

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

INDEX SHEET

CAUSE TITLE T.A. 1728.....OF 1987.....
W.P. 1359/85

NAME OF THE PARTIES Latif Ali.....Applicant

Versus

..... Union of India.....Respondent

Part A.

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CERTIFICATE

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

Dated 6/4/2011

File B/C destroyed on 09-5-12

Counter Signed.....


Signature of the
Dealing Assistant


Section Officer/In charge

9/5/91

Hon. Mr. Justice V. C. Srivastava, V.C.
Hon. Mr. A.B. Gorai, A.M.

M.P. No. 107/90(6)

This application for amendment
is allowed. It may be
incorporated within one week.
Court may be filed within
four weeks of the amended
petition. List for orders
on 29/8/91.

✓
d
Am.

VC.

✓

29.8.91

No. 81159/adj. N 16.9.91

✓

16.9.91

D.R.

He for the applicant
has not incorporated
Amendment.

S.R.D.N.

11/9/91

Dr. D. Chandra is
present for D.P.

Applicant to comply
the order of Hon.
Tribunal dated 9.5.91
by 28/11/91.

28.11.91

D.R.

Counsel for Applicant is present.
He desires to incorporate the
amendment by 31/12/91.

1720/91/H

21.3.90.

Hon. Mr. Agrawal, J.M.
Hon. Mr. Obayya, A.m.

O.A.N.

1720

for the

Sri. S. K. Kalia Petitioner

Heard the counsel at length. The facts of the case are that the petitioner employed as post Master in P.T. Department was suspended on 18.3.85. The suspension was ~~reversed~~ ^{reversed} on 4.9.86. The petitioner retired from service on 30.9.86. After the suspension ^{order} was passed on 18.3.85, the petitioner filed writ petition at 26.3.85. for two reliefs, namely questioning the suspension order dated 18.3.85. and the writ in the nature of mandamus commanding the respondent not to give effect to the said order of suspension. There was no other relief prayed for. Therefore the prima-facie writ petition ^{became} became infuctuous, as soon as, suspension order was revoked.

The petitioner has now come forward with an amendment application vide civil Misc. No. 107/90, seeking the additional relief that he was wrongly superseded by the order dated 15.7.85. Two fold question arises firstly, whether amendment application is liable to be rejected being belated and secondly, whether the amendment ~~set~~ ^{set} to be made, does or does not change the nature of the case set up earlier by the petitioner. The question also arises whether a new relief can be added to the reliefs already ^{placed} for in the original writ petition ^{filed} in the year 1985, on account of events which transpired soon after the filing of the writ petition.

The learned counsel for the petition has urged the applicability of Section 34 of the specific relief Act, as well as the provision of order-2 Rule-2 C.P.S. in the instant case. Therefore it also requires consideration whether such a plea raised by the learned counsel is or is not applicable. The case is being adjourned to date for hearing 18.2.90 only with a view to provide an opportunity to the learned counsel to make further detail submission on above matter.

A.M.

De

J.M.

18.2.90

No sitting Adl to 23/2/90

230.90

No sitting Adl to 21.11.90

Hot

S.P.O.

L

14/11/1990

T.A. 1728/87

31.12.91

Arb

D.R.

Applicant is present
in person. No Amend-
ment has been
incorporated by
applicant till today.
Applicant to complete
this by 13/3/92.

Arb

13.3.92

D.R.

Applicant is present
in person. Applicant
to file Amendment
Application by 14/4/92.

16.4.92

D.R.

This case has been taken
up today, because on the
date fixed office was
closed. Applicant
has incorporated the
amendment today.
Case is listed for
filing counter on
29/6/92, counsel for
O.P. is also present.

R

D.T.P.

29/1/93

Hon'ble Mr. S.N. Prasad, J.M.

Case called out. Sri Sudhir Pandey, brief holder of learned counsel for the applicant. Sri S.K. Kalia is present. None responds on behalf of the respondents. Sri Sudhir Pandey states that the matter involved in this case is requires consideration by Division Bench, ^{and} as such this be placed before Division Bench.

list this case for admission/ order. before Division Bench on 04/2/93.

J.M.

~~of
our C.D. has not been filed
by respondent~~

After SEL
03/1/93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

T.D. 17.20/07 C

CA. NO. WP. 1359 19983(L)

CA. NO. 199 (TL)

Date of Decession

Ishraq Ali. Petitioner.

Advocate for the
Petitioner(s)

VERSUS

Oil & Gas. Respondent.

Advocate for the
Respondents

CORAM

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

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

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

Vice-Chairman / Member

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

T.A. 1728 of 1987

in

Writ Petition No. 1359 of 1985

(X) b

Ishtiaq Ali Applicants.

Versus

Union of India & ors Respondents.

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

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

The applicant was working as a Lower Selection Grade in the P & T department when he was served with an order dated 18.3.1985 suspending him from service. The applicant attained the age of superannuation on 30.5.1981.

2. By this application, the applicant has challenged the suspension order before he could be superannuated, the suspension order ~~and~~ was revoked on 9.9.1986. In between the question of promotion to higher post occurred and his junior was promoted. The applicant's name was not sent even before the selection committee and this case was not considered and even kept in sealed cover. After revocation of suspension order, the applicant moved an application for amendment which was allowed.

3. The plea on behalf of the applicant is that he has been wrongly deprived of promotional post and in case the wrong suspension order could have been withdrawn earlier, his case would have been considered and he too could have been promoted.

f

AC

There is no denial of the fact that the post was a selection post and the case of the applicant was never referred to the Departmental Promotion Committee. As the case of the applicant was not referred to the Departmental Promotion Committee, he could not be selected. As such the plea that he is entitled to promotion post w.e.f. a date his junior was promoted if not actually and notionally has got to be rejected in this perspective. However, in that view of the fact that the department itself was somewhat negligent and there were lapses on the part of the department, It will be open for the department to consider the case of the applicant by perusing his ACRs and give him promotion notionally w.e.f. from the date his juniors were promoted. This will rectify the error which has occurred on the part of the department itself. The application

4. The application stands disposed off with this direction finally without there being any order as to the cost.

A. M.

V. C.

Lucknow Dated: 5.2.93

(jlw)

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. No. 1359 - 85

Name of parties..... Isliaq Ali..... v. Union of India

Date of institution..... 27.3.85

Date of decision.....

18

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
1.	1.	W.P. with Answer and affidavit	24		102.00			
2.		Power	1-		5.00			
3.		Coch. 3845(u) for	2-		5.00			
4.		order sheet	1-		-			
5.		Back copy	1-		-			

I have this

day of

198

ex

I have 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 of the aggregate value of Rs. that all orders have been carried out, and that the record is complete in order up to the date of the certificate.

Date.....

Munsari

Clerk

(X) 2224

Group A (13)(c) f

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

SITTING AT LUCKNOW.

Writ Petition No. 1359 of 1985.

Ishtiaq Ali Petitioner.

versus

Union of India and others Respondents.

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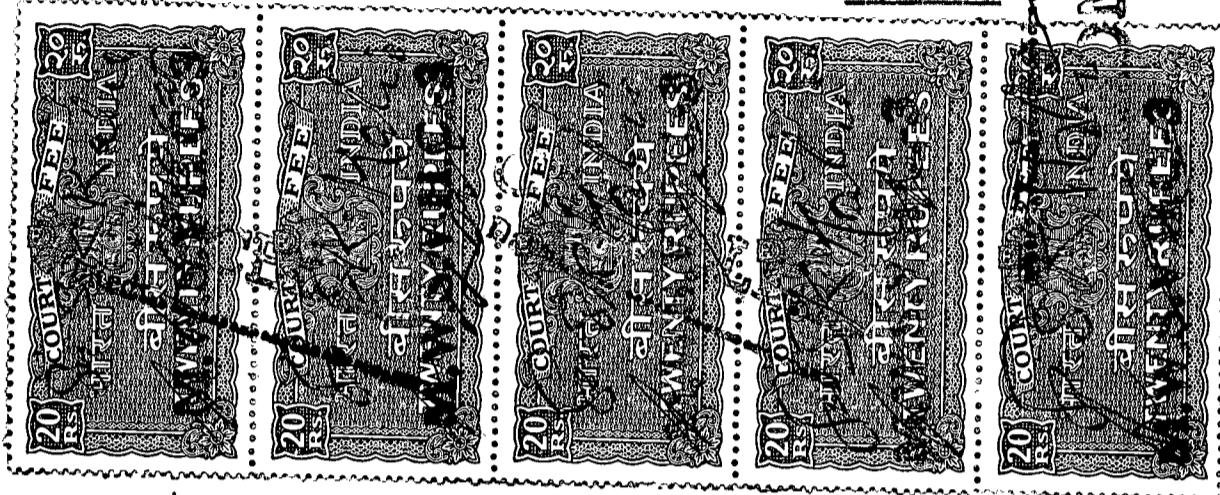
Dated Lucknow:
March 26, 1985.

(S.K. Kalia)
Advocate,
Counsel for the Petitioner.

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

SITTING AT LUCKNOW

Writ Petition No. 1359 of 1985.



Set. No. 1
Ishtiaq Ali, aged about 57 Yrs.,
son of Sri Imam Uddin, Assistant
Post Master, Hardoi Post Office,
Hardoi.

..... Petitioner.

versus

1. Union of India, through Secretary
Department of Communication, &
New Delhi.
2. Post Master General, U.P. Circle,
Lucknow.
3. Superintendent of Post Offices,
Hardoi.
4. Shri K.M. Lai, Superintendent of
Post Offices, Hardoi.

..... Respondents.

Writ Petition under Article 226 of the
Constitution of India.

To

The Hon'ble the Chief Justice and his
Companion Judges of the aforesaid Court.

The humble petition of the petitioner, above named, respectfully sheweth as under :

1. That the petitioner was initially appointed as a Clerk in the Department of Posts and Telegraphs, in the year 1947.
2. That after a long service of about 27 years, the petitioner was selected for Lower Selection Grade and was appointed as a such when he was posted in Lakhimpur Kheri.
3. That it may be stated here that in Sitapur Division of Posts and Telegraphs Department, there were 3 districts, namely, Lakhimpur, Sitapur and Hardoi ~~the~~ but the said Division was subsequently bifurcated into three Divisions and each district which was a part of Sitapur Division, became separate and independent Division. The Divisional Head in the Posts and Telegraphs Department is the Superintendent of Posts Offices.
4. That in the year 1979, the petitioner was transferred as Sub-Post Master, Beniganj, L.S.G. Office in Hardoi Division.
5. That it may be stated here that Sandila Sub-Post Office was also under Hardoi Division which was subsequently upgraded as Head Office under Hardoi Division. Now in Hardoi Division there are two Head Offices ^{one} at Sandila and ~~the~~ other at Hardoi.

Subhagah



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6. That on 28-2-1981, the petitioner was transferred from Beniganj to Sandila as Supervisor A.P.M. (Savings Bank) and he joined there on 2-3-1981 (1st March being Sunday).

7. That the petitioner was served with a chargesheet on 10-9-1982 and was required to reply the same.

8. That in view of lack of relevant documents the petitioner could not give proper and suitable reply and as such he demanded for supply of documents but he was never supplied the same. An ex-parte action was taken against the petitioner and vide order dated 28-1-1983 passed by Sri K.M. Lal, Superintendent, Post Offices, Hardoi, the increment for two years without affecting future increments, were stopped. It may, however, be stated here that the petitioner had already been given increments and was drawing the last pay of his scale which he is still drawing.

R
26.3.85

9. That feeling aggrieved by the action of Sri K.M. Lal, Superintendent of Post Offices, in taking ex-parte action, he preferred an appeal on 10-3-1983 to the Regional Director of Post

4/15 X

appeal which was sent through proper channel, never reached the Regional Director and the petitioner made complaint against Sri K.M. Lal. The petitioner lastly, after being a victim of illegal actions of Sri K.M. Lal, made a representation to the Hon'ble Communication Minister, Government of India, New Delhi on 23-2-1985 which was received on 25-2-1985. A true copy of the said representation is being annexed as Annexure- 1 to this petition. The appeal of the petitioner is still pending before the Regional Director.

10. That the name of the petitioner was not sent for confirmation in U.P. Circle and as such he made a representation to the Post Master General, U.P. Circle, Lucknow, in person which was received on 5-2-1985. The said representation was given in person in the Office of the Post Master General, which was received on the same day. A true copy of the said representation is being annexed herewith as Annexure- 2 to this petition.



11. That on 21-1-1983, the petitioner was transferred from Sandila to Sandi Sub-Office (20 percent office). The effect of transfer of the petitioner to the said Sub-Office was that he lost Rs. 35/- per month which was being paid to him as allowance in Sandila office.

Ishraqah

12. That vide order dated 1-6-1984 the petitioner

was transferred to Hardoi Head Office as Asstt.

Post Master and vide order dated 7-12-1984 he was required to officiate as Post Master ~~as~~ in a leave vacancy and he officiated as such till 31-1-1985.

13. That it may be stated here that in the Gradation List, Hardoi Division, as corrected upto 1-7-1983, the name of the petitioner finds place at sl. no. 4 of Postal Assistants, the name of Sri K.N. Saini and Sri S.D. Shukla find place at serial numbers 5 and 6 and the said fact is indicative of the fact that the petitioner is senior to Sri K.N. ~~Saini~~ Saini and S.D. Shukla and vice-versa Sri S.D. Shukla is Junior to the petitioner and K.N. Saini.

14. That the date of birth of the petitioner is 18-9-1928 and he would attain the age of superannuation on 30-9-1986. A true extract of the said GRADATION LIST, as is relevant, is being annexed herewith as Annexure- 3 to this petition.

15. That vide order dated 31.1.1985 Sri S.D. Shukla, who was junior to the petitioner and Sri K.N. Saini was appointed as Post-Master Sandila Head Office superseding the claim of the petitioner. The petitioner against illegal action of Sri K.M. Lal, the Superintendent of Post Offices, made a ~~re~~ representation

to the Post Master General, U.P. Circle, Lucknow. A true copy of the said representation is being annexed herewith as Annexure- 4 to this petition.

16. That from what has been stated above, it is abundantly clear that Sri K.M. Lal, Superintendent of Post Offices, was bent upon harrassing the petitioner and to mar his service career. The petitioner is to retire in 1986 itself and in case he is deprived of his valuable rights he would suffer grave and irreparable loss.

17. That the petitioner has been served with an order dated 18-3-1985 on 25-3-1985 suspending him with immediate effect. The order as received by the petitioner is being annexed herewith as Annexure- 5 to this petition. A perusal of the said order would reveal that the said suspension order has been passed without application of mind. Under Sub-Sulr (1) of rule 10 of the Central Civil Services Classification Control and Appeal Rules, 1965, an employee can be placed under suspension if any departmental proceeding is contemplated or pending against him.

18. That from a perusal of the order it does not reveal whether the departmental proceeding is pending or contemplated against the petitioner, and a cyclostyled order of suspension has been passed against the petitioner. It is also not

indicative as to what was the ground for suspending the petitioner.

19. That the petitioner is advised to state that it was incumbent for the appointing authority, the Superintendent of Post Offices, to have indicated the reasons for suspension in the order itself so that the petitioner could know as to what was the reason and what is the reason for suspension order.

20. That it may be further stated here that Sri K.N. Saini has also been suspended in the month of March 1985 itself.

Ishtiaq Ali
21. That the order of suspension of the petitioner has been passed by way of punishment and to harrass the petitioner.

SP
21-3-85
22. That feeling aggrieved by the order of suspension dated 18-3-1985 and having no other alternative and efficacious remedy, the petitioner begs to invoke the writ jurisdiction of this Hon'ble Court, inter alia, on the following -

G R O U N D S.

I. Because the order of suspension dated 18-3-1985 has been passed in a most mechanical and arbitrary manner.

Amelia
II. Because the order of suspension has been passed without application of mind.

III. Because the order does not indicate whether the departmental disciplinary proceeding is pending against the petitioner or it is only contemplated. This fact also supports the contention of the petitioner that the appointing authority has not applied his mind while passing the suspension order.

IV. Because no reason has been assigned in the suspension order for suspending the petitioner.

V. Because the petitioner is advised to state that in the suspension order reasons for suspension ~~int~~ itself the reasons for suspension need to be specified so that the employee could know the ground of his suspension.

VI. Because no departmental disciplinary proceeding is pending against the petitioner.

VII. Because the order of suspension has been passed by way of punishment and to deprive the petitioner of his right of being promoted to the higher post.

VIII. Because the order of suspension is malafide.

IX. Because the order of suspension is illegal and without jurisdiction and liable to be quashed.

Prayer

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

- (a) Issue an order, writ or direction in the nature of certiorari quashing the order of suspension of the petitioner dated 18-3-1985 contained in Annexure- 5 to the writ petition.
- (b) Issue an order, writ or direction in the nature of mandamus commanding the respondents not to give effect to the aforesaid order dated 18-3-1985.
- (c) Issue any other order, writ or direction which this Hon'ble Court deems just and proper in the circumstances of the case.
- (d) Award costs in favour of the petitioner.

Dated Lucknow:
March 26, 1985.

S. K. Kalia
(S.K. Kalia)
Advocate,
Counsel for the petitioner.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

Writ Petition No. of 1985

Ishtiaq Ali

.....Petitioner

Versus

Union of India and others

.....Opp. Parties

Annexure No.1

To,

The Honourable Sri Ram Newas Mirdha,

Communication Minister,

New Delhi

Subject : Complaint against Shri R.M. Lal Superintendent Post, Hardoi regarding imposing wrong charges due to personal grudge mentally and physically loss in any how.

Sir,

With due respects and humble submission I be to state the following few lines for your kind consideration and enquiry in the cases.


(1) Non submission my name by Shri K.M. Lal, Superintendent Posts Hardoi for confirmation to circle office in L.S.G. cadre general line.

(2) Non submission my appeal to Regional Director Postal Services Lucknow which was

sent through Post Mast Sandila H.O. under R.L. No. 333 dated 10.3.83 (proper Channel) and other copy was sent as advance by panel charges fee to B.P.S. Lucknow under Sandila R.L. No. 393 dated 10.3.83 which was detained hadly by Shri K.M. Lal Superintendent Posts Hardoi in 14.3.83 at Lucknow by the help of dealing official. Hence the case is lying unsettled at Lucknow circle office.

(3) Unnecessary transfer from Sandila H.O. as A.P.M. (SB) to Sandi Sub Office 20 percent with loss 35/- 30.11.83 Supervisory allowance without completing tenure as joined at Sandila H.O. on 2.3.81 and transferred on 21.6.83.

(4) Unnecessary stoppage of increment for two years for non maintenance register of high value W/Ds while Shri K.M. Lal Superintendent Posts Hardoi has signed on checking register in every inspection.

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R
263 Q5
S.L.H.

It all above denotes that Shri K.M. Lal Superintendent posts Hardoi has bad feelings against me and wants to give mentally and physically loss in any how.

12-

-3-

Therefore it is my request your honour to kindly look into my cases, so that I may not suffer any loss mentally and physically by Shri K.M.Lal Superintendent Posts, Hardoi.

For this act of kindness I shall even pray for you long life and prosperity.

Yours faithfully,

Sd/- Ishtiaq Ali
A.P.M. Hardoi H.O.
23.2.85



Ishtiaq Ali

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1422 X

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

Writ Petition No. of 1985

Ishtiaq AliPetitioner

Versus

Union of India and othersOpp-parties

Annexure No.2

To,

The Post Master General,
U.P.Circle Lucknow,
Lucknow.

Subject :Non confirmation in L.S.C. Cadre(Gen.Line)

Postal in circle List.

Respected Sir,

With regard I have to pray for consideration
as under :-

R
26-3-85

1. I am working as A.P.M., at Hardoi n.O.
2. I was appointed as postal clerk with effect
from 30.5.47 Continously.
3. I am working in L.S.C. with effect since
1974 and drawing pay Rs. 640 per month since
July 1982.
4. My name has been omitted from the circle
confirmation list for L.S.C. Circulated by

Ans X

-2-

by your office under Memo No. STA/763-XC/XV/7
dated at Lucknow 1.8.1984.

5. The list has not been circulated by S.Posts Hardoi. I have come to know this omission from other H.O..

PRAYER

I have to pray with regard that I may also kindly be confirmed in L.S.C. Cadre as my Juniors have been confirmed.

I shall be highly obliged for this act of kindness.

Yours faithfully,

Dated : 5.2.1985

Sd/- Ishtiaq Ali
A.P.M., Hardoi, H.O.

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26305

A23
J.R

-2-

by your office under Memo No. STA/763-XC/XV/7
dated at Lucknow 1.8.1984.

5. The list has not been circulated by S.Posts
Hardoi. I have come to know this omission
from other H.O..

PRAYER

I have to pray with regard that I may also
kindly be confirmed in L.S.C. Cadre as my Juniors have
been confirmed.

I shall be highly obliged for this act of
kindness.

Yours faithfully,

Dated : 5.2.1985

Sd/- Ishtiaq Ali
A.P.M., Hardoi, H.O.

R
86305

Ishtiaq

15

AP 20 H6

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

Writ Petition No. of 1985

Ishtiaq Ali

....Petitioner

Versus

Union of India

....Opp-parties

Annexure No.3

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

OFFICE OF THE SUPDT. OF POST OFFICES HARDOI

BN HARDOI

To,

The P.M.Hardoi/Sandila

All S.P.Ms in Hardoi Dn.

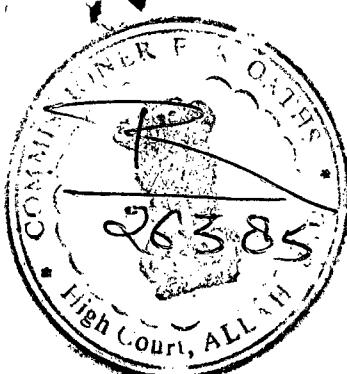
All IPOs in Hardoi Dn.

All ASPOs in Hardoi Dn.

No. B/Rlg 20/Gradation list/Corrrec dt. at Hardoi 15.6.84

Sub : Divisional Gradation list corrected upto
1.7.83 (Recorded vide C.O. No. STA/12-XG/78
/8 dt. 8.9.78.)

A copy of Divisional Gradation list corrected
upto July 83 and recordor vide C.O. No. STA/12-XG/78/8
is sent herewith. The seniority of the officials
appointed during the period from 22.6.49 to 21.12.59
has been in terms of the orders contained in D.G. P & T
New Delhi letter No. 45/1/74/SFB-11 dt. 12.4.78 on the



Ishtiaq Ali

.....2

basis of the length of continuous service in the grade as well as service in equivalent grade except in the categories mentioned below.

1. The seniority of exempted category of persons has been fixed by continuing their length of service in the grade from the date from which they were exempted from appearing in the recruitment examination.
2. The seniority of persons who failed to pass the confirmation examination within the prescribed period and proscribed numbers of chances has been fixed from the date of their passing the confirmation in the special chance or from the date of their being exempted from passing the confirmation examination as per note (2) below rule 254 of P & T manual Vol. IV.
3. The seniority of transfers under rule 38 has been fixed according to the provisions of the rule ibid as amended from time to time as it existed at the time of transfer of particular employee.

The seniority of the rest of the officials



Ishwari

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-3-

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belonging to the period to 22.6.49 and after 21.12.59
has been fixed according to the normal rules.

Please circulate this amongst the members of
staff and keep it on record after obtaining their
signature as there on. Any discrepancy pointed out by
the officials in the gradation list should be submitted
seperately to this office for consideration and
necessary action.

All the SPMs and PMs will send a certificate
below within three days of the receipt of this letter.

Sd/-Illegible

Supdt. of Post Offices

Hardoi Dn. Hardoi

Certified that the Divisional Gradation
list has been circulated to all the members of the
staff working in my office and their signatures have
been kept on record.



Date Stamp

PM/SPM

Seal

J. Bhagat

18.

49

26-3-05

Scans

18
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A2D

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

Writ Petition No. of 1985

Ishtiaq AliPetitioner

Versus

Union of India and othersOpp-parties

Annexure No.4

To,

The Honourable Sri D.S.Sakal Kale

Post Master General,

U.P.Circle Lucknow.

Lucknow.

Subject :Irregular arrangement for the post of
Post Master Sandila HO (H.SG II)

Sir,


I beg to state that I am working as A.P.M.
Hardoi H.O. and senior most candidate as per gradation
list of U.P. circle in Hardoi Division, that Shri
S.D.Shukla junior to me is officiating as Post Master
Sandila HO since 1.2.85 after retirement of Shri
U.S. Dixit who was officiating previously.

Being senior most candidate of the Division
I would have ordered ~~xx~~ to officiate as Post Master
Sandila HO, but due to personal grudges, Shri K.M.Lal

20 -

(R 29)
rmt

-2-

S. Posts Hardoi is not doing so even after requesting him many times.

Kindly look into the matter and arrange that I may attain the benefit of my seniority.

For this act of kindness I will even pray for your long life and prosperity.

Yours obedient

Dated 16.3.85

Ishtiaq Ali
A.P.M. Hardoi HO

R
26-3-85

Ishtiaq Ali

21-

26/2

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

Writ Petition No. of 1985

Ishtiaq Ali

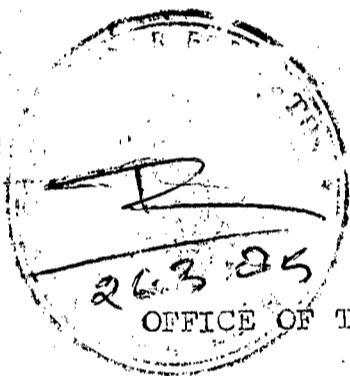
....petitioner

Versus

Union of India and others

....Opp-parties

Annexure No.5



INDIAN POSTS AND TELEGRAPH DEPARTMENT.

OFFICE OF THE SUPDT. OF POST OFFICE HARDOI DIVISION HARDOI.

Memo No. F-9/84-85

Dated at Hardoi the 18-3-85

Whereas a disciplinary proceeding against sri...
Ishtiaq Ali A.P.M. Hardoi H.O....
is contemplated/pending.

Now, therefore, the undersigned, in exercise of the powers conferred by sub-rule(i) of Rule 10 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, hereby places the said sri. Ishtiaq Ali..... under suspension with immediate effect.

It is further ordered that during the period that this order shall remain in force the Headquarter of Sri. Ishtiaq Ali A.P.M. Hardoi H.O..... should be Hardoi..... and the said Sri. Ishtiaq Ali..... shall not leave the headquarters without obtaining the previous permission of the undersigned.

(K.M. Lal)
Supdt. of Post officers,
Hardoi Dn. Hardoi.

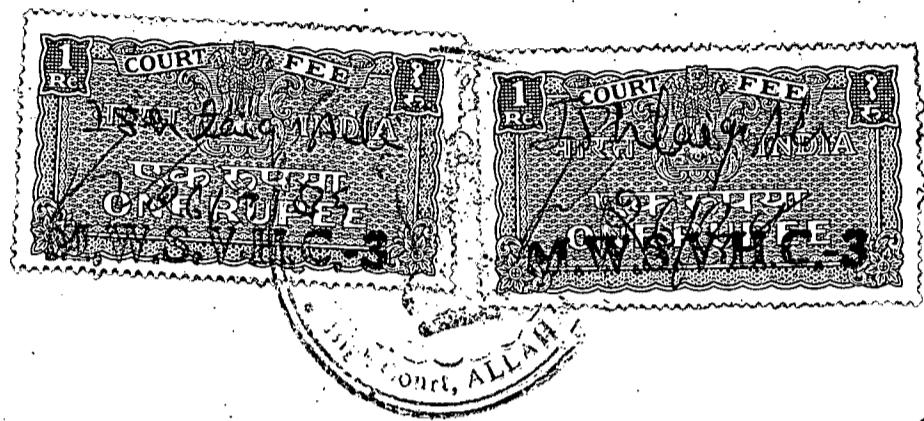
Copy to:-

1. Sri. Ishtiaq Ali A.P.M. Hardoi H.O...
orders regarding subsistence allowance admissible to his
during the period of his suspension will issue separately.

22

A.32
1/3

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



Affidavit

in

Writ Petition No. _____ of 1985.

Ishtiaq Ali Petitioner.

versus

Union of India and others Respondents.

I, Ishtiaq Ali, aged about 57 years, son of Sri Imam Uddin, Assistant Post Master, Hardoi Post Office, Hardoi, do hereby solemnly affirm and state on oath as under :

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

2. That the deponent has read the writ petition and fully understood contents thereof.

3. That the contents of paras 1 to 18, 20 of the writ petition are true to the own knowledge

Ishtiaq Ali

26-3-85

23

32

- 2 -

of the deponent and those of paras 19 and 21 and 22 of the writ petition are believed by the deponent to be true.

4. That the Annexures no. 1 to 4 of the writ petition are true copies and Annexure no. 5 is the original copy as received by the petitioner.

Dated Lucknow:
March 26, 1985.

Ishraq Ali
Deponent.

I, the deponent above named, do verify that the contents of paras 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Dated Lucknow:
March 26, 1985.

Ishraq Ali
Deponent.

I identify the deponent who has signed before me.

R. K. Srivastava
Advocate.

Solemnly affirmed before me on 26-3-85
at 10.30 A.M./P.M. by Sri Ishraq Ali
the deponent who is identified by

Sri R. K. Srivastava

Clerk to Sri S. K. Kalra

Advocate, High Court, sitting at Lucknow.

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

R. K. Srivastava

A55

In the High Court of Judicature
ब अदालत श्रीमान महोदय
at Aliehabad Sitti 20/12/1948
वकालतनामा

वादी (मुद्दे)
प्रतिवादी (मुद्दालेह)

का वकालतनामा



1/2
1948
26/3/48

Ishdiaz Ali

वादी (मुद्दे)

बनाम

Union of India and others
नं० मुकदमा सन् १९४८ पेशी की ता० १९४८
ऊपर लिखे मुकदमा में अपनी ओर से श्री
एडवोकेट

SK. I. G. Ali

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है और
लिखे देता है इस मुकदमा में वकील महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी
जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल
दावा तथा अपोल व निगरानो हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें
या कोई रूपया जमा करें या हमारी या विचार (फरीकसानी) का
दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता है कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिन्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर - Ishdiaz Ali

साक्षी (गवाह) साक्षी (गवाह)
दिनांक महीना

22-2

135

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

SITTING AT LUCKNOW.

C.M. Appln. No. 3845 (W) of 1985.

Stay Application.

(C.M. Appln.
27/3/85)



Ishtiaq Ali, son of Sri Imam
Uddin, Assistant Post Master,
Hardoi Post Office, Hardoi.

..... Petitioner/Applicant.

In re:

Writ Petition No. 135 of 1985.

Ishtiaq Ali Petitioner.

versus

1. Union of India, through Secretary

Department of Communication,

New Delhi.

2. Post Master General, U.P. Circle,

Lucknow.

3. Superintendent of Post Offices,

Hardoi.

4. Shri K.M. Lal, Superintendent of

Post Offices, Hardoi.

..... Respondents.

Q. what
The petitioner/applicant above named respectfully begs to submit as under :

23

MS 3

- 2 -

1. That the petitioner has preferred the aforesaid writ petition against the order of his suspension.
2. That the petitioner has sanguine hope of success in the writ petition.
3. That the petitioner/applicant would suffer grave and irreparable loss if the impugned order is not stayed pending disposal of the writ petition.

Prayer

WHEREFORE, for the facts and reasons stated above and in the accompanying writ petition, it is respectfully prayed that this Hon'ble Court may kindly be pleased to stay operation of the order of suspension of the petition dated 18-3-1985 contained in annexure-5 to the writ petition and may pass such other orders as this Hon'ble Court deems just and proper in the circumstances of the case pending disposal of the writ petition.

S. Kalia

Dated Lucknow:
March 26, 1985.

(S.K. Kalia)
Advocate,
Counsel for the Petitioner.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

-No.-

1359

—of 198

365.

-VS.-

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
27-385	Zam SS Ahmad, Zam B. Kurnar, — list in the	
	third week of April —	
	— — — — obtain instructions	
	sd. SS Ahmad	
	sd. B. Kurnar	
	27-385	
	C.M. An no 3845 @ 085	
27-385	Zam SS Ahmad, Zam B. Kurnar, —	
	Put up along with the w.p.	
	sd. SS Ahmad	
	sd. B. Kurnar	
	27-385	
10-385	fixed with cyl no. 3845 (00) 85 for order do. 344	
23-4-85		Benz 3/2
1-5-85	100 DM 107 100 KM 68	
	list in the next week	111

~~la~~ — ~~other~~

1-5-245-

Before Hon'ble Central Administrative Tribunal
Circuit Bench Lucknow.

C.M. Appn. No. 107 of 1990. 45

In re:

Petition No. TAN 1728 of 1987 (T)

Ishtiaq Ali

-Applicant

In re:

Ishtiaq Ali

-Petitioner

vs.

Union of India & others

-Respondents.

ST
27/2/90
Application for amendment
of the petition

The abovenamed petitioner/applicant most
humbly submits as under :-

1. That due to certain inadvertence and o
sight some facts could not found place in the
and the same may be allowed to be included i
petition in the interest of justice.
2. That the facts which petitioner w
bring on record through this amendment



138

.2.

paragraph 15-A to the petition:-

"15-A- That vide memo number B-2/HSG/Gent dated 15.7.1986, Superintendent of Post Office Hardoi Division, Hardoi-241001 promoted Sri S.D. Shukla ~~xxxSxxKxx~~ A.P.M.Sandila as H.S.G.II superseding the petitioner who happens to be senior to Sri S.D.Shukla and Sri K.N.Saini. This act of opposite party no.3 is arbitrary,illegal and wanton exercise of executive fiat. Petitioner several time represented against the same but opposite parties put no heed to it. A true copy of promotion letter dated 15.7.86 and representation dated 17.11.88 are being annexed herewith as Annexures No. 3-A and 3-B to the petition."

4. That after ground number IX following grounds may be permitted to be added as grounds number X and XI:-

the act

"(X) Because,/ignoring the claim of promotion of the petitioner and promoting person junior to the petitioner is arbitrary,illegal and wanton exercise of executive fiat.

(XI) Because, ~~ignoring~~ non consideration of the claim of petitioner for promotion by Departmental Promotion Committee and non following of the procedure of Seal Cover was arbitrary,illegal and against the Article 311 of Constitution of India."


5. That after the prayer number (b) following



ASG

.3.

may be permitted to be added as prayer number (b)(i):-

"(b)(i) To issue an order or direction to opposite parties to deem petitioner promoted on higher post on which his juniors were promoted deeming the rightful claim of petitioner and award him arrears of salary as such and compute the pension of the petitioner accordingly alongwith interest."

Ishwari

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to allow the amendment application by permitting the petitioner to amend the ~~wxix~~ petition in the manner set forth above.

Lucknow: dated

February 27, 1990.

Sudhir Pande
(Sudhir Pande)
Advocate.
Counsel for the petitioner/
Applicant.



Before Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow.

Petition No. of 19
Ishtiaq Ali -Petitioner
vs.
Union of India & others -Respondents.

Annexure No. 3-A

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS
O/O The Supdt. of Post Offices Hardoi Dn.Hardoi
Memo. No. B-2/HSG/Genl.
Dated at Hardoi, the 15.7.85

In pursuance of C.O.No.STA/181-XA/HSG/86/2
dated 8.7.86, Shri S.D.Shukla A.P.M.Sandila H.O. is
ordered to be promoted in H.S.G.II cadre purely on
adhoc basis and allotted to Behra DoonRegion.

Supdt. of Post Offices
Hardoi Dn.Hardoi-241001

Copy to :-

1. Official concerned.
2. P.M.Sandila H.O.
3. D.P.S.Behra Doon Region Behra Doon with the
request that the orders for posting of the
official may kindly be issued at the earliest.
- 4-5.C/C and spare.



A 44

Before Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow.

Petition No. of 19
Ishtiaq Ali -Petitioner
vs.
Union of India & others -Respondents.

Annexure-3-B

To

The Post Master General,

U.P.Circle Lucknow

Lucknow

226001

Subject:- Non confirmation in L.S.G.cadre(Gen-line)
postal in circle list.

Sir,

With reference to Ministry of Personnel,

Public Grievances and Pension, Department of Personnel
and Training, OM No. 22011/2/86 -Eastt(A) dated
12.1.88, I beg to state as under :-

1. That the last post I held was as A.P.M.Hardoi
H.O. from which I retired on 30.9.86.
2. That in the Gradation list, U.P.Circle, my
name was at S.N.935.
3. That detailed information for confirmation
of the officials in L.S.G.Cadre was called for
under P.M.G.(U.P.) by letter No. STA/763-XC/
XV/2 dated 31.5.84 and Supd.Post Offices Hardoi
Division Hardoi, Sri K.M.Lal(late) compiled it from
S.No.876 to 1401 and sent it to P.M.G, U.P.Circle
Lucknow as desired.
4. That the applicants name was on S.N.935

and most senior in Hardoi Division Hardoi but unfortunately it was not included in the list sent to P.M.G.U.P.Circle Lucknow and consequently while applicant's juniors were promoted and confirmed, and for no fault of his, the applicant was left out.

5. That the list of confirmation was not circulated by B.Post Hardoi Sri late, K.M.Lal, Supdt. of post office Division Hardoi, as it thought to have been and the applicant named ignorant above the great injustice, thus perpetuated against him.

6. That when the applicant I came to know about it from other sources he made a representation to your honour on 5.2.85 calling your kind attention to this glaring discrimination against him.

7. That in the above representation of applicant your honour enquired about it from Supt.Post Offices Hardoi and he in his report in this respect admitted that the applicants name was in advertently left out. He in his report further admitted that the applicant was senior most in Divisional Gradation list of Hardoi Division and there was no justification for non inclusion of his name in the gradation list. He put the blame of this omission on Sri Bhagat Ram Bajpai, office supervisor and consequently reported that Disciplinary proceedings were initiated against him for this lapse.

8. That in fact because the applicant had made several complaints against Sri K.M.Lal(late) S.Posts, Hardoi, the omission of my name in the



gradation list was deliberate and this specifically done by superintendent himself to harm and prejudice applications interests.

9. That while the enquiry about the omission of applicants name from the gradation list was under your kind consideration the said Sr K.M.Lal(late) S.Posts Hardoi got a false F.I.R.Lodged against applicant by Sri Yograj Pathak A.S.P.Sandila on 9.4.85 in respect of a frivolous matter and convered to get me suspended on 18.3.85 without any enquiry on the applicants representation 6.2.85 sent through Post Master Hardoi alongwith seven enclosures.

10. That however I was found innocent of any guilt whatsoever and applicant was reinstated on 9.9.86 and was posted as A.P.M.Hardoi H.C. and his full salary and allowances for the suspension period were duly paid to him.

11. That in consequence of his uncalled for one year 6 months and 9 days for suspension period, the applicant was made to suffer again in loss of seniority and pay as well as other allowances.

12. That in fact the applicant whose S.N. was 935 in U.P.Circle Gradation list Lucknow is entitled to receive the salary and other allowances which have been granted to the official enrolled at S.N. 936 in U.P.Gradation list Lucknow Circle.

13. That this application may kindly be treated



Ku

4.

as notice u/s 80 C.P.C. and in case the applicant is deprived of his legally due salary and allowances he in the expiry of the prescribed period would be forced to seek his remedy from the competent Tribunal or Court.

14. That the applicant humbly prays that he has spent the best part of his life in the service of the Department and the Department should consider his case sympathetically without any further delay.

Wherefore, it is prayed that the salary and other allowances from which the applicant was deprived for no fault of his may kindly be remitted to him at the earliest possible date. He shall be grateful.

Faithfully yours

Istiaq Ali

Retired A.P.M.Hardoi H.C.

at village Kodauri

P.O.Sandila(Distt.Hardoi)

Istiaq Ali
Dated

17.11.88

The copy of Ministry
of Personnel Public

Grievances and

Pension OM No.22011/2/86 East(A)

dated 12.1.88 is enclosed h/w.



Before Hon'ble Central Administrative Tribunal,
Circuit Bench Lucknow.

Petition No. 19



Ishtiaq Ali

.....Petitioner

vs.

Union of India & others -Respondents.

Affidavit in support of the
amendment application.

I, Ishtiaq Ali aged about 62 years,
son of Sri Imam Uddin, Resident of
village Kudauri Post Sandila District
Hardoi, do hereby solemnly affirm and
state on oath as under :-

1. That the deponent is the petitioner in the above case and is fully conversant with the facts deposed to hereinafter.
2. That the deponent has read the contents of the accompanying amendment application and has understood the same.
3. That the contents of paras 1 to 3 of the amendment application are true to my own knowledge and those of paras 4 and 5 are based on legal advice.
4. That the annexures filed to the application



Jahangir

2.

are true copies having duly compared with their respective originals.

Lucknow:dated

February 27, 1990.

Joshiapal

Deponent

I, the abovenamed deponent, do hereby verify that the contents of paras 1 to 4 of this affidavit are true to my own knowledge, that no part of it is false and nothing material has been concealed in it. So help me God.

Lucknow:dated

Feb. 27, 1990.

Joshiapal

Deponent.

I, do hereby identify the deponent who has signed before me.

Sudhir L
Advocate.



Ramkrishna Misra
PATHAK COMMISSIONER
High Court, Allahabad
Lucknow Bench

741125
27-2-90

Counter Affidavit

In the Central Administrative Tribunal at Allahabad,
Circuit Bench, Lucknow.

Misc. Application No. 164 of 1990. (L)

In

Case No. T.A. 1728 of 1987.

(Writ Petition No. 1859/85)

Ishtiaq Ali Petitioner

Versus.

Union of India & Others Respondents.

The humble application on behalf of the Respondents most respectfully showeth as under :-

1. That the full facts and reasons have been set out in accompanying Written statement.
2. That for the facts and reasons stated in the accompanying written statement, the written Petition filed by the petitioner has become infructuous and it is expedient in the interest of justice that the Writ Petition may be dismissed with costs.

P R A Y E R

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to admit the accompanying written statement and to dismiss the petition with costs.

Lucknow ;

Dated : 16.3.90

J. (L) Dr
(Dr. Dinesh Chandra)
Advocate,

Counsel for the Respondents,

Fitted today
Sd/-
21/3/90

In the Central Administrative Tribunal at Allahabad,

Circuit Bench, Lucknow.

Written Statement on behalf of Respondents.

In

Case No. T.A. 1720 of 1987 (Writ Petition No. 1359 of 1985).

Ishtiaq Ali Petitioner.

Versus.

Union of India & Others Respondents.

I, BHOOPAL SINGH BHASKAR - aged about 51 - years
of Shri Gokul D Singh - - - - - Supdt. of Post Offices,

Hardoi, do hereby solemnly affirm and state as under :-

1. That the deponent is competent to file this ~~application~~
written statement on behalf of all the Respondents.
2. That the deponent has read the writ petition which was
filed by Shri Ishtiaq Ali in the Lucknow Bench of Hon'ble
High Court, Allahabad and ^{which} has now been transferred to this
Tribunal for disposal.
3. That the deponent has read the writ petition and has under-
stood the contents thereof.
4. That in the said writ petition, the petitioner had prayed for
issuing an order, writ or direction in the nature of certiorari
quashing the order of suspension of the petitioner dated
10.3.1985 contained in Annexure - 5 of the writ petition.

27/9

5. That the order of suspension dated 18.3.1985 has since been revoked with effect from 9.9.1986. A copy of the order is being filed as Annexure No. R-1.

6. That in view of the above submissions, the writ petition seems to ~~be~~ have become infructuous.

Lucknow ;

Dated : 16-3-90

Deponent.

Verification

I, BHOOMI SINGH BHASSA aged about 5 years, son of
Shri Gokul Singh Supdt. of Post offices, Hardoi,
do hereby verify that the contents of para 1 to 3 are true to my personal
knowledge and those of para 4 and 5 are based on records and those of
para 6 are believed to be true on legal advice. I have not suppressed
any material fact.

Deponent.

150

Department of posts

o/o The Supdt of post offices Hardoi Dn Hardoi ..

Memo No. F-9/84-85
Dated at Hardoi the 9.9.86

ORDER

Whereas an order placing Shri IshtiaqAli A.P.M Hardoi HO under suspension was made vide this office memo even no dated 18.3.85.

Now therefore the undersigned in exercise of the powers conferred by clause (C) of sub rule 5 of rule 10 of the central civil services (CCS) rules 1965 revoke the said order of suspension with immediate effect.

Supdt of postoffices
Hardoi Dn Hardoi

Copy to ..

- 1- Shri Ishtiaq Ali APM Hardoi HO (U/S)
- 2-The P.M Hardoi for necessary action.
- 3- ASPOS (HQ) DO Hardoi.
- 4- PUnishment register DO Hardoi.
- 5&6 o/c and spare ..

to C.C.S.
संचार विभाग
पोस्ट ऑफिस हार्डोइ
रिया/पिन 241 001

बदालत धीमान् Central Adminstrative Tribunal
 (वादी) अपीलान्ट महोदय
 Circuit Bench, Lucknow

प्रतिवादी रेस्पाडेन्ट

धी

का वकालतनामा

ठिकट

वादी (अपीलान्ट)

Object No: बनाम उन्नीगुड़ी प्रतिवादी रेस्पाडेन्ट

नंके मुकदमा 122/87 सन 1987 पेशी की ता० ११ ई०
 (मा. नं. 1359/85)

ऊपर लिखे मुकदमा में अपनी ओर से

वकील

Dinesh (Laldu)
 Add: Cm. Syml, Standing Counsel
 Lucknow

महोदय

एडवोकेट

को अपना वकील नियुक्ति करके प्रतिज्ञा इकारार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरो जारी करावे और रूपया वसूल करें या सुलहनामा व इकाल दाखातथा अपोन निपारानो हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रूपया जमा करें या हमारो विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
 (O.)
 Dinesh

हस्ताक्षर
 अधीक्षक डाक विभाग ईरवाइ प्रस्ताव
 Supdt. of Post Offices Hardoi Dist
 Pin/Pin 241 001

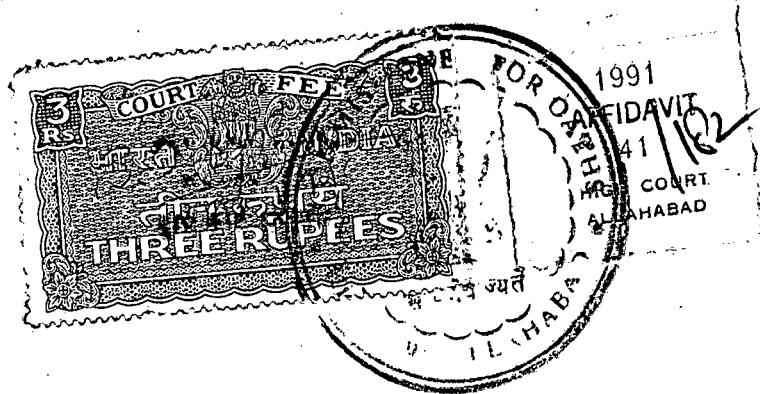
साक्षी (गवाह)

साक्षी (गवाह)

Before the Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow.

In re:

Petition No. T.A. No. 1728 of 1987



F.F.-A.4.91.

Ishtiaq Ali -Petitioner

vs.

Union of India & others . - Respondents.

Supplementary Affidavit

I, Ishtiaq Ali, aged about 62 years, son of Sri Imam Uddin, Resident of village Kudauri, Post Sandila, District Hardoi, do hereby solemnly affirm and state on oath as under :-

*Filed today
SUS
18/4/91*

- That the deponent is the petitioner in the above case and is fully conversant with the facts deposed to hereunder.
- That the suspension order against the deponent/petitioner was revoked by opposite party no. 3 vide Memo No. B/Arrgt/86-87 dated 9.9.86 and he was posted as A.P.M. Hardoi.



Ishtiaq Ali

3. That on attainment of age of superannuation petitioner was allowed to retire from service on 30.9.86 vide Memo No.B/ LSG/ Istiyake Ali dated 9.9.86. A photo stat copy of the same is annexed herewith as Annexure No.A-1 to this affidavit.

4. That subsequently disciplinary proceedings against the petitioner were dropped vide Memo No.F -9/84-85 dated 30.10.87 which were initiated against him vide letter dated 16/18.7.85 and in which Enquiry Officer submitted his report on 30.12.86 . A photo stat copy of the letter dated 30.10.87 is annexed herewith as Annexure No.S-2 to this supplementary affidavit.

5. That the suspension of the petitioner was revoked and the period of the suspension was ordered to be treated on duty for all purposes. A photo stat copy of letter dated 7.9.88 Memo No.F/9/84-85 through which suspension of the petitioner was revoked is annexed herewith as Annexure No.S-3 to the supplementary affidavit.

6. That once the petitioner's suspension order was revoked for all practical purposes, hence he should be treated as promoted earlier

.3.

than Sri S.D.Shukla, who was junior to the petitioner but promoted vide letter dated 15.7.86 when petitioner was under suspension.

Sudhir Pandey

Lucknow:dated
✓ 25.3., 1991.

Deponent.

I, the abovenamed deponent, do hereby verify that the contents of paras 1 to 6 of this affidavit are true to my own knowledge, that no part of it is false and nothing material has been concealed in it. So help me God.

Lucknow:dated
✓ 25.3., 1991

Sudhir Pandey

Deponent.

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

Sudhir Pandey
Advocate.

25.3.81
Sudhir Pandey

Identified by Sudhir Pandey

who is identified by Sudhir Pandey

Advocate, F.I.C. Court, Allahabad

I have verified by examining

the deponent on whom I understand

the contents of this affidavit which

have been read out or explained

to him.

G. Khanam

A.N KHANAM

OATH COMMISSIONER

HIGH COURT, ALLAHABAD

Lucknow Bench Lucknow

No.

Date.....

11/10/2

25.3.81

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS

O/O The Supdt. of Post Offices Hardoi Dist. Hardoi.

Memo. No. F-9/84-85

Dated at Hardoi, the 9.9.86.

ORDER

Whereas an order placing Shri Istiyaque Ali A.P.M. Hardoi HO under suspension was made vide this office memo of even No. dated 18.3.85.

Now, therefore, the undersigned in exercise of the powers conferred by clause (c) of sub rule 5 of rule 10 of the Central Civil Services (Classification Control and Appeal) Rules, 1965, revokes the said order of suspension with immediate effect.

Supdt. of Post Offices
Hardoi Dist. Hardoi-241001

Copy to:-

- 1-Shri Istiyaque Ali ADM Hardoi HO (U/S).
- 2-The P.M. Hardoi for necessary action.
- 3-ASPOS (HQ) D.O. Hardoi.
- 4-Punishment register D.O. Hardoi.
- 5 & 6-O/C and spare.



Government of India
Department of Posts

O/O The Supdt. of Post Offices Hardei Dn. Hardei.

Memo No. F-9/84-85

Dated at Hardei, the 30.10.1987

It was proposed to take disciplinary action under rule.14 of CCS(CCA) Rules, 1965 against Shri Ishtiaque Ali retired APM Hardei HO vide this office memo of even number dated 16/18.7.85 (Copy of which is enclosed). Memo of charges cited above was delivered to the SPS on 20.7.85. All the charges levelled against SPS were denied by Shri Ishtiaque Ali APM Hardei HO vide his application dated 24.7.85. Shri P.D.Srivastava ASPOs (PM) C.O.Lucknow and Shri BR Bajpai the then O.S.D.O.Hardei were appointed as EO and PO respectively to enquire into the charges vide this office memo of even number dated 30.7.85. Shri HP Singh the then C.I. D.O. Hardei was appointed as PO in place of Shri BR Bajpai PO vide this office memo of even number dated 25.2.86. After completion of enquiries Shri PD Srivastava EO, submitted his enquiry report dated 30.12.86, received in this office on 5.1.87.

Since the SPS had retired on A/N of 30.9.86 and as per rule.9 of CCS(pension) rules 1972 the case was submitted to the President of India through the DPS Lucknow Region Lucknow vide this office letter of even number dated 16/27.2.87. The case was examined by DPS Lucknow and found that it was not fit for submission to the Directorate.

The undersigned has no powers to decide case of disciplinary proceedings of retired official except dropping it.

Therefore, I. SIC.Saxena, SPOs Hardei Dn., hereby order to drop the disciplinary proceedings against Shri Ishtiaque Ali retired APM Hardei HO initiated vide this office letter of even number dated 16/18.7.85.

Copy to:-

(S.O.Saxena)
Supdt. of Post Offices
Hardei Dn. Hardei-241001

1-Shri Ishtiaque Ali retired APM Hardei HO.
2-The Postmaster Hardei HO for necessary action.
3-The DA(P) Lucknow.
4-The PMG UP Circle Lucknow w/r to his file No. Inv/M-3/21/85 /8 for information and necessary action .
5-The DPS Lucknow Region Lucknow w/r to his L No.RDL/Vig/M-2/4/87/13 dated 13.10.1987.
6&7. ASPOs (HQ) D.O. Hardei for punishment Register and other for pension file of retiree.
8-C.R.File of the retiree..
9-Memo of services of the retiree.
10-Vigilance statement.
11-C/I.
12-.....

GOVT. OF INDIA
DEPARTMENT OF POSTS
OFFICE OF THE Supt. OF POSTOFFICES, HARDOI DN. HARDOI.

Memo No. F. 9/34-85

dt. at Hardoi the 7-9-88

Whereas Shri Ishtique Ali, retired APM Hardoi H.O. was placed under suspension vide this office memo of even no. dated 18.3.85 and orders of suspension of the aforesaid Shri Ishtique Ali were revoked vide this office memo of even number dated 9.9.86. Disciplinary proceedings under Rule.14 of CCS(CCA) Rules, 1965 were stated vide this office memo of even number dated 16/18.7.85 and finalised vide this office memo of even number dated 30.10.87 with the order to dropping the disciplinary proceedings against Shri Ishtique Ali retired APM Hardoi HO initiated vide this office memo of even number dated 16/18.7.85.

The undersigned is therefore of the opinion that the suspension of the official was not justified because disciplinary proceedings under Rule.14 of CCS(CCA) rules, 1965 converted into rule.9 of CCS(Pension) Rules, 1972 have been dropped.

ORDER

I, S.C. Saxena, SPOs Hardoi Dn. hereby order that the period of suspension of the said Shri Ishtique Ali be treated as duty for all purposes.

Ishtique Ali
Supt. Of Postoffices,
Dn. Hardoi.

Copy to:-

1. Shri Ishtique Ali, retired APM Hardoi HO for information.
2. The P.M. Hardoi for information and necessary action.
3. D.A. (P) Lucknow for information.
4. The PMG UP Circle Lucknow for information and n/a w/o to his file no. Inv/M-3/21/85/6.
5. The D.P.S. Lucknow Region Lucknow for n/a.
6. CR file and memo of services of the official.
7. ASPD (H.Q.) D.O. Hardoi for pension case of the official.
8. The Director Vigilance O/S PMG UP Circle Lucknow.
9. O/C & Spare.

Ishtique Ali

