

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

D.A./T.A. G.E.P./No. 1214 1987. (T)

Smt. Indira Kumari v/s WP No. Applicant.

Versus

U.O.D. & Ors. Respondents.

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Dy. Registrar

Supervising Officer

Dealing Clerk 30/12/88

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

Dealing Clerk

RN)

Check on 30-12-88

Rajesh
20/5/

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE

T.A. No. 1214/87 ✓
T.A. No. 1179/87
T.A. No. 1158/87
T.A. No. 1296/87

Name of the parties

Smt. Indira Kunari Applicant.

Versus.

U.O. India & Others Respondents.

Part A.B.C.

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Calcutta, 28/3/91

28/3/91

-2-

Versus

1. The Union of India through the Secretary, Ministry of Communications, Government of India, New Delhi
2. The General Manager, Telecommunications, U.P., Circle, Lucknow
3. The Chief Superintendent, Central Telegraphs Office, Lucknow

Opp-parties

This humble petition on behalf of the petitioners above-named most respectfully sheweth:-

1. That with a view to make recruitment for Reserve Trained Pool in the cadre of Telegraphists in the various offices under the opposite-party no.2 an advertisement was published in the 2nd October, 1982 issue in the weekly titled 'Employment News'. A true copy of the said advertisement no. 1/82 is being annexed as Annexure no.1 to this petition.

2. That the petitioners who fulfilled the requisite age qualification prescribed in the said advertisement

Dulha Kumar
9/13

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

M.P. No. 5325-

of 1983

Smt. Indira Kumari vs. The Union of India & 2 Another

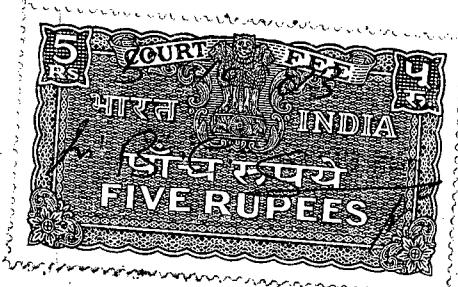
Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
7-10-83	<p>Hon. U.C.S. J. Hon. R.N.G. J. Admit and connect in with W.P. No. 4298/83 We are told that the said writ petition is being heard today by a learned Single Judge. Let this case also also sent to the Hon'ble R.C. Das Sharma, J. to day.</p>	sd/ U.C.S. sd/ R.N.G.
7-10-83	<p>CMA. 11265 of 1983 Hon. U.C.S. J. Hon. R.N.G. J. Put up also with the writ petition.</p>	sd/ U.C.S. sd/ R.N.G.
7-10-83	<p>Hon. R.C. Das Sharma, J. Notice has been accepted by Mr. K. Phawar on behalf of the opposite parties. The test</p>	

30/10/83

A42

3

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



Application for interim relief

C.M. Application No. 11268 (w) of 1983

Writ Petition no 5325 of 1983

1. Srimati Indra Kumari, aged about 28 years, daughter of Sri Ram Ghulam, care of Sri Ahsok Kumar, resident of Raghubar Das Ka Hata, Gandhi Nagar, Lucknow
2. Laloo Prasad, aged about 20 years, son of Sri Mahababu, resident of Vishnu Puri Colony, House no. 36/3, Aliaganj, Lucknow
3. Bandhu Prasad, aged about 25 years, son of Sri Rajmani Prasad, care of Sri Mukh Lal, Telegraphist, Central Telegraph Office, Lucknow
4. Sushil Kumar Dixit, aged about 22 years, son of Sri Satya Narain Dixit, post Kantha, district Unnao.
5. Km. Rachna Bhatnagar, aged about 22 years, daughter of Ramed Bahadur Bhatnagar, resident of M-1/7, Canal Colony, Aliaganj, Lucknow

Bcr

versus

1. The Union of India through the Secretary, Ministry of Communications, Government of India, New Delhi
2. The General Manager, Telecommunications, U.P., Circle, Lucknow
3. The Chief Superintendent, Central Telegraphs Office, Lucknow

Opp-parties

This application on behalf of the applicants above-named most respectfully sheweth:-

That on the basis of the facts stated in the accompanying petition the applicants pray that this Hon'ble Court be pleased :-

(i) to pass an ad interim order restraining the opposite-parties from holding the dictation-cum-handwriting test scheduled for 10.10.1983 in pursuance of the notice specimen copy of which is Annexure 4 to the writ petition.

(ii) to pass such other order which in the

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AGS

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



Recd 5/1/84
1983

Application for clarification of the order
dated 12.1.1984

Writ Petition no. 5325 of 1983

W.M. Application No. 3967 (W) of 1984

Srimati Indra Kumar and others

--Petitioners-
applicants

versus

Union of India and others

--Opp-parties

This application on behalf of the applicants
above-named most respectfully sheweth:-

1. That the above-noted writ petition has been
directed to be connected with two others writ
petitions viz., Writ Petition no. 4298 of 1983 -
Ram Bujharat Pandey and others vs. Union of India
and Writ Petition no. 2534 of 1983- Bhupendra Bison
versus Union of India and others.

2. That the petitioners in the above-noted writ
Petition no. 5325 / as also in Writ Petition no .

Bar

10 -

A87

6

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 198

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
27.7.84	Cm. No 7053 - See vs. J. Shrivastava List next week as prayed.	
		27.7.1984
2.8.84	Cm. No 7053 - 84 for a Mr. Shrivastava List before Hon. S.C. matter is as the learned counsel states that the matter is tied up to the Hon'ble judge.	
		2.8.84
10.8.84 13	10-8-84 fixed where 7053 case for orders Hon. SCM J Put up tomorrow B.R. 12/10/84	to be seen

Hon. SCM J

Put up on 17-8-84.

16

14-8-84.

another test was scheduled to be held on 10.10.1983 in pursuance of the notice contained in Annexure 4 to the present writ petition.

3. That when the said test was notified to be held the petitioners in Writ Petition no. 5325 of 1983 and also in Writ Petition no. 4298 of 1983 preferred applications for interim relief in this Hon'ble Court. On the said application in Writ Petition no. 5325 of 1983 which was numbered as Civil Misc. application no. 11265 (2) of 1983 Hon'ble Mr. Justice R.C. Deo Sharma before whom the said application came up for orders on 7.10.1983 was pleased to pass the following order:-

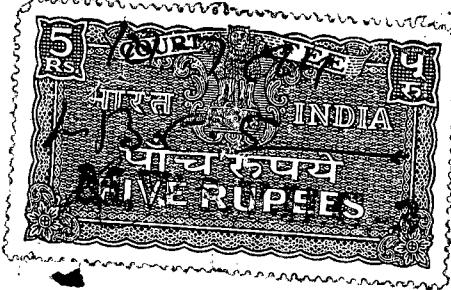
" Notice has been accepted by Sri U.K. Dhaon on behalf of the opposite parties. The test scheduled for 10th October, 1983 may be held but the petitioners shall also be allowed to appear in the test. The result of the test shall not be finalised and no appointment on that basis shall be made till further orders.

The petition may be listed for further orders after three weeks."

4. That Writ Petition no. 2534 of 1983 was filed by one Sri Bhupendra Bisen who had not qualified at the first test held for the posts of Telegraphists Reserve Pool. This writ petition came up for orders as regards admission on 12.1.1984 before a Division Bench consisting of Hon'ble Mr. Justice K.N. Goyal and Hon'ble Mr. Justice S.S. Ahmad. Their Lordships

AS3

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



C.M. Application No. 7053 (w) of 1984

Writ Petition no. 5325 of 1983

Srimati Indra Kumari and others

--Petitioners-applicants

versus

Union of India and others

--Opp-parties

0799
This application on behalf of the applicants
above-named most respectfully sheweth:-

1. That the above-noted writ petition has been directed to be connected with two other writ petitions viz., Writ Petition no. 4298 of 1983- Ram Bujharat Pandey and others vs. Union of India and Writ Petition no. 2534 of 1983 - Bhupendra ~~Ban~~ Bisen versus Union of India and others.
2. That the petitioners in the above noted writ Petition no. 5325 of 1983 as also in Writ Petition no. 4298 of 1983 had been selected for appointment on the post of Telegraphists (Reserve Trained Pool). By the orders impugned in the said writ petitions the approval accorded for the appointment of the petitioners on the post of Reserve Pool Telegraphists was purported to be cancelled and subsequently

for

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 1214 of 1987.

APPELLANT
APPLICANT

Smt. D. Kumar

VERSUS

DEFENDANT
RESPONDENT

UDC

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

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

17/10/89 The applicants are present in person. Counsel for the respondents is not present. However, a request has been made by Shri V.K. Choudhary, Addl Standing Counsel for Union of India to grant time to respondents to file counter affidavit. Let counter affidavit be filed within four weeks to which the applicant may file rejoinder affidavit, if any, within two weeks thereafter. List this case for final hearing on 19-12-89.

DK Agr

J.M.

(sns)

Hon' Mr. Justice Kamleshwar Nath, V.C.
Hon' Mr. K. Obayya, A.M.

19/12/89 The applicant is present in person. Counter has been filed on behalf of Op.Ps. The applicant may file rejoinder, if any, within 3 weeks hereof and list this case for final hearing on 31-1-90.

A.M.

(sns)

V.C.

OR
This case has been heard from CAT, Addl. on April. Case is admitted & connected with W.P. 4290/89.
No CA/RA filed. Stay continue. Notices were sent from CAT, L. Notice of a w 2 has been sent back with postal remark. "transcript sent out 2nd & 3rd. 9/10/89 submitted under

OR
No reply filed submitted to order.

CA filed to do
17/1/89
No RA filed submitted to hearing
20/1

— 17 —

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

(1) T.A. No. 1214/87

(W.P. No. 5325/83)

Smt. Indira Kumari

Petitioner.

vs.

Union of India & others

Respondents.

(2) T.A. No. 1179/87

(W.P. No. 4298/83)

R.B. Pandey

Petitioner.

vs.

Union of India & others

Respondents.

(3) T.A. 1158/87

(W.P. No. 2534/83)

Bhupendra Bisen

Petitioner.

vs.

Union of India & others

Respondents.

(4) T.A. No. 1216/87

(W.P. No. 229/84)

Ram Tej

Petitioner.

vs

Union of India & others

Respondents.

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

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

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

In this bunch of cases common question of law and facts arise and the petitioners are the employees of the same Department, the case is being decided by one common judgment.

2. The dispute is in respect of recruitment of Telegraphist in various offices under the respondents. For filling up the posts, an advertisement was issued on 22.10.82 in the Employment notice. Thus, the applicants offered themselves for the same. On the basis of marks as provided in the

18 -

advertisement, they were allowed to appear in the examination. The qualifying test in the English dictation and type was held on 25.12.82. The selection was to be made on the basis of marks obtained in the High School plus bonus marks for higher qualification and preference being given to those having typing speed of 40 words per minute. Some 200 candidates appeared in the same. Thereafter, a list of successful candidates was prepared and the name of applicants perhaps appeared. After inclusion of their names in the list they were served with a letter mentioning therein requiring that their names have been included in the select list. It appears that the applicants produced the documents and also deposited the security amount. After completion of the formalities, when they were waiting for job, a notice was issued requiring the 200 candidates to appear on 10.10.83 for a dictation/handwriting test. According to the applicants, they were candidates who had acquired lesser marks earlier. After holding qualifying test the candidates found suitable in selection and reserved for 1982, But vide letter dated 24.9.83 their panel was cancelled. The writ petition was filed by one Shri Bhupinder Singh whose case is one before us. The said Bhupinder Singh secured only 40% marks but his name was not included, the petitioners name could not also find place and they have filed the writ petition which has now, by virtue of operation of law, has come to this Tribunal on transfer.

3. According to the respondents the examination of the applicants was cancelled because of a complaint

received and re-evaluation was done and the re-evaluation of all the applicants ^{were} not found upto the mark and they were not appointed. There is no denial of the applicants contention that before cancelling the panel a notice should have been issued. Applicants were not given any notice and their version was not taken. After receipt of the complaint a direction was issued on the following words:

"As will be seen only 12 candidates have qualified keeping in view the minimum speed of 40 W.P.M., subject to maximum of 5% mistakes. In this connection I would like to remark that both the passages of English and Hindi contained less than 400 words to be typed in 10 minutes. In absence of any written instructions to re-type the passage, after completing once, and in the absence of any indication of the total number of words at the end of the passage there may have been some misunderstanding in the minds of the candidates whether they have to retype the passage to attain, at least the minimum speed of 40 W.P.M. I would like to point out that where as some candidates have retyped it only once, within the permissible number of mistakes, but have 'failed' because of the minimum speed of 40 W.P.M. In all fairness, the passage should have contained words much more than 400 words and the number of words should have been indicated at the end. In the circumstances, it is for consideration whether the candidates should be re-examined in this paper."

4. The result was cancelled and no examination took place, in pursuance of the interim order passed by this Court. Some of the applicants, not all, got appointment. The contention is that if there was any fault in the examination or instructions which were issued, the instructions/ terms ~~which were issued~~ of the advertisement were

complete and when all the passages were typed out there was no machinery to judge the speeds per minute and the applicants cannot be penalised for any shortcomings or lacuna in the advertisement and instructions in this behalf. Even otherwise when once their names ^{were} included and they were apprised of the same, they were called to complete formalities, they cannot claim any right to the post as such but that cancellation could not have taken place without giving them any opportunity. Moreover, if the justification was for re-examination, but instead of re-examination, re-evaluation took place. How this re-evaluation has been done and on what basis, this mystery has not been clarified in the counter. Cancellation and then re-evaluation was not legal and not justified by any principle of justice.

5. Accordingly it deserves to be cancelled. The applicants undoubtedly having been ^{given} posting obviously in pursuance of the interim order passed by the Court, they were entitled on the basis of examination in which they appeared. As such, the only question which now remains for consideration is whether the appointment is to date back since their names were included in the select list or within reasonable time by which re-examination should have taken place. Even if we fix the reasonable time of three months, by that time no examination could take place when in subsequent test for typing etc. will not be a substitute for the examination which was provided in the advertisement or re-examination which took place. In case the cancellation of the panel the applicants are entitled to get the

appointment on the basis of select list. We accordingly allow writ petition and set aside the cancellation of panel and re-evaluation and direct that those whose names found place should be deemed to have been appointed in the list who were subsequently appointed. However, we are making clear that what we are directing will not apply to those whose names did not appear in the select list or could not be appointed in pursuance of the interim order granted by the High Court. The Department will decide the question of seniority and placement in the gradation list and other consequential benefits in pursuance thereof.

6. Petitions are disposed of accordingly. Parties to bear their own costs.

Shakeel
A.M.

V.C.
V.C.

Shakeel/ Lucknow Dated: 10.5.91

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Group A 15 (c)
In the Hon'ble High Court of Judicature at Allahabad
(Lucknow Bench), Lucknow

Writ Petition No. 5328 of 1983

Srimati Indra Kumari and others --Petitioners

versus

Union of India and others --Opp.-parties

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(B.C. Saksena)
Advocate

20th March 1961 High Court of Judicature at Allahabad

AII
Mewar Bench for
W.P. No 5580/61



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Smt Indra Kumari Jethwa —

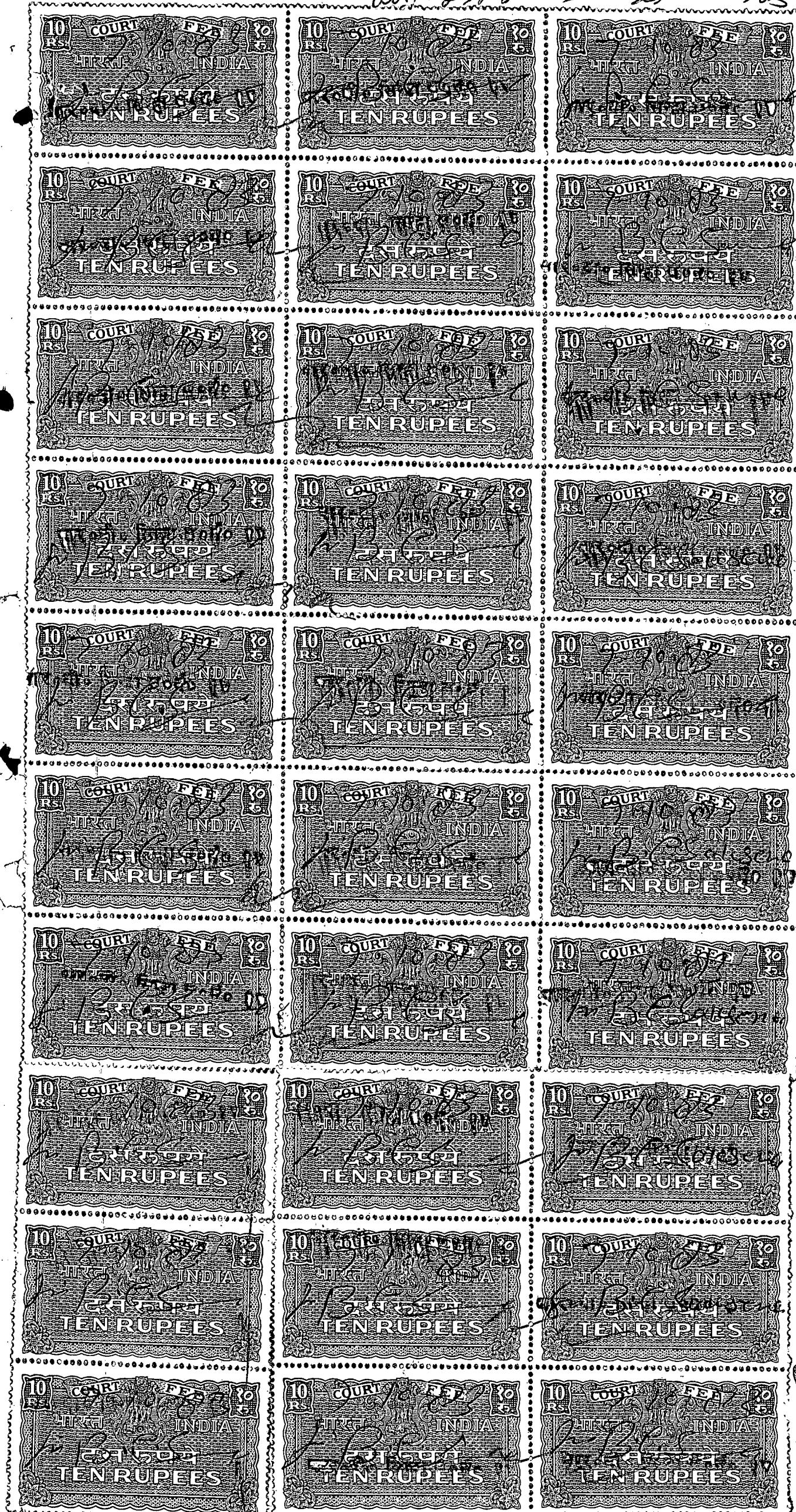
vs

Petitioner

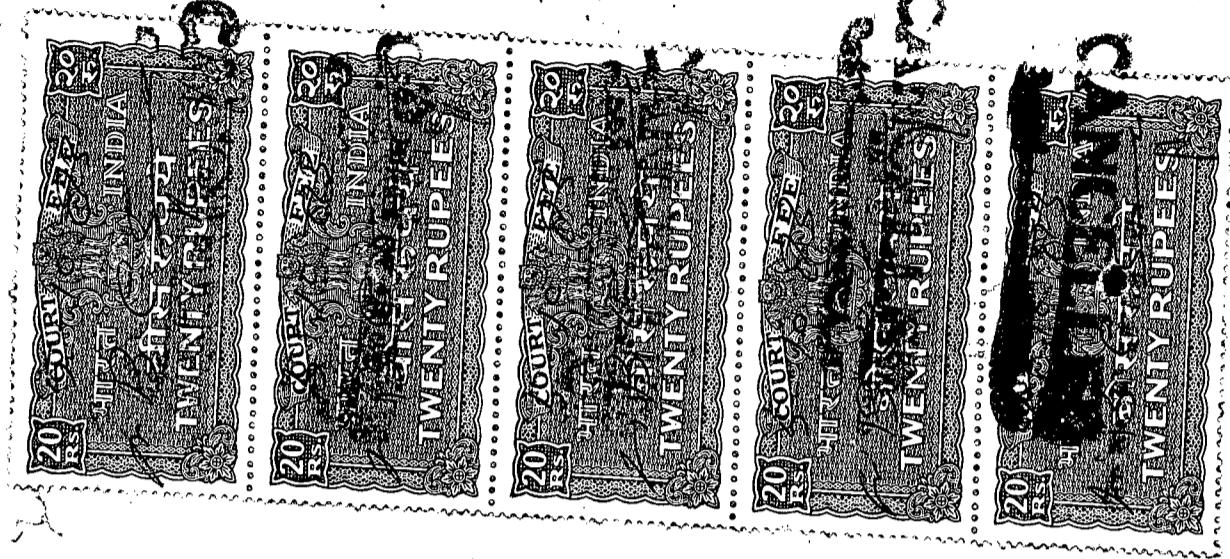
Union of India Jethwa — opp. Parties

B.C. Saksena
Sri B.C. Saksena
(Advocate)

On the Kankli High Court of Judicature at Allahabad
and 6328 Oct 1903
103



Emt Amtoo Kankli Jothors, — Petitioner (S. B. C. Sircar)
Union of India Jothors — B. P. Pastur, Advocate



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

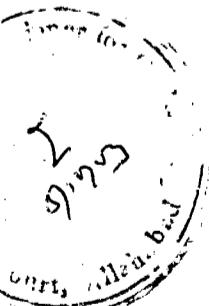
sep/1983
 Ram
 5-10-83

Petition under Article 226 of the Constitution
 of India

Writ Petition No. 5328-
 of 1983

1. Srimati Indra Kumari, ^{aged about 28 years} daughter of Ram Ghulam, care of Sri Ashok Kumar, ^{1/2} Raghubar Das Ka Hata, Gandhi Nagar, Lucknow
2. Laloo Prasad, aged about 20 years, son of Sri Mahabir, resident of Vishnu Puri Colony, House no. 36/3, Aliganj, Lucknow
3. Bandhu Prasad, aged about years, son of Sri Rajmani Prasad, care of Sri Mukhlal, Telegraphist Central Telegraphs Office, Lucknow
4. Sushil Kumar, ^{Dixit ✓} aged about 22 years, son of Sri Satya Narain, Dixit, post Kantha, district Unnao
5. Km. Rachna Bhatnagar, aged about --- years daughter of Ram Bahadur Bhatnagar, resident of M-1/7, Canal Colony, Aliganj, Lucknow

Indra Kumari



viz., between 18 and 23 years on 1.7.1982 and also fulfilled the requisite minimum educational qualifications indicated in the said advertisement submitted their candidature for being recruited as Telegraphists in the Reserve Trained Pool.

3. That the petitioners on the basis of the marks obtained by them at the High School Examination conducted by the U.P. Board of High School and Intermediate Education came under the selection zone as referred to in para 5 of the advertisement. It is stated that the aggregate percentage of each of the petitioners after adding the bonus marks for Intermediate and Graduation indicated in the said paragraph 5 had total percentage for purposes of selection in the Reserve Pool Telegraphists as follows:-

Petitioner no.	Total percentage of marks for selection
1	58.4
2	60.2
3	69.4
4	74.6
5	69.2

Dudra Kumar

4. That a qualifying test in English dictation-cum-handwriting and typing was held on 26.12.1982

at which the petitioners along with other candida es had appeared.

5. That the result of the said qualifying test was notified by opposite-party no.3 by his letter no. OS/Car/Rectt. TL ORT PP/82 dated 7th April, 1983.

The petitioners names were shown in the list of successful candidates in the said order dated 7.4.1983 at serials nos. 46, 44, 45, 6 and 18 respectively.

6. That each of the petitioners was served with a copy of letter no. E/48/RTP-TL/82-83 with the same serial of the select list of each of the petitioners dated 8.4.1983. The said letter except for change in the last number was in identical terms and as such a specimen copy of the said letter dated 8.4.1983 is being annexed as Annexure no.2 to this petition.

7. That each of the petitioners in pursuance of the said communication dated 8.4.1983 presented himself before 22.4.1983 and submitted documents indicated at serials nos 1 to 8 of the said letter, and the said documents are still with opposite-party no.3.

Andrea Kumanan

It is stated that the security deposit for an amount of Rs.1170/- pledged in favour of the President of India was also made by each of the petitioners. The said security deposit was

made by each of the petitioners in the form of fidelity bond for five years with effect from 1.4.1983 and the same was executed through the U.P. Postal Primary Cooperative Bank, Lucknow. The Employment Exchange registration cards in original were also submitted and the same are ~~still~~ still in possession of opposite-party no.3.

8. That though each of the petitioners had completed the requisite formalities and had submitted the documents indicated in the said communication dated 8.4.1983 they have till date not been called for departmental training which is stated to be for a period of nine months. After the said departmental training the petitioners would be entitled to be kept in reserve Trained Pool of Telegraphists cadre and to be absorbed ^{and} against future vacancies ~~ask~~ when they arise. The candidates after undergoing the departmental training, as would be evident from a perusal of the communication dated 8.4.1983 were required to work in any office of the Lucknow Telegraph Traffic Division on the hourly rates prescribed from time to time. The present rate is Rs. 2.75 per hour.

9. That the petitioners while waiting for orders for their being sent for departmental training were surprised to receive a notice dated 27.8.1983/ 24.9.1983 sent by Sri Rao, Assistant

Indra Kumar

Chief Superintendent (A), C.T.O., Lucknow purportedly on behalf of the Chief Superintendent, Central Telegraphs Office, Lucknow. By the said communication the petitioners were cryptically informed that due to technical reason the letter dated 8.4.1983 by which the petitioners were approved as Reserve Pool Telegraphists was being cancelled. By way of specimen a true copy of one of such letters as served on petitioner no.1 is being annexed as Annexure no.3 to this petition.

10. That simultaneously a notice has been issued to about 200 candidates requiring them to appear on 10.10.1983 for a dictation-cum-handwriting test. The petitioners have not been able to gather the names of the said 200 candidates but on the information available the petitioners verily believe that the said 200 candidates are those who had applied in response to the advertisement contained in Annexure No.1 to the writ petition, but have obtained lesser pass marks in the matriculation and equivalent examination recognised by an Indian University or Board than the petitioners. The said candidates had in their applications not indicated that they possessed any typing knowledge and consequently did not produce any certificate showing knowledge of typing. The petitioners have been able to obtain a copy of one such letter issued to Kamla Kant Upadhyay son of Sri Ravi Dutt Upadhyay

Andra Kumar

by the Assistant Chief Superintendent (4) Central Telegraph Office, Lucknow, bearing no. Recruitment/RTP/ Lucknow /82 dated 24.9.1983 as Annexure no.4 to this writ petition. It is stated that similar and identical letters have been issued to the other 16 candidates.

11. That after holding the qualifying test in dictation-cum-handwriting and typing the Selection Committee had found 47 candidates in all suitable for selection as Reserve Trained Telegraphists for the year 1982. This can be gathered from the true copy of letter No. CS/Car/Recr. TL(RTP) 82, dated 7th April, 1983 issued from the office of the opposite party no.3 which is being annexed as Annexure no. 5 to this petition. A perusal of the said list would show that the petitioners were allotted the following percentage of marks after qualifying test:-

1. Petitioner no.1(Smt. Indra Kumari)	58.4
2. Petitioner no.2(Laloo Prasad)	60.2
3. [✓] Petitioner no.3 [✓] Bardhu Prasad	69.4
4. Petitioner no. 4(Sushil Kumar Dixit)	74.6
5. Petitioner no. 5(Km. Rechna Bhatnagar	69.2

Indra Kumari

12. That out of the list of candidates suitable for selection dated 7.4.1983 notices for joining the training have been issued to only five candidates whose names are shown in the said list at serial nos. 8,9,14, 24 and 27. Order cancelling the communications indicating their approval for appointment as Reserve Trained Pool Telegraphists issued on 8.4.1983 have been cancelled and they have been issued letters communicating the same in identical terms as the letter dated 24.9.1983 (Annexure 3 to the writ petition)

13. That no details have been given out with regard to what were the technical reasons for cancelling the said orders of approval.

14. That the selection Committee has found the petitioners suitable for selection as Reserve Trained Pool Telegraphists and evidently the petitioners had obtained more than the requisite qualifying marks for the dictation-cum-handwriting test as also a typing test.

15. That before issuing the letter dated 24.9.1983 cancelling the approval of the petitioners as suitable candidates the petitioners were at no time called upon to show cause why the approval granted to them as successful candidates be not cancelled. No reasons were also indicated or brought to the notice of the petitioners much less they were afforded no opportunity to meet the said reasons.

Indra Kumar

SVV

16. That it would be relevant to indicate that one Sri Bhupendra Bisen had filed a writ Petition in this Hon'ble Court which was numbered as Writ Petition no. 2534 of 1983 by which the said Sri Bisen had prayed for a writ of mandamus directing the opposite--parties to include his name in the select list of Reserve Trained Pool Telegraphists contained in Annexure 3 to the writ petition. In para 20 of the said writ petition the said Sri Bisen has indicated that 19 candidates including the petitioner had failed to type test passage within the prescribed time of ten minutes. The said allegation was verified on the basis of true knowledge.. The said allegation is, however, denied.

✓
17. That in the said Writ Petition no. 2534 of 1983 Sri K.C. Chaturvedi, Divisional Engineer, Phones (Administration) has been impleaded by name as opposite-party no.4 and certain allegations have been made against him.

18. That the order dated 24.9.1983 appears to have been passed under duress by the concerned authorities by reason of the filing of the said Writ Petition no. 2534 of 1983. Petitioner Sri Bhupendra Bisen in the said writ petition claims himself to be the nephew of Sri Amar Jit Singh Bisen who at the time of the selection was working

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Indra Kumar

as Personal Assistant to the Chief Superintendent, Central Telegraph Office, Lucknow and also as Vigilance Clerk.

19. That the said Sri Bhupendra Bisen had lesser percentage of merit marks than the candidates at serial nos. 1 to 30 of the list dated 7.4.1983. The petitioners verily believe that ~~in~~ his percentage of marks of selection was only 58 % and ~~in~~ a perusal of the said writ petition would show that he claimed a place in the selection list on the alleged basis of his having obtained the requisite 40% marks in the typing test. The opposite- parties instead of filing a counter-affidavit to the said writ petition and defending the order of approval of the candidates as issued and contained in the letter dated 7.4.1983 have under duress and for extraneous reasons issued the orders for cancellation of the approval of the petitioners as also of other candidates as a Reserve Trained Pool Telegraphists for the year 1982 in the office of the opposite-party no.3.

20. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this writ petition and sets forth the following, amongst others,

Andrea Kumar

the writ petition the order contained in annexure 3 to the writ petition is highly arbitrary and capricious.

(f) Because even if it could be that the petitioners have been shown to have obtained lesser marks than the qualifying marks in the typing test as alleged in the other Writ Petition no. 2534 of 1983, which fact though is denied, there is no warrant to cancel the approval of the petitioners as suitable candidates. Such an action is clearly against the terms and spirit of the provisions contained in Annexure 1 to the writ petition.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased:-

(i) call upon the opposite-parties to produce the relevant record culminating in the issuance of the letter dated 24th September, 1983 contained in Annexure no.3 to the writ petition as also the records of the selection and be pleased to issue a writ of certiorari or a writ, order or direction in the nature of certiorari quashing the order dated 24th September, 1983 specimen copy of which is Annexure 3 in respect of the petitioners as also the selection to be made in pursuance of the letter dated

Neelakurmani

-13-

24.9.1983 contained in Annexure no.4 to the writ petition.

(ii) to issue a writ of mandamus or a writ order or direction in the nature of mandamus commanding opposite-party no.3 to send the petitioners for the requisite departmental training and to keep them as reserve trained Pool candidates for absorption against future vacancies as and when they arise in the Telegraphists cadre.

(iii) to issue such other writ, direction or order, including as order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.

B.C. Saksena

Dated Lucknow

(B.C. Saksena)

October 4, 1983

Advocate

Counsel for the petitioners

A26

14

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

Affidavit
in

Petition under Article 226 of the Constitution
of India.

Writ Petition No. of 1983

Srimati Indra Kumari and others --Petitioners
versus

Union of India and others --Opp.-parties

I, Srimati Indra Kumari, aged about 28 years, daughter of Sri Ram Chulam, care of Sri Ashok Kumar, resident of Raghubar Das Ka Hata, Gandhi Nagar, Lucknow, do hereby solemnly take oath and affirm as under:-

1. That the deponent is petitioner no.1 in the above-noted writ petition and is fully acquainted with the facts of the case.
2. That contents of paras 1 to 19 of the accompanying petition are true to my own knowledge.
3. That Annexures 1 to 5 have been compared and are certified to be true copies.

Dated Lucknow

October 5, 1983

Indra Kumari
Deponent

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

Dated Lucknow

Indrakumar
Deponent

5.10.1983

I, the deponent identify the deponent who has signed in my presence.

R.K. Saksena
Advocate

Clerk to Sri B.C. Saksena, Advocate

Solemnly affirmed before me on 5.10.83
at 10.15 a.m/p.m by *S. Indrakumar*
the deponent who is identified by Sri R.K. Saksena
clerk to Sri B.C. Saksena
Advocate, High Court, Allahabad. I have satisfied
myself by examining the deponent that he understands
the contents of the affidavit which has been read
out and explained by me.

S. Indrakumar
5.10.83

SATISH CHANDRA	
SUKHDEV	
OATH	SWINGER
By	Abad;
L	ch,
No.	719693
Date	5.10.83

A28

16

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

Writ Petition No. of 1983

Smt. Indra Kumari! Petitioner
versus

Union of India and others! onn. parties
Annexure No. 1

Advertisement No. 1/82

In dien Posts and Telegraphs Department

Office of the General Manager Telecom. U.P. Circle,
Lucknow.

General Manager Telecom. U.P. Circle, Lucknow
requires candidates for Reserve Trained Pool in the
cadre of Telegraphists as under:-

1. Requirements

Sl. No.	Name of Head of other Dn. (Recruiting unit)	Telegraph Traffic commun (Unreserved)	Reserved for orthon- -nity edically handica- pned	Tot. a		
				S/C	S/T Ex.	S/Men
1.	Chief Supdt. C.T.O. Arra.	31	1.	8	3	5
2.	Chief Supdt. C.T.O. Lucknow.	154	1.	3	2	28
3.	Sr. Supdt. Telec. Traffic, Allahabad.	31	1	5	2	4
4.	Sr. Supdt. Telec. Traffic, Bareilly.	31	1	5	2	4
5.	Sr. Supdt. Telec. Traffic, Varanasi.	22	1	5	2	3
6.	Sr. Supdt. Telec. Traffic, Varanasi.	23	1	6	2	4
7.	Supdt. Telec. Traffic, Sahanpur.	16	1	5	2	3

1.	Chief Supdt. C.T.O. Arra.	31	1.	8	3	5	48
2.	Chief Supdt. C.T.O. Lucknow.	154	1.	3	2	28	
3.	Sr. Supdt. Telec. Traffic, Allahabad.	31	1	5	2	4	43
4.	Sr. Supdt. Telec. Traffic, Bareilly.	31	1	5	2	4	43
5.	Sr. Supdt. Telec. Traffic, Varanasi.	22	1	5	2	3	33
6.	Sr. Supdt. Telec. Traffic, Varanasi.	23	1	6	2	4	36
7.	Supdt. Telec. Traffic, Sahanpur.	16	1	5	2	3	27
Total		169	07	37	14	25	252

STP/2

Indra Kumar

2. General Conditions

Candidates selected and brought on the panel after training, will be liable for regular absorption against the clear vacancies of Telegraphists in the pay scale of Rs. 260-8-300-EP-340-10-360-12-420

EB-12-480 plus usual allowances as admissible provided they work as short duty Staff, as and when called for against unfilled vacancies, absenteeism or extra work, for a period of one year, which can also be reduced if so required in the interest of the Deptt. As short duty staff, they will be paid on hourly rate @ Rs. 2/-

per hour, subject to maximum of 6 hours per day, selected candidates of panel are also liable to be put on short duty on the basis of their ready and easy availability on demand but their regular absorption will be made strictly in the order of merit, provided they have worked as short duty Staff, as per the requirements of the Deptt. Any laxity to perform short duty will render them liable to be remained from the select panel alongwith penalties as per agreement executed.

3. AGE

Between 18 and 23 years on 1.7.82, upper age limit being relaxable for (i) Schedule Castes/Tribes by 5 years (ii) other categories like Ex-servicemen, displaced persons duly recognised by Govt. of India, Central Govt. retrenched employees/orthopaedically handicapped persons, as per instructions in force. Candidates crossing upper age limit at the time of regular absorption, will depend upon further relaxation given by the Govt.

Om Prakash Kumar

4. Minimum Educational Qualifications

Pass in Matriculation or equivalent examination recognised by an Indian University or Board.

5. Selection

On the basis of marks obtained in the above mentioned examination. Bonus marks are awarded by raising the aggregate percentage in the basis examination for (i) Higher Secondary Course/Pre University (ii) Intermediate three years degree course and (iii) Graduates/Post graduates to the extent of 5, 7 and 10 respectively. All the candidates who come under the selection zone will have to qualify in the Dictation-cum-handwriting test in English (Matriculation Standard) and departmental type test to examine their speed in typing either in Hindi or in English, which will be conducted by the Divisional Heads of the Recruiting Units at their Headquarters. These tests will be at the cost of the candidates.

6. Preference

Preference will be given to those candidates, who possess the typing knowledge with a speed of 40 words per minute and produce certificates to this effect from any Board or Institution duly recognised by the central or State Govt. and pass the speed test conducted by the Deptt.

7. Selection Procedure

As mentioned in para 6 above, the candidates possessing the knowledge of typing and passing the prescribed speed test will be arranged on the basis of matriculation or equivalent examination marks plus bonus marks for higher academic qualifications. Candidates without the knowledge of typing, will be arranged next on the basis of similar merits, below the last candidate of typing knowledge.

8. Training

All the selected candidates will be given training. Training for short duty staff will be given as per deptl. rules in force. For regular absorption total 9 months training will be given to the candidates, during

Andheri Kharar

which a stipend of Rs.130/- per month will be paid to them.

9. Submission of applications

Applicants having their registration without any of the Employment Exchange falling within the administrative Officer of the Divisional Unit latest by 15.9.82 on a plain paper giving the following particulars (i) Name in full (ii) Postal address in full (iii) Date of birth in Christian era as recorded in Matriculation or its equivalent examinations (iv) If a member of SC/ST - copy of the caste certificates given by the competent authority (v) If ex-service men (a) Date of enrolment (b) Date of discharge (c) Total service rendered with a copy of discharge certificate (vi) Educational qualifications beginning with matriculation or its equivalent and above giving the name of examination passed, total marks obtained and their percentage etc. Supported by the Mark sheets and Certificates/Degrees etc. (vii) Speed in typing with the copy of the certificate of the typing institution (viii) Name of the Division, where the employment is desired (ix) Registration Number and name of the Employment Exchange indicating the date and year of registration.

Important Instructions

- (1) Applicants should submit the attested copies of documents in support of age, educational qualifications, caste certificates, discharge certificates, marks obtained type speed etc. along with their applications.
- (2) If the particulars given in the application forms are found incorrect or incomplete, the applications are liable to be rejected.
- (3) Applications sent in the covers should clearly superscribe the words "For the recruitment of Reserve trained pool of telegraphists" and should be sent well

Andhra Kuman

in time so as to reach the Divisional Officer concerned by 15.9.82 positively. Applications received after the target date will not be entertained.

(4) Applicants should also send two pass port size photographs along with their applications, which should be duly attested by a Gazetted Officer.

(5) Applications ~~in excess~~ having their registration in more than one employment exchange and desiring to apply for more than one unit should send separate applications to the respective Divisional Officers.

(6) Applications in no case should be addressed to the General Manager Telecom. U.P. Circle, Lucknow or sent to him. All such applications will be treated as cancelled.

(7) No correspondence regarding the result of recruitment will be entertained.

(8) No enclosures for attaching with the applications already sent will be entertained, until and unless these are specifically called for by the recruiting authority.

True copy

Indra Kumar

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

Writ Petition No. of 1983

Smt. Indira Kumar.....Petitioner

versus

Union of India and others.....opp. parties

Annexure No. 2

From

Chief Superintendent,
Central Telegraph Office,
Lucknow.

To

Smt. Indira Kumari c/o
Sri Ashok Kumar Raghubar das ka
Hata Gandhinagar Lucknow.

No. E-48/RTP-II/82/ Dated at Lucknow the 8.4.1983

Subject:- Recruitment of Reserve Trained Pool Telegraphist
for the year 1982.

You have been approved as Reserve Trained Pool
Telegraphist for 1982, accordingly you are requested to
present your self in this office with the following
documents latest by 22nd April, 1983.

1. High School Certificate original and Photocopy.
2. Inter/Degree Certificate in original and photocopy.
3. Character Certificate from two Gazetted Officer.
4. Mark sheet High School/Inter/Degree in original and
Photocopy.
5. Employment Exchange Registration Card in original.
6. Security deposit pledged to President of India, for
amount of Rs. 1170600.
7. Discharge Certificate in original, if you are Ex-
Servicemen.
8. Certificate of physical handicap if you are physically
handicapped.

Indira Kumar

-2-

You will be given departmental training for a period of nine months and will be kept as Reserve trained Pool candidate for absorption against future vacancies as and when they arise.

Till such time you are absorbed against regular post you will be requested to work in any office of Lucknow Telegraph Traffic Division on the hourly rates prescribed from time to time. (The present rate is Rs. 2.75 per hour.)

Sd/-
Chief Superintendent,
Central Telegraph Office,
Lucknow.

True copy

5/6/53

J. N. K. Kumar

A35

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

Writ Petition No. of 1983
Smt. Indira Kumari..... Petitioner
versus
Union of India and others.... opp. parties

Annexure No. 3

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

From REGISTERED AD
Chief Superintendent
Central Telegraph Office, Lucknow-226001.

To
Smt. Indira Kumari c/o
Sri Ashok Kumar Raghubardas ka Hata
Gandhinagar Lucknow.

No. E-48/RTP-TL/82 Dated at Lucknow Aug. 27/24.9.83

Subject:- Recruitment of Reserve Trained Pool Telegraphists for the year 1982.

Please refer this office letter No. E-48/RTP-TL/82/ dated 8.4.83 in which your approval as Reserve Trained Pool Telegraphist was conveyed to you.

Due to Technical reasons, the above orders are hereby cancelled.

Sd/- Illegible
24/9

Chief Superintendent
Central Telegraph Office,
Lucknow-226001.

True copy

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इन दि आनेबुल हाइक ट्रैट आफ जूडोकेर सट इलाहाबाद
लखानऊ बैन्च लखानऊ ।

ट्रिट पिटीशन नं

आफ 1983

श्रीमती इन्द्रा कुमारी ----- पिटीशनर

बनाम

यूनियन आफ हाइड्रा तथा अन्य ----- अपारिजिटपार्टेंस

रेक्षण नं 4

भारतीय डाक - तार विभाग

कार्यालय मुख्य अध्योदाक केन्द्रीय तार घर लखानऊ ।

सेवा में

श्री कमला कान्त उपाध्यक्ष पुत्र श्री रविकिंत उपाध्यक्ष

द्वारा सन्ताराम निदेशालय पशुपालन विभाग

फैटी

पशुधन शास्त्रा 'अ' बादशाह लखानऊ

संलग्न - भारी/आरटीपी०/लउ/82 लखानऊ दिनांक 24-९-८३

विषय - टेलीग्राफिस्ट पद के लिए आरटीपी० चयनहेतु श्रुतिलेखन
सुलेख परीक्षा ।

प्रवेश पत्र

अयुक्त विषय आपके आवेदन पत्र के संदर्भ में सूचित किया जाता

है कि आरटीपी० टेलीग्राफिस्ट के चयन हेतु श्रुति लेखन सुलेख परीक्षा

निम्न कार्यक्रम के अनुसार होगी। आपको इस परीक्षा में सम्मिलित

होने की अनुमति दो जाती है।

आप कृपया दिनांक 10-10-83 से 10-30 पूर्वाह्न महानगर विभागीय तारथर लड्डानऊ कांडोक बादशाह नगर रेलवे स्टेशन के पास में अस्थिरति हो आपका अनुक्रमांक इलोयू० ७७

परीक्षा प्रोग्राम :-

प्रश्न पत्र - विषय	दिन व दिनांक	समय
--------------------	--------------	-----

श्रुतिलेख व सुलेख	10-10-83	प्रातः 10-30
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अंग्रेजी माध्यम	सौमवार
-----------------	--------

आवश्यक निर्देश :-

1- उत्तर पुस्तका पर रोल नं० के अलावा कहों भी अपना नाम न लिखे।

2- इस प्रवेश पत्र की अपने साथ लावे। बिज्ञा प्रवेश पत्र के आपको परीक्षा में कैठने की अनुमति न होगी।

3- इस प्रवेश पत्र को परीक्षा सुपरवाइजर जाफिसर के पास जमा करना होगा।

4- आपको अपने -जाने का मार्ग व्यय नहीं मिलेगा।

5- अपने साथ कलम तथा लिखने के लिए दफ्तरी / लड्डी लाना अनिवार्य है।

हस्ताक्षर अपठनोय

सह मुख्य अधीक्षक

केन्द्रीय तार धर लड्डानऊ।

सत्य - प्रतिलिपि

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

Writ Petition No. of 1983

Smt. Indira Kumari Petitioner

versus

Union of India and others..... opp. parties

Annexure No. 5

Indian Post & Telegraph Department

Karyalaya Mukhya Adhikshak,
Kendriya Tar Ghar, Lucknow.

No. CS/Car/Recrt. TL(RTP)/82 dated 7th April, 1983

On the basis of qualifying test in dictation
cum-hand writing and typing, the section committee has
found the following candidates in order of merit,
suitable for selection as RTP telegraphists for the year
1982.

S.No.	Name	Father's name	Merit
1.	Ashok Kumar Srivastava	Bankey Behari Srivastava	78.0
2.	Vijai Kumar Singh	Sunder Lal	76.8
3.	Ajai Kumar Malviya	Ravi Shanker Malviya	76.5
4.	Anil Kumar Srivastava	Hub Lal Srivastava	76.2
5.	Suresh Chand	Ram Lakhani	76.0
6.	Suseel Kumar Dixit	S.N. Dixit	74.6
7.	Km. Shashi Santa Tewari	D/o K.N. Tewari	73.8
8.	Ramesh Kumar	Gopi Shyam	73.4

Indira Kumari

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<u>S.No.</u>	<u>Name</u>	<u>Father's name</u>	<u>Merit</u>
9.	Shaukat Ali	Abdul Raheem	72.1
10.	Chemdra Prakash	Om Prakash	71.8
11.	Brijesh Chandra Lari	Rajendra Nath Lari	71.0
12.	Hisammuddin	Rizauddin	70.8
13.	Amit Kumar Mukherjee	A.S.Mukherjee	70.0
14.	Anuj Kumar Saxena	Devi Charan Saxena	69.6
15.	Prromod Kumar	Badri Pd.	69.6
16.	Chandra Dev Shukla	Hirdey Ram Shukla	69.4
17.	Km.Anupam Sawhaney	K.L.Sawhaney	69.4
18.	Km.Ratchna Bhatnagar	Ramesh Bhatnagar	69.2
19.	Baboo Lal	Chandrika Pd.	68.6
20.	Subash Chandra	Ram Krishan	68.4
21.	Smt.Abha Verma	W/o Girish Chandra	68.4
22.	Ishrat Ali	Hashmat Ali	68.2
23.	Sushil Kumar Srivastava	G.S.Srivastava	67.6
24.	Rajesh Kumar Pandey	Ram Suchet Pandey	67.6
25.	Jai Prakash Srivastava	Ramadhar	66.6
26.	Nagendra Singh	Ram Sakat Singh	66.6
27.	Vivak Chand	Hukum Chand	66.6
28.	Satya Narain Kashyap	Devi Pd.	66.4
29.	Ram Brj Pandey	C.T.O.Lucknow.	66.4
30.	Ashish Narain Awasthi	R.N.Awasthi	65.8

Ex-Service Men

31.	Rajendra Pd.Srivastava	Kushashwar Lal	44.5
32.	Nasim Ahmad Rizvi	Abdul Jalddi	42.6
33.	Ram Deo Singh	Laxmi Narain Singh	54.6
34.	Polose G.	K.P.Goorge (Not typing)	52.1
35.	Shiv Shanker Gupta	Chandi Lal Gupta	52.0

A40 30

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-3-

S. No. Name

Father's name Merit

Physically Handicapped

36. Rakesh Chandra Pandey Krishna Kant Pandey 59.6

Schedule Tribe

37. Babu Lal Meena	Hukum Meena	61.6
38. Dinesh Pd. Chaudhari	N.D. Chaudhari	55.6
39. Laxmi Narain Meena	Sita Ram Meena	54.7

Schedule Castes

40. Ram Tej	Jai Ram	65.4
41. Kamlesh Chandra	Rameshwar Pd.	62.4
42. Satya Ram Kanaujia	Ram Raj Kanaujia	61.8
43. Ram Sewak	Ravi Das	60.2
44. Laluu Pd.	Maha Bali	60.2
45. Bandhu Pd.	Raj Mani pd.	69.4
46. Smt. Indra Kumari	Ram Gulam	58.4
47. Ram Chandra	Ram Dhan	57.8

Chief Superintendent,
Central Telegraph Office,
Lucknow.

True copy

Lucknow

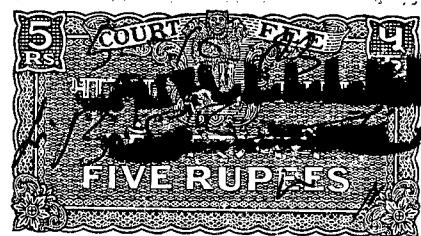
ब अदालत श्रीमान

Konkli High Court of Judicature

of Allohabad Mewān Benetliko महोदय

वादी (मुद्दा)
प्रतिवादी (मुद्दालेह)

For Settlement
का वकालतनामा



cf. 25V
Rev
5-6-83

Smt. Indira Kumari वादी (मुद्दा)

मना मना of India Lawyer प्रतिवादी (मुद्दालेह)

MP नं० मुकदमा सन् १९८३ पेशी की ता० १९ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री

Mr. B. C. Chakraborty प्रदावोक्त महोदय
वकील

नाम अदालत
नं० मुकदमा
नाम कर्त्ता

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

Rachna Bhatnagar, Lalla Road Bandhu Prasad
साक्षी (गवाह)..... साक्षी (गवाह).....
दिनांक..... महीना..... Accepted
Sushil Kumar Dixit
R. Chakraborty

Any

3

circumstances of the case this Hon'ble Court may
deem just and proper.

Dated Lucknow

4.10.1983

B.C. Saksena

(B.C. Saksena)

Advocate

Counsel for the applicants

4298 of 1983 had been selected for appointment on the post of Telegraphists (Reserved Trained Pool).

By the orders impugned in the said writ petitions the approval accorded for the appointment of the petitioners on the post of Reserve Pool Telegraphists was purported to be cancelled and subsequently another test was scheduled to be held on 10.10.1983 in pursuance of the notice contained in annexure present 4 to the/writ petition.

3. That when the said test was notified to be held the petitioners in Writ Petition no. 5325 of 1983 and also in Writ Petition no. 4298/preferring applications for interim relief in this Hon'ble Court. On the said application in Writ Petition no. 5325 of 1983 ~~which~~ which was numbered as C.M. Application no. 11265(w) of 1983 Hon'ble Mr. Justice R.C. Deo Sharma before whom the said application came up for orders on 7.10.1983 was pleased to pass the following order:-

" Notice has been accepted by Sri U.K. Dahon on behalf of the opposite-parties. The test scheduled for 10th October, 1983 may be held but the petitioners shall also be allowed to appear in the test. The result of the test shall not be finalised and no appointment on that basis shall be made till further orders.

The petition may be listed for further orders after three weeks."

bd

4. That Writ Petition no. 2534 of 1983 was filed by one Sri Bhupendra Bisen who had not qualified at the first test held for the posts of Telegraphists Reserve pool. This writ petition came up for orders as regards admission on 12.1.1984 before a Division Bench consisting of Hon'ble Mr. Justice K.N.Goyal and Hon'ble Mr. Justice S.S.Ahmed. Their Lordships were pleased to pass the following order:-

" List along with W.P. No. 5235 of 1983 and 4298 of 1983 before learned single Judge.

In the meantime, only one post shall be left unfilled for considering the case of the present petitioner, while other appointment orders be issued. Those appointments shall be subject to the decision of the writ petition."

5. That at the hearing of the said writ petition and the application for interim relief it was pointed out on behalf of the counsel for the opposite-parties that appointment orders are not being issued in respect of petitioners in Writ Petition no. 5325 of 1983 and Writ Petition no. 4298 of 1983 even though they had qualified at the said selection. Considering the said circumstance Their Lordships were pleased to direct that appointment letters be issued in respect of the ^{said} petitioner's but the said appointments would be subject to the decision of the writ petition. As far as Bhupendra Bisen was concerned, since he had not qualified but to protect

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his right and interest Their Lordships were pleased to direct, as would be evident from a perusal of the order dated 12.1.1984, that one post shall be left unfilled for considering the case of the said petitioner.

6. That despite the clear direction by the Division Bench in its order dated 12.1.1984 for issuing appointment letters to the petitioners in the other two writ petitions, viz., Writ Petition no. 5325 of 1983 and 4298 of 1983, the opposite-parties have not issued appointment letters till date.

Therefore, it is respectfully prayed that this Hon'ble Court be pleased:-

(i) to clarify the order dated 12.1.1984 and specifically indicate that the direction contained therein that "appointment orders be issued" is a direction requiring opposite-parties nos. 1 and 2 to issue appointment orders in respect of the petitioners in Writ Petition no.5325 of 1983 and Writ Petition no. 4298 of 1983 on the posts of Telegraphists Reserve Pool forthwith.

(ii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

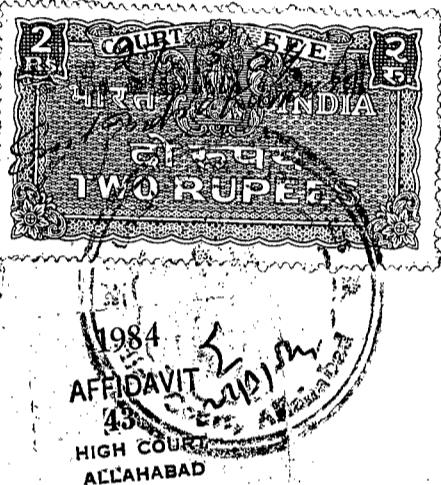
Dated Lucknow
27.3.1984

(B.C.Saksena)
Advocate

Counsel for the applicant.

Auf

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



Affidavit

in

Application for clarification of the
order dated 12.1.1984

Writ Petition no. 5325 of 1983

Srimati Indra Kumari and others

--Petitioners-
applicants

versus

Union of India and others

--Opp-parties



I, Indra Kumari, aged about 28 years, daughter
of Ram Ghulam, care of Sri Ashok Kumar, resident of
Raghubar Das Ka Hata, Gandhi Nagar, Lucknow,
petitioner no.1 do hereby solemnly take oath and
affirm as under:-

1. That the above-noted writ petition has been
directed to be connected with two other writ
petitions viz., Writ Petition no. 4298 of 1983-
Ram Bujharat Pandey and others Vs. Union of India
and Writ Petition no.2534 of 1983- Bhupendra Bisht
versus Union of India and others.

Indra Kumari

2. That the petitioners in the above-noted writ Petition no. 5325 of 1983 as also in Writ Petition no. 4298 of 1983 have been selected for appointment on the post of Telegraphists (Reserve Trained Pool). By orders impugned in the said writ petitions the approval accorded for the appointment of the petitioners on the post of Reserve Pool Telegraphists was purported to be cancelled and subsequently another test was scheduled to be held on 10.10.1983 in pursuance of the notice contained in Annexure 4 to the present writ petition.

3. That when the said test was notified to be held the petitioners in Writ Petition no. 5325 of 1983 and also in Writ Petition no. 4298 of 1983 preferred applications for interim relief in this Hon'ble Court. On the said application in Writ Petition no. 5325 of 1983 which was numbered as C.M. Application no. 11265(w) of 1983 Hon'ble Mr. Justice R.C. Dhoon Sharma before whom the said application came up for orders on 7.10.1983 was pleased to pass the following order:-

" Notice has been accepted by Sri U.K. DHOON Dhaon on behalf of the opposite-parties. The test scheduled for 10th October, 1983 may be held but the petitioners shall also be allowed to appear in the test. The result of the test shall not be finalised and no appointment on that basis shall be made till further orders.

Mohre Kumari



The petition maybe listed for further orders after three weeks."

4. That Writ Petition no. 2534 of 1983 was filed by one Sri Bhupendra Bisen who had not qualified at the first test held for the post of Telegraphists Reserve Pool. This writ petition came up for orders as regards admission on 12.1.1984 before a Division Bench consisting of Hon'ble Mr. Justice K.N.Goyal and Hon'ble Mr. Justice S.S.Ahmad. Their Lordships were pleased to pass the following order:-

" List along with W.P. Mo. 5235 of 1983 and 4298 of 1983 before learned single Judge.

In the meantime, only one post shall be left unfilled for considering the case of the present petitioner, while other appointment orders be issued. Those appointments shall be subject to the decision of the writ petition."

5. That at the hearing of the said writ petition and the application for interim relief it was pointed out on behalf of the counsel for the opposite parties that appointment orders are not being issued in respect of petitioners in Writ Petition no. 5325 of 1983 and Writ Petition no. 4298 of 1983 even though they had qualified at the said selection. Considering the said circumstance Their Lordships were pleased to direct that appointment letters be issued in respect of the said petitioners but the said appointments would be subject to the decision of the writ petition. As far as Bhupendra Bisen was



Indra Kumar

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-4-

concerned, since he had not qualified but to protect his right and interest Their Lordships were pleased to direct, as would be evident from a perusal of the order dated 12.1.1984, that one post shall be left unfilled for considering the case of the said petitioners.

3. That despite the clear direction by the Division Bench in its order dated 12.1.1984 for issuing appointment letters to the petitioners in the other two writ petitions, viz., Writ Petition no. 5325 of 1983 and 4298 of 1983, the opposite-parties have not issued appointment letters till date. *Indra Kumar*
Deponent
Dated Lucknow
27.3.1984

I, the deponent named above do hereby verify that contents of paras 1 to 3 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.
Dated Lucknow
27.3.1984 *Indra Kumar*
Deponent

I identify the deponent who has signed in my presence
(R.K. Srivastava) *R.K. Srivastava*
Clerk to Sri B.J. Saksena, Advocate

Solemnly affirmed before me on 27-3-84
at 8 a.m. by *Indra Kumar*
the deponent who is identified by Sri R.K. Srivastava
clerk to Sri B.J. Saksena, Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me. *S. Anand*

S. Anand	
Officer in Charge	Sub Inspector
High Court	Sub Inspector
Lucknow	Sub Inspector
No. 143143/04	
27.3.84	

were pleased to pass the following order:-

" List along with W.P. No. 5325 of 1983 and
4298 of 1983 before learned Single Judge.

In the meantime, only one post shall be left unfilled for considering the case of the present petitioners while other appointment orders be issued. Those appointments shall be subject to the decision of the writ petition."

5. That at the hearing of the said writ petition and the application for interim relief it was pointed out on behalf of the counsel for the opposite parties that appointment orders are not being issued in respect of petitioners in Writ Petition no.

5325 of 1983 and Writ Petition no. 4298 of 1983 even though they had qualified at the said selection.

Considering the said circumstance Their Lordships were pleased to direct that appointment letters be issued in respect of the said petitioners but the said appointments would be subject to the decision of the writ petition. As far as Bhupendra Bisen was concerned, since he had not qualified but to protect his right and interest Their Lordships were pleased to direct, as would be evident from a perusal of the order dated 12.1.1984 that one post shall be left unfilled for considering the case of the said petitioner.

6. That despite the clear direction by the Division Bench in its order dated 12.1.1984 for issuing appointment letters to the petitioners in the other

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two writ petitions viz., Writ Petition no. 5325 of 1983 and 4298 of 1983, the opposite-parties have not issued appointment letters till date.

3. That the applicants in the circumstances indicated above moved an application in this Hon'ble Court which was numbered as Civil Misc. Application no. 3907 of 1984 seeking modification of the above-mentioned order dated 12.1.1984 and for specific direction requiring opposite-parties nos. 1 and 2 to issue appointment orders in respect of the petitioners in Writ Petitions nos. 5325 of 1983 and 4298 of 1983 on the posts of Telegraphists reserve pool forthwith after the said petitioners completed the prescribed training.

4. That the said application no. 3907 (w) of 1984 came up for orders before Hon'ble Mr. Justice S.C.Mathur and his Lordship was pleased to pass an order modifying the earlier order dated 12.1.1984 in the manner prayed for after noting down the submission of the counsel for the petitioners and hearing the learned counsel for the parties.

5. That, however, when a certified copy of the aforesaid order dated 21.5.1984 passed by ~~Worship~~ Hon'ble Mr. Justice S.C.Mathur was obtained, it transpired that the said order has been incompletely written out. The said order as written out in the order sheet reads as under:-

" Learned counsel for the petitioner has pressed that the interim order dated 12.1.1984

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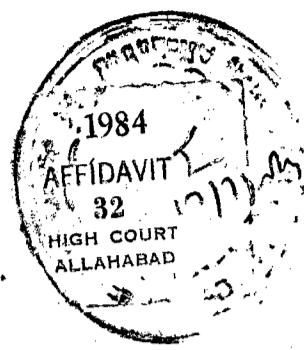
may be modified to this extent that the candidates selected at the first selection may be given appointment order after they have completed the prescribed training."

It appears that due to inadvertence or oversight the order and direction of this Hon'ble Court has been omitted to be writtenout. Only the submission of the counsel has been noted.

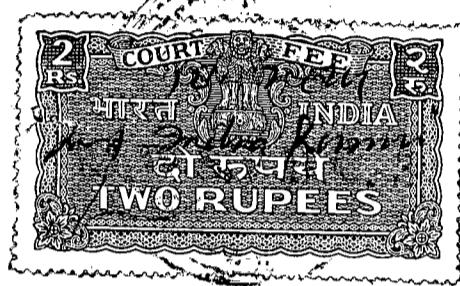
Wherefore, it isrespectfully prayed that this Hon'ble Court be pleased to pass necessary orders.

Dated Lucknow
16.7.1984

B.C. Sakse
(B.C. Sakse)
Advocate
Counsel for the applicants



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



--
Affidavit

in

Application

Writ Petition No. 5325 of 1983

Srimati Indra Kumari and others

--Petitioners--
applicants

versus

Union of India and others

--Opp-parties

--
I, Srimati Indra Kumari, aged about 28 years,
daughter of Ram Ghulam, care of Sri Ashok Kumar, resi-
dent of Raghubar Das Ka Hata, Gandhi Nagar, Lucknow,
petitioner no. 1, do hereby solemnly take oath and
affirm as under:-



1. That the above-noted writ petition has been directed to be connected with two other Writ Petitions viz., Writ Petition no. 4298 of 1983- Ram Bujharat Pandey and others vs. Union of India and Writ Petition no. 2534 of 1983- Bhupendra Bisn versus Union of India and others .
2. That the petitioners in the above-noted writ petition no. 5325 of 1983 as also in Writ Petition no. 4298 of 1983 had been selected for appointment on the post of Telegraphists (Reserve Trained Pool).

Indra Kumari

By the orders impugned in the said writ petitions the approval accorded for the appointment of the petitioners on the post of Reserve Pool Telegraphists was purported to be cancelled and subsequently another test was scheduled to be held on 10.10.1983 in pursuance of the notice contained in Annexure 4 to the ^{present} writ petition.

3. That when the said test was notified to be held the petitioners in Writ Petition no. 5325 of 1983 and also in Writ Petition no. 4298 of 1983 preferred applications for interim relief in this Hon'ble Court. On the said application in Writ Petition no. 5325 of 1983 which was numbered as Civil Miscellaneous Application no. 11265 (w) of 1983 Hon'ble Mr. Justice R.C. Deo Sharma before whom the said application came up for orders on 7.10.1983 was pleased to pass the following order:-


" Notice has been accepted by Sri U.K.Dhaon on behalf of the opposite-parties. The test scheduled for 10th October, 1983 may be held but the petitioners shall also be allowed to appear in the test. The result of the test shall not be finalised and no appointment on that basis shall be made till further orders.

The petition may be listed for further orders after three weeks."

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4. That Writ Petition no. 2534 of 1983 was filed by one Sri Bhupendra Bisen who has not qualified

at the first test held for the post of Telegraphists Reserve Pool. This writ petition came up for orders as regards admission on 12.1.1984 before a Division Bench consisting of Hon'ble Mr. Justice K.N.Goyal and Hon'ble Mr. Justice S.S.Ahmad. Their Lordships were pleased to pass the following order:-

" List along with W.P. No. 5325 of 1983 and 4298 of 1983 before learned Single Judge.

In the meantime, only one post shall be left unfilled for considering the case of the present petitioners while other appointment orders be issued. Those appointments shall be subject to the decision of the writ petition."

5. That at the hearing of the said writ petition and the application for interim relief it was pointed out on behalf of the counsel for the opposite-parties that appointment orders are not being issued in respect of petitioners in Writ Petition no. 5325 of 1983 and Writ Petition no. 4298 of 1983 even though they had qualified at the said selection. Considering the said circumstance Their Lordships were pleased to direct that appointment letters be issued in respect of the said petitioners but the said appointments would be subject to the decision of the writ petition. As far as Bhupendra Bisen was concerned, since he had not qualified but to protect his right and interest Their Lordships were pleased to direct, as would be evident from a perusal of the order dated 12.1.1984, that one post shall be left unfilled for considering the case of the said

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petitioner.

6. That despite the clear direction by the Division Bench in its order dated 12.1.1984 for issuing appointment letters to the petitioners in the other two writ petitions viz., Writ Petition no. 5325 of 1983 and 4298 of 1983, the opposite-parties have not issued appointment letters till date.

7. That the applicants in the circumstances indicated above-~~are~~ moved an application in this Hon'ble Court which was numbered as Civil Misc. Application no. 3907 of 1984 seeking modification of the above-mentioned order dated 12.1.1984 and for specific direction requiring opposite-parties nos. 1 and 2 to issue appointment orders in respect of the petitioners in Writ Petitions nos. 5325 of 1983 and 4298 of 1983 on the posts of Telegraphists Reserve Pool forthwith after the said petitioners completed the prescribed training.

8. That the said application no. 3907(w) of 1984 came up for orders before Hon'ble Mr. Justice S.C.Mathur and His Lordship was pleased to pass an order modifying the earlier order dated 12.1.1984 in the manner prayed for after noting down the submission of the counsel for the petitioners and hearing the learned counsel for the parties.

9. That, however, when a certified copy of the afore-said order dated 21.5.1984 passed by Hon'ble Mr. Justice S.C.Mathur was obtained, it transpired that the said order has been incompletely written out.

Andhra Kumar



The said order as written out in the order sheet reads as under:-

" Learned counsel for the petitioners has pressed that the interim order dated 12.1.1984 may be modified to this extent that the candidates selected at the first selection may be given appointment order after they have completed the prescribed training."

(It appears that due to inadvertence or oversight the order and direction of this Hon'ble Court has been omitted to be written out.) Only the submission of the counsel has been noted.

Dated Lucknow

Indra Kumar
Deponent

July 17, 1984

I, the deponent named above do hereby verify that contents of paras 1 to 9 except the portion within brackets are true to my own knowledge and those of portion within ~~para~~ brackets are true to my belief. No part of it is false and nothing material has been concealed; so help me God.

Dated Lucknow
17.7.1984

Indra Kumar
Deponent

I identify the deponent who has signed in my presence.

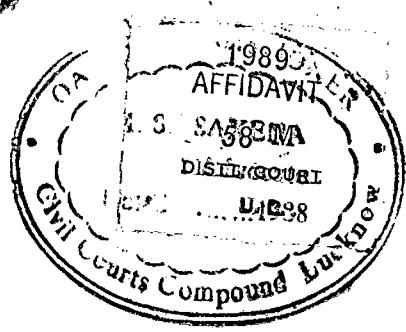
(R.K.Srivastava) *Signature*
Clerk to Sri B.C.Saksena, Advocate
Solemnly affirmed before me on 17-7-1984
at 6.15 a.m/p.m by Sri Indra Kumar
the deponent who is identified by Sri R.K.Srivastava
clerk to Sri B.C.Saksena
Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

SATISH CHANDRA
SRIVASTAVA
OATH COMMISSIONER
High Court, Allahabad;
Lucknow Bench,

No.

3213213

17.7.84



In the Central Administrative Tribunal, Circuit Bench
Lucknow.

...

Counter-Affidavit

In

Registration No. 1214 of 1987(T)

(Arising out of writ petition No. 5325 of 1983)

Smt. Indra Kumari ..

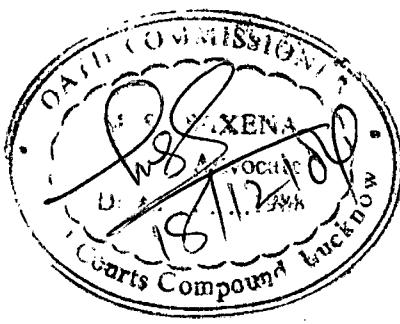
.. Petitioner

Versus.

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19/12/09

1. The Union of India through the Secretary, Ministry of Communications, Government of India, New Delhi.
2. The General Manager, Telecommunications, U.P., Circle, Lucknow.
3. The Chief Superintendent, Central Telegraphs Office, Lucknow.

Respondents.



Affidavit of G.R. Jaiswal,
aged about 45 years, son
of Sri H.M. Jaiswal, Chief
Superintendent, Central
Telegraph Office, Lucknow.

Deponent.

G.R. Jaiswal

I, the deponent, abovenamed, do hereby
solemnly affirm and state as under:

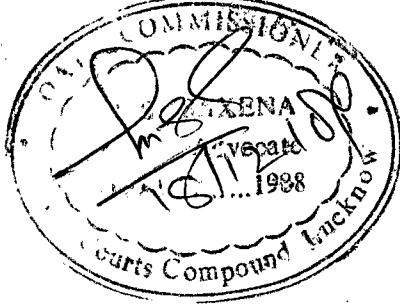
1. That the deponent is working as Chief

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Superintendent, Central Telegraph Office, Lucknow and has been authorised to file this affidavit on behalf of the respondents in the aforesaid case. He is, as such, well acquainted with the facts of the case deposed to below:

2. That the deponent has read the contents of the petition and has fully understood the same.
3. That before giving parawise reply to the petition it is necessary to set out the controversy raised by means of the present petition.
4. That in response to the advertisement no.1 of 1982 for the recruitment of Reserved Trained Pool Telegraphists on the basis of marks obtained in their High School marks plus bonus marks for higher qualification preference being given to those having type speed of 40 words per minute. About 200 candidates were such as had claimed having speed of 40 words per minutes. They were called for dictation-cum-handwriting test instead of result given qualified and not qualified marks were allotted by the examiner and the result was declared on the basis of marks allotted. Thus the 47 candidates were declared qualified in dictation-cum-handwriting test and the typing test and declared selected by the Departmental Promotion Committee. They were



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called upon to submit necessary documents including health certificate and security deposits. They deposited attested photocopy of their certificates and fidelity bond from U.P.Postal Cooperative Society.

a) That on receipt of some complaint by the General Manager Telecommunication, U.P., Circle Lucknow, the General Manager, Telecom ordered for revaluation of type test answer books by Sri R.L. Sahani, P.S. to Director General, Post & Telegraphs New Delhi vide his letter No. ADT/PP/TL.Exam./81 dated 4.7.83. Sri Sahani vide his letter dated 15.7.82(15.7.83) addressed to the then Chief Supdt. Sri P.K. Manchanda and copy to Sri G.D. Singh the then ADT(PP), U.P. Circle, Lucknow remarked in para-3 of his letter as under:-

"As will be seen only 12 candidates have qualified, keeping in view the minimum speed of 40 W.P.M., subject to maximum of 5% mistakes. In this connection I would like to remark that both the passages of English and Hindi, contained less than 400 words to be typed in 10 minutes, In absence of any written instructions to retype the passage, after completing once, and in the absence of any indication of the total number of words at the end of the passage there may have been some misunderstanding in the minds of

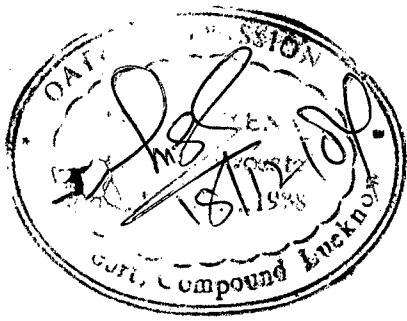


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the candidates whether they have to retype the passage to attain, at least the minimum speed of 40 w.p.m. I would like to point out that where as some candidates have retyped the passage there are some others who have typed it only once, within the permissible number of mistakes, but have 'failed' because of the minimum speed of 40 w.p.m. In all fairness, the passage should have contained words much more than 400 words and the number of words should have been indicated at the end. In the circumstances, it is for consideration whether the candidates should be reexamined in this paper."



b) That as a result of revaluation only 12 candidates including 5 of 47 candidates selected earlier by the Departmental Promotion Committee were declared to have the prescribed 40 w.p.m. speed in typing. Consequently the list of 42 selected earlier was cancelled. Out of 12 candidates ~~initially~~ declared successful in typing test and only 8 were selected including 5 of the first list turned up. They were imparted five weeks initial job training and are working on hourly basis as Reserved Trained Pool, Telegraphists.

True copies of the notification

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regarding giving details about recruitment of telegraphists as issued by the Office of Director General of Posts & Telegraph are being filed and marked as Annexure-CA1 & CA2 to this affidavit.

5. That in reply to the contents of para no.1 of the petition it is submitted that the vacancies were notified but later on changed from 22 to 47.

6. That the contents of para no.2 of the petition are matters of record and, as such, require no reply by means of this affidavit.

7. That in reply to the contents of para no.3 of the petition only this much is admitted that the preference as per Para-(6) of the advertisement, was given to the Type knowing candidates and zone of Selection for O/C and S/C candidates was drawn from amongst type knowing candidates only on the basis of their percentage marks of High School Examination plus Bonus-marks.

8. That the contents of para no.4 of the petition are matters of record and, as such, require no reply by means of this affidavit.

9. That the contents of para no.5 of the petition are correct except that the name of Smt. Indra Kumari which stands at Sl.no.46 and not 43 as mentioned in para under reply.



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10. That the contents of para no.6 of the petition are matters of record and, as such, require no reply by means of this affidavit.

11. That in reply to the contents of para no.7 of the petition only this much is admitted that the concerning original educational certificates/marks-sheet which were presented for tallying with attested copies were returned on the spot to the candidates concerned and only attested /photostat copies were kept on record of this office.

12. That the contents of para no.8 of the petition are not admitted as stated therein. It is submitted that the candidates selected in the first list and those completed the formalities could not be sent for training as a complaint regarding irregular selection of this list was under investigation by the General Manager, ~~Telecommunication~~, U.P. Circle Lucknow and further action was held in abeyance by the order of General Manager, Telecom., U.P. Circle, Lucknow.



13. That in reply to the contents of para no.9 of the petition it is submitted that the aforesaid selection of the first list after investigation by the General Manager, Telecom., U.P. Circle, Lucknow

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was found irregular, and therefore, it became obligatory in the interest of justice to cancel the aforesaid first 'Selection-List' and the candidates were duly informed.

The first-examiner of the type test, instead of writing Pass/Fail for the 'Typing-speed' inadvertently allotted marks, which was quite irregular and it was found that no candidate had the qualifying speed of 40 words per minute excepting those included in the Second list after revaluation of answer scripts by the Second-examiner.



14. That in reply to the contents of para no.10 of the petition it is submitted that as already submitted in para no.9 ~~EXTE THE AFFIDAVIT~~ herein above only 12 candidates were declared successful in the 'Type-test' by the Second-Examiner, therefore, it was necessary to test Non-Typing, who were not earlier called for to fill up the remaining vacancies announced. However, the result has not been declared in pendency of 'writ petition and legal advice.

15. That the contents of para no.11 of the petition are matters of record and, as such, requires no reply by means of this affidavit. However, it is submitted that due to the

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irregularity in evaluation of answer-scripts by the first examiner of Type test as cited in Para (9) above, the candidates of the first Selection, excluding those included in the Second list, have been found 'Fail' in the 'Type test' and therefore, their candidature cancelled.

15. The question of percentage marks will come, if the selection is made amongst 'non-typing' who have qualified in the Dictation-cum-handwriting Test for which action was taken as cited in Para(9) above.

That those candidates who have not qualified the 'Typing-speed of 40 w.p.m. are considered as 'non-typists and have no ^{weightage} ~~weightage~~ of their 'low-typing speed in the selection over those non-typists who have higher merit on the basis percentage marks of High School plus Bonus percentage marks for higher education.

16. That in reply to the contents of para no.12 of the petition it is submitted that as already stated in reply to para no.9 hereinabove the answer scripts were required to be reevaluated and in revaluation by the second Examiner, only 12 candidates were declared 'Pass' in the 'Type test', which include some of the candidates of the first selection list including these serials nos. 6, 9, 14, 24 and 27.

DR Daisen

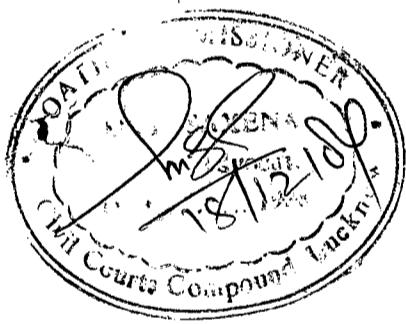


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Therefore, the candidature of the remaining 42 candidates, who did not pass the 'Type-Test' stood finally cancelled.

17. That the contents of para no.13 of the petition are not admitted. It is submitted that every one was well aware about technical reasons for re-valuation of the answer scripts, details whereof have been mentioned in reply to para nos.9,11 and 12 of this counter affidavit and the averments made therein are reiterated as correct.



18. That the contents of para no.14 of the petition are not admitted. It is submitted that as already stated above, the petitioners with other candidates (total 42) failed in the 'Type-test' after revaluation of the answer scripts by the Second-Examiner. Therefore, they become the 'Non-typist.' Selection amongst 'Non-typist' and those passed in dictation-cum-handwriting test is to be done on the basis of high-School and Bonus marks as per reference given in reply to para(10) herein above.

19. That in reply to the contents of para no.15 of the petition it is submitted that as already stated and explained herein above there was mistake on the part of the first examiner in valuation of answer -scripts. The

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mistake was got corrected by revaluation of the answer-scripts by the second-examiner and only 12 candidates were declared finally 'Pass' in the type test. Since it was administrative error, there was no necessity to give show cause notice to the candidates who were subsequently found failed in the 'type test' for cancellation of their candidature.

20. That in reply to the contents of para no.16 of the petition only this much is admitted that Sri Bisen had filed the aforesaid writ petition. For correct appreciation the averments made in the petition as well as its reply in the counter affidavit may be seen. It is submitted that the Union of India is unconcerned, however, to fill up the remaining vacancies from amongst 'Non-typists' as per their result of Dictation-cum-Handwriting Test and their percentage marks of High-School and Bonus, action will be taken after the judgment of the Hon'ble Court.

21, That the contents of para no.17 of the petition are matters of record and, as such, requires no reply by means of this affidavit. However, it is submitted that the allegations



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against Sri Chaturvedi, Divisional Engineer, Phones have been made maliciously and are strongly denied.

22. That the contents of para no.18 of the petition are not admitted. It is submitted that there was separate recruitment-Cell and every order was passed under the appropriate authority and, that too, after careful examination. The allegations that the orders has been passed under duress by the authority are all false and have been maliciously made without any rhyme or reason.

23. That the contents of para no.19 of the petition are not admitted. The correct facts have already been submitted in the preceding paragraphs and so far as the case of Bisen is concerned counter affidavit has been filed in the aforesaid case and the same may be seen. However, it is submitted that in view of the facts and circumstances explained in the present counter affidavit due to administrative reasons necessary orders were issued after careful examination and under appropriate authority. The selection amongst 'Non-Typists' and those passed in Dictation-cum-handwriting test is done on the basis of marks of high Scholl and Bonus marks.

MR Daisar



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.12.

24. That the contents of para no.20(a)&(b) of the grounds of the petition are wrong and not admitted. It is submitted that the petitioners have been declared 'Fail' in the type-test on revaluation of answer-scripts by the second examiner and their candidature cancelled by the competent authority.

25. That the contents of paras nos.20(c)&(d) of the petition are not admitted. As already stated in para no.15 of the counter affidavit hereinabove that there was an administrative mistake for which a candidate was not required to be issued show cause notice.

26. That the contents of para no.20(e) of the grounds of the petition are not admitted. It is submitted that no final decision has been taken to select the candidates amongst 'Non-typists' and those qualified in Dictation-cum-Handwriting test on the basis of percentage marks of High School plus Bonus marks in the pendency of this case.

27. That the contents of para no.20(f) of the grounds of the petition are not admitted. It is submitted that there are not to be allotted for 'Type-test'. It is only to be seen whether



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.14.

I, the deponent, abovenamed, do hereby verify and declare that the contents of paras nos. 1 to 3

of this affidavit are true to my personal knowledge; those of paras nos. 4 to 8

of this affidavit are based on information received from perusal of the papers on record; those of paras nos...

of this affidavit are based on legal advice which all the deponent believes to be true; that no part of this affidavit is false and that nothing material has been concealed

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init.

220 PH G. R. Jaiswal

He is identified by his R. K. Dwivedi
Clerk to Shri
I have seen and verified that the deponent
is the same person who is personally known to me.
Dated 18/12/08
Advocate

So help me God.
Dated 18/12/08

G. R. Jaiswal

Deponent.

M. S. G. T. 18/12/08
S. L. Jaiswal
Clerk to Shri
R. K. Dwivedi
Advocate
High Court, Lucknow

I, Rakesh Kumar Dwivedi, Clerk to Sri
Advocate, High Court, Lucknow
Bench do hereby declare that the person making
this affidavit and alleging himself to be Sri G. R.
Jaiswal is the same person who is personally
known to me.

R. K. Dwivedi
Clerk.

116

.13.

the candidates have typed correctly the required number of words during the required time and the examiner has to write 'Pass' or 'Fail'.

28. That in reply to the contents of paras nos. 20(F) (i)(ii)&(iii) of the petition it is submitted that the relevant records pertaining to the case will be produced for the perusal of the court whenever summoned and there is no justification as far as this Department is concerned to select those candidates who do not have the requisite qualification. The selection is to be made first from 'Typists' having speed of 40 w.p.m. and above and those qualified in handwriting -cum- dictation test also. The remaining vacancies, if any, are required to be filled up, on the basis of marks of High School plus Bonus marks and from amongst those 'Pass' in Dictation-cum- handwriting Test.

29. That in the light of the Rules and procedure laid down for selection of Telegraphists and for giving due justice to the eligible candidates, the petitioners do not stand at all and their case is misconceived and is liable to be rejected. It is submitted that in view of the facts and circumstances of the case due justice has been given to the rightful eligible candidates. The petition is misconceived and is liable to be rejected.

OR raised

.15.

Solemnly affirmed before me on this day
of December, 1989 at a.m./p.m. by the
deponent who is identified by the aforesaid Clerk.

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

Oath Commissioner

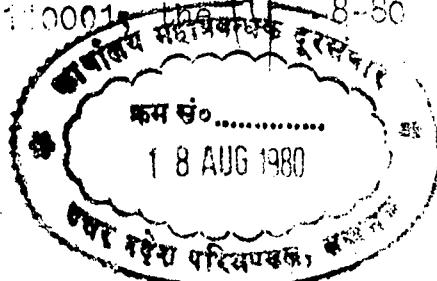
Date 14-8-80.

33

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE DIRECTOR GENERAL POSTS AND TELEGRAPHS
No. 208/16/79-STN Dated, New Delhi-110001, the 14-8-80

To All General Manager Telecoms.
The G.M.T. New Delhi.

Sub:-Recruitment of Telegraphists.



Sir,

I am directed to invite a reference to column No.6 of the schedule to the Recruitment Rules of Telegraphists issued vide this office Notification No. 208/41/70-STB dated 26.10.71 according to which the candidates who would have passed Matriculation or equivalent examination conducted by a University or Board of any State. It has not been decided that in future recruitments/whereas the existing procedure of selecting candidates against outside quota will continue to be on the basis of marks obtained by the candidates in Matriculation examination or an equivalent examination, preference should be given to those who have the knowledge of typing with a speed of 40 words per minute and produce certificate to that effect from any Board or Institution recognised by the Central or State Govt. for the purpose. This should be made clear in all advertisements for future recruitments.

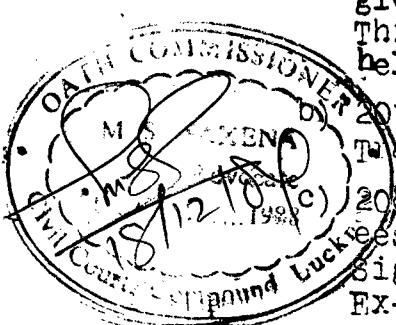
2. With this recruitment procedure as indicated in para 1 above the candidates possessing the knowledge of typing at the speed of 40 w.p.m. will be arranged on the basis of marks obtained by them in the Matriculation or equivalent examination to form the select list. If sufficient number of candidates with the knowledge of typing are not available to fill up all the post, candidates without the knowledge of typing will be arranged on the basis of marks in Matriculation or equivalent and will rank in the merit list below the last candidate with the knowledge of typing.

3. The above decision will however, not affect the recruitment already in progress or in the cases where last date of applying for the post is already over in response to advertisement.

4. Necessary provision in the Rec't. Rules to this effect will be made in due course.

5. At present the employment of Short Duty Telegraphists is governed by the following orders:-

- 209-3/71-STB(pt) dated 5.6.73 - from the 'B' list after giving them full training as for regular candidates. This provision is time consuming and hence felt not of help for immediate and urgent needs.
- 201/68/75-STB dated 23.11.78 - From retired officials of Traffic Branch ~~knowing~~ ^{knowing} signalling and typing.
- 208/13/79-STN dated 10.7.79 - The scope of retired employees was liberalised to retired Postal Signallers and Signallers from other Central and State Govts. excluding Ex-servicemen.
- 208/16/79-STB dated 7.5.80 - The above order was further liberalised permitting engagement of retired personnel of Central and State Government knowing typing with a minimum speed of 30 words per minute only in C.T.O. under the charge of a Gazetted Officer. They were to be given on the job training at their cost for 15 days for acquiring knowledge for TP operation.



Raisel

Annexure

CA 2

AS

Annexure III

No. 208/16/79-STN

Office of the Director General
Posts & Telegraphs

New Delhi-1, the 15-5-1982

To

All G.M.Telcom.Circles (except G.M.Telcom.Ambala)
The G.M. Delhi Telephone Districts, New Delhi.

Subject: Recruitment of Telegraphists.

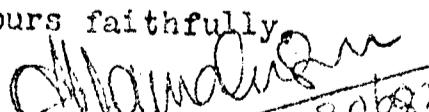
Six.

Consequent to the issue of orders taking Typing knowledge of 40 w.p.m. as preferential for recruitment as Telegraphists vide orders of even No. dated 14-8-80, various querries have been made by different circles. The querries are clarified as under:

(1) If the Institutions recognised by the State Govt. are not issuing certificates about specific speed and if the candidates claim a particular speed on the basis of certificate of various private Institutions, then such candidates should be got tested for the desired speed by the recruiting units while conducting dictation test in the manner in which the stenography speed used to be tested for appointment of Divisional Stenographers before entrusting the rec't. to staff selection Commission.

Typing knowledge of 40 w.p.m. is only a desirable qualification. Those who are having this qualification of typing will be given preference. If after that also enough candidates are not available for completing the select list upto the extent of vacancies announced including RTP, the non type knowing candidates should be taken on the basis of marks as hitherto to make up the short fall.

Yours faithfully,


(S.S.RAMACHANDRAN)
Asstt. Director General (STN)

Copy to: G.M.N.W.Telcom.Circle, Ambala. This also disposed of their letter No.R&E/R-4/24/80/TLS dated 30-3-82.

A.R.

In the Central Administrative Tribunal

Allahabad Bench (Circuit Bench hearing)

Sudan Kumar

Petitioner/s.

Plaintiff/s.

Decree-holder/s. Complainant/s,

TA No. 1214

of 19 80 (T)

Vs.

Respondent/s Opp. Parties.

Defendant/s

Judgment-Debtor/s Accused.

I/We

Nos. 3

C. R. Daisen

the

Respondent

In the above matter hereby appoint and retain

ASHOK MOHILEY ADVOCATE HIGH COURT

to appear, act and plead for me/us in the above matter, and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein, appeals and or other proceedings therefrom and also in proceedings for review of judgement and for leave to appeal to Supreme Court and to obtain return of any documents filed therein, or receive any money which may be payable to me/us.

2. I/We further authorise him to appoint and Instruct any other legal practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.

3. I/We hereby authorise him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree/order therein, to appeal from any decree/order therein and to appeal, to act and to plead in such appeal or in any appeal preferred by any other party from any decree / order therein.

4. I/we agree that if/we fail to pay the fees agreed upon or to give due instructions at all stages he/they is/are at liberty to retire from the case and recover all amounts due to him/them and retain all my/our monies till such dues are paid.

5. And I/We, the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my own acts, as if done by me/us to all intents and purposes.

Executed by me/us this

day of

19

at



Signature/s

Executant/s are personally known to me he has / they have / signed before me

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate, blind or unacquainted with the language of
vakalat).

Certified that the contents were explained to the executant/s in my presence in.....the language known to him/them who appear/s perfectly to understand the same and has/have signed in my presence.

Accepted


Accepted

ASHOK MOHILEY

Flat No. 3, Block No. 7

Nagar Mahapalika Flats

Hastings Road

(Nyaya Marg) Allahabad-211001

Phone : 3046