

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA 1714/83*
W.P. No 934/85 OF

NAME OF THE PARTIES *Amar Lal ofha Pals* Applicant

Versus

Union of India and others Respondent

Part A.

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CERTIFICATE

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

Per Check

Dated *24.8.11*

Counter Signed.....

Project 24/8/11

Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No. 1714/1987
A.P. Singh vs. U.C.S. (W.P. 934/85)
PART - I

- | | | | |
|----|------------------|----|--|
| 1. | Index Papers | :- | 1 to 4 |
| 2. | Order Sheet | :- | 5 to 16 |
| 3. | Any other orders | :- | Nil |
| 4. | Judgement | :- | 15 to 20 (dt decision 04-7-89)
C.A.T. C.B. 2Kc. |
| 5. | S.L.P. | :- | Nil |

21/1/89
DY. Registrar

Supervising Officer

(Kulbir Singh)

Dealing Clerk

(ADAR MISHRA)

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

Nil

Dealing Clerk

(ADAR MISHRA)

V.K. Mishra

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

INDEX SHEETCAUSE TITLE T.A. No. 1714 of 1987 TNAME OF THE PARTIES Amar pal Ojha &Others

Applicant

Versus

Union of India &

Respondent

Part A, B & C

Sl.No.	Description of documents	PAGE
1	General Index	A1
2	Index Sheet	A2 To A10
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CIVIL
CRIMINAL

SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 934-88

Name of parties..... Amar Pal ojha v. Union of India

Date of institution..... 26-2-88

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with annex 27 and Affidavit			102-00			
	2.	Power -	1-		5-00			
	3.	Comm. 2288(W) of 85 for 84yr	1-		5-00			
	4.	Comm. 2288(W) 85 for 84yr	4-		7-00			
	5	Comm. 5548(W) of 85 for 84yr	3-		7-00			
	6.	Comm. 6798(W) of 85	4-		7-00			
	7-	Comm. 7951(W) of 85 for 84yr	2-		7-00			
	8.	Comm. 10330(W) 85 for 84yr	5-		7-00			
	9.	ordr 82 sub.	3-		-			
	10.	Buch Copy	1-		-			

I have this

day of

198 ,

examined

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

Date.....

Munsarim

Clerk

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 934 of 1985
vs.

85

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
26-2-85	2 com SS Ah-mad 2 com B Kurnari but this petition on 12 th March, 1985 instructions Sd-SS Ah-mad Sd- B Kurnari 26-2-85 CM-A-12 02288 85	
25-2-85	2 com SS Ah-mad 2 com B Kurnari Put up along with the petition Sd-SS Ah-mad Sd- B Kurnari 26-2-85	
12-3-85	Writ certiorari (N) 2288 (W) 85 H-SS A S H-B K S 12/3/85 12/3/85	

12-3-85

12/3/85

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 934 of 1985

25

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
Could	11-4-85	Within three days of the receipt of the Court's affidavit list the writ or writ petition immediately thereafter	
✓		11-4-85	
	13-5-85	fixed & orders	For Bench fixed
	6-5-85	CMR 5590(W)-85 for intervention Hon DIT Thakur, J Hon K M Goyal, J list with several before intervention S D W Thakur S K M Goyal 6-5-85	
✓	20-5-85	fixed with CMR 2200(W)-84, 4040(W)-85 & 5590(W)-85 for order Hon A. S. S. A. J Hon P. Dayal J So. Brn	7e Bench By Ct

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
<p>20-07-88</p> <p>Notice viewed 21/8</p> <p>26.8.88.</p> <p>Plaintiff for respondents</p>	<p><u>Registrar</u></p> <p>Shri I. B. Singh, learned counsel for the petitioners is present & none for the respondent is present. Inform respondents to file reply by 26/8/88.</p> <p>Pro Registrar</p> <p><u>Dr</u></p> <p>Counsel for applicant is present. No one is present for the respondents. Issue fresh notices fixing 21.9.88 ^{21.9.88} for reply failing which ex-parte decree will be made in the same week.</p> <p>Dr</p> <p>19.9.88. On the request of counsel for respondent counter affidavit may be filed by 20.9.88.</p> <p>DR.</p> <p>Counter affidavit has been filed by Counsel for the respondent today.</p> <p>An application for interim relief is filed today by Counsel for the applicant Shri I. B. Singh today.</p> <p>On the request of applicant's Counsel list the application before Court for order on 21.9.88</p> <p>DR.</p>	<p>11</p>

TA NO 1714/87T.

Writ Petition NO 934/85 (A9)

Amar Lal @ha vs uo9

13

21.00. No sitting. ON the request of Applicants counsel, the case may be put up before court for order on 5.10.88.

10.00. - Honble K.S. Pattaswamy, V.C.
Honble A. Johari A.M.

Applicant present in person and
Sri V.K. Chaudhary for respondent
R.A has been filed today, and
the request of counsel for respondent
the case is adjourned for 7.10.88
for order.

3/✓
A.M.

V.C.

7.10.88

Hon. K.S. Pattaswamy, V.C.
Hon. A. Johari, A.M.

Applicant by Sri S.B.
Sciph and respondents by Sri V.K.
Chaudhary.

Sri Chaudhary pray for
time to file the reply and argue
the matter.

Post this case for hearing
on 25.10.88.

3/✓
A.M.

V.C.

25.10.88

On the request of applicant, the
case is adjourned to 24.11.88 for
hearing.

h

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A.No. 1714/87 193 .
T.A.No.

DATE OF DECISION _____

Amar Pal Ojha

Petitioner

Sri I. B. Singh

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Sri V. K. Chaudhary,

Advocate for the Respondent(s)

CORAM :

✓ The Hon'ble Mr. D. S. Misra — Am

The Hon'ble Mr. G. S. Sharma — Jm

- ✓ 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- ✓ 2. To be referred to the Reporter or not ?
- x 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- x 4. Whether to be circulated to other Benches ?

Dinesh/

Central Administrative Tribunal, Allahabad.

Registration T.A.No.1714 of 1987 (Writ Petition No.934/1985)

Amar Pal Ojha and 2 others ... Petitioners.

Vs.

Union of India & two others ... Respondents.

Hon'ble D.S.Misra, AM
Hon'ble G.S.Sharma, JM

(By Hon'ble G.S.Sharma, JM)

In this writ petition under Article 226 of the Constitution of India received on transfer from the Lucknow Bench of the High Court of Judicature at Allahabad u/s.29 of the Administrative Tribunals Act XIII of 1985, the Petitioners have prayed that the Respondents be directed to declare the selection list of 13 posts of Telegraph Traffic Supervisors -Gr.'C' and for quashing the order dated 28.11.1984 (copy annexure 10) rejecting the representations made by and on behalf of the Petitioners for revising the vacancies in the said cadre.

2. The relevant facts of the case are that the Petitioner no.1 had joined the Telegraph Department as Telegraph Assistant on 11.7.1985 and the Petitioner Nos.2 and 3 had joined this Department as Telegraphists on 1.3.1978 and 1.6.1973 respectively and they were eligible to appear in the departmental competitive examination notified by the Respondent no.3- General Manager (Telecommunication) U.P. Circle Lucknow vide his order dated 28.9.1973. The competitive examination was held on 15th and 16th March 1984 and as the number of vacancies for the Telegraph Traffic Superintendent-Gr.'C' (commonly known as A.S.T.T.) were not declared by the Respondent no.3, the Petitioners and others represented to him and the Respondent no.2 - Director General(Telecommunication), New Delhi for declaring the vacancies. The Respondent no.3 thereafter declared 4 vacancies vide his letter dated 15.2.1984. This did

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not satisfy the Petitioners and on their representation, the number of vacancies was revised and vide his letter dated 3.7.1984, the Respondent no.3 notified 17 vacancies. The result of the selection was notified by the Respondent no.3 on 31.7.1984 and only 4 candidates were shown to have been selected and a note was appended to the notification that "no more qualified candidate is available" vide copy annexure 5. On receiving copies of the marks obtained by the Petitioners in the competitive examination, they found that all of them had obtained more than minimum marks for passing the written examination and as such, they again represented that it was wrongly notified that 'no more qualified candidate was available' and in fact, the result of only 4 vacancies was declared by the Respondent no.3 arbitrarily and illegally. The Union of the Petitioners had also taken up their case and in reply to its letter the Respondent no.2 informed vide his impugned letter dated 28.11.1984, annexure 10 that it was not possible to revise the vacancies in A.S.T.T. cadre. The Respondents also announced scheme for the departmental examination for the A.S.T.T Gr.'C' posts for 1985. The Petitioners, therefore, filed this writ petition with the allegations that they being duly qualified and eligible persons should have been considered for final selection and after accepting the position that there were 17 vacancies, the Respondents were estopped from resiling that stand by declaring the result of only 4 vacancies and the Respondents committed illegality in declaring the result of only 4 posts.

3. On behalf of the Respondents, a counter affidavit has been filed by Assistant Engineer(Establishment) in the office of the District Manager(Telecommunication) Lucknow, in which it has been stated that initially 4 vacancies were calculated applying 15% cut applied to all the supervisory cadres vide P&T Directorate letter dated 17.12.73 and the matter was referred to the Directorate for clarifi-

A14 (2) 17
A/B

cation. The Directorate clarified on 16.5.84 that the cut was not applicable in A.S.T.T. cadre and consequently the vacancies were revised from 4 to 17 and a revised notification was issued on 3.7.84. From the Directorate, the result of only 4 successful candidates was received and the note 'no more qualified candidate is available' was inserted by the office of the Respondent no.3. The P&T Directorate vide its letter dated 2.3.1985 finally intimated that the question of filling up the revised vacancies in A.S.T.T. cadre for 1984 examination did not arise because the competent authority had revised the vacancies after the examination was over. As the examination was held on 15th and 16th March, 1984 on the basis of the 4 vacancies notified on 15.2.1984 and in good faith anticipating the approval of the Directorate, 17 vacancies were notified on 3.7.1984 and provisionally the result of only 4 posts was declared, the question of ^{declaring the result for 4} remaining 13 vacancies did not arise as the vacancies could not be revised after the written examination was held and as such, the Petitioners are not entitled to the reliefs claimed.

4. In the rejoinder filed by the Petitioners, it has been stated that the Asstt. Engineer who has filed the counter affidavit on behalf of the Respondents, is not a competent person and has no concern with the Traffic Wing and he has no right to file counter affidavit on behalf of the Respondents in this case and the same is liable to be ignored. Certain factual mistakes regarding the posting of the Petitioners and the places from where they had appeared in the competitive examination committed in the counter affidavit were also pointed out in the rejoinder. They further maintained that the Respondents should have declared the result of 17 posts and not of 4 posts, and the Director General was fully competent to revise the vacancies and the vacancies having been revised by him, the result of all the 17 posts should be declared.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA 1714/83*
W.P. No 934/85 OF

NAME OF THE PARTIES *Amar Lal of his Pers.* Applicant

Versus

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Part A.

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8	Rejoinder	A54 to A60
9	Passes	A61
10	stay application with Affidavit	A62 to A69
11	vide No 2951/85 stay appli. Affidavit	A70 to A73
12	vide appli 6798/85 stay appli. Affidavit	A74 to A77
13	vide appli No 5598/85 for Interim Relief	A78 to A80
14		
15		
16		
17		
18		

CERTIFICATE

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

Per Check

Dated *24.8.11*

Counter Signed.....

Project 24/8/11

Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No. 1714/1987
A.P. Ojha - Vs - U.C.I. (W.P. 934/85)
PART - I

1. Index Papers :- 1 to 4
2. Order Sheet :- 5 to 16
3. Any other orders :- Nil
4. Judgement :- 15 to 20 (dt decision 04-7-89)
C.A.T. C.B. 2Kc.
5. S.L.P. :- Nil

21/1/89
DY. Registrar

Supervising Officer

(Kulbir Singh)

Dealing Clerk

(ADARSH MISHRA)

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

Nil

Dealing Clerk

(ADARSH MISHRA)

V.K. Mishra

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

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Part A, B & C

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12	File D	

CIVIL
CRIMINAL

SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 934-88

Name of parties..... Amar Pal ojha v. Union of India

Date of institution..... 26-2-85

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with annex 27 and Affidavit			102-00			
	2.	Power -	1-		5-00			
	3.	Comm. 2288(W) of 85 for 84yr	1-		5-00			
	4.	Comm. 2288(W) 85 for 84yr	4-		7-00			
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	8.	Comm. 10330(W) 85 for 84yr	5-		7-00			
	9.	ordr 82 sub.	3-		-			
	10.	Buch Copy	1-		-			

I have this

day of

198 ,

examined

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

Date.....

Munsarim

Clerk

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 934 of 1985
vs.

85

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
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25-2-85	2 com SS Ah-mad 2 com B Kurnari Put up along with the petition Sd-SS Ah-mad Sd- B Kurnari 26-2-85	
12-3-85	Writ certiorari (N) 2288 (W) 85 H-SS A S H-B K S 1 12/3/85 12/3/85	

12-3-85

12/3/85

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 934 of 1985

25

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
Could	11-4-85	Within three days of the receipt of the Court's affidavit list the writ to writ petition immediately thereafter	
✓		11-4-85	
	13-5-85	fixed & order	For Bench fixed
	6-5-85	CMR 5590(W)85 for intervention Hon DIThe, J Hon K M Goyal, J. list with several before mention S D W The S K M Goyal 6-5-85	
✓	20-5-85	fixed with CMR 2200(W)84, 4040(W)85 & 5590(W)85 for order Hon A. S. S. A. J Hon P. Dayal J So, order	For Bench By Ct

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
<p>20-07-88</p> <p>Notice viewed 21/8</p> <p>26.8.88.</p> <p>Order for respondents</p>	<p><u>Registrar</u></p> <p>Shri I. B. Singh, learned counsel for the petitioners is present & none for the respondent is present. Inform respondents to file reply by 26/8/88.</p> <p>Pro Registrar</p> <p><u>Dr</u></p> <p>Counsel for applicant is present. No one is present for the respondents. Issue fresh notices fixing 21.9.88 ^{21.9.88} for reply failing which ex-parte decree will be made in the same week.</p> <p>Dr</p> <p>19.9.88. On the request of counsel for respondent counter affidavit may be filed by 20.9.88.</p> <p>DR.</p> <p>Counter affidavit has been filed by Counsel for the respondent today.</p> <p>An application for interim relief is filed today by Counsel for the applicant Shri I. B. Singh today.</p> <p>On the request of applicant's Counsel list the application before Court for order on 21.9.88.</p> <p>DR.</p>	<p>11</p>

TA NO 1714/87T.

Writ Petition NO 934/85 (A9)

Amar Lal Gha vs uo9

13

21.00. No sitting. ON the request of Applicants counsel the case may be put up before court for order on 5.10.88.

10.00. - Honble K.S. Pattaswamy, V.C.
Honble A. Johari A.M.

Applicant present in person and
Sri V.K. Chaudhary for respondent
R.A has been filed today, and
the request of counsel for respondent
the case is adjourned for 7.10.88
for order.

3/✓
A.M.

V.C.

7.10.88

Hon. K.S. Pattaswamy, V.C.
Hon. A. Johari, A.M.

Applicant by Sri S.B.
Sciph and respondents by Sri V.K.
Chaudhary.

Sri Chaudhary pray for
time to file the reply and argue
the matter.

Post this case for hearing
on 25.10.88.

3/✓
A.M.

V.C.

25.10.88

On the request of applicant, the
case is adjourned to 24.11.88 for
hearing.

h

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A.No. 1714/87 193 .
T.A.No.

DATE OF DECISION _____

Amar Pal Ojha

Petitioner

Sri I. B. Singh

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Sri V. K. Chaudhary,

Advocate for the Respondent(s)

CORAM :

✓ The Hon'ble Mr. D. S. Misra — Am

The Hon'ble Mr. G. S. Sharma — Im

- ✓ 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- ✓ 2. To be referred to the Reporter or not ?
- x 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- x 4. Whether to be circulated to other Benches ?

Dinesh/

Central Administrative Tribunal, Allahabad.

Registration T.A.No.1714 of 1987 (Writ Petition No.934/1985)

Amar Pal Ojha and 2 others ... Petitioners.

Vs.

Union of India & two others ... Respondents.

Hon'ble D.S.Misra, AM
Hon'ble G.S.Sharma, JM

(By Hon'ble G.S.Sharma, JM)

In this writ petition under Article 226 of the Constitution of India received on transfer from the Lucknow Bench of the High Court of Judicature at Allahabad u/s.29 of the Administrative Tribunals Act XIII of 1985, the Petitioners have prayed that the Respondents be directed to declare the selection list of 13 posts of Telegraph Traffic Supervisors -Gr.'C' and for quashing the order dated 28.11.1984 (copy annexure 10) rejecting the representations made by and on behalf of the Petitioners for revising the vacancies in the said cadre.

2. The relevant facts of the case are that the Petitioner no.1 had joined the Telegraph Department as Telegraph Assistant on 11.7.1985 and the Petitioner Nos.2 and 3 had joined this Department as Telegraphists on 1.3.1978 and 1.6.1973 respectively and they were eligible to appear in the departmental competitive examination notified by the Respondent no.3- General Manager (Telecommunication) U.P. Circle Lucknow vide his order dated 28.9.1973. The competitive examination was held on 15th and 16th March 1984 and as the number of vacancies for the Telegraph Traffic Superintendent-Gr.'C' (commonly known as A.S.T.T.) were not declared by the Respondent no.3, the Petitioners and others represented to him and the Respondent no.2 - Director General(Telecommunication), New Delhi for declaring the vacancies. The Respondent no.3 thereafter declared 4 vacancies vide his letter dated 15.2.1984. This did

A13 (20) 16

not satisfy the Petitioners and on their representation, the number of vacancies was revised and vide his letter dated 3.7.1984, the Respondent no.3 notified 17 vacancies. The result of the selection was notified by the Respondent no.3 on 31.7.1984 and only 4 candidates were shown to have been selected and a note was appended to the notification that "no more qualified candidate is available" vide copy annexure 5. On receiving copies of the marks obtained by the Petitioners in the competitive examination, they found that all of them had obtained more than minimum marks for passing the written examination and as such, they again represented that it was wrongly notified that 'no more qualified candidate was available' and in fact, the result of only 4 vacancies was declared by the Respondent no.3 arbitrarily and illegally. The Union of the Petitioners had also taken up their case and in reply to its letter the Respondent no.2 informed vide his impugned letter dated 28.11.1984, annexure 10 that it was not possible to revise the vacancies in A.S.T.T. cadre. The Respondents also announced scheme for the departmental examination for the A.S.T.T Gr.'C' posts for 1985. The Petitioners, therefore, filed this writ petition with the allegations that they being duly qualified and eligible persons should have been considered for final selection and after accepting the position that there were 17 vacancies, the Respondents were estopped from resiling that stand by declaring the result of only 4 vacancies and the Respondents committed illegality in declaring the result of only 4 posts.

3. On behalf of the Respondents, a counter affidavit has been filed by Assistant Engineer(Establishment) in the office of the District Manager(Telecommunication) Lucknow, in which it has been stated that initially 4 vacancies were calculated applying 15% cut applied to all the supervisory cadres vide P&T Directorate letter dated 17.12.73 and the matter was referred to the Directorate for clarifi-

A15 22 100

5. In view of the facts stated above, the real controversy in this case is confined to the point whether the number of vacancies should be revised by the Respondents after the written examination was held. The Respondents have admitted that initially due to misapprehension regarding 15% cut only 4 vacancies were notified by Respondent no.3 and on getting a clarification from Respondent no.2, the number of vacancies was revised and notified. Now the question for determination is whether after realising their mistake the Respondents could again take a turn on the ground that the revision was made at a late stage. For appreciating the controversy, it seems necessary to ^{refer} ~~point~~ ^{to} certain provisions of the Posts and Telegraphs Manual (Vol.IV Establishments) which deal with the examination for promotion to the grade of A.S.T.T.Gr.'C'. Rule 315 of this Manual states that the examination for promotion to this grade shall ordinarily be held once a year. Rule 321 provides that the number of Telegraphists to be selected for practical training on the result of preliminary examination will be fixed by the Director General and announced when applications for appearing at the examination are invited. Rule 317 provides that the examination will consist of 2 parts. The first part will consist of a written examination and the second will consist of practical training and the examinations will be held at the end of the training. For passing the written examination, minimum pass marks have been prescribed by Rule 318 and undisputedly, all the Petitioners have obtained more than the minimum pass marks and they, thus, became eligible for practical training according to the rules subject to the availability of the vacancies. As already pointed out above, the number of vacancies for selection for practical training are to be announced by the Director General when

A16

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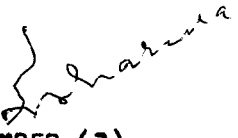
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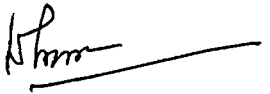
the applications for appearing in the examination are invited. This appears reasonable as ^{for} ~~with~~ most of the candidates, the number of vacancies may be ^a material consideration for appearing in the competitive examination.

6. In the instant case, unfortunately, the number of vacancies was not notified when the applications were invited for holding the competitive examination in March 1984 vide notification dated 5.1.1984 issued by the Respondent no.3, copy annexure 1. The four vacancies were notified by the Respondent no.3 only afterwards on 15.2.1984 vide annexure 2. This was, however, done before the written examination, which was actually held on 15th and 16th March, 1984. After the written examinations, the vacancies were revised by the Respondent no.3 by issuing notice dated 3.7.1984, annexure 4. We find ourselves in agreement with the final stand taken by the Respondents in this connection that this revision of vacancies after holding the written examination was incorrect and contrary to the provisions of Rule 321 of the Posts and Telegraphs Manual. We are of the view that in case the Respondents decided to increase the vacancies, they should have invited fresh applications for holding the written examination and on receiving the additional applications or offers and holding supplementary examinations alone, they could declare the result of both the examinations (even together) to fill up the 17 vacancies then existing in the cadre. There can be no estoppel against law or statutory rules and as such, the Respondents cannot be compelled to declare the result of the remaining 13 posts for which the vacancies were wrongly notified in contravention of Rule 321 aforesaid. In our view, the petitioners have, thus, no case and they cannot insist for declaring the result so as to fill up the remaining 13 posts on the basis of the written examination held in March 1984. It is not shown to us that by not filling up all the existing 17 posts in the A.S.T.T. cadre in 1984, the petitioners were in any other way prejudiced or they did not remain eligible to

appear in the next competitive examination held for filling up the said posts. No interference is, therefore, called for in this case by this Tribunal.

7. The writ petition is accordingly dismissed without any order as to costs.


MEMBER (J)


MEMBER (A)

Dated: July 4, 1989
kkb.

Group A 15 (e)

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. 934 OF 1985

Amar Pal Ojha & Others Petitioners

Versus

Union of India and others Opp. Parties

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Lucknow-Dated,

Feb. 22, 1985

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I.B. Singh
Advocate

Counsel for the Petitioners.

was appointed on 11.7.1975 on the post of Telegraph Assistant by Senior Superintendent Telegraph Traffic, Kanpur Division, Kanpur.

2. That the petitioner No. 2 was appointed by Senior Superintendent Telegraph Traffic, Bareilly Division Bareilly, on the post of Telegraphist on 1.3.1978.

3. That the petitioner No. 3 was also appointed on 1.6.1973 on the post of Telegraphist by Chief Superintendent, Central Telegraph Office, Agra.

4. That all the petitioners are continuously working on the respective post on which they were appointed continuously without any break and no adverse entry is recorded in their service book nor any complaint of any nature came in the light against the petitioners as they are working on their respective posts with best of their sincerity, honesty and to the satisfaction of their superior officers.

5. That on 28.9.1983, the Opp. Party No. 3 notified for filling the post of Telegraph Traffic Supervisor Group C through departmental competitive examination vide letter No. Recruitment/M-26/84/2 in which number of vacancies were not mentioned and the candidates fulfilling the required qualifications prescribed under Rule 316 of

Post & Telegraph Manual Vol. IV were eligible to apply for the said post. These posts were existing in U.P. Circle, only and they were to be filled up, as the departmental competitive examinations were to be held Circle-wise.

6. That all the petitioners were fulfilling the required qualifications and hoping for their success

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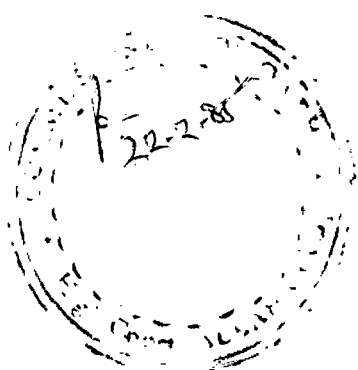
and in a hope that a good number of vacancies are there. They all applied in pursuance of the said notifications, through proper channel.

7. That the Opp. Party No. 3, vide his letter dt. 5.1.1984 No. Recruitment/M-28/Departmental/84/7 notified the scheme of dates of examination which were to be held on 15th & 16th March 1984. A true copy of letter notifying the scheme dated 5.1.1984 is being filed herewith as Annexure No. 1 to this Writ Petition. It is stated that in the scheme too, number of vacancies were not mentioned but the petitioners had reasons to believe that good number of vacancies were there for which the petitioners had applied.

8. That it is stated that as number of vacancies in the cadre of T.T.S. Group C (ASTT) were not notified by the Opp. Parties, the petitioner No. 1 submitted application to the Opp. Party No. 2 requesting that a number of vacancies may kindly be declared so that the studies of candidates may not be hamper due to lingering doubt about the vacancies. The said letter was sent on 10.2.1984, before the examination was held.

9. That ultimately on 15.2.1984, 4 vacancies were declared by the Opp. Party No. 3 for filling the promotional post of A.S.T.T. Group C scheduled to be held on 15th & 16th March 1984. A true copy of the said notification of vacancies dated 15.2.1984 is being filed herewith as Annexure No. 2 to this Writ Petition.

10. That it is pertinent to mention here that the post of ASTT is the highest non-gazetted cadre post and does not fall under one time bound promotion scheme and no reduction in number is to be made in the existing



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posts i.e. number of posts in existence out of those lying vacant are to be filled up by way of departmental competitive examination and in the present case, there were 17 vacancies for the said examination for the period ending upto 31.12.1983.

11. That as the number of vacancies were notified lesser than existing vacancies by means of Annexure No. 2, the petitioner No. 1 requested through a letter that out of the sanctioned strength of ASTT Group C in the U.P. Circle for the period ending on 31.12.1983 the vacancies available are 17, and it appears that the vacancies notified were notified by treating that 15% cut is to be made on the total posts of this cadre under the one Time bound scheme. As such it was requested by means of the said letter that the posts already existing and lying vacant i.e. 17 in number may be restored and notification for the same may be made. A true copy of the letter sent by the petitioner No. 1 to the Opp. Party No. 3 is being filed herewith as Annexure No. 3 to this Writ Petition.

12. That it is also relevant to mention here that the request for restoration of number of vacancies to be filled was not made only by the petitioner No. 1 but was made by several candidates at different times and by the all Indian Telegraph Traffic Employees Union Class-III through its General Secretary, a registered and recognised Trade Union, of which all the petitioners are the member.

13. That the ~~no~~ Opp. Party No. 3 receiving number of requests for restoration of the said existing posts of ASTT Group C, ultimately referred the matter of the Opp. Party No. 2 for the clarification whether the post of ASTT Group C is covered under the scheme in which 15% cut

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in the cadre posts will apply or not and in consequence of the said clarification sought, the Opp. Party No. 2 informed the Opp. Party No. 3 that the said post does not fall under the said scheme of time bound promotion scheme and therefore no cut in existing posts was required.

14. That after obtaining said clarification from the Opp. Party No. 2, the Opp. Party No. 3 restored the vacancies of 17 posts in ASTT Group C, Cadre vide his letter dt. 3.7.84, a true copy of which is being filed herewith as Annexure No. 4 to this Writ Petition.

15. That the result of departmental competitive examination Circle basis for the recruitment to the cadre of ASTT Group C was notified by the Opp. Party No. 3 on 31.7.1984 under the directions of the Opp. Party No. 2 and surprisingly only 4 candidates were selected and for the rest it was mentioned 'No more qualified candidate is available', a true copy of which is being filed herewith as Annexure No. 5 to this Writ Petition.

16. That it is pertinent to mention here that Rule 319 of P & T Manual Vol. IV prescribes with regard to the subjects and time of examination and also percentage of marks and aggregate in order to qualify a candidate. Under the said rule, the candidate obtaining 40% marks minimum in 3 out of 4 papers and obtaining an aggregate of 45% marks is found qualified.

17. That all the petitioners had already done their best in their examination and had every hope of success, as such they felt surprise when they found that no other candidate was qualified and they ultimately applied for the certified copy of their mark-sheets, the photostat copies of which are being filed herewith as Annexure No. 6, 7, & 8 to this petition.



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18. That it is stated that in view of the Rule 319, the candidates obtaining 40% marks in 3 out of 4 papers and an aggregate of 45% marks were to be declared qualified and the petitioner No. 1 had obtained more than 40% marks in all the 4 papers and an aggregate of 49.50%, the petitioner No. 2 has also obtained more than 40% marks in all the 4 papers and an aggregate of 60% marks, similarly, the petitioner No. 3 obtained more than 40% marks in all the 4 papers and an aggregate of 50.25% marks and in this view, all the petitioners are qualified to be considered in merit and selection.

19. That the Opp. Parties 2 & 3 arbitrarily and illegally declared the result of only 4 posts while for the rest of the posts, they declared that no other candidate was found qualified, as such the petitioners and the Union, of which they are all members, had reasons to believe that the Opp. Parties declared the result of only 4 posts treating the existing vacancies of 4 posts.

20. That the petitioner No. 3, feeling aggrieved, sent a representation dated 12.9.1984 to the Opp. Party No. 3 in which a request was made that the petitioners are qualified and they may be considered for their selection on the said post of ASTT Group C. Similarly, the representation was also made by the General Secretary of the Union Sri V.A. Harsulkar on 3.9.1984 in which it was requested that the result of all remaining vacancies be declared, a true copy of the said representation sent to member of P & T Board is being filed herewith as Annexure No. 9 to this Writ Petition.

21. That surprisingly, the Opp. Party No. 2 vide his letter dated 28.11.1984 informed the General Secretary of the Union that the result of only 4 vacancies was

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was rightly declared and refused to consider the declaration of result for the remaining vacant post. A true copy of the letter dated 28.11.1984 is being filed herewith as Annexure No. 10 to this Writ Petition.

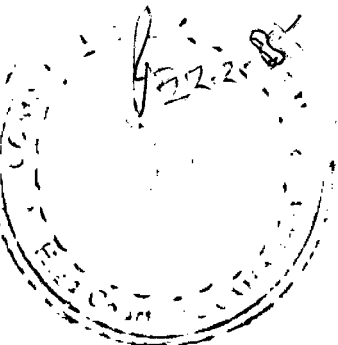
22. That it is stated that still 13 posts of ASTT Group C are lying vacant in U.P. Circle for the period ending on 31.12.1983 and now the Opp. Parties are going to carry ~~over~~ over the vacant posts for the next year i.e. post vacant for examination of year 1985.

23. That the scheme of the departmental examination to be held in the year 1985 for the post of ASTT Group C has already been announced and the dates of examination are fixed as 15th & 16th March 1985 and the candidates willing to be appeared in examination were to send their application forms till 12.11.1984. Several candidates have already applied for the post of ASTT Group C in pursuance of the said notification.

24. That the petitioners have come to know that no post of ASTT Group C is vacant for the period ending on 31.12.1984, as such the Opp. Parties cannot fill those posts by way of conducting a departmental competitive examination. On 13 posts which were left to be filled up by the Opp. Parties in the previous year is going to be carry over to be filled by way of competitive coming examination.

25. That the petitioners state that the orders issued by the Opp. Parties contained in Annexure No. 5 and 10 are the orders which are affecting the rights of the petitioners.

26. That having no any other alternative and effi-



Amar Lal Singh

efficacious remedy, this Writ Petition is being filed before this Hon'ble Court on the following amongst other-

GROUNDS

- A. Because the order of rejecting the selection of the petitioners by the Opp. Party No. 3 is illegal, and is liable to be set aside.
- B. Because the observations made by the Opp. Parties that no more candidates were found qualified is perverse, illegal and wrong. As per rule 319 of P & T Manual, the petitioners are qualified and are eligible to be considered for the selection.
- C. Because the post declared vacant were 17 in number and the candidates appeared in examination were considered for the said posts. Ultimately, the order passed by the Opp. Party No. 2, contained in Annexure No. 10, is barred by rule of estoppel and the Opp. Parties are liable to be directed to consider the petitioners for their selection.
- D. Because the post of ASST Group C does not fall under one time bound promotion scheme and the Opp. Parties' assertion that 15% reduction in the existing posts is liable to be made, is illegal and incorrect.
- E. Because the Opp. Parties inadvertently and perhaps with mala fide intention committed mistake in notifying the vacancy of 4 posts only but subsequently on representations, they corrected themselves and notified the vacancies of 17 posts but again committed illegality in declaring the result of only 4 posts.

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- F. Because the Opp. Parties cannot , in any case, carry over the vacancies of one year to next year and particularly in circumstance when the examination to fill up the posts was already held.
- G. Because the petitioners have already qualified the examination and they cannot be refused to be considered for their selection.

P R A Y E R

WHEREFORE, it is most respectfully prayed, that this Hon'ble Court may kindly be pleased -

- i) to issue a writ, direction or order in the nature of mandamus commanding the Opp. Parties to declare the selection list for 13 posts of ASTT Group C.
- ii) to issue a writ, direction or order in the nature of certiorari, quashing the impugned order, contained in Annexure No. 10 to the Writ Petition, and for quashing the note written in the Annexure No. 5 to the effect that no more candidates were found qualified.
- iii) to issue any other writ, direction or order in any nature, which this Hon'ble Court may deem fit in the circumstances.
- iv) to award the cost in favour of the petitioner.

Lucknow-Dated,

Feb. 22, 1985

I.B. Singh
Adv.

I.B. Singh,
Advocate,

Counsel for the Petitioners.

Amar Lal Singh

इन दि आनरे बल हाईकोर्ट आफ जूडीकेचर ऐट इलाहाबाद
लखनऊ बेंच, लखनऊ

रिट पिटीशन नम्बर आफ 1985
-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-x-

अमर पाल ओझा एण्ड अदर्स ----- पिटीशनर्स
बनाम

यनियन आफ इडिया ---- अपोज पाटीज
अनेकर नम्बर ।

भारतीय डाक-तार विभाग

प्रेषक,

महाप्रबन्धक दूरसंचार
उ० प्र० परिमण्डल, लखनऊ-226001

परीक्षा सूचना

आवश्यक

सेवा में,

मुख्य अधीक्षक तारघर आगरा/लखनऊ

संमस्त प्रवर अधीक्षक/ अधीक्षक तार परियात उ० प्र०

प्रभारी अधिकारी ए० प्री० एस० रिकार्ड ऑफिस कामपटी

सं० भर्ती एम/28/विभागीय/84/7

दिनांक : लखनऊ 5.1.1984

विषय:- टेलीग्राफ सुपरवाइजर ग्रुप "सी" की भर्ती के लिए विभागीय प्रतियोगा-
त्मक परीक्षा मार्च 1984

-x-x-x-x-x-x-x-x-

इस कार्यालय के पृष्ठांकन संख्या रिकार्ड/एम-26/84/2
दिनांक 28/9/83 द्वारा उपरोक्त परीक्षा होने की सूचना की गयी थी।
यह परीक्षा निम्नलिखित कार्यक्रम के अनुसार होगी ।

प्र० -कत्र विषय

परीक्षा कार्यक्रम

प्रश्न-पत्र विषय

दिन तथा दिनांक

समय आई०एस०टी०

॥१॥ अंग्रेजी व
सामान्य ज्ञान

बृहस्पतिवार, 15 मार्च, 84

10.00 बजे प्रातः से 12-
00 बजे दिन ।

॥२॥ टेक्नीकल

-वही-

1.00 बजे से 4.00 बजे दिन

॥३॥ ट्राफिक नियम
बिना पुस्तक की
सहायता

शुक्रवार 16 मार्च, 84

10.00 बजे से 1.00 बजे दिन

॥४॥ कोड नियम
पुस्तक की सहायता से

--- वही-----

2.00 बजे से 5.00 बजे सायं

2. परीक्षा केन्द्र सामान्य रूप से परीक्षा केन्द्र तार परियात मण्डलों के मुख्यालयों पर होगी जिसकी जानकारी उम्मीदवारों परीक्षा-पर्यवेक्षक अधिकारी से प्राप्त कर सकता है। परीक्षा पर्यवेक्षकों की सूचना बाद में हाल परमिटों द्वारा दी जायेगी ।

3. प्राव्यक्रम:- परीक्षा प्राव्यक्रम निदेशालय के पत्रांक 213/1/67 एस०टी० बी० दिनांक 5.9.1968 में दिया हुआ है।

4. विभागीय उम्मीदवार के लिए अर्हताए:- निदेशालय के पत्रांक 213/1/67 एस टी बी० दिनांक 20.5.1968 व 213/6/74 एस० टी०बी०-1 दिनांक 17-2-1975 के अनुसार निम्नलिखित अर्हता वाले उम्मीदवार परीक्षा के पात्र हैं।

क्रमशः-----॥२॥

Amar Lal Singh

- ॥१॥ किसी मान्यता प्राप्त भारतीय विश्वविद्यालय अथवा बोर्ड से मैट्रिक अथवा समकक्ष परीक्षा उत्तीर्ण ।
- ॥२॥ टेलीग्राफ ट्राफिक सम्भाग में कार्यरत टेलीग्राफ मास्टर/टेलोग्राफ क्लर्क व टेलीग्राफिस्ट समयमान क्लर्क व अन्य गुप"सी" सर्वग कर्मचारी।
- ॥३॥ क्लर्क सर्वग में नियुक्ति पाने की तिथि से 5 वर्ष के निरन्तर सेवा अवधि पूरी कर ली हों।
- ॥४॥ पात्र उम्मीदवारों के लिए परीक्षा में अर्हता तिथि 1-7-1983 हैं।
- ॥५॥ विभागीय उम्मीदवारों के लिए अधिकतम आयु सीमा निर्धारित नहीं है।
- ॥६॥ उम्मीदवारों के सामान्य चार अक्षरों से अधिक परीक्षा अक्षरों का उपयोग न किया हों।
- ॥७॥ सेवा रिकार्ड व गोपनीय अभिलेख अच्छा हों।
- ॥५॥ परीक्षा धीन समय: फल द्योषित उम्मीदवारों को नियुक्ति से पूर्व डाक-तार महानिदेशक द्वारा निर्धारित पाठ्यक्रम में ट्रेनिंग परीक्षा-धीन समय दो वर्ष के अन्दर करनी होगी ।
- ॥६॥ रिक्त-स्थान परीक्षा कोटा के रिक्त पदों की सूचना शीघ्र भेजी जावेगी ।
- ॥७॥ कृपया उपरोक्त सूचना सभी पात्र उम्मीदवारों को तुरन्त दे दें। उनसे निर्धारित पत्रपरिशिष्ट ए॥ के ठीक अनुसार प्रार्थना पत्र को प्राप्त करें। आवेदन पत्रों उम्मीदवारों से प्राप्त करने की अन्तिम तिथि 5 फरवरी 1984 है। प्राप्त आवेदन पत्रों उम्मीदवारों अधिकारी अपनी अनुश्ला के साथ परिशिष्ट "बी" के विवरणों के साथ इस कार्यालय को 10 फरवरी 1984 तक अवश्य भेजे दें। आवेदन-पत्र भेजते समय यह ध्यान रहे कि केवल पात्र उम्मीदवारों के आवेदन पत्र ही भेजे और वह अपने रूप में पूर्ण हों। परिशिष्ट "बी" का प्रोफार्मा, अन्य जाति, अनुसूचित जाति/जनजाति के उम्मीदवारों के आधार पर प्रश्नगत हो उसका पूर्ण उल्लेख कारण सहित अनुश्ला देते समय गोपनीय अभिलेख इस कार्यालय को भेजकर करें और परिशिष्ट का कोई खाना रिक्त न रखें।

सभी मण्डल अधिकारो प्रार्थना-पत्र का पूर्ण विवरण निपटान उपरोक्त पैरा॥७॥ के अनुसार निर्दिष्ट तिथि 10 फरवरी 1984 तक अवश्य कर दें अन्यथा इस और हुई किसी भी अनियमितता के वे स्वयं उत्तरदायी होंगे। कृपया परिशिष्ट "सी" में मागे गये विवरण भी परिशिष्ट में दो गयी। तिथि 20 जनवरी 1984 तक अवश्य भेज दें जिससे कि निदेशालय को प्रश्न-पत्रों की छपाई आदि कार्य से सम्बन्धित सूचना भेजना सम्भव हो सके।

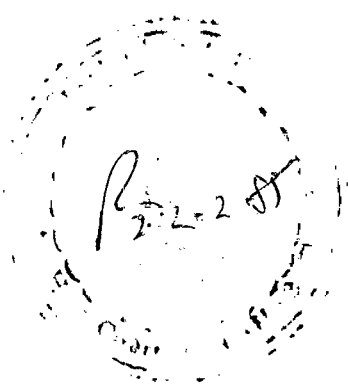
ह0/- अपठनीय
कृपया इस पत्र की पावती भेजिए ।

॥के० आर० हुकमानी॥
सहायक निदेशक दूरसंचार
भूतनी

कृते महाप्रबन्धक दूरसंचार, उ०प्र०
परिमण्डल, लखनऊ-226001

क्रमशः-----॥३॥

Amar Palojha



A-20

1/2 - 12 -

13

प्रतिलिपि सूचनार्थ एवं समान कार्यवाही हेतु प्रेषित:-

-x-

- ॥1॥ सहायक महाप्रबन्धक दूरसंचार ॥अमला॥ ॥आवश्यक॥
- ॥2॥ कृपया उपरोक्त संवर्ग में वर्ष 1983 की सभी रिक्तियाँ यथा 75/ व 25 शीघ्र सूचित करें जिससे कि रिक्त स्थानों की सर्कुलर जारी किया जा सके व निदेशालय को 20.7.84 तक सूचित किया जा सके।
- ॥2॥ मुख्य लेखाधिकारी ॥दूरसंचार लेखा॥ भोपाल हाउस, लखनऊ।
- ॥3॥ समस्त प्रभारी अधिकारी मुख्य व विभागीय तारघर- उ० प्र०
- ॥4॥ समस्त सेक्शन सुपरवाइजर, परिमण्डल कार्यालय दूरसंचार, लखनऊ
- ॥5॥ सूचना पट्ट।
- ॥6॥ समस्त मान्यता प्राप्त सविसे यूनियन ग्रुप "सो" ~~वृत्तियन~~ कर्मचारियों टेलीग्राफ ट्रॉफिक उ० प्र० परिमण्डल ।

Amar Lal rjls

22.2.85

परिशिष्ट -ए- टेलीग्राफ सुपरवाइजर ग्रुप "सी" को मार्च 1984 को

विभागीय परीक्षा में सम्मिलित होने का आवेदन-पत्र

= X =

1- उम्मीदवारका पूरा नाम:-

॥ अ ॥ पदनाम

॥ ब ॥ नियुक्ति स्थान

॥ स ॥ सर्किल वरीयता लिस्ट में स्थान

॥ द ॥ जाति जिसका सदस्य है।

॥ घ ॥ शैक्षिक योग्यता

2- टी0एम0/अवर चुनाव श्रेणी टी एम0/क्लर्क व टेलीग्राफ 2समयमान क्लर्क संवर्ग में:-

॥ 1 ॥ मूल नियुक्ति तिथि ।

॥ 2 ॥ 1.7.1983 को नियुक्ति संवर्ग में कुल सेवा

3- भर्ती वर्ष का उल्लेख करें जिसकी रिक्तियों के आधार पर कर्मचारी की नियुक्ति निम्न संदर्भ में हुई ।

॥ ए ॥ टेलीग्राफ मास्टर

॥ ब ॥ टेलीग्राफ मास्टर ॥ एम0एम0सी0 ॥

॥ स ॥ क्लर्क ॥ एल0एस0जी0 ॥

॥ द ॥ टेलीग्राफिस्ट

॥ घ ॥ क्लर्क

4- परीक्षा केन्द्र जहाँ से सम्मिलित होना चाहता है"

॥ परिवर्तन की अनुमति नहीं है ॥

5- परीक्षा अवसर जिनका उपयोग कर चुका है-

नोट-अनुसूचित जाति/ जनजाति के उम्मीदवार ॥ 1 ॥ कुल अवसर

दो अतिरिक्त अवसर का उपयोग कर सकते हैं ॥ 2 ॥ परीक्षा-वर्ष

द्वारे अतिरिक्त अवसर=कुल अवसर-कुल

परन्तु यह उनके सुरक्षित कोटा में ही मान्य होगा ।

6- क्या हिन्दी में प्रश्न-पत्रों के उत्तर देना चाहता है।

मैं निष्ठा पूर्वक घोषणा करता हूँ कि उसभी विवरण मेरे विश्वास व जानकारी में सत्य है।

उम्मीदवारके हस्ताक्षर

तिथि ।

मैं अनुशंसा करता हूँ कि श्री-----

----- पद नाम डाक तार बोर्ड के पत्रांक 213/1/67/एसटीबी

दिनांक 20-8-1968 के पैरा 5 व 6 व पत्रांक 213/6/74 -एस-बी-

बी-1 दिनांक 17-2-75 में दी गई अर्हताएँ पूरी करते है और परीक्षा में सम्मिलित होने के पात्र हैं।

अग्रसारी अधिकारी के हस्ताक्षर

पदनाम

दिनांक

Amar Pal ojha

परिशिष्ट "बी"

..... मण्डल

असुरक्षित/सुरक्षित कोटा १ अलग-2 बनाये

आवश्यक -10 फरवी 1984 तक भेजे

परीक्षा दिनांक 15, 16, मार्च, 1984

क्रम विषय सं०	रोल नं०	प्रश्नपत्रों का उत्तर हिन्दी में देना चाहता	उम्मीदवारों का नाम	पात्र सर्व में भती की तिथि	कुल सेवा भती अवधि वर्ष	परीक्षा केन्द्र मण्डल अधिकारी की अनुमति
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1	2	3	4	5	6	7	8	9	10
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प्रमाण-

प्रमाण- मैं स्वयं सभी उम्मीदवारों के आवेदन पत्रों की जाँच कर ली हूँ और मैं पूर्ण संतुष्ट हूँ कि वे परीक्षा में सम्मिलित किए जाने की
निर्धारित अहताएँ पूरी करते हैं और पात्र उम्मीदवार हैं। उपरोक्त लिस्ट में क्रम संख्या पर दिए गये उम्मीदवारों
अहताएँ पूरी करते हैं परन्तु उनके पूर्ण गोपनीय अभिलेख जाँच स्थिति में हैं और इसका निष्कर्ष कि वे पूर्ण पात्र हैं सूचित होने तक आशिक अनुमति
दिये जाने की अनुमति दी जाती है।

स्थान

हस्ताक्षर व पदनाम
दिनांक

परिशिष्ट "सी" सूचना 20 जनवरी 1984 तक भेजे

.....

मण्डल अधिकारी

विषय:- परीक्षा उम्मीदवारों की संख्या सम्भावित उस अधिकारी का नाम जिसे प्रश्न पत्र भेजे जायें

टीटीएस गुप्त
सी परीक्षा
मार्च, 1984

स्थान
हस्ताक्षर व पदनाम
दिनांक

पिन कोड



Anar Lal Singh

A32
A/37
-15
16

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO.

OF 1985

Amar Pal Ojha & Others

.... Petitioners

VERSUS

Union of India and others

.... Opp. Parties.

ANNEXURE NO. 2

INDIAN POSTS & TELEGRAPHS DEPARTMENT

From,

General Manager Telecom.,
U.P. Circle, Lucknow.

Examination / URGENT.

To,

1. The C.S., C.F.O., Agra/Lucknow.
2. All SSTT/STfin U.P. Circle.
3. Supdt. Incharge, CFOs in U.P. Circle.
4. Incharge, D.T.O., in U.P. Circle.

No. Rectt/M-28/D/84/7

Dated at Lucknow the 15.2.1984

Subject : Competitive examination for promotion to the
Asstt. Superintendent Telegraphs Traffic Group 'C'
scheduled to be held on 15th and 16th March, 1984-
Announcement of vacancies.

Kindly refer to this office letter number even dated
5.1.1984 notifying the conduction of the above mentioned
examination and inviting applications from the candidate
eligible for the exam.

2. The vacancies for this examination for the period
ending upto 31.12.1983 against the departmental quota are
notified as under for the information of the candidates .
These may be widely notified among the staff working under
your jurisdiction to avoid any complaint on the subject.

VACANCIES

<u>O.C.</u>	<u>S.C.</u>	<u>S.T.</u>	<u>Total</u>
03	NIL	01	04

(S/T vacancies to be exchanged with S/C if no candidate
of S.T. available in this third year of recruitment)-

Kindly acknowledge receipt.

Sd/-

(G.D. Singh)
Asstt. Director Teleco. (PP)
For General Manager Telecom
U.P. Circle, Lucknow

Amar pal ojha

M34
32
17

Copy for information to-

1. A.G.M. (Staff) , Circle Office, Lucknow with reference to his letter No. Staff/M-17-1/32/3 dated 13.2.54. Please also intimate the break up of vacancies against 25% quota for outside recruitment.
2. Director General, P&T (DE), New Delhi -110001.
3. Chief Accounts Officer (E), Bhopal House, Lucknow.
4. Officer Incharge, AP's Records Office, Kanpur.
5. All recognised Service unions Group 'C' Telegraphs traffic ~~XX~~ Employees U.P. Circle.
6. The Director Telecom (C), Lucknow/(E) Varanasi (N), Dehradun (N) Bareilly.
7. Notice Board, Circle Office, Lucknow.
8. Spare.

Amr Lal Singh

13.2.54

- 17 - A34 18/3/84 18

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

WRIT PETITION NO.

OF 1985

Amar Pal Ojha & Others

.... Petitioners

VERSUS

Union of India and others

.... Opp. Parties.

ANNEXURE NO. 3

To,

The General Manager Telecom,
U.P. Circle,
Lucknow.

Subject - Revising of the number of vacancies in the
cadre of T.T.S. Group 'C' (Departmental quota)
for the period ending on 31.12.1983.

Respected Sir,

With due respect I wish to draw your kind attention towards the D.G. P & T, New Delhi Letter No. 1-71/83-NOG dated 16.5.1984 and your office memo No. Estt./G-61/Ch.III/2, dated 30.5.84 and 25.6.84 in which it has been clarified that the 15% cut under time bound one promotion scheme is not applicable in the cadre of A.S.T.T. In view of above, the curtailment of 16 posts of ASTTs in U.P. Circle made under time bound one promotion scheme, is to be restored. After restoration of these posts the number of vacancies in ASTTs cadre under departmental quota for the period ending on 31.12.1983, earlier declared vide your office letter No. Rectt/M-28/D/84/7 dated 15.2.84 will come 16 or 17 instead of 4 .

It is therefore requested that the staff position and the sanctioned strength of T.T.S. Group C, in U.P. Circle for the period ending on 31.12.1983 may kindly re-examined and correct number of vacancies under departmental quota be declared before announcement of T.T.S. Group C result so that I and other candidates who expected to get through the examination should not suffer.

Thanks,

Yours faithfully,

Sd/-

Dated : 30.6.1984

(AMAR PAL OJHA)
Telegraph Assistant
Central Telegraph Office,
Lucknow-226001.



Amar Pal Ojha

A35
-18-
19

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

WRIT PETITION NO. OF 1985

Amar Pal Ojha and others Petitioners

Versus

Union of India and others Opp. Parties.

ANNEXURE NO. 4

INDIAN POSTS AND TELEGRAPH DEPARTMENT

From :

The General Manager Telecom,
U.P. Circle, Lucknow-226001.

To.,

All C.S., C.T.Os. in U.P. Circle.
A LL S.S.T.T.in U.P. Circle.
A-11 S.T.T. in U.P. Circle.
All C.T.O.'s /D.T.O's. in U.P. Circle.

No. Rectt./M-28/D/84/6 Dated at Lucknow the 3.7.1984

Sub : Revised vacancy in the A.S.T.T. Group 'C' cadre
for the examination of year 1984.

In partial modification of this letter Number even dated 15.02.1984, the revised vacancy position in A.S.T.T. Group 'C' cadre for the examination of 1984 is as under. These may be widely notified among the staff working under your jurisdiction to avoid any complaint on the subject.

VACANCIES

<u>OC</u>	<u>SC</u>	<u>ST</u>	<u>Total</u>
14	02	01	17

This modification is due to restoration of post in A.S.T.T. Group 'C' cadre as per .D.G. P&T letter No. 1-71/83-NOG dated 16.5.1984 issued ~~xxxx~~ under this office letter No. Estt/G-61/Ch.III/2 dated 30.5.84.

Kindly acknowledge receipt.

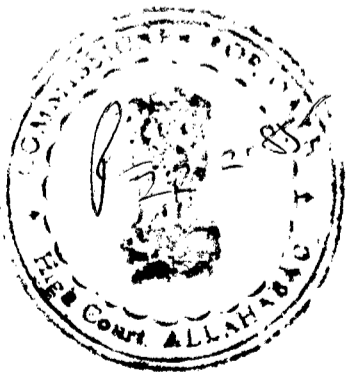
Sd/-

(K.C. SHUKIA)

Asstt. Director Telecom (Estt.)
O/O General Manager Telecom.,
U.P. Circle, Lucknow-226001

Copy forwarded for information to -

1. The A.G.M.(TT) O/O G.M. Telecom, U.P. Circle, Lucknow, with reference to his letter No. Staff/M-17-1/82/3 dated 2.7.84.
2. The Director General (DE), P&T, New Delhi-110001.
3. The Chief Account Officer (TA), Bhopal House, Lucknow.
4. The Officer Incharge, APS Records Office, Kamptee, APO.
5. The Director Telecom. (C), Lucknow/(E) Varanasi/(W) Dehradun/(M) Bareilly.
6. All recognised service unions Group 'C' Telegraphs Traffic Employees in U.P. Circle.
7. Notice Board Circle Office, Lucknow.
8. Spare.



Amar pal ojha

(A36-19-1/20)

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

Amar Pal Ojha & others v/s Union of India
From- WRIT PETITION NO. OF 1985

The General Manager Telecom,
U.P. Circle, Lucknow-226001.

Annexure 5

To, 1. The C.S. C.T.O., Agra/Lucknow.
2. All S.S.T.Ts/S.S.Ts. in U.P. Circle.
3. All Officers Incharge C.T.Os./D.T.Os. in UP Circle

No. Rectt/M-28/D/84/6 Dated at Lucknow the 31.7.1984

Subject : Result of Departmental Competitive examination
(Circle basis) for the recruitment to the cadre
of A.S.T.T., Group 'C' examination held on
15th & 16th March 1984.

The list of candidates who have been selected for
appointment to the cadre of Asstt. Superintendent Tele-
graphs Traffic Group 'C' on the result of the above said
examination held on 15th & 16th March 1984 is given in
the Annexure to this office.

The names of the selected candidates have been
arranged in the order of merit.

This is issued in pursuance of D.G. P & T letter
No. 20-1/81-DE dated 23.7.84.

Sd/-

(G.D. Singh)

Asstt. Director Telecom (PP)

For C.M.T. U.P. Circle, Lucknow-226001

Copy to-

1. The A.G.M.(PT) O/O C.M.T. U.P.Circle, Lucknow for
information and necessary action.
2. The Section Supervisor, Staff Section, O/O G.M.T. U.P.
Circle, Lucknow (4 spare copies) for information.
3. Notice Board, Circle Office, Lucknow.

ANNEXURE

Sl. No.	Roll No.	Name of Candidate	Office to which attached.
1.	UPT/AS-23/84	Sri Phool Chand Yadav	ASSTT Allahabad
2.	UPT/AS-121/84	" Jagdish Prasad	ASSTT Saharanpur.
3.	UPT/AS-86/84	" Mohd. Zaman Khan	CS C.T.O., Lucknow.
4.	UPT/AS-124/84	" Narendra Singh	S.S.T. Saharanpur.
		Malkotra Martolia (SC)	

NOTE - No more qualified candidate is available.

Amar Pal Ojha

A37 1/20 - 20 - 1/21

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO.

CF 1985

Amar Pal Ojha and others

.... Petitioners

VERSUS

Union of India and others

.... Opp. Parties

ANNEXURE NO. 6

Copy of the D.O. P&T (Departmental Exm. Sec.)
Dk. Dr. Bhawan, Parliament Street New Delhi letter
No. 204/44-DE dated 11.11.84. Subject -
Communication of Marks

Subject - Communication of Marks of S. Group
Exam. of March 1984.

Reference - Your letter/and t. No. P-1470/78 & P-1423/72,
dated 3-8-84 & 2-8-84.

The marks obtained by the following offi-
cials in the above mentioned examination are given
below :-

Sl. No.	Roll No.	Name of candidates	Marks			
			I	II	III	IV
1.	UPT/AS-84/77	Amar Pal Ojha	63	44	47	44
2.	UPT/AS-84/76	Madan Ram	42	52	60	44

No. P-1470/82

Dated at Lucknow the 31-8-84.

Copy forwarded to :-

1. & 2. The official concerned for information.

Sd/- A. Ojha

Amrit
Chief Superintendent
Central Allocation Office,
Lucknow.

Amar Pal Ojha

A30 1/22

X/57 -21-

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

WRIT PETITION NO.

CF 1985

Amar Pal Ojha & Others

.... Petitioners

Vers us

Union of India and others

.... Opp. Parties

ANNEXURE NO. 7

Copy of the letter (D.F. SEC.) IAK IAK Phawan
Patil, New Delhi letter No. 20-1/84-DE
dated 24-8-84 added to the C.S. CIO Lucknow.

Subject - Communication of marks ITS Group 'C' Exam.
March 1984.

Reference - Your letter/Endt.No.P-1617/25 dated 13-8-84

The marks obtained by the following officials
in the above mentioned examination are given below :-

Sl. Roll No. No.	Name of Candidate	Papers			
		I	II	III	IV
1. UPT/AS-84/93	U.K. Misra	43	62	65	70

No. P-1617/25

Dated at Lucknow the 8-9-1984.

Copy forwarded to :-

Sri U.K. Misra C.T.O. Lucknow for
information.

[Signature]
Chief Superintendent
Central Telegraph Office,
Lucknow-226001

Amar Pal Ojha

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

WRIT PETITION NO. OF 1985

Amar Pal Ojha and others

..... Petitioners

Versus

~~XXXX~~ Union of India & Others

.... Opp. Parties

ANNEXURE NO. 8

क्र. 2/पत्र. 3

भारतीय डाक-गट विभाग/INDIAN P. & T. DEPARTMENT

कार्यालय/Office at Lucknow

श्री राम

To,

Shri Ram Kumwar Singh
-telegraphist,
C.T.O. Agra.

No. E-69/E/84 Dated at Agra 10 Sept. 1984.

Subject!- Communication of marks of Deptl.
Competitive Examination for Recruitment
to the cadre of A.S.T.T. Group 'C'
examination held on 15th & 16th March
1984.

Refce!- your application dated 22-8-84.

The marks secured by you in
the above examination held in March 84
and as intimated under D.O. P&T New Delhi
letter No. 20-1/84-DE dated 3-9-84 are
communicated as follows!-

Papers			
I	II	III	IV
54	40	58	49

2-19-84 1140

Amar Pal Ojha

(A40) -23-
1/24

IN THE HON'BLE HIGH COURT OF JUDICATURE AT A-LAHABAD
LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. OF 1985

Amar Pal Ojha and others Petitioners
Versus

Union of India and others Opp. Parties

. ANNEXURE NO. 9

Phone 561873

Gram : TELTRAFFIC

All India Telegraph Traffic Employees Union Class III
(Registered Under the I.T.U. Act 1926)

President :	Seal	Central Headquarters-
D.C. Shukla		4/23, W.E.A., Karol Bagh
General Secretary:		NEW DELHI-110005.
V.A. Parsulkar		

Ref. No. T-157

Dated: 3rd Sept. 84.

Shri T.S. Subramaniam,
Member (TO),
P&T Board,
New Delhi-110001.

Sub : Announcement of results of competitive Examination
for TTS Group C held in March 84- Case of UP Circle.

Sir,

Directorate has announced the results of 4 vacancies in U.P. Circle vide No. 29-1/84-DE dated 23.7.84 whereas the G.M.T UP Circle announced 17 vacancies for the said examination (Copy attached).

Before examination was held, the GMT office announced only 4 vacancies (copy attached). As per normal policy no vacancy can be reduced or increased after examination is held. But this particular case has a different back-ground.

The GMT, UP Circle reduced 15% posts of ASTT (TTS-Group C) at the time of implementation of orders of one time bound promotion by mistake. As per these order 15% posts of Supervisors (LSG TMs/Clerks) should have been reduced. On a complaint, the Directorate has clarified the ruling vide No. 1-71/83-NOG dated 16.5.84 that the action to reduce 15% posts of ASs TT was wrong. Therefore GMT Lucknow had modified the announcement of vacancies from 17 to 4 to 17.

It is, therefore, requested that the matter be investigated and necessary action to announce the results of 17 vacancies is taken since the normal rule not to increase or decrease posts can not be applied in this case.

The reduction was due to arbitrary action of the officers in Circle office, Lucknow to reduce 15% posts on implementation of one time bound promotion. For their incompetency, those who stand selected or qualified for selection should not suffer.

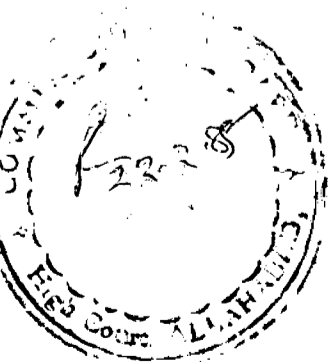
An immediate action is requested.

With regards,

Yours faithfully,
Sd/- (V.A. HARSULKAR)
GENERAL SECRETARY

Copy to - The Local Secy., Lucknow, for N/B.
The Circle Secy. Lucknow for taking up with the GMT, Lucknow.

Sd/-
(GENERAL SECRETARY)



Amar pal ojha

(Am) 40 -24- 1/25

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

EXHIBITION

WRIT PETITION NO.

OF 1985

Amar Pal Ojha & Others

..... Petitioners

Versus

Union of India and others

..... Opp. Parties.

ANNEXURE NO. 10

ALL INDIA TELEGRAPH TRAFFIC EMPLOYEES UNION CLASS III
CENTRAL HEADQUARTERS, NEW DELHI-5

Copy of DG P&T Letter No. 213/11/84-STN Dated 22.11.1984

Subject : Announcement of results of competitive examination
for TTS Group 'C' held in March '84 -Case of
U.P. Circle.

I am directed to refer to your letter No. T-157
dated 3.9.1984 on the above subject and to say that your
proposals to revise the vacancies in ASTT cadre has been
considered and rejected as the same is not tenable under
rules.

No. T-157

Dated ; the 3rd Dec. 1984

(V.A. HARCOURT)
GENERAL SECRETARY

The Local Secy., Lucknow.
The Circle Secy., Lucknow.
The Local Secy., Agra.

Sd/-
(GENERAL SECRETARY)

Amar Pal Ojha

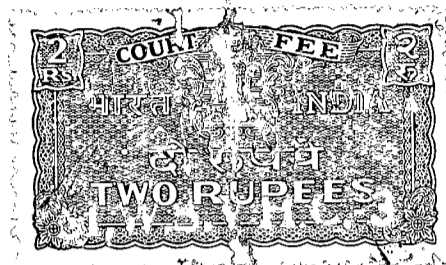
72.2.85

IN THE HONOURABLE HIGH COURT OF JUDICATURE AT ALLEHABAD

LUCKNOW, BENCH, LUCKNOW.

WRIT PETITION NO.

OF 1985



1985

AFFIDAVIT
73/133
HIGH COURT
ALLAHABAD

Amar Pal Ojha and others

.... Petitioners

Versus

Union of India and others

.... Cop. Parties.

AFFIDAVIT

I, Amar Pal Ojha, aged about 30 years, s/o.
Sri Chandra Bhushan Ojha, Telegraph Assistant, Central
Telegraph Office, Lucknow, do hereby solemnly affirm and
state as under:-

1. That the Deponent is the petitioner No. 1 in the
above writ petition and is doing the pairvi of the other
petitioners. As such, he is fully conversant with the
facts and circumstances of the case.

2. That the contents of paragraphs 1 to 25 of the
accompanying writ Petition are true to my personal know-
ledge and those of paragraph 26 of the same are believed
by me to be true & as per legal advice.

3. That the Annexures filed alongwith the accompanying
writ Petition are the true copies of their respective
originals.

Lucknow-Dated,

Feb. 22, 1985

Amar Pal Ojha
Deponent

Verification

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 3 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed by me. So help me God.

Lucknow-Dated,

Feb. 22, 1985

Amar Pal Singh
Deponent

I identify the deponent who has signed before me.

Lucknow-Dated,

Feb. 22, 1985

I.B. Singh
Advocate

10.30 Solemnly affirmed before me on 22.2.1985 at a.m./p.m. by Sri Amar Pal Singh, the deponent, who is identified by Sri I.B. Singh, Advocate, High Court, Lucknow Bench, Lucknow.

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

Rajendra Singh
OATH COMMISSIONER
High Court, Lucknow Bench,
LUCKNOW
Date

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

T.A. No.1714 of 87 (T)

Amar Pal Ojha and others

... Petitioners

Versus

Union of India and others

.. Opp. parties

Counter Affidavit on behalf of Opp. Parties No.1 to

I, ^rShahid Ali Khan^r

aged about 44

years, son of Shri^r Late B. M. Khan^r

at present posted as ^rAssistant Engineer Establishment^r

in the office of ^rDistrict^r ~~General~~ Manager, Telecommunication,

~~U.P. Circle~~^r, Lucknow herein after described as the
deponent solemnly affirm and state as under:-

1. That the deponent is posted as ^rAsstt. Engineer Estab.^r

in the office of the ^rDistrict^r ~~General~~ Manager, Telecommunication

~~U.P. Circle~~^r, Lucknow and is authorised ^rand^r ~~is~~ competent

to swear and file the counter affidavit on behalf
of all the Opp. parties to the writ petition.

2. That the deponent has read the writ petition
alongwith the Annexure thereto as well as the

application for the interim relief and has understood
the contents thereof.

3. Before giving parawise reply to the averements
made in the writ petition, certain facts and circumstance



which are relevant and have been stated in the writ petition are being stated hereunder:-

4a) That S/Shri Amar Pal Ojha, TA is working in Telegraph Traffic Division, Kanpur, Uma Kant Misra, T/L, working under C.S.C.T.O. Lucknow, Ram Kunwar Singh T/L is working under C.S.C.T.O., Agra.

(b) That all these three candidates appeared in A.S.T.T. Group 'C' Examination held on 15th & 16th March 1984 from Kanpur, Lucknow and Agra Centres respectively against the vacancies for the year 1983.

(c) That before the commencement of the said examination, 4 vacancies (OC-3, SC-NIL, ST-01) were notified vide General Manager Telecom UP Circle Lucknow letter No.Rectt/M-28/D/84/7 dated 15.2.84. These vacancies were calculated applying 15% cut applied to all the supervisory cadres vide P&T Directorate letter No.1-71/83-NCC dated 17.12.83, as Internal Finance was of the view that 15% cut was applicable in ASTT cadre also. But at the same time the matter was referred to P&T Directorate for clarification. The P&T Directorate clarified on 16.5.84 that ^{cut} ~~cut~~ was not applicable in ASTT cadre and consequently vacancies were revised from (4) to (17) and a revised notification for 17 vacancies was issued (ie. OC-14, SC-2, & ST 1) vide Office Memo No.Rectt/M-28/D/84/6 dated 3.7.84.



2/19/84

(d) From Directorate result of only 4 successful candidates was received, a note was inserted by this office below the result that 'No more qualified candidate is available'.

(e) That in the meantime a letter No.213/11/84-STN dated 24.9.84 from P&T Directorate was received to clarify the circumstances leading to revision of vacancies and their notification without prior approval of P&T Board, which was clarified vide letter No.Rectt/M-28/D/84/6 dated 9.10.84 , but finally a letter from P&T Directorate vide his letter No.213/11/84-STN dated 2.3.85^{was issued}, in which it ~~was~~ stated that the question of filling up of the revised vacancies in ASTT Cadre for the year 1984 examination does not arise because the competent authority had revised the vacancies after the examination was over.

4. That the contents of para 1 to 6 of the writ petition no reply is required.

5. That the contents of para 7 of the writ petition are admitted. However vacancy position was notified vide letter No.Rectt/ -28/D/84/7 dated 15.2.84 before the examination was held, where as the examination was held on 15th & 16th March 1984.

6. That in reply to the contents of para 8 of the writ petition it is submitted that the vacancies were notified vide letter No.Rectt/M-28/D/84/7 dated 15.2.84.



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A copy of the above notification is being filed as Annexure C-1 to this affidavit.

7. That the contents of para 9 of the writ petition are admitted.

8. That the contents of para 10 of the writ petition are admitted to the extent that post of ASTT Group 'C' is highest non-Gazetted Cadre but at the time of calculation of vacancies it was interpreted that 15% cut was applicable to the ASTT Cadre, because of the time bound promotion scheme, 15% cut applicable to all the supervisory posts accordingly 4 vacancies were calculated applying 15% cut and were announced.

9. That the contents of para 11 of the writ petition are admitted.

10. That the contents of para 12 & 13 of the writ petition are admitted.

11. That in reply to the contents of para 14 of the writ petition it is submitted that on receipt of representation from the Unions, the matter was referred to P&T Directorate for clarification in respect of application of 15% cut in ASTT cadre. In the light of clarification received from P&T Directorate vacancies were notified on 3.7.1984 in good faith anticipated Directorate's approval. But later on it came to the notice of the GMT that he was not Competent to revise the vacancies after the examination was over without prior approval of P&T Board. Rule regarding computation of vacancies is



21/9/88

being filed as Annexure C-2 to this counter affidavit. Accordingly, the matter has been referred to Director General P&T New Delhi with full justification for final decision in the matter.

12. That the contents of para 15 of the writ petition are admitted. However, it is stated that as against 17 Provisionally revised vacancies result of only 4 candidates was received, the line that 'No more qualified candidate is available' was inserted below the results published.

13. That the contents of para 16 of the writ petition are admitted. However, it is stated that the examination is Competitive and not qualifying as alleged in the writ petition.

14. That the contents of para 17 of the writ petition are admitted. However it is submitted that the qualifying marks of the candidates ~~have~~ does not entitle them for selection unless they stand in merit upto the number of vacancies as the examination is competitive.

15. That the contents of para 19 of the writ petition are incorrect, hence denied. However it is stated that the authority who revised the



20-9-88

vacancies from 4 to 17 was not competent authority to do so after the examination was over. In this connection final decision of DG P&T, New Delhi has since been received vide his letter No.213/11/84-STN dated 2.3.1985 stating that the question of filling up the revised vacancies in the ASTT cadre for the year 1984 examination does not arise at this stage because the authority who has revised the vacancies after examination is over, had no power to do so. A copy of the said letter is being filed as Annexure C-3 to this counter affidavit.

16. That in reply to the contents of para-20 of the Writ petition it is submitted that the contention of the petitioners are not possible in view of the reply given to para-19 of the writ petition in the preceeding paragraph.

17. That the contents of para 21 of the writ petition are admitted.

18. That in reply to the contents of para 22 of the writ petition, it is submitted that as per the decision of Competent Authority ie. DG, P&T, New Delhi, the remaining vacancies as per notification not approved by the Competent Authority cannot be filled up from the candidates of the examination held in March 1984, however, the remaining vacancies of 1984 will be accounted for in the next examination.



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19. That the contents of para 23 of the writ petition are admitted.

20. That the contents of para 24 of the writ petition are not admitted and it is reiterated in reply given to para -22 of the writ petition as above.

21. That the contents of para 25 & 26 of the writ petition are not admitted. However it is submitted that it ^{was} ~~is~~ open to the petitioners to compete the examination which ^{was} ~~is~~ scheduled to be held in March 1985.

22. That the grounds taken by the petitioners are not maintainable and tenable in the eyes of Law.

23. In view of the facts and circumstances stated above, the writ petition filed by the petitioners is liable to be dismissed with costs.



[Signature]
Deponent

Lucknow,

Dated 20 Sept. 88

Verification.

I, the above named deponent do hereby verify that the contents of para 1 to 2 are true to my knowledge and those of paras 3, 4, 21, 22, 23, 24, 25, 26 are believed to be true on the basis of official records and information gathered and those of para 2, 2B, 23 to

are believed to be true on the basis of legal advice. No part of it is false and nothing material

fact has been concealed, so help me God.

[Signature]
Deponent.

Lucknow,

Dated 20 Sept. 88.

I identify the deponent who has signed
before me

[Signature]

(V.K. Chaudhari)
Advocate, H.C.

Solemnly affirmed before me on 20-9-88

at 11-30 am/pm by Shri V.K. Chaudhari, Advocate, High
Court Lucknow Bench, Lucknow.

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

[Signature]
Oath Commissioner.

[Stamp]
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

28/1220

20-9-88

Lucknow,

Dated: 20 - 9 Sept 88



INDIAN POSTS AND TELEGRAPHS DEPARTMENT

From:

Examination/Urgent

General Manager, Telecom
U.P. Circle, Lucknow

To

1. The C.S. CTO Agra/Lucknow
2. All SSTT/STT in UP Circle
3. Supdt. Incharge, CTOs in UP Circle
4. Incharge, D.T.O. in UP Circle

No. Rectt/M-28/D/84/7

dated at Lucknow the 15.2.1984

Subject: Competitive examination for promotion to the Asstt. Superintendent Telegraphs Traffic Group-C Scheduled to be held on 15th & 16th March 1984
Announcement of Vacancies.

Kindly refer to this office letter number even dated 5.1.1984 notifying the conduction of the above mentioned examination and inviting applications from the candidates eligible for the exam.

2. The vacancies for this examination for the period ending upto 31.12.83 against the departmental quota are notified as under for the information of the candidates. These may be widely notified among the staff working under your jurisdiction to avoid any complaint on the subject:

		<u>Vacancies.</u>	
		<u>ST</u>	<u>Total.</u>
O.C	SC		
03	Nil	01	04

(S/T vacancies to be exchanged with S/C if no candidate of S/T available in this third year of recruitment)

Kindly acknowledge receipt.

Sd/ - G.D. Singh
Asstt. Director Teleco. (TP)
for General Manager Telecom
U.P. Circle, Lucknow.

Copy forwarded to:-

1. AGM(Staff) Circle Office, Lucknow with reference to his letter no. Staff/M-17/1/82/3 dated 13.2.84. Please also intimate the break up of vacancies against 25% quota for outside recruitment.
2. Director General, P&T DE New Delhi-110001
3. Chief Accounts Officer(TA) Hopal House, Lucknow
4. Officer Incharge, APS Records office, Kamptee
5. All recognised service Unions Group 'C' Telegraphs traffic Employees UP Circle.
6. The Director Telecom(C) Lucknow(E) Varanasi(W) Dehradun(N) Bareilly.
7. Notice Board, Circle Office, Lucknow, 8. spare.

/True copy/
[Signature]



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Extract of DG P&T Letter No.1-53/78-NCC dated 10.7.80

Computation of vacancies -

- (i) The number of vacancies for the cadre shall be calculated very carefully in accordance with the instructions contained in this office letter No.41-6/68 -NCC dated 29.5.1972 and 15.4.1975. The calculation of vacancies should have a reasonable comparison with average actual recruitment made over the preceeding three years. The Director Telecom, shall personally check the calculation of vacancies well in time before the announcement.
- (ii) The number of vacancies for each category of candidates (Departmental and outsiders) shall be announced at the time of issue of notice for the examination for departmental quota for the information of all the candidates.
- (iii) The number of vacancies once announced shall not be changed, modified or altered subsequently except in exceptional circumstances and that also with the prior approval of P&T Necessitates the revision.

Sd/- M.A. Ansari
Asst. Director, Tele Communication(PF)
Office of the General Manager, Telecom
UP Circle, Lucknow.

/copy/

[Signature]



Copy of D.G. P&T Letter No.213/11/84-STN dated 2.3.85 from Asstt. Director General (STN) o/o D.G. P&T New Delhi addressed to General Manager Telecom, UP Circle, Lucknow.

Attn: Shri K.H. Khan
Dy. G.M.

Sub: Revision of vacancies for the ASTT Examination held in March 1984.

I am directed to refer to your office d.o. letter No.Rectt/M-28/D/84/6 dated 12.2.85 on the above subject and to say that the question of filling up of the revised vacancies in ASTT cadre for the year 1984 examination does not arise at this stage because the authority who had revised the vacancies do after the examination was over, had no powers to do so. Hence in view of the circumstances stated in your d.o. letter under reference, the remaining vacancies of 1984 may please be added for 1985 examination.

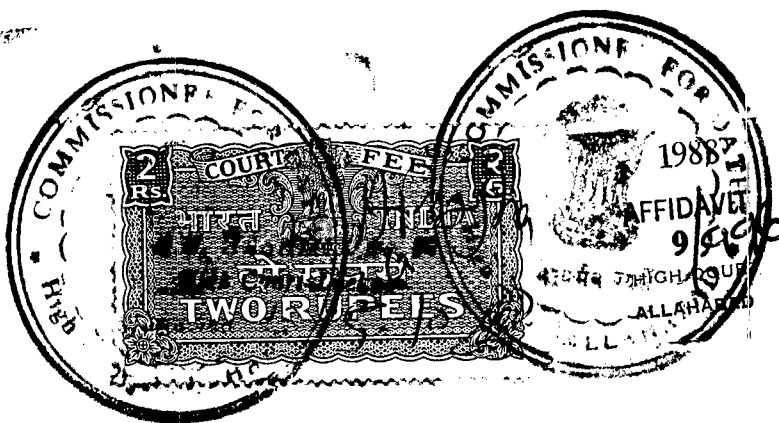
Sd/- V. Ramaswamy
Asstt. Director General (STN)

/True copy/



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

T.A. NO. 1714 OF 1987 (T)



Amar Pal Ojha and others

.... Petitioners

Versus

Union of India and others

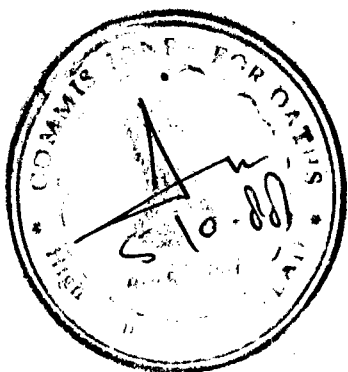
.... Opposite Parties.

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT
FILED BY THE OPPOSITE PARTIES NO. 1 TO 3.

.....

I, Amar Pal Ojha, aged about 34 years son of
Sri Chandra Bhushan Ojha, Telegraph Assistant, Central
Telegraph Office, Lucknow, do hereby solemnly affirm and
state as under-

1. That the deponent is one of the petitioners
in the aforesaid Claim Petition ~~and~~ and has gone through
the contents of the counter Affidavit filed on behalf
of the Opp. Parties No. 1 to 3. After being fully conver-
sant with the facts, the deponent gives reply to those
as under.



Amar Pal ojha

2. That in reply to the contents of paragraphs 1 & 2 of the Counter Affidavit, it is stated that Sri Shahid Ali Khan is Assistant Engineer and belongs to an Engineering wing. He is posted with the Divisional Manager (Telephones) and has got no concern with the Traffic Wing. As such, he is not supposed to know full facts. It is stated that both the wings are different and establishment of both the wings are also different. No reliance can be placed on the facts stated by the deponent of the Counter Affidavit.

3. That in reply to the contents of paragraph 3A, of the Counter Affidavit, it is stated that the deponent is working in the Telegraph Traffic Division in Lucknow and not in Kanpur. Rest of the contents are not denied.

4. That in reply to the contents of paragraph 3B of the Counter Affidavit, it is stated that ~~the deponent~~ in the examination none of the petitioner appeared from Kanpur. The petitioners appeared from Lucknow and Agra Centre only.

5. That in reply to the contents of paragraph 3C of the Counter Affidavit, it is stated that the policy of 15% cut in the post is not applicable in this case and therefore the revised notification of 17 vacancy was rightly made. The Opposite Parties ought to have declared the result of 17 posts and not of four posts.

6. That the contents of paragraph 3D of the Counter Affidavit are denied. It is stated that it was wrongly

Amar Lal Singh

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- 3 -

and incorrectly mentioned that no qualified candidate is available. Rule 319 of P & T Manual Vol. IV has been clearly violated in this case. As stated in the Writ Petition, the petitioners are qualified and are liable to be selected on the post of A.S.T.T. Group-III.

7. That the contents of paragraph 3E of the Counter Affidavit, as stated, are denied. The vacancies of 17 posts was rightly notified and it was notified 20 days before the date of declaration of result by Director (General) and it was conveyed by General Manager (Telecom) immediately thereafter. As such, the result for 17 posts of A.S.T.T. Group-III should have been declared in place of the result of only 4 posts. It was wrongly mentioned that no more qualified candidates were available. While the fact is that the petitioners had already qualified the examination as per Rule 319 of P & T Manual.

8. That the contents of paragraph 4 of the Counter Affidavit need no reply.

9. That in reply to the contents of paragraph 5 of the Counter Affidavit, it is stated that the vacancies of 17 posts was rightly notified before the result of the examination could be declared as the said vacancies of 17 posts was ascertained to the Opp. Parties. The Opposite Parties ought to have declared the result of 17 posts and not of 4 posts only.

Amar Pal ojh

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- 4 -

10. That in reply to the contents of paragraph 6 of the Counter Affidavit, it is stated that the General Manager (Telecom), the Opposite Party No. 3 had wrongly ~~included~~ calculated the vacancies of only 4 posts which were pointed out by the petitioners and union concerned. As such, the vacancies of 17 posts were correctly notified.

11. That the contents of paragraph 7 of the Counter Affidavit need no reply.

12. That the contents of paragraph 8 of the Counter Affidavit, as stated, are denied. It is stated that the Opposite Parties wrongly interpreted that the 15% cut on the total posts was applicable to the A.S.T.T. cadre because of the time bound Promotion Scheme. In this case 15% cut was not applicable.

13. That the contents of paragraphs 9 & 10 of the Counter Affidavit need no reply.

14. That in reply to the contents of paragraph 11 of the Counter Affidavit, it is stated that the Opposite Party No. 3 being the subordinate of Director (General) has no authority or power to review or modify his decision. The Director General was fully competent to revise the ~~vacan~~^{vacancies} and having full authority, he rightly revised the vacancies and notified 17 vacancies in place of only 4. The Annexure C-2 filed along with the Counter Affidavit is not applicable in this case as ^w the letter dated 10.7.1980 relates to only calculation of vacancies and laying down the form of norms. The said letter is applicable in case of non-formula basis

5-10-80

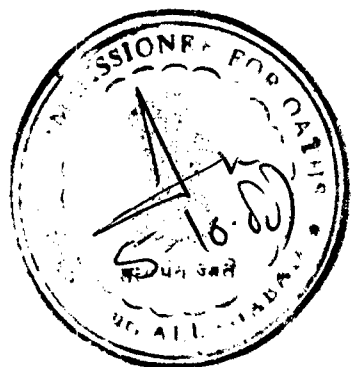
Amar Pal Singh

vacancies while the present post[✓] in question is a formula based post. It is respectfully submitted that initially the number of seats was not announced but later on the department concerned in~~co~~rectly announced only 4 vacancies but on pointint out the mistakes commi[✓]tted by the department, the number of ~~x~~ vacancies modified to 17. The Annexure C-2 appears to be an extract and is not a complete document. It is also stated that in the letter , it has nowhere been mentioned that the Director General or P & I Board cannot modify the vacancies after the examinations are over.

15. That in reply to the contents of paragraph 12 of the Counter Affidavit, it is stated that the department concerned had already notified the four vacancies in place of 17 which was later on ractified and the Opposite Parties himself have declared result of 17 vacancies and not of four.

16. That in reply to the contents of paragraphs 13 & 14 of the Counter Affidavit, it is stated that though the examination is competitive, the candilate must obtain the qualifying marks first and thereafter only he can be considered in the competition. In this case, the petitioners have been[✓] rejected on the ground that they had not qualified. Although, they have already qualified which is rowhere been disputed in the Counter Affidavit.

17. That the contents of paragraph 15 of the Counter Affidavit are denied as in~~co~~rect, wrong and false. It is statted that the in~~co~~rect notification



Amar Pal o'ke

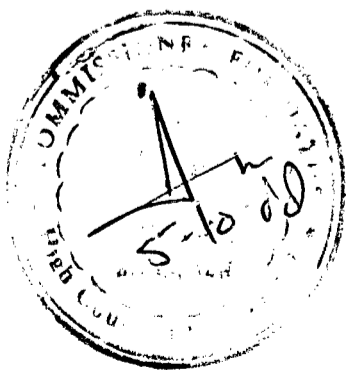
of vacancies and later on it was modified and correct number of vacancies were notified by the competent authority. In Annexure C-3, the Assistant Director (General) appears to have turned out the decision of Director (General) while Asstt. Director General has no power to do so. The Director General had already corrected the mistake and it was in his competence to correct himself.

18. That the contents of paragraph 16 of the Counter Affidavit are denied and in reply the contents of paragraph 20 of the Writ Petition are reiterated.

19. That the contents of paragraph 17 of the Counter Affidavit need no reply.

20. That in reply to the contents of paragraph 18 of the Counter Affidavit, it is stated that the Opp. Parties have not shown any document in which the powers of the Director (General) have been curtailed to the effect that he is not competent to revise his own incorrect decision taken earlier. It is stated that the vacancies, remained unfilled in the examinations held in the year 1984, have not been accounted for next examinations and they are still lying vacant. This contention is also supported due to reason that after the year 1984, the vacancies of less than 13 posts have been notified in the preceeding years.

21. That the contents of paragraph 19 of the Counter Affidavit need no reply.



Amar Lal Singh

22. That the contents of paragraphs 20 & 21 of the Counter Affidavit are denied and in reply the contents of paragraphs 22 & 23 of the Writ Petition are reiterated. The contention of the Opposite Parties are liable to be rejected and the Claim Petition is liable to be allowed with costs in favour of the petitioners. The contents of the Counter Affidavit which are contrary to the contents of the Writ Petition are denied as incorrect, wrong and false.

Lucknow-Dated,

Oct. 5, 1988

Amar Pal ojha

Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 22 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed by me. So help me God.

Lucknow-Dated,

Oct. 5, 1988

Amar Pal ojha

Deponent

I identify the deponent who has signed before me ~~the~~ ^{he} is personally known to me.

Dt: Oct. 5, 1988

IB Singh
Advocate

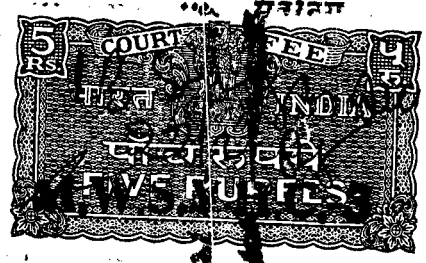
Solemnly affirmed before me on 5.10.1988 at 18 am/pm by Sri Amar Pal ojha, the deponent, who is identified by Sri IB Singh, Advocate, High Court, Lucknow Bench, Lucknow.

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

9/996
S. K. Chatterjee

समक्ष माननीय उच्च न्यायालय, खण्ड पीठ, लखनऊ ।

व जहालत श्रीमान



वकालतनामा

बादो [अपीलाइट]

अमरपाल चौधरी एवं अन्य

प्रतिवादी [रेस्पान्डेंट]

... .. Amar Pal Choudhary & others (बादी मुद्दै)

बनाम

... .. प्रतिवाद मुद्दा अलेह
न० मुकद्दमा ... सन् १९८८ ... पेशी की तारीख ... १९८८ ई०

Y.P. Singh Adv.

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री आई० बी० सिंह, एडवोकेट, १-कैसरबाग संगीत विद्यालय के सामने लखनऊ, महोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अपना अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें वा अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या मुकद्दमाना 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 (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्त-खो) रसीद से लेवें या पंच नियुक्त करें, वकील महोदय द्वारा की गई वह सब कायवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर समय-समय पर अपने पैरोकार को भेजता रहूंगा और मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैतला हो जाता है तो उसकी जिम्मेदारी मेरे वकील पर नहीं होगी । इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और मेरे पर काम आवे ।

Accepted
13/2/55
साक्षी (गवाह)

हस्ताक्षर ... Ram Kumar Singh
Amar Pal Choudhary
Uma Kant Misra

दिनांक सन् १९८८ ...

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Civil Misc. Application No.

10,330 (w) of 1985

In re

WRIT PETITION NO. 934 OF 1985



Amar Pal Ojha and others

.... Petitioners-
Applicants

Versus

Union of India and others

.... Opp. Parties

APPLICATION FOR STAY

The above named applicants most respectfully
beg to state as under-

That for the facts and reasons stated in the
accompanying affidavit and other affidavits filed
alongwith the application for the Stay and the Writ
Petition, it is most respectfully prayed that this
Hon'ble Court may kindly be pleased to ~~an~~ pass an
ad-interim Stay order restraining the Opposite Parties
to give effect to the result of A.S.T.T. Exam 1985
(DG P&T No. 20-8/84-DE dt. 9.8.85) with regard to the
U.P. Telecom Circle and may further be pleased to
pass any suitable order looking into the circumstance
of the case in favour of the petitioners.

Lucknow-Dated,

Sept. 2, 1985

I.B. Singh
(I.B. SINGH)
Advocate

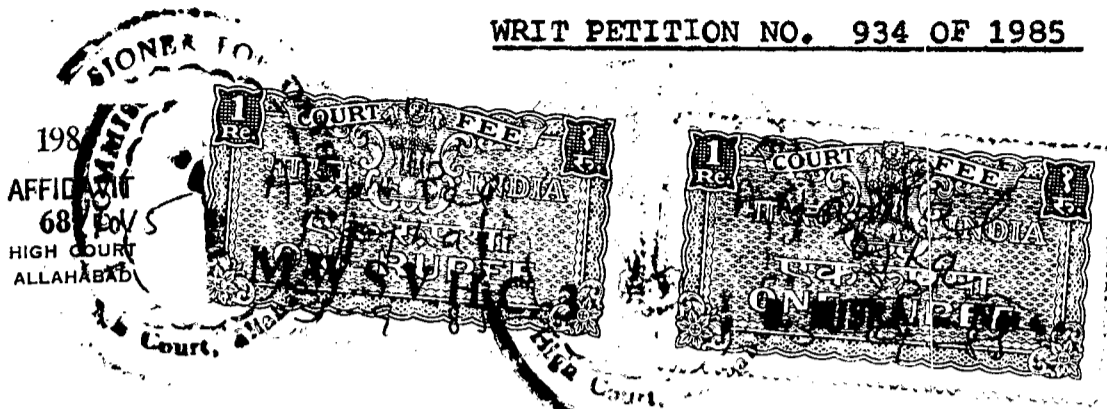
Counsel for the Applicants.

C/28
A/3
8/2

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALIAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. 934 OF 1985



Amar Pal Ojha and others

.... Petitioners

Versus

Unior of India and others

.... Opposite Parties

AFFIDAVIT

I, Amar Pal Ojha aged about 33 years, S/o. Sri Chandra Bhushan Ojha, Telegraph Assistant, Central Telegraph Office, Lucknow, do hereby solemnly affirm and state as under-

1. That the deponent is one of the petitioners in the above noted Writ Petition and is doing pairvi on behalf of the other petitioners, as such after being fully conversant with the facts deposes hereunder.

2. That the aforesaid Writ Petition is filed by the petitioners against the declaration of the result for filling up the posts of A.S.T.T. in the Department in which the Opposite Party No. 3 illegally and arbitrarily dis-qualified the ~~Opposite~~ petitioners from being selected and also against the order of the Opposite Party No. 2 who failed to consider the suitable qualifications of the applicants.

Amar Pal Ojha

3. That the aforesaid writ petition was filed before the examination to fill up the posts of A.S.T.T. in U.P. Circle in the year 1985 was conducted and this Hon'ble Court was pleased to direct the Opposite Parties to seek the instructions and subsequently was pleased to direct the Opposite Parties to file their Counter Affidavits.

4. That nearly 4 Stay Applications have been moved but no application has been disposed off ☒ and even has failed to come up for their hearing.

5. That as stated above, the Writ Petition was filed before the examination for selecting the candidates on the post of A.S.T.T. was held. Subsequently the examination was held and ultimately the result of A.S.T.T. Exam. 1985 was declared on 9.8.85 in which 12 persons have been shown to be selected. An extract true copy of the result is being filed herewith as Annexure No. S-1 to this affidavit. *The aforesaid result has not been given effect and the persons declared successful have not joined till today.*

6. That the petitioners, whose results were illegally withheld and despite obtaining the qualifying marks, were not shown to be selected, have lost their opportunity to appear in the A.S.T.T. Examination.

7. That the petitioners have full right to hold the post of A.S.T.T. in view of their performance in the examination held in year 1984 and if the result of A.S.T.T. (Assistant Superintendent Telegraph Traffic) Exam. 1985 is given effect, the petitioner would lose their valuable right.



Amar Pat Singh

8. That it will be in the interest of justice that the result of A.S.T.T. Exam. 1985, declared on 9.8.85, may kindly be not given effect into.

Lucknow-Dated,

Sept. 3, 1985

Amar Pal ojha
Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 8 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed by me. So help me God.

Lucknow-Dated,

Sept. 2, 1985

Amar Pal ojha
Deponent

I identify the deponent who has signed before me.

Lucknow-Dated,

Sept. 2, 1985

I.B. Singh
Advocate

Solemnly affirmed before me on 2.9.1985 at 10.00 a.m./p.m. by Sri Amar Pal Ojha, the deponent, who is identified by Sri I.B. Singh, Advocate, High Court, Lucknow Bench, Lucknow.

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

M. S. Pandey
High Court, Lucknow Bench

UCKNOW
No. 68/1615
Date 3-9-85

(C.131) 8/5 K/6

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. 934 OF 1985

Amar Pal Ojha and others

..... Petitioners

Versus

Union of India and others

..... Opp. Parties.

ANNEXURE NO. S-1

ALL INDIA TELEGRAPH TRAFFIC EMPLOYEES UNION CLASS I

GENERAL HEADQUARTERS, NEW DELHI-5

Result of ASTT Exam.1985(DG P&T No. 20-8/84-DE
dated 9.8.85).

Sl.No.	Roll No.	Name of the Candidate
--------	----------	-----------------------

U.P. Telecom Circle

1.	UPT/AS-85/81	Randhir Singh Chauhan
2.	93	Malay Kumar Pal
3.	96	Ram Ashish Kushwaha
4.	39	Mango Lal Shukla
5.	102	Kripa Shankar Singh
6.	32	Jagdish Singh
7.	77	Dhan Prakash
8.	89	Ramji Prasad
9.	35	K.N. Sharma
10.	86	Sunder Lal (SC)
11.	103	Ram Kumar (SC)
12.	105	S.R. Diwakar (ST)

New Delhi dated the August 85

Sd/-

(V.A. HARSULKAR)
GENERAL SECRETARY

Amar pal ojha

C132
A/67

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Civil Misc. Application No.

(w) of 1985

In re

WRIT PETITION NO. 934 OF 1985

Amar Pal Ojha and others

.... Petitioners-
Applicants

Versus

Union of India and others

.... Opp. Parties

APPLICATION FOR STAY

The above named applicants most respectfully
beg to state as under-

That for the facts and reasons stated in the
accompanying affidavit and other affidavits filed
alongwith the application for the Stay and the Writ
Petition; it is most respectfully prayed that this
Hon'ble Court may kindly be pleased to ex pass an
ad-interim Stay order restraining the Opposite Parties
to give effect to the result of A.S.T.T. Exam 1985
(DG F&T No. 20-8/84-DE dt. 9.8.85) with regard to the
U.P. Telecom Circle and may further be pleased to
pass any suitable order looking into the circumstance
of the case in favour of the petitioners.

Lucknow-Dated,

Sept. 2, 1985

(I.B. SINHA)

Advocate

Counsel for the Applicants.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. 934 OF 1985

Amar Pal Ojha and others

.... Petitioners

Versus

Union of India and others

.... Opposite Parties

AFFIDAVIT

I, Amar Pal Ojha aged about 33 years, S/o. Sri Chandra Bhushar Ojha, Telegraph Assistant, Central Telegraph Office, Lucknow, do hereby solemnly affirm and state as under-

1. That the deponent is one of the petitioners in the above noted Writ Petition and is doing pairvi on behalf of the other petitioners, as such after being fully conversant with the facts deposes hereunder.
2. That the aforesaid Writ Petition is filed by the petitioners against the declaration of the result for filling up the posts of A.S.T.T. in the Department in which the Opposite Party No. 3 illegally and arbitrarily dis-qualified the ~~opposite~~ petitioners from being selected and also against the order of the Opposite Party No. 2 who failed to consider the suitable qualification of the applicants.

C/34

1/6/85

3. That the aforesaid writ petition was filed before the examination to fill up the posts of A.S.T.T. in U.P. Circle in the year 1985 was conducted and this Hon'ble Court was pleased to direct the Opposite Parties to seek the instructions and subsequently was pleased to direct the Opposite Parties to file their Counter Affidavits.

4. That nearly 4 stay Applications have been moved but no application has been disposed off and even has failed to come up for their hearing.

5. That as stated above, the Writ Petition was filed before the examination for selecting the candidates on the post of A.S.T.T. was held. Subsequently the examination was held and ultimately the result of A.S.T.T. Exam. 1985 was declared on 9.8.85 in which 12 persons have been shown to be selected. An extract true copy of the result is being filed herewith as Annexure No. 5-1 to this affidavit. The aforesaid result has not been given effect and the persons declared successful have not joined till today.

6. That the petitioners, whose results were illegally withheld and despite obtaining the qualifying marks, were not shown to be selected, have lost their opportunity to appear in the A.S.T.T. Examination.

7. That the petitioners have full right to hold the post of A.S.T.T. in view of their performance in the examination held in year 1984 and if the result of A.S.T.T. (Assistant Superintendent Telegraph Traffic) Exam. 1985 is given effect, the petitioner would lose their valuable right.

C 135
8/29

8. That it will be in the interest of justice that the result of A.S.F.T. Exam. 1985, declared on 0.8.85, may kindly be not given effect into.

Lucknow-Dated,
Sept. 2, 1985

Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 8 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed by me. So help me God.

Lucknow-Dated,
Sept. 2, 1985

Deponent

I identify the deponent who has signed before me.

Lucknow-Dated,
Sept. 2, 1985

Advocate

Solemnly affirmed before me on 2.9.85 at a.m./p.m. by Sri Amer Pal Ojha, the deponent, who is identified by Sri I.P. Singh, Advocate, High Court, Lucknow Bench, Lucknow.

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

C/220
A/69

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. 934 OF 1985

Amar Pal Ojha and others

..... Petitioners

Versus

Union of India and others

..... Opp. Parties.

ANNEXURE NO. S-1

ALL INDIA TELEGRAPH TRAFFIC EMPLOYEES UNION CLASS III
GENERAL HEADQUARTERS, NEW DELHI-5

Result of ASTT Exam. 1985 (DC PET No. 20-8/84-DE
dated 9.8.85).

Sl.No.	Roll No.	Name of the Candidates
--------	----------	------------------------

U.P. Telecom Circle

1.	UPT/AS-85/81	Randhir Singh Chauhan
2.	93	Malay Kumar Pal
3.	96	Ram Ashish Kushwaha
4.	39	Mango Lal Shukla
5.	102	Kripa Shankar Singh
6.	32	Jagdish Singh
7.	77	Dhan Prakash
8.	89	Ramji Prasad
9.	35	K.N. Sharma
10.	86	Sunder Lal (SC)
11.	103	Ram Kumar (SC)
12.	105	S.R. Diwaker (ST)

New Delhi dated the

August 85

84/-

(V.A. WARSILKAR)
GENERAL SECRETARY

C139
7
1

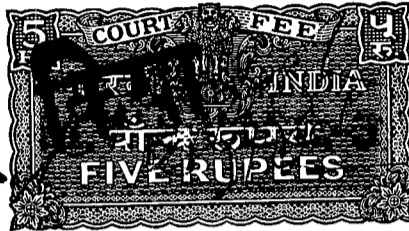
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Civil Misc. Application No. 795 (w) of 1985

In re

WRIT PETITION NO. 934 OF 1985



Amar Pal Ojha and others

.... Applicants-Petitioner

Versus

The Union of India and others

.... Opp. Parties.

APPLICATION FOR STAY

The above named applicants most respectfully
beg to state as under-

That for the facts and reasons stated in the
accompanying affidavit, it is most respectfully prayed
that an ad-interim injunction be granted against the
Opposite Parties restraining from declaring the result
from the post of Assistant Superintendent Telegraph
Traffic during the pendency of the Writ Petition.

It is further prayed that any other suitable order
be passed against the Opp. Parties in favour of the peti-
tioners looking into the circumstances of the case.

Lucknow-Dated,

July 12, 1985

113876
(I.B. Singh),
Advocate
Counsel for the Applicants.

was listed on 11.4.1985 and on that day, the Opp. Parties were directed to file Counter Affidavit within 2 weeks and Rejoinder Affidavit was to be filed within 3 days thereafter and the case was directed to be listed immediately thereafter.

4. That till today, no Counter Affidavit has been filed and the Opp. Parties vide adopting delaying tactics are now trying to declare the result and fill the post of A.S.T.T. illegally which the Opposite Parties cannot do.

5. That the petitioners who have already qualified the tests and become eligible to be appointed on the post of A.S.T.T. but their appointment was rejected showing them illegally as unqualified.

6. That the Second Stay Application was filed by the petitioner on 6.5.1985 on which this Hon'ble Court was pleased to order to list the Stay Application for orders before vacations.

7. That in pursuance of the aforesaid order, the Stay Application was listed for its disposal on 20.5.85 and again on 24.5.1985 but on both the dates the case could not be taken up and the Stay Application remained undecided.

8. That the third Stay Application was also moved on May 30, 1985 but the same has also not been decided without any fault of the petitioners.

9. That the Opp. Parties have already conducted the examination for filling up the post of A.S.T.T. for which the petitioners have already qualified and in no manner can be rejected but the result has not been declared so far.

10. That the deponent has come to know that as usual the result is going to be declared very soon i.e. can be declared any day.

11. That it is stated that in the circumstances mentioned above, it ~~is~~ will be in the interest of justice that the appointment on the post of A.S.T.T. be stayed.

Lucknow-Dated

July 12, 1985

Amar Pal Ojha
Deponent

Verification

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 6 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed by me. So help me God.

Lucknow-Dated,

July 12, 1985

Amar Pal Ojha
Deponent

I identify the deponent who has signed before me.

Lucknow-Dated,
July 12, 1985

I.B. Singh
Advocate

Solemnly affirmed before me on 12.7.1985 at 11.30 a.m./p.m. by Sri Amar Pal Ojha, the deponent, who is identified by Sri I.B. Singh, Advocate, High Court, Lucknow Bench, Lucknow.

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

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Civil Misc. Application No. 6798 (w) of 1985

In re

WRIT PETITION NO. 934 OF 1985



Amar Pal Ojha and others

.... Applicants-
Petitioner

VERSUS

The Union of India and others

.... Opp. Parties.

APPLICATION FOR STAY

The above named applicants most respectfully
beg to state as under-

That for the facts and reasons stated in the
accompanying affidavit, it is most respectfully prayed that
an ad-interim injunction be granted against the Opposite
Parties restraining from declaring the result from the
post of Assistant Superintendent Telegraph Traffic during
the pendency of the Writ Petition.

It is also prayed that any other suitable order
be passed against the Opp. Parties in favour of the peti-
tioners looking into the circumstances of the case.

Lucknow-Dated,

May 30, 1985

(I.B. Singh)
Advocate
Counsel for the Applicants

C142
6/2
15

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

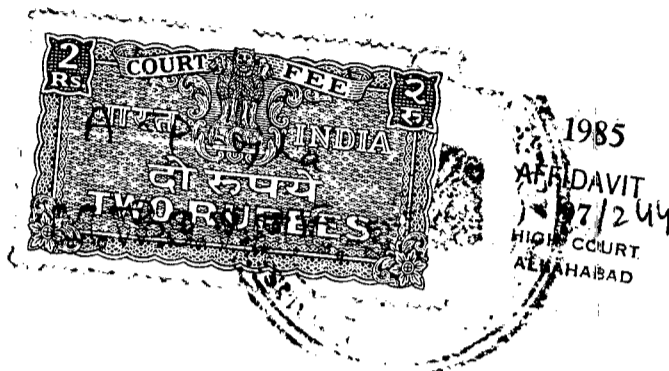
Civil Misc. Application No.

(w) of 1985

In re

WRIT PETITION NO.

OF 1985



Amar Pal Ojha and others

.... Petitioners-
Applicants

VERSUS

Union of India and others

.... Opp. Parties

A F F I D A V I T

I, Amar Pal Ojha, aged about 30 years, S/o. Sri Chandra Bhushan Ojha, Telegraph Assistant, Central Telegraph Office, Lucknow, do hereby solemnly affirm and state as under-

1. That the deponent is one of the petitioners in the above mentioned Writ Petition, as such after being fully conversant with the facts deposes hereinunder.

2. That the aforesaid Writ Petition was filed by the petitioners against the declaration of the result for filling the post of A.S.T.T. in the department in which the Opp. Party No. 3 dis-qualified the petitioners arbitrarily and also against the order of the Opp. Party No. 2 to not to consider the suitable qualification of the applicants.

3. That in the last occasion, the Stay Application was listed on 11.4.1985 and on that day, the Opp. Parties were directed to file Counter Affidavit within 2 weeks and Rejoinder Affidavit was to be filed within 3 days thereafter and the



Amar Pal ojha

2143

6/3
A/76

- 2 -

case was directed to be listed immediately thereafter.

4. That till today, no Counter Affidavit has been filed and the Opp. Parties vide adopting delaying tactics are now trying to declare the result and fill the post of A.S.T.T. illegally which the Opposite Parties cannot do.

5. That the petitioners who have already qualified the tests and become eligible to be appointed on the post of A.S.T.T. but their appointment was rejected showing them illegally as unqualified.

6. That the Second Stay Application was filed by the petitioners on 6.5.1985 on which this Hon'ble Court was pleased to order to list the Stay Application for orders before vacations.

7. That in pursuance of the aforesaid order, the Stay Application was listed for its disposal on 20.5.85 and again on 24.5.1985 but on both the dates the case could not be taken up and the Stay Applications remained undecided.

8. That the Opp. Parties have already conducted the examinations for filling up the post of A.S.T.T. for which the petitioners have already qualified and in no manner can be rejected but the result has ~~not~~ been declared so far.

9. That the deponent has come to know that ^{as}usual the result is going to be declared very soon i.e. can be declared any day.



Amar Pal oghs

10. That it is stated that in the circumstances mentioned above, it will be in the interest of justice that the appointment on the post of A.S.T.T. be stayed.

Lucknow-Dated,
May 30, 1985

Amar Pal Ojha
Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 16^v of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed by me. So help me God.

Lucknow-Dated,
May 30, 1985

Amar Pal Ojha
Deponent

I identify the deponent who has signed before me.

Lucknow-Dated,
May 30, 1985

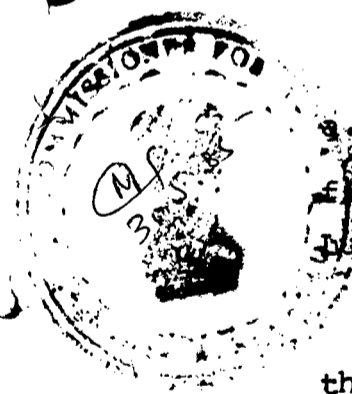
I.B. Singh
Advocate

Solemnly affirmed before me on 30.5.1985 at 9.15 a.m./p.m. by Sri Amar Pal Ojha, the deponent, who is identified by Sri I.B. Singh, Advocate, High Court, Lucknow Bench, Lucknow.

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

Neena Pandey

JAFM COMMISSIONARY
High Court, Lucknow Bench
LUCKNOW
30.5.85



C145
5-78

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

Civil Misc. Application No. 5548 (w) of 1985

In re

WRIT PETITION NO. 934 OF 1985



Amar Pal Ojha S/o. Chandra
Bhushan Ojha and others

.... Applicants-
Petitioners

VERSUS

6192 Union of India and others

.... Opp. Parties

APPLICATION FOR INTERIM RELIEF

B-5-21
The above named petitioners-applicants most respectfully beg to state as under-

That for the facts and reasons stated in the accompanying affidavit and the Writ Petition, it is most respectfully prayed that an ad-interim injunction may be granted restraining the Opp. Parties from filling the post of Assistant Superintendent Telegraph & Traffic till the pendency of the Writ Petition and further any other suitable order be passed looking into the circumstances of the case, in favour of the petitioners.

Lucknow-Dated,
May 6, 1985

1138
(I.B. Singh)
Advocate
Counsel for the Petitioners.

C146
5/2

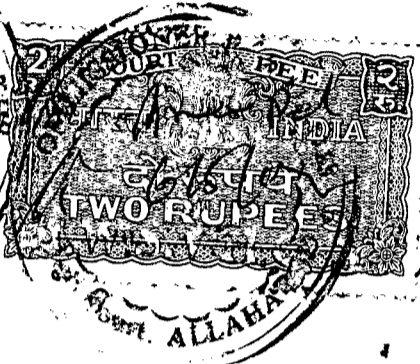
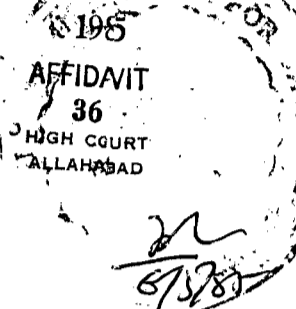
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALIAHABAD
LUCKNOW BENCH, LUCKNOW

Civil Misc. Application No.

of 1985

In re

WRIT PETITION NO. 934 OF 1985



Amar Pal Ojha and others

.... Petitioners-
Applicants

VERSUS

Union of India and others

.... Opp. Parties

AFFIDAVIT

I, Amar Pal Ojha , aged about 30 years, S/o.
Sri Chandra Bhushan Ojha, Telegraph Assistant, Central
Telegraph Office, Lucknow, do hereby solemnly affirm
and state as under-

1. That the deponent is one of the petitioners
in the above mentioned Writ Petition, and is doing
pairvi of the other petitioners, as such after being
fully conversant with the facts deposes hereinunder.
2. That the aforesaid Writ Petition was filed by
the petitioners against the declaration of the result of
filling the post of A.S.T.T. in the department in which
the Opp. Party No.3 disqualified the petitioners arbi-
trarily and also against the order of the Opp. Party
No. 2 to not to consider the suitable qualification of
the applicants.



Amar Pal Ojha

3. That in the last occasion, the Stay application was listed on 11.4.1985 and on that day, the Opp. Parties were directed to file Counter Affidavit within 2 weeks and Rejoinder Affidavit was to be filed within 3 days thereafter and the case was directed to be listed immediately thereafter.

4. That till today, no Counter Affidavit has been filed and the Opp. Parties vide adopting delaying tactics are now trying to declare the result of and fill the post of A.S.T.T. illegally which the Opposite Parties cannot do.

5. That the petitioner who have already qualified the tests and become eligible to be appointed on the post of A.S.T.T. but their appointment was rejected showing them illegally as unqualified.

6. That it is stated that in the circumstances mentioned above, it will be in the interest of justice that the appointment on the post of A.S.T.T. be stayed.

Lucknow-Dated,
May 6th, 1985

Amar Pal Ojha
Deponent

Verification

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 6 of this affidavit are true to my personal knowledge. No part of it is ~~false~~ false and nothing material had been concealed by me. So help me God.

Lucknow-Dated,
May 6th, 1985

Amar Pal Ojha
Deponent

I identify the deponent who has signed before me.

May 6th, 1985

I.B.Singh

Advocate

Solemnly affirmed before me on 6th 5.1985 at 9 am/pm by Sri Amar Pal Ojha, the deponent, who is identified by Sri I.B. Singh, Advocate, High Court, Lucknow Bench, Lucknow.

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

Zabirul Hasan Akbar
OATH COMMISSIONER
HIGH COURT, LUCKNOW
LUCKNOW BENCH
36/161 Dt. 6-5-85