

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No.

846/1907

Afzal Hussain

PART - I

1. Index Papers
2. Order Sheet
3. Any other orders
4. Judgement
5. S.L.P.

:-

1

:-

2 to 9

:-

10 to 12 CMA 8643/81 CMA Nil dt 29/9/01
CMA 1287/07

:-

13 to 17 dt 24/9/92

:-

—

DY. Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk

V.K. Mishra

Previous dated out
file
Re Cheeq
on 15-3-12.
m

Agent
SOGD

CIVIL
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... 45-8. 4038-01
Name of parties..... Afzal Husain vs. Union of India
Date of institution..... 29-9-01
Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
A	1	General Index	1					
A	2	Correspondence	1					
B	3	West. Prob. off. ch. a	32	0	103 -			
B	4	Power	1	1	5 -			
A	5	CM An. B. 413 (2) 01	2	1	5 -			
A	6	CM An. Tar. Anecdote	0	2	0 -			
		Contd. 1287 (W) 087 with. CA	14 -	-	2.00			
		8 adch Skul	7 -	-	-			
		9. Book Copy	1 -	-	-			

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 order have been carried out, and that the record is complete and in order up to the date of the certificate

Date.....
Munsarim
Clerk

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO: OF 1981

4038-8/

Afzal Husain aged about 55 years son of late
Shri Syed Sajid Husain, resident of Bhairoji
Road, Lucknow at present working as Deputy
Manager II, Returned Letter Office (RIO),
U.P., Lucknow. Petitioner

versus

1. Union of India through Secretary, Ministry
of Communication, Government of India,
New Delhi.
 2. Director General, Indian Post and Telegraph
Department, New Delhi.
 3. Post Master General, U.P. Circle, U.P.
Lucknow.
- Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA

The petitioner above named most respectfully
showeth:-

1. That the petitioner was the first and
eldest son of his father and was born on 4th
November 1926. The original Birth Certificate
of the Petitioner is annexed with the affidavit
forming part of this petition as Annexure-I

...2..

Afzal Husain



(2)

Reprint copy
B.P.N. 1703
for 28/9/01

Am
468th B.L. Shukla
Advocate
25/9/01

MEMO.

One impressed Rs 60/-
Six adhesive Rs 40/-
Total 100/-

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

In time no to

Papers filed. Copy of P. M.

should also be filed

~~144~~ - Bench

Wish of Prohibition and
Harams

Indra
28.9.01

Hon. T.S.M. J.
Hon. R.C.S. J.
Put up tomorrow.

28.9.01
Cus

Don K S. M. J.
Don R. D. S. J.
Put up for
order in the
ordinary course

29.9.1901

2. That on 15th October 1946 the petitioner was appointed as Clerk in the then Dead Letter Office, Lucknow by the Post Master General (Staff) U.P., Lucknow.

3. That on account of a bonafide clerical mistake the date of birth of the petitioner was wrongly entered as 14th September 1923. The bonafide mistake occurred for the reason of the fact that the date of birth of the petitioner was also wrongly entered into his High School Certificate. The said mistake crept in for the reason that one of the relations of the petitioner Shri Ansar Husain who was also the local guardian of the petitioner and who had no knowledge about the date of birth of the petitioner and got entered into the School Record the wrong date of birth of the petitioner as 14th September 1923 instead of 4th November 1926 which was the real date of birth of the petitioner.

4. That later on the petitioner came to know from his grand mother that the date of birth of the petitioner was 4th November 1926.

5. That on 2nd June 1948 as soon as the said mistake was detected, the petitioner preferred an application before the Post Master General, U.P. Circle, Lucknow for the correction of the date of birth of the petitioner. The said application was received by Shri Asfaq Husain, the then receipt clerk, working in the Office of the Post Master General, U.P. Circle

(3)

Hon'ble K.S. Varma, J.
Hon'ble R.C. Deo Sharma

Admit. Notice on behalf of
opposite parties has been
taken by Mr. B.L. Shukla,
learned Standing Counsel
for the Central Government.

MY

By Ks
29.9.1981

FA 846/07(7)

(4)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

27-11-89

No sitting. Adj. to 20.2.90

This case has been received on transfer. Notices were issued to the counsels by the office at Allahabad... None is present to the parties. Let notices be issued again to the parties as directed by Hon'ble Mr. D.K. Agarwal, J.K.

0-32
note @ 21/8/89
15/12/89

27-11-89

Hon. Justice K. Nath, V.C.

OR
Case has been
reel. from CAT
dtd. on 20.8.89.
Case is admitted
CA Filed
RA has not filed.
Notices were
issued on 15/11/89.
No answer
has been received
back.
S. for order
19/11

Sr. Surendran P. has filed his vakalat-nama on behalf of applicant. today he requests for an adjournment. List the case for admission on 5-4-90

OR
V.C.

Hon K. Nath V.C.
Hon K.J. Raman, AM.

Shri P. Surendran appearing on behalf of the applicant says that 2 weeks time to file rejoinder may be given. Allowed. list for final hearing on 30-5-90.

Amendment
was allowed
on 29.9.01
but L.C. for
the applicant
has not been
permitted -
S.P.A.
31/1

OR

OR
A.M.

OR
V.C.

OR
No RA filed.
S.P.H.
20/12

30.5.90

(5)

Honble Mr. P.C. Jain A.M.
Honble Mr. J.P. Sharma J.M.

Sri Suresh P. Counsel for the
applicant, has prayed in writing
for adjournment for filing rejoinder
and hearing of the case on personal
grounds. Sri V.K. Choudhary Counsel
for the respondent does not oppose
adjournment. List on 5.7.90 for hearing.
The rejoinder may be filed by 30.6.90 with a
copy to other side. If the rejoinder is not
filed within the stipulated time the
right to file rejoinder is forfeited.

A.M.

C.
A.M.

5/7/90 No sitting Adj. to 2/11/90

V

7.11.90 Hon. Mr. M.Y. Bhalkar A.M.

OK

Hon. Mr. D.K. Agrawal J.M.

No RA filed
S.P.H.

Due to resolution of Bar
Association case is adjourned
to 6.12.90

L 6/11
2/12

6.12.90 No sitting Adj. to 8.1.91. @
B.O.C.

8-1-91

Hon. Mr. D.K. Agrawal J.M.

Hon. Mr. K. Chagga A.M.

Shri Parag Shinde is for petitioners.

Shri V.K. Choudhary for the

learned counsel for petitioners prays
for adjournment on the ground that he
has to file the rejoinder. But petitioners

S. 4.91

No Siting Adj to 9.7.91

9.7.91

Hon. Mr. S. N. Prasad, J.M.

Learned Counsel for applicant
Shri Sundarban P. has sought
adjournment on the ground of
urgent work. ~~no~~ none appears
on behalf of opposite parties.

List this case for hearing
on 20.9.91

J.M.

20.9.91

Case over-readied adjourn
to 13.12.91

2
Doe

No R.D. filed
SPDH
11/12

13.12.91
D.R.

Both the parties
are present.
Applicant to file
Rejoinder by 12/3/92.

(7)

846/87

12.3.92

D.R.

Respondent's side
is present. Applicant
to file Rejoinder by
7/5/92.

7.5.92

Respondent's side
is present. Applicant
to file Rejoinder
by 4.8.92

D.R.

NO RA filed
till today.

S.P.O.

3/8/92

Dy. R

Case relates to the
original W.P. No. 2
1981 - Rejoinder
has not been filed
Place before the
Honble Bench for
P.H. on 7.9.92.

7.9.92

No S.M. of of D.M. adj to
17.9.92

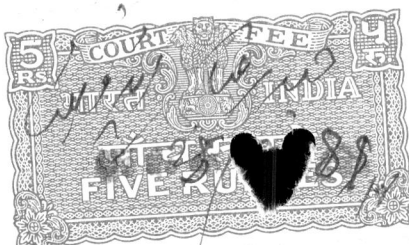
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

MISC. APPLICATION NO: 8643-81 OF 1981

in re

WRIT PETITION NO: 4838 OF 1981



Afzal Husain aged about 55 years son of late
Sri Syed Sajid Husain, resident of Bhairoji
Road, Lucknow at present working as Deputy
Manager II, Returned Letter Office (RIO),
U.P. Lucknow.

..... Petitioner

versus

1. Union of India through Secretary,
Ministry of Communication, Government of India
New Delhi.
2. Director General, Indian Post and
Telegraph Department, New Delhi.
3. Post Master General, U.P. Circle, U.P.
Lucknow.

... Opp. Parties.

STAY APPLICATION

The applicant above named respectfully
begs to submit as under:-

That for the reasons, facts and circumstances

(10)

Honble K.S. Varma J.
Honble R.C. Des Sharma J.

No case for stay is
made out.

The application is
rejected.

For Ks

SMY

29.9.1981

Perund copy

Amr
2/08/81 BL Shukla
Adv
25/9/81

Hon: J.S.M. J.
Hon: R.C. Des J.

Put-up tomorrow
along with the writ-
petition.

28.9.1981
Em

For

Hon K.S. Varma J.
Hon R.C. Des Sharma J.

Put-up in
the ordinary
course

29.9.1981

(11)

Received 20/9/81
H. S. Varmas
20. 9. 81

Honble K.S. Varma, J.
Honble R.C. Geo Sharma, J.

Allowed as prayed.
✓ W

Smy

29.9.1981

(12)

BHS Matter

S. Banerjee Matter

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

Civil Misc. Application No. 1287W of 1987

In Re:

Writ Petition No. 4838 of 1981

Court Fees Remitted Vide Not.
No. M-1015/K-502 [I]
Dated Aug. 5th 1946
Published in U. P. Gazette
Dt. Aug. 10, 1946 Part I at Page 277

Afzal Hussain .. Petitioner
Vs

Union of India & Others.. Opposite Parties

for delay in filing

APPLICATION IN SUPPORT OF THE ACCOMPANYING
COUNTER AFFIDAVIT.

The opposite parties beg to submit as
under:-

- 1) That due to some inadvertence and oversight, the counter affidavit on behalf of opposite parties could not be filed in the court within time.
- 2) That a copy of the accompanying counter-affidavit has been served on the petitioner, already, and it is expedient in the interest of justice that the accompanying counter-affidavit be taken on record.

Wherefore, it is prayed that the accompanying counter-affidavit may be taken on record.

Lucknow, dated

January 14, 1987.

(Signature)

(V. K. CHAUDHARI)

Addl. Standing Counsel to
Government of India

22

1476

CENTRAL ADMINIS-TRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Writ Petition No. 4838 of 1981

(Transfer Application No. 846 of 1987)

Afzal HusainPetitioner

Versus

Union of India through Secretary, Ministry
of Communication, Government of India,
New Delhi and othersRespondents

Hon'ble Mr. S.N. Prasad, Member (J)

The above writ petition No. 4838 of 1981 was filed in the High Court of Judicature at Allahabad and the same has been received here by way of transfer under section 29 of the Administrative Tribunals Act 1985 and has been numbered as T.A. 846 of 1987.

2. The relief sought for in this writ petition is to the effect that the respondents be directed not to retire the petitioner on 30.9.1981 or prior to his attaining the superannuation age of 58 years and deeming his correct date of birth ~~of the applicant~~ as 4.11.1926.

3. The main grievance of the petitioner as mentioned in the petition, inter-alia, is that on 15.10.1946 the petitioner was appointed as Clerk in the then Dead letter Office, Lucknow by the Post Master General (Staff) U.P., Lucknow; and on account of a bonafide clerical mistake the date of birth of the petitioner was wrongly entered as 14.9.1923, on the basis of wrong date of birth recorded in the High School Certificate, though actual date of birth of the applicant is 4.11.1926. Later on, the petitioner came to know from his grand mother that this date of birth was 4.11.26 and as such on 2.6.1948, the petitioner preferred an application

2

(14)

:: 2 ::

before the Post Master General, U.P. Circle, Lucknow for correction of date of birth and though the said application was received by Shri Asfaq Husain, the then receipt clerk, working in the office of the Post Master General, U.P. Circle Lucknow, The original application dated 2.6.1948 is annexure-2 to the application and on the representation of the petitioner as mentioned in Annexure-2, the petitioner was informed by the then Staff Officer of the Circle office that his date of birth had been corrected in the office record ~~in~~ as 4.11.1926; and on 11.5.1973 a dacoity was committed in the house of the petitioner and all costly articles including ~~papers~~ ^{of} which were as documentary evidence in proof ^{of} age of the petitioner ^{in regard to} his date of birth ^{destroyed} as 4.11.1926 were also taken away by the dacoits.

On 27.10.1980, the petitioner was served with a letter ^{at 27.10.80} by means of which the petitioner was supplied with forms 5 and form 3 in duplicate (Pension forms) and was directed to complete alongwith other documents as mentioned in Form 5 immediately; and original letter dated 27.10.1980 issued on behalf of Post Master General, U.P. Circle, Lucknow is annexure-4 to the petition; and on enquiry, the petitioner came to know that his date of birth in his service book has been recorded as 14.9.1923 instead of 4.11.1926 and as such the letter of the respondents calling upon the petitioner to retire the petitioner on 30.9.81

2

Contd...3/-

:: 3 ::

is quite illegal and is against the equities and natural justice.

4. The respondents in their counter-affidavit have resisted the claim of the petitioner. The respondents' contention, inter-alia, ^{are} that the date of birth of the petitioner has been ~~recorded~~ correctly on the basis of High School Certificate and the correct date of birth of the applicant is 14.19.1923 as entered in his service book and not as 4.11.1926, as contended by the applicant. It has been contended that the papers which has been filed by the applicant as documentary evidence to prove his date of birth as 4.11.26 have ^{been} got manufactured by the applicant for the purpose of this case with ulterior motive to derive ~~undue~~ advantage and as such the application of the applicant should be dismissed.

5. I have heard the learned counsel for the parties and have thoroughly gone through the records of the case.

6. This is noteworthy that annexure-A to the counter-affidavit of the respondents is the certified copy of High School ^{Certificate} examination of the year 1942 which shows that the date of birth of the petitioner ~~which is recorded~~ ^{shows the date of birth of the petitioner} as 14.11.23. This is well settled that there is strong presumption about correctness of the entry made in the High School examination Certificate unless refuted or contradicted by cogent and corroborative documentary evidence.

7. This is important to point out that Annexure-1 is the birth certificate issued by the Medical Officer of Health, Lucknow dated 5.1.1981 which does not ~~a~~

:: 4 ::

not disclose the name of the male child born to the Syed
 Sazzade Hussain, who is father of the present petitioner
 and as such it can not be assumed or estimated
 to the effect that the aforesaid ^{entry about male} child born
 to the aforesaid Syed Sazzade Hussain ^{relates to} the petitioner,
 in the face of the above entry in the aforesaid High
 School certificate which clearly shows the date of birth
 of the petitioner as 14.10.23. A careful perusal of
 the petition and Annexure no.-1 to 8 reveal that the
 show called application of the petitioner dated 2.6.48
 Annexure-2 does not and can not be allowed to have any
 over-riding effect on the entry regarding the date of
 birth of the petitioner ^{as} entered ^{the} in aforesaid High School
 Examination Certificate. This fact should also not be lost sight
 of that from the perusal of Annexure-A to the Counter
 Affidavit, it is apparent that the petitioner passed the
 High School Examination in the year 1942 and after about
 4 years of the passing of the High School examination,
 the petitioner was appointed as a clerk on 15.10.46 and
 from the scrutiny of the entire material on the record
 it becomes crystal clear that upto the year 1980 i.e.
 prior to the service of the notice dated 27.10.80 by
 the respondents (Annexure-4), there has been no change
 or correction in regard to the date of birth of the
 petitioner and this fact goes a long way in destroying
 the substratum of the contentions of the petitioner
 about his so called date of birth as 4.11.26.

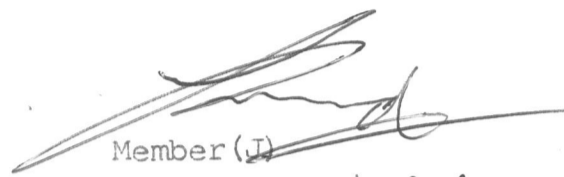
8. After considering all the material and
 evidence on record and all the facts and circumstances
 of the case, I find that the petition of the petiti

17

:: 5 ::

oner is devoid of merit and Annexures 1 to 12 to the petition are found to be of no avail to the petitioner.

9. In the result, the above petition no. 4838 of 1981 of the petitioner is dismissed without any order as to cost.


Member (J)

24.9.92

Dated: 24.9.1992

(RKA)

Copy of the first page of S. Book .

1. Name : Syed Afzal Hussain Rizvi
2. Race : Syed (Muslim)
3. Residence : Village Rasulpur, PO -Chinhat
Thana- Mandiaon, Dist-Lucknow.
4. Father's name and residence : Syed Sazid Husain Rizvi -do-
5. Date of birth by the Christian era as nearly as can be ascertained. : * 14-9-23 (Fourteenth September of the year one thousand, nine hundred and twenty three)
- * vide High School certificate
No. 9584 dt 20.6.42.
6. Exact hight by measurement: 5'4" five feet four inches.
7. Personal Marks of identification: A black mark of wound on the left knee cap.
8. Signature of Govt. servant : Sd/- S. Afzal Husain Rizvi
9. Signature & designation of the Head of the office or other attesting officer: Sd/- (illegible)
11-7-50
Superintendent
office of the PMG, U.P.

Reattested
Sd(illegible)
23.4.52
for PMG, UP

Reattested
Sd(Illegible)
3-10-72
Office Supdt PMG UP

Reattested
Sd(illegible)
5.9.59
Office Supdt.
CO Lucknow.

Reattested
sd(Illegible)
17.4.65
Office Supdt
O/O PMG UP

~~J.A.~~

W.P. 4838 d/81

T.A.M. 846/87-

Afzal Hussain

Peklu

V.

V. O.D. 8M

- 1.
2. Duesch Guel Duesch Post & Telegraph
Department, New Delhi.
3. Post Master Guel V.P. circle
V.P.

Jucknow

A.T. as per his date of birth is

4. 11. 1926

But as
Meaden
service register
his date of
birth is

14. 11. 1923

(as entered in
service register
for record.)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO: OF 1981

4838

Afzal Husain Petitioner

versus

Union of India through Secretary, Ministry
of Communication and others.

....0 pp. Parties.

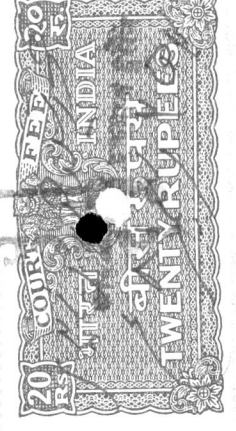
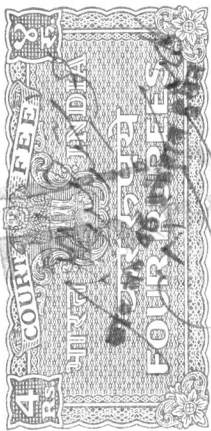
I N D E X

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5.	<u>Annexure No. 3: Copy of News Published in Pioneer</u>	19 - 20
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Dated: 25 Sept. 81

Counsel for the petitioner

(Haidar Abbas Adv)



On Imp. 260
60f Rs. 40.
100
28987

In the Honble High Court of
Judicature at Allahabad,
Lucknow Bench, Lucknow.
No. 4038/07

Azal Husain - Petitioner
Versus
Union of Indca and Opp. Parties
Others

Drawn by:
Haider Abbas,
Advocate

Lucknow. The Original Application dated 2nd June 1948 is annexed with the affidavit forming part of this petition as Annexure-2.

6. That upon the representation of the petitioner contained in Annexure-2, the petitioner was informed by the then Staff Officer of the Circle Office that his date of birth had been corrected in the Office Record as 4th November 1926.

7. That on May 11, 1973 a large number of persons raided the house of the petitioner, situate at Kutchery Road, Lucknow which was owned by Ali Mian Nadvi in which the petitioner was living as a tenant, with a view to evict him and his family members forcibly. They broke the furnitures, costly articles, house hold goods, alhmiras and thrown out all the belongings of the petitioner. They also carried away the entire property of the petitioner. An FIR of the said incident was lodged into the Police Station Kaiserbagh and on May 12, 1973 the news was published in the local dailies. A true copy of the news item published in Column 2, 3 and 4 at the bottom of the front page of "Pioneer" an English daily of Lucknow dated May 12, 1973 is annexed with the affidavit form ng part of this petition as Annexure-3.

8. That it is needless to mention here that the order of the then Staff Officer of the Circle Office Post Master General, Lucknow by means of



AP/82/H/2000

which the date of birth of the petitioner was corrected as 4th November 1926 was also destroyed.

9. That on 27th October 1980 the petitioner was served with a letter dated 27th October 1980 issued on behalf of Post Master General, U.P. Circle vide No. Pen/MI/100/80/3 by means of which the petitioner was supplied with forms 5 and form 3 in duplicate (Pension forms) and was directed to complete alongwith other documents as mentioned in Form 5 immediately to enable the office to take up the case. The original letter dated 27th October 1980 issued on behalf of Post Master General, U.P. Circle, Lucknow is annexed with the affidavit forming part of the petition as Annexure No.4.

10. That it is pertinent to mentioned here that according to the pension rules the necessary pension papers are supplied 10 months before the age of superannuation of a public servant. The supply of the pension forms to the petitioner had ment that the petitioner shall be retired in the month of September 1981.

11. That on receipt of the said letter contained in Annexure-4, the petitioner became apprehensive and applied for inspection of his service book and gradation list etc. for verification of his date of birth but he was not allowed the inspection. The application dated 31st March 1981 preferred by the petitioner for the inspection



Appl Hesan

of his personal record is annexed with the affidavit forming part of this petition as Annexure No. 5.

12. That on enquiry of the office, the petitioner was informed that according to the Service Book his date of birth is 14th September 1923 and he shall be retired on 30th September 1981 after completion of 58 years of age. Inspite of the request contained in the application the petitioner was not allowed inspection of his service record.

13. That on 4th June 1981 the petitioner submitted an application addressed to Opposite party No. 2 and 3 in which he stated that upon his representation dated 2/6/1948 the petitioner was informed by the Staff Officer of the Circle Office that his date of birth had been corrected in service record as 4th November 1926, and prayed that the date of birth of the petitioner be corrected as 4th November 1926 instead of 14th ~~November~~ September 1923, and his retirement be postponed as he has not attained the age of retirement. Alongwith the said application the petitioner enclosed his birth certificate obtained from Nagar Mahapalika and an affidavit of Smt. Ziaratul who is the widow of late Shri Atar Husain, Advocate and the real aunt of the petitioner. The Original copy of the said application alongwith the affidavit dated 22nd March 1981 sworn and affirmed by Smt. Ziaratul is annexed with the



5
A. H. Husain

affidavit forming part of this petition as Annexure No. 6 and 7.

14. That by means of letter No. STA/X259/PS/4 dated 15th July 1981 Shri R.P. Singh on behalf of Post Master General, U.P. Circle, opposite party No. 3 directed the petitioner to furnish a copy of the representation dated 2/6/48 preferred by the petitioner and also furnish the copy of the reply received from the office intimating that necessary correction had been made in the Service ~~Box~~ Records. The original letter dated 15th July 1981 from Shri R.P. Singh on behalf of post Master General is enclosed with the Affidavit forming part of this petition as Annexure-8.

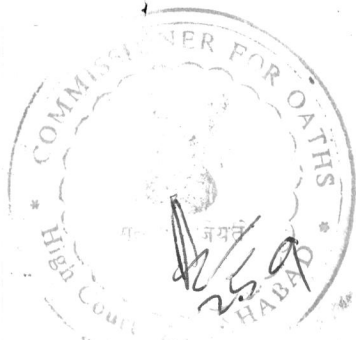
15. That on 14th August 1981 in reply to the letter contained in Annexure-8 the petitioner alongwith an application furnished to the Opposite Party No.3. The photostate copy of his representation dated 2nd June 1948 and also informed him that the reply of his representation dated 2nd June 1948 from the office of Post Master General, Lucknow was misplaced during the dacoity at his house and hence the same could not be supplied. In the said application he also informed the Opposite party No. 3 that the question of consulting the gradation list never arose as the same was never circulated for verification nor it was supplied even after repeated requests. The petitioner prayed that the decision regarding his representations be expedited. The Original application dated 14th August 1981 received at the Office of Opposite party No. 3 is annexed with the affidavit forming part of this petition as Annexure-9.



Appl. Hubs

16. That on 7th July 1981 the petitioner submitted an application addressed to opposite party No. 2 and 3 in continuation of his application dated 4th June 1981 and again requested them to expedite the necessary orders for the correction of his date of birth in the office record. In support of this averment, his representation dated 2nd June 1948, the date of birth of the petitioner was corrected in the office records, the petitioner annexed a Photostat copy of the affidavit sworn by Shri Jagdamba Prasad, retired Head Clerk, Post Master General's Office Lucknow. In the said affidavit Mr. Jagdamba Prasad stated that the connected file regarding the correction of age of the petitioner passed through him while in office and the Post Master General had passed an order that the date of birth of Shri Afzal Husain be corrected and the petitioner was informed about the same. The Original Application dated 7th July 1981 and the affidavit of Shri Jagdamba Prasad dated 14/5/1981 is annexed with the affidavit forming part of this petition as Annexure No. 10 & 11.

17. That on the same date i.e. on 7th July 1981 with reference to letter dated 27th October 1980 issued on behalf of Post Master General, U.P. Circle Lucknow contained in Annexure-4, the petitioner requested the opposite party No. 3 that decision regarding his representation dated 4th June 1981 be expedited. The original application dated 7th July 1981 addressed to Opposite party No. 3 is annexed with the affidavit forming part of this petition as Annexure No. 12.



18. That inspite of repeated requests, petitions and representation, no decision was taken by the opposite parties and the petitioner has been asked to retire with effect from 30th September 1981. Inspite of the fact that his real date of birth is 4th November 1926, and he has not completed the age of retirement i.e. 58 years. ✓

19. That Head Note - 5, of Fundamental Rule 56 contained in Chapter IX, provides that the date of birth on which the Government servant attains the age of 58 years or 60 years as the case may be shall be determined with reference to the date of birth declared by the Government servant at the time of his appointment and accepted by the appropriate authority on production, as far as possible of confirmatory documentary evidence, such as Matriculation certificate or extracts from the Birth register. The date of birth as declared by the Government Servant and accepted by the appropriate authority shall not be subject to any alteration after the preparation of his service book and in any event after the completion of probation period or declaration of Quasi Permanency whichever is earlier. An alteration in the date of birth of the Government servant can be made at a later stage only when the sanction of the Ministry or Department of the Central Government or an Administration of a Union Territory under which the Government is serving, it is established that the bonafide clerical mistake has been committed in recording the date of birth in service book.



Arjun Kumar

20. That it is pertinent to mention here that the petitioner was appointed on 15th October 1946 and on 2nd June 1948, submitted his representation for correction of age i.e. before the completion of the probation period as well as declaration of qazi permanency.

21. That even after the order of the Post Master General, Lucknow upon the representation of the petitioner dated 2nd June 1948, he shall be retired prematurely on 30th September 1981.

22. That the opposite parties have not even replied to the representations of the petitioner regarding the correction of his date of birth and he has been denied a reasonable opportunity to show cause.

23. That the date of birth of the petitioner is 4th November 1926 and not 14th September 1923 and he cannot be retired without attaining the age of 58 years. It was incumbent upon the opposite parties to hold an enquiry to determine the correctness of the representations of the petitioner but without holding any enquiry and giving any reasonable opportunity the petitioner is sought to be retired on 30th September 1981 in total disregard and contravention of the principles of natural justice.

24. That the Opposite parties also prejudiced that they have not neither served a notice of retirement to the petitioner nor intimated the petitioner about the date of the retirement, but they have decided to serve the order only on 30th of September 1981.



Apex Court

25. That the order of the said premature retirement amounts to colourable exercise of power and is actually an order of dismissal and removal from the service without giving an opportunity to the petitioner to show cause against the said order. The order is violative of fundamental principles of justice and hit by Article 311 of the Constitution of India. The Opposite parties have no jurisdiction to retire the petitioner on 30th September 1981 without attaining the age of superannuation.

26. That having aggrieved against the proposed order, and no other alternate and efficacious relief available, the petitioner invokes the jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India on the following other grounds:-

GROUND

(a) Because the date of birth of the petitioner as recorded in the Birth Certificate is 4th November 1926 and he shall attain the age of superannuation on 4th November 1984 and he could not be retired on 30th September 1981 in total disregard and contravention of the Fundamental Rules and other rules governing the conditions of the service of the petitioner.

(b) Because the petitioner within two years from the date of his appointment has applied for the correction of his age i.e. before the completion of probation period or declaration of Quazi Permanency and the appointing authority



Agal Huse

on being satisfied, ordered that the correction of his date of birth be made, the petitioner cannot be retired on 30th September 1981.

(c) Because it was incumbent upon the opposite parties to hold an enquiry about the correctness or otherwise, of the representations of the petitioner but the opposite parties in total disregard and contravention of the rules governing the conditions of the services of the petitioner and principles of natural justice have decided to retire the petitioner with effect from 30th September 1981.

(d) Because in absence of any decision upon the representations of the petitioner the opposite parties have corrected an error apparent on the face of record and violated the Fundamental Principles of justice in deciding to retire the petitioner on 30th September 1981.

(e) Because the decision of the opposite parties to retire the petitioner on 30th September 1981 amounts to an order of dismissal and removal and the same is hit by Article 311 of the Constitution of India.

(f) Because even after asking certain particulars from the petitioner as contained in Annexure-8, the opposite parties No. 3 acted in total disregard and contravention of FR 56 as well as principles of natural justice in directing the petitioner to retire from service on 30th of September 81, without holding an enquiry into the matter and deciding the case on merit.

(g) Because the opposite parties have acted without jurisdiction in retiring the petitioner on 30th September 1981 even when the petitioner has not attained the age of superannuation and he could not under the existing law be retired before attaining the age of 58 years.

(h) Because at any rate the decision of the opposite parties to retire the petitioner on 30th September 1981 is bad both on facts and law and is against the equities, fairplay and principles of natural justice.

PRAYER

wherefore it is most respectfully prayed:-

(i) That by means of a writ in the nature of prohibition the opposite parties be directed to forebear, restrain and desist from retiring the petitioner on 30th September 1981 or ^{not} to retire him before he attains the age of 58 years according to his date of birth entered into the extract of Birth Register contained in Annexure-1, or without holding an enquiry or deciding the representations of the petitioner on merit.

(ii) That by means of a writ in the nature of mandamus it will be declared that the petitioner has not attained the age of 58 years on 30th of September 1981 and he cannot be retired before he attains the age of 58 years according to his date of birth entered into Birth Register i.e. Annexure-1.

(iii) That by means of a writ in the nature of mandamus the opposite parties be directed to produce the original order of retirement of the petitioner before this Hon'ble Court.


(iv) That by means of a writ in the nature of certiorary the order of the opposite parties to retire the petitioner on 30th September 1981 be quashed.

(v) That any other writ, order or direction which this Hon'ble Court deems fit and proper considering the facts and circumstances of the case be also passed.

(vi) That the cost of this writ petition be awarded to the petitioner.

Dated: Lucknow

28/9 Sept. 1981.

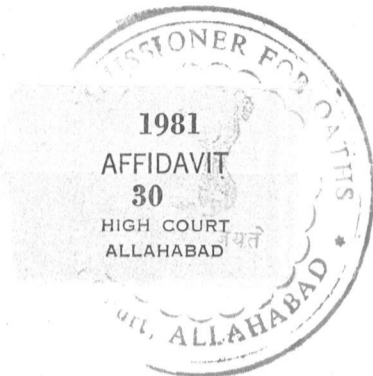

Counsel for the Petitioner

(K. H. Zaidi)
Advocate

14
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO: OF 1981



Afzal Husain Petitioner

versus

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

AFFIDAVIT

I, Afzal Husain aged about 55 years son of late Shri Syed Sajid Husain, resident of Bhairoji Road, Lucknow at present working as Deputy Manager II, Returned Letter Officer (RIO), U.P. Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the above noted case and as such he is fully conversant with the facts of the case.

2. That the contents of paras 1 to 26 or the attached writ petition are true to my knowledge.

Dated: Lucknow

25th Sept. 1981

Afzal Husain
Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my knowledge.

No part of it is false and nothing material
has been concealed. So help me God.

Dated: Lucknow

25 Sept. 1981

Abul Husein
Deponent.

I identify the deponent who
has signed before me.

Advocate

Solemnly affirmed before me on 25.9.81
800 am/pm by the deponent who is
identified by Shri Haider Ali Ali
Advocate, High Court, Lucknow.

I have satisfied by examining
the deponent who understands its
contents which have been readout
and explained by me.



A.C. Srivastava

A. C. SRIVASTAVA
Oath Commissioner
High Court, Allahabad
Lucknow Branch
No. 30/319/81
Date 25/9/81

In THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO: OF 1981

Afzal Husain Petitioner

versus

Union of India and others ..Opp. Parties.

ANNEXURE NO: 1

(ORIGINAL COPY ATTACHED)

Afzal Husain



BIRTH CERTIFICATE

14

Page No 93

Book No. _____

Certified that a ^{male}/_{female} child x x x

was born to ^x सैयद साजिद हुसैन son of ^x अमजद अली x


^x _____ caste ^x सैयद

on ^x 8.11.1928 19____. in Mohalla वाजार भाउला

^x वाजार भाउला ^x वार्ड ^x वजीरगं within Municipal limits,

Lucknow.

Dated 5/1/91 198


Medical Officer of Health,

Addl. Nagar LUCKNOW Adhikari

Nagar Mahapalika, Lucknow



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO. OF 1981

Afzal Husain Petitioner

versus

Union of India and others . . Opp. Parties.

ANNEXURE NO: 2

(ORIGINAL COPY ATTACHED)



Afzal Husain

TO,
THE POSTMASTER GENERAL,
U.P. CIRCLE, LUCKNOW.

SUB:- CORRECTION OF DATE OF BIRTH IN SERVICE RECORDS.

RESPECTED SIR,

MOST HUMBLLY AND RESPECTFULLY I BEG TO SUBMIT AS
UNDER:-

THAT MY ONE RELATION WHO WAS QUITE IN NOCENT WRONGLY
REGISTERED MY DATE OF BIRTH AS 14.9.23 INSTEAD 4.11.26 WHICH
HAS BEEN SHOWN DN MY HIGH SCHOOL CERTIFICATE ALSO. THE SAME H
BEEN ENTERED IN MY SERVICE RECORDS.

THAT I HAVE LEARNT FROM MY GRAND MOTHER THAT MY CORR
DATE OF BIRTH IS 4.11.26 AND NOT 14.9.23 .

THAT I HAVE BEEN APPOINTED AS CLERK IN S.L.D. WEF
15.10.46 AND IN CASE MY DATE OF BIRTH IS NOT CORRECTED IT WILL
HAVE FAR REACHING EFFECT ON MY SERVICE AT THE TIME OF RETEREN
I AM IN CLOSING HEREWITH THE BIRTH CERTIFICATE IN SUPPORT OF
CORRECT DATE OF BIRTH.

WHERE FORE IT IS MOST RESPECTFULLY PRAYED THAT MY
CORRECT DATE OF BIRTH BE ENTIERED IN MY SERVICE RECORDS.

FOR THIS ACT OF KINDNEES, I AND MY POOR FAMILY WILL
ALWAYS PRAY FER YOUR LONG LIFE AND PROS PERITY.

THANKING YOU ONCE MORE FOR KIND FAVOUR.

Apul Husan

I BEG TO REMAIN SIR
YOUR MOST OBEDIENT SERV.

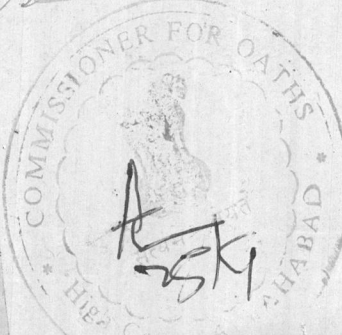
Apul Husan
CLERK D.L.O. LUCK

DATED:- 2.6.1948
ENCL. ONE

Received a Copy with a Enclosure

S. Ashfaq Husan

2-6-48



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO. _____ OF 1981

Afzal Husain Petitioner

versus

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

ANNEXURE NO. 3

NEWS PUBLISHED IN THE PIONEER DATED MAY 12, 1973

GOONDAS STRIKE AT TENANTS

(By Our Crime Reporter)

LUCKNOW, May 11 - Broken bricks, damaged furniture and shattered nerves were the aftermath of an attack by more than 50 persons on a house in Kutchery Road, hardly 200 metres from the Kaiserbagh Kotwali, in broad daylight here today.

According to the police, the gang stormed the Abdul Hamid Building, housing three tenants, ransacked several rooms after breaking into the portion of a tenant who was outstation.

They broke furniture costly articles, household goods, almirahs and started throwing out of the house the property of the tenants.

At the time of the attack only that women and children were present in the house. They were threatened into submission. The drama continued for well over 30 minutes.

The attackers allegedly carried away the property of the tenants and a big oak table along with some other furniture was later found abandoned near Mehra movie hall in Aminabad.



According to Mr. R.B. Singh, Circle Officer, Kaiserbagh, who rushed to the spot on receipt of information and even managed to catch one of the attackers, the building had recently been sold by its owner.

The Kaiserbagh police believe that the aim of the attackers was to throw out the tenants and occupy the building.

When this reporter reached the scene children, their eyes reflecting the fear which had gripped and terrified them, lay huddled together near their mothers who themselves were a bundle of shattered nerves.

Bricks and brick-bats were found strewn all over while two windows broken by the attackers leaned precariously out of the building. Damaged furniture was found scattered all over in confusion. According to the victims their gold ornaments and cash worth more than Rs. 25,000/- were also missing.

The most astonishing part was that the victims had informed the Kaiserbagh police a few days back of their apprehension of an attempt to evict them forcibly.

.....



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO : OF 1981

Afzal Husain Petitioner

versus

Union of India and others ...0 pp. Parties.

ANNEXURE NO: 4

(ORIGINAL COPY ATTACHED)



Afzal Husain

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO : OF 1981

Afzal Husain Petitioner

versus

Union of India and others ...0 pp. Parties.

ANNEXURE NO : 4

(ORIGINAL COPY ATTACHED)



Afzal Husain

कीर-7/Corr.-7

भारतीय डाक-तार विभाग/INDIAN P. & T. DEPARTMENT

कार्यालय/Office of the

Office of Postmaster General

Uttar Pradesh Circle

14.9.23

S. Afzal Hussain
Tse

R.L.O. U.P., Lucknow

नं. 11/1001/80/3 अ. अ. अ. 27-10-80
Sub: Preparation of pension Dets
case.

Dr.

Enclosed please find form
5 and form 3 in duplicate
and submit it duly completed
alongwith other documents as
mentioned in form 5, immediately
to enable this office to take up
the case.

Afzal Hussain

(Yadgopal) A.M.
for Postmaster General
U. P. Circle

MCIPAL-259-P. & T. 79/12-1 79-5,00,000



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH; LUCKNOW

WRIT PETITION NO. OF 1981

Afzal Husain Petitioner

versus

Union of India & others. Opp. Parties

ANNEXURE NO: 5

THROUGH PROPER CHANNEL

To

The Post Master General,
U.P. Circle,
Lucknow.

Sir,

Kindly allow me to inspect my service
Book and Gradation List as the same has not
been shown to me till date.

The same is required for my personal
record as I apprehend that the date of my birth
entered therein is wrong.

Afzal Husain

This is urgent.

Yours faithfully

Sd/- Afzal Husain
(S. Afzal Husain)
Cy. Manager, BLO
Lucknow.

Dated: 31/3/1981

...



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO. OF 1981

Afzal Husain Petitioner

versus

Union of India and others ..Opp. Parties.

ANNEAURE NO: 6

(ORIGINAL COPY ATTACHED)



Afzal Husain

6

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To

1. The Director General, P&F
New Delhi.
2. The Post Master General,
U.P. Circle,
Lucknow.

Through proper channel

Respected Sir,

With due regard, I beg to submit the followings for your kind consideration and favourable orders.

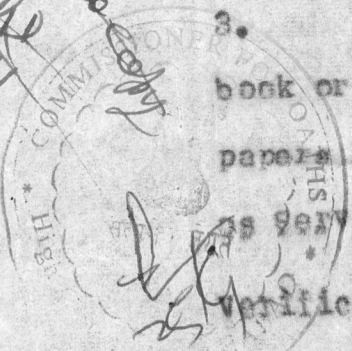
1. That I was appointed as Clerk in the defunct D.L.O. now R.L.O. on 15th Oct. 1946 and on the basis of my High School Certificate my date of birth was noted on the office record as 14/9/1923, which was incorrect. The date of my birth in school record was mentioned by my the then local gardina Shri Ansar Husain resident of Nalbandi Tola Lucknow, who had no idea about my date of birth.

2. I had applied for correcting my date of birth in my service record on 2/6/1948, to the Post Master General U.P. Circle, Lucknow, and I was informed by the then staff officers of the Circle Office that the date had been corrected in service record as 4/11/1926, and I should not worry about the same.

3. That I got no occasion to see my service book or gradation list but on receipt of pension papers I got worried and applied for inspection of Service Book and gradation List etc, for verification of date of birth but I have not been allowed inspection and I thing the mistake

Ansar Husain

*Recd Loo C Secy
4/11/48
4/11/48*



in date still exists.

4. That my correct date of birth is 4/11/1926 and not 14/9/1923, which is error on the face of service record and be corrected accordingly as will be evident from a Photostate Copy of the birth certificate from Municipal Corporation, Lucknow duly supported by an affidavit from my real Khala - Chachi aged over 70 years and eldest family member in the family alive for kind perusal.

5. That this premature retirement will bring my family to the brink of disaster as my children are still studying and grown up daughters for marriage and that obligation I am bound to discharge. I have no other source of income to bank upon except the present service in the department.

6. That as I had applied for correction of my date of birth within time which I was told by the then officers had been corrected, I should not be made to suffer for office lapse.

PRAYER

With the above it is most respectfully prayed that the date of birth in office record be corrected as 4/11/1926, instead 14/9/1923 accordingly. Early confirmation of the same is solicited. My retirement from service be postponed as I have not yet attained the age of retirement.

For this act of kindness I shall be grateful to you.

Enc L; Birth Certificate from Nagar Mahapalika
Lucknow
(2) Affidavit of Zia ul Latif dated 22/3/81

Yours faithfully,

Afzal Husain

(Afzal Husain)

Dy. Manager, R.L.O.
Lucknow.

Dated: 4/6/81



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO. OF 1981

Afzal Husain Petitioner

versus

Union of India through Secretary.....Opp.Parties
Ministry of Communication and others

ANNEXURE NO:7

BEFORE DIRECTOR GENERAL: P&T DEPARTMENT

NEW DELHI

I, Ziaratul aged about 70 years wife of
Late S. Ata Husain Advocate, Resident of Bazar Jhau
Lal, Police station Wazirganj, Lucknow, do hereby
solemnly affirm and states on oath as under:-

1. The deponent is real Khala and Chachi of
Syed Afzal Husain Rizvi S/o Late Syed Sajid Husain
Rizvi.
2. That the parents of the said Syed Afzal Husain
Rizvi are dead.
3. That the said Syed Afzal Husain Rizvi was born
on 4.11.1926 in the house mentioned above in the
presence of the deponent. It is wrong that the
said Syed Afzal Husain was born on 14.9.23.

Dated: 22/3/1981

RTI of Deponent.

VERIFICATION

I, the above named deponent do hereby
verify that the contents of paras 1 to 3 of the



affidavit are true to my own knowledge. Nothing has been concealed and no part of it is false, so help me God.

RTI of Deponent.

I, M.P. Srivastava Advocate identify the deponent named above.

Sd/- M.P. Srivastava
Advocate
22/3/81

Arjun H...



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO: OF 1981

Afzal Husain Petitioner

versus

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

ANNEXURE NO:8

(ORIGINAL COPY ATTACHED)

Afzal Husain



(8) 10

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE POSTMASTER GENERAL, U.P. CIRCLE.

No STA/T 259-PS/4

Dated at LW the 15 July, 1981.

Shri Afzal Husain,
Dy. Manager, R.L.O.,
Lucknow.

Sub:- Change of date of birth.

Ref:- Your representation dated 4.6.81.

Please refer to para 2 of your representation cited above and ~~furnish~~ furnish a copy of your representation dated 2.6.48 as mentioned ~~above~~ therein.

2. Please also ~~furnish~~ furnish a copy of reply received from this office intimating that necessary correction has been made in the service records.

3. It is noticed that you have submitted an application regarding fixation of seniority on 3.9.70. It is presumed that the representation was submitted after consulting gradation list but this representation does not indicate about the date of your birth as shown as shown in the circle gradation list. On receipt of your reply the case will be processed further.

R.P. Singh

(R.P. Singh)
For Postmaster General, U.P.



BEFORE THE HONB'BLE HIGH COURT OF JUDICATURE AT ALLAHABD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO: 10 OF 1981

Afzal Husain Petitioner

versus

Union of India and Others ...0 pp. Parties.

ANNEXURE NO: 9

(ORIGINAL ATTACHED)

Afzal Husain



A-9

To

The PMG, U.P. Circle,
Lucknow.

Reference: Your memo No. 57A/25-PS/4 Dated 15/7/81

Subject : Correction of date of birth.

Respected Sir,

With reference to your above referred communication I beg to state as under:-

1. Photostat copy of my representation dated 2/6/48 is enclosed herewith as desired.
2. Reply received appears to have been misplaced during delivery at my home, hence could not be supplied.
3. My claim of seniority was against those who had joined PLO on deputation and later on absorbed as such the question of consulting the circle gradation list do not arise. Further it is asserted that the gradation list was never circulated for information nor it was supplied despite earnest requests.

Submitted as desired. The decision may please be expedited.

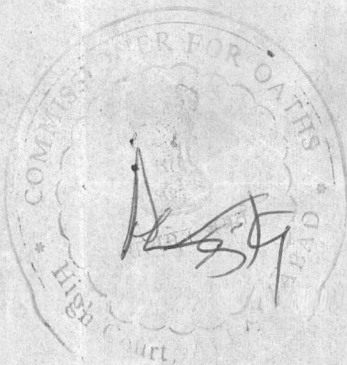
Yours faithfully,

Encl: One as above.

Dated:

S. Afzal Husain
(S. Afzal Husain)
Dy. Manager, R.L.O.
Lucknow.

Recd
14/8/81



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO: OF 1981

Afzal Husain Petitioner

versus

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

ANNEXURE NO: 10

(ORIGINAL COPY ATTACHED)

Afzal Husain



70
A-10

1. The Director General, P&T,
New-Delhi.

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

Through : Proper Channel

Subject: Correction in date of Birth

Reference: My application dated 4/6/81

Respected Sir,

while inviting your kind attention to my application dated 4/6/81, I beg to request you to kindly expedite necessary orders for correction of my date of birth in office records. In this connection I am enclosing herewith a photostat copy of the affidavit sworn by Shri Jagdamba Prasad retired Head Clerk, PMG's Office, Lucknow, for your ready reference.

Thanking you,

Ref 2 copy.
AFZAL HUSAIN
Enc: as above

Dated: 7 July, 1981

Yours faithfully,
AFZAL HUSAIN
(Afzal Husain)
Dy. Manager, R.L.O.
Lucknow.

o/e



BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO. OF 1981

Afzal Husain Petitioner

versus

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

ANNEXURE NO: 11

BEFORE THE POST MASTER GENERAL : U.P. LUCKNOW.

AFFIDAVIT

I, Jagdamba Prasad aged about 73 years,
son of Suraj Prasad, resident of 43, Tazikhana,
Lucknow, retired Head Clerk, PMG, Office, Lucknow
declare on oath as under:-

1. That the deponent has worked as Head Clerk
in PMG Office, Lucknow and as such he is fully
conversant with the facts of the case.
2. That Sri Afzal Husain son of Late Sri
S. Sajid Husain now Deputy Manager, RLO, is known
to me for the last over 30 years.
3. That while I was working in PMG's Office
Lucknow, the above named shri Afzal Husain has
applied for correction of his date of birth in
his service record which was inadvertently entered
incorrect.
4. That the connected file passed through
the deponent while in office. The PMG, U.P. had

.. 2..



Afzal Husain

passed an order that the date of birth of Sri Afzal Hussain be corrected as prayed.

5. That Sri Afzal Husain who was persuing his case was duly informed about the same.

Sd/- Jagdamba Prasad

Dated: Lucknow
June
14th May, 1981

Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my knowledge. No part of it is false and nothing material has been concealed so help me God.

Verified this affidavit on 14th day of June 1981 in the Court Compound.

Dated: Lucknow

Sd/- Jagadamba Pd.
Deponent.

14th June, 1981

I identify the deponent who has signed before me.

Advocate

Afzal Hussain

Time 9.30 A.M. 14/6/81 at

Solemnly affirmed before on 9.30 A.M. by Sri Jagadamba Prasad the deponent who is identified By Sri G.H. Naqvi, Advocate High Court Lucknow Bench, Lucknow.

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

Sd/- A.C. Srivastava.
14/6/81



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO. OF 1981

Afzal Husain Petitioner

versus

Union of India and othersOpp. Parties.

ANNEXURE NO: 12

(Original Copy attached)

Afzal Husain



In the Hon'ble High Court
 ब अदालत श्रीमान *of Judicature* महोदय
 वादी मुद्दै *Allahabad*
 प्रतिवादी (मुद्दालेह) का **वकालतनामा**



14-5-
 289.81

Afzal Husam

वादी (मुद्दै)
 (अपीलान्त)

Union of India and others
 बनाम प्रतिवादी [मुद्दालेह]
 (रिस्पॉन्डेंट)

ने मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Aziz Abbas Advocate एडवोकेट
Khursheed H. Zaidi, Advocate वकील महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरबी 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 मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखती] रसीद में लेवें या पेच नियुक्त करें। वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदय पैरबी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

हस्ताक्षर ?

स्वीकृत

३

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

माह

सन् १९८१

ई०

नाम अदालत

नं० मुकद्दमा

नाम फरीकसानी

Accepted

25/9/81

Advide

as stated in the writ petition supported with an affidavit it would be expedient in the interest of justice that the retirement of the petitioner with effect from 30th September 1981 from service be stayed till the disposal of this writ petition.

wherefore it is most respectfully prayed that the retirement of the petitioner with effect from 30th September, 1981 from service be stayed till the disposal of the writ petition.

Dated: Sept.81.


Counsel for the petitioner

dated 24-9-1981 the opposite party no. 2 has passed the order for the retirement of the petitioner with effect from 30-9-1980.

3. That in view of the above facts following amendments are necessitated in the writ petition :-

i) that after para 24 of the writ petition, the following para as para no. 24-A be added :

" That on 28-9-1981, the petitioner was served with an order vide no. STA/259-PS/4 by means of which his representation dated 4-6-1981 regarding the change of the date of birth was rejected by opposite party no. 3 without assigning any reason. The said order is a non-speaking order. The impugned order dated 22-9-1981 is annexed with the petition as Annexure no. 13.

By means of order dated 24-9-1981 vide no. STA/259-PS/4, the petitioner was directed to retire with effect from 30-9-1981. The impugned order dated 24-9-1981 passed by opposite party no. 2 is annexed with the petition as Annexure no. 14. "

ii) That in the prayer relief contained in para (iii) be deleted and in its place the following para be added :-

" that by means of a writ in the nature of certiorari the impugned order contained in Annexure no. 13 be quashed. "

iii) That the prayer in para (iv) after the words "opposite parties", the words " contained



Appl Hasan
28.9.81

in annexure 12^y be added.

Therefore it is prayed that the above mentioned amendments be allowed ~~to~~ and amendments^{be} incorporated in writ petition.

Lucknow, dated :

28-9-1981.

2/ABK Adv
Advocate,

Counsel for the applicant/
petitioner.

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

C.M. Application no. of 1981.

In re :

Writ Petition No. of 1981.



Afzal Husain

.. Applicant/
Petitioner.

Versus

Union of India and others.

.. Opp. Parties.

Affidavit in support of Amendment Application.



I, Afzal Husain aged about ⁵⁵/~~52~~ years, son of Shri Syed Sajid Husain, resident of Bhaironji Road, Lucknow at present working as Deputy Manager II, Returned Letter Office (RLO), U.P., Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is himself the applicant /petitioner in the above noted case and as such he is fully conversant with the facts of the case.
2. That the contents of paras 1 to 3 of the accompanying Amendment application are believed by me to be true on the basis of legal advice.

Lucknow, dated.

28-9-1981.

Afzal Husain
Deponent.

Verification.

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

Lucknow, dated :
28-9-1981.

Afzal Husain
Deponent.

I identify the deponent who
has signed before me.

[Signature]
Advocate.

Solemnly affirmed before me on 28-9-81
at 3-00 p.m by Sri Afzal Husain, the deponent,
who is identified by Sri *Khusheed H Zaidi*
Advocate, High Court, Lucknow.

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

[Signature]
Miss CHANDRAWATI, Advocate
Vidushi (Hons.), M. A., LL. B

DATE COMMISSIONED
High Court, Allahabad
Lucknow Bench.

NO. *148 of 81*

28-9-81

6

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

C.M. Application no. of 1981.

in re :

Writ petition no. of 1981.

Afzal Hussain

.. Applicant/
petitioner.

Versus

Union of India and others.

.. Opp. Parties.

Annexure no. 13.



कोर-7/Corr.-7

भारतीय डाक-तार विभाग/INDIAN P. & T. DEPARTMENT
कार्यालय/Office of the Postmaster General, U.P. Circle.

No STA/259-PS/4

Dated the 22 Sept., 81

To


Shri S. Afzal Husain,
Dy. Manager, R.L.O.,
Lucknow:-


Sub:- Change of date of birth.

...

Your representation dated 4.6.81 regarding change of date of birth has been considered by the P.M.G. and he does not find any reason to interfere on your behalf.

Afzal Husain,
25.9.81


(R.P. Singh)
For Postmaster General, U.P.


OATH COMMISSIONER
High Court, Allahabad,
Lucknow Bench

No. 148981

Date 28-9-81

8

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

C.M. Application No. xx of 1981.

In re:

Writ Petition No. of 1981.

Afzal Hussain

.. Applicant/
petitioner.

Versus

Union of India and others

Opp. Parties.

Annexure no. 14.

Indian Posts and Telegraphs Department.

Office of the Post Master General, U.P. circle.

Memo No. STA/259-PS/4 Dated at Lucknow the 24 Sept,
1981.

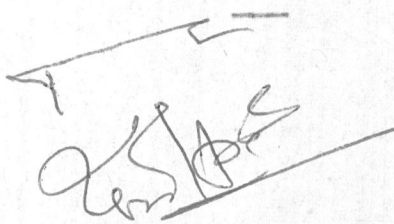
Shri S. Afzal Hussain Cy. Manager (HSG II)
R.L.O., Lucknow whose date of birth is 14-9-1923 is
hereby permitted to retire from Govt. service after
attaining the age of superannuation w.e.f 30-9-81 A.N.

Charge report may be submitted to all concerned.

Sd/-
(R.S. Gupta)
Director Postal Services(H.Q.)
U.P. Circle.

Copy forwarded to :-

1. The Manager, R.L.O. Lucknow w.r.to his letter
no. PF/Afzal Hussain dated 17-7-81.
2. S.S. Accounts 'A' section, C.O.L.M.
3. Pension Section, C.O.Lucknow.
4. Shri S. Afzal Hussain, Dy. Manager, R.L.O., LW
5. Spare.



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

Counter affidavit on behalf of B.P.

Writ petition NO. 4838 of 1981

Afzal Husain Petitioner

Versus

Union of India & others. Opp. Parties

I, B.C. Joshi
years, son of Sri X.S. Joshi
resident of Lucknow
aged about 56 yrs

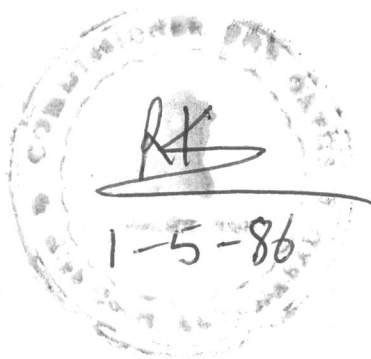
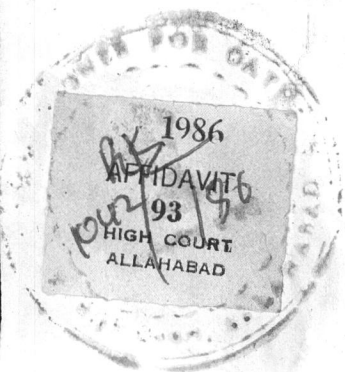
do hereby solemnly affirm and state on oaths under:-

1. That the deponent is working as ^{Asstt Postmaster} ~~General Officer in Charge~~ Lucknow and as such is fully conversant with the facts of the case deposed to hereunder, and confident to swear to this affidavit.

2. That the contents of Paragraph I of the writ petition are denied. It is further submitted that Annexure-I to the writ petition cannot possibly relate to the petition as the same is contrary to his own declaration.

3. That the contents of paragraph 2 of the writ petition are not denied.

4. That the contents of paragraph 3 of the writ petition are not admitted as stated. That in the service book of the petitioner his date of birth has been recorded in accordance with the ^{date} ~~date~~ given in the High School Certificate furnished by him. The other facts ~~stated~~ ^{stated} in this paragraph are denied for want of knowledge and the same are also denied as being unsupported by independent



Signature

W

evidence. A true copy of the High School Certificate submitted by the petitioner is filed herewith as Annexure-A to this affidavit.

5. That the contents of Paragraph 4 of the writ petition^P are denied for want of knowledge.

6. That in reply to paragraph 5 of the writ petition it is submitted that no representation was ever received from the petitioner regarding the correction^P of his date of birth except the representation dated 4th June, 1981.

7. That the contents of paragraph 6^P of the writ petition are denied. It is submitted that the petitioner has not even mentioned the name of the Staff Officer who is alleged to have informed the petitioner that his date of birth has been corrected in the office record as 4th November, 1926.

8. That the contents of paragraph 7^P of the writ petition are denied. The First Information Report referred to in this paragraph has not been produced and the news item referred to also does not relate to any zone in particular and cannot be connected with the petitioner.

9. That the contents of paragraph 8^P of the writ petition are denied.

10. That the contents of paragraph 9^R of the writ petition are denied.

11. That in reply to contents of paragraph 10 of the writ petition it is submitted that as the date of



paragraph 8
h2

Booster

birth of the petitioner recorded in his ~~Superannuation~~
~~isx10xx~~ service book ~~14th September, 1981~~ ^{1925, the date} and ~~in view of his approaching superannuation~~ ^{30th September 1981} the peti-
 oner was supplied with pension papers in accordance
 with the rules.

I2. That the contents of paragraph I² of the writ
 petition are denied and it is submitted that no applica-
 tion referred to was ever made by the petitioner
 asking for inspection of his personal record. Annex-
 ure -5x¹⁰ to the writ petition was never delivered in
 the office of the post Master General, U.P. Circle,
 Lucknow.

I3. That the contents of paragraph I³ except the
 last sentence thereof are admitted. It is further
 submitted that the petitioner made no application
 or request for inspection of his service records.

I4. That in reply to contents of paragraph I⁴ of the
 writ petition it is submitted that a representation
 dated 4th June 1981,, was received from the petitioner
 and the same was considered and rejected. The rejection
 of the representation was also communicated to the
 petitioner by office letter NO.STA/259-PS/4 dated 22nd
 September, 1981. A copy of the said letter is filed here-
 with as Annexure-B to this counter affidavit.

I5. That in reply to contents of paragraph I⁵ of the
 writ petition it is submitted that on receipt of repre-
 sentation from the petitioner he was required to fur-
 nish a copy of his representation dated 2nd ^P June
 1948 as also a copy of the reply received from the office
 of Post Master General, U.P., Lucknow.



Boonhu

Vu
I6. That in reply to contents of Paragraph I5 of the writ petition it is submitted that a photostat copy of letter alleged to have been submitted by the petitioner on the 2nd June, 1948 was received along with his application on the 17th August, 1981. Rest of the contents of paragraph are denied.

I7. That in reply to contents of paragraph I6 of the writ petition it is admitted that an application dated July, 1981 was received from the petitioner along with a copy of the affidavit sworn by Jagdamba Prasad, Retired Head Clerk. Rest of the contents of this paragraph are denied.

I8. That the contents of paragraph I7 of the writ petition are admitted.

I9. That the contents of paragraph I8 of the writ petition are denied and it is submitted that the petitioner's representation was decided on 4th June, 1981 and it was communicated to the petitioner under letter No. STA/259-PS/4 dated 22nd September, 1981.

20. That the contents of paragraph I9 of the writ petition relate to the contents of Fundamental Rule 56, and as such the same need no reply.

21. That in reply to contents of paragraph 20 it is submitted that except for the fact that the petitioner was appointed in October, 1946, the rest of the contents of this paragraph are denied.

22. That in reply to contents of paragraph 21 of the writ petition it is submitted that as already stated

Bush
103



21/5

earlier in this counter affidavit no representation dated 2nd June, 1948 was received from the petitioner. The petitioner retired on the due date of his retirement.

23. That in reply to contents of paragraph 22 of the writ petition it is submitted that the petitioner's representation dated 4th June, 1981 has been considered rejected and communicated to the petitioner by letter No.STA/259-PS/4 dated 22.9.1981 and letter dated 28.9.1981.

24. That the contents of paragraph 23 of the writ petition are denied. The petitioner's date of birth was recorded on the basis of the High School Certificate submitted by the petitioner himself.

25. That the contents of paragraph 24 of the writ petition are denied and it is submitted that the petitioner was duly informed of the rejection of his representation dated 4th June 1981 as stated above. The petitioner was also informed of the date of his superannuation by letter No.STA/259-PS/4 dated 24.9.1981 filed as Annexure C to this affidavit.



26. That in reply to the contents of Paragraph 24 Public capital A it is submitted that with the representation of the petitioner was rejected after considering of the facts and the circumstances and the petitioner was informed vide letter dated 22.9.81 there is no necessity to give details reason of passing and speaking order while rejecting the representation.

Booth

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26. That in reply to contents of paragraph 25 of the writ petition are vehemently denied and in reply thereto it is submitted that the petitioner was retired from Government service on attaining the age of 58 years in accordance with rules and order of retirement does not amount to be an order of dismissal.

27. That in reply to allegations of para 26 of the writ petition the deponent has been advised to ^Rstate that the present writ petition is misconceived and it is based on incorrect averments, and it has got no merits and ^Ris liable to be dismissed as the petitioner has been ^Rretired on his reaching the age of 58 years and is not entitled to any relief.

ADDITIONAL PARAGRAPHS

28.A. That the petitioner was appointed as temporary Clerk in the Post and Telegraph Department, the then dead letter office, Lucknow, On 10th of March 1945 and a true copy of his application for the post is filed herewith as Annexure-D. It will appear from his application that the petitioner did not furnish the ^Rinformation required at serial no.3 regarding the date of birth and also did not mention about any thing against Column II(2). Thus it will be seen that at the time of his initial appointment the petitioner will-fully did not give his date of birth and failed to submit the copy of the ^Rcertificate of examination in proof of his age.

B. That on the 9th of February, 1950 the petitioner was asked through the manager of the dead letter Office to submit attested copies of his certificates as none had been submitted by him inspite of reminders dated 11th February, ¹⁹⁵⁰ 1st March 1950 and ^R14th April, 1950. The Petitioner submitted a copy of the High School Certificate of the year 1942 on 16th May 1950. A copy of the notice and orders showing how the petitioner delayed in submitting the High School Certificate is filed herewith as Annexure-E to this counteraffidavit. Of course the copy and order will also show that the petitioner made no representation on the 2nd June ^R1948.

1-5-86

Reister

2/8

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

writ petition No. 4838 of 1981

Afzal Husain Petitioner
Versus
Union of India & others. ... Opp. Parties.

Annexure - A

True Copy

NO. 9584

BOARD OF HIGH SCHOOL AND ^PINTERMEDIATE EDUCATION ^R
UNITED PROVINCE

HIGH SCHOOL EXAMINATION 1942

Roll no. 16218

This is to certify that Saiyaid Afzal
Hussain born on 14th September, 1923 passed the High
School Examination, 1942 from the Husainabad Government
High School, Lucknow held in the month of March/April
1942 in the following subjects:-

1. English
2. Mathematic
3. Geography and Elementary Civics
4. Urdu
5. Science

and was placed in the Thrid Division.

\$d/-

(B.N.Jha, B.Ed (Edin)
Secretary,

Allahabad

Board of High School
&

the 20th June, 1942.

Intermediate Education
United Province

Attested

Sd/-16.5.50



Pruthi

29

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

Writ petition No. 4838 of 1981

Afzal Husain Petitioner
Versus

Union of India & others. ... App. Parties.

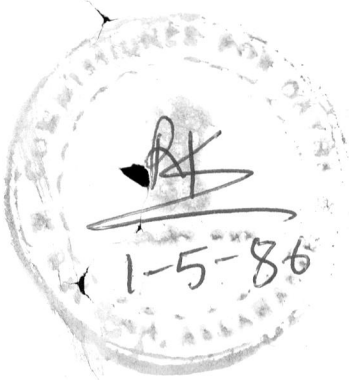
Annexure-B

Copy of letter No. STA/259-PS/4 dated 22.9.81
from PMG, UP Circle, Lucknow addressed to Shri
S. Afzal Hussain, Dy Manger, R.L.O., Lucknow.

....

Sub:- Change of date of birth.

Your representation dated 4.6.81 regarding
change of date of birth has been considered by the P.M.G.
and he does not find any reason to interfere on your
behalf.



for the

Sd/s

(R.P.Singh)

for Postmaster General, U.P.

2/10

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

Writ petition No. 4838 of 1981

Afzal Husain Petitioner

Versus

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

Annexure - C

Copy of Memo. No. STA/259-PS/4 dated 24.9.81
from the Postmaster General, UP Circle, Lucknow addressed to all concerned.

Shri S. Afzal Hussain, Dy. Manger (HSG.II)
R.L.O., Lucknow whose date of birth is 14.9.1923 is
hereby permitted to retire from Govt. services after
attaining the age of superannuation w.e.f. 30.9.81 (A/N).

Charge report should be submitted to all
concerned.

Sd/-

(R.S. Gupta)

Director Postal Services

(HG.)

Copy forwarded to:-

1. The Manger R.L.O. Lucknow w/r to his letter No. PF/ Afzal Husain dated 17.81.
2. S.S. Accounts 'A' section C.O. Lucknow.
3. Pension section C.O. Lucknow.
4. Shri s. Afzal Husain, Dy. Manger RLO. Lucknow.
5. Spare

Botla



7/11

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

Writ petition NO. 483 8 of 1 981

Afza l Husain Petitioner.

Vers us

Union of India & o thers. ... Opp. Pa rties.

Annexure - D

APPLICATION FOR RECRUITMENT TO THE CADRE OF CLERKS
PMG'S OFFICE AND DEAD LETTER OFFICE, LUCKNOW.

1. Full name : Saiyed Afza l Husain Rizvi
2. Address 24, Kachery Road, Lucknow.
3. Date of birth :
4. Place of birth : Lucknow.
5. State whether subject the : Indian Domenion.
Indian Dominian, Indian State
or Pa kistan.
6. Name of revenue division : Lucknow.
district, or Indian state,
in which domiciled.
7. Religion and ca ste-(state
clearly if belonging to : Islan (Saiyed).
any of the scheduled castes)
8. Educational qualifications - Intermediate.
9. Whether son/ daughter of an employee :- Son(Saiyed
of the posts and Telegra phs Department Sajid Husain
if so, his full name and his present Rizvi) Head
or last official designation. Clerk Building
Section.

10. Your:-

(a) Height

5ft 1/2"

(b) Figure

Round face



Signature

S. Afzal
Husain.

1.3.50

Manger DLo

Please see office note at A on P/P and at
at B above and let the official know that this time the
non-compliance of the order with in a week will be
seriously viewed.

Sd/

Manger D.L.O.

6. 4.50

The official has been instructed again to submit the
requisite certificate immediately vide his signature on
the margin.

Seen

Sd/

Afzal Husain

14. 4. 50

Sd/-

4 4.3. 50

Manger DLO

Please put up the S. Book of the official concerned.

Sd/

29.4.50

Acctt.

The S. Book of Shri Afzal Husain is in staff section.
Mr Pandey may please be asked.

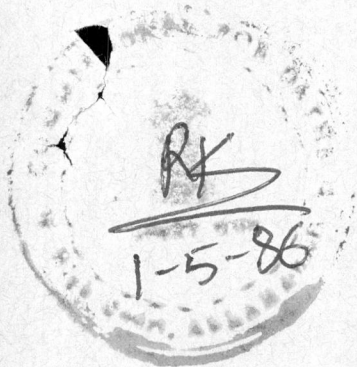
Your note on prepay and accounts section reply
thereon.

S. Book is put up it may please be ~~quarantined~~ returned
when done with., As his case of fixation is still due to be
verified by D.A.

Sd/-

dar

10.5.50



Handwritten signature

8/

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

4830

of 1981

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
29/9/81	<p>Hon. K.S. Varma J. Hon. R.C.D. Sharma J. Admit. Notice on behalf of opposite parties has been taken by Mr. B.L. Shukla learned standing counsel for the central government Sd. K.S. V. Sd. R.C.D.S. 29.9.81</p>	
20	<p>C.M. No. 8643 of 81 for stay. Hon. K.S. Varma J. Hon. R.C.D. Sharma J. No case for stay is made out. The application is rejected. Sd. K.S. V. Sd. R.C.D.S. 29.9.81</p>	
23.10.81	<p>Service Report in WP & C.M. No. 8643(W)-81 C.D. 1401 to 3 - Represented by cc Notices Read by Sd. B.L. Shukla Adm but power has not been filed - Submitted Sd. K.S. V. 23/10/81.</p>	

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
	<p>J.R. seen service report of 23.8.81, notice on behalf of op's 1 to 3 have been received by Dr. B.H. Shukla advocate. office is directed to ask the vakalatnama from the learned counsel of op's 1 to 3 and proceed thereafter.</p>		
	<p>for</p>	<p>4, 11.81.</p>	
		<p>Blk</p>	

S.No 19

Cl. 19

Before the Central Administrative Tribunal
Lucknow

Claim No T.A.N. 848/8XT
(UP No 4838/81)

~~Atul~~ Afzal Husain

Applicant

VS

U.O.I (P&T)

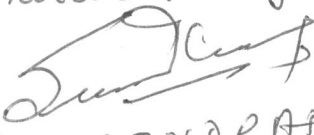
opposite party

Application for adjournment

In the above noted case the undersigned is appearing as a Counsel on behalf of the applicant and there is an order to file Rejoinder Affidavit in the above case. Rejoinder Affidavit could not be prepared on account of the undersigned's wife being admitted in Ballampur Hospital.

Under the above circumstances it is respectfully prayed that the above noted case may kindly be adjourned to some other date and one month's time may kindly be granted to file the Rejoinder Affidavit. It is so prayed in the interest of justice.

Dated: 30-5-1996


(SURENDRA P.)
ROX.

Counsel for the applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/

Dated the :

15/12/89

T.A.No. of 192 (T)

Afzal Husain

APPLICANT'S

Union of Jindia

Versus

Afzal Husain S/B. S. H. RESPONDENT'S

To us by manager & Returned Letter office
(R 90) U.P. LKO

High Court LKO

Whereas the marginally noted cases has been transferred by

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

Writ Petition No. H-220

of 198

of the Court of

arising out

of Order dated

passed by

20.2.90
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.

30

Given under my hand seal of the Tribunal this

day of 1989.

① Dinesh/ of Jindia through Secretary Ministry
of Communication Govt of India New Delhi

DEPUTY REGISTRAR

② Director General Jindia Post and Telegraph
Deptt. New Delhi

PMB U.P. Circle U.P. Lucknow

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

No. CAT/A11d/Jud/ 40347 to 40

T.A. No. 846 of 1987

Afzal Husain

APPLICANT

VERSUS

Union of India.

RESPONDENT

To

- 1- Shri Haider Abbas, Advocate, Lucknow High Court
Lucknow.
- 2- Shri B.L. Shukla, Advocate, Lucknow High Court
Lucknow.

Whereas the marginally noted cases has been
transferred by H.S.LKO Under Section the
provision of the Administrative Tribunal Act XIII of 1965 and
registered in this Tribunal as above.

Writ Petition No. 4936
of 198 1
of the Court of H.S.LKO
arising out of order

dated
passed by

The Tribunal has fixed date
of 27-11-1989 198 9 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 day of August 1989.

gineshy

DEPUTY REGISTRAR

Before the Central Administrative Tribunal

ब अदालत धोमान्
[वादी अपीलान्त]

हस्ताक्षर

महोदय

प्रतिवादी [रेस्पाडेन्ट]

का

वकालतनामा

T. A. No. 846 of 1987



Afzal Hussain

बनाम

Union of India and others

न० मुकद्दमा

सन्

पेशी की ता०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

SURENDRAN. P.

वकील

महोदय

एडवोकेट

1987

नाम अदालत

मुकद्दमा नं०

नाम फरीकें

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—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 पैरोकर को भेजता रहूंगा अगर मुकद्दमा अदम पेरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९९० ई०

स्वीकृत

20
2000
(SURENDRAN. P.)

Before the Central Administrative Tribunal.
Lucknow Bench.

T.A. No 846 of 1987(J)

Afzal Hussain ——— Applicant

VS

Union of India and Others — OPP. Parties

Application for adjournment

In the above noted case,
Mr Surendran P. Advocate is appearing
as counsel for the applicant
and on account of his unavoidable
work, he proceeded to the New Delhi

Wherefore it is most respect-
fully Prayed that the above noted
Case may kindly be adjourned
to some other date

Date- 9-7-91



(FAROOK AHMAD)

ADVOC

Junior to Mr Surendran P

AD