

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No. 1931/1987

M. P. Singh
vs
Megg

PART - I

1. Index Papers :- 1 to 4
2. Order Sheet :- 5 to 9
3. Any other orders :- -
4. Judgement :- 10 order dt. 23⁶/₉₂ 87
5. S.L.P. :- Hko Bench.

1 - A Copy of Petition/Affidavit/ A 11 to A31
Annexure/Answer

2 - M.P. No 572/90 Dismissed/ A32 to A41
Answer/Notice

DY. Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk

(A-K-Ravi)

V.K. Mishra

Sealed and dist. negd.

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 1270-85

Name of parties..... Abdul Wahab..... Vs. Union of India

Date of institution..... 22.3.85

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with Amingun and Affidavit - 19,			102.00			
	2.	Power.	1-		5.00			
	3.	Cmdr 3653(W) 85 for stay	1		5.00			
	4.	order sheet	1-		-			
	5.	Backcopy.						

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

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

WP 4546-85

Name of parties

Malendra Pratap Singh vs. 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-	WP with summons and affidavit	21		102 00			
	2-	Power	1-		5 00			
	3-	Order Sheet	1-		-			
	4-	Best 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

Central Administrative Tribunal
Lucknow Bench

(3)

(7)

Cause Title TA 1931/87 of 1993

Name of the Parties

M. P. Singh

Applicant

V e r s u s

Union of India (Pet)

Respondents.

Part A . P.C.

Sl. No.

Description of documents

Date

1.

Check List

2.

Order Sheet

3.

Judgement.

4.

Petition Copy

5.

Annexure

6.

Power

7.

Counter Affidavit.

8.

Rejoinder Affidavit.

High court order shut

M.P. 572/90

B - File

A1 - A3

A4 - A25

A26

A27

A28 - A35

B - File B36 - B62

C - File C63 - C64

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.

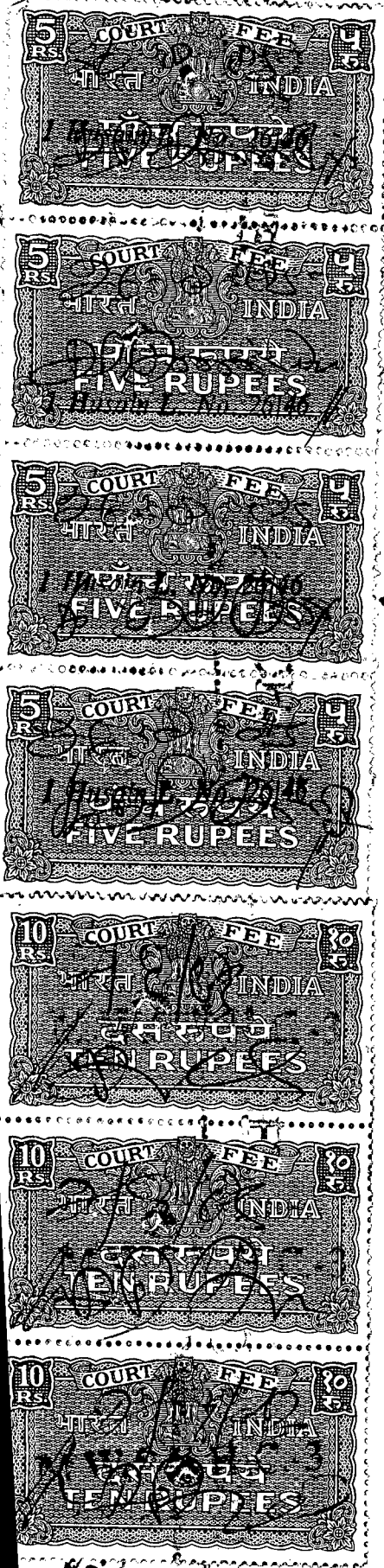
The Senior Superintendent Post Offices Faizabad opposite party no.2 had held a prescribed test for Group 'D' cadre of the volunteers for recruitment exclusively for service in Army Postal Services on 20.2.1984. The petitioner who had every requisite qualifications and eligibility for the said post had appeared in the afore said test on 20.2.1984 and in the said test his roll number was F-8.

4. That the petitioner had qualified the aforesaid test and declared successful for the recruitment in Army Postal Service. 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

20/5/85
2/12/85
3485

13



26885

95119/17

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 4546 of 1985

C. Mahendra Pratap Singh vs. Govt. of India & ors

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
	4.9.85	Honible K.S. Verma J Honible S.L. Jaiswal J Put up after two weeks to enable Mr. H.N. Tilhari Standing Counsel to obtain instructions sd/- K.S. Verma sd/- S.L. Jaiswal 4-9-85	
	25/9/85	Hon SCM? Hon GDS? GO. BDC 25/9/85	to Be Bgt of 2000 to BDC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 1931 of 1987. (T)

APPELLANT
APPLICANT

M. P. Singh

VERSUS

DEFENDANT
RESPONDENT

OO L

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

30/10/89

Hon' Mr. D.K. Agrawal, J.M.

None appears for the parties. List this case on 1-1-90 for orders.

J.M.

(sns)

OR

Case has been need. on 14.9.89

Case was not admitted

CA/RA not filed

Data was filed from CAT, AM but of it was not attached

Order

20/11

23/11

Notice for order

10/11/90

OR

Notices were issued on 10/11/90

No answer yet. over has been return back.

S F A

Hon. Justice K. Nath, VC

Hon. K. Chayya, Am

The record of this case has been received from the attached 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

Am

VC

No reply. Adv to 23.80

None present

L

19/11

1931/07M

13.11.90

Honble Mr. Justice K. Math. VC
Honble Mr. M. Y. Pradka AM

On the request of Counsel
for the respondent case is adjourned
to 22.1.91

Am

VC

J

22.1.91

13.3.91

No sitting adj to 13.3.91

J

No sitting adj to 22.4.91

J

OR

4c for the reports.
has filed MP 572/905
for dismissal.

S.F.O.

19/4/91

Hon. Mr. D. K. Agrawal. J.M.
Hon. Mr. K. Chagga. AM

On the request of counsel
for applicant case is adjourned
to 27.5.91 for order.

AM

Dec
J.M.

27.5.91

No sitting adj to 9.9.91

9.9.91

No sitting adj to 28.11.91.

L

28.11.91

No sitting adj to 14.1.92

J

T.A. 1931/80, T

(R3)

4.1.92

No Sittings of D.B. adjourn to 12.2.92
J

12.2.92

No Sittings adjourn to 31.3.92
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31.3.92

No Sittings of D.B. adjourn
22.4.92
J

22.4.92

No Sittings adjourn to 23.6.92
J

Dr
SOP
18/6

23.6.92.

Hon'ble Mr. Justice U.C. Srivastava - V.C.
Hon'ble Mr. K. Obayya - A.M.

Learned counsel for the respondents
Shri D. Chandra states that the applicant
has ^{been} restored in service in the Army Postal
Service and thus this application has become
infructuous. This application has been moved
by the respondent supported with an affidavit
on 10.9.90. Accordingly this application is
dismissed as it has become infructuous.

A.M.

(DPS)

V.C.

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Stamp A-15 (b) (A) 11
6443
In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

4546
Writ Petition No. of 1985

Mahendra Pratap Singh.... ...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 - 10
2.	Annexure no. 1 true copy of the circular.	11- 14
3.	Annexure no. 2 true copy of the order for medicale xamination.	15- 16
4.	Annexure no. 3 photostate copy of the order dated 29-3-1985.	17
5.	Affidavit	18- 19
6.	Vakalatnama	20

11659
Lucknow Dated

3-9-85
4

(D.P. Dwivedi)
Advocate

Counsel for the petitioner

AB 14/12

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

4546

Writ Petition No. of 1985

50/12/85

Mahendra Pratap Singh aged about 25 years son
of Sri Ram Sukh Singh resident of village Malapur
Post Khapra Deeh Police Station Haiderganj
Pargana Haiderganj Tahsil Bikapur District Faizabad.

.....Petitioner

versus

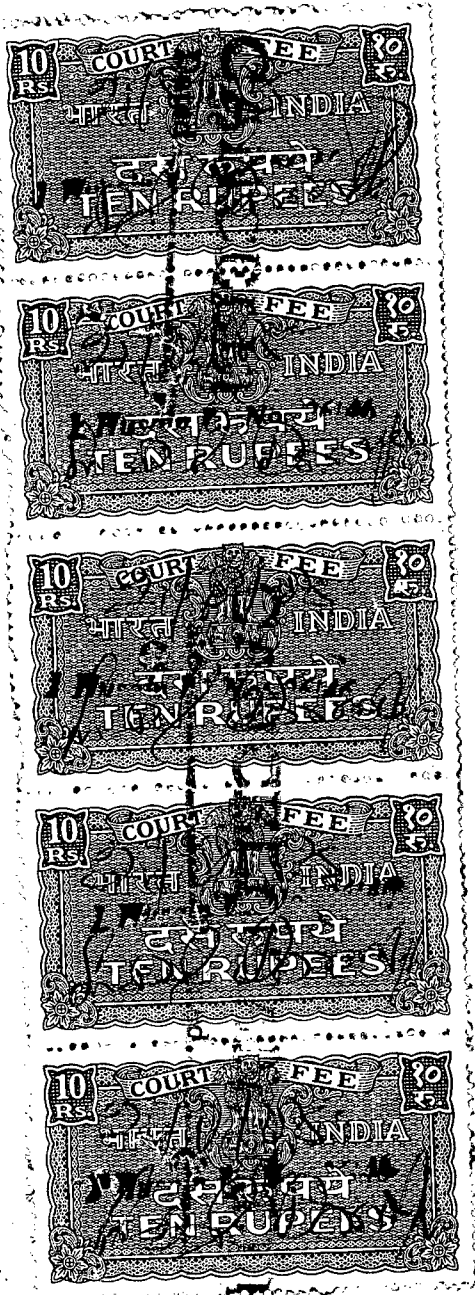
1. Government of India through the Director
General Post & Telegraph New Delhi.
2. Senior Superintendent of Post Offices, Faizabad,
Division Faizabad.
3. Commandant, Army Postal Service Centre Kamptee,
A.P.O.
4. Sri M.L. Kureel Senior Superintendent of Post
Offices, Faizabad Division Faizabad.

.....Opp. parties

Writ Petition Under Article 226
of the Constitution of India.

The petitioner most respectfully begs to state
as under:

1. The petitioner is a young man of 25 years
of age. He is a Graduate and is enjoying a sound
health.
2. That the petitioner after being selected,
was appointed as Extra Departmental Runner at
Dahema District Faizabad w.e.f. 14.2.1982.
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



26/8/85

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 what so ever 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 2.3.1985 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.

8. That the post on which the petitioner, was recruited in Army postal Services is still ~~vacant~~ ^{exist} and the same was neither abolished nor ceased to exist in any other manner. Further there has been no other extenuencies 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.

26/8/85

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 occurred 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 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.

12. That the petitioner as per direction in the discharge order had presented a joining report on 20.4.85 after the expiry of his sanctioned leave from APS.

13. That the petitioner had also approached ^{the} Post Master General U.P. Circle Lucknow through his application sent by registered post on 20.4.85 but the above authority too had not been pleased to give any relief *to the petitioner*

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

26885
H. S. Gupta

post of group 'D' i.e. class IVth but due to personal prejudice of the present incumbent working on the post of senior superintendent postal 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 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 petitioner.

In the present case the petitioner is mainly aggrieved by the re-calling order of the opposite party no.2 and on the consequence thereof 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~~

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On which post he was working and was discharged from Army Postal Service on 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 nos.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.

III) Because the petitioner had completed the basic Military training successfully and

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[Signature]

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after passing out parade he was deputed to work on the post of Sep/packer in farward area on 18.9.84 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.

IV) Because the post on which the petitioner was recruited in Army postal services is still ^{in existence} ~~vacant~~ 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 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.

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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 postal 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.

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

Amended
Adv.

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 29.5.1985 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 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.

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

Handwritten signature

Lucknow Dated
3.9.85

(D.P. Dwivedi)
Advocate

Counsel for the petitioner

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

Handwritten signature

Lucknow Dated
3.9.85

Counsel for the petitioner

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B16

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

Writ Petition No. of 1985
Mahendra Pratap Singh....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 KampteeAPO.

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 ED 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 to
Branch recruiting offices as and when required on
fixing the date and time of their medical
examination. Candidates found fit will be sent to

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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) Applications in Form at appendix 'D' DG'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 BROs on convenient dates, in consultations with the Recruiting Officer.

(e) After final Medical Examination and enrolment by BROs no candidates 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/RMS wings such as Telegraphs Telephones should have passed confirmation examination. They must preferably graduates. In case of Matriculates they should have adequate typing speed.

(i) Class Officer/Officials of test categories are only eligible for enrolment in APS. Officials of other categories such as Postman, Mailguards,

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Daftry, Namadars Cash/Mail Overseers etc. are, however not eligible for enrolment as they are above packers grade.

(K) ED 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 indebttness or should have more than one wife living.

(cc) Disbursing Officer of such ED Officials will intimate to the Assistant Chief Accounts Officer Incharge, APS Accounts Section O/o Director of Accounts(Postal) Nagpur-440001 APO 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 Gorps. 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-110001
2. Army postal Directorate C/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

26-8-85

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(2)

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

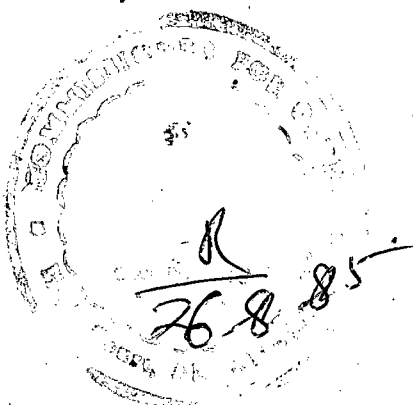
Copy forwarded for information and wide publicity among all the officials including E.D. Employees:-

1. All the PMs/SPMs/SDI's/OS/Branch Postmasters and Secretaries of Recognised Unions in the Division. They will please collect the Applications of the reluctant officials and send this office at once.

2) All B.P. Ms in the Dn.

Sd/. Illegible
Sr. Supdt. Of post Offices,
Faizabad Division.

True copy



महाराष्ट्र राज्य गिरफ्तार

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

Writ Petition No. of 1985
Mahendra Pratap Singh... ..Petitioner
versus
Govt. of India through the Director
General Post and Telegraph New Delhi
and anothers..... ..Opp. parties

Annexure No. 2

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

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 Paurya P. A. Faizabad H.O. .
2. " Jai Kumar Singh P. A. Faizabad H.O.
3. " Ravi Narain Rai O. A. Divl. Office Faizabad.
4. " Fateh Bahadur Srivastava P. A. (RTP) Faizabad H.O.
5. " Rajendra Vikram Singh -do-
6. " Mahabir -do- Jahangirganj,
Faizabad
7. " R. B. Priyadarshi P. A. RTP. Akbarpur H.O.
8. " Parmatmadin Pandey EDMF Mandi Samiti Faizabad.
9. " Janardan Pd. Misra EDA Waka Muzaffra. Faizabad.
10. " Bhoop Narain Singh EDR. Naidarganj.
11. " Ravindra Nath Pandey EDMF. Pura,
12. " Sheo Bahal Singh EDMF. Chirra Mohdpur.
13. " Bajrangi Pd. EDMF. Motibagh Faizabad.
14. " Ganga Pd. Singh EDDA. Gopalpur
15. " Mahendra Pratap Singh EDR. Dahema.
16. " Ram Prag Verma EDDA. Pura,
17. " Ghanshyam Dubey EDDA. Bhitia.
18. " Amarjit Mishra EDMF. Talbagh.
19. " Vijai Kumar Pandey EDDA Shahganj.
20. " Karam Chand BPN. Bokhawan.

महेश ५/११/८३

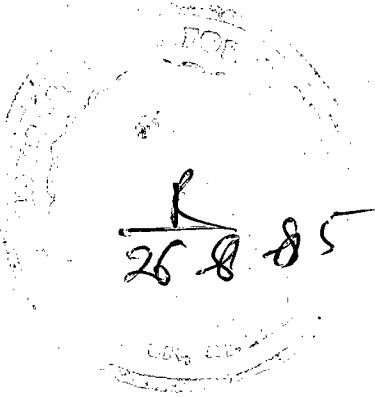
The E.D. Candidates are required to get themselves relieved by providing suitable and eligible substitute at their place.

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

Copy to:-

- 1) All the candidates concerned.
- 2) All the PIS/SPIS/SDI's BPS 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.J. Mishra FPM 735 FPO/CO 56 APO.
- 6-7) O/C. & Spare.

True copy



महेश्वर

17 ^A/₂₇ 18

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

Writ Petition No. of 1985

Mahendra Pratap Singh..... Petitioner

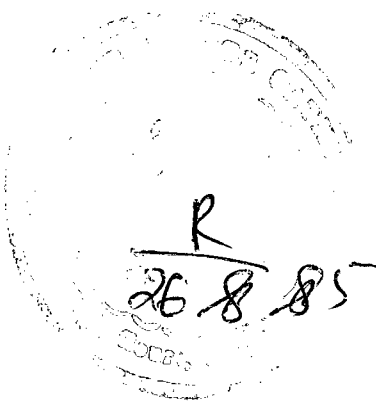
versus

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

and others.....

.....Opp. parties

Annexure No. 3



महेंद्र प्रताप सिंह

423/17
19

RESTRICTED

Tele : Nagpur 8591/24

Sona Dak Seva Kendra
Army postal Service Centre
Kamptee ApO

4159/4/A-3

27 Mar 85

DISCHARGE CIM MOVEMENT ORDER NO 09/07

1. The undermentioned personnel of this Centre (N) will proceed on discharge from ApS and will report to their Civil Units as noted against their names for further duty on expiry of leave :-

Ser (a) 8370810 W Ser
Mohindra-pratap Singh - O/O SSpOs Faizabad Dn Faizabad

(b) 8370815 p Ser
Radhey Ramon Chaturvedi - O/O SSpOs Faizabad Dn Faizabad

2. Reason for discharge : On adm ground be fore fulfilling the conditions at his enrolment.

3. Date and their departure : 20 Mar 85. (A/N).

4. They are SORS wof : 21 Mar 85.

5. They have been granted LpD. as under :-

Ser (a) 30 days (21 Mar 85 to 19 Apr 85)

(b) 20 days (21 Mar 85 to 09 Apr 85)

6. They have been issued railway warrant from this station to their home station.

7. Final payment made to them as under : Ser (a) Rs 2739.55
(b) Rs 1843.70

8. Their date of discharge from ApS as under :-

Ser (a) 19 Apr 85 (A/N) (b) 09 Apr 85 (A/N).

9. They are SOS from Corps as under : Ser (a) 20 Apr 85
(b) 10 Apr 85.

10. Their home address as under :-

Ser (a) Vill : Manpur	(b) Vill : Nimari (Purba Parasan Chubey)
post : Khayradin	PO : -do-
Teh : Bikanur	Teh : Bikanur
Distt: Faizabad (UP)	Distt: Faizabad (UP)

11. They have been issued discharge certificate as under :-

Ser (a) 12639 (b) 12646.

12. They are not having PLI policy.

13. Further correspondence relating to their discharge from ApS may be made direct with ApS Record Office Kamptee ApO.

(SN Giri)

Capt

Adjutant

for Commandant

BB FOR

Distribution :-

1- 2 Individual as move order.

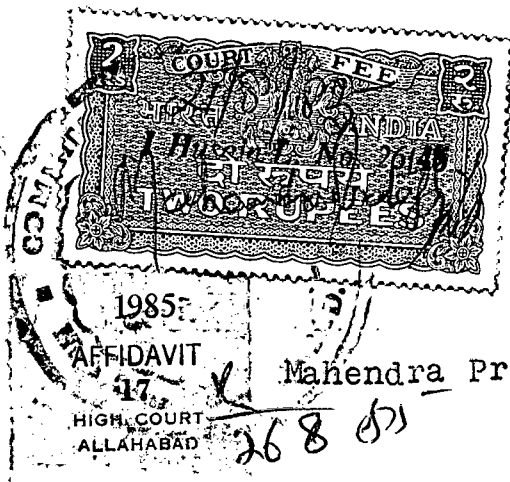
3- 4 Additional Dte Gen of ApS (LI-Call) C/O 56 ApO

26-8-85

A/269
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A/269

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



Writ Petition No. of 1985
Mahendra Pratap Singh.... ...Petitioner

versus

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

Affidavit

I, the deponent Mahendra Pratap Singh aged
about 25 years son of Sri Ram Sukh Singh
resident of village Malapur Post Khapra Deeh
Police Stationn Haiderganj Pargana Haiderganj
Tahsil Bikapur District Faizabad, do hereby
solomnly affirmed 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

महेंद्र प्रताप सिंह

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

Lucknow Dated 26.8.85

19
121
Deponent

Verification

I, the abovenamed 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.

K.
26.8.85
Lucknow Dated 26.8.85

Deponent

I identify the deponent who has signed before me.

(M. L. KASHYAP) Clerk
of Sri D.P. Dwivedi Advocate

Solemnly affirmed before me on 26-9-85 at 9.35 a.m/p.m. by Shri Mahendra Prasad Sr. deponent who is identified by Shri M.L. Kashyap C/o D.P. Dwivedi

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.

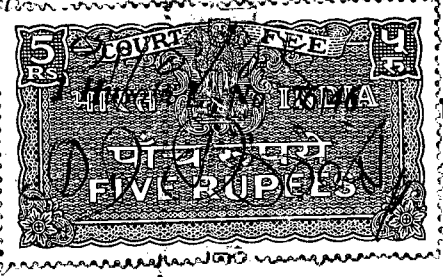
BR
(RAGUPAL S)
OATH COM
High Court

Lucknow
No. 17/10/13
Date 26-8-85

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व अदालत श्रीमान् Hon. High Court of Judicature at Allahabad
[वादी] अपीलान्त Lko Bench lko महोदय
श्री MAHENDRA PRASAD SINGH वकालतनामा

MAHENDRA PRASAD SINGH



14-56
3/9/14
वादी (अपीलान्त)

GOVT OF INDIA

बनाम प्रतिवादी (रेस्पाडेंट)
नं० मुकद्दमा सन् 1985 पेशे की तारीख
DURGA PRASAD DWIVEDI
ऊपर लिखे मुकद्दमा में अपनी ओर श्री

ADVOCATE HIGH COURT LUCKNOW वकील महोदय 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 इकबाल 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 महोदय

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १९ ई०

स्वीकृत
Accepted
Received
(D.P. Dwivedi)
Advocate

32

82

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

M.P.No. 572 of 1990. (2)

Union of India & Others.

Applicant/
Opp. Parties 1 &

APPLICATION FOR DISMISSAL

In

T.A.No.1931/87(T)

(Writ Petition No.4546/85)

M.P.Singh 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. 1931/87/T. of 1997 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.

P.T.R
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1829

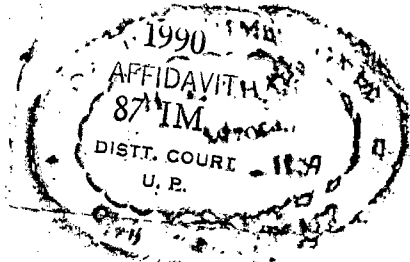
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

AFFIDAVIT ON BEHALF OF RESPONDENT NO.2.

In re

T.A.No.1931/87(T)

(W.P.No.4546/85)



M.P.Singh.....Petitioner.

Versus

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

I.....E. P. MISRA..... aged about 46.....
years son of Shri..LATE SRI J. D. MISRA.....
S.S. Puri.....Allahabad.....

do hereby solemnly affirm and state as under :-

1. That the deponent has read the writ petition filed by Shri M.P.Singh in the Lucknow Bench of Hon'ble High Court of Judicature at Allahabad which has been transferred to this Hon'ble Tribunal for disposal and registered as T.A.1931/87 (T). He has understood the contents of the writ petition and is well convercent with the facts of the case deposed hereinafter.

2. That the petitioner has prayed for the following reliefs in the aforesaid petition.

(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

Contd...2/-

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// 2 //

petitioner from A.P.S. and also the letter sent 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

Contd....3/-

// 3 //

125

125

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.

(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 Extra Department Runner at Dahima, district Faizabad w.e.f. 14-2-82.

4. That the petitioner volunteered himself for Army Postal Service and was directed to report to Recruiting Office, Lucknow on 11-1-84 vide the deponents Memo No.B-1/18/CC/dt.7-1-84. The applicant was selected & appointed in the Army Postal Service as Sepoy Packer.

5. That later on it came to the notice of the department that only Group 'D' officials of the Department were eligible

for enrolment in Army Postal Service as Sepoy Packer and the petitioner was, therefore, recalled from the A.P.S. as he was not a Group 'D' official. The petitioner was an Extra Departmental Agent.

6. That the above restriction was however, waived in respect of the nine candidates including the applicant of

Contd...4/-

[Handwritten signature]

// 4 //

A/36
R32

Faizabad Postal Division vide letter No.90413/OR/1(Post)/APS
i.e. dt.9-6-87 issued by the Additional Directorate General
of Army Postal Services (APSM) Quarter Master Generals
Branch, Army Head Quarters, New Delhi.

7. That in compliance to the above letter of the Army
Head Quarter the applicant was directed to attend the B.R.O.,
Lucknow for re-enrolment and onward dispatch to A.P.S.,
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 restor-
ed in the Army Postal Service and the order of re-calling
became ineffective.

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


DEPONENT.

A/37
AB3

-: 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 3 to 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 September
1990 within the court compount at Lucknow.

Lucknow.

Dated;

10.8.90

[Signature]
DEPONENT.

I identify the deponent who
signed before me.

[Signature]
ADVOCATE.

T.A.N. 1931/87(5)

K.P. Singh & Company, Lucknow

ANNEXURE R1

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 Sēwa 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/OK/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 | " | Bajrongi 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.

बअदालत श्रीमान
[वादी] अपीलान्त

In the Court of the District Judge, Lucknow

Criminal Appeal, Lucknow

महोदय

वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]

टिकट

(वादीअपीलान्त)

M. P. Singh vs. M. P. Singh

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकदमा 1931 सन् 1987/1 पेशी को ता०

१९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Adv. G. S. Saini

वकील

Lucknow

महोदय

एडवोकेट

नाम अदाकृत
मुकदमा नं० नाम
फरीकत

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 डिग्री जारी करावें और रुपया वसूल करे या सुलहनामा व इकबालदावा 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) को 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।

Accepted

J. Chandra

साक्षी (गवाह)

हस्ताक्षर

साक्षी- (गवाह)

दिनांक

महीना

सन् १९

ई०

स्वीकृत

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/

date the

T.A. No. 1931/87 of 1990 (T)

Mehendra Prasad Singh Applicants.

Varsus.

Govt. of India Respondents.

To

D. S. Randhawa, Senior Standip
Counsel, High Court
Lucknow

Whereas the marginally noted cases has been transferred
by the Tribunal Act 13 of 1985 and registered in this Tri-
bunal as above.

Writ petition No. 4386/85
of 19.....
of the Court of
..... arising out of
of order dated
passed by
.....

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
day of 3 1990.

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Recd
Bhartiya
23/3/90
Bhartiya

DEPUTY REGISTRAR

IN THE CENTRAL JUDICIAL TRIBUNAL
CIVIL BENCH
Gandhi Bhawan, C.O. Residency, Lucknow

No. CAT/AMC/Trib. 3116 to 3117 Dated the 18/1/90
3116 to 3117

M. P. Singh APPLICANT'S

Union of India RESPONDENT'S

To
1) M. P. Singh do to S. Singh, 11/1/1989
2) Post Khapra, Dist. P.S. Maadiganj, Dist. P.S.
3) P.O. P. Code No. 1494, Court 11/1/1989
4) Capt. of G. D. B. Singh, Dist. P.S. Maadiganj, Dist. P.S.
5) All India
6) Govt. of India, Dist. P.S. Maadiganj, Dist. P.S.
7) Govt. of India, Dist. P.S. Maadiganj, Dist. P.S.

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

Writ Petition No. 3116 to 3117 of 1990 of the Court of the Tribunal has fixed date of 18/1/90 1990. The hearing of the matter.

arising out of order dated 18/1/90 passed by the Tribunal If no appearance is made on your behalf by your some one duly authorized to attend and plead on your behalf.

The matter will be heard and decided in your absence. given under my hand seal of the Tribunal this 18 day of January 1990.

dinesh/

DEPUTY REGISTRAR