

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

Sri Dhan Tha

FORM OF INDEX

- VS -

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

1546

1987(T)

U O 9.2 am

PART - I

WP No. 5487/84

1. Index Papers :- CI to 03 ✓
2. Order Sheet :- 4 to 5 & 8 to 14 ✓
3. Any other orders :- 6 to 7 on MP No. 3236/85 ✓
4. Judgement :- 15 to 16 of 7/5/91 ✓
5. S.L.P. :- NIL

Part (I)

- 1- Copy of Petition / Annexure A17 to A44
- 2- Affidavit A45 to A46
- 3- Power / Appointment Appli. A47 to A50
- 4- Affidavit / Affidavit A51 to A68

29/12/90
DY. Registrar

29/12/90
Supervising Officer

29/12/90
Dealing Clerk

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

29/12/90
Dealing Clerk

~~File 13/12/90 by order of court / destroyed~~

So (5)

06/9/91

V.K. Mishra

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

INDEX SHEET

CAUSE TITLE T.A. 1546/27(A) of 19

NAME OF THE PARTIES

Shri Smt. Dheer Jha Applicant

Versus

Union of India & Respondent

Part A, B & C

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CIVIL
CRIMINAL

SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case *wd 5487-84*

Name of parties *Sr. Dhan Jha vs Union of India*

Date of institution *19-11-84*

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	<i>with Anna and appendix</i>	<i>30</i>	<i>-</i>	<i>102</i>	<i>00</i>		
	2	<i>Poun</i>	<i>1</i>	<i>-</i>	<i>5</i>	<i>00</i>		
	3	<i>CMA 3236 (1) 685</i>	<i>6</i>	<i>-</i>	<i>7</i>	<i>00</i>		
	4	<i>CMA 3236 (1) 685 for Amendment</i>	<i>6</i>	<i>-</i>	<i>7</i>	<i>00</i>		
	5	<i>ad-shed</i>	<i>1</i>	<i>-</i>				
	6	<i>back copy</i>	<i>1</i>	<i>-</i>				

I have this day of 198 , examined
the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date.....

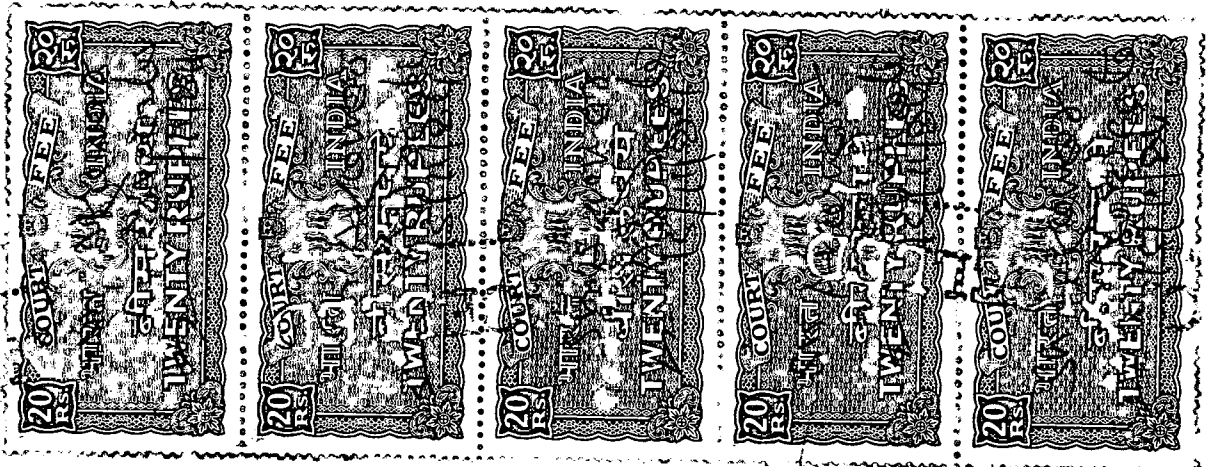
Munsarfm

Clerk

1/90

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

Writ Petition No. 5487 of 1984.



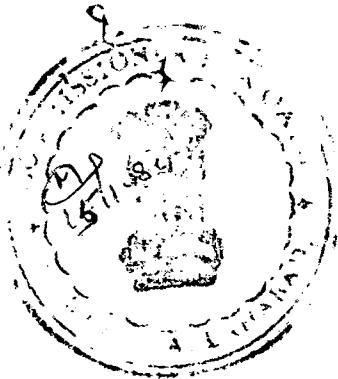
Ses 28/10/84
16/11/84

Sri Dhar Jha, aged about 22 years, s/o Sri Har
Kandan Jha, r/o village Sarju Nagar h/o Debi Purwa
Pargana Firozabad, Tahsil Jhaurahara, District
Lakhimpur Kheri.

-----Petitioner

Versus

1. Union of India through the Secretary,
Ministry of Communications, Deptt. of Posts
and Telegraphs, Govt. of India, New Delhi.
 2. Post Master General, U.P. Circle, Lucknow.
 3. The Superintendent of Post Offices,
Kheri Division, Kheri.
 4. Sri S.P. Srivastava, Sub-Divisional Inspector
(Postal) Central Sub-Division, Kheri.
 5. Sri Ranjai Lal s/o ^{Kally} ~~Manoj~~ ^{offg.} ~~Manoj~~, Extra Departmental
Branch Post Master Debi Purwa Branch Post Office,
Distt. Kheri.
- Opp-parties.



अंतरा

14

Recd. app. to amendment
G.S. Kanna

for
G.H. M. S. Kanna

LGSC
13/3/85

Mem - S.S. Ahmed, J.
Hon. B.K. Kumar, J.

Put up with
the record.

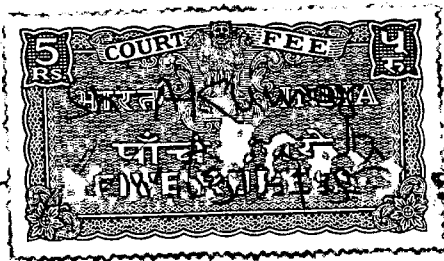
Placed

14.3.85

8/40

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

C.M.An.No. 3236 of 85. 3/1



In re:

Writ Pet.No.5487 of 1984.

Shri Dhar Jha

----Petitioner.

Versus

Union of India and others

----Opp-parties.

Application for condonation of delay in filing Rejoinder Affidavit

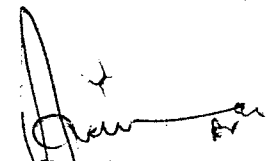
The petitioner states as under:-

3263

1. That the rejoinder-affidavit of the petitioner in reply to the counter-affidavit could not be filed earlier due to non-availability of some some relevant documents.

Wherefore it is prayed that the delay be condoned and the rejoinder-affidavit filed herewith, be accepted and taken on record.

Lucknow, dated,
13.3.85


(Avadesh Kumar)
Advocate,
Counsel for the petitioner.

8-
①
①
①

DEPT. ORDER

① DEPT. ORDER

26/5/88

An application has been filed in this
Tribunal for transferring the case No. 1546-87(T)
of _____ to the Circuit Bench, Lucknow.
It comes up on 29th April 1988 day
kindly be filed for hearing at Circuit Bench
Lucknow. In this regard the notices may be sent
to the parties concerned.

KSN

Put up on 29.4.88 at Lucknow
Circuit Bench, Lucknow.

DRJ
D.R. (J)

② 29.4.88. DRJ. Advdresh

Sri ~~Awadhesh~~ Kumar Council for
applicant and Sri V.K. Chaudhary Council
for respondents are present. Rejoinder
affidavit is on record but C.A. is
not on record. On the request of Council
for respondent, he is allowed to file reply
by 26.5.88.

③ 26.5.88

Sri V.K. Chaudhary Council for
Applicant Respondent and Sri Awadhesh Kumar
also present for the applicant. On the request
of Council for Respondent he is allowed to
file Reply By 20-7-88.

DRJ

Sri. Dhar Jha vs. U. J. J.

Registrar Order Sheet

(*)

20-07-88

None for the applicant. Counsel for the respondent Shri S. Verma is present. Reply has not been filed. He wants time to file reply. Let it be filed by 20/9/88

Pro
20
7

Registrar

(5)

20.9.88

A

D.R

Reply filed today. Rejoinder can be filed by 27.10.88 as prayed.

DR

(6)

Rejoinder not filed
The 24.11.88 of rejoinder

DR

27/11/88

(7)

24-11-88

+

DR (T)

Sri V.K. Chaudhary Present. No one is present for Applicant. List this case on 24-1-89 for Reply.
joinder

DR

DR J

(8)

24.1.89

D.R

As prayed by counsel for applicant, R.A can be filed by 8.2.89.

D.R.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

T.A. 1546/87.T

REGISTRATION No. _____ of 198 .

3

APPELLANT
APPLICANT

In the Matter of

VERSUS

DEFENDANT
RESPONDENT

U.S.

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

A

12

2/5/89

Hon'ble Justice K. Nath, V.C.
Hon'ble D.S. Misra, A.M.

The learned counsel for the applicant Shri A. Kumar requests for two weeks time to file rejoinder. ~~if any~~ He is allowed to do so. List this case for final hearing on 21-7-89.

Dr
A.M.

Dr
V.C.

(SNS)

No sitting Adj. to 13.10.09

Dr
21/7

OR

In this case one amendment application and one rejoinder affidavit has been on the record. No counter filed in High Court is on record.

Counsel for respondents has filed fresh reply in the Tribunal which rejoinder has yet to be filed.

Subm. H.S. for

orders

Dr
11/5

13

28.7.09

No sitting Adj. to 7.12.09.
Counsel for applicant is present & request.

Hon. Justice K. Nath, V.C.
Hon. Mr. D.S. Misra, A.M.

On the request of both the parties, the case is adjourned to 6.2.90

Dr
A.M.

Dr
V.C.

OR

Case is submitting for hearing

Dr
6/11

being to the nature of the case, since
 the appointment order was cancelled
 sometime in 1985, so the amendment
 appears to be necessary for the relief
 now desired by the applicant is the
 cancellation of the order cancelling
 his provisional appointment in 1983.
 The amendment is allowed but the
 same be incorporated within a week
 in writ petition and amended copy
 of the writ petition be filed with a
 copy to the respondents who shall
 file Supplementary Causals within
 2 week's time thereafter but
 on 27-8-90 for orders

Order
 Jm.

PSH
 AM

OR

Amendment made
 today

L
 8/5/90

OR

4c for the applicant has
 incorporated amendment but
 4c for the applicant has
 not filed any amended copy.

RA filed

~~Case is ready for hearing~~
~~Submitted for hearing~~

Supplementary CA filed.
 Submitted for order.

L
 23/9

L
 10/9/90

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH
LUCKNOW

T.A. No. 1546/87
(Writ Petition No.5487/84)

Sridhar Jha

Applicant

versus

Union of India & ors.

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B.Gorthi, Adm. Member.

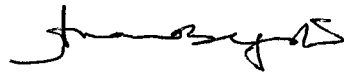
(Hon. Mr. U.C. Srivastava, V.C.)

The applicant was provisionally appointed as Extra Departmental Branch Post Master with the stipulation that his services can be terminated at any time if previous incumbent is reinstated. The applicant's grievance is that a Sub-Divisional Inspector was demanding Rs 1000/- from him and non payment of the said amount invited trouble for the applicant. Notwithstanding ^{his} such appointment, the charge was not given to him, which made ^{him} approach this Tribunal. During the pendency ^{the case} none of the appointment was cancelled. In the counter affidavit in which various allegations have been denied, it appears that the applicant was not a resident of that village, which ^{was} one of the conditions for such appointment and therefore, the charge was not given to him. From the applicant's averments it appears that he is a resident of adjoining village in one of the hamlets Devipurwa. Although, the charge was not given to the applicant he cannot as such claim that he has been deprived of his right, but once appointment was made obviously not giving the charge on a particular ground which must have been known from before, he should have been

associated with the authorities, they could have found out as to whether ^{the} village^s ~~un~~join each other and for all practical purposes could be treated ^{as} ~~for one~~ resident of one village.

In this view the application is to be allowed. The same is allowed. The opposite parties are directed to enquire regarding this matter within one month and in case it is found that he is a resident of adjoining village, ^{and} both the villages can be said to be part of a big village, the applicant may be given charge of post still lying vacant or on any other post. Let it be done within a period of one month from the date of receipt of this order.

Shakeel/


A.M.


V.C.

Lucknow Dated: 7.5.91

Group A-15 (3)

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

Writ Pet. No. 5487 of 1984.
(Distt. Kheri)

Sri Dhar Jha,

-----Petitioner.

Versus

Union of India and others

-----Opp-parties.

I N D E X.

<u>S.No.</u>	<u>Description of paper.</u>	<u>Page.</u>
1.	Writ Petition	-- 1-7.
2.	Annexure 1- Photostat copy of the order dt. 1.6.1983 of the opp-party no. 3.	8-9
3.	" 2-True copy of the reminder dt. 4.7.83.	10-0
4.	" 3- True copy of the reminder dt. 8.8.83.	11-12
5.	" 4- True copy of the reminder dt. 25.11.83.	13-0
6.	" 5- True copy of the reminder dt. 12.1.84.	14-
7.	" 6- True copy of the order dt. 28.1.84 passed by opp-party no. 3.	15-15A
8.	" 7- True copy of the letter dt. 6.2.84 issued by opp-party no. 3.	16-17
9.	" 8- Photostat copy of the telegram.	18-
10.	" 9- True copy of the letter dt. 16.2.84.	19-20
11.	" 10- True copy of the letter dt. 3.4.84.	21-23
12.	" 11- True copy of the notice u/s 30 C.P.C. dt. 14.4.84.	24-27
13.	" 12- True copy of reminder dt. 24.9.84.	28-0
14.	Affidavit	29-30
15.	Power	31

Lucknow, dated,

15-11-84
19

(Avadhesh Kumar)
Counsel for the Petitioner

Writ Petition under Article 226 of
the Constitution of India.

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

1. That the petitioner was duly appointed as
Extra Departmental Branch Post Master (E.D.B.P.M.)
Debi Purwa Branch Post Office under District Kheri
by the Supdt. of Post Offices, Kheri Division,
Kheri (O.P.No.3) vide his Memo No.H/P-Debi Purwa
dated 1.6.1983. A photostat copy of the said order
of appointment dated 1.6.1983 is filed herewith as
Annexure No.1.

2. That before the said appointment all the
necessary formalities were completed and the same
were verified by the opp-party no.4.

3. That vide appointment order dated 1.6.1983
(Annexure-1), the Supdt. of Post Offices (O.P.No.3)
who is the appointing Authority had directed the
Inspector of Post Offices, Sri S.P.Srivastava
(O.P.No.4) to hand over charge of Branch Post
Mastership, Debipurwa to the petitioner.

4. That Sri S.P.Srivastava, Inspector of Post
Offices (O.P.No.4) demanded a bribe of Rs.1000/-
in lieu of transferring the charge of Branch Post



आधर का

Mastership from another person who was neither duly appointed nor was qualified for the same post. On refusal by the petitioner to pay the aforesaid sum of bribe, the said O.P.No.4 had refused to make over the charge of the aforesaid post. When the matter of demanding the illegal gratification was reported to the Supdt. of Post Offices, Lakhimpur Kheri (O.P.No.3), he did nothing in this connection which resulted that the charge of Branch Post Mastership, Debipurwa, could not be given to the petitioner.

5. That the petitioner issued several reminders for giving the charge on 4.7.83, 8.8.83, 25.11.83 and 12.1.84 to opp-party no.3 and also intimated the fact to opp-party no.3 that the opp-party no.4 Sri S.P. Srivastava was adamant not to hand over charge unless and until the demanded cash of Rs.1000/- was paid to him. True copies of reminders dated 4.7.83, 8.3.83, 25.11.83 and 12.1.84 are filed herewith as Annexure no.2, 3, 4 and 5 respectively.

6. That as a result of the complaint made by the petitioner, the Supdt. of Post Offices (O.P.No.3) issued several letters and orders to Sri S.P.Srivastava(O.P.No.4) regarding transferring the charge of the Debipurwa Post Office to the petitioner but all in vain. The order



अथ एर २०१

of opp-party no.3 dated 28.1.84 is filed herewith as Annexure No.6.

7. That the Supdt. of Post Offices (O.P.No.3) had also issued a letter for ^{training} ~~training~~ vide his order dated 6.2.84. In pursuance of this order, the petitioner attended training course from 13.2.84 to 15.2.84 as per schedule and got success in that training. An allowance of Rs.35/- was also paid to the petitioner as a trained Branch Post Master while the charge of Branch Post Office Debipurwa has as yet not been transferred to him by the opp-party no.4. A photostat copy of the letter dated 6.2.84 is filed herewith as Annexure No.7.

8. That being aggrieved and frustrated the petitioner approached the Director, Postal Services, Lucknow, Region, Lucknow vide his telegram dated 26.11.83 as well as a detailed letter dated 16.2.84 regarding facts of the case referred as above, but with no result. A photostat copy of the telegram is filed herewith as Annexure No.8 and a true copy of the letter dated 16.2.84 is filed herewith as Annexure No.9.

9. That the petitioner had also approached the Post Master General, U.P.Circle, Lucknow, (O.P.No.2) personally and submitted to him a letter on 3.4.84



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describing all the above facts. A true copy of the said letter dated 3.4.84 is filed herewith as Annexure No.10. It is stated that due to political influence Sri Kandhai Lal who was engaged on adhoc basis is still working as Branch Post Master Debipurwa, Distt.Kheri and the charge of Post Mastership is not being transferred from him to the petitioner.

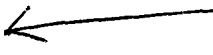
10. That the petitioner also served a notice u/s 80 C.P.Code dated 14.4.84 to the opp-parties on 16.4.84 but no action has been taken so far. A true copy of the said notice u/s 80 C.P.C. dated 14.4.84 is filed herewith as Annexure No.11.

11. That when no action was taken within 2 months from the date of service of notice u/s 80 C.P.Code, the petitioner sent a reminder on 24.9.84 to the Supdt. of P.O.s (G.P.No.3) but even today the petitioner was not handed over charge of the Post Mastership of Debipurwa Post Office, Distt.Kheri. A true copy of the reminder dated 24.9.84 is filed herewith as Annexure No.12.



on left
hand
page.

X



12. Being aggrieved by the action of opp-parties in not handing over charge of Post Mastership of Post Office Debipurwa, Distt.Kheri, the petitioner files this writ petition on the following :-

xx and the order No. Memo
No. H-63/Ecl. 14.1.85
of 1985 on 14.1.85 by the
Senior Supdt. of Post
Office cancelling
the provision
appointment of the
petitioner (Annexure 12).

Annexure No. 12
as per order of
14.1.85
came to the petitioner

- G r o u n d s -

a) Because the opp-party no.4 has committed manifest error of law in not transferring charge of Post Mastership of Post Office Debipurwa, Distt.Kheri, when the petitioner was duly appointed vide his appointment order dated 1.6.1983 (Annexure No.1).

b) Because the opp-party no.4 has committed mistake in not obeying the orders and directions of his superior officer i.e. opp-party no.3 (Supdt. of Post Offices Kheri Division, Kheri) who asked him to transfer charge to the petitioner.

c) Because the opp-parties 1 to 3 have committed mistake in not taking any action against the opp-party no.4 who is not complying with the orders of his superiors.

d) Because the opp-party no.4 is acting with full malafides as the petitioner has refused to give any illegal gratification as demanded by him.

e) Because the opp-party no.4 is acting against the principle of natural justice in retaining the opp-party no.5 on the post of Post Mastership of Debipurwa while he is not properly appointed or qualified person.

अथवा

f) Because the petitioner is facing acute injustice and against the principle of natural justice and all the service rules and norms that after appointing the petitioner on the post of Post Mastership of Post Office Debipurwa and even after getting training, he has not been handed over charge of the said post inspite of his best efforts.

Under the abovesaid circumstances, it is

respectfully prayed that a writ, direction or order

in the nature of Mandamus be issued to opp-parties

no.1 to 4 to hand over charge of Extra Departmental Branch Post Master of Post Office Debipurwa, Distt. Sheri from opp-party no.5.

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

Lucknow, dated,

15-11-84

(Avadhesh Kumar)
Advocate.

Counsel for the petitioner.

Approved
as per order
of Mr. J. S. Chandra
10/11/90.

Comptroller & Auditor
General

15-11-84

Pr. Secy
nature of
Cellarai
be issued
quashing
order no.
1-63/E.D.
Kheri, Distt.
No. 1-1985
passed by
the Supdt. of
Post-Offices,
Kheri Division,
Ayaz (Amr 2)

av. 10/11/90
15-11-84

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

Writ Pet.No. _____ of 1984.

Sri Dhar Jha.

-----Petitioner

Versus

Union of India & others.

-----Opp-parties.

Annexure No.1

Indian Posts & Telegraphs Department.
Letter of Appointment.

Memo No.H/P-Devipurwa dated at Kheri the 1.5.1983

Shri Dhar Jha is hereby provisionally appointed
as E.D.B.P.M. He shall be paid such allowances as
admissible from time to time.

2. Shri Dhar Jha should clearly understand that his
appointment as E.D.B.P.M. Devipurwa (Dhaurahra) shall
shall be in the nature of a contract liable to be
terminated by him or the undersigned by notifying the
other, in writing and he shall also be governed by
the post and telegraphs Extra Departmental Agents.
(Conduct and Services) Rules, 1964 as amended from
time to time.

3. Shri Dhar Jha should also understand that his
services can be terminated at any time if his previous
incumbent is reinstated.

4. If these conditions are acceptable to him he
should communicate his acceptance in the proforma
e enclosed.

Sd. Illegible.
Suptt. of Post Offices,
Kheri Dn. Kheri.
262701.



श्री धर जहा

Copy to:-

1. The IPOs (Central) Kheri charge may be transferred to Sri Sri Jhar Jha under intimation to this office after observing usual formalities. C/R should be submitted and S.Dond prepared.

Regd.

2. Sri Sridhar Jha s/o Sri Hari Nandan Jha r/o Sarju Nagar P.O. Devipurwa (Jhaurahra) Distt. Kheri.
3. SPl. Jhaurahra (Kheri).
4. PM, Kheri.
5. Line Overs Aira Estate (Kheri).
6. O/C.

--
True-copy.



श्री श्री जहा

इन दि आनरेबल हाई कोर्ट आफ जूडीकेचर ऐट इलाहाबाद,

लखनऊ बेंच - लखनऊ १

रिट पिटीशन नं०- आफ 1984,

श्रीधर झा

----- पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि

----- अपोजीटिज,

अनेक्जर नं०-2

सेवा में,

डाक अधीक्षक, खीरी ।

महोदय,

निवेदन यह है कि प्रार्थी की नियुक्ति आपके कार्यालय के पत्रांक संख्या एच/पी देवी पूर्वा दिनांक 1-6-83 के अनुसार शाखा डाकपाल के पद पर हुयी थी । एक माह के अधिक का समय ब्यतीत हो चुका है परन्तु डाक निरीक्षक महोदय ने अभी तक चार्ज स्थानान्तरण के सम्बन्ध में कोई भी कार्यवाही नहीं की है तथा कोई रुचि नहीं ले रहे है इसका कारण आपको पहले ही बताया जा चुका है ।

अतः आपसे निवेदन है कि प्रार्थी को अविलम्ब चार्ज दिलाने की व्यवस्था करने की कृपा करें ।

महान दया होगी ।

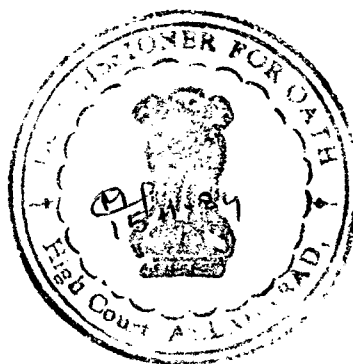
प्रार्थी,

ह०/- श्रीधर झा

दिनांक 4-7-83

श्रीधर झा
नियुक्त शाखा डाकपाल देवी पूर्वा

सत्य-प्रतिलिपि



श्री धर झा

इन दि आनरेबल हाई कोर्ट आफ जूडीकेवर ऐट इलाहाबाद,
लखनऊ बेंच - लखनऊ ।

रिट पिटीशन नं०- आफ 1984,

श्रीधर झा

----- पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि

-----अपोपाटीज,

अनेक्जर नं० 3

सेवा में,

श्रीमान डाक अधीक्षक महोदय,
लखीमपूर खीरी ।

विषय:- डाकघर देवीपुरवा के चार्ज स्थानान्तरण के सम्बन्ध में ।
महोदय,

प्रार्थी की नियुक्ति करीब दो माह 10 दिन पूर्व शाखा डाकपाल देवी पुरवा के पद पर हुयी थी डाक निरीक्षक महोदय के कोप से ग्रसित मेरे पिता जी आपसे व्यक्तिगत तौर पर पिछले महीने मिले और आपने चार्ज दिलाने का आश्वासन भी दिया था ।

इस मुलाकात के कारण इन्स्पेक्टर साहब हम लोगों से अत्यन्त नाराज हो गये । सिसैइया चौराहे पर उनसे मुलाकात हुयी । मैने जब चार्ज के लिये कहा तो उन्होंने स्पष्ट कह दिया कि आप लोग तो सुपरिन्टेन्डेन्ट से डायरेक्ट मिलते है जाइये उन्ही से चार्ज ले लोजिये । साथ ही इन्होंने धमकी दी कि मैं नियुक्ति आदेश स्थगित करवा दूंगा फिर आप शीशे में इसे मढ़वा कर रउ लोजियेगा ।

श्रीमान जी ऐसा विदित होता है कि डाक विभाग में श्रीवास्तव जी इन्स्पेक्टर की मर्जी से हर एक कार्य होता है जो वह चाहते है वही होता है । इन परिस्थितियों से यह स्पष्ट है कि उन्हे आपके आदेशों की लेशमात्रपरवाह नहीं क्योंकि उन्हे विश्वास है कि वह कुछ भी कर डाले उनके विरुद्ध कोई भी कार्यवाही नहीं होगी उदाहरण के लिये मेरा ही केस इसका ज्वलन्त उदाहरण है । मेरी नियुक्ति जबकि पहली जून को की गयी थी पर चार्ज आज तक नहीं दिया गया जबकि पिछले माह में ही डाकघर चकई का व स्मोडिडिहा में नियुक्तियां हुयी । उनका चार्ज एक हफ्ते के अन्दर हो गया ।



अध्यापक

श्रीवास्तव जी की यह धमकी कि वह मेरे नियुक्ति के आदेश को स्थगित करवा देंगे अपने आप में काफी बल रखती है । स्पष्ट है कि उनका आपके कार्यालय में काफी दबदबा है वरना वह चैलेन्ज से ऐसी बात न कहते ।

श्रीमान जी आप सक्षम अधिकारी है । मामले को स्वयं देखें यदि अब भी इन्स्पेक्टर साहब आपके आदेशों का पालन नहीं करते है तथा मेरे विरुद्ध कोई और दबाव आप पर डालते है तो कृपया मुझे बताने का कष्ट करें ताकि मैं पो० मास्टर जनरल महोदय से व्यक्तिगत रूप से मिलकर श्री श्रीवास्तव जी के इन तानाशाही के कृत्यों का चर्चा कर सकूँ ।

महान दया होगी ।

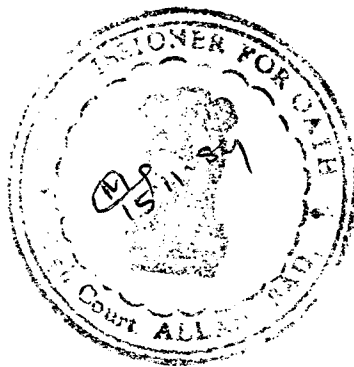
प्रार्थी,

ह०/- श्रीधर झा

नियुक्त शाखा डी० पी० देवी पुरवा,
जि० खीरी ।

दि० 8-8-83

सत्य-प्रतिलिपि



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

रिट पिटीशन नं०- आफ 1984,

श्रीधर झा

----- पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि

----- अपोपार्टीज,

अनेक्जर नं०-4

सेवा में,

श्रीमान डाक अधीक्षक महोदय,
खीरी ।

विषय:- शाखा डाकपाल देवीपुरवा के चार्ज स्थानान्तरण के संबंध में ।

महोदय,

जैसा कि मैं अपने कई पिछले प्रार्थना-पत्रों में आपसे बार-बार निवेदन कर चुका हूँ कि डाक निरीक्षक महोदय ने मुझे अभी तक उक्त पद का चार्ज स्थानान्तरित नहीं किया है । महोदय मेरी नियुक्ति दिनांक 1-6-83 को आपके कार्यालय द्वारा हुयी थी और करीब 5 महीने बीत जाने के बावजूद भी स्थिति जैसी की तैसी बनी हुयी है श्रीमान जी मैं चार्ज पाने की प्रतीक्षा में बेकार बैठा हुआ हूँ और इसी इन्तजार में मैंने अन्य कोई कार्य भी नहीं सँभाला है । यह स्पष्ट है कि इन्स्पेक्टर साहब मुझे चार्ज दिलाने नहीं जायेंगे । कारण मैं पहले ही स्पष्ट कर चुका हूँ । यदि आप उचित समझे तो किसी भी अन्य अधिकारी द्वारा मुझे चार्ज दिलाने की व्यवस्था करने की कृपा करें । जिससे अब मुझे और बेरोजगारी का सामना न करना पड़े ।

महान कृपा होगी ।

दि० 25-11-83 ई०,

प्रार्थी
ह०/- श्रीधर झा
श्रीधर झा
पुत्र श्री हरिनन्दन झा
नियुक्ति शाखा डाकपाल देवीपुरवा
जिला खीरी ।

सत्य-प्रतिलिपि

श्रीधर झा



इन दि आनरेबुल हाई कोर्ट आफ जूडीकेचर ऐट इलाहाबाद,
लखनऊ बेंच - लखनऊ ।

रिट पिटीशन नं०- आफ 1984

श्रीधर झा

----- पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि

-----अपोपाटीज,

अनेक्जर नं०- 5

सेवा में,

श्रीमान डाक अधीक्षक ,
खीरि ।

महोदय,

निवेदन यह है कि प्रार्थी की नियुक्ति आपके कार्यालय के पत्रांक संख्या एच/पी देवीपूरता दिनांक 1-6-83 के अनुसार शाखा डाकपाल के पद पर हुयी है किन्तु आठ माह हो रहा है किन्तु अभी तक प्रार्थी चार्ज स्थानान्तरण के सम्बन्ध में कई बार निवेदनपत्र दे चुका है किन्तु चार्ज दिलाने में डाक निरीक्षक महोदय एवं वर्सियर महोदय कोई रुचि नहीं ले रहे है ।

अतः श्रीमान जी से अनुरोध है कि प्रार्थी को शीघ्र चार्ज दिलाने की कृपा की जाये ।

अति कृपा होगी ।

प्रार्थी,

सत्य-प्रतिलिपि



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

Shri Dhar Jha

W.P. No.

of 1984

- Petitioner

vs.

- Opponent

Union of India & ors

Annexure No. 6.

भारतीय डाक-घर विभाग

INDIAN P. & T. DEPARTMENT

कार्यालय/Office of the

डाक अधीक्षक

लखनऊ, उत्तर प्रदेश

दिनांक 20/7/84

प्रति

श्री दारु जहा

आपका पत्र दिनांक 20/7/84

प्राप्त हुआ है।

आपका पत्र दिनांक 20/7/84

प्राप्त हुआ है।

आपका पत्र दिनांक 20/7/84

प्राप्त हुआ है।

आपका पत्र दिनांक 20/7/84

प्राप्त हुआ है।



प्रति श्री दारु जहा, निपुण शायर
वैनीपुरा के सूचना अधिकारी

Supdt. Post 20/7/84

श्री दारु जहा

- 15A-

इन दि आनरेबुल हाई कोर्ट आफ जुडीकेचर ऐट इलाहाबाद,

लखनऊ बेंच - लखनऊ ।

रिट पिटीशन नं०- आफ 1984,

श्रीधर झा

----पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि

----अपोजीटिज,

अनेक्जर नं०- 6

डाक अधीक्षक,
खीरी मण्डल,
खीरी-26270।
सेवा में,

पंजी०

डाक अधीक्षक, अधीक्षक
ऐरा स्टेट- खीरी ।

पत्रांक- एच/63/ई दिनांक खीरी 28-1-84

विषय:- शाखा डाकघर देवीपुरवा का कार्यभार श्री श्रीधर झा नव-
नियुक्त शाखा डाकपाल को हस्तान्तरित कराने के संबंध में ।

-सिक-

आप इस कार्यालय के ज्ञाप संख्या पत्रांक दिनांक 17-1-84
एवं डाक निरीक्षक केन्द्रीय सीटी के पत्रांक ए/ देवीपुरवा/ दिनांक
18-12-83 का अवलोकन करें । चार्ज अभी तक उक्त श्री श्रीधर झा
को हस्तान्तरित नहीं कराया गया है जिससे उक्त व्यक्ति बार-बार
इस कार्यालय में आकर शिकायती पत्र प्रस्तुत कर रहा है । आप तुरन्त
शाखा डाकपाल का कार्यभार नव नियुक्त शाखा डाकपाल को
हस्तान्तरित कराकर आख्या इस कार्यालय को भेजें ।

ह०/-
सील

प्रतिलिपि:-

श्री श्रीधर झा, नियुक्त शाखा डाकपाल देवी पुरवा को सूचनाार्थ

ह०/-अपठनीय, 28-1
सील डाक अधीक्षक खीरी मण्डल

सत्य-प्रतिलिपि



इन दि आनरेबुल हाई कोर्ट आफ जुडीकेवर ऐट इलाहाबाद,
लखनऊ बेन्च - लखनऊ ।

रिट पिटीशन नं०- आफ 1984,

श्रीधर झा

----पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि

----अपो०पाटीज,

अनेक्जर नं०- 7

भारतीय डाक व तार विभाग

कार्यालय डाक तार अधीक्षक, खीरी प्रखण्ड खीरी ।

ज्ञापन संख्या -ए/ई०डी०बी०एम०पी०/ट्रेनिंग/84 दिनांक 6-2-84

निम्नलिखित अ०वि०शाखा डाकपालों को तीन दिन का निर्धारित प्रशिक्षण देने हेतु बुलायाजगता है । समस्त शाखा डाकपाल खीरी प्रधान डाकघर के प्रशिक्षण कक्ष में निर्धारित तिथि को प्रातः 10-00बजे उपस्थिति होंगे । प्रशिक्षण तीन दिन का होगा जिसमें उन्हें रहने तथा खाने पीने की व्यवस्था स्वयं करनी होगी तथा अपने डाकघर में भी अपनी जगह पर वे अपने उत्तरदायित्व पर उपयुक्त व्यक्ति को कार्यभार सौंप कर चार्ज रिपोर्ट डाकपाल खीरी को प्रेषित करेंगे ।

प्रशिक्षण के अन्तिम दिन एक लिखित परीक्षा भी होगी । सफलता पूर्वक प्रशिक्षण समाप्त करने के उपरान्त प्रत्येक शाखा डाकपाल को 35/- नकद पुरस्कार दिया जायेगा । प्रत्येक सत्र में सर्वोच्च अंक प्राप्त करने वाले शाखा डाकपाल को प्रशान्ति पत्र भी दिया जायेगा । प्रत्येक शाखा डाकपाल को प्रशिक्षण में उपस्थित होना अनिवार्य है अन्यथा उनके विरुद्ध अनुशासनात्मक कार्यवाही की जायेगी तथा किसी प्रकार भी क्षम्यन होगा ।

लेखन सामग्री संबंधित प्रशिक्षक के माध्यम से उपलब्ध करायी जायेगी ।

प्रथम सत्र

क्रमांक

दिनांक 13-2-84, 15-2-84

1-

प्रशिक्षक- श्री एम०आर०बहुखण्डी
शाखा डाकघर का नाम

2-

देवकली ॥ रामकुमार ॥

3-

रामपुर गोकुल ॥ राम चन्द्र ॥

4-

समोडी डीह ॥ रामनरेश वर्मा ॥

देवी प्रवा ॥ श्रीधर झा ॥



श्रीधर झा

5-	श्री मूलनन्द	खरगापुर
6-	,, रोशन लाल	फिरोजाबाद
7-	,, रामकृष्ण त्राजपेगी	अगार खेड़ा
8-		
9-	,, हरिवंश सिंह	अवधपुर
10-	,, कौशल विश्वोद वर्मा	चकई
11-	,, सन्तोष कृष्ण शर्मा	नौबना
12-	,, राम औतार	गनेशपुर
13-	,, गोवर्धन सिंह	सैदीपुर हैरैया
14-	,, सदाराम	कोटवा
15-	,, हनुमान सिंह	मडवा
16-	,, सूरज प्रसाद	समदहा
17-		नौसरगुलरिया
18-		पडारिया तुला
19-	,, ओम प्रकाश वर्मा	बबुरी
20-	,, मुसौबिर	लहबड़ी
21-	,, बाल कृष्ण गुप्त	अतिरिया

ह0 अपठनीया,
डाक अधीक्षक,
खीरी मण्डल खीरी

प्रतिलिपि:-

- 1- उपरोक्त सभी शाखा डाकपालों को ।
- 2- डाकखाल खीरी, समस्त डाक निरीक्षक खीरी समस्त उप डाकपाल मेल ओवरसीयर को सूवनार्थ एवं आवश्यक कार्यवाही हेतु ।
- 3- डाक महाधक्ष, उत्तर प्रदेश परिमण्डल लखनऊ ।
- 4- डाक निदेशक लखनऊ क्षेत्र ।
- 5- उपरोक्त शाखा डाकपालों की व्यक्तिगत पत्रावली हेतु ।
- 6- अतिरिक्त प्रति ।

सत्य-प्रतिलिपि



24 अरमा

union of India and others — Opp. Parties

Annexure No.8

(S/A)

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT
आन्तरिक तार/Inland Telegram

[illegible]

OTWA DPS (unknown)

1. Mr. [unclear] appointed BDR PM
Beverly [unclear] [unclear] 1.6.83 [unclear]
Bhavastava SD(C) [unclear] [unclear]
[unclear] to hand over charge [unclear]
[unclear] [unclear] [unclear] from S. Post.
[unclear] [unclear] [unclear] [unclear] [unclear]

Sm. dhar
(सेवा/From)

हार से न भेंबु जाय
Not to be telegraphed

नाम/Name :-
मता/Address :-

100-10 P. & T. 101-24-4. 51-5,00,00,000.

Sharon Kline



इन दि आनरेबुल हाई कोर्ट आफ जुडीकेवर ऐट इलाहाबाद,
लखनऊ बेन्च - लखनऊ ।

रिट पिटीशन नं०- आफ 1984,

श्रीधर झा

----पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि

----अपोजीटिज,

अनेक्जर नं०-2

आदरणीय डायरेक्टर साहब,

सादर नमस्ते ।

मैं बहुत ही परेशान होकर आपको व्यक्तिगत पत्र लिख रहा हूँ ताकि यह आप तक पहुँच जाये और इसपर आप विचार कर सके। कृपया मेरी हर पंक्तियों पर अवश्य ध्यान दें क्योंकि सबके साथ वास्तविकता निहित है ।

मेरी नियुक्ति शाखा डाकपाल देवीपुरवा जिला खीरी के पद पर डाक अधीक्षक खीरी ने दिनांक 1-6-83 को अपने पत्र सं० एच/पी देवीपुरवा दिनांक 1-6-83 के अनुसार की थी । आज इस नियुक्ति को हुये करीब साढ़े आठ महीने बीत चुके है परन्तु सम्बन्धित इन्स्पेक्टर महोदय श्री एस०पी० श्रीवास्तव जी ने अभी तक डाकघर का चार्ज नहीं स्थानान्तरित किया है क्योंकि इस नियुक्ति में मैने पैसे नहीं खर्च किये थे । मैं अधीक्षक खीरी श्री जे०एन०श्रीवास्तव को चार्ज सम्बन्धी 7-8 प्रार्थना-पत्र दे चुका हूँ और 5-6 बार व्यक्तिगत रूप से मुलाकात भी कर चुका हूँ । उनका यही उत्तर हरबार होता है कि मेरे कार्यालय से इन्स्पेक्टर को चार्ज के लिये बराबर लिखा जा रहा है परन्तु वह चार्ज नहीं देते तो मैं क्या करूँ । श्रीमान जी इन्स्पेक्टर साहब ने जानबूझ कर आज तक मुझे न चार्ज दिया है और न चार्ज देंगे । मेरी नियुक्ति के बाद 6-7 नियुक्तियाँ हुयी जिसमें सभी को चार्ज मिल



श्रीधर झा

गया है क्योंकि उन सभी लोगों ने एक मोटी धनराशि इन्स्पेक्टर साहब को भेंट की थी ।

हमारे आदर्शनीय अधीक्षक महोदय ऐसे इन्स्पेक्टर के खिलाफ कोई भी ऐक्शन लेना पसन्द नहीं करते जैसा कि मेरे केश से सिद्ध है । कि उनको अधीक्षक महोदय ने कम से कम 17 या 18 पत्र लिखे होंगे परन्तु इन्स्पेक्टर महोदय अधीक्षक के हर पत्र को एक ओर रख देते हैं व उनकी बात को भी अनसुना कर देते हैं और क्यों न करें जहाँ ऐसे अधीक्षक लोग मौजूद हैं जो इतने भाण्ड इन्स्पेक्टर के खिलाफ कुछ नहीं करते भले 17-18 क्या सैकड़ों चिट्ठियाँ ही क्यों न लिखी जाये इन्स्पेक्टर साहब का साफ कहना है जब तक मैं हूँ चार्ज नहीं दूँगा आप नियुक्ति आदेश को शीशे में मढ़वाकर घर में टाँग दें ।

श्रीमान जी मैंने बहुत परेशान होकर आपको पत्र लिखा है आप स्वयं अधिकारी हैं और आशा करता हूँ कि मुझे पूरा न्याय दिलायेंगे इसके अतिरिक्त अधीक्षक महोदय से कृपया अवश्य पूछें कि वे आखिर इन्स्पेक्टर का इतना खुले आम पक्ष क्यों लेते हैं । न्याय की आशा में ।

प्रार्थी,

दिनांक 16-2-84

श्री धर झा
ग्राम - सरजू नगर देवीपुरवा
जिला सीरी ।

सत्य-प्रतिलिपि



इन छि आनरेबुल हाई कोर्ट आफ जुडीकेचर ऐट इलाहाबाद,

लखनऊ बेन्च - लखनऊ ।

रिट पिटीशन नं०-

आफ 1984,

श्रीधर झा

---- पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि

----अपोजीटिज,

अनेक्जर नं०-10

सेवा में,

श्रीमान पोस्ट मास्टर जनरल,
लखनऊ, उ०प्र० ।

श्रीमान जी,

प्रार्थी बहुत ही परेशान होकर अपना कुछ परेशानी आपके पास रख रहा हँ । यह एकऐसा मामला है जिसमें आप देखेंगे कि डाक निरीक्षक, डाक अधीक्षक से कई गुना ऊपर है । वह जो स्याह सफेद करें , वह सब ठीक है उसे डाक अधीक्षक के किसी भी आदेश की परवाह नहीं है ।

1- यह कि प्रार्थी की नियुक्ति शाखा डाकपाल देवीपुरवा जिला खीरी के पद पर दिनांक 1-6-83 को डाक अधीक्षक खीरी ने विधिवत दंग से अपने पत्रांक सं० एच/पी देवीपुरवा दिनांक 1-6-83 के अनुसार की थी ।

2- यह कि डाकघर वर्ष फरवरी 1983 में नया खुला था और डाक निरीक्षक श्री एस०पी० श्रीवास्तव ने डाक घर का चार्ज फिलहाल के तौर पर श्री कन्धई लाल पुत्र श्री कल्लू निवासी देवी पुरवा को सौंप दिया था ।

3- यह कि श्रीवास्तव जी को यह नहीं मालूम था कि उक्त व्यक्ति निहायत ही बदमाश व गिरोहबन्द है इसके यहाँ असामाजिक



श्रीधर झा

११/३२

तत्त्वों का अड़ड़ा रहता है तथा कई गैर कानूनी कार्य मिलकर किया करता है ।

4- यह कि शायद पुलिस ने अपनी रिपोर्ट कन्धई लाल के मामले में सही तौर से पेश की इस स्थिति पर गाँव में अन्य कोई व्यक्ति न मिलने पर प्रार्थी को डाक अधीक्षक खीरी ने शाखा सहायक डाकपाल के पद पर नियुक्त किया । साथ ही यह भी आदेश किये कि मैं डाकघर मुख्य ग्राम में ही देवी पुरवा में ही रखूंगा । जिसके नाम से डाकघर मन्जूर हुआ है । ग्राम प्रधान ने भी तथा डाक अधीक्षक ने भी यह लिखकर अपनी रिपोर्ट डाक पाल अधीक्षक को दीथी कि उक्त गाँव में और कोई व्यक्ति उक्त पद हेतु उपलब्ध नहीं है ।

5- यह कि श्री श्रीवास्तव जी इस बात पर भौचक्के रह गये और उन्होंने अधीक्षक कार्यालय से पूरी बात मालूम की कि कन्धई लाल की नियुक्ति शाखा डाकपाल देवी पुरवा के पद पर क्यों नहीं हुयी । पूरी बात मालूम करने पर उन्होंने कन्धई लाल की पुनः चरित्र की जाँच करायी । ज्ञातव्य है कि भारत सरकार के ऐसे आदेश है कि पुलिस रिपोर्ट किसी को बतायी जाती फिर भी एस0पी0 श्रीवास्तव डाक निरीक्षक ने पुनः रिपोर्ट मँगवाई ।

6- यह कि अब डाक अधीक्षक खीरी ने पुलिस द्वारा रिपोर्ट माँगने के लिये कहा तो पुलिस ने अपनी रिपोर्ट को सही बताते हुये टिप्पणी दी । वर्तमान समय में मैं सही चरित्र लिखवाने के लिये धनराशि भी श्री कन्धई लाल द्वारा उर्व की गयी ।

7- चूँकि पुलिस ने अपनी पूर्व रिपोर्ट को सही माना था इसलिये अधीक्षक ने अपने द्वारा की गयी नियुक्ति को सही मानते हुये डाक निरीक्षक को प्रार्थी को तत्काल आदेश देने को कहा । यह घटना नवम्बर 1983 की है ।



क्षीरका

2/3/3

8- यह कि श्री श्रीवास्तव जी को प्राथी सन्तुष्ट नहीं कर पाया । इस वजह से अधीक्षक के दर्जनों स्मृति -पत्र रिमाइन्डर के बावजूद भी प्राथी को चार्ज अब तक नहीं स्थानान्तरित किया गया । मेरी नियुक्ति को करीब 10 माह हो चुके हैं । प्राथी ने विधिवत डाक अधीक्षक खीरी के निर्देश पर डाकवर के कार्य की ट्रेनिंग भी सदर कार्यालय लखीमपुर में की और उसका खर्चा भी प्राथी को भुगतान किया गया है ।

अतः आपसे निवेदन है कि उक्त परिस्थितियों तथा तथ्यों को देखते हुये प्राथी के साथ न्याय करने की कृपा करें तथा प्राथी को शीघ्र चार्ज दिलवाने की व्यवस्था करें । प्राथी एक गरीब और कमजोर आदमी है । आपसे आशा ही नहीं एवं विश्वास करता है कि प्राथी के साथ न्याय ही होगा ।

प्राथी

॥ श्री धर झा ॥
पुत्र श्री हरिनन्दन झा
ग्राम - देवीपुरवा मजरे सूरजनगर
जिला - खीरी
नियुक्ति शाखा डाकपाल, देवी पुरवा ।

दिनांक:-

सत्य-प्रतिलिपि

श्री धर झा



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

Writ Pet.No. of 1984.

Sri Dhar Jha. -----Petitioner

Versus

Union of India & others. -----Opp-parties.

Annexure No.11

Notice u/s 80 Code of Civil Procedure

Sridhar Jha son of Sri Hari Nandan Jha, r/o village
Garjunagar (Debipurwa) P.O.Debipurwa, district Kheri,
through his counsel Sri Putani Lal Misra, Advocate,
Civil Courts, Lakhimpur Kheri. -----Notice-Giver
Claimant.

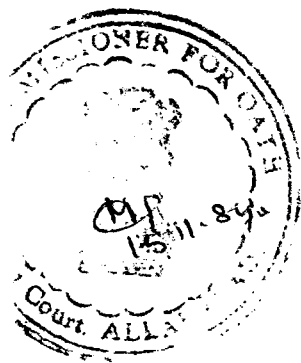
To,

1. Union of India, through the Secretary, Ministry
of Communications, Deptt. of Posts & Telegraphs,
Govt. of India, New Delhi.
2. Post Master General, J.P.Circle, Lucknow.
3. Supdt. of Post Offices, Kheri Division, Kheri.
4. Sri S.P. Srivastava, Sub-Divisional Inspector
(Postal) Central Sub-Division, Kheri.

-----Opp-parties.

The above named notice-giver (claimant) begs to
submit as under :-

1. That the claimant was duly appointed E.D.B.P.M.
(Extra departmental Branch Post Master, Debipurwa
Branch Post Office under district Kheri by the opp-



A R M

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party no.3 vide his memo No.H/P-Debipurwa dated 1.6.1983. All the necessary formalities before appointment have got been verified by the opp-party no.4.

2. That vide appointment order dated 1.6.1983 the opp-party no.3 appointing authority directed the Inspector Sri S.P.Srivastava opp-party no.4 to hand over charge of Br.P.m. Ship Debipurwa to the Notice-Giver.

3. That the opp-party no.4 Sri S.P.Srivastava, Inspector of Post Offices demanded a bribe of Rs.1,000/- in lieu of transferring the charge of Branch Postmastership. On refusal by the notice-giver to pay the aforesaid sum of bribe the opp-party no.4 Sri S.P.Srivastava had refused to make over the charge of the aforesaid post. When the matter of demanding the illegal gratification was reported to the Supdt. of Post Offices, Lakhimpur Kheri, the opp-party no.3 did nothing in this connection with the result that the charge of Br.Postmastership Debipurwa could not be transferred to the notice-giver.

4. That the notice-giver issued several reminders for transferring the charge on 4.7.1983, 8.8.1983, 25.11.1983 and 12.1.1984 to the opp-party no.3 and also intimated the fact that the opp-party no.4 Sri S.P.Srivastava, was adamant not to hand over charge unless and until the demanded cash of Rs.1000/- was paid to him.



एचएच

5. That as a result of the complaint made by the notice-giver, the opp-party no.3 issued several letters and orders to Sri S.P. Srivastava opp-party no.4 regarding transferring the charge of the Debipurwa Post Office to the notice-giver, but all in vain.

6. That the opp-party no.3 had also issued a letter for training vide his order dated 6.2.1984. In pursuance of this order the notice-giver attended training course from 13.2.1984 to 15.2.1984 as per schedule, and got success in that training. Allowance of Rs.35/- was also paid to the notice-giver as a trained Branch Postmaster while the charge of Branch Post Office Debipurwa has as yet not been transferred to him by the opp-party no.4

7. That being aggrieved and frustrated the notice giver approached the Director, Postal Services, Lucknow Region Lucknow, vide his telegram dated 26.11.1983. as well as a detailed letter dated 16.2.1984 regarding facts of the case referred as above, but with no result.

8. That the notice-giver had also approached Sri J.S. Sakakwala, Post Master General, U.P. Circle, Lucknow (O.P. No.2) personally, and submitted to him a letter describing all the above facts dated 3.4.1984. It was replied by the opp-party no.2 that one M.P. Shrimati Usha Verma met him, and influenced not to hand over charge to the notice giver, and urged for appointing



आ एर २००१

her candidate- one Sri Kandhai Lal who was already engaged on adhoc basis for opening of the post office within the stipulated time i.e. upto 28.2.83 by the opp-party no.4 who is also interested in this person, and had assured him to continue as Branch Post Master.

9. That due to political pressure opp-party no.2 has compelled the opp-party no.3 for cancellation of the appointment order of the notice giver, and for appointing afresh Sri Kandhai Lal. It is suspected that opp-party no.3 being influenced by the pressure of his superior boss opp-party no.2 may cancel the appointment of the notice-giver.

Under the aforesaid circumstances, the notice under section 80 C.P.C. is being issued to all of you for affecting the charge of Branch Post Office Debipurwa within two months from the date of service of this notice failing which a Civil suit shall be filed in the competent court of law of proper jurisdiction against all of you for the following reliefs :-

- a) That the claimant is entitled to the charge of Branch Post Office Debipurwa for which he has been duly appointed.
- b) That he is entitled for the pay and allowance from the date of his appointment order dt. 1.6.1983.
- c) Any other relief as may be admissible to him.

Notice Giver.

Sridhar Jha.

s/o Hari Nandan Jha
r/o Sarjunagar (Debipurwa)
P.O. Debipurwa, District
Lakhimpur Kheri.

Dated:
April 14, 1984.

Through his counsel
Sri Putani Lal Misra, Advocate.
Civil Courts, Lakhimpur Kheri.

--
True-copy.



प्रतिपक्ष

इन दि आनरेबुल हाई कोर्ट आफ जुडीकेवर ऐट इलाहाबाद,

लखनऊ बेन्च - लखनऊ ।

रिट पिटीशन नं०-

आफ 1984,

श्रीधर झा

----- पिटीशनर,

बनाम

यूनियन आफ इण्डिया आदि

-----अपोजीटिज,

अनेक्जर नं०-12

सेवा में,

श्रीमान डाक अधीक्षक महोदय,

जिला खीरी ।

विषय:- शाखा डाकघर देवीपुरवा के चार्ज के स्थानान्तरण के सन्दर्भ में।

महोदय,

मैं आपसे बार- बार चार्ज स्थानान्तरण के सम्बन्ध

में मिला । प्रत्येक बार आप यही आश्वासन देते है कि चार्ज

सोल डाक अधीक्षक
खीरी मंडल

शीघ्र ही मिल जायेगा । मैने इस सम्बन्ध में एक नोटिस भी धारा

80 की विभाग को दी थी कि शायद न्यायालय द्वारा ही न्याय

मिल सके, परन्तु आपने कहा था कि न्यायालय जाने की आवश्यकता

नहीं है । मैं शीघ्र ही चार्ज दिलवा दूंगा ।

रिसीव्ड,
ह० अपठनीय,
28-8-84

छेद है कि आपके आश्वासन के बावजूद भी इस

दिशा में कुछ भी न हो सका । स्थिति करीब साढे पन्द्रह माह

बीत जाने के बाद भी यथावत् है ।

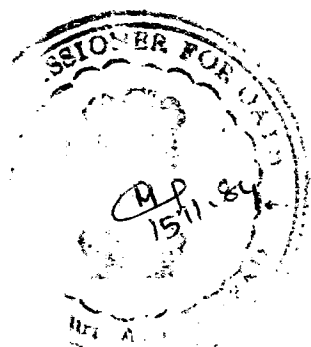
मैं बहुत ही स्पष्ट रूप से कहना चाहता हूँ कि सबकी भी एक सीमा होती है । यदि आप पन्द्रह दिन के अन्दर चार्ज दिलाने में असफल रहे तो मैं निश्चय ही न्यायालय की शरण में चला जाऊंगा जिसकी जिम्मेदारी विभाग की होगी ।

दि० 24-9-84

प्रार्थी,

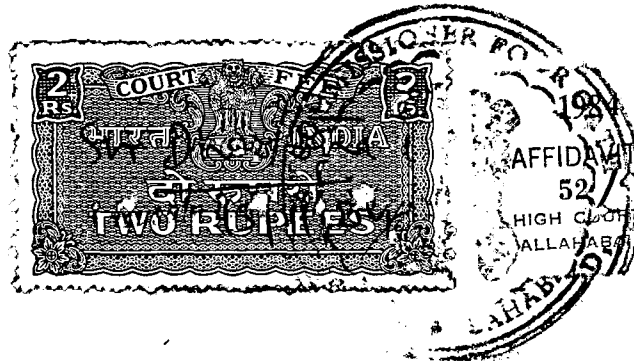
ह०/-श्रीधर झा
शाखा डाकपाल देवीपुरवा जिला खीरी

सत्यनृतिलिपि



श्रीधर झा

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



In re:

Writ Pet.No. of 1984.

Sri Dhar Jna

---Petitioner.

Versus

Union of India and others

---Opposite-
parties.

Affidavit.

In re:

Writ Petition under Article 226 of the
Constitution of India.

I, Sri Dhar Jna, aged about 22 years, s/o
Sri Har Mandan Jna, r/o village Sarju Nagar,
h/o Debi Purva, Paragana Firozabad, Tahsil
Dhaurahra, district Lakhimpur-Kheri, do hereby
solemnly affirm as under:

1. That the deponent is the petitioner in
the abovenoted writ petition and is well conversant
with the facts of the case.



सिद्धांत

-30-

-2-

8/40

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2. That the contents of paras 1 to 11 of the accompanying writ petition are true to my knowledge and those of para 12 are verified on legal advice and believe to be true.

Lucknow, dated,

✓ 15/11/84 ✓

श्री धर मा

Deponent.

I, the deponent abovenamed verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed so help me God.

Lucknow, dated,

✓ 15/11/84 ✓

श्री धर मा

Deponent.

I identify the deponent who has signed before me.

श्री धर मा
Advocate.

Solemnly affirmed before me on 15.11.84 at 6.00 A.M./P.M. by Shri Dhan Jha the deponent who is identified by Shri Avadhesh Kumar

Clerk to Shri Advocate High Court Allahabad.

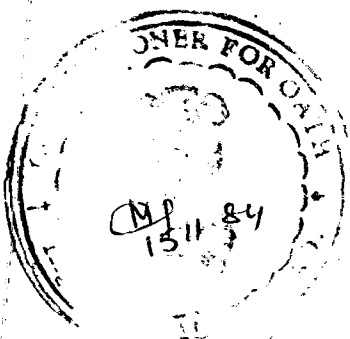
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.

Meena Pandey
JATH COMMISSIONER

High Court, (Lucknow Bench)

LUCKNOW

Co-52/975
Date-15.11.84



Under Honble High Court of Judicature at Allahabad
ब अदालत श्रीमान W. K. R. Bench, W. K. R. Bench महोदय

वादी अपीलान्त
Sri Phool Jha का
प्रतिवादी रेस्पान्डेन्ट

वकालतनामा



Sri Phool Jha
बनाम

वादी

Union of Shukla and others

प्रतिवादी

न० मुकद्दमा

सन् १९

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

SRI AVADHESH KUMAR ADVOCATE एडवोकेट महोदय
SRI SAJID RAZA RIZVI, ADVOCATE महोदय

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 करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखति] रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर 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।

Accepted

(Avadhes Kumar)
Advocate

Accepted

हस्ताक्षर श्री धरका

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

महीना

सन् १९ ई०

(Sajid Raza Rizvi)
Advocate

3. That on 19.11.84, the instant writ petition was filed in this Hon'ble Court but as the Chief Standing Counsel (Central Govt.) was holding to seek instructions, this Hon'ble court was pleased to grant him time for instructions and further it was ordered that the case be listed in the week commencing from 12.2.84. The case was listed on 12.12.84 and 18.12.84, but the same could not be heard and was adjourned.

4. That on 17.1.85, the petitioner was served with an order No.Memo No. H-63/E Dt. 14.1.85 by S.P.O. Kheri, Division, Kheri (opp-party no.3) cancelling his provisional appointment order dated 1.6.83 (Annexure to the writ petition). The said order is illegal, invalid, arbitrary and against the principles of natural justice. This order has created necessity to seek amendment in the present writ petition which may kindly be permitted to the petitioner in the interest of justice:-

Proposed amendments:-

i) That after para 11, para 11-A may be written as follows:-

"11-A. That on 17.1.1985, the petitioner was served with an order no.Memo No.H-63/E dt. 14.1.1985 cancelling the petitioner's provisional appointment dated 1.6.83 (Annexure 1) on the post of Branch Post Master Debipurwa, distt.Kheri. A true copy of said order is filed herewith as Annexure no.



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"11-B. That the order of cancellation of provisional appointment is illegal, invalid, arbitrary, after thought and against the principles of natural justice".

"11-C. That the order of cancellation of provisional order is prejudicial as it has been passed during the pendency of the writ petition in which the remedy sought for was for handing-over charge on the post of Branch Post Master Debipurwa for which post he was provisionally appointed".

ii) That after the word 'Kheri' in 3rd. line of para 12, the following sentence may be added:-

"and the order No. Memo No. H-63/E dt. 14.1.85, passed by the Senior Superintendent of Post Offices cancelling the provisional appointment of the petitioner (Annexure no. 12)".

iii) That after the ground no. (f) the following grounds be added:-

" g) Because the order of cancellation of provisional appointment of the petitioner (Annexure 12) is illegal, invalid, arbitrary and bad in law".

" h) Because the order of cancellation (Annexure 12) is full of malafide, prejudicial and after-thought as it has been during the pendency of the instant case".



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"i) Because the order of cancellation (Annexure 12) is against the principles of natural justice as no opportunity has been granted to the petitioner to defend him prior to cancellation of his appointment".

iv) That in prayer clause, the following prayer be added in between 2nd line and 3rd line:-

"in the nature of Certiorari be issued quashing the order No. Memo No.H-63/E dt.Kheri, the 14.1.1985, passed by the Superintendent of Post Offices, Kheri Division, Kheri (Annexure 12)".

Wherefore it is respectfully prayed that in the interest of justice the abovenoted proposed amendments may kindly be allowed.

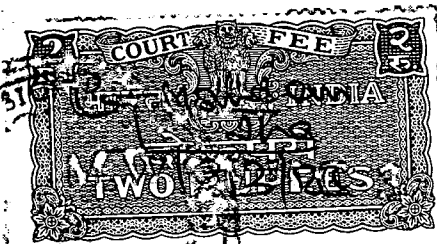
Lucknow, dated,
12-3-85

(Avadhesh Kumar)
Advocate,
Counsel for the petitioner.

A/46 4/5

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

1985
AFFIDAVIT
92/153
HIGH COURT
ALLAHABAD



In re:

Writ Pet.No.5487 of 1984.

Shri Dhar Jha

----Petitioner.

Versus

Union of India and others

----Opp-parties.

Affidavit.

In re:

Application for amendment.



I, Raj Nandan Jha, aged about 50 years,
son of Sri Jogeshwar Jha, r/o village Sarjunagar,
h/o Debipurwa, Pargana Dhaurehra, Tahsil Dhaurehra,
District Kheri, do hereby solemnly affirm as
under:-

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

215701/5487/84
2. That the contents of paras 1 to 3 of the
accompanying application for amendments are true

to my knowledge and those of para 4 are verified on legal advice and believe to be true.

Lucknow, dated,
12.3.85

रविशंकराम
Deponent.

I, the deponent abovesigned verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed so help me God.

Lucknow, dated,
12.3.85

रविशंकराम
Deponent.

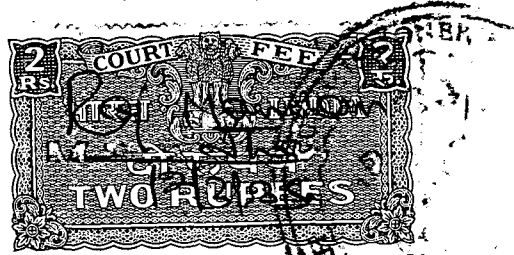
I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on 12.3.85 at 2.05 P.M. by Raj Nandan Jha the deponent who is identified by Shri Avadhesh Kumar Clerk to Shri Advocate High Court Allahabad. 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.

Meena Pandey
JUDGE COMMISSIONER
(Lucknow Bench)
LUCKNOW
12.3.85

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



1985
AFFIDAVIT
96/153
HIGH COURT
ALLAHABAD

In re:

Writ Pet.No.5487 of 1984.

Shri Dhar Jha

----Petitioner.

Versus

Union of India and others

----Opp-parties.

Rejoinder-affidavit on behalf of petitioner
to the counter-affidavit.

I, Raj Nandan Jha, aged about 50 years, son of
Sri Jogeshwar Jha, r/o village Sarjunagar, h/o
Debi Purwa, Pargana Dhaurahra, Tehsil Dhaurahra,
District Kheri, do hereby solemnly affirm as under:-

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

2. Para 1 of the counter-affidavit needs no
reply.

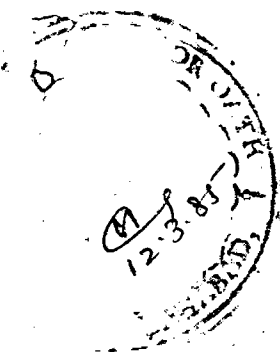
3. The allegations of para 2 of the counter-
affidavit are denied. It is stated that the contents



21/5/85

of para 4 of the writ petition are correct and reiterated. It is stated that Sri S.P.Srivastava, Inspector of Post Offices (opp-party no.4) demanded a bribe of Rs 1000/-in lieu of transferring the charge of Branch Post Mastership from Kanhai Lal.

4. That the allegations of para 3 of the counter-affidavit are denied. It is stated that by way of Annexure no.1 to the writ petition the petitioner was provisionally appointed as Branch Post Master Debi Purwa,district Kheri. When the charge was not handed-over to the petitioner he made several representations. Then through Annexure no. 6 to the writ petition, the Superintendent of Post Offices, (opposite-party no. 3) issued a letter dated 28.1.84 to Sri S.P.Srivastava (opp-party no.4) regarding the transfer of the charge of Debi Purwa Post Office to the petitioner but the petitioner was never handed-over the charge. It is stated that the petitioner is the resident of Sarjunagar,h/o Debipurwa and when all the formalities were got completed then he was ordered to be appointed as B.P.M. It is stated that the allegations of para 3 of the counter-affidavit are confusing and not clear. Moreover, the specific letters dated 26.8.84, 28.4.84 and 5.6.84, were not annexed with the counter-affidavit to clarify the portion. It is stated that the opp-party no.5-Sri Kanhai Lal s/o Kallu has been illegally holding the charge of Branch Post Master Debipurwa and not the opp-party no. 4-Sri S.P.Srivastava who has sworn



the counter-affidavit and as such there was no question of holding any charge by the opposite-party no.4.

Further it is stated that the order of the appointment was legal and according to rules and regulations but the same was not implemented by the opp-party no. 4, inspite of clear orders of the opp-party no. 3(Annexure 6).

5. The allegations of para 4 of the counter-affidavit are denied. It is stated that when the petitioner filed this writ petition in this Hon'ble High Court and had brought the facts of bribery by opposite-Party no.3, the orders for cancellation of appointment of the petitioner were passed by the S.P.O. Kheri Division Kheri (opposite-party no.3) vide its order No.H-63/E dated 14.1.85. A true copy of the said order is filed herewith as Annexure No.R-1.

6. That the order of cancellation of appointment order of the petitioner is contrary to Annexures 1 and 6 to the writ petition and the same is with malafide intention and after-thought and is liable to be quashed.

Lucknow, dated,
12.3.85

215775524W
Deponent.

I, the deponent abovenamed



-4-

Verification

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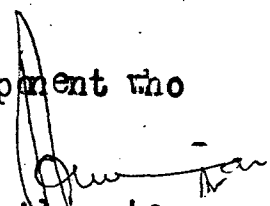
I, the above named deponent do
hereby verify that the contents of paras 1 to 5
of this affidavit are true to my own
knowledge and those of para 6 are verified
on legal advice and believe to be true
and no part of it is false and nothing
material has been concealed so help me
God.

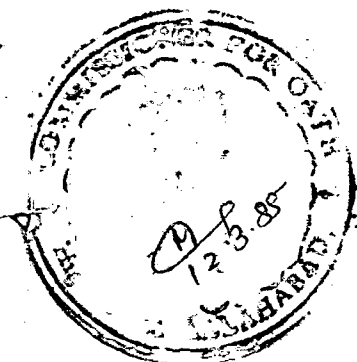
21510577011

Lucknow, dated,
12.3.85

Deponent.

I identify the deponent who
has signed before me.


Advocate.



Solemnly affirmed before me on 12.3.85
at 12/11/85 P.M. by Raj Nandan Jha
the deponent who is identified by
Shri Avadhesh Kumar
Clerk to Shri
Advocate High Court Allahabad.
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.

Meena Pandey
COMMISSIONER
(Lucknow Bench)
LUCKNOW
96/1183
12.3.85

1/7 3

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

In re:

Writ pet.No.5487 of 1984.

Shri Dhar Jham

----Petitioner.

Versus

Union of India and others

----Opp-parties.

Annexure R-1.

Indian Post and Telegraph Department.

Office of the Supdt. of Post Offices, Kheri Dn.

Memo No.H-63/E dt.Kheri the 14.1.85.

The provisional appointment order issued in f/o
Sri Shri Dhar Jha for the post of EDBPM Debipurwa
vide this office memo of even no dt.1.6.83
is hereby cancelled.

Sd. Illegible.
Supdt. of Post Offices,
Kheri Division,
Kheri-262701

Copy to:-

1. Sri Shridhar Jha r/o Sarjoo Nagar,
P.O. Debipurwa Distt. Kheri for information.
2. S.D.I. (C) Kheri in continuation of this
office letter of even no. dt.5.6.84.
3. Postmaster Kheri.
4. O/C.



--
True-copy.

21/5/85

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW
T.A. No. 1546 of 87

Filed today
12/12/87
20/8
P/S

Sri Dhar Jha ... Petitioner
Versus
Union of India & others ... Opp. parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES.

I, Daya Ram aged about 51 years, son of late Shri Bachi 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 he 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 the writ petition, its annexures and other papers attached therewith as well as the facts deposed hereinunder in reply thereof.
3. That the contents of para 1 to 3 of the writ petition are admitted.
4. That the contents of para 4 of the writ petition are vague and, in reply, it is submitted that, in response of a notification issued for the appointment on a post of Extra Departmental Branch Post Master, Davipurwa, one application

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1988
AFFIDAVIT
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DIST. COURT
LUCKNOW

19/9/88

from Sri Kandhai Lal, D.O. Devipurwa (officiating EDBPM) and another from the petitioner, resident of Village Sarjunagar, were received and the character antecedents of both the applicants were got verified from the Superintendent ~~Post Office~~ of Police concerned, who submitted his report about these applicants as under:-

- (1) Sri Kandhai Lal R/o Devipurwa (offg. EDBPM) to be a Gunda,
- (2) Sri Sridhar Jha (Petitioner) R/o Sarju Nagar, to be of sound character.

On receipt of the above verification report from the Superintendent of Police, Kheri, the petitioner, having good character and being a non-local candidate, was appointed on the post of Extra Departmental Branch Post Master on 1.6.1983, with clear instructions that he will function a post office at Debipurwa and Opposite Party No. 4 was directed to get the charge of BPM-ship transferred to the petitioner but this charge was not got transferred to the petitioner on the ground that the petitioner had no accommodation for functioning the post office at Debipurwa. In the meantime, a complaint from Pradhan, Gram Sabha, Debipurwa, was received on 20.6.83, complaining that the petitioner, to whom the appointment was being offered, was indulged in party-politics and also adduced to intoxication. The Gram Pradhan had also intimated that Sri Kandhai Lal, the officiating EDBPM, was of good character as per report of the Station Officer, Police Station, which was not submitted by the Superintendent of Police ~~Office~~, Kheri, and instead

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an adverse report on Kandhai Lal was submitted by them. In the meantime, Opposite Party No. 4 was instructed not to hand over charge to the petitioner till further confirmation in this regard was received from the Superintendent of Police, Kheri, to whom the matter was re-referred, on the basis of Gram Pradhan's report.

5) That in reply to the contents of para 5 of the writ petition, it is submitted that the reference quoted by the petitioner had not been received in the office of the Superintendent of Post Offices, Kheri Division, although two reminders dated 4.7.83 and 8.8.83 on the above reference had been received there, which remained indisposed for want of a second report from the Superintendent of Police, Kheri, in regard to confirmation of the character antecedents of both the candidates. The required report was received from the Police Office on 3.11.83, in which the Superintendent of Police, Kheri, had confirmed his previous verification regarding Kandhai Lal but, at the same time, intimated that there was no adverse entry about his character in the Police record at Police Station, Dhaurahra. On the basis of this second report, opposite party no. 4 was again instructed on 9.11.83 to get the charge transferred to the petitioner, but the charge was not handed over to the petitioner by Sri Kandhai Lal, offg. FDBPM, on the plea that he was working on the post on the responsibility of Gram Pradhan, who had taken up this matter with higher authorities. On receipt of this report from the Overseer concerned ~~on~~

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on 24.2.84, opposite party no. 4 was again directed on 3.3.84 to visit the post office, Devi Purwa personally and get the charge transferred, but, before receipt of any report from him, a complaint dated 25.12.83, ~~U-complaint~~ from Smt. Usha Verma, M.D., against the appointment of petitioner was received by opposite party no.2 and forwarded to opposite party no.3 on 5.3.84 for submitting a detailed report. ON receipt of this detailed report on 24.3.84, opposite party no. 2 instructed the opposite party no. 3 to reverify the antecedents and character of Sri Kandhai Lal, EDBPM, from the Superintendent of Police concerned in a prescribed proforma. He also remarked that if the report from the Police in prescribed proforma was favourable to Sri Kandhai Lal, there was no objection if his provisional appointment was made a regular one, but in case the Police report was still against Sri Kandhai Lal, fresh applications might be called for and a suitable candidate appointed. The petitioner was not considered fit for this appointment, because he was a non-local resident and did not fulfil the condition of appointment of the candidate being a local resident of post village. In the meantime, instructions were received from opposite party no. 2 on 1.5.84 to allow Sri Kandhai Lal to continue as EDBPM on provisional basis till a report from D.M., Kheri was received on the prescribed proforma.

6) That in reply to para 6 of the writ petition, the averments made in para 5 of this counter-affidavit may be reiterated.

7) That the contents of para 7 of the writ peti-

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tion are admitted, as stated.

8) That in reply to the contents of para 8 of the writ petition, it may be stated that the deponent had received a copy of telegram sent by the petitioner to D.P.S., Lucknow Region, on 2.12.83 as also a reference from Opposite Party No. 2, calling for a detailed Report on the case, which was submitted to him on 17.1.84, with a copy to D.P.S., Lucknow Region.

9) That the contents of para 9 of the writ petition are incorrect, as the rules on the subject laid down that a local person should be appointed as EDBPM of the branch post offices, and in pursuance of this rule, Sri Kandhai Lal, acting EDBPM, a local man was quite suitable for the post. However, on account of adverse report from the Police in the first instance, and thereafter a favourable report in response to a second reference, Sri Kandhai Lal was allowed to continue in his post provisionally and a third report, in a prescribed proforma, was ~~later~~ awaited from the Police. In case, this third report would be favourable to Sri Kandhai Lal, offg. EDBPM, Devipurwa, the question of removing him from the post, being a local man of Devipurwa, appointing the petitioner in his place, would not arise, at all.

10) That para 10 of the writ petition and its contents are admitted, as stated.

11) That in reply to the contents of para 11 of the writ petition, it may be submitted that Opposite Party no. 2 has since taken a decision that the appointment of the petitioner, being a non-local man, was not in order, no further action in the matter is called for, in view of his letter No.

CVD/A/18/84/1(A), dated 22.8.84.

12) That the contents of para 12 of the writ petition need no comments.

13) That the writ petition filed by the petitioner is not maintainable before this Hon'ble High Court, as the parliament has promulgated the Administrative Tribunals on November 19, 1985, which came into force with effect from 1.11.1985 and provisions of Section 28 clearly bar the jurisdiction of this Hon'ble Court in the matter of recruitment or such matters concerning such recruitments.

Lucknow, Dated

~~January 1987~~
~~Sept 19 1987~~


DEPONENT

Verification

I, the above named deponent, do hereby verify that the contents of paras 1 to 2 of this affidavit are true to my personal knowledge and those of paras 3 to 4 are believed by me 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!

Lucknow, dated

~~January 1987~~
~~Sept 19 1987~~

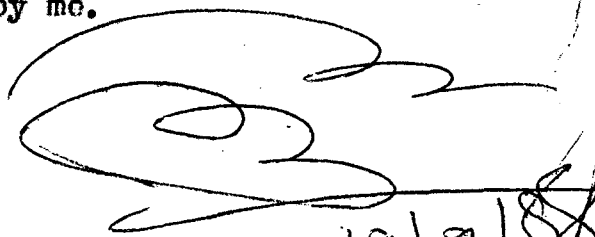

DEPONENT

I identify the deponent who has signed before me.


Advocate

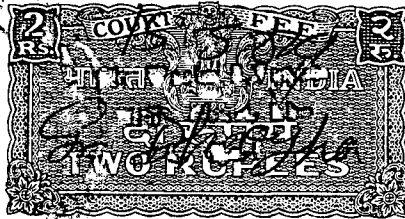
Solemnly affirmed before me on ~~January~~ ^{Sept 19} 1987 at 6.00 A.M./P.M. by Sri ~~Daya Kaur~~, the/deponent, who has been identified by Sri V.K. Chaudhari, Advocate, High Court, Lucknow Bench, Lucknow.

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


19/9/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHABAD, ¹⁰
LUCKNOW BENCH, LUCKNOW. ^{Am}

1989
AFFIDAVIT
97/1146
HIGH COURT
ALAHABAD



T.A.No. 1546/87(T)

Sri Dhar Jha....Applicant.

versus

Union of India...Respondent.

REJOINDER AFFIDAVIT ON BEHALF
OF THE APPLICANT TO THE COUNTER
AFFIDAVIT FILED ON BEHALF OF
RESPONDENTS 1 to 3

I, Sri Dhar Jha, aged about 25 years, son
of Sri Har Nandan Jha, resident of village Sarju Nagar,
hamlet of Devi Purwa, P.W. Devi Purwa, District Kheri,
do hereby solemnly affirm and state as under:-

1. That the deponent is petitioner himself
applicant as such he is fully conversant with the facts
of the case.

2. That paras 1 and 2 of the counter affidavit
need no reply.

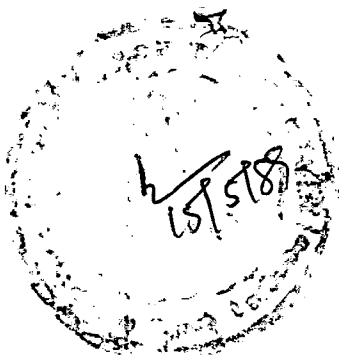


अधिराज

3. That the contents of para 3 of the counter affidavit need no reply.

4. That the allegations of para 4 of the counter affidavit are denied. It is stated that the contents of para 4 of the writ petition are correct and reiterated. The allegations of non-availability of the accommodation by the applicant for functioning of a post office of Devipurwa and indulging by the applicant in party politics and addiction to intoxication are specifically denied. It is submitted that the applicant has got the accommodation for functioning of post office at Devipurwa and he never indulged into party politics nor he was ever addicted to intoxication. It is submitted that gram Pradhan of the village had wrongly complained to the opposite parties about the character of the petitioner (applicant) whereas opposite party No. 4 was having such types of qualities which were not required for functioning of post office at Devipurwa but even then he was allowed to continue and the charge was not given to the petitioner. Further, Sri S.K. Srivastava, Inspector of Post Offices ~~at~~ demanded a bribe of Rs. 1000/- through another person and on refusal to pay the said bribe by the petitioner charge was not got handed over to the petitioner.

5. That the allegations of para 5 of the counter affidavit are denied. It is stated that the contents of para 5 of the petition are correct and reiterated. The grounds shown in para 5 of the counter affidavit are manufactured and have wrongly been made to hide the payment of the bribe of Rs. 1000/- to



Agent

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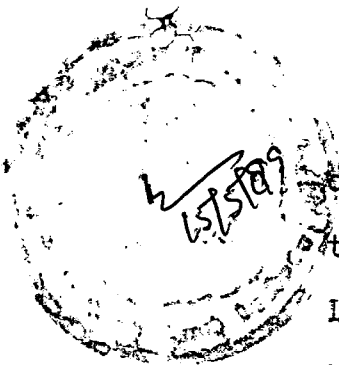
Sri S.P. Srivastava. It is further submitted that the Pradhan of the Village, who is interested in opposite party No. 5, was against the petitioner and as such he concocted reports against the petitioner and the authorities have also got manufactured some of the complaints from the said Pradhan just to deprive the chances of holding the post by the petitioner on the post of Branch Post Master whereas the petitioner fulfilled all the qualifications and opposite party No. 5 was not fulfilling the said qualifications.

6. That the allegations of para 6 of the counter affidavit are denied. It is stated that the contents of para 6 of the petition are correct and reiterated. It is further submitted that on the complaints made by the petitioner opposite party No. 3 refused to issue letters and orders to opposite party No. 4 regarding the transfer of the charge of the petitioner and the transfer of charge was not made to the petitioner.

7. That para 7 of the counter affidavit needs no reply.

8. That the contents of para 8 of the counter affidavit are not disputed to the extent that telegram was sent by the petitioner to the D.P.S., Lucknow on 2.12.1983 but the petitioner has got no knowledge about any reference from opposite party No. 2.

9. That the allegations of para 9 of the counter



21/12/83

affidavit are denied. It is stated that the contents of para 9 of the petition are correct and reiterated. Further, it is submitted that the petitioner was having full qualifications and after getting training was not handing over charge. Even the specific orders from the authorities were there whereas opposite party no. 4 was not duly qualified but even then the charge of post office was given to him and he was allowed to continue which was against the procedure prescribed for the post of Extra Branch Sub Post Master.

10. That para 10 of the counter affidavit needs no reply.

11. That the allegations of para 11 of the counter affidavit are denied. It is specifically denied that any decision was taken after giving training to the petitioner only on the ground that he was not a local man whereas he was fulfilling all the qualifications for appointment to the post of Extra Branch Sub Post Master. Further, the alleged decision was an after-thought and when the said bribe of Rs. 1000/- was not given the said ground for not posting the petitioner was taken which has got no basis and was made with mala fide intention.

12. That para 12 of the counter affidavit needs no comments.

13. That the allegations of para 13 of the counter affidavit are denied. It is advised to state that the petition filed by the petitioner was fully maintainable

and further after promulgation of the Act constituting Administrations on 1.11.1985 the writ petition filed in the High Court has been transferred to this Hon'ble Tribunal and the petition is now maintainable before the Tribunal and the petition deserves to be allowed with costs against the opposite parties.

15.5.89

श्री धरम
Deponent.

Verification

I, the deponent above named, do hereby verify that the contents of paras 1 to 13 of the above affidavit except the portions stated on oath are true to my personal knowledge, no part of it is false and nothing material has been concealed, so Help me God.

15.5.89

श्री धरम
Deponent.

I identify the deponent who has signed before me.

श्री A. Kumar Advocate. *clk*

Solemnly affirmed before me on 15.5.89 at 10 a.m./p.m. by the deponent Sri Darian Jha who is identified by *Rakesh Kumar clk to* Sri Avadesh Kumar, Advocate.

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

AP. Jha
JENNA 15/5/89

COMMISSIONER
High Court

Lucknow

No. 97/146

15-5-89