

Annexure - A
CAT- 02
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

TA 1177 - 07
WP 4204 - 03
OF 190

CAUSE TITLE

Name of the Parties Bhole Nath Yadav - V - U.C.

Versus

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
1	Order sheet of 28-2-90	1 A1
2	Index	1 A2 (A3 to A13)
3	Petition with Annexure	(A14 to A15)
4	Affidavit	A16 (A17 to A18)
5	Power	(A19 to A20)
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	B Nath	
1	Petition with Annexure	B1 to B11
2	Affidavit	B12 to B13
3	Stay An	B14 to B15
4	Notice	B16
5	Copy of order	B17

Certified that no further action is required to be taken and that this
Case is fit for being signed to the record room (D)

checked
on 1/12/12
m

20/5

Order Sheet

TA no 1177 of 1907

A/1

:: 2 ::

Bhula Nath Yadav VC UO 9

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
8/11/89	Hon' Mr. D.K. Agrawal, J.M. Hon' Mr. K. Obayya, A.M. Junior of Mr. M.R. Misra counsel for the applicant is present, and requests for adjournment. Adjourn this case to <u>31-1-90</u> for orders.  A.M. (sns)  J.M.	OK This is no 4202/83 received a transfer for Lucknow High Court along with other wife & May 1989. On the date of transfer the case was not admitted. Transfer notices issued by Addl office, but neither any reply nor any undelivered cover received back. Submitted for order. OK 6/11/89 Submitted for admission h 30/11/90
31/1/90	Hon. Justice K. Nath, VC. Hon. K. J. Ramani, A.M. The learned counsel for the applicant is not present. list for admission on 28/2/90.  A.M.  VC	S F Admin 2/12

Dinesh

GENERAL INDEX

A2
2

(Chapter XLI, Rules 2, 9 and 15)

CIVIL SIDE
CRIMINAL

Nature and number of case W.P. No. 4202-83

Name of parties Bhola Nath Yadav vs. Union of India

Date of institution 12-8-83

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 Annex and affidavit	12	-	102.00			
	2-	Power	1	-	5.00			
	3-	Contd. 8881 (4)	2	-	5.00			
	4.	Power	1	-	5.00			
	5-	ordr Steel	2	-	-			
	6.	Breth Copy	1	-	-			

I have this _____ day of _____ 197 , examined the record 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

Group 15(a)

A3
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6440

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

Writ Petition No.

1983.

4202

1317)

Shri Nath Yadav ..

Petitioner

Versus

Union of India and another ..

Opposite Parties.

I N D E X

Sl. No.	Description of papers	Page No.
1.	Writ Petition	1 - 7
2.	Annexure no.1, true copy of appointment order. <i>dat 3.2.83</i>	8-9.
3.	Annexure no.2, true copy of termination order. <i>dat 30.7.83</i>	10
4.	Affidavit	11-12
5.	Power	13.

M. R. Minz

Lucknow: Dated;
August 12, 1983.

Advocate,
Counsel for the petitioner.

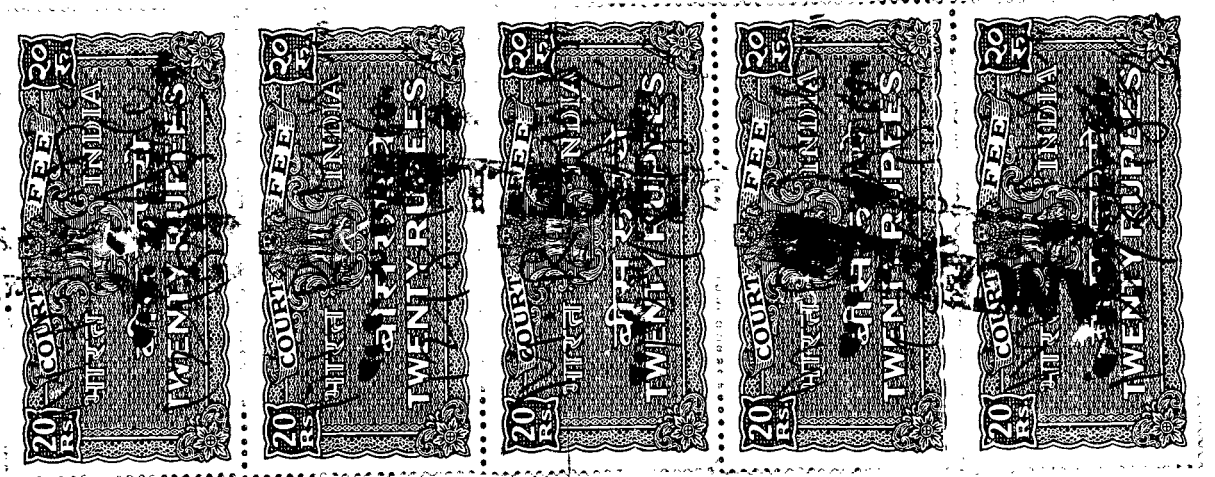
A3
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1

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

4202

Writ Petition No. _____ of 1983.



50 paise 100 paise
2/12/83

Bhola Nath Yadav, son of Gazi Din Yadav,
resident of village Mani Ka Purwa. Post
Office Kamoli Birbhanpur, tehsil Kunda,
district Pratapgarh ..

Petitioner

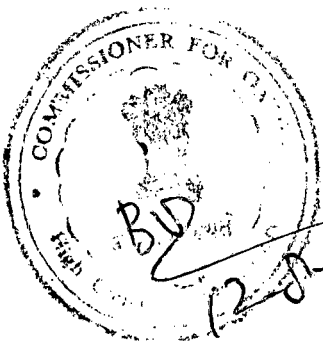
Versus

1. Union of India, through Director General,
Post and Telegraphs, Delhi.
 2. Sri Ram Kewal Yadav, Inspector of Post Offices,
Kunda, district Pratapgarh.
 3. Superintendent of Post Office - Pratapgarh ..
- Opposite-Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

The above noted petitioner begs to
submit as follows:-

1. That in the year 1982, a branch post
office was established at village Kamoli Birbhanpur



मोमताद्वारा

(2)

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Hon. Justice K. Math, K.
Hon. K. J. Ramani, Am.

Case has been called
twice. No body appears
for the applicant.
The list has been
revised. The
petition is dismissed
for default of the
applicant.

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Last Insp order Am 22 30.7-83
Datt Pratap garh.

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Honible P.N. Jha, J.
Honible K.S. Varma, J.

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Learned counsel for the Union
of India prays for and is allowed
ten days' time to obtain instruc-
tions. He is also directed to
produce the letter dated 15-6-83
in response of which the services
of the petitioner have been
terminated. List this case
on 24th August 1983 as
regards admission alongwith the
stay application.

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12-8-83

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MHS/-

via Jethwara, District Pratapgark under the opposite party no. 1. In this Branch Post Office, one Post Master, One Extra Departmental Delivery Agent and one Extra-Departmental Runner were all appointed afresh to run this branch. The petitioner was appointed as Extra Departmental Runner by the opposite party no. 2 by an appointment order, a true copy of which is filed as Annexure no-1.

2. That in pursuance of this order, the petitioner furnished a security to the satisfaction of the Postal Authorities and thereafter he joined the services in the month of February, 1982 and started his work.

3. That the petitioner had to perform his duty for the distribution of the Mail in his circle and he performed the duty with utmost care and devotion as a result of which, his work had been appreciated by his superior officers as well as by the local public very much, without any complaint till this date, of any sort what so ever.

4. That according to the provision of the Post and Telegraph E.D.A's (Conduct and Service) Rules, 1964 which were made applicable to the petitioners service, the petitioner was entitled as of right to appear in the Departmental Examination of the Post and Telegraph, the ~~xxxx~~ passing of which would have entitled the petitioner for promotion to the permanent post of Mail Peon. The petitioner was entitled to appear in this examination after a continuous service of 3 years. The petitioner had



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83/6

joined this service only on account of this future chance, which he would have availed for getting a permanent job under the opposite party no. 1.

5. That taking advantage of his official position, the opposite party no. 2 on his occasional inspection visits, wanted the petitioner to remain in his attendance to do his personal work, after his office duty, so long as he stayed there, which time sometime extended for three or four days.

6. That after the day work, which was of a very tiring nature, the opposite party no. 2 wanted the petitioner to remain in his attendance in the night as well ^{and a} as use to relieve the petitioner after his clothes were washed by the petitioner and used utensils had been cleaned by him.

7. That even this was not sufficient for him, the opposite party no. 2 wanted the petitioner to spend for his daily necessities of life, like, vegetable, eggs, bettle etc. which the petitioner was quite unable to do on account of ^{a his} ~~very~~ very little pay of Rs. 196/- per month and also on account of his poverty and a large family which was dependent on him.

8. That the petitioner tried to satisfy the opposite party no. 2 for a considerable long time, but latter on he felt unable to satisfy him, which annoyed the opposite party no. 2 very much and on account of it, the opposite party no. 2 took up



अतिरिक्त नमूना

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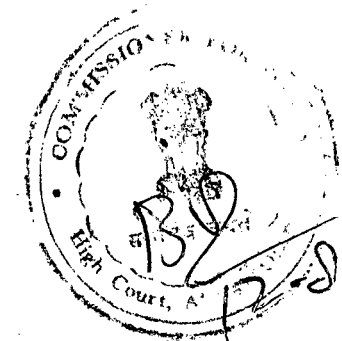
in his mind to punish the petitioner for refusing to act according to his wish.

9. That the work of the petitioner had never been found unsatisfactory by the Post Master of this Branch as well as by the members of the public, as such, the opposite party no. 2 could not find any occasion to find fault in the work of the petitioner as such, he ^{he got the petition} removed the ^{he removed the} ~~petitioner~~ from his post by an order, a true copy of which is filed as Annexure no. 2, ^{which has been commented} ~~to the petition by the O.P. 2.~~

10. That this order of termination of his service, is not an order of termination but in fact is an order of removal, which has been ^{he got} passed by the opposite party no. 2 for punishing the petitioner, on account of his personal prejudices against him.

11. That in this District of Pratapgarh, several other Extra Departmental Runners have been appointed by the opposite party no. 2 after the appointment of the petitioner and they are all working, their services have not been terminated. The post which the petitioner is holding, is to continue and the opposite party no. 2 will make fresh appointment to it of that person who would be able to please him by money and off duty work. ^{he} The charge of the post has not been taken from the petitioner and he is still holding his post.

12. That against this arbitrary action of the opposite party no. 2, ^{at 3} there is no other alternative remedy and as such, this writ petition is being filed on the following :



मोलाचमल

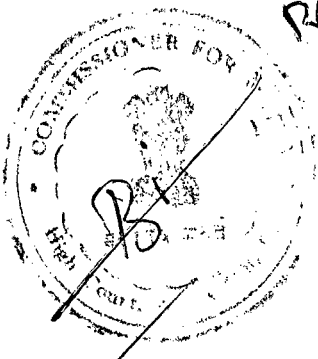
G_R_O_U_N_D_S

a) That the petitioner is holding a post under the opposite party no. 1 over whom, the Post and Telegraph E.D.A's (Conduct and Service), Rules are applicable as such, his services can not be terminated in such an arbitrary manner. The order of termination as such, is most arbitrary and without jurisdiction.

b) That the petitioner was a public servant under the opposite party no. 1 and as such he was not required to serve the opposite party no. 2 in his personal and domestic work. The opposite party no. 2 has in fact removed the petitioner from his employment on an illegal ground in the garb of an order of termination simplicitor, which order as such, is quite illegal.

c) That the petitioner and other Extra Departmental Runners were of the same class of Government Servant and the petitioner has not distinguished himself from others in any way what so ever as such, the removal of the petitioner and the retention of the other juniors was nothing but discriminatory.

d) That the petitioner has served the Government for about one and a half year with utmost devotion and ~~the same~~ of duty with a hope of completing his three years and then to appear in the Departmental Examination to get a permanent post as Mail Peon, but



M. R. Munn
shc

21/01/2012

6.

his appointment has been quite illegally terminated by which his future chances of getting a permanent post have gone for ever, spoiling his entire career.

e) That no reasons have been assigned for termination of the services of the petitioner and in fact, there are no valid reasons at all- the order as such being absolutely arbitrary is without jurisdiction.

f) That the services of the petitioner could have been terminated, if his work was found to be unsatisfactory or on account of unsuitability to the post, the termination of the service ~~without~~ without any reasons as such, was arbitrary and discriminating.

Under the circumstances, it is most respectfully prayed that the Hon'ble Court be pleased to issue :



i) a writ in the nature of certiorari quashing the termination order of the petitioner which has been communicated to the petitioner, a true copy of which has been filed as Annexure no.2.

ii) a writ in the nature of mandamus commanding the opposite parties to treat the petitioner in continuous service entitled to same status as he

M. R. Munn

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enjoyed before this termination order.

iii) any other writ, direction or order
to which he may be found entitled
with costs of this petition.

Lucknow: Dated;
Aug. 12, 1983.

M. R. Munz
Advocate,
Counsel for the petitioner.

अनुमति

A3
11

(2)

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

Writ Petition No. of 1983.

Bhola Nath Yadav .. Petitioner
Versus
Union of India and another .. Opposite-Parties.

Annexure no.1

Memo No-A/Kamoli Birbhanpur Dated Pratapgarh 3.2.82.

Shri Bhola Nath Yadav s/o Shri Gazidin
Yadav village Dhanvasa Post Kamoli Birbhanpur, Tehsil
Kunda, Thana Baghrai Distt. Pratapgarh, is hereby
appointed as Extra Depttl. Runner Kamoli Birbhanpur,
purely on temporary basis. Shri Bhola Nath Yadav
will be paid such allowances as admissible from time
to time.

2. The appointment of Shri Bhola Nath Yadav
as Extra Departmental Runner Kamoli Birbhanpur is
of the nature of a contract liable to be terminated
by either side notifying each other. The services
of Bhola Nath Yadav will be governed by P & T EDA's
(Conduct and Service) Rules, 1964.



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3. The appointment of Shri Bhola Nath Yadav is further subject to ~~satisfaction~~ satisfactory verification of conduct and antecedents by police.

4. Shri Bhola Nath Yadav will have to furnish such security as decided by the Deptt. from time to time.

In case the above conditions are accepted to Shri Bhola Nath Yadav, he should inform the undersigned.

Sd/- Illegible.
3.2.83
(R.K.Yadav)

Copy to:

1. Shri Bhola Nath Yadav s/o Gazidin Yadav village Dhanwasa post office Kamoli birbhanpur, Pratapgarh. He should furnish certificate of good health from Govt. Medical Officer of any Dispensary / Hospital.

2. Post Master, Pratapgarh.
3. The BPM Kamoli Birbhanpur.
4. Mail Ofs. Jethwara.
5. Office copy.



True-Copy

interminable

13

(10)

इन दि आनरेबुल हाईकोर्ट आफ जूडीकेवरसेट इलाहाबाद,

लखनऊ बेन्च, लखनऊ।

.....

रिट पिटीशन नं०-

आप 1983

भातिता नाथ यादव - -

..... पिटीशनर

बनाम

पुनियन आफ इण्डिया आदि - -

.... अपो. पार्टीज

अनैम्जर नम्बर- 2

=====

कार्यालय निरीक्षक डाक्टर कुण्डा, प्रतापगढ़।

ज्ञापन संख्या ए/ कमीती बीर भानपुर / ई.डी.आर, दि० 30.7.83.

अधीक्षक डाक्टर प्रतापगढ़ के पत्रांक एंव-3/बी.डब्लू-0- कमीती-

बीर भानपुर दिनांक- 15.6.83. के अनुपालन में श्री भातिता नाथ यादव ई.डी. आर. कमीती बीर भानपुर की सेवार्य तारत्तकालिक प्रभाव से समाप्त करने का निर्देश दिया जाता है।

चार्ज रिपोर्ट प्रस्तुत की जाये।

ह०/- अपठनीय

30.7.83.

मोहर:- इन्स्पेक्टर आफ पोस्ट आफिसेज
कुण्डा, प्रतापगढ़।

प्रतिलिपि:-

॥ 1॥ मैत ओवरसियर जेठवारा प्रतापगढ़ के जिम्मेदारी पर किसी गांव के आदमी से अस्थायी तौर पर काम लें।

॥ 2॥ श्री भातिता नाथ ई.डी. आर. कमीती बीर भानपुर जेठवारा प्रतापगढ़।

॥ 3॥ डाक्यात प्रतापगढ़

॥ 4॥ -....-अपठनीय.... कमीती बीरभानपुर।

सत्य-प्रतिलिपि।



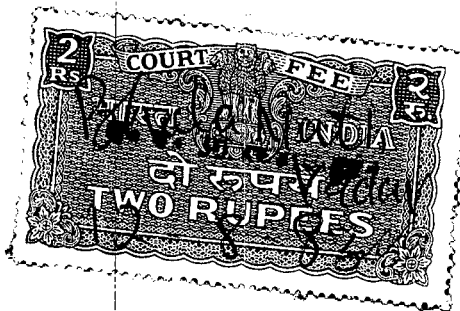
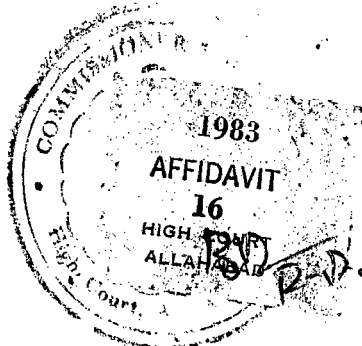
भातिता नाथ यादव

A4
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(11)

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

Writ Petition No. _____ of 1983.



Bhola Nath Yadav

Petitioner

Versus

Union of India and another ..

Opposite Parties.

A F F I D A V I T

I, Bhola Nath Yadav, aged about 24 years,
son of Gazidin Yadav, resident of village Mani Ka
Purwa, post office Kamoli Birbhanpur, tehsil Kunda,
district Pratapgarh, take oath and state as under :

1. That the deponent is the petitioner in
the accompanying writ petition and as such, is well
conversant with the facts of the case.

14/15 (12)

2.

2. That the contents of paras ~~1~~ 1 to 12 of the accompanying writ petition, are true to my personal knowledge.

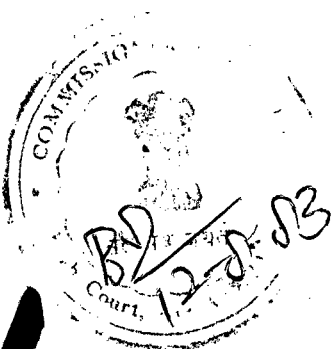
[Signature]

Lucknow: Dated;
August 12, 1983.

Deponent.

Verification

I, the deponent named above, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.



Lucknow: Dated;
August 12, 1983.

[Signature]
Deponent.

I identify the deponent who has signed before me.

M. R. Munir
Advocate.

Solemnly affirmed before me on 12-8-1983 at 9.15 a.m. by the deponent *[Signature]* who has been identified by Sri *[Signature]* clerk to Sri *[Signature]* Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and explained to him.

BM
BVS/mrc

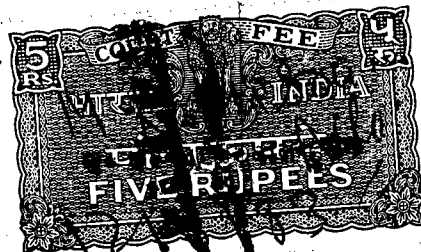
OATH COMMISSIONER	
High Court Allahabad,	
Lucknow Bench.	
No.	390/16
Date	12/8/1983

१५/१६

(13)

Intn Honble High Court Judicature
व अदालत श्रीमान at Allahabad High Court Bench
Lucknow Bench Lucknow

वादी (मुद्दे) का वकालतनामा
प्रतिवादी (मुद्दाजलेह)



१५-१६
१५/१६
वादी (मुद्दे)

Bhulan Nath, Kachh
Union of India, S. S.
Counsel for नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
The Petitioner उपर लिखे मुकद्दमा में अपनी ओर से श्री

Sri M. R. MISRA एडवोकेट महोदय

(Advocate) वकील High Court

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 वसूल करें या सुलहनामा या इकबाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें
या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकस्तानी) का
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)
रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा रबीकार है और होगी मैं यह
भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरो-
कार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा
मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील
पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण
रहे और समय पर काम आवे।

हस्ताक्षर श्रीमान श्रीमान

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

Accepted
M. R. Misra
Adv.

नाम अशिलत	नाम फरीकस्तानी
नं० मुकद्दमा	

15/17

off copy

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. NO.1177 of 1987 (T)
(W.P. NO.4202 of 1983)

Bhola Nath Yadav

.....

Applicant.

Versus

Union of India & Ors

.....

Respondents.

28.2.1990

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

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

Case has been called twice. No body appears for the applicant. The list has been revised. The petition is dismissed for default of the applicant.

Sd/-
A.M.

Sd/-
V.C.

// True Copy //

rm/

checked
1/3

11/2/90

A6
17

3

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

8801

C.M. Application No. (1) of 1983.



14-11-83
m
14963

Bhola Nath Yadav, son of Sri Gazidin Yadav,
resident of village Mari Ka Purwa, Post Office
Kamoli, Birbhanpur, Tehsil Kunda, district
Pratapgarh Applicant.

In re:

4202

Writ Petition No. of 1983.

Bhola Nath Yadav Petitioner
Versus
Union of India and another. Opposite Parties.

STAY APPLICATION

The above noted applicant begs to submit
as follows :-

1. That he has disclosed the entire relevant facts in the accompanying writ petition.

....2

M. R. Min
am

Honible D.N. Tha, J. _
Honible K.S. Varma, J.

Put-up alongwith the
writ petition.

MHS/

12-8-83

2.

Ac
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It is therefore, most respectfully prayed that the Hon'ble Court be pleased to stay the implimentation of the termination order passed by the opposite party no. 3, ^{as commenced by the O.P.2} against the petitioner till the final decision of this writ petition by this Hon'ble Court.

An ad-interim stay order may kindly be passed meanwhile.

Lucknow: Dated;
August 12, 1983.

M. R. Mishra
Advocate,
Counsel for the petitioner.

A 7
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वकालतनामा मन्जूर है ।

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Accepted
Balance
 Power on behalf of
 Petitioner

Order Sheet ~~W.P. 4202-83~~

W.P. 4202-83

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83 Hon D N The,
Hon K S Varma,

learned counsel for the union of
India prays for and is allowed ten days -

list this case on 24th August 1983 is regarded as mission
along with stay application

Sel. D N The
Sel. K S Varma
12-8-83

C.M. An No 8881 (W) 83

12-8-83 Hon D N The,
Hon K S Varma,

Put up along with the W.P.

Sel. D N The
Sel. K S Varma
12-8-83.

13.3.84 Jim [unclear] M An No 8881 (W) 83
for order
Hon K S V 3.

So.
Bench

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

4202

Writ Petition No. _____ of 1983.

Bhola Nath Yadav ..

Petitioner

Versus

Union of India and another ..

Opposite Parties.

I N D E X

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2.	Annexure no.1, true copy of appointment order. date 3.2.83.	8-9,
3.	Annexure no.2, true copy of termination order. date: -30.7.83.	10,
4.	Affidavit	11-12,
5.	Power	

Lucknow: Dated;
August 12, 1983.

M. R. Min
Advocate,
Counsel for the petitioner.

B1
2

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

4202

Writ Petition No. _____ of 1982.

Bhola Nath Yadav, son of Gazi Din Yadav,
resident of village Mami Ka Purwa. Post
Office Kamoli Birbhanpur, tehsil Kunda,
district Pratapgarh .. Petitioner

Versus

1. Union of India, through Director General,
Post and Telegraphs, Delhi.
2. Sri Ram Kewal Yadav, Inspector of Post Offices,
Kunda, district Pratapgarh.
3. *Superintendent of Post Office - Pratapgarh*
.. .. Opposite-Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

The above noted petitioner begs to
submit as follows:-

- Mam*
1. That in the year 1982, a branch post
office was established at village Kamoli Birbhanpur.

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via Jethwara, District Pratapgara under the opposite party no. 1. In this Branch Post Office, one Post Master, One Extra Departmental Delivery Agent and one Extra-Departmental Runner were all appointed afresh to run this branch. The petitioner was appointed as Extra Departmental Runner by the opposite party no. 2 by an appointment order, a true copy of which is filed as Annexure no-1.

2. That in pursuance of this order, the petitioner furnished a security to the satisfaction of the Postal Authorities and thereafter he joined the services in the month of February, 1982 and started his work.

3. That the petitioner had to perform his duty for the distribution of the Mail in his circle and he performed the duty with utmost care and devotion as a result of which, his work had been appreciated by his superior officers as well as by the local public very much, without any complaint till this date, of any sort what so ever.

4. That according to the provision of the Post and Telegraph E.D.A's (Conduct and Service) Rules, 1964 which were made applicable to the petitioners service, the petitioner was entitled as of right to appear in the Departmental Examination of the Post and Telegraph, the ~~xxxx~~ passing of which would have entitled the petitioner for promotion to the permanent post of Mail Peon. The petitioner was entitled to appear in this examination after a continuous service of 3 years. The petitioner had

man

joined this service only on account of this future chance, which he would have availed for getting a permanent job under the opposite party no. 1.

5. That taking advantage of his official position, the opposite party no. 2 on his occasional inspection visits, wanted the petitioner to remain in his attendance to do his personal work, after his office duty, so long as he stayed there, which time sometime extended for three or four days.

6. That after the day work, which was of a very tiring nature, the opposite party no. 2 wanted the petitioner to remain in his attendance in the night as well ^{and use} ~~as~~ use to relieve the petitioner after his clothes were washed by the petitioner and used utensils had been cleaned by him.

7. That even this was not sufficient for him, the opposite party no. 2 wanted the petitioner to spend for his daily necessities of life, like, vegetable, eggs, bottle etc. which the petitioner was quite unable to do on account of ^{his} ~~his~~ very little pay of Rs. 196/- per month and also on account of his poverty and a large family which was dependent on him.

8. That the petitioner tried to satisfy the opposite party no. 2 for a considerable long time, but latter on he felt unable to satisfy him, which annoyed the opposite party no. 2 very much and on account of it, the opposite party no. 2 took up

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in his mind to punish the petitioner for refusing to act according to his wish.

9. That the work of the petitioner had never been found unsatisfactory by the Post Master of this Branch as well as by the members of the public, as such, the opposite party no. 2 could not find any occasion to find fault in the work of the petitioner as such, ^{not the petition} he has removed the petitioner from his post by an order, a true copy of which is filed as Annexure no. 2. ^{which has been commented} _{to the petition by the O.P. 2.}

10. That this order of termination of his service, is not an order of termination but in fact is an order of removal, which has been passed by the opposite party no. 2 for punishing the petitioner, on account of his personal prejudices against him.

11. That in this District of Pratapgarh, several other Extra Departmental Runners have been appointed by the opposite party no. 2 after the appointment of the petitioner and they are all working, their services have not been terminated. The post which the petitioner is holding, is to continue and the opposite party no. 2 will make fresh appointment to it of that person who would be able to please him by money and off duty work. ⁿ The charge of his post ^{has not been taken from the petitioner as he is still holding his post} _{me}

12. That against this arbitrary action of the opposite party no. 2, ¹³ there is no other alternative remedy and as such, this writ petition is being filed on the following :

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a) That the petitioner is holding a post under the opposite party no. 1 over whom, the Post and Telegraph E.D.A's (Conduct and Service), Rules are applicable as such, his services can not be terminated in such an arbitrary manner. The order of termination as such, is most arbitrary and without jurisdiction.

b) That the petitioner was a public servant under the opposite party no. 1 and as such he was not required to serve the opposite party no. 2 in his personal and domestic work. The opposite party no. 2 has in fact removed the petitioner from his employment on an illegal ground in the garb of an order of termination simpliciter, which order as such, is quite illegal.

c) That the petitioner and other Extra Departmental Runners were of the same class of Government Servant and the petitioner has not distinguished himself from others in any way what so ever as such, the removal of the petitioner and the retention of the other juniors was nothing but discriminatory.

d) That the petitioner has served the Government for about one and a half year with utmost devotion and the sense of duty with a hope of completing his three years and then to appear in the Departmental Examination to get a permanent post as Mail Peon, but

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his appointment has been quite illegally terminated by which his future chances of getting a permanent post have gone for ever, spoiling his entire career.

e) That no reasons have been assigned for termination of the services of the petitioner and in fact, there are no valid reasons at all- the order as such being absolutely arbitrary is without jurisdiction.

f) That the services of the petitioner could have been terminated, if his work was found to be unsatisfactory or on account of unsuitability to the post, the termination of the service without any reasons as such, was arbitrary and discriminating.

Under the circumstances, it is most respectfully prayed that the Hon'ble Court be pleased to issue :

- i) a writ in the nature of certiorari quashing the termination order of the petitioner which has been communicated to the petitioner, a true copy of which has been filed as Annexure no.2.
- ii) a writ in the nature of mandamus commanding the opposite parties to treat the petitioner in continuous service entitled to same status as he

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enjoyed before this termination order.

iii) any other writ, direction or order
to which he may be found entitled
with costs of this petition.

Lucknow: Dated;
Aug. 12, 1983.

M. R. Minn
Advocate,
Counsel for the petitioner.

13/9

(8)

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

Writ Petition No. _____ of 1983.

Bhola Nath Yadav

..

Petitioner

Versus

Union of India and another ..

Opposite-Parties.

Annexure no.1

Memo No-A/Kamoli Birbhanpur Dated Pratapgarh 3.2.82.

Shri Bhola Nath Yadav s/o Shri Gazidin
Yadav village Dhanvasa Post Kamoli Birbhanpur, Tehsil
Kunda, Thana Baghrai Distt. Pratapgarh, is hereby
appointed as Extra Depttl. Runner Kamoli Birbhanpur,
purely on temporary basis. Shri Bhola Nath Yadav
will be paid such allowances as admissible from time
to time.

2. The appointment of Shri Bhola Nath Yadav
as Extra Departmental Runner Kamoli Birbhanpur is
of the nature of a contract liable to be terminated
by either side notifying each other. The services
of Bhola Nath Yadav will be governed by P & T EDA's
(Conduct and Service) Rules, 1964.

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3. The appointment of Shri Bhola Nath Yadav is further subject to ~~satisfactory~~ satisfactory verification of conduct and antecedents by police.

4. Shri Bhola Nath Yadav will have to furnish such security as decided by the Deptt. from time to time.

In case the above conditions are accepted to Shri Bhola Nath Yadav, he should inform the undersigned.

Sd/- Illegible.
3.2.83
(R.K.Yadav)

Copy to:

1. Shri Bhola Nath Yadav, s/o Gazidin Yadav village Dhamwasa post office Kamoli Birbhampur, Pratapgarh. He should furnish certificate of good health from Govt. Medical Officer of any Dispensary / Hospital.

- 2. Post Master, Pratapgarh.
- 3. The BPM Kamoli Birbhampur.
- 4. Mail Ofs. Jethwara.
- 5. Office copy.

True-Copy

इन दि आनरेबुल हाईकोर्ट आफ जुडीबेयरेंट इलाहाबाद,

लखनऊ बेंच, लखनऊ।

.....

रिट पिटीशन नं०-

आप 1983

भौता नाथ यादव - -

..... पिटीशनर

बनाम

यूनियन आफ इण्डिया आदि - -

..... अपॉ. पार्टीज

अनंजर नम्बर-

=====

कार्यालय निरीक्षक डाक्टर कुण्डा, प्रतापगढ़।

ज्ञापन संख्या ए/ कमाँती बीर भानपुर / ई.डी.आर. दि० 30.7.83.

अधीक्षक डाक्टर प्रतापगढ़ के पत्रांक एच-3/बी.डब्लू०- कमाँती-

बीर भानपुर दिनांक- 15.6.83. के अनुपातन में श्री भौता नाथ यादव

ई.डी. आर. कमाँती बीर भानपुर की सेवायें तात्कालिक प्रभाव से समाप्त करने का निर्देश दिया जाता है।

चार्ज रिपोर्ट प्रस्तुत की जाये।

ह०/- अपठनीय

30.7.83.

मोहर:- इन्स्पेक्टर आफ पोस्ट आफिसेज
कुण्डा, प्रतापगढ़।

प्रतिलिपि:-

॥ 1॥ मैत ओवरसियर जेठवारा प्रतापगढ़ के जिम्मेदारी पर किसी गांव के आदमी से अस् थायी तौर पर काम लें।

॥ 2॥ श्री भौता नाथ ई.डी. आर. कमाँती बीर भानपुर ॥ जेठवारा ॥ प्रतापगढ़।

॥ 3॥ डाक्यात प्रतापगढ़

॥ 4॥ -.....-अपठनीय.... कमाँती बीरभानपुर।

सत्य-प्रतिलिपि।

Min

B2
12 (11)

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

Writ Petition No. of 1983.

Bhola Nath Yadav .. Petitioner

Versus

Union of India and another .. Opposite Parties.

A F F I D A V I T

I, Bhola Nath Yadav, aged about 24 years,
son of Gazidra Yadav, resident of village Hani Ka
Purwa, post office Kanoli Birbhampur, tehsil Kunda,
district Pratapgarh, take oath and state as under :

1. That the deponent is the petitioner in
the accompanying writ petition and as such, is well
conversant with the facts of the case.

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2. That the contents of paras ~~in~~ 1 to 12 of the accompanying writ petition, are true to my personal knowledge.

Lucknow: Dated;
August 12, 1983.

Sri Mohd. N. M. Yashwanth
Deponent.

Verification

I, the deponent named above, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Lucknow: Dated;
August 12, 1983.

Sri Mohd. N. M. Yashwanth
Deponent.

I identify the deponent who has signed before me.

Sd. M. A. Minni
Advocate.

Solemnly affirmed before me on at a.m./p.m. by the deponent who has been identified by Sri clerk to Sri Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and explained to him.

M. A. Minni

B3/14

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

C.M. Application No. () of 1983.

Bhola Nath Yadav, son of Sri Gazidin Yadav,
resident of village Mani Ka Purwa, Post Office
Kamoli, Birbampur, Tehsil Kunda, district
Pratapgarh Applicant.

In re:

Writ Petition No. of 1983.

Bhola Nath Yadav Petitioner
Versus
Union of India and another. Opposite Parties.

STAY APPLICATION

The above noted applicant begs to submit
as follows :-

1. That he has disclosed the entire relevant facts in the accompanying writ petition.

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It is therefore, most respectfully prayed that the Hon'ble Court be pleased to stay the implementation of the termination order passed by the opposite party no. 2 against the petitioner till the final decision of this writ petition by this Hon'ble Court.

An ad-interim stay order may kindly be passed meanwhile.

Lucknow: Dated;
August 12, 1983.

Advocate,
Counsel for the petitioner.

T.C.
M.A. Min
Min

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-211 001

No. CAT/Alld/JUL/A.No. 1177 of 1987

20/7

~~Bhoja Nath Yadav~~

APPLICANT'S

VERSUS

~~Union of India & others~~

RESPONDENT'S

1. Shri M.R. Misra, Advocate, Lucknow High Court, Lucknow.

2. Chief Standing Counsel, (CG), Lucknow High Court, Lucknow.

Whereas the marginally noted cases has been transferred by Lucknow High Court Under Section the provision of the Administrative Tribunal Act XIII of 1995 and registered in this Tribunal as above.

Writ Petition No. 4232
of 1983.
of the Court of Lucknow High Court
arising out of order
dated
passed by in

The Tribunal has fixed date of 8.11.89 1989. The hearing of the matter at Gandhi Bhavan Lucknow. (Oppr. the need mdrak)
If appears in person on your behalf by your some one duly authorised to Act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this day of 1989.

dinesh/

DEPUTY REGISTRAR