
ਜਨਮ ਅਸਥਾਨ ਮੁਹੰਮਦ
ਮਾਥਾ ਦਾ ਨਾਂ ਮੁਹੰਮਦ
ਪਿਤਾ ਦਾ ਨਾਂ ਮੁਹੰਮਦ ਮਾਤਾ ਦਾ ਨਾਂ ਮੁਹੰਮਦ
ਮਾਤਾ ਪਿਤਾ ਦਾ ਪੂਰਾ ਪਤਾ ਮੁਹੰਮਦ
ਸਰਟੀਫਿਕੇਟ ਤਿਆਰ ਕਰਨ ਵਾਲੇ ਦੇ ਹਸਤਾਖਰ ਮੁਹੰਮਦ
ਨਾਂ ਮੁਹੰਮਦ ਮਿਤੀ 1919
ਪਰ S. S. M. C. Ferozepur ਮਿਤੀ 1919

Local Registrar
Births & Deaths
Municipal Committee
Ferozepur City

Transcribed by
v. isantam 19/4/19
Defendant

ਇਹ ਸਰਟੀਫਿਕੇਟ (ਜਨਮ) ਰਜਿਸਟਰੇਸ਼ਨ ਅਤੇ ਜਨਮ ਅਤੇ ਮੌਤ ਐਕਟ 1909 ਦੀ ਪ. ਚੰਡੀ ਚੂਚ 8

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

195

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 4-A.

LUCKNOW
DATED: 19/4/1990

V. Gautam
Deponent.

D.H-368

1728/2-1-

- 7, 000 - पंजाब सरकार

पटियाला ।

क्रमा. नं० १
(देखें १)

272
५
(196)

जन्म का प्रमाणपत्र

चीफ रजिस्ट्रार (जन्म और मृत्यु)
पंजाब, चंडीगढ़ ।



यह प्रमाणित किया जाता है कि निम्नलिखित सूचना उसका जन्म रिकॉर्ड में से ली गई है जो कि लोकल रजिस्ट्रार जन्म एवं मृत्यु - फिरोजपुर शहर तहसील फिरोजपुर जिला फिरोजपुर पंजाब के रजिस्ट्रार में दर्ज है ।

नाम - महेश चन्द रजिस्ट्रेशन नं० - 872

लिंग - पुरुष

जन्मतिथी - 15 नवम्बर 1919 रजिस्ट्रेशन की तिथी - 4 दिसम्बर 1919

जन्मस्थान - श्री मिरही निहाल सिंह

माता का नाम - _____

पिता का नाम - श्री लाल

चिरनदास

माता पिता का पूरा पता - श्री मिरही निहाल सिंह काला, फिरोजपुर शहर ।

सामाजिक क्रेट लेकर करने वाले के हस्ताक्षर
(सह-)

(सह-)

मौहूर

नाम - _____

पद - S. J. P. C. Ferozpur city

Local Registrar,
Birth & Death
Municipal Committee,
Ferozpur city.

True Copy
V. Kantam 19/4/90
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW. }

(197)

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 5

LUCKNOW
DATED: 19/4/1990

V. Gautam
Deponent.

" AFFIDAVIT "

Affidavit of Ram Piari Wd/o Shri Diwan Brij Lal resident of
Vedan Mohalla Nawanshahr district Jullundur.

That the above named deponent do hereby solemnly affirm
and declare as under on oath:-

1. That my son named Vishwa Nath was born at Ferozpur and at
the time of birth his name was Mahesh Chand and after the 5 year of
age his name was declared as Vishwa Nath according to the Religious ceremony
and his name Vishwa Nath is correct.

2. That Vishwa Nath and Mahesh Chand is the one and the same person
but only his names are different i.e. two names of one person.

3. That there is no difference between Mahesh Chand and Vishwa Nath
and it is the only one and the same person but not two.

4. That my son named Vishwa Nath is correct.

5. That my son named Mahesh Chand also known as Vishwa Nath was born
at Ferozpur, from the union of Shri Diwan Brij Lal with Smt. Rampiari
on 15.11.1919

Sd/- Ram Piari
Deponent

Verification:-

Verified at Jullundur on this 1st. May '77 that the contents of the
above said affidavit of mine are true and correct to the best of my belief
and knowledge and nothing has been concealed therein.

Sd/- Ram Piari
Deponent

Verified by:

Sd/-

AFFIDAVIT ATTESTED

Sd/- 1.5.77.

Notary Jullundur (Punjab) India

SEAL
NOTARY

[Signature]
Director Research (S.M.)
Ministry of Railways
R. D. S. O., Munak Nagar.

True Copy
1/5/77
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

199

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 56

LUCKNOW
DATED: 19/4/1990

V. Gautam
Deponent.

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GOVERNMENT OF INDIA
CIVIL AVIATION DEPARTMENT, OFFICE OF THE DIRECTOR
GENERAL OF CIVIL AVIATION, EAST BLOCKS II & III
R.K. PURAM

IMMEDIATE

No. C.13013/15/76-EC(Pt.)

Dated New Delhi 22 the 24th May, 1977

M E M O R A N D U M

Sub:- Change of date of birth

With reference to his applications for the change of his date of birth Shri V.N.Gantam, Radio Operator (Selection Grade), Aeronautical Communication Station, Lucknow is hereby requested to let the undersigned know the basis on which the date of birth in his University Certificate of High School was entered. He should also indicate the names/Address of the School where he got his primary/High School education. At the same time he may also mention the reason as to how two different dates of birth have been shown in the two recent documents produced by him (i.e. Municipality Certificate it is 15.11.1919 and in affidavit it is 17.11.1919). The enquiry will not in any way affect the date of his retirement on attaining the age of superannuation on 31.5.1977 (A.H.). This may please be noted.

Sd/- P.C.Jain

Asstt. Director (Admin.)

for Director General of Civil-
Aviation.

Shri V.N.Gantam,
Radio Operator (S/G),
A.C.S., Lucknow.

Copy forwarded to:- The Regional Director, Delhi Region, Safdarjung Airport, New Delhi. It is specifically for his information that this will not in any way affect the date of retirement of Sh. Gantam fixed for 31st May, 1977.

2. The Officer-In-Charge, A.C.S., C.A.D., LUCKNOW.

True Copy
V. N. Gantam 19/4/80
Defendant

BEFORE THE JUDICIAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

Transferred Claim Petition NO. 1 of 1990. (20)

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 7

ANNEXURE "H"

GOVT. OF INDIA/CIVIL AVIATION DEPARTMENT
Office of the C-in-C, ACS, Lucknow
No. 4K/A-3B/VRG/1192 ✓

Dated Lucknow, the 24th May 1977.

Sh. V. N. Gautam, T.O. (EC), ACS, Lucknow Airport, Lucknow.

The request for change in your date of birth is not covered in Govt. of India Decision Rule 79 of G.F. Rules. This disposes off your several letters and notice under section 80 of 5 May 77. The decision contained in Director General of Civil Aviation, New Delhi letter No. C13033/15/76-EC Pt. dt. 20.4.77 addressed to the Regional Director Delhi Region. New Delhi is given as below for your information, which please acknowledge:-

"I have to refer to your letter No. 1/9/74-EC dt. 31.3.77 on the above subject and to say that the request of Shri V. N. Gautam, Radio Operator for a change in his date of birth has been considered but it is regretted that it cannot be acceded to. Shri V. N. Gautam, may please be informed accordingly".

2. Accordingly Shri V. N. Gautam, R.O. S.G. will stand relieved afternoon 31st May '77 on retirement from Government Service on Superannuation.

Recd 27-5-77 afternoon.
28.5.77 from ACS-LKO

sd/-
(H. L. Srivastava)
Communication Officer.
C-in-C, ACS/Lucknow.

Lucknow
Dated:- 19/4/1990.

T. C.
V. N. Gautam
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

(Handwritten mark)

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 8

LUCKNOW
DATED: 19/4/1990

T. C.
V. N. Gautam
Deponent.

Regd A.D

Shri P.C. Jain
Assistant Director (Administration),
R.K.Puram, NEW DELHI-110 022.

Ref: Your memorandum No.C.13013/15/76-SC(PT)
dated 24th May 1977 delivered to me on
27.5.77 when only 4 days are left in
my retirement.

....

Sir,

In reply to your aforesaid memorandum, I am to submit as follows:

1. That the date of Birth in the University Certificate of High School was got entered by the family servant late Sh. Devi Dass who took the applicant to School for admission and on the sheer remembrance to the best, he might have registered the date of birth of the applicant as 20.5.1919. It appears the said date of birth (20.5.1919) was not supported by any document by the servant.
2. That so far as the place of my Primary/High School education is concerned, I completed my primary/High School education from D.A.V. High School, Nawashahr Doaba, Distt; Jullundur, Punjab.
3. That in connection with date of birth of the applicant, it is submitted that the applicant vide his letter dated 18.10.1976 to the D.G.C.A. New Delhi sought an advice regarding the consideration of the correct date of birth and only on the assurance given by Shri H.L. Srivastava Officer-in-Charge, A.C.S., Lucknow vide his memorandum LK/P.76/2624 dt. 15.12.76, the applicant proceeded further in the matter, in question, and submitted his affidavit mentioning therein, his date of birth. However, the said affidavit did not find any favour and the applicant vide memorandum No. LK/P-76/155 dt. 21.1.1977 from Shri H.L. Srivastava, O-In-C, A.C.S., Lucknow and with reference of Regional Director Delhi's letter No. 1/9/74-EC dated 19.1.77, which reads as under:

"The affidavit submitted by Shri Gautam has been considered and it is observed that how a person can solemnly affirm and declare his own date of birth as true by his personal knowledge. He may therefore be advised to produce some convincing and authenticative documentary proof in support of his claim."

As such the applicant went personally to Ferozepur City my place of birth and submitted the highly authenticated document i.e., Birth Certificate obtained from Municipal Committee, Ferozepur City, according to which the date of birth of the applicant is 15.11.1919 (and not 20.5.1919) and as such, there is a difference of five months and 23 days still to retire.

4. The authenticated birth certificate was submitted by the applicant as early as 19.3.77 but no action had been taken at all on this authenticated certificate, that being the victim of the

...2.

red tourism policy of the department, the applicant had to give notice under section 80 Cr.P.C. on 5.5.1977 to:-

- I. The Secretary, Ministry of Civil Aviation and Tourism, New Delhi.
- II. The Director General of Civil Aviation, New Delhi.
- III. The Regional Director, Delhi Region.
- IV. The Office Incharge A.C.S. Lucknow.

through Shri B.R. Menon Advocate Lucknow. The applicant also submitted an affidavit of Smt. Rampiari, the ~~mother~~ of the applicant regarding the actual date of birth etc. of the applicant.

5. That the applicant is further shocked to receive the above cited Memorandum on 27.5.77 after lapse of considerable period of 70 days and that too when only four days are left to his retirement, i.e. 31.5.77 and also note with great regret the queries asked for therein which only proves that my appeals etc. were deliberately withheld in the cold storage for 70 days and the Department was not in mood to settle my case early which would have provided me ample chance to defend my case properly. This is only one sided affair and an ex parte judgment wherein no time has been afforded to me to say either in person or in writing. This cannot be called a justice. I hope the authorities will appreciate the mental agony which I had had to face during this period of 70 days without a single response of consolation from you. It is evidently a case of denial of justice. It is further pertinent to note that the queries asked for in the above said memorandum are not at all a material of the case, when the authenticated document from the competent authority has already been produced, in support of the proof of my date of birth, the question of any query does not arise at all. In the face of the document, the applicant feels deprived of his genuine rights and claims which the Department at one time had agreed in writing to consider but now has turned back from its words when I have submitted the authenticated proof of my date of birth, as desired by the Department.

Yours faithfully,

Dated: 28.5.77

(V.N. GAUTAM)
R/O A.C.S. CIVIL AIRPORT LUCKNOW
LUCKNOW

Copies forwarded to:

1. Minister of Civil Aviation and Tourism with a request that no reply and decision of the service matters which are pending with him for months together have been received so far. A telegram in that connection was also sent on 25.5.77 to wire result of the case pending under him as the applicant is retiring on 31.5.77, i.e., after three days.
2. Secretary Ministry of Civil Aviation and Tourism with whom the important papers are still pending for decision and the applicant is retiring on 31.5.77.
3. Regional Director, Delhi Region Safdarjung Air Port New Delhi for information and necessary action in the matter as he is also equally responsible in this connection.

Yours faithfully,

Dated: 28.5.1977

*True copy
V. N. Gautam 19/4/90
Deponent*
(V.N. GAUTAM) R/O
A.C.S. CIVIL AIRPORT LUCKNOW
LUCKNOW

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

Transferred Claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 9

विमानन के पदनाम से
संबोधित होने चाहिए, नाम से
नहीं।
तार: "एयरसिविल"

All communications should
be addressed to the Director
General of Civil Aviation, by
title, NOT by name.

Telegram :

"AIRCIVIL"

कार्यालय, महानिदेशक नागर विमानन
पूर्वी खंड II-III, रामकृष्णपुरम
GOVERNMENT OF INDIA
OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION
EAST BLOCKS II AND III, R. K. PURAM

संख्या/No. C-13013/15/76-EC(pt.1)

नई दिल्ली-22, तारीख.....197 .

Dated New Delhi-22, the 31.5.1977.

MEMORANDUM

Subject:- Change in date of birth

With reference to the correspondence
resting with his representation dated 28.5.77,
Shri V.N. Gautam, Radio Operator, Selection Gr. is
hereby informed that the plea put forth by him
in para 1 of his aforesaid representation cannot
be accepted at this late stage; particularly when
as per the instructions laid down in the Ministry
of Home Affairs Office Memorandum No.55/3/54-Ests.
dated 5.6.54 requests for alterations of birth-date
are not to be entertained within a year or two of
the date of superannuation.

(P.C. Jain)

Asstt. Director (Administration)
for Director General of Civil Aviation

Lucknow
Dated:- 19/4/1990.

True Copy
V. N. Gautam
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

206

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 10

LUCKNOW
DATED: 19/4/1990

T. C.
V. N. Gautam
Deponent.

(5) (2)

Shri P.L. Kaushik,
Hon. Minister for
Civil Aviation & Tourism,
NEW DELHI.

Respected Sir,

Sub: Appeal against premature retirement on 31.5.77 - Pray justice.

Ref: i) Letter No.C 13013/15/76-EC(Pt) dated 24.5.77 received on 27.5.77 and ~~28.5.77~~ 28.5.77 to HQ under intimation to you.
ii) Letter No.LK/ASB/VNC/1192 dated 24.5.77 received on 28.5.77.
iii) Letter No.40C15/1/77 EC dated 28.5.77 received on 31.5.77.

.....

In reference to the above, I have the honour to inform that, as you are well aware, that I have been pleading my case with the GAD for the last one year. All my representations appeals reminders and telegram in connection with meritorious service matters (Reference attached separately) were put in the cold storage only to reply to me not earlier than 27.5.77 i.e. only three/four days before the proposed date of my premature retirement, and all my representations and appeals have been turned down by the Department. In this context, I beg to bring the following facts to your kind notice for careful examination, with request not to pass on as a routine matter because it pertains to the career of a patriot of whom the deptt. should be proud of and who had undergone British Tyranny followed by life term stagnation and thus completely ignored by the Deptt. for three decades on the same post as a Radio Operator, without a single promotion during the defamed congress rule. I suffered heavily while posted at Banihal, forward area of J&K, during the Indo-Pak War in 1965-66, when the country was in peril, even then, as an Incharge, I controlled the A.C.S., Banihal without any proper facilities, protection and incentive from the Deptt., but served the country as my duty. This all has gone unnoticed by the Deptt.

2. In the last year of my service career, the deptt. was, "kind enough" to offer me the first promotion in my service career as Communication Asstt. at the verge of retirement! As a claim of my meritorious services and due to incorrect entry of date of birth, I requested the department for continuity in service, so that the first promotion of service offered to me at the nick of retirement may be of some worth honour and the prestige of the department is also maintained and wash off the stigma of the department for getting a bad name in retiring a loyal worker with neat and clean service who had been recommended by officers incharge and the controller of Communication under whom I served for a long period without a single promotion in thirty years of service. It is a tragedy to note that what to talk of continuity in service, the department has prematurely retired me on 31.5.77 when accordingly to my authenticative date of birth I actually retire on 30.11.77 i.e. six months later.

3. As desired by the department, I had submitted an authenticative and convincing documentary proof of my date of birth from the Municipal Authorities, Ferozepore, showing my date of birth 15.11.1919 according to which I retire on 30.11.77 and not on 31.5.77. But the department has even turned down this document also under Rule 79 of GFR when the HDD is deleted with such powers. I fail to understand what more authenticative proof is required by the department other than the aforesaid document from the municipal authorities, has also not been communicated to me. It seems that the officers under DGCA now are not in favour of correcting my date of birth and are insisting on the incorrect date of birth to be continued as such, is ridiculous, even though the Department at one time had earlier agreed to make a change, that is why, the department asked me this letter No.1/9/74EC dated 19.1.77 from Regional Director/ New Delhi to submit an authenticative proof and the above said document was accordingly, submitted by me in original. It is further again

...2/-

astonishing that the department is now turning back from its words which is also not clearly understood. The contents of the above letter are:

"The affidavit submitted by Shri Gautam has been considered and it is observed that how a person can solemnly affirm and declare his own date of birth as true by his personal knowledge. He may, therefore, be advised to produce some convincing and authoritative documentary proof in support of his claim."

In view of the above facts, I pray your honour to kindly study my case carefully and accept the authenticative document for the correct date of birth rather than insisting on an incorrect one and take a correct decision in the matter to meet the ends of the justice.

4. It may also not be out of place to mention here that there has been inordinate delay in dealing with my case for no fault of mine and the Department has not afforded sufficient time to me to express my self for which, I hope, your honour will ask for the reasons from the concerned authorities also which only lead me to unwanted misery, agony, mental torture, victimisation, partiality, injustice, stagnation and what not!

5. It is evident from the above that my case has been delayed for a longer period than required intentionally and the decision purposely communicated to me by the department on the day of my premature retirement, so that I may be deprived of pleading my case properly. It is shocking that such an important case has taken a long time in deciding the fate of a sufferer. This further arouses suspicion of malafide intension of the department for denying justice to me by delaying the case.

6. JUSTICE DELAYED IS JUSTICE DENIED And I have been denied the justice. It is proved beyond doubt that the justice has been denied to me altogether. The man sitting on the chair to do justice is either quite unaware of my case or is intentionally quiet, brushing aside his responsibilities, forgetting his promises given to the public before the Recent Parliament Elections although my case is S03. The assurances given must be fulfilled.

7. I only pray that justice should triumph. If needed, I will not even hesitate to raise question in the Parliament/ go to the court of law/ hunger strike in support of my claim to get justice in the matter. But I am confident that your honour will save me from this catastrophe which has been thrust upon me by the department for no fault of mine. Hoping for an early action in the matter under intimation to the undersigned so that I may not remain in suspense as before.

K With kindest regards,

Yours faithfully,

Encl. One.

Dated: 31.5.1977.

(V.N.GAUTAM)R/O(S.G)
(Life Term Victim of the Civil
Aviation Department)
A.C.S., Lucknow Air Port, Lucknow.

Copy forwarded to;

1. The D.G.C.A., New Delhi.
 2. Shri P.C.Jain, Asstt. Director (Admn).
 3. Regional Director, Delhi Region, New Delhi.
 4. Officer Incharge A.C.S./Lucknow.
 5. General Secretary of Communicators Guild.
 6. General Secy., Civil Aviation Deptt. Employee's Union, New Delhi,
- } For information and necessary action please.

Dated: 31.5.1977.

True Copy
V.N.GAUTAM 19/4/90
Debarant
(V.N.GAUTAM)

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

Transferred Claim Petition NO. 1 of 1990. (69)

Shri Vishwa Nath Gautam..... Petitioner
vs.
Union of India & Others..... Opp. Parties.

ANNEXURE NO. (1)



सत्यमेव जयते

No. 2280/TEA(1)

मंत्री

पर्यटन और नागर विमानन ~~XXXXXX~~

MINISTER OF
TOURISM & CIVIL AVIATION ~~XXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

New Delhi-110001.

June 13, 1977.

Shri V.N. Gautam,
A.C.S., Lucknow Airport,
Lucknow.

Dear Sir,

I am desired to acknowledge receipt
of your representation dated 31.5.77, reg.
your appeal against premature on 31.5.77.

Your representation has been referred
to the concerned authorities for examination.

Yours faithfully,

S.N. Chaturvedi

(S.N. Chaturvedi)
Private Secy. to Minister

True copy

V. N. Gautam

Deponent

Lucknow
Dated:- 19/4/1990.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

578

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 12

LUCKNOW
DATED: 19/4/1990

T. C
V. N. Gautam
Deponent.

The Director General of Civil Aviation,
R.K.Puram, NEW DELHI-110 022.

(Kind Atten: Sh. P.C.Jain, Asstt. Director (Admn.))

Sir,

Sub: Premature retirement on 31.5.77 instead of 30.11.1977.

Ref: Letter No.C-130B/15/76-EC(Pt.I) dt.31.5.77 despatched on 5.6.77 delivered to me on 8.6.77.

.....

While acknowledging the above quoted memorandum, I have the honour to state the Ministry of Home Affairs Memorandum No.55/3/54-Ests dt.5.6.54 has been quoted in my case saying that "alterations in Date of Birth are not to be entertained within a year of two of the date of superannuation but in my case you have already entertained my case and secondly the case of Shri K.K.Pali R/O(S.G.) whose case is mentioned below was not only entertained but finally decided with full benefits in his favour. Neither the extracts nor a copy of the M.H.A.'s Memorandum has been given to me for my reference. Moreover, this has never been quoted by the Deptt. in my earlier correspondence at all. The decisions on the policy matters are taken on the basis of "what is in practice" than what is prescribed in the rules because the rules are not well interpreted and are only enforced where justice is to be denied. For example, I may mention the case of Shri K.K.Pali RO/SG in whose case date of birth has been changed during the last days of his superannuation, (AUGUST 1976) has been granted continuity in service on the basis of the changed date on the basis of which he is still continuing in the service in the deptt. of Civil Aviation and is in position at Palam Airport. If it is true, where does the MHA's Memorandum quoted above stand?

2. Further in violation of the above quoted MHA Memorandum, I was asked by the Department vide Memorandum No.1/9/74/EC dated 19.1.77 to produce an authenticative proof of my date of birth which I did submit from the competent authority, and it may please be noted, in particular, that no such MHA Memorandum was ever quoted to me. It clearly proves that the Deptt. is not dealing with my case on the sound footing. It appears there was a provision and sufficient grounds to alter my incorrect date of birth that is why authenticative proof was called for from me. My case is simply being rejected on one pretext or the other without valid reasons. On one hand the deptt. say something and on the other hand contradicts its own verdict. I only mean that the department should stick to its words vide Memorandum No.1/9/74/EC dated 19.1.77 in reference to which I have produced my correct date of birth from the competent authority which is not only convincing, but legally speaking, is a document which no Government department in India would reject and such matters are decided on the basis of Municipal Records only. I am strangely surprised to note that the Deptt. by referring the MHA's Memorandum cited above at such a later stage, is contradicting its own version i.e. Memorandum No.1/9/74/EC dated 19.1.77. I am really at a great loss to understand the labyrinthine twist given to the case.

3. I once again pray your honour to accept the correct date of birth in my case and grant me all the benefits and privileges with continuity in service till 30.11.1977. Your kind attention is also invited to my representation dated 31.5.77 with enclosures (copy attached for reference) reply of which is also awaited.

Hope JUSTICE will prevail.

Yours faithfully,

Sd/-

(V.N.GAUTAM)

Prematured Retired R/O(S.G.),

O/o O-in-C, A.C.S., Lucknow Airport, Lucknow.

Encl.

Dt. 9th June 1977

Copies forwarded for information and n/a in continuation of my rep. dt.31.5.77 to:

1. Hon. Minister for Civil Aviation and Tourism, New Delhi.
2. Sh. P.C.Jain, Asstt. Director(Admn.) R.K.Puram, New Delhi.
3. The Regional Director(Delhi Region) Safdarjung Airport, New Delhi.
4. The Officer Incharge, A.C.S., Lucknow.

Sd/-

True copy
V.N.Gautam
Defendant
19/4/98

Transferred Claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp. Parties.

ANNEXURE NO. 13

कार्यालय, महानिदेशक नागर विमानन

पूर्वी खंड II-III, रामकृष्णपुरम

GOVERNMENT OF INDIA

OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION

EAST BLOCKS II AND III, R. K. PURAM

संख्या/No. C.13013/15/76-EC

नई दिल्ली-22, तारीख.....1977

Dated New Delhi-22, the 15th July, 1977.

नागर विमानन के पदनाम से
संबोधित होने चाहिए, नाम से
नहीं।
तार : "एयरसिविल"

All communications should
be addressed to the Director
General of Civil Aviation, by
title, NOT by name.

Telegram :

"AIRCIVIL"

To

Shri V.N. Gautam,
Radio Operator (Selection Grade) (Retired),
c/o Aeronautical Communication Station,
Lucknow Airport, Lucknow.

Subject:- Premature retirement on 31.5.1977 instead of
30.11.1977.

-:-

Sir,

I have to refer to your letter dated the 9th
June, 1977 on the subject noted above and to say that
your request for a change in your date of birth has
again been examined with reference to the instance
quoted by you. Since your case is not identical to
that of Shri K.K. Pali quoted by you, I have to regret
that it is not possible to change the decision already
communicated to you earlier.

Yours faithfully,

(P.C. Jain)

Assistant Director (Administration)
for Director General of Civil Aviation

Dated:- (9)4/1990.

True Copy

V. Santam

Deponent

particular

Transferred Claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner
vs.
N Union of India & Others..... Opp.Parties.

ANNEXURE NO. 14

The Director General of
Civil Aviation,
New Delhi.

For kind attention of Shri P.C.Jain.

Through ACS/Lucknow.

Sir,

Sub: Premature retirement on 31.5.77 instead
of 30.11.1977.

Ref: Your letter No.C.13013/15/76-EC dt.5.7.77.

In this connection I may point out that the case of Shri K.K. Pali quoted by me earlier, also pertains to the same subject of change of date of birth, and in whose case the change in date of birth was granted by the Department. But in my case, no action has so far been taken even though I have already produced an authenticated documentary proof from the Municipal authorities, Ferozepur as desired by the Department. The lacuna in both the cases may kindly be clearly clarified. Merely to say "case is not identical" does not serve any purpose and meet the ends of justice.

2. I hope the matter will be looked in deeper details and the results communicated to me as early as possible.

Yours faithfully,

Lucknow.
10.7.1977.

(V. N. Gautam)

Lucknow
Dated:- 19/4/1990.

True Copy
V. N. Gautam
Deponent

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH LUCKNOW.

514

Transferred claim Petition NO. 1 of 1990.

Shri Vishwa Nath Gautam..... Petitioner

Vs

Union of India.....Opp parties

ANNEXURE NO. 15

LUCKNOW
DATED: 19/4/1990

T. C
V. Santam
Deponent.

to Hon. President of India,
Government of India,
Rashtarpati Bhawan, NEW DELHI.

THROUGH PROPER CHANNEL

Sir,

CIVILIZATION UNDER CIVIL AVIATION

1. I, the undersigned, one of the founders of the Civil Aviation Deptt., by virtue of meritorious services was awarded with medal and befitting certificate from Royal Signals and got position while entry in the C.A.D. Even recommended for promotion by the senior officers, I was forced to stagnate for three decades as Radio Operator and ultimately degraded to such a worst position of no less than a Harijan under torture! This is the height of ill treatment meted out to a Govt. servant after putting in Thirty Years of neat and clean service under the regime of Free Sovereign Democratic Socialist Republic of India of which we are so proud of!

2. Further under the terror of Emergency, when the extent of tolerance and suppression of the voice of my conscience went out of my control, I dared to bring into light the truth concerning the negligent working of the high level administration of C.A.D. for the plight of the cadre of miserable and neglected Radio Operators in the Deptt. as a sole right, the authorities got annoyed with me on this, who consequently made me target, with the result the constant victimisation ended in premature retirement! I referred this injustice to the Hon. Minister of Civil Aviation and Tourism who at one occasion assured me that my case of Premature Superannuation was under examination. But till this date no intimation from the ministry or the Head of the Deptt. regarding any decision of my case of premature retirement & service matters has been received in spite of my dozens of letters in the shape of representations and reminders sent so far, but to no effect. I am thankful to the Hon. Ministers, Members of Parliament, other prominent persons and the Daily News Papers who as a mark of sympathy referred and pleaded my case for justice, but it is a pity that the Deptt./Ministry have not shown any courtesy to do justice, even to a patriot who sacrificed a lot for the sake of country.

3. This is to make an appeal to your goodself against a miserable failure to invoke sympathy and justice in the Civil Aviation Deptt. Administration for equality and treatment for the service benefits as has been granted to one of my colleague, but at the same time denied the same benefit to the undersigned. The applicant however, begs most respectfully to appeal as under:-

.1 That my date of birth recorded in my service records as per the High School Certificate was in-correct, with the result, I had to retire from service six months earlier. After coming to know that my counterpart Sh.K.K.Pali's incorrect date of birth was amended in the last week of his superannuation, I approached the employing Adm. (when about eight months were left to my superannuation) for amending the incorrect date of birth. At this, The Deptt. permitted me to produce necessary authenticated documents in support of my request for change in my date of birth.

.2 I accordingly produced an original birth certificate from the Municipal Committee Forozepur (where I had taken birth) who are the authority under law to maintain the records of date of births and deaths, while the affidavit submitted earlier affirmed on the basis of hearing of my date of birth from my mother from memory in a court of law, was rejected.

.3 That I had, under the same plea as it had been done in the case of Sh. Pali, prayed to Adm. for accepting the correct date of birth in my case also and allow me to continue in service for a period of another six months. That, had this correction been accepted, I would have worked for six months more and I would have earned my wages for those six months. This non-acceptance has caused premature retirement earlier by 6 months than the actual date I would have retired.

.4 Under the circumstances explained above, it is a fact that I have been forced to unemployment for six months earlier than the date from which I was due. I am, therefore, entitled to the payment of wages for those six months period w.e.f. 1.6.77 to 30.11.77 which I am due to be paid.

5. I therefore pray that my appeal to be considered favourably and orders passed for arranging payments of those six months period to me as early as possible. A word in acknowledgement will be highly appreciated.

Thanking you,

Yours faithfully V. Brautani

19-11-77

(V.N. GAUTAM) Prematurely Retired and
A Life torn Victim of the Civil Aviation Department A.C.S. Aerodrome, Lucknow
RESIDENCE: Subhash Nagar, P.O. Alambagh, Lucknow-226 005.

True Copy
V.N. Gautam
Deponent
19/11/77

IN RE: ... MINIST (ATIVE TRIBUNAL
BENCH
... Residency, Lucknow

Ne.C.F./4118/Ten

Dated the 10/1/40

APPLICANT'S

TA 1/90 TL

VERSUS

18/1/7

RESPONDENT'S

Steven J. Ford

located under bridge over the railroad cut -
between right East & West U.S. with bushes
near the entrance.

Whereas the marginally no. 1 cases has been transferred by Executive Order under provision of the Administrative Tribunal Act XIII of 1935 and registered in this Tribunal as above.

West/Holburn 1901 2 of 404/405 1901 1901
of 1900. of the Court of 9 2 1902 1900. The hearing
5. 4. 1902 of the matter.

arising out of order dated

If no appearance is made on your behalf by your some one duly authorized to act and plead on your behalf.

in 10660 3

The matter will be heard and decided in your absence.
given under my hand and seal of the Tribunal this _____
day of _____ 1990.

aimesh/

DEPUTY REGISTRAR

15

officer Incharge Aeromobile
Corbett Station Corbett Avenue Deptt
No. 1st - 100
Director General Corbett Avenue Deptt
No. 1st - 100

अदालत प्रीमान

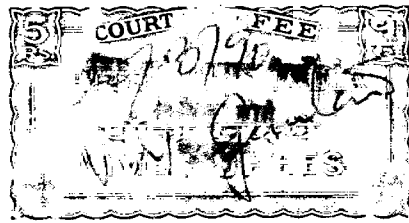
Administrative Tribunal
Religious, Court (Bene) महोदय

बादी अधीलान्त

Plaintiff (Defendant)

प्रतिवादी रेस्पान्डेन्ट

वकालतनामा



Vishwanath - Plaintiff

(बादी मुद्दई)

13.

बनाम

Union of India

प्रतिवादी (मुद्दा)

F-A No 10/1990
न० मुकद्दमा सं० १६

पेशी को ता० १६

अपर लिखे मुकद्दमा में अपनी ओर से श्री

Dr. Dnyaneshwar, Advocate & Solicitor

Advocate & Solicitor
Advocate Civil Court, Khetwar

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और निवेदित करता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रत्युत्तर करें या अन्य कोई कृत्य वा खिल करें या चीटावें या हमारी ओर से डिगरी जारी करावें वसूल करें या सुनहनाया या इकबाल दावा तथा अपील हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकतानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त [वस्तु] रुपय से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई यह सब कार्यवाही हमको स्वयं स्वीकार है और होगी और भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोका को खेजता रहूंगा अगर मुकद्दमा अदालत पैरवी में एक तरफा मेरे खिलाफ फैला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

V. Kramtarn

हस्ताक्षर

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

महीना

सं०

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आर० बी० सिन्हा
ले. दार : कलेक्टी नावतक

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH: LUCKNOW.

(T.L.) Claim Petition No. 1 of 1990 (T.L.)

FF 14-12-90.

| | | |
|-------------------------|--------|--------------|
| Vishwa Nath Gautam | | Petitioner |
| | Versus | |
| Union of India & others | | Opp. Parties |

APPLICATION FOR SUMMONING THE SERVICE RECORD OF
SRI R.A. Pali, Radio Operator, A.C.S. Palam Air Port,
New Delhi.

The petitioner most respectfully begs to
state as under:-

1. That in the above noted petition, the petitioner has challenged the impugned order of the opposite parties retiring him prematurely without deciding his dispute of date of birth, which was pending prior to attaining the date of superannuation according to the office record.
2. That the representation of the petitioner was dismissed on the ground that under the Home Affairs Ministry memorandum no. 55/3/54 establishment dated 5.6.1954 no representation can

Contd.....2/-

be entertained within a year or 2 of the date of superannuation.

3. That in reply to the aforesaid order, the petitioner again represented the matter that the department itself has not abide with the aforesaid memorandum and it disconsidered the petitioner's case as well as the case of Mr. K.K.Pali and did not follow the aforesaid office memorandum as mentioned in their order in Annexure No. - IX to the affidavit filed in support of Claim Petition by the petitioner.

4. That in reply to the aforesaid representation of the petitioner the opposite parties vide their letter dated 15th July 1977, which is Annexure no. - XIII to the affidavit of the petitioner clearly held that "since your case is not identical to that of ^{Sr} K.K.Pali quoted by you, I have to regret that it is not possible to change the decision already communicated to you earlier."

5. That this decision of the department is totally arbitrary and without any basis because said Sri K.K.Pali R.D.(S.G.) posted at A.C.S. Palam Air Port, New Delhi under the Director General of Civil Aviation, New Delhi and whose date of superannuation according to the office record was August 1976, but

Contd....3/-

CIRCUIT BENCH

LUCKNOW

T.A. No. 1/90
(R.C.A. 254/80)

V.N. Gautam

Plaintiff/Applicant.

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B. Gorthi, Adm. Member.

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

The applicant who was employed in Civil Aviation Department, New Delhi, filed a suit for declaration with a prayer that the date of birth of the applicant is 15.11.1919 and not 20.5.1919 as recorded xxxxx in the service book and the date of birth be corrected with all consequential benefits granted to him.

The applicant retired on 31.5.77 and the suit was filed by him before the retirement. The respondents contested the case of the applicant. The suit was dismissed. Thereafter he filed appeal before the District Judge, which was transferred to Presiding Officer, Nagar Mahapalika Tribunal. At the late stage the applicant filed a public document which was issued by the Municipal Board containing the date of birth of the applicant. The applicant also filed an affidavit of his mother regarding his date of birth. The applicant's contention is that the trial court without giving him opportunity, dismissed the suit. The appellate court also, when additional issue was framed, also should have given the opportunity to

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prove the authenticity of the document. The trial court mistook in relying upon only ^{the} High School certificate. The applicant knew the correct date of birth from his mother. After all when the matter was pending, it should have been decided in a judicial manner. As the opportunity was not given and the appellate authority remanded the case ^{to} the Tribunal. The applicant is interest^{ed} in proving that there is difference in his age as in the suit this very issue was involved and accordingly this application is allowed with a direction to the respondents that they will give ^{an} opportunity to the applicant to prove ^{his} age. They will nominate ^{an} authority and fix ^{some} date for hearing for tendering evidence ^{for} proving his date of birth regarding his statement of mother on affidavit. Accordingly the respondents will decide the matter with reference to Indian Evidence Act. A decision will be taken within six months from the communication

A.M.

V.C.

Lucknow Dated: 16.9.91

Attested

True copy

27/9/91

C-7-C

Derny Registrar

23/9/91

Lucknow

24/9/91

8/11/91