

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *T.A. No 1028/87*
W.P. No 893/82 OF

NAME OF THE PARTIES *P. N. Shukla* Applicant

Versus

Union of India & Ors. Respondent

Part A.

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13	My copy	
14		
15		
16		
17		
18		

CERTIFICATE

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

Rechecked on Dated *12/10/11*

Counter Signed.....

[Signature]
14/10/2011
Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....893-82.....

Name of parties...Unkar Nath Shukla vs Union of India

Date of institution.....24-2-82.....

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	S. Guler	1		Rs. P.			
3	2	ex Stat	1					
A	3	w. P. Affid Annexure	44	13	102			
B	4	Revenue	1	1	5			
A	5	Comd. 1876 (W-8) An Stacy	7	1	5			
	6	Comd. 3492 (W) 882	5		7.00			
	7	Supplying affidavit	9		2.00			
	8	Comd. 145-82 for Amendment of W.P.	14		7.00			
	9	Com A-9658 (W) 882	8		7.00			
	10	Comd. 11592 (W) 883	13		7.00			

I have this

day of

198

examined

the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all order have been carried out, and that the record is complete and in order up to the date of the certificate

Date.....

Munsarim

Clerk

B/IV

A

22

Annexure - A
CAT- 82CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

X/2

INDEX - SHEET

CAUSE TITLE 1028 / 87 CB OF 198Name of the Parties O. N. Shukla

Versus

U. O. IndiaPart A, B and C

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A1	order sheet	1
A2	Judgement dt 25-1-89 Dismissed in default	1
A3	Application for disposal with Annexure	4
B1	Vakatanama (Power)	1
B2	Notice	3
	High Court Lucknow original Record w.p No. 893/82	
	Bench - Copy	

लाल प्रजापति
12/5/89

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WP

No.

893

of 198

2

vs.

A/13

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
24.5.82	Wait with case No 1876 (w) 3492 (w) 82 for orders. Hon. T. S. Misra J. Hon. D. N. Jha J. Adm A & St. 7 APR. is rejected. Report Amendment allowed.	
2.9.82	SPs are served through Smt. B. L. Shukla Advocate, may office proceed. Bis 29.8.82 yes SP 29.8.82 Hes Ble	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 198

25.

11/3
8/5

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
2.12.83	Fixed with C.A. 11795(w) 83 Hon. S.C. Mathur J.	
9.12.83	Fixed. Hon. S.C.M. J.	
16.12.83	Fixed with C.A. 11795(w) 83 for Hon. S.C.M. J.	
6.1.84	SO, Dec. 2/1/84	
	Fixed	
	C.A. 11795(w) 83 of A	

16.3.82 - writ with cum An 1876 (w 82 for order.

Hon. K. S. Verma J.
Hon. S. S. Ahmad J.

16/3/82

19.4.82 Writ with cum An 1876 (w 82 for order

Hon. K. S. Verma J.
Hon. S. S. Ahmad J.

One of the contentions raised on behalf of the opposite parties is that the order under challenge is appealable. In a supplementary affidavit filed today it has been stated that a representation had been made on 26.2.1982 against the order under challenge. This may be treated as an appeal by the petitioner against the order impugned. Mr. Brijesh Kumar states that the appeal ^{shall} ~~may~~ be decided within three weeks. List this petition after three weeks.

(Jin K)
14.4.1982

14.4.82 Supplementary Affidavit filed
by
Dated 18.4.82
Place or record

10-5-82 by
14.4.82

OFFICE MEMO

OFFICE MEMO

An Application has been filed in this
Tribunal for transferring the case No. 1020/87(T)
of to the Circuit Bench, Lucknow.
It appeared, 26th April 1988
may kindly be fixed for hearing at Circuit Bench
Lucknow. In this regard the notices may be sent
to the parties counsel.

JKG -

Put up on 26.4.88 at Lucknow
Circuit Bench, Lucknow.

26.4.88 D.R(J)

None is appeared for applicant.
Sir V.K. Chaudhary for the respondent.
Informed the applicant's counsel.
CA ~~can~~ be filed by 24.5.88.

DR(J)

DR(F)

24.5.88

For filing C.A.

24.5.88

Mr V.K. Chaudhary is present for respondent.
on his request list this case on
18/5 for filing Reply. Inform learned counsel
for applicant.

DR(J)

26/8/88

1028/87(T) L A/V
O.N. Shukla vs. U. of J.
Order Sheet.

Registrar

Shri L.P. Mishra, learned counsel for the applicant is present, none appeared for the respondent. Reply has not been filed. Inform respondents to file reply by next date i.e. 26/8/88.

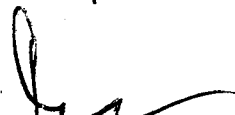
By
10/8

Registrar

26.8.88

D.R.


Shri B.P. Nagar, Adv. on behalf of Shri L.P. Mishra learned counsel for the applicant is present. None appeared for the respondent. Reply has not been filed. Reply can be filed by 22.9.88.


D.R.

D.R.

22.9.88

On the request of Shri V.K. Choudhry, Counsel for respondents, he is allowed to file reply by 27.10.88


D.R.

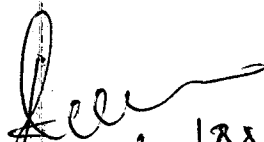
~~Reply notified~~

27.10.88

Reply not filed - Counsel

29.11.88

Respondent on V.K. Choudhry is present.


27/10/88

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/ 1178

Dated : 11/11/89

OFFICE - MEMO

Registration No. O.A. 1028 of 1937
T.A.

C N Shukla

Applicant's

Versus

1. 11/11/89

Respondent's

A copy of the Tribunal's Order/Judgement
dated 5/11/89 in the abovenoted case is forwarded
for necessary action.

D.D. Dey

For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 25/1/89.

To. ① O M Shukla S/o S. S. Shukla Thakurpuri
② Distt. Barhach

dinesh

19/11/89

A2
1

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
Circuit Bench at Lucknow

Registration T.A. No.1028 of 1987

O.N.Shukla Petitioner
Versus
Union of India & Others Respondents.

Hon.D.S. Misra, A.M.
Hon.G.S.Sharma, J.M.

(By Hon.G.S. Sharma, J.M.)

This case was listed for hearing on 23.1.1989. No Counter Affidavit was filed by the learned counsel for the respondents and an application was moved on his behalf on 23.1.1989 stating that the petitioner has been reinstated in service and no cause of action ^{survives} ~~will arise~~ now. Shri V.K. Chaudhary, learned Additional Standing Counsel for the respondents who had moved this application had assured us to serve its copy on the learned counsel for the petitioner and the same was served by him on 24.1.1989. Still none is present on behalf of the petitioner and none was present even on 23.1.1989. We feel that the petitioner is ^{now} not ~~at all~~ interested in prosecuting his case. The petition is dismissed in default of the petitioner without any order as to cost.


Member (J)


Member (A)

Dated the 25th Jan., 1989.

RKM

Group A - 15 (a)

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

Writ Petition No. 893 of 1982.

Onkar Nath Shukla

...

Petitioner

Versus

Union of India and others

...

Opp-parties.

I N D E X

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3.	Annexure-2 (Copy of Error Book- relevant portion)	.. 9
4.	Annexure-3 (Order dt. 20.1.82 passed by O.P. No. 4)	.. 10 - 11
5.	Affidavit to the writ petition	.. 12-13
6.	Application for interim relief	.. 14-15

Dated Lucknow:

Feb. 24, 1982.

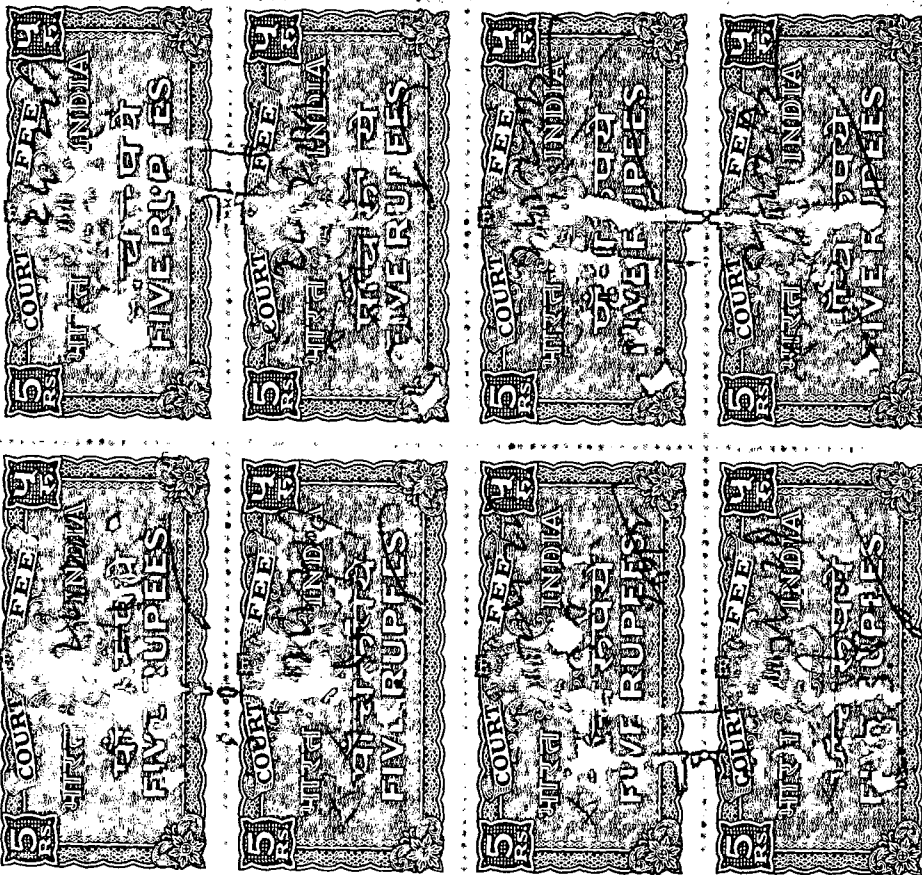
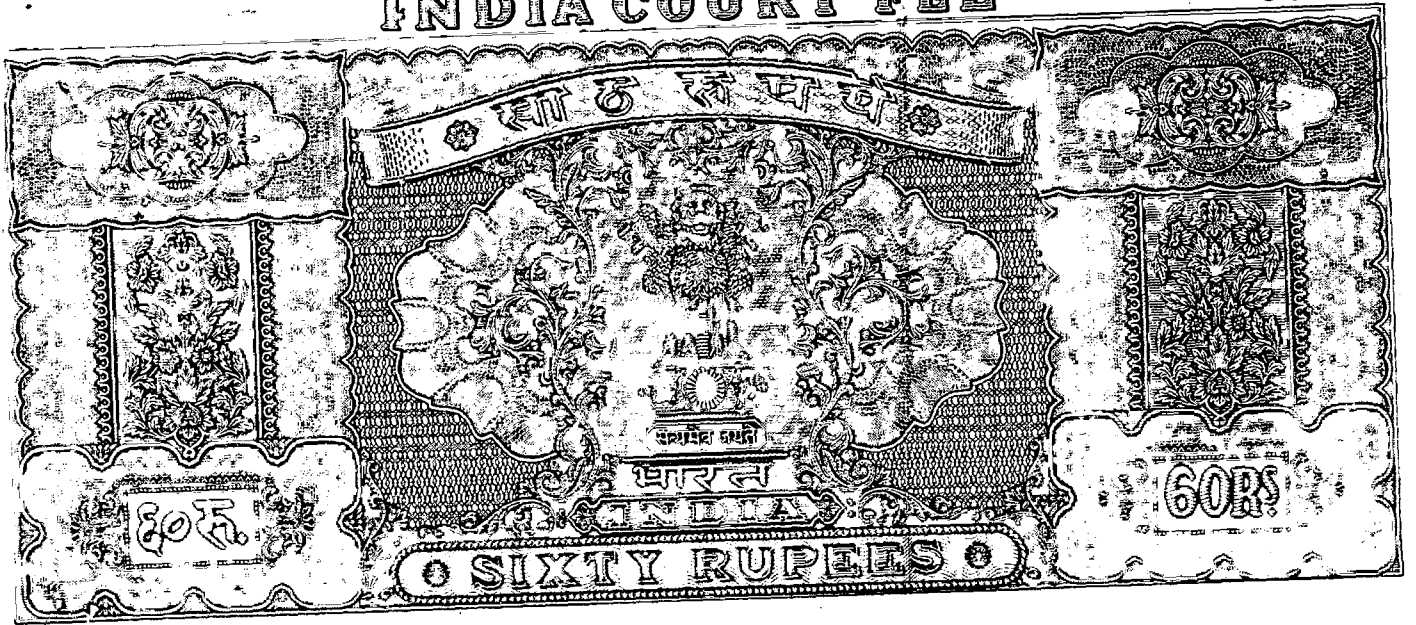
(Dr. L.P. Misra)

Counsel for the Petitioner.

INDIA COURT FEE

28

60 Rs.



1 Sup 2 60 -
 8 2 40 -
 120 -
 24/2

In the Honble High Court of Judicature at Allahabad
 sitting at Lucknow.
 Vol. No. 893 of 1982

Debar Nali shukla.

- Father.

Union of India.

- of the

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

Writ Petition No. of 1982.

893

Onkar Nath Shukla, aged about 39 years, son of Sri Shyam Sundar Shukla, resident of village Siswara, Post Madnopur, Pargana Fakharpur, Tansil Kaiserganj, district Bahraich.

... Petitioner

Versus

1. Union of India through Secretary, Ministry of Communication, New Delhi.
2. Post Master General, U.P., Lucknow.
3. Superintendent of Post Office, Sub-Division, Bahraich.
4. Assistant Superintendent of Post Office, Bahraich, South Sub-Division, Bahraich.
5. Director Postal Services Lucknow region Lucknow.
6. Sri A. A. Siddiqui, presently posted at a Post-master Post office Bahraich. ... Opp-parties.
7. Sahya Narain Mishra, line overseer Sub Post-Office Fakharpur Dist. Bahraich.

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

The petitioner, above named, most respectfully sheweth as under :-



Amended
as per court
order

RK Sores

1. That the petitioner was appointed as Ex-B.P.M. (Extra Departmental Branch Post Master) in the year 1965 and the petitioner presently gets an allowance of Rs. 128/- per month for the job done as such.

2. That since the very appointment of the petitioner as Ex-B.P.M., he is posted at Branch Madhopur.

3. That under the prevalent practice, in pursuance of the provisions governing the services of the employees of the Postal Department and in accordance with the Government instructions issued from time to time on that behalf, an Ex-B.P.M. in case of proceeding on leave has to make local alternative arrangement and the person so given the charge of the Branch post office in pursuance of the alternative arrangement becomes entitled for the salary for the period he works as Ex-B.P.M. In case an Ex-B.P.M. proceeds on leave then he has to make alternative arrangement, as stated above, and has to make a note in the record known as 'Error Book'.

4. That the petitioner proceeded on leave from 29.12.81 to 10.1.82 and he posted his real brother, namely, Sri Ram Narain as Incharge of the Branch Post office and handed over the charge to him. The application for leave for the aforesaid period was duly send to the Opp-party no. 4 and a note at Serial No. 19 in the Error Book to the aforesaid effect was duly made by the petitioner on the same day i.e. 29.12.81 itself and the said note made in the Error Book was counter-signed by Sri Ram Narain also.



5. 21/12/81

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5. That the petitioner suddenly fell ill during the period of his leave and he sent an application for medical leave from 11.1.82 for a period of one month and this application for leave was sent through registered post and the medical certificate was duly sent in support of the application for medical leave on 12.1.82 through registered post vide Receipt No. 1919 and 1165.

6. That under the medical advice, the petitioner was required to take complete rest for a further period of two weeks and, therefore, the petitioner sent another application extending the medical leave from 10.2.82 to 25.2.82 and a medical certificate along with this application was also sent. This application and the medical certificate was also sent through registered post vide Receipt No. 354 dated 10.2.82. A photo-stat copy of the medical certificate so sent is being annexed herewith as Annexure-1 and the photo-stat copy of the Error Book (relevant portion) is being annexed herewith as Annexure-2 to this writ petition.

7. That without looking into the record of the post office and without checking his own record regarding the sending of the applications for leave by the petitioner, the Opp-party no. 4 directed one Satya Narain, Line Overseer, to ~~forcibly~~ forcibly take over charge from Ram Narain, who was entrusted the work of the Ex-B.P.M. of the Sub-Post Office and under threat the charge from Ram Narain was taken forcibly by Satya Narain aforesaid. *Reason of threat*



स: राम नरयण

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8. That the Opp-party no. 4 passed ⁶an another order dated 20.1.82 directing the petitioner to handover the charge to Satya Narain and a perusal of the said order also reveals that some order was also passed putting off the petitioner from duty. The order dated 20.1.82 has been served on the petitioner on 4.2.82 through registered post. The residence of the petitioner has wrongly been shown as Parsia in the impugned order dated 20.1.82. This order has been served on the petitioner through different post office. A true copy of the order dated 20.1.82 passed by the Opp-party no. 4 is being annexed herewith as Annexure-3 to this writ petition.

9. That it has wrongly been mentioned in the impugned order dated 20.1.82 that the petitioner refused to give charge to Satya Narain on 13.1.82 and 14.1.82 and it has also been wrongly mentioned that the petitioner refused to receive the order regarding putting off the petitioner from duty. Neither any person has served any order putting off the petitioner from duty nor any such order ^{has been} received by the petitioner through post or through any ^{other} mode of communication.

10. That the petitioner's leave expires on 25.2.82 and there is no reason for putting the petitioner off the duty nor there is any justification for asking for the charge from the petitioner.

11. That the petitioner's record of service has been excellent through-out since his appointment in the year 1965 and there have been no complaint against



31/2/82

* 13-A. That the Director, Postal Services, Lucknow has rejected the appeal preferred by the petitioner vide order dated 12.5.1902. A True copy of the said order is being annexed herewith as Annexure-4 to this petition.

13-B. That an Ex.B.P.M. is entitled for a Commission at the rate of 2 percent of the amount deposited by the account holder in the Saving Bank Account.

13-c. That on the basis of the amount deposited in the Modhupur Branch, a sum of Rs. 4500/- became due to the petitioner as Commission in the year 1979-80 and when the requisite demand was made by the petitioner then Sri A.A. Siddiqui, Opposite-party no. 6 adopted the delaying tactics and the amount was paid to the petitioner in September 1981 when Sri Siddiqui had proceeded on leave and Sri Sharma officiated as Assistant Superintendent. When Sri Siddiqui resumed his duties after availing leave, then he called the petitioner and expressed his annoyance by uttering the following words:

" मेरी और हाजिरी में तुमने अपना
कमोशन निकालवा लिया। ठीक है।
डिवीजन हमार और मुर्ग कोई और आए।
मे मा देखूंगा ॥ "

13-D. That under note 2 of para
204 of the Chapter VIII of Post and
Telegraphs Manual only an officiating
arrangement is to be made in case an
ex. B.P.M. falls sick or proceeds on leave
and he cannot be removed from
service.

13-E. That the petitioner met the opposite
parties no. 3 and 4 and requested for
the delivery of the copy of the order
dated 12.1.1902 putting the petitioner
off his duty but they refused to
deliver the same to the petitioner and
said that the same has been sent
through registered post but no such
order has been delivered to the
petitioner through registered post so far.

13-F. That no show cause notice
has been issued to the petitioner
nor any intimation regarding liability
of any sum against him has been
given to him.

13-G. That at the time of proceeding on leave the entire charge of the Branch Post office was given by the petitioner to Sri Ram Narain, the substitute, as provided in D.G., P & T circular no. 23 dated 24.2.1970. Sri Ram Narain, the substitute wrote a letter dated 27.2.1902 to the opp. party No 3 intimating that the whole charge of the Branch Post office was given to him by the petitioner and that the letter sent by Ram Narain was received on 27.2.1902 by the opp. party No. 3. A True copy of the said letter is being annexed herewith as Annexure-5 to this petition.

13-H. That a perusal of the letter dated 27.2.1902 written by Sri Ram Narain makes it clear that the whole charge was delivered to the substitute by the petitioner at the time when he proceeded on leave. It will also be evident from the said letter that the petitioner is being subjected to harassment on the initiation of the opposite party No. 6.

13-I. That the Director General, Post & Telegraphs, general circular No. 23 dated 24.2.1970 makes it clear

that no prior approval for the substitute was necessary. As a matter of fact Sri Ram Narain had already worked as substitute in place of the petitioner on the last several occasions when the petitioner proceeded on leave and every time the due allowance was officially paid to Ram Narain and no objection was ever taken against the functioning of Ram Narain as substitute in place of the petitioner.

13-J. That after the alleged inspection, the Assistant Superintendent Sri A.A. Siddiqui also lodge a first information Report with the Police station Fakharpur and on investigation it was found that the record of the Branch Post Office was delivered by the petitioner to Ram Narain and the same was available at the time of the alleged inspection and the petitioner had proceeded on leave and had not absconded with any record of the Branch Post-office.

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- 5 -

his functioning.

12. That no refusal of the leave applications has been communicated to the petitioner so far (and the petitioner reasonably believes that the order refusing to grant leave to the petitioner has not been passed so far.)

13. That the order in regard to putting off the petitioner from duty has not been served on the petitioner so far and the petitioner sent his brother Ram Narain to Opp-party no. 4 for obtaining a copy of the same, if any, but the Opp-party no. 4 declined to give the same.

13-A.

14. That being aggrieved and having no alternative and efficacious remedy, the petitioner begs to prefer this writ petition on the following amongst other ;

- : G R O U N D S :-

1) Because the petitioner proceeded on leave after making the due alternative arrangement and after sending the requisite leave applications. The leave applications having not been rejected and the sending of applications by the petitioner having not been doubted, the order putting the petitioner off the duty amounts to arbitrarily removal of the petitioner from service and, thus, the impugned orders suffer from a patent illegality.



21/11/2146

ii) Because the petitioner has been in the continuous employment as Ex-B.P.M. since 1965 and there has been no complaint against the petitioner throughout his career and, that being so, the impugned order passed regarding delivery of the charge and regarding putting the petitioner off the duty is not only illegal but is also arbitrary, capricious and punitive in character.

iii) Because the post of Ex-B.P.M. being Extra Departmental post and there being no practice of sending a departmental person for handling the work in the cases of contingencies, there was no option for the petitioner but to proceed on leave after making due arrangement which practice is legally permissible and which is very prevalent also in the cases of similar circumstances. In that view of the matter the impugned order directing the petitioner to put off the duty is without application of mind in as much as the relevant record and the leave applications have been totally ignored while passing the impugned orders.

iv) Because the medical certificates submitted by the petitioner along with his leave applications having not been doubted and the factum of sending of applications having been admitted, there is no legal justification for passing the impugned order.

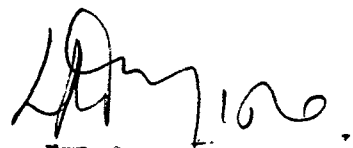
v.) Because no prior approval was legally necessary for engagement of a Substituted and the rejection of the appeal by the appellate authority on that count is wholly erroneous.

-: P R A Y E R :-

x. vi)

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be pleased ;

- a) To issue a writ, order or direction in the nature of certiorari quashing the order dated 20.1.82 passed by the Opp-party no. 4 (contained in annexure-3 to the writ petition) and the order putting the petitioner off the duty after summoning the original of the same from the Opp-party no. 4.
- aa) To issue a writ-order or direction in the nature of certiorari quashing the order dt 12.5.02 passed by Opp. no. 5 contained in Annexure 5. to the writ petition.
- b) To issue a writ, order or direction in the nature of mandamus commanding the Opp-parties not to give effect to the order dated 20.1.82 passed by the Opp-party no. 4 (contained in annexure-3 to the writ petition) and the order regarding putting off the petitioner from duty and further commanding the Opp-parties not to illegally remove the petitioner from service.
- c) To award the cost of this petition in favour of the petitioner.
- d) To issue any other writ, order or direction which this Hon'ble Court deems fit and proper in the circumstances of the case.



Dated Lucknow:

(Dr. L.P. Misra)

Feb. 24, 1982.

Counsel for the Petitioner.

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

Writ Petition No. of 1982.

Unkar Nath Shukla ... Petitioner
Versus
Union of India and others ... Opp-parties.

Annexure-1



MEDICAL CERTIFICATE

Certified that Shri/Smt./Kr. Unkar Nath Shukla
whose signature is given below, is suffering from 1 month
Cholera and is under my treatment in C.P.D.

He/She is advised rest for 15 days from 10/2/82

Unkar Nath Shukla
Signature/Thumbimpression
of Patient 9/2/82

Dr. R. S. Singh
DR. R. S. SINGH
Dist. Hosp. RAHAULI

S: 21471140

28 9

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

Writ Petition No. of 1982.

Onkar Nath Shukla

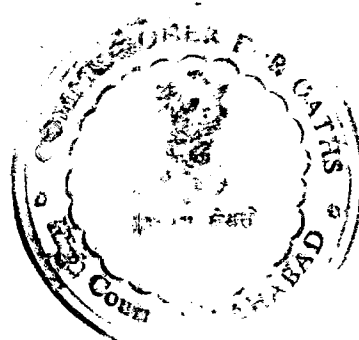
... Petitioner

Versus

Union of India and others

... Opp-parties.

Annexure-2



21/4/12/47

पारंवाद पुस्तिका

3

कार्यालय इन्चार्ज द्वारा की गई कार्यवाही	अन्तिम कार्यवाही का सार	दिप्पती
५	६	७
<p>19</p> <p>28/11/12। आग विवाद</p> <p>28/11/12। 10/11/12 तक</p> <p>का 8 व कोश प्रामाण्य पत्र की जाति</p> <p>समाप्त 57 रु 31 की दाऊत व 10 रु</p> <p>व हराम्य रसना है। मरी शव को</p> <p>पर मर्यादित की शव को राखत हुए।</p> <p>मर्यादित रूप से 31 - दाऊत व 10 रु - पात्रिपार</p> <p>आगना है मर्यादित।</p> <p>पेपित है।</p> <p>है. राजनारायण</p> <p>28-11-12</p> <p>28/11/12</p>		



है. राजनारायण

(9)

इन की आनरेबल हाई कोर्ट आफ जजिस्टर ऐट इलाहाबाद

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सीटींग ऐट लखनऊ ।

रिट पेटिशन नं०

आफ 1982

अंतर नाथ शुक्ला

---पेटिशनर

बनाम

यूनियन आफ इन्डिया एंव अन्य

--- अपोजिट पार्टीज

अनंज नं० 2

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परिवाद पुस्तिका

कार्यलय इन्चार्ज द्वारा
की गई कार्यवाहीअन्तिम कार्यवाही
का सार

दिष्पणी

5

6

6

29-12-81

=====

आज दिनांक

29-12-81 से 10-1-82 तक

का अवकाश प्रार्थना पत्र श्रीमान

सहायक डा. अधीक्षक महोदय

बहराइच रवाना है । मेरी अवजी

पर मेरा भाई श्री रामनरथन

कार्यरत को मैचार्ज रि दे दिया है ।

चार्ज रिपोर्ट प्रेषित है ।

ह० अपठनीय

ह० रामनरथन

29-12-81

29-12-81

८ रामनरथन



इन दो अनरेबुल हाई लेटि आफ जुडिसेयर ऐट इलाहाबाद

सेटींग ऐट लखनऊ ।

रिट पीटेशन नं० 10

आफ 1982

अंतर नथि शुला

--- पीटीशनर

बनाम

यूनियन आफ इन्डिय एंव अन्य

--- अपोजीट पार्टीज

अनंजर नं० 3

=====

पत्र व्यवहार-22

भारतीय डाक-तार विभाग

उत्तर देते समय कृपया
निम्न संदर्भ दें

प्रेषक,

असि० सुपरटेन्डेंट आफ पोस्ट आफिस

बहराइच साउथ सब-डिवि०

राजस्टैंड

बहराइच - 271801

सेवा में,

राम संख्या

राम माधोपुर

श्री अंतर नथि शुला एस एस् एस् एस् एस् माधोपुर

वा

परसिया पैठ भितौरा बासु

बहराइच ।

20-1-82

विषय:- डाकघर माधोपुर का पुरा पुरा चार्ज ब मिलना

आपका प्रार्थना पत्र दिनांक 11 और 12-1-82 ।

✓ आप 29-12-81 से अनधिकृत रूप से अपनी डियूटी से गायब हैं । आपको

अहम मौजुदगी में श्री राम नारायण को ~~आपका~~ शाखा डाकघर माधोपुर का

कार्य करते हुये पठा गया था दिनांक 30-12-81 से उन्हें 2-1-82 को हटा

दिया गया किन्तु उन्होंने केवल चारू बी०ओ० जनरल बी०ओ० एकाउन्ट और

दो मुहरें दो बाली के लिये बतया कि उन्हें आपने नहीं दी है ।

डॉ. राम नारायण



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इस सम्बन्ध में अग्रणी खोज कराई गयी और आपका पता नहीं चल सका।
13-1-82 और 14-1-82 को आपसे श्री सत्य नारायण लाइन ओवरसियर जो
कार्य वाहन शाखा डाक पत्त माधोपुर हैं, मुलाकात हुये। आपसे शाखा डाकघर
डाकघर माधोपुर का चार्ज देने से इन्कार किया और इसी बीच आपने
पत्र कार्ड को खूद ही खिंच कर 14-1-82 को उन्होंने आप को पूट आफ् ड्यूटी मेमो
दि 12-1-82 देना चाहा जिस आपने लेने से इन्कार किया और इसी बीच आपने
प्रधान पत्र वास्तु छूटो भेज दिया।
आप अग्रणी श्री सत्य नारायण लाइन इन्चार्ज (कार्य वाहन शाखा डाकघर
माधोपुर) से मिलें उन्हें शाखा डाकघर का पूरा पूरा चार्ज दें और पूट आफ् ड्यूटी
मेमो स्वीकार करें। नहीं तो आवश्यक कानूनी कार्यवाही की जायेगी।
जनता के कार्य का नुशान हो रहा है जिसको पूरी-पूरी ज़िम्मेदारी आप को होगी।

हो अपठनीय
असिस्टेंट सुपरटेन्डेंट पोस्ट ऑफिस
बहराइच
साउथ सब डिविजन
बहराइच

सत्य प्रतिनिधि
=====

21/1/82



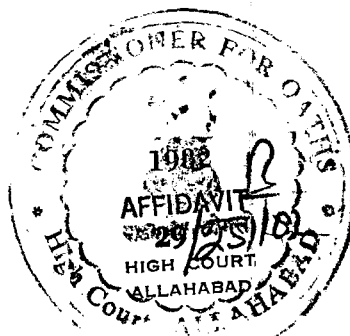
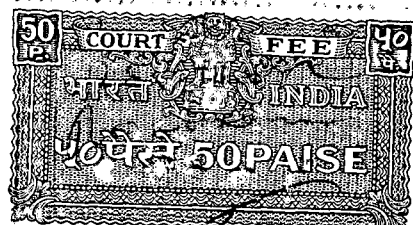
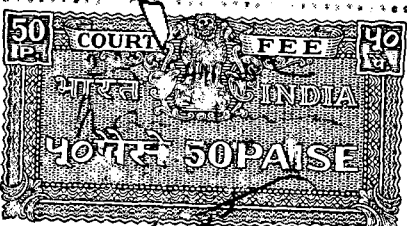
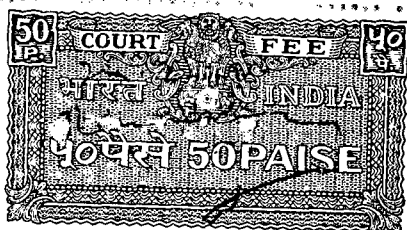
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

AFFIDAVIT

IN

Writ Petition No. of 1982.



Onkar Nath Shukla

... Petitioner

Versus

Union of India and others

... Opp-parties.

Rem. Nain

I, ~~Onkar Nath~~ Shukla, aged about 26 years, son of Sri Shyam Sundar Shukla, resident of village Siswara, Post Madhopur, Pargana Fakharpur, Tahsil Kaiserganj, district Bahraich, do hereby solemnly affirm and state on oath as under :-

brother of

1. That the deponent is the petitioner in the above noted case and, as such, is fully conversant with the facts deposed to hereunder.

2. That the contents of the writ petition have been read over and explained to the deponent, who has fully understood them.

3. That the contents of paragraphs 1 to 13 except the bracketed portions of the writ petition are true to the own knowledge of the deponent and those of bracketed

21/12/82



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portions are believed to be true.

4. That the annexures 1 to 3 to the writ petition are certified to be true copies of their originals.

Dated Lucknow:
Feb. 24, 1982.

सि. 21/11/1147
Deponent

Verification

I, the above named deponent, do verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

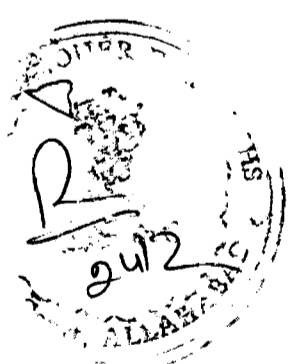
Dated Lucknow:
Feb. 24, 1982.

सि. 21/11/1147
Deponent

I identify the above named deponent who has signed before me.

Advocate's Clerk.

Solemnly affirmed before me on 24.2.82 at 10:00 a.m./p.m. by Sri Ram Narain the deponent who is identified by Sri J. P. Subesh Clerk to Sri L. P. Narain Advocate, High Court, Allahabad.



R. B. Maurya
Oath Commissioner
High Court, Allahabad
Lucknow Branch
No. 291257/82
Date 24/2/82

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

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Amended wd.

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

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Writ Petition No. of 1982.

Onkar Nath Shukla ... Petitioner

Versus

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

I N D E X

Sl.No.	Particulars	Page No.
1.	Writ Petition	.. 1 - 11
2.	Annexure-1 (Medical Certificate)	.. 12
3.	Annexure-2 (Copy of Error Book relevant portion)	.. 13
4.	Annexure-3 (Order dt. 20.1.82 passed by O.P. No. 4)	.. 14 - 15
5.	Annexure-4 (Order dt. 12.5.81 rejecting the appeal by the Director of Postal Services.)	.. 16 - 17
6.	Annexure-5 (Copy of the letter sent by Ram Narain, the substi- tute)	.. 18 - 20
7.	Affidavit to the writ petition	.. 21 - 22

Dated Lucknow:
 , 1982.

(Dr. L.P. Misra)
Counsel for the Petitioner.

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IN THE HONOURABLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

Writ Petition No. of 1982.

Onkar Nath Srukla, aged about 39 years, son of Sri
Snyam Sundar Srukla, resident of village Siswara,
Post Madhopur, Pargana Fakharpur, Talasil Kaiserganj,
district Bahraich.

... Petitioner

Versus

1. Union of India through Secretary, Ministry of
Communication, New Delhi.
2. Post Master General, U.P., Lucknow.
3. Superintendent of Post Office, Sub-Division,
Bahraich.
4. Assistant Superintendent of Post Office, Bahraich,
South Sub-Division, Bahraich.
5. Director, Postal Services, Lucknow Region,
Lucknow.
6. Sri ...a. Siddiqui, presently posted as Post Master,
District Post Office, Bahraich.
7. Satya Narain Misra, Line Overseer, Sub-Post Office,
Fakharpur, district, Bahraich.

... Opp-parties.

The petitioner, above named, most respectfully
showeth as under :-

1. That the petitioner was appointed as Ex-B.P.M. (Extra Departmental Branch Post Master) in the year 1965 and the petitioner presently gets an allowance of Rs. 128/- per month for the job done as such.
2. That since the very appointment of the petitioner as Ex-B.P.M., he is posted at Branch Madhopur.
3. That under the prevalent practice, in pursuance of the provisions governing the services of the employees of ^{the} Postal Department and in accordance with the Government instructions issued from time to time on that behalf, an Ex-B.P.M. in case of proceeding on leave has to make local alternative arrangement and the person so given the charge of the Branch post office in pursuance of the alternative arrangement becomes entitled for the salary for the period he works as Ex-B.P.M. In case an Ex-B.P.M. proceeds on leave then he has to make alternative arrangement, as stated above, and has to make a note in the record known as 'Error Book'.
4. That the petitioner proceeded on leave from 29.12.81 to 10.1.82 and he posted his real brother, namely, Sri Ram Narain as Incharge of the Branch Post Office and handed over the charge to him. The application for leave for the aforesaid period was duly send to the Opp-party no. 4 and anote at Serial No. 19 in the Error Book to the aforesaid effect was

duly made by the petitioner on the same day i.e. 29.12.81 itself and the said note made in the Error Book was counter-signed by Sri Ram Narain also.

5. That the petitioner suddenly fell ill during the period of his leave and he sent an application for medical leave from 11.1.82 for a period of one month and this application for leave was sent through registered post and the medical certificate was duly sent in support of the application for medical leave on 12.1.82 through registered post vide Receipt No. 1919 and 1165.

6. That under the medical advice, the petitioner was required to take complete rest for a further period of two weeks and, therefore, the petitioner sent another application extending the medical leave from 10.2.82 to 25.2.82 and a medical certificate along with this application was also sent. This application and the medical certificate was also sent through registered post vide Receipt No. 354 dated 10.2.82.

A photo-stat copy of the medical certificate so sent is being annexed herewith as Annexure-1 and the photo-stat copy of the Error Book (relevant portion) is being annexed herewith as Annexure-2 to this writ petition.

7. That without looking into the record of the post office and without checking his own record regarding the sending of the applications for leave by the petitioner, the Opp-party no. 4 directed one Satya Narain, Line Overseer, to forcibly take over

charge from Ram Narain, who was entrusted the work of the Ex-S.P.I. of the Sub-Post Office and under threat the charge from Ram Narain was taken forcibly by Satya Narain aforesaid in presence of Opp-party no. 4.

8. That the Opp-party no. 4 passed another order dated 20.1.82 directing the petitioner to handover the charge to Satya Narain and a perusal of the said order also reveals that some order was also passed putting off the petitioner from duty. The order dated 20.1.82 has been served on the petitioner on 4.2.82 through registered post. The residence of the petitioner has wrongly been shown as Parsia in the impugned order dated 20.1.82. This order has been served on the petitioner through different post office. A true copy of the order dated 20.1.82 passed by the Opp-party no. 4 is being annexed herewith as Annexure-3 to this writ petition.

9. That it has wrongly been mentioned in the impugned order dated 20.1.82 that the petitioner refused to give charge to Satya Narain on 13.1.82 and 14.1.82 and it has also been wrongly mentioned that the petitioner refused to receive the order regarding putting off the petitioner from duty. Neither any person has served any order putting off the petitioner from duty nor any such order has been received by the petitioner through post or through any other mode of communication.

10. That the petitioner's leave expires on 25.2.82

and there is no reason for putting the petitioner off the duty nor there is any justification for asking for the charge from the petitioner.

11. That the petitioner's record of service has been excellent throughout since his appointment in the year 1965 and there have been no complaint against his functioning.

12. That no refusal of the leave applications has been communicated to the petitioner so far, and the petitioner reasonably believes that the order refusing to grant leave to the petitioner has not been passed so far.)

13. That the order in regard to putting off the petitioner from duty has not been served on the petitioner so far and the petitioner sent his brother Ram Narain to Opp-party no. 4 for obtaining a copy of the same, if any, but the Opp-party no. 4 declined to give the same.

13-a. That the Director, Postal Services, Lucknow Region has rejected the appeal preferred by the petitioner vide order dated 12.5.1982. A true copy of the said order is being annexed herewith as Annexure-4 to this petition.

13-b. That an Ex-D.P.M. is entitled for a commission at the rate of 2 per cent of the amount deposited by the account holder in the Saving Bank account.

13-C. That on the basis of the amount deposited in the Madhopur Branch, a sum of Rs. 4500/- became due to the petitioner as commission in the year 1979-80 and when the requisite demand was made by the petitioner then Sri A.A. Siddiqui, opposite-party no.6 adopted the delaying tactics and the amount was paid to the petitioner in September 1981 when Sri Siddiqui had proceeded on leave and Sri Sharma officiated as Assistant Superintendent. When Sri Siddiqui resumed his duties after availing leave, then he called the petitioner and expressed his annoyance by uttering the following words :-

" मेरी गैर हजिरी में तुमने अपना प्रमोशन निरस्तवा लिया । ठीक है । डिवीजन हमारा और तुमो कोई गैर छार । मैं भी चैलूंगा । "

13-D. That under note 2 of para 284 of Chapter VIII of Post and Telegraphs Manual only an officiating arrangement is to be made in case an ex-D.P.M. falls sick or proceeds on leave and he cannot be removed from service.

13-E. That the petitioner met the Opposite parties no. 3 and 4 and requested for the delivery of the copy of the order dated 12.1.1982 putting the petitioner off his duty but they refused to deliver the same to the petitioner and said that the same has been sent through registered post but no such order has been delivered to the petitioner through registered post so far.

13-F. That no show cause notice has been issued to the petitioner nor any intimation regarding levelling

of any charge against him has been given to him.

13-G. That at the time of proceeding on leave the entire charge of the Branch Post Office was given by the petitioner to Sri Ram Narain, the substitute, as provided in D.G., P & T. circular No. 23 dated 24.2.1970. Sri Ram Narain, the substitute wrote a letter dated 27.2.1982 to the Opp-party no. 3 intimating that the whole charge of the Branch Post Office was given to him by the petitioner and that the letter sent by Ram Narain was received on 27.2.1982 by the Opp-party no. 3. A true copy of the said letter is being annexed herewith as annexure-5 to this petition.

13-H. That a perusal of the letter dated 27.2.1982 written by Sri Ram Narain makes it clear that the whole charge was delivered to the substitute by the petitioner at the time when he proceeded on leave. It will also be evident from the said letter that the petitioner is being subjected to harassment on the initiation of the opposite party no. 6.

13-I. That the Director General, Posts & Telegraphs, General circular no. 23 dated 24.2.1970 makes it clear that no prior approval for the substitute was necessary. As a matter of fact Sri Ram Narain had already worked as substitute in place of the petitioner on the last several occasions when the petitioner proceeded on leave and every time the due allowance was officially paid to Ram Narain and

no objection was ever taken against the functioning of Ram Narain as substitute in place of the petitioner.

13-J. That after the alleged inspection, the Assistant Superintendent Sri A.A. Siddiqui also lodged a first information report with the police station Fakharpur and on investigation it was found that the record of the Branch Post Office was delivered by the petitioner to Ram Narain and the same was available at the time of the alleged inspection and the petitioner had proceeded on leave and had not absconded with any record of the Branch Post Office.

14. That being aggrieved and having no alternative and efficacious remedy, the petitioner begs to prefer this writ petition on the following amongst other ;

- : G R O U N D S :-

- i) Because the petitioner proceeded on leave after making the due alternative arrangement and after sending the requisite leave applications. The leave applications having not been rejected and the sending of applications by the petitioner having not been doubted, the order putting the petitioner off the duty amounts to arbitrary removal of the petitioner from service and, thus, the impugned orders suffer from a patent illegality.
- ii) Because the petitioner has been in the continuous employment as Ex-D.P.M. since 1965 and there has been no complaint against the petitioner through-

out his career and, that being so, the impugned order passed regarding delivery of the charge and regarding putting of the petitioner off the duty is not only illegal but is also arbitrary, capricious and punitive in character.

- iii) Because the post of Ex-B.P.M. being Extra-Departmental post and there being no practice of sending a departmental person for handling the work in the cases of contingencies, there was no option for the petitioner but to proceed on leave after making due arrangement which practice is legally permissible and which is very prevalent also in the cases of similar circumstances. In that view of the matter the impugned order directing the petitioner to put off the duty is without application of mind in as much as the relevant record and the leave applications have been totally ignored while passing the impugned orders.
- iv) Because the medical certificates submitted by the petitioner along with his leave applications having not been doubted and the factum of sending of applications having been admitted, there is no legal justification for passing the impugned order.
- v) Because no prior approval was legally necessary for engaging a substitute and the rejection of the appeal by the appellate authority on that count is wholly erroneous.

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vi) Because the appellate authority while rejecting the appeal has not adduced to the facts and circumstances of the case and has failed to consider the very material circumstances such as there being no legal requirement for a previous written approval for engaging a substitute and there being no rejection of the petitioner's applications for leave which were duly supported by medical certificates. That being so, the order passed by the appellate authority suffers from non-application of mind.

- : P R A Y E R :-

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be pleased;

- a) To issue a writ, order or direction in the nature of certiorari quashing the order dated 20.1.82 passed by the Opp-party no. 4 (contained in Annexure-3 to the writ petition) and the order putting the petitioner off the duty after summoning the original of the same from the Opp-party no. 4.
- aa) To issue a writ, order or direction in the nature of certiorari quashing the order dated 12.5.1982 passed by Opposite Party no. 5 contained in Annexure-5 to the writ petition.
- b) To issue a writ, order or direction in the nature of mandamus commanding the Opp-parties not to

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give effect to the order dated 20.1.82 passed by the Opp-party no. 4 (contained in Annexure-3 to the writ petition) and the order regarding putting off the petitioner from duty and further commanding the Opp-parties not to illegally remove the petitioner from service.

- c) To award the cost of this petition in favour of the petitioner.
- d) To issue any other writ, order or direction which this hon'ble Court deems fit and proper in the circumstances of the case.

Dated Lucknow:

1982.

(Dr. L.P. Misra)

Counsel for the Petitioner.

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

Writ Petition No. of 1982.

Onkar Nath Shukla ... Petitioner

Versus

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

Annexure-1

MEDICAL CERTIFICATE

Certified that Smt Onkar Nath Shukla
whose signature is given below, is suffering from
..(Illegible)..... and is under my treatment
in O.P.D.

He is advised rest for 15 days from 10.2.82.

Sd. Onkar Nath Shukla
9.2.82

Signature/Thumb impression
of patient.

Sd. Illegible
9.2.82

Dr. R.S. Singh, Officer

Distt. Hos. Bahraich.

इन की आनरेबल हाई कोर्ट आफ् जूडिसियर ऐट इलाहाबाद

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सीटींग भेट लखनऊ ।

रिट पीटेशन नं 0893 आफ् । 982

जीफार गाय शुक्ला

---पीटेशनर

बनान

यूनियन आफ् इन्डिया रंग अन्य

---अपीठ पार्टीज

अनेकर नं 02

परिवाद पुस्तिका

कार्यालय इन्चार्ज द्वारा
की गई कार्यवाही

अन्तिम कार्यवाही

टिप्पणी

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29-12-81

===== आज दिनांक

29-12-81 से 10-1-82 तक

का अक्लाश प्रार्थना पत्र श्रीमान

सहायक डाक अधीक्षक महोदय बहराइच

रवाना है । मेरी अक्ली पर मेरा भाई

श्री राम नारायण कार्यरत को भेज चार्ज दे

दिया है । चार्ज रिपोर्ट प्रेषित है ।

ह 0 अपठनीय

ह 0 राम नारायण

29-12-81

29-12-81

इन की आनरेबल हाई कोर्ट आफ जस्टिस रेट इलाहाबाद

सीटींग रेट लखनऊ ।

रिट पीटीशन नं० ४९३ आफ १९८२

ओंकार नाथ शुक्ला

---पीटीशनर

बनाम

यूनियन आफ इन्डिया एंव अन्य

---अपी०पार्टीज

अमेन्डर नं० ३

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पत्र व्यवहार-२२

भारतीय डाक-तार किमाग

उत्तर देते समय कृपया

प्रेषक,

निम्न संकेत दें

- असि० सुपरटेन्डेंट आफ पोस्ट आफिस

बहराइच साउथ साव-डिविजन

बहराइच - २७/८०।

रजिस्टर्ड

क्रम संख्या

सेवा में,

रम माधौपुर

श्री ओंकार नाथ शुक्ला रम माधौपुर

या

परसिया पो० भिलौरा बाघु

बहराइच ।

२०-१-८२

विषय :- डाकघर माधौपुर का पूरा पूरा चार्ज न मिलना

आपका प्रार्थना पत्र दिनांक ११ और १२-१-८२ ।

आप २९-१२-८१ से अनधिकृत रूप से अपनी डियूटी से गायब हैं । आपकी

अवम नौशुक्की में श्री राम नारायण को शाखा डाकघर माधौपुर का कार्य करते हुये

पाया गया था । दिनांक ३०-१२-८१ से उन्हें २-१-८२ को हटा दिया गया किन्तु

उन्होंने केवल कासू बी०ओ० जनरल बी०ओ० एकाउंट और दो मुहरों की ह बाकी के

लिये बताया कि उन्हें आपसे नहीं दी है।

इस सम्बन्ध में आपकी खोज कराई गयी और आपका पता नहीं चल सका कि 13-1-82 और 14-1-82 को आपसे श्री सत्य नारायन लाइन औवरसीयर नौ कार्य वाहक शाखा डाक पाल माधौपुर हैं, मुलाकात हुयी । आपसे शाखा डाकपाल डाकघर माधौपुर का चार्ज देने से इनकार किया और 14-1-82 को उन्होंने आप को पूट आफ इयूटी भेजा दि० 12-1-82 देना चाहा जिसे आपने लेने से ~~स्वीकार~~ इनकार किया और इसी बीच आपने प्रार्थना पत्र वास्तु छूटटी भेज दिया ।

आप अविलम्ब श्री सत्य नारायन मिश्रा लाइन इन्चार्ज (कार्यवाहक शाखा डाकपाल माधौपुर) से मिलें उन्हें शाखा डाक घर का पूरा पूरा चार्ज दें और पूट आफ इयूटी भेजो स्वीकार करें । नहीं तो आवश्यक कानूनी कार्यवाही की जायेगी । जनता के कार्य का नुकसान हो रहा है जिसकी पूरी पूरी जिम्मेदारी आप की होगी ।

ह० अफ़नीय

असिस्टेंट सुपरिन्टेन्डेंट पोस्ट आफ़िस

बहराइच

साउथ सब डिविजन

बहराइच ।

सत्य प्रतिलिपि

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

Writ Petition No. 893 of 1982.

Onkar Nath Shukla

... Petitioner

Versus

Union of India and others

... Opp-parties.

Annexure-4

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE DIRECTOR POSTAL SERVICES LUCKNOW REGN.
Memo No. RDL/EDA-P/1/82/2 Dated LW the 12.5.82.

Read the representation dated 25/26-2-82 from
Sri Onkar Nath Shukla who has been put off from duty
vide S.P.Os. Bahraich Memo No. A/S-319/Madhaupur dt.
12.1.82.

2. The representation is addressed to the authority
which has passed and issued the orders dated 12.1.82
putting the official off from duty. The representa-
tion should have been addressed to the higher authority
i.e. Director Postal Services but in view of the
specific orders of the Hon'ble High Court it is treated
as representation submitted to the prescribed authority.

3. The representationist has been absent
from duty w.e.from 29.12.1981 without any prior appro-
val from the competent authority. He had also handed
over the charge of the office to one Sri Ram Narain
Shukla without any approval. The Mail Overseer visited

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the Post Office on 30.12.1981 and found the representationist absent from duty. As per report of the Mail Overseer he did not make over the Full documents for the normal functioning of the P.O. to the person to whom the representationist on his own accord had nominated to work vice him. To absent without approval or to hand over charge without prior approval is considered as non-devotion to duty.

4. The representation dt. 25/26-2-82 from Sri Onkar Nath Shukla is, therefore, rejected.

Sd. S.P.Ojha
Director Postal Services,
Lucknow Region.

इन दो अनरेबुल हाई कोर्ट आफ् जजिसेंजर ऐट इलाहाबाद

सीटींग ऐट इलाहाबाद लखनऊ ।

रिट पीटीशन नं० 893 आफ् 1982

जोकार नाथ शुक्ला

---पीटीशनर

बनाम

यूनियन आफ् इन्डिया रंव अन्य

---अपोजीट पार्टीज

अनेकर नं० 5

सेवा में,

श्रीमान डाक अधीक्षक महोदय, बहराइच उपखण्ड

बहराइच ।

श्रीमान जी,

शाखा डाकपाल माधोपुर श्री जोकार नाथ शुक्ला जब कभी अवकाश पर जाते थे तब मैं ही कार्यरत करता था इसी प्रकार दिनांक 29-12-81 को जब अवकाश पर गये तब डाकघर का सम्पूर्ण सही चार्ज मुझको देकर गये और ऐरर बुक पर 29-12-81 से 1-1-82 तक का अवकाश श्रीमान सहायक डाक अधीक्षक महोदय को मेरे सामने दर्ज किया और उसकी प्रतिलिपि तथा ऐरर बुक पर मेरे हस्तक्षार हुए जिसको डेली एक्जैन्ट तथा बियो जनरल पर दर्ज करके डाक में बांध कर भेज दिया और उनसे मैं सम्पूर्ण चार्ज प्राप्त कर लिया और शाखा डाकपाल अवकाश पर चले गये और उनके स्थान पर कार्यरत था । दिनांक 30-12-81 को सत्य नारायण जमादार ने फखरपुर में मुझसे कहा कि आप अपना सारा कामजात लेकर झखीमुस्त गंगापुर चले आजो वहीं मेरा हेडक्वार्टर है, वहीं निरीक्षण करेंगे । मैंने कहा कि हम गंगापुर जो हमारे डाकघर से डेढ़ किलोमीटर की दूरी पर है हम सारे रिकार्ड लेकर नहीं आ जाऊंगा । फेश तथा कीमती रिकार्ड डाकघर के इतनी दूरी पर ले जाने से कोई चटना यदि घटे तो आप ज़ुम्मेदार न होगी इसलिये मेरे कार्यालय आकर निरीक्षण करें । मुझसे इत पर बहुत ज्यादा नाराज हो गये और कहा कि हम जहाँ चाहेंगे वहीं पर कामजात ले जाना पड़ेगा क्योंकि मैं जफ़्तर हूँ और कहा कि हम तुम्हारा सारा चार्ज लेकर तुमको हटाकर चम्पा देवी को चार्ज दूंगा और वहाँ का पोस्ट मास्टर बनाऊंगा ।

श्रीमान जी जमादार का तथा जप्पा देवी का जनैतिक सम्बन्ध है ।

दिनांक 31-12-81 को शाम साढ़े चार बजे निरीक्षण हेतु माधोपुर से मेरे कार्यालय आय । मेरी इयूटी 12 से 5 तक थी । गति ही हमको छुव हड़काया और घमकी दी कि पुलिस जा रही है । सभी कागज अपना दे दो मेरी मेज पर बियो एकाउन्ट बियो जनरल तथा दो मोहरें रखी थी और सारी रिकॉर्ड पास ही में रखे थे उन्हें निरीक्षण किया । 30-12-81 में मेरी मोहर छपा और एक दिन पीछे की तारीख में हस्ताक्षर करवाये और इतनी घमकी दी जिससे उनको जो सारे कागजात न दे सका क्योंकि इसी प्रकार जमादार महोदय ने बाबू राम गौड़ शाखा डाकपाल सराय जगना निरीक्षण करने गये और टेन्डवा आलपी पोस्ट में रहे वहीं से कागज मांगवाये जिसमें सेकिंग बैंक पी जार 0 को दो रसीद तथा अपनी आईडर को रसीद फाड़ लिया । वह बेचारा न जान सका । बाद में निरीक्षण किया तब उसे मुजती कर दिया और अपने मामा को चार्ज दिया दिया । इसी शोक में बाबू राम शाखा डाकपाल की मृत्यु हो गयी और उसके बच्चे भूखों मर रहे हैं इसीलिए इनके इस घातक व्यवहार से सारे कागजात इनको निरीक्षण में नहीं दिया ।

श्रीमान जी जमादार महोदय ने कहा कि जो हम चाहेंगे और जो करेगा वह सहायक डाक अधीक्षक की मरजी से है क्योंकि शाखा डाकपाल माधोपुर को नीचा दिखाना है दिनांक 2-1-82 को जाकर बहराइच सहायक डाक अधीक्षक दक्षिणी को बुला लाये ।

श्रीमान जी में नया आदमी था । दोनों अप्सरों ने मिलकर हमको बहुत परेशान किया और जा देना कहा कि पुलिस जा रही है । अपने सारे कागजात हमको दे दो वरना बन्द करा दूंगा और तुम्हारी मिट्टी पलीव हो जायेगी और तरह - तरह की नाजायज घमकी दी । मेरी दो मोहरें बियो एकाउन्ट तथा बियो जनरल मेरे मेज पर रखे थी और सारे रिकॉर्ड पास ही में रखे थे । इन लोगों ने निहायत जबरदस्ती के कारण छीन लिया मैं बहुत धक्का मारा और सारा कागजात नहीं दे सका ।

श्रीमान जी शाळा डाकपाल माघोपुर श्री ओंकार नाथ शुक्ला बहुत ज्यादा बीमार थे और मेडिकल पर बहराइच में दवा करा रहे थे । उनकी हालत गम्भीर होने के कारण सारे रिकार्ड नहीं दे सका दिनांक 26-2-78 को फिटनेस सर्टिफिकेट श्रीमान जी की सेवा में भेज दिया है और भेज कर था रिकार्ड मेरे पास से उन्होंने अब प्राप्त 26-2-1982 कर दिये हैं । पी.टी.ओ.0

श्रीमान जी से प्रार्थना है कि मेरे भाई को जो रिकार्ड और केस मुझसे ले लिये गये हैं वह दिलाये जाने की कृपा करें ।

श्रीमान जी लाइन इंस्पेक्टर श्री सत्य नारायण मिश्रा एवं सहायक डाक अधीक्षक महोदय बहराइच दक्षिणी के व्यवहार से मेरा बहुत बड़ा अपमान किया है और मैं अपने क्षेत्र में और समाज में जो मेरी प्रतिष्ठा थी उसका बहुत बड़ा गहरा आघात हुआ है मैं अब गहरी नीची नगरों से देखा जाता हूँ ।

श्रीमान जी मुझे बहुत बड़ा आत्म ग्लानि है और बहुत बड़ा मानसिक छेद है । अतः प्रार्थी हूँ कि उचित कार्यवाही किया जावे जिससे प्रार्थी को आत्म संतोष हो सके महान कृपा होगी ।

प्रार्थी
श्री राम नारायण शुक्ला
भूत पूर्व ई.चार्ज
शाळा डाकपाल माघोपुर ।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु ।

- 1- प्रतिलिपि श्रीमान डाक अधीक्षक महोदय बहराइच ।
- 2- प्रतिलिपि ओंकार नाथ शुक्ला शाळा डाकपाल माघोपुर ।
- 3- राम नारायण शुक्ला भूतपूर्व शाळा डाकपाल माघोपुर के निजी प्रयोग हेतु ।

सत्य प्रतिलिपि

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1. That the deponent is the petitioner in the above noted case and, as such, is fully conversant with the facts deposed to hereunder.
2. That the contents of the writ petition have been read over and explained to the deponent, who has fully understood them.
3. That the contents of paragraphs 1 to 13, 13-A to 13-J except the bracketed portions of the writ petition are true to the own knowledge of the deponent and those of bracketed portions are believed to be true.

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4. That the annexures 1 to 5 to the writ petition are certified to be true copies of their originals.

Dated Lucknow:

, 1982.

Deponent

Verification

I, the above named deponent, do verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Dated Lucknow:

1982.

Deponent

I identify the above named deponent who has signed before me.

Advocate's Clerk.

Solemnly affirmed before me on

at a.m./p.m. by Sri

the deponent who is identified by Sri

Clerk to Sri

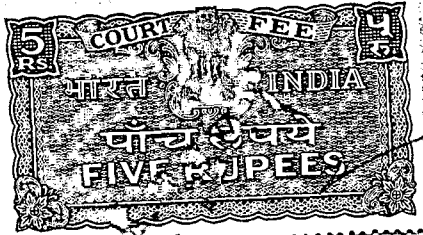
Advocate, High Court, Allahabad.

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

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW.

C.M. Application No. 1076 (W) of 1982.



Onkar Nath Shukla, aged about 39 years, son of Sri Shyam Sundar Shukla, r/o village Sigwara, Post Madhopur, Pargana Fakharpur, Tansil Kaiserganj, distt. Bahraich.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Communication, New Delhi.
2. Post Master General, U.P., Lucknow.
3. Superintendent of Post Office, Sub-Division, Bahraich.
4. Assistant Superintendent of Post Office, Bahraich, South Sub-Division, Bahraich.

... Opp-parties.

In re:

Writ Petition No. 893 of 1982.

Onkar Nath Shukla

... Petitioner

Versus

Union of India and others

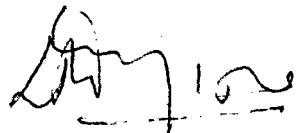
... Opp-parties.

APPLICATION FOR INTERIM RELIEF.

That for the facts and grounds disclosed in the accompanying writ petition supported by an affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to stay the operation of the order dated 20.1.82 (Annexure-3) and the order regarding putting off the petitioner from duty passed by the Opp-party no. 4 and may further be pleased to restrain the Opp-parties from illegally interfering in the functioning of the petitioner as Ex-B.P.M., Madhopur, district Bahraich or such other order which this Hon'ble Court deems fit and proper in the circumstances of the case, may kindly be passed.

Dated Lucknow;

Feb. 24, 1982.


(Dr. L.P. Misra)

Counsel for the Applicant.

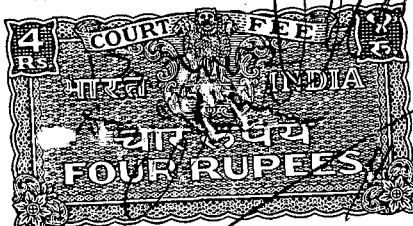
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C.M. Application No. 63492 of 1982.

In re:

Writ Petition No. 893 of 1982



Onkar Nath Shukla

... Petitioner

Versus

Union of India and others

... Opp-parties.

Onkar Nath Shukla, aged about 39 years, son of Sri Shyam Sundar Shukla, r/o village Siswara, Post Madhopur, Pargana Fakharpur, Tahsil Kaiserganj, district Bahraich.

... Applicant.

The applicant, above named, most respectfully showeth as under :-

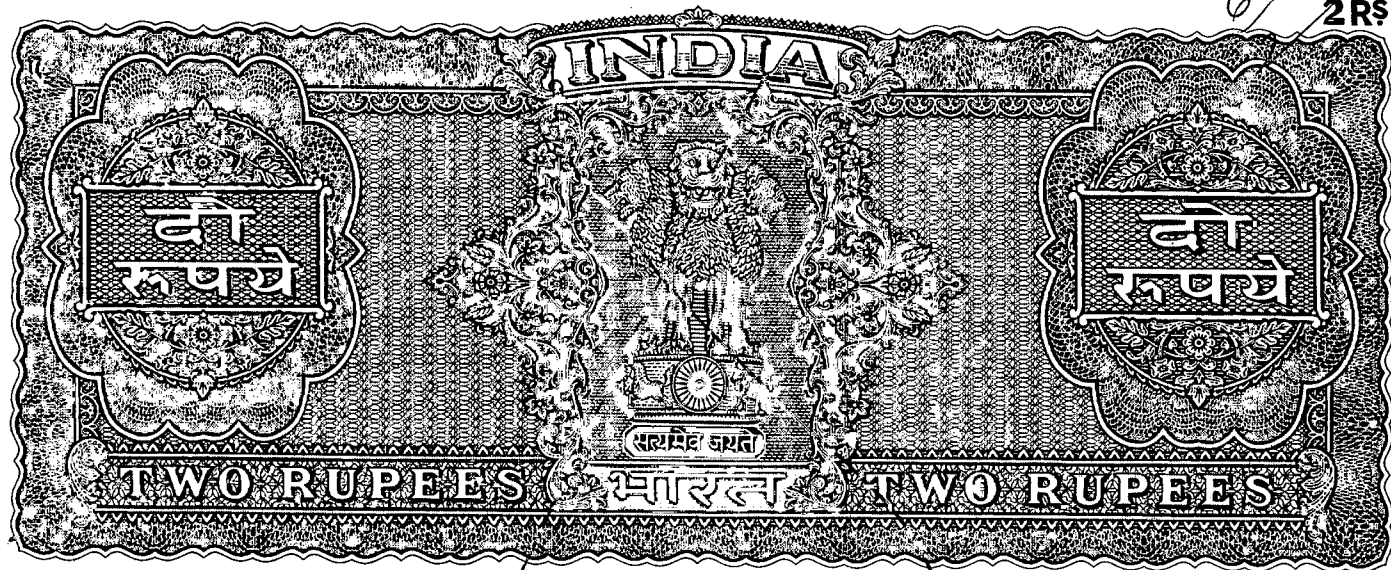
That for the facts and reasons given in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to take up the writ petition No. 893 of 1982 - Onkar Nath Shukla Vs. Union of India & others - along with the stay application on 19.4.1982 or on any other short date.

Dated Lucknow:

April 13, 1982.

(Dr. L.P. Misra)

Counsel for the Applicant.



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In the Court of the Commissioner of the High Court at Allahabad
City of Lucknow -

No. 893 of 1902

Onkar Nath Chakla — the other

as.

Union of India & others.

— 1902

[Handwritten signature]

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

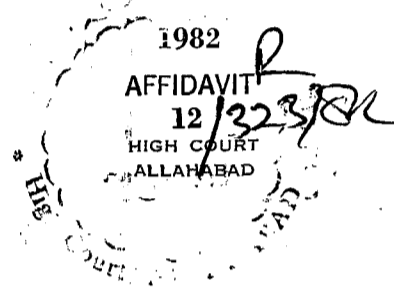
AFFIDAVIT

IN

C.M.Application No. of 1982.

In re:

Writ Petition No. 893 of 1982.



Onkar Nath Shukla ... Petitioner

Versus

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

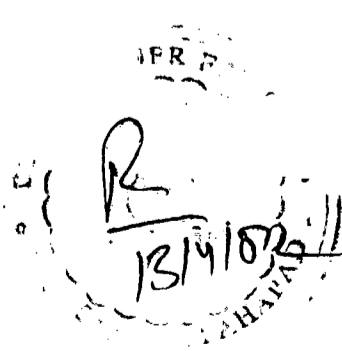
Onkar Nath Shukla ... Applicant.

I, Onkar Nath Shukla, aged about 39 years, son of
Sri Shyam Sundar Shukla, r/o village Siswara, post
Madhopur, Pargana Fakharpur, Tahsil Kaiserganj, district
Bahraich, do hereby solemnly affirm and state on oath
as under :-

1. That the deponent is the petitioner in the
above noted writ petition and, as such, is fully
conversant with the facts deposed to hereunder.

2. That the deponent was present in the court on
the dates fixed including 26.3.82.

Onkar Nath Shukla



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3. That the writ petition and stay application was listed for admission and order on 16.3.82 in pursuance of the order dated 24.2.82 passed by this Hon'ble Court and on that date the case could not be taken up as the Hon'ble Court remained busy in disposing of other cases.

4. That again the case was listed in the Cause List of March 22nd 1982 in Court No. 7 at Serial No.25. This Hon'ble Court could not resume the normal functioning on March 22nd 1982 as a full court reference was arranged in the memory of late Hon'ble Mr. Justice C.S.P. Singh.

5. That the Cause List of 22nd March, 1982 was repeated for 26.3.82 and on 26.3.82 the learned counsel for Opp-parties sent an illness slip and when the deponent's counsel made a request to this Hon'ble Court for the case being taken up on 29.3.82 in view of the urgency of the case then the Hon'ble Court consisting of Hon'ble Mr. Justice K.S. Verma and Mr. Justice S. Ahmad passed an order directing the case to be listed immediately after 3 days.

Amarendra Shukla

6. That when the case could not be shown in the Cause list till 12.4.82, a query was made and it was revealed that the order dated 26.3.82 passed by this Hon'ble Court was not available in the file of the case.

7. That in some unfortunate circumstances of the case, the case could not be shown in the cause list, ~~and~~

8. That the ~~matter~~ ^{case} is urgent and the case is pending in this Hon'ble Court since 24.2.82.

Dated Lucknow:

April 13 1982.

Om Nath Shukla

Deponent

Verification

I, the above named deponent, do verify that the contents of paragraphs 1 to 8 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Dated Lucknow:

April 13 1982.

Om Nath Shukla

Deponent

I identify the above named deponent who has signed before me.

M. B. Singh

Advocate's Clerk.

Solemnly affirmed before me on 13.4.82 at 9.45 a.m./p.m. by Sri *Omkar Nath Shukla*

the deponent who is identified by Sri Clerk to Sri *J. P. Singh* Clerk to Sri *H. R. Singh*

Advocate, High Court, Allahabad.

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

R. B. Maurya

Oath Commissioner

Head

SH

12/323/82

13/4/82

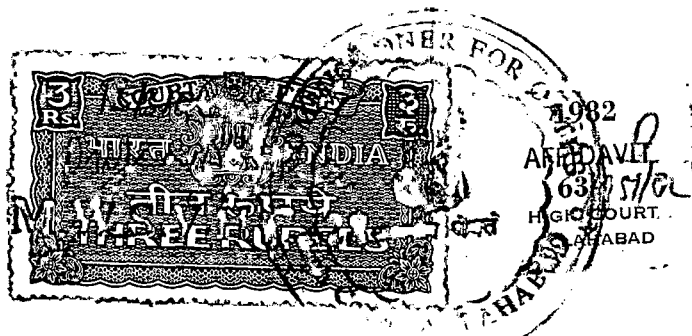
Don't know
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Place on record
14.4.1982

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

SUPPLEMENTARY AFFIDAVIT

In re:

Writ Petition No. 893 of 1982.



Onkar Nath Shukla

...

Petitioner

Versus

Union of India and others

...

Opp-parties.



1. Onkar Nath Shukla, aged about 39 years, son of Sri Shyam Sunder Shukla, resident of village Siswara, post Ma Lohpur, Pargana Fakharpur, Tahsil Kaiserganj, district Banarasi, do hereby solemnly affirm and state on oath as under :-

Onkar Nath Shukla

1. That the deponent is the petitioner in the above noted case and, as such, is fully conversant with the facts deposed to hereunder.

2. That the deponent/petitioner filed writ petition No. 893 of 1982 challenging the order dated 20.1.82 (Annexure-3) and the order dated 12.1.82 putting off the petitioner from duty and a Division Bench of this Hon'ble Court vide order dated 24.2.82 desired the petitioner to apprise the Opp-parties with the correct state of affairs.

7/2
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3. That the petitioner in compliance of the order dated 24.2.82 passed by this Hon'ble Court submitted an application on 26.2.82 to Opp-party no. 3 and prayed that his joining report together with fitness certificate be taken and he be allowed to work as usual. It was also stated in the said application that after making the alternative arrangement and after sending proper intimations, the petitioner had proceeded on leave. A true copy of the application submitted to the Opp-party no. 3 is being annexed herewith as annexure-4 to this affidavit.

4. That the petitioner also approached the Opp-party no. 4 to submit the copy of the report contained in annexure-4 but the Opp-party no. 4 refused to accept the same and, therefore, the said copy was sent to the Opp-party no. 4 through registered post vide receipt no. 550 dated 26.2.82 and the copies of the said report were also sent to Opp-parties 1 and 2 through registered post.

5. That after filing the writ petition in this Hon'ble Court on 24.2.82, a copy of the order dated 16.2.82 was served on the petitioner on 1.3.82 through registered post and the petitioner in compliance of the said order submitted his report on 13.3.82. A true copy of the order dated 16.2.82 served on the petitioner on 1.3.82 is being annexed herewith as annexure-5 and the true copy of the report submitted by the petitioner in compliance of the same is being annexed herewith as annexure-6 to this affidavit.



Annexure 4

6. That the photo-stat copy of the order dated 24.2.82 passed by this Hon'ble Court was also annexed by the petitioner along with his report (Annexure-4).

7. That although the petitioner had proceeded on leave after sending due applications supported by medical certificate but the Opp-parties are not allowing the petitioner to resume his duties.

8. That the Baranch Post Office Madhopur also maintains saving bank account and the appointing authority of the petitioner is Superintendent of post offices.

9. That under Note No. 2 of Para 284 of Chapter-VIII of Post and Telegraph Manual, only an officiating arrangement is to be made in case an ex-B.P.M. fall sick or proceeds on leave and he cannot be removed from service.

V. Q. A. T. H. S.

10. That an ex-B.P.M. is entitled for a commission at the rate of 2% of the amount deposited by the account holders in the saving bank accounts.

11. That on the basis of the amount deposited in the petitioner's branch, a sum of Rs. 4500/- became due to the petitioner as commission in the year 1979-80 and when the requisite demand was made by the petitioner then Sri A.A. Siddiqui, Assistant Superintendent of post offices (Opp-party no. 4) adopted delaying tactics and the amount was paid to the petitioner in March 1981 when Sri Siddiqui had proceeded on leave and Sri Sharma

By Mr. N. K. Shukla



was officiating as Asstt. Superintendent. When Sri Siddiqui resumed his duties after availing leave then he called the petitioner and expressed his annoyance by uttering the following words :-

"Meri gairmajiri mey tumney apana comaisson nikalwa liya. Thik hai division hamara aur Murga koi aur khaye. Mai bhi dekhunga."

12. That the petitioner met the Opp-parties 3 and 4 and requested for the delivery of copy of the order dated 12.1.82 putting the petitioner off his duty but they refused to deliver the same to the petitioner and said that the same has been sent through registered post but no such order has been delivered to the petitioner through registered post so far.

13. That no proceedings as contemplated under Rule 8 has been initiated against the petitioner. The petitioner has put in more than 3 years service and he served the department as Ex-B.M.P. regularly since the year 1965 till proceeding on leave in December, 1981.

14. That no show cause notice has been issued to the petitioner nor any intimation regarding levelling of any charge against him has been given to him.

15. That at the time of proceeding on leave, the entire charge of the Branch Post Office was given by the petitioner to Sri Ram Narain, the substitute, as provided in the D.G. P & T General Circular No. 23



Prerna Singh

dated 24th Feb. 1970. Sri Ram Narain, the substitute, wrote a letter dated 27.1.82 to the Opp-party no. 3 intimating that the whole charge of the Branch Post Office was given to him by the petitioner and this letter sent by Ram Narain was received on 27.2.82

itself. *Sri Ram Narain had already worked as a substitute in place of the petitioner in the past on several occasions and no objection was ever taken.*

Dated Lucknow:

[Signature]

March 15, 1982.

Deponent

Verification

I, the above named deponent, do verify that the contents of paragraphs 1 to 15 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Dated Lucknow:

[Signature]

March 15, 1982.

Deponent

I identify the above named deponent who has signed before me.

[Signature]

Advocate's Clerk.

Solemnly affirmed before me on 15.3.82 at 11.30 a.m./p.m. by Sri *[Signature]* the deponent who is identified by Sri *[Signature]* Clerk to Sri *[Signature]* Advocate, High Court, Allahabad.

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



R. B. Hawry

Oath Commissioner
High Court, Allahabad
Lucknow Branch

No. 63/251/82

Date 15/3/82

इन को जेनेरल हाई कोर्ट आफ न्यू डेहर एट इलाहाबाद
सिटिंग एट लखनऊ ।

रीट पेटिशन नं० 893 आफ 1982

जेंफार तला गुला

--- पेटिशनर

बनाम

यूनियन आफ इंडिया एवं अन्य

अ० पार्टीज

अनंजर - 4

सेवा में ,

श्रीमान डा० अजीम उद्दौदय, जनपद बहराइच मण्डल

महोदय ,

सौजन्य निवेदन है कि प्रचलित पदव्युत्त के अनुसार प्राचीन

से सन् 1965 से ई० १९८० बी० पी० ०२५० नाथवपुर में कार्यरत है ।

दिनांक 29-12-81 को अपने स्थान पर अपने आई नं० श्री राम

नरथन के कार्यरत करते 10 दिन के अक्ला पर गया था, प्रार्थनापत्र

आपकी सेवा में दिनांक 29-12-81 को ही परिवाद- पुस्तिका व दोनक लेखा

में समुचित मादक के बाद पहले ही भेजा जा चुका है । तत् पश्चात् अपनी

अस्वस्थता के कारण प्राचीन को प्रार्थना पत्र मेडिकल अक्लाश के लिये मेडिकल

सर्टिफिकेट सहित आपकी सेवा में राजस्वी पत्र द्वारा प्रेषित किये जा चुके हैं ।

इसो बीच आपका आदेश 20-1-82 के दिनांक 4-2-82 को राजस्वी पत्र

द्वारा प्राप्त हुआ जिसके अवलोकन में यह विदित होता है कि आपने मुझे

डियुटी से अलग करने का आदेश दिनांक 12-2-82 पारित किया है ।

मैं 1965 से नाथवपुर में कार्यरत हूँ और मैंने अभी भी डाक्टर

बिना समुचित व्यवस्था के नहीं छोड़ा है अब मैं रुका हो गया हूँ और अपनी

वर्कनिंग रिपोर्ट फिटनेस सर्टिफिकेट के साथ प्रस्तुत कर रहा हूँ ।

इतना ही कि 20-1-82 के आदेश व डियुटी से अलग किये



जाने के लिए रुकना जो अर्द्धा शेष अवतार प्राप्त नहीं कराया गया है । मैं माननीय उच्च न्यायालयों को सूचित कर रहा हूँ और पारितोषिकों को देकर हुए माननीय उच्च न्यायालय ने दिनांक 24-2-82 को यह अर्द्धा पारित किया है कि मैं आप को जारी पारितोषिकों के आइनिंग रिपोर्ट के साथ अवगत कराऊँ और कहूँ कि हुए मेरी योजना एक सप्ताह बाद लगाने का अर्द्धा दिया है ।

अर्द्धा की प्रमाणित प्रतिलिपि व फोटो सादीपिट सभा में संलग्न है । कृपया अवगत करवा लीजें कि श्री सत्य नारायण निश ने जो चार्ज मेरे भाई को लखवा ऐसे अतिरिक्त प्रार्थी को दिला देने का अर्द्धा पारित करने को कृपा करें ।

प्रार्थी

ह० अंतरनाथ शुक्ला ।

शाखा डायल, माधवपुर ।

बहराइच 25/26-2-82

प्रार्थनापत्र निम्न ले सूचनाएं एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- श्रीमान पोस्ट मास्टर जनरल, कोपी० ऑफिस लखनऊ ।
- 2- श्रीमान डा० अधीक्षक, ~~विश्वविद्यालय लखनऊ~~ महोदय, जनपद बहराइच प्रमोड ।
- 3- श्रीमान सहय अधीक्षक महोदय, बहराइच (दक्षिण) ।
- 4- यूनिवर्सिटी डा० व सार विभाग, बहराइच प्रमोड ।

प्रार्थी -

ह० अंतरनाथ शुक्ला ।

26-2-82



Amernath Shukla

इन दो मैनेर बुल हाई नोट ऑफ जूडिचर एंड इलाहाबाद
सीटिंग एंड लखनऊ ।

रोट पेटिशन नं० 893 आफ 1982

अंतर नाथ शुक्ला

पेटिशन

बनाम

यूनियन आफ़, इण्डिया ए. अन्य

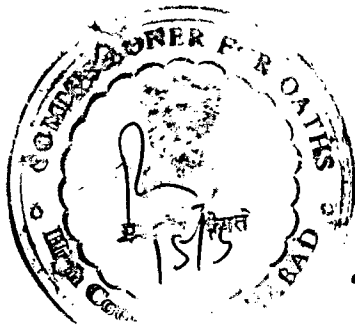
अ० प०

अंतर - 5

श्री अंतर नाथ शुक्ला
ध० प० शाखा डाकपाल माधोपुर
(फरारपुर) बहराइच ।

पत्र सं० ए/अ 9/माधोपुर/81 82 बहराइच 16-2-82

विषय - शाखा डाक घर माधोपुर के चार्ज का पूर्ण आदान प्रदान के
संबन्ध में ।



एतक द्वारा आपसे सूचित किया जाता है कि सहायक डाक

अधीक्षक दक्षिणी बहराइच ने अपने पत्रांक दिनांक 13-2-82 के अनुसार

इस कार्यालय को सूचित किया है कि डाक अधिदर्शक फरारपुर कार्यवाहक

शाखा डाकपाल माधोपुर को अतक भी शाखा डाकघर का सम्पूर्ण चार्ज नहीं

प्राप्त हो पाया है परिणामतः डाकघर माधोपुर का बचत बैंक, मनीआडर

इतर, राजस्वी दूजए का कार्य विस्तृत बन्द है, जिसे आप व्यक्तिगत रूप से

जिम्मेदार है क्योंकि आपने स्वेच्छा से अपने स्थानापन्न कार्यवाहक शाखा डाकपाल

श्री राम नारायण को ही डाकघर माधोपुर का सम्पूर्ण चार्ज नहीं दिया था

जिनसे कि (श्री राम नारायण से) संबंधित डाकघर का चार्ज डाक अधिदर्शक

फरारपुर के प्राप्त हुआ है ।

अतः आपसे हिदायत दी जाती है कि आप शाखाडाकघर माधोपुर
का सम्पूर्ण चार्ज श्री सत्यनारायण (कार्यवाहक शाखाडाकपाल) के प्रदान करने की व्यवस्था
कर दें, अन्यथा होने लगे आगोचर हानि के सम्पूर्ण जिम्मेदारी आपकी होगी ।
यह अनन्त आवश्यक है ।

ह० अपठनीय/ अधीक्षक पोस्ट ऑफिस
बहराइच डिवीजन ।

इन दो ऑनरेबल हाई जो ट आफ जूडिचर एट इलाहा बाद

सिदंग एट लखनऊ ।

रीट पेटिशन नं० 893 आफ 1982

ऑफर नया शुला

पेटिशनर

बनाम

गुनधन आफ इन्दिया ए अन्य

अट पाठ

ऑनर - 6

श्री मान डा. अधीक्षक साहब महोदय,
विभाग बहराइच, स-बडिदिन ।

सेवा में ,

श्रीमान जी आपके आदेश दिनांक 16-2-82 जिसे मुझे दिनांक

1-3-82 को प्राप्त कराया गया है के सम्बन्ध में दिनांक निवेदन है कि

दिनांक 25-2-82 तक मैं मैजिस्ट्रेट अदालत पर था और दिनांक 26-2-82

को मैं अपने अध्यापन रिपोर्ट फिनिश सांटीफिकेट के साथ प्रस्तुत कर दी है ।

श्री मान जी ऐसा प्रोत्साहनों में मेरे द्वारा अब कार्य दिव्य जाने का कोई
प्रश्न नहीं उठता है । मुझे यथावत कार्य करने दिया जावे ।

आदेश दिनांक 16-2-82 के सम्बन्ध में रिपोर्ट अधीक्षणार्थ

आवश्यक कार्यवाही हेतु प्रस्तुत है ।

Munirath Shukla

माथी

ह० ऑफर नया शुला

शाखा डा.पल माधोपुर

ए/वी फर्रुखपुर, ग्राम सिसवारा

पेटि ऑधोपुर बाया फर्रुखपुर

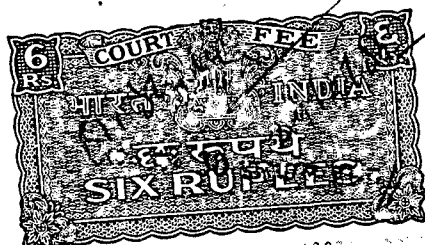
सप्तपद - बहराइच

ता० 13-3-82

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

C.M. Application No. _____ (W) of 1982.



12-8-82
[Signature]
24/7/01

Onkar Nath Shukla Petitioner/Applicant.

In re:

Writ Petition No. 893 of 1982.

Onkar Nath Shukla Petitioner.

versus

Union of India and others..... Bpp. Parties.

Application for Amendment of Writ Petition.

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

Onkar Nath Shukla

1. That for the facts and reasons given in the accompanying affidavit it is most respectfully prayed that the applicant be permitted to incorporate the following amendments in the aforesaid writ petition :

2. That after paragraph 13 of the writ petition the following may be permitted to be added :-

"13-A That the Director, Postal Services, Lucknow Region has rejected the appeal preferred by the petitioner vide order dated 12-5-1982. A true copy



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of the said order is being annexed herewith as Annexure- 4 to this petition.

13-B. That an ex-B.P.M. is entitled for a commission at the rate of 2 per cent of the amount deposited by the account holder in the Saving Bank Account.

13-C. That on the basis of the amount deposited in the Madhopur Branch, a sum of Rs. 4500/- became due to the petitioner as commission in the year 1979-80 and when the requisite demand was made by the petitioner then Sri A.A. Siddiqui, opposite party no. 6 adopted the delaying tactics and the amount was paid to the petitioner in September 1981 when Sri Siddiqui had proceeded on leave and Sri Sharma officiated as Assistant Superintendent. When Sri Siddiqui resumed his duties after availing leave, then he called the petitioner and expressed his annoyance by uttering the following words :-

" मेरी गैर हाजिरी में तुमने अपना कमीशन निकलवा लिया। ठीक है। डिवाजन हमारा और मुर्गा कोई और खाए। मैं भी देखूंगा। "

13-D. That under note 2 of para 284 of Chapter VIII of Post and Telegraphs Manual only an officiating arrangement is to be made in case an ex-B.P.M. falls sick or proceeds on leave and he cannot be removed from service.

13-E. That the petitioner ~~made~~ met the opposite parties no. 3 and 4 and requested for the delivery of



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the copy of the order dated 12-1-1982 putting the petitioner off his duty but they refused to deliver the same to the petitioner and said that the same has been sent through registered post but no such order has been delivered to the petitioner through registered post so far.

13-F. That no show cause notice has been issued to the petitioner nor any intimation regarding levelling of any charge against him has been given to him.

13-G. That at the time of proceeding on leave the entire charge of the Branch Post Office was given by the petitioner to Sri Ram Narain, the substitute, as provided in D.G., P & T. circular no. 23 dated 24-2-1970. Sri Ram Narain, the substitute wrote a letter dated ~~24-2-1970~~ 27-1-1982 to the opposite party no. 3 intimating that the whole charge of the Branch Post Office was given to him by the petitioner and that the letter sent by Ram Narain was received on 27-2-1982 by the Opposite Party No. 3. A true copy of the said letter is being annexed herewith as Annexure- 5 to this petition.



Om Nath Shukla

13-H. That a perusal of the letter dated 27-1-1982 written by Sri Ram Narain makes it clear that the whole charge was delivered to the substitute by the petitioner at the time when he proceeded on leave. It will also be evident from the said letter that the petitioner is being subjected to

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harrassment on the initiation of the opposite party no. 6.

13-I. That the Director General, Posts & Telegraphs, general circular no. 23 dated 24-2-1970 makes it clear that no prior approval for the substitute was necessary. As a matter of fact Sri Ram Narain had already worked as substitute in place of the petitioner on the last several occasions when the petitioner proceeded on leave and every time the due allowance was officially paid to Ram Narain and no objection was ever taken against the functioning of Ram Narain as substitute in place of the petitioner.

13-J. That after the alleged inspection, the Assistant Superintendent Sri A.A. Siddiqui also lodged a first information report with the police station Fakharpur and on investigation it was found that the record of the Branch Post Office was delivered by the petitioner to Ram Narain and the same was available at the time of the alleged inspection and the petitioner had proceeded on leave and had not absconded with any record of the Branch Post Office."

3. That in the array of parties, the following may be permitted to be added :

- "(5) Director, Postal Services, Lucknow Region, Lucknow.
- (6) Sri ~~xxx~~ A.A. Siddiqui, presently posted as Post Master, District Post Office, Bahraich.
- (7) Satya Narain Misra, Line Overseer, Sub-Post Office, Fakharpur, Distt. Bahraich. "

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4. That after ground no. (iv) at page 6 of the writ petition, the following grounds may be permitted to be added :

" (v) Because no prior approval was legally necessary for engaging a substitute and the rejection of the appeal by the appellate authority on that count is wholly erroneous.

(vi) Because the appellate authority while rejecting the appeal has not ^{looked in} ~~added~~ to the facts and circumstances of the case and has failed to consider the very material circumstances such as there being no legal requirement for a previous written approval for engaging a substitute and there being no rejection of the petitioner's applications for leave which were duly supported by medical certificates. That being so, the order passed by the appellate authority suffers from non-application of mind."

A handwritten signature in dark ink is written over a circular official stamp. The stamp contains the word "ALLAHABAD" at the bottom and some illegible text at the top.

5. That in prayer part of the writ petition after prayer (a) the following may be permitted to be added :-

(aa) To issue a writ, order or direction in the nature of certiorari quashing the order dated 12-5-1982 passed by Opposite Party No. 5 contained in Annexure- 5 to the writ petition."

A handwritten signature in dark ink, appearing to read "Anurag Mathur", is written across the bottom left of the page.

P r a y e r

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to permit the petitioner to amend the writ petition in the manner set forth above and pass such other orders as this Hon'ble Court deems just and proper in the circumstances of the case.



(Dr. L.P. Misra)
Advocate,
Counsel for the Petitioner/Applicant.

Dated Lucknow:
May 24, 1982.



24/5/82

Murath Shukla

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALIAHABAD,
SITTING AT LUCKNOW.

Writ Petition No. 893 of 1982.

Onkar Nath Shukla Petitioner.

versus

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

Annexure - 4

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

OFFICE OF THE DIRECTOR POSTAL SERVICES LUCKNOW REGN.

Memo. No. RDL/EDA-P/1/82/2 Dated LW the 12-5-82.

Read the representation dated 25/26-2-82 from
Shri Onkar Nath Shukla who has been put off from duty
vide S.P.Os. Bahraich Memo No. A/B-319/Madhaupur dt.
12.1.82.

2. The representation is addressed to the authority
which has passed and issued the orders dated 12.1.82
putting the official off from duty. The ~~px~~ representa-
tion should have been addressed to the higher authority
i.e. Director Postal Services but in view of the
specific orders of the Hon'ble High Court it is treated
as representation submitted to the prescribed authority.

Onkar Nath Shukla *24/5/82* *h*
That The representationist has been absent
from duty w.e.from 29.12.1981 without any prior appro-
val from the competent authority. He had also handed
over the charge of the office to one Shri Ram Narain
Shukla without any approval. The Mail Overseer visited
the Post Office on 30.12.1981 and found the representa-
tionist absent from duty. As per report of the Mail
Overseer he did not make over the Full documents for
the

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the normal functioning of the P.O. to the person to whom the representationist on his own accord had nominated to work vice him. To absent without approval or to hand over charge without prior approval is considered as non-devotion to duty.

4. The representation dt. 25/26-2-82 from Shri Onkar Nath Shukla is, therefore, rejected.

Sd./

(S.P.Ojha)
Director Postal Services,
Lucknow Region.

True Copy

COMMUNICATIONS
24/5/82

Onkar Nath Shukla

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

Writ Petition No. 893 of 1982.

Onkar Nath Shukla Petitioner.

versus

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

Annexure - 5

सेवा में

श्रीमान डाक अधीक्षक महोदय, बहराइच उपखण्ड
बहराइच।

श्रीमान जी,

शाखा डाकपाल माघीपुर श्री ओंकार नाथ शुकला जब कभी अवकाश पर जाते थे तब मैं ही कार्यरत करता था इसी प्रकार दिनांक २६-१२-८१ को जब अवकाश पर गये तब डाकघर का सम्पूर्ण चार्ज मुझको देकर गये और ऐरर बुक पर २६-१२-८१ से १०-१-८२ तक का अवकाश श्रीमान सहायक डाक अधीक्षक महोदय को मेरे सामने दर्ज किया और उसकी प्रतिलिपि तथा ऐरर बुक पर मेरे हस्ताक्षर हुए जिसको डेली स्काउन्ट तथा वियो जनरल पर दर्ज करके डाक में बांध कर भेज दिया और उनसे मैं सम्पूर्ण चार्ज प्राप्त कर लिया और शाखा डाकपाल अवकाश पर चले गये और उनके स्थान पर कार्यरत था। दिनांक ३०-१२-८१ को सत्य नारायण जमादार ने फर्रुखपुर में मुझसे कहा कि आप अपना सारा कागजात लेकर गंगापुर चले आओ वही मेरा हेडक्वार्टर है, वहीं निरीक्षण करेंगे। मैंने कहा कि हम गंगापुर जो हमारे डाकघर से छेढ़ किलोमीटर की दूरी पर है हम सारे रिकर्ड लेकर नहीं आऊंगा। केशव कीमती रिकर्ड डाकघर के इतनी दूरी पर लेजाने से कोई घटना यदि घटे तो आप ज़ुम्मेदार न होंगे इसलिये मेरे कार्यालय आकर निरीक्षण करें। मुझसे इस पर बहुत ज्यादा नाराज हो गये और कहा कि हम जहाँ चाहेंगे वहीं पर कागजात ले जाना पड़ेगा क्योंकि मैं अफसर हूँ और कहा कि हम तुम्हारा सारा चार्ज लेकर तुमको हटाकर चम्पा देवी को चार्ज दूंगा और वहाँ का पोस्ट मास्टर बनाऊंगा।

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श्रीमान जी जमादार का तथा चम्पा देवी का अनैतिक सम्बन्ध है दिनांक ३१-१२-८१ को शाम साढ़े चार बजे निरीक्षा हेतु माधौपुर से मेरे कार्यालय आये। मेरी ड्यूटी १२ से ३ तक थी। आते ही हमको खूब हड़काया और घमकी दी कि पुलिस आ रही है। सभी कागज अपना दे दो मेरी मेज पर वियो स्काउन्ट विया जनरल तथा दो मोहरें रखी थी और सारी सिकर्ड पास ही में रखे थे उन्होंने निरीक्षा किया। ३०-१२-८१ में मेरी मोहर छाप और एक दिन पीछे की तारीख में हस्ताक्षर करवाये और इतनी घमकी दी जिससे उनकी जो सारे कागजात न दे सका क्योंकि इसी प्रकार जमादार महोदय ने बाबू राम गौड़ शाखा डाकपाल सराय जगना निरीक्षा करने गये और टेन्डवा बालपी पोस्ट में रहे वही से कागज मंगवाये जिसमें सेविंग बैंक क पी० आर० को दो रसीद तथा अपनी आर्डर को रसीद फाड़ लिया वहबेचारा न जान सका बादमें निरीक्षा किया तब उसे मौकल कर दिया और अपने मामा को चार्ज दिला दिया। इसी शोक में बाबूराम शाखा डाकपाल की मृत्यु हो गयी और उसके बच्चे मूखों मर रहे हैं इसीलिये इनके इस घातक व्यवहार से सारे कागजात इनको निरीक्षा में नहीं दिया।

श्रीमान जी जमादार महोदय ने कहा कि जो हम चाहेंगे और जो कहेंगा वह सहायक डाक अधीक्षक की मरजी से है क्योंकि शाखा डाकपाल माधौपुर को नीचा दिखाना है दिनांक २-१-८२ को जाकर बहराइच सहायक डाक अधीक्षक दक्षिणी को बुला लाये।

श्रीमान जी मैं ~~कम्प्लेक्स~~ नया आदमी था। दोनों अफसरों ने मिलकर हमको बहुत परेशान किया और जा बेजा कहा कि पुलिस आ रही है। अपने सारे कागजात हमको दे दो वरना बन्द करा दंगा और तुम्हारी मिट्टी पलीद हो जायेगी और ~~इस~~ तरह तरह की नाजायज घमकी दी। मेरी दो माहर वियो स्काउन्ट तथा वियो जनरल मेरे मेज पर रखे थी और सारे रिकार्ड पास ही में रखे थे। इन लोगों ने निहायत जबरदस्ती के कारण छीन लिया मैं बहुत ही घबड़ा गया और सारा कागजात नहीं दे सका।

श्रीमान जी शाखा डाकपाल माधौपुर श्री ओंकार नाथ शुक्ला बहुत ज्यादा बीमार थे और मेडिकल पर बहराइच में दवा करा रहे थे। उनकी

हालत गम्भीर होने का कारण सारे रिकार्ड नहीं दे सका दिनांक २६-२-७८ को फिटनेस सर्टिफिकेट श्रीमान जी की सेवा में भेज दिया है और मैंने वर्क था रिकार्ड मेरे पास से उन्होंने अब प्राप्त २६-२-७८ कर दिये हैं। पी०टी०ओ०

श्रीमान जी से प्रार्थना है कि मेरे माई को जो रिकार्ड और केस मुझसे ले लिये गये हैं वह दिलाये जाने की कृपा करें।

श्रीमान जी लाइन इंस्पेक्टर श्री सत्य नारायण मिश्रा एवं सहायक डाक अधीक्षक महोदय बहराइच दक्षिणी के ज व्यवहार से मेरा बहुत बड़ा अपमान किया है और मैं अपने क्षेत्र में और समाज में जो पैरी प्रतिष्ठा थी उसका बहुत बड़ा गहरा आघात हुआ है मैं अब गहरी नीची नजरों से देखा जाता हूँ।

श्रीमान जी मुझे बहुत बड़ा आत्म ग्लान है और बहुत बड़ा मानसिक खेद है। अतः प्रार्थी हूँ कि उचित कार्यवाही किया जाना जावे जिससे प्रार्थी को आत्म संतोष हो सके महान कृपा होगी।

प्रार्थी

श्री राम नारायण शुक्ला

भूतपूर्व इंजार्ज)

शाखा डाकपाल माधौपुर।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं

२७-२-८२

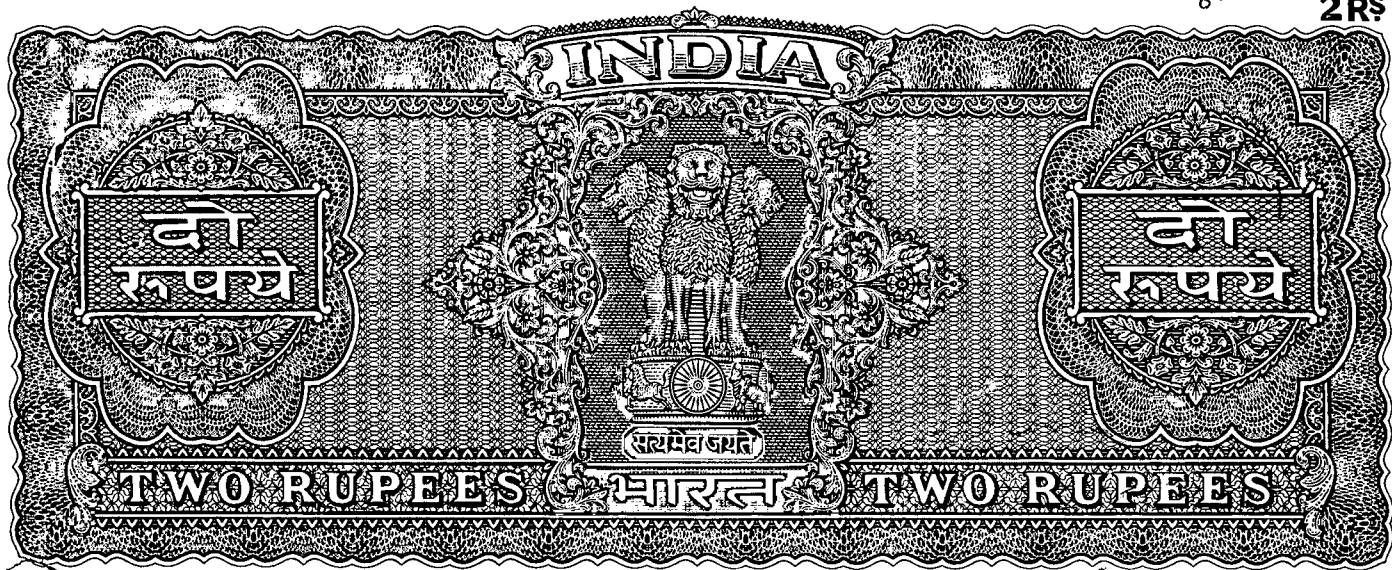
आवश्यक कार्यवाही हेतु :

- १- प्रतिलिपि श्रीमान डाक अधीक्षक महोदय बहराइच।
- २- प्रतिलिपि श्रीमान नाथ शुक्ला शाखा डाकपाल माधौपुर
- ३- राम नारायण शुक्ल भूतपूर्व शाखा डाकपाल माधौपुर के निजी प्रयोग हेतु।

सत्य प्रतिलिपि

Ram Nath Shukla

2RS



In the Honble High Court
of Judicature at Allahabad
Sitting at Lucknow
with no. 893 of 1902

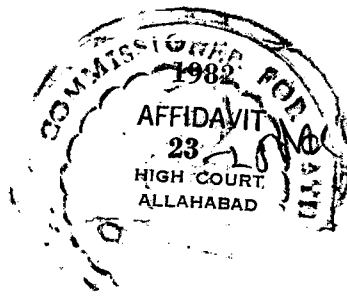
Darshan Nath Shukla
vs.

Union of India

Darshan Nath Shukla

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



Affidavit

in

C.M. Application No. _____ (w) of 1982.

Onkar Nath Shukla Petitioner/Applicant.

In re:

Writ Petition No. 893 of 1982.

Onkar Nath Shukla -..... Petitioner.

versus

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

I, Onkar Nath Shukla, aged about 39 years,
son of Sri ^RShyam Sunder Shukla, resident of village
Siswara, Post Madhopur, Pargana Fakharpur, Tahsil
Kaiserganj, district Bahraich, do hereby solemnly
affirm and state on oath as under :

1. That the deponent is the petitioner-applicant
in the above writ petition and is conversant with the
facts of the case.

2. That the facts of the case sought to be
brought on record of the case through the amendment
application have arisen subsequent to the filing
of the writ petition.

Onkar Nath Shukla
24/5/82

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3. That in pursuance of the order passed by this Hon'ble Court the petitioner's appeal was directed to be decided and the same has been rejected.

4. That the amendments sought will not change the nature of the writ petition.

5. That the amendment is being sought prior to the stage of admission and no counter affidavit has been filed so far on behalf of the opp. parties.

6. That the contents of para 2(13-A to 13-J) of the amendment application are true to the own knowledge of the deponent.

Dated Lucknow:
May 24, 1982.

Prabhat Shukla
Deponent.

I, the deponent above named do verify that the contents of paragraphs 1 to 6 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Dated Lucknow:
May 24, 1982.

Prabhat Shukla
Deponent.

I identify the deponent who has signed before me.

Prabhat
Advocate.

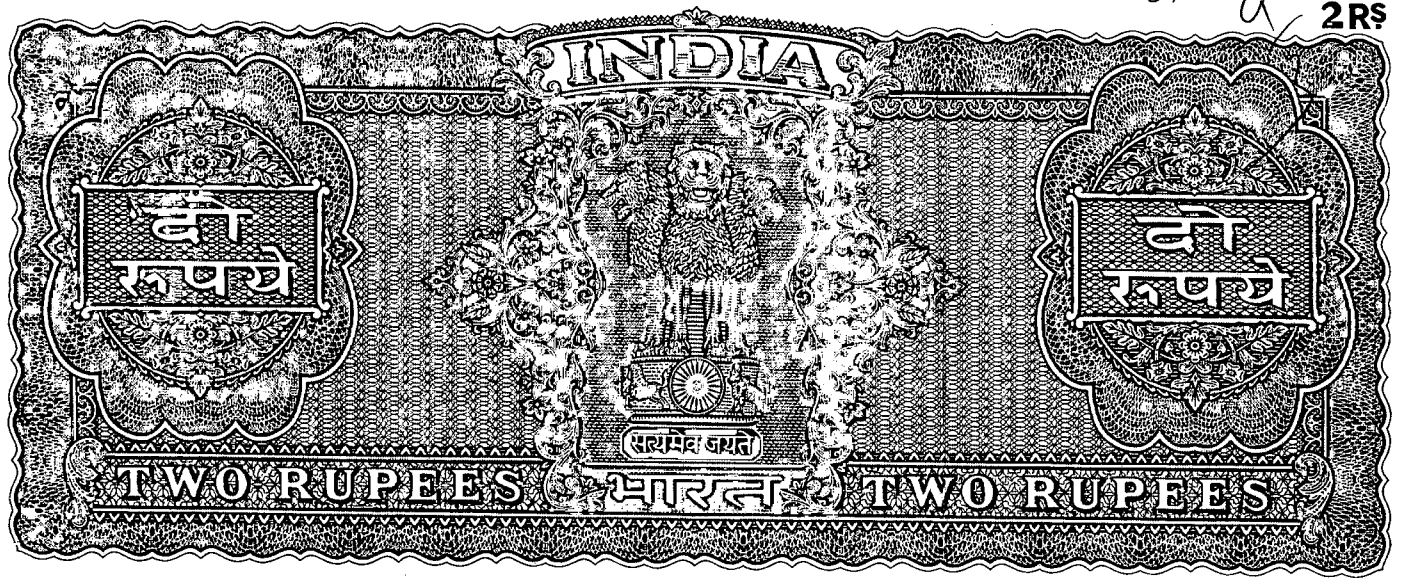
Solemnly affirmed before me on 24.5.82 at 11.00 A.M./P.M. by Sri *Prabhat Shukla* the deponent who is identified by Sri *Prabhat* Clerk to Sri

Advocate, High Court, sitting at Lucknow.

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

Prabhat
Prabhat Tewari
OATH COMMISSIONER,
High Court, Lucknow.

S. No. 23-250/82
Date 24/5/82



In the Honble Hsh Court of Judicature at Allahabad
Sitting at Lucknow
No. 893 of 1982

Omkar Nath Chandra

— [Signature]

B.

Union of India & Co.

— [Signature]

AFFIDAVIT

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

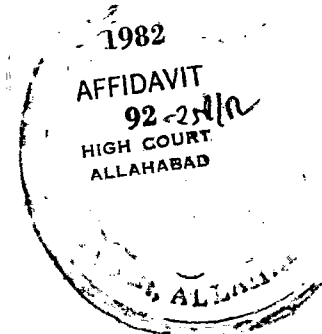
AFFIDAVIT

IN

C.M. Application No. (W) of 1982.

In re:

Writ Petition No. 893 of 1982.



Onkar Nath Shukla

... Petitioner/
Applicant

Versus

Union of India and others

... Opp-parties.

I, Onkar Nath Shukla, aged about 39 years, son of Sri ~~Rajendra~~ Shyam Sunder Shukla, resident of village Siswara, post Ladhopur, Pargana Fakharpur, Tansil Kaiserganj, district Bahraich, do hereby solemnly affirm and state on oath as under :-

Onkar Nath Shukla

1. That the deponent is the petitioner in the above noted case and, as such, is fully conversant with the facts deposed to hereunder.

2. That the writ petition no. 893 of 1982 was admitted in this hon'ble Court by a Division Bench on 24.5.82 and the stay application was rejected with the observation that the petitioner shall be entitled to his salaries in case of success.



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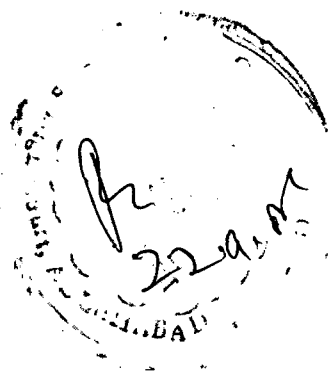
- 2 -

3. That the petitioner had proceeded on leave after moving the applications for leave and those applications were supported with a medical certificate.

4. That during the period of his leave, the petitioner had deputed his real brother Ram Narain to work as substitute as usual. In past on several occasions Ram Narain functioned as substitute in place of the petitioner when the petitioner went on leave and the due allowances were duly paid to Ram Narain by the department and no objections were ever put for the working of Ram Narain in place of the petitioner.

5. That without rejecting the leave applications sent by the petitioner, an order putting off the petitioner from duty was passed and now during pendency of the writ petition, the Opp-party no. 3 has issued a notification dated 2.9.82 calling for the applications for the post of Extra Departmental Branch Post Master, Madiapur, distt. Bahraich from which post the petitioner was put off from duty and the applications are to reach the Opp-party no. 3 by 23.9.82 and the petitioner has come to know that by 25.9.82 the Opp-party no. 3 will make the final selection for the said post.

Muruthi Shukla



6. That it is noteworthy that after passing of the order putting off the petitioner from duty, neither any charge-sheet has been submitted to him nor any enquiry has been conducted in regard to any allegation made against the petitioner, and no order removing the petitioner from service has so far been passed.

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7. That under the circumstances, the Opp-parties have got no jurisdiction and authority to hold the selection for the post in question.

8. That a true copy of the notification dated 2.9.82 inviting applications for the post of Extra Departmental Branch Post Master, Madhopur is being annexed herewith as annexure-5(A) to this affidavit.

Dated Lucknow:

Sept. 22 1982.

Om Nath Shukla

Deponent

Verification

I, the above named deponent, do verify that the contents of paragraphs 1 to 6 and 8 of this affidavit are true to my own knowledge and those of para 7 are believed to be true. No part of it is false and nothing material has been concealed, so help me God.

22.9.82

Dated Lucknow:

Sept. 22 1982.

Om Nath Shukla

Deponent

I identify the above named deponent who has signed before me.

A. B. Swamy

Advocate's Clerk.

Prabhu Chandra Tewart
OATH COMMISSIONER
107-250/82

Solemnly affirmed before me on 22.9.82 at 8.35 a.m. by Sri *Om Nath Shukla* the deponent who is identified by Sri *J. P. Swamy* Clerk to Sri *A. B. Swamy* Advocate, High Court, Allahabad.

S, No. 22.9.82
Date.....

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

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4- निवास स्थान :- अश्वधी को उसी मूल गाँव का निवासी होना चाहिए, जहाँ पर डाकघर स्वीकृत हुआ है ।

5- जाति :- अनुसूचित जाति, अनुसूचित जन जाति तथा पिछड़ी जाति के अश्वधियों को सक्षम अधिकारी द्वारा जाति का प्रमाण पत्र सत्यापन करना आवश्यक है। बिना प्रमाण पत्र के उनकी उस विशेष जाति को नहीं माना जायेगा । भूतपूर्व सैनिक अपना प्रमाण पत्र प्रस्तुत करें ।

6- अन्य :- अश्वधी को जनता के द्वारा चयन किये गये किसी भी पद पर आसीन नहीं होना चाहिए ।

नोट :- सभी आवश्यक प्रमाण-पत्रों को प्रमाणित प्रतिलिपियाँ मूल प्रार्थना-पत्र के साथ अवश्य सत्यापन करें ।

ह ० अपठनीय
अधीक्षक डाकघर
बहराइच प्रखण्ड बहराइच ।

प्रतिलिपि प्रचारार्थ निम्न को प्रेषित :-

- 1- प्रधान गाँव सभा माघोपुर डाकघर फखरपुर जिला बहराइच ।
- 2- धानाधक्ष फखरपुर डाकघर फखरपुर जिला बहराइच ।
- 3- निरीक्षक डाकघर बहराइच दक्षिणी उपखण्ड ।
- 4- उप डाकपाल फखरपुर बहराइच ।
- 5- सूचना पट बहराइच प्रखण्ड ।
- 6- आपना अनुभाग बहराइच प्रखण्ड ।
- 7- डाकपाल बहराइच को सूचना पट पर लगाने हेतु ।

सत्य प्रतिलिपि

Amr Nath Shukla

22.9.12

इन की आनरेबुल ज़ाई कोर्ट आफ ज़ुडिकेचर ऐट इलाहाबाद

सीटिंग ऐट लखनऊ ।

रिट पीटिशन नं०

आफ 1982

अधिकार नाथ शुक्ला

--- पीटिशनर

बनाम

यूनियन आफ इन्डिया रूंद अन्य

--- अपोजीट पार्टीज

अमेबर नं० 5 (4)

भारतीय डाक तार विभाग

कार्यालय अधीक्षक डाक तार, बहराइच प्रखण्ड

बहराइच 27/8/82

जापन संख्या :- ए० 319/माधोपुर/82 दिनांक बहराइच 2-9-82

सूचना

सर्व साधारण की सूचित किया जाता है कि शाखा डाकघर माधोपुर जो कि लेखा कार्यालय फर्रुखपुर कैसरगंज जिला बहराइच के अन्तर्गत है के लिए एक शाखा डाकपाल की 131-00 स्लैब मासिक भत्ते पर आवश्यकता है । जो व्यक्ति उक्त पद के लिए अर्हता है वे अपना प्रार्थना पत्र संलग्न प्रारूप में पूर्ण विवरण देते हुए डाक अधीक्षक, बहराइच ऐट बहराइच को दिनांक 23-9-82 के पहले अवश्य दे दें । दिनांक 23-9-82 के बाद प्राप्त आवेदन पत्र पर कोई विचार नहीं किया जाएगा । प्रार्थनापत्र भेजते समय निम्नलिखित आवश्यक शर्तों पर अवश्य ध्यान रखा जाय :-

- : आवश्यक शर्तें :-

1- शैक्षिक योग्यता :- अर्हता की कम से कम कक्षा 8 (आठ) उत्तीर्ण होना चाहिए ।

2- आयु सीमा :- अर्हता की आयु (प्रार्थना पत्र के इस कार्यालय में प्राप्त होने की अन्तिम तिथि को 18 वर्ष से कम व 60 वर्ष से अधिक नहीं होनी चाहिए ।

3- मासिक आय :- अर्हता की अपने निजी नाम की मासिक आय बल-अबल सम्पत्ति

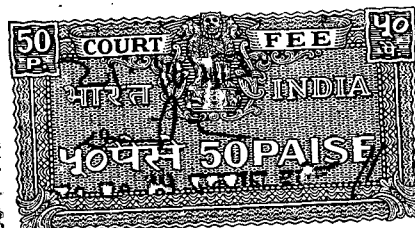
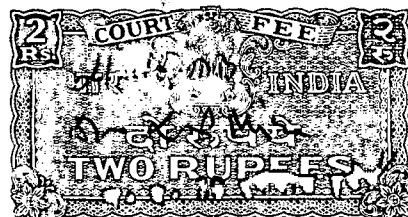
के माध्यम से प्राप्त होना चाहिए । इस सम्बन्ध में अबल सम्पत्ति के प्रमाण पत्र के लिए खसरा व बतौनी की नकल तथा बल सम्पत्ति हेतु स्काम राजस्व अधिकारी का प्रमाणित पत्र संलग्न करना चाहिए ।

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITING AT LUCKNOW

C.M. Application No. 11795 (W) of 1983.



Onkar Nath Shukla, aged about 39 years, son of Sri
Shyam Sundar Shukla, resident of village Siswara,
post Madhopur, Pargana Fakharpur, Tahsil Kaiserganj,
district Bahraich.

... applicant

Versus

1. Union of India, through Director General, Post & Telegraph, New Delhi.
2. Director, Postal Services, U.P., Lucknow.
3. Superintendent, Post & Telegraph Department, Bahraich Division, Bahraich.

... Opp-parties.

In re:

Writ Petition No. 893 of 1982.

Onkar Nath Shukla

... Petitioner

Versus

Union of India and others

... Opp-parties.

APPLICATION FOR INTERIM RELIEF.

The applicant, above named, most respectfully
sheweth as under :-

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That for the facts and grounds disclosed in the accompanying writ petition supported by an affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to restrain the Opp-parties from holding the written test for selecting the Postmen and Mail Peons in the Bahraich Division of the Post & Telegraph Department on 23.10.83 without allowing the petitioner to appear in the said test and may further be pleased to restrain the opp-parties from appointing any Extra Departmental Agents of Bahraich Division of P & T Department, who is junior to the petitioner either as Postman or as Mail Peon or such other order which this Hon'ble Court deems fit and proper in the circumstances of the case, may kindly be passed.

Dated Lucknow:

Oct. 20 1983.



Advocate

Counsel for the Applicant.

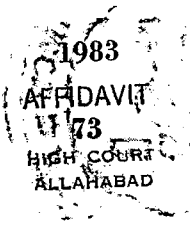
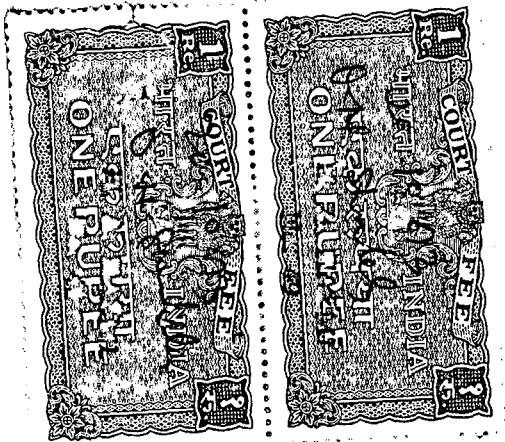
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW.

AFFIDAVIT

IN

Writ Petition No. 893 of 1982.



Onkar Nath Shukla

... Petitioner

Versus

Union of India and others

... Opp-parties.

I, Onkar Nath Shukla, aged about 39 years,
son of Sri Shyam Sundar Shukla, resident of village
Siswara, post Madhopur, Pargana Fakharpur, Tahsil
Kaiserganj, district Bahraich, do hereby solemnly
affirm and state on oath as under :-

1. That the deponent is the petitioner in the
above noted case and, as such, is fully conversant
with the facts deposed to hereunder.

2. That the contents of the writ petition have been
read over and explained to the deponent who has fully
understood them.

3. That the contents of paragraphs 1 to 9 of the
writ petition are true to the own knowledge of the
deponent.

Onkar Nath Shukla

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2. That the petitioner was appointed as Extra Departmental Agent with effect from 15.6.65 as has by now completed more than 18 years of service as an Extra Departmental Agent in the Post & Telegraph Department of Madhopur Sub-post office of district Bahraich.

3. That on occurrence of the vacancies of regular departmental posts in the Post & Telegraph department, the extra departmental candidates are absorbed as departmental candidates and before that absorption the Extra Departmental Agents have to appear in a written test and thereafter have to be interviewed. 50 marks are marked for the written test and the same number is marked for the interview. The selection by adopting the above process for absorbing the Extra Departmental Agents as regular departmental employees in the Post & Telegraph department is held at periodical intervals as and when the vacancies occurred in a particular Postal Division. The Extra Departmental Agents having completed 3 years of service as such but not having crossed the age limit of 42 years as on 1.7.82 are eligible to apply for being absorbed as regular departmental employees under the instructions issued by the Director General, P&T, New Delhi. The seniority while taking the existing Extra Departmental Agents as regular departmental employees is taken into consideration.

4. That some vacancies of postmen and Mail Peons became available in the Bahraich Postal Division

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Chand Math Shukla

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and the Extra Departmental Agents having not crossed the age limit of 42 years on 1.7.82 were required to apply for those posts on the prescribed proforma and the applications were to be sent by 15.8.83.

✓ 5. That the petitioner under Certificate of posting sent two applications on the prescribed proforma - one for the post of postman and the other for the post of Mail peon - through post on 4.8.83. The true copies of the two applications together with the postal certificate receipts are being annexed herewith as Annexures 1 and 2 respectively to this ~~written petition~~ affidavit.

✓ 6. That as mentioned in the applications of the petitioner (Annexures 1 and 2), the petitioner completed more than 18 years of service as Extra Departmental Agent. The petitioner came to know on 12.10.83 that the Extra Departmental Agents who were much junior to the petitioner and who had also sent their applications forms under certificate of posting were called to appear in the written test to be held on 23.10.83 in the office of the Opp-party no.3 but the name of the petitioner was not included in the list of the applicants who were called for appearing in the written test. Therefore, the petitioner sent two separate applications on 12.10.83 through registered post under registered receipts no. 595 and 596 to the Opp-party no. 3 bringing it to his notice that inspite of the petitioner having applied he was not, surprisingly called for appearing in the written test. The true

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14. That the Annexures 1 to 4 to the writ petition are certified to be true copies of their originals.

Dated Lucknow:

Om Nath Shukla

Oct. 24 1983.

Deponent

Verification

I, the above named deponent, do verify that the contents of paragraphs 1 to 14 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Dated Lucknow:

Om Nath Shukla

Oct. 20 1983.

Deponent

P
20/10/83

I identify the above named deponent who has signed before me.

J. P. Sinha
Advocate's clerk

Solemnly affirmed before me on 20-10-83 at 8.00 a.m./p.m. by Sri Omkar Nath Shukla the deponent who is identified by Sri J. P. Sinha Clerk to Sri L. P. Misra Advocate, High Court, Allahabad.

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

M. M. Pandey
(M. M. PANDEY)
JUDICIAL COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. --- 6029/83
Date --- 20/10/83

इन की जानकारी के लिए कोर्ट आफ जुडिसियर रेट इलाहाबाद

सिटीय रेट लघनऊ ।

रिट पीटेशन नं०

आफ 1983

जोकार नाथ कुला

---पीटेशनर

तनाम

यूनियन आफ इंडिया आदि

---अपोजीट पार्टीज

अन्वेजर नं० ।

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यू० पी० सी०

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श्रीमान डा० अयोध्या साहय मल्लिक

वहाराइच मडल,

वहाराइच ।

मुहर

द्वारा -

जोकार नाथ कुला

शाखा डा०पाल माचोपुर

जनपद- वहाराइच

दि० 4-8-83

Chhannath Shukla

प्रतिलिपि

पोस्ट भेन कार्ड में :- पदोन्नति हेतु परीक्षा के लिए आवेदन-पत्र

=====

- 1- परीक्षारो का नाम , पद तथा - जेकिम नाथ कुल साखा डाकपाल
कार्यालय का नाम - मायीपुर, साखा डाकघर मायीपुर ।
- 2- क्रम तिथि - 16-9-43
- 3- लगातार नौकरी की तिथि - 18 वर्ष 15 दिन
- 4- दिनांक 1-7-82 को कुल आयु - 39 वर्ष 18 महीना 15 दिन
- 5- दिनांक 1-7-82 को कुल लगातार सेवा - 18 वर्ष 15 दिन
- 6- जाति अनुसूचित, जनजाति (अन्य जाति) - महम्मद

80 जेकिम नाथ कुल

परीक्षारो के हस्ताक्षर

नियुक्ति अधिकारी द्वारा संप्रति

दिनांक 4-8-83

Amir Nath Shukla

इन दो आनरेबल जजों कोर्ट आफ जुस्टिस पर हेट इलाहाबाद

सीटिंग हेट लखनऊ ।

रिट पेटिशन नं० आफ 1983

जेंगार नाथ शुक्ला

---पेटिशनर

एनाम

यूनियन आफ इन्डिया जादि

---अपीठ पार्टीज

अन्वैज नं० 2

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यू०पी० सी०

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श्रीमान डा० अशोक सोहन महेदय

चहराइच मण्डल,

चहराइच ।

मुहर डाक

द्वारा -

जेंगार नाथ शुक्ला

साखा डाकपाल मीरपुर

जनपद- चहराइच

ता० 4-8-83

Omkar Nath Shukla

वर्ग - पदोन्नति हेतु परीक्षा के लिये आवेदन पत्र

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- 1- कर्मचारी का नाम-पद तथा
कार्यालय का नाम - जेठार नाथ शुक्ला
शाही डाल गाल मालीपुर
फरपुर- बहराइच ।
- 2- जन्म तिथि - 16-9-1943
- 3- लगातार नौकरी की तिथि - 18 वर्ष 15 दिन
- 4- दिनांक 1-7-82 की कुल आयु - वर्ष महीना दिन
39 10 15
- 5- दिनांक 1-7-82 की कुल लगातार सेवा - 15 दिन 18 वर्ष
- 6- जति अनुसूचित, जनजाति (अन्य जति) - ब्राह्मण

80 जेठार नाथ शुक्ला
कर्मचारी के हस्ताक्षर
दिनांक 4-8-83

नियुक्ति अधिकारी द्वारा संज्ञा

Muzamath Shukla

10/12
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इन दो जानरेपुल हाई कोर्ट आफ जुडिसै चर ऐट इलाहाबाद

सीटिंग ऐट लखनऊ ।

रिट पीटेशन नं०

आफ 1083

जीवार नाथ कुला

---पीटीशनर

एनाथ

यूनियन आफ इंडिया आदि

---अपोजा पार्टीज

अन्वेषण नं० 3

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श्रीमान उम्र अष्टाक्षर महोदय, उम्र तार प्रियाग

वहाराइच, प्रहज- वहाराइच ।

मान्यवर,

सविधा में:-

निवेदन है कि प्रार्थी की पता कला है कि पीटेशन में वर्ग में परीक्षा

हेतु कुछ लोगों के जन्म तिथि और लगातार कार्य करने का प्रमाण पत्र मांगा गया है ।

मेरी भी परीक्षा के लिए आवेदन पत्र भेजा था परन्तु आश्चर्य है कि मेरा इस लिस्ट में नाम नहीं है ।

अतः निवेदन है कि मेरा नाम भी इस लिस्ट में शामिल किया जाय ।

प्रार्थना पत्र की एक प्रतिलिपि भी पुनः संलग्न कर रहा हूँ । इसके लिए कड़ी कृपा होगी ।

यदि मेरा नाम शामिल नहीं किया गया तो भी अगली परीक्षा में जोवर ऐज हो जाने की वजह से वंचित हो जाऊंगा । अतः मेरे इस प्रार्थना पत्र पर विशेष ध्यान देने की कृपा की जावे । महान कृपा होगी ।

प्रार्थी

80 जीवार नाथ कुला

(जीवार नाथ कुला)

शाखा डायल माचवपुर वहाराइच ।

दिनांक 12-10-83

Charnath Shukla

C A T

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

Circuit LUCKNOW BENCH, LUCKNOW.

W.P. No. 893 of 1982

TA No. 1028-87(T)

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O. N. Shukla

PETITIONERS/APPLICANTS
APPELLANTS

Versus,

Union of India

OPPOSITE-PARTY/PARTIES
RESPONDANTS

FIXED FOR 26.4.88

MEMORANDUM OF APPEARANCE

In the above noted petition/case/ appeal I appear for the *Respondents*
having been appointed as Additional Standing Counsel for the Govt. of India and its officers and so
instructed by department of Justice, Ministry of Law, Govt. of India, New Delhi to appear and
plead on his/ their behalf i. e. *Respondents*

LUCKNOW : DATED :

26.4. 1988.

V. K. Chaudhari

(V. K. CHAUDHARI)
Advocate

Counsel for *Respondents*

Additional Standing Counsel
for Central Govt.
R/O 14/629, Barafkhana, Nai-Basti
Udaiganj, Lucknow.
Tel. Nos. 34986 (Residence)
33640 (Cham. - High Court)

RECEIPT OF MEMO

RECEIVED the Memo of Appearance from Sri V. K. Chaudhari, Advocate High Court,
Additional Central Govt. Standing Counsel High Court, Lucknow Bench of Allahabad High Court
in No. of 19.....

Bench Secy. Court No.....

Sec. officer.....

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एन के आनंदपुर हाई कोर्ट ऑफ गुडिफर ऐट इलाहाबाद

सीटींग ऐट लखनऊ ।

रिट प्रीटीशन नं०

ऑफ 1983

जोकार नाथ कुला

---प्रीटीशनर

एनाथ

युनियन ऑफ इंडियन आदि

---अपोज पार्टीज

अनंजर नं० 4

श्रीमान डा० अजीज मंसूर, डा० तार विज्ञान, चहराइच प्रखंड-चहराइच ।

मान्यवर,

सेवा में, :-

निवेदन है कि प्रार्थी की पता चला है कि कां'द' परीक्षा हेतु कुछ

24/4/83
लोको से जन्म तिथि और लगातार कार्य करने का प्रमाण पत्र मांगा गया है । मैंने
ही परीक्षा के लिए आवेदन पत्र भेजा था परन्तु आश्चर्य है कि मेरा इस लिस्ट में नाम
नहीं है ।

अतः निवेदन है कि मेरा नाम भी इस लिस्ट में शामिल किया जाय ।

प्रार्थना पत्र को एक प्रतिलिपि में पुनः संलग्न कर रहा हूँ । इसके लिए रद्दी कृपा होगी ।
यदि मेरा नाम शामिल नहीं किया गया तो मैं अगली परीक्षा में जोर देज हो जाने की
वजह से बीघत हो जाऊंगा । अतः मेरे इस प्रार्थना पत्र पर विशेष ध्यान देने की कृपा
की जाये । महान कृपा होगी ।

प्रार्थी

ह० जोकार नाथ कुला

(जोकार नाथ कुला)

शास्त्री डा०पाल मायवपुर चहराइच ।

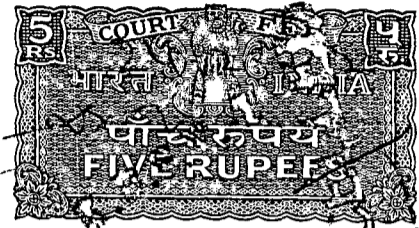
दिनांक 12-10-83 ई०

Chamrath Shukla

High Court of Judicature at Allahabad
बिचालत श्रीमान sitting alone. महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दे)

का वकालतनामा



1925
24/2
Bhakar Nath Shukla

वादी (मुद्दे)

बनाम

Union of India

प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
उपर लिखे मुकद्दमा में अपनी ओर से श्री A. L. Mulla
R. H. Sreen एडवोकेट

महोदय
वकील

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

Bhakar Nath Shukla
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

१६ ई०

A3

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

TA/1028/87

5 A
187

O.N. Shukla - VS - Union of India & others

APPLICATION FOR DISPOSAL OF THE CASE.

The Respondents/Applicants beg to submit as under:-

1. That the applicant in the above noted case had tendered apology and there-after had been put back to his duties. As such his application before this Hon'ble Tribunal has become infructuous.
2. That the applicant now does not want to contest the case and has rendered a certificate to this effect. A photostat copy of certificate and order of putting him on duty are annexed herewith as Annexure A-1 & A-2 to this application.

P R A Y E R.

It is, therefore, respectfully prayed that the Hon'ble Tribunal may graciously be pleased to dispose off the case accordingly.

Applicant/Respondents.



(V.K. CHAUDHARI)
Advocate.

Addl. Standing Counsel for Central Government,
Counsel for the Respondents/Applicants,

Lucknow,

Dated: 23 Jan. 1989.

A3

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPDT. OF POST OFFICES BAHRAICH DIVISION
BAHRAICH-271001.

Memo No. A-319/Madhapur/03-04 Dt. at Brh the, 3-1-84 ^A109

see copy attested

Shri Onkar Nath Shukla EDBPM Madhopur (Fakherpur) was put off duty vide this office memo no. even dt. 12-1-82 has now tendered unconditional apology for the allegations levelled against him and has also assured not to repeat such blunders in future. As such he is put back to duty with immediate effect. During the period he remained put off duty will not be entitled for any allowances. However, the period of put off duty will count recurring seniority.

Sd/-
Supdt. of Post offices,
Bahraich Division
Bahraich-271001.

Copy to-

1. The P.M. Bahraich for information and n/a.
 2. BPM Madhopur (Fakherpur) for transferring charge of the office to Sri Onkar Nath Shukla.
 3. SDI South Bahraich for information.
 4. SPM Fakherpur for information.
 5. EDAs Put off duty file in D.O. Bahraich.
 6. Official concerned (Sri U.N. Shukla).
 - 7-8. Spare.
- ✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
Circuit (~~A LAKHABAD BENCH~~)
~~23-A Theeshill Road, Allahabad-211001.~~
Gandhi Bhawan, Lucknow

REGD.

No. Lko
/CAT/ALLD/

Dated _____ 198

Transfer Application No. 1020

of 1987 (T)

Onkar Nath Shukla

APPLICANT

VERSUS

Union of India & Ors.

RESPONDENT(S)

To,

Dr. L.P. Mishra

High Court, Lucknow Bench
Lucknow

WHEREAS the marginally noted case has been transferred

by High Court under the

provisions of the Administrative Tribunal Act (No. 13 of 1985) and
registered in this Tribunal as above.

W.P. No. 893 of 1982
of the Court of High Court
arising out of the order dated _____

passed by _____

the matter will be heard and decided in your absence.

The Tribunal has fixed the

date of 10/7 1988 for filing Reply
the hearing of the matter.

If no appearance is made on your

behalf by yourself, your pleader
or by someone duly authorised to
act and plead on your behalf:

Given under my hand and seal of the Tribunal on
the 27 day of 5 1988

DEPUTY REGISTRAR.

Central