

~~AS~~ A1  
Gur Bux Singh

FDBPM

✓ A. Narayan  
✓ ~~VK Choudhary~~

827/89 (T)  
NP 81.

1. 1. 80. order of 3.1.80. (Annex 1)  
for 180 days in leave vacancy.  
2. 12.80 (Annex 2) appointed on  
terminated on 17.9.81. <sup>retirement</sup> on 15.3.80

Mail Overseer 21.9.81  
appointed

Rule 6.

~~21.1.86 ret~~

~~11,612 was detained from 1.8.81~~ 16.11.81. post. awarded.  
Nathuram Pt.

Record produced.

App. to file an affidavit with  
certifying residence

8/9

ORDER SHEET

OFFICE REPORT

An Application has been filed in this Tribunal for transferring the case No. 872187(T) of T to the Circuit Bench, Lucknow.

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

*Don*  
Put up on 29.4.88 at Lucknow circuit Bench, Lucknow.

29.4.88 D.R. (5)

*huc*  
D.R.(5)

Sri V.K. Chaudhari 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.

27.5.88

D.R.(5)

Sri V.K. Chaudhari 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.

notice issued.

*gm*  
21/5/88.

22.7.88

Due to sudden demise of Sri Bhett, Adv. adjourned to 25/10/88

*Notices issued  
2/6*

*re  
20/7*

*Ret*

072/07 (T)

25.8.88 DR

On the request of counsel  
for respondent case is adjourned  
to 23/9/88 for reply.

25/8  
25/8

DR

23.8.88 DR

Reply filed today. Reminder can be  
filed by 26.10.88 as prayed.

DR

Repaired / Met today.  
Hear.

file

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW

\*\*\*\*

O.A./T.A. No. 872 1987 (C)

A/S

Guru Balraj Singh Applicant(s)

Versus

U.O.C. Respondent(s)

Sr.No.	Date	Orders
26-X-88		Regonch Wed today Fix 22-12-88 for Hearing  Jee 26/12/88
22-12-88		No sitting, Adjourned to 23/12/89 for Hearing. Rm 22/12
23-2-89		Hon D.S. Mirra, A.M. Hon G.S. Sharma, J.M. On the request of the applicant, the Case is adjourned to 7/3/89 for final hearing. J.M. A.M.



A/D  
AU

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

Guru Bux Singh  
-Vs-  
Union Of India

7.3.1989.

X/6

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 <sup>keep</sup> available the service records of the applicants. The case be listed for hearing on 20.3.1989.

90  
V.C.

20/3/89.

Hon. Justice K. Nath, VC.  
Hon. Ajay John, Am.

Shri A. <sup>K. Chaturvedi</sup> ~~Mahajan~~ for the applicant is present.  
The learned counsel for the opposite parties Shri V.K. Chaudhary says that he is not having the record of the case at present and requests that the case <sup>may</sup> be taken up tomorrow.

Put up the case tomorrow as prayed.

Recd

Am.

90  
V.C.

A5

022/07

21/2/89.

Hon. Justice K. Nath, VC.  
 Hon. Ajay Solmi, Jm.

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-a-vis Marwana. The statements made by the parties in the affidavit & Comr's affidavit are not quite clear on this subject. We direct the applicant to file Supplementary Affidavit explaining the position along with 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 Comr's 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 tied to this Bench.

3  
 A.M.

V.C.

ORDER SHEET

T.A. 872-875

REGISTRATION No. \_\_\_\_\_ of 198 .

1/4

APPELLANT  
APPLICANT

VERSUS

DEFENDANT  
RESPONDENT

Order for and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
25/4/89	<p>Hon' Mr. D.S. Misra, A.M. Hon' Mr. D.K. Agrawal, J.M.</p> <p>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 <u>30-5-1989</u>.</p> <p><i>D</i> J.M. (sns)</p> <p><i>be</i> A.M.</p>	<p><u>OR</u></p> <p>Time granted for filing supplementary affidavit has expired but counsel for applicant has not filed any supplementary affidavit. So for, Counsel for respondents was also directed to keep the record of the case available for the perusal of Hon'ble Bench. Submitted for orders.</p> <p><i>Ans</i> 24/4</p>
30-5-89	<p>No sitting. Adjourned to 11.8.89 for hearing. The learned counsel for the applicant has filed supplementary affidavit duly served on the opposite parties.</p>	
11/8/89	<p>Hon' Mr. D.K. Agrawal, J.M.</p> <p>Shri A.K. Chaturvedi L/C for the applicant files supplementary affidavit as directed by the Bench on 21/3/89.</p> <p>None appeared for respondents except one representative of the Postal Department. Let the case be listed for hearing before Division Bench on <u>25/10/89</u>.</p> <p><i>D</i> J.M. (sns)</p>	<p><u>OR</u></p> <p>Neither supplementary counter nor supplementary rejoinder have been filed. Submitted for orders.</p> <p>Submitted for hearing</p> <p><i>h</i> B.O.C</p> <p><i>h</i> 24/9</p>



77

07/11/07

25.11.07

No sitting of D/B. Adj. to 6.11.07.  
Both the counsel are present.

h  
B.O.C

or  
Case is submitted  
for hearing

Hon'ble Mr. D.K. Agarwal, T.M.

Hon'ble Mr. K. Dhayya, AM.

6-11-89

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

h  
AM.

Dec  
T.M.

(S.N.S.)

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/S.

OR  
S.F.M  
h  
R.H.

21-11-90

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

On the request of counsel for  
respondent case is adjourned to  
12-12-90.

M. h  
AM.

h  
VC



A9

A/8

12.12.90

Case not reached. Adli to 28.1.91.

28.1.91 -

No sitting Adli to 13.2.91.

BOC.

13.2.91 -

No sitting Adli to 13.5.91.

13.5.91

No sitting Adli to 26.5.91

26.5.91

No sitting Adli to 13.9.91

13.9.91 -

No sitting Adli to 17.9.91

Lead  
of the  
Adli

उत्तराखण्ड

Case is submitted  
for hearing.

13.9

2.

A9

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.

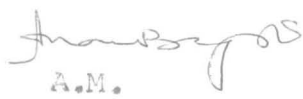
(Hon. Mr. Justice U.C. Srivastava, V.C.)

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

4

w

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.

  
A.M.

  
V.C.

Lucknow Dated: 17.9.91

## CRIMINAL

## GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

Name of parties..... Chen Bup Singh .....

Date of institution..... 21.12.81.....

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs.	P.		
A	1	General Index	1					
A	<del>2</del>	<del>Order sheet</del>	<del>1</del>					
A	3	Genl. Ref. attached	25	9	100	-		
				1	3	-		
B	4	Power	1	1	5	-		
A	5	CMA A, 1128 @ 20/1	1	1	5	-		
B	6	<del>Power</del> Power	1	-	5	-		
	7	Order sheet	2	-	-	-		
	8	Back 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)

A11

9674

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

Lucknow Bench, Lucknow.

Writ Petition No. 6073 of 1981.

Gur Buz Singh .. .. . Petitioner

Versus

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

I N D E X

Sl.No.	Particulars	Page Number
1.	Writ Petition	1 - 9
2.	Annexure No.1 Appointment Order of the petitioner in Leave arrangement.	10
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
8.	Annexure No.6 Termination Order of the petitioner.	22
9.	Annexure No.7 empty envelop in which termination order was posted by registered post.	23
10.	Affidavit	24 - 25
11.	Stay Application	26
12.	Power	27

गुप्तवरदासि

Lucknow

Dated: 16/12/81

Coun sel for the petition

# INDIA COURT FEE

60RS.



one Imp Rs 60 —  
right of Rs 40 —  
100 —  
17.12.81



In the Hon'ble High Court of Judicature  
at Allahabad, Lucknow Bench, Lucknow  
with Petition No 6073 of 1981



Gur Bux Singh ————— Petitioner

VS  
Union of India and others — opp. Parties



1 Aug 82



A14

13

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

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 Shakhha 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

.....



गुह्यदस्तावेज

Revised Copy  
of Notice for 17/12/01

Amended  
of 15/12/01 B2 Shalika  
Ache.  
16/12/01

MEMO.  
Impressed Rs 60 —  
Eight Adhesive Rs 40 —  
Total 100 —

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

Court record

In time up to

Papers filed. Copy of V. O.

Should also be filed.

Heir - Bench.

Last unperfected order  
Annexure 6 = 17.9.01  
Substantive  
17.12.01

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

Put up for orders  
on 21-12-1901

Sd/- Ks  
10-12-01

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, 1901.

Sd/- Ks  
21-12-1901  
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 Atriakt 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 consolidated 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 Atriakt 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/PT-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



Under the

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  
Council for Central Government.

Issue notice to  
opposite - parties 5 and 6.

GP KB  
24-12-81

ds

A16  
X/5

in Annexure-<sup>3</sup>, 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. A/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.



16/11/81

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.

n on 3-12-81 n

12. That the petitioner received a registered letter <sup>n No. 4/PF-1/60-II dt 29.11.81 n</sup> 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



गुलबर्ग सिटी



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.2

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.

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 ~~an~~ envelop bearing the



37/12/81

A-19

A/18

-6-

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 Shakhha 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



गुह्यरक्षक सिद्ध

120  
17/19  
Grounds of petition

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

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

उत्तराखण्ड

- (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 tentamounts 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.

अनुच्छेद 14(2)



A22

8/9

-9-

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

*[Signature]*

Advocate,

Coun sel for the Petitioner.

3 हारदा 442

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

Writ Petition No. .... of 1981.

Guru Bix Singh ... .. Petitioner

Versus

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

Annexure No.1

A/Raghunathpur

Dt. LKO - 3/1/80

Leave Order

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

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

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

Copy to:-

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

(True Copy)

15/12  
गुप्त

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

Writ Petition No. of 1981.

Guru Buz 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/PF-1/68, dated at Lucknow-226001, the 2.12.  
80.

Sri Gur Buz Singh, s/o Shri Kotpal 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  
likelihood of its permanency.

Sri Gur Buz 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.



3/12/81

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)



गुह्यरक्षक

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/PF/68-11 Lucknow-226003, the 16-11-1981

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

Shri Mathura Prasad 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  
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.

गुह्यरक्षक



Charge report should be submitted to this office.

Sr. ~~Sd/-~~ Supdt. of Post Offices, R/S  
Lucknow Division,  
Lucknow-226001.

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

1. Shri Mathura Prasad, s/o Shri Ghanshyam, 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 B.P.M. Raghunathpur (Mall) Lucknow.  
He will please handover the charge to Sri  
Mathura Prasad immediate.

शुभचरित कि

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

Writ Petition No. of 1981. X  
36



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

*Gherraj Singh*  
Deponent.

.....contd. on page 23.



A30

-25-

Verification

I, the above named deponent do hereby verify A/37  
that the contents of paras 1 to 3 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

Dated: December 16, 1981.

*[Signature]*

Deponent.

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

*[Signature]*  
Advocate.



Solemnly affirmed before me  
on 16.12.81... at 9.40 a.m./p.m.  
by Gur Bux Singh, Deponent,  
who is identified by Sti....  
..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.

*[Signature]*  
OATH COMMISSIONER  
High Court, Allahabad,  
Lucknow Bench

No. 354/55

Date 16.12.81

R-5. Jamar  
Korotat

*[Handwritten signature]*

*[Handwritten signature]*

३३ ई०

महीना

17/11/81

दिनांक

माही (गवाह)

माही (गवाह)

हस्ताक्षर

काम आवे ।

यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर  
गई वह कार्यवाही हमको सर्वथा स्वीकार है और हमोई हमलिय  
रसीद से जेबे या पंच नियुक्त करें - वकील महोदय द्वारा की  
दाखिल किया गया अपने या हमारे हस्ताक्षर-युक्त [हस्ताक्षर]  
या कोई कपया जमा करें या हमारी या विपक्षी [परिक्रमण] का  
हस्ताक्षर से दाखिल करें और तबदीक करें या मुकदमा उठावे  
दवा तथा अर्पण व निगारानी हमारी और से हमारे या अपने  
जारी करावे और कपया वसूल करें या सुवहनामा या इकबाल  
कोई कागज दाखिल करें या लौटावे या हमारी और से निगारी  
वकील द्वारा जो कुछ पुरानी व जवाबदेही व प्रशनेतर करें या अन्य  
लिखे देना है इस मुकदमा में वकील महोदय स्वयं अथवा अन्य  
को अपना वकील नियुक्त करके प्रतिज्ञा [इकार] कारना है और

(S.N. 1753) वकील

महोदय

K N Kapur, Advocate, High Court

पुर्वोक्त

ऊपर लिखे मुकदमा में अपनी ओर से श्री

३३ ई०

पेशी की तारीख

नं० मुकदमा

प्रतिवादी (मुदाहि)

Union of Indian  
Kaur Bux Singh

वर्ग

पक्षी (मुदह)



वकालतनामा

का

प्रतिवादी (मुदाहि)

पक्षी (मुदह)

व अदालत श्रीमान

महोदय

In the Honble High Court of Jalandhar  
at Jalandhar, Western Punjab

High Court Lucknow  
महोदय

महादय

-श्री

# वकालतनामा

-क।

**वादी (अपीलान्ट)**

Gur Bux Singh

Union of India for

### प्रतिवादी ( रेस्पान्डेन्ट )

नं मुकदमा

सन्

पेशी की ता०

୧୧ ୫୦

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री A. Mammou

वकील

-महोदय

## एडवोकेट

को अपनी वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं कि इस मुकद्दमा 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 रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील 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 (फरीकासनी) का दाखिल किया हुआ रुपया 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 हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा 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 ।

हस्ताक्षर गुहवरदास

**साक्षी (गवाह)**

सांक्षी (गवाँह)

दिनांक

महीना

सन् १९



Honble K. S. Varma, J.

Honble 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  
warrant No. 6. The stay application is  
accordingly rejected.

for

Sd/- J. K.  
24-12-81

Honble K. S. Varma, J.

Honble S. S. Ahmad, J.

Put up for orders  
along with the writ  
petition.

Pethin

Sd/- J. K.

10-12-81

Hon. K. S. Varma, J.

Hon. S. S. Ahmad, J.

Put up with writ petition.

Sd/- J. K.

21-12-81

Raj

497



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



Gur Bux Singh

Applicant  
Plaintiff Complainant

(A/4)

VERSUS

U.O. 9 and others

Defendent Opposite Party  
Respondent Accused

Original Suit  
First Civil Appeal  
2nd Civil Case

W.P. No. 6073 19 81

Fixed for \_\_\_\_\_

24/12/81

In the above mentioned Case I appear for the opp parties  
Appeal

having been instructed by opp parties to appear

and plead on his behalf  
their

Bijesh Kumar

LUCKNOW.

Dated \_\_\_\_\_ 19

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

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

- No.

- of 198

-vs.

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

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	P.F. Report Learned Counsel for the petitioner has not taken steps for service on Dr. Norawb in U.S.	
		Schmitt Sullivan 4.6.83
	P.F.R.	
21.9.83	Fixed in P.F.R. records Hon. U.S. 2 Hon. K.M. 4	Bench
	16.9.83	P.F.R.
19.9.83	Hon. U.S. 2 Hon. K.M. 4	B
	6.10.83	19/9
6.10.83	29.9.83	P.F.R.
	Hon. S.C.M. Hon. K.M. 4	B

# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

6073

of 1981

vs.

Dated of  
which  
case is  
adjourned

Date

Note of progress of proceedings and routine orders

1

2

3

6-10-83

Hon. S.C. Mathur, J

Hon. K. Nath, J

Adj

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 No 5 and 6 and interim orders if any, operating against said opposite parties shall also stand discharged similarly.

6-10-83  
(9)

✓

steps not taken  
8  
21-10-83

22-10-83

Service Report

of 1104. Power filed by Sri Benjara Kumar  
Addl. Sec. for Central Govt.

ops & 6. writ petition is dismissed against  
the said ops. vide Court's order  
dt: 6-10-83

Submitted

22/10





Before the Central Administrative Tribunal, Additional  
Bench Allahabad

Circuit Bench, Lucknow

T.A. No. 872 of 1987

17/4/9

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 Reghunathpur Gram Sabha Marwana, post Raghunanthpur, 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

X  
15

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

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

प्रति

मे प्रमाणित करती हूँ कि मजरा रघुनाथ पुर में जग  
सभा जड़वाणा में है। जिसमें श्री कोटपाल सिंह जगमग  
जीस साल तक बराबर काम करते रहे और उनमें रियायत  
हो जाने के बाद जो सुतवरवा सिंह ने जगमग से वहाँ  
तक काम किया है। जग सभा जड़वाणा रघुनाथ पुर की  
आयस की पूरी जगमग ५-५ फीटिंग से अधिक नहीं है  
पोस्ट रघुनाथ पुर सचल डाक कार्ड। जब से ये स  
आफिस खुला था तब से श्री कोटपाल सिंह मजरा रघु  
नाथ पुर में ही काम करते थे।

20

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. <sup>San</sup> 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 dependant 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 dependant 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  
appointed as E.D. B.P.M. Reghunathpur with effect  
from 1.1.1980 but was temporarily engaged to work as

Senior Supdt. of Post Office,  
Lucknow Division-226003

appointed as E.D. B.P.M. Reghunathpur with effect

from 1.1.1980 but was temporarily engaged to work as

1988  
AFFIDAVIT  
87 IM

DIST. COURT

U. P. Public Service Tribunal

1988  
AFFIDAVIT  
87 IM

DIST. COURT

U. P. Public Service Tribunal



E.D., B.P.M. on the responsibility of Shri Kotalpal 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/PF-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.

Senior Supdt. of Post Offices  
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

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 representation (application) of the petitioner was received at the office of Opp. party no.2 and as no new facts were enumerated therein,

प्रवर डाक अधीक्षक अथवा प्रमुख  
Senior Supdt. of Post Office  
Lucknow Division-226003

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 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/PF-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. Mall for taking charge from the petitioner as the petitioner had refused to handover charge to the said Mail Overseer.

Subsequently vide office Memo No.H/PF-1/86-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, Malihabad was ordered on 21.9.81 to take charge of the B.O. when Sri Mathura Prasad was not appointed



Senior Supdt. of Post Office  
Lucknow Division-226003

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/PF/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-

प्रवर डाक अधीक्षक लखनऊ प्रकाश  
Senior Supdt. of Post Office  
Lucknow Division-226003



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 Kotpal 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 Kot Pal Singh, the petitioner was engaged as substituted by therefore

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


Senior Supdt. of Post Office

Lucknow Division-226003

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.



Deponent  
प्रवर डाक अधीक्षक, अन्वय प्रखण्ड  
Senior Supdt. of Post Office  
Lucknow Division-226003

Lucknow:

Dated 5 July 88.

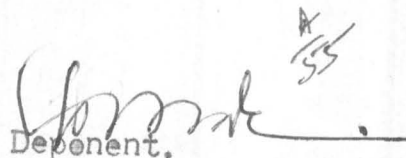


Verification

I, the above-named deponent do hereby verify that the contents of paras 1<sup>2</sup> 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.

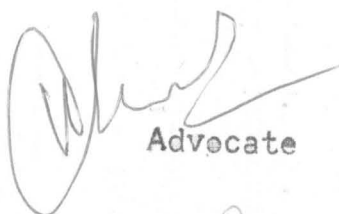
  
Deponent.

प्रवर डाक अधीनस्थ पोस्टमन प्रखण्ड  
Senior Supdt. of Post Office  
Lucknow Division-226003

Lucknow: dated

5/7/88 July 1988.

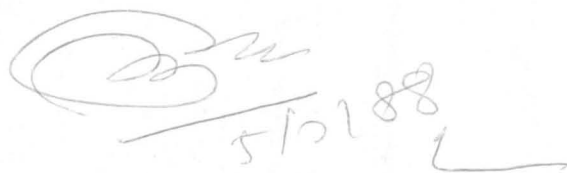
I identify the deponent  
who has signed before me

  
Advocate

Solemnly affirmed before me on 5/7/88 at -9.45  
AM/PM by Shri D. P. Mahto.  
the deponent who has been identified by  
Sri V.K. Chaunderi, 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



Cbi

Before The Central Administrative Tribunal Additional  
Bench Allahabad, Circuit Bench Lucknow,  
T. A. No. 872 of 1987

X/56

Gur  
Gru 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  
that for the reasons disclosed in the accompanying affid-  
-avit 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:

March 7, 1989

उत्तरेश्वरी

Applicant

A. Mannan  
Counsel for the applicant.

C 102

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

T. A. No. 872 of 1987



1989  
AFFIDAVIT  
89/20  
HIGH COURT  
ALLAHABAD

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.

उत्तरवरोधार्थ

~~155~~ C-103

155

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 <sup>and</sup> possesses all essential qualifications conditions for the post Extra Departmental Branch Post ~~Master~~ Master and also no regular selection was held by the opposite parties while <sup>terminating</sup> 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 ~~opposite parties~~ 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.

4  
7-3-89

Dated: Lucknow:  
March 7, 1989

उत्तरदाता  
Deponent.

850 C104

- 3 -

A  
1/59

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

उक्त दस्तावेजों पर  
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. Ahuja  
N. D. AHUJA  
OATH COMMISSIONER  
High Court Lucknow Bench Lucknow  
89/20  
Date 7/3/89

Ad  
7-3-89

C 110

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW

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

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, exparty.

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

*Filed today*

*copy  
19/9/91*



A2 ~~285~~  
C 111

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW

M.P. 586/91/2,

T.A. No. 872 of 1987

8/6

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, exparty.

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

C116

7u

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

S. CAT/Alld/Jud 29404 to 405 Dated the 8 2/14

A.No. 872/87 T of 198 (T)

14/6/2

Guru Bux Singh Applicant's

Versus

Union of India and others Respondent's  
1. Sri Abdul Mannan Advocate High Court  
Lucknow Bench Lucknow  
① Sri Brijesh Kumar Advocate  
To ② Sri K. XI. Kapoor Advocate  
High Court Lko. Bench Lucknow.  
② Sri. V. K. Chaudhary, Asstt. Central 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 1981.  
of the Court of HC  
Lucknow arising out  
of Order dated —  
passed by — in

29/14

The Tribunal has fixed date of 14/06/88 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.

DEPUTY REGISTRAR

Dk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
( ALLAHABAD BENCH )

23-A Thornhill Road, Allahabad-211001.

No. CAT/ALLD Lko.

DATED 24/11

Transfer Application No. 872

of 1988

( T )

Guru Bay Singh

APPLICANT

Versus

Union of India.

RESPONDENTS

To

Sri Guru Bay Singh, S/o Sri Kotpul Singh  
R/o Vill Raghunathpur, P.O. Raghunathpur,  
DIST Lko. Postel AB Ativiki - Shahkhar Dalk,  
Dal, Raghunathpur, DIST Lko.

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

No 6013 of 1981

of the Court of High Court, Lko.

arising out of the order dated \_\_\_\_\_

Passed by \_\_\_\_\_

in \_\_\_\_\_

The Tribunal has fixed the

date of 25-8-88 1988

for the hearing of the

matter.

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 25-8-88

2 day of 9 1988

h  
DEPUTY REGISTRAR.

C97

Before the Central Administrative Tribunal,  
Circuit Bench.



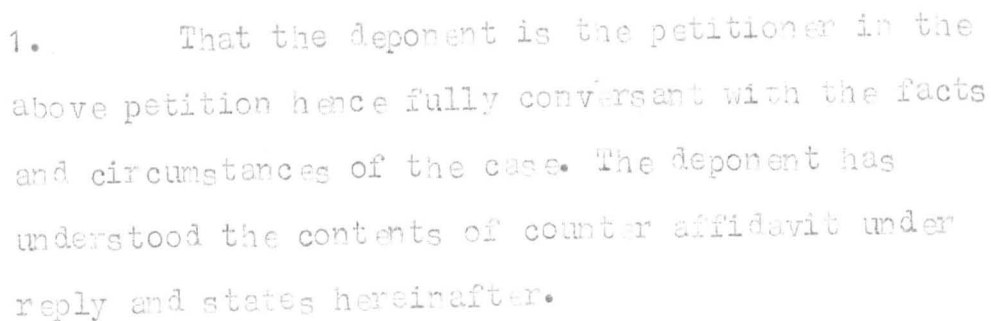
Versus

Union of India and others ... Opp-Parties

B2. 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 :-



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

आवरण अहं



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 Reghunathpur Gram Sabha Marwana, post Raghunanthpur, 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



Filed today  
L  
29/5

3/4/88

~~1st Circuit Bench~~ Lucknow.  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
Gandhi Bhawan (Opposite Residency)  
22-A, Thornhill Road, Allahabad-211 001  
Lucknow  
\*\*\*\*

B2  
3  
A  
110

S.CAT/Alld/Jud/29570 to 511  
1028/87 (7) Dated the 8 2/15

A.No. \_\_\_\_\_ of 198 (T)

Onkar Nath Shukla

Applicant's

Union of India & others

Respondent's

① ~~Dr. Shukla Advocate~~  
To ② Dr. L.P. Misra Advocate  
High Court Lko Bench Lucknow  
Sri 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.

893  
Writ Petition No. 2  
of 198 11  
of the Court of Lko  
arising out  
of Order dated 2  
passed by \_\_\_\_\_ in

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

the matter will be heard and decided in your absence.

11 Given under my hand seal of the Tribunal this  
\_\_\_\_\_ day of \_\_\_\_\_ 198 .

DEPUTY REGISTRAR



~~226~~ C112

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

Before the Central Administrative Tribunal,  
Circuit Bench.

T.A.No. 874 of 1987

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

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

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 2 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 parties since 1.1.1980.



8. That in reply to the contents of para 10 of the petition that it was mandatory upon the opposite parties 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 counsel 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 <sup>2</sup>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 <sup>25</sup> 25, 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 <sup>25</sup> 25, 1989



Deponent

L.T.I. of the deponent

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

Dated: Lucknow:

April 25, 1989

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



Solemnly affirmed before me on this 25<sup>th</sup> day of April, 1989 at 9-30 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.

महोदय जगदी

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.

N. D. Anujani

N. D. ANUJANI

OATH COMMISSIONER

High Court Lucknow Bench Lucknow

No. 20/113/1989

Date 25/4/89

~~80~~

C108

Annexure No 5-1

मैं प्रमाणित करता हूँ कि मऊरा रघुनाथ पुर में जग-  
 सभा मड़वावा में है। जिसमें श्री कोटपातसिंह मऊरा  
 बीस साल तक बसवा काम करते रहे हैं। उन्होंने  
 ही जमीन के बाप को गुप्तवरदासि  
 तक काम किया है। जग सभा मड़वावा रघुनाथ पुर में  
 आपस की दूरी लगभग 4-5 किलोमीटर है अधिकतम नहीं है  
 पोस्ट रघुनाथ पुर सचल डाक कार है। जब से पोस्ट  
 ऑफिस खुला था तब से श्री कोटपातसिंह मऊरा रघु-  
 नाथ पुर में ही रहकर काम करते थे।

25-4-84  
 25-4-84



गुप्तवरदासि



Our Box Singh                \*\*\*\*                \*\*\*\*                Applicant  
Versus  
Union of India and others                \*\*\*\*                Respondents.

1. Our Suk Singh, aged about 35 years, son of Shri Kotal Singh, resident of Majara Baghmantapur Gram Sabha Marwaha, post Baghmantapur, 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 1950 to 1980 as he was resident of Majara Raghunathpur Gram Sabha Harwana.
3. That the deponent is resident of Majara Raghunathpur Gram Sabha Harwana. The father of the deponent is having agriculture land in Majara Raghunathpur Gram Sabha Harwana. The premises in which the post office Raghunathpur was situated during the tenure of Shri Kotpal Singh and the deponent is