

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No. 667 199. 87

..... Abedul Mujib Applicant.

Versus

..... V.O.I. Respondents.

- | | | | |
|----|------------------|---|-------------------------------------|
| 1. | Index Papers | : | <u>1 to 3</u> |
| 2. | Order Sheet | : | <u>4 to 13</u> |
| 3. | Any other orders | " | <u>14 and 15 (last of the page)</u> |
| 4. | Judgment | " | <u>15 (17-10-89) (C.A.T.L.K.)</u> |
| 5. | S.L.P. | " | <u>—</u> |

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Nil

Dealing Clerk

RN)

Part I only
Recheck on 22/2/12.
on

80 (5) Page

Annexure - A
CAT- 02-

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

TA 667/87 (A)

CAUSE TITLE U.P. 956/80 OF 190

Name of the Parties Abdul Mujeeb

For Abdul Mujeeb Versus Union of India

Union of India

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
A-1	Index	1
A-2	order sheet	4
A-3	Petition copy	8
A-4	Annexures	7
AS	Power	1
AG	Counter	28
A7	Subpoena affidavit	2
B-1	Petition copy	8
B-2	Annexures	17
B-3	Counter	28
C-1	cm. application	2
C-2	application	
	Notice	
	order sheet	

3
A1
1

CIVIL
CRIMINAL SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case Sub 956-12
Name of parties Abdel Mujib vs. Union of India
Date of institution 17-4-80 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.			
A	1	Q	15		102.00			
	2	Power	1	2	05			
	3	Corr 2144 (p) or 784	2	2	05			
	4	Supplying affidavit	2		2.00			
	5	Comm - 80 with affidavit	6		7.00			
	6	order sheet	2	-	-			
	7	Back copy	1	-	-			

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.

Munsarim.
Clerk.

Date _____

(4)

~~SECRET~~

Expressed
Ten Adhesive Rs 100 →
Do-1

~~Secret but And Court for paper~~
~~will be made on receipt of lower~~
~~Court record~~
~~In time up~~
~~Papers find. Copy of P-4~~
~~could also be filed~~
Style - Bench

last in signed order Annexure 2.4.3.80
And prayer for issue of writ of
Mandamus-

16.4.80

10

Mr. H.S. J.

Mr. T.S. Misra, J.

List - on April 23,
1980.

R

19-4-80

Am T.S. Meru T
Am K.S. Varma

Admit. Issue notice
opposite - parties no. 1 and 2
are represented by their
counsel. Notice shall,
therefore, go to the opposite
party no. 3.

MSB

MSB

24. 4. 1950

6

10

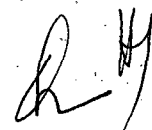
Hon. T. S. Menon

Put up tomorrow
before a learned
single judge.

Hon. H. J. J.
Hon. T. S. Menon


Put up along with
the writ petition.

1-5-1980
AS


17-4-80

Hon. T. S. Menon
Hon. K. S. Varma

Issue notice. Opposite parties nos 1 and 2 are
represented by this counsel. Notice shall, therefore,
go to opposite party no. 3. In the meantime charge shall
not be taken over from the petitioner till 1-5-1980. The stay
application shall be listed for further orders on 1-5-1980.

KS 
24.4.1980

MS

(7)
Hon. S. C. Mathur, J.

The petitioner had sufficient time to place on record the order of appointment which he was required to file under court's order dated 2-5-80. This application is accordingly rejected.

L.
12-5-1980

88

A2
T 6/1

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 956
of 197 80

vs. _____

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	<p>Mr H.S. J.</p> <p>Mr. Misra</p> <p>Let on April 23</p> <p>1980</p> <p>Mr. H.S. J.</p> <p>Mr. Misra</p> <p>17.4.80</p> <p>Cor A 214415 do</p> <p>Mr H.S.</p> <p>Mr. Misra J</p> <p>Put up</p>	
23/4/80	<p>write for him</p> <p>Mr A 214415 do</p> <p>Mr T. S. Misra J.</p> <p>Mr H.S. Misra J.</p> <p>Put up tomorrow.</p> <p>18</p> <p>23.4.1980</p>	<p>Byd</p> <p>23.4.80</p> <p>B</p>

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 956 of 1980
 vs. _____

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	<p>respondents may file counter affidavit within a week thereafter In the meantime the stay order is extended till 12th May, 1980 when the case shall be listed for orders.</p> <p style="text-align: right;">2.5.1980</p>	
12.5.80	<p>Cur & 2144/80 - do was for <u>AKS</u></p> <p style="text-align: center;">Rejects</p> <p style="text-align: right;">(1204) S.C.M. 12/5/80</p> <p>12.7.80 heard with cur & 2144/80 - do for attendance & adj. was N. 2 for 1103 only, for Rf</p> <p style="text-align: center;">30/7/80</p>	

(R) A²/₃

ORDER SHEET

OFFICE REPORT

An Application has been filed in this Tribunal for transferring the case No. 667/87(T) to the Circuit Bench Lucknow.

If approved, 29th April 1988 may kindly be fixed for hearing at Circuit Bench Lucknow. In this regard the notices may be sent to the parties counsel.

J.R.N.

Put up on 29.4.88 at Lucknow
Circuit Bench, Lucknow.

J.R.N.
J. R. (T)

29.4.88 D.R.S.

None is present for the applicant.
Sri V.K. Chaudhary for the respondent.
On the request of Counsel for respondent
he is allowed to file reply by
26.5.88, to inform the applicant
through counsel.

J.R.N.
DR (S)

26.5.88

Sri V.K. Chaudhary is present for
Respondent - None present for the applicant
on the request of Respondent's counsel
the case is adjourned to 20.7.88.
to Reply. Inform the applicant.

20-07-88

Registrar

None responds. Inform Respondent's
Counsel Shri V.K. Chaudhary for filing
reply fixing 21/9/88.

P.26
2/7

J.R.N.
Registrar

14

(14)

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

C.M. APPLICATION NO. 2444 OF 1980

In re

Writ Petition No. 956 OF 1980

Sri Abdul Majeed

Petitioner

Vs.

1. Union of India and others

Opp. parties

Application for stay application

Lucknow dated 2.5.1980

Hon. K.N. Goyal, J.

The learned counsel for opposite parties 1 and 2 has opposed the continuance of the stay order. According to his instructions the petitioner was never appointed. The petitioner in para 1 of the writ petition has not mentioned as to who actually appointed him and has not annexed the copy of the appointment order. Petitioner may file a supplementary affidavit elaborating the details of the appointment of the petitioner as Extra Departmental Branch post master, at Barauli Malib district Barabank Malik district Barabanki and also orders relating to his posting at village Tibra. He may do so within a week and the respondents may file counter affidavit within a week. In the meantime the stay order is extended till 12th May 1980 when the case shall be listed for orders.

Sd. K.N. Goyal

2.5.1980

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

15
A.2
4

T.A.
REGISTRATION No. 667 of 1987. (T)
(C.O.P. No. 956/80)

APPELLANT
APPLICANT

A. Mujeeb

VERSUS

DEFENDANT
RESPONDENT

Union of India.

Serial number of order and date	Date of Order, Mentioning Reference if necessary	How complied with and date of compliance
26-5-89	No sitting. Adjourned to 21-7-89 for hearing. SPR B.O.C.	
21-7-89	No sitting. Adj to 17.10.89. h 21/7 Hon'ble Mr. DK. Agrawal, J.M. Hon'ble Mr. K. Chayya, J.M.	OR No. responds filed Submitted for hearing h 16/2
17 10 89	None appears for the applicant. Shri V.K. Chaudhary, Addl. Standing Counsel for Union of India is present on behalf of respondents. A perusal of the ordersheet shows that the applicant is not appearing since last somany dates. The writ petition is dismissed for want of prosecution. A.M. (sns) J.M.	

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. NO.667 of 1987 (T)
(W.P.NO.956/80)

A. Mujeeb

.....

Applicant.

Versus

Union of India & ors

.....

Respondents.

17-10-1989

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

Hon'ble Mr. K. Obayya, A.M.

None appears for the applicant.

Shri V.K. Chaudhary, Addl. Standing Counsel for Union of India is present on behalf of respondents. A perusal of the ordersheet shows that the applicant is not appearing since last many dates. The writ petition is dismissed for want of prosecution.

Sd/-

A.M.

Sd/-

V.C.

// True Copy //

Just
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

RM/

2582

G-A-13(f)

2841

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

I n d e x

in

Civil Misc. Writ Petition No. 956 of 1980.

(Under Art. 226 of the Constitution of India)

Sri Abdul Majeed, Petitioner

Versus.

Union of India and others. Respondents.

Sl.No.	Particulars of papers	Pages
1.	Writ Petition	1-8
2.	<u>Annexure.I.Letter No A-2212/E.D.A.</u> <u>Dated 4.3.1980.</u>	9-88mm
3.	<u>Annexure.II.Charge Slip</u>	10-11
4.	<u>Annexure.III.Charge Slip</u>	12-13
5.	Affidavit	14-15
6.	Vakalatnama.	16.

Lucknow Dated

16.4.1980.

17

S.M.K. Choudhary
(S.M.K. Choudhary)
Advocate.

Counsel for the petitioner.

A-3
7

-3-

6. That the petitioner was not appointed as Extra Dept. Branch Post Master at Tikra in ~~shop~~ gap arrangement but on a clear vacant post, the petitioner was appointed after being transferred from Brauli Malik, District Barabanki within the same circle. It will not be out of place to mention here that the opposite party no.2 has issued fresh order of appointment, recruiting fresh candidate, who never worked as Extra Departmental Branch Post Master at Tikra, in place of the petitioner. One Sri Baduriddin s/o Chheda has been appointed vide Memo No. A-242, ED -A dated 20.3.1980, inspite of best effort, the petitioner could not get the correct copy of the same. Sri Baduriddin has not taken charge yet and petitioner ~~himself~~ is still working on the post.

7. That no order of termination nor removal from the post of Extra Departmental Branch Post Master has been issued yet the petitioner is being interfered with his work and petitioner has all apprehension that any day, the charge will be taken from him of the post of Extra Departmental Branch Post Master Tikra.

8. That the opposite party no.2 has no justification for refusing the permanent appointment of the petitioner on the post of Extra Department Branch Post Master Tikra, on the ground that he is not resident of the village Tikra, when his initial

16/4

अनुलुपति

A3
4

-4-

appointment was in accordance with Rules and procedure prescribed and more so when petitioner has worked for more than 3 years as an Extra Dept. Branch Post Master and is since more than 10 years residing at Tikkra.

9. That it is also pertinent to mention here that when the petitioner was transferred from Barauli Malik as an Extra Dept. Branch Post Master he gave charge to Mohd Rafi who was relieved from Tikra Post Office from the same post and took charge in place of the petitioner at Barauli Malik Post Office same circle. True copies of the charge slips are being attached herewith as Annexure II and III.

10. That against the illegal action of the opposite party no.2 regarding refusing to make the petitioner services as permanent, as well as illegally interfering with the work of the petitioner and having issued the fresh appointment letter for the same post to a third person, the petitioner has made the representation to opposite party no.1 but of no avail.

11. That an Extra Dept. agent is not a casual worker but the petitioner holds post under the administrative control of the state and said post is under the state. Petitioner work under the direct control and supervision of authorities who obviously have the right to control the manner in which the

16/4

अनुपम गुप्ता

A-3
/5

-5-

petitioner should carryout the duties.

12. That apart from the Rules of 1964 know as Post and Telegraphs Extra Departmental Agents (conduct and service) Rules 1964, the conditions of service are protected under provision of Article 311 (2) of the Constitution as the post is Civil Post under the state.

13. That without terminating the services of the petitioner, his services are being dispensed with which are arbitrary, mala fide and illegal.

14. That the opposite party no.2 has no right to appoint the opposite party no.3 on the post of petitioner when he has right to continue on the post as Extra Departmental Branch Post Master and there was no vacancy on such post.

15. That the opposite party no.2 without giving any notice or opportunity of being heard, passed the order contained in Annexure I and only in pursuance of that treating the petitioner as out of job which contrary to all principles of law and natural justice.

16. That the petitioner having completed more than 3 years could not have been removed unless in accordance with the procedure prescribed under the Rule 1964, which, governs the service conditions of the petitioner.

17. That the reasons for not making the petitioner

16/11/64

35/9/64

A-3
C

-6-

permanent on the post of Ext. Dept. Branch Post Master is factually and legally incorrect and as such, if the opportunity would have been provided, the petitioner would have explained the correct position.

18. That it is necessary in the interest of justice that this Hon'ble Court be pleased to quash the order contained in Annexure I to the petition else the petitioner shall suffer irreparable loss which can not be compensated in terms of money.

19. That the petitioner has no other alternative remedy except to approach this Hon'ble High Court under Art. 226 of the Constitution of India.

20. That the impugned action of the opposite party no.2 is illegal, invalid, and contrary to principles of natural justice and is liable to be ~~quashed~~ quashed on one amongst other:-

G R O U N D S

I. Because the opposite party no.2 has erred in law in exercise of his jurisdiction in not confirming and permanently appointing the petitioner as Extra. Dept Branch Post Master and without giving notice of termination to the petitioner appointed opposite party no.3, on the said post.

II. Because the petitioner has already completed more than 3 years hence his services could not have

16/4

अग्रचरित

A3
7

-7-

been removed unless in accordance with the Rules of 1964.

III. Because, the post of Extra Dept. Branch Post Master being a Civil Post, the provision of article 311(2) was attracted and the order having contrary to principles of natural justice and by way of punishment, liable to be set aside.

IV. Because the reasons contained in the impugned order being factually and legally incorrect, there was no justification to dispense with the services of the petitioner and to appoint the opposite party no.3 on the same post.

R E L I E F

xx It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:-

1) issue writ order or direction in the nature of certiorary quashing the order contained in Annexure I to the petition and to quash the order of appointment of opposite party no.3 after summoning the same from the opposite party no.2.

ii) issue writ order or direction in the nature of mandamus directing the opposite party no.1 and 2 not to remove the petitioner from service without complying with the Rules of 1964 and complying with

अनुग्रह प्रतीति

A3/6

-8-

the principles of Natural justice.

iii) any other relief which this Hon'ble Court may deem think proper.

iv) award cost of the litigation.

There is no defect at all in this W.P.

Lucknow Dated

16.4.1980.

अद्वय गुप्ता

S. M. K. Choudhary
(S. M. K. Choudhary)
Advocate.

Counsel for the petitioner .

अद्वय गुप्ता

(a)

14

इन दि आनुरेक्ल हाईकोर्ट आफ जूडीकेयर एट इलाहाबाद

लखनऊ बेन्च लखनऊ

रिट पिटीशन नं०

आफ 1980

अब्दुल मुजीब -----

----- पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य ----- अपोजिट पार्टीज

एनेक्चर नं० 1

कोर-7/ कोर-7

भारतीय डाक तार विभाग / इन्डियन पी० एन्ड टी

ऑफिस कार्यालय / आफिस आफ दी

रजिस्टर्ड

सेवा में

श्री अब्दुल मुजीब

शाखा डाक पाल

टिकरा

16/4

क्रम संख्या - ए-242/डी०डी० ए दि० 4/3/80

विषय: शाखा डाकपाल टिकरा के पद पर नियुक्ति के लिए आप का

प्रार्थना पत्र दि० 22/2/80

चूंकि दिनांक 1-12-77 से आप केवल बैकस्थिक शाखा डाकपाल

टिकरा की जगह पर कार्य कर रहे हैं तथा आप को नियुक्त भी नहीं

किया गया है और नही आप ग्राम टिकरा के रहने वाले हैं अतः आप

की शाखा डाकपाल टिकरा के पद पर स्थायी नहीं किया जा सकता ।

अब्दुल मुजीब

ह० अपठनीय

सील अधीक्षक डाकधर बाराबंकी प्रखण्ड
बाराबंकी -225001

84
2

इन दि आनरेबल हाई कोर्ट आफ जूडिकेयर एट इलाहाबाद

लखनऊ बेन्च लखनऊ

रिट पिटीशन नं०

आफ 1980

अब्दुल मुजीब -----

-----पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य -----अपोजिटमाटीज

एनेक्चर नं० 2

ए० सी० जी० -61

A.C.G.-61

भारतीय डाक तार विभाग

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

(देखिए नियम 267, डाक-तार वित्तीय पुस्तिका, खण्ड, द्वितीय
Sec. Rule 267, posts and Telegraphs Financial Hand Book
Volume 1, second Edition)

संस्करण)

1614

चार्ज की बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की स्वीद
Charge Report and Receipt for cash and stamps on transfer
of charge.

प्रमाणित किया जाता है कि

का

Certified that the charge of the
office of

बी० पी० एम० सिय

चार्ज अब्दुल मुजीब

(नाम) ने श्री मो० स्फी

was made over by(name)

अब्दुल मुजीब

नाम को
to(name)

स्थान बरौली मालिक
at(place)

तारीख 1/12/79

को पूर्वाह्न में

0

अमराह-

on the date 1/12/79

fore noon in accordance with
after

(11)

84/3

-2-

सं० तारीख के अनुसार दे दिया
 No. Dated from
 अ० मुजीब
 भारमुक्त अधिकारी
 Relieved officer
 मुहम्मद रफी
 भारग्राही अधिकारी
 Relieving officer
 कृपया पृष्ठ ऊटिये)
 P.T.O.

प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक

पुस्तकों के बाकाया (स्टॉक पुस्तक और रजिस्टरों समेत) और लेखाओं

की जांच की और उन्हें ठीक पाया ।

Certified that the balances of this date of the several books (including Stock Book and Registers) and accounts of the office have been checked and found correct.

प्रमाणित किया जाता है कि निम्नलिखित बाकाया मुझे भारमुक्त

अधिकारी ने सौंप दिए और मैं इनके लिए जिम्मेदार हूँ ।

Certified that the balances as detailed below were handed over to me by the Relieved officer and I accept the responsibility for the same.

(अ) नकदी / कैश	रु	पै०
	Rs.	P
(ब) अग्रदाय टिकट / Stamp	1579	01
Imprest.	39	70
सिक	4	40

जिसमें ये शामिल है
 made up of

(1) टिकट / Stamps

(2) नकदी / Cash अ० मुजीब

भारमुक्त अधिकारी
 Relieved officer

Md. ~~Khairuddin~~ Rafi
 भारग्राही अधिकारी
 Relieving officer

तारीख 197

फारबरेड टू अब्दुल मुजीब को भेजा गया

अब्दुल मुजीब

जब प्रमाण पत्र की आवश्यकता न हो तो इसे काट दिया जाए
 The certificate when not actually required may be scored through.

सत्य प्रतिलिपि

12

A-4
4

इन दि आनरेबल हाईकोर्ट आफ जूडीकेयर एट इलाहाबाद
लखनऊ बेंच लखनऊ

रिट पिटीशन नं० आफ 1980

अब्दुल मुजीब ----- पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य ----- अपोजिट पार्टीज

एनेक्चर नं० 3

एसीजी०-61
A.C.G. 61

भारतीय डाक तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

देखिए नियम 267, डाक तार वित्तीय पुस्तिका, खण्ड 1, द्वितीय संस्करण
(Sec. Rule 267, Posts and Telegraphs financial Hand Book.
Volume 1 Second Edition).

614

चार्ज की बदली पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on
transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of का
the office of बी० पी० एम० एसिय

चार्ज मो० रफी नाम ने श्री अब्दुल मुजीब
was made over by (name)

अब्दुल मुजीब

नाम को स्थान हिकरा
to (name) at (place)

तारीख 1/12/79 को पूर्वाह्न में

on the date 1/12/79 अपराह्न
fore noon in accordance with
अनुसर-

सं० तारीख के अनुसार दे दिया
No. Date from

मुहम्मद रफी
भारमुक्त अधिकारी
Relieved officer

अ० मुजीब
भारग्राही अधिकारी
Relieving officer
कृपया पृष्ठ ऊटिये
P.T.O

प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक पुस्तकों के बकाया (स्टॉक पुस्तक और रजिस्ट्रों समेत) और लेखाजों की जांच की और उन्हें ठीक पाया।

Certified that the balance of this date of the several books (including stock Book and Registers) and accounts of the office have been checked and found correct.

प्रमाणित किया जाता है कि निम्नलिखित बकाया मुझे भारमुक्त अधिकारी ने सौंप दिए और मैं इनके लिए जिम्मेदार हूँ

Certified that the balances as detailed below were handed over to me by the Relieved officer and I accept the responsibility for the same

(अ) नकदी / कैश	रु. Rs.	पै० P.
(ब) अग्रदाय टिकट / Stamp imprest	291	15
	34	25
आर० एस०	9	40
अनपेड	0	80
जिसमें ये शामिल है :- Made up of	335	60

(1) टिकट / Stamps

(2) नकदी cash

मुहम्मद रफी
भारमुक्त अधिकारी
Relieved officer

भारग्राही अधिकारी
Relieving officer

तारीख 197

Date the 197

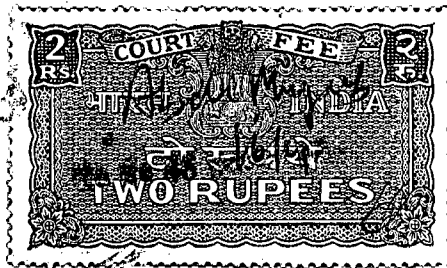
फारवर्ड दू अब्दुल मुजीब

को भेजा गया

जब प्रमाण पत्र की आवश्यकता न हो तो इसे काट दिया जाए।

The certificate when not actually required may be scored through.

1980
AFFIDAVIT
191
HIGH COURT
ALLAHABAD



(14)

14/6

In the Hon'ble High Court of judicature at Allahabad,
(Lucknow Bench)

Affidavit

in

Civil Misc. Writ Petition No. of 1980.

Sri Abdul Majeed, Petitioner.

Versus.

Union of India and others.... Respondents.

Affidavit of Abdul Majeed, aged
about 27 years, son of Nanhu,
r/o Village Chandauli, P.O. Tikra,
District Barabanki.

(Deponent.)

I the deponent abovenamed do hereby solemnly
affirm and state as follows:-

1. That the deponent is the petitioner of this case and as such acquainted with the facts deposed to below.
2. That the contents of the writ petition have been read over and explained to the deponent along with annexures which he has fully understood.
3. That the contents of paragraphs 1, 10, 13 & 20 of the writ petition are true to the knowledge of the deponent and those of paragraphs are based on record; and those of paragraphs 11, 12 are based on legal advice; which I believe to be true

30/9/80

(15)

15/4

-2-

that no part of it is false and nothing material has been concealed.

4. That the annexure 1 to 3 to the writ petition have been compared and are certified to be true copies of their originals.

Lucknow Dated
16.4.1980.

[Signature]
Deponent.

Verification

I, the abovenamed deponent, do hereby verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow Dated
16.4.1980.

[Signature]
Deponent.

I identify the deponent who has signed before me.

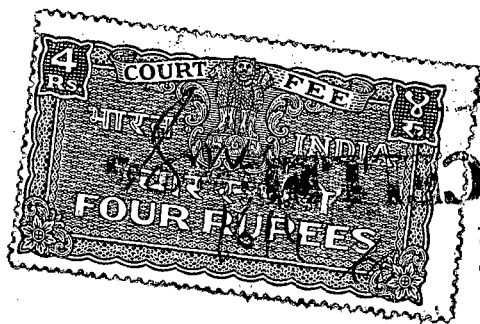
S.K. Pandey 16/4/80

Solemnly affirmed before me on 16.4.1980, at 9.00 a.m./p.m. by Sri Abdul Majeed, the deponent is the identified by Sri S.K. Pandey, clerk to Sri S.M.K. Choudhary, Advocate, High Court, Allahabad, Lucknow.

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

[Signature]
A.C. Sengupta

91/410/86
16.4.80



2cf25. ✓
16.4 82

अभिभाषक पत्र (वकालतनामा)

हाई कोर्ट आफ जूडीकेचर, इलाहाबाद

Writ नं० Abdul Majeed सन् १९८०

वादी प्रतिवादी
अपीलान्त

बनाम Union of India & others

वादी प्रतिवादी
रेस्पान्डेन्ट

मैं कि Abdul Majeed S/o Mansur
हम 170 village Chandelauli P.o Tikra
Distt Benares

उपरोक्त प्रकरण में मैं ग्रान्ती ओर के पक्ष समर्थन के हेतु

श्याम मोहन कृष्ण चौधरी

फोन

एडवोकेट हाई कोर्ट

१८, एलगिन रोड, इलाहाबाद New Muzehabad
Lucknow

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

और (यह स्वीकार करता है कि उक्त सज्जन हमारा ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तेहरीरी), वाद स्वीकार पत्र, विवाद पत्र पुनरवलोकन एवं पुनर्निर्माण प्रार्थना पत्र दरखास्त), शापथिक कथन (हलफनामा) प्रवर्तन पत्र (दरखास्त इजराय), मूजवात अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण कर और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्राप्यघन 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 तसदोक करें, वाद-पत्र उठावे छोड़े अथवा समझौता करें, तथा सलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना पत्र दाखिल करके उसका समर्थन करें अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री के भर पाई होने के समय एक 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 भांति हमका मुझको

संवन्धास्वीकार होगी अगर मैं कानूनी शुल्क उक्त सज्जन की न दूँ तो उनको अधिकार हागा कि वह हमारी ओर से मुकदमा की पैरवी न करे। उपरोक्त दशा में सज्जन का कोई उत्तरदायित्व न रहेगा।

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

तिथि

मास

स०

स्वीकृत है

हस्ताक्षर

हस्ताक्षर

हस्ताक्षर

साक्षी

साक्षी

अबुल मुजिब

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench, Lucknow

T.A. No. 667 of 1987 (L)

In Re: (Writ Petition No.956 of 1980)

Alb
T

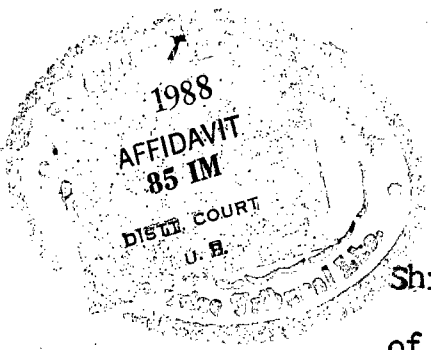
Abdul Mujeeb ... Petitioner

Versus

Union of India and others ... Opp. Parties

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES

1 & 2.



I, R.A. Verma, aged about 51 years, son of Shri Ramdev Verma at present posted as Superintendent of Post Offices, Barabanki do hereby solemnly affirm and state as under: -

1. That the deponent is the Respondent No.2 and is posted as the Supdt. of Post Offices, Barabanki Division, Barabanki and has read the Writ petition and Supplementary Affidavit filed by the petitioner and has understood the contents thereof and is fully conversant with the facts stated in this counter affidavit.

3/12/19

2. That before giving a parawise reply to the averments made in the writ petition certain facts and circumstances which are relevant and have not been stated in the writ petition are being stated hereunder:-

3. That Sri Sia Ram Yadav, Extra Departmental Branch Postmaster for short, EDBPM, Tikra was put of from the duty vide the O.M No.FX/Misc.20/75-76 dated

R.A. Verma

A6

27.5.1976. The true copy of the O.M. dated 27.5.1976 is being annexed as Annexure No.A-1 to this counter affidavit. The said vacancy was notified for appointment vide office letter No.A/242/EDA dated 5.6.1976, inviting the applications from candidates for the post of EDBPM Tikra; a true copy of the office letter dated 5.6.1976 is being annexed as Annexure No.A-2 to this counter affidavit.

4. That in the meanwhile on 16.3.1976 charge of the EDBPM(Tikra) was taken over by Shri Mohd. Rafi who was at that time posted as EDBPM Barauli Malik.

5. That Sri Mohd. Rafi the then EDBPM Barauli Malik gave charge of the EDBPM (Barauli Malik) to the petitioner, who is a resident of village Chandauli P.O. Tikra Usman, on his own accord and upon his own risk and responsible. The true copy of the letter dated 15.3.1976 from Sri Mohd. Rafi to the Inspector, Postoffices North Sub Division, Parabanki is being annexed as Annexure No.A-3 to this counter affidavit.

6. That eventually the disciplinary proceedings initiated against Sri Siya Ram Yadav were finalised and his services were terminated by the O.M. No.Fx/Misc.20/75-76 dated 3.9.1976 a true copy of the O.M. No. 3.9.76 is being annexed as Annexure No.A-4 to this counter affidavit.

7. That however, no regular appointments could be made on the post of EDBPM(Tikra) and on 1.12.1977

[Handwritten signature]

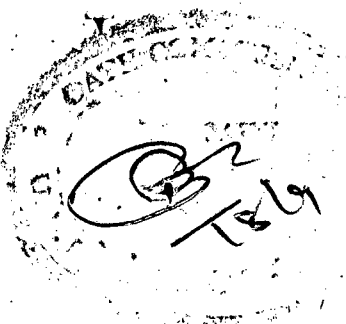
Stamp: 1. J. RAHM
32
18/9

A.C.
/3

Sri Mohd. Rafi who was officiating as EDBPM(Tikra) on his own accord handed over the charge of the EDBPM(Tikra) to the petitioner and returned back and joined as EDBPM Barauli Malik.

8. That since sufficient number of applications had not been received, the notification dated 5.6.1976 was cancelled and the vacancy was notified afresh and applications for appointment to the post of EDBPM (Tikra) were again called for vide the O.M. No.A/242/EDA dated 27.10.1979 a true copy whereof is being annexed as Annexure No.A-5 to this counter affidavit.

9. That it is pertinent to mention that, amongst other applicants, the petitioner also applied for being considered for appointment on the post of EDBPM (Tikra); the true copy of the application of the petitioner is being annexed as Annexure No.A-6 to this counter affidavit. The applications and the relevant data furnished by the candidates were examined and considered in accordance with the relevant rules and orders and instructions and Sri Badaruddin of village and P.O. Tikra Usman was found suitable and fit and consequently the appointment letter was issued appointing Sri Badruddin as EDBPM(Tikra) vide office letter No.A/242/EDA dated 20.3.1980, The true copy whereof is being annexed as Annexure No.A-7 to this counter affidavit. A copy of the aforementioned


R. S. P.

AC
4

appointment letter dated 20.3.1980 was given to the Inspector of Post Offices(East) Barabanki to make available the charge of the EDBFM(Tikra) to Sri Badruddin.

10. That eventually Sri Badruddin by an application, which was received in the office of the Respondent no.2 on 14.4.1980, requested that the petitioner is unlawfully not handing over the charge to Sri Badruddin.

11. That it is pertinent to mention that in accordance with the communication no.43-312/78 Pen dated 27th February, 1979 from the Director General Posts and Telegraph, New Delhi addressed to the Postmaster General, UP Circle, regarding the conditions of appointment of EDBFM; the requirement for appointment was provided that in the interest of proper running of the Rural Post Offices it is absolutely essential that the person appointed to

~~xxxxx~~
~~xxxxx xxxxxxxxxxxxxxxx~~ ~~xxxxx xxxxxxxxxxxxxxxx~~ Extra Departmental Posts are bonafide residents of the village where they are to be appointed. The true copy of the said communication dated 27th February, 1979 is being annexed as Annexure no.A-8 to this counter affidavit.

12. That the appointing authority for the post of EDBFM is the Senior Superintendent/Supdt of Post Offices as provided in the schedule of Appointing

R. A. M.

32
TE/9

AC
5

Authorities contained in Volume III of the P&T Manual, The extract of relevant schedule is being annexed as Annexure no.A-9 to this counter affidavit. The petitioner had never been appointed by the deponent or by the predecessor in office of the deponent.

13. That the contents of paragraph 1 of the writ petition are not correctly stated and are wrong and denied.

14. That the contents of paragraph 2 of the writ petition as stated are not admitted. It is further stated that as the petitioner was working as a substitute on the responsibility and risk of the permanent incumbent & no remark, as alleged by the petitioner, is required to be recorded.

15. That the contents of paragraph 3 of the writ petition, no reply is required.

16. That in reply to the contents of paragraph 4 of the writ petition it is stated that as the petitioner was not appointed as EDBHM and he was merely working as a substitute, the question of making him permanent does not arise and this fact was communicated to him vide Supdt. of Post Offices, Barabanki letter No.A-242/EDA dated 4.3.1980 in response of petitioner's letter dated 22.2.1980.


Rabha

186
6

17. That the contents of paragraph 5 of the writ petition as state are not admitted. In reply it is further stated that on the occurrence of the vacancy of EDBPM Tikra, advertisement was made and applications were called for. The petitioner also applied to appoint him as EDBPM Tikra. All the applications including petitioner's were examined and a candidate who was found suitable was appointed under memo No.A-242/EDA dated 20.3.1980.

18. That the contents of paragraph 6 of the writ petition are not correctly stated and are wrong and as stated are not admitted. In reply it is further stated that the petitioner worked as EDBPM Barauli Malik and there after as EDBPM, Tikra, In this respect no appointment order had been issued in the name of the petitioner by the Appointing Authority. Only the work was managed by engaging him as a substitute on the responsibility of Sri Mohd Rafi EDBPM Barauli Malik, and the case for the appointment of EDBPM Tikra was under consideration. The petitioner also applied for his appointment as EDBPM (Tikra) and his case was considered alongwith other candidates. It was found that the petitioner did not fulfil all the conditions as required under the Rules and one Sri Badruddin was found to be suitable in all respect, from amongst all the candidates and therefore, he was appointed as EDBPM Tikra vide Superintendent Post

R. G. [Signature]

AC
7

Offices, Barabanki memo No. A-242/EDA dated 20.3.1980.

The newly appointed incumbent asked for transferring the charge but the petitioner refused to hand over the charge.

19. That in reply to the contents of paragraph 7 of the writ petition it is stated that the petitioner had not been appointed to the post of EDBPM(Tikra) and there was therefore no question of passing any order of termination or removal against the petitioner. It is further stated that as the petitioner was working as a substitute the question of issuing the termination order does not arise. On retiring of permanent incumbent or making of permanent appointment, the services of the substitute automatically ceases.

20. That in reply to the contents of para-8 of the writ petition it is stated that the petitioner's application for appointment to the post of EDBPM(Tikra) was considered and he was not found suitable. Sri. Baduriddin was found suitable and was appointed. After occurring of the vacancy the case of appointment was under consideration and no appointment order in favour of the petitioner was issued by the Appointing Authority. The allegation of the petitioner that he was initially appointed is incorrect. Appointment orders in the name of Sri Badruddin were issued under memo no. A-242/EDA dated 20.3.1980.

18/9

RA

16/8

21. That in reply to the contents of para-9 of the writ petition it is stated that the deponent passed no orders of transfer of Sri Mohd. Rafi or the petitioner; whatever arrangements were made by Sri Mohd. Rafi were solely on his own risk and his responsibility. It appears that this arrangement had been done as per Rule 50 of the Rules for Branch Offices a true copy of the extract of Rule 50 of the said Rules is being annexed as Annexure no. A-10. to this counter affidavit.

22. That in reply to the contents of paragraph 10 of the writ petition it is stated that as the petitioner was not appointed against any post and he was engaged only as a substitute of Sri Mohd. Rafi who is still working as EDBPM Barauli Malik, the question of permanently appointing the petitioner does not arise. The post of EDBPM Tikra was vacant and only the work was managed till a regular appointment were made. The action of the Appointing Authority is not illegal.

23. That the contents of paragraph 11 of the writ petition are not admitted. Illegal working of the petitioner on the post of the EDBPM (Tikra) confers no right upon the petitioner inas much as the petitioner was not appointed by the deponent or by the predecessor in office of the deponent.

24. That the contents of paragraph 12 of the writ petition are not disputed. However, the provisions mentioned in the paragraph under reply are not attracted to the case of the petitioner.

[Signature]

AC
9

25. That in reply to the contents of paragraph 13 of the writ petition it is stated that the petitioner had not been appointed and therefore, there is no question of termination of his service. It was Sri Mohd. Rafi who handed over the charge of the BDBPM (Tikra) to the petitioner and the appointment was not made by the Respondent no.2. Services of a substitute are automatically ceased on joining the permanent incumbent. The question for termination of services of a substitute does not arise.

26. That in reply to the contents of paragraph 14 of the writ petition it is stated that the Appointing Authority has the right to make appointment against vacant post after obtaining applications from the prospective candidates. In this case applications were called for and considered. Sri Badruddin was found to be suitable amongst all the candidates according to the Departmental Rules and his appointment was made under memo No.A-242/EDA dated 20.3.1980. The petitioner had no right to continue to hold the post, had there been no vacancy, the petitioner could not have applied to be considered for appointment.

27. That the contents of paragraph 15 of the writ petition are not admitted. There is no question of giving any notice or of any ~~xxx~~ opportunity of being heard inasmuch as the petitioner was engaged as a substitute to manage the work and he knew well that the case of appoint-

R. A. hand

A6
10

ent (for which he had also applied) is under consideration. There was no need to issue any notice or to give any opportunity. On joining of the permanent incumbent the services of the substitute automatically ceased.

28. That the contents of paragraph 16 of the writ petition as stated are not admitted. In reply it is further stated that the petitioner had been working as sub-stitute BPM(Tikra) since 1.12.1977 ie. for a period about 2-1/2 years. The conditions of services of EDAs (Conduct and Services) Rules 1964 govern the permanent incumbent and not the substitute who is allowed to work on the responsibility and risk of the permanent incumbent.

29. That the contents of paragraph 17 of the writ petition are denied. In reply it is stated that the question for the removal of the substitute does not arise. On returning of the permanent incumbent to duty. The services of the substitute, automatically cease.

30. That the contents of paragraph 18 of the writ petition are denied. The appointment of Sri Badaruddin has been rightly and correctly made and the petitioner's candidature for appointment against the EDBPM(Tikra) had rightly been rejected and the petitioner can have no grievance on this account.

31. That in reply to the contents of paragraph

Red. h

AC
17

19 of the writ petition it is stated that the writ petition involves disputed question of fact, and the controversies sought to be raised by the petitioner can be decided if the petitioner so is advised by filing the Regular suit in the Civil Court.

32. That the contents of paragraph 20 of the writ petition are denied. The grounds taken by the petitioner are untenable in law, writ petition lacks merits and is liable to be dismissed with costs.

RAM
Deponent

Lucknow,

Dated: *19/9* Sept. 1988.

Verification

I, the above named deponent do hereby verify that the contents of paragraphs *1 to 32* are true to my personal knowledge, those of *33* paragraphs *33* to *31* are believed by me to be true on the basis of records and information gathered and those of paragraphs *32* are also believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed so help me God.

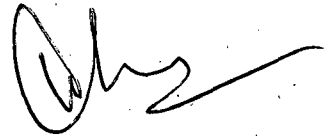
RAM
Deponent.

Lucknow

Dated *19/9* Sept. 88

A6
12

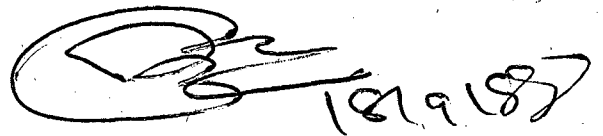
I identify the deponent who has
signed before me and is also personally known
to me.



(V.K. Ghaudhari)
Advocate, H.C.

Solemnly affirmed before me on 18/9/88
at 6.39 am by the deponent who is identified
by Shri VK Chaudhari, Advocate, High Court,
Lucknow Bench.

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



Oath Commissioner.

18/9/88

Lucknow,

Dated: 18 Sept. 88

Rahul

BHARATIYA DAK TAR VIBHAG

OFFICE OF THE SUPDT. OF POST OFFICES LUCKNOW* MORUWWIL
DIVISION, LUCKNOW. 226006

Me o No.FX/Misc.20/ 75-76

Dated at Lucknow 226006
the 27 .5.76.

Sri Siya Ram, EDBPM Tikra in account with Harakh
S.O.(Barabanki) was put off duty by the IPs North
Sub division Barabanki vide his Memo No.A/Tikra
dated 2.3.76, under rule 9 of P&T E.D. As(C&S)
Rules 1964, with effect from 2.3.76.

The said order of IPOs North Sub-division
Barabanki is hereby confirmed.

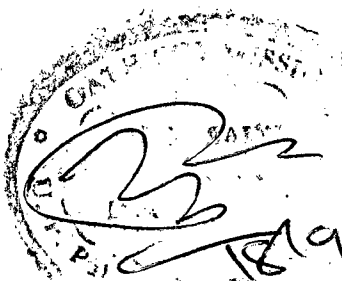
Sd/- Supdt. of Post Offices,
Lucknow Mofussal Division,
Lucknow -226006.

Copy forwarded to:-

1. Sri Siya Ram. Ex-EDBPM Tikra Barabanki(Put off Duty)
2. The IPOs North Barabanki w.r.f. his No.A/Tikra dtd.2.3.76
3. The Postmaster Barabanki HO- 225001.
4. Establishment Clerk, D.O. Lucknow Mofussil
Division for necessary action.
5. File concerned
6. Spare.

Sd/- Supdt of Post Officess
Lucknow Mofussil Division
Lucknow -226006.

/True copy/



RAM

कक्षास्थ आरंभ १०:३० अवधि १०:३० अंश १०:३०
 संख्या २०-२४२/५३/२० दिनांक २२/०५/२३ ७-८-२३

ॐ नमो भगवते वासुदेवाय

शांति

आरका दुक पाल के पद पर निष्ठा है। शरण आकर पाल को विभाजित करने का अधिकार प्राप्त है। अतः यह निर्णय लिया गया कि

- १) अभ्यापी को अंगरेजों और हिन्दी में काम करने की क्षमता होनी चाहिए।
- २) अभ्यापी को उम्र २१ और ६५ वर्ष के बीच में होना चाहिए।
- ३) अभ्यापी को डॉक्टर के आदेश से रहना होगा।
- ४) अभ्यापी अगर कभी अवकाश पर जाता है तो अपने स्थान पर अपने दायित्व पर निश्चय रखेगा जो जावहर लाल नेहरू जी के पुत्र आचार्यजी को स्वीकार करना आवश्यक है।

आवश्यक है।
 यू) आँखा पर हाँक पालय के कागजात, रासुकाय नुक्ता है यह
 तथा बालमूल्य नुस्खा का सुरक्षा का पूरा दोषान्न होगा जिसे
 जलवायु में स्वयं करेगा।

६) अमोघो लोपाय ह्याय वा वाइ निजु सोधनु हा # तया निजो
अचल समीत हो । अचल समीत सयुक्त नाम जे नहाही

9) अमरावती 800) का जमानत नकदों को सान्यता प्राप्त स्वाभाविक
जोरा है 500) का रूप में हानो यमिक रूप

८) अभ्यासों का विज्ञान आधार — रूपरेखा सोर्सिंग से प्राप्त है।
अभ्यासों को एक ही प्रकार के अनेक विक्रेताओं में बाँट दिया गया है।

गोमति मित्र ।

19 १ २ ३ ४ ५ ६ ७ ८ ९ १० ११ १२ १३ १४ १५ १६ १७ १८ १९ २० २१ २२ २३ २४ २५ २६ २७ २८ २९ ३० ३१ ३२ ३३ ३४ ३५ ३६ ३७ ३८ ३९ ४० ४१ ४२ ४३ ४४ ४५ ४६ ४७ ४८ ४९ ५० ५१ ५२ ५३ ५४ ५५ ५६ ५७ ५८ ५९ ६० ६१ ६२ ६३ ६४ ६५ ६६ ६७ ६८ ६९ ७० ७१ ७२ ७३ ७४ ७५ ७६ ७७ ७८ ७९ ८० ८१ ८२ ८३ ८४ ८५ ८६ ८७ ८८ ८९ ९० ९१ ९२ ९३ ९४ ९५ ९६ ९७ ९८ ९९ १००

१२५३/२५३
 १२५३/२५३

[illegible]

2) दो व्यक्तियों द्वारा (संज्ञा द्वारा प्रतीकित) व्यक्तियों द्वारा

2) अथ पाल सं जात स्वता स्वता ना को नकल

3-1 कृते डाकि यधीदास
मुखनेऊ मुफस्सिल प्रखंड

तिलिपु सुचनान रव आदरपन काफे को हा है। रव उ

मोरारत वरुवा लिखत आहे. उपरि पद वरुवा गोवळ
 पुनार रूप संसृष्टा देता येता हे त्या अनुरूपित जेन जात

५५ नमः । धर्मो अहिंसाम् । अस्माकं सर्वत्र आश्रयम् अस्मानि

टिकरा
शुक्की

1-40
पत्र-संख्या 22
C-22

(17)
भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Amr A-3

A0
15

उत्तर देते समय कृपया
निम्न संदर्भ दें
In reply
please quote

प्रेषक
From

सेवा में
To

EXPTL P.O.
U.P. 4691

पत्र-संख्या
No.

दिनांक
Dated at

विषय
SUBJECT

श्री मान इन्स्पेक्टर साहब उत्तरा खण्ड

काराबंकी

जीवा में

निवेदन पद्धति के प्रायः आप के आदेश सखा A/Inch के
92-2-66 के अनुसार मैं कार्य करने को तैयार हूँ। मैं अपनी
जिम्मेदारी तथा जमानत पर श्री अब्दुल मुजीब पुत्र श्री गण्डू को

ठोक घर करौली मलिक का कार्य सौंप रहा हूँ इस सभा मामों को
जिम्मेदारी सौंपी होगी जिनकी उम्र 22-2-48 वर्ष है। तथा

योगता कक्षा 92 उत्तीर्ण है जिनके दस्तावेज स्थापित करता हूँ
प्रायः
दस्तावेज - श्री मुजीब

रक्षापत्र है
जहाँ पर मुजीब
15/3/76

मुहम्मद रफी करीम अम
करौली मलिक
दिनांक 15/3/76

EXPTL P.O.
U.P. 4691
15 MAR 76

18/9

BHARATIYA DAK TAR VIBHAG

OFFICE OF THE SUDT. OF POST OFFICES LUCKNOW MOFUSSIL
DIVISION, LUCKNOW-6

MEMO NO. FX/Misc. 20/75-76 Dated at Lucknow 226006 the 6.5.76

Shri Siya Ram, EDBPM Tikra in account with Harakh S.O. (BBK) was charge-sheeted under Rule 7 of P&T EDAs (C&S) Rules 1964 vide this office Memo No. even dated 1.7.76. The statement of imputations of misconduct framed against the said Shri Siya Ram is enumerated below:-

"Sri Siya Ram Verma while working as EDBPM Tikra during the period from 1.9.71 to 2.3.76 received the following M.Os from his account office Harakh FO. duly entered in B.O. slip. The money orders were to be paid to their payees through EDDA of his office; but he did not give the money orders alongwith cash to EDDA on the dates on which they were received at his office and detained them alongwith cash till the dates noted against each:-

Sl. No.	M.O. No.	Amount	Date of receipt	Date of detention	Name and address of the payed.
(i)	7917	Rs. 80 /-	16.2.76	2.3.76	The Headmaster, Primary School Tikra, Barabanki.
(ii)	1003	Rs. 20/-	19.2.76	1.3.76	Sri Babu Bhai Pradhan, V&P Tikra (Barabanki)

Thus, Sri Siya Ram Verma while working as EDBPM Tikra violated the provisions of Rule 106 of Rules for BOs, VI th Edition and also failed to maintain absolute integrity and devotion to duty.

2. The said Shri Siya Ram Verma, while working as

[Signature]

AC
18

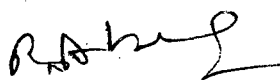
Page-3

the provision of Rule 129 of Rules for BOs, VIth Edition and also failed to maintain absolute integrity and devotion to duty violating Rule ,17 of P&T EDAs(C&S) Rules 1964."

The said Shri Siya Ram Verma, EDBPM Tikra was given an opportunity to made any representation, he might wish to make against the action proposed to be taken against him, so as to reach this office within a fortnight. The said Shri Siya Ram Verma submitted his written statement of representation on 21.7.76.

I have gone through the written statement of representation submitted by the said Sri Siya Ram Verma, EDBPM Tikra and found that he detained the money-orders shown in the Memo of imputations from 16.2.76 to 2.3.76 and 19.2.76 to 1.3.76 respectively for which he has written that the enough cash was not available. He, further , admitted the irregularity saying that his sister was ill and therefore, he could not perform his duty well. The contention of the BPM that he had not enough cash to pay the money orders is not convincing. He had cash worth Rs.568.13 paise on 19.2.76 but he failed to pay the money orders. If he was in difficulty due to his sister's illness , he was required to give his substitute for the performance of Postal work on his own responsibility.

The said Sri Siya Ram Verma took the delivery of the Bombay Insured letter No.34 for Rs.400/- on 1.3.76 addressed to Sri Mohammed Arif, son of Sri Kussu Ram, himself by forging the signature of witness and putting his thumb impression in place of the addressee. He had admitted the fact by saying that he was authorised by the addressee verbally to take the delivery of the insured letter although he had no written authority. In any circumstances, he was not required to forge the signature of witness and thumb impression of the addressees .



Ab
17

EDBFM, Tikra during the aforesaid period, received Bombay insured letter No.34 for Rs.400/- addressed to Shri Mohammed Arif, S/o. Shri Kussu, from his Account office duly entered in BO slip dated .3.76. The EDDA was not authorized to deliver it and the BPM was required to issue the notice to the addressee in form RP-55 in a manner prescribed in Rule 97(3) of Rules for Bos, Vith Edition. The BPM failed to do so violating the provisions of abovesaid ~~Rule~~. ~~The BPM failed to do so~~ ~~violating the provisions of Rule~~. The BPM insisted of doing so, took the delivery of the same himself by putting the thumb-impression of his own hand on the B.P. Journal and also forged the signature of witness Shri Iftakha Ahmed. resident of Tikra by writing his (Witness's) name in his own hand-writing in the B.O journal on 1.3.76. Thus, Sri Siya Ram Verma misappropriated the value of the insured letter and thereby failed to maintain absolute integrity and devotion to duty in contravention of rule 17 of P&T EDAs(C&S) Rules, 1964.

3. Sri Siya Ram Verma, while working as much during the aforesaid period, received a sum of Rs.277.50 on 23.12.75 tendered by the Principal, Janta Uchhatar Madhyamik Vidyalaya, Manpur(Barabanki) alongwith duly completed S.B. Index-Cards and specimen signatures to open two Teachers Provident Fund Accounts in the name of Sri Ramesh Chandra Assistant Teacher and Sri Jeet Bahadur, Assistant Teacher of the abovesaid school. The said Sri Siya Ram. BPM granted a receipt for the said amount of Rs.277.50 P. on a piece of paper instead of the prescribed S.B. Preliminary-receipt and handed over this receipt to peon of the school after date-stamping it with his office date-stamp. The said Sri Siya Ram Verma issued SB B.R.No.32433 each of Rs.138.75 P. on 16.2.76 and accounted for this amount on 16.2.76. In this way he misappropriated the above said amount from 23.12.75 to 16.2.76. Thus, Sri Siya Ram Verma while working as EDBFM, Tikra, infringed the

R.A. Verma

46
19

Page-4.

The said Sri Siya Ram Verma did not account for the amount of Rs.277.50 P. received for the opening of Teacher's Provident Fund account from 23.12.75 to 16.2.76. He had admitted the fact by stating that the application cards were not filled properly and were incomplete. He, further, added that he was not aware of the rules for opening of Teacher's Provident Fund accounts, so he took help of S.P.M. Harakh for the same and therefore, he could not open the account on the date on which he had received the amount. The contention of the BFM is not tenable. The Govt. cash received from the public from any source was to be credited by the BFM on the same date i.e. on 23.12.75. In this way all the charges are established.

For the reasons discussed above, I find that the said Sri Siya Ram Verma is not a fit person to be retained further at the post of EDBFM Tikra and therefore, he is removed from service with immediate effect.

Sd/-(S.B. Srivastava)
Supdt. of Post Offices,
Lucknow Mofussil Division
Lucknow-226006.

Copy to:-

1. Shri Siya Ram Verma - Ex. EDBFM Tikra, Barabanki
2. The IPOs East Lucknow -226005 - for information
3. The Postmaster, Barabanki
4. Establishment Clerk D.O.
5. Vigilance statement
6. File concerned.
7. Office copy

True copy

RAM

18/19

भारतीय डाक विभाग

कार्यालय अधीक्षक डाकघर बाराबंकी प्रखण्ड, बाराबंकी-225001

आदेश- २-२५२/६०४ स्थान बाराबंकी दि०...२७-१०-७९. १६/१०

माम. .. टिकरा..... जिला बाराबंकी के अतिरिक्त विभागीय शाखाडाकपाल के पद पर नियुक्ति हेतु इच्छुक अभ्यर्थियों से आवेदन पत्र माँगे जाते हैं। शाखाडाकपाल को विभागीय नियम के अन्तर्गत कुल १०५/६०... ३० मासिक मिलेगा।

- 1) अभ्यर्थी की आयु १८ और ६० वर्ष के मध्य होनी चाहिये।
- 2) अभ्यर्थी को अंग्रेजी और हिन्दी में काम करने की क्षमता होनी चाहिये।
- 3) अभ्यर्थी को डाकघर के अहाते में रहना होगा।
- 4) अभ्यर्थी अगर कभी अवकाश पर जाता है तो अपने स्थान पर अपने दायित्व पर किसी ऐसे व्यक्ति को रखेगा जो कि बाबतग न हो लेकिन अवकाश पर जाने के पूर्व स्वीकृति सक्षम अधिकारी के द्वारा नितांत आवश्यक है।
- 5) अभ्यर्थी पर ही कार्यालय के कागजात, राजकीय नकदी, स्टैम्प तथा बहुमूल्य वस्तुओं की सुरक्षा का पूर्ण दायित्व होगा जिसका प्रबन्ध वह स्वयं करेगा।
- 6) अभ्यर्थी के पास आय का कोई निजी साधन होना चाहिये। तथा निजी अचल सम्पत्ति हो, अचल सम्पत्ति संयुक्त नाम में न हो।
- 7) अभ्यर्थी को ४००/- ३० की जमानत नकदी या मान्यता सोसायटी द्वारा काइडेलिटि बांड के रूप में जमा करनी होगी।
- 8) अभ्यर्थी को किसी प्रकार का मकान किराया विभाग से नहीं मिलेगा।

अभ्यर्थी को आवेदन पत्र दिनांक २७-१०-७९ तक इस कार्यालय को भेज देना चाहिये। आवेदन पत्र के साथ निम्नलिखित तथ्यों की प्रतिलिपि होना आवश्यक है।

- 1) जन्म तिथि एवं शैक्षिक योग्यता प्रमाण पत्र की प्रतिलिपि।
- 2) दो व्यक्ति विशेष (समाज में प्रतिष्ठित) व्यक्तियों के द्वारा अधिभूत चरित्र प्रमाणपत्र।
- 3) आय प्रमाण पत्र जो रेवन्यू अथारिटी (जो तहसीलदार की रैंक से कम नहीं) द्वारा प्रमाणित हो।

नोट:- अगर उपरोक्त प्रमाण पत्रों में से कोई भी प्रमाण पत्र संलग्न नहीं किये गये तो अभ्यर्थी के प्रार्थनापत्र पर विचार नहीं किया जायगा।

अधीक्षक डाकघर

बाराबंकी प्रखण्ड, बाराबंकी-225001

प्रतिलिपि सुधनार्थ एवं आवश्यक कार्यवाही हेतु-

1. डाक डिप्टी... (६)..... बाराबंकी। आप प्रधान गांव समाज से प्रमाणित कराकर लिखित भोजे कि उपरोक्त पद के लिये गांव में... ई रूप से सूचना दे दी गयी है। अनुचित/जनजाति के व्यक्ति पद योग्य है/नहीं है।
2. प्रधान... टिकरा..... को सुधनार्थ एवं प्रचार के लिये। कृपया आप इसका प्रचार अपने ग्राम में कर दें तथा इस कार्यालय को सूचित करें कि पूर्ण प्रचार कर दिया गया है।
3. थानाध्यक्ष... हरिया... प्रचार के लिये।
4. उपडाकपाल... हरिया... सूचित करें।
5. जण्ड विकास अधिकारी... हरिया... सूचित करें।

वर्गी/ 14579

18/9

Answer A 6

112

21

सुभाष

जिसके अलावा 1000 रुपये का भुगतान भी किया गया है।
 चन्दावली पोस्ट ऑफिस में वाराणसी का निवासी है। मैं 1965 मार्च तक
 1966 तक 2000 रुपये का 1966 तक पोस्ट ऑफिस चन्दावली मालिक के
 बी.पी.एन. पद पर कार्य किया और 1 दिनांक 1966 से अगली
 तक पोस्ट ऑफिस में बी.पी.एन. पद पर लगाता तीन वर्षों तक
 माह से सरकार को सेवा कर रहा है। मेरी योग्यता, इन्टरमीडिएट
 उत्तीर्ण है। मेरे पास एक बेटा है।

1. $\frac{1}{2}$ of 100 = 50
 2. $\frac{1}{4}$ of 100 = 25
 3. $\frac{1}{8}$ of 100 = 12.5
 4. $\frac{1}{16}$ of 100 = 6.25
 5. $\frac{1}{32}$ of 100 = 3.125
 6. $\frac{1}{64}$ of 100 = 1.5625
 7. $\frac{1}{128}$ of 100 = 0.78125
 8. $\frac{1}{256}$ of 100 = 0.390625
 9. $\frac{1}{512}$ of 100 = 0.1953125
 10. $\frac{1}{1024}$ of 100 = 0.09765625
 11. $\frac{1}{2048}$ of 100 = 0.048828125
 12. $\frac{1}{4096}$ of 100 = 0.0244140625
 13. $\frac{1}{8192}$ of 100 = 0.01220703125
 14. $\frac{1}{16384}$ of 100 = 0.006103515625
 15. $\frac{1}{32768}$ of 100 = 0.0030517578125
 16. $\frac{1}{65536}$ of 100 = 0.00152587890625
 17. $\frac{1}{131072}$ of 100 = 0.000762939453125
 18. $\frac{1}{262144}$ of 100 = 0.0003814697265625
 19. $\frac{1}{524288}$ of 100 = 0.00019073486328125
 20. $\frac{1}{1048576}$ of 100 = 0.000095367431640625
 21. $\frac{1}{2097152}$ of 100 = 0.0000476837158203125
 22. $\frac{1}{4194304}$ of 100 = 0.00002384185791015625
 23. $\frac{1}{8388608}$ of 100 = 0.000011920928955078125
 24. $\frac{1}{16777216}$ of 100 = 0.0000059604644775390625
 25. $\frac{1}{33554432}$ of 100 = 0.00000298023223876953125
 26. $\frac{1}{67108864}$ of 100 = 0.000001490116119384765625
 27. $\frac{1}{134217728}$ of 100 = 0.0000007450580596923828125
 28. $\frac{1}{268435456}$ of 100 = 0.00000037252902984619140625
 29. $\frac{1}{536870912}$ of 100 = 0.000000186264514923095703125
 30. $\frac{1}{1073741824}$ of 100 = 0.0000000931322574615478515625
 31. $\frac{1}{2147483648}$ of 100 = 0.00000004656612873077392578125
 32. $\frac{1}{4294967296}$ of 100 = 0.000000023283064365386962890625
 33. $\frac{1}{8589934592}$ of 100 = 0.0000000116415321826934814453125
 34. $\frac{1}{17179869184}$ of 100 = 0.00000000582076609134674072265625
 35. $\frac{1}{34359738368}$ of 100 = 0.000000002910383045673370361328125
 36. $\frac{1}{68719476736}$ of 100 = 0.0000000014551915228366851806640625
 37. $\frac{1}{137438953472}$ of 100 = 0.00000000072759576141833929033203125
 38. $\frac{1}{274877906944}$ of 100 = 0.000000000363797880709169645166015625
 39. $\frac{1}{549755813888}$ of 100 = 0.0000000001818989403545848225830078125
 40. $\frac{1}{1099511627776}$ of 100 = 0.00000000009094947017729241129150390625
 41. $\frac{1}{2199023255552}$ of 100 = 0.000000000045474735088646205645751953125
 42. $\frac{1}{4398046511104}$ of 100 = 0.0000000000227373675443231028228759765625
 43. $\frac{1}{8796093022208}$ of 100 = 0.00000000001136868377216155141143798828125
 44. $\frac{1}{17592186044416}$ of 100 = 0.000000000005684341886080775705718994140625
 45. $\frac{1}{35184372088832}$ of 100 = 0.0000000000028421709430403878528594970703125
 46. $\frac{1}{70368744177664}$ of 100 = 0.00000000000142108547152019392642974853515625
 47. $\frac{1}{140737488355328}$ of 100 = 0.000000000000710542735760096963214874267578125
 48. $\frac{1}{281474976710656}$ of 100 = 0.0000000000003552713678800484816074371337890625
 49. $\frac{1}{562949953421312}$ of 100 = 0.00000000000017763568394002424080371856689453125
 50. $\frac{1}{1125899906842624}$ of 100 = 0.000000000000088817841970012120401859283447265625
 51. $\frac{1}{2251799813685248}$ of 100 = 0.0000000000000444089209850060602009296417236328125
 52. $\frac{1}{4503599627370496}$ of 100 = 0.00000000000002220446049250303010046482086181640625
 53. $\frac{1}{9007199254740992}$ of 100 = 0.000000000000011102230246251515050232410430908203125
 54. $\frac{1}{18014398509481984}$ of 100 = 0.0000000000000055511151231257575251162052154541015625
 55. $\frac{1}{36028797018963968}$ of 100 = 0.00000000000000277555756156287876255810260772705078125
 56. $\frac{1}{72057594037927936}$ of 100 = 0.000000000000001387778780781439381279051303863525390625
 57. $\frac{1}{144115188075855872}$ of 100 = 0.0000000000000006938893903907196906395256519317626953125
 58. $\frac{1}{288230376151711744}$ of 100 = 0.00000000000000034694469519535984531976282596588134765625
 59. $\frac{1}{576460752303423488}$ of 100 = 0.000000000000000173472347597679922659881412982940673828125
 60. $\frac{1}{1152921504606846976}$ of 100 = 0.0000000000000000867361737988399613299407064914703369140625
 61. $\frac{1}{2305843009213693952}$ of 100 = 0.00000000000000004336808689941998066497035324573516845703125
 62. $\frac{1}{4611686018427387904}$ of 100 = 0.0000000000000000216840434497099903324851

1. महाराष्ट्र
 2. गुजरात
 3. महाराष्ट्र
 4. गुजरात
 5. महाराष्ट्र
 6. गुजरात
 7. महाराष्ट्र
 8. गुजरात
 9. महाराष्ट्र
 10. गुजरात

Q2
18/9

ANNEXURE NO.A-7

Memo No.A-242/EDA dated 20.3.1980

22/22

1. Shri Baduruddin is hereby appointed as ED BPM (Tikra (Name of the office)). He shall be paid such allowance as admissable, from time to time.
2. Shri Badurddin should clearly understand that his employment EDBPM shall be in the nature of a contract liable to be terminated by him or the undersigned by notifying the other in writing and that he shall also be governed by the P&T Extra Departmental Agents (Conduct and Service) Rules 1964 as amended from time to time. Shri Baduruddin should clearly understood.
3. That he will have to provide a substitute on his risk and responsibility, whenever he proceeds on leave after obtaining prior approval.
4. That he will have to provide accommodation to house the P.O. free of cost.
5. That he should furnish the required security of Rs.1000/- before assumption of charge alongwith a fitness certificate from the registered Medical Practitioner not below the rank of M.B.B.S.
6. That this appointment is subject to satisfactory verification of his character antecedent Income residential qualification, satisfactory health.

If these conditions are acceptable to him he should communicate his acceptance in the proforma enclosed.

Sd/- Supdt of Post offices,
Barabanki Division
Barabanki Rs225001
20/3.

Copy to:-

1. The postmaster Barabanki H.O.
2. The IPOs (E) BBK w/r to his letter no.A/Tikra dated 912.84 for getting the charge transferred to the approved candidate after observing usual formalities and submissions of letter of acceptance application for security bond, descriptive particulars health certificate, attestation form(in duplicate) declaration etc. to this office.
3. Shri Baduruddin s/o. Sri Cheda, avillage Tikra, Post Tikra Dist. Barabanki
4. Tempy. ED BPM Tikra - for information.

/TRUE COPY/

[Signature]

Annexure A-8

pg 23

(36)

Copy of communication no. 43-312/78-Pen New Delhi 110001 Dtd. Feb. 27th 1979 from the office of the Director General Posts & Telegraphs. Addressee to Shri Dey postmaster General U.P. Circle and circulated under P.N.C.U.P. Lucknow letter no. STA/A-67/79/5 dated 9.3.79 to all the units of the circle.

.....

Sub: Extra Departmental Agents- conditions for appointment - review of.

.....

Sir,

It has been reiterated in this office letter of even no. dated 20.1.79 that it should be ensured that the EDAs who are posted as EDSPM/EDBPM / EDAs and other posts are permanent residents of villages where they are appointed. It has been brought to the notice of Minister- (C) during his visits to various parts of the country that the bonafide residents of the village are quite often not being appointed for the ED Posts but the residents of some other villages are being appointed on the basis of certificates produced by some interested persons. In the interest of proper running of the rural post offices it is absolutely essential that the persons appointed to ED Posts are bonafide residents of the village where they are to be appointed. The inspectors of post offices should verify the bonafide residence of such candidates on the basis of their primary school certificate and personally inspect the bonafides of their residence before appointing them as E.D. agents. They will be held personally responsible for any lapse in this regard.

2. At present the qualification that is prescribed for EDAs is only VI standard (VIII Standard preferred). With the programme of upgradation of EDAs to EDSOs, the EDSPMs will not be able to attend to mobile counter facilities as they will be tied down to the office for full 5 hours. In such a situation the EDAs could be utilised for attending to the host of mobile post offices. When they are entrusted with the function of mobile P.O.s the present qualification would not meet the requirements. Hence it has been decided that hence forth the EDAs should have the minimum qualification of VIII Standard on par with the EDSPMs.

.....

NO. A-1/45 Dated at Barabanki the 20.3.79

Copy to :-

1. All the I.P.O.s in the Barabanki Division for information and necessary action.

True copy
Attested

Supdt. of post offices,
Barabanki Division,
Barabanki- 225001

अधोक्षक डाकघर बाराबंकी मंडल
Supdt. Post Offices Barabanki Dn,
BARABANKI-225001

18/9

AG
24

(See Rule 2)

Category of Posts

Appointing Authority

Post Offices

- | | |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Extra-Departmental Sub-Post master. | Senior Superintendent or Superintendent of Post Offices. |
| 2. Extra-Departmental Branch Postmaster. | |
| 3. Extra-Departmental Messenger | |
| 4. Extra-Departmental Delivery Agent. | |
| 5. Extra-Departmental Mail Carrier or Runner | Deputy Presidency Post-master; Gazetted Postmaster including a gazetted Sub-Postmaster incharge of a town Sub-Office; Postmaster in higher or Lower Selection Grade (in his own office) except a Postmaster incharge of a town |
| 6. Extra-Departmental Packer | |
| 7. Extra-Departmental Stamp vender | |
| 8. Extra-Departmental Chowkidar | |
| 9. Extra-Departmental Mail Peon | |
| 10. Extra-Departmental Sweeper | |
| 11. Extra-Departmental Boy Peon | |
| 12. Extra-Departmental Boy Messenger | |
| 13. Extra-Departmental Water Carrier | |
| 14. Extra-Departmental Mali | |

.....

True Copy

Attested

14/11/19

अधीक्षक डाकघर बाराबंकी मण्डल
Supdt. Post Offices Barabanki Dn.
BARABANKI-225001

18/19

86
1/25

RE NO.

50. Leave applications from extra-departmental branch postmaster and delivery agents.-

- (a) The applications for leave from an extra-departmental branch postmaster must be prepared in form App.-45 and submitted to the inspector of Post Office concerned. It should be preserved for three years after the connection of the extra-departmental branch postmaster ceases with the Department.
- (b) When the charge of an office is transferred from an extra-departmental branch postmaster to his agents, servant or his nominee, or to a departmental official, his reliever must before signing the charge report, check the several books, register and accounts of the office including store and all valuables, and verify the balances in hand. Cash, stamps and pther valuables of the office should then be taken charge of, and a ~~formal~~ formal charge report should be signed by relieving and relieved officials and submitted to the officer sanctioning the leave and disbursing officer, anything irregular or objectionable in the conduct of business of the office that may come to the notice of the relieving officer being reported at the same time.
- (c) When ~~the~~ an extra-departmental delivery agent or an extra-departmental mail carrier proceeds on leave, the substitute offered by him may be accepted provided that the official concerned furnishes a declaration taking responsibility for the work and conduct of the substitute during his absence.

True Copy

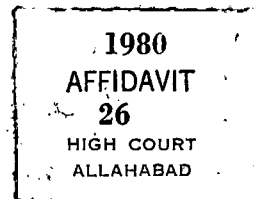
ANeSteel

14/1/25

अधीक्षक डाकघर बाराबंकी मण्डल
Supdt. Post Offices Barabanki Dn,
BARABANKI-225001

22
14/1

NG
NUTHO



47
1

Filed by
M. D. 4-80

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Lucknow Bench.

Supplementary Affidavit

in

Civil Misc. Writ Petition No. 956 of 1980.

Abdul Mujeeb Petitioner.

Versus.

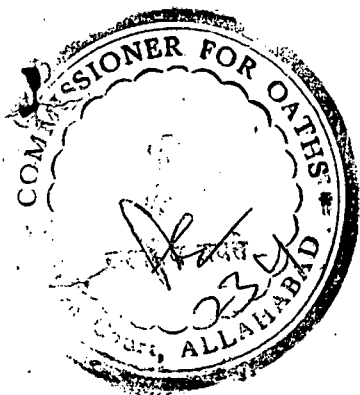
Union of India and others..... Respondents.

Affidavit of Abdul Mujeeb,
aged about 27 years, son of
Sri Nanhu, r/o Village Chandauli
Post Tikra, Barabanki.

Deponent.

I, the deponent abovenamed do hereby solemnly
affirm and state as follows :-

1. That the deponent is the petitioner of this case and as such acquainted with the facts deposed to below.
2. That the deponent after the passing of the order contained in Annexure I to the petition has been asked to hand over charge of the post of Extra Dept. Branch Post Master at Tikra as the opposite party no. 2 has told the petitioner that his services were no longer required in the department as the petitioner has not completed 3 years of his service.



अबुल मुजीब

3. That on being asked by the petitioner, the opposite party no.2 has told the petitioner that no order is given to the person who is removed from the said post of Extra Dept.Branch Post Master and the order dated 4.3.1980, is the only order passed against you *petitioner*

4. That the opposite party no.2 is illegally interfering with the work of the petitioner and compelling him to hand over charge to the opposite party no.3.

Lucknow Dated
23.4.1980 .

अब्दुल मुजीब
Deponent.

Verification

That the contents of paragraphs 1 to 4 of this affidavit are true to my personal knowledge; which I believe to be true that no part of it is false and nothing material has been concealed. So help me God.

Lucknow Dated
23.4.1980.

अब्दुल मुजीब
Deponent.

I identify the deponent who has signed before me.

S.K. Pandey

Solemnly affirmed before me on 23.4.1980, at

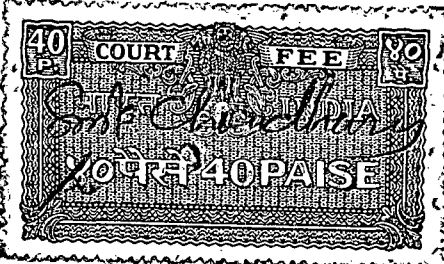
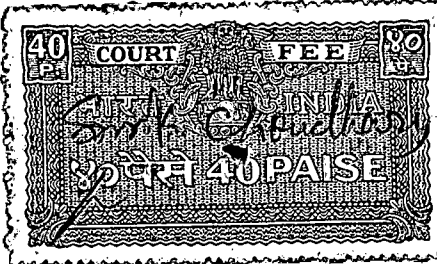
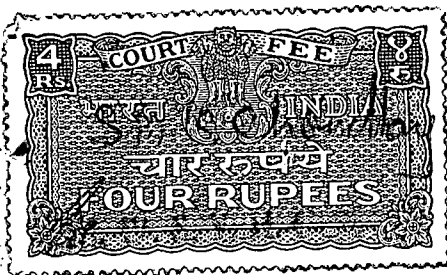
6-30 a.m./p.m. by Sri Abdul Mujeeb, the deponent is identified by Sri S.K. Pandey, Clerk to Sri S.M.K. Choudhary, Advocate.

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

अब्दुल मुजीब

A.C. Sinha

A. C. Sinha
Chief Clerk, High Court, Allahabad
Lucknow Bench
No. 26/420/80
Date. 23/4/80



5

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

Civil Misc. An No. of 1980

in

Civil Misc. Writ P etition No.956 of 1980

Abdul Mujeeb Petitioner

-versus-

Union of India Opp-parties.

The humble petitioner begs to state as follows:-

- 1- That in the above noted writ petition this Hon'ble Court was pleased to grant one weeks time to file supplementary affidavit elaborating the ~~xxxxxx~~ details of appointment of the petitioner as Extra department Branch Post Master at Basauli Malik, Distt. Bara Banki.
 - 2- That the petitioner could not get the order of appointment inspite of best efforts but the petitioner asserts that he was appointed by opposite party no.2, Superintendent Post Offices at Barauli Malik and as soon as he gets the order, he would file the same.
 - 3- That the posting of petitioner at Tikkra was done by the Superintendent, O.P.No. 2 and as such the petitioner took charge at Tikkra and gave charge of Barauli Malik to taking over and giving over charge
- SM

are aparant from the Annexures II and III to the writ petition.

4- That for about 4 years, when the petitioner has worked on the post of Extra Department Branch Post Master in District of Bara Banki, it does not be in the month of opposite parties that petitioner was not appointed as such.

5- That it is necessary in the interest of justice that this Hon'ble Court be pleased allow the petitioner to grant 10 days more to file file affidavit and further be pleased to extent the intrime order dated 24.4.1980 on the basis of allegations made in this affidavit.

PRAYER

It is therefore most respect fully prayed that this Hon'ble High Court be pleased to grant 10 days time to file supplementary affidavit and further be pleased to extent the intrime order dated 24.4.1980 till this Hon'ble Court may deem think proper.

Dated, Lucknow:

12.5.80

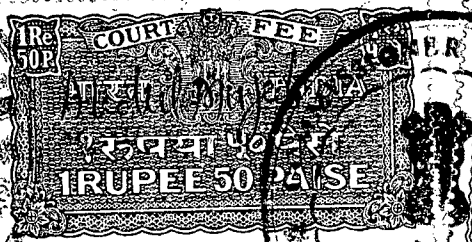
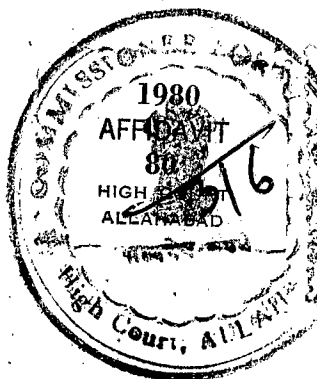
S. M. K Choudhary
Advocate

Counsel for the petitioner.

53

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow



AFFIDAVIT

IN

Civil Misc. Application No. of 1980

in

Writ Petition No. 956 of 1980

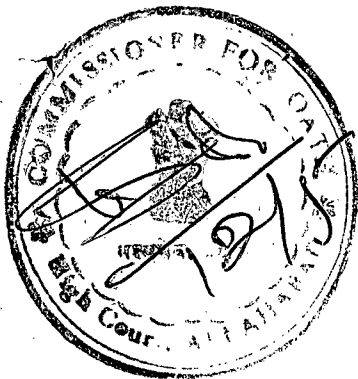
Abdul Mujeeb Petitioner

-versus-

Union of India. Opp-parties.

Affidavit of Abdul Mujeeb, aged about 27 years, son of Nanhu, resident of village Chandauli, P.O. Tikra, Distt. Bara Banki.

अबुल मुजिब
(Deponent.)



अबुल मुजिब

I, the deponent above named do hereby solemnly affirm and state as follows:-

1- That the deponent is the petitioner of this writ and as such acquainted with the facts deposed to below.

2- That in the above noted writ petition this

5
4

-2-

Hon'ble High Court was pleased to grant one weeks time to file supplementary affidavit elaborating the details of appointment of the petitioner as Extra department Branch post Master at Barauli Malik, District Bara Banki.

3- That the petitioner could not get the order of appointment inspite of best efforts but the petitioner asserts that he was appointed by opposite party no.2, Superintendent Post Offices at Barauli Malik and as soon as he gets the order, he would file the same.

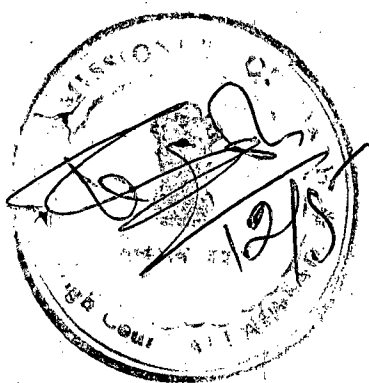
4- That the posting of petitioner at Tikkra was done by the Superintendent opposite party no. 2 and as such the petitioner took charge at Tikkra and gave charge af Barauli Malik and Taking over and giving over charge are aparant from the Annexures II and III to the writ petition.

5- That for about 4 years, when the petitioner has worked on the post of Extra Department Branch Post Master in District of Bara banki, it does not be in the mouth of opposite parties that petitioner was not appointed as such.

6- That it is necessary in the interest of justice that this Hon'ble Court be pleased allow the petitioner to grant 10 days more to file affidavit and further be pleased to extent the intrime order dated 24.4.80 on the basis of allegations made in this affidavit.

Dated, Lucknow.
12.5.80

अ. कुलशर्मा
Deponent.



5
6

-3-

Verification.

I, the above named deponent, do hereby verify that the contents of paragraphs 1, 2, 3, 4, 5, 6 of this ~~and those of paragraphs 3 and 4 of the~~ based on record, affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow, Dated:

12.5.80

अबुल मजिद
Deponent.

I identify the deponent who has signed before me.

S.M.K. Chaudhary
Advocate.



Solemnly affirmed before me on 12.5.80 at 9.50 a.m / p.m by *Sri Abdul Majeed* the deponent who is identified by *Sri Clerk to Sri S.M.K. Chaudhary Adv.* High Court Allahabad, Lucknow Bench, Lucknow.

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

S.K. Singh
JATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. *80/316*
Date *12/5/80*