

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE. T.A. No. 302/1988 OF
Cst. 1380/1988

NAME OF THE PARTIES Hirija Shankar Chauhan, Applicant

Versus

U.O.I. for S., Respondent

Part A.

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13		
14		
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16		
17		
18		

CERTIFICATE

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

Dated

Re check.

Counter Signed.....

Rajendra Kumar

Section Officer/In charge

Ans. no. 23/8/11
Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

D.A./T.A./R.A./C.C.P.T No. 302-1987
Girje Shankar Chauhan vs. U.O.I. Aon. (W.P 1350/78)

PART - I

1.	Index Papers	:- 1 to 2
2.	Order Sheet	:- 3 to 20
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5.	S.L.P.	:- —

2/3/1978
D.Y. Registrat

3/1/1978
Supervising Officer

3/1/1978
Dealing Clerk

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

nil

Dealing Clerk

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

LUCKNOW

INDEX-SHEET

CAUSE TITLE Reg. T.A. No 302 OF 1987

W.P. No 1350 of 1970

Name of the Parties Girija Shanker Chauhan

Versus

Union of India & others

Part A, B & C

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index - - -	1
A2	Order Sheet - - - -	3
A3	Judgement dated 25-6-88	2
B1	Vakalatnama - (Lawer) -	2
B2	Application dated 30-3-88	1
B3	Notice - - - - -	2
B4	Office Memo - - -	1
	{ High Court Record	
	{ W. Petition No 1350/78	

Annexure- B

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Application No. _____ of 198

Transfer Application No. _____

Old Writ Petition No. _____

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: 28.10.88

Countersigned _____

Bishnulal
Signature of the
Dealing Assistant.

DD Dubey

Section Officer/Court Officer.

(3)
X

ORDER SHEET

4/1/1

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1350 of 1978.

G. S. Chauhan vs. Union of India & Ors.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
9.6.78.	<p>Hon. Goyal, J.</p> <p>Heard counsel - - - - -</p> <p>----- necessary charges.</p> <p>Sol. K.N. G.</p>	
- Do -	<p>C.M. A. 3103 (W) - 78, 5 Day.</p> <p>For orders - - - - -</p> <p>----- W.P. filed today</p> <p>Sol. K.N. G.</p> <p>9.6.78.</p>	
13.6.78	<p>16.6.78 fixed for orders with</p> <p>C.M. A. 3103 (W) - 78</p>	<p>Open 11 days</p> <p>for 5 days</p> <p>i.e. 23.6.78.</p>
26.6.78	<p>Writ with C.M. A. Pl. no. 3103 (W)</p> <p>78 for orders:-</p> <p><u>Am. Mather, J.</u></p> <p>An affidavit of service of the</p> <p>Copy of the writ petition upon</p> <p>Sir B. L. Shukla, learned standing</p> <p>Counsel for the Union of India</p>	<p>N. S. to Counsel</p> <p>Concurred 27.6.78</p> <p><u>27/6/78</u></p>

(4)

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	<p>has been filed today by the petitioner.</p> <p>No notice of today's date had been issued by the office to Sri B.L. Shukla.</p> <p>list this petition along with the application for stay on 28.6.78.</p> <p>Meanwhile the office shall issue notice to Sri B.L. Shukla learned Counsel for the opposite parties, intimating him of the date fixed.</p> <p>The operation of ^{interim} the order dated 9.6.78 passed by this Court is extended upto 28.6.78. A copy of this order shall be supplied to the petitioner today on payment of necessary charges.</p>	
20.6.78	22.6.78	26.6.78 by C.R. 28.6.78
	21.3.78 to 28.6.78	
22.6.78	21.3.78 (a) M.M. 3103 (a) 78 for res.	Dr. S. Muthuraj

1/2
5

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 1350

of 1978

xx

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
28.6.78	<p>By my order dated 26th June, 78</p> <p>I had ordered the office to issue notice of today's date to Sri B.L. Shukla, learned counsel, appearing on behalf of opposite parties. It appears that notice was issued by the office only today which means after 10 A.M. The report submitted by the Process Server shows that when he went to serve notice to the resident of Mr. Shukla, he was not at home. This cannot be treated sufficient service upon Sri B.L. Shukla. However, the interim order was passed on 9th June, 78 and Mr. Raj Kumar, Advocate appearing for the petitioner states that this order has already been communicated to the department concerned. Thus the department is fully aware of the proceedings pending in this court. Sri Raj Kumar, learned counsel, states that he has also filed certified copy of the order passed by me on 26th June, 78. In this order itself this is mentioned that the case shall be taken up on 28th June, 78. Then nobody has turned up.</p>	

1

2

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1750 of 197

1/3

6

A

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
28-6-78	<p>been served upon the learned counsel for the State. It appears from the facts that the department has noted present that proceedings and also the date fixed. In view of the matter I extend the stay order upto 8th July, 78 on which date the Writ Petition shall also be taken up for orders as regards admission. The stay application shall also be taken up for further orders on that date. The opposite parties may file counter affidavit by 10th July, 78 and the petitioner may file rejoinder affidavit within one week thereafter.</p> <p style="text-align: center;">1.</p>	
	HC/-	28-6-78
3-7-78	28-7-78 for writ com on 31-3(w)-78 for orders	31-3(w)-78 for orders
28-7-78	Writ will be M. Am. No. 31-3(w)-78 for orders	
	Hon. H. S. J	
	Hon. V. C. Srivastava	

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
28-7-78	Written on A. No. 3103 (w) of 73 for orders.	
	Hon. A. S. J Hon. K. S. Varma, J	
	Put up on 31-7-1978.	11
	Office to trace out and place on record the computer affidavit.	
28-7-78 1/100		
	Hon.ble Han Swarup, J. Hon.ble K. S. Varma, J.	
	The learned counsel has stated that a supplementary affidavit in the case was filed. It is not on record.	
	Office to trace it and bring it on record. Put up on 31-7-1978.	
S.M.Y.	28.7.1978	18/1
28-7-78	31-7-78 fixed with case No. 3103 (w) - inwards	Supp. affidavit is being recd. for filing not shown

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 1350 of 1978

vs.

11/4 (8) ~~xx~~

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
31-7-78	Writ miller c. M. An. No 3103 (2)-77 for orders.	
	Hm. H. S.I.	
	Hm. Jha, J.	
CD	for amendment Allowed.	
		MS
	order on W.P.	
	The Petition is admitted	
	by Sir B.L. Shukla	
		(say H.S.)
		(say D.N.Jha)
	order on C.D. An 3103 (2)-77 Notice on behalf of Respondents 1 & 2 -	
	by 9th August 1978	
		(say H.S.)
		(say D.N.Jha)

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned	
1	2	3	4
2-8-78	11-8-78 fixed in CM No 3103 (w)-78 2nd orders S	By cr 11-8-78	8th Oct
11-8-78	C.M.A. 3103 (w)-78- order 1		
<i>Shri K.N. Goyal</i>			
<p>Opposite party no. 3 has not yet been served and the petitioner's counsel wants to file process-fee today. Sri B.L. Shukla counsel for opposite parties 1 and 2 pleads for and is allowed six weeks' time to file counter affidavit.</p>			
<p>Notice be issued to opposite party no. 3 returnable at an early date.</p>			
<p>In the meantime the interim order passed on 31st July, 1978 shall continue.</p>			
MHS/	11-8-78		11
B.K.P/2	10-9-78 fixed in CM No 3103 (w)-78 2nd orders	by 10-9-78	
20-9-78	a) 1st Dec 78 b) 1st Dec 78		

ORDER SHEET

11/5

(10)

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.L. No. 1350 of 1978

15.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	Hon'ble Mr. J. P.	
	Learned counsel for opposite	
	party No. 3 prays and is allowed 10 days time to file counter affidavit serving copy of the same on learned	
	counsel for the petitioner who may, if he so wishes, file rejoinder affidavit within a further period of ten days.	
	Learned counsel for opposite parties (and 2 prays for and is allowed two months time to file	
	counter affidavit serving copy thereof outside the Court on learned	
	counsel for the petitioner who may file rejoinder affidavit within another ten days. This application shall thereafter be listed for orders. In the meantime, the stay	

Date

Note of progress of proceedings and routine orders

Date to which
case is
adjourned

1

2

3

order shall continue to remain
in force.

20.9.1978

Sar

20.9.2

27.10.78

fixed in court 3103

2 month 10
10 days 27

(w)-78 25 orders

2

27.10.78) C.M.O. 3103 (w)-78 for
order

Adjudg
Conferred

2

27/10

B/2

Court 5692 (w)-78 25 V. S. S. J.

28 - T. S. M. S. J.

Put up min in mes

as T. S. S.

6.11.78

24.11.78

21.11.78

8.11.78

16.11.78

fixed in court 5692

1st/2nd

(w)-78 25 orders

21.11.78

C.M.O. 5692 (w)-78 for orders

Dear Sirs.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. —

of 1978

v.s. —

1350

Date	Note of progress of proceedings and routine ords	Date to which case is adjourned
1	2	3
25-9-81	unit for trip Dr. R. M. S. T. Mr. Maitrey	Stand out on the illness Slip of S. B. K. Advocate B. O. Eta
1-10-81	unit for trip S. O.	
7.10.81	unit for trip Mr. Misra Mr. Thakur Adjourn 7.10.81	
21.10.81	unit for trip Mr. Venay Mr. Gopal J. Lover	

27/10/1981

12/11

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

Misc. Application No. of 1978.

In re :

Writ Petition No. 1350 of 1978.

12/11/78
M/678

Girja Shankar Chaubey ... Petitioner/Applicant.
Versus
Union of India and another. ... Opposite parties.

AMENDMENT APPLICATION.

The above named applicant begs to state as under :-

1. That the above noted Writ Petition was filed on 9-6-1978 and an ad-interim order was passed to the effect that the order terminating the services of the petitioner will not be given effect to.
2. That after repeated requests of the petitioner to the opposite party no. 2 that the petitioner be given the termination order by which it is alleged that his services have been terminated, the petitioner not getting the same, filed the instant Writ Petition praying that the impugned termination order be summoned from the opposite parties and be quashed.
3. That subsequent to the filing of the Writ Petition, the petitioner received an order dated 12-6-78 issued by opposite party no. 2 purporting to be

A
11

Received
K.M
Abu
31.7.78

(JW)

Hon'ble Hari Swarup, J.
Hon'ble D.N. Tha, J.

Amendments allowed.

MHS /
After 11
31-7-78.



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

Civil Misc. An. No. 3103 (w) of 1978.

In re

Writ Petition No. 1350 of 1978.

Girja Shanker Chaube, son of Sri Beni Madho Chaube,
resident of Village and Post Office Mokalpur,
Pargana, Tahsil and District Gonda.

... ... Applicant.

Versus

1. Union of India through Director General, Posts and Telegraphs Department, Delhi.
2. Superintendent of Post Offices, Gonda Division, Gonda.

... ... Opposite-Parties.

Application for Stay.

For the facts and reasons given in the accompanying writ petition it is respectfully prayed that the opposite-parties may be restrained to act upon the impugned order of termination during the pendency of the writ petition and ad-interim orders be passed accordingly.

Lucknow dated

June 8, 1978.


(Raj Kumar)
Advocate
Counsel for the Applicant.

(15)

Hon'ble Hari Swarup, J.
Hon'ble D.N. Jha, J.

High C.R. Loyals

for orders recd in
order of date on
the next hearing
filed today

9/6/78

Non-Sig. 3

No Counter affidavit
has been filed.

The interim
order dated
31.7.78 is confirmed.

27-10-78

w

MHS

Notices on behalf of respondents 1 & 2 have been accepted by Sir B.L. Shukla. Let notice be issued to opposite party no. 3. As the matter involves petitioner's ^{being} relieved of the charge hence without waiting for service being effected on opposite party no. 3, we issue an interim order to the effect that petitioner will not be relieved from his office for a period of 14 (^{fourteen}) days. Let the application be listed for further orders before a learned single Judge on August 11, 1978. Notice of respondent no. 3 may be served in the ordinary manner and the petitioner may also be permitted to serve personally. He may file affidavit of service of respondent no. 3 by 9th August 1978.

18-11-78

31-7-78

66

(16)

✓

Hon. Shri J.S.

had heard

counsel for the parties.

Perused the averments and cross-averments. It is stated that by means of Annexure A-1 to the supplementary affidavit, filed on 26-6-78, the petitioner is to leave the ~~post~~ office held by him prior to the passing of order dated 12-6-78 contained in Annexure A-1. This order only relates to Purshotam Chauhan being reinstated.

There is no other order relating to transfer or termination of the petitioner.

By means of Annexure A-1 services of the petitioner are sought to be terminated.

I do not think that there is any justification without a prior order.

The interim order, therefore, calls for no interference and is accordingly confirmed.

The application for vacating the stay order is rejected.

5th

21-11-1978.

n

Received duplicate
L. S. J.
3/11/78

Hon. T.S. Misra, I.

Put up with

the record.

Kds

6/11/78}

C M. A. No 5682 A.W.-28

AGR/1

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

WRIT PETITION NO. 1350 of 1978

10883
Girja Shankar Chaubey .. Petitioner

Versus

Union of India & another .. Opposite Parties.

12.6.78
6.11.78

APPLICATION FOR VACATION OF STAY ORDER

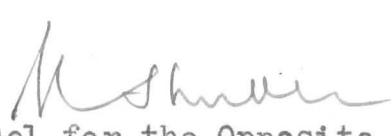
The humble petition of the Opposite Parties

No. 1 and 2 most respectfully showeth:-

1. That for the reasons given in the counter affidavit to the Writ Petition it is prayed that the Stay Order passed by this Hon'ble Court be vacated.

Lucknow Dated:

6.11. -1978


Counsel for the Opposite
Parties No.1 and 2

13-1-88.

Hon. S. Zafar Hasan, V.C.

Hon. Ajay Dalmia, A.M.

5 mi. on. Darley for applicat.

5 mi. K.C. Ginde for respondents.

Put up on 17-3-88-
as prayed.

Am V.C.

17-5-88.

No. 2159. Adj. to 5-5-88.

AR/22

(18)

AS

SL. NO. of order	Date of Order	ORDER WITH	SIGNATURE	Office notes as to action (if any) taken on order
12/8/87	27/10/87	DR Applicant present in person. S.K.C.Sinha for the respdt. List this case for final hearing before court on 27/10/87, as requested by counsel the applicant.	DR	
				DR (J) Hon. S.Zahoor Hasan, V.C. Hon. A. Johari, A.M.

The applicant has filed a supplementary affidavit. Learned counsel for the respondents prays for and is allowed to ~~one~~ one month's time to file a supplementary counter affidavit. Learned counsel for the applicant is directed to give a copy of the supplementary affidavit to the learned counsel for the respondents.

List this case on 2-12-87
for final hearing.

M

V.C.

B

A.M.

27/10/87 DR (J) - Regd to 13/11/88

Office report
Supplementary
counter
affidavit
Hasan
new file
dec
30/11

ORDER SHEET

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

T.A. NO. 302/87 OF 198

Girja Shankar vs. Union of India and others.
Chaubey

SL NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
		<p><u>Office report</u></p> <p>W.P. 1350-78 received on transfer from the Court of Flexible High Court & 100, W.P. is admitted. CAPA both have been filed. Petition against the order of termination Petition is pending for hearing. Notices issued to both the parties fixing 12-7-83 by regd post. Non-delivery regd Comm. have been returned back.</p> <p>Submitted, <u>JKL</u> 10/8/83</p>	

~~Av
3~~

~~A
16~~

(20)

ORDER SHEET

OFFICE REPORT

An Application has been filed in this
Tribunal for transferring the case No. 302/87(T)
of — to the Circuit Bench, Lucknow.

If approved, 25th April 1988 may
kindly be fixed for hearing at Circuit Bench
Lucknow. In this regard the notices may be sent
to the parties counsel.

JKSN List this case on 25th April
1988 before Circuit Bench LKO for
hearing.

DR.

(A3) A1 21

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Circuit Bench at Lucknow.

Registration T.A. No. 302 of 1987
(W.P. No. 1350 of 1978)

Girja Shanker Chaubey Petitioner

Versus

Union of India & Others Respondents.

Hon. S. Zaheer Hasan, V.C.

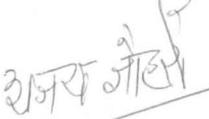
Hon. Ajay Johri, A.M.

(By Hon. S. Zaheer Hasan, V.C.)

This writ petition No. 1350 of 1978 has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. The services of one Purshottam Chaubey, EDBPM Mokalpur, Gonda were terminated. Thereafter in the year 1973 the petitioner Girja Shanker Chaubey was appointed as EDBPM provisionally. When the appeal of Purshottam Chaubey was allowed he was permitted to join the service and the applicant was ordered on 12.6.78 to hand over the charge to Purshottam Chaubey. Aggrieved by this order the petitioner moved the present writ petition in which the impugned order was stayed by the Hon'ble High Court. The petitioner is still working as

EDBPM . Purshottam Chaubey is said to have died in the meantime. We have heard the counsel for both the parties. ~~so~~ The authorities are directed to verify whether Purshottam Chaubey is dead ~~or not~~ and if it is a fact then the petitioner's case for regular appointment ~~may~~ be considered. Parties to bear their own costs.


Member (A)


Vice Chairman

Dated the 25th April, 1988

RKM

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

A/C

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 1350-70

Name of parties.....

Date of institution..... 9-6-70

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
A 1		General order	1		Rs. P.			
A 2		Petition and affidavit	19	11	102 -			
B 3		Power	2	2	10 -			
A 4		Complaint and affidavit	9	2	7 -			
A 5		Power	1	1	5 -			
A 6		R.A. 1011/706	1	2	-			
A 7		Complaint (D 724)	1	1	5 -			
A 8		Supply affidavit 6/6/70	3	1	2 -			

I have this

day of

198 ,

examined

I have 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

File no.	Serial no. of Paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
1-9		cm a 5692						
		P 720	1	1	5	-		
1-10		C.A. 6 11-21 9		2	2	-		
1-11		order 46						
8-12		B1C	1					

I have this

day of

198 , examined

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

576

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

Writ Petition No. 1350 of 1978.

Girja Shanker Chaube. Petitioner.

Versus

Union of India and another. Opposite-Parties.

I N D E X

<u>Sl. No.</u>	<u>Description of the Papers.</u>	<u>Page Number.</u>
1.	Writ Petition.	1-5
2.	Annexure No. 1-True copy of the appointment letter of the petitioner dated September 18, 1973 passed by opposite-party no. 2.	6-7
3.	Annexure No. 2- True Copy of Commn. no. 151/4/77-Dece II dated at N. Delhi the 18th/ 23rd May 1977 from the office order of the D.G. P&T New Delhi to all Heads of Postal and Telecom circles etc. etc. and forwarded to this office under PMG endst. no. STA/A-67/73.74/5, dated 30-4-77.	8-9
4.	Annexure No. 3-True copy of the Hon'ble Supreme Court judgment dated April 22, 1977.	10-17
5.	Affidavit in support of the Writ Petition.	18-19
6.	Application for stay.	20

R
standing council for
Union of India refused
to take notice of
today

May 15
A. L. 18

X/20 22

2. That the petitioner's conditions of service and application of Posts and Telegraphs Extra Departmental Agents (Con and Services) Rules, 1964 has got no application after the passing of Supreme Court's judgment dated April 22, 1977 declaring Extra Departmental Agents as holder of civil posts.
3. That by virtue of the Hon'ble Supreme Court's judgment dated April 22, 1977 the petitioner was declared to be holding a civil post, as such the services of the petitioner could be terminated only after complying with the provisions of Article 311(2) of the Constitution of India and the procedure provided in Part VI of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. A true copy of the Communication No. 151/4/77-Dece II, dated at New Delhi the 18th/23rd May 1977 from the office of the D.G., P. & T New Delhi to all Heads of Postal and Telecom. circles etc. etc. and forwarded to this office under PMG endst. no. STA/A-67/73.74/5 dated May 30, 1977 is annexed herewith as Annexure 2 to this writ petition.
4. That the petitioner since the date of his appointment till today continued to work diligently and honestly which was always appreciated by his superiors and no adverse remark has ever been communicated to the petitioner throughout his continuous 5 years tenure of service.
5. That all of a sudden ~~xxx~~ on June 7, 1978 when

6/12/1978



21/78

the petitioner went to the office of Superintendent of Post Offices, Gonda Division, Gonda he was told by the Dak Nirikshak, who had also come to meet the opposite-party no. 2, that the services of the petitioner had been terminated and the petitioner has to give charge before 10th June, 1978.

6. That the petitioner then went to the office of Dak Nirikshak (East) after finishing his official work to obtain his termination order, but he was told that he is required to give his charge before 10th of June, 1978 and no copy of the order of termination could be given to him at present and that the same shall be supplied to him after some time.
7. That the petitioner's services have been terminated without any reason or rhyme and upon taking into consideration the initial conditions of service of the petitioner which are no more in force on account of the Hon'ble Supreme Court's judgment dated April 22, 1977.
7(A)-
7(B)-
8. That the petitioner is working as Branch Post Master for the last 5 years continuously as such in view of the Hon'ble Supreme Court's judgment his continuous services for more than 3 years cannot be terminated without complying with the provisions of Article 311 (2) of the Constitution of India or Central Civil Services (Classification, Control and Appeal) Rules, 1965. A true copy of the judgment of Hon'ble the Supreme Court dated April 22, 1977 communicated by the Superintendent of Post Offices, Gonda Division, ~~to~~ Gonda to all the Branch Post Offices, Gonda is annexed herewith as Annexure 3 to this writ petition.

21/78

Digitized and scanned

2. That the petitioner's conditions of service and application of Posts and Telegraphs Extra Departmental Agents (Con and Services) Rules, 1964 has got no application after the passing of Supreme Court's judgment dated April 22, 1977 declaring Extra Departmental Agents as holder of civil posts.
3. That by virtue of the Hon'ble Supreme Court's judgment dated April 22, 1977 the petitioner was declared to be holding a civil post, as such the services of the petitioner could be terminated only after complying with the provisions of Article 311(2) of the Constitution of India and the procedure provided in Part VI of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. A true copy of the Communication No. 151/4/77-Dece II, dated at New Delhi the 18th/23rd May 1977 from the office of the D.G., P. & T New Delhi to all Heads of Postal and Telecom. circles etc. etc. and forwarded to this office under PMG endst. no. STA/A-67/73.74/5 dated May 30, 1977 is annexed herewith as Annexure 2 to this writ petition.
4. That the petitioner since the date of his appointment till today continued to work diligently and honestly which was always appreciated by his superiors and no adverse remark has ever been communicated to the petitioner throughout his continuous 5 years tenure of service.



65, Circular 202/2

W

7(A) That the petition on 12-6-1978 received an order to be issued by opposite party no 2 requiring the petitioner to hand over charge to one Sir Pinshotam Chauhan without serving him any order of termination. That it is also not out of place to mention here that a post of E.D. B.M. is not a transferable post as such - the order of handing over charge would amount to removal from service. A true copy of the order dated 12-6-1978 is annexed herewith as Annexure No 4 to the writ petition.

V

W

7(B) That in view of Annexure No 3 of the writ petition the services of the petitioner could not be terminated inasmuch it has been terminated. The petitioner is continuing on the post for the last 5 years without any interruption.

V

21/78

the petitioner went to the office of Superintendent of Post Offices, Gonda Division, Gonda he was told by the Dak Nirikshak, who had also come to meet the opposite-party no. 2, that the services of the petitioner had been terminated and the petitioner has to give charge before 10th June, 1978.

6. That the petitioner then went to the office of Dak Nirikshak (East) after finishing ~~x~~ his official work to obtain his termination order, but he was told that he is required to give his charge before 10th of June, 1978 and no copy of the order of termination could be given to him at present and that the same shall be supplied to him after some time.

7. That the petitioner's services have been terminated without any reason or rhyme and upon taking into consideration the initial conditions of service of the petitioner which are no more in force on account of the Hon'ble Supreme Court's judgment dated April 22, 1977.

7(A)–
7(B)–

8. That the petitioner is working as Branch Post Master for the last 5 years ~~x~~ continuously as such in view of the Hon'ble Supreme Court's judgment his continuous services for more than 3 years cannot be terminated without complying with the provisions of Article 311 (2) of the Constitution of India or Central Civil Services (Classification, Control and Appeal) Rules, 1965. A true copy of the judgment of Hon'ble the Supreme Court dated April 22, 1977 communicated by the Superintendent of Post Offices, Gonda Division, ~~to~~ Gonda to all the Branch Post Offices, Gonda is annexed herewith as Annexure 3 to this writ petition.

21/78
B.C. (S. and M.)

21/78

9 JUN 1978

9

9. That if the operation of the termination order is not stayed by this Hon'ble Court the petitioner will suffer irreparable loss and will be thrown out of employment without having any sanction of law to the appointing authority to terminate the services of ~~the~~ the petitioner.
10. That the petitioner has not yet given charge which is being taken from him in pursuance of illegal order of termination (on the wrong assumption of law) has got no option but to invoke the inherent jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India for the ~~b~~ redress of his grievances (amongst others on the following grounds) :-

GROUND S

(a) Because as the petitioner has completed more than 3 years of continuous services his services could not be terminated without complying with the provisions of Article 311(2) of the Constitution of India and Central Civil Services (Classification, Control and Appeal) Rules, 1965.

(b) Because the order of termination has got no foundation as the initial service conditions have got no force by virtue of the Hon'ble Supreme Court's judgment dated April 22, 1978 (Annexure 3).

(c) Because the order of termination passed by opposite-party no. 2 is in flagrant violation of Article 311 of the Constitution of India and Rule 6, of the EDAs services Rules 1964.

21/78

9 JUN 1978

9. That if the operation of the termination order is not stayed by this Hon'ble Court the petitioner will suffer irreparable loss and will be thrown out of employment without having any sanction of law to the appointing authority to terminate the services of the petitioner.

10. That the petitioner has not yet given charge which is being taken from him in pursuance of illegal order of termination (on the wrong assumption of law) has got no option but to invoke the inherent jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India for the ~~for~~ redress of his grievances (amongst others on the following grounds) :-

G R O U N D S

(a) Because as the petitioner has completed more than 3 years of continuous services his services could not be terminated without complying with the provisions of Article 311(2) of the Constitution of India and Central Civil Services (Classification, Control and Appeal) Rules, 1965.

(b) Because the order of termination has got no foundation as the initial service conditions have got no force by virtue of the Hon'ble Supreme Court's judgment dated April 22, 1979 (Annexure 3).

(c) Because the order of termination passed by opposite-party no. 2 is in flagrant violation of Article 311 of the Constitution of India and Rule 6, of the EDAs services Rules 1964.

(e) Became as no order of termination has been served upon the petitioner. As such opposite party no 3 can not be allowed to be appointed on the post held by the petitioner and the opposite party no 2 has got no authority to order the petitioner to hand over charge, As such the order dated 12-6-1978 (Annexure No 4) is illegal and void.

(5) That the order dated 12-6-1978 (Annexure No 4) be quashed by issuing a writ in nature of certiorari and opposite parties be restrained from effecting the order containing as Annexure No 4 in the writ petition.

(d) Because no one month's notice or pay in lieu thereof has been given to the petitioner as such the order of termination is illegal, arbitrary and capricious.

(e)

P RAYER

The petitioner prays for the following reliefs :-

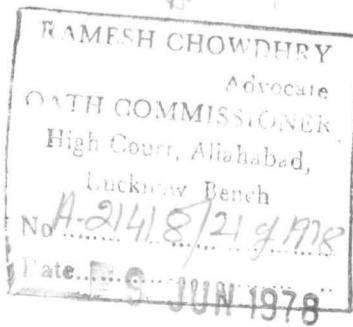
- (1) That the order of termination may be summoned from opposite-party no. 2 and quashed by issuing a writ of certiorari.
- (2) That the opposite-parties may be restrained to act upon the impugned order of termination ~~is~~ yet to be served upon the petitioner by issuing a writ in the nature of mandamus.
- (3) That any other appropriate writ, direction or order which may be deemed just and proper in the circumstances of the case may be issued.
- (4) That the costs of this writ petition be awarded to the petitioner.

Lucknow dated

9 JUN 1978
June, 1978.

Raj Kumar
(Raj Kumar)

Advocate
Counsel for the Petitioner.



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26

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

Writ Petition No. of 1978..
Girja Shanker Chaube. Petitioner.
Versus
Union of India and another. Opposite-Parties.

ANNEXURE No. 1.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPDT. OF POST OFFICES GONDA DIVISION.

Memo No. H/Mokalpur. Dated at Gonda-271001 the 18-9-73.
Shri Girja Shanker Chaube son of Sri Beni Madho Chaube resident of village and P.O. Mokalpur, District Gonda is hereby provisionally appointed as Branch Post-master of Mokalpur. He shall be paid such allowances as admissible from time to time.

2. Sri Girja Shanker Chaube should clearly understand that his appointment as EDBPM shall be in the nature of a contract liable to be terminated by him or the undersigned by notifying the other, in writing and that he shall also be governed by the Posts and Telegraphs Extra Departmental Agent (Conduct and Services) Rules, 1964 as amended from time to time. The required Security B. ~~If this is acceptable to him~~ must be furnished by the candidate before taking over charge of the post.

3. If these conditions are acceptable to him, he should communicate his acceptance in the proforma reproduced below.

Sd/- Illegible
Supdt. of Post Offices
Gonda Division.

The Supdt. of Post Offices
Gonda Division.

I, _____, acknowledge the receipt of your memo. no. _____ dated _____ and hereby accept the appointment of BPM _____ BO under the specific condition that my appointment is in the nature of a

contract liable to be terminated by notice given in writing.

2. I further declare that I have read the P & T EDAs (Conduct and Services) Rules, 1964 and clearly understand that I become liable to the provisions and penalties contained in these rules on being appointed as BPM _____ BO in the P & T Department.

Dated

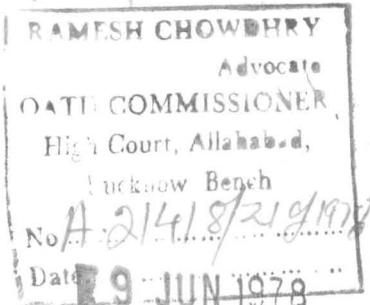
Signature of EDBPM
(Name of BO)

1. The IPDs Gonda (s). He will please make necessary arrangement immediately after observing all necessary formalities and report compliance. Before taking charge of the post the candidate should furnish two character certificates from the respectable persons. He should also get the ~~re~~ required declaration completed by the BPM and send the same to this office for record. The required security must be furnished by the candidate before taking over charge of the post.

2. The Post Master Gonda for information, and necessary action.
3. P/F of the official.
4. The candidate concerned.
5. Spare.

Sd/- Illegible
Supdt. of Post Offices,
Gonda Division.

True Copy.



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

Writ Petition No. of 1978.

Girja Shanker Chaube. Petitioner.

Versus

Union of India and another. Opposite-Parties.

ANNEXURE No. 2.

Copy of Commn. no. 151/4/77-Dece II dated at N. Delhi the 18th/23rd May 1977 from the o/o the D.G. P&T New Delhi to all Heads of Postal and Telecom. Circles etc. etc. and forwarded to this office under PMG endst. no. STA/A-67/73. 74/5 dated 30-5-77.

Sub:- Supreme Court judgment dated 22.4.77 declaring EDAs as holder of civil posts- procedure processing of disciplinary cases.

Sir,

I am directed to ~~xx~~ say that the department had gone in appeal to the Supreme Court against the judgments of certain High Courts declaring EDAS as holders of civil posts under the Govt. The Supreme Court have in their judgment ~~ee~~ delivered on 22.4.1977 ruled that the ED are holders of civil posts under the Govt. As such they are entitled to the safe-guards available to Govt. servants under the provisions of Article 311(2) of the Constitution. A copy of the Supreme Court Judgment is being forwarded to you separately for reference and guidance. The full implication of the judgment of the Supreme Court is being examined in the Directorate in all its aspects. Necessary action will be taken to amend the relevant provisions of the EDA (Conduct and Service) Rules, 1964 in due course after consultations with the Ministry of Law and or the department of Personnel. Pending the issue of the revised rules, all cases of removal/dismissal of the ED employees, in terms of rule 8 of the EDA (Conduct and Service) Rules 1964 should be dealt with so as to conform to the provisions of Article 311(2) of the Constitution. The procedure as defined in part VI of the CCS(CCA) Rules, 1965 should be followed while proceeding the disciplinary cases of the employees.

5. All the concerned divisional and other authorities may



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9 JUN 1978

may be suitably instructed in the matter. The receipt of this letter may be acknowledged to the undersigned.

.....

No. A-Rlg-3/Ch II datedat Gonda 271001 the 1.6.77.

Copy to ~~all~~ the all PMs, ISG SPMs IPOs in the division for information. They will please acknowledge receipt of this letter immediately.

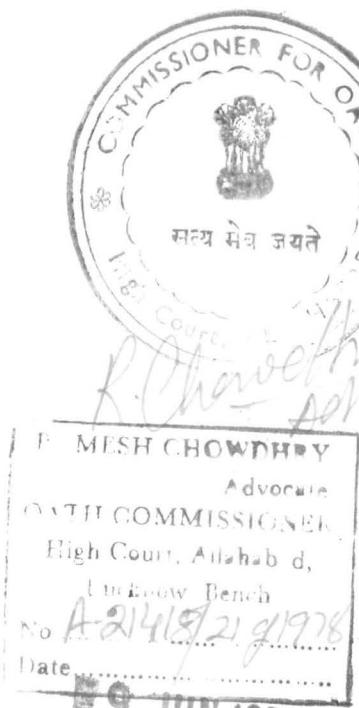
21-32 All the dealing clerks in divisional office, Gonda.

33 & 34 :- ASPOs and CI in DO Gonda.

35: Spare.

Sd/- Illegible
Supdt. of Post Offices,
Gonda Dn.

True Copy



10-

~~A
29~~
~~21~~
10

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

Writ Petition No. of 1978.
Girja Shanker Chaube. Petitioner.
Versus
Union of India and another. Opposite-Parties.

ANNEXURE No. 3.

Copy of comm. no. 151/4/7 dated 27/31 May, 1977 from the office of the D.G. P & T New Delhi all Heads of Postal & Telecom circles etc. and forwarded office under PMG endst. no. STA/A-67/73-74/5
Dated 6.7.77.

Sub:- Supreme court judgment dated 22.4.77 declaring EDAs as holders of civil posts - procedure regarding processing of disciplinary cases.

Sir,

In continuation of this letter of even number dated the 18/23rd May, 1977 on the subject noted above, I am directed to forward herewith a copy of the supreme court judgement dated the 22nd May 1977 for guidance and record.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEALS NOS. 1172,
(Appeals by special leave
the 27-8-1971 of the Karela
No. 420/69 OP No. 862 of 1969 respectively).
and 1751 of 1972.
judgment and order dated
in O.P. No. 1339/70-WA
The Superintendent of Post Offices etc. .. Appellants



P.K. Rajamma etc. etc. Respondents.

AND
Civil Appeal No.

(Appeal by special leave dated the 18-11-1970 of the Andhra Pradesh High Court in Writ petition no. 5662/70). Judgment and order

11

The Superintendent of Post Offices & Anr. ... Appellants.

Versus

A. Surya Rao.

.....

..... Respondent.

AND

CIVIL APPEAL

1865/74.

(From the judgments and orders dated the 7-9-72, 22.7.74 and 30-10-75 of the Andhra Pradesh High Court in writ petitions Nos. 4717/71, 3914/74 and 4213/7 respectively.)

The Supdt. of Post Offices etc. ... Appellant.

Versus

P. Narain Rao etc.

....

.. Respondents.

CIVIL APPEAL NO. 1866 of 1973 & 1868 of 73.

(Appeals by special leave from the Judgment and order at the 6-2-1972 of the Andhra Pradesh High court in writ petitions nos. 2033 & 1385/71 respectively).

The Postmaster General, Andhra circle, Hyderabad etc. and others.

....

... Appellants.

Versus

M. Kishkaih etc.

....

... Respondents

AND

CIVIL APPEAL NO. 1234 of 1974.

Appeal by special leave from the Judgment and order dated the 18-10-1973 of the Andhra Pradesh High Court in SA No. 360 of 1972).

Union of India

.... Appellant

Versus

M. Tumbeshwara rao.

....

... Respondent.

AND

CIVIL APPEALS NOS. 1300 & 1393 of 1976.

From the Judgment and order dated the 5-12-1975 of the Karala High Court in writ appeals nos. 4141 and 415 of 1975.

Union of India and others.

.... .. Appellants.

Versus

K.T. Kujappan etc.

....

... Respondent.

CIVIL APPEAL NO.



21 JUN 1978

(Appeal by special leave against the judgments and order dated the 10-3-1976, of the Orissa High Court in O.C. No. 531 /74).

Union of India and others. Appellant.

Versus

Gokulahanda das. Respondent.

The 22nd day of April 1977.

Present :- The Hon'ble the Chief Justice M.H. Beg.
The Hon'ble Mr. Justice A.C. Gupta
The Hon'ble Mr. Justice P.S. Kailasam.

For the appellants in all the appeals. Mr. Niren De, Attorney General 1971, 1554-1555

1971, 1554-1555
Mr. V.P. Raman, Addl. Sol.
General in CAs 2235 & 1355.
Mr. B. Datt, Advocate in CAs
1172, 1355 & 2275 & Mr. Girish
Chandra Advocates with them).

For the respondent in
C.A. 1172/72.

Mr. Vapa Sarthi, Senior Advocate
(Mr. S. Sudhakaran & Mr. P.K.
Pillai Advocate with him).

For the respondents in
CAs 1354, 1751/72 & 1330
and 1393/76.

Mr. Vepa Sarthi, Senior Advocate
(Mr. K.M.K. Nair & Mrs. B.
Krishnan Advocate with him).

For Respondent in CA
1355.

Mr. S. Gopalakrishnan, Advocate

For respondents in
CAs 1866-67, 1015/73
and 1865 of 1974 and
506/76.

Mr. K. Jayaram & Mr. K. Ram
Kumar, Advocate

For Respondent in CA
2275/72,

Mrs. Veena Davi Khanna. Advocate

For Respondent in C.A.
1315/76.

Mr. CCS Rao, Advocate.

Judgment

The following judgment of the court was delivered by :
GUPTA-I.

The respondents in all these fourteen appeals some of which are on certificate and some by special leave, are extra departmental agents connected with the postal department. Six of these appeals are from the Karala High Court, seven from the Andhra Pradesh High Court and one from the Orissa High Court. There respondents were either dismissed or removed from service during the period between Jan. 1, 1966 and June 18, 1974, and admittedly the order of dismissal or removal was passed with complying with the provisions of Article 311(2) of the Constitution. The



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question in each case is whether the respondent held a civil post as contemplated in Article 311 of the Constitution if he did, the ~~xx~~ dismissal or removal as the case may be, would be unquestionably invalid for non-compliance with Article 311(2).

The conditions of service of the respondents are governed by a body of rules called the ~~xx~~ posts and telegraph extra departmental agents (conduct and service) Rules 1964 (hereinafter called the rules) issued under the authority of the Govt. of India. Rule 2(b) of the rules defining departmental Agent includes within the category among others Extra departmental sub-Postmasters. Extra departmental branch postmasters, extra departmental delivery agents and several sections of class IV employees. Eleven of the respondents are extra departmental branch postmasters one is extra departmental delivery agent, and two are class IV extra departmental employees. In all these cases High Courts have found that the respondents held civil posts and under the Union of India and the orders terminating their services in violation of Article 311(2) of the Constitution were invalid.

This court in State of Assam and others V Kanak ~~xx~~ Chandra Dutta

(1) has explained what a civil post is. In that case the respondents who were a Mauzadar in the Assam Valley was dismissed from service ~~xx~~ in disregard of the provisions of Article 311(2). It ~~xx~~ was held that having regard to the existing system for his recruitment, employment ~~xx~~ and functions "he was" a servant and a holder of a civil post under the State." and therefore entitled to the protection of Article 311(2). This court observed :-

"..... civil post means a post not connected with defence and outside the regular civil services.

A post is

a service or employment

where is a relationship of master and servant between the State and a person holding ~~that~~ a post under it. The existence of this relationship is indicated by the State's right to select and appoint the holder of the post. Its right to suspend and dismiss him. Its right to control the manner and method of the doing the work and the payment by it of his wages or remuneration."

A post it was explained exists apart from the holder of the post. A post may be created before the appointment or simultaneously with it. A post is an employment, but every employment is not a post. A casual labourer is not the holder of a post. A post under the State means a post under the administrative control of the State. The State may create or abolish the post and may regulate the conditions of service, of persons appointed on the post.

Turning now to the rules by which the respondents were admitted.

1. (1967) CR 679(682).

Governed it appears that they contained elaborate provisions controlling the appointment, leave, termination of service, nature of penalties, procedure for imposing penalties and other matters relating to the conduct and service of these extra departmental agents. There is a schedule annexed to the rules naming the appointing authority in respect of each category of employees. Rule 5 states that the employees governed by these rules shall be entitled to such leave as may be determined by the Government from time to time and provides that if an employee fails to resume duty on the expiry of the maximum period of leave admissible and granted to him or if an employee who is granted leave is absent from duty for any period exceeding the limit up to which he could have been granted leave, he shall be removed from the service unless the Government decides otherwise in the exceptional circumstances or any particular case. The services of employees who had ~~not~~ put in more than three years continuous service are liable to be terminated at any time

21/78
A. C. I. M. C. S. A.

19 JUN 1978

under rule 6 for unsatisfactory work or for any administrative reason. The rules also indicate the nature of Penalties which may be imposed on an employee and the procedure for imposing them. A right of appeal is ~~provided~~ provided against an order imposing any of the penalties on the employee. Various other conditions of service are also provided in these ~~xx~~ rules.

It is thus clear that an extra departmental agent is not a casual worker but he holds a post under the administrative control of the State. It is apparent from the rules that the employment of an extra departmental agent is in a post which exists "apart from" the person who happens to fill it at any particular time. Though such post is outside the regular civil service, there is no doubt it is a post under the State. The tests of a civil post laid down by this court in Kanak Chandra Dutta's case (Supra) are clearly satisfied in the case of the extra departmental agents.

For the appellants it is contended that the relationship between the postal authorities and the extra departmental agents is not of master and servant, but really of principal and agent. The difference between the relations of master and servant principal and agent was pointed out by this court in Kakshminarayan Ram Gopal and so Ltd, v. The Government of Hyderabad (2) On page 401 of the report the following lines from Halsbury's law of England (Hailsham Edition) Volume at page 193 article 345 were quoted with approval in explaining the difference :-

"An agent is to be distinguished on the one hand from a servant, and on the other from an independent contractor. A servant acts under the direct control and supervision of his master, and is bound to confirm

21/5/8
B. (27) 21/5/8
R.M.

15 JUN 1970

to all reasonable orders given to him in the course of his work, an independent contractor, on the other hand, is entirely independent of any control or interference and merely undertakes to produce a specific result employing his own means to produce that result. An agent though bound to exercise his authority in accordance with all lawful instructions which may be given to him from time to time by his principal, is not subject in its exercise to the direct control or supervision of the principal. An agent, as such is not a servant, but a servant is ~~the~~ ~~exclusively~~ generally for some purposes his master's implied agent, the extent of the agency. The rules make it clear that these extra departmental agents work under the direct control and supervision of the authorities who obviously have the right to control the manner in which they must carry out their duties. There is thus no doubt therefore that the relationship between the postal authorities and the extra departmental agents is one of master and servant. Reliance was placed on behalf of the appellants on two decisions - one of the Orissa High Court Venkata Swamy V. Superintendent Post Offices and the other of the Madras High Court V. Subboraavale V. Superintendent of Post Offices (4). The judgments in these cases were tendered before the elaborate rules governing the conduct and service of these extra departmental agents were brought into operation in 1964. We do not therefore think an examination of these two decisions will be relevant or useful for disposing of the appeals before us.

The appeals are accordingly dismissed with costs. One set of hearing fee in respect of all the appeals except C.A. 1122 of 1972, CA 1751 of 1972 and CA 2275 of 1972 in which separate orders as to costs were made earlier.

✓ 2/17

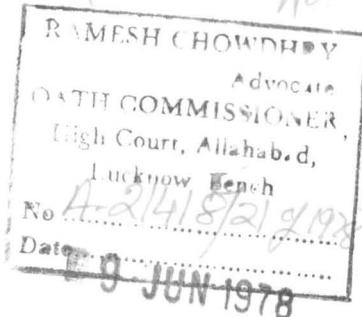
No. A Rlg.-3/Ch III Dated the Gonda 271001 the 13/23.7.77.
Copy to 1-20:- All the PMs, LSG, SPMs & IPOs in
the Dn. for information and necessary action.
21-32 :- All the dealing clerk in Gonda
33-34 :- The ASPOs and CI in DO Gonda
35 :- Spare.

Sd/- Illegible
Supdt. of Post Offices
Gonda Dn.

True Copy



R. Chowdhury
Adv.



10/2/1978



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

A F F I D A V I T

IN

Writ Petition under Article 226 of the Constitution of India.

Girja Shanker Chaube. Petitioner.

Versus

Union of India and another. Opposite-Parties.

I, Girja Shanker Chaube, aged about 33 years, son of Sri Beni Madho Chaube, resident of Village and Post Office Mokalpur, Pargana, Tahsil and District Gonda, do hereby solemnly affirm and state 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 of the case.
2. That the contents of paras 1 to 8 and 10 except portion marked within brackets in para 10 of the attached writ petition are true to the own knowledge of the deponent.
3. That the contents of para 9 and portion marked within brackets in para 10 of the attached writ petition are believed by me to be true.

Lucknow dated

June 9, 1978.

Deponent.

I, the above-named deponent do hereby verify

that the contents of paras 1 and 2 of this affidavit are true to my own knowledge and the contents of para 3 of this affidavit are believed by me to be true and no part of it is false and nothing material has been concealed, so help me God.

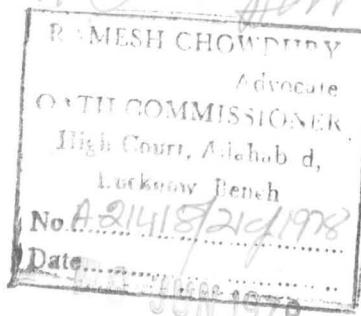
Lucknow dated
June 9, 1978.

Subjaiman Ali
Deponent.

I identify the deponent who has signed before me.

Raj Kumar
(Raj Kumar)
Advocate

Solemnly affirmed before me on 9-6-1978
at 10:40 a.m./p.m. by Sri Girja Shanker Chaube
the deponent who is identified by R
Sri Raj Kumar, Advocate High Court, Allahabad.
I have satisfied myself by examining the
deponent that he understands the contents of
this affidavit which has been read out, and
explained by me.



in the High court of Judicature
व अदालत श्रीमान Allahabad at Lucknow महोदय ३३

वादी अपीलान्ट
का
प्रतिवादी रेस्पान्डेन्ट

वकालतनामा ३३



Ginya Shankar

वादी (मुद्राई)

बनाम

Cenvior of Gndha & others प्रतिवादी (मुद्राअलेह)

न० मुकद्दमा सन् १६ पेशी की ता० १६ जून १०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Raj Kumar Adivali

117B Faizabad Road Luck एडवोकेट महोदय
वकील

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 पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या मुलहनामा वा इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखति) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

निजाशालीन

साक्षी (गवाह)

साक्षी [गवाह]

दिनांक

महीना

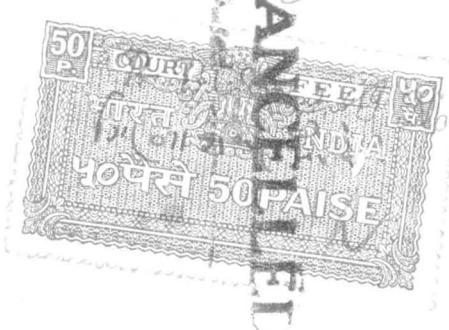
सन् १६ ई०

आर० ब्र० सिन्हा
लै, द : कलेक्ट्री लखनऊ।

S/236570

In the Hon'ble High Court of Judicature Allahabad
of Lucknow

W.P. No 1350 of 1970



Sirja Member Chauhan — Petitioner
vs

Union of India and another — Ob.

Question

1. Whether the stay
order dated 9.6.70
passed by Hon'ble
Mr Justice K.N.
Sopal still
continues.

K.C. Tripathi
K. S. Tripathi
Date 16/6/78
Counsel for 16/6/78
23.6.78

K/10
W/2

re-appointment order of one Sri Purshottam Chaubey on the post of E.D.B.P.M., Mokalpur held by the petitioner and requiring the petitioner to hand over charge to Sri Purshottam Chaubey.

4. That the petitioner upon receiving the aforesaid order dated 12-6-1978 came over to Lucknow and handed over the order to his counsel for necessary action if required to be taken.
5. That the counsel for the petitioner filed the order along with a supplementary affidavit which is on record.
6. That the aforesaid order requires the following amendments in the Writ Petition for just and proper adjudication of the matter. That paragraph (A) be added in the Writ Petition as the paragraph 7 (A) of the Writ Petition and paragraph (B) as paragraph 7 (B) of the Writ Petition.
 - (A) That the petitioner on 12-6-1978 received an order issued by opposite party no. 2 requiring the petitioner to hand over charge to one Sri Purshottam Chaubey without serving him any order of termination. That it is also not out of place to mention here that a post of E.D.B.M. is not a transferable post as such the order of handing over charge would amount to removal from service. A true copy of the order dated 12-6-1978 is annexed herewith as Annexure No. 4. to the Writ Petition.
 - (B) That in view of Annexure No. 3 of the Writ

Petition the services of the petitioner could not be terminated in a manner it has been terminated. The petitioner is continuing on the post for the last 5 years without any interruption.

7. That by virtue of the impugned order dated 12-6-1978, Sri Purshottam Chaubey has become necessary party. As such for seeking effective relief Purshottam Chaubey be allowed to be impleaded as opposite party no. 3 in the Writ Petition.

8. That the following grounds and reliefs which have been necessitated on account of above averments be allowed to be added on the Writ Petition as ground No. (e) and relief no. 5.

G R O U N D S :

(e) Because as no order of termination has been served upon the petitioner, as such opposite party no. 3 can not be allowed to be appointed on the post held by the petitioner and the opposite party no. 2 has got no authority to order the petitioner to hand over charge, as such the order dated 12-6-1978 (Annexure No. 4) is illegal and void.

R E L I E F S :

(5) That the order dated 12-6-1978 (Annexure No.4) be quashed by issuing a writ in nature of certiorari and opposite parties be restrained from effecting the order containing as Annexure No. 4 in the Writ Petition.

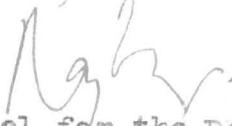
9. That the afore-mentioned paragraphs which

are sought to be amended are very necessary for just and proper adjudication of the Writ Petition.

WHEREFORE, it is most humbly prayed that the afore-mentioned amendments in the Writ Petition be allowed to meet the ends of justice and also interim order granted by this Hon'ble Court may be continued till the disposal of the instant Writ Petition.

Lucknow, Dated:

31. 7. , 1978.


Counsel for the Petitioner/
Applicant.

5

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

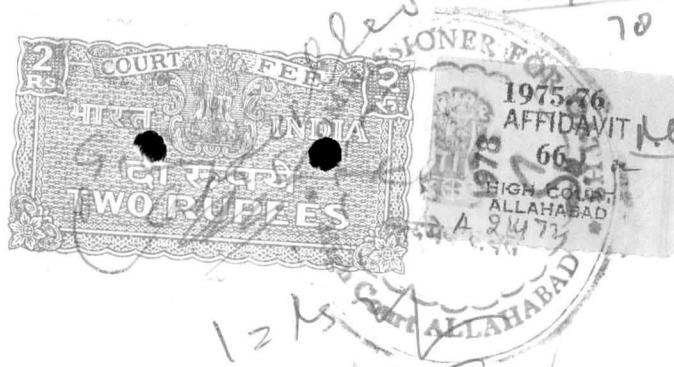
Sitting at Lucknow.

Civil Misc. Application No. of 1978.

In re :

Writ Petition No. 1350 of 1978.

13/66/A21472
70



Girja Shankar Chaubey

versus

Union of India and another

... Opposite parties.

Affidavit in support of

Amendment Application.

I, Girja Shankar Chaubey, aged about 32 years, son of Beni Madho Chaubey, resident of village Mokalpur, Post Office Mokalpur, District Gonda, do hereby solemnly affirm and state as under :-

1. That the deponent is himself the Petitioner/ Applicant in the above noted case and as such he is fully acquainted with the facts of the case.
2. That the above noted Writ Petition was filed on 9-6-1978 and an ad-interim order was passed to the effect that the order terminating the services of the deponent will not be given effect to.
3. That after repeated requests of the deponent to the opposite party no. 2 that the deponent be given the termination order by which it is alleged that his

W/AM
6

services have been terminated, the deponent not getting the same, filed the instant Writ Petition praying that the impugned termination order be summoned from the opposite parties and be quashed.

4. That subsequent to the filing of the Writ Petition, the deponent received an order dated 12-6-1978 issued by opposite party no. 2 purporting to be re-appointment order of one Sri Purshottam Chaubey on the post of E.D.B.P.M., Mokalpur held by the ~~petitioner~~ deponent and the deponent to hand over charge to Sri Purshottam Chaubey.

5. That the deponent upon receiving the aforesaid order dated 12-6-1978 came over to Lucknow and handed over the order to his counsel for necessary action if required to be taken.

6. That the counsel for the deponent filed the order along with a supplementary affidavit which is on record.

7. That the aforesaid order requires the following amendments in the Writ Petition for just and proper adjudication of the matter. That paragraph (A) be added in the Writ Petition as the paragraph 7 (A) of the Writ Petition and paragraph (B) as paragraph 7 (B) of the Writ Petition.

(A) That the petitioner on 12-6-1978 received an order issued by opposite party no. 2 requiring the petitioner to hand over charge to one Sri Purshottam Chaubey without serving him any order of termination. That



73/66/121472
28

it is also not out of place to mention here that the post of E.D.B.M. is not a transferable post as such the order of handing over charge would amount to removal from service. A true copy of the order dated 12-6-1978 is annexed as Annexure No. 4 to the Writ Petition.

(B) That in view of Annexure No. 3 of the Writ Petition the services of the petitioner could not be terminated in a manner it has been terminated. The petitioner is continuing on the post for the last 5 years without any interruption.

8. That by virtue of the impugned order dated 12-6-1978, Sri Purshottam Chaubey has become necessary party. As such for seeking effective relief Purshottam Chaubey be allowed to be impleaded as opposite party No. 3 in the Writ Petition.

9. That the following grounds and reliefs which have been necessitated on account of above averments be allowed to be added on the Writ Petition as ground No. (e) and relief no. 5.

" G R O U N D S ; "

(e) Because as no order of termination has been served upon the petitioner, as such opposite party no. 3 can not be allowed to be appointed on the post held by the petitioner and the opposite party no. 2 has got no authority to order the petitioner to hand over charge, as such the order dated 12-6-1978 (Annexure No. 4) is illegal and void.

R E L I E F S :

A/W
W/C

(5) That the order dated 12-6-1978 (Annexure No. 4) be quashed by issuing a writ in nature of certiorari and opposite parties be restrained from effecting the order containing as Annexure No. 4 in the Writ Petition.

10. That the afore-mentioned paragraphs which are sought to be amended are very necessary for just and proper adjudication of the Writ Petition.

Deponent

Lucknow: Dated ,
, 1978.

Deponent.

Verification.

I, the above named deponent, do hereby verify that the contents of paras 1 to 6 of this affidavit are true to my own knowledge and the contents of paras 7 to 9 are believed by me to be true being based on legal advice. No part of it is false and nothing material has been concealed, so help me God.



Lucknow, Dated :
, 1978.

Deponent

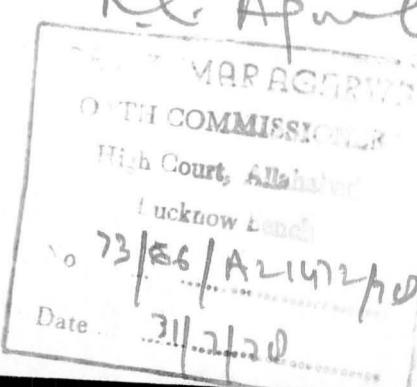
I identify the deponent who has signed before me.

Nayak
Advocate.

Solemnly affirmed before me on 31/7/78 at 2.30 A.M./P.M. by Sri Girja Shankar Chaubey, the deponent, who has been identified by Sri Kajal Kumar Advocate, High Court, Lucknow.

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

De. Aperha



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

Writ Petition No. 1350 of 1978.

Girja Shankar Chaubey ... Petitioner.

versus

Union of India and another. ... Opposite parties.

ANNEXURE No. 4.

Indian Posts and Telegraphs Department.

*Office of the Supdt. of Post Offices Gonda Division, Gonda.

Memo No. A/G-311 Dt. at Gonda the 12-6-1978.

In pursuance of the P.M.G. U.P. Circle Lucknow Memo No. VID/M-21/425/77/5 dated 30-5-78, the order of termination of services of Shri Purshottam Chaubey ex. EDBPM Mokalpur (Gonda) issued under this office memo No. A/ Mokalpur dt. 24-11-77 is set aside and hereby ordered that Sri Purshottam Chaubey ex. EDBPM Mokalpur, may be reappointed as EDBPM Mokalpur (Gonda) with immediate effect.

Sd/-

Supdt. of Post Offices.
Gonda Division

Copy to :-

1. The Postmaster Gonda
2. Shri Purshottam Chaubey ex. EDBPM Mokalpur (Gonda)
3. The IPOs Gonda East Sub-Dn. Gonda for information and necessary action. He will please take action for transmitting the charge properly and report compliance to this office within a week positively.
4. Shri Girja Shankar Chaubey EDBPM Mokalpur (Gonda) for information. He should hand over the complete charge to Shri Purshottam Chaubey.
- 5.6 spare

Mr. Agarwal
S. P. A. G. C. R. C.
With Commissioner
High Court, Allahabad
Lucknow bench

No. 73/66/A21472/510
Date 31/7/78

ब अदालत श्रीमान
वादी (प्रदावले)

प्रतिवादी (प्रदावले)

In The Hon-ble High Court of Judicature
At Allahabad Sitting at Lucknow
महादेव

वकालतनामा

48

621



LEW
11/11/18

वादी (प्रदावले)

Girija Shankar

बनाम

Union of India



W.P. 1350

नं० मुकदमा सन १९७८ पेशी को ता० १६ ई०

झपर लिखे मुकदमा में अपनी ओर से श्री

प्रतिवादी (प्रदावले)

वादी (प्रदावले)

एडवाकेट
वकील महोदय

श्री हरीशंकर सदाय सैडवोले को आना वकील नियुक्त करके प्रतिज्ञा (इफारा) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय सभ्य अपना अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रत्योत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या सुनहनाना या इकाल दावा तया अगोल व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारो या विपक्षी (फरीक्सानी) का दाखिल किए हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पैन नियुक्त करें वकील महोदय द्वारा को गई वह सब कार्यवाही हमको सर्वया स्वीकार है और होगी इसीलिये यह वकालतनामा लिख दिया कि प्रमाण रहे और सभ्य पर काम आवे।

Accts
JF Sahar
Adv

हस्ताक्षर १९७८
5/29/1978 India

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

11

महोना

8

१९७८ ई०

738

In the Hon'ble High Court of Judicature
at Allahabad, Lucknow Bench, Lucknow
Writ Petition No. 1350 A 1978

~~Spw~~
17-11-78
17-11-78
Girja Shanker Chauhan - Petitioner
vs.

~~Spw 21-11-78~~
S. No. 20
17-11-78
Union of India & others - - - Opp. Party

I am filing herewith
the rejoinder affidavit on behalf
of petitioner in the above noted
case. It is within time.

M. Agha

Counsel for the petitioner

Lucknow
Dt. 10.11.78

A611

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

Writ Petition No. of 1978



Girja Shankar Chaube

...Petitioner

Versus

Union of India and others

...Opp. parties.

REJOINDER AFFIDAVIT

I, Girja Shanker Chaube, aged about 32 years son of Sri Madho Chaube, resident of village Mukalpur, Post Office Mukalpur, Pargana, Tehsil and District Gonda, do hereby solemnly affirm and state as under:-

1. That the deponent is petitioner in the above noted case and as such he is fully conversant with the facts of the case.
2. That the contents of paragraph 1 of the counter affidavit need not reply.
3. That the contents of para 2 of the counter affidavit need not reply.

LW

4. That the contents of para 3 of the counter affidavit could not be ~~replied~~ ^{replied} to, for want of knowledge.

5. That the averments made in paragraph 4 of the counter affidavit are absolutely misconceived hence denied and it is further stated that the deponent was appointed in a clear vacancy by the order dated 18.9.1973 and as per Rule 6 of Extra Departmental Agents Service Rules contained in Schedule No. 1-B of P. & T. Manual (Part-3) has attained status of Regular employee after putting in 3 years continuous service as Branch Post Master hence his services could not be terminated without proceeding against him departmentally (Annexure 3 to the writ petition ~~is referred to~~ ^{VS} ^{VS} referred to).



6. That the averment made in paragraph 5 of the counter affidavit are absolutely false hence denied as the deponent has never made any representation to any authority concern.

7. That except for the averments that the opposite party no. 3 got his reinstatement order on 13.6.78 (for want of knowledge) rest of the para 6 of the counter affidavit is admitted.

8. That in reply to para 7 of the counter affidavit, it is stated that in view of Annexure 3 to the writ petition the averments made therein the paragraph are absolutely misconceived, hence denied.

3.

It is also not out of place to state that it could be reasonably contemplated that the opposite party no. 3 will prefer a representation upon which he will get reinstatement order. The moment, opposite party no. 3's termination the post fell vacant and it could not be considered otherwise than a clear vacancy.

9. That in reply to contents of para 8 of the counter affidavit, para 8 of the writ petition is reiterated.

10. That in reply to para 9 of the counter affidavit, it is stated that in view of Annexure 3 to the writ petition, the deponent had been ~~denied~~ deemed to hold a civil post and after putting in 3 years continuous service his services could not be terminated in the manner, it has been terminated.

11. That the averment made in paragraphs 10 of the counter affidavit are misconceived, hence denied.

12. That the averment made in para 11 of the counter affidavit are misconceived, hence denied.

13. That the averments made in para 12 of the counter affidavit are false hence, denied and in reply paragraphs 5 and 6 of the writ petition are reiterated.



✓ 452

14. That in reply to para 13 of the counter affidavit, it is stated that in view of [✓] Supreme Court Judgment the averments made therein the paragraph are misconceived, hence denied.

15. [✓] That paragraph 14 of the counter affidavit need not reply.

16. That averment made in paragraph 15 of the counter affidavit, are misconceived and irrelevant hence denied and it is further stated that such extraneous [✓] pleas that the deponent has got so much private property is uncalled for. It is further stated that taking into account the irrelevant and extraneous averments of the opposite party nos. 1 and 2 it would not be out of place to mention here that as per E.D.A. Rules only that person [✓] could be appointed as village Branch Post Master who permanently resides in the village and holds a sufficient property in the same village and in the case of opposite party no. 3 non of the condition are full filled as the opposite party no. 3 is a permanent resident of village Kapporpur of a different Mauja and holds property in that village only. It seems that opposite party no. 3 fraudulently shown himself as resident of Mokalpur and got the appointment.

86/78
21/11/1978



17. That the averment made in paragraph 16 of the counter affidavit are [✓] misconceived hence denied.

5.

18. That paragraph 17 of the counter affidavit need not reply.

19. That in reply to paragraph 18 of the counter affidavit, paragraph 2 of the Amendment Application is reiterated and it is further stated that a person holding a Civil Post his services cannot be terminated. In a manner it has been terminated.

20. That paragraph 19 of the counter affidavit need not reply.

21. That in reply to para 20 of the counter affidavit, paragraph 4 of the amendment application is reiterated.

22. That paragraph 21 of the counter affidavit need not reply.

23. That paras 22 and 23 of the counter affidavit has already been replied to in the foregoing paragraph.

24. That paragraph 24 of the counter affidavit is denied and in reply to paragraph 7 of the amendment application is reiterated.

25. That in reply to paragraph 25 of the counter affidavit, paragraph 8 of the amendment application

6.

is reiterated.

26. That in reply to paragraph 26 of the counter affidavit, paragraph 9 of the amendment application is reiterated.

Significant

Lucknow

Dated 10.11.1978

Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 4.....
of this affidavit are true to my personal knowledge, & the contents of paras 5 to 20 are based on the legal advice. No part of it is false and nothing material has been concealed, so help me God.

Significant

Lucknow

Dated 10.11.1978

Deponent

I identify the deponent who has signed

before me.

Nayak
Advocate.

Solemnly affirmed before me on

at 1.25 pm. by Sri *Girja Shankar Chawla* the deponent whos is identified by

Sri Raj Kumar

Advocate High Court Lucknow

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

Veena Sinha

VEENA SINHA
OATH COMMISSIONER,
High Court, Allahabad
Lucknow Bench

86/28

No. 10/11/78

A/5

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

Writ Petition No. of 1978

Girja Shankar Chaube ...Petitioner

Versus

Union of India and others ...Opp. parties.

REJOINDER AFFIDAVIT

I, Girja Shanker Chaube, aged about 32 years
son of Sri Madho Chaube, resident of village
Mukalpur, Post Office Kukalpur, Pargana, Tehsil
and District Gonda, do hereby solemnly affirm
and state as under:-

1. That the deponent is petitioner in the
above noted case and as such he is fully conversant
with the facts of the case.
2. That the contents of paragraph 1 of the
counter affidavit need not reply.
3. That the contents of para 2 of the
counter affidavit need not reply.

4. That the contents of para 3 of the counter affidavit could not be replied to, for want of knowledge.

5. That the averments made in paragraph 4 of the counter affidavit are absolutely misconceived hence denied and it is further stated that the deponent was appointed in a clear vacancy by the order dated 18.9.1973 and as per Rule 6 of Extra Departmental Agents Service Rules contained in Schedule No. 1-B of P. & T. Manual (Part-3) has attained status of Regular employee after putting in 3 years continuous service as Branch Post Master hence his services could not be terminated without proceeding against him departmentally (Annexure 3 to the writ petition is referred to).

6. That the averment made in paragraph 5 of the counter affidavit are absolutely false hence denied as the deponent has never made any representation to any authority concern.

7. That except for the averments that the opposite party no. 3 got his reinstatement order on 13.6.78 (for want of knowledge) rest of the para 6 of the counter affidavit is admitted.

8. That in reply to para 7 of the counter affidavit, it is stated that in view of Annexure 3 to the writ petition the averments made therein the paragraph are absolutely misconceived, hence denied.

It is also not out of place to state that it could be reasonably contemplated that the opposite party no. 3 will prefer a representation upon which he will get reinstatement order. The moment, opposite party no. 3's termination the post fell vacant and it could not be considered otherwise than a clear vacancy.

9. That in reply to contents of para 8 of the counter affidavit, para 8 of the writ petition is reiterated.

10. That in reply to para 9 of the counter affidavit, it is stated that in view of Annexure 3 to the writ petition, the deponent had been ~~denied~~ deemed to hold a civil post and after putting in 3 years continuous service his services could not be terminated in the manner, it has been terminated.

11. That the averment made in paragraphs 10 of the counter affidavit are misconceived, hence denied.

12. That the averment made in para 11 of the counter affidavit are misconceived, hence denied.

13. That the averments made in para 12 of the counter affidavit are false hence, denied and in reply paragraphs 5 and 6 of the writ petition are reiterated.

14. That in reply to para 13 of the counter affidavit, it is stated that in view of Supreme Court Judgment the everments made therein the paragraph are misconceived, hence denied.

15. That paragraph 14 of the counter affidavit need not reply.

16. That everment made in paragraph 15 of the counter affidavit, are misconceived and irrelevant hence denied and it is further stated that such extraneous pleas that the deponent has got so much private property is uncalled so for. It is further stated that taking into account the irrelevant and extraneous everments of the opposite party nos. 1 and 2 it would not be out of place to mention here that as per E.D.A. Rules only that person could be appointed as village Branch Post Master who permanently resides in the village and holds a sufficient property in the same village and in the case of opposite party no. 3 non of the condition are full filled as the opposite party no. 3 is a permanent resident of village Kapporpur of a different Mauja and holds property in that village only. It seems that opposite party no. 3 fraudulently shown himself as resident of Mokalpur and got the appointment.

17. That the everment made in paragraph 16 of the counter affidavit are misconceived hence denied.

18. That paragraph 17 of the counter affidavit need not reply.

19. That in reply to paragraph 18 of the counter affidavit, paragraph 2 of the Amendment Application is reiterated and it is further stated that a person holding a Civil Post his services cannot be terminated. In a manner it has been terminated.

20. That paragraph 19 of the counter affidavit need not reply.

21. That in reply to para 20 of the counter affidavit, paragraph 4 of the amendment application is reiterated.

22. That paragraph 21 of the counter affidavit need not reply.

23. That paras 22 and 23 of the counter affidavit has already been replied to in the foregoing paragraph.

24. That paragraph 24 of the counter affidavit is denied and in reply to paragraph 7 of the amendment application is reiterated.

25. That in reply to paragraph 25 of the counter affidavit, paragraph 8 of the amendment application

is reiterated.

26. That in reply to paragraph 26 of the counter affidavit, paragraph 9 of the amendment application is reiterated.

Lucknow

Dated 10.11.1978

Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 6..... of this affidavit are true to my personal knowledge, & the contents of paras 5 to 13, 16 to 26, believed to be true on perusal of records and brief, Paragraph is are based on the legal advice. No part of it is false and believed by me true on legal advice nothing material has been concealed, so help me God.

Lucknow

Dated 10.11.1978

Deponent

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on 10/11/78
at 1.25 am/pm. by Sri Girja Shankar Chobey
the deponent who is identified by
Sri Raj Kumar

Advocate High Court Lucknow

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

A
64

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

In

Writ Petition No. _____ of 1978

Girja Shanker Choubey ***** Petitioner

Versus

Union of India and another ----- Opp-parties

-: SUPPLEMENTARY AFFIDAVIT :-

I, Girja Shanker Choubey, aged about 33 years
son of Sri Bani Radho Choubey, resident of Village
and Post Office Mokalpur, Purgana, Tahsill and
District Gonda, do hereby solemnly affirm and state
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 of the case.
2. THAT at the time of filing of the writ petition
the order of termination of the deponent was
not served upon him.
3. THAT the deponent had received an order
dated 12-6-78 on 12-6-78 purporting to be his
termination order through which the deponent
is required to hand over charge to Shri Purshotam
Choubey who has been re-appointed on the post

held by the deponent. A true copy of order dated 12-6-78 is annexed herewith as Annexure 1.

4. THAT the deponent had sent a copy of the writ petition through Registered Post on 10-6-78 to Shri B.L.Shukla Counsel for Union of India. The Deponent has enquired from the Chamber of Shri B.L.Shukla and has come to know that the copies of the petition have been duly received by him.

5. THAT the stay order passed on 9-6-78 if not continued, the deponent will suffer irreparable loss and he will be released of the charge illegally.

Lucknow-dated
June 26, 1978

Deponent

..: VERIFICATION :-

I, the above-named deponent do hereby verify that the contents of paras 1 to 4 of the affidavit are true to my own knowledge and those of para 5 is believed by me to be true. No part of it is false and nothing material has been concealed so help me God.

Lucknow-dated
June 26, 1978

Deponent

I identify the deponent who has signed before me.

Advocate
Solemnly affirmed before me on at a.m/p.m by the deponent, who is identified by Shri Advocate of High Court Allahabad. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.

A/64

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

In

Writ Petition No. _____ of 1978

Girja Shanker Choubey * * * * * Petitioner

Versus

Union of India and another ----- Opp-parties

-: SUPPLEMENTARY AFFIDAVIT :-

I, Girja Shanker Choubey, aged about 33 years son of Sri Beni Madho Choubey, resident of Village and Post Office Nokalpur, Pargana, Tahsil and District Gonda, do hereby solemnly affirm and state 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 of the case.
2. THAT at the time of filing of the writ petition the order of termination of the deponent was not served upon him.
3. THAT the deponent had received an order dated 12-6-78 on 12-6-78 purporting to be his termination order through which the deponent is required to hand over charge to Shri Purshottam Choubey who has been re-appointed on the post

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW.



WRIT PETITION NO. 1350 OF 1978

Girja Shankar Chaube .. Petitioner

Versus

Union of India & another .. Opposite Parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES NOS. 1 and 2.

I, Ram Swaroop Srivastava, aged about 46 years, son of Shri B.P. Srivastava, resident of Mohalla Bairiwa, Basti, at present working as Superintendent of Post Offices, Gonda Division, Gonda, do hereby take oath and solemnly affirm as under:-

1. That the deponent is working as Superintendent of Post Offices, Gonda Division Gonda, and is well acquainted with the facts deposed to in this affidavit.

2. That in order to give a full picture of the case, it is necessary to give a brief narrative of facts before giving a parawise reply to the writ petition.

3. That one Purshottam Chaube was a Extra-Departmental Branch Post Master, Mokalpur, District Gonda. He was put off duty for some lapses on his part and his services were ordered to be terminated by an order dated 24.11.1977, and his termination was ordered to be effective with effect from 3.7.1973, the date on which he was put off duty.

4. That in order to carry on the work of the post office, the petitioner was provisionally appointed to work as Extra Departmental Branch Postmaster by office memo No. H/Mokalpur dated 18.9.73. Provisional appointment does not confer any right of temporary or permanent employment on the petitioner. He took over charge on 21.9.73(after noon) and since then he is working continuously.

5. That on the representation by the petitioner the order terminating his service was set aside and he was taken back on duty.

6. That the order passed on the representation of Purshottam Chaubey, was also on 13.6.1978 though in the meanwhile the petitioner had filed a writ petition and obtained a stay order from this Hon'ble Court on 9.6.1978. Thus the charge of the post of Branch Post Office,

could not be handed over to Purshottam Chaubey and the petitioner is continuing as Branch Postmaster, Mokalpur.

7. That the petitioner's appointment order is Annexure 1 to the writ petition and it shows that he was only provisionally appointed as a Branch Postmaster, Mokalpur. It was further made clear to him in his appointment order that his appointment as Extra-Departmental Branch Post Master shall be in the nature of a contract liable to be terminated by him or the Superintendent, Post Offices, Gonda and further that he shall be governed by the provisions of the Posts and Telegraphs Extra Departmental Agent(Conduct and Services) Rules, 1964. It was further made clear in the appointment order that the petitioner should communicate his acceptance if conditions were acceptable to him. Thus the petitioner's case is not covered by the Supreme Court decision. His appointment was not on the post of Extra Departmental Branch Post Master which post cannot be deemed to be vacant and available for appointment in view of the re-instatement of Purshottam Chaubey the permanent incumbent of the post.

8. In reply to para 1 of the writ petition only this much is admitted that the petitioner was appointed provisionally as Extra Departmental Branch Post Master Mokalpur.

9. In reply to para 2 of the Writ Petition it is submitted that the petitioners appointment was on a post which was not available for permanent appointment and it was made clear to him that the appointment was only provisionally and was in the nature of a contract liable to termination at any time.

10. In reply to para 3 of the writ petition, it is submitted that the provisions of Central Civil Services (Classification Control and Appeal) Rules, 1965 are not attracted to the present case because it was not a case of disciplinary proceedings against the petitioner. It was a pure case of termination of appointment which was provisional on a contract basis and which could ~~not~~ be terminated under the terms of appointment at any time. The deponent is advised to state that the Supreme Court decision referred to has no application to the present case and consequently Article 311(2) of the Constitution also is not attracted.

11. In reply to para 4 of the writ petition it is submitted that the petitioner has not completed five years continuous service as yet. He was provisionally working since 21.9.73.

21/10

12. In reply to paras 5 and 6 it is submitted that the petitioner was neither appointed on regular basis nor had he completed the duration of five years on the date of the termination of his provisional appointment. The petitioner did not go to the office of the Superintendent, Post Offices, on 7th June 1978 nor was he informed by the Dak Nirkshak that the services of the petitioner had been terminated and the petitioner has to give charge before 10.66-1978. The allegations in these paragraphs are imaginary and have been made only with a view to create a cause of action. The petitioner was asked to hand over charge of the office of the Branch Post Master, Mokalpur, by office memo No.A/G/311 dated June 8/9/12, 1978, which was served on him on 13.6.1978.

13. In reply to para 7 of the writ petition, it has already been submitted that the petitioner's services were liable to termination at any time, his appointment being provisional. The deponent is advised to state that the petitioner's case is not covered by the decision of the Supreme Court.

210 *210*

14. In view of what has been stated in the earlier paragraphs, no further reply is needed with regard to the contents of



para 8 of the writ petition.

15. In reply to para 9 of the writ petition it is submitted that the petitioner has no right to the post. The order of termination of his service is perfectly valid and the petitioner has no legal right to challenge the same. The petitioner's engagement as Extra Departmental Branch Post Master is not the only source of his livelihood. There is no question of his being thrown out of employment as under the terms and conditions he is permitted to carry on cultivation and other business which he may choose to carry on. The petitioner owns 6.66 acres of land in his village and is carrying on cultivation and will not by the termination of his service be thrown out of employment.

16. In reply to para 10 of the writ petition, it is submitted that the petitioner is entitled to no relief and the writ

petition is liable to be dismissed.

17. Para 1 of the Amendment Application

is admitted.

18. In reply to para 2 of the

Amendment Application, it is submitted

that no request was received from the

petitioner demanding the termination order.

The services of the petitioner were not

terminated but ~~rather~~ he was simply asked

to vacate the office of Branch Post Master

on re-instatement of permanent incumbent

to the post under office memo No. A/G-311

dated 12.6.78, which was served on the

petitioner on 13.6.78.

19. In reply to para 3 of the Amendment

application, contents of para 3 are

admitted.

20. Para 4 of the Amendment Application

is denied for want of knowledge.

21. No reply to para 5 of the Amendment

application.

22. In reply to para 6-A of the Amendment Application it is submitted that the petitioner was provisionally ordered to work as Extra Departmental Branch Post Master, Mokalpur in temporary arrangement made owing to the removal of the permanent incumbent of the post, pending decision of the appeal to the higher departmental authorities. The permanent incumbent of the post was re-instated as a result of the decision of the higher authorities.

23. In reply to para 6-B of the Amendment Application, it is submitted that the facts stated therein are not admitted. Since the petitioner was neither appointed on regular basis nor had he completed the duration of 5 years on the date of termination of his appointment, the provisional appointment does not confer any right on temporary or permanent appointment of the petitioner.

24. In reply to para 7 of the Amendment Application it is denied that Purshottam

Chaubey is a necessary party to the writ petition.

25. Para 8 of the Amendment Application is not admitted.

26. Para 9 of the Amendment Application is denied and it is submitted that the petitioner is not entitled to any relief and his writ petition is liable to be dismissed.

210 Deponent

Lucknow
Dated: 29-10-1978

Deponent

Verification:

I, the deponent named above, do hereby verify that the contents of paras 1 to 26 — are true to my knowledge, those of paras 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 are based on the information derived from the records maintained in the office and those of paras 13, 14, 15, 16, 20, 21, 24, 25, 26 are true on the advice received from my counsel which I believe to be true. No part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow: Dated 29-10-1978

210 Deponent

I identify the deponent who has signed before me.

Solemnly affirmed before me on 29.10.2021

at 10.55 a.m./p.m. by Shri Ram Swaroop

Srivastava, who is identified by Shri

Nirankar Prasad, Clerk to Shri B.L.Shukla,

Advocate, Standing Counsel, Central Government

High Court, Lucknow Bench.

I have satisfied myself by examining the

deponent that he understands the contents

of this affidevit, which has been read out

and explained by me.



6(C)

Oath Commissioner High Court, Allahabad Lucknow Bench
No. 2020 - 21
Date 29.10.2021

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14

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

WRIT PETITION NO. 1350 of 1978

Girje Shankar Choubey .. Petitioner

Versus

Union of India & another .. Opposite Parties.

APPLICATION FOR VACATION OF STAY ORDER.

The humble petition of the Opposite Parties
No. 1 and 2 most respectfully sheweth:-

1. That for the reasons given in the counter
affidavit to the writ Petition it is prayed that
the Stay Order passed by this Hon'ble Court be
vacated.

Lucknow Dated:

6/11/1978

Counsel for the Opposite
Parties No.1 and 2

A/5

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW.

- - -

WRIT PETITION NO. 1350 OF 1978

Cirja Shankar Chaube .. Petitioner

Versus

Union of India & another .. Opposite Parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE
PARTIES NOS. 1 and 2.

- - -

I, Ram Swaroop Srivastava, aged about 46 years, son of Shri B.P. Srivastava, resident of Mohalla Bairikwa, Basti, at present working as Superintendent of Post Offices, Gonda Division, Gonda, do hereby take oath and solemnly affirm as under:-

1. That the deponent is working as Superintendent of Post Offices, Gonda Division Gonda, and is well acquainted with the facts deposed to in this affidavit.

2. That in order to give a full picture of the case, it is necessary to give a brief narrative of facts before giving a paravise reply to the writ petition.

3. That one Purshottam Chaube was a Extra-Departmental Branch Post Master, Mokalpur, District Gonda. He was put off duty for some lapses on his part and his services were ordered to be terminated by an order dated 24.11.1977, and his termination was ordered to be effective with effect from 3.7.1973, the date one which he was put off duty.

4. That in order to carry on the work of the post office, the petitioner was provisionally appointed to work as Extra Departmental Branch Postmaster by office memo No. B/Mokalpur dated 18.9.73. Provisional appointment does not confer any right of temporary or permanent employment on the petitioner. He took over charge on 21.9.73(after noon) and since then he is working continuously.

5. That on the representation by the petitioner the order terminating his service was set aside and he was taken back on duty.

6. That the order passed on the representation of Purshottam Chaubey, was also on 13.6.1978 though in the meanwhile the petitioner had filed a writ petition and obtained a stay order from this Hon'ble Court on 9.6.1978. Thus the charge of the post of Branch Post Office,

could not be handed over to Purshottam Chaubey and the petitioner is continuing as Branch Postmaster, Mokalpur.

7. That the petitioner's appointment order is Annexure 1 to the writ petition and it shows that he was only provisionally appointed as a Branch Postmaster, Mokalpur. It was further made clear to him in his appointment order that his appointment as Extra-Departmental Branch Post Master shall be in the nature of a contract liable to be terminated by him or the Superintendent, Post Offices, Gonda and further that he shall be governed by the provisions of the Posts and Telegraphs Extra-Departmental Agent(Conduct and Services) Rules, 1964. It was further made clear in the appointment order that the petitioner should communicate his acceptance if conditions were acceptable to him. Thus the petitioner's case is not covered by the Supreme Court decision. His appointment was not on the post of Extra-Departmental Branch Post Master which post cannot be deemed to be vacant and available for appointment in view of the re-instatement of Purshottam Chaubey the permanent incumbent of the post.

8. In reply to para 1 of the writ petition only this much is admitted that the petitioner was appointed provisionally as Extra-Departmental Branch Post Master Mokalpur.

-4-

9. In reply to para 2 of the Writ Petition it is submitted that the petitioners appointment was on a post which was not available for permanent appointment and it was made clear to him that the appointment was only provisionally and was in the nature of a contract liable to termination at any time.

10. In reply to para 3 of the writ petition, it is submitted that the provisions of Central Civil Services (Classification Control and Appeal) Rules, 1965 are not attracted to the present case because it was not a case of disciplinary proceedings against the petitioner. It was a pure case of termination of appointment which was provisional on a contract basis and which could ~~not~~ be terminated under the terms of appointment at any time. The deponent is advised to state that the Supreme Court decision referred to has no application to the present case and consequently Article 311(2) of the Constitution also is not attracted.

11. In reply to para 4 of the writ petition it is submitted that the petitioner has not completed five years continuous service as yet. He was provisionally working since 21.9.73.

12. In reply to paras 5 and 6 it is submitted that the petitioner was neither appointed on regular basis nor had he completed the duration of five years on the date of the termination of his provisional appointment. The petitioner did not go to the office of the Superintendent, Post Offices, on 7th June 1978 nor was he informed by the Lok Nirikshak that the services of the petitioner had been terminated and the petitioner has to give charge before 10.00-1978. The allegations in these paragraphs are imaginary and have been made only with a view to create a cause of action. The petitioner was asked to hand over charge of the office of the Branch Post Master, Mokalpur, by office memo No. A/C/311 dated June 29/12, 1978, which was served on him on 13.6.1978.

13. In reply to para 7 of the writ petition, it has already been submitted that the petitioner's services were liable to termination at any time, his appointment being provisional. The deponent is advised to state that the petitioner's case is not covered by the decision of the Supreme Court.

14. In view of what has been stated in the earlier paragraphs, no further reply is needed with regard to the contents of

para 8 of the writ petition.

15. In reply to para 9 of the writ petition it is submitted that the petitioner has no right to the post. The order of termination of his service is perfectly valid and the petitioner has no legal right to challenge the same. The petitioner's engagement as Extra Departmental Branch Post Master is not the only source of his livelihood. There is no question of his being thrown out of employment as under the terms and conditions he is permitted to carry on cultivation and other business which he may choose to carry on. The petitioner owns 6.60 acres of land in his village and is carrying on cultivation and will not by the termination of his service be thrown out of employment.

16. In reply to para 10 of the writ petition, it is submitted that the petitioner is entitled to no relief and the writ

petition is liable to be dismissed.

17. Para 1 of the Amendment Application is admitted.

18. In reply to para 2 of the Amendment Application, it is submitted that no request was received from the petitioner demanding the termination order.

The services of the petitioner were not terminated but ~~he~~ he was simply asked to vacate the office of Branch Post Master on re-instatement of permanent incumbent to the post under office memo No. A/6-311 dated 12.6.78, which was served on the petitioner on 13.6.78.

19. In reply to para 3 of the Amendment application, contents of para 3 are admitted.

20. Para 4 of the Amendment Application is denied for want of knowledge.

21. No reply to para 5 of the Amendment application.

22. In reply to para 6-A of the Amendment Application it is submitted that the petitioner was provisionally ordered to work as Extra Departmental Branch Post Master, Mokalpur in temporary arrangement made owing to the removal of the permanent incumbent of the post, pending decision of the appeal to the higher departmental authorities. The permanent incumbent of the post was re-instated as a result of the decision of the higher authorities.

23. In reply to para 6-A of the Amendment Application, it is submitted that the facts stated therein are not admitted. Since the petitioner was neither appointed on regular basis nor had he completed the duration of 5 years on the date of termination of his appointment, the provisional appointment does not confer any right on temporary or permanent appointment of the petitioner.

24. In reply to para 7 of the Amendment Application it is denied that Purshottan

Chaubei is a necessary party to the writ petition.

25. Para 8 of the Amendment Application is not admitted.

26. Para 9 of the Amendment Application is denied and it is submitted that the petitioner is not entitled to any relief and his writ petition is liable to be dismissed.

Lucknow
Dated : 1978 Deponent

Verification:

I, the deponent named above, do hereby verify that the contents of paras are true to my knowledge, those of paras 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 are based on the information derived from the records maintained in the office and those of paras are true on the advice received from my counsel which I believe to be true. No part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow: Dated

Deponent

I identify the deponent who has signed before me.

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

WRIT PETITION NO. 1350 of 1978

Girja Shankar Chaubey .. Petitioner

Versus

Union of India & another .. Opposite Parties.

APPLICATION FOR VACATION OF STAY ORDER

The humble petition of the Opposite Parties
No. 1 and 2 most respectfully sheweth:-

1. That for the reasons given in the counter
affidavit to the Writ Petition it is prayed that
the Stay Order passed by this Hon'ble Court be
vacated.

Lucknow Dated:

Counsel for the Opposite
Parties No.1 and 2

6/11/1978

Today
16/6

Notice to Counsel of date fixed for hearing

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH), LUCKNOW

No. 1350-70

Mr. Shantaram Appellant;

Mr. & Mrs. Das versus Respondent.

Sri

Sarvasri

Counsel

for Appellant.

Sri

Sarvasri

Counsel

for Respondent.

Hearing

Take notice that the hearing of the above named case has been fixed for 20-6-70. 1970.

LUCKNOW:

Dated 20-6-70, 1970

Deputy Registrar.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
sitting at Lucknow

Supplementary Affidavit

in re:

Writ Petition No.1350 of 1978



Girja Shanker Chaube Petitioner/deone

Versus

Union of India and others Opposite Parties.

I, Girja Shanker Chaube, aged about 38 years, son of Sri Beni Madho Chaube, resident of village Mokalpur, tahsil and Dist. Gonda do hereby solemnly affirm and state on oath as under.

1. That the deponent is the petitioner in the case and as such he is fully conversant with the facts of ^{the} case deposed hereunder.

2. That the deponent had filed the aforesaid writ petition challenging his termination order.

3. That the opposite parties contested the case that as Sri Purshotam Chaube who was holding the post of Branch Post Master, Mokalpur prior to the deponent's appointment and whose services were terminated creating a vacancy at Mokalpur, has been reinstated and as such, the services of the deponent are liable to be terminated.

4. That Sri Purushotam Chaube has died demolishing

ABT/51/201-44 the very case of the deponent's termination.

5. That the deponent is continuing as Branch Post Master by virtue of this Hon'ble Courts' stay order and in view of the aforementioned facts now there is no cause whatsoever for petitioner's termination from service.

6. That it is most expedient and in the interest of justice that the ~~petitioner~~ that the petition be heard and decided in favour of the deponent.

S. Girja Shanker

Deponent.

Lucknow Dated:

16, 1984.
June

Verification

I, the deponent named above do hereby verify that that the contents of paragraphs *1 to 6* are true to the personal knowledge of the deponent and those of paragraphs *7* are believed by the deponent to be true and are based on legal advice and nothing material has been concealed, so help me God.

S. Girja Shanker

Deponent.

I identify the deponent who has signed before me.

Raj Kumar
(Raj Kumar)
Advocate

Solemnly affirmed before me on *16-6-84* at *8:50 a.m.* p.m. by the deponent Sri Girja Shanker Chaube who is identified by Sri Raj Kumar Advocate, High Court, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained to him.

Raj Kumar
OATH COMMISSIONER
High Court, Lucknow Bench

No. *55/372* NOW
Date *16-6-84*

KGB

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

Sitting at Lucknow

Supplementary Affidavit

in re:

Writ Petition No.1350 of 1978

Girja Shanker Chaube Petitioner/deponent

Versus

Union of India and others Opposite Parties.

I, Girja Shanker Chaube, aged about 38 years, son of Sri Beni Madho Chaube, resident of village Mokalpur, tahsil and Dist. Gonda do hereby solemnly affirm and state on oath as under.

1. That the deponent is the petitioner in the case, and as such he is fully conversant with the facts of ^{the} case deposed hereunder.

2. That the deponent had filed the aforesaid writ petition challenging his termination order.

3. That the opposite parties contested the case that as Sri Purshotam Chaube who was holding the post of Branch Post Master, Mokalpur prior to the deponent's appointment and whose services were terminated creating a vacancy at Mokalpur, has been reinstated and as such, the services of the deponent are liable to be terminated.

4. That Sri Purushotam Chaube has died demolishing the very case of the deponent's termination.

5. That the deponent is continuing as Branch Post Master by virtue of this Hon'ble Courts' stay order and in view of the aforementioned facts now there is no cause whatsoever for petitioner's termination from service.

6. That it is most expedient and in the interest of justice that the ~~petitioner that the~~ petition be heard and decided in favour of the deponent.

Deponent.

Lucknow Dated:
July , 1984.

Verification

I, the deponent named above do hereby verify that that the contents of paragraphs are true to the personal knowledge of the deponent and those of paragraphs are believed by the deponent to be true and are based on legal advice and nothing material has been concealed, so help me God.

Deponent.

I identify the deponent who has signed before me.

(Raj Kumar)
Advocate

Solemnly affirmed before me on at a.m/p.m by the deponent Sri Girja Shanker Chaube who is identified by Sri Raj Kumar Advocate, High Court, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained to him.

24
B1/2

Court fee remitted vide Notification No. M-1015/I-602 (1) Dated August 5, 1946 published in U. P./Gazette Dated August 10, 1946, Part I, page 277.

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD

Registration No. 302 of 1987 (P)

DISTRICT Gorakhpur
BETWEEN

G. S. Chaturvedi APPLICANT

AND

Union of India, Respondent

I, K. C. Sinha, Addl. Standing Counsel for the Government of India (except Income Tax and Railways) at the Central Administrative Tribunal, Additional Bench, Allahabad, appear on behalf of :

The Government of India/Union of India/Central Government (except Income Tax and Railways) and

K. C. Sinha

who is/are the Applicant (s)/Respondent (s) No. 103, etc
in the aforesaid case.

DATED 12/8/1987

(K. C. SINHA)

ADDL. STANDING COUNSEL
GOVERNMENT OF INDIA
ALLAHABAD.

K. C. SINHA



वकालत धोमान

जपीलालन

[रेस्पाडेन्ट]

Central Administrative Tribunal Allahabad
महोदय

Sirjashankar Chauhan

वकालतनामा



Sirjashankar Chauhan बनाम No. 9 अदी प्रतिवादी (रेस्पाडेन्ट)

नं० मुकदमा 302 सन् ८७(T) पेशी की ता० २७-१०-१९८७ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री M. Dubey, Advocate,

4th Lane, Newaiya Gramalganj, Lucknow

वकील
महोदय
एडवोकेट

नाम	वकील
मुकदमा नं०	फरीदगंज
मुकदमा नं०	फरीदगंज
मुकदमा नं०	फरीदगंज

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

हस्ताक्षर ११/१०/१९८७

साक्षी (गवाह) _____ साक्षी (गवाह) _____

दिनांक २७ महीना १० सन् १९८७ ई०

स्वीकृत

M. Dubey
Advocate