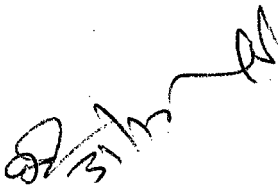


CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./R.A./C.C.P. No. 407-1987
B.P. Verma vs. U.O.I. am (W.P. No. 3365/77)
PART - I

1. Index Papers :- 1 to 4
2. Order Sheet :- 5 to 13
3. Any other orders :-
4. Judgement :- 14 to 19 (03-01-89)
5. S.L.P. :-


Dy. Registrar


Supervising Officer


Dealing Clerk

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- 1 - Petition, Annexes 1 to 31
- 2 - Affidavit / CA No 32 to 38
- 3 - (CA No 1 to 4) 039 to 60
- 4 - (CA Party No 5 to 6) to 93
- 5 - H.C. & CAT. Notices 94 to 98
- 6 - Index, Power, other papers. 99 to 105.

Dealing Clerk

File B/c destroyed on 09-5-12

Re Check
on 21-3-12

V.K. Mishra


Rejected

Annexure - A
CAT - 82

Central ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD Lucknow

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CAUSE TITLE 407 (T) OF 1987.

Name of the Parties Shri B. P. Verma

Versus

Union of India

Part A, B & C

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Annexure - A
CAT - 82

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A1
2

Circuit CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD Lucknow

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CAUSE TITLE 407 B OF 1987.

Name of the Parties Shri B.P. Verma

Versus

Union of India

Part A, B & C

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
B3	Notice Bench - Copy	2

Lal Chand Prasad
24-1-89

14
5

Group A - 15 (8)

✓

7

MEMO.

Impressed
Thorton Adhesive Rs. 100/-
Total Rs. 100/-

Correct but final Court fee report
will be made on receipt of lower
Court record.

In time up to

Papers filed. Copy of P. C.

should also be filed.

Single - Bench

Last impugned order measure
no. VII dated 12.11.79 and
pay for issue of a writ of Habeas
Corpus
23.11.79

Received copy of P. No
1 to 4
H. Sri. B. L. Shukla
Advocate
23/11/79

Presented today by
Sri B. P. Shukla
an advocate of this Court.

Hon. T. S. Misra → S
Hon. K. S. Ven → S

Admitted Issue

Where

Ks

27-11-79

2

Presented today by

Sri B.P. Srivastava
an advocate of this Court

Hon: T.S. Mishra J

Hon: K.S. Verma J

Issue notice.

Meanwhile the
operation of the order
so far as the petitioner's
reversion is concerned
and the promotion of the
Opp. party no. 5 is concerned
shall remain stayed

till 14th December, 1979.

The Opp. parties may file
their counter affidavit
by that date. List on

14th December, 1979.

Di

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27-11-79

(9)

CAT 1/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD
NEW DELHI

C.A.T.A. No. 407 1987

Bhagwati Prasad Verma & others Applicant(s)

Versus

Union of India & others. Respondent(s)

Sr. No.	Date	Orders
	12.10.87	<p>office report.</p> <p>W.P. No. 3365/79 has been received on transfer from High Court K.O.</p> <p>W.P. is admitted.</p> <p>CA. has been filed (Respects No 1 to 5)</p> <p>EA. Not filed.</p> <p>Stay is continued in this Petition.</p> <p>W.P. regarding appointment.</p> <p>Notices issued to both the parties fixing 15.10.87 by registered post.</p> <p>No undelivered regd Cover has been return back.</p> <p>Petition is pending for orders.</p> <p>Submitted for orders.</p> <p>K.S.R. 12.10.87</p> <p><u>SR</u></p> <p>Sri 2. Zilani is present for Respondents</p> <p>Sri 2. Zilani, counsel for Respondents is present. Sri B.P. Srivastava counsel for applicant seeks time for filing Reply, he is allowed to do so by 7.12.87.</p>

office report

Reply not filed.

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ORDER SHEET

OFFICE REPORT

An Application has been filed in this
Tribunal for transferring the case No. 407/87 (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 concerned.

J.Sr. List this case on 25th April
1988 before Circuit Bench
At Lucknow.

25.4.88. D.P.S.

DR

None is present for the applicant.
Sri V. K. Chaudhary for respondents No 1 to 4.
Respondent No 5 is also not present.
Issue fresh notice to applicant and
respondent No 5 fixing 27-5-88.

DR (5)

27.5.88

Dr. NO. present in person. ~~Dr. NO.~~
we request to list it in the court for
final hearing. ~~on the basis of~~ also state
that in spite of sufficient time granted to
the parties No R.A. has been filed. ~~since~~
The prayer made on behalf of Respondent No 5
is allowed.
List this case for F.A.M.

22.7.88.

DR 7,

Noted for 2nd July 1988
27.5.88
Clk to Mr. Z. Telam

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

A2/3

.....No. 77407.....of 1987

.....Vs.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
5	11.4.88	<p>DP.</p> <p>On the request of applicant connected, records may be put by 4.5.88</p> <p>for DOL</p>	<p>Admitted 28.4.88 10/89</p>

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

C.A. NO.

198 .

T.A. NO. 407/87(CT)

DATE OF DECISION

11/89

Sh. B. P. Verma.

PETITIONER

Sh. L. Zilaori

Advocate for the
Petitioner(s)

VERSUS

Union of India & others

RESPONDENT

Sh. V. K. Chaudhary

Advocate for the
Respondent(s)

CORAM :

The Hon'ble Mr. D. S. Misra - AM.

The Hon'ble Mr. G. S. Sharma - JM

- ✓ 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- ✗ 2. To be referred to the Reporter or not ?
- ✓ 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- ✗ 4. Whether to be circulated to other Benches ?

Dinesh/

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RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.
(LUCKNOW CIRCUIT BENCH)

REGISTRATION T.A. NO.407 of 1987 (T).

(W.P. No.3365 of 1979)

Sri Bhagwati Prasad Verma Petitioner

Versus

Union of India & others Respondents.

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

(Delivered by Hon. G. S.Sharma-JM)

.....

This Writ Petition under Article 226 of the Constitution of India has been received on transfer under section 29 of the Administrative Tribunals Act No.XIII of 1985 from the Lucknow Bench of High Court of Judicature at Allahabad.

2. The case of the petitioner is that he was initially appointed as a Sorter in Railway Mail Service (R.M.S. for short) on 30.5.1973 and he was promoted as an Inspector R.M.S. on the basis of competitive Departmental Examination. The next promotional post is stated to be the post of Assistant Superintendent of R.M.S. and promotions to this post are made on the basis of Seniority-cum-fitness under Rule 272-C of Post & Telegraphs Manual-Volume-IV. The grievance of the petitioner is that contrary to the rule, the Departmental Promotion Committee which met in October, 1979 for considering the candidates for appointment as Assistant Superintendent Railway Mail Service selected a Schedule Caste Candidate

namely Sri J.K.Rahul(respondent no.5) wrongly treating it to be a reserved post according to 40 Point roster ignoring the claim of the petitioner on seniority basis and respondent no.5 was accordingly ordered to be promoted as A.S.R.M. vide order dated 30.10.1979 by Director Postal Services(respondent no.4) and the petitioner who was already working as A.S.R.M. was ordered to be reverted vide order dated 12.11.1979 passed by the Superintendent, R.M.S., Saharanpur and the representations made by the petitioner were not heeded nor was he informed about the reasons of his reversion. He accordingly filed this Writ Petition on 27.11.1979 for quashing the impugned orders dated 30.10.1979 and 22.11.1979 and for commanding the respondents not to interfere with his working as A.S.R.M. with the allegations that the appointment of respondent no.4 on the basis of reservation is illegal and unconstitutional as 40 Point roster could not be applied in the case of promotion.

3. The petition has been contested on behalf of the respondents. In the counter affidavit filed on behalf of the government-respondents no.1 to 4 by the Assistant Post Master General, U.P. Lucknow, It was stated that the promotion to the post of A.S.R.M. is governed by the rules made under Article 309 of the Constitution of India by the President and Rule 272-C of P & T Manual Volume-IV is not a statutory rule and in any case, stands replaced by the rules framed under Article-309 of the Constitution. The petitioner was temporarily appointed as A.S.R.M. purely on Ad-hoc and local basis by the Superintendent of division who is not th

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appointment and he was reverted to a substantive post as respondent no.5 was appointed as A.S.R.M. by the competent Authority, respondent no.4. The rule of reservation in the matters of promotion is valid and constitutional and the respondent no.5 who is a schedule caste candidate was appointed as A.S.R.M. in accordance with law on judging his suitability by the D.P.C. After the orders of promotion, the petitioner proceeded on leave and the respondent no.5 had already taken over the charge of his post on 26.11.79. The petitioner was also subsequently again promoted on Ad-hoc basis vide order dated 4.1.80 on his turn and he has no case to challenge the promotion of respondent no.5.

4. In his separate counter affidavit, respondent no.5 has stated that the order of his promotion as A.S.R.M. by the competent authority, the petitioner was reverted vide order dated 30.10.79 issued by Superintendent of R.M.S., Saharanpur Division and the petitioner having been appointed only on Ad-hoc basis by an authority who was not competent to make a regular appointment as A.S.R.M., the petitioner cannot challenge the validity of the impugned orders. The policy of reservation in the matters of promotion is governed by the various orders issued by the Government of India and respondent no.5 was promoted in accordance with that policy.

5. On the date of hearing of this Writ Petition before us, none appeared on behalf of the petitioner and arguments were advanced only on behalf of the respondents. We have very carefully examined the case of the petitioner as pleaded by him and are of the view that there is no force in the

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points raised by him.

6. So far as the question of validity of the system of reservation in the matters of promotion and the applicability of 40 point roster is concerned, we are of the view that the matter is still subjudice before the Hon'ble Supreme Court of India, but the validity of the circular letter dated 20.4.1970 issued by the Railway Board in the light of Circular letter issued by the Personnel Department of Government of India, ^{was} considered by a Division Bench of Allahabad High Court in the case of J.C. Mallik-vs- Union of India (1978(1) S.L.R.-844) ^{and} upholding the circular, it was interpreted by the Hon'ble Judges constituting the Division Bench that the circular letter provides for the reservation in favour of Schedule Caste in respect of appointments to the posts and not to the vacancy. In other respects, the principle of reservation in the matters of promotion was sustained. The same law should apply to the matter before us. The parties have not furnished the required material before us whether the post given to the respondent no.5 on promotion could be reserved for him on the basis of the aforesaid interpretation or not. We are, therefore, unable to examine its validity and leave it to be re-considered by the respondent nos. 1 to 4 in the light of the decision in the case of J.C. Mallik(Supra).

7. So far as the question of reversion of the petitioner is concerned, it appears that he was not promoted by a Competent Authority after considering his case on seniority cum-merit basis and was given such appointment only on

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Ad-hoc basis by an authority lower than the competent authority and as the respondent no.5 was appointed by the competent authority to occupy the post held by the petitioner, the orders of reversion cannot be said to be illegal or void. It further appears that shortly after the orders of his reversion, the petitioner was again promoted vide order dated 4.1.1980 and as such, he can have hardly any grievance so far as his promotion is concerned.

8. Regarding his seniority vis-a-vis respondent no.5 we like to clarify that after the re-examination of the case of respondent no.5, as above, the question of seniority may also be re-examined by the competent authority after giving due opportunity of hearing to the petitioner and respondent no.5. There seems to be no other point for interference in this petition.

9. The Writ Petition is disposed of accordingly without any order as to costs.

[Signature]
MEMBER(J)

[Signature]
MEMBER(A)

Dt/ 3rd January, 1989/
Shahid.

2389

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

3365
Civil Misc. Writ Petition No. of 1979

6552
GP A-15(4)
Sri Bhagwati Prasad Verma ...Petitioner.

Versus.

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

I N D E X

<u>Sl.no.</u>	<u>Paper</u>	<u>Page.</u>
1.	Stay Application	1-2
2.	Writ Petition	3-12
3.	Annexure No.I. (Notification dt.27.11.72)	13-17
4.	Annexure No.II (Notification dt. 25.2.76)	18-20
5.	Annexure No.III (Chart of 40 point roster)	21-22
6.	Annexure No.IV. (Notification dt. 22.1.77)	23-25
7.	Annexure No.V (Order dt.30.10.79)	26-28
8.	Annexure No.VI (List of IRMs due for promotion)	29-30
9.	Annexure no.VII (Order dt.12.11.79)	31-32
10.	Affidavit	33-34
11.	Vakalatnama	35

Lucknow Dated

November 23, 1979

B.P. Prasad
Counsel for the petitioner.

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the charge of the post of A.S.R.M. as such it is necessary in the interest of justice that the operation of order dated 12.11.79 may remain stayed and the opposite parties may be restrained from making further appointments on the basis of the notifications dated 27.11.72 and 25.2.76.

P R A Y E R

Wherefore, it is Most Respectfully, prayed that this Hon'ble Court may be pleased to stay the operation of the order dated 12.11.79 and the opposite parties may be restrained from making further appointments on the basis of the notifications dated 27.11.72 and 25.2.76 during the pendency of the abovenoted writ petition.

Lucknow Dated
November 23, 1979
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B. R. Swastika
Counsel for the petitioner.

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2. That the next promotion is to the post of Inspector, R.M.S. (hereinafter referred to as I.R.M.) and for that purpose a competitive examination of the departmental candidates is held and those who are successful are given promotion on the post of I.R.M. in the scale of Rs.425-700.

3. That the petitioner appeared in the afore-said examination for the post of I.R.M. in November, 1972. In the said examination the petitioner was declared successful.

4. That after the petitioner was declared successful in the examination, he was promoted as I.R.M. on 30.5.1973.

5. That the next promotion is to the post of Assistant Superintendent, Railway Mail Service (hereinafter referred to as A.S.R.M.). The criteria for the said promotion is given in the statutory rules no.272-C of Assistant Superintendent of Post Offices/Railway Mail Service as given in Post & Telegraph Manual Volume IV.

6. That the said Rule 272-C reads as under:-

"Assistant Superintendents of Post Offices/
Railway Mail Service.

272-C. The Posts of Assistant Superintendents
of Post Offices and Assistant Superintendents



Bhagwati Prasad Sharma

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of Railway Mail Service including Sorting Assistant Superintendents in Circle Offices from separate cadres and are filled from among Inspectors of the respective branches on the basis of seniority-cum-fitness."

7. That the criteria for promotion to the post of A.S.R.M. is seniority cum fitness.

8. That thus seniority ~~xx~~ place an important and preferential part for the promotion on the post of A.S.R.M.

9. That the petitioner's record of service is unblemished in as much as he has never been communicated an adverse entry so much so he was promoted as I.R.M. on merit basis and was also promoted as A.S.R.M. in an officiating capacity on the basis of sneiority cum fitness.

10. That under Rule 272C for regular promotion to the post of A.S.R.M. seniority cum fitness is the criteria and as such every senior person with good record of service aspires to be promoted as A.S.R.M.

11. That Railway Mail Service in Uttar Pradesh is devided in 7 divisions. The total number of A.S.R.M. post in U.P. is 30.

12. That persons of 1969 batch have been



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promoted as A.S.R.M. and the petitioner being of 1972 batch was expecting his regular promotion on the post of A.S.R.M.

13. That during these recent years the government has taken up the cause of Schedule Caste and Schedule Tribe persons and to give them impetus, they have issued Notification regarding their reservation on the posts. The department of Personnel has issued an Office Memorandum dated 27.11.1972 and Office Memo dated 25.2.1976 regarding promotions on the basis of seniority subject to fitness. True copies of Notification dated 27.11.72 and 25.2.76 are being filed herewith as Annexures Nos. I and II to this writ petition.

14. That by virtue of the aforesaid reservation an undue preference has been given to Schedule caste/ Schedule Tribe persons on promotional posts.

15. That as already said earlier the Statutory Rules for promotion is Rule 272-C of the Post & Telegraph Manual Vol.IV. The said rule has not been amended and so long as the Rule has not been amended the criteria cannot be relaxed in favour of the Schedule caste and schedule tribe candidates. As such the notifications giving the reservations in promotion to the schedule caste and schedule tribe candidates are ultravires and no promotions of schedule caste and schedule tribe candidates can be made on the basis of these notifications.



Dr. Jagdish Prasad Verma

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16. That a separate 40 point roster has been prepared to determine a number of reserved vacancies in a year in which points 1,8,14,28 and 36 are reserved for schedule caste and points 4,17, and 31 are reserved for the schedule tribe candidates.

17. That in accordance with above 40 point roster, the persons have been given promotions since 1973. The said roster as prepared since 1973 is being filed herewith as Annexure No.III to this writ petition.

18. That the said roster is discriminatory and without any reasonable ~~access~~ *access. nexas. B*

19. That the department of Personnel and Administrative Reforms have issued another Office Memorandum dated 22.1.77 in which it has been categorically mentioned that reservation can be carried forward for 3 recruitment years whereafter it gets automatically lapsed. A true copy of the said notification is filed herewith as Annexure No.IV to this writ petition.

20. That point no.17 of Annexure no.III which was reserved for schedule tribe candidate in the year 1975 could not be filled in upto the end of 1978 as such the said point 17 lapsed automatically but the same has been filled in October, 1979 by Sri S.S.Dhusia. No separate order has been issued to that effect but in the Memo No.STA/197-XA/ASRM/79/8 dated 8/9.11.79



August 1979

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Sri S.S.Dhusia has been placed at serial no.11 and given the place at point no.31 on which one Sri R.S. Tewari was placed. It may further be mentioned that aforesaid Sri Dhusia was promoted against point no.28 in the year 1978. Now he has been placed against the lapsed point no.17 in October 1979 which was completely against the notification dated 22.1.77.

21. That the recent D.P.C. met sometimes in October, 1979 in which Sri J.K.Rahul, opposite party no.5 has been selected being a schedule caste candidate. A true copy of the said order dated 30.10.79 is filed herewith as Annexure No.V to this writ petition. The said Sri Rahul has been placed against point no. 22, which was occupied by Sri S.S.Dhusia.

22. That Sri Rahul has been given promotion only because he happens to be schedule caste candidate against the statutory rule no.272-C of the Post and Telegraph Mannual Vol.IV.

23. That if the promotion had been made on the basis of seniority cum fitness then it was the petitioner who would have been given due promotion. As Sri R.C.Gupta and Sri R.K.Tripathi of 1969 batch have already been promoted as A.S.R.M. Sri Shiva ~~Chand~~ ~~Gupta~~ Kumar of 1969 and Sri Shiva Chand Gupta of 1970 batch have also been promoted as A.S.R.M. on



Dr. Jagdish Kumar

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adhoc basis. The next person is the petitioner but due to the reservation made on promotional posts, Sri Rahul who is of 1975 batch and is about 18 places below the petitioner, has been given promotion by superceding the petitioner. The annexed chart which is being filed herewith as Annexure No. VI to this writ petition would show the position of I.R.M. who are eligible for promotion as A.S.R.M.

24. That the Constitution does not provide for reservation of posts which are to be filled in on the basis of seniority cum fitness as such the promotion of Sri Rahul, opposite party no.5 is also completely illegal.

25. That on the basis of selection of Sri Rahul a reversion order dated 12.11.79 has been issued ~~to~~ reverting the petitioner from the post of A.S.R.M. A true copy of the said order dated 12.11.79 is being filed herewith as Annexure No. VII to this writ petition.

26. That as already said earlier the promotion of the schedule caste candidates is completely illegal and void and on the basis of the said promotion the petitioner cannot legally be reverted who is next person legally to hold the post of A.S.R.M.



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27. That without amending the statutory Rule the notifications dealing with the reservations of schedule caste/schedule tribe candidates are ultra-vires.

28. That under the aforesaid circumstances the operation of order dated 12.11.79 and of the order dated 30.10.79 as far as it relates to the petitioner and Sri Rahul, opposite party no.5 may remain suspended otherwise the petitioner would suffer grave and irreparable loss and injury.

29. That it is further necessary that future promotions on the basis of notifications for promotions of Schedule caste/Schedule tribe candidates may also remain stayed during the pendency of the aforesaid writ petition.

30. That Supreme Court has also stayed the future promotions made on the basis of 40 point roster in Civil Misc. Petition No.1401/1404(W) of 1979 filed by Akhil Bharitya Soshit Karmchari Sangh and others.

31. That the petitioner has not yet handed over the charge of the post of A.S.R.M. as such it is necessary in the interest of justice that the operation of the order dated 12.11.79 may remain suspended.



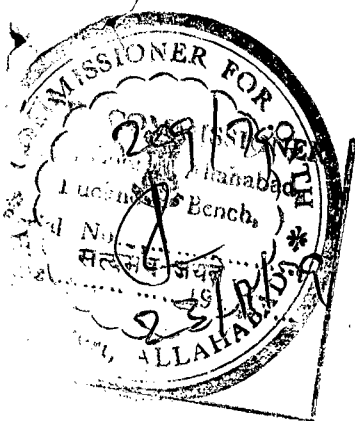
Disagreed to forward

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32. That the petitioner files this writ petition on the following amongst other grounds:-

G R O U N D S

- (1) Because the petitioner has been grossly discriminated in the matter of his employment against the Constitutional guarantee enshrined under Articles 14 and 16 of the Constitution of India in as much as he has been superceded for no fault of his by reservation given to Schedule caste candidates.
- (2) Because the notifications dated 27.11.72 and 25.2.76 are ultra vires of Article 16 of the Constitution and the Statutory Rule 272-C of the Post & Telegraph Manual Vol.IV, in as much as those notifications have been allowed to superceed the Statutory Rules.
- (3) Because reservation on promotional posts is also in contravention of Article 335 of the Constitution of India.

P R A Y E R

Wherefore, it is Most Respectfully, prayed that

- (i) a writ, order or direction in the nature of certiorari may issue to quash the order dated 12.11.79 and the order dated 30.10.79 as far as it relates to Sri J.K.Rahul, opposite

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party no.5.(Annexures VII & V respectively).

- (ii) may issue
a writ, order or direction/in the nature of
mandamus to command the opposite parties not
to interfere in the petitioner's holding
the post of A.S.R.M.
- (iii) other
any/writ, order or direction may issue which
this Hon'ble Court may deem fit and proper in
the circumstances of the case.
- (iv) the cost of this writ petition may be awarded
to the petitioner.

Lucknow Dated
November 23, 1979

B.P. Swadlow
Counsel for the petitioner.

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

Writ Petition No. of 1979

Sri Bhagwati Prasad Verma ...Petitioner.

Versus.

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

Annexure No.I

Department of Personnel O.M.No.27/2/71-Estt(SCT),
dated 27th November,1972 to all Ministries etc.

Subject:- Reservation Scheduled castes and Scheduled
Tribes in posts filled by promotion-Promotions
on the basis of seniority subject to fitness.

The undersigned is directed to refer to para
2C of the Ministry of Home Affairs O.M.No.1/12p67-Estt
(C) dated the 11th July 1968 according to which there
is no reservation for Scheduled Castes and Scheduled
Tribes in appointments made by promotion on the basis of
seniority cum fitness, although cases involving super-
cession of Scheduled Castes and Scheduled Tribes officers
in Class I and Class II appointment are required to be
submitted for prior approval to the Minister or Deputy
Minister concerned and cases of supersession in Class III
and Class IV appointments have to be reported within
a month to the Minister or Deputy Minister concerned for
information.



Bhagwati Prasad Verma

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2. The policy in regard to reservation for Scheduled Castes and Scheduled Tribes officers in posts filled by promotion on the basis of seniority subject to fitness has now been reviewed and it has been decided, in supersession of the orders contained in the aforesaid Para 2C of the O.M. dated 11th July 1968, that there will be reservation of 15% for Scheduled Castes and 7½ % for Scheduled Tribes in promotions made on the basis of seniority ~~xxx~~ subject to fitness, in appointments to all Class I Class II, Class III and Class IV posts in grades or services in which the element of direct recruitment, if any, does not exceed 50 percent.

3. The procedure to be followed where promotions are made on the basis of seniority subject to fitness has been laid down in paragraph 1B of Ministry of Home Affairs O.M.No.1/9/58-RPS, dated the 16th May, 1959, which provides that in such cases a decision has to be taken on the suitability of each individual officer for such promotion although there is no need for a comparative evaluation of their respective merits and that a decision on the fitness or the unfitness of an officer for promotion should be taken by the Departmental Promotion Committee instead of by an individual officer. While, therefore, referring proposals to the Departmental Promotion Committee for promotion on the basis of seniority subject to fitness in respect of vacancies expected to arise during a year, the following procedure may be followed to give effect to the decision mentioned in paragraph 2 above.



Bhagwati Prasad Singh

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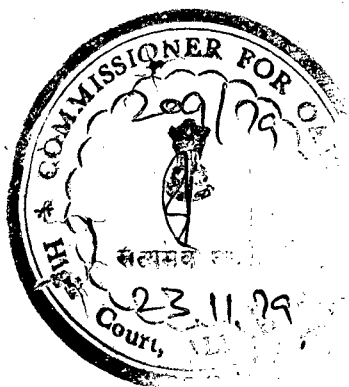
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- (i) A separate 40 point roster to determine the number of reserved vacancies in a year should be followed on the lines of the roster prescribed in Annexure 1 to the Ministry of Home Affairs O.M.No.1/11/69-Est.(SCT), dated 22nd April, 1970, in which points 1, 8, 14, 22, 28 and 36 are reserved for Scheduled Castes and points 4, 17 and 31 are reserved for Scheduled Tribes.
- (ii) Wherever according to the points in the roster there are any vacancies reserved for Scheduled Castes and Scheduled Tribes, separate lists should be drawn up of the eligible Scheduled Castes or the Scheduled Tribes officers, as the case may be, arranged in order of their inter-se seniority in the main list.
- (iii) The Scheduled Castes and Scheduled Tribes officers should be adjudged by the Departmental Promotion Committee separately in regard to their fitness.
- (iv) When the Select Lists of officers in the general category and those belonging to Scheduled Castes and Scheduled Tribes have been prepared by the Departmental Promotion Committee, these should be merged into a combined Select List in which the names of all the selected officers,



Bhagwati Prasad Singh

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general as well as those belonging to Scheduled Castes and Scheduled Tribes, are arranged in the order of their inter-se seniority in the original seniority list of the category or grade from which the promotion is being made. The combined select list should thereafter be followed for making promotions in vacancies as and when they arise during the year.

(v)

The select list thus prepared would normally be operative for a period of one year, but this period may be extended by six months to enable such of the officers included therein, as could not be appointed to the higher posts during the normal period of one year, to be appointed during the extended period.

(vi)

If the number of eligible candidates belonging to Scheduled Castes/Scheduled Tribes found fit for promotion falls short of the number of vacancies reserved for either of them during the year, the extent of such shortfall should be reported to this Department alongwith proposals, if any, for dereservation of vacancies in respect of the data furnished in this regard, any dereservation is agreed to by this Department the vacancy so dereserved may be filled up by another candidate included in the combined select list subject to the instructions contained in the Ministry of Home Affairs O.M.No. 27/25/68-Est.(SCT) dated the 25th March, 1970, in respect of the carry-forward of such reserved



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vacancy for the subsequent three recruitment years and exchange of vacancies between Scheduled Castes and Scheduled Tribes in the last year to which the reserved vacancies are carried forward.

4. The above instructions take effect from the date of issue of these orders except where a Select List, if any, for promotion by seniority subject to fitness has already been prepared by a Departmental Promotion Committee and approved by the appropriate authority before the date of issue of these orders.

5. The Ministry of Finance, etc. are requested kindly to bring the above decisions to the notice of all Attached and Subordinate Offices under them and semi-Government and Autonomous Bodies with which they are administratively concerned.

6. In so far as officers serving under Indian Audit & Accounts Department are concerned, separate orders will issue in due course.



True copy.

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Phagwati Prasad Verma

[Signature]
OATH COMMISSIONER,
High Court, Allahabad,
Lucknow Bench.

Serial No. 209/29
23/4/29

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B, C and D (formerly Classes II, III

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promotions by selection in Groups B, C and D (formerly Classes II, III and IV) and from Group 'B' (Class II) to the lowest rung of Group 'A' (Class I) and (iii) in promotion on the basis of seniority subject to fitness in all Groups i.e. Groups A, B, C and D (formerly Classes I, II, III and IV) (in all these cases), in grades or services in which the element of direct recruitment, if any, does not exceed 50% vide orders in para 2A and 2B(b) of the Ministry of Home Affairs (Now Department of Personnel and Administrative Reforms) Office Memorandum No.1/12/67-Estt(C), dated 11.7.1968 read with Office Memorandum No.27/25/68, Estt(SCT) dated 25.3.1970, Office Memorandum No.27/2/71-Estt(SCT) dated 27.11.1972, and Office Memorandum No.10/41/73 Estt(SCT), dated 20.7.1974. It has now been decided in partial modification of these orders, that the reservations in posts filled by promotion under the existing scheme as indicated above should be made applicable even to grades or services, in which the element of direct recruitment, if any, does not exceed 66-2/3%.

2. The above instructions, take effect from the date of issue of these orders except where a Select List for promotion under the relevant orders has already been prepared by the Departmental Promotion Committee and approved by the appropriate authority, before the date of issue of these orders.

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Shagun Kumar

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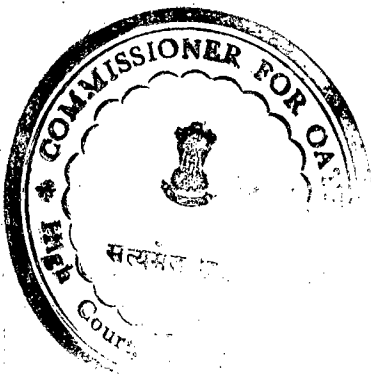
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3. Ministry of Finance etc. are requested to bring the above decision to the notice of all concerned.

4. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and Auditor General of India.



True copy.

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OATH COMMISSIONER,
High Court, Allahabad,
Lucknow - Bench,
Serial No., 209/29
Date 23.11.29

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

Writ Petition No. of 1979

Sri Bhagwati Prasad Verma ...Petitioner.

Versus.

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

Annexure No.III

- | | | |
|------------------------------|----|----------|
| 1. <u>Sri J.R.Kamal</u> | SC | 1973 |
| 2. Sri J.P.Garg | | 1974 |
| 3. Sri O.P.Bhaargva | | " |
| 4. Sri R.N.Gupta | ST | " |
| 5. Bri B.Misra | | " |
| 6. Sri Vishwanath Prasad | | " |
| 7. Sri A.R.Sundrani | | " |
| 8. Sri RML Bhatnagar | SC | " |
| 9. Sri R.K.Shukla | | " |
| 10. Sri R.C.Dubey | | " |
| 11. <u>Sri B.N.Jaisal</u> | | " |
| 12. Sri Jaswant Singh | | 1975 |
| 13. Sri S.N.Lal | | " |
| 14. Sri D.D.Sharma | SC | " |
| 15. Sri L.M.Singh | | " |
| 16. Sri R.K.Bullagan | | " |
| 17. Sri R.N.P.Tripathi | ST | " lapsed |
| 18. <u>Sri Budhi Ram Pd.</u> | | " |



Bhagwati Prasad Verma

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

Writ Petition No. _____ of 1979

Sri Bhagwati Prasad Verma ...Petitioner.
Versus.
Union of India and others. ...Opp. parties.

Annexure No. IV

Department of Personnel & Administrative Reforms O.M.No.
36011/3/76 EST(SCT) dated 22nd January, 1977 to
all Ministries etc.

Subject:- Reservation for Scheduled Castes and Scheduled
Tribes in services- Depreservation and carrying
forward of reservations-

The undersigned is direct to refer to this
Department's Ministry of Home Affairs) Office Memorandum
No.8/1/69 Estt(SCT) dated the 28th January, 1969 and to
say that instances have come to the notice of this
Department where prior approval of this Department
for dereservation of reserved vacancies was not obtain
before appointing general candidates against such vaca
cies on the assumption that unfilled reservations are
only required to be carried forward and approval for

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23/1/79

Bhagwati Prasad Verma

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19. Sri B.B.L.Srivastava 1976
20. Sri B.S.Srivastava 1976
21. Sri S.P.Pandey 1977
22. Sri A.P.Srivastava - s.e. 1977
23. Sri MP Gaur "
24. Sri Bhagwan Das ~~SC~~ "
25. Sri M.C.Tiwari 1978
26. Sri J.K.L.Srivastava 1978
27. Sri R.S.Lodhi "
28. Sri R.B.Singh SC "
29. Sri K.Singh "
30. Sri S.S.Dhusia "
31. Sri R.S.Tiwari ST "
32. Sri S.P.Bhatnagar 1979
33. Sri RSK. ~~R.K.~~ Gupta
34. Sri R.K.Tripathi
35. Sri J.K.Rahul ~~SC~~
36. Shri Sheo Kumar (Adhoc Promotion) ~~SC~~ SC
37. Sri Sheo Chand Pd. Gupta (Adhoc Promotion)
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T.C
Bhagwati Prasad Verma

B. V. Singh

OATH COMMISSIONER,
High Court, Allahabad,
Lucknow - Bench,
Serial No. 289/79
Date 23/4/79

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dereservation is to be obtained in the third year of carry forward. It is clarified that a vacancy reserved for Scheduled Castes or Scheduled Tribes for which a candidate belonging to that community is not available even after taking all the prescribed steps, has first to be dreserved before filling it by a general candidate. Prior approval of this department is necessary for dereservation of a reserved vacancy included in the roster for permanent appointments and temporary appointments likely to become permanent or to continue indefinitely. Reserved vacancies included in the roster for purely temporary appointments which have no chance of either becoming permanent or continuing indefinitely can be dereserved by the Ministries themselves after ensuring that the prescribed steps have been taken to secure Scheduled Caste/Scheduled Tribe candidates and that such candidates are still not available.



23.11.79.

Shagunti Prasad Verma

2. After a reserved vacancy is dreserved in accordance with the procedure mentioned in para 1 above, the reservation is to be carried forward to subsequent three recruitment years. The 'carry forward' of reservation means that in the subsequent year, an equal number of vacancies will be reserved in addition to the normal reservations ~~accruing~~ becoming due in that year according to the roster. Any recruitment of Scheduled Castes & Scheduled Tribes candidates in such year of carry forward is first to be counted against the reservation brought forward from the previous years and then against the normal reservations accruing during the year. The

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procedure for dereservation mentioned in para 1 above should be followed every time when a vacancy which is treated as reserved, either on account of carried forward reservation or on account of a fresh reserved point in the roster, has to be filled by a general candidate due to nonavailability of candidates belonging to Scheduled Castes or Scheduled Tribes, as the case may be. The reservation is due for getting lapse only after it is carried forward for three recruitment years. Approval of this Department is not necessary for the lapsing of the reserved vacancy at the end of third year of carry forward.

3. As will be seen from para 2 above, an approval of this Department for dereservation, is necessary in respect of all vacancies treated as reserved in a particular recruitment either on account of carried forward reservations, or on account of fresh reserved points in the roster, for which, suitable candidates belonging to Scheduled Castes/Scheduled Tribes could not become available. The proposals for dereservation should be sent in the proforma prescribed in this Department's Office Memorandum No.28/14/74-Est(SCT), dated the 12th July,1976.



True copy.

Shaganti Prasad Singh
OATH COMMISSIONER,
High Court, Allahabad,
Lucknow - Bench,
Serial No. 209/79
Date 23/4/79

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

Writ Petition No. of 1979

Sri Bhagwati Prasad Verma ...Petitioner.

Versus.

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

Annexure No.V.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

OFFICE OF THE POSTMASTER GENERALUTTAR PRADESH CIRCLE

MEMO NO. STA/197-XA/ASRM/79/8 Dated Lucknow 30.10.79

Following promotions, postings and transfers
are hereby ordered with immediate effect.

(1) Shri R.B.Singh, ASRM(Bag), RSD Lucknow is
transferred and posted as ASRM, Lucknow R.M.S.

(2) Shri R.K.Tripathi, I.R.M.Kanpur is promoted
and posted as ASRM Kanpur RMS on temporary officiating
basis.

(3) Shri R.S.Gupta, IRM Kanpur is promoted and posted
as ASRM 'KP' Dvn., Kanpur on temporary officiating basis.

(5) Shri J.K.Rahul is promoted and posted as ASRM
Saharanpur RMS on temporary officiating basis.



Bhagwati Prasad Verma

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(6) Shri S.C.Pd. Gupta, IRM Kanpur is promoted and posted as ASRM 'X' Dvn. Jhansi purely on temporary provisional and adhoc basis.

(7) Shri S.K.Gupta, S.I. Circle Office is promoted and posted as ASRM(Bag) P.S.D. Lucknow vice Shri R.B. Singh purely on temporary, provisional and adhoc basis.

2. It should be noted by the official at Sl.6&7 viz. S/Shri S.C.Pd. Gupta and S.K.Gupta that their promotion hereby ordered are on purely temporary, provisional and adhoc basis and would not confer on them any right for regular absorption in ASRM's cadre or for their continuous officiation in that cadre and that they may be reverted at any time without assigning any reason.

3. In case any disciplinary/vigilance case of the type referred to in the Directorate letter No.6/16/71 Disc. I dated 25.3.72 is pending or contemplated to be initiated against any one of the officials promoted to ASRM's cadre or where any punishment is current, the matter should be reported to this office immediately and the officials should not be relieved for their new assignment.

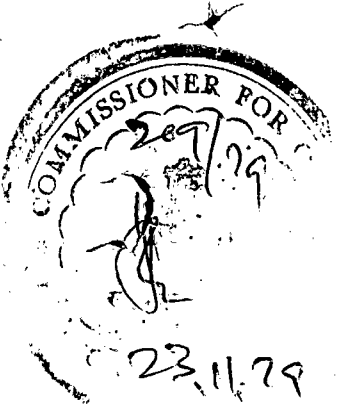
Charge report should be submitted to all concerned.

(Gautam Gupta)
Director Postal Services (H.Qrs.)

Copy to:-

1. All SSRMs/SRMs in UP Circle.

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Shri Gupta Ramesh Verma

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2. H.R.C. 'O' Dvn Lucknow/LW Dvn Lucknow/'KP' Dvn
Kanpur/'X' Dvn. Jhansi/'MB' Dvn Saharanpur.

3. All official concerned.

4. P.F of the official.

5. Sorting Section Circle Office Lucknow.

6. File No.SPA/197-XA/ASPM/Selection /79/8

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True copy.

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[Signature]
OATH COMMISSIONER,
High Court, Allahabad,
Lucknow - Bench
Serial No. 209/29
Date 23/11/29

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

Writ Petition No. of 1979

Sri Bhagwati Prasad Verma ...Petitioner.

Versus.

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

Annexure No.VI

List of IRMs who are due for promotion.

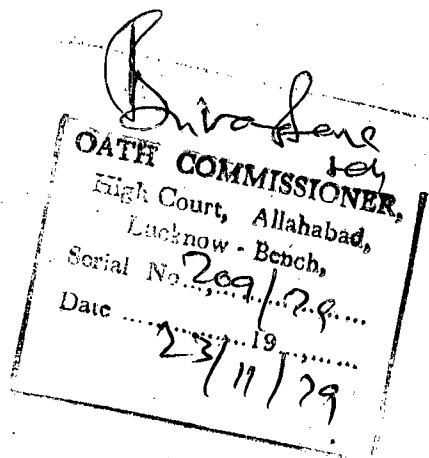
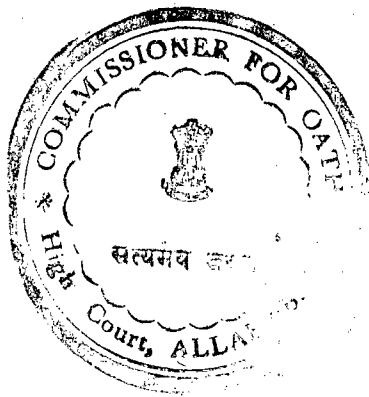
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|-------------------------|------|
| 1. Sri R.S.Gupta | 1969 |
| 2. Sri R.K.Tripathi | " |
| 3. Sri Sheo Kumar | " |
| 4. Sri Sheo Chand Gupta | 1970 |
| 5. Sri B.P.Verma | 1972 |
| 6. Sri BDL Srivastava | " |
| 7. Sri Ram Sajiwan | 1973 |
| 8. Sri BBL Srivastava | " |
| 9. Sri O.N.Kar Nath | " |
| 10. Sri S.R.Gupta | 1974 |
| 11. Sri V.Pd. Pandey | " |
| 12. Sri Babo Ram | " |
| 13. Sri R.D.Yadav | " |
| 14. Sri R.D.Misra | " |
| 15. Sri Gulab Chand | " |
| 16. Sri O.P.Srivastava | " |
| 16A. Sri Shyam Lal | " |
| 16B. Sri C.P.Srivastava | " |



Bhagwati Prasad Verma

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17. Sri Durgesh Pd. Tripathi		1974
18. Sri R.L.Misra		1975
19. Sri R.N.Upadhyay		"
20. Sri Tabir Husain		"
21. Sri U.S.Srivastava		"
22. <u>Sri J.K.Rahul</u>	SC	1975
23. Sri S.K.Pd. Sharma		1976
24. Sri Irfan Khan		1977
25. Sri Sudhakar		1977
26. Sri Ram Prakash	SC	"
27. Sri Ram Charan	SC	"
28. Sri Chhotey Lal	SC	1978



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

Writ Petition No. of 1979

Sri Bhagwati Prasad Verma ...Petitioner.
Versus.
Union of India and others. ...Opp.parties.

Annexure No.VII

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Office of the Superintendent R.M.S.,
MB Division, Saharanpur-247001.

No.B-1/9C/ASRMs/79-80 dated at Saharanpur-247001, the
12.11.79.

In pursuance of the PMG UP Circle Lucknow
memo No.STA/197-XA/ASRM/79/8 dated 30.10.79 and in
accordance with the SRM 'LW' Dn. Lucknow memo No.
B-1/3/C dated 3.11.79, the following postings are
hereby ordered with immediate effect.

1. Sh. J.K.Rahul, IRM Bareilly RMS, promoted and posted
as ASRM Saharanpur RMS/2B on temporary officiating
basis.
2. Sh. Bhagwati Prasad Verma now working as ASRM/2 B
Saharanpur RMS/2 B purely on adhoc and temporary



Bhagwati Prasad Verma

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basis is hereby reverted and ordered to work on his substantive post as Head Clerk 'MB' Dn. giving charge of above cadre Sh. Sahul Sl.No.1.

3. Sh. Mohd. Ibrahim Siddiqui officiating Head Clerk is hereby reverted and ordered to be staff I Divl. Office.

4. Sh. S.N.Shukla, Staff C.I to be staff C.II giving the charge of Staff C.I to Sh. Siddiqui.

Charge reports be submitted to all concerned.

Sd.

Superintendent R.M.S.,

MB Division, Saharanpur.

Copy to:-

1. The PMG UP Circle Lko. for information.
2. The HROs RMS MB Dn./ 'LW' Dn.
3. The AHRCs A/Cs MB Dn./ 'LW' Dn.
4. The SRM 'LW' Dn.
5. Stenos to SRM 'MB' Dn. & 'LW' Dn.
6. SRO Bareilly.
7. Office copy & spare.

True copy.

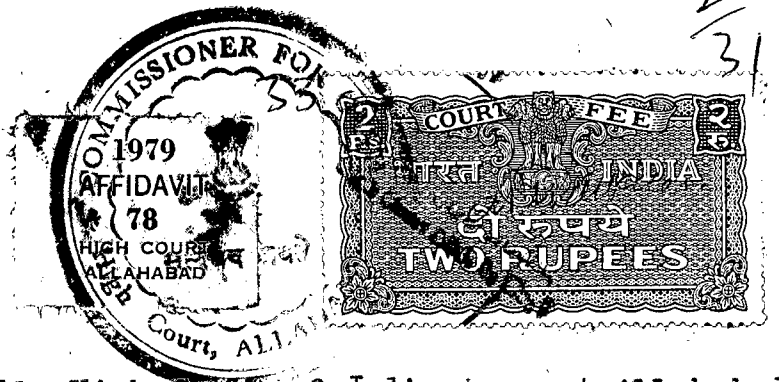
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Shiv Kumar

OATH COMMISSIONER,	
High Court, Allahabad,	
Lucknow - Bench,	
Serial No.	207/79
Date	23/11/79

Shiv Kumar



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

Writ Petition No. of 1979

Sri Bhagwati Prasad Verma ...Petitioner.

Versus.

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

Affidavit.

I, Bhagwati Prasad Verma, aged about 35 years,
son of ^{an} ~~Sri~~ ^{an} ~~Prasad~~ ^{an} ~~Verma~~, resident of ^{an} ~~Assistant~~ ^{an}
^{an} ~~Superintendent~~ ^{an} ~~R.M.S.~~ ^{an} ~~Saharanpur~~ Saharanpur, the
deponent do hereby solemnly affirm and state on oath
as under:-

1. That the deponent is the petitioner in the
above noted writ petition and as such he is well
acquainted with the facts of the case deposed to
below, and the accompanying writ petition.

2. That the contents of paragraphs ^{an} 5, 8, 10, 12, 14
^{an} 21 to 23, 25, 28 ^{an} 29 of the writ petition are true to my
personal knowledge and those of paragraphs ^{an} 6, 7, 9, 13, 15
^{an} 17, 19, 20, 26, 30 are based on the record of the
case and those of paragraphs ^{an} 18, 24 & 27
are based on the legal advice which all I believe to
be true.



Bhagwati Prasad Verma

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3. That the deponent has compared the Annexures nos. I to VII of the writ petition and certifies them to be true copies of their respective originals.

Lucknow Dated
November 23, 1979

Bhagwati Prasad Verma
Deponent.

I, the abovenamed deponent do hereby verify that the contents of paragraphs 1 to 3 of this affidavit are true to my personal knowledge which I believe to be true; that nothing material has been concealed and no part of it is false. So help me God.

Lucknow Dated
November 23, 1979

Bhagwati Prasad Verma
Deponent.

I identify the deponent who has signed before me.

B.P. Srivastava
23.11.79
Advocate.



Solemnly affirmed before me on 23.11.79 at 6.45 a.m./p.m. by the deponent Sri Bhagwati Pd. Verma who is identified by Sri B.P. Srivastava, Advocate, High Court, Allahabad, Lucknow Bench, Lucknow.

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

Bhagwati Prasad Verma

Bhagwati Prasad Verma
OATH COMMISSIONER.

OATH COMMISSIONER,
High Court, Allahabad,
Lucknow - Bench,
Serial No. 209/0387/78/79
Date 23/11/79

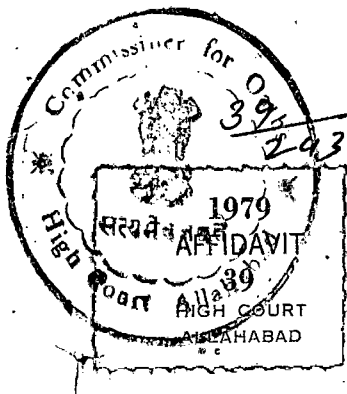
Uttar Pradesh 15.12.79
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in the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.



Writ Petition No. 3365 of 1979.

Bhagwati Prasad Varma. .1. ... Petitioner.

Versus

Union of India and others. ... Opp. Parties.

on behalf of Union of India
Counter Affidavit opposing the
stay application.

2/11
14/12/79



1, Balwant Singh aged about 52 years, son of
Sardar Arjun Singh, Assistant Post Master General
(mails) Office of the Post Master General, Uttar Pradesh
Circle, Lucknow, do hereby solemnly affirm and state
as under:-

1. that the deponent is working as Assistant
Post Master General in the Office of the Post Master
General, Uttar Pradesh, Lucknow and is well acquainted
with the facts of the case deposed heretounder:

2. that the petitioner filed a writ petition
challenging the orders dated 30.10.1979 passed by the
Director, Postal Services (nqr), Lucknow, and order
dated 12.11.1979 passed by the Superintendent, N.M.S.
Saharapur, annexures 5 and 7 respectively to the
writ petition.

Balwant Singh

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3. that by means of the Annexures 5 and 7 the opposite party no.5 has been promoted and posted as Assistant Superintendent, Railway Mail Service and the petitioner has been reverted to his substantive post.

4. that the writ petition has been admitted on 27.11.1979, this Hon'ble Court was pleased to stay the promotion of opposite party no.5 and reversion of the petitioner till 14.12.1979.

5. that before the interim order on the stay application was passed, opposite party no.5 had already assumed charge on 26.11.1979 forenoon of the post of Assistant Superintendent, R.M.S., Saharapur. Hence the deponent is advised to state that the order Annexure 5 and Annexure 7 stands implemented. A true copy of the charge report is being filed herewith as Annexure A-1 to this affidavit.

6. that the petitioner had taken medical leave and he is continuing on such leave.

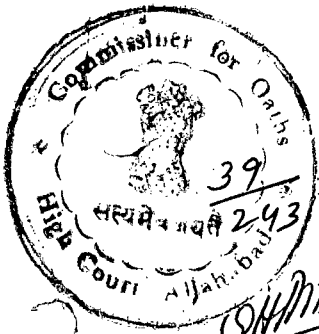
7. that a full counter affidavit to the writ petition shall be filed for which three weeks had been granted which have not yet expired.

Lucknow Dated:

December 14, 1979.

Deponent.

I, the abovenamed deponent, do hereby verify that the contents of paragraphs 1 and 7 of this



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counter affidavit are true to my own knowledge, and those of paras 2 to 6 are true to my information derived from the records maintained in the Office of the Post Master General, U.P., Lucknow, which are believed by me to be true. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated:
Dec. 14, 1979.

[Signature]
Deponent.



I identify the deponent who has signed before me.

[Signature]
Advocate.

Solemnly affirmed before me on 14.12.79 at 10.35 a.m./p.m. by *Sri Balwant Singh* the deponent who is identified by *Sri Rakesh Kumar* Advocate, High Court, Lucknow.

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

[Signature]
Q. H. Rizvi 39
Advocate 243
Oath Commissioner
High Court
Lucknow Bench 14/12
79

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u

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

कमिशनर फॉर

writ Petition No. 3365 of 1979.

Bhagwati Prasad Verma. ... Petitioner.

Versus

Union of India and others. ... Opp. Parties.

ANN EXHIBIT NO. A-1

Indian Posts and Telegraphs Department

✓ 13677 Seal
कायमगढ़ मद्रास
उत्तर प्रदेश सरकार
28 Nov 79
चार्ज रिपोर्ट.



Certified that the charge of A.S.N.M. Saharanpur
was 12 D was assumed by J.K. Nahul at Saharanpur
on 26.11.79 forenoon in accordance with the memo no.
L-1/90 ASNM from the S.N.M. M.D. Dn dated 12.11.79.

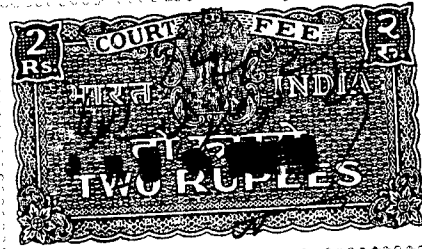
Sd. J.K. Nahul
Relieving Officer.

Copy to:
1. P.M.G (Staff) C.R. Circle Lucknow.

Q. H. Rizvi 39
Advocate 243
Oath Commissioner
High Court
Lucknow Bench 14/12/79

Bahwan...

IN THE COURT OF In the Hon'ble High Court of Judicature at Allahabad,



Lucknow Bench

B. P. Verma

Applicant
Plaintiff

Applicant
Complainant

VERSUS

Union of India & ors

Defendent
Respondent

Opposite Party
Accused

Original Suit
First
Civil Appeal
2 nd
Civil Case

W. P. No. 3365 of 1979

Fixed for 19

Case

In the above mentioned I appear for the
Appeal

OP no 1 to 4

having been instructed by OP to appear

and plead on his behalf
their

LUCKNOW

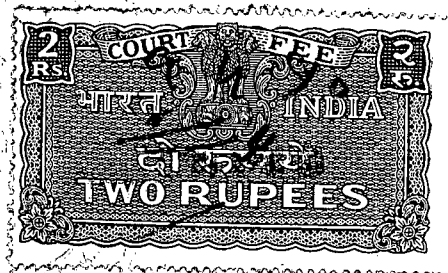
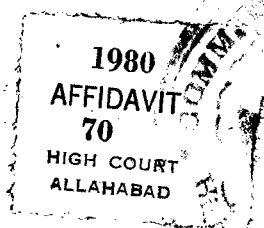
Dated 14/12/79 19

Counsel for

Bijesh Kumar

39

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



Writ Petition No. 3365 of 1979.

Bhagwati Prasad Verma. ... Petitioner.

Versus

Union of India and others. ... Opp. Parties.

Counter Affidavit on behalf
of Opposite Parties 1 to 4.

70/336

I, Balwant Singh aged about 52 years, son
of Sri Sardar Arjun Singh, Assistant Post Master
General, Office of the Post Master General, U.P.,
Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is working as Assistant
Post Master General (Mails) in the Office of the
Office of the Post Master General, U.P., Lucknow,
and is fully conversant with the facts deposed to
hereunder:

2. That the contents of paragraph 1 of the
writ petition are admitted.

3. That paragraph 2 of the writ petition is
admitted and it is further stated that the competitive
examination of the departmental candidates is held
for promotion to the post of Inspector of Railways
Mails Service/Head Clerk to the Superintendent of

2.

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Railways Mail Service.

4. That the contents of paragraph 3 and 4 of the writ petition are admitted that the petitioner was successful in the competitive examination held for Inspector of Railway Mail Service/Head Clerk to the Superintendent, Railway Mail Service.

5. That the contents of paragraph 5 of the writ petition are admitted only to this extent that the next promotion is to the post of Asstt. Superintendent, Railway Mail Service. The rest of the allegations of the paragraph under reply are not admitted. As a matter of fact, the promotion to the post of Asstt. Superintendent, Railway Mail Service is governed by the rules made under Article 309 of the Constitution of India by the President regulating the method of recruitment to the post of the Asstt. Superintendent of Post Offices and Railway Mail Service. A true copy of the said Rules, namely, Post Offices & Telegraph Asstt. Superintendent of Post Offices and Railway Mail Services Recruitment Rules, 1977 is being filed herewith as Annexure A-1 to this counter affidavit. It is further stated that rule 272C of the Post & Telegraph Manual, Vol. IV is not a statutory rule. The Manual contains only old administrative instructions which the deponent is advised to state, are not effective in so far as they have been replaced by the Statutory Rules or the rules made under Article 309 of the Constitution of India.

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6. That in reply to the contents of paragraphs 6 and 7 of the writ petition, it is stated that

since rules under Article 309 of the Constitution of India have been made, rule 272-C ceased to be operative which was only an administrative instruction. Although under the rules of 1977 the criterion for promotion is seniority cum-fitness but it is subject to other provisions of the said rules made under Article 309 of the Constitution of India. For example, there is a provision for departmental promotion committee for considering fitness etc. Rule 6 of the above rules also provides that nothing in the Rules shall affect reservations and other concessions required to be provided for the scheduled caste/scheduled tribes and other categories of persons in accordance with the orders issued by the Central Government from time to time in that regard.

7. That in reply to the contents of paragraph 8 of the writ petition it is stated that no doubt that seniority is an important factor in the matter of promotions but it is subject to the reservations made for scheduled caste/Schedule tribe candidates, which is also provided under the rules.

8. That the contents of paragraph 9 of the writ petition are admitted only to this extent that the petitioner was promoted to the post of Inspector, R.M.S., on the basis of merit as it was through competitive examination. The rest of the contents are not admitted. So far as the promotion of the petitioner to the post of Officiating Asstt. Superintendent, R.M.S., is concerned, it is stated that it was a sort of local arrangement made by the

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R. S. L. M.

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Superintendent, R.M.S., for the purposes of carrying on the work for the time being. The authority competent to make the promotion to the post of Asstt. Superintendent, R.M.S., is Director Postal Services (Headquarters). The Superintendent of the Division is not legally competent to pass the order of promotion to the post of Asstt. Superintendent. It is further stated that the petitioner could not be considered for regular promotion to the vacancy at the reserved point no. 28 of the Roster. Opposite party no.5 was promoted by the competent authority, namely, Director of Postal Services (H.Qr.) against the vacancy at the point no.28 of the Roster reserved for a scheduled caste candidate after following due procedure laid down for promotions.

9. That the contents of paragraph 10 of the writ petition are denied. It is further stated that rule 272-C of the Manual Vol. IV is only an old administrative instruction subsequent to which rules have been framed under Article 309 of the Constitution of India as stated earlier.

10. That the contents of paragraph 11 of the writ petition are admitted.

11. That the contents of paragraph 12 of the writ petition are admitted to the extent that persons of 1969 batch have already been promoted. So far as the expectation of the petitioner for his posting as A.S.R.M (Asstt. Superintendent Railway Mail) is concerned, it is stated that there is

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nothing wrong with it. The petitioner would get his promotion when it is due to him. According to 1977 rules, the reserved vacancy which has given to opposite party no.5, could not be claimed by the petitioner.

12. That the contents of paragraph 13 of the writ petition are not denied that notifications Annexures 1 and 2 to the writ petition have been issued by the Government.

13. That in reply to paragraph 14 of the writ petition it is stated that as a matter of policy the Government issued notifications for reservation for Scheduled caste/Schedule tribes keeping in view a valid reason and the provision contained in the Constitution. Hence there ~~was~~ is no question of any undue preference in the matter of reservation.

14. That paragraph 15 of the writ petition is denied as incorrect. As stated earlier, rule 272-C of the Telegraph Manual, Part IV was only an administrative instructions. Now the rules have been made under Article 309 of the Constitution of India in the year 1977. In these circumstances no question of any amendment in rule 272-C arose. The reservations in promotion and relaxation in favour of the S.C./S.T. candidates are in consonance of the rules of 1977 regulating the recruitment to the post of Asstt. Superintendent Railway Mails.

15. That in reply to paragraph 16 of the writ petition, it is not disputed that 40 points Roster

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has been prepared reserving points 1, 8, 14, 28 and 36 for Scheduled caste candidates and points 4, 17 and 31 have been reserved for S.T. candidates.

16. That in reply to para 17 of the writ petition, it is not denied that Roster has been prepared since 1973 but it is denied that annexure 3 is a copy of the same. A true copy of the Roster showing correct position is being filed as Annexure A-2 to this counter affidavit.

17. That in reply to paragraph 18 of the writ petition it is denied that the Roster is discriminatory in any manner.

18. That in reply to paragraph 19 of the writ petition, it is not denied that an office memo dated 22.1.1977 (Annexure 4 to the writ petition) was issued. In this connection it will be relevant to mention here that another office memo No. 36013/2-79-ESTT(SCT) dated 2nd April, 1979 was issued by the Ministry of Home Affairs, which provides for exchange of reservation between Scheduled Caste and Scheduled tribes. A true copy of the said office memo dated 2.4.1979 is being filed as Annexure A-3 to this counter affidavit. This Annexure A-3 refers to office memo no. 27/25/68-Estt(SCT) dated 25.3.70. An extract of the aforesaid Office Memo dated 25.3.1970 is filed herewith as Annexure A-4.

19. That the allegations made in paragraph 20 of the writ petition are denied as incorrect. As a matter of fact Sri S.S. Dhoosia has been promoted



against point no. 17. Point no.17 of the Roster was reserved for S.T. candidate in the recruitment year 1975. Due to non-availability of the S.T. candidates the reservation was carried forward and this point no. 17 meant for Scheduled tribe was converted into Scheduled caste point in accordance with office memo dated 25.3.70 (Annexure A-4) and Sri S.S. Dhooasia was promoted in 1978 against point No.17. It is wholly incorrect that Sri S.S. Dhooasia was promoted against point no. 28.

20. That the contents of paragraph 21 of the writ petition are admitted that departmental promotion committee met according to 1977 Rules regulating recruitment to the post of A.S.R.M. and it selected opposite party no.5 as S.C. candidate. The point no.28 of the Roster has been filled by Sri J.K. Rahul, a S.C. candidate. It is denied that point no.28 was occupied by Sri S.S. Dhooasia.

21. That the contents of paragraph 22 of the writ petition are denied as incorrect. Sri J.K. Rahul a scheduled caste candidate has been promoted in accordance with 1977 recruitment Rules for the recruitment to the post of A.S.R.M. and the notifications for reservation in promotion. As stated, earlier, rule 272-C of the Telegraph Manual IV which was only an administrative Instruction in the absence of any statutory rules ceased to be operative after rules have been made under Article 309 of the Constitution of India.

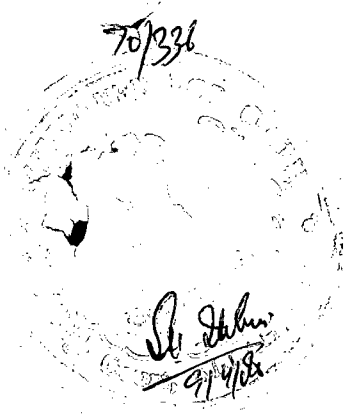
22. That in reply to paragraph 23 of the writ

petition, it is stated that there is no question of supersession of the petitioner as he could not be considered for promotion against point no. 28 reserved for S.C. candidate. It is not denied that Sri R.K. Tripathi and Sri R.S. Gupta of 1969 Batch have been promoted as Asstt. Supdt. R.M.S. on regular vacancies against unreserved point no. 33 and 34 respectively. Sri Sheo Kumar Gupta of 1969 Batch and Sri Sheo Chand Gupta of 1970 batch have also been promoted as Asstt. Supdt. R.M.S. on ad-hoc basis.

It may also be mentioned here that the petitioner has also been promoted to the post of A.S.R.M. on adhoc basis by order No. STA/197-XA/ASRM/79-80 dated 4.1.80 on his turn.

23. That the contents of paragraph 24 of the writ petition are denied as incorrect. The reservation is provided under the provisions of the Constitution of India in conformity with which notifications have been issued reserving promotions for S.C./S.T. candidates. There is no provision under the law restricting reservations to the post to be filled in on the principle of seniority-cum-fitness.

24. That in reply to paragraph 25 of the writ petition, it is stated that on promoting Sri J.K. Rahul after complying with the relevant rules, the local arrangement made by the Superintendent R.M.S., Moradabad Division, Saharanpur was to be terminated as Sri J.K. Rahul was promoted, against regular promotion. It may again be mentioned that the competent authority to promote is the Director, Postal Services (H.Qr.) on the recommendations

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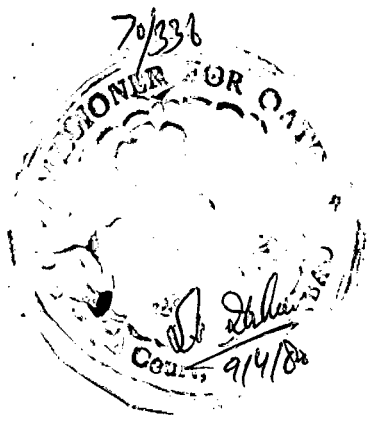
[Handwritten signature]

of the Departmental Promotion Committee. The Superintendent, R.M.S. has legally no authority to pass promotion order. If the Superintendent makes some local arrangement due to exigencies of work and situations and when that arrangement is done away with, that cannot be called as reversion.

25. That the contents of paragraph 26 of the writ petition are denied as incorrect. The promotion of Sri J.K. Rahul has been made according to the Rules. Point no.28 being reserved it could not be given to the petitioner. The departmental Promotion Committee selected Sri J.K.Rahul and he has been thus promoted as S.C.candidate from amongst the cadre of Inspector, R.M.S., eligible for promotion.

26. That in reply to paragraph 27 of the writ petition it has already been stated that no question of amendment of rule 272-C of the Post & Telegraph Manual Vo.IV arises as the said Manual contains only administrative instructions which ceased to be operative after the rules have been made under Article 309 of the Constitution of India in 1977.

27. That in reply to paragraph 28 of the writ petition, it is stated that there is no reason to suspend the operation of the order dt. 12.11.1979 and order dated 30.10.1979 regarding the promotion of Sri J.K.Rahul and the reversion of the petitioner as opposite party no.5 has been promoted complying with the statutory rules for promotion to the post of A.S.R.M. and the orders in that regard are legal and valid. The petitioner was working as Asstt. Supdt. R.M.S under the orders of the Supdt. R.M.S.



Moradabad Division, Saharanpur who had only made a sort of local arrangement.

28. That request made in paragraph 28 of writ petition is neither justified nor called for. As such the stay order in general terms, if passed, would create a lot of difficulties and the work of the department will also be hampered.

29. That in reply to paragraph 30 of the writ petition, it is stated that the deponent has no knowledge about the allegations made in para 30 of the writ petition. It is also not known that on what basis forty point Roster has been challenged and in what terms the stay order has been granted by the Supreme Court.

30. That in reply to paragraph 31 of the writ petition, it is stated that a separate counter affidavit dt. 14.12.1979 has already been filed. It may further be stated that the petitioner went away on leave before the order of promotion of opposite party no.5 was passed and he has been extending his leave and did not report on duty. The opposite party no.5 assumed charge on 26.11.1979. Later on the petitioner has also been promoted as A.S.R.M. on an ad-hoc basis by memo no. STA/197-XA/ASRM/79/8 dated 4.1.80.

31. That the deponent is advised to state that none of the grounds taken in the petition are tenable and the petition is liable to be rejected.

1 April 9
March 1980.

Deponent.



Verification.

I, the abovenamed deponent, do hereby verify that the contents of paragraphs 1, 2, 10, 28 & 29 of this counter affidavit are true to my own knowledge, those of paragraphs - 3, 4, 6, 9, 11, 12, 15, 16, 18, 20, 22, 25 and 30

are true to my information derived from the records and those of 13, 14, 17, 21, 23, 24, 26, 27, 29 and 31

are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated:
April 9th 1980.
~~March~~

Deponent.

I identify the deponent who has signed before me.

Rakesh Kumar
Clerk of Sri Brijesh Kumar.

Solemnly affirmed before me on 9/4/80 at 11.45 a.m./p.m. by Balwant Singh the deponent who is identified by Sri Rakesh Kumar Clerk of Sri Brijesh Kumar, Advocate.

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

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

Writ Petition No. of

B.P. Verma. Petitioner.

Versus

Union of India and others. ... Opp. Parties.

Annexure A-1

(To be published in Part II, Section III Sub-Section(i)
of the Gazette of India.

No. 4/13/76-SPB-II
Government of India
Ministry of Communications
Posts and Telegraphs Board.

Dated New Delhi Dated 27th Dec. 1977
110001 the 27 Dec. 1977

G.S.R.

70/336

In exercise of the powers conferred by the proviso
to article 309 of the Constitution, the President hereby
makes the following rules regulating the method of
recruitment to the posts of Assistant Superintendents
of Post Offices and Railway Mail Service of the Posts
and Telegraphs Department under the Ministry of
Communications namely :-

1. Short title:

1. These rules may be called posts and Telegraphs
Assistant Superintendents of Post Offices and
Railway Mail Service Recruitment Rules, 1977.
2. They shall come into force on the date of their
publication in the official Gazette.

2. Number of Posts, Classification and Scale of Pay:

The number of posts, their classification and scale
of pay attached thereto shall be as specified in
columns 3 to 5 of the Schedule annexed to these
rules.

3. Method of recruitment, age limit, qualifications etc.

The method of recruitment, age limit

and other matters connected therewith shall be as specified in columns 6 to 14 of the Schedule aforesaid.

4. Disqualifications:

No person -

- a) who has entered into or contracted a marriage with a person having a spouse living, or
- b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to any of the said posts. Provided that the Central Govt. may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax :

Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing relax any of the provisions of those rules with respect to any class or category of persons.

6. Saving:

Nothing in these rules shall effect reservations and other concessions required to be provided for the Scheduled castes, the Scheduled Tribes and other categories of persons in accordance with orders issued by the Central Government from time to time in this regard .

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

Writ Petition No. of

1	2	3	4	5	6	7	8	9	10	41	12
Resignation from previous years.	S.T.	Recruit ment Year.	Roster Point.	Made General reserved for Sch. Caste/Sch Tribe.	Name of Person appointed.	Date of appoint ment.	Whether SC/ST if no say neither	Recruit ment carried forward	S.T.	Signature of appoint ing Authority	Remarks.

This makes
point No.1
of 1973.

1974

J.P. Garg

STA 197XA/
ASRM/74/2
15.2.74

O.P. Bhargava

STA 197 XA/
ASRM/74/2
22.8.74

ST

R.N. Gupta

do.

Bhuwaneswar Misra

do

V.N. Prasad

do

A.R. Sundaram

do

Basik Mohanlal

do

R.K. Shukla

do

R.C. Dubey

do.

B.N. Jaisai

do.

Jaswant Singh

STA/197 XA/
ASRM/75/2 dt
8.1.75

This makes point
no.8 of 1974.

(1974)
Point 4

SC
S.N. Lal
B.D. Sharma
L.M. Singh
R.K. Bullagan

2.

AS/6/1
AS/4

(53)

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	1	2
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17. ST B.N.P. Tripathi

1.12.75

18 B.R. Prasad

9.12.75

S.C.

2 (4-1974)
(17-1975)

19

B.B.L. Srivastava

On deputation to P&T Directorate as IRM
foregoing his promotion as ASRM vide this
office letter No.197 XA/ASRM/78/8 dt.7.10.78

2 (4-1974)
(17-1975)

20

S.P. Pandey

6.5.77

2 (4-1974)
(17-1975)

21

B.S. Srivastava

STA/197XA/
ASRM/77/2
dt.29.12.77

22

A.P. Srivastava

On deputation to P&T Directorate as IRM
foregoing his promotion as ASRM vide this
office letter No.197 XA/ASRM/78/8 dt.7.10.78

Nil 1978

23

M.P. Gaur

STA/197XA/ASRM
78/2 Dt. 11.7.78

S.C.

24

Bhagwan Das

25

M.C. Tewari

26

J.K.L. Srivastava

STA/197 XA/ASRM/78
-8 dt. 27.10.78

27

R.S. Lodhi

28

R.B. Singh

29

Kamleshwar Singh

30

R.S. Tewari

31

S.S. Dhusia

SC

One -28
1978)
filled up
by Sri J.K.
Rahul.

Rahul

Point con-
into S.C.
year of 1978
Sri S.S.D. Dhusia
appointed
This makes
no.14 of 1975
Point

This makes Point
No.22 of 1977

This makes good
point no.17
by conversion (ST
to S.C.)



A¹⁵
A¹⁰

A¹⁰
A¹⁰

(54)

3.

1 2 3 4 5 6 7 8 9 10 11 12

One 28 One 1979 32

(1978) (1978)

filled One-31

up by Sri J.K. (1978)

Rahul

S.P. Bhatnagar

R.K. Tripathi

STA/197-XA/ASRM
79/8 dd. 30.10.79

R.S. Gupta
J.K. Rahul

S.C.

S.C.

S.C. Pd. Gupta
(on ad-hoc)

S.K. Gupta

(on ad-hoc)

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This makes
point 28

Rahul

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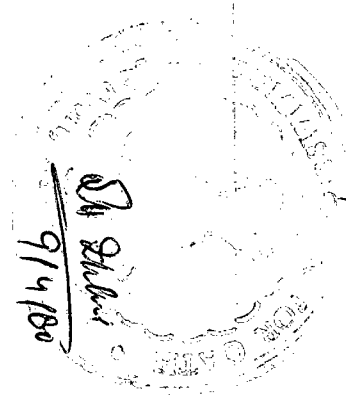
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Schedule

S.No.	Name of Post	Number of Posts.	Classification.	Scale of pay	Whether Selection post or non Selection post.	Age Limit for direct recruits	Educational and other qualification required for direct recruits.
1.	2.	3.	4	5.	6	7	8
1.	Assistant Superintendents of Post Offices	354	General Central Services Non-Gazetted Ministerial Group - C	Rs. 550-EB-25-750-EB-30-900.	Non Selection Post.	Not applicable.	Not applicable.
2.	Assistant Superintendents of Railway Mail Service.	230	-do-	-do-	-do-	-do-	-do-

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Continued ----2

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Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.

Period of probation, if any.

Method of recruitment whether by direct recruit ment or by pro motion or by deputation/ transfer and percentage of vacancies to be filled by various methods.

In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/deputation /transfer there to be made.

Circumstances in which Union Public Service Commission is to be consulted in making recruitment.

9- 10 11 12 13 14

Not applicable Two Years. By Promotion.

Promotion from Higher 1. Selection Grade II officials rising from the line of inspectors of Post Offices with two years regular service in the grade on the basis of seniority cum-fitness.

2. A director of Postal Services to be nominated by the Postmaster General if there are no such officers the Postmaster General.

3. One Group A Officer of the Postal or Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General.

4. A group. A Officer of Telecommunications side.

Not applicable.

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do. do.

The General Manager, Government of India Press
 Ring Road Maya Puri, Industrial Area
 (Near Rajouri Garden) New Delhi-1.

Promotion from Inspectors of Railway Mail Service with three years regular service in the grade on the basis of seniority cum fitness.

do.

(J.N. Panjwani)
 Asstt. Director General

24/8/80
 OATH NO. 11/80
 No 79/336
 (558N) 9/4/80

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

Writ Petition No. of 19

B.P.Verma. Petitioner.

Versus

Union of India and others. ... Opp.Parties.

Annexure No. A-III

Copy of Comm. No. 26/22/79-SPB.I dated 23 May 79 From
o/o Director General, P&T New Delhi addressed to the All
Heads of Circles and others.

Sub: Reservation for Scheduled Castes and Scheduled
 Tribes in Services Carry forward of unfilled
 reservations and exchange of reservations
 between Scheduled Castes and Scheduled Tribes
 in the third year.

Sir,

70/336

I am directed to forward a copy of Ministry of
Home Affairs, Department of Personnel and A.Rs O.M.No.
36013/2/79 Estt(SCT) dated 2nd April 1979 on the above
mentioned subject for your information and guidance. The
copy of O.M. dated 25th March 70 referred to therein was
circulated with this letter ^{office} No.26/10/70 SPB I dated
22nd June 1970.

9/14/80

2. Hindi version of the O.M. dated 2nd April 1979
is also enclosed.

Yours faithfully

Sd J.M. Panjwani

Asstt. Director General (SPN)

Copy forwarded for information to:

SPB II ST NOG CSE SEA SPG STG I & II CWG Inspection /TF &
Admn section of the Directorate
Guard file.

Sd. J.M.Panjwani

Asstt. Director General (SPN)

Copy of O.M.No.36013/2/79 Estt (SCT) dated the 2nd
April 1979 from Ministry of Home Affairs, DO P&AR to all
concerned ..

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2.

Sub: Reservation for scheduled castes and scheduled Tribes in services carry forward of unfilled reservation and exchange of reservation between SC and ST in the third year.

The undersigned is directed to refer to paras 2 and 3 of Ministry of Home Affairs O.M.No. 27/25/68-Estt(SCT) dated 25.3.70 according to which while vacancies reserved for SC and ST are treated as reserved for the respective community only, SC candidates are also to be considered for appointment against a vacancy reserved for SC candidates where such a vacancy reserved for SC candidates could not be filled by a SC candidate even in the third year to which the vacancy is carried forward. This arrangement likewise also in the case of vacancies reserved for ST. Further if SC/ST candidates are not available for SC and ST 5th all the vacancies the older, carried forward vacancies should be filled first and the later vacancies which have been carried forward should be further carried forward vide note (2) below para 11.1 of the Brochure on reservation for SC and ST 5th edition, 1978 Instances have come to the notice of this Department where although there were carried forward reserved vacancies for ST in the third year i.e. they were exchangeable in favour of SC, such vacancies were being treated as lapsed without adjusting the SC candidates who had become available against such vacancies. To cite instance, there were 13 vacancies reserved for SC and 24 for ST under an appointing authority. Twenty two of the 24 vacancies for ST had been carried forward to their year of recruitment and were therefore, exchangeable in favour of SC. There were actually 23 SC candidates available against 13 vacancies reserved for them (and no ST candidates were available). The appointing authority proposed that only 10 (23-13) surplus SC candidates may be adjusted against 10 of the 22 exchangeable reserved vacancies and the remaining 12 vacancies for ST carried forward in the third year may be treated

as lapsed. The interpretation of the orders sought to be made in the above manner by the said appointing authority was not correct and this was pointed out to it by the Commissioner for SC and ST and by this Department. The correct interpretation in such case is that the 22nd of the 23 of SC candidates should be first be adjusted against the vacancies for ST Carried forward in the third year and the remaining one SC candidate be adjusted against one of the 13 vacancies reserved for SC. Thus, none of the carried forward vacancies for ST should have lapsed in the case cited and the unutilised vacancies i.e. 12 reserved for SC would be carried forward. It is requested that the correct interpretation of the orders as indicated above may be kept in view when any such case arise while making recruitment against reserved vacancies.

Sd/ --- K.Dey

Deputy Secretary to the Govt of India.

To

1. All the SSPOs/SPO's }
2. " " SSRMs/SRMs } in U.P. Circle
3. The Postmaster Lucknow/Kanpur
4. The Sup dt P.S.D., Lucknow/Warananasi
5. The Sup dt Seals & Forms Press Aligarh.
6. The Manager Mail Motor Services Kanpur
7. The Director Postal Accounts U.P. Lucknow.

No. STA/A-23/V/8

*** Dated at Lw the 7-6-79

Copy forwarded herewith for favour of information guidance and necessary action.

Sd S. B. Srivastava
for Postmaster General, U.P.

Copy to:

1. All the Officers Co. Lucknow
2. All Regional Director Postal Lucknow
3. Office Supdt Co. Lucknow
4. The H.C., STC, Section Co. Lucknow
5. The H.C. & D. Cs SFA, section Co. Lucknow.
6. File No. STA/A. 23/Crr/8

Sd. S. B. Srivastava
for Postmaster General, U.P.

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

Writ Petition No. . . of

B.P. Verma. Petitioner.

Versus

Union of India and others. Opp. Parties.

Annexure No. A-IV

Vacancies reserved for scheduled castes and Scheduled Tribes would be treated as reserved for the respective community only but scheduled Tribe candidates would also be considered for appointment against a vacancy reserve for Scheduled Castes candidates where such a vacancy could not be filed by a Scheduled Caste candidate even in the third year to which the vacancy is carried forward. This arrangement will likewise apply also in the case of vacancies reserved for Scheduled Tribes.

Extract from Office Memo No. 27/25-68-Est(SCT)
dated 25.3.1970.

Sh. Dhruv

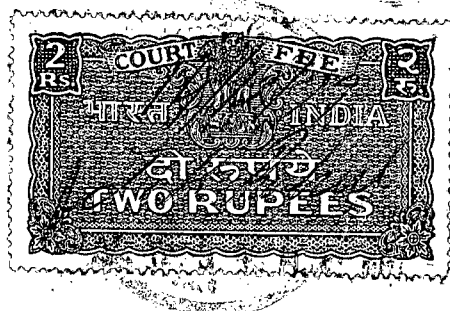
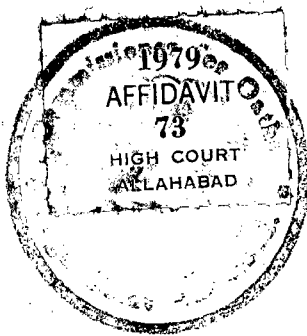
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20.11.79 ✓
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

C.M.Application No. 7485 of 1979

In re:

Writ Petition No. 3365 of 1979



File
B.V. sh
14/1/79
Sri Bhagwati Prasad Varma

--- Petitioner

Versus

Union of India & others

--- Opposite Parties

Counter affidavit of Opposite Party No. 5
to the Stay application

For Oaths
14/1/79
I, J.K. Rahul, aged about 34 years, son of *Shri Chanthu Ram*, presently working as Asstt. Superintendent, Railway Mail Service, Saharanpur, residing at Mohalla Pathanpur, Saharanpur, the deponent do hereby solemnly affirm and state on oath as under:

- Atk*
1. That the deponent is the Opposite Party No. 5 in the above noted Writ petition, and he has gone through the stay application as well as the Writ petition and has understood the contents thereof.

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2. That the deponent was promoted to the post of Asstt. Superintendent, Railway Mail Service by the Opposite Party No.4 by his order dated 30th October 1979. The deponent was promoted from the quota reserved for the scheduled caste candidates.

3. That the aforesaid promotion of the deponent was ordered on the basis of the Roster maintained by the Post Master General, U.P., and ~~the~~ in the ^{deponent's} same promotion order/posting was done at Saharanpur.

4. That in pursuance of the aforesaid order dated 30.10.79 the Superintendent, R.M.S., M.B. Division, Saharanpur had issued the impugned order dated 12.11.1979 whereby the petitioner was reverted to his substantive post as the deponent had been posted as Asstt. Superintendent, R.M.S., Saharanpur, the post which was being held by the petitioner on a purely ad hoc and local arrangement basis, ^{upto that time} which was made by the Superintendent, R.M.S., M.B. Division, Saharanpur, and which stood superseded by the aforesaid promotion order issued by the Director of Postal Services (Headquarters), U.P.

5. That on the basis of the aforesaid promotion order dated 30th October 1979 the deponent was relieved from the post of Inspector, R.M.S., Bareilly, on 6.11.79, ^{and} after handing over charge of his post to Sri V.V. Pande in accordance with the relieving order dated 3.11.79. A true copy of the said relieving



: 3 :

order dated 3.11.79 is being filed herewith as ANNEXURE No. E-1 to ²this counter affidavit.

6. That from 15.11.79 to 25.11.79 the deponent had remained on leave on account of the serious illness of his father and on 26.11.79 he had assumed charge of the post of Asstt. Superintendent, R.M.S., *which was not held by any officer at that time.* Saharanpur. The deponent had received the key of the Almirah of the A.S.R.M., Saharanpur ~~from~~ through the head clerk of the office of the Superintendent, R.M.S., Saharanpur. Similarly the key of the A.S.R.M. room was also handed over to the deponent in accordance with the order of the Superintendent, R.M.S., Saharanpur, and as such the office of the A.S.R.M. is also being used by the deponent and he has assumed complete charge of the post of Asstt. Superintendent, R.M.S., Saharanpur with effect from 26.11.79. A photo stat copy of the charge report is being filed herewith as ANNEXURE No. E-2.

7. That so far the deponent has neither been served with any copy of the stay order and nor he has received any intimation about any stay order having been passed by this Hon'ble court. The deponent has been served only with the duplicates of the stay application as well as of the writ petition, which too are not fair and legible, and as such this counter affidavit is being filed only in respect of the Stay matter.

8. That the deponent is advised to state that



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as the impugned orders have already been implemented and given effect to, ^{remains} ~~and as such there arises~~ no justification for staying the same, and hence the stay application is liable to be rejected and the stay order, if any, is liable to be discharged.

Dated : Lucknow

J. K. Rahul
DEPONENT

December 14, 1979

Verification

I, the above named deponent, do hereby verify that the contents of paras. 1 to 7 of this counter affidavit are true to my own knowledge while those of para. 8 thereof are believed by me to be true. No part of this counter affidavit is false and nothing material has been concealed. So help me God.

J. K. Rahul
DEPONENT

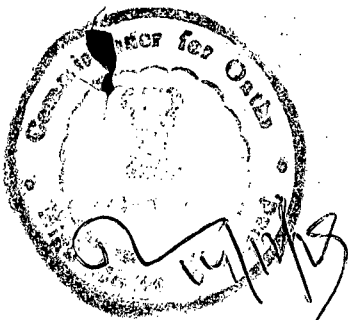
Dated: Lucknow

December 14, 1979

From the papers produced by the deponent I am satisfied that the person making this counter affidavit and alleging to be Sri J. K. Rahul is that person.

MS
Clerk,
to Sri B. Jilani, Advocate,
High Court.

Date 14-12-79



Solemnly affirmed before me on 14.12.79
at 9.12.5 a.m./p.m. by Sri J.K. Ramul, the
deponent who is identified by Sri Mohd.
Sayeed Clerk to Sri Z. Jilani, Advocate,
High Court.

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

Abdul Rauf
Abdul Rauf

Oath Commissioner
High Court, Allahabad
Lucknow Bench.

NO 1658-79

On 14-12-79

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~~4/2~~ $\frac{A10}{6}$ $\frac{66}{1/6}$

In re:

Sri Bhagwati Prasad Varma -- Petitioner

Union of India & others. --- Opp. Parties.

Indian Posts & Telegraphs Department,
Office of the Superintendent RMS 'LW' Division, Lucknow
Memo: No. B-1 /3/c, dated at Lucknow the 3.11.1979

Sri J.K. Rahul, IRM Bareilly RMS, promoted and posted as A SRM Saharanpur RMS, on temporary officiating basis, will be relieved by Shri V.V. Pandey, IRM LW, 2nd. Sub-Div: Lucknow, who will hold joint charge of IRM LW-2nd and IRM Bareilly RMS sub-Divisions without any extra remuneration till Divisional arrangement is made.

Sd/-M.N.Sinha,
Superintendent RMS
'LW Division
Lucknow

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Copy to:

1. PMG UP Circle, Lucknow (STA Sec) for informaton.
2. HRC RMS 'LW' Division, Lucknow
- 3.-4. AHRC (A/c) 'LW' Division, Lucknow
5. SRM 'B' Division, Saharanpur,
6. SRO Bareilly RMS.
- 7-8. Officials concerned.
- 9-10 Personal files of the officials concerned.
11. Office copy
- 12-15 Spare.

...

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Annexure E-2

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

C.M. Application No. 7485 of 1979

In re

Writ Petition No. 3365 of 1979

Sri Bhagwati Prasad Varma

--- Petitioner

Union of India and others

Versus

--- Opp. Parties.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

ANNEXURE No. E-2.

CHARGE REPORT.

Certified that the charge of ~~sorter~~ A.S.R.M. Saharanpur Rms/28
was made over by assumed
by J.K. Rahul at Saharanpur
on 26.11.79 forenoon / ~~after noon~~ in accordance with the
memo No. B-119C/ASRMS from the 12.11.79 SRM MB Du

Hahul
Relieving Officer

Relieved Officer

Copies:-

1. PMB Staff up circle Lko
2. Personal File
3. HRC (Aect) Saharanpur
4. Personal

5. HRC LW. Du. Lucknow
(MC)

6. SRM LW. Du. Lucknow

7. SRM 'MB' Du. Saharanpur

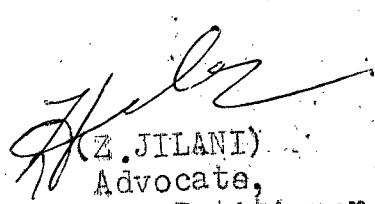


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It is, therefore, prayed that this Hon'ble court may kindly be pleased to condone the delay in filing the counter affidavit, and the counter affidavit being filed herewith may kindly be accepted and brought on record.

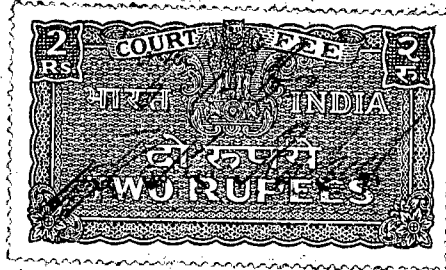
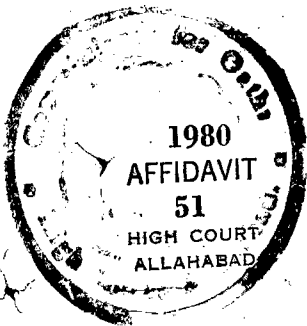

(Z. JILANI)
Advocate,
Counsel for the Petitioner.

Dated: Lucknow

~~January~~ ^{February} 6, 1980.

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

Writ Petition No. 3365 of 1979



Bhagwati Prasad Varma

--- Petitioner

Versus

Union of India and others

--- Opp. Parties.

Counter affidavit of Opp. Party No. 5

I, J.K. Rahul, aged about 34 years, son of Sri Chauthi Ram, Asstt. Superintendent, Railway Mail Service, Saharanpur, resident of Mohalla Pathanpur, Saharanpur, the deponent do hereby solemnly affirm and state on oath as under:

1. That the deponent is the Opp. Party No. 5 in the above noted Writ petition, and as such he is fully conversant with the facts of the case. The deponent has gone through the Writ petition and he has understood the contents thereof.

2. That the contents of para. 1 of the Writ petition are admitted.



3. That the contents of para. 2 of the Writ petition are also not disputed.

4. That the deponent has no definite information about the contents of paras. 3 and 4 of the Writ petition, and as such the same are denied as stated.

5. That with regard to the contents of para. 5 of the Writ petition it is stated that the said Rule 272-C of the Posts and Telegraphs Manual, Volume IV is not a statutory rule, as alleged in the para under reply. It is further submitted that the said rule 272-C is subject to the various orders providing for reservation in promotion for the candidates belonging to scheduled castes and scheduled tribes, issued from time to time in accordance with Article ^{16(4) and} 335 of the Constitution of India.

6. That the contents of para. 6 of the Writ petition may be verified from the said Posts and Telegraphs Manual.

7. That as regards paras. 7 and 8 of the Writ petition it is stated that the criteria of seniority-cum-fitness is not applicable to the Scheduled castes and Scheduled Tribes candidates vis-a-vis the general candidates although the said criteria is applicable amongst the general candidates as well as amongst the scheduled castes and scheduled tribes candidates amongst themselves. It is, therefore, incorrect to say that the seniority plays any preferential part in the promotion of general candidates as against the Scheduled castes candidates.

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8. That the contents of para. 9 of the Writ petition are also denied as stated. The petitioner was never promoted to the post of A.S.R.M. by any competent authority in any capacity whatsoever. As a matter of fact the petitioner had been asked to look after the duties of A.S.R.M. also on the basis of local arrangement.

9. That in reply to para. 10 of the Writ petition it is stated that for the promotion of Scheduled castes and scheduled tribes candidates the seniority of general candidates is no bar and it does not come in their way of promotion from the reservation quota. The seniority of the scheduled caste candidates is to be seen amongst themselves.

10. That the contents of para. 11 of the Writ petition are also not disputed although the number of posts of A.S.R.M. given in the para. under reply is not admitted.

11. That as regards para. 12 of the Writ petition it is stated that the petitioner has also been promoted to the post of A.S.R.M. by the Director, Postal Services (Headquarters) by his order dated 4-1-1980, on his due turn. A true copy of the petitioner's promotion order dated 4-1-1980 is filed herewith as ANNEXURE No. E-3. In pursuance of the said promotion order the Superintendent, R.M.S., 'MB' Division, Saharanpur had issued the posting order of the petitioner on 7-1-1980 and in accordance therewith the petitioner has even joined and taken charge of the post of A.S.R.M., 'MB' Division, Saharanpur in place of Sri R.C. Tewari

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on 8-1-1980. True copies of the said posting order dated 7-1-1980 and the charge certificate of the petitioner are filed herewith as ANNEXURES No. E-4 and E-5 respectively.

12. That the contents of para. 13 of the Writ petition are denied as stated. It is submitted that by M.H.A. Office Memo. No. 1/12/67-Est(C) dated 11-7-68 and No. 27/25/68-Est (SCT) dated 25-3-70 and Department of Personnel & A.R. O.M. No. 10/41/73-Est:(Sc.T) dated 20-7-74 and No. 36021/7-75-Est (SCT) dated 25-2-1976, 15% and 7½% vacancies of the posts to be filled up by promotion were reserved for the Schedules castes and scheduled tribes candidates.

13. That the contents of para. 14 of the Writ petition are absolutely incorrect and hence denied. (The reservation in favour of the scheduled castes and scheduled tribes candidates is perfectly in accordance with the provisions of Article 16(4) of the Constitution of India,) and as such it cannot be termed to be an undue preference given to the Scheduled caste and Scheduled Tribes persons on promotion posts.

14. That the contents of para. 15 of the Writ petition are also denied as stated. As already stated rule 272-C of the Posts and Telegraphs Manual, Volume IV is not at all a statutory rule, and the same can ~~not~~ claim no preference over the aforesaid rules and notifications issued from time to time in connection with reservation of scheduled castes and scheduled tribes candidates. (It is, therefore, incorrect to say that the notifications laying down reservation



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in promotion are ultra vires or illegal.)

15. That the contents of para. 16 of the Writ petition are denied as stated and with reference thereto only this much is admitted that a 40-Point roster has been prepared. In this roster the vacancies reserved for scheduled caste candidates fall at Points Nos. 1, 8, 14, 22, 28 and 36 while the vacancies reserved for Schedules tribes candidates fall at Point Nos. 4, 17 and 31.

16. That in reply to para. 17 of the Writ petition it is stated that the roster originally prepared by the Department was wrong and hence the deponent had represented against the same, and it was on the basis of the deponent's representation that the deponent's name was later brought at Point No. 28 from Point No. 35. The correct Roster as per representation of the deponent ought to have been prepared in the manner which has been shown by the deponent in ANNEXURE No E-6.

17. That the contents of para. 18 of the Writ petition are also incorrect and hence denied. The petitioner has failed to point out as to how the said Roster is discriminatory.

18. That the contents of para. 19 of the Writ petition are also denied as stated. The notification dated 22-1-1977 stands clarified and explained by the notification dated 2nd April 1979, according to which no vacancy is to lapse. A true copy of the said

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notification dated 2-4-1979 is filed herewith as
ANNEXURE No. E-7.

19. That the contents of para. 20 of the Writ petition are also denied as stated. It is incorrect to say that the reservation ~~was~~ at Point No. 17 had lapsed. The fact is that the reservation of Point No. 4 as well as of Point No. 17 both were liable to be filled up by the Scheduled caste candidates due to non-availability of Scheduled Tribes' candidates.

20. That in reply to para. 21 of the Writ petition only this much is admitted that the deponent was selected in the reserve vacancy for Scheduled castes at Point No. 28.

21. That in reply to para. 22 of the Writ petition it is stated that rule No. 272-C stands modified by the notifications issued in connection with reservation of vacancies for scheduled castes and scheduled tribes candidates.

22. That the contents of para. 23 of the Writ petition are also incorrect and hence denied as stated. The seniority of Scheduled caste candidates cannot be compared with the seniority of general candidates. It is, however, pertinent to mention here that the deponent has been given a regular promotion and not an 'ad hoc' promotion.

23. That the contents of para. 24 of the Writ

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petition are also incorrect and hence denied as stated. (The deponent is advised to state that the Constitution does provide for reservation of posts even in promotion, and as such the promotion of the deponent is perfectly legal and in accordance with law.)

24. That as regards para. 25 of the Writ petition it is stated that the petitioner was having no lien or right on the post of A.S.R.M. as he had been asked to function on the post of A.S.R.M. only by local arrangement and not by the appointing authority.

25. That the contents of para. 26 of the Writ petition are also incorrect and hence denied. The promotion of Scheduled caste candidates is completely legal and just, and the petitioner's posting at his substantive post is also in accordance with law. The petitioner has now been given promotion on his due turn.

26. That the contents of para. 27 of the Writ petition are incorrect and hence denied, as stated. As already stated above Rule 272-C stands amended and modified by the subsequent notifications issued by Government from time to time.

27. That the contents of para. 28 of the Writ petition are also incorrect and hence denied. The petitioner is not going to suffer any loss by his posting at his substantive post. Moreover the

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petitioner has also been promoted on 4-1-1980 on the post of A.S.R.M. and he has even joined in pursuance of the said promotion order dated on 8-1-1980. As such the deponent would suffer irreparable injury and loss if he is restrained from functioning as A.S.R.M., Saharanpur, the charge of which post was assumed by him on 26-11-1979 and on which post he is continuing upto this time.

28. That the contents of para. 29 of the Writ petition are also denied as stated. No promotion made on the basis of notifications, referred to above, has to be stayed.

29. That the contents of para. 30 of the Writ petition are also not admitted as stated, in the absence of a copy of the order passed in the said writ petition. It is also pertinent to mention here that the stay orders granted against the reservation in promotion in the Railway Department have already been vacated by the Supreme Court.

30. That the contents of para. 31 of the Writ petition are also incorrect and hence denied. The deponent had taken over charge on 26-11-79 and the charge report has already been filed by the deponent as Annexure No. B-2. As such there is no justification for staying the operation of the order dated 12-11-1979 as the same has already come into effect.



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31. That the deponent is advised to state that the petitioner having accepted his subsequent promotion by the order dated 4-1-1980 has surrendered and waived his alleged right, if any, for promotion to the post of A.S.R.M. before the deponent and that being so, the instant Writ petition has become infructuous and the same is liable to be dismissed with costs.

Dated: Lucknow

Hehny
DEPONENT

January 13, 1980

Verification

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 30 except the bracketted portions of ^{13, 14 and} para 23 are true to my own own knowledge while those of the bracketted portions ^{13, 14 and} of para 23 and those of para. 31 thereof are believed by me to be true. No part of this affidavit is false nothing material has been concealed. So help me God.

Hehny
DEPONENT

Dated : Lucknow

January 13, 1980

From the papers produced before me I am satisfied that the person making this counter affidavit and alleging to be Sri J.K.Rahul is that person.

ms
Clerk
to Sri Z. Jilani, Advocate,
High Court.

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Solemnly affirmed before me on 13-1-1980
at 2 - a.m./p.m. by Sri Ex J.K. Rahul, the
deponent who is identified by Sri Mohd. Sayeed
Clerk to Sri Z. Jilani, Advocate, High
Court.

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

Abdul Rauf

Abdul Rauf

Oath Commissioner

High Court, Allahabad

Lucknow Bench.

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of 13-1-80

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

Writ Petition No. 3365 of 1979

Bhagwati Prasad Varma --- Petitioner
Versus
Union of India & others --- Opp. Parties.

ANNEXURE No. E-3

Indian Posts and Telegraphs Department
Office of the Postmaster General, U.P. Circle, Lucknow
Memo. No. STA/197-XA/ASRM/79/8 dated at Lko the 4-1-1980.

Sub: Promotion, Posting and transfer in A.S.R.M. cadre

The following promotions, postings and transfers
are hereby ordered with immediate effect:-

(1) Sri R.C. Tewari, A.S.R.M. 'MB' Dn. Saharanpur
is transferred and posted as A.S.R.M. 'X' Dn.
Jhansi against vacant post.

(2) Sri Bhagwati Prasad Varma, Head Clerk to
A.S.R.M. 'MB' Dn., Saharanpur is promoted and
posted as A.S.R.M. 'MB' Dn Vice Sri R.C. Tewari
purely on temporary and Ad-hoc basis.

(3) Sri B.D.L. Srivastava, I.R.M. 'LW' 1st Sub-Dn,
Lucknow is promoted and posted as S.A.S. in
the circle office against newly created post
on purely temporary and ad hoc basis.

(2) It should be noted by the officials at Sls.
2 & 3 that their promotions hereby ordered are
purely temporary, provisional and ad-hoc basis



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and would not confer on them any right for regular absorption in A.S.R.M. cadre or for their continuous officiation in that cadre and that they may be reverted at any time without assigning any reason.

3. In case any disciplinary/Vigilance case of the type referred to in the Directorate letter No. 6-16/71-Disc.-I, dated 25-3-72 endorsed under this office No. STA/A-1/XXV-I/8, dated 20-4-72, read with this office endorsement no. VLD/R-1/Inv/4/L dated 24-2-78 is pending against any one of the officials now being promoted to A.S.R.M. cadre ~~xxx~~ or where in respect of any official a punishment of stoppage of increment is current the matter should be reported to this office immediately and the official should not be relieved for new appointment.

Charge report should be submitted to all concerned.

Sd/- Gautam Gupta,
Director, Postal Services(HQrs).

Copy to:

- (1) All ASRM/ SRM in U.P. Circle,
- (2) Head Record Officer, 'LW' Dn Lucknow/ 'MB' Dn Saharanpur/ 'X' Dn. Jhansi,
- (3) P.F. of the officials,
- (4) Officials concerned,
- (5) Sorting Section, Circle Office,
- (6) File No. STA/197-XA/Selection/79/8.
- (7) File dealing with IRM Cadre.
- (8) Spare.

True copy.

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

Writ Petition No. 3365 of 1979

Bhagwati Prasad Verma --- Petitioner
Versus
Union of India & others --- Opp. Parties.

ANNEXURE No. E-4

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Office of the Superintendent RMS 'MB' Division Saharanpur
No. B-1/9C/79-8C Dated at Saharanpur the, 7-1-80.

Sub:- Promotions, postings and transfers in
ASRMs Cadre.

-.-.-.

In pursuance of the P.M. G. UP Circle Lucknow
Memo No. STA/197-XA/ASRM/79/8 dated 4-1-80, the
following promotions, postings and transfers are
hereby ordered with immediate effect.

1. Shri R.C. Tewari, ASRM 'MB' Dn., Saharanpur is
transferred and posted as ASRM 'X' Division, Jhansi
against vacant post.

2. Shri Bhagwati Prasad Verma Head Clerk to SRM '
'MB' Dn., Saharanpur is promoted and posted as ASRM 'MB'
Division vice Shri R.C. Tewari purely on temporary and
ad hoc basis.

3. Shri R.M. Lal Bhatnagar working as ASRM 'MB'
Division, Saharanpur to be ASRM Saharanpur RMS/1 on
his previous post relieving Shri S.P. Bhatnagar to
Saharanpur RMS/2 A at his previous post.

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Annex E-4(Contd)

Shri Bhagwati Prasad Varma should clearly note that his promotion is on purely temporary, provisional and ad hoc basis and would not confer on him any right for regular absorption in ASRM Cadre or for his continuous officiation in that cadre and that he may be reverted at any time without assigning any reason.

Charge reports be submitted to all concerned.

Sd/- Illegible
Superintendent, RMS,
'MB' Dn., Saharanpur.

Copy to:-

1. All ASRMs RMS 'MB' Dn.
2. The HRO / AHRO A/Cs RMS 'MB' Dn.,
3. All SROs RMS 'MB' Dn.
4. Office copy and spare.

True copy.

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

Writ Petition No. 3365 of 1979

Bhagwati Prasad Varma

--- Petitioner

Versus

Union of India & others

--- Opp. Parties.

ANNEXURE No. 5

Certified that the charge of the Office of A.S.R.M. 'MB' Division, Saharanpur was handed over to Shri B.P. Verma vide P.M.G, Lucknow Memo. No. STA/197-XA/ASRM/79/8, dt. 4-1-80, endorsed vide SRM MB L No. B-1/9-C dt. 7-1-80 in the afternoon on 8-1-80.

I Class Card Pass No. 12683 issued on 11-10-79 and valid upto 10-11-80 is also handed over.

Sd. R.M.L.Bhatnagar
8/1
Relieved Officer

Sd/- B.P.Verma
8/1
Relieving Officer.

Copy to:

1. - 2. H.R.C. MB Dn, Saharanpur,
3. S.R.M. 'MB' Dn., Saharanpur,
4. Shri B.P. Verma,
5. Shri R.M.Lal Bhatnagar,
6. 7. PF of the officials
8. P.M.G (Staff), U.P., Lucknow.

True Copy

6/11/81

5/6

3/4

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

Writ Petition No. 3365 of 1979

Bhagwati Prasad Verma --- Petitioner

Versus

Union of India and Others --- Opp. Parties.

ANNEXURE NO. E-6

Correct roster as per Opposite Party No. 5

Vide Appendix 6 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services (Fifth Edition, 1978).
Grade ASRM - Permanent, and Temporary likely to become permanent.

1	2	3	4	5	6	7	8	9	10	11
	Reservation b/f from previous years	Recruitment year	Cycle No and point No.	Particulars of recruitment made	Name of the person appointed and date of appointment	Whether he is SC/ST?	Reservations carried forward	Signature of appointing authority or other authorized officer		Remarks
	Sch. Tribes			Unreserved for SCs/STs according to the roster applicable (40 points)			Sch. Tribes			

28/11/81

6/5

(26)

AY

AY

1 2 3 4 5 6 7 8 9 10 11

1973

Scheduled Castes Sri J.M. Kamal SC

1974

Unreserved Sri J.P. Garg Neither

3 -do- Sri O.P. Bhargava -do-

4 Sch. Tribe Sri R.N. Gupta -do-

5 Unreserved Sri B. Misra -do-

6 -do- Sri Bishwa Nath Pd. -do-

7 -do- Sri A.B. Sundrani -do-

8 Sch. Caste Sri RML Bhatnagar -do-

9 Unreserved Sri N.K. Shukla -do-

10 -do- Sri R.C. Dubey -do-

11 -do- Sri B.N. Jaissal SG

1 S/T of 1974

(1 of 1974) 1975

12 Unreserved Sri Jaswant Singh Neither

13 -do- Sri S.P. Lal -do-

14 Sch. Caste Sri B.D. Sharma -do-

Against this point
SC candidate appointed
at point no. 11

-do-

Against this point
SC candidate appointed
at point no. 18

8

12/6

12/6

12/6

1 2 3 4 5 6 7 8 9 10 11

(1 of 1974) 1977 21 Unreserved Sri S.P. Pandey Neither
(exchangeable with SC) 22 Sch. Casts Sri A.P. Srivastava -do-

23 Unreserved Sri Bhagwan Dass SC
24 -do- Sri S.S. Dhusia SC

Appointed against exchangeable vacancy of Sr. of 1974.

Appointed against Point No. 22

Remained surplus as total reserved vacancies shall remain not more than 50% of the total vacancies in 1977

(1 of 1975)

(1 of 1975) 1978 25 Unreserved Sri M.P. Gaurh Neither
26 -do- Sri M.C. Tewari -do-
27 -do- Sri J.K.L. Srivastava -do-
28 SC Caste Sri R.S. Lodhi -do-
29 Unreserved Sri R.B. Singh -do-

22

9/22

89

14/10

14/10

-5-

1 2 3 4 5 6 7 8 9 10 11

30 Unreserved Sri K. Singh Neither

31 Sch. Tribes Sri R. S. Tewari -do-

(1 of 1978) (1 of 1975)

SC (1 of 1978)

(1 of 1978)

(1 of 1978) (1 of 1975) 1979 32 Unreserved Sri S. P. Bhatnagar Neither

33 -do- Sri R. S. Gupta -do-

34 -do- Sri R. K. Tripathi -do-

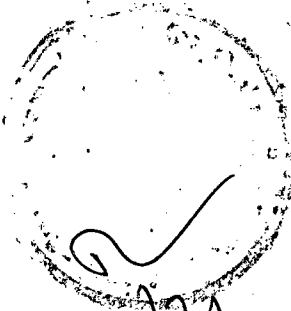
35 -do- Sri J. K. Rahul -do-

Appointed against
Point No. 28 of
1978.

(1 of 1975)

(1 of 1978)

Remained surplus as
total reserved vacancies
shall not remain more
than 50% of the total
vacancies in 1979.



Handwritten signature

AY 9/9 AY 11/11 90 9/13

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

Writ Petition No. 3365 of 1979

Bhagwati Prasad Verma --- Petitioner

Versus

Union of India and others --- Opp. Parties.

ANNEXURE No. E-7

Copy of comm. No. 26/22/79-SPB.I Dated 23 May 79 From
o/o Director-General P&T New Delhi addressed to the
All Heads of Circles And Others.

Sub:- Reservation for Scheduled Castes and Scheduled
Tribes in services - Carry forward of unfilled
reservations and exchange of reservations between
Scheduled Castes and Scheduled Tribes in the
third year -

Sir,

I am directed to forward herewith a copy of
Ministry of Home Affairs, Department of Personnel and
A.Rs. O.M. No. 36013/2/79-Estt(SCT) dated 2nd April 1979
on the above mentioned subject for your information and
guidance. The copy of O.M. dated 25th March 70 referred
to therein was circulated with this office letter No.
26/10/70 SPB.I dated 22nd June 1970.

2. Hindi version of the O.M. dated 2nd April 1979
is also enclosed.

Yours faithfully,

Sd- (J.M. PANJWANI)
ASSTT. DIRECTOR GENERAL (SPN)

Copy forwarded for information to:-

SPB, II ST NCG CSE SEA SPC STG.I & II CWG
Inspection/TF & Admn. Section of the Directorate.
Guard File.

Sd- (J.M. PANJWANI)
ASSTT. DIRECTOR GENERAL (SPN)

Handwritten: 12/11/79, 9/11/79, 9/11/79

A4/160
A14/12 (91)
a/m

: 2 :

Copy of O.M. No. 36013/2/79-Estt(SCT) dated the 2nd April 1979 from Ministry of Home Affairs, D. P&AR to all concerned ---

Sub:- Reservation for scheduled castes and scheduled Tribes in services carry forward of unfilled reservation and exchange of reservation between SC and ST in the third year.

...

The undersigned is directed to refer to paras. 2 and 3 of Ministry of Home Affairs O.M.No. 27/25/68-Estt (SCT) dated 25-3-70 according to which while vacancies reserved for SC and St are treated as reserved for the respective community only, SC candidates are also to be considered for appointment against a vacancy reserved for SC candidates where such a vacancy could not be filled by a SC candidate even in the third year to which the vacancy is carried forward. This arrangement likewise also in the case of vacancies reserved for SC. Further if SC/ST candidates are not available for all the vacancies the older carried forward vacancies should be filled first and the later vacancies which have been carried forward should be further carried forward vide note(2) below para.11.1 of the Brochure on reservation for SC and ST 5th edition, 1978. Instances have come to the notice of this Department where although there were carried forward reserved vacancies for ST in the third year i.e. they were exchangeable in favour of SC, such vacancies were being treated as lapsed without adjusting the SC candidates who had become available against such vacancies. To cite an instance, there were 13 vacancies reserved for SC and 24 for ST under an appointing authority. Twenty two of the 24 vacancies for ST had been carried forward to their year of recruitment and were, therefore, exchangeable in

...

AY
13
92
7/5

: 3 :

favour of SC. There were actually 23 SC candidates available against 13 vacancies reserved for them (and so ST candidates were available). The appointing Authority proposed that only 10(23-13) surplus SC candidates may be adjusted against 10 of the 22 exchangeable reserved vacancies and the remaining 12 vacancies for ST carried forward in the third year may be treated as lapsed. The interpretation of the orders sought to be made in the above manner by the said appointing authority was not correct and this was pointed out to it by the Commissioner for SC and ST and by this Department. The correct interpretation in each case is that the 22 of the 23 of SC candidates should be first be adjusted against the vacancies for ST Carried forward in the third year and the remaining one SC candidate be adjusted against one of the 13 vacancies reserved for SC. Thus, none of the carried forward vacancies for ST should have lapsed in the case cited and the unutilised vacancies i.e. 12 reserved for SC would be carried forward. It is requested that the correct interpretation of the orders as indicated above may be kept in view when any such case arise while making recruitment against reserved vacancies.

Sd.-(Dita K.Dey)
~~Deputy Secretary~~
Deputy Secretary to the Govt. of India

To

1. All the SSPO's/SPO's } in U.P.Circle
2. " " SRMs/SRMs }
3. The Postmaster Lucknow/Kanpur,
4. The Supdt. P.S.D., Lucknow/Varanasi.
5. The Supdt Seals & Forms Press Aligarh
6. The Manager Mail Motor Services, Kanpur.
7. The Director Postal Accounts U.P., Lucknow.

Ay/Ver 14 93 9/76

: 4 :

No. STA/A-23/V/8

Dated at Lw the 7-6-79

Copy Copy of forwarded herewith for favour of
information, guidance and necessary action.

Sd/- Illegible
(S.B.Srivastava)
for Postmaster-General U.P.

Copy to:

1. All the Officers Co. Lucknow
2. All Regional Directors Postal Lucknow.
3. Office Supdt., CO. Lucknow.
4. The H.C., STC. Section Co. Lucknow.
5. The H.C. & D.Cs. STA. Section Co. Lucknow.
6. File No. STA/A-23/Corr/8.

Sd/- Illegible
(S.B.Srivastava)
for Postmaster-General, UP.

True Copy

Handwritten signature

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

3365

of 1979

25

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	Hon. T.S. Misra J. Hon. K.S. Varma J. Admit. Sd. T.S. Misra Sd. K.S. Varma 27-11-79 C.M. An No 7425 @ 279 Hon. T.S. Misra J. Hon. K.S. Varma J. Issue notice. Sd. T.S. Misra Sd. K.S. Varma 27-11-79	
	14.12.79 fixed in C.M. An No. 7425 (W)-79 by it Hon 30.11.79	14.12.79 by it K.S. Varma J. by K.S. Varma J. 20/11
	Counter affidavit has been filed. Ten days time is allowed to file rejoinder affidavit. List in the first week of January, 1979.	

M/S/-

14-12-79

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____

of 197

vs. _____

95

10/2

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
25-1-80	C.M.A. 7425(W)-79. In Orders:- From U.C.S.J. Counter affidavit and rejoinder affidavit filed with the case be placed on record. The case be listed again after showing the names of learned counsel for the parties, if possible, on <u>31.1.1980</u> .	
	25-1.1980. R	
1-2-80	C.M.A. 7425(W)-79 In orders from U.C.S.J. List this case again after showing the names of 1- Prayash Kumar & 2- Zilani. Counsel for opposite parties meet me. Rejoinder affidavit and Counter affidavit	By Court

96

10/3

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 3365 of 1979

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
7-2-80	15-2-80 found in CMA 7425-79- By order 15-2-80 ✓ Cm 630(v)-80 & delay in filing of M. T. S. M. J. H. K. S. V. J. Delay is condoned M. T. S. M. J. H. K. S. V. J. 7-2-80	
15-2-80	Cm 7425-79-79 & ✓ Sh. V. C. S. J. Learned Counsel for the petitioners state that this application is not pressed. It is dismissed as not pressed. ✓ 15-2-80 Q	By order 15-2-80 M. J. 15-2-80

22791-96

CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH)
(ALLAHABAD)

23-A, Thornhill Road, Allahabad.

No. CAT/ALLD T. 401 DATED _____
Bhagwati Prasad Verma APPLICANT

VERSUS

Union of India & others RESPONDENTS

To 1- Sri Bhagwati Prasad Verma, S/o Sri Joti
Sri Prasad Prasad Verma, offic. Asstt.
Superintendent, RLY. Mail Service,
Saharanpur.

WHEREAS the marginally noted case has been transferred by High Court Lucknow under the Provisions of the Administrative Tribunal Act (No. 13 of 1985) and registered in this Tribunal as above.

Sl. No. 336 of 19 The Tribunal has fixed the
of the Court of High Court Lucknow date of 15.10.1987
arising out of the order dated _____ for the hearing of the
_____ passed by _____ matter.

in _____
_____ If no appearance is
_____ made on your behalf by your-
_____ self, your pleader or by
_____ someone duly authorised to
act and plead on your behalf, the matter will be heard
and decided in your absence.

Given under my hand and seal of the Tribunal this
_____ dat of August 1987

DEPUTY REGISTRAR.

2. Union of India through
The Secretaries, Communication Department,
Delhi.

07/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(ALLAHABAD BENCH)

23-A Thornhill Road, Allahabad-211001.

REGD.

No./CAT/ALLD/

Handi Bhawan Lucknow

Dated 28/4/87 1987

Transfer Application No.

of 198 (T)

APPLICANT

V E R S U S

RESPONDENT(S)

To,

High Court

WHEREAS the marginally noted case has been transferred

by _____ under the
provisions of the Administrative Tribunal Act (No.13 of 1985) and
registered in this Tribunal as above.

No. _____ of 198 _____ The Tribunal has fixed the
date of _____ 1987 for
of the Court of _____ the hearing of the matter.
arising out of the order dated _____ If no appearance is made on your
_____ passed by _____ behalf by yourself, your pleader
_____ or by someone duly authorised to
act and plead on your behalf;
the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal on
the _____ day of _____ 1987.

DEPUTY REGISTRAR.

CRIMINAL SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 3365-79
Name of parties... Sri. Bhagwati Pr. Vam. Vs. Union of India
Date of institution 27-11-79 Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	CMA-7425(W) 0579.	2-		5-00			
	2-	W.P. with Annexure and affidavit	32-		102-00			
	3-	Power	1-		5-00			
	4-	Contn affidavit	4-	-	-			
	5-	Power - .	1-		5-00			
	6-	CMA. 2116(W) 0680. For CA. 0680. Balwant P. S.	23-		5-00			
	7-	Contn affidavit of Sri. J.K. Radul	8-	-	2-00			
	8-	Power.	1-		5-00			
	9-	CMA. 630(W) P. with C.P.	26-	-	7-00			

I have this day of 197 .. examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date.....

Munsarim.

Clerk.

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

App. No. 407 of 1987 (T)

100
B1
1

B. P. Verma

PETITIONERS/APPLICANTS
APPELLANTS

Versus,

Unog India

OPPOSITE-PARTY/PARTIES
RESPONDANTS

FIXED FOR 25.4.88

MEMORANDUM OF APPEARANCE

In the above noted petition/case/ appeal I appear for the Respondent
having been appointed as Additional Standing Counsel for the Govt. of India and its officers and so
instructed by department of Justice, Ministry of Law, Govt. of India, New Delhi to appear and
plead on his/ their behalf i. e. Respondent

LUCKNOW : DATED :

25.4.1988

Whd

(V. K. CHAUDHARI)
Advocate

Counsel for Respondent

Additional Standing Counsel
for Central Govt.
R/O 14/629, Barafkhana, Nai-Basti
Udaiganj, Lucknow.
Tel. Nos. 34986 (Residence)
33640 (Cham. - High Court)

RECEIPT OF MEMO

RECEIVED the Memo of Appearance from Sri V. K. Chaudhari, Advocate High Court,
Additional Central Govt, Standing Counsel High Court, Lucknow Bench of Allahabad High Court
in No. of 19.....

Bench Secy. Court No.....

Sec. officer.....

To,

Shri Jagdish Chandra
Dy. Registrar(Judicial)
Central Administrative Tribunal
Bench, Allahabad,
23-A Thorn hill Road,
ALLAHABAD.

(32)
(10)
Recd 25/3/88
J
25/3/88

No: CAT/ALLD TA NO 407-87 (T) Dated

Bhagwati Prasad Verma

V E R S U S
Union of India and others

6. Shri J.K.Rahul (now Asstt. Supdt. R.M.S.'LW'Divn
Lucknow)

Sub: Transfer of case from CAT Allahabad to Lucknow
circuit bench.

Hon^{ble} Sir,

The above named applicant begs to submit as under :

1. That W.P.No 3365 of 1979 of the Highcourt Lucknow was transferred to CAT Allahabad for further hearings of the case.
2. That the Hon^{ble} court (CAT Allahabad) had fixed following dates for submission of rejoinder by the petitioner

15.10.87
07.12.87
04.01.88
18.02.88
11.03.88

The petitioner has been evading since the date of orders from Hon^{ble} court of High court Lucknow to submit the rejoinder. He never attend the Hon^{ble} Tribunal and the advocate on his behalf always sought for extention of dates for which he ^{became} sucessful.

3. The further date into the case has been fixed

-----Contd..2...

B2
102

-2-

dt. 11.4.88 for the submission of rejoinder by the petitioner.

As the case was originally filed at Hon'ble court of High Court Lucknow and petitioner has been avoiding to file rejoinder for long period, the applicant requests your highness to transfer the case to circuit bench Lucknow for hearing into case on 11.4.88 and onwards.

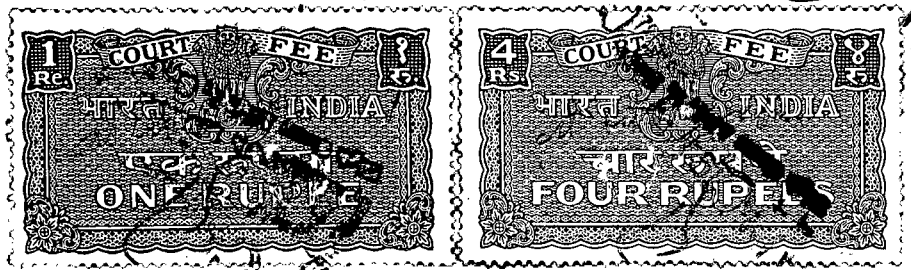
The applicant will be grateful for your such act of kindness.

Dt. at Lko
the 22.3.88

Applicant,

Jitendra Kumar Rahul

(Jitendra Kumar Rahul)
Asstt. Superintendent
R.M.S. 'LW' Divn. Lucknow.



अभिभाषक पत्र (वकालतनामा)

20 Feb 79

हाईकोर्ट आफ जूडीकेचर, इलाहाबाद

1882
23.11.79

Case No. 1882

सन् १९७९

Shri Bhagwati Pr. Venu

वादी / प्रतिवादी
अपीलान्त

बनाम

Union of India & Ors

वादी / प्रतिवादी
रेस्पान्डेन्ट

मैं कि Bhagwati Pr. Venu

हम

Adv. Supdt. P. MS, Saharanpur

उपरोक्त प्रकरण में मैं

हम अपनी ओर के पक्ष समर्थन के हेतु

श्री बी. पी. श्रीवास्तव, एडवोकेट हाईकोर्ट न १० के ० २ जले, पश्चिम
१८८ ए, अलोपीबाग, जवाहरलाल नेहरू मार्ग, इलाहाबाद

को कानूनी शुल्क (मेहनताना) नियत करके अपना अभिभाषक वकील (वकील) नियुक्त करता हूँ
निश्चित करते हूँ

यह स्वीकार करता हूँ कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जी दावा), प्रतिवाद-पत्र (बयान
करते हैं तहरीरी), वाद स्वीकार पत्र, विवाद पत्र पुनरवलोकन एवं पुनर्निर्णय प्रार्थना पत्र (दरखास्त), शापथ्यिक
कथन (हलफनामा इजराय) प्रवर्तन पत्र (दरखास्त), मूजवात अपील, निगरानी इत्यादि हर प्रकार के
अन्य प्रार्थना आदि एवं लेखादि की प्रतिलिपियाँ अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा
किसी पत्र पर आवश्यकतानुसार शापथ्यिक पुष्टीकरण करें और आवश्यक सवाल जवाब करें और लेखादि
की प्रतिलिपियाँ एवं हमारे प्राप्पधन को अपने हस्ताक्षरी पावती देकर प्राप्त करें। हमारी ओर से किसी
को मध्य पत्र, तथा साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन
करें तथा तसदीक करें, वाद-पत्र उठावें, छोड़े अथवा समझौता करें तथा मुलहनामा दाखिल करें तथा
उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उसका समर्थन करें अर्थात् प्रकरण से सम्बन्ध करने वाली कुल
कार्यवाही डिग्री के भर पाई होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य
वकील महोदय को वकील करें। उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये
की भाँति हमको सर्वथा स्वीकार होगी अगर मैं कानूनी शुल्क उक्त सज्जन को न दूँ तो उनको
मुझको हम निश्चित अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करें। उपरोक्त दशा में उक्त सज्जन का कोई
उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

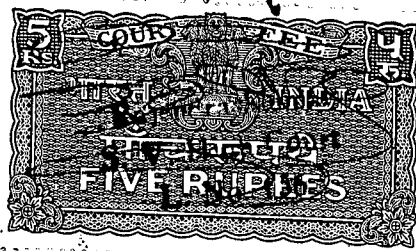
वकातनामा मन्जूर है।

मास

सं०

तिथि

Handwritten signature and date at the bottom left.



वकालतनामा

अदालत The Central Administrative Tribunal, Allahabad-1

नम्बर मुकदमा सन् १९ ई०

नम्बर इजारा Registration No. T-404/1987 सन् १९८७ ई०

मुद्दाई

Bhagwati Prasad

बनाम Union Of India & Others

अपीलान्त

मुद्दालेह

मैं Bhagwati prasad S/O Late Shri Pooran pd. Verma

मैं/हम R/o Mohalla Santo Malan, Kalloganj Ki Morhi,

निवासी P.O. Najibabad, District Bijnore

श्री

R.K.Tewari, Advocate, 154, Purushottamnagar, Allahabad-16

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का वचन देकर मैं / हम अपना वकील नियुक्त करता हूँ / करते हैं। उन वकील महोदय को मैं / हम यह अधिकार देता हूँ / देते हैं कि वह मुकदमे में मेरी ओर से पैरवी करें आवश्यक सवाल पूछें, जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें, व वापस लेवें पंचनामा उपस्थित करें, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें, सुलहनामा दाखिल करें, दावा स्वीकार करें, उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावे, डिग्री का रुपया व खर्चा, हर्जाना का रुपया या किसी दूसरे तरह का रुपया व खर्चा जो अदालत से मुझे / हमें मिलने वाला हो वसूल करें मेरी / हमारी ओर से अदालत में दाखिल करें, कोर्टफीस व स्टाम्प देवें या वापिस लेवें रसीद ले लेवें व प्रमाणित करें, नकल प्राप्त करें, अदालत की अनुमति से मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा स्थापित करावें व इस मुकदमे के सम्बन्ध में दूसरे काम जो जरूरी समझें पैरवी के लिए अपनी ओर से कोई दूसरा वकील नियुक्त कर यदि आवश्यकता हो तो अपील या निगरानी दायर करें और अपील निगरानी की अदालत में पैरवी करें और यह भी वचन देता हूँ / देते हैं कि यदि मैं / हम पूरी फीस या खर्च न अदा करूँ / करें तो वकाल साहेब व उनके क्लर्क बहस व पैरवी के लिये बाध्य न होंगे।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं मेरा/हमारा किया हुआ समझा जायेगा और वह मुझे हमें सदैव ही मेरे/हमारे किये के समान सवंधा मान्य होगा।

तारीख

11th December, 1987 सन् १९ ई०

Accepted

स्वीकार है

R.K.Tewari

R. K. TEWARI

Advocate

154, Purshottam Nagar

(Kulalad)

Allahabad-16

सन् १९

बनाम

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महोदय

बादो / (मुद्दा)

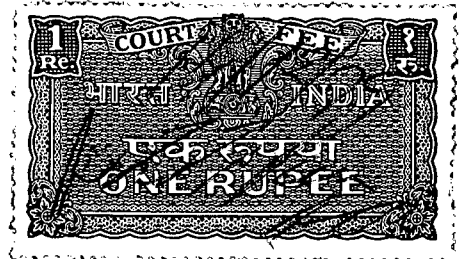
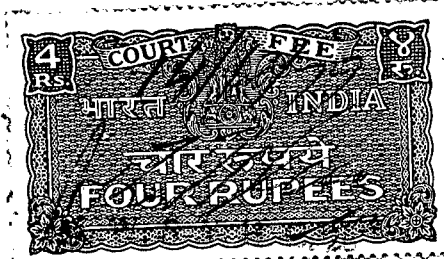
प्रतिवादो (मुद्दाअलेह) No. 5 का

वकालतनामा

C.M.Appn.No.7485 of 1979

In re:

Writ Petition No. 3365 of 1979



Sri Bhagwati Prasad Varma

वादो (मुद्दा)

बनाम

Union of India & others

प्रतिवादो (मुद्दाअलेह)

नं० मुकदमा सन १६ पेशी की ता० १८ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री Z. Jilani,

एडवोकेट महोदय
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अर्जी व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखतो) रसोद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

(Signature)
(08/11/79)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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