

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA No. 1114/87
W.P. No. 425/83

CAUSE TITLE OF

NAME OF THE PARTIES Abdul Aziz Khan Applicant

Versus

..... U.A.F. Saus Respondent

Part A.

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CERTIFICATE

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

This file recalled from record room without

Checkmate Dated 12/12/11...

13/12/11

Counter Signed.....

Signature of the
Dealing Assistant

Section Officer/In charge

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALIAHABAD

X

INDEX-SHEET

Cause Title 1114 / 87 (T) of 198 .

Name of the Parties Abdul Aziz Khan

Versus

Union of India & others.

Part A, B & C

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	Power of Sri Kallu Singh Adv.	
	Civil Misc. App. NO. 3608	
	Civil Misc. App. - 308770	
	Power of Amendment, H	
	Affidavit.	
	Copies for opposit Parties -	
	Application for Restoration	

Shakath

10-11-91

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Application No. _____ of 198 .

Transfer Application No. _____ of 198 .

Old Writ Petition No. _____ of 198 .

C E R T I F I C A T E

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

Dated : _____

Countersigned _____

Signature of the
Dealing Assistant.

Section Officer/Court Officer.

GENERAL INDEX

CIVIL
SIDE
CRIMINAL

Chapter XLI, Rules 2, 9 and 15

Nature and number of case W.P. No. 425-83

Name of parties Abdul Aziz Khan. B. Union of Indus

Date of institution 24-1-83

Date of decision _____

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with Annexes and affidavits	48	—	102.00			
	2-	Powers	1-	—	5.00			
	3-	Comm 3608 (w) 55	1-	—	5.00			
	4-	Comm 3037 (w) -83	6-	—	7.00			
	5-	Order sheet	3-	—	—			
	6-	Book copy	1-	—	—			

I have this day of 197 , examined the and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court Fee Stamps of the aggregate value of Rs. , that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date _____

Munsarim
Clerk

2
A2

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

201 P.

No.

425

of 1983

vs.

1/2

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
24/1/83	Non T.S. Mis 24, 7 JMDN Jha 7	
	Not in the next week as prayed. Sd TS Mis 24 Sd DN Jha 24/1/83	
10/2/83 29/1/83	14.2.83 fixed for orders HOL SCMR HOL SPTA	next week Bench
	An illness slip has been received from Sri Bello Singh. The case shall stand out.	
17/2/83	House SCMR HOL SPTA SA	10.2.83 v
	17/2/83	
20/2/83	House SCMR HOL SPTA	

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
1-3-83	Ind 2 orders	
	H. SCMD.	
	H. SSAJ.	
	Sp	
	H. H.	
7/3/83	Fixed for order	
	Hon Goyal	
	Hon R. D. S.	
11/3/83	Fixed for order	
	Hon Goyal	
	Hon R. D. S.	
17-3-83	H. Goyal	
	H. Sh. A. J.	
23/3/83	Fixed for order	
	Hon T. S. M.	
	Hon R. D. S.	
	None appears - Dismissed	
	B. A.	
24/3/83	One separate app. 23/3/83	
	Registered in original	

2/94

~~1/94~~

1/94

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

425

of 198

3

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	fixed for order	Bench
10 ³ /03	cmr 3037 (w) 03 for amend ment. Hon. K.R.G.J Hon. R.C.D.S.J	
	Put up with record. Hon. K.R.G.J Hon. R.C.D.S.J 10.3.03	
1.4.03	7.4.03 fixed with cmr 3037 (w) 03 for order.	Put up Bench
7-11-83	Wait for order with cmr 3037 (w) - 03. Hon. V.C.S.J. Hon. K.R.G.J.	
	fixed 80 12/14	
19-4-83	21-2-03. 21-4-03.	
21 ⁴ /03	5-5-03 fixed with cmr 3037 (w) 03 for order	Bench

2
45

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
10-5-83	H.K.N.G. H.K.N.G. H.K.N.G. H.K.N.G.	
16-5-83	H.S.C.M.J. H.S.S.A.J.	
20/5/83	H.S.C.M.J. H.S.S.A.J.	
25/5/83	H.K.N.G. H.K.N.G.	
	fixed with cm 3037(w)83 for order	Buck
13-7-83	fixed with cm 3037-83 for order H.K.N.G. H.K.N.G.	
19.7.83	fixed with cm 3037(w)83 for order Hon. U.C.S.J. Hon. K. Nath J.	
25.7.83	Hon. U.C.S.J. Hon. K. Nath J.	
3.8.83		

Hon. U.C.S.J.
Hon. K. Nath J.

2/A7
A/B

ORDER SHEET

① OFFICE REPORT

An application has been filed in this Tribunal for transferring the case No. 1114/87 (T) of — to the Circuit Bench, Lucknow.

If approved, 25th April 1988 may kindly be fixed for hearing at Circuit Bench Lucknow. In this regard the notices may be sent to the parties, counsel.

Done Put up on 25th April 1988 at Lucknow Circuit Bench Lko.

②

25.4.88 D.R. (5)

Done
None is present for the applicant. Sri V.K. Chaudhary files his memorandum of appearance on behalf of Union of India. Send fresh notice to the applicant and their counsel fixing 24.5.88. Reply can be filed on that date.

Done
DR (5)

③

24.5.88

Applicant - present in person. Sri V.K. Chaudhary present for respondent. Sri Chaudhary requests for time for filing Reply. List this case on 18.7.88.

Done
DR (5)

Recd copy for
V.K. Chaudhary Advocate
CP 25-5-88

1114/87(T) L

Abdul Aziz Khan vs. V. J. G.
order sheet.

2/10

(4) 10/7/00

Register

Miss A. Kaur on behalf of Shri V. K. Chandhry, advocate for the respondent is present and none appeared for the applicant. Time for filing reply is being allowed by 26th Aug. 00 on her request. The reply must be filed by that date, the case being very old one.

Pld
7

Register

DR

(5) 26/8/00

No one is present for the parties. Case is adj. ordered to 19.9.00 for filing reply. No further time will be granted for the same as the case is very old.

Pld
DR

Adj
26/8

D.R.

at

(6) 18.9.00

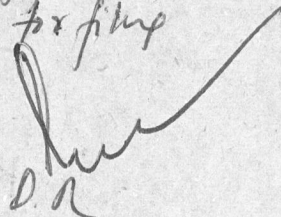
On the request of respondent's counsel, the case is adjourned to 22.9.00 for reply.

Pld
D.R.

2
A9

⑦ 29th D.B.

No one is present for the parties.
Case is adjourned to 25.11.01 for filing
reply


D.B.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUDHIANA.

O.A./T.A. No. 1114 1988

Abdul Aziz Khan Applicant(s)

Versus

Union of India Respondent(s)

Sr. No.	Date	Orders
(8)	<u>25-11-88</u>	<p><u>D.R.</u></p> <p>Sri Chandhary present for Respondent. No one is present for Applicant. Reply can be filed by 21-12-88.</p> <p><u>le</u> D.R.</p>
(9)	<u>21/12/</u>	<p>No sitting. Adjourned to 27-1-89.</p> <p>Sr. V. R. Chandhary files reply today.</p>
(10)	<u>27-1-89</u>	<p>No sitting. Adjourned to 27/3/89 <u>21/12</u></p> <p>for R.A.</p> <p><u>Rm</u> <u>27/11</u></p>
(11)	<u>27/3/89</u>	<p><u>DR</u></p> <p>None present for applicant. Rejoinder has not been filed so far it can be filed by 25/4/89. No further time will be allowed.</p> <p><u>le</u> DR</p>

2
A11

1119/07 (7)

CR

Hon' Mr. D.S. Misra, A.M.

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

Time granted for
filing the rejoinder has
expired but no rejoinder
has so far been filed
by the applicant.
Submitted for
orders.

Quod
24/4

CR

Despite sufficient time
granted for filing rejoinder
the same has not been filed
Submitted for hearing.

24/6

25/4/89

In spite of several opportunities
given to the applicant, no rejoinder
has been filed. The case be listed for
final hearing on 29-6-1989.

J.M.

A.M.

(sns)

Hon' Mr. K.J. Raman, A.M.

29/6/89

None is present for the applicant.
Shri V.K. Chaudhary, learned counsel
for the respondents is present.
Since it is a Division Bench matter,
be listed on 18-8-89 for hearing.

A.M.

(sns)

10.0.09

No sitting Adj. to 30.0.09.
Applicant is present in person
& also repd.

24/4

CR

No rejoinder has
submitted for hearing

29/0

30.3.09.

No sitting of D/B. Adj. to 25.4.89.
Sr V.K. Choudhary is present.

BOC

CR

No rejoinder filed
submitted for hearing

24/4

25.4.09.

No sitting of D/B. Adj. to 12.12.09.
Sr V.K. Choudhary is present.

BOC

12/12

No sitting. Adj. to 11-1-90

14/12

11-1-90

No sitting Adj. to 6-3-90

11/1/90

-: 2 :-

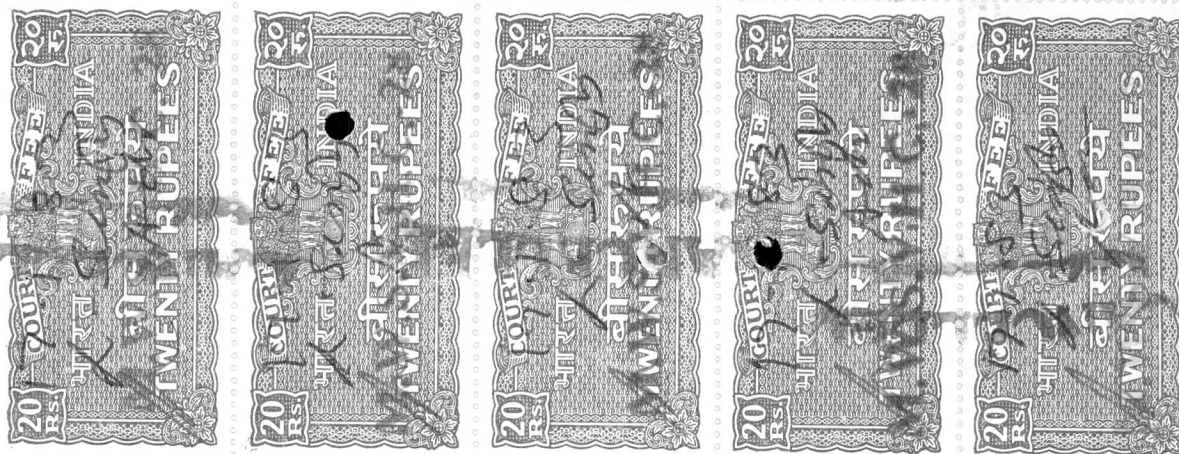
5. Annexure no.4: Copy of the posting order dated 7.7.1982. 20 - 21
6. Annexure no.5: Copy of the representation of the petitioned 30.11.81. 22 - 29
7. Annexure no.6 Copy of the another representation of the petitioner dated 2.8.1982. 30 - 32
8. Annexure no.7: Copy of the agenda of the Union to Regional Director, Lucknow. 33 - 35
9. Annexure no.8: Copy of the agenda of National Union to the Post Master General, Lucknow. 36 - 43
10. Annexure no.9 Copy of the circular dated 5.2.82. 44 - 46
11. Annexure no.10: Copy of the letter dated ~~XX~~ 1.7.1982. 47 - 48
12. Affidavit in support of writ petition. 49 - 50
13. Vakalatnama. 51

LUCKNOW:

DATED: 17.1.1983.

(Lalloo Singh)

Advocate,
Counsel for the Petitioner.



582/100/1
10/1

10/1

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALAHABAD:
LUCKNOW BENCH:LUCKNOW.

WRIT PETITION NO: 425 OF 1983.

Writ Petition Under Article 226 of the
Constitution of India.

ABDUL AZIZ KHAN, aged about 51 years,
son of Mohammad Taqui, Sub-Post Master,
L.S.G., Malihabad, Lucknow.

.....PETITIONER.

VERSUS

1. Union of India through Secretary,
Communication & Information Department,
New Delhi.

2. Director of Postal Services, Lucknow
Region, Lucknow.

Contd.....2.

Impressed
Adhesive: Rs. 100-00
Total Rs. 100-00
~~Correct but final Court fee report~~
~~will be made on receipt of letter~~
~~Court receipt~~
~~In time up to~~
Papers filed. Copy of P. O.
~~should also be filed.~~
Stamps - Bench.

dash drop order Annex 3
on 2.7.82

Subscribed
18.1.83
G

1883

27/

Received Copies for OPS
Nos 1 to 3.

Advocate Zafar
Senior Standing Counsel
(Central Govt)

18-1-83

Hon'ble T. S. Mirra, J.
Hon'ble D. N. Jha, J.

List in the next week
as prayed.

Hk. Br

MHS/-

24-1-83

Hon T. S. Mirra J
Hon D N Jha J

The list has been revised.
none appear to form the petition.
It is accordingly dismissed.

Hk. Br

23.3.1983



-: 2 :-

3. Superintendent of Post Offices,
Rae Bareilly.

.....OPP!PARTIES!

&&&&&&

The humble petitioner named above begs to state
as under:-

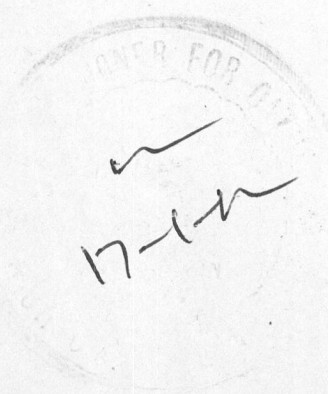
1. That the petitioner was appointed as Senior clerk (Postal Assistant) at Jagatpur of District Rae Bareilly in 1979 and as Clerk in Rae Bareilly since 1963.

2. That on the basis of the good work, conduct and other anticidents, the petitioner was promoted on adhoc basis at Division level to L.S.G. 20% w.e.f. 31.7.1981 and was posted as Sub-~~Inspector~~ ^{Post Master} at Jais of District:Rae Bareilly vide an order dated 18.7.1981 by the Superintendent of Post Offices, Rae Bareilly(hereinafter referred as opposite party no.3). A true copy of this promotion order is annexed herewith as

ANNEXURE NO:1.

3. That before this promotion the petitioner

महल संविधान



-: 3 :-

had officiated in L.S.G. cadre with time scale, pay and allowances w.e.f. 19.4.1980 to 13.2.81 but has not been given L.S.G. pay.

4. That thereafter the petitioner was transferred from Jais to Rae Bareilly headquarter as Assistant Post Master ~~KIXIXIX~~ Saving Bank at his own request vide an order dated 1.3.1982 of the opposite party no.3. A true copy of this transfer order is annexed herewith as ANNEXURE NO:2.

5. That the petitioner at present is having following grievances:-

i) he has been transferred from Rae Bareilly Division to Lucknow Division vide an order dated 2.7.1982 of Director of Postal Services, Lucknow
(hereinafter referred as opposite party no.2)
on administrative grounds and was posted as Sub-Post Master, Malihabad, Lucknow. True copies of this transfer order and posting order are annexed herewith as ANNEXURES NO: 3 and 4.

ii) regulation promotion on L.S.G. 20% cadre has not been done.

17-1-83

-: 4 :-

iii) fixation of 20% L.S.G. seniority in Rae Bareilly Division from April, 80 considering the previous services of the petitioner in accordance with rule.

iv) annual L.S.G. increment and other allowances as admissible.

v) fixation of pay at the appropriate stage.

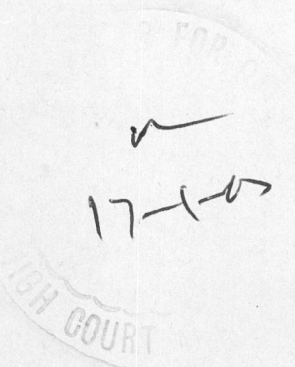
vi) L.S.G. pay of three handed office Gaura w.e.f. 19.4.80 to 13.2.1981.

6. That the petitioner has preferred his representation on 30.11.1981 and 2.8.1982 to opposite party no.2 and Post Master General, U.P., Lucknow regarding his above grievances, but nothing has been done so far. True copies of these representations are annexed herewith as ANNEXURES NO:5, 6 and 7.

7. That not only these applications but the National Union of Postal employees wrote in this regard to the ~~EXXEXIXE~~ appropriate authority clearly

अनुचित

17-1-82



-: 5 :-

stating about these irregularities. A true copy of this document is annexed herewith as Annexure no.8.

8. That the perusal of the Annexure no.5 would go to show that this representation relates to regular promotion on L.S.G. 20% cadre, fixation of 20% D.S.G. seniority, annual L.S.G., increment and other allowances. Fixation of pay L.S.G. pay w.e.f. 19.4.1980 to 13.2.1981.

9. That the perusal of Annexures no.6 and 7 would go to show that these representations are against the transfer of the petitioner.

10. That the petitioner has given his option for fixation of pay on promotion in pursuance of the letter dated 19.12.1981 of Director General Post & Telegraph, New Delhi in time which was circulated on 10.2.1982 and 1.7.1982. True copies of these documents are annexed herewith as ANNEXURES NO:9 and 10.

11. That even thereafter the pay of the petitioner

17-11-82

17-11-82

-: 6 :-

has not been fixed on promotion in L.S.G. 20% cadre.

12. That this transfer of the petitioner is due to malafide intention of Shri Tribhuwan Bahadur Singh, Sub-Post Master, Jagatpur and S.I. of P.S. Jagatpur. A false case was started by the said post master with the collusion of police Sub-Inspector against the son of the petitioner under section 25 of the arms act in which the petitioner's son was acquitted.

13. That several complaints of corruption have been made by the petitioner through the union against Shri T.B. Singh, A vigilance enquiry has also been established against him which is still pending.

14. That transfer of the petitioner could not be done outside the Rae-Bareilly Division, otherwise his seniority be disturbed. Rule 38 of the P & T Manual is quoted as follows:-

Contd.....7

17-1-55

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A20
15

-: 7 :-

"38- Transfer at one's own request:

(1) Transfers of officials when desired for their own convenience should not be discouraged if they can be made without injury to the rights of others. However, as a general rule an official should not be transferred from one unit to another either within the same circle, or to another circle unless he is permanent. As it is not possible to accommodate an officials borne on the gradtion list into another gradation list without injury to the other members in that gradation list such transfers should not ~~be~~ ordinarily be allowed except by way of mutual exchange. Trnasgers by way of mutual exchange, if in themselves inherently unobjectionable, should be allowed, but in order to safeguard the rights of men brone in the gradtion lists of both the offices, the official brought in should take the place, in the new gradtion list, that would have been assigned to him had he been ~~originally~~ originally recruited in that unit or the place vacated by the official with whom he exchanges appointment whichever is the lower."

2921 2023 24

17-1-23

3/A21

A/16

-: 8 :-

15. That transfer has been done during the pendency of the representation of the petitioner against seniority and promotion etc.

16. That transfer order is non-bonafide, unjust and due to political pressure of Shri T.B. Singh.

17. That the petitioner has no other alternative or efficacious remedy except by way of filing the present writ petition.

18. That the petitioner, therefore, files the present writ petition on the following amongst other grounds:-

✓
17-11-13
COURT ALLAHABAD

G R O U N D S

i) Because the transfer of the petitioner is not consistent with the rules regulating the conditions of the employment of the petitioner which already lays down that an incumbent belonging to the cadre of the petitioner can not be transferred out of

3
A22

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17

-: 9 :-

region, which is evident from the rule 38 of the Post and Telegraph Manual.

ii) Because the representations of the petitioner for the promotion, seniority and fixation of pay are still pending and have not been disposed-off.

iii) Because the representstions of the petitioner regarding his transfer has yet not been disposed-off though statutory obligations are wasted in the opposite parties.

iv) Because petitioner has a clear right to get his seniority, fixed to get his promotion on regular basis and his seniority and allowances are also liable to be decided.

v) Because non-disposal of the representations of the petitioner and non-cancellation of the transfer of the petitioner are visiting him with the evil consequences.

WHEREFORE, the petitioner, prays for the

1 3
723

4/12

-: 10 :-

following remedies:-

(a) By way of a writ or order in the nature of Certiorari the impugned order of transfer dated 2.7.1982 contained in Annexure no.3 may kindly be quashed.

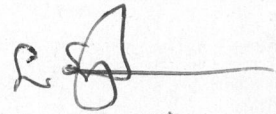
(b) By way of a writ or order in the nature of Mandamus the opposite parties may kindly be commanded to dispose-off the representations of the petitioner contained in Annexures no.5, 6 and 7.

(c) Such other writs, orders or directions as this Hon'ble Court deem just and proper.


(d) Cost of the writ petition may kindly be allowed to the petitioner against the opposite parties.

Lucknow:

Dated: 17.1.1983.


(Lalloo Singh)
Advocate,
Counsel for the Petitioner.

Note: There is no defect in this Writ Petition.


(Lalloo Singh)
Advocate,
Counsel for the Petitioner.

4
A24

1)

1/9

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

LUCKNOW BENCH LUCKNOW.

WRIT PETITION NO. OF 1983.

ABDUL AZIZ KHAN

..... PETITIONER.

Versus.

UNION OF INDIA & OTHERS

.....OPP. Parties.

ANNEXURE NO. 1.

INDIAN POSTS AND TELEGRAPH DEPARTMENT.

The supdt. of Post Officer

Ree Bareli Dn. 229001

Memo No. B/Corr-2/BSG /Ch.II Dated at RBI the 18.7.81

In pursuance of the instructions contained in the P.M.G. U.P. Lucknow memo No. STA/12-XA/LSG/Union/7 dated 9.4.80 Shri Abdul Aziz Khan Postal Asstt. Jagatpur is promoted to L.S.G. on adhoc basis under 20% and posted as SPM Jais w.e.f. 31.7.81 A/N.

S.P.M. Jagatpur Ree Bareli will relieve him of office arrangement well in time.

Shri Abdul Aziz khan should clearly understand that his promotion is purely on temporary and provisional

17-1-82

12

1/20

-: 2 :

basis and will be terminated immediately on availability of officials approved for promotion to LSG/LSG 20% on circle basis .He should note that this order would not counter any right on him for regular absorption in the L.S.G. Cadre.

Charge report should be submitted to all concerned.

Supdt. of Post Officer.

Ree Bareli Dn 229001

Copy to:-

- 1:- Shri Abdul Aziz Khan P.A. Jagatpur.
- 2:- P.M. Ree Bareli.
- 3.4.:-SPM Jagatpur/Jais Ree Bareli.
5. P.F. of Official .
6. Office copy.
- 7:- Spare.

True copy.



8/8/73

4
A 26

13

4/2

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

Writ Petition No. of 1983

Abdul Aziz Khan Petitioner

VS.

Union of India & others Opp. parties.

ANNEXURE NO.2

Indian Posts and Telegraph Department.

Memo No.B/Corr-2/LSG/Ch.II

O/O Supdt. of Post Offices,

Raebarely Div.229001

Dated at RBL the 1.3.82

In pursuance of PMG UP Lucknow memo No.

STA/12-XA/LSG/79/7 dated LKO 15.4.80 and STA/12-XA/
LSG/Sel/80/7 dated 10.2.82 and STA/12-XA/LSG/1/3rd-79
80/7 dated 10.2.82 and STA/12-XA/LSG/1/3rd/79 & 80
dated 12.2.82 following officials who have been

.....2

228 282 24

17-11-82

9
A27

14

8
22

: 2 :

selected for promotion to the cadre of LSG 2/3rd and 1/3rd quota are posted in LSG cadre in the office noted against each.

Sl. No.	Name of official	Office in which working	Office in which posted	Remarks
1.	Shri L.P.Dubey Singaller on deptn. to DTO RBL	DTO RBL	SPM JAIS	2/3rd quota
2.	Shri Ayodhya Prasad	SPM RBL- Kty.	SPM Dalmau	1/3rd quota
3.	Sri S.K.Misra	WLI RBL	APM RBL HO against vacant post	-do-
4.	Sri P.K.Srivastava	SPM Harchand- pur	SPM Bachhra- wan.	2/3rd Quota.
5.	Sri M.L.Misra	P.R.I. RBL	To continue as PRI RBL	-do-
6.	Sri D.N.Sharma	Steno to SPD RBL	S.P.M. Jagatpur on expiry of leave.	1/3rd quota.

20/11/20

17-1-20

contd....3

4/20

4/23

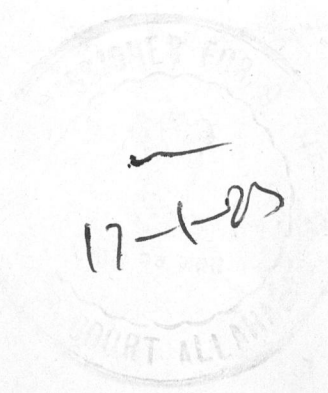
: - 3 - :

PART B.

The following Junior officials who have been promoted temporarily in LSG cadre on adhoc basis at divisional level are transferred and posted at the offices shown against the name of each official.

Sl. No.	Name of official	Office in which working	Office in which posted	Remarks
1.	Sri T.B.Singh	SPM Jagatpur	SPM ITI	Vacant post.
2.	" Babulal	SPM Bachhra- wan	SPM Fursat- ganj	-do-
3.	" Ram Shanker Misra	SPM Dalmau	SPM Harcha- ndpur	-do-
4.	" Abdul Aziz Khan	SPM Jhais	RBL HO at his own request & cost.	-do- (Under no function- al post.

contd....4



16

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The officials mentioned in part A should clearly understand that they have been appointed to officiate in LSG cadre purely temporary basis and will not bestow upon them the right of confirmation and continuity on the promoted post. The retension of officials at sl.no. 3 and 5 in Part A at Raebarely is subject to clarification/approval of DBS. The officials in Part B will clearly understand that their promotion in LSG cadre is purely temporary and on adhoc basis and will be terminated immediately on availability of approved LSG officials from Circle basis. Junior most officials promoted on adhoc basis and posted at Raebareli HO will also clearly understand that they will be required to work in 3 handed sub offices when required. Shri Ayodhya Prasad SPM Raebareli Kty. will get himself relieved on office arrangement. Arrangement for the post of W.L.I. will be made separately. He will however hand over the charge to Postmaster Raebareli.

Charge report should be submitted.

Sd/-Supdt.of Post Office ,
Raebareli Dov.229001.

contd.....5



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Copy to:- 1.10. The officials concerned.

11.20 Postmaster Raebereli/Lalganj/SPM Dalmau/
Harchandpur/Jais/Fursatganj/I.T.I. Raebereli,
Jagatpur, Bachhrawah, Raebereli KTY.

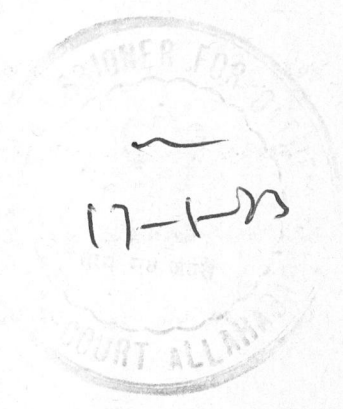
21. I/C D.T.O. Raebereli for immediate relief of
Sri L.P. Dabey Signaller.

22. S.S.T.T. Allahabad.

23.32. PF of officials

33.40 Office copy and spare.

TRUE COPY



Handwritten signature or initials in the bottom left corner.

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18

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. OF 1983

Abdul Aziz Khan Petitioner

Vs.

Union of India & others Opp. Parties.

INDIAN POST AND TELEGRAPH DEPARTMENT

OFFICE OF THE DIRECTOR POSTAL SERVICES

LUCKNOW REGION, LUCKNOW 226001

Memo No. RbL/STA/M-2/11/82/1 Dated 2.7.82

ANNEXURE NO.3

The Director Postal Services, Lucknow Region
Lucknow has ordered following transferred posting
with immediate effect:-

Sri Abdul Aziz Khan LSG SPM JNSS, Raebarely Dv.
is transferred to Lucknow Division on administrative
ground.

Contd....2

17-1-83

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The above official should be relieved immediately on office arrangement.

Change report should be submitted.

Sd/-

For Director Postal Services
Lucknow Region, Lucknow 226001

Copy for information & necessary action to:-

1. SPS Raebarely with reference to 13/SP/Con/1/82-83 dated Nil.
2. SS POs. Lucknow Dv. for issuing his posting orders immediately.
3. P.M. GKP Circle, Lucknow.
4. P.M. Raebarely/Lucknow Chowk H.O.
5. Spares. TRW/2/71

TRUE COPY

30/10/82



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

LUCKNOW BENCH LUCKNOW

WRIT PETITION NO. OF 1983.

ABDUL AZIZ KHAN . . . PETITIONER.

VERSUS.

UNION OF INDIA & OTHERS. OPP. PARTIES.

ANNEXURE NO.4.

INDIAN POSTS & TELEGRAPH DEPARTMENT

OFFICE OF SR. SUPDT. OF POSTS OFFICES. LUCKNOW DIVN.

Memo. No. B 8/2/50/1/82, dt. at LU-3, the 7-7-1982

In pursuance of Director Postal Services,
Lucknow Region Lucknow Memo No. NDL/ST a/M-2/11/82/1
dt 2-7-82 Shri Abdul Aziz Khan .L.S.D. SPM Osis Reibareli
Division, is posted as sub postmaster, Malihabad, Lucknow
on administrative ground.

Charge report should be submitted to all
concerned.

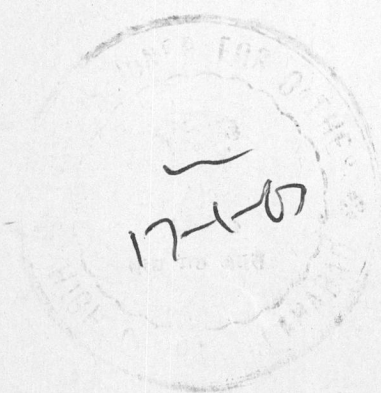
Sr. Supdt of Post Office

Lucknow division
Lucknow-226003-

Copy to:-

1;- The official/P.F. of the official. ----- 2

17-1-87



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

LUCKNOW BENCH LUCKNOW

WRIT PETITION NO. OF 1983.

ABDUL AZIZ KHAN

..... PETITIONER.

VERSUS.

UNION OF INDIA? & OTHERS

.....OPP. PARTIES.

ANNEXURE NO. 5.

To,

The Director of Postal Service,
Lucknow Region Lucknow.

Through:- Proper Channal.

Sub:- Shifting of SPM Jagatpur and fixing of my seniority
& allowance.

Respected Sir,

With reference to my application dated 30.10.1981
along with Annexure -A- to SPOs Rae Bareilly under Jais
RL No. 4008 dated 30.10.1981, I beg to lay down my
Humble request for favour of your sympathetic consideration
as act of grace and justice.

That my age is about fifty years service about twenty
six years mostly remained SPM, I joined Jagatpur (Rae Bareilly
as senior clerk on 2.11.1979 and was eligible for my
yearly 20% Lag promotion vide PMG Lucknow No. STA/12-XA
/LSG/Union /7 dated at Lucknow 9.4.1980 and 5.3.1979 but due
to heavy approach of Sri Tribhuvan Bahadur Singh blotted

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my dream.

That I was officiating as LSG SPM at Jagatpur since 7.5.1981 and was relieved on 13.7.81 by Shri Tribuwan Bahadur Singh vide SPOs Ree Bareli No.B/Corr-2/LSG/CH-II dt at Ree Bareli 2.7.1981 and just after joining of the said Singh my LSG promotion memo B/Cor -2/LSG/CH.II dt Ree Bareli 18.7.81 was issued by do was received by me on 22.7.81 I was much perturbed reading the memo that I was posted as Jais as LSG SPM at last I complied the said order of my learned SPOs and joined Jais on 1.8.1981 leaving behind in complete religious constructions and all family members Thus my PSG promotion memo seems to be detained in the interest of Sri T.B. Singh.

That the said T.B. Singh was most lucky to have an influence upon Ree Bareli administration also since long and mostly re coats his transfer request Jagatpur Gaura Mustafabad vice verse so he planned a triangled mutual exchange administration helped him so he had Shri Mahmood ali Hasan were transferred two times within a year. The only reason that he had to fit the grounds of trujut exchange Shri Singh was transferred from Gaura to Mustagabad on 12.6.80 and from mustafabad to Jagatpur 13.7.81 Similary Shri Mahmoodul Hasan on the basis of full T.A. transit was transferred from Ho. to Gaura P.O. on 19.2.81 disturbing me after working four months twenty one days he was transferred

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to Mustafabad to relieve the said singh on the plea of said exchange . Thus he completion of tennure of the both singh & hasan except suggestion and preplaining of Sri T.B. Singh only ~~KK~~ Ram Swaroop Pal the then ISG SPM Jagatpur had completed his tennure at Jagatpur where I was officiating vice Sri Pal and was entitled for my LSG local promotion under no cost of Govt at the very place where my tennure was not complete upto 13.7.1981.

That the said singh is always knowingly benefited and troubling locallity and also me and my relatives related to the departments . He is mostly posted one of the said there POs turn by turn who my self has been serving about thir them POs and HO now noti e of Fursatgaj . The only reason that according to my principles my self is poor while the opposite person is a rich and very forthunate to have his famous relations in the neigbouring dist ict and some administrators are the resident of the same dist~~ict~~ where Shri Singh has his relations. On the plea of relation the officers areprivately obliged by him. An I vestigation inspector from Lucknow often comes to his house to teach him departmental politics and rulling and how to progress.

That at last I am very sorry to enclose a attested report copy of the then SDM. Jagapur date 11.4.81 (written by the then S.B. Clerk Jag tpur) annexure-A



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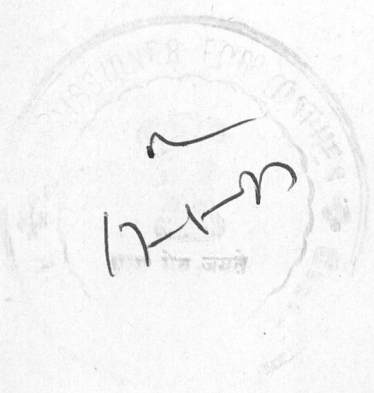
which links to Jhara BO(Goura account office) BPM commission Recovery case above Rs. one thousand passed by Sri T.^B. Singh the then SPM Goura . the semi fraud case was caught by present S.D.I. Soyth Ree Bareli in the month of April 80 Thus the integrity of the forblashis posting in the SPB of his locality . How that he invented such mischevious cheating practice in spite of Departmental instruction to earn commission through B.P.M. at Goura SO. and Jagatpur S.O. where his son and brother are BPM and VPM with his second house at Jagatpur for under the subordination of the said singh.

That the vide SPOs Ree Bareli IR Fursatganj three handed So para one and two (Annexure-B) the depatmental accepted in hand writting that the establishment of the said SO. consists of SPM one 20% etc.

Similarly Goura is also a old three handed S.O. where I had officiated since 19.4.80 to 13.2.1981 with time scale pay and allowences and not recieved the pay and allowences of LSG fadre.

Vide SPOs Ree Bareli reply dated 17.7.81 to SPM. Furstganj (Annexure -Q) that the post of SPM Fursatganj is not LsG post.

Thus the reply and acceptance of the same office on the same subject dirrers and contradictory and still I am unable to under stand such different reasoning



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of my immediate learned officer ~~reep~~ acted sir,

- (1) My legal posting without TA and transit near to my house considering my religious work of MASJID.
- (2) Fixation of my 20% LSG seniority from april 80 or 5.3.1979 considering my beginning service of three handed LSG office of Goura from 19.4.80.
- (3) My annual LSG increment from the previous fixed date.
- (4) Helping of my relatives who have natural dir culties related to department got no justics so for.
- (5) My other allowance as admissible from the party at fault.
- (6) Shifting of T.B. Singh (SPM Jagatpur) from jagatpur and his appointment out of his locality as Sri Bandhir Singh the then old SPM Ree Bareli Katchedhary had also such influence upon local postal administration.

Thanks for merciful consideration & hepp.

Yours faithfully

(Abdul Aziz Khan)
Sub Post master

LSG Post Jais(Ree Bareli).

Contd.5



Handwritten signature/initials

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Dated:- 30/11/1981

Direct copies forwarded to all concern requesting to
take up enquiry from different corners up only and also
confidentially with the help of laso my verbal information.

True copy.

17-1-83



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Annexure-A

To,

The Mail O/S Jagatpur,
Ree Bareli.

SB/Commission bill/SO-81/Chichouli/Jagatpur dated 11.4.81

Sub:- Verification of chichauli B.O. SB Commission bill/
80-81 dated 31.3.1981.

Please find herewith S.B. Commission bill 80-81
of chichauli B.O. which has been verified by you. The
following discrepancy has been detected in the said bill.

SB A/C No. 696091 in the name of Sri Tribhuvan
Bahadur Singh village & post Pura Jhan Singh Distt. Ree Bar-
~~el~~ Jagatpur so the a/c was opened at Jagatpur on 9.4.80

A sum of Rs. 8600/- was deposited on 18.4.80 at
Purey Jham Singh B.O. in part IU and its direct with-
drawal was made at this S.O. on 22.4.80 again a sum of
Rs. 6000/- was deposited in part II at chichauli B.O.
on 22.4.80 and direct withdrawal of Rs. 8000/- and 1000/
were made at this S.O. on 25.4.80 and 26.4.80 respectively.

Seeing the above facts it is presumed that the
mischief has been done by the depositor as well as by
the B.P.N. to misappropriate the Govt. money.

Please be aware and stick while verifying the S.B. C
Commission bill.

Sd/- & Seal

S.P.M. Jagatpur.

Copy to the S.P.Os RBL for information and n/s the depositor
of the a/c is at present SPM Mustafabad RBL.

True copy.

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Annexure -B

Copy of IR Fursatganj para 1 and 2 inspected by the
supdt of PGS RBL on 16.12.80 to 30.12.80 .

(1) Commenced inspection of fursatganj S.O. to day on
16.12.80 continued on 29.12.80 and completed on 30.12.80
Shri Shahabuddin is holding the charge of the office since
5.6.80 prior to him Shri J.B. Khare an official of
20% LSG was holding the charge. The office was last inspected
by me from 4.10.79 to 6.10.79 .

(2) The establishments of the office consists of the
following:-

SPM	1	20% LSG
TS Clerk	2	
Edda	1	
EDUP	2	
Departmental mail peon 1 (Night)		
C.P. Chaukidar-1		

True copy Attested
Post master Furfatganj
17.11.81

P&T Department.

SPOs,

RBL Sri M.S. Khan

229001 Offg SPM Fursatganj
RBL.

No. B/Corr/pay & allowance RBL 17.7.81

Sub:- Claim for pay of LSG.Oadra.

Ref:- Your application dated 14.7.81

The post of S.P.M. Fursatganj is not LSG post and as
such no LSG pay is admissible to you. S/-S.P.Os, RBL229001



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALIAHABAD.

LUCKNOW BENCH LUCKNOW

WRIT PETITION NO. OF 1983.

ABDUL AZIZ KHAN

..... PETITIONER.

VERSUS.

UNION OF INDIA & OTHERS

.... OPP. PARTIES.

ANNEXURE NO.6.

To,

The Post Master General,
U.P. Circle,
Lucknow.

Subject:- My transfer from Lucknow Division to the
Barali Division.

2. Fixing of my 20% L.S.G. Seniority in Ree. &
Barali Division and other legal rights.

(a) Annual increment.

(b) Fixation of pay.

(c) L.S.G. Pay of three handed office Gaura
from 19.4.80 to 13.2.81.

(d) My nephew appointment as village postman
in ree Barali south.

Sir,

Respectfully I beg to lay as under:-



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2 :-

1. My enclosed appeal dated 29.11.81 to D.P.S. Lucknow Region copy to your honour is still pending no action no decision so far though submitted several reminders.
2. As the said appeal was against the S.P.Os Ree Bareli and Shri T.B. Singh S.P.M., I.T.I. Ree Bareli so the said party jointly took help from police Department and on the plea of police report have been transferred to lucknow Division as L.S.G. S.P.M. Malihabad on 19.7.82 vide D.P.S. Lucknow memo no RDL/STA/M-2/11/82/1 dated 2.7.82.
3. Vide enclosed copy of service F.I.R. dated 30.12.81 against T.B. Singh S.P.M. and two Home.guards of police station Jagatpur(Ree Bareli) and also my enclosed complaint to C.I.D., D.I.G. Lucknow and Vigilance Department etc. dated 29.12.81 may be the cause of any prejudicial report of police while my son is not any previous convict or criminal.
4. Thus it is quite clear that the police report is nothing except the prejudicial action of the parties specially in respect of the said singh who was sub post Master Jagatpur near police station Jagatpur during at that time.

I, therefore humbly request your goodself to very kindly consider my case sympathetically and



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pass your honour's favourable orders to come
back ree Bareli Had office from Lucknow Division
as I have to arrange the ceremoney of my young
daughter and son.

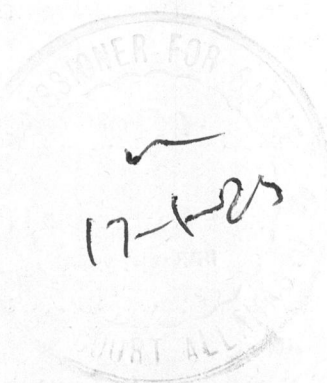
For such act of grace and justice I and my
family members shall ever remain grateful.

Yours faithfully

(Abdul Aziz Khan)
L.S.G. Sub Post Master
Post Malihabad.
District Lucknow

Dated. 2.8.82.

True copy.



17-1-83

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इन दि आनरेबुल हाई कोर्ट आफ जुडीकेचर रेट इलाहाबाद

लखनऊ बेन्च लखनऊ ।

रिट पिटिशन नं० आफ 1983.

अब्दुल अजीज खान

. पिटिशन र

बनाम

यूनियन आफ इंडिया एण्ड अदर्स' . . . अपो० पारटीज

xxxxxxxx

एनेक्जर नं० 7.

भारत सरकार द्वारा मान्यता प्राप्त

॥ एफ०एन०सी०टी०ओ० - आई० ए०टी०यू०पी० सी० से सम्बन्ध ॥

राष्ट्रीय डाक कर्मचारी संघ डाक वितरक एवम् च० श्रे०

उत्तर प्रदेश परिमण्डल शाखा लखनऊ - 226001 ।

नेशनल यूनियन आफ पोस्टल इम्पलईस पोस्टमैन एण्ड क्लास 4 यू०पी०

सर्किल ब्रान्च लखनऊ ।

प्रान्तीय अध्यक्ष- सम्य नारायण पान्डेय

प्रान्तीय मन्त्री- नूर मोहम्मद खान

प्रान्तीय कोषाध्यक्ष- गिरिश चन्द्र श्री वास्तव "गिरिवर"

क्रमशः --- -----2

अब्दुल अजीज खान



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पत्राक मे०य०पी० ४/अब्दुल अजीज खान/८२-८३

दिनांक - 8-1982

શ્રી યુત એસ0પી0 ઓફીસ જી,

निदेशक,

डाक सेवा मे लखनऊ क्षेत्र लखनऊ 226001

विषय:- श्री अब्दुल अजीज खा एलएसजी०॥एफ॥ का रायबरेली से

लखनऊ स्थानान्तरण के विषय में ।

[illegible]

महोदय,

आपका ध्यान श्री अल्लुल अजीज खा एस० पी०एस० मलिहाबाद ब्र
लखनऊ के रायबरेली से लखनऊ स्थानान्तरण वर्ग और आकर्षित करते हुये यह
कहना है कि जिस आधार पर उन्हे रायबरेली से लखनऊ स्थानान्तरण किया गया
अत्यधिक खेद जनक है क्यो कि सारी कार्यवाही पूर्व नियोजित पडयन्त्र पर
आधारित है जिससे कोई भी कर्मचारी वंचित नही रह सकता ।

श्री अब्दुल अजीज का लडका केवल मारपीट के मामले से सम्बन्धित था न वह चोर था न डकैत लेकिन डाकघर अधीक्षक रायबरेली की नराजगी के कारण उनके सहयोगियों द्वारा जिनसे डाकघर अधीक्षक को अनियमित लाभ मिल रहा था सब इन्स्पेक्टर आफ पुलिस से मिलकर यह लिखवा दिया गया कि श्री अजीज खान का ट्रांसफर रायबरेली से बाहर कर दिया जाये जबकि इसकी सलाह/ जानकारी न तो स्टेशन इंचार्ज को है न पुलिस अधीक्षक को ही है ।

जिस आधार पर यह स्थानान्तरण किया गया है कि विषय मे आप अपने स्तर पर जाच कराये तो यह स्पष्ट हो जायेगा कि जिस रिपोर्ट पर यह कार्यवाही हुई है उसका क्या औचित्य है कृपया उक्त मामले की जाच अपने स्तर पर विभागीय कराये एवम् उन्हें उनके परसेन्ट यूनिट वापस

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किये जाने के निर्देश जारी कर कृतार्थ करे क्यो कि यदि ऐसी ही कार्य-
वाहिया होती रही तो छोटे से छोटे कर्मचारी इसी तरह आसानी से सताये
जाते रहेगे कृपया तुरन्त ध्यान देकर आवश्यक कार्यवाही करे ।

धन्यवाद ।

हO अपठनीय

काफी दू श्री अब्दुल अजीज खान

॥ नूर मुहम्मद खा ॥

एसOपीOएसO मलिहाबाद ।

प्रान्तीय मंत्री

सत्य प्रतिलिपि

अबुल क़ासिम



36

इन दि आनरेबुल हाई कोर्ट आफ जुडीकेयर रेट इलाहाबाद

लखनऊ बेन्च लखनऊ ।

रिट पिटिशन नं०

आफ 1983.

अब्दुल अजीज खान

. पिटिशनर

बनाम

यूनियन आफ इंडिया एण्ड अदर्स

. अपो० पारटीज ।

XXXXXXXX

एनेक्जर नं० 8.

भारत सरकार द्वारा मान्यता प्राप्त

॥ एफ० एस० पी० टी० ओ० आई० ए० टी० यू० पी० से सुबद ॥

राष्ट्रीय डाक कर्मचारी संघ डाक वितरक एवम् च० ग्रेड

उत्तर प्रदेश परिमण्डल , शांखा लखनऊ 226001

नेशनल यूनियन आफ पोस्टल इम्पलाई पोस्टमैन एण्ड क्लास 4 यू०पी० सर्किल

ब्रान्च लखनऊ ।

प्रान्तीय अध्यक्ष- सत्यनारायण पान्डेय

प्रान्तीय मन्त्री- नूर मोहम्मद खॉ

प्रान्तीय कोषाध्यक्ष- गिरीश चन्द्र श्री वास्तव "गिरिवर"

दिनांक 8, 1982

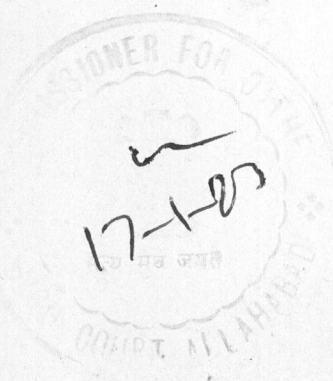
पत्राक ने यू०पी० 4 राय बरेली 8/82-83

श्री मान् डी० एस० सकलकलेजी,

डाक महाध्यक्ष ॥ अति० ॥

उत्तर प्रदेश परिमण्डल लखनऊ 226001

अब्दुल अजीज खान



37

R/S

-32 :-

विषय:- डाक घर अधीक्षक राय बरेली द्वारा विभागीय नियमों की स्पष्ट अवहेलना तत्काल उच्च स्तरीय जाँच प्रार्थनीय ।

महोदय,

आपका ध्यान राय बरेली के वर्तमान डाकघर अधीक्षक द्वारा बरती जा रही विभिन्न अनियमितताओं / विभागीय नियमों की स्पष्ट अवहेलना की और ~~आप~~ आकर्षित करते हुये यह कहना है कि कृपया निम्नांकित तथ्यों को अवलोकन कर तत्काल उच्च स्तरीय जाँच कराते हुये आवश्यक कार्यवाही करे ।

1:- श्री पी० के श्री वास्तव एस० पी० एस० हरचन्दपुर राय बरेली ने आर० डी० एस० / सी० नं० 5041 में नवम्बर 77 में जमा हुये रुपये 52.25 पैसे ~~एकाउन्ट~~ फार ~~नहीं~~ किया अगस्त 78 में जब मागला पकड़ा गया तो केवल 52.25 ~~52.25~~ पैसे की ~~रिकवरी~~ करा करके श्री वास्तव को एस०एस० जी में प्रमोड कर दिया

2:- श्री गुरु प्रसाद श्री वास्तव जब एस० बी० एस० सत्य नगर थे उनके विरुद्ध एक ~~फराड~~ से चला जो अब भी समाप्त नहीं हुआ है । डाकघर अधीक्षक ने उन्हें एस० पी० एस० लालगंज पद पर "फरोड" कर दिया ।

3:- श्री अशोक श्री वास्तव कार्यालय सहायक डिवीजन आफिस रायबरेली के रायबरेली से बाहर भेजने के आदेश आपने स्वयं दिया था उस आदेश का पालन तो किया गया अर्थात् उन्हें मूस्ताफाबाद स्थानान्तरित कर दिया गया लेकिन एक सप्ताह बाद उन्हें एस० पी० एस० जिला परिषद को 030 के पद पर वापस लौटा कर ज्वाइन करा दिया गया जो अब भी कार्यरत है ।

4:- श्री अशोक श्री वास्तव डाकघर निरीक्षक जिनका वेतन 500 से कम है फिर भी उन्हें टाइट 111 का क्वार्टर एलाट करके विभागीय नियमों को

शुद्ध 17-1-83



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-33:-

स्पष्ट उल्लेखन किया गया ।

5:- श्री राम सेवक सोनकर डाकघर निरीक्षक के द्वारा ई० डी० कर्मचारियों की नियुक्ति में बरती गयी अनियमितताओं की जानकारी डाकघर अधीक्षक राय बरेली को दी गई कि निरीक्षक द्वारा पहले नियुक्ति की गई और 7 नोवेंबर बाद में निकाली गई । : डाकघर अधीक्षक ने अनसूनी कर दी : कोई कार्यवाही नहीं की ।

6:- श्री अब्दुल अजीज पी० आ० रायबरेली - जो अब मतलिहाबाद लखनऊ में कार्यरत है । जिनका कि 20% प्रमोशन सन् 1976 ग्रेडेशन लिस्ट में क्रमांक 29 पर श्री राम स्वरूप के बाद डियू था, उक्त प्रोन्नति न देकर केवल 25% एलाउन्स देकर कार्य लेते रहे । सम्बन्धित सदस्य के द्वारा तमाम लिखा पत्र पढ़ी करने के बावजूद कोई सुनवाई नहीं की गई ।

7:- तिलोई डाकघर में जब अधीक्षक महोदय पहुँचे मुआइने हेतु तो 10000/- दस हजार रुपये का नकदी की कमी मिली जो कि एस० पी० एम० तिलोई तथा उक्त डाकघर के अधीक्षक महोदय के भतीजे जो की उक्त डाकघर में कार्यरत थे, कि ज्वान्ट कस्टडी में था डाकघर अधीक्षक ने भतीजा बाद को लेकर अपने भतीजे को छोड़ दिया और एस० पी० एम० को पुलिस में दे दिया एस० पी० एम० ने जो एस० आई० आर० दर्ज कराया उसमें उन्होंने स्पष्ट वर्णन किया कि सम्बन्धित अपने भतीजे की मदद से अधीक्षक महोदय ने उक्त रुपये का स्वयं गोलमाल / फ्राड किया है । क्यों कि उनको अपने लड़की की शादी के लिए 10,000/- दस हजार रुपये की आवश्यकता थी । उक्त डाकघर इस काण्ड के बाद तुरन्त अपने भतीजे को डी० ओ० में एकाउन्टेन्ट के पद पर कार्य करने के आदेश जारी करके बुला लिया ।

8:-

श्री त्रिभुवन बहादुर सिंह एस० पी० एम० गौरा



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॥ जो कि वर्तमान एस० पी० एम० आई० टी० आई० है के कार्य काल में टी०पी०एस० एमाउन्ट पर बी०पी०एम० कमीशन 1000/- के अमर भुगतान कराया गया जो कि एकाउन्ट गुड्स तो पर स्टेन्ड करते थे लेकिन रुपये झरहा बी० ओ० में जमा कराये गये थे जब कि रुपये गौरा में जमा होने चाहिए थे । उक्त काण्ड की जाँच डाकघर निरीक्षक श्री राम सेवक ने 1980 में की और आरोप सिद्ध हो गया उक्त रुपये के कोई रिकवरी नहीं कराया गया और केस दबा दिया गया और कहा गया कि मामले उच्च स्तर पर चल रहा है ।

9:- श्री त्रिभुवन बहादुर सिंह जब एस० पी० एम० मुस्तफाबाद थे 8500/- , 6000/- अपने एकाउन्ट के बी० ओ० में जमा किया और एस० ओ० में निकाला और पी० बी० एम० कनेक्शन दिलाने की कोशिश की गई । लेकिन मामला एक लिपिक के द्वारा जिसका उक्त डाकघर से लालगंज ट्रांसफर कर दिया गया ।

10:- डाकघर अधीक्षक राय बरेली अपने निजी स्वास्थ्य वस श्री त्रिभुवन सिंह को हर प्रकार की सुविधाएँ वैधानिक -अवैधानिक रूप से जैसे भी हो सका देते रहे । जिसका यह प्रत्यक्ष प्रमाण है कि श्री सिंह सदैव 3 ही एस० ओ० में कार्यरत रहकर अपना अधिकतर सेवा काल पूरा किया है । : सरकारी रिकार्डें गवाह है ।

हमे आप जैसे न्यायी निष्पक्ष अधिकारी से पूर्ण आशा ही नहीं

वरन पूर्ण विश्वास है आप उपरोक्त सारे तथ्यों की अवश्य उच्च स्तरीय जाँच कराते हुए दोषी उक्त अधिकारियों को दण्डित करने में कोई करसर नहीं उठा रहेंगे ।

घन्यवाद ।

भवदीय

॥ नूर मुहम्मद खान ॥
प्रान्तीय मंत्री



भारत सरकार द्वारा मान्यता प्राप्त

एफ० एन० पी० टी० ओ० आई० ए० टी० यू० सी० से सम्बद्ध ।

शाष्ट्रीय डाक कर्मचारी संघ डाक वितरक एवम् च० श्रे ०

उत्तर प्रदेश परिमण्डल शाखा लखनऊ - 226001

नेशनल यूनियन आफ पोस्टल इम्प्लायर्स पोस्ट मैन एण्ड क्लास 4 यू०पी०

बगुन लखनऊ ।

प्रान्तीय अध्यक्ष- सत्य नारायण पान्डेय

प्रान्तीय मेंन्त्री- नूर मोहम्मद खॉ

प्रान्तीय कोषाध्यक्ष- गिरीश चन्द श्री वास्तव " गिरिवर "

पत्राक ने०यू०पी००४/अपील ए०अजीज, 8/828 दिनांक- 85 1982

श्री युत डी० एस० सवलकलेजी,

डाक महाध्यक्ष ॥ अति०॥

उत्तर प्रदेश परिमण्डल लखनऊ 226001

विषय:- श्री अब्दुल अजीज खान एस० पी० एम० ॥एल०एस०जी०॥

मलिहाबाद लखनऊ की अपील 2॥ माननीय आधार पर॥

तत्काल निर्णय ।

.....

महोदय,

आपका ध्यान उपरोक्त मामले की ओर आकर्षित करते हुये यह कहना है कि सम्बन्धित मामला मुझे टेक अप नही करना चाहिये यह जानते हुये भी अत्यधिक दुःख के साथ मजबूरन प्रस्तुत करना पड रहा है कर्मचारी होने के नाते जहा किसी कर्मचारी पर अत्याचार एवम् निरन्तर अन्याय होता रहे तो कर्मचारी भावना से वस्तु स्थिति से अवगत कराना आवश्यक हो जाता है श्री युत अब्दुल अजीज खॉ एस०पी० एम० मलिहाबाद ॥एल०एस० जी० एस० ओ० लखनऊ की अपील जिसमे समस्त तथ्य विस्तृत रूप से अंकित है मानवीय आधार पर अग्रसारित है कृपया अवलोकन



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-2-

करे उक्त अपील आपके कार्यालय मे असें से पेण्डिंग है शायद आप तक उसे पहुंचाया नहीं गया है क्यो कि यदि वह अपील आपके सक्ष प्रस्तुत की गई होती तो निर्णय अब तक अवश्य हो गया होता ऐसा मेरा विश्वास है ।

उपरोक्त कर्मचारी को न्याय दिलाने हेतु अनधिकृत रूप से यह मामला प्रस्तुत कर रहा हूँ कृपया अवलोकन कर शीघ्रातिशीघ्र निर्णय प्रदान कृताशी करे ।

शुभ कामनाएं सहित !

भवदीय

सलग्न उपरोक्त अपील ।

॥ नूर मुहम्मद खॉ॥

प्रान्तीय मंत्री

काफी श्री अब्दुल अजीज खान

एस0पी0एम0 मलिहाबाद लखनऊ

फार इनफारमेशन

सत्य प्रतिलिपि॥

अब्दुल अजीज खॉ



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

LUCKNOW BENCH LUCKNOW

WRIT PETITION NO. OF 1983.

ABDUL AZIZ KHAN PETITIONER.

VERSUS.

UNION OF INDIA & OTHERS. OPP PARTIES.

ANNEXURE NO. 85 9

Copy of letter No. 1/11/81-PAP dated 19-12-81 from the
Director General P&T New Delhi addressed to all Keado
of circle etc. Received from PMGUP Lucknow No.5IA/A-30
/II dated at Lucknow the 5-2-82.

Subject:- Option of date for Fixation of pay on promotion.

I directed to forward herewith a copy of O.M.No.
F-7/1/ 80Est P-I dated 26.9.81 from the Ministry of Home
Affairs (Deptt of personnel and Administrative Reforms)
New Delhi for your information guidance and necessary action
Hindi version of O.M. is also enclosed.

Copy fo O.M. No.F-7/1/80 Estt.P.I dated 26th September
81 from Govt. of India Ministry of Home affairs Deptt of
Personnel & Administrative reforms New Delhi.



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-: 2 :-

Sub:- Option of date for fixation of pay on promotion regarding.

The undersigned is directed to refer to the existing provisions regarding the manner of fixation ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ of pay of a central Government employee on his promotion to the next higher grade post under FR-22-C.A. point has raised by the staff side in the 25th Ordinary meeting of the national council (JCM) that under the above provisions promotion of a junior person to the higher post after accrual of his increment in the lower post give rise to an anomaly in pay of a person senior to him who though promoted earlier had not drawn at any time pay less than that of his junior in the lower post.

2. The demand of the staff side has been considered by this Department in consultation with the Ministry of Finance and the matter was also discussed in the National Council (JCM). The President is pleased to decide that in order to remove the aforesaid anomaly the employee may be given an option for fixation of his pay on promotion as under:-

(a) Either his initial pay may be fixed in the higher post on the basis of FR.22-C straightway without any further review on accrual of increment in the pay scale of lower post.

OR

(b) His pay on promotion may be fixed initially in the



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manner as provided under FR.22.(a) (i) which may be refixed on the basis of the provisions of FR-22C on the date of accrual of next increment in the scale of pay of the lower post.

If the pay is fixed under(b) above the next date of increment will fall due on completion of 12 months qualifying service from the date pay is refixed on the second occasion.

Option may be given within one month of the date of promotion . Option once exercised shall be final.

3. In the event of an officer refusing promotion even after the above concessions become available he would be debarred from promotion for a period of one year instead of six months at present.

4. These orders take effect from 1st May 1981.

5. In so far as the establishments under IA & AD are concerned these orders issue with the concurrence of the comptroller and Auditor General of India.

6. Ministry of Finance etc are requested to bring above decision to the notice of all concerned.

Supdt of Post Officer.
Ree Bareilly Dn.229001.

No. E/Rlg-13 Dated at RBL the 10.2.82
Copy to:- (4) All PMS and SDIs in the Divi.
(2) O/C.

True copy.



19
A50

8/5/83

4K

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. OF 1983

Abdul Aziz Khan Petitioner

Vs.

Union of India & Others Opp. Parties.

INDIAN P & T DEPARTMENT

ANNEXURE NO. 210

OFFICE OF THE Dak Adhikshak, Raebarely.

To

The Postmaster,
Raebarely.

No. Rlg. 13 dated at RBL the 1.7.82

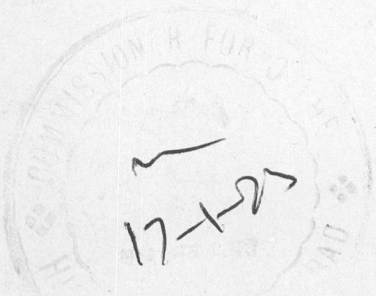
Sub:- Option of date for fixation of pay
on promotion.

Ref:- Your NCAC/Rlg 7/583 dated 5.6.82

17-1-83

With reference to your letter cited above
it is intimated that the copy of DG P & T New Delhi

Contd....2



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A59

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letter No.1/11/81-PAP dated 19.12.81 has already been circulated under this office letter no.even dated 10.2.82. However a copy of the same is again enclosed for ready reference and further necessary action.

Sd/-

DAK ADHIKSHAK
RAEBARELY REGION RAEBARELY
229001

Copy to:-

Shri Abdul Aziz Khan APM RBL for information with the copy of DG P & T ND No.1/11/81/PAP dated 19.12.81.

Sd/-

DAK ADHIKSHAK
RAEBARELY REGION RAEBARELY
229001

TRUE COPY



229001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

T.A. No. of 1988

(W.P. No. 425 of 1983)

Abdul Aziz Khan

... Applicant

Versus

Union of India and others

.. Opp. Parties.

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

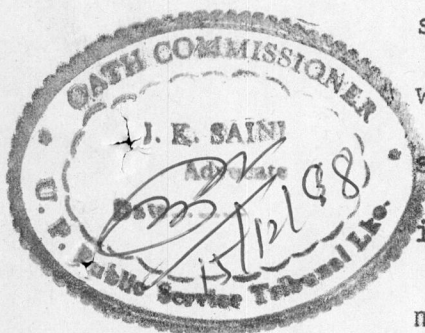
K

I, M.J. Siddiqui, aged about 57 years, son of late Shri Sheikh Rahamtullah at present posted as Superintendent of Post offices, Rae-Bareilly do hereby solemnly affirm and state as under :-

1. That the deponent is the Superintendent of Post offices, Rae-bareilly opposite party No.3 in the writ petition and he is fully competent to affirm this affidavit on behalf of opposite parties Nos.1 and 2 also.
2. That the deponent has read and understood the contents of the writ petition and he is well conversant with the facts of the case deposited hereinafter.
3. That the contents of para-1 of the writ petition are admitted.
4. That the contents of para-2 are admitted.
5. That in reply to the contents of para-3 of the writ petition, it is stated that Gaura Sub post office was a three handed Sub office. One Shri T.B, Singh promoted on adhoc basis under 20% quota in lower selection grade in the scale of Rs. 425-640 was ~~marked~~ working as Sub-postmaster there. The applicant a postal Asstt. in the scale of Rs.260-480 was deputed to work at Gaura Sub office in leave arrangement of Shri T.B, Singh during the period from 19.4.1980 to 26.5.1980 by the SPM Jagatpur in compliance with telephonic order dated 17.4.80.



Again under office Memo No. B/Arrgt./Ch-III dated 26.5.80, the Sub-Postmaster Jagatpur was ordered to relieve senior most official of his office to join at Gaura Sub-Post office till a suitable arrangement is made for the post of sub-postmaster as the sub-postmaster Gaura was ordered to be transferred to an other place. Accordingly the applicant was relieved from Jagatpur and joined at Gaura Sub-post office on 11.6.80 and worked there till 18.2.81. As per the departmental rules a time scale clerk holding the charge of a single handed office is entitled to draw charge allowance of Rs.20.00 per month and that holding charge of double handed, three handed will get the charge allowance at Rs.25/- per month in addition to pay and allowances for which he is entitled to in the said time scale. In case a three handed office is managed by a lower selection grade officials promoted on local basis or on regular basis, he will cease to draw charge allowance and get the pay of the lower selection grade in the scale of Rs. 425-640. The official was neither promoted to lower selection grade nor specifically ordered to work in lower selection grade in the scale of Rs.425-640 as the currency of punishment of stoppage of increment had not expired by that time and as such the question of payment of pay and allowances in the scale of Rs. 425-640 does not arise. A person against whom disciplinary proceedings are pending or contemplated or the punishment of stoppage of increment is current, can not be promoted under the rules. He continues to draw charge allowance @Rs. 25/- per month as per instructions contained in D.G's communication No. 31-19/74 PE-I dated 10.3.1977. The



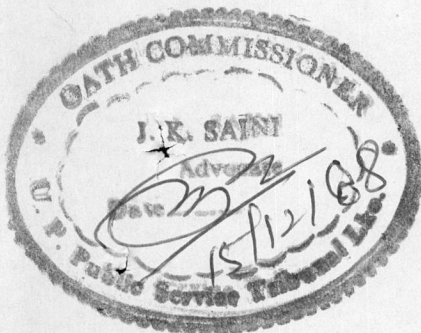
Supdt. of Post Offices
Bareilly Div. 229001
25.5.80

and 11.6.80 to 31.8.80 and Rs. 432+25 from 1.9.80 to 18.2.81 . Had the official been eligible for promotion in the lower selection grade and allowed the pay of lower selection grade. ~~xxxxxx~~ he would have been paid Rs. 425/- from 19.4.80 and Rs. 455/- from 1.9.80. Thus in both the cases the pay and allowances paid were beneficial to the official.

6. That the contents of the para-4 of the writ petition are not denied.

7. That the contents of para 5(i) of the Writ Petition are admitted to the extent that the applicant was transferred from Rae-bareli to Lucknow on the report and recommendation of the Superintendent of Police, Rae-bareli vide D.P.S. Lucknow (Competent authority) Memo No. RDL/STA/M-2/11/82/1 dated 2.7.82.

8. That the contents of para 5(ii) of the Writ Petition have not stated the position clearly. However, it is stated that the name of the applicant was at Serial No. 32 in the divisional gradation list corrected upto 1.7.80 while the person between serial No. 1 to 29 were selected on adhoc basis and promoted in lower selection grade vide Memo No. B/Corr-2/LSG/Ch-II dated 26.4.79. The applicant was promoted on local basis only when he was due for such promotion vide office Memo No. B/Corr-2/LSG/Ch.II dated 18.7.81 against the vacancy caused due to retirement of an official from 31.7.1981 afternoon. Due pay and allowances were paid to the official.



Supdt. of P.O. Offices
Rae Bareli Div. 229001.

9. That in reply to the contents of para-5(iii) of the Writ petition, it is stated that the seniority of the official (applicant) was correctly fixed on his transfer to this Division under Rule-38 of P&T Man. Vol.IV. A person transferred under rule-38 of P&T Man.Vol.IV will get the position below the names of candidates available on the approved list prior to approval of his transfer. Promotion to 20% LSG was given to the applicant on his turn.

10. That in ~~reply~~ reply to the contents of para 5(iv) to (vi) of the Writ petition it is stated that the applicant was allowed lower selection grade pay during the period he worked in lower selection grade. As already discussed against para-3 above he was not eligible for lower selection grade pay during the period from 19.4.80 to 26.5.80 and 11.6.80 to 19.2.81. He officiated in leave arrangement as lower selection grade Sub-Postmaster Jagatpur from 7.5.81 to 12.7.81 and was allowed pay @ Rs. 455/- in lower selection grade and again after his posting in lower selection grade on adhoc basis as Sub-Postmaster Jais he was allowed the lower selection grade pay @Rs. 455/- from 1.8.81 as admissible under the rules. The usual increment in lower selection grade as due in normal course was also given to the official raising his pay to the stage of Rs. 470/- with effect from 1.6.82 as is evident from the initial pay slip prepared by the Postmaster Lucknow G.P.O.

11. That in reply to para-6 of the Writ petition it is stated that the representation of the applicant dated 30.11.81, stands rejected vide Director Postal Services, letter No. RDL/STA/M-2/11/82/1 dt. 7.5.83. As regards the application dated 2.8.82 of the applicant, the receipt of the same has been denied by the Postmaster General, U.P. Circle, Lucknow.



12. That in reply to the contents of para-7 of the Writ petition it is stated that the issues raised in letter No. NUP-IV/REL-VIII/82-83 dated 20.8.82 by Shri Noor Mohd. Circle Secretary, National Union of Postal Employees (Postman & Class-IV) do not affect interest of any member of his union. Hence no reply was ~~don~~ any point raised to be sent. As per the instructions contained in Ministry of Communication (P&T Board) New Delhi-110001 letter No. 10.7/72-SB dated 8.6.78 no service association shall send any representation or deputation except in connection with a matter which is of common interest of the members of service association. The Service association shall not ~~spouse~~ or support the cause of individual Government servant relating to service matter.

13. That the contents of para-8 of the Writ petition need no reply in view of the averments made in the foregoing paragraphs.

14. That in reply to the contents of para-9 of the Writ petition, it is stated that the receipt of annexure-6 of the Writ petition is denied by the Postmaster General, U.P. Lucknow vide his letter No. STA/46-RA/83/7 dated 4.5.83. The Annexure no.7 relates to a letter which was sent to the DPS Lucknow by Shri Noor Mohd. Circle Secretary. It may be mentioned that Union/associations are precluded to take up individual cases. Moreover the sender of this letter is the secretary of Postman and Class-IV Union ~~xxxx~~ while the issues taken up relates to transfer of the petitioner who is not the member of the said union.



Copy of Post Office
Rae Bareilly Div. 229001

The action of the Secretary is contrary to the instructions as already discussed against para-7.

15. That in reply to the contents of para-10 of the Writ petition it is stated that the applicant did not ~~exercise~~ exercise any option in pursuance of instructions contained in D.G P&T Commn.No. I/11/51-PAP dated 19.12.81 although the circulation of this letter has been duly admitted by the applicant. His plea that he had given an option for fixation of his pay is not admitted. He had simply sent an application dated 22.5.82 to the Postmaster Rae-bareilly whereas he was required to exercise clearcut option for fixation of his pay either in accordance with instructions contained in para-2(a) or Para-2(b) of the D.G. P&T Commn. dated 19.12.81 referred to above. However, the Postmaster Rae-bareilly has been ordered to fix his pay in lower selection grade in accordance with the instructions contained in Para-2(b) in case he exercises the clearcut option for the same as his pay has already been fixed in accordance with the instructions contained in para-2(a). In case the official exercises option for fixation of his pay under para-2(b), his pay will be fixed at the stage of Rs.440/- the stage next above the stage of his substantive pay i.e. Rs. 432/- on 1.8.81 and at the stage of Rs. 470/- on 1.9.81. The comparative Chart of fixation of his pay under para-2(a) and 2(b) is as under :-

Date	Under Para-2(b)	Under Para-2(a)
1.8.81	440-00	455-00
1.9.81	470-00	455-00
1.6.82	470-00	470-00
1.9.82	485-00	470-00



Supt. of Post Offices
Rae Bareilly Div. 229001

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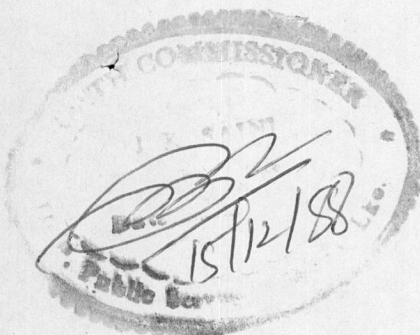
16. That the contents of para-11 of the Writ petition need no reply as the orders have already been issued to the Postmaster Rae-bareli as mentioned in the preceeding paras of the affidavit.

17. That the contents of para-12 of the Writ petition need no reply as this office has no knowledge about these cases. The allegation of malafide against Shri T.B. Singh have no relevance for the purpose of the transfer, which has been made by the Director, Postal Services, Lucknow. Moreover, said Shri T.B. Singh has not been treated as opposite party in the writ petition.

18. That in response to the contents of para-13 of the Writ petition it is stated that the opposite parties have no knowledge what soever about any such ~~complaints~~ complaints or any vigilance enquiry against Shri T.B. Singh

19. That in reply to the contents of para-14 of the Writ petition it is stated that the transfer of the applicant was made on the report and recommendation of Supdt. Police, Rae-bareli. The competent authority is empowered to transfer any such official anywhere in Circle/India under rule-37 of P&T Man. Vol. IV on administrative ground. In such cases the officials transferred do not loose their seniority.

20. That the contents of para-15 of the Writ petition need no reply in view of the facts already stated in the preceeding paragraphs of this affidavit. Moreover, transfer on administrative ground has no connection with fixation of pay & Seniority.



Supdt. of Post Offices
Rae Bareilly Div. 229001

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21. That the contents of para-16 of the Writ petition need no reply in view of the facts stated above in reply to para-14 of the Writ petition.

22. That the contents of ~~para-17~~⁶ of the writ petition are denied and it is stated that the petitioner can avail of alternate remedy by way of making representation to the higher competent authorities of the department.

23. That the deponent has been advised to state that the main grievances of ~~the~~^{the} petitioner being his transfer from Rae-bareilly to Malihabad Sub Post office in Lucknow Division and the petitioner having joined his new place of posting, writ petition to that extent has become infructuous. Moreover the transfer order being purely an administrative order no writ of Certiorari can lie against such order.

24. That the deponent has been advised to state that alleged grievances of the petitioner regarding promotion, annual lower selection grade increment and fixation of pay at appropriate stage give rise to different causes of action at different times and as such they can not be joined together with the matter of transfer in a single writ petition.

25. That the deponent has been advised to state



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21. That the contents of para-16 of the Writ petition need no reply in view of the facts stated above in reply to para-14 of the Writ petition.

22. That the contents of ~~para-17~~^{of} the writ petition are denied and it is stated that the petitioner can avail of alternate remedy by way of making representation to the higher competent authorities of the department.

23. That the deponent has been advised to state that the main grievances of ~~the~~¹ petitioner being his transfer from Rae-bareilly to Malihabad Sub Post office in Lucknow Division and the petitioner having joined his new place of posting, writ petition to that extent has become infructuous. Moreover the transfer order being purely an administrative order no writ of Certiorary can lie against such order.

24. That the deponent has been advised to state that alleged grievances of the petitioner regarding promotion, annual lower selection grade increment and fixation of pay at appropriate stage give rise to different causes of action at different time and as such they can not be joined together with the matter of transfer in a single writ petition.

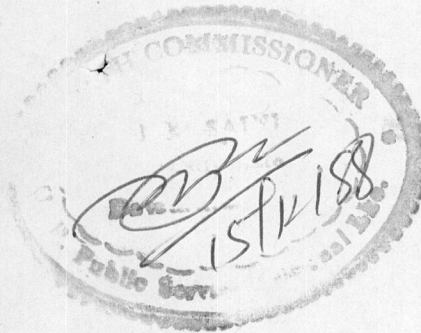
25. That the deponent has been advised to state that the grounds taken by the petitioner in para-18 of the writ petition are not tenable in the eyes of law and writ petition being ^{without} any merit is, liable to be dismissed with cost.

Deponent.

Lucknow

Dated: 15.12.1988

Supdt. of Post Offices
Rae Bareilly Div. 229001



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VERIFICATION

I the above named deponent do hereby verified that the contents of paragraphs 1&2 are true to my personal knowledge and those paragraphs 23 to 27 are believed to be true on the basis of official records and information gathered from office records and those of paragraphs 12 to 21 are believed by me to be true on the basis of legal advice.

I hereby verify the contents of affidavit at the premises of the Court on.

Deponent
Supt. of Dist. Office
No. Bareilly Div. 229001

I identify the deponent who has signed before

me and is also personally known to me.



(V.K. CHAUDHARI)
ADVOCATE

C-32 Im:

Attest my hand and seal this 15th day of December 1988 at Lucknow.
7.00 P.M.
Who is identified by me as the deponent who has signed before me and is also personally known to me.
I have read the contents of this affidavit and find it to be true and correct and signed by me.
Received Rs. 100/- as fee.

Sugat Kishore Saini
Commissioner of Affidavits
Court Compound, Lucknow.

Date.....
15/12/88

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH
LUCKNOW

8/1

T.A. No. 1114 of 1987 (L) Date of decision: 21.5.1990
(Writ Petition No. 425/83)

Abdul Aziz Khan .. Applicant.

Vs.

Union of India & others ... Respondents

PRESENT

None for the applicant.

Shri V.K. Choudhary, Counsel for the respondents.

CORAM

Hon'ble Shri B.C. Mathur, Vice-Chairman.

Hon'ble Shri D.K. Aggarwal, Member (Judicial).

(Judgment of the Bench delivered by
Hon'ble Shri B.C. Mathur, Vice-Chairman (A))

Writ Petition No. 425 of 1983 has come on transfer from the High Court of Judicature at Allahabad (Lucknow Bench) to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985.

2. The main grievance of the petitioner is against his transfer from the post of Asstt. Post Master, Rae Bareilly, to Lucknow Division vide order dated 2.7.1982 of the Director of Postal Services, Lucknow, on administrative grounds (Annexures III and IV to the petition). His grievance also includes his non-promotion, fixation of seniority and pay and annual increments (Annexures 5, 6 and 7 to the petition). He has prayed for mandamus directing the respondents to dispose of his representations contained in Annexures 5, 6 and 7. of the petition.

3. As far as the question of transfer is concerned, the learned counsel for the respondents pointed out that the prayer has become infructuous as the petitioner has already joined at Malihabad in Lucknow Division. Even otherwise, the petitioner being on a transferable post and having been transferred on administrative grounds cannot challenge his transfer. It is quite clear that as the applicant has already joined the Lucknow Division and as there has been no malafide or violation of any statutory rules, the question of cancellation of the transfer orders does not arise. As far the fixation of his pay etc. are concerned, the petitioner had asked that the opposite parties should be directed to dispose of his representations contained in Annexures 5, 6 and 7 of the petition. Our attention was drawn to paras 11 and 15 of the counter affidavit filed by the respondents where orders have already been passed disposing of the representations of the petitioner. His pay has also been fixed as stated in para 15 of the counter filed by the respondents.

4. The applicant was not present today to argue his case but since the reliefs claimed by him have become infructuous, we see no reason to allow any part of the petition. The petition is, therefore, dismissed without any orders as to cost.

D.K. Agarwal

(D.K. Agarwal)
Member (J)
21.5.90

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

1114/87 (T)

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No filing @ Division Bench Court is adjourn
to 21.5.90

K/10

21-5-90 Hon. Mr. B. C. Mathur, V.C.

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

Q
Pae

None for the applicant.

Shri V. K. Choudhary for
the respondents.

OR
Despite sufficient time
granted for filing R.A. the
same has not been filed.
Submitted for hearing

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Heard the learned counsel for
the respondents. We have gone
through the pleadings in this case
and dismissed the case without
any order as to costs.

BV

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V.C. 21.5.90

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In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.



U.P. 23.3.83

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Civil Misc. Appn. No. 3608 (w) of 1983

In re:

W.P. No. 425 of 1983.

Received by.

23.3.83

(D. RANJANA)
Senior Standing Counsel
Central Govt.
23.3.83

Abdul Aziz

---Petitioner

V/s.

The Union of India & others

---Opp-Parties

Application for Restoration

The humble applicant named above begs to
state as under :-

1. That the applicant is the petitioner in the above noted writ petition which is listed before this Hon. Court to-day.
2. That Sri Laloo Singh, Advocate is the in-charge of the case of the petitioner.
3. That Sri Laloo Singh, Advocate has sent his engagement slip to this Hon'ble Court ^{and} when he reached at 11.30 A.M. before this Hon'ble Court, it was found that his case was dismissed in default.
4. That the absence of the Counsel of the applicant was not deliberate.

WHEREFORE, it is most respectfully prayed that this Hon'ble Court be pleased to restore the case and heard the same on merit or such other order(s) as this Hon. Court deems just and proper.

Lucknow dated,
23rd March, 1983.

R. Singh
(Laloo Singh)
Advocate,
Counsel for the Petitioner.

(6)

Hon. M. Goyal J.
Hon. R. D. Sharma J.

Put up tomorrow along with
the record before the bench
concerned.



23-3-83



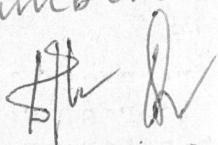
~~Hon. T. S. Misra J.
Hon. D. N. Jha J.~~

~~The application is not
supported by an affidavit.
The learned counsel for the
petitioner ^{says that he} wants ten minutes
to file affidavit. Put up after
ten minutes as prayed.~~

Received Copy

Hon. T. S. Misra, J.
Hon. D. N. Jha, J.

Cause shown in the
affidavit is sufficient. The
order dated 23-3-83 is
recalled & set aside. This
petition is restored to its
original number.



24-3-83

MHS/-

24-3-1983



व अदालत श्रीमान

महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दालेह)

का वकालत



Alida Aziz Khan
वादी (मुद्दे)
Union of India & Ors
प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Laloo Singh Adv
Pratima Devi Adv
एडवोकेट
श्री Raju Narain Adv
महोदय
वकील

नाम अदालत

नं० मुकद्दमा

नाम फरीकें

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

Accepted

Pratima Devi Adv.

Raju Narain Adv.

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

हस्ताक्षर अथवा मुद्रा

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TA 1114/07/15

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH LUCKNOW!

3037/15

CIVIL MISC!APPLICATION NO: OF 1983.

INRE:

WRIT PETITION NO: 425 of 1983.

5000

4/2/83

W.F. = Rs. 5/-
W.B. & Co.



ABDUL AZIZ KHAN! ! ! ! ! ! ! ! PETITIONER!

VERSUS

UNION OF INDIA & OTHERS! ! ! ! ! OPP!PARTIES!

§§§§§§

APPLICATION FOR AMENDMENT

Abdul Aziz Khan

The humble applicant named above begs to
state as under:-

1. That the applicant is the petitioner in the
above noted writ petition.

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2. That some very important facts which could not be inserted in the writ petition and also a few ~~words~~ were wrongly used on account of which the petitioner proposes the following amendments:-

3. That after the existing paragraph 15 of the writ petition the following fresh paragraph 15-A be added as follows:-

15-A: That a District is a Division in the Postal Department and the petitioner can not be transferred out of the Division."

4. That the word 'Region' in the first ground of the writ petition ~~xxx xxx xxxx xx~~ be deleted and the same be substituted by the word 'Division'.

Amendments by

5. That these amendments are very material for the case of the petitioner.

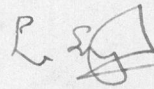
-: 3 :-

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K/21

WHEREFORE, it is most respectfully prayed
that the amendments prayed for may kindly be
allowed and the same be allowed to be
incorporated in the writ petition.

LUCKNOW:

DATED: 28.2.1983.



(Lalloo Singh)

Advocate,

Counsel for the Petitioner.

Shree 1/3/83

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD:

LUCKNOW BENCH:LUCKNOW!

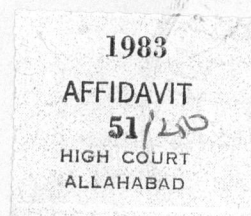
A F F I D A V I T

Inre:

Civil Misc.Application no. of 1983.

Inre:

Writ Petition No: 425 of 1983.



ABDUL AZIZ KHAN!

!!!!!!PETITIONER!

VERSUS

UNION OF INDIA & OTHERS!

!!!!!!OPP!PARTIES!

§§§§

Affidavit in support of Application
for Amendment.

I, Abdul Aziz Khan, aged about 51 years,
son of Mohammad Taqui, Sub-Post Master, L.S.G.,
Maliahabad, Lucknow, do hereby solemnly affirm and
state on oath as under:-

Handwritten signature



9/11/23

1. That the deponent is the petitioner in the above noted writ petition and is fully conversant with the facts deposed to here under.

2. That the applicant is the petitioner in the above noted writ petition.

3. That some very important facts which could not be inserted in the writ petition and also a few words were wrongly used on account of which the petitioner proposes the following amendments:-

✓
~~XXXX~~ 4. That after the existing paragraph 15 of the writ petition the following fresh paragraph 15-A be added as follows:-

15-A: That a District is a Division in the Postal Department and the petitioner can not be transferred out of the District."

5. That the word 'Region' in the first

Handwritten signature

24-2-23



A
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ground of the writ petition be deleted and the same be substituted by the word 'Division'.

6. That these amendments are very material for the case of the petitioner.

LUCKNOW:

DATED: 28.2.1983.

Deponent

DEPONENT!

VERIFICATION

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 6 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed, so help me God.

22-2-83

I identify the deponent who has signed before me.

Deponent

DEPONENT!

Gulab Chand
(Shri Laloo Singh)
Advocate.

Solemnly affirmed before me on 28/2, 1983 at 9.50 a.m./p.m. by Shri Abdul Aziz Khan, the deponent, who is identified by Shri Gulab Chand, clerk of Shri Laloo Singh, Advocate, High Court, Lucknow Bench, Lucknow.

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

Shri Gulab Chand
JATH COMMISSIONER
High Court, Lucknow Bench
51/250
28-2-83

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD:

LUCKNOW BENCH:LUCKNOW:

CIVIL MISC:APPLICATION NO: OF 1983.

INRE:

WRIT PETITION NO: 425 of 1983.

ABDUL AZIZ KHAN: ! ! ! ! ! ! ! ! PETITIONER:

VERSUS

UNION OF INDIA & OTHERS: ! ! ! ! OPP:PARTIES!

§§§§§§

APPLICATION FOR AMENDMENT

The humble applicant named above begs to
state as under:-

1. That the applicant is the petitioner in the
above noted writ petition.

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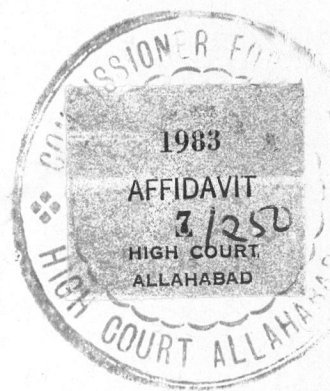
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD:

LUCKNOW BENCH:LUCKNOW.

A F F I D A V I T

Inre:

Writ Petition No. of 1983.



ABDUL AZIZ KHAN.

.....PETITIONER

VERSUS

UNION OF INDIA & OTHERSOPP.PARTIES.

§§§§§

Affidavit in support of Writ Petition

I, Abdul Aziz Khan, aged about 51 years,
son of Mohammad Taqui, Sub-Post Master L.S.G,
Malihabad, Lucknow, do hereby solemnly affirm and
state on oath as under:-



1. That the deponent is the petitioner in the above noted writ petition and is fully conversant with the facts of the case.

-Contd.....2.

2. That the contents of paragraphs 1 to 18 of this writ petition are true to my own knowledge.

3. That Annexures no.1 to 10 of this writ petition are true copies of the originals which have been compared by the deponent.

LUCKNOW:

DATED: 17.1.1983.

अब्दुल अजीज खान
DEPONENT.

VERIFICATION

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

I identify the deponent
who has signed before me.

Gulab Chand
Advocate.
अब्दुल अजीज खान
DEPONENT!

Solemnly affirmed before me on 17-1-1983 at 9.50 a.m./p.m. by Shri Abdul Aziz Khan, the deponent, who is identified by Shri Gulab Chand, clerk of Shri Laloo Singh, Advocate, High Court, Lucknow Bench, Lko.

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



M. N. Nain
COMMISSIONER

In the Hon'ble High Court of Judicature at Allahabad
Sitting At Lucknow

Affidavit in Support of
C.M. Application No. (W) of 1983
In re;
Writ Petition No. 425 of 1983

Abdul Azia

Petitioner

Versus

Union of India & others

Opp. Parties

Affidavit

I, Laloo Singh advocate, aged about 43 years
Son of Late Sri Janki Prasad Singh, resident of 12,
Arya Nagar Lucknow, do hereby solemnly affirm and
state on oaths under:-

1. That the ~~named above~~ deponent is the counsel
of the petitioners and as such he is fully conversant
with the facts of the case.
2. That the applicant is the petitioner in the
above noted writ petition which was listed before
this Hon'ble Court yesterday.
3. That the deponent is the incharge of the case
of the petitioner.
4. That the deponent has sent his engagement
slip to this Hon'ble Court and when he reached

at 11.30 A.M. before this Hon'ble Court, it was found that his case was dismissed in default. The slip itself was defected one.

5. That the absence of the deponent was not deliberate, ^{as he was} ~~since~~ busy in the courts No.3 & 4.

Lucknow Dated

March 24, 1983

Deponent

Verification

I, the named above deponent do hereby verify that the contents of paras 1 to 5 of this Affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed so help me God.

Lucknow; Dated

March 24, 1983

Deponent

I identify the deponent who has signed before me.

Advocate

Solemnly affirmed before me on 24.3.83

at A.M/P.m by Sri

the deponent who is identified by

Sri

Advocate High Court of Judicature at Allahabad

Lucknow Bench Lucknow

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit ALLAHABAD BENCH Lucknow
23-A, Thornhill Road, Allahabad-211 001
Grandhi Bhawan opposite Residency

No. CAT/Alld/Jud/29474 to 425 Dated the & 21/4
Lucknow

T.A.No. 1114/87 T' of 198 .(T)

Abdul Aziz Khan Applicant's

Versus

Union of India & Sols Respondent (s)

To
Sri V.K. Chaudhary, Adv.
14/629 Baraf Khana, Nai Basti
S. S. Ranehwa Advocate
Near Alankar Cinema
High Court Luck Bench Lucknow
Lucknow - 226001

Whereas the marginally noted cases has been transferred by High Court Lko under the provision of the Administrative Tribunal Act (No.13 of 1985) and registered in this Tribunal as above.

Writ Petition No. 425
of 1983.
of the Court of HC
Lko arising out
of Order dated —
passed by — in

The Tribunal has fixed date of 25-4 1988. The hearing of the matter.

If no appearance is made on your behalf by your some one duly authorised to Act and pled on your behalf the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
11 day of 4 1988.

2. Abdul Aziz Khan s/o
Mohammad Taqui
Sub Postmaster, L.S.G.
Dk
Malihabad, Lucknow.

DEPUTY REGISTRAR

8/6/87

C

C/M

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Allahabad Bench Lucknow
23-A Thornhill Road, Allahabad-211 001
Gandhi Bhawan (opp. Residency) Lucknow.

No. CAT/Alld/Jud/25085/1006 Dated the 10/5

T.A.No. 10916 1120 of 1987. (T)

Ram Krishna Sharma Applicant's

Versus

Union of India Respondent's

① To Hari Shanker Jain Advocate High Court Lucknow
② K. C. Sinha Advocate C.A.T. Allahabad

Whereas the marginally noted cases has been Transferred by LKO-High Court under the provision of the Administrative Tribunal Act (No.13 of 1985) and registered in this Tribunal as above.

Writ Petition No. 702/83
of 198 . of the
court of High Court LKO
arising out of order dated
passed by

in

on your behalf the matter will be heard and decided in your absence.

The Tribunal has fixed date of 27-5-88 1988. The hearing of the matter.

If no appearance is ~~made~~ made on your behalf by your some one duly authorised to Act and pled

Given under my hand seal of the Tribunal this 9th day of May 1988.

dk

Devi Prasad
DEPUTY REGISTRAR (J)

Am
Ch
am
13/5/88