

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE 7A-1575/1987 of 19

W.P. No 3985/84

Name of the parties Munna Lal Singh

Applicant.

Versus.

Union of India and others.

Respondents

Part A

Description of documents

- | | | | |
|---|------------------------------|---|-----------|
| ① | General Index | - | A1 |
| ② | order sheet order dt 28-8-90 | - | A2 to A5 |
| ③ | Petition with Annexure | - | A6 to A23 |
| ④ | affidavit | - | A26 to |
| ⑤ | power | - | A27. |

CERTIFICATE

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

Date : 28-07-11

Countersigned

Section officer/Court officer.

Signature of the
Dealing Assistant.

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE 1515 of 1987

NAME OF THE PARTIES _____

Muqam Lal Singh Applicant

Versus

b. o. I & Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1-	H.C. General Index	A-1
2.	H.C. Order Sheet	A-2
3.	Order Sheet.	A-3
4.	Petition	A4 to A15
5.	Annexure.	A16 to A22
6.	Affidavit	A23 to A24
7.	Stay application	A25 to A26
8.	Power	A27
9.	'B' Bench Copy	A28 to B50
10.	'C' Memo	C51 to C53

-2-

Annexure -B

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

APPLICATION No. 1515 of 1987 J

TRANSFER APPLICATION No. _____ of 19

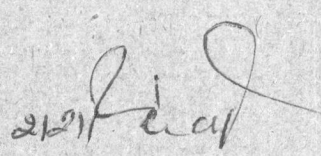
OLD WRIT PETITION No.: 3985 of 84

CERTIFICATE

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

Dated :

COUNTER SIGNED :


Signature of the
dealing Assistant

4-12-91

Section Officer/Court Officer

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

M. L. Singh

- VS -

FORM OF INDEX

V O 9 & ant

~~D.A./T.A./R.A./C.C.P./~~ No.

1515/1987

WP No. 3985/84

PART - I

- | | | | |
|----|------------------|----|----------|
| 1. | Index Papers | :- | 1 & 2 |
| 2. | Order Sheet | :- | 03 to 07 |
| 3. | Any other orders | :- | NIL |
| 4. | Judgement | :- | 07 - |
| 5. | S.L.P. | :- | NIL |

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk

V.K. Mishra

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. No. 3985-84

Name of parties

Manna Lal Singh vs. Union of India

Date of institution

10-8-84

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	20	-	102.00			
	2	Power	1	-	5.00			
	3	Order 829467 1884	2	-	5.00			
	4	ack sheet	1	-	-			
	5	Buck City	1	-	-			

I have this

day of

198 ,

examined

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

Date.....

Munsarlm

Clerk

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 3985 of 1984
Muzmalal vs. Union of India & one
Secs

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
10-8-84	Hon D.N. Jha J <u>Hon K.N. G. J</u>	
	List in the week commencing 21-8-84.	
	Sd. D.N. Jha Sd. K.N. G. 10-8-84	
10-8-84	C. Misc. Appn. No B294(W)-84 filed in stay	
14-8-84	Office Report. The above noted writ petition was previously moved on 20-10-83 (no. 5547 of 83) before Hon. Mr. Justice V.C. Srinivasa and Hon. Mr. Justice K.N. Goyal and the Court was pleased to return the petition to the counsel for the petitioner on the ground that the petitioner has an alternative remedy of an departmental appeal. The writ petition was returned in compliance of Court's order dt. 20-10-83 and now the very same petition has been moved before the Bench consisting of Hon. Mr. Justice D.N. Jha and Mr. Justice K.N. Goyal, on 10-8-84.	

Contd. (2)
(P.T.O.)

Date	Note of progress of proceedings and routine orders <u>- 3 -</u>	Date of which case is adjourned <u>A/2</u>	
1	2	3	
<u>14.8.83</u>	<p>The Court has been pleased to order to list in the week commencing 21.8.84. The above fact is been brought to the court knowledge.</p> <p>Submitted.</p> <p><u>L</u></p>		
<u>22.8.84</u>	<p><u>20 22-8-84</u></p> <p>Hon. D. N. Jha J.</p> <p>Hon. K. N. M. Jha</p>	<p><u>By Jd</u></p>	

Order sheet
TA 1515 of 87 → -

M.L. Singh vs.

:: 2 ::

U.O.D

4/5

4/3

Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How Complied
with and
date of
compliance

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

Hon'ble K. Chagga, J.M.

7-11-89

This case has been received on transfer.
Notices to the parties were issued by the
office at Allahabad. Notice appears for the
parties. Let notice be issued again to
the counsel for the parties. List this case
on 18-1-90 for orders.

A.M.

(S.N.S.)

J.M.

10-1-90

Hon. J.P. Sharma, J.M.

None is present for the applicant.
Sri D.S. Randhawa, Jc for the rebels
is present. List this case on 23.3.90

J.M.

23/3/90

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

No one is present for the applicant
despite notice. It appears that applicant
has lost interest in pursuing the matter.
The writ petition is therefore dismissed
without any order as to costs.

Dinesh

A.M.

J.M.

This writ no 3985/89,
received on transfer
from Lucknow High
Court along with other
writs in May '89.

On the date of
transfer the case was
not admitted.

Transfer notices
issued by Allahabad office
but neither any reply
nor any undelivered
copy received back.
Submitted for orders.

6/11/89

Notices issued

12/12/89

J.M.

Notices were
issued on 12/12/89

No undelivered
reply copy has
been returned back.

Submitted for
order

J.M.

17/1/90

10/12/83
20/1/83



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71

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

8294(W)

1196

Civil Misc. Application No. (W) of 1983.

In Re:

5547

Writ Petition No. of 1983.

3985

Munna Lal Singh, aged about 43 Years, son of
Aayodhya Singh, resident of village and Post
Kapoorpur, district Bahraich.

... Petitioner

Versus

1. Union of India.
2. Superintendent of Post Offices, Bahraich Division,
Bahraich.
3. Post Master, Bahraich.

... Opposite Parties.

APPLICATION FOR STAY

The petitioner, above named, most
humbly begs to state as under:-

That for the facts and the reasons
stated in the accompanying Writ Petition, which is
duly sworn by an affidavit of the petitioner
himself, it is most humbly and respectfully
prayed that the operation of the impugned order
dated 10.10.83 passed by the opposite party No. 2

up

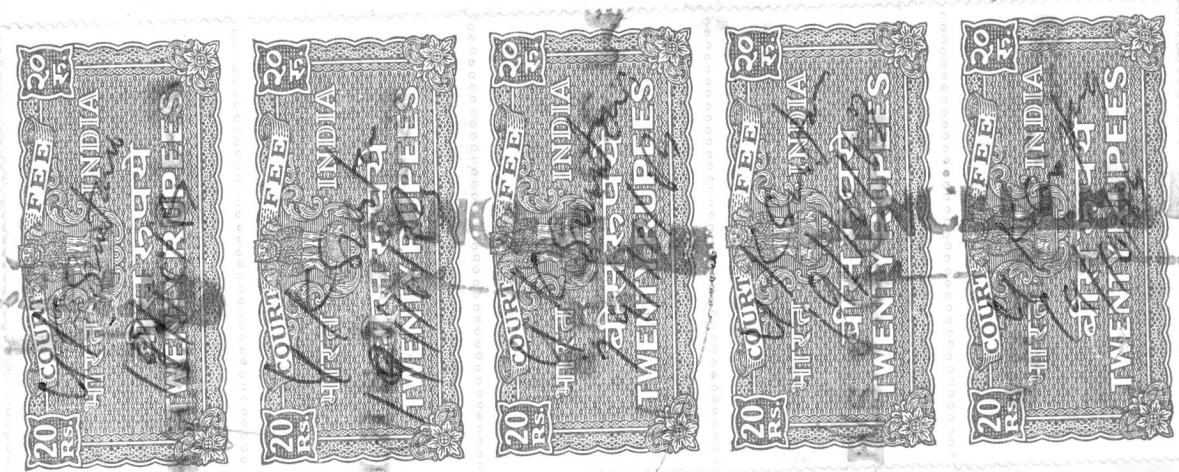
(A/5)

W.P. 3985-84.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. 2547 OF 1983



5821007
19/10

Munna Lal Singh, aged about 43 Years, son of
Ayodhya Singh, resident of village and Post
Kapoorpur, district Bahraich.

... Petitioner

Versus

1. Union of India.
2. Superintendent of Post Offices, Bahraich Division,
Bahraich.
3. Post Master, Bahraich.

... Opposite Parties.

WRIT PETITION UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA.

The petitioner most humbly begs to
state as under:-

1. That the petitioner was appointed on
the post of Extra Departmental Branch Postmaster
by means of an appointment order dated 5.10.79,

गोमनाथ



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MEMO

Impressed

Five Adhesive 10/10/83

Total

Correct but final Court-fee report

will be made on receipt of lower

Court record

In time up to

Papers filed. Copy of 7

should also be filed

Staple - Ranch

Last Imp. Order No 4210-10-83

Death Bahraich.

Indranil
19-X-83

9
19/11/83

Notice for 20-10-83.

Received copies from 1 to 3.

Indranil

Adwate

(DS RANDEHARA)
Senior Standing Counsel
Central Govt.
19-10-83.

Hon. U.S.G.
Hon. W.L.G.

The petition has an alternative
remedy of departmental appeal.
Learn Counsel for the petition states
that the petition will avail of
that remedy. As such the petition
is returned to him as prayed.

h h

20/10/83

Hon. D. Nigam, I.

Hon. K.M. Bhal, I.

list in the week commencing

21-8-1984.

h h

10-8-1984.

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Group A 13(a)

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(A/4)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

5547

WRIT PETITION NUMBER OF 1983

3985-84.

Munna Lal Singh ...

Petitioner

Versus

Union of India

~~State of U.P.~~ and others ...

Opposite Parties.

16998

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Pages</u>
1.	Writ Petition	1 to 11
2.	Annexure I (True copy of appointment order)	12 to 13
3.	Annexure II (True copy of letter dated 26.8.83 of Supdt. Post Offices, Bahraich)	14 to 15
4.	Annexure III (True copy of reply of the petitioner)	16 to 17
5.	Annexure IV (Photo-stat copy of impugned order).	18
6.	Affidavit	19 to 20
7.	Vakalatnama	21

....

U. Srivastava.

(Umesh Kumar Srivastava)

Dated: Lucknow:

Advocate

October 19, 1983 / 8.8.84
20/

Counsel for the Petitioner

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made by the Superintendent, Post Offices, Gonda Division. A true copy of the said appointment order is being filed to this Writ Petition as Annexure No. I.

2. That after the aforesaid appointment, the petitioner was sent ^{for} completing one week's special training, which is required for the newly appointed Branch Postmasters, as well as he also completed all other formalities, which were required in the appointment letter.

3. That with effect from the aforesaid appointment the petitioner served as Extra Departmental Branch Postmaster and performed his duties in satisfactory manner. It is further stated that throughout the petitioner has not been communicated any adverse entry in his Character Roll and there has been no complaint, whatsoever, against the petitioner at any time.

4. That the aforesaid appointment of the petitioner was made in place of Sri Mohammad Siddique Sadiq, son of Mohammad Ramzan, who was then working on the post of Extra Departmental Branch Postmaster, ~~who~~ was suspended and was put off from duty on account of the embezzlement of Government money. The departmental enquiry into the aforesaid misconduct is still pending against Sri Mohammad Siddique Sadiq. Certain embezzlements committed by him have



Yashwantrao

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also come to the notice subsequently and those matters are also being inquired against him.

5. That Sri Mohammad ^{Liddique} ~~Sadiq~~, who was put off duty from 1979 has been feeling himself enimical to the petitioner on account of the appointment of the petitioner on the post fallen vacant on account of his putting off from duty, and he has been seeking some opportunity to injure the petitioner.

6. That sometime in the month of July, 1979 Sri Mohammad ^{Liddique} ~~Sadiq~~ made a complaint to the Superintendent, Post Offices, Bahraich Division, Bahraich stating that the petitioner was challaned in the year 1961, under sections 147/323 I.P.C. and ultimately on 15.7.61 he was sentenced to nine months imprisonment. He thus informed in the said complaint to the opposite party No. 2 that the petitioner was not entitled for the post.

7. That at this stage it is made clear that the said case, under sections 147/323 I.P.C. was registered against the petitioner on account of certain dispute between the petitioner and his Pattidars (co-sharers) in respect to a grove land, which exclusively belonged to the petitioner, but in which the said Pattidars of the petitioner were also claiming interest.

8. That the said Pattidars of the



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petitioner allegedly claimed rights in the aforesaid grove land and tried to interfere illegally in the possession of the petitioner which led to certain dispute on account of which the petitioner's challan was made under sections 147/323 I.P.C.

9. That ~~xx~~ on 26.8.83, the petitioner was served with a letter issued by the Superintendent, Post Offices, Bahraich Division, Bahraich requiring the petitioner to explain as to why he did not disclose the fact that he was convicted in a criminal offence under section 147/323 I.P.C. at the time of his appointment on the post of Extra Departmental Branch Postmasters, within a week from the date of receipt of the said letter. A true copy of the said letter is being filed to this Writ Petition as Annexure No. II.

10. That the said letter indicates that even an earlier letter dated 1.8.83 was served on the petitioner, but the same was not replied, hence the subsequent letter dated 26.8.83 was sent to him while this fact is not correct. The correct fact is that the petitioner was served with the earlier letter dated 1.8.83 on 6.8.83, and which was duly replied by him. However, the earlier letter dated 1.8.83 is not available with the petitioner. A true copy of the reply submitted by the



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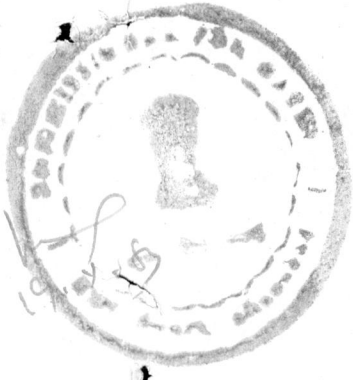
5.

petitioner to the said letter dated 1.8.83
is being filed to this Writ Petition as
Annexure No. III.

11. That by the said reply the petitioner made it clear that the alleged charge against him in a criminal case under sections 147/323 I.P.C. related to the year 1960 and was 22 years old, in which there was no offence of moral turpitude against the petitioner. It was further made clear that the said dispute in that criminal case took place in relation to a dispute of possession in respect to a grove land between the petitioner and others on one hand and his Pattidars on the other hand.

12. That in the said reply the petitioner further made it clear that the fact of his conviction in the earlier criminal case in the year 1960 was intimated to the Inspector of Post Offices, Bahraich, at the time of his appointment, but he was advised that since it did not relate to any offence of moral turpitude as such it was wholly irrelevant for his appointment and more over he had told that the said case related to the period of 1960.

13. That the petitioner also replied to the subsequent letter dated 26.8.83 sent to him by the opposite party No. 2.



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14. That the opposite party No. 2 did not initiate any departmental enquiry against the petitioner by serving a charge sheet to him in case any charge was made out against him on the basis of the complaint made against him about the concealment of fact at the time of his appointment, nor he ever intimated to the petitioner that any disciplinary enquiry is going to be instituted against him in the matter.

15. That the opposite party No. 2 without instituting a disciplinary enquiry against the petitioner all of a sudden passed an order dated 10.10.83, served on the petitioner on 11.10.83 ordering the petitioner to be put off from duty. A photo-stat copy of the said order dated 10.10.83 is being filed to this Writ Petition as Annexure No. IV.

16. That the aforesaid order dated 10.10.83 is wholly illegal and arbitrary, in as much as no disciplinary enquiry has been instituted against the petitioner, nor any Enquiry Officer has been appointed, on the face of which it could be stated that any disciplinary enquiry has been commenced against the petitioner.



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17. That the aforesaid impugned order dated 10.10.83 is wholly arbitrary and illegal as it cannot be passed without commencing any disciplinary enquiry in the matter and at this stage it is repeated that no disciplinary enquiry till now has commenced against the petitioner.

18. That the impugned order dated 10.10.83 alleged to have been passed on account of a specific charge on the petitioner regarding concealing a material fact at the time of his appointment level after four years of the service rendered by him on the ^{post} ~~xxxxx~~/of an Extra Departmental Branch Postmaster, is wholly illegal and arbitrary as it is clearly punitive in nature.

19. That the impugned order dated 10.10.83 cannot be passed without commencing the disciplinary proceedings against the petitioner. In the case of the petitioner the disciplinary proceedings are neither pending, nor they are in contemplation. The impugned order dated 10.10.83 does not state anything either about the pending disciplinary enquiry or about the contemplation of disciplinary enquiry.

20. That the petitioner is still holding



Yashwantrao

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the charge of the post of Extra Departmental Branch Postmaster of Kapoorpur (Barnapur) and in case the operation of the impugned order dated 10.10.83 is not stayed, the petitioner shall suffer irreparable loss, in as much as he is a very poor man of a very meagre salary of Rs. 149/- per month.

Handwritten signature

21. That in the aforesaid facts and circumstances of the case, the petitioner having no other efficacious alternative remedy available to him. he takes to prefer the present Writ Petition on the following amongst other-

GROUND S

(A) Because, the impugned order dated wholly 10.10.83 is/illegally and without jurisdiction in as much as it has been passed ~~xx~~ without the commencement of any disciplinary enquiry against the petitioner.

(B) Because, any disciplinary enquiry is neither pending against the petitioner nor it is under contemplation as yet and as such, the impugned order dated 10.10.83 putting off the petitioner from duty is wholly illegal, arbitrary and without jurisdiction.



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(C) Because, the impugned order dated 10.10.83 passed by the opposite party No. 2 is clearly punitive in nature and amounts to deprive the petitioner of his salary and other allowances and as such, such an order cannot be passed without affording the petitioner an opportunity of being heard in the matter.

(D) Because, the impugned order dated 10.10.83 does not state anything as to whether any disciplinary enquiry against the petitioner is pending or has been contemplated against the petitioner and as such, the impugned order dated 10.10.83 is wholly illegal and without jurisdiction.

(E) Because, the alleged charge made in the malicious complaint of Sri Mohammad Liddique² ~~Sadiq~~ against the petitioner relate to the year 1960 and it related to an offence which did not relate to any moral turpitude. As such, it was wholly irrelevant for punishing the petitioner.

(F) Because, the impugned order dated 10.10.83 passed against the petitioner after four years of his service without giving any opportunity to him is clearly by way of punishment and cannot be passed in law.

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(G) Because, the impugned order dated 10.10.83 is in the nature of depriving the petitioner of duties and salary and having been passed on account of specific misconduct is clearly by way of punishment without complying the provisions of Article 311(2) of the Constitution of India, is wholly illegal and without jurisdiction.

RELIEFS

WHEREFORE, the petitioner most humbly prays for the following Reliefs:-

(i) That by means of a Writ of Certiorari, or any other suitable writ, order or direction in the said nature, the impugned order dated 10.10.83 passed by the opposite party No. 2 and contained in annexure No. IV of the Writ Petition be declared to be illegal, arbitrary, without jurisdiction and void and accordingly the said order be quashed.

(ii) That by means of a Writ of Mandamus, the opposite parties be restrained from implementing the impugned order dated 10.10.83 contained in Annexure No. IV of the Writ Petition against the petitioner and the opposite parties be further commanded to treat

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the petitioner to be in continuous service on the post of Extra Departmental Branch Postmaster, Kapoorpur (Barnapur), Bahraich.

(iii) That any other Writ, order or direction which the facts and the circumstances of the case may admit, be also issued.

(iv) That cost of the Writ Petition be also ~~awarded~~ issued.

Dated: Lucknow:

October 19, 1983.
8.8.84

U. Srivastava

(Umesh Kumar Srivastava)

Advocate

Counsel for the Petitioner

Certified, that there are no defects, whatsoever, in this Writ Petition.

U. Srivastava

(Umesh Kumar Srivastava)

Advocate.

A/16 12 (A/17)

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

WRIT PETITION NO. OF 1983.

Munna Lal Singh ...

Petitioner

Versus

Union of India.

/ State of U.P. and others ...

Opposite Parties.

Annexure No. I

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF SUPDT. OF POST OFFICES GONDA DIVISION
GONDA

No. A/267-Kapoorpur Dated at Gonda, the 5.X.79.

Shri Munnan Lal Singh, son of Shri Ayodhya Singh,
P.O. Kapoorpur, District Bahraich is hereby
appointed as Branch Postmaster Kapoorpur
his date of birth is 20-6-39. He shall be paid
such allowances ad amissible from time to time.

Shri Munnan Lal Singh should clearly understand
that his appointment as B.P.M. shall be in the
nature of contract liable to be terminated by him
or the undersigned by notifying the other,
in writing and that he shall also be governed
by the Post and Telegraphs Extra Departmental Agent
(Conduct and Services) Rules 1964 as amended from
time to time and that his services would be terminated
if the previous incumbent is reinstated and he
will have not claim from the department.

If these conditions are acceptable to
him, he should communicate his acceptance in the
proforma reproduced below.



Sanjiv Kumar

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2.

The security bond must be furnished by the candidate before taking over the charge of the post.

One week's training should be given to the newly appointed B.P.M. BPM should give a declaration that he will keep the post office and reside at the village for which the post office is sanctioned.

If the charge of BPM is not taken within a week of ~~xxxxxx~~ receipt of the memo, the memo will be treated as cancelled.

Sd/-Illegible
Supdt. of Post Offices
Gonda Division
Gonda-271001

Copy to:

1. The IPO Bahraich (C). He will please make necessary arrangement immediately after observing all necessary formalities and report compliance- Before taking charge of the post,, the candidate should furnish two character certificates from the respective persons. He should also got the required declaration completed by the BPM and send the same to this office for record. One Week's training should be given to the newly appointed BPM.
2. The Postmaster Bahraich for information.
3. The PF of the official.
4. The candidate concerned.



A/19
18 14

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

WRIT PETITION NO. OF 1983

Munna Lal Singh ... Petitioner
~~State of U.P. and others~~ ... Opposite Parties.
Union of India and others.

Annexure II

पंजीकृत प्राप्त
स्वीकृत सहित

भारतीय डाक तार विभाग

कार्यालय

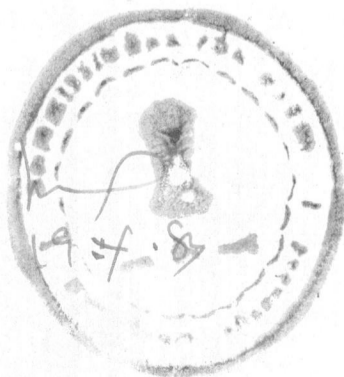
अधीक्षक डाकघर
बहराइच मण्डल, बहराइच 271801

सेवा में --
श्री मुन्नासिंह--
शाखा डाकपाल कपूरपुर
बड़नापुर, बहराइच ।

पत्रांक - ए- 267 / कपूरपुर / 83 दि० बहराइच*28883 26-8-83

विषय - आप आपके बाल बलन के सत्यापन के सम्बन्ध में

आप कृपया इस कार्यालय के समस्त एक पत्र
दि० 1-8-83 का अवलोकन करें जिसके द्वारा आपको सूचित
किया गया था कि आपने अपने प्रार्थनापत्र के साथ घोषित
किया था कि "मैं सजायाफ्ता नहीं हूँ ।" लेकिन सत्यापन
के परिणाम स्वरूप आपको न्यायालय से दिनांक 15-7-61
को धारा 147/323 के अन्तर्गत 9 माह की सजा हुई है ।
इस सम्बन्ध में आपको उत्तर प्रेषित करना था लेकिन
सम्बन्धित उत्तर दूरदूर अदूर आप द्वारा अभी
तक नहीं प्राप्त हुआ है । अतः पुनः आपको सूचित



A/20

A/19

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2

किया जा रहा है कि अपना उत्तर अतिशीघ्र इस पत्र के पावती के एक सप्ताह के अन्दर भेज दीजिए अन्यथा आपकी सेवाएं समाप्त कर दी जाएगी ।

सुभाषचन्द्र बोस

अधीक्षक डाकघर

बहराइच मण्डल

बहराइच 271801



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. OF 1983.

Munna Lal Singh ...

Petitioner

Versus

Union of India and others ... Opposite Parties.

Annexure III

श्री मान् अधीक्षक महोदय डाक्टर बहराइच मण्डल

आपके पत्रांक ----- ए0 267 / कपूरपुर / दि0

बहराइच ।

विषय:- प्रार्थी वाल चलन के सत्यापन के सम्बन्ध में ।

श्री मान् जी,

सेवा में,

निवेदन है कि प्रार्थी को एक नोटिस

दिनांक 6 - 8-83 को प्राप्त हुई है । जिसके सम्बन्ध में प्रार्थी निम्न निवेदन करता है ।

दफ्ता - ।

यह कि प्रार्थी की नियुक्ति व हैसियत शाखा डाक्टर

कपूरपुर : बड़नापुर : बहराइच के पद पर अक्टूबर

89 में हुई थी । और तब से आज तक प्रार्थी कार्यरत है ।

अपने लगभग 4 वर्ष के कार्यकाल में प्रार्थी ने अपना कार्य

सुचारु रूप से पूरी सतर्कता से अन्जाम दिया है ।

और किसी प्रकार की त्रुटि का कोई अवसर न तो अवलोक

न उच्च अधिकारी को दिया है ।

मुहम्मद मलिक

दफा 2 -

यह कि जहाँ तक ~~अर्थी~~ प्रार्थी की घोषणा पत्र दिनांक 30 / 7 / 79 में सजायाफ्ता न होने की बात दिखाने के सम्बन्ध प्रार्थी का सन् 1960 में अपने पटनीदारों से प्रार्थी की निजी बाग में आम फसल के बारे में झगड़ा हुआ था । और दोतरफा धारा 147 / 323 का मुकदमा चला । जिसमें एक पार्टी को भी जिसमें प्रार्थी भी था : जिसमें 9 महीने की सजा हो गयी थी । इस घटना को लगभग 22 वर्ष बीत चुके हैं किन्तु यह कोई नैतिक दोष अथवा चरित्र दोष के अपराध ~~॥ मारल ट्रिपियूड ॥~~ का जुर्म कहा जा सके कि श्रेणी में नहीं आता ।

दफा 3 -

यह कि प्रार्थी ने जो अपना घोषणा पत्र दिया था वह एक दम स्पष्ट था और छल कपट से प्रेरित नहीं था क्योंकि तत्कालीन निरीक्षक महोदय को मैंने उपरोक्त दफा 2 में बताए गये तथ्यों से अवगत कराया था तो उन्होंने कहा था कि यह कोई चरित्र या नैतिक दोष का अपराध नहीं था । इसी आधार पर प्रार्थी ने अपना घोषणा पत्र भर दिया था ।

इस प्रकार प्रार्थी का कोई अपराध चरित्र दोष या नैतिक दोष या मिसकन्डक्ट की श्रेणी में नहीं आता है । अतः श्रीमान जी से प्रार्थना है कि उपरोक्त तथ्यों को ध्यान में रखते हुए प्रार्थी के विरुद्ध नोटिस वापस लेली जाये और प्रार्थी को अपने पद पर कार्यरत रहने दिया जाये ।

अति कृपा होगी ।

प्रार्थी

मुन्नासिंह पुत्र श्री अयोध्या सिंह
साकिन कपूर पुर थाना हरदी
जिला बहराइच ।

दिनांक: 6-9-83 ॥ 9-9-83 ॥

मुन्नालालसिंह शाखा डाकमाल
कपूरपुर



मुन्नालालसिंह

In the Honorable High Court of Judicature at Allahabad
Lucknow Bench Lucknow

Writ Petition No. — of 1983

Munna Lal Singh — Petitioner

Union of India — Versus
Opp-Parties.

Annexure No. — (4)

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPDT. OF POST OFFICES BAHRAICH DIVISION
BAHRAICH-271001.

Memo NO: A-267/Kapeerpur/83 dated at Bahraich the, 18.10.83

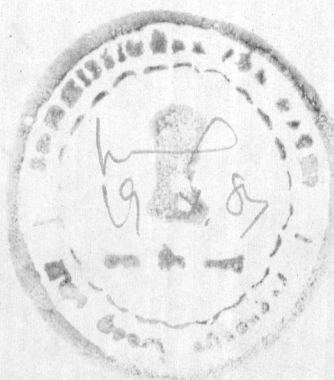
Sri Munna Singh EDBPM Kapeerpur (Barnapur) in
Bahraich is hereby ordered to be put off from duty with
immediate effect under the provisions of Rule -9 of EDA
(Conduct & Service) Rule 1964.

Supdt. of Post offices,
Bahraich Division
Bahraich-271001.

Copy to:-

- 1-2. The SDI South Sub Dn. Bahraich with one spare copy
for service to the EDBPM and get him relieved. The
signed acknowledgement in token of having received
this memo should also be obtained and submitted to
this office alongwith charge report.
2. P.M. Bahraich HQ for information and n/a.
4. SPM Barnapur.
- 5-6. Spare.

y. m. m. m. 12/12



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

Writ Petition No. of 1983.

Munna Lal Singh Petitioner

Versus
Union of India
State of U.P. and others ... Opposite Parties.



I, Munna Lal Singh, aged about 43 years, son of Ayodhya Singh, resident of village and Post Kapoorpur, district Bahraich, the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner of the above noted Writ Petition, and is fully conversant with the facts and circumstances mentioned in the Writ Petition.
2. That the ~~xx~~ contents of paragraphs 1 to 21 of the Writ Petition are true to my own knowledge.
3. That the deponent himself has compared the Annexures Nos. I, II, III, IV with their originals, and they are certified to be their true copies.

Dated: Lucknow:

Deponent

October 19th 1983.

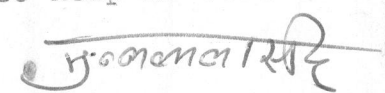


17
20

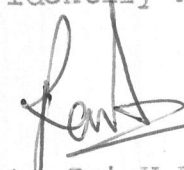
20

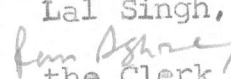
VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs numbers 1,2,3 of the affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

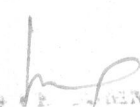

Deponent

I know the deponent, identify him who has signed before me.


Clerk to Sri U.K.Srivastava
Advocate.

Solemnly affirmed before me, on this 19th day of October, 1983 at 12.15 a.m./p.m. by Sri Munna Lal Singh, the deponent, who has been identified by  the Clerk to Sri U.K. Srivastava, Advocate, Allahabad, High Court, Lucknow Bench, Lucknow.

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


COMMISSIONER
High Court, Lucknow Bench
LUCKNOW

18/10/83
19.10.83



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3/2

2.

and contained in Annexure No. IV of the accompanying Writ Petition may kindly be stayed pending the decision of the Writ Petition.

Mean-while, an ad-interim stay order to the said effect may also be passed.

U. K. Srivastava

(Umesh Kumar Srivastava)

Dated: Lucknow;

October 19 1983.

8-8-84

Advocate

Counsel for the Petitioner

10th Dec 9
for Nov. 5. 8

For orders, see on
order of date passed
in the anti-prohibition.

20/10/13

In the Honble High Court - Lucknow

ब अदालत श्रीमान

[वादी] अपीलान्त

प्रतिवादी [रेंस्पॉण्डेंट]

महोदय

श्री

Writ Return

का

वकालतनामा

(टिकट)

वादी (अपीलान्त)

Munna Lal Singh

State of UP. बनाम

प्रतिवादी (रेंस्पॉण्डेंट)

नं० मुकदमा

सं० १३

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Sh. Umesh Kumar Sinha

... - 05 - Gwynne Road - Lucknow

वकील

महोदय

एडवोकेट

नाम अदालत
मुकदमा नं०
नाम फरीकत
बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य तकीम द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर करें या कोई कागज व करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुक उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखत रसीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।



Accepted

U. Srastava

tdw
19-10-83

हस्ताक्षर

Munna Lal Singh

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

19

महीना

10

सन् १९८३ ई०

स्टाकिस्ट : राम सरन सोनी [ज्ञानी]

२५१, अस्तबल चारबाग, लखनऊ