

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No. 667 199.87

..... Aledul Majeek ..... Applicant.

Versus

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

1.	Index Papers	: 1 to 3
2.	Order Sheet	: 4 to 13
3.	Any other orders	" 14 and 15 (Last of the year)
4.	Judgment	" 15 (17-10-89) (C.A.T.L.K.)
5.	S.L.P.	"

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Nil

V.H.  
31-12-88  
Dealing Clerk

RN)

part I only  
recheck on 22/2/89  
6m

80 (5)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD//  
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET TA 667/87 (1)

CAUSE TITLE V.P. 956/80 OF 198

Name of the Parties Alduf Majeed

Plaintiff

Defendant Versus

Union of India

Part A, B and C

SL. NO.	DESCRIPTION OF DOCUMENTS	PAGE
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A.2	order sheet	4
A.3	Petition copy	8
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CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

Case 956

Name of parties

Abdul Majeed v. 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
A	1	G	15		Rs. 102.00			
	2	Power	1	2	2.00			
	3	Com 2144 (2) as for 2	2	2	2.00			
	4	Supply affadtr	2		2.00			
	5	Comd → 80 with affadtr	6		7.00			
	6	order Sheet	2	-	-			
	7	Book 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

~~Impressed~~  
Ten Adhesive Rs. 10/- →  
Do - 1

Interest but Final Count fee ~~more~~  
will be made on receipt of term.

Correct record

In Hand up →

Papers filed. Copy of P →

~~Should also be filed~~

Sympa - Branch

Last unsigned order Annexed 24.3.80  
and prayer for issue of writ of  
Mandamus -

Mr  
16.4.80

Mr. H. S. S

Mr. T. S. Misra J.

list on April 23,

1980.

ff  
h

19-4-80

(3)

Hon T.S. Mehta &  
Hon 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.

WS/2

MSS

24. 4. 1920

10  
Hon. T. S. Menon T.

Hm. H. S. T.  
Hm. T. S. Menon T.

Put up tomorrow  
before a learned  
single judge.

Put up along with  
the writ petition.

1-5-1980

AS

17-4-80

Hm T. S. Menon T  
Hm T. S. Menon T

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 petitioners till 1-5-1980. The stay  
application shall be listed for further orders on 1-5-1980.

RS  
24.4.1980

MS

Hon. S. C. Maltbie, Jr.

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.

12-5-1980

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 956

of 197

vs.

R2

8/1

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	After H.S.J Mr. Misra	
	Led on April 23 1980	Dr. H.S.J
		Mr. Misra
		17.4.80
	Cor A 2144CS 80	
	In H.S	
	Mr. Misra J	
	Put up 6/1	
23/4/80	Wrote for filing ent 2144(w) 80	By d
	For T.Singh J	23.4.80
	For H.S. Raja J	Bar.
	Put up tomorrow.	
	18/4/80	
	23.4.1980	28

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. P. No. 956 of 19780  
vs.

(10) 8/6/2

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 <del>thereafter</del>. 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;">P</p>	
	<u>Bhal</u>	2.5.1980
12.5.80	<p>Cm in 2144(w) 80 vs Dr. <u>S. C. D.</u> <u>AKB</u></p> <p>Rejections</p> <p>(1501) S. C. M.</p>	
		12/5/80
	<p>12.5.80 (b) 2144(w) 80 vs Dr. 2144(w) 80 for audience &amp; filing</p> <p>n. 2 K. P. 700, G. R.</p>	
		30/7/80

(R) A/3

ORDER SHEET

OFFICE REPORT

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

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

From

Put up on 29.4.88 at Lucknow  
Circuit Bench, Lucknow.

See

D.R.(J)

29/4/88 D.R.S.

None is present for the applicant.

Mr. V.K. Chaudhary for the respondents.  
(On the request of Counsel for respondent)  
He is allowed to file reply by  
26.5.88. Inform the applicant  
through counsel.

See  
D.R.(S)

26-5-88

Mr. 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.  
For Reply. Inform the applicant.

20-07-88 Registrar

None responds. Inform respondent's  
Counsel Mr. V.K. Chaudhary for filing  
Reply fixing 21/9/88.

P.20  
2/7

Registrar

DR.J

(14)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

C.M. APPLICATION NO. 2944 OF 1980

In re  
Writ Petition No. 956 OF 1980

Sri Abdul Mujeeb

Petitioner

Vs.

17 Union of India and others

Opp. parties

Application for stay application

Lucknow dated 2.5.1980

Hon'ble 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 French post master, at Barauli Matib district Barebanki Malik district Barebanki and also orders relating to his posting at village Tibro. 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

25.5.1980

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

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

APPELLANT  
APPLICANT

A. project

VERSUS

DEFENDANT  
RESPONDENT

Union of India.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
26-5-89	No sitting. Adjourned to 21-7-89 for hearing.	S.P.Y. B.O.C.
217 of 217	No sitting. Adj. to 17.10.89. h 217 from Mr. D.K. Agarwal, I.M. Hon' Mr. K. Chayya, A.M.	OR No. respondent(s) submitted for hearing h 1612
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.

2105  
2105

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

(C)

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

*RCO*

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 so many dates. The writ petition is dismissed for want of prosecution.

*Reed by*  
*Chauhan*  
Sd/-

Sd/-

A.M.

V.C.

*Chauhan 10/10*  
// True Copy //

*Just*

*Deputy Registrar*

*Central Administrative Tribunal*

*Lucknow Bench,*

*Lucknow*

*RCO*

2582  
G-A-13(f)

284)   
In the Hon'ble HighCourt 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 Majeeb, ..... Petitioner

Versus.

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

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Sl. No.	Particulars of papers	Pages
1.	Writ Petition	1-8
2.	<u>Annexure. I.</u> Letter No A-2212/E.D. A. Dated 4.3.1980.	9- <del>18</del> 18
3.	<u>Annexure. II.</u> Charge Slip	10-11
4.	<u>Annexure. III.</u> Charge Slip	12-13
5.	Affidavit	14-15
6.	Vakalatnama.	16.

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Lucknow Dated

16.4.1980.

S. M. K. Choudhary

(S. M. K. Choudhary)

Advocate.

Counsel for the petitioner.

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 Badurddin 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

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

petitioner should carryout the duties.

12. That apart from the Rules of 1964 known 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, malafide 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

*350/3/2014*

R/6

-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 intrest 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 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

30/6/1974

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:-

i) 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.

*304/5/10*  
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

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.

3105/1980

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

Counsel for the petitioner.

3105/1980

(a)

89

इन दि आनुकूल हाईकोर्ट आफ जूडीक्वर स्ट इलाहाबाद

लाभानु बेन्च लाभानु

स्टिपिटीशन नं०

आफ 1980

अब्दुल मुजीब ----- -----

----- पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य ----- अपोजिट पार्टी

एनेक्वर नं० ।

कोर०-7/ कोर०-7

भारतीय डाक तार विभाग / इन्डियन पी० एन्ड टी

डिमाइन्ट कार्यालय / आपिस आफ दी  
रजिस्टर्ड

सेवा में

श्री अब्दुल मुजीब

शाभा डाकपाल

टिकरा

क्रम संख्या - र-242/इ०डी० ए दि० 4/3/80

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

प्रार्थना पत्र दि० 22/2/80

चूकि दिनांक ।- ।२-७७ से आप केवल बैक्ट्रिक शाभा डाकपाल

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

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

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

ह० अपठनीय

सील अधीक्षक डाकधार बाराबंकी प्रखण्ड  
बाराबंकी - 225001

अब्दुल मुजीब

इन दि जानुकुल हाई कोर्ट आफ जूडीक्वर स्ट इलाहाबाद

लखनऊ बैच लखनऊ

रिट प्रिटीशन नं०

आफ 1980

अब्दुल मुजीब -----

----- प्रिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य ----- अपोजिट्माटीज

एनेक्वर नं० 2

ए० सी० जी० - ६।

A.C.G.-61

भारतीय डाक तार विभाग

INDIAN POSTS AND TELEGRAPH DEPARTMENT

(देल्हीर नियम 267, डाक-तार वित्तीय पुस्तका, भाग्द द्वितीय  
Sec. Rule 267, posts and Telegraphs Financial Hand Book  
Volume 1, second Edition)  
संस्करण )

चार्ज की बक्ती पर चार्ज स्पीर्ट और नकदी और टिकटों की सीद  
Charge Report and Receipt for cash and stamps on transfer  
of charge.

प्रमाणित किया जाता है कि

Certified that the charge of the बी० पी० एम० सिय  
office of

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

नाम को  
to( name)

स्थान बराती मालिक  
at( place)

तारीख 1/12/79  
o

को पूर्वाह्न में  
अमरक्ष-

on the date 1/12/79

fore noon in accordance with  
after

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

प्रमाणित किया जाता है कि आज के दिन हस कायांत्रिय की अनेक

पुस्तकों के बाकाया ( स्टॉक पुस्तक और रजिस्टरों समेत ) और लेखाजी की जाँच की जाई 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.

16/16/4

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

जिसमें ये शामिल है  
made up of

(1) टिकट / Stamps	1623 11
(2) नकदी/Cash अ० मुजीब	Md. <del>xxvixxixxix</del> Rafi भारगाही अधिकारी
भारमुक्त अधिकारी Relieved officer	Relieving officer

तारीख 197

फारबरड दू अब्दुल मुजीब को भेजा गया

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

सत्य प्रतिलिपि

(12)

इन दि आनुका हाईकोर्ट आफ जूडीक्वर एट हलाहाबाद  
लघानउ बेन्च लघानउ

A-4  
4

रिट पिटीशन नं० आफ 1980

अब्दुल मुजीब ----- पिटीशनर

बनाम

यनियन आफ इन्द्या तथा अन्य ----- अपोजिट पार्टीज

एनेक्चर नं० ३

एसीजी०-६।

A.C.G. 61

भारतीय डाक तार विभाग  
INDIAN POSTS AND TELEGRAPH DEPARTMENT

देखिए नियम 267, डाक तार कितीय पुस्तका, छापड। दितीय संस्करा  
( Sec. Rule 267, Posts and Telegraphs Financial Hand Book.  
Volume 1 Second Edition ).

चार्ज की बदली पर चार्ज स्पीट आैर नकदी और टिकटों की सीद  
Charge Report and Receipt for cash and stamps on  
transfer of charge

प्रमाणित किया जाता है कि  
Certified that the charge of  
the office of बी० पी० एम०स्पि०

चार्ज मौ० स्पी० नाम ने श्री अब्दुल मुजीब  
was made over by (name)

नाम को  
to ( name )

स्थान हिक्का०  
at ( place )

तारीख १/१२/७९ को पूबांह में

on the date 1/12/79 at noon in accordance with  
अमरस्वरूप

स०

No.

तारीख

Date

के अनुसार के दिया  
from

मुहम्मद रफी

भारमुक्त अधिकारी

Relieved officer

अ० मुजीब

भारग्राही अधिकारी

Relieving officer

कूप्या पृष्ठ ऊटिये

P.T.O

प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक पुस्तकों के ब्लाया (स्टॉक पुस्तक और रजिस्टर समेत) और लेखाओं 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 ब्लाया 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
(ब) अग्रदाय टिक्ट / Stamp imprest	Rs.	P.
	291	15
	34	25
आर० स० ० ९		40
अनपेड	0	80
जिसमें ये शामिल है :-		
Made up of	335	60

(1) टिक्ट/ Stamps

(2) नकदी cash

मुहम्मद रफी  
भारमुक्त अधिकारी  
Relieved officer

भारग्राही अधिकारी  
Relieving officer

तारीख 197

Date the 197

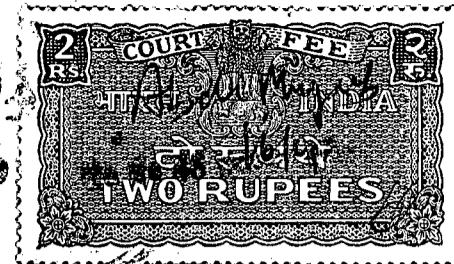
प्रारब्धिक दू अब्दुल मुजीब

को भेजा गया

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

अब्दुल मुजीब

1980  
AFFIDAVIT  
1991  
HIGH COURT  
ALLAHABAD



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

Affidavit

in

Civil Misc. Writ Petition No. of 1980.

Sri Abdul Majeeb, .. .. Petitioner.

Versus.

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

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

(Deponent.)

I the deponent abovesigned 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 to 10, 13 to 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

(15) R/  
-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.

Abdul Majid  
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.

Abdul Majid  
Deponent.

I identify the deponent who has signed before me.

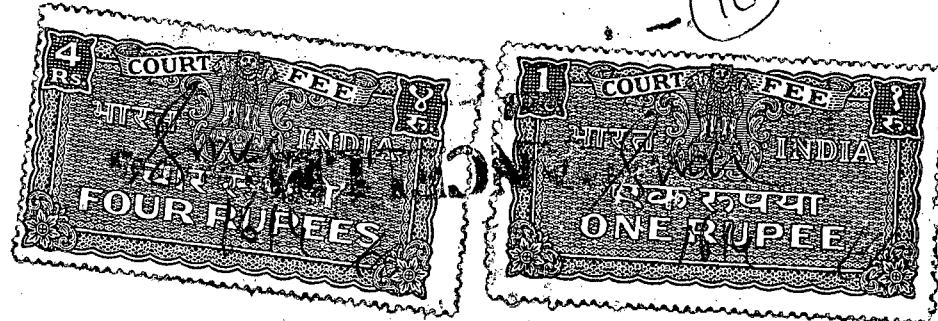
S.K. Pandey 16/4/80

Solemnly affirmed before me on 16.4.1980, at 9.00 a.m./p.m. by Sri Abdul Majeeb, 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.

A.C. Sevada

16/4/80  
16.4.80



25/25  
16.4.82

अभिभाषक पत्र (वकालतनामा)

# हाई कोर्ट आफ जूडीकेचर, इलाहाबाद

Writ No.

सन् १९८०

Abdul Mujeeb

वादी प्रतिवादी  
अपीलान्ट

बनाम  
Union of India & Ors

वादी प्रतिवादी  
रेस्पान्डेन्ट

मैं कि हम Abdul Mujeeb S/o Mansoor

No village Chomolaloo P/o Tikri  
Distt Bareilly

उपरोक्त प्रकरण में मैं ग्रन्ती और के पक्ष समर्थन के हेतु

## श्याम मोहन कृष्ण चौधरी

फोन

एडवोकेट हाई कोर्ट  
१८, एलगिन सोह, इलाहाबाद New Barrabagh  
Lahore

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

और (यह स्वीकार करता है) कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद पत्र पुनरबलोकन एवं पुनर्निर्णय 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 प्राप्यधन को अपने हस्ताक्षारी 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 सलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना पत्र दाखिल करके उसका समर्थन करें अर्थात प्रकरण से सम्बन्ध रखने याली कुल कार्यवाही डिग्री के भर पाई होने के समय एक स्वतः या संयुक्त करें आवश्यकता होने पर किसी अन्य वकील महोदय की वकोल करें।

उक्त सभो कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भाँति हमका मुझको

सर्वथास्वीकार होगो' अगर मैं कानूनो हम निश्चित शुल्क उक्त सज्जन की न हूँ तो उनको अधिकार हांगा कि वह हमारी ओर से मुकदमा की पैरवी न करें। उपरोक्त दशा में सज्जन का कोई उत्तरदायित्व न रहेगा।

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

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench, Lucknow

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

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

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.
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 off from the duty vide the O.M No. FX/Misc. 20/75-76 dated

*R.A. Verma*

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, *Post offices* 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

*R.A. [Signature]*

A6  
A7

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 sine 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 Badaruddin 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.A. - P

appointment letter dated 20.3.1980 was given to the Inspector of Post Offices (East) Barabanki to make available the charge of the EDBPM (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 EDBPM; 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 ~~Reside~~ ~~Reside 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 EDBPM is the Senior Superintendent/Supdt of Post Offices as provided in the schedule of Appointing

*R. A. N.*

PL  
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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 e 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 EDBPM 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.

*R. A. N.*

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.A. [Signature]

AB

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.

Re: me

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 inasmuch 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.

R. A. Khan

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 ~~any~~ 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. here

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 BFM(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

R.D. h

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.

*R.D. K*  
Deponent

Lucknow,

Dated: *10/15* Sept. 1988.

Verification

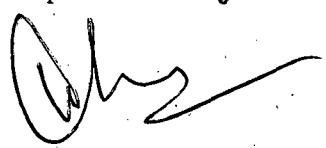
I, the above named deponent do hereby verify that the contents of paragraphs *1 to 2* are true to my personal knowledge, those of *2* paragraphs *3* to *31* *3* are believed by me to be true on the basis of records and information gathered and those of paragraphs *32* *2* to *2* are also believed by 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.

*R.D. K*  
Deponent.

Lucknow

Dated *10/15* Sept. 88

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



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

Solemnly affirmed before me on 18/9/88  
at 6.30 pm 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.

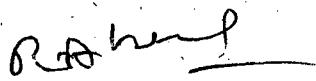
 18/9/88

Oath Commissioner.

 18/9/88

Lucknow,

Dated: 18 Sept. 88



BHARATIYA DAK TAR VIBHAG

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

Mem 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 I.Ps 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 IFOs North Sub-division  
Barabanki is hereby confirmed.

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

Copy forwarded to:-

1. Sri Siya Ram. Ex-EDBPM Tikra Barabanki (Put off Duty)
2. The IFOs 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 Offices  
Lucknow Mofussil Division  
Lucknow -226006.

/True copy/



RAH28

ପାତାରୀ

गुरु लक्ष्मण | नौरातिवा ५ और लैला विभाजन

१) इसका दूसरा दूसरे के पद पर विषयक हो इसका अध्यायों से आवश्यक पत्र भी जो है। श्रूति इस पाल का विभाग ये हैं: नौरा, लैला, अंगजा तथा दूसरा सासांस विभाग।

- १) अंगजा को अंगजा और इनके बीच वारपाला समग्र नीति विभाग।
- २) अंगजा का अंग और अंग के बीच विभाग।
- ३) अंगजा की दूसरी दूसरे के अंगत जो रहना होगा।
- ४) अंगजा की अंगर को अंगरारा पर जाना है जो अपने स्वीकृत अपने दूसरी दूसरे पर जाना विभाग। इसका नाम विभाग होता है तो इसका अवधारा उनका दूसरा अधिकारा का द्वय होता है।
- ५) अंगजा के दूसरी दूसरे को अंगजा की दूसरी दूसरे के अंगत विभाग। इसका नाम विभाग होता है तो इसका अवधारा उनका दूसरा अधिकारा का द्वय होता है।
- ६) अंगजा के दूसरी दूसरे को अंगजा की दूसरी दूसरे के अंगत विभाग। इसका नाम विभाग होता है तो इसका अवधारा उनका दूसरा अधिकारा का द्वय होता है।
- ७) अंगजा के दूसरी दूसरे को अंगजा की दूसरी दूसरे के अंगत विभाग। इसका नाम विभाग होता है तो इसका अवधारा उनका दूसरा अधिकारा का द्वय होता है।
- ८) अंगजा के दूसरी दूसरे को अंगजा की दूसरी दूसरे के अंगत विभाग। इसका नाम विभाग होता है तो इसका अवधारा उनका दूसरा अधिकारा का द्वय होता है।

19 दिन 0 बजे आवृद्धन पुत्र निम्न - 2-6-64  
लाखमुआ शामली के द्वितीय - 0  
पुत्र का नाम शिवाय निम्न लिखता है।  
पुत्र का नाम शिवाय लिखें।  
1) शिवाय द्वितीय आवृद्धन पुत्र नामांकन  
2) शिवाय द्वितीय (सामाजिक दृष्टि पुत्र) नामांकन  
3) शिवाय द्वितीय पुत्र  
4) लाख पाल २१ पुरुष शिवाय द्वितीय नाम लिखें

(34) श्रीहनेज मुफ्सिल प्रखंड

प्रातलाला द्वारा नाम २०.० आवृत्ति वापिस देना है। २००३

1) यहां प्राप्ति का नाम प्रभारात करवाचौहान है। यहां प्रभारात करवाचौहान ने अपने पुत्र के लिए विवाह कराया है तथा अनु सुन्दर जी का सुन्दर ही सुन्दर दूतावाही है। अपने पुत्र के लिए विवाह कराया है तथा अनु सुन्दर जी का सुन्दर ही सुन्दर दूतावाही है। अपने पुत्र के लिए विवाह कराया है तथा अनु सुन्दर जी का सुन्दर ही सुन्दर दूतावाही है।

2) यहां प्राप्ति का नाम धर्मा अंदेपत्र है। यहां प्राप्ति का नाम धर्मा अंदेपत्र है।

2) प्रयोग + प्रयोग विधियां | संखेपोर्टल प्रयोग करने की विधि

ପାଇଁ ୧୯୮୦ ମୁଦ୍ରା ଏବଂ ୧୯୮୧ ମୁଦ୍ରା  
ଅର୍ଥାତ୍ (୧୯୮୦) ଏବଂ (୧୯୮୧)

पत्र-ब्लॉक 22  
Cir.-22

भारतीय डाक-तार विभाग  
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

ज्ञात देते समय कृपया  
निम्न संदर्भ वें  
In reply  
please quote

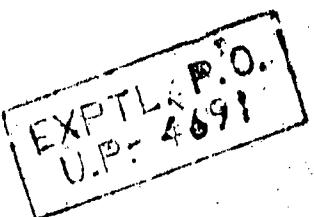
प्रेषक  
From

क्षेत्र में  
To

क्रमांक  
No.

दिनांक  
Dated at

विषय  
SUBJECT



श्री मान इन्स्टीट्यूटर लाइब्रेरी उत्तर राज्य

मानविकी

क्रमांक

मिलन पट्टी के लिए आप के आवश्यकता Al Lucia  
93-2-645 के अनुसार के लिए लिए गए हैं। मेरे लिए

जिन्हें दारा तथा जनाते हैं श्री अमृल मुजाहिद यों श्री गहु का

कान घर लारी लिए का नाम सोप रहा है इस सभी कानों की

जिन्हें दारा दारी होनी जिनका उमे 22-2-48 लिए तथा

यात्रा करा 92 उत्तरी है जिनके दस्तावेज उत्तरी तथा

पुराया

दस्तावेज तथा जिनका

मुजाहिद

15/3/76



मुजाहिद

मुजाहिद

15/3/76

BHARATIYA DAK TAR VIBHAG

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

MEMO NO. FX/Misc. 20/75-76 Dated at Lucknow 226006 the 6.5.77

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 PO. duly entered in B.O. slip. The money orders were to be paid to their payees through EDBA 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

*R. D. Verma*

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 BFM 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.200/- 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 addressee.

*R.S. Verma*

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EDBPM, 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 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 EDBPM, Tikra, infringed the

*RA Verma*

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 fro 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 BPM is not tenable. The Govt. cash received from the public from any source was to be credited by the BPM on the same date ie. 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 EDBPM 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. EDBPM Tikra, Barabanki
2. The IFOs 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

*R.D. 19*



प्रादीप्ति यात्रा रविवार 30 अगस्त

कार्यालय असीजुळ डाकघर बाराबंकी प्रचल, बाराबंकी-225001

राशि- रु-242 | दृष्टि आव बाराबंकी दि० २७-१०-७७. 10/

ग्राम... दिनरात... जिला बाराबंकी के अतिरिक्त विभागीय शाखाओंपाल के पद पर नियुक्त हेतु इच्छुक अध्यर्थियों से आवेदन पत्र मौजूद जाते हैं। शाखाओंपाल को विभागीय नियम के अनुरूप युल १००/६० ल० आवागमिता।

- 1) अध्यर्थी की आयु 18 और 60 वर्ष के बीच होनी चाहिये।
- 2) अध्यर्थी को अपेक्षी और हिन्दी में काम करने की क्षमता होनी चाहिये।
- 3) अध्यर्थी को डाकघर के अद्वारे में रहना होगा।
- 4) अध्यर्थी अगर क्षमी अवक्षण पर जाता है तो अपेक्षा आवागमिता पर किसी ऐसे व्यक्ति को रखेगा। जो कि बावातिग न हो तेकिंव अवक्षण वर जाने के पूर्वस्वीकृति सम्म अधिकारी के द्वारा निर्तात आवश्यक है।
- 5) अध्यर्थी पर ही कार्यालय के कागजात, राजनीय नकली, स्टैम्प तथा बहुमूल्य वस्तुओं की सुरक्षा का पूर्ण दायित्व होगा। जिसका प्रबन्ध वह स्वयं उरेगा।
- 6) अध्यर्थी के पास आय का लोड लिजी साथब होना चाहिये। तथा लिजी अचल सम्पत्तिहो, अचल सम्पत्ति संयुक्त नाम में न हो।
- 7) अध्यर्थी लो 400/- ल० की जमावत नकली या माल्यता सोसायटी द्वारा काइडेलिटी बैंड के स्पष्ट में जमा भरनी होनी।
- 8) अध्यर्थी को किसी प्रकार का माल लिराया विभाग से लाई जितेगा।

अध्यर्थी को आवेदन पत्र द्विंदि २७-१०-७७ तक इस कार्यालय को भेज देना चाहिये। आवेदन पत्र के साथ नियमित तथ्यों की प्रतिलिपि होना आवश्यक है।

- 1) जन्म तिथि एवं शैशिक शैशिक प्राप्ति प्राप्ति।
- 2) दो व्यक्ति विशेष (समाज में प्राप्तिष्ठित) व्यक्तियों के द्वारा दायित्वात्मक विशेष प्राप्ति।
- 3) आय प्राप्ति पत्र जो रेवन्यु अथारिटी (जो दहसीतदार की ऐक से कम छह) द्वारा प्राप्ति हो।

नोट:- अगर उपरोक्त प्राप्ति पत्रों में से कोई भी प्राप्ति पत्र संतान दर्दी किये गये तो अध्यर्थी के प्राप्तिपत्र पर विचार लाई जायगा।

अधीक्षक डाकघर २८/१०

बाराबंकी प्रचल, बाराबंकी-225001

प्रतिलिपि सुधार्य एवं आवश्यक कार्यवाही हेतु-

1. डाक दिनरात्रि द्वारा आवागमिता आप प्रधान वांव उभाज से प्राप्ति कराकर तिजित भेजे कि उपरोक्त पद के लिये याचित नहीं है इस के सुचला दे दी गयी है। अबुसुधित/जनजाति व्यक्ति पद योग्य है/गई है।
2. प्रधान, दिनरात्रि जो कुर्सीराय एवं प्रचार के लिये। कृपया आप इसका प्रधार अपने ग्राम में कर दें तथा इस कार्यालय को सुवित करें कि पूर्ण प्रधार दर दिया गया है।
3. थानाध्यक्ष... द्वारा प्रधार के लिये।
4. उपकालिका... द्वारा प्रधार के लिये।
5. खट विकास शाखालय... द्वारा प्रधार के लिये।

वर्षा/ 14579

18/9

Answer A 6

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गीता सोह ३१३११२०८ फ्रैंग  
१११०८

卷之三



BB  
18/09

ANNEXURE NO.A-7

Memo No.A-242/EDA dated 20.3.1980

1. Shri Baduruddin is hereby appointed as ED BPM (Tikra (Name of the office). He shall be paid such allowance as admissible, from time to time.
2. Shri Baduruddin 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 (Cojduct 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 profor a enclosed.

Sd/- Supdt of Post offices,  
Barabanki Division  
Barabanki 225001  
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/

Ranjan

Annexure A-8

36  
p6  
27

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.M.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 EDA's who are posted as EDSPM / EDEPM / EDDAs 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 bona fide 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 bona fide residents of the village where they are to be appointed. The inspectors of post offices should verify the bona fide residence of such candidates on the basis of their primary school certificate and personally inspect the bona fides 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 EDDAs is only VI standard (VIII Standard preferred). With the programme of upgradation of EDDAs 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 EDDAs could be utilised for attending to the best of mobile post offices. When they are entrusted with the function of mobile P.Os the present qualification would not meet the requirements. Hence it has been decided that hence forth the EDDAs should have the minimum qualification of VIII Standard on par with the EDEPMs.

.....  
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

अधिकारी (डाकघर बाराबंकी मण्डल  
Supdt. Post Offices Barabanki Dist.  
BARABANKI-225001

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

36  
879

(See Rule 2)

Category of PostsAppointing AuthorityPost 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-mas ter; Gazetted Postmaster incl- uding a gazetted Sub-Postmas- ter incharge of a town Sub- Office; Postmaster in higher or Lower Selection Grade(in- his own office) except a Post- master incharge of a town Sub-Postmaster Office; Ins- pector of Post Offices; (in- all-other-Offices).
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

1 M. P. M

अधीक्षक डाकघर बाराबंकी भण्डल  
 Supdt. Post Offices Barabanki Dist.  
 BARABANKI-225001



TRUE COPY OF THE RULES NO. 590F RULES FOR BRANCH OFFICES

RULES

1/2  
1/3

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 other 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  
Attest  
My P.M.  
अधिकारी डाकघर बाराबंकी मण्डल  
Supdt. Post Offices Barabanki Dist.  
BARABANKI-225001





1980  
AFFIDAVIT  
26  
HIGH COURT  
ALLAHABAD

Filed today  
Mu. 29.4.80

BY

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

Supplementary Affidavit

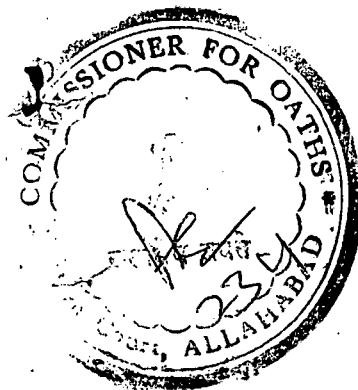
in

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.

3000 5010

-2-

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 your 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 singed before me.

S.K. Pandey

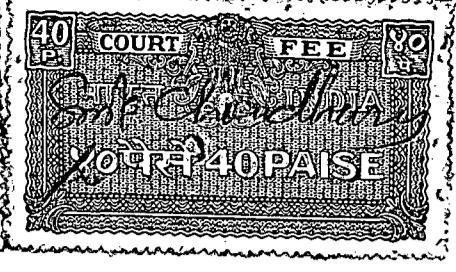
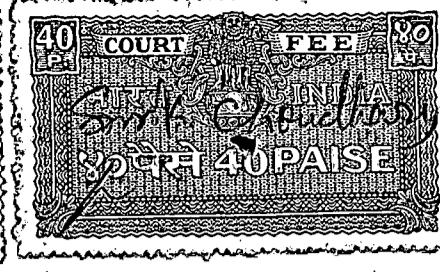
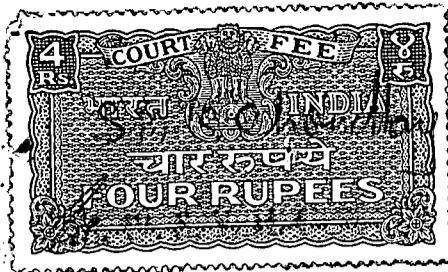
Solemnly affirmed before me on 23.4.1980, at 6.30 a.m./p.m. by Sri Abdul Mujeeb, the deponent is identified by Sri S.K. Pandey, Clerk to Sri S.M.K. Choudhary, Advocate.

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.

A.C. Seinatra

A.C. Seinatra
Official Clerk, Lucknow
High Court, Allahabad
Lucknow, U.P. India
No. 26/420/80
Date. 23/4/80

अब्दुल मुजीब



5

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

Civil Misc. An No. of 1980

in

Civil Misc. Writ Petition 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 ~~nextixxxfixxx~~ details of appointment of the petitioner as Extra department Branch Post Master at Bassuli 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

G.M.

are apparent 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 bear 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 to allow the petitioner to grant 10 days more to file affidavit and further be pleased to extend the interim order dated 24.4.1980 on the basis of allegations made in this affidavit.

PRAYER

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

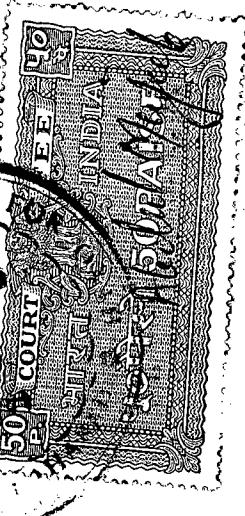
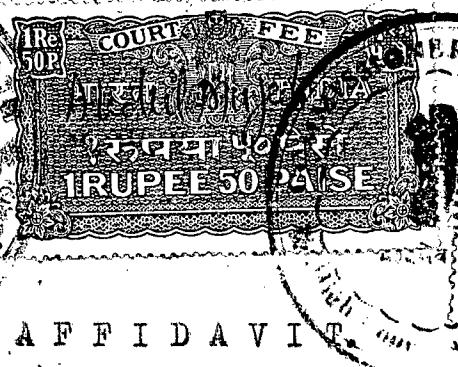
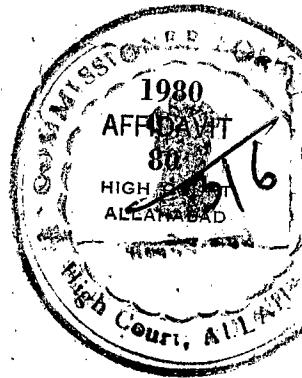
Dated, Lucknow:  
12.5.80

S. M. K. Choudhary  
Advocate

Counsel for the petitioner.

In the Hon'ble High Court o 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.

*30/03/1980*  
(Deponent.)

*30/03/1980*  
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

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.

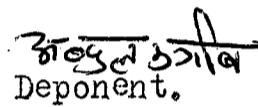
6- That it is necessary in the interest of justice that this Hon'ble Court be pleased allow the petitioner to grant 10 days more to file affidavit and further be pleased to extent the intrime order dated 24.4.80 on the basis of allegations made in this affidavit.

Verification.

I, the above named deponent, do hereby verify that the contents of paragraphs 1, 2, 3, 4 and 5 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:

12.5.80

  
Deponent.

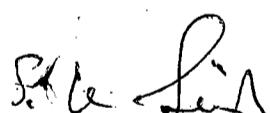
I identify the deponent who has signed before me.

  
S.M. K Chaudhary  
Advocate.

Solemnly affirmed before me on 12.5.80  
at 9.50 a.m / p.m by Sri Abdul Meedee.  
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.

  
SUB-Commissioner  
High Court, Allahabad  
Lucknow Bench  
No. 80/316  
Date 12.5.80