

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/FA/RA/CP/MA/PT 171/90/20

S. D. Tiwari.....Applicant(S)

Versus

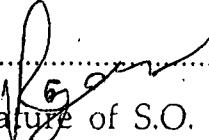
U.O.3.....Respondent(S)

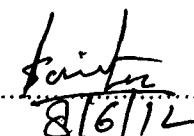
INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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B.C. Weeded and destroy

Certified that the file is complete in all respects.


Signature of S.O.


Signature of Deal. Hand
8/6/12

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

(A)

175-90

Registration No. 171 of 1990(C)

APPLICANT(S) S. D. Tewari
RESPONDENT(S) U.O.C.

	<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1.	Is the appeal competent ?	✓
2.	a) Is the application in the prescribed form ?	✓
	b) Is the application in paper book form ?	✓
	c) Have six complete sets of the application been filed ?	✓ (2+3)
3.	a) Is the appeal in time ?	✓
	b) If not, by how many days it is beyond time ?	
	c) Has sufficient cause for not making the application in time, been filed ?	
4.	Has the document of authorisation Vakalatnama been filed ?	✓
5.	Is the application accompanied by B.O./Postal Order for Rs.50/-	✓ (Po No 802-400906) Rs. 50/-
6.	Has the certified copy/copies of the order(s) against which the application is made been filed ?	✓
7.	a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ?	✓
	b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	✓
	c) Are the documents referred to in (a) above neatly typed in double space ?	✓
8.	Has the index of documents been filed and pagining done properly ?	✓
9.	Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	✓
10.	Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	✓

12

particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?

Yes

12. Are extra copies of the application with Annexures filed ?

No

a) Identical with the Original ?

b) Defective ?

c) Wanting in Annexures

Nos. _____ 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 (Item no 4)

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.

No

dinesh/

(A)
CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH,
CIRCUIT BENCH,
LUCKNOW

Reg. No. OA 171/1990 (L)

Swami Daal Tewari

Applicant

Vs.

Union of India & Others

Respondents

21.5.1990

Present:

No one is present for the applicant. However, we have perused the file.

Admit. Issue notice to the respondents to file their counter affidavit within six weeks of the receipt of this order with a copy to the applicant who may file a rejoinder, if any, within two weeks thereafter. List on 27.8.90 for directions.

or
notified on
24/5/90

D.K. Agarwal
(D.K. Agarwal)
Member (Judl.)

B.C. Mathur
(B.C. Mathur)
Vice-Chairman (A)

OR

Notices were issued on 24-5-90 by Repd. Post.

Neither reply nor any served repd. ever has been returned back.

S. f. O.

L L
14/6/90 23/8/90

L
11/3/91

8.90

Division Bench is not available

Adj'd to 29.10.90

0 1990

No setting adj'd to 19.11.90

L

A5

संसीरटी/रल के आ/सीबी/समरसी/
केन्द्रीय प्रशासन के अधिकार
समिक्षा बोर्ड,

171-90 L

रेजाइन्सी

2/7/91

D.R.

Sri D.S. Chauhan I.D. C/A
has also been filed an
application for fixing the
case for Ex parte hearing.
Hence, this case is to be
listed before the Hon. Bench
on 4.7.91 for orders.

R

4.7.91

Frankl. Mr. Justice V. C. Savarkar v/s
Frankl. Mr. A. B. Gorde. A.M

No Counter has been filed.
Case is adjourned for final hearing
on 14.9.91

1
A.M

l/s
V.C

CAT filed
26/7/91

OR
CA filed along with
application for condonation
of delay.

No RA filed
MP 294 91 L to
Ex parte hearing.
S.P.O.

(A1)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A.No. 171/90(L)

S.D.Tewari

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B.Gorthi, Adm. Member.

The applicant who was dismissed from service, was chargesheeted and the departmental enquiry proceeded. The applicant, after the submission of the enquiry officer's report reduced to five stages from Rs 900/- to Rs 825 vide order dated 30.12.88. The applicant filed appeal and the appeal was dismissed on 31.7.89. Then he approached the Tribunal.

There appears to be no delay but the appeal was decided. The preliminary objection is that of limitation. The enquiry officer's report was not given by the respondents before the punishment order was passed. The enquiry officer must have given the report in time but the enquiry report was given to the applicant at the later stage. The non-giving the enquiry report, thus deprives the applicant from making representation which is violative of principles of natural justice. This question was decided in Union of India vs. Mohd. Ramzan Khan (1991) Supreme Court cases (L&S) 612 wherein it has been held that non-furnishing of the report to the delinquent would be violative of principles of natural justice rendering the final

AO

-2-

order ~~was~~ invalid. The application deserves to be allowed and accordingly, it is allowed. The punishment order dated 30.12.88 and the appellate order dated 31.7.89 communicated to the applicant by the letter dated 15.12.89 are quashed. It will not preclude the disciplinary authority to proceed from the stage of enquiry. The applicant will be deemed ^{to be} in service. & No order as to costs.

Shanayi

A.M.

U

V.C.

Lucknow Dated: 16.9.91

(A9) Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow
Dated 17/5/90
of Recd. by Post.....

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

Registration No. 171 of 1990(L).

Swami Dayal Tewari ... **Applicant.**

versus

Union of India and others **Respondents.**

---oo---

COMPIRATION - A

COMPIRATION - B

S. S. Chaudhary

Applicant.

D.S. Chaudhary

(D.S. Chaudhary)
Advocate,
Counsel for the applicant.

Dated: Lucknow,
May
April 16, 1990.

f.t.
DS
17/5/90

In the Hon'ble Central Administrative Tribunal,
Additional Bench, Allahabad.

Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 17-5-90
Date of Receipt by Post.....

Circuit Bench, Lucknow.

Registration No. 171 of 1990 (L).

Application under Section 19 of
Administrative Tribunal Act, 1985.

Swami Dayal
Tewari.

Applicant.

Versus.

Union of India
and others.

Respondents.

COMPIRATION - A

1. Application under Section 19
of the Central Administrative
Tribunal Act.
2. Annexure No.1.
Punishment order
dated 30-12-1988.
3. Annexure No.2.
Appellate order dated
31-7-1989, communicated
on 15-12-1989.
4. Annexure No.3.
Appeal dated
13-2-1989.
5. Annexure No.4.
Enquiry report.

C. S. Chauhan

Applicant.

S. K. Srivastava
(S. K. Srivastava)
D. S. Chauhan
Advocate.

Lucknow: Dated:

May 16, 1990.

Counsel for Applicant.

(AII) 17-5-90
Central Administrative Tribunal
Regd. by Post.....

V. t. v. Regd. (J)

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

Registration No. 17/ of 1990(L).

PARTIES NAME

Swami Dayal Tewari, aged about 43 years,
son of ~~Latikam~~ ^{Postman} ~~Latikam~~ Tewari, Aminabad
Park Post Office, Lucknow.

... Applicant.

versus

1. Union of India through the Director,

Postal Services, Lucknow Region,
Lucknow.

2. Senior Superintendent of Post Offices,
Lucknow Division, Lucknow.

3. Assistant Superintendent of Post
Offices, West Sub Division, Lucknow.

... Respondents.

---00---

Swami Dayal Tewari

Applicant.

D.S. Chauhan

Dated: Lucknow,
April 16, 1990.

(D.S. Chauhan)
Advocate,
Counsel for the applicant.

In the Hon'ble Central Administrative Tribunal, ^{Copy to} Registrar (P)

Additional Bench, Allahabad.

Circuit Bench, Lucknow.

Registration No. 171 of 1990 (L).

Swami Dayal Tewari, aged about 43 years, Son of Late Shri Ram Pratap Tewari, Postman, Aminabad Park Post Office, Lucknow.

Applicant.

Versus.

1. Union of India through the Director, Postal Services, Lucknow Region, Lucknow.
2. Senior Superintendent of Post Offices, Lucknow Division, Lucknow.
3. Assistant Superintendent of Post Offices, West Sub-division, Lucknow.

Respondent.

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

The applicant is against the following orders:

- (1). Appellate order dated 31-7-1989 No. RDL/App.125/89/13.
- (2). Date 31-7-1989 communicated on 16-12-1989 by letter dated 15-12-1989.
- (3). Passed by the Director, Postal Services Lucknow Region, Lucknow.
- (4). Subject in By means of this order, the appeal filed brief: by the applicant against the punishment order dated 30-12-1988 to reduce salary by five stages was rejected by the Director, Postal Services, Lucknow Region, Lucknow.

*Original Copy
Email & Mail*

A/3

-: 2 :-

(2). Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the order against which he want redressal is within the jurisdiction of the Tribunal.

(3). Limitation:

The applicant further declares that the applicant is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

(4). The facts of the case are given below:-

1. That the applicant is holding the post of Postman under the respondents. He was charge-sheeted by order of respondent No.3 contained in memorandum No.B/Gen/ Discp/86-87 dated 11-11-1988 11-11-1986.

2. That the petitioner furnished his written statement and thereafter enquiry was conducted by Shri Ram Lal Prasad, Enquiry Officer who submitted his enquiry report on 1-12-1988.

3. That the enquiry report was not disclosed nor given to the applicant before the punishment order passed and a copy thereof was given only by the letter dated 18-1-1989 on demand made by the applicant.

Enquiry
12/11/89

-: 3 :-

4. That after submission of the enquiry report, the applicant was given punishment by the respondent No.2 vide order dated 30-12-1988 by means of which the salary of applicant was reduced by five stages from Rs.900/- to Rs.825/- in the time scale of pay of Rs.825-1200/- for a period of five years with effect from 1-2-1989 with the directions that he will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will have the effect of postponing future increments. A true copy of punishment order is enclosed as Annexure-1 to this application.

5. That the applicant filed appeal on 13-2-1989 against the order of punishment which was not properly considered and rejected on 31-7-1989 by the Director, of postal services and the rejection was communicated by the letter dated 15-12-1989 of Senior Superintendent of Post Office, Lucknow Division. A true copy of rejection order is enclosed as Annexure-2 to this ~~xxx~~ application.

6. That the disciplinary proceeding against the applicant was initially instituted by the Senior Superintendent of Post Office, respondent No.3 vide his order contained in memorandum No.FX/Discp-24/86-87 dated 6-10-1986 but subsequently this power was exercised

Contra
1/1/1987

(A)5

- 4 :-

by the respondent No.3 vide his No.Gen/Discp/86-87 dated 3-6-1987. The enquiry report was also directly submitted to the respondent No.2 who pass the punishment order in violation of Rule 14(21)(a) and Rule 18 of Central Civil Services (Classification, Control and Appeal) Rules 1965.

7. That the applicant in his appeal dated 12-12-1989 furnished details to show his innocence and also a illegality committed in conducting disciplinary proceeding and imposition of punishment but no proper consideration was given. A true copy of appeal is enclosed as Annexure-3 to this application.

8. That the applicant has been held guilty on mere surmises and without proper evidence in the enquiry report which was accepted by the punishing authority in mechanical manner. Neither the enquiry report nor the comments furnished by respondent No.3 were disclosed to the applicant nor opportunity to defend his cause was given before imposition of punishment. A true copy of enquiry report is enclosed as Annexure-4 to this application.

9. That the charges have been deemed substantiated against the applicant with pre-determined mind and without any proper evidence and the enquiry officer as well as punishing authority failed to take notice of this important

F. M. T. J. T. A. I.

-: 5 :-

material that the statement of witnesses are self contradictory.

(5). Grounds for relief with legal provisions.

1. That the order of punishment is non-speaking in as much as the enquiry report was neither disclosed nor the same was made part of punishment order.
2. That the order of punishment is violative to the principle of natural justice in as much as the applicant was not given opportunity to make representation against the enquiry report as well as the comments furnished by respondent No.3.
3. That the order of punishment is without jurisdiction in as much as the respondent No.2 was not competent to exercise the power of disciplinary authority in a proceeding instituted by another disciplinary authority.
4. That the applicant has been furnished on the basis of charge-sheet which itself is bad in law as no rule 62 as mentioned in the 2nd charge exist in P & T Manual Volume-II.

*S. G. J. M.
S. G. J. M.*

(A1)

5. That the findings are based of contradictory and unreliable statements of Shri O.P. Banga and Shri Kashi Ram.

6. That although, the appellate authority came to the conclusion that the applicant cannot be held guilty for leaving the office without permission, yet the punishment earlier imposed was upheld.

7. That the finding of the appellate authority in respect of charges is also based on the concocted version and the same could not get proper appreciation.

8. That the punishment of reduction in salary imposed with the direction that the applicant will not earn increments during the period of reduction and at the same time to direct that the reduction will have the effect of postponing future increments are contradictory and violative to the doctrine of double jeopardy.

(6). Details of remedies exhausted.

The applicant declares that he has availed of all the remedies available to him under the rules. He may appeal on 13-12-1989 contained in Annexure-3 of the application which was rejected by order dated 31-7-1989 communicated on 15-12-1989 contained in Annexure-2 of the application.

*S. Ganguly
S. Ganguly*

410

-: 7 :-

(7). Matters not previously filed or pending with any other court.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

(8). Brief Sought:

In view of the facts mentioned in paragraphs 5 and 6 above, the applicant prays for the following reliefs:

to quash the impugned order of punishment dated 30-12-1988 contained in Annexure-1 and appellate order dated 31-7-1989 contained in Annexure-2 with consequential full benefits.

(9). Interim order prayer:

Pending final decision of the application, the applicant seeks issue of the following interim orders:-

to stay the operation of impugned order of punishment dated 30-12-1988 contained in Annexure-1 and appellate order dated 31-7-1989 contained in Annexure-2 to the application.

*Carin James
[Signature]*

A19

-: 8 :-

(10). Not required.

(11). Particulars of Bank Draft/Postal order in respect of the application fee.

(1). No. of postal order; 802-408906

(2). Name of post Office: Aminabad Park, Lucknow.

(3). Date of issue of postal order. 27-3-1990.

(4). Post Office at which payable.

(12). List of enclosures.

(1). Punishment order dated 30-12-1988.

(2). Appellate order dated 31-7-1989 served upon the application on 15-12-1989.

(3). Appeal.

(4). Enquiry report.

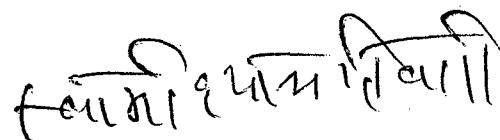
VERIFICATION

I, Swami Dayal Tewari, aged about 43 years, Son of Late Shri Ram Pratap Tewari, Postman, Aminabad Park Post Office, Lucknow 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:

May 16, 1990.

Signature of Applicant.



A20 10

In the Hon'ble Central Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

Application Registration No.

of 1990.

S.D. Tewari

Petitioner

Versus

Director of Postal Services
Lucknow & others

Opp. Parties.

Annexure No. 1

Department of Posts

Office of the Sr. Supdt. of Post offices
Lucknow Division, Lucknow-226003.

Memo No.: Fx/Misc.-24/Ch.II/86-87 Dt. At Lw. 30.12.1988.

Shri Swami Dayal Tewari, Postman was served with a charge sheet under Rule 14 of CCS(COA) Rules, 1965 under ASPOS (west) Lucknow Memo No.B/Genl/Disipl./86-87 dated

11.11.1986. The charges according to the said memo levelled against Shri Swami Dayal Tewari, Postman are as under:-

आरोप-पत्र

श्री रवामी दयाल तिवारी पोस्टमैन, आवास विकास बालोनी, उप डाक्टर ल्हानउर्मा के पद पर कार्य करते हुए १८ दिनों के ९.७.८६ से राजेन्द्रनगर उपडाक्टर में डाकर लगभग ४.५० बजे साथे श्री ओ०पी० बेगा उपडाक्टर राजेन्द्रनगर के प्राति अशिष्ट भाषा का उच्चारण करते हुए उन पर अपने चप्पल से पुहार किया। ऐसा करते हुए उन्होंने अनुदालन भाग किया। अतएव उन पर आरोप लगाया जाता है कि उन्होंने एक सरकारी कर्मचारी न होने जैसा (Unbecoming of govt. Servant.)

रवामी दयाल

(A2)

11

-2-

कार्य करके केन्द्रीय सिविल सेवा और आवरण 1964 सी0सी0एस0 कन्डे कट रुल्स 1964 के नियम 36(२) का उल्लंघन किया।

आरोप नम्बर २ छितीय२

उक्त श्री स्वामी दयाल तिवारी, पोस्टमैन आवास विकास का लोनी उपडाक्टार औल्हानऊ, दिनांक 9.7.86 को प्राप्तरान्व ह साढ़े तीन बजे से 5.30 ब्लाये २ साढ़े पाँच बजे तक अपने कार्यालय आवास विकास का लोनी डाक्टार से बिंदा किसी लिखित आग्रह प्राप्त किये अपने कार्यालय २ Working Hours. से अदिकृत रूप से अनुपस्थित है अतः उन पर आरोप लगाया जाता है कि उन्होंने डाक्टार नियमावली छाण्ड 2 के नियम 62 का उल्लंघन किया।

Shri Ram Lal prased was appointed as Enquiry officer vide ASPOs (West), Lucknow Nemo no. BnGenl/86-87 dated 11.11.86 to hold enquiry against Shri Swami Dayal Tewari and Shri Girza Shanker Tewari in a common proceedings under Rule 18 of CGSOCRA Rules 1965. The enquiries were started on 27.2.1987 and were completed on 13.9.88. The accused officials changed their defence nominee applying delaying tactics in holding enquiries by Enquiry officer as stated by I.O. in para 2 of para 2

of enquiry report. In the Enquiry report enquiring officer has established both the charges against Shri Swami Dayal Tewari that he had beaten Shri O.P. Banga the then SPM, Rajendra Nagar using unparliamentary language against him on 9.7.86 and that he left A.V. Colony PO for committing this mischief. It was calculated planning of Shri Swami Dayal Tewari he with the assistance

कार्यालयीकरण

-5-

xfi:jasx

of his colleague Shri Girza Shanker Tewari beat Shri O.P.

Banga for reason not required to explain. According to their plan both left A.V. Colony PO on 9.7.87 after rendering their returns and reached Rajendra Nagar PO some time between 15.30 hrs. Shri Swami Dayal Tewari after reaching Rajendra Nagar alongwith he accomplish Shri Girza Shanker Tewari and entered in the Chamber of Shri O.P. Banga the then SPM, Rajander Nagar. While Shri Swami Dayal Tewari started beating Shri O.P. Banga with chappal using unparliamentary language. Shri Girza Shanker Tewari standing at the door of Chamber for his assistance. Enquiring officer in his enquiry report submitted under memo no. Ba/Janch/Niam-14/88-89 dated 1.12.88 established without any doubt both the charges as aforesaid against Shri Swami Dayal Tewari.

Though the charges are so grave as to warrant dismissal of Shri Swami Dayal Tewari but taking lenient view considering

his past services and hard times it has been decided that

Shri Swami Dayal Tewari should be reduced by 5 stages from

Rs. 900/- to Rs. 825/- in the time scale of pay Rs. 825 -15-900-

Rs. 20-1200/- for a period of 5 years w.e.f. 1.2.89. It is

further directed that Shri Swami Dayal Tewari will not earn

increments of pay during the period of reduction and that

on the expiry of this period, the reduction will have the effect

of the

in a uniform scale

(A23) 13

of the postponing of his future increments
of pay.

sd/-

Sr. Supdt. of Post Offices,
Lucknow Dn., Lucknow-226003.

Copy to:-

1. The official concerned.
2. P.F of the official.
3. C.R. file of the official.
4. Punishment register.
5. Vigilance Stt.
6. Sr. P.I. Chowk HO, Lucknow. with two copies.

*Attested copy
S. Kumar
A.O.*

Fathima

(A24) 14

In the Hon'ble Central Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

Application Registration No. of 1990.

Swami Dayal Tewari

Petitioner

Versus

State

Directors of Postal Services
and others

Opp. Parties.

Annexure No. 2

Office of the Director Postal Services
Lucknow Region: Lucknow-226007.

Memo No. RDL/App.-125/89/13 at Lucknow: 31.7.1989.

This is the appeal dated 13.2.89 from Shri S.D. Tewari, Postman Aminabad Park PO against punishment orders of the SSPOs Lucknow imposing penalty of reduction of pay by five stages under his no. Fx/Misc./24/ChII/86-87 dated 30.12.1988, Though the appeal has been preferred within time, it has been forwarded to this office on 19.6.89 by the SSPos Lucknow.

Appealed by
The appellant was proceeded against under Rule 14 of the CCS (CCA) Rules 1965 vide ASPOs(West) memo no. B/Genl/Disc/86.87 dated 11.11.86 wherein it was alleged that (a) the appellant while working as postman A.V. Colony PO Lucknow attended Rajendranagar PO at 16.50 hours on 9.7.86 used abusive language against the S.P.M. Shri O.P. Banga and assaulted him with chappals and thereby contravened the provisions of rules 3(1) (iii) of the CCS

(a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)

*Final Judgment
17/11/1991*

-2-

(Conduct) rules 1964.

(b) that the appellant unauthorisedly remained absent from duty at AVAS Vikas colony PO from 15.30 hours to 17.30 hours on 9.7.86 without written orders, thereby violating provisions of rule 62 of P&T Man.

Voll.II.

2.2. The appellant denied the charges levelled against him vide his letter dated 20.10.1986. Detailed enquiries as envisaged in 14 of the CCS (CCA) Rules 1965 were therefore conducted by the E.O. who submitted his report on 1.12.88 concluding the charges as proved. The SSPOs Lucknow, empowered to inflict major penalty, having regard to the findings of the E.O. and in consideration of past service and hard days awarded penalty of reduction of pay by five stages for a period of 5 years w.e. from 1.2.89 vide memo dated 30.12.88. The present appeal is against the penalty.

3. The appellant has repeated the narration of the brief submitted by him to the E.O. in his appeal though in a little refined way. He has denied the occurrence of assault in hibiting himself to the altercation with Shri O.P.Banga by hair splitting the 3 statements of Sri Banga furnished at 3 different occasions. However, the appellant has come up with the following arguments against the punishment awarded to him by the SSPOs Lucknow.

After hearing all

-3-

(i) The article of charge containing indecent utterance and assault with chappals being not supported by appropriate codified rules became unsustainable and incomplete in the light of directorate instruction issued some time past in the matter.

(ii) The second article of charge is supported by non-existent rule 62 of P&T Man Vol. II which finds place in Volume III. The charge being inconsistent with the codified rule deserves to be dismissed on this single technical score.

(iii) The SSPoS Lucknow in conducting as disciplinary authority under provisions of rule 18 of CCS (CCA) Rules 1965 violated the provisions of rule 14(21) (a) and 18 of the CCS(CCA) Rules 1965 and that too without opinion of the disciplinary authority is invalid being beyond jurisdiction.

4. The memo of charges, the punishment order and the disciplinary file have been carefully examined and gone through with particular reference of the arguments and other disclosures in the appeal. I would like to discuss them as follows:

(i) The most vital issue which the appellant has raised is that whether the SSPoS Lucknow has gone beyond his jurisdiction in conducting himself as

Kamlesh Kumar

disciplinary authority under provisions of rule 18 of the CCS (CCA) Rules 1965 and whether rule 14 (21) (A) prohibits him from acting as such. Rule 14(2) (a) lays down that the disciplinary authority not competent to impose major penalty having regard to its decision on any finding of the inquiring authority is of the opinion that major penalty should be imposed on government servant he will forward the case to the authority competent to impose the maximum major penalty. In the light of the above there was nothing wrong in conducting as disciplinary authority by the SSPOs Lucknow.

(ii) The next argument regarding invoking provisions of non-existent rule 62 of P&T MAN VOL II is also not admissible as the rules from serial no.11 to 109 originally belonged to P&T Man.Vol.II which have been deleted from it and incorporated in P&T Man.Vol.III. It, is however, observed that the provisions of rule 62 have been invoked as the appellant had left the office at 15.30 hrs after rendering his accounts. Once the Postman has rendered his account of return articles he is free from his job and can leave the office for which no specific permission is required. He is not required to sit idly till close of the office for no purpose. The appellant cannot therefore, be justifiably charged for violation of rule 62.

John Stalder
Shome J.A.
Examiner

(iii) The argument that the charge of occurrence of assault is not supported by any codified rule is also not admissible.

(iv) The appellant has at length denied the incidence of assault on the S.P.M. Sri Banga while the statements of Sri Banga and Shri Kashi Pd. prove otherwise Sri Sheo Pd. in his statement has also corroborated with the fact that he say the appellant enraged with raised hands and talking loudly with the SPM. There are sufficient witnesses to prove the incidence .There is no substance in the argument of the appellant that he visited the SPM for requesting despatch of the personal file/service book to the ASPOs, This is only an after thought as he was not concerned with them any way. The incidence of assault by the appellant on Sri Banga is proved beyond any element of doubt.

In view of the above I find that the penalty has been imposed on the charges which stand proved. The misconduct of the appellant was extremely grave and deserved exemplary notice and punishment. The disciplinary authority has already taken lenient view in the case which appears misplaced. Such conducts don't deserve any forgiveness or leniency. If they are not tackled in exemplary way entire public service and administration will

Final Draft

(A29)

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fail and anarchy will prevail. hence I don't find any reason to interfere.

5. I, therefore, hereby reject the appeal of the appellant and confirm the penalty already imposed on the appellant vide SSPoS Lucknow Division memo referred to above.

sd/-B.P.Singh
Director Postal Services,
Lucknow Region: Lucknow- 226007.

Copy to:

1. The official concerned.
- 2.4 SSPoS Lucknow Division, Lucknow.
- 5.6. Office copy and spare.

Final copy
Attest to copy
Sharma
Dt

(1830) 20
-7-

From:

Sri Swami Dayal Tewari,
Postman, Aminabad Park,
Lucknow.

No. Fx/Misc.24/Loose/86-87 dated 15.12.1989.

Subject: Decision of Appeal on 13.2.89.

The D.P.S. Lucknow region, Lucknow memo no.RDL/
APP-125/89/13 on 31.7.89 is sent herewith. Please
acknowledge its receipt of the same.

sd/-Sr. Supdt. of Post Office
Lucknow Division.

(Aminabad Park)
Attested copy
Swami Dayal

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

Registration No. 171 of 1990(L).

Swami Dayal Tewari ... Applicant.

versus

Union of India and others Respondents.

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COMPILATION B.

S.No.	Particulars	Page No.	Annexure no.
1.	Appeal filed by the applicant against the punishment order.	1-7	3
2.	Enquiry report.	8-19	4
3.	Vakalatnama	20	

Swami Dayal Tewari

Applicant.

D.S. Chahbe

(D.S. Chahbe)

Advocate,

Counsel for the applicant.

Dated: Lucknow,

May 16, 1990.

Counsel for the applicant.

A32

In the Hon'le Central Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

Application Registration no. 171 of 1990. (4)

Swami Dayal Tewari

Petitioner

Versus

Director of Postal Services
Lucknow Region & others

Opp. Parties.

Annexure No. 3

To,

The Director of Postal Services,
Lucknow Region,
Lucknow.

(Through Proper Channel)

Sub: Appeal against punishment of reduction vide SSPOs
Lucknow Memo No.FX/Misc.24/Ch-III/86-87 dated
30.12.1988.

Respected Sir,

1. The appellant begs to prefer an appeal against the
the punishment of reduction of pay from the stage of 900/-
to Rs. 825/- inflicted vide aforesaid memo and hopes that the
appeal would be considered sympathetically and justice
restored in view of points below.

2. The appellant was charge sheeted vide ASPCs(West)
Lucknow memo No.B/Genl/Discpl./86.87 dated 11.11.86 with
articles of charges as contained in the punishment order
dated 30.12.88 under appeal. On denial of the charges, the

Swami Dayal Tewari

case was got inquired under rule 14 of C.G.S.(C.S.&A) Rules 1965 and report submitted direct to the SSPoS Lucknow by whom the above punishment has been awarded , ignoring ~~xxx~~ rule 45 of P&T Manual Vol.III.

3. The appellant begs to submit that he was an active member of a recognised union and on account of his office as unionist he had addressed a complaint against Shri O.P.Banga, the then S.P.H.Rajindra Nagar . It was natural for him to entertain grudge against the appellant. He hastened to punish the appellant with stoppage of increment vide his No.9/Dely.MR.Nagar dated 4.2.86, which was declared null and void by the SSPoS Lucknow vide his No.B-8/A/1-Swami Dayal, on the ground of want of jurisdiction. The appellant went to Rajindra Nagar on 9.7.86 in connection with his personal file , accompanied by his friend Shri Girja Shankar and met his fellow-workers of the office In the meanwhile, as ill luck would have it, he met the SPM. In the course of usual conversation, an altercation took place between the appellant and the SPM-Sri Banga. But neither any abusive language was used by the appellant beat SPM. The SPM got an opportunity to enrope the appellant in another false case cooked up by him. At first he addressed a letter to his office P.R.I. n 10.7.86 asking him to enquire into alleged misbehaviour, without mention of its nature, on the part of the appellant.

Settled by [Signature]

Final Settlement

Then he addressed a letter to SSPs Lucknow by name on 15.7.86, alleging that the appellant assaulted him with Chappal, while no such thing was stated in the letter dated 10.7.86. The case was enquired and statement obtained. Shri Banga, the SPM gave a statement with further improvement that the appellant's friend Sri Girja Shanker Tewari took the appellant out after the alleged occurrence, but at the same time stated that Sri Kashi Ram saved him and took the appellant out (Exh.3). Shri Shiv Prasad, P.A. Rajindra Nagar had already given his statement to the P.R.I. on 11.7.86, that both the appellant and Girja Shankar had a hot talk with the SPM and expelled by Sri Kashi Ram, while Kashi Ram stated on 11.7.86 that both were beating the S.P.M. A charge sheet was issued by the ASPOs (West) Lucknow on 11.11.86, with inconsistent, unreliable and perverse evidence to support, as above in which the complainant himself gave three different accounts of the alleged occurrence, which have been accepted for establishment of the charge without required scrutiny with the consequence appealed against.

4. It is humbly submitted the charges have been framed in two articles. The 1st article of charge is allegation of indecent utterance and beating with Chappal without supporting it by appropriate codified rule and basing it only on conduct rule 3(i) (iii) of CCS. (Conduct)

Patna

Rules 1964, while second charge has been supported by non-existent codified rule 62 of P&T Manual Vol.II while on such rule exist in Vol.II as rule 62 is contained in P&T Manual Vol.III. According to the D.G's instructions circulated sometimes between 1985 to Dec.88, a charge must contain codified rule and conduct rule to become a complete charge and if either of the two is missing, a charge is incomplete and unsustainable. Thus in view of the above ruling the first article of the charge is incomplete while the second one invalid based as it is, on misquoted codified rule in rule 62 P&T Manual Vol.III. If these submissions are accepted by your honour, the charge sheet must fall on technical error in the charges.

5. Thus, the charge sheet is invalid and evidence inadmissible for want of consistency of allegation levelled by the complainant himself. In fact, the allegations of the SPM Sri Banga contained in the three documents as discussed in para 3 above, at best be held as inconsistent complaints and the evidence of Shri Kashi Ram a testimony of a sole witness which does not corroborate the versions of the SPM for he has stated that two persons were beating. while the complainant has stated that only the appellant assaulted. The evidence of Sri Banga cannot be an evidence of an independent witness for he was a party and that

Faith Wolfe

witness while the statement of Sri Kashi Ram cannot be reliable for it does not corroborate Sri Banga's Statement. The grudge in the mind of the SPM cannot be ruled out which in the manner the B.O. has established and learned punishing authority has accepted without discussing the defence version as was a judicial duty imposed on him. With all respects for the learned punishing authority he had to pass a reasoned order with justice for both parties, at least, with judicial fairness. The findings of the learned punishing authority are not findings in the eye of law, for these have not been arrived at after full discussions of prosecution and defence. Here repetition of the inquiry report on certain points discloses non application of mind and the appellant cannot be said to have been satisfied by hearing him on defence points.

6. Thus neither charge sheet nor evidence nor enquiry nor judgment confirms legal requirements in regard to the case in which the appellant has been punished with so irretrievable damage to him and independent. In other words, if the available evidence leave least shadow of doubt in r/o hypothesis of guilt sought to be proved and any other hypothesis is possible but that to be proved the charge cannot be validly held as proved. The appellant was an unionist, the SPM's grudge is proved by his infliction of punishment without jurisdiction and hence his evidence

Not yet closed

and onward

cannot be relied upon. Even the sole witness Sri Kashi Ram did not corroborate him that he was assaulted with Chappals by the appellant. In view of above, the prosecution story is established as concoction. There is no complaint of abuse, as contained in the charge.

7. Besides above submission, the appellant was charged sheeted by ASP0s (West) Lucknow, The learned ASP0s Lucknow vide no. FX/ Misc. 24/86-87 dated 6.10.86 took upon it the powers of being disciplinary authority under rule 18 of CCSOCCA) Rules arbitrarily by his even order. But apprehending the allegations of prejudice, returned the powers to ASP0s (West) again whereupon, he, vide his No Gebl./Disp./86-87 dated 3.6.87 informed the appellant that he Aslas (West) was the disciplinary authority. One wonders how the inquiry report in r/o the case was submitted directly to the learned SSP0s Lucknow contravening rule 14(21) of C.C.S. (C.C.A) Rules 1965 and how the penalty was inflicted by him assuming powers not conferred by rule 14(21)(a), and 18 of CCA(CC&A) Rules 1965 the provisions whereof were to be mandatory allerved and if he had powers opinion of the disciplinary authority taken and contained in the punishment order. The departure from the mandatory procedure, the only cloak of protection afford reasonable ground that in fact the administration wa

Amritpal Singh

Fath Qureshi

(A38)

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not interested in justice to the appellant who is equally entitled to it for no body can be punished except by procedure established by law and in administration, except by procedure established by law & rules. The violation of established procedure vitiates the punishment order.

8. Your honour as an appellate authority to whom aggrieved reaches, for restoration of justice, may agree that the charge sheet is invalid, evidence not reliable in the circumstances, procedure diseased with fault and prejudice and punishment not sustainable as submitted.

P R A Y E R

And ,therefore, the appellant begs that the order of the punishment may kindly be quashed, The appellant shall remain grateful for the kindness bestowed upon him.

Dated: 13.2.89

Yours faithfully,
sd/-Swami Dayal Tewari
Postman-A.Park Lucknow.

Copy to the Sri.Suptd. of Post Offices, Lucknow.
for necessary action.

Swami Dayal Tewari

Fair & Guinalal

ਸਮਝਾ : ਇਨ ਦਿ ਆਨਰੋਬਿਲ ਸੈਨਟ੍ਰਲ ਏਡਮਿਨਿਸਟ੍ਰੇਟਿਵ ਟ੍ਰਾਵਨਲ, ਇਲਾਹਾਬਾਦ
ਸਰਕਿਟ ਬੈਂਚ, ਲਾਹੌਰ

अस्लीकृतान् रौजस्त्रैतान् न० :

1990.

स्वामी दयाल तिवारी

याची

ବିଜ୍ଞାନ

यूनियन आफ इण्डिया तथा अन्य

प्रतिवादीगण

एने कजर नं०: ४

भारतीय डॉक विभाग

प्रेषण क,

राम लाल प्रसाद,
जाँच अदिकारी,

सेवा लेः

पुवर डाक अद्याक्षिका क,
लहानजा मण्डल, लहानजा।

ज्ञापन संख्या / जांच नियम 14/88-89

दिनांक १०.१२.१९८८

विषयः श्री स्वामी दयाल तिवारी व श्री गिरजा इंकर तिवारी
पर्सिट से आ०वि० कालौनी लघानउ के विरुद्ध नियम 14
के अन्तर्गत जांच की आव्याहा।

आपका ज्ञापन संख्या -व-सा मान्य-डीआईएस/86-87

SSPos No. Ex-Misc.24-88-89-

महोदय

सहायक डाक अधिकारक लक्षानु परिवर्ती के ज्ञापन संख्या
B/General Dis./86-87

स्वामी द्याल तिवारी व गिरजा शंकर तिवारी पोस्ट मै के विल्ड
लगाए गए आरोपों की जांच करने के लिए जांच बैठकारी नियुक्त
किया गया था। श्री स्वामी द्याल तिवारी पर निम्न आरोप
लगाये गये थे :-

प्रृथी भारोप

श्री रखानी दयाल तिवारी, पोस्ट मैज बावास विकास कालोनी लहानऊ के पद पर कार्य करते हुए दिनांक 9.7.86 को राजेन्द्रनगर उपडाक्षार से जाकर लगभग 4.50 बजे साथ श्री शौभौर्णो बांगा उपडाक्षार राजेन्द्रनगर के प्रति आशिष्ट भाषा का उच्चारण करते हुए उन पर अपने छप्पल से प्रहार किया। ऐसा करते हुए उन्होंने अनुशासन भंग किया। बताव उन पर भारोप लगाया जाता है कि उन्होंने एक सरकारी कर्मचारी न होने जैसा **Unbecoming of a Government servants** कार्य करके C.C.S. (Conduct) Rules-64 के नियम 34(1) 111 का उल्लंघन किया।

भारोप संलग्न : 2

उक्त श्री रखानी दयाल तिवारी दिनांक 9.7.86 को अपराह्न 3 1/2 बजे से 5.30 साथ तक अपने कार्यालय बावास विकास कालोनी डाक्षार से बिना किसी लिखित आज्ञा प्राप्त किए अपने कार्य-साल **Working hours** में अदिकृत रूप से अनुपालित रहे। बताव उन पर भारोप लगाया जाता है कि उन्होंने डाक्तार नियन्त्रण छाण्ड - 2nd Part. Manual Vol. II के नियम 62 का उल्लंघन किया।

श्री गिरजा शाकर तिवारी पर नम भारोप लगाये गये

Attestation
Signature :-

श्री गिरजा शाकर तिवारी पोस्टमैज बावास विकास कालोनी लहानऊ के पद पर कार्य करते हुए दिनांक 9.7.86 को अपराह्न 3.30 बजे से साथ 5.30 बजे तक बिना उपडाक्षाल से लिखित आज्ञा प्राप्त किए अदिकृत रूप से अपने कार्यालय में **Working hours** ही अपना कार्यालय छोड़कर श्री रखानी दयाल तिवारी पोस्टमैज शौभौर्णो का उपडाक्षार राजेन्द्रनगर जाकर गलत एवं अनुशासन हीन कार्य करने में साथ दिया एवं श्री शौभौर्णो बांगा उपडाक्षाल राजेन्द्रनगर जब श्री रखानी दयाल तिवारी छारा चप्पल से मारे गये उस समय में उक्त श्री गिरजा शाकर तिवारी उनके सम्मोगी के

के रूप में छाटनास्थल पर उपस्थित रहे। अतः उन पर आरोप लगाया जाता है कि उन्होंने डाक्तार नियमावली छाप्ट-11 (पोस्ट प्रणाली) टेलीग्राफ़ मैल बालूम-11 के नियम 62 का उल्लंघन किया और एक सरकारी कर्मचारी न होने जैसा (Unbecoming of Govt. Servants) कार्य करके केन्द्रीय सिविल सेवा आवरण नियमावली 864 के नियम 3 (प्राप्ति) का उल्लंघन किया।

2. जांच दिनांक 27.2.87 से प्रारम्भ होकर दिनांक 13.9.85 को समाप्त हुआ। अभियोजित कर्मचारियों द्वारा बां बां बाव प्रति निधि के बदले एवं अस्वयोगात्मक रवैया के कारण तथा जांच अधिकारी के अविश्वास प्रकट करने के फलस्वरूप जांच में अनावश्यक विलम्ब हुआ। जांच अधिकारी के बदले के आवेदन पत्र पर डाक निदेश -क लंडानज के आदेश के फलस्वरूप जांच कई महीनों बाद पूः प्रारम्भ करने के कारण जांच में देरी हुई। कई समरण पत्र देने के बाद ही आरोपित कर्मचारियों का व्यान संदिग्ध 15.11.88 को इस कार्यालय में प्राप्त हुआ जबकि अभियोजन अधिकारी ने अपना संदिग्ध सार उनको 24.9.88 को ही दे दिया था। इस प्रकार विलम्ब आरोपित कर्मचारियों के कारण हुआ।

3. अभियोजन पक्ष की ओर से आरोपी की सिद्ध करने के लिए निम्नलिखित कागजात प्रस्तुत किए गए।

प्राप्ति छाटना की जांच हेतु आदेश दिनांक 9.7.86
 प्राप्ति उपडाकपाल राजेन्द्रनगर का ब्र बी। एसपीएस 15.7.86
 व्यान श्री योगी बांगा दिनांक 7.8.86
 व्यान श्री श्रीव प्रसाद दिनांक 11.7.86
 व्यान श्री एस०एस०लाल दिनांक 8.8.86
 व्यान श्री काशा राम दिनांक 11.7.86
 व्यान श्री राम बालरे सिंह दिनांक 11.7.86
 व्यान श्री राज करन श्रीवास्तव दिनांक 11.7.86
 व्यान श्री हरदारी लाल दिनांक 12.7.86
 अभियोजन पक्ष की ओर से आरोपित को सिद्ध करने के लिए निम्नलिखित गवाइ प्रस्तुत किए गए।

प्राप्ति वाला निवारी

(A42)

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१११ भारतीय अविडोबोसेट पत्र संख्या यूनियन 85-86-4
दिनांक 18.3.86

१२१ प्रधर भाक थारीका क पत्र संख्या :एन०एस०८६ दिनांक परवरी
1986.

१३१ प्रवन डॉअ० सद०प० यूनियन ई-बी०डी०८०एस०-ईडीलारएस०
८६ दिनांक 20.5.86/३।.३.८६.

१४१ SPM Rajendra Nagar/Delevery dt.4.4.86(D4)

१५१ SPM Rajendra Nagar/Delevery RNo.dt.7.7.86

१६१ SSP0 LuNo.B8/2/ ISDayal ft.20.10.86 ED6.

१७१ ब०भा०प००च० दिनांक 4/218/80 दि० 26.3.80.

१८१ SSP0 Lko.No.L/86 dt. 21.1.86(D8)

6. व्याव पक्षा की तरफ से निम्न ग्रहां प्रसुत किए गए:
१११ श्री माहेश्वर ला., भाक सहायक
१२१ श्री मृजवन्द्र शामा, पोस्टमैन
१३१ श्री कमला, भाक सहायक
१४१ श्री बानन्द छुमार, पोस्टमैन
१७१ आरों त कर्मवारी सर्वश्री रवामी द्याल तिवारी एवं
गिरजा इंकर तिवारी ने अपना लिखित व्यान न देकर स्वयं
जांच दीदारारी के सम्भा व्यान दिए तेजा पुतिपराक्षण अन्धेजन
पक्षा द्यारा किया गया।

जांच आम्या श्री रवामी द्याल तिवारी

आरोपनम्बर एक:

श्री जौ०पी० बोगा ने व्याया के दिनांक 9.7.86 को
ग्राम 16.40 पर श्री रवामी द्याल तिवारी एवं गिरजा इंकर
तिवारी रामेन्द्रनगर डाढ़ार आए। श्री रवामी द्याल तिवारी
थाड़ी देर बाद उनके बैम्बर में छाते एवं एक राजिस्त्री का लेपाका
दिछाया और पूछा कि क्या आपने इसे भोजा है। उसने वह सरकारी
रजिस्त्री के लिपाके के अन्दर से पत्र निकाल कर देखा और कहा कि

(ग्राम) ४११८
भौजा

मैं ही भैजा है। इस पैक्स गिरजा शाकर तिवारी उनके चैम्बर व डिलेवर ब्रान्च के बोर्ड स्थात दरवाजे पर छाड़े। रहे। श्री स्वामी द्याल तिवारी ने पृष्ठा तक तुम्हे मुझे क्यों दण्ड दिया है इस पर श्री बांगा ने बताया कि संबंधित फाइल देखाने से ही बा सकता है। इस पर श्री स्वामी दया, तिवारी उत्तेजित हो गये तो वाचन से पीटने लगे। इसे मैं श्री गिरजा शाकर तिवारी जो दरवाजे पर ही छाड़े थे अन्दर जाकर स्वामी द्याल तिवारी को पकड़कर कहा कि चैम्बर से बाहर आओ जिल काम के लिए हम जोग आए थे वह पूरा हो गया। इसी बीच काशी राम पैकर भेरे चैम्बर में आकर भेरी रक्षा की तथा स्वामी द्याल को चैम्बर से बाहर किया तथा उसके पाछे श्री गिरजा शाकर तिवारी भी चले गए। श्री बो०पी० बांगा बवाब सहायकों के अथम प्रयोग के बाद भी अपने पिछले क्यान से टंस से मस नहीं हुए जबकि बवाब सहायकों ने उनके अनावश्यक एवं अपमान जनक प्रश्न पूछकर उत्तेजित करने का भी अफल प्रयत्न किया। वह सत्य पर बटल रहे।

श्री काशी राम पैकर राजेन्द्रनगर ने भी अपने क्यान पिछले क्यान दिनांक 11.7.86 की पूर्णिंदा की पिस्तो उसने कहा था कि शाम काम्भाग 4.50 पर श्री स्वामी द्याल तिवारी एवं गिरजा शाकर तिवारी पौर्स्टमैन पौर्स्टमैन पौर्स्टमैन साल्ब को मार रहे थे भैजा कर पकड़कर स्वामी द्याल को कमरे से बाहर किया। स्वामी द्याल गुरुसे में छुटकारा रहे थे। स्वामी द्याल का चाच्चन जो कमरे में छुट गया था उसे पैर से कमरे से बाहर किया" श्री काशी राम ने अपने प्रति परीक्षण में उसके क्यान की पूर्णिंदा की तथा कहा कि वहां श्री गिरजा शाकर तिवारी एवं स्वामी द्याल तिवारी मौजूद थे। श्री शिल्प गिरजा शाकर तिवारी, स्वामी द्याल तिवारी को बाहर ले जा रहे थे।

इस प्रकार श्री बो०पी० बांगा के कथन की पूर्णिमेण पूर्णिंदा श्री काशी राम के क्यान से छो जाती है। यह गवाह भी अपने प्रतिपरीक्षण में बटल रहा जिले दाला की पूर्णिंदा हो जाती है। इसके क्यान का मूल्यांकन बवाब पक्का यह कहकर तेक यह श्री बांगा का मातहत है रवतम नहीं है और नहीं "निष्पक्ष" जन करने का अफल प्रयास किया है।

श्री शिल्प प्राद डाक सहायक ने अपने क्यान दिनांक 4.5.86

को पिछले व्यान दिनांक 11.7.86 ईएक्स-पी-4 वी पुष्ट करते हुए प्रतिपरिक्षण में कहा कि 5 बजे के आसपास कोई भेल आती जाती नहीं है ऐपनी सीट पर छारली बैठा था। स्वामी दयाल व गिरजा शोकर भैरवी साट से गुजरे थे व छाजने तक गए थे। आगे उन्होंने रूपष्ट किया कि स्वामी दयाल हाथ उठाए थे। जो सच्चाई थी वही लिखा है तथा यह भी रूपष्ट किया कि गुस्से में बातें बीत पैरेट मास्टर से कर रहे थे। काशी राम ने पकड़कर बाहर किया।

श्री स्वामी दयाल तिवारी आरोपित कर्मवारी ने अपने उपर लगाए गए आरोपों को निराधार एवं झूठा बताया है तथा कहा कि बांगा ने मुझ पर गलत कैरा लगाया है एवं काशी राम तथा शिव प्रसाद झंठी गवाही दिए हैं। उसने आगे बताया कि वह राजेन्द्रनगर डाक्टर दिनांक 9.7.86 को श्री बांगा वे 6 बजे के बाद मिले थे। श्री मांहर लाल धारिया व मूलचन्द्र शार्मा के साथ। श्री बांगा ने उन्हें मों बहन की भाद्रदी गालियों दी उसकी रिपोर्ट थाने में नहीं लिखा गई। अंधीकारियों को भी लिखा था परन्तु कोई पुमारण नहीं दे सके श्री स्वामी दयाल तिवारी के इस व्यानों का उनके गवाही द्वारा पुष्ट नहीं की गई। श्री मांहर लाल धारिया एवं मूल चन्द्र शार्मा दोनों ने ही उनके साथ बांगा से मिलने की बात को नकारा है तथा गाली की भी पुष्ट नहीं की। इस प्रकार श्री बांगा पर स्वामी दयाल का लगाया आरोप झूठा एवं निराधार है। श्री गिरजा शोकर तिवारी जो उनके साथ साथ रहे उन्होंने भी श्री मूल चन्द्र शार्मा व मांहर लाल धारिया के साथ स्वामी दयाल का दिनांक 9.7.86 को मिलने की बात की पुष्ट नहीं किया तथा उनका पैरेट मास्टर बांगा से मिलने के कारण की भी पुष्ट नहीं की। इस प्रकार यह तिद हो जाता है कि श्री स्वामी दयाल ने श्री बांगा पर झूठा आरोप लगाने का अपल प्रयास किया है तो कि उनके ऊपर लगाए आरोपों की गम्भीरता कम हो जाय।

मैं अभियोजन पक्ष के इस तर्क से पूर्ण लहमत हूँ कि स्वामी इसरल तिपरी श्री बांगा से पूर्वाग्रसित थे। श्री स्वामी दयाल ने अपने व्यान में बताया है कि उनके विरुद्ध 12.7.85 को एक पार्सल के

उपायकरण
दृष्टि

कांथल धितरण का मामला अमरत 85 में प्रकाश में आया था जिसमें श्री बांगा ने उनकी धार्जक बढ़ोत्तरी रोकने का दण्डादेश दिया था। इस बेका के बाद ही श्री बांगा के बिरुद्ध कोयला बेच लेने का आइटम लिया गया था जो ईएस डी-३ दिनांक 27.1.86 को पुकार द्वाक्ष सहायक से लिया गया है। इससे श्री स्वामी द्याल तिथारी का बांगा से पूर्वाग्रहित होना स्पष्ट हो जाता है।

श्री स्वामी द्याल तिथारी ने जागे कहा कि दिनांक 9.7.86 को प्रातः श्री बांगा द्वारा पारित दण्डादेश प्राप्त हुआ जिसमें उनकी धार्जक बढ़ोत्तरी रोकी गयी थी। इस पर श्री स्वामी द्याल का छोटिहात होना स्वाभाविक है। इसी कारण उन्होंने श्री बांगा को अपमानित करने की जेना बायी। उसी दिन दोनों आदनी बापसी देने के पश्चात राजेन्द्र नगर भाक्षार गए और श्री स्वामी द्याल तिथारी ने श्री बांगा को चप्पल से पीटकर एवं आशिष्ट भाजा का प्रयोग करके उन्हें अपमानित किया।

बवाब पक्षा ने यह कहकर कि "अभियोजन पक्षा ने चौकीदार को गवाही में पेरा नहीं किया। वास्तव में वही प्रत्यक्ष दर्ता गवाह हो सकता था या वास्तव में जोई छाटा छाटी नहीं थी औलीले चौकीदार को पेरा नहीं किया" अपने लार्ब की इस्तेंडी सक्षम ली। उन्हें चौकीदार जो गवाह बाने से फ़िलने रोका। बवाब पक्षा ने उसे कानूनी गवाही हेतु प्रस्तुत किया। बवाब पक्षा के गवाहों एवं आरोपित दोनों कर्मवारियों ने भी दिनांक 9.7.86 को श्री बांगा एवं श्री स्वामी द्याल के बीच गर्म बाद विवाद के तथ्य को स्थीकारा है। अतः बवाब पक्षा के इस तर्क से जोई दम नहीं कि छाटा छाटी ही नहीं।

आरोप नं ० : २

दिनांक 9.7.86 की छाटा का छाटी होना गोद लो जाता है जहाँ तक सम्बन्ध का प्रत्यन है। श्री स्वामी द्याल तिथारी एवं श्री गिरजा रामकर तिथारी दोनों आरोपित कर्मवारियों उनके गवाही में राजेन्द्रनगर भाक्षार लगभग 6 बजे आना बताया है जबकि अभियोजन पक्षा ने सम्म लोय 4.50 बजा है। बवाब पक्षा का यह

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प्रभावी

कहना तक दोनों कर्मचारी अपनी वापसी 5.30 बजे के पश्चात ही आवास विकास कालोनी डाक्टार छोड़ " तथा अधिकतर वापसी 9 1/2 बजे के बास पास ही देते थे तथ्य परक नहीं प्रतीत क्षेत्र की के आवास विकास कालोनी डाक्टार 5.30 बजे बन्द हो जाता है और इसी समय वापसी देना तर्क्सिंगत एवं सत्यता से परे है। अभियोजन पक्ष के नवाह श्री एस०एस०लाल, उप डाकपाल, आवास विकास कालोनी डाक्टार ने वापसी का समय 3 1/2 बजे बताया है जो सही एवं तर्क्सिंगत प्रतीत होता है। उन्होंने बताया कि 3.30 बजे वापसी देने के पश्चात दिनांक 9.7.86 को दोनों पोर्टर्स के गए थे तथा साढ़े पांच तक डाक्टार वापस उनको नहीं देखा था।

श्री मोहर लाल धारिया बवाब गवाह ने अपने ब्यान में कहा तक स्वाभी दयाल एवं अन्य लोग डाक्टार थाए। मैं अपना अस्ट्रेट वेक कराने लगा गया एवं अपना अस्ट्रेट वेक करा रहा था श्री गिरजा शाकर अंतिमी ने कहा है कि श्री मूल चन्द्र राम० दूबवाब गवाह तरफ लगा रहे थे। मैं श्री आर०ए० सिंह से अपनी बैलेन्स सीट ऐसु बात करने लगा। धारिया बाबू बवाब गवाह रजिस्टर ब्रान्च में चले गए और अपने हाथ में कुछ रजिस्टर लेकर वापस आते दिखायी देए और वही कागज लेकर वापस पूँछे चले गए इससे स्पष्ट है कि डाक्टार रामेन्द्र नगर में कार्य बल रहा था। अधिकारी कर्मचारी कार्यालय में कार्यरत थे उनकी छ्यूटी समाप्त नहीं हुई थी। उत्तर: कर्मचारी का यह कथन किंवद्दन श्री बांगा से 6 बजे के बाद आये थे सत्य नहीं प्रतीत होता। उपरोक्त विवेक से यह स्पष्ट होता है कि दाटना लगभग 5 के बासपास की है जिससे अभियोजन पक्ष का समय लिल्ह हो जाता है। उत्तर: यह सिल्ल हो जाता है कि दोनों धारोंपित कर्मचारा 3.30 से 5.30 तक अपने कार्यालय से अधिकृत रूप से अनुप्राप्ति रहे। इसका दोनों कर्मचारियों ने अपने उपडाक्टालाल से आज्ञा प्राप्त नहीं किया था जैसा कि श्री एस० एस०लाल, उपडाक्टालाल के ब्यान से स्पष्ट हो जाता है। बवाब पक्ष भी लिखित आदेश उपडाक्टालाल आ०वि० का डाक्टार का जांच के समय प्रस्तार नहीं कर सका। इस प्रकार दिनांक 9.7.86

*ज्ञानेश्वर
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के 3 1/2 से 5 1/2 बजे लार्य तक अपने कार्यालय से बिना
जिल्हात आज्ञा प्राप्त किए अपने कार्यकाल में अनुपानिधात रुहने का
आरोप सिद्ध हो जाता है।

इस प्रकार श्री ख्वामी दयाल तिवारी पर लगाए गए
दोनों आरोप सिद्ध हो जाता है।

10/10/88

राम लाल प्रसाद

जीव अधिकारी

रामलाल
प्रसाद

Attached copy
S. D.

श्री गिरजा राक्ष तिवारी, पोस्ट मैल के घिरद्द लगाए गए
बारोपो की जांच की जांच आच्या

श्री स्वामी द्याल तिवारी ने कहा कि दिनांक 9.7.86 को प्रातः उन्हें श्री बांगा ढारा पारित दण्डादेश ईएक्स-डी-5 प्राप्त हुआ जिसमें उनकी धार्जिक बड़ोंत्तरी रौकी गयी थी। इस पर श्री स्वामी द्याल तिवारी का क्रौंचित होना स्वाभाविक है। इसी कारण उन्होंने बांगा को अपमानित करने की योजना लायी। इसी दिन वह श्री गिरजा राक्षर तिवारी के साथ वापसी देने के बाद राजेन्द्रनगर गए, लगभग 6 बजे गए थे। उसने स्वीकार किया कि छाला के सम्बन्ध श्री गिरजा राक्षर उनके साथ थे।

श्री गिरजा राक्षर तिवारी भी अपनी परीक्षण में बताया कि वह दिनांक 9.7.86 को श्री स्वामी द्याल के साथ उपडाक्षार राजेन्द्र नगर आने व्यूटी समाप्त करके लगभग 8 बजे गए थे। उन्होंने यह भी स्वीकार किया कि 9.7.86 को श्री स्वामी द्याल तिवारी एवं बांगा के मध्य विवाद हुआ था। काशीराम ने श्री स्वामी द्याल तिवारी को छाक्षा देकर बाहर किया। उस समय वह उपर्युक्त थे।

श्री ओ०पी० बांगा ने अपने क्यान में कहा कि दिनांक 9.7.86 को लगभग 16.40 पर दोनों बारोपित कर्मवारी डाक्षार आर श्री स्वामी द्याल तिवारी थोड़ी देर बाद उनके घैम्बर में छाले एवं एक सरकारी राजस्ट्रों का लिफापा दिछाया --- श्री गिरजा राक्षर तिवारा उनके घैम्बर व उत्तीर्ण ब्रान्च के बीच स्थित दरवाजे पर छाड़े रहे। वार्तालाप के दौरान स्वामी द्याल तिवारी उत्तेजित हो गए तथा चप्पल से पाटने लगे। इतने में गिरजा राक्षर तिवारी जो दरवाजे पर छाड़े थे अन्दर आकर स्वामी द्याल को पकड़कर कहा कि घैम्बर से बाहर जाओ जिस काम के लिए आए थे वह पूरा हो गया " इससे उनका दानी गिरजा राक्षर तिवारी का उक्त पुरुत्य में स्वामी द्याल तिवारी को पूरा

4-11-

सह्योग दिया जाना सिद्ध हो जाता है। यदि श्री गिरजा शंकर
तिवारी जो धाटनास्थाल के करीब ही छाड़े थे वाहते तो यह धाटना
टल सकती थी। परन्तु उन्होंने श्री स्वामी दयाल द्वारा बोंगा को
चप्पल से मारने के बाद ही अन्दर गए और स्वामी दयाल को बाहर
जाने के लिए बहा। इस प्रकार वह एक सह्योगी की तरह धाटनास्थाल
उप उपस्थित रहे तथा ५.३० से ५.३० तक उपडाक्षाल के लिए आदेश
प्राप्त किये बिना अधिकृत रूप से अनुपस्थित रहे यह आरोप भी
पूर्णरूपेण लिद्ध हो जाता है।

इस प्रकार दोनों कर्मचारियों पर लगाए गए आरोप सिद्ध
पाये गये।

४०/ १०१२०८८

राम लाल प्रसाद

जांच अधिकारी

Authentic Copy
S. Kumar
SAC

(A50)

19

Department of posts.

From,

Senior Supdt. of Post Office,
Lucknow Division.

To,

Sri Girja Shankar Tewari,
Postman Aminabad, Lucknow.

(2) Sri Swami Dayal Tewari
Postman Aminabad,
Lucknow.

No. Camp./Misc.24/CHO/LKO. dated 18.1.1989.

Subject: Supply of copy of enquiry report.

Ref: Your application no. 11.1.89.

As desired a photostat copy of enquiry report submitted by Sri Ram Lal Prasad E.O. in (ii) eleven pages is sent to you.

sd/-Senior Supdt.of Post Office
Lucknow Division.

Attested copy
S. Tewari
1/1

ब. अदालत श्रीमान श्री द्वीप पुराधारा कर्त्तव्यपूर्ति उचित योग्य है
 [वादी] अपीलान्ट
 प्रतिवादी [रेस्पान्डेन्ट] श्री विकालतनामा

(A5)

20

द्वीप पुराधारा कर्त्तव्यपूर्ति उचित योग्य



(अपीलान्ट)

द्वीप पुराधारा
कर्त्तव्यपूर्ति

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमा से अपनी ओर से श्री

द्वीप पुराधारा

वकील
महोदय
एडवांकेट

मुकदमा नं० नाम
मुकदमा के नाम

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

हस्ताक्षर

द्वीप पुराधारा

साक्षी (गदाह)

दिनांक १६

महीना

सन् १९८५ ई०

Accepted Accepted
Accepted D. D. L. D. L.
J. Kumar Advocate Advocate
जाक्षी (गदाह)

21.5.91
15591

A52

M.P. NO 294/91 ①

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH LUCKNOW.

CIVIL MISC. APPLICATION NO. of 1991

Swami Dayal Tewari, aged about 44 years, Son of Late Sri Ram Pratap Tewari, Postman, Aminabad Park Post Office

Lucknow.

... Applicant

In. Re.

O.A. No. 171/1990 (L)

Swami Dayal Tewari

Applicant

Vs.

Union of India and
others.

Opp. Parties.

APPLICATION FOR FIXING THE CASE FOR

EX PARTE FINAL HEARING.

File today
21.5.91
Shri D.S. Chauhan Jd. CJA
did not mention to fix
date
21/5/

The applicant respectfully begs to submit as
under:-

1. That the applicant filed the above application on 17.5.1990 against the punishment order dated 30.12.1988 to reduce salary by five stages passed by the Director, Postal Services, Lucknow Region Lucknow.
2. That on 19.4.1991, a date i.e. 2.7.1991 after three months for filing counter affidavit has again been fixed.
3. That the opposite parties have been allowed as

A53

2.

many as eight opportunities to file counter affidavit but they have failed to avail of that opportunity.

4. That the inaction of the opposite parties is causing un-necessary delay in the disposal of the case which further causes recurring financial hardship to the applicant.

5. That it would be expedient and necessary in the interest of justice that the case is directed to proceed ex parte and the same is finally heard and decided on 2.7.1991.

P R A Y E R

It is, therefore humbly Prayed that this Hon'ble Tribunal may graciously be pleased to order the case to be heard finally as ex parte on the date fixed i.e. 2.7.1991.

LUCKNOW, DATED :

MAY 15, 1991

APPLICANT.

DS Chauhan
Advocate
Counsel for
Applicant

(Signature)

(A54)

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

MISC.APPLICATION NO. 427 OF 1991. (L, S)

On behalf Respondents.

In

Case No. O.A. No. 478 of 1990 (L)

Swami Dayal TewariApplicant.

Versus

Union of India & othersRespondents.

APPLICATION FOR CONDONATION OF DELAY

The respondents respectfully beg to submit as under :-

1. That the Counter-affidavit on behalf of the respondents could not be filed within the time allotted by the Hon'ble Tribunal on account of the fact that after receipt of the paramiye comments from the respondents, the draft reply was sent to the department for vetting.
2. That the approved Counter-affidavit has been received and is being filed without any further loss of time.
3. That the delay in filing the Counter-affidavit is bonafide and not deliberate and is liable to be condoned.

WHEREFORE, it is prayed that the delay in filing the Counter affidavit may be condoned and the same may be brought on record for which the respondents shall ever remain grateful as in duty bound.

Lucknow.

Dated; 26-7-91,

D. (Gand)

(Dr. Dinesh Chandra)

Counsel for the Respondents.

(A55)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

COUNTER AFFIDAVIT ON BEHALF OF ALL THE RESPONDENTS

In

D.A. No 171 of 1990(L)

Swami Dayal Tiwari.....Applicant

Versus

Union of India and Others..... Respondents

I,.....Shri.....Din.....aged about 54 years
Son of.....Shri.....Narayan.....Hazard.....

Senior Superintendent of Post Offices Lucknow do hereby solemnly affirm
and state as under :-

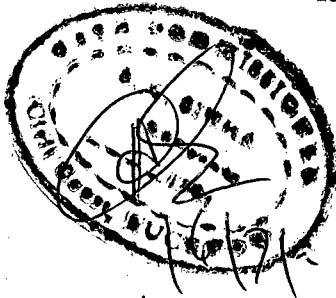
1. That the deponent has read the application filed by Shri Swami

Dayal Tiwari and has understood the contents thereof.

2. That the deponent is well conversant with the facts of the case

Dineel
Senior Supdt. of Post Offices
Lucknow Division-26007
deposed hereinafter and is filing this counter-affidavit on behalf
of all the respondents.

3. That it will be worth-while to give the brief history of the
case as under :-



BRIEF HISTORY OF THE CASE

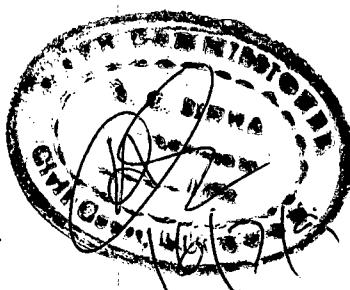
The applicant Shri Swami Dayal Tiwari was served with the
charge-sheet under Rule 14 of CCS (CC&A) RUL.

11/5/6

: 2 :

Memo No B/GEN/Disciplinary/86-87 dated 11.11.1986. The inquiry against the applicant was held alongwith Shri Girj Shankar Tewari in the common proceedings under Rule 18 of CCS (CC&A) Rules, 1965. The charges levelled against Shri Swami Dayal Tewari have been spelled out in Annexure R-1. The open inquiry was completed on 19.3.1988, and the inquiry report was submitted on 1.12.1988, according to which all the charges levelled against the applicant were found proved. The disciplinary authority after perusal of the inquiry report and connected documents awarded the penalty of reduction by 5 stages from Rs 900/- to Rs 825/- in the time scale of pay of Rs 825-15-900-EB-20-1200 for a period of five years wef 1.2.1989. It was further directed that Swami Dayal Tewari will not earn increments of pay during the period of reduction and that on the expiry of this period the reduction will have the effect of postponing his future increments of pay. The applicant filed an appeal on 13.2.1989 against the said punishment order of the Director of Postal Services, Lucknow Region, Lucknow which was rejected and the penalty imposed on the applicant was confirmed vide Memo dated 31.7.1989 which has been filed by the applicant as Annexure No 2. Feeling aggrieved by the said punishment dated 31.7.1989 which was communicated to the applicant on 16.12.1989 by vide letter dated 15.12.1988, the applicant has come before this Hon'ble Tribunal for

Swami
क्षेत्र क्रमीकारक, दूरध्वार विभाग
Senior Sup 1, of Post Office
Lucknow Distt.-226007

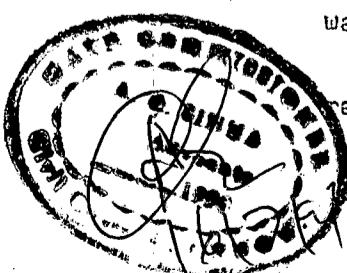


quashing the impugned order of punishment dated 30.12.1988 contained in Annexure No 1 and appellate order dated 31.7.1989 contained in Annexure No 2 with consequential benefits.

PARAWISE COMMENTS

4. That the contents of paras 1 and 2 of the application need no comments.
5. That in reply to para 3 it is stated that the applicant filed by the applicant is barred by Limitation prescribed under Section 21 of the Administrative Tribunal Act of 1985. The cause of grievance had arisen on 16.12.1988 when the appellate order rejecting the applicant's appeal against the order of punishment was communicated to him vide order dated 15.12.1988.
6. That the contents of paras 4.1 and 4.2 are admitted.
7. That in reply to para 4.3 it is stated that there was no instructions with the department for supplying a copy of inquiry report to the delinquent official before imposing the above punishment.
8. That the contents of para 4.4 are admitted.
9. That in reply to para 4.5 it is stated that the appeal filed by the applicant on 13.2.1989 against the order of punishment was ~~filed~~ critically considered with reference to the inquiry report and the relevant documents after which it was rejected on 13.7.1989. The rejection order was communicated by the deponent

Dinesh
प्रबंद्ध अधीक्षक, अधिकारी, लखनऊ
Senior Suptd. of Post Offices
Lucknow Division-226007



: 4 :

vide his order dated 15/12/1989 which was received by the applicant on 16.12.1989.

90. That the contents of para 4.6 are admitted.

11. Contents of para 4.7 need no comments.

12. That in reply to para 4.8 it is stated that the inquiry report was based on the evidence produced before the inquiring officer wherein the charges levelled against the applicant were found proved. The punishment order was made after due consideration of the inquiry report and all the relevant documents. That A copy of the inquiry report was not furnished to the applicant before imposition of the punishment as no instructions to this effect were received by the department till the date of punishment.

13. That the contents of para 4.9 are not admitted and the submissions made in para 12 above are reiterated.

14. That comments on "Grounds for relief with legal provisions" contained in para 5 are furnished below in seriatem :-

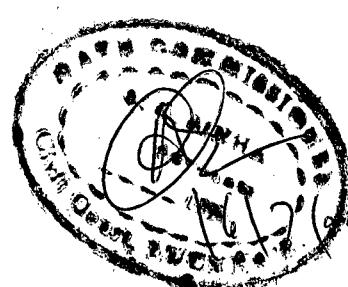
5.1 - Contents denied. The punishment awarded has been reasoned ~~about~~ ^{about} very exhaustively in the punishment order.

5.2 - Contents denied. The applicant was given a copy of inquiry report.

5.3 - That the contents misconceived. The punishment was imposed by the Senior Supdt of Post Offices who is ~~the~~ higher in rank than the disciplinary authority.

Dinesh
प्रबं अधीक्षक, अधिकार नवनाड
Senior Supdt. of Post Offices
Lucknow Division-226007

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(X59)

: 5 :

5.4 - Contents denied. The charge-sheet was framed in accordance with the relevant provisions of law.

5.5 - Contents denied. The findings of the inquiring officer were based on proper assessment of the statement of Shri OP Banga and Shri Kesh Ram viz-a-viz the other facts revealed during the course of inquiry.

5.6 - Contents misconceived. The punishment was imposed taking into consideration the other facts and issues raised and decided in the inquiry report.

5.7 - Appellate order is based on proper appreciation of the inquiry report and all the relevant documents.

5.8 - Contents misconceived. The punishment awarded is in no way violative of the doctrine of double jeopardy.

15. That the contents of paras 6 and 7 need no comments.

16. That in view of the submissions made in the above paragraph the relief sought for in para 8 and interim ~~xx~~ order prayed for in para 9 are not admissible. The application lacks merit and liable to be dismissed with costs.

17. That contents of para 10 to 12 need no comments.

प्रधार अधीक्षक, डाकवर, लखनऊ
Senior S. pdt. of Post Offices
Lucknow Division-226007

Lucknow

Dated:



प्रधार अधीक्षक, डाकवर, लखनऊ
Senior Supdt. of Post Offices
Lucknow Division-226007

(Deponent)

: 6 :

VERIFICATION

I, the above named deponent do hereby verify that the contents of para 1 and 2 of this affidavit are true to my personal knowledge and those of paras 3 to 17 are believed by me to be true based on records and as per legal advise of my counsel. That nothing material facts has been concealed and no part of it is false, so help me God.

Signed and verified this the 16th day of July 1991

within the court compound at Lucknow.

Signature
प्रबन्ध अधीक्षक, डाकघर, लखनऊ
Senior Supdt, of Post Offices
Lucknow Division-226007

Lucknow

Dated: 16/7/91

Signature
(Deponent)

प्रबन्ध अधीक्षक, डाकघर, लखनऊ
Senior Supdt, of Post Offices
Lucknow Division-226007

I, identify the deponent who

has signed before me.

Signature
D. - (Signature)
Advocate

Signature
I have examined and verified that the above affidavit is true to the best of my knowledge and belief and is made under the pains and penalties of perjury.

Signature
ARVIND CHANDRA SINGH
DATE: COMMISSIONED
20/7/1991
COURT: LUCKNOW