

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TZ 1714/83* *versus* *10.9.85* OF

NAME OF THE PARTIES *Amarnath Singh* *Applicant*

Versus

Union of India and others *Respondent*

Part A.

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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)

Re checked

Dated ...24.8.85.

Counter Signed.....

*Re checked
24/8/85*

Section Officer/In charge

A. ...
Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

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

1.	Index Papers	:- 1 to 4
2.	Order Sheet	:- 5 to 16
3.	Any other orders	:- Nil
4.	Judgement	:- 17 to 20 (dt-december 04-7-89)
5.	S.L.P.	:- Nil C.A.T. C.B. 2K0

22/1/89
D.Y. Registrat

Supervising Officer
(Kulbir Singh)

2
Dealing Clerk
(A.D.H.A. Mishra)

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

Nil

2
Dealing Clerk
(A.D.H.A. Mishra)

V.K. Mishra

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

INDEX SHEET

CAUSE TITLE T.A. NO. 1714 of 1987 T

NAME OF THE PARTIES Amar pal Ojha &

Others

Applicant

Versus

Union of India

Respondent

Part A, B & C

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CIVIL SIDE
CRIMINAE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

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Nature and number of case..... W.P. 934-85

Name of parties..... Daman Lal Ojha vs. 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 Answer & and Affidavit			102-00			
2.		Power -	1-		5-00			
3.		Cmnd 2288(w) of 85 for filing	1-		5-00			
4.		Cmnd 2288(w) of 85 for filing	1-		7-00			
5.		Cmnd 5548(w) of 85 for filing	3-		7-00			
6.		Cmnd 6798(w) of 85	1-		7-00			
7.		Cmnd 7951(w) of 85 for filing	2-		7-00			
8.		Cmnd 10330(w) of 85 for filing	5-		7-00			
9.		Arch 82nd	3-		-			
10.		Book 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 orders 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. 936

of 198

vs.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
26-2-85	<p>2 cm SS Ahmed</p> <p>2 cm B Keemat</p> <p>Put this</p> <p>petition on 13th March, 1985</p> <p>instructions</p> <p>Sd- SS Ahmed</p> <p>Sd - B Keemat</p> <p>26-2-85</p> <p>cm. no. 02285 and 85</p>	
25-2-85	<p>2 cm SS Ahmed</p> <p>2 cm B Keemat</p> <p>Put up along</p> <p>with the petition</p> <p>Sd- SS Ahmed</p> <p>Sd - B Keemat</p> <p>26-2-85</p>	
12-3-85	<p>Writ. written (N) 2285 (W)</p> <p>85 P.O</p> <p>H. S. A. S</p> <p>H. B. K. S</p> <p>12-3-85</p> <p>12-3-85</p>	

J. V. G.

12/3/85

(R) 8/9/2

ORDER SHEET
 IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
 No. 934 of 1985

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
Coltd	11-4-85	In this three days of the receipt the Complainant list the writ of suit petition immediately thereafter	
			Mon 16-4-85
	13-5-85	fixed & orders	Pass B.C.C. Benar tired
	6-5-85	C.M. 5598 (W) 85 for interlocutory H. D. M. Th., J. H. K. N. Goyal, J. list with several before vacating S. D. M. Th. S. K. K. Goyal 6-5-85	
	20-5-85	fixed with C.M. 2200 (W) 84, 4040 (W) 85 & 5.98 (W) 85 for order H. C. S. S. A. S H. C. P. Dayal S	To Bench S. C.
			Sw. (S. S. A. S.)

Date 1	Note of progress of proceedings and routine orders 17/4/1988	Date to which case is adjourned 3
20-07-88 Practice issued Date 3/7/88	<p><u>Replies</u></p> <p>Shri I. B. Singh, learned counsel for the petitioner is present & none for the respondent is present. Inform respondents to file reply by 26/8/88.</p> <p>Q. 20 Replies.</p> <p><u>DR</u></p>	11
26.8.88. DR for contents	<p>Counsel for applicant is present. No one is present for the respondent. Issue fresh notices 19.9.88 for reply failing which ex parte decree will be made in the same week.</p> <p><u>DR</u> DR</p> <p><u>DR</u></p>	
19.9.88.	<p>On the request of counsel for respondent counter affidavit may be filed by 20.9.88.</p> <p><u>DR</u></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 applicants Counsel list the application before Court for order on 21.9.88.</p> <p><u>DR</u></p>	

TA NO 1714/07T.

Court Datee No 934/05 (13)

Amar Lal Ojha vs 409

(13)

21.9. No sitting. On the request of Applicat's Counsel the case may be put up before Court for order on 5.10.08.

10.10.6. - Hon'ble K.S. Puttaswamy, V.C.
Hon'ble A. Johoi A.M.

Applicant present in person and
Sri V.K. Chaudhary for respondent
R.A has been filed today, on
the request of counsel for respondent
the case is adjourned for 7.10.08
for order.

3
A.M.

V.C.

7.10.88 Hon. K. S. Puttaswamy, v.c.
Hon. A. Johoi, A.M.

Applicant by Sri T.B.
Sciphi and respondents by Sri V.K.
Chaudhary.

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

Post this case for hearing
on 25.10.88.

3
A.M.

6
V.C.

25.10.88 On the request of applicant, the
case is adjourned to 24.11.08 for
hearing.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

811

(V) O.A.No. 1714/87 T.A.No. 198

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 - A.M.

The Hon'ble Mr. G.S. Sharma - I.M.

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

Dinesh/

14 15
A12

13
Reserved

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.3 - 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-

All
2/12
X/13

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 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 the 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 *TZ 1714/83* *versus* *10.9.85* OF

NAME OF THE PARTIES *Amarnath Singh* *Applicant*

Versus

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Part A.

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13	Misc. appli 40, 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)

Re checked

Dated ...24.8.85.

Counter Signed.....

*Re checked
24/8/85*

Section Officer/In charge

A. ...
Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

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

1.	Index Papers	:- 1 to 4
2.	Order Sheet	:- 5 to 16
3.	Any other orders	:- Nil
4.	Judgement	:- 17 to 20 (dt-december 04-7-89)
5.	S.L.P.	:- Nil C.A.T. C.B. 2K0

22/1/89
D.Y. Registrat

Supervising Officer
(Kulbir Singh)

2
Dealing Clerk
(A.D.H.A. Mishra)

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

Nil

2
Dealing Clerk
(A.D.H.A. Mishra)

V.K. Mishra

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

INDEX SHEET

CAUSE TITLE T.A. NO. 1714 of 1987 T

NAME OF THE PARTIES Amar pal Ojha &

Others

Applicant

Versus

Union of India

Respondent

Part A, B & C

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CIVIL SIDE
CRIMINAE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

R-1

3

4

Nature and number of case..... W.P. 934-85

Name of parties..... Daman Lal Ojha vs. 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 Answer & and Affidavit			102-00			
2.		Power -	1-		5-00			
3.		Cmnd 2288(w) of 85 for filing	1-		5-00			
4.		Cmnd 2288(w) of 85 for filing	1-		7-00			
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8.		Cmnd 10330(w) of 85 for filing	5-		7-00			
9.		Arch 82nd	3-		-			
10.		Book 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 orders 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. 936

of 198

vs.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
26-2-85	<p>2 cm SS Ahmad</p> <p>2 cm B Keemat</p> <p>Put this</p> <p>petition on 13th March, 1985</p> <p>instructions</p> <p>Sd- SS Ahmad</p> <p>Sd - B Keemat</p> <p>26-2-85</p> <p>cm. no. 02285 and 85</p>	
25-2-85	<p>2 cm SS Ahmad</p> <p>2 cm B Keemat</p> <p>Put up along</p> <p>with the petition</p> <p>Sd- SS Ahmad</p> <p>Sd - B Keemat</p> <p>26-2-85</p>	
12-3-85	<p>Writ. written (N) 2285 (W)</p> <p>85 P.O</p> <p>H- S8 A 5</p> <p>H- B K 5</p> <p>12-3-85</p> <p>12-3-85</p>	
12-3-85		

JY

12/3/85

(R) 8 9/2

ORDER SHEET
 IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
 No. 934 of 1985

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
Coltd	11-4-85	In this three days of the receipt the Complainant list the writ of suit petition immediately thereafter	
			Mon 16-4-85
	13-5-85	fixed & orders	Pass B.C.C. Benar tired
	6-5-85	C.M. 5598 (W) 85 for interlocutory H. D. M. Th., J. H. K. N. Goyal, J. list with several before vacating S. D. M. Th. S. K. K. Goyal 6-5-85	
	20-5-85	fixed with C.M. 2200 (W) 84, 4040 (W) 85 & 5.98 (W) 85 for order H. C. S. S. A. S H. C. P. Dayal S	To Bench S. C.
			Sw. (S. S. A. S.)

Date 1	Note of progress of proceedings and routine orders 17/4/1988	Date to which case is adjourned 3
20-07-88 Practice issued Date 3/7/88	<p><u>Replies</u></p> <p>Shri I. B. Singh, learned counsel for the petitioner is present & none for the respondent is present. Inform respondents to file reply by 26/8/88.</p> <p>Q. 20 Replies</p> <p><u>DR</u></p>	11
26.8.88. DR for contents	<p>Counsel for applicant is present. No one is present for the respondent. Issue fresh notices 19.9.88 for reply failing which ex parte decree will be made in the same week.</p> <p><u>DR</u> DR</p> <p><u>DR</u></p>	
19.9.88.	<p>On the request of counsel for respondent counter affidavit may be filed by 20.9.88.</p> <p><u>DR</u></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 applicants Counsel list the application before Court for order on 21.9.1988</p> <p><u>DR</u></p>	

TA NO 1714/07T.

Court Datee No 934/05 (13)

Amar Lal Ojha vs 409

(13)

21.9. No sitting. On the request of Applicat's Counsel the case may be put up before Court for order on 5.10.08.

10.10.6. - Hon'ble K.S. Puttaswamy, V.C.
Hon'ble A. Johoi, A.M.

Applicant present in person and
Sri V.K. Chaudhary for respondent
R.A has been filed today, on
the request of counsel for respondent
the case is adjourned for 7.10.08
for order.

3
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V.C.

7.10.88 Hon. K. S. Puttaswamy, v.c.
Hon. A. Johoi, A.M.

Applicant by Sri T.B.
Sciphi and respondents by Sri V.K.
Chaudhary.

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

Post this case for hearing
on 25.10.88.

3
A.M.

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V.C.

25.10.88 On the request of applicant, the
case is adjourned to 24.11.08 for
hearing.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

811

(V) O.A.No. 1714/87 T.A.No. 198

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 - A.M.

The Hon'ble Mr. G.S. Sharma - I.M.

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

Dinesh/

14 15
A12

13
Reserved

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.3 - 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

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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-

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 ~~mention~~ point out 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

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the applications for appearing in the examination are invited. This appears reasonable as ~~with~~ ^{for} 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

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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)

Dated: July 4, 1989
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MEMBER (A)

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. 0134 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
(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 p 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

Amar Lal Singh

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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 ~~Opp.~~ 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.

Amarpal Singh

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 recruit 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 ~~at~~ the result of only 4 posts treating the existing vacancies of 4 posts.

20. That the petitioner No. 3, feeling aggrieved, sent a fax 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.L. Mansukar 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

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

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

GROUND

- 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 ASTT 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 malafide 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 cirtiorari, 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
I.B. Singh,
Advocate,
Counsel for the Petitioners.

Amar Lal Singh

इन दिन आनरे बुल हाईकोर्ट आफ जूलीकेवर ऐट इलाहाबाद
लखनऊ बैच, लखनऊ

रिट पिटीशन नम्बर आफ 1985
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अमर पाल ओझा एण्ड अर्दस
बनाम

पिटीशनर्स

यन्नियन आफ इलिया

अपो० पार्टीज

अनेकर नम्बर ।

भारतीय डाक-तार विभाग

प्रेषक,

महापृबन्धक दरसंचार
उ० प्र० परिमण्डल, लखनऊ-226001

परीक्षा सूचना

आवश्यक

सेवा में,

मुख्य अधीक्षक तारघर आगरा/लखनऊ
समस्त प्रवर अधीक्षक/ अधीक्षक तार परियात्रा० प्र० प्र०
प्रभारी अधिकारी ए० प्र० एस० रिकाड आफ्स कामपटी

स० भती० /एम/28/विभागीय/84/7 दिनांक ५.१.९८४
विषय:- टेलीग्राफ सपरवाइजर ग्रुप "सी" की भती० के लिए विभागीय प्रतियोगा-
त्मक परीक्षा मार्च १९८४
-x-x-x-x-x-

इस कार्यालय के पृष्ठांकन संख्या रिकॉर्डैट /एम-26/84/2
दिनांक २८/२/८३ द्वारा उपरोक्त परीक्षा हीने की सूचना की गयी थी।
यह परीक्षा निम्नलिखित कार्यक्रम के अनुसार होगी।

क्र० -क्र० विषय

परीक्षा कार्यक्रम

प्रश्न-पत्र विषय

दिन तथा दिनांक

समय० आई० एस०टी०

११० अर्जी० व
सामान्य ज्ञान

बृस्तिवार, १५ मार्च, ८४

१०.०० बजे प्रातः से १२-
०० बजे दिन।

१२० टेक्नीकल

-वही-

१०.०० बजे से ४.०० बजे दि

१३० ट्रॉफिक नियम
बृ० बना पुस्तक की
सहायता०

शुक्रवार १६ मार्च, ८४

१०.०० बजे से १०.०० बजे दिन

१४० क्रोड नियम

पुस्तक की सहायता से०

--- वही-----

२.०० बजे से ५.०० बजे सार्व

२० परीक्षा केन्द्र सामान्य रूप से परीक्षा केन्द्र तार परियात्रा० के मुख्यालयो०
पर होगी जिसकी जानकारी उम्मीदवारो० परीक्षा-परीक्षक अधिकारी से प्राप्त कर
सकता है। परीक्षा परीक्षको० की सूचना बाद में हाल परिमिटो० द्वारा दी जायेगी।

३० प्राठ्यक्रमः- परीक्षा पाठ्यक्रम निदेशालय के पत्रांक २१३/१/६७ एस०टी० बी०
दिनांक ५.९.१९६८ में दिया हुआ है।

४० विभागीय उम्मीदवार के लिए अर्हताएः-निदेशालय के पत्रांक २१३/१/६७ एस०टी०
बी० दिनांक २०.५.१९६८ व २१३/६/७४ एस०टी० बी०-। दिनांक १७-२-१९७५
के अनुसार निम्नलिखित अर्हता वाले उम्मीदवार परीक्षा के पात्र हैं।

क्रमशः-----१२०

Amor Lal Singh

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१११ किसी मान्यता प्राप्त भारतीय विश्वविद्यालय अथवा बोर्ड से मैट्रिक अथवा समकक्ष परीक्षा उत्तीर्ण ।

१२२ टेलीग्राफ ट्राफिक सम्भाग में कार्यरत टेलीग्राफ मास्टर/टेलोग्राफ क्लर्क व टेलीग्राफिस्ट समयमान क्लर्क व अन्य ग्रुप "सी" संवर्ग कर्मचारी।

१३३ क्लर्क संवर्ग में नियुक्ति पाने की तिथि से ५ वर्ष के निरन्तर सेवा अवधि पूरी कर ली हों।

१४४ पात्र उम्मीदवारों के लिए परीक्षा में अर्हता तिथि १-७-१९८३ है।

१५५ विभागीय उम्मीदवारों के लिए अधिकतम आयु सीमा निर्धारित नहीं है।

१६६ उम्मीदवारों के सामान्य चार अक्सरों से अधिक परीक्षा अक्सरों का उपयोग न किया हों।

१७७ सेवा रिकार्ड व गोपनीय अभिलेख अच्छा हों।

१८८ परीक्षा धीन समयः फल घोषित उम्मीदवारों को नियुक्ति से पूर्व डाक-तार महानिदेशक द्वारा निर्धारित पाठ्यक्रम में ट्रेनिंग परीक्षा धीन समय दो वर्ष के अन्दर करनी होगी।

१९९ रिक्त स्थान परीक्षा कोटा के रिक्त पदों की सूचना शीघ्र भेजी जावेगी।

२०० कृपया उपरोक्त सूचना सभी पात्र उम्मीदवारों को तुरन्त दे दें। उनसे निर्धारित पत्र परिशिष्ट एवं के ठीक अनुसार प्रार्थना पत्र को प्राप्त करें। आवेदन पत्रों उम्मीदवारों से प्राप्त करने की अन्तिम तिथि ५ फरवरी १९८४ है। प्राप्त आवेदन पत्रों उम्मीदवारों अधिकारी अपनी अनुशंसा के साथ परिशिष्ट "बी" के विवरणों के साथ इस कार्यालय को १० फरवरी १९८४ तक अवश्य भेजे दें। आवेदन-पत्र भेजते समय यह ध्यान रहे कि केकल 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 प्रशंगत हो उसका पूर्ण उल्लेख कारण सहित अनुशंसा देते समय ग्रोपुलीय अभिलेख इस कार्यालय को भेजकर उपरोक्त परिशिष्ट का कोई खाना रिक्त न रहें।

सभी मण्डल अधिकारों प्रार्थना-पत्र का पूर्ण विवरण निपटान उपरोक्त पैरा १७ के अनुसार निर्दिष्ट तिथि १० फरवरी १९८४ तक अवश्य कर दें अन्यथा इस और ही किसी भी अनियमितता के वे स्वयं उत्तरदायी होंगे। कृपया परिशिष्ट "सी" में मार्गी गये विवरण भी परिशिष्ट में दो गयी। तिथि २० जनवरी १९८४ तक अवश्य भेज दें जिससे कि जिदेशालय को पश्च-पत्रों की छपाई आदि कार्य से सम्बन्धित सूचना भेजना सम्भव हो सके। हो/- अपठनीय कृपया इस पत्र की पावती भेजिए।

१८८ के ० बार ० हुक्मानी।
सहायक निदेशक दूरसंचार
भूतीर्णि

कृते महाप्रबन्धक दूरसंचार, उ०प्र०
परिमण्डल, लखनऊ-२२६००१

क्रमशः -----१३१

Amar Pal Singh

12-2-85

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प्रतिलिपि सूचनार्थ एवं समान कार्यवाही हेतु प्रेषितः-

११४ सहायक महाप्रबन्धक दूरसंचार १५मला १५ आवश्यक १५

१२५ कृपया उपरोक्त संवर्ग में वर्ष 1983 की सभी रिक्तियाँ यथा 75/ व 25 शीघ्र सूचित करें जिससे कि रिक्त स्थानों की सर्कार जारी किया जा सके व निदेशालय को 20.7.84 तक सूचित किया जा सके।

१२६ मुख्य लेखाधिकारी १५दूरसंचार लेखा १५ भौपाल हाउस, लखनऊ

१३७ समस्त प्रभारी अधिकारी मुख्य व किमागीय तारघर- ७० प्र०

१४८ समस्त सेक्षन सुपरवाइजर, परिमण्डल कार्यालय दूरसंचार, लखनऊ

१५९ सूचना पट्टा।

१६० समस्त मान्यता प्राप्त सर्विस यूनियन ग्रुप "सो" कृष्णनगर कृष्णवारियों टेलीग्राफ ट्राफिक ७० प्र० परिमण्डल।

Amarpal Singh

6/22.2.84

परिचय - ए- टेलीग्राफ सुपरवाइजर गुप "सी" को मार्च 1984 को
किभागीय परीक्षा में सम्मिलित होने का आवेदन-पत्र

1- उम्मीदवारका पूरा नाम:-

अ- पदनाम

ब- नियुक्त स्थान

स- सर्किल वरीयता लिस्ट में स्थान

द- जाति जिसका सदस्य है।

घ- शैक्षिक योग्यता

2- टी०एम०/अवर चुनाव श्रेणी टी० एम०/क्लर्क व टेलीग्राफ 2समयमान
क्लर्क सर्वग्रंथ में:-

१। मूल नियुक्ति तिथि ।

२। १०.७.१९८३ को नियुक्ति संवर्ग में कुल सेवा

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

ए- टेलीग्राफ मास्टर

ब- टेलीग्राफ मास्टर एम०एम०मी०

स- क्लर्क एम०एस०जी०

द- टेलीग्राफिस्ट

घ- क्लर्क

4- परोक्षा केन्द्र जहाँ से सम्मिलित होना चाहता है"

परिवर्तन की अनुमति नहीं है

5- परोक्षा अवसर जिनका उपयोग कर चुका है-

नोट-अनुसूचित जाति/ जनजाति के उम्मीदवार। कुल अवसर
दो अतिरिक्त अवसर का उपयोग कर सकते हैं। परोक्षा-वर्ष
द्वारे अस्विकृत अवसर=कम हुम्मेश क
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 हैं।

उम्मीदवारके हस्ताक्षर

तिथि ।

मैं अनुरक्षा 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-। दिनांक 17-2-75 में दी गई अहताएँ पूरी करते हैं और परोक्षा
में सम्मिलित होने के पात्र हैं।

अग्रसारी अधिकारी के हस्ताक्षर

पदनाम

दिनांक

Amar Pal Singh

परिशिष्ट "बी"

• मण्डल

असुरक्षित/सुरक्षित कोटा^४ अलग-2 बनाये^४

आवश्यक -10 फरवी 1984 तक भेजे

परीक्षा दिनांक 15, 16, मार्च, 1984

क्रम विषय रोल नं० प्रश्नपत्रों का उम्मीदवारों का पात्र सर्वग्रंथ में भर्ती कुल सेवा भर्ती का परीक्षा केन्द्र मण्डल अधिकारी की सं० उत्तर हिन्दी नाम अवधि वर्ष अनुशंसा टोटीएल-परीक्षा जैसे देना चाहता कौन तिथि

स्थान

हस्ताक्षर व पदनाम दिनांक

प्रिपरिशिष्ट "सी" सचिवा 20 जनवरी 1984 तक भेजे

- X - X - X - X - X - X - X - X - X - X - X - X - X -

मण्डल अधिकारी

विषय:- परोक्षा उम्मदवारों की संख्या सम्भावित उस अधिकारी का नाम जिसे प्रृश्न पत्र भेजे जायें।

टीटोएस ग्रुप

सी परीक्षा सार्व ।०८१

माच, 1984

स्थान
हस्ताक्षर व पदनाम
दिनांक

पिन कोड

Amar pal eight

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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.

To,

Examination / URGENT.

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

No. Recd/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

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 13.2.94. Please also intimate the break up of vacancies against 25% quota for outside recruitment.
2. Director General, P&T (DB), New Delhi -110001.
3. Chief Accounts Officer (I.M.), Bhopal House, Lucknow.
4. Officer Incharge, APS Records Office, Kaptree.
5. All recognised Service unions Group 'C' Telegraphic traffic & Executive Employees U.P. Circle.
6. The Director Telecom (C), Lucknow/(E) Varanasi (i), Dehradun (N) Bareilly.
7. Notice Board, Circle Office, Lucknow.
8. Spare.

15.2.94

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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-NCG 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. Recrt/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/-

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

Dated : 30.6.1984

Amar Pal Ojha

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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. Recd./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-NCG dated 16.5.1984 issued ~~exxx~~ under this office letter
No. Estt/G-61/Ch.III/2 dated 30.5.84.

Kindly acknowledge receipt.

Sd/-

(K.C. SHUKLA)

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



(A36-19-22) Y20

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

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

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.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.(PP) O/O G.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	SSTT Allahabad
2.	UPT/AS-121/84 " Jagdish Prasad	SSTT 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. Mukutkha Martolia (SD)

NOTE - No more qualified candidate is available.

Amar Pal Ojha

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 Exam. 3cc.)
Book No. 11, Parliament Street New Delhi Master
No. 204/44-D dated 11-3-1984, dated 31-3-1984
Ex. 10 Lucknow.

Subject - Communication of Marks T.S.S. Group 'C'
Exam. of March 1984.

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

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

Sl. Roll No.	Name of Candidate	Ringers			
		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 31-3-84.

Copy forwarded to :-

1. & 2. The officials concerned for information.

Sri Amar Pal Ojha

Chief Superintendent
Central Jail, Lucknow
Lucknow, U.P.

Amar Pal Ojha

File No. 1

A38 21-22

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

WRIT PETITION NO. OF 1985

Amar Pal Ojha & Others

.... Petitioners

vers us

Union of India and others

.... Opp. Parties

ANNEXURE NO. 7

Copy of the letter sent (D.P.R.C.C.) IAK IAH Phewari
to the concerned officials New Delhi letter No. 20-1/84-DR
dated 24-8-84 send to the C.O. CTO 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. No.	Roll 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.

Chief Superintendent
Central Telegraph Office,
Lucknow 226001

Amarpal Ojha

22-2-85

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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 & Others Opp. Parties

ANNEXURE NO. 8

476-2/Gen. 3

राष्ट्रीय स्टेट रेल्वे/INDIAN R. & T. DEPARTMENT
स्टेट/Office/State

336

14/11/1984

To,

Shri Ram Kumar Singh
Telegraphist,
C.T.O. Agra.

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

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

Rept:- Your application dated 22-8-84.

The marks secured by you in
the above examination held in March 84
and as intimated under D.G. P.R. New Delhi
Letter No. 26-1/84-DE dated 3-9-84 are
communicated as follows:-

Papers				
I	II	III	IV	
54	40	58	49	

19 VIII 1984

Amar Pal Ojha

-23-

A/C
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT A-LLAHABAD
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 : FELTRAFFIC
All India Telegraph Traffic Employees Union Class III
(Registered Under the I.T.U. Act 1926)

President : Seal Central Headquarters-
D.C. Shukla 4/28, W.E.A., Karol Bagh
General Secretary: V.A. Harsulkar NEW DELHI-110005.

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.MT UP Circle announced 17 vacancies for the said examination
(Copy attached).

Before examination was held, the G.MT 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 G.MT, 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-NCG dated 16.5.84 that the
action to reduce 15% posts of ASTT was wrong. Therefore
G.MT Lucknow had modified the announcement of vacancies
from 17 to 4 to 17.

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

The reduction was due to arbitrary action of the offi-
cers in Circle office, Lucknow to reduce 15% posts on im-
plementation of one time bound promotion. For their incom-
petency, those who stand selected or qualified for selec-
tion 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 G.MT, Lucknow.

Sd/-
(GENERAL SECRETARY)

Amar Pal Ojha

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

File No. -20-
LUCKNOW BENCH, LUCKNOW

EXCECUTION

WRT 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 XII
CENTRAL HEADQUARTERS, NEW DELHI-5

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

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.K. HARSHAD)
GENERAL SECRETARY

The Local Secy., Lucknow.
The Circle Secy., Lucknow.
The Local Secy., Agre.

Sd/-
(GENERAL SECRETARY)

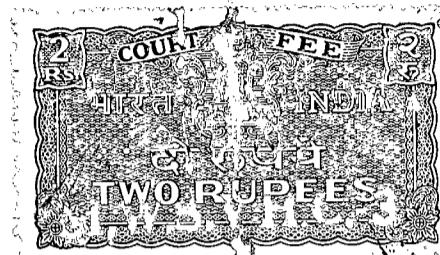
Amar Pal Ojha

22.2.85

ALLAHABAD, U.P. INDIA.

WRT PETITION NO.

ON 1985



1985
AFFIDAVIT
73/RD
HIGH COURT
ALLAHABAD

Amar Pal Ojha and others

... Petitioners

Versus

Union of India and others

... Opp. Parties

STATEMENT

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 Petitioner 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
origines.

acknowledged,

Feb. 22, 1985

Amar Pal Ojha
Petitioner

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 Chha
Deponent

I identify the deponent who has signed before me.

Lucknow-Dated,
Feb. 22, 1985

Rajesh Jader
Advocate

Solemnly affirmed before me on 22.2.1985 at 10.30 a.m./p.m. by Sri Amar Pal Chha, 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.

Rajesh Jader
OATH COMMISSIONER
High Court, Lucknow Bench,
LUCKNOW
Commissioner of Oaths
Dated 22.2.1985

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, Shahid Ali Khan^t aged about 44
years, son of Shri Late B. M. Khan^t
at present posted as Assistant Engineer Establishment^t
in the office of ~~General~~ Manager, Telecommunication,
T.O.P. ~~General~~, Lucknow herein after described as the
deponent solemnly affirm and state as under:-

1. That the deponent is posted as Asstt. Engineer Estab.
in the office of the ~~General~~ Manager, Telecommunication
T.O.P. ~~General~~, Lucknow and is authorised ~~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 averments
made in the writ petition, certain facts and circumstance



[Signature]

Filed to day
20/9/88
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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.



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(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, 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.



26-3-85

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 ~~the~~ 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



being filed as Annexure C-2 to this counter affidavit. Accordingly, the matter has been referred to Director General T&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 ~~has~~ 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



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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 preceding 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.



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~~ open to the petitioners to compete the examination which ~~was~~ 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.


Deponent

Lucknow,

Dated 6 Sept. 88

Verification.

I, the above named deponent do hereby verify that the contents of para 1 to 2⁵ are true to my knowledge and those of para 3, 4, 21² to 2⁵ are believed to be true on the basis of official records and information gathered and those of para 1 to 2⁵ to 2⁵ 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.

V.K. Chaudhari
Deponent.

Lucknow,

Dated 20 Sept. 88.

I identify the deponent who has signed
before me

V.K. Chaudhari

(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.

Rajendra Mishra
Oath Commissioner.

Day & Date: 20-9-88
OATH COMMISSIONER
High Court, Allahabad
1 Oct 2010
28/1220

20-9-88

Lucknow,

Dated: 20 - 9 Sept 88



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ANNEXURE - C-1

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. Recrt/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:

O.C	SC	Vacancies.	
		ST	Total
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. (P)
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) Bhopal 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/

217 Gmt

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 preceding three years. The Director Telecom, shall personally check the calculation of vacancies well in time before the announcement.

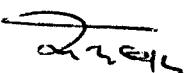
(ii) The number of vacancies for each category of candidates (Departmental and outsiders) shall be announced at the time of issue of notice for the examination for departmental quota for the information of all the candidates.

(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 (PP)
Office of the General Manager, Telecom
UP Circle, Lucknow.

/copy/





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B/SY

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.

.....
AttnL 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)

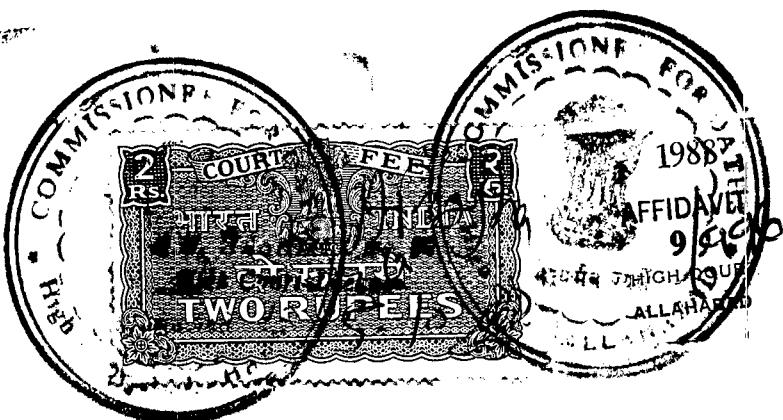
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

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 has gone through the contents of the counter Affidavit filed on behalf of the Opp. Parties No. 1 to 3. After being fully conversant 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 ~~xxxxxx~~ 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 Ojh

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 v/jb

Ans

R/SY

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 ~~wrongly~~ 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 ~~wrongly~~ revive the ~~wrongly~~ vacancies and having full authority, he rightly revised the vacancies and notified 17 vacancies in place of only 4. The Annexure C-2 filed alongwith 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

Amar Pal Singh

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vacancies while the present post~~s~~ 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 incorrectly announced only 4 vacancies but on pointing out the mistakes committed by the department, the number of ~~s~~ 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 ratified 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 candidate 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 nowhere been disputed in the Counter Affidavit.

17. That the contents of paragraph 15 of the Counter Affidavit are denied as incorrect, wrong and false. It is stated that the incorrect notification

Amar pal ojha



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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 fal vjhe



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 Ujha
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 Ujha
Deponent

Dt: Oct. 5, 1988

I B Singh
Advocate

Solemnly affirmed before me on 5.10.1988 at 10 AM/PM by Sri Amar Pal Ujha, the deponent, who is identified by Sri I B Singh, Advocate, High Court, Lucknow Bench, Lucknow.

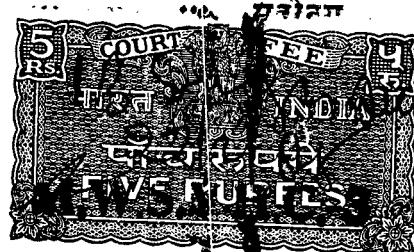
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read over and explained by me to him.

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A/C
- 9 -

समक्ष माननीय उच्च न्यायालय, खण्ड पीठ, लखनऊ ।

ब अदालत श्रीमान्...



वकालतनामा

વાદો [અપીલાણ્ટ]

अमर पाल झोला रुप अवय

प्रतिवादी [रेस्पान्डेन्ट]

... ~~Amarsal~~ ~~Other~~ others (वादी मुद्दे)

बनाम

... ਪ੍ਰਾਨਿਭੇਨ ਜਾਪਾਂ ਹੁਣਿਤਥਾਂ ਰੂਣਿਤ ਜਾਦੁਰੀ ... ਪ੍ਰਤਿਵਾਦ ਸੁਵਾਅਲੇਹ

न० सूक्ष्मा... ... सन् १९८ ... पेशी की तारीख... १९८ ... ई०

क्षपर लिखे मुकद्दमा में अपनी ओर से श्री आई० बी० सिंह, एडवोकेट, १-केसरबाग
संगीत विद्यालय के सामने लखनऊ, महोदय को अपना बड़ील नियुक्त करके प्रतिज्ञा
(इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में बड़ील महोदय स्वयं अशावा अन्य
बड़ील द्वारा जो कुछ पैरबी व जबाबदेही व प्रश्नोत्तर फरे वा अन्य कोई कागज दाखिल
करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या सुलहनामा
या इकबाल दावा तथा अपौल 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 (फरीहतानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्त-
गी) रसीद से लेवें या पंच नियुक्त करें, बड़ील महोदय द्वारा को गई वह सब कायंबाही
हूँपको सर्वथा स्वीकार है और होगी मैं यह सी स्वीकार करता हूँ कि मैं हर पैशी पर
सहवंश हितो प्रति वैरोकार को भेजता रहूँगा और मुकद्दमा अदम पैरबी में एक तरफा मेरे
खिलाफ फैला हो जाता है तो उसको जिम्मेदारी मेरे बड़ील पर नहीं होगी । इसलिए यह
बहालतनामा किया दिया कि प्रमाण रहे और सभी पर काम आते ।

Accepted
by [Signature]

हस्ताक्षर... *Fanni Künnies Singh*

साक्षी (गवाह) साक्षी (गवाह)

ਦਿਨਾਂਕ... ਮਹੀਨਾ... ਸਾਲ ੧੯੯੮... ...

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

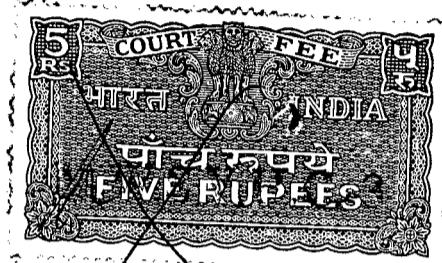
LUCKNOW BENCH, LUCKNOW

Civil Misc. Application No.

(w) of 1985

In re

WRIT PETITION NO. 934 OF 1985



13
Amar Pal, Ojha and others

.... Petitioners-
Applicants

Versus

Union of India and others

.... Opp. Parties

APPLICATION FOR STAY

11629
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 ~~not~~ 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.

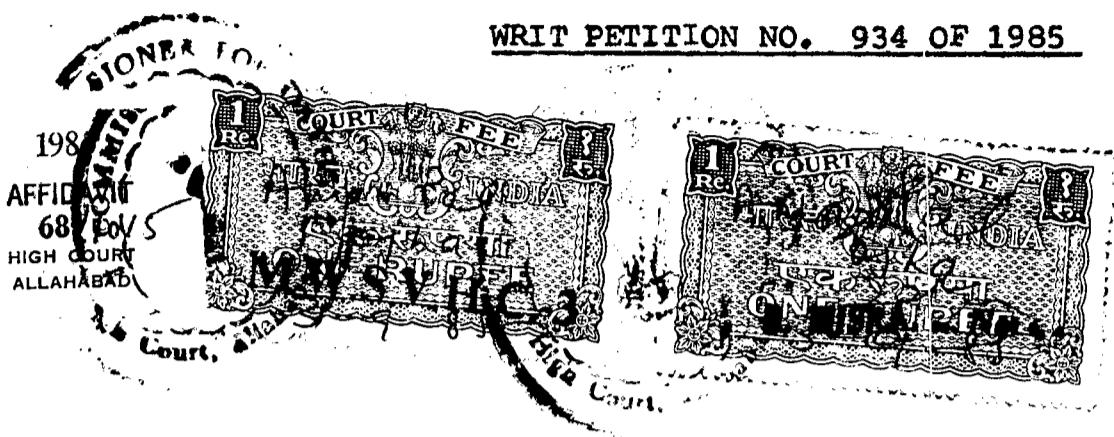
Lucknow-Dated,
Sept. 2, 1985

13 S. Singh
(I. B. SINGH)
Advocate
Counsel for the Applicants.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALIABAD

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 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

C129

83

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 Telegraphic Traffic) Exam. 1985 is given effect, the petitioner would lose their valuable right.

Amar Pal 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. 3, 1985

Amar Pal Ojha
Deponent

I identify the deponent who has signed before me.

I.B. Singh
Advocate

Lucknow-Dated,

Sept. 2, 1985

Solemnly affirmed before me on 3.9.1985 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. Kumar, Panchayat
High Court, Lucknow Bench
No. 68/1615
Date 3-9-85

(C.121) 8/5 KF

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>U.P. Telecom Circle</u>		
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 8th August 1985

Sd/-

(V.A. HARSULKAR)
GENERAL SECRETARY

Amar Pal Ojha

C 132
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 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.S. SINGH)
Advocate
Counsel for the Applicants.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. 934 OF 1985

CR33

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 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 affidavit 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.P. 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

X/6

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 Telegraphic Traffic) Exam. 1985 is given effect, the petitioner would loose their valuable right.

8. That it will be in the interest of justice that the result of A.S.T. Exam. 1985, declared on 9.8.85, 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 2.9.1985 at a.m./p.m. by Sri Amer Pal Ojha, the deponent, who is identified by Sri I.M. Singh, Advocate, High Court, Lucknow Bench, Lucknow.

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

C 120
X/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 INDUSTRIAL EMPLOYEES UNION CLASS III
GENERAL HEADQUARTERS, NEW DELHI-5

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

Sl.No.	Roll No.	Name of the Candidates
<u>U.P. Telecom Circle</u>		
1.	UPP/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 35

Sd/-

(V.A. MARSUKHAD
GENERAL SECRETARY

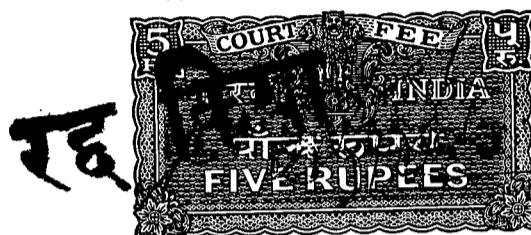
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

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

In re

WRIT PETITION NO. 934 OF 1985



0078
Amar Pal Ojha and others

.... Applicants-Petitioners

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

I.B. Singh
(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.

12.7.85
Lucknow-Dated,

July 12, 1985

Amar Pal Ojha
Deponent

I identify the deponent who has signed before me.

Singh
Lucknow-Dated,
July 12, 1985

I.B. Singh
Advocate

441242
12.7.85
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.

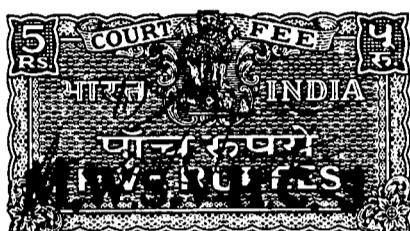
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read over and explained by me to him.

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



✓ AS
- 31/1/85

Amar Pal Ojha and others

.... Applicants-Petitioner

VERSUS

The Union of India and others

.... Opp. Parties.

APPLICATION FOR STAY

7423
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

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

CIVIL
62
X/5

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

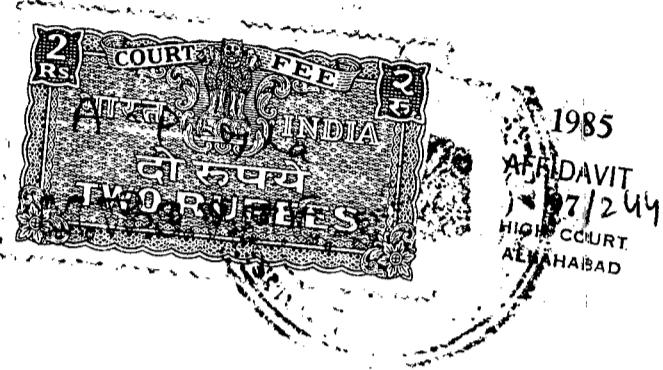
Civil Misc. Application No.

(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



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 ^{as} 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 Singh

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 10 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, A.C.
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.

Meena Pandey

OFFICE COMMISSIONER
High Court, (Lokayukta Division)
LUCKNOW
30.5.85

CLAS
R/28

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

Civil Misc. Application No. 5516 (w) of 1985

In re

WRIT PETITION NO. 934 OF 1985



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

.... Applicants-
Petitioners

VERSUS

~~6191~~
Union of India and others

.... Opp. Parties

APPLICATION FOR INTERIM RELIEF

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 circum-
stances of the case, in favour of the petitioners.

Lucknow-Dated,
May 6, 1985

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

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

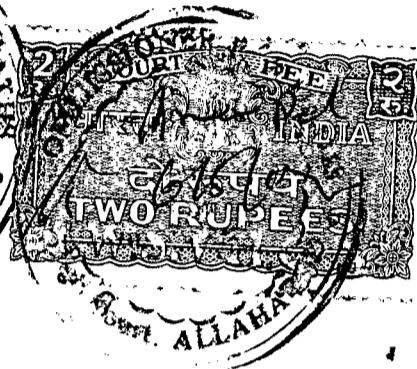
Civil Misc. Application No.

of 1985

In re

WRIT PETITION NO. 934 OF 1985

195
AFFIDAVIT
36
HIGH COURT
ALLAHABAD



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 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.

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 ~~ok~~ 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 6, 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 6, 1985

Amar Pal Ojha
Deponent

I identify the deponent who has signed before me.

May 6, 1985

135/161/16C.L.

Advocate

Solemnly affirmed before me on 6.5.1985 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.

Salim Hussain Akbar
OATH COMMISSIONER
HIGH COURT, LUCKNOW
LUCKNOW, U.P.
No. 36/161 Dt. 6-5-85