

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE C.C.P. 21 OF 90

NAME OF THE PARTIES R. C. Tewari

.....Applicant

Versus

Area Manager, C.S.D......Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	Order sheet	1 to 2
2	Order Judgment of 1-91	3
3	Petition copy.	4 to 11
4	Annexure	22 to 20
5	Counter	21 to 24
6	Supp. counter affidavit	30 to 36
7	Power	37
8		
9		
10		
11		
12		
13		

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated.. 28/12/2011

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause

Title

of 19

Name of the parties

Applicants.

Versus

Respondents.

Part B.C.

Sl.No.

Description of documents

Page

1	Complaint	A 1 to A 3
2	Petition	A 4 to A 11
3	Annexures	A 12 to A 20
4	Counter	A 21 to A 76

B 37 to B 84

Relief by Annular

counter, Mahabalanand

26.11.90

Hon. Mr Justice K. Nath, re.
Hon. Mr M. M. Singh, AM.

Heard the counsel for
the applicant who says that
no notice has yet been
given to the applicant to show
cause as specifically directed
with Judgment dated 20-7-90
in O.A. No 88 of 1988.

OR
Uc for the applic
has filed C.C.P No
21/90(1) against the
Judgment dt 20-7-90
passed by Hon. Justice
K. Nath, V.C & Hon. Mr
K. Singh, AM.

SFO

2
26/11

Issue notice to respondents 1 & 2
to show cause why ^{they} should not
be punished for ^{committing} contempt of court
in so far as they have failed to
comply with the directions of this Tribunal
contained in the aforesaid judgment
and list for disposal on 7-1-91.
It will not be necessary for the
respondents to be present in person
for hearing but they ~~should~~ ^{shall}
file a reply on affidavit.

H. H. L.
H. M.

H.
V.C.

बिनाग की तया
अपनी दोन ओदेश
की प्रतियां प्राप्त की
राम-चन्द्र तेलारी

दि १६/११

OR
Notices were issued
on 6/12/90.

Neither reply nor
any answer has
been received.

S.F.O

21/12/90

A 3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

LUCKNOW

Contempt No. 21 of 1990.

Ram Chandra Tewari
Shri B.K. Srivastava

Applicant.

Counsel for Applicant.

versus

Area Manager, C.S.D.
Lucknow & others.
Shri V.K. Chaudhary

Respondents.

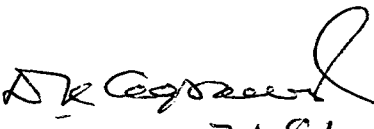
Counsel for Respondent.

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

(Hon. Mr. D.K. Agrawal, J.M.)

In compliance of the order dated 26.11.90 the opposite parties filed counter affidavit wherein they have stated that the applicant has been re-engaged. It has further been ~~xxxxxx~~ brought to our notice that the applicant was given a show cause notice by the competent authority but he has not given reply thereto. The applicant is directed to give a reply thereto forthwith. The show cause notice is hereby discharged. The contempt application is disposed of with the above orders accordingly.


A.M.


J.M.

7.1.91

Lucknow Dated: 7.1.91

Ay

In The Central Administrative Tribunal , Lucknow

Bench Lucknow

Contempt No. 21/901
Application No. 88 of 1988

Between

Ram Chandra Tewari Applicant

and

Union of India and other Respondent

Details of applicant

- (1) Name of applicant Ram Chandra Tewari
- (2) Name of Father..... Late Sri Mata Prasad
Tewari
- (3) Age of applicant ... About 27 years
- (4) Designation and particulars: Mazdoor/Watchman
of office in which employed: Canteen and store Department
or was employed before : 39 Havelock Lines Lal
Bahadur Shastri Marg Post
Ceasing to be in service : Book No. 1002 Lucknow -
226002
- (5) Address for Service or : Ram Chandra Tewari C/O
Notice Sri B. K. Srivastva Advocate
511/121 old Badshahnagar
Lucknow-226007 .

PARTICULARS OF ANSWERING RESPONDENTS

Respondent No. 1

Area Manager

Canteen Store Department

39 Havelock - Lines

Lal Bahadur Shastri Marg,

Post Box No. 1002

Lucknow - 226002 .

Respondent No. 2 ...

General Manager Canteen

Stores Department ,

ADELPHI ,

119 Maharshi Karve Road

Bombay - 400020 .

Noted for
26/11/90
Minister
H. S. S.

रतन चव्हाण

APPLICATION UNDER SECTION 19 READ WITH SECTION
17 OF THE ADMINISTRATIVE TRIBUNAL ACT 1985.

INDEX

Serial No.	Description of the Documents rehid upon	Annexure No.	page No.
1.	Application	-----	1 to 5
2.	Copy Show cause Notice No. 3/A-3/C.C. 58/1158 of Oct. 9, 1990	<u>A</u>	6
3.	Copy of letter No. LUD/ EST/EAT/ <u>3</u> B 88/89/01982 dated 23-10-90.	<u>B</u>	7
4.	Copy of Judgement of O A No. 222----2 of 1990 (L) Devi Prasad Misra Versus Union of India & others		8
5.	Copy Judgement dated 20-7-90 in case of Application No. 88 of 1988, Ram Chandra Tewari Versus Union of India, Area Manager ; Canteen Stores Department & others		-D-5-13

*Filed today
20/11/90*

Signature of Applicant

Date of filing

21/11/90

Signature of RXX for

Registrar

A7

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

Application No. L 88 of 1988

Ram Chandra Tewari Applicant.

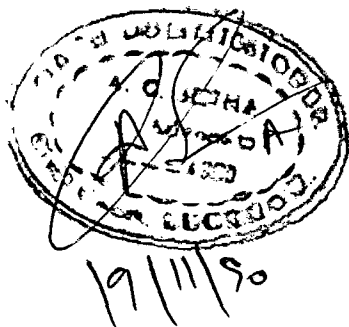
Versus

The Union of India and others Respondents.

APPLICATION U/S 19 READWITH SECTION 17 OF THE
ADMINISTRATIVE TRIBUNAL ACT 1985

The humble applicant most respectfully submit as
under:-

1. That the aforesaid application No. L 88 of 1988 Ram Chandra Tewari Versus Union of India and others was decided by this Hon'ble ~~Court~~ Tribunal on July 20, 1990 and copies of the judgment were promptly served on the applicant and the opposite parties.
2. That the copy of the judgment dated 20.7.90 issued on 30.7.90 was promptly and locally served on Sri K.C. Sinha counsel for the respondents at Allahabad on 30.7.90.
3. That this Hon'ble Tribunal was pleased to quash the impugned punishment order no. LUD/EST/34/399 dated 10.5.1988, removing the name of the applicant from the penal of watchman, Mazdoor and also from the consolidated penal, copy contained in Annexure No. 1 to the application



राम चन्द्र तिवारी

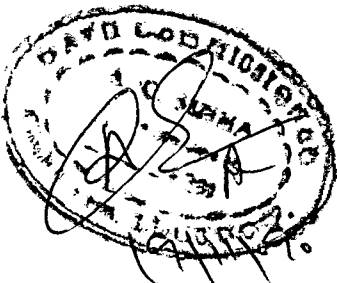
...2...

...2..

No. 88 of 1988. The Hon'ble Tribunal was further pleased issuing directions to the respondents as under:-

" That the competent authority among Respondent shall give an opportunity to the applicant to show cause as to why his name may not be deleted from the penal, and after considering the cause, if any, shown by the applicant, take a decision within a period of two months from the date of receipt of a copy of this judgment . If the respondents retain his name on the Panel, they shall also re-engage as a casual labour at the earliest say within a Fortnight of the date of such decision."

4. That the specified period of two months expired on September 30, 1990. During this period of two months neither any show cause notice was issued to the applicant nor any decision was taken.
5. That the Assistant General Manager (P) for General Manager Canteen stores Department (Adelphi) 119, Maharsi Karva Road, Bombay issued show cause notice no. 3/A-3/e.e.-58/1158 dated October 9, 1990. Though it was addressed in the name of the applicant but instead of sending it direct to the applicant, it was sent to Manager Canteen Stores Department 39, Lal Bahadur Shastri Marg, Lucknow. It was received there on October 17, 1990. The manager kept it pending in his office for about one week and then passed it on to the applicant, through registered post, with his covering letter no. LUD/EST/CAT/89/01982 dated 23.10.1990. True copies both these



रामचन्द्रपति

...3...

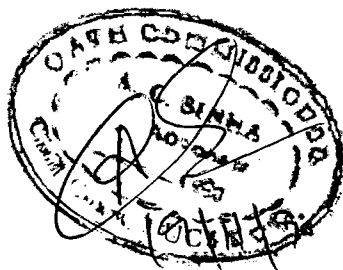
...3....

letters dated October 9, 1990 and October 23, 1990 are annexed herewith as Annexure No. A & B to this application.

6. That the present address of the applicant was well known to all the opposite parties including the respondents at Head Office Bombay and Manager at Lucknow. The applicant's present address noted as under, was ~~recovered~~ recorded in the application no. 88 of 1988 and also in applicant's representation dated 29.6.88, Annexure No. 6 to the application no. 88 of 1988. The copies of the application no. 88 of 1988 as well as representation dated 29.6.88 were sent under registered post to all the respondents and also acknowledged by them, hence they can not deny that they were not posted ^{up to date with present postal} address of the applicant at Lucknow proper, but even they all have avoided to adopt a right cause of action.

ADDRESS

Ram Chandra Tewari,
C/O Sri Bharat Kishore Srivastava, Advocate
511/121, Old Badshah Nagar, Lucknow-226007.



7. That the above mentioned facts obviously prove, what to say of taking decision within specified period of two months, a show cause notice was not issued to ~~them~~ two months. It was issued after expiry of the period fixed by this Hon'ble Tribunal and the same was served on the applicant on his old village address of District Faizabad.
8. That as stated in para no. VIII & XI of the application (No. 88 of 1988) the applicant was co-accused in case crime no. 41/411 Registered at police station Alambagh Lucknow, main accused

राम-चन्द्रा-तेवारी

...4..

...4..

is Sri Devi Prasad Misra. The applicant was implicated in the case. He was bailed out and the case is pending enquiry before the Hon'ble Court at Lucknow. This Hon'ble Tribunal was pleased to decide the case of main accused Devi Prasad Misra involved in the said case Cr. No. 41/411 of Police Station Alambagh Lucknow pending trial before the competent court of law. A true copy of the judgment delivered by this Hon'ble Tribunal in application no. O.A.NO. 222 of 1990 (L) Devi Prasad Misra Versus Union of India and others is annexed as Annexure No. C to this application.

9. That in view of the facts and circumstances stated in foregoing paras, it is obviously proved that the respondents have been adopting delaying tactics showing utter disregard to the orders and instructions issued by the Hon'ble Tribunal. The petitioner does not hope to get any justice at the hands of the respondents.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal be pleased:-

- (i) Allow the applicant to resume his duties as a casual labour as usual maintaining ~~his name~~ his name in Panel of watchman, Mazdoor regularising his services, in order of seniority, taking into account his continuous services from 1981 as admitted by the answering Respondent in para 5 of the counter affidavit filed on 14.11.88, in reply to the application no. 88/88 before this Hon'ble Tribunal.

...5..

रामचन्द्राणिवाणी

...5...

- initiate
- (ii) To ~~issue~~ ~~content~~ ~~tempt~~ proceedings as deemed fit and proper to save the petitioner from miscarriage of justice.

Lucknow

राम-चन्द्र-तेवारी

Dated: Nov. 19, 1990 (Ram Chandra Tewari)

Applicant.
(C/O Sri B.K. Srivastava)
Advocate
511/121 Old Badshah Nagar,
Lucknow.

B.K. Srivastava's
(B.K. Srivastava)
Advocate

in the Hon'ble Central Administrative Tribunal
Lucknow - Bench - Lucknow A12

Application No. 88 of 1988

Ramchandra Tewari

vs. Union of India and others

Amicus No. A

भारत सरकार
GOVERNMENT OF INDIA
केंद्रीय स्टोर्स विभाग

CANTEEN STORES DEPARTMENT

10-80 297/42

रक्षा मंत्रालय
MINISTRY OF DEFENCE

"ADELPHI"
119, MAHARSHI KARVE ROAD,
BOMBAY-400 020

3/A-3/60-5B/1158

गोपनीय

Date: 29 Oct '90

CONFIDENTIAL

Shri Ramachandor Tewari
Daily Rated Madoor
CID Depot
Lucknow



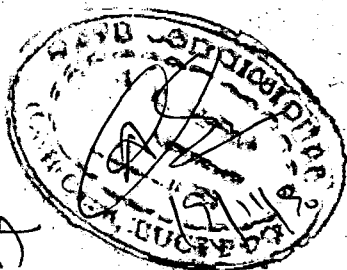
SHOW CAUSE NOTICED AS PER
JUDGEMENT DATED 30/7/90
OA NO. 88 OF 1988

1. That on the night of 17/5/88 at 25.30 hrs
a party of 12 Madras Regt. apprehended Shri Ramachandor
Daily Rated Madoor, and another Madoor of
CID Depot Lucknow alongwith 5 No's of Indox No.37008
Case Safari Galaxy - 21" and handedover the duo to the
local police who in turn registered a case under section -
31/411 of IPC which is still pending with the civil court
NCC - II Lucknow.

2. That the Manager and Assistant Manager
carried out a physical checking of the stocks of the
said cases and found one case of the aforesaid brand
short in the assembled lot of 39 CTC Varanasi kept outside
the godown with the depot premises.

3. Thus the said Shri Ramachandor Tewari by his
above act did not maintain integrity and devotion to
duty which exhibited conduct unbecoming of a Govt.
employee.

4. In view of the above you are directed to
show cause as to why your name should not be deleted from
the panel to enable us comply with judgement dated
30/7/90 in OA No. 88/88 filed by you in CAT Circuit
Lucknow.



(R. K. SHARMA)
Asst. General Manager (P)
for General Manager

C.T.E.
Ramesh Chandra Tewari

रामचन्द्र (19/11/90)

CONFIDENTIAL

A13

7
Lucknow. Rev. ...
... 100. ... of 1982

Ammanur Dr. B

GOVERNMENT OF INDIA
... ..

CANTEEN STORES DEPARTMENT

Lucknow Depot

... ..
... ..
... ..

... ..
MINISTRY OF DEFENCE

... ..
... ..
39, Lal Bahadur ...
P. B. No. 1002
Lucknow ...

... ..

REGISTERED

Date:

... ..
... ..
... ..
... .. (UP)

BASE NOTICE AS PER JUDGMENT
... ..

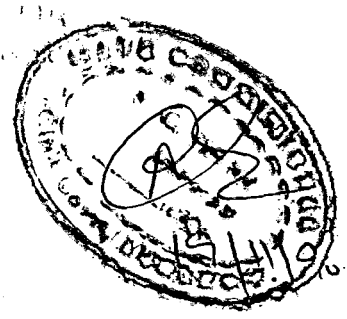
A confidential letter (in original) leaving
... ..
... ..
... ..

... ..
... ..
... ..

... ..
(D.L.I. ...)
... ..

... ..
... ..
... ..

... .. for information



C.T.E.
Administrative
... ..

... .. communication to the department and not to individuals, name

Central Administrative Tribunal
Lucknow - Bench - Lucknow

Registration No. 277 of 1988

Case No. 277 of 1988

Amended Petition

O/C.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO. 222 OF 1990 (I.)

Dev. Prasad Mishra Applicant.

Versus

Union of India & Others Respondents.

24.7.1990

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

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

Counsel for the applicant files a copy of
P.I.R. Issue notice intemo of the order dated
23.7.1990 and list for orders and commission on 7.8.1990.
He direct that the respondents shall proceed with the
disciplinary enquiry but will not pass final orders
till further order of this Tribunal. A copy of this
order may be given to Sri S.B. Chauhan, counsel for
the respondents within 24 hours.

CC/-

A.M.

CC/-

V.C.

Chavva
24.7.1990

21/7/90

True Copy //

211

Deputy Registrar

Central Administrative Tribunal

Lucknow Bench,

Lucknow.



C.T.C.
Kishorendra
21/7/90

9 — 15

()

Registration C.A. NO. 68 of 1988

Ram Chandra Tewari ... Applicant

vs

The Area Manager Canteen Store
Department and others Respondents

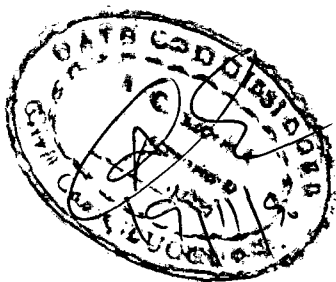
Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr K. Chayya, A.M.

(By Hon' Mr Justice K. Nath, V.C.)

This application under section 19 of the Administrative Tribunals' Act, 1985, is for quashing an order dated 10-5-1988 (Annexure-1) whereby the applicant's name was deleted from a panel of Watchman, Mazdoor and from the consolidated panel. There is also a prayer for a direction to the respondent no.1 to allow the applicant to join his duties in the Canteen Store Department, treating him to have continued his service from 18-3-1988.

2. The material facts are not in dispute. In 1981, the applicant was engaged to work as daily rated casual labour in the canteen store department of the Defence services. On 20-1-1987, he was placed on a panel of Mazdoors, watchmen etc. after selection. He was a watchman when he was arrested in the night of 17th and 18th March, 1988 by the Military Police along with Devi Prasad Misra who was carrying one suit case containing five pieces of Safari Galaxy 21° suit cases belonging to the canteen stores. On 18-3-88 they were made over to the Civil Police with the allegation that they had committed theft of one case of suit cases containing 5 numbers of ~~Safari Galaxy~~ Safari Galaxy 21°. Having been challaned for offences

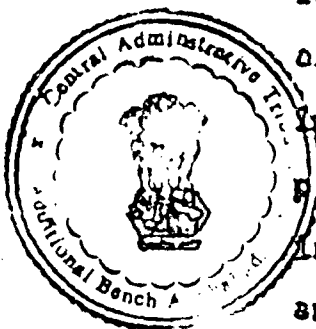


राम चन्द्र तिवारी - e.t.e
Hsinislaw's
Hoke

punishable u/s 41 and 411 I.P.C. they were granted bail on 19-3-88. But when the applicant went to report for duty of Chaukidar which he had been performing for more than a year on 21-3-88, he was not permitted to work. Since then he has been out of job. He was served with a letter dated 10-5-88 (Annexure No.1) issued by the respondent no.1 mentioning that under the directions of the Head Office his name was deleted from the panel of Watchman/Mazdoors and also from the consolidated panel. He made a representation dated 29.6.88 (Annexure-6) against Annexure-No.1; the respondents have not taken any decision on that representation.

3. The applicant's grievance is that he had worked as a daily rated casual labour for several years and had been placed on the panel after selection but, he was not allowed to work since after 21-3-88 on the alleged false involvement in the theft case and that his name was deleted from the panel without recording any reasons and without giving him any opportunity to shew cause?

4. The case of the respondents is that although the applicant was on the panel, he had never been given any regular or permanent appointment, with the result that he never hold any civil post and has no right to any post. It was added that having been arrested along with Devi Prasad Misra for involvement in the case of theft of the Department's Government property, he was not considered for permanent appointment in the Department and, therefore, he did not acquire any legal right which could entitle him to re-engagement.

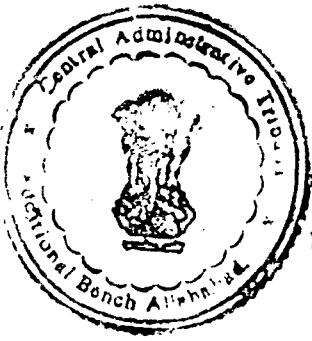
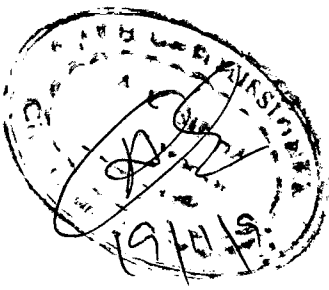


राम चंद मिश्रा

etc,
Bhim Mishra

5. The learned counsel for the applicant contended that the respondent no. 1 was not the appointing authority and therefore he was not competent to prevent the applicant from working as casual labour. There is no substance in this contention because, the order cancelling his name from the panel ~~is~~ ^{clearly} mentions that it was done under the direction of the Head Office.

6. The main question is, whether on account of the applicant's having been placed on the panel of watchman/gatekeepers etc. after a selection, it was permissible to delete his name from the panel without any opportunity to show cause, simply because the applicant continued to be a daily rated casual labour who had not been regularised. The learned counsel for the applicant has referred to the case of Govinda Rain v. Karnataka State Road Transport Corporation, 1986 SCC (L&S) 520 to show that once a candidate is selected and approved for appointment, his name cannot be struck-off without an opportunity to show cause for deleting his name from the panel. That was a case of a conductor who was appointed on temporary vacancy in the State Road Transport Corporation and had worked for more than one year and was on the select list. There is a distinction between appointment against the temporary vacancy and the bare engagement without any appointment on any post temporary or otherwise. It is well settled that a casual labour does not hold a civil post. The Full Bench decision in the case of Fahruddin and others v. Union of India and others decided by the Principal Bench of this Tribunal and published in Bahari Brothers "Full Bench Judgments of the Tribunal (1986-89)" is clear on this point. In para 21 of the decision

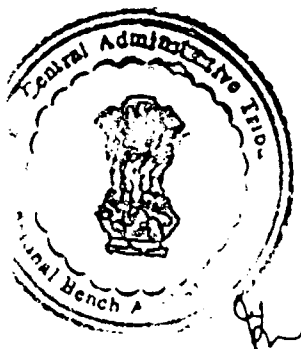
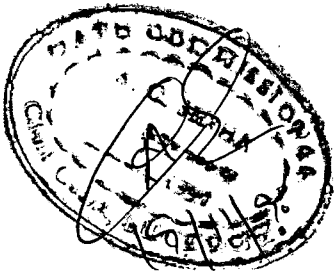


RTI - नरेश मिश्रा

e.T.C
Administrative
Ame

it is pointed out that a service of the casual daily
wage/daily rated worker and is ~~tenure~~ and can be
terminated at any time, whereas those in regular
service are protected by Article 311(2) of the
Constitution of India. On principle, therefore,
the decision in the case of Govinda Raju vs.
Karnataka State Road Transport Corporation (Supra)
cannot be made applicable to the case of the applicant.

7. There is also a distinction between a daily
rated casual labour's right to work and right to be
retained on a panel. Since a casual labour is not
the holder of a civil post, he has no legal right
to any post and that being so, a refusal to permit
him to work is not illegal per se unless it could
be said to be arbitrary. He has a better right
to be retained on the panel to which he was selected
and removal of the name from the panel may appear
to be arbitrary, if it is not preceded by an opportunity
for the purposes of Article 14 of the Constitution
of India. The opportunity does not flow from any
condition of service; it only flows from a right to
be protected from arbitrary action which is guaranteed
to every citizen under Article 14 of the Constitution
of India. We may say, therefore, that inclusion of
his name in the panel of selected watchmen/casuals
entitles him to enough protection against the
arbitrary action within the meaning of Article 14
of the Constitution of India. It is in that sense
that his name may not be deleted from the panel
without an opportunity to show cause, even though
the Department may have thought that he was involved
in a crime of theft of the Department's Government
property. That ground may be a good reason for not
permitting him to work as daily rated casual labour



E.T.C.
Blomfield
Haw.

राम-चन्द्र शर्मा

because mere working as such, does not confer any legal right or title to any post. He is a bare worker without any kind of right and therefore, may be ceased from work, if the Department feel that he is not a suitable person to be retained in employment.

8. No way say that if the applicant had actually been working and during the course of employment, he had laid a claim for regularisation on account of his long services as a daily rated casual labour, he might have had some claim for regularisation. However, we are not expressing any final opinion on that question, but since he has been ceased from work, in the circumstances indicated above, he cannot claim any legal right to be re-engaged. The best relief which he can get is to be reconsidered for being retained in or removed from the panel.

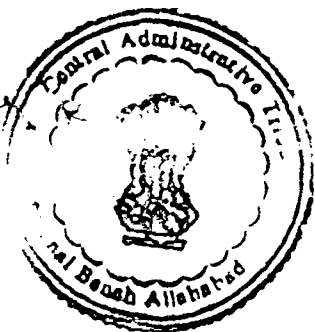
9. For reasons stated above, we allow this application in part and quash the order dated 10-3-88 Annexure-1 whereby the applicant's name has been deleted from the panel. We direct that the competent authority among the respondents shall give an opportunity to the applicant to show cause as to why his name may not be deleted from the panel, and after considering the cause, if any, shown by the applicant, take a decision within a period of two months from the date of receipt of a copy of this judgment. If the respondents retain his name on the panel, they shall also re-engage him as a casual labour at the earliest say within a fortnight of the date of such decision. Parties shall bear their costs.

MEMBER (A)

VICE CHAIRMAN

(and) July 20, 1990.

etc.
Administrative



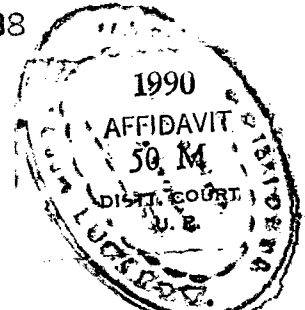
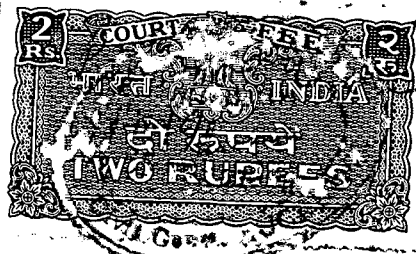
TRUE
COPY

(SHARAD KUMAR)
SECTION OFFICER
Central Administrative Tribunal
Allahabad

रामचन्द्र शर्मा

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

Application No. 88 of 1988



Ram Chandra Tewari ... Applicant

Versus

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

AFFIDAVIT

I, Ram Chandra Tewari, aged about 27 years, s/o late Sri Mata Prasad Tewari, r/o village Dala Ka Purwa,, Post Office Khandasa, District Faizabad, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant in application no. 88 of 1988, who is fully conversant with the facts and circumstances of the case.
2. That paras 1 to 9 of the accompanying application are based on records and informations received by the deponent who ~~is~~ ^{it} believed to be true.
3. That the copies of Annexure No. A, B & C annexed to the accompanying application are true copies of the originals.

राम चन्द्र तिवारी
Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own knowledge, nothing is false and no material has been concealed, so help me God.

Lucknow
Dated:

राम चन्द्र तिवारी
(Ram Chandra Tewari)
Deponent

I identify the deponent who has signed before me.

Advocate

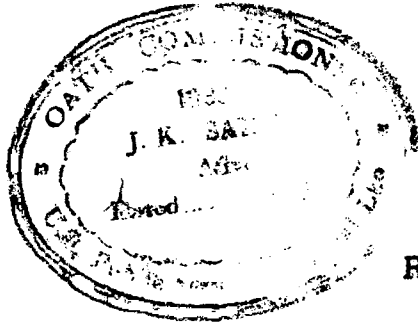
(मी. के. श्रीवास्तव, एडो.)

1990
AFFIDAVIT
100 M
DIST. COURT
U. P.

A 21

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

CONTEMPT APPLICATION NO. 21/90(L)



Ram Chandra Tiwari ... Applicant

-versus-

Area Manager CSD and
another ... Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS

I, D.L. Handa, aged about 53 years,
son of Late Sh. Bhagwan Dass Handa,
at present posted as Area Manager, CSD Depot
39, Lal Bahadur Sastri Marg, Lucknow do hereby
solemnly affirm and state as under:

1. That the deponent is the contemner-
Respondent no.1 in the aforesaid application
and he has read and understood the contents
of contempt application and gone through other
relevant records as such he is well conversant
with the facts of the case and the facts
deposed to herein under in reply thereof.

2. That the deponent has been authorised
to sign this counter affidavit on behalf of
Respondent no.2 also.

3. That it is respectfully submitted that

Handwritten signature and date 7/11/91

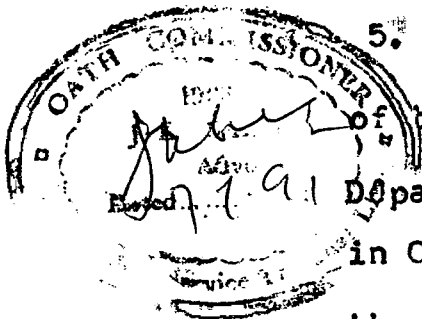
-2-

the deponent never intended in any manner to disregard the directions of this Tribunal.

The delay is due to administrative reasons which is very much regretted. Steps have already been taken to comply with the directions of Hon'ble Tribunal.

4. That the deponent further submits that the deponent has highest respect for the authority of law, the judiciary including the Hon'ble Tribunal and has never even thought of lowering the dignity of this Hon'ble Tribunal. It is, therefore, respectfully submitted that since the directions of the CAT have already been complied with, this Hon'ble Tribunal may be pleased to discharge the deponent from contempt proceedings initiated against him by the petitioner. It is submitted that there is no intentional or deliberate delay on the part of the deponent. However, even for unintentional delay an unconditional apology is hereby tendered.

5. That in reply to the contents of para 1 & 2 of the application it is submitted that the Department received the judgement dated 20.7.90 in O.A. No.38/88 only in 22.3.1990 and referred the case to the Ministry of Law & Justice, Bombay



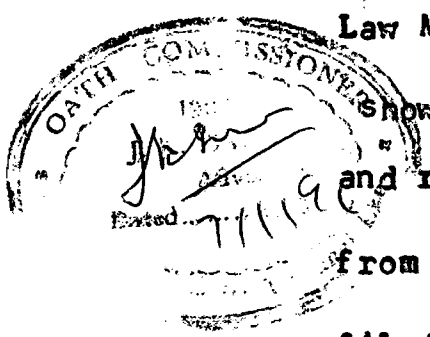
W. J. Andrews

for their advice. The advice No.1769/90 Adv (Bom) dated 12.9.1990 received from Ministry of Law and Justice is being filed herewith as Annexure No.0-1 to this affidavit.

6. That in reply to the contents of para 3 & 4 of the contempt application it is submitted that the OA No.88/88 filed by the applicant was partially allowed by the judgement dated 20.7.1990. Accordingly the department has issued show-cause notice No.3/A-3/CC-58/1158 dated 9.12.1990 to the applicant under letter No.LUD/EST/CAT/88/1982 dated 23.10.1990 as per the advice of the Law Ministry, Bombay quoted above. Photostat copies of the above show cause notices ~~xxxxxx~~ have already been ~~xxxxxx~~ filed by the applicant himself along with his contempt petition as ~~xxxxxx~~ Annexures A & B ~~xxxxxx~~

~~xxxxxx~~

7. That in reply to the contents of para 5 to 9 of the contempt petition it is submitted that at no time the department has adopted delaying tactics in the aforesaid case. On receipt of the judgement the department had referred the matter to the Law Ministry and as per advice of the Law Ministry show cause notice to the applicant was issued and received by the applicant and it is very clear from the Annexure A & B to the contempt application filed by the applicant.

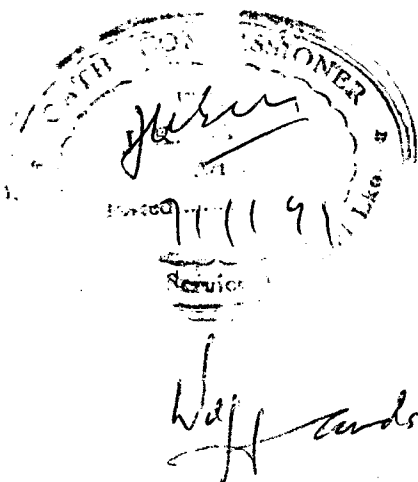


W. H. M. dr

-4-

It is further submitted that the Department have already engaged the applicant as Daily Rated Mazdoor on 2.1.1991 as per the advice of the Respondent no.2 in the office of the Respondent no.1 ~~and the applicant has~~ vide post copy of Tele ram No. LUD/EST(CAT)/88/88 /2396 dated 21.12.1990 and he assumed his duties on ~~2.1.1990~~ 2.1.1991 as Daily Rated Mazdoor. A photostat copy of the post copy of telegram sent to the applicant is being filed herewith as Annexure No. C-2 to this affidavit. The answering deponent has passed the order for reinstatement of the applicant as per directions from Respondent No.2 vide telex No.3/A-3/CC-58/1460 dated 18.12.90 Photostat copy of the said telex is being filed herewith as Annexure No. C-3 to this affidavit.

8. That it is further submitted that the services of the applicant were terminated due to his involvement in a theft case of 5 No. Suit cases from Depot Stock. Thus he is a co-accused in the Criminal case No.41/411 which is still pending with the Court at Lucknow. Keeping a dishonest man in service will be a bad precedent and the same may affect morale of the employees adversely. Hence the Department earnestly requested not to give any relief to the applicant.



9. That it is further submitted that Canteen Stores Department is a Central Government Department under Ministry of Defence. The contention of the applicant that judgement in respect of OA No.222/90 is delivered by the same Hon'ble Tribunal is incorrect. On the contrary, the judgement has not so far pronounced in the said case.

10. That in reply to prayer clause (i) & (ii) of the contempt application it is submitted that the department has issued the show cause notice to the applicant as per the judgement vide show cause Notice No.3/A-3/CC-58/1158 dated 9.10.90 which was forwarded under letter No.LUD/EST/CAT/88/88/1982 dated 23.10.90 and copies of these letters were attached with the contempt petition by the petitioner himself as Annexures A&B of the contempt application No.21/90 (L). Further it is submitted that the Respondent no.1 has already engaged the applicant as Daily Rated Mazdoor as per directions from the Respondent no.2 on 2.1.1991.

That in view of the facts and circumstances

W. J. Andrews

7/1/1991

-6 -

stated in the foregoing paragraphs
 the department has already been implemented
 and complied the judgement of the Hon'ble
 Tribunal and there is no grievances of the applicant
 are pending with the Department, as such the
 contempt application filed by the applicant is
 liable to be dismissed with costs to the
 Respondents.

Deponent.

Lucknow,

Dated: 5th January, 1991

Wajid Ali
 Area Manager
 Canteen Stores Department
 Lucknow Cantt.

Verification.

I, the above named deponent do hereby verify that
 the contents of para 1 & 2 are true to my personal
 knowledge, those of paragraphs 3 to 11 of the
 affidavit are true on the basis of records and
 information gathered, and on the basis of legal

solemnly affirmed before me in my office on 5th January 1991 at 10.30 AM. I, the undersigned, being a duly qualified legal practitioner, do hereby certify that the contents of the above affidavit are true to the best of my knowledge and belief, and nothing material fact has been concealed.

Clerk to *Wajid Ali*
Wajid Ali
 deponent
 this affidavit was
 signed by me.

Lucknow,

Dated: 5th January 1991

Wajid Ali
 Court Compound, Lucknow

Deponent.

Wajid Ali
 Area Manager
 Canteen Stores Department
 Lucknow Cantt.

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

Wajid Ali
 (VK Chaudhari)
 Addl Standing Counsel for Central Govt
 (Counsel for Respondents)

Min. of Law & Justice
Bombay

Subj: CAT O.A.N. 88/88
R.C. Tewari (Ex-D/R Mazdoor, CSD Depot Lucknow)
Vs.
Union of India & Ors. - CAT. Allahabad.

The CAT Allahabad, after a number of hearing, decided the case vide Judgment dt. 20.7.90, which is as under:-

"For reasons stated above, we allow this application in part and quash the order dt. 10.5.88 Annexure-1 whereby the applicant's name has been deleted from the panel. We direct that the competent authority among the respondents shall give an opportunity to the applicant to show cause as to why his name may not be deleted from the panel, and after considering the cause, if any, shown by the applicant, take a decision within a period of two months from the date of receipt of a copy of this judgment. If the respondents retain his name on the panel, they shall also re-engage him as a casual labour at the earliest say within a fortnight of the date of such decision. Parties shall bear their costs.

It appears that the Deptt. had passed an order dt. 10.5.88 whereby the applicant's name was deleted from a panel of Watchman Mazdoor. He has therefore filed an original application treating him to have continued his service from 18.3.88. The applicant was engaged to work in the C.S.D. On 20.1.87 he was placed on a panel of Mazdoors, Watchmen after selection. On 17/18th March 1988 by the Military Police along with Davi Prasad Misra who was carrying one suit case containing five pieces of Safari Galaxy 21 suit cases belonging to the canteen stores. On 18.3.88 they were made over to the Civil Police with the allegation that they had committed theft of one case of suit cases containing 5 numbers of safari galaxy 21. Having been challenged for offences punishable u/s. 41 and 411 IPC, they were granted bail on 19.3.88. As he has completed one year service, he was not permitted to work. Since then he has been out of job. He was served with a letter dt. 10.5.88. The applicant's grievance is that he was ~~not~~ not allowed to work since after 21.3.88 on the alleged false involvement in the theft case and that his name was deleted from the panel without recording any reasons and without giving him any opportunity to show cause. It is the case of the Department that he ~~never hold any civil post and has no right to any post.~~ It is the case of the applicant that the respondent No. 1 was not the appointing authority and therefore he was not competent to prevent the applicant from working as casual labour. The decision of 1986 SCC (L&S) 520 Govinda Raju vs. Karnataka State Rd. Transport Corporation to show that once a candidate is selected and approved for appointment his name cannot be struck off without giving him an opportunity to show cause for deleting his name from the panel. That was a case of a conductor who was appointed in temporary vacancy in the State Road Transport Corporation and had worked for more than one year and was

Waj (2) the select list.

Drive Road,
100120.

TELETYPE

CSD DEPOT
LUCKNOW

REFYRLET LUD/BSI/CAT/88/342367 DATED FIFTEENTH DEC/90
AND CONTEMPT NOTICE NO.21/90(1) DATED SIXTH DEC/90
FILED BY SHRI RC.TIWARI EX-D/R HAZDOOR (.) REINSTATED
SHRI RC.TIWARI AS DAILY RATED HAZDOOR IMMEDIATELY
AS PER JUDGEMENT DATED TWENTYTH JULY/90 AND INFORM
CAT CHANDIGARH ON SEVENTH JAN/91 THROUGH GOVT STANDING
COUNSEL ACCORDINGLY AND GET CONTEMPT CASE DISMISSED (.)
PARA-WISE COMMENTS IS BEING FORWARDED ALONGWITH CONF
COPY (.) ACCORD TOP PRIORITY

// CANSIND //

Ref.No.: 3/A-3/CC-58/1460

Date: 18 Dec. '90.

CONFIDENTIAL

(H.K.Sharma)
Asst. General Manager (P)
for General Manager

Confirmatory copy to:

The Manager
CSD Depot, LUCKNOW.

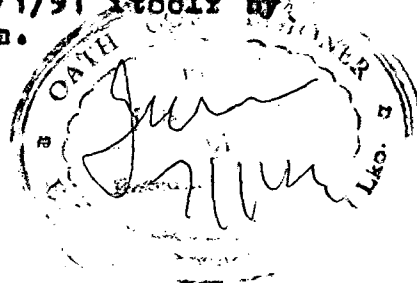
- Reference your letter No. LUD/BSI/
CAT/BS/88/2367 dated 15/12/90.

You are requested to re-instate
Shri R.C.Tiwari Ex-D/Rated Hazdoor
immediately as per the judgement
dated 26/7/90 of CAT Chandigarh
and inform CAT through Govt.Standing
Counsel accordingly and get the
contempt case dismissed.

We are forwarding herewith para-wise
comments in duplicate with a request
to prepare written statement of defence
through Govt.Standing Counsel for
filing the same before CAT in respect
of the aforesaid contempt case.
Accord top priority and intimate the
out-come on 7/1/91 itself by
Telex/Telegram.

N.O.O.

cc: Sub-Group A-1.



A 29

June 2-3

App. → (C)

GOVT OF INDIA
CANTEN STORES DEPARTMENT
BUCKINGHAM DAFTT-2

SHRI R.M. CHANDRA TEWARI
VILLAGE- DALAKA PURVA
PO KHANDASA
FAIZABAD

REPORT FOR DUTY AS DAILY RATED MAZDOOR
IMMEDIATELY

CANSIND

N.T.T.

(D.L.HANDA)
MANAGER
CSD DEPT LKO.

LUD/EST/CAT/88/88/2398

dt. 21-12-90

CONFIRMATORY COPY BY POST TO:-

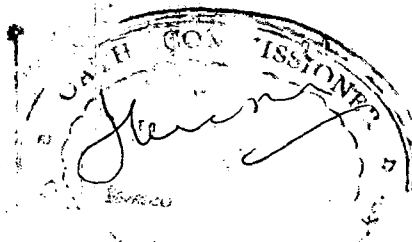
Shri Ram Chandra Tewari
Daily Rated Mazdoor
Village Dalaka Purva
PO, KHANDASA
FAIZABAD

We confirm having sent the above telegram to you.

You are advised to report for duty as daily rated Mazdoor immediately.

CC: - R.M. (C) LKO: for inf. pl.

CC: - H.O. Section-5 Bombay: This has reference to your telegram dated 19-12-1990 received by us on 20-12-90, regarding to reinstate Shri Ram Chandra Tewari as daily rated Mazdoor.





BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

CONTEMPT NO.188 of 1991(L)
in re: OA No.88 of 1988(L)

Ram Chandra Tewari ... Applicant

-versus-

Union of India and others .. Respondents

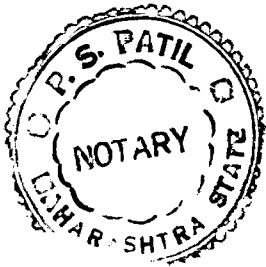
SUPPLEMENTARY COUNTER AFFIDAVIT IN REPLY TO
REJOINDER REPLY FILED BY THE APPLICANT ON
BEHALF OF RESPONDENTS.

I, Maj, Gen. V. Uberoy aged about 54
years, son of Dr. J C Uberoy, at present
posted as Chairman and General Manager Board of
Administration, Canteen Stores Department,
Ministry of Defence, 'Adelphi' 119-Maharshi Karve
Road, Bombay -400 020, do hereby solemnly affirm
and state as under:-

1. That the deponent is the contemner
Respondent no.2 in the aforesaid application and
he has read and understood the contents of ~~xxxxxx~~
rejoinder affidavit filed by the applicant and gone.

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

3. That in reply to the contents of para 2 of the rejoinder affidavit it is submitted that the Hon'ble Tribunal had pleased to direct the Respondents of the OA No.88/1988(L) to give the applicant reasonable opportunity of being heard before removing him from service. The respondent Department further state that nothing has concealed from the Hon'ble Tribunal in this case.



4. That in reply to the contents of para 3 of the rejoinder affidavit it is submitted that in compliance of the judgement of the Hon'ble Tribunal the petitioner was issued a show cause notice dated 9.10.1990. On not submitting any reply by the applicant, the contempt petition No.21 of 1990 was dismissed on 7.1.1991 by this Hon'ble Tribunal.

5. That in reply to the contents of para 4 of the rejoinder affidavit it is further reaffirmed and re-iterated that the Department has implemented the

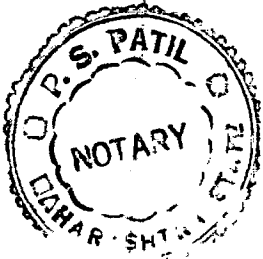
(32)

1585

- 3 -

judgement dated 20.7.1990 passed by this Hon'ble Tribunal has implemented by the Respondent Department. The operational part of the judgement is as under:-

" 9. For reasons stated above, we allow this application in part and quash the order dated 10.5.1988 Annexure-I whereby the applicant's name has been deleted from the panel. We direct that the competent authority among the respondents shall give an opportunity among the respondents shall give an opportunity to the applicant to show cause as to why his name may not be deleted from the panel, and after considering the cause, if any, shown by the applicant, take a decision within a period of two months from the date of receipt of a copy of this judgement. If the respondents retain his name on the panel, they shall also re-engage him as a casual labour at the earliest may within a fortnight of the

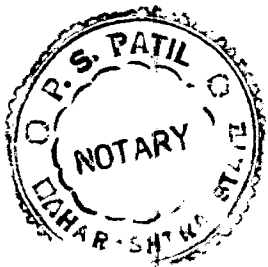


- 4 -

date of such decision. Parties shall bear their costs."

6. That in reply to the contents of para 5 of the rejoinder affidavit it is submitted that the applicant had submitted an explanation to the show cause notice which was duly considered by the Competent authority alongwith all the documents relevant in the case of the applicant and passed a speaking order on 1.4.1991. It is to state that there has been no disobedience or any omission on the part of the respondents in compliance of the Hon'ble Tribunal's directions. In this connection it is pertinent to mention that the applicant found to be involved in a theft case of Department^{al}/~~of~~ property and as such he was not found suitable to be retained in Govt. Service.

7. That in reply to the contents of para 6 of the rejoinder affidavit it is submitted that the applicant was reinstated in service on Daily Rated Mazdoor as per the direction contained in the judgement dated



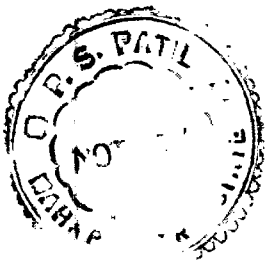
387
(34)

- 5 -

29.7.1990. Accordingly, a show cause notice dated 9.10.1990 had issued to the individual/applicant.

However, the explanation ~~dated~~ submitted by the applicant was not convincing and his services were discontinued.

8. That in reply to the contents of para 7 of the ~~appk~~ rejoinder affidavit it is submitted that the Respondent Department has in no way shown any disrespect or dis-regard to the directions of the Hon'ble Tribunal. On the contrary the Department has given ample opportunity to submit his explanation to the the show cause notice.



9. That in reply to the contents of para 8 of the rejoinder it is submitted that the applicant was re-engaged on 2.1.1991 and allowed to continue till his explanation was finally disposed off on 6.4.1991.

10. That in reply to the contents of para 9 to 11 of the affidavit it is ~~submitted that~~ re-affirmed and

reiterated that the Department has implemented the judgement of the Hon'ble Tribunal in toto. The Department had complied all the requirements of the said judgement. The Department has full faith in the judicial system and even never dreamed to commit any contempt or disobedience of orders passed by any of the Court in the Country.

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

Bombay,

Dated: 7-5-92

[Signature]
V. J. EROV
MAN. GEN.
General Manager,
Central Stores Department
Deponent

Verification.

I, the above named deponent do hereby verify that the contents of para 1 is true to my personal knowledge and those of paragraphs



889
36

- 7 -

2 to 10, of the supplementary affidavit
are true on the basis of records and infor-
mation gathered and on the basis of legal advice.
No part of this affidavit is false and nothing
material fact has been concealed.

[Signature]

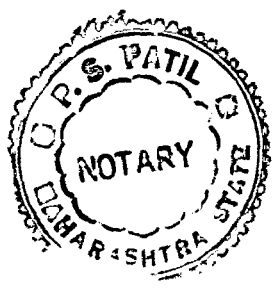
Deponent.

General Manager,

Central Bank of India

Bombay,

Dated: 7-5-92



I hereby identified the deponent
who has signed before me is personally
known to me.

Advocate.

Solemnly affirmed this *Seventh*
day of *MAY* 1992 at Bombay
at am/pm.

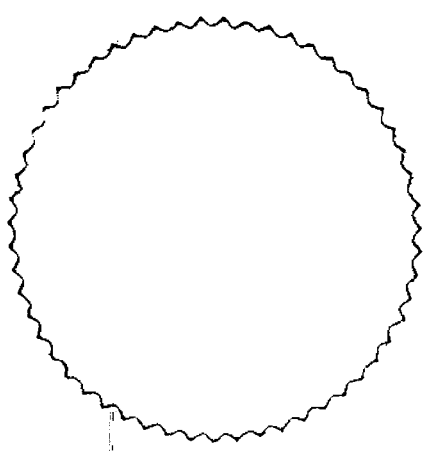
I have satisfied myself by examining the
deponent that he understands the contents of
this affidavit which have been read over and
explained to him by me.

[Signature]
NOTARY

Notary Public/Oath
Commissioner

MAHARASHTRA STATE
6/197, "Nandadevi"
Roop Nagar,
Behind P.F.Bldg., Dandekar
Bombay-400 051.

- 7 MAY 1992



32

C A T

व अदालत श्रीमान

महोदय

[वादी] अपीलान्त

श्री

का

वकालतनामा

प्रतिवादी

1382

(टिकट)

वादी (अपीलान्त)

R. C. Tewari बनाम Union of India (रिस्पान्डेंट)

मुकदमा नं० A. P. सन् No. 188/91 पेशी की ता० १६ ई०
Court No. 21/90 (4)

ऊपर लिखे मुकदमा में अपनी ओर से श्री बी० के० चौधरी एडवोकेट हाईकोर्ट
ऊपर स्थायी अधिवक्ता भारत सरकार लखनऊ वेन्य, निवास- १४/६२६
बरफखाना, नईबस्ती अलंकार नेमा के पास लखनऊ टेली. न. २३४६८६
हाईकोर्ट चेम्बर न. १४ टेली. न. २४१०७

(नाम अदालत)
(मुकदमा नं० नाम)
(फरीकन बनाम)

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवो व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम अवे ।

स्वीकृत

(बी० के० चौधरी)
एडवोकेट हाईकोर्ट

हस्ताक्षर
Area Manager
Gautam, Store Department
Lucknow Court

साक्षी (गवाह) साक्षी (गवाह)

दिनांक २५ महीना सन् १६९ ई.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE *MP 188* OF *91*
*OA 88/88*NAME OF THE PARTIES..... *Ram chandra Tewari*

Applicant

Versus

Union of India Respondent

Part A, B & C

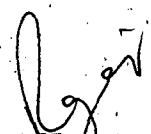
Sl. No.	Description of documents	Page
1	<i>Order Sheet</i>	<i>A-1 to 3</i>
2	<i>Judgment</i>	<i>A-4 to 5</i>
3	<i>petition.</i>	<i>A-6 to 12</i>
4	<i>Counter Annexes</i>	<i>A-13 to 22</i>
5	<i>Counter</i>	<i>A-23 to 31</i>
6	<i>Reply to C.A</i>	<i>A 32 to 43</i>
7		
8		
9		
10		
11		
12		
13		


CERTIFICATE

Certified that no further action is required to taken and that the case is fit for consignment to the record room (decided)

Dated.. *27-12-2011*

Counter Signed.....


 Section Officer / In charge


 Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title of 199

Name of the parties Applicants.

Versus

Respondents.

Part B.C.

Sl.No.	Description of documents	Page
--------	--------------------------	------

1	Engagement	1 to 13
2	Notification	14 to 15
3	Memorandum	16 to 17
4	Order	18 to 19
5	Reply to the order	20 to 21
6	Final order	22 to 23

1. Order of the Tribunal
 2. Order of the Tribunal
 3. Order of the Tribunal
 4. Order of the Tribunal
 5. Order of the Tribunal
 6. Order of the Tribunal


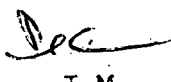
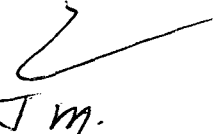
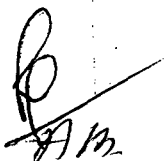
ORDER SHEET

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

MP 100/91

Com. 2 No. 21 OF 1990

R. C. Tewari Vs. U.O.

Sl.No.	Date	Office Report	Orders
	22/4/91	<p>Yc for the applicant has filed M.P. 188/91 in Contempt An No 21/91 S.F.O.</p> <p align="center">L 24/4</p> <p align="center"><u>25.4.1991</u></p> <p>Hon. Mr. D.K. Agrawal, J.M. Hon. Mr. K. Obayya, A.M.</p> <p>This application is not in proper order. Let the names of the Opp. Parties/contemnor be specified, only then notice be issued.</p> <p align="center">  A.M.  J.M. </p> <p align="center">(n.u.)</p>	
	26/4/91	<p>DR</p> <p>Hon'ble learned has passed an order a mp 24/91 for issuing notice against the repd. No 182 for 26.6.91. Office to comply.</p> <p align="center">DR</p>	<p>26-6-91</p> <p>Hon Mr. K. Obayya, A.M. Hon Mr. S.N. Prasad, J.M.</p> <p>None for applicant. learned Council for Res pds relax and is allowed 4 weeks time to file reply in m.p. 188/91, but this case is 2 or 7,</p> <p align="center">  J.M.  A.M. </p>

Received 2 copies of
draft application for
both the parties.
Governing
17/5/91 by copy

original
order on the
contempt petition
is sent.
L
20/5

OR
notice issued
9/5/91

Notice were issued
a 9/5/91
draft reply was
any unusual repd. case
has been refer back
S.F.O.

L
24/5

2-2-91 No sitting order 3-9-91
L

A3

O-A No. 88/88

4.3-92 Hon Mr Justice V.C. Simonides, VC.
Hon Mr M.B. Gosh, DM

Pleadings are complete.
The case is listed for final
hearing on 20/4/92.

or
CA, DM have been
exchanged
SPD
19/6/92

J
DM

VC

VC

A

20.4.92 - No setting aside to 24.6.92

J

Ay

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW.

M.P. NO.188 of 1991.

(O.A. No. 88 of 1988)

Ram'Chandra Tewari Applicant.

Versus

Union of India and others..... O. Parties.

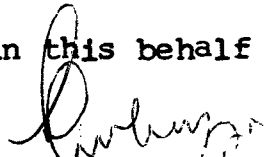
Hon'ble Mr. Justice U.C.Srivastava- V.C.
Hon'ble Mr. K. Obayya - Member (A).

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

The applicant has prayed that the respondents may be punished for flouting the order passed by this Tribunal dated 7.1.1991 and discontinuation notice dated 6.4.91 may also be issued and direction be issued to allow the applicant's position as on 5.4.91. It appears that the applicant's service were earlier terminated. Against the termination order the applicant approached this Tribunal. The Tribunal passed a particular order, and in pursuance of the order passed by this Tribunal the applicant was re-engaged. It was thereafter another show cause notice was given to the applicant. Against this he approached this tribunal again by filing a contempt application. The Tribunal passed an order on 7th January, 1991 taking notice of the fact that the applicant has not given reply to the show cause notice given by the department. Consequently the Tribunal directed the applicant to give reply forthwith and show cause notice which was issued to the respondents as to why they should not be punished for committing contempt of court was discharged and the contempt application was disposed of in these terms. The grievance of the applicant is that they are notwithstanding the said direction,

u

subsequently the respondents adhered to the original position and again removed the service of the applicant and restrained him from doing the work. Feeling aggrieved by the same, the applicant filed this contempt application in which certain more prayers regarding quashing of dis-continuation order and for issuance of directions have been included. All these matters have to be agitated in separate application and these prayers cannot be joined with contempt application. As for as the contempt is concerned, it cannot be said that any contempt has been committed or the direction given in the order dated 7.1.1991 has been flouted. No direction in this behalf has been given by the Tribunal. Regarding the other prayers which have been made in this application, it is for the applicant to file a fresh application as in the contempt application ^{the same} they are extraneous affairs. So far as ^{prayer for} punishing the respondents under the contempt of Court Act, is refused and the application in this behalf is rejected.


Member (A).


Vice Chairman.

Dt: June 28, 1992.

(DPS)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

LUCKNOW

M. P. No. 188/91

L 88

Application No. 688 of 1988

Connected with Contempt Application No. 21/90(C)

Ram Chandra Tewari Applicant

Versus

The Union of India and Others Respondents

APPLICATION U/S 19 READ WITH SECTION 17 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985

The humble applicant most respectfully
states as under :-

1. That in response to the notice issued
by this Hon'ble Tribunal on aforesaid
Contempt Application, Counter-Affidavit
on behalf of respondents was filed by
Sri D.L. Handa, Area Manager, Canteen
Store Department, 39, Lal Bahadur Shastri
Marg, Lucknow, on 7.1.1991 wherein
averments were made as under :-

- (i) In para No. 7 admitted that " the answering
deponent has passed the order for reinstatement
of the applicant as per directions from the

राम चन्द्र तिवारी

A 7

al Administration
Circuit Bench, Lucknow
Date of Filing 9/4/91
Date of Receipt 9/4/91
Deputy Registrar

: 2 :

respondent No. 2 vide Telex No.3/a-3/CC-58/1460 dated 18.12.90. Photostat copy of the said Telex is being filed herewith as Annexure No.C-3 to this affidavit ". On the strength of the Telex dated 18.12.90 letter No.CUD/EST/CAT/88/88/2396 dated 21.12.90 was issued by the answering respondent to the applicant asking him to report for duty immediately. On receipt of this ~~applicant~~ telegraphic message the applicant resumed his duty on the forenoon of 2.1.1991. A true copy of letter dated 21.12.90 is annexed as Annexure No. C to the Counter-Affidavit filed by the answering respondent on 7.1.91 before this Hon'ble Tribunal in response to Contempt Notice issued to the opposite parties.

(ii) In para No. 10, it was averred the " Further it is submitted that the Respondent No.1 has already engaged the applicant as Daily ^{rated} Mazdoor as per directions from Respondent No. 2 on 2.1.1991. In view of the facts and circumstances stated in the foregoing paras the department has already implemented and complied with the Hon'ble Tribunal and there is no grievances of the applicant are pending with the Department."

(iii) In para No. 4, it was stated that " However, even for unintentional delay an unconditional apology is hereby tendered."

Filed today
9/4/91

राम-चन्द्र (11/9/91)

: 3 :

2. That the Hon'ble Tribunal very kindly verified the aforesaid facts from the Applicant and ^{after Mr.} ~~other~~ hearing both the parties disposed of the Contempt Application No. 21 of 1990. A photostat copy of the order dated 7.1.91 passed by this Hon'ble Tribunal is annexed as Annexure No.A. to this Contempt Application. It was received by the Applicant on 16.1.91.

Annexure No.A

3. That in compliance to the order dated 7.1.1991 of this Hon'ble Tribunal, received by the applicant on 16.1.1991, he filed reply to the departmental Show Cause Notice on 28.1.1991. A copy of his reply dated 28.1.91 presented to Answering Respondent (Shri D.L.Handa, Area Manager, C.S.D. Depart~~ment~~, Lucknow) on the same day i.e. 28.1.91, was also filed before this Hon'ble Tribunal. It was endorsed and personally presented by the Applicant to the Registrar, Central Administrative Tribunal, Circuit Bench, Lucknow, on 30.1.1991, for information of the Hon'ble Tribunal and keeping it on record alongwith orders dated 07.01.91 delivered by this Hon'ble Tribunal on Contempt Application No. 21 of 1990.

4. That the detailed reply dated 28.1.91 filed by the applicant, in response to Show Cause Notice is still lying pending with the Respondents and the applicant is totally unaware about action, if any, has since been initiated to proceed ahead in the matter.

राम-चन्द्रावती

: 4 :

5. That the applicant continuously worked in Canteen & Store Department, Lucknow since 1981. The applicant was engaged as daily rated Mazdoor but his services were utilised as Watchman violating the existing provisions where it is specifically defined according to the circular order issued by Head Office, Bombay, the services of only Permanent Staff should be utilised as Watchman and not a daily rated Mazdoor. During his deployment as Watchman the applicant signed the Duty Register maintained in the Office of Answering Respondent No. 1 for the year 1986-87 and 1988. The applicant was put double and triple duty in shift, in one day without any break. He worked as such for months together as is proved on the face of the record.

6. That the applicant was selected and his name was brought in panel through order No.3/A-1/1107/LKO/41 dated 20.01.87. The appointment order No.3/A-1/1107(LKW)/1661 dated 26.02.88 for appointment of the applicant on the post of Watchman was also issued from Head Office, Bombay, by Respondent No.2. The name of the Applicant was noted first on Serial No.1 before the names of Virendra Bahadur Singh noted at Serial No.2 and others. Virendra Bahadur Singh and all others Junior to the applicant were appointed out of them as Watchman since 1.6.88. Identity Card No. 5475 of C.S.D. Lucknow was issued to Virendra Bahadur Singh. The applicant was arbitrarily ^{discriminated by} ~~disseminated~~ upon in matter of appointment as compared to similarly situated and Juniormen on panel violative of Article 14 & 16 of the Constitution of India.

राम चन्द सिन्हा

: 5 :

7. That this Hon'ble Tribunal was pleased to quash order No.LUD/EST/34/399 dated 10.5.1988 whereby the name of the Applicant was deleted from the consolidated panel of Watchman, Mazdoor issued by Answering Respondent No.1, annexed as Annexure No. 1 to his application No. 88/88, in the judgment delivered on 20.7.1990, copy of which was earlier annexed to Contempt Application No. 21 of 1990.
8. That Devi Prasad Misra was implicated as main accused and applicant as co-accused in false case Crime No. 123/88 U/S 41/411 I.P.C. Registered at Police Station, Alambagh, Lucknow, which is still pending trial before the Contempt Court of Law as admitted by the Answering respondent in Counter-Affidavit dated 7.1.91 filed in response to Contempt Notice No. 21 of 1990. This Hon'ble Tribunal was pleased to issue order dated 24.7.1990 in Application No. O.A. No. 222 of 1990(L) of Main accused Devi Prasad Misra V/S Union of India and Others, A true copy of the order dated 24.7.1990 is annexed as Annexure No. C to Applicant's Contempt Application No. 21 of 1990. The Hon'ble Tribunal was pleased to order :-

" We direct that the respondents shall proceed with the disciplinary enquiry but will not pass final orders till further orders of this Tribunal "

राम-कालिका

: 6 :

- 8
9. That to utter surprise the Applicant was dramatically served on notice for discontinuation of service through letter No. LUD/EST/CAT/88/88/674 dated 6.4.1991 on 6.4.1991. This notice was served on the applicant at about 3 P.M. on 6.4.91 while he was on duty and the applicant was marked absent on 6.4.91. A true copy of Discontinuation Notice dated 6.4.91 is annexed as Annexure No. B to this application.

Annexure -B

10. That the Respondents No. 1 & 2 knowingly and deliberately flouted the order of this Hon'ble Tribunal passed on 7.1.91 wherein it was categorically made clear that the applicant was re-engaged in his job and keeping in view the facts stated in foregoing para No.1, the Show Cause Notice issued by Hon'ble Tribunal, on Contempt Application was discharged. Respondents No. 1 & 2 surprisingly changed the position 'as done into undone' by adopting Maleficent attitude through decieving prattice in Manoeuvring the Discontinuation Notice dated 6.4.91 served on the Applicant. It is a NON-SPEAKING order without any communication on the Applicant's reply dated 28.1.1991 filed in response to Show Cause Notice.

PRAYER

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal be pleased :-

राम-चन्द्र-लाल-गुप्ता

: 7 :

1. To punish the respondents No. 1 & 2 for showing utter disregard and flouting the order of this Hon'ble Tribunal dated 7.1.1991 in the manner as deemed fit and proper to maintain the prestige of the Judiciary including this Hon'ble Tribunal quashing the Discontinuation Notice dated 6.4.1991, copy of which is contained in Annexure No.B and further issuing an order or direction to respondents No. 1 & 2 to allow the applicant his position as was on 5.4.1991 prior to issue of Discontinuation Notice dated 6.4.1991. It is further prayed that an order identical to the order dated 24.7.90 passed in case of Devi Prasad Misra, as stated in para No. 8 of this application, be issued to save the applicant from miscarriage of justice and avoid any reoccurrence of arbitrary action to be taken by the Respondents.

Lucknow:

Dated: April 4, 1991

राम-चन्द्र तिवारी
(Ram Chandra Tewari)
Applicant

B.K. Srivastava
(B.K. Srivastava) 9/4/91
Advocate
Counsel for the Applicant.

आदेश नं. 21/90
1990

Amicus Curiae. A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

LUCKNOW

Contempt No. 21 of 1990.

Ram Chandra Tewari

Applicant.

Shri B.K. Srivastava

Counsel for Applicant

versus

Area Manager, C.S.D.

Respondents.

Lucknow & others.

Shri V.K. Chaudhary

Counsel for Responder

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

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

(Hon. Mr. D.K. Agrawal, J.M.)

In compliance of the order date 26.11.90 the opposite parties filed counter affidavit wherein they have stated that the applicant has been re-engaged. It has further been brought to our notice that the applicant was given a show cause notice by the competent authority but he has not given reply thereto. The applicant is directed to give a reply thereto forthwith. The show cause notice is hereby discharged. The contempt application is disposed of ~~with the above orders accordingly~~.

A.M.

J.M.

7.1.91

Lucknow Dated: 7.1.91

(M. Md. Umar Khan)

Officer,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.



Attested

B.K. SRIVASTAVA
ADVOCATE
111121, OLD B.A.D. MAHARAGAR
LUCKNOW - 226009

11.1.91
11.1.91

A 14

Amesbury, B.

भारत सरकार Govt. of India

कॅन्टीन स्टोर्स विभाग

CANTEEN STORES DEPARTMENT

LUCKNOW DEPOT

तार : कान्सीन्ड

टेलीफोन : ५०३२७

Telegram: CANSIND

Telephone: 50327

३९, हवेलॉक लाईन, लाल बहादूर शास्त्री मार्ग

पो. बॉक्स नं. १००२, लखनौ-२२६००२.

39, Havelock Lines,

Lalbahadur Shastri Marg,

P. B. No. 1002, Lucknow-226002.

संदर्भ Ref.

LUD/EST/CAT/88/88/674

दिनांक Date: 6-4-1991

Shri Ram Chandra Tewari

Daily Rated Mazdoor

CSD Depot, LUCKNOW.

DISCONTINUATION OF SERVICE.

Reference HQ telegram dated 4-4-1991.

2. As per HO instructions contained in the telegram under reference, your services as a daily rated Mazdoor in this department is being discontinued with immediate effect i.e. 6-4-1991, consequent of the dismissal of contempt notice No. 21/90 on 7-1-1991.

(D. L. HANDA)

MANAGER

CSD DEPOT LUCKNOW-2

CC: -R.M. (C) LKO: for information please.

CC - H.O. Section-3 Bombay. This has reference to your above telegram.

LC: - H.O. Section-6 Bombay. for information please.

Attested

Shrinivas
B. K. SRIVASTAVA 8/4/91
ADVOCATE

ADVOCATE

511121, OLD BADSHAHNAGAR
LUCKNOW-226007

कृपया पत्र व्यवहार विभाग के नाम से करें, किसी व्यक्ति के नाम से नहीं

Please address communications to the department and not to individuals by name

राम कन्दारी व श्री

A15

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Cont 21/904

CONTEMPT PETITION NO.188 of 1991

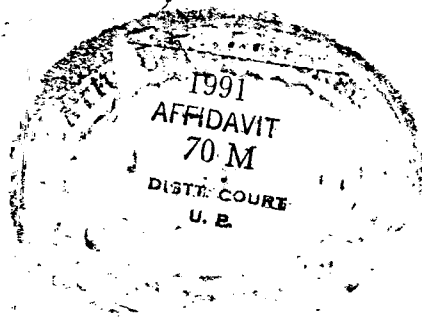
in re: CA No.88 of 1988(L)

Ram Chandra Tewari ... Applicant

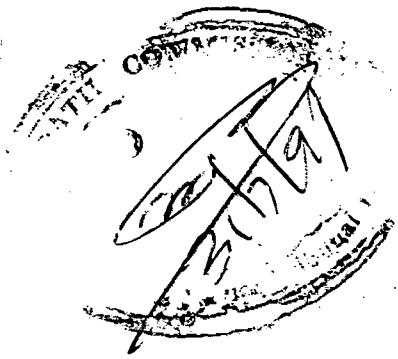
-versus-

Union of India and others .. Respondents

Counter reply in Contempt Petition No.188 of 1991
in re: CA NO.88/88(L) On behalf
of Respondent No.1.



I, D.L. Handa, aged about 53 years,
son of *Rate Sh. Bhagwan Das Handa*
at present posted as Area Manager, CSD Depot,
39, Lal Bahadur Sastri Marg, Lucknow do hereby
solemnly affirm and state as under:-



1. That the deponent is the contemner-
Respondent no.1 in the aforesaid Contempt petition
and he has read and understood the contents of
contempt petition and gone through other relevant
records as such he is well conversant with the
facts of the case and the facts deposed to herein-
under in reply thereof.

2. That this Hon'ble Bench was pleased to
direct the Respondents of the CA No.38 of 1988(L)
(RC Tewari-vs- Union of India and others) to

Filed today
29/10/91

W. J. Singh

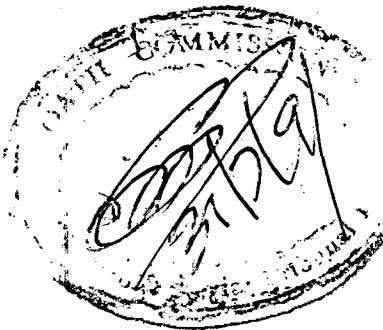
-2-

give the applicant reasonable opportunity of being heard before removing him from service.

3. That in compliance of the judgement of the Hon'ble Tribunal the petitioner was issued a show cause notice dated 9.10.1990. A photo state copy of the said order is being filed herewith as Annexure No.C-1 to this affidavit.

4. That the applicant Shri R.C. Tewari instead of giving reply to the show cause notice filed a contempt petition before this Hon'ble Tribunal ie. Contempt No.21 of 1990, in which the Respondents filed a counter affidavit alleging that the applicant was not submitted reply to the show cause notice and on this count alone, the said contempt petition No.21 of 1990 was dismissed on 7.1.1991. A true copy of the said order is being enclosed herewith as Annexure no.C-2 to this affidavit.

5. That there has been no dis-obedience or any omission on the part of the Respondents in compliance of this Hon'ble Tribunal's directions. Although there is some delay in passing the final order by the competent authority ie. attributable to the applicant's omissions because he has not



Handwritten signature

submitted his explanation to the show cause notice well in time.

6. That it is regretted that due to some clerical mistake and over-sight the applicant was communicated wrongly that he has been removed from service as the previous contempt application has been dismissed. The real fact is that since his explanation was not found satisfactory and after giving him an opportunity it was decided by the Respondent no.2 to discontinue the applicant and he was removed as per directions and instructions of this Hon'ble Tribunal. *Copy enclosed*

Order Dt. 1.4.91 enclosed as Annexure C-34

7. That the applicant was found to be involved in theft cases and as such he was not found suitable to be retained in Government Service like Service of the Canteen Stores Department, as such he was not re-engaged and was removed from the post on which he was working on the ~~xxxx~~ strength of the orders passed by this Hon'ble Tribunal.

8. That the deponent never intended in any manner to disregard the directions of this Hon'ble Tribunal.

9. That the deponent further submits that the deponent has highest respect for the authority of law, the judiciary including the Hon'ble Tribunal

W. J. Hand

-4-

and has never even thought of lowering the dignity of this Hon'ble Tribunal. It is, therefore, respectfully submitted that since the directions of the CAT have already been complied with, this Hon'ble Tribunal may be pleased to discharge the deponent from contempt proceedings initiated against him by the petitioner.

10. That it is submitted that there is no intentional or deliberate ~~xxxx~~ ^{action or omission} on the part of the deponent. However, even for unintentional omission or act ~~xxxx~~ an unconditional apology is hereby tendered.



11. That the deponent is always ready to comply and obey the instructions and directions issued by this Hon'ble Tribunal and as such he is liable to be discharged from contempt proceedings.

[Signature]
Deponent

Lucknow,

Dated: 31-7-91

Verification.

I, the above named deponent do hereby verify that the contents of para 1 is true to my personal knowledge, those of paragraphs 2 to 11 of the affidavit are true on the basis of records

[Signature]

and information gathered and on the basis of
 legal advice. No part of this affidavit is
 false and nothing material fact has been concealed.

W. H. Chaudhary
 Deponent.

Lucknow,

Dated: 31-7-91

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

W. H. Chaudhary

(VK Chaudhari)
 Addl. Standing Counsel for Central Govt.
 (Counsel for Respondent no.1)

Solemnly affirmed before me *31/7/91*
 by the deponent this *31st* day of *July* 1991
 at *5:30* pm who has been identified by
 Shri VK Chaudhari, Advocate, High Court, Lucknow.

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

W. H. Chaudhary
 Oath Commissioner.
31/7/91

W. H. Chaudhary



119, Maharashtra
BOMBAY

Annexure - I APPENDIX - B

3/A-3/cc-58/1158

29 Oct '90

Shri Ramachander Tewari
Ex- Daily Rated Nandoor
CSD Depot
LUCKNOW.

SHOW CAUSE NOTICE AS PER
JUDGEMENT DATED 30/7/90
OA NO. 88 OF 1988

That on the night of 17/3/88 at 23.30 hrs the officer of 12 Madras Regt. apprehended Shri Ramachander Tewari Daily Rated Nandoor, and another Nandoor of CSD Depot Lucknow alongwith 5 No's of Index No. 37008 Suit Case (Safari Galaxy - 21") handedover the duo to the local police who in turn registered a case under section - 41/411 of IPC which is still pending with the civil court LCC - II Lucknow.

2. That the Manager and Assistant Manager carried out a physical checking of the stocks of the suit cases and found one case of the aforesaid brand short in the assembled lot of 39 CTC Varanasi kept outside the godown with the depot premises.

3. Thus the said Shri Ramachander Tewari by his above act did not maintain integrity and devotion to duty which exhibited conduct unbecoming of a Govt. servant.

4. In view of the above you are directed to show cause as to why your name ~~may~~ not be deleted from the panel to enable us comply with judgement dated 30/7/90 in OA No. 88/88 filed by you in CAT Circuit Bench Lucknow.

(R.K.SHARMA)
Asst. General Manager (P)
for General Manager
29/10/91

HOO

The Manager
CSD Depot
LUCKNOW

:- Please send the same through a responsible person to the residence of the individual and handover the original letter to the individual against his signature and confirm having done so.

cc : RM (C)

cc : 3/A-1

CONFIDENTIAL

Attested
Sajay Saxena
Adv.
29/10/91

A 21 143

मान-माननीय जेष्ठ एडमिनिस्ट्रेटिव दिव्युता उपाय तलाक ।

Don. C-2

तलाक केच-तलाक ।

असीदीन नो-33 वर्ष 1933

APPENDIX 'F'

Annexure No. A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUET BENCH

LUCKNOW

Contempt No. 21 of 1990.

Ram-Chandra Tewari
Shri B.K. Srivastava

Applicant.
Counsel for Applicant

versus

Area Manager, C.S.D.
Lucknow & others.
Shri V.K. Chaudhary

Respondents.
Counsel for Respondent

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

(Hon. Mr. D.K. Agrawal, J.M.)

In compliance of the order dated 26.11.90 the opposite parties filed counter affidavit where in they have stated that the applicant has been re-arrested. It has further been prayed brought to our notice that the applicant was given a show cause notice by the competent authority but he has not given reply thereto. The applicant is directed to give a reply thereto forthwith. The show cause notice is hereby discharged. The counter affidavit is dismissed. ~~with the above reasons accordingly.~~

A.M.

Lucknow Dated: 7.1.91

Attested

B.K. SRIVASTAVA

11121, OLD BAD HALL ROAD,
LUCKNOW-226007

Attested
Sajay Saxena
Adv.
29/10/91

Am - C-3

Ref. No: 3/A-3/CC-58/434A

CONFIDENTIAL

Date: 01 Apr '90

O R D E R

WHEREAS Shri Ram Chandra Tewari, Ex-Daily Rated Haddoor, CSD Depot, Lucknow has submitted his reply dated 28-01-91 in response to our Show Cause Notice No. 3/A-3/CC-58/1158 dated 09 Oct '90.

2. AND WHEREAS on a careful examination of his aforesaid reply and evidence available on record, the undersigned is satisfied that the following charge framed against the said Shri Ram Chandra Tewari stands substantiated :-

That on the night of 17/03/88 at 23.30 hrs the constable of 12 Madras Regt. apprehended Shri Ram Chandra Tewari Daily Rated Haddoor and another Haddoor of CSD Depot, Lucknow alongwith 5 Nos. of Index No. 37003 Suit Case Safari Galaxy 21" and handed over the same to the local police who in turn registered a case under Section 41/411 of IPC which is still pending with the Civil Court - LCC-II Lucknow.

That the Manager and Assistant Manager carried out a physical checking of the stocks of the suit cases and found one case of the aforesaid brand short in the assembled lot of 39 GTC Varanasi kept outside the godown within the depot premises.

That the said Shri Ram Chandra Tewari by his above act did not maintain integrity and devotion to duty which exhibited conduct unbecoming of a Government servant.

3. NOW, THEREFORE, the undersigned imposes on the said Shri Ram Chandra Tewari, the following penalty :-

"REMOVAL FROM SERVICE WITH IMMEDIATE EFFECT"

Attested.

Sanjay Saxena
Adv.
29/10/91

S.S. NALSE
(S.S. NALSE)
Air Commodore
Joint General Manager I
(Disciplinary Authority)

A.23

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

CONTEMPT PETITION NO. 188 OF 91
in OA NO.88 OF 1988(L)

R.C. Tewari

... Applicant

- versus -

Union of India and others

... Respondents

COUNTER REPLY IN CONTEMPT PETITION NO.188/91
IN OA NO.88 OF 1988(L) ON BEHALF OF
RESPONDENT NO.2.

I, Maj. Gen. V. Uberoy aged about 54 years,
son of Dr. J C Uberoy, at present posted as
Chairman and General Manager Board of Administration
Canteen Stores Department, Ministry of Defence,
"Adelphi" 119-Maharshi Karve Road, Bombay-400 020,
do hereby solemnly affirm and state as under :-

1. That the deponent is the contemner
Respondent no.2 in the aforesaid application and
he has read and understood the contents of
contempt application and gone through other
relevant records as such he is well conversant
with the facts of the case and the facts deposed
to herein under in reply thereof.

2. That this Hon'ble Bench was pleased to
direct the Respondents of the OA No.88/1988(L)
(RC Tewari-vs-Union of India and others) to
give the applicant reasonable opportunity of
being heard before removing him from service.

Filed today
2/8/91

2

A24

3. That the operative portion of the order is being quoted herein under:-

ANNEX No. I

"9. For reasons stated above, we allow this application in part and quash the order dated 10.5.88 Annexure-1 whereby the applicant's name has been deleted from the panel. We direct that the competent authority among the respondents shall give an opportunity to the applicant to show cause as to why his name may not be deleted from the panel, and after considering the cause, if any, shown by the applicant, take a decision within a period of two months from the date of receipt of a copy of this judgement. If the respondents retain his name on the panel, they shall also re-engage him as a casual labour at the earliest say within a fortnight of the date of such decision. Parties shall bear their costs."

4. That in compliance of the judgement of the Hon'ble Tribunal the petitioner was issued a show cause notice dated 9.10.1990. A photostate copy of the said order is being Annex no.C-1 filed herewith as Annexure no.C-1 to this affidavit.

5. That the applicant Shri R.C. Tiwari instead of giving reply to the show cause notice filed a contempt petition before this Hon'ble Tribunal i.e. Contempt No.21 of 1990, in which the Respondents filed a counter affidavit alleging that the applicant Shri RC Tiwari was not submitted reply to the show cause

[Signature]

A25

notice and on this count alone, the said contempt petition No.21 of 1990 was dismissed on 7.1.1991. A true copy of the said order is being enclosed herewith as Annexure No.C-2 to this affidavit.

Annex No.C-2

6. That thereafter the applicant Shri R.C. Tiwari was submitted an explanation to the show cause notice which was duly considered by the competent authority alongwith all the documents relevant in the case of the applicant and passed a speaking order on 1.4.1991. A true copy of the said order is being filed herewith

Annex No.C-3

as Annexure no.C-3 to this affidavit.

7. That there has been no dis-obedience or any omission of the part of the Respondents in compliance of this Hon'ble Tribunal's directions. Although there is some delay in passing the final order ie. attributable to the applicant's omissions because he has not submitted his explanation to the show cause notice well in time.

8. That it is regretted that due to some clerical mistake and over-sight the applicant was communicated wrongly that he has been removed from service as the previous contempt application has been dismissed. The real fact is that since his explanation was not found satisfactory and after giving him an opportunity it was decided by the Respondent No. 2 to discontinue the applicant and he was

N

removed as per directions and instructions of this Hon'ble Tribunal.

9. That the applicant was found to be involved in theft cases and as such he was not found suitable to be retained in Government Service like Service of the Canteen Stores Department, as such he was not re-engaged and was removed from the post on which he was working on the strength of the orders passed by this Hon'ble Tribunal.

10. That the deponent is the law abiding citizen having full faith in the judicial system and even never dreamed to commit any contempt or dis-obedience of orders passed by any of the Court in the country and in case in ignorance any omission have been committed by the answering deponent he tenders unconditional apology for the said omission or act.

11. That the deponent is always ready to comply and obey the instructions and directions issued by this Hon'ble Tribunal and as such he is liable to be discharged from contempt proceedings.


V. UDEROY

MAJ. GEN.

General Manager,
Canteen Stores Department
Deponent.

Bombay,

Dated: 30 Jul 91

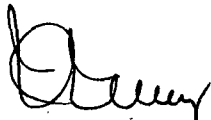
4

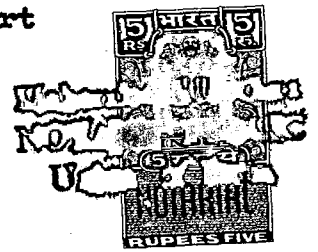
A27

Verification

I, the above named deponent do hereby verify that the contents of para 1 is true to my personal knowledge, those of paragraphs 2 to 11 of the affidavit are true on the basis of records and information gathered and on the basis of legal advice. No part of this affidavit is false and nothing material fact has been concealed.


Solemnly affirmed this
30th day of July 1991 at
Bombay.


V. UBEROY
MAJ. GEN.
General Manager,
Canteen Stores Department
Deponent.



Identified by me. The Deponent who has signed before is also personally known to me.

Advocate
MAHENDRA I. SETHNA
ADVOCATE, SUPREME COURT,
45/47, M. G. ROAD,
FAZAL BHOY BLDG., 2ND FLOOR,
BOMBAY - 400 001.
D. NO. 022435 (RES) 251-35 (C/15)


Mahendra I. Sethna
NOTARY PUBLIC
Union of India

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

Notary Public



Ram Chandra Tewari

Versus

Area Manager Canteen Store Department,
Lucknow and others.

Applicant

Respondent.

ANNEXURE NO. 1

Govt. of India
Ministry of Defence

Canteen Stores Department
38, Lodi Road, Lucknow
89, Hazratganj, Lucknow
LUCKNOW CANT-220002

LUD/EST/34/399

REEL A/D

10th May 1988

Shri Ram Chander
554/Ka-175 Chota Barha
Alambagh
LUCKNOW.

PANEL FOR WATCHMAN AND MAZDOOR.

We have been instructed by our HO to advise you that your name from the panel of Watchman, Mazdoor and also from the consolidated panel has been deleted.

Sd/-
(A.P.S. PILLAI)
MANAGER

CC: - H.O. Section-3 Bombay: with reference to you letter No. 3/A-1/1107/(Lucknow) 3235 dated 30-4-88 for information please.

CC: - The R.M. (C) Lucknow: for information please.

Certified
true copy.
R. K. SHARMA
A ST. GEN. MANAGER (P)

3/A-3/00-58/1158

09 Oct '90

Shri Ramachander Tewari
Ex- Daily Rated Mazdoor
CSD Depot
LUCKNOW.

SHOW CAUSE NOTICE AS PER
JUDGEMENT DATED 30/7/90
OA NO.88 OF 1988

That on the night of 17/3/88 at 23.30 hrs the entry of 12 Madras Regt. apprehended Shri Ramachander Tewari Daily Rated Mazdoor, and another Mazdoor of CSD Depot Lucknow alongwith 5 No's of Index No.37008 Suit Case Safari Galaxy - 21" and handedover the duos to the local police who in turn registered a case under section - 41/411 of IPC which is still pending with the civil court LCU - II Lucknow.

2. That the Manager and Assistant Manager carried out a physical checking of the stocks of the suit cases and found one case of the aforesaid brand short in the assembled lot of 39 CTC Varanasi kept outside the godown with the depot premises.

3. Thus the said Shri Ramachander Tewari by his above act did not maintain integrity and devotion to duty which exhibited conduct unbecoming of a Govt. servant.

4. In view of the above you are directed to show cause as to why your name should not be deleted from the panel to enable us comply with judgement dated 30/7/90 in OA No. 88/88 filed by you in CAT Circuit Bench Lucknow.

(R.K.SHARMA)
Asst. General Manager (P)
for General Manager
9/10/90

NOO

The Manager
CSD Depot
LUCKNOW

:- Please send the same through a responsible person to the residence of the individual and handover the original letter to the individual against his signature and confirm having done so.

cc : RM (C)

cc : 3/A-1

CONFIDENTIAL
R. K. SHARMA
ASST. GENERAL MANAGER (P)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

LUCKNOW

A30

112

Contempt No. 21 of 1990.

Ram Chandra Tewari
Shri B.K. Srivastava

Applicant.

Counsel for Applicant

versus

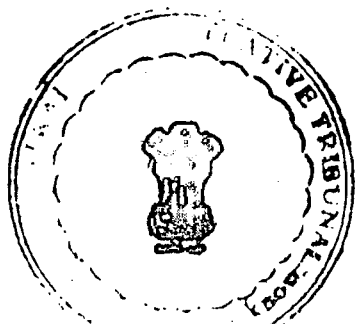
Area Manager, C.S.D.
Lucknow & others.
Shri V.K. Chaudhary

Respondents.

Counsel for Respondent

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

(Hon. Mr. D.K. Agrawal, J.M.)



In compliance of the order date 26.11.90 the opposite parties filed counter affidavit wherein they have stated that the applicant has been re-engaged. It has further been brought to our notice that the applicant was given a show cause notice by the competent authority but he has not given reply thereto. The applicant is directed to give a reply thereto forthwith. The show cause notice is hereby discharged. The contempt application is disposed of ~~as per the order dated 26.11.90~~ accordingly.

A.M.

J.M.

7.1.91

Lucknow Dated: 7.1.91

TRUE COPY
(Mohd. Umar Khan)
C.O. Office,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

Certified
True Copy

R. K. SHARMA
ASST. SECY. (P)

Ref.No: 3/A-3/CO-58/434A

Date: 01 Apr'

O R D E R

WHEREAS Shri Ram Chandra Tewari, Ex-Daily Rated Mazdoor, CSD Depot, Lucknow has submitted his reply dated 28-01-91 in response to our Show Cause Notice No.3/A-3/CC-58/1158 dated 09 Oct'90.

2. AND WHEREAS on a careful examination of his aforesaid reply and evidence available on record, the undersigned is satisfied that the following charge framed against the said Shri Ram Chandra Tewari stands substantiated :-

That on the night of 17/03/88 at 23.30 hrs the sentry of 12 Madras Regt. apprehended Shri Ram Chandra Tewari Daily Rated Mazdoor and another Mazdoor of CSD Depot, Lucknow alongwith 5 Nos. of Index No.37008 Suit Case Safari Galaxy 21" and handed over the duos to the local police who in turn registered a case under Section 41/411 of IPC which is still pending with the Civil Court - ICC-II Lucknow.

That the Manager and Assistant Manager carried out a physical checking of the stocks of the suit cases and found one case of the aforesaid brand short in the assembled lot of 39 GTC Varanasi kept outside the godown within the depot premises.

Thus the said Shri Ram Chandra Tewari by his above act did not maintain integrity and devotion to duty which exhibited conduct unbecoming of a Government servant.

3. NOW, THEREFORE, the undersigned imposes on the said Shri Ram Chandra Tewari, the following penalty :-

"REMOVAL FROM SERVICE WITH IMMEDIATE EFFECT"

S.S. Balse
(S.S. BALSE)
Air Commodore
Joint General Manager I
(Disciplinary Authority)

Certified True Copy
[Signature]
R. K. SHARMA
N. MANAGER (P)

A32

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Contempt Petition No. MP 188 of 1991

In Cont. No. 21/90 (L)

In ref: O.A. No. 88 of 1988 (L)

Ram Chandra Tewari

... Applicant

Versus

Union of India & Others

... Respondent

Fixed for 29.10.1991

REPLY TO COUNTER REPLY IN CONTEMPT PETITION NO. 188 OF
1991 FILED ON BEHALF OF RESPONDENT NO. 1 & 2

I, Ram Chandra Tewari aged about 29 years son
of Sate Sri Mata Prasad Tewari, C/o Sri Bharat Kishore
Srivastava, Advocate, 511/121, Old Badshah Nagar, Lucknow-
226 007, do hereby affirm and state as under :-

1. That the contents of para no. 1 of the counter
reply filed by Maj. Genl. V. Uberoy, need no comments.
2. That the contents of para no. 2 of the counter
reply are wrong and misconceived. The answering respondent
has concealed the fact as stated in the operative portion
of the judgement as given in the para no. 3 of the counter
reply.
3. That the contents of para no. 4 of the counter
reply need no comments.

...2

Filed today

28/10/91

राम-चन्द्र-तेवारी

- 2 -

4. That the contents of para no. 5 of the counter reply are basically wrong and misconceived, hence denied. In reply it is stated that the answering respondent has knowingly and deliberately adopted fraudulent practice to misguide this Hon'ble Tribunal as is proved on the face of records. It is pertinent to state that the answering respondent in para no. 5 avered that the contempt petition No. 21 of 1990 was DISMISSED on 7.1.1991 where as it was DISPOSED OF with the observations made by this Hon'ble tribunal in order dated 7.1.91 a true copy of which has also been annexed as Annexure No. C-2 to the counter reply filed by the answering respondent. The contempt petition No. 21 of 1990 of the applicant was DISPOSED OF in view of the facts admitted and stated by the answering respondent in his counter reply filed in the month of Jan. 1991 as under :-

- (i) In para no. 7, it has been categorically said that "it is further submitted that the Department has already engaged the applicant as daily rated mazdoor on 2.1.1991 as per the advice of the respondent No. 2.....and he resumed his duty on 2.1.1991.....the answering respondent has passed the order for reinstatement of the applicant as per directions from respondent no. 2 vide telex no. 3/A-3/CC-58/1460 dated 18.12.1990.
- (ii) Identical facts were stated in para no. 10 of the counter reply.

रमचन्द्र तिवारी

- 3 -

- (iii) That in the concluding para it has been stated that "in view of the facts and circumstances stated in foregoing paras the department has already implemented and complied the judgement of the Hon'ble Tribunal, and there is no grievance of the applicant are pending with the department, as such contempt application filed by the applicable is liable to be dismissed".
- (iv) That as per contents of para no. 4 of the counter reply and unconditional apology was tendered by the respondents.

The contempt application no. 21 of 1990 was DISPOSED OF with these facts and circumstances of the case as is evident from the contents of the order dated 7.1.1991 (Annexure No. C-2) annexed to the counter reply.

5. That the contents of para no. 6 of the counter reply are wrong and misconceived hence denied. In reply it is stated that the applicant in compliance to the orders of this Hon'ble Tribunal, dated 7.1.1991 (Annexure No. C-2) filed detailed reply dated Jan. 28, 1991 in response to show cause notice, a copy of the reply was also filed to this Hon'ble Tribunal, a true copy of which is annexed as Annexure No. R-1. The applicant's reply dated 28.1.91 was arbitrarily disposed off without considering the facts and circumstances of the case, ignoring the legal points raised by the applicant, arguments put forth with the documentary proofs mentioned therein.

Annexure R-1

- (ii) That in para 8 of the reply it has been admitted by the respondents that the applicant is a

रामचन्द्रतेवारी

- 4 -

co-accused in criminal case no. 41/411 which is still pending in the court at Lucknow. A copy of order dated 24.7.1990 passed by this Hon'ble tribunal in case of main accused Sri Devi Prasad Misra has been annexed as annexure No. C to applicant's contempt application no. 21/90. This fact was again reproduced in para no. 8 of second contempt application No. M.P. 188 of 1991. The respondent no. 2 in annexure no. C-3, annexed to his counter reply, again arbitrarily passed removal orders saying that the applicant did not maintained integrity, devotion to duty which exhibited conduct unbecoming of a government servant. This conclusion drawn by the respondents is quite arbitrary rather unwarranted, without any law or logic in view of the facts stated above.

6. That the contents of para 7 of the counter reply are further wrong and misconceived hence denied. The fact is that the respondents initially, interpreted the word 'disposed of' as dismissed showing their malicious intention as stated in foregoing para no. 4. Later on they reinstated the applicant, re-engaged from 2.1.1991, tendered unconditional apology to this Hon'ble tribunal as stated in foregoing para no. 4(Iv) and now again removed the applicant from service from 6.4.91 through an order dated 6.4.91 shown to have been issued in reference to H.O. Telegram dated 4.4.1991, copy contained in annexure no. B annexed to the subsequent contempt application No. M.P. 188/91(L). The applicant is unaware

...5

रामचन्द्र तिवारी

- 5 -

about letter No. 3/A-3/CC-58/434A dated April 1, 1991 copy annexed as annexure no. C-3 to counter reply.

7. That the contents of para no. 8 of the counter reply are further wrong and misconceived hence denied. In reply it is stated that the fact is that the respondents fraudulently issued the removal order in contravention with their own commitments and the applicant was reinstated and re-engaged. This was done showing utter disregard to the latest orders of this Hon'ble tribunal dated 7.1.1991 copy contained in annexure No.C-2. It is totally false on the part of the respondents that this Hon'ble tribunal has ^{issued} directions or instructions about the removal of the applicant.

8. That the contents of para no. 9 of the counter reply are further wrong and baseless hence denied. It is false and contrary to the facts that the applicant was not re-engaged in the service, the fact is that the applicant was re-engaged on 2.1.1991 and allowed to continue till 6.4.1991. Furthermore, the respondents were never authorised by this Hon'ble tribunal to remove the applicant from service.

9. That the contents of para no. 10 of the counter reply are nothing only lame excuse shown by the respondents. The respondents definitely and apparently disregarded the directions issued by this Hon'ble tribunal.

10. That in reply to the contents of para no. 11 of the counter reply it is stated that similar request was previously made by the respondents in para no. 4 of the reply of Jan. 1991 filed in response to first contempt application no. 21/90.

...6

रामचन्द्रोपाध्याय

11. That the respondent no. 1 has not put up any new fact in his reply, rather repeated and reiterated the version of respondent no. 2.

The respondents tried to misguide this Hon'ble tribunal by concealing the fact, that the applicant's first contempt application no. 21/90 was not in fact dismissed rather disposed off, keeping in view the admissions and commitments made by the respondents before this Hon'ble tribunal in their first reply of Jan., 1991. Evidently they are responsible for concealment of the fact flouting the orders of this hon'ble tribunal and putting up the whole case in a colourable manner. Obviously they deserves to be suitably dealt with for the end of justice and also to maintain the prestige of the judiciary including this hon'ble tribunal.

Dated: 28.10.1991

रामचन्द्र तिवारी
(RAM CHANDRA TEWARI)
APPLICANT

B.K. Srivastava
(B.K. SRIVASTAVA) 28/10/91
COUNSEL FOR THE APPLICANT

Bharat Kishore Srivastava

4/10/2014

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Contempt Petition No. M.P. 188 of 1991

Ram Gandra Tewari

...

Applicant

Union of India & Others

...

Respondent.

Annexure No. R-1

To,

The General Manager
Canteen Stores Department 'A' Wing
117, Mahatma Karm Road,
L.U. - 226 020.

Through :

The Manager
Canteen Stores Department
39, Lal Bahadur Shastri Marg,
Post Bag No. 1002,
Lucknow - 226 002.

Subject : Reply to show cause notice no. 14/12/90
CC/23/1993 dated 23.12.90, 1993
issued with covering letter no. 14/12/90
CC/23/1993 dated 23.12.90, 1993
show cause notice issued by Assistant
General Manager (P) for Canteen Stores
and covering letter issued by General
Manager, Lucknow.

Sir,

In compliance of the orders of Hon'ble
Central Administrative Tribunal Circuit Bench,
Lucknow in contempt no. 21 of 1993 in Canteen
Stores (Applicant) vs. Sri D.L. Srivastava
(Respondent) V/S. Area Manager CSD,
Lucknow and others (respondents) dated 07.01.91
delivered by Hon'ble Mr. D.L. Agarwal Judicial
Member and Hon'ble Mr. K. Shyama administrative
member, the humble applicant submit this reply
to show cause notice as under :-

1. (1) That the contents of Para No. 1 of the
show cause notice are wrong and discon-
vinced hence denied. In reply it is,
however, noted that on 23.12.90, Major,
12 Madras Regiment, lodged a
Major Officer Canteen Stores Department
report to police station, Lucknow, U.O.
no. 14/12/90.

At about 23.30 hrs. on 23.12.90, the
civilian were apprehended in unit area.

Contd...2....

Recd
28/1/91

Government of India
(Ministry of Defence)
Canteen Stores Department

28/1/91

Bharat Kishore Srivastava
Advocate

(2)

under suspicious circumstances. The individuals are one Shri B.P. Mishra and Shri R.C. Sonant who state that they are employees of the C.S. Depot, Lucknow. At the time of apprehension the individuals were in possession of one bicycle and five brand new Sakari Colony suitcases - 21". You are requested kindly registered on VII to investigate the matter. The individuals may also be taken over from this unit custody."

Here it is pertinent to state that applicant and Shri Prasad Mishra (both) were kept in custody at 23.30 hrs. on 17.03.88. He both remained in custody from 23.30 hrs. on 17.03.88 to 1.30 hrs. on 18.03.88. Case crime No. 123/88 U/S. 41/411 IPC was registered at 13.30 hrs. on 18.03.88. The meaning thereby that it is obviously proved on the face of the record that case Cr. No. 123/88 U/S. 41/411 was got registered by 12 hours night court and not by C.S.D. Department. The fact is that no case was registered by any officer or authority of C.S.D. Depot, 39-Lal Bahadur Shastri Marg, Lucknow about the alleged shortage of 5 numbers of Indian No. 37008 unit case Sakari Colony 21" (inches) as alleged.

11) That in case crime no. 123/88 police station Alambagh, Lucknow Shri B.P. Mishra, in whose possession five brand new Sakari Colony suitcases 21" were recovered, filed the evidence in support of the purchase of five brand new Sakari Colony 21" before the court of law at Lucknow, the evidence is of a call reported concern of Lucknow issued on 17.03.88. Shri B.P. Mishra and the applicant, both were called out and the bicycle was also given back to Shri B.P. Mishra in SUPPLY.

2. That the applicant is totally unaware about the contents of para no. 2 of the above mentioned notice which are denied. In reply it is however stated as under :-

रामचन्द्र(गोवा)

28/4/91
Adm

Bharat Kishore Srivastava

CONFID....J.....

(5)

- I) That the applicant left the GSD premises on 17.03.88, after concluding his duties as usual at 5.00 p.m.. His search was taken by the watchman staff as duty as usual and nothing was recovered from his possession when he left GSD premises.
- II) That local watchman no. 3123 Lohan Singh (Now transferred to Jhalpur, M.P.), watchman no. 3128 Mathu Prasad Rani (Now transferred to Lumbini), watchman no. 3303 Jagan Nath Pal (still posted at Lucknow) were on duty from 5.00 p.m. to 12.00 night on 17.03.88. They all certified the fact in writing that no incident of any alleged theft occurred during their duty hours from 5.00 p.m. to 12.00 night on 17.03.88. They also denied any sort of brokerage in boundary wall, and also denied ~~the~~ any transaction.
3. That the contents of para no. 3 of the above memo are basically and totally wrong, hence emphatically denied, having no item of evidence in support of the contention. The applicant however states as under:-
- (I) That the applicant is posted as GSD Depot Lucknow since 1981 and during his last about 7 years employment, his work and conduct were always found quite up to the mark and his integrity was always found above board.
- (II) That the applicant was knowingly and deliberately implicated in a false case reported against him by 12 Madras Regiment merely on the basis of suspicion alongwith an Envt. Prasad Mishra from whom custody the case property was recovered and proved by him, himself, by filing evidence in support of the purchase of the case property in question. The applicant was in no way concerned

Contd....

राम चन्द्र तिवारी

B. S. Sinhalwa

Bharat Kishore Silvastava
Advocate

(4)

with the case properly removed from the possession of Devi Prasad Mishra.

(III) That the case crime no. 123/88 U/S 41/411 IPC is still under trial before the competent court of law at Lucknow, obviously there is no law or logic in forming an indifferent opinion about the integrity and devotion to duty of the applicant. It is totally unjust, unfair and unreasonable to jump to the conclusion at a preliminary stage for not maintaining the integrity and devotion to the duty by the applicant. The contentions/intentions held in para no. 3 of the above crime notice is a procedurally decided step, which is baseless, unfounded, having no legal sanctity in the eyes of law.

5. That the contents of para no. 4 of the above crime notice are wrong and mis-conceived hence denied. In reply it is stated that the Hon'ble Central Administrative Tribunal (Circuit Bench, Lucknow) was pleased to grant the writ no. 1 of application no. 88 of 1998 (L) for removal from V/S. Aron Mangor CSD, Lucknow and others decided on 20th July, 1998 which is a order no. LUN/EST/134/399 dated 10th May 1998 issued by Mangor CSD, Lucknow, intimating the applicant, "We have been instructed by our Head Office to advise you that your name from the panel of watchman, Manager and also from the consolidated panel has been deleted", as is evident from the first sentence of para no. 9 of the judgement delivered by the Hon'ble Tribunal on July 20, 1998, copy of which was already issued to you. The meaning thereby that the contentions and intentions of para no. 4 of the above crime notice is a clear defiance of the orders of the Hon'ble Tribunal amounting to contempt of the orders of the Hon'ble Tribunal.

ANALYSIS OF THE MATTER

That on the face of operative portion of the

Contd...5...

राम-चन्द्रिका
Bharat Kishore
28/1/91
Adv. S.
Bharat Kishore Srivastava
Advocate

A-4

(5)

judgment, contained in para no. 9, dated July 20, 1979, the very order of deleting the name of the applicant from the panel of voters, and also from the consolidated panel, has been quashed by the Hon'ble Tribunal. The meaning thereby that the name of the applicant is maintained as usual in the panel declared by the local office in order No. 3/A-1/1197/L10/41 dated 20.01.87. The name of the applicant is maintained at serial 1 (obtaining top position) in the panel of voters and at serial no. 2 in the panel of voters. It is further pertinent to state that the consolidated order no. 3/A-1/1197 (L10)/1981 dated 20.01.87 of the applicant at serial no. 1 and Virender Prakash Singh at serial no. 2, Virender Prakash Singh at serial no. 3, and Vinod Kumar at serial no. 4 (the received from local office, Bhatinda). The conduct of the CSD did not do justice to the applicant by depriving the applicant from his fundamental right to the appointment on the post of voter. That loss to mention that the applicant was lawfully and lawfully appointed in a false case with a view to oblige Virender Prakash Singh who was appointed on the post of voter with effect from 1.6.88 against a vacancy falling to the lot of the applicant on which the applicant was lawfully entitled for appointment prior to the Virender Prakash Singh. Obviously the applicant was unlawfully discriminated even in matter of appointment as compared to Virender Prakash Singh and others violating the provisions of article 14, 16, 311(2) of the constitution of India.

6. That the applicant remained on duty since the date of his employment (1981 till 17.03.88) and again resumed his duties on 02.01.1991 as the applicant was reinstated and engaged in employment as usual in per contents of para no. 7 and 10 of the counter Affidavit, on behalf of respondents, filed before the Hon'ble Tribunal by Shri D.L. Mehta, Area Manager CSD depot, Ludhiana on 07.01.1991 in reply to contempt notice issued by the Hon'ble Tribunal on

Contd....6.....

राम चन्द्राति वारी

Bharat Kishore
22/1/91
Advocate

Bharat Kishore Subastava
Advocate

(6)

25.11.29. The applicant has not so far been paid his over due dues towards arrears and bonus etc. for the period prior to 17.6.1928. His representation dated 07.01.1991 filed to the manager CSD depot, Lucknow, in this connection has not been favourably attended as for knowing the fact that the applicant remained out of the job from 18.05.1928 to 01.01.1991 and the applicant and his dependents are bound to face the days of starvation in the absence of any source of income. The other staff leaving the applicant were already paid those dues long long ago. It is humbly prayed that the amount due to the applicant be paid to him promptly.

7. That the applicant was on leave from 03.03.28 to 16.03.28 in connection with the marriage of his brother's daughter. The applicant returned to his duty on 17.03.28, and he was immediately implicated in a false case in a pre-planned manner to remove him and to oblige Sri Vinod Kumar Behlur Singh by appointing him out of turn in place of the applicant, which was unfair, wrong and noble, killing the spirit of the law.

राम चन्द तिवारी

Dated : Jan. 28 1991. (RAM CHANDRA TIWARI)

Copy Forwarded to : The Registrar General Administrative Tribunal circuit Bench, Lucknow for information of the Hon'ble Tribunal and hoping it on record alongwith the order of 07.01.91 delivered by this Hon'ble Tribunal on contempt no.21 of 1990.

Am Chandra Kumar V/S. Arun Kumar, etc, Lucknow & others (relevant application no. 4/90)

राम चन्द तिवारी
(RAM CHANDRA TIWARI)

Bharat Kishore
28/1/91
Note

Bharat Kishore Srivastava
Advocate