

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE..... T A 1738/82 OF

W.D. 1225/85

NAME OF THE PARTIES .. D. D. Ram.....Applicant

Versus

U.O.I. & Ors

Respondent

Part A.

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CERTIFICATE

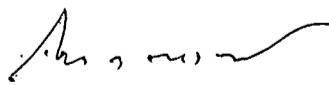
Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

PC Check

Dated 25-8-11

Counter Signed.....

Log on
26/8/2011


Signature of the
Dealing Assistant

Section Officer/In charge

A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./R.A./C.P. / No. 1738-1987

P A R T - I

D D Rgm
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D.Y. Registrat

Supervising Officer

(Rmber 21)

U.M.S.M.
Dealing Clerk
28/1/95

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

Dealing Clerk

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

LUCKNOW

C.A.T.A. No. 1738 of 1987

Name of Parties D.D. Ram Applicant
Union Of India U.O.I. Respondents
Versus

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Part C

CERTIFICATE

Certified that no further action is required to be taken and the case f. it for consignment to the record room (Decided)

Countersigned:-

Signature of the dealing
Assistant.

Dated- Section Officer/ Court Officer

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

2

X/13

Nature and number of case..... W.P. 1725-85

Name of parties..... D.D. Ram (12) v. Union of India

Date of institution..... 16.4.85 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
	1.	W.P. with Answer and affidavit	16		10/- 00			
	2.	Answer	1-		5/- 00			
	3.	Complaint (A) of 85 justify	1-		5/- 00			
	4.	order book	1-		-			
	5.	Book copy	1-		-			

I have this

day of

198

examined

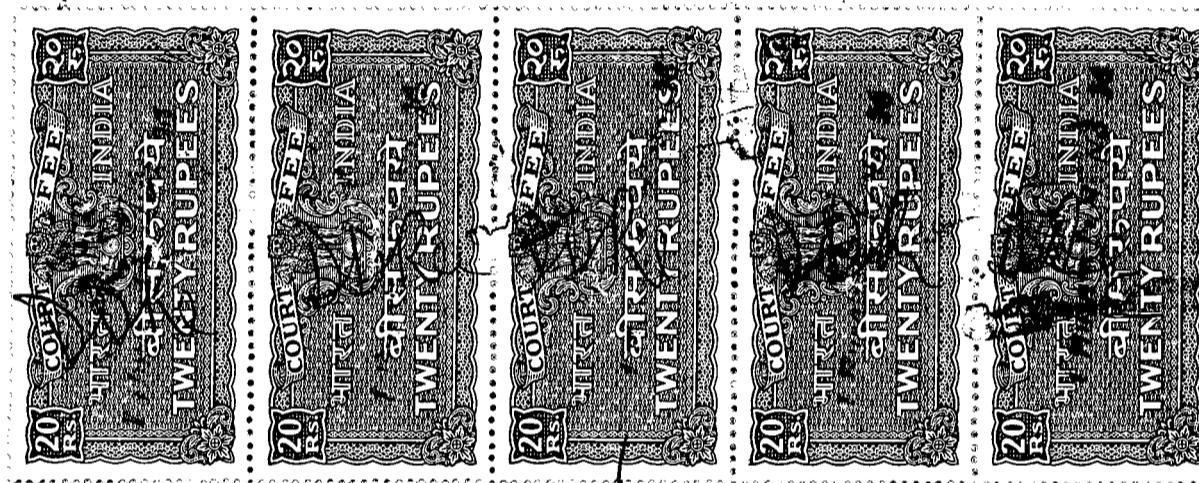
the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record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

Date.....

Munsarim
Clerk

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

C.M. Writ Petition No. 1725 of 1985
Under Article 226 of the Constitution of India.



15/2/100
16/1/85
D.D. Ram (I),
aged about 57 years,
S/o Shri Mathura Ram,
R/o 164/117, Haider Mirza Road,
P.O. Aminabad, Lucknow

..... Petitioner.

Vs.

1. Union of India
Through the Secretary
Post & Telecommunication,
New Delhi.
2. General Manager,
Telecommunication,
U.P. Circle, Lucknow.
3. Director General,
Post & Telegraphs, New Delhi.
4. Ram Nihore,
Sr. Supervisor (Telephones), Varanasi
Through the Divisional Engineer,
Telegraphs, Varanasi. Respondents.

D.D. Ram I2....



ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W-P No. 1725 of 198 85.

-VS.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
16485	seen D.N.Jha, ⁷	
	seen K.N.G., ⁷	
	—	
	Learned Counsel	
	is directed — — —	
	and thereafter	
	Sd/- D.N.Jha	
	Sd/- K.N.G.	
	16485	
	C.M. Am. No. 4449 Ad 85-	
16485	seen D.N.Jha, ⁷	
	seen K.N.G., ⁷	
	—	
	Put up with a.P.	
	Sd/- D.N.Jha	
	Sd/- K.N.G.	
	16485	
29-4-85	C.M. Am. 4993 (W)-85	
	Hon D.N.Jha, I	
	Hon. K.N.Goyal, I	
	dist with record	
	Sd/- D.N.Jha	
	Sd/- K.N.Goyal	
	29-4-85	

(A/b) %

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

Petition
The humble application of the Petitioner most
humbly sheweth as under :-

1. That the Petitioner was appointed as Operator by the then appointing authority(Phones) and was posted in Varanasi District, where, he joined as Operator on 24.11.1950.
2. That on the post of Operator the seniority of the Petitioner was placed at Sl.No. 494.
3. That the Respondent No. 4 was also appointed as Operator in the year 1954 and ~~xxxxx~~ he joined as such and his place in the seniority list of Operators was assigned by the Department in the Seniority List of Operators at Sl. No. 572.
4. That the Respondent No.4 is most junior to the Petitioner having below name of 78 places below.
5. That, however, the Respondents no. 1 to 3 have given undue favour to the Respondent No.4 and promoted him as Supervisor first without considering the name of the Petitioner for promotion on the post of Supervisor in higher rank against the Scheduled Caste quota and this promotion was given to the Respondent No.4 near about 1967-68.



AA Renu I3....

17301074

1

Brief Order, Mentioning Reference
if necessary

No. Sitt

Ad to 23290

This case has been received on transfer.
Notice were issued to the counsels by the Office
at Allahabad....
Let notice be issued against the parties as
directed by Hon'ble Mr. D. Agarwal, J.M.

How complied with and
date of compliance

Case is not
admitted

L
15/11

or
notice issued
15/11/90

OR

Case has been
referred to C.B.
B.M.A. on 20
Nov 90
C
admitted
C
not f

Notice
issued on 10-1-90
Notice of application
has been returned
back with postal
remark "return to
Court - 4th flr std
C.M.H"

S. P. N. M. A. M.

11/11

gssnet
on
11/11/90
C.M.H

re issue
on 17-4-90
received
by C.M.H
on 11/11/90
C.M.H

Dinesh

18

Ad

2

8

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

8.2.1990

Hon'ble Justice K. Nath, V.C.
Hon'ble Mr. K. Obayya, A.M.

Shri M.P. Sharma for the applicant is
present and heard.

Admit.

Issue notice to respondents to file
counter within four weeks to which the
applicant may file rejoinder within two weeks
thereafter. List for further orders on
16.4.1990.

A.M.

V.C.

rrm/

16.4.1990

Hon. D.K. Agrawal, JM
Hon. P. S. Habib Mohammad, AM

None appears for the Applicant or
the Respondents. Let notice be served to Sri
D.S. Randhava, Senior Standing Counsel to
Union of India who may file Reply within
6 weeks. Rejoinder, if any, may be filed
within 3 weeks thereafter. List for the
hearing on 12.11.1990.

16.4.90

rrm/

Hon. Justice K. Nath, V.C.
Hon. Mr. M.V. Prakash, A.M.

None is present for the parties, Ady
6.10.12.90 by

AM

V.C.

Dinesh

8.12.90 No sitting adj. to 14.2.91.

11.11.90

291 - No sitting adj. to 30.4.91.

10

1

OR

Notice was
issued on 17.4.90
No appearance
rejoinder has
been received
S. S-H.

Central Administrative Tribunal
Lucknow Bench, Lucknow.

ORDER SHEET

C.A.T.A. No. 1730/87(T)

Office Report

Order

24-2-93

D.R.

Received
by at 5.45 P.M.
26/2/93

This file has been traced
and dated during physical
verification.

Central Administrative Tribunal
Lucknow Bench, Lucknow.

by V.P.C.

OB
Notice issued
on 26/2/93

11/3/93

Both the parties are absent.

Case has not been filed till
to-day. Respondent are directed
to file it by 3/5/93.

03/8/93

D.R. Both the parties are not
present. Counter has not
filed till to-day. The same
be filed on the date fixed. A
this case before me on 24/6

Arif Ali
Shahid

Rehman

MANISH/-

12

07

C.O.R.
C.A. not filed
S.R.
P.R.

not

list the

on 04/10/93

on

✓

7

4/10/93

D.R.

both the parties are absent.

C.A. has not been filed.

Respondent's are directed to file it on 15/10/93 before me.

✓

8

15/10/93

D.R.

Both the parties are not present. No C.A. file so respondent's are directed to file the C.A. on 2/12/93 before me.

✓

9

02/12/93

D.R.

Both the parties are not present. Counter has not been filed yet again. List this case before D.R. for filing C.A. on 05/12/94.

✓

on

not filed
S.R.
P.R.

T.A. No. 1738 / 87 T.L.

14

② 7/7/94
D.R.

Both the parties are absent.
No. C.A. filed. Respondents
are directed to file it by
21/9/94 before me.

OP
C.A. not filed.
19/9

✓

Opint

D.R.

⑩ 21-9-94
D.R.

None for the parties.

list on 4/10/94 for
filing C.A. before me
as a last opportunity.

OP
C.A. not filed.
19/9

⑪ 4/10/94
D.R.

~~Parties are present.
list on 23/11/94 for
filing C.A.~~

D.R.

(15)

(11)

3/11/94

P.R.

Parties are present.

No. C.A. filed. Sufficient time has already been granted for filing C.A.

Place before the Hon'ble Bench on 23/12/94 for orders under Rule 12 of the Practice Rule.

R
P.R.OR

(12)

23/12/94 - No setting of DB only to 3/2/95

Submitted today

2/12

(13)

3/2/95

2
P.C.Hon. Mr. V.K. Seth, A.M.
Hon. Mr. D.C. Verma, J.M.

This T.A. has been received after transfer. The record of the case shows that on 4/10/84 parties were present & on numerous other dates the parties were not present. None has Duke in appearance on behalf of the applicant today. The summonses issued to applicant by registered A.P. Post. K.M. A. Chowdhary has already received notice on behalf of the respondents. List on 28/3/85.

OR

Notice returned unsworn.

S.P.O.

27/3.

J.M.

A.M.

(A13)

T.A. No. 1738/ 87(L)

(11)

(5) 19.5.95

Hon'ble Mr. V.K. Seth, A.M.

Hon'ble Mr. D.C. Verma, J.M.

Applicant- none.

Respondents:- Km. Meena Pandey, B.H. for
Sri D.S. Randhawa, learned counsel.

One orders of the Tribunal fresh notice was issued to the applicant by registered post on the address given in the T.A., ~~but~~ ^{but} the same has been received back without service with a remark that no such person is available on the address ~~not~~ indicated.

Record also shows that on past several dates no one has put appearance on behalf of the applicant.

The T.A. is, therefore, dismissed in default of the applicant and non-prosecution.

K.N.

J.M.

A.M.

OR
Copies of order
prepared & sent
to parties
OR 16/95

2768
A/14
A/14

A. 15 (b)

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

C.M. Writ Petition No. 1725 of 1985
Under Article 226 of the Constitution of India.

D.D. Ram (I) Vs. Union of India & Others.

I N D E X

Sl. No.	Particulars	Page No.
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2.	Annexure No. 1 (True copy of the Order dated 26.3.1985)	12
3.	Annexure No. 2 (True copy of the Petitioner's representation)	13
4.	Affidavit	14-15
5.	Vakalatnama	16

(Sudesh Chhabra)
Advocate
Counsel for the Petitioner.

(M. P. Shah)
Advocate
Counsel for the Petitioner.

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X5
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6. That the Petitioner as well as the Respondent No.4 are Scheduled Caste and are entitled to be considered for the purpose of promotion and separate seniority for Scheduled Caste in accordance with the Departmental instructions and the Central Government orders.

7. That the Respondents No.1 to 3 as well as the then Post Master General, U.P. Circle without disclosing the facts that the ~~any~~ Respondent No.4 was earlier promoted to the post of Supervisor they have issued formal order in piece-meal ^{in favour of} without circulating it and, therefore, there was no chance for the Petitioner to gather the information that the Respondent No.4 was earlier promoted.

8. That anyhow in the year 1970-71 the Petitioner filed a representation on a general term that he has obtained information that some junior persons have been wrongly promoted as Supervisors but the Petitioner was not considered for that promotion. Consequent upon the Petitioner's representation the Respondents and the then Post Master General, U.P. Circle considered the representation and allowed promotion to the Petitioner as Supervisor in the year 1971 and accordingly he resumed his duties as Supervisor in January, 1971.



RanuI4....

A18 15/10

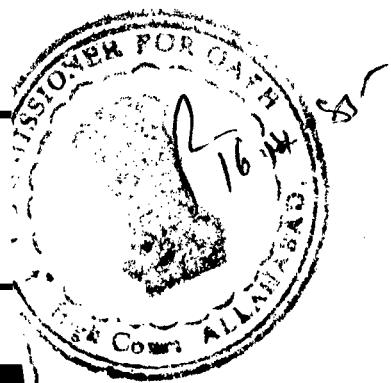
9. That in the year 1979 some vacancy ^{had} fallen vacant against the Scheduled Caste quota for the post of Sr. Supervisor in higher Scale of pay Rs. 550 - 750.

10. That at this time when the clear substantive vacancy was fallen vacant against Scheduled Caste quota the Respondent No.3 further discriminated by promoting Respondent No.4 on the post of Sr. Supervisor with effect from July, 1980 in the scale of pay of Rs.550 - 750 but when this fact has come to the notice of the Petitioner he made promptly a representation that the Petitioner was senior and the promotion on the post of Sr. Supervisor given to the Respondent No.4 was illegal and discriminatory.

11. That the Respondent No.3 received the representation of the Petitioner and decided it in favour of the Petitioner and accordingly the Petitioner was also promoted as Sr. Supervisor on which post the Petitioner joined on 26.5.1981 in scale of pay Rs. 550 - 750 and since then he is continuing/working as such.

12. That on 5.3.1980 the Petitioner was allowed to cross his Efficiency Bar in scale of pay Rs. 425 - 640 at the stage of Rs. 560/- which was prescribed for the post of Supervisor.

13. That since 1950 to this day of filing this Writ Petition the work and conduct of the Petitioner was good and his integrity was also certified throughout and not a single adverse entry has been communicated, ^{and his} annual increments were also allowed on due course



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on due dates.

14. That, however, the Respondent No.4 was again being given promotion by the Respondent No.3 as Telephone Traffic Superintendent in scale of pay Rs. 600 - 1200 vide order dated 26.3.1985. A true copy of the Order dated 26.3.1985 is enclosed herewith as Annexure No.1 to this Writ Petition.

15. That the Order dated 26.3.1985 by which the Respondent No.4 is being promoted is illegal, void, discriminatory and is also very very arbitrary because the Petitioner being senior to the Respondent No.4 is entitled to be promoted and posted on the post of Telephone Traffic Superintendent but his case has not been considered by the Respondents no.1 to 3 and without considering the merits and seniority of the Petitioner the Respondent No.4 is being promoted in higher scale. Thus, the order dated 26.3.1985 is in violation of Article 14 and 16 of the Constitution of India.

16. That now it is well settled that if a junior person or persons has been or have been promoted without any fault of the Petitioner but due to whimsical and arbitrary action of the Respondents ¹⁵³ in that event too the senior like the Petitioner will maintain his seniority over the junior like the Respondent No.4 of higher post also as his seniority is to be determined from the lower post's seniority.

17. That the order dated 26.3.1985 passed by the Respondent No.3 is arbitrary, against the principles of natural justice and also capricious in nature because no reasonable or rational or fair consideration



or criteria has been adopted by the Respondent No.3 while giving promotion to the Respondent No.4 to higher post vide Annexure No.1, therefore the order is totally arbitrary and in violation of Article 14 and 16 of the Constitution of India.

18. That the normal rule of promotion is seniority subject to unfit or seniority-cum-merit and for these categories the Petitioner being senior having merit and good record of service ~~xx~~ has preferential right to be considered and promoted on the post of Telephone Traffic Superintendent in Lucknow otherwise the promotional avenues of the Petitioner shall be marred for indefinite period in future as this post is newly created.

19. That the Respondents have not made any list of eligible candidates including the name of the Petitioner for consideration of promotion on the post of Telephone Traffic Superintendent and ~~will~~ doing so the Respondent No.3 illegally promoted the Respondent No.4 vide order dated 26.3.1 on illegal consideration based on extraneous without any legal face and base.

20. That the promotion order is totally law and principles of natural justice entails civil consequences as being just. Petitioner the Respondent No.4 is being allowed to be promoted on higher Telephone Traffic Superintendent and promotion order ~~has~~ caused hardship future promotional avenues to the prohibited in law.



A21 18/10

21. That aggrieved of the promotion order dated 26.3.1985 the petitioner filed a representation to the Respondent No.4 through proper channel on 28.3.1985 and also sent telegram with the request that the order of promotion may not be given effect to till the case of the Petitioner is finalised but no heed is being paid. A true copy of the Representation is enclosed herewith as Annexure No.2 to this Writ Petition.

22. That the Respondents No.1 to 3 are bound in law to consider the candidature of the Petitioner for the post of Telephone Traffic Superintendent and also to promote the Petitioner on the basis of his seniority considering the same at Sl.No. 494 as stated above.

23. That the Respondent No.4 has not yet joined on his post as per order dated 26.3.1985 and, therefore, the order dated 26.3.1985 has not been given effect to as yet. The Respondent 4 is likely to join on any day.

24. That if the order dated 26.3.1985 shall be allowed to continue, the same shall cause pre-judicement in the matter of employment of the Petitioner and his promotional avenues will be marred for so many years as there is no promotional avenues left for the petitioner.

25. That the balance of convenience is in favour of the Petitioner.

26. That the Petitioner has never been superseded on the ground of his unsuitability or inefficiency and, therefore, his seniority cannot be forefeited.

APPENDIX



on any account.

That there is no alternative remedy except to file this Petition on the following amongst other

G R O U N D S

1. Because the order dated 26.3.1985 by which the Respondent No.4 is being promoted is illegal, void, discriminatory and is also very very arbitrary because the Petitioner being senior to the Respondent No.4 is entitled to be promoted and posted on the post of Telephone Traffic Superintendent but his case has not been considered by the Respondents no.1 to 3 and without considering the merits and seniority of the Petitioner the Respondent No.4 is being promoted in higher scale. Thus, the order dated 26.3.1985 is in violation of Article 14 and 16 of the Constitution of India.

2. Because now it is well settled that if a junior person or persons has been or have been promoted without any fault of the Petitioner but due to whimsical and arbitrary action of the Respondents in that event too the senior like the Petitioner will maintain his seniority over the junior like the Respondent No.4 of higher post also as his seniority is to be determined from the lower post seniority.

3. Because the order dated 26.3.1985 passed by the Respondent No.3 is arbitrary, against the principles

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of natural justice and also capricious in nature because no reasonable or rational or fair consideration or criteria has been adopted by the Respondent No.3 while giving promotion to the Respondent No.4 to higher post vide Annexure No.1, therefore, the order is totally arbitrary and in ~~xxxx~~ violation of Article 14 and 16 of the Constitution of India.

4. Because the normal rule of promotion is seniority subject to unfit or seniority-cum-merit and for these categories the Petitioner being senior having merit and good record of service has preferential right to be considered and promoted on the post of Telephone Traffic Superintendent in Lucknow otherwise the promotional avenues of the Petitioner shall be marred for indefinite period in future as this post is newly created.

5. Because the ~~Opposite~~ Respondents have not made any list of eligible candidates including the name of the Petitioner for consideration of promotion on the post of Telephone Traffic Superintendent and without doing so the Respondent No.3 illegally promoted the Respondent No.4 vide order dated 26.3.1985 on illegal consideration based on extraneous matter without any legal ~~face or base~~.

6. Because the promotion order is totally contrary to law and principles of natural justice and also entails civil consequences as being junior to the Petitioner the Respondent No.4 is being favoured and allowed to be promoted on higher post of Telephone Traffic Superintendent and thus this

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promotion order is causing hardship and blocking future promotional avenues to the Petitioner which which is prohibited in law.

7. Because the Respondents No.1 to 3 are bound in law to consider the candidature of the Petitioner for the post of Telephone Traffic Superintendent and also to promote the Petitioner on the basis of his seniority considering the same at Sl.No.494 as stated above.

8. Because if the order dated 26.3.1985 shall be allowed to continue the same shall cause prejudiceness in the matter of employment of the Petitioner and his promotional avenues will be marred for so many years as there is no promotional avenues left for the Petitioner.

9. ~~Thatxxxx~~ Because the Petitioner has never been superseded on the ground of his unsuitability or inefficiency and, therefore, his seniority cannot be forefeited on any account.

P R A Y E R

Wherefore, it is most respectfully prayed that this Hon'ble Court be pleased to :-

1. issue a Writ Order or direction in the nature of CPrtiorari quashing the impugned order dated 26.3.1985 contained in Annexure No.1 to this Writ Petition.

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2. issue a Writ or Order or direction in the nature of mandamus commanding and restraining thereby the Respondents¹⁶³ from giving effect to the order dated 26.3.1985 contained in Annexure No.1 till pending decision of this Writ Petition and by holding that the Petitioner has preferential right to be promoted being senior one on the post of Telephone Traffic Superintendent.

3. Any other Writ, Order or direction which this Hon'ble Court may deem fit in the matter.

4. Cost among other reliefs may also kindly be allowed.

(Sudesh Chhabra)
Advocate

Counsel for the Petitioner. Counsel for the Petitioner.

(M.P. Sharma)
Advocate

of 16.3.85

Certified that there is no defect in this Petition.

Adv Ram D

Adv

In the name of Court & Judicature at Allahabad
Upper Bench
D.D. Ram is senior & Judge. ~~12~~ ~~13~~ ~~14~~

DEPARTMENT OF TELECOMMUNICATION
OFFICE OF THE GENERAL MANAGER TELECOM, UP.CIRCLE,LW.

Memo No. Staff/M-3-2-84/GCS/1, Dated at Lw. the 26.3.85. ~~12~~ ~~13~~ ~~14~~

Sub: Promotions & postings on purely local temporary & adhoc basis, in GCS Group 'B' (Engg. Wing)

GMT U.P. Circle, Lucknow is hereby pleased to order the following postings by promotions on purely local & temporary basis in GCS Group 'B' with immediate effect.

This adhoc promotion on local basis will not bestow on the officials a claim for regular appointment in GCS Group 'B' and that ad-hoc service rendered by them would not count for the purpose of seniority, eligibility for promotion and confirmation etc. in GCS Group 'B'.

The officials concerned should therefore be accordingly relieved to their new assignment to hold the respective charges subject to clearance from Vigilance/ Disciplinary cases etc., against them.

Relinquishing/ Assumption charge reports should be furnished promptly to all concerned.

Sl. no	Name	Present Posting	Posting on promotion	Remarks
1.	Shri S.U. Singh	Sr. Section supervisor (DET Varanasi)	Personnel Officer. in CO. LW.	-
2.	" Ram Nihore	Sr. Supervisor Telephone (Varanasi TD)	Telepone Traffic Supdt. in CO. LW.	-
3.	" G.S. Shukla	Technical Supervisor (Lucknow - TD)	Auto Exchange Supdt. (under DMT. Lw)	-

(S.N. Mukherjee),
Asstt. General Manager (Staff),
110/O G.M.T. U.P. Circle, Lucknow

,,*,*,*

Copy forwarded for information & necessary action to :-

1) D.G. P&T, New Delhi. (STG. II)

2) All Directors Telecom./ All DMT's in U.P. Circle,

3) CAO (TA) Bhopal House, Lucknow.

4) Official concerned (through their controlling Heads).
5) Sr. PAS to GM/ GM (A)/ PAS to DGM (A)/ (P)/ All AGMS in C.O. Lucknow.

6) ADT (P)/ ADT (COML) C.O., Lucknow.

7) AO (Cash), C.O., Lucknow.

8) DET VARANASI.

9) DC 2 & 5 (with 2 spare copies).

10) ADT (Estt.) C.O., Lucknow for taking immediate action to give effect the prescribed cut in the basic cadre posts in lieu of one Group 'B' post, in accordance with P&T Bte. letter no. 15-12/81.TE.II, dated 18-3-81.



AdRan I

D.F. 13

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

C.M. Writ Petition No. of 1985
Under Article 226 of the Constitution of India.

D.D.Ram (I) vs. Union of India & others
ANNEXURE NO. 11

To,

The General Manager,
Telecom U.P.
Lucknow.

Through : Proper Channel

Sub : Representation against the promotion of
junior over a senior to the newly
created post of Traffic Superintendant.

Ref : Telegram of the applicant dated 28.3.1985

Sir,

I have come to know through reliable sources that
Sri Ram Nihore, Senior Supervisor Varanasi is being promoted
to the above post, while the applicant stands much senior
to him as he (applicant) was appointed on 24.11.50 and the
so called promotee was appointed on 1.2.54.

That against the reserve quota of 1979, Sri Ram
Nihore somehow managed his promotion prior to the applicant.
This was effectively represented by the applicant and the
applicant too was promoted against the same quota. The appeal
of the applicant is still pending in your office for decision.

This time too Sri Ram Nihore is being promoted,
ignoring all norms of the applicants' seniority and claims,
hence rose the necessity of this representation.

PRAYER

It is therefore, prayed that his promotion order may
please be held in abeyance, till applicants' appeal is decided
and his seniority is fixed and decided judiciously.

Yours faithfully,


D.D.Ram I
Senior Supervisor Trunks
Lucknow

cc forwarded directo the G.M.T. Lucknow for favour of
information and necessary action.

D.D.Ram I

13

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

C.M. Writ Petition No. of 1985.
Under Article 226 of the Constitution of India.

D.D. Ram (I) Petitioner.

Vs.

Union of India & Others Opposite Parties.

AFFIDAVIT

I, D.D. Ram (I), aged about 57 years, son of Shri Mathura Ram, R/o 164/117, Haider Mirza Road, P.O. Aminabad, Lucknow, do hereby state on oath as under :-

1. That the deponent is petitioner and is well acquainted with the facts of the case.
2. That the deponent verifies the contents of Para 15, 17, 23, 24, 25, 26 to 2 of this Petition as true to his own knowledge and those of paras 18, 19, 21 to 2 are believed by him to be true on the basis of records and those of paras 16, 20, 22, 27 to 2 are believed to be correct on the basis of legal advice tendered.
3. That the contents of Annexure Nos. 1 and 2 are true copies of the originals which is being certified.

D.D. Ram (I)

Dated : 16.4.85

DEPONENT

Verification

I, the abovenamed deponent do hereby verify that the contents of Para 1 to 3 of this Affidavit are correct to the best of my knowledge. No material part has been concealed. So help me God.

Signed and verified at this 16th day of April, 1985 at Lucknow.

D.D. Ram (I)

DEPONENT

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I know the deponent who has signed in
my presence.


(M.P. SHARMA)
Advocate

7, Annexe, Near G.P.O.
LUCKNOW.

16.4.85
Solemnly affixed before me on
... 9:00 ... AM/PM by the deponent Shri D.D. Roy
... who is identified by Shri M.P. Sharma,
Advocate, High Court, Lucknow Bench Lucknow and I have
satisfied myself by examining the deponent and he
understood all the contents of affidavit which has been
read and explained by me.



OATH COMMISSIONER.



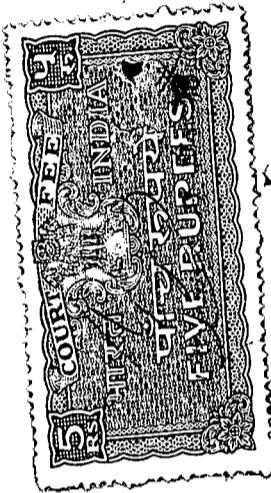
Re: OATH COMMISSIONER
High Court, (Lucknow Bench)
Dated 16.4.85
No. 3

C. M. Misc. Application No. 4449 (W)-87
(83)

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

C.M. Writ Petition No. 1725 of 1985.

Under Article 226 of the Constitution of India.



D.D. Ram (I)

Vs.

Union of India & Others.

STAY APPLICATION

For the facts and reasons stated in the
accompanied Writ Petition duly supported by Affidavit
this Hon'ble Court be pleased to stay operation of
the order dated 26.3.1985 contained in Annexure No.1
till pending decision of this Writ Petition with a
suitable direction to the Department to consider the
case of the Petitioner for appointment and promotion
of the Petitioner as Telephone Traffic Superintendent
till pending decision of this Writ Petition.

(Sudesh Chhabra)
Advocate
Counsel for the Petitioner.

(M.P. Sharma)
Advocate
Counsel for the Petitioner.

At 16.4.05-

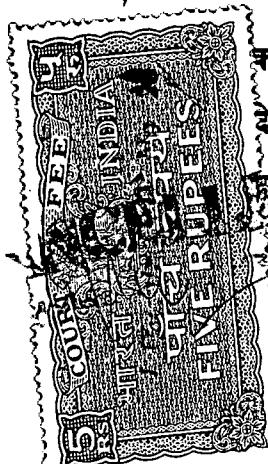
अदालत श्रीमान् ३२२ न्यायालय रोड पौरुषेश्वर महोदय
 [वादी] अपीलान्ट श्री ईरोड ईरोड का वकालतनामा २१
 प्रतिवादी [रेस्पाइंट]

ईरोड ईरोड (१)
 वनाम
 परिवार नाम ईरोड

टिकट

वादी (अपीलान्ट)

बनाम प्रतिवादी (रेस्पाइंट)
 नं० मुकद्दमा सन् देशी की ता० १६ ई०
 क्षेत्र लिखे मुकद्दमा में अपनी ओर से श्री एम० पी० शर्मा एवं सुलहना
 छिपरा एडवोकेट वकील महोदय
 एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रूपया वसूल करें या सुलहनामा व इक्षाल दावा तथा अपील निगरानी हमारी ओर हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा ठावें या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय हारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

AA Rom 2

हस्ताक्षर.....

साक्षी (गवाह) — — — — — साक्षी (गवाह) — — — — —
 दिनांक — — — — — महीना — — — — — सन् १६ ई०

स्वीकृत

एडवोकेट



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

C.M. Application no. 4993 (u) of 1985

In re. W.P. No. 1725 of 1985.

D.D. Ram I Petitioner

Versus.

Union of India and others Respondents.

Application for Permission to file supplementary affidavit in support of Writ Petition, and delay may kindly be condoned.

The humble application of the applicant most humbly submits as under :-

- (1) That on 16.4.85 the aforesaid writ Petition has been filed before their lordship Hon'ble D.N. Jha & Hon'ble K.N. Goel and at the time of argument, on the points raised, the petitioner was required to file supplementary affidavit within three days.
- (2) That 20th April 85 was Saturday and 21st April was Sunday and from 22nd the Hon'ble Court is not functioning due to strike.
- (3) That the supplementary affidavit is being filed with the prayer that delay if any may kindly be condoned and the supplementary affidavit may kindly be accepted in the record.
- (4) That the aforesaid petition is at the admission stage.

Wherefore, it is prayed that the supplementary affidavit may kindly be accepted in the record and case may be heard on 20/4/85 by *Paribartan*.

Dated: 24.4.85

29/4/85

(M.P. Sharma)

Advocate

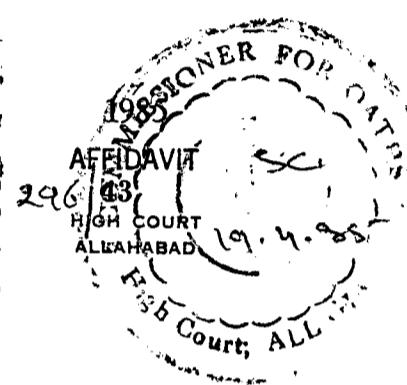
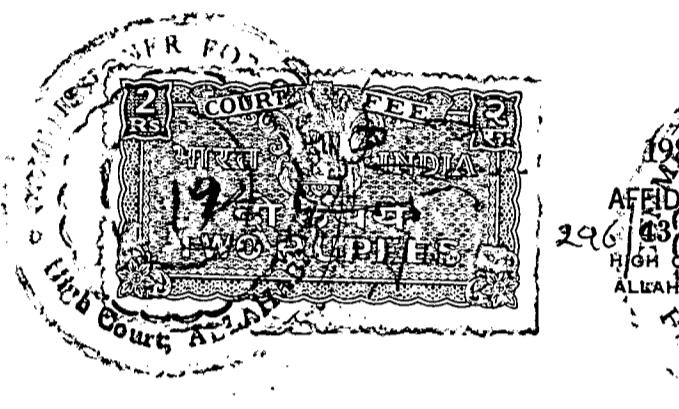
for the Petitioner.

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

IN RE CIVIL MISC. WRIT PETITION NO.

OF 1985.



D.D. Ram (I)

vs.

Union of India & Others.



SUPPLEMENTARY AFFIDAVIT OF
D.D. RAM (I), AGED ABOUT 57 YEARS
S/O SHRI MATHURA RAM, R/O 164/117,
HAIDER MIRZA ROAD, AMINABAD, LUCKNOW.

I, the abovenamed deponent, do hereby state on
oath as under :-

1. That the deponent is Petitioner in the
above noted case and is well acquainted with the
facts of the case.

2. That on 16.4.1985 the aforesaid writ Petition
has been filed claiming therein that the Respondents

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No. 1 to 3 are acting in a very hostile manner in the matter of promotion of the deponent throughout and for the last so many years and they are still bent upon to discriminate the deponent in the matter of his promotion on the post of Telephone Traffic Superintendent and, therefore, a relief was sought that the order contained in Annexure No. 1 which was discriminatory and in violation of Article 14 and 16 of the Constitution of India may kindly be quashed and the Respondents may be restrained from giving effect to the said order contained in Annexure No. 1.

3. That at the time of presentation of the aforesaid writ Petition on 16.4.1985 before the Hon'ble Mr. D.N. Jha and K.N. Goyal JJ. during the course of arguments the deponent was allowed to file a supplementary on the point that he made representations to the Respondents No. 1 to 3 time to time for his claim of promotion and also to file the order passed by the Respondents and accordingly the same is being filed in detail.

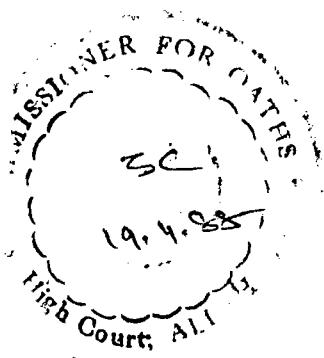
4. That the Respondents no. 1 to 3 as and when wanted to promote a person of his choice either against the scheduled Caste quota or post or against general post they have never disclosed or advertised the said post by inviting applications from the departmental candidates and, therefore, there was no occasion for the deponent to gather any authentic official information regarding the promotion given to his junior persons either

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on the post of supervisor or on the post of Sr. Supervisor as and when it was given by the Respondents No. 1 to 3.

5. That, however, for the first time the deponent coming to know that his juniors have been promoted he for the first time promptly made a representation to the Post Master General, who was the competent authority to promote the deponent as Lower Selection Grade Monitor (now ^{re}designated as supervisor) by mentioning that one Shri D.D. Ram, Telephone Operator, who was most junior to the deponent and was working in Allahabad Engineering Division has been promoted in the cadre of Lower Selection Grade Monitor but the chance of promotion of the deponent was not considered and a reminder on 28.6.1970 was also submitted to the said Post Master General, U.P. Circle, Lucknow. A true copy of the Deponent's representation dated 28.6.1970 in which his earlier representation dated 18.2.1970 was referred is enclosed herewith as Annexure No. 5-1 to this Affidavit.



6. That neither on 18.2.1970 nor on 28.6.1970 it was in the notice of the deponent that Shri Ram Nihore was also promoted in Lower Selection Grade Monitor (now ^{re}designated as supervisor) and, therefore, he could not file a representation ^{earlier} but in his representations dated 18.2.1970 and 28.6.1970 he mentioned that the Department has promoted junior persons to the deponent on the said post without

considering his candidature. It is also submitted that there was no source available to the deponent to know the fact that Shri Ram Nihore was also earlier promoted particularly when the promotion order of Shri Ram Nihore was never supplied or circulated by the department to the individual candidates but was kept in secret ~~fix~~ file.

7. That the representation of the deponent, dated 28.6.1970 was duly received by the department, ^{True copy of Representations made and receipt are} and a receipt to that effect is enclosed as ^{Annexure No. S-2} _A to this Affidavit.

8. That as soon as the department has received the representations dated 18.2.1970 and 28.6.1970 the same, as deponent presumes, was considered and in lieu thereof on 7.1.1971 the deponent was promoted as Lower Selection Grade Monitor (now re-designated as supervisor) in Trunk Exchange under Post Master General order dated 12.6.1970. A true copy of the promotion order dated 7.1.1971 is enclosed herewith as Annexure No. S-3 to this Affidavit.

9. That again on 3.4.1979 the deponent made a representation to the General Manager (Telephones) the Respondent No. 3 on the ground that one Shri D. D. Ram, Telephone Operator of Allahabad, who was junior to the deponent has been promoted as Jr. supervisor in February, 1970, therefore, his promotion was illegally made and due to that promotion the deponent was put to monetary loss as well as

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seniority loss only due to office over-look and, therefore, the deponent claimed in his representation dated 3.4.1979 that the Department may kindly consider the case of the deponent/that he may not put to any seniority or financial loss in near future as his promotion to higher cadre has now become due consideration. A true copy of representation dated 3.4.1979 is enclosed herewith as Annexure No. 8-4 to this Affidavit which was duly received by the Department.

10. That again for the first time on 28.6.1980 the deponent came to know that Shri Ram Nihore, the Respondent No.4 was promoted as Sr. supervisor in the month of June, 1980. The deponent further made a grievance in his representation addressed to the Respondent No.3 aforesaid that Mr. R.B. Jayant, who was also junior to the deponent has been promoted as Sr. supervisor and in support of his plea that Mr. R.B. Jayant and Mr. Ram Nihore were junior persons and were wrongly and discriminately given promotion as Sr. supervisors in different Districts and Divisions, the deponent claimed in his representation that in Gradation List as corrected upto March, 1975 by the Respondent No. 3 the name of the deponent was placed at Sl. No. 227 at Page no. 126 and the name of Mr. R.B. Jayant was placed at Sl. No. 285 and the name of Mr. Ram Nihore was placed at Sl. No. 294 in the said Gradation List of 1975. On 21.8.1980 the deponent has given a reminder to his earlier representation dated 28.6.1980 claiming therein that being senior to the

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named persons, he was deprived off his due promotion as sr. supervisor and again the deponent has served a notice under sec. 80 C.P.C. on 4.12.1980 through Mr. S.P. Sinha, Advocate, Distt. Varanasi addressed to the Respondents no. 1 to 3 and the divisional Engineer(Telephones), Varanasi to the effect that the deponent was senior person to the incumbents like Mr. D.D. Ram, Mr. R.B. Jayant and Mr. Ram Nihore but he was not considered to be promoted having good record of service and more senior to a number of incumbents, who were also junior but promoted wrongly without considering the name of the deponent. A true copy of the representation dated 28.6.1980, 21.8.1980 and 4.12.1980 of the Notice are enclosed herewith as Annexure Nos. S-5, S-6 and S-7 respectively to this Affidavit.

11. That after giving notice in which the deponent claims himself as senior to Mr. R.B. Jayant, Mr. D.D. Ram and Mr. Ram Nihore, the respondent no. 4 the department, however, given promotion to the deponent also as sr. supervisor on which post the deponent joined Lucknow District on 26.5.1981. The promotion order on the post of sr. supervisor is missed by the deponent but a copy of the same is in the record of the Respondents No. 1 to 3 and it is required in all fairness that the Respondent No. 3 will produce the same for the perusal of this Hon'ble Court.

19.4.85

12. That it is specifically submitted that the Respondents no. 1 to 3 have not formally rejected

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these representations contained in supplementary Affidavit Nos. 1 to 7 and also have not communicated any formal order of rejection and no formal order either accepting the representations or rejecting the same has been communicated till this day of filing this Affidavit.

13. that the respondents no. 1 to 3 in what manner dealt with the representations submitted by the deponent which are enclosed herewith as supplementary annexures no. 1 to 7 at their own level they will disclose this fact and they will also be liable to disclose the fact whether they have passed any formal order taking account of the grievances made in these representations or not but the fact is clear that in all the representations as and when the deponent has gathered any information regarding the promotion of his juniors, he immediately and promptly made representation claiming and attacking the promotions given to the junior persons saying that he is senior and deserving candidate to be promoted.

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DEPONENT.

verification

I, the deponent abovenamed verify the contents of para no. 1 to 13 to of this supplementary Af as true to my own knowledge and those of paras to are believed by

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A.G.

on the basis of records and those of paras
_____ to _____ are correct
from the information received from the office
of Opposite Parties and those of paras
_____ to _____ are believed
to be correct on the basis of legal advice
given.

A.A. Ramji

Dated : 19-4-85 DEPONENT.

I know the deponent who has signed
in my presence.

(M.P. SHARMA)
ADVOCATE,

7, Annexe, Near G.P.O.
Lucknow.

solemnly affixed before me on ... 19.4.85
... 8.30 AM/PM by the deponent Shri A.A. Ramji
... ... who is identified by Shri M.P. Sharma,
Advocate, High Court, Lucknow Bench Lucknow and
I have satisfied myself by examining the deponent
and he understood all the contents of affidavit
which has been read and explained by me.

Shahabuddin,
OATH COMMISSIONER.

S. C. I.
Advocate Oath Commissioner
Allahabad High Court,
Lucknow Bench, U.P., India.
No. 431296/85
Date 19.4.85

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

Cm. Writ Petition No. 1985.

Under Article 226 of the Constitution of India

D.D. Ram (I)

Vs.

Union of India and Others.

ANNEXURE No. S-1

To

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

Through:- Proper Channel.

Subject. Denial of Promotion in the cadre of L.S.G.
Monitor.

Sir,

With reference to my appeal dated 18.2.1970 pending in your office, I beg to draw your kind attention and sympathetic order for the few following lines.

That I am working as Telephone Operator since 23.11.50 in this Deptt. and at present I have been posted at Telephone Exchange Jaunpur.

That I am very sorry to say that Shri D.D.Ram Telephone Operator Allahabad Engg. Division has been promoted in the cadre of L.S.G. Monitor who is Junior to me but unfortunately my case was not considered for the promotion in the cadre of L.S.G. Monitor.

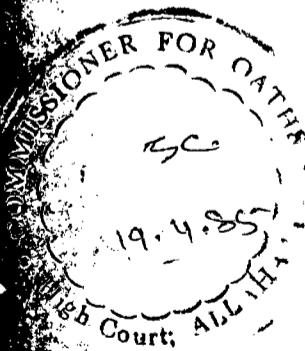
I shall be highly obliged if you look into the matter with immediate effect and save me from mental worries in these hard days by giving a sympathetic order for promotion in the cadre of L.S.G. Monitor as soon as possible.

Yours faithfully,

(DHARAM DEO)
Telephone Operator, Telephone
Exchange, Jaunpur (U.P.)

D.D.Ram I

Dated 28.6.70.



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

C.M. Writ Petition No. of 1985.

Under Article 226 of the Constitution of India

D. D. Ram (I)

Vrs.

Union of India & others.

Annexure No. S-2.

To

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

Through : Proper Channel

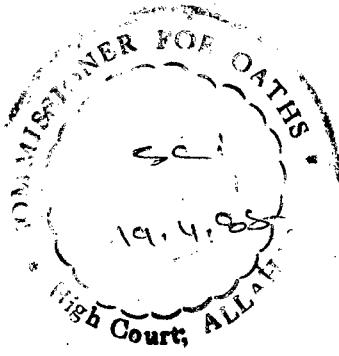
Subject :- Juniors getting prior promotion than me.

Respected Sir,

Your kind attention is drawn on the subject cited above and pray to award me with due promotion on the grounds noted below for your kind perusal.

I stand on the serial No.227 page 126 in the gradation list corrected upto March 1975. My confirmation date is wrongly shown as 1.1.55 which should be 1.1.54 vide letter No.Q-144/38 dated 3.1.58 of D.E. Telegraphs, Varanasi Telegraphs Division.

M/s R.B.Jayant (Serial no.285) and Shri Ram Nehore (Serial no.294) in the same gradation list were confirmed on 1.1.54 and 1.2.54 respectively are promoted as senior Supervisors and posted at Agra and Varanasi respectively. Thus I have been deprived of my seniority



DR Ram I

Contd.2

To the High Court & Judiciary, Lucknow Road
Lucknow

DD Ram I is Union of India R/W

To

The E. S. Phones
Jaunpur

(Ans)

Sir,

Ans 2 (A)

I have the honour to say
that I have submitted an
application addressed to Post Master
General U. P. Circle Lucknow dt
10-2-70, kindly let me know
with which letter no the same was
forwarded to the higher authority

your application was
forwarded to U.P. vide
1/23/11/1970
S. C. Supervisor Phone
11 C. Telephone Exchange
BEGH: Supervisor Phone
JAUNPUR

your faithfully

D. D. Ram I

Jaunpur

7-7-70

DD Ram I



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

C.M. Writ Petition No. 1985.

Under Article 226 of the constitution of India
D. D. Ram (I)

Vrs.

Union of India & others.

Annexure No. S-3

INDIAN POST AND TELEGRAPHS DEPARTMENT

S. S. 1/4 Ch III/72

Memo 37

Office of the A.E. Trunks
Varanasi.

Dated. Vns. 7.1.71

In compliance to P.M.G. Lucknow letter ASTB/M-9/8/Ch IV/2
dated 1.1.71 and D.E.T. Vs Memo No. E-40/Ch V/7 dated
6.1.71, Shri Dharam Deo Ram Telephone Operator Varanasi
is hereby promoted and posted as L.S.G. (M) in Trunk Exchange
under P.M. G. L.W. No. EST-B/EN/Trk I Vs Dated 12.6.70 with
effect from 7.1.71 forenoon.

Assistant Engineer Trunk
Varanasi.

Copy forwarded for information and n/s to :-

1. Shri D.D. Ram T.O. CTX Vs through ESP(Trk) Vs.
2. D.E.T. Vs Tr. & compliance to his letter No. E-4/ChV/7
dated 6.1.71.
3. Personal file.

Assistant Engineer Trunks
Varanasi

TRUE COPY

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and promotion.

My name was not considered in the D.P.C. as the some mistake was done with me in the promotion as Supervisor (L.S.G.M.) and my appeal was not replied even.

I pray to your honour to favour me justice and due promotion as senior supervisor with earliest date than M/s R.B. Jayant and Ram Mehore.

With kindest regards.

Yours faithfully,
AK Ram

Dated at Varanasi

Dated 28th, June 1980

(D.D.RAM)
Supervisor
Auto Telephone Exchange
Varanasi-221001.

Copy to :-

Dir. Teleg. (E), VS

TRUE COPY

FOR
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19.6.88
Bharti Court

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

C.M. Writ Petition No. 1985.

Under Article 226 of the constitution of India

D.D. Ram (I)

Vrs.

Union of India & others.

Annexure No. S-4.

To

The G.M.T.
U.P. Circle, Lucknow.

Subject- Seniority in the J.S.Cadre.

(Through proper Channel)

Sir,

I have the honour to bring to your kind notice the following facts for favour of your kind consideration and necessary action.

1. That my date of appointment in the department is 24.11.50 and my name is the gradation list is on serial no.494.
2. That to the ill luck no scheduled caste was mentioned against my name with the result one D.D.Ram, T.O.Allahabad who was junior to me and whose date of appointment was 9.5.54 was wrongly promoted as JS in Feb. 1970.
3. That after my appeal to your honour myself was also promoted as J.S. in the Jan. 1971.
4. That under this circumstances I was put to monetary loss as well as seniority loss only due to office overlook.

I would under the above circumstances request you to kindly see my case personally so that I may not be put to any seniority or financial loss in near future as my promotion to higher cadre has now become due consideration.

Thanking you.

Dated. the 3.4.79

Yours faithfully,
(D.D. RAM)

J.S. Trunks Exchange
Varanasi Cantt.

TRUE COPY

A.D. Ram

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

C.M. Writ Petition No. 1985.

Under Article 226 of the Constitution of India

D.D. Ram (I)

Vs.

UNION OF INDIA & OTHERS

ANNEXURE NO.5.

To

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

Through :- Proper Channel

Subject- Juniors getting Prior Promotions than me.

Respected Sir,

Your kind attention is drawn on the subject cited above and pray to award me with due promotion on the grounds noted below for your kind perusal.

I stand on the serial No.227 page No.126 in the gradation list corrected upto March 1975. My confirmation date is wrongly shown as 1.1.55, which should be 1.1.54 vide letter No.Q-144/38 dated 3.1.58 of D.E. Telegraphs, Varanasi Telegraph Division.

M/s R.S. Jayant (Serial No.285) and Sri Ram Nehore (Serial No. 294) in the same gradation list were confirmed on 1.1.54 and 1.2.54, respectively are promoted as senior Supervisors and posted at Agra and Varanasi respectively. Thus I have been deprived of my seniority and promotion.

My name was not considered in the D.P.C. as the same mistake was done with me in the promotion as supervisor

D.D. Ram

Contd. 2



2.

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(L.S.G.M.) and my appeal was not replied even.

I pray to your honour to favour me justice and due promotion as Senior Supervisor with earlier date than M/s R.B. Jayant and Ram Nehore.

With kindest regards.

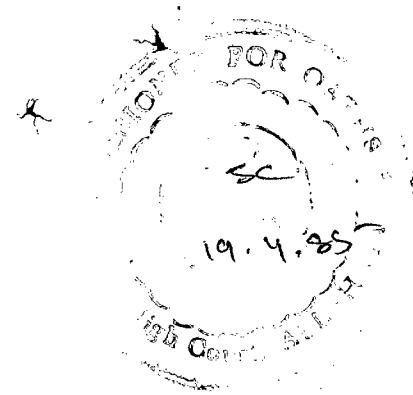
Yours faithfully,

DD Ram

Dated 28.6.80

(D. D. RAM)

TRUE COPY



RWA

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

C.M. Writ Petition No. of 1985.

Under Article 226 of the Constitution of India

D.D. Ram (I)

Vrs.

Union of India & others.

Annexure No. S-6.

To

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

Subject:- Reminder to my appeal dated 28.6.80 against the
Juniors who got earlier promotion.

Through : Proper Channel.

Respected Sir,

Your kind attention is drawn on the subject
cited above. I am deprived of my due promotion at the
time of supervise which is adversely affecting in my
promotion as Senior Supervisor now.

As and when I appealed there use no action takes
to render no justice by the department.

I pray to consider over my appeal and favour
me with my due promotion.

With regards.

Yours faithfully,

(D. D. RAM)
Supervisor Trunks
O.T.X. Varanasi

DD Ram I

TRUE COPY

Dated 21.8.80



150

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

C.M. Writ Petition No. of 1925. 16

Under Article 226 of the Constitution of India
D.B. Ram (I)

Vrs.

Union of India & others.

Annexure No. S-7.

Notice U/s 80 C.P.C. from and behalf of Dharam Deo Ram
S/o Late Shri Mathura Ram Junior Supervisor, Telephone
Exchange Varanasi through Shri Siddehwar Prasad Sinha
Advocate Varanasi.

To

1. The Secretary, Government of India, Ministry of Communication (P & T) New Delhi.
2. The Director General P & T New Delhi.
3. The General Manager Telecommunication U.P. Circle, Lucknow.
4. The Divisional Engineer Telephones Varanasi.

Sir,

Under instructions from my client Shri Dharam Deo Ram
I.G.P. Advocate serve upon you this statutory notice
U/s 80 C.P.C. on the following grounds and cause of action.

- (1) That my client Dharam Deo Ram is at present working as Junior Supervisor Phones in the Trunk Exchange Varanasi under administrative control of D.E.Phone Varanasi.
- (2) That my client's date of appointment as Telephone operator in the P & T Dep'tt. is 24.11.1950 vide S.D.O. Phones Banaras order No. 36/123 dated 22.11.1950. My client has been confirmed and made permanent in T.O's cadre on 1.1.1954 as evident from D.E.T. Varanasi D.O. No. * 144/38 dated 12.12.57/3.1.58.
- (3) That my client is a scheduled caste incumbent and this fact is well within the knowledge of the authorities as is evident from S.D.O. Telegraphs Varanasi letter No. E-15/267 dated 19.12.1966 returning my client's scheduled caste certificate to him for his personal record.
- (4) That from the fact mentioned in para 3 above it is evident that my client submitted as far back as in 1966 and atleast since then authorities were in know that my client was scheduled caste incumbent and he

D.B. Ram I Contd. 2

SC
19.4.985

deserved promotion in schedules caste quota.

(5) From Different gradation list and even from the last two three publications of gradation list it was quite clear that my client was senior to many incumbents both scheduled caste and non-scheduled caste, for example in gradation list corrected upto March 1975 my client's stood on serial 227 while atleast two scheduled caste incumbents S/Shri R.B. Jayant and Ram Nihore were on serial 285 and 295 respectively.

(6) That both R.B. Jayant and Ram Nihore have been promoted to the grade of senior supervisor by virtue of being scheduled caste and my client claim has been over looked though my client is senior to both of them even in general as well as scheduled caste incumbent.

(7) Even one another D.D.Ram of Allahabad Engg. Division has been promoted as scheduled caste & candidate ignoring my client's right.

(8) My client has been representing his case to authorities concerned but he has not been favoured with an acknowledgement what to speak of redressal of his grievence.

(9) My client feels that the post of senior supervisor Telephones that have gone to Shri R.B.Jayant and Ram Nihore should have gone to my client as my client is senior to both these even in respect of appointment and confirmation and also an scheduled caste candidate, his claim stood prior to these of the above two.

(10) My client feels and claims that by ignoring his claim for promotion and promoting his juniors side tracking his position and claims. The local authorities have violated his civil right and if his grievance is not met within two months of receipt of this notice he may seek redress from competent court of law.

I Sidheshwar Prasad Sinha Advocate do serve upon you on behalf of my client, this notice U/s 80 C.P.C. and request you to please get the case scrutinised and promote my client in scheduled caste quota instead of R.B.Jayant and Ram Nihore as mentioned above at a very early date last my client would be compelled to file a civil suit in competent court of law after two months of receipt of this notice by you, the expenditure of which would be yours responsibility.

(S.P.SINHA)

Advocate

C-32/27 Chhdua Habibpurs
Varanasi

Dated. 4.12.1980

TRUE COPY.

R.B.Ram

seen
(9.4.85)

COMM.

C. P. T. Lucknow, ASR

वकालत श्रीमान

महोदय

वादी (मुद्दई)
मुद्दई (मुद्दालेह)

का

वकालतनामा

T. A. No. 1738/87 (T).

J.D. RAM — vs. Union of India & others

बनाम

प्रतिवादी रेस्पान्डेन्ट

न० मुकद्दमा

सन् पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में Mr. Chandra Chaudhary

Addl. Central Govt. Standing Counsel
High Court, Lucknow Bench,

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरबी व जवाब देही व प्रेशनोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व नगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तर्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर - युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कायबाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने परीकार को भेजता रहूँगा। जाता हुपादान, अद्या पैरबी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आये।

वकालत
कानूनी कार्यालय
न० १८

साक्षी (गवाह)

दिनांक

साक्षी (गवाह)

महीना

हस्ताक्षर

(MICHAEL BLACK)
कानूनी कार्यालय

Personnel Officer,
कां. मर्यादित वकालत
O/o Chancery
संख. १९ ई०
U.P. Circle, Lucknow,

In The Hon'ble High Court of Judicature, At Allahabad,
Lucknow Bench, Lucknow.

C.M. Application No. 5129 (u) 1985

In re CMWP No. 1725/85

D.D. RAM I Petitioner

Versus.

Union of India and others Respondent.

Application for fixing an early date for admission.

The humble application of the applicant most humbly submits as under:-

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(1) That in the above noted case which was filed 16.4.85 the applicant claimed that throughout the Respondant no. 1 to 3 are taking hostile attitude and discriminatory action in the matter of promotion of the applicant, and inspite of his repeated representations since 1970, they are not paying any heed towards their uncalled for action.

(2) That vide Annexure I the order Dt. 26.3.85 (who is Junior to the petitioner) has been promoted in violation of Art. 14 & 16 of the Constitution of India which is impugned in the aforesaid writ petition.

(3) That it would be expedient in the interest of Justice to list the petition for admission on 2.5.85 as the matter is urgent otherwise the

Contd....

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ASU

ASU

Respondant 1 to 3 to whom notice of the petition was served and also the petitioner informed on 2.5.85 to G. M. Respondant 3 about the filing of the Peitition and waiting the result, will effect the order contained in Annexure I and the Petition shall be liable to became fruitless.

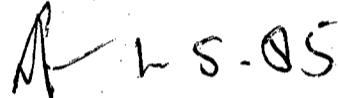
Wherefore it is prayed that this Hon'ble Court be please to hear the aforesaid petition alongwith stay application on 2.5.85 if possible.



M. P. Sharma

Advocate

for the Petitioner.



AS

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

C.M. Writ Petition No. 1725 of 1985.

Under Article 226 of the Constitution of India.

1985

AFFIDAVIT

54/296

SC HIGH COURT

ALLAHABAD

D.D. Ram (I) Petitioner.

Vs.

Union of India & others Opposite parties.

AFFIDAVIT

I, D.D. Ram (I), aged about 57 years, son of Shri Mathura Ram, r/o 164/117, Haider Mirza Road, P.O. Aminabad, Lucknow, do hereby state on oath as under :-

1. That the deponent is petitioner and is well acquainted with the facts of the case.
2. That the deponent verifies the contents of Para 1 to 3 of this application as true to his own knowledge and those of paras 1 to 4 are believed by him to be true on the basis of records and those of paras 1 to 2 are believed to be correct on the basis of legal advice tendered.
3. That the contents of Annexure Nos. 1 and 2 are true copies of the originals which is being certified.

AARQMD

Dated: 1 May 1985

DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the contents of para 1 to 3 of this Affidavit are

correct to the best of my knowledge. No material part has been concealed. So help me God.

Signed and verified at this 1st day of ^{May} April, 1985
at Lucknow.

MR. P. SHARMA

DEPONENT

I know the deponent who has signed in my presence.

(M. P. SHARMA)

Advocate

7, Annex, Near G.P.O.
LUCKNOW.

Solemnly affixed before me on ... 1985
... AM/PM by the deponent Shri *D. P. Sharma*
... who is identified by Shri M.P. Sharma,
Advocate, High Court, Lucknow Beach Lucknow and I have
satisfied myself by examining the deponent and he
understood all the contents of affidavit which has
been read and explained by me.

OATH COMMISSIONER.

Shabnam
Shabnam
Advocate Oath Commissioner
All the ad High Court,
Lucknow Beach, Lucknow
No. 541296/85
Date 1.5.85

B57

20.3.95

No sitting of D, B. Case is adjourned to
19.5.95.

B.O.T

19.5.95

Hon'ble Mr. V.K. Seth, A.M.

Hon'ble Mr. D.C. Verma, J.M.

Applicant - none.

Respondents :- Km. Meena Pandey, B.H. for
Sri D.S. Randhawa, learned counsel.

The orders of the Tribunal fresh notice was issued to the applicant by registered post on their address given in the T.A., if the same has been received back without service with a remark that no such person is available on the address last indicated.

Record also shows that on past several dates no one has put appearance on behalf of the applicant.

The T.A. is therefore, dismissed in default of the applicant and non-prosecution.

K.N.

J.M.

A.M.