

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE

TA No. 1930/82

WP No. 45/85

OF

NAME OF THE PARTIES

Bagnangi Prasad

Applicant

Versus

U.O.I. Dept.

Respondent

Part A.

Sl.No.	Description of documents	Page
1	Index sheet	A1
2	Order sheet in order of 18-5-92	A2 to A4
3	Index sheet	A5 to
4	Writ Petition	A6 to A29
5	MP No 561/90	A30 to A35
6	P.C. order sheet	A36
7	Power	A37
8	Notes C/P	A39 to A40
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

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

Dated 21-9-11

This file received from record room  
with Thakur Borta

Counter Signed.....

Section Officer/In charge

Signature of the  
Dealing Assistant

Central Administrative Tribunal  
Lucknow Bench

Cause Title T. 11930/87

WP. 4548/85  
of 1993

Name of the Parties Bejrangi Prasad

Applicant

Versus

Union of India

Respondents.

Part A . P.C

Sl. No.

Description of documents

Date

1.

Check List

2.

Order Sheet.

3.

Judgement.

4.

5.

High Court

Petition Copy

6.

Annexure

7.

Power

8.

Counter Affidavit.

Rejoinder Affidavit.

M.P. 561/90

High Court order sheet

B - File

A1 A3

A10 A35

A4 A9

A36

B - File B37 B59

C - File C66 C64



(1)  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 1930 of 1937. (7)

APPELLANT  
APPLICANT

B. Pd.

VERSUS

DEFENDANT  
RESPONDENT

Go

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
(1) 30/10/89	<u>Hon' Mr. D.K. Agrawal, J.M.</u> None appears for the parties. List this case on <u>1-1-90 for orders.</u>  J.M.	OR Case has been filed on 11/1/90. Case was admitted. CA/RA re-tiled. Date was fixed from CAT, Alid but it was not attached. Submitted for orders.
(2) 11/1/90	<u>Hon. Justice K. Nath, VC</u> <u>Hon. K. Obayya, J.M.</u>  The record of this case has been received from the Allahabad Office of this Bench. None of the parties is present. Notices be issued by name to the applicant as well as to his counsel and also to the opposite parties and list for admission on 6/2/90.  Am V.C.	OR Notice was issued to the applicant and counsel on 11/1/90. Notice of appeal has been returned with postal remarks S.F.A.
(3) 6-2-90	No Sillip. Adv. to 20.3.90 None is present	L 1913

20.3.1990

Hon. Mr. D.K. Agrawal, J.M.,  
Hon. Mr. K. Obayya, A.M.

Shri. S.K. Mishra, brief holder of Shri. Durga Prasad Dwivedi, appears for the petitioner and requests for adjournment. On perusal of the record it transpired that the respondents had not been able to appear before the Tribunal. Shri. H. N. Tilhori, <sup>Senior Standing Counsel</sup> appeared for the respondents before the High Court. Therefore, his successor be given notice. Let therefore, Senior Standing Counsel Govt. of India, be given notice. Counter affidavit, if any, be filed within 6 weeks and rejoinder affidavit may be filed within 2 weeks, thereafter.

List it for hearing on 26.7.1990.

A.M.

J.M.

Notice  
22/7/90

26.7.90

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

On the adjournment application of the applicant's Counsel the case is fixed for hearing on 11.9.90.

(A.M.)

(V.C.)

GR.

Shri B.D. Chaudhary accepts notice on behalf of Shri D.S. Randhawa. OK is attached.  
No reply filed  
S.F.H.

24/7/90

11.9.90

Hon'ble Justice K. Math V.C.  
Mr. M.M. Singh A.M.

Due to sad demise of Hon'ble Justice Kaul case is adjourned to 13-11-90

A.M.

GR

JAP 561/90(1) filed by the HC for the respondents. Submitted

B.O.C.

24/7/90



1930/07/11

(7)

13-11-90

Hon. Mr Justice R. Math - V.C  
Hon Mr M. V. Bhalakar AM

Case not reached. Adjourn to  
21-1-91.

AM

V.C

(8)

21.1.91

No sitting adj to 20.3.91  
J

(9)

26.3.91

No sitting adj to 30.4.91  
J

(10)

30.4.91

(11)

21.8.91

No sitting adj to 21.8.91  
J

No sitting adj to 18.10.91  
J

(12)

21.10.91

Due to holiday on 7.10.91  
consideration to 26.11.91 J

(13)

26.11.91

OR  
MP 561-90L filed by  
He for the reports for  
dismissal.

(14)

2.1.92

No sitting adj to 2.1.92  
J

(15)

2.1.92

No sitting adj to 4.2.92  
J

(16)

4.2.92

No sitting adj to 9.3.92  
J

S.F.O.

14/12/91

(A)

T.A 1930/87

(A/W)

9-3-92 Hon Mr. S. N. Prasad J.M.

None responds on behalf of  
either of the parties. Lawyers are  
on strike today. Wait for orders  
on 21-4-92

J.M.

9

21-4-92

No reply of D.N. adj no  
18-8-92

2

18-5-92

Hon. Mr. Justice V.C. Srivastava - V.C.  
Hon. Mr. K. Chayya - A.M.

As the applicant has been restored to  
his service in the Army Postal Service. No one  
on behalf of the applicant replied after giving  
instructions by the counsel for the applicant.  
Accordingly this application is dismissed having  
become infructuous.

(DPS)

A.M.

V.C.



CIVIL  
SIDE  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case *W.P. 4545-85*

Name of parties *Bajrangji for H. Govt. of India*

Date of institution *4-9-85*

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	Writ with Affidavit	25		102 00			
	2-	Power	1-		5 00			
	3-	Order Sheet	1-		-			
	4-	Bound Copy.	1-		-			

I have this 198 day of            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

14 talwar 1827 Group A-15 (Q)  
In the Hon'ble High Court of Judicature at Allahabad  
Lucknow Bench, Lucknow. (All)

Writ Petition No. 4545 of 1985

Bajrangi Prasad.....Petitioner

versus

Govt. of India through the Director  
General Post and Telegraph New Delhi

and anothers.....Opp. parties

I n d e x

Sl. No.	Description of papers	pages
1.	Writ petition	1 to 11
2.	Annexure no. 1 true copy of the circular.	12 to 15
3.	Annexure no. 2 true copy of the order for medical examination.	16 - 17
4.	Annexure no. 3 photostate copy of the order dated 29.5.85.	18 to 19A
5.	Annexure no. 4 true copy of the application dated 30.7.85.	20 - 21
6.	Affidavit	22 - 23
7.	Vakalatnama	24

Lucknow Dated

3.9.85

4

( D.P. Dwivedi )

Advocate

Counsel for the petitioner



$\frac{A}{x}$ 

In the Hon High Court of Judicature at Allahabad  
Lko Benol Lko

W. P.

af 1985

BAJRANGI PRASAD

Nettenger

Govt of India Ann

ols

Signature of Dr



A13  
15/8

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

4545

Writ Petition No. of 1985

Bajrangi Prasad aged about 29 years son of  
Sri Paras Nath resident of village and Post  
Awaradar Police Station Dhangata Pargana Maholi  
Tahsil Khalilabad District Basti.

.....Petitioner

versus

1. Government of India through the Director  
General Post & Telegraph New Delhi.
2. Senior Superintendent of Post Offices, Faizabad  
Division Faizabad.
3. Commandant, Army Postal Service Centre Kamptee,  
A.P.O.
4. Sri M. L. Kureel Senior Superintendent of post  
Offices, Faizabad Division Faizabad.

.....Opp. parties

Writ Petition Under Article 226  
of the Constitution of India.



The petitioner most respectfully begs to state  
as under:

1. That the petitioner is a literate young  
man of 29 years of age and enjoying a sound health.
2. That the petitioner after being selected  
was appointed as Extra Departmental Mail packer  
in District Faizabad on 14.8.1981.

बाजरांगी प्रसाद



WHHS:

~~Impressed.~~

2x Adhesive Ro-top.

Total

~~Correct but final Court-fee return~~

~~will be made on receipt of lower~~

~~Court record.~~

In time up to

Papers filed. Copy of #, @.

~~Should also be filed.~~

Sl/le - Bench.

Last Drop each Am. 3

24-5-85

Farzabad

~~Farzabad~~

29/10/85  
29/10/85

परा हाजी 2.9.85

1. फेरिकापा पाया

मेहाल नाथ जोहरि

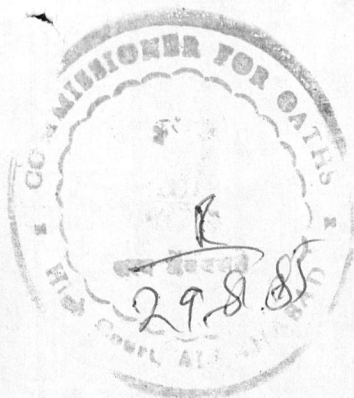
नाथ हरा नाम रिलव

उजवाकर 29/10/85

3. That the Army postal Service record Office Kamptee A.P.O. had issued a circular intimating for the requirements of the personals to be recruited for Army postal Services in different cadres. The terms and condition for their recruitment have been given in the said circular. A true copy of the afore said circular is being filed herewith as annexure no.1 to this writ petition. In pursuance of the afore said circular annexure no.1 the petitioner along with others had volunteered himself for recruitment in Army postal Service and accordingly was directed by opposite party no.2 to report himself to attend B.R.O. Lucknow on 11.1.1984 at 8.00 hrs for his medical examination. A true copy of the said order is being filed herewith as annexure no.2 to this writ petition. The petitioner had complied with the orders and reported himself for medical examination where he was declared successful and medically fit.

The Senior Superintendent Post Offices Faizabad opposite party no.2 had held a prescribed test for Group 'D' cadre of the volunteers for recruitment exclusively for service in Army postal services on 20.2.1984. The petitioner who had every requisit qualifications and illegibility for the said post had appeared in the aforesaid test on 20.2.1984 and in the said test his roll number was F-6.

4. That the petitioner had qualified the afore-said test and declared successful for the recruitment in Army postal Service.



वज्रिंगी प्रभात



Hon-ble K-S. Varma, J.  
Hon-ble S. J. Jafré, J.

Put up after two weeks.  
to enable Mr H.N. Tilhan  
Standing Counsel for  
the Central Government  
to obtain instructions.

81)  
4.9.1985.  
BN



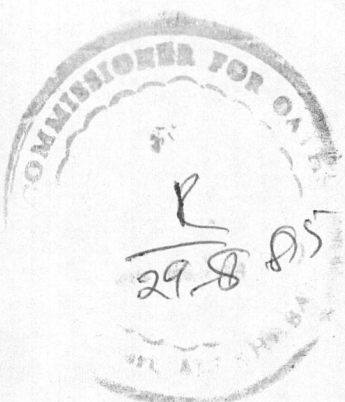
A/10 1/5

Accordingly the petitioner was recruited by the Army on the post of Sep/packer.

5. That the petitioner had undergone to prescribed Military training as required under rules and terms of Army postal Services and after completing his training successfully he was given Trade Training and thereafter was posted in forward area to discharge his duties as Sep/packer.

6. That during his service in Army postal services his work and conduct remained satisfactory and up to the mark. There has been no complaint whatsoever against his work and conduct from any corner.

7. That the senior superintendent post offices Faizabad opposite party no.2 sri Kureel had sent a letter to the commandant Army postal service centre kamptee A.P.O. opposite party no.3 for re-calling and discharging the petitioner from Army postal Services and accordingly the opposite party no.3 had discharged the petitioner vide discharge and movement order dated 29.5.1985 before completion of initial terms of engagement and had directed to report to opposite party no.2 on expiry of leave, for duty. A photostate copy of the discharge order is being filed herewith as annexure no.3 to this writ petition.



बजांगी सुहाय

8. That the post on which the petitioner

(MS)  
1/6

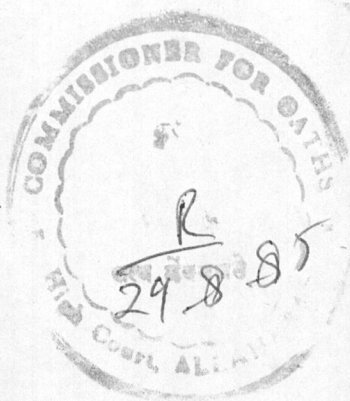
was recruited in Army postal Services is still exist and the same was neither abolished nor ceased to exist in any other manner. Further there has been no other extengencies on administrative grounds which may in any way warranted for discharge of the petitioner from Army postal Services and as such there had been absolutely no occasion for the opposite party no.2 to send a letter to opposite party no.3 requesting for discharge of the petitioner from Army postal Services.

9. That so many other candidates who were recruited like the petitioner for Army postal services they have not been re-called and discharged and they are still continuing as such.

10. That the petitioner's discharge from Army postal Services has been occured only on the basis of the letter of the opposite party no.2 requesting for re-calling and discharge of the petitioner, who had absolutely no occasion for sending such letter to opposite party no.3.

11. That Sri Kureel who is at present postal and working as Senior Superintendent Post Offices Faizabad has prejudice with the petitioner the reasons best known to him and due to this only prejudice and malafide intention of Sri Kureel the petitioner has been put out of the employment with no fault of his own.

12. That the petitioner as per direction



अनुपम



(A/C)

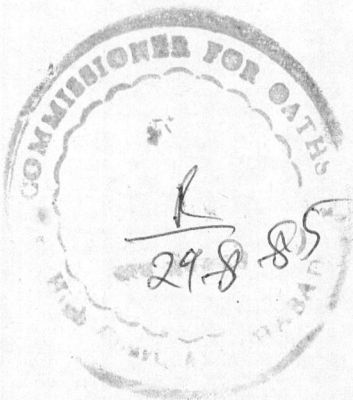
A  
12

in the discharge order had presented a joining report on 13.7.1985 after noon after the expiry of his sanctioned leave from Army postal services before the opposite party no.2 but the same was not accepted by him and there after he sent it through registered post to the opposite party no.2.

13. That the petitioner had also approached to the Post Master General U.P. Circle Lucknow through his application sent by registered post on 30.7.1985 but the above authority too had not been pleased to give any relief to the petitioner. A true copy of the application addressed to Post Master General U.P. Circle Lucknow is being filed herewith as annexure no.4 to this writ petition.

14. That the petitioner had been selected and was working on group 'D' post in Army postal services and he has been re-called by opposite party no.2 even before completion of his initial terms of engagement and as such he is entitled to get his post here in civil unit on the said post of group 'D' i.e. class IVth but due to personal prejudice of the present incumbent working on the post of senior superintendent post offices Faizabad, the petitioner is being deprived of his entitlement and he has been put out of his employment.

15. That the petitioner had asked the office of the opposite party no.2 to supply a copy of the letter which was sent to opposite



अविधि युक्त

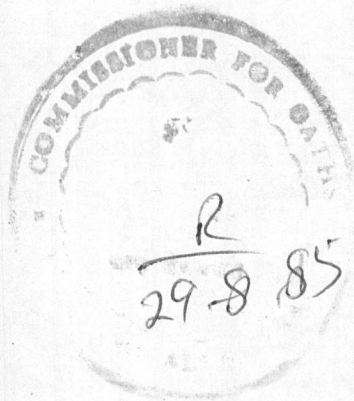


party no.3 requesting for the petitioner re-calling and discharging from Army postal services but the said office had totally refused to supply the said copy to the petition.

In the present case the petitioner is mainly aggrieved by the re-calling order of the opposite party no.2 and on the consequence there of the discharge order annexure no.3 has been passed.

16. That since the office of the opposite party no.2 had refused to supply the copy of the re-calling order, it could not be possible to file the same before this Hon'ble Court along with this writ petition.

17. That our present government of India had a definite policy to provide the employment to the illegible candidates from amongst the citizen of India but the opposite party no.2 having being influenced with his personal prejudice had put the petitioner out of employment illegally by re-calling him from the Army Postal Service even before completion of initial term of engagement and further inspite of several request he is not permitting the petitioner to work on the post of class IVth Services Group 'D'. On which post he was working and was discharged from Army postal Service on



वर्तमान प्रमाण

the request of opposite party no.2. Thus the opposite party no.2 has acted illegally and even against the specific government policy.

18. That since the petitioner is now going to become over age for government service and he has no other means to earn his livelihood through which he can meet his both the ends ~~meet~~ and also to maintain his family, the petitioner has been put to a great hardship by putting him out of employment.

19. That having being aggrieved with the orders passed by opposite party no.2 and 3 and being left with no other alternative, efficacious and adequate remedy the petitioner is filing this writ petition on the following amongst other:

G R O U N D S

I) Because the order passed by opposite party no.2 and 3 is wholly illegal and against the policy of the Government as well.

II) Because after being successful in the prescribed test sponsored by opposite party no.2 the petitioner was recruited for Army postal Services and he had undergone to prescribed basic military training as required under rules in terms of Army postal Service which was a very hard training and also a huge government finance was involved in the said training.



वर्तमान प्रमाण  
[Signature]



(A19)  
A  
15  
10

III) Because the petitioner had completed the basic Military training successfully and after passing out parade he was deputed to work on the post of Sep/packer in forward area on 18.9.1984 and as such the petitioner's recalling and discharge order from Army postal Services even before completion of initial terms of engagement was neither warranted in any manner nor it was required in the interest of Public <sup>work</sup> and policy as well. *h*

IV) Because the post on which the petitioner was recruited in Army postal services is still in existence and the same was neither abolished nor ceased to exist in any other manner further there has been no other extenuating circumstances on administrative grounds which may in any way warranted for discharge of the petitioner from Army postal Service and as such there had been absolutely no occasion for the opposite party no.2 to send a letter to opposite party no.3 requesting for discharge of the petitioner from Army postal services.

V) Because so many other candidates who were recruited like the petitioner for Army postal services they have not been re-called and discharged and they are still continuing as such.

VI) Because the petitioner's discharge from Army postal services has been occurred only on the basis of the letter of the opposite party

*Annexure*



no.2 requesting for re-calling and discharge of the petitioner, who had absolutely no occasion for sending such letter to opposite party no.3.

VII) Because Sri Kureel who is at present posted and working as senior Superintendent Post Offices Faizabad has prejudice with the petitioner the reasons best known to him and due to this only prejudice and malafide intention of Sri Kureel the petitioner has been put out of the employment with no fault of his own.

VIII) Because the petitioner had been selected and was working on group 'D' post in Army postal services and he has been re-called by opposite party no.2 even before completion of his initial terms of engagement and as such he is entitled to get his post here in civil unit on the said post of group 'D' i.e. class IVth but due to personal prejudice of the present incumbent working on the post of senior superintendent post offices Faizabad the petitioner is being deprived of his entitlement and he has been put out of employment.

IX) Because the opposite party no.2 is acting illegally for not providing the duty of group 'D' class IVth Services to the petitioner on presenting the joining report before him after discharge order given to him by opposite party no.3.

  
Ash

(A21)

1/12

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

a) issue writ order or direction in the nature of mandamus commanding the opposite party no.2 to produce the original order re-calling the petitioner from A.P.S. and also the letter sent to the opposite party no.3 intimating the same i.e. requesting for the petitioner's recalling and discharge from the APS, before this Hon'ble Court for perusal.

b) issue a writ order or direction in the nature of certiorari quashing the discharge order dated 29.5.85 passed by opposite party no.3 on the basis of the re-calling order and letter sent to him by opposite party no.2 the senior superintendent post offices Faizabad, contained in annexure no.3.

c) issue writ order or direction in the nature of certiorari quashing the re-calling order passed by opposite party no.2 the senior superintendent post offices Faizabad in respect of re-calling the petitioner from Army postal service.

D) issue writ order or direction in the nature of mandamus commanding the

*[Handwritten signature]*



opposite party no.2 to restore the services of petitioner in Army postal service and in the alternative the opposite party no.2 senior superintendent post offices Faizabad may be commanded to allow the petitioner to work as class IVth employee in group 'D' under his control from the date the petitioner presented joining report before him.

e) issue any other order writ or direction which this Hon'ble Court may deem fit under the circumstance of the present case and in the interest of justice as well.

f) award the cost of the petition to the petitioner against the opposite parties.

Lucknow Dated

3.9.85

( D.P. Dwivedi )  
Advocate

Counsel for the petitioner

Note: There is no defect in the present Writ petition.

Lucknow Dated

3.9.85

Counsel for the petitioner

- 12 -

(A23)  
18 14

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

Writ Petition No. of 1985  
Bajrangji Prasad.....Petitioner  
versus  
Govt. of India through the Director  
General Post and Telegraph New Delhi  
and others.....Opp. parties

Annexure No. 1

Copy Army postal Service Record  
Office Kamptee APO.

Rec/FFL-1109/Rlg 22 Nov. 82  
Recruitment of Group 'C' and Group 'D' Officials  
to APS.

Sir,

Please refer to DG's Special circular No. 44  
dated 22 Oct '77 and our letters of even no. dated  
06, June 83, 22 Aug 83.

2. It is observed that postal authorities are  
unable to sponsor all desirous candidates for  
deputation to APS due to limited time available to  
them to complete enrolment formalities. This has  
resulted in over all shortage of manpower in APS  
which is mainly manned by P&T deputationists.

3. To overcome the above difficulties, it has  
now been decided that P&T authorities may depute  
volunteers Group 'C' and Group 'D' officials  
including FD officials as and when they are  
available without waiting for the detailment

letter from officer Incharge Records Army postal  
Service Corps. The volunteers will be directed  
Branch recruiting offices as and when required on  
fixing the date and time of their medical

examination. Candidates found fit will be sent to



बजरंगी प्रसाद



APS Centre, kamptee APO for further action.

4. The following points will be kept in view while directing the volunteers to BROS for enrolment-

(a) Only volunteers below 40 preferably 35 years of age will be relieved for enrolment.

(b) Application in Form at appendix 'D' Dr's special Circular Ibid in respect of candidates enrolled will be forwarded to this office duly completed in all respects.

(c) Individuals will carry with them an attested copy of First page entries of their service book and also two copies of the orders directing them to the Recruiting Officer, one copy of the relieving order, will however, be brought to APS Centre for attaching with their TA claims.

(d) Candidates will be directed to BAGS on convenient dates, in consultations with the recruiting officer.

(e) After final Medical Examination and enrolment by BROs no candidate will be permitted to join their civil duties.

(f) Candidates against whom disciplinary action/case is pending or one is contemplated should not be despatched to APS centre, kamptee.

(g) The minimum educational qualification in case of Group 'C' officials, is Matriculate or equivalent.

(h) Clerical staff from non-postal /APS wings such as Telegraphs Telephones should have passed confirmation examination. They must preferably be graduates. In case of Matriculates they should have adequate typing speed.

(j) Class Officer/Officials of test categories



वज्रगोपाय



-3-

are only eligible for enrolment in APS. Officials of other categories such as Postman, Mailguards, Daftry, Namadars Cash/Mail Overseers etc. are, however not eligible for enrolment as they are above packers grade.

(K) DD employees of all categories (on any capacity) will be deputed in accordance following procedure-

(aa) They should be able to perform the duties of class IV officials (Packers).

(bb) They should not be in state of indebtedness or should have more than one wife living.

(cc) Disbursing officer of such D officials will intimate to the Assistant Chief Accounts Officer Incharge, APS Accounts Section O/o Director of Accounts (postal) Nagpur-44001 APS full particulars of recoveries, if any, to be made from the Officials.

5. In view of the above please issue instructions to the Divisional Heads under your control to enrol maximum number of Group 'C' and 'D' officials to wipe out the huge deficiency in the Corps. This letter will be hand over on relief.

Yours faithfully,

Sd/- (Tilak Raj)  
Lt. Col.  
Officer Incharge.



Copy to  
1. DG P&T New Delhi -11001

2. Army postal Directorate O/o 56 APO.

3. All DDs APS Commands

4. APS centre, kamptee APO

5. P and T. Adm. Cell c/o APS Centre, Kamptee APO

Physical Fitness Gorkhas-Assammese. All other classes

Height	152 cms.	157 cms.
Weight	50 kg.	50 kg.
Chest	77 cms.	77 cms.

अतिरिक्त

-4-

No.B-1 /18/CC Dated at Faizabad -224001,the  
23.12.1983 .

Copy forwarded for information and wide  
publicity among all the officials including sic  
Employees-

1.All the PMs/GPMs/CDI's /Branch postmasters  
and Fecretaries of recognised Unions in the  
Division.They will please collect the applications  
of the reluctant officials and send this office  
atonce.

2) All B.P.No in the Dn.

Sd/- Illegible  
Sr.Supt.of post offices,  
Faizabad Division.

True copy



वापसगी प्रमाण



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

Writ Petition No. of 1985  
Bajrangi P. Prasad ..... Petitioner  
versus

Govt. of India through the Director  
General Post and Telegraph New Delhi  
and others..... Opp. parties  
Annexure no. 2

Office of the Sr. Supdt. of Post Offices, Faizabad  
Division.

Memo No. B-1/18/CC Dated at Faizabad-224001, the  
7.1.84 .

The following candidates who have volunteer  
himself for APS are hereby directed to report  
themselves to attend BRO Lucknow on 11.1.84 at  
8.00 Hrs for their medical examination.

1. Shri Ram Kishun Maurya P.A. Faizabad H.G.
2. Jai Kumar Singh P.A. Faizabad W.O.
3. Ravi Narain Rai P.A. Divl. Office Faizabad.
4. Fateh Bahadur Srivastava F.A. (RTP) Faizabad H.O.
5. Rajendra Vikram Singh -do-
6. Mahabir -do- Jahangirganj,  
Faizabad.
7. A.E. Priyadarshi P.A. APP. Akbarpur B.O.
8. Parmatmadin Pandey EDMP Mandi Samiti Faizabad.
9. Janardan Pd. Misra EDA Naka Muzaffra, Faizabad.
10. Bhoop Narain Singh sic Haidarganj.
11. Ravindra Nath Pandey EDMP. Pura,
12. Sheo Bahal Singh EDMP. Chirra Mohdpur.
13. Bajrangi P. EDMP. Motibagh Faizabad.
14. Ganga Pd. Singh EDDA Gopalpur
15. Mahendra Pratap Singh EDA. Dahema.
16. Ram Prag Verma EDDA. Pura,
17. Ghanshyam Dubey EDDA, Bhit.
18. Amarjit Mishra ADMP. Lalbagh,
19. "



अतिरिक्त

19. Vijai Kumar Pandey EDDA Shahganj.  
20. Karam Chand Bpg. Sokharan.

The E.D. candidates are required to get themselves relieved by providing suitable and eligible substitute at their place.

Sd/- Illegible  
Sr. Supdt. of Post Offices,  
Faizabad Division.

Copy to-

1. All the candidates concerned.
2. All the PIs/SPs & EGI's BPMs concerned for arranging relief of the candidates and directing to them to proceed for medical examination to BRO Lucknow within time.
3. The D.D. APS. H.Q. Central Command c/o 56 APO.
4. The B.R.O. Lucknow.
5. Shri V.V. Misra FPH. 735 sic/GO 56 APO.
- 6-70/o spare.

True copy



अमृत, शिवपुर



इन दि आनरेबल हाईकोर्ट आफ, जूडीकेर एट इलाहाबाद

लहान, बैच लहान

रिट पिटीशन नं आफ 1985

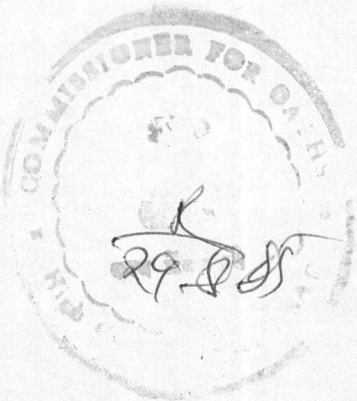
बजरंगी प्रसाद-----पिटीशनर

बनाम

गवर्नमेन्ट आफ, इण्डिया यू की डायरेक्टर जनरल पोस्ट

एण्ड टेलीग्राफ न्यू देहली तथा अन्य-----अपीजिट पार्टीज

एनेक्शन - 3



बजरंगी प्रसाद

RESTRICTED

Tele : Nagpur 8591/224

Sena Dak Seva Kendra  
Army Postal Service Centre  
Kamptee APO

4159/4/A.3

May 85

DISCHARGE CUM MOVEMENT ORDER NO 14/08

1. The undermentioned personnel of this Centre (H) will proceed on discharge from APS before completion of initial terms of engagement and will report to their civil units as noted against their names for further duty on expiry of leave :-

- (a) 8370808 Y Sep Janardhan Prasad Mishra 10/0  
(SSPOs)  
(b) 8370812 F Sep Bajrang Prasad Faizabad Dn  
(Faizabad (UP))

2. Reason for their discharge : Before completion of initial terms of engagement on adn ground.
3. Date and time of departure : 29 May 85 (4/N).
4. They are SORS wof : 30 May 85.
5. They have been granted L.P. as under :-  
Ser (a) 60 days wof 30 May 85 to 28 Jul 85.  
(b) 45 days wof 30 May 85 to 13 Jul 85.
6. They are SOR from Corps wof as under :-  
Ser (a) 29 Jul 85 (b) 14 Jul 85
7. Their date of discharge : Ser (a) 28 Jul 85 (4/N).  
(b) 13 Jul 85 (4/N).
8. They have not been paid any TA advance/Pay advance.
9. They have been issued railway warrant from this station to their home station for their journey.

Capt  
Adjt

RESTRICTED

Contd 2/-





19-A

RESTRICTED

- 2 -

10. They have been issued discharge certificate as under :-  
Ser (a) 12657 (b) 12661

11. Final payment made to them as under :-  
Ser (a) Rs 4370210 (incl one day Spl RA/RMA of  
(b) Rs 3741245 (28 Mty 85)

12. They are not having any FLI policy.

13. Their home addressess are as under :-

Ser (a) Vill : Bangown PO : Bhite  
Teh : Akbarpur Distt: Faizabad (UP)

(b) Vill : Awuradar PO : Awuradar  
Teh : Khalilabad Distt: Basti (UP)

14. Further correspondence relating to their discharge from APS may be made direct with APS Record Office Kemptee APO.

*(Signature)*  
(RN Kaushal)  
Capt  
Adjutant  
for Commandant

Distribution :-

- 1. 4 Individual as above order.
- 5. 6 Addl Dte Gen of APS (FLI Cell) C/O 46 APO.
- 7. 17 P and T Adm Cell C/O APS Centre Kemptee APO.
- 18. 24 APS A/C Sec O/O I.A (P) Nagpur 1
- 25. 30 APS Record Office Kemptee APO.
- 31. 50 Internal

RESTRICTED



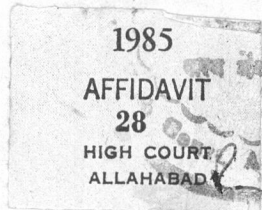
-22-

133

28

1/24

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



Writ Petition No. of 1985

Bajrangi Prasad.....Petitioner

29.8.85

versus

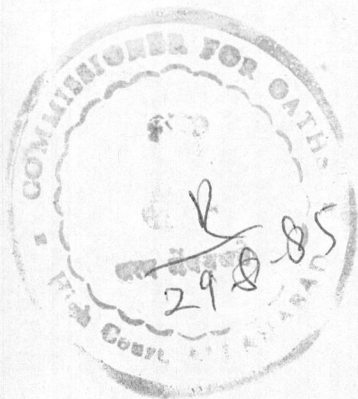
Government of India through the Director  
General Post and Telegraph New Delhi and  
another.....Opp. parties

Affidavit

I, the deponent Bajrangi Prasad aged about 29 years son of Sri Paras Nath resident of village and Post Awaradar Police Station Dhangata Pargana Maholi Tahsil Khalilabad District Basti do hereby solemnly affirm and state on oath as under:

1. That the deponent is the petitioner in the above noted writ petition and as such he is fully conversant with the facts deposed in the accompanying writ petition and in this affidavit
2. That the contents of paras 1,2,3,4,5,6, 7,8,9,10,11,12,13,14,15,16,17 and 18 of the accompanying writ petition are true to my own knowledge.

contd....2



बजरंग प्रसाद



3. That the annexure nos. 1, 2 and 4 are true copies and those of annexure no. 3 is photostate copy which are issued by the competent authorities.

वज्रंगीप्रसाद

Lucknow Dated 29-8-85

Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1, 2 and 3 of the affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

वज्रंगीप्रसाद

Lucknow Dated 29-8-85

Deponent

I identify the deponent who has signed before me.

(M. L. KASHYAP)

of Sri D.P. Dwivedi Advocate

Solemnly affirmed before me on 29-8-85 at 9.40 a.m./p.m. by Shri Bajrang Prasad deponent who is identified by Shri M.L. Kashyap /y.

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

R

(M. L. SINGH)

COMMISSIONER

High Court, Allahabad

Lucknow Bench.

No. 28/10/85

Date 29-8-85



AM A/30

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, LUCKNOW.

M.P.No. 561 of 1990. (2,

Union of India & Others.

Applicant/  
Opp. Parties 1&2

APPLICATION FOR DISMISSAL

C.E. 11/9/90

In

T.A.No. 1930/87(T)  
(W.P.No. 4545 of 1985)

Bajrangi Prasad.....Petitioner.

Versus

Union of India & Others.....Opp. Parties.

\*\*\*\*\*

To,

Hon'ble Vice Chairman and his companion members of  
the aforesaid Tribunal.

The application of the humble applicant most  
respectfully sheweth :-

1. That full facts have been given in the accompanying affidavit.
2. That from the facts and circumstances of the case as stated in the accompanying affidavit, it is expedient in the interest of justice that the said affidavit may be taken on record.
3. That from the facts and circumstances indicated in the accompanying affidavit, the writ petition filed by the petitioner in the Hon'ble High Court which has been transferred by this Hon'ble Tribunal and registered under T.A.No. 1930/87 of 1987 has become infructuous and may be dismissed with costs.

WHEREFORE, it is respectfully prayed that this Hon'ble Tribunal may be pleased to admit the accompanying affidavit and dismiss the petition with cost as same has become infructuous.

D. Chandra

(DR. DINESH CHANDRA)  
ADDL. STANDING COUNSEL  
COUNSEL FOR RESPONDENT.

Filed today  
10/9/90



(AS)

A  
31

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, LUCKNOW.

AFFIDAVIT ON BEHALF OF RESPONDENT NO.2.

In re

T.A. No.1930/87(T)  
(W.P.No.4545 of 1985)



Bajrangi Prasad .....Petitioner.

Versus

Union of India & Others.....Respondent.

\*\*\*\*\*

I.....C. P. MISRA aged about 46...  
years son of Shri. Late. Sri. J. P. MISRA.....  
.....Ex Pos. Faizabad Dn..... do hereby  
solemnly affirm and state as under :-

1. That the deponent has read the writ petition No.4545  
of 1985 which has been transferred to this Hon'ble Tribunal  
for disposal and registered as T.A.No.1930/87(T). The  
deponent has understood the contents thereof. The deponent  
is well convercent with the facts of the case deposed  
hereinafter.

2. That in the aforesaid writ petition, the petitioner  
prayed for the following reliefs :-

- (a) issue a writ order or direction in the nature  
of Mandamus Commanding the opposite party No.2  
to produce the original order re-calling the  
petitioner from A.P.S. and also the letter sent

Contd..2/-



*Handwritten signature*

to opposite party No.3 intimating the same i.e. requesting for the petitioners recalling and discharge from the A.P.S., before this Hon'ble Court for perusal.

- (b) issue a writ order or direction in the nature of certiorari quashing the discharge order dt.29-5-1985 passed by the Opposite Party No.3 on the basis of the re-calling order and letter sent to him by Opposite Party No.2, the Senior Superintendent of Post Offices, Faizabad contained in Annexure-3.
- (c) issue writ, order or direction in the nature of certiorari quashing the re-calling order passed by Opposite Party No.2, the Senior Superintendent of Post Offices, Faizabad in respect of re-calling the petitioner from Army Postal Service.
- (d) issue writ or order or direction in the nature of mandamus commanding the Opposite Party No.2 to restore the services of the petitioner in Army Postal Service in the Alternative the Opposite Party No.2 Senior Superintendent of Post Offices, Faizabad may be commanded to allow the petitioner to work as Class IV employee in Group 'D' under his control from the date the petitioner presented joining report to him.

Contd...3/-

  
Sms



A  
33

(A7)

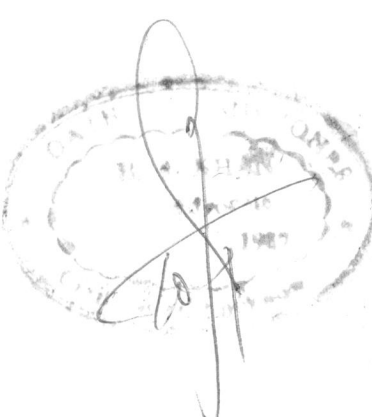
// 3 //

- (e) issue any other order, writ or direction which this Hon'ble Court may deem fit under the circumstances of the present case & in the interest of justice as well.
- (f) award cost of the petition to the petitioner against the opposite parties.

3. That the petitioner was appointed as E.D. Mail Packer on 14-8-81.

4. That the petitioner volunteered himself for A.P.S. & was directed to report to B.R.O., Lucknow on 11-1-84 for medical extension vide S.S.P.O's Memo NO.B-1/18/CC/ dated 7-1-84. He was selected & appointed to the post of Sepoy Packer in the Army Postal Service.

5. That the petitioner was called back from the Army Postal Service as only Group 'D' officials of the Postal Department were eligible for enrolment in Army Postal Service as Sepoy Packer. The petitioner was an Extra Department Agent.



6. That the petitioner was discharged from Army Postal Service & was directed to report to the Supdt. of Post Offices, Faizabad vide letter dt. 12-4-85 (Annexure 3 of writ petition).

7. That the above restriction was, however, waived in respect of nine candidates intending the applicant and the petitioner was directed to attend the B.R.O., Lucknow for re-enrolment and onward despatch to Army


Contd...4/-

// 4 //

Postal Service Centre, Kamptee vide Memo No.B-1/18/CC/Con/  
Loose dt.23-6-87 from the Senior Superintendent of Post  
Offices, Faizabad Division, Faizabad, a photostat copy of  
which is being filed as Annexure.R-1.

8. That the services of the petitioner were thus  
restored in the Army Postal Service and the order of  
recalling became in effective.

9. That the grievance of the petitioner does not  
service any longer and the petition has become infructuous  
and liable to be dismissed with costs.

  
(DEPONENT) 4880

**-: VERIFICATION :-**

I, the above named deponent do hereby verify that  
the contents of paras 1 of this affidavit  
are true to my personal knowledge and those of paras 2 & 9  
are believed by me to be true based on records and as per  
legal advise of my counsel. That nothing material facts  
has been concealed and no part of it is false, so help me

God.

  
Signed and verified this the 10 day of April

1990 within the court compound at Lucknow.

Lucknow.

Dated; 10/4/90

  
(DEPONENT)

I identify the deponent who signed  
before me

  
Advocate.



T.A 1932/87

Annex 2-1

Bg. no. 12 of U.O. 18/87

AS

(84)

DEPARTMENT OF POSTS, INDIA

Office of the Sr. Supdt. of Post Offices, Faizabad Dn.  
Faizabad-224001

Memo. No. B-1/18/CC/Con/Loose Dated at Faizabad, the 23-6-87

In accordance with Sena Dak Sewa Abhilekh Karyalaya Army Postal Services record office Kamptee A.P.O. dt. 15-6-87 and in compliance with Addl. Dte. Gen. A.P.M. letter No. 90413/OR/1 Part-APS- IC dated 9/6/87, the following volunteers for A.P.S. Service are hereby ordered to attend B.R.O. Lucknow immediately for their re-enrolment and onward despatch to A.P.S. Centre Kamptee.

These volunteers will clearly understand that they will not claim for re-transfer to the parent deptt. till such time they are absorbed in Group 'D' posts in the Deptt. on regular basis.

They will not have any claim for Group 'D' posts in Civil but also loose the post of E.D.A. to which regular appointment would have otherwise been made in the normal course.

- |     |           |                           |   |
|-----|-----------|---------------------------|---|
| (1) | 8370805-L | Ex. Sep. Amarjeet Mishra. | ✓ |
| (2) | 8370806-N | " Ghan Shyam Dubey.       | ✓ |
| (3) | 8370807-W | " Parmatmadeen Pandey     | ✓ |
| (4) | 8370808-Y | " Janardan Prasad Mishra  | ✓ |
| (5) | 8370810-W | " Mahendra Prasad Singh   | ✓ |
| (6) | 8370812-F | " Bajrangi Prasad.        | ✓ |
| (7) | 8370815-P | " Radhey Raman Chaturvedi | ✓ |
| (8) | 8370859-M | " Ram Prag Verma.         | ✓ |

Charge report should be submitted to all concerned.

Sr. Supdt. of Post Offices,  
Faizabad Division.

Copy to:-

- 1-8) Volunteers concerned. They will please attend before B.R.O. Lucknow for re-enrolment.
- 9) The B.R.O. Lucknow for n/a.
- 10) The P.M.G., U.P. Circle Lucknow for information w/r to C.O. No. Vig/8-PG/84/1 A dated 14-4-87.
- 11) The R.D. Lucknow Region for information.
- 12-13) The Sr.P.M. Faizabad / P.M. Akbarpur H.O.
- 14) The Officer Incharge Army Postal Services Record Office Kamptee A.P.O. w/r to his No. Rec/CA-1109/Rectt/U.P. dt. 15/6/87.
- 15-17) The S.D.I. Faizabad east/Faizabad West/Faizabad South for immediate relief of the candidates working under them.

*[Handwritten signature]*



# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 4545 of 198 85

25.

22  
1  
ABO

8  
36

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
4-9-85	<p>Sen R.S. Varma, Sen S.G. Jafri, Put up after two weeks to enable Mr. H. No. Tilhari standing counsel for the Central Govt. to obtain instructions.</p> <p>sd. R.S. Varma sd. S.G. Jafri 4-9-85.</p> <p><del>Em Anno</del> @ 85</p>	
23-9-85	<p>Hon. S.C.M.J. Hon. G.B.S.J. SO B.C. 23/9/85</p>	to Bal By (G. J. J. J.)
30-9-85	<p>Hon. S.C.M.J. Hon. G.B.S.J. SO B.C. 30/9/85</p>	



Date	Note of progress of proceedings and routine orders	Date of which case is adjourned	
1	2	3	
7.10.85	<p> <del>Hon SCMJ</del>  <del>Hon GBS</del>  <del>SD</del>  <del>R</del>  <del>7/10/85</del> </p>		
14.10.85	<p> <del>Hon SCMJ</del>  <del>Hon GBS</del>  <del>SD</del>  <del>14/11</del> </p>		
28.10.85	<p> <del>Hon SCMJ</del>  <del>Hon GBS</del>  <del>SD</del>  <del>of</del> </p>		
5.11.85	<p> <del>Hon SCMJ K.N.14.3</del>  <del>Hon GBS</del> </p>		<p>10.11.85</p>

24-

AB

व अदालत श्रीमान्

[ वादी ] अपीलान्त

प्रतिवादी [ रेंस्पाडेन्ट ]

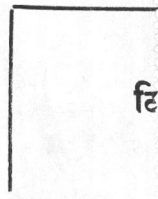
HONB. HIGH COURT OF JUDICATURE AT

Allahabad (H. B. महोदय)

BAJRANGI PRASAD

वकालतनामा

BAJRANGI PRASAD



रन्ट)

12/3/28

GOVT OF INDIA ACCT

नं० मुकद्दमा

बनाम

प्रतिवादी (रेंस्पाडेन्ट)

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर श्री

DURGA PRASAD

DWIVEDI ADVOCATE HIGH COURT Lucknow

एडवोकेट

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकेन बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाले दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी ( फरीकसानी ) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त ( दस्तखती ) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पेरवी 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।

हस्ताक्षर

BAJRANGI PRASAD

साक्षी ( गवाह )

साक्षी ( गवाह )

दिनांक

महीना

सन् १६

ई०

स्वीकृत

Accepted  
(D. I. Dwivedi)  
Advocate



बअदालत श्रीमान  
[वादी] अपीलान्त

In the Central Administration Tribunal  
Circuit Bench, Lucknow

महोदय

प्रतिवादी [रेस्पान्डेन्ट]

श्री

वकालतनामा

टिकट

(वादीअपीलान्त)

A  
34

Bajrang P.S. 1/5 hujy hujy hujy

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकदमा T.A. 1930 सन् 1987 (r) पेशी को ता०

१९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री Dr. J. M. Chandra

Adv. Gen. Sec. Standing Case

वकील

महोदय

Lucknow

एडवोकेट

नाम अदालत  
मुकदमा नं० नाम  
फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करे या सुलहनामा व इकवालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकदमा उठावे या कोई रुपया जमा करे या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंचनियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वदा स्वीकार हैं और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिये यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Signature of Advocate

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

ई०

स्वीकृत

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH  
Gandhi Bhawan, Opp. Residency, Lucknow

\*\*\* T.A. 1939/87

No. CAT/Ald/Transfer/ 3104 Dated the 18/1/90

B. Prasad APPLICANT'S

VERSUS

Union of India RESPONDENT'S

- ① Bairangi Prasad, 570 Paras Moha To the Village and Post Awaradar P.S. Dham gate Tahsil Kharakhera Distt. Bareilly
- ② Govt of India through the Director General Post & Telegraph, New Delhi
- ③ Senior Supt of Post Office, Faizabad Division, Faizabad

Whereas the marginally noted cases has been transferred by HIGH COURT LKO under the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above

Writ Petition No. 4545/85 The Tribunal has fixed date of of 1990. of the Court of 6.2.90 1990. The hearing of the matter.

arising out of order dated \_\_\_\_\_ passed by \_\_\_\_\_

in \_\_\_\_\_

If no appearance is made on your behalf by your some one duly authorised to Act and plead on your behalf.

The matter will be heard and decided in your absence, given under my hand seal of the Tribunal this 10 day of 1 1990.

dinesh/

DEPUTY REGISTRAR

- ④ Commandant Army Postal S. Centre Kharakhera A.P.O.
- ⑤ Shri M.L. Kureel Senior Supt of Post Office Division Faizabad
- ⑥ Shri D.P. Awaradar Adv High Court LKO



To.

e63

The Bench Secretary  
C. A. T. Lucknow

Sir

with due respectfully  
begged as under:

1. That petitioner Counsel has  
gone out of ~~Station~~ Station

wherefore it is most  
respectfully prayed  
that S. N. 3, 4, 5 may be  
kindly adjourned  
~~my other date~~ and Pity  
any other date

Lucknow  
20/3/90

D. P. Dholke  
As  
Counsel for Petitioner

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/

date the 27/3/90

T.A.No. 1930/87 of 1990 (T)

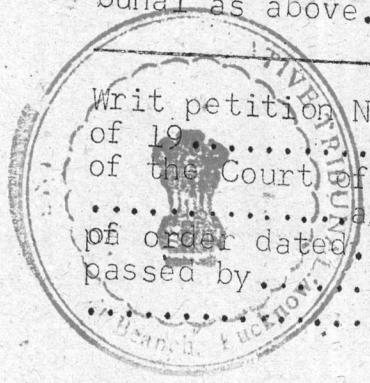
Bairang Prasad Applicants.

Varsus.

Govt. of India Respondents.

To D. S. Rameshwar (Ndr) senior standing  
Council High Court Lucknow.

Whereas the marginally noted cases has been transferred  
by A.K.O. under the provision of the Admini-  
strative Tribunal Act 13 of 1985 and registered in this Tri-  
bunal as above.



Writ petition No. 1545/85  
of 1985  
of the Court of  
arising out of  
of order dated  
passed by  
in

The Tribunal has fixed date  
of 26.7.90. The  
hearing of the matter.  
if no appearance is made  
on your behalf by our some one  
duly authorised to Act and Plead  
on your behalf.

The matter will be heard and decided in your  
absence. Given under my hand seal of the Tribunal this ....  
22 day of 3 1990.

Recd  
B. S. Rameshwar  
D. S. Rameshwar  
22/3/90

DEPUTY REGISTRAR

Bhartiya