

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

D.A./T.A./R.A./C.C.P./ No. 1694/87
J.L. Verma - Vs - U.O.I. (W.P. 5734/85)
P A R T - I

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| 1. | Index Papers | :- 1 to 2 01 |
| 2. | Order Sheet | :- 3 to 20 18 |
| 3. | Any other orders | :- Nil |
| 4. | Judgement | :- 2 to 4 19 to 20 cut 19-9-91 |
| 5. | S.L.P. | :- Nil C.A.T.C.B. 2K. |

D.Y. Registrat

Supervising Officer
(ABHINAV MISHRA)

Dealing Clerk
(ABHINAV MISHRA)

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

Nil

Dealing Clerk
(ABHINAV MISHRA)

Check
on 30-1-12
m

Rajan
S 0 (5)

K. Mishra

ANNEXURE - A

CAT

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

INDEX SHEET

CAUSE TITLE TA. 1674 [S] of 19 (P)

NAME OF THE PARTIES _____

Shri J. L. Verma _____ Applicant

Versus

Union of India _____ Respondent

Part A, B & C

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W 19-11-91

5
23 (3)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 5134 of 1985

vs.

| Date | Note of progress of proceedings and routine orders | Date of which case is adjourned |
|----------|---|---------------------------------|
| 1 | 2 | 3 |
| 4. x. 85 | <p>Hon'ble S.C.M.J Hon'ble G.B.S.J</p> <p>List on 11-10-85</p> <p>Sd. S.C.M. sd. G.B.S</p> <p>4. x. 85</p> | |
| 4. x. 85 | <p>C.M.R.C. Affd No 11,4184(u)-85 filed for stay</p> <p>Hon'ble S.C.M.J Hon'ble G.B.S.J</p> <p>List along under two most probable</p> <p>Sd. S.C.M.J. sd. G.B.S</p> <p>4. x. 85</p> | |
| 11/10/85 | <p>Hon'ble S.C.M.J Hon'ble G.B.S.J</p> <p><i>to be done</i></p> <p>11/10/85</p> | |

to be done

(40) (5)

आ० अ० अ०-१८
I. A. T.O.

आदेश पत्रक
ORDER SHEET

अपील
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application
Appeal Register

अपील अनिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

वापाम

प्रत्यर्थी

Appellant
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा
Respondent

TA 1674/87

W.P. NO. 5134-85

Tijyalal Verma

Union of India vs.

आदेश की क्रम संख्या
और तारीख
Serial number of
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of compliance

10/2/88

Order refer

W.P. 5134-85 has been
received on transfer from Allahabad
High Court on 4-2-88.

WP. is admitted.

CA not filed.

Not addressed for hearing
the parties freely on 15-2-88 by R.P.
Non-objection reg
cover has been returned back.
Petition is pending
for orders.

Submitted for orders.

Decm
10/1/88

(2) 7

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. 1674/87(T) of 198

VS

| Date | Note of progress of proceedings and routine orders | Date to which case is adjourned |
|---------|---|---------------------------------|
| 1 | 2 | 3 |
| | <p>An application has been filed in this Tribunal for transferring the case No. 1674 of 87(T) to the Circuit Bench, Lucknow. If approved, 24th May, 1988 may kindly be fixed hearing at Circuit Bench Lucknow. In this regard the notices may be sent to the parties counsel.</p> <p><i>Dear 5/5/88</i></p> <p>list this case before DRJ on 24th May 88 at Circuit Bench Lucknow.</p> | |
| | | DR(T) |
| 24-5-88 | | |
| | <p>As the Sri K. C. Sinha has requested to list this case on 27-5-88. List this case on 27-5-88.</p> <p><i>Dear DR Jr.</i></p> | |
| 27-5-88 | <p>counsel for both the parties are present, on their request the cases are adjourned to day. List this on 22-7-88.</p> | |
| | | DR(T) |

86

(1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUDHIANA.

C.A./T.A. No. 1674 1987 (T)

J. L. Varma

Applicant(s)

Versus

U. D. &

Respondent(s)

| Sr. No. | Date | Orders |
|---------|----------------|---|
| | <u>22/12</u> | No sitting - Adjourned to 23.1.09 <i>22/12</i> |
| | <u>23.1.09</u> | OR No reply filed. In the mean time the case is fixed for trial hearing on 24.2.09. In the meantime C.A. can be filed. |
| | <u>24/2/09</u> | From: D. S. Misra, Adv. From: T. S. Sharma, Adv. Sri Mr. Dubey for the applicant is present. It appears that after Sri N. B. Singh had filed his representation for respondents, at Alchabed, the case was transferred to Ludhiana and notices were not sent either to Sri N. B. Singh or to the respondents again. No reply has been filed. Fresh notice may be issued to the respondents to file reply within a month. Rejoinder, if any, may be filed within two weeks thereafter. Date is fixed on 19.4.09 for final hearing. |

168

2
J. M.

Adv.

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

T.A.No.1674/87 (TL)
REGISTRATION NO. _____ of 198

APPELLANT
APPLICANT

Jiya Lal Verma

DEFENDANT
RESPONDENT

Union of India & ors

| Serial number of order and date | Brief Order, Mentioning Reference if necessary | How complied with and date of compliance |
|---------------------------------|---|---|
| 30/6/89 | <p>Hon' Mr. K.J. Raman, A.M. Hon' Mr. D.K. Agrawal, J.M.</p> <p>No rejoinder has been filed despite of opportunity given. On the request of the learned counsel for the applicant, the case is listed <u>for hearing on 18-8-89.</u></p> <p><i>Skagan</i> J.M.</p> | <p><i>18/8/89</i> A.M.</p> |
| 18/8/89 | <p>No Sitting Adj. to 8.11.89. Counsel for applicant is present.</p> <p><i>18/8</i></p> | <p><i>OK</i> Submitted for hearing.</p> |
| 8.11.89 | <p>Hon Mr. D.K. Agrawal - JM Hon Mr. K. Obayya - AM</p> <p>None present for the respondent Shri M. Dubey Counsel for applicant filed rejoinder with undertaking to serve it on the respondent by post. On the request of Mr. M. Dubey Counsel for applicant the case is adjourned to 07/03/90 for hearing.</p> <p><i>18/11/89</i></p> | <p><i>P</i> 7/11/89</p> |

AM

JM

1674/0217

(3)

14.12.80

Pleadings are

11.1.91. No sitting Adt to 6.3.91.

complete. Put up
before the Hon'ble
Bench on 11.1.91

6/3/91

From Mr. Justice K. Math, etc.
From Mr. A. B. Tewari, Advoc.

+ F-4. ✓

Conot & Reynolds have
been exchanged. The report & Reply is not on the
case is ready for final file.
hearing. List for final
hearing on 3/4/91.

RA filed

S. FO

4/3/91

✓

d
Am.

✓
VC.

3/4/91

From Mr. A. B. Tewari, Advoc.

From Mr. S. R. Basu, I.M.

From M. Debey for the applicant.
From V. C. Chaudhary for the respondent.

Conot & Reynolds have been
exchanged. List the case for
final hearing on 14/5/91 as
prayed by the learned counsel
for the parties.

d
Am.

✓
I.M.

✓

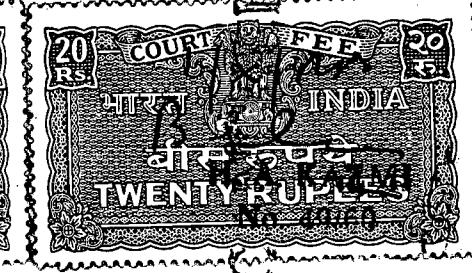
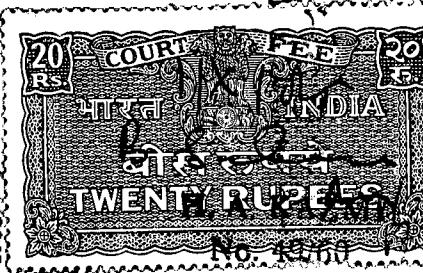
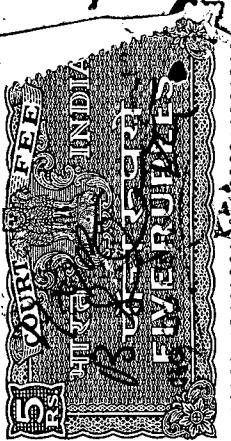
Group A 15 - (a) ~~15~~ 81

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

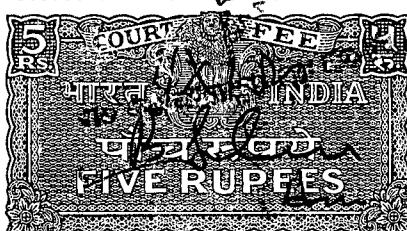
(LUCKNOW BENCH) LUCKNOW

W.P. No 5132

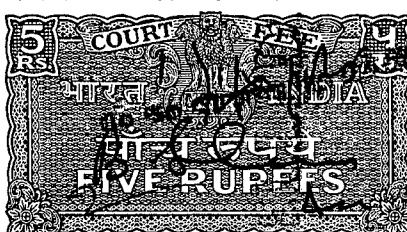
of 1985



Jiya Lal Verma aged about 22 years S/O

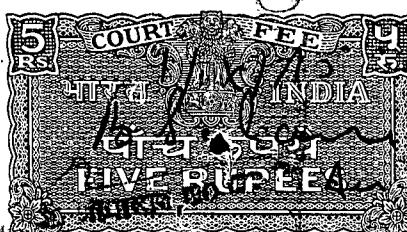


Arjun R/O Village Pirthikhera, Majra

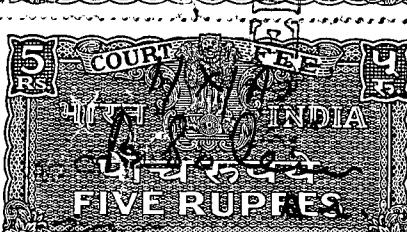


Bani , P.O. Kanjaura, Distt Unnao

.. Petitioner



Versus



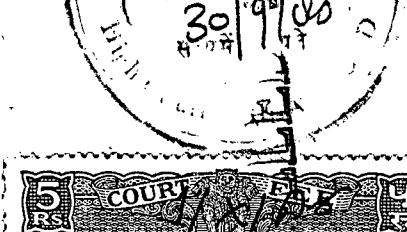
1. The Assistant Superintendent of Post

Offices , Unnao Sub Dn, Unnao



2. The superintendent of Post Offices ,

Kanpur Mufassil Division, Kanpur .



3. The Union of India, through, Ministry

the Secretary Government of India ,

Ministry of Communications ,

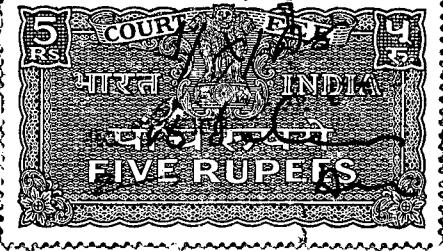
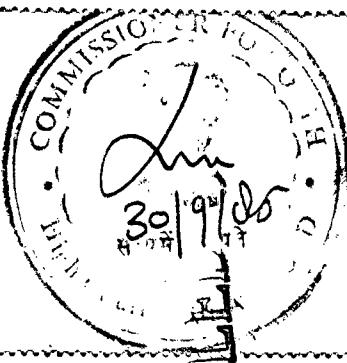
New Delhi

.. Opposite Parties .

Petition under Article 226 of Constitution of
India .

The humble petitioner submits as under ; -

1. That the petitioner having learnt that the post of Extra Departmental Delivery Agent Cum Extra Departmental Mail Carrier Kanjaura, Unnao, had fallen vacant and names of suitable candidates were called for by the opposite party no 1 from the Employment Exchange Unnao, ^{and the} applied for the same and his name alongwith the names of others was



जियाल वर्मा

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

66-29.10.85

(LUCKNOW BENCH) LUCKNOW.

C.M.APPLICATION NO 11,869 (a) OF 1985



IN

WRIT PETITION NO 5134 OF 1985

Jiya Lal Verma

Petitioner

Versus

Union of India & Others

.. Opposite Parties

The applicant submits as under ; -

That for the reasons detailed in the accompanying affidavit , it is most respectfully prayed that the Hon'ble Court be pleased to stay the removal of the applicant from the post of ED MC Kanjaura and fresh appointment on the same post of any other person , meanwhile, and an ad-interim order in the same terms be issued immediately.

Lucknow

14.10.85

T.S

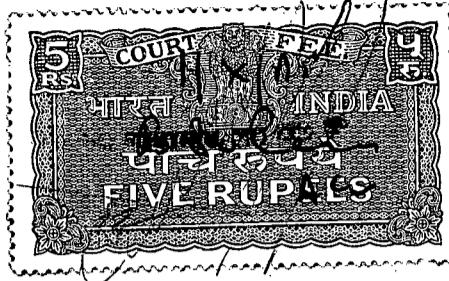
B. Solomon
Counsel

For Applicant/Petitioner

12695
10/10/85

IN THE HONORABLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) LUCKNOW



CE No. 484 (85)
C.M.A. of No. 136 of 1985
In Writ Petition No. 5136 of 1985

26

3

Jiya Lal Verma

.. Petitioner

CE 185

Versus

Union of India & Others

.. Opp. Parties .

Application for interim relief .

The humble applicant states as under ; -

That for reasons detailed in the Writ Petition

it is most respectfully prayed that the orders
terminating the services of the petitioner be stayed
meanwhile and an ad-interim order be issued immediate-
ly in the same terms .

Lucknow

30.9.85

11 x 85

R. S. Khan

Counsel

For Applicant/Petitioner

5 x 85

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH
LUCKNOW

T.A. 1674/87
(W.P.5134/85)

J.L.Verma

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B.Gorthi, Adm. Member.

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

The applicant who was appointed as E.D.D.A.cum E.D.M.C.Kanjaura Unnao, it appears on some report that the applicant was not the resident of that village, the enquiry held and the Inspector recorded the statement of the applicant, before whom the applicant is said to have stated that he is resident of village Banther, though the applicant subsequently moved an application stating that the above statement was taken from him under pressure.

2. The respondents have stated that the enquiry revealed that the applicant was not resident of village Kanjore but he was the resident of village Banther and the applicant has also stated this fact before the Inspector during the enquiry.

3. May it be that ~~some~~ ^{it is a} qualification may be for the appointment of the post. The respondents were the best persons to find out the applicant's residence. But no opportunity was given to the applicant and the

(23)

(AS)

enquiry was made from the applicant himself. However, as such the application deserves to be ~~examined~~ dismissed. It appears that only temporary arrangement has been made and the respondents may also consider the claim of the applicant for appointment to the said post, in case the applicant is found to be a resident of village Bani Kanjore. No order as to Cols

transigns
A.M.

V.C.
V.C.

Lucknow Dated: 19.9.91.

Group A-15-(a) 7999
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

(LUCKNOW BENCH) LUCKNOW

WRIT PETITION NO 5134 OF 1985

Jiya Lal Verma

.. Petitioner

Versus

Union Of India & Others

.. Opposite Parties

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LUCKNOW

30.9.1985 / 3.x.85

B. S. Gour
Counsel

For petitioner

sent to the opposite party no 1 by the Employment Exchange, Unnao, for consideration and necessary action.

2. That the petitioner was adjudged as the suitable candidate , fulfilling all requisite conditions for the said post of E.D. D.A. cum E.D.M.C. Kanjaura Unnao and was , therefore , appointed to said post by the Opposite Party No 1 under his memo no A/ Kanjaura dated 25.2.84 , a true copy of which is Annexure 1 to the writ petition. This appointment was initially provisional subject to certain conditions mentioned in the appointment order dated 25.2.84 it-self . The conditions were subsequent-
an
ly complied with and fulfilled and the appointment of with effect from 1.3.84. to the post became regular. His conditions of service are governed by the P&T Extra Departmental agents (Conduct and Service) Rules 1964 and Industrial Dispute Act 1947 .

3. That the petitioner took the charge of the office of E.D. D.A. Cum E.D.M.C. Kanjaura on 1.3.1984 and ever since then, this work and conduct have been satisfactory without any complaint, what so ever , from any quarter. A photo copy of the charge report is Annexure 2 .

4. That the petitioner was ordered to work as Branch Postmaster Kanjaura by Opposite Party No 1 vide his order dated A/ Kanjaura dated the 30.1.85,

जियावाहनम्

and the petitioner took over the charge of the said office as Branch Post Master Kanjaura on 4.2.85 and discharged his duties satisfactorily till 9.9.85 A true copy of the order dated 30.1.85 is Annexure 3 and a photo copy of the charge report dated 4.2.85 is Annexure 4 .

5. That the petitioner has been an active worker of the National Union of Extra Departmental Agents at Unnao and due to his active participation in the Union activities , the opposite parties no 1 and 2 have been biased and prejudiced against him .
6. That on 13.8.85 , the opposite party no 1 recorded the statement of the petitioner regarding the place where the P.O. Records were kept, about number of transactions of the P.O. and under pressure and duress asked him to write that the petitioner has been living with his father at village and P.O. Banther Distt Unnao , although the petitioner actually lives and resides at Prithi Khera, Post office Kanjaura Distt Unnao .
7. That the petitioner immediately on 14.8.85 submitted a complaint to the Opposite Parties No 1 and 2 personally that his statement on 13.8.85 was taken by the opposite party No 1 under pressure of authority and duress and he suspected some foul play on the part of the opposite party no 1 . A true copy of this complaint is Annexure 5 . No reply to the



जिल्हा प्रांतीय

complaint dated 14.8.85 was received either from opposite party No 1 or from Opposite Party No 2 , nor any enquiry was made on the petitioner's complaint.

8. That on 9.9.85 the opposite party no 1 came personally to Kanjaura Branch Post office and served his order no A/EDMP/Kanjaura dated 6.9.85 on the petitioner and immediately in his presence got the charge of Extra Departmental Branch Postmaster Kanjaura transferred to Shri Ajay Kumar Bajpai who is not qualified under the rules and from whom the petitioner had taken charge on 4.2.85 . A true copy of the order dated 6.9.85 is Annexure 6 and a photo copy of the charge report is Annexure 7 .

9. That though the posting of the petitioner to the post of Extra Departmental Branch Postmaster Kanjaura had been made by Opposite Party No 1 on temporary basis by order dated 30.1.85 (Annexure 3) but the arrangement continued with the approval and consent of the Opposite Party No 2 who is the appointing authority of Extra Departmental Branch Postmaster under the rules and could not be terminated by the Opposite Party No 1 as he is not the competent authority to pass order of termination in respect of E.D.B.P.M. on which post the petitioner was working on 6.9.85 . The competent authority to pass termination order in respect of E.D.B.P.M.

जियाकुमार बजपै is the Opposite Party No 2 , who has not passed



any such order . The order dated 6.9.85 (Annexure 6) is , thus , without authority, illegal and void as it sought to terminate the services of the petitioner who was then working as E.D.B.P.M.

identical termination of Shri Birendra Kumar Pandey.

10. That the petitioner was so much shocked by the prejudicial and arbitrary action of the opposite party no 1 , that he developed nervous ~~to consult~~ ^{ness} ~~and~~ temperature and got ill and had to consult a physician for treatment . The petitioner is at present ill, and under treatment and rest as advised by his attending physician .

11. That no charge of ED DA/ED MC has yet been taken from the petitioner . It is , however, understood that the Opposite Party No 1 is making efforts to get the charge transferred from the petitioner in view of the fact that Hon'ble High Court at Allahabad has issued stay order against identical termination of Shri Birendra Kumar Pandey .

12. That the petitioner has been working as ED DA/ ED MC Kanjaura for the last about $1\frac{1}{2}$ years and has been in continuous service as such for more than one year as ED employee interms of section 25B of the Industrial Dispute Act 1947 and his services cannot be terminated or retrenched without notice as provided under section 25F and 25N of the said Act.

13. That the action of the opposite party no 1 interminating the services of the petitioner ^{has a} ED B.P.M.

जिम्मा दाता व मरी



Kanjaura is without authority, wrong, malicious illegal and void. Further his order dated 6.9.85

~~to~~ terminating the services of the petitioner from the post of ED DA/ ED MC Kanjaura and take charge of the post from him is wrong and malicious.

14. That the opposite party no 1 has not acted within his power interminating the petitioner from the post of ED B.P.M. Kanjaura and ~~Further~~ he is not acting in bonafide exercise of his power in terminating the petitioner from the post of ED DA/ ED MC Kanjura ~~and~~ without notice following the procedure as laid down in the Industrial Dispute Act 1947. The action of the opposite party no 1 is bad, unlawful, wrong, ~~malicious~~ malafide, and illegal.

15. That without giving any notice and following the procedure, the termination order of the petitioner issued by the opposite party No 1 is bad .

16. That the charge of the post held by the petitioner as ED DA/ ED MC Kanjaura has not yet been taken from him .

17. That the petitioner shall suffer an irreparable loss if the illegal orders passed by the opposite party no 1 are not stayed immediately .

18. That the petitioner is left with no other efficacious remedy except to file this writ petition on the following amongst the other ; -

जिम्मेदारी

Grounds



(a) Because the orders terminating the services of the petitioner is wrong, malicious and illegal .

(b) Because the order passed by the opposite party No 1 without jurisdiction and malafide .

(c) Because the orders have been passed without notice and without giving any opportunity of hearing.

(d) Because the orders passed are termination simplicitor It amounts to dismissal and removal and cannot be passed without show cause and without hearing.

(e) Because the orders passed are malafide and illegal both on fact and in law .

(f) Because the orders of termination amount to retrenchment and the procedure for retrenchment has not been followed .

(g) Because the removal of the petitioner from service in violation of labour law is illegal and void and cannot be given effect to .

Prayer

It is , therefore , most respectfully prayed that this Hon'ble court be pleased to issue a writ of Certiorari quashing the order dated 6.9.85 (Annexure 6) and issue a writ of Mandamus commanding the opposite parties not to compel the petitioner to hand over charge of the office of ED DA/ED MC and issue any other writ, order or direction deemed proper in the circumstances of the case and allow this writ petition with costs.

Lucknow

26.9.85

Badshah
Counsel for Petitioner

3.x.85

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) LUCKNOW.

W.P. No. 816
of 1980

Jiya Lal Verma

.. Petitioner

Versus

The Assistant Superintendent of Post

Offices Unnao & Others

.. Opp. Parties.

Annexure No. 1

Memo No A/Kanjoura

Dated at Unnao 20980 Feb 25.2.

84

Subject

Sri Jiya Lal Verma S/O Shri Arjun r/o Village-Pirthikhera Majra Bani P.O. Devarakalan(Kanjaura) Unnao is hereby provisionally appointed as EDDA cum EDMC Kanjaura Unnao subject to the following conditions:-

1. Proper security.
2. Good character and antecedent from police
3. Health Certificate from A.M.A.
4. Declaration as required under EDAs (Conduct and service) Rules 1964 as amended from time to time.

Sri Jiya Lal Verma should clearly understand that his appointment on the above post is provisional which may be terminated at any time without any reason.

The services of Sri Jiya Lal Verma will be governed under P&T EDAs (Conduct and Service) Rules 1964 as amended from time to time.

Copy to:-

Assistant Supdt of Post
Offices Unnao Sub Division UNNAO- 209801

1. Sri Jiya Lal Verma Vill Pirthikhera Majra Bani P.O. Devarakalan(Kanjaura) Unnao
2. The B.P.M. Kanjaura
3. The P.M. Unnao
4. The mail o/s west to complete all the formalities before joining.
5. The SPM Magarwara Unnao

जिया लल वर्मा

9

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Y
o

In the Hon'ble High Court, Lucknow Bench, U.P.

WP m of 1965

W.P. m. of
G. Iya Lal. Verma v/s U.O.S & others

Annexure m - 2

EXPTL. P. O.

No. 16763

मार्क्सीय डाक-मार विभाग
A.C.G. INDIAN POSTS AND TELEGRAPHS DEPARTMENT

(दिल्ली नियम 267, डाक-मार विभाग नियम ग्रन्तिका, भाग 1, दिल्ली शहरारा)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume 1, Second Edition)

वे दो दस्ती दर दर्ता दिली और दामो भीट दिली तो दस्ती
Charge : Port and Receipt for each and stamps on transfer of
charge

EDmp/ EDMC

Certified that the charge of the office of **Kangra B**.....

Ajay Kumar Raffra.....
was made over by (name) **Raijana**

(दाम) **Jyoti Lal Verma**
or (name) **Raijana**
at (place) **Raijana**

दारादाता **11.31.84** को **पुरापु** से **पुरापु** में

on the (date) **11.31.84** for **noon** in accordance with
No. **Memorandum** Date **22.2.84** **from AS Posts**

प्राप्तकर्ता दिलारी
Retiring Officer

प्राप्तकर्ता दिलारी
Hiring Officer

(प्राप्तकर्ता दिलारी)
P. T. O.)

गिरावळ वर्मा

सम्बन्ध माननीय उच्च न्यायालय, इलाहाबाद, खण्ड पीठ, लखनऊ

रिट पिटीइस नं०

आप 85

जिया लाल वर्मा याची

बताम

यूनियन आफ इंडिया तथा अन्य विपक्षीगण

एनेक्ष्यर-३

सैनिक

सैनिक

ए/कन्जौरा

30-1-85

श्री जियालाल, ई०डी०एम०पी० कन्जौरा को बी०पी०एम० कन्जौरा के पद पर अस्थायी तौर पर कार्य करने का आदेश दिया जाता है।

ई०डी०एम०पी० कन्जौरा के पद पर श्री बृजनाथ, श्री शिवशंकर ई०डी०एम०पी० सिगरौसी की जिम्मेदारी पर कार्य करेंगे।

चार्ज रिपोर्ट शीघ्र भेजी जाये।

८०/—
सौल

प्रतिलिपि : ११ श्री जियालाल ई०डी०एम०पी० कन्जौरा। आप 1-2-85 को बी०पी०एम० का चार्ज ले ले तथा कार्यवाहक बी०पी०एम० को चार्जमुक्त कर दें।

१२ श्री बृजनाथ छारा श्री शिवशंकर ई०डी०एम०पी० सिगरौसी के कार्यवाहक ई०डी०एम० कन्जौरा के पद पर ज्वाइन होने हेतु।

जियालाल वर्मा



11

819

12

In the Hon'ble High Court, Lucknow Bench, Lucknow
 Jyoti Lal Verma v/s. U.O.G. and others
 W.P. No. of 1935-
 Annexure no - 1

11

819

12

| | |
|---|--|
| मारतीय टाक-तार विभाग | |
| INDIAN POSTS AND TELEGRAPHS DEPARTMENT | |
| (राज्य नियम 267, टाक-तार विभाग नियम प्रकाशका, भाग 1, भिन्न, भिन्न) | |
| (See Rule 267, Posts and Telegraphs Financial Handbook, Volume 1, Second Edition) | |
| मारतीय टाक-तार विभाग द्वारा टाक-तार विभाग को द्वारा Charge Report and Receipt for cash and stamps on transfer of charge | |
| प्रमाणित किया जाता है कि BPM Certified that the charge of the office of | |
| (नाम) Ajay Kumar Bappa was made over by (name) | |
| (नाम) Jyoti Lal Verma at (place) Kaunoor | |
| (नाम) 42-85 on the (date) 31.1.85 before noon in accordance with the Postmaster A. Kaunoor 31.1.85 B. Post Balu No. from | |
| (नाम) Relieving Officer (नाम) Relieving Officer (नाम) (H.O. P.O./P. T. O.) | |

नियमानुसार

समक्ष माननीय उच्च न्यायालय, इलाहाबाद, छण्ड पीठ, लखाउ
रिट पिटीशन नं० आफ 85.

जिया लाल वर्मा

याची

बनाम

यूनियन आफ इण्डिया तथा अन्य विषयीणा

एनेक्शन-5

सेवा में,

श्रृ॒। श्रृ॒ डाक अधीक्षक
कानपुर मुफस्सल प्रखण्ड
कानपुर

महोदय,

खेद के साथ लिखा पड़ता है कि कल दिनांक 13-8-85 को लगभग 5 बजे साँय श्रीमान सहायक अधीक्षक उन्नाव ने मेरा बयान लिया जिसमें उन्होंने अपने पद के प्रभाव एवं दबाव से यह श्रृ॒ गलत ढंग से लिखवा लिया कि मैं अपने पिता के साथ ग्राम व पोस्ट बन्धू जिला उन्नाव में रहता हूँ जबकि वास्तिकता यह है कि मैं ग्राम पिरथी खेरा, मजरा की पोस्ट कन्जौला में नियमित निवास करता हूँ और मेरा नाम वहाँ निवासी होने के अभिलेखों में भी है। मुझे भय है कि मेरे विलङ्घ कोई साजिश की जा रही है।

अतः आपसे जिवेद्ध है कि माफ्सो की जांच कर न्याय करें।



दिनांक : 14-8-85

भवदीय

श्रृ॒ जिया लाल वर्मा श्रृ॒
शाखा डाकपाल - कन्जौला

प्रतिलिपि :- श्रृ॒ सहायक अधीक्षक उन्नाव सूचनार्थ।

हस्ताक्षर

14-8-85

श्रृ॒ जिया लाल वर्मा

स्वामीलिली

जिया लाल वर्मा

13
42
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.
(LUCKNOW BENCH) LUCKNOW.

Jiya Lal Verma .. Petitioner

Versus

The Assistant Superintendent of Post
Offices Unnao & Others .. Opp. Parties .

Annexure No 6

Department of Posts

Office of the Asstt. Supdt. of Post Offices Unnao

Sub Dn.

Memo No. A/EDMP/Kanjora. Dated at UNNAO, the 6.9.85

In exercise of the powers conferred by rules 6 of
P&T E.D. AS(Conduct & Service) Rules, 1964 the under
signed hereby terminates the services of Shri Jia Lal
Verma, EDMP Kanjora (Magarwara) with immediate effect.

Charge report should be submitted.

(M.B.Bajpai)
Asstt. Supdt. of Post Offices
Unnao Sub Dn. Unnao-209801.

Copy to:-

1. Shri Jia Lal Verma, EDMP Kanjora (Magarwara) through
the Mail Overseer, Unnao.

2. The Mail O/S Unnao with an additional copy for
delivery to Shri J.L.Verma EDMP under receipt. He
will also please get the present EDMP relieved
immediately in his presence and make a stop gap
arrangement on the post by engaging some suitable
local man temporarily until the regular arrangement
is made by this office.

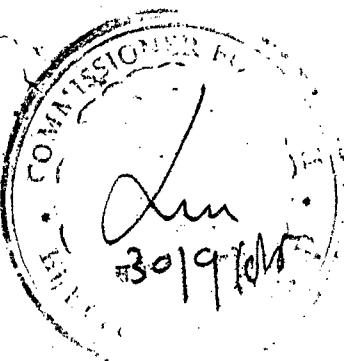
3. The Postmaster, Unnao.

4. The ED BPM, Kanjora (Unnao).

5. The S.P.Os/ Kanour(M) w/r to his letter No. A-4/ED
Kanjora/85-86 dt 29.8.85 for information.

6. O/C

नियमित अधिकारी



(A2)

X5

In the Hon'ble High Court, Lucknow Bench, Lucknow
 No. 11985
 Dated 9/9/85
 Gya Lal Verma vs U.O. 9 and others
 Annexure No 7

Police and Telegraph Department
 EXPTL. P.O.
 U.P. 9337

Charge Report

Certified that the charge of the office
 of Kanoria was made over by name -
 to name Ajay Kumar Kapoor name -
 on the date 9.9.85 ^{after noon}
 in accordance with Report Memo A.C.M.P. Kanoria
 dated 9.9.85

Relieving officer 31/9/85

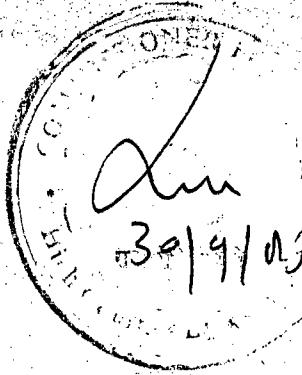
AKB
 Relieving officer 9/9/85

Copy to

1. The P.M. arman
2. The A.S.P. unnaur
3. The S.S.P. Kanpur
4. Record

MURAR JI B.C. 81, 82-1-1-20-13, 00, 000 M.R.

Gya Lal Verma



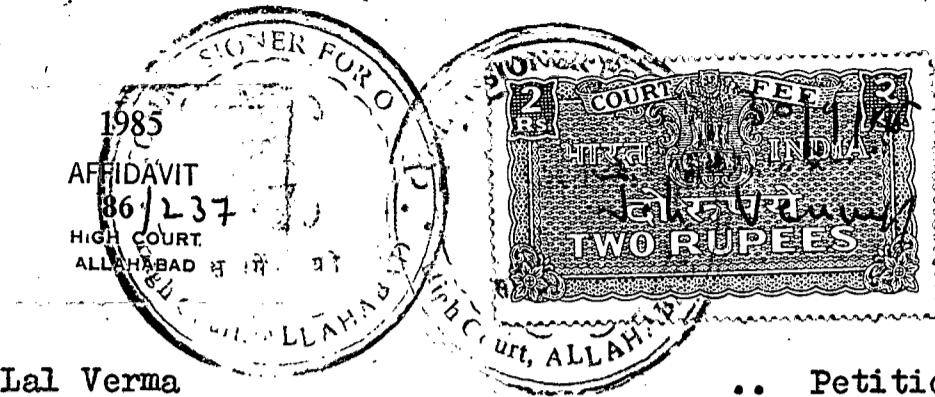
Patnaik

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD 823

(LUCKNOW BENCH) LUCKNOW

WRIT PETITION

OF 1985



Jiya Lal Verma

.. Petitioner

Versus

Union Of India & Others

.. Opp. Parties ..

Affidavit

I , Jiya Lal Verma aged about 22 years S/O Arjun R/O Village Pirthikhera , Majra Bani P.O. Kanjaura
 Distt Unnao, ~~here~~ state on oath as under :-

1. That the deponent is the petitioner in the above noted writ petition and fully conversant with the facts deposed to in the writ Petition .
2. That the contents of paras 1 to 17 of the writ Petition are true to my own knowledge and those of para 18 are believed by me to be true .
3. That the annexure nos 1 , 3, 5 and 6 ^{to} the writ petition are true copies and they have been compared with the originals and the annexure 2 , 4 and 7 are the photo state copies of the originals .



Lucknow

30.9.1985

Deponent

Deponent

Verification

I the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are

P24

true to my knowledge. Nothing material has been suppressed or concealed and no part of it is false.

So help me God.

h
30 9.1985

नियालवर्मा
Deponent

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

h
(M. Dubey)
Advocate

Solemnly affirmed before on this 30 day
of September 1985 at 8.30 Am/Pm by the deponent Shri
Jiya Lal Verma who is identified by Shri M. Dubey Advocate
High Court, Lucknow Bench, Lucknow.

I have ~~sank~~ satisfied my self by examining the
deponent that he under stands the contents of this
affidavit which has been read over and explained to
him.

Zafar Mahmud

ZAFAR MAHMUD

Advocate

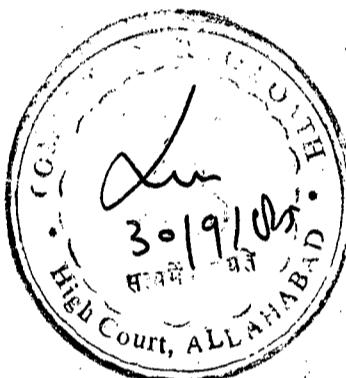
OATH COMMISSIONER

High Court, Allahabad

(Lucknow Bench) Lucknow

No. 86/237

Date 30-9-85



दं अदालत श्रीमान

[वादी] अपीलान्ट

High Court Lucknow Bench Lucknow

महोदय

Jiyalal Verma का वकालतनामा

प्रतिवादी [रेस्पाइंट]



Jiyalal Verma

वादी (अपीलान्ट)

VS.

W.O. & others

बनाम

प्रतिवादी (रेस्पाइंट)

मुकद्दमा

सन् १९८५

पेशी की तुरीय

१६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

and M. Duley, Adv.

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा से वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जगाग देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या या सुलहनामा व इकदाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विषयी (करीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय दारा की गधी वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि जैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाक फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया ताकि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर जियालल वर्मा

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

३०

महीना

९

सन् १९८५ ई०

स्वीकृत

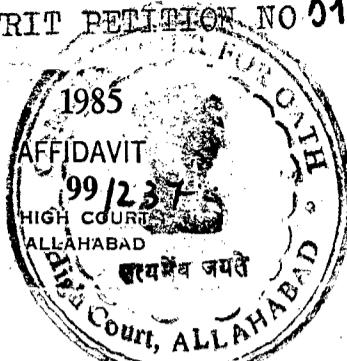
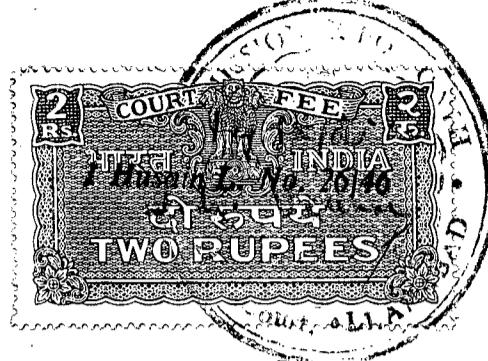
① B. Solomon
Adv.

② M. Duley
Adv.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) , LUCKNOW

WRIT PETITION NO 5134 OF 1985



Jiya Lal Verma

.. Petitioner

Versus

Union of India & Others

.. Opposite Parties

Affidavit

Sub

I Jiya Lal Verma aged about 22 years S/O Arjun R/O Village Pirthikhera, Majra Bani, P.O. Kanjaura Distt Unnao do hereby state on oath as under ; -

1. That the deponent is the petitioner in the above noted writ petition and is fully conversant with the facts deposed to in this affidavit .
2. That the writ petition and the stay application filed by the deponent are pending in this Hon'ble Court .
3. That the opposite party no 1 is bent upon removing the deponent and he has initiated proceedings for fresh appointment in the place of the deponent. A true copy of the letter dated 12.9.85 sent by him to the District Employment Officer Unnao is Annexure 8 . This action has been taken to defeat the writ petition filed by the deponent .
4. That if no interim order is immediately granted in favour of the deponent , the deponent would



Information

suffer an irreparable loss and the writ petition would become infructuous.

5. That against the identical order a petition was filed on 19.9.85 by the National Union of EDA's, Branch Unnao and others in which the opposite parties sought time to verify about the interim order having been passed in an identical case at Allahabad and also to verify facts mentioned in paragraph 13 of the writ petition. The said writ petition is registered as writ Petition no 4817 of 1985 and was fixed for 4.10.85, when the opposite parties did not make the required statement and the said writ Petition is fixed for today and is listed at serial no 52 of the cause list. The deponent's petition is identical and needs to be considered alongwith the said petition.

Lucknow

14.10.1985

Swaminand

Deponent

Verification

I the above named deponent do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my knowledge. Nothing material has been suppressed or concealed and no part of it is false.

So help me God.

Lucknow

14.10.1985

Swaminand
Deponent

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

M. Dubey
(M. Dubey)
Advocate



Solemly affirmed before on this 14 day of
October 1985 at 8 — Am/Pm by the deponent Shri Jiya
Lal Verma who is identified by Shri M. Dubey Advocate
High Court, Lucknow Bench, Lucknow .

I have satisfied my self by examining the deponent
that he under stands the contents of this affidavit
which has been read over and explained to him .

Zafar Mahmud
ZAFAR MAHMUD
Advocate
OATH COMMISSIONER
High Court, Al-Adil
(Lucknow Bench) Lucknow
No. 99/237
Date 14.X.85

(82)

45

On the 27th June 1985
High Court of Judicature at Allahabad
Delhi Bench, Lucknow
Ref No. 1985
Date of filing 1985
Bench of Dr. H. C. Mehta
भारत सरकार, संपादक मार्ग, डाक विभाग

क्रांति- सहायक अधीक्षक,
डाक द्वार-उन्नाप,
उप फैल, उन्नाप।

लेखा है,
जिला धोजन अधिकारी,
उन्नाप।

पत्रांक- 10000 समधी 0/कन्नीरा, स्थान उन्नाप 12-9-85

विषय: अतिरिक्त विधानीय शाला डाक द्वार, कन्नीरा [उन्नाप] में अतिरिक्त विधानीय/मेल प्रौद्योगिक विधान के रिक्त घर पर नियुक्त किया जाना।

गद्दीय,
निवेदन है कि लेखा कार्यालय नगरवारा [उन्नाप] के अधीन कार्यालय शाला-डाक द्वार-कन्नीरा में अतिरिक्त विधानीय/मेल प्रौद्योगिक विधान के 30 दिन के अन्दर उन्नुक्त घर पर नियुक्ति देखा जाये ताकि उन्नीस वर्ष के अधिकारी के आवेदन घर इस कार्यालय को अनुसारित करके उपकृत करें। अधिकारी नियमानुसार अद्वितीय पूर्ण करते हैं।

1- आवेदक डाक द्वार द्वारा गई का नियाती हो तथा डाक गई दो दिन नियात कर रहा हो।

2- आवेदक की आयु 18 वर्ष से कम न हो।

3- आवेदक की शूलक रौप्यांक दोरियता के 8 उत्तीर्ण हो हाई स्कूल में उत्तीर्ण ज्यादादियों को नियुक्ति में दरीयता ही पायेगी।

4- अधिकारी का परिवर्त उत्तर हो तथा आवेदन घर के साथ 2 दिन से कम 2 परिवर्त प्रवाण-घर लेलग्न हो।

5- प्राप्तिनापन हेतु जन सभा घर में प्रस्तुत किये जायें तथा उनकी छवि तीन से कम नहीं होनी चाहिए।

विधायी,

80/

मुकुट विधारी बाणपेड़ ।
तहायक अधीक्षक डाक द्वार,
उन्नाप उप फैल, उन्नाप।

12/6/85
R. P. M. A. M.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BRANCH, LUCKNOW

Registration No. 1674 of 1987(T)

P32

Jiyo Lal Verma .. Petitioner

" Versus -

The Assistant Superintendent
of Post Offices, Unnao Sub Divn.
Unnao and others .. Respondents.

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

I, Kariman Singh, aged about 42 years, son
of Shri Sudarshan Singh, at present posted as
Assistant Superintendent of Post Offices, Unnao
do hereby solely affirm and state as under:

*File No. 2
19.9.91*

1. That the deponent is the Assistant
Superintendent of Post Offices, Unnao and
has been authorised to file this counter affidavit
on behalf of respondents and as such he is well
acquainted with the facts of the case deposed to
below.

2. That the deponent has read and understood
the petition of the applicant as also his affidavit
filed in support of the above noted writ petition
and has understood their contents.

3, That before giving parawise reply of the petition it is necessary to give the certain facts which is essential for the just and proper disposal of the aforesaid case.

4. That the names were invited from the Employment Exchange for the appointment of EDDA. It was necessary qualification for appointment of EDDA that the person must be resident of that village.

5. That the post was in village Kanjora hence it was necessary qualification that a resident of village Kanjora should be appointed as EDDA. In absence of this requisite requirement that appointee should be from the same village hence the appointment is liable to be set aside and illegal.

6. That the petitioner has mentioned in his application as well as resident of Baru Kanjora whereas he was resident of village and post Banther which is 14 Kms. away from this village Kanjora.

7. That after the appointment of the petitioner it was reviewed by the higher authority and it was found prima facie that the petitioner is not resident of village Bawali Kanjora but he is resident of village Panther hence the petitioner was afforded opportunity to explain this irregularity in respect of his native village.

6. Supdt.
That the ~~subject~~ post office Kanpur Mufassil
Division has himself gone to verify the contents
of the assertion of the petitioner regarding the
residence of the petitioner. In this respect the
Superintendent of Post Offices, Kannur Mufassil
Division had asked the explanation from the
petitioner who has given statement that he is
resident of village Dantler and not Kanjora.
The statement given by the petitioner clearly
ed its the mistake of the petitioner.

9. That in view of the admission of the petitioner regarding his place of residence it was necessary requirement for his appointment

but appointment was reviewed and
cancelled in the light of the statement recorded
by the Superintendent, Post Offices Kanpur

Mufassil Division that he is not the resident
of village where the post office was situated.

10. That it is most respectfully submitted
that the respondent has given opportunity to the
petitioner to explain in respect of actual place of
the assertion made in his application and in view of
the factual position on the spot. As a matter of
fact the Superintendent of Post Offices, Kanpur
Mufassil has given full opportunity to the petitioner
in view of his own admission that there was nothing
left but to review the order appointed by that and
to pass the necessary order. The petitioner was
relieved from the post and charge was taken over
with effect from 9.9.1985.

11. That the contents of paragraph 1 of the
petition are matter of records hence need no reply.

12. That the contents of paragraph 2 of
the petition are not admitted as stated. It is

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stated that the necessary condition of being residence of that village was not fulfilled correctly by the petitioner and this fact was admitted by the petitioner himself hence in absence of the necessary requirement of being residence of that village the petitioner was not entitled for the appointment thus the appointment was reviewed and necessary orders were passed under Rule 6 of the LDA(Conduct) Rules as the petitioner was not put more than three years service. The appointment of the petitioner was based unnecessary requirement of being residence of that village which was found incorrect on the basis of the admission of the petitioner himself thus it is not open for the petitioner to raise this point any more. As a matter of fact the petitioner deserve no sympathy in view of the wrong statement made in the application for obtaining the appointment on wrong fact which was later on proved wrong on the basis of the statement of the petitioner himself.

13. That in reply to the contents of paragraphs 3 and 4 of the petition it is stated that the services of the petitioner were not terminated on account of any charge or mis-conduct. It was merely on the charge of own admission failing of the fulfilling the necessary requirement of that village. The petitioner was not regularly appointed for the post of B.I. but for the time being he was ordered to work as B.I.M Kanjora as such vacancie s are managed by the ED Staff of that office or neighbouring office according to the convenience of the administration.

14. That the contents of paragraph 5 of the petition are denied as stated. It is absolutely wrong to say that respondent nos. 1 and 2 ~~xxx~~ were hostile, biased or prejudiced against the petitioner. It is stated that the impugned order was passed in view of own admission of the petitioner in absence of necessary requirements. It is not admitted whether the

petitioner was an active worker of the
national Union of Extra Departmental Agents at
Unnao.

15. That the contents of paragraph 6
of the petition are denied as stated. It is
wrong to say that any pressure, influence or
undue tactics were adopted in obtaining the
written statement of the petitioner. Apart fro
the statement of the petitioner the Superintendent
of Post Offices had also verified this fact on the
spot.

16. That the contents of paragraph 7 of the
petition are not admitted as stated. It is stated
that there is no such complaint available in the
file of the department and after that has no value.

17. That the contents of paragraph 8
of the petition are not admitted as stated. It is
stated that the petitioner was a regular ED Mail
Person and not the Branch Postmaster. By effecting
the termination order the incumbent has actually

been terminated which the petitioner held as ED Mail Peon. The plea of the petitioner that he should have been terminated as BIM is not legal.

18. That the contents of paragraph 9 of the petition are not admitted as stated. It is stated that the petitioner was never appointed as ED Branch Postmaster. He was only directed to work as BIM against short term vacancy and therefore it is incorrect to say that termination orders are not applicable to him. He was terminated as ED Mail Peon by the competent authority by whom he was appointed, therefore, the termination orders are quite legal and covered with the ED(Conuduct) Rules.

19. That the contents of paragraph 10 of the petition are denied as stated. It is stated that the deponent has no knowledge regarding the illness or anything which is connected with the personal life. However, it is not relevant.

20. That the contents of paragraph 11 of the petition are not admitted as stated. It is stated that the petitioner has already been relieved on 9.9.1985 and the charge report has been signed by the petitioner himself in which there is clear mention of his being ED all son.

*already
charge
was 3-9-85*

21. That the contents of paragraph 12 of the petition are not admitted as stated. It is stated

*wrong
9.9.85
Appli exhibit 2*

that the provision of the Industrial Dispute Act is not applicable in the present case. The services of the petitioner is governed under ED (Conduct) Rules, 1964 and any ED employee having less than 3 years service can be terminated at any time without assigning any reason.

22. That the contents of paragraph 13 of the petition are not admitted as stated. It is stated that the petitioner's services have not been terminated out of any malice or illwill but

*Signature
not shown
are given
by*

he has been terminated for submitting false declaration in the application for appointment

regarding residential address.

23. That the contents of paragraph 14 of the petition is denied as stated. It is stated that the action of the respondent is bonafide, correct and legal and do not suffer from any error. It is denied that the action of the respondent is wrong, bonafide and illegal.

24. That the contents of paragraph 15 of the petition are denied.

25. That the contents of paragraph 16 of the ^{Vague} petition are denied as stated. It is stated that the petitioner was relieved from the post and charge was taken over with effect from 9.9.1985.

26. That in reply to the contents of paragraph 17 and 18 of the petition the deponent is advised to state that the petitioner has failed to make out any case for interference by this Hon'ble Court hence the petitioner is not entitled for any relief. The grounds taken therein has no force hence the present petition is liable to be dismissed with costs.

27. That in view of the facts and circumstances stated above, the petition filed by the petitioner is liable to be dismissed with costs to the Respondents.

Deponent.

Lucknow,

Dated:

Verification.

I, the above named deponent do hereby declare that the contents of para to are true to my personal knowledge, those of paras to are based on perusal of record and information gathered and those of paras to are based on legal advice which all I believe to be true, no part of it is false and nothing material has been concealed.

Deponent.

Lucknow,

Dated:

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

(V. K. CHAUDHARI)

Adjl Standing Counsel for Central Govt

Counsel for the Respondents.

Solemnly affirmed before
me on at am/pm by the deponent
at Lucknow.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

Regn. No. 1674 of 87 (T)
(W.P. No. 5134 of 85)

Reu2

Jiya Lal Verna

Petitioner/Applicant

Versus

The Asstt. Supdt. of Post Offices,
Unnao Sub. Division, Unnao & others.

Opposite Parties/
Respondents.

Fixed for -

REJOINDER AFFIDAVIT OF THE APPLICANT

I, Jiya Lal Verma aged about 26 years, son of Arjun, R/O village Pirthi Khera, Majra Ban P.O. Kanjaura, District Unnao, do hereby state on oath as under -

1. That the deponent is the applicant/petitioner in the above noted case and is fully conversant with the facts deposed to in this affidavit. The deponent has been read out counter affidavit submitted on behalf of the opposite parties, explained its contents in Hindi and has understood them and is replying to the same.
2. That in reply to the contents of para 1 of the counter affidavit it is not disputed that Sri Kariman Singh is the Asstt. Supdt. of Post Offices, Unnao, but he has not furnished the purported authority for filing the counter on behalf of other respondents and as such the averments made by him are denied.
3. That the contents of para 2 of the counter needs no reply.
4. That in reply to the contents of para 3 of the counter affidavit it is submitted that the facts of the case have already been given in the application filed by the deponent, to which the respondents are under an obligation to file reply. There is hardly any need of this para and the paras connected with it.
5. That in reply to para 4 of the counter affidavit it is denied that it was necessary qualification for appointment of EDDA that the person must be resident of that village meaning thereby a ~~res~~ ^{place where his post is located} the person seeking appointment of EDDA ~~can be~~ ^{is} a resident of that ~~the~~ ^{the} villages which were/are served by the Post office.
6. That the contents of para 5 of the counter affidavit are denied in view of averments made in para No. 5. It was not a

necessary qualification that a resident of the village Kanjaura should only be appointed. The applicant could be from any place within the jurisdiction of the post office i.e. from any village served by the Post Office.

7. That in reply to para 6 of the counter affidavit, it is denied that the deponent was resident of village and Post Banther which is 14 Kms away from village Kanjaura. In fact the deponent was/is residing in village Pirthikhera Majra Bani P.O. Kanjaura District Unnao, which he had mentioned in his application.

8. That the contents of para 7 of the counter are denied as stated. It is denied that the deponent was afforded opportunity to explain the irregularity in respect of his native village. No show cause notice was ever issued to him and opportunity of hearing was afforded against the principle of natural justice. The statement of the deponent was recorded forcibly under influence, authority & coercion and prejudicial and malicious enquiries were held behind the back of the deponent, which are all illegal and void.

9. That the contents of para 8 are denied as alleged. No show cause notice was issued to the deponent and no opportunity of hearing was given to him. The Supdt. of Post Offices Kanpur Mufassil Division acted arbitrary and maliciously to the prejudice of the deponent under the influence of his power and authority, which is illegal malafide and void.

10. That the contents of para 9 are denied as stated. The deponent was a regular appointee of the post of EDDA Kanjaura and his termination infected with stigma against him is irregular, malafide, illegal and void as it violates the provision of Article 311 to which the deponent is entitled. The impugned order contained in annexure 6 is not a termination simplicitor but in reality it is a removal order which could not be passed without resorting to procedure as laid down in Rule 8 of the EDA(Conduct & Service) Rules 1964 read with Rule 14 of the CCS(CCA) Rules 1965. The deponent is a public servant and is entitled to the protection of Article 311 of the Constitution. He is also a workman to be governed under the Industrial Dispute Act 1947 and the Labour laws and under section 25 F of the I.D. Act 1947 he could not be ousted arbitrarily.

11. That the contents of para 10 of the counter are denied and the averments made in paras 8, 9 and 10 above are re-stated.

12. That para 11 need no reply. The contents of para 1 of the application are re-iterated.

13. That the contents of para 12 are denied as stated. It is wrong to say that the condition of being resident of that village was not fulfilled correctly by the deponent and this fact was admitted by the deponent himself. The deponent was/is a resident of that ~~of that~~ village and had correctly applied for the post of EDDA/DEMP Kanjaura and appointed to that post being the most suitable candidate. It is wrong to say that in absence of the necessary requirement of being resident of that village the deponent was not entitled to be appointed. There is no provision for review of the appointment by any higher authority and the order passed under Rule 6 of the EDA (Conduct & Service) Rules is malicious as it is not termination simplicitor but done at the instance of the higher authority with stigma against the deponent for which the said Rule 6 does not apply. The impugned order in reality is a removal order visited by penal consequences and it could not be passed in violation of Article 14, 16 and 311 of the Constitution of India without show cause notice and reasonable opportunity of hearing to the deponent under Rule 7 & 8 of the aforesaid Rules read with Rule 14 of the CCS(CCA) Rules 1965 and in violation of section 25 F of the Industrial Dispute Act 1947. It is denied that the appointment of the deponent was based on ~~unnecessary~~ requirement of being resident of that village which was found to be ⁱⁿcorrect, On the basis of the admission of the deponent himself. A perusal of annexure 5 would reveal the truth. Any statement taken under influence of power of authority is of no consequence and on that basis no action can be taken. Even if it was found, as alleged in para under reply, that the deponent had given wrong information with regard to his appointment, it constituted a stigma against him and on that basis he could not be removed without show cause notice, proper enquiry and opportunity of hearing. The impugned order is bad, illegal, malafide and void. The contents of para 2 of the application are re-iterated.

14. That the contents of para 13 are denied. The deponent's

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services were not terminated by the appointing authority for his unsatisfactory services or on the abolition of the post as envisaged by Rule 6 of the EDA (Conduct & Service) Rules. As revealed by the respondents, the deponent's services were terminated at the instance of the Supdt. of Post Offices on the stigma of giving wrong information about place of residence. It was a charge amounting to misconduct and in view of that the impugned order is not termination simplicitor, but it is removal from service on stigma which cannot be done without show cause notice and opportunity of hearing to the deponent. Besides the deponent was employed as a Branch Postmaster on the relevant date, for which the appointing authority is the Supdt. of Post Offices, Kanpur Mufassil Division and without his order, the deponent could not be dislodged from that post. The impugned order (annexure 6) is incompetent, without jurisdiction and null and void. Although the initial appointment was made on the post of Branch Post Master by the respondent No. 1 but under Director General, Post & Telegraph circular No. 23 dated 24.2.70 and letters No. 43/63/69 Pen dated 27.5.70 and No. 5-572-ED Cell dated 18.8.73, the approval of the Supdt. of Post Offices viz. respondent no. 2 was obligatory. The contents of para 3 & 4 of the application are re-asserted.

15. That the contents of para 14 of the counter are denied and those of para 5 of the application are re-iterated.

16. That the contents of para 15 of the counter are denied and those of para 6 of the application are re-iterated. The so called statement of the deponent was obtained under duress, influence and power of authority and no opportunity of hearing was given to the deponent and no enquiry was held in his presence, against the principle of natural justice. The deponent was a regular employee and his removal from the post could not be done without the procedure laid down in Rule 8 of the EDA (Conduct & Service) Rule 1964 read with Rule 14 of the CCS(COA) Rules 1965 and Section 25 F of the I.D. Act 1947. The deponent was a resident of village Pirthikera under Kanjaura Post Office and he had received an identification letter to that effect on 5.6.83, a photo copy of which is annexure R-1. Servsri Ram Krishna Tripathi & Angnoo Ex-Pradhan and Siya De-

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R-1. Servsri Ram Krishna Tripathi & Angnoo Ex-Pradhan and Siya De-

P-47

the then Pradhan of the village Kanjaura have revealed in their statement dated 30.9.85 that the enquiry made by the Supdt. of Post Offices, Kapur Mafassil was not fair, impartial and just. Photo copies of their assertions are annexures R-2, R-3 and R-4 respectively. This reflects on the manner of enquiry held by the respondent No. 2 to be prejudicial and malafide. A photo copy of the Pariwar Register granted by the Panchayat Nalikhani Dewara Kala is annexure R-5

17. That the contents of para 16 of the counter are denied as alleged. The complaint dated 14.8.85 was sent to the respondent No. 2 under certificate of posting and its copy was given to the respondent no. 1 personally and a copy was also sent to the Dak Nideshak Kapur under certificate of posting. A photo copy of the certificate of posting dated 14.8.85 is annexure R-6. No reply to this representation dated 14.8.85 (annexure 5 to the appln was received by the deponent from any of the addressees. The contents of para 7 of the application are re-asserted.

18. That the contents of para 17 of the counter are denied as stated. The deponent was working as Branch Post Master on the relevant date since 4.2.85 and he having worked satisfactorily for over 7 months and the appointing authority being the Supdt. of Post Offices viz. respondent no. 2 for the said post, could not forcibly and arbitrarily ^{be} dislodged from the post by respondent no. 1. His action in dislodging the deponent from the post of B.P.M. was/is incompetent, without jurisdiction and void as already stated in para 14. The respondent no. 1 could also not remove the deponent from the post of EDDA/EDMP arbitrarily and prejudicially as he was a regular employee against the permanent post and his work had all along been satisfactory without any complaint or adverse remark whatsoever. The contents of para 8 of the appln. are re-iterated.

19. That the contents of para 18 of the counter are denied as stated. The deponent could not be dislodged from the post of B.P.M & EDDA for the reasons stated in paras 14 & 18. The termination order are arbitrary, prejudicial, malicious, against rules, illegal and void. The contents of para 9 of the application are re-asserted.

20. That the contents of para 19 of the counter are denied & those of para 10 of the application are re-iterated.

21. That the contents of para 20 of the counter are denied as stated

24/1/1985

The deponent was working on the relevant date as BPM and not as EDDA and the imugned order dated 6.9.85 (annexure 6) sought to dislodge him from the post of B.P.M., which was/is beyond the jurisdiction of respondent no. 1. The order is, therefore, bad, incompetent, illegal and void. The deponent was not working as EDDA/EDMP on 9.9.85 and in view of that no question of his being relieved from the post of EDMP did arise. The respondent no. 1 arbitrarily coerced the deponent to sign the charge report and dislodged him from the post of B.P.M., where he was working, by manipulation. Annexure 7 to the application is relevant.

22. That the contents of para 21 are denied. The Postal Department is an industry and its employees performing operative work are workmen to be governed under the I.D. Act 1947 and other labour laws also. The deponent is also a civil servant and a workman to be entitled to the benefits envisaged under the I.D. Act 1947 and other ~~any other~~ labour laws and provisions of section 25 F of the said Act are applicable to him besides the EDA (Conduct & Service) Rules 1964. It is wrong to say that any ED employee having less than 3 years service can be terminated any time without assigning any reasons. The power is not un-fettered and arbitrary. The services of the deponent which were regular had all along been satisfactory without any complaint and he could not be removed prejudicially and arbitrarily. It has been held in P.L. Dhangra Vs ~~UO&C~~ UOI AIR 1958 SC 36(48) that termination of service of a Govt. Servant appointed substantively to a permanent post must per se be a punishment for it operates as a forfeiture of a servant's rights and brings about a premature end of his employment. Again where a person is appointed to a temporary post for a fixed term say 5 years, cannot in the absence of a contract or a service rule permitting ^{removal} termination, be terminated before the expiry of that period unless he has been guilty of some mis-conduct, negligence, inefficiency or other disqualifications and appropriate proceedings taken under the rules read with Article 311(2). The premature termination of the servants so appointed will prima facie be a dismissal or removal from service by way of punishment and so within the purview of Article 311(2).

In the state of Punjab Vs Prakash Singh (1975) 2 SLR 85(87)SC

it has been held that:-

"The State had no power to terminate the services when the post itself was continuing. Termination- the form of order was not conclusive, substance of the matter to be looked into"

The impugned order (annexure 6) is arbitrary, incompetent, prejudicial, illegal and void.

23. The contents of para 22 are denied as stated. The averments made in the said para clearly suggest that the order is a termination simplicitor based on stigma against the deponent and as such it is null and void. It is dismissing the deponent from his post against the safeguard guaranteed under Article 311(2); 14 and 16 of the Constitution. The contents of para 13 of the application are re-asserted.

24. That the contents of para 23 and 24 are denied and those of paras 14 and 15 of the application are re-iterated.

25. That the contents of para 25 are denied as stated and the contents of para 16 of the application are restated. The deponent was working on 9.9.85 ^{as} Branch Post Master and he was dislodged from that post by the respondent no. 1 on 9.9.85 under influence, coercion and power of authority.

26. That the contents of para 26 are denied as stated. The deponent has a just claim and his application is tenable and liable to be allowed with cost and special cost on the facts and circumstances of the case. The contents of paras 17 and 18 of the application are re-asserted.

27. That the contents of para 27 are denied. The deponent has a good case and his application is liable to be allowed with all consequential benefits and with cost.

Lucknow, Dated:
May 21, 1989.

S. M. M.
Deponent:

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 22, 24 & 25 are true to my knowledge and those of paras 23, 26 & 27 and believed to be true. No part of it is false and nothing material has been concealed, So help me God.

Verified and signed this 21st day of May 1989 at Lucknow.

Lucknow, Dated:
May 21, 1989.

S. M. M.
Deponent:

I identify the deponent who has signed before me.

Advocate-

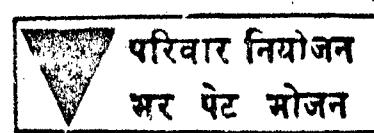
By the Central Administrative Tribunal, Circuit Bench, Melmar.

TA. no 1674 of 1987 (T)

fig. 1a. Verma v/s UOS and others

Annexure - R-1

नाय का प्रबोधन करावे जिससे कि नवीन सदस्यों को सरकार-पत्र में जोड़ने तथा यूके सदस्यों को विरक्त करने में मुश्किल होगी।



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परिचय-पत्र संस्कार

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गांव, उत्तराखण्ड (जनी) न्याय पंचायत देवरामपुरा
 परिवहन-पत्र पाने वाले का नाम श्री/श्रीमती रमेशनाला श्री अमृती
 मासिक आय १५००००

मकान नं०

माहला भूमोहर्णा

सेक्टर/वाट्ट नं०

ପରିବାର
ପରିବାର

परिवार में } सदस्यों की संख्या }

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Te
Mr. Durbin
MCH

In the Central Administrative Tribunals, Circuit -
Bench below

File No 1674 of 1987 (T)

S. J. Lal, Verma v/s U.O. & others

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Annexure - R-2

कानूनी ।

प्रत्यक्ष १३१-१२५३८ का, अधीक्षण तात्पर
उपरिलिख अप्रूप सामग्री, शाखा कालार बंगोर
के अधीक्षण के लिए आये।

उस विविध का जिम्मालाल कर्ता निवासी
मुख्योंका, भवारा वर्ती ई. डी. पी. ए. के ई.डी.ए.
वी. पा के द्वारा पर कर्ता है।

अधीक्षण गदोदय ने द्वारे एको जिम्मालाल
वर्ती हो उनके विवाह पूर्ण हो गो जिम्मालाल
वर्ती ने विवाह किवाह करके बंगोर का अधीक्षण निवास पूर्वी
रवेश नतापा। तत प्रदायात् अधीक्षण गदोदय ने
कुछ बोलते गए, जिम्मालाल वर्ती लिखते गए।
इस लेख पर ने द्वारे दस्तावेज़ है।

अधीक्षण गदोदय

ग्राम - बंगोर

पोखर - बंगोर

ग्राम - ३ गांव

ग्रामीण

M. E. S. C.
T. L. J. K. B.

P. 30/२५/८२ द.

M. J. Lal
R.D.

In the Central Administrative Tribunal, Circuit -
Bench, Mumbai.

Berkeley, California

TA no 1674 of 1987 (T)

Jyoti Lal Verma Vs UOD and others

Annexure - R-3

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मुख्य 13. ८. १९८५ की घोषणाको
७०. ए. ए. (३०.५०) कोर्टुर ने नियमालाले
एवं द. ए. ए. २२१. ए. ए. ए. ए. ए. २२१. ए.
पर आप इन दो नियमों को नियमालाको माना दिया
कि युक्ति दाता की विधान एवं ए. १३. ८. १९८५ की ३०.५०
एकाधिक नियम को कहा ले भी अनुचित
विधान एवं विधाया।

6-31-1970

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३५१. १० रुप्यां

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Nov. 30. 9. P.M.

Mr. Dubois
Wash.

In the Central Administrative Tribunal, Circuit -
Bench, New Delhi

TA No 1674 of 1987 (T)

Fig. Lal Verma vs UOS and others

Annexure - R-4

कानूनी अभियान

प्राप्ति ७३ अप्रैल १९८८ को अधिकारी अधिकारी
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सियासी विधान

३०/२/८८

लाल वर्मा

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लाल वर्मा

लाल वर्मा

लाल वर्मा

द्वितीय-३
(नियम १ दीखिये)

परिवार रजिस्टर

TA no 1674 of 1987 (T)

TA no 1674 of 1987 (T)

Vis UOS and others
Annexure - R-5

द्वारा देखा जाने के लिए उनके पात्र कोई है, जिसके द्वारा कोई नाम दर्जाया या हटाया गया हो, के साथ प्रविष्ट करने वाले अकिंक के हस्ताक्षर से किये जाने चाहिए।

In the Central Administrative Tribunal, Circuit - Bench Melnow

TA no 1674 of 1987 (T)

Jyoti Lal Verma v/s U.O.D and others

Annexure - R - 6

2.07.2015

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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

FORM OF INDEX

D.A./T.A./R.A./C.C.P./ No. 169-E/981
Date 21/1/83

PART - I R.K. Singh

-VS
U.C.L

| | | |
|----|------------------|-----------|
| 1. | Index Papers | :- 1 |
| 2. | Order Sheet | :- 2 to 3 |
| 3. | Any other orders | :- 4 to 6 |
| 4. | Judgement Order | :- 7 to 8 |
| 5. | S.L.P. | :- Nil |

3/1/83
D.Y. Registrat

Supervising Officer
(R.K. Singh)

Dealing Clerk
(A.B.H.D. Mishra)

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

Nil

Dealing Clerk
(A.B.H.D. Mishra)

V.K. Mishra

ANNEXURE - A

CAT

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

INDEX SHEET

CAUSE TITLE 1697/2011 of 19/8/2011 (1)

NAME OF THE PARTIES

Slim Raj Kumar Singh Applicant

Versus

U.P.S.C. New Delhi Respondent

Part A, B & C

| Sl. No. | Description of documents | PAGE |
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| 2 | Order Sheet | A2 to A3 |
| 3 | Petition copy | A4 to A13 |
| 4 | Affidavit | A14 to A15 |
| 5 | Power | A16 |
| 6 | Intrinsic Relief Application | |
| 7 | Order Sheet (A.C.) | A17 to A18 |
| B | | B1 |
| | | (B) |
| (C) | | B20 to B33 |

- ① Index Sheet - A1 to A2
- ② Order Sheet - A3 to A8
- ③ as order sheet no dt
- ④ written petition A9 to A16
- ⑤ Affidavit A17 to A18
- ⑥ Power A19
- ⑦ General Index A20
- ⑧ Citation Page 21

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checked 27/11/12

Rajesh
SOL

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

av.-P

No.

247

of 198

85

| Date | Note of progress of proceedings and routine orders | Date of which case is adjourned |
|---------|--|---------------------------------|
| 1 | 2 | 3 |
| 181-85 | seen SS Ahmad, seen B Kumar, | |
| | list this | |
| | petition for orders in the | |
| | week commencing on 11th Feb. | |
| | 1985 - - - - - | |
| | necessary charges: | |
| | Sd: SS Ahmad | |
| | " Sd: B Kumar | |
| | 181-85 | |
| | C.M. No 602 @ 85 | |
| 181-85 | seen SS Ahmad, seen B Kumar, | |
| | for orders - - | |
| | main petition | |
| | Sd: SS Ahmad | |
| | Sd: B Kumar | |
| | 181-85 | |
| 11-2-85 | fixed with C.M. No 602(W) 85 for order | to be |
| | Hm SS AS | Bent with econ. |
| | Hm BK S | 11-2-85 |

TA 1697 of 1983

(3)

Raj Kumar Singh & Ors vs. U.O.S.

| Serial number of order and date | Brief Order, Mentioning Reference if necessary | How complied with and date of compliance |
|---------------------------------|--|--|
| | | <u>OR</u> |
| | <p>Hon' Mr. D.K. Agrawal, J.M.</p> <p>2/11/89 Shri A.K. Bhatnagar counsel for the petitioner is present. He makes endorsement on the back of the writ petition that the writ petition has become, infructuous and it can be dismissed as infructuous. Therefore, put up before a Division Bench on <u>6-11-89</u> for dismissing the petition as infructuous.</p> <p>D.K. J.M.</p> <p>(sns)</p> <p>Hon' Mr. D.K. Agrawal, J.M.</p> <p>Hon' Mr. K. Obayya, A.M.</p> | <p>This WNo 247/85 received on transfer from Lucknow High Court in May 83 alongwith other W.Ls.</p> <p>On the date of transfer the case was not admitted. Stay order granted. C.A/R.A not filed.</p> <p>Transfer notices issued to both the counsel by the Addl office (O/C not recd from Addl) but neither any reply nor undelivered cover received back so far.</p> <p>Submitted for orders.</p> |
| 6/11/89 | <p>None appears for the parties. The writ petition is dismissed as infructuous.</p> <p>A.M. J.M.</p> <p>(sns)</p> | <p>OR</p> <p>Case is submitted for final order.</p> <p>3/11/89</p> |

The writ
Petition
may be
dismissed

as unfructuous
A. K. Bhambhani (or B)

(4)

56

38

59

Mr. S. S. Ahmad J.
Mr. B. Kumar J.

For orders see
in order of date
passed on the
main petition.

Ramachandran
18-1-85

39
A/A
6
Received of notice of work
petition & stay petition
for 1st and 2nd day
for 10th & 11th Feb.
J. N. Gillani

Dr. Clyde
18/1/85
10.45 AM

MEMO

Impressed
Tape Adhesive Rs 100/-

Tat
Correct bat file Court fee report
will be made on receipt of lower

Court fee

In time
Papers filed. Copy of P. O.
Should also be filed.

Single-Bench

For declaring the unpayable note
or rule to be ultra vires

This is a joint writ Petition on
behalf of three petitioners for
quashing the note or rule and
declaring it as ultra vires.

May the Hon'ble Court see if
this joint Petition is maintained
on a larger set of work for

Apurba
18/1/85

Jm. S. S. Ahmed J.

Dr. P. J. Kumar J.

list - This petition
for orders in the week
commencing on 11th Feb.
1985. In the meantime

The respondents will
provisionally accept
the application form
of the petitioners
subject to the final
order that may be
passed in the writ
petition. A copy of
this order may be
given to the petition
for day or payment of
necessary charges.

Blauer
18-1-85

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUBIT BENCH, LUCKNOW

Registration T.A. No. 1697 of 1987 (T)

R.K. Singh & ors ... Petitioners

vs.

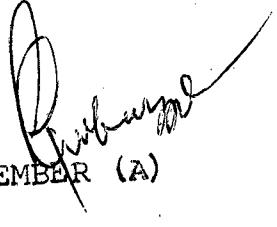
Union Public Service Commission,
New Delhi and ors ... Respondents

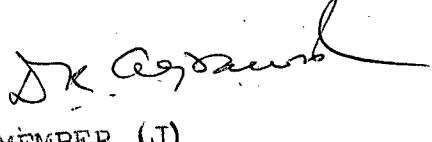
Hon' Mr. D.K. Agrawal, J.M.

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

(By Mr. D.K. Agrawal, J.M.)

This petition was filed in the High Court of
Judicature at Allahabad and received on transfer
to the Tribunal. The writ petition is dismissed
as infructuous.


MEMBER (A)


MEMBER (J)

(sns)

13A(1c)

465.

A/C

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

Writ-Petition No. 247 of 1985.

5
77
760
Raj Kumar Singh & anotherPetitioners

v/s.

Union Public Service Commission,
New Delhi & anotherOpp. Parties

-: I N D E X :-

| SI. No. | Particulars | Page-Number |
|---------|---|-------------|
| 1. | Writ Petition | 1 to 9 |
| 2. | Affidavit (in support of writ-petition) | 10 to 11 |
| 3. | Vakalatnama (Power) | 12. |

Presented by :-

A. K. Bhattacharjee
(A. K. BHATNAGAR)

Advocate,

Lucknow dated,

Counsel for the Petitioners

Jan. 18/1, 1985.

14

A
To

candidate must have attained the age of 21 years and

not have attained the age of 28 years on the 1st August 1979 i.e. he must have born not earlier than 2nd August 1951 and not later than the 1st August 1958."

7. That regarding the two so called rules together the position was that the candidate upto the time they attained the age of 28 years on August 1, 1979, had a right to be permitted three attempts at the examination irrespective of the numbers of attempts they have already availed of the I.A.S. etc. examination held in the previous years.

8. That the aforesaid rule continued to be operative till the examination was held in 1984. The same set of rules were published by the Ministry of Home Affairs, Department of Personnel and Administrative Reforms in the Gazette dated 17th of December 1983. Rule 6(a) of these rules was in the following terms :

"6(a) A candidate must have attained the age of 21 years and must not have attained the age of 28 years on the 1st August 1984 i.e. he must have been born not earlier than 2nd August 1956 and not later than 1st August 1963.

9. That but as against the aforesaid rule 6(a) a note was also added in these terms -

"The candidate should note that the upper age limit

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has been revised from 28 to 26 years with effect from

Civil Services Examinations to be held in 1985 and

thereafter."

10. That prior to the amendment mentioned in the note the petitioners did not have any information that age limit would be reduced from 28 to 26 years.
11. That the rule 4 pertaining a candidate to avail three attempts still continue to exist.
12. That the petitioners on the faith of the previous rules that they could sit at the C. S. E. upto the time that they attain the age of 28 years they so planned career and future that they could make these attempts in C. S. E. upto the time they had attained the age of 28 years.
13. That because of the change of rules the petitioners now do not have any chance of appearing at the examination in the year 1985.
14. That because of the change in the rules relating to the age it has done great injustice to the petitioners in as much as that they have been deprived of the C. S. E. 3 times still they had attained the age of 28 years.
15. That the petitioners 1 to 3 appeared at the Civil

Services Examination in the years 1983, 1984 and 1981, 82

and 1983, 1984 respectively previously.

16. That the aforesaid rule is in conflict with rule 4 which give right to every candidate to have three attempts at the examination and it is neither executive instructions or any rule.
17. That the year 1985 mentioned in the note is arbitrary and without any justification and has no with the object sought to be achieved. It does affect the right of the candidate given in Rule 4 to avail this attempt.
18. That in case 1987 had been fixed as the date for implementation of age of 26 years the right of the petitioners or any other candidate would not have affected at all.
19. That the Government had no right to change the rule relating to the eligibility for appearing at the C. S. I. from 28 to 26 years in such a manner as to deprive the petitioners of their valuable right to appear at the C.S.I.
20. That the petitioners have a right under Article 16 of the Constitution to appear at the examination and they cannot be deprived of their right by a mere

Y TO
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alteration in the rule do not have the sanction of law, net being framed under Article 309 of the Constitution.

21. That the alleged rules have no statutory force and they cannot in any way deprive the petitioners of their valuable right of taking three attempts to be considered for the C.S.E.

22. That the alteration in the eligibility the rule has a class which offends Article 14 of the Constitution.

23. That in view of the change in the eligibility rules the petitioners cannot apply for admission to the preliminary examination to be held in 1985 likely to be held in June 1985.

24. That the U. P. S. C. has issued an advertisement inviting applications from candidates who desire to appear at the C. S. E. to be held in the year 1985.

25. That because of the change in the alleged rules the right of the petitioners to appear at the Indian Civil Service Examination 1985 has been taken away.

26. That the rules regarding the restriction about the age is arbitrary and they could not have been so altered to do injustice to such candidate who had attained the age of 26 and who had not availed of

three attempts open to them under the rules.

27. That the rule regarding the reduction of the age is contrary to another rule which gives 3 attempts to appear in the examination.

28. That petitions of the same matter were filed in the Hon'ble High Court of Judicature at Allahabad on 2.1.85 and 11.1.85 which were admitted and fixed for final hearing on 5.2.85 and the Hon'ble court also granted interim relief.

29. That alleged note mentioned aforesaid is ultra vires the powers of Government inter alia on the following

G R O U N D S

(i) Because the amended rule expressed in Note offends Articles 14 and 16 of the Constitution.

(ii) Because the impugned note to be alleged could not be so framed as to do injustice to the petitioners and other persons who come within the same category.

(iii) Because the petitioners have been deprived of their valuable right to compete at the forthcoming Examination of 1985.

✓ 9
✓ 15
✓ 17

(iv) Because the Government had no right to alter the age eligibility from 28 to 26 years for the 1985 Examination so as to deprive any candidate to make three attempts.

(v) Because the change in eligibility of age from 28 to 26 years should be in consistent with other rule giving 3 attempts to the candidates.

(vi) Because the "Note" has no legislative sanction and cannot have the status of a Rule".

(vii) Because the "Note" can at best be an information to the candidates.

(viii) Because the alleged "Note" is not law within the meaning of Article 13 of the Constitution.

(ix) Because the alleged note is arbitrary and does not satisfy the term tests prescribed by Article 14 of the Constitution.

(x) Because the candidate appearing in the 1985 Examination from one class and the Note cannot introduce on other class.

(xi) Because the "Note" offends the rule of equality embodied in Article 14 and 16 of the Constitution.

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P R A Y E R

It is therefore respectfully prayed that

this Hon'ble Court may be pleased to :-

(i) issue an order, direction or writ in the nature of certiorari declaring the impugned note or rule to be ultra vires the powers of the Central Government;

(ii) issue an order, direction or writ in the nature of mandamus commanding the U.P.S.C. to accept the prescribed admission forms. It may also be directed to permit the petitioners to appear in the 1985 Examination.

(iii) issue any other order, direction or writ which the Hon'ble Court may deem just and proper in the circumstances of the case;

(iv) allow costs to the petitioners.

*A. K. BHATNAGAR
Adv.*

(A. K. BHATNAGAR)

ADVOCATE

COUNSEL FOR THE PETITIONERS.

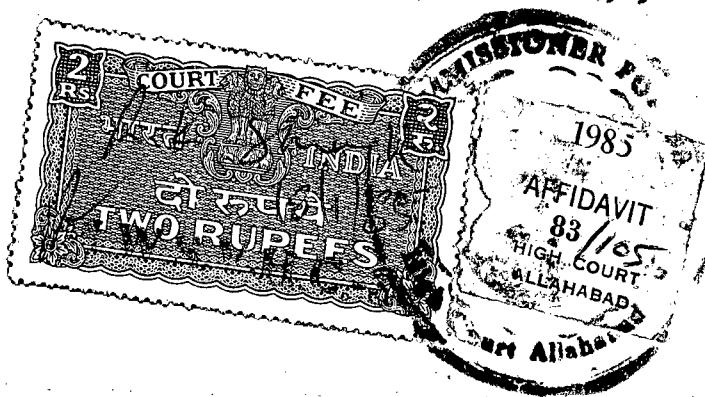
Lucknow
Dated: 18.1.85

10
Y
X
BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Writ Petition No.

of 1985



Raj Kumar Singh and others

----- Petitioners

Versus

Union Public Services Commission
and another

----- Opp. Parties

AFFIDAVIT IN SUPPORT OF THE ACCOMPANYING WRIT PETITION

I, Raj Kumar Singh, aged about 26 years, S/o

Sri D. N. Singh, R/o Q/32, Paper Mill Colony, Lucknow,

do hereby solemnly affirm on oath as under :-

1. That the deponent is petitioner no. 1 in the above writ petition and has been authorised by the other two petitioners to swear on their behalf and is fully acquainted with the facts and circumstances of the case deposed therein.

2. That the contents of paragraphs 1, 2, 10, 12, 13, 14, 15, 16, 18, 23, 25 of the accompanying writ petition are true to deponent's own knowledge and paragraphs 4, 5, 6, 8, 9, 11, 24 are based on records and those of

.....2

K. SINGH

paragraphs 3, 7, 17, 19, 20, 21, 22, 26, 27, 28 and 29

are based on the legal advice sought for which is
believed to be true by the deponent.

R. K. SINGH

Lucknow:

DEPONENT

Dated: 18.1.85

VERIFICATION

I, the deponent above named do hereby verify
that the contents of paragraphs 1 and 2 of the above
affidavit are true to my own knowledge. No part of it is
false and nothing material has been concealed, so help me God.

Signed and verified this the
day of January 1985 within the premises of the High Court,
Lucknow.

R. K. SINGH

DEPONENT

Lucknow:

Dated: 18.1.85

I identify the deponent who has signed before me.

A. K. Bhattacharya
Advocate

Solemnly affirmed before me on 18.1.85

at 9:15 a.m./p.m. by Sri Raj Kumar Singh
the deponent who is identified by

Sri A. K. Bhattacharya

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

Kiran
OATH COMMISSIONER
High Court, (Lucknow Bench)

LUCKNOW

No. 63/105

Date 18.1.85

before Mr. Darbha Singh, C. S.
Judge at Allahabad
High Court
Court Room No. 1

ब अदालत श्रीमान्

[वादी] अपीलान्ट

बी-

प्रतिवादी [रेस्पाडेन्ट]

महोदय

वकालतनामा

W. P. No. — ८५

१८५
१८५

वादी (अपीलान्ट)



बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री A. K. Bhattacharya, Adv. High
Court, D-1025 India & Naya

बकील

महोदय
एडवोकेट

को अपना बकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में बकील महोदय स्वयं अथवा अन्य बकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने वा हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—बकील 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 तरफ मेरे जिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे बकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

R. K. SINGH

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

स्वीकृत

A. K. Bhattacharya
R. K. Singh
Accept
Date
16/01/2023

GENERAL INDEX

CIVIL
SIDE
CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

67. 297 - 85

Name of parties

Raj Kuma Sq. v. Union Public Service Commission

Date of institution

15.1.85

Dated 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. | | wd. with affair | 12 | | 102.00 | | | |
| 2. | | Power | 1 | | 5.00 | | | |
| 3. | | Com. 602(w)s J. Shy | 2 | | 5.00 | | | |
| 4. | | order sheet | 1 | | - | | | |
| 5. | | back copy | 1 | | - | | | |

I have this day of 1977, 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

2. That the U. P. S. C. will not accept the application form nor will permit the petitioners to appear in the Civil Service Examination 1985 unless interim order is passed by this Hon'ble Court.

3. That in case the petitioners are not permitted to apply and appear in the 1985 examination the petitioners shall suffer irreparable loss and injury.

4. That in the interest of justice it is necessary that the respondents may be directed to accept the application forms of the petitioners for appearing in the Combined Civil Services Examination conducted by the U.P.S.C. for the year 1985 subject to the decision of this writ petition.

PRAYER

It is, therefore respectfully prayed that the respondents may kindly be directed to accept the application forms of the petitioner for appearing in the combined Civil services Examination conducted by the U.P.S.C. for the year 1985 subject to the decision of the Writ petition.

A. K. Bhatnagar
Adv.

(A. K. BHATNAGAR)

ADVOCATE

COUNSEL FOR THE PETITIONERS/APPLICANT

Lucknow
Dated: 16/1/85