

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

all India Telegraph, Traffic Employees Union  
Bhatapgarh & Others.

V.O. 1 & Am.

FORM OF INDEX

D.A./T.A./B.A./C.C.P. No. 1227-1987

w.l. To. 6530/1983.

PART - I

1. Index Papers :- 1 to 3 ✓
2. Order Sheet :- 4 to 7 ✓
3. Any other orders :- Civil Disc. Am. No. 751/8 1984 (Page No. 7)
4. Judgement :- Judgement dt. 30-4-1990 of Circuit
5. S.L.P. :- Bench, Lucknow.

- ① Jud. order dt. 30-4-90. A8.
- ② written petition/Annexure A9 to A37
- ③ Laws A38
- ④ M.C. No B.80/83/6530/83 A39 to A40
- ⑤ Counter Affidavit A41 to A56

Rechecked  
on 01/3/12

Dr. Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk 28/12/88

V.K. Mishra

ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow  
Opp. Residency, Gandhi Bhawan, Lucknow  
\*\*\*\*\*

INDEX SHEET

CAUSE TITLE TA 1227/879 of 19

NAME OF THE PARTIES

All Indis. Telegraph Office Employees Applicant

- Versus

Union of Indis. and Others & Respondent

Part A, B & C

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3

9

CIVIL  
SIDE  
CRIMINAL

GENERAL INDEX

Chapter XLI, Rules 2, 9 and 15

Nature and number of case W.P. 6530-83

Name of parties All India Telegraph Traffic Employees - B. Union

Date of institution 6-12-83

Date of decision \_\_\_\_\_

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1	W.P. with Annex and affidavit	30	-	102.00			
	2	Power	1	-	5.00			
	3	CMA-1382 (W) 83	2	-	5.00			
	4	order sheet	1	-	-			
	5	Bank copy	1	-	-			

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

Date \_\_\_\_\_

Munsarim  
Clerk

7

Hon. K.A.S.L.  
Hon. S.S. Armod

Impressed  
Adhesive Rs 100/-  
Total  
Correct but final Court fee report  
will be made on receipt of lower  
court record.  
In time up to  
Papers filed. Copy of B. 43  
could also be filed  
2/11/13

Admit. Notice on  
behalf of opposite party  
1 to 3 has been accepted  
by the Standing Counsel of the  
Central Government

*[Signature]*  
6/12/13

out of mandamus as also to  
Quash in orders of this by  
any other summary or  
simplified  
Dist. Tuckand

Subscribed  
5.12.13  
9/12/13

Received for ops 1 to 3.

*[Signature]*

(D S RANDHAWA)  
Senior Standing Counsel,  
Central Govt.

(5)

TA 1227/105(1)

8/12/08

Hon. Justice K. Math, VC.  
Hon. K. J. Raman, Am.

An application for adjournment  
has been made by the learned

Counsel for the applicant  
Shri J. P. Singh. It is also  
stated that the applicant  
may file an amendment  
application. Am. Rekha Pandey

holding brief for Shri D. S. Radhawa  
Standing Counsel for the  
opposite parties is also present.

Counter has already been  
filed. The applicant may  
file rejoinder within four  
weeks and list for orders

on 19-1-90.

VC  
Am.

VC

OR

No RA filed  
submitted for order  
10/1/90

Am J. P. Sharma

13-1-90

Hon. J. P. Sharma JM

No one is present  
for the per. 13.3.90

VC

OR

Neither amend-  
ment nor any rejoinder  
filed.

S. F. O.

12/3/90

8



Recd CTS  
del.  
Koll  
21/1/85

\* Hon. S.S. Ahmed  
Hon. B. K. Kumar

Delay is condoned

21.1.85  
TBL

Amara  
[Signature]

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH AT LUCKNOW

T.A. NO. 1227/87 (T)

(W.P.NO.6530/83)

\*\*\*\*\*

All India Telegraph, Traffic ..... Petitioners.  
Employees, Union III Pratapgarh  
& Others. Versus

Union of India, & Others ..... Respondents

Hon. Justice Mr. K. Nath, V.C.


Hon. Mr. K. Obayya, A.M.

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

No one for both the parties is present. No amendment application or rejoinder affidavit has been filed, as per the order dated 8.12.1989, the relief claimed in this case is to declare Partapgarh city as class 'C' city, which brings some monetary benefits in the form of allowance to the applicants. According to the applicants the actual population of Partapgarh may be held by this Tribunal to be 50,000 or over. In the counter affidavit, it has been stated that according to <sup>the</sup> record of the census of 1981 the population finally recorded is <sup>49,932</sup> 49,932. It is pointed out that the figure of 50,188 relied upon by the applicants was only provisional pending enquiries and verification and that after final assessment, the population has been found to be less than 50,000-

No rejoinder affidavit has been filed in rebuttal. We do not think any useful purpose is likely to be served by keeping this petition pending. Therefore, this petition is dismissed for default on parties.

  
ADM. MEMBER.

  
VICE CHAIRMAN.

Dated: 2.4.1990

sd.

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

WRIT PETITION NO. 6530 OF 1982

All India Telegraph, Traffic Employees,  
Union III Pratapgarh & others. ... Petitioners  
Versus  
Union of India, Ministry of Finance  
& others. ... Opp. Parties.

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LUCKNOW DATED:

NOVEMBER , 1983.

(K.P. SINGH)  
ADVOCATE  
COUNSEL FOR THE PETITIONERS



The humble petition of the abovenamed petitioners most respectfully begs to submit as under:-

1. That petitioner no.1 is a registered and recognised body of Telegraph and Traffic Employees Union Pratapgarn which is affiliated to National Federation of Post and Telegraph Employees 4/28 WEA Karolbagh New Delhi. The petitioner no.2 is the branch Secretary of the said Union at Pratapgarn. So this writ petition is being filed on behalf of petitioner no.1 and its members and also on behalf of petitioner no.2 in his capacity of the Branch Secretary as well as in his ~~in~~ <sup>in</sup> individual capacity and further benefit of its members mentioned herein after.

2. That the members of petitioner no.1 at Pratapgarn Branch are as under:-

1. R.N.Singh Telegraphist.
2. Manna Lall "
3. Chedi Lall "
4. R.P.Dubey "
5. Hari Ram "
6. Prayagdin "
7. R.P.Singh "

3. That on the basis of population figures of 1981 census, the final population of M.B.Bela

Pratapgarh was adjudged to be 50, 188.

4. That according to last pay commission report of U.P. the employees of the City having population 50 thousands and above would be entitled to House rent allowance.

5. That the State of U.P. considered this City as Class "C" for having population of 50 thousand and above and for the purposes of grant of compensatory (City) Allowances and House Rent Allowance to its employees.

6. That the State Government issued notification dated 29.12.81, on the basis of 1981 Censes and granted house rent allowance to state Employees posted at Pratapgarh. This was done keeping in view of the fact that population of this City was above 50 thousand and thus with the ambit of Class "C". A true copy of the notification of the State Government showing grant of (House Rent Allowance) to its employees at Pratapgarh is Annexure No.1.

7. That Adhishashi Adhikari M.B. Pratapgarh also stated in reply to our letter that actual population of the City was over 50 thousands on the basis of last Census of 1981. A true copy of the statement is Annexure No.2.

8. That District Censes Officer/ D.M. also informed the General Manager Telecommunication Lucknow by letter dated 8.11.83 that the final figures of population of this City of Pratapgarh as submitted by him to Director of Census U.P. Lucknow, for the Census of 1981 was 50188. A true copy of the letter of information is Annexure No.3.

9. That sanctioning norms of House Rent allowance for the employees of the State Government and that of central Government are the same i.e. final population of a city must be 50 thousand and above.

10. That petitioners were constrained to learn that on the basis of same censuses population figure of 50 thousand and above and taking this city as class "C" the State Government has granted the allowance with effect from 29.9.81 whereas the Central Government held by notification dated 7.2.83 that this was not a "C" class city being less than 50 thousands population.

11. That a representation was made thereafter ~~the~~ ~~cases~~ to Union of India, that some clerical error has crept in noting the final figures of population and the employees of the Central Government (Post and Telegraph Department) at Pratapgarh was entitled to this allowance as being enjoyed by their counter parts of the State Government.

12. That thereafter the Union of India informed

the petitioner that since the final population figure of <sup>6 M.O 6</sup> Bela Pratapgarn as published was below 50 thousands i.e. 49, 932, hence the City has not been classified as Class "C". On the basis of final censuses figures of 1981. A true copy of the reply is

Annexure No.4.

13. That again on our representation that there was a clerical error, a letter was received from the office of Director of Censes dated 6.6.83 that final population of M.B. Bela Pratapgarn was 49, 932. A true copy of the letter is Annexure No.5.

14. That by letter dated 30.6.83 the Government of India Ministry of Finance informed the petitioner that it follows strictly the Censes report of Registrar General of India. In other wards the Central Government was not bound to follow the norms and criteria of population for the grant of House Allowance adopted by the State Government though the basis might be the same. A true copy whereof is Annexure No.6.

15. That when none of the concerned Ministries of the Union Government, <sup>checked</sup> ~~treated~~ our request, then the petitioner made a representation to <sup>Prime Minister</sup> ~~Post Master~~ of India dated 27.7.83 and copies to all concerned departments <sup>and</sup> ~~of~~ officials ~~of~~ including Registrar General of India, the Director of Census, Governor, <sup>U.P.</sup> ~~U.P.~~, the D.M. and others, stating inter alia that <sup>required</sup> ~~required~~ minimus population for grant of house and <sup>allowance</sup> ~~allowance~~ in

"C" Class Cities is 50 thousands for Central as well as State Government of Employees and the population figures of 1981 ~~decadal~~ <sup>final</sup> Census arrived at was 50188 and on the same basis the State Government has sanctioned the allowance to its employees. It was further stated that Director of Census operation U.P. Lucknow either by clerical error has mistaken this figure 49932 as final population although in fact and the report of District Census Office/ D.M. was that final population was 50188. It may be stated here that there was no other source of actual figure of population with the Director of Census U.P. except the one furnished by the District Census Office. <sup>5/5/54</sup> true copy of the representation to Prime Minister of India and copies to other concerned is filed as Annexure No.7.

16. <sup>unheeded</sup> That when the above representation remained ~~untreated~~, that our All India Body the National Federation of Post and Telegraph Employees, New Delhi again requested the Director General Post and Telegraph New Delhi to take up the matter with concerned departments <sup>and ministers</sup> and get the clerical mistake rectified and to provide the said house rent allowance <sup>which</sup> cause great injustice to its constituents members. But the said representation still remains a dead letter. A true copy of the representation is Annexure No.8.

17. That there is no rational basis or criteria to differentiate between the employees of State Government and the Central Post at Pratapgarh in <sup>as</sup> much as on the

basis of same figure of ~~px~~ population i.e. accepting it to be above 50 thousands the State Employees have been granted House Rent Allowance where as those of Central Government ~~have been~~ refused as <sup>alleging</sup> population being below 50 thousands. The order of Central Government is discriminatory and violates Act 14 of the Constitution of India.

18. That on the basis of last pay commission report of U.P. only the employees of a "C" Class City having a population of 50 thousands and above are entitled to <sup>his</sup> allowance and the State Government has accepted this population figure of M.B. Pratapgarh being 50 thousands and above for the grant, there is no reasonable basis for the Central Government, not to accept this figure as final population and refuse <sup>the</sup> allowance and thus the order is discriminatory.

*BV*  
*3.12.83*  
19. That clerical error as crept in the Census report of 1981 could be corrected at any time or ignored and the authorities have erred in law in ~~xx~~ refusing to correct it.

*hull*  
20. That except the final population figures as then submitted by the District Census Officer D.M. Pratapgarh to be over 50 thousands there was no other material which ~~empowers~~ empowers Director of Census U.P. to record actual population figures below 50 thousands.

*Prady*

21. That the opposite party (of the Central Government) have failed to exercise jurisdiction vested in the under the law for not correcting clerical error.

22. That every month the Post and Telegraph employees of Union, including the petitioners are being <sup>put to</sup> a financial loss of House Rent allowance for which they are entitled under the law.

23. That on the basis of population to be more than 50 thousands, the M.B. Pratapgarh is entitled to be declared as 'C' Class City as has been done by Union of India by notification of finance Ministry dated 7.2.83 in respect of other cities of U.P. like Barabanki, Ghaziabad, Lakhimpur, Lallitpur, Nagabad Tanda and Unnao etc.

24. That the petitioners and its members are being deprived of the property regularly and to their fundamental rights to hold property are being violated irrationally, and arbitrarily <sup>every month</sup>.

25. That the petitioners request to declare this City as Class "C" and also grant them House Rent Allowance on the basis of parity of U.P. State Employees have been arbitrarily rejected.

GROUNDS

(A)

Because, there is no rational basis

or criteria to differential between the employees of State Government and the Central post<sup>at</sup> Pratapgarn in <sup>as</sup> any much as on the basis of same figure of population i.e. accepting it to be above 50 thousands the State Employees have been granted House Rent Allowance where as those of Central Government have been refused <sup>allegedly</sup> as population being below 50 thousands. The order of Central Government is discriminatory and violates Art. 14 of the Constitution of India.

(B) Because on the basis of last pay Commission report of U.P. only the employees of a "C" Class City having a population of 50 thousands and above are entitled to this allowance and the State Government has accepted this population figure of M.B. Pratapgarn being 50 ~~th~~ thousands and above for the grant, there is no reasonable basis for the Central Government, not to accept this figure as final population and refuse <sup>this</sup> allowance and thus the order is discriminatory.

(C) Because clerical error as crept in the Census Report of 1981 could be corrected at any time or ignored and the authorities have erred in law in refusing to correct it.

(D) Because, except the final population figures as then submitted by the District Census Officer D.M. Pratapgarn to be over 50 thousands there was



no other material which empowers Director of Census U.P. to record actual population figures below 50 thousands.

(E) Because, the opposite party ( of the Central Government) have failed to exercise jurisdiction vested in the under the law for not correcting clerical error.

(F) Because every month the Post and Telegraph employees of Union, including the petitioners are being <sup>put to</sup> financial loss of House Rent allowance for which they are entitled under the law.

(G) Because, on the basis of population to be more than 50 thousands, the M.B. Pratapgarh is entitled to be declared as 'C' Class City as has been done by Union of India by notification of finance Ministry dated 7.2.83 in respect of other Cities of U.P. like Barabanki, Ghaziabad, Lakhimpur, Lallitpur, Nagaland, Tanda and Unnao etc.

(H) Because, the petitioners and its members are being deprived of the property regularly and to their fundamental rights to hold property are being violated irrationally, and arbitrarily. *every month*

(I) Because, the petitioners request to declare this City as Class " C" and also grant them House

Rent Allowance on the basis of parity of U.P. State Employees have been arbitrarily rejected.

PRAYER

It is therefore prayed that a writ of mandamus or any other order, direction or writ in the nature of mandamus be issued directing the opposite party concerned to grant House Rent Allowance regularly to petitioners and its members.

(i) To issue any order direction or writ to correct the clerical mistake in the records.

(ii) To issue any order direction or writ in the nature of mandamus commanding the opposite party concerned to treat the actual population <sup>of Prayagrah</sup> to be 50 thousands and above and to declare this City as Class (C), City.

*Alternatively*  
(iii) To quash the orders <sup>of any</sup> annexed in so for a thing go against the petitioners <sup>and to</sup> hold them as null & void.

(iv) To grant any further or other relief that the petitioners may be entitled to in the circumstances of the case.

Lucknow Dated:

November , 1983.

*K.P. Singh*  
(K.P. Singh)  
Advocate.

Counsel for the Petitioners

12

१०

इन दि आनरेबुल हाई कोर्ट आफ जुडीकेचर स्ट इलाहाबाद

लखनऊ बेंच, लखनऊ।

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स्टि पिटीशन नं०

आफ १६८३

आल इण्डिया टेलीग्राफ ट्रान्समिशन इम्प्लाइज,

यूनियन ।।। प्रतापगढ़ आदि ---

--- अपोपार्टिजि

बनाम

यूनियन आफ इण्डिया मिनिस्ट्री आफ

फाइनेन्स आदि ---

--- अपोपार्टिजि

अनेक्जर नं० १

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संख्या जी०-१-२५३ स्टा.दस-२०६-८१

प्रेषक,

श्री जनमोहन लाल बजाज,  
सचिव,  
उत्तर प्रदेश शासन।

सेवा में,

समस्त विभागाध्यक्षा तथा अन्य प्रमुख कार्यालयाध्यक्षा,  
उत्तर प्रदेश।

दिनांक, लखनऊ २६ दिसम्बर, १९८१

----

विषय:- मकान किराया भत्ता।

महोदय,

मुझे यह कहने का निर्देश हुआ है कि शासनादेश सं० जी-०१

-१६७५।दस-८१, २०६-८१ दिनांक १५ दिसम्बर, १९८१ में सरकारी

सेवकों को कतिपय शतों के अधीन मकान किराया भत्ता विभिन्न बेटन,

स्लैबों में उक्त शासनादेश के संलग्नक १ में इंगित नगरों में अलग अलग

दरों पर दिनांक २६ सितम्बर, १९८१ से स्वीकृत किया गया है।

उक्त शासनादेश का आंशिक संशोधन करते हुए राज्यपाल महोदय ने

१९८१ की जनगणना के आधार पर कतिपय नगरों में ऊंची दरों से

वित्त  
सामान्य  
अनुभाग-१

12/12

-२-

तथा कतिपय अन्य नगरों में, जिनमें अभी मकान किराया भत्ता अनुमन्य नहीं था, उसे दिये जाने की स्वीकृति प्रदान कर दी है और यह भी आदेश दिये हैं कि उक्त शासनादेश के संलग्नक १ के स्थान पर इस शासनादेश का संलग्नक प्रतिस्थापित कर दिया जाय । उक्त शासनादेश इस सीमा तक संशोधित समझा जायेगा और उसमें उल्लिखित अन्य शर्तों यथावत बनी रहेंगे ।

२- यह आदेश दिनांक २६ सितम्बर १९८१ से प्रभावी होंगे ।

भवदीय

जनमोहन लाल बजाज,  
सचिव ।

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सं० जी०-१-२५३२२(१)।दस-२०६-८१ तदिनांक  
प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु  
प्रेषित:-

- १- महारक्षेकाकार, उत्तर प्रदेश, इलाहाबाद ।
- २- सचिवालय के समस्त अनुभाग ।
- ३- वित्त बेंचन आयोग अनुभाग ।
- ४- श्री राज्यपाल, उत्तर प्रदेश के सचिव ।
- ५- सचिव, विधान सभा, उत्तर प्रदेश ।
- ६- सचिव, विधान परिषद, उत्तर प्रदेश ।

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सं० जी०-१-२५३२२(२)।दस-२०६-८१ तदिनांक

प्रतिलिपि शिद्दा अनुभाग १५, शिद्दा अनुभाग ११,  
शिद्दा अनुभाग ५, शिद्दा अनुभाग ६, शिद्दा अनुभाग ३ एवं शिद्दा  
अनुभाग १३ को इस अभ्युक्ति के साथ प्रेषित कि वे कृपया सहायता  
प्राप्त शिद्दा संस्थाओं के कर्मचारियों को भी समकदा राजकीय  
कर्मचारियों के समान मकान किराया भत्ता संलग्नक में इंगित दरों पर  
दिनांक २६ सितम्बर से अनुमन्य करने हेतु शासनादेश का आलेख तुरन्त  
वित्त (व्यय नियंत्रण) अनुभाग ११। वित्त (सामान्य) अनुभाग १ की

सहमति हेतु प्रस्तुत करें। वे कृपया संलग्नक शासनादेश सं० जी०-१७६५।दस-  
८१-२०६-८१ दिनांक १५ दिसम्बर, १९८१ के प्राविधानों को भी उचित  
परिबर्तनों के साथ अपने आलेख में सम्मिलित कर लें।

आज्ञा से,

एस०डी०बर्मा,  
उप सचिव।

संलग्नक

मकान किराये मत्त की दर (रुपयाँ में)

वेत स्लैब कानपुर, इलाहाबाद मुरादाबाद, अलीगढ़ सीतापुर, हाथरस,  
बाराणसी, आगरा, गोरखपुर, सहारनपुर, बदाय, रायबरेली,  
लखनऊ, गाजियाबाद देहरादून, सहारन पीलीभीत, मादरीनगर,  
नैनीताल, मेरठ और पुर, फाँसी, शाह मऊनाथ मजन, फतेहपुर,  
बरेली नगरों में। जहाँपुर, रामपुर, हरदाई, रुड़की,  
फिरोजाबाद, हरद्वानी, कमकाठ,  
मुजफ्फरनगर, गाढ़ाम, उन्नाव,  
मथुरा, फरुखाबाद बादा, गाण्डा, बस्ती,  
हरिद्वार, फाँजाबाद मुगलसराय, खुर्जा,  
मिर्जापुर, अमराहा आजमगढ़, चन्दौसी,  
इटवा, सम्मल, उरई, बाराबंकी, कास,  
जौनपुर, बुलन्दशहर गज, बलिया लखीमपुर,  
हापुड़ और बह- गाजीपुर, मैनपुरी,  
राइच नगरों में। बिजनौर, ललीतपुर,  
दबौरिया, स्टा मजीबा  
बाद, टाण्डा, काशी,  
पुर, शामली, देवबन्द,  
नैनीना, बल्ला, प्रताप  
गढ़, नगौरा तथा नैनी  
ताल का काइकर अन्य  
पर्वतीय नगर क्षेत्र में।

१	२	३	४
१-३४० रु० तक	३०	१५	१०
२- ३४० रु० से अधिक और ६००) तक	६०	३०	२०
३- ६००) से अधिक और ८००) तक	८०	४५	३०
४- ८००) से अधिक और १२००) तक	१२०	६०	४०
५- १२००) से अधिक और १४००) तक	१५०	७५	५०
६- १४००) से अधिक और १७००) तक	२००	१००	६५
७- १७००) से अधिक और २०००) तक	२५०	१२५	८५
८- २०००) से अधिक और २४००) तक	३००	१५०	१००
९- २४००) से अधिक	४००	२००	१२५

पी०एस०यू०पी०-ए०पी०स्ट० सा०वि०-१७-३-८२(४।८०)-६,०००(हि०)।

सत्य-प्रमाणित-प्रतिलिपि

15

18  
22

इन दि आनरेबुल हाई कोर्ट आफ जुडीकेयर ऐट इलाहाबाद

लखनऊ बेंच, लखनऊ।

----

रिट पिटीशन नं०

आफ १६८३

आल इण्डिया टेलीग्राफ ट्रार्फिक

इम्प्लाइज़ यूनियन ।।। प्रतापगढ़ आदि---

पिटीशनर्स

बनाम

यूनियन आफ इण्डिया मिनिस्ट्री आफ

फाइनेन्स आदि ---

अपोजाटिज़

अनेक्जर नं० २

प्रेषक,

अधिसासी अधिकारी,  
नगरपालिका,  
बेला (प्रतापगढ़)

सेवा में,

प्रभारी सहायक अधीक्षक,  
तार परियात बि०ता०कार्यालय,  
प्रतापगढ़।

पत्रांक २४८

दिनांक: २-३-८३

विषय:- जनगणना १९८१ के अनुसार नगरपालिका बेला  
बेला (प्रतापगढ़) की जनसंख्या।

महोदय,

आपके पत्र संख्या जी-१ दिनांक २-३-८३ के  
सम्बन्ध में सूचित किया जाता है कि नगरपालिका बेला (प्रतापगढ़)  
की जनसंख्या १९८१ की जनगणना के अनुसार ५०,१८८ है।

भवदीय  
ह०- अपठनीय  
अधिसासी अधिकारी  
अधिसासी अधिकारी  
नगरपालिका बेला (प्रतापगढ़)।

सत्य-प्रतिलिपि

इन दि आनरेबुल हाई कोर्ट आफ जुडीकेचर सेंट इलाहाबाद  
लखनऊ बेंच, लखनऊ।

---

रिट पिटीशन नं०      आफ १६८३  
आल इण्डिया टेलीग्राफ ट्रान्समिशन इम्प्लाइज  
यूनियन ।।। प्रतापगढ़ आदि      ---      --- पिटीशनर्स  
बनाम  
यूनियन आफ इण्डिया, मिनिस्ट्री  
आफ फाइनेन्स आदि      ---      --- अपोपार्टीज  
अनेकर नं० ३  
-----

पत्रांक मेमो। जनगणना-८१  
प्रेषक,

दिनांक ८-११-८३

जिला जनगणना अधिकारी  
प्रतापगढ़।

सेवा में,

जनरल मैनेजर टेली कमन्यूकेशन,  
लखनऊ उ०प्र०।

विषय:- प्रतापगढ़ टेलीफोन कर्मियों की आवास भत्ता आदि की  
स्वीकृति।

---

महोदय उपरोक्त विषयक आपके पत्रांक इस्टे।जी-१५।२  
दिनांक ३०-५-८३ के सन्दर्भ में निवेदन है कि जनगणना १९८१ के  
अन्तम आंकड़े जो जनगणना निदेशक उ०प्र० लखनऊ को प्रेषित किये  
गये थे उसके अनुसार नगरपालिका बेला प्रतापगढ़ की आबादी ५०१८८  
पचास हजार एक सौ अठासी थी।

भवदीय  
जिला जनगणना अधिकारी  
प्रतापगढ़।

पत्रांक एवं दिनांक उपरोक्त:

- १- प्रतिलिपि मण्डल अभियन्ता क्लब तार इलाहाबाद को सूचनार्थ प्रेषित
- २- जूनियर इंजीनियर फोर्न्स प्रतापगढ़ को सूचनार्थ।

जिला जनगणना अधिकारी  
प्रतापगढ़।

सील  
जिला मैजिस्ट्रेट  
प्रतापगढ़।

सत्य-प्रतिलिपि

1)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLEHABAD  
SITTING AT LUCKNOW.

....  
WRIT PETITION NO. OF 1983

All India Telegraph Traffic Employees  
Union III Pratapgarh & another. ...Petitioners  
Versus  
Union of India, Ministry of  
Finance & others. ... Opp. Parties.

ANNEXURE NO. 4

No.865/E.II(B)/83  
Government of India  
Ministry of Finance  
(Department of Expenditure)

....  
New Delhi, the April, 4.5.1983.

To:  
Sri Ram Vishal Pandey,  
Br. Secretary All India R.M.S.  
Employees Union Class-III  
Pratapgarh (U.P.)

....  
Sub:- Classification/upgradation of cities on the  
basis of final population figures of 1981 Census  
Case of Classification of Bela, Pratapgarh in  
U.P. as a 'C' class City regarding.

hlf  
Sir,

hlf  
I am directed to refer to your letter  
dated 28.2.1983 addressed to Shri N.J.Iyer, General  
Secretary RBS, 211 Class III, ~~Case~~ Central Headquarters,



New Delhi with a copy thereof endorsed inter alia to this Ministry on the subject cited above and to say that the matter has been examined in consultation with the Registrar General of India. As intimated by them according to final population figures of 1981 Census the population of Bela Pratapgarh (MB) of Pratapgarh Tahsil in Pratapgarh District, U.P. is 49,932 which is less than the minimum population of 50,000 required for classification of a city as 'C' Class. It has, therefore, not been found possible to classify Bela, Pratapgarh as a 'C' class city on the basis final 1981 Census figures.

Yours faithfully

Sd/- V.C.Tewari)  
(V.C.Tewari),  
3.5.83

Under Secretary to the Government of  
India.

  
TRUE COPY

B.V.  
3.12.83

R.S.G.B.

19  
19/2  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW.

.....  
WRIT PETITION NO. OF 1983

All India Telegraph, Traffic  
Employees Union III Pratapgarh ...Petitioners  
Versus  
Union of India, Ministry of  
Finance & others. ... Opp.Parties.

ANNEXURE NO.5

No.P.C.I 1132

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

Office of the Director of Census Operations, Uttar  
Pradesh.

(Planning and Co-ordination Cell)

25, Nawal Kishore Road,  
Lucknow: 226001(U.P.)

Dated June 6, 1983

....

To:

The Secretary,  
All India R.M.S.Employees,  
Union Class III  
Pratapgarh (U.P.)

Subject:- Classification/upgradation of cities on  
the Basis of final population figures  
of 1981 Census Case of Classification  
of Bela Pratapgarh in U.P. as 'C' City.

...

Dear Sir,

With reference to your letter

dated 24.5.83 addressed to Shri V.C. Tiwari,  
under Secretary to Government of India, Ministry  
of Finance (D.O.E.), New Delhi and copy endorsed  
to this office. I have to state that according  
to "Census of India 1981 Series 22, Uttar Pradesh  
paper I of 1982 Final Population Totals" the final  
population of Bela Pratapgarh M.B. Urban is 49,932  
only.

Yours faithfully

Sd/-Harbhajan Singh  
(Har Bhajan Singh)

Assistant Director.

  
TRUE COPY

BV  
3.12.83

21  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW.

.....

WRIT PETITION NO. OF 1983

All India Telegraph Traffic Employees  
Union III Pratapgarh & another ... Petitioners

Versus

Union of India Ministry of Finance  
& others. ... Opp. Parties.

ANNEXURE NO.6

No.1366-E,II(B)/83

Government of India

Ministry of Finance

Department of Expenditure)

.....

New Delhi, the 30 June, 1983

To:

Shri Ram Vishal Pandey,  
Secretary,

All India RMS.Employee,

Union Clerk III

Pratapgarh (U.P.

Subject:- Classification/upgradation of cities on  
the basis of final population figures of  
1981 Census Case of classification of Bela  
Pratapgarh in U.P., as 'C' class city-  
regarding.

.....

22

- 2 -

Sir,

I am directed to refer to your letter dated 20.5.1983 on the subject cited above and to say that for purposes of classification of a city/town on the basis of population criterion this Ministry strictly goes by the decennial Census Report of B.G.I. only and is not guided by the criteria followed/information forwarded by other sources. In case there is any doubt about the correctness of figures of population furnished to this Ministry by R.G.I., the matter may please be taken up with the office of Registrar General of India.

Yours faithfully

Sd/-V.C.Tewari  
(V.C.Tewari)

25.6.83

Under Secretary to the Government  
of India.

TRUE COPY

BV  
3.12.83

23

22

23

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

....  
WRIT PETITION NO. OF 1983

All India Telegraph Traffic Employees  
Union III Pratapgarh & another... Petitioners  
Versus  
Union of India Ministry of Finance  
& others. ... Opp. Parties.

ANNEXURE NO.7

India R.M.S. Employees Union Class III  
Pratapgarh (U.P.)

No.11/HRA/Bela Pratapgarh dated 27.7.83.

To,

The Prime Minister of India,  
New Delhi.

Subject: House Rent Allowance (Bela Pratapgarh) step  
montherly treatment towards central  
employees by depriving of their H.R.A.

....  
Most Respectfully Prime Minister.

We the thousands of Central employees  
working at Bela Pratapgarh (U.P.) most respectfully  
put forward the following points on the above sub-  
ject in expectation of your honour's intervention  
towards redressal of our above genuine grievance.

(1) The required minimum population figure for  
granting house rent allowance in 'C' class cities  
is 50,000.00 for Central Government employees as  
well as for state employees of Uttar Pradesh.

2. The population figure of 1981 decennial censuses arrived at is 50,188 (Ref. census of India 1981 Series 22-Uttar Pradesh paper 1 of 1981 supplement page 85, Bela Pratapgarh 50,188).

3. On the basis as mentioned in para 2 above the Uttar Pradesh Government granted H.R.A. for State employees vide G.O.No.G-1-2532A/10-209-81 (H.R.A.) dated 29 December 1981. Photostat copy of the same is attached.

4. But Director of Census operation Uttar Pradesh Lucknow either by Clerical error or otherwise mistaken this figure as 49932 (Ref. Census of India 1981 Series 22-Uttar Pradesh Paper 1 of 1982 final population totals.

5. The above error committed at the office of Director of Census operations U.P.Lucknow who have contradicted their own worked out figures as referred in para 2 and 3 from 50188 to 49932 deprived Central government employees of their genuine due demand of H.R.A. whereas U.P.State employees are getting the same since 29 September 1981 as per census figure of 1981 as referred in para 2 above.

BY  
3.12-83

WAL

Respected Prime Minister we have tapped all and every book and corner (either by correspondance or by personal contract) concerning to the above subject but unfortunately all turned

a deaf ear towards our genuine demand and being hopeless for all sides we are seeking the supreme shelter and hoping a positive response by effecting grant of house rent allowance to central Government employees working at Bela Pratapgarh (U.P.) like state employees of Uttar Pradesh.

Thanking your honour in anticipation.

Yours Sincerely.

Branch Secretary R.M.S.Union  
Class III, Pratapgarh (U.P.)

Copy to:

1. Sri N.J.Ayer, G.S.A.I.R.M.S. employees Union  
Class III C.M.Q.New Delhi for necessary action.
2. Registrar General of India New Delhi.
3. Sri J.L.Bajaj Secretary finance U.P.(Vita  
Samnaya Anubhag-1 in reference to his G.O.  
No.G-1-25324/10/209-81 (H.R.Ae) for intimating  
basis of granting H.R.A. to U.P. employees working  
at Bela Pratapgarh (U.P.) and its justification  
in respect of this erroneous population figure  
the 1981 Census i.e. 50188/4932 as detailed above.
4. Director of Census operations U.P.Lucknow  
regarding justification of two population figures  
of Bela Pratapgarh (U.P.) 50188/49932 as  
referred to above and correcting the latter  
figure.
5. The Governor of U.P.Lucknow.
6. Sri S.K.Vyas, General Secretary confederation of  
Central Government employees New Delhi.



7. Sri O.P. Gupta Secretary General NEPTH  
New Delhi.
8. The District Magistrate Pratapgarh.
9. Shri Shiv Ram Shukla circle Secretary R.M.S.  
Union Class III Allahabad.

(RAM VISHAL PANDEY)

Branch Secretary

R.M.S. Union Class III Pratapgarh

U.P.

  
TRUE COPY



27

RMC  
A/B

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

.....  
WRIT PETITION NO.        OF 1983

All India Telegraph Traffic Employees  
Union III Pratapgarh & another.    ...Petitioners  
Versus  
Union of India, Ministry of  
Finance & others.        ...        ...        Opp.Parties.

ANNEXURE NO.8

No.F/12(HRA)/BP.        Dated: August 25, 1983  
The Director General,  
Posts and Telegraphs,  
New Delhi.  
Subject: Grant of H.R.A. to the P & T. employees  
posted at Bela Pratapgarh, Uttar Pradesh.  
Sir,

BY  
3.12.83

WJ

The minimum population figure necessary  
for grant of H.R.A. in 'C' class cities is 50,000.  
The population figure of Bela Pratapgarh as per 1981  
Census is 50,188 (Ref. Census of India 1981-Series  
22-Uttar Pradesh, Paper 1 of 1981 supplement page  
(5) on the basis of the above figures the Uttar  
Pradesh Government has granted HRA to the employees  
vide G.O.No.G-1-25324/10-209-81(HRA) dated 29.12.81  
(photostat copy attached).

Unfortunately through clerical error or  
otherwise, the final Census figure of Bela Pratapgarh

been shown as 49932 (Ref. Census of India 1981 Series 22-Uttar Pradesh paper 1 of 1982 final population totals). This error has deprived the P & T employees of their legitimate demand for grant of H.R.A. at the rate admissible to 'C' class cities.

We will be thankful if the case is taken up with the appropriate authorities to sort out the matter with a view to facilitate grant of HRA to the P&T employees of U.P. posted in Bela Pratapgarh (U.P.) as is being enjoyed by the State Government employees of U.P.

Yours faithfully

Sd/-  
(O.P. Gupta)  
Secretary General.

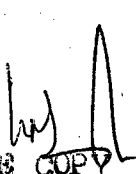
Encl: One.

Copy to (1) The General Secretary A.I.RMS & MMS  
E.U. Class III (CHO), No.

(2) The Branch Secretary, A.I.RMS & MMS  
E.U. Class III, Pratapgarh

Sd/- O.P. Gupta  
(O.P. Gupta)  
Secretary General.

BV  
3.12.83

  
TRUE COPY

29

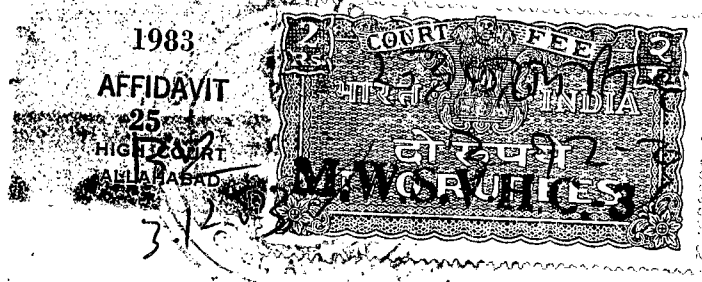
8/3

A/2

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

....

WRIT PETITION NO.      OF 1983



All India Telegraph, Traffic Employees  
Union III Pratapgarn & another      ...      Petitioners  
Versus  
Union of India, Ministry of Finance  
& others.      ...      Opp. Parties.

AFFIDAVIT

I, Rudra Pratap Singh aged about      years,  
Telegraphis, Branch Secretary of ~~xxxxxx~~ Petitioner no.1  
D.T.O. Office Pratapgarn, the deponent, do hereby  
solemnly affirm and state on oath as under:-

1.      That the deponent is petitioner no.2 and  
pairokar of petitioner no.1 in the abovenoted Writ  
Petition and as such he is fully conversant with the  
facts of the case deposed hereinafter.

2.      That the contents of paragraphs 1 to 2, 10 to 25  
of this Writ Petition are true to my own knowledge,  
those of paragraphs 3 to 17 are believed to be

30  
true on the basis of <sup>to read</sup> legal advice.

3. That Annexures <sup>to</sup> are certified copies and Annexures <sup>to</sup> are true copies which have been compared with their respective originals by the deponent.

Lucknow Dated:  
~~November~~ <sup>Dec 3</sup>, 1983.

*R. Singh*  
Deponent.

VERIFICATION

I, the deponent named above, do hereby verify that the contents of paragraphs 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.

Lucknow Dated:.  
~~November~~ <sup>Dec 3</sup>, 1983.

*R. Singh*  
Deponent.

I identify the deponent, who has signed before me.

*[Signature]*  
Advocate

Solemnly affirmed before me on 3.12.83 at 9.00 a.m./p.m. by Sri Rudra Pratap Singh, the deponent, who is identified by Sri K.P. Singh, Advocate, High Court, at Allahabad.

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

*BV*  
*BUSHNET*  
OATH COMPLETION  
High Court Allahabad,  
Lucknow Bench.  
No. 1072/28  
Date 3-12-83

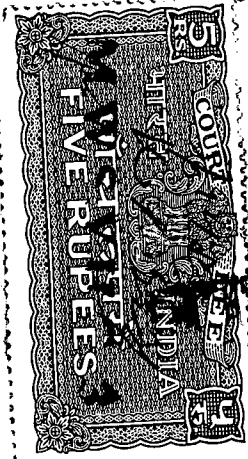
W. P. No

31

31

व अदालत श्रीमान  
Religion  
वादी (मुद्दे)  
प्रतिवादी (मुद्दे)

Honorable High Court of Judicature  
at Allahabad (Lucknow Bench)  
का वकालतनामा



14/11/03

All India Telegraph Traffic Employees  
वादी (मुद्दे)

बनाम  
Union of India प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री  
① All India Telegraph Traffic Employees Union Ltd.  
② Raza Khatun Singh through her Advocate R.P. Singh  
महोदय

High Court Lucknow वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और  
लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य  
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य  
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री  
जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल  
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने  
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें  
या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का  
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-रुबत (दस्तखती)  
रसीद 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 पेसी स्वयं या किसी अपने पैरोकार  
को भोजता रहूँगा अगर मुकद्दमा इदम पैरवी में एक तरफा मेरे  
खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर  
नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण  
A T T E N D रहे और समय पर काम आवे।

हस्ताक्षर

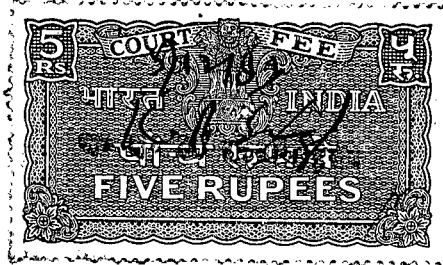
साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

3  
1/5/83  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW.

C.M. An. No. ... of 1983  
In re:  
WRIT PETITION NO. 6230 OF 1983



1. All India Telegraph & others. ... Applicants

In re:

1. All India Telegraph, Traffic Employees Union III Pratapgarh, through its Branch Secretary Sri Rudra Pratap Singh, Departmental Telegraph Office, Pratapgarh.
2. Rudra Pratap Singh, Telegraphist as well as Branch Secretary of Petitioner no. 1 D.T.O. Office Pratapgarh.... Petitioners.

Versus

1. Union of India, Ministry of Finance (Department of expenditure) New Delhi.
2. Director General Post and Telegraphs, Union of India, New Delhi.
3. Director of Census operation Ministry of Home affairs, Government of India, 25 Naval Kishore Road, Lucknow.
4. State of U.P. ... Opp. Parties.

APPLICATION FOR STAY

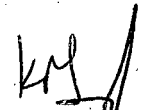
It is therefore, prayed that this Hon'ble Court might be very graciously pleased to

3/2  
36  
1/10  
- 2 -

direct the opposite party Union of India, to  
pay the House rent allowance on the same pattern  
as enjoyed by the State employees, <sup>at Prabhgarh</sup> subject to  
furnishing security if any.

Lucknow Dated:

November , 1983.

  
(K.P. Singh)  
Advocate

Counsel for the Applicants.



# ORDER SHEET

IN THE HIGH COURT JUDICATURE AT ALLAHABAD

W.P. No. 6530 of 198 83

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(A/3)

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
6-12-83	<p>Mem R.N.G., 7</p> <p>Mem S.S.A., 7</p> <p>Admit. Notice on behalf of off. parties the Central Govt.</p> <p>Sd. R.N.G.</p> <p>Sd. S.S.A.</p> <p>6-12-83</p> <p>C.M. Am No <u>13807</u> @ 83</p>	
6-12-83	<p>Mem R.N.G., 7</p> <p>Mem S.S.A., 7</p> <p>Opp. party may file counter affidavit</p> <p>aforesaid period.</p> <p>Sd. R.N.G.</p> <p>Sd. S.S.A.</p> <p>6-12-83</p>	

*CPM*

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

LUCKNOW BENCH, LUCKNOW.

COUNTER - AFFIDAVIT

in re:

Writ Petition No. 6530 of 1983.

All India Telegraph Traffic Employees

Union III, Pratapgarh and another... .. Petitioners

Versus

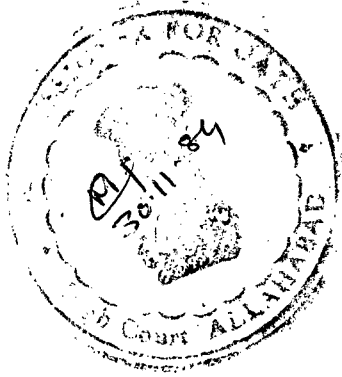
Union of India and others... .. Oppo. Parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES NOS. 1 & 2.

I, R.K. Bhargava, aged about 52 years, son of Shri Shyam Lal Bhargava, resident of 6 P&T Officers Colony, Aliganj, Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is Divisional Engineer, Telegraphs, Lucknow and he is fully competent to affirm this affidavit on behalf of opposite parties Nos. 1 & 2.
2. That the deponent has read and understood the contents of the writ petition and stay application and he is well acquainted with the facts of the case deposed hereinafter.
3. That the contents of paras 1 & 2 of the writ petition are not denied.

4. That the contents of para 3 of the writ petition are denied and it is stated that the final population of Bela Pratapgarh (M.B.) is 49,932 according to the letter NO. P.C10/DCO-UP/11-79 dated 3-1-84 of Director of Census Operations, U.P., Lucknow. A true copy of this letter is filed herewith as Annexure No. C-1. The final population of 1981 as reported by Director Census Operations U.P. was published in "Census of India 1981- Final Population Totals," page 44. A photostat copy of page 44 of the aforesaid publication is filed herewith as Annexure No. C-2. The figure of population 50,188 as given by the petitioner for the 1981 census of Bela Pratapgarh(M.B.) is only provisional and not final. It is significant to point out that the word "ANANTIM" has been replaced by the word "ANTIM", regarding 1981 population as given in the copy of letter dated 8.11.83 of the District Census Officer, Pratapgarh filed as Annexure No.3 to the writ Petition and to that extent this annexure is not a true copy of its original. This mistake of mentioning the word "ANTIM" instead of "ANANTIM" has caused <sup>a</sup>confusion. A photostat copy of the letter dated 8.11.83 of the District Census Officer, Pratapgarh containing the word "ANANTIM" with reference to the population of 1981 <sup>is</sup> filed herewith as Annexure No. C-3. It is clarified that the figure 50,188 was based on the crude totals arrived at immediately after the 1981 census, published as provisional in "Supplement to Census of India 1981 Provisional population totals- 1981" on its page 85. A photostat copy of this page is filed herewith as Annexure No. C-4. Further, a photostat copy of Page I of the instructions issued on 26.12.80 to the District Census Offices in connection with supply of provisional totals soon after the census is filed herewith as Annexure No. C-5.



5. That the contents of paras 4 and 5 of the writ petition relate to the opposite party No.4 of the State of U.P. and as such they need no reply from the answering opposite parties. The contents of para 6 of the writ petition also relate to opposite party No. 4, the State of U.P. However, it is stated that the copy of the Notification filed as Annexure 1 to the writ petition does not in any way indicate that Bela Pratapgarh(M.B.) has been declared as Class 'C' City or that final population on the basis of 1981 census is not 49,932 but is 50,188. In fact, the population of 1981 census according to the final record is undoubtedly 49,932 as already explained in para 4 above of this counter affidavit.

6. That in reply to the contents of para 7 of the writ petition it is stated that the Adhishasi Adhikari, M.B. Pratapgarh vide his letter No. 248 dated 2.3.83 appears to have intimated the provisional population figures of Bela ~~Pratapgarh~~ Pratapgarh as 50,188 as per the crude totals arrived at immediately after the census. It is emphatically reiterated that the final population of Bela Pratapgarh(M.B.) according to 1981 census is 49,932 and not 50,188 as already explained in para 4 above of this counter affidavit.

7. That the contents of para 8 of the writ petition are denied. It is stated that the District Census Officer Pratapgarh had reported only the provisional (ANANTIM) not final (ANTIM) figures of 1981 ~~the~~ census. The composition has already been stated in para 4 of this counter affidavit.

8. That the contents of paras 9 & 10 of the writ petition so far as they relate to the State Government, reply from answering party.



of the petitioners regarding the Central Government are not denied. However, the position of Central Government employees in the matter is as follows:-

(a) As per extent criterion of the Government, which is based on observation/recommendations of the Third Pay Commission, cities/towns are classified into 'A', 'B-1', 'B-2' and 'C' classes for payment, inter-alia, of House Rent Allowance to the Central Government Employees posted there on the basis of their population as reflected in Decennial Census Report of Registrar General of India. In such classification for HRA/CCA purposes the population of the city within its municipal limits is taken into account. For classification of city as 'C' class on the above basis, its decennial census population should be over 50,000.

(b) The Ministry of Finance, Department of Expenditure, have recently done classification/upgradation of cities/towns for HRA/CCA purposes on the basis of final population figures of 1981 census. Accordingly, orders were issued in this Ministry's OM No.11016/5/82-E.II(B) dated 7-2-83F/D. As intimated by the office of Registrar General of India, according to final 1981 Census figures the population of Bela Pratapgarh is 49,932 which falls short of the required minimum population of 50,000 for classification of a city as 'C' class city. Accordingly, Bela Pratapgarh could not be classified as 'C' class city for payment of House Rent Allowance to Central Government employees posted there. It may be mentioned that the provisional population figures of 1981 census published by Registrar General of India indicated the population of Bela Pratapgarh (M.B.) is 50,188. However, for classification purposes Government of India has necessarily to go by the final figures and not by the provisional figures, which is also

4/57

AS

in keeping with the past practice followed in this regard.

(c) As regards the practice followed by the State Government of U.P. for grant of House Rent Allowance to their employees posted at Bela Pratapgarh, it may be stated that for classification of cities for payment of H.R.A. to Central Govt. employees, Government of India goes by the census report of Registrar General of India only and the figures furnished from other sources and the basis adopted by the State Government for classification of cities for payment of House Rent Allowance to their employees is not acceptable. The Central Government follows its own rules/regulations and procedures for grant of various allowances to its employees and it is not guided by the pattern followed by State Government.

9. That the contents of paras 11, 12, 13 and 14 of the writ petition are not denied. However, it is stated that the Central Government letters filed as Annexures Nos. 4, 5 and 6 with the writ petition are self explanatory in this matter.

10. That in reply to the contents of paras 15 and 16 of the writ petition, it is stated that the final population of 1981 census of Bela Pratapgarh is undoubtedly 49,932 as correctly reported by the Director of Census Operations, U.P. Lucknow, and there is absolutely no error in these figures of final records of the census operations of 1981. As already explained in foregoing paragraphs the figure 50,188 as then reported by the District Census Officer, Pratapgarh, was only provisional and not final. Further, in respect of representations referred to in these paras, it is stated that the subject matter of these representations has already been disposed off by the Central Government through the letters dated 30.6.33 filed as Annexure No. 6 alongwith this writ petition.

contd. ....6



with 2/2

11. That in reply to the contents of paras 17 and 18 of the writ petition, it is stated that the position has already been explained in the foregoing paragraphs and in this connection the contents of para 3 above of this counter affidavit are reiterated. Further, it is emphatically stated that there is absolutely no discrimination and violation of Article 14 of the Constitution of India in any manner.

12. That in reply to the contents of paras 19, 20 and 21 of writ petition, it is emphatically stated that there is absolutely no clerical error or any other error in the final census report of 1981 and as such the authorities have not in any manner erred in law as alleged by the petitioners. It is stated that the figure of 50,188 was only provisional as mentioned in supplement to the Provisional Population Totals of Census of 1981 U.P. and the final figure came out as 49,932 as published in final population total of 1981.

13. That the petitioner's claims as raised in paras 22, 23 and 24 of the writ petition are denied specially in view of the averments already made in foregoing paragraphs of this counter affidavit.

14. That in reply to the contents of para 25 of the writ petition it is stated that the petitioner's request to declare Bela Pratapgarh(M.B) as class 'C' city has been rightly rejected as already explained in the Central Government letters dated 4.5.83 and 30.6.83 filed as Annexures Nos. 4 and 6 to the writ petition, respectively.

15. That the deponent has been advised to state that the grounds as taken by the petitioners are not sustainable in law and the petitioner is not entitled to any

relief prayed for. The writ petition being without any merit is liable to be dismissed with cost.

Dated: Lucknow the,  
November 30<sup>th</sup>, 1984.

DEPONENT.

VERIFICATION.

I, the deponent, above named, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge, the contents of paras 3 to 14 are believed by me to be true on the basis of information derived from the perusal of office records and contents of para 15 of this counter affidavit are true to my belief on legal advice. No part of this affidavit is false and nothing material has been concealed. So help me God.

Dated : Lucknow the,  
November 30<sup>th</sup>, 1984.

DEPONENT.

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

ADVOCATE.

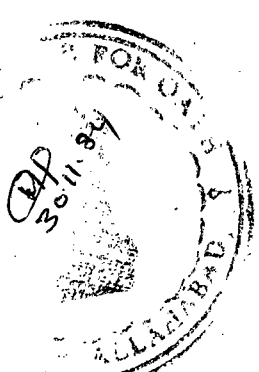
Solemnly affirmed before me on 30-11-84 at 3.20 a.m/p.m. by Shri R.K.Bhargava, the deponent, who is identified by Shri V.K. Dhawan Advocate, High Court Bench, Lucknow.

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

Meena Pandey  
JUDICIAL COMMISSIONER  
High Court, (Lucknow Bench)

LUCKNOW

30/11/84





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

LUCKNOW BENCH : LUCKNOW.

Annexure

in re :

Writ Pet-ition No. 6530 of 1983.

All India Telegraph Traffic

Employees<sup>Union III</sup> & others.

....Petitioners.

versus

Union of India and others.

.....Opp. Parties.

ANNEXURE NO.C-1.

No. P.C. 10/DCO-UP/11-79

Government of India  
Ministry of Home Affairs  
Office of the Director ~~XXXX~~ of Census Operations, U.P.  
(P&C Section)

25, Newal Kishore Road,  
Lucknow-226 001.

Dated Jan.3, 1984.

To

The General Manager Telecom.  
Indian Posts and Telegraphs Department  
U.P. Circle. Lucknow -226001.

Sub: Census Population of Bela Pratapgarh as per Census 1981.

\*\*\*\*\*

With reference to your letter no. Estt./G-15/  
Ch-II/W/P/2 dated 2nd January, 1984 I have the honour  
to intimate that the provisional population of Bela  
Pratapgarh ~~was 50,188. It was a rough total intimated to us by the~~  
50,188. It was a rough total intimated to us by the  
District Census Officer, Pratapgarh immediately on  
completion of the enumeration operation (I.E. filling  
up of individual slips one for each person). After  
scrutiny and actual counting of individual slip  
the final population came to 49932. Former figure  
was published in supplement to paper-1 of 1981  
which is a priced publication and can be obtained from  
this office after necessary payment. The latter  
was published in final population Totals, a copy of w  
which is enclosed.

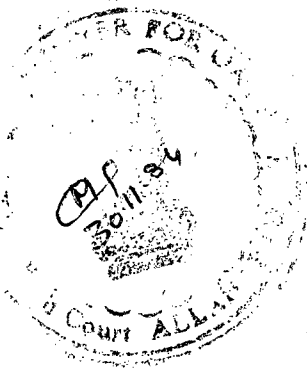
8

( N.L. GUPTA )  
Director.

Encl: As above

TRUE COPY

*(Signature)*



A/  
48

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD, <sup>1/90</sup>  
(LUCKNOW BENCH), LUCKNOW.

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Annexure to Counter-Affidavit

in re:

Writ Petition No. 6530 of 1983.

All India Telegraph Traffic Employees Union  
III, Pratapgarh and another... .... Petitioners

Versus

Union of India and others... .... Oppo. Parties.

ANNEXURE NO. C-2

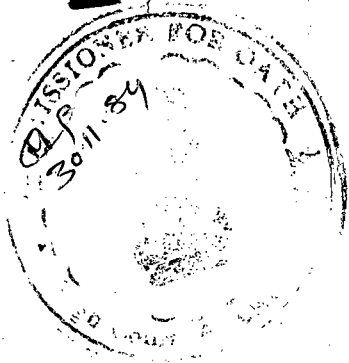


TABLE-2  
POPULATION OF UTTAR PRADESH AND ITS DISTRICTS AND TOWNS, 1981

Sl. No.	Name of State/District Tahsil/U.A./City Towns	Total Rural Urban	Total Population	Scheduled Castes	Scheduled Tribes
1	2	3	4	5	6
	Kunda Tahsil	Total Rural Urban	643,614 623,215 20,399	166,799 163,046 3,753	...
	Kunda T. A.	Urban	11,626	2,075	...
	Manikpur T.A.	Urban	8,773	1,678	...
2.	Pratapgarh Tahsil	Total Rural Urban	611,200 546,146 65,054	114,946 109,966 4,980	...
	Bela Pratapgarh M.B.	Urban	49,932	3,343	...
	Pratapgarh City T. A.	Urban	6,568	673	...
	Antu T. A.	Urban	4,487	519	...
	Katra Medniganj T.A.	Urban	4,067	445	...
3.	Patti Tahsil	Total Rural Urban	546,235 540,778 5,457	106,631 105,752 879	7 7 ...
	Patti T. A.	Urban	5,457	879	...
48.	BASTI DISTRICT	Total Rural Urban	3,578,069 3,406,164 171,905	715,947 691,727 24,220	91 91 ...
1.	Domariaganj Tahsil	Total Rural Urban	574,205 574,205 ...	89,025 89,025 ...	1 1 ...
2.	Naugarh Tahsil	Total Rural Urban	515,935 4,07,744 25,191	95,993 93,776 2,217	89 89 ...
	Tetri Bazar T. A.	Urban	12,767	1,053	...
	Barhni Bazar T. A.	Urban	6,668	758	...
	Shohratgarh T. A.	Urban	5,756	406	...
3.	Bansi Tahsil	Total Rural Urban	507,321 491,748 15,573	95,149 92,887 2,262	...
	Bansi T. A.	Urban	15,573	2,262	...
4.	Harraiya Tahsil	Total Rural Urban	517,817 517,817 ...	108,955 108,955 ...	1 1 ...
5.	Basti Tahsil	Total Rural Urban	702,161 632,696 69,465	159,944 148,169 11,775	...
	Basti M. B.	Urban	69,465	11,775	...

30.11.84

21/11/84

IN THE SUPREME COURT OF INDIA AT NEW DELHI,  
BENCH OF TWO JUDGES.

Annexure to Counter-Affidavit  
in re:

Writ Petition No. 6530 of 1982.

All India Telegraph Office Employees  
Union III, Pratapgarh and others... .. Petitioners

Versus

Union of India and others... .. Oppos. Parties.

ANNEXURE NO. 3-3.

पत्रांक भेयो/ जनगणना -81

दिनांक 8-11-83

प्रेषक,

जिला जनगणना अधिकारी  
प्रतापगढ़

सेवा में,

जनरल मैनेजर ✓

डॉ. कमलेश्वर

लखनऊ ७०५०

विषय: 5- प्रतापगढ़ टेलीफोन की मर्यादा का आवास भत्ता आदि की स्वीकृति।

महोदय उपरोक्त विषयक आश के पत्रांक इस्टे/जी-15/2 दिनांक 30-5-83 के संदर्भ में निवेदन है कि जनगणना 1981 के अन्तिम आंकड़ों जो जनगणना निदेशक ७० ५० लखनऊ को प्रेषित किये गये थे उसके अनुसार नगर पालिका बेला प्रतापगढ़ की आबादी 50188 पच्चास हजार एक सौ अठठासी थी।

भावदीय,

जिला जनगणना अधिकारी  
प्रतापगढ़

पत्रांक एवं दिनांक उपरोक्त

1- तिलिपि मण्डल अभियन्ता तार, इलाहाबाद को सूचनाार्थ प्रेषित।  
2- जूनियर इंजिनर फोन्स प्रतापगढ़ को सूचनाार्थ x

जिला जनगणना अधिकारी  
प्रतापगढ़

D/-  
31

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

8/3

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Annexure to Counter - Affidavit

in re:

Writ Petition No. 6530 of 1983.

All India Telegraph Traffic Employees

Union III, Pratapgarh and another.....Petitioners

Versus

Union of India and others.....Oppo. Parties.

ANNEXURE NO. C-4

1007 21/11/83

FOR

SUPPLEMENT TABLE 2  
POPULATION OF TOWNS—(Contd.)

POPULATION OF TOWNS—(Contd.)							1981 Census (Provisional Figures)		
Size Class	District	Population 1981			Proportion of Population in each size class to Urban Population		Growth Rate		Sex Ratio 1981 (Fe- males per 1,000 Males)
		Persons	Males	Females	1971	1981	1961-71	1971-81	
1	2	3	4	5	6	7	8	9	10
(a) Nawabganj M.B. and Military Petrol Depot O.G.									
	Bara Banki	52,213	28,207	24,006			+29.60	+46.63	851
(i) Nawabganj M.B.	Bara Banki	51,931	28,040	23,891			+30.71	+46.72	852
(ii) Military Petrol Depot O.G.									
	Bara Banki	282	167	115			-46.21	+32.29	689
(b) Banki T.A.	Bara Banki	9,340	5,255	4,085			+13.40	+20.10	777
22. Kasganj M.B.	Etah	61,368	32,806	28,562			+23.72	+32.07	871
23. Ballia M.B.	Ballia	61,359	33,178	28,181			+23.25	+30.27	849
24. Lakhimpur M.B.	Kheri	60,110	31,842	28,268			+35.52	+37.16	888
25. Ghazipur M.B.	Ghazipur	60,707	32,416	28,291			+22.85	+33.03	873
26. Mainpuri M.B.	Mainpuri	59,816	32,154	27,662			+30.46	+36.41	860
27. Bijnor M.B.	Bijnor	56,623	30,241	26,382			+28.00	+30.80	872
28. Lalitpur M.B.	Lalitpur	56,417	30,220	26,197			+36.65	+63.71	867
29. Deoria M.B.	Deoria	55,721	30,413	25,308			+34.34	+46.02	832
30. Etah M.B.	Etah	55,348	29,984	25,364			+35.58	+65.15	846
31. Najibabad M.B.	Bijnor	55,145	29,130	26,015			+24.12	+29.49	893
32. Tanda M.B.	Faizabad	54,498	28,761	25,737			+27.30	+30.97	895
33. Kashipur M.B.	Nainital	52,025	28,138	23,887			+37.92	+55.50	849
34. Shamli M.B.	Muzaffar- nagar	51,796	28,179	23,617			+40.01	+40.14	838
35. Deoband M.B.	Saharanpur	51,261	28,207	23,054			+27.40	+34.21	817
36. Nagina M.B.	Bijnor	50,365	26,800	23,565			+21.82	+35.88	879
37. Bela Pratapgarh M.B.	Pratapgarh	50,188	27,610	22,578			+30.43	+79.83	818

21/12/84

30.11.84

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

Annexure to Counter - Affidavit  
in re:

Writ Petition No. 653 of 1983.

All India Telegraph Traffic Employees  
Union III, Pratapgarh & another.....Petitioners

Versus

Union of India and others.....Oppo. Parties.

ANNEXURE NO. C-5

जनगणना तुरन्त

जनगणना परिपत्र संख्या-39 (अन्तिम आंकड़ों की घोषणा)

अ० शा० पत्रांक पी सी-3624/डी सी ओ-यू पी 44-80

भारत सरकार

गृह मंत्रालय

रवीन्द्र गुप्त

निदेशक जनगणना परिचालन, उत्तर प्रदेश

(नियोजन एवं समन्वय अनुभाग)

25, नवल किशोर रोड

लखनऊ-226001

दिनांक : दिसम्बर 26, 1980

प्रिय बन्धु,

आपको विदित ही है कि प्रगणना कार्य की समाप्ति के तुरन्त बाद जनगणना के अन्तिम आंकड़े भारत के जनगणना आयुक्त, केन्द्रीय स्तर से एक साथ प्रत्येक जिले तथा केवल उन नगरों अथवा नगर समूहों की जनसंख्या, जो 10 लाख से ऊपर आती है, घोषित करेंगे। इसके लिये आवश्यक होगा कि प्रगणना विषयक भरे गये समस्त अभिलेखों की जाँच एवं उनकी तत्काल वापसी तथा अन्तिम आंकड़ों की घोषणा के लिये निर्धारित समयबद्ध कार्यक्रम, जिसको नीचे दिया जा रहा है, का अक्षरशः पालन किया जाय।

1. प्रगणक द्वारा जाँच कार्य (रिवीजनल राउण्ड) मार्च 1-5, 1981
2. प्रगणक द्वारा सुपरवाइजर को प्रगणक सारपत्र सहित अन्य सभी अभिलेखों को वापस करना मार्च 6, 1981
3. सुपरवाइजर द्वारा अपने सर्किल के सभी अभिलेखों को चार्ज अधिकारी को वापस करना मार्च 7, 1981
4. चार्ज अधिकारियों द्वारा अन्तिम परिणामों के लिये चार्ज-सार-पत्र तैयार करना एवं चार्ज के आंकड़ों को मानक संदेश फार्म में जिला/नगर जनगणना अधिकारी और जनगणना निदेशालय की भेजना मार्च 9, 1981
5. जिला/नगर जनगणना अधिकारियों द्वारा अन्तिम परिणामों के लिये जिला/नगर सार-पत्र तैयार करना तथा निदेशक जनगणना एवं भारत के महापंजीकार, नई दिल्ली को मानक संदेश फार्म में तार/बेतार या टेलीफोन द्वारा भेजना मार्च 10, 1981
6. जिला जनगणना अधिकारियों द्वारा 10 लाख से अधिक जनसंख्या वाले नगर/नगर समूह के अन्तिम आंकड़े तैयार करना तथा निदेशक जनगणना एवं भारत के महापंजीकार कार्यालय, नई दिल्ली को मानक संदेश फार्म में तार/बेतार या टेलीफोन द्वारा भेजना मार्च 10, 1981

38/11/84

21/12/80



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

Writ Petition No. 6530 of 1983

All India Telegraph Traffic Employees Union Ltd.  
Petitioner

Versus

Union of India and others.

Respondents.

REGISTRAR,

I am appearing as the Central Government  
Standing Counsel, on behalf of ~~Petitioner~~ Respondent/  
Opposite Parties.

*Dhaon*

U.K. DHAON  
Advocate  
Additional Standing Counsel  
Central Government  
Allahabad High Court  
(Lucknow Bench)  
Lucknow.

Dated : 30-11-84