

(See rule 114)

OA/TA/RA/CP/MA/PT TA.1539/87 of 20.....

~~Ahmad~~ Ahmad Hussain

Applicant(S)

Versus

U. C. F. 227

Respondent(S)

INDEX SHEET

Serial No.

DESCRIPTION OF DOCUMENTS

PAGE

1- Index Sheets.

4/12

2 - order sheets.

A2 to A7.

3 - Memo of Just. dt. 17-11-92

78 to 710

95 Index sheets.

7/11

8 - copy of petition from exorc.

ATC to AS)

6- Power

A.52

7 - *Cucurbitur* *affidavit*

AS 3 to AS 8.

Certified that the file is complete in all respects.

File B/A. ~~Used and destroyed~~

Signature of S.O.

Signature of Deal. Hand

Central Administrative Tribunal

Lucknow Bench

INDEX SHEET

Cause Title TA 1539 of 1987(T)

Name of the Parties Shri. M. K. Singh Applicant

Versus

Union of India Respondents.

Part A, B, C.

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 Order Sheet of High Court
 C-File - C1 - C9

B41

(AF)

ORDER SHEET

① OFFICE REPORT

An Application has been filed in this Tribunal for transferring the case No. 1539 of 87(T) to the Circuit Bench Lucknow.

If approved, 27th April 1988 may kindly be fixed for hearing at Circuit Bench Lucknow. In this regard the notices may be sent to the parties counsel.

John

Put up on 27.4.88 at Lucknow circuit Bench, Lucknow.

DR(T)

27.4.88 D.R(T)

1) Sri Aradhesh Kumar is present for the applicant, and Sri V.K. Chaudhary for the respondent. Reply has not been filed. Reply can be filed by 24.5.88.

John

DR(T)

24.5.88

② Sri Aradhesh Kumar is present for applicant and Sri V.K. Chaudhary for the respondent. Reply has not been filed. Reply can be filed by 18.7.88.

DR(T)

DR(T)

LS 37 / 37(T) (L)

A. K. M. Hussain vs. U. J. J. (H)
5th of June

Ref: No.

10/5/001

Miss. H. Kaur on behalf of Smt.
V. K. Chandan, A.V. for the respondent
is present and none of the
for the applicant. The time for
filing reply is 26/10/88
26/10/88 the date should be
Smt. V. K. A.V. is very
old and only one of the
by the date.

J
10/5

Ref: No.

5) 26.10.161

Sr. C. M. K. Kaur on behalf of Smt. A. Kaur,
Counsel for the applicant is present & none
appearing for the respondent. On the
request of applicant's counsel the
case is adjourned to 21-9-1988 for
reply

DR

6) 21.9.1988

DR

Both the parties is present.
Last opportunity for filing reply is
granted by 26/10/88

DR

7) 26.10.88

(On request, Case
sp. for 28/10/88. File
26/10/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

SINGLE BENCH AT BOMBAY.

~~C.A./T.A.~~ No. 1539 1987 (L)

Ahmed Hameed

Applicant(s)

Versus

N.O. & 4 ors.

Respondent(s)

Or.No.	Date	Orders
(8)	28.10.88	In L.F. Chowdhry Has reply on behalf of respondent to to be enrolled before by on counsel of applicant in idle High Court as he has not come & sufficient time has been given for his appearance. On 25.11.88 & respondent counsel & respondent to inform applicant's counsel also about date while giving reply on him. <i>[Signature]</i> 28/11/88 <i>[Signature]</i> Counselor S. Arifurrahman Senior Advocate & applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. T.A. 1539 of 87 of 198 .

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
24/4/89	Hon' Mr. DS. Misra, A.M. Hon' Mr.D.K.Agrawal, J.M. Shri A. Kumar, learned counsel for the applicant requests for further time to file rejoinder. Several opportunities were given to him to file rejoinder, but he has not availed of those opportunities. However, a last opportunity is given to him to file rejoinder if any, within a month. List this case for final hearing on <u>28-6-1988</u>. <i>J.M.</i> A.M. (sns) Hon' Mr. Justice K. Nath, V.C. Hon' Mr. K.J. Raman, A.M.	<i>TR</i> Counsel for applicant has not filed any rejoinder so far though last opportunity was given on last
28/6/89	On behalf of Shri Avadhesh Kumar, learned counsel for the applicant, it is stated that he is out of station. On a request on his behalf, the case is adjourned for <u>hearing on 4/8/89</u>. <i>Kor</i> A.M. <i>W</i> V.C. (sns)	<i>OR</i> Counsel for affl has not filed any rejoinder so far though last opportunity was granted on last time submitted for hearing. <i>h</i> 27/6
4.00	No sitting of Circuit Bench Day to 22.9.	<i>OR</i> No rejoinder filed submitted for hearing <i>h</i> 3/9
22.9.09	No sitting of D/B. Adj. to 14-11-09 for hearing Both the counsel are present.	<i>OR</i> No rejoinder filed submitted for hearing <i>h</i> 21/5

L
Boc

23.8.91

D.R.

Applicant is present
in person. O.P. is absent

Applicant to file

Rejoinder by 4/11/91.

4.11.91

D.R.

Both the parties are

present. Applicant to

file Rejoinder by

10/1/92.

ACD

10.1.92

D.R.

Counsel for applicant
is present. But he did
not file Rejoinder

he is further directed
to file it, by 24/3/92.

24.3.92

D.R.

Both the parties are

present. Applicant-

to file Rejoinder

by 22/4/92.

1539/87

A

22-4-92

AS

D.R.

Both the parties are present. Applicant to file Reply by 15/7/92.

15.7.92

D.R.

Respondent's side is present. counsel for applicant has sent adjournment application. case is listed for filing

Reply on 9/9/92.

211

4-9-92

D.R.

Applicant's Counsel is present. Reply has not been filed till to day. Case is very old. List for final hearing on 3-11-92.

211

3-11-92

No filing of D. R. on 10-11-92

10-11-92

2

D.R. has been filed
f.c.

13/11/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

~~O.A. NO~~ 199 (L)

T.A NO 1539/87

Date of Decision 17-11-92

Alimuddin Hassan Petitioner.

Shri Avadesh Kumar Advocate for the
Petitioner(s)

V E R S U S

U.O.I. Officers Respondent.

Shri V.K. Choudhary Advocate for the
Respondents

C O R A M

The Hon'ble Mr. Justice U.C. Sinastava, V.C.

The Hon'ble Mr. K. Obayya, A.M.

1. Whether reporter of local papers may be allowed to see the Judgment ?
2. To be referred to the reporter or not ?
3. Whether to be circulated to other benches ?
4. Whether ~~the~~ their Lord ships wish to see the fair copy of the Judgment ?

VICE-CHAIRMAN/MEMBER

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

T.A.No.1539 of 1987.

Ahmad HussainApplicant.

Versus

Union of India & othersRespondents.

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

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

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

This is a transferred application under section 29 of the Administrative Tribunals Act.

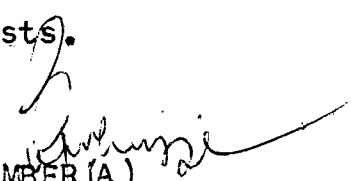
2. The applicant filed a writ petition before the High Court praying that a mandamus be issued directing the respondents no.1 to 3 to post him immediately as W.L.I(I) at Kheri Division, Kheri with all benefit and orders for recovery from respondent no.4 be also made regarding special pay of Rs.40/- per month paid to him illegally.

3. The applicant was working as Time Scale Clerk Grade III, Lakhimpur and out of two posts of Wireless Licence Inspectors (W.L.I) in Kheri Postal Division, Shri H.N.Shukla was officiating and according to the applicant although he was unqualified candidate and on the other post, qualified candidate was officiating. The first post was vacated by one Riyazuddin Ansari after completing his tenure of four years and Shri H.N.Shukla was ordered to officiate as unqualified candidate on that vacated post. More than four years have passed, Shri Shukla must have vacated the post and somebody else must have been appointed at his place. According to the applicant, it is because of the result of malafide of Shri J.N.Srivastava- respondent no.3, Superintendent of Post Offices,, Kheri that he has not been appointed to the post of W.L.I and that is why the disciplinary proceedings ended in censure entry and he was not

AC
A/10

promoted.

4. The respondents in their reply have pointed out that ofcourse the applicant was involved in the loss/fraud case but later on after enquiry, the punishment of censure was given. But the Reviewing Authority issued a show cause notice as to why the punishment may not be enhanced and the applicant is still not clear as to whether the punishment has been enhanced or not. As Shri H.N.Shukla has not already vacated the post, obviously, the applicant cannot claim any relief against aforesaid Shukla. From the counter affidavit, it appears that the appointment was made by Shri Tufail Ahmad and not by Shri J.N. Srivastava. Accordingly, the allegations/^{made}against him also go down. In case the applicant is otherwise eligible, the applicant's case may also be considered for promotion to the post of JLI but in case the ultimate punishment is more than censure, the applicant will not be entitled to the said post. Accordingly, the application stands disposed of. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED : NOVEMBER 17, 1992.
(ug)

GENERAL INDEX

CIVIL

SIDE

CRIMINAL

Chapter XLI, Rules 2, 9 and 15

(17)

Nature and number of case Writ 4322 - 84

Name of parties Ahmed Husein vs. Union of India

Date of institution 31-8-84

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-	Writ with Affidavit and Affidavit	39	-	102-00			
	2.	Powee	1	-	5-00			
	3+	Powee	1	-	5-00			
	4	Writ with Affidavit	1	-	-			
	5	Brief City	1	-	-			

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

Date _____

Munsarim
Clerk

Genorp-A.15C

6927 (141)

4372

12

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13178

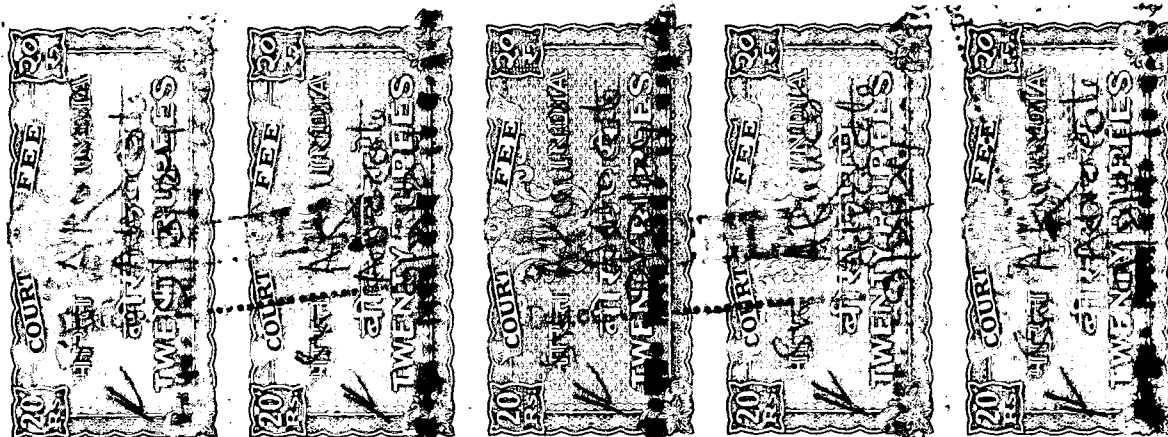
No.	Description of paper	No.
1.	Original	1 - 1
2.	Under No. 1. Paper	13 - 15
3.	" " " " " " " "	16 - 17
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11.	" " " " " " " "	-40-

1-11/84

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

A/3

Writ Petition No. 4372 of 1984.
(Lakhimpur Kheri)



Received copies for O. P's No. _____
Rs. 200 deposited on _____

for Chief Standing Counsel
High Court Allahabad
Lucknow Bench, Lucknow.

5 of 100/1
3/8/84

Ahmad Husain, aged about 40 years, s/o
Manna, Postal Assistant, P.O. Sankata
Devi, Lakhimpur-Kheri.

-----Petitioner

Versus

1. Union of India.
2. The Post Master General, U.P.
Circle, Lucknow.
3. Sri J.M. Srivastava, the Superintendent
of Post Offices, Kheri Division, Kheri.
4. Sri Har Narain Shukla s/o not known,
officiating Wireless Licence Inspector-I,
Kheri.

-----Opposite parties.

Writ Petition under Article 226
of the Constitution of India.

(H)
4/14

-2-

The humble petition of the abovenamed petitioner
begs to submit as under:-

1. That the petitioner entered into Post &
Telegraphs Deptt., w.e.f. 1.10.1965 as Time Scale
Clerk Grade-III and is working in the same
capacity till date. Now, his designation is
Postal Assistant and is posted at Sankata Devi
P.O. Lakhimpur in Kheri Postal Division in the scale
of Rs.260-480.

2. That there are two posts of Wireless Licence
Inspectors (W.L.I.) in Kheri Postal Division.
On the post of W.L.I.(I), Sri N.N.Shukla (opp-
party no.4) is officiating although he is an
unqualified candidate and on the post of W.L.I.(II),
Sri B.B.Singh is working as qualified candidate.
The first post of W.L.I. was vacated by one
Sri Riyazuddin Ansari after completing his
tenure of four years and Sri N.N.Shukla was
ordered to officiate on that vacated post of
W.L.I. (I) and he is still officiating as
unqualified candidate. The petitioner being a
qualified candidate is not being appointed as
W.L.I.

9-884

3. That the post of W.L.I. is filled up by
selection for which a departmental examination
is held from Time Scale Clerks of the division.
The post of W.L.I. is an allowanceable post for a

10/11-2

The officiating M.L.I. Shri Har Harain Shukla and other candidates were failed and could not compete the examination. This result was also circulated by the Supdt. of Post Offices vide his letter dated 3.12.63 as annexed and a copy of which was also endorsed to the petitioner. His name with roll number appears at Sl.No.30 of the said sheet.

6. That the Supdt. of Post Offices, Kheri, Sri J.N.Srivastava (Opp-party no.5) is biased and prejudiced with the petitioner merely on his union obligations and legitimate activities. The Supdt. Sri J.N.Srivastava has also a keen interest in Shri Har Harain Shukla, officiating M.L.I.(I) Kheri and he does not want to terminate his officiating arrangement. The Superintendent Kheri has posted Shri Har Harain Shukla as M.L.I. illegally against the provisions and conditions for the said post. Sri Shukla had worked as Treasurer Kheri for one year just before joining on the post of M.L.I. when the said post of Treasurer is allowance-able with Rs.40/- as special pay. This officiating is illegal and against rules. Moreover he was even not permissible to appear in the examination of M.L.I. also. With the view to get him officiated continuously, he had also terminated qualified M.L.I. (II) Shri B.B.Singh who having been aggrieved of the termination filed a writ petition and

obtained stay. Thereafter the said Superintendent has denied to appoint the petitioner as M.L.I. (I) Kheri to save his pet person Sri H.N. Shukla on the ground of pendency of the disciplinary proceedings against the petitioner. Sri Har Narain Shukla is still officiating illegally being unqualified and a promoted candidate to the post of L.S.G. (Lower Selection Grade) in the next higher scale of Rs. 425-640 and as such he is no more required to officiate the post of M.L.I.

7. That the post of M.L.I. is only for the cadre of postal assistants of time scale Rs. 260-480 and is not for those who have been promoted and approved in the next higher scale of Rs. 425-640. The said Sri H.N. Shukla officiating M.L.I. (I) Kheri has not been promoted in the next higher scale of Rs. 425-640, therefore he is not fit and entitled for officiating of M.L.I. even he is continuing as M.L.I. as a result of blindly favour and abuse of authority by the Superintendent Sri J.N. Srivastava (Opp-party no. 2); Actually his officiating arrangement should have immediately been terminated w.e.f. 30.11.83 when he has entered in the cadre of Rs. 425-640. Sri H.N. Shukla along with other postal assistants had been promoted and approved in the next higher scale of Rs. 425-640 w.e.f. 30.11.1983 by the P.M.G. (Opp-party no. 2) vide his letter dated 27.2.84 circulated by the Superintendent, Kheri, vide his No. B/Alg/Time bound

promotion dated 3.3.84. A true copy of the Memo No.3/PL/Time bound promotion dated 3.3.1984 is filed herewith as Annexure No.4. Srin. N. Shukla has been promoted in the next higher grade he is not entitled for officiating on the post of ...L.I. in the availability of a qualified candidate because the said post is only for time scale cadre and not for those who have been promoted in the next higher grade of Rs.425-640. The petitioner is still working in the time scale cadre and has not been approved and promoted in the next higher scale by the Departmental Promotion Committee (D.P.C.) as appears from the list of approved candidates as annexed.

8. That the petitioner should have been appointed on declaration of the result as per requirement of rules of P.F. Manual Volume IV as he has fulfilled all those conditions mentioned in the rule and as well in the letter of advertising the post of ...L.I. circulated by the Superintendent Kheri vide his letter dated 23.11.82 which is annexed as Annexure No.1. There was/is no such condition in the statutory rules for appointment of ...L.I. that the appointment would be withheld on pendency of the disciplinary proceedings etc. The words of rule "shall appoint" itself denotes that the appointing authority has no discretionary

power to add any extraneous condition in the statutory rule if all required conditions are fulfilled. His discretion is limited to the extent that the appointing authority in exercise of his discretion will only intimate error, if any, in the name or Role No. etc., before posting as it appears clearly from the last lines of the first para of the result sheets circulated by the P.A.G. vide his letter dated 30.11.83 but in doing so, the Supdt. Ameri being prejudiced has acted malafide and against the spirit of instructions and rules and has reported illegally and extraneous matter not relating with the case and the conditions already circulated by the authorities. The Superintendent of Post Offices, ^{Ameri,} (opp-party no.3) acted contrary to the instructions contained in the letter of result sheets and thus he has abused his discretion and referred the case of posting of the petitioner to Circle Office unnecessarily vide his letter No.B/BPEU/C1.III dated 27.12.83. A true copy of the said letter dated 27.12.83 is filed herewith as Annexure 10.5.

9. That the post of L.L.I. is not a promotion and is a simple allowanceable tenure post having a special pay of Rs.40/- p.m. only for four years as stated by the Superintendent of Ameri in the writ petition No.812/83 filed by Sri B.N. Singh. As such, the pendency of disciplinary proceedings, punishment of

file
12/20

-5-

censure or any other minor penalty are not a bar for appointment of M.L.I. Even these are also not a bar for promotion too.

10. That the petitioner was issued a charge sheet of minor penalty on 12.7.62 under rule 16 of CCS (CCA) Rules 1960 and was punished with "censure" by an order dated 3.12.62 but on making review of the case on 4.7.63, the Director Postal Services, Lucknow Region has remitted the case for re-enquiry after 6 months and thus the previous punishment imposed on the petitioner was automatically set aside and this re-enquiry which is not permissible after 6 months, is still pending against the petitioner on which ground his appointment as M.L.I. (1) Kheri has been illegally withheld by the Smt J.M. Srivastava S.P.O.8 (O.P.No.3) and thus the petitioner is sustaining a monetary loss of Rs.40/- per month and other prospects due to prejudice and illegal act of the Superintendent of Post Offices, Kheri. This pendency of disciplinary proceedings is prior to the commencement of the said examination of M.L.I. and not afterwards.

11. That the petitioner has requested again and again through representation dated 6.1.64 and reminder dated 4.5.64 for appointing him as M.L.I. but no need was paid by the opp-parties No.2 and 3. True copies of the representation

Ahmed

dated 6.1.84 and reminder dated 14.5.84 are filed herewith as Annexures No. 6 and 7 respectively. It is submitted that when the petitioner has heard nothing, he is compelled to come in writ petition for redress of his grievances, as he is sustaining a monetary loss per month and on the other hand a unqualified and unfit candidate Smt. H.M. Shukla is illegally officiating as L.L.I.(I) Ameri merely on abuse of powers and authority of the Superintendent Post Offices, Ameri, who is acting against the rules and the instructions in this regards. Non posting of petitioner being qualified candidate is also against the principles of natural justice and the provisions of statutory rule concerned. A true copy of Rule No.379/4 of P. & I. Manual Vol.IV Chap.VIII is filed herewith as Annexure No. 8.

12. Being aggrieved by the order dated 27.12.83 (Annexure No.5) passed by the S.P.O.s (O.P.No.3) and by not deciding the representation dated 6.1.84 and 14.5.84 preferred against the order dated 27.12.83, the petitioner files this writ petition on the following :-

- G r o u n d s -

a) Because the opp-party nos.1 to 4 have committed mistake in not giving post of L.L.I. to the petitioner which he has passed his examination of L.L.I. on 30.11.83.

b) Because with malefide intentions, Sri J.N. Srivastava the ~~Mr~~ S.P.O.s (C.P.No.4) did not post the petitioner on the post of A.L.I. and passed an illegal and invalid order dated 27.12.83 (Annexure No.5).

c) Because the opp-parties are acting illegally in giving chance of officiating the opp-party No.5 who is not qualified for the post and very junior to the petitioner.

d) Because the order for reviewing the punishment dated 4.7.83 is illegal and invalid when 6 months time from 8.12.82, the date of order of censure has already been expired on 8.6.1983.

e) Because the authorities concerned have committed mistake in not posting the petitioner on the post of A.L.I. as according to Post Telegraph Manual there is no bar in appointment or promotion for the post of A.L.I. even if any departmental proceeding is pending.

f) Because the authorities have committed mistake in starting to review the earlier punishment of censure as an employee cannot be punished twice for the same offence.

g) Because the authorities are even not deciding the representations of the petitioner dated

6.1.84 and 14.5.84 preferred against the order dated 27.12.83 passed by the S.P.Os. (O.P.No.4) and the matter is being kept pending just to harass the petitioner.

h) Because the authorities have not considered that the petitioner is even qualified for officiating the post of M.L.I. apart from his qualifying in the examination as he is running in time scale grade.

i) Because the opp-party no.4 has in arbitrary manner ordered for review the earlier punishment of censure to Circle Office (P.M.G.) just to give monetary loss and harassment to the petitioner and to get the opp-party no.5 continued on the said post of M.L.I.

j) Because the opp-party no.4 being promoted to the post of Lower Selection grade (425-640/-) and as such he is not entitled to continue for the post of M.L.I.

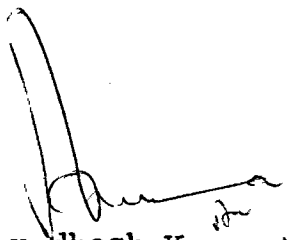
k) Because the opp-party no.4 being worked as a Treasure Kheri for one year having special salary of Rs.40/- which is also an allowanceable post and his permission in the examination for M.L.I. as well as his officiating is illegal and against rules.

Under the abovesaid circumstances, it is respectfully prayed that writ, direction or order in the nature of Certiorari be issued quashing the order dated 27.12.83 passed by the opp-party no.3 (Annexure No.3 to writ petition);

A writ, direction or order in the nature of Mandamus be issued directing the opp-parties no.1 to 3 to post the immediately as ...L.I.-(I) at Khari Division, Khari, with all benefit and orders for recovery from opp-party no.4 be also made regarding special pay of Rs.40/- p.m. paid to him illegally;

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

Lucknow, dated,
7.8.84


(Avadhesh Kumar)
Advocate.
Counsel for the petitioner.

-13-

(A21)
A
25

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

Crit Pet. No. of 1984.

Ahmad Husain

----Petitioner.

Versus

Union of India & others.

----Opp. parties.

Annexure No.1.

Redt/G-40/WLI/83/4

Postmaster General, Utter Pradesh Circle, Lucknow 226001.

Sub:- Examination for the selection of Time Scale Clerks
for posting as Wireless licence Inspector for
the 1982.

The next examination for the selection of WLI will
be held in the month of Feb. 1982.

The posts will be for a period of 4 years only
and candidate selected on the basis of the ensuing
examination can not claim for his retention on the
posts of WLI beyond aforesaid period.

The Divisions which have vacancies will give
wide publicity to the holding of examination and
collect application as per para 7.

-: CONDITIONS OF ELIGIBILITY :-

A time scale clerk must fulfil the following con-
ditions of eligibility for selection and posting
as W.L.I. :-

- (i) He must have put in at least five years
continuous service whether temporary or officiating

A22
A/20

followed by confirmation on 1st July 1982 extra ordinary leave shall not constitute break but shall not reckon towards the time limit of five.

(ii) He must not be ~~over~~ over 45 years age on 1.7.82.

(iii) He must be able to talk fluently in English and in local language.

(iv) He must have consistently good record of service for preceeding .

(v) He should not have worked in an allowanced post for 4 years preceeding the 1st July 1982.

(vi) He must be able to ride a bicycle and

(vii) He must be of active habits and smart in appearance.

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

1. The Indian Telegraphs Act, 1885 as ammended section 3,4,7, 20A, and 21 only.
2. The Indian Wireless Telegraphy Act, 1953 as amended.
3. The licence Wireless receiving (Appratus) Rule, 1965.
4. The Indian Wireless Telegraphy (possession) Rule, 1965.
5. The Commercial Broadcasting licence (Dealers) Rule, 1965.
6. The condition governing different types of licences.
7. Postoffice Rules of Broadcast Receiver licencing.
8. Important Government decisions on Broadcast receiver licencing.

5. The test will be of 3 hrs duration and will carry a maximum of 100 marks. No candidate who has

Handwritten notes and signatures in the left margin, including a large 'L' and 'gsm'.

obtained less than 45 marks shall be eligible for selection.

6. The examination will not be treated as obligatory for the purpose of T.A. under S.R.-130.

7. The officials who fulfil the conditions as in para (3) above and are desirous of taking the examination should submit their applications in the attached proforma (Annexure 'A') to their Divisional heads as to reach them not later than 30-11-82.

8. This may be given wide publicity immediately amongst the eligible staff provided there is vacancy in your Division.

Please acknowledge receipt of this letter.

No.:- B/Exam/MLIs/82

Dated at Kheri the 23-11-82.

Copy to :-

- 1- The P.M., Kheri/All the SPMs/MLIs in Kheri for wide publicity and necessary action.

Supdt of
Kheri.

—
True copy

1988

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In the Hon'ble High Court of Judicature at Allahabad, ²²
Sitting at Lucknow.

Writ Pet. No. of 1984.

Ahmad Husain

----- Petitioner.

Versus

Union of India & others.

-----Opp.parties.

Annexure No.2.

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

Memo No. B/Exam/..LI/82,

Dated at Kheri the, 24.6.83.

....

The following officials are hereby permitted to appear in the examination for selection of T/scales clerks for posting as ...L.I. to be held on 17.7.83, in pursuance of PMG UP Memo No. Rectt/G-40/81/4 dated 23.6.83. Their hall permits are sent h/w. They should reach the Examination Centre at the o/c Supdt of post offices Kheri at 9.00 hrs. on 17.7.83.

The candidate shown in Annexure II has not been allowed to appear in the examination for the reason noted against him.

Sl.No.	Roll No.	Name of Candidate	Division
1.	UP 245	S/Sri H.N.Shukla	Kheri
2.	UP 246	" Ahmed Hussain	"
4.	UP 248	" Sarve Jeet Singh	"
5.	UP 249	" Baboo Ram Mitra	"
6.	UP 250	" Subhashish Gupta	"

ANNEXURE II

Reasons

3. -- Sri Banarsi Prasad C.R. not satisfactory
-

Enclosed:

Hall permit

Sd/-

Supdt. of post offices,
Kheri Division,
Kheri.

Copy to,

P.M. Kheri. He will please arrange for booking of insured articles on the said date. He will also arrange for relief of concerned officials well in time for the purpose.

2. SPM Nighasan/G.G.Nath/Muhamdi for timing relief of the concerned officials.
3. O/c & Spare.

True copy

9-854

9-854

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

Writ Pet. No. of 1984.

Ahmad Husain

-----Petitioner.

Versus

Union of India & others.

-----Opp. parties.

Annexure No.3.

Copy of Commn. No.RDR/Con/Rectt/G-40/82 dated at
Lw. the, 30.11.83. from the PMG, UP Circle, Lucknow-
226001. copy forward to All SSPOs/SPOs and others in
UP Circle.

The following candidates at Time Scale cadres have
been declared successful for the post of WLI. The
examination was held on 17.7.83 for the vacancies of
1982. This is a tenurs post and the posting against this
result are limited to four years. The officiating
period, if any, of a particular official who has been
working as WLI on local basis will also be included to
determine the tenure of four years. The names of the
candidates where there are more than, and vacancies have
been arranged according to merit. The result has
been confined to number of vacancies and availability of
of qualified candidates in the examination in a
particular division/head office.

The SSPOs/SPOs/PMs (Class-I) will verify the
names/Roll No. etc. of the successful candidates and will
intimate about the errors to the undersigned immediately
if found any and the result may not be further
notified till the discrepancy is removed.

<u>Sl.No.</u>	<u>Roll No.</u>	<u>Name of the candidate</u>	<u>Division</u>
1.	UP-26	ShriDeo Dutt Sharma	Agra
2.	UP-8	P.K.Chaterji	Agra
3.	UP-53	Tajdar Hussin Ansari	Allahabad
4.	UP-49	Sushant Kumar Gardar	-do-
5.	UP-64	Ramesh Chandra Tewari	Almora
6.	UP-69	Vishwa Nath Tewari	Ballia
7.	UP-76	Jawahar Lal	Banda
8.	UP-81	V.S.Agrawal	Barailly
9.	UP-82	Surya Prakash Saxena	-do-
10.	UP-100	Salahuddin Siddiqui	Basti
11.	UP-108	Ram Autar Singh	Bijnaur
12.	JP-117	Brij Lal	Badaun
13.	UP-127	Ramanand	Bulandshar
14.	UP-143	Khilap Singh Parashwan	Chamoli
15.	UP-155	Maha Ram Singh Yadav	Etah
16.	UP-186	Tirath Nath Misra	Fatahgarh
17.	UP-190	Ganga Pd.	Ghaziabad
18.	UP-204	Anand Kumar Bajpai	Kanpur City
19.	UP-206	Ram Chandra Rathaur	-do-
20.	UP-220	Radhey Shyam Yadav-II	-do-
21.	UP-236	Ram Naresh Singh	Kanpur(M)
22.	UP-231	Ram Govind Singh	-do-
23.	UP-400	Tribhuwan Nath Singh	PM Kanpur MO
24.	UP-414	Shitala Bux Singh	Lko.GPO
25.	UP-4410	Hamant Kumar	-do-
26.	UP-296	Khurshsed Ahmad	Mirzapur
27.	UP-300	Satya Pal	Nainital
28.	UP-262	Devendra Singh Verma	Mathura
29.	UP-173	Bhriqunath Sahai	Fazabad
30.	UP-246	Ahmad Hussain	Kheri

(A20)
7/32

31.	UP-317	Shri Shankar Lal Dubay	Orai
32.	UP-290	Ramesh Chandra Saxena	Moradabad
33.	UP-291	Gajendra Singh Diwakar	-do-
34.	UP-344	L.R.Soneja	Saharanpur
35.	UP-350	Sewa Ram	-do-
36.	UP-348	Aftab Ahmad	-do-
37.	UP-363	Gajai Singh Rawat	Tehri
38.	UP-336	R.U.Maurya	Rae Barailly
39.	UP-390	Lal Chandra Misra	Varanasi-West
40.	UP-367	Kuldeep Narain Singh	-do-
41.	UP-360	Abdul zahir Khan	Shahjahanpur
42.	UP-324	Raj Mani Singh	Pratapgarh

Sd/-

(O.P. Malhotra)

Asstt. Director (Rectt.)

For Postmaster General, UP.

No.:- 3/Exam/L.L.I. Dated at Kheri the 3.12.83

Copy to:-

- 1) Shri Ahmad Hussain, P/A Nighasan S.O)
 - 2) The PM Kheri
 - 3) STAFF-1 Do Kheri.
- } for infarmati
on and n/.

Sd/-

Supdt. of Postoffices,
Kheri Division, Kheri.
Pin 262701.

True copy

ok, 2/12/83

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

Writ Pet. No. of 1984.

Ahmad Husain

-----Petitioner.

Versus

Union of India & others.

-----Opp. parties.

Annexure No.4.

Indian Posts and Telegraphs Department

Office of the Supdt. of Post Offices Kheri Division.

Memo.No. B/Rlg/Time bound promotion.

Dated at Kheri the 3-3-84.

In pursuance of P.M.G.U.P. Circle Lko memo.No.
STA/21-XA/Ch.IV/7 dated 27-2-84 undermentioned officials
in the scale of 260-480 are hereby ordered to be promoted
to the next higher scale of Rs. 425-640 with effect from
30-11-83 in connection with time bound one promotion
scheme:-

1. S/Sri S.S.Misra Offg. APM Kheri HO.
2. Sohanlal Kureel SPM Mailani
3. Azhar Imam offg. APM Kheri HO.
4. Mahboob Ali signaller L-Kheri.
5. Nasi Ahmad SPM Bankeyganj.
6. Keshab Chand P/A Kheri HO.
7. Chotey Lal Verma signaller L-Kheri.
8. S.N.Singh Yadav SPM Sampurnanagar.
9. Sarjoo Prasad SPM Nighasan.
10. D.N.Srivastava Tr. Kheri HO.

9/8/84

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11. S/Sri ~~xxxxx~~ R.D. Rastogi SPM Sankta Devi.
12. J.L. Neem SPM Sheopuri.
13. Sita Ram I P/A Kheri HO.
14. D.S. Srivastava OA D.O. Kheri.
15. M.H. Siddiaui -do-
16. H.N. Shukla WLI Kheri.
17. Bindra Prasad SPM Aira.
18. N.C. Misra SPM Kheri Town
19. Mohammad Fareed signaller L-Kheri.
20. I.H. Kirmani O/A D.O. Kheri.
21. Banarsi Prasad SPM Singahi.
22. Rama Pati SPM Dhaurahra.

(B) Following officials were although approved to be promoted in the next higher scale (425-640) by the DPC but their approval at divisional level will be considered on finalisation of disciplinary proceedings/ after currency of punishment awarded:-

1. S/Sri Abdul Ahed P/A Kheri HO.
2. B.B. Singh WLI Kheri.
3. Lekh Nath P/A Mohamdi.
4. C.B. Gupta P/A Kheri HO.
5. E.H. Rizvi P/A L. Kheri.

(C) The cases of the following officials will be decided by the DPC at Regional level on conclusion of disciplinary proceedings pending against them:-

1. S/Sri Shyam Pal Singh Signaller L-Kheri.
2. R.P. Rastogi SPM Bhira (under suspension).
3. Ahmad Hussain P/A Nighasan.

(D) Following official has not been found fit for promotion to the next higher scale. He has therefore been passed over.

1. Sri Noor Hasan Khan P/A L-Kheri.

Sd/- 3/3
(J.N. Srivastava)
Supdt. of Post Offices,
Kheri Division,
Kheri.

Copy forwarded to:-

1. All the officials concerned. The officials mentioned in para 1 of the memo and also the officials who are working at present as SPMs will submit their choice of three stations for posting as SPMs/PAs. well in time so as to reach this office by 25th March, 84.

The J.L.Is and treasurers will also submit their options for coming to the new scale or remaining in the scale carrying special pay.

2. All SPMs in Kheri Dn. for information and n/a.

3. P.M.Kheri alongwith 31 copies of the memo for service books of the officials concerned and necessary action.

4. P/Fs. of the officials concerned.

5. P.M.G.U.P. Circle, Lucknow with reference to his memo No. cited above.

6. The D.P.S. Lucknow Region, Lucknow for information

7. O/C and Spare.

Sd/-
Supdt. of Post Offices,
Kheri Division,
Kheri. 3/3

True copy

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

Writ Pet. No. of 1984.

Ahmad Husain

-----Petitioner.

Versus

Union of India & others.

-----Opp. parties.

Annexure No.5.

Indian Posts & Telegraphs Department

From:-

The Supdt. of Post offices,
Kheri Division, Kheri.

To:

Sri Ahmad Hussain,
Secretary, B.P.E.U. Cl.-III,
Kheri.

No.: - B/BPEU/Cl.III Dated at Kheri the 27.12.83

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

Dear Sir,

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

As regards your posting as P.A. at H.Q., it is
intimated that no such application regarding your
posting at H.Q. by virtue of being divisional secretary

was ever received hence the question of acceding to your request for posting at HQ does not arise. In case, if any official is re-elected as Divisional Secretary, the immunity regarding his transfer & putting him at H.Q. for the second year, have been withdrawn.

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

Yours Sincerely,

Sd/-

(J.N. Srivastava)

Supdt. of Post office
Kheri Division,
Kheri.

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In the event of a conflict of interest, the applicant shall be disqualified from being appointed to the post.

11/11/63 01 1004.

Dear Sir,

-----Petitioner

Union of India Government.

-----Opp-parties.

Annexure No. 6

Chief Minister General,
C.D. Circle,
Lucknow.

Through : Proper Channel.

Ref: C.O. Comm. No. 104/Cor/ Sect. 2-40/82 dated
08.11.63 circulated by the S.P.O. Aheri
No. 104/EX-2/ 11.12.63.

Sub: Representation for the appointment of L.I.
Aheri-I and the S.P.O. Aheri letter
No. 104/EX-2/ 11.12.63.

Dear Sir,

Most humbly and respectfully I beg to
pray for your sympathetic and kind judicious
consideration.

I am working as Postal Assistant Assistant
under Aheri Postal Division since 1965. I have been
permitted to take the examination of the District
Licence Inspector (L.I.) on 17.7.63 on the
express recommendation of Mr J. Narivasava,
Superintendent of Police, Aheri. I have been
declared successful in the said examination vide
District Office letter cited above. The S.P.O.
Aheri Division has required to issue formal
appointment order for this post of four year

9-682

Aheri J. Narivasava

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... having a ... of ... but out
of ... union obligations
etc., in ... order
... violence ... Office
reference to above. "The ... required to
issue ... 279/4 of P. & M.
... IV an ... about the
name ... etc., ... the
result ... did not
... in accordance ... extraneous
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... mental injuries
... attitude
for ... several ... for
... consequences if I continue to ... union obligations
... of ...
... but it ... of power
... however, the group ...
... is not being made as
... dated
... are not correct and are
... law
for the following reason :-

1. The ... is ...
not ... objection ...
and ... Office.
... have been ... appropriate
... recommending and permitting me to

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On 14th January 1980, Lucknow Region Vice President
in view of para 10(4) of Inspection report on
Divisional Office, dated 21.12.79 and itself
a copy enclosed, the proceedings under
Rule 14, Recovery of property of increments are not
a bar for one promotion. In Inspection report
it is the knowledge of Mr. J. Prasad that he
is working under the official in Rule 14
concerning the promotion, but an opposite
version is being given in the case of Mr. J. Prasad for
the Union activities. But for the fact that
taking notice of the official is given by the
working of criminal officers. Therefore, under
the view expressed by the court, the
provision of 'proceeding' or 'proceedings'
in the case of the court is not a bar to the
proceeding.

7(a). It is further stated that the court 3.9.79, Lucknow Region Vice President 10.1.1980/118/3-5-83/13 dated 4.7.83 is revised the original. The court order dated 10.1.80 is being given to the
(copy enclosed). In this regard, it is stated
above order of the court, it is illegal, void,
and of jurisdictional imperativeness per the rule
29(1) of C.P.D. Code. Rule 1980. The court
have reviewed any case in the court from the
date of order of the court is dated 10.1.80 in

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i. Use of "initial" exists on 8.8.80, so it
or or else 7.7.80 i. void, in our jurisdiction and
the entire in the eyes of the law, taking any notice
of it in the case of lower courts is correct inter-
pretation as against orders for initiation of review
proceeding in the case where there are facts from the
state of the case or notice from the court. Here act of
calling for record is not anything more can
certainly not be equated with initiation of a
proceeding for review, if it is only after the authority
has issued a proceeding under an issue a
notice to the applicant calling upon him to con-
sider the proceeding for review can not readily
be said to have been issued. If such a notice
is issued without any objection from the state
or order in favor of a period of limitation and
it is therefore illegal (Annexure-6).

7(b). The following advice is given by the Director:
The Commission will have to LL/Vig/L-8-5/83/13
case 4.7.83 & 4.8.83 and oppose to
the revision of the S or C or C.C.M. rules 1960
because it appears to interfere with at a time;
firstly, its own functioning and
secondly, existing cases are non-conducting open
ending under the rule. The rule are
concerning the other end cannot become
simultaneously, giving identical objects confronting
in nature, it takes no disciplinary action on

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to, for the purpose of administration, to the service,
and, region, and, in accordance to
reviewed under the law of 1/17/50/55/13
and 4,7,106 and 3,5,10 for judicial consideration
and, in, in accordance with the initiative under the
circumstances and, in accordance with the
circumstances and, in accordance with the

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Given your education and judicial consideration
of your earlier life and it is necessary
order to appoint me a J.I. I have been declared
useful after fulfilling all the written
conditions of J.I. I am even a non-qualified
and acting a J.I.

oping and awaiting for some decision.

10. 2. 1944

Dear Sir

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END OF REPORT

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2/10/2020

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

Writ pet. No. of 1984.

Ahmad Husain

----- Petitioner.

Versus

Union of India & others

----- Opp. parties.

Annexure No.8.

Posts & Telegraphs Manual Volume- IV(Chapter-VIII).

379/4. Wireless Licence Inspectors are attached to
Head Post Offices.

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

- (i) He must have put in at least five years'
continuous services whether temporary or
officiating, followed by confirmation on 1st
July of the year in which the selection is made.
Extraordinary leave shall not continue a break but
shall not reckon towards the limit of 5 years;

- (ii) He must not be over 45 years of age of 1st July of the year in which the selection is made;
- (iii) he must be able to talk fluently in English and in local language;
- (iv) he must have a consistently good record of service for the preceding five years;
- (v) he must be able to ride a bicycle; and
- (vi) he must be of active habits and smart in appearance.

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

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

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

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

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

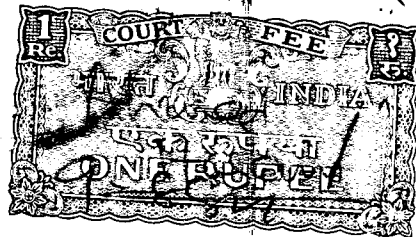
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In the Hon'ble High Court of Judicature at Allahabad,
Lahore and Ferozepore.

1984
AFFIDAVIT
31/9-7
HIGH COURT
ALLAHABAD



Affidavit

In re:

with a view to the constitution of India.

That I, the undersigned,

-----, do hereby

swear that

the constitution of India is a law

-----, and

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I, the undersigned, do hereby

swear that I am a citizen of India

and I do hereby declare that I am

not a member of any other

-----, and I do hereby

swear that I am a citizen of India

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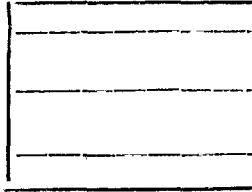
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Accepted

Abdulkadir Kulkarni
Advocate

Accepted

Sanjay Ramesh Pishori
Advocate

महोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करे या अन्य कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिग्री जारी करावे और रुपया वसूल करे या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करे और तसदीक करे या मुकद्दमा उठावे या कोई रुपया जमा करे या हमारी या विपक्ष (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखत] रसीद से लेवे या पंच नियुक्त करे वकील महोदय द्वारा की गई वह सब कार्यावाही 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 मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Sanjay Pishori

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

महीना

सन् १९ ई०

Amth Her'by Hgl. Coupl. of Muk'galeg at Allahabad
ब अदालत श्रीमान एवरेस्ट डिवाइन्, एवरेस्ट महोदय

5/7

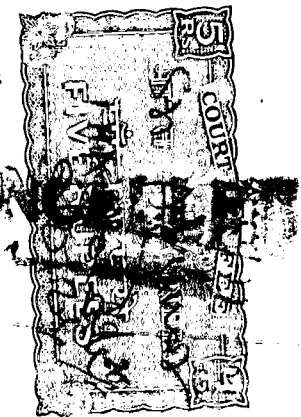
(PMT)

वादी अपीलान्ट
Kishanad Husain का

वकालतनामा

प्रतिवादी रैस्पान्डेन्ट

3



14/10/19

Amthad Husain

VS. बनाम

वादी

Union of Indus and others

न० मुकद्दमा

सन् १९

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

नाम अदालत	नाम करीकोन
नाम मुकदमा	

SP1 KADHESHI KUMAR, ADVOCATE
SP1 SATID PAZ A PAZVI, ADVOCATE

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

Writ Petition No. of 1984.

Ahmad Hussain.

-----Petitioner

Versus

Union of India & others.

-----Opp-parties.

I N D E X

S.No.	Description of papers	Page No.
1.	Writ Petition	1 - 12
2.	Annexure No.1: Letter dated 23.11.82.	
3.	" No.2: Letter dated 24.6.83.	
4.	" No.3: Receipt Sheet dt. 30.11.83 issued by P.M.G., U.P., Lko.	
5.	" No.4: Memo dt. 3.3.84.	
6.	" No.5: Letter dated 27.12.83.	
7.	" No.6: Representation dt. 6.1.84, and P.M.G. dt. 14.3.84	
8.	" No.7: Reminder dated 14.5.84.	
9.	" No.8: Rule No. 379/4 P.C. Manual Vol. IV Chap. VIII.	
10.	Affidavit	
11.	Power	

Lucknow, dated,
8.8.84

(Avedesh Kumar)
Advocate.
Counsel for the petitioner.

The humble petition of the abovenamed petitioner begs to submit as under:-

1. That the petitioner entered into Post & Telegraph Deptt., v.e.f. 1.10.1963 as Time Scale Clerk Grade-III and is working in the same capacity till date. Now, his designation is Postal Assistant and is posted at Sankata Devi P.O., Indore in Indri Postal Division in the scale of P.A. (I) - 100.

2. That there are two posts of Wireless Licence Inspectors (W.L.I.) in Indri Postal Division. On one post of W.L.I. (I), Shri H.N. Shukla (opposite) is officiating although he is an unqualified candidate and on the post of W.L.I. (II), Shri H.N. Singh is working as qualified candidate. The first post of W.L.I. was vacated by one Shri Rajaraman Ansari after completing his tenure of four years and Shri H.N. Shukla was ordered to officiate on that vacated post of W.L.I. (I) and he is still officiating as unqualified candidate. The petitioner being a qualified candidate is not being appointed as W.L.I.

3. That the post of W.L.I. is filled up by selection for which a departmental examination is held from Time Scale Clerks of the division. The post of W.L.I. is an allowenceable post for a

tenure of four years having a special pay of Rs.40/- p.m.

4. That the applications for appearing in the said examination for selection and appointment of P.L.I.(I) Kheri were called for by the Superintendent of Post Offices Kheri (O.P.No.3) amongst the staff of Postal Assistants of this scale in Kheri division vide his letter No.- 7/12-4/51/82 dated 20.11.82. A true copy of the said letter dated 20.11.82 is filed herewith as Annexure No.1.

5. It is stated that only five candidates were permitted to appear in the said examination of P.L.I. for vacancy of this scale vide letter No. 3/Exam/MLI/82 dated 24.6.83 issued by the Superintendent of Post Offices, Kheri Division. A true copy of the said letter No.3/Exam/MLI/82 dated 24.6.83 is filed by herewith as Annexure No.2. The said examination was held on 17.7.83 in pursuance of P.F.G., U.P. Lucknow (Opp-party no.2) Memo No. Rectt./G-40/01/4 dated 23.6.83.

6. That the petitioner was only declared successful in the said examination of P.L.I. held on 17.7.83 in Kheri Division. The result was communicated vide result sheet dated 30.11.83 issued by P.F.G., U.P., Lucknow. A true copy of the said communication of the result is filed herewith as Annexure No.3.

obtained stay. Thereafter the said Superintendent
was called to remove the petitioner as W.L.I. (I)
Alleged to have put person Sri H.K. Shukla on the
ground of pendency of the disciplinary proceedings
and to prevent him from re-employ Shukla
and all officers, allegedly being unqualified
and incompetent to hold the post of L.S.G.
(Lower Subordinate Grade) in the said higher scale
and to remove him from such post as no more required to
be employed in the post of W.L.I.

1. The post of S.L.I. is only for the cadre
of Rs. 260-480 and
if he has been promoted and
approved in the next higher scale of Rs. 425-640.
The S.L.I. scale of Rs. 260-480 (I)
has been promoted in the next higher scale
of Rs. 425-640, therefore he is not fit and entitled
for officiating of S.L.I. even he is continuing
as S.L.I. in spirit of clearly favour and
kindness of publicity by the Superintendent Sri J.N.
Shukla (Opp-party no.3); Actually, his
officiating appointment should have immediately
been terminated S.O. 30.11.33 when he has
entered in the cadre of Rs. 425-640. Sri H.N. Shukla
along with other postal assistants had been promoted
and approved in the next higher scale of Rs. 425-640
S.O. 11.12.1933 by the P.B.O. (Opp-party no.2)
vide his letter dated 27.2.34 circulated by the
Superintendent, Meer, vide his no.B/Rs./Time bound

power to add any extraneous condition in the statutory rule if all required conditions are fulfilled. His discretion is limited to the extent, that the appointing authority in exercise of his discretion will only intimate error, if any, in the name or Roll No. etc., before posting as it appears clearly from the last lines of the first para of the result sheets circulated by the P.M.G. vide his letter dated 30.11.66 but in doing so the Supdt. Ameri being prejudiced has acted mala fide and against the spirit of instructions and rules and has reported illegally and extraneous matter not relating with the case and the conditions already circulated by the authorities. The Superintendent of Post Offices, ^{Ameri,} (opp-party no.3) acted contrary to the instructions contained in the letter of result sheets and thus he has abused his discretion and referred the case of posting of the petitioner to Circle Office unnecessarily vide his letter No.E/DPEU/C1.111 dated 27.12.66. A true copy of the said letter dated 27.12.66 is filed herewith as Annexure No.5.

9. That the post of S.L.I. is not a promotion and is a simple allowanceable tenure post having a special pay of Rs.40/- p.m. only for four years as stated by the Superintendent of Ameri in the writ petition No.5130/66 filed by Sri B.L.Singh. As such, the pendency of disciplinary proceedings, punishment of

dated 5.1.84 and reminder dated 14.5.84 are filed herewith as Annexures No. 6 and 7 respectively. It is submitted that when the petitioner has heard nothing, he is compelled to come in writ petition for redress of his grievances, as he is sustaining a monetary loss per month and on the other hand a unqualified and unfit candidate Sri L.L. Shukla is illegally officiating as A.L.I.(I) Merit merely on abuse of powers and authority of the Superintendent Post Offices, Merit, who is acting against the rules and the instructions in this regard. Non posting of petitioner being qualified candidate is also against the principles of natural justice and the provisions of statutory rule concerned. A true copy of Rule No. 379/4 of P. & T. Manual Vol. IV Chap. VIII is filed herewith as Annexure No. 8.

12. Being aggrieved by the order dated 27.12.83 (Annexure No. 5) passed by the S.D.O. (O.P. No. 3) and by not deciding the representation dated 5.1.84 and 14.5.84 preferred against the order dated 27.12.83, the petitioner files this writ petition on the following :-

- G r o u n d s -

a) Because the opp-party nos. 1 to 4 have committed mistake in not giving post of A.L.I. to the petitioner which he has passed his examination of A.L.I. on 20.11.83.

2.1.51 and 11.2.51 preferred against the order dated 27.12.50 passed by the S.P.C. (O.P.No.4) and the matter is being kept pending just to harass the petitioner.

16) Because the authorities have not considered that the petitioner is even qualified for officiating the post of V.L.I. apart from his not lying in the examination as he is running a home scale grade.

17) Because the opp-party no.1 has in arbitrary manner ordered for review and earlier punishment of a return to Circle Office (P.M.O.) just to give monetary loss and harassment to the petitioner and to get the opp-party no.2 continued in the said post of V.L.I.

18) Because the opp-party no.2 being promoted to the post of Lower selection grade (420-640/-) and as such he is not entitled to continue for the post of V.L.I.

k) Because the opp-party no.2 being worked as a Revenue Kheri for one year having special salary of Rs.40/- which is also an illegal post and his permission in the examination for V.L.I. as well as his officiating is illegal and against rules.

In the People High Court of Judicature at Allahabad,
sitting at Lucknow.

Filed at. No. of 1934.

Person or firm

—Petitioner.

Versus

State of India & others.

—Opp. parties.

Annexure No. A.

Let/ -43/ 11/33/4

Postmaster General, Uttar Pradesh Circle, Lucknow 226001.

For - Examination for the selection of Line Scale
clerk for posting as wireless licence inspector-6
for the 1932.

The examination for the selection of III will
be held on 10 of Feb. 1932.

~~Subsequent to the examination for the selection of III posts~~
will be for a period of 4 years only and candidate
selected in the result of the ensuing examination can
not be considered for retention on the posts of III beyond
the above period.

The divisions which have vacancies will give
the priority to the holding of examination and
submit application as per para 7.

REQUIREMENTS OF ELIGIBILITY:-

Line scale clerk must fulfil the following con-
ditions of eligibility for his selection and posting
as follows:-

(1) He must have put in at least five years
continuous service whether temporary or of full time.

followed by confirmation on 1st July 1982 extra ordinary leave shall not constitute break but shall not reckon towards the time limit of five.

- (ii) He must not be over 45 years age on 1.7.82.
- (iii) He must be able to talk fluently in English and in local language.
- (iv) He must have consistently good record of service for preceding .
- (v) He should not have worked in an allowanced post for 4 years preceding the 1st July 1982.
- (vi) He must be able to ride a bicycle and
- (vii) He must be of active habits and smart in appearance

Candidates fulfilling the above conditions will have to give a written test on the following subjects:-

1. The Wireless Telegraphs Act, 1935 as amended sections 3, 4, 7, 20A, and 31 only.
2. The Indian Wireless Telegraphy Act, 1952 as amended
3. The licence Wireless receiving (Apparatus) Rule, 1965
4. The Indian Wireless Telegraphy (possession) Rule, 1965.
5. The Commercial Broadcasting licence (Dealers) Rule, 1965.
6. The condition governing different types of licences.
7. Postoffice Rules of Broadcast Receiver Licencing.
8. Important Government decisions on Broadcast receiver licencing.
9. The test will be of 3 hrs duration and will carry a maximum of 100 marks. No candidate who has

but those less than 45 marks shall be eligible for selection.

6. The examination will not be treated as obligatory for the purpose of C.E. under S.B.-130.

7. The officials who fulfill the conditions as in page (5) above and are desirous of taking the examination should submit their applications in the form of program(Worksheet) to their divisional heads as to speed them not later than 30-11-82.

8. This may result in more publicity immediately
towards the eligible staff provided there is vacancy in
that division.

Please call to learn receipt of this letter.

60-10789-10000 letter at head the 23-11-82.

1- 2000, 2001/2002, 2003/2004, 2005/2006, 2007/2008, 2009/2010, 2011/2012, 2013/2014, 2015/2016, 2017/2018, 2019/2020, 2021/2022, 2023/2024, 2025/2026, 2027/2028, 2029/2030, 2031/2032, 2033/2034, 2035/2036, 2037/2038, 2039/2040, 2041/2042, 2043/2044, 2045/2046, 2047/2048, 2049/2050, 2051/2052, 2053/2054, 2055/2056, 2057/2058, 2059/2060, 2061/2062, 2063/2064, 2065/2066, 2067/2068, 2069/2070, 2071/2072, 2073/2074, 2075/2076, 2077/2078, 2079/2080, 2081/2082, 2083/2084, 2085/2086, 2087/2088, 2089/2090, 2091/2092, 2093/2094, 2095/2096, 2097/2098, 2099/2100, 2101/2102, 2103/2104, 2105/2106, 2107/2108, 2109/2110, 2111/2112, 2113/2114, 2115/2116, 2117/2118, 2119/2120, 2121/2122, 2123/2124, 2125/2126, 2127/2128, 2129/2130, 2131/2132, 2133/2134, 2135/2136, 2137/2138, 2139/2140, 2141/2142, 2143/2144, 2145/2146, 2147/2148, 2149/2150, 2151/2152, 2153/2154, 2155/2156, 2157/2158, 2159/2160, 2161/2162, 2163/2164, 2165/2166, 2167/2168, 2169/2170, 2171/2172, 2173/2174, 2175/2176, 2177/2178, 2179/2180, 2181/2182, 2183/2184, 2185/2186, 2187/2188, 2189/2190, 2191/2192, 2193/2194, 2195/2196, 2197/2198, 2199/2200, 2201/2202, 2203/2204, 2205/2206, 2207/2208, 2209/2210, 2211/2212, 2213/2214, 2215/2216, 2217/2218, 2219/2220, 2221/2222, 2223/2224, 2225/2226, 2227/2228, 2229/2230, 2231/2232, 2233/2234, 2235/2236, 2237/2238, 2239/2240, 2241/2242, 2243/2244, 2245/2246, 2247/2248, 2249/2250, 2251/2252, 2253/2254, 2255/2256, 2257/2258, 2259/2260, 2261/2262, 2263/2264, 2265/2266, 2267/2268, 2269/2270, 2271/2272, 2273/2274, 2275/2276, 2277/2278, 2279/2280, 2281/2282, 2283/2284, 2285/2286, 2287/2288, 2289/2290, 2291/2292, 2293/2294, 2295/2296, 2297/2298, 2299/2300, 2301/2302, 2303/2304, 2305/2306, 2307/2308, 2309/2310, 2311/2312, 2313/2314, 2315/2316, 2317/2318, 2319/2320, 2321/2322, 2323/2324, 2325/2326, 2327/2328, 2329/2330, 2331/2332, 2333/2334, 2335/2336, 2337/2338, 2339/2340, 2341/2342, 2343/2344, 2345/2346, 2347/2348, 2349/2350, 2351/2352, 2353/2354, 2355/2356, 2357/2358, 2359/2360, 2361/2362, 2363/2364, 2365/2366, 2367/2368, 2369/2370, 2371/2372, 2373/2374, 2375/2376, 2377/2378, 2379/2380, 2381/2382, 2383/2384, 2385/2386, 2387/2388, 2389/2390, 2391/2392, 2393/2394, 2395/2396, 2397/2398, 2399/2400, 2401/2402, 2403/2404, 2405/2406, 2407/2408, 2409/2410, 2411/2412, 2413/2414, 2415/2416, 2417/2418, 2419/2420, 2421/2422, 2423/2424, 2425/2426, 2427/2428, 2429/2430, 2431/2432, 2433/2434, 2435/2436, 2437/2438, 2439/2440, 2441/2442, 2443/2444, 2445/2446, 2447/2448, 2449/2450, 2451/2452, 2453/2454, 2455/2456, 2457/2458, 2459/2460, 2461/2462, 2463/2464, 2465/2466, 2467/2468, 2469/2470, 2471/2472, 2473/2474, 2475/2476, 2477/2478, 2479/2480, 2481/2482, 2483/2484, 2485/2486, 2487/2488, 2489/2490, 2491/2492, 2493/2494, 2495/2496, 2497/2498, 2499/2500, 2501/2502, 2503/2504, 2505/2506, 2507/2508, 2509/2510, 2511/2512, 2513/2514, 2515/2516, 2517/2518, 2519/2520, 2521/2522, 2523/2524, 2525/2526, 2527/2528, 2529/2530, 2531/2532, 2533/2534, 2535/2536, 2537/2538, 2539/2540, 2541/2542, 2543/2544, 2545/2546, 2547/2548, 2549/2550, 2551/2552, 2553/2554, 2555/2556, 2557/2558, 2559/2560, 2561/2562, 2563/2564, 2565/2566, 2567/2568, 2569/2570, 2571/2572, 2573/2574, 2575/2576, 2577/2578, 2579/2580, 2581/2582, 2583/2584, 2585/2586, 2587/2588, 2589/2590, 2591/2592, 2593/2594, 2595/2596, 2597/2598, 2599/2600, 2601/2602, 2603/2604, 2605/2606, 2607/2608, 2609/2610, 2611/2612, 2613/2614, 2615/2616, 2617/2618, 2619/2620, 2621/2622, 2623/2624, 2625/2626, 2627/2628, 2629/2630, 2631/2632, 2633/2634, 2635/2636, 2637/2638, 2639/2640, 2641/2642, 2643/2644, 2645/2646, 2647/2648, 2649/2650, 2651/2652, 2653/2654, 2655/2656, 2657/2658, 2659/2660, 2661/2662, 2663/2664, 2665/2666, 2667/2668, 2669/2670, 2671/2672, 2673/2674, 2675/2676, 2677/2678, 2679/2680, 2681/2682, 2683/2684, 2685/2686, 2687/2688, 2689/2690, 2691/2692, 2693/2694, 2695/2696, 2697/2698, 2699/2700, 2701/2702, 2703/2704, 2705/2706, 2707/2708, 2709/2710, 2711/2712, 2713/2714, 2715/2716, 2717/2718, 2719/2720, 2721/2722, 2723/2724, 2725/2726, 2727/2728, 2729/2730, 2731/2732, 2733/2734, 2735/2736, 2737/2738, 2739/2740, 2741/2742, 2743

Supdt of
Chari.

True copy

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

Writ Pet. No. of 1984.

Ahmed Hussain

----- Petitioner.

Versus

Union of India & others.

----- Opp. parties.

ANNEXURE II.2.

Indian Posts & Telegraphs Department

Office of the Asst. Secy. of Posts & Tele. Shri M. Shri.

Ref. No. P. 1004/15/82.

Dated at Shri. Secy, 24.6.83.

....

The following officials are hereby permitted to
appear in the examination for selection of 1/ scales
officers for posting as A.L.O. to be held on 17.7.83, in
consequence of P.O. Memo No. Rectt/G-40/81/4 dated
23.6.83. Their hard copies are sent h/w. They should
reach the examination Centre at the o/c Asst. Secy of Posts
offices Shri at 9.00 hrs. on 17.7.83.

The candidate shown in Annexure II has not been
allowed to appear in the examination for the reason
noted against him.

Sl.No.	Roll No.	Name of Candidate	Division
1.	245	Shri M. Shukla	Shri
2.	246	Ahmed Hussain	"
3.	248	Harve Jost Singh	"
4.	249	Baboo Ram Mitre	"
5.	250	Subhashish Gupta	"

Amritsar 11

Reasons

3. -- Sri Anand Prasad C.S. not satisfactory

Enclosed:

Will permit

Ad/-

Supdt. of post offices,
Kheri Division,
Kheri.

and to,

1. Kheri. He will please arrange for booking
of insured articles on the said date. He will also
arrange for relief of concerned officials well in time
for the purpose.

2. -- Mr. Anand Prasad Nath/Muhamad for timing relief of
C.S. on dates of release.
3. -- /C.S. above.

True copy

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

Suit No. of 1984.

Shri. Misra

-----Petitioner.

Versus

Union of India & others.

-----Opposites.

Exposure No. 3.

Copy of Order. No. 12/10/1000/3-40/82 dated at
Lucknow, 30.11.82. From the Hon. J. Judge, Lucknow-
220001. To be forwarded to all Divs/Offs and others in
the Circle.

The following candidates at time scale cadres have
been declared successful for the post of A.I. The
examination was held on 17.7.82 for the vacancies of
1981. It is a public post and the posting against this
post will be limited to four years. The officiation
period, if any, of a particular official who has been
working as an on local basis will also be included to
determine the tenure of four years. The names of the
candidates where there are more than one vacancies have
been arranged according to merit. The result has
been confined to number of vacancies and availability of
of qualified candidates in the examination in a
particular division/head office.

The J. J. (Sd./As) (Class-I) will verify the
names/roll no. etc. of the successful candidates and will
intimate about the same to the undersigned immediately
if found any discrepancy the result may not be further
notified till the discrepancy is removed.

<u>No.</u>	<u>Roll No.</u>	<u>Name of the candidate</u>	<u>Division</u>
1.	-26	Araseo Mitt Sharma	Agra
2.	-8	S. S. Chatterji	Agra
3.	-53	Asghar Hussain Ansari	Aligarh
4.	-49	Aslam Umar Farid	-do-
5.	-64	Amresh Chandra Tewari	Amra
6.	-50	Ashwath Nath Tewari	Ballia
7.	-75	Asghar Lal	Banda
8.	-31	A. S. Choudhary	Barilly
9.	-21	Asghar Choudhary	-do-
10.	-100	Asghar Choudhary	Basti
11.	-103	Asghar Choudhary	Bijnaur
12.	-117	Asghar Lal	Budaun
13.	-117	Asghar Lal	Budaun
14.	-117	Asghar Lal	Budaun
15.	-117	Asghar Lal	Budaun
16.	-135	Asghar Lal	Budaun
17.	-136	Asghar Lal	Budaun
18.	-204	Asghar Lal	Budaun
19.	-206	Asghar Lal	Budaun
20.	-220	Asghar Lal	Budaun
21.	-236	Asghar Lal	Budaun
22.	-231	Asghar Lal	Budaun
23.	-400	Asghar Lal	Budaun
24.	-414	Asghar Lal	Budaun
25.	-410	Asghar Lal	Budaun
26.	-296	Asghar Lal	Budaun
27.	-300	Asghar Lal	Budaun
28.	-262	Asghar Lal	Budaun
29.	-173	Asghar Lal	Budaun
30.	-246	Asghar Lal	Budaun

31.	8-317	Lal Chander Lal Dubay	Orai
32.	8-290	Ramesh Chandra Saxena	Moradabad
33.	8-291	Sojendra Singh Dwivedi	-do-
34.	8-344	S. S. Sonjeia	* Baharmour
35.	8-310	S. S. Sonjeia	-do-
36.	8-348	Altab Ahmad	-do-
37.	8-363	Rajai Singh Dewat	Unai
38.	8-306	S. S. Sonjeia	Baghpat
39.	8-390	Lal Chandra Vira	Varanasi- est
40.	8-367	Siddhant Singh Singh	-do-
41.	8-306	S. S. Sonjeia	Baghpat
42.	8-344	S. S. Sonjeia	Baghpat

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(100-111111)

Actl. Director, Actl.

*on Postmaster Demand, U.S.

Page 1 and 2. 2700 at Albert Ave 3.12.63

2017 60.

- 1) ... head ... again, 5/1 ... (highest ...)
2) ... Robert ... } for 1 ...
3) ... -1 ... Robert. ... } on ...

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Head. of Postoffices,
Local Division, Miami.
In 362701.

True copy

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

Crit. Pet. No. of 1984.

Mohd. Hussain

-----Petitioner.

versus

Union of India & others.

-----Opp. parties.

Annexure No. 4.

Indian Posts and Telegraphs Department

Office of the Asst. Dir. Post Offices Kheri Division.

No. /21/Time bound promotion.

Dated at Kheri the 3-3-84.

In pursuance of P.A.O.O. Circle Lko memo. No.

/21-2/Ch.IV/7 dated 27-2-84 undermentioned officials
on the scale of Rs. 260-480 are hereby ordered to be promoted
to the next higher scale of Rs. 425-640 with effect from
30-11-83 in connection with time bound one promotion
scheme:-

1. S/ri S.A. Misra Offg. Asst Kheri HO.
2. Chandra Lal Kureel SPM Mailani
3. Zahar Imam oflg. Asst Kheri HO.
4. Baboo Lal signaller L-Kheri.
5. Asst Ahmad of Bankeyganj.
6. Asst Ahmad of A Kheri HO.
7. Motay Lal Verma signaller L-Kheri.
8. S.M. Singh Yadav SPM Sampurnanagar.
9. Bijoo Prasad SPM Nighason.
10. M. Shivactava Tr. Kheri HO.

11. / rixxxxxx L.S.Nastogi PM Sankta Devi.
12. J.L.Neem GPO Anoopuri.
13. 100 Bar 100/1 Cheri D.
14. Livastava P. .O. Cher 1.
15. In lodi -do-
16. Tukis M. Cheri.
17. Madna Pras d 100 Aira.
18. Nara B. Cheri Dowd
19. Prasad Prasad signaller 1-Cheri.
20. Anani 100/1 .O.Cheri.
21. Prasad Prasad Singahi.
- Maunahra.

(B) Following officials were although approved to be promoted to the next higher scale (425-640) by the Board, their approval at divisional level will be subject to confirmation of disciplinary proceedings/award of currency of emolument awarded:-

1. / 11 April 1968 / 11 April 68.
2. ... 11 April 1968.
3. ... 11 April / 11 April.
4. ... 11 April / 11 April 68.
5. ... 11 April / 11 April.

The cases of the following officials will be decided by the District Regional level on conclusion of disciplinary proceedings pending against them:-

1. / Mr. Nayan Pal Singh Signaller (Cheri).
2. / Mr. Mastagi SPM Shira (under suspension).
3. / Ahmad Hussain P/A Nighas n.

(a) Following official has not been found fit for promotion to the next higher scale. He has therefore been passed over.

1. Sri Hoor Hasan Khan 4/3 -Kheri.

To/-
3/3
(S. N. Srivastava)
Supt. of Post Offices,
Kheri Division,
Kheri.

Copy forwarded to:-

1. All the officials concerned. The officials mentioned in para 1 of the memo and also the officials who are working at present as well will submit their choice of three stations for posting as P.O.s. well in time so as to reach this office by 25th March, 84.

2. S.D.O.s and treasurers will also submit their options regarding to the new scale or remaining in the scale carrying special pay.

3. S.D.O. Kheri for information and a/c.

4. S.D.O. alongwith 31 copies of the memo for service books of the officials concerned and necessary action.

5. S.D.O. of the officials concerned.

6. S.D.O. Circle, Lucknow with reference to his memo to. cited above.

7. S.D.O. Lucknow Region, Lucknow for information.

8. S.D.O. and pare.

Sd/-
Supt. of Post Offices,
Kheri Division,
Kheri. 3/3

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

Lit. Net. No. of 1984.

Handwritten: Handwritten

~~-----~~ Petitioner.

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SECRET

parties.

004XU-66-10-2

William George Coleman, Jr. Department

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As Asst. of Post Offices,
Recd Division, Mexi.

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21 Ahmad Hossain
 22 22-03-77, 23-03-77, 24-03-77,
 23 25-03-77.

1.1- / 4.1.1. 1993 27.12.93

Dr. [redacted] your [redacted] [redacted] [redacted] and
[redacted] as [redacted] [redacted].

1987

On 21.12.83, the letter dated 21.12.83
on the above subject, it is intimated that no notice
has been given because of the holding of elections
as on 4.12.83 . However, the matter regarding giving
the union a notice to your union has been referred to

and regarding your posting to I.A. of A. ., it is
 likewise that no such application regarding your
 posting at I.A. by virtue of being divisional secretary

take the examination. As all these things were also existed at and before the time of appearing me in the examination i.e. during the period from 12.7.62 to the date of examination (17.7.63), the report having no new thing or base, is, therefore, bogus, prejudicial and baseless(as per Annexur 1 and 2 annexed).

2. No doubt I was censured by the S.P.O.s Aheri illegally vide his letter dated 6.12.62 but even the punishment of 'Censure' is not a bar for promotion or for appointing me as M.L.I., as per law of land and held by the Hon'ble Courts in India (copy enclosed) Annexure 3.

3. That pendency of an enquiry against me as such is also not a bar for promotion or appointing me as M.L.I. as per law and the Govt. instructions issued from time to time in this regard (copy enclosed) Annexure 4).

4. That proposed punishment of stoppage of next one increment for two years as per show cause notice issued by the worthy D.P.S., Lucknow, Region is also not a bar for promotion, if it is ultimately imposed on me as per the views expressed by him in his I.R. d dated 21.12.79/26.6.80 of D.O., Sitapur.

this case. This limit expired on 6.6.83, so his order dated 4.7.83 is void, without jurisdiction and imperativex in the eye of law, so taking any notice of it is an abuse of powers because correct interpretation as per law of land for initiation of reviewed proceedings is that such procedure starts from the date of issue of notice for show cause. Mere act of calling for records without anything more can certainly not be equated with initiation of a proceeding for review. It is only when the authority decides upon proceeding further and issues a notice to the delinquent calling upon him to show cause that proceedings for review can reasonably be said to have been commenced. If such a notice issued after expiry of six months from the date of order is after the period of limitation and is, therefore illegal. (Annexure-6).

7(b). That show cause notice as issued by the D.F.S. Lucknow Region vide his memo No. BDL/Vig/A-3-2/83/13 dated 4.7.83 was also ambiguous and opposed to the provisions of rule 29 of C.C.S.C.C.A. Rules 1960 because it speaks two different things at a time; firstly, it speaks for enhancing punishment and secondly remitting the case for conducting open enquiry under rule 14. Both these acts are confronting each other and cannot be done simultaneously having different objects confronting in nature, it makes the disciplinary authorities of

Copy forwarded to the Director, Postal Services,
Lucknow, Region, Lucknow, with reference to
reviewed case under No. R.O.L./Vig/M/3-5/83/13
dated 4.7.83 and 5.9.83 for judicious consideration
and dropping the proceedings as initiated under the
circumstances and reasons mentioned in this
application and oblige.

Thanking you.

Date: January 6th, 1984.

Sd. Ahmad Hussain,
(Ahmad Hussain)
6.1.84
P.A. Nigam,
Kheri.

True copy.

- (ii) he must not be over 45 years of age of 1st July of the year in which the selection is made;
- (iii) he must be able to talk fluently in English and in local language;
- (iv) he must have a consistent record of service for the preceding five years;
- (v) he must be a native born; and
- (vi) he must be of good character and of good appearance.

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

- 1. The Indian Wireless Act, 1930, as amended, section 1, 3, 4, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- 2. The Indian Wireless Telegraphy Act, 1930, as amended.
- 3. The Licensing of Wireless Receiving Apparatus Rules, 1931.
- 4. The Indian Wireless Telegraphy (Amendment) Rules, 1965.
- 5. The Commercial Wireless Receiving Licensing (Amendment) Rules, 1965.
- 6. The Commercial Wireless Receiving Licensing (Amendment) Rules, 1965.
- 7. The Commercial Wireless Receiving Licensing (Amendment) Rules, 1965.
- 8. Important Government decisions on Commercial receiver licensing.

The test will be of 3 hours duration and will have a maximum of 100 marks. The examination will be conducted by the District Officer which will be responsible for the management in regard to setting up of the question papers, valuation of answer books. Selection will be made on the basis of the order of merit obtained by the candidates in the Division/ or all the City Units in the examination. However, if the candidate, having an order of merit, has obtained less than 45 of marks shall not be eligible for selection. In case of war, candidates who have obtained an order of merit later shall be selected on the basis of their positions in the Divisional Gradation List.

Candidates who are appointed as Wireless Licence Inspectors shall be appointed on a temporary basis and shall hold such a post for a period of 3 years. They shall be appointed at a time. An official who has been appointed as Wireless Licence Inspector for 3 years shall be eligible to be appointed to hold such a post within the next 3 years. The period of tenure shall not be extended in any case except on very strong administrative grounds. The order of merit of the Director-General should be maintained.

Candidates shall be selected for the immediate vacancies and no reserve list shall be maintained. No selection shall be made for appointment in leave vacancies or casual vacancies, but the Superintendents of police offices shall appoint postmaster not under a permanent appointment. In case offices shall appoint, at the discretion of the official who fulfils the conditions in such cases.

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

Affidavit

In re:

Writ Petition under Article 226 of
the Constitution of India.

Ahmed Hussain.

-----Petitioner

Versus

Union of India & others.

-----Opp-parties.

I, Ahmed Hussain, aged about 40 years, s/o
Sarna, Postal Assistant, P.O. Sankata Devi,
Meerapur-Aheri, do hereby solemnly affirm on
oath and state as under:-

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

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

T.A. No. 1534 of 87(L)

(Writ Petition No.4372 of 1984)

Ahmed Hussain

... Petitioner

Versus

Union of India & others .. Opp. parties

COUNTER AFFIDAVIT ON BEHALF OF THE OPPOSITE PARTIES.

1988
AFFIDAVIT
84/88
DIST. COURT
U.P.

I, Daya Ram aged about 51 years, son of Sri Bacha-
Ram at present posted as Superintendent of Post Offices, Kheri
Division, Kheri, do hereby solemnly affirm and state as under:-

1. That the deponent is Opposite Party No.3 in the above writ petition and has been authorised by other opposite Parties to file this counter-affidavit on their behalf.
2. That the deponent has read and understood the contents of writ petition, its annexures and other documents attached therewith, as well as the facts deposed hereinunder in reply thereof.
- 2.A. That before giving parawise reply to the writ petition it is submitted that the post of Wireless Inspector have since been abolished with effect from 1.4.85 and proceedings pending against the petitioner has also been finalised vide order Memo dated 6.3.86 and he was awarded punishment of stoppage of next increment for only 3 months, Thus Writ petition is liable to be dismissed as infructuous.

3. That the contents of para 1 of the Writ Petition are admitted, as stated.

4. That in reply to the contents of para 2 it is submitted that the post of W.I, I, II fell vacant on the completion of tenure of Shri Riazuddin on 23rd June 1982. In order to fill up this vacancy

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willingness from eligible candidates from among the time-scale clerks was called for and, after scrutiny, Sri H.N. Shukla was ordered to work as W.L.I., Kheri, on temporary and adhoc basis vide Office Memo No. B/Arrgt/WLI, dated 22.6.82, as no approved candidate was available for appointment as W.L.I.

5) That the contents of paras 3 to 5 are admitted, as stated, in the writ petition.

6) That the contents of para 6 of the writ petition are wrong and, in reply, it is submitted that the allegations made therein against Sri J.N. Srivastava, the then S.P.O., are altogether baseless, as the Union activities had nothing to do with this writ petition. Moreover, although there were not less than 6 Union in Kheri Division, but Secretary of none had never made complaint of that nature. It is not at all correct to say that Sri H.N. Shukla was appointed on the post of W.L.I. by Sri J.N. Srivastava, who does not want to make any amendment in the arrangement. As a matter of fact, Sri H.N. Shukla was appointed on the post of W.L.I., by Sri Tufail Ahmad, the then S.P.O., Kheri, and not by Sri J.N. Srivastava, vide Office Memo No. B/ Arrgt/WLI dated 22.6.84, copy enclosed as Annexure A to this counter affidavit.

As per rules, before appointing a person on the post of W.L.I., it is essential to find out whether the candidate, who is otherwise qualified for the post, having passed the necessary departmental

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mental examination, should not be involved in the loss/fraud cases and there is no disciplinary proceeding pending against him. In the case of the petitioner, however, his service record was not clean in this respect, as is clear from the following facts:-

The petitioner was found involved in the fraud case against Sr Satya Narain Jaiswal, EDBPM, Bamhanpur, Distt. Kheri, who was also working as a clerk in a local school there. Sri Satya Narain Jaiswal collected 6 S.B. Pass Books belonging to the teachers school/in which he was also working as a clerk, showed fictitious entries of deposits of Rs.1,28,500/- in the above pass books on 30.3.79, and, through an entry on 2.4.79, a withdrawal of Rs.1,28,500/- was shown, ~~xxxw~~ in the same pass books. During the course of enquiry it was found that the EDBPM concerned had requested the school teachers to sign the applications for withdrawal, fictitiously, solely, to earn 2% commission, payable to the EDBPM on the net deposit during the financial year. A Bill for Rs.2,751/-, being the accrued commission, was also submitted by the BPM to the then S.P.M., Nighasan. Enquiry in the matter revealed that Sri Jaiswal, the then BPM, Bamhanpur, was found to have committed this fraud in connivance with Sri R.S.Joshi and Sri Ahmad Hussain (the petitioner). Sri Ahmad Hussain was also charge-sheeted under Rule 16 of CCS(CCA) Rules, 1965, vide Office Memo dated

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12.7.82. The petitioner, in his defence, demanded oral enquiry under Rule 3 to 23 of Rule 14 of CCS(CCA) Rules, 1965, but it was inadvertently ignored by Sri J.N. Srivastava (Opposite Party No.3) on 8.12.82 who finalised the case/by awarding a "CENSURE" entry to the petitioner. Since "CENSURE" entry was no ban for further promotion, or for appearing at the Examinations, the petitioner was allowed to appear at the examination of W.L.I. In the meantime, the case of the petitioner was reviewed by the D.P.S., Lucknow Region, and ~~the~~ following the disciplinary proceedings in the above case, the petitioner was issued a show-cause notice, asking explanation as to why his next increment should not be stopped for 2 years. The petitioner submitted his representation on 17.7.83, which was considered by the D.P.S., Lucknow, who ordered to hold an enquiry as demanded by the petitioner under Rule 16(I)(V) of CCS(CCA) Rules, 1965, in the manner laid down in Rule 3 to 25 of Rule 14 which is in progress. Since the disciplinary proceedings had not been finalised and were in progress, the petitioner was not appointed to work as W.L.I., and Sri H.N. Shukla, the only candidate who showed his willingness to work on the post, was appointed as W.L.I. There was nothing irregular in the appointment of Sri H.N. Shukla to the post of W.L.I., as the candidates selected in LSG cadre were fully eligible for appointment as W.L.I., if any of them gave willingness for appointment as such.

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7) That the contents of para 7 of the writ petition are denied and the averments made in para 6 of this affidavit are reiterated. The petitioner

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as a matter of fact, was not promoted as W.L.I. because the disciplinary proceedings were pending against him.

8) That the contents of para 8 of the writ petition are not correct and, in reply, it may be stated that the petitioner was not entitled for appointment as W.L.I., on account of the disciplinary proceedings being pending against him and not because of the prejudicial attitude of the then S.P.Os., Kheri - Sri J.N.Srivastava.

9) That, in reply to the contents of para 9 of the writ petition, it is submitted that in the written statement filed by the then S.P.Os., Kheri, it was stated that the orders given by him prior to selection of Sri B.B.Singh as W.L.I. were not the promotional orders, but he was only allowed to officiate as W.L.I. temporarily on adhoc basis.

10) That, in reply to para 10 of the writ petition, the averments made in paras 7 & 8 of this affidavit are reiterated.

11) That, in reply to the contents of para 11 of the writ petition, it may be stated that it is a fact that the representation addressed to P.M.G., U.P. Circle, Lucknow, was an appeal against the orders of D.P.O., dated 27.2.84, declaring the petitioner as unfit for one time-bound promotion, and not against his non-promotion to the post of W.L.I., hence his appeal dated 31.3.84 has no relevancy with this case and will be dealt with suitably by the proper authority.

12) That, in reply to para 12 of the writ

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petition, it may only be stated that the petitioner's non-posting as M.L.I., was due to the fact that departmental rules did not permit to do so.

13) That the writ petition filed by the petitioner is not maintainable before the Hon'ble High Court, as the Parliament has promulgated the Administrative Tribunals on November 13, 1985 which came into force with effect from 1.11.1985 and provisions of Section 28 clearly bars the jurisdiction of this Hon'ble Court in the matter of recruitment or such matters concerning such recruitments.

Lucknow, dated
~~January~~ 1987
Sept 19th 1988


DEPONENT

Verification

I, the above named deponent, do hereby verify that the contents of paras 2 to 2 of the affidavit are true to my personal knowledge and those of paras 3 to 13 are believed to be true on the basis of official records and legal advice. No part of it is false and nothing material has been concealed, so help me God!


Date

Lucknow, dated
~~January~~ 1987
Sept 19th 1988


Deponent

I identify the deponent who has signed before me.


(V.K. CHAUDHARI)
Addl. Standing Counsel to
Central Govt.

Solemnly affirmed before me on 19/9/88 1987 at 6¹⁰ A.M./P.M.
by Sri Daya Ram, the deponent, who has been identified by Sri W.K. Chaudhari, Advocate, High Court, Lucknow Bench, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which were read over and explained to him by me.


19/9/88