

Central Administrative Tribunal  
Lucknow Bench

Cause Title 137 of 1998 (C)

Name of the Parties K. P. Pandey Applicant

Versus

Union of India Respondents.

Part A. P.C.

Sl. No.

Description of documents -

Page

1.	Check List	A1 - A2 ✓
2.	Order Sheet.	A3 - A5 ✓
3.	Judgement. N 3-2-92	A6 - A9 ✓
4.	Petition Copy .	A10 - A33 ✓
5.	Annexure .	A34 - A49 ✓
6.	Power .	A50 ✓
7.	Counter Affidavit.	A50 - A70 ✓
8.	Rejoinder Affidavit.	A71 - A102 ✓
	Supplementary C.A.	A103 - A134 ✓
	Supplementary Affidavit	A135 - A150 ✓
	1 - 140 hrs, Lancer	

~~B - 115~~

~~B1 - B135, B150~~

~~C - 115~~

~~C1 - C2~~

Needled and destroyed

So (5)

On

f

10-9-80  
(81)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 137 of 1989 (C)

APPLICANT(S)

K. P. Pandey

RESPONDENT(S)

State

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent ?	Yes
2. a) Is the application in the prescribed form ?	Yes
b) Is the application in paper book form ?	
c) Have six complete sets of the application been filed ?	
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time?	
c) Has sufficient case for not making the application in time, been filed?	
4. Has the document of authorisation/ Vakalatnama been filed ?	Yes
5. Is the application accompanied by S.D./Postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes
c) Are the documents referred to in (a) above neatly typed in double space ?	Yes
8. Has the index of documents been filed and pagring done properly ?	Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?	Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	No

112

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

dinesh/

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

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

Heard, Shri S.B. Pandey, counsel for the applicant.

Admit.

As regard the interim relief, Issue notice to the respondents, to show cause, as to why, the interim prayer, made for be not granted. Meanwhile, the respondents are directed to consider the candidature of the applicant, in case, they propose to make the ad-hoc appointment on the post of Steno / Typist, which the applicant was holding on Contract / Daily wage basis. The applicant shall also be entitled to put forward his candidature, in case, selection for regular post of Steno / Typist is proposed to be made and in case, he fulfills the qualifications and is selected he shall be considered, accordingly.

List it for orders on interim matter on 16.7.1990.Sd/-  
A.M.Sd/-  
J.L.

// True Copy //

rrm/

(2) 16.7.90 No sitting. Adj. to 30/8/91

(3) 30.8.90 Hon'ble D.K. Agrawal J.M.  
" K. Obayya A.M.

CA filed today  
+ also Power  
16/7/90

None appear for the applicant. C.A. K.C. Sinha appear for the respondents. C.A. has already been filed. RA, if any may be filed within four weeks next of date before D.R. on 20.11.90 for holding up for hearing after completion of proceedings.

(A.M.)

(J.M.)

Q. Sin K.C. Sinha file power on behalf of Ob. 1 to 4 & also filed C.A. duly served to the applicant.

No R.A. filed  
S.F.O.

(4) 22

27.11.90 Case not searched Adjourn to 4.1.91 for order.

(5) 4.1.91 No sitting Adj. to 6.2.91. BCC

2  
17/1

See original  
ad-  
in Comp-2

OR 137/90

4/4/91

Hon. Mr. A.B. Gorthi, Jm.  
Hon. Mr. S.R. Prasad Jm.

(AU)

Handled the learned Counsel  
for the applicant. Since KC Sinker  
files two Supplementary Courts  
affidavits on behalf of respondents.  
The learned Counsel for the applicant  
says that he received both  
the Supplementary Courts affidavits  
only today at 3.00 P.M. and he  
requires time to file a Supplementary  
Rejoinder. List the case for final  
hearing along with Contempt Petition  
No. 23/90 on 9/5/91.

Jm.

Jm.

2/

2.7.91 Hon. Mr. Justice U.C. Srivastav, V.C.  
Hon. Mr. A.B. Gorthi, A.M.

OR No Subhi RA filed  
h  
01/5

9.5.91

D.R.

In this case we have found that  
there is variance between the parties  
as to the nature of appointment.  
According to the documents filed by  
the applicant he was appointed by  
the Union of India while the case of  
the respondents is that he in fact  
was employed on contract basis. The  
applicant is said to have worked with  
broken periods and it is not known  
whether between 1982 and upto 1983  
he was during this period of time at  
any point of time employed again  
or not, the nature of appointment  
or recommendation regarding his  
regularisation or sanction or  
availability of vacancy is also  
not clear from the pleadings of the  
parties. Accordingly in this case  
a perusal of the record is  
necessary, as such this case will  
be listed for hearing on ~~2-7-91~~  
on which date the respondents will  
produce the record. The case  
shall not be treated as tied up  
with this Bench.

Applicant's side

is present. He files

Suppl. R.A today.

case is ready for

final hearing. Hence,

this case is ready  
and listed before

the Hon. Bench.  
On 2/7/91 for final

hearing.

V.C.

2.9.91

No sitting order 12.11.91

2

(AS)

18.1.91

No sitting order 27.1.92

2

27.1.92Hon. Mr. Justice U.C. Srivastava, J.C.  
Hon. Mr. A.B. Goshwami, A.M.

Learned Counsel for the respondents  
~~Shri~~ <sup>Prayed</sup> Shri R.C. Sinha ~~that~~ that  
 the necessary documents will be  
 produced by him on day after  
 tomorrow.

List this case on 29.1.92  
 for hearing.

(SP)

A.M.

✓  
 V.C.

29.1.92

Hon. Mr. J.C. Srivastava, J.C.  
 Hon. Mr. A.B. Goshwami, A.M.

Arguments heard. Judgment  
 reserved

✓  
 A.M.

✓

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Date of Order:

O.A. No. 137 of 1990

Kashi Prasad Pandey

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B. Gorthi, Adm. Member.

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

This application is for quashing the order terminating the services of the applicant and for a direction to the respondents to allow the applicant to continue to work as Steno Typist and to pay him salary as a regular employee with effect from 30.3.1990.

2. Shri Kashi Prasad Pandey, the applicant states that he worked as a casual labour in the Telecom department from 1.4.82 to 31.3.1983 for about 35 days. In 1988 he was appointed as a Steno Typist on casual basis in the office of Telecom, Engineering Division, Faizabad. He continued to work in the said appointment till 30.3.90, when the services of the applicant were terminated. It is alleged that in between, from 1.5.1989 to 31.10.89, he was shown as an employee of a contractor, although he continued to perform the same duty. The applicant referred

(A7)

-2-

to certain official correspondence (which he seems to have unauthorisedly got possession of ) to show that the office did require the services of a Steno Typist to be engaged on regular basis. He, thus, contends that the termination of his services is illegal and that he should be put back on his engagement as a Steno Typist and his appointment should also be regularised.

3. The respondents contested the claim of the applicant from every angle; firstly they attempted to show that he had never worked in the department as a casual labour in 1982 and that the work certificate procured by him was given to him by his relative whose complicity in the matter is under investigation. In fact, during 1982, the applicant was a regular student of B.A. Part I in a local college and could not have been a casual labour also simultaneously. Later, from 1988 to 1990 although he worked for some time as a Steno Typist on casual basis and was <sup>by</sup> sometime engaged through a contractor, he acquired no right to hold that post permanently. In any case, he could not be employed on regular basis as there was a total ban on such employment. Moreover, he proved to be untrustworthy as he surreptitiously removed official correspondence for his personal use.

4. At the very outset we disregard the respondents' contention that the applicant was engaged as Steno Typist by a Contractor and not by the department because the fact remains that he continued to serve the department, although he was paid through the contractor. A very critical



view of such system of contract labour was taken by the Hon'ble Supreme Court in 'Catering Cleaners of Southern Railways vs. Union of India' (A.I.R. 1987, SC, 777). It was held therein that the system was archaic which should not find a place in a social<sup>-ist</sup> welfare State.<sup>L</sup>


5. As regards the respondents' contention that there was no sanctioned post and that there was a ban on fresh recruitment <sup>of</sup> Steno Typist, the applicant produced some correspondence which shows that there was a requirement of the services of Steno Typist in the office of respondent No. 4 and that the respondents already undertook the process of promoting some departmental class IV employees to fill up <sup>IC</sup> Class III post of Steno Typist. In any case, whether a post is available with the respondents or not and whether they are prevented from making any fresh recruitment due to the Government's ban are the matters which must be determined by the department itself.

6. There is no doubt that the respondents utilised the services of the applicant for more than a year and a half. We, therefore, direct that the respondents shall, before giving appointment to any fresh candidate, as Steno Typist, will take the services of the applicant, be it on a casual or <sup>or h</sup> temporary<sup>L</sup> regular basis, keeping in view the experience gained by him in the department. Thereafter, the regularisation of his services will, of course, be governed

104

by the extant rules.

7. The application is thus, partly allowed in the above terms. We make no order as to costs.

  
A.M.

  
V.C.

Shakeel/

Allahabad Dated: 3.2.92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A. No. 137 of 1990

Keshi Prasad Pandey

... Applicant

Versus

Union of India and others

... Opp. parties/  
Respondents

I N D E X

Sl.No.	Particulars	Page Nos.
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1. Application.

1-23

2. Impugned order dt. 14.2.1990  
(Annexure No. 4-8)

24

3. Vakalatnama

25

Filed today  
18/4

Noted for  
24/4/90  
Pandey

K. Pandey

Lucknow

Dated : 18.4.1990

*K. Pandey*  
(K. D. PANDEY)  
Advocate

Counsel for the Applicant

101-4-82

(All)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW CIRCUIT, LUCKNOW

OA 137/90 (L)

( APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985 )

Kashi Prasad Pandey

aged about 27 years

son of Sri Bansh Raj Pandey

Steno ( daily wages )

Office of the Telecom, Divisional Engineer,

Faizabad, Resident of C/o Sri R.P. Misra,

Quarter No. I-2 B (Behind Railway Hospital)

Railway Colony, Faizabad - 224 001

... Applicant

Versus

1. Union of India through the Secretary,  
Ministry of Tele-communication, New Delhi.

2. General Manager, Telecom, U.P. Circle,  
Lucknow.

3. Dy. General Manager/ Director, Telecom,  
Central Area, Lucknow.

4. Divisional Officer (Engg), Telecom -  
Engineering Division, Faizabad.

... Respondents

K. Pandey

(A12)

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION IS MADE.

(1) That the present application is being filed feeling aggrieved by the impugned illegal, arbitrary and discriminatory action of the opposite party no. 4 thereby terminating the services of the applicant with effect from 30.3.1990, although he has worked for more than 240 days in a calendar year. However, no procedure of retrenchment has been followed by the respondents which is prescribed under the Industrial Dispute Act (Central) and the post in question is still vacant.

2. JURISDICTION OF THE TRIBUNAL

The applicant further declares that the special matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

The applicant declares that the special matter of this application is within the jurisdiction of this Hon'ble Tribunal Court.

*K. P. P. S. S. S.*

3. L I M I T A T I O N

The applicant declares that the application is within the limitation period as prescribed under section 21 of the Administrative Tribunal Act, 1985.

4. F A C T S   O F   T H E   C A S E

(i) That the present application is being filed feeling aggrieved by the impugned illegal, arbitrary and discriminatory action of the respondent No. 4 thereby ~~commanding~~ terminating the services of the applicant with effect from 30th March, 1990 without following the procedure of retrenchment prescribed in the Industrial Dispute Act (Central) although he has completed more than 240 days in a Calendar year and the post in question is still vacant and for which the applicant has claimed of his regularisation.

(ii) That applicant was initially appointed as Casual Labour in the year 1982. However, he has worked with effect from 1.4.1982 to 31.3.1983 and

K. P. Pandey

had worked 359 days.

(iii) That thereafter in the year 1988 after shifting of office of Telecom Divisional Engineering Lucknow to Faizabad the post of Steno-Typist fallen vacant in the office of Respondent no. 4. However, being a duly qualified candidate for the aforesaid post the applicant was appointed as Steno-Typist on Casual basis in the staff gap arrangement on a consolidated pay.

(iv) That after shifting of office of the Telecom Divisional Engineer, Lucknow to Faizabad no Steno-Typist (Hindi or English) was available in the office of respondent no. 4 and as such he wrote a letter to the respondent No. 3 thereby seeking his approval. The respondent no. 4 has written in the aforesaid letter dated 3.11.1988 that <sup>after</sup> the shifting of office of the Telecom Divisional Engg. all the Steno and Typists gave their option to <sup>office</sup> the Telecom District Manager, Lucknow and all have been absorbed by Telecom District Manager, Lucknow as a result of which the Telecom Divisional Engineer

*K. K. Pandey*

(ALS)

Lucknow office has been shifted to Faizabad without any Steno and typist. The respondent No. 4 had also stated in the above said letter that without Steno and Typist day-to-day work is being badly suffering. All letters are being written by hand and as such he has no option except to employ some one on daily rated basis. It is relevant to mention herein that being a competent and qualified candidate to appoint on the aforesaid post of Steno Typist and being an experience holder, who had already been employed by the respondent no. 4, The respondent No. 4 sent his name to the respondent no. 3 for his approval. This fact was also mentioned in the above said letter dated 8.11.1988 that applicant should be allowed to continue to do work on the post of Steno-Typist till a regular selected candidate is not available. True copy of the above said letter dated 8.11.1988 written by the respondent No. 4 to the respondent no. 3 is being enclosed herewith as Annexure No. I with this application.

(v) That in reply of the above said letter dated 8.11.1988 the respondent no. 3 gave his approval for appointment of a daily Rated Steno-

*Handwritten signature*



(A/C)

Typist in the office of the respondent No. 4 vide order dated 3.12.1988. A true copy of the letter dated 3.12.1988 written by the respondent No. 3 to Respondent No. 4 is being annexed herewith as Annexure No. A-II with this application.

(vi) That thereafter respondent no. 3 wrote a letter to the respondent no. 2 thereby requesting therein that the order for filling the vacancy of the Senior Typist in the Divisional Officer, Faizabad should be passed because the work is suffering there badly. It was also requested in the above said letter dated 24.12.1988 that in the meantime the respondent no. 4 should be permitted to employ a Typist on daily rated basis. A true copy of the above said letter dated 24.12.1988 written by the respondent No. 3 to the respondent No. 2 ~~is~~ is being enclosed herewith as Annexure No. A-III with this application.

(vii) That the post in question was not approved by the respondent No. 2 and the work of the office of T.O. Faizabad was suffering and as such the Respondent No. 4 again wrote a letter to

*Noted*

(A17)

- 7 -

the respondent No. 2 stating therein that the work of his office is suffering since last one year and office is running without Steno and as such the some important and confidential letters could not be despatched or disposed off. He has also stated in his letter that he has learnt that some candidates in the cadre of Stenographers are available and he should be posted in the office of Respondent No. 4. A true copy of the above said letter dated 6.6.1989 written by the respondent No. 4 to the respondent no. 2 is being annexed herewith as Annexure No. IV with this application.

(viii) That the respondent no. 2 did not appoint a regular selected candidate in the office of the respondent no. 4. However the work was suffering there in absence of Stenographer as such the respondent no. 4 again sent a reminder to the respondent No. 2 and 3 for seeking their approval to appoint a Steno-typist on adhoc basis for a minimum period of six months. A photo copy of the letter dated

K.P. Pandey

(AID)

13.6.1989 written to the respondent No. 2 and 3 by the respondent No. 4 is being annexed herewith as Annexure No. A-V to this application.

(ix) That thereafter the respondent no. 2 wrote a letter on 20.9.1989 to the respondent no. 4 <sup>to</sup> regularising ~~as~~ <sup>the</sup> ~~an~~ <sup>an</sup> ~~ad~~ <sup>ad</sup> ~~hoc~~ <sup>ad</sup> ~~ap~~ <sup>ap</sup> ~~pointed~~ <sup>pointed</sup> ~~Steno~~ <sup>Steno</sup> ~~Typist~~ <sup>Typist</sup> and he has also required all particulars of the applicant in the Prescribed Proforma, who was already working there as a Casual Worker. Because no particulars of the applicant was sent to the office of respondent no. 2 on prescribed proforma. A perusal of the above said letter dated 20.9.1989 will reveal that the applicant was employed by the respondents on ad hoc basis. true copy of the above said letter dated 20.9.1989 is being annexed herewith as Annexure No. A-VI to this application.

(x) That thereafter applicant was required by the respondent no. 4 to submit his application with his all particulars and certificates including experience certificate in support thereof, and as

K. J. Pandey

(AM)

such in compliance of the requirement of the department the applicant submitted his application with all particulars alongwith the certificates in support thereof to the respondent No. 4. However, after receiving the application of the applicant the respondent No. 4 sent his application on the Prescribed Proforma to respondent No. 2 with his recommendation for regularisation of the applicant. A true copy of the above said letter dated 20.10.1989 is being annexed herewith as Annexure No. 1-VII to this application. It is pertinent to mention herein that applicant was getting consolidated pay and 'Adhoc' word has been used in the letter dated 20.9.89 and 20.10.1989. This fact reveal that the petitioner was appointed on adhoc basis.

(xi) That with malafide intention and ~~and~~ adopting <sup>labour</sup> unfair practice to defeat regularisation claim of the applicant the respondent No. 4 employed the applicant on contract basis with effect from 1.5.1989 to 31.10.89. Although he was performing the same work on the same

K. J. Pandey

(A28)

place of posting. However, the above said enclosures will reveal the facts that the applicant was employed by the respondents.

(Xii) That on 24.2.1990 applicant was very much surprised to receive the impugned order dated- 24.2.1990 passed by the respondent No. 4 thereby terminating the services of the applicant with effect from 30.3.1990. It is mentioned in the impugned order that the respondent No. 3 did not send his approval for appointment of the applicant and as such he is being terminated. A photo copy of the impugned order dated 24.2.1990 is being enclosed herewith as annexure No. A-VIII to this application.

(xiii) That it is relevant to mention herein that after passing the impugned order of termination dated 24.2.1990, which was received by the applicant on 25.2.1990, Sri D.N.Singh, who is working as Divisional Officer (Engineering) in Telecom Engineering Division Faizabad wrote a letter to ~~Mr. respondent~~ Sri S.I.M. Zaidi, who is posted as Assistant General Manager (Staff) in the office of the General Manager Telecom, U.P.

(A21)

Circle, Lucknow stating therein that the post of Steno Typist is vacant under him which is sanctioned by the respondent No. 2 vide his order dated 11.7.1979 and as such <sup>he</sup> should be given directions to fill up the said vacancy. A true copy of the above said letter dated 26.2.1990 is being annexed herewith as Annexure No. IX with this application.

(xiv) That the above said facts will reveal that <sup>now</sup> ~~the~~ Sri D.N. Singh, who is working as ~~Asst~~ Divisional Officer (Engineering) in the telecom Engineering Division, Faizabad has dealt with the applicant. In the one hand he had terminated the services of the applicant on the grounds that the post in question is not approved vide order dated- 24.2.1990 and the other hand after one day he wrote a letter dated 26.2.1990 for seeking directions of the respondent no. 2 to appoint some other person mentioning there in that the post is already sanctioned vide order dated 11.7.1979. It shows malefide intention of Sri D.N. Singh with the applicant and

(A23)

December 1989	31 days
January 1990	31 days
February 1990	28 days
March 1990	31 days

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Total	335 days
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987 Total Total = 335 + 522 + 535 = 916 days

Photo copy of the Experience Certificate issued by the respondent No. 4 dated 11.8.1989 is being annexed herewith as Annexure No. A-X with this application.

(xvii) That since the applicant has worked as a Daily wages worker on consolidated pay in local gap arrangement with effect from 1.4.1982 to 31.3.1983 and with effect from 5.9.1988 to 31.3.1990 and as such he has completed about 3 years service, which is more than 240 days in a calendar year.

(xviii) That the applicant having been worked continuously more than 240 days as Daily wages worker in local gap arrangement on a consolidated pay and he being a workman as defined under the Industrial Dispute Act, his services could not be terminated without following the procedure of the retrenchment as contained

A24

under section 25 F of the Central Industrial -  
Dispute Act.

(xix) That in the similar circumstances,  
wherein workman concerned has been terminated  
without following the procedure of retrenchment  
even though he has worked for 240 days the Supreme  
Court while allowing appeal filed under the judge-  
ment and order of the High Court Appeal No. 4077  
of 1986 Sri K.K. Choube Versus Food Essential Commo-  
dities Corporation and others, stayed the order  
of termination and directed to reinstate the in-  
cumbant with full back wages. The case of the appli-  
cant is also fully covered by the above said deci-  
sion and he is entitled to an Interim order  
during the pendency and final disposal of the preser-  
application.

(xx) That the department of Tele-communi-  
cation is an Industry withing the meaning of the  
Industrial Dispute Act and the service of the  
applicant has been covered under the provisiors  
of the said Act.

K.P. Pandey



(1725)

(xxi) That because since admittedly no notice before termination of the services of the applicant has been given to him and no retrenchment compensation has been paid nor permission of the Government has been sought as such impugned order of termination is violative of Section 25 F of the Central Industrial Dispute Act.

(xxii) That the impugned action of the respondents in not permitting to applicant to work amounts to unfair <sup>Labour</sup> practice in as much as his services have been terminated only in order to defeat his claim of regularisation.

(xxiii) That the impugned order has been simply passed with mala fide intention to defeat the regularisation claim of the applicant and the said action of the respondent is wholly illegal, arbitrary and discriminatory.

(xxiv) As to the work and conduct of the applicant has been satisfactory to the utmost satisfaction of

1726

the Superior authorities. The higher authority have always appreciated his work even they have given their recommendation for his regularisation.

(xxv) <sup>after</sup> that passing of the signed order of termination applicant became an unemployed and as such he is suffering great hard-ship and economic crisis because applicant is holding the liability of his family.

(xxvi) That the respondents are not giving equal salary which is being paid to the person appointed on regular basis, who are performing the same duties as performed by the applicant and as such action of the respondents are violative of Article 16 of the Constitution of India.

##### 5. GRUUPS FOR AFFAIRS WITH LEGAL PROVISIONS

(1) That the particulars of the applicant was sent to the respondents on prescribed ~~form~~ proforma for his approval in the ~~month~~ month of October, 1989. However still waiting the order of approval

(A27)

the respondent no. 4 has terminated the services of the applicant with ulterior motive and mala fide intention to appoint his own candidate.

(2) That the applicant having been worked continuously more than 240 days as Daily Wages-Worker in local gap arrangement on consolidated pay and he being a workman as defined in the Industrial Dispute Act his services could not be terminated without following the procedure of the retrenchment as contained in Section 25 F of the Central Industrial Dispute Act.

(3) That in the similar circumstances wherein workman concerned has been terminated without following the procedure of retrenchment even though he has worked for 240 days the Supreme Court while allowing the appeal filed under judgment and order of the High Court in Appeal No. 4077 of 1986 (Sri K.K. Choube Vs. Food Essential Commodities Corporation and others), stayed the order of termination and directed to reinstate the incumbent with full back wages. The case of the applicant is also fully covered by the above

10.8.1986

(A2)

said decision and he is entitled to an interim order during the pendency and final disposal of the present application.

(4) What the facts will reveal that how Sri D.A. Singh, who is working as Divisional Officer (Engineering) in the Telecom Engineering Division, Faizabad has dealt with the application in the one hand he had terminated services of the applicant on the grounds that the post in question is not approved vide order dated 24.2.1990 and the other hand after the day he wrote a letter dated 26.2.1990 for seeking directions of the respondents no. 2 to appoint some other person mentioning therein that post is already sanctioned vide order dated 11.7.1979. It shows the malafide intention of Sri D.A. Singh with the applicant and his intention for appointment of his own man because he wants to appoint his own candidate after terminating the services of the applicant. Although the work is badly suffering there and the work is available and the post in question is vacant.

(A29)

(5) That the Department of Telecommunication is an industry within the meaning of the Industrial Dispute Act and the services of the applicant has been covered under the provisions of the said Act.

(6) That because since admittedly no notice before termination of the services of the applicant has been given to him and no retrenchment compensation has been given, if not permission of the Government has been sought and such impugned order of termination is violative of Section 25 F of the Central Industrial Dispute Act.

(7) That the impugned action of the respondents not permitting to applicant to work amounts to unfair practice in as much as his services have been terminated only in order to defeat his claim of regularisation.

(8) That the impugned order has been simply passed with mala fide intention ~~and~~ to defeat the regularisation claim of the applicant and the said action of the respondent is wholly illegal, arbitrary and discriminatory.

14-11-1964

(A3c)

(9) That the work and conduct of the applicant has been satisfactory to the utmost satisfaction of the superior authorities. The higher authority have always appreciated his work even they have given their recommendation for his regularisation.

(10) That passing of the impugned order of termination applicant become an unemployed and as such he is suffering great hardship and economy crisis because applicant is holding the liability of his family.

(11) That the respondents are not giving equal salary which is being paid to the person appointed on regular basis, who are performing the same duties performed by the applicant and as such action of the respondents are violative of Article 16 of the Constitution of India.

6. DETAILS OF THE HARDSHIP REQUESTED

The applicant verbally made requests several times to the authorities and made representation on no avail.

(R31)

That there is no statutory remedy in the rules provided against such omissions on the part of the respondents.

7. MATTER NOT PREVIOUSLY FILED WITH ANY OTHER COURT

That applicant declare that he had previously not filed other application, writ petition or suit regarding the matter in respect of this application, subject to court or any other authority or any another bench or Tribunal nor <sup>such</sup> ~~said~~ application/petition or suit is pending before them.

8. RELIEF (S)

(1) That the impugned order dated 24.2.1990 contained in Annexure No. A-IX may kindly be quashed.

(2) That the respondents kindly be directed to allow the applicant to continue in his service on the post of Steno Typist and to pay him his regular salary each and every month with effect from 31.3.1990 onwards.

K P Pandey

102

( 3 ) That the respondents may be directed to pay the applicants salary and other allowances equal to the regular workers, who are performing the same job, which is being performed by the applicant and to regularise his services on the post of Steno-Typist.

( 4 ] That any other relief apart from these be also issued or passed, which this Hon'ble court seems fit in the interest of justice.

( 5 ) That the cost of the application may also be awarded to the applicant.

9. INTERIM ORDER IF ANY PRAYED FOR

That during the pendency of this application respondents may kindly be directed to allow the applicant to continue in service and to pay him his regular salary and other allowances each and every month when the same falls due with arrears of the back wages with effect from 31.3.1990.

K. J. Pandey



133

10. In the event of application is being sent by Registered post it may be stated whether applicant desires to heard oral at the admission stage ? (X)

11. Particulars of Bank draft/ I.P.O.

filed in respect of the application.

1. No. of I.P.O.s. 902 414138 (one)
2. Name of the issuing Post Office. - High Court Branch, Lucknow
3. Date of issue of Postal order (s) 8/4/90
4. Post Office at which payable. Lucknow
12. LIST OF ENCLOSURES

As indicated in the Index.

VERIFICATION

I, ~~Mr~~ Kashi Prasad Pandey son of Sri Bansi Raj Pandey aged about 27 years working as Daily Wages (Steno-Typist) Resident I.2B Behind Railway Hospital, Railway Colony, Faizabad do hereby verify that the contents of paras 1 to 12 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Lucknow  
dated : 18.4.1990

*K.P. Pandey*  
Signature of applicant

To,

The Registrar  
Central Administrative Tribunal  
Circuit Bench,  
LUCKNOW

*K.P. Pandey*

*[Signature]*

In The Central Administrative Tribunal  
Lucknow circuit, Lucknow

C.A. No.

of 1990

Kashi Prasad Pandey

Applicant

versus

Union of India and others

Opp. Parties /  
Respondents

ANNEXURE No. A.8

No. 7/Corr. 7

दूर संचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

कार्यालय/Office of the

Telecom. Divisional Engineer  
Faizabad-224001

सेवा से

श्री कशी-प्रसाद

दैनिक हिन्दी टंकित

दिनांक-24-2-90

पत्रांक:-ई-357/2008

आमला निर्देशक दूर संचार (म.हो.)  
लखनऊ को अनुमोदनार्थ भेजा गया था  
लेकिन उनकी स्वीकृति अभी तक नहीं  
आयी है।

अतः आपकी स्वीकृत किया जाता  
है कि 30-3-90 से आपकी सेवा को  
आवश्यकता नहीं होगी।

Telecom. Divisional Engineer  
Faizabad-224001T. C.  
Pandey

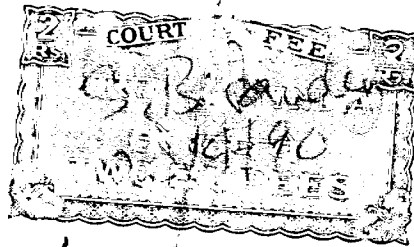
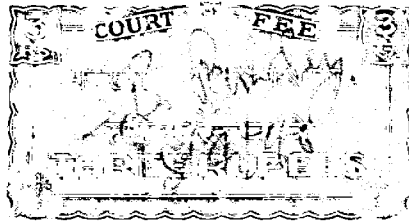
In the Central Administrative Tribunal  
Circuit Bench Lucknow

बअदालत श्रीमान महोदय

वादी (मुद्दई)  
मुद्दई

का

वकालतनामा



Kashi Prasad Pandey

Union of India and others

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा

सन 1998 पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री सूर्य भानु पाण्डेय  
वकील

सरोजिनी नायडु भार्गव, लखनऊ एडवोकेट महोदय

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

नाम अदालत  
नं० मुकद्दमा  
नाम फरीकन

हस्ताक्षर K.P. Pandey  
(Kashi Prasad)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

15

महीना

04

सन् १९९० ई

Accepted

Pandey  
(S. B. Pandey)  
Advocate

(A33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

- - -

O.A. No. 1757 of 1990

Kashi Prasad Pandey

... Applicant

Versus

Union of India and others

... Respondents

J. H. D. E. L. A.

-----  
Sl.No. Particulars Page Nos.  
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*Page*

As ~~Application~~

- |    |   |                         |
|----|---|-------------------------|
| 1. | Annexure No. A-I, True copy of the letter dated 8.11.1988.  | <del>1-2</del><br>26-27 |
| 2. | Annexure No. A-II, True copy of the letter dated 3.12.1988. | 3 28                    |
| 3. | Annexure No. A-III, True copy of the letter dated 24.12.88. | <del>4-5</del><br>29-30 |
| 4. | Annexure No. A-IV, True copy of letter dated 6.6.1989.      | <del>6-7</del><br>31-32 |
| 5. | Annexure No. A-V, Photo copy of the letter dated 13.6.1989. | 8 33                    |
| 6. | Annexure No. A-VI, True copy of the letter dated 20.9.1989. | 9 34                    |

*K. P. Pandey*

*K. P. Pandey*

(136)

Sr.No.	Particulars	Page Nos.
2.7.	Annexure No. A-VII, True copy of letter dated 20.10.1989.	16 35
3.	Annexure No. A-VIII, True copy of the order dated 24.2.1990.	17 36
2.9.	Annexure No. A-IX, True copy of the letter dated 26.2.1990.	12 37
1D.	Annexure No. A-X, True copy of the Experience Certificate dated 11/8/89	13 38
22.	<del>Annexure No. A-XI</del>	

*K.P. Pandey*

Lucknow  
dated : 18 .4.1990

*S.B. Pandey*  
( S.B. PANDHEY )  
Advocate

Counsel for the Applicant

(7) (26) (13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW.

---

O. A. No.                      / 1990.

K.P. Pandey.                      ....                      Applicant.

Versus

Union of India & others                      ...                      Respondent.

ANNEXURE No. A-1

TELECOMMUNICATION DEPARTMENT.

OFFICE OF THE TELECOM DIVISIONAL ENGINEER FAIZABAD.

*K.P. Pandey* To,

Shri U.S. Manral,  
Director Telecom(CA)  
Lucknow.

No :                      E-15/103                      Dated at Fy the 8.11.88.

Sub.                      Non availability of Steno, Hindi or English  
Typist in Divisional office Faizabad.

—

It is brought to your notice that with the shifting of office of T.D.E. Lucknow to Faizabad all the Stenographers and typist ~~have~~ gave their option for retention in T.D.E. Lucknow and all have been absorbed by T.D.E. Lucknow. As a result of which the T.D.E. Lucknow office has to shift to Faizabad without Stenographer and Typist.

Without Typist or stenographer the day to day work has been badly suffering. All letters had to written

....2/-

(2) (22) (R28)

- 2 -

by hand. To overcome this difficulty with immediate effect there were only two alternatives either to employ some one on daily rate basis or to get some one to do the work through some contractor after thriving the necessary formalities.

It came to notice that among casual labourers one Shri K.P. Pandey who has been working in department as Casual Labour before/since March '85 knows partially shorthand and typing. He is some steps Junior to some Casual labourers who are not in job. In order to overcome the difficulty, caused in Divisional office due to Nonavailability of steno and Typist, he has been employed as casual labour purely as an stop gap arrangement. He will be kept in Divisional office as D.R.M. till a Steno and Typist is provided.

K.P. Pandey

The case is submitted for your information and it is further requested that C.C.H.T. may be asked to provide one Stenographer and Typist for English and as well as Hindi work.

The services of Shri K.P. Pandey D.R.M., who has been kept as an stop gap arrangement, will be disposed with as and when considered necessary or surplus.

Sd/-

(R.K. Bhargawa )  
Telecom Divisional Engineer  
Faizabad.

T.C.  
Pandey

(3)

(28)

(139)

समस्त केन्द्रीय प्रशासनिक अधिकरण, वृत्तीय पीठ, लखनऊ।

आओ एओ नं०-

/ 1990

के०पी० पाण्डेय

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बादो

लगात

भारत सरकार व अन्य

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प्रतिपादीगण।

अनुसन्धेय सं०-A.2

दूरसंचार विभाग  
कार्यालय-निदेशक, दूरसंचार {म०३०} लखनऊ।

सेवा में,

श्री आर० पी० धर्मज,  
दूरसंचार मण्डल अधिकारता, पटनाबाद,  
बिहार।

पत्रांक- प्रशा०/३८-२/७९/२, दिनांक ३-१२-८८

विषय : आश्चर्यपूर्ण एवं उच्च की अनुपलब्धता।

उपरोक्त विषयक आ.पी. पत्रांक ई-१५/१०३ दिनांक

८-११-८८ के क्रम में निदेशक महोदय ने जब तक परिसमष्टि कार्यालय  
द्वारा आश्चर्यपूर्ण की विद्युत् नाली को जाँची है जब तक कि  
दीर्घकाल के बाद आश्चर्यपूर्ण रमो को अनुपलब्ध प्रदान कर दो है।

हउ आओ

सहायक निदेशक दूरसंचार  
कार्यालय निदेशक, दूरसंचार {म०३०}  
लखनऊ।

सत्यप्रतिपि



समस्त केन्द्रीय प्रशासनिक अधिकार, वृत्तीय जोड़, तमिल

ओ.ए. नं०-

/1990 1

के.पी.पण्डेय

दादो

नाम

भारत सरकार के अन्य

प्रतिवादीगण।

अनुलग्नक नं० - A.3

दूरसंचार विभाग

कार्यालय- निदेशक, दूरसंचार प्रमुख के (दूरसंचार),  
तमिल-226001

सेवा में,

मुख्य महाप्रबन्धक, दूरसंचार,  
उपरोक्त परिमण्डल, तमिल

पत्रांक: प्रसन्न-सं/38-2/79/2, दिनांक 24-12-88

विषय - मण्डलीय आरक्षण, जैसाबाद में आरक्षितपत्र को निरुद्धित।

इस कार्यालय के समस्त पत्र दिनांक 3-12-88 के तारतम्य में दूरसंचार मण्डलीय अधिकारता जैसाबाद का उपरोक्त विषय पत्रांक ड-15/103 दिनांक 8-11-88 से द्वारा मूलस्थ में संलग्न किया जा रहा है, जो जल्द ही कार्यालय में ही रह गया था।

अतः अचूक है कि जैसाबाद मण्डल में निरुद्धित आरक्षितपत्र के रूप को धरते हैं, जो प्र आदेश जारी करने का कष्ट करें।

आरक्षितपत्र न होने के कारण मण्डलीय अधिकारता को राजकोष कार्य सम्पादित कराने में अत्यधिक बाधा का अनुभव हो रहा है। अतः अचूक है कि जब तक जैसाबाद में आरक्षितपत्र को निरुद्धित नहीं होती तब तक के लिए दूर संचार मण्डलीय अधिकारता, जैसाबाद को दैनिक वेतन पर एक ठेका रखने को अनुमति प्रदान करने का कष्ट करें।

ह.ओ.ओ.

कृष्णा कुमार आहूजा

सहायक निदेशक दूरसंचार (प्रमुख)  
का.ओ. निदेशक दूरसंचार (म.ओ.ओ.)

5 32 144

-2-

संलग्नक - दो पृष्ठ ।

प्रतिनिधि - श्री आर० डी० भार्गव, दूरसंचार मण्डलीय अभियन्ता,  
फिरोजाबाद को दूतनार्थ भेजता है। वे इस सन्देश में परि-  
मण्डित १ कार्यालय से सम्पर्क बनाएं रहें तथा अनुमति  
प्राप्त होने पर इस कार्यालय को भी अवगत करावें।

ह०/- आ०

॥ कृष्ण कुमार आहूजा ॥  
सहाय निदेशक, दूरसंचार (फोन) ॥  
का० निदेशक दूरसंचार (मोबाइल) ल० अ०

T.C. -  
~~Pandey~~

सत्यप्रतीति

K.P. Pandey

(6) (31) (APR)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW.

O. A. No. /1990.

K.P. Pandey ... Applicant.

Versus

Union of India & others ... Respondents.

Annexure No. A-4

Department of Telecommunication  
Office of the Telecom Divisional Engineer Faizabad.

To,

Shri S.I.M. ZAIDI  
Asstt. General Manager Telecom,  
% C.G.M. Telecom U.P. Circle,  
Lucknow. 226001.

No- E-342/283 Dt. 6.6.1989.

Sub. Posting of Stenographer in Telecom Divisional  
Engineer Faizabad.

With reference to your office Memo No. Staff/M-81/  
Deputation/ 8 dated 25.5.89 Shri R.N. Tripathi 'Steno'  
has been transferred from this division to the % C.G.M.  
Telecom U.P. Circle. Lucknow D.O. No. 3/6.88.

Since last one year this office is running without  
stenographer and great difficulties are being experienced

....2/.

(7) (32) (14/3)

- 2 -

by the undersigned in disposing off important and confidential letters. Several vigilance cases and other important cases requires immediate disposal.

It is learnt that the some Candidate in the cadre of stenographer are available in the circle office and it is requested that one of them may kindly be posted to this office.

The work of this office has become practically un-manageable due to delay in disposal of letters inspite of my best efforts to clear the same by giving dictation to the clerks.

An early reply is requested.

Telecom Divisional Engineer  
Faizabad.

*H. P. Pandey*

*T. C.  
Pandey*

असिस्टेंट सचिव, लोक सेवा आयोग, नई दिल्ली

नं. १२०

आदेश नं०

/1990

देवगिरि जिला

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आदेश

जनाय

भारत सरकार का आदेश

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प्रतिवादी गण।

आदेश नं० - A-5

दूर संचार विभाग

आदेश - दूर संचार मण्डल अधिनियम पेशाबाद।

देवा,

*K. P. Pandey*

मुख्य सचिव, दूरसंचार,  
उपग्रह परिसर, नई दिल्ली  
सं. २२६००१।

निदेश, दूरसंचार मण्डल,  
सं. २२६००१।

पत्रिका : ६-120/सं. २२६००१/९० दिनांक १०-१२-८९।

विषय : दूरसंचार मण्डल अधिनियम में उक्त विधिवत का निरूपण

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उक्त अधिनियम में हिन्दी उक्त विधिवत का तद रिक्त है।  
यह अधिनियम हिन्दी में आता है तथा उक्त अधिनियम से अधिकांश  
पत्र हिन्दी में ही भेजे जाते हैं। उक्त विधिवत न होने से हिन्दी के  
कार्य में बाधा पड़ रही है।

अतः आपसे अनुरोध है कि उक्त अधिनियम में कम से कम एक  
हिन्दी उक्त विधिवत की निरूपण करने के लिए आदेश दे अगर यह तुरंत  
सम्भव न हो सके तो कम से कम 6 माह के लिए तदर्थ निरूपित करने के  
लिए अनुमति प्रदान करें।

प्रतिवादी-

हउ/- अ०

दूर संचार मण्डल अधिनियम  
पेशाबाद-224001

श्री रामाधर शर्मा,  
हिन्दी विभाग,  
आ० मुख्य सचिव, दूरसंचार  
उपग्रह परिसर, नई दिल्ली  
सं. २२६००१।

*T. C. Pandey*

(8) (34)  
(AMS)

राज्य केन्द्रीय प्रशासनिक विभाग, वृत्तीय सचिव, लखनऊ

सं. ४२० / १९९०

लेखनीय

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बादो

अनाम

भारत सरकार व अन्य

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प्रतिवासीय।

अनुसूची सं. - A-6

दूरतार विभाग

सचिव - महाप्रबन्धक दूरतार उद्योग सं. ३०

सेवा में,

*K. P. Pandey*

श्री. रम. कुमार शुर्मा  
दूरतार विभाग में सेवा में,  
लखनऊ।

संख्या - भर्ती/सं./-37/सं./5 दिनांक 20-9-89

विषय : सर्व आधार पर विद्युत हिन्दी उद्योगों के नियमों के अन्तर्गत।

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आपका आगत विदेशक दूरतार [मो ३०] सं. ३० के पत्र सं. ३०-प्रशा./सं./38/2/79/2 दिनांक 24-12-88 को और आह्वान किया जाता है।

आपको यहां दूरतार के विद्युत वर्क र नियमों के अन्तर्गत कार्य किया जा रहा है। लेखनीय का कोई विवरण आपके द्वारा प्रेषित नहीं किया गया है। कृपया अनुरोध है कि तत्पश्चात् पूर्ण विवरण प्रेषित किया जाय। अधिकृत अधिकारी को प्रेषित करें।

हो/- अन्तर्गत

{ मो. ३० अन्तर्गत }  
सहायक विदेशक, दूरतार [भर्ती] {  
का ३० महाप्रबन्धक, दूरतार उद्योग  
परिमाण, लखनऊ।

*T. C. Pandey*

(10) (35) AUB

भारत सरकार के द्वारा प्रकाशित अधिनियम, धृत्तलोक पो. , तमिलनाडु

ओर एड नं०-

/1990 1

के०पो०प्राण्डेय

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बादो

कनास

भारत सरकार अन्य

---

प्रतिवादीगण।

अनुसूचक नं०-4-7

दूर संचार विभाग

कार्यालय - दूर संचार मण्डल अधीनता, चेन्नाबाद।

सेवा में,

श्री एस. ए. अन्ना रॉ.  
सहायक निदेशक, दूरसंचार,  
उ०प्र० परिमण्डल,  
तमिल- 226001

*K.P. Pandey*

पत्रांक: ड-128/एच०डी०/62 दिनांक 20-10-89 ।

विषय: तदर्थ आधार पर निम्नलिखित हिन्दी संकों के नियमतीकरण का मानना।

सन्दर्भ :- आपका पत्रांक नं०-37/87/एच०/5, दिनांक 20-9-89 .

उपरोक्त पत्र के सन्दर्भ में इस कार्यालय में कार्यरत निम्नलिखित हिन्दी संकों की के०पो०प्राण्डेय का प्राप्ति-पत्र एवं संबंधित प्रमाण-पत्रों को प्रीतीतिपि में [कोडोस्टेड] अग्रिम कार्यवाही हेतु प्रेषित की जाती है।

संदर्भ:-

- 1- प्राप्ति-पत्र
- 2- वाईसूत नरोत्तम प्राप्ति-पत्र को कोडो स्टेट प्रति
- 3- इण्टरमीडिएट " " " " "
- 4- शी०ए० एवं पीरिड " " " "
- 5- इण्टरमीडिएट नरोत्तम प्रमाण-पत्र को " " "
- 6- बी०ए०भाग को " प्राप्ति-पत्र को " " "
- 7- अनुसूचक प्रमाण-पत्र -3
- 8- आधुनिक, संकों का अंग्रेजी एवं हिन्दी का प्रमाण-पत्र
- 9- सत्यापित पोरीरयट 1-4-82 से 31-3-83 दिन 359

हस्ताक्षर- अन्तर्नीय

दूर संचार मण्डल अधीनता,  
चेन्नाबाद।

सत्यप्रीतीतिपि

*T.C. Pandey*

(17)

56  
A47

In The Central Administrative Tribunal  
Lucknow circuit, Lucknow

C.A No. of 1990

Kashi Prasad Pandey Applicant

versus

Union of India and others

Opp. Parties /  
Respondents

ANNEXURE No. A-8

Part-7; Corr-7

दूर संचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

कार्यालय/Office of the

Telecom. Divisional Engineer  
Faizabad-224001

सेवा से  
श्री कान्ही-प्रसाद  
दैनिक हिन्दी टंक  
दिनांक-24-2-90

पत्रांक:-ई-357/208

आमला निर्देशक दूर संचार (म.क्षे.)  
लेखन, का अनुमोदनार्थी भेजा गया था  
लेकिन उनकी स्वीकृति अभी तक नहीं  
आयी है। अतः आपकी स्वीकृति बिना ज्ञात  
है कि 30-3-90 से आपकी सेवा को  
कावरेजता नहीं होगी।

Telecom. Divisional Engineer  
Faizabad-224001

P.L.

*K. Pandey*



(42)

(37)

1948

समस्त माननीय केन्द्रीय प्रशासनिक अधिकारियों, दूसरीय कोठ, लखनऊ

ओएस0नं0-

/1990 1

सेवाओं का ध्यान

वादी

इनाम

भारत सरकार व अन्य

प्रतिपादों का

अनुसंधान सं- A 9

दूरसंचार विभाग

दीना नाथ सिंह  
दूरसंचार मण्डल अधिकारी,  
पैजाबाद।

ओएस0नं0-3-120/स्व0नं0/73  
कार्यालय

दूरसंचार मण्डल अधिकारी, पैजाबाद  
दिनांक 26-2-90 ।

K. Pandey

प्रिय मैत्री,

दूरसंचार मण्डल अधिकारी पैजाबाद से स्तम्भार 20 स्कीम के तहत लखनऊ से पैजाबाद सिस्टम हुआ जो से लेकर आज तक यहाँ पर टाईपिस्ट का पद रिक्त है। यह पद मुख्य मंडल प्रमुख दूरसंचार कार्यालय के पत्र सं-स्था0/स्म0-1/विन्दो /4 दिनांक 11-7-79 के द्वारा स्वीकृत है। इस पद के भ्रजन हेतु श्री स्म0स्म0 अन्तारो, लखनऊ निदेशक दूरसंचार [स्था0] कार्यालय मुख्य महाप्रमुख, दूरसंचार, लखनऊ से मीठी रूप से चर्चा हो गयी है।

उपरोक्त पद को भ्रजन करने हेतु प्रारम्भ कर ले गये है। अतः आपसे अनुरोध है कि उपरोक्त पद को भरने हेतु उचित निर्देश देने को कृपा करें।

आपका शिष्ट।

आपका

हस्ताक्षर  
[ दीना नाथ सिंह ]

सेवा में,

श्री स्म0श्री0स्म0 को

लखनऊ महाप्रमुख दूरसंचार [स्था0]

का0- महाप्रमुख दूरसंचार, उपप्रमुख मण्डल,  
लखनऊ- 226001

प्रतिनिधि- भ्रजन :-

- 1- उप महाप्रमुख, दूरसंचार [स्था0]
- 2- श्री स्म0स्म0 अन्तारो, लखनऊ निदेशक दूरसंचार, लखनऊ
- 3- श्री स्म0स्म0 अन्तारो, लखनऊ निदेशक दूरसंचार, लखनऊ

T.C.  
K. Pandey

(B) (38)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
L U C K N O W.

O. A. no.

/ 1990 .

(A-10)

K.P. Pandey

....

Applicant.

Versus

Union of India. & others ...

Respondents.

Annexure No. A-10

DEPARTMENT OF THE TELECOMMUNICATION  
OFFICE OF THE TELCOM DIVISIONAL ENGINEER,  
FAIZABAD.

EXPERIENCE CERTIFICATE

CERTIFIED THAT HASHI PRASAD PANDEY S/O

SRI BUNS RAJ PANDEY HAS BEEN ENGAGED IN OUR DEPARTMENT  
AS STENOGRAPHER ON DAILY BASIS FROM LAST SEPT. '88 UPTO  
MAY, 88 & FROM JUN, 89 UPTO TILL DATE ON CONTRACT BASIS.  
HE IS VERY LABORIOUS, SINCERE AND FAITHFUL TO HIS WORK  
AND HAS SUCCESSFULLY COMPLETED THE ABOVE SAID PERIOD.

DURING THIS PERIOD HIS WORK AND CONDUCT HAS  
BEEN GOOD.

Sd/-  
11/8/1989  
Telecom Divisional Engineer  
Faizabad.

K.P. Pandey

T.C.  
Pandey

C-4

450

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

.....  
M. P. No. 430/90 (2)  
CIVIL MISC. APPLICATION NO. \_\_\_\_\_ of 1990

ON BEHALF OF

UNION OF INDIA & OTHERS.

.APPLICANTS/  
RESPONDENTS

IN

O.A. NO. 137 of 1990

Kashi Prasad Pandey

.Applicant

Versus

Union of India & others.

.respondents.

To

The Hon'ble The Vice Chairman and His  
Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed  
Most Respectfully States :

1- That in view of facts and circumstances  
stated in the accompanying counter affidavit, it is  
in the interest of justice that the interim relief

✓

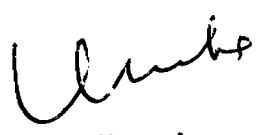
2.

as prayed by the petitioner is liable to be rejected  
by this Hon'ble Tribunal.

P\_R\_A\_Y\_E\_R

Wherefore, this Hon'ble Tribunal may  
kindly be pleased to reject the interim relief as  
prayed by the petitioner, otherwise respondents  
would suffer irreparable loss.

Dt/-July /67, 1990.

  
(K.C. SINHA)  
ADDL. STANDING COUNSEL  
CENTRAL GOVT.  
COUNSEL FOR THE RESPONDENTS.

(A52)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

.....

COUNTER AFFIDAVIT

ON BEHALF OF THE RESPONDENTS

IN

O.A. NO. 137 of 1990

Kashi Prasad Pandey

.applicant

Versus

Union of India & others.

.Respondents.

Affidavit of *K. P. Pandey*  
aged about 57 years, s/o *late K. P. Pandey*  
posted as *Joint Secretary*

*K. P. Pandey*  
(Deponent).

I, the deponent abovenamed do hereby  
solemnly affirm and state on oath as under :

1- That the deponent is

and has been

authorised to file this counter affidavit on behalf  
of respondents and is well acquainted with the facts  
deposed to below.

(153)

2.

2- That the deponent has read the petition and has understood the contents ~~of this affidavit~~ thereof and is in a position to reply the same.

3- That the contents of paragraphs 1, 2 and 3 of the petition need no comments.

4- That the contents of paragraph 4(I) of the petition are not correct and as such are denied. It is wrong to say that the services of the petitioner have been terminated in an arbitrary manner. It is stated that the petitioner was engaged as a typist on contract basis to perform the typing work keeping in view the necessity in absence of regular typist. Though ~~Through~~ the period of contract was extended for sometime more but it does not make the petitioner entitled for his employment in regular capacity. It does not also extend any weightage for his continuance on daily rated basis. The petitioner has not completed 240 days, as alleged in para under reply. The services of the petitioner were dispensed with from 30th March 1990 which was followed by one month notice before terminating his contract of employment. It can not as such in any way be termed or taken as violation of the provisions of Industrial Dispute Act, 1947.

(A.34)

3.

5- That in reply to the contents of paragraph 4(II) of the petition, it is stated that the petitioner managed his unauthorised engagement without being sponsored by competent authority and he mostly worked in party of Sri Deo Narain. The petitioner worked as such from April 1982 to March 1983. It is worth-mentioning that during the aforesaid engagement, the petitioner remained as a regular scholar of B.A. Part-I in K.S.Saket Post Graduate College, Faizabad. The petitioner passed his B.A. Part I from the said college during the year 1982-83 as is evident from the certificate issued by Shri Yadubans Ram Tripathi, Principal of the said College. Thus, the petitioner deceived the Department and falsely received his wages as casual labour. This act of the petitioner is illegal and for which he is liable for prosecution for cheating the Department. A copy of the letter of the Principal of K.S.Saket Post Graduate College, Faizabad is annexed herewith and marked as Annexure CA-1 to this affidavit.

CA-I.

6- That the contents of paragraph 4(iii) of the petition are not correct and as such are denied. It is stated that ~~Sri Kashyap~~ the petitioner who had worked as casual labour and had learnt to

(A25)

4.

later on was engaged to perform the typing work on contract basis as in absence of a regular typist, the work was suffering and it was considered necessary in the interest of government work. At the time of his engagement the petitioner was clearly told that his engagement is purely temporary on contract basis for a period of six months only. The petitioner continued to work upto April 1989 and when no regular incumbent was forthcoming due to ban on recruitment, the respondent no.4 invited quotations on certain terms and conditions to enter into a contract to cope with the typing work in his office. Since the quotation of Sri Bans Raj Pandey was lowest, he entered into a contract with respondent no.4 on the specified terms and conditions for carrying out the typing work and as a result of which the petitioner being the son of Sri Bans Raj Pandey was deputed for doing the typing work in the office of respondent no.4. The petitioner worked as such from May 1989 to October, 1989. As the contract was only for the six months, it was necessary to get it removed or call for fresh quotation and for which the petitioner was asked to prepare necessary papers for inviting quotation for further engagement of a typist. Instead of preparing the papers, the petitioner



(158)

5.

came with a request stating this family condition for his further continuance on the similar terms and conditions of the contract. The respondent no.4, keeping his family condition, allowed him to continue for a period of 5 months more. Thus the petitioner continued to work after October, 1989 to March 1990 and thereafter, he has removed from the work on completion of five months in March 1990 after expiry of the contract.

7. That in reply to contents of paragraph 4(iv) of the petition, it is stated that the true facts have already been given in foregoing paragraphs hence need not be repeated here again. It is worth mention that the respondent no.4 forwarded the name of the petitioner along with his recommendation to the respondent no.3 for his approval. In fact, the respondent no.4 facing great difficulty in the absence of a stenographer/typist, so he suggested for engagement of a typist on contract basis to overcome the problem. The respondent no.4 requested therein that the Chief General Manager, Telecom Lucknow may be requested to provide a stenographer and typist to his office at the earliest for the smooth functioning. Since the ban was imposed on recruitment, neither

65X

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CAF.

(132)

7.

9- That in reply to the contents of paragraph 4(vi) of the petition, it is stated that true facts have already been given in foregoing paras, hence need not be repeated here again. However, it is further submitted that the engagement of a typist on contract basis was not permissible and hence the question of giving the permission, as alleged in para under reply, did not arise at all.

10- That the contents of paragraph 4(vii) of the petition are not correct, as stated. It is submitted that the petitioner has no concern with the office working and posting of stenographer etc., He should restrict to his own matter. The petitioner was not a reliable person, as he misused his position and by working as a typist under the respondent no.4, he managed copy of the letter dated 6th June 1989 which was written to Shri S.I.M.Zaidi, A.G.M. (Staff) office of Chief General Manager, Telecom, U.P. Circle Lucknow wrongly. Not only this letter, but the petitioner has managed copies of many other letters by foul means without the knowledge of his officers and annexed these copies as annexures to the petition. The act is not only an un-lawful but reflects adversely on the conduct of the petitioner.

(173)

8.

11- That in reply to the contents of paragraph 4(viii) of the petition, it is stated that it is purely an administrative matter lies within the respondents. It has no relevancy at all to the petitioner.

12- That the contents of paragraph 4(ix) of the petition are misleading and misconceived and as such are denied. It is stated that the averments made in para under reply are contrary to his own statement made in this petition, wherein he has discussed about post of steno-typist. In fact a post of Hindi-typist was vacant in the office of respondent no.4 and a reference was made by him earlier for posting of a regular Hindi-typist stating therein that the work is being managed presently by engaging a typist on contract basis. In reference to the aforesaid letters, the particulars were called for by the Chief General Manager Telecom, U.P. Circle, Lucknow. This was actually done in relation to his previous letter issued on 10th July 1989 which was sent to all the officers concerned in U.P. Circle, and as such it is wrong to allege that the particulars of the petitioner were called for by the Chief General

(46c)

9.

Manager, Telecom, U.P. Circle, Lucknow to regularise his appointment, whereas the correct fact remains that it was simply to work out how for such engagement so allowed are justified and according to rules in order to consider their regularisation, as is evident from the contents of the letter dated 10th July 1989, a copy of which is enclosed herewith and marked as Annexure CA-2 to this affidavit.

13- That the contents of paragraph 4(x) of the petition are not correct and as such are denied. It is wrong to say that the petitioner was engaged on ad-hoc basis. The petitioner was engaged as a contract typist on ~~ad-hoc~~ basis and as such he does not come under the purview of ad-hoc appointment. Those persons, who were engaged in other units on the job through Employment Exchange after getting their speed test and were fulfilling other requisite conditions for example; qualifications, age etc. are to be termed and taken as ad-hoc appointee for the purpose on the post of Hindi typist. The letter dated 10th July 1989 referred to above, it self is self explanatory. The information in respect of such ad-hoc appointees in relation to aforesaid were actually called to examine

(A61)

10.

cases for regularisation of ad-hoc incumbent on the post of Hindi typist. The petitioner is actually confused with the result of that he is unable to follow the real facts.

14- That in reply to the contents of paragraph 4(xi) of the petition, it is stated that it was not possible by the respondent no.4 to allow the engagement of the petitioner as a typist on contract basis beyond six months. As he was facing great difficulty and there was no way except to arrange a contract to manage the work and also avoid the complication, it can not in any way be taken as malafide or adopting unfair labour practice, as alleged by the petitioner. If it was an act of unfair labour practice, there was no compulsion on the petitioner to work on contract though signed by his father but he was free to refuse his engagement. The petitioner has failed to make any objection at the time of his engagement on the contract basis, though he should have made it at that very moment, if he was not satisfied with the terms and conditions of his engagement at this belated stage, he has come forward with concocted story just to justify his stand anyhow and gain a favour from this Hon'ble Tribunal, when it has no legality at all.

A62

11.

15- That the contents of paragraph 4(xii) of the petition are not correct and as such are denied. There is no ~~xxxx~~ termination of services of the petitioners. The petitioner was working as a typist as a result of contract, which was further extended for five months on the willingness and request of the petitioner, as enumerated earlier. After expiry of the contract, the respondent no. 4 was not bound to keep the petitioner in engagement, which as a matter of fact automatically stood terminated and the petitioner to have any claim on the said account. The services of the petitioner were ~~not~~ never terminated as he was not a casual labour, as the petitioner was working on contract basis, he was simply removed from work as the respondent no. 4 did not consider it necessary to make any agreement or to extend the terms and conditions of the contract anymore in view of ban imposed on recruitment by the Government of India.

16- That the contents of paragraph 4(xiii) of the petition are not correct as stated. It has no relevancy with the petitioner, as it was an exchange of correspondence between respondent no. 4 and the

863

12.

office of Chief General Manager, Telecom, Lucknow. The petitioner was working as a typist on contract basis. If he had been engaged as typist on ad-hoc basis, as alleged by the petitioner, he would have been put on the job only after observing the requisite formalities, as has been done in other cases as enumerated in foregoing paragraphs of this affidavit. The petitioner worked on contract basis and as such it was not necessary to observe the necessary formalities in his case, he was also overage on date of his engagement. The Department bears no liability for such a person who works on contracts on certain terms and conditions, which automatically ceases to exist after expiry of the specified period. Thus, the petitioner does not have any claim or legally justified to stand.

17- That in reply to the contents of paragraph 4(xiv) of the petition, it is stated that the petitioner has no business to discuss with the working of the office. The action taken by the respondent no. 4 is absolutely correct and intervention is desirable by the petitioner. He was working as typist on contract basis, which does not in any way make him entitle for any claim. In fact, he was man of contractor and as such he cannot have any relation



with the department, what to say of his regularisation.

18- That in reply to contents of paragraph 4(xv) of the petition, it is stated that the respondent no.4 inadvertently forwarded the particulars of the petitioner though he did not stand for such a consideration being an outsider and a man of contractor working simply on contract basis. Subsequently when the facts have come to notice, the respondent no.4 acted correctly to rectify the error rather than to allow to continue. Simply by forwarding the particulars of the petitioner, he does not in any way make him entitle for any benefit for which he is not legally entitled to get as already stated in foregoing paragraphs.

19- That the contents of paragraph 4(xvi) of the petition are not correct and as such are denied. The true facts have been enumerated in foregoing paras, hence need not be repeated here again. The certificate annexed by the petitioner as Annexure A-10 to the petition, is simply an experience certificate granted by the officer concerned with regards to his engagement for the benefit of his future prospects. It does not in any way extend any weightage to the petitioner's averments.

20- That in reply to the contents of paragraph 4(xvii) of the petition, it is stated that during 1982 the petitioner managed his engagement wrong-fully and received his wages by foul means after cheating the department being a regular scholar of K.S. Saket Post Graduate College, Faizabad, where he studied regularly and passed his B.A. Part-I during year 1982-83. He further continued his studies there and passed B.A. Part II during 1984-85 and thereafter joined LL.B. classes. Thus, this act of the <sup>petitioner</sup> ~~petitioner~~ is highly objectionable and illegal making him liable for prosecution for cheating the department. It is further submitted that the averments made in para under reply, that he worked as typist from 5th September, 1988 to 30th March 1990 is quite unreliable and baseless. He worked only on contract basis for which he is not entitled for any benefit as stated earlier.

21- That the contents of paragraph 4(xviii) of the petition are not correct as stated. It is further stated that the petitioner was not a daily wages worker and as such his removal from work does not come under the purview or violation of the provisions of section 25-F of the Industrial Disputes Act, 1947. He was a man of contractor and worked on contract basis

1766

15.

which does not in any way extent any support to the averments of the petitioner. As a matter of fact being an outsider, he does not have any relation with the Department. The completion of 240 days as alleged, is entirely wrong and un-founded.

22- That the contents of paragraph 4(xix) of the petition are not correct as stated. The case cited by the petitioner in para under reply has no relevancy at all. The petitioner was not a daily rated casual or contract basis. He does not come under the purview of such an employment to have the facilities available to the casual labour after putting 240 working days. He was removed from the work only on termination of his contract and as such the petitioner is not a similarly situated person to get the relief, claimed for.

23- That the contents of paragraph 4(xx) of the petition are not correct and as such are denied. The petitioner was not a daily rated worker and as such his case does not cover the provisions of Industrial Disputes Act, 1947,.

24. That the contents of paragraph 4(xxi)

(116x)

16 .

of the petition are not correct and as such are denied. It is stated that there is no violation of Section 25 of the Industrial Disputes Act, 1947, inasmuch as the petitioner was not a casual worker coming under the purview of the retrenchment and as such the question of payment of retrenchment compensation etc. to the petitioner, as alleged, does not arise at all.

25- That the contents of paragraph 4(xxii) of the petition are quite wrong and baseless and are denied. ~~xxx~~ Not permitting the petitioner to work does not in any way amount to unfair labour practice. He was not a casual worker and his removal from the work after completion of contract does not in any way violate the provisions of Industrial Disputes Act, 1947. He was imply an outsider and this status of the petitioner does not entitle him for any benefit. The action taken by the respondent is in no way arbitrary or violative of any rule or provisions, but perfectly correct, just, fair, legal and as per the terms and conditions of the contract.

17.

26- That in reply to the contents of paragraph 4(xxiv) of the petition, it is stated that the petitioner initially worked as casual labour from April 1982 to March 1983 and at the same time, he also remained a regular scholar of B.A. Part I and passed his examination during 1982-83 from K.S. Saket Post Graduate College, Faizabad. This act of the petitioner puts a question mark on his conduct, which leads to believe that he wrongly managed his wages by cheating the department. He also managed the copy of many letters by foul means without the knowledge of his officer, which adversely reflects on the conduct of the petitioner. The detailed facts have already been stated in foregoing paragraphs, hence need not be repeated here again.

27- That in reply to the contents of paragraph 4(xxv) of the petition, it is submitted that the un-employment of the petitioner cannot help him, as his engagement was on contract basis and has become out of his work only on termination of his contract, as enumerated in preceding paragraphs.

28. That the contents of paragraph 4(xxvi) of the petition are not correct and as such are

(A69)

18.

denied. It is further submitted that the petitioner worked on contract basis on specific terms and conditions of the contract and accordingly he was paid his wages. The question of payment of equal salary to the petitioner, as alleged in para under, reply, does not arise.

29- That the contents of paragraph 5 of the petition are not correct and as such are denied. None of the grounds taken by the petitioner are sustainable in the eye of law.

30- That the contents of paragraph 6 of the petition are misconceived. It is stated that since the petitioner was not a casual labour, but the worker of contractor, who worked on contract basis and his removal thus warranted from work on termination of the contract, does not make the respondents responsible, in any way.

31- That the contents of paragraph 7 of the petition need no comment.

32- That in reply to the contents of paragraph 8 of the petition, it is stated that in view

(172)

19.

of facts and circumstances stated in foregoing paragraphs, the petitioner is not entitled to any relief, as prayed in paragraph under reply. Moreover the petition is devoid of merit and is liable to be dismissed.

33- That in reply to the contents of paragraph 9 of the petition, it is submitted that in ~~xxx~~ view of facts and circumstances stated above, the petitioner is not entitled to any interim relief, as prayed in para under reply.

34- That the contents of paragraphs 10, 11 and 12 of the petition need no comment.

That the contents of paragraphs 1 and 2 of this affidavit are true to my personal knowledge; those of paras 3 to 28, 30, 31 and 34 are based on records/informations and those of paras 29, 32 and 33 are based on legal advice, which all I believe to be true. No part of it is false and nothing material has been concealed in it. So help me GOD.

DEPONENT.

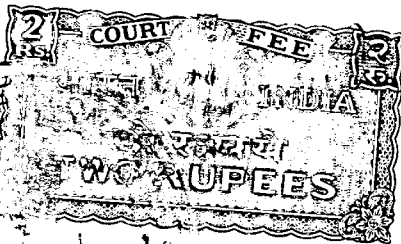
R.A. (A7)

I. A. CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT Bench, Lucknow

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O.A. No. 137 of 1990



1990  
AFFIDAVIT  
20/5/90  
H.S. SINGH  
MCHHABAD

Kashi Prasad Pandey

... Applicant

Versus

Union of India and others

... Respondents

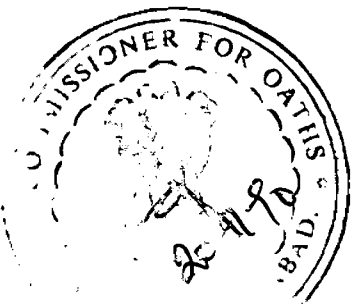
RESCINDER AFFIDAVIT

Affidavit of Kashi Prasad Pandey,  
aged about 27 years, son of Sri-  
Dansa Raj Pandey, Resident of  
1 I. 2-D, behind Railway Hospital,  
Railway Colony, Faizabad.

... Deponent

I, the deponent above named do hereby  
solemnly affirm and state on oath as under :

1. That the deponent is applicant in the  
above noted application and as such he is well  
conversant with the facts and circumstances of the  
case. He has read the Counter Affidavit filed by





the respondents and has understood the contents thereof in a position to reply the same.

2. That the contents of para 1, 2 and 3 of the counter affidavit need no reply.

3. That the contents of para 4 of the Counter affidavit are wrong, incorrect and mis-conceived and as such the same are denied and in reply the facts already stated in the para 4 (I) of the application are reiterated to be correct. It is further submitted that a perusal of the Annexure No. <sup>L</sup> A(I)

4. filed alongwith application will reveal that the deponent was engaged as a Casual Labour by the respondents i.e. 4. It is also submitted that by adopting the unfair labour practice in a most arbitrary manner the respondents no. 4 <sup>alleged to be</sup> engaged the deponent through contact basis with effect from May, 1989 to October, 1989. However, the deponent was performing the same duties of Stenographer/Typist on same place with the opposite party no. 4 only with mal-fide intention to deprive the claim of the deponent for regularisation. The contents of para



A73

4 (XVI) of the application will reveal that the deponent has continuously worked for 359 days with effect from April, 1982 to March, 1983, 220 days with effect from September 1988 to April, 1989 and 335 days with effect from May 1989 to March, 1990. All total 916 days, and as such the deponent has completed 240 days. Thus the provisions of the Industrial Dispute Act should have been <sup>followed</sup> ~~violated~~ by the respondents before termination <sup>of</sup> ~~at~~ the service of the petitioner. No prior permission before terminating the services of the deponent has been obtained from the Government by the respondents. The applicant should be given benefit of the retrenchment. It is also submitted that the applicant was appointed by the respondents till the regular selected candidate not available. The post is still available and as such the deponent should be absorbed on the post of Stenographer/Typist, in view of the decision <sup>Hon'ble</sup> given by the Supreme Court.



3. That the contents of para 5 of the counter affidavit are wrong, incorrect and misconceived and as such the same are denied and in reply the contents of para 4 (II) of the application

(A24)

are reiterated to be correct. It is further submitted that the applicant was directed by the respondent no. 4 to do the work as Casual worker with the party of Deo Narain , who is working as ~~Teble~~ Jointer in the Telecom Division, Faizabad. He was assigned the night duty of Casual worker and he was not assigned duties of day. The deponent was a Casual worker and not a regular employee and as such there was no question of taking prior permission from the respondent to take admission in the said College. He was a day scholar of the College and as such he has performed his duties of Casual worker only at night with best of his capability and capacity and to the utmost satisfaction of the higher authorities ~~xxx~~ thats'why the respondents no. 4 has engaged the deponent till March 1990, otherwise he should have to terminat the services of the deponent very earlier. His appointment was extended from time to time. The respondents no. 4 has passed the impugned order of termination only with the intention to appoint own man in place of the deponent. A perusal of the para 5 of the counter affidavit will reveal



(125)

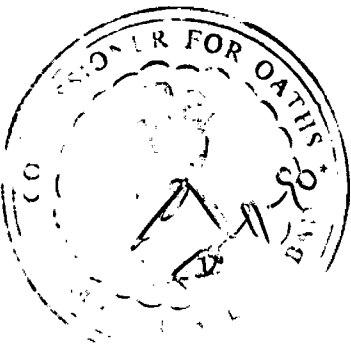
that the respondents no. 4 has terminated the services of the deponent by way of punishment without holding any enquiry against the deponent for taking alleged admission in the said college and as such action of the respondents no. 4 is arbitrary, discriminatory and has been passed by way of punishment with malafide intention.

4. That the contents of para 6 of the counter affidavit are wrong, incorrect and misconceived and the same are denied and in reply the contents of para 4 (III) of the application are reiterated to be correct. It is further submitted that the contents of the para 6 of the counter affidavit it is revealed that the deponent was engaged as Daily rated worker for performing the typing work because a regular typist was not available to the respondents and work was suffering. The respondents No. 4 has engaged the petitioner on contract basis by adopting unfair labour practice in a most arbitrary manner. It has been admitted in the para 6 of the Counter Affidavit by the



(A76)

by the respondents that the deponent was performing the same duties <sup>which</sup> and he was doing earlier i.e. the work of Stenographer/typist. The deponent was alleged to be appointed on contract basis only to deprive his claim of regularisation. It is also submitted that para under reply will also reveal that the quotation of father of the deponent Sri-Bans Ram Pandey was lowest and as such the contract was made between the respondents and father of the deponent and it was not between the deponent and respondents. As such the deponent was remained a Casual worker on daily wages basis, with the opposite party no. 4.



5. That in reply to the contents of para 7 of the Counter Affidavit, the contents of para 4 (iv) of the application are reiterated to be correct. It is further submitted that the respondents have already admitted in the para under reply that name of the deponent was forwarded with the recommendations of the respondents No. 4 to the respondent no. 3 for his approval to appoint on regular basis because the department was facing

A77

- 7 -

great difficulty in absence of the Stenographer/typist. Perceiving the work and conduct of the deponent the name of the deponent was forwarded for regular appointment and thus the work is still available and as such the petitioner may be absorbed on the aforesaid post.

6. That in reply the contents of para 8 of the Counter Affidavit, the contents of para 4 (v) of the application are reiterated to be correct. It is further admitted that the respondent no. 2 and 3 have given their recommendation for regularisation of the deponent after looking the performance of the deponent. However, they have terminated the services of the deponent in a most arbitrary manner.

7. That in reply to the contents of para 9 of the Counter affidavit the contents of para 4 (VI) of the application are reiterated to be correct. The deponent was engaged as a Casual - worker with the respondents No. 4 on daily wages basis.

8. That in reply to the contents of para



(A78)

10 of the Counter affidavit the contents of para 4 (VIII) of the application are reiterated to be correct. It is further submitted that the services of the deponent has been terminated by the respondent no. 4 by way of punishment without holding any enquiry. The documents, which have been mentioned under para reply are relevant for perusal of the court to take the decision.

9. That the contents of para 11 of the counter affidavit are wrong, incorrect and misconceived and the same are denied and in reply the contents of para (VII) are reiterated to be correct.

10. That the contents of para 12 of the counter affidavit are wrong, incorrect and misconceived hence the same are denied and the contents of para 4 (IX) of the application are reiterated to be correct. It is further submitted that vide order dated 20.9.1989, which has been enclosed as Annexure No. A-6 with the application name



179

of the deponent was called by the office of the Chief General Manager for his regularisation.

11. That the contents of para 13 of the Counter Affidavit are wrong, incorrect and misconceived and in reply the contents of para 4 (X) of the application are reiterated to be correct. It is further submitted that in the letter dated 20.10.1989 written by the respondent no. 4 to the respondent no. 2<sup>✓</sup> for his regularisation. However, 'Adhoc' word has been mentioned in the aforesaid letter. The name of the deponent have been enrolled in the Employment Exchange and he has submitted his experience certificate of typing and stenography work.



12. That the contents of para 14 of the Counter Affidavit are wrong, incorrect and the same are denied and in reply the contents of para 4 (XI) of the application are reiterated to be correct. It is further submitted that the respondents have adopted the unfair labour practice by alleged to be appointing on contract basis. The contract



1780

was made between father of the deponent and the department and it was not between the deponent and department and as such the deponent had no concern with the contract made by a third party. The deponent was appointed on Daily wages basis with the opposite party no. 4.

13. That the contents of para 15 of the Counter Affidavit are wrong, incorrect and misconceived, the same are denied and in reply the contents of para 4 (XII) of the application are reiterated to be correct. The services of the deponent has been terminated by the respondents in a most illegal, and arbitrary manner and with malafide intention by way of punishment.



14. That the contents of para 16 of the Counter Affidavit are incorrect, wrong and misconceived, hence are denied and ~~the~~ in reply the contents of para 4 (XIII) are reiterated to be correct. It is further submitted that at the time of his engagement as Casual Worker with the respondent no. 4 the deponent was not over age.

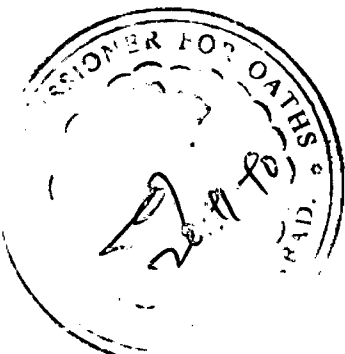
(28)

15. That the contents of para 17 of the counter affidavit are incorrect, wrong and misconceived, hence are denied and the contents of para 4 (XIV) are reiterated to be correct.

16. That the contents of para 18 of the Counter Affidavit are wrong, incorrect and misconceived and ~~therein~~ in reply the contents of para (XV) are reiterated to be correct. ~~A perusal of~~

17. That the contents of para 19 of the counter affidavit are wrong, incorrect and misconceived and ~~the~~ in reply the contents of para 4 (XVI) of the application are reiterated to be correct. It is further submitted that the experience certificate is a relevant document for considering the details of the deponent.

18. That the contents of para 20 of the Counter Affidavit are wrong, incorrect and misconceived hence denied and in reply the contents of para 4 (XVII) are reiterated to be correct. A perusal of the para under reply will reveal that the impugned



(A22)

order of termination has been passed by way of punishment.

19. That the contents of para 21 of the counter affidavit are wrong, incorrect and misconceived, hence denied and in reply the contents of para 4 (XVIII) of the application are reiterated to be correct. The provisions of the Industrial Dispute Act is applicable in case of the deponent.

20. That the contents of para 22 of the Counter Affidavit are wrong, incorrect and misconceived, hence denied and in reply the contents of para 4 (XIX) are reiterated to be correct.

21. That the contents of para 23 of the Counter Affidavit are wrong, incorrect and misconceived, hence denied and in reply the contents of para 4 (XX) of the application are reiterated to be correct.

22. That the contents of para 24 of the Counter Affidavit are wrong, incorrect and misconceived, hence the same are denied and in reply



(A83)

the contents of para 4 (XXI) of the application are reiterated to be correct.

23. That the contents of para 25 of the counter affidavit are wrong, incorrect and misconceived, hence the same are denied and in reply the contents of para 4 (XXII) of the application are reiterated to be correct.

24. That the contents of para 26 of the Counter Affidavit are wrong, incorrect and misconceived and in reply the contents of para (XXIV) of the application are reiterated to be correct. The deponent was assigned night duty and he was a student of the alleged college as a day scholar being a Casual worker prior permission of the respondents was not necessary for taking the admission for academic course. The impugned order has been passed by way of punishment with malafide intention in a most illegal and arbitrary manner.

25. That the contents of para 27 of the counter affidavit are wrong, incorrect and mis-



(A84)

conceived and in reply the contents of of para (LV) of the application are reiterated to be correct.

26. That the contents of para 28 of the counter Affidavit are wrong incorrect and mis-conceived and the same are denied and in reply the contents of para 4 (LVI) of the application are reiterated to be correct. It is further submitted that the petitioner was performing the same duties which are being performed by the regular appointed stenographer/typist as such he should also be paid equal salary, which is being paid to other regular appointed stenographer/typist.

27. That the contents of para 29 of the counter affidavit are wrong, incorrect and mis-conceived and in reply the contents of para 5 of the application are reiterated to be correct. In view of the facts stated in the application and in this Rejoinder Affidavit and the grounds mentioned in para 5 of the application the writ petition is duly maintainable and is liable to be allowed with cost.

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24-11-10

187

28. That the contents of para 30 of the Counter Affidavit are wrong, incorrect and mis-conceived, hence denied and in reply the contents of para 6 of the application are reiterated to be correct.

29. That the contents of para 31 of the Counter Affidavit are wrong, incorrect and mis-conceived and the same are denied and in reply the contents of para 7 of the application are reiterated to be correct.

30. That the contents of para 32 of the Counter Affidavit are wrong, incorrect and mis-conceived and as such the same are denied. The writ petition is duly maintainable and is liable to be allowed.

31. That the contents of para 33 of the Counter affidavit are wrong wrong, incorrect and mis-conceived as such the same are denied and in reply the contents of para 9 of the application are reiterated to be correct. In view of the facts and circumstances stated in the application and



in this Rejoinder Affidavit the respondents be directed to allow the petitioner to work and discharge his duties on the post of Stenographer/Typist and to pay him regular salary each and every month as and when the same falls due.

32. That the contents of para 34 of the counter affidavit need no reply. However, the contents of para 10, 11 and 12 of the application are reiterated to be correct.

33. That at the time of admission this Hon'ble Court was pleased to pass the following order :

Heard, Shri S.B.Pandey, Counsel for the applicant.  
Admit.

As regard the interim relief, Issue notice to the respondents, to show cause, as to why, the interim prayer, made for be not granted. Meanwhile, the respondents are directed to consider the candidature of the applicant, in case, they propose to make the ad-hoc appointment on the post of Steno/Typist, which the applicant was holding on Contract/Daily Wage basis. The applicant shall also be entitled to put forward his candidature, in case, selection for regular post of Steno/Typist is proposed to be made and in case, he fulfill the qualifications and is selected he shall be considered, accordingly.

List it for orders on interim matter on 16.7.1990.

Sd/-

A.M.

Sd/-

J.M.



(187)

34. That after getting a certified copy of the order of this Hon'ble court the deponent had submitted an application alongwith the interim order passed by this Hon'ble court for its compliance on 20.4.1990. A photo copy of the representation dated 28.4.1990 is being annexed herewith as annexure No. R-1 to this rejoinder affidavit.

35. That thereafter on 20.5.1990 the respondent no. 4 has invited the applications for appointment to the post of Hindi Typist in the pay scale of Rs. 950-1660 on adhoc basis. A photo copy of the notification dated 20.5.1990 is being annexed herewith as Annexure No. R-2 to this rejoinder affidavit.

39. That subsequently the deponent has made an application dated 15.6.1990 to the respondent no.4 to appoint him on the post in pursuance of the Interim Order passed by this Hon'ble court. Photo copy of the representation dated 15.6.1990 is being annexed herewith as annexure No. R-3 to this Rejoinder Affidavit.

40. That however, the respondent no. 4





ACC

has refused to appoint the deponent on the aforesaid post in a most contemptuous manner by flouting the interim order passed by this Hon'ble court. A photo copy of the order dated 15.6.1990 passed by the respondents no. 4 is being annexed herewith as annexure No. R-4 to this rejoinder affidavit.

41. That in view of the facts stated in the foregoing paragraphs the responde no. 4 be punished for committing the contempt of this Hon'ble court by wilfully and deliberately flouting the order passed by this Tribunal.

42. That it is also requested that the respondents may kindly not be heard unless they not comply the order passed by this Hon'ble court.

43. That the contents of paragraphs 1 to 42 of this Rejoinder Affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God.

CTI Kashi Prasad

Lucknow

Deponent

Dated : 20/11/8.1990



(ASG)

I, S.B. Pandey, Advocate, declare that the person making this affidavit and alleging himself to be deponent is known to me personally.

*S.B. Pandey*

Identifies

Nov.

Solemnly affirmed before me on 30th day of August, 1990 at 9-30 AM/PM by the deponent Sri Kashi Prasad Pandey, who is identified by Sri S.B. Pandey, Advocate.

I have satisfied myself by examining the deponent that he understands the contents of this rejoinder affidavit, which have been readover and explained by me before him.



*C. P. Misra*  
C. P. MISRA  
Advocate Oath Commissioner  
Lucknow Bench High Court  
Lucknow Bench Lucknow.  
20/10/90  
20/10/90

दूरसंचार विभाग

प्रति,

प्रमुख दूरसंचार मण्डल अभियंता  
बैजानाबाद ।

विषय: पूर्वगत रूप से कार्य करने की अनुमति प्रदान करने के सम्बन्ध में ।

XXXXXX

महोदय;

कृपया आप अपने कार्यालय के पत्र सं० डू-357/2008 दिनांक 24.2.98 का अवलोकन करें जिसमें यह कहा गया है कि प्रार्थी के निम्नलिखित संबंधी मामला निदेशक कार्यालय को अनुमोदनार्थ भेजा गया था लेकिन वहाँ से इस सम्बन्ध में कोई जवाब नहीं आया है।

उपरोक्त के सम्बन्ध में कृपया निदेशक कार्यालय के पत्र सं० प्रभा./38-2/79 दिनांक 3.12.88 का अवलोकन करें जिसके द्वारा स्वीकृति प्रदान की गयी है तथा इसी सम्बन्ध में महा प्रबन्धक दूरसंचार, उ०प्र०परिमण्डल लखनऊ के कार्यालय पत्र सं० प्रती/एम-37/एल/5 दिनांक 20.9.89 का अवलोकन करें जिसके द्वारा प्रार्थी का पूरा विवरण बांझित/आपेक्षित है तथा इसी के तार-सम्बन्ध में इस कार्यालय के पत्र सं० डू-120/एच.टी./62 दिनांक 20.20.89 का अवलोकन करें जिसके द्वारा प्रार्थी का पूरा विवरण महाप्रबन्धक दूरसंचार, उ०प्र०परिमण्डल, लखनऊ को भेजा जा चुका है जिसकी अग्रिम कार्यवाही के बारे में अभी तक इस कार्यालय को सूचित नहीं किया गया है।

अतः आपसे अनुरोध है कि उपरोक्त निम्नलिखित सम्बन्धी मामले में लगातार पत्राचार जारी रखा जाय तथा प्रार्थी को पूर्वगत रूप से कार्य करने की अनुमति प्रदान करने की कृपा की जाय जिससे कि न तो प्रार्थी को असुविधा होकर नित्यमय परिस्थितियों का सामना करना पड़े और न ही इस दूरसंचार मण्डल कार्यालय का राजकीय कार्य ही अवरुद्ध रहे। प्रार्थी इस समय आर्थिक स्थिति से काफी परेशान है इसलिये प्रार्थी की दयनीय स्थिति को ध्यान में रखते हुए प्रार्थी को यथावत रूप से कार्य करने की अनुमति प्रदान करने की कृपा की जाय। इस सम्बन्ध में सम्माननीय सेण्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल कोर्ट का आदेश आपके अवलोकनाधीन है।

संलग्नक: सम्माननीय सेण्ट्रल एडमिनिस्ट्रेटिव  
ट्रिब्यूनल कोर्ट का आदेश दिनांक  
24.4.90.

प्रार्थी:-

K. P. Pandey

काशी प्रताप पाण्डेय  
स्टेनीबाइसिस्ट

श्री० दूरसंचार मण्डल अभियंता, बैजानाबाद ।

दिनांक 28.4.1990



28.4.90

(2)

(B4)

DEPARTMENT OF TELECOMMUNICATION

Office of the  
Telecom Divisional Engineer  
Faizabad.

No-E/01/Hindi Typist/45 Dt. 20/5/90

Volunteers are called for amongst T.S.Gs who are willing to work as a Hindi Typist in the scale of Rs. 975/-1660 in the <sup>office of me</sup> Telecom Divisional Engineer Faizabad with minimum speed of 30 words per minutes.

Class IV officials who have the requisite qualifications (High school) with 3 years of service on 1-7-90 may also apply for the post.

It may be noted that the appointment will be made on purely temporary and adhoc basis and can be terminated at any time without assigning any reason.

Applications must reach to this office by 10-6-90. No application will be entertained if received after 10-6-90. All applications must come through SDO/AE concerned.

Telecom Divisional Engineer  
Faizabad.

Copy to the following for information and wide publicity amongst the staff:-

1. SDO T/Barabanki/Unnao.
  2. AE/M/W Faizabad.
  3. Dy G.M.T.(G.A) Nawal Kishor Road, Lucknow.
  4. S.I.M.Zaidi A.G.M.T. G.G.M.T. Lucknow.
  5. Sh. M.A.Ansari ADTE, east circle G.G.M.T.U.P.Lucknow.
  6. Sh. F.K.Chabra, Deputy G.M.T. G.G.M.T.U.P.Lucknow.
  7. Shri O.P.Arya - ADT (Recruitment) *office of me 9/7/90*
- .....

Department of Telecommunications  
Office of The Telecom Divisional Engineer Faislabad. Regd No 2784  
To, Sri Kashi Prasad c/o Sri R. P. Mishra (LMT) 2784  
2nd Ab. 12 B, behind Railway Hospital  
Faislabad 224001 (892)

No- Staff / K.P. Pandey / 2 dated at Faislabad the 20-6-90

Sub:- Post of Hindi Typist.

Ref:- Your application dated 15-6-90.

In reference to your application cited above it is intimated that you are not a regular employ in the department and as such your name as a candidature for the post of Hindi Typist can not be considered. The advertisement for the post of H.T. has been made only for the departmental candidates.

It is not possible to consider your name as daily rated basis also because the following irregularities have been noticed.

1. The working period from 1<sup>4</sup>/<sub>82</sub> to 31<sup>3</sup>/<sub>83</sub> which has been attached by you is still under investigation because you were regular scholar of B.A. Part I, etc. from K.S. Saket Post Graduate College Faislabad in above period.

The engagement as a casual labour in the department as a regular student for the same period are contrary to each other.

2. The actual working period as a unsponsored casual labour is less than 240 days in each financial year and the break period is also about to five years which can not be condoned in reference to D.O.T. letter No. 269-29/87-51. (P.T) dt 5-1-89.

Further it has come to notice that you had been a regular student of B.A., B.Com., L.T.B. etc. in K.S. Saket Post Graduate College Faislabad during above break period.

Considering above facts and your unsatisfactory working you have already been removed from daily rated job vide this office letter No. E-357/208 dated 24-2-90 which you were doing in this office.

Copy to:-

① Sri V.S. Marmal, Dy. G.M.T. (C.A.) Lucknow  
for information.

② Sri J.K. Chhabra, Dy. G.M.T. (C.B.M.T. U.P.)  
circle, Lucknow for information.



20/9/90  
20/9/90  
20/9/90

To,

Shri Dooda Nath Singh  
Divisional Officer (Engg.)  
Telecom Divisional Engineer,  
Faizabad-224001.

Sub: To allow the official to work on the same place as before upto finalisation of the case.

Ref: Your letter No. E-357/209 dated 24.2.90.

Respected Sir,

Please refer our letter No. nil dated 28.4.90 alongwith Hon'ble CAT Court Order regarding to give the permission to the applicant to work ~~the~~ continue in service as before upto finalisation of the case. Respectfully I beg to state you kindly cancel your order dt. 24-2-90 and allow me to work on the same place as was performing before. After this, I would like to draw your kind attention towards your office's order No. E-101/Hindi-typist/45 A 47 dated 20.8.90 dt. 23.8.90 through which you have asked a permission from Sri J.K. Chhabra, Dy. G.M. & C.G.M.T. UP Circle, Lucknow to recruit one Hindi-typist & Steno through Employment Exchange and you are also <sup>showing</sup> your official problems to above mentioned higher authorities that the office work and progress are suffering badly due to lack of Hindi-typist and Steno. In this connection, it has come to my knowledge that you have called for a Departmental Volunteer in T.S.C. & Group 'D' and also T.S. Labour. vide above cited letter. So this is to inform you please again see the Hon'ble C A T Court order dt. 24.4.90 and also call for me because my candidature is already put-up in your office.

I, therefore, request you kindly give me a chance according to CAT Court Order to appear in the Departmental Selection for Hindi-typist. For this kindful action I myself & my all family members will be highly obliged to you. I am anticipating to you that you will must Co-operate me in every sphere of my Economic & Service problems because at present I am too much puzzled with my social liabilities.

Thanking you,

Yours faithfully,

( K. P. Pandey )

Stenographer

Telecom Divisional Engineer  
Faizabad.

Copy for information to:-

1. Shri Ummed Singh Manral, Dy. G.M. (CA) Lucknow. For kindful action please.
2. Shri J. K. Chhabra, Dy. G.M. & C.G.M.T. UP Circle, Lucknow. Kindly give the permission to Divisional Officer (Engg.) Faizabad to appoint me on the post of Hindi-Typist/Stenographer.

1994

In the Central Administrative Tribunal Circle

Benares, Lucknow.

Re: Kashi Prasad Pandey - In Contempt No. 23/90(1)



Kashi Prasad Pandey

---

Applicant.

Versus

Dinesh Nath Singh

---

Respondent.

Affidavit of Kashi Prasad Pandey

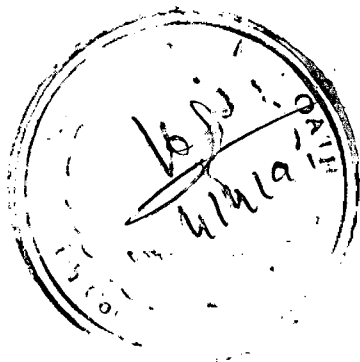
aged about 28 years son of Sri

Sri R. Pandey, Resident of C/O

Sri R.P. Misra Quarter No. I

(Behind Railway Hospital) Railway

Colony Faizabad 224001.



Dependent

I, the dependent above named do hereby  
depose, which and state on oath as under.

K.P. Pandey

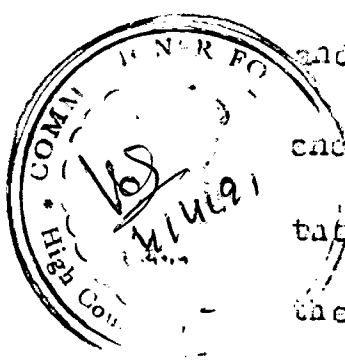
1995

.. 2 ..

1. That the deponent is applicant in the above noted Contempt petition and as such is well conversant with the facts and circumstances of the case and as such deposing the same as hereunder,

2. That the contents of paras 1 to 5 of the Counter Affidavit need no reply.

3. That the contents of para 6 of the Counter Affidavit as stated are wrong and incorrect and as such the same are denied and in reply thereof the facts stated in para 4 of the Contempt Petition are reiterated to be correct. It is further submitted that after getting the certified copy of the interim order dated 24.4.90 passed by this Hon'ble Tribunal on 26.4.90, the deponent submitted the aforesaid interim order to the opposite party on 28.4.90 and act on 24.4.90. Perusal of Annexure No. 1 enclosed with the Contempt Petition will reveal that the application of the deponent along with the interim order dated 24.4.90 was received by the office of the opposite party on 28.4.90.



*K. B. Pandey*



196

and hence the opposite party cannot deny that the judgment was not served upon him on 28.4.90.

4. That the contents of para 7 of the Counter affidavit as stated are wrong and incorrect and as such the same are denied and in reply thereof the facts stated in para 5 of the Contempt petition are reiterated to be correct. It is further submitted that the Interim order dated 12.4.90 passed by this Hon'ble Tribunal is very clear. This Hon'ble court has been pleased to direct the opposite parties that if any appointment on the post of Steno/Typist is being made on adhoc basis then applicant shall also be entitled to be put forward his candidature. However, the opposite parties most maliciously called the application amongst the time scale clerks and employees of Group 14. It is further submitted that the deponent has already worked as Hindi Typist in the department of the opposite party. The deponent is enclosing a true copy of the recommendation.

168  
4/4/91  
COMMISSION

K. K. K. K.

(997)

letter dated 20.10.99 made by the opposite party for regularisation of the deponent on the post of Hindi Typist as Annexure No. R-1 to this Rejoinder Affidavit, but the opposite party rejected the candidate of the deponent by flouting the interim order passed by this Hon'ble Tribunal.

5. That in para 8 of the Counter affidavit as stated was wrong and incorrect and as such the same are denied and in reply thereof the facts already stated in paras 6 and 7 of the Petition are reiterated to be correct. However it is further submitted that the deponent was engaged as casual worker in the Establishment of opposite party. He was never an employee of the contractor. However it is submitted that if the allegations of the opposite party no. 2 is being found correct that the deponent was employed through the contractor then the said action itself is illegal and arbitrary as the Government has itself declared the engagement of the

K.P. Pandey

1/8/01  
Voj  
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1990

workers through the contractor as illegal.  
The deponent has earlier worked as Hindi  
Typist and as such was duly qualified to  
be appointed on the post in question. However  
the opposite party has rejected the claim of  
the deponent for appointment to the post in  
question in a most illegal and arbitrary  
manner with malicious intention by wilfully  
and deliberately flouting the interim order  
dated 24.4.90.

6. That the contents of para 9 of  
the Counter Affidavit as stated are wrong  
and incorrect and as such the same are denied  
and in reply, the facts stated in para  
8 of the Contempt petition are reiterated as  
correct. It is further submitted that the  
deponent has never wrote any D.O. letter to  
the opposite party. As a matter of fact the  
opposite party is a higher authority of the  
deponent and as such the deponent could not  
have to issue any D.O. letter to the opposite  
party. It is further submitted that that

163  
4/11/91

K.P. Bhatnagar

889

- 6 -

the deponent was never employed  
with the Contractor. He was an  
employee of Telecommunication Department.

7. That the contents of para 10  
of the Counter affidavit as stated are wrong,  
and incorrect and ground the same are denied  
and those of para 9 of the Contempt petition  
as stated are reiterated as correct. It is  
further submitted that the deponent  
was duly qualified for the post of Hindi  
typist and stenog. agent both and had worked  
earlier on the said posts. As per directions  
of the Honble Tribunal his candidature could  
have been considered by the opposite party.

K.P. Pandey

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8. That the contents of para 11 of the  
counter affidavit are not admitted as the  
opposite party has deliberately and fraudulently

100

flouted the interim order passed by this  
Honorable Tribunal as such he is liable to be  
punished in accordance with law and as such  
suitable action should be taken against him.

9. That the contents of para 12 of the C.A.  
are not admitted. The opposite party has flouted  
the interim order and as such is liable to be  
punished for the same.

Lucknow

Dt. 4<sup>th</sup> 4. 1991

Verification

L.T.I. of  
Keshu Pal Pandey  
Deponent.

I, the deponent above named do hereby  
verify that the contents of paras 1 to 9  
of this affidavit are true to my own knowledge  
paras 10 to 12 are based on advice.

No part of it is false and nothing  
material has been concealed so help me God.

Lucknow

Dt. 4<sup>th</sup> 4. 1991

L.T.I. of  
Keshu Pal Pandey  
Deponent.

16/5/91  
4/4/91

I identify the deponent  
who has signed before me.

J. Pandey  
Advocate.

In the Central Administrative Tribunal  
Circuit Bench, Lucknow.

Kashi Prasad Pandey

Applicant

Deena Nath Singh

Vs

Opposite Party

ANNEXURE No. 1

दूरसंचार विभाग

जाने,

श्रीमान दूरसंचार मण्डल अभियंता  
बैजबाद ।

विषयः

पूर्ववत रूप में कार्य करने की अनुमति प्रदान करने के सम्बन्ध में ।

XXXXXX

महोदयः

कृपया आप अपने कार्यालय के पत्र सं० ड-357/208 दिनांक 24.2.90 का अवलोकन करें जिसमें यह कहा गया है कि प्रार्थी के निवृत्ति संबंधी मामला निदेशक कार्यालय की अनुमोदनार्थ भेजा गया था लेकिन वहाँ से इस सम्बन्ध में कोई जवाब नहीं आया है।

उपरोक्त के सम्बन्ध में कृपया निदेशक कार्यालय के पत्र सं० प्रशा./38-2/79 दिनांक 3.12.88 का अवलोकन करें जिसमें द्वारा स्वीकृति प्रदान की गयी है तथा इसी सम्बन्ध में महा प्रबन्धक दूरसंचार, उ.प्र.परिमण्डल लखनऊ के कार्यालय पत्र सं०मती/एम-37/एम/5 दिनांक 20.9.89 का अवलोकन करें जिसके द्वारा प्रार्थी का पूरा विवरण बांझित/आपेक्षित है तथा इसी के तार-सम्ब में इस कार्यालय के पत्र सं०-ड-120/एच.टी./62 दिनांक 20.20.89 का अवलोकन करें जिसके द्वारा प्रार्थी का पूरा विवरण महाप्रबन्धक दूरसंचार, उ.प्र.परिमण्डल, लखनऊ को भेजा जा चुका है जिसकी अग्रिम कार्यवाही के बारे में अभी तक उस कार्यालय को सूचित नहीं किया गया है।

अतः आपसे अनुरोध है कि उपरोक्त निवृत्ति सम्बन्धी मामले में लगातार बत्राचार जारी रखा जाय तथा प्रार्थी को पूर्ववत रूप से कार्य करने की अनुमति प्रदान करने की कृपा की जाय जिससे कि न तो प्रार्थी बेरोजगार होकर क्लिप्त परिस्थितियों का सामना करना पड़े और न ही इस दूरसंचार मण्डल कार्यालय का राजकीय कार्य ही सबकूट रहे। प्रार्थी इस समय आर्थिक स्थिति से काफी परेशान है इसलिए प्रार्थी की दयनीय स्थिति को ध्यान में रखते हुए प्रार्थी को पुरवत रूप से कार्य करने की अनुमति प्रदान करने की कृपा की जाय। इस सम्बन्ध में सम्माननीय सेण्डल एडमिनिस्ट्रेटिव ट्रिब्यूनल कोर्ट का आदेश आपके अवलोकनार्थ संलग्न है।

संलग्नकः सम्माननीय सेण्डल एडमिनिस्ट्रेटिव  
ट्रिब्यूनल कोर्ट का आदेश दिनांक  
24.4.90.

प्रार्थी:-

K. P. Pandey

कामी प्रताप पाण्डेय

स्टेनीयाइजिस्ट

का० दूरसंचार मण्डल अभियन्ता, बैजबाद ।

दिनांक

28.4.1990

K. P. Pandey

(B) 11/11/90

22/4/90  
BBS

In the Central Administrative Tribunal  
Circuit Bench, Lucknow.

Kashi Prasad Pandey

Applicant

Deena Nath Singh

Vs

Opposite Party

ANNEXURE No. 2-1

दूरसंचार विभाग  
कार्यालय दूरसंचार मण्डल अभियंता, फैजाबाद ।

सेवा:

श्री एम. ए. अन्तारी  
सहायक निदेशक दूरसंचार,  
उत्तर प्रदेश  
फोन-226001

दिनांक: 20/10/89

दिनांक 20.10.89.

विषय: उत्तर प्रदेश पर नियुक्त हिन्दी टैल्कों के नियमों के अन्तर्गत का मामला ।

संदर्भ: आदेश पत्रिका-37/87/सं/5 दिनांक 20.9.89.

XXXXX

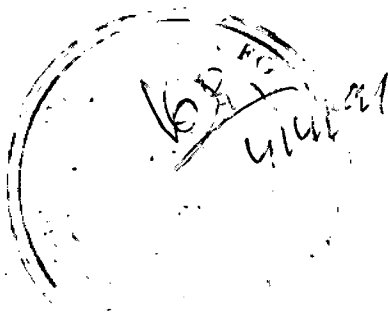
उपरोक्त पत्र के संदर्भ में इस कार्यालय में कार्यरत हिन्दी टैल्क श्री के.पी. पाण्डेय का प्रार्थनापत्र एवं सम्बन्धित प्रमाण-पत्रों की प्रतिलिपियाँ जोड़ी स्टेड। उचित कार्यवाही हेतु प्रेषित की जाती है।

संलग्नक:

1. प्रार्थनापत्र
2. हाजिरी परीक्षा प्राप्त की फोटो स्टेड प्रती
3. ए.टी.डी. डिस्ट
4. प्रमाण-पत्र
5. इन्टरमीडिएट परीक्षा प्रमाण-पत्र की फोटो स्टेड प्रती
6. श्री. ए. धाम दी
7. अनुभव प्रमाण-पत्र
8. आशुनिधि टैल्क का अग्रेजी एवं हिन्दी का प्रमाण-पत्र
9. संलग्नित पत्रिका 1.4.82 से 31.3.83 दिन 359

हो उपठनीय  
दूरसंचार मण्डल अभियंता  
फैजाबाद ।

K. P. Pandey



1103

IN THE CHIEF JUSTICE & DEPUTY CHIEF JUSTICE

*circuit*

~~APPELLATE~~ COURT : ~~APPELLATE~~ *district*

.....

CIVIL NO. 1190. 1191. 1192. 1193. 1194.

OF 1991

IN THE COURT OF

~~CHIEF JUSTICE~~  
CHIEF OF INDIA & OTHERS.

APPELLANT / RESPONDENT

IN

C.S. NO. 137 of 1990

Kashi Prasad Pandey

.applicant

VERSUS

Union of India & others.

.Respondents.

To

The Hon'ble the Vice Chairman and His  
Companion Members of the aforesaid Tribunal.

The humble application of the above-named  
KASHI PRASAD PANDAY is as follows:

1- That the aforesaid application has been  
filed seeking a direction from this Hon'ble  
Tribunal to allow the application to continue  
his service as the post of Stone Tylist.

2- That the aforesaid application was collected

1-7  
8/4/91

RS



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2.

by answering respondents by filing a counter affidavit alleging therein that the applicant was never engaged directly with the Department to discharge the duties of typing. In fact in paragraph no.4 of the counter affidavit, it has been asserted that on contract basis his engagement was done and the said period of contract was extended also. In paragraph no.5 of the counter affidavit, it has been stated that mostly the petitioner worked in the party of Shri Deo Narain, who happened to be close relations and he has engaged the petitioner without any information to the Department. As a matter of fact, the petitioner was never engaged by the Department itself.

3.- That in the counter affidavit certain documents in support of the pleadings raised therein could not be filed and the same is being filed herewith in order to fortify the contentions raised therein. In the interest of justice the accompanying Supplementary Counter Affidavit may be accepted as part of record.


(Handwritten signature)

3.

P \_ R \_ A \_ Y \_ E \_ R

WHEREFORE, this Hon'ble Tribunal  
may kindly be pleased to accept the  
accompanying Supplementary Counter Affidavit  
as part of record, otherwise respondents  
would suffer irreparable loss.

Dt/-March ,1991.

  
(K.C. SINHA)  
ADDL. STANDING COUNSEL  
CENTRAL GOVT.  
COUNSEL FOR THE RESPONDENTS.

(Ack)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

*Circuit*

~~ADDITIONAL BENCH : ALLAHABAD~~ *Lucknow*

.....

SUPPLEMENTARY COUNTER AFFIDAVIT

ON BEHALF OF RESPONDENTS

IN

O.A. NO. 137 OF 1990

1990  
AFFIDAVIT  
05 M  
DIST. COURT  
U.S.

Kashi Prasad Pandey

Applicant

versus

Union of India & Others.

Respondents

*Affidavit* *D.N. SINGH*

*aged about 55 years s/o late Karam Singh*  
*Post Office, Telicam Distt. Bijnor, Faizabad.*

*(Signature)*  
*(Witness)*

I, the Applicant, do hereby  
solemnly affirm and state as under :

1- *that the Applicant is Telecom. Asst. Engineer*  
*Faizabad* *and has been deputed*

*44/11*

to file this Supplementary Counter Affidavit on

*(Signature)*

(A/c)

2.

behalf of respondents and is well acquainted with the facts of the case.

2- That on 20th April 1989 an invitation was extended for filling the tender through a quotation from the contractors/Order Suppliers for providing services of bilingual stenographer-cum-ly ist and the rates will also be quoted on monthly rate. A photostat copy of tender form is enclosed herewith and marked as Annexure SC-1 to this affidavit.

3- That on ~~20th~~ <sup>21st</sup> April 1989 one Gensraj, Contractor has submitted the quotation in response of said invitation for quotation stating therein that he can get the work done at the rate of Rs. 975/- per month, and his quotation was found to be lowest and accepted. A photostat copy of said quotation showing the acceptance is enclosed herewith and marked as Annexure SC-II to this affidavit.

4- That there were other quotations also, which were also high in rate and were not accepted.

*[Handwritten signature]*  
24.9.19

(Avec)

3.

were rejected.

5- That since the quotation of Sri Samsraj Contractor was accepted and as such on 24th April 1989 the acceptance memo was issued to the Contractor its dt. a photostat copy of the memo dated 24.4.1989 issued to the Contractor directing him to be present in the office, so that he may be explained the work, is enclosed herewith and marked as Annexure SC-III to this affidavit.

6- That payment has been made to the Contractor in the month of 31st May 1989, 30th June 1989, 31st July 1989, 31st August 1989, 30th September, 1989 and 31st October, 1989. Photostat copy of bills are enclosed herewith and marked as Annexure SC-4, SC-5, SC-6, SC-7, SC-8 and SC-9 to this affidavit. It is also submitted that a Supplementary bill was also prepared for doing the work during the off days and payment has been made to the Contractor. A photostat copy of said bill is enclosed herewith and marked as Annexure SC-10 to this affidavit.

*Done*  
2.11.91

*[Signature]*

(A109)

4.

7- That it is reiterated that the petitioner was never directly engaged by the Department and as such he cannot get any claim against the Department for regularisation or employment.

8- That on 26th May 1990, it is reiterated that a certificate was issued by the Principal, A.S. Saket Post-graduate Degree College, Prizalad that he was a regular student of B.A. Part-I during the session of 1982-83 and in session 1984-85 he was a regular student of B.A. Part-II.

That the contents of paragraph 1 of this affidavit are true to my personal knowledge; those of paras 2 to 8 are based on record and which all I believe to be true. No part of it is false and nothing material has been concealed in it.

SO HELP ME GOD.

*Handwritten signature and date 24/4/91*

*Handwritten signature*  
DEPONENT.

(4110)

5.

I, D.S. Chaubey, clerk to Shri K.C. Sinha  
Advocate, declare that the person making this  
affidavit and alleging himself to be the deponent  
is known to me personally.

*Chaubey*  
IDENTIFIER.

Solemnly affirmed before me on this 2nd day  
of March 1991 at 8.15 am/pm by the deponent, who  
is identified by the aforesaid.

*2/2/91*

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

*He Sin*  
2/4 91  
OATH COMMISSIONER.

Department of Telecommunication  
Office of the Telecom Divisional Engineer Faizabad.

AM

QUOTATION

Sealed offers/quotations are invited for providing services of a Biligual (Hindi and English) Stenographer-Cum-Typist for the office of Telecom Divisional Engineer Faizabad from Contractors/Order suppliers.

The rates should be quoted on monthly rates. The requirement is for four to five months. If the person provided for services is absent then the due amount for the absent period will be deducted on pro-rate basis. Off will be given only on Sundays and national Holidays.

The rates should be quoted in words and as well as in figures. There should not be any ambiguity.

If the persons of contractor is asked to work on sundays then contractor will be paid for this extra duty on pro-rate basis.

The payment to contractor will be made on presentation of bill and with the certificate from the persons who have been sent for work that they have received payment in full of the wages settled between them and contractor and no claim is due on contractor or Telecom Divisional Engineer Faizabad. The Offers should reach to undersigned by 29.4.89.

The undersigned reserves the right to cancel or reject the officers or reduce the requirement period without assigning any reasons.

If any loss or damage is caused to Departments properly the cost is liable to be recovered from contractor.

In his offer contractor should clearly indicate that he agrees to the terms and conditions of this quotation query.

Telecom Divisional Engineer  
Faizabad.

NO: G-5/Stenographer/89-90/1 Dated at FY the 20.4.89.

Copy to:-

1. M/s. Bharti General Services Pvt. Ltd. (Bharatiya Samanvay Seva Nigam) Ltd.
2. M/s. Bharatiya Samanvay Seva Nigam (BSSN) (B) Railway cantt. Faiz.
3. M/s. Bharatiya Samanvay Seva Nigam (BSSN) (B) Railway cantt. Faiz.
4. M/s. Bharatiya Samanvay Seva Nigam (BSSN) (B) Railway cantt. Faiz.
5. M/s. Bharatiya Samanvay Seva Nigam (BSSN) (B) Railway cantt. Faiz.



कटेशन

22-4-89

सेवा में

यू.ए.सी. (मजदूर) पोस्टिंग  
फैजाबाद

112

सहायक

नॉटिस री.जी-5/ए-एन-89-90/1

दिनांक 20-4-89 को जारी पत्रिका में

आपको फाइल में री.जी-5/ए-एन-89-90/1

आपको मात्र 975/- रकम प्रोत्साहित की गई

रकम प्रोत्साहित की गई

सेवा में मा.का. व/

Not accepted

2

Telecom Divisional Engineer  
FAIZABAD

मेव काय  
है अंशज  
(अंशज के का.)

010 राजपति 9-2(B)

रखी कलानी

फैजाबाद

मामा

अंशज

Annexure SCA-7/A

सी०-७/Con.७

दूर संचार विभाग/DEPARTMENT OF TELECOMMUNICATIONS  
कार्यालय/Office of the

सेवा में


दूर संचार मंडल अभियंता  
फैजाबाद-226001

श्री. जे.एम.जी. टैकसा  
०८ श्री. राजपति. नि.मा.  
I-2(B) रेलवे कार्यालय  
फैजाबाद/

सं० जी-१/लेटर/८९.३७/५ दि० १५.५.८९  
विषय: कार्यालयीन पत्र एवं टैका माता सेवा के सम्बन्ध में  
महोदय,

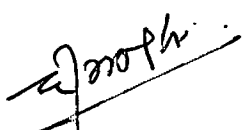
उक्त सामाजिक द्वारा जारी एडवर्टिसमेंट एवं  
जी.डी.सेंसेटिव/८९.३७/५ दिनांक १५.५.८९ के अन्तर्गत  
में प्राप्त आपका एडवर्टिसमेंट दिनांक २२.५.८९ को  
अभिलेखित करवा जमा। जिसमें आपका  
कार्य को अपेक्षाकृत अधिक मात्रा में प्रकाश  
स्वीकृत कर ली जाती है।

उक्त सामाजिक के अधिष्ठाता द्वारा  
हस्ताक्षर करके प्रकाशित करवा जमा।  
सम्पन्न करने का कार्य में स्थिरता एवं  
गोपनीयता, यदि आवश्यक हुई तो प्रशासिका सेवा  
होगी।



मुख्यालय

दूर संचार मंडल अभियंता  
फैजाबाद-226001



*Handwritten signature: [Signature]*

सेवाओं,

श्रीमान दूर संचार उपलब्धता  
दस्तावेज

A114

क्र.सं.	विवरण	दर	कुल रकम
1-	पूरे माह जून, 1989 के कामकाज के हंकरन एवं रकमस्त आगुलिकी करी- है।  (यौ सी पचहत्तर सत्तासे मात्र)	975/- अक्षरमाह  Duplicate Not for Payment	975=00   कुल रकम 975=00

पूरा माह 30 जून 1989

पूरा माह 30 जून 1989

वै.श.राज

Sl. No. PRE - CHECKED

975/- अक्षरमाह

30-6-89

30-6-89

(वै.श.राज ठेकेदार)

10 राजपति

100 ठेकेदार कालौनी  
कै.जानाद

Received for Rs 975/- (Nine hundred seventy five) only

Telecom Divisional Engineer  
FAIZABAD

Recd Rs 975/- (Nine hundred seventy five) only

A2(u)wgn  
CheckedJAO (Cash)  
O/ of T.D.E. Fa.Accounts Officer  
c/o Telecom Divisional Engineer  
FAIZABAD.

A2(u)wgn

वित्त

दिनांक 31-7-89

बैलाजे, श्रीमान् दुसरेदार उज्ज्वल अभिपन्नता  
के जानाद।

क्रमांक	विवरण	रक	कुल रकम
1-	पूरे गण्ड जुलाई, 1989 के कारगिल के टंकण एवं शास्त्र आश्चर्यजनक नष्ट है।  (नौ बसे नष्टकर रकमों प्राप्त)	975/- प्रतिगण्ड	975=00
		Duplicate Not for Payment	
			कुल रकम = 975=00

पूरा शास्त्र 27/6/89

पूरा शास्त्र 27/6/89

वैशाख

Sl. No. ....  
PRE-CHECKED

975/-

उत्तरीय

दि. वैशाख 31-7-89

(वन्दा राज ठेकेदार)

10 राजगति

108 इलेक्ट्रिक कालीनी

वैशाख

Received for Rs 975=00 (Nine hundred seventy five) only

Telecom Divisional Engineer  
FAIZABAD

Rs 975=00 (Nine hundred seventy five) only

Checked

J A O (Cash)  
O of T.D.E. Fa.

Engineer

Signature

Signature

શ્રીગામ - દૂર રાંધાના જીડના અગિયના  
લોગાનાદ ।

2491

सैनामे,

मैसर्स. इररांकर प्रॉपर्टी डेवलपर्स  
जो जाबाद।

क्र.सं.	विवरण	चर	कुल रकम
1-	दूरे माह सितम्बर, 1989 में कॉन्सल्टेंट के टंकण एवं समस्त आधुनिक तारों हेतु।  (जो जो परामर्श रखे गए)	975/- मैसर्स  Duplicate Not for Payment  कुल रकम = 975-00	975=00    975=00
		U. No. PDE - CHECKED Per 18	

पूरा पाल 26/9/2000

मैसर्स. इररांकर (2000 माह)

वै. शांराज

Practising  
Telecom. Engg.

भवदीय

वै. शांराज

(वन शांराज ठेकेदार)

30-9-89

c/o राजगरी

128 बेलने कालौरी

जो जाबाद।

Consent for Rs. 975-00 (On-line Electrical Security fire) and  
Per 18

Telecom Divisional Engineer  
FAIZABAD

Per Rs. 975-00 (On-line Electrical Security fire) and

A9(4)Wgn  
Checked

JAO (Cash)  
O/o T.D.E. Fa.

Accounts Officer  
c/o Telecom Divisional Engineer  
FAIZABAD.

Signature

2441

फ/न/क

PBE - CHECKED

६: अंशरुद्रा

31-10-89  
दाशरज ठा. दा. (

*[Handwritten signature]*



17.1.88

प्रधान सचिव  
सर्विस व सहायक  
देवापुर

आफ-डे के दिन किये गये कार्य का बिल

क्र.सं.	आदि/तिथि	विवरण	दर	रकम व पैसा
1.	7/5/87 24/5/87	माह मई '87 में दो दिन आफ-डे के दिन कार्यालय में दस्तावेजों का कार्य सम्पादित किया।	32.50 गैदरसे	65=00
2.	11/6/87 18/6/87	माह जून '87 में दो आफ-डे के दिन कार्यालय में टाइपिस्ट का कार्य किया।	तैय्य	65=00
3.	7/7/87 16/7/87	जुलाई '87 में दो आफ-डे के दिन कार्यालय में ऑडिट टाइपिस्ट का कार्य सम्पादित किया।	तैय्य	65=00
4.	6/8/87 13/8/87	माह अगस्त '87 में दो आफ-डे के दिन कार्यालय में सहायकी कार्य हेतु टाइप का कार्य किया।	तैय्य	65=00
5.	3/9/87 17/9/87	माह सितम्बर '87 में दो आफ-डे के दिन कार्यालय में सहायकी कार्य हेतु टाइप का कार्य किया।	तैय्य	65=00
6.	3/10/87 22/10/87	माह अक्टूबर '87 में दो आफ-डे के दिन कार्यालय में सहायकी कार्य हेतु टाइप का कार्य किया। (Rs. Three hundred Ninety only)	तैय्य	65=00
				390=00

For ..... टैटल = 390=00  
PRE-CHECKED  
For R .....

प्रमाणित किया जाता है कि

Prechecked  
Telecom. Lw. (9) Dr

Bears-Rat Primary  
Contractor

(Bears-Rat Primary  
Contractor  
वाराणसी के पास)

Amount for Rs. 390=00 (Three hundred Ninety) only

Telecom Divisional Engineer  
FAIZABAD

A-2(4) was. Say Rs. 390=00 (Three hundred Ninety) only

J. A. O. Cashier  
for T.D.E. Etc./3

Accounts Officer  
c/o Telecom Divisional Engineer  
FAIZABAD.

24/11

APR 25

C.C.A.  
No. 2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

*circuit*

ADDITIONAL BENCH : ~~ALLAHABAD~~ *Lucknow*

.....

1991  
AFFIDAVIT  
IN  
DIST. COURT  
U.S.

SUPPLEMENTARY COUNTER AFFIDAVIT NO.2

ON BEHALF OF RESPONDENTS

IN

O.S. NO. 137 of 1990

Keshi Prasad Pandey

.applicant

Versus

Union of India & others.

.respondents

*2*  
Signature of D. N. Singh

*2*  
Age about 55 years, s/o late Kant Singh

*2*  
Post as Telecom. Asst. Engineer,  
Faizabad

*2*  
(Deponent).

I, the deponent, do hereby

solemnly affirm the truth of the facts under :

1-

that the deponent is Telecom. Asst. Engineer

*2*  
Faizabad

on 12.4.91

*2*  
2.4.91

(A721)

2.

Supplementary  
to file this/counter affidavit on behalf of the  
respondents and is well acquainted with the facts  
deposed to below.

2- That the Department has read the <sup>supplementary</sup> affidavit  
filed on behalf of the petitioner and has understood  
the contents thereof fully.

3- That in reply to contents of paragraphs  
1, 2 and 3 of the Supplementary Affidavit, it is  
submitted that Annexure S-1 filed along with  
supplementary affidavit have been inadvertently  
signed by the SD Divisional Officer. The fact  
remains that the petitioner was never engaged  
by the Department and the perusal of Annexure S-1  
would go to show that name of Sri Dev Narain as  
Mastering Officer has been mentioned and Shri  
Dev Narain has been a close relation of the  
petitioner and as such this has been issued with  
the connivance of Shri Dev Narain. It is to be  
inferred that for issuing such a bogus document  
Shri Dev Narain <sup>✓</sup> ~~has~~ <sup>is</sup> being charged and enquiry  
is still pending.

3/4/91

2/10/91

A122

3.

4- That in reply to contents of paragraph 4 of the Supplementary Affidavit, it is submitted that since the petitioner has never been working as a casual labourer and as such the benefit can not be extended if the circular which has been filed in paragraph under reply. The most ingredient point of obtaining the benefit of the circular is the one who has worked as casual labourer for 240 days during the preceding 12 calendar months and since the petitioner was not under the employment as a casual labourer in the Department and as such he is not entitled for regularization.

5- That the contents of paragraph 5 of the Supplementary Affidavit are not correct and as such are denied. The clause 1 of Annexure-3 which has been filed alongwith the Supplementary Affidavit, does not disclose that petitioner's candidature was sponsored for appointment as casual labourer in the Department.

1/2/21  
2/4/21

That the contents of paragraphs 1 and 2 of this Affidavit are true to my personal knowledge.

*[Signature]*

(A123)

4.

those of paras 3 and 4 are based on records and those of paras 5 are based on legal advice, which all I believe to be true. No part of it is false and nothing material has been concealed in it.

5

GOVERNMENT OF INDIA.

*[Signature]*  
Sd/-

I, P. S. Chetty, clerk to Shri K. C. Sinha declare that the person making this affidavit and alleging himself to be the defendant is known to me personally.

*[Signature]*  
P. S. Chetty.

I solemnly swear to declare me on this 2nd day of *April* 1991 at *11* am/1991 the defendant, who is identified by myself.

*[Signature]*  
I have explained to myself concerning the defendant that he understands the contents of this affidavit which has been read over and explained to him.

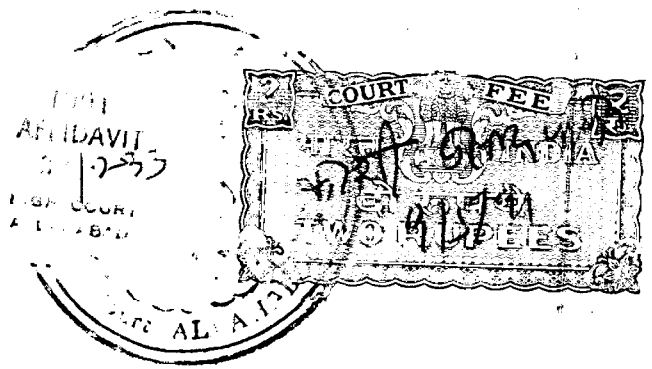
*[Signature]*  
24/1/91  
C. S. Chetty

Amx

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

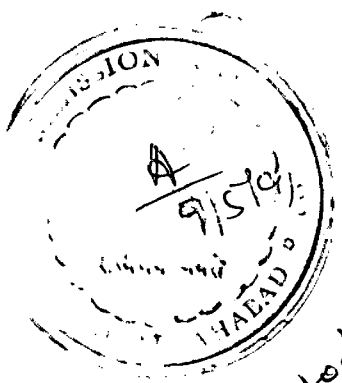
1911

C. No. 137 of 1911



In this case I am, ... Applicant  
...  
... of India and others ... Opposite parties

*Rejoinder*  
...



*Filed today*  
*9/5/11*

*ix. P. P. ...*

I, the undersigned, ...  
... 22 years, son of ...  
... 1-2 ...  
...  
... under ...

1. ...  
...  
... of the case.

(4125)

2. That the respondent have taken steps that the applicant was engaged in the establishment of the office, through the Contractor and as such there was not an employee of the Telecom.

Division. <sup>Fauzabad</sup> It is submitted herein that the Telecom Court is held through the Contractor is an unfair labor practice and is illegal. The relevant decision of the Telecom Court will be produced before this court at the time of hearing.

3. That the defendant Telecom has issued a policy for the limitation of the employees, who have completed the last 200 days. These copies of the order dated 14.3.1951 is being annexed herewith as Exhibit C-1 for this affidavit. It is also relevant to mention herein that loss of stereograph was violent in the Telecom Division, Fauzabad and as such the applicant, Mr. A wrote a letter to the Assistant General Manager <sup>Lucknow</sup> for the removal of the applicant from the Telecom Division on the request made by the applicant, Mr. A, Assistant Director,

A  
9/5/91

P. Pandey

147E

- 3 -

<sup>Lucknow</sup>  
 2. The petitioner has written a letter to the  
 General Manager. A photocopy of the letter dated-  
 6.3.1959 and 24.12.1959 are being annexed herewith  
 as Annexure A. P-2 and P-3 to this affidavit.

3. The petitioner was appointed in the  
 Forensic Department and have been several paper books  
 of the department as a stenographer. A photocopy of  
 the details of the files as Annexure A. P-4 to  
 this affidavit.

4. The petitioner has also given  
 several slips and issued directions for suitable  
 work. These copies of the slips are enclosed here-  
 with as Annexure A. P-5 to this affidavit.

A  
9/5/59

5. In these circumstances the petitioner  
 is requesting the Director to regularise the services of  
 the petitioner on the post of stenographer.

C-79

K. P. Pandey  
Deputy

K. P. Pandey

Encl. w <sup>n</sup>  
 dated : 9. 3. 1959

VERIFICATION

I, the above named petitioner do hereby verify



296

that the contents of paras 1 to 6 of this affidavit  
are true to my own knowledge.

As far as it is false and needing material  
has been concealed, so as to be true.

C-19  
*K.P. Pandey*  
Deponent

Solely affirmed before me 9/5/91 at 10.30 AM

by the deponent and I, Mr. Pandey, who is identi-  
fied by said deponent, Advocate, High Court, Lucknow-  
District, Lucknow.

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

A  
9/5/91

*Alexyto Ad*  
A. K. GUPTA  
Advocate Oath Commissioner  
High Court,  
Lucknow.  
33/233  
9/5/91

I identify the deponent who  
has signed before me  
*K.P. Pandey*  
9/5/91

*K.P. Pandey*

In the Central Administrative Tribunal  
Circuit Bench, Lucknow

Kashi Basant Pandey — Applicant

Deena Nath Singh — opposite party

Annexure No. 2-1

Department of Telecommunications  
Office of the Chief General Manager Telecom., U.P. Circle, Lucknow.

No. Rectt/M-37/87/L/5

Dated at Lucknow, the 14-3-1991

To,

1. The Director Telecom (West) Dehradun.
2. T.L.M. Varanasi
3. T.L.E. Faizabad
4. T.D.E. Sultanpur
5. T.D.E. Mathura
6. C.S. C.T.O. Agra.

Sub: Regularisation of casual ka workers engaged to perform duties of Hindi Typist.

Ref: This office letter no. Rectt/M-13/3 dated 13-9-90.

Kindly refer above mentioned letter whereby a copy of D.O.T. New Delhi letter no. 269-12/90-SIN dated 23-8-90 alongwith copy of O.M. No. 49014/16/89-Asst(C) dated 16-7-90 has been forwarded. A copy of the same is enclosed herewith for ready reference. It is requested that the instructions contained therein may be followed and the regularisation case be finalised.

While giving appointment as Hindi Typist it is to be mentioned clearly that the seniority will be fixed in the gradation list of TUA/LIC as the post of Hindi typist has been merged with LIC (For Circle/Administrative offices) and with TUA (for TLM/TDE offices) vide letter no. 201/10/86-SIN dated 23-4-90 from A.D.G. (SIN) New Delhi (copy enclosed for reference).

*(Signature)*

(U.F. AMYA)

Asstt. Director Telecom., (IP)

Enc: (1) Copy of letter no.  
Rectt/M-13/3 dated  
13-9-90.

(2) Copy of D.O.T. letter  
No. 201/10/86-SIN  
dated 23-4-90.

*K. P. Singh*

*4/7/91*

Government of India  
Department of Telecommunications  
STN Section

No. 269-12/90-STN

New Delhi

Dated 90

To

All Heads of Telecom. Circles  
Heads of Metro Districts/STN/ and  
All Heads other Administrative Units.

Subject: Regularisation of casual workers recruited to  
perform duties of Group 'C' posts - age/employment  
exchange procedure relaxation regarding.

Sir,

I am directed to forward herewith a copy of the  
OM No. 49014/16/89-Estt.(C) dt. 16.7.90 of Department of  
Personnel & Training on the subject mentioned above for your  
information, guidance and strict compliance.

Yours faithfully,

( VINCENT EARLA )  
SECTION OFFICER (STN)

Copy to :- DLG(Per.)/Dir(ST-I)/Dir(ST-II)/Admn.I/Admn.II/  
HCC/PAT/SEA/Ratns/CSE/TE-II/IFS/ERT.

( VINCENT EARLA )  
SECTION OFFICER (STN)

4/5/91

(3)

- 2 -

Selection Commission for recruitment for the post of Lower Division Clerk.

4. The casual workers who are employed against the posts of Stenographers and satisfy the conditions as laid down in para 2 above shall be eligible to appear in the examination conducted by the Staff Selection Commission for recruitment to the post of Stenographer.

5. The instructions contained in this OM are not applicable to casual workers doing work of purely seasonal or casual nature or those working against Group 'D' posts.

6. The relaxation given to the casual workers will be available only for next examination to be conducted by Staff Selection Commission for the recruitment to the posts of LDCs and Stenographers. It will be the responsibility of the administrative Ministries/Departments where the casual worker is employed at the time of issue of these instructions to ensure that the casual workers intending to appear in the relevant examination conducted by the Staff Selection Commission satisfy all the conditions prescribed above. Such certificate shall be issued under the signature of an officer not below the rank of Deputy Secretary or equivalent. In case such certificate is not enclosed, the application of the casual worker is liable to be rejected.

7. The casual workers who competes successfully in the regular examination conducted by the Staff Selection Commission will be treated at par with other successful candidates and can be appointed in any Ministry/Department/Office as per the normal terms and conditions of appointment. They will have no right to make a claim for appointment only in that Ministry/Department/Office where they were employed as casual workers. On their regular appointment, they will not be entitled to any benefit for the period of service rendered by them as casual worker.

8. Casual workers employed against other Group 'C' posts for which recruitment is not done on a centralised basis, either by SSC or otherwise, shall also be given age relaxation, as a one time measure, for the purpose of their regularisation against Group 'C' posts subject to fulfilment of conditions mentioned in para 2 above. Those casual employees will also have to compete successfully in the examination/selection test prescribed for the post. Wherever condition for sponsorship through employment exchange is prescribed for recruitment to such posts, this will not be insisted upon in case of casual worker already engaged against the post.

The services of those casual workers who do not appear in the examination/selection test inspite of age relaxation or who are not successful in the examination/test,

.....3/-

*[Handwritten signatures and stamps are visible at the bottom of the page.]*

Central Administrative Tribunal  
Circuit Bench, Lucknow

(A/3)

Kashi Khasad Pandey ————— Applicant

Vs.

Deena Nath Singh ————— Opposite Party

Annexure No. D-2

Department of Telecommunication  
Office of the Telecom Divisional Engineer Faizabad

To Shri S. I. M. Zaidi  
Asstt. General Manager Telecom  
% C.G.M. Telecom U.P. Circle,  
Lucknow-220001

NO: E-342/283

Dated at FY the 06.06.1989.

Sub: Posting of 'STENOGRAPHER' in Telecom Divisional Engineer  
Faizabad.

\*\*\*\*\*

With reference to your office Memo No. Staff/A-81/Deputation/  
3 dated 25.05.89 Shri R.A. Tripathi 'Steno' has been transferred from  
this Division to the % C.G.M. Telecom U.P. Circle, Lucknow w.e.f.  
03.06.89.

Since last one year this office is running without  
stenographer and great difficulties are being experienced by the  
under signed in disposing-off important and confidential letters.  
Several vigilance cases and other important cases requires immedi-  
te disposal.

It is learnt that the some Candidate in the cadre of  
Stenographer are available in the circle office and it is requested  
that one of them may kindly be posted to this office.

The work of this office has become practically unmanageable  
due to delay in disposal of letters inspite of my best efforts to  
clear the same by giving dictation to the clerk.

Early reply is requested.

Telecom Divisional Engineer  
Faizabad.

Central Administrative Tribunal  
Circuit Bench, Lucknow

(A/32)

Kashi Prasad Pandey — Applicant

Vs.

Deena Nath Singh — Opposite Party  
Annexure No. D-3

दूरसंचार विभाग

कायदा निदेशक दूरसंचार (मध्य क्षेत्र) हजरतगंज, लखनऊ-226001

सेवा में,

मुख्य महाप्रबन्धक दूरसंचार,  
3090 परिमण्डल, लखनऊ।

पत्रांक: प्रशा. निदेश/38-2/79/2 दिनांक 24.12.88

विषय: मण्डलीय कार्यालय, फैजाबाद में आशुलिपिक की नियुक्ति।

इस कार्यालय के समस्तिक पत्र दिनांक 3.12.88 के तारतम्य में दूरसंचार मण्डलीय अभिन्नता फैजाबाद का उपरोक्त विषयक पत्रांक-ड-15/103 दिनांक 8.11.88 स्टहारा मूलरम में संलग्न किया जा रहा है, जो पहले नुटिवश इस कार्यालय में ही रह गया था।

अनुरोध है कि कृपया फैजाबाद मण्डल में रिक्त आशुलिपिक के पद को भरने हेतु शीघ्र आदेश जारी करने का कष्ट करें।

आशुलिपिक न होने के कारण मण्डलीय अभिन्नता क्लो राजकीय कार्य तम्बादित कराने में अत्यधिक कठिनाई का अनुभव हो रहा है, अतः अनुरोध है कि जब तक फैजाबाद में आशुलिपिक की नियुक्ति नहीं होती, तब तक के लिए दूरसंचार मण्डलीय अभिन्नता, फैजाबाद को दैनिक वेतन पर एक टंक रखने की अनुमति प्रदान करने का कष्ट करें।

ह0अ0

॥ कृष्ण कुमार आहुजा ॥

सहायक निदेशक दूरसंचार (फोन्स)

का0 निदेशक दूरसंचार (म.क्ष.) लखनऊ

संलग्नक: दो पृष्ठ।

प्रतिलिपि श्री आर.के. भार्गव, दूरसंचार मण्डलीय अभिन्नता, फैजाबाद को सूचनार्थ प्रेषित। वे इस सम्बन्ध में परिमण्डल कार्यालय से सम्पर्क बनाए रखें तथा अनुमति प्राप्त होने पर इस कार्यालय को भी अवगत करावें।

ह0अ0

॥ कृष्ण कुमार आहुजा ॥

सहायक निदेशक दूरसंचार (फोन्स)

का0 निदेशक दूरसंचार (म.क्ष.) लखनऊ।

K.P. Pandey

A/15/191

In the Central Administrative Tribunal  
Circuit Bench, Lucknow

4133

Kashi Prasad Pandey — Applicant

Deena Nath Singh Vs Opposite Party

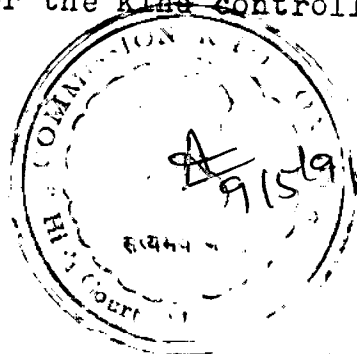
Annexure No D-4

Department of Telecommunication

The following file & C.R. Files of this office are dealt by me and <sup>on</sup> every files of other Section of this office my signature are also available as in a Stenographer & Typist both.

SN.	Name of Files	SN.	Name of Files
1.	X-1/CR/VI/89-90	2.	CR. of Sri P.N.Verma, JTO
3.	C.R. Register	4.	CR. of Sri B.P. Dwivedi, JD, Bk
5.	X-2/UNO/Confidential	6.	CR. files of Sukhu Gupta, JTO
7.	X-5/FY	8.	CR. file of V.B. Srivtva, "
9.	X-5/BK	10.	CR. file of C.B. Dubey, "
11.	T-1/ Memo & Telegram	12.	S-1/Industrial Security Scheme.
13.	G-5/Photo-Stat	14.	CR. File of B.B. Lal, Tech.
15.	TDEFY/16	16.	CR. file of R.D. Mukur, T.O.
17.	TDEFY/Genl/17	18.	TDEFY/PJNL/
19.	DFT/CON/GBSN/78-89	20.	CR. file of Sri Mohabat, Tech.
21.	By name Dock Received Register	22.	CR. file of Sri Shitla Prasad L/N
23.	By name Dock Despatch Register	24.	CR. of Sri J.N. Pandey
25.	X-22/DET/LE/Divn.	26.	CR. of Sri S.A. Verma, Tech.
27.	V/40/VIS/Stat.	28.	CR. of Sri Vinda Singh, "
29.	DET/CR/Ch.V/	30.	CR. file of Sri Nand Lal, Tech
31.	X-3/DET/CON/CR/75-76	32.	CR. file of Sri S.N. Pathak "
33.	DET/Con/CR closed	34.	CR. file of Sri Indra Singh "
35.	CR. file of Ved Prak sh, Tech.	36.	CR. file of R.S. Sukla, Tech.
37.	CR. file of Sri S.B. Singh, Tech.	38.	CR. file of Mazhar Abbas, "
39.	CR. file of Sri M.C. Verma, "	40.	CR. file of Mohd. Assim, TO.
41.	CR. file of Smt. Sarla Dwivedi, TO	42.	CR. file of Sri Kailash Nath
43.	CR. file of Sri K.N. Misra, TO	44.	CR. file of Sri Radha Kishan
45.	CR. file of Sri P.C. Shukla UDC.	46.	CR. file of Ram Kalap Gupta
47.	CR. file of Sri R.C. Srivastava, TO	48.	CR. file of R.D. Saxena
49.	CR. file of Ram Chanara, W/M	50.	CR. file of S. Thomas, retired L/D

Many other C & D Roll, loose CRs. ~~xxx~~ are dealt by me and My Signatures are also available in the Staff Section files, A/c Section files, General Section files and T.R.A. Section files, as in a Stenographer and Typist both because both seat's work was performed only by me or myself, under the kind control of Telecom Divisional Engineer, Faizabad.



K. P. Pandey

K. P. Pandey

(Kashi Prasad Pandey)  
Stenographer  
O/OTECOM Divisional Engineer  
Faizabad.

In the Central Administrative Tribunal  
Circuit Bench, Lucknow

(19/24)

Kashi Karsand Pandey ——— Applicant  
Vs. ——— Opposite Party  
Deen Nath Singh

Annexure No D-5

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 & Sri C. B. Danday, JTO, UNA for taking  
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K. P. Pandey

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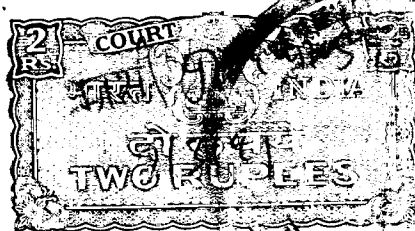
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9138

Before the Central Administrative Tribunal  
Circuit Bench, Lucknow

C.A. No. 107 of 1990



1991  
AFFIDAVIT  
68  
HIGH CO  
ALAHABAD

Kashi Prasad Pandey

... Applicant

Versus

Union of India and others

... Opp. parties

SUPPLEMENTARY AFFIDAVIT

1, the deponent Kashi Prasad Pandey,  
aged about 20 years, son of Sri Bansh Raj Pandey,  
Resident of 1-2b, Behind Railway Hos Tal, Railway-  
Colony, Faizabad, do hereby solemnly affirm and  
state on oath as under :

1. That the deponent is applicant in the  
above noted original application and as such he  
is well conversant with the facts and circumstances  
of the case.

2. That the deponent could not file some  
relevant documents earlier due to unavoidable

7-3-91  
K. P. Pandey

(A137)

- 2 -

circumstances. The documents are necessary and relevant for final disposal of the application.

3. That applicant is enclosing Labour Card in which it has been mentioned that the applicant had worked continuously for 359 days, as Annexure No. C-1 to this affidavit.

4. That the Deponent is also enclosing a circular of the Government of India, Ministry of Communication, in which certain clarification have been given and it has been mentioned that the persons who have completed 240 days during a preceding 12 calendar months they will be given temporary status and no age limit is barred for granting temporary status. A copy of the above circular is being annexed herewith as Annexure No. C-2 to this affidavit.

5. That the petitioner/applicant is also enclosing a copy of the Employment Card in which it has been mentioned that the petitioner is sponsored labour of the Pelly Communication Department, as Annexure No. C-3 to this affidavit.

Place: Lucknow  
Dated: 7.3.1991

K. P. Pandey  
Deponent

K. P. Pandey

9-3-91

AKB

VERIFICATION

I, the above named deponent do hereby  
verify that the contents of paras 1 to 5 of this  
affidavit are true to my own knowledge.

No part of it is false and nothing material  
has been concealed, so help me God.

Lucknow ✓  
dated : 7 .3.1991

K. P. Pandey  
Deponent

I identify the deponent who  
has signed before me.

P. Pandey  
Advocate

Solemnly affirmed before me on 7-3-91 at 11.00  
A.M. by the deponent Sri Kashi Prasad Pandey,  
who is identified by Sri P. Pandey, Advocate,  
High Court, Lucknow Bench, Lucknow.

7-3-91 I have satisfied myself by examining the deponent  
that he understands the contents of this affidavit,  
which have been read over and explained by me before  
him.

[Signature]  
7-3-91

In the Central Administrative Tribunal  
 Circuit Bench, Lucknow  
 O.A. No 137 of 1990

(413)

K.P. Pandey vs Union of India and  
 ANNEXURE No 1

Name & Address of Mazdoor

### LABOUR CARD

Shri...

S/o...

Vill:- or Mohalla...

Post...

Distt...

Signature of Issuing Officer  
 SEAL

Sl. No.	Muster Roll No.	Name of S/I or L/M Mustering Officer.	Month	No. of days	Signature Paying Officer
---------	-----------------	---------------------------------------	-------	-------------	--------------------------

1.	50247/11	श्री देव प्रसाद	4/82	30	
2.	50247/23	n — d —	5/82	31	
3.	50248/10	n — d —	6/82	30	
4.	50248/19	n — d —	7/82	31	
5.	50249/7	n — d —	8/82	31	
6.	50249/23	n — d —	9/82	30	
7.	50250/15	n — d —	10/82	31	
8.	50403/5	n — d —	11/82	30	
9.	50403/23	n — d —	12/82	31	
10.	50405/8	n — d —	1/83	31	
11.	50405/3	n — d —	2/83	28	
12.	50407/17	n — d —	3/83	25	1-3-83

3589

Total 359 days.

उपरोक्त अनिवार्य  
 का तिथि तह है।

श्री देव प्रसाद  
 कर्मचारी का नाम

K.P. Pandey

7-3-91

In the Central Administrative Tribunal (AMC)  
Circuit Bench, Lucknow

O.A. No 137 of 1990

K.P. Pandey vs. Union of India and ors

ANNEXURE No 2

Copy of letter No. 269-10/89-STN dated 17-10-1990 from ADG(STN),  
D.C.T., STN Section, New Delhi addressed to The CGMT, UP Circle,  
Lucknow.

Subject:- Casual labourers (Grant of Temporary Status and  
regularisation) Scheme.

There have been references from Telecom. Circles/Districts  
seeking clarification on certain points relating to grant of  
Temporary status to casual labourers.

Clarifications in respect of the points raised in the above  
references are given below :-

Points raised	Clarifications
1. How to reckon continuous service of 'at least one year' for the purpose of determining the eligibility for grant of temporary status in respect of the casual labourers who did not fulfill the condition on 1.10.89 ?	1. Any casual labourer who had been engaged prior to 30.3.85 and did not qualify for temporary status in accordance with para 5.1 of the casual labourers (Grant of Temporary status and regularisation) Scheme on 1.10.89 will become eligible for grant of temporary status subsequently on completion of performance of duty of 240 days (206 days in the case of offices observing 5 days a week) during the preceding 12 calendar months. Such temporary status could be granted with retrospective effect from the date the prescribed condition is fulfilled subject to the condition that the date of effect should not be earlier than 1.10.89. Further break in service after 30.3.85, if any should have been duly condoned in accordance with the rules.
2. Will casual labourers initially engaged after crossing the upper age limit prescribed for recruitment be eligible for grant of temporary status?	2. Yes. No age limit has been prescribed for grant of temporary status. However, for the purpose of subsequent regularisation the conditions regarding age prescribed in the relevant Recruitment Rules will apply.
3. Will minor casual labourers engaged prior to 30.3.85, who attained majority after 30.3.85, be eligible for temporary status?	3. Yes. However, the period of service rendered before attaining the minimum age prescribed will not be counted for any purpose.
4. For the purpose of assessing leave entitlement how should qualifying period be reckoned?	4. Qualifying period should be reckoned with reference to actual No. of days duty performed ignoring days of weekly off, leave, and absence etc. All days of duty will be counted irrespective of intervening spells of absence, which do not constitute break in service.

(21/11/41)

### Points raised

### Clarifications

5. Entitlement to Maternity benefits in respect of female casual labourers/Temporary mazdoors.
5. Maternity benefits will be admissible to female casual labourers/temporary mazdoors in accordance with the provisions of the Maternity Benefit Act, 1961.
6. Frequency at which leave will be credited.
6. Twice a year. On the 1st of January and 1st of July credit will be afforded for the preceding half year, without ignoring any fraction. However, if on an occasion, when leave is applied for, sufficient leave is not at credit, leave entitlement may be computed till the date of application of leave and the admissibility decided accordingly.
7. Working hours.
7. Working hours of the temporary mazdoor will be the same as prescribed for corresponding Gr'D' cadre.
8. Can temporary status be conferred on a part time employee?
8. No. They may, however, be brought on the strength of full time casual labourers, subject to availability of work and suitability. For this purpose work requirements of different types and at neighbouring units can be pooled. Subject to their completing 240 days or 206 days of work on full time basis as the case may be in the preceding twelve months they may be considered for the grant of temporary status. However, part time casual labourers will be merged with full time casual labourers/temporary mazdoors in a common single panel in accordance with the existing instructions for the purpose of regularisation of service.
9. When will a temporary mazdoor who does not complete 240/206 days as the case may be in a year become eligible for increment?
9. In the case of temporary mazdoor who does not complete 240/206 days in a year, increment will be admissible from the first day of the month subsequent to the month in which the Temporary Mazdoor completes 240/206 days. Grant of subsequent increments will also be regulated in the same manner.
10. How the combined seniority will be fixed in respect of the casual labourers working administrative offices having 5 days week and those working in operative offices having 6 days week.
10. The number of days of work performed by a casual labourer in an administrative office having 5 days week may be multiplied by the ratio 240/206 to bring them at par with those casual labourers working in operative offices having 6 days week and then fixing the combined seniority.

Q 3-31

K. P. [Signature]

378

GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF TELECOMMUNICATIONS

327  
27 FEB 1988  
MOST IMMEDIATE

Banchar Bhavan  
20 Ashoka Road  
New Delhi-110001.

No. 10-13/87-Rates

Dated the 23rd. Feb., 1988

Shri  
General Manager Telecom/Telephones  
Telecom District Manager

Subject: - Absorption of casual labourers in the light of  
the Supreme Court Judgement:

Sir,

(अनु)पालन, 373/87

In compliance to Hon'ble Supreme Court of India decision dated October 27, 1987, in Writ Petition No. 373 of 1986 regarding payment of wages to casual labourers at the minimum of pay in the pay scales of the regularly employed workers in the corresponding cadre, but without any increments with effect from the 5th February, 1988, the Directorate of Telecommunications has decided that:

(a) all the casual labourers engaged on casual basis are to be paid wages worked out on the basis of the minimum pay in the pay scale of regularly employed workers in the corresponding cadre but without any increment, with effect from the 5th Feb., '88. The casual labour will also be entitled to DA and ADA, if any, on the minimum of the pay scale. No other allowances are to be paid.

(b) the work 'casual labour' would cover full time casual labour, part-time casual labour and workers engaged on contingency basis. Part-time workers will be paid on pro-rata basis. For the purpose of payment, no distinction should be made whether the casual labourers are being paid wages against Muster Rolls charged to Works or Establishment Bills or from Office Contingencies.

3-3-88

3/3/88

3-3-88



2142

(111) the arrears at the enhanced rate are to be paid before 25.2.88 positively.

2. The expenditure involved in the payment of arrears is classifiable in the accounts as Charged. Budget Section of this Directorate may be contacted for allotment of funds.

3. This issues with the approval of Finance(Advice-I) U.O. No. 482/88-PAI dated 17.2.88

Yours faithfully

(Signature)  
(SANJAYA KUMAR)  
DIRECTOR (ST)

Copy for information to :-

1. All recognised Unions/Associations/Federations of the Deptt. of Telecommunications.
2. DDG(T)/DDG(E)/Secretary(Tele.Bd.)/DDG(TF)/Dir., TRC.
3. S.L./NCC/CSE/SR/Adm(TF) Sections Telecom. Dte.

ESR/2-39 P.H.D.I/2  
Dated at Lucknow on 26.2.88  
Copy forwarded for immediate action and compliance as per report to :-

1. CHTD KP
2. DT(W) DN/(E)VSI/(N) BR/(C)LW
3. TDMAC/VSI/LW/AD/QZD
4. TDEAG/ALG/LZW/SUL/BR/RTT/AT BR/LN/JI/KP/LW/PRD/PRZ/-  
MT/MZ/HT/ERN/STP/SG/
5. CS CIO LW/AG
6. SMTT/VSI/AD/BR.
7. STT SH/MT
8. Principal RTTC/AE CTTC/AE CTSD LW
9. DET INSET/COT LW
10. SET CIVIL/NLEC CIRCLE LW
11. OS/Dy OS/ADT(Tech) C.O. LW.

K.P. Singh

9 OS/Dy OS/ADT(Tech) Co LW

391

(S.P. Varshney)  
ADT(E)

NO A-48/labour Rtg/8-00

copy forwarded for immediate action and compliance as per report to :-

(S.D.OT FY/BBK/CLN)

(Signature)  
SECRET

K. A. Bradley is a member of the following organizations:

- (क) सम्प्रदाय के प्रभाव को रीम वार धुस्वीकार करेंगे।  
(ख) सम्प्रदाय के बाद धैरायोमक से साभातकार नहीं करेंगे।  
(ग) चुनाव हो जाने पर निरुक्ति के प्रभाव को अस्वीकृत करेंगे।

६—कृपया उपलब्ध रिक्तियों की सूचना तथा अधिवृत्ति रिक्तियों के चुनाव के मापदण्ड को ज्ञापने हेतु सेवायोगन कार्यालय के सूचना-पट ५१ अंतर्लोक्य करें। इस विषय में अतिरिक्त सूचना के लिये सेवायोगन अधिकारी से मिलने में संकोच न करें।

६—अपने पि में यह सुभाव दिया जाता है कि सेवायोजन  
आचार्य के व्यवसाय मार्गनिर्देशन दक्षिणारी से अवश्य मिलें जो  
उच्च रोगवार मित्रों की संभावना पर आपको परामर्श देने ।

10- हमारा देशाभोजन कार्यालय के व्यवसाय सूचना-कम का  
पी काम ठ है बहुत विविध प्रकार की योजना सम्बन्धी सूचना  
तथा अधिकांश शाखाओं में प्रवेश हेतु नियमावली उपस्थित होनी  
है। हमारे आपको उनका व्यवसाय के चुनाव बहालक की  
दिनीय है।

11—यदि आपने नीकरी मिच जाने पर निपुणित-पत्र से विनम्र प्रार्थना से कन्वर आप-पत्र नहीं बिना है तो आपकी नीकरी में प्राथमिकता बनी रहेगी। यह कार्य भी आपकी नीकरी में बिना मत नीकरी समान होने के 30 दिन के कन्वर नीकरी समान के कारण-पत्र के साथ उसी व्यवस्था में पुनः प्रेषित हेतु निवारण के कार्यालय में प्रेषित हों।

12—सिमा की प्रकृति की संज्ञाएँ होने पर संगठन  
सिमा की ये सम्पत्तियाँ स्थापित करें जो आपसी की सेवा के लिये  
तैयार ह।

योजना का कार्य निष्पत्तक तथा निष्पक्ष सेवा करते हैं ।

सी० एन० ७५१०-इक० ४ रिजर्वेशन (८५)-1981-35,00,000।

7-3-91

44-10

उत्तर प्रदेश सरकार

प्रशिक्षण एवं सेवायोग्यता निदेशालय, ३० नं० अमरावती

नमः—अनु० आ०, अनु० जन-जाति, पि० आ०/पू०, वि०/

दिनांक ०/प्रति ०

दिनांक ०७/०८/२०१८

अभिधान-६२ **विशेषाद**

(बहु नियोजक से लाभांशकार बनने के लिये परिचय पत्र नहीं है)

1-नाम- श्री २१. प्रसाद प्रसाद

१-संश्लेष-तिथि 12-8-63

४-जीवन-तिथि-~~12/11/87~~ 7-7-87

५/२१/८७

५- वार्षिक योजना

०- व्यावसायिक प्रवेश संख्या १११

श्री गुरुदेव का नाम

महादूत

जिला सं

जिला अधिकारी के कार्यालय

आपकी हस्ताक्षर

संयत्न से तत्त्वोन्नीकरण का  
कथं तत्त्वं माह

नवीनीकरण सहायक के  
हस्ताक्षर बिनाक सहित

संस्कृत-  
संस्कृत-  
लिपि

ଜୁଲାଇ-୧୯୮୩

2/2.

*Appointed*  
CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH NEW DELHI

145  
Faridkot House  
Copernicus Marg  
New Delhi\_110001

From: The Registrar,  
Central Administrative Tribunal  
Principal Bench, New Delhi.

Dated, 17.1.1990

To  
Bhartiya Dek-Tar Mazdoor Manch  
( a Regd Trade Union )  
T-15 Atul Grove Marg New Delhi

..... Applicant

VERSUS

1. Ministry of Communication,  
Govt. of India  
New Delhi

Regn No. OA 2172/88

B.D.T.MM

Applicant (S)

VERSUS

Union of India

Respondent (S)

Sir,  
I am directed to forward herewith a copy of judgement at 15.1.90  
passed by this Tribunal in the above noted case for information and  
necessary action, if any .

please acknowledge the receipt.

Yours faithfully,

Sd

( SECTION OFFICER J-1 )

For Registrar.

Dated: 17.1.1990

BOOK-POST.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI  
O.A No. 2172/88  
T.A No.

Date of decision

15-11-1988

Bhartiya Dak Tar Mazdoor  
manch and others

Applicant (S)

Smt. Sheela Gopal

Advocate for the  
Applicant (S)

VERSUS

Un. Union of India

Respondent (S)

Advocate for the  
Respondent (S)

ORDER :

The Hon'ble Mr. P.K. Kartha, Vice Chairman (Judl.)

The Hon'ble Mr. D.K. Chakraverty, Administrative.

JUDGMENT

(Delivered by Hon'ble Shri P.K. Kartha, Vice Chairman)

The applicants, who are stated to be representing 52 daily rated casual mazdoors working in the ministry of communications, Government of India, filed this application under section 19 of the Administrative Tribunal Act, 1985 praying that the respondents be directed to reinstate them and other similarly situated workers in service with continuity of service and all back wages on the principle of the judgement of this Tribunal dated 4.5.1988 in OA-529/88 and dated 30.6.1988 in OA-296/88 and regularise their services. The applicants have also filed an application under rule 4(5) of the Central Administrative Tribunal (procedure) Rules, 1987 praying for permitting them to join together and file a single application. The Bhartiya Dak Tar Mazdoor Manch is stated to be a registered Union of employees which is representing the interests of the applicants.

2. The application was filed in the Tribunal on 8th November 1988. It was admitted on 15-11-1988 when the tribunal issued notice to the

(A142)

who were appointed after 1.4.1985. But the same order also disclosed that consequent upon such retrenchment, the respondents were in dire need of filling up of these vacancies and they had asked all the General managers to depute available officials for appointment against these posts. In other words, the administrative decision to retrench all those daily rated mazdoors who joined after 1.4.1985, had resulted in these vacancies.

7. The Supreme court, by its judgement dated 27th october, 1987 in writ petition No-373/86 filed by the daily rated casual labour employed under P&T department Vs. Union of India & others-1987

(5) ATC 228, direct d:

"the respondents to prepare a scheme on a rational basis for absorbing as far as possible the casual Labourers who have been continuously working for more than one year in the posts and Telegraphs department."

The Supreme Court further directed:

"The arrears of wages payable to the casual labourers in accordance with this order shall be paid within four months from today. The respondents shall prepare a scheme for absorbing the casual labourers- as direct d above, within eight months from today."

8. The impugned order of retrenchment in the case before the tribunal was made there after on 23.3.1988. The Tribunal observed that the applicants had admittedly put in nearly three years- service. There after- as per the directions of the Supreme Court they were entitled to be absorbed and also entitled to receive wages- if any, due. The administrative decision to retrench all those employed after 1.4.1985, could, therefore, no longer hold good.

9. In view of the foregoing, the Tribunal observed as follows:

remain absent for a period of six months. Pursuant to the  
after said orders, the impugned order dated 13th May 1988, was  
issued and the applicants were orally informed that their  
services stood terminated. The applicants assailed the  
after said order on the ground that the same was violative of  
25-F of the Industrial Disputes Act. After considering the rival  
contentions of both parties, the Tribunal set aside the impugned  
order and the termination of the services of the applicants.  
The respondents were directed to reinstate them with full  
back wages.

13. We have carefully gone through the decision of the  
Supreme Court in the case of daily rated casual labour employ-  
under P & T Department, 1987 (5) A.T.C. 228. In that case  
the principal complaints of the petitioners were two-fold, namely  
(i) that even though many of them had been working for the last  
ten years as casual labourers, the wages paid to them were  
very low and far less than the salary and allowances paid to  
the regular employees of the posts & telegraphs department;  
and (ii) that no scheme had been prepared by the Union of  
India to absorb them regularly in its service and, consequently  
they had been denied the benefits such as increment,  
pension, leave facilities, etc. which are enjoyed by those  
who have been recruited regularly. The question of termination  
of services of casual labourers who have worked for more than  
240 days and the protection extended to such persons under Section  
25-F of the Industrial Disputes Act, 1947 were not in issue in  
that case. The Court had, however, observed that non regularisa-  
tion of temporary employees or casual labour for a long time  
was not a wise policy. The Court, therefore, directed the response  
to prepare a scheme on a rational basis for absorbing "as far  
as possible" the casual labourers who have been continuously  
working for more than one year in the posts & telegraphs depart-  
ment. Emphasis added. The court further directed that the arrange-

१. श्री. ए. अ. तारुणी  
तद्विषयक निदेशकः स्वाध्यायः

Office (341)  
Circular No. 1  
AISE

Government of India  
Department of Telecommunications  
STN Section

No. 269-10/89-STN

New Delhi

Dated

To

The Chief General Managers Telecom Circles,  
M.T.K.L., New Delhi/Bombay, Metro Distt. Madras/Calcutta  
Heads of all other Administrative Units.

Subject: Casual Labourers (Grant of Temporary Status and  
Regularisation) Scheme.

Subsequent to the issue of instructions regarding regularisation of casual labourer in this office letter No. 269-29/87-STN dt. 18.11.88, a scheme for conferring temporary status on casual labourers who are currently employed and have rendered a continuous service of at least one year has been approved by the Telecom - Commission. Details of the Scheme are furnished in the Annexure.

2. Immediate action may kindly be taken to confer temporary status on all eligible casual labourers in accordance with the above Scheme.

3. In this connection your kind attention is invited to letter No. 270-6/84-STN dt. 30.3.85 wherein instructions were issued to stop fresh recruitment and employment of casual labourers for any type of work in Telecom Circles/Districts. Casual labourers could be engaged after 30.3.85 in Projects and Electrification Circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. These instructions were reiterated in d.o. letters No. 270-6/84-STN dt. 22.4.87 and 22.5.87 from Member (Pers.) and Secretary of the Telecom Department respectively. According to the instructions subsequently issued vide this office letter No. 270-6/84-STN dt. 22.6.88 fresh recruitment of casual labourers even for specific works for specific periods in Projects and Electrification Circles also should not be resorted to.

3.2 In view of the above instructions normally no casual labourers engaged after 30.3.85 would be available for consideration for conferring temporary status. In the unlikely event of there being any cases of casual labourers engaged after 30.3.85 requiring consideration for conferment

.....2/2



Copy of the DG DOTelcom no. 269/10/85 JTN dt. 4.6.85 to all Heads  
of Circle  
Sub : Regularisation of services of casual workers in Gr D posts -  
relaxation of employment exchange procedure - instructions re

I am directed to forward herewith a copy of Min. of P&T, AP & Pub.  
Grievances and Pensions OM no. 49014/18/84 Estt(C) dt. 7.5.85 on  
the subject noted above, for information, guidance and further necessary  
action.

2. The instructions contained in the enclosed OM may be brought to  
the notice of all concerned under your control for strict compliance  
with specific emphasis in respect of the provisions of para 2 of the  
said OM

Copy of the abovesaid OM no. 49014/18/84 Estt(C) dt. 24.5.85 from  
Department of Personnel and Training, GOI ND

Sub : Regularisation of services of casual labour in Gr. D posts -  
relaxation of employment exchange procedure

The undersigned is directed to say that the services of casual  
workers may be regularised in Gr D posts in various Ministries/  
Departments etc. subject to certain conditions, in terms of the  
general instructions issued by this Department. One of these condi-  
tions is that the casual workers concerned should have been recruit-  
ed through the employment exchange. Sponsorship by the employment  
exchange being a basic and essential condition for recruitment under  
the Govt it has repeatedly been brought to the attention of the  
various administrative authorities that recruitment of casual workers  
should always be made through the employment exchange. (It has how-  
ever been brought to our notice that in certain cases these instru-  
ctions were contravened and casual workers were recruited other-  
wise than through the employment exchange.)

Though these persons may have been continuing as casual workers  
for a no. of years, they are not eligible for regular appointment  
and their services may be terminated any time. Having regard to  
the fact that casual workers belong to the weaker sections of the  
society and termination of their services will cause undue hardship  
to them. It has been decided, as a one time measure, in consulta-  
tion with the DG P&T that casual workers recruited before the issue  
of these instructions may be considered for regular appointment  
to Gr. D posts, in terms of the general instructions, even if they  
were recruited otherwise than through the employment exchange,  
provided they are eligible for regular appointment in all other  
respects.

2. It is once again reiterated that no appointment of casual  
workers should be made in future otherwise than through the employment  
exchanges. If any deviation in this regard is committed, responsi-  
bility should be fixed and appropriate departmental action taken against  
the official concerned

Circle endstt no. Estt/ R-39/Ch III/2 dt. 11.7.85

No. A-48/Labour/Reg/14 dt. at LW the 25 Aug 85  
Copy forwarded to all SDCs/AEs/COT mailed to  
by this Division.

(i) AI/Ace/Reg.

(ii) Sr. Supr. of DET Lucknow.

(iv) A.O. / J.A. (Cash/TRA) of DET LW.

(v) Section Supervisor (Staff) of DET LW.

D. E. T. Lucknow, Lucknow

C.O.T.

Signature

(152)

### दूरसंचार विभाग

प्रेषक: महाप्रबन्धक दूरसंचार  
उ०प्र०परिमण्डल, लखनऊ

सेवा में: श्री ए०के० श्रीवास्तव  
प्रान्तीय सचिव  
भारतीय लाइन स्टाफ सर्व चतुर्थ वर्ग  
लखनऊ

संख्या: यू०/एम-330-1

दिनांक स्थान लखनऊ 30-6-1988

-x-x-x-x-x-

भेदा

आपने भारतीय डाक-तार मजदूर संघ के द्वारा उठाई गई मांगों के बारे में जो जानकारी चाही है, उसकी स्थिति इस प्रकार है:-

- 1- 327 रेगुलर मजदूरों के पद की स्वीकृति आ गई है, उन्हें भरने के लिये आगे की कार्रवाई की जा रही है।
- 2- सर्वोच्च न्यायालय से संबंधित मामले पर निदेशालय में बात-चीत चल रही है। इसमें जो भी निदेशालय द्वारा निर्णय होगा, उस पर आवश्यक कार्रवाई की जावेगी।
- 3- निदेशालय के पत्रांक 270-6/84-एसटीएन/पीटी दिनांक 18-12-87 के निर्देशानुसार जो आकस्मिक मजदूर 30-3-85 से पढ़ते भरती हुये थे और 7-5-85 को रोल पर थे, उनको नहीं निकालना है। यदि किसी मजदूर को निदेशालय के आदेश के विरुद्ध निकाला गया है तो उसे संबंधित दूरसंचार अधिकारी/जिला अभियन्ता को उचित कार्रवाई के लिये लिखा जाये।

27-7-1988

॥ डी०एस० श्रीवास्तव ॥

सहायक निदेशक दूरसंचार ॥ वे० ॥


कृते महाप्रबन्धक दूरसंचार, उ०प्र०परिमण्डल, लखनऊ

(1) A153

Department of Telecommunication  
Office of the Telecom Divisional Engineer Faizabad.

EXPERIENCE CERTIFICATE

Certified that Sri Kashi Prasad Pandey S/o Shri  
Bans Raj Pandey is working with Telecom Divisional Engineer  
Faizabad as a casual 'Steno-typist' w.e.f.05.09.88. His  
work is satisfactory.

  
Telecom Divisional Engineer  
Faizabad.

Dated: 20-10-89.

1154

20.

I, D.S. Chaubey, clerk to Shri KC Sinha  
Advocate declare that the person making this  
affidavit and alleging himself to be the deponent  
is known to me personally.

*[Handwritten signature]*

Identifier.

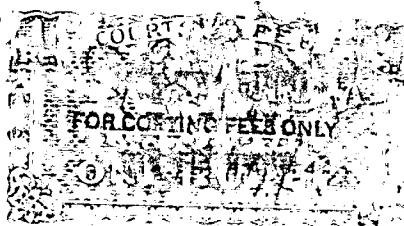
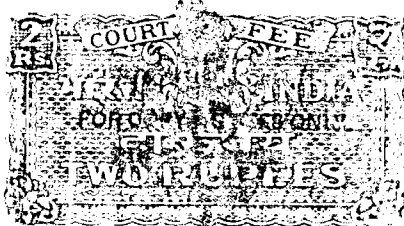
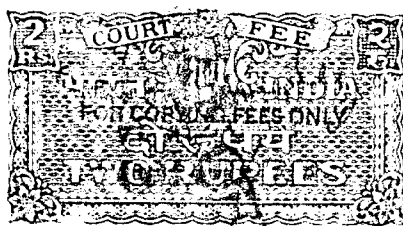
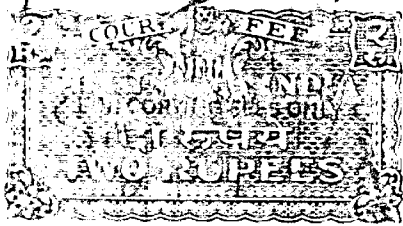
Solemnly affirmed before me on this day  
of July, 1990 at am/pm by the deponent, who is  
identified by aforesaid clerk.

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

*[Handwritten signature]*

OATH COMMISSIONER.

155



With Date 3798/28.7.90  
Application 28.7.90  
Cost of Preparation 28.7.90  
Cost of Delivery 28.7.90  
Signature of Insurer 28.7.90  
Amount 28.7.90



(AIX)

Court No. 1

Writ Petition No. 8795 of 1986.  
Gyan Prakash and 27 others.  
Versus  
State of U.P. and another.

Hon'ble U.C. Srivastava J.

Hon'ble S.H.A. Raza J.

The petitioners who are working as Junior Clerks in the office of Harijan and Social Welfare on daily wage basis, have filed this writ petition praying for a writ of mandamus directing the opposite parties to pay the same emoluments and other benefits which are being paid to the regular employees and not to discontinue with their services. It has been further prayed that the petitioners may be regularised and to make payment of difference of pay from the date of their respective appointment.

It has been averred in the writ petition that the petitioners have been working since the years 1982, 1983 and 1984 against sanctioned post of Junior Clerks.

In the counter affidavit, it has been stated that the petitioners have been engaged on daily wage basis although they have been working as Junior Clerks and before they could be regularised, they will have to undergo a departmental examination and thereafter question of regularisation and absorption will be considered. One of the petitioners



1157

was given an opportunity to appear in the examination but he failed and as such he was not regularised.

- ration

Similar question came up for consideration before Hon'ble Supreme Court in Bhagwati Prasad v. Delhi State Mineral Development Corporation (1992(1) SCC 361)

in which case the Court held :-

"Practical experience would always aid the person to effectively discharge the duties and is a sure guide to assess the suitability. The initial minimum educational qualification prescribed for the different posts is undoubtedly a factor to be reckoned with, but it is so at the time of the initial entry into the service. Once the appointments were made as daily rated workers and they were allowed to work for a considerable length of time, it would be hard and harsh to deny them the confirmation in the respective posts on the ground that they lack the prescribed educational qualifications."

In view of the law laid down by Hon'ble Supreme Court, the question of absorption or regularisation of the petitioners shall be considered by the opposite parties. As far as the question of payment of difference of pay with similarly placed Junior Clerks is concerned, there appears to be no reason to deny it to the petitioners. As such the



3.

parties are directed to consider the cases of the petitioners for absorption and their regularisation in the light of observations made above within a period of three months from the date of production of a certified copy of this order before them. So far as the question of fixation of pay-scales to the petitioners is concerned, this will be considered within another period of three months in the light of observations made in the judgment. However, there will be an order as to costs.

11.4.1990

SK/-

TRUE COPY

Section Officer

Copying Department

High Court, Lucknow Bench

LUCKNOW

Sd U. C. Srivastava

Sd S. H. A. Raza

11-4-1990





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

\*\*\*\*\*

No. CAT/Adm/Jud/ 2393-96 dated the 26/4/90

Registration No. 137/96 of 1990

Kashinath Pandey APPLICANT

VERSUS

Officer of India RESPONDENT

- ① Petitioner of India through the Secretary  
to Ministry of Telecommunication, New Delhi  
(1) - General Manager Telecom U.P. Circle,  
Lucknow

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith which has been registered in this Tribunal, and the hearing of the said application has fixed 12 day of 7

If no appearance is made on your behalf or by some one duly authorised to appear on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal  
12 day of 14 1990.

DEPUTY REGISTRAR

\*\*\*\*\*

Dy. General Manager/ Director Telecom  
Circuit Bench, Lucknow

- ① Divisional Officer (Engg) Telecom Engineering  
Division, Lucknow  
② - Copy of petition with Court's order sent to the  
24/4/90 to the Court.

160

Circuit Bench Lucknow

In the Central Administrative Tribunal Allahabad.

(2)

Register No 137 of 19.9.41

Kashi Prasad Pandey

Petitioners  
Appellant  
Applicant

VERSUS

The U.O. & Ors.

Respondent  
Opposit Party

I, in the above matter hereby appoint and retain  
SHRI KRISHNA CHANDRA SINHA, Advocate High Court  
to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend  
the same in all interlocutory or miscellaneous proceedings connected with the same or with  
any decree or order passed therein, appeals and or other proceedings there from and also in  
proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain  
return of any documents filed therein, or receive any money which may be payable to me/us.

2. I/We further authorise him to appoint and instruct any other legal practitioner  
authorising him to exercise the powers and authorities hereby conferred upon the Advocate  
whenever he may think fit to do so.

3. I/We hereby authorised him/them on my/our behalf to enter into a compromise in the  
above matter, to execute any decree order therein, to appeal from any decree/order therein  
and to appeal, to act, and to plead in such appeal or in any appeal preferred by any other  
party from any decree/order therein.

4. I/We agree that if/we fail to pay the fees agreed upon or to give due instruction at  
all stages he/they is are at liberty to retire from the case and recover all amounts due to  
him/them and retain all my/our monies till such are paid.

5. And I/we, the understand do hereby agree to ratify and confirm all done by  
the Advocate or his substitute in the matter as my own act done by me/us to all  
intents and purposes.

Executed by me/us this day of 19 at

Filed today  
16/7/41

Signature

Executant/s are personally known to me he has/they have/signed before me

Satisfied as to the identity of executant/s signature/s.

( where the executant/s is/are illiterate blind or unacquainted with the language of  
vakalat )

Certified that the content were explained to the executant/s in my presence  
in.....the language known to him/them who appear/s perfectly to  
understand the same and has/have signed in my presence.

Accepted

*[Signature]*

K. C. SINHA  
Advocate

High Court, Allahabad

Counsel for Applicant/Respondents

No. 1 to 4 only

Central Administrative Tribunal  
Lucknow Bench

Cause Title Cont 23 of 1998 (y)

Name of the Parties K. P. Pandey Applicant

Versus

Dr. Nath Singh Respondents.

Part A. P.C.

Sl. No.

Description of documents

Date

- | Sl. No. | Description of documents         | Date                             |
|---------|----------------------------------|----------------------------------|
| 1.      | Check List                       | A                                |
| 2.      | Order Sheet.                     | A1 - A2 ✓                        |
| 3.      | Judgement.                       | Dt. 32-92 W.O.A. 137 of 90 (y) ✓ |
| 4.      | Petition Copy.                   | A3 - A12 ✓                       |
| 5.      | Annexure.                        | A13 - A17 ✓                      |
| 6.      | Power.                           | A18 - A19 ✓                      |
| 7.      | Counter Affidavit.               | A19 - A20 ✓                      |
| 8.      | Rejoinder Affidavit.             |                                  |
|         | - Notice order Cnty A29 to A33 ✓ |                                  |

B - File

B - File

B1 - B24

C - File

C1 - C5

weeded out / destroyed

SC (5)

ORDER SHEET

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

Contempt No. 23 OF 1990  
K. P. Pandey Vs. D. N. Singh

(A)

Sl.No.	Date	Office Report	Orders
1	10/12	<p>Gr</p> <p>He for the applicant has filed Contempt An. No 23/90(L) at 712-90 against the order dt. 24.4.90 passed by Jm. D. K. Agarwal Th &amp; Mr. K. Chagga Am S. P. O.</p> <p align="right">L 10/12</p>	
	13.12.90	<p>Hon Mr. Justice K. Nath VC Re Mr. K. Chagga Am.</p> <p>Counsel for the applicant is not present. Case is adjourned to 10.1.91. for order.</p> <p align="center">b Am.</p>	
	10.1.91	<p>No sitting day to 28.1.91.</p>	
	28.1.91	<p>No sitting day to 4.2.91.</p>	
	4.2.91	<p>Hon Mr. Justice K. Nath VC Hon Mr. K. Chagga Am.</p> <p>Issue notice to respondents to show cause why the proceedings for contempt may not be initiated against them and hint for order on 5.2.91. In addition to the issue of notice by the office, the applicant is also directed to serve a copy of the order on respondents; under the court for which office will make available copies of notice to the applicant within 24 hours.</p>	

Vc.


Cont. no. 23/90


4/4/91

Hon. Mr. A.B. Tebbi, J.M.

Hon. Mr. S.Y. Prasad, J.M. (RV)

After hearing the learned  
Counsel for both the parties  
We are of the view that  
this matter of Contempt should  
be heard together with C.A. No. 137/90.

  
J.M.

  
J.M.



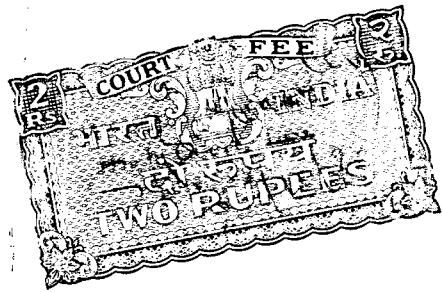
A3

I have the honor to acknowledge the receipt of your letter of the 11th inst.

in relation to the above.

---

... 23 ... (L)



I am, Sir, very respectfully,

Your obedient servant,

J. H. ...

(Signature)

...

---

...

...

...

...

... yr.

K. H. ...

(Signature)

- 2 -

General Administrative Tribunal  
Circuit Court of Cook County  
Date of filing 7/12/90  
Date of receipt of Post. 7/12/90

Deputy Registrar (J)  
cyw  
7/12

Application for writ of habeas corpus

John Doe, Petitioner

1. In view of the facts and cir-  
cumstances of this case, the writ of  
habeas corpus should be granted.  
2. The writ of habeas corpus should be granted  
because the petitioner is being held in  
custody without legal authority.  
3. The writ of habeas corpus should be granted  
because the petitioner is being held in  
custody without legal authority.

Filed today  
cyw  
7/12/90

JSR

(J. S. J. J. J.)

Exhibit

Exhibit

2. 27 11.1000.  
27 - 11 - 90  
7/12/90

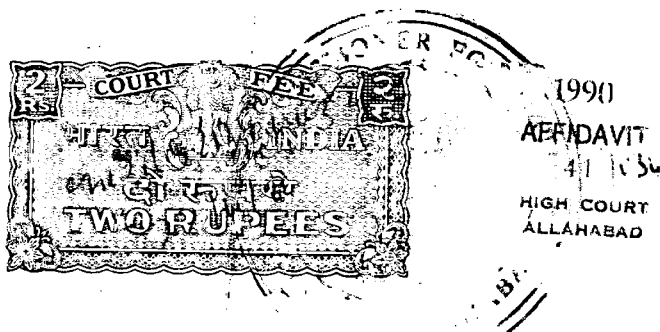
Sealed for Applicant.

AS

IN THE CHIEF JUSTICE'S COURT

ALLAHABAD, INDIA.

23.10.1990



IN THE CHIEF JUSTICE'S COURT

ALLAHABAD, INDIA.

23.10.1990

IN THE CHIEF JUSTICE'S COURT



IN THE CHIEF JUSTICE'S COURT

ALLAHABAD, INDIA.

23.10.1990

I, the undersigned, do hereby

certify that the above is a true and correct copy of the

original document filed in the Court of the Chief Justice

of Allahabad, dated 23.10.1990.

K. P. Pandey





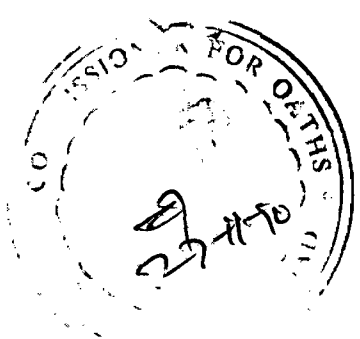


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4. The fourth of the two ...



K. Pandey

89

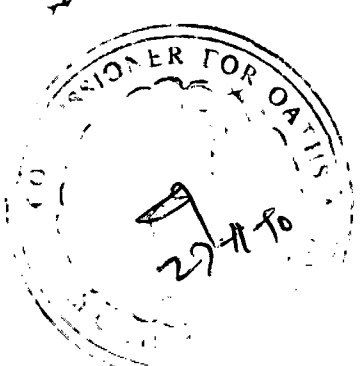
- 3 -

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K. Pandey

9. ... ..  
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A10

- 3 -

on the 1st day of May, 1910

before me, the undersigned

Notary Public for the State of

California, personally appeared

John J. [illegible]

known to me to be the same person

whose name is subscribed to the

foregoing instrument, and

acknowledged to me that he executed the same

for the purposes and consideration therein

expressed.

10. In testimony whereof, I have hereunto set my hand and



K. J. [illegible]

(All)

- 7 -

Commissioner of Police, Lucknow

Dated 20.5.1990

For the purpose of the above mentioned  
document in presence of the undersigned by  
this order I have directed the concerned  
officer to do so.

11. In the case of the above mentioned  
document, the undersigned has directed the  
concerned officer to do so.

LT1 Kashi Pal Pandey K.P. Pandey

Lucknow

D. 22 11.1990  
W 27-11-90



Witnessed

I, \_\_\_\_\_ do hereby

On the day of writing of the above mentioned document 1, 2, 3,  
3 & 10 of the above mentioned document have been read out  
in the presence of the undersigned by the concerned officer  
and the same have been read out in the presence of the  
undersigned by the concerned officer.

LT1 Kashi Pal Pandey K.P. Pandey

Lucknow

D. 27.11.1990.

A12

I have submitted a copy of

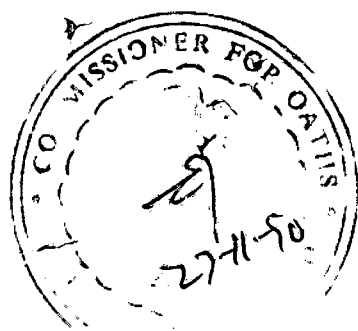
the same to the undersigned

for his use.



(C. P. Misra)

Advocate.



27-11-90 : 8.50

27-11-90 : 8.50

27-11-90 : 8.50


Advocate.

I have submitted a copy of

the same to the undersigned

for his use.

I have submitted a copy of

  
C. P. MISRA  
Advocate Oath Commissioner  
Allahabad High Court,  
First Law Bench Lucknow.  
No. 41/1034  
Date 27-11-90

In the Central Administrative Tribunal  
Direct Bench, Jaipur

(13)

Crim. case No. 1990

Kirti Prasad Pandey  
VS.

Dina Nath Singh

Application  
opposite Part

ANNEXURE No. 1

दूरसंचार विभाग

श्रीमान दूरसंचार मण्डल अभियंता  
बैजवाड ।

विषय: पूर्ववत रूप से कार्य करने की अनुमति प्रदान करने के सम्बन्ध में ।  
xxxxxx

महोदय;

कृपया आप अपने कार्यालय के पत्र सं० ड-357/208 दिनांक 24.2.90 का अवलोकन करें जिसमें यह कहा गया है कि प्रार्थी के निवृत्ति संबंधी मामला निदेशक कार्यालय को अनुमोदना भेजा गया था लेकिन वहाँ से इस सम्बन्ध में कोई जवाब नहीं आया है।

उपरोक्त के सम्बन्ध में कृपया निदेशक कार्यालय के पत्र सं० प्रसा./38-2/79 दिनांक 3.12.88 का अवलोकन करें जिसके द्वारा स्वीकृति प्रदान की गयी है तथा इसी सम्बन्ध में महा प्रबन्धक दूरसंचार, उ०प्र०परिमण्डल लखनऊ के कार्यालय पत्र सं० प्रती/एम-37/एम/5 दिनांक 20.9.89 का अवलोकन करें जिसके द्वारा प्रार्थी का पूरा विवरण वांछित/आवेदित है तथा इसी के तार-तम में इस कार्यालय के पत्र सं० ड-120/एच.टी./62 दिनांक 20.20.89 का अवलोकन करें जिसके प्रार्थी का पूरा विवरण महाप्रबन्धक दूरसंचार, उ०प्र०परिमण्डल, लखनऊ को भेजा जा चुका है जिसकी अगिम कार्यवाही के बारे में अभी तक इस कार्यालय को सूचित नहीं किया गया है।

अतः आपसे अनुरोध है कि उपरोक्त निवृत्ति सम्बन्धी मामले में लगातार पत्राचार जारी रखा जाय तथा प्रार्थी को पूर्ववत रूप से कार्य करने की अनुमति प्रदान करने की कृपा की जाय जिससे कि न तो प्रार्थी बेरोजगार होकर निम्न परितस्थितियों का सामना करना पड़े अ न ही इस दूरसंचार मण्डल कार्यालय का राजकीय कार्य ही अवरुद्ध रहे। प्रार्थी इस समय आर्थिक स्थिति से काफी परेशान है इसलिए प्रार्थी की दयनीय स्थिति को ध्यान में रखते हुए प्रार्थी को यथावत रूप से कार्य करने की अनुमति प्रदान करने की कृपा की जाय। इस सम्बन्ध में सम्माननीय सेण्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल कोर्ट का आदेश आपके अवलोकनाधीन है।

संलग्नक: सम्माननीय सेण्ट्रल एडमिनिस्ट्रेटिव  
ट्रिब्यूनल कोर्ट का आदेश दिनांक  
24.4.90.

दिनांक 28.4.1990

K. P. Pandey

प्रार्थी:-

K. P. Pandey

काशी प्रताप पाण्डेय  
स्टेनीवाइफिस्ट

का० दूरसंचार मण्डल अभियंता, बैजवाड ।

29-11-90

29-11-90



Central Administrative Tribunal  
Circuit Bench, Lucknow

(AM)

crimise case No. of 1990

Kirti Prasad Pandey

vs.

Dina Nath Singh

Applica.  
opposite Part

ANNEXURE NO.2

DEPARTMENT OF TELECOMMUNICATION

Office of the  
Telecom Divisional Engineer  
Faizabad.

No-E/01/Hindi Typist/45

Dt. 20/5/90

Volunteers are called for amongst T.S.Os who are willing to work as a Hindi Typist in the scale of Rs. 975/-1660 in the office of the Telecom Divisional Engineer Faizabad with minimum speed of 30 words per minutes.

Class IV officials who have the requisite qualifications (High school) with 3 years of service on 1-7-90 may also apply for the post.

It may be noted that the appointment will be made on purely temporary and adhoc basis and can be terminated at any time without assigning any reason.

Applications must reach to this office by 10-6-90. No application will be entertained if received after 10-6-90. All applications must come through SDO/AE concerned.

Telecom Divisional Engineer  
Faizabad.

2-1150

Copy to the following for information and wide publicity amongst the staff:-

1. SDO T Fy/Barabanki/Unnad.
2. AE/M/W Faizabad.
3. Dy G.M.T.(G.A) Nawal Kishor Road Lucknow.
4. S.I.M.Zaidi A.G.M.T. G.M.T. Lucknow.
5. Sh. M.A.Ansari ADTE, east circle G.M.T.U.P.Lucknow.
6. Sh. T.K.Chabra, Deputy G.M.T. G.M.T.U.P.Lucknow.
7. Shri O.P.Arya - ADT (Recrutement)

(A/S)

The Central Administrative Tribunal  
Circuit Bench, Lucknow

Ex. misc. case No. of 1990  
Rishi Prasad Pandey - applicant  
vs. - official to parties  
- Dina Nath Singh  
ANNEXURE NO. 3

Department of Telecommunication

Shri Deena Nath Singh  
Divisional Officer (Engg.)  
Telecom Divisional Engineer,  
Faizabad-224001.

K. P. Pandey  
15-6-90

Sub: To allow the official to work on the same place as before upto finalisation of the case.

Ref: Your letter No. R\_357/209 dated 24.2.90.

\*\*\*\*\*

Respected Sir,

Please refer our letter No. nil dated 28.4.90 alongwith Hon'ble CAT Court Order regarding to give the permission to the applicant to work & continue in service as before upto finalisation of the case. Respectfully I beg to state you kindly cancel your order dt. 24-2-90 and allow me to work on the same place as was performing before. After this, I would like to draw your kind attention towards your office order No. E-101/ Hindi-typist/45 & 47 dated 20.2.90 & 23.3.90 through which you have asked a permission from Sri J.K. Chhabra, Dy.G.M. & C.G.M.T. UP. Circle, Lucknow to recruit one Hindi-typist & Steno through Employment Exchange and you are also <sup>showing</sup> your official problems to above mentioned higher authorities that the office work and progress are suffering badly due to lack of Hindi-typist and Steno. In this connection, it has come to my knowledge that you have called for a Departmental Volunteer in T.S.C. & Group 'D' and also T.S. Labour vide above cited letter. So this is to inform you please again see the Hon'ble C A T Court order dt. 24.4.90 and also call for me because my candidature is already put-up in your office.

K. P. Pandey

I, therefore, request you kindly give me a chance according to C A T Order to appear in the Departmental Selection for Hindi-typist. For this kindful action I myself & my all family members will be highly obliged to you. I am anticipating to you that you will must Co-operate me in every sphere of my Economic & Service problems because at present I am too much puzzled with my social liabilities.

Thanking you,

Yours faithfully,

( K. P. Pandey )

Stenographer  
Offo Telecom Divisional Engineer  
Faizabad.

Copy for information to:-

1. Shri Ummed Singh Manral, Dy.G.M. (CA) Lucknow. for kindful action please.
2. Shri J. K. Chhabra, Dy. G.M., O/o C.G.M.T. UP. Circle, Lucknow. Kindly give the permission to Divisional Officer (Engg.) Faizabad to appoint me on the post of Hindi-Typist/Stenographer.

AK

In the Central Administrative Tribunal  
Circuit Bench, Lucknow

Kashi Prasad Pandey

- Dina Nath Singh

Applicant  
Applied to parties  
ANNEXURE No. 4

Department of Telecommunications  
of The Telecom Divisional Engineer Faizabad, get No  
To, Sri Kashi Prasad c/o Sri K. P. Mishra (M.T.) 2784  
Atr No. 12B, behind Railway Hospital

Faizabad 224001

No. Staff / K.P. Pandey / 2 dated at Faizabad the 20-6-90

Sub: Post of Hindi Typist.

Ref: Your application dated 15-6-90.

In reference to your application cited above it is intimated that you are not a regular employ in the department and as such your name as a candidature for the post of Hindi Typist can not be considered. The advertisement for the post of H.T. has been made only for the departmental candidates.

It is not possible to consider your name as daily rated basis also because the following irregularities have been noticed.

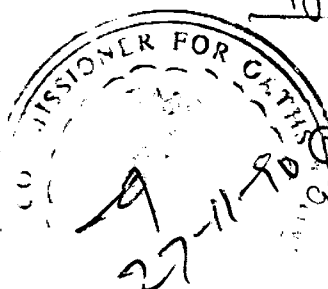
1. The working period from 1<sup>1</sup>/<sub>82</sub> to 31<sup>3</sup>/<sub>83</sub> which has been attached by you is still under investigation because you were regular scholar of B.A. Part I, etc. from K.S. Saket Post Graduate College Faizabad in above period. The engagement as a casual labour in the department as a regular student for the same period are contrary to each other.
2. The actual working period as a un-sponsored casual labour is less than 240 days in each financial year and the break period is also about 150 days in each year which can not be condoned in reference to D.O.T. letter No. 269-29187-57.91 (P.T) dt 5-1-89. Further it has come to notice that you had been a regular student of B.A., B.Com., L.L.B. etc. in K.S. Saket Post Graduate College Faizabad during above break period.

Considering above facts and your unsatisfactory working you have already been removed from daily rated job vide this office letter No. E-3541208 dated 24-2-90 which you were doing in this office.

Copy to:-

① Sri V.S. Marmal, Dy. G.M.T. (C.A.) Lucknow for information.

② Sri J.K. Chhabra, Dy. G.M.T. (C.A.) M.T. U.P. Circle, Lucknow for information.



In the Central Administrative Tribunal  
Circuit Bench, Lucknow

(A17)

ex. misc. case No. of 1990

Kashi Prasad Pandey

vs.

Dina Nath Singh

Applicant

opposite Parties

ANNEXURE No. 5

Department of Telecommunication

To,

Shri Dina Nath Singh  
Divisional Officer (Engg.)  
Department of Telecommunication  
Faizabad-224001.

Sub: Allow the applicant to work continue in service on the same place.

R/Sir,

Please refer my letter dt. 28.4.90 alongwith Hon'ble CAT court order dt. 26.4.90 & letter dt. 15.6.90. In this connection, I would like to draw your kind attention towards above mentioned subject. I want to say you that I am a Departmental Sponsored Candidate of the year 1982 & being a sponsored labour of this department you should allow me to work continue in service on the same place on which applicant was performing his duty recently & absorb me as in regular Steno/Typist in the department because against your illegal termination order dt. 24.2.90 Hon'ble ~~court~~ CAT Court has issued an order dt. 26.4.90 to put up his candidature in the department for regularisation if any selection was made by taking the Departmental Exam. I am feeling fit for that. Please also refer your letter dt. E-101/HT/47 dt. 23.5.90 in which you have asked permission from your higher authority to recruit one Hindi Typist and in E-101/HT/45 dt. 25.5.90 you have called volunteer in the Department in Cadre of Time Scale Clerk & in Temporary Status Labour & in view of law there is no difference between Temporary Status Labour & Sponsored Casual Labour both are equal. So in view of law applicant is also entitled to be appear in the Departmental Exam of Hindi Typist.

I, therefore, request you to kindly follow the order of Hon'ble Court and allow the applicant to work continue in service on the same place as before termination because applicant has to hold his all family responsibility & is too much perplex economically in this un-employment. So again I request you to kindly consider my case sympathetically, for this kindful action applicant and his all family members forever will be highly obliged to you. But if the applicant did not get any response about at your end will be finally compelled to go to Contempt of Court for the safety of his regular employment in the Department. I am anticipating to you that you will must Co-operate me at every stage from your level.

With regards.

Yours faithfully,

*K. P. Pandey*

( K. P. Pandey )

Stenographer

Divisional Officer (Engg.)

Department of Telecommunication

Saryu Hotel

Faizabad-224001.

Dated: 10.09.1990.

FOR OFFICIAL USE  
27-11-90

# Vakalatnama

Before the Central Administrative Tribunal  
in the High Court of Judicature at Allahabad

SITTING AT LUCKNOW

Kashi Prasad Pandey

VERSUS

Dina Nath Singh

No.

51990 of 11



I | we the undersigned do hereby nominate and appoint Shri

and Shri

Sriya Bhan Pandey, S. Raju  
Naidu Ma of Lucknow

Advocate, to

be counsel in the above matter, and for me | us and on my | our behalf to appear, plead, act and answer in the above Court or any Appellate Court or any Court to which the business is transferred in the above matter, and to sign and file petitions, statements, accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from, and also to apply for and receive all documents or copies of documents, depositions, etc, etc, and to apply for issue of summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrant or order and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however, that. if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town, then, and in such an event my | our said advccate shall not be bound to appear before the court and if my | our said advocate dcth appear in the said case he shall be entitled to an outstation fee and other expenses of travelling, lcdging, etc Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate(s) shall not be held responsible for the same. And all whatever my | our said advocate(s) shall lawfully do, I do here by agree to and shall in future ratify and confirm.

ACCEPTED :

1r

S. B. Pandey  
Advocate

2-

(S. B. Pandey)  
Advocate

Aliza C

22/11/90

Signature of Client

Kashi Prasad Pandey  
(Kashi Prasad Pandey)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH

CIRCUIT BENCH : LUCKNOW.

CIVIL MISC. APPLICATION NO. 23 / 1991

ON BEHALF OF

DINA NATH SINGH

APPLICANT / .RESPONDENT

IN

CONTEMPT NO. 23 of 1990 (L)

Kashi Prasad Pandey

.applicant

Versus

Sri Dina Nath Singh

.Respondent

To

The Hon'ble The Vice Chairman and His Other  
Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed  
MOST RESPECTFULLY SHOWETH :

1- That in view of facts and circumstances  
stated in the accompanying counter affidavit, it  
is in the interest of justice that the notice of  
contempt petition no. 23 / 90 (L) may be ~~dismissed~~  
dismissed.


Recd Copy  
K. P. Pandey  
5-3-91

2.

P\_R\_A\_Y\_E\_R

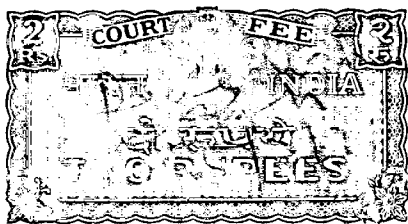
WHEREFORE, this Hon'ble Tribunal may kindly be pleased to dismiss the contempt petition no. 23 /90(L) otherwise the respondent would suffer irreparable loss.

Dt/-March 2, 1991.

  
(K.C. SINHA )  
Addl. Standing Counsel.  
Central Govt.  
Counsel for the respondent.

(A-2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH  
C I R C U I T B E N C H : LUCKNOW.



.....  
COUNTER AFFIDAVIT

ON BEHALF OF SHRI DINANATH SINGH.....  
RESPONDENT NO.1

991  
AFFIDAVIT  
9/10/91  
HON. COURT  
LUCKNOW

IN

CONTEMPT NO. 23 of 1990 (B)

Sri Kashi Prasad Pandey

.applicant

Versus

Sri Dina Nath Singh

.Respondent.

Affidavit of Dina Nath Singh aged about  
55 years, s/o Shri Lali Shri Kamta Singh

Telecom District Engineer, Faizabad.

*(Signature)*  
(Deponent).



I, the deponent abovenamed do hereby solemnly  
affirm and state on oath as under :

1- That the deponent is the Telecom District  
Engineer, Faizabad and has been arrayed as Respondent  
no.1 in the contempt petition and as such is well  
acquainted with the facts deposed to below.

*(Signature)*



(A-2)

2.

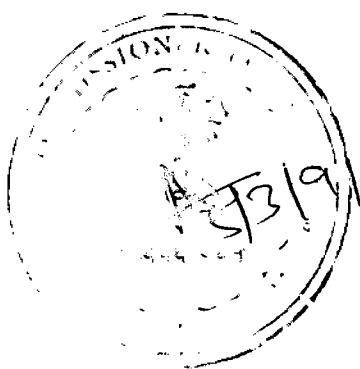
2- That the deponent has read the contempt petition and has understood the contents therein fully and he is in a position to reply the same.

3- That the contents of paragraph 1 of the Contempt Petition need no comments.

4- That in reply to contents of paragraph 2 of the Contempt petition, only this much is admitted that the petitioner has filed Original Application No. 137 of 1990.

5- That the contents of paragraph 3 of the Contempt petition are matters of record and as such need no comments.

6- That in reply to contents of paragraph 4 of the Contempt Petition, it is submitted that this Hon'ble Tribunal has passed an order on 24th April 1990 as quoted in paragraph no.3 and as such it is not practically possible for the petitioner to prefer the representation during the course of a day alongwith certified copy of the judgment of this

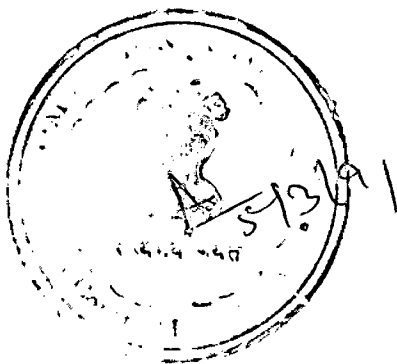


*20. npr*

3.

Hon'ble Tribunal at Faizabad on 24th April 1990 itself. In fact the certified copy of the order dated 24th April 1990 of the Bench consisting of Hon'ble D.K.Agrawal(A.M.) and Hon'ble Mr. ~~Justice~~ K.Obeyya(A.M.) was issued by the Registry on 26th April 1990 and as such the question of preferring a representation dated 24th April 1990 does not arise. However, the copy which has been annexed along with the contempt application as Annexure-1 bears the date at the end of representation as 28th April 1990 and in case the argument of the petitioner is that the representation along with order was filed with the office of the Divisional Engineer Telephones, Faizabad on 28th April 1990, it is made clear that no such application has ever been preferred in the office of District Engineer Telephones, Faizabad on 28th April 1990 or thereafter.

7- That the contents of paragraph 5 of the Contempt petition are not correct and as such are denied. The perusal of Annexure -2 would go to show that volunteers were called from amongst time scale clerks, who were willing to work as Hindi Typist in the Telecom District Engineer, Faizabad with the minimum



*[Handwritten signature]*

(A221)

4.

<sup>2</sup>  
speed ~~xxxx~~ of 30 words per minute and also from amongst the Class IV employees who have requisite qualification of three years services on 1st July 1990 and as such the assertions made that respondents were notifying applications for steno-typist are absolutely baseless. It is the word 'HINDI TYPIST' which has been used in the document dated 20th <sup>May,</sup> ~~August~~ 1990, which has been annexed as Annexure-2 to the contempt application, and not Stenotypist.

8- That in reply to contents of paragraphs 6 and 7 of the Contempt petition it is submitted that petitioner's representation for consideration of his candidature for the appointment on the post of Hindi typist could not be acceded because of the fact that neither the petitioner was amongst those persons who were called for taking part in the appointment, nor it was a post of Steno typist. Contrary to this the petitioner was working under the control of some private contractor and the Department has never paid any salary to the petitioner. As a matter of fact, the emoluments were paid to the contractor and it is the contractor to distribute the same to the petitioner and as such the

A  
5/3/91

2/10/92

125

5.

Government has got no control over the petitioner's engagement on casual basis. However, it is clear that neither he was a time scale clerk nor he was a member of Class IV officials and as such since this post of Hindi typist was restricted only for the aforesaid cadre, the petitioner cannot apply for the same, as stated earlier,; secondly the petitioner has never worked on the post of Hindi typist and this Hon'ble Tribunal has passed an interim direction dated 24th April 1990 to consider the candidature of the applicant, in case any ad-hoc or regular appointment on the post of Steno typist is being made, which the applicant was holding on daily wage basis. In view of the order dated 24th April 1990, it is also clear that the petitioner was working as a stenotypist so he cannot be considered for the aforesaid post of Hindi typist and as such his request was rightly rejected by means of the order dated 20th June 1990 as has been annexed as R.A.4.

ERJ  
313/91

9.. That the contents of paragraph 8 of the contempt petition are not correct and as such are denied. In fact the representation referred to in para under reply is totally misconceived and since the reply has already been given on 20th June 1990 and as such no further consideration is required on his repeated

*Ampe*

(H26)

6.

request .Moreover, the person who are casually engaged only by the contractor who has taken a contract from the Government to discharge certain work, cannot address to the Divisional Engineer ,Telecommunication Faizabad by writing a D.O. letter in the name of the deponent. Since the petitioner is not a member of government organisation, neither he is holding any civil post and as such no action has been taken for the said irregularity which he has committed by writing a D.O. letter to the deponent.

10. That the contents of paragraph 9 of the Contempt application are not correct and as such are denied. The order dated 24th April 1990 is very much clear in its entirety that this Hon'ble Tribunal has directed to consider the candidature of the petitioner for making any ad-hoc or regular appointment on the post of Steno typist whereas the fact remains that neither there was any ad-hoc arrangement nor any regular appointment of steno typist was being made in view of letter dated 20th May 1990 but it is the temporary post of Hindi typist, which was to be filled in and that too only amongst the time scale clerk and class IV officials. Neither the petitioner was time scale clerk nor class-iv official and as such the

11/5/3/91

*[Signature]*

7.

question of flouting the orders of this Tribunal does not arise.

11- That the contents of paragraph 10 of the Contempt application are not correct, as stated. In fact the petitioner has illegally dragged the deponent on misconceived pleadings. The deponent has always been respectful to the judicial authorities and has never given any occasion to his best which warrants the contemptuous action against the deponent. Firstly the deponent pleads that he has not committed any such contempt as pleaded in paragraph under reply and no notice on the facts stated in the counter affidavit, can be issued to the deponent. Since the same has been issued as ex-parte on 4th February 1991 and as such the deponent is expressing that in case the ~~affidavit~~ this Hon'ble Tribunal arrives at the conclusion that the deponent has flouted the orders of this Hon'ble Tribunal at the best it can be the case of inadvertent mistake and not a deliberate attempt and for the same the deponent is ready to tender his unconditional apology.

12- That in view of aforesaid facts and circumstances of the case, the notice dated 4th February 1991

*Amal*

(A2G)

8.

in the aforesaid contempt application may be discharged and the contempt application no 23/90 (L) Shri Kashi Prasad Pandey vs. Sri Dina Nath Singh is dismissed with special cost to the deponent.

Dated - March 28 1991

L.T.D  
or  
Deponent

that the contents of paragraphs 1, 2, 3, 4 (judg), 5 (judg), 9, 10 (judg), 11, 12 of this affidavit are true to my personal knowledge; those of paras 4, 5, 6 (judg) 7, 8 (judg), 10 (judg)

are based on record and those of paras — are based on legal advice, which all I believe to be true. No part of it is false and nothing material has been concealed init.

A 5/3/91

Subscribed and sworn to before me on this 28th day of March 1991 at Lucknow.

Dina Nath Singh  
K.C. Singh Advocate High Court  
SO HELP ME GOD.

L.T.D  
or  
Deponent

I have examined the deponent and the contents of this affidavit which has been read out and explained by me Fee Charged Rs. 1/-1-50

A. K. GUPTA

Deponent

Advocate Oath Commissioner  
Allahabad High Court,  
Lucknow Bench Lucknow.

No. 91/102  
Date 5/3/91

I, identify the deponent who has signed before me

K.C. Singh  
Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

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

Registration O.A. No. 441/1990 of 1990 (C)

No. CAT/Alld/Jud

.....  
.....

Applicant(s)

.....

Respondent(s)

*Handwritten text in Hindi/Urdu script, likely a petition or application.*

Please take notice that the applicant above named has presented an Application copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed

Day of

For.

If, no appearance is made on your behalf, your pleader or any one duly authorized to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and seal of the Tribunal this Day of 1990.

For Deputy Registrar  
(Judicial)



C-2

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

Cent.NO.23 of 1990 (L)

1/20


Sri Kashi Prasad Pandey  
Sri Dina Nath Singh

..... Applicants.  
..... Respondents.

04.2.91

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

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



Issue notice to respondents to show cause why the proceedings for contempt may not be initiated against them and list for order on 5.3.91. In addition to the issue of notice by the office, the applicant is also directed to serve a copy of the order on respondent, out of Court for which office will make available copies of notice the applicant within 24 hours.

Sd/  
A.M.

Sd/  
V.C.

//True Copy//

*12/11/91*  
for Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench  
[Signature]

(3)

A  
51

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH LUCKNOW.

Cont. NO. 23 of 1990 (L)

Sri Kashi Prasad Pandey  
Sri Dina Nath Singh

..... Applicants.  
..... Respondents.

04.2.91

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

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

Issue notice to respondents to show cause why the proceedings for contempt may not be initiated against them and list for order on 5.3.91. In addition to the issue of notice by the office, the applicant is also directed to serve a copy of the order on respondent, out of Court for which office will make available copies of notice to the applicant within 24 hours.

*Checked by*  
*L*

Sd/  
A.M.

Sd/  
V.C.

//True Copy//

Sd/

*1/11/91*  
*6/1/91*

CW

A32

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

Cent. NO. 23 of 1993 (L)

Sri Kashi Prasad Pandey

..... Applicants.

Sri Dina Nath Singh

..... Respondents.

04.2.91

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

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

Issue notice to respondents to show cause why the proceedings for contempt may not be initiated against them and list for order on 5.3.91. In addition to the issue of notice by the office, the applicant is also directed to serve a copy of the order on respondent, out of Court for which office will make available copies of notice the applicant within 24 hours.

Sd/  
A.M.

Sd/  
V.C.

//True Copy//

Deputy Registrar

Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Allahabad Bench

Regd. : A/D  
23-A, Thornhill Road  
Allahabad. 211 002

Registration O.A. No. 22 of 1990 (C)

Re CAT/Alld/Jud

Kashi Prasad Pandey

Applicant(s)

Dina Nath Singh

Respondent(s)

- ① Dina Nath Singh, Divisional officer  
(Engineering) Telecom Engineering  
Dehradun, Panchkula.

Please take notice that the applicant above named has  
presented an Application a copy of whereof is enclosed herewith  
which has been registered in this Tribunal and the Tribunal has  
fixed 5 Day of 3/7/91 For order

If, no appearance is made on your behalf, your pleader  
of my some one duly authorized to Act and plead on your behalf  
in the said application, it will be heard and decided in your  
absence.

Given under my hand and the seal of the Tribunal this Day  
of 1990.

For Deputy Registrar  
(Judicial)

Copy of P.O. with Court order  
to Alld/Jud