

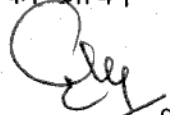
कार्यालय जनपद न्यायाधीश, सुलतानपुर।
सूचना

माननीय सर्वोच्च न्यायालय, नई दिल्ली द्वारा विशेष लोक अदालत का आयोजन दिनांक-29.07.2024 से दिनांक: 03.08.2024 के मध्य किया गया है।

अतः सर्वसाधारण को सूचित किया जाता है यदि कोई व्यक्ति माननीय सर्वोच्च न्यायालय के समक्ष लम्बित अपने मामले को उक्त विशेष लोक अदालत के माध्यम से सुलह-समझौते द्वारा निस्तारित कराना चाहता हैं, तो वह अपने मामले को लोक अदालत में सूचीबद्ध करने हेतु शीघ्र ही कार्यालय जिला विधिक सेवा प्राधिकरण, सुलतानपुर से दिनांक 28.07.2024 से पूर्व सम्पर्क कर सकता है।

इस सूचना की एक प्रति, सूचनापट्ट, जनपद न्यायालय, सुलतानपुर पर चस्पा की जाय तथा जनपद न्यायालय के वेवसाइट पर अपलोड की जाय।

दिनांक-21.06.2024


जनपद न्यायाधीश,
सुलतानपुर।

Case File at Sr. No. 24 (2nd Trench)

Sr.No..	Particulars	Details
1	Case No. (In Supreme Court)	C.A. No. 9261/2014 @8017/2010-III-A SHAIENDRA SINGH AND ORS.. Vs U.P. POLLUTION CONTROL BOARD THR. ITS MEMBER SECRETARY AND ORS.
2	Case No. (In High Court Allahabad, Lucknow)	SPECIAL APPEAL DEFECTIVE No. - 799 of 2009 Shailendra Singh S/O Har Narain Singh & Ors.(S/S 2047/2009 VS U.P. Pollution Control Board, Lucknow Thru Member Secy.& Ors
3	Petitioner Name	SHAIENDRA SINGH , VILLAGE AND POST ATESUA, LUCKNOW, UTTAR PRADESH [P1] CONTACT NO. : 0 EMAIL : DEEP PRAKASH VERMA , MIRAZAGANJ, LUCKNOW, UTTAR PRADESH [P2] CONTACT NO. : 0 EMAIL : MOHD. ASLAM SIDDIQUI , H. NO. A-1088/9, G.T.B. NAGAR, ALLAHABAD, UTTAR PRADESH [P3] CONTACT NO. : 0 EMAIL : GORAKH PRASAD MONITORING ASSISTANT IN UP CONTROL BOARD, REGIONAL OFFICE GORAKHPUR, , GORAKHPUR, UTTAR PRADESH [P4] CONTACT NO. : 0 EMAIL :
4	Respondent Name	U.P. POLLUTION CONTROL BOARD THR. ITS MEMBER SECRETARY THR. ITS MEMBER SECRETARY, PICUP BHAWAN, VIBHUTI KHAND, LUCKNOW, UTTAR PRADESH [R1] CONTACT NO. : 0 EMAIL : MEMBER SECRETARY, U.P. POLLUTION CONTROL BOARD , PICUP BHAWAN, VIBHUTI KHAND, LUCKNOW, UTTAR PRADESH [R2] CONTACT NO. : 0 EMAIL : CHAIRMAN, PICUP BHAWAN, VIBHUTI KHAND ,UTTAR PRADESH [R3] CONTACT NO. : 0 EMAIL : THE STATE OF UTTAR PRADESH ENVIRONMENT THR. SECRETARY , UP SHAHSNA, LUCKNOW,UTTAR PRADESH [R4] CONTACT NO. : 0 EMAIL : RAM SAGAR YADAV , PURE AYODHYA DUBEY, FAIZABAD(AYODHYA), UTTAR PRADESH [R5] CONTACT NO. : 0 EMAIL : DILIP KUMAR SIVASTAVA , 530/5-A, SHEKHARPUR, LUCKNOW, UTTAR PRADESH [R6] CONTACT NO. : 0 EMAIL : VIMLESH KUMAR , VILLAGE BRHMANPURWA, ALLAHABAD, UTTAR PRADESH [R7] CONTACT NO. : 0 EMAIL
5	Petitioner Advocate Name	ARUN KUMAR SHUKLA--In HC ANURAG KISHORE(1943)[P-1] In SC
6	Respondent Advocate Name	C.S.C. , A.K. VERMA In HC SUDEEP KUMAR(2779)[R-1],R4, PRADEEP MISRA(510)[R-2],[R-3 SATPAL SINGH(1311)[R-5],[R-6,R-7
7.	Arising From District	LUCKNOW

Case :- SERVICE BENCH No. - 10927 of 1989

Petitioner :- U.P. State Spining Mills Company Ltd.

Respondent :- U.P. Public Service Tribunal No- 3 Lko. And Others

Petitioner Counsel :- R. C. Tewari

Respondent Counsel :- C.S.C.

Hon'ble Uma Nath Singh,J.

Hon'ble Dr. Satish Chandra,J.

By way of this writ petition, petitioner has assailed the order passed by U.P. State Public Services Tribunal, Lucknow on 11.07.1989 in Claim Petition No. 143 (F)/III/81.

Brief facts of this case giving rise to this writ petition are that the petitioner namely, U.P. State Spinning Mills Company Limited is a subsidiary of U.P. State Textile Corporation Limited and is also a public undertaking of State of U.P. Opposite party no. 2 was initially appointed as Financial Controller-cum-Chief Accounts Officer on a consolidated salary of Rs.1600/- vide the order dated 14.02.1977. On 05.11.1980, opposite party no. 2 was transferred to Kanpur in the same capacity and was working there. However, in the year 1978-79, an adverse entry was awarded to him (opposite party no. 2) by the competent authority. But later on, the same was expunged. Thereafter, vide the order dated 13.02.1981, the services of opposite party no. 2 were terminated by the petitioner. Being aggrieved, opposite party no. 2 filed a claim petition before the Tribunal, which was allowed vide the impugned judgment and order. Not being satisfied, the petitioner has filed the present writ petition.

In this factual background, learned counsel for the petitioner Sri

R. C. Tewari submits that opposite party no. 2 was not a regular employee. He was only appointed in an ad-hoc capacity on contract basis. So, his services were rightly terminated. He further submits that the impugned judgment having been passed by a Single Member Bench of the Tribunal is totally without jurisdiction as only a Division Bench could have passed such an order. He also submits that the appointment of opposite party no.2 was made subject to the conditions as contained in the appointment letter. Opposite party no. 2 was not a confirmed employee. Thus, there was no question to treat him on probation, and moreover, there was no bye-laws at the time of initial appointment. Lastly, learned counsel also made a prayer that the impugned order passed by the Tribunal may thus be set aside.

On the other hand, Sri Manish Kumar, learned counsel for opposite party no. 2 justified the impugned order passed by the Tribunal. He also submits that at the time of initial appointment, there were no bye-laws. However, U.P. State Textile Corporation (General Service Condition) bye-laws, 1978 were adopted by the petitioner-company. Paragraph-17 of the bye-laws provides that every person on appointment shall be placed on probation for a period of two years, which may be extendable for a period not exceeding one year. He further submits that opposite party no. 2 had worked for more than three years. So, he is deemed to be a confirmed employee on the said post. Lastly, he submits that the adverse entry recorded for the year 1978-79 was expunged by the higher authorities while observing that opposite party no. 2 was a sincere, devoted, intelligent and hard

working employee.

We have heard learned counsel for parties at length and gone through the materials available on record.

From the records, it appears that vide the order dated 13.02.1981, the services of opposite party no. 2 were terminated. Besides, as per the appointment letter dated 14.02.1977, there was a condition that *“services are liable to be terminated at three months prior notice from either side or payment of salary in lieu thereof.”*

In the instant case, it appears that no three months' notice/salary was given to opposite party no. 2 before terminating his services. Thus, it amounts to violation of the terms and conditions mentioned in the appointment letter. Further, the above said bye-laws were already adopted by the petitioner-company in the year 1978. As mentioned earlier opposite party no. 2 was appointed in the year 1977 and his services were terminated in the year 1981. Thus, opposite party no. 2 had served for three years. As per paragraph 17 of the bye-laws, every person on appointment was to be placed on probation for a period of two years. In the instant case, opposite party no. 2 had completed three years, thus if he was not a contractual appointee, then certainly his service conditions were to be governed by the said bye-laws. Lastly, it also appears that the higher authorities had already expunged the adverse remark by observing that opposite party no. 2 is a sincere, devoted, intelligent and hard working employee . Thus when the higher authorities were not unhappy with opposite party no. 2, then the termination order would have been passed with a malafide

intention by the superior officer and the same would not be sustainable in the eyes of law for the reasons mentioned above, specially when the services of opposite party no. 2 were found to be unblemished.

In the light of the above discussion and on considering the totality of facts and circumstances of the case, we find no reason to interfere with the impugned order of Tribunal, which is hereby affirmed for the reasons given in its support.

The writ petition, thus, being devoid of merit is hereby dismissed.

No costs.

Order Date :- 26.4.2010
VNP/A. Katiyar



माननीय उच्चतम न्यायालय

द्वारा

विशेष लोक अदालत का आयोजन

दिनांक 29.07.2024 से 03.08.2024

यदि आप माननीय सर्वोच्च न्यायालय के समक्ष लंबित अपने मामले को इस विशेष लोक अदालत के माध्यम से सुलह-समझौते द्वारा निस्तारित कराना चाहते हैं, तो अपने मामले को लोक अदालत में सूचीबद्ध कराने हेतु आप शीघ्र ही अपने निकटतम जिला विधिक सेवा प्राधिकरण के कार्यालय से दिनांक 28.07.2024 से पहले संपर्क करें।

माननीय सर्वोच्च न्यायालय में आयोजित होने वाली विशेष लोक अदालत में चिन्हित किये जाने वाले वादों का श्रेणीवार विवरण इस प्रकार है:-

- ◆ श्रम वाद
- ◆ भरण-पोषण संबंधी मामले
- ◆ चेक बाउंस मामले (धारा 138 एन०आई एक्ट)
- ◆ बंधक संबंधी मामले
- ◆ मोटर दुर्घटना मामले
- ◆ उपभोक्ता संरक्षण संबंधी मामले
- ◆ अन्य क्षतिपूर्ति मामले
- ◆ स्थानान्तरण याचिकाएं (दीवानी व आपराधिक)
- ◆ पारिवारिक न्यायालय के मामले
- ◆ धन वसूली संबंधित मामले
- ◆ सेवा संबंधी मामले
- ◆ आपराधिक शमनीय मामले
- ◆ कर संबंधी मामले
- ◆ भूमि संबंधित मामले
- ◆ शैक्षणिक मामले
- ◆ अन्य दीवानी मामले

अधिक जानकारी के लिए कृपया जिला विधिक सेवा प्राधिकरण के कार्यालय से संपर्क करें अथवा नीचे दिए गए विवरण के अनुसार राज्य विधिक सेवा प्राधिकरण, उच्च न्यायालय विधिक सेवा समिति या उच्च न्यायालय विधिक सेवा उप-समिति को काल अथवा ई-मेल करें।

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2422337, 2421611-18

30 प्र० राज्य विधिक सेवा
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2286395, 2286265

उच्च न्यायालय विधिक सेवा
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सम्पर्क सूत्र:- 0522-
2722500, 2722501-05

नोटिस

माननीय उच्चतम न्यायालय, नई दिल्ली

विशेष लोक अदालत

दिनांक 29.07.2024 से 03.08.2024

वाद संख्या—

धारा—

थाना—

जिला—

प्रदेश—

.....बनाम.....को सूचित किया जाता है कि
मा0 उच्चतम न्यायालय द्वारा आयोजित विशेष लोक अदालत में आपके मामले के
निस्तारण हेतु दिनांक.....को आपके जनपद के दीवानी न्यायालय परिसर
में स्थित जिला विधिक सेवा प्राधिकरण के कार्यालय में **पूर्व समझौता प्रयास बैठक
(प्री-सिटिंग)** की जायेगी ।

1. उपरोक्त लोक अदालत में अपने मुकदमें का निस्तारण कराने हेतु **पूर्व समझौता प्रयास बैठक (प्री-सिटिंग)** में सम्मिलित होने के लिए क्या आप अपनी सहमति प्रदान करते हैं— (हाँ / ना)
2. उपरोक्त **पूर्व समझौता प्रयास बैठक (प्री-सिटिंग)** हेतु क्या आप अपने अधिवक्ता को भी साथ लाना चाहते हैं— (हाँ / ना)
3. उपरोक्त **पूर्व समझौता प्रयास बैठक (प्री-सिटिंग)** हेतु आप कौन सा माध्यम अपनाना चाहते हैं— (ऑनलाइन / ऑफलाइन)
4. मा0 सर्वोच्च न्यायालय द्वारा आयोजित विशेष लोक अदालत के माध्यम से अपने मामले को निस्तारित कराने के सम्बन्ध में अधिक जानकारी के लिए आप अपने जिले के दीवानी न्यायालय परिसर में स्थित जिला विधिक सेवा प्राधिकरण के सचिव से सम्पर्क कर सकते हैं।

हस्ताक्षर / मोहर

सचिव, जिला विधिक सेवा प्राधिकरण.....

मो0—.....