

INDEX SHEET

CAUSE TITLE O A 477 OF 1987

NAME OF THE PARTIES A. K. Seivastava Applicant

Versus

..... Union of India Respondent

Part A.

Sl.No.	Description of documents	Page
1	General Index	A-1 ✓
2	check list	A-2 to 3 ✓
3	order sheet	A-4 to 14 ✓
4	Judgement dt. 10-12-91	
5	copy of petition with index	A-15 to 32 ✓
6	counter Affidavit	A-33 to 41 ✓
7	Rejoinder Affidavit	A-42 to 47 ✓
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9	Devises	A-48 to 50 ✓
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15		
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18		

CERTIFICATE

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

Dated 19/4/2011

R/c destroyed on 9-5-12

Counter Signed.....

[Signature]

Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

1/6
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

127 of 1987

12

APPLICANT (s)

Ajay Kumar Srivastava

RESPONDENT(s)

Superintendent of Post office, Muzaffar Bagh Road

Karfer + 2 others

Note:- Recd by post from the Lucknow Bench of High Court.

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent?
2. (a) Is the application in the prescribed form?
(b) Is the application in paper book form?
(c) Have six complete sets of the application been filed?
3. (a) Is the appeal in time?
(b) If not, by how many days it is beyond time?
(c) Has sufficient case for not making the application in time, been filed?
4. Has the document of authorisation/Vakalat-nama been filed?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?

Yes

Yes

No

Yes, 8 sets filed

Yes

-

-

Yes

Yes but I.P.O. is time barred

Yes

Yes

Yes

Order Sheet

AM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

.....Reg.....No.....477.....of 1987
.....VS.....

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned.
1	2	3

24/6/87

Hon. D. S. Misra, A.M.
Hon. G. S. Sharma, J.M.

None is present for the applicant. Let the case be adjourned to

24.7.87.

[Signature]
A.M.

[Signature]

OR.
Today Sri M. Dubey filed an appln NO 17/87 along with his vakalatnama without the court stamp requesting there in to fix 11-8-87 as he was not able to attend the Tribunal on 24-7-87

24/7/87

Hon. D. S. Misra - AM.
Hon. G. S. Sharma - JM

None is present for the applicant. Sri K.C. Sinha files his vakalatnama on behalf of the respondent. The case is adjourned to 31/8/87 for admission.

[Signature]
AM.

[Signature]

21/7/87

5.1.88

Hon. D.S. Misra - AM
Hon. G. S. Sharma - JM

Shri K.C. Senka, learned
counsel for the respondent, prays
for time to file reply. He is
allowed to do so within three
weeks. Regoinder, if
any, may be filed within two
weeks thereafter.

Registry may fix a date
for hearing thereafter.

✓
AM ——— JM

12-2-88

12-2-88 DR

On the request of Counsel for
Respondent, he is allowed to file
reply by 18-3-88

✓
DR (J)

14/3/88 OR

Reply not filed so far.
Submitted for orders. ✓

18.3.88 Per

let the reply be filed
by 21.4.88

19.4.88

OR.

Registries

No Reply filed
so far. Submitted
for orders. ✓

②

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

A8

ALLAHABAD

.....OA No 477.....of 1987.

.....Vs.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	16/5/88	OK An application has been filed for transfer of this case before Circuit bench Lucknow. It approved the case may be fixed for 26/5/88 before Lucknow bench and notice be issued. h	
	16/5/88	DK list this case on 26/5/88 before Circuit bench Lucknow.	
	26.5.88.	D.R(J) Reply can be filed by DR(J) 19.7.88.	
	19-07-00	Registrar None responds. No reply has been filed. Inform Counsel for the respondents to file reply by 23/8/00. P.19 Registrar	

19.0) 88

Application by ~~Registrar~~
to expedite the disposal

CA 477/07

5.5.89

Hon. Justice Kamleshwar Nath, V.C.
Hon. Mr. D. S. Mishra, AM

None present for the parties.
Case is adjourned to 28/7/89 for
final hearing.

✓ AM

Y
V.C.

OR Submitted for
hearing
L
25/8

Adj
5/5

28/7/89

No sitting. Adj. to 26/9/89
for final hearing
L 28/7
B.O.C

26/9/89

Hon. Justice K. Nath, V.C.
Hon. K. Obayya, AM.

OR Case is submitted
for hearing
L
25/8

On the request of the
learned counsel for both
the parties the case be
adjourned for hearing
on 27-10-89.

AM.

VC.

OR Submitted for
hearing
L
26/8

Adj

27.10.89

No sitting of D/B. Adj. to. 2.1.90.
Both the counsel are present.

L
B.O.C

Submitted for
hearing
L
1/11/89

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

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

2/1/90

None is present for the parties.
 List this case on 5-1-90 for hearing.

Submitted
 leave
 L
 4/11

[Signature]
 A.M.
 (sns)

[Signature]
 V.C.

15/90

Case not reached. Adj. to 6.3.90
 for hearing

L
 B.O.C.

6.3.90

No sitting in Divisional Bench
 adjourn to 18.5.90

[Signature]
 B.O.C.

18.5.90

~~Case not reached~~

Case not reached.
 Adj. to 25/5.

25/5/90

Case not reached
 adjourned to 25.9.90.

[Signature]
 B.O.C.
[Signature]
 B.O.C.

5.9.90

No sitting. Adj. to 14.12.90

12.90

case not reached Adj. to 5.2.91
 for hearing

[Signature]

Dinesh

[Signature]
 B.O.C.

[Signature]

S.P.H.

L
 4/4/91

A13

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

Registration O.A.No. 477 of 1987

A.K.Srivastava Applicant

Vs.

Union of India & Others Respondents

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

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

In pursuance of the application invited by the Employment Exchange for appointment to the post of Extra Departmental Branch Post Master, the applicant offered himself for the same. The applicant's name was also sponsored by the Employment Exchange and he also fulfilled all the requisite qualifications including education and financial status and as well as having a house. The applicant was selected and was appointed as Extra Departmental Branch Post Master in the said Post Office Korari Kalan vide order dated 30.1.81. Some 5 years thereafter ^{it} transpired that one Hari Nath Singh who was earlier the Branch Post Master was facing a criminal trial and was acquitted and consequently an order was passed on 20.2.86 putting him ^{on} back of duty, but the order was cancelled on 25.4.86 and the said Hari Nath Singh never joined the said post which led support to the un-controverted allegations of the applicant that he was an employee of the Irrigation Department, and working there and as such he could not have been appointed or he could not have joined the post of Extra Departmental Branch Post Master.

2. The applicant's grievance is that it was against the clear vacancy on which he was appointed, but the appointment of the applicant obviously was not a regular appointment. Later on it was found that there was no

✓

vacancy, that is why the order of Hari Nath Singh for putting him back on duty was passed. But that order remained a waste paper in as much as the said Hari Nath Singh never joined the duty as he was not in a position to join the duty. Moreover according to the applicant he was not also fulfilling the requisite qualification. As the said Hari Nath Singh for whom it was said that the vacancy which was created against the vacancy which never existed. Then again ~~again~~ came into existence as consequent to ^{his failure to join. &} the applicant's appointment in the circumstances ^{has 2} ~~whatsoever~~ to be deemed to ^{continue &} ~~be regular~~ and there is no occasion for the department to make any appointment on the said post. As Hari Nath Singh's appointment has been cancelled and the applicant was appointed on the said post. The provisional appointment will not be deemed to be the final appointment. With these observation the application stands disposed of finally. No order as to costs.


MEMBER (A)


VICE-CHAIRMAN.

10th December, 1991, Lucknow.

(sph)

A15

In the Central Administrative Tribunal, Additional Bench,
at Allahabad.

Application No.

of 1986.

Reg No 477 of 87

Ajai Kumar Srivastava

.. Applicant.

Versus

Superintendent, Post Offices,

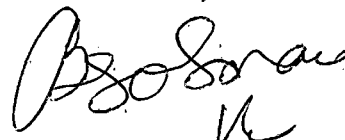
Kanpur and two others.

.. Respondents.

INDEX.

Sl. No.	Nature of documents	Pages.
1.	Fees in postal order of the value of Rs. 50/-	
2.	Application U/S 19	1 to 9
3.	Attested copy of letter dated 16-6-80- Annexure no. 1	10 to 12
4.	Attested copy of appointment letter dt. 22-1-81-Annexure -2	13
5.	Attested copy of order dt. 20-2-86- Annexure no. 3.	14
6.	Attested copy of representation dt. 28-2-86- Annexure No. 4.	15 - 16
7.	Vakalatnama	17.

Dated : 18-3-1986.


Advocate,

Counsel for Applicant.

In the Central Administrative Tribunal, Additional
Bench at Allahabad A/6

Ajay Kumar Srivastava ——— Applicant

vs.

Superintendent Postoffices
and others

————— Respondents

B. S. Boman
Counsel for Applicant

AD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH AT ALLAHABAD

Application No. 477 of 1988.

BETWEEN

Ajai Kumar Srivastava

Applicant

AND

1. Superintendent Post Offices,
Mufassil Prakhari, Kanpur.
2. Assistant Superintendent
Post Offices, Unnao.
3. Union of India, through Secretary
to Government, Ministry of Post &
Telegraph, New Delhi.

Respondents

1. Particulars of Applicant :

- I. Name of the applicant: Ajai Kumar Srivastava.
- II. Designation & office in which employed : Branch
Post Master, Korari Kalan, Unnao.
- III. Name of Father : Sri Rajiv Lochan Srivastava.
- IV. Office Address : Branch Post Office, Korari
Kalan, Unnao.
- V. Address for service of all notices : Village and
Post Office Korari Kalan, P.S.
Achalgunj, Tahsil & District
Unnao.

2. Particulars of the respondents :

I. Name and/or designation of the respondents -

Sri M.S. Khan, Superintendent, Post Offices,
Mufassil Prakhari, Kanpur. No. 1.

Assistant Superintendent, Post Offices,
Unnao. No. 2.

Union of India. No. 3.

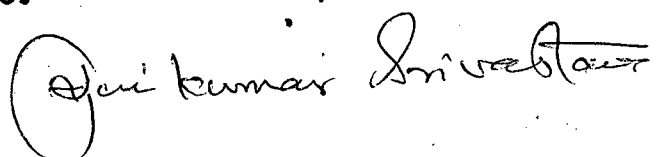
II. Office address of the respondents -

Office of Superintendent, Post Offices,
Mufassil Prakhari, Kanpur-208001. No. 1.

Office of Assistant Superintendent,
Post Offices, Unnao. No. 2.

Office of the Secretary to Government,
Union of India, Ministry of Post and
Telegraph, New Delhi. No. 3.

III. Address for service of all notices - Same as
in II above.



3. Particulars of the order against which the application is made :

The application is against the following order -

- i. Order no. - FX-4/26/80-81
- ii. Date - 20.2.1986.
- iii. Passed by - Superintendent, Post Offices,
Mufassil Prakhari, Kanpur.
- iv. Subject in brief - Appointing Sri Hari Nath Singh as Extra Departmental Branch Post Master, village Korari Kalan, Dt. Unao.

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the tribunal.

5. Limitation :

The applicant further declares that the application is within limitation prescribed under section 21 of the Administrative Tribunals Act 1985.

6. Facts of the Case :

I. That the respondent No. 1 invited applications for the post of Extra Departmental Branch Post Master through the Employment Exchange, Unao, by his order dated 16.10.1980. ^{attested} ~~Amphoto~~ copy of this letter dated 16.6.1980 is annexed as annexure No. 1 to this application.

II. That the applicant submitted his application in the prescribed proforma provided in letter dated 16.6.1980 (annexure No. 1) and appeared for ~~selection~~ selection for the post of E.D. Branch Post Master, Korari Kalan. Ultimately by order dated 22.1.1981 issued by the ^{respondent} ~~opposite party~~ ~~Mr. X~~ the respondent respondent No. 1 the applicant was appointed as E.D. Branch Post Master, Korari Kalan. The applicant fulfilled all the requirements and conditions of the recruitment as laid down in the Recruitment Rules framed under Director General Post and Telegraph letters Nos. 43-68/71-Pen., dated 6.2.73 & 43-84/80-Pen., dated 30.1.1981. The applicant passed ~~this~~ ^{his}

(Signature) Hari Kumar Srivastava

Intermediate Examination from U.P. Education Board, Allahabad in second division in 1977. The applicant owned house No. 124/109, Block 12, Govindnagar, Kanpur and a plot of land in village Korari Kalan, District Unnao and he still owns the said property. ^{attested} ~~Annexure~~ copy of appointment letter is annexure No. 2 to this application.

III. That in terms of the appointment letter the applicant joined as E.D. Branch Post Master at Korari Kalan, Tahsil and District Unnao immediately thereafter and is still holding the said post without any complaint from any quarter whatsoever.

IV. That on 20.2.1986 respondent No. 1 issued an order directing that one Hari Nath Singh is appointed as E.D. Branch Post Master, village ^{at} Korari Kalan where the applicant is already working as E.D. Branch Post Master. He has further directed respondent No. 2 to immediately secure the transfer of charge. ^{attested} ~~Annexure~~ copy of this order is annexure No. 3 to this application. The certified copy of this order was not given to the applicant on the plea that it did not relate to him.

V. That on the basis of the order dated 20.2.1986 annexure No. 3 to this application the respondent No. 2 is pressing the applicant to handover the charge of his office without giving any thing in writing to the applicant and has further threatened with police action if the applicant did not hand over charge on or before March 14, 1986.

VI. That facts giving rise to the order dated 20.2.1986 are that Sri Hari Nath Singh was earlier removed from service by order dated 2.6.1980 as he was involved in some criminal case with the depart-

J. K. Kumar Srivastava

ment. The said case concluded in favour of Sri Hari Nath Singh on 12.9.1984 and in consequence thereof he was appointed as E.D. Branch Postmaster. It is further pointed out that Sri Hari Nath Singh is not qualified to be appointed as extra departmental ~~XXXX~~ Branch Postmaster as he does not own any property in Ummao. He is already working in the Irrigation Department, Government of Uttar Pradesh at Ummao and he cannot be appointed as Branch Postmaster as he is already ~~working in~~ holding a Government post.

VII. That besides Industrial Disputes Act 1947, the services of the applicant are governed by the Post And Telegraphs Extra Departmental Agents (Conduct and Service) Rules 1964, hereafter referred to as the Service Rules. Rule 6 of the said Service Rule provides that an employee who has not already rendered more than 3 years continuous service from the date of his appointment shall be liable to termination by the appointing authority at any time without notice. The ~~petit~~ applicant has put in more than five years continuous service from the date of his appointment and his service is not liable to be terminated. The effect of the order dated 20.2.1986 appointing Sri Hari Nath Singh as E.D. Branch Post Master Korari Kalan is to render the applicant without employment without passing any order.

VIII. That the applicant ^{has} put in meritorious service for over five years and his services are not liable to be terminated under any provision of the Industrial Disputes Act 1947 (Central) and the Service Rules. The applicant has not committed negligence or breach

(Sd/-) Kumar Singh

of order, or caused any pecuniary loss to the Government entailing his removal from service.

IX. That in case the applicant is not granted an order restraining the respondents from removing him and taking charge from him of the office of E.D. Branch Post Master Korari Kalan, Unnao, the applicant would suffer an irreparable loss. The applicant had submitted a representation on 28.2.1986 to the respondent No. 1 against the order of appointment dated 20.2.1986 but he has not passed any order so far. ^{attested} A true copy of this representation in annexure No. 4 to this petition.

7.

Reliefs sought :

In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs :

- (a) That the tribunal be pleased to quash the order dated 20.2.1986 so far as it affects the applicant's right to hold and continue in the post of E.D. Branch Postmaster, Korari Kalan, District Unnao.
- (b) Direct the respondents not to interfere with the applicant's service as E.D. Branch Postmaster in Korari Kalan, District Unnao.
- (c) This application be allowed with cost.
- (d) Any other relief deemed just and proper in the circumstances be also granted in favour of the applicant.

~~Interim order is passed for~~
In support of the relief sought for the applicant presses the following grounds -

- (a) Because the respondents have not passed any order terminating or removing the applicant from his service as E.D. Branch Post Master and are

Dr. Kumar Srivastava

6.

- illegally forcing him to go out of his office ;
- (b) Because the respondents are terminating the services of the applicant under the cover of the order dated 20.2.1986 (annexure No. 3) without any authority;
 - (c) Because the applicant's services cannot be terminated as he has put in more than five years continuous service as E.D. Branch Post Master from the date of his appointment in terms of rule 6 of the Service Rules;
 - (d) Because Sri Hari Nath Singh cannot be validly appointed as E.D. Branch Post Master as he does not own any property in Unnao district ;
 - (e) Because the respondents No. 1 and 2 are enforcing the order dated 20.2.1986 (annexure 3) in a most arbitrary manner contrary to rules ;
 - (f) Because the order dated 20.2.1986 is illegal and void as Hari Nath Singh is already working in the Irrigation Department, U.P. Government at Unnao.
 - (g) Because the action of the respondents in forcing the applicant to handover the charge of his post of E.D. Branch Post Master, Korari Kalan, Unnao is highly prejudicial, illegal and mala fide

8. Interim order if prayed for :

Pending final decision of the application, the applicant seeks the issue of the following order -

The applicant prays that the respondents be restrained from enforcing the order dated 20.2.1986 against the applicant and from taking charge of the post of E.D. Branch Postmaster, Korari Kalan, Unnao from the applicant meanwhile and an ad-interim order may also be issued in the same terms.

Pran Kumar Srivastava

...(7)...

The Applicant seeks this interim relief, as he would go out of employment although no order terminating or removing him from service has been passed and the order dated 20.2.1986 is illegal and void as already detailed in para 6 & 7 above.

9. Details of the remedies exhausted :

The applicant has made a representation on 28.2.1986 to the Respondent No. 1, an attested copy of which has already been annexed as annexure No. 4. The Respondent No. 1 has not replied to the same so far. The applicant declares that he has availed of the remedy by presenting a representation. No order has been passed against the applicant and for that reason no appeal or revision could be preferred by him under the relevant service rules.

10. Matter not pending in other court :

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other branch of the Tribunal.

11. Particulars of ~~Bank Draft~~/Postal Order in respect of the application fee:

- (i) No. of Indian Postal Orders : $\frac{DD}{3}$ 876676
- (ii) Name of issuing Post Office: High Court Bench Lucknow
- (iii) Date of issue of Postal Order : 17-3-1986
- (iv) Post Office at which payable: General Post Office, Civil Lines, Allahabad.

12. Details of Index :

An index in duplicate containing the details of the documents to be relied upon is enclosed.

.....
Dev Kumar Srivastava

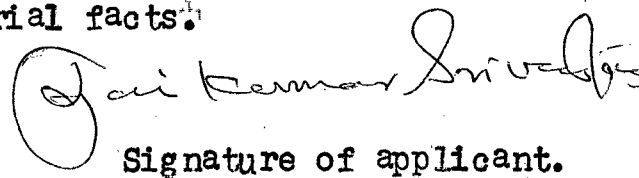
13. List of enclosures :

- i. Annexure No. 1, ^{Attested} ~~true~~ copy of the letter dated 16.6.80.
- ii. Annexure No. 2, ^{Attested} ~~photo~~ copy of appointment letter dated 22.1.81.
- iii. Annexure No. 3, ^{Attested} ~~true~~ copy of the order dated 20.2.86.
- Iv. Annexure No. 4, ^{Attested} ~~true~~ copy of the representation dated 28.2.86.

14. Verification :

I, Ajai Kumar Srivastava, aged about 27 years, son of Sri Rajiv Lochan Srivastava, working as Extra Departmental Branch Post Master, Korari Kalan, Unnao, resident of village and Post Officer Korari Kalan, P.S. Achalgunj, District Unnao, do hereby verify that the contents of form 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Lucknow, Dated:
March 17, 1986.


Signature of applicant.

To

The Registrar,
Central Administrative Tribunal,
Additional Bench,
Allahabad.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH AT ALLAHABAD.

DETAILS OF INDEX

(as per para 12 of the application)

1. Annexure No. 1, the letter dated 16.6.80 inviting applications for appointment of to the post of Extra Departmental Branch Post Master, Korari Kalan, Unnao, through Employment Exchange, Unnao.
2. Annexure No. 2, appointment letter dated 22.1.1981 appointing the applicant as E.D. Branch Post Master of Korari Kalan, Unnao.
3. Annexure No. 3, order dated 20.2.1986 appointing Sri Hari Nath Singh as E.D. Branch Postmaster Korari Kalan, Unnao.
4. Annexure No. 4, representation of the applicant dated 28.2.86 against the order dated 20.2.86 appointing Sri Hari Nath Singh as E.D. Branch Post Master, Korari Kalan, Unnao preferred to response No. 1.

Dated: 17-3-86

(Signature)
Applicant

अजय कुमार श्रीवास्तव.

....

एप्लीकेन्ट.

बनाम

अधीक्षक डाकघर, कानपुर - आदि.

....

रेस्पॉन्डेन्ट्स.

एनेक्जर नं. 1

=====

भारतीय डाक-तार विभाग

सूचना

सूचना

सूचना

एतद्वारा सर्वसाधारण को सूचित किया जाता है कि अतिरिक्त विभागीय शाखा डाकघर- कोरारी क्लास उन्नाव में अतिरिक्त विभागीय शाखा डाकघर/सम डाकघर का पद रिक्त है/होने जा रहा है। अतः आवेदन पत्र दिनांक 1-7-80 तक सीधे इस कार्यालय में आमंत्रित किये जाते हैं। विज्ञापन जारी तिथि के पूर्व और निर्धारित तिथि के पश्चात् प्राप्त होने वाले किसी आवेदन पत्र पर विचार नहीं किया जायेगा।

आवेदन के लिए निम्नलिखित योग्यताएँ होना आवश्यक है :-

- 1- आवेदनकर्ता की आयु सूचना प्रसारण की तिथि को 18 वर्ष से कम न होना चाहिए आयु का प्रमाण पत्र संलग्न किया जाना अनिवार्य है।
- 2- शिक्षा :- किसी मान्यता प्राप्त विद्यालय से कक्षा 8 आठ पास होना चाहिए। शिक्षा प्रमाण पत्र का भी संलग्न करना अनिवार्य है।
- 3- अचल सम्पत्ति या भूमि या आय का अन्य श्रोत का प्रमाणपत्र जो आवेदनकर्ता के स्वयं नाम से हो संलग्न किया जाना चाहिए।
- 4- किन्हीं दो सम्मानित व्यक्तियों द्वारा चरित्र प्रमाण पत्र जो कि 6 माह से अधिक पुराना न हो संलग्न किया जाना चाहिए।
- 5- आवेदन पत्र निर्धारित फार्म में आना आवश्यक है जिसकी प्रतिलिपि पृष्ठ पर अंकित है।
- 6- डाकघर के लिए समुचित स्थान आवेदनकर्ता को स्वयं के व्यय पर सुलभ करना होगा।
- 7- नियुक्ति हेतु वरीयता स्थानीय निवासी, रिटायर फौजी, अनुसूचित जाति/अनुसूचित जनजाति, पिछड़ी जाति को दी जायेगी।
- 8- नियुक्ति के उपरान्त आवेदनकर्ता को डाक-तार अतिरिक्त विभागीय कर्मचारी सेवा एवं आचरण नियमावली 1964 के सभी नियमों का जो समय समय पर निर्धारित हो, पालन करना होगा।

(Ajay Kumar Srivastava)

- 10- क्या आपके पास कोई चल अचल सम्पत्ति है ?
यदि हां तो उसका विवरण दें ।
तहसीलदार अथवा जिलाधीश द्वारा आय सम्बन्धी
प्रमाण पत्र अवश्य संलग्न करें ।
- 11- किन्हीं दो संप्रान्त व्यक्तियों द्वारा प्रदत्त चरित्र प्रमाण पत्र अवश्य
संलग्न करें ।
- 12- अन्य विवरण :-
- 13- ~~प्रश्न~~ इस आवेदन पत्र के साथ नत्की किये गये सभी कागजों का विवरण
:-
- | | |
|----|----|
| 1- | 2- |
| 3- | 4- |

स्थान :-

दिनांक :-

आर०डी०कुरील
10-6-80

आवेदक के हस्ताक्षर :-

Pran Kumar Singh
17/3/86

*Attested
True copy*

h. n. s.
14/3/86
Section Officer
Camp Reporting Department
High Court, Lucknow Bench
LUCKNOW.

- 9- जनता द्वारा चुने प्रतिनिधि एवं आपराधिक मामलों में फौजे व्यक्ति इस पद हेतु आयोज्य समझे जावेंगे ।
- 10- जो प्रार्थना पत्र सीधे इस कार्यालय को प्राप्त होंगे उन्हीं पर विचार होगा ।

टिप्पणी :- कोई भी आवेदन कर्ता अपनी या किसी अन्य की नियुक्ति हेतु यदि किसी प्रकार का अनुचित साधन या प्रभाव उपयोग करता पाया जावेगा तो उनके प्रार्थना पत्र पर विचार नहीं किया जावेगा ।

ज्ञापन संख्या :- २५४/ई०डी०ए० कोरारी क्लाँ दिनांक कानपुर-१, 16-6-80

ह०/ = अपठित

16/6/80

अधीक्षक डाकघर
म० प्रखण्ड, कानपुर-१

पंजीकृत

प्रतिलिपि प्रेषित तथा आवश्यक कार्यवाही हेतु :-

- 1- स०अधीक्षक/उन्नाव॥उ०प्र०॥ को इस आशय से कि वे उक्त पद की रिक्तता की सूचना पैलाकर प्रार्थना पत्र इस कार्यालय को सीधे भिजवायें ।
- 2- विकास खण्ड अधिकारी हसनगंज जनपद उन्नाव
- 3- ग्राम प्रधान ग्राम कोरारी क्लाँ जिला उन्नाव वह कृपया उक्त पद की मुनादी करवाकर योग्य सभी वर्गों के अभ्यर्थियों से प्रार्थनापत्र भिजवाये एवं साथ ही मुनादी करा देने का प्रमाण पत्र इस कार्यालय को भेजने की कृपा करें ।
- 4- शाखा डाक्याल कोरारी क्लाँ जिला उन्नाव सूचना पट पर चिपकाने हेतु ।
- 5- उप डाक्याल हसनगंज जिला उन्नाव सूचना एवं प्रार्थना पत्र भिजवाने हेतु

४-आर०डी०कुरील ४

भारतीय डाक-तार विभाग

अतिरिक्त विभागीय पद के लिए आवेदन पत्र का प्रारम्भ ।

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- 1- पद एवं कार्यालय का नाम जिसके लिए आवेदन पत्र दिया जा रहा है :-
- 2- आवेदक का नाम व पूरा पता :-
- 3- आवेदक के पिता का नाम तथा उनका पूरा पता :-
- 4- जन्मतिथि :- ॥जैसा कि शैक्षिक प्रमाण पत्र में अंकित है॥
- 5- शैक्षिक योग्यता :- ॥प्रमाण पत्रों की सत्यापित प्रति अवश्य संलग्न करें॥
- 6- यदि कोई अनुभव हो तो उसका विवरण :-
- 7- धर्म एवं जाति :- ॥अनुसूचित जाति एवं अनुसूचित जनजाति के अभ्यर्थी सक्षम अधिकारी द्वारा प्रदत्त प्रमाण पत्र की सत्यापित प्रति अवश्य संलग्न करें ॥
- 8- क्या आप स्थानीय व्यक्ति हैं? ॥अ०वि०शाखा डाक्याल एवं उपडाक्याल पदों के अभ्यर्थी इसका उत्तर अवश्य दें ॥
- 9- क्या आपके पास डाकघर हेतु उपयुक्त स्थान उपलब्ध है ?
॥उपरोक्त कालम 8 का उत्तर देने वालों के लिए इसका उत्तर देना आवश्यक है॥

San Kumar Srivastava

- 10- क्या आपके पास कोई चल अचल सम्पत्ति है ?
यदि हाँ तो उसका विवरण दें ।
§ तहसीलदार अथवा जिलाधीश द्वारा आय सम्बन्धी
प्रमाण पत्र अवश्य संलग्न करें §
- 11- किन्हीं दो संप्रान्त व्यक्तियों द्वारा प्रदत्त चरित्र प्रमाण पत्र अवश्य
संलग्न करें ।
- 12- अन्य विवरण :-
- 13- ~~प्रश्न~~ इस आवेदन पत्र के साथ नत्की किये गये सभी कागजों का विवरण
:-

1-

2-

3-

4-

स्थान :-

दिनांक :-

आवेदक के हस्ताक्षर :-

आर0डी0कुरील

10-6-80

Paul Kumar Singh
1713186

*Attested
True copy*

h. n. n.
14/3/86

**Section Officer
Camp Reporting Department
High Court, Lucknow Bench
LUCKNOW.**

एप्लीकेशन नं.

आफ 1986.

अजय कुमार श्रीवास्तव.

.... एप्लीकेन्ट.

बनाम

अधीक्षक डाकघर, कानपुर - आदि.

.... रेस्पान्डेन्ट्स.

एनेक्जर नं. 2

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भारतीय डाक-तार विभाग.

कार्यालय अधीक्षक डाकघर कानपुर §मु0§ प्रखण्ड कानपुर-208001.

ज्ञापन सं० -4 /ई0डी0ए0/ कोरारीक्ला कानपुर-208001

दिनांक 22.1.81

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विषय :- श्री अजय कुमार श्रीवास्तवकी अतिरिक्त विभागीय शाखा डाकपाल कोरारीक्ला जिला उन्नाव के पद पर प्रा विजनल नियुक्ति ।

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श्री अजय कुमार श्रीवास्तव पुत्र श्री राजीव लोचन ग्राम कोरारीक्ला पो० कोरारीक्ला जिला उन्नाव को एतद् द्वारा अतिरिक्त विभागीय शाखा डाकपाल कोरारीक्ला जिला उन्नाव ताश्रीख तत्काल से प्रा विजनल अन्तः कालीन नियुक्त किया जाता है । उन्हें इतना भत्ता दिया जायेगा : जितना कि समय-समय पर निर्धारित हो ।

श्री अजय कुमार श्रीवास्तव को यह स्पष्ट समझ लेना चाहिए कि उनकी यह नियुक्ति अनुबन्ध रूप से होगी, जिसकी स्वयं अथवा अधोहस्ताक्षर कर्त्ता द्वारा एक दूसरे को लिखित सूचना करने पर समाप्त किया जा सकेगा और यह कि वह संशोधित डाक-तार अतिरिक्त विभागीय कर्मचारी § आचरण एवं सेवा § नियमावली 1964 के अन्तर्गत अनुशासित होगा ।

ह0/= अग्र ठित

22/1/81

अधीक्षक डाकघर

कानपुर मुफस्सिल प्रखण्ड

कानपुर-208001

पंजीकृत प्रतिलिपि :-

सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- श्री अजय कुमार श्रीवास्तव पुत्र श्री राजीव लोचन श्रीवास्तव ग्राम कोरारीक्ला पोस्ट कोरारीक्ला जनपद उन्नाव
- 2- निरीक्षक-डाकघर अधीक्षक डाकघर उन्नाव के नियुक्त व्यक्ति को चार्ज दिलावे तथा अन्य औपचारिकता पूर्ण कराकर इस कार्यालय को प्रेषित करें ।
- 3- डाकपाल उन्नाव ।

Attested
True copy
14/3/86

Section Officer
Stamp Reporting Department
Bench

सत्य प्रतिलिपि

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सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल, एडिशनल बेंच एट इलाहाबाद ।

एप्लीकेशन नं.

आफ 1986.

अजय कुमार श्रीवास्तव.

.....

एप्लीकेन्ट.

बनाम

अधीक्षक डाकघर, कानपुर - आदि.

.....

रेस्पॉन्डेन्ट्स.

एनेक्चर नं. 3

भारतीय डाक विभाग

कार्यालय :- अधीक्षक डाकघर §मु0§ मण्डल कानपुर 208001.

ज्ञापन संख्या- एफएक्स-4/26/80-81 दि0 कानपुर 20.2.86.

श्री हरिनाथ सिंह अति0 वि0 शाखा डाक्याल कोरारी क्लॉ उन्नाव को इस कार्यालय के ज्ञापन संख्या सी0-आर0-10/एस0बी0-549/79-80 दिनांक 2.6.80 से पुट आफ ड्यूटी किया गया था । वर्तमान प्रबन्ध को निरस्त करके उक्त श्री हरिनाथ सिंह अति0 वि0 शाखा डाक्याल कोरारी क्लॉ, उन्नाव को ड्यूटी पर लेने के आदेश दिये जाते हैं ।

एसडी § एम.एस.खान §

अधीक्षक डाकघर

मुफस्सिल प्रखण्ड कानपुर

208001

प्रतिलिपि सूचना एवं आवश्यक कार्यवाही हेतु

1. श्री हरिनाथ सिंह अति0 वि0 शा0 डाक्याल कोरारी क्लॉ- उन्नाव §पुट आफ ड्यूटी§
वर्तमान पता - सी/ओ युवक सम्मन्यक नेहरू युवक केन्द्र कचेहरी रोड उन्नाव
2. डाक्याल उन्नाव
3. स्थापना अनुभाग
4. सहायक अधीक्षक डाकघर उन्नाव, कृपया तुरन्त कार्यभार हस्तान्तरित कराकर रिपोर्ट भेजे तथा कर्मचारी के कार्य पर कड़ी नजर रखें ।
5. गबन अनुभाग
6. कार्यालय प्रति

Attested
True Copy
14/3/86

Section Officer

Stamp Reporting Department
High Court, Lucknow Bench
LUCKNOW

सत्य प्रतिलिपि

अजय कुमार श्रीवास्तव

अजय कुमार श्रीवास्तव.

.... एप्लीकेट.

बनाम

अधीक्षक डाकघर, कानपुर - आदि.

.... रेस्पान्डेन्ट्स.

एनेक्जर नं. 4

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सेवा में,

~~भारत सरकार~~

श्री एम०एस०खान

श्रीमान् अधीक्षक महोदय

मुफस्सिल प्रखण्ड, कानपुर

महोदय,

सविनय निवेदन कि भूतपूर्व शाखा डाकघाल कोरारी क्लास उन्नाव श्री हरिनाथ सिंह, ड्यूटी से पुट आफ चल रहे थे जिनका कि केस न्यायालय में विचाराधीन था । दिनांक 12-9-84 को विभाग के विपक्ष में खारिज हो जाने से श्री हरिनाथ सिंह का केस बहाल हो गया था ।

अब श्री हरिनाथ सिंह शाखा डाकघाल पद पर चार्ज लेना चाहते हैं जैसा कि आपने आदेश भी कर दिया है । उन्हें चार्ज तुरन्त न दिला कर निम्न-
तथ्यों पर विचार करने की कृपा करें ।

1. यह कि श्री हरिनाथ सिंह, नि० ग्रा० अमोइया पो०- हसनगंज जिला उन्नाव का रहने वाला है ।
2. यह कि श्री हरिनाथ सिंह, शाखा डाकघाल के पद से पुट आफ हो जाने के थोड़े ही समय पश्चात् नहर विभाग उन्नाव में कार्य करने लगा था और अब भी कर रहे हैं । अतः वैधानिक तौर पर एक जगह कार्यरत सरकारी को दूसरी जगह भी शाखा डाकघाल कोरारी क्लास उन्नाव का चार्ज लेने का कोई अधिकार नहीं है ।
3. यह कि नहर विभाग में कार्यरत होने के प्रमाण हेतु आप अपने अधीनस्थ किसी कर्मचारी से जाँच करवा लें तथा तब तक चार्ज रोकने की कृपा करें ।
4. यह कि श्री हरिनाथ सिंह के पास कोई निजी सम्पत्ति भी नहीं है ।
5. प्राप्ति की सर्विस पाँच वर्ष एक माह की हो चुकी है ।

(Signature)

5. प्रा की ने एक प्रार्थना पत्र इस बाबत में दिनांक 13.9.84 को रजिस्टर्ड पत्र संख्या 1381 द्वारा श्री जय मुरारी लाल सक्सेना भू0प्र0अधीक्षक डाकघर ॥मु0प्र0॥ कानपुर को दे दिया था ।
6. प्रा की के 13.9.84 के पत्र में ग्राम प्रधान कोरारी कला ॥उन्नाव॥ ने अपनी संस्तुति भी की थी जिसकी फोटो कापी साथ में नत्थी है ।

अतएव विश्वास के साथ सानुरोध निवेदन है कि उपरोक्त तथ्यों पर ध्यान देकर चार्ज रक्कवा कर न्यायोचित जाँच कराने की कृपा करें क्योंकि मेरी नियुक्ति भी अधीक्षक डाकघर ॥मु0प्र0॥ कानपुर द्वारा ज्ञापन संख्या एस-4-ई0डी0ए0/कोरारी कला दिनांक 22-1-81 के द्वारा की गई थी ।

प्रा की,

ह0 अजय कुमार श्रीवास्तव ॥अंजी में॥
28.2.86.

प्रतिलिपि :-

1. पोस्ट मास्टर जनरल उ0प्र0 परिमण्डल लखनऊ

नोट :-

यदि मेरे साथ उचित न्याय न किया गया तो प्रा की को विवश होकर न्यायालय की शरण लेनी पड़ेगी ।

एनक्लोर्ज :-

1. फोटो कापी प्रार्थना पत्र दिनांक 13.9.84

रिसीव्ड

ह0/ अपठित

मोहर: प्राप्तकर्ता लिपिक

अधीक्षक डाकघर

मुफस्सिल प्रमण्ड

कानपुर - ~~XXXX~~ 208001

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सत्य प्रतिलिपि

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14/3/86

Section Officer

Revenue Department

U.P. Government

U.P. Government

Om Kumar Srivastava

11/10/2015 7:08

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

CIVIL MISC. APPLICATION NO. _____/OF 1988

On behalf of the Respondents.

IN

REGISTRATION NO. 477 of 1987

Ajai Kumar SrivastavaApplicant

Versus

The Union of India & others.....Respondents.

To

The Hon'ble the Vice-Chairman and
his other companion Members of the aforesaid
Tribunal.

The humble application on behalf
of the respondents Most Respectfully Showeth:

1. That the full facts and circumstances
have been set out in the accompanying counter-
affidavit.


68

Received
W. M. D. Singh
27/5/88

2. That for the reasons disclosed in the accompanying counter-affidavit, it is expedient in the interest of justice that the petition filed by the applicant may be dismissed with costs.

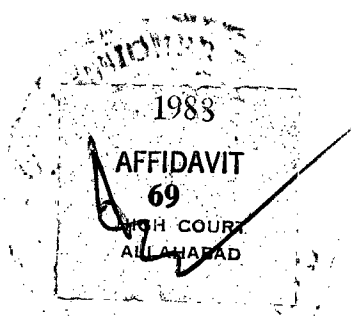
P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to allow the accompanying counter-affidavit on behalf of the Union of India(Respondents) and dismiss the petition with costs.


(K.C.SINHA)
Additional Standing Counsel
Central Govt.
Counsel for the Respondents

Dt/- 27-5-86/

A35



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

COUNTER AFFIDAVIT
.....

IN

REGISTRATION NO. /OF 1986/

Ajai Kumar Srivastava Applicant

Versus

The Union of India & others..... Respondents.

Affidavit of K. Jayaraman
aged about 53 years son of
S. Krishnamurthy posted
as Subd of Post office Kanpur
m. In 11. Jan
(Deponent)
हस्ताक्षर प्रमाण, दिनांक-20800

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

1. That the deponent is posted

11. Jan
11. Jan

as Supdt of Post offices and as such is fully acquainted with the facts of the case deposed to below.

2. That before giving a parawise reply, the following facts are being asserted in order to facilitate this Hon'ble Tribunal in administering justice.

3. That Shri Hari Nath Singh, Extra Departmental Branch Post Master, Korari Kalan Unnao was put off duty on 2.6.1980 on the allegation of mis-appropriation of government money. The post of Branch Post Master was temporarily fallen vacant and a provisional arrangement was necessary on the said post and as such a post was advertised on 16.6.1980 and one S hri Ajai Kumar Srivastava was provisionally engaged as Branch Post Master, Korari Kalan on ¹⁹⁸¹ 22.1.1980 who joined the post on 28.1.1981 afternoon, since then he is continuously working as Branch Post Master Korari Kalan.

4. That Shri Harinath Singh who was put off-

H. Jany

A37

-3-

duty from the post of Branch Post Master Korari Kalan on 2.6.1980 was under trial in the court of Law in a criminal case but he was honourably acquitted from all the charges by the learned Judicial Magistrate on 12.9.1984. Therefore, he was ordered to be put back on duty vide memo no.FX/4/26/80-81 dated 20-2-1986 terminating the arrangement of Shri Ajai Kumar Srivastava-applicant. On this order the applicant served a notice under section ~~81~~ 80 of code of Civil Procedure against his termination order. On consideration of the case this office order dated 20-2-1986 issued in favour of Shri Hari Nath Singh to put back him on duty was cancelled vide office memo dated 25.4.1986. Shri Hari Nath Singh never joined as Branch Post Master Korari Kalan after issue of order dated 20-2-1986 and the applicant continued to work as Branch Post Master, Korari Kalan since 28-2-1981 and is still working in the same capacity on the said post.

5. That the contents of para-1,2,3,4 and 5 of the application needs no comments.

K. Jany

6. That the contents of para-6(i)(ii)(iii) of the application are not disputed.

7. That the contents of para-6(iv) of the application are not correct as stated. Hence, denied. It is further submitted that vide order dated 202-21986 no appointment order was issued but the orders of put off duty of Shri Harinath Singh was revoked and taken back on duty as Extra Departmental Branch Post Master Korari, Kalan, Unna.

8. That the contents of para-6(v) of the application are not correct as stated, hence denied. It is further submitted that the services of Harinath Singh were never terminated but for the criminal case, he was put off duty as stated above.

9. That the contents of para-6(vii) of the application are not correct as stated, hence denied. It is further submitted that the applicant

11. Jany

was engaged provisionally and his service can be spared at any movement on put back on duty to Shri Harinath Singh.

10. That the contents of para-6(viii) of the application are admitted to the extent that the applicant has been continued as Branch Post Master for about five years but his engagement was purely provisional till the decision of the case of Shri Harinath Singh.

11. That the contents of para-6~~xx~~(ix) of the application is not correct. The applicant is not entitled for any interim relief.

12. That in reply to the contents of para-7 of the application, it is submitted that as the applicant has failed to prove his case even in prima-facie manner, he is not entitled for any relief as claimed and the application is liable to be dismissed with costs.

13. That in reply to the contents of para-8

10. Jan 7

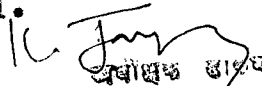
A40

-6-

of the application, it is submitted that as the applicant has failed to prove his case prima-facie, he is not entitled for any interim order as prayed in para under reply.

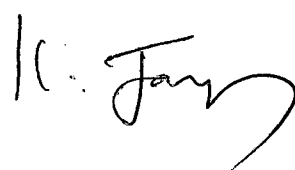
14. That the contents of para-9,10,11,12 and 13 of the application are matters of record, hence need no comments.

I, the deponent abovenamed do hereby verify that the contents of paras 1 To 2 And 3 of this affidavit are true to my personal knowledge; those of paras 4 To 14 are based on record and those of paras ~~1 To 14~~ are based on legal advice to which I believe to be true that no part of it is false and nothing material has been concealed. So help me God.


Dependent No. 20801

I, D.S. Chaubey, Clerk to Shri K.C. Sinha, Advocate, High Court, Allahabad do hereby declares that the person making this affidavit and alleging himself to be the same is known to me from perusal of papers.


CLERK



A41

Solemnly affirmed before me on
this 19th day of March, 1988 at 8:30 AM
by the deponent who has been identified by
the aforesaid Clerk.

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

16. Jany

*Attest
69/363
1988*

OATH COMMISSIONER.
.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW.

Registration No. 477 of

Ajai Kumar Srivastava

Applicant

Versus

The Union of India and others

Respondents

REJOINDER AFFIDAVIT

F.F. 19.7.88

I, Ajai Kumar Srivastava, aged about 29 years son of Sri Rajiv Lochan Srivastava, working as Extra Departmental Branch Postmaster, Korai Kalan P.S. Achalganj, District Unnao, do hereby state on oath as under :

1. That the deponent is the applicant in the above noted case and fully conversant with the facts deposed to in this affidavit.
2. That the deponent has read the counter affidavit/written statement submitted by the respondent No. 1, understood its contents and is replying to the same.
3. That the para 1 of the counter affidavit/written statement needs no reply.
4. That in reply to the contents of paras 2 and 3 of the counter affidavit/written statement, it is denied that the post of Branch Postmaster Korari Kalan, Unnao was temporarily fallen vacant and the deponent was provisionally engaged. The notification dated 16.6.80, annexure 1 to the application, would show that the contention of the respondent is wrong and misleading. The post was declared to be vacant and arrangement for regular appointment was made by notification publicly and widely. The deponent applied for the post in the manner prescribed alongwith others and he having been found the fittest candidate was appointed to the post on a regular basis without any contingency to leave the post. The order of appointment dated 22.1.81 (annexure 2 to the application), purported to be provisional is not as such. It is not in the proforma

Ajai Kumar Srivastava

prescribed by Annexure A or Annexure B to the Director General Post & Telegraph Letter No. 43-4/77-Pen dated the 18th May 1979, meant for provisional appointment. True copies of the said annexures A & B are annexures R-1 and R-2. It is admitted that the deponent has been continuously working as Branch Postmaster Korari Kalan since 28.1.1981. The rest of the contents of the para under reply are denied for want of knowledge.

5. That in reply to the contents of para 4 of the counter affidavit/written statement it is stated that the regular arrangement made by appointment of the deponent as Branch Post Master Korari Kalan was wrongly ordered to be set aside by order dated 20.2.86 against the provisions of Rules 6 & 8 of the Extra Departmental Agent (Conduct & Service) Rules 1964 which are applicable to in the matter of service conditions of the E.D.As including the deponent. As the said order dated 20.2.86 was perverse and illegal, and putting back Sri Hari Nath Singh was irregular, the deponent submitted a registered notice to the respondent No. 1 by name, to make enquiries and do justice with the deponent, failing which he would be compelled to seek shelter in a court of law. No reply to this notice dated 28.2.86 was received by the deponent from respondent No. 1. Even the alleged order dated 28.4.86, cancelling the previous order dated 20.2.86 issued in favour of Sri Hari Nath Singh to put him back on duty was not communicated to the deponent. The deponent had therefore, no alternative but to file this application before this Hon'ble Tribunal. It is admitted that the deponent has been working as Branch Postmaster Korari Kalan since 28.1.1981 continuously without any break.

6. That the contents of paras 5 & 6 of the counter affidavit written statement need no reply.

7. That in reply to the contents of para 7 of the counter affidavit/written statement it is stated that the appointment of the deponent was regular after observing all formalities and it was not provisional as stated in para 4 contingent to any future happening and the deponent could not be directed to handover charge of the office arbitrarily without passing any

D. K. Srivastava

order against him under the rules. The contents of para under application reply ^{are} denied and those of para 6(iv) of the/are reasserted.

8. That the contents of para 8 of the counter affidavit/written statement are denied as irrelevant and those of para 6 (v) of the application are re-iterated.

9. That the contents of para 9 of the counter affidavit/written statement are vague, indefinite and wrong and as such they are denied and the contents of para 6 (vii) of the application are re-asserted.

10. That in reply to the contents of para 10 of the counter affidavit/written statement, it is denied that the deponent's engagement was purely provisional till the decision of the case of Sri Hari Nath Singh. The appointment of the deponent was not provisional and contingent in essence as stated in para 4 above. Any how, by the cancellation of order dated 20.2.86 (annexure 3) the impugned order, as admitted in para 4 of the counter affidavit, the opposite parties cannot hold any brief for Sri Hari Nath Singh and dispute the claim of the deponent.

11. That ~~xx~~ in reply to the contents of para ¹¹ 17 of the counter affidavit/written statement, it is denied that the deponent is not entitled for any interia relief. The respondents have not given any reply to the deponent in respect of his ^{the application} representations. The contents of para 6(ix) of/are reasserted.

12. That the contents of para 12 of the counter affidavit/written statement are denied. The deponent has a prima facie case and is fully entitled to the reliefs prayed for by him and the application is liable to be allowed with cost & special cost.

13. That the contents of para 13 of the counter affidavit/written statement are denied and those of para 8 of the application are re-asserted.

14. That the contents of para 14 of the counter affidavit/written statement need no reply.

Luoknow, Dated:
July 19, 1988.

Ak Srivastava
Deponent.

VERIFICATION

I Ajai Kumar Srivastava son of Sri Rajiva Lochan Srivastava

working as Extra Departmental Branch Postmaster Korari Kalan Unnao, do hereby verify that the contents of paras 1 to 10 and 14 are true to my personal knowledge and paras 11 to 13 believed to be true on legal advice and that I have not suppressed any material fact.

Lucknow, Dated:
July 19, 1988.

Abhimantara

Deponent.

I identify the deponent who has signed before me.

(M. DUBEY)
Advocate.

A46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH LUCKNOW

Registration No. 477 of 1987

Ajai Kumar Srivastava

Applicant

Versus

Union of India and others

Opposite Parties

ANNEXURE R-1

Annexure A
(In Duplicate)

Whereas the post of Extra Departmental _____ (Name of Post and Office of duty) has become vacant/has been newly created and it is not possible to make regular appointment to the said post immediately the _____ (appointing authority) has decided to make provisional appointment to the said post for a period of (period) from _____ to _____ or till regular appointment is made, whichever is shorter.

2. Shri _____ (Name and address of the selected person) is offered the provisional appointment. He should clearly understand that the provisional appointment will be terminated when regular appointment is made and he shall have no claim for appointment to any post.

3. The _____ (appointing authority) also reserves the right to terminate the provisional appointment at any time before the period mentioned in para, 1 above without notice and without assigning any reason.

4. Shri _____ will be governed by the Extra Departmental Agents (Conduct and Service) Rules, 1964 as amended from time to time and all other rules and orders applicable to Extra-Departmental Agents.

5. In case the above conditions are acceptable to Shri _____ (Name of the selected candidate) he should sign the duplicate copy of this memo. and return the same to the undersigned, immediately.

Appointing Authority

To

Shri _____

Attested
True copy
M. Dubey
Adv.

A-7

in the central administrative tribunal, allahabad bench, lucknow

Registration No.477 of 1988

Ajai Kumar Srivastava

Applicant

Versus

Union of India & others

Opp. Parties

ANNEXURE R-2

Axxexure B (in duplicate)

Whereas Shri _____ (Name & Designation of the ED Agent who has been put off duty/removed/dismissed) has been put off duty pending finalisation of disciplinary proceedings and judicial proceedings against him/has been removed/dismissed from service and the need has arisen to engage a person to look after the work of _____ (Name of post) the undersigned (appointing authority) has decided to make a provisional appointment to the said post.

2. The provisional appointment is tenable till the disciplinary proceedings against Shri _____ are finally disposed of and he has exhausted all channels of departmental and judicial appeals and petition etc. (this clause may be deleted if the vacancy was caused by the dismissal/removal of an EDA) and in case it is finally decided not to take Shri _____ (name of the ED Agent who has been put off/removed/dismissed) back into service till regular appointment is made.

3. Shri _____ (name & address of the selected candidate) is offered the provisional appointment to the post of _____ (name of post). Shri _____ (name of the selected candidate) should clearly understand that if ever it is decided to take Shri _____ (name of the ED Agent who has been put off/removed/dismissed) back into service, the provisional appointment will be terminated without notice.

4. The _____ (appointing authority) reserved the right to terminate the provisional appointment any time before the period mentioned in para 2 above without notice and without assigning any reason.

5. Shri _____ (name of the selected candidate) shall be governed by the Extra-Departmental Agents (Conduct & Service) Rules 1964 and all other rules and order applicable to Extra-Departmental Agents.

6. In case the above conditions are acceptable to Shri _____ (name of the selected candidate) he should sign the duplicate copy of this memo. and return the same to the undersigned, immediately.

Appointing Authority

To

Shri _____

Attested
True
M. Dulew
Adv

ब अदालत श्रीमान्

Central Administration Tribunal Allahabad महोदय

[वादी अपीलान्त]

प्रतिवादी [रिस्पॉण्डेंट]

Ajay Kumar Sinha

वकालतनामा

टिकट

Ajay Kumar Sinha
वादी (अपीलान्त)

Subd. & Post Office,
Muffasir Khandu
प्रतिवादी (रिस्पॉण्डेंट)

बनाम

नं० मुकद्दमा 477 सन् 1987

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री M. Dubey, Advocate
4th Lane Nawaiya Ganeshtganj Lucknow and
B. Solomon, Shalimganj Crossing महोदय
Henderi Road Lucknow एडवोकेट

नाम अदालत
मुकद्दमा नं०
फरीकत
नाम

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

हस्ताक्षर

Ajay Kumar Sinha

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

19

महीना

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सन् १९८७ ई०

स्वीकृत

M. Dubey Adv.
B. Solomon Adv.

ब अदालत भीमाम *Central Administrative Tribunal*
Additional Bench, Allahabad. महोदय

वादी (सुदई)
प्रतिवादी (मुदाबलेह)

का वकालतनामा



Ajaya Karmur Srinivasa

वादी (सुदई)

बनाम

Supdt. Post Offices Kanpur 108.

प्रतिवादी (मुदाबलेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

एडवोकेट

Sri B. Solomon, Jain Sadar

महोदय

Thakurganj Crossing Hardoi Road Lucknow

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 वसूल करें या सुलहनामा या 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 रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यावाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत

नं० मुकद्दमा

नाम फरीकन

हस्ताक्षर

Ajaya Karmur Srinivasa

साक्षी (गवाह).....साक्षी (गवाह).....

दिनांक.....महीना.....सन्.....

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In the High Court of Judicature at Allahabad

Registration No. 477 of 19 87

Ashok Kumar Srivastava

Petitioners
Appellant
Applicant

VERSUS

Union of India & others

Respondent
Opposit Party

in the above matter hereby appoint and retain

SHRI KRISHNA CHANDRA SINHA, Advocate High Court

to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein, appeals and or other proceedings therefrom and also in proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain return of any documents filed therein, or receive any money which may be payable to me/us.

2. I/We further authorise him to appoint and instruct any other legal practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.

3. I/We hereby authorise him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree/order therein, to appeal from any decree/order therein and to appeal, to act, and to plead in such appeal or in any appeal preferred by any other party from any decree/order therein.

4. I/we agree that if/we fail to pay the fees agreed upon or to give due instruction at all stages he/they is/are at liberty to retire from the case and recover all amounts due to him/them and retain all my/our monies till such dues are paid.

5. And I/We, the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my own acts, as if done by me/us to all intents and purposes.

Executed by me/us this 23 day of 7 19 87 at

Roshan Singh
S. P. S. Kampan (M)
Signature/s

Executant/s are personally known to me he has/they have /signed before me

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate blind or unaquainted with the language of vakalat)

Certified that the contents were explained to the executant/s in my presence in.....the language known to him/them who appear/s perfectly to understand the same and has/have signed in my presence.

Accepted

K.C. SINHA
Advocate

Additional Standing Counsel
Central Government
High Court-Allahabad
Counsel for Petitioner/Respondents
No,.....