

Central Administrative Tribunal

Lucknow Bench

INDEX SHEET

Cause Title CA 172 / 90th of 1993

Name of the Parties Cr. S. Tewari Applicant

Union of India versus (Postal) Respondents.

Part A.F.C.

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2) Order sheet

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Extra copy of Petition (1)

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Registration No. 172 of 1990 (4)

APPLICANT(S) G. S. Tewari

RESPONDENT(S) UOL

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 ? Yes
c) Have six complete sets of the application been filed ? Yes
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 B.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 (Pay Counsel)
c) Are the documents referred to in (a) above neatly typed in double space ? Yes
8. Has the index of documents been filed and pageing 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? Yes

(P.O. No. 02-40 0705)
Rs 50/-

82

Particulars to be Examined

Endorsement as to result of examination

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

7A

7b

NA

7A

7A

NA

7A (Item No. 4)

7A

7A

dinesh/

AB

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
CIRCUIT BENCH,
LUCKNOW.

Reg. No OA 172/1990 (L)

G.S. Tewari

Applicant

Vs.

Union of India & Others

Respondents

21.5.90

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.

D.K. Agarwal

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

B.C. Mathur
(B.C. Mathur) 21.5.90
Vice-Chairman (A) OR

Notice issued
On

24/5/90

Q

OR

Notices were issued
on 24.5.90 by Repd. Post.

Neither reply nor
any unperturbed rept cover
has been returned back.

Submitted for order

23/8/90

27-8-90

Division Bench is not available
Adj to 29.10.90

13/11/90

10/12/90

No sitting Adj to 19.11.90. Q

16.9.91

D.R.

Both the parties
are present. Applicant
to file Reply
by 19/11/91.

19.11.91

D.R.

Applicant is present.

But he did not
file any Reply
today. He is further
directed to file it,
by 24/1/92.

24.1.92

D.R.

counsel for O.P.

is present. CA/RA
have been exchanged.
Hence, this case is to
be listed for final
hearing on 12/3/92
before the Hon. Bench.
Applicant is present.

12.3.92

No sitting order 14.4.92

1

16.4.92 Case not reached
only 28.5.92

Boe

or over
CA, RA time
exchanged 5 PM
27/5

AS

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 172/1990

G.S. Tewari

Applicant

D.S. Chaubey

Counsel for Applicant

versus

Union of India & others

Respondents.

Dr. Dinesh Chandra

Counsel for Respondents.

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

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

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

The applicant was a Postman and was chargesheeted by the Assistant Superintendent of Police Offices, West sub-division, Lucknow vide Memorandum dated 11.11.86. An enquiry officer was appointed to hold the enquiry against the applicant and one Shri Swami Dayal and a joint enquiry proceeded. The enquiry officer submitted his report holding that the charges against the applicant were proved. The charge against the applicant was leaving office unauthorisedly during the working hours and associating himself with Swami Dayal in a wrong and indiscipline act at another post office i.e. Rajendranagar when Swami Dayal was beating Shri O.P. Bagga, Sub Post office, Rajendranagar, with chappal. The applicant was also present at the spot as his colleague. Going through the enquiry report it is seen that the

w

Disciplinary authority awarded the punishment to the applicant reducing the applicant by 5 stages from Rs 1070 to 970 in the time scale of pay of Rs 950-1400 for a period of five years with a further direction that the applicant will not earn increment of pay during the period of reduction and that on the expiry of this period the reduction will not have effect of the postponing of his future increments of pay. The applicant filed appeal before the Director, Postal Services which was rejected and the penalty was confirmed.

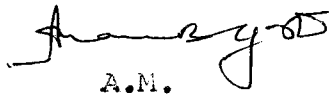
2. On behalf of the applicant it has been contended that the order of punishment was violative of principles of natural justice, unjust and no opportunity was given to the applicant. The respondents have admitted the position that the enquiry report was not furnished to the applicant before awarding the punishment


3. The copy of the enquiry report was not furnished to the applicant, and it is admitted fact by the respondents, the enquiry proceedings are vitiated on this ground alone. In the case of Union of India vs. Mohd. Ramzan Khan (AIR 1991 SC 471) it has been held that non furnishing of the report of enquiry to the delinquent itself vitiates the whole proceedings. Accordingly, this application is allowed and the appellate order dated 31.7.89 and the punishment order dated 30.12.88 are quashed. However, this will

66

not preclude the respondents to ^{proceed with} initiate the enquiry [&]
beyond the stage of enquiry, ^{by} giving the applicant a copy of [<]
~~the enquiry officer's report.~~ [<]
~~opportunity of hearing.~~

4. The application is disposed of with the above
directions, with no order as to costs.


A.M.


V.C.

Shakeel/ Lucknow: Dated: 28-5-12.

AR
Court / Bench / Division
Date of Filing 17/5/90
Date of Receipt 17/5/90

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

Registration No. 172 of 1990(L).

Girja Shanker Tewari ... Applicant.

versus

Union of India and others Respondents.

---o0o---

COMPILATION - A

COMPILATION - B

[Signature]
Applicant.

[Signature]
(D.S. Chaube)
Advocate,
Counsel for the applicant.

Dated: Lucknow,
May
April 16, 1990.
17

[Signature]

Noted for 21-5-90
J. Kumar
17/5/90

f.T.
S.H.R.
17/5/90

17/5/90

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

Registration No. 172 of 1990 (L).

Application under Section 19 of Administrative
Tribunals Act, 1985.

Girja Shanker
Tewari.

Applicant.

Versus.

Union of India
and others.

Respondents.

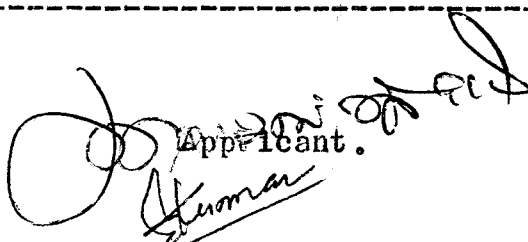
COMPILATION -A

Sl. No. Particulars	Page No.
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- | | |
|---|--|
| 1. Application under Section 19 of the Central Administrative Tribunal Act. | |
| 2. Punishment order dated 30-12-1988 (Annexure-1). | |
| 3. Appellate order dated 31-7-1989 communicated on 15-12-1989 (Annexure-2). | |
| 3. Appeal dated 13-2-1989 (Annexure-3). | |
| 4. Enquiry Report (Annexure-4). | |

Lucknow: Dated:

May 16, 1990.


(S.K. Asthanga)
(B.S. Chaube)
Advocate.
Counsel for Applicant.

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

Registration No. 172 of 1990(L).

PARTIES NAME

Girja Shanker Tewari, aged about 48 years,
son of late Sri Ganga Prasad 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.

... Respondents.

-----oOo-----

Applicant.

(D.S. Chaube)

Advocate,

Counsel for the applicant.

Dated: Lucknow,
May 16, 1990.

Opponent's

A10 3

In the Hon'ble Central Administrative Tribunal.

Additional Bench, Allahabad.

Circuit Bench, Lucknow.

Registration No. 172 of 1990 (L).

Girja Shanker Tewari, aged about 48 years, Son of Late Shri Ganga Prasad 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.

----- Respondents.

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

The application 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 brief: By means of this order, the appeal filed by the applicant against the punishment order dated 30-12-1989 to reduce salary by five stages was rejected by the Director, Postal Services, Lko. Region, Lucknow.
- Discontinued*

(2). Jurisdiction of the Tribunal.

The applicant declares that the subject matter of the order against which he wants redressal ~~is~~ 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 11-11-1986.
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 ~~of~~ thereof was given only by the letter dated 18-1-1989 on demand made by the applicant.

Omaram

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 application.

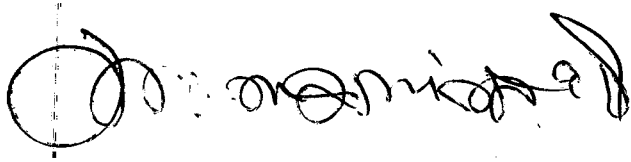
○ *mermaid*

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 13-2-1989 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 predetermined mind and without any proper evidence and the enquiry officer as well as punishing authority failed to take notice of this important



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.

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

[Handwritten signature]

(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 13-2-1989 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 to the application.

Signature

(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 paragraph 5 and 6 above, the applicant prays for the following relief:-

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.

Order made

(10). Not required.

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

- (1). No. of postal order: 02-408705
- (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.

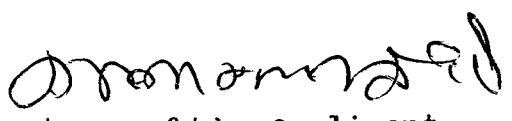
- (1). Punishment order dated 30-12-1988.
- (2). Appellate order dated 31-7-1989 served upon the application on 15-12-1989.
- (3). Appeal.
- (4) Enquiry report.

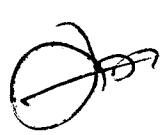
V E R I F I C A T I O N

I, Girja Shanker Tewari, aged about 48 years, Son of Late Shri Ganga Prasad Tewari, Postman, Aminabad Park Post Office, Lucknow do hereby verify that the contents of paras | 5 | 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 the applicant.



11 10
AIB

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

Application Registration No.

of 1990.

Girja Shanker Tewari

Petitioner

Versus

Director of Postal Services
Lucknow Region and others

Op. Parties.

Annexure No. 1

Department of Posts.

Office of the Sr. Supdt. of Post Offices
Lucknow Division Lucknow.

Memo no. Rx/Misc.-24/Ch.II/86-87 dated at Lw. 30.12.1988.

Shri Girza Shanker Tewari, Postman was served with a charge sheet under Rule 14 of CCS (CCA) Rules 1965 under ASPOs (West) Lucknow memo no. B/Genl/Discpl./86-87 dated 11.11.86. The charges according to the said memo levelled against Shri Girza Shanker Tewari, Postman are as under:-

श्री गिरजा शंकर तिवारी, पोस्टमैन, आवास विकास कॉलोनी उपडाकदार इलाहाबाद के पद पर कार्य करते हुए दिनांक 9.12.86 को अपराह्न 3.30 बजे साढ़ तीन बजे से सायं 5.30 बजे तक बिना उपडाकपाल से लिखित आज्ञा प्राप्त किये अतिरिक्त रूप में अपने कार्यकाल में Working hours ही अपना कार्यालय छोड़कर श्री स्वामी दयाल तिवारी पोस्टमैन, आवास विकास कॉलोनी का उपडाकदार राजेन्द्रनगर जाकर गलत एवं अनुशासनहीन कार्य करने में साथ दिया एवं श्री ओपी० बांगा उपडाकपाल राजेन्द्रनगर, जब

*Attache Copy
Shri Girza Shanker Tewari*

Shri Girza Shanker Tewari

श्री स्वामी दयाल तिवारी द्वारा चप्पल से मारे गये उस समय में उक्त श्री गिरजा शंकर तिवारी उनके सहयोगी के रूप में छाटना स्थल पर उपस्थित रहे । अतः उन पर आरोप लगाया जाता है कि उन्होंने डाकतार नियमावली क्राण्ड-2 के नियम 62 का उल्लंघन किया और एक सरकारी कर्मचारी न होने जैसा Unbecoming of a Govt. Servant) कार्य कर के केन्द्रीय सिविल सेवा आचरण नियमावली 1964 CCS (Conduct) Rules 1964. के नियम 3(1) (111) का उल्लंघन किया।

Shri Ram Lal Prasad was appointed as Enquiry Officer vide ASPOs (West), Lucknow memo no.B/Genl/Disc./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 CCS (CCA) Rules 1965. The enquiries were started on 27.2.87 and were completed on 15.9.88. The accused officials changed their defence nominees applying delaying tactics in holding enquiries by enquiry officer as stated by I.C. in para 2 of page 2 of enquiry report. In the enquiry report at page 10 the enquiring officer has categorically stated that Shri Swami Dayal Tewari on receipt of punishment memo no.D-5 in the morning of 9.7.88 withholding his increment. He got annoyed and as result he made a plan Swami Dayal Tewari, to humiliate Shri O.P. Bunge the then SP, Raigonda Nagar he also admitted that Shri Girza Shanker Tewari was with him when he was at Raigonda Nagar. Shri Girza Shanker Tewari had also stated that on 9.7.88 he accompanied with Shri Swami Dayal

*Interested copy
Home
Ministry*

Prasanna Singh

120/12
13

-2-

Tewari to Mr. Jendra Nagar PC on 9.7.85 and that he was present in the Chamber when some altercation took place between Shri Langa and Shri Swami Dayal Tewari. Thus the charge against him that he left the office without permission of the S.M., AF Colony PC in order to assist Shri Swami Dayal Tewari in his notorious design which seems to him as a calculated move of Shri Girza Shanker Tewari not only to assist Shri Swami Dayal Tewari but also get Shri O.P. Langa beaten by the latter. The heinous offence unbecoming of the Govt. servant and such things are allowed to continue unchecked. If an affair of the administration can not be effectively run and work from the subordinate staff can not be taken.

Although Shri Girza Shanker Tewari deserve severe punishment and deserve dismissal yet taking lenient view considering his past services and his dependent in such hard days it has been decided that Shri Girza Shanker Tewari should be reduced to a pay of Rs. 970/- for a period of 5 years w.e.f. 1.3.89.

It is therefore ordered that the pay of Shri Girza Shanker Tewari should be reduced by 5 stages from Rs. 1070/- to Rs. 970/- in the time scale of pay Rs. 950-20-1150-EB-25-1400/- for a period of 5 years w.e.f. 1.3.89. It is further directed that Shri Girza Shanker Tewari will not earn increments of pay during the period of reduction and that on the

*collected copy
of the order
is submitted*
Dr. P. N. Mishra

expiry of this period the reduction will not have effect of the postponing of his future increments of pay.

sd/-Sr.Suptd.of Post Offices,
Lucknow Dn., Lucknow-226003.

Copy To:-

1. The official concerned.
2. The P.O. of the official.
3. The G.O. file of the official.
4. Punishment register.
5. Vigilance stat.
6. The Sr. P.O. Chowk HO Lucknow with two spare copies.

*Witnessed copy
Thomas
Advocate*

Prasanna

8/22 14
15

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

Application Registration No. of 1990.

Girja Shanker Tewari

Petitioner

Versus

Director of Postal Services
Lucknow Region & others

Opp. Parties.

Annexure no. 2

Office of the Director Postal Services
Lucknow Region: Lucknow.

Memo no. ADL/APP.-126/89/13 dated at Lucknow 31.7.89.

This is the appeal dated 13.2.89 of Shri Girja
Shanker Tewari Postman Alinabad Park against penalty of
reduction of pay by 5 stages for a period of 5 years
imposed vide ASPOs Lucknow Memo no. PR/Misc.24/CH II/86-87
dated 30.12.1988. Though the appeal had been preferred in
time, it has been forwarded by the ASPOs Lucknow on
12.5.1989.

2. The appellant was charge sheeted under Rule 14 of
the CCS (CCA) Rules 1965 vide ASPOs (West) memo no. B/Genl./
Disc./86-87 dated 11.11.1986 alleging that the appellant
while working as postman A.V. Colony PO on 9.7.86 unauthor-
isedly left the office at 15.30 hours and cooperated
Shri Tewari Postman in beating Shri O.L. Banga S.P.
Rajendra Nagar with chappals thereby contravened the
provisions of rule 62 of P.M. Man. Vol II & 3(1) (iii)

Handwritten notes:
1. Attached copy
2. Summary
3. Annexure

Handwritten signature:
M. M. Tewari

of the CCs (Conduct) Rules 1964. The M.O. after conducting oral enquiries as required in the rules held the charges as proved in his enquiry report dated 1.12.88. The disciplinary authority, SSPOs Lucknow empowered to impose major penalty, taking all aspects of the case into consideration awarded the aforesaid penalty vide memo dated 30.12.88 with lenient view compared to the gravity of the charge.

3. I have carefully gone through the contents of the appeal and have weighed the arguments with reference to the memo of charges, punishment order and the disciplinary file and have noticed as under:-

(i) The charge of unauthorised absence has been argued to be incomplete and therefore invalid as it has been supported by a non-existent rule 62 of P.M. Man.

Vol. II. The argument in the present form is not

admissible as the rule originally belongs to old volume II. The entire chapter II containing discipline rules from 11 to 109 have been deleted from the new edition of Vol. II and incorporated in Vol. III. Therefore, it makes no difference so far as the concept of the charge is concerned. But I do not agree with the disciplinary authority that the postman had unauthorised left the office at 15.30 hrs. after he had finished his job

rendered his day's account. He is not required to sit

*Noted copy
H. Kumar
24/12/88*

Manoj Kumar

127
16 15

AM 16
17

-3-

idly till close of the office after his delivery work is over. The appellant cannot therefore be charged for violation of rule 152 of P&M Man.Vol.II/Vol.III.

(ii) The appellant has misargued that the SSPOs while conducting himself as appropriate disciplinary authority had violated the provisions of rule 14(2), 14(2)(a), 14(21), 15 or 16 of the CCS (CCA) Rules 1965. The SPOs Lucknow was only appropriate disciplinary authority empowered to impose major penalty. There had been no violation of any of the above referred rule, as his interpreted by the appellant.

(iii) The appellant's next argument is that his action by which cooperation in assaulting Shri Banga is alleged has not been specifically mentioned. The article of charges, the disciplinary proceedings, enquiry report and the punishment order itself are very much clear in specifying his notorious design in cooperating Shri Swami Dayal Tewari in beating Shri Banga. He accompanied Shri S. S. Tewari from Mrs. Vikas Colony to Rajendra Nagar P.O., witnessed beating of Shri Banga as a silent spectator and uttering "the work for which we had come was done" while taking Shri Swami Dayal Tewari out of the office go to prove beyond doubt his involvement as cooperator

*Original Copy
Sharma
Bhargava*

Pravin Kumar

of Shri Swami Dayal Tewari in the assault.

4. I generally find the charge is established. I agree with the disciplinary authority that if indiscipline to such an extent is allowed to continue or let go unchecked and unnoticed it will be difficult to run the public work and administer effectively. Such types of conduct don't deserve any leniency and should be noticed with exemplary strictness. The conduct, thus, deserved more serious punishment. Since the disciplinary authority has already taken a lenient view, I don't wish to interfere in the penalty.

5. I, therefore, hereby reject the appeal of the appellant and confirm the penalty already imposed on him by SSPÖs Lucknow memo referred to above.

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

Copy To:

The official concerned.

2 -4: SSPOs Lucknow.

5-6. Office Copy and spare.

சென்னை மாநகராட்சி

James M. Smith

Dpptt. of Posts.

From:

Sr. Supdt. of Post Office
Lucknow Division.

To,

Sri Girja Shankar Tewari,
Post man, Aminabad Park
Lucknow.

No. Fx/Misc.24/Loose/86 87 dated 15.12.89.

Subject: Decision of Appeal of 13.2.89.

The D.P.S. Lucknow Region ,Lucknow memo no.

PD/APP-126/89/13 or 31.7.89 is sent h/w. Please
acknowledge the report of the same.

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

Proposed by
Attested Copy
S. Kumar
Advocate

RDX

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

Registration No. 172 of 1990(L).

Girja Shanker Tewari ... Applicant.

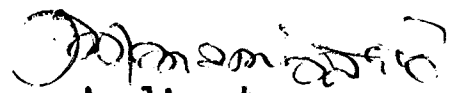
versus

Union of India and others Respondents.

---oOo---

COMPILATION - B

<u>S.No.</u>	<u>Particulars</u>	<u>Page No.</u>	<u>Annexure no.</u>
1.	(Annexure 3) Appeal filed by the applicant against the punishment order.	1-7	3
2.	Enquiry report. [Annexure 4]	8-19	4
3.	Vakalatnama.	20	


Applicant.



Dated: Lucknow,
May 16,
April 16, 1990.

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

H28 ①

26

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

Application Registration No. 172 of 1990.

Girja Shankar 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)

Subject: Appeal against punishment order- of
reduction in stage of pay vide SSPOs
Lucknow No. RA/Misc.-24/CN-II/86-87
Dated 30.12.1988.

Respected Sir,

The applicant begs to submit an appeal against the
aforesaid punishment and hopes that justice will be done by
setting aside the above punishment on the grounds adduced by
the appellant in the following paras, for consideration.

1. The appellant was charge sheeted under rule 14 of
JOS (GS & A) Rules 1965 by SSPOs (West) Lucknow vide his
No. 3/Genl./Discpl./86-87 dated 11.11.1986. The enquiry

*Attitudinal Copy
B. K. Sharma
12/1/1989*

Girja Shankar Tewari

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officer enquired into the charges and submitted the enquiry report not to the disciplinary authority but to the punishing authority, the SSPOs Luckow directly violating the procedure contained in rule 14(2) and ignoring rule 14(2), (a) from the procedural provisions contained in rule 14 of CCS(CCA) Rules, 1965. The appellant is afraid that the punishing authority the SSPOs Luckow in his turn, assuming powers, not conferred by rule 14(21)(a) or rule 15 or 18 of CCS(CCA) Rules 1965, passed the orders of penalty of reduction by 5 stages without opinion of the disciplinary authority required mandatorily under rule 14(21) (a) above, while the disciplinary authority had the powers.

2. The appellant begs to submit that a government servant, in essence, is at the pleasure of the appointing authority with bare cloak of procedure left for his protection in statute books and if that bare cloak is taken, the situation would be callus. If the procedure is violated the peril of bias exists and justice bereft of bias, as in this case, cannot be expected.

3. The charge sheet against the appellant is in Hindi as typed in the punishment order contained in SSPOs memo No. EX/Misc.24/Ch-II/86-87 dated 30.12.1988. The

*Attested Copy
Stamps
Attached*

Document of 24

enquiry report was received later on on an application dated 11.1.1989 by the appellant.

4. The charge is confined to the absence of the appellant from Avas Vikas P.O. between 5.30 and 5.50 AM. of 9.7.86 and presence of the appellant at the place of occurrence in Rajindra Nagar P.O., as cooperator and when Shri Swami Dayal Tewari allegedly beat Shri C.P. Banga SPH by Chappal. infringing rule 62 of P & Manual Vol. II and 3(i) (iii) of CCS (Conduct) Rules, 1964. There is no mention of any action on the part of the appellant by which cooperation in alleged indiscipline or beating could be elaborately clear to the appellant accused or on that matter evidence examined, cross examined and facts crystallised to reach the offence alleged for proper punishment. There is no mention of any plan being hatched up at N.T. Colony P.O. and evidence therefor. There is no illustration of any fact in the charge sheet which implied that the disciplinary authority to name the appellant as cooperator in the alleged offence. The appellant is not alleged to have assisted the alleged act of offence or aided with the alleged offence. Shri Swami Dayal Tewari or participation in altercation, beating or any thing of this nature. The appellant is also not alleged to have threatened any one to save the respected

*Investigation
S. K. Sharma
Advocate*

Chandramani

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-4-

S.P. Rajindra Singh or rendered any help. The charge refer to only absence under rule 62 of P. & T. Manual Vol. II. But rule 62 does not exist in Vol. II. In fact chapter on discipline has been removed from Vol. II long ago. It is submitted that as the charge was then supported by rule 62 of Vol. II while it does not exist there and exists in P. & T. Manual III, the charge itself is invalid. Besides, had there been an intention to secure any punishment for any thing except absence, the disciplinary authority would have based those charges on appropriate provision with the conduct rule 3(1) (iii) and not only on rule 62 of P. & T. Manual Vol. II, which in fact does not exist in Vol. II, but Vol. (iii). As the rule as referred to does not exist in Vol. II, it cannot be a basis of punishment for the absence of or on failure of the codified rule the charge cannot stand on the mere strength of conduct rule to be used to support the violation of the codified rule.

5. Yet the non-application of mind on the part of the learned enquiry authority to find out what in the real, charge is and whether it can be sustained or not in view of above submissions as well as miserable failure on the part of learned punishing authority on the above

*Not a copy
S. Prasad
Advocate*

Prasad

subject, resulted in grave injustice to the appellant by way of such a grave penalty.

6. So far as evidence adduced to support the above invalid charge is concerned, although irrelevant on issue of absence, the letters of Shri O.P. Banga, the SPM Rajindra Nagar himself dated 10.7.86 to P.M., dated 15.7.86 to the SSPOs (Est.2) statement dated 9.8.86 may be compared to find out whether there is reliable consistency.

In the 1st. one appellant's name is not there, in misbehaving, in the second the appellant is stated to have been standing at door step, while in the statement the appellant has been stated as taking out Sri Swami Dayal saying that the work is done. Such evidence is not admissible to base a punishment.

7. Yet the act of taking Swami Dayal by hand and uttering the alleged words do not find a mention in the charge sheet and hence these facts are irrelevant for the facts mentioned in the charge sheet, are to be established with cogent, concrete, alike and definite independent evidence and not the facts mentioned in the evidence of the complainant himself who gave three different accounts in respect of one incident to which he was a party but not a single on issue of absence.

8. The appellant is afraid to submit that although

*Attested by
Shri
Advocate*

Apparition

the above alleged act and utterance was not available in the charge sheet, it has been accepted and taken as ~~xx~~ a charge by the learned enquiry officer, although none of the witnesses so deposed for corroboration. It was also accepted on the sole narration of the complainant without agitating his mind as to whether the statement could be a charge sought to be proved and whether an account of incident be set with trailings of incoherence, devoid of independentness, and corroboration was acceptable for a definite finding on the conduct of the appellant whose very bread was at stake.

10. The appellant hopes that your honour may never accept such an enquiry report to arrive at such an inferential conclusion based on surmises and inadmissible statement, not connected to the actual charge.

11. Thus your honour may kindly agree that the charge sheet is invalid in view of para 4 above and

evidence inadmissible as irrelevant, findings of the ~~etc.~~ not based on facts and evidence for the charge.

Moreover, submission of the enquiry report to the punishing authority contravenes procedural rule as submitted in para 1 above. The findings of the learned punishment authority who accepted the enquiry report directly contravening procedure as submitted in para 1 above

*Interested copy
Shri
V. M. Rao*

Opposition

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contain the findings, not on the real charge

The charge is simple and plain that the appellant was absent from duty between 3.30 and 5.30 A.M. on 9.7.85

contravening rule 32 of RCF Manual Vol.II and rule

3(1)(iii) of CCS (Conduct) Rule 1964. Nothing ~~more~~

more can be imported into it or pressed with irrelevant

and inadmissible evidence. And as the charge itself is

invalid for the reason that rule 32 exists in Vol.III

and not in Vol.II the punishment is invalid and procedure

irregular as suggested in para 1 above.

Therefore, the appellant begs your honour to set aside the punishment with justice due.

Yours faithfully,

Dated 13.2.1989.

sd/-Girja Shankar Tewari,
Postman, A-Park, Lucknow.

*Interested copy
Sharma
Advocate*

Open on 13.2.89

संख्या : इन 1द जानरौबिल सेन्ट्रल एडमिस्ट्रेटिव ट्रिब्यूनल, इलाहाबाद
सरफिट पेन्च, लखानऊ

अप्लीकेशन रजिस्ट्रेशन नं० :

1990.

गिरजा शंकर तिवारी

याची

कनाम

यूनियन जाफ इण्डिया तथा अन्य

प्रतिवादीगणा

एनेकर नं० : 4

भारतीय डाक विभाग

प्रेषक,

राम लाल प्रसाद,
जांच अधिकारी,

सेवा में,

प्रवर डाक अधीक्षक,
लखानऊ मण्डल,
लखानऊ।

ज्ञापन संख्या/वर्जांच नियम 14/88-89 दिनांक 1.12.1988.

विषय: श्री स्वामी दयाल तिवारी व श्री गिरजा शंकर तिवारी
पोस्ट में आ0वे0 का जौना लखानऊ के विरुद्ध नियम 14
के अन्तर्गत जांच की जांच आख्या ।

x-x

आपका ज्ञापन संख्या-व-सामान्य-डीजाइएस/86-87
SS Pos No. Fx-Misc.24-88-89.

महोदय,

सहायक डाक अधीक्षक लखानऊ पश्चिमी के ज्ञापन संख्या
B/ General Dis./86-87 दिनांक 11.11.86 द्वारा मुझे सर्वश्री
स्वामी दयाल तिवारी व गिरजा शंकर तिवारी पोस्ट में के विरुद्ध
लगाए गए आरोपों की जांच करने के लिए जांच अधिकारी नियुक्त
किया गया था। श्री स्वामी दयाल तिवारी पर निम्न आरोप
लगाये गये थे :

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प्रथम आरोप :

श्री स्वामी दयाल तिवारी, पोस्ट मै आवास विकास कालोनी लखनऊ के पद पर कार्य करते हुए दिनांक 9.7.86 को राजेन्द्रनगर उपडाकघार में जाकर लगभग 4.50 बजे सायं श्री ओ०पी० बागा उपडाकघाल राजेन्द्रनगर के प्रति आइडिट भाषा का उच्चारण करते हुए उन पर अपने वस्त्र से प्रहार किया। ऐसा करते हुए उन्होंने अनुज्ञातन भोग किया। अतएव उन पर आरोप लगाया जाता है कि उन्होंने एक सरकारी कर्मचारी न होने जैसा **Unbecomings of a Government servants** कार्य करते **C.C.S. (Conduct) Rule, 64** के नियम 30 का उल्लंघन किया।

आरोप क्रिया-2 :

उक्त श्री स्वामी दयाल तिवारी दिनांक 9.7.86 को अपरान्ह 3½ बजे से 5.30 सायं तक अपने कार्यालय आवास विकास कालोनी डाकघर से बिना किसी लिखित आज्ञा प्राप्त किए अपने कार्यकाल **Working Hours** में अनौद्घात रूप से अनुपस्थित रहे। अतः उन पर आरोप लगाया जाता है कि उन्होंने डाकघर नियमावली छान्द-2 **Part. Manual Vol. II** के नियम 62 का उल्लंघन किया।

श्री गिरजा शर्मा तिवारी पर निम्न आरोप लगाये गये

धो :

श्री गिरजा शर्मा तिवारी पोस्टमै आवास विकास कालोनी लखनऊ के पद पर कार्य करते हुए दिनांक 9.7.86 को अपरान्ह 3.30 बजे से सायं 5.30 बजे तक बिना उपडाकघाल से लिखित आज्ञा प्राप्त किए अनौद्घात रूप से अपने कार्यकाल में **Working Hours** ही अपना कार्यालय छोड़कर श्री स्वामी दयाल तिवारी पोस्टमै, आ०वि० कालोनी का उपडाकघार राजेन्द्रनगर जाकर गलत एवं अनुज्ञातन हीन कार्य करने में लाथा दब्या एवं श्री ओ०पी० बागा उपडाकघाल राजेन्द्रनगर जब श्री स्वामी दयाल तिवारी द्वारा वस्त्र से नारे गए उस समय में उक्त श्री गिरजा शर्मा तिवारी उनके सहयोगी के रूप में छाटनास्थल पर उपस्थित रहे। अतः उन पर आरोप लगाया जाता है कि उन्होंने

*Attested copy
of
Summary
of
charges*

Ommani...

डाकतार नियमावली खण्ड-11 ॥ पोस्ट एण्ड टेलीग्राफ मैनुअल वॉल्यूम-11 ॥
के नियम 62 का उल्लंघन किया और एक तरफ़ारा कर्मचारी न होने जैसा
॥ **Unbecoming of Government servants.** ॥ कार्य करके केन्द्रीय
संविधान सेवा ॥ वाचरण ॥ नियमावली 864 के नियम 3 ॥ ॥ 11 ॥ का
उल्लंघन किया ।"

2. जाँच दिनांक 27.2.87 से प्रारम्भ होकर दिनांक 13.9.85
को समाप्त हुआ । अभियोजित कर्मचारियों द्वारा बार बार बचाव प्रति-
निधियों के बदले एवं अस्थायी तन्त्र रवैया के कारण तथा जाँच अधिकारी
में अधिकार प्रकट करने के फलस्वरूप जाँच में अनावश्यक विलम्ब हुआ ।
जाँच अधिकारी के बदले के आवेदन पत्र पर डाक निदेशक लखनऊ
के आदेश के फलस्वरूप जाँच कई महीनों बाद पुनः प्रारम्भ करने के कारण
जाँच में देर हो गयी । कई स्मरण पत्र देने के बाद ही आरोपित
कर्मचारियों का बचाव संक्षिप्त 15.11.88 को इस कार्यालय में प्राप्त हुआ
जबकि अभियोजन अधिकारी ने अपना संक्षिप्त तार उनको 24.9.88
को ही दे दिया था । इस प्रकार विलम्ब आरोपित कर्मचारियों के
कारण हुआ ।

3. अभियोजन पक्ष की ओर से आरोपों की सिद्ध करने के लिए
निम्नलिखित गवाह प्रस्तुत किए गए:-

१. डाकतार की जाँच हेतु आदेश दिनांक 9.7.86 ई एक्स-पी-2
२. उपडाकपाल राजेंद्रनाथ का पत्र बाला एसपीएस 15.7.86
ई एक्स-पी-2
३. ज्ञान श्री ओ०पी० जांगा दिनांक 8.8.86 ई एक्स-पी-3
४. ज्ञान श्री शिव प्रसाद दिनांक 11.7.86
५. ज्ञान श्री एस०एस० जाल दिनांक 8.8.86
६. ज्ञान श्री काली राम दिनांक 11.7.86
७. ज्ञान श्री राम आसरे सिद्ध दिनांक 11.7.86
८. ज्ञान श्री राजकरन श्रीवास्तव दिनांक 11.7.86
९. ज्ञान श्री हरद्वारी जाल दिनांक 12.7.86.

४. अभियोजन पक्ष की ओर से आरोपों की सिद्ध करने के लिए
निम्नलिखित गवाह प्रस्तुत किए गये :

*Attested Copy
Signature
Sd/-*

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1. भारतीय ओपेनटोकोसट पत्र संख्या यूनियन 85-86-4
दिनांक 18.3.86.
2. प्रवर डाक अधीक्षाक पत्र संख्या ए:ओएल86 दिनांक फरवरी, 86
3. प्रवर ओपेन टोकोसट पत्र संख्या x x x x यूनियन ई-बीओडीओपेन
ईडीआरएल/86 दिनांक 20.3.86/31.3.86.
4. SPM Rajendra Nagar G/Delivery dt. 4.4.86(D4)
5. SPM Rajendra Nagar G/Delevrey RNo. dt. 7.7.86'Ed 5)
6. SSPO Lu No.B8/2/ISDasel dt.20.10.86 ED6
7. ओपेनटोकोसट दिनांक 4/218/80 दि 26/3-80
8. SSPO Lko No.L/MM/86 dt. 21.1.86 (D8)
6. क्वाच पक्षा की तरफ से निम्न गवाह प्रस्तुत किए गए:
 1. श्री मोहर लाल, डाक सहायक
 2. श्री नृसिंह लाल, पोस्टमैन
 3. श्री कमलेश, डाक सहायक
 4. श्री आनन्द कुमार, पोस्टमैन
 7. भारतीय आरोपित कर्मचारी सर्वश्री स्वामी दयाल तिवारी एवं गिरजा शंकर तिवारी ने अपना गलतियोग्य न देकर स्वयं जांच अधीक्षक के समक्ष बयान दिए जिनका प्रतिपरीक्षण अभियोजन पक्षा द्वारा किया गया।

जांच आख्या श्री स्वामी दयाल तिवारी

आरोप नम्बर एक:

श्री ओपेनटो कोसा ने बताया कि दिनांक 9.7.86 को लगभग 16.40 पर श्री स्वामी दयाल तिवारी एवं गिरजा शंकर तिवारी राजेन्द्रनगर डाकघर आए। श्री स्वामी दयाल तिवारी थोड़ी देर बाद उनके चेम्बर में घासे एवं एक रोजरूरी का लिफाफा दिखाया और पूछा कि क्या आपने इसे भोजा है। उसने यह सरकारी रोजरूरी के लिफाफे के अन्दर से पत्र निकाल कर देखा और कहा कि मैं तो भोजा है इस बीच गिरजा शंकर तिवारी उनके चेम्बर व डिल्लीरी ब्रान्च के बीच स्थित दरवाजे पर छाड़े रहे। श्री स्वामी दयाल तिवारी

*Attested by
Sharma
Dhruv*

(Dhruv Sharma)

ने पूछा कि तुमने मुझे क्यों दण्ड दिया है इस पर श्री बांगा ने बताया कि संबोधात फाइल देखाने से ही ब्रता सफ़त है । इस पर श्री स्वामी दयाल उत्तेजित हो गये तथा चप्पल से पीछे लगे। इतने में श्री गिरजा हाकिम तिवारी जो दरवाजे पर ही छाड़े थे अन्दर जाकर स्वामी दयाल तिवारी को पकड़कर कहा कि वेम्बर से बाहर जाओ जिस कान के लिए हम लोग आए थे वह पूरा हो गया। इसी बीच काशी राम पैकर मेरे वेम्बर में जाकर मेरी रक्षा की तथा स्वामी दयाल को वेम्बर से बाहर निकाला तथा उसने पीछे श्री गिरजा हाकिम तिवारी भी चले गए श्री ओ०पी० बांगा बवाव सहायकों के अथवा प्रयास के बाद भी अपने पिछले कथान से उस से मना नहीं हुए जबकि बवाव सहायकों ने उनके अनादर्यक एवं अपमानजनक प्रश्न पूछकर उत्तेजित करने का भी असफल प्रयास किया। वह सत्य पर अटल रहे।

श्री काशी राम पैकर राजेन्द्रनगर ने भी अपने कथान में पिछले कथान दिनांक 11.7.86 की पुष्टि की जिसमें उसने कहा था कि शाम लगभग 4.50 पर श्री स्वामी दयाल तिवारी एवं गिरजा हाकिम तिवारी पोस्टमैन पोस्टमास्टर साहब को नार रहे थे मैं जाकर पकड़कर स्वामी दयाल को कमरे से बाहर निकाला। स्वामी दयाल गुस्से में चढ़कर रहे थे । स्वामी दयाल का चप्पल जो कमरे में छूट गया था मेरे पैर से कमरे से बाहर निकला " श्री काशी राम ने अपने प्रति परीक्षा में उसी कथान की पुष्टि की तथा कहा कि वहाँ श्री गिरजा हाकिम तिवारी एवं स्वामी दयाल तिवारी मौजूद थे । श्री गिरजा हाकिम तिवारी, स्वामी दयाल तिवारी को बाहर ले जा रहे थे।

इस प्रकार श्री ओ०पी० बांगा के कथान की पूर्णरूपेण पुष्टि श्री काशी राम के कथान से हो जाती है। यह गवाह भी अपने प्रतिपरीक्षा में अटल रहा अतः घटना की पुष्टि हो जाती है। इसके कथान का नृत्यांक बवाव पक्षा यह कहकर कि वह श्री बांगा का नातहत है स्वतन्त्र नहीं है और न ही निष्पक्षा " कम करने का असफल प्रयास किया है।

श्री शिव प्रसाद डाक सहायक ने अपने कथान दिनांक 4.5.88 को पिछले कथान दिनांक 11.7.86 ईएक पी-40 की पुष्टि करी हुए

मामलूम संकेत

Attested copy
Shiv Prasad
Dhokato

प्रतिपरीक्षा में कहा कि 5 बजे के आसपास कोई मेल जाती जाती नहीं है मैं अपनी सीट पर छातों बैठा था । स्वामी दयाल व गिरजा शांकर मेरी सीट से गुजरे थे व छातों तक गए थे । आगे उन्होंने स्पष्ट किया कि स्वामी दयाल हाथों उठाए थे 1 जो सच्चाई थी कही लिखा है तथा यह भी स्पष्ट किया कि गुस्से में बातें चीत पोस्ट मास्टर से कर रहे थे । कारागीरान ने पकड़कर बाहर किया ।

श्री स्वामी दयाल तिवारी आरोपित कर्मचारी ने अपने ऊपर लगाए गए आरोपों को निराधार एवं झूठा बताया है तथा कहा कि बांगा ने कुल पर गलत केंद्र लगाया है एवं कारागीरान तथा शिव प्रसाद झूठी गवाही दिए है। उसने आगे बताया कि वह राजेन्द्रनगर डाकघर दिनांक 9.7.86 को श्री बांगा से 6 बजे के बाद मिले थे। श्री मनोहर लाल धुरिया व मूलचंद्र शर्मा के साथ । श्री बांगा ने उन्हें ना बहन की भद्रदी गांधिया की उसकी रिपोर्ट थाने में नहीं लिखी गई। जांचकारियों को भी पेंछा था परन्तु कोई प्रमाण नहीं दे सके श्री स्वामी दयाल तिवारी के इन बयानों का उनके गवाहों द्वारा पुष्टि नहीं की गई। श्री मनोहर लाल धुरिया एवं मूलचंद्र शर्मा दोनों ने ही उनके साथ बांगा से मिलने की बात को नकारा है तथा गाली की भी पुष्टि नहीं की । इस प्रकार श्री बांगा पर स्वामी दयाल का लगाया आरोप झूठा एवं निराधार है। श्री गिरजा शांकर तिवारी जो उनके साथ साथ रहे उन्होंने भी श्री मूलचंद्र शर्मा व मनोहर लाल धुरिया के साथ स्वामी दयाल का दिनांक 9.7.86 को मिलने की बात को पुष्टि नहीं किया तथा उनका पोस्ट मास्टर बांगा से मिलने के कारण को भी पुष्टि नहीं की । इस प्रकार यह साब हो जाता है कि श्री स्वामी दयाल ने श्री बांगा पर झूठा आरोप लगाने का असफल प्रयास किया है ताकि उनके ऊपर लगाए आरोपों की गम्भीरता कम हो जाय।

मेरी अभियोजन पक्षा ने इस तर्क से पूर्ण सहमत हूं कि स्वामी दयाल तिवारी श्री बांगा से पूर्वग्राहित थे । श्री स्वामी दयाल ने अपने बयान में बताया है कि उन्हे दिनांक 12.7.85 को एक पार्सल के कथित वितरण का मानका अगस्त 85 में प्रकारा में आया था जिसमें श्री बांगा ने उनकी बाजीर्जक बड़ो त्तरा रोक्ते का दण्डादेश दिया ।

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Shuman
Advocate*

Shuman

था। इस देश में बाप ही श्री बांगा के दिवस कोयला देव से का बाइलन लखा गया था जो ईएक डी-3 दिनांक 27.1.86 को प्रवर डाक जहाज से भेजा गया है। इससे श्री स्वामी दयाल तिवारी का बांगा से पूर्वाग्रहित होना स्पष्ट हो जाता है।

श्री स्वामी दयाल तिवारी ने आगे कहा कि दिनांक 9.7.86 को प्रातः श्री बांगा द्वारा तारित दण्डादेश प्राप्त हुआ जिसमें उनकी वार्षिक बड़ी उत्तरों रोक दी गयी थी। इस पर श्री स्वामी दयाल का क्रोधित होना स्वाभाविक है। इसी कारण उन्होंने श्री बांगा को अपमानित करने की योजना बनायी। उसी दिन दोनों आदमी वापसी देने के पश्चात् राजेन्द्रनगर आकार गए और वही श्री स्वामी दयाल तिवारी ने श्री बांगा को वापस से पीटकर एवं अतिशय भावना का प्रयोग करके उन्हें अपमानित किया।

बवाव पक्षा ने यह कहकर कि "अभियोजन पक्षा ने चौकीदार को गवाही में पेशा नहीं किया। वास्तव में वही प्रत्यक्ष दर्शी गवाह हो सकता था या वास्तव में कोई घटना घटी नहीं थी इसीलिए चौकीदार को पेशा नहीं किया" अपने कार्य की इतिवृत्ति समझली। उन्हें चौकीदार को गवाह बनाने से किसने रोका। बवाव पक्षा ने उसे क्यों नहीं गवाही हेतु प्रस्तुत किया। बवाव पक्षा के गवाहों एवं आरोपित दोनों कर्मचारियों ने भी दिनांक 9.7.86 को श्री बांगा एवं श्री स्वामी दयाल के बीच गर्म वाद विवाद के तथ्य को स्वीकारा है। अतः बवाव पक्षा के इस तर्क में कोई दम नहीं कि घटना घटी ही नहीं।

आरोप न० : 2

दिनांक 9.7.86 की घटना का घटित होना सिद्ध हो जाता है जहां तक समय का प्रश्न है। श्री स्वामी दयाल तिवारी एवं श्री गिरजा शंकर तिवारी दोनों आरोपित कर्मचारियों एनके गवाही ने राजेन्द्रनगर आकार लगभग 6 बजे आना बताया है जबकि अभियोजन पक्षा ने समय सायं 4.50 कहा है। बवाव पक्षा का यह कहना कि दोनों कर्मचारी अपनी वापसी 5.30 देने के पश्चात् हरी आकर

Attested copy
Shuman
Advocate

Dr. Anand Singh

आवास विकास कालोनी डाक्टर छोड़" तथा जोरदार
वापस 9 1/2 बजे के आस पास ही देते थे तथ्यपरक नहीं
प्रतीत होता क्योंकि आवास विकास कालोनी डाक्टर 5.30 बजे बन्द
-द हो जाता है और इसी समय वापसी देना तर्क संगत एवं सत्यता
से परे है। अभियोजन पक्ष के गवाह श्री एस0एस0 लाल, उपडाक
पाल, आवास विकास कालोनी डाक्टर ने वापसी का समय
3 1/2 बजे बताया है जो तभी एवं तर्क संगत प्रतीत होता है। उन्होंने
बताया कि 3.30 बजे वा.सी देने के पश्चात दिनांक 9.7.86 को दो
-नों पोस्टमैन चले गए थे तथा साढ़े पाँच तक डाक्टर वापस
उनकी नहीं देखा था।

श्री मनोहर लाल छारिया गवाह ने अपने बयान में
कहा कि स्वामी दयाल एवं अन्य लोग डाक्टर आये। मैं अपना
अब्स्ट्रेक्ट बेक कराने चला गया एवं अपना अब्स्ट्रेक्ट बेक करा रहा
था। श्री गिरजा शंकर सिवारी ने कहा है कि श्री मूल चन्द्र
शर्मा व गवाह गवाह 2 तरफ लगा रहे थे। मैं श्री आर0एस0 सिंह
से अपनी बैलेन्स सीट हेतु बात करने लगा। छारिया बाबू व गवाह
गवाह 2 रोज0 इम्पोर्ट ब्रान्ड में चले गए और अपने हाथ में कुछ
राजिस्टर लेकर वापस जाते दिखाये गए और वहीं कागज लेकर
वापस पुनः चले गए। इससे स्पष्ट है कि डाक्टर राजेन्द्र नगर
में कार्य चल रहा था। डाक्टरों की कार्यवाही में कार्यरत
थे उनकी छुट्टी समाप्त नहीं हुयी थी। अतः कार्यवाहियों का यह
बयान कि:- श्री जांगा से 6 बजे के बाद मिले थे सत्य नहीं
प्रतीत होता। उपरोक्त विवेक से यह स्पष्ट होता है कि घटना
लगभग 5 के आस पास ही है जिससे अभियोजन पक्ष का समय
सिद्ध हो जाता है। अतः यह सिद्ध हो जाता है कि दोनों
जारीमित कार्यवाही 3.30 से 5.30 तक अपने कार्यालय से
अनाधिकृत रूप से अनुपस्थित रहे। इसका दोनों कार्यवाहियों ने
अपने उपडाकपाल से ज्ञान प्राप्त नहीं किया था जैसा कि श्री एस
एस0 लाल उपडाकपाल के बयान से स्पष्ट हो जाता है। गवाह पक्ष
भागे लिखित आदेश उपडाकपाल आ0एस0 का डाक्टरों का
जाय के समय प्रस्तुत नहीं कर सका। इस प्रकार दिनांक

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MP 16

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9.7.86 को $3\frac{1}{2}$ से $5\frac{1}{2}$ बजे सायं तक अपने कार्यालय से बिना
अनुमति प्राप्त किए अपने कार्यालय में अनुपस्थित रहने का
आरोप गठित हो जाता है।

इस प्रकार श्री स्वामी दयाल मिश्रा पर लगाए गए
दोनों आरोप गठित हो जाता है।

ड0/1.12.88.

राम लाल प्रसाद
जंघ बांधाकारी

महोदय को भेजने

Attest copy
S. Kumar
Adm. sub

श्री गिरजा हांकर तिवारी, पोस्ट मै के तबल्ले लगाए गए
 आरोपों का जवाब की जाय जायदा।

श्री स्वामी दयाल तिवारी ने कहा कि दिनांक 9.7.86
 को प्रातः उन्हें श्री बागा द्वारा पारित दण्डादेश ईएक्स-डी-5 प्राप्त
 हुआ जिससे उनकी वार्षिक बढ़ोत्तरी रोक दी गयी थी। इस पर
 श्री स्वामी दयाल तिवारी का क्रोधित होना स्वाभाविक है। इसी
 कारण उन्होंने बागा को अपमानित करने की योजना बनायी। इसी
 दिन वह श्री गिरजा हांकर तिवारी के साथ वापसी देने के बाद
 राजेन्द्र नगर डाकघर गए, लगभग 6 बजे गए थे। उसने स्वीकार
 किया कि घटना के समय श्री गिरजा हांकर उनके साथ थे।

श्री गिरजा हांकर तिवारी भी अपनी परीक्षा में
 बताया कि वह दिनांक 9.7.86 को श्री स्वामी दयाल के साथ
 उपडाकघर राजेन्द्र नगर अपनी छुट्टी समाप्त करके लगभग 6 बजे
 गए थे। उन्होंने यह भी स्वीकार किया कि 9.7.86 को श्री स्वामी
 दयाल तिवारी एवं बागा के मध्य विवाद हुआ था। काशीराम ने
 श्री बागा दयाल तिवारी को धक्का देकर बाहर किया। उस समय
 वह उपस्थित थे।

श्री जोषी बागा ने अपने बयान में कहा कि दिनांक
 9.7.86 को लगभग 16.40 पर दोनों आरोपित कर्मचारी डाकघर
 आए श्री स्वामी दयाल तिवारी थोड़ी देर बाद उनके चेम्बर में
 घुसे एवं एक सरकारी रजिस्ट्री का तालका दिखाया ----
 श्री गिरजा हांकर तिवारी उनके चेम्बर व डेलीवरी ब्रान्च के बीच
 स्थित दरवाजे पर डाड़े रहे। वार्तालाप के दौरान स्वामी दयाल
 तिवारी उत्तेजित हो गए तथा चप्पल से पीटने लगे। इसी में
 गिरजा हांकर तिवारी जो दरवाजे पर डाड़े थे अन्दर जाकर स्वामी
 दयाल को पकड़कर कहा कि चेम्बर से बाहर जाओ जिस काम के लिए
 आए थे वह पूरा हो गया " इससे उनका यानी गिरजा हांकर
 तिवारी का उक्त कुकृत्य में स्वामी दयाल तिवारी को पूरा

Witnessed Copy
Sum
Author

Manan

Page 19

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-11-

सहयोग दिया जाना सिद्ध हो जाता है। यदि श्री गिरजा शंकर तिवारी जो छाटनास्थल के करीब ही ठाड़े थे बाहरी तो यह छाटना टल सकती थी परन्तु उन्होंने श्री स्वामी दयाल द्वारा जंगल को चप्पल से नारने के बाद ही अन्दर गए और स्वामी दयाल को बाहर जाने के लिए कहा। इस प्रकार वह एक सहयोगी की तरह छाटनास्थल पर उपस्थित रहे तथा 3.30 से 5.30 तक उपजाऊ पात के लिये तैयार आदेश प्राप्त किसे बिना जायाकृत रूप से अनुपस्थित रहे यह आरोप भी पूर्णरूपेण सिद्ध हो जाता है।

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

80/1.12.88.

राम लाल प्रसाद

जॉब जॉधकारी

* *Attestation*
S. Anand
Advocate

Department of Posts.

From,

Senior Supdt. of Post Office,
Lucknow Division.

To,

Sri Girja Shankar Tewari,
Post man Aminabad,
Lucknow.

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

No. Camp./Misc. 24/CHO/LKO. dt. 18.1.89.

Subject: Supply of copy of enquiry report.

Ref: Your Application dt. 11.1.89.

As desired a photostat copy of enquiry report
submitted by Sri Ram Lal Prasad E.O. in (11) eleven
pages in sent to you.

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

*Photostat copy
Submitted
18.1.89*

Accepted
G. Kumar
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,

CIRCUIT BENCH, LUCKNOW.

1. PISC. APPLICATION NO. 428 OF 1991. (2)

On behalf Respondents.

In

Case No. O.A.No.172 of 1990 (L)

Girja Shanker TiwariApplicant.

Verous

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 parawise comments from the respondents, the draft reply was sent to the department for vetting.

That the approved Counter-affidavit has been received and is being filed without any further loss of time.

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

J. Chandra
(Dr. Dinesh Chandra)

Counsel for the Respondents.

Filed today 2.
3.
26/7/91

AYB 60
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

COUNTER AFFIDAVIT ON BEHALF OF ALL THE
RESPONDENTS

In

O.A. No 172 of 1990(L)

Girja Shankar Tiwari..... Applicant

Versus

Union of India and Others..... Respondents

I, Shri Man Dixit aged about 54 years

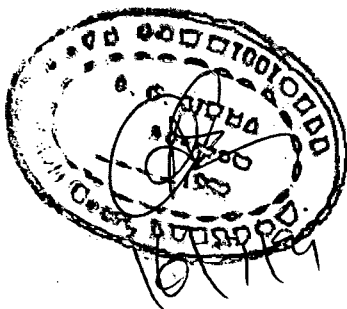
Son of..... Shri Narayan

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 Girija Shankar Tiwari and has understood the contents thereof.
2. That the deponent is well conversant with the facts of the case 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

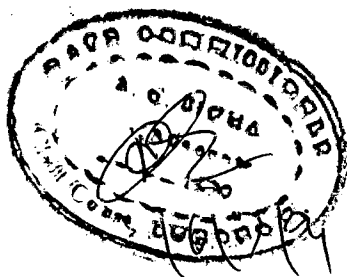
Shri
प्रवर मनीषक, डाकघर, लखनऊ
Senior Supt. of Post Offices
Lucknow Division-226007



BRIEF HISTORY OF THE CASE

The applicant Shri Girija Shankar, Tiwari, Postman was served with a charge-sheet under Rule 14 of the CCS (CC&A) Rules, 1965. The charges levelled against the applicant are contained in Annexure R-1. Shri Ram Lal Prasad was appointed ~~was appointed~~ as inquiry officer to hold inquiry against Shri Swami Dayal Tiwari and the applicant in common proceedings under Rule 18 of CCS (CC&A) Rules, 1965. The inquiry was completed on 13.9.1988 in which the charges against the applicant were found proved. After perusal of the inquiry report and other connected records the applicant was awarded the punishment of reduction of 5 stages from Rs 1070/- to Rs 970/- in the time scale of Rs 950-20-1150-EB-25-1400 for a period of 5 years wef 1.3.1989 with further directions that applicant will not earn increments of pay during the period of reduction and that on expiry of this period the reduction will not have effect of postponing his future increments of pay. Aggrieved by the punishment order the applicant preferred an appeal to the Director of Postal Services Lucknow Region, Lucknow which was rejected and the penalty imposed on him was confirmed. The applicant has now filed the present application before this Hon'ble Tribunal for quashing the impugned order of punishment


प्रवर अधीक्षक, डाकघर, लखनऊ
Senior S. P. O. of Post Offices
Lucknow Division-226007



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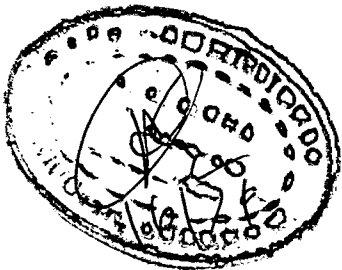
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dated 30.12.1988 and appellate order dated 31.7.1989.

PARA WISE COMMENTS

4. That the contents of paras 1 to 3 need no comments.
5. That the contents of paras 4.1 and 4.2 are admitted.
6. That the contents of para 4.3 are admitted. However, it is informed that there were no instructions at that time to supply a copy of inquiry report to the delinquent official before awarding punishment.
7. That the contents of para 4.4 are admitted.
8. That in reply to para 4.5 it is stated that the orders of punishment were passed after taking into consideration the inquiry report and the relevant documents. The appellate authority viz Director of Postal Services rejected the appeal filed by the applicant against the order of punishment.
9. That the contents of para 4.6 need no comments. It is, however, submitted that the Senior Superintendent of Post Offices passed the order of punishment in exercise of powers conferred upon him under CCS (CC&A) Rules, 1965, vide Memo No FX/MISC-24/86-87 dated 3/6-10-86. Senior Superintendent of Post Offices, Lucknow Division, who is the respondent No 2 in the present petition be was mentioned to ~~the~~ the disciplinary authority in common proceedings under the provisions of Rule 18 of CCS (CC&A) Rules, 1965. The Asstt Supdt of Post Offices vide his Memo No B/Genl/discy/86-87 initiated disciplinary proceedings against the applicant.

De
प्रवर अधीक्षक, डाकघर लखनऊ
Senior Supdt. of Post Offices
Lucknow Division-226007



initiated the disciplinary proceedings against the applicant under Rule 14 of the CCS (CC&A) Rules, 1965 being the competent authority and he submitted the inquiry report to the Senior Superintendent of Post Offices, Lucknow for taking disciplinary action. There is nothing irregular or inviolation of the provisions of CCS(CC&A) Rules, 1965.

13. That comments on "Ground for relief" as indicated in various sub-paraes of para 5 are furnished below in seriatem:-

5.1 and 5.2 - Contents denied. The punishment was based

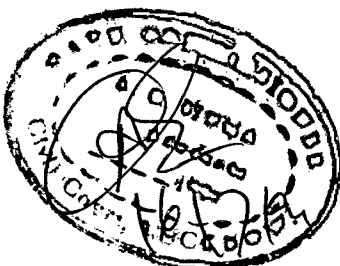
~~xx~~ on the inquiry report and all the related documents.

A copy of the inquiry report was not furnished to the applicant before awarding the punishment till that date as there were no instructions from the department for supplying a copy of the inquiry report to the delinquent employee.

5.3 - Contents denied. The punishment order was passed by the competent authority. The post of Senior Superintendent of Post Offices is higher than that of the Asstt Superintendent of Post Offices.

5.4 - In the charge-sheet Rule 62 Volume II of P & T Manual was inadvertantly mentioned instead of Rule 62 Volume III. It was typographical mistake and does not change the nature of the Rule applicable to the present case.

प्रवर अधीक्षक, डाकघर लखनऊ
Senior Supdt, of Post Offices
Lucknow Division-220001



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5(5) - Contents denied. Findings of the inquiry report are based on the entire evidence - documentary as well as oral - produced before the inquiry officer.

5(6) - Need no comments.


5(7) - The decision of the appellate authority was based on the contents of the inquiry report and the documents connected with the disciplinary proceedings.

5(8) - The doctrine of double jeopardy is not applicable to the punishment awarded to the applicant.

14. That the contents of para 6 and 7 need no comments.

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

16. That the contents of paras 10 to 12 need no comments.


प्रवर अधीक्षक, डाकघर, लखनऊ
Senior Supt., of Post Offices
Lucknow Division-226007

Lucknow

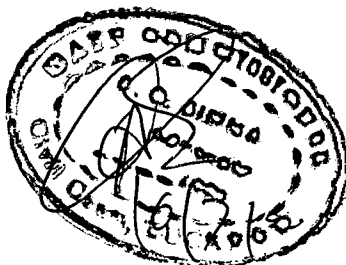
Dated:

16/7/91



(Deponent)

प्रवर अधीक्षक, डाकघर, लखनऊ
Senior Supt., of Post Offices
Lucknow Division-226007



.....6

VERIFICATION

X

within the court compound at Lucknow.

Dated: 16/7/91

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

M. S. Singh
 प्रवर अधीक्षक, डाकघर, लखनऊ
 Senior Suptd, of Post Offices
 Lucknow Division-226007

I, identify the deponent who
has signed before me.

J. (Lawson)
Advocate

[illegible]

46
ASY
BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Rejoinder-affidavit to the counter
affidavit filed on behalf of the
reponents.

in re:

Original Application No. 172 of 1990(L).

Fixed for 19.11.1991
24/11/92

Girja Shanker Tewari ... Applicant.

versus

Union of India and others

Opposite-parties

---oOo---

REJOINDER-AFFIDAVIT.

Filed today
25/11/91
25/11/91

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I, Girja Shanker Tewari, aged about 50 years, son of late Sri Ganga Prasad Tewari, Postman, Aminabad Park Post Office, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent above named is the applicant himself in the aforesaid Original Application and, as such, he is fully conversant with the facts of the case deposed to hereunder.

2. That the deponent has gone through the counter-affidavit filed on behalf of the opposite parties and has understood the contents thereof, parawise reply whereof is being furnished hereunder.

3. That the contents of paragraphs 1 and 2 of the counter-affidavit need no reply.

4. That the contents of paragraph 3 of the counter-affidavit are not admitted as stated. The charge-sheet on the basis of which the deponent was punished is bad in the eyes of law and the findings are based on contradictory and unreliable statements. The order of punishment is non-speaking inasmuch

Handwritten signature

as the enquiry report was neither disclosed nor the same was made part of the punishment order. ~~The order of punishment order.~~ The order of punishment is also violative to the principle of natural justice besides having been passed by incompetent authority.

5. That the contents of paragraph 4 of the counter affidavit do not dispute the averments made in paragraphs 1 to 3 of the application, hence require no reply.

6. That the contents of paragraph 5 of the counter affidavit admit the averments made in the corresponding paragraphs 4.1 and 4.2 of the application and thus need no reply.

7. That the contents of paragraph 6 of the counter affidavit admit the averments made in the corresponding paragraph 4.3 of the application. It also admits that copy of the enquiry report was not ~~xx~~ supplied to the applicant before awarding punishment. The punishment order passed in the case of Shri S.D. Tewari, who was also involved in this very case and who had also filed application numbered as OA No.171/90 (L) has already been quashed by the judgement/order dated 16-9-1991 of this Hon'ble Tribunal, a true copy ~~xx~~ thereof enclosed as Annexure E-1 to this rejoinder affidavit.

8. That the contents of paragraph 7 of the counter affidavit do not dispute the averments made in paragraph 4.4 of the application, hence need no reply.

9. That the contents of paragraph 8

Memorandum

4.

of the counter-affidavit are not admitted as stated and in reply thereto the averments made in paragraph 4.5 of the Application are reiterated to be correct.

10. That the contents of paragraph 9 of the counter-affidavit are not admitted as stated and in reply thereto the averments made in the corresponding paragraph 4.6 of the Application are reiterated.

11. That the averments made in paragraphs 4.7, 4.8 and 4.9 of the Application have not been replied and hence they are reiterated.

12. That the contents of paragraph 13 of the counter-affidavit are not admitted as stated and in reply thereto the averments made in paragraph 5 of the Application are re-affirmed as correct.

13. That the contents of paragraph 14 of the counter-affidavit need no reply.

14. That in reply to the contents of paragraph 15 of the counter-affidavit it is submitted that the application is

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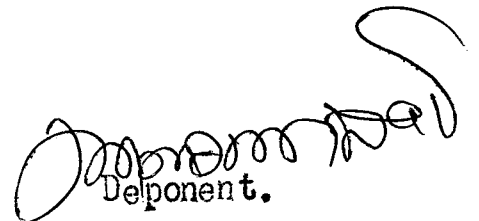
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full of merit and deserves to be allowed with costs. The applicant is also entitled to the reliefs claimed.

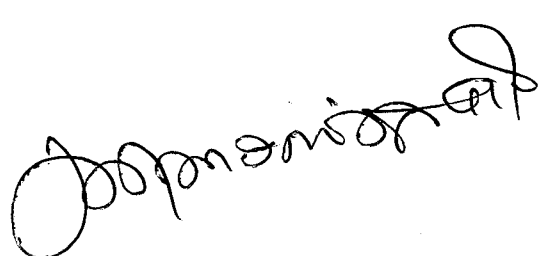
15. That the contents of paragraph 16 of the counter-affidavit do not call for any reply.

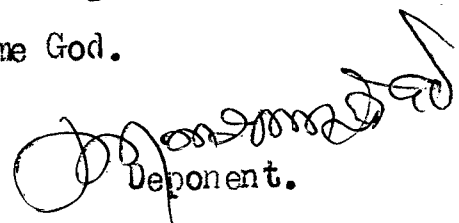

Deponent.

Dated: Lucknow,
~~September~~ November 19, 1991.

Verification:

I, the deponent above named, do hereby verify that the contents of paragraphs 1 to 3, 13 and 15 of this rejoinder-affidavit are true to my own knowledge; those of paragraphs 4 to 12 and 14 are true to my knowledge derived from the record and those of paragraphs are based on the legal advice sought and are believed by me to be true. No part of it is false and nothing material has been concealed. So help me God.


Dated: Lucknow.
~~September~~ November 19, 1991.


Deponent.

6.

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

D.S. Chaube

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

Dated: Lucknow,
~~November~~
~~September~~ 19, 1991.

Solemnly affirmed before me on
at a.m./p.m., by Sri Girja Shanker Tewari
the deponent who is identified by
Sri D.S. Chaube, Advocate, High Court,
Lucknow.

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

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Applicant



Opp. Parties.

—

Applicant.

Respondents.

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non-giving the enquiry report, this deprives the applicant from making representation which is violative of principles of natural justice . This question was decided in Union of India Versus 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 order 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.

sd/-

A.M.

sd/-

V.C

Lucknow : Dt. 16.9.91.

True Copy

sd/-

Section Officer
Central Administrative Tribunal
Circuit Bench
Lucknow.

Handwritten signature

15.5.91

M.P. 293/91 53

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH LUCKNOW.

CIVIL MISC APPLICATION NO. 1991

Girja Shankar Tewari, aged about 49 years, Son of Late
Sri Ganga Prasad Tewari, Postman Aminabad Park Postoffice
Lucknow. Applicant

In.Re.

O.A.No. 172/1990 (L)

Girja Shankar Tewari

Applicant

Vs.

Union of India and
others.

Opp.Parties.

APPLICATION FOR FIXING THE CASE FOR EXPARIE

FINAL HEARING.

The applicant respectfully begs to submit as xxx

under:-

27.5.91
Applicant did not
mention fix date

21/5/91

That the applicant filed the above application
on 17.5.1990 against the punishment order dated
30.5.1988 to reduce salary by five stages Passed
by the Director, Postal Services Lucknow, Region
Lucknow.

2. That on 18.4.1991 a date i.e. 2.7.1991 after
three months for filing counter affidavit has
again been fixed.

Momeni 20-11-91

(A63)
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3. That the opposite parties have been allowed as many as eight ~~xxxxxx~~ opportunities to file counter affidavit but they have failed to avail of that opportunity.
4. That the in action 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 exParte 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 exParte on the date fixed i.e. 2.7.1991.

LUCKNOW: DATED :
MAY 15. 1991

APPLICANT

DS Chauhan
Advocate
Counsel for Applicant

Dr. Anil Kumar