

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ~~W.C. NO. 2010/81~~ OF

NAME OF THE PARTIES ... Ram Dagar Landry ... Applicant

Versus

O.P. Earl ... Respondent

Part A.

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CERTIFICATE

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

This file was removed from record room without

check on Dated 8-9-11..... Botta

Counter Signed.....

Signature

Section Officer in charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
 Circuit Bench, Lucknow
 Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE T.A. NO. 814 of 1987

NAME OF THE PARTIES Ramdarash Pandey

Applicant.

Versus

Union of India & Respondent

Part A, B & C

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CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.

TA 014-0713
W.P No. 2010 of 1981.

Ramdarash Pandey Applicant.
Versus.
Union of India Others. .. Respondents.

Date : 25.4.1991.

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

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



Petitioner is absent despite notice. Sri C. S. Pandey and Sri Amit Singh brief holders of counsel for the respondents are present. The petition is dismissed for want of prosecution without any order as to costs.

A.M.

J.M.

Sd/-

Sd/-

// True Copy //

ARSDP

m.p.

Section Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW

Checked by

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
20-11-89	<p>No sitting adj. to 5.2.90</p> <p>This case has been recd. on transfe. Notice were issued to counsels by the office at Allg. None is present for the parties. Let notice be issued again to the parties on directed by Hon'ble Mr. D. K. Agarwal J.W.</p>	<p><u>OR</u> Notice issued by 11/12/89</p>
8.2.90	<p>No Sitting adj. to 27-3-90</p>	
7.3.90	<p>No Sitting adj. to 10.8.90 Applicant is present</p>	
10.8.90	<p>No sitting adj'd to 31/12/90</p>	
31.10.90 12.90	<p>Due to Holiday case is adjourned to 13.12.90</p> <p>From Mr. K. Hall VC to Mr. T. B. Agarwal, A.M.</p> <p>Considerations</p> <p>Leave been exchanged</p> <p>Adj'd to 13.12.90 for final hearing</p> <p>On 10.1.91</p> <p><i>D</i> <i>KM</i></p>	<p><u>OR</u></p> <p>In this case case is admitted CA/RA filed Notices were issued on 14.12.90 Notice of CP CP No 7 has been served back with Postal remittance Recd. recd. 12/12/90 No unswerved reqd. cover letter</p>

Dinesh/

1.1.91. No sitting adj'd to 14.3.91

been served back
on behalf of
other parties
S.P.S

10/12

CIVIL SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 2010 - 81

Name of parties Ram Dadas & Rathy. v. Union of India

Date of institution 27.11.81 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
1.		W.P. with affidavit and Answer	39		102-00			
2.		Powr	2	-	10-00			
3		Cmt. 1537(u) 082 with CA	18	-	7-00			
4.		Cm A. - 82 with R.A.	13	-	7-00			
5.		Cmt. 9925(u) 083	16	-	7-00			
6.		Powr	1	-	5-00			
7.		order sheet	3	-	-			
8.		Power 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.

Date.....

Munsarim.

Clerk.

group 15(a)

3280

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

at Petition No. 20/0 of 1981.

Ram Darash Pandey, Petitioner

Vels

Union of India and others Respondents

I N D E A

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5.	ANNEXURE NO. 3 Memo of Appeal dated - 29/8/1980 -	15 to 19
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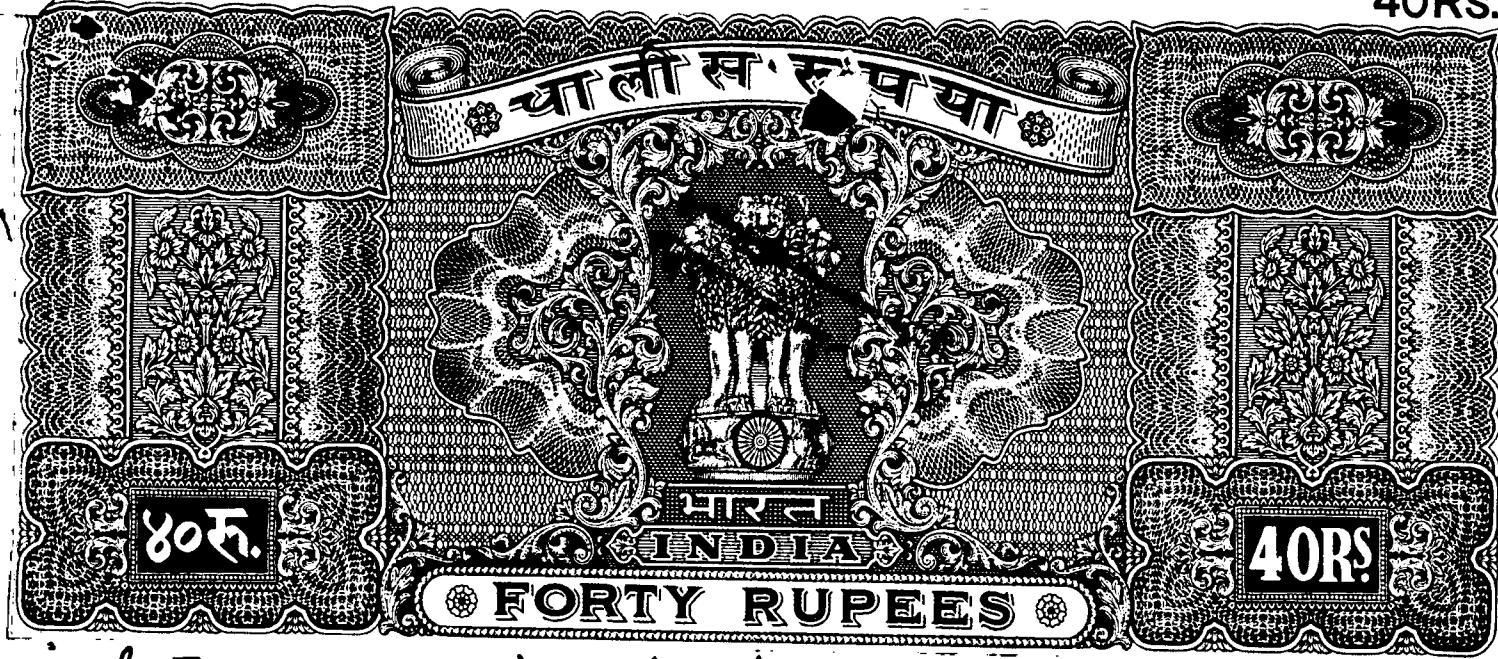
Lucknow dated : 20.4.81

S. K. Awasthi
Advocate

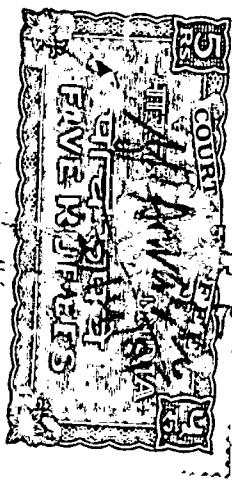
High Court
Lucknow Bench, Lucknow.

UPA
TAR PRADESH

40Rs.



In The High Court of Judicature At Allahabad Lucknowbenar
20/10/1981
Writ Petition No. 5 of 1981 Lucknow



Ram Darbari Pandey - - - - - Petitioner

VERSUS

Union of India and others - - - - - Respondent

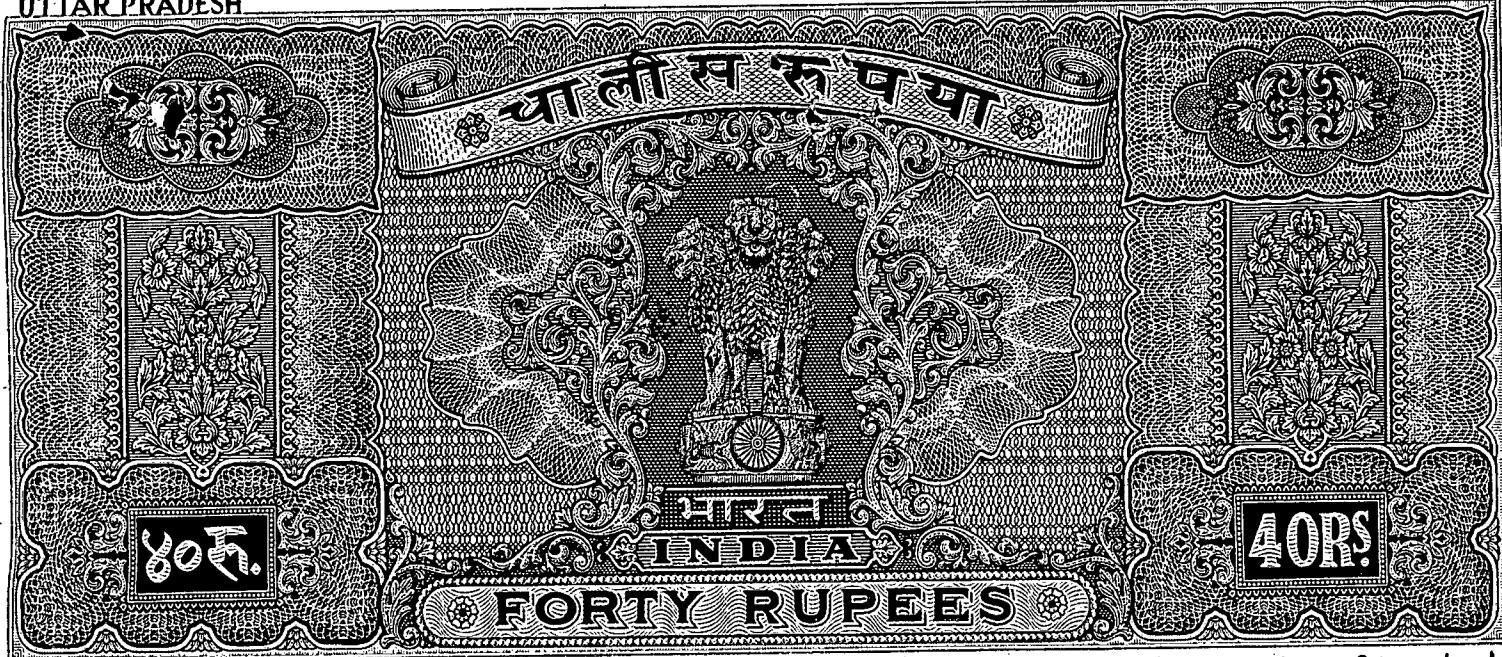
Re draft No 40 - -
Date of M 5 - -
65 - -
Date 27/10/81

Lucknow dated - -
27/10/81

R.C. Awadh
Advocate

UTTAR PRADESH

40RS.



In The Hon'ble High Court of Judicature At Allahabad
Lucknow Bench Lucknow

Recd. 27.4.81
M. 27.4.81

2010
Civil Petition No. - - - of 1981

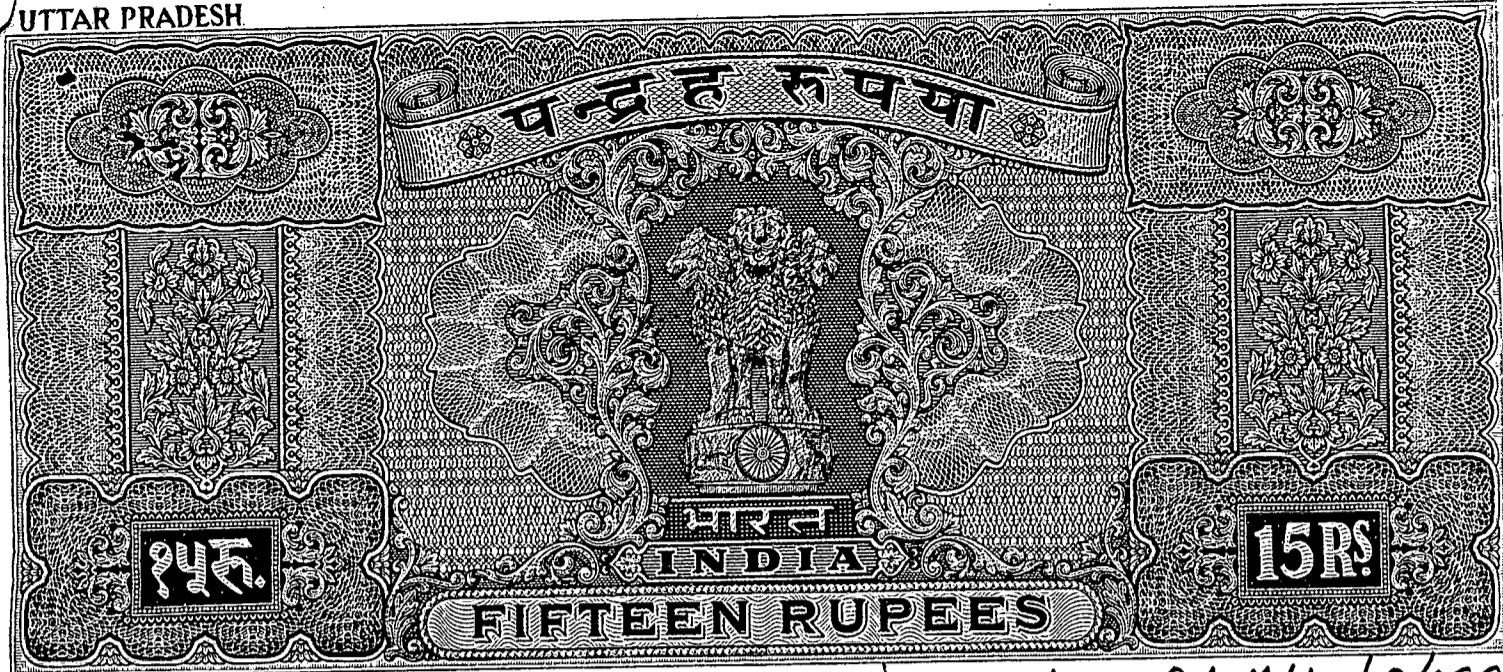
Petitioner
Ram Dass Pandey - - - - -
VERSUS
Union of India and others - - - Respondent

Lucknow dated
27/4/81

Allahabad
Adm

UTTAR PRADESH

15 RS.



In The Hon'ble High Court of Judicature At Allahabad
Lucknow bench Lucknow

Re Grp. No. 15
M. 27/89

20/0

Writ Petition No. - - 01/1981

— Petitioners
Ram Dasash Pandey —

VERSUS

Union of India and others - Respondents

Lucknow dated
27/4/1981

Office
R.S.

Group 15(a) 3280/81
(1)

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

20/0
Writ Petition no. of 1981

Disst. Faizabad.

Notice served on 6/4/81
to B.L. Shweta Advocates
and received by him on
Back page - Akashika
Advocates
26/4/81

Ram. Daresh Pandey S/o Sri Ram Anjore Pandey permanent
Resident of village - Sanawala Post office - Sanawala Pargana
- Bihar Tahsil - Tonda Distt. Faizabad..... Petitioner

Versus

1. Union of India through its secretary of P and T department.
2. Superintendent of Post Offices Faizabad Division,
Faizabad.
3. Dak Adhikashak Faizabad Prakhand Faizabad.
4. Director of postal services Lucknow Region, Lucknow.
5. Post Master general U.P. Circle, Lucknow.
6. Distt. Magistrate Faizabad.
7. Tahsildar Tahsil Tonda Distt. Faizabad.
8. Lakhpal Kamta prasad tripathi Tahsil Tonda Distt.
Faizabad.
9. Smt. Malti Devi W/o Sri Krishna Mani Tripathi
(Post Master) resident of village sanawan Distt.
Faizabad....

.. Respondents

Writ Petition under Article 226 of the Constitution of
India.

To,

The Hon'ble Chief Justice and his companion
Judges of this Hon'ble court.

The Petitioner submit as under : -

1. That the petitioner was duty appointed as ~~Extr. O.~~
~~Departmental~~ Branch Post Master under the village gram
sabha- sarwan Pargana - Birahar Tahsil Tonda Distt. Faiz
bad., by the competent authorities viz. S.P.O.S. Faizaba

by the order dated 28.8.79 such appointment letter had been granted by the Karyalaya Dak Adhikashak Faizabad Prokhand Faizabad under the Indian Posts and Telegraph department. True copy of the appointment letter of the petitioner is ANNEXED herewith as ANNEXURE NO.1 to this writ petition.

2. That the petitioner has his qualification B.A. and his date of Birth is 15.5.1952 thus the petitioner was a young man of 26 years at the time of his appointment. There fore he is at the stage when he will be arrange for central or State Services as per normal rules for recruitment, having found the petitioner full filling all the requirements for the post in force at that time and That the salary was fixed Rs 200/- per month to the petitioner.

3. That the petitioner is duly secured as E.D.B.P.M. and his security bond current for the year 1980 on the record of the Department. Then the petitioner over charge as E.D.B.P.M. on 11.8.79 compliance of the specific orders of the appointing authority and worked as E.D.B.P.M. Sarawan (Village) to the fullest and desired satisfaction of the appointing authority till receipt of the orders appelled against with carry no reason of Termination of services of the appellant.

4. That the service record of the appointment of the petitioner as E.D.B.P.M. Sarawan is still available in the custody of the S.P.Os. Faizabad the appointing authority Ex.Facie shows that the petitioner as per remarks of the recommending authority viz. I.P.Os. (East) Akbarpur based on phisical Testimony and that of appointing authority viz. S.P.Os. Faizabad based on facts is a permanent resident of village sarwan Distt. Faizabad.

5. That the petitioner has come to know that Smt. Malti Devi W/o Shri Krishna Mani Tripathi Respondent No. 9 to this writ petition has motivated affirs against the petitioner with the back ground that Krishna Mani Tripathi was forerly E.D.B.P.M. sarwan and on forly E.D.B.P.M. sarawan and on living promoted as V.P.M. village Baskar. Sri Krishna Mani Tripathi Managed Smt. Malti Devi to lookafter as E.D.B.P.M. Sarwan on his responsibility till irrigular appointment to the post Respondent No.9 could not be delected a E.D.B.P.M. as the petitioner was the most suitable condidate for the job and hence Respondent No.9 continued to work against the petitioner to see the petitioner ousted from service any how. It has been learnt that Respondent No.9 and her relations has submitted a connected certificate from Lekhpal Respondent No.8 that the Name of the petitioner is not a permanent resident of village Sarawan when it is falsely implicated by the Lekhpal of such village in his report of the Revenue authorities. When at cost injury had been made by the Tahsildar respondent no. 7 and Disst. Magistrate Respondent No. 6 for the permanent residing perposes of the petitioner and the certificate have been granted by both of the Revenue authorities that the petitioner is a permanent Resident of village Sarwan Distt. Faizabad but as such evidence has already been ignored by the authorities of Post and Telegraphs department.

6. That the petitioner hereby terminated from his services with the immediate effect under rule 6 of the E.D.A's conduct and service (Rules) 1964 with out any show cause notice had been given by the Respondent No. 2 to the petitioner. A true copy of the order dated 12.8.1980 is annexed herewith as ANNEXURE No.2 to this writ petition.

7. That the petitioner aggrieved by the Termination order dated 12/8/1980 as ANNEXURE no. 2. An appeal has been filed by the petitioner before the Director postal services Lucknow Region Lucknow against the order of termination from service continued in S.P.Os. Faizabad Memo No. P.F.A. 672 dated 12.8.80. A true copy of the such Memo of Appeal is annexed herewith as ANNEXURE NO.3 to this writ petition.

8. That aforesaid appeal had filed by the petitioner dated 29.8.1980 has been rejected by the Director postal Services Lucknow region Lucknow that the petitioner is not the resident of village Sarawan so the services of the petitioner's appointment as he in the nature of the contract liable to be terminated by him or under signed by notifying order in writing that the services of the petitioner is also governed by the Post and Telegraph Extra Departmental agent (conduct and service) Rules 1964 as amended from time to time.

9. That the petitioner had filed on Election Card in his appeal to show that he is permanent resident of the village - Sarawan Distt. Faizabad but the such documentary evidence has been already ignored by the authorities of Post and Telegraphs department when it has been describes by the Election Officer Distt. Fiazabad that the petitioner is a permanent resident of this village Sarawan Distt. Faizabad. A true photostat copy of the such election card is annexed herewith as ANNEXURE NO.4 to this writ petition.

10. That the petitioner had filed in AKARPATRA 45 under consolidation tenure holding with his departmental

appeal that under the Khatani serial No. 355 his tenure holding (Property is already ~~not~~ situated in such village Sarawan Distt. Faizabad but this fact of evidence has been also ignored by the authorities of the Post and Telegraphs department. A true Photostat copy of the such Tenure holding AKAR PATRA - 45 is annexed herewith as Annexure No.5 to this writ petition.

11. That the petitioner had filed ~~an~~ Election Roll Under such appeal which had been filed by the petitioner before the authorities of the Post and Telegraphs department that under the documentary evidence, that the aforesaid election Roll has been describes that the petitioner is permanent resident of village Sarawan Distt. Faizabad. Under election Roll No. ~~132~~... under serial No. ~~353~~... but as such documentary evidence has been ignored by the authorities of Post and Telegraphs department. A true copy of the such Election Roll is annexed herewith as ANNEXURE No. 6 to this writ petition.

12. That the petitioner had filed with departmental a certificate granted by the Distt. Magistrate Faizabad with their full inquiry under this certificate it has been described by the Distt. Magistrate Faizabad ~~with their full~~ that the petitioner is a permanent resident of the village Sarawan Distt. Faizabad. A true copy of the certificate by the Distt. Magistrate Faizabad dated ~~6.10.1980~~ is annexed herewith as ANNEXURE NO.7 to this writ petition.

13. That the petitioner had filed with departmental a certificate granted by the Tahsildar Tonda Distt, Faizabad with his full inquiry under this certificate.

14/1980

it has been describes by the Tahsildar Tonda Distt. Faizabad that the petitioner is a permanent resident of village Sarawan Distt. Faizabad. A true copy of the said certificate is annexed herewith as Annexure N.8 to this writ petition.

14. That the order dated 6.3.1981 by the DAK ADHISHAK Distt. Faizabad has served on the petitioner that the appeal filed by the petitioner has been rejected by the director of Postal services and the order of termination has proved by the Director of Postal Service. A true copy of the order dated 6.3.81 by the DAK ADHISHAK is annexed herewith as ANNEXURE NO.9 to this writ petition.

15. That in this circumstances the petitioner has no any kind of departmental remedy against the order of termination which is beyond, against the provision of service rules and regulations and is against among other.

G R O U N D S

1. Because the order of termination based on ANNEXURE NO.2 and ANNEXURE NO.9 are unlawfull and against the provisions of Post and Telegraphs service Rule and regulations.

2. Because no any kind of show cause notice has been served on the petitioner by the authorities of Post and Telegraphs department and the services of the petitioner has been terminated unlawful by the authorities of Post and Telegraphs department.

4. Because when the complete documentary evidence was present in the face of the records of the case as

as Annexure No. 7 and 8 certificates granted by the Distt. Magistrate and Tahsil dar Tonda Distt. Faizabad that the petitioner is a permanent resident of the village Sarawan Distt. Faizabad but such kind of documentary evidence has been ignored by the departmental authorities.

5. Because when the service of the petitioner was based on a contract under Post and Telegraph Extra departmental against (conduct and service) Rule 1964 but without any proper cause or without any sufficient ground that contract has already breached by the authorities of Post and Telegraphs department.

6. Because ignoring all of the facts and documentary evidence the order of termination has been passed by the authorities without serving the show cause notice. The order of the termination is unlawfull under the eyes of the law and it is a apperant errors on the face of the record.

P R A Y E R

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

(a) to issue writ, order or direction in the nature of ~~certiorari~~ ^{certiorari for} ~~quashing~~ ^{quashing} the order dated 12.8.80 and 6.3.81 under the Annexure No.2 and Annexure No.9.

(b) any other writ or direction be passed to with the petitioner is found intitled and kindly be reinstated in place of the respondent no.9.

(c) And cost of that this writ petition be awarded to the petitioner.

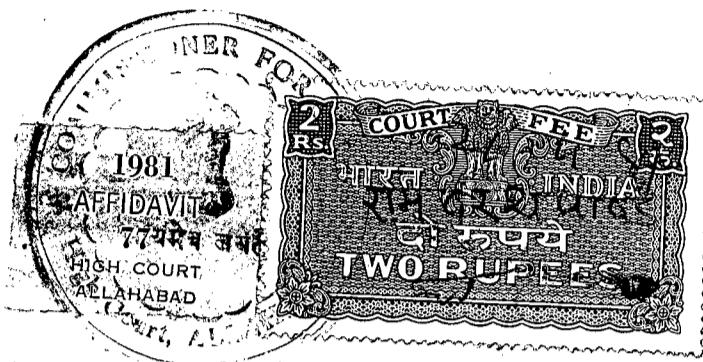
Advocate
Advocate
Counsel for the petitioner
S.K.Awasthi Advocate.

Lucknow Dated : 22.4.81

(8)

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

13
15
C.M.A.N. of 1981



Ram Darash Pandey ... Petitioner

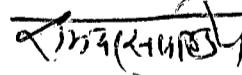
Versus

Union of India and others ... Respondent

A F F I D A V I T

I, Ram Darash Pandey S/o Sri Ram Anjore Pandey aged about 27 years permanent resident of village - Sarawan Pargana Birhar Tahsil - Tonda Distt. Faizabad do hereby solemnly affirm on oath as under : -

1. That the deponent is the permanent resident of the village - Sarawan Tahsil - Tonda Distt. Faizabad and fully conversant all facts of the case.
2. That the according to deponent paras 1 to 14 are true to deponent's own knowledge and care and para 15 is based on the legal facts depend on his counsel.


21/4/81

Lucknow : Dated : 21.4.81

Deponent

I, the above named deponent do hereby verify that the contents of paras 1 and 2 are true to my own knowledge because these paras are based on Annexures No. ^{1 to 9} part of it is false and nothing material, has been

.9.

~~Concealed~~ concealed

Lucknow : Dated : 21.4.1981

Deponent

Verification

Prakash

I identify that the deponent, who has signed
before me.

S.K.Awasthi
Advocate
Advocate

(S.K.Awasthi Advocate.)

Solemnly affirmed before me on 21-4-81
At 9.30 AM/PM by Ram Dasash Pandey
the deponent who has been identified by
Sri S.K.Awasthi advocate High court. I
Have satisfied myself by examining the
deponent above named that he has under-
stood the contents of this affidavit which
have been read over and explained to him by
me.

B. D. Das

OATH COMMISSIONER	
High Court, Allahabad	
Lucknow Bench	
No. 198177
Dated 21-4-81	

(10)

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench Lucknow.

Writ Petition No. of 1981

Ram Dar as Pandey

Petitioner.

Versus

Union of India & Others

Respondents.

Annexure No. (1)

INDIAN POSTS AND TELEGRAPH DEPARTMENT

KARYALAYA DAK ADHIKASHAK FAIZABAD PRAKHAND

FAIZABAD

Memo No. PFA-672

28.8.79

Dated at Faizabad 224001 the 28/8/79

Sri Ram Daras Pandey Son of Ram Ajorey
Pandey R/o Vill. Sarwan Post Sarwan Distt.

Faizabad do hereby provisionally appointed as EDEPM
Sarwan Faizabad Subject to Police verification &
income from the Revenue authorities He shall be pa-
d such allowance as admissible from time to time.

Sri Ram Daras Pandey EDBPM Sarwan should
clearly understand that his appointment as beinthe
nature of a contract liable to be terminated by him
or the undersigned by notifying order inwriting

X13/12/403

(H2)

2. The sub Postmaster Ram nagar (Faizabad)

3. The inspector of Post offices Akbarpur (East)

sub Division Faizabad He will please arrange to handover the charge to the newly appointed E.D.BPM provided he does not hold any elective post and not a Court convict after observing all necessary formalities and obtaining security and will direct the Line overseer to Smart necessary training in B.O. work to him. He will also obtain the character certificates attested by Gazetted Officers. Health Certificates from a Medical Officer not below the rank of Asstt. Surgeon and descriptive particulars declaration and forwarded the same to this office before giving him the charge.

4. Sri Ram Daras Pandey Son Sri Ram Ajore Pandey R/o

Village Sarwan P.O. Sarwan Distt. Faizabad.

5. The E.D. Branch Postmaster Sarwan Faizabad.

6. The Line overseer Ram Nagar Faizabad

7.O.C

True Copy.

Yashwant

16

and that he shall also be governed by the posts and Telegraphs Extra Departmental agents (Conduct & Service) Rules 1964 as amended from time to time.

3. Sri Ram Daras Pandey will furnish the necessary security and shall be personally responsible for the safety of Govt. Cash and valuable and other properties pertaining to Govt. He shall also arrange to locate the Post Office in a suitable building at his own cost in the village Sarwan itself and shall incur cost in the village Sarwan itself and shall in no case shift the P.O. to any other village except village Sarwan for which the P.O. is sanctioned.

4. Sri Ram Daras Pandey should be clearly understand that he will have to retain his existing properties till he is in service. Incase he sells or transfers his properties to any one reducing his monthly income from other sources below 50/- his service will be terminated.

5. ~~Ex~~ If these conditions are acceptable to him he should communicate his acceptance in the proforma reproduced below.

6. Sri ~~Ex~~ Should note that his services will be terminated if the previous incumbent is reinstated. Charge reports should be submitted to all concerned.

Adhikashak Dakghar
Faizabad Prakhand

Copy issued for information and necessary action:

AM Khurpy

- 1) The postmaster "Akbarpur and Faizabad

(13)

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

WRIT PETITION NO. OF * (1*)

Ram Daras Pandey ...Petitioner

Versus

Union of India ...Respondent.

Annexure No. (1)

INDIAN POSTS & TELEGRAPHS DEPARTMENT

OFFICE OF THE SUPDT. OF POST OFFICES
FAIZABAD DIVN. FAIZABAD.

MEMO NO. PFA-672

Dated at Faizabad
the 12.8.1980

Services of Sri Ram Daras Pandey E.I.B.P.M.
Sarwan (Faizabad) are hereby terminated with immediate
effect under Rule 6 of E.D.A's conduct and services
Rules) 1964.

Charge report should be prepared and submit
to all concerned.

Copy issued for information and Supdt. of Post Off.
Faizabad Divn.

N/a To:-

(44)

1. The P.M. Akbarpur.

2. The S.P.M. Ram Nagar (Faizabad)

3. The Official Concerned.

4. The I.P.O.S(E) Akbarpur Copy meant for the official
is enclosed h/w for service on him under receipt

Line O/s should be given charge of the E.D.B.P.M.

5-6) O/c & Spare.

True Copy

Amritpal Singh



20
1/2

(15)

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

Writ Petition No. of 1981

Ram Paras Pandey petitioner.

versus

Union India & Others Respondents.

Annexure No. (3)

To
The Director Postal Services
Lucknow Region
Lucknow 226001

Appeal against the order of termination from services
contained in P.O. Faizabad Memo No. PFA 672 dated
12.8.80

Sir,

Respectfully the appellant begs to state as follows
as an appeal against the orders cited above:-

1. The appellant was duly appointed as 'E.D.B.PM' Parwan
(Faizabad by the then competent appointing authority
viz Spos. Faizabad under his specific orders in Aug. 1979
having found the appellant fulfilling all requirements
for the post in force at that time.

2. Appellant is B.A. and his date of birth is
15.5.1952 & thus the appellant is a young man of more
than 27 years and therefore he is at a stage when he
wi

(16)

than 27 years and thererore he is at a stage when he will be o erage for central and state services as per normal rules for recuruitment.

3. The appellant is duly secured a s *E.D.BP.M and his security bound current for theyear 1980 is on the records of the deptt.

4. The appellanttoke over charge as "EdBPM"on 11.8.79 in compliance of thespecific orders of the appointing authority referred to in para 1 above and worked as EDBPM" Sarawan tothe fullest and desifed satisfaction ofthe appointing authority till receipt of the orders appelled against whin carry no reason of termination of service of the appellant.

5. The record of the appointment of the appellant as EDBPM" Sarawan is still available in the custody of the SPOs Faizabad the appointing authority Ex-facie shows that theappellant as per remaarks of the recomma nding authority viz IPOS (East) Akbarpur based on physical testimony and that ofappointing authority viz.SPOs faizabad based on facts is a permanent resident of village Sarwan (Faizabad)

6. The appellant hascome to know that Smt.Malti Devi S/o Sri Krishna Mani Tripathi has motivated affairs against the appellant with the back ground that Sri KrishanMani Tripathi was forerly EDBPM Sarawan and on

bei

22
1/2

Forely EDBPM Sarawan and on being promoted as V.P.M Baskhari Sri Tripathi Managed Smt. Malti Devi to look after as EDBPM Sarwan on his responsibility till regular appointment to the post Smt. Malti Devi could not be delected as EDBPM as the appellant was the most suitable candidate for the job and hence Smt. Malti Devi continued to work against the appellant to see the appellant ousted from service anyhow. It has been learnt that S.T. Malti Degi and her relations has submitted a concocted certificate from Lekhpal (In the name of the Revenue authority that the appellant is not a permanent r/o village Sarwan in this connection the appellant sates as follows:-

7. The appellant is a permanent resident of village Sarwan & the appellant lives in house no. 76 while the opp. party i.e. Smt. Malti Devi and her relation live in house no. 39 vide voters list pate no. 4 the tehsildar Tanda vide enclosed certificate dated 21.6.80 has also certified that the appellant is the resident of Village Sarwan. The village Sarwan. It may kindly be seen that when all themaintained redords established that the appellant is a r/o village sarawan is not understood as to why a wrong picture of the case has been drawn & a youngman has been robbed off not only of his present job but all future prospects for no valied and suffidi cause ad appellant predious perod of one year service has gone fully wasted blemshing whole of the long furt

Prabhakar

-18-

of the appellant.

8. It has further been gathered that the appointing authority has been direct to terminate the services of the appellant and that the action U/R 6 of the EDA a conduct & service Rules 1964 taken by the appointing authority is not on his own accord which is against the rules and against the norms of justice specially in view of the fact that the appellant had been the Depatt. to the best satisfaction of the Depatt.

ay kindly see D.G.P. & T Delhi No.151-4/77 diso II dated 18/23-5-77 which is an amendment to "EDA" conduct and service Rule 1964 and which provided full opportunity to E.D. employee to defend his case during the course of enquiry to the portern of Rule 14 treating him as Govt. Servant Althourg the appellant has not completed three years of service yet in face of clear record of service of the appellant the action U/R 6 of EDAS conduct and service Rule 1964 is nothing but taking recourse of shout circuiting to dispese with his services.

It is fact that the post of EDBPM is still in existence and in view of it recourse to Rule 6 bid can only be taken in case the service of the EDBPM is less than 3 years the post is abolished and that above all the

Temporary

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X/20

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Services of EDBPM are unsatisfactory.

Prayer

In view of what has been stated above it is prayed that the appellant may kindly be reinstated in service. Your Honour! Kind attention is also invited to G.I.C.S. (Dept. of personnel) OM. No 39 42/70 ESTs (A) dated 15.5.71 for taking timely decision.

Thanking you Sir.

Yours Faithfully

(Ram Daras Pandey)

EX .B.P.M.
Village & P.O. Sarwan
Distt. Faizabad U.P.

Dated at Lucknow.

29.8.1980

Copy to

1. The Dupdt. Post Office Faizabad
2. The post Master General U.P. Lucknow 228001
3. Hon'ble Sri C.M. Stephen Minister for Communication
Govt. of India New Delhi. 110001.

True copy

DR. RAMA PANDAY

In The Hon'ble High Court⁽¹⁹⁾ of Judicature at Allahabad,
Lucknow Bench Lucknow

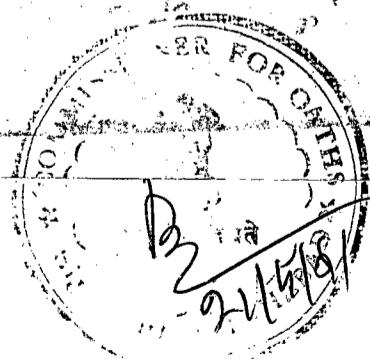
Writ Petition No. of 1981

Ram Darash Pandey - - - - - Petitioner
VERSUS

Union of India and others - - - - - Respondents

ANNEXURE N. 4

सिनाचक कार्ड		प्राप्ति	प्राप्ति	प्राप्ति
प्राप्ति	प्राप्ति	प्राप्ति	प्राप्ति	प्राप्ति
राम प्रसाद	५	५५		
श्री राम	५	५२		
रम अग्रवाल	५	५१		
श्री राम	५	३५		
श्री राम अग्रवाल	५	३४		
राम कर्म	५	२७		



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ANNEXURE-N. 5

जौ. च. आकार पत्र - ४५

(नियम ६७)

जोत चक्रवर्णी अधिकारी की धरण २० के अधीन उत्तराखण्ड की गई स्वतीनी गांव धरगांव तहसील राष्ट्रगढ़ जिला अद्यतनालय



इन दि आनेबुल हाई कोटी आफू जुडिक्लेर ईट इलाहाबाद,
लखनऊ बैच, लखनऊ ।

रिट पिटीशन नम्बर आफू १६८९

राम परस पाण्डेय ----- पिटीशनर
बनाम

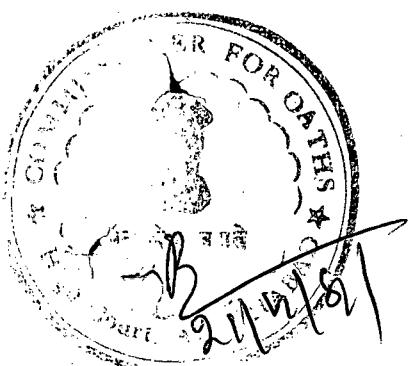
यूनियन आफू इण्डिया ईण्ड ----- अमोजिट पाटीज
अद्दै

एनेक्ज्यर नम्बर-6

१३२ जहाँगीर गंज विधान सभा निवाचिन द्वौत्र की निवाचिक
नामसंली १६७५ माग सं० ६८ ज़िला फ़ैज़ाबाद त० टाण्डा
प० बिड़हर ल० द्वौत्र हिसामुद्दीनपुर पिपरा विं० द्वौत्र राम
नगर ग्राम सभा व ग्राम - पुरावा

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Amritsar

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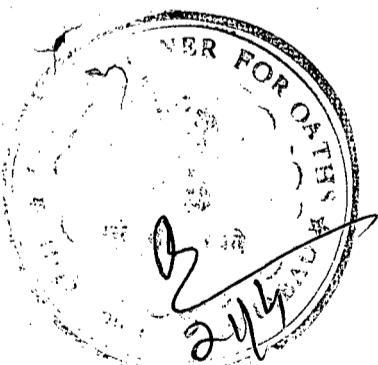
७५	१६	मंगल-चिथू	प	५०
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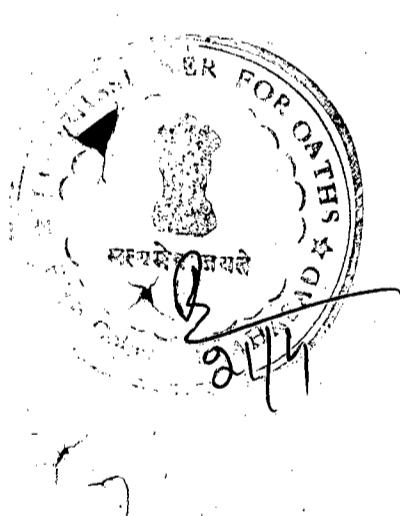
३६६	८३	राम अचल-दरबारी	प	४८
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प्रवर्षित्यों का क्रम यह है कि क्रम संख्या मकान नम्बर निवाचिक का नाम, पिता, पति। माँ का नाम पुरुष या स्त्री आयु १-१-७५ की।

दास प्रेस कटरा, अोध्या आर० ६० ।

सत्य प्रतिलिपि

लालकुमार



(40)

High Court Bench

महोदय

ब अदालत श्रीमान्

वादी (अपीलान्ट)

प्रतिवादी (रेस्पान्डेन्ट)

Lucknow

श्री Ramdasas Pandey का वकालतनामा

Behalf of the
Petitioner

Writ Petition No. ... ४१९८।

31/1

Ramdasas Pandey

वादी/अपीलान्ट

बनाम

Union of India

प्रतिवादी/रेस्पान्डेन्ट

न० मुकदमा

सन् १९ पेशी की तारीख २०/४ सन् १९८१ ई०

ऊपर मुकदमा में अपनी ओर से श्री जी. कलकानी रुद्धवीकैट

ऐडवोकेट

प० - सूर्य कुमार अवरथी महोदय
इमेल

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

Accepted
by SKWASHTI
Advocate
High Court
25/4/81

हस्ताक्षर *किम्बुर्जुर्य*

साक्षी गवाह अपनाराध्यार्थी हैं साक्षी (गवाह) अशोक लाल निरारी

दिनांक २० सहीना ४ सन् १९८१ ई०

राजा राम मिश्रा, लाइसेन्सदार
जिला कचेहरी, लखनऊ

हृन दि बानरेलु ल हाई कोटी आफु जुडिकेवर स्ट हलाहाबाद,
लखनऊ बैन्च, लखनऊ ।

सिट पिटीशन नम्बर आफु १६८९

राम दरस पाण्डेय	-----	पिटीशनर
बनाम	-----	
यूनियन आफु इण्डिया	-----	अमोजिट पाटी

सनेक्षण नम्बर-४

निवास स्थान प्रमाणपत्र

प्रमाणित किया जाता है कि श्री राम दरस पाण्डेय
आत्मज श्री राम अजोर पाण्डेय निवासी श्राम सरावा
परगना बिहुर तहसील टाण्डा पौ० सरावा ज़िला फ़ूज़ाबाद
उचर प्रदेश राज्य के स्थाई निवासी हैं।

ह०।- अपठनीय

(दूध नाथ सिंह)

तहसीलदार टाण्डा,

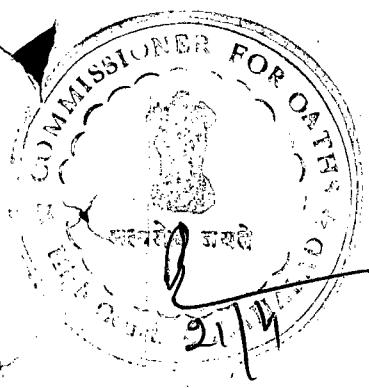
फ़ूज़ाबाद

२९-६-८०

मोहर - तहसीलदार टाण्डा

सत्य प्रतिलिपि

लालमहेश



लॉरेन्स/Corr. 7

भारतीय डाक-तार विभाग/INDIAN P. & T. DEPARTMENT
कार्यालय/Office of the

इंडिया पोस्ट

X/GR

सेवानि.

हैदराबाद

वी राज दररा पांडिय

श्रीगंगाधर - सरस्वती

जिल्हा. हैदराबाद

पैसा रुपया 672 नं. जालात फिल्मों 6-3-81

निष्पत्ति: शाखा डाक पाल यशोवंश की निष्पत्ति
ला मामला.

साहूदार

ज्ञाप के एवं विवरन के माध्यम
में इच्छित किया जाता है कि निष्पत्तिइस अंतर्गत लक्षणसंकेत से उस डिजलत
का दिया है। इस कोपी का नाम जिल्हाधीश
हैदराबाद की रिपोर्ट का दस्तावेज में रखा जाए

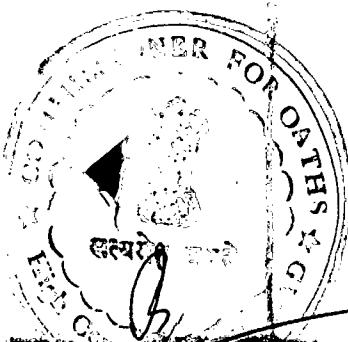
की गई है।

मंत्री

रामगण्डारा
डाक अधीक्षक

हैदराबाद

MGIPAR.—37 P. & T./8—10-5-78—4,00,000 P.M.



91/4

प्रमाण-54 (छोटा)
प्रमाण-52 (लाल)

P.P.A. 672

16

Rga

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPH DEPARTMENTवी राज दररा पांडिय
श्रीगंगाधर - सरस्वती

100 1301916

देख/From

हैदराबाद

ਹਾਈ ਕੋਟੀ ਇਲਾਹਾਬਾਦ, ਲਖਨਊ ਕੇਨਚ ਲਖਨਊ (ਅਧਿਅਧ ੧੨, ਨਿਯਮ ੧ ਅਤੇ ੭)

दीक्षानी विभाग

7/8

2087

प्रकीर्णक (मुतकिर्णक) प्रार्थना-पत्र सं० ————— सन् १९———— ई०

कृष्ण पात्री यात्रा सं. ०१० में सन् १९८१

सन् १९८० म
Kan Dikshak Society प्रार्थी

प्रति

प्रति Union of India Gazette

Sint-Maartenskerk te Kortrijk

(Postmaster) President of Hill - Galloway

Tabisil - Tendaijik - Fiji island

प्रत्याथी

या उससे पहले स्वयं अथवा किसी ऐडवाकेट लेये का नूतन अधिकृत हो, उपस्थित न होंगे तो तिं में हो जायगा ।

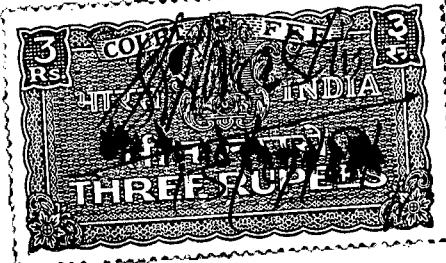
नांक — ५ — माह — ८ —

डिप्टी रजिस्टार
इलाहाबाद / लखनऊ

सूचना — इस न्यायालय की १९५२ की नियमावली के अध्याय ३७, नियम २ के आधीन प्राप्त तलबाना मिल गया।

तलवाना पाने वाले क्लर्क के हस्ताहन

353
 APPLICATION FOR INSPECTION
 (Chapter XXXIX Rule 8)



The Deputy Registrar,
 High Court of Judicature
 at Allahabad.

Urgent

ad

please allow Inspection of the papers named below. The application is urgent/ordinary. The applicant is/is not a party to the case.

Whether case pending or decided	Full particular of paper or papers of which inspection is required	Name of person who will inspect records	If applicant is not a party reason for inspection.	Office Report and Order
Pending	Full Record of the Case.	Chanchal Acharya	Self Case.	Order for inspection Date 15/9/81 Signature of applicant or his advocate

Inspection commenced at 15 on 9/9/81
 Inspection concluded at 15/9/81
 Inspection fee already paid with application Rs.
 Additional fee, if any paid Rs.

Ram Dadas Pendey
 Signature of applicant or his advocate

Inspected by Me. on 15/9/81
Shivnath
 Advocate
 High Court

Encl 1
 25/9/81

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

२८१

२८७

प्रक्रीणक (मुतकिरिक) प्रार्थना-पत्र सं० सन् १९८१ ई०

Unit Petition N. 2010 सं० 2010 सन् १९८१ ई० में

Ram Dasash Pandey प्रार्थी

प्रति

Union of India and others

प्रत्याधी

Def. Party N. 8, Lekhpal Kamla Prasad Tripathi

Tahsil - Tonola Distt Faizabad

प्रत्याधी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त लिखे मुकदमे के सम्बन्ध में

के लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि

आप दिनांक

conditions in r. ८ द्वारा

सन् १९८१ ई० को या उससे

पहले उत्तर

की मुनावाई

विदित

या ऐसे उत्तर

उस प्रार्थना

मेरे

सन् १९८१

२०८७

स्टॉक/No.

पत्र

लगाए गए डाक टिकटों का मूल्य रु०	Amount of Stamps affixed	371
एक रजिस्टर्ड बीमा	Received a Registered Insured	टैक्स पोस्ट
पालेवाले का नाम.....	Address to	टैक्स पोस्ट
पीमी का रूप (शब्दों में).....	(शब्दों में).....	होंगे तो
Insured for Rs. (in figures)	(in words)	
बीमा शुल्क रु०.....	Weight (in words).....	
Insurance fee Rs.	P.	ग्राम
पालेवाले का नाम प नामा.....		
Name and address of sender		
डाकघर निवासिका में दी गई		
शर्तों के अधीन जारी की गई		
Issued subject to terms and		
conditions in R. ८ guide.		
पालेवाले प्रधिकारी की दस्तावेज़		
Signature of Receiving Officer		

को जारी किया गया।

S. K. Anand, Advocate के एडवोकेट

दाइक्षिक, कामरुल खान स्वपरिषद

तिथि २५/१०/८१

डिप्टी रजिस्टार
इलाहाबाद / लखनऊ

चना — इस न्यायालय की १९५२ की नियमावली के अध्याय ३७, नियम २ के आधीन प्राप्त तलबाना मिल गया।

तलबाना पाने वाले कल्पना के हस्ताक्षर

፳፻፲፭ ዓ.ም ከ ተስፋ የዕለታዊ ሪፖርት ተስፋዎች

1146 | ତାର ପତ୍ର

କାନ୍ତିମାଳା / କାନ୍ତିମାଳା

~~181113~~

24(1)20 4-
2018/2019

— ८ —

ପାଦାରୀ କାହାର କାହାର କାହାର କାହାର କାହାର କାହାର କାହାର କାହାର
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2184 - Foytakabai (UP)

Thru - Tons

Chlorophyll a/b ratio (Based on $\text{Chl}_a/\text{Chl}_b$)

Union of India and others

Common & Local Names - Endemic

Alkalification

ଓঁ—ঘৃত—ঘৃত (ঘৃতকৃত) আলিপুর

The 20th April, 1961
Lucknow, India.

High Court, Lucknow Benaras,
Advocate,

M.R. Awasthi

40

12. Wakalat Naam

Last Impeded Court Action Order

39

10. Annexure No. 8 21.6.80
Certified by Madhulata

38

9. Annexure No. 7 6.10.80

21 to 36

8. Annexure No. 6
Receipt No. 1975

20

7. Annexure No. 5
Receipt No. 45

19

6. Annexure No. 4
Receipt Card 26.2.75

19 to 19

5. Annexure No. 3
Item of Appeal 29.8.80

15 to 14

4. Annexure No. 2
Summation Order No. 10.3.80

10. to 12

3. Annexure No. 1
Appeal Letter 28.8.79

8 to 9

2. Affidavit

1. Memo of the writ petition 1 to 7

SL. No. Contents
Page No.

INDEX

The Union of India and others, v. Regulators.

...erse.

Re Fresh remedy

... Petition.

Writ Petition No. 06-1971.

Lucknow Bench, Lucknow.

Decided on 20th April, 1961, at Allahabad.

True Left

23-21-12-11-10-9-8-7-6-5-4-3-2-1

23-21-12-11-10-9-8-7-6-5-4-3-2-1

22-15-14-13-12-11-10-9-8-7-6-5-4-3-2-1

29-16-15-14-13-12-11-10-9-8-7-6-5-4-3-2-1

30-17-16-15-14-13-12-11-10-9-8-7-6-5-4-3-2-1

28-18-17-16-15-14-13-12-11-10-9-8-7-6-5-4-3-2-1

27-19-18-17-16-15-14-13-12-11-10-9-8-7-6-5-4-3-2-1

26-20-19-18-17-16-15-14-13-12-11-10-9-8-7-6-5-4-3-2-1

25-21-20-19-18-17-16-15-14-13-12-11-10-9-8-7-6-5-4-3-2-1

24-22-21-20-19-18-17-16-15-14-13-12-11-10-9-8-7-6-5-4-3-2-1

23-24-22-21-20-19-18-17-16-15-14-13-12-11-10-9-8-7-6-5-4-3-2-1

hydrogen

(5)

by 2000

11:00 AM

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11:00 AM

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11:00 AM

11:00 AM

इन दिन आने रेतुल हाईकोर्ट ग्राउंडमें हुए

उत्ताहावाद वेद वर्वालक्ष

रिट्राईलिंग नाम्बर - - - आम ७३२९

राग दरसा पांडु

प्राप्तिकर्ता

वनाम

प्राप्तिकर्ता आप हाईकोर्ट द

रुद्राक्षकर्ता नाम्बर (8)

निवास इनाव प्राप्ति ना

प्राप्तिकर्ता नाम्बर गात है फै श्री राम दास पांडु

आपका श्री राम जग्नीर पांडु प्राप्ति जा राराना

प्राप्ति - फैक्स है तहसील - पांडु

प्राप्ति - सराना

प्राप्ति - फै गावाद

उत्तर उद्देश्य के रूपात् निवासी

तहसील दार टाट

True Copy

मुगावाद

21/6/80

12 Nov 15

11-12/11/15 11:15

Blue Gulls

1 P. 515 15

14 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

15 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

16 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

17 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

18 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

19 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

20 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

21 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

22 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

23 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

24 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

25 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

26 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

27 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

28 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

29 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

30 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

31 Nov 14 11:15 11:20 11:25 11:30 11:35 11:40

1 Dec 14 11:15 11:20 11:25 11:30 11:35 11:40

2 Dec 14 11:15 11:20 11:25 11:30 11:35 11:40

3 Dec 14 11:15 11:20 11:25 11:30 11:35 11:40

4 Dec 14 11:15 11:20 11:25 11:30 11:35 11:40

5 Dec 14 11:15 11:20 11:25 11:30 11:35 11:40

6 Dec 14 11:15 11:20 11:25 11:30 11:35 11:40

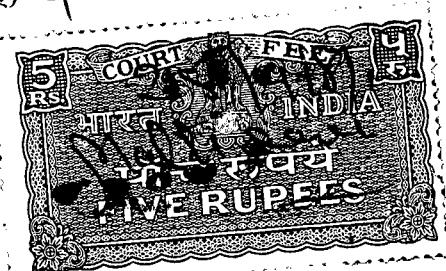
7 Dec 14 11:15 11:20 11:25 11:30 11:35 11:40

8 Dec 14 11:15 11:20 11:25 11:30 11:35 11:40

In the Hon'ble High Court of Judicature
ब अदालत श्रीमान at All. Sitting at Lucknow महोदय

वादी (मुद्रा)
प्रतिवादी (मुद्राअलेह) १

का वकालतनामा



१२९३

Ram Darash Ramdev वादी (मुद्रा)
बनाम

Union of India

प्रतिवादी (मुद्राअलेह)

W.L. २०१० of ८१ F.F. Attendance dt. २५.७.८१
नं० मुकदमा सन् १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री G.C. SHARMA

एडवोकेट

Shri Samir Sahai Advocate महोदय
मि. R. C. SHARMA वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और
लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी
जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें
या कोई रूपया जमा करें या हमारी या विपक्षी [फरीकसानी] का
दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती]
रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए
यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर
काम आये।

Accepted
Rajeshwar
हस्ताक्षर मालती देवी

साक्षी (गवाह)

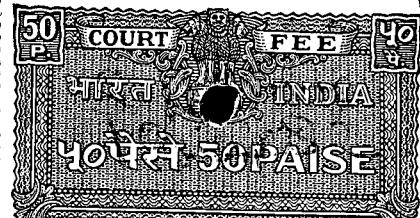
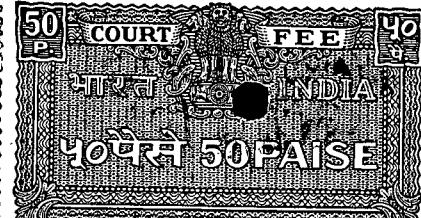
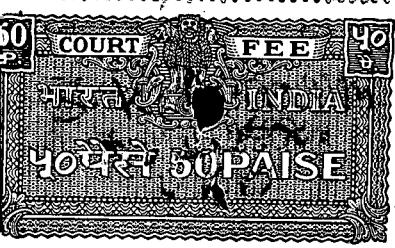
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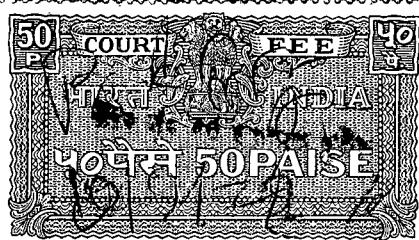


APPLICATION FOR INSPECTION
(Chapter XXXIX Rule 8)

226.

The Deputy Registrar,
High Court of Judicature
at Allahabad.

Ch



Please allow Inspection of the papers named below. The application is urgent/Ordinary. The applicant is/is not a party to the case.

Full Description of the papers required	Full particular of paper or papers of which inspection is required	Name of person who will inspect record.	If applicant is not a party reason for inspection.	Office report and Order.
Full Record of the Fencing	Full Record of the Case	Of Advocate Advocate	On Behalf of the Petitioners	Pls. kindly Office report DO. pending in Order for inspection Signature of the Deputy Registrar Date 10/10/82

Inspection commenced at
Inspection concluded at

10 on 2 1982

Inspection fee already paid with
application Rs.

Additional fee, if any paid Rs.

Signature of the applicant
or his advocate

Inspected by
B. P. Deekshith
on 25/10/82
10/10/82
25/10/82
25/10/82
Signature of the Deputy Registrar
Date 10/10/82

K/M
QH

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

1537

Civil Misc. Appln. no. (U) of 1982

Union of India and others vs. Applicants

In re

Writ Petition no. 2010 of 1981

Sri Ram Darash Pandey Petitioner

Versus

Union of India and others Opp. Parties.

APPLICATION FOR CONDONATION OF DELAY IN FILING
THE COUNTER AFFIDAVIT

The applicants abovenamed most respectfully beg
to state as under:

1. That the necessary instructions could not be
received earlier as such the counter affidavit could not
be filed within time.

2. That the counter affidavit is now ready and
is being filed without any further loss of time.

3. That the delay in filing the counter affidavit
is bonafide, not deliberate and is liable to be condoned.

Wherefore, it is most respectfully prayed that
the delay in filing the counter affidavit may kindly be
condoned and the same is liable to be taken on record.

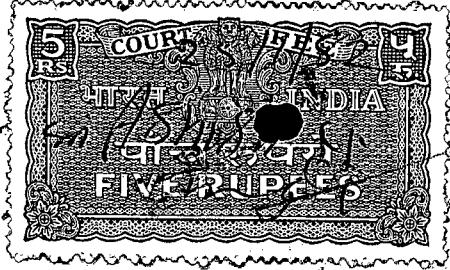
(Ashish N. Trivedi)
Advocate
Counsel for the Applicants

Lucknow:

W-2-82

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

Sitting at Lucknow,



11/2/82
B.S. 15
11/2/82

1537

Civil Misc. Appln. no. (W) of 1982

Union of India and others are Applicants

In re

Writ Petition no. 2010 of 1981

Sri Ram Darash Pandey Petitioner

Versus

Union of India and others Opp. Parties.

APPLICATION FOR CONDONATION OF DELAY IN FILING
THE COUNTER AFFIDAVIT

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Wherefore, it is most respectfully prayed that
the delay in filing the counter affidavit may kindly be
condoned and the same is liable to be taken on record.

Ashish N. Trivedi
(Ashish N. Trivedi)
Advocate

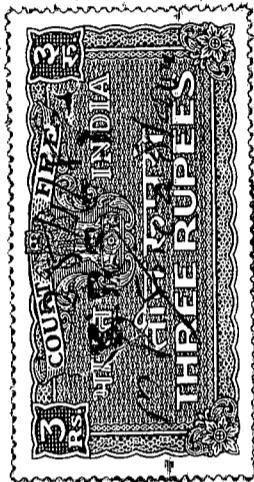
Lucknow:

Counsel for the Applicants

11-2-82

35

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



Counter Affidavit on behalf of the
Opposite Parties nos. 1 to 5

In re :

Writ Petition No. 2010 of 1981

Sri Ran Darash Pandey.....Petitioner
Versus
Union of India and others.....Opposite Parties.

Counter Affidavit

M. P. Srivastava, aged about 57
years, son of Sri V.N. Srivastava,
Senior Superintendent of Post
Offices, Faizabad.

.....Deponent



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

1. That the deponent is the Senior Superintendent
of Post Offices, Faizabad and is fully conversant with
the facts deposed to herein.

2. That the deponent has read the writ petition
filed by the petitioners and has understood the
contents thereof.

M. P. Srivastava

3. That before giving a parawise reply to the ~~5/2~~ allegations made in the writ petition certain facts which are relevant for the disposal of the writ petition are being stated.

4. That one Shri Krishnamani Tripathi was Extra Departmental Branch Postmaster Sarawan, B.O. (Faizabad). He was an approved candidate of V.P.M. Cadre and was made reserve V.P.M. Baskhari S.O. vide I.P.Os. (East) Akbarpur Memo. No. B/Genl. dated 21.7.1979. A copy of the order dated 21.7.1979 is being annexed as Annexure-A-I to this counter affidavit. Due to his regular absorption in V.P.M. cadre, action to appoint new Extra Departmental Branch Postmaster Sarawan was initiated and notices inviting applications were issued on 7.8.1979 and the last date for receipt of application in Divisional Office, Faizabad was 21.8.1979. The true copy of the notice dated 7.8.1979 is being annexed as Annexure-A-II to this counter affidavit.

5. That in all four applications of Sarvashri (i) Shri Ram Darash Pandey, the petitioner (ii) gmt. Mal Devi, (iii) Bala Datta Tewari and (iv) Kedar Nath Pande were received in time in the office of the S.P.Os. Faizabad.

6. That Shri Ram Daras Pandey, the petitioner was appointed as Extra Departmental Branch Postmaster Sarawan on 28.8.1979. Complaints against the appointment of Shri Ram Daras Pandey were lodged and the matter was taken up by P.M.G. Office, Lucknow as well as B.P.S. Office, Lucknow. P.M.G., U.P. under No. VIG/M-20/Fyd/79/

M. D. Srivastava

dated 8.8.1980 ordered for consideration of fresh appointment for Extra Departmental Branch Postmaster Sarawan, Faizabad. The true copy of the letter dated 8.8.1980 is being annexed as Annexure-A-III to this counter affidavit.

7. That, therefore, the services of Shri Ram Daras Pandey, the petitioner, E.D., B.P.M. Sarwan were terminated vide letter No.PFA-672, dated 12.8.1980 and charge of the E.D.BPM was taken over by Line Overseer Ram Nagar on 20.8.1980.

8. That Shri Ram Daras Pandey, the petitioner preferred an appeal to the Director of Postal Services, Lucknow on 29.8.1980 against the termination of his services from the post of E.D. BPM, Sarwan.

9. That the appointment file along with parawise comments on the appeal, was submitted to Director of Postal Services on 13/17th November, 1980 vide letter No.PFA-672 dated 13/17-11-1980. The appeal of Shri Ram Daras Pandey, the petitioner was rejected by the Director of Postal Services, Lucknow and it was communicated to the office of the Superintendent of Post Offices vide Director of Postal Services, Lucknow No.RDI/Staff/ED-43/44/80/9, dated 9/13-2-1981, and as such Shri Ram Daras Pandey, the petitioner was informed accordingly. The true copy of the order dated 13.2.1981 is being annexed as Annexure-A-IV to this counter affidavit.

M.P. S. Jaswan

10. That in reply to the contents of para 1 of the writ petition it is stated that the petitioner

was appointed as Extra Departmental Branch Postmaster Sarawan Branch Post Office vide Superintendent of Post Offices, Faizabad Memo. No. PFA-672, dated 28.8.1979 and he took over the charge of new assignment on 11.9.1979.

11. That in reply to the contents of paragraph 2 of the writ petition it is stated that the petitioner's educational qualification is B.A. and his date of birth was 15.5.1952. Rest of the contents of the paragraph under reply ~~do not call for reply from the answering~~ opposite parties.

12. That in reply to the contents of paragraph 3 of the writ petition it is stated that the petitioner furnished the requisite security for the year 1980, but his security bond has not been accepted.

13. That the contents of paragraph 4 of the writ petition as stated are not admitted. All the applications, including the petitioner's application, were not got verified by the Inspector of Post Offices, Akbarpur East. As such his residence was also not verified by the Inspector of Post Offices. The petitioner noted his residential village Sarawan and the same was confirmed by the Revenue Authority viz. Tehsildar Tanda vide income certificate granted by him and as such he was treated local candidate and was ordered to be appointed as Branch Postmaster, Sarawan B.O.



14. That in reply to the contents of paragraph 5 of the writ petition it is stated that Sri Krishna Mani Tripathi was Branch Post Master Sarawan and he engaged his wife Smt. Malti Devi as his substitute on his

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promotion to the post of Village Postman Baskheri, to work as Branch Postmaster Sarawan at his responsibility. But while making regular appointment for the post of Branch Postmaster Sarawan the petitioner was considered more suitable candidate ~~than~~ than others and as such he was ordered to be appointed as Branch Post Master Sarawan B.O. Later, a report from District Magistrate, Faizabad was received to the effect that the petitioner was not a resident of main village Sarawan. He was resident of a hamlet village named Hamjapatti of Sarawan village. This report was sent ~~in~~ in original to the P.M.G., U.P. Circle Lucknow who vide the letter No. VIG/M-20/Pzd/79/1, dated 8.8.1980 ordered to make fresh appointment to ensure that the post office is located in the main village Sarawan.

15. That in reply to the contents of paragraph 6 of the writ petition it is stated that there is no provision to issue show cause notice when services are to be terminated under Rule 6 of E.D.A's (Conduct and Service) Rules 1964. As such the petitioner was not given any show cause notice.

16. That in reply to the contents of paragraph 7 of the writ petition it is stated that the petitioner filed an appeal against the termination order dated 12.8.1980 issued from the Superintendent of Post Offices, Faizabad. But his appeal was duly considered by the Director, Postal Services, Lucknow Region and was rejected and the petitioner was informed accordingly.

M.P. Srinivasan

17. That in reply to the contents of paragraph 8 of the writ petition it is stated that the appeal of the petitioner was rejected by the ~~RAK~~ Director, Postal Services, Lucknow Region, Lucknow on the ground that he was not the resident of village Sarawan.

18. That in reply to the contents of paragraph 9 of the writ petition it is stated that the petitioner filed an Election Card in his appeal to show that he is a permanent resident of village Sarawan which was found incorrect vide District Magistrate, Faizabad report dated 17.5.1980. A copy of which is being annexed as Annexure-A-V to this counter affidavit, in which it was clearly stated that the petitioner was a resident of Hamlet Hamjapatti of village Sarawan.

19. That in reply to the contents of para 10 of the writ petition it is stated that the submissions of 'Akarpatra 45' is admitted. But it becomes irrelevant in view of the report of the District Magistrate, Faizabad dated 17.5.1980 regarding the residence of the petitioner.



20. That in reply to the contents of paragraphs Nos. 11 to 13 of the writ petition it is submitted that the submission of Election Roll X with the appeal by the petitioner is admitted. A certificate regarding residence of the petitioner was submitted by him with his appeal case. But the said certificate was granted by the Tahsildar Tanda (Faizabad) it was only countersigned by the District Magistrate, Faizabad. It is incorrect to say that the said certificate was granted by the District Magistrate, Faizabad.

M. P. Srivastava

100
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21. That in reply to the contents of paragraph 14 of the writ petition it is stated that an intimation regarding rejection of appeal of the petitioner was served upon the petitioner, vide Superintendent of Post Offices, Faizabad Memo dated 6.3.1981.

22. That the contents of paragraph 15 of the writ petition as stated are not admitted. The petitioner has further preferred an appeal against the order of Director Postal Services Lucknow Region, Lucknow to the P.M.G., U.P.Circle, Lucknow and the same is being considered and the result would be communicated soon to the petitioner.

23. That according to the instructions of the Director General, Post and Telegraph, New Delhi Communication dated 27.2.1979 an E.D. B.P.M. should be a bonafide resident of the village where he is appointed. The services of an E.D. Employee shall be liable to be terminated by the appointing authority at any time without notice for general unsatisfactory work within 3 years from the date of appointment or on any administrative ground unconnected with the conduct, in Rule 6 of E.D.A's (Conduct and Services) Rules 1964. A true copy of the letter dated 27.2.1979 is being annexed as Annexure-A-VI to this counter affidavit.

24. That there is no provision to issue show cause notice to the E.D.A.'s under Rule-6 of EDA's (Conduct and Services) Rules 1964.

25. That as per report of the District Magistrate, Faizabad dated 17.5.1980 all the other record evidences have no relevance and as such these were ignored for the

M.J. Sivadas



the purpose of determination of residence of the petitioner.

26. That after a careful consideration of the matter by the Superintendent of Post Offices, Faizabad, the orders regarding termination of the services of the petitioner were passed. The petitioner then preferred an appeal against his termination order issued by the Superintendent of Post Offices, Faizabad to the Director Postal Services, Lucknow Region and which was too rejected.

27. That the issue of the termination order against the petitioner is ~~not~~ not against the law. It was issued only after considering the documentary evidences submitted by the petitioner. The grounds taken in the writ petition are untenable in law, the writ petition lacks merits and is liable to be dismissed with costs.



FAIZABAD, Dated,
November, 1981.

(M.P. Srivastava)
Deponent

L 25/11/82

Verification

I, the deponent abovenamed, do hereby verify that the contents of paras 1 and 2 of the ~~the~~ counter affidavit are true to my personal knowledge and the contents of paragraphs 3 to 26 of the counter affidavit are true to my information derived from the record which are believed by me to be true and the contents of paragraph 27 are based on legal advise which I believe to be true. No part of it is false and nothing material has been concealed by me. So help me God.

Signed and verified this counter affidavit this 25th day of November, 1981 within the Civil Court Compound at Lucknow.

M.P. Srivastava
Deponent

I identify the deponent who has signed before me.

Rajaram Verma Esq.
Advocate (A.S.H.S.H.)
M.A.C.

Adv.

3/104/9a
10

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

Writ Petition No.2010 of 1981.

Shri Ram Darash Pandey.....Petitioner

Versus

Union of India and others.....Opposite Parties.

Annexure-A-I

Office of the IPOs. (E) Akbarpur

Memo No.B/Genl.

Dated 21.7.1979

Consequent upon the vacancy caused due to retirement of Shri Beldutt Tewari V.P.M. Hanswar on 31.3.1979, Shri Maya Shanker Pathak. L.B. V.P.M. with B.O. at Baskhari is made permanent and posted as V.P.M. Hanswar with effect from 1.4.1979. Shri M.S. Pathak is working as V.P.M. Hanswar with effect from 1.4.1979.

Shri Krishna Mani Tripathi, B.P.M. Sarawan and an approved candidate of V.P.M. cadre declared qualified vide SPOs. Faizabad Memo No.B-3/13, dated 12.4.1979 is ordered to be I.B. Postman with his H.Q. at Baskheri with immediate effect vide Shri Maya Shanker Pathak who has been made permanent.

Charge reports should be submitted.

Sd/-

D.S.Yadav
IPOs. East AKB.

Copy to :

- 1) P.M. Akbarpur for information and n/a.
- 2) Shri Krishna Mani Tripathi Can. VPM Office as VPM Baskhari w.e.f. from 17.7.1979.
- 3) Shri Maya Shanker Pathak VPM Hanswar.
- 4) S.P.M. Baskhari. He will please get the post joined by Shri Krishna Mani Tripathi and charge reports submitted.
- 5)-6) S.P.M. Hanswar.
- 6-7) P.F. of Maya Shanker & Krishna Mani.
- 8) O/C.

True copy

M.D.
Deponent

3/105

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

Writ Petition No.2010 of 1981

Shri Ram Darash Pandey.....Petitioner

Versus

Union of India and others.....Opposite Parties

Annexure - A-II

प्रतिलिपि

सूचना

ज्ञापन संख्या पी०एफ०६०/६७२ दिनांक फैजाबाद-२२४००१

7-8-1979

सर्व साधारण को सूचित किया जाता है कि सरावां शाखा डाकघर जो उपडाकघर रामनगर जनपद फैजाबाद के अन्तर्गत है के लिए 107/- निर्धारित मासिक भत्ते पर शाखा डाकपाल की तुरन्त आवश्यकता है। इच्छुक व्यक्ति निर्धारितफार्म पर अपना प्रार्थना पत्र अपने हाथ से भर कर तथा हस्ताक्षर करके डाक अधीक्षक फैजाबाद के पास इस प्रकार भेजें कि 21-8-1979 तक अवश्य प्राप्त हो जाय। निर्धारित तिथि के बाद प्राप्त तथा अधूरे प्रार्थना पत्रों पर विचार नहीं किया जायगा।

निर्धारित फार्म जिस पर आवेदन करना है शाखा डाकपाल शाखा डाकपाल सरावां एवं उपडाकपाल रामनगर के पास से निःशुल्क प्राप्त हो सकते हैं।

अहंतार्थ

- 1- शैक्षिक योग्यता :- अभ्यर्थी को कम से कम कक्षा 8 उत्तीर्ण होना चाहिये। हाई स्कूल पास को वरीयता दी जायेगी।
- 2- आयु सीमा :- अभ्यर्थी की आयु प्रैम जुलाई 1979 को 18 वर्ष से कम तथा 60 वर्ष से अधिक नहीं होनी चाहिए।
- 3- आय :- अभ्यर्थी की मासिक आय व्यक्तिगत निजी नाम की चल या अचल सम्पत्ति से 50/- मासिक से कम नहीं होनी चाहिए। इस सम्बन्ध में सक्षम राजस्व अधिकारी का प्रमाणपत्र संलग्न करें।
- 4- निवास स्थान :- अभ्यर्थी को उसी गांव का निवासी होना चाहिए जहां पर डाकघर मंजूर हुआ है।



- 2 -

5- जाति :- अनुसूचित जाति तथा अनुसूचित जनजाति एवं पिछड़े वर्ग के अभ्यर्थी जाति क्रौंचव्राग का प्रमाण पत्र संक्षम अधिकारी का संलग्न करें ।

6- अन्य :- अभ्यर्थी को जनता के द्वारा घयन किस गये किसी भी पद पर आसीन नहीं होना चाहिए एवं अदालत द्वारा दंडित भी न होना चाहिए ।

नोट :- सभी आवश्यक प्रमाण पत्रों की सत्यापित प्रतिलिपि मूल प्रार्थना पत्र के साथ अवश्य नहीं करें ।

हस्ताक्षरित - अधीक्षक डाकघर

फैजाबाद प्रखन्ड फैजाबाद

प्रतिलिपि सूचना पट पर चिपकाने तथा प्रयार हैतु :- 8/8

1- शाखा डाकघर सरावां

अभ्यर्थी को निःशुल्क बांटें

संलग्न सादे प्रार्थना पत्र

2- उपडाकघाल रामनगर फैजाबाद

3- प्रधान ग्रामसभा सरावां पोस्ट सरावां फैजाबाद

4- डाक निरीक्षक अकबरपुर (पूर्वी)

5- प्रधानाध्यापक प्रांगण सरावां पोस्ट सरावां फैजाबाद

6- लाइन ओवरसियर रामनगर फैजाबाद

सत्य प्रतिलिपि

मुल्लू नसीरिय

समृपी श्रीवास्तव

शपथकर्ता



3/3/81
V/V

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

Writ Petition No. 2010 of 1981

Shri Ram Darash Pandey.....Petitioner,

Versus

Union of India and others.....Opposite Parties.

Annexure-A-III

Indian Posts and Telegraphs Department

From,

The Postmaster General,
U. P. Circle, Lucknow.

To

Shri M.P. Srivastava,
Superintendent of Post Offices,
Faizabad.

No. VI-G/M-20/FZD/79/1, dated Lw-226001, the 8.8.1980.

Sub :- Complaint against shifting of ED BPO Sarawan.

Ref: Your letter No. PFA-672, dated 30.6.1980.

From the report of revenue authorities received vide above it is clear that the present location of Sarawan P. O. is not in the main village but in its hamlet and thus irregular.

Please consider making fresh appointment to ensure that the post office is located in the main village expeditiously under intimation to this office.

Receipt of this letter may also please be acknowledged.

Sd/-
(Raghav Lal)
Vigilance Officer I
For Postmaster General, UP

True Copy

M. P. Srivastava

(M. P. Srivastava)
Deponent

3/4/108
X
W

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

Writ Petition No. 2010 of 1981

Shri Ram Darash Pandey..... Petitioner,

Versus

Union of India and others..... Opposite Parties.

Annexure - A-IV

Indian Posts and Telegraphs Department

From

The Regional Director Postal Services,
Lucknow.

To

The S. P. Os.,
Faizabad.

No. BDL/ Staff/ EDDA-43/ 43/80/9, dated at Lucknow 9/13-2-81

Sub : Appointment of BPM Sarawan (FVD)

Ref : Your No. PFA-672 Dated 17.11.1980.

The representation of Shri Ram Darash Pandey was considered by the D.P.S. Lucknow alongwith the report of ~~EDDA~~ Distt. Authorities and has been rejected by him. The representationist may please be given a suitable reply by you. The Divisional office file is returned h/w, and the date of communication be reported to this office.

Sd/-
For Director Postal Services
Lucknow

True copy

M. P. Srivastava
(M. P. Srivastava)
Deponent



3/15/109
63

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

Writ Petition No. 2010 of 1981

Shri Ram Darash Pandey.....Petitioner

Versus

Union of India and others.....Opposite Parties.

Annexure - A-V

पत्रसंख्या भेजो/आर0४०

दिनांक 17-5-1980

प्रेषक,

जिलाधिकारी,
ફેજાબાદ

તેવા મૈ

અધીક્ષક
ડાક વ તાર વિભાગ
ફેજાબાદ

વિષય :- ફેંડોઓબીઓપીઓસ્મો સરાવન મેં ખોલા જાના
શ્રી રામ દરસ પાણ્ડે વલ્દ રામ અજોર પાણ્ડે ।



મહોદય,

ઉપરોક્ત વિષયક આપકે પત્ર સંખ્યા પીઓસ્પોસ-672

दिनांક 2-4-1980 કે સંતર્ભ મેં નિબેદન હૈ કી શ્રી રામ દરસ પાણ્ડેય કે
કે બારે મેં સમ્બન્ધિત તહ્સીલદાર દ્વારા જાંચ કરાઈ ગઈ । ઉન્હોને
અપની આખ્યા મેં કહા હૈ કી શ્રી રામ દરસ પાણ્ડે નવ નિર્વાચિત બ્રાંચ
પોસ્ટમાસ્ટર હમજાપદ્ટી પુરવે કે નિવાસી હૈ જો ગ્રામ સરાવાં કા એક
પુરવા હૈ જીઓ ઉસકે દક્ષિણ પશ્ચિમ સ્થિતિ હૈ । શ્રી પાણ્ડેય સરાવાં
ખાસ કે પ્રિયાર્થિક પ્રિયાર્થિક હૈ નિવાસી નહીં હોય ।

સરાવાં ખાસ કી લગભગ 3/4 ભાગ જનસંખ્યા સરાવાં ખાસ મેં હૈ ।

DR. Srinivas Rao

सरावां खास, सरावां डाकघर के अन्दर आनेवाले सभी ग्रामों के बीचों
बीच तथा निकट पड़ता है। जनता की सुविधा को देखते हुए सरावां
डाकघर सरावां छास में प्राचीन स्थान पर होना अच्छा होगा।

भवदीय,
हस्ताक्षरित करे जिलाधिकारी
फेजाबाद

17-5-1980

सत्य प्रतिलिपि
M. Singhania
इसमें प्रीति वास्तव
शपथकर्ता



3
11/8

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

Writ Petition No.2010 of 1981

Shri Ram Darash Pandey Petitioner,

Versus

Union of India and others Opposite Parties

Annexure - A-VI

Indian Posts and Telegraphs Department

Copy of communication no.43-312/78/Pen New Delhi-11000

Dtd. February 27, 1979 From the office of the Director
General Posts and Telegraphs. Addressed to Shri Dy.
Postmaster General, U.P. Circle.

.....

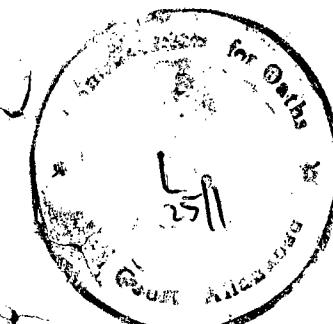
Sub :- Extra Departmental Agents-Conditions for
appointment - review of -

....

Sir,

It has been reiterated in this office
letter of even number dated 20.1.1979 that it should
be ensured that the EDAs who are posted as ED SPM/
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 visit
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 E.D. 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

M. Suresh



3/18/63
primary school certificate and personally inspect the bonafides of their residents 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 EDPMs is only VI standard (VIII standard preferred). With the programme of upgradation of EDBOs to EDBPs, the EDPMs will not be able to attend ~~xxx~~ 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 beat 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 EDPMs.

No. STA/A-67/79/5 Dated 9.3.1979

Copy forwarded to :

1. All SSPOs/ SPOs/ SSPMs/ SRMs/ PMs Grade A in U.P. Circle
2. All officers/ ASPOs/ IIs/ HCs in Circle Office.
3. VID/ STC/ Planning Sections Circle Office for information, guidance and necessary action.

This may please be acknowledged.

Sd/-
For Postmaster General, U.P.

True Copy

M.P. Srivastava

(M.P. Srivastava)
Deponent

119/6

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

Counter Affidavit on behalf of the
Opposite Parties nos. 1 to 5

In re :-

Writ Petition No. 2010 of 1981

Shri Rgn Darash Pandey.....Petitioner

Versus

Union of India and others.....Opposite Parties.

Counter Affidavit

M. P. Srivastava, aged about 57
years, son of Sri V. N. Srivastava,
Senior Superintendent of Post
Offices, Faizabad.

.....Deponent

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

1. That the deponent is the Senior Superintendent
of Post Offices, Faizabad and is fully conversant with
the facts deposed to herein.

2. That the deponent has read the writ petition
filed by the petitioners and has understood the
contents thereof.

3. That before giving a parawise reply to the allegations made in the writ petition certain facts which are relevant for the disposal of the writ petition are being stated.

4. That one Shri Krishnamani Tripathi was Extra Departmental Branch Postmaster Sarawan, B.O. (Faizabad). He was an approved candidate of V.P.M. Cadre and was made reserve V.P.M. Baskhani S.O. vide I.P.Os. (East) Akbarpur Memo. No. B/Genl. dated 21.7.1979. A copy of the order dated 21.7.1979 is being annexed as Annexure- A-I to this counter affidavit. Due to his regular absorption in V.P.M. cadre, action to appoint new Extra Departmental Branch Postmaster Sarawan was initiated and notices inviting applications were issued on 7.8.1979 and the last date for receipt of applications in Divisional Office, Faizabad was 21.8.1979. The true copy of the notice dated 7.8.1979 is being annexed as Annexure- A-II to this counter affidavit.

5. That in all four applications of Sarvashri (i) Shri Ram Darash Pandey, the petitioner (ii) gmt. Malti Devi, (iii) Bala Datta Tewari and (iv) Kedar Nath Pandey were received in time in the office of the S.P.Os. Faizabad.

6. That Shri Ram Daras Pandey, the petitioner was appointed as Extra Departmental Branch Postmaster Sarawan on 28.8.1979. Complaints against the appointment of Shri Ram Daras Pandey were lodged and the matter was taken up by P.M.G. Office, Lucknow as well as B.P.S. Office, Lucknow. P.M.G., U.P. under No. VIG/M-20/Fyd/79/1,

dated 8.8.1980 ordered for consideration of fresh appointment for Extra Departmental Branch Postmaster Sarawan, Faizabad. The true copy of the letter dated 8.8.1980 is being annexed as Annexure-A-III to this counter affidavit.

7. That, therefore, the services of Shri Ram Daras Pandey, the petitioner, E.D., B.P.M. Sarwan were terminated vide letter No.PFA-672, dated 12.8.1980 and charge of the E.D.BPM was taken over by Line Overseer Ram Nagar on 20.8.1980.

8. That Shri Ram Daras Pandey, the petitioner preferred an appeal to the Director of Postal Services, Lucknow on 29.8.1980 against the termination of his services from the post of E.D. BPM, Sarwan.

9. That the appointment file along with parawise comments on the appeal, was submitted to Director of Postal Services on 13/17th November, 1980 vide letter No.PFA-672 dated 13/17-11-1980. The appeal of Shri Ram Daras Pandey, the petitioner was rejected by the Director of Postal Services, Lucknow and it was communicated to the office of the Superintendent of Post Offices vide Director of Postal Services, Lucknow No.RDL/Staff/ED-43/44/80/9, dated 9/13-2-1981, and as such Shri Ram Daras Pandey, the petitioner was informed accordingly. The true copy of the order dated 13.2.1981 is being annexed as Annexure-A-IV to this counter affidavit.

10. That in reply to the contents of para 1 of the writ petition it is stated that the petitioner

was appointed as Extra Departmental Branch Postmaster Sarawan Branch Post Office vide Superintendent of Post Offices, Faizabad Memo. No. PFA-672, dated 28.8.1979 and he took over the charge of new assignment on 11.9.1979.

11. That in reply to the contents of paragraph 2 of the writ petition it is stated that the petitioner's educational qualification is B.A. and his date of birth was 15.5.1952. Rest of the contents of the paragraph under reply XX do not call for reply from the answering opposite parties.

12. That in reply to the contents of paragraph 3 of the writ petition it is stated that the petitioner furnished the requisite security for the year 1980, but his security bond has not been accepted.

13. That the contents of paragraph 4 of the writ petition as stated are not admitted. All the applications, including the petitioner's application, were not got verified by the Inspector of Post Offices, Akbarpur East. As such his residence was also not verified by the Inspector of Post Offices. The petitioner noted his residential village Sarawan and the same was confirmed by the Revenue Authority viz. Tehsilda-Tanda vide income certificate granted by him and as such he was treated local candidate and was ordered to be appointed as Branch Postmaster, Sarawan B.O.

14. That in reply to the contents of paragraph 5 of the writ petition it is stated that Sri Krishna Mani Tripathi was Branch Post Master Sarawan and he engaged his wife Smt. Malti Devi as his substitute on his

promotion to the post of Village Postman Baskheri, to work as Branch Postmaster Sarawan at his responsibility. But while making regular appointment for the post of Branch Postmaster Sarawan the petitioner was considered more suitable candidate ~~XXXX~~ than others and as such he was ordered to be appointed as Branch Post Master Sarawan B.O. Later, a report from District Magistrate, Faizabad was received to the effect that the petitioner was not a resident of main village Sarawan. He was resident of a hamlet village named Hamjapatti of Sarawan village. This report was sent ~~in~~ in original to the P.M.G., U.P. Circle, Lucknow who vide the letter No. VIG/M-20/Pzd/79/1, dated 8.8.1980 ordered to make fresh appointment to ensure that the post office is located in the main village Sarawan.

15. That in reply to the contents of paragraph 6 of the writ petition it is stated that there is no provision to issue show cause notice when services are to be terminated under Rule 6 of E.D.A's (Conduct and Service) Rules 1964. As such the petitioner was not given any show cause notice.

16. That in reply to the contents of paragraph of the writ petition it is stated that the petitioner filed an appeal against the termination order dated 12.8.1980 issued from the Superintendent of Post Offices, Faizabad. But his appeal was duly considered by the Director, Postal Services, Lucknow Region and was rejected and the petitioner was informed accordingly.

17. That in reply to the contents of paragraph 8 of the writ petition it is stated that the appeal of the petitioner was rejected by the RKK Director, Postal Services, Lucknow Region, Lucknow on the ground that he was not the resident of village Sarawan.

18. That in reply to the contents of paragraph 9 of the writ petition it is stated that the petitioner filed an Election Card in his appeal to show that he is a permanent resident of village Sarawan which was found incorrect vide District Magistrate, Faizabad report dated 17.5.1980. A copy of which is being annexed as Annexure-A-V to this counter affidavit, in which it was clearly stated that the petitioner was a resident of Hamlet Hamjapatti of village Sarawan.

19. That in reply to the contents of para 10 of the writ petition it is stated that the submissions of 'Akarpatra 45' is admitted. But it becomes irrelevant in view of the report of the District Magistrate, Faizabad dated 17.5.1980 regarding the residence of the petitioner.

20. That in reply to the contents of paragraphs Nos. 11 to 13 of the writ petition it is submitted that the submission of Election Roll X with the appeal by the petitioner is admitted. A certificate regarding residence of the petitioner was submitted by him with his appeal case. But the said certificate was granted by the Tahsildar Tanda (Faizabad) it was only countersigned by the District Magistrate, Faizabad. It is incorrect to say that the said certificate was granted by the District Magistrate, Faizabad.

21. That in reply to the contents of paragraph 14 of the writ petition it is stated that an intimation regarding rejection of appeal of the petitioner was served upon the petitioner, vide Superintendent of Post Offices, Faizabad Memo dated 6.3.1981.

22. That the contents of paragraph 16 of the writ petition as stated are not admitted. The petitioner has further preferred an appeal against the order of Director Postal Services Lucknow Region, Lucknow to the P.M.G., U.P.Circle, Lucknow and the same is being considered and the result would be communicated soon to the petitioner.

23. That according to the instructions of the Director General, Post and Telegraph, New Delhi Communication dated 27.2.1979 an E.D. B.P.M. should be a bonafide resident of the village where he is appointed. The services of an E.D. Employee shall be liable to be terminated by the appointing authority at any time without notice for general unsatisfactory work within 3 years from the date of appointment or on any administrative ground unconnected with the conduct, in Rule 6 of E.D.A's (Conduct and Services) Rules 1964. A true copy of the letter dated 27.2.1979 is being annexed as Annexure-A-VI to this counter affidavit.

24. That there is no provision to issue show cause notice to the E.D.A.'s under Rule-6 of EDA's (Conduct and Services) Rules 1964.

25. That as per report of the District Magistrate, Faizabad dated 17.5.1980 all the other record evidences have no relevance and as such these were ignored for the

the purpose of determination of residence of the petitioner.

26. That after a careful consideration of the matter by the Superintendent of Post Offices, Faizabad, the orders regarding termination of the services of the petitioner were passed. The petitioner then preferred an appeal against his termination order issued by the Superintendent of Post Offices, Faizabad to the Director Postal Services, Lucknow Region and which was too rejected.

27. That the issue of the termination order against the petitioner is not against the law. It was issued only after considering the documentary evidences submitted by the petitioner. The grounds taken in the writ petition are untenable in law, the writ petition lacks merits and is liable to be dismissed with costs.

FAIZABAD, Dated,
~~November~~, 1981.

(M.P. Srivastava)
Deponent

25.1.82

Verification

I, the deponent abovenamed, do hereby verify that the contents of para 1 and 2 of the counter affidavit are true to my personal knowledge and the contents of paragraphs 3 to 26 of the counter affidavit are true to my information derived from the record which are believed by me to be true and the contents of paragraph 27 are based on legal advise which I believe to be true. No part of it is false and nothing material has been concealed by me. So help me God.

Signed and verified this counter affidavit this 25th day of ^{January} November, 1982 within the Civil Court Compound at Lucknow.

Deponent

122
X/11

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

Writ Petition No. 2010 of 1981.

Shri Ram Darash Pandey.....Petitioner

Versus

Union of India and others.....Opposite Parties.

Annexure-A-I

Office of the IPOS. (E) Akbarpur

Memo No.B/Genl.

Dated 21.7.1979

Consequent upon the vacancy caused due to retirement of Shri Beldutt Tewari V.P.M. Hanswar on 31.3.1979, Shri Maya Shanker Pathak, L.B. V.P.M. with B.O. at Baskheri is made permanent and posted as V.P.M. Hanswar with effect from 1.4.1979. Shri M.S. Pathak is working as V.P.M. Hanswar with effect from 1.4.1979.

Shri Krishna Mani Tripathi, B.P.M. Sarawan and an approved candidate of V.P.M. cadre declared qualified vide SPOs. Faizabad Memo No.B-3/13, dated 12.4.1979 is ordered to be I.B. Postman with his H.Q. at Baskheri with immediate effect vice Shri M. Shanker Pathak who has been made permanent.

Charge reports should be submitted.

Sd/-
D.S. Yadav
IPOS. East AKB

Copy to :

- 1) P.M. Akbarpur for information and per.
- 2) Shri Krishna Mani Tripathi Cat. VPM Office as VPM Baskheri w.e.f. from 17.7.1979.
- 3) Shri Maya Shanker Pathak V.P. Hanswar.
- 4) S.P.M. Baskheri. He will please get the post joined by Shri Krishna Mani Tripathi and charge reports submitted.
- 5)-6) S.P.M. Hanswar.
- 6-7) P.F. of Maya Shanker, Krishna Mani.
- 8) O/C.

True copy

Deponent

R/S/

123

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

Writ Petition No. 2010 of 1981

Shri Ram Darash Pandey, Petitioner
versus

Union of India and others Opposite Party

Annexure A-II

प्रतिलिपि

संघना

ज्ञापन संख्या पी०८४०६०/६७२ दिनांक फैजाबाद-२२४००।

7-8-1979

सर्व साधारण को सूचित किया जाता है कि सरावा शाखा डाकघर जो उपडाकघर रामनगर जनपद फैजाबाद के अन्तर्गत है के निर 107/० निर्धारित यासिक भत्ते पर शाखा डाकघर की सुरक्षा आवश्यकता है। इच्छुक उद्यवित निर्धारितकार्य पर अपना प्रार्थना पत्र अपने हाथ से भर कर तथा हस्ताक्षर करके डाक अधीधक फैजाबाद के पास इस प्रकार भेजें कि 21-8-1979 तक अवश्य प्राप्त हो जाय। निर्धारित तिथि के बाद प्राप्त तथा अद्यूर प्रार्थना पत्रों पर विवार नहीं किया जायगा।

निर्धारित कार्य जिस पर आवेदन करना है शाखा डाकघर शाखा डाकघर सरावा सर्व उपडाकघर रामनगर के पास से निःशुल्क प्राप्त हो सकते हैं।

अद्वितीय

- 1- शैक्षिक वौयता :- अभ्यर्थी को कम से कम क्षमा 8 उत्तीर्ण होना चाहिये। हाई स्कूल पास की वरीयता दी जायेगी।
- 2- आयु सीमा :- अभ्यर्थी की आयु पूर्ण जुलाई 1979 को 18 वर्ष से कम तथा 60 वर्ष से अधिक नहीं होनी चाहिए।
- 3- आय :- अभ्यर्थी की मासिक आय उद्यवितगत निजी नाम की चल या अचल सम्पत्ति से 50/० मासिक से कम नहीं होनी चाहिए। इस सम्बन्ध में सभी राजस्व अधिकारी का प्रमाणपत्र संलग्न करें।
- 4- निवास स्थान :- अभ्यर्थी को उसी गोचर का निवासी होना चाहिए जहां पर डाकघर मंजूर हुआ है।

5- जाति :- अनुसूचित जाति तथा अनुसूचित जनजाति एवं पिछड़े वर्ग के अन्यथी जाति लेखप्रकाश का प्रमाण पत्र संक्षम अधिकारी का संलग्न करें ।

6- अन्य :- अन्यथी को जनजाति द्वारा घेन किए गये जिसी भी पद पर आसीन नहीं होना चाहिए एवं अदालत द्वारा दंडित भी न होना चाहिए ।

नोट :- सभी आवश्यक प्रमाण पत्रों की सत्यापित प्रतिलिपि मूल प्रार्थना पत्र के साथ अवश्य नहीं करें ।

दस्तावेजित - अधीक्षक डाकघर
फैजाबाद पुख्नड फैजाबाद
प्रतिलिपि सूचना पट पर चिपकाने तथा प्रचार हेतु : - 8/8

1- शाखा डाकघर सरावी
अन्यथी को निःशुल्क बैठें संलग्न सादे प्रार्थना पत्र

2- उपडाक्षाल रामनगर फैजाबाद

3- प्रधान ग्रामसभा सरावी पोस्ट सरावी फैजाबाद

4- डाक निरीक्षक अकबरपुर । पूर्वी ।

5- प्रधानाध्यापक प्राथमि सरावी पोस्ट सरावी फैजाबाद

6- लाइन ओवरलियर रामनगर फैजाबाद

सत्य प्रतिलिपि

एगोवी श्रीवास्तवा
शपथकात्

W.D. 4/2

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

Writ Petition No. 2010 of 1981

Shri Ram Darash Pandey.....Petitioner,
Versus
Union of India and others.....Opposite Parties.

Annexure-A-III

Indian Posts and Telegraphs Department

From,

The Postmaster General,
U.P. Circle, Lucknow.

To

Shri M.P. Srivastava,
Superintendent of Post Offices,
Fazabada.

No. VI-G/M-20/FZD/79/1, dated Lw-226001, the 8.8.1980.

Sub :- Complaint against shifting of ED BPO Sarawan.

Ref: Your letter No. PFA-672, dated 30.6.1980.

From the report of revenue authorities received vide above it is clear that the present location of Sarawan P. O. is not in the main village but in its hamlet and thus irregular.

Please consider making fresh appointment to ensure that the post office is located in the main village expeditiously under intimation to this office.

Receipt of this letter may also please be acknowledged.

Sd/-
(Raghav Lal)
Vigilance Officer I
For Postmaster General, UP

True Copy

(M.P. Srivastava)
Deponent

26/2

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

Writ Petition No. 2010 of 1981

Shri Ram Darash Pandey..... Petitioner,
Versus
Union of India and others..... Opposite Parties.

Amendment - A+IV

Indian Posts and Telegraphs Department

From

The Regional Director Postal Services,
Lucknow.

To

The S. P. O.S.,
Faizabad.

No. BDL/ Staff/ EDDA-43/ 43/80/9, dated at Lucknow 9/13-2

Sub : Appointment of BPM Sarawan (FVD)

Ref : Your No. PFA-672 Dated 17.11.1980.

The representation of Shri Ram Darash Pan was considered by the D.P.S. Lucknow alongwith the report of MUK Distt. Authorities and has been rejected by him. The representationist may please be given a suitable reply by you. The Divisional office file is returned b/w, and the date of communication be reported to this office.

Sd/-
For Director Postal Services
Lucknow

True copy

(M. P. Sri vas tava)
Deponent

सरावी खास, सरावी डाकघर के अन्दर आनेवाले सभी ग्रामों के बीचों
बीच तथा निकट पड़ता है। जलता की सुविधा की देखते हुए सरावी
डाकघर सरावी खास में प्राचीन स्थान पर होना अच्छा होगा।

भवदीय,
हस्ताधित क्षेत्र जिलाधिकारी
फैजाबाद

17-5-1980

सहयोगितालिपि

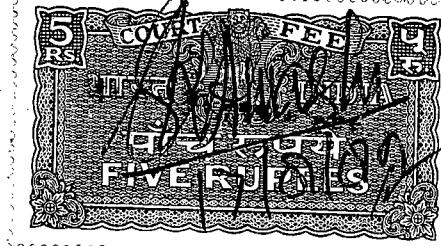
एगोपीशीवास्तव
शपथकर्ता

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

F.F. Serial N.1 dated 30/8/182
N.S. 181

Civil Misc. Application No.....of 1982

In re -
Writ Petition No 2010 of 1981



Distt Faizabad

Serial N.1

Ram Daras Pandey Petitioner.

Versus

Union of India and others.. Opp. parties.

Application for Condonation of delay in filing
the Re-Joinder Affidavit.

The applicant Petitioner above named
most respectfully begs to state as under :

1. That the necessary instructions could
not be received earlier as such the
Re-Joinder Affidavit fixed could not
be filed within time.
2. That the Re-Joinder Affidavit is now
ready and is being filed without any
further delay. loss of time.

(Contd.on page -2).

Ram Daras Pandey

-: 2 :-

3. That the delay in filing the Re-Joinder Affidavit is bonafide not deliberate and is liable to be condoned.

P R A Y E R :

WHEREFORE, it is most respectfully prayed that the delay in filing the Re-Joinder Affidavit may kindly be condoned and the same is liable to be taken on record.

S. K. Awasthi

LUCKNOW:
DATED : 27.8.1982.

S.K. Awasthi (Advocate),
Counsel for the Petitioner

27/8/1982

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

191

83

Re-Joinder Affidavit on behalf
of the Petitioner against the
Counter Affidavit filed by the
Opposite parties No.1 to 5.

In re:

Writ Petition No.2010 of 1981

Sri Ram Daras Pandey Petitioner.

Versus

Union of India & 8 others. Opp. parties.

RE-JOINDER AFFIDAVIT:

I, Ram Daras Pandey S/o Sri Ram Anjore Pandey
aged about 27 years permanent R/o Village Sarawan,
Pargana Birhar Tehsil Tanda, District Faizabad do
hereby solemnly affirm on oath as under :-

1. That the deponent is the sole Petitioner of
the above noted Writ Petition and he is fully
conversant with the facts deposed to herein.
2. That the deponent is ready to Counter Affidavit
filed by the opposite parties No.1 to 5 and
has understood the contents thereof.

(Contd.on page-2.

Ram Daras Pandey

132/4

3. That before giving a parawise reply to the ~~for~~ allegations made in the Counter Affidavit certain facts which are irrelevant for the disposal of the Writ Petitione are being stated.

4. ⁴ That ~~paras~~ of the Counter Affidavit are admitted.

5. 5 paras of the Counter Affidavit are admitted.

6. 6 paras of the Counter Affidavit are admitted but it was not described by the opposite parties Ram Daras that extra departmental branch Post Master Sri Ram Daras Pandey was appointed on 28.8.1979 and he was still in his regular service still 12.8.1980 still 11 months and 16 days a certified true cop~~u~~ of the order of Superintendent of Post Offices, Faizabad Division, Faizabad dated 12.8.1980 is annexed herewith as annexure No.1 to this Re-Joinder Affidavit and other portion of such para is admitted.

7. Para 7 of the Counter Affidavit is admitted.

8. That the para 8 of the Counter Affidavit is admitted.

8. That para 9 of the Counter Affidavit is admitted.

(Contd.on page -3).

Ram Daras Pandey



9. That para 9 of the Counter Affidavit is admitted.
10. That para 10 of the Counter Affidavit is admitted.
11. Para 11 of the Counter Affidavit is admitted.
12. Para 12 of the Counter Affidavit upper portion is admitted but lower portion denied because of the facts no notice has been sent to the Petitioner by the Postal Department.
13. That para 13 of the Counter Affidavit over is baseless and fully denied because of the facts for the verification on the application of appointments of the Petitioner was the liability and the responsibility of the Inspector of Post Offices Department of area Akbarpur East if he had not verified he is responsible for that where the question of the responsibility of the Petitioner it was also the duty for responsibility Verification of the Inspector of Post-Offices when the Petitioner is permanent R/o Village Sarawan and the same was confirmed by the Revenue Authority Tehsildar, Tanda with District Magistrate, Faizabad, as the annexure No.7 and N.8 of the Writ Petition and the Petition had full documentary proof and evidences for his residence as the annexure No.4,5 and 6 but the opposite parties have not any kind of

Ram Das Pandey

(Contd on page-4)



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16

documentary evidences that the Petitioner is the R/o Hamzapatti when the Election Role as annexure No.6 of the Writ Petition shows that the Petitioners and Opposite party No.9 both of are the R/o Sarawan village on the Sl.No.353 and House No.76 has Petitioner and in the same village opposite party No.5 comes under the Sl.No.168 under the House No.39 has equal village and equal houses so in this circumstances here is no any kind of dispute in residing.

14. That the para 14 of the counter affidavit upper portion is admitted but lower portion denied because the unlawful payment of the opposite party No.9 is effected by the vacant Post of Sri Krishnamani Tripathi and opposite party No.9 is the wife of Krishnamani Tripathi and the last line of the report of District Magistrate, Faizabad is already effected in such para because District Magistrate describes in the last line of his report dated 17.5.1980 that the village Post Office will be ride in the old place when Post Office could be open in any house in any place of the village Sarawan. When the Petitioner is permanent R/o village Sarawan and is permanent proprietor of tenure holdings

(Contd.on page-5).

Ram Daras Sonwale

13/4/87

is also situate in the village Sarawan and according to Election Role he is a the Citizen of India because he has fully citizenship as a poor villeger citizen of village Sarawan because he is the permanent R/o such village.

15. That para 15 of the Writ Petition is the deciding matter by this Hon'ble Court because permanent termination is a major punishment of any kind of employee and show cause notice necessary.

16. That para 16 of the Counter Affidavit are denied because of the fact appeal was not duly considered by the Director, Postal Services which was filed by the Petitioner against the order of termination of his services because termination is a major punishment of any kind of employee so the documentary evidences already neglected by the Director Postal Services which shows that the Petitioner is a permanent R/o village Sarawan District Faizabad.

17. Para No.17 of the Writ Petition that when the petitioner was the permanent R/o village Sarawan, District Faizabad and all of the documentary evidences shows that the petitioner is the permanent R/o village Sarawan but on

Hem Daras Panoley

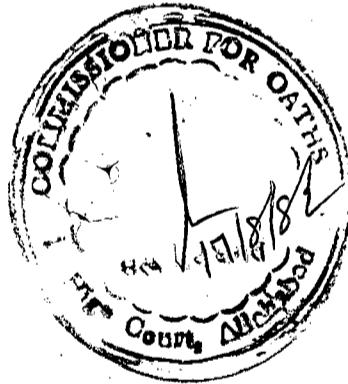
(Contd.on page-6).



this ground appeal was rejected by the Director of Postal Services when the opposite parties have not any kind of documentary evidence that the petitioner is the R/o Hamzapatti and the name of Hamzapatti is not recorded in any kind of documentary evidences which are filed by the opposite parties.

18. That this para of the ~~XXXX~~ counter affidavit over portion is admitted but the lower portion of the such para has hostile report of the Distt. Magistrate, Faizabad dated 17.5.1980 this report is effected by the opposite parties and it is the result of enmity and sufficient effect which was fell down on the District Magistrate, Faizabad, so in this circumstances this report given by District Magistrate, Faizabad on 17.5.1980 is malicious and hostile report as hostile witness in any kind of criminal case.

19. That para 19 of the Counter Affidavit is fully denied because this para is baseless and it is void under the eyes off the law that Akar patra 45 is not law-ful document when the Akar Patra 45 is a Revenue law-ful record has been made by the Consolidation authorities and Revenue authorities but according to opposite parties consolidation proceedings of any state for the tenure holding



(Contd.on page-1)

Ham Zapatti

are ~~about~~ doubtful if the Akar Patra 45 not relevant document evidence when Akar Patra 45 is an original document for title as the ownership of any tenure land property under U.P. Consolidation Act.

20. That para 20 of the Writ Petition is baseless and it is fully denied by the Petitioner because of the fact District Magistrate is a responsible and respected post of any District in any province of India but the signature and attestation or certificate executed by the any kind of District Magistrate as no any kind of value. It is stated by the opposite parties in such ~~report~~ para 4 has no signature of District Magistrate/any kind of value on executed by him in any kind of certificate only the signature of District Magistrate on any kind of report has full importance but the signature on any kind of certificate District Magistrate has no importance when the signature and responsibility same.

21. That para 21 need not to reply.

22. That para 22 is fully denied because annexure No.9 last ~~of the writ petition~~ termination order dated 6.3.81 is on the record and the Writ Petition.

Ram Das Pandey

(Contd.on page-8).

23. That the No.23 of the Writ Petition is baseless and it was void under the eyes of the law when the termination is major punishment and without Show Cause there is no ground for termination like just the minor punishment.

24. That the para 24 of the Writ Petition is the deciding matter by this Hon'ble Court in the cases of major punishment without imposed on the employee.

25. That the para 25 of the Writ Petition is baseless and it is fully denied by the Petitioner had as no value under the eyes of the law and other para is forceless because of the fact forcefull documentary evidences are in the favour of the petitioners that he is permanent R/o village Sarawan, District Faizabad. There is no any kind of village Hamzapur & is not recorded in any kind of administrative documentary evidences when the Election role is not valuable of such village.

26. That para 26 of the Counter Affidavit is baseless and it is a void cause against the termination of the services of the Petitioner has not valued ground in this circumstances this order of termination is unlawful.

27. That the issue of the termination order against the law it was not issued only after considering

Sanjay Dara

(Contd. on page-9)

-: 9 :-

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1/90

the documentary evidences and its unlawfully submitted to the Petitioner. The grounds taken in the Writ Petition that the Re-Joinder Affidavit are lawfull. The Writ Petition lawfull merits and it is liable to be allowed throughout with cost.

Sam Dara Sanday

LUCKNOW:
DATED : 17.8.1982.

DEPONENT.

Verification:

I, the above named deponent do hereby verify that the contents of para 1 and 2 of the Re-Joinder Affidavit are true to my personal knowledge and the contents of paragraph 3 to 26 of the Re-Joinder Affidavit are true to the deponent's own full knowledge and care from the record which are ~~also~~ believed by me to be true and the contents of paragraph 27 are based on legal advice which I believe to be true. No part of its false and nothing material has been concealed by me so help me God.

Sam Dara Sanday

LUCKNOW:
DATED :

DEPONENT.

I, identify the deponent who has signed before me.

S.K. Awasthi
S.K. Awasthi, Adv
Advocate.

17/8/82

Solemnly affirm before me
at 3.30 A.M./P.M. on 17.8.82
by the deponent *Sam Dara Sanday*
has been identified by Sri S.K. Awasthi,
Advocate, High Court, Lucknow Bench, Lucknow.

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

M. Kapoor Adv
OATH COMMISSIONER

High Court, (Lucknow Bench)

LUCKNOW

No... 41/37A/82
Date..... 17.8.82

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

Writ Petition No. 2010 of 1981

Ram Darash Pandey.

Petitioner.

Vs.

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

Annexure No. -----

INDIAN POSTS & TELEGRAPHS DEPARTMENT

Office of the Supdt of Post Offices,
Faizabad Divn. Faizabad

Memo. No. P.A-672

Dated at Faizabad, the 12.8.1980

Services of Sri Ram Daras Pande E.D. B.P.M. Sarwan
(Faizabad) are hereby terminated with immediate effect
under Rule 6 (of E.D.A's Conduct and Service Rules), 1964.

Charge report should be prepared and submitted to
all concerned.

Sd/-

Supdt of Post Offices,
Faizabad Divn.

Sd/-

12.8.80

Copy issued for information and N/A to :-

1. The P.M. Akbarpur.
2. The S.P.M. Ram Nagar (Faizabad)
3. The Official concerned.
4. The I.P.Os(E) Akbarpur, Copy meant for the official
is enclosed h/w for service on him under receipt. Line
O/S should be given charge of the E.D. B.P.M.
5. 6. O/C & spare.



(True Copy)

Ram Daras Pandey

M. Kapoor Noh
OATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
No. 47/374/R
Date 17.8.80

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

(250)

No. 2010

of 1981

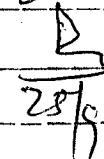
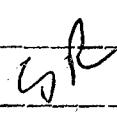
vs.

K/92 238/7

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
27/4/81	Hon. T. S. Murad J. Hon. S. Zahoor Hassan J.	
	Admit. Summons.	
	Ex. T.S.M. Sel. S.Z.H.	
	27/4/81	
	25-9-1981 fixed for attendance	7/10/81
	J.V. J to opp. parties No. 82	1/5/81
	9 by Reg. Post - ex. B.L. Shukla	
	Advocate so received copy on behalf	
	of opp. parties Nos 155 and copy	
	received by case on behalf of	
	opp. parties Nos 627	
	Kew	
	4/8/81	
5.2.81	Searchee report in w/c	
	O.P. No 165 - Notices Recd by Dr.	
	B.L. Shukla Adv.	
	but power not filed by	
	him	
	O.P. No 6 - Represented by Adv.	
	S/8 Sameer - S/8 Adv.	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
No. 2010 of 198 |

	Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3	
	<u>95-8-84</u> Fixed in wl for filing etc. etc. N-1. to of B by RP  28/9		

4526

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दौवा नी विभाग

प्रकोण्ड क (मतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

..... Suit Petition No. 2010

..... सन १६ ई० में

Kam Darash Ponoley प्रार्थी

Amion of Molia and others प्रति प्रत्याधी

O.P. No 8 - Sh. Kamla Rasaad Teupath
Lekh Pal through Tahsildar
Tonda Dist - Faizabad

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

..... के नाम के लिये दार्दना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक माह सन १६ ई०
को या उससे पूर्व उपर्युक्त होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर
लिया जाय। उक्त अन्तराई उसके बाद नियमानुसार विहारित कियी जौर

No. 1976 Stamps affixed

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Guide on which

Received a V. P. Regist
addressed to

दिनांक पर या उससे पहले स्वयं अथवा किसी
गई ओर से कार्य करने के लिए कानूनन अधिकृत
पत्र की सुनवाई और निर्णय आपको अनुपस्थित

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Receiving Officer with this

गोहर से आज दिनांक माह सन १६ ई०

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6/8/84

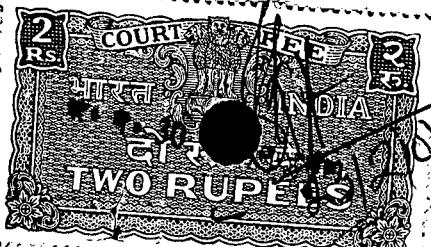
१०८५

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले बल्क के हस्ताक्षर





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96

APPLICATION FOR INSPECTION

To,

The Deputy Registrar,
High Court of Judicature at Allahabad,
(Lucknow Bench) Lucknow.

Argent

Please allow inspection of the papers passed below. The application is ~~viser~~ Ordinary. The applicant is not a party to the case.

Full Description of case	Whether case pending or decided	Full particulars papers of which Inspection is required	Name of person who will inspect record	If applicant is not a party reason for Inspection	Office report and order
Wait Petition No 90 of 1981 Ram Dasgupta Petitioner VERSUS Union of India and others Pending		Full Records of The Case	S. H. Kashyap, Advocate for the Petitioner	See B/7 Use On Behalf of the Petitioner	Blasbaly Office report Order for Inspection Deputy Registrar 24/1/83

Date

Signature of the Advocate or his
Advocate

Inspection concluded at

23 on 2

1983

Ram Dasgupta

Inspection concluded at

Inspection fee paid by the applicant

Additional fee if any

Inspected
by S. H. Kashyap
24/2/83

4526

हाईकोर्ट इलाहाबाद लखनऊ बैन्च, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवनी विभाग

२१६

प्रक्रीणक (मुतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

..... Suit Petition No. 2010 सन १६ ई० में

..... Ram Darash Pandey प्रार्थी

Chinon of. In Chia and others प्रत्याधी

O.P. No - dekhpal Kamla Basad
Talipath through the Tahsil
Chak Tanda Dist. प्रत्याधी
Faislabad

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

..... के नाम वे लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक २५ माह १६८५ सन १६८५ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

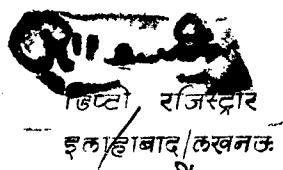
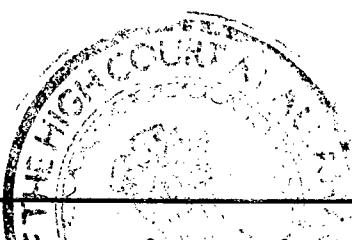
विद्वित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी राडवोकेट या ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और मिर्णाय आपको अनुपस्थित में हो जायेगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १५ माह सन १६८५ को जारी किया गया।

..... B. A. W. H. के राडवोकेट

7/6/84

तिथि



सूचना—इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ (नियम २ के अधीन प्राप्त सलवाना मिल गया।

सलवाना प्राप्त करने वाले कलक के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बैच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवनी विभाग

4826

प्रक्रीणा क (सतर्फारिक) प्रार्थना - पत्र संख्या सन १६ ई०
 Suit Petition No 2010 सन १६८१ ई० में
 Ram Darash Penaley प्रार्थी
 Union of India and others प्रत्याधी
 O.P. No 8 Sri - Kamala Prasad Tripathi
 Lekhpal through Tahsildar
 Tanda Dist - Faizabad प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में
 के नाम वेलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक मोहर सन १६ ई०
 को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर
 लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार किहाजि किशो और
 दिन होंगी।

विदित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी
 एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानूनन अधिकृत
 हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपको अनुपस्थित
 में हो जायेगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह ई० सन १६ ई०
 को जारी किया गया।

Signature के एडवोकेट

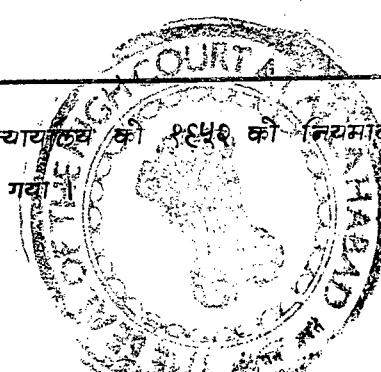
तिथि

6/8/84

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९४८ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त
 तलवाना मिल गया।

तलवाना प्राप्त करने वाले एलक के हस्ताक्षर



हाई कोर्ट इलाहाबाद, लखनऊ बैन्च लखनऊ
(अध्याय १२, नियम १ और ७)

८०

दीवानी विभाग

प्रकीर्णक (मुतफर्क) प्रार्थना सं० सन १९.....१०

..... १० सं० सन १९.....१० मे

— Ram Kashish Pandey — प्रार्थी
— Union of India — प्रति

— Ramkumar Prasad — प्रत्यार्थी

— Tahsil-Tanda Distt — प्रत्यार्थी

— Fayyabad — प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उष्युक्त लिखे मुकदमे के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक १० माह १२ सन १९.....१० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडबोकेट
या ऐसे व्यक्ति द्वारा जो कानून अनुचित हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ११ माह १२
सन १९ को जारी किया गया।

..... के एडबोकेट

तिथि
.....

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलावाना
मिल गया।

तलवाना प्राप्त करने वाले कलर्क के हस्ताक्षर

हाई कोर्ट इलाहाबाद, लखनऊ बेन्च लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिक) प्रार्थना सं० सन् १९ ई०

..... सं० ११ सन् १९ ई० में

~~Ram Dasch Sen~~ प्रार्थी

~~Clinic of India~~ प्रत्यार्थी

७ - ~~Lockharpur Komla~~ प्रार्थी

~~Parasai Tripathi~~ प्रत्यार्थी

~~Taluk - Tehsil Dist Faizabad~~ प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमे के सम्बन्ध में दिनांक माह सन् १९ ई० को या उससे पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडबोकेट या ऐसे व्यक्ति द्वारा जो कानून अकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह सन् १९ को जारी किया गया।

..... के एडबोकेट
तिथि ११-११-१९८८

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय १७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलर्क के हस्ताक्षर

हाई कोर्ट इलाहाबाद, लखनऊ बेन्च लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफर्क) प्रार्थना सं० सन् १९ ई०

..... सं० सन् १९ ई० में

प्रति

प्रार्थी

प्रत्याधी

प्रत्याधी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमे के सम्बन्ध में लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक माह सन् १९ ई० को या उससे पहले उपस्थित होकर कारण घतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडबोर्ड अ० ऐसे व्यक्ति द्वारा जो कानून अकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र को सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह सन् १९ को जारी किया गया।

..... के एडबोर्ड
तिथि.....

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तहाना मिल गया।

तलवाना प्राप्त करने वाले कलर्क के हस्ताक्षर