

~~A~~

A1

827/89(T)

NP 81.

Gur Bax Singh.

FDBPM

A Khan

✓ VK Choudhary

1. 1. 80. order of 3.1.80. (Annex 1)

for 180 days in leave Vacancy.

2. 12. 80 (Annex 2) appointment on
commenced on 17.9.81 retroactive
on 15.3.80

Mail Officer 21.9.81
appointed

Rule 6

~~21.1.88 recd~~

11.6.12 ~~and addressed by postman~~ 16.11.81. post attended
Mathura Pt.

Record produced.

Appl. to file an affidavit with
certified copy of residence

A/3

ORDER SHEETOFFICE REPORT

An Application has been filed in this Tribunal for transferring the case No. 872487 (J) of — to the Circuit Bench, Lucknow.

If approved, 29/4/88 may kindly be fixed for hearing at Circuit Bench Lucknow. In this regard the notices may be sent to the parties counsel.

John
Put up on 29.4.88 at Lucknow circuit Bench, Lucknow.

DR (J)

29.4.88 D.R (J)

Sir V. K. Chaudhuri for respondent, None is present for the applicant. On the request of Counsel for respondent he is allowed to file reply by 27.5.88. Inform the applicant's Counsel.

DR (J)

27.5.88 D.R (J)

Sir V. K. Chaudhuri for respondent, None is present for applicant. On the request of counsel for respondent he is allowed to file Reply by 22-7-88. Inform the applicant.

DR (J)

Notices issued.

22.7.88 *gm*

Due to sudden illness of Mr. Bhett, Adv. Adjourneed to 25/10/88.

DR (J)

*Notices issued
Date
2/10/88*

072107 (T)

25.8.80 DR

On the request of Counsel
for respondent case is adjourned
to 23/9/80 for reply.

Adj
25/8/80

DR Reply filed today. Reminder can be
filed by 26.8.80 as prayed.

DR

Report filed today.

Hear.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./T.A. No. 872 198 (C) AB

Curu Baze Singh Applicant(s)

Versus

V.O.L

Respondent(s)

Sr.No.	Date	Orders
	26-11-88	Regonized Writ Petition. Fix 22-12-88 for Hearing. <u>Order</u> 26/11/88
	22-12-88	No sitting, Adjourned to 23/12/88 for Hearing. <u>Order</u> 22/12
	23-12-88	Hon D.S. Misra, A.M Hn. G.S. Sharma, J.M On the request of the Applicant, the Case is adjourned to 7/1/89 for final hearing. } <u>Order</u> A.M.

~~RE~~
AU
T.A.NO.872/87(T)
(W.P.NO.6073/81)

Guru Bux Singh
-Vs-
Union Of India

7.3.1989.

Hon'ble Mr. Justice Kamleshwar Nath, V.C.

The counsel for the applicant Shri A.K.Chaturvedi point out that the applicant has already filed the rejoinder on 7.3.1989. Shri V.K.Chaudary has already received a copy. The opposite party will make available the service records of the applicant. The case be listed for hearing on 20.3.1989.

90
V.C.

20/3/89. Hon. Justice K. Nath, V.C.
Hon. Ajay John, A.M.

Sri A.K.Chaturvedi for the applicant is present.
The learned counsel for the opposite parties Shri R.K.Chandhary says
that he is not having the record
of the case at present. He requests
that the case may be taken up tomorrow.

Put up the case tomorrow as
prayed.

Rey

3

A.M.

90

V.C.

A.5

02/03/89

21/3/89.

Hon. Justice K. Nath, V.C.
Hon. Ajay Jain, A.M.

The main question in this case is whether the applicant is a resident of Raghunathpur and whether Raghunathpur is a village within the meaning of Rule 4 of the Method of Recruitment of Extra Departmental Branch Postmasters. In this connection there is some controversy about the status of Raghunathpur vis-à-vis Marwana. The statements made by the parties in the affidavit & Counter affidavit are not quite clear on this subject. We direct the applicant to file Supplementary Affidavit explaining the position alongwith supporting documents of the Revenue department. A copy of the Supplementary Affidavit may be delivered to the learned counsel for the opposite parties within two weeks to which the opposite parties may file a Supplementary Counter Affidavit within two weeks thereafter. The case will come up on 25-4-89 by which date the applicant may file Supplementary Rejoinder Affidavit, if he so likes. The learned counsel for the opposite parties will also keep available the record of the case pertaining both to the appointment and termination of the applicant. The case is not tried this Bench.

3
A.M.

Mr
V.C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

A6

ORDER SHEET

T.A. 872-875

REGISTRATION No. _____ of 198.

A
1/1

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Brief Order, Mentioning Reference
if necessary

How complied
with and date
of compliance

order
or
and date

Hon' Mr. D.S. Misra, A.M.
Hon' Mr. D.K. Agrawal, J.M.

Shri V.K. Chaudhary, learned counsel for the respondents states that he has received a copy of the supplementary affidavit to be filed by the applicant and he needs two weeks time to file a supplementary counter. He is allowed to do so within two weeks. The applicant may file supplementary rejoinder in office within this period. List this case for final hearing on 30-5-1989.

D
J.M.

be
A.M.

(sns)

30-5-89

No sitting. Adjourned to 11.5.89 for hearing. The learned counsel for the applicant has filed supplementary affidavit duly served on the opposite parties.

h
B.o.e

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

11/8/89

Shri A.K. Chaturvedi L/C for the applicant files supplementary affidavit as directed by the Bench on 21/3/89.

None appeared for respondents except one representative of the Postal Department. Let the case be listed for hearing before Division Bench on 25/10/89.

D
J.M.

(sns)

CR
Time granted for filing supplementary affidavit has expired but counsel for applicant has not filed any supplementary affidavit so far.

Counsel for respondents was also directed to keep the record of the case available for the perusal of Hon'ble Bench. Submitted for orders.

Aug
24/89

OB
Neither supplemental counter nor supplementary rejoinder has been filed.

submitted for

Submitted for
hearing

h
24/10

A7

22/10/90

25.10.90

No sitting of D/B. Adj to 6/11.90.
Both the counsel are present.

h
B.O.C

OR

Cases submitted
for hearing

Hon' Mr. D.K. Arora, T.M.

Hon' Mr. K. Nayya, A.M.

6/11
6/89

Shri A.K. Chaturvedi counsel for the applicant
requests for adjournment. Shri V.K. Chaudhary
counsel for the respondent has no objection.
List this case on 30-1-90 for hearing.

A.M.

Dee
T.M.

(SNS)

30-1-90 Case not received. Adj to 27-3-90

h
B.O.C

27.3.90

No sitting. Adj to 10.8.90.
Applicant is present.

10.8.90

No sitting. Adj to 21.11.90.

R.F.

OR

S.F.Y

L

K.I.I.I

21.11.90

Hon. Mr. Justice K. Nath VC
Hon. Mr. M. M. Singh A.M.

On the request of counsel for
respondent case is adjourned to

12.12.90.

M. h
A.M.

g.n
VC

A9

A

12.12.90

Case not reached. Adi to 28.1.91.

28.1.91

No setting Adi to 13.2.91.

B.C.

A

13.2.91

No setting Adi to 13.5.91.

B

13.5.91

No setting Adi to 26.5.91

26.2.91

No setting Adi to 13.9.91

Jc

13.9.91

No setting Adi to 17.9.91

D

Recd
Smt. J. B.
Aler

13.9.91

Case is submitted
for hearing.F
13.9

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW BENCH

LUCKNOW

T.A.No. 1872/87
(W.P.No. 6073/81)

G.B.Singh

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr. A.B.Gorthi, A.M.

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

The applicant feeling aggrieved with the termination order dated 17.9.81 terminating the services of the applicant as E.D.B.P.M. under Rule 6 of P&T EDAs(Conduct and Service) Rules, 1965, filed a writ petition before the Hon'ble High Court in the year 1981 and he was required to hand over the charge. He also prayed for interim relief which was rejected. The applicant was appointed as Atirikt Shakha Dak Pal on 1.1.1980 in leave vacancy for 180 days on 2.12.80 on the retirement of Katpal Singh. He was again appointed for the post and he continued to work for two years, whereafter he was served with the termination order. It appears that the applicant was appointed as substitute after retirement of Shri Ketpal Singh. The applicant was engaged as substitute admittedly on temporary post without any proper selection which is provided under the rules. It was mentioned in the appointment letter that he would have no claim and that his services can be terminated without assigning any reason. The applicant's services were terminated on appointment of one Mathura Prasad who was appointed

as per rules. He was required to hand over the charge on the appointment of Mathura Prasad. The appointment of Shri Mathura Prasad has been made as per rules and the applicant had no right to the post, therefore, the applicant's services have been rightly terminated. The application is dismissed without any order as to costs.

Amrit Singh
A.M.

✓
V.C.

Lucknow Dated: 17.9.91

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

AII

Nature and number of case.....

Name of parties.....

Date of institution.....

18-Union of India

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		Order sheet	1					
A 3		Letter Recd affidavit	25	9	100 -			
		Order		1	3 -			
B 4		Procum	1	1	5 -			
A 5		CM A (128) @ 20/-	1	1	5 -			
B 6		Order	1	-	5 -			
7		Order sheet	2	-	-			
8		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 orders have been carried out, and that the record is complete and in order up to the date of the certificate

Date.....

Munsarim

Clerk

A12
Group A13-(a)

9674

A11

In the Hon'ble High Court of Judicature at Alld.

Lucknow Bench, Lucknow.

Writ Petition No. 6073 of 1981.

Gur Bux Singh Petitioner

Versus

Union of India and others Opp. Parties.

I N D E X

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3.	Annexure No.2 Appointment Order of the petitioner in clear vacancy.	11 - 12
4.	Annexure No.3 Order dated 21-9-81 issued by Asstt. Supdt. of Post Offices, LKO regarding handing over charge.	13 - 14
5.	Annexure No.4 Appointment Letter of Sri Mathura Prasad Opp. Party No.6.	15 - 16
6.	Annexure No.5 Representation of the petitioner.	17 - 19
7.	Annexure No.5-A letter dt. 28-11-81 issued by Sr. Supdt. of post offices, Lucknow.	20 - 21
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Paradisi

Lucknow

Dated: 16/12/81

Subhash
Counsel for the petitioner

INDIA COURT FEE

60RS.

A13

✓



one sum Rs 60/-
equal of Rs 40/-
100/-

17.12.27



In the Supreme Court of India
at Allahabad, before Bench, Lucknow

with Petition No. 6073 of 1981

by Mr. Bal Singh. Petitioner

Union of India and others - opp. Petition

1. Aug. 26

AIY

13

In the Hon'ble High Court of Judicature at Alld.,

Lucknow Bench, Lucknow.

Writ Petition No. of 1981.

6073

Sri Guru Bux Singh, aged about 28 years,
son of Sri Kotpal Singh, resident of village
Raghunathpur, post office Raghunathpur, District
Lucknow, posted as Atirikt Shakha Dak Pal
(A.D.B.P.M.) Raghunathpur, District Lucknow.

... ... Petitioner

Versus

1. Union of India through Post Master General, U.P. Circle, Lucknow.
2. Sr. Superintendent of Post Offices, Lucknow Division, Lucknow.
3. Assistant Supdt. of Post Offices (Lucknow West) Sub Division, Lucknow.
4. The Director, Postal Services, Lucknow Region, Lucknow.
5. Sri R.K. Dixit, Mail Overseer, Malihabad, Lucknow.
6. Sri Mathura Prasad, son of Sri Ghan shyam, resident of village and post Raghunathpur, District Lucknow.

... ... Opposite-Parties.

Writ Petition under Article 226
of the Constitution of India

....

Record Copy
of Motu for 17/12/81

Time mark
16/12/81
S. S. Ahmad
16/12/81

MEMO.
Quimpressed Rs 60/-
Eight Adhesive Rs 40/-
Total 100/-

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

In time up to

Papers filed. Copy of W. O.

Should also be filed.

list - Bench.

Last untried order

Annexure 6 = 17.3.81

Arbitrator
17.12.81

Hon. K. S. Varma, J.
Hon. S. S. Ahmad, J.

Notice of this petition

has been taken by Mr.
Brijesh Kumar. Put up
on 23rd December, 1981.

S. S. Ahmad, M.
21.12.1981
RMC

The Hon'ble Chief Justice
and
his companion Judges of the
above High Court.

The applicant above named petitioner
respectfully submits as under:-

1. That the petitioner was appointed as Atrikt Shakha Dak Pal (A.D.B.P.M.) at village Raghunathpur post office, Lucknow on 1-1-1980 in leave arrangement (for 180 days) vide order No. A/Raghunathpur, Dt. LKO 3-1-80 issued by Asstt. Supdt. of Post Offices Lucknow (West) Sub Division Lucknow in place of Sri Ketpal Singh, A.D.B.P.M. Raghunathpur at the said post office. A true copy of the said order is annexed herewith as Annexure No.1 to this writ petition.
2. That the petitioner was drawing a consolidate salary of Rs.139.40 per month and he continued in service on leave arrangement till 1-12-1980.
3. That on 2-12-80 the petitioner was again appointed as Atrikt Shakha Dak Pal (A.D.B.P.M.) Raghunathpur, District Lucknow in clear vacancy caused by retirement of Sri Ketpal Singh, A.D.B.P.M., Raghunathpur. The petitioner was appointed vide order No.H/PF-1/68, dated Lucknow, 2-12-80 issued by Sr. Supdt. of Post Offices, Lucknow Division, Lucknow. A true copy of the said order is annexed herewith as Annexure No.2 to this writ petition.
4. That the petitioner as per direction



Signature

Honble K. S. Varma, J.

Honble S. S. Ahmed, J.

Admit. Notice on

behalf of opposite - parties

1 to 4 has been taken
by the learned Standing
counsel for central government.

Issue notice to
opposite - parties 5 and 6.

John M
24/12/81

for

✓ in Annexure -3, housed the post office in
✓ his own house. ✓

5. That the petitioner continued in service for about 2 years without any break and his conduct and work was always satisfactory. No adverse entry was awarded to the petitioner during his tenure of service.

6. That the petitioner was surprised to receive a copy of a letter dated 21/9/81 allegedly signed by Assistant Supdt. of Post Offices, Lucknow (West) Sub Division, Lucknow addressed to Sri R.K. Dixit to the effect that his services had been dispensed with by a letter No. H/Raghunathpur, Lucknow Dated 21-9-81. A copy of the same is Annexed herewith as Annexure No.3 to this Writ Petition.

7. That no such notice as referred to above in Annexure 3 was ever received or served in any manner upon the petitioner.

8. That one Sri Mathura Prasad met the petitioner some time in November, 1981 and gave him a letter No. H/PF-1/68-11 Lucknow Dt. 16-11-1981 alleged to have been issued by the Supdt. of Post Offices, Lucknow Division, Lucknow addressed to the said Sri Mathura Prasad, since the copy did not bear any signature of any person or authority and the said Sri Mathura Prasad did not show the letter that might have been received by him that the petitioner could not handover of the charge of the post and material which he held for want of authenticity.



Subroto Das

9. That the petitioner by way of abandoned caution met Sr. Supdt. of Post Offices, Lucknow Division, Lucknow who informed the petitioner that the services of the petitioner have been terminated for the reason that the petitioner belonged to a different village which was more than a mile away from the post office which was factually in-correct.

10. That the petitioner having come to know the reason of his termination (though termination order was not served till then) made a ~~xx~~ written representation dated 23-11-1981 and posted under registered cover to the Director, Postal Services, Lucknow Region, Lucknow with copies to the Sr. Supdt. Post Offices, Lucknow Division, Lucknow and two others. A copy of the said representation is annexed herewith as Annexure No.5 to this writ petition.

11. That no reply of the above representation has been received so far by the petitioner.

20/3-12-81

12. That the petitioner received a registered letter No. 411/PF-1160-II dt 20.11.81 from the Sr. Supdt. of Post Offices, Opp. Party No.2 reminding him of the letters dated 21-9-81 (Annexure No.3) and 12.11.81 (not received whereby he was ordered to handover charge to Sri R.K. Dixit. But the petitioner had not done so on wrong reasons and ordering him to look to the letters dated 16.11.1981 (Annexure No.4) and

~~15/12/81~~

handover charge to Sri R.K. Dixit, O.P.No.5, although in said letter dated 16-11-1981 the petitioner is required to handover charge to Sri Mathura Prasad, Opp. Party No.6. A true copy of 2 letters dt 28-11-81 is annexed herewith as Annexure 5-A.D

13. That the petitioner was put to great confusion in the matter of handing over charge to any particular person since both Sri Mathura Prasad, O.P.No.6 and Sri R.K. Dixit, O.P.No.5 demanded charge from him.

14. That the petitioner was required by both the persons not only handover charge of the Sub post office but also to handover the possession of the residential house in which sub post office was located as per term of his appointment wherein he with his family lived and from which house his retired father and himself and his family members look after the cultivation located in the same village Raghunathpur.



Handed over

15. That the petitioner received on 2-12-1981 a notice from the office of the Sr. Supdt. of post offices, Lucknow Division, Lucknow bearing No.H/PF-1/68-II, dated 17-9-1981 to the effect that his services were terminated under Rule 6 of P & T E.D.As (Conduct & Service) Rules, 1964. The impugned termination order is filed herewith as Annexure No.6 to this Writ Petition.

16. That the aforesaid impugned termination order was received in the ~~xx~~ envelop bearing the

seal of Chowk Post Office dated 28-11-1981
 besides the seal etc. of the office the
 original envelop in which impugned termination
 order (Annexure-6) is received is also filed
 herewith as Annexure No.7 to this writ petition.

17. That the petitioner is advised to
 state that the impugned termination order
 Annexure No.6 is illegal and ultravires and
 has no effect to terminate the services of the
 petitioner.

18. That the petitioner is not being paid
 his salary although the sub post office is
 housed in his residential house and the petitioner
 is discharging his duties as Atirikt Shakha Dak
 Pal (A.D.B.P.M.) Raghunathpur in terms of his
 appointment.

19. That the order of termination is arbitrary
 fanciful and malafide and against natural justice
 besides being illegal.

20. That the petitioner apprehends that
 that Opp. Parties 1 to 4 are favouring the
 Opp. Parties No.5/and 6 and would do so unless
 their malafide action is legally stayed.

21. That the services of the petitioner

- 7 -

were not terminated according to Rule. No notice or steps as required by the Rule were taken against the petitioner to terminate his services.

22. That in spite of the above confusion created by the Opposite parties the petitioner is discharging his duties as Atirikt Shakha Dak Pal (A.D.B.P.M.) Raghunathpur.

23. That ~~as~~ since no legal notice of termination of service has been served upon the petitioner, the question of handing over charge did not arise.

24. That no other alternative and efficacious remedy is available to the petitioner except this writ petition.



25. That the termination order dated 17-9-81 (Annexure No.6) received on 2-12-81 is illegal and liable to be set aside on the following amongst other grounds:-

G R O U N D S

Grounds

(i) Because the termination order contained in Annexure No.6 is illegal and in violation of principles of natural justice.

(ii) Because the termination order contained in Annexure No.6 is in gross violation of fundamental rights guaranteed under Constitution of India.

(iii) Because the termination order *prima facie* bears stigma and tantamounts to punishment and is therefore illegal.

(iv) Because before passing termination order no opportunity of being heard was given to the petitioner.

(v) Because the termination order is bad in law and opposite parties maintain malafide intention against the petitioner.

(vi) Because the termination order dated 17.9.81 sent by registered post to the petitioner vide postal registration No. RL468 dated 28.11.81 received on 2.12.1981 itself shows the malafide intention of the opposite parties.

(vii) Because before passing termination order neither one month's notice nor one month's pay in lieu thereof notice has been given to the petitioner as required under rules.

(viii) Because the termination order dated 17.9.81 received by the petitioner on 2.12.81 terminating the services of the petitioner with retrospective effect is bad in law.

P R A Y E R

It is, therefore, respectfully prayed that this Hon'ble Court be pleased to issue :-

(A) order, direction or the like a writ of certiorari/quashing the impugned termination order contained in Annexure No.6 to this writ petition.

(B) a writ of mandamus, order, direction or the like commanding the opposite parties No. 1 to 4 not to give effect to the impugned termination order dated 17-9-1981 contained in Annexure -6 and allow the petitioner to continue in service with full wages.

(C) That any other alternative remedy which this Hon'ble Court deem just and proper in the interest of justice may please be given to the petitioner.

(D) That the costs of the petition be allowed to the petitioner against the opposite parties.

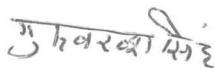
Lucknow

Dated: 16/12/1981

Petitioner



Advocate,
Counsel for the Petitioner.



A23

A22

- 10 -

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

Writ Petition No. of 1981.

Guru Bix Singh Petitioner

Versus

Shahzeb Union of India & others Opp. Parties.

Annexure No. 1

A/Raghunathpur Dt. LKO - 3/1/80

Leave Order

Shri Ketpal Singh EDBPM, Raghunathpur is
hereby granted leave W/A for 180 days w.e.f 1-1-80.

Shri Gurbux Singh engaged by Sri Ketpal Singh
will work as EDBPM Raghunathpur at the responsibility
of Sri Ketpal Singh.

Sd/- R. S. Gupta,
Asstt. Supdt. Post Offices,
Lucknow (West) Sub Div.,
Lucknow - 226006
(Seal)

Copy to:-

1. Ketpal Singh, EDBPM, Raghunathpur (on leave)
2. P.M. LKO.
3. S.P.M. Mall.

(True Copy)

Shahzeb

A24

1/29

-11-

In the Hon'ble High Court of Judicature at Alld.,

Lucknow Bench, Lucknow.

Writ Petition No. of 1981.

Guru Bux Singh Petitioner

Versus

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

Annexure No.2

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Office of Sr. Supdt. of Post Office, Lucknow Division

Memo No.H/PT-1/68, dated at Lucknow-226001, the 2.12.80.

Sri Gur Bux Singh, s/o Shri Kotpai Singh
village and post Raghunathpur, District Lucknow is
hereby ordered to be appointed as E.D.BPM Raghunath
pur temporarily. The post is temporary but there is
likeness of its permanency.

Sri Gur Bux Singh should clearly understand
that employment as E.D.BPM Raghunathpur is purely
temporary and does not confer upon any right, for
permanent absorption and that his services are liable
to be terminated at any time by the undersigned
without assigning any reason. He will be governed
by the P&T EDA(Conduct and Service)Rules, 1964 as
amended from time to time.

He should also clearly understand that he
will have to provide a substitute at his own risk
and responsibility whenever he proceeds on leave
after obtaining prior approval from the office and
that he will have to provide a suitable accommodation
for housing the post office for which no rent will
be payable by the Department.



A25

104

-12-

Charge report should be submitted to this office.

Sd/- Mathura Prasad,
Sr. Supdt. of Post Offices,
Lucknow Division, Lucknow 226001.

Copy forwarded to the following for information and n/a:-

1. Shri Gur Bux Singh, s/o Shri Ketpal Singh, village & P.O. Raghunathpur, Lucknow.
2. The ASPOs West Sub Division, Lucknow for obtaining the following documents from Shri Gur Bux Singh:-
 - (a) Surety Bond.
 - (b) Attestation form in duplicate.
 - (c) Health Certificate.
 - (d) Letter of acceptance.
3. The Postmaster, Lucknow Chowk, H.O., Lucknow.
4. The Director of Accounts, Postal, U.P., Lucknow.
5. The Sub Post Master, Malihabad, Lucknow.
6. Spare.

(True Copy)



Shrawan

120

X
GK

-15-

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

Writ Petition No. of 1981.

Gur Bux Singh Petitioner
Versus

Union of India and others Opp. Parties.

Annexure No.4

Office of Sr. Supdt. of Post Office, Lucknow Division
Lucknow - 1.

Memo No. H/PP/68-11 Lucknow-226003, the 16-11-1981

Shri Mathura Prasad, s/o Shri Ghanshyam, village and P.O. Raghunathpur, district Lucknow is hereby ordered to be appointed as E.D.B.PM Raghunathpur temporarily. The post is temporary but there is likelihood of its permanency.

Shri Mathura Prasad should clearly understand that employment as E.D.B.PM, Raghunathpur is purely temporary and does not confer upon any right for permanent absorption and that his services are liable terminated at any time by the undersigned without assigning any reason. He will be governed by the P&T EDAs (Conduct and Service) Rules, 1964 as amended from time to time.

He should clearly understand that he will have to provide a substitute at his own risk and responsibility whenever he proceeds on leave after obtaining prior approval from the office and that he will have to provide a suitable accommodation for housing the post office for which no rent will be payable by the department.

Shri R. K. Singh



Charge report should be submitted to this office.

Sr. ~~Asst~~ Supdt. of Post Offices, ^{AS}
Lucknow Division,
Lucknow-226001.

Copy forwarded to the following for information
and n/a:-

1. Shri Mathura Prasad, s/o Shri Ghan shyam, resident
of Raghunathpur (Mall) Lucknow.
2. The ASPOs concerned for obtaining the following
documents from Shri Mathura Prasad.
 - (a) Surety Bond.
 - (b) Attestation form in duplicate.
 - (c) Health Certificate.
 - (d) Letter of acceptance.
3. The postmaster, Lucknow G.P.O./Chowk H.O. Lucknow
for n/a.
4. The Director of Accounts, Postal, U.P., Lucknow.
5. The Sub Postmaster concerned.
6. Spare. The E.P.M. Raghunathpur (Mall) Lucknow.
He will please handover the charge to Sri
Mathura Prasad immediate.

3/10/2

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

Writ Petition No. of 1981. X 68



Gur Bux Singh Petitioner

Versus

Union of India and others... ... Opp. parties.

Affidavit

I, Gur Bux Singh, aged about 28 years, son of Sri Kotpal Singh, resident of Village and post Raghunathpur, District Lucknow posted as E.D.BPM, Raghunathpur, Lucknow, the deponent do hereby solemnly state as under:-

1. That the deponent is the petitioner in the above writ petition and is fully conversant with the facts of the case.
2. That Annexures No. 1 to 7 of the writ petition are true copies of their originals and have been compared with their originals.
3. That the contents of paragraphs 1 to 25 of the writ petition are true to my own knowledge and the contents of grounds (i) to (viii) of the writ petition are true to my belief.

Lucknow

Dated: 16.12.81

Chetan Singh
Deponent.

.....contd. on page 23.

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 8 of this Affidavit are true to my belief. Nothing material has been concealed and no part of it is false. So help me God.

Signed, dated 16-11-1981 in the High Court Campus, Lucknow.

Lucknow

Shrestha

Dated: December 16, 1981.

Deponent.

identify
I/ ~~know~~ the deponent who has
signed before me.

Kulapuri
Advocate.

Solemnly affirmed before me
on 16.12.81 at 9.45 a.m. / p.m.

by Gur Bux Singh, Deponent,
who is identified by S/o....

..K. H. K. ~~Advocate~~ Advocate,

High Court, Lucknow Bench, Lucknow.

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

Prasad
OATH COMMISSIONER

High Court, Allahabad,
Lucknow Bench

No. 354/55

Date 16.12.81

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(ଶବ୍ଦବିଜ୍ଞାନ) ଶବ୍ଦବିଜ୍ଞାନ

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नाम अद्वालत
नं० मुकदमा
नाम फरीजैन

नाम फरीड़ैन

ब अदालत श्रीमान

High Court Lucknow
महोदय

1168

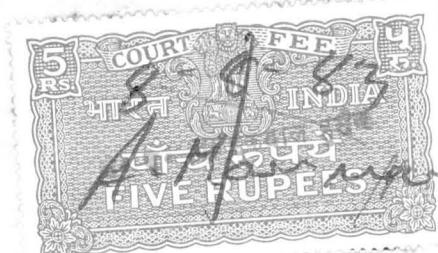
[वादी] अपीलान्ट

श्री

प्रतिवादी [रेस्पान्डेन्ट]

का वकालतनामा

W.P. No 6073/81



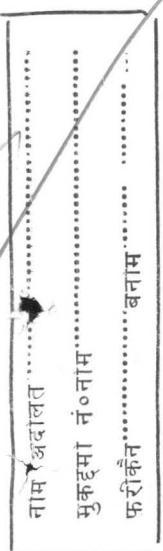
वादी (अपीलान्ट)

३१

Gur Bux Singh
नमूना नं. ८३
ने मुकदमा बनाम प्रतिवादी (रेस्पान्डेन्ट)
सन् १९८०

ऊपर लिखे मुकदमा में अपनी ओर से श्री A. Mannan

बकील
महोदय
एडवोकेट



को अपनी वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी 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।

Accepted

A. Mannan

Counsel for Petitioner

हस्ताक्षर गुरुवरवर्षा १९८३

साक्षी (गवाह)

दिनांक

२७/११/८३

साक्षी (गवाह)

महीना

सन् १९८३



Hon'ble K. S. Verma, J.

Hon'ble S. S. Ahmad, J.

We have heard learned counsel for the petitioner at some length. No sufficient ground has been made out to stay the operation of the aforesaid certain measure 6. The stay application is accordingly rejected.

S. Ghulam Ali K.S.
24-12-81

AS

Hon'ble K. S. Verma, J.
Hon'ble S. S. Ahmad, J.

Put up for orders
along with the writ
Petition

S. Ghulam Ali K.S.

10-12-81

Hon'ble K. S. Verma, J.
Hon'ble S. S. Ahmad, J.

Put up with writ petition.

S. Ghulam Ali K.S.

21-12-1981

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ACX



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



Gur Bux Singh

VERSUS

V.O. 9 and others

Defendant Opposite Party
Respondent Accused

Original Suit

First 2nd Civil Appeal

Civil Case

W.P. No. 6073 1981

Fixed for

In the above mentioned Case
Appeal I appear for the

opp parties

having been instructed by

opp parties

to appear

and plead on his
their

Bijesh Kumar
behalf

LUCKNOW.

Dated 19

Counsel for opp parties
Addl. Standing Counsel,
(Central Govt.)
High Court, Lucknow

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

6073 of 198

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
21-12-81	<p>Hon. - K. S. Varma, J. Hon. - S. S. Ahluwalia, J.</p> <p>Notice of this petition has been taken by Mr. Bipash Kumar. Put up on 23rd December 1981.</p> <p>Sd. K. S. V. Sd. S. S. A. 21-12-81</p>	
23-12-81	<p>Writ forwarded with Cm. 11287-81</p> <p>Hon. K. S. V. - J. Hon. S. A. - J.</p> <p>Put up tomorrow</p> <p>B. S. - J. 23/12/81</p>	
24-12-81	<p>Writ forwarded with Cm. 11287-81</p> <p>Hon. S. S. Ahluwalia, J.</p> <p>Writ - Admitted</p> <p>Sdy. - Admitted</p> <p>Writ - Admitted</p> <p>Writ - Admitted</p>	

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<u>PP Report</u> Learned Counsel for the petitioner has not taken steps for service on O.B. No 566 in W.	
		<u>Submitted</u> <u>Directions</u> <u>4.6.83</u>
		<u>P.R.R</u>
21.9.83	<u>Fixed in P.R.R for ad. B</u> Hon. M.C. J. Hon. K.M.G.	
16.9.83		<u>B.P.R</u> <u>B</u>
19.9.83	<u>Hon. M.C. J.</u> <u>in the V.T</u>	
		<u>Log</u>
6.10.83		<u>19/9</u>
29.9.83		<u>P.R.R</u>
	<u>Hon. S.C.M.J.</u> <u>Hon. K.M.G.</u>	<u>B</u>

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

6073

of 198

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
6-10-83	Mr. S.C. Mathur, J Mr. K. Nath, J	10/10/83
	The petitioner is allowed three days time to take steps reported by the office. If steps are not taken within this period, the writ petition shall stand discharged dismissed without further orders of the Court against opposite parties. Nos 5 and 6 and interim orders if any, operating against said opposite parties shall also stand discharged similarly.	
6-10-83 9)		9/10/83 V steps n
22-X-83	Service Report of Iron Power filed by Sri Brijesh Kumar Adv. S.C. for Central Govt. ols 5 & 6. Writ Petition is dismissed the said ols. vide Compt'scrpt Cler. 6-10-83	

Submitted

2214

Date

Note of progress of proceedings and routine orders

Date of
which
case is
adjourned

1

2

3

24. x. 83

H. Regd.

been report dated 22 x. 83.
Obs. 1 to 4 are now reported to be
represented by Shri Brijesh Kumar
Advocate as ~~Opposing~~ Counsel.
Power has been filed.

In view of Court's order
dated 6. 10. 83 with petition
stands dismissed as against
Obs. 5 and 6. Bring this fact to
the notice of Court at the time
of hearing unless recalled.

By

24. x. 83

Before the Central Administrative Tribunal, Additional
Bench Allahabad

Circuit Bench, Lucknow

T.A. No. 872 of 1987

A
14

Gur Bux Singh Applicant

Versus

Union of India and others Respondents

Supplementary Affidavit

I, Gur Bux Singh, aged about 35 years, son of Shri Kotpal Singh, resident of Majara Raghunathpur Gram Sabha Marwana, post Raghunathpur, district Lucknow, states on oath as under :-

1. That the deponent is the applicant in the above case hence fully conversant with the facts and circumstances of the case and state hereinafter.
2. That the deponent's father Shri Kotpal Singh was Extra Departmental Branch Post Master Post Office Raghunathpur from 1960 to 1980 as he was resident of Majara Raghunathpur Gram Sabha Marwana.
3. That the deponent is resident of Majara Raghunathpur Gram Sabha Marwana. The father of the deponent is having agriculture land in Majara Raghunathpur Gram Sabha Marwana. The premises in which the post office Raghunathpur was situated during the tenure of Shri Kotpal Singh and the deponent is owned by the father of the deponent Shri Kotpal Singh and is

KS

situated in Majara Raghunathpur Gram Sabha Marwana.

4. That the Gram Pradhan of Gram Sabha Marwana has issued a certificate in which he has certified that Majara Raghunathpur is in Gram Sabha Marwana. Hence there is no village in the name of Raghunathpur but it is only a Majara of Gram Sabha Marwana. However, the post office has been named as Raghunathpur hence the same is being run in Majara Raghunathpur in Gram Sabha Marwana District, Lucknow. A copy of the certificate is being annexed as Annexure No 5-1 to this affidavit.

5. That the deponent is eligible for the post of Extra Departmental Branch post master Post Office Raghunathpur under the rules and as such the deponent was appointed with effect from 1.1.1980 as Extra Departmental Branch Post Master Post Office Raghunathpur Gram Sabha Marwana. The services were terminated arbitrarily and illegally.

Dated: Lucknow:

April , 1989

Deponent

L.T.I. of the deponent

Verification

I the above named deponent do hereby verify that the contents of paras 1 to 5 of the affidavit are true to my own knowledge. Nothing is wrong in it and nothing material has been concealed, so help me God.

Dated: Lucknow:

April , 1989

Deponent

L.T.I. of the deponent

- 3 -

A/W

I know the above named deponent, identify him and he has signed before me.

Dated: Lucknow:

April , 1989 Clerk to Shri A.Mannan, Adv.

Solemnly affirmed before me on this day of April, 1989 at a.m/p.m b the above named deponent who has been identified by the Clerk to Shri A.Mannan, Advocate, Allahabad High Court Lucknow Bench, Lucknow.

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

Annexure No 5-1

मेरे नामांकन करता हूँ कि माजरा रक्तुनायक पुरुषों के नाम।
 सामाजिक विभागों में हैं। इसमें की कोटि वाली है रुक्मिणी।
 वीस साल तक वरावर लोग लारी हैं तो वे उनके उत्तराधिकारी हो जाते हैं कि वह जीव वरकर्त्ता हैं जो नामांकन करते हैं। इस सामाजिक विभागों में रुक्मिणी को नामांकन करते हैं।
 आपस की दूरी लगाना ५-५ किलोमीटर के अंदर जाते हैं।
 पोर्ट रक्तुनायक पुरुषों के इनके बारे में जानकारी नहीं।
 आपको रक्तुनायक का नाम देने को उपायों में गवाहता नहीं पुरुष हैं।

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

T.A. No. 872 of 1987

Guru Bux Singh

.. Petitioner

Versus

Union of India & Others

.. Opp. Parties

Counter Affidavit on behalf of Opp. Party Nos. 1 to 4.

I, D.R. Marak aged about 35 years, son of
Sri R. ~~W~~ Sangma at present posted as Senior Supdt.
of Post Offices, Lucknow Div. Lucknow do hereby
solemnly affirm and state on oath as under:-

1. That the defendant is the opp. party no. 2 in
above noted writ petition and is filing this
Counter-affidavit on behalf of opp. parties nos. 1 to 4.

2. That the defendant has read and understood the
contents of writ petition and accompanying Annexure filed by
the petitioner as well as the facts deposed hereunder in
reply thereof.

3. That in reply to the contents of para 1 of the
writ petition it is submitted that the petitioner was not

Om
Senior Supdt. of Post Office, appointed as E.D. B.P.M. Reghunathpur with effect
Lucknow Division-226003

from 1.1.1980 but was temporarily engaged to work as

E.D., B.P.M. on the responsibility of Shri Kopal Singh, who was granted leave. By engaging the petitioner in the leave arrangement to work as E.D., BPM on the responsibility of the permanent E.D. BPM the petitioner can't be terminated as appointed E.D., BPM Raghunathpur.

4. That the contents of para 2 of the writ petition are admitted but it is submitted that the petitioner was being paid a monthly consolidated allowance Rs.129.50 P.

5. That the contents of para 3, 4, 5 of the writ petition are not disputed.

6. That the contents of para 6 of the writ petition are not correct as stated hence denied and in reply it is submitted that the services of Sri Gurbux Singh E.D., BPM Raghunathpur were terminated by the O.P. 2 on 17.9.81 and a copy of the order No. H/PP-1/68-11 dated 17.9.81 was endorsed to the Asstt. Supdt. of Post Offices, West Lucknow for arranging immediate relief of the petitioner.

The A.S. POs West Lucknow accordingly vide his letter No. A/Raghunathpur dated 21.9.81 addressed to Sri R.K. Dixit Mail Overseer, Malihabad, Lucknow to take over charge from the petitioner and to work as E.D. BPM till further orders. A copy of the above said order was also endorsed to the petitioner to hand over the charge of the Branch Post Office, Raghunathpur to the said Mail Overseer.

प्रबन्ध अधिकारी अधिकारी अधिकारी

Senior Supdt. of Post Office
Lucknow Division-226003

7. That the contents of para 7 of the writ petition are not admitted as stated and in reply it is submitted

91
that the services of Sri Gurbux Singh, the petitioner, were terminated under rule 6 of P&T E.D. as (Conduct & Services) Rules, 1964 and there is no provision for serving the notice under the said rule.

8. That the contents of para 8 of the writ-petition are not correct as stated and in reply, it is submitted that consequent upon termination of services of the petitioner as mentioned in para 7 above Sri Mathura Prasad was provisionally appointed as E.D. BPM Raghunathpur vide the Memo. No. M/PF-1/68-II dated 16.11.81 and copy thereof was also endorsed to the petitioner for handing over the charge to the said Sri Mathura Prasad immediately.

The copy of the order was duly signed by the under-signed and the contention of petitioner that it did not bear any signatures, is not correct. The petitioner did not wilfully handover the charge of the Branch Post Office to said Sri Mathura Prasad.

9. That in reply to contents of para 9 of Writ-petition that it is admitted that the petitioner saw the O.P-2 in connection with the termination of his services and he was clearly told that his services were terminated under rule 6 of E.D. As (C&S) Rules, 1964. No such reply that his village fell at a distance of more than one mile, was given by the opp. party no. 2.

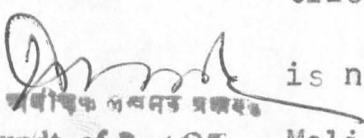
10. That in reply to the contents of para 10, 11 of the writ-petition, it is submitted that the representation (application) of the petitioner was received at the office of Opp. party no. 2 and as no new facts were enumerated therein,

not considered fit to give his reply.

11. That the contents of para 12 of the writ petition are not correct as stated and in reply to it, it is submitted that the Annexure N No.3 is itself a letter dated 21.9.81 from the A.S.POs Lucknow West, it is not a reminder. It was issued by the A.S.POs Lucknow (W) in compliance to the order of the DP No.2 H/PP-I/68-II dated 17.9.81 to Shri R.K. Dixit, Mail Overseer, Malihabad to take charge of the Branch Post Office from the petitioner whose services were terminated. Letter dated 12.11.81 from A.S.POs, Lucknow West, was issued to Sri R.K. Dixit, Mail Overseer, Malihabad to take assistance from the Station Officer I/c. P.S. Mail for taking charge from the petitioner as the petitioner had refused to handover charge to the said Mail Overseer.

Subsequently vide and office Memo No. H/PP-I/86-II dt. 16.11.81 one Sri Mathura Prasad was provisionally appointed as E.D. BPM Raghunathpur and a copy of the said order was endorsed to the said petitioner who was clearly ordered to handover the charge of the Branch Post Office to the said Sri Mathura Prasad.

12. That the contents of para 13 of the writ petition are not correct, as stated and in reply, it is submitted that in this para, the petitioner had tried to mix 2 issues in one & thus his contention


is not correct. Sri R.K. Dixit, Mail Overseer, Senior Supdt. of Post Office, Malihabad was ordered on 21.9.81 to take charge of Lucknow Division-226003 the B.O. when Sri Mathura Prasad was not appointed

E.D.B.PM. On 16.11.81 Sri Mathura Prasad was appointed as E.D. BPM and the petitioner was asked to handover the charge the said Sri Mathura Prasad. As Sri Mathura Prasad was appointed on 16.11.81 and was asked to take overcharge of the B.O. the order dated 21.9.81 stood superceded. There was no confusion for the petitioner and he would have very conveniently transferred the charge of the B.O. to the said Sri Mathura Prasad. The petitioner deliberately did not transfer the charge and took this lame excuse in this paragraph.

13. That the contents of para 14 of the writ-petition are not correct as stated hence denied the petitioner was not only required to handover the charge of the P.O. to Shri Mathura Prasad who was categorically asked in this office Memo No. H/PP/68-II dated 16.11.81 to provide the accommodation for housing the P.O. for which no rent was to be paid to him. The question of handing over the possession of residential house for the petitioner does not arise at all nor it was ever ordered.

14. That the contents of paras 15 & 16 of the writ-petition are not disputed.

15. That the contents of para 17 of the writ-petition are not correct as stated and are denied, the services of the petitioner were rightly terminated in accordance with rule.

16. That in reply to contents of para 18 of the writ-

petition it is submitted that the services of the petitioner were terminated on 17.9.81 and therefore, he is not entitled to get any allowance thereafter.

17. That the contents of paras 19, 20, 21 of the writ-petition are wrong hence denied, the services of petitioner were terminated after following prescribed procedure.

18. That in reply to the contents of para 22 it is submitted that the petitioner deliberately retained charge of the post office in order to secure stay order from this Hon'ble Court.

19. That the contents of para 23 of the writ petition are not correct as stated hence denied and in reply it is submitted that there is no provision to give notice prior to termination.

20. That the contents of para 24, 25 of the writ-petition are not correct as stated hence denied the ground taken by the petitioner are not tenable in the eyes of law.

21. That therefore Ketpal Singh was working as extra departmentally Branch Post Master Raghunathpur. He was retired on his superannuation with effect from 15.3.80. But he proceeded on leave with effect from 1.1.1980 vide granted leave to therefore Ket Pal Singh, the petitioner was engaged as substituted by therefore

Ketpal Singh thereafter the petitioner was admitted purely on temporary post without any proper selection

vide by order dated 2.12.80 and the order (Annexure-2) it is purely mentioned that this appointment will not give any right to petitioner for permanent absorption and his services were liable to be terminated at any time without assigning reason subsequently therefore Mathura Prasad was appointed on legal basis vide Annexure-4 but in the mentioned time the service of petitioner were terminated rightly vide order dated 17.9.81.

22. That the petitioner has no right to claim his legal appointment as Branch Post Master as a matter of right.

23. The writ petition filed by the petitioner has no force and it is liable to be dismissed with cost to the opp. party.


Dependent
पश्च टाक अवैधक न्यूमॉड प्रावृत्त
Senior Supdt. of Post Office
Lucknow Division-226003

Lucknow:

Dated 5 July 88.

Verification

I, the above-named dependent do hereby verify that the contents of paras 1² of this affidavit are true to my own knowledge, and those of paras 3 to 14 are believed to be true on the basis of official records and information gathered and those of paras 15 to 23 are believed to be true on the basis of legal advice.

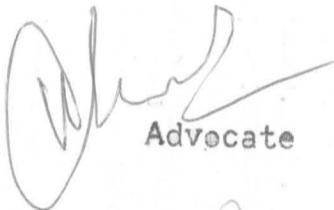
No part of it is false and nothing material has been concealed, so help me God.

Lucknow: dated

Deponent.
प्रधान डाक अधीक्षक वर्षमात्र प्रधान
Senior Supdt. of Post Office
Lucknow Division-226003

5/7/88 July 1988.

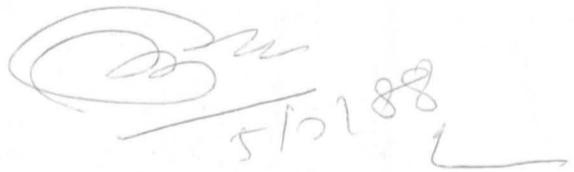
I identify the deponent
who has signed before me


Advocate

Solemnly affirmed before me on 5/7/88 at -9.45
AM/PM by Shri D. R. March
the deponent who has been identified by
Sri V.K. Chauhderi, Advocate High Court
Lucknow.

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

Oath Commissioner.


5/7/88

Before The Central Administrative Tribunal Additional
Bench Allahabad, Circuet Bench Lucknow,
T. A. No. 872 of 1989

1/56

Gur
Guru Bux Singh Applicant

Versus

Union of India and Others Opposite Parties

Application for producing the record

THE applicant most respectfully submitted
as under:-

1. That the above case is against the impugned
order of termination dated 17.9.81.

Therefore it is most respectfully prayed that
for the reasons disclosed in the accompanying affidavit
the Hon'ble Tribunal may be pleased to direct the
opposite parties for producing the complete service
record of the applicant and record pertaining to the
appointment of Shri Mathura Prasad, Opposite parties
No.6 before the Hon'ble Tribunal at the above case in the
interest of justice.

Dated: Lucknow:

ग्रन्तीकृत

March 7, 1989

Applicant

A. Channan
Counsel for the applicant.

Before The Central Administrative Tribunal Additional
Bench Allahabad, Circuet Bench Lucknow.

T. A. No. 872 of 1987



Gur Bux singh Applicant

Versus

Union of India and Others Opposite Parties

Affidavit in Support of application for
summoning the Record.

I, Gur Bux Singh aged about 35 years son
of Shri Kotpal Singh Residence of Village and post-
Raghunathpur District- Lucknow, states on oath as under:-

1. That the deponent is the applicant
in the above case hence fully conversant with the facts
and circumstances of the case and states hereinafter.

2. That the above case is against the
termination order dated 17.9.81 contained in Annexur No.6
to the petition.

3. That the services of the deponent were terminated by way of punishment without holding any enquiry to which deponent was associated, arbitrarily, illegally and without application of mind. The opposite parties have appointed subsequently Shri Mathura Prasad vide order dated 16.11.81 on the same terms and condition as the deponent was appointed earlier.

4. That the deponent possess all essential ~~and~~ qualifications, conditions for the post Extra Departmental Branch Post ~~Examiner~~ Master and also no regular selection was held by the opposite parties while terminating the services ~~the service~~ of the deponent and appointing Shri Mathura Prasad.

5. That the record in custody of the opposite parties relating to the services of the deponent under ~~opp~~ opposite ~~parties~~ ~~opp~~ opposite parties and appointment of Shri Mathura Prasad is essential for disposal of the above case in the interest of justice. Hence the aforesaid complete record may be produced before the Hon'ble Tribunal at the time of final hearing of the above case in the interest of justice.

Dated: Lucknow:

March 7, 1989

Deponent.

Sh. Deponent

~~104~~

104

3

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VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 5 of the above affidavit are true to my own knowledge. Nothing is wrong in it and nothing material has been concealed, so help me GOD.

Dated: Lucknow:

March 7, 1989

~~Shri A. Mannan~~

Deponent.

I know the above named deponent, identify him and he has signed before me.

Dated: Lucknow:

March 7, 1989

D. N. Tewari

Clerk to Shri A. Mannan,

Advocate.

Solemnly affirmed before me on this 7th day of March, 1989 at 10:25 a.m./p.m. by the abovenamed deponent who has been identified by the Clerk to Shri A. Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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

N. D. Ahujani
N. D. AHUJANI
OATH COMMISSIONER
High Court Lucknow Bench Lucknow
No 89/120
Date 7/3/89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

M. P. 586/91 CL,
T.A. No. 872 of 1987

100

Gur Bux Singh

...

Petitioner

Versus

Union of India and others

..

Opposite Parties

Application for recalling the order dt.17.9.91
passed by Hon'ble Mr.Justice U.C.Srivastava &
Hon'ble Mr.Justice A.B.Gorthy, Admn.Member

The petitioner most respectfully submits as under :-

1. That the case was fixed for hearing on 17.9.91 but due to mistake the date noted by the counsel for the petitioner was 27.9.1991. Hence the case could not be attained on the above date and it was decided by the Hon'ble Court, ex parte.

Therefore, it is prayed that the Hon'ble Court may kindly be pleased to recall the order dated 17.9.1991 and hear the learned counsel for the petitioner in the interest of justice.

Dated: Lucknow:

September 19, 1991

Counsel for the Petitioner



A2 ~~2000~~
C III

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW M.P. 586/91 (2)

T.A. No. 872 of 1987

8/61

Gur Bux Singh ... Petitioner
Versus
Union of India and others .. Opposite Parties

Application for recalling the order dt. 17.9.91
passed by Hon'ble Mr. Justice U.C. Srivastava &
Hon'ble Mr. Justice A.B. Gorthy, Admn. Member

The petitioner most respectfully submits as under :-

1. That the case was fixed for hearing on 17.9.91 but due to mistake the date noted by the counsel for the petitioner was 27.9.1991. Hence the case could not be attained on the above date and it was decided by the Hon'ble Court, ex parte.

Therefore, it is prayed that the Hon'ble Court may kindly be pleased to recall the order dated 17.9.1991 and hear the learned counsel for the petitioner in the interest of justice.

Dated: Lucknow:

September , 1991

Counsel for the Petitioner

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
circuit Bench ALLAHABAD BENCH Lucknow
23-A, Thornhill Road, Allahabad-211 001
Gandhi Bhawan (Opposite *** Residency)
LUCKNOW

CAT/Alld/Jud 294047/98 Dated the 21/4

A. No. 872/87 T of 1988 (T)

Guru Bux Singh

Applicant's

Versus

Union of India and others Respondents

1. Sri. Abul Manan Advocate High Court
Lucknow Bench, Representing
Dr. Brijesh Singh Deekhab

To Dr. K. L. Kapoor Advocate
High Court Lko. Bench Lucknow.

② Sri. N. K. Chaudhary, Aeldl. Certified Govt
Standing Counsel, High Court, Lucknow Bench
Lucknow

Whereas the marginally noted cases has been
transferred by High Court Lucknow under the provision
of the Administrative Tribunal Act (No.13 of 1985)
and registered in this Tribunal as above.

Writ Petition No. 6073
of 1988.
of the Court of HC
Lucknow arising out
of Order dated —
passed by — in —

29/4
The Tribunal has fixed date
of 10/04/88 1988. The
hearing of the matter.

If no appearance is
made on your behalf by your
some one duly authorised to
Act and pled on your behalf
the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
7 day of 4 1988.

Alhade

DEPUTY REGISTRAR

Dk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(ALLAHABAD BENCH)

No. CAT/ALD/KO

DATED

Transfer Application No. 872 of 1985 (T)

Guru Bay Singh

APPLICANT

Versus

Union of India.

RESPONDENTS

To

Y Sri Guru Bay Singh, S/o Sri Kartpal Singh
R/o Vill Raghunathpur, P.O. Raghunathpur,
Distt LKO. Postn AB Ativikr- Sankheda Dak
Pal, Raghunathpur, Distt LKO.

WHEREAS the marginally noted case has been transferred by High Court, C.R.O. under the Provisions of the Administrative Tribunal Act (No. 13 of 1985) and registered in this Tribunal as above.

No 6073 of 1981 The Tribunal has fixed the
of the Court of High Court, Lucknow, date of 25-8-1988
arising out of the order dated — for the hearing of the
matter.
Passed by /

in _____ If no appearance is
made on your behalf by your-
self, your pleader or by
someone duly authorised to
act and plead on your behalf, the matter will be heard and
decided in your absence.

Given under my hand and seal of the Tribunal this
2 day of 9 1984

DEPUTY REGISTRAR.

Recd to
C.A. Y.O.R
No 1 to 4

C 97

~~For the Government of India~~ ~~Exhibit~~ ~~Exhibit~~

~~Lucknow Bench, Lucknow~~

Before the Central Administrative Tribunal,
Circuit Bench.

T.A. No. 872 of 1987



Gur Bux Singh Petitioner

Versus

Union of India and others ... Opp-Parties

Rejoinder Affidavit to the

Counter Affidavit on behalf of Opposite

Party No. 1 to 4

I, Gur Bux Singh, aged about 35 years, son of Shri Kotpal Singh, resident of village and post Raghunathpur, district Lucknow, states on oath as under :-



1. That the deponent is the petitioner in the above petition hence fully conversant with the facts and circumstances of the case. The deponent has understood the contents of counter affidavit under reply and states hereinafter.

2. That the contents of para 1, 2 and 14 of the counter affidavit need no reply.

3. That the contents of para 3 of the counter affidavit are denied and contents of para 1 of the writ petition are reiterated as correct. It is here to be stated that the petitioner was appointed on

31/10/2021 A.R

Before the Central Administrative Tribunal, Additional
Bench Allahabad

Circuit Bench, Lucknow

T.A. No. 872 of 1987



Gur Bux Singh

.... Applicant

Versus

Union of India and others

.... Respondents

Supplementary Affidavit

I, Gur Bux Singh, aged about 35 years, son of Shri Kotpal Singh, resident of Majara Raghunathpur Gram Sabha Marwana, post Raghunathpur, district Lucknow, states on oath as under :-

1. That the deponent is the applicant in the above case hence fully conversant with the facts and circumstances of the case and state hereinafter.

2. That the deponent's father Shri Kotpal Singh was Extra Departmental Branch Post Master Post Office Raghunathpur from 1960 to 1980 as he was resident of Majara Raghunathpur Gram Sabha Marwana.

3. That the deponent is resident of Majara Raghunathpur Gram Sabha Marwana. The father of the deponent is having agriculture land in Majara Raghunathpur Gram Sabha Marwana. The premises in which the post office Raghunathpur was situated during the tenure of Shri Kotpal Singh and the deponent is 2 is owned by the father of the deponent Shri Kotpal Singh and is



Shrawan

5. Circuit Bench Lucknow
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALIABAD BENCH
Gandhi Bhawan (Opposite Residency) Lucknow
2-A, Thornhill Road, Allahabad-211 001

5.CAT/Alld/Jud/ 29570 to 511
1028/83 (T) Dated the 21/5

A.No. of 198 (T)

Onkar Nath Shukla

Applicant's

Union of India & others

Respondent's

① ~~Onkar Nath Shukla Advocate~~

To ② Dr. L.P. Misra Advocate

High Court Lko. Bench Lucknow

En. V.K. Chaudhary, Govt Adv.
High Court, Lucknow.

Whereas the marginally noted cases has been
transferred by ~~High Court Lko~~ under the provision
of the Administrative Tribunal Act (No.13 of 1985)
and registered in this Tribunal as above.

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Writ Petition No. 2

of 198

of the court of

arising out of

of Order dated 2

passed by in

the matter will be heard and decided in your absence.

The Tribunal has fixed date
of 26-4-1988. The
hearing of the matter.

If no appearance is
made on your behalf by your
some one duly authorised to
Act and pled on your behalf

Given under my hand seal of the Tribunal this
day of 1988.

Onkar Nath Shukla

DEPUTY REGISTRAR

Dk

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

Before the Central Administrative Tribunal,
Circuit Bench.

Tele No. 674 of 1957

Gur Bux Singh *** *** Petitioner
Versus
Union of India and others *** Opp-Parties

Counter Affidavit on behalf of Opposite
Party No. 1 to 4

4. Gur Bux Singh, aged about 35 years, son of Shri Kotpal Singh, resident of village and post Raghunathpur, district Lucknow, states on oath as under :-

1. That the deponent is the petitioner in the above petition hence fully conversant with the facts and circumstances of the case. The deponent has understood the contents of counter affidavit under reply and states hereinafter.

2. That the contents of para 1,2 and 14 of the counter affidavit need no reply.

3. That the contents of para 3 of the counter affidavit are denied and contents of para 1 of the writ petition are reiterated as correct. It is here to be stated that the petitioner was appointed on

1-1-1980 as he was fully eligible as per rules.

4. That the contents of para 4 of the counter affidavit are denied and contents of para 4 of the petition are reiterated as correct.
5. That the contents of para 5 of the counter affidavit need no reply.
6. That the contents of para 6 and 7 of the counter affidavit are denied and contents of para 6 and 7 of the petition are reiterated as correct. It is here to be stated that order dated 17.9.1981 has never been served upon the petitioner. The order dated 17.9.1981 has been arbitrarily and discriminately passed without application of mind in utter violation of rules. The petitioner is fully eligible for the post in question and the work and conduct of the petitioner since 1-1-1980 was to the full satisfaction of his superiors and has never been warned and punished.
7. That the contents of para 8 and 9 of the counter affidavit are denied and contents of para 9 of the petition are reiterated as correct. It is here to be stated that there was no reason for terminating the services of the petitioner and appointing Mathura Prasad provisionally as the deponent was fully eligible for the said post as well as there was nothing adverse against the petitioner during his service under opposite party since 1-1-1980.

8. That in reply to the contents of para 10 of the petition that it was mandatory upon the opposite party to decide the representation against the termination order.

9. That the contents of para 11 and 12 of the counter affidavit are denied and contents of para 12 and 13 of the petition are reiterated as correct. It is here to be stated that the petitioner was appointed as temporary Extra Departmental Branch Post Master as he was fully qualified and eligible for the post. The petitioner was replaced by a temporary Extra Departmental Branch Post Master despite the fact that the work and conduct of the petitioner was to the full satisfaction of his superiors. Hence the termination was arbitrary and illegal.

10. That the contents of para 13 and 15 of the counter affidavit are denied and contents of para 14 and 17 of the petition are reiterated as correct.

11. That the contents of para 16 to 21 of the counter affidavit cannot be replied as para 6 of the counter affidavit was not served upon the council for the petitioner.

12. That the contents of para 22 and 23 of the counter affidavit are denied. The writ petition

situated in Majara Raghunathpur Gram Sabha Marwana.

4. That the Gram Pradhan of Gram Sabha Marwana has issued a certificate in which he ^{has} certified that Majara Raghunathpur is in Gram Sabha Marwana. Hence there is no village in the name of Raghunathpur but it is only a Majara of Gram Sabha Marwana. However, the post office has been named as Raghunathpur hence the same is being run in Majara Raghunathpur in Gram Sabha Marwana District, Lucknow. A copy of the certificate is annexed as Annexure No. 5-1 to this affidavit.

5. That the deponent is eligible for the post of Extra Departmental Branch post master Post Office Raghunathpur under the rules and as such the deponent was appointed with effect from 1.1.1980 as Extra Departmental Branch Post Master Post Office Raghunathpur Gram Sabha Marwana. The services were terminated arbitrarily and illegally.

Dated: Lucknow:

April 25, 1989

Shradha
Deponent

L.T.I. of the deponent

Verification

I the above named deponent do hereby verify that the contents of paras 1 to 5 of the affidavit are true to my own knowledge. Nothing is wrong in it and nothing material has been concealed, so help me God.

Dated: Lucknow:

April 25, 1989

Shradha
Deponent

L.T.I. of the deponent

- 3 -

I know the above named deponent, identify him and he has signed before me.

Dated: Lucknow:

April 25, 1989

D.N. Iewasal
Clerk to Shri A. Mannan, Adv.



Solemnly affirmed before me on this 25th day of April, 1989 at a.m./p.m. b the above named deponent who has been identified by the Clerk to Shri A. Mannan, Advocate, Allahabad High Court Lucknow Bench, Lucknow.

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

N. D. Ahuja

N. D. AHUJANI
OATH COMMISSIONER
High Court Lucknow Bench Lucknow

No. 20/1/31
Date 25/4/89

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Annexure No 5-1

मेरी नागिनी करता है कि भजरा रक्षायाप्त पुराने ग्रन्थ

समा जड़बाला जैसे है। जिससे भी कोई लाभ नहीं हुआ तो
वीस साल तक वरावर लाभ करते रहे तो उनकी जीवन
दौरे को जैसे वाद जैसे जुहुवरक्षा है।

वह काम किया है। ज्ञान समा जड़बाल रक्षायाप्त पुराने
आपस की दूरी लगाया ५-५ किलोमीटर तक अधिक दूरी की
पोरट रक्षायाप्त पुराने वर्षों के दूरी की जैसी जूहुवरक्षा
आपस रक्षायाप्त पुराने वर्षों की जैसी जूहुवरक्षा है।



जूहुवरक्षा

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Before the Central Administrative Tribunal, Additional
Bench Allahabad
Circuit Bench, Lucknow

Case No. 372 of 1967

Gur Bux Singh *** *** Applicant

Versus

Union of India and others *** Respondents

Supplementary Affidavit

I, Gur Bux Singh, aged about 35 years, son of Shri Kotpal Singh, resident of Majra Raghunathpur Gram Sabha Narwana, post Raghunathpur, District Lucknow, states on oath as under :-

1. That the deponent is the applicant in the above case hence fully conversant with the facts and circumstances of the case and state hereinafter.
2. That the deponent's father Shri Kotpal Singh was Extra Departmental Branch Post Master Post Office Raghunathpur from 1960 to 1980 as he was resident of Majra Raghunathpur Gram Sabha Narwana.
3. That the deponent is resident of Majra Raghunathpur Gram Sabha Narwana. The father of the deponent is having agriculture land in Majra Raghunathpur Gram Sabha Narwana. The premises in which the post office Raghunathpur was situated during the tenure of Shri Kotpal Singh and the deponent is