

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE T.A. 625 of 1987 T

NAME OF THE PARTIES Jitendra Singh &

Others,

Applicant

Versus

Post Master General

Respondent

Part A, B & C

S. No.	Description of documents	PAGE
1	General Index	A 1 ✓
2	Order Sheet	A 2 To A 4 ✓
3	Judgment - 21-7-91	A 5 To A 6 ✓
4	Petition	A 7 To A 15 ✓
5	Affidavit	A 16 ✓
6	Annexure	A 17 To A 19 ✓
7	Counter	A 20 To A 39 ✓
8	Rejoinder	A 40 To A 45 ✓
9	Power	A 46 To A 48 ✓
10	File - B	B 49 To B 102

11 File - C

C 103 To C 152

Certified that no further action is required to be taken and that the case is fit for consignment to the subordinate court (D).

B/C. destroyed on 09-5-12.

KG  
SAC

checked  
07/12/2011

checked  
30-12-2011

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

A-1

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.C. 3091-81

Name of parties.... J. Intendre. S. J. S. v. Post-Master General

Date of institution..... 3-7-1921

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
A	1	General Index	1	—	Rs. — P. —			
A	2	Cross Sheet	1	—	—			
	3	Writ with Affidavit Transcript	10	41	502	—		
B	4	Power	1	2	5	—		
B	5	C.M. No. N. 5291 (as per for filing)	1	2	5	—		
	6	C.M. 10038 (as per filing)	8		7.00			
	7	Power	1	—	5.00			
	8	C.M. 2479 (as per filing)	13		7.00			

I have this

day of

198

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

(A2)

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD.

T.A. NO. 825 OF 1981

Sitendra Singh Salley Vs. U.C. Singh Salley

Sl.No.	Date	Office Report	Orders
1	2	3	4
			<p>31-7-91 Judgment delivered today. No re application is allowed.</p> <p>True</p> <p>new copy of judgment by Pankaj 19/8/91</p> <p>Received copy of process execute by Court 20/8/91</p>

PANKAJ/

P.T.O.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
23/11/94	No Setting Ady to 14-2-96.	
	<p>This case has been received on transfer.    Notice were issued to the counsels by the Office at Allahabad. .... None is present.....    Let notice be issued again to the parties as directed by Hon'ble Mr. D.K. Agarwal, J.M.</p>	<p>OR    notice issued    by    15/12/84</p>
	<p>23/11/94</p>	<p>Notices of    No 1 &amp; 2 rec'd    by repts.    Ok</p>
14-2-90	No Setting Ady to 19-4-90	
	<p>On the request of an    applicant</p>	
19-4-90	<p>Lawyers on strike</p>	
	<p>Case is adjourned to 29-8-90.</p>	
24-8-90	<p>Hon'ble D.K. Agarwal J.M.    v. K. Chandra &amp; H.</p>	<p>D    B.O.C.</p>
	<p>Dr. D. Chandra files power for respondents. However it is not clear whether the power has been executed by respondents. If so let it be made the C. Counsel for applicant files P.R. alongwith appl. for condonation of delay. The delay is condoned P.R. may be taken on record. Listed for hearing on 5-10-90.</p>	<p>Dr. M. Dubey    files for the appl.    files power on    behalf of appl.</p>
	<p>(A.M.)</p>	
	<p>No setting Ady to 25-10-90</p>	
	<p>No setting Ady to 8-11-90</p>	<p>(W)</p>
	<p>Mon. Mr. M. N. Perialkar A.M.</p>	
	<p>Hon. Mr. D. K. Agarwal J.M.</p>	
	<p>Due to representation of Beer Association.</p>	
	<p>Case is adj. to 7-12-90.</p>	<p>28/10/90 17/12/90</p>
	<p>Mr. B.C.D.</p>	

A5

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

T.A. 825/87

(Writ Petition No. 3091/81)

Jitendra Singh & others

Petitioners.

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B. Gorthi, Adm. Member.

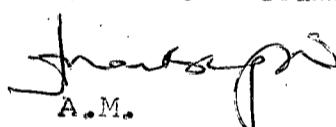
(Hon. Mr. Justice U.C. Srivastava)

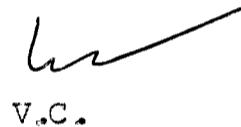
In the year 1980 when 110 posts of Clerks (SBCO) were created in the Post and Telegraph Department in U.P. Circle, the applicants' names were called from Employment Exchange, and their names were forwarded by the Employment Exchange but no call letters were issued to them. According to the respondents, who have filed counter affidavit only 13 names were sent vide letter dated 29.9.80 by the Employment Exchange. Thereafter another list of 488 candidates was sent intimating that these applications have been received from the office of the respondents and the same are being forwarded and they denied that the applicants were in the list which <sup>were</sup> sent by the Employment Exchange referred to above. As the applicants were not allowed to appear in the examination, they filed writ petition before the High Court, which, after transfer is the subject matter of disposal before us.

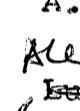
The High Court, vide interim order allowed to appear all the candidates in the examination and the results were also declared and they were found successful and were given provisional appointment. Thus, the position is clear. If there was no proper sponsoring by the Employment Exchange, the applicants were ~~not~~ to suffer, for it.

Accordingly, this application is allowed to the extent that the applicants may now be treated to be duly sponsored candidates from Employment Exchange and having appeared in the examination in which they were successful, their appointment may be treated regular appointment like others.

This application stands disposed of finally with the above terms.

  
A.M.

  
V.C.

Shakeel/  Allahabad Lucknow Dated: 31-7-91.

5  
In the Hon'ble High Court of Judicature at Allahabad,  
( Lucknow Bench), Lucknow.

W.P. No. 3091 of 1981.

3  
R

Jitendra Singh and others. .... Petitioners.

Versus

Post Master General and others. .... Opposite-parties.

-----  
Index

S.No.	Description of paper. <del>xx</del>	Pages
1.	Writ Petition	1- 6
2.	Affidavit	6 7 ✓
3.	Vakalatnama	8 ✓

Dated : 2.7.81.

RBI Shukla  
Advocate  
counsel for the Petitioners

In the Hon'ble High Court of Judicature at  
Allyabad Sitting of week  
W.P. no. of 1901

3/2

Filed by Dr

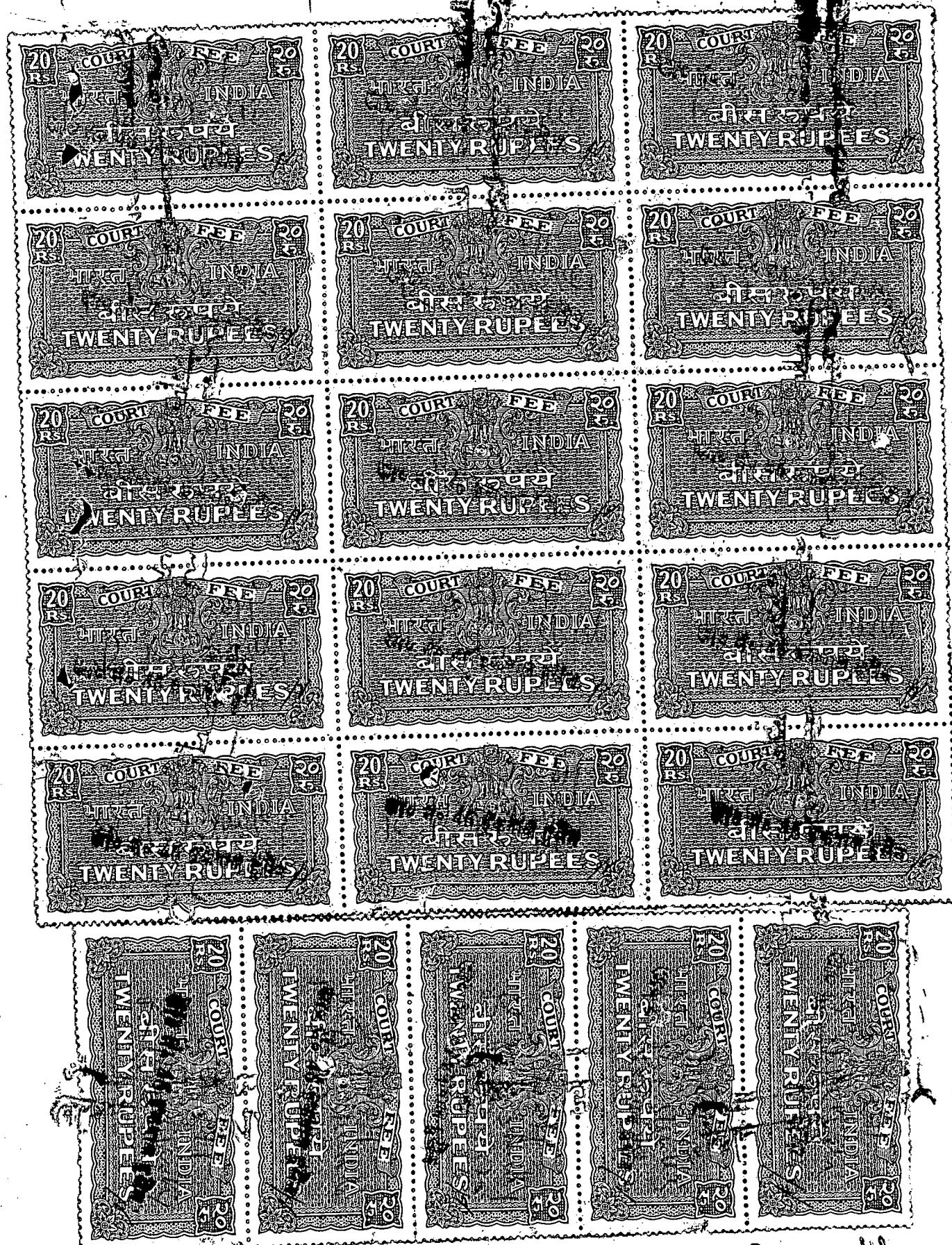
Pekhens

Post Master General by

Opp. Parkes

Court fee Stamps of Rs. 20/- affixed.

20 C.R. 400  
3.2.91



Dated 3.7.01

R.P. Skulke  
Court for Pekhens

In the Hon'ble the High Court of Judicature of  
Alchered sitting at Lucknow  
W.P. no. of 1901 <sup>RA</sup> 3  
*AB*

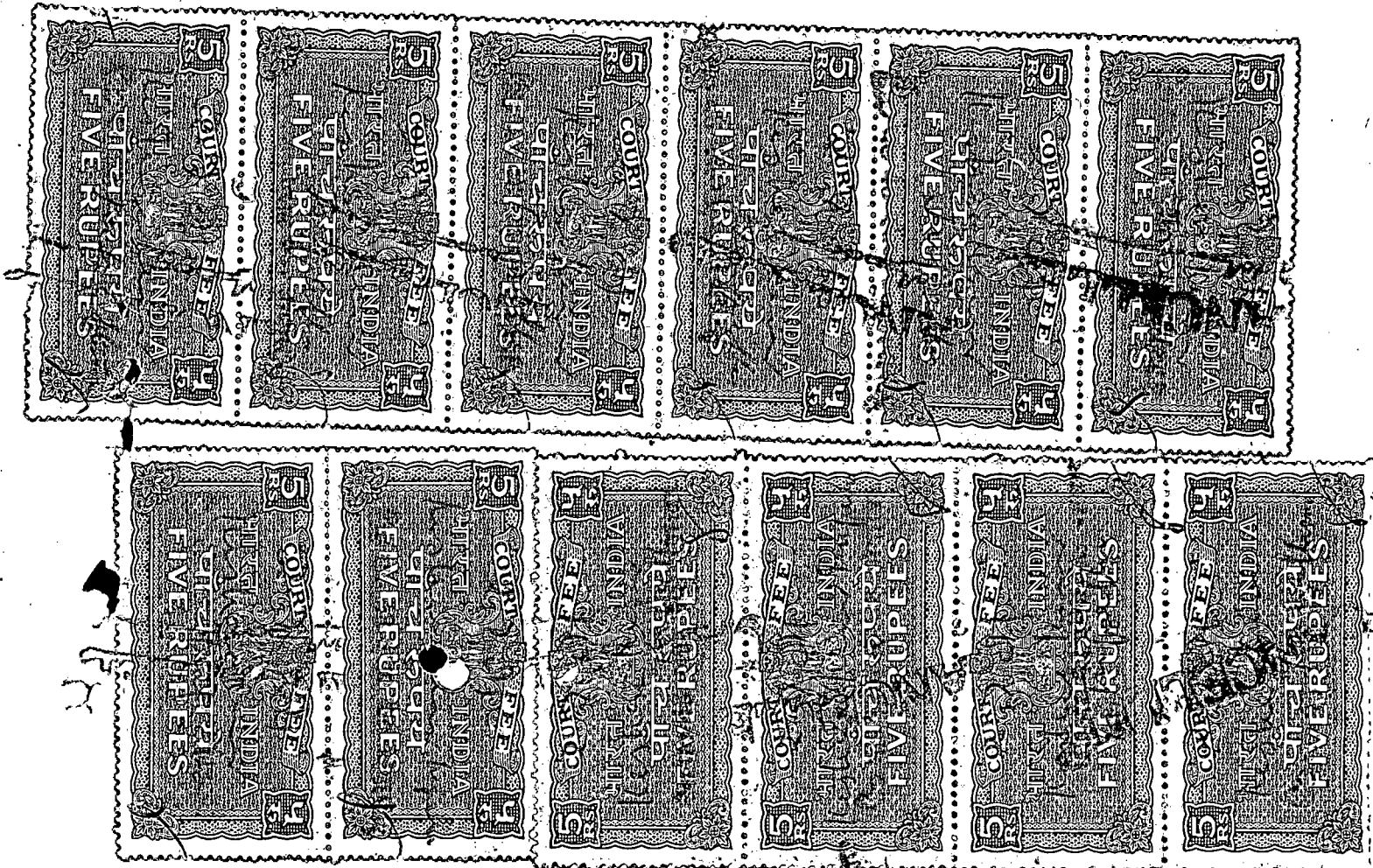
Tilendra Singh & others

Petitioners

Post Master General and others

Opp. party

Cost fee. Stamps affixed



recd 60

Dated 2.7.01

3.7.01

RB Shukla  
Advocate  
Counsel for Petitioners

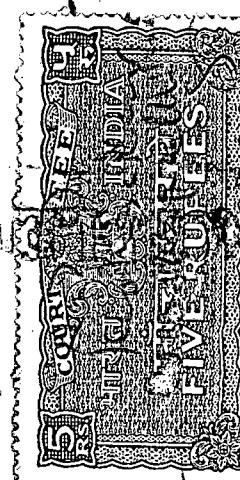
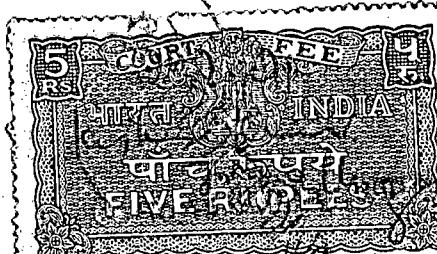
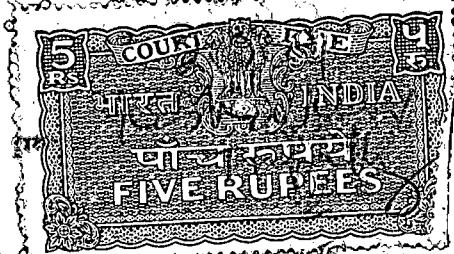
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. OF 1981

Oct 24/81  
3/91

10  
Group 10  
34



1. Jitendra Singh aged about 21 years sons of Sri Sarvajit Singh
2. Shaileendra Singh aged about 23 years Residents of 288/12, Mohalla Aryanagar P.S. Naka Hindola, Lucknow.
3. Rakesh Kumar Tandon aged about 24 years son of Sri G.N. Tandon resident of Mohalla Ram Katra, P.S. Saadatganj, Lucknow.
4. Kishore Kumar Tripathi aged about 19 years son of Sri Ravindra Nath Tripathi resident of L501, N.R.Old Sickline Colony, Charbagh, P.S. Humsaung Lucknow.
5. Lal Bahadur Singh aged about 22 years, son of Sri Bindra Bux Singh, resident of 288/12, Aryanagar, Ward Yahiaganj, P.S. Naka Hindola, Lucknow.

...Petitioners

Versus

1. Post Master General, U.P. Circle, Lucknow-226001
2. Union of India through the Secretary Ministry of Communications Sanchar Bhawan Sardar Patel Bhavan, New Delhi-110 001. ...

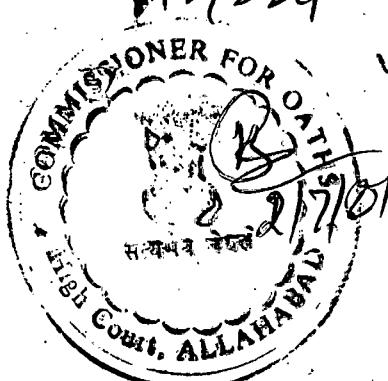
... Opp. Parties.

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA.

To,

The Hon'ble Chief Justice and the other companion Judges of the Allahabad High Court (Lucknow Branch) Lucknow.

The petitioners above named most respectfully showeth:-



(AII)

:2:

1: That in the year 1980 one hundred and ten posts of clerks (SBCO) were created in the Post and Telegraph Department in Uttar Pradesh Circle Lucknow and recruitment of the said posts has been decided to be made by the Opposite Party No. 1.

2: That the relevant rules for recruitment stipulate that the candidates will be obtained through the Employment Exchanges and they will be selected on the basis of written examination. The educational qualification fixed for the said posts was High School.

3: That in order to fulfil the above vacancies the Opp. Party No. 1 on 16.7.1980 sent communication to Director Training and Employment U.P., Lucknow for sending names of candidates eligible for the aforesaid posts.

4: That the names of the Petitioners were duly forwarded by the employment exchange to the Opposite Party No. 1 but the said opposite Party did not issue call letters to the Petitioners for which no discretion was reserved.

5: That the Petitioners were registered with the Employment Exchange, Lucknow and fulfil all the requirements for appearing in the examination scheduled to be held on 5.7.1981. Though the names of the Petitioners were forwarded on or about 11.11.80 by Director Training yet the O.P. no. 1 did not submit exam.

P/26

6. That the call letters to so many candidates for appearing in the written examination have been issued but the call letters to the petitioners have not yet been issued.

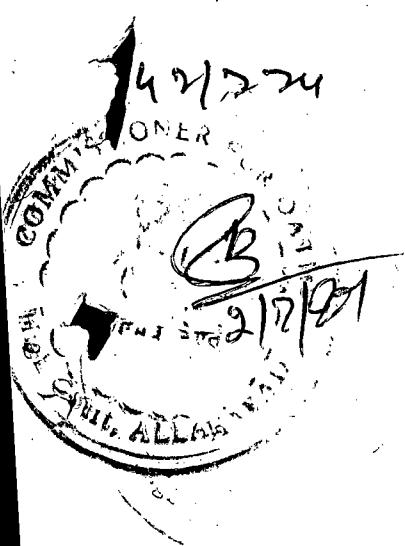
7. That when the call letters to the petitioners were not issued, they then enquired in the office of the opp. party No. 1 wherein it was revealed that the opp. party No. 1 has not allowed them to appear in the written examination and no call letters shall be issued to them.

8. That thereafter the petitioners also contacted the opp. party No. 1 <sup>on 29.6.81</sup> to enquire about the matter who has clearly refused to allow the petitioners to appear in the said examination.

9. That the petitioners are qualified for the above posts and fulfil all the requirements for appearing in the written examination but the opp. party no. 1 without any reason has allowed certain other persons of the similar qualification and category to appear in the said examination and has refused to allow the petitioners to appear in the said examination causing grave injustice to them.

10. That the names of the petitioners were sent to opp. party No. 1 by Director Training and Employment, U.P., Lucknow in a proper and legal manner but the opp. party No. 1 is making discrimination in allowing candidates to appear in the said examinations. The proposed venue of examination is Nari Shiksha Niketan, Qaiserbagh, Lucknow.

11. That disallowing the petitioners to appear in the above examinations is the deprivation of their valuable rights provided by the constitution of



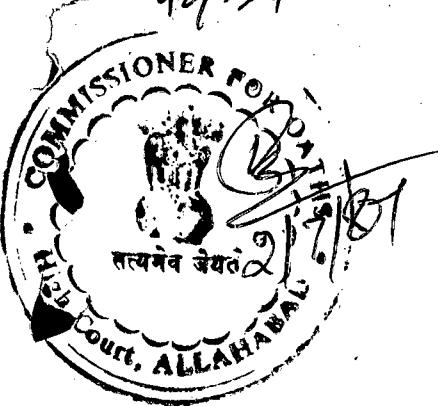
27/7/81  
SMT. FAHRI

A/3

3  
:: 4 ::

India and in case if the petitioners are not allowed to appear in the written examination they will cross age limits and shall suffer an irreparable loss and injury.

42/294



12. That a competition of the similar status was held in the Postal department where Sri Manik Chand and others were not called for appearing in the written examination who filed a writ petition No. 1056 of 1981 Manik Chandra and others versus Post Master General and others in the Hon'ble High Court of Lucknow which has been admitted for hearing and the petitioners of the above writ petition were allowed to appear in the written examination by the order dated 4.6.81 and they appeared in the examination accordingly.

13. That being aggrieved by the orders of opp. party No. 1 and the issue of a writ in the nature of mandamus, the petitioners having no other efficacious, adequate and alternate remedy beg to prefer this Writ Petition on the following amongst other:

#### G R O U N D S

(i) Because the recruitment is against the relevant rules since no advertisement has been made in leading newspapers, inviting applications for the above posts.

(ii) Because the recruitment also suffers from legal infirmity since 62 more candidates were available from Employment Exchanges but they have not been called for written examination.

(iii) Because the refusal by opp. party No. 1 to issue

call letters to the petitioners when they fulfil the prescribed conditions is arbitrary and in violation of articles 14, 16 and 19 of the Constitution of India.

(iv) Because the Opposite Party No.1 has committed mistake apparent on the face of the record in refusing to allow the petitioners and allowing certain other persons of the same category to appear in the examination.

(v) Because the Opposite Party no.1 has committed an error of law and jurisdiction not affording to the Petitioners an equal opportunity in the matter of employment and the order is discriminatory.

(vi) Because the order of the Opp. Party no.1 suffer from errors of law and jurisdiction and is not in any way maintainable.

WHEREFORE, the Petitioners pray :-

- (a) That a writ or direction in the nature of mandamus be issued directing the Opp. Parties to allow the Petitioners to appear in the aforesaid written examination.
- (b) That the cost of the writ Petition be allowed to the Petitioners.
- (c) That the matter is urgent time for fourteen days notice may be waived.
- (d) That any other writ or direction which this Hon'ble

*RBS/SLN  
ADM*

(6)

A 3  
A 4

Court might deem just and proper in the circumstances  
of the case be also allowed to the Petitioners.

Lucknow •

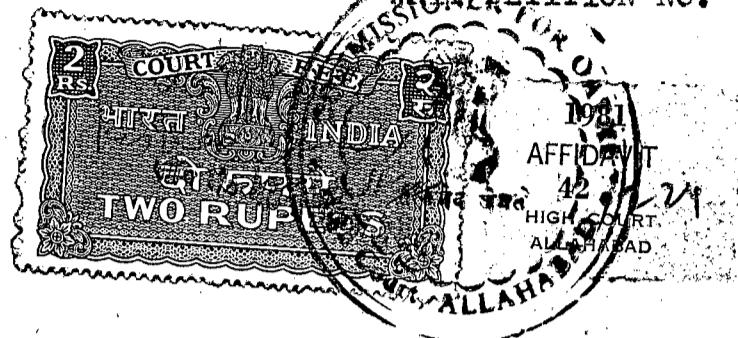
Dated 2nd July 1981

R.B.L. Shukla  
(R.B.L. Shukla )

Advocate  
Counsel for the Petitioners.

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

WRIT PETITION NO. OF 1981



Jitendra Singh and others ... ... Petitioners.

## Versus

Post Master General U.P. Circle Lucknow & others

...Opp. Parties.

AFFIDAVIT IN SUPPORT OF WRIT PETITION

Kushore  
I, Rakesh Kumar Tripathi, aged about 19 years, son  
of Sri S.N. Ravindra Nath Tripathi resident of 1501 N.R. Old  
Sick Line Colony Charbagh, P.S. Husainiyah, Lucknow the deponen  
do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above writ Petition and is well conversant with the facts deposed to hereinafter.
2. That para 1 to 12 of the Writ Petition are true to my own knowledge.

Lucknow, dated:  
2nd July 1901

19812 કુમાર પિંડાઠી

Deponent.

### VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 12 of the above Writ Petition are true to my own knowledge. That no part of it is false and nothing material has been concealed, so help me God.

फिल्हार (कुमार) विवाही  
Deponent.

I identify the deponent who has signed before me.

~~Richmond~~  
Advocate.

- 27/01

AIT  
6  
6

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

ANNEXURE NO. 1  
in

Writ Petition No. 3091 of 1981

Jitendra Singh and others .. .. .. Petitioners  
-versus-  
Post Master General U.P. Lucknow and another. Opp-parties.

INSTRUCTIONS TO THE CANDIDATES

The prescribed application form may be obtained from the Director of Employment & Training free of cost and should be submitted to the Employment Exchange concerned duly filled in at the earliest alongwith the required documents meted below:

262/291/6  
EXAMINER PCR  
Lok  
14/3/81

- (a) Matriculation or equivalent examination certificate and certificate of other higher qualifications and evidence showing date of birth in Christian era if the same is not included in the Matriculation or equivalent examination examination certificate. List of documents to be submitted with the application.
- (b) Certificate relating to character and conduct from two respectable persons (not relations) who are well acquainted with the applicant in his private life.
- (c) Certificate from previous employer giving details of his/her past service if the candidate is a retrenched Central Govt. employee and discharge certificate for Ex-Servicemen.
- (d) Two copies of pass port size photographs of the candidate duly signed in full on the front side of them (one to be pasted on the application form).

NOTE:- Photographs should be signed by the Applicant himself and it should not be got attested by any one.

- (e) Certificate of being scheduled caste or scheduled tribe in the prescribed form from the competent authorities.

2. The candidate must fulfil the following conditions:-

- (a) Must be a citizen of India, Sikkim, Nepal & Bhutan.
- (b) Must have passed matriculation or an equivalent examination of a recognise University or Board.
- (c) Age between 18 and 25 years on 1.7.80 i.e. the candidate must not have been born earlier than 2-7-55 and not later than 1-7-62. The Upper age limits relaxable by 5 years in respect of scheduled castes, scheduled tribes, bonafide displaced Gold Smith and 10 years orthopaedically handicapped persons and by 3 years plus the period of service rendered for retrenched Central Govt. Employees and Ex-servicemen provided they had been a continuous service for not less than six months before retrenchment and produce a certificate thereof.
- (d) Recruitment will be made through a competitive examination the date and venue of which will be intimated later on. There will be only one paper of Arithmetic of Matriculation standard. A minimum of 33% will be qualifying standard.

(P) 6/3

-2-

The paper will be of 100 marks and of  $1\frac{1}{2}$  hours duration.

(e) Selected candidates will have to undergo training in the use and working of adding and listing machine. They will not be paid any allowance during the period of training and they shall have to undergo the training at their own cost. Their services will also be liable for transfer to any post office in U.P. Circle.

(f) The examination for this recruitment will be held at Lucknow only and no T.A. will be given to the candidates for taking the examination.

(g) If any of the requisite documents is not submitted along with the application, without giving any valid reasons therefore or if the particulars furnished in the application form are incorrect or incomplete, the application is liable to be rejected.

(h) Any attempt on the part of the candidate to enlist support for his candidature by other means shall disqualify him for recruitment.

(i) Only those candidates, who have been selected for appointment will be informed of the results. No enquiries about the result for the examination will be entertained and under no circumstances a re-examination of the paper will be undertaken and the decision of the P.M.G.U.P. Circle in all matter relating to the examination must be taken as final.

Sd. R.P. Singh  
For Postmaster-General, U.P.

*hba*  
STATE COMMISSIONER  
High Court, Allahabad  
Lucknow Bench.

262/291/6  
Date 14-9-81

क्रमांक १५८

A19  
68

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

Annexure No. 2.

In  
Supply. Affidavit  
in  
W.P.No. 30910 of 1981

Jitendra Singh -vs- P.M.G. and others  
संख्या 27/2/1974-कामिक-2

देवेन्द्र

दिव्यनन्द प्रमाण  
मुख्य प्रविधि  
उत्तर प्रदेश

में देवेन्द्र

- 1—प्रमाण दिव्यनन्द प्रमाण नामांकिता अधिकारी, उत्तर प्रदेश।
- 2—प्रमाण मुख्य प्रविधि, उत्तर प्रदेश।
- 3—प्रमाण विधिकारी, उत्तर प्रदेश।

लखनऊ, दिनांक, 14 अक्टूबर, 1980

वक्तव्य—ममूह "ग" तथा ममूह "घ" के नियम वेतनमान पदों पर गोपी भर्ती हेतु प्रधिकारी दिनांक 11 अक्टूबर, 1979  
के नियम 15 तथा 19 का सार्वत्रिकण।

महानिय,

कामिक  
संख्या-2

मुझे ध्यान ध्यान नममंदिरक प्रधिकारी दिनांक 11 अक्टूबर, 1979 के नियम क्रमण: 15 तथा 19 की ओर  
प्राकृष्ट करने का नियम हुआ है जिसमें "चयन की प्रक्रिया" के अंतर्गत यह प्राविधिक है कि नियमित प्राधिकारी ऐसे  
प्रधिकारी से, जिन्होंने देवायोजन कार्यालय में नाम पंजीकृत न होया हो, आवेदन-पत्र संघे भी आमंत्रित कर सकता है।  
देवायोजन कार्यालय में पंजीकृत प्रधिकारी से सेवायोजनों द्वारा गोपी ही आवेदन-पत्र प्राप्त करने के प्राविधिक  
से आसन का ध्यान करिया कठिनाइयों की ओर आकर्षित किया गया है, जिन पर मम्पक विवार करके आसन ने नियम-  
भित्रित नियंत्रण किये हैं—।

(1) गोपी आवेदन-पत्र भी आमंत्रित करने से अधिग्राम यह है कि विभिन्न कार्यालयों में होने वाली  
ममूह "ग" तथा "घ" के पदों की रिकॉर्डों में भरने हेतु, जहाँ सेवायोजन कार्यालय ये नाम गोपाले के अलावा  
देवायोजन कार्यालय में पंजीकृत अधिकारी से संघे भी आवेदन-पत्र प्राप्त करने हों, तो ऐसे प्रसंगों में  
नोटिंग बोर्ड आविष्कार पर मुख्य-पत्र विज्ञापित करने के साथ-साथ जनसाधारण के मूल्यांकन रायानीय किसी  
एक दैनिक समाचार-पत्र के माध्यम से नियमित प्राधिकारीयों द्वारा विधिवत् विज्ञापन कराया जाय।  
सेवायोजन पर गुनियित करेंगे कि पंजीकृत अधिकारीयों के नाम, जिनके आवेदन-पत्र गोपी आये, वे सेवायोजन  
कार्यालय के "लाइब्रेरी स्टॉर्स्टर" में दर्ज हों।

(2) यह सुनिश्चित किया जाय कि चयन की प्रक्रिया बहुत ही नियक एवं तथ्यप्रक (Objective)  
हो जिसमें गोपी आवेदन-पत्र के प्राप्तांक तथा साक्षात्कार में प्राप्तांक विषय जाने का  
नियमानुसार भावदं रूप से निर्धारित हो। इसके लिये समूह "ग" के पदों की भर्ती नियमावली तथा  
समूह "घ" के पदों की सेवा नियमावली, 1979 के क्रमण: नियम 16 तथा नियम 19(2) (3) तथा (4) में  
निर्धारित चयन प्रक्रियाओं का कड़ाई संभालन सुनिश्चित किया जाय।

2—प्राप्त अनुरोध है कि उपर्युक्त नियंत्रण आर्य अपने अधीनस्थ समस्त नियुक्ति प्राधिकारियों की जानकारी  
में भागीदार रहनुपालन हेतु लावें।

भवदीय,  
विभुवन प्रसाद,  
मुख्य प्रविधि।

संख्या 27/2/1974 (1)/कामिक-2 तद्विमान

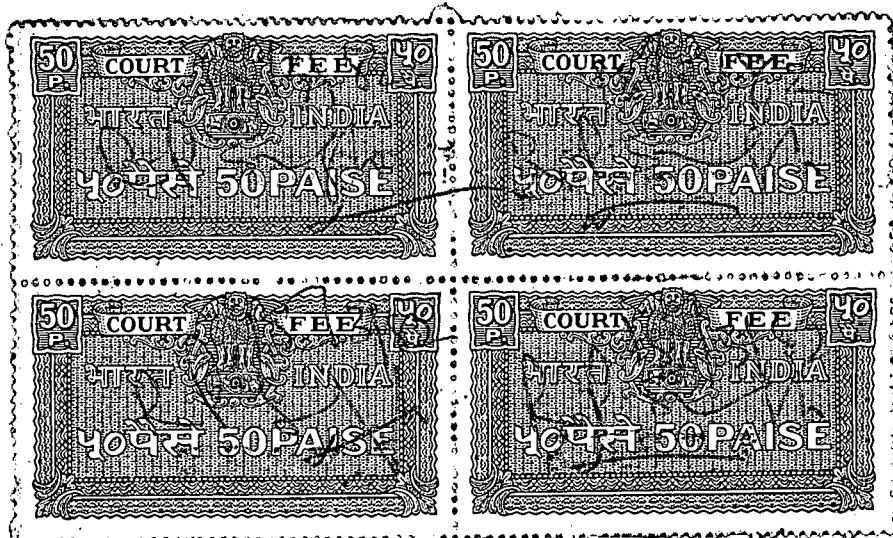
प्रतिलिपि नियमावली को सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेजिये:—

- 1—निवेशक, प्रधिकारी एवं सेवायोजन, उत्तर प्रदेश, लखनऊ।
- 2—सचिवालय के समस्त अनुभाग।
- 3—निवन्धक, उच्च न्यायालय, उत्तर प्रदेश, इलाहाबाद।
- 4—महालेखाकार, उत्तर प्रदेश, इलाहाबाद।
- 5—राज्यपाल, उत्तर प्रदेश के सचिव।
- 6—मंत्रियों/राज्य मंत्रियों के नियोगी सचिव।

पाण्डा देव  
धनराम बिहारी लाल भारद्वाज,  
संस्कृत संपित।

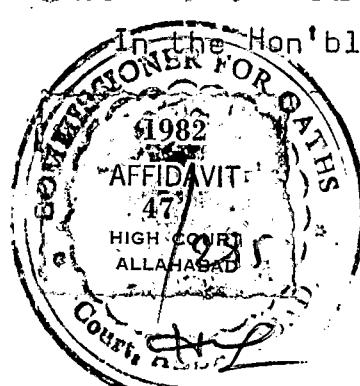
भूमि—५०००.१५ एकड़ी (नियुक्ति) — २४-१०-८०—(२४७४) — १९८०—५,६०० (टिक्की)।

Deva  
Court of  
Lucknow Bench  
12/2/1981/62  
12/2/1981/284



A2C

8  
3



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

Counter Affidavit on behalf of  
Opposite parties no. \_\_\_\_\_

Writ Petition no. 3091 of 1981

Sri Jitendra Singh and others ..... Petitioners

Versus

Post Master General and others ..... Respondents

R.P. Singh, aged about 55  
years, son of Sri S.P. Singh,  
Assistant Post Master  
(Staff),  
General, Office of the Post  
Master General, U.P. Circle,  
Lucknow.

.... Deponent

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

1. That the deponent is the Assistant Post  
Master General (Staff), Office of the Post Master General,  
U.P. Circle, Lucknow and ~~has~~ <sup>has</sup> ~~xxx~~ read the contents of the  
writ petition and the annexures thereto and has understood  
the contents thereof and is fully conversant with the facts  
stated in this counter affidavit.

2. That before giving a parawise reply to the



2w6

2.

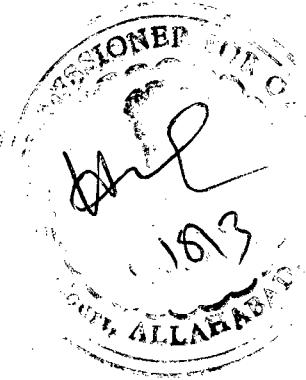
contents of the writ petition some facts which are relevant to the case are stated hereinafter.

3. That on 17th July, 1980 the District Employment & Training Office, U.P. was sent a requisition for recruitment of 110 Lower Division Clerks for Post Office Savings Bank Contract Organisation alongwith statement showing likely vacancies in different Head Post Offices which is annexed as Annexure no. A-1 to this counter affidavit.

It is pertinent to mention that in the letter it was clearly mentioned that the total number of applications collected from each station should not exceed five times the number of vacancies notified category wise i.e. Scheduled Caste, Scheduled Tribes, Ex-Servicemen, physically handicapped, deaf and other communities, and for the use of which five hundred and fifty blank application forms were sent to him.

4. That thereafter on 29.8.1980 four(4) lists containing sponsored applications alongwith forwarding letters were sent by Lucknow Employment Exchange to the Post Master General, Uttar Pradesh (hereinafter referred to as P.M.G., U.P.). Thereafter again on 6.9.1980 one separate list containing applications of 488 candidates with covering letters was forwarded to Post Master General, U.P.

5. That thereafter the District Employment Exchange, Lucknow was asked to intimate the reasons why so many application forms have been forwarded to PMG, U.P. The District Employment Exchange Officer, Lucknow informed by a letter dated 17.11.1980 that many candidates brought forms with PMG's Office staff and deposited in the office of the Employment Exchange, therefore, all the forms were



2

3.

forwarded to PMG, U.P..

6. That in reply to the contents of paragraph 1 of the writ petition it is not disputed that there were 110 vacancies.

7. That the contents of paragraph 2 of the writ petition are not disputed.

8. That in reply to the contents of paragraph 3 of the writ petition it is submitted that the contention of the petitioner is not correct due to the fact that the Director, Training and Employment, U.P., Lucknow controlling all Employment Exchanges in U.P. was requested vide letter no. Rectt/M-13/80/4, dated 17.7.1980 for obtaining and submitting application forms of the eligible prospective candidates in the prescribed application forms through different employment exchanges in U.P.

8(i) That he was also asked that the total number of applications thus collected should not exceed five times of the vacancies notified categorywise i.e. scheduled castes, scheduled tribes, Ex-servicemen, Physically handicapped, deaf and other community.

8(ii) That the letter dated 17.7.1980 alongwith 550 blank application forms and 80 requisition memos were supplied to the Director Training and Employment Exchanges, U.P., Lucknow on 22.7.1980 by hand.

9. That in reply to the contents of para 4 of the writ petition are not admitted. It is stated that the Employment Exchange, Lucknow submitted the list of only 30 nominees vide its letter no.C/406/80 dated 29.8.1980

2w

A29

86

4.

the true copy of which is being annexed as Annexure A-2 to this counter affidavit.

9(i) That thereafter another list of 488 candidates was submitted by the Employment Exchange vide the letter no. C/0701/80/1387, dated 6.9.1980, intimating that these applications had been obtained from the office of the PMG, UP. The letter dated 6.9.1980, along with the list of candidates for post of Lower Division Clerk, PMG, is being annexed as Annexure A-3 to this counter affidavit. In the said list the names of the petitioners 1 to 5 were mentioned at serial nos. 448, 449, 24, 447 and 441 respectively.

10. That the contents of paragraph 5 of the writ petition are denied and it is stated that the candidates were not in the list of sponsored candidates of Employment Exchange.

11. That the contents of paragraph 6 of the writ petition are not disputed. It is further stated that no call letters were issued, but hall permits were issued only to those candidates who were sponsored by the Employment Exchange.

12. That the contents of paragraph 7 of the writ petition are denied.

13. That the contents of paragraph 8 of the writ petition are denied.

14. That the contents of paragraph 9 of the writ petition are admitted to the extent that only sponsored candidates were permitted. Rest of the contents of paragraph under reply are denied.

2nd

5.

15. That the contents of paragraph 10 of the writ petition are absolutely false, wrong and baseless and are denied. It is stated that the petitioners were not amongst the sponsored candidates as their names did not appear in the list of sponsored candidates furnished by the Employment Exchange, Lucknow.

16. That the contents of paragraph 11 of the writ petition are not admitted due to the fact as Hall permits were issued to all the candidates who were in the sponsored list. Rest of the contents of the paragraph under reply are irrelevant.

17. That the contents of paragraph 12 of the writ petition are not disputed in view of the fact that the candidates were permitted in pursuance of the directions of this Hon'ble Court and the declaration of their result is subject to the decision of the writ petition.

18. That the contents of paragraph 13 of the writ petition are denied. The writ petition lacks merits and is liable to be dismissed with costs.

19. That it is pertinent to mention that there is no provision for making advertisement in the leading newspapers for the recruitment for the post of Lower Division Clerks, SBCO, which is to be made from amongst the nominees of the Employment Exchange vide instructions contained in DG, P&T no. 57/4/65-SPB-I dated 11.6.1965, a true copy of which is being annexed as Annexure no. A-4 to this counter affidavit.

20. That the grounds taken by the petitioner in the writ petition are untenable in law, writ petition

A25

88

6.

lacks merits, hence, the writ petition is liable to be dismissed with costs.

Lucknow:  
March 15, 1982

*2m*  
Deponent

I, the deponent abovenamed do hereby verify that the contents of paragraphs 1 and 2 of the affidavit are true to my own personal knowledge, the contents of paragraphs 3 to 17 and 19 are based on records which I believe to be true, and believe the contents of paras 18 and 20, to be true. No part of it is false and nothing material has been concealed by me. So help me God.

Lucknow:  
March 15, 1982

*2m*  
Deponent

I identify the deponent who has signed before me.

*Raja Ram*

Raja Ram, Clerk to Sri  
Ashish N. Trivedi, Advocate

Solemnly affirmed before me on 15-3-82

at 11-30 a.m./p.m. by *R. P. Singh*

the deponent who is identified by Sri Raja Ram Clerk to Sri Ashish N. Trivedi, Advocate, High Court, Allahabad, Lucknow Bench, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of affidavit which has been read out and explained by me.

*H. P. Singh*  
Officer-in-Charge  
High Court, Allahabad  
Lucknow Bench  
Date 17.12.82  
No. 15730

R26

8  
9

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

CounterAffidavit

Writ Petition no. 3091 of 1981

Jitendra Singh and others ....Petitioners

Versus

Post Master General and others ....Respondents

Annexure no. A-1

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

From

The Postmaster-General  
Uttar Pradesh Circle,  
LUCKNOW- 226001

To

The Director,  
Employment & Training, U.P.,  
Guru Gobind Singh Marg,  
Lucknow

NO. Rectt/M-13/80/4 dated at Lucknow, the 16/17th July, 80.

Sub: Recruitment of Lower Division Clerks for the post of  
Savings Bank Reorganisation Scheme.

Sir,

Accompanying requisition in the prescribed form  
for recruitment of 110 (One Hundred Ten) Lower Division  
Clerks for Post Office Savings Bank Reorganisation Scheme  
is forwarded for favour of collecting applications from  
eligible prospective Candidates in the prescribed applica-  
tion form through different Employment Exchange in U.P. and  
forwarding them to this office so as to reach this office  
latest by 10th of Aug. 1980. The total number of applicatio-  
ns thus collected should not exceed five times the number  
of vacancies notified category wise i.e. Scheduled Caste,  
Scheduled Tribes, Ex-Servicemen, Physically handicapped,  
Deaf and other community. The applications received in ex-  
cess of the required number will not be entertained.

A statement showing likely vacancies Head Post  
Office wise is enclosed for your information to enable you to  
ensure that required number of applications are received  
from different regional employment exchange.



2pm

A27

8/10

2.

Five hundred fifty blank application forms and eighty requisition memo in prescribed form are enclosed herewith for submission by the eligible candidates. Timely submission of applications may kindly be ensured.

Yours faithfully,

Sd/-R.P.Singh  
Asstt. Director Postal Service (Rectt)  
U.P. Circle

Enclosures - 630  
(550 applications form &  
80 requisition memo)

(True copy)

2



इन दि आनरेबुल हाई कोर्ट आपा जुडीकेर एट इलाहाबाद  
लखनऊ बैन व लखनऊ ।

रिट पिटीशनर नं० ३०९। आपा ४।

जितेन्द्र सिंह तथा अन्य

पिटीशनर

बनाम

पौस्ट मास्टर जनरल तथा अन्य

व पौस्ट पार्टीज

एनेक्सर नं० :- ए-२

प्रतिलिपि संख्या नं०/४०६/८० दिनांक २९.८.८० प्रेष्ट क्षेत्रीय सेवायोजन  
प्रतिलिपि संख्या नं०/४०६/८० दिनांक २९.८.८० प्रेष्ट क्षेत्रीय सेवायोजन  
कार्यालय गोतमबुद्ध मार्ग लखनऊ सेवा में पौस्टमास्टर जनरल उप्र० की प्रेष्टि :-  
=====

विषय :- प्रतिलिपि की विविक्षणी :-

सन्दर्भ :- प्रतिलिपि की विविक्षणी वा. १३/एल.डी.सी.१४८.बी.सी.  
वा. १४८/४०६/४० दिनांक १६/१७.७.८० ।

महोदय

वापका उपरोक्त विविक्षणी के सन्दर्भ में कुल 30 अभ्यार्थी के  
आवेदन पत्र इस कार्यालय द्वारा उनका सूची एवं पूर्ण विवरण सहित भेजी जा  
रही है जो निम्न प्रकार है ।

१४ भूमूर्त्ति सैनिक

- ३ अभ्यार्थी की सूची एवं आवेदन पत्र

१२८ अनु० जन जाति

- ५ आवेदन पत्र एवं उनकी सूची

१३४ अनु० जाति

- ९ आवेदन पत्र एवं उनकी सूची

१४८ समान्य वर्ग

- १२ आवेदन पत्र एवं उनकी सूची

इसके अतिरिक्त एवं अंग अभ्यार्थी का आवेदन पत्र एवं सूची अलग से  
भेजी जा रही है ।

इसी सन्दर्भ में यह भी निवेदन करना है कि आप द्वारा बूल भेजे गये  
आवेदन पत्रों में ३५ आवेदन पत्रों के पास्य इस कार्यालय हेतु भेजे गये थे जिनमें से  
१५ सामान्य वर्ग, १० अनुसूचित जाति, ५ अनुसूचित जन जाति तथा ३ भूमूर्त्ति  
सैनिक अभ्यार्थी को दिये गये थे किन्तु उनमें से केवल छँरोकत बिंदिति संख्या में  
अद्वृत अभ्यार्थी ने आवेदन पत्र भर कर वापस जमा किया जिन्हे आपको भेज  
जा रहा है एवं आवेदन पत्र जो अनुसूचित जाति के अभ्यार्थी को दिया जाता था  
वह इस लिए नहीं दिया जा सकता क्योंकि बलाये गये अनुसूचित जाति के अभ्यार्थी  
सूची में नहीं लिखा द्या अतः वह एवं आवेदन पत्र बिना भरा हुआ ताद  
मूल रूप में आपकी वापस किया जा रहा है ।

इन दी आम रेबल हाईकोर्ट आण उज्जूडीकेवर एं इलाहाबाद  
लखनऊ बैव लखनऊ ।

रिट पीटिशन नं० ३०९। आप ४।

जितेन्द्र सिंह तथा अन्य

पिटीशन

पौर्स्ट मास्टर जनरल तथा अन्य

बनाम

ओजिट पाटीज़

एनज़र नं० ४०-३

उत्तर प्रदेश शासन

प्रशिक्षा पर्व सेवायोजन निदेशालय, ल० प्र०

श्रम विभाग

पर्म नं० ५०९३८

पत्रांक : सी/०७०।/८०/७३८७

क्षेत्रीय सेवायोजन कार्यालय लखनऊ

दिनांक ६-९-८०

सेवा वै.

पौर्स्ट मास्टर जनरल,  
यूपी० स्वर्किल, हजरत गेज  
लखनऊ ।

विषय : लिपिक की रिक्तियाँ ।

महोदय,

निर्विवित वितरित किये गये थे जिन्हें उन्होंने भर कर इस कार्यालय को प्रेषित कर दिया है।  
कुल ४८८ अध्यक्षियों के आवेदन पत्र मूल रूप से संलग्न एवं सुची सहित आपके निस्तारण  
हेतु संलग्न प्रेषित है।

संलग्नक : कद अरोक्ता चार

भवदीय

=सत्य प्रतिलिपि :- कृते क्षेत्रीय सेवायोजन अधिकारी, लखनऊ

8/13  
830

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

Writ Petition no. 3091 of 1981

Jitendra Singh and others .... Petitioners

Versus

Post Master General and others ... Opp. Parties.

Annexure no. A-4

INDIAN POSTS AND TELEGRAPHS DEPARTMENT  
OFFICE OF THE DIRECTOR- GENERAL, POSTS AND TELEGRAPHS  
NO 57/4/65-SPB.I Dated New Delhi the 11th June, 1965

To

All Heads of Circles.

Sub: Recruitment of Lower Division Clerks for  
S.B. Control and Internal Check Organisation.

Sir,

I am directed to invite a reference to the orders issued in para 4 of this office letter no. 56/20/61-SPB.I dated 31.7.61 as amended by para 2(iii) of this office letter no. 57/10/62-SPB.I dated the 24th January, 1963 regarding the syllabus for recruitment to the cadre of LDCs in the SB Control and Internal Check Organisation and to say that several Heads of Circles have reported difficulties in the matter of recruitment of LDCs for the organisation. Some of the Circles suggested that recruitment of LDCs for the organisation should be made on the same procedure as prescribed for recruitment of time scale clerks in subordinate offices viz. on the basis of marks in the Matriculation and it has been decided that it is not possible to accept the suggestion to make recruitment to the cadre of LDC in the SB Control and Internal Check examination as in the case of time scale clerks. In view, however, of the difficulties in recruitment as reported by the Circles and considering the nature of duties of LDCs the question of revision of the existing syllabus for recruitment of LDCs in the organisation has been considered. It has been decided that the recruitment to LDCs cadre in the organisation will be in future be made on the following basis:-

(i) The test will consist of only a paper in Arithmetic which may be answered by the candidate, if he so desired, even in the regional language. The paper will be of 100 marks and of  $1\frac{1}{2}$  hours duration, and the paper will not be above that of Matriculation standard. A Minimum of 33% will be the qualifying standard. Bonus marks upto a maximum of 4 will be admissible for sports qualification to the candidates who qualify in the test on the following basis.

(a) International Sports activities- 4 Marks

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

T.A. No. 825 of 1987

(W.P. No. 3091 of 1981)

Jitendra Singh

... Applicant

-vs-

Postmaster General UP and  
others

... Opposite parties

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTIES.

I, J.N. Srivastava, aged about 57 years,  
son of Late Shre Jagdish Prasad  
at present posted as Asstt. Postmaster General (Recruit-  
ment) in the office of the Postmaster General, UP  
Lucknow do hereby solemnly affirm and state as

under:

That the deponent is posted as Asstt.

Postmaster General in the opposite party no.1 in the  
above noted case and as such he is fully conversant  
with the facts of the case.

2. That the deponent has read and understood  
the contents of the writ petition and he is in a  
position to give parawise reply to the writ petition  
as deposed hereinafter.

Opp. No. 1

30.4.90

A32

-2-

3. That before giving parawise comments it is necessary to give brief history of the case as detailed below:

4. (a) That on 17th July 1980 District Employment Training, U.P. was sent requisition for recruitment of 100 Lowe Division Clerks for Post Offices Savings Bank Organisation alongwith statement showing likely vacancies in different Head Post offices. In the letter it was clearly mentioned that the total number of applications collected for each station should not exceed five times the number of vacancies notified category-wise 1 schedule caste, Schedule Tribes, Ex-servicemen, physically handicapped, Deaf and other community. Five hundred fifty blank application forms were sent to him in this connection.

(b) On 29.8.80 four lists containing sponsored applications alongwith forwarding letters (3/C to 7/C) was sent by Lucknow Employment Exchange to PMG, UP. Again on 6.9.80 one separate list containing applications of 488 with covering



— Dashtan  
30.4.90

letter (8/C) candidates was forwarded to the office of the answering opp. party.

(c) That the then District Employment Exchange Lucknow was asked to intimate the reason why so many applications forms have been forwarded to the office of the opp. party no.1. On 17.11.80 he informed that many candidates brought forms with PMG's office staff and deposited in the office of the Employment exchange. No such forms were issued by PMG's office.

4. That in reply to the contents of para 1 of the writ petition it is submitted that there were 110 vacancies.

5. That the contents of para 2 of the petition are not disputed.

6. That in reply to the contents of para 3 of the petition it is submitted that the Director Training and Employment , UP Lucknow controlling all employment exchanges in Uttar Pradesh was requested vide Letter No. Rectt/H-13/80/4 dated 17.7.80 for obtaining and submitting applications from the eleigible prospective candidates in the

Ans. to Ques.  
30.4.90

A34

-4-

prescribed application through different employment exchanges in Uttar Pradesh. He was also asked that the total number of applications thus collected should not exceed five times of the vacancies notified category-wise ie. Schedule Caste, Schedule Tribe, Ex-servicemen, physically handicapped, Deaf and other community. The said letter alongwith 550 blank applications forms and 80 requisition ~~memo~~ were supplied to the Director & Training and Employment Exchange, UP, Lucknow on 22.7.80 by hand.

7. That the contents of para 4 of the petition are incorrect as stated, hence denied and in reply it is submitted that the Employment Exchange, Lucknow submitted the list of only 30 nominees vide its letter No.C/406/80 dated 29.9.80. Thereafter Employment Exchange submitted another list of 488 candidates vide his letter No.C/old/80/7387 dated 6.9.80 intimating these applications have obtained from your office and have submitted in Employment Exchange, hence forwarded for disposal.

8. That the contents of para 5 of the petition are incorrect as stated hence denied and in reply it is submitted that the candidates were not in the list of sponsored candidates of Employment Exchange. The list is not relevant.

Deshaw  
30490

1136

9. That the contents of para 6 of the petition are not disputed. No call letter was issued, but Hall permit were issued only to sponsored candidates.

10. That the contents of para 7 and 8 of the writ petition are incorrect as stated, hence denied.

11. That the contents of para 9 of the writ petition are incorrect as stated hence denied and in reply it is submitted that only sponsored candidates were permitted.

12. That the contents of para 10 of the writ petition are incorrect as stated, hence denied and in reply it is submitted that the petitioners were not sponsored. Candidates and their names were not included in the list of sponsored candidates furnished by the Employment Exchanges. It is admitted to the extent that the said examination was held at Nari Siksha Niketan, Lucknow.

13. That the contents of para 11 of the petition are incorrect as stated hence denied and in reply it is submitted that the Hall permits were issued to all the sponsored candidates. There are so many competitive examinations open to the petitioners in the State/Central Government Departments.

14. That the contents of para 12 of the ~~app~~ petition

Dr. Anselm  
30.4.90

- 6 -

are not disputed. Further it is submitted that the candidates were permitted on the directive of Hon'ble High Court but the declaration of their result is subject to decision of writ petition.

15. That the contents of para 13 of the writ petition needs no comments.

16. That in reply to the contents of para (i) of the ground it is submitted that there is no provision for making advertisement in the leading Newspapers the recruitment for the post of LDC, Savings Bank Organisation is to be made amongst the nominees of the employment exchanges vide instructions contained in D.G. P&T No.57/4/65-SPS I dated 11.6.1965 and No.51/26/68-SPB-I dated 27.11.69.

17. That in reply to the contents of para (ii) of the grounds it is submitted that according to the rules on the subject the recruitment is to be made from amongst the nominees of the Employment Exchange have the contention of the petitioner is not tenable.

18. That in reply to the contents of para (iii) of the grounds it is submitted that the petitioners were not sponsored candidates hence there is no violation of

50/4

30.4.90

of article 14, 16 and 19 of the constitution of India.

19. That the contents of para (iii) of the writ petition it is submitted that the petitioners were not sponsored candidates and only the sponsored candidates ie. nominees of the employment exchanges were allowed to appear in the said examination. The name of the petitioners were not included in the list of sponsored candidates furnished by the employment exchanges, therefore their all letters were not issued to them. In compliance with the orders of Hon'ble High Court dated 5.7.81 the petitioners were allowed to appear in the said examination, provisionally subject to the judgement of the writ petition of the Hon'ble High Court.

20. That all the sponsored candidates were allowed to appear in the examination scheduled for the selection of post of LDC and subsequently as per direction of the Hon'ble High Court their results were also declared in which they were found successful and they were given provisional appointment on the post of LDC (SBCO). Since their appointments were made in pursuance of the

Hon'ble High Court order , which is conditional one ie. subject to the decision of the final decision of the Writ petition. Therefore they have not been confirmed or given any further promotion etc. They are working in the Department since 1981.

21. That the sponsoring of their candidature by the employment exchange was illegal and was obtained due to some favouritism. They are not liable to be ~~maxarvedix~~ observed in the Department permanently as per recruitment rules and as such their services are liable to be terminated because their appointment ab initio irregular and unlawful.

22. That in view of the facts and circumstances stated in the foregoing paragraphs the writ petition filed by the petitioner is liable to be dismissed with costs against the petitioner.

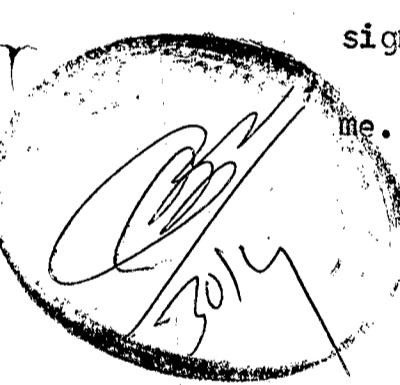
  
Deponent.

Lucknow,

Dated: 30.4.90

Verification.

I, the above named deponent do hereby verify that the contents of para 1 & 2 are true to my personal knowledge, those of paragraphs 3 to 20 are believed by me to be true on the basis of records while those of paragraphs 21 & 22 are also believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed.

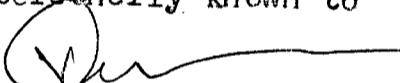
  
Deponent.

Lucknow,

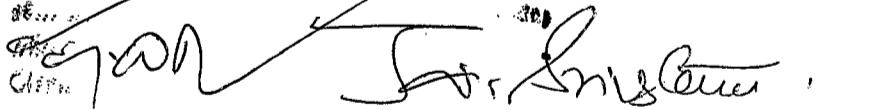
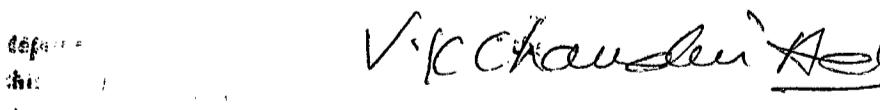
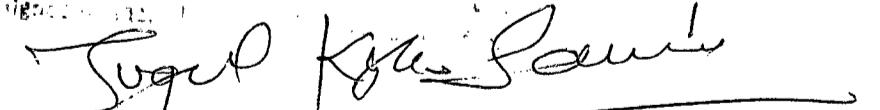
Dated 30.4.90

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

me.

  
(VK Chaudhary)

Addl Standing Counsel for Central Govt  
(Counsel for the Opp. parties)

  
VK Chaudhary  
  
VK Chaudhary  
  
VK Chaudhary  
  
VK Chaudhary  
  
VK Chaudhary  
  
VK Chaudhary

30/4/90

AO

In the Central Administrative Tribunal,  
Circuit Bench, Lucknow.

TA No 825 of 1987(T)

(WP No 3091/81)

Fitendra Singh and others - - Applicants

versus  
Union of India and others - - Respondents

FF 29.8.90

In the above noted case, it is respectfully  
submitted:

PT  
Q  
29/8

- (1) That the rejoinder affidavit in the above noted case could not be filed earlier under unavoidable circumstances, as the relevant papers could not be received from the previous counsel and handed over to the present counsel in spite of best efforts.
- (2) That the delay caused in this case was unavoidable and not due to any fault on the part of the applicants.
- (3) That the delay which is bona fide and not intentional, and the same is liable to be condoned and the rejoinder affidavit now being submitted deserves to be taken on record in the interest of justice.

It is therefore, most respectfully  
prayed that the delay in filing the RA  
be kindly condoned and the RA be taken  
on record.

Lucknow  
28.8.90

29/8

M. Dutta  
Adv.  
Counsel for Applicants

AUI

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH  
LUCKNOW

T.A.No. 825 of 1987(T)  
(Original W.P.No. 3891/81)

Jitendra Singh & others.

... Applicants

Versus

Union of India and others

... Respondents.

F.F. 29.8.90

REJOINDER AFFIDAVIT

I, R.K.Tandon, aged about 33 years, s/o Shri G.N. Tandon, r/o Mohalla Rani Katra, P.S. Samatganj, Lucknow, do hereby state on oath as under :-

1. That the deponent is the petitioner/applicant no. 3 in the above noted WP/application and he is fully conversant with the facts of the case deposed to in this rejoinder affidavit.
2. That the deponent has read and understood the contents of counter affidavit filed by one Shri R.P. Singh said to be the Assistant Post Master General (Staff) o/o the Post Master General, U.P.Circle, Lucknow and he is replying to the same on his behalf as well as on behalf of other applicants nos. 1, 2, 4 and 5. It is pointed out in reply to para 1 of the counter that the said Shri R.P. Singh is not a party to the case either in his personal capacity or by designation and he has not furnished any authority authorising him to submit reply for and on behalf of respondents no. 1 & 2 and in view of this matter, the counter affidavit/written statement is incompetent and without authority in terms of Rule 12(2) of the C.A.T. (Procedure) Rules 1989 and liable to be rejected.
3. That para 2 of the counter is not in reply any part of the writ/petition and it is not pertinent and relevant to the petition.
4. That in reply to the contents of para 3 of the counter it is stated that the exchange of reference made

R.K. Tandon

(A42)

in between respondent no. 1 and the District Employment and Training Office, U.P. is denied for want of knowledge by the deponent. It is, however, stated that no restriction could be placed on the number of candidates intending to apply for the posts and the restriction that the total number of applications collected should not exceed five times the number of vacancies categorywise, created a bar and prejudice to the meritorious intending candidates to seek their luck, in violation of Articles 14 and 16 of the Constitution, which cannot be sustained. The examination was competitive and not qualifying.

5. That the contents of para 4 of the counter are a matter of record.
6. That the contents of para 5 are denied for want of knowledge. It is, however, stated that the deponent as well as the applicants nos. 1, 4 & 5 who were in search of some employment obtained the forms from the office of the respondent no. 1 and submitted them in the office of District Employment Exchange, Lucknow, for being forwarded to enable them to test their luck in the competitive examination to be held for recruitment of Clerks.
7. That paras 6 & 7 of the counter need no comment.
8. That in reply to the contents of para 8, 8(i) and 8(ii) of the counter, it is stated that the restriction on the number of candidates to be sponsored by the Employment Exchange was arbitrary and against the principle of equity and natural justice and in violation of Articles 14 & 16 and 39 of the Constitution. The examination was an open competition and all eligible candidates intending to appear in the examination had a right to be sponsored by the Employment Exchange and their right could not be abridged. The contents of para 8, 8(i) and 8(ii) are denied as stated and the contents of para 3 of the writ petition are re-asserted. The restriction as alleged in the counter was/is illegal and arbitrary as it defecated the very basis of competitive examination in which the

best of the lot are to be selected.

9. That in reply to the contents of para 9 and 9(i) of the counter, the deponent re-asserts the contents of para 4 of the writ petition.

10. That the contents of para 10 of the counter are denied as stated and the contents of para 5 of the writ petition are re-iterated. The deponent and other applicants submitted their applications duly forwarded by the Employment Exchange and the same cannot be questioned.

11. That the contents of para 11 of the counter to the extent they are repugnant to the contents of para 6 of the writ petition are denied and the contents of para 6 of the writ petition are re-stated. It was wrong on the part of the respondent no. 1 not to have issued call letters to the deponent and his other colleagues when their names were duly forwarded to the employment Exchange.

12. That in reply to the contents of paras 12 & 13 of the counter which are vague denial, the contents of paras 7 & 8 of the writ petition are re-iterated.

13. That the contents of para 14 of the counter are denied as stated and the contents of para 9 of the writ petition are re-asserted.

14. That the contents of para 15 of the counter are denied as stated and the contents of para 10 of the writ petition are re-stated. The applications of the deponent and his other colleagues were duly forwarded by the Employment Exchange and the opposite parties could not withhold them arbitrarily and maliciously.

15. That the contents of para 16 of the counter are denied as stated and the contents of para 11 of the writ petition are re-asserted. It is, stated that permits for appearing in the examination were issued by the intervention of the High Court, Lucknow and the deponent and the other applicants appeared at the examination and they succeeded.

R. K. Tandon

16. That in reply to the contents of para 17 of the counter, the contents of para 12 of the writ petition are reiterated. It is further stated that in the writ petition no. 1056 of 1981 Malik Chandra and others versus Postmaster General and others, the Hon'ble High Court, Lucknow Bench, was pleased to allow the petitioner to appear in the examination. The deponent is told that the petitioner could not succeed and the petition became infructuous.

In the instant case, there were 100 vacancies against which only 76 candidates, including the deponent and his colleagues passed and 34 posts still remained vacant. The deponent and his colleagues have been working satisfactorily without any complaint or adverse comments. As a matter of fact the inclusion of the deponent and other applicants facilitated the selection by examination.

17. The writ petition is based on merit. It has sound and cogent grounds and is liable to be allowed with cost. The contents of para 18 of the counter are denied, and those of para 13 of the writ petition are reiterated.

18. That the contents of para 19 of the counter are denied as stated. The deponent states that the right of individuals placed in similar circumstances cannot be abridged and restricted by any administrative order in violation of principles laid down in Articles 14, 16 and 39 of the Constitution. The examination was a competitive examination and not a qualifying examination and the number of candidates cannot be restricted as that would amount to defeating the purpose of holding the competitive examination. It is stated that although there were 110 vacancies, only 76 candidates including the deponent and other applicants could succeed in the examination, which fell short of the actual requirement against the public interest. The applicants have been working satisfactorily

*R.K. Tandon*

- 5 -

for years and have now become @verage.

19. That the contents of para 20 of the counter are denied. The grounds taken in the writ petition are cogent, sound and sustainable; the writ is based on merits on the facts and circumstances of the case and liable to be allowed with cost.

LUCKNOW

R.K.Tandon  
Deponent

Dated : 28.8.90

VERIFICATION

I, the above deponent, do hereby verify that the contents of paras 1 to 16 and 18 are true to my knowledge and those of para 17 & 19 are believed to be true. Nothing material has been suppressed and no part of it is false. So help me GOD.

Signed and verified this 28th day of August, 1990 at Lucknow.

R.K.Tandon  
Deponent

LUCKNOW

Dated : 28.8.90

I, identify the deponent who has signed before me.

M.Dubey  
(M.Dubey)  
Advocate

AUB

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

ब्राह्मदालत श्रीमान्

W. P. NO 3091-81

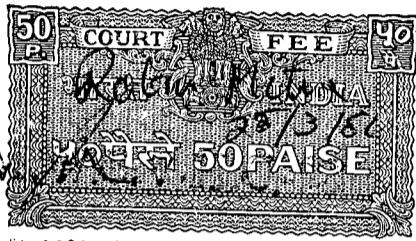
महोदय

वादी (मुद्र्द्दे)

प्रतिवादी (मुद्दाअलेह) का

वकालतनामा

10  
1



J. Tendra Singh & Sons

वादी (मुद्र्द्दे)

बनाम

P. M. G. & O. R.

प्रतिवादी (मुद्दाअलेह)

नं० मुकदमा ३०९) सन् १९४२/ पेशी की ता० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री रोविन मित्रा, एडवोकेट, नं० ८, हीवेट रोड, लखनऊ <sup>में छहता</sup> <sub>Adv.</sub> महोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब-देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वमूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारा या विपक्षी (फरीक़सानी) का दाखिल किया हुआ रुपया अपनी या हमारी दस्तखती रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी और हम उसके पाबन्द होंगे इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Dal Bahadur Singh *अंतिम* J. Tendra Singh

हस्ताक्षर J. Tendra Singh

Rakot Kumar Tandon

साक्षी (गवाह)

नाम अदालत

नं० मुकदमा

नाम फरीक़न

DBT (गवाह)

दिनांक २५

महीना ३

सन् १९४२ ई०

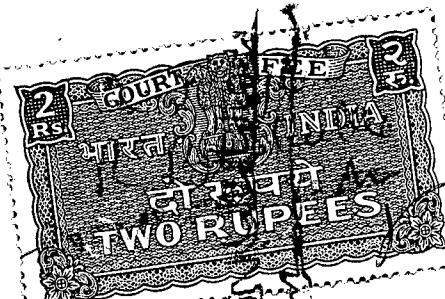
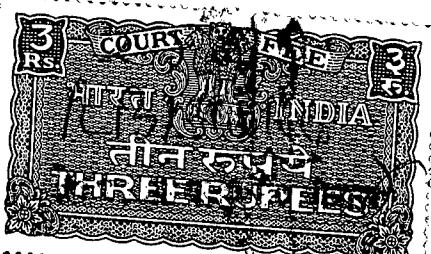
ब अदालत श्रीमान

Hon'ble High Court of Judicature  
at Allahabad Sitting at Lucknow  
महोदय

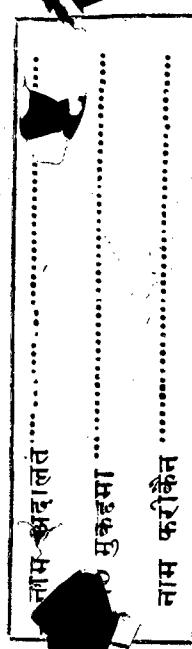
वादी(मुद्दे)

प्रतिवादी (मुद्दालेह)

## का वकालतनामा

26/25  
1/7/37

Jitendra Singh वादी (मुद्दे)

बनाम Post Master General Lucknow  
प्रतिवादी (मुद्दालेह)

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०  
ऊपर लिखे मुकदमा में अपनो ओर से श्री Ram Bheyan Lal

Shukla, Advocate Lucknow एवं एडवोकेट

R. K. Agrawal, Advocate Lucknow वकील महोदय

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 रुपया वसूल करें या सुलहनामा या इकबाल  
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने  
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें  
या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का  
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युवत [दरतखती]  
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 आवे। किशोर ज्ञान लिपाठी Shuklendra Singh  
Ram K. Agrawal Jitendra Singh

Accepted

R. K. Shukla

Advocate

27/10/

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

2

महीना

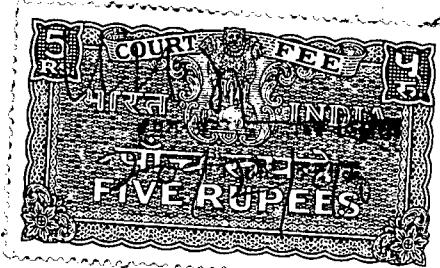
)

१९३७/३०

Before the Central Administrative Tribunal  
Circuit Bench, Lucknow.

AUD

## वकालतनामा



S. P. Rao

## बअदालत श्रीमान

वाद संख्या

TA ०२५/०७ (CT)

विषय विधि

वाद संख्या

न्यायालय श्रीमान

पक्षकारों के नाम

वादी अपीलकर्ता प्रार्थी-अनियोगी *Jitendra Singh and others*

विश्व

प्रतिवादी उचित विपक्षी-अभियुक्त *PMG U.P. Circle and others*

वाद संख्या

वाद का प्रकार

मुकदमा मुद्दे

*U. K. Dhaon Advocate*

का माजारिव अपने वकील मुकदमा करके हब्बकरार है कि वकील मौसूक बजात खुद स्वाहे खजरिमे किसी दूसरे वकील अदालत के जिसका मिन्जानिव अपने वकील मौसूफ मुकदमा हाजासुपुद्द करके अर्जी दावा दियान तहरीर व जबाबदा या कोई दरस्वास्त किसी किसम गुजारने या जो कुछ पैरवी या जबाब देही तहरीर तकरीर या राजीनामा या कोई तनप्रनाद दस्ववेज पेश करें या वापस ले या कोई नक्ष दाखिल करें या राजीनामा करे मुनहर्सि इलैहमुर्र याजरे डिशी में खच्चा को इजरे बमानत किसी किसम दाखिल किया हुआ हकारा फरीक सानो का मिन्जानिव हमारे बजारिये रसीद दस्तब्त अपने के बजारिये अदालत या किसी दीवार तीर पर वसूल करेगा कोई किसी मुराजिबा की मिन्जानिव हमारे दाखिल करे जो कार्यदाही जरूर हो अमल में लावे यह उब सार्वता उन मिस्त्र कर्दा स्वाब अपने के हमको कबूल व मन्जूर रहे और होगा वसूरत अदमश्वार्दि मेहनताना वकील साहब मुकदमा की पैरवी के जिम्मेदार न होंगे । लिहाज वाद कलमात बतौर लिख दिये कि सनद रहे वक्त ज़रूरत काम आवे ।

Pleader

Accepted

— — —

Advocated

Accepted  
Other

(C.O.)

M.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
\*\*\*\* Gandhi Bhawan, Opp. Residency  
No. DAT/LK3/Jud/CB/ 25/96 to 26/25 Dated the 15/12/04  
T.A. No. of 15/12/04  
825 7

To High Court of Judicature at Allahabad  
Lucknow

Whereas the marginally noted cases has been transferred by  
Under the provision of the Administrative  
Tribunal Act 13 of 1925 and registered in this Tribunal as above.

Writ Petition No. 354/14  
of 198 of the Court of  
arising out of Order dated  
passed by

The Tribunal has fixed date of 198. The hearing  
of the matter.  
If no appearance is made on your behalf by your some  
one duly authorised to Act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

day of 1999.

(Signed)

Deputy Registrar of the DEPUTY REGISTRAR  
and Head of the Registry of the  
Central Administrative Tribunal, Lucknow  
15/12/04  
including the date of the filing of the  
original and subsequent cases  
in this office.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT SE A  
LUCKNOW

T.A.No. 825 of 1987(T)  
(Original W.P.No. 3091/87)

Jitendra Singh & others.

...Applicants

Versus

Union of India and others

...Respondents.

T.F. 22.8.90

REJOINDER AFFIDAVIT

I, R.K.Tandon, aged about 33 years, s/o Shri G.N. Tandon, r/o Motialla Rani Katra, P.L. Saadatganj, Lucknow, do hereby state on oath as under :-

1. That the deponent is the petitioner/applicant no. 3 in the above noted W.P/application and he is fully conversant with the facts of the case deposited to in this rejoinder affidavit.
2. That the deponent has read and understood the contents of counter affidavit filed by one Shri R.P. Singh said to be the Assistant Post Master General (Staff) o/n the Post Master General, U.P.Circle, Lucknow and he is replying to the same on his behalf as well as on behalf of other applicants nos. 1, 2, 4 and 5. It is pointed out in reply to para 1 of the counter that the said Shri R.P. Singh is not a party to the case either in his personal capacity or by designation and he has not furnished any authority authorising him to submit reply for and on behalf of respondents no. 1 & 2 and in view of this matter, the counter affidavit/written statement is incompetent and without authority in terms of Rule 12(2) of the C.A.T. (Procedure) Rules 1987 and liable to be rejected.
3. That para 2 of the counter is not in reply any part of the writ/petition and it is not pertinent and relevant to the petition.
4. That in reply to the contents of para 3 of the counter it is stated that the exchange of reference made

in between respondent no. 1 and the District Employment and Training Office, U.P. is denied for want of knowledge by the deponent. It is, however, stated that no restriction could be placed on the number of candidates intending to apply for the posts and the restriction that the total number of applications collected should not exceed five times the number of vacancies categorywise, created a bar and prejudice to the meritorious intending candidates to seek their luck, in violation of Articles 14 and 16 of the Constitution, which cannot be sustained. The examination was competitive and not qualifying.

5. That the contents of para 4 of the counter are a matter of record.
6. That the contents of para 5 are denied for want of knowledge. It is, however, stated that the deponent as well as the applicants nos. 1, 2, 4 & 5 who were in search of some employment obtained the forms from the office of the respondent no. 1 and submitted them in the office of District Employment Exchange, Lucknow, for being forwarded to enable them to test their luck in the competitive examination to be held for recruitment of Clerks.
7. That paras 6 & 7 of the counter need no comment.
8. That in reply to the contents of para 8, 8(i) and 8(ii) of the counter, it is stated that the restriction on the number of candidates to be sponsored by the Employment Exchange was arbitrary and against the principle of equity and natural justice and in violation of Articles 14 & 16 and 39 of the Constitution. The examination was an open competition and all eligible candidates intending to appear in the examination had a right to be sponsored by the Employment Exchange and their right could not be abridged. The contents of para 8, 8(i) and 8(ii) are denied as stated and the contents of para 3 of the writ petition are re-asserted. The restriction as alleged in the counter was/is illegal and arbitrary as it deflated the very basis of competitive examination in which the

C106

best of the 1st are to be selected.

9. That in reply to the contents of para 9 and 9(i) of the counter, the deponent re-asserts the contents of para 4 of the writ petition.

10. That the contents of para 10 of the counter are denied as stated and the contents of para 5 of the writ petition are re-iterated. The deponent and other applicants submitted their applications duly forwarded by the Employment Exchange and the same cannot be questioned.

11. That the contents of para 11 of the counter to the extent they are repugnant to the contents of para 6 of the writ petition are denied and the contents of para 6 of the writ petition are re-stated. It was wrong on the part of the respondent no. 1 not to have issued call letters to the deponent and his other colleagues when their names were duly forwarded to the employment Exchange.

12. That in reply to the contents of paras 12 & 13 of the counter which are vague denial, the contents of paras 7 & 8 of the writ petition are re-iterated.

13. That the contents of para 14 of the counter are denied as stated and the contents of para 9 of the writ petition are re-asserted.

14. That the contents of para 15 of the counter are denied as stated and the contents of para 10 of the writ petition are re-stated. The applications of the deponent and his other colleagues were duly forwarded by the Employment Exchange and the opposite parties could not withhold them arbitrarily and maliciously.

15. That the contents of para 16 of the counter are denied as stated and the contents of para 11 of the writ petition are re-asserted. It is, stated that permits for appearing in the examination were issued by the intervention of the High Court, Lucknow and the deponent and the other applicants appeared at the examination and they succeeded.

CLC 107

16. That in reply to the contents of para 17 of the counter, the contents of para 12 of the writ petition are reiterated. It is further stated that in the writ petition no. 1056 of 1981 Malik Chandra and others versus Postmaster General and others, the Hon'ble High Court, Lucknow Bench, was pleased to allow the petitioner to appear in the examination. The deponent is told that the petitioner could not succeed and the petition became infructuous.

In the instant case, there were 190 vacancies against which only 76 candidates, including the deponent and his colleague passed and 34 posts still remained vacant. The deponent and his colleague have been working satisfactorily without any complaint or adverse comments. As a matter of fact the inclusion of the deponent and other applicants facilitated the selection by examination.

17. The writ petition is based on merit. It has sound and cogent grounds and is liable to be allowed with cost. The contents of para 13 of the counter are denied, \*\*\* and those of para 13 of the writ petition are reiterated.

18. That the contents of para 19 of the counter are denied as stated. The deponent states that the right of individuals placed in similar circumstances cannot be abridged and restricted by any administrative order in violation of principles laid down in Articles 14, 16 and 39 of the Constitution. The examination was a competitive examination and not a qualifying examination and the number of candidates cannot be restricted so that would amount to defeating the purpose of holding the competitive examination. It is stated that although there were 190 vacancies, only 76 candidates including the deponent and other applicants could succeed in the examination, which fell short of the actual requirement against the public interest. The applicants have been working satisfactorily

C 108

for years and have now become @verage.

19. That the contents of para 20 of the counter  
are denied. The grounds taken in the writ petition are  
cogent, sound and sustainable; the writ is based on  
merits on the facts and circumstances of the case and  
liable to be allowed with cost.

LUCKNOW

Deponent

Dated : 28.8.90

VERIFICATION

I, the above deponent, do hereby verify that  
the contents of paras 1 to 16 and 18 are true to my  
knowledge and those of para 17 & 19 are believed to  
be true. Nothing material has been suppressed and no  
part of it is false. So help me J.D.

Signed and verified this 28th day of August,  
1990 at Lucknow.

LUCKNOW

Deponent

Dated : 28.8.90

I, identify the deponent who  
has signed before me,

(M. Dubey)  
Advocate

IN THE C. A. T. AL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH  
LUCKNOW

T.A. No. 825 of 1987(T)  
(Original W.P. No. 3091/87)

Jitendra Singh & others.

... Applicants

Versus

Union of India and others

... Respondents.

F.F. 29.8.80

REJOINDER AFFIDAVIT

I, R.K.Tandon, aged about 33 years, s/o Shri G.N. Tandon, s/o Noor Ali Khan Katra, P.O. Samatganj, Lucknow, do hereby state on oath as under :-

1. That the deponent is the petitioner/applicant no. 3 in the above noted W.P./application and he is fully conversant with the facts of the case deposited to in this rejoinder affidavit.
2. That the deponent has read and understood the contents of counter affidavit filed by one Shri R.P. Singh said to be the Assistant Post Master General (Staff) o/o the Post Master General, U.P.Circle, Lucknow and he is replying to the same on his behalf as well as on behalf of other applicants nos. 1, 2, 4 and 5. It is pointed out in reply to para 1 of the counter that the said Shri R.P. Singh is not a party to the case either in his personal capacity or by designation and he has not furnished any authority authorising him to submit reply for and on behalf of respondents no. 1 & 2 and in view of this matter, the counter affidavit/written statement is incompetent and without authority in terms of Rule 12(2) of the C.A.T. (Procedure) Rules 1982 and liable to be rejected.
3. That para 2 of the counter is not in reply any P<sup>t</sup> of the writ/petition and it is not pertinent and relevant to the petition.
4. That in reply to the contents of para 3 of the counter it is stated that the exchange of reference made

CJC

in between respondent no. 1 and the District Employment and Training Office, U.P. is denied for want of knowledge by the deponent. It is, however, stated that no restriction could be placed on the number of candidates intending to apply for the posts and the restriction that the total number of applications collected should not exceed five times the number of vacancies categorywise, created a bar and prejudice to the meritorious intending candidates to seek their luck, in violation of Articles 14 and 16 of the Constitution, which cannot be sustained. The examination was competitive and not qualifying.

5. That the contents of para 4 of the counter are a matter of record.

6. That the contents of para 5 are denied for want of knowledge. It is, however, stated that the deponent as well as the applicants nos. 1, 2, 4 & 5 who were in search of some employment obtained the forms from the office of the respondent no. 1 and submitted them in the office of District Employment Exchange, Lucknow, for being forwarded to enable them to test their luck in the competitive examination to be held for recruitment of Clerks.

7. That paras 6 & 7 of the counter need no comment.

8. That in reply to the contents of para 8, 8(i) and 8(ii) of the counter, it is stated that the restriction on the number of candidates to be sponsored by the Employment Exchange was arbitrary and against the principle of equity and natural justice and is a violation of Articles 14 & 16 and 37 of the Constitution. The examination was an open competition and all eligible candidates intending to appear in the examination had a right to be sponsored by the Employment Exchange and their right could not be abridged. The contents of para 8, 8(i) and 8(ii) are denied as stated and the contents of para 3 of the writ petition are re-asserted. The restriction as alleged in the counter was/is illegal and arbitrary as it defected the very basis of competitive examination in which the

best of the lot are to be selected.

9. That in reply to the contents of para 9 and 9(i) of the counter, the deponent re-asserts the contents of para 4 of the writ petition.

10. That the contents of para 10 of the counter are denied as stated and the contents of para 5 of the writ petition are re-iterated. The deponent and other applicants submitted their applications duly forwarded by the Employment Exchange and the same cannot be questioned.

11. That the contents of para 11 of the counter to the extent they are repugnant to the contents of para 6 of the writ petition are denied and the contents of para 6 of the writ petition are re-stated. It was wrong on the part of the respondent no. 1 not to have issued call letters to the deponent and his other colleagues when their names were duly forwarded to the employment Exchange.

12. That in reply to the contents of paras 12 & 13 of the counter which are vague denial, the contents of paras 7 & 8 of the writ petition are re-iterated.

13. That the contents of para 14 of the counter are denied as stated and the contents of para 9 of the writ petition are re-asserted.

14. That the contents of para 15 of the counter are denied as stated and the contents of para 10 of the writ petition are re-stated. The applications of the deponent and his other colleagues were duly forwarded by the Employment Exchange and the opposite parties could not withhold them arbitrarily and maliciously.

15. That the contents of para 16 of the counter are denied as stated and the contents of para 11 of the writ petition are re-asserted. It is, stated that permits for appearing in the examination were issued by the intervention of the High Court, Lucknow and the deponent and the other applicants appeared at the examination and they succeeded.

(112)

16. That in reply to the contents of para 17 of the counter, the contents of para 12 of the writ petition are re-iterated. It is further stated that in the writ petition no. 1056 of 1981 Malik Chandra and others versus Postmaster General and others, the Hon'ble High Court, Lucknow Bench, was pleased to allow the petitioner to appear in the examination. The deponent is told that the petitioner could not succeed and the petition became infructuous.

In the instant case, there were 180 vacancies against which only 76 candidates, including the deponent and his colleagues passed and 34 posts still remained vacant. The deponent and his colleagues have been working satisfactorily without any complaint or adverse comments. As a matter of fact the inclusion of the deponent and other applicants facilitated the collection by examination.

17. The writ petition is based on merit. It has sound and cogent grounds and is liable to be allowed with cost. The contents of para 18 of the counter are denied, and those of para 13 of the writ petition are re-iterated.

18. That the contents of para 19 of the counter are denied as stated. The deponent states that the right of individuals placed in similar circumstances cannot be abridged and restricted by any administrative order in violation of principles laid down in Articles 14, 16 and 39 of the Constitution. The examination was a competitive examination and not a qualifying examination and the number of candidates cannot be restricted as that would amount to defeating the purpose of holding the competitive examination. It is stated that although there were 110 vacancies, only 76 candidates including the deponent and other applicants could succeed in the examination, which fell short of the actual requirement against the public interest. The applicants have been working satisfactorily

(C13)

for years and have now become average.

19. That the contents of para 20 of the counter  
are denied. The grounds taken in the writ petition or  
cogent, sound and sustainable; the writ is based on  
merits on the facts and circumstances of the case and  
liable to be allowed with cost.

LUCKNOW

Deponent

Dated : 28.8.90

VERIFICATION

I, the above deponent, do hereby verify that  
the contents of paras 1 to 16 and 18 are true to my  
knowledge and those of para 17 & 19 are believed to  
be true. Nothing material has been suppressed and no  
part of it is false. So help me GOD.

Signed and verified this 28th day of August,  
1990 at Lucknow.

LUCKNOW

Deponent

Dated : 28.8.90

I, identify the deponent who  
has signed before me.

(R.Dubey)  
Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

M.P. NO. 11/91(C)

T.C.A. NO. 825 of 1987 (T)

Jitendra Singh

... Applicant

-vs-

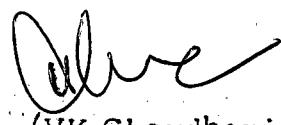
Postmaster General UP and others... Opp. parties

APPLICATION FOR CONDONATION OF DELAY IN  
FILING COUNTER AFFIDAVIT.

That the opposite parties beg to submit as under:-

1. That in the above noted case the counter-affidavit could not be filed in time inadvertent. The same is now ready and is being filed along with this application.

2. Wherefore, it is most humbly prayed that the delay in filing the counter affidavit may kindly be condoned and counter affidavit be taken on record.

  
(VK Chaudhari)  
Addl. Standing Counsel for C.  
(Counsel for Opp. parties)

Lucknow

Dated: 8/1/90, 1990.

24-5-4-6  
C15  
9  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW  
C.M. A.N. No. 2956 of 1982.  
Jitender Singh & others ..... Applicant.

3735  
In re:

Writ Petition No. 3091/81



3 Cr 254  
9830/3  
Jitendra Singh & others ..... Petitioner.

Versus

1. Post Master General, U.P. Circle, Lucknow-226001.
2. Union of India through the Secretary Ministry of Communications, Sanchar Bhawan, Sardar Patel Bhawan, New Delhi-110001.

..... Opposite Parties.

4263  
APPLICATION FOR FURTHER INTERIM RELIEF.

The applicant above named begs to state as under :-

3735  
SMD/2  
1. That the applicants filed a writ petition in this Hon'ble court challenging the illegal refusal by the Post Master General, Opposite Party No. 1 to issue call letters for appearing in the competitive examination held on 5.7.81, which was admitted and the following interim order was passed by the Hon'ble Mr. Justice, S.C. Mathur on 3.7.1981.

(2)

Cite

9  
2

"List along with the writ petition. Meanwhile the opposite parties shall allow the petitioner to appear in the examination scheduled to be held on 5.7.81. The result of the petitioners shall not be declared till further orders of the Court. A copy of the order shall be produced by the petitioner to the relevant authority. Copy shall be issued to the petitioner by tomorrow."

2. That the opposite parties in terms of the aforesaid interim order permitted the applicant to appear in the examinations and accordingly the applicants appeared in the examinations on 5.7.81.

3. That on 29.8.81 the opposite party No. 1 vide Annexure-1 to this application announced the results showing the candidates who qualified in the examination for recruitment in the L.D.Cs. (S.B.C.O.) for 1980. A perusal of the same will show that the names shown therein were announced in order of merit. The appended note therein, will also show that the results of the applicants would be only declared when permitted by this Hon'ble Court. The Annexure-1 is the cyclostyled true copy of the same.

4. That the aforementioned annexure reveals that though the opposite party No. 1 called for applications for filling up 110 vacancies of L.D.Cs. (S.B.C.O.) and asked for sending of candidates 5 times more than the vacancies, it has only selected 65 candidates so far for appointment as L.D.Cs. Thus, there are still 45 vacancies which are yet to be filled.

(3)

(3)

9  
3

5. That the petitioners appeared in the said examination and did their paper satisfactorily and they have strong hope and belief that they have secured marks on the basis of which they are entitled to be selected in order of merit.

6. That the opposite parties as per their requirement were to recruit 110 L.D.Cs. and if the petitioners results are declared and they are found to have qualified on the basis of their merit they will not have to do anything else excepting to restore the petitioners to their position on the basis of their merit.

7. That the petitioners are all qualified and entitled to be appointed as L.D.C. as all of them have higher qualifications than matriculation and fulfil all other recruitment conditions.

8. That the 65 candidates who were selected as per Annexure 1 to this application have been all issued appointment letters and those who have joined their posts have started working also. But the petitioners in spite of their having all the requisite qualifications are still suffering not being appointed as their results have not been declared and consequently not been selected.

9. That there is no other empediment in their appointment as L.D.Cs. (S.B.C.C.) excepting the declaration of their results.

C110

9  
2

(4)

Wherefore it is most respectfully prayed  
that this Hon'ble Court may be pleased to pass  
further interim order commanding the opposite  
parties to declare the results of the petitioners  
of the competitive examination held on 5.7.81  
forthwith and be further pleased to direct them  
to appoint the petitioner if they are found  
to be qualified on the basis of merit in the  
interest of justice.

*Robin Mohan*

ADVOCATE

COUNSEL FOR THE PETITIONER

LUCKNOW  
DATED 26.3.1982.

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

C.M. AN No

of 1982

In re  
W.P. No 3091/81

J. Tendu Singh & Ors - vs P.M.G. & Ors

(CJA)

ANNEXURE 1

Indian Posts and Telegraphs Department  
Office of the Postmaster-General, U.P. Circle, Lucknow

No.:- Recd / M-13 / CON / ADR Dated 29.8.81

The Candidates detailed below have qualified in the examination for recruitment of L.D.C.s (SBCO) for 1980 held on 5.7.81 and have accordingly been selected for appointment in L.D.C. in S.B.C.O. The names have been arranged in order of merit. The candidates who have secured equal marks and merit have been bracketted together. Formal appointment orders will be issued by the competent authority in due course after observing usual formalities.

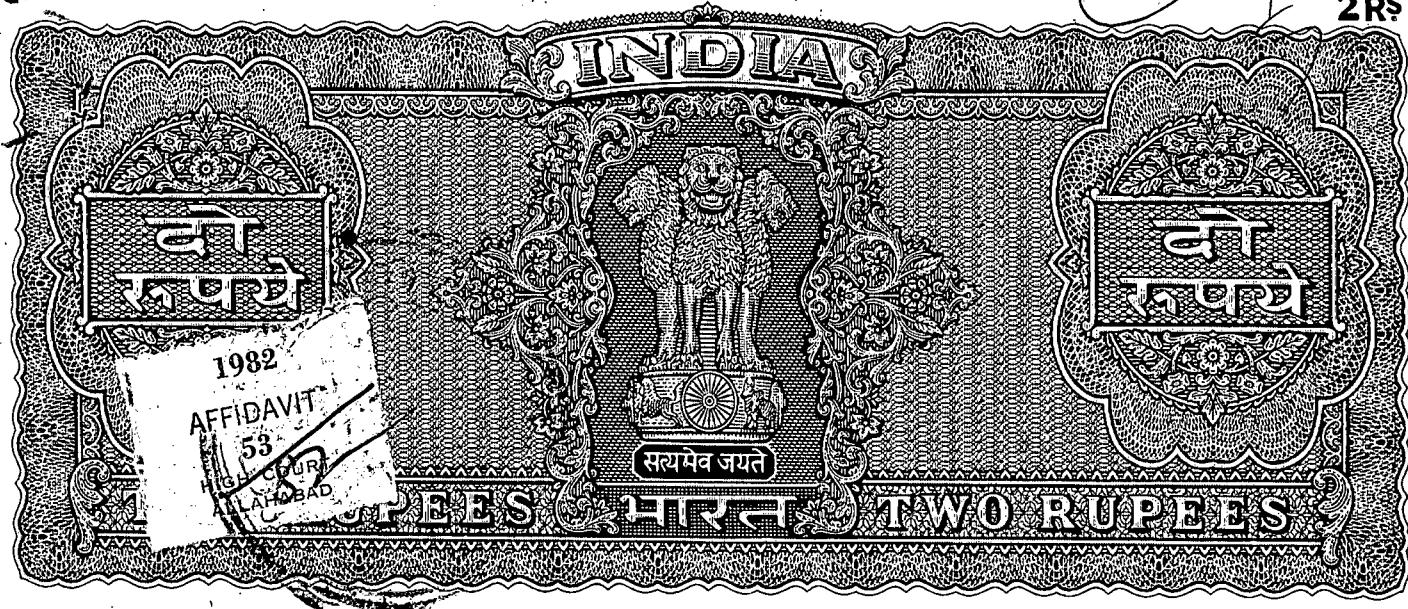
NOTE:- The result of the candidates permitted to appear in the aforesaid examination in accordance with the order of the Hon'ble High Court Lucknow Bench in writ petition No. 3091 of 1981 will be declared when ordered by the said Court.

five (5)

Position in Merit	Sl. No.	Roll No.	Name of Candidate	Whether S.C/ST PH Ex.Sr.	Name of employment or deaf.
1	2	3	4	5	6
1	1	UP-12	Shri Radhey Shyam		Aligarh
	to	UP-47	Shri Hari Prakash Saxena		Bareilly
	4	UP-65	Radhey Shyam Sharma		Bulandshahr
		UP-105	Surendra Nath Misra		Faizabad
2	5	UP-59	Hari Nath Singh		Basti
	to	UP-68	Mohd Yaseen Khan		Maun
	7	UP-69	Ashok Kumar	SC	Budaun
					Budaun
3	8	UP-64	Bachchoo Singh		Bulandshahr
	to	UP-259	Ram Kripal Maurya		Sultanpur
	9				
4	10	UP-310	G.S. Misra		Lucknow
5	11	UP-257	Kamal Kumar Shukla		Sultanpur
6	12	UP-92	Anil Kumar Srivastava		Fatehpur
7	13	UP-72	Anand Swoop Srivastava		Dehradun
		UP-100	Brij Lal		Faizabad
		UP-166	Rajendra Kumar		Muzaffarnagar
	18	UP-194	Guru Saran Lal		Rae Bareli
		UP-251	Ashok Kumar Srivastava		Fatehgarh
		UP-289	Sunil Kumar Srivastava		Pratapgarh

....2

Kishore Kumar Tiwari



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

Counter affidavit in

In  
W.P. No 3091-81.

S. K. S. Jeth - Relws

Rishore Kumar Thakuri

para 5 are believed by me to be true.  
relief are based on my own knowledge and that of  
9 of the accompanying application for further information  
2. That the contents of paras 1 to 4 and 6 to

with the facts of the case.  
the above noted case and as such is fully convincing  
1. That the deponent is the petitioner no. 4 in

so firmly affirm as under : -  
N.R. Old Seek Colony, Charbagh, Lucknow do hereby  
years, son of Sri B.N. Tripathi, resident of 150  
I, Kishore Kumar Tripathi, aged about 19

FOR THE INTERIM RELIEF.

AFFIDAVIT IN SUPPORT OF THE APPLICATION FOR

C.P.P. Parties. . . .  
Postmaster General, U.P. and others.  
V.S. . . .  
Jitendra Singh & others . . . .  
Petitioners.

Writ Petition No. 3091 of 1981.

C.M.A. No. C.P. 1982.

LUCKNOW BENCH LUCKNOW.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

8/8

2

me.

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

Advocate, High Court, Lucknow  
deponent, who is identified by Sri D. Bhatia

So I solemnly affirm before you on 26.3.82 at

ADVOCATE

my presence.

I identify the deponent who has signed in

DATED 26.3.82  
LUCKNOW

DEponent

nothing material has been concealed, so help me God.  
to my own knowledge. No part of it is false and  
that the contents 1 to 3 of this affidavit are true  
I, the deponent above named do hereby certify

VERIFICATION

DATED 26.3.1982.  
LUCKNOW

DEponent

copy of the original.  
application for further interim relief is a true  
3). That the Annexure-1 to the accompanying

(2)

9  
9  
C23

C124  
6  
1

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



10038

CIVIL. MISC. APPLN. NO. (W) 1981.

in

Writ Petition No 3091 of 1981.

15/10/1981  
Jitendra Singh and others.....Petitioners.

-vs-

The Post Master General U.P. Lucknow and others.

....Opp-parties.

The above named applicant respectfully submit as under.

- 1- That on the last date of hearing this Hon'ble Court was pleased to allow the applicant-petitioners two weeks time to file supplementary affidavit.
- 2- That as directed by the Hon'ble Court the application was prepared within the time allowed but the same could not be filed as the case did not ~~reach~~ reach on last date of hearing.
- 3- That due to inadvertance the same escaped the attention of the ~~xxx~~ clerk of the counsel for the applicant and the same could not be filed in the office of this Hon'ble Court.

4- That the delay caused in filing the affidavit is bonafide and as such it is necessary in the interest of justice that this Hon'ble Court be pleased to condone the delay and accept the affidavit filed herewith on record.

Wherefore it is most respectfully prayed that ~~xxxxxx~~ in the circumstances stated above it is in the interest of justice that the Hon'ble Court be pleased to condone the delay. ~~in filing the same.~~

It is further prayed that the stay application may kindly be listed for hearing. ~~xxxxxxxx~~

S. M. K. Chaudhary  
( S. M. K. Chaudhary )

Advocate

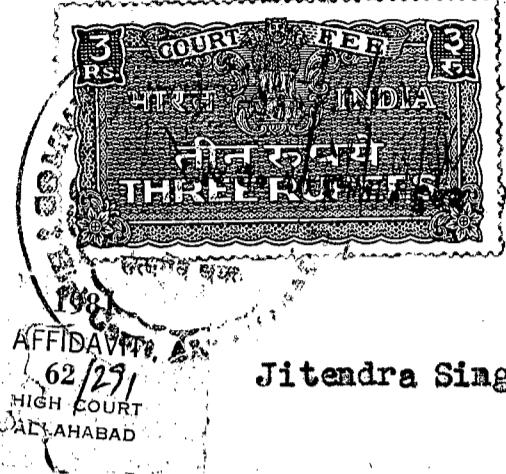
Dated, Lucknow:

Counsel for the petitioner.

Nov. 13 - 1981.

C126  
6/3

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



SUPPLEMENTARY AFFIDAVIT

IN

Civil Misc. Appln.No. of 1981.  
in re  
Writ Petition No. 3091 of 1981.

Jitendra Singh and others..... Petitioners.

-versus-

The Post Master General U.P. Lucknow and another.. Opp-parties.

I, Kishore Kumar Tripathi aged about 19 years, son of Sri R.N. Tripathi Resident of 150 N.R.Old Sick Colony Charbagh Lucknow the deponent do hereby solemnly affirm as under : -

- 1- That the deponent is the petitioner in the above writ petition and is well conversant with the facts desposed hereinafter.
- 2- That for making regular selection on the post of clerks in the Post and Telegraph Department a written examination held on 5.7.81.
- 3- That the procedure for selection was prescribed, while the petitioner came to know through Employment Exchange and obtained the form, where his name was registered. The form contained the instructions, a Copy of which is being attached herewith as Annexure I to this affidavit.
- 4- That as the petitioners possessed all requisite qualifications prescribed in the form, he submitted the forms like other candidates with all necessary requirements and formalities.

किशोर कुमार त्रिपाठी

5- That after the filing of the writ petition and having appeared in the written examination the petitioners came to know that call letters to petitioners were not issued for the reasons that names send by the employment exchange contained in 2nd list, where of such persons who perhaps were in excess than the number of forms sent by Post Master General, U.P. Circle, Lucknow. The petitioners name probably contained in the 2nd list.

6- That the petitioner further asserts that forms were obtained from the employment exchange and even if it be assumed without admitting that forms, which were submitted by the petitioners were in excess of the number of forms issued by the Employment Exchange, the refusal to send call letters on that basis is illegal and against the principles of natural justice as well as against the instructions issued by G.O.27/2/1974-Karmik-2 dated 14.10.1980. A ~~copy~~ <sup>copy</sup> of which is being attached herewith as Annexure No. II to this affidavit.

7- That the refusal to call the petitioners was arbitrary and malafide and against the principles laid down in Article 16 of the Constitution of India.

8- That the petitioners complied with all the qualifications and submitted all requisite documents as contained in Annexure I to this affidavit and as such there was no legal justification for opposite party no. 1 not to issue call letters to the petitioners and to others who were similarly situated.

9- That it is also necessary to mention here that O.P. No.1 had issued 550 forms, out of which 438 forms duly filed were received but total candidates who appeared in the examination were about 176. Out of 176 candidates only ~~only~~ <sup>only</sup> 66 were

मानित गये हैं।



C128

b

15

-3-

76 have only successfully qualified for the said posts of clerks, still 79 candidates are to be selected by the opposite party no. 1.

10- That in case the petitioners result are not declared they would suffer ~~imm~~ irreparable loss which can not be compensated in terms of money.

Dated, Lucknow:

14.9.1981.

*Shri S.M.K. Chaudhary*  
DEPONENT.

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 10 of the affidavit are true to my own knowledge and nothing material has been concealed. So help me God.

Dated, Lucknow:

14.9.1981.

*Shri S.M.K. Chaudhary*  
DEPONENT.

I identify the deponent who has signed before me,

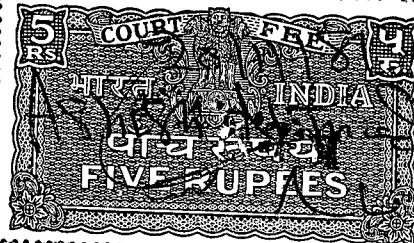
*Shri S.M.K. Chaudhary*  
Advocate (S.C.)

Solemnly affirmed before me on 14.9.81  
at 9.30 a.m./p.m. by *Shri Ashok Kumar Tripathi*,  
the deponent who is identified by *Sri S.K. Chaudhary*,  
Clerk to Shri S.M.K. Chaudhary, Advocate  
High Court Allahabad.

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

*Adv. COMMISSIONER 1981*  
High Court, Allahabad  
Lucknow Bench.

26/29/62  
Date 14.9.81



IN THE COURT OF

On the Hon'ble High Court, Lucknow  
Bench U.C.A.

Jitender Singh Appellant/Applicant

Plaintiff/Complainant

VERSUS

Post Master General Defendant/Opposite Party

Respondent/Accused

Original Suit

First Civil Appeal

2nd Civil Case No. 3091 of 1981

Fixed for.....19

Case

In the above mentioned..... I appear for the O.L. No. 1 and 2

Appeal

having been instructed by..... to appeal

his

and plead on..... O.L. No. 1 and 2 behalf  
their

Phish D. Divedi  
Adv.

LUCKNOW

Dated 25.11.1981

Council for O.L. No. 1 and 2

(C130)

In the High Court of Judicature at Allahabad  
(Lucknow Bench) No.



Writ No. 3091 of 1981.

Teelindra Singh & Others — Petitioners  
vs.

P. M. G. & Others No. — opposite parties

To the Hon'ble Senior Judge.

My Lord,

This case is  
P. H. Bhatn. K. N. Singh &  
& R. C. D. Sharma  
Vide Courts order  
dated 11.8.1981  
was listed for admission before the Bench consisting  
of Hon'ble K N Singh and Hon'ble R C Deo Sharma JJ,  
where the time was granted to file the supplementary  
affidavit, which has already been filed but the case  
was marked somehow or the other part heard by  
the Bench.

As the same bench is not likely to  
be constituted in near future at all and the  
matter is very urgent as the candidates selected  
have been sent for Training Course, where as the  
result of the petitioners have not been  
declared due to the order of this Hon'ble High  
Court; it is necessary in the interest of Justice  
that Your Lordship may be pleased to order  
the writ to be listed either before the Bench  
of which MR Justice R C Deo Sharma is the member  
or he pleased to direct that stay application  
be listed for orders and in case this Hon'ble  
Court thinks proper to direct

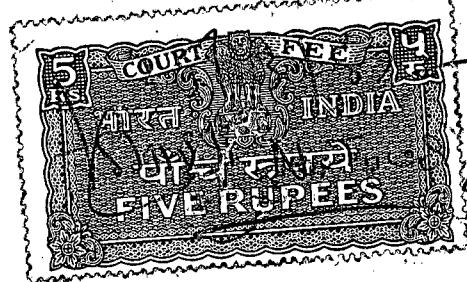
Prayer

It is therefore most respectfully  
prayed that Your Lordship be pleased  
to order that the above noted W.P. No 3091  
of 1981 be listed for admission as prayed  
above.

S. M. K. Choudhury  
Advocate  
1981

(63) 8/1

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



16/3/82

2429

Civil Misc. Appln.no. (4) of 1982

Post Master General and others ....Applicants

In re

Writ Petition no. 3091 of 1981

Sri Jitendra Singh and others ....Petitioners

Versus

Post Master General and others ....Opp. Parties.

Application for condonation of delay  
in filing the counter affidavit

The applicants abovenamed most respectfully begs to  
state as under:

1. That the counter affidavit could not be  
filed within the prescribed time allowed by this Hon'ble

Court in view of the fact that after the receipt of the  
parawise comments the draft counter affidavit was prepared  
by the counsel and were sent through the deponent to the  
Ministry of Law for being vetted.

2. That the duly vetted draft counter affidavit  
was handed over to the counsel for the applicants on  
5.3.1982.

3. That the counter affidavit was finally  
prepared and has been sworn and is being filed herewith  
without any further loss of time.

Received copy  
S.M.R. Chaudhary  
A.P.C.  
(Q3/82)

Abhishek D. Jitendra  
A.P.C.

2.

Wherefore, it is most respectfully prayed that this Hon'ble Court may be graciously pleased to condone the delay in filing the counter affidavit and the same is liable to be taken on record.

Lucknow:  
March 15, 1982

*Aphish Q. Ahmed*  
Counsel for the applicants

In the Hon'ble High Court of judicature at Allahabad

Sitting at Lucknow. (4)

C.M. No. 5291 of 81.

Writ Petition No. \_\_\_\_\_ of 1981

Application for interim relief

In re :

Jitendra Singh & others

Petitioners

LED

Versus

Post Master General Lucknow

Opposite Parties

The Petitioners above named most respectfully sheweth

1- That for the facts and reasons stated in the Writ Petition and the affidavit it is expedient that the Opposite Party no.1 may be directed to allow the petitioners to appear in Written examination for clerks (SBCO) Written examination schedule to be held on 5.7.1981.

It is therefore, prayed that the Opposite Party no.1 may be directed to allow the petitioners to appear in the Written examination for clerks (SBCO) schedule to be held on 5.7.1981.

Dated 2.7.81

*R.B. Shukla*  
Advocate  
Counsel for the Petitioner.

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

WRIT PETITION NO. OF 1981

(134)

1. Jitendra Singh aged about 21 years } sons of Sri
2. Shailendra Singh aged about 23 years } Sarvajit Singh
- Residents of 288/12, Mohalla Aryanagar P.S. Naka Hindola,  
Lucknow.
3. Rakesh Kumar Tandon aged about 24 years son of Sri  
G.N. Tandon resident of Mohalla Ram Katra, P.S. Sandiganj,  
Lucknow
4. Kishore Kumar Tripathi aged about 19 years son of  
Sri Ravindra Nath Tripathi resident of 1601, N.R.Old  
Sickline Colony, Charbagh, P.S. Hussainganj Lucknow.
5. Lal Bahadur Singh aged about 22 years, son of Sri  
Bindra Pur Singh, resident of 288/12, Aryanagar, Ward  
Yahiaganj, P.S. Naka Hindola, Lucknow.

...Petitioners

Versus

1. Post Master General, U.P. Circle, Lucknow-226001
2. Union of India through the Secretary Ministry of Communi-  
cations Sanchar Bhawan Saifai Patel Bhavan, New Delhi-  
110 001. ...

... Opp. Parties.

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION  
OF INDIA.

To,

The Hon'ble Chief Justice and the other companion Judges  
of the Allahabad High Court (Lucknow Bench) Lucknow.

The petitioners above named most respectfully showeth-

C 147

... the year 1980 one hundred and ten posts of clerks (GBCO) were created in the Post & Telegraph Department in Utter Pradesh circle, Lucknow and recruitment of the said posts has been decided to be made by Opp. Party no. 1.

2: That the relevant rules for recruitment stipulate that the candidates will be obtained through the Employment Exchanges and they will be selected on the basis of Written examination. The educational qualification fixed for the said posts was High School.

3: That in order to fulfil the above vacancies the Opposite Party no. 1 on 16.7.80 sent communication to Director Training and Employment, U.P. Lucknow for sending names of candidates eligible for the aforesaid posts.

4: That the names of the Petitioners were duly forwarded by the employment exchange to the Opp. Party no. 1 but the said O.P. did not issue call letters to the Petitioners for which no discretion was reserved.

5: That the Petitioners were registered with the Employment Exchange, Lucknow and fulfil all the requirements for appearing in the examination scheduled to be held on 5.7.81 though the names of the Petitioners were forwarded on or about 11.11.80 by Director Training & Employment on U.P. Lko, yet the Opposite Party no. 1 did not issue call letters to them for the written examination due to be held on 5.7.81.

6. That the call letters to so many candidates for appearing in the written examination have been issued but the call letters to the petitioners have not yet been issued.
7. That when the call letters to the petitioners were not issued, they then enquired in the office of the opp. party No. 1 wherein it was revealed that the opp. party No. 1 has not allowed them to appear in the written examination and no call letters shall be issued to them.
8. That thereafter the petitioners also contacted the opp. party No. 1 to enquire about the matter who has clearly refused to allow the petitioners to appear in the said examination.
9. That the petitioners are qualified for the above posts and fulfil all the requirements for appearing in the written examination but the opp. party no. 1 without any reason has allowed certain other persons of the similar qualification and category to appear in the said examination and has refused to allow the petitioners to appear in the said examination causing grave injustice to them.
10. That the names of the petitioners were sent to opp. party No. 1 by Director Training and Employment, U.P., Lucknow in a proper and legal manner but the opp. party No. 1 making discrimination in allowing candidates to appear in the said examinations. The proposed venue of examination is Nari Shiksha Niketan, Qaiserbagh, Lucknow.
11. That disallowing the petitioners to appear in the above examinations is the deprivation of their valuable rights provided by the constitution of

(C 137)

India and in case if the petitioners are not allowed to appear in the written examination they will cross age limits and shall suffer an irreparable loss and injury.

12. That a competition of the similar status was held in the Postal department where Sri Manik Chandra and others were not called for appearing in the written examination who filed a writ petition No. 1056 of 1981 Manik Chandra and others versus Post Master General and others in the Hon'ble High Court of Lucknow which has been admitted for hearing and the petitioners of the above writ petition were allowed to appear in the written examination by the order dated 14.2.81 and they appeared in the examination accordingly.
13. That being aggrieved by the orders of oppo. party No. 1 and <sup>7/1</sup> the issue of a writ in the nature of mandamus, the petitioners having no other efficacious, adequate and alternate remedy beg to prefer this Writ Petition on the following amongst others:

G R O U N D S

- (i) Because the recruitment is against the relevant rules since no advertisement has been made in leading newspapers, inviting applications for the above posts.
- (ii) Because the recruitment also suffers from legal infirmity since 62 more candidates were available from Employment Exchanges but they have not been called for written examination.
- (iii) Because the refusal by oppo. party No. 1 to issue

C 132

call letters to the petitioners when they fulfil the prescribed conditions is arbitrary call in violation of Articles 14, 16 and 22 of the Constitution of India.

(iv) Because the Opposite Party No. 1 has committed no take papers on the file of the record in refusing to allow the petitioners and allowing certain other persons of the same category to appear in the examination.

(v) Because the Opposite Party No. 1 has committed an error of law and jurisdiction not according to the petitioners in equal opportunity in the matter of employment in the order to discriminatory.

(vi) Because the cause of the Opp. Party No. 1 differ from errors of law and jurisdiction and so not in any way maintainable.

IN CONCLUSION, the petitioners pray :-

- (a) That a writ of mandamus be issued to the authority to accept disallowing the Opp. Party No. 1 to allow the petitioners to appear in the examination written examination.
- (b) That the costs of the writ be allowed to the petitioners.
- (c) That the matter be urgent time for service of notice be issued.
- (d) That any other writ or direction which this honorable

(6)

CB9

Court might open just and proper in the circumstances  
of the case to also allow to the Positioner.

Action of

Dated 2nd July 1931

(R. Deo Shukla )  
Advocate  
Council for the Positioner

J. H.

IN THE HIGGLED HIGH COURT OF JUDICATURE AT ALLAHABAD

LISTING AT LUCKNOW

WRIT PETITION NO. OF 1981

CLC

Jitendra Singh and others .....

...Petitioners.

versus

Post Master General U.P. Circle Lucknow & others

...Opp. Parties.

AFFIDAVIT IN SUPPORT OF WRIT PETITION

Kinshor

I, ~~Daksh~~ Kumar Tripathi, aged about 19 years, son of Sri G.N. Ravindra Nath Tripathi resident of 1501 N.R. Old Civil Line Colony Charbagh, P.S. Hussainiyanj, Lucknow the deponent do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above writ Petition and is well conversant with the facts deposed to hereinafter.
2. That para 1 to 12 of the Writ Petition are true to my own knowledge.

Lucknow, dated:

22<sup>nd</sup> July 1981

Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of para 1 to 12 of the above Writ Petition are true to my own knowledge. That no part of it is false and nothing material has been concealed, so help me God.

Deponent.

I identify the deponent who has signed before me.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
10-9-81.	Hon. T. S. Misra, J.	P.O.
	Hon. R. C. D. Sharma, J.	Bench
	Put up tomorrow.	
	Bench P.O.	
	10-9-81.	
11-9-81	Hon'ble K. N. Singh, J.	
	Hon'ble R. C. D. Sharma, J.	
	List as part heard on 15-9-81. Meanwhile Learned counsel for the Petitioners should produce relevant rules and copy of the advertisement prescribing the qualifications and other requirements for eligibility. J.	
M/S/	11-9-81	
15-9-81	Hon. K. N. S. J.	
	Hon. Sharma J.	
	P.O.	P.O.
3-2-82	Hon. Seth J.	
	19. Hon. Sharma J.	

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

1118 No. 3091

-of 198

-VS.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
13.11.01	<p>P.M. Anr/Co. 10038(C)/01  Hc. K.S. V.S.  Jen S.S. Ahmed, S.</p>	
	<p>Put up for orders  along with the record.</p>	
	<p>Self - K.S. V.S.  Self - S.S. Ahmed  13.11.01</p>	
	<p>20-11-01</p>	
20-11-01	<p>Writ with C.M. An. 10038-81  Jen. Verma, J.  Jen. Ahmed, J.</p>	P B Recd
	<p>The petitioner is represented  by Sri S.N.K. Chordhany whose  name has not printed  in the Cause List - <del>last</del>  This <sup>case</sup> again after mentioning  his name as Counsel for  the petitioner</p> <p>On  Sd/</p> <p>Self - K.S.</p> <p>In P.M. for  his open</p>	

The petitioner is represented by Sri S.N.K. Chotham whose name has not printed in the cause list - ~~but~~ <sup>in this case</sup> again after mentioning his name as counsel for the petitioner (contd.)

John Ks

for his appearance  
on behalf of  
nos 152

15-2-82 W.M. no. C.M. 10038 81 W  
H. Seth J.  
H. S. S. D. J.  
1/3  
C1/3

19.2.82

Han. H. N. Seth J.

Han. S. S. D. J.

Admit Issue Notice

B  
S

18/2/82

Service report

S. Ashok Nairn <sup>Advocate</sup> Privedh has  
accepted notice on behalf of all  
the off parties. Office to proceed in

O.C.

SP  
26-2-82  
S.O. (Writ)

15/3/82 15.3.82 Date. 1/1

C.M. 10038 S. 1

Marked C.C. S. J.

List the stay application and  
application for vacating the stay  
order, along with other applications  
in the next week.

15-3-82

26.3.82 Date

1/1 B/13

C.M. 10038 (→) 11

11 C144

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

of 198

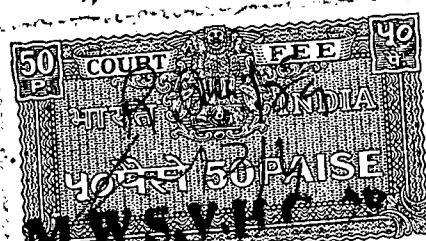
vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
14.4.82	Cur An 10038-81 for order. Plan 4-C-S-T.	
	<u>Harib Meek</u>	
	Let it on 20th April 1982 as & A.N. Tronode is referred to be it. L	
	14.4.82	
20.4.82	Cur 10038-81. & os. Jn Vess. 00/46	
	list this case again on 23rd April, 1982. All the applications will be taken up on 23rd April, 82 even though they are not shown in the cause list. Office to take care to list all these applications on that date.	
	L	
	20-4-82	
25.4.82	23.4.82 Tronode 061 10038(11) 29.86 (102) 3657(7) Jn Vess	

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW.

2145



C.M. A.N. No. 3657 (CD) OF 1982.

In re:

WRIT PETITION NO. 3091/81.

JITENDRA SINGH & OTHERS. ....

PETITIONERS.

Versus

1. POST MASTER GENERAL, U.P. CIRCLE,  
LUCKNOW - 226 001.
2. UNION OF INDIA THROUGH THE  
SECRETARY, MINISTRY OF COMMUNICATIONS,  
SANCHAR BHAWAN, SARDAR PATEL BHAWAN,  
NEW DELHI - 110 001. ....

OPPOSITE PARTIES.

APPLICATION FOR AMENDMENTS.

*460/*  
The applicant above named begs to state as under :-

1. That the above Writ petition was filed by the petitioner in this Hon'ble Court on 3-7-1981 when the following interim orders were passed by Hon'ble Mr. Justice S.C. Mathur : "List along with the writ petition. Meanwhile the opposite parties shall allow the petitioner to appear in the examination scheduled to be held on 5-7-81. The result of the petitioners shall not be declared till further orders of the Court. A copy of the order shall

*20-4-82*  
be produced by the petitioner to the relevant authority.

*Copy shall be issued to the petitioner by tomorrow.*

2. That in compliance of the afore-said interim order the opposite parties permitted the petitioners to appear in the competitive examination.
3. That on 29-8-1981 the opposite party No.1 vide the Annexure No.1 to the Application for the further interim relief filed in this Hon'ble Court declared the results of selected candidates in order of merit. The selected candidates have joined their posts. There are still about 45 vacancies in the posts of Lower Division Clerks of Savings Banks Control Organisation which have not been filled by the opposite parties.
4. That the petitioner's results were not declared by the opposite parties as there was such direction from this Hon'ble Court in the above mentioned order that the results shall not be declared till further orders of this Court.
5. That the petitioners in their Writ petition prayed for amongst other reliefs a writ for mandamus for directing the opposite parties to allow the petitioners to appear in the examination. There was no prayer for further Mandamus for declaration of the results or for directing the opposite parties to appoint the petitioners on the posts on the basis of their results.
6. That the petitioners have appeared in the examination and they hope on the basis of their performance that they would be successful and come in the selection on the basis of their merit.
7. That after Para 11 of the Writ petition the following paragraph 11(a) may be added :-

" That the petitioners in compliance of this Hon'ble Court's orders dated 3-7-1981 were permitted to appear in the competitive examination held on 5-7-1981 in which they have every hope that on the basis of their performance they ought to be selected as candidates entitled to be

appointed on the basis of their merit to the posts of Lower Division Clerks in the Saving Banks Control Organisation. There is no other legal impediment in their being appointed if on the basis of their result it is found that they have come in the merit list."

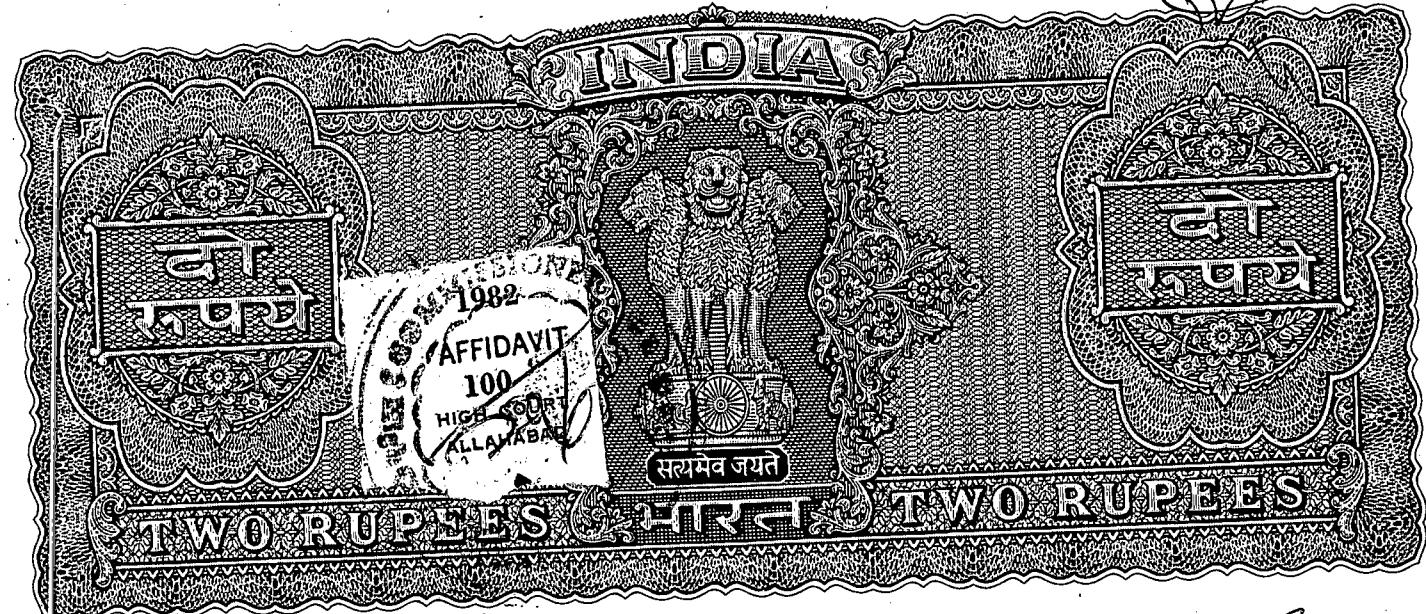
8. That in the circumstances the petitioners pray that the following amendments may be incorporated in the prayer column para (a) after adding the following at end of the para :-

" and be further pleased that the results of the petitioners of the competitive examination held on 5-7-1981 be declared and if they are successful, opposite parties may be directed to appoint the petitioners on the basis of merit and adjust them in the list already declared as per Annexure 1 to the application for interim relief."

WHEREFORE, it is respectfully prayed that this Hon'ble Court may be pleased to pass an order allowing the petitioners to incorporate the amendments sought in this application in the interest of justice.

LUCKNOW  
DATED 10.8.1982.

  
ADVOCATE  
COUNSEL FOR THE PETITIONERS



Mr. Hanke High Court Mandir at  
Allahabad Allahabad Bank India  
Allahabad Allahabad Bank India

Govt Petition No. 3091-A.

G. K. Sub. Jit. Petitioner

M.

Shri Union Advocate of P. B. H. S.



Kishore Kumar Tripathi

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

**LUCKNOW BENCH, LUCKNOW.**

C.M. An. NO. OF 1982.

WRIT PETITION NO. 3091/81.

Jitendra Singh & Others. .... Petitioners.  
Versus  
Post Master General, U.P. & Others. .... Opposite Parties.

AFFIDAVIT IN SUPPORT OF THE APPLICATION FOR AMENDMENTS.

I, Kishore Kumar Tripathi, aged about 19 years, son of Sri R. N. Tripathi, resident of 150, N.R. Old Sick Colony, Chorbagh, Lucknow do hereby solemnly affirm as under :-

1. That the deponent is the petitioner No.4 in the above noted case and as such is fully conversant with the facts of the case.
2. That the contents of para 1 to 8 of the accompanying application for further amendments are true to my own knowledge.

Kishore Kumar Tirpathi

### Lucknow

Dated 19 April, 1982.

**DEPO NE NT.**

contd....2

1150

VERIFICATION.

I, the deponent above named do hereby certify that the contents 1 and 2 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Kishore Kumar Tripathi

Lucknow.

Dated 12 April, 1982.

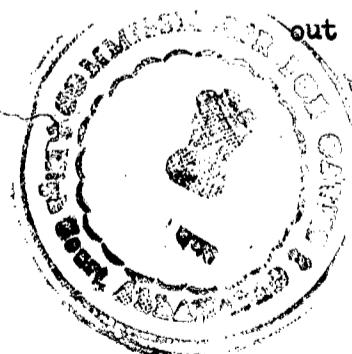
DEPOENT.

I identify the deponent who has signed in my presence.

*R. M. Tripathi*  
ADVOCATE.

Solemnly affirmed before me on 12/4/82 at  
9.20 A.M./P.M. by Sri Kishore Kumar Tripathi, the  
deponent who is identified by Shri R. M. Tripathi,  
Advocate, High Court, Lucknow.

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



*R. M. Tripathi*  
High Court, Allahabad  
Lucknow, India

No. 1001296/82  
Date 12/4/82

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
23-A, Thorntown-Road, Allahabad-211 001

(CIVIL)  
68

\*\*\*\*  
No.CAT/Alld/Jud/ 403237024 : 1415  
dated the : 14/11/1989

Reg. No 825(T) 1987

Jiwan Singh & others APPLICANT'S

VERSUS

Post Master General RESPONDENT'S

To

- 1- Shri Ram Bhajan Lal Shukla, Advocate, Lucknow  
High court Lucknow.
- 2- Shri Ashish N. Trivedi, Advocate, Lucknow High Court  
Lucknow.

Whereas the marginally noted cases has been  
transferred by High Court, Lucknow Under Section the  
provision of the Administrative Tribunal Act XIII of 1985 and  
registered in this Tribunal as above.

Writ Petition No. 3091  
of 1981.  
of the Court of High Court  
Lucknow arising out of order  
dated \_\_\_\_\_  
passed by \_\_\_\_\_ in \_\_\_\_\_

The Tribunal has fixed date  
of 23-11-1989 1989 the  
hearing of the matter at C.A.T. Lucknow  
If no appearance is made  
on your behalf by your some  
one duly authorised to Act and  
plead on your behalf.

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this 23rd  
August day of 1989.

dinesh/

  
DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW

\*\*\*\*\* Gandhi Bhawan, Opp. Residency  
Lucknow

No. SAT/LKO/Jud/CB/

Dated the

15/12

2599

T.A.No. of 825

1987 (T)

Jitendra Singh

APPLICANT'S

Versus

Union of India

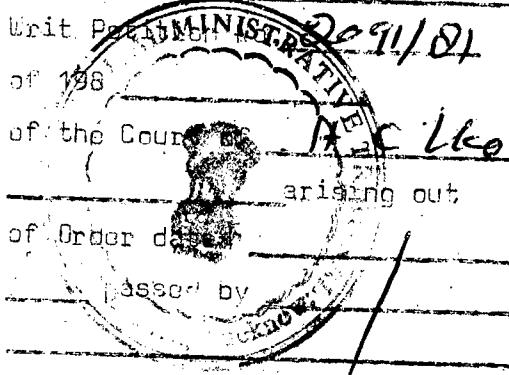
RESPONDENT'S

To. Kishore Kumar Tripathi Slo R.N. Tripathi  
102 Soi, N.R. old Se eldine colony  
Charbagh P.S. Hazrajanj 2k.o.

Whereas the marginally noted cases has been transferred by

H.O.LKO

Under the provision of the Administrative  
Tribunal Act 13 of 1985 and registered in this Tribunal as above.



The Tribunal has fixed date of  
14.2.88 1988. The hearing  
of the matter.

If no appearance is made  
on your behalf by your son  
one duly authorised to Act  
and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

1 day of 12 1988.

Dinesh

DEPUTY REGISTRAR

5) Lal Bahadur Singh Slo B.B. Singh 540  
230/12 Arya Nagar, Ward. Yatrajanj P.S.  
Maka-Hindala 2k.o.

ब अदालत श्रीमान्

C.A.T, Circuit Bench, Mumbai

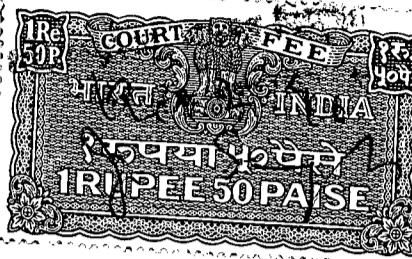
महोदय

[वादी अपीलान्ट]

श्री Jitendra Singh Solon

प्रतिवादी [रेस्पाइन्ट]

वकालतनामा



बनाम

प्रतिवादी (रेस्पाइन्ट)

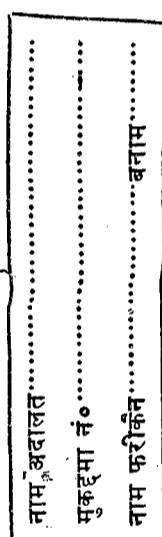
नं० मुकदमा TA 825 सन् 1981 (T) पेशी की ता० 15.2. 1981 ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

B. Solomon, Adv.

+ M. Dubey Adv.

वकील  
महोदय  
एडवोकेट



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

①- Jitendra Singh.

②- Kishore Komav Tripathi

③- Rakon Singh

④- L.R. Singh

हस्ताक्षर

प्रियोग

साक्षी ( गवाह )

साक्षी ( गवाह )

दिनांक

14.

महीना

2.

सन् 1981 ई०

स्वीकृत

B. Solomon  
Adv.

(2) M. Dubey  
Adv.