

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE T.A. NO. 15-19/82 W.P. 3726/84
OF

NAME OF THE PARTIES..... *Amarnath Kumar*

.....Applicant

Versus

..... *Union of India Govt.*

.....Respondent

Part A,B & C

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12		
13		

CERTIFICATE

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

Dated, 29-5-12

Counter Signed.....

Section Officer / In charge

on
Signature of the
Dealing Assistant

X

CENTRAL ADMINISTRATIVE TRIBUNAL

Original Application No. 487 of 1991

Central Administrative Tribunal
Circuit Bench, Lucknow

APPLICANT(S) Savitri Devi. Banerjee

RESPONDENT(S) B.O.T. (Post Office)

Date of filing 10/12/91
Date of hearing 10/12/91
S/.....
Deputy Registrar (J) S/.....

Particulars to be examined:

Emdorsement as to result of examination

1. Is the application competent? Yes
2. a) Is the application in the prescribed form? No
- b) Is the application in paper book form? Yes
- c) Have six complete sets of the application been fixed? Yes
3. a) Is the application in time? No *Impugned order*
- b) If not, by how many days it is beyond time?
- c) Has sufficient cause for not making the application in time, been filed? Yes
4. Has the document of authorisator/ Vakalatnama been filed? Yes
5. Is the application accompanied by B.D./Postal Order for Rs. 50/- Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed? Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application been filed? Yes
- b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? Yes
- c) Are the documents referred to in (a) above neatly typed Yes *Attested by Counsel*
8. Has the index of documents been filed and paging done properly? Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal? No

1/2
::2::

Particulars to be Examined:

Ednorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed?

Only Main copy

12. Are extra copies of the application with Annexures filed?

Received by Sri A. K. Chaturvedi Additional Standing

a) Identical with the Original?

Counsel on behalf of

b) Defective? Bench copy has not been signed.

c) Wanting in Annexures

Nos..... pages Nos.....?

13. Have the file size envelopes bearing full addresses of the respondents been filed?

O. P. Itty

N. A.

14. Are the given address the registered address?

yes

15. Do the names of the parties stated in the copies tally with those indicated in the application?

yes

16. Are the translations certified to be true or supported by an Addidavit affirming that they are true?

N. A.

17. Are the facts of the case mentioned in item no. 4 of the application?

yes

a) Concise?

yes

b) Under distinct heads?

yes

c) Numbered consecutively?

yes

d) Typed in double space on one side of the paper?

yes

18. Have the particulars for interim order prayed for indicated with reasons?

yes

19. Whether all the remedies have been exhausted.

yes

10-12-91

D. R.

Register the case above and

list for orders on 13-12-91

before the Hon. Bench. 7/11

DR

10/12/91

Order Sheet
TA no. 1519 of 1987

Uma Shankar :: 2 :: VS WOJ

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How compl. with and date of compliance
6/11/89	<p>Hon' Mr. D.K. Agrawal, J.M. <u>Hon' Mr. K. Obayya, A.M.</u></p> <p>None appears for the parties. This case has been received on transfer. Notices to the parties were sent from our office at Allahabad. However, notice be again sent to the counsel for the parties listing the case on <u>25-1-90</u> for orders.</p> <p style="text-align: center;"><i>(sns)</i></p> <p style="text-align: right;">J.M.</p>	<p>This W.P. no. 3726/87 received on transfer from Lucknow High Court on May 87 alongwith other W.P.s on the date of transfer the case was admitted. C.A. filed, stay order operating.</p> <p>Transfer notices issued by A.M. office but neither any reply nor undelivered cover received back submitted forward.</p>
20/3/90	<p>No filing reply to 20-2-90 Applicant in person is present</p> <p>Hon. Mr. D.K. Agrawal, J.M. <u>Hon. Mr. K. Obayya, A.M.</u></p> <p>The petitioner not appeared despite of the notice served to him. It appears that the applicant has lost interest in pursuing the matter. Therefore, the writ petition is dismissed without any order as to costs.</p> <p style="text-align: center;"><i>(sns)</i></p> <p style="text-align: right;">J.M.</p>	<p>002 noted S.F.O. 20/3/90</p> <p>52 Notices were issued 12/1/89. No unreturned 2nd cover has been return back. S.F.O. 19/3/90</p> <p>52 The W.C. for the applicant has filed C.M. Am. No. 215/90 C.R. for rectorate. S.F.O. 30/4/90</p>

Dinesh

1.5.90

Dec 10 - National Holiday
declare by Govt. of India adjourn

to 6.8.90

K
1.5

6.8.90

No sitting adj. to 10/9/90.

Regd

OK

4c for the applicant
has filed M.P. No. 21590
for restoration on 2

5.4.90

S. F. O.

5/9/90

10.9.0
Hon'ble Justice K. Nath v.e.

Hon'ble M^r M. M. Singh A.M.

On account of counsels

wife hospitalisation, adjournment
is allowed, and the case is fixed
on 12.11.90 for further order

M. M. Singh
A.M.

Dr
V.C.

4c for the applicant
has filed M.P. No.
21590 (i) for
restoration on 5.9.90

This case dismissed
in default on 20/3
Application is
in the time
S. F. O.

11/10/

12-11-90

Hon. Mr. Justice Krishnan
Hon. Mr. M. Y. Friekar, A.O.

TA 1519/1076

cmr 215/90

This application for setting aside the order dated 20-3-90 dismissing the application for default was filed on 5-4-90 while the application along with affidavit has been drafted on 21-3-90. It is stated in the application supported by the affidavit that on the date fixed i.e 20-3-90 the applicant was himself present in Court and had gone to call his counsel from Hon. High Court when the case was called out. It is further mentioned that by the time he returned to this Tribunal along with his counsel, the case had been dismissed for default. Copy of the petition has been given to the counsel for respondent & no objection has been filed. The ground shown is sufficient, hence the dismissal order dated 20-3-90 is set aside and the case is directed to be listed for final hearing on 11-12-90. Inform the counsel for respondent the applicant may file rejoinder within 2 weeks.

Up
Writ

PP
Ne.

11.12.90

Hon. Mr. Justice K. Mathi, VC
 Hon. Mr. K. Chayya, AM

On the request of Counsel
 for both parties case is
 adjourned to 15.1.91.

S. D.
AM

DR
VC

OR

OR
 Uc for the applicant
 has filed MP 713/90/6
 for amendment.

S. V. R. Choudhury
 has received notice on
 behalf of parties.

NO RA filed
 S. R.O.

10/12

DR
VC

15.1.91

No sitting adj. to 1.2.91.

1.2.91 Hon. Mr. Justice K. Mathi, VC
 Hon. Mr. K. Chayya, AM

Mr. M. Dubey for applicant.
 This is an application for impleadment
 of Ram Mohan Dasi as respondent who has
 been working as E.O.B.P.M in place of
 applicant from 1984. The question is
 whether having regard to the law of limitation
 he may be impleaded. Now, the applicant's
 Counsel requests for time to explain the
 position. And for hearing on 18.3.91

*DR**AM*

DR
VC

18.3.91

No sitting adj. to 26.4.91

*J*26.4.91

Hon. Mr. D. K. Agrawal, J.M.
 Hon. Mr. K. Chayya, AM

On the request of Sri Mr. Dubey
 Counsel for the applicant the
 case is adjourned to 27.6.1991
 for hearing.

*DR**AM*

Submitted for
 adj. on MP 713/90

DR
J.M.

DR
DR

27/6/91

Hon. Mr. K. Obayya - AM.
Hon. Mr. S. N. Prasad - JM.

OK

Relaxment application of Shri
M. Dubey Counsel for applicant
Case is listed on 6/8/91 for
order.

J.M.

J.M.

6/8/91

No sitting adj. to 4.9.91.

OK

Hon. Mr. D. K. Agrawal - JM.
Hon. Mr. K. Obayya - AM

OR
Submitted for
order 9/9 713-902
to amend
S. FO

On the request of Shri
M. Dubey Counsel for applicant
Case is adjourned to 14.10.91
for order.

AM.

JM.

3/5

14 X. 91.

No sitting. Adj. to 27/11/91

27/11/91

No sitting adj. to 3.1.92

4

3.1.92

No sitting adj. to 4.2.92

5

4.2.92

No Siting adjn 9.3.92

2

9.3.92 Hon Mr S.N. Basu, J.M.

case called out.

Applicant a present in person.

Lawyers are on strike today.
Hence this case of olswood

of M.P No 713/92 on

21.4.92



J.M.



21.4.92

No Siting of D.M. adj to
18.5.92



18.5.92.

Hon'ble Mr. Justice U.C.Srivastava- V.C.
Hon'ble Mr. K. Obayya - A.M.

(DPS)

This application has been filed for amendment in the application. The amendment sought by the applicant seems necessary. Accordingly the application for amendment is allowed and amendment be incorporated within one weeks. Reply of the amendment may be filed within ~~two~~ weeks after expiry of the afores- mention period. List this case on 22.7.92 for orders.


A.M.


V.C.

22.7.92

No Siting of D.M. adjn

3.8.92



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. NO

199 (L)

T.A. NO

1519/87

Date of Decision

Uma Shankar

PETITIONER.

Bhawna Daboy

Advocate for the Petitioner(S)

VERSUS

Union of India & others

RESPONDENT.

Dr. V.K. Chaudhary

Advocate for the RESPONDENT(S)

CORAM

The Hon'ble. Mr. Justice U.C. Srivastava, V.C
The Hon'ble. Mr. K. Daboy, Adm Member

1. Whether Reporter of local papers may be allowed to

see the Judgment?

2. To be referred to the reporter or not?

3. Whether their Lordships wish to see the fair copy

of the Judgment?

4. Whether to be circulated to other benches?

Vice-Chairman/Member

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. 3726-84

Name of Parties

Yma Shahn vs. Union of India

Date of Institution

31-7-84

Date of decision

7

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.	Ind with Arman ad affadit	12	-	-	102.00			
2.	Power	1-	-	-	5.00			
3.	Cmrt 7645(07)	1-	-	-	5.00			
	0284.							
4.	Cmrt. quinst 07 084.	9	-	-	7.00			
5.	Cmrt. quinst 07 085 with CA.	7-	-	-	7.00			
6.	Power & mem	2	-	-	5.00			
7.	arshad.	2	-	-	-			
8.	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.

Munsarim

Clerk

Date

Group A-15 (c1)

5928

A
10

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

3726
Writ Petition No. _____ of 1984

11364

Uma Shankar.....Petitioner.

Varanus

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

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Lucknow dated,
July 30, 1984.

Advocate
Counsel for the Petitioner

21

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

Writ Petition No. 3726 of 1984

(District - Sitapur)



Uma Shankar, son of Sheo Ratan Lal, resident of
Village and Post Office Dahawa, District Sitapur.

.....Petitioner.

5/9/2009
81
10/7/84

V E R S U S

1. Union of India through the Secretary, Ministry of Communication, New Delhi.
2. Superintendent of Post Offices, Sitapur Division Sitapur.
3. Sub-Divisional Inspector (Central/Southern), Sitapur.

(4) Sub Ram Mohini Deo who is not known, lives only rendering in village of Dahawa, Dist. Sitapur and works as a B.D.B.M. Dahawa, Dist. Sitapur.Opposite-Parties.

Writ Petition under Article 226 of the Constitution
of India

To

The Hon'ble the Acting Chief Justice & his
Companion Judges of the aforesaid Court;



The humble petition of the petitioner above-named most respectfully sheweth as under:-

1. That the humble petitioner was appointed as an Extra Departmental Branch Post Master and was posted at Dahawan Post Office (District Sitapur) on a temporary and ad-hoc basis by the opposite-party no.2 against a clear vacancy caused by the promotion of Sri Mansa Din, the then Extra Departmental Branch M Post Master. It may be submitted that as many as three persons applied for that post and the petitioner was selected out of them. A copy of the petitioner's appointment letter dated 31.10.1983 issued by the opposite-party no.2 is Annexure-1 to this petition.
2. That the petitioner is educationally qualified and is eligible to hold the aforesaid post in all other respects.
3. That the petitioner joined and started functioning as Extra Departmental Branch Post Master (hereinafter mentioned as 'EDBPM' for short) at Dahawan Post Office (District Sitapur) on 14.11.1983, after fulfilling all the formalities as required for the appointment, like furnishing security of Rs.1000/- and character verification etc.
4. That the petitioner has been putting in the best of his devotions, sincerity and intelligence in ~~perfor~~ performing his duties as EDBPM at Dahawan Post Office and the local public is quite satisfied with the work and conduct of the petitioner. There has not been a single example pointing out any insincerity, lack of devotion or deriliction of duty.



Om Prakash

against the petitioner so far.

5. That the services of the petitioner are governed by Post and Telegraphs Extra Departmental Agents (Conduct and Services) Rules, 1964.

6. That Sri Jamuna Singh, the then Inspector, did not like the selection of the petitioner on the aforesaid post as he was interested in another candidate, who did not fulfill even the required qualification for the post.

7. That being inimically disposed towards the petitioner, the aforesaid Inspector started harassing him in all possible ways. However, the petitioner has been persevering with all his bludgeons with all humbleness at his command.

8. That without any rhyme or reason, the opposite party no.3 issued a letter to Sri Raghunath Prasad, Male Overseer, Mahmoodabad, directing him to take entire charge from the petitioner and function as Post Master until further orders. A copy of the aforesaid order is Annexure 2 to this petition. It may be submitted that this order has never been served upon the petitioner.

9. That the aforesaid order, in fact, amounts to putting off the petitioner from duty as contemplated under rule 9 of the Conduct and Services Rules, 1964, mentioned above.

10. That no order of termination or dismissal,



* a copy of which is being filed as Annexure
4 to this writ application, terminated the
applicant's services and appointed one Srimati
Rani Mohini Devi in the place of the applicant,
although the applicant was never informed nor was
given any opportunity of hearing by the reviewing
authority before passing the alleged termination
order dated 20.7.84, Annexure 5, by the Subdtl of
Post Officer Satapur, respondent no 2. The order
contained in Annexure 5 is not in proper
exercise of powers vested in the appointing authority
vide Rule 6 of E.O. (Conduct & Service) Rules 1964
and for reason of that, it is illegal, null
and void and inoperative. The applicant still
continues to hold the charge of the Post office
though he has been illegally and arbitrarily
prevented from performing his duty.

whatsoever, has been passed against the petitioner by any authority, much less a competent authority. The respondents, however, have in their return filed by them pointed out that the petitioner's appointment was reviewed by the Director of Postal Services, who by letter dated 27.7.1984, directed the petitioner to hand over his charge as EDBPM.

11. That on the basis of the aforesaid order, though without any reference thereto, the overseer, Mahmoodabad, issued a letter dated 24.7.1984, which is being filed herewith as Annexure-3 to this petition, requiring the petitioner to hand over his charge as EDBPM. But as the petitioner was on leave till 27.7.1984, the charge has not been handed over so far.

12. That the petitioner cannot be put off from the duty except under the provisions of rule 9 of the Conduct and Services Rules, 1964, which are being reproduced below:-

9(1). Pending an enquiry into any complaint or allegation of misconduct against an employee, the appointing authority or an authority to which the appointing authority is subordinate may put him off duty.

Provided that in cases involving ~~fraud~~ fraud or embezzlement, an employee holding any of the posts specified in the Schedules to these rules may be put off duty by the Inspector of Post Offices, under immediate intimation to the appointing authority.

(2) An order made by the Inspector of Post Offices under sub-rule (1) shall cease to be effective on the expiry of fifteen days from the date thereof unless earlier confirmed or cancelled by the appointing authority or an authority to which the



30/7/84

• 5 •

X5

appointing authority is subordinate."

(3) An employee shall not be entitled to any allowance for the period for which he is kept off duty under this rule."

13. That neither there has been any grievance from any quarter nor any complaint nor any allegation of misconduct against the petitioner. No enquiry against the petitioner is pending as well. Hence, the provisions of rule 9 having not been satisfied, the putting off the petitioner from duty is arbitrary and illegal.

14. That the opposite-party no.2, i.e., the Superintendent of Post Offices, is the appointing authority of the petitioner as would be clear from Annexure-1 as well. In the present case, the order for putting of the petitioner from duty has been passed by the opposite-party no.3 who is an officer subordinate to the opposite-party no.2 having no power to appoint an EDBPM. The impugned order putting the petitioner off his duty having been passed by an authority subordinate to the appointing authority, is illegal and without jurisdiction being violative of rule 9 on that score too.

15. That Writ Petition No.1617 of 1984 - Akhand Pratap Singh versus Senior Superintendent of Post Offices and others, on similar facts and legal questions filed in this Hon'ble Court, has been admitted by a Division Bench of this Hon'ble Court on 26.3.1984 and an interim relief to the following effect ~~has been~~ has been granted therein:-

"Notices on behalf of opposite-parties 1 to 4 have been accepted by the Standing



3/1984

Counsel to Central Government. Notice will issue to opposite-party no.5.

The petitioner will not be relieved from the office EDBPM, Post Office Dari Duha, Akbarpur, Faizabad untill further orders. This stay order shall be operative till 16th April, 1984, If any application is moved on behalf of Respondents, it will be listed before a learned Single Judge before that date.

Sd. D.N.Jha
Sd. S.S.Ahmad
26.3.1984.

3/1/84/12
16. That the petitioner will suffer irreparable loss and injury if he is put off the duty or otherwise restrained from performing his duties as E.D.B.P.M. in the arbitrary and illegal manner as indicated above. Hence, feeling aggrieved from the impugned order and having no alternative and efficacious remedy, this humble petition is being filed on the following amongst other -

G R A U N D R E A S O N S

(a) Because, the petitioner is entitled to hold the post of E.D.B.P.M. as he fulfills all the conditions required under the rules.

(b) Because, no termination or dismissal order having been passed against the petitioner, he cannot be ~~removed~~ severed from his duties as E.D.B.P.M.

(c) Because, the impugned order (Annexure-2) passed by the opposite-party no.3 is illegal and arbitrary as neither there is any complaint against the petitioner's working, nor is any enquiry pending against him.

(d) Because, the impugned order (Annexure-2) is illegal, arbitrary and without jurisdiction as it



S. S. Jha

and at any rate behind his back
and ^{his} order ~~termination~~ from Service
and appointment of Smt Ram Mohini Devi
by his order Annexure 4 and the conse-
quent order dated 20.7.84 passed by the
Super of Poor Officer is not in accordance
exercise of the power vested in the
appointing authority under Rule 6 of the
EDT (Contract & Service) Rules 1969 and
hence un-Warranted, inoperative,
illegal and null & void.

has been passed by the opposite-party no.3 who is subordinate to the opposite-party no.2 - the appointing authority of the petitioner.

(e) Because, the impugned order (Annexure-2) is violative of provisions of rule 9 of the Conduct and Service Rules, 1964.

(f) Because, the putting off the petitioner from duty without any reason, whatsoever, is bad in law.

(g) Because jurisdiction to review an applicant's appointment

PRAYER

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

(i) Issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 23.7.1984 passed by the opposite-party no.3 as contained in

besides the order of appointment issued in favour of Mr. Ram Mohan Deo, etc. summoning its original copy from the respondents.

(ii) Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties nos. 1 to 3 to refrain from interfering in any way with the petitioner in

performing his duties as E.D.B.P. and bear all consequential losses at the time of the same.

(iii) Issue any other writ, order or direction as is deemed fit and proper under the circumstances of the case.

(iv) Allow this petition with costs.

Amendments
made as per
order dated

18/5/84

Lucknow dated,
July 30, 1984.

Counsel for the Petitioner
Advocate

M. D. Shukla
Advocate

Certified that there is no defect in respect
of court-fees etc. in this writ petition to the best
of my knowledge.

S. P. Shukla
Advocate

In the Hon'ble High Court of Judicature at Allahabad

Sitting at Lucknow

Ver. P. No. 04984

8
B
1983

Uma Shanker

Arionu of Indi & others

VS

Petitioner
Opp. Parties
Amritlal No. 1

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

OFFICE OF THE SUPDT. OF POST OFFICES SITAPUR DIVISION-261001.

Memo No. 8.1.9/1/E.....

Dated At Sitapur the 31-10-83.....

Sri. Uma Shanker, G. S. Sh. Ratn.

.....Deb. P. V. Sh. Dehawar, Dist. Sitapur.....

.....is approved officiate EDBPM
.....on purely temporary and adhoc basis
subject to the satisfactory verification etc. required for such
appointment. He will be disengaged from this temporary arrangement at any
time when he is not required for his appointment time without assi-
gning any reason till a formal order for his appointment as issued by
this office and he will have no claim on this post of EDBPM. ~~Dehawar~~
.....Dist. Sitapur.....

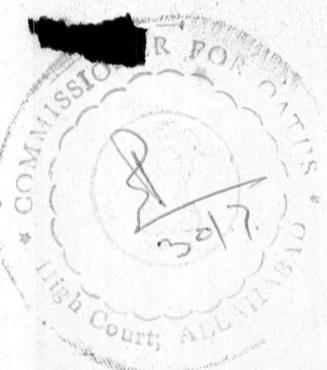
The 21/10/83 with n/a
S. B. S.

W. M. N.
Supdt. of Post Offices
Sitapur Dist. 261001.

Copy to:-

1. The Sub Divisional Inspector (P.O) Sitapur for information
The charge may be given to Sri. Uma Shanker under information to this office.
2. Sri. P. V. Sh. Dehawar, Dist. Sitapur
3. PM Sitapur for information and n/a.
4. The Overseer Sitapur, R. H. D. S. Sitapur
5. G/C.

Vaish/-
4/83.



30/10/83

(10)

इन दि आनरेक्युल हाई कोर्ट आफ जूडीकेचर रेट इलाहाबाद,
लखनऊ बैन्च लखनऊ ।

रिट पिटीशन नं० आफ 1984

उमा शंकर

---- पिटीशनत

बनाम

यूनियन आफ इण्डिया आदि ।

---- अपो० पार्टी

अनेकजर नं० ३

शार्धा डाक पाल दहावा,

पत्रांक इ दहावा दिनांक 23-7-84 के अनुतार मुझे शार्धा डाक घर में शार्धा
डाक पाल के पद पर कार्य करने की आशा श्री मान डाक निरीक्षक तीतापुर
के द्वारा प्राप्त हुई है । इत कारण आज तमस्त कागजात तथा कार्य करने के
तम्बन्धित समान दे दें ताकि सरकारी कार्य किया जा सके ।

ह० अपठनीय
24-7-84

तील

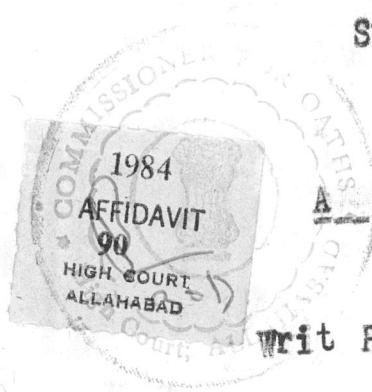
उमा शंकर

तत्य प्रतिलिपि



In the Hon'ble High Court of Judicature at Allahabad

Sitting at Lucknow.



AFFIDAVIT

In re:

writ Petition No. _____ of 1984



Uma Shankar.....Petitioner.

Versus

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

I, Uma Shankar, aged about 34 years, son of Sheo Ratan Lal, resident of Village and Post Office Dahawan, District Sitapur, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner himself and is thus thoroughly conversant with the facts stated in the above-noted writ petition.

2. That the contents of paras 1 to 15 of this the above-noted writ petition are true to deponent's own knowledge and those of para 16 are believed by me to him to be true.

31/7/1984

Lucknow dated,
July 3, 1984.

Deponent

I, the abovenamed deponent, do hereby verify that the contents of paras 1 and 2 of this affidavit are

• 2 •

true to my own knowledge; that no part of it is false and that nothing material has been concealed, so help me God.

Tripathi

Lucknow dated, }
July 30, 1984. }

Deponent

I identify the deponent who has signed in my presence.

S.K.Tripathi
(S.K.Tripathi)
Clerk to Sri S.P.Shukla,
Advocate.

Solemnly affirmed before me on 30.7.1984 at 10 A.M./P.M. by Sri Uma Shankar, the deponent, who is identified by Sri Santosh Kumar Tripathi, Clerk to Sri S.P.Shukla, Advocate, High Court, Allahabad, Lucknow 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.

S.P.S. 451/84
Oath Commissioner
High Court, Allahabad,
Lucknow Bench
No. 90/204
Date 30.7.1984

ब अदालत श्रीमान माननीय अधिकारी अलय इलाइ अधिकारी महोदय
लैरेवनडी पीठ लैरेवनडी

वादी (मुद्दे)
राजनीति (मुद्दे)

का वकालतनामा



याचिका संरचना

मार्गदर्शक

उमाशंकर

वादी (मुद्दे)

बनाम

श्रीमिश्रमानान्द शुक्ला

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ६०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

S. S. P. Shukla

एडवोकेट

महोदय

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 ऐरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी
जारी करावें और स्पष्ट 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 स्पष्ट जमा करें या हमारी या विपक्ष (फरीकसानी) का
दाखिल किया स्पष्ट या हमारे हस्ताक्षर-युक्त (दस्तखती)
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
गईवह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूगा अगर मुकद्दमा अदम पैरवी
में एक तरफा मेरे खिलाफ पैसला हो जाता है उसकी जिस्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर *उमाशंकर*

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... महीना

Accepted
S. S. P. Shukla

नाम अदालत	नाम मुकद्दमा	फरीक्षा
नाम	नाम	नाम

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

Civil Misc. An. No. 7643 (W) of 1984



Uma Shankar.....Applicant.

In re:
writ Petition No. 3726 of 1984

Uma Shankar.....Petitioner.

Versus

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

Application for Interim Relief

Wherefore, for the facts and reasons mentioned in the above-noted writ petition filed on date, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the operation and implementation of the impugned order dated 23.7.1984 passed by the opposite-party no.3 as contained in Annexure-2 till the final decision of the writ petition.

An ad-interim relief to the same effect may also kindly be passed.

Lucknow dated,
July , 1984.

S.P. Shinde
Advocate
Counsel for the Applicant

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Hon'ble Mr. J.
Hon'ble Brijesh Kumar, I

Learned counsel for the Union of India is allowed two weeks time to file counter affidavit serving copy thereof outside the Court on learned counsel for the petitioner who may file rejoinder affidavit within another ten days. List this application thereafter before the learned Single Judge for further orders. In the meantime, the petitioner will not be relieved from the office of the Extra Departmental Branch Post master, Post office Dahanwan, District Sitapur, if he has already not been relieved and the impugned order dated 23.7.1984 (Annexure) shall remain suspended.

Bawar Jha.
31.7.1984.

Recd copy.

D. Bawar

307184

20/7/84
D.C.

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

13760
Civil Misc. An. No. 9445 (W) of 1984



Uma Shankar.....Applicant.

In re:

Writ Petition No. 3726 of 1984

Uma Shankar.....Petitioner.

Versus

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

Application for Interim Relief

Wherefore, for the facts and reasons mentioned in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to direct the opposite-party no. 3 to allow the petitioner to discharge his duties as Extra Departmental Branch Post Master at Dahawan Post Office (District Sitapur) and pay the salaries and allowances to him due from July, 1984 onwards without any further delay.

Such other order as is deemed fit and proper in under the circumstances of the case may also kindly be passed.

Lucknow dated,
September 5, 1984.

S. P. Shukla
Advocate
Counsel for the Applicant

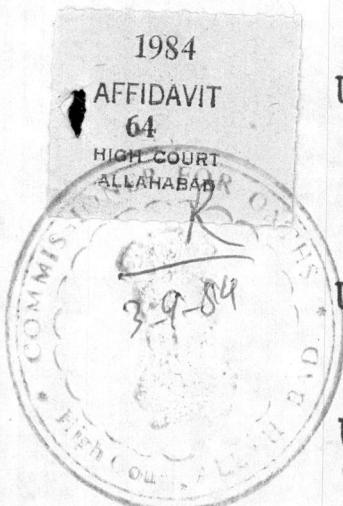
In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

A F F I D A V I T

In re:

Civil Misc. An. No. _____ (W) of 1984

(Application for Interim Relief)



Uma Shankar.....Applicant.

In re:

Writ Petition No. 3726 of 1984

Uma Shankar.....Petitioner.

Versus

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



I, Uma Shankar, aged about 34 years, son of Shao Ratan Lal, resident of Village and Post Office Dahawan, District Sitapur, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner himself and is thus thoroughly conversant with the facts stated hereinafter.
2. That the present writ petition has been filed by the petitioner challenging the order of the opposite party no. 3 issued on 23.7.1984 (as contained in Annexure-2 to the writ petition) laying off the petitioner from his duties as Extra Departmental Branch Post Master, Dahawan, District Sitapur.
3. That the said order has been challenged inter-

30/12/84

alia on the ground that the impugned order has been passed by the opposite-party no.3 illegally, arbitrarily and without any jurisdiction ~~as per~~ the conditions of rule 9 do not exist.

4. That the said writ petition was admitted in this Hon'ble Court by a Division Bench consisting of Hon'ble Mr. Justice D.N.Jha and Hon'ble Mr. Justice Brijesh Kumar on 31.7.1984, on which date their Lordships were pleased to pass the interim order as quoted below, on the Interim Relief application of the petitioner:-


"Learned counsel for the Union of India is allowed two weeks time to file counter affidavit serving copy thereof outside the Court on learned counsel for the petitioner who may file rejoinder affidavit within another ten days. List this application thereafter before the learned Single Judge for further orders. In the meantime, the petitioner will not be relieved from the office of the Extra Departmental Branch Post Master, Post Office Dahawan, District Sitapur, if he has already not been relieved and the impugned order dated 23.7.1984 (Annexure-2) shall remain suspended."

5. That a certified copy of the aforesaid order was obtained by the petitioner on 1.8.1984 and was served on the opposite-party no.3 on 2.8.1984 along with a covering letter.

6. That in fact the petitioner was on leave from 24th July, 1984 and had given his charge of the extra

signed

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A/X

Branch
Departmental/Post Master, Dahawan to his wife Srimati
Omwati Devi, which is permissible under law.

7. That after the opposite-party no.3 came to know on 31st July, 1984 about the stay order having been granted in favour of the petitioner, he maliciously appointed Srimati Ram Mohini Devi as the Extra Departmental Branch Post Master without any fresh selection and asked her to open new books and execute the work of Extra Departmental Branch Post Master. This was done on 1.8.1984. But the deponent understands that some work is shown to have been done by Srimati Ram Mohini even before 31.7.1984 to take the advantage of the ^{Rsaving} ~~existing~~ clause "if he has already not been relieved" and thwart the orders passed by this Hon'ble Court on 31.7.1984.

8. That the entire charge of B.O.Journal, B.O. Accounts, Saving Bank Accounts, Time Deposit Books, National Saving Certificates, seals etc. relating to Dahawan Branch Post Office are still lying with the petitioner.

9. That no notice or order in writing was passed by the opposite-party no.3 or any higher authority after 23.7.1984 till now directing the petitioner to hand over his charge.

10. That no order or intimation so far has been issued by the opposite-party no.3 or anyone of the authorities to the petitioner intimating him that he had been 'relieved' from his post of Extra Departmental Branch Post Master in pursuance of Annexure-2 even if it is assumed (though not admitted by the petitioner) that the petitioner was relieved in an unilateral action.



31/9/84

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11. That by the aforesaid clever device, the opposite-party no.3 is treating the petitioner as out of the job and is not allowing him to function as Extra Departmental Branch Post Master.

12. That Srimati Ram Mohini Devi is not the resident of Village Dahawan and does not reside in the village; she infact resides in the city of Sitapur itself so that the public of the area has been put to a great inconvenience because of the dislocation in the postal work caused on account of Srimati Ram Mohini's staying at Sitapur.

13. That Srimati Ram Mohini Devi had also made an application for being appointed as the Extra Departmental Branch Post Master along with the petitioner and at that time she had filed a forged certificate supposed to have been issued by the Gram Pradhan regarding her character etc. as required under the rules. Subsequently, the said Pradhan himself filed an affidavit before the opposite-party no.2 stating that he had not issued any such certificate in favour of Srimati Ram Mohini Devi; she did not hold any land in the village and the khetauni extracts filed by her were bogus. A copy of the aforesaid affidavit filed by Gram Pradhan is Annexure-A to this affidavit. This being the state of affairs, Srimati Ram Mohini is not even eligible to be appointed as Extra Departmental Branch Post Master as she is guilty of ~~go~~ forgery.

14. That the prevention of the petitioner from discharging his duties as E.D.B.P.M. is wholly illegal and arbitrary.

G.N.I.R.C. 1984



15. That the petitioner has been paid his salary only upto June, 1984 and has not been paid his salary for the months of July and August, 1984 so far, although even going by the words of the stay order granted by this Hon'ble Court, the petitioner has not so far been 'relieved' and is holding the charge of his office even now.

Lucknow dated,
September 3, 1984.

S. K. Tripathi
Deponent

I, the abovenamed deponent, do hereby verify that the contents of paras *15* of this affidavit are true to my own knowledge and those of paras *X* are believed by me to be true; that now no part of it is false and that nothing material has been concealed, so help me God.

Lucknow dated,
September 3, 1984.

S. K. Tripathi
Deponent

I identify the deponent who has signed in my presence.

S. K. Tripathi
Clerk to Sri S.P. Shukla,
Advocate.

Solemnly affirmed before me on 3.9.1984 at 2.20 P.M. by Sri Uma Shankar, the deponent, who is identified by Sri Santosh Kumar Tripathi, Clerk to Sri S.P. Shukla, Advocate, High Court, Allahabad, Lucknow 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.

Raghupal Singh

(RAGHUPAL SINGH)
OATH COMMISSIONER
High Court, Allahabad

No. 64/937
Date 3/9/84

ਇਨ ਮਿਦ ਆਨਰੇਬੁਲ ਹਾਈ ਕੋਰਟ ਆਫ ਜੂਡੀਕੇਵਰ ਐਟ ਇਲਾਹਾਬਾਦ
ਲਖਨਤੁ ਬੈਨਚ ਲਖਨਤੁ ।

ਰਿਟ ਪਿਟੀਸ਼ ਨੰ 3726 ਆਫ 1984

ਉਮਾਖੰਕਰ

— ਪਿਟੀਸ਼

ਬਨਾਮ

ਦਿ ਧੂਨਿਧਨ ਆਫ ਇਣਿਡਿਆ ਵ ਅਨ੍ਯ

— ਅਪੋਂ ਪਾਰਿੰਚ

ਅਨੇਕਜਰ ਨੰ ੦ ਰ

ਸ਼੍ਰੀਮਾਨ ਡਾਕ ਅਧੀਕਨ

ਸੀਤਾਪੁਰ ਪ੍ਰਿੰਡ - ਸੀਤਾਪੁਰ

ਸਮਾਧ ਪਤਰ

ਮੈਂਕਿ ਰਾਮਕੁਮਾਰ ਪ੍ਰਧਾਨ ਪੁਤ੍ਰ ਸ਼੍ਰੀ ਗਯਾਂਧਰ ਪ੍ਰਸਾਦ ਦੀ ਕਿਤਾਨੀ ਨਿਵਾਸੀ ਗ੍ਰਾਮ ਦਹਾਵਾ ਪੋਂ ਦਹਾਵਾ ਤਹਸੀਲ ਸਿਧੌਲੀ ਜ਼ਿਲਾ ਸੀਤਾਪੁਰ ਕਾ ਹੁੰਦਾ ਹੈ। ਮੈਂ ਜਾਪਥ ਪ੍ਰੂਵਕ ਬਿਧਾਨ ਕਰਤਾ ਹੁੰਦਾ ਹੈ ਕਿ ਜਾਪਥ ਪਤਰ ਮੈਂ ਜੋ ਕੁਛ ਭੀ ਲਿਖਾ ਹੈ ਤਥਾਂ ਕਿਸੇ ਸੱਚ ਵ ਸਹੀ ਹੈ ਅਤੇ ਕੋਈ ਭੀ ਬਾਤ ਸ਼੍ਰੀਮਾਨ ਜੀ ਨੂੰ ਛੁਪਾਈ ਹੈ। ਇੱਕਿਵਰ ਮੇਰੀ ਮਦਦ ਕਰੋ।

ਧਾਰਾ-- । ਯਹ ਕਿਸਮਥਕਤਾਂ ਗ੍ਰਾਮ ਦਹਾਵਾਪੋਂ ਦਹਾਵਾ ਜ਼ਿਲਾ ਸੀਤਾਪੁਰ ਕਾ ਪ੍ਰਧਾਨ ਹੈ ਅਤੇ ਦਿਨੇਸ਼ ਕੁਮਾਰ ਵ ਰਾਮ ਮੌਹਿਨੀ ਕੋ ਅਚੀ ਤਰਹ ਜਾਨਤਾ ਹੈ।

ਧਾਰਾ 2- ਯਹ ਕਿ ਸ਼੍ਰੀ ਦਿਨੇਸ਼ਕੁਮਾਰ ਪੁਤ੍ਰ ਸ਼੍ਰੀ ਪਿਆਰੇ ਲਾਲ ਨਿਵਾਸੀ ਵ ਪੋਂ ਦਹਾਵਾ ਜ਼ਿਲਾ ਸੀਤਾਪੁਰ ਦ੍ਰਾਰਾ ਜਾਖਾ ਡਾਕ ਪਾਲ ਦਹਾਵਾ ਪਟ ਕੇ ਲਿਯੇ ਦਿਧੇ ਗਈ ਪ੍ਰਾਰੰਥਿਤ ਪਤਰ ਕੋ ਸਮਿਲਿਤ ਸਮਥਕਤਾਂ ਦ੍ਰਾਰਾ ਦਿਧੇ ਗਈ ਕਾਰਿਤ ਪ੍ਰਮਾਣ ਪਤਰ ਜਾਲੀ ਹੈ ਤਨ ਪਰ ਸਮਥਕਤਾਂ ਨੇ ਹਸਤਾਧਰ ਨਹੀਂ ਕਿਥੇ ਹੈ।



धारा ३- यह कि श्री दिनेश कुमार ने जो अचल सम्पत्ति का प्रमाण पत्र दिया है वह भूमि छब्बीं बंजर है तथा बेकार है और उसकी कोई कीमत नहीं है ।

धारा ४- यह कि श्री दिनेश कुमार पुत्र श्री प्यारे लाल के पास डाक घर के लिये कोई उपयुक्त भवन नहीं है ।

धारा ५- यह कि श्री मती राम मोहिनी द्वारा प्रेषित प्रमाण पत्र फरजी है उक्त राम मोहिनी गाँव की लड़की है उसके नाम भूमि नहीं है वह सीतापुर व्याही है । इन्ताखाब वगैरा सभी फरजी है ।

इबारत तस्दीक

मै राम कुमार दीक्षित प्रधान ग्राम सभी द्वावा पाँ०
द्वावा परगना बाड़ी तहसील सीतापुर की
धारा । वा ५ को अपने ज्ञान से सच व सहीहोना
प्रमाणित करता हूँ । स्थान प्रमाणित क्येहरी सीतापुर
दिनाँक प्रमाणित । १६-८-८३

१० रामकुमार दीक्षित

ग्राम कर्ता

रामकुमार दीक्षित प्रधान

उपरोक्त

रामकुमार दीक्षित

सील



मै रामकुमार दीक्षित को भली भाँति जानता हूँ तथा-यह
बहस्तर-हूँ व पहचानता हूँ इन्होने मेरे सामने अपना
हस्ताक्षर किया है ।

१० अपठनीय



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श्रीमान डाक जीविदाक

सीतापुर प्रौद्योगिकी - सीतापुर

शपथ - पत्र

मानक रामकुमार प्रामुख श्री गजीधर प्राद शीक्षित निवासी ग्राम
झाड़ा वाला पाँ० झाड़ा तहसील सिविली जिला सीतापुर का है। मैं शपथ पूर्वक बयान
करता हूँ कि शपथ पत्र मैं बोलूँ भी लिखा है सब सब व सही है और कोई पी
वात बोलान बी से नहीं हुआ है। इसके लिए मदद करो।

धारा - यह कि शपथकार ग्राम झाड़ा वाला पाँ० झाड़ा जिला सीतापुर का प्रामाण है
बीर निशुल्क राम मौहिनी को बच्ची तरह बानता है।

धारा २- यह कि श्री निशुल्क ग्राम झाड़ा वाला पाँ० झाड़ा जिला
सीतापुर धारा शास्त्र हाक पाल झाड़ा पद के लिये दिये गये प्राप्ति वा
वी समिक्षा शपथकार धारा दिये गये कथित प्रमाण पत्र जाली है उन पां
शपथकार ने हस्ताक्षर नहीं किये हैं।

धारा ३- यह कि श्री निशुल्क ने जी इच्छा सम्पत्ति का प्रमाण पत्र दिया है
जह मूल्य बँड़े है तथा बैकर है यार उसके कोई केमत नहीं है।

धारा ४- यह कि श्री निशुल्क ग्राम झाड़ा वाला पाँ० हाक घर के लिये
कोई उप्युक्त पत्र नहीं है।

धारा ५- यह कि श्रीमान राम मौहिनी धारा प्रेषित प्रमाण के फॉर्मी है
उक्त राम मौहिनी गवि की लड़की है उसके नाम मूल्य नहीं है जह सीता-
पुर व्याही है। इनकाव जीरा सर्वा फरजी है।

पांचठा जी

सीतापुर नारद निवासी

R
3-9-84

3-9-84

दबाएत तस्तीक

मेराम दुमार दिल्लीत प्रधान द्वाम समा
 द्वामा पी० द्वामा परमा बाही तक्षील
 सीतापुर की घारा १ ता ५ की जमी जमा है
 सच व सहीहोना प्राप्तिगत करता है।

शपथकर्ता

स्थान प्राप्तिगत- क्वेहरी सीतापुर
 निकाल प्राप्तिगत १६-८-८३

राम दुमार दिल्लीत प्रधान

उपरौक्त

दामकुम्हार द्वामीहुत

जमाने,

द्वाम समा द्वामा

जमाने द्वामरा

जमाने द्वामरा

मेराम दुमार द्वामीहुत द्वामीहुत द्वामीहुत
 द्वामीहुत द्वामीहुत द्वामीहुत द्वामीहुत

क्वेहरी सीतापुर
 १६-८-८३

16. 8. 83

Statement affirmed on 16.8.83
 16.8.83 hours by R. N. Tewari
 The deponent has been identified by R. N. Tewari by
 Clerk of Shri R. N. Tewari, Sitapur.

I have examined the deponent and found him to be a
 deponent of sound mind and his contents
 intelligible and his signature is also
 explained by

16/8/83 R. N. Tewari
 NO. 100
 SITAPUR (Phuse)



3-9-89

C. m/s. - Affton No 4443 (u) - 85
In The Hon'ble High Court Of Judicature At Allahaba



Lucknow Bench Lucknow

Writ Petition no.3762 of 1984.

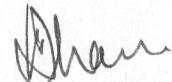
Uma Shanker ----- petitioner.

versus

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

Application for condonation of delay in
filing counter-affidavit

For the facts and reasons given in the
accompanying counter-affidavit it is respectfully
prayed that the delay in filing the counter
affidavit may kindly be condoned and the counter
affidavit which is being filed herewith be
accepted and taken on record.


(U. K. DHAON)
Add. Standing Counsel

Central Government.

9.10.84.


15-4-85

6

Hans D. McRae, I.
Hans K. McRae, I.

Delay condoned. Let counter
affidavit be taken on record. If
copy has been served on learned
counsel for the petitions, he may
file responder affidavit within
two weeks. No further time will
be allowed.

b. 1/2

16. 4. 1985.



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

COUNTER-AFFIDAVIT ON BEHALF OF OPPOSITE-PARTIES
NOS. 1 TO 3 TO THE WRIT PETITION.

In re

Writ Petition No. 3726 of 1984.

Uma Shanker. Petitioner.

V E R S U S

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

I, Ishwari Prasad Sagar, aged about 56 years, son of Late Shri Net Ram Sagar, Superintendent of Post Offices, Sitapur Division, Sitapur, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is Superintendent of Post Offices Sitapur and as such he is fully acquainted with the facts of the case. The contents of the writ petition have been read over and explained to the deponent who has understood the same and its para-wise reply is as follows. That the deponent is competent to swear to this affidavit.
2. That the contents of para 6 of the writ petition ~~xx~~ are not disputed. It is further stated that on receipt of complaint the appointment file of the petitioner was reviewed by the Director of Postal Services, Lucknow Region, Lucknow and it was found that the appointment of the petitioner on the post of Extra Departmental Branch Postmaster (EDBPM) Dahawa was irregular.

Ishwari Sagar

3
1/2

3. That the contents of para 2 of the writ petition are denied. It is further stated that although the minimum qualification for the appointment on the post of Extra Departmental Branch Postmaster is VIIIth Standard but Matriculation or equivalent are to be preferred.
4. That the contents of para 3 of the writ petition are not disputed.
5. That the contents of para 4 of the writ petition as stated are denied.
6. That the contents of para 5 of the writ petition are not disputed.
7. That the contents of para 6 of the writ petition as stated are denied.
8. That the contents of para 7 of the writ petition as stated are denied.
9. That in reply to the contents of para 8 of the writ petition the contents of Annexure No. 2 are not denied. Rest of the contents of this para are denied. It is further stated that as it was found by the Director of Postal Services, Lucknow Region, Lucknow that the appointment of the petitioner was irregular. The Director of Postal services, Lucknow vide his letter dated July 13, 1984 ordered that the appointment of Sri Una Shanker (Petitioner) as Extra Departmental Branch Post Master, Dahawa be cancelled and appointment of Srimati Ram Mohini Devi be made. In compliance of the order of the

2/2/1984



Director of Postal Services, Lucknow Region, Lucknow the services of the petitioner were terminated with immediate effect under Rule 6 of Extra Departmental Agents (Conduct and Services) Rules, 1964 vide Office Memo No. A-90/E, dated July 20, 1984. A true copy of the letter dated July 13, 1984 is filed as Annexure C-1 and true copy of the Memo No. A-90/E, dated July 20, 1984 is filed as Annexure C-2 to the counter-affidavit.

10. That the contents of para 9 of the writ petition as stated are denied.
11. That the contents of para 10 of the writ petition as stated are denied. It is further stated that the petitioner was avoiding to receive the termination order dated July 20, 1984 and, therefore, the same was passed on the door of his house on July 28, 1984. It is further stated that the copy of the Memo No. A-90/E, dated July 20, 1984 was also endorsed to the Inspector of Post Offices, Sitapur and he was asked to get the charge transferred to Mail Overseer immediately. The Inspector of Post Offices, Sitapur Central Sub-Division ordered Sri Raghunath Prasad Overseer Mahmoodabad to take complete charge of Extra Departmental Branch Post Master, Dahawa and to work as such till further orders by letter No. A/Dahawa, dated July 23, 1984.
12. That in reply to the contents of para 11 of the writ petition the contents of ~~para~~ Annexure No. 3 are not disputed. Most of the contents of this para are denied. It is further stated that the Mail



*27/2/84
R. J. A.*

१३६ ६
इन दि आनरेबूल हाई कोर्ट आफ युडीकेवरसेट इलाहाबाद,
लखनऊ बैन्च, लखनऊ

रिट पिटीशन नं०- 3726 आफ १९८४

उमा ईंकर --

„, पिटीशनर

बनाम

यूनियन आफ इण्डिया आदि --

„, अपो. पार्टीज

अनेग्जर नम्बरसी-।

भारतीय डाक तार विभाग
प्रेषक,

निदेशक डाक सेवाये,
लखनऊ ईंकर, लखनऊ

सेवा में,

श्री आई० पी० सागर,
अधीक्षक डाक घर,

पत्रांक- निडाल/ अ॒तिवि/ सी- ५४/८३/२, दिनांक लखनऊ १३.७.८४

विषय:- शाखा डाक पाल दहावा जनपद सीतापुर की नियुक्ति का मामला
सन्दर्भ :- आपका पत्र स-७०/ ई दिनांक ५.६.८४

निदेशक डाक सेवा लखनऊ ने उपरोक्त मामले के पुर्ण निरीक्षण के पश्चात् यह पाया कि शाखा डाकपाल दहावा के पद पर जिस व्यर्थित की नियुक्ति की गई है वह मात्र कक्षा आठ पास है। जब कि अन्य अध्यार्थी श्रीमती राम मोहिनी देवी कक्षा दस १० पास हैं और योग्य अध्यार्थी होते हुये भी उसकी नियुक्ति नहीं की गई।

अतः निदेशक महोदय ने आदेश दिये हैं कि श्री उमा ईंकर की शाखा डाकपाल दहावा के पद पर की गई नियुक्ति तुरन्त प्रभाव से रद्द की जाती है। अन्य प्रार्थिती श्रीमती राम मोहिनी देवी जो हाई स्कूल पास हैं, की नियुक्ति शाखा डाकपाल दहावा के पद पर की जाय।

शाखा डाकपाल दहावा की प्रबन्धीय नियुक्ति पंजिका । क्रमांक । १ से १७३ भी वापस की जा रही है कृपया पावती स्वीकार करें तथा कृत कार्यवाही से इस कायलिय को भी अवगत करायें।

भवदीय,

सड़न्डर-

१ तुफ़्ल अहमद, ।
सहायक निदेशक,
कृते निदेशक डाक सेवाये,
लखनऊ ईंकर, लखनऊ

सत्य- प्रतिलिपि।

High Court

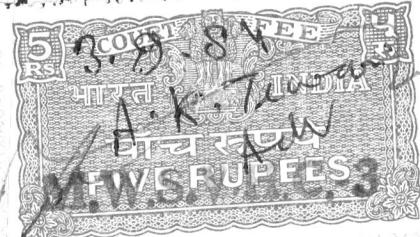
Lucknow Bench, Lucknow.

महोदय

ब अदालत श्रीमान

वादी (मुद्दे)
प्रतिवादी (मुद्दालेह)

का वकाल

KRISHNA KUMAR SINGH & वादी (मुद्दे)
ANOTHER

बनाम

DISTRICT BOARD, BAHRAICH प्रतिवादी (मुद्दालेह)
& OTHERS.W.B. नं० मुकद्दमा ३७९६ सन् १९८५ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

एडवोकेट

महोदय

ANIL KUMAR TIWARI

20, STATION ROAD, 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 प्रैवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से दिगरी
जारी करावें और स्पष्ट व सूल 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 स्पष्ट जमा करें या हमारी या विपक्ष (फरीकसानी) का
दाखिल किया स्पष्ट अपने या हमारे हस्ताक्षर-दुवत (दरतखती)
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 भेजता रहूँगा अगर मुकद्दमा अदम प्रैवी में एक तरफा मेरे
खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर
नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण
रहे और समय पर काम आवे।

For 21st Paradise, Behraich

साक्षी (गवाह)..... साक्षी (गवाह).....

हस्ताक्षर दामदाता प्रमाण
मेरी अधिकृती जिम्मेदारी

दिनांक ३.८.८५ महीना

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

Writ Petition No. 3726 of 1984

Uma Shankar

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
Adv.

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

Dated : 31-7-84

8/

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

C.S.-P.

No.

8726

of 198

vs.

8/

Date	Note of progress of proceedings and routine orders		Dated of which case is adjourned
1	2	3	
31-7-84.	<p style="text-align: center;">Hon D.N. Jha, Hon B. Keenar,</p> <p style="text-align: center;">— Admit. notice for the respondents — —</p> <p style="text-align: center;">Union of India.</p> <p style="text-align: center;">Sct. D.N. Jha. Sct. B. Keenar 31-7-84.</p> <p style="text-align: center;">C.M. No 7645 (ad. by)</p>		
31-7-84.	<p style="text-align: center;">Hon D.N. Jha, Hon B. Keenar,</p> <p style="text-align: center;">— learned counsel for the Union of India — —</p> <p style="text-align: center;">suspended.</p> <p style="text-align: center;">Sct. D.N. Jha. Sct. B. Keenar 31-7-84.</p>		
3-8-84.	<p style="text-align: center;">Service Report.</p> <p style="text-align: center;">Notices on behalf of C.P. Nos. 1 to 3 has been received by the 2 Standing Counsel for Central Govt. Sri D.S. Randhawa, Adv.</p> <p style="text-align: center;">May office proceed?</p> <p style="text-align: center;">VIII 31/8/84</p> <p style="text-align: center;">463 Newer 80 918</p>		8/

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	29. 8. 84 2. 24. 8. 84. Freda CRA 7645 Wdy	3
		of 10th 6/1
29/8/84	Fixed in C.M.P. on me 7643 (as 84. Hoos'le B. Keenan, L.	2
	19. 9. 84. Freda C.M. 7645 Wdy 9445 Wdy C.M. Anno 9445 @ 84. For Gideon Relief	of 11 P.M.
5-9-84.	Gen B Keenan, wt along with the record.	
	Sd: B Keenan 5-9-84.	
19984.	Cm 7645-84; 944-84. W orders	
	Hm: Hm S 88 19/9/84	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. No. 3726 of 198 4
25.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
259-84	Cmnr 7645-8944-84. vs. de 8A3	
10 8/10/84	S. Asst SA CMNR 7645 & 8944-84 Mouse A7	
	Learned Counsel representing 6-union of India pays for and is allowed one week's time to file a counter-affidavit. List immediately after the expiry of one week.	
	John 8/10/84 4	
25.10.84	J. M. 7645 vs. 9445-84 M. A. C. S.	8/10/84

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
164-85	cmr no 494300 85 for consideration of delay	
164-85	seen D.W. Jha? seen R.W. Nagayat	Delays condoned
164-85	allowed	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	
164-85	Sd: D.W. Jha Sd: R.W. Nagayat 164-85	

reviewed by the Director of Postal Services, who by letter dated 13.7.84, a copy whereof is being filed as Annexure 4 to this writ petition/application, terminated the applicant's services and appointed one Srimati Ram Mohini Devi in the place of the applicant, although the applicant was never informed nor was given any opportunity of hearing by the reviewing authority before passing the alleged termination order dated 20.7.84, Annexure 5, by the Supdt. of Post Offices Sitapur, respondent no. 2. The order contained in Annexure 5 is not in proper exercise of powers vested in the appointing authority vide Rule 6 of the EDA (Conduct & Service) Rule 1964 and for reasons of that, it is illegal, null & void and inoperative. The applicant still continues to hold the charge of the Post Office, though he has been illegally and arbitrarily restrained from performing his duty.

iii) The following ground may be permitted to be added as ground no. (g) after ground no. (1)

"(g)" Because the Director of Postal services has no jurisdiction to review the applicant's appointment and sit any rate behind his back and order his termination from Service and appointment of Smt. Ram Mohini Devi by his order Annexure 4 and the consequential order dated 20.7.84 passed by the Supdt. of Post Offices, Sitapur is not in bonafide exercise of the powers vested in the appointing authority under Rule 6 of the EDA (Conduct & Service) Rules 1964 and hence unwarranted in operative, illegal and null & void.

iv) The following alterations and additions be permitted to be made in the prayer :-

(a) The full stop at the end of para(1) of prayer be deleted and the following be added :-

"as also the impugned order of termination dated 20.7.84 as contained in

P/C

Annexue 5 besides the order of appointment issued in favour of Smt. Ram Mohini Devi, if any, after summoning its original copy from the respondents".

(b) The following may be added after deleting the full stop at the end of para (ii) of the prayer :-

"and treat the applicant in continuous appointment with all consequential benefits attached to the posts and pay arrears thereof with interest."

4. That the proposed amendments are necessary in the interest of justice and they do not alter the nature of the case.

LUCKNOW

M. Dikher
P.W.

3HTPTnC
Applicant

Dated : 29.11.90

U.S.A. , United States, Washington

TA no 1519/87

Uma Shankar 1/2 U.O.S & others

Annexure 4/5

1/8

उन दिन बानरेश्वर द्वारा ओर अक्षय बुडीपेश्वर द्वारा दाता दाता,
लम्जु वेष्य, लम्जु

रिकार्ड नं- 3726 अक्षय 1984

उमा शंकर -

पिटीमर

बनाम

बुद्धिमत्त अक्षय बुद्धिमत्त अक्षय -
उम्बर नगरली ।

...प्रदीप शर्मा

भारतीय उत्तर विभाग

लम्जु,

निदेश उत्तर विभाग,
कलानीक अम, लम्जु

लम्जु मे,

मी अक्षय दीप शंकर,
अक्षय उत्तर विभाग

पत्रिका- निकाल अ विभाग- 54/83/2, दिनांक 26/3/13-7-84

पिता:- शाश्वत शंकर वाल दाता बनाम दीप शंकर का पापा
सुन्दरी :- अक्षय दीप ४-७०/ दिनांक ५-६-८४

मिट्टेश्वर उत्तर विभाग लम्जु ने अपरिवर्तन मास्त्रे के सुन्न निरीक्षा के
परिणाम द्वारा दाता शंकर दाता दाता के पद पर जित व्यक्तिगत भी
नियुक्ति भी नहीं है यह भाव उक्त शंकर दाता पापा के ज्ञान विषय अध्यार्थी
श्रीमती राम श्रीमती देवी दीप ८८/१०/ पापा है और योग्य अध्यार्थी ही है
ही भी उक्ती नियुक्ति नहीं भी नहीं।

इतः निदेश उत्तर विभाग ने अदेश दिनों में भी उमा शंकर शंकर
दाता शंकर दाता के पद पर भी नहीं नियुक्ति दुर्लभ ग्राम से सदृश भी
बाती है। अन्य श्राविकों भी भी राम श्रीमती देवी दीप दाता दाता है।
भी नियुक्ति शाश्वत शंकर दाता दाता के पद पर भी नहीं।

शाश्वत शंकर दाता भी ग्रुहांशीय नियुक्ति दीक्षित । श्राविक ।
। है । १३१ भी वापस भी वा रही है क्योंकि श्रीमती देवी दीप के तथा शंकर
श्रीमती है ज्ञ श्राविक को भी उपरांत भरती।

भूतीद,

8/13/84/-

। दृष्टि अवधि,

शाश्वत शंकर,

श्रीमती देवी दीप शंकर,

लम्जु मे, लम्जु

दाता- श्रीमती देवी दीप
श्रीमती देवी दीप
लम्जु मे, लम्जु

In the C.W.T., Circuit Bench, Lucknow

TA No 1519/87

PA

Uma Shankar v/s U.O.G & others

Annexure A/5

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

Lucknow Bench, Lucknow.

COURT AFFIDAVIT

In re

Writ Petition No. 3726 of 1984.

Uma Shankar. Petitioner.

V E R S U S

Union of India and others. Opposite-Parties.

ANNEXURES No. C-2.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPDT. OF POST OFFICES, SITAPUR BN. 26100

Memo No. A-90/E

Dated at Sitapur the July 20, 1987.

The services of Sri Uma Shankar EDBPM Dahms are hereby terminated under rule 6 of Post Edms (Conduct and Services) Rules, 1964 with immediate effect.

Sd/-
Supdt. of Post Offices,
Sitapur Bn. 261001.

Copy to :-

1. Sri Uma Shankar EDBPM Dahms, Sitapur.
2. The IPOs (C) Sitapur. He will please get the proper charge transferred to the Mail O/S immediately.
3. The PM Sitapur.
4. O/C.
- 5-6. Spare.

M. Dubey
True copy

M. Dubey
P.W.

1/20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW



M.P. No. of 1990

in re :

T.A. No. 1519 of 1987(T)

(W.P. No. 3726 of 1984)

Uma Shanker

... ...

Applicant

in re :

(T.A. No. 1519 of 1987(T) W.P. No. 3726 of 1989)

Uma Shanker

... ...

Petitioner/
Applicant

versus

Union of India and others

... ...

Opposite Parties/
Respondents

Fixed for 9.3.1992

A F F I D A V I T

filed today
copy
24/2/92

I, Uma Shanker, aged about 41 years, son of Shri Sheo Ratan Lal, resident of Village and P.O. Dahawan, District Sitapur, do hereby state on oath as under :-

24/2/92

1. That the deponent is the petitioner/applicant in the above noted case and he is fully conversant with the facts deposed to in this affidavit.

That the deponent preferred a writ petition No. 3726 of 1984 in the Hon'ble High Court, Lucknow in July 1984, against his dislodging from the post of E.D. B.P.M., Dahawan, District Sitapur in an arbitrary and illegal manner on the purported order passed by the respondent No. 3 vide his letter dated 23.7.84, a true copy of which is annexed as Annexure - 2 to the writ petition. In this order, the respondents did not disclose that the deponent's services were terminated and in his place some other appointment was made.

Shankar

3. That the appointment of the deponent was made after observing all due formalities and after calling the names of candidates from Employment Exchange in a regular manner against a vacant post and the same could not be rescinded or altered without a show cause notice to the deponent.
4. That the Hon'ble High Court, Lucknow Bench was pleased to pass an interim order dated 31.7.84 that the deponent would not be relieved from the office of the E.D. B.P.M. Post Office Dahawan, District Sitapur, if he had already ^{not} ~~been~~ relieved and the impugned order dated 23.7.84 (Annexure-2) shall remain suspended.
5. That the opposite parties/respondents did not honour the said order passed by the Hon'ble High Court, a copy of which was served on the respondent No. 3 on 2.8.84. The charge of the post office was not transferred by the deponent nor he was relieved of his post. All these facts were brought to the notice of the High Court by the deponent vide his application filed before the High Court in September 1984.
6. That the counter affidavit to the writ petition was filed by the opposite parties/respondents in September, 1984 and then only the deponent could know that the services of the deponent were terminated by alleged order dated 20.7.84 and one, Smt. Ram Mohini Devi was ordered to be appointed in his place under instructions given by the Director Postal Services, Lucknow, who is not the appointing/ authority for the post of E.D. B.P.M. The orders passed in the deponent's case were prejudicial, incompetent, malicious, irregular and void.

Yours sincerely
Yogeshwaran

7. That on coming to know that the services of the deponent were terminated by order dated 20.7.84 and one, Smt. Ram Mohini Devi was ordered to be appointed in his place under the instructions of the D.P.S., Lucknow, it became necessary to amend the writ petition by challenging the order terminating the deponent's services and appointment of Smt. Ram Mohini Devi.
8. That the deponent, under advice of the then counsel, sought to move amendment to the writ petition and also preferred to file rejoinder affidavit to the counter affidavit. The amendment application and rejoinder affidavit were prepared and their copies were given to the clerk of Shri U.K. Dhaon, Advocate, the then counsel for the Union of India on 23.11.84. The original copies showing receipt of their copies to the ~~said~~ said clerk on 23.11.84 are being filed separately.
9. That the case was transferred to the C.A.T., Allahabad on its creation, after November 1985, and from there it was transferred to Lucknow Circuit Bench.
10. That the case was dismissed for default on 20.3.90 and on application it was resotted on 11.12.90, and then the application for amendment was moved afresh .
11. That the case was taken up on 7.2.91 and while considering impleadment of Smt. Ram Mohini Devi as a party to the case, a question was raised whether Smt. Ram Mohini Devi who had been working as E.D. B.P.M. in place of the deponent from 1984 might be impleaded having regard to the time of limitation for which the deponent's counsel sought time to offer explanation.
12. That the deponent took immediate action for amendment of his petition on coming to know that his services were terminated and one, Smt. Ram Mohini Devi was

contd...4

(Signature)

proposed to be appointed in his place, on receipt of the counter affidavit, in September, 1984, and although the copy of amendment application was served on the Govt. counsel through his clerk, the same could not be filed in the court for want of proper opportunity, as stated earlier.

13. That the carnal point involved in the case, that the deponent's services were wrongly, prejudicially, maliciously and arbitrarily dispensed with against which the deponent has sought for remedy and the appointment of Smt. Ram Mohini Devi is a consequence of to that and therefore, it would be proper and in the interest of justice that Smt. Ram Mohini Devi be also made a party in order to have adequate opportunity to put up her case.
14. That it would be expedient in the interest of justice that the amendments as proposed by the deponent are allowed for proper adjudication of the controversy in issue by this Hon'ble Tribunal, after giving proper opportunity to Smt. Ram Mohini Devi as well.

Lucknow : *L*
Dated : *11.2.92*

Uma Shankar
DEPONENT

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 12 are true to my personal knowledge and those of paras 13 and 14 are believed by me to be true.

CM
Signed and verified this *11th* day of February, 1992
at Lucknow.

Uma Shankar
Dated : *11.2.92*

Uma Shankar
DEPONENT

I identify the deponent who is personally known to me and has signed before me.

M. DUBEY
(M. DUBEY),
Advocate.

Uma Shankar
Smt. *Uma Shankar*
COUNSEL FOR THE DEPONENT
Smt. *Uma Shankar*

IN THE CENTRAL ADMINISTRATIVE ADMINISTRATIVE
TRIBUNAL ADDL. BENCH ALLAHABAD

CIRCUIT BENCH LUCKNOW.

C. M. A. No. 215/90(C),
O. A. No. 3726 dt. of 1989.

T. A. No. 1519/87 (T)

Uma Shanker

Applicant.

Vs.

The Union of India and ors.

Opp. Parties.

APPLICATION FOR RESTORATION OF THE APPLICATION

The applicant respectfully begs to submit as under:-

*dated
20/3/90
filed today
S. P. 1990*

1. That the abovenoted application was fix for further orders on 20.3.1990 as no one had appeared on behalf of the opp. parties in the previous date before this Hon'ble bench at Lucknow.
2. That the applicant himself was present when the case was called out for the first time, he went to call his counsel to the Hon'ble High Court, in the meantime the case was called again and was dismissed in default.
3. That the petitioner along with his counsel reached at ~~1.30~~ 1.30 P.M. in the Hon'ble Tribunal, then he has come to know that the case was dismissed in default.
4. That the counsel for the petitioner was busy in the Hon'ble High Court when the

321/201

2.

case was called out and the petitioner ~~want~~ to call him. Both were not absent knowingly. The absence is accidental and is liable to be excused.

5. That the application is liable to be restored at its original number and is liable to be disposed off according to law.

6. That the petitioner and his counsel are begging for excusing them for their absence on 20.3.1990 before this Hon'ble Tribunal.

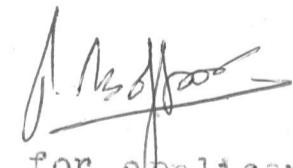
7. That the applicant will suffer a great irreparable loss if the application will not be restored at its original number..

— ~~XXXX: 21xxix~~

PRAYER.

The applicant prays ~~for~~ that the application in original may kindly be restored at its original number and may be disposed off according to law.

DATED: 21.3.1990.


Counsel for applicant


3m pich

X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH: ALLAHABAD
CIRCUIT BENCH LUCKNOW.

O.A.NO. of 1990.



Uma Shanker.

Applicant.

Vs.

The Union of India and ors.

Opp. Parties.

Affidavit.

I Uma Shankar aged about 40 years son of late Shiv ratan Lal r/o village and post Dahawa, district Sitapur do hereby solemnly affirmed herewith as under:-

1. That the deponent is filing herewith an application for restoration of the application.
2. That the contents of paras 1 to 4 and 6 of the application are true to the knowledge of the deponent.
3. That the contents of paras 5 and 7 of the application are true to the belief of the deponent.

DATED: 21.3.1990

3/12/90
Deponent.

Verification.

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

2.

of the affidavit are true to the knowledge and the contents of para 3 are true to the belief of the deponent. No part of it is false and nothing material has been concealed so help me God.

Signed and verified today the 21st day of March 1990 at Lucknow.

Signature
Deponent.

I identify the deponent who has signed before me.

21/3/1990
(P.N. Bajpai)
Advocate

Solemly affirmed before me on 21.3.1990 at 8.3 A.M. P.M. by Sri Uma Shanker the deponent who is identified by Sri P.N. Bajpai the Advocate High court Lucknow bench Lucknow.

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

Signature
SRI UMA SHANKER

621423/90
21/3/90

IN THE CENTRAL ADMINISTRATIVE ADMINISTRATIVE
TRIBUNAL ADDL. BENCH ALLAHABAD
CIRCUIT BENCH LUCKNOW.

O. A/ No. 8726 M/ of 1989.

Uma Shanker applicant.
Vs.

The Union of India and ors. Opp. Parties.

APPLICATION FOR RESTORATION OF THE APPLICATION

The applicant respectfully begs to submit
as under:-

1. That the aforesaid application was fixed for further orders on 20.3.1990 as no one had appeared on behalf of the opp. parties in the previous date before this Hon'ble bench at Lucknow.
2. That the applicant himself was present when the case was called out for the first time, he went to call his counsel to the Hon'ble High Court, in the meantime the case was called again and was dismissed in default.
3. That the petitioner along with his counsel reached at ~~at~~ 1.30 P.M. in the Hon'ble Tribunal, then he has come to know that the case was dismissed in default.
4. That the counsel for the petitioner was busy in the Hon'ble High Court when the

37/181/90

2.

case was called out and the petitioner went to call him. Both were not absent knowingly. The absence is accidental and is liable to be excused.

5. That the application is liable to be restored at its original number and is liable to be disposed off according to law.

6. That the petitioner and his counsel are begging for excusing them for their absence on 20.3.1990 before this Hon'ble Tribunal.

7. That the applicant will suffer a great irreparable loss if the application will not be restored at its original number..

XXXXX: 21XXXXX

PRAYER.

The applicant prays for that the application in original may kindly be restored at its original number and may be disposed off according to law.

DATED: 21.3.1990.

Counsel for applicant.

3/1/90

Xo

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH: ALLAHABAD
CIRCUIT BENCH LUCKNOW.

O.A.NO. of 1990.

Uma Shanker.

Applicant.

Vs.

The Union of India and ors.

Opp. Parties.

Affidavit.

I Uma Shanker aged about 40 years son of late Shiv ratan Lal r/o village and post Dahawa, district Sitapur do hereby solemnly affirmed herewith as under:-

1. That the deponent is filing herewith an application for restoration of the application.
2. That the contents of paras 1 to 4 and 6 of the application are true to the knowledge of the deponent.
3. That the contents of paras 5 and 7 of the application are true to the belief of the deponent.

DATED: 21.3.1990

3/1990
Deponent.

Verification.

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

X1

2.

of the affidavit are true to the knowledge and the contents of para 3 are true to the belief of the deponent. No part of it is false and nothing material has been concealed so help me God.

Signed and verified today the 21st day of March 1990 at Lucknow.

Brijendra
Deponent.

I identify the deponent who has signed before me.

(P.N.Bajpai)
Advocate.

Solemnly affirmed before me on 21.3.1990 at A.M. P.M. by Sri Uma Shanker the deponent who is identified by Sri P.N.Bajpai the Advocate High court Lucknow bench Lucknow.

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

ब अदालत श्रीमान

CA, Circuit Bench, Mumbai

महोदय

[वादी] अपीलान्ट

श्री Uma Shankar

प्रतिवादी [रेस्पान्डेन्ट]

का वकालतनामा



Uma Shankar

मुकदमा नं० ३८ सन्
TA/1959/87 T

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Uo9 & others
बनाम प्रतिवादी (रेस्पान्डेन्ट)

पेशी की ता० 12. 11. 1959 ई०

B. Solomon, Adv., M.A.

Mumbai and M. Duley, Adv. 4th Lane,
Manayya Ganeshganj, Mumbai

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है
देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा
द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई क
करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया
करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी अर्थ
से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा
उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का
दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती)
रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह
सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार
करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा
लगर 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।

हस्ताक्षर ३ मार्च १९५९

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 11

महीना 11

सन् १९५९ ई०

म. Duley
Adv.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

XX3

T.A. NO. 1519 of 1987 (T)

(W.P. NO. 3726 of 1984)

Uma Shanker

.....

Applicant.

Versus

Union of India & (P&T)

.....

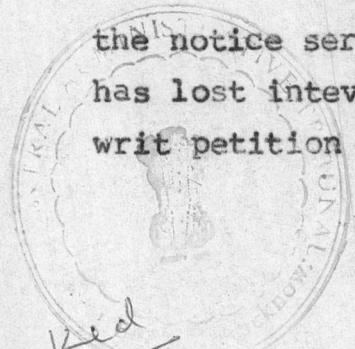
Respondents.

20.03.1990.

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

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

The petitioner has not appeared despite of the notice served to him. It appears that the applicant has lost interest in pursuing the matter. Therefore, the writ petition is dismissed without any order as to costs.



checked
Sd/-
22/3/90

Sd/-

A.M.

Sd/-

J.M.

// True Copy //

Ms/

M. B. M. G.
Deputy Registrar

Central Administrative Tribunal
Lucknow Bench,
Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

de
***** Gandhi Bhawan, Opp. Residency
No. CAT/LKO/JUD/CB/ 2390 To 2391 Lucknow -

Dated the : 12/12/09

T.A.No. of 1519 10-87

Uma Shankar

APPLICANT'S

Versus

Union of India

RESPONDENT'S

① To

Shri S.P. Shukla, Adv.
High Court, Lucknow.

Whereas the marginally noted cases has been transferred by
Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 3726/09

of 198

of the Court of

arising out

of Order date:

passed by

The Tribunal has fixed date of
25.1.09 198. The hearing
of the matter.

If no appearance is made
on your behalf by your same
one duly authorised to Act
and plead on your behalf

the matter will be heard and decided in your absence.

10

Given under my hand seal of the Tribunal this

day of 11

1989.

dinesh/

Shri. D. S. Randhawa f. Sh DEPUTY REGISTRAR

High Court, Lucknow

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

T. No. 1519 of 1987

No.CAT/Alld/Jud 40494- dated the 20/11

40576

Uma Shankar

APPLICANT(S)

VERSUS

Union of India & others

RESPONDENT(S)

1. Shri S.P.Shukla, Advocate, Lucknow High Court, Lucknow.
TO
2. " D.S.Randhawa, Advocate, Lucknow High Court, Lucknow.

Whereas the marginally noted cases has been transferred by
Lucknow High Court Under the provision of the
Administrative Tribunal Act XIII of 1985 and registered in this Tribunal
as above.

Unit Petition No. 3726
of 1984
of the Lucknow High Court, Lucknow

The Tribunal has fixed date of
6.11.89 1989. The
hearing of the matter at Gandhi
Bhawan, Opp. Residency, Lucknow.
If no appearance is made on your
behalf by your name one duly authorised to
act and plead on your behalf

the matter will be heard and decided in your absence.

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

dinesh/

DEPUTY REGISTRAR