

COURT OF DISTRICT JUDGE, LUCKNOW

(Andrew Senoo), PETITIONER

CIVIL SIDE

ORIGINAL JURISDICTION

WRIT PETITION No. 24 OF 198

UNDER

Section 24

VERSUS

Opposite-Party

Date of filing

Counsel for Petitioner

Counsel for Opposite-Party

Date and result of petition

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

~~B.A./T.A./B.A./C.C.P.~~ / No. 1201-1987

Bhagawan Bar Singh

PART - I

VS.

U.O.I.

1-2

:- 3-6

:- Nil

:- 7-8 on 5-2-1991

:- Nil

orders

ment

L.P.

DR. Registrar

Supervising Officer

(Kulbir Singh)

Dealing Clerk

(A.K. Ravi)

Note :- If any original document is on record - Details.

Nil:

- 1- Index sheets A1 to A3
- 2- index sheets A4 to A6
- 3- Judgement dt 5-2-91 A7 to A8
- 4- Written Petition A9 to A26
- 5- Counter A27
- 6- Supplementary Affidavit A28 to A30
- 7- GA A31 to A47
- 8- stay Application A48 to A49
- 9- A.A. A50 to A77
- 10- Classification Appli. A78 to A85
- 11- High Court A86 to A87

Dealing Clerk

(A.K. Ravi)

Received on 29/2/12

V.K. Mishra

50(5)

GENERAL INDEX

Chapter XLI, Rules 2, 9 and 15

of case

5135-83

Bhagwan Singh v. Union of India

28-9-83

Date of decision

Name of parties Nature and number of	Number of sheets	Court-fee		Date of admis- sion of paper to record	Condition of document	Remarks including date of destruct on of paper, if any
		Number of stamps	Value			
	4	5	6	7	8	9
			Rs. P.			
	1	-				
	1	-				
	20	-	102-00			
	1	-	5 00			
5- Supplying affid.	3	-	2 00			
6- Poulis affid.	17	-	2 00			
7- Cmt. 10946 (w) 83-184	1	-	5 00			
8- Cmt. 3839 (w) 84 with R.D.	31	-	7 00			
9- Cmt. 4026 (w) Q84	4	-	5 00			
11- Cmt. 822	2	-				
12- Buck 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 certificate.

Munsarim
Clerk

ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

TITLE T. A NO 1201 of 1987(T)

NAME OF THE PARTIES _____

B. B. Singh

Applicant

Versus

Union of India

Respondent

Part A, B & C

<u>Sl. No.</u>	<u>Description of documents</u>	<u>PAGE</u>
1	Order sheet	A1 - A2
2	Judgement	A3 - A4
3	Index	A5 - A6
4	Petition	A7 - A13
5	Annexure	A14 - 53
6	Affidavit	A/54 - A/113
7	R. Affidavit	A71 - A115
8	B file copy	B/116 - B151
9	C file copy	C152 - C170

3

4/5

26

Don u.s.T
Don K.N.G.T...

put up tomorrow.

h h

28.9.83

Don u.s.T

Don K.N.G.T-

list in the week

commencing on 24.10.83

In the meantime standing
council for the Central
Government may
obtain instructions.

Meanwhile, operation of the
termination order shall
remained stayed till
the end of October 1983

h h

30-9-83

Regel controlled

30/9/83

41 4

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
15.11.74	No Sitting Adj. to 15.1.90. This case has been received on transfer. As regards by office notice were issued to the parties. Counsel for applicant is present. None is present for the reports. Let a fresh notice be issued to the reports, as directed by Hon. DK Agarwal, J. h 15/11/74	OR Case has been received on 20.11.74 Case is not admitted CH/RA has been filed submitted for order not accepted 26/12/74
15/11/74	Hon J.P. Sharma, JM Applicant is present in person. None is present for the reports. The case is adj. to 9.2.80 h JM	OR Notices were issued on 20.11.74 No material report comes in relation thereto h S.F.A. 10
9.2.90	No Sitting Adj. to 12.4.90 h JM	OR S.F.A. 10
21/4/90	Mohammed Hon. P.S. Habib, AM Hon. J.P. Sharma, JM On the report of the 4c for the applicant, the case is adjourned to 12.7.90 for admission/hearing h JM AM	OR 10

Dinosh

12/7/90 No sitting Adj. to 28/8/90

OR
Submitted for admission
h
24/8

T.A. no. 1201/87
(W.P. no 5135/83)

⑥ $\frac{A}{2} \frac{A}{6}$

3-12-90.

No sitting adj to 20/12/90.

20/12/90

No sitting Adj to 10.7.91.

10.1.91

No sitting Adj to 28.1.91.

28.1.91

No sitting Adj H 5.2.91
J=

being
J. H. M. ✓

OR

LC for the reports.
has filed AP 7/11/91
for dismissal.

CA/RA filed.

S.P.A.

4/2/91

A
7

7

A-3

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH

Registration T.A. No.1201 of 1987
(W.P.No.5135 of 1983)

Bhagwan Bux Singh Petitioner
Versus
Union of India & Others..... Respondents
Hon.Mr.Justice K.Nath, V.C.
Hon.Mr. K.Obayya, Member(A)

(By Hon.Mr.Justice K.Nath,V.C.)

Case called. No one is present on behalf of the applicant. Dr. Dinesh Chandra is present on behalf of the respondents. Misc.P.No.7/91(L) is under consideration for orders. It is stated in the application supported by an Affidavit that all the posts of Wireless Licence Inspectors, like the petitioner, were abolished by the Government with effect from 1.4.1985 and therefore the Writ Petition has become infructuous. Photo copy of a communication dated 27.3.85 from the Asstt. Director General (PE) O/O the D.G.P & T, Delhi is annexed. According to Sl.No.1 thereof all Wireless Licence Inspectors were directed to revert to their basic cadre of Postal Asstt. with effect from 1.4.1985. Dr. Dinesh Chandra also files copy of an order dated 29.3.85 indicating that as a result of abolition of the post of Wireless Licence Inspectors, the applicant was posted as SPM Nighasan vice Shri Shahzadey. This order was further modified by an order dated 1.4.85 whereby the petitioner's posting was changed to be as SPM Sankta Devi instead of SPM Nighasan. Copy of the same has been given to

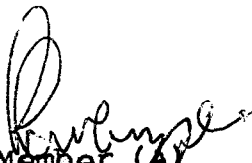
R.

8

A/8
AA

- 2 -

the learned counsel for the applicant on 29.12.90. No rejoinder or objection has been filed. It appears therefore that in consequence of the abolition of the post held by applicant he was given an alternative appointment as SPM Sankta Devi. In this situation, the Writ Petition has become infructuous and is accordingly disposed of as infructuous.


Member (A)


Vice Chairman

Dated the 5th Feb., 1991.

RKM

A.C

7776

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.
Writ Pet. No. 5/35 of 1983.

Bhagwan Bux Singh

-----Petitioner

Versus

Union of India & others.

-----Opp-parties.

I N D E X

SI.No.	Description of papers	Page No.
1.	Writ Petition	1 - 7
2.	Annexure No.1: True copy of the promotion order	8 - 10
3.	" No.2: Photostat copy of the charge-Certificate	11 - 12
4.	" No.3: Photostat copy of the appointment order dt.22.3.82	13 - 15
5.	" No.4: Order dated	16 - 18
6.	Affidavit	19 - 20
7.	Power	21

Lucknow, dated

25/5/83
27

(Avadhesh Kumar)
Advocate.

Counsel for the petitioner.

Group-A.15(a)

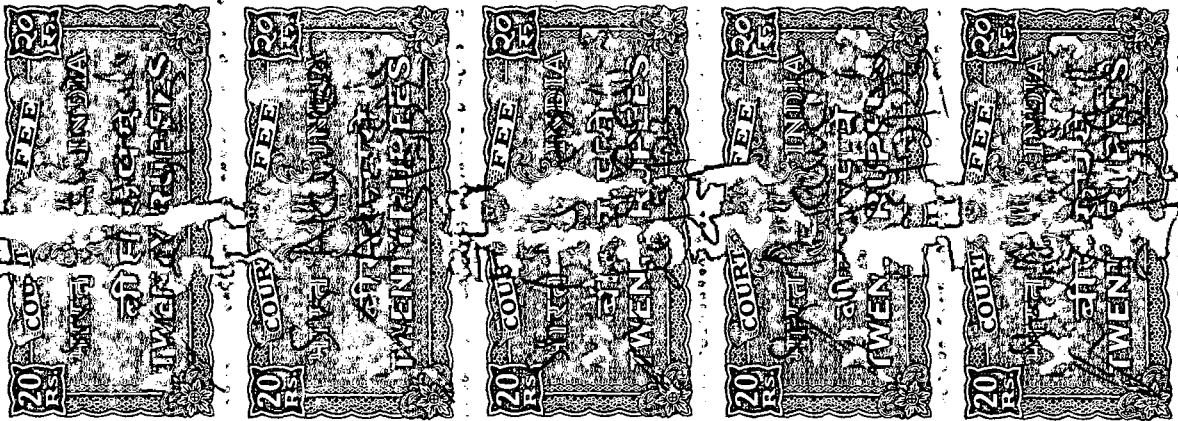
16/89

A 10
2

A 7

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

Writ Pet.No. 5/38 of 1983.



SEF-1084
Ran
27-9-83

12

Bhagwan Bux Singh, aged about 41 years,
s/o Sri Rudan Singh,¹²
Wireless Licence Inspector, Kheri-II
Kheri Division, Distt.Kheri.

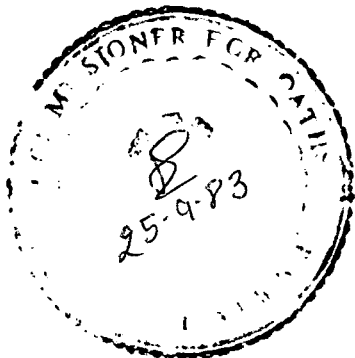
-----Petitioner

Versus

- ✓ 1. Union of India.
- ✓ 2. The Post Master General, U.P., Lucknow.
- ✓ 3. The Supdt. of Post Offices, Kheri Division,
Kheri.
- ✓ 4. The Post Master, Kheri.
- 5. H.N.Shukla, Wireless Licence Inspector,
Kheri-I, Kheri, Division, Distt.Kheri.

-----Opp-parties.

Writ Petition under Article 226 of
the Constitution of India.



order is filed herewith as Annexure No.1 and the photostat copy of charges certificate is filed herewith as Annexure No.2.

5. That thereafter on 10.1.1982, an examination of Wireless Licence Inspector at U.P.Basis was conducted where the petitioner also appeared and as a result of the said examination vide an order dated 22.3.1982, the petitioner was appointed for 4 years on the said post of Wireless Licence Inspector, Kheri-II on officiating basis with a condition that if there had been any service on the said post, the same would be counted. It was also indicated that the appointment was in accordance with the marks obtained in the said examination and the position of the petitioner was at SI.No.13. The said order dated 22.3.82 was communicated to the petitioner on 29.3.1982. The photostat copy of the said appointment order dated 22.3.82 is filed herewith as Annexure No.3.



6. That as the petitioner had joined on the post of Wireless Licence Inspector on 20.6.1981 on ad-hoc basis, therefore as per order dated 22.3.82, his tenure for Wireless Licence Inspector was upto 20.6.1985 in any case.

7. That since his joining on the post of Wireless Licence Inspector, Kheri-II, the petitioner was never communicated with any adverse order or any

warning but suddenly on 24.9.1983, the petitioner was served with the termination order dated 21.9.1983 from the tenure service of Wireless Licence Inspector, Kheri-II with immediate effect and he was ordered to be posted as Postal Asstt. at Kheri Head Quarter. It was directed that H.N.Shukla -opp-party no.5 would hold the joint charge of Wireless Licence Inspector, Kheri-II till further arrangement. A copy of the said order is filed herewith as Annexure No.4.

8. That the service rules of the petitioner's service governs from Wireless Licencing Manual, Post & Telegraph Deptt. Chapter VII of the said Manual deals with Administration of Licensing Scheme. Para XI of Rule 2 of Chapter VII of the said Manual deals with the termination of Tenure of Wireless Inspectors, which is quoted below :-

2(XI) Termination of Tenure of Wireless Inspectors:

The Divisional Supdt. may on the advice of the Assistant Director (W) or independently terminate the tenure of a Wireless Licence Inspector whose performance in terms of the results achieved continues to be poor in spite of warning and reasonable time for improvement."

9. That as per termination of tenure of Wireless Licencing Manual quoted above, the tenure of a Wireless Licence Inspector can be terminated only when his performance in terms of the results

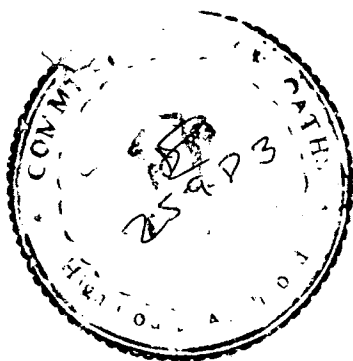


achieved was continued to be poor inspite of the warning reasonable time given but in the petitioner's case, neither any warning for any performance of work was given nor any reasonable time was granted for ever improving the performance if the result with the said performance was poor. The Supdt. of Post Offices, Kheri Div. Kheri, has passed an arbitrary order to terminate the tenure with immediate effect.

10. That the impugned order has violated the Wireless Licencing Manual as well as the principles of natural justice as without affording any opportunity to the petitioner, the tenure of Wireless Licencing Inspector was terminated with immediate effect. Inspite of this, the petitioner would suffer Rs.40/- p.m. as special pay apart from other benefits of the service.

11. That the petitioner is still holding the charge of the said post of Wireless Licence Inspector, Kheri-II, Kheri Division and the charge has not been taken so far.

12. Being aggrieved by the said order dated 21.9.83 (Annexure 4), the petitioner having no other efficacious remedy is filing the present writ petition on the following :-



[Handwritten signature]

G R O U N D S

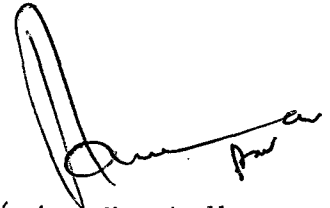
- a) Because the Supdt. of Post Offices (opp-party 3) has violated para XI of Rule-2 of Chapter VII of Wireless Licencing Manual, Post & Telegraph Deptt. as neither any warning for poor performance in achieving the result was ever given to the petitioner nor any reasonable time for such improvement was ever given to him but the termination of the said tenure of Wireless Licence Inspector was made with immediate effect.
- b) Because the opp-party no.3 has committed manifest error of law in violating the principles of natural justice in not affording any opportunity for any improvement for any continuous result of poor performance.
- c) Because the order of opp-party no.3 with immediate effect is arbitrary and illegal and is liable to be quashed.
- d) Because the tenure of the petitioner in any case is till 20.6.1985, and without complying with the terms of Wireless Licence Manual, the tenure can't be terminated before 20.6.85.
- e) Because the opp-party no.3 have committed mistake in not considering that the petitioner would suffer immediately loss of Rs.40/- p.m. with all the other benefits of service in future.

Under the abovesaid circumstances, it is respectfully prayed that a writ, direction or order in the nature of Certiorari be issued quashing the order dated 21.9.83 passed by the Supdt. of Post Offices, Kheri Division, Kheri (Annexure No.4);

A writ, direction or order in the nature of Mandamus be issued directing the opp-parties not to terminate the tenure of Wireless Licence Inspector of the petitioner before 20.6.1985;

Any other suitable writ, direction or order may be issued to which the petitioner is found entitled to.

Lucknow, dated,
25/9/83


(Avadhesh Kumar)
Advocate.
Counsel for the petitioner.

-8-

Shri Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow

Writ Petition No. / 1983

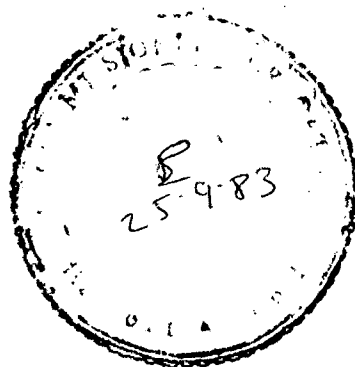
A/19
15

Bhagwan Bux Singh _____ Petitioner

Versus

Union of India and others _____ Opp. parties

Annexure No. 1



- Singh

8/15

INDIAN POSTS AND TELEGRAPH DEPARTMENT.
OFFICE OF THE SUPD. OF POST OFFICES KARAI P. DIST.
Rangoon No. 2/1230/1911
Dated at Rangoon this 4.6.11

1000000

Consequent upon completion of tenure of ~~XXXXXX~~
by Sri G.R. Indav, the following transfer and
posting orders are hereby issued:

1. Sri G.B. Yadav IAS Kharik, on completion of his tenure on 20.6.59 A/N Wd. 12. Jais on official Asstt. D.O. Station against vacant Post.
2. Sri B.B. Singh F/A Kharik HQ to be IAS Kharik vice HQ, purely on temporary and adhoc arrangement. His posting as IAS in subject to be terminated at any time without giving any notice to him. He will be relieved on local arrangements at basic.

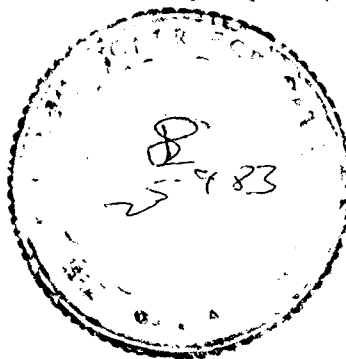
Sri G.R. Natarajan should be relieved by
Sri B.D. Singh on 29.6.01 A/ N. Cargo report
should be submitted to all concerned.

Dept. of Post Office,

WORKING ORDER

Copy to:

- 4-2) Officially confirmed
5-4) P/ P.
5-6) PE Khor/ Sitapur.
7) STOR. Sitapur v/s 00 120 Line No. 5/ AREG/01-02
dt. 20.4.81.
8) O/O.
9) Spars.



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

Writ Pet.No. of 1983.

--

Bhagwan Bux Singh

-----Petitioner

Versus

Union of India & others.

-----Opp-parties.

--

Annexure No.1

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPDT. OF POST OFFICERS KHERI DN. KHERI.

Memo No.2/Argt/WLI

Dated at Kheri the 4.6.81.

--

Consequent upon completion of tenure of WLIship
by Sri G.R.Yadav, the following transfer and
posting orders are hereby issued :-

1. Sri G.R.Yadav WLI Kheri-II, on completion of
his tenure on 20.6.81 A/N will join as office
Asstt. D.O. Sitapur against vacant Post.
2. Sri B.B.Singh P/A Kheri HO to be WLI Kheri-II
vide No.1, purely on temporary and ad-hoc arrangement
His posting as WLI is a subject to be terminated
at any time without giving any notice to him. He
will be relieved on local arrangement basis.

Sri G.P.Yadav should be relieved by Sri B.B.
Singh on 20.6.81 A/M Charge reports should be
submitted to all concerned.

Sd. Illegible.
Supdt. of Post Offices.
Kheri Dn. Kheri.

Copy to :-

- 1-2) Officials concerned.
- 3-4) P/Fs.
- 5-6) PM Kheri/Sitapur.
- 7) STOs. Sitapur. w/r to his Name No.B/Arrgt/81-82.
dt. 20.4.81.
- 8) O/O
- 9) Spare.

Trace-copy.



- In -



In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow. 11/17/83

Writ Petition No. / 1983

Bhagwan Bux Singh _____ Petitioner

Versus

Union of India and others _____ opp. parties

Annexure No. 2

भारतीय डाक-तार विभाग
A.C. INDIAN POSTS AND TELEGRAPHS
DEPARTMENT
(सेल नं. 267, डाक-तार विभाग पुलिसका एण्ड 1)
(दिल्ली दफ्तर)

See Rule 267, Posts and Telegraphs Financial Handbook,
Volume 1) (Second Edition)

चार्ज की बदली पर चार्ज रिपोर्ट और नकली और मोहरों
की रकम

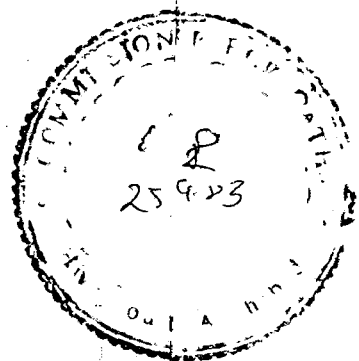
Charge Report and Receipt for cash and stamps on transfer
of charge

हस्ताक्षर किया जाता है कि W. L. Ship
Certified that the charge of the office of
चार्ज _____ (स्थान) है

was taken over by (Name) G. R. Singh
(स्थान) B. B. Singh (स्थान) Khan
to (Name)

20/6/83

नकल (Copy) _____
Stos K. S. Mehta / Am / 12/6/83
from _____
भारतीय डाक-तार विभाग
Relieving Officer
(हस्ताक्षर पत्र उलटिये)
(P. T. O.)



Shri

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

Writ Pet.No. -- of 1983.

Bhagwan Bux Singh

-----Petitioner

Vs.

Union of India & others.

----Opp-parties.

Annexure No.2

Indian Post & Telegraphs Deptt.

(See Rule 267, Posts & Telegraphs Financial
Handbook, Volume 1) (Second Edition)

Charge Report & Receipt for cash & stamps on
transfer of charge.

Certified that the charge of the Office of
WLship-II
was (sic) by (name) G.R.Yadav.

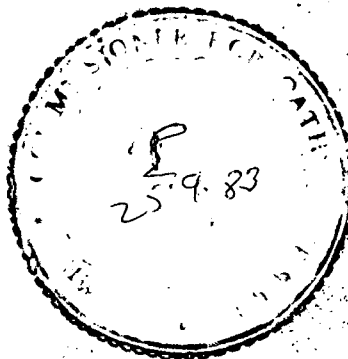
B.B.Singh (Place) Kheri.
Dt: 20.6.81

S.P.Os.Kheri M.B./Arnt/WI/R.4981

Sd. Illegible.
20.6.81

Sd. Illegible.
20.6.81

True-copy.



- 11 -

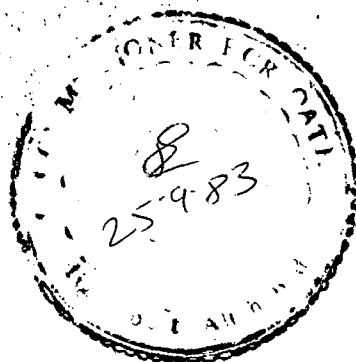
-13-

21st Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow. A/9 ^A/₁₄

Writ Petition No. / 1983

Bhagwan Bux Singh _____ Petitioner
versus
Union of Indira and others _____ Opp parties

Annexure No. 3



- [Signature]

11/21
A/21

इन दि आनरेबुल हाई कोर्ट आफ जजिकेवर एट इलाहाबाद,
लखनऊ बेन्च, लखनऊ ।

रिट पिटीशन नं० आफ 1983.

भवान बक्स सिंह

-----पिटीशनर,

वर्सेस

यूनियन आफ इंडिया एण्ड अदर्स

-----अपो-पार्टीज,

अनेक्जर नं०- 3

प्रतिलिपि डाक महाध्यक्ष उ०प्र० परिमण्डल, लखनऊ

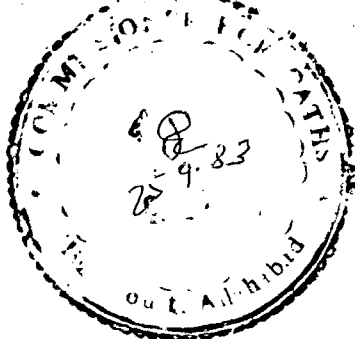
पत्र संख्या सा०नि०भ०/गोप०भ०/जी-40/80 दि० 22-3-82

दिनांक 10-1-82 को हुई बेतार लाइसेंस निरीक्षक परीक्षा के परिणामस्वरूप निम्नलिखित डाक सहायक वर्ग के कर्मचारियों का चयन अपने प्रमुख/मुख्य डाकघर में 1981 के रिक्त पदों पर चार वर्ष के लिए स्थापना पत्र सेवा काल यदि कोई है भी द्वारा चार वर्ष की सीमा में शामिल किया जाएगा। बेतार लाइसेंस निरीक्षक के पद पर लगाए जाने के लिए किया गया है । नामों का क्रम प्रमुख/मुख्य डाकघर में प्राप्त अंशों के आधार पर निश्चित किया गया है वे रिक्त पदों की सीमा में ही हैं ।

क्रम सं०	रोल नं०	नाम	छात्र
13	यू०पी०172	श्री भवान बक्स सिंह	खीरी

पत्रांक बी०/परीक्षा/बेतारलाइसेंस निरीक्षक/81582 दिनांक 29-3-82
प्रतिलिपि प्रेषित-

- 1- कर्मचारी को सूचनार्थ
- 2- निजी पत्रावली
- 3- डाकपाल खीरी को सूचनार्थ एवं आवश्यक कार्यवाही हेतु



ह०/-

अधीक्षक डाक विभाग खीरी
कृते सुपरिन्टेन्डेंट आफ पोस्ट
आफिस
पिन 262701

सत्य प्रतिलिपि

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

Writ Petition No.

/1983 ^A/₂₂
A/22

Bhagwan Box Singh _____ Petitioner

Versus

Union of Sufia and others _____ Opp. parties

Annexure No. 4



[Signature]

Indian Posts & Telegraphs Department

Office of the Supdt. of Postoffices, Kheri Division, Kheri.

Memo No. B/Arrgt/WLI

Dated at Kheri the 21.9.83

~~SECRET~~

Shri B.B.Singh WLI Kheri-II is hereby ordered to be posted as Postal Asstt.Kheri H.O. terminating the tenure of W.L.I. with immediate effect.

Bhri H.N. Shukla , W.L.I. Kheri-I will hold the joint charge of W.L.I.Kheri-II till further arrangements.

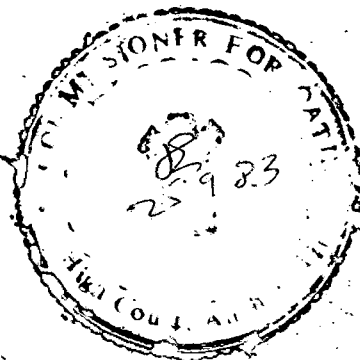
Charge report be submitted.

Supdt. of Postoffices,
Kheri Division,
Kheri

REGISTERED

Copy to:-

- 1) Sri B.B.Singh, WLI Kheri-II.
- 2) Sri H.N. Shukla, WLI Kheri-I.
- 3) Postmaster Kheri.



A/24
Su

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

Writ Pet.No. of 1983.

Bhagwan Bux Singh

-----Petitioner

Vs.

Union of India & others.

-----Opp-parties.

Annexure No.4

Indian Posts & Telegraphs Department.
Office of the Supdt. of Post Offices, Kheri Dn. Kheri

Memo No.B/Arrgt/WLI

Dated at Kheri the 21.9.83.

Shri B.B.Singh WLI Kheri-II is hereby ordered
to be posted as Postal Asstt.Kheri H.O. terminating
the tenure of W.L.I. with immediate effect.

Sri H.N.Shukla, W.L.I. Kheri-I, will hold the
joint charge of W.L.I. Kheri-II till further
arrangements.

Charge report be submitted.

Sd. Illegible.
Supdt. of Post Offices,
Kheri Dn. Kheri.

Registered:

Copy to :

1. Sri B.B.Singh, WLI Kheri-II.
2. Sri H.N.Shukla, WLI Kheri-I.
3. Postmaster Kheri.

True-copy.

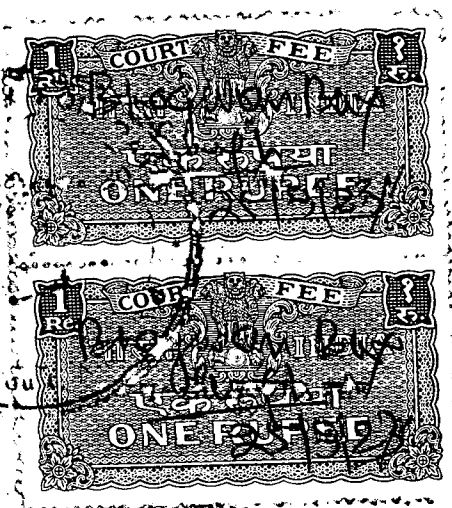


[Handwritten signature]

A/25
A/25

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

1983
AFFIDAVIT
64/242
HIGH COURT
ALLAHABAD



Affidavit

In re:

Writ Petition under Article 226 of
the Constitution of India.

Bhagwan Bux Singh

-----Petitioner

Versus

Union of India & others.

-----Opp-parties.

I, ~~the~~ Bhagwan Bux Singh, aged about 41 years,
s/o Sri Rudan Singh,
Wireless Licence Inspector, Kheri-II, Kheri Division
Distt. Kheri, do hereby solemnly affirm as under:-

1. That the deponent is petitioner and as
such he is well conversant with the facts
of the case.

2. That the contents of paras ^E 1 to 8 & 11 ^E
are true to my own knowledge and those of
paras ^E 9, 10 and 12 ^B are believed
be me to be true on legal advice and no
part of it is false.

Lucknow, dated, 25 Sept

Deponent.



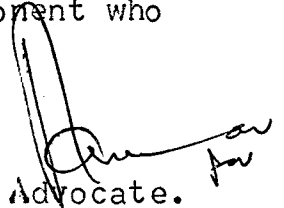
Verification

I, the deponent abovenamed do hereby
verify that the contents of paras 1 and 2
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.

Lucknow, dated, 25th 9.83


Deponent.

I identify the deponent who
has signed before me.


Advocate.



Solemnly affirmed before me on 25th 9.83
at 9 a.m./p.m. by the deponent Bhagwan Bux Singh
who is identified by Sri Pradip Kumar
Advocate High Court at Lucknow.

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

Ravi Swastava
OATH COMMISSIONER
High Court at Lucknow Bench,

No. 64/392
Dts. 25.9.83

in the village of Jhikar, District of Allahabad,
 District of Allahabad.

of the

of the

Shri Ram Singh, aged about 4 years,

son of Radan Singh

Inspector, District of Allahabad, District of Allahabad,

District of Allahabad, District of Allahabad.

Collection

Verdict

1. Union of India.

2. The District of Allahabad, District of Allahabad.

3. The District of Allahabad, District of Allahabad,
 District of Allahabad.

4. The District of Allahabad, District of Allahabad.

5. The District of Allahabad, District of Allahabad,
 District of Allahabad, District of Allahabad.

Propositions.

of 20

2. The Committee is of the opinion that the above information is not sufficient to justify the issuance of a subpoena to the above-named persons.

[illegible]

1. The first group of persons is composed of persons who are not members of the Communist Party, but who are active in the work of the Party. These persons are known as "active non-members" and are usually found in the ranks of the Party's youth organizations, women's organizations, and other auxiliary organizations. They are usually persons who are active in the work of the Party, but who are not members of the Party.

[illegible]

The [redacted] of [redacted] of [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted] [redacted]
[redacted] [redacted] [redacted] [redacted] [redacted] [redacted]

A 21

-2-

achieved was confined to the poor inspection of the quality of work given but in the petitioner's case, neither any warning nor any performance of work was given nor any chance while time was granted for ever improving the performance of the result with the said performance was poor. The Insp. of Post Offices, Madras Div. Madras, has passed an arbitrary order to terminate the tenure with immediate effect.

10. That the aforesaid order has violated the Article 14 of the Constitution as well as the principles of natural justice as without offering any opportunity to the petitioner, the tenure of Assistant Inspector has been terminated with immediate effect. In spite of this, the petitioner would suffer Rs 40/- per month as special pay apart from other benefits of the service.

11. That the petitioner is still holding the charge of the said post of Assistant Inspector, Madras Div. Madras Division and the charge has not been taken over yet.

12. Being aggrieved by the said order dated 10.12.1954 (Annexure 2), the petitioner having no other effective remedy to follow, the petitioner's petition on the following :-

4/32

Under the above said circumstances, it is respectfully prayed that a writ, direction or order in the nature of Certiorari be issued quashing the order dated 21.9.53 passed by the Commr. of Port Offices, Local Division, Madras (Annexure No.4);

A writ, direction or order in the nature of Mandamus be issued directing the respondents and to terminate the tenure of Madan Lal Dasgupta of the petitioner before 20.6.1953;

Any other suitable writ, direction or order may be issued to which the petitioner is found entitled to.

Witness my hand,
23/9/53

(Avadhoot Kumar)
Advocate.
Counsel for the petitioner.

8/33

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Shri 1st part

Shri 1st part

0134

In the United States House of Representatives at Washington,
District of Columbia.

July 10, 1900.

Mr. Speaker

Dear Sir

Very

Respectfully

Yours

Very truly

Wm. H. Taft

(See also 237, Report of the Committee on Finance
and Currency, Volume 1) (Second Session)

Charge Report & Receipt for each stamp on
transaction of charge.

Notified that the charge of the Office of
the Secretary
was made by (name) G. H. Venable.

W. H. Taft

(Place) Here.

No. 22,000

G. H. Venable, Secy. / Asst. / 12,000

No. 22,000
22,000

No. 22,000
22,000

True copy.

જા વિ બાલેશુભાઈ વર્ગ ને. ૧૦૦ ફિટીંગ એડ જાણવાવાદ,
તમને ને. ૧૦૦૦ ।

14-00000 70 JTS-1000

REPORT AND INFO

—पिङ्गितम्—

—

पुन्येन कुरु उचिता रण उदरं

—८१०—

LA 44-10-2

प्रतिनिधि निम्नलिखित प्राप्ति 30.10 ई.स. 1953

७. संलग्न फोटो नं०, कोषावली/सी-४०/ ० दि० २२-३-८२

1. 19-1-82 को सुप्रीम कोर्ट ने निर्णय दिया

ॐ नमो भगवते वासुदेवाय । नमः ॥ ७७३ ॥ (नमः) ॥ ॐ नमो भगवते वासुदेवाय ।

काल के अन्तर्गत १९५१-५२ में १९५१ के विप्लवों पर गहर

第 10 号

जो सत्य है वह न भ्रम है न आध्यात्मिक और आध्यात्मिक भिन्न है पद

पर प्रकाश करने के लिए ही आ गया है। नाचों का यह प्रकाश/बुझ

एतत् त्वं ज्ञानं भवेत् ते अस्माकं च 'सर्वज्ञानं' नाम मया धी ते

[illegible]

100 100 100 100

13 30710172 श्री भगवान ज्ञान सिंह जी

क्रमांक: १०४/१९८२ दिनांक: २९-३-८२

पुस्तिका संख्या-

1- प्रकार की श्रम

2-1916-100
50-1786-100

3- आचार्य, डॉ. ने भूमिगत एवं प्राच्य तन्त्रिकी के

404

[illegible]

॥ श्रीगणेशाय नमः ॥

दिन 202701

॥ श्री गणेशाय नमः ॥

8/26

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.
1st Dec. 1903. of 1903.

Chagun Das Singh

Collector

vs.

Union of India & others.

Appellants.

Memorandum

India Office & Telegraphic Department.
Office of the Secy. of Post Offices, Allahabad.
No. 1/100/11
Dated at Allahabad the 21.9.03.

That D. D. Singh (113) Allahabad is hereby ordered
to be posted as Postal Asstt. Allahabad, commencing
the tenure of 1.1.04. with immediate effect.

And Mr. Singh, Allahabad, will hold the
joint charge of 1.1.04. Allahabad till further
arrangements.

Large report to be submitted.

Sd. Aliyabdo.
Secy. of Post Offices,
Allahabad, Allahabad.

Registered

Copy to

1. Mr. D. D. Singh, Allahabad.
2. Mr. A. D. Singh, Allahabad.
3. Postmaster Allahabad.

Three copies.

8/3/17

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

ASSAGUAT
2/12/17
In 801

Joint Petition under Article 226 of
the Constitution of India.

Shayram San Singh

-----Petitioner

Verdus

Union of India & others.

-----Opp-parties.

I, the Shayram San Singh, aged about 41 years,
do hereby Radan Singh

Assistant District Inspector, District-II, Khorla Division
Orissa, do hereby solemnly affirm as under:-

1. That the deponent is petitioner and as
such he is well conversant with the facts
of the case.

2. That the contents of paras
are true to my own knowledge and those of
paras are believed
to be so to be true on legal advice and no
part of it is false.

Lucknow, dated,
25/9/83

Deponent.

4/9

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफर्रिक) प्रार्थना - पत्र संख्या सन १९ ई०

W.P. No 5135 सन १९८३ ई० में

Bhagwan Box Singh प्राथी

Union of India and others प्रत्याथी

H.N. Shukla, wifeless license suspender

Khesai I, Khesai Division

D.S.H. Khesai (P.O.)

प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के नाम देलिये प्रार्थना-पत्र

दिया है अतः आपको आदेश दिया जाता है कि आप दिनांक 26 10 माह सन १९८३

को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमावली के अनुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपको अनुपस्थित में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह सन १९ को जारी किया गया।

Ar. Adhesh Kumar के एडवोकेट
Advocate

तिथि

हिन्दी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम १ के अधीन प्राप्त तलवामा मिल गया।

नकवाना प्राप्त करने वाले नकल के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १६ ई०

W.P.No 5135 सं० / सन १९८३ ई० में

_____ Bhagwan Bax Singh _____ प्राथी

_____ Union of India ^{प्रति} and others _____ प्रत्याथी

H.M. Sunka, were less licence inspection

Kherai I, Kherai Division

DISH Kherai (U.P.)

प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के नाम देलिये प्रार्थना-पत्र

दिया है अतः आपको आदेश दिया जाता है कि आप दिनांक माह सन १६ को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थित में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह सन १६ को जारी किया गया।

Adv. Adhesh Kumar
Advocate के एडवोकेट

तिथि

हिस्ट्री रजिस्ट्रार
इलाहाबाद/लखनऊ

—इस न्यायालय की १९५२ की नियमावली के अध्याय ३० नियम २ के अधीन प्राप्त किया गया।

नकवान: प्राप्त करने वाले क्लर्क के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १६ ई०

W.P. No 5135

१०

सन १६८३ ई० में

Bagwan Bux Singh

प्राथी

Union of ^{प्रति} Shikhs and others

प्रत्याथी

H.N. Shukla, workers licence Inspector

Khera I, Khera Division

MISH Khera (U.P.)

प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

..... के नाम के लिये प्रार्थना-पत्र

दिया है अतः अफवाओ आदेश दिया जाता है कि आप दिनांक माह सन १६ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशी और दिन होगी।

निर्दिष्ट हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह सन १६ को जारी किया गया।

Aavdresh Kumar

के एडवोकेट

Advocate

तिथि

हिफ्ती रजिस्टार

इलाहाबाद/लखनऊ

इस न्यायालय की १६५१ की नियमावली के अध्याय ३७ नियम १ के अधीन प्राप्त गया।

नकवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

1/12

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १६ ई०

W.P.No / 5135 सन १६८३ ई० में

_____ Bhagwan Bux Singh _____ प्राथी

_____ Union of India and others _____ प्रत्याथी

H.N. Shukla, wireless licence Inspector

Khesi, Khesi Division

DSH (U.P.)

प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के नाम देलिये प्रार्थना-पत्र

दिया है अतः आपको आदेश दिया जाता है कि आप दिनांक माह सन १६. को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह सन १६ को जारी किया गया।

S. Aradhesh Kumar
Advocate के एडवोकेट

तिथि

हिफ्ती रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५१ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त स्वामा मिल गया।

नकलाना: प्राप्त करने वाले क्लर्क के हस्ताक्षर

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SECRET

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44-38861-100

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and was confirmed to be from the place
of the other's departure from the house in
the afternoon of the day, without any warning,
the only possibility of such a thing was the
removal of the car from the street during the
night, into the house with a car parked in the
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The car was parked in the house, only to be taken
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132

Under the covered circumstances, it is respectfully prayed that a writ, direction or order in the nature of certiorari be issued. Under the order dated 27.1.62 issued by the H.C. at Port of Spain, dated 17.1.62, dated 17.1.62, dated 17.1.62.

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any other suitable work, direction or order may be issued to such the person in charge thereof.

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Forward to the USA, 1962

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IN THE MATTER OF THE ESTATE OF [Name] deceased

of the County of [County] State of [State]

Know all men by these presents

that I, [Name], of the County of [County] State of [State]

do hereby certify

that the within and foregoing is a true and correct copy

of the original as the same appears from the records

of the County of [County] State of [State]

Witness my hand and the seal of the County of [County] State of [State]

this [Date] day of [Month] 19[Year]

at [City] [State]

Notary Public in and for the State of [State]

My Comm. Expires [Date]

(Seal) [Name]

Notary Public

My Comm. Expires [Date]

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 କେବଳ ମୋର ଶରୀର ।

पञ्चमः पञ्चमः

SECRET



श्री गुरुभ्यो नमः

10-77-513

— 200 —

44-38861-5

पुर्वी दिग्गज मण्डप ३०३० श्री लक्ष्मण, राजा

॥ श्रीगणेशाय नमः ॥

1. दिनांक 10-1-82 अं पूर्ण वेतन प्राप्त होने तक पत्र जारी

३. निम्नलिखित विषयों पर विचार करो और अपने उत्तर लिखो।

पञ्चम अक्टोबर १९०३ ई. में १९०१ के रिजल्ट यहाँ पर जारी

पद के लिए आवश्यकता पत्र भेजा जा रहा है।

जी (निम्न) में पायिका विषय कायदा के अन्तर्गत निम्नलिखित है पर

पर माप करने के लिए किया गया है । नामों का इस प्रकार व्यव

उत्तर में प्रश्न करेंगे कि वास्तव में यह किन्हीं के द्वारा किया गया है।

मैं तो यहाँ ही जीना में हूँ ।

क्र.सं.	पान सं.	नाम	कार्य
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13 2040172 ११ अक्षय कुमार मिश्र तिरु

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10. प्रकारों के प्रकार

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3- गंगा: होती है सुनार्य एवं काच: गरीयणी वि०

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कोटा न. विद्यापीठ

॥ श्रीगणेशाय नमः ॥

Page 202708

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and the signature under Article 123 of
the Constitution of India.

Signature of the witness

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Witness

Signature of the witness

Signature

1. The witness is a man, aged about 41 years,
of the name of Radam Singh

and is a member of the family of the witness,
which is not, however, a family of the witness.

2. That the signature of the witness and the
signature of the witness are the same as the
signature of the witness.

3. That the contents of pages 1 to 2 and 11
are true to the best of the witness's knowledge and belief of
the 3, 10 and 12 are correct.
4. That the contents of pages 1 to 2 and 11
are true to the best of the witness's knowledge and belief of
the 3, 10 and 12 are correct.

25/9/23

In witness

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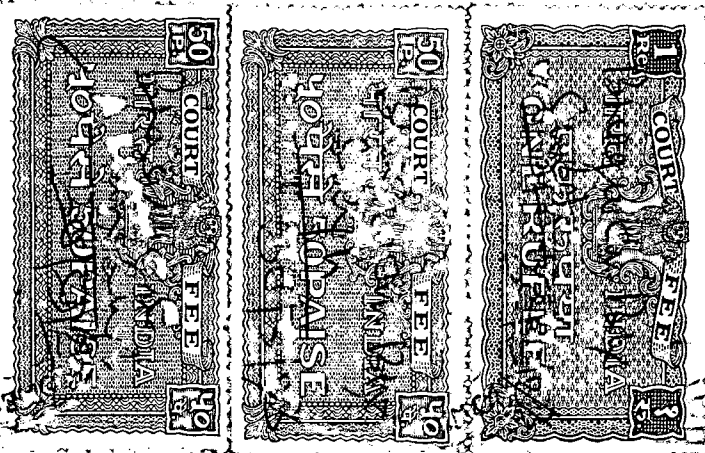
to the United States, and a number of persons

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A/3A S 1/28

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

1983
AFFIDAVIT
81/102
HIGH COURT
ALLAHABAD



Supplementary Affidavit.

In re:

Writ Pet. No. 5/28 of 1983.

Shagwan Dux Singh, aged about 41 years,
s/o Sri Rudan Singh, Wireless Licence
Inspector, Kheri-II, Kheri Division, District
Kheri.

-----Petitioner.

Versus

1. Union of India.
2. The Post Master General, U.P., Lucknow.
3. The Supdt. of Post Offices, Kheri Division,
Kheri.
4. The Post Master, Kheri.
5. H.W. Shukla, Wireless Licence Inspector,
Kheri I, Kheri Division, District Kheri.

-----Opp-parties.



I, Shagwan Dux Singh, aged about 41 years,
son of Sri Rudan Singh, Wireless Licence Inspector,
Kheri II, Kheri Division, District Kheri, do hereby
solemnly affirm as under:-

- [Signature] -

1. That the deponent is petitioner himself and as such he is conversant with the facts of the case.

2. That the opposite-party no.5- Sri H.N.Sankla, Wireless Licence Inspector, Kheri I, to whom the charge is directed to be given is junior to the petitioner and he is also not approved on the said post of Wireless Licence Inspector while the petitioner is ~~is~~ approved on the said post. The service record of the petitioner is better than the opposite-party no. 5 in all respects.

3. That the present post of the Wireless Licence Inspector Kheri II, is still existing and the same has not been ordered to be abolished even.

4. That the opposite-parties 1 to 4 have violated the principles of natural justice in retaining the junior to the petitioner on the said post and terminated the petitioner without affording him any opportunity or warning as per para XI, Rule 2 of Chapter VII of Wireless Licence Manual Post and Telegraph Department.

Lucknow, date,
30.9.83

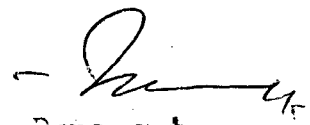
Deponent.

I, the deponent above named verify

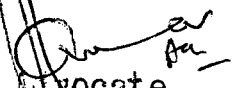
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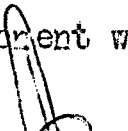
that the contents of paras 1 to 3 of
this affidavit are true to my own
knowledge and those of para 4 are verified
on legal advice and believe to be true and
no part of it is false and nothing material
has been concealed to help me God.

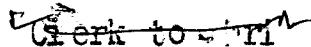
Lucknow, dated,
30.9.83


Deponent.

I identify the deponent who has
signed before me.


Advocate.

Solemnly affirmed before me on 30.9.83
at 9.30 A.M. by Shagwan Bux 
the deponent who is identified by
Shri Avadhesh KUMAR.


Clerk to 

Advocate High Court Allahabad.

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.


OATH COMMISSIONER
High Court, Allahabad
District Bench

30-9-1983
30-9-1983

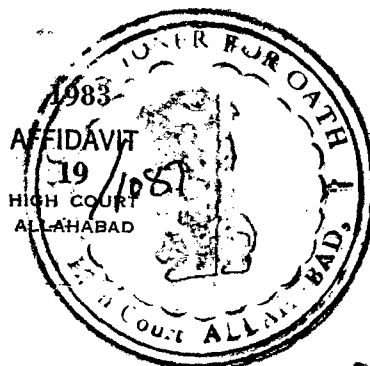
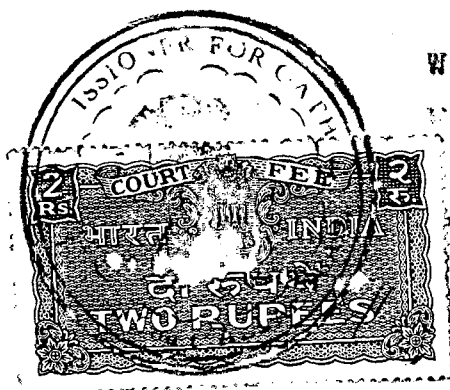


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#56 6/23

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

Writ Petition no. 5135 of 1983.



Bhagwan Bux Singh

... Petitioner.

versus

Union of India and others Opposite parties.

COUNTER AFFIDAVIT ON BEHALF OF THE OPPOSITE PARTIES NOS.

1 TO 4

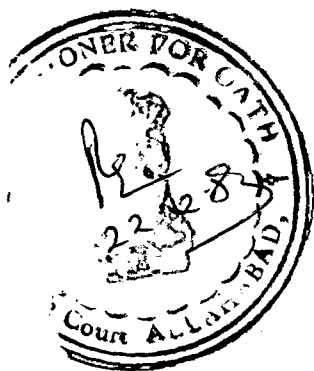
I, J.N. Srivastava, aged about 51 years, son of Late Shri Jagdish Prasad, resident of _____ Lakhimpur Kheri, do hereby solemnly affirm and state as under:-

1- That the deponent is the Superintendent of Post Offices, Lakhimpur Kheri Division, Lakhimpur Kheri and he is competent to affirm this Counter Affidavit on behalf of the opposite parties nos. 1 to 4.

2- That the deponent has read and understood the contents of this Writ Petition and he is well acquainted with the facts of the case, deposed hereinafter.

3- That the contents of para 1 of the Writ Petition are not denied.

...2/



Done by law

4- That the contents of Para 2 of the Writ Petition are admitted to the extent that the Petitioner joined as Postal Assistant at Sitapur Head Post Office on 3.3.1964. But his version that since then he has been working satisfactorily is not correct, as he was awarded with the following punishment orders:-

- i) Stoppage of increment for a period of two months vide SPOs Sitapur Memo No. LM-585/65-66 Dt. 19.6.66.
- ii) Recovery of Rs.60/- vide SPOs Sitapur Memo No. F-13/67-68 dated 6.11.1969.
- iii) Stoppage of increment for one year vide SPOs Sitapur Memo No.1/SB-55/73-74 dated 3.1.74.

This all goes to show that the past services of the Petitioner were not found unblimished.

5- That in reply to the contents of Para 3 of the Writ Petition, it is stated that it is not correct to say that no complaints were recieved against the Petitioner. But the fact is that several public complaints were recieved against the Petitioner in which he was found working beyond his authority arbitrarily and he was reprimanded by the Superior Officers at spot verbally.

6- That the contents of Para 4 of the Writ Petition as stated, are denied. The Petitioner was "posted" and not "appointed" as Wireless License Inspector, Kheri-II on adhoc basis and he took charge of the post on 20.6.81.



Shw asla

Special pay @ Rs.40/- p.m. was granted to him. It is incorrect to mention that the order of Superintendent of Post Offices, Kheri dated 4.6.1981 is a promotion order.

7- That the contents of Para 5 of the Writ Petition are admitted to the extent that on 10.1.1982 an examination for selection of candidates for posting as Wireless License Inspectors in U.P. Circle was conducted and the Petitioner was also selected for the appointment as Wireless License Inspector as a result of the said Examination. The Memo dated 22.3.1982, which is Annexure No.3 of the Writ Petition, only notifies that the Petitioner was declared selected for being posted as Wireless License Inspector. But the said Memo dated 22.3.1982 is misconstrued as an order of -That appointment for 4 years. The adhoc posting order dated 4.6.61, which is Annexure no.1 of the Writ Petition, is not superseded by the Memo dated 22.3.1982, which is the consequence of his qualifying in the examination and selection. A separate order confirming the initial posting after satisfying certain norms is required to be issued, which has not so far been done and as such the conditions stipulated in the Memo dated 4.6.1981 still remain applicable in the case of the Petitioner.



Dorwastu

8- That in reply to the contents of Para 6 of the Writ Petition it is stated that the Petitioner was posted on adhoc measure as Wireless Licence Inspector Kheri II on 20.6.1981 and his tenure as Wireless Licence Inspector Kheri II in the normal course would have been completed on 20.6.1985. But

159 ✓
17/34

-4-

the initial adhoc posting order has not been confirmed and under the process of Law, he has been posted back to his substantive appointment. His continuation on the post of Wireless Licence Inspector Khari II till 20.6.1985 is not mandatory.

9- That in reply to the contents of Para 7 of the writ Petition, it is stated that during a period of about two years the Petitioner was not found to have worked in conformity with the Departmental Rules generally exceeding his authority in a number of cases violating the norms of his service which generated public resentment against his style of functioning as it is evident from a number of allegations made by the public against him during the visits of higher authorities to Khari in connection with enquiries and inspections. The continuance of the Petitioner as Wireless Licence Inspector was not found to be administratively expedient. He was, therefore, posted back to his substantive post as Postal Assistant. This administrative action does not constitute a punitive measure and the benefits to which he is entitled as Postal Assistant have not been curtailed or removed. Moreover, during the course of preliminary enquiry against the Petitioner regarding complaint received from Shri D.P. Rai, Sachiv, Bhartiya Nagrik Adhikar Suraksha Parishad, Gola Road, Lakhimpur Khari vide his No. 3- Prakaran/Bhrashtachar/Betar /Khari/83 dated May 11/16 1983 the Petitioner was allowed to show cause against the allegations, irregular and illegal way of working. Then his written statement was recorded on 17.7.1983. In his written statement the Petitioner has admitted that he had filed three



Dr. K. Anand

cases in the court for prosecution against the evaders of Broadcasting Receiver Licences without obtaining approval from the Assistant Director (Wireless) U.P. Circle, Lucknow which was required under Rule 36 of Wireless Licencing Manual (Chapter VIII). He has also admitted that he had either withdrawn or compounded or compromised so many cases without having obtained approval from Assistant Director (Wireless) U.P. Circle Lucknow during the course of pendency of the prosecution cases in the court and realised less revenue than it was demanded by him at the time of launching these cases in the court and this is against the relevant rules. A Photostat copy of the aforesaid letter dated May 11/16 - 1983 containing allegations against the Petitioner is filed herewith as Annexure No. C-I to this Counter Affidavit, whereas a Photostat copy of the Petitioner's statement recorded on 17.7.1983 is filed herewith as Annexure No. C-2 to this Counter Affidavit.



10- That in reply to the contents of Paras 8 & 9 of the Writ Petition, it is stated that as already explained in Para 9 above of this Counter Affidavit, the work of the Petitioner as Wireless Licencing Inspector was found unsatisfactory. The Petitioner was asked to show cause against the allegations as contained in letter dated May 11/16 - 1983 from Sachiv ~~1983~~ from Sachiv, Bhartiya Nagrik Adhikar Suraksha Parishad, Gola Road, Lakhimpur Kheri. Accordingly, a reply was given by the Petitioner through his statement recorded before Assistant Director (Wireless) U.P. Circle, Lucknow, Shri A.R. Sundaram on

S. H. Aslam

17.7.1983. Thereafter letter No. BRL/M-89/Kheri/83/5 dated 20.7.1983 was addressed to the Petitioner by the Assistant Director (Wireless) calling upon the Petitioner to furnish information regarding the illegal conducting of the prosecution cases on behalf of the Department. A reply to the aforesaid letter was given by the Petitioner to the Assistant Director (Wireless) Shri A.R. Sundrani. A Photostat copy of the letter No. BRL/M-89/Kheri/83/5 dated. 20.7.1983 addressed to the Petitioner by the Assistant Director (Wireless) is filed herewith as Annexure C-3 to this Counter Affidavit. A letter containing information regarding the prosecution cases in which the Petitioner committed illegalities in either withdrawing or compounding or compromising the prosecution cases and thereby realizing less Broadcast Receiver Licences Revenue than actually claimed earlier at the time of filing of the cases in the court, was written to the Assistant Director (Wireless). A Photostat copy of this Letter is filed herewith as Annexure C-4 to this Counter Affidavit. Thus after giving the Petitioner sufficient opportunity to show cause against his unsatisfactory work and having carefully considered his statement recorded on 17.7.1983 and the information furnished by him about the illegal conducting of prosecution cases, the Assistant Director (Wireless) U.P. Circle, Lucknow, Shri A.R. Sundrani found it legal, just and proper to terminate Petitioner's tenure under rule 2 (xi) of Chapter VII of Wireless Licensing Manual. Therefore, he advised the deponent (Divisional Superintendent) to terminate the tenure of the Petitioner through his letter No. BRL/M-89/Kheri/83/5 Dated 12/13.9.1983. Accordingly the Petitioner's tenure was terminated by the deponent



Deponent's signature

through Office Memo No. B/Argt/WLI dated 21.9.1983
(Annexure 4 of the Writ Petition) as the deponent had
no ^{opinion} ~~opinion~~ but to terminate the tenure of the Petitioner
and issue Memo as aforesaid.

11- That the contents of Para 10 of the Writ
Petition are denied and it is emphatically stated that
there is no violation of any provision of the Wireless
Licensing Manual or any principle of natural justice.
Further, it is stated that the Petitioner cannot
permanently claim Rs.40/- per month as special pay or
any other benefit attached with the post of Wireless
License Inspector. The Petitioner in fact is holding
the substantive post of Postal Assistant. He was
posted as Wireless Licence Inspector only on adhoc
basis and as such putting him back on the substantive
post of a Postal Assistant is not punitive in any
measure. It is added that special pay attached to the
post of Wireless Licence Inspector cannot be claimed
as a matter of right.

12- That in reply to the contents of Para 11
of the Writ Petition, it is stated that the Petitioner
has not been relieved from the post of Wireless Licence
Inspector Kheri II, because of interim stay granted by
the Hon'ble High Court, although the administrative
formalities in this regard have been completed.

13- That in reply to the contents of Para 12
including G rounds (a) to (g) of the Writ Petition, the
deponent has been advised to state that the Writ Petition
is premature as the Petitioner has not exhausted the
Departmental Channels available to him for redressal

of his grievances and that the grounds taken by the Petitioner are not tenable in the Law.

14- That the Prayer Clause is denied and the Petitioner is not entitled to any of the reliefs claimed. It is therefore submitted that the writ Petition being without any merit is liable to be dismissed with costs.

Lucknow,

Dated. 22.12.83

Deponent.

Verification

I, the abovenamed deponent do hereby verify that the contents of Paras 1 and 2 of this Affidavit are true to my own knowledge, the contents of Paras 3 to 12 are true to my knowledge derived from the ^{information received} ~~other persons~~, and the contents of Paras 13 and 14 of this Affidavit are based on legal advice. No part of this Affidavit is false and nothing material has been concealed. So help me God.

Lucknow,

Dated. 22.12.83

Deponent.

I identify the deponent abovenamed who has signed on this before me.

(D.S. Randhawa) Advocate.

Solemnly affirmed before me on 22.12.83 at 3.45 A.M./P.M. by Shri J.N. Srivastava

the deponent who is identified by

Shri D.S. Randhawa

Advocate High Court, Lucknow Bench Lucknow.

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



Perha Pandey
J. & F. COMMISSIONER
Court of Lucknow Bench
LUCKNOW
Date 22.12.83

A/64 39 9

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

WRIT PETITION NO.5135 OF 1983

Bhagwan Bux Singh-----Petitioner.

VS

Union of India and others -----Opposite Parties.

ANNEXURE NO. C-1



Done and

भारतीय नागरिक अधिकार सुरक्षा परिषद

गोला रोड, लखीमपूर-बरीही

गरीब का बेटा है। हमारा भला है।

Don't forget

[illegible]

धर्मार्थ इन्द्रिया नाथी
पथाम मन्थी

प्राप्त उ अर्चना / शिवनाथ / पोरा / राशि / ०३/११/८३ सं ११, १९८३
७९

२२

सहायक निदेशक (कैलाश),

परिष्कारणीय व्यासोक्तम् उत्तरप्रदेश

உலகநக - 22600

विषय:— श्री श्री श्री सिंह देवता लाउसेंस मिरिगा-ग-हरी श्री
कर्मरक्षा एवं उदरगतिता तथा श्रद्धाचार के संबंध में।

महोदय,

उपरोक्त विषयक पत्र दिनांक 2/3/83 के तत्काल में सहकारित

अथ यो विष्णोर्दिन विरोध मुद्रदत्त के संबंध में अथवा अथवा
वास्तव है:—

1. कक्षापालक श्री मंगल कुलकर्णी का निवेदन महोदय सचिव

संस्कार काल धर्म्य लक्ष

सु. नं० १०५१ सव १९०२ (ऐक्यग्राहक सव)

पुर्वोक्त दिनांक 6-5-1983

Accused Acquitted

2- विभाजित दुष्प्रभावों को स्वीकार करने पर गुजरात के
छात्र पर विरोध हमें परन्तु आश्रम की बात है जिससे
दक्षिणी जमा करने के प्रभाव को नष्ट करने के निमित्त श्री सिंह
ने कोई कार्रवाई नहीं की। अमेरिकी से विभाजित कार्य
करा दिया तथा सरकारी दखल उद्देश्य कर दी गई।

मिरासि माल दिनांक	संख्या व वर्ष	उत्पन्न मुकदमा	जुमाली माल दिनांक	जाम मालावर जामदारी
9-11-81	678/81	सरकार वगळ जमाली	रु 50/-	पंचम अलीजुमी
15-9-82	1292/82	" "	रु 25/-	अजिसे
15-9-82	1291/82	जहीर अजमद	रु 50/-	" "
16-3-83	426/82	सरकार वगळ जमाली	रु 80/-	" "
13-1-83	685/82	सरकार वगळ जमाली	रु 150/-	मुसलमान जमाली
6-4-83	1038/82	सरकार वगळ जमाली	रु 150/-	अजमद अली
1-4-83		सरकार वगळ जमाली	रु 150/-	" "



A/66 11

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

WRIT PETITION NO. 9135 OF 1983

Dhagwan Dux Singh-----Petitioner.

VS

Union of India and others-----Opposite Parties.

ANNEXURE NO. C-2



Do not

[Faint handwritten notes at the bottom of the page]

॥ अर्द्ध १९८५ के सम्मान के विषय निवेदन है।

Donawson
12-83
COMMISSIONER OF THE
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20535

of 69 14
A/14
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

LUCKNOW BENCH

LUCKNOW

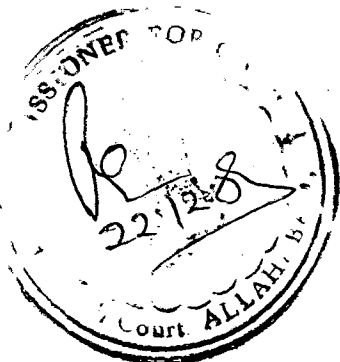
WRIT PETITION NO. 5135 OF 1983

Bhagwan Bux Singh-----Potitioner.

VS

Union of India and others -----Opposite Parties.

ANNEXURE NO. C-3



D. K. Das

FAL/N-89/1001/53/3

A circular ink stamp from the Court of Allahabad. In the center, there is a handwritten signature and the date "22/12/87". The words "COURT OF ALLAHABAD" are written in a circular border around the center.

4/71 16
4/16

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

WRIT PETITION NO. 5135 OF 1983

Bhagwan Bux Singh-----Petitioner.

VS

Union of India and others-----Opposite Parties.

ANNEXURE NO. C-4



D. Maslu

4/72 17

GT

Commissioner-II
22/12/50

76/2-
Sri M. R. Sundaram
P.O. (A)
Lucknow

No. P.O. 17-89/1941/88/5

Sir,
The information as desired in your above
cited letter number is submitted herewith for
your notice please.

		Amount	Balance
1	10000/-	10000/-	10000/-
2	10000/-	10000/-	10000/-
3	10000/-	10000/-	10000/-
4	10000/-	10000/-	10000/-
5	10000/-	10000/-	10000/-
6	10000/-	10000/-	10000/-
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97	10000/-	10000/-	10000/-
98	10000/-	10000/-	10000/-
99	10000/-	10000/-	10000/-
100	10000/-	10000/-	10000/-

(16)

With regards.

Yours faithfully

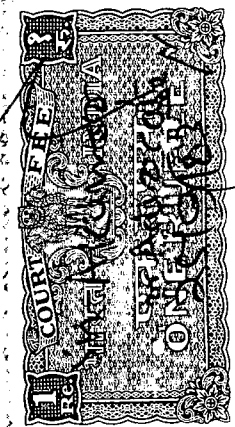
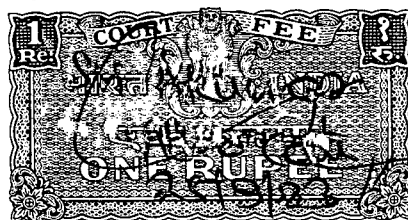
Sd/-
Date 22/12/50

Dost as per



4/13 2
In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

C.M.An.No. 10946 (W) of 1983.



UD 5138-013

84-12572
M
26/9/83
Bhagwan Bux Singh, aged about 41 years,
s/o Sri Radan Singh
Wireless Licence Inspector, Kheri-II,
Kheri Division, Distt.Kheri.

-----Petitioner

Versus

1. Union of India.
2. The Post Master General, U.P. Lucknow.
3. The Supdt. of Post Offices, Kheri Div.
Kheri.
4. H.N.Shukla, Wireless Licence Inspector,
Kheri-I, Kheri Division, Distt.Kheri.

-----Opp-parties.

--
Stay application

On the facts and circumstances stated
in the writ petition and its affidavit, it is
respectfully prayed that the operation of the
order dated 21.9.83 passed by the Supdt. of
Post Offices, Kheri Division, Kheri (Annexure 4)
be stayed till the pendency of this writ petition.

Lucknow, dated,
25/9/83

(Avadhesh Kumar)
Advocate.

Counsel for the petitioner.

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

Cause No. 3839 of 84.

3839

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In re:

Writ Pet. No. 3130 of 1983.

Shri Bux Singh

---petitioner.

Versus

Union of India and others

---Opp-parties

Application for condonation of
delay in filing rejoinder-
affidavit.

The petitioner states as under:-

1. That the rejoinder-affidavit to the counter-affidavit filed by opp-parties no. 1 to 4 could not be filed in time due to perusal of some relevant documents which were not available in time.

Wherefore it is respectfully prayed that the delay be condoned and the ~~max~~ rejoinder-affidavit of the petitioner, filed herewith, be accepted and taken on record.

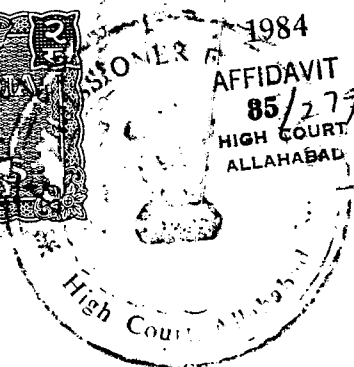
Lucknow, dated,
27.3.84

Advocate,
Counsel for the petitioner.

8/12

8/30

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



In re:

Writ Pet.No.5135 of 1983.

Bhagwan Bux Singh

----Petitioner.

Versus

Union of India and others

----Opp-parties.

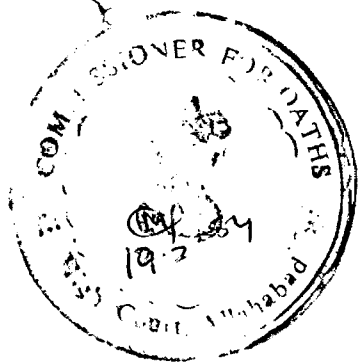
Rejoinder-affidavit on behalf of the
petitioner to the counter-affidavit filed
by opp-parties no. 1 to 4.

I, Bhagwan Bux Singh, aged about 41 years,
son of Sri Rudan Singh, Wireless Licence Inspector,
Kheri II, Kheri Division, district Kheri, do
hereby solemnly affirm as under:-

1. That the deponent is the petitioner himself and
as such he is fully conversant with the facts
of the case.

2. Paras 1 to 3 of the counter-affidavit need
no reply.

3. The allegations of para 4 of the counter-
affidavit except the admitted position are denied
as alleged. It is stated that the contents of
para 2 of the writ petition are correct and



- Signed -

reiterated. The alleged punishments against the petitioner were wrongly made but it is submitted that these stoppages of increment and recovery from salary of the official are not a bar for promotion on higher post. It has been laid down in the statutory rules framed by the department of Personal Ministry of Home Affairs, Govt. of India under their O.M.No. 21/5/70-Est.(A) dated 15.5.1971. An extract of the said instructions is being filed herewith as Annexure No. R-1. It is further submitted, that due to ~~statutory~~ satisfactory work and conduct of the petitioner amongst all the officials, he was given promotion chance on the post of WLI by an order dated 4.6.81 (Annexure 1 to the writ petition). Thereafter the name of the petitioner was recommended for the examination of WLI which was held on 10.1.1982. In the said examination, the petitioner had topped in the Division and was continued to hold the post of WLI. The petitioner is still holding the post of WLI.



4. The allegations of para 5 of the counter-affidavit are denied. It is stated that the contents of para 3 of the writ petition are correct and reiterated. It is denied that any complaint was ever served to the petitioner by the department regarding his work or conduct. It is also denied that the petitioner was reprimanded by the superior officers at the spot verbally even. The allegations of this para are false and baseless altogether.

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5. The allegations of para 6 of the counter-affidavit are denied. It is stated that the contents of para 4 of the writ petition are correct and reiterated. It is stated that the appointment of W.L.I. is made under Rule 279/4 of Post and Telegraph Manual IV (Ch.VIII). A true copy of the extract of the said Rule is filed herewith as Annexure No.R-2.

Further it is submitted that the post of WLI is a promotion post and the letter No.B/BPEU/Cl.III dated Kheri, the 27th.December, 1983 shows that the Supdt.of Post Offices,Kheri Division,Kheri has admitted the post of WLI as a promotion post. A true copy of the said letter dated 27.12.83, is filed herewith as Annexure No.R-3.

6. The allegations of para 7 of the counter-affidavit, as alleged are denied. It is stated that the averments made in para 5 of the writ petition are correct and reiterated. It is stated that by Annexure no.1 to the writ petition dated 4.6.81, the petitioner was appointed to the post of WLI on temporary & ad-hoc arrangement and thereafter on 10.1.82, an examination was conducted and before expiry of one year from earlier order dated 4.6.81, the petitioner was appointed for 4 years on the said post of W.L.I. vide order dated 22.3.82 and in that period, the officiating period was included and as such the petitioner's term completes on 20.6.1985. It is denied that the order dated 4.6.81, (Annexure 1 to the writ petition) is not superseded by the order dated 22.3.82 (Annexure 3 to the writ petition).

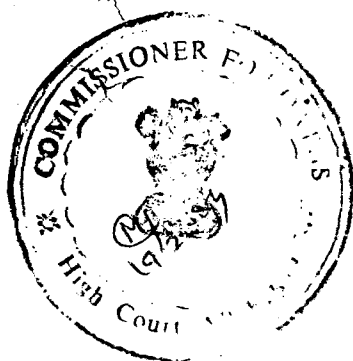


- [Signature]

7. That the admitted position in para 8 of the counter-affidavit is not disputed, the rest of the para is denied. It is stated that after conducting the examination on 10.1.82, the appointment for 4 years was made and the period of earlier officiating arrangement was included and under such circumstance there is no requirement of passing any confirmation order. Moreover, the employee should not suffer from any fault, if any of the employer. It is stated that the result of the examination of WLI conducted on 17.7.83 will indicate the terms of such posting. A photostat copy of the said order is filed as Annexure No. R-4.

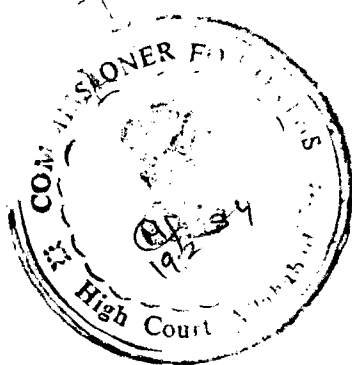
8. The allegations of para 9 of the counter-affidavit are denied. The contents of para 7 of the writ petition are correct and reiterated. It is stated that the work of the petitioner is satisfactory in an inspection. A true copy of the Inspection Report is filed herewith as Annexure No. R-5.

The petitioner has also come to know that the inspection report of the year 1983, carrying out an inspection on 16.7.1983 is also in favour of the petitioner. It is submitted that the alleged complaint (Annexure C-1) is denied. It is stated that the petitioner was never served with any show Cause notice for the alleged charges. It is not disputed that by way of Annexure C-2, the petitioner



- [Signature]

submitted his relevant reply stating the full details . It is submitted that within a short period of 14 months, the petitioner got 80 cases launched for evasion of licence-fees out of which the conviction was held in 36 cases and in 16 cases, the licence holders deposited the licence-fee in P&T Deptt. It is stated that the allegations of the reply of the petitioner has been wrongly interpreted. It is stated that the petitioner sent letters on 16.9.83, and 21.10.83 to the higher authorities. True copies of the said letters dated 16.9.83²¹⁻¹⁰⁻⁸³ are filed herewith as Annexures R6 and R7 respectively. It is added that out of 3 law court cases, conviction in 2 cases was given but the third case was acquitted as no sanction was granted by A.D.(W) . It is further stated that the petitioner had warned that if the requisite sanction is not received, the case would be dismissed. A true copy of the said letter is filed herewith as Annexure R-8. It is submitted that 16 cases were withdrawn under the policy of P & T Deptt. in the interest of public convenience and u/s 257, when the offender had deposited its due licence fee and surcharge to the Central Govt. It is submitted that about withdrawal of any case, due information was always given to A.D.(W) and if he had any objection at that time, he could have asked for under Wireless Licensing Manual but as A.D.(W) never raised any objection, he cannot raise such objections at this stage.

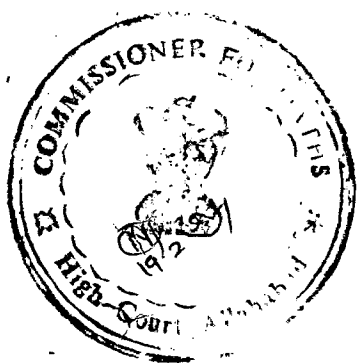


9. The allegations of para 10 of the counter-affidavit are denied. It is stated that the contents of paras 8 and 9 of the writ petition are correct and reiterated. It is submitted that the Annexures C-3 and C-4 attached with the counter-affidavit are the official correspondence and are not any show cause notice. It is further stated that the alleged statement dated 17.7.83, was not the outcome of any show cause notice. It is stated that the averments of para 10 are against the provisions of Rule 2(xi) of the Wireless Licensing Manual, Chapter VII. It is stated that the petitioner was not afforded any opportunity against any show cause notice. It is advised to state that the order of termination is illegal, invalid and has got no value in the eyes of law as admittedly it was passed by Superintendent of Post offices, Kheri Division only on the advice of A.D.(W) but he did not himself applied his mind and moreover as the order of termination of the ^{tenure} ~~term~~ was made on the alleged complaints and due to bad conduct of court cases, hence the said order byway of punishment and the petitioner was liable to be afforded an opportunity prior to that.



10. The allegations of para 11 of the counter-affidavit are denied. It is stated that the contents made in para 10 of the writ petition are correct and reiterated. It is stated that as per para XI of Rule 2 of Chapter VII of Wireless Licensing Manual, the Divisional Superintendent is empowered to terminate the

tenure of a W.L.I. whose performance in terms of the results achieved continued to be poor inspite of warning and reasonable time, for improvement. As no Show Cause Notice was served or no warning for improving of any act was served on the petitioner, the Supdt. of Post Offices has acted without adopting the procedure prescribed under Rules and as such the order of termination of tenure is illegal and invalid. It is advised to state that after getting through from examination the petitioner became entitled to hold the post of W.L.I. for 4 years i.e. till 20.6.1985, except the condition prescribed under Rules.



11. This much of para 12 of the counter-affidavit is not disputed that the petitioner was not relieved from the post of WLI. and he is still holding the said post of WLI. and is getting his salary for the said post but the other allegations of para 12 of the counter-affidavit are denied.

12. The allegations of para 13 of the counter-affidavit are denied. It is stated that the grounds of the writ petition are substantial and the writ petition is liable to be allowed with cost. It is specifically denied that the writ petition is premature.

- [Handwritten signature] -

13. The allegations of para 14 of the counter-affidavit are denied. It is stated that the petitioner is liable to get the reliefs claimed in the writ petition and his writ petition be allowed with costs.

Lucknow, dated,
19.2.84

Deponent.

I, the deponent abovenamed verify that the contents of paras 1 to 11 of this affidavit are true to my own knowledge and those of paras 12 and 13 are verified on legal advice and believe to be true and no part of it is false and nothing material has been concealed so help me God.

Lucknow, dated,
19.2.84

Deponent.

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on 19.2.84 at 11.00 A.M./P.M. by Bhagwan Bux Singh the deponent who is identified by Shri Anandesh Kumar, Advocate Clerk to Shri Advocate High Court Allahabad. 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.

Meena Pandey

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19.2.84



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

W.P.No.5135 of 1983

Bhagwan Bux Singh

---Petitioner.

Vs.

Union of India and others

---Opp-parties.

Annexure No.R-1.



- 25/11/84 -

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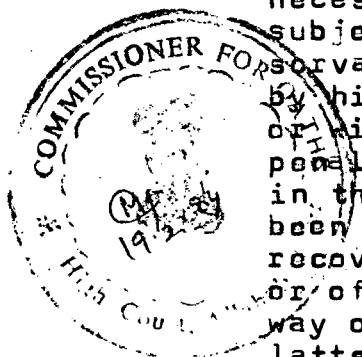
(13) Promotion of employees on whom any penalty has been imposed.-

The following points were raised for clarification:

- (i) 'Consure' should not be a bar to eligibility to sit for a departmental/promotional examination or for promotion ;
- (ii) Where the responsibility of an employee for any loss is indirect, he should not be debarred from being considered for promotion during the period of recovery of the loss; and
- (iii) A distinction should be made between stoppage of increments and reduction to a lower stage of the pay scale and in the former type of cases, the employees should not be debarred from being considered for promotion.

2. As regards the first point, under the existing instructions every person eligible for promotion and in the field of choice has to be considered for promotion. The fact of the imposition of the minor penalty of censure on a Government servant does not by itself stand against the consideration of such person for promotion, as his fitness for the promotion has to be judged, in the case of promotion by seniority, on the basis of an overall assessment of his service record, and in the case of promotion by selection on merit, on the basis of his merit categorisation which is again based upon an overall assessment of his service record. So far as the eligibility of a Government servant who has been awarded the penalty of censure, to appear at a departmental/promotional examination is concerned, the same principles would apply, viz., that he cannot, merely because of the penalty of censure, be debarred from appearing at such an examination. In case however, the rules of such an examination lay down that only those eligible persons can be allowed to appear at the examination who are considered to be fit for the purpose, the fitness of an eligible candidate who has been awarded the penalty of censure, to appear at the examination has to be considered on the basis of an overall assessment of his service record and not merely on the basis of the penalty of censure.

3. As regards the other two points mentioned in paragraph 1 above, while it is not possible to lay down any hard and fast rules in this regard, and it is for the competent authority to take a decision in each case having regard to its facts and circumstances, it is considered necessary to reiterate the existing instructions on the subject. Recovery from the pay of a Government servant or servant of the whole or part of any pecuniary loss caused by him to Government by negligence or breach of orders or withholding of increments of pay, are also minor penalties laid down in rule 11 of the CCS(CCA) Rules. As in the case of promotion of a Government servant, who has been awarded the penalty of censure, the penalty of recovery from his pay of the loss caused by him to Govt. or of withholding his increment(s) does not stand in the way of his consideration for promotion though in the latter case promotion is not given effect to during the currency of the penalty. While, therefore, the fact of the imposition of such a penalty does not by itself debar the Government servant concerned from being considered for promotion, it is also taken into account by the Departmental Promotion Committee, or the competent authority, as the case may be, in the overall assessment of his service record for judging his suitability or other-



- 25 -

~~85~~ 12

wise for promotion or his fitness for admission to a departmental/promotional examination (Where fitness of the candidates is a condition precedent to such admission).

(C.S. (Department of Personnel) O.M.No. 21/5/70-Ests.(A), dated the 18th May, 1971.)

The



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

Sitting at Lucknow. A/c

W.P.No.5135 of 1983

Bhagwan Bux Singh

---Petitioner

Vs.

Union of India and others

---Opp-parties.

Annexure No.R-2.



-Hema-11-

279/4. Wireless Licence Inspectors are attached to Head Post Offices.

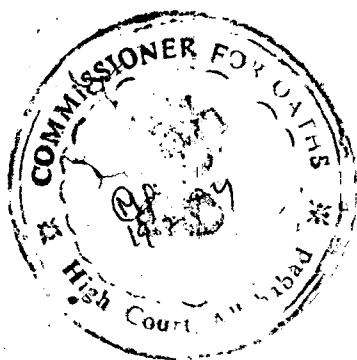
Appointments to the posts of Wireless Licence Inspectors in a Division are made from amongst the clerks in that Division except that in the cases of the cities of Bombay, Calcutta, Madras and Delhi where all the units in the city will be taken as one unit for purpose of appointment of Wireless Licence Inspectors. A clerk must fulfil the following conditions to be eligible for selection to the post of Wireless Licence Inspector :

- (i) he must have put in at least five years' continuous service whether temporary or officiating, followed by confirmation on 1st July of the year in which the selection is made. Extraordinary leave shall not constitute a break but shall not reckon towards the limit of 5 years;
- (ii) he must not be over 45 years of age on 1st July of the year in which the selection is made;
- (iii) he must be able to talk fluently in English and in local language;
- (iv) he must have a consistently good record of service for the preceding five years;
- (v) he must be able to ride a bicycle; and
- (vi) he must be of active habits and smart in appearance.

The officials fulfilling the above conditions will be given a written test on the following subjects :-

1. The Indian Telegraphs Act, 1885 as amended, Section 1, 3, 4, 7, 8, 20, 20A, and 21 only.
2. The Indian Wireless Telegraphy Act, 1933, as amended.
3. The Licensing of Wireless Receiving Apparatus Rules, 1965.
4. The Indian Wireless Telegraphy (possession) Rules, 1965.
5. The Commercial Broadcast Receiver Licensing (Dealers) Rules, 1965.
6. The conditions governing different types of licences.
7. P.O. Rules of broadcast receiver licensing procedure.
8. Important Government decisions on broadcast receiver licensing.

Contd.....2.



The test will be of 3 hours duration and will carry a maximum of 100 marks. The examination will be conducted by the Ciclo Office which will be responsible for arrangement in regard to setting up of the question paper and valuation of answer books. Selection will be made Division-wise in the order of merit obtained by the candidates of each Division/of all the City Units in the case of Bombay, Calcutta, Madras and Delhi, but no candidate who has obtained less than 45% of marks shall be eligible for selection. If two or more candidates secure equal marks their ~~position~~ order of merit inter se will be ~~determined~~ and determined by their positions in the Divisional Gradation List.

An official appointed as Wireless Licence Inspector shall not ordinarily be allowed to hold such a post for more than 4 years continuously at one time. An official who has worked as Wireless Licence Inspector for 4 years should not ordinarily be appointed to hold such a post within the next 4 years. The period of tenure shall not be extended in any case except on very strong administrative grounds and the prior approval of the Director-General should be obtained.

Officials shall be selected for the immediate vacancies and no waiting list shall be maintained. No regular selection shall be made for appointment in leave and other short-term vacancies, but the Superintendents of Post Offices or first class Postmaster not under a Senior Superintendent of Post Offices shall appoint, at his discretion, a suitable official who fulfils the prescribed conditions in such cases.



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

Sitting at Lucknow.

W.P.No.5135 of 1983

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Bhagwan Bux Singh

---Petitioner

Vs.

Union of India and ors.

---Opp.parties.

Annexure No.R-3.



- Bhagwan Singh -

8/40 17
FROM:-

The Supdt. of Postoffices,
Kheri Division, Kheri.

To

Shri Ahmad Hussain,
Secretary, B.I.S.C.O.II.-III,
Kheri.

No.:- B/BISU/O.III Dated at Kheri the 27.12.83

Sub:- Regarding your posting as P/A Kheri H.O. and
non-posting as W.L.I. Kheri.

-----XXX-----

Dear Sir,

With reference to your letter dated 21.12.83 on the above subject, it is intimated that no notice was received before hand regarding holding of elections as on 4.12.83. However, the matter regarding giving the union amenities to your union has been referred to C.O.

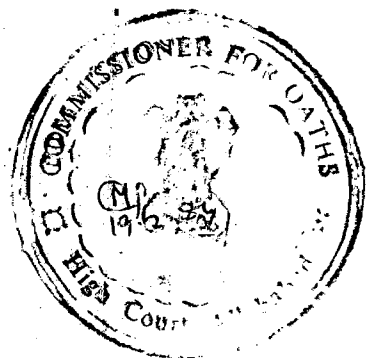
As regards your posting as P.A.atHQ., it is intimated that no such application regarding your posting at H.Q. by virtue of being divisional secretary was ever received hence the question of acceding to your request for posting at HQ does not arise. In case, if any official is re-elected as Divisional Secretary, the immunity regarding his transfer & posting putting him at H.Q. for the second year, have been withdrawn.

As regards your posting as W.L.I., it is intimated that so long as a disciplinary case is pending against you, it is not possible under rules to promote you as W.L.I. However, the case stands referred to C.O.

Yours Sincerely,

(J.M. Srivastava)
Supdt. of Postoffices,
Kheri Division,
KHERI.

vrpm/-



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In the Hon'ble High Court of Judicature at Allahabad

Sitting at Lucknow.

W.P.No.5135 of 1983

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• Bhagwan Bux Singh

---Petitioner.

Vs.

Union of India and ors.

---Opp-parties.

Annexure No.R-4.



-Hsma-11-

Comdr.

Copy of Memo No. ABR/Com/Hqts/6-43/02 dated at Lucknow, 10.11.03 from the PMS, U. Circle, Lucknow-226001. Copy forwarded to All SPs/SDs and others in U. Circle.

The following candidates of Tiro Solo cadres have been declared successful for the post of WLI. The examination was held on 17.1.03 for the vacancies of 1902. This is a tenure post and the posting against this result are limited to four years. The officiating period, if any, of a particular officer who has been working as WLI on local basis will also be included to determine the tenure of four years. The names of the candidates where there are more than one vacancies, have been arranged according to merit. The result has confined to number of vacancies and availability of qualified candidates in the examination in a particular division/head office.

The SPs/SDs/PMS (Class-I) will verify the names /Memo No. etc. of the successful candidates and will intimate about the message to the undersigned immediately, if found any and the result may not be further notified till the discrepancies are removed.

Sl. No.	Roll No.	Name of the candidate	Division
1.	UP-20	Shri. Bho Dutt Sharma	Agro
2.	UP-0	P. L. Choudhary	Agro
3.	UP-93	Tajdar Hussain Ansari	Allahabad
4.	UP-40	Sachant Kumar Sordar	-do-
5.	UP-64	Ramesh Chandra Tawari	Almora
6.	UP-60	Vishwa Nath Tawari	Dohla
7.	UP-70	Joginder Lal	Danda
8.	UP-03	V. S. Agrawal	Dorailly
9.	UP-02	Surya Prakash Sonoma	-do-
10.	UP-100	Dalohuddin Siddiqui	Booti
11.	UP-100	Rao Anwar Singh	Bijnour
12.	UP-117	Daj Lal	Bansun
13.	UP-127	Ramchand	Dulandohar
14.	UP-143	Philap Singh Parashar	Chacoli
15.	UP-150	Raho Rao Singh Yadav	A Etah
16.	UP-106	Virodh Nath Khara	Patanagarh
17.	UP-190	Ganga Pd.	Chakabod
18.	UP-204	Anand Kumar Dajpal	Kanpur City
19.	UP-206	Rao Chandra Nathwar	-do-
20.	UP-220	Rohay Shyam Yadav -11	-do-
21.	UP-236	Rao Harosh Singh	Kanpur (A)
22.	UP-231	Rao Govind Singh	-do-
23.	UP-403	Vishwanath Singh	PR Kanpur HQ
24.	UP-014	Chitola Dura Singh	Lko. GPO
25.	UP-010	Ramchand Kumar	-do-

Contd.....2/-



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26.	UP-276	Shri Khurshood Ahmad	Rizapur
27.	UP-300	Satyo Pal	Meerut
28.	UP-262	Lovendra Singh Varma	Athura
29.	UP-170	Ohrige Nath Sahai	Fatehabad
30.	UP-246	Ahmad Hussain	Muzi
31.	UP-317	Shri Shankar Lal Dubey	Orai
32.	UP-290	Ramesh Chandra Saxena	Meerut
33.	UP-271	Chandrasekhar Singh Biswakar	-do-
34.	UP-344	L.R. Sonoya	Saharanpur
35.	UP-380	Sono Ram	-do-
36.	UP-340	Aftab Ahmad	-do-
37.	UP-360	Gopal Singh Rawat	Tehri
38.	UP-336	R.U. Burya	Ran Deodhi
39.	UP-390	Lal Chandra Khora	Vaishali-Muzi
40.	UP-307	Rudra Nath Singh	-do-
41.	UP-360	Abdul Qadir Khan	Shahjahanpur
42.	UP-324	Raj Hansi Singh	Pratapgarh

Sd/-

(G.P. Khurshood)

Asstt. Director (Roads.)

For Postmaster General, UP.

No. 12/Enon/ H.L. Dated at Khori the 3.12.03

Copy to:-

- 1) Shri Ahmad Hussain, P/A Highways S.O.
 - 2) The P.M. Khori
 - 3) STAFF-1 Postmaster General Khori.
- } For information
} and n/o.

Supdt. of Postoffices,
Khori Division, Khori
Pin 262701

REC/-



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In the Hon'ble High Court of Judicature at Allahabad

Sitting at Lucknow.

W.P.No.5135 of 1983

Bhagwan Bux Singh

---Petitioner.

Vs.

Union of India and ors.

---Opp-parties.

Annexure No.R-5.



[Handwritten signature]

9R/WLI-II/Keri/02

Based on annual inspection of the records of WLI-II Keri on 16.5.02. The records were carried out by Shri. K.S. John & Division 11.11.01. SAs B.B. Singh is continuing to hold in charge of WLI-II Keri since 20.6.01.

2. The jurisdiction of the WLI compares with the following
LSE. Sec-5 Sec 14 ECOS-MI Dealers-113

3. The inspection Programme for 1902 was approved vide CO GtM no. BRL/M-100/Keri-II/02/dt 10.11.02.

4. As per inspection Programme the WLI has to carry out the inspection of 14 Pos. Out of which he has carried out the inspection of 7 Pos and 61 dealers upto 15.9.02 and has submitted the IR notes.

5. The Dealer Register should be prepared according to Scheme.

6. The month-wise no. of Cases detected and settled by the WLI since last inspection are given below.

Month	Detections made	Cases Settled
12/01	11	11
1/02	22	17
2/02	31	24
3/02	24	31
4/02	9	9
5/02	26	15
6/02	11	13
7/02	7	14
8/02	29	26
upto 15.9.02	3	—

6. The WLI stated that he received 119 NR Cases of 1901 from different Pos and he settled all the Cases by renewal. At present no Case of NR is pending for RDI with the WLI.

The Cases of non-renewal of Dealers DP/CRL for B02 were reported for forwarding Dealers.

7. M/s Tassarum Radio Labhimpur

(i) Pioneer Radio

(ii) Subash Electronics

(iii) Krishna Radio House

(iv) Kamal Radio

(v) Vite Electronics Gals

(vi) Amar Radio Mohamadi

(vii) Head Radio

(viii) Raja Malik House Radio

(ix) Nankar Radio & Electric Radio

(x) Nirman Radio

(xi) Rama Radio

(xii) Burag Radio

All the Cases have been submitted to CO GtM WLI for approval for prosecution. Some of them have received back a Some are still pending from CO. The WLI should submit the



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8. Prosecution Register, 34 Cases are pending
in the Court. The cases should be pursued
promptly. The results of Court proceedings should
be noted in the Prosecution Register.



- J. H. H.

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9. The NR SH for 1501 was not received so far from following P.O.s. The S.P.O.s Kheri were to cause supply the wanted NR SHs.
1. Bhita 2. Gola 3. Kheri Town 4. Lagucha
5. Lakhimpur 6. Mahanagar 7. Mithapur nagar
8. Moulami 9. Mohamadli 10. Palla
11. Sampurnanagar 12. Sangli Dar P.O.

10. In the Register of C. Licenses, recommended for cancellation, the date and authority of P.O./S.P.O. are not marked. The P.O./S.P.O.s are have not indicated the dates of cancellation of licenses.

11. As per Register of new Dealers, the following applications were submitted by the WLI to the S.P.O.s Kheri for sanction. The S.P.O.s Kheri will be look into the matter and cause sanction of the pending cases early to save the loss of Govt revenue.

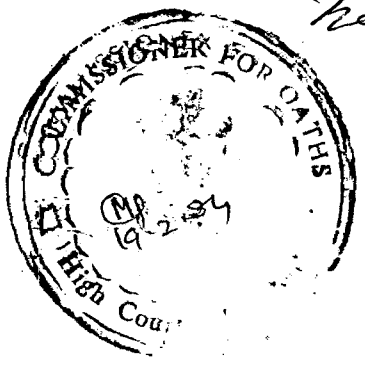
- (i) a/s Subhash Walter a Radio Service Gole - 2700/-
- (ii) a/s Abdul Karim Walter a Radio Centre Gole 2700/-

12. The work of the WLI was found satisfactory. He is taking part in his work.

13. The compliance should be submitted by the S.P.O.s Kheri.

D. R. M. Nayak
(D. R. M. Nayak)
Joint Secy. to the
U. B. Circle, Lucknow

Copy to
1. Mr. WLI-II Kheri
2. Mr. S.P.O. Kheri.



इन् दि आनरेबुल हाई कोर्ट आफ जूडीकेचर ऐट इलाहाबाद,

लखनऊ बेन्च - लखनऊ ।

रिट पिटीशन नं०- 5135 आफ 1983,

भगवान बक्स सिंह

-----पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि ।

-----अपोजीटिज,

अनेकजर नं०- R-6.



- M. S. Singh

पतार नालीय निरीक्षक-II
पल्लीमपुर-बं.री २६२ ००१

सेवा में,

श्री ए आर सुन्दरजी
सहायक विदेशक (वेतार)
लखनऊ

डा.र

श्रीमान वेतार सोड निरीक्षक
लखनऊ

प्रमाण/ ए डी ब्राइव/ वेतार-८३ लखनऊपुर १६/१/८३

विषय - मेसर्स इरफान रेडियो वेतार से सम्बन्धित
अपराधों का निराकरण

XX

दिनांक ५/६/८३ से ७/६/८३ तक स्याब
वेतारगोक रफाथ में ए/डी ब्राइव का आर्थो जूब
हुआ था। इसमें स्पेशल बेंच ने श्री इरफान
अहमद प्लो मेसर्स इरफान रेडियो वेतार को
कई चिन्मो पर अपराधी पाया था तथा उसे
जापन भी दिया था। इस आपन का अनुस्मारक
मेरे भी दिनांक ८/७/८३ को प्रेषित किया। उत्तर
के उत्तर ६ डिमान्डेशन लाइसेंस का शुल्क
२२५/- अधिकार ६००/- तथा विक्री फिर पर
सेतो का निर्धारित सीमा में लाइसेंस न प्राप्त
करने के कारण शुल्क ३५०/- तथा अधिकार ३००/-
देय होता है।

श्री इरफान अहमद ने दिनांक १७/७/८३ को
आपसे स्याब मक्ता लेवल लखनऊपुर में श्री
धरपतिराम तथा श्री दाताराम पाठक के सहमते
सम्पर्क करके एक शिक्षाप्रती पत्र दिया था। आपने
कोशिश की निर्देशित किया था कि श्री इरफान अहमद
के पेशे में आश्रित वैधानिक प्रक्रिया स्थापित
रखी जाए जो अब तक स्थापित है। उत्तर ने
सतसमयक अपराधों का योग्य निष्कर्ष है।

दिनांक ५/६/८३ को ६ TV सेट (स्पेशल बेंच
की गल्ली से विनयी संख्या १२ अंकित है)
स्नान में बली पाए गए। उत्तर ने सभी
सेतो को डिमान्डेशन पर गथा बतलाया था।

(II) उत्तर के पास कोई डिमान्डेशन लाइसेंस
नहीं था।

श्री ० पु० डलहे - १

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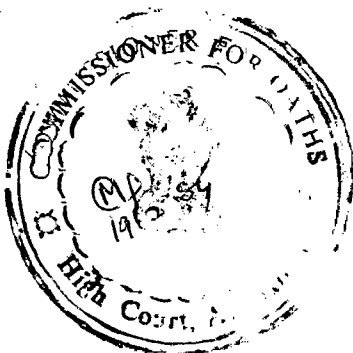
- (12) जलर ने ली ली के स्टाफ 21.9.2012 के आदेश की प्रविष्टिभा अंकित करी ली थी।
- (13) जलर ने अपनी कैश केमो पुरुष बही दिखाई थी जिस पर स्पेशल बैच ने अपने प्रजांक BRL/AR 01146/ 049-03 दिनांक 6/6/03 के आशंका ठगता की थी कि स्टाफ के बही पास गय सेलो की बिज्जी पिछली तिथिओ के दिखाई जा सकती है।
- (14) जलर द्वारा बिना कैश केमो के बिज्जी फिश गह 2 सेल केलाओ के पास दिनांक 6/6/03 तथा 7/6/03 को स्पेशल बैच द्वारा पास गह के बिबके लाइसेन्स केलाओ के भी बही बगवहर
- (15) जलर ने अपने को कालूनी प्रकड से बचाते हुए कैश केमो संख्या 156 157 158 159 160 161 कात रखे हैं। इन सभी कैश केमो पर केला के हस्ताक्षर के स्थान पर उनके जाली हस्ताक्षर बनाए गए हैं।

आपका अग्रिम आदेश अभी तक वांछित है। प्रपत्र सद्वर्ति विषय पर उचित निर्देशों को अलगत करने की कृपा करें।

- [Signature]

- [Signature]

पता नं. 11, बिना नं. 11
झाँसीपुर-सं.री 262 001



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इन दि आनरेबुल हाई कोर्ट आफ जुडीकेचर ऐट इलाहाबाद,

लखनऊ बेन्च - लखनऊ ।

4/7/84

रिट पिटीशन नं०- 5135 आफ 1983,

भावान बक्स सिंह

----पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि ।

----अपोपाटीज,

अनेक्जर नं०-R-2



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वतार नारायण - नि. 100-11
पञ्जीपुर-पंजी २६२ ००१

होना मे

श्री जे. शम्भू चरण
आजीवाक पत्र - ७३
तासीपुर-सीमी

पत्रांक - डल्लू खत / लिपिजन - 1/02-04 सीमी 01/10/83

विषय - अपराध से सम्बन्धित परिसर में प्रवेश की अनुमति न देना।

xxx

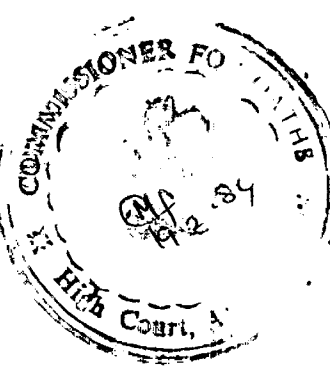
मान्यवर,

दिनांक 8 सितम्बर 1983 को स्थान तासीपुर में छाउरोड पर शिवजीय अनुसूचित जाति क्षात्राचार के विषय में देडिगे लक्ष्मसाथ जी एक अवैध दुकाब देली। इस दुकाब पर साइज बोर्ड के स्थान पर बलराम पेन्सिल पर लिखा हुआ है। इस दुकाब के आतिथ्य श्री धनपति राय हैं। अतः से श्री धनपति राय को जेसरी कानून देडिगेज लक्ष्म के लिख सुशाली तथा सम्बन्धित लाइसेन्स संख्या 3/3 नईवस्ती एक घर से दिनांक 8/4/79 को एक अन्य परिसर में जा रहा है। जारी किया गया थे बिना कृषीकरण वर्ष 1981 से बली करवा गया है।

अपराधी के अपने परिसर में प्रवेश की अनुमति नली दी। अनुमति के अभाव में राजेश लाइसेंस प्रभु अल के अध्याय गा. की छाया 12 में प्रवेश निषेध है। इस तथ्य को सुनिश्चित करने के बाद एक दुकाब के बच/पुरावे देडिगे सेतो का प्रवेष्ट सुखमा के रखरखाव ले रहा है तथा सम्बन्धित हेतु सुशाली लक्ष्म शांति, लाइसेन्स प्राप्त नहीं किया गया है, श्री मान्यवर के विदेश, अलेक्ष (वेतार) लक्ष्मचन्द्र को इनके अपनी आधिकारिक भूमिताओं का प्रयोग करने परिसर के आन्तरिक निरीक्षण तथा अवैध देडिगे सेतो की जूली के लिख दिनांक 8/9/83 को सुनिश्चित किया गया। इस सम्बन्ध के बाधरत्नेय लाइसेंस प्रभु अल के अध्याय VII की छाया 1(V), VIII की छाया 12 तथा इन्डियन वायवर्तिस लेलीजानी सन 1933 की छाया 7 का अपलोकायन का लिया जाय।

दिनांक 20/9/83 को पुनः एक अनुसूचित जाति पेशा किया परन्तु आज्ञात्मक बोर्ड श्री वायवर्तिस सुनिश्चित लक्ष्म सात बली ले रही है। इस बाधक कारण अपराधी हिले को कुलीवरत प्रभावित करती है तथा संस्थापक है। विदेश है। सुप्रा श्री ए आर सुन्दराजी शहायक विदेश, वेतार लक्ष्मचन्द्र को एक अधिवासीय - पर जारी करने की कृपा करें। आपको स्टार से हुई कार्यवाही की जानकारी प्राथमिक है।

वतार नारायण - नि. 100-11
पञ्जीपुर-पंजी २६२ ००१



- [Signature]

#103

30

इन दि आनरेबुल हाई कोर्ट आफ जुडीकेवर ऐट इलाहाबाद,

लखनऊ बेन्च - लखनऊ ।

18/7/6

रिट पिटीशन नं० 5135 आफ 1983,

भगवान बक्स सिंह

-----पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि ।

-----अपोजीटरीज,

अनेक्जर नं०-R-8.



- [Signature]

A/104

31

NR/BART/ RL 894 20/9/83

वेतार लाइसेंस निर्देशक 1.
प्रीमपुर-पंजी 262001

(आवश्यक)

श्रीमान ए० आर० सुन्दरानी
सहायक निदेशक (वेतार)
लखनऊ

डाथ - वेतार श्लोच विशेष
लखनऊ

पत्रांक - पी-58/82-83 लखनऊ दिनांक 20/9/83
परिचण्डलीय का मतिय संदर्भ - वेतार/एच-2/44/8/3
विषय - श्री धनपति राय जो० जेसर्स फर्म
रेडिओ के विरुद्ध अदालती कार्यवाही

उपरोक्त वाद में आज दिनांक 20/9/83 को
श्रीमान अति० मुसिल मजिस्ट्रेट एं स्त्रीसी के आग्रह
में उपस्थित हुआ। उपरोक्त वाद की सुनवाई
स्थगित रही। अंजली तिथि 3/10/83 सुनिश्चित
हुई है।

कृपया पत्रांक पी-58/82 दिनांक 24/9/83
तथा समसंख्यक अनुस्मारक दिनांक 21/7/83 तथा
8/9/83 का अवलोकन कर देखा वक पक्षिमा
की स्थापना सम्बन्धी अदुर्बत पत्र पुरस्त विधवा
औरि अभी तक अवाप्त है।

वेतार श्लोच विशेष लखनऊ श्री
सहायतार्थ उपस्थिति आवश्यक है। कृपया उक्त
तिथि पर उपस्थिति हेतु निर्देशित करने की
कृपा करें। हुआ रायवा जाह वांछित अनुबत
के अभाव में वाद का स्वाधिक होना सुनिश्चित है।

- [Signature]
वेतार लाइसेंस निर्देशक-II
प्रीमपुर-पंजी 262001



(29)

Hand Wry

Chander
3.4.84 Dd

Hon. R. C. Dev Sharma, J

List before the
appropriate Bench
along with the record

4.4.1984

mtb

109

9/2

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

1984
AFFIDAVIT
100
HIGH COURT
ALLAHABAD

2nd Application for clarification of the
Order dated 2nd November, 1983

In re

Writ Petition no. 5158 of 1983

Sadhari Lal Shukla and others

....Petitioners

Versus

State of U.P. and others

....Opp. Parties

I, Madan Mohan Verma,
aged about 53 years, son of
Sri Ram Kripal, Joint
Secretary to the Government
of U.P. Agriculture Section-1
U.P. Civil Secretariat, Lucknow
do hereby solemnly affirm
and state as under:

1. That the deponent is the Joint Secretary
to the Government of U.P., Agriculture Section-1
U.P. Civil Secretariat, Lucknow and is fully conversant
with the facts deposed to herein.

2. That in the aforementioned writ petition
the petitioners have inter alia in the application

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170

3 1/80

2.

dated September 1983 prayed that the opposite parties be restrained from making any further promotion from direct recruits until a seniority list interse between the direct recruits and promotion quota of U.P. Agriculture Service Class II(Section B) was prepared and the case of the petitioner decided thereafter.

3. That Hon'ble Court had been pleased to pass an interim order on 2.11.1983 which is being reproduced hereunder:

" List in the first week of December 1983.

In the meantime while making appointments the State will ensure that the promotion quota is also filled at the same time ~~which~~ when direct appointments are made."

4. That it is submitted that the posts in U.P. Agriculture Service Class I are filled in by promotion and not by direct recruits. It is further stated that the posts ~~of~~ in U.P. Agriculture Service Class I are not filled ~~by~~ direct recruitment.

5. That the posts in U.P. Agriculture Service Class I are filled in from amongst the directly recruited candidates on Class II posts as well from those officers who are promoted to Class II posts from lower posts.

6. That an application for clarification of the order dated 2nd November, 1983 supported with an affidavit was filed in this Hon'ble Court on 5.3.1984 which was ordered to be listed alongwith previous papers but the

3.

said application has not as yet been listed.

7. That it is expedient in the ends of justice and equity and in view of the facts stated above that the interim order dated 2.11.1983 is clarified.

Lucknow ^{April 2} ~~March~~, 1984

Deponent

I, the deponent abovenamed do hereby verify that the contents of paragraphs of the affidavit are u true to my personal knowledge and the contents of paragraphs u of the affidavit are true to my information derived from the records which are believed by me to be true and the contents of paragraphs u of the affidavit are based on legal advice. No part of it is false and nothing material has been concealed. So help me God.

Lucknow: ^{April 2} ~~March~~, 1984

Deponent

I identify the deponent who has signed before me.

Chief Standing Counsel's office,

Solemnly affirmed before me on 2.4.1984

at 5-~~00~~ a.m./p.m. by Sri Moder Mohan Verma

the deponent who is identified by Sri Rajendra Kumar
Clerk of Chief Standing Counsels' Office,

High Court, Allahabad, Lucknow Bench, Lucknow,

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

BY
BUSHNIC
CATH

278/100
2-4-1984

A
112

A
112

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

Civil Misc. Appln. no. (W) of 1984

1. State of U.P.

2. Director of Agriculture, U.P. ... Applicants
(O.P. 1 and 2)

In re

Writ Petition no. 5158 of 1983

Sadhari Lal Shukla and others Petitioners

Versus

State of U.P. and others Opp. Parties

2nd Application for clarification of the
order dated 2nd Nov. 1983

The applicants abovenamed most respectfully beg to state
as under:

1. That an application for clarification of the
order dated 2nd November, 1983 supported with an
affidavit was filed in this Hon'ble Court on 5.3.1984
which was ordered to be listed along with previous papers
but the said application has not as yet been listed.

2. That for the facts and circumstances stated in
the accompanying affidavit it is most respectfully
prayed that this Hon'ble Court may be pleased to
the interim order dated 2.11.1983.

Lucknow March , 1984

113

A
83

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

2nd Application for clarification of the
Order dated 2nd November, 1983

In re

Writ Petition no. 5158 of 1983

Sadhari Lal Shukla and others Petitioners

Versus

State of U.P. and others Opp. Parties

I, Madan Mohan Verma,
aged about 53 years, son of
Sri Ram Kripal, Joint
Secretary to the Government
of U.P. Agriculture Section-1
U.P. Civil Secretariat, Lucknow
do hereby solemnly affirm
and state as under:

1. That the deponent is the Joint Secretary
to the Government of U.P., Agriculture Section-1
U.P. Civil Secretariat, Lucknow and is fully conversant
with the facts deposed to herein.

2. That in the aforementioned writ petition
the petitioners have inter alia

A
114

2/84

2.

dated September 1983 prayed that the opposite parties be restrained from making any further promotion from direct recruits until a seniority list interse between the direct recruits and promotion quota of U.P. Agriculture Service Class II (Section B) was prepared and the case of the petitioner decided thereafter.

3. That Hon'ble Court had been pleased to pass an interim order on 2.11.1983 which is being reproduced hereunders

" List in the first week of December 1983.

In the meantime while making appointments the State will ensure that the promotion quota is also filled at the same time ~~when~~ when direct appointments are made."

4. That it is submitted that the posts in U.P. Agriculture Service Class I are filled in by promotion and not by direct recruits. It is further stated that the posts ~~in~~ in U.P. Agriculture Service Class I are not filled by direct recruitment.

5. That the posts in U.P. Agriculture Service Class I are filled in from amongst the directly recruited candidates on Class II posts as well from those officers who are promoted to Class II posts from ~~lower posts~~.

6. That an application for clarification of the order dated 2nd November, 1983 supported with an affidavit was filed in this Hon'ble Court on 5.3.1984 which was ordered to be listed alongwith previous papers but the

115
3.

said application has not as yet been listed.

7. That it is expedient in the ends of justice and equity and in view of the facts stated above that the interim order dated 2.11.1983 is clarified.

Lucknow March , 1984


Deponent

I, the deponent abovenamed do hereby verify that the contents of paragraphs of the affidavit are true to my personal knowledge and the contents of paragraphs of the affidavit are true to my information derived from the records which are believed by me to be true and the contents of paragraphs of the affidavit are based on legal advice. No part of it is false and nothing material has been concealed. So help me God.

Lucknow: March , 1984


Deponent

I identify the deponent who has signed before me.

Chief Standing Counsel's office,
Solemnly affirmed before me on
at a.m./p.m. by
the deponent who is identified by Sri
Clerk of Chief Standing Counsel's Office,
High Court, Allahabad, Lucknow Bench, Lucknow.
I have satisfied myself by examining the

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 5135 of 1983
Bhagwan Prasad Singh vs Union of India

A/96

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
28.9.83	Hon. V.C.S. & Hon. K.N.G. Put up tomorrow Sec. V.C.S. Sec. K.N.G. 28.9.83. Cm. app. no. 10946/83 Hon. V.C.S. & Hon. K.N.G. Put up along with the writ petition Sec. V.C.S. & Sec. K.N.G. 28.9.83.	
30.9.83	Hon. V.C.S. & Hon. K.N.G. to hear in this week On 24.10.83. and meanwhile the operation of the order shall remain stayed. Sec. V.C.S. & Sec. K.N.G. Cm. app. no. 10946/83. Hon. V.C.S. & Hon. K.N.G.	

Per order Secy. order on
W.P.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WA 5135 No. 93 of 198

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	Hon K. N. Goyal J. Hon S. S. Ahmad J.	
	As prayed by Sri. Pandhawa list in the third week of January 1984. Stay order shall continue in the meantime.	
	19/1/83 [Signature]	
17-1-84.	12.1.84 fixed with C.A. No 10946 (M) 83 for orders Hon K. N. Goyal J. Hon S. S. Ahmad J.	For Bench Bhaskar Joshi
24-1-84	Fixed Hon K. N. Goyal J. Hon S. S. Ahmad J.	
1-2-84.	Fixed with C.A. No 10946-83 For Hon K. N. Goyal J. Hon S. S. Ahmad J.	
9/2/84	Fixed with C.A. No 10946-83	

from N. K. J.
to S. S. J.

Lo. [Signature] 9/2/84

For
initial