

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE. T.A. NO 1028/82 as & L NO 893/82 OF

NAME OF THE PARTIES ... O. N. Shukla, Applicant

Versus

Union of India Govt., Respondent

Part A.

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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)

Decided on Dated 12/10/11.....

Counter Signed.....

[Signature]
14/10/2011

Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant.

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

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

Name of parties...Clarkas. Natt. Shukla vs Union of India
82/1

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. Index	1		Rs. P.			
3	2	or Stat	1					
A	3	W. P. Att'd Annex w/	44	13	102	-		
B	4	Power	1	1	5			
A	5	com. 1876(2)-8 Fin Stat	7	1	5			
	6	Cm. 3492(2) 82	5-	-	7-00			
	7	Supplying affidit	9-	-	2-00			
	8	Cm. 105-82 for Amended of w.	14-	-	7-00			
	9	Cm. A. 9658(2) 82	8-	-	7-00			
	10	Cm. 11593(2) 83	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

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD//
CIRCUIT BENCH, LUCKNOW.

INDEX - SHEET

CAUSE TITLE

1028 87 CB

OF 198

Name of the Parties

O. N. Shukla

Versus

U. O. India

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
A	General Index	1
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	

Office of the
12/5/89

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WP

No.

893

of 1982

vs.

K
1/2
1/3

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
24.5.82	Wait with Cen. On 18/7/82 (w) 3492 (w) & L for orders.	
	Hon. T. S. Misra J. Hon. D. N. Jha J.	
	Baluch & Sengupta is rejected.	
	Report	Report Amendment allowed.
2.9.82	OMS are served through Sri B. L. Shukla Advocate, may office proceed.	
	P. J. 29.82	
	Yes 8pm 29.82	
	A. B.	

11/3

X/4

ORDER SHEET
 IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
 No. _____ of 198
 25. _____

	Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
	1	2	3
5	2.12.83	Fixed with C.M.A. 11795 (w) 83	
		Hon. S.C. Mathur J.	
9.12.83	Fixed	Hon. S.C.M.J.	
16.12.83	Fixed with C.M.A.		
6.1.84	11795 (w) 3 P.O. Hon. S.C.M.S.		
		S.D.	
		Dec 1 6/1/84	
		J. S. J.	
		Cm. 11795 (w) 113	at P.
			J.

16.3.82 - writ with Cm. No. 1876 (w) 82 for order.

Mr. K. S. Verma J.

Mr. S. S. Ahmad J.

SDA

16/3/82

Copy

19.4.82 Writ with Cm. No. 1876 (w) 3492 (w) 82 Second

Mr. K. S. Verma J.

Mr. 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.

John RS
74.4.1982

16.4.82 Supplementary Affidavit filed
J. K. S. Verma J.
S. S. Ahmad J.
Place on record

10-5-82 by John RS
16.4.82

~~SECRET~~ ~~SECRET~~

OFFICE REPORT

An application has been filed in this
tribunal for transposing the case No. 1028/87(T)

of to the Circuit Bench, Lucknow.

PP appeared, 26th April 1988

copy kindly be served for hearing at Circuit Bench
Lucknow. In this regard the notice may be sent
to the parties concerned.

J. Con' -

Put up on 26.4.88 at Lucknow
Circuit Bench, Lucknow.

26.4.88. D.R(J)

DR
D.R(J)

None is appeared for applicant.
Sir V.K. Chaudhary for the respondent.

Informed the applicant's Counsel.

CA cause be filed by 24.5.88.

DR
DR(J)

24.5.88

For filing C.A.

24-5-88

Sir V.K. Chaudhary is present for respondent.
on his request list this case on
18/7 for filing reply. Inform learned Counsel
for affidavit.

DR
DR(J)

26/8/88

10/2/87 (T) L A
O.N. Shukla vs. U.O. I.
Order Sheet

Regd.

10/7/88

Notified
by Registered
Post

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.

On
10/7

Regd.
Post

26.8.88

D.R.

Sri B.P. Nayar, Adv. on behalf of Sh. 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 Sh. V.K. Choudhary, Counsel for respondents, he is allowed to file reply by 27.10.88

D.R.

~~Reply not filed~~

27.10.88

Reply not filed - Re

29.11.88

Reply not filed - Re

Respondent Sh. V.K. Choudhary

present.

27/10/88

Registered

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

No. CAT/CB/LKO/ 1178

Dated : 11-2-87

OFFICE - MEMO

Registration No. O.A. 1029 of 1937
T.A.

C N [unclear]

Applicant's

Versus

Respondent's

A copy of the Tribunal's Order/Judgement
dated 15/1/87 in the abovenoted case is forwarded
for necessary action.

DDay
For DEPUTY REGISTRAR (H)

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

To. ① O M Shukla, S/o S. S. Shukla, Thalsirganj
" Dabholi, Bawali

dinesh/

Revd
Ch
19/4/89

A2
X

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~~ ^{now} 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 not ~~at all~~ ^{now} interested in prosecuting his case. The petition is dismissed in default of the petitioner without any order as to cost.

Sharma
Member (J)

Shm
Member (A)

Dated the 25th Jan., 1989.

RKM

24
1562
A
11

Group A - 15 (A)

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

Writ Petition No. 893 of 1982.

Unkar 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:

(Dr. L.P. Misra)

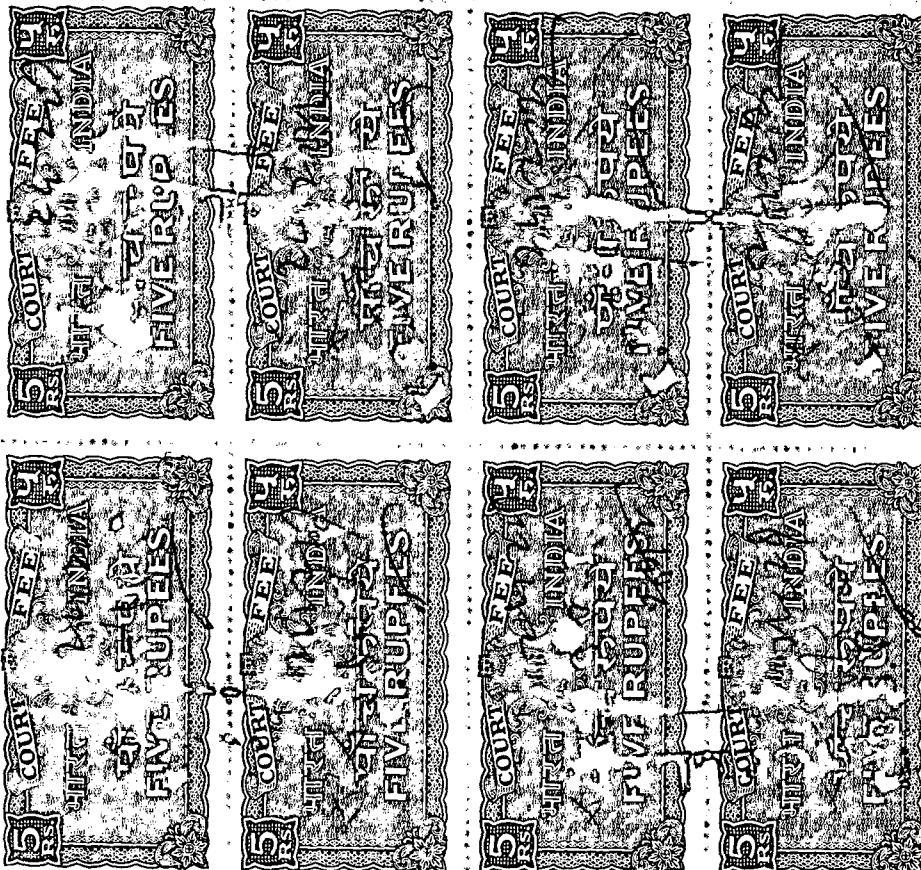
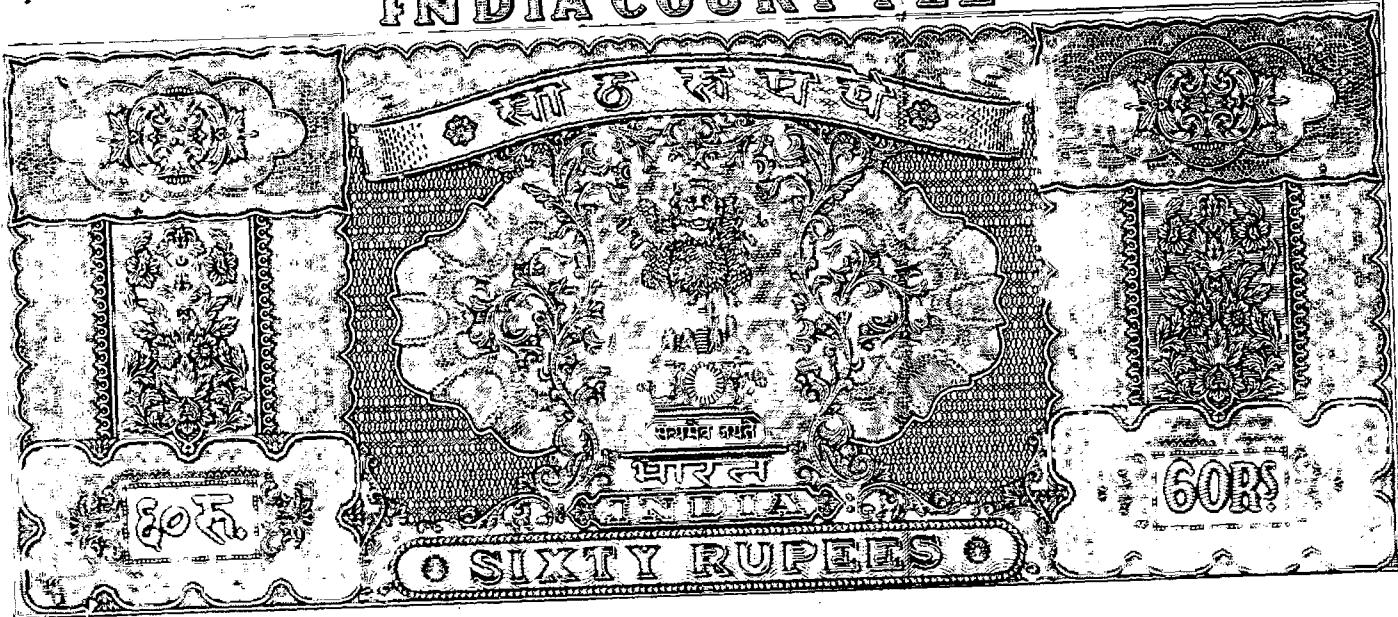
Feb. 24, 1982.

Counsel for the Petitioner.

INDIA COURT FEE

25

60 RS.



$$\begin{array}{r}
 1 \text{ Duep } 60 \\
 2 \text{ Duep } 40 \\
 \hline
 100 \\
 \hline
 242
 \end{array}$$

In the Allahabad High Court of Judicature at Allahabad
 Sittings at Lucknow
 1982

893 of 1982

Qurban Nabi Shukla.

- Father -

~

Union of India Govt.

- Off. Name -

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

Writ Petition No. of 1982.

893

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

... Petitioner

Versus

Examination

Amended
as per court's
order

PLS see

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. Sidiqui, presently post of a Post master Opp-parties Post office Bahraich.
7. Salim Masjid Misra, line overseer Sub Post of Fakhpur Dist. Bahraich.

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

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 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.



5.21.1.2149

28
AS

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 ~~because of threat~~.

S. No. 272192145

- 4 -

8. That the Opp-party no. 4 passed ~~an~~ 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 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

31/12/1982

13-A. That the Director, Postal Services, Lucknow 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.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 Modhopur 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 गेंड हाजिरी में तुम्हें डापना
कमीशन निकलना चाहिए। ठीक है।
इसका हमारा और भुग्तानी को भी दोहरा ज्ञान।
मैं भी देंगा ॥ "

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. fails 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 estimation regarding levelling of any fine 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 Rau Harain 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 Rau Harain and no objection was ever taken against the functioning of Rau Harain as substitute in place of the petitioner.

13-J. That after the alleged inspection, the Assistant Superintendent Sri A.A. Siddique also lodge a first information Report with the Police station fakhpur and on investigation it was found that the record of the Branch Post office was delivered by the petitioner to Rau Harain 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.

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 :-

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 arbitrarily 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-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 engaging a substitute and the rejection of the application by the appellate authority on that count is wholly erroneous.

- : P R A Y E R : -

vi)

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

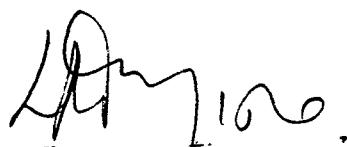
a) To issue a writ, order or direction in the nature of certiorari quashing the order dated 20.1.82 passed by the Opp-party no. 4 (contained in annexure-3 to the writ petition) and the order putting the petitioner off the duty after summoning the original of the same from the Opp-party no. 4.

a(a) To issue a writ, order or direction in the nature of certiorari quashing the order dated 12.1.82 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. 26, 1982.

Counsel for the Petitioner.

(8)
37 A
24

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 Shri/Smt./Kr. Onkar Nath Shukla
whose signature is given below, is suffering from ... /march
..... and is under my treatment. C.P.D.

He/She is advised rest for (5) days from 10/2/82

Onkar Nath Shukla
Signature/Thumb impression
of Patient 7/2/82

DR. R. S. SINGH
M. B. B. S. D. S. M. B. B. S.
M. B. B. S. D. S. M. B. B. S.

8: 214-071147

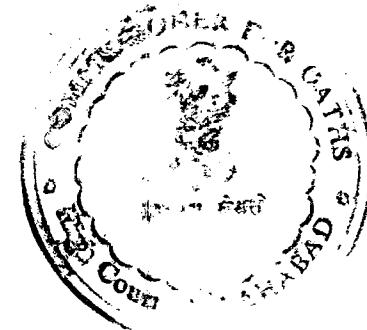
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28 A

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



21/1/1982

पारंबाद पुस्तका

29 A/26

3

कार्यालय इन्चार्ज द्वारा
की गई कार्यवाही

अन्तिम कार्यवाही
का सार

टिप्पणी

19

28/12/02/2002

28/12/02/2002

का दृश्य का प्रयोग किया गया

एलापक दृश्य द्वारा दृश्य किया गया

बहुवाक्य द्वारा है / की दृश्य की

पर दृश्य द्वारा दृश्य की दृश्य की

दृश्य दृश्य की दृश्य की दृश्य की

शास्त्रों की दृश्य की दृश्य की दृश्य की

दृश्य की दृश्य की दृश्य की

28/12/02/2002

दृश्य की दृश्य की



(9)

इन दो आनेरेवूल हैं लेट आफ जुड़े घर रेट इलाहाबाद
सोर्टिंग रेट लघुनऊ ।

रिट प्रोटीशन नं० आफ । 982

अैमर नथ शुल्क

--- प्रोटीशनर

बनाम

यूनियन आफ इन्डिया एवं अन्य --- अप० १० पार्टीज

अनेकर नं० २
=====

परिवाद पुस्तक

कार्यालय इन्वर्चर्ज बारा
को गई कार्यवाही

अन्तिम कार्यवाही
का सार

टिप्पणी

5

6

6

29-12-81
===== आज दिनांक

29-12-81 से 10-1-82 तक

का अकाला प्राप्तिना पत्र श्रोमान

सहायता डाक अधिकार महेदय

वहराइ रवाना है । भेरी अवगी

पर भेरा भाई श्रो रामनरायन

कार्यरत ने मैंचर्ज रि डे दिया है ।

चार्ज रिपोर्ट प्रेषित है ।

ह० अपठनोय

ह० रामनरायन

29-12-81

29-12-81

४.२१८९२१८९



इन दो आनेरेबुल हाई कोर्ट आफ जुडिने घर रेट इलाहबाद
सीटींग रेट लघुनउ ।

रेट धीरेन 10 आफ 1982

ओंकार नाथ शुला

--- पीटीइनर

बनाम

यूनियन आफ इन्डिया एवं अन्य

--- अपो ० पर्सीज

अनेकर नै० ३

पत्र व्यवहार-22

भारतीय डा-तार किमान

उत्तर देते समय वृप्ता
निम्न संक्षीर्ण

प्रष्ठा,

आ०१०० सुपरटेन्डेन्ट आफ पैस्ट आफिस

राजस्टड

बहराइच साउथ सब-डिवि०

बहराइच - २७१८०।

सेवा में,

ऋम संघा
ऋम मध्यापुर

श्री ओंकार नाथ शुला ऋस क्लेक्टरायस्टर मध्यापुर
वा

परसिया पौ० इंडिया बासु

बहराइच ।

20-1-82

विषय:- इस्थिर मध्यापुर का पुरा पुरा चार्ज व मिलना

आपना प्रार्थना पत्र दिनांक ।। ओंकार 12-1-82 ।

✓ आप 29-12-81 से अनियन्त्र स्थप से अपनी डियूटी से गायब हैं। आपको
अष्टम मैजुदगो में श्री रम नरायन के लाइसेंस शास्त्रा इस्पात मध्यापुर का
कार्य करते हुये पाया गया था दिनांक 30-12-81 से उन्हें 2-1-82 के हटा
दिया गया हिन्तु उन्हें ले का चलू बी०ओ० जनरल बी०ओ० एकाउन्ट जैर
दो महरें दो वाले लिये बताया है उन्हें आपने नहीं दी है।



इस सम्बन्ध में अपनी खाल चार्ट गये और अपना पता नहीं चल। साथ
 । 3-1-82 और । 4-1-82 तो आपसे श्री संय नरायन लाइन ऑवरसियर जो
 कार्य वाल शाहा हास पात मध्यपुर है, मुलायत हुये। आपसे शाहा डम्परस्क
 डम्पर मध्यपुर का चार्ट देने से इनकार किया और इसके बीच अपने
 पक्ष को लेकर शूलकी विवाद है। । 4-1-82 तो उन्हें जाप तो पूर्ण आफ दूरी भेजा
 दिया। । 2-1-82 देना दाहा जिस आपने भेजे से इनकार किया और इसी बीच अपने
 पक्ष ना पत्र वाले छुट्टो भेज दियर।
 आप अकालब श्री संय नरायन किंवा लाइन इन्वार्ट (कार्य वाल शाहा डम्पर
 मध्यपुर) से मिले उन्हें शाहा डम्पर धर वा पूरा पूरा चार्ट दें और पूट दें। उन्हें
 छुट्टो भेजा स्कोर करें। नहीं तो आवश्यक ननु नो कार्यवाहो को जोकी।
 जनता के कार्य का कुशान हो रहा है जिसको पूरी - पूरो जुनेदाहो आप को होगी।

५० अपठनोय

असिस्टेंट सुपरटेनेंट पेरस्ट अफिस
 बहर इच
 साउथ सब डिविजन
 बहर इच

संय प्रतिनिधि

क्र. २१८८१८८



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1982

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.

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

L Red brother of L

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



- 2 -

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.

21/2/1982

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:

Feb. 24, 1982.

21/2/1982

Deponent

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



Advocate's Clerk.

Solemnly affirmed before me on 24.2.82

at 11.00 a.m./p.m. by Sri Ram Narain

the deponent who is identified by Sri J. P. Guruswamy
Clerk to Sri L. P. Narayana.

Advocate, High Court, Allahabad.

R. B. Narayana
Oath Commissioner
High Court, Allahabad
Lucknow Branch

No. 291057/82
Dated 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.

Amended w.

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.

I N D E X

Sl. No.	Particulars	Page No.
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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:

(Dr. L.P. Misra)

, 1982.

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.

AB
BB

Onkar Nath Shukla, aged about 39 years, son of Sri
Snyam Sundar Shukla, resident of village Siswara,
Post Madhopur, Pargana Fakhpur, Taluk 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 ... Siddiqui, presently posted as Post Master,
District Post Office, Bahraich.
7. Satya Narain Misra, Line Overseer, Sub-Post Office,
Fakhpur, district, Bahraich.

... Opp-parties.

The petitioner, above named, most respectfully
shows 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 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. 15 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-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 Hadipur 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 ... 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 तरफानी में दुमने जपान क्लोशन निरूपण किया । तो जैल है । डिवीजन हमारा और कुछों भी तो जैर छार । मैं भी बेहृगा । "

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 Fakhpur 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 arbitrarily 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-B.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 off the petitioner off the duty is not only illegal but is also arbitrary, capricious and punitive in character.

iii) Because the post of Ex-D.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.

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 the & 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 honorable 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 noble Court deems fit and proper in the circumstances of the case.

Dated Lucknow:

(Dr. L.P. Misra)

1982.

Counsel for the Petitioner.

IN THE HON'BLE HIG. 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 Sri 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
5.2.82

Signature/Thumb impression
of patient.

Sd. Illegible
9.2.82

Dr. R.S. Singh, Officer
Distt. Hos. Bahraich.

इन दी आनंदेश्वर हाई कोर्ट आफ तुडिले घर ऐट इलाहाबाद

सीटोंग ऐट दुर्ग ।

प्रिट प्रोटेशन नं ०८९३ आफ । १९८२

जोक्कर नाथ शुक्ला

---प्रोटेशनर

बनाम

दूनियन आफ इन्हिया संव अन्य

---जोक्कर प्रार्टिंग

अनेकर नं ०२

परिवाद पूर्स्तला

कार्यालय इन्हार्ज व्यासा
की गई कार्यवाही

जहितम कार्यवाही

टिप्पणी

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२९-१२-८१

===== आज दिनांक

२९-१२-८१ से । ०१-०२ तक

जा अक्षरा प्रार्थना पत्र श्रीमान

सहायक डाक अधीक्षक महोदय बहराइ थ
रवाना है । मेरी अवनी पर मेरा भारि
श्री राम नरायन कार्यरत लो भै धार्ज दे
दिया है । धार्ज रिपोर्ट प्रेषित है ।

ह० अपठनीय

ह० राम नरायन

२९-१२-८१

२९-१२-८१

इन दी आनेवल हाई कोर्ट आफ जुडिकेचर ऐट इलाहाबाद
सीटिंग ऐट लखनऊ ।

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रिट पीटीशन नं ० ८९३ आप । १९८२

ओंकार नाथ शुक्ला

---पीटीशनर

बनाम

यूनियन आफ इंडिया संव अन्य

---अपौ ० पार्टीज

अनेकर नं ० ३

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पत्र व्यवहार-२२

भारतीय डाक-तार किमान

उत्तर देते समय कृपया

प्रेसर,

निम्न लिख्ये इ

असि ० सुपरटेनेंट आफ पोस्ट अफिस
बहराइ च साउथ साब-डिविजन

बहराइ च २७१८ ०।

रजिस्टर्ड

क्रम संख्या
एम माधोपुर

सेवा भू,

श्री ओंकार नाथ शुक्ला एक्स माधोपुर
या
एरसिया पौ ० भिलोरा बासु
बहराइ च ।
२०-१-८२

विषय :- डाकघर माधोपुर का पूरा पूरा चार्ज न मिलना

आपका प्रार्थना पत्र दिनांक ।। और ।२-।-८२ ।

आप २९-।२-८। से अनधिकृत स्य ते अपनी डियूटी से गायब हैं । आपकी
अदम नौकरी भू म श्री राम नरायन की शाखा बाकशल माधोपुर का कार्य करते हुये
पाया गया था । दिनांक ३०-।२-८। से उन्हें २-।-८२ को हटा दिया गया किन्तु
उन्होंने केवल चालू बी०५०० ० जनरल बी०५०० रकाउन्ट और दो मुहरें दी ह बाकी के
लिये बताया कि उन्हें आपने नहीं दी है ।

इस सम्बन्ध में आपकी छोज के राहे गयी और आपका पता नहीं चल सका कि १३-१-८२ और १४-१-८२ को आपसे श्री सत्य नरायन लाइन औवरसीयर ने कार्य वाहक शाहा डाक पात माधौपुर है, मुलाकात हुयी। आपसे शाहा डाकघर माधौपुर का चार्ज देने से इनकार किया और १४-१-८२ को उन्होंने आप को पूट आफ छूटी भेजा दिया। १२-१-८२ देना चाहा जिसे आपने लेने से इनकार किया और इसी बीच आपने प्रार्थना पत्र वाले छूटी भेज दिया।

आप अविलम्ब श्री सत्य नरायन मिश्न लाइन इन्वर्ज (कार्यवाहक शाहा डाकघर माधौपुर) से मिले उन्हें शाहा डाक घर का पूरा पूरा चार्ज धै और पूट आफ छूटी भेजो स्वीकार करें। नहीं तो गाव्यक कानूनी कार्यवाही की जायेगी। जनता के कार्य का नुकशान हो रहा है जिसको पूरी पूरी जिम्मेदारी आप की होगी।

ह० अष्टनीय

असिस्टेंट सुपरिनेंट पोस्ट जारीस

बहराइच

साउथ सर 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 representation 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.f. 29.12.1981 without any prior approval 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

- 2 -

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 दी अनरेटुल हाई कोर्ट आफ नुडिंग्डर रेट इलाहाबाद

सीटिंग रेट हैरेटेल्स्ट्रेट लाइन ।

रिट प्रीटीशन नं० ८९३ आफ । १९८२

ओकार नाथ शुक्ला

---प्रीटीशनर

बनाम

यूनियन आफ इन्डिया रंब अन्य

---अप० ० पार्टीज

अनेकर नं० ५

सेवा भै,

श्रीमान डाक अधीक्षक महोदय, बहराइच उपखण्ड

बहराइच ।

श्रीमान जी,

शाश्वा डाकपाल माधोपुर श्री ओकार नाथ शुक्ला जब कभी अवकाश पर जाते थे तब मैं ही कार्यरत करता था इसी प्रकार दिनांक २९।१२।८। को जब अवकाश पर नये तब डाकघर का सम्पूर्ण सही चार्ज एक्सेक्यूटिव देकर गये और ऐरर बुक पर २९।१२।८। से । ०।०।।८२ तक का अवकाश श्रीमान सहायक डाक अधीक्षक महोदय को मेरे सामने दर्ज किया और उसकी प्रतीतिलिपि तथा ऐरर बुक पर मेरे हस्ताक्षर हुए चिकित्सा डेटी एक्सेट तथा विद्या जनरल पर दर्ज करके डाक भै बांध कर मेरे दिया और उनसे मैं सम्पूर्ण चार्ज प्राप्त कर लिया और शाश्वा डाकपाल अवकाश पर चले गये और उनके स्थान पर कार्यरत था । दिनांक ३०।१२।८। को सत्य नारायण जमादार ने फैसलपुर में मुझसे कहा कि आप अपना सारा कागजात लेकर अखेमपुर गंगापुर चले आजो वहीं मेरा हैल्फवर्टर है, वहीं निरीक्षण करेंगा । मैंने कहा कि हम गंगापुर जो हमारे डाकघर से डेंड्र किलोमीटर की दूरी पर है हम सारे रिफर्ड लेफर नहीं कर जाऊँगे । ऐसा तथा कीमती रिफार्ड डाकघर के इतनी दूरी पर ले जाने से कोई चटना यदि चटे तो जाप जुम्हार न होगी इसलिये मेरे कार्यालय आकर निरीक्षण करें । मुझसे इत पर बहुत ज्यादा नाराज हो गये और कहा कि हम नहीं चाहेंगे वहीं पर कागजात ले जाना पड़ा जोकि मैं अपसर हूँ जौर कहा कि हम दुम्हारा सारा चार्ज लेकर तुमको हटाकर अप्पा देवी को चार्ज दूंगा और वहीं का पोस्ट भास्टर बनाऊँगा ।

श्रीमान जी नमादार का तथा दम्पा डेवी का जनैतिक सम्बन्ध है ।

दिनांक 31-12-81 को शाम साढ़े चार बजे निरीक्षण हेतु माधोपुर से भेरे कार्यालय जौय । भेरी छूटी 12 ले 3 ले थी । जाते ही हमको छुब हङ्काया और घमकी दी कि पुलिस आ रही है । सभी कागज अपना डे दी भेरी भेज पर बिधी एकाउन्ट बिधी जगरल तथा दो भोहरे रखी थी और सारी रिकॉर्ड पात्र ही में रखे थे उन्हें निरीक्षण किया । 30-12-81 भे भेरी भोहर छापा और एक दिन पीछे की तारीख में हस्ताक्षर करवाये और इतनी घमकी दी जिससे उनको जो सारे कागजात न दे सका क्योंकि इसी प्रकार नमादार महोदय ने बाबू राम गौड़ शाहा छाकपाल सराय जगना निरीक्षण करने गये और टेन्डवा जालपी पोस्ट में रहे वहाँ से कागज मिल वाये जिसमें सीका बैंक पी जारी को दो रसीद तथा अपनी आर्डर को रसीद पाई गयी । वह बेघारा न जान सका । बाद में निरीक्षण किया तब उसे मुजत्ती कर दिया और अपने मामा को घाँई दिया दिया । इसी शोक में बाबूराम शाहा छाकपाल की मृत्यु हो गयी और उसके बच्चे भूंदो मर रहे हैं इसीलिये इनके इस घातक व्यवहार से सारे कागजात इनको निरीक्षण में नहीं दिया ।

श्रीमान जी नमादार महोदय ने कहा कि जो हम घोड़ी और जो कर्सा वह सहायक छाक अधीक्षक की मरनी से है क्योंकि शाहा छाकपाल माधोपुर की नीचा दिल्ली है दिनांक 2-1-82 को जाकर बहराइच सहायक छाक अधीक्षक दिल्ली को दुला लाये ।

श्रीमान जी में नया आदमी था । दोनों अपनरों ने मिलकर हमको बहुत प्रेरणा किया और जो कहा कि पुलिस जा रही है । अपने सारे कागजात हमको डे दी बरना बन्द करा दींगा और तुम्हारी मिट्टी पलीद हो जायेगी और तरह - तरह जी नाजायज घमकी दी । भेरी दो भोहर बिधी एकाउन्ट तथा बिधी जगरल भेरे भेज पर रखे थी और सारे रिकॉर्ड पास ही में रखे थे । इन लोगों ने निहायत जबरदस्ती के कारण छीन लिया मैं बहुत धबड़ा गया और सारा कागजात नहीं दे सका ।

श्रीमान जी शाहा डाक्पाल माधोपुर श्री लौकार नाथ शुक्ला बहुत ज्यादा

दीमार थे और भैङ्कत पर बहराइच में दक्ष करा रहे थे । उनकी हालत गम्भीर होने के दारण सारे रिकार्ड नहीं द सका दिनांक 26-2-78 को फिल्मेस सर्टिफिकेट श्रीमान जी की सेवा में भेज दिया है और भैन की था रिकार्ड ऐसे पास से ऊहोंमें अब प्राप्त 26-2-1982 कर दिये हैं । पीटीओ 0

श्रीमान जी से प्रार्थना है कि भेरे भाई को जो रिकार्ड और कैस मुझसे ले लिये गये हैं वह किलाये जाने की कृपा करें ।

श्रीमान जी लाइन हैंसपैशर श्री सत्य नारायण मिश्न एव सहायक डाक अधिकारी महोदय बहराइच दक्षिणी के व्यवहार से भैन बहुत बड़ा अपमान किया है और मैं आपने होत्र में और समाज में जौ मेरी प्रतिष्ठा थी उसका बहुत बड़ा गहरा असात हुआ है मैं अब गहरी नींदी नगरी से बेता जाता हूँ ।

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

प्रार्थी

श्री राम नारायण शुक्ला
भूत पूर्व इंद्राज
शाहा डाक्पाल माधोपुर ।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु ।

- 1- प्रतिलिपि श्रीमान डाक अधिकारी महोदय बहराइच ।
- 2- प्रतिलिपि लौकार नाथ शुक्ला शाहा डाक्पाल माधोपुर ।
- 3- राम नारायण शुक्ला भूतपूर्व शाहा डाक्पाल माधोपुर के निवी प्रयोग हेतु ।

सत्य प्रतिलिपि

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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.

I, Onkar Nath Shukla, aged about 35 years, son of Sri Ajay Sunder Shukla, resident of village Siswara, post Madhopur, Pargana Fakhpur, Tansil 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 13, 13-A to 13-J except the bracketed portions of the writ petition are true to the best knowledge of the deponent and those of bracketed portions are believed to be true.

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

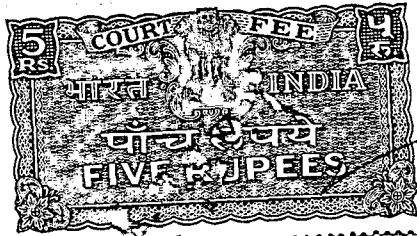
advocate, High Court, Allahabad.

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

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW.

C.M. Application No. 896 (W) of 1982.



1-12-82
1-12-82

Onkar Nath Shukla, aged about 39 years, son of Sri Shyam Sundar Shukla, r/o village Siswara, Post Madhopur, Pargana Fakhpur, 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

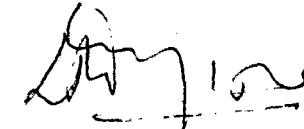
Versus

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., Mudhopur, 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:

(Dr. L.P. Misra)

Feb. 24, 1982.

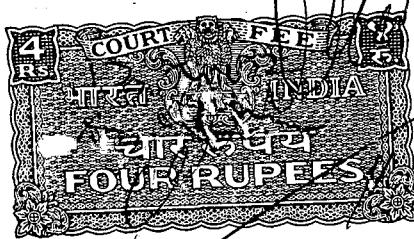
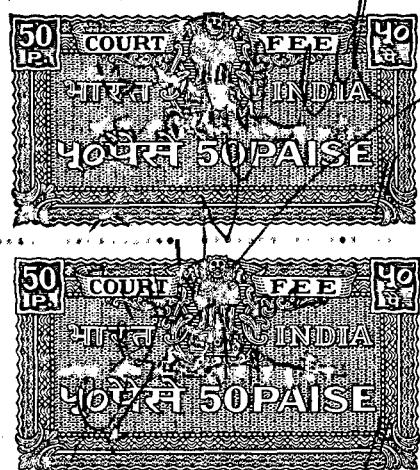
Counsel for the Applicant.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C.M. Application No. 63492 (CD) of 1982.

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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 Fakhpur, Tahsil Kaiserganj, district Bahrail.

... Applicant.

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

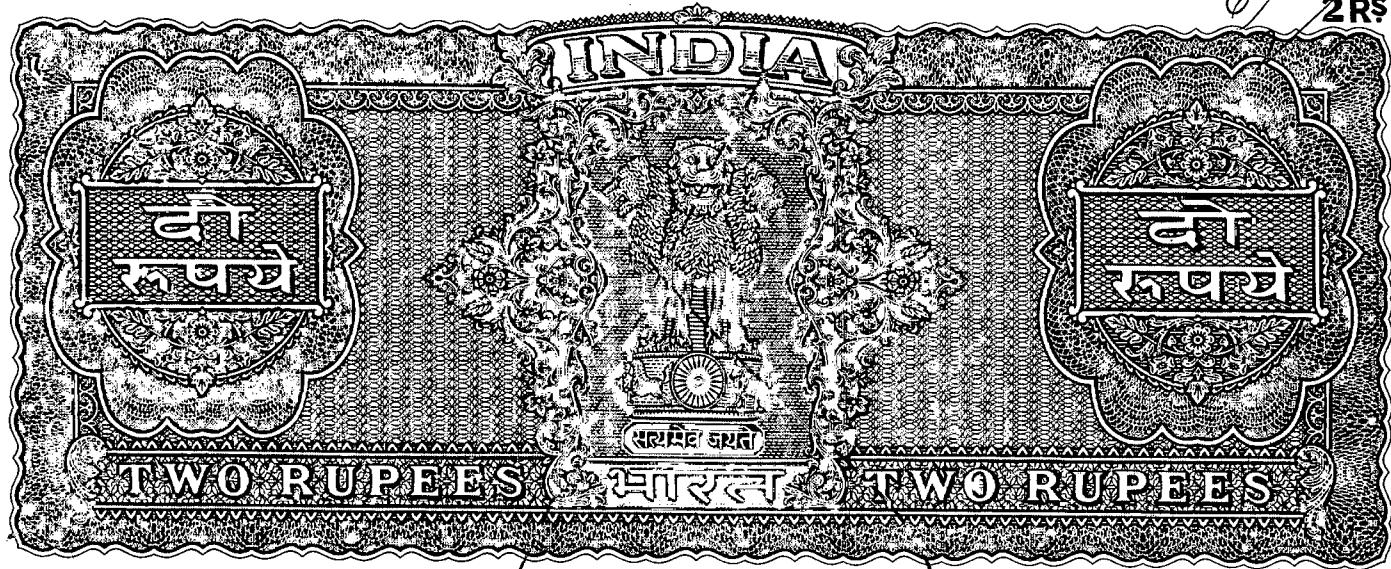
That for the facts and reasons given in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to take up the writ petition No. 893 of 1982 - Onkar Nath Shukla Vs. Union of India & others - along with the stay application on 19.4.1982 or on any other short date.

Dated Lucknow:

(Dr. L.P. Misra)

April 13, 1982.

Counsel for the Applicant.



In the Month of April 182
Date of issue -

No. No. 893 of 182

Onkar Nath Shukla - Author

as

Union of India 2018

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.

1982

AFFIDAVIT

12/323/82
HIGH COURT
ALLAHABAD

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 Fakhpur, 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.

A 6

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.

B
13/4/82

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.

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

Dated Lucknow:

April 13 1982.

Omkar 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.

Omkar Nath Shukla

Deponent

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

J. P. 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 H. C. M. A.

Advocate, High Court, Allahabad.

R. B. Faury

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.

North Central Higher
Secondary School
Lucknow

12/323/82
13/4/82

John K. S. ⁰⁰
J. M. S. B. ⁰⁰
Place on record

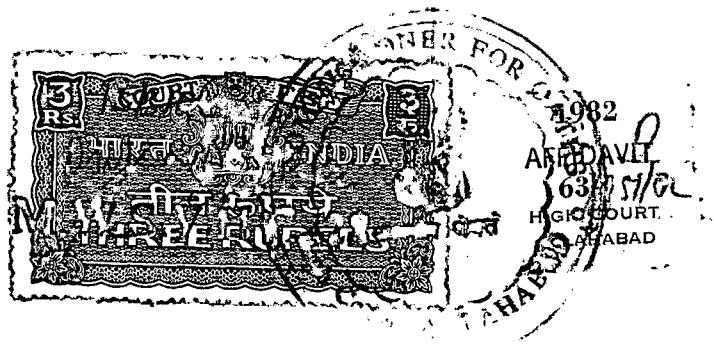
John K. S. ⁰⁰

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALAHABAD
SITTING AT LUCKNOW. 16.4.1982

SUPPLEMENTARY AFFIDAVIT

In re:

Writ Petition No. 893 of 1982.



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

1, Unkar Nath Shukla, aged about 35 years, son of Sri Sujan Sunder Shukla, resident of village Siswara, post Ilahopur, Pargana Fakhpur, Talsil Kaiserganj, district Bareilly, do hereby solemnly affirm and state on oath as under:-

Unkar 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
A
63

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 intimation, 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.

A
Tm

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 Branch Post Office Radhopur 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.

Verdict ✓

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 .. 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

Appears with Gladden



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

"Mari gairmajiri mey tumney apana commission nikalwa liyu. 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.

Answer with Subsidiary

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 diary 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

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 the substitute in place of the petitioner in the past in several occasions and no objection was ever taken. Dated Lucknow: *Omkar Nath Shukla*

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: *Omkar Nath Shukla*

March 15, 1982.

Deponent

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

Prakash
advocate's Clerk.

Solemnly affirmed before me on 15.3.82
at 11.30 a.m./p.m. by Sri Omkar Nath Shukla,
the deponent who is identified by
Sri J. R. Silvero L.L.B.,
Clerk to Sri L. P. Mital,
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. Haway
Oath Commissioner
High Court, Allahabad
Lucknow Branch
No. 63/851/82
Dated 15/3/82

63/851/82

15/3/82

26
A/67

इन दो जैनिरबुन हाई कोर्ट आफ नूडे घर एट इलाहाबा द
सिटीग एट लज्जनऊ ।

रोट पैटिअन नं० ३९३ आफ । १०२

जैनिर नाम तुला

पाटनर

बनाम

यूनियन आफ इंडिया एवं अन्य

अ० पार्टीज

जैनजर - 4

सेवा ए० ,

श्रीमूरु डा अधीक्ष्म नहोदय, जनपद बहराइच प्राष्टो
नहोदय ,

राजनय निवन है वि प्रदर्शन पद्धति के अनुसार प्राप्ति
मे० सन् १९६५ से १००४४ स० बो०पो००८८० नायक्षुरे० निर्धरत है ।
मे० दिनांक २९-१२-८१ मे० अपने स्थान पर अपने आई नेतृत्वी राज
नरथन के व्यरत करने १० दिन के अन्तरा पर गया था, प्राप्तिमत्र
आपने सेवा ए० दिनांक २९-१२-८१ मे० हो परिवार पुस्तक विवाह लेखा
मे० समूचत प्राप्ति के बाद पहले हो भेजा जा चुका है । तत् पश्चात् अपनी
जस्त्यता के लारण प्राप्ति ने दो प्राप्तिमत्र पत्र नेडिल अकाश के लिये भेडिल
सार्विकी० राहित आपने सेवा ए० रजस्ती पत्र द्वारा मे० घित दिये जा चुके है ।
इसी बोध आपना जोदा २०-१-८२ ते० दिनांक ४-२-८२ मे० रजस्ती पत्र
द्वारा ग्राहक हुआ जिसमे० अलोकन मे० छठ लिंदत होता है कि आपने मुझे
डियुटी से अलग चरने का जोदा दिनांक १२-२-८२ पारित किया है ।

मे० १९६५ से नायक्षुरे० निर्धरत हू० जोर भैनै अधीक्ष्म डा इंद्रधर
विना समूचत व्यवस्था के नहीं छोड़ा है उव्वै सभा हो गया हू० जोर अपनी
जहानिंग इरपेट फटेनस सार्विकी० के साथ प्रस्तुत रहा रहा है ।

इति ये० २०-१-८२ के जोदा के डियुटी से अलग किये



48

जैन ने । रुद्ध जो अदीरा त्रैह अवतर माप्त नहीं राया गया है । ऐसे जाननीय उच्च न्यायिकों द्वारा प्रस्तुत भी है और परार्थीतर्थों को देखते हुए माननीय उच्च न्याय ने दिनांक 24-2-82 के अदीरा पारित किया है जिसमें अपने वारो परार्थीतर्थों के अधिनियम (रेपोर्ट) के सम्बन्ध अंतर्गत उत्तरांश और के बहते हुए ऐसी व्यवस्था का संझाह बाब लगाने का अदीरा किया है ।

जैदेश्वरी नी मराठाणत मराठालिंग व अपैनेस सार्टीफिकेट साईंगे।

संलग्न है । वृप्या उच्चत वर्यदाही वरे द ध्रो संय नारायण भिक्षु ने जो चर्चि वेरे भाई से लक्ष्या एस आलम्ब प्रार्थि तो दिलवैन वा जोदा पारत वरने को लृपा वरे ।

માર્ગાંશ

ह० ओं रामाय रुक्मि
शाजा डॉपल, माधवपुर ।

बहुउच्च 25/26-2-32

प्रातार्निप निधन ने सूचनापूर्व एवं आदर्श नियम होते ग्रेवित :-

- १- श्रोमान पैर्स्ट गार्टर जनरल, २०पी० मर्ति लघुनउ ।
- २- श्री नान डाम अधीक्ष्म, ~~क्लियान्सिस्ट्सन्सन्डहास्ट्सन्स्ट्रुच्युल्यस्ट्स~~ महेदय, जनपद बहराइच मण्डण्ड ।
- ३- श्री नान सहाय अधीक्ष्म एहेदय, बहराइच (दक्षिण) ।
- ४- यानजा सेन्टरी डाम व. लैटर (क्लाग, बहराइच मण्डण्ड) ।

三

३० ओंकार नाथ शक्ति

$$26 - 2 = 24$$

Overwachschulde

इन दो अैनेरे बुल हाई ट्रैट अपैं जूड़े दर रट इलाहाबाद
सर्विं रट लखनऊ ।

रोट पर्टिशन नं० 893 अप्रै 1982

जैंपर नगर शुक्रलाल

पर्टिशन

बनाम

योनियन अपैं, इल्ला अन्य

अ० पा०

जैनजर - 5

श्री जैंपर नगर शुक्रलाल
शू० प० शाहा डाक्टरल नायोपुर
(फलारपुर) बहराहच ।

पत्र सं० ए/अ ९/मायोपुर/८१ ८२ बहराहच । ६-२-८२

तिथ्य - शाहा डाक्टर नायोपुर ने चार्ज अपैं आदान प्रदान ने
स्वन्य में ।

शतक द्वारा आपैं सूचित किया जाता है कि सहाय डाक्टर
नायोपुर द्वारा बहराहच ने अपने पत्रों दिनांक । ३-२-८२ के अनुसार
इस नगरालय को सूचित किया है कि डाक्टर नायोपुर वर्षाहल
शाहा डाक्टरल नायोपुर के अत्ता भी शाहा डाक्टरल का सम्पूर्ण चार्ज नहीं
माल है पर्याप्त योग्यातः डाक्टर नायोपुर का बचत बंड, मनोडार
इनर हॉस्पिटी दूजे का कर्य विस्तृत बन्द है, जिसे आप व्यतिगत स्थ से
जिमेदार है क्योंकि आपने रेक्क्या से अपने स्थानापन्न वर्षाहल शाहा डाक्टरल
राम नरायण ने हो डाक्टर नायोपुर का सम्पूर्ण चार्ज नहीं दिया था
जिसे कि (श्री राम नरायण से) सर्वान्वित डाक्टर का चार्ज डाक्टर नायोपुर
फलारपुर के प्राप्त हुआ कहे ।

अतः आपने हिंदू की जाती है कि आप शाहा डाक्टर नायोपुर
का संपर्क चार्ज श्री संयोगाराया (वर्षाहल शाहा डाक्टरल) के प्रदान नहीं भी व्यक्त्या
कर दें, अन्यथा हैनूलो क्रागोय हाँन के सम्पूर्ण जिमेदारी आपको है शी ।
यह अन्यन्त आवश्यक है ।

५० अपठनेय/ अधीक्षण पोष्ट अफिसेज
बहराहच डिव्हिजन ।

इन दो अनेक बुल हाई ने ए आप गूडे चर एट इलाहा बाद

सिंदंग एट लखनऊ ।

रीट प्रैरिशन नं० 893 आफ । 982

बैंगर नदी शुला

थोर्डनर

बनाम

गुनयन आफ इडिया ए अन्य

ग० पा०

अनेकर - 6

श्री मान डाः अधीक्षण साहब महोदय,
काशग बहराइच, स-बडिंजन ।

सेवा में ,

श्रीमान जो आपके आदेत दिनांक । 6-2-82 जिसे तुम दिनांक
। ३-३-८२ के प्राप्त कराया गया है ते सर्वस्य में दिना तिव्वदन है ते
दिनांक । २५-२-८२ ते भेडिल अलाहा पर आ और दिनांक । २६-२-८२
ते ते अपने कायानंग एर्पेट फिटनेश सार्किफेट ते सभि प्रस्तुत चर दो है ।

श्री मान जो ऐसो प्राक्षात्यों मेरे कृवारा अब चर्य दियं जाने चाहे है
प्रस्तुत नहीं उठता है । मुहु यथावत चर्य अर्ने दिया जावे ।

जोड़ा दिन । । ६-२-८२ ते सन्दर्भ मेरपेट जप्लेसनर्थ
जावस्क चर्य लाहो हेतु प्रस्तुत है ।

Malleshwarkar

प्राप्ति

ह० बैंगर नाम इक्सा

शाखा डाः पाल माधोपुर

र/श्री फल्लपुर, गाम सिसवारा

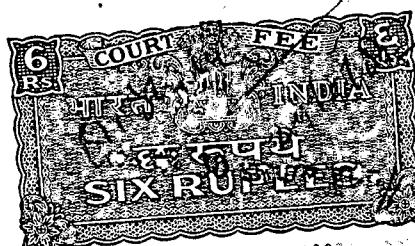
प० माधोपुर वाया पारपुर

त्रिपुर - बहराइच

दा० । ३-३-८२

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

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..... App. Parties.

Application for Amendment of Writ Petition.

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

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

Onkar Nath Shukla



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 :-

Amarnath Shukla
"मेरी गैर हाजिरी में तुमने अपना कमीशन निकलवा लिया। ठीक है। डिवीजन हमारा और मुर्गा कोर्ह और छास। मैं भी देखूँगा।"

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



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.

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



Mohammed Shabek

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 Fakhpur 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 :

Amrit Nath Shukla

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

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 ~~advised~~ ^(relied) 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."

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."

Prayer

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.


Om Prakash Shukla

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALIA HASAD,
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 L.W 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~~ representation 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 (~~px~~ The representationist has been absent from duty w.e.f. from 29.12.1981 without any prior approval 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 representationist 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

24/2/82

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,

शासा डाकपाल माध्यपुर श्री बाँकार नाथ शुक्ला जब कभी अवकाश पर जाते थे तब मैं ही कार्यरत करता था इसी प्रकार दिनांक २६-१२-८९ को जब अवकाश पर गये तब डाकघर का समूर्ण भासही चार्ज मुफ्को देकर गये और ऐरे बुक पर २६-१२-८९ से ३०-१-८२ तक का अवकाश श्रीमान सहायक डाक अधीक्षक महोदय को मेरे सामने दर्ज किया और उसकी प्रतिलिपि तथा ऐरे बुक पर मेरे हस्ताक्षारहुए जिसको डेली स्काउन्ट तथा वियो जनरल पर दर्ज करके डाक में बांध कर भेज दिया और उनसे मैं समूर्ण चार्ज प्राप्त कर लिया और शासा डाकपाल अवकाश पर चले गये और उनके स्थान पर कार्यरत था। दिनांक ३०-१२-८९ को सत्य नारायण जमादार ने फलारपुर में मुफ्क से कहा कि आप अपना सारा कागजात लेकर गंगापुर चले जाओ वहीं मेरा हॉक्वार्टर है, वहीं निरीक्षण करेंगा। मैंने उहा कि हम गंगापुर जो हमारे डाकघर से डेढ़ किलोमीटर की दूरी पर है हम सारे रिक्ड लेकर नहीं आज़गंगा। कैशबूथ कीमती रिक्ड डाकघर के इतनी दूरी पर लेजाने से कोई घटना यदिवहे तो आप जुम्हेदार न होंगे इसलिये मेरे कार्यलय आकर निरीक्षण करें। मुफ्क से 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 दूँगा और वहाँ का फ्लॉपोस्ट पास्टर बनाऊंगा।

24/15/R

Onkar Nath Shukla

श्रीमान जी जमादार का तथा चम्पा देवी का अनैतिक सम्बन्ध है दिनांक ३१-१२-८१ को शाम साढ़े चार बजे निरीक्षण हेतु माधौपुर से मेरे कार्यालय आये। मेरी ड्यूटी १२ से ३ तक थी। आते ही हमको खुब हँड़काया और घमकी दी किसुलिस आ रही है। सभी कागज अपना दे दो मेरी मेज पर वियो स्काउन्ट विया जनरल तथा दो मौहरें रखी थी और सारी सिक्के पास ही मैं रखे थे उन्होंने निरीक्षण किया।

इ ३०-१२-८१ में मेरी मौहर छापा और एक दिन पीछे की तारीख में हस्ताचार करवाये और इनी घमकी दी जिससे उनकी जो सारे कागजात न दे सका क्योंकि इसी प्रकार जमादार महोदय ने बाबू राम गौड़ शासा डाकपाल सराय जगना निरीक्षण करने गये और टेन्डवा आलपी पोस्ट में रहे वही से कागज मंगवाये जिसमें सेविंग बैंक के पी० आर० को दो रसीद तथा अपनी आर्डर को रसीद फाड़ लिया वह बेचारा न जान सका बाकी में निरीक्षण किया तब उसे मौछल कर दिया और अपने मामा को चार्ज दिला दिया। इसी शोक में बाबूराम शासा डाकपाल की मृत्यु हो गयी और उसके बचों मूलों मर रहे हैं इसीलिये इनके हस घातक व्यौहार से सारे कागजात इनको निरीक्षण में नहीं दिया।

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

श्रीमान जी मैं क्षमन्त्रम् न्या आदमी था। दोनों बफसरों ने मिलकर हमको बशुत परेशान किया और जा बेजा कहा कि पुलिस आ रही है। अपने सारे कागजात हमको दे दो वरना बन्द करा दूंगा और तुम्हारी मिट्टी पलीद हो जाये गी और इसके तरह तरह की नाजायज घमकी दी। मेरी दो माहर वियो स्काउन्ट तथा वियो जनरल मेरे मेज पर रखे थे और सारे रिकार्ड पास ही मैं रखे थे। इन लोगों ने निहायत जबरदस्ती के कारण छीन लिया मैं बहुत ही घबड़ा गया और सारा कागजात नहीं दे सका।

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

हालत गम्भीर होने के कारण सारे रिकार्ड नहीं के सका दिनांक २६-२-७८ को फिटनेस स्टीफिकेंट श्रीमान जी की सेवा में मैं भेज दिया है और मैंने वर्क था रिकार्ड मेरे पास से उन्होंने जब प्राप्त २६-२-७९८ कर दिये हैं। पी००टी०ब००

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

श्रीमान जी लाइन इंस्पीक्टर श्री सत्य नारायण विश्वा एवं सहायक डाक अधीक्षक महोदय बहराइच दक्षिणी के जब व्यवहार से मेरा बहुत बड़ा अपमान किया है और मैं अपने दोनों में और समाज में जो पेरी प्रतिष्ठा थी उसका बहुत बड़ा गहरा बाद्दात हुआ है मैं जब गहरी नीची नजरों से लेखा जाता हूँ।

श्रीमान जी मुझे बहुत बड़ा आत्म ग्लान है और बहुत बड़ा मानसिक लेद 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

मूतपूर्व इंद्राजी

शाला डाकपाल माध्मीपुर।

प्रतिलिपि निम्नलिखित को सूचनार्थी एवं

२७-२-८२

बावश्यक कार्यवाही हेतु :

१- प्रतिलिपि श्रीमान डाक अधीक्षक महोदय बहराइच।

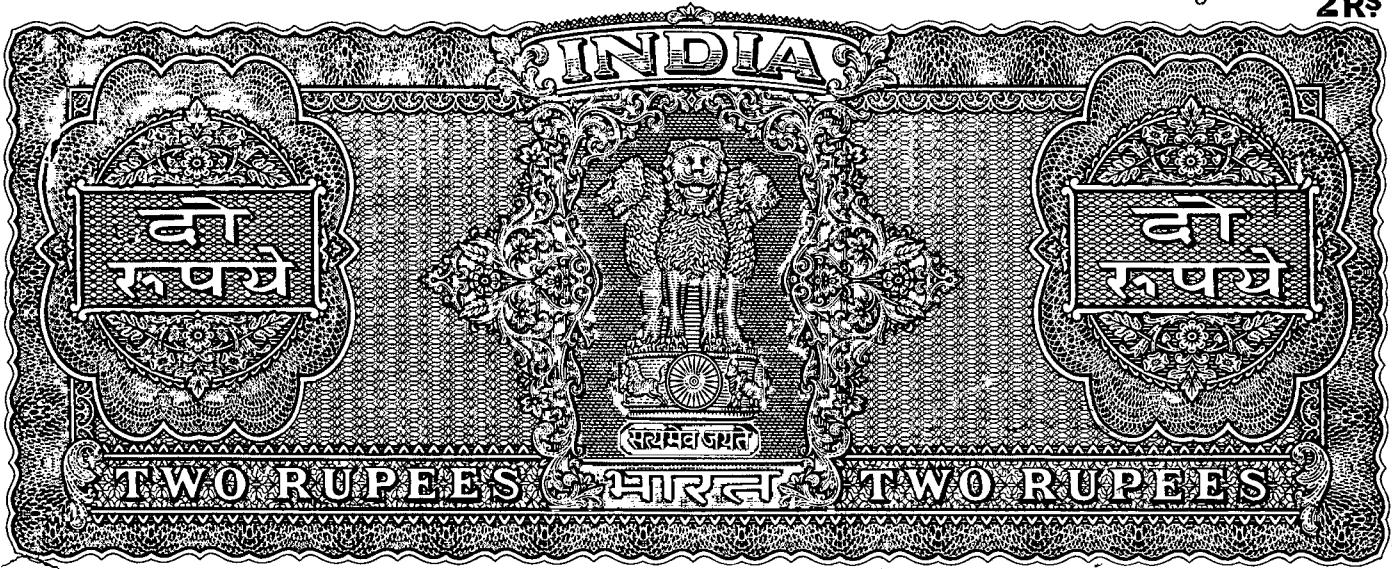
२- प्रतिलिपि बोंकार नाथ शुक्ला शाला डाकपाल माध्मीपुर

३- राम नारायण शुक्ल मूतपूर्व शाला डाकपाल माध्मीपुर के निजी प्रयोग हेतु।

सत्य प्रतिलिपि

Omurath Shukla

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In the Small High Court

of Judicature at Allahabad

Sitting at Luck

W.L. No. 093 of 1902

Dorhan Nath Shukla

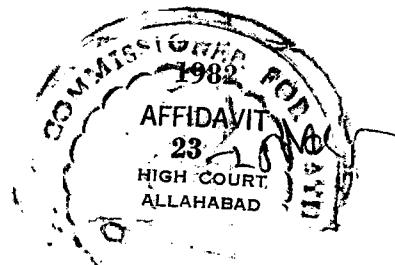
v.

Amrit Nath

Dorhan Nath Shukla

A 83 8/13

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 Syam Sunder Shukla, resident of village
Biswara, Post Madhopur, Pargana Fakhpur, Tahsil
Kaiserganj, district Bahraich, do hereby solemnly
affirm and state on oath as under :

Onkar Nath Shukla
24/10/10

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.

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.

Om Prakash Shukla
Deponent.

Om Prakash Shukla
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.

Om Prakash Shukla
Deponent.

I identify the deponent who has signed before me.

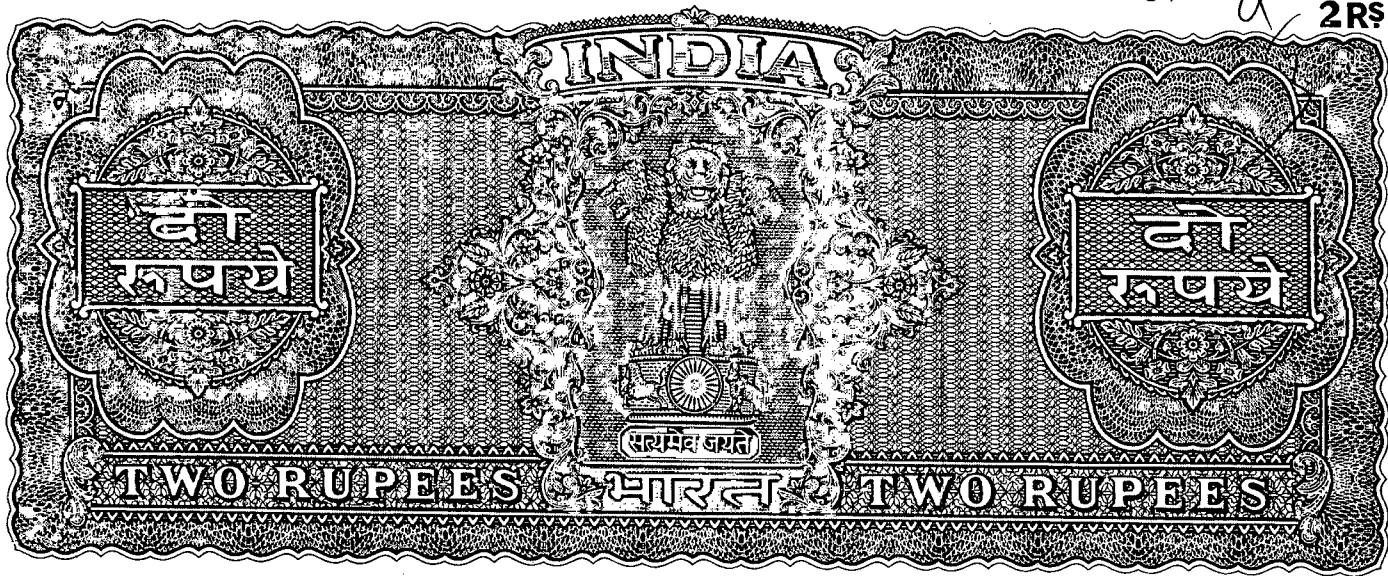
Om Prakash Shukla
Advocate.

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

Sri *P. Tewari*
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.

Om Prakash Shukla
Prabhakar Tewari
OATH COMMISSIONER
High Court, Lucknow
S. No. 23-250182
Date 24/5/82



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

Omkar Nath Chakla

— Relation

— B.

Union of India, Qetia

— Proprietary

AFFIDAVIT

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

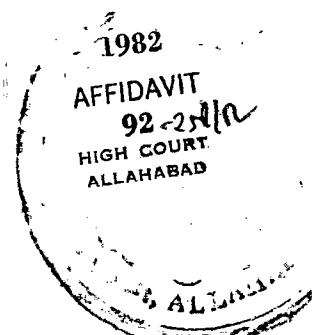
AFFIDAVIT

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 ~~Shyam~~ Shyam Sundar Shukla, resident of village Siswara, post Hadhopur, Pargana Fakhpur, Tansil Kaisenganj, district Bijnor, 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.



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, Radhopur, 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.

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.

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.

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.

Dated Lucknow:

Sept. 22, 1982.

Deponent

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

Advocate's Clerk.

Solemnly affirmed before me on 22.9.82
at 8.35 a.m. / p.m. by Sri Omkar Nath Shukla
the deponent who is identified by Sri J.P. Sinha
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.

4- निवास स्थान :- अधिकारी को उसी मूल गवि का निवासी होना चाहिए, जहाँ पर डाकघर स्थीकृत हुआ है।

5- जाति :- अद्वृत्तित जाति, अद्वृत्तित जन जाति तथा विछड़ी जाति के अधिकारी को सभा अधिकारी द्वारा जाति का प्रमाण पत्र संलग्न करना आवश्यक है। बिना प्रमाण पत्र के उनको उस को जाति को नहीं माना जायेगा। भूतपूर्व सेनिक अपना प्रमाण पत्र प्रस्तुत करें।

6- जन्य :- अधिकारी को जनता के द्वारा घटन किये गये किसी भी पद पर जासीन नहीं होना चाहिए।

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

हरी अपठनोंच
अदीकार डाकघर
बहराइच प्रदण्ड बहराइच।

प्रतिलिपि प्रचारार्थ निम्न को व्येषित :-

- प्रधान गवि सभा माधौपुर डाकघर फ्लारगुर निला बहराइच।
- धानाष्ठा कालिपुर डाकघर फ्लारपुर निला बहराइच।
- निरीकाल डाकघर बहराइच दक्षिणी उपज़ण्ड।
- उप डाकपाल फ्लारपुर बहराइच।
- सूचना पट बहराइच प्रदण्ड।
- स्थापना जनुभाग बहराइच प्रदण्ड।
- डाकपाल बहराइच की सूचना पट पर लगाने हेतु।

सत्य प्रतिलिपि

22.9.5

इन दी आनंदपुल शाई कॉर्ट आफ नुडिकेर ऐट इताहाबाद

सीटीम ऐट लखनऊ ।

रिट पीटीशन नं० आफ । 982

जीवार नाथ शुक्ला

--- पीटीशनर

बनाम

यूनियन आफ इन्डिया एवं अन्य

--- अपील पार्टीज

अनेक नं० ५(ए)

शारतीय डाक तार विभाग

कार्यालय अधिकारी डाक तार, बहराइच प्रदूषण

बहराइच २७/८०

दापन रेख्या :- रु० ३१.९/माघपुर/८२ दिनांक बहराइच २-९-८२

सूचना

सर्व साधारण को सूचित किया जाता है कि शाखा डाकबार माघपुर जै कि लेखा कार्यालय फ्लरपुर कैसरगंज निला बहराइच के जन्तर्मत है के लिए एक शाखाडाकमाल को । ३१-०० ल्याय मासिक भत्ते पर आवश्यकता है । जै व्यक्ति उक्त यद के लिए अधिकारी हो वे अपना प्रार्थना पत्र लैगत प्राप्ति में पूर्ण विवरण देते हुए डाक अधिकारी, बहराइच ऐट बहराइच को दिनांक २३-९-८२ के पहले अवृद्धि दे दें । दिनांक २३-९-८२ के बाद प्राप्त जावेदन पत्र पर कोई विचार नहीं किया जायगा । प्रार्थनापत्र भेजते समय निम्नलिखित आवश्यक शर्तों पर अवश्य ध्यान रखा जाय :-

- : आवश्यक शर्तेः -

१- ईमिक यैसयता :- अधिकारी को कम से कम वर्षा ४ (आठ) उत्तीर्ण होना चाहिए ।

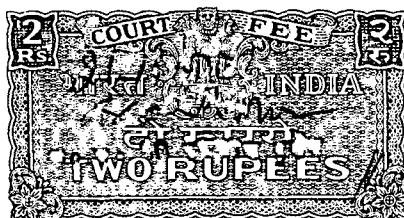
२- आयु सीमा :- अधिकारी की आयु (प्रार्थना पत्र के इस कार्यालय में प्राप्त होने की अन्तिम तिथि को १८ वर्ष से कम व ६० वर्ष से अधिक नहीं होनी चाहिए ।

३- मासिक जाय :- अधिकारी को अपने निजी नाम को मासिक आय चल-जचल सम्पत्ति के लिए ध्वसरा व्यापार प्रस्तुत करनी चाहिए । इस सम्बन्ध में जचल सम्पत्ति के प्रमाण पत्र के लिए ध्वसरा व छत्तौनी को नकल तथा चल सम्पत्ति हेतु स्काम राजस्व अधिकारी का प्रमाणित पत्र संलग्न दरना चाहिए ।

22.9.82

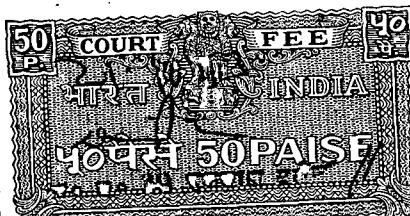
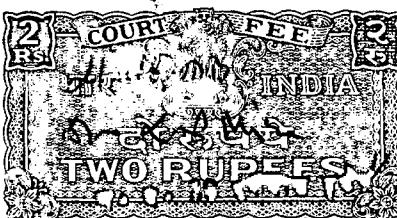
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93

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD



SITTING AT LUCKNOW

C.M. Application No. 11798 (W) of 1983.



Unkar Nath Shukla, aged about 39 years, son of Sri Chyam Sundar Shukla, resident of village Si swara, post Madhopur, Pargana Fakhpur, Tahsil Kaiserganj, district Bahraich.

3

11798

... 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.

Inre:

Writ Petition No. 693 of 1983.

Unkar Nath Shukla

... Petitioner

versus

Union of India and others

... Opp-parties.

APPLICATION FOR INTERIM RELIEF.

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

6/2/16/83

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.

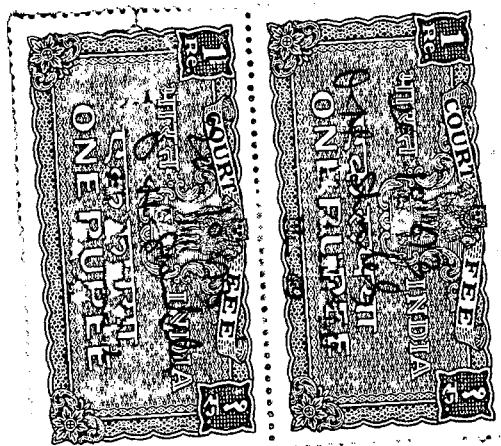
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95

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

AFIDAVIT

IN

Writ Petition No. 893 of 1982.



1983
AFIDAVIT
W 73
HIGH COURT
ALLAHABAD

Onkar Nath Shukla ... Petitioner

Versus

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

✓ 28/1/83

I, Onkar Nath Shukla, aged about 39 years, son of Sri Shyam Sundar Shukla, resident of village Siswara, post Nadiopur, Pargana Fakhpur, 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 ~~Onkar Nath Shukla~~ writ petition are true to the own knowledge of the deponent. -

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 bhabraich.

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.

✓
✓+13

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

Chander Nath Shukla

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- 3 -

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 ~~writ 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 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

By/Your Math Shukla

Or

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copies of the said two applications sent on 12.10.83 as aforesaid, under registered post are being annexed herewith as Annexures 3 and 4 respectively to this ~~waist petition~~ affidavit.

7. That every Extra Departmental Agents having worked for 3 years as such is entitled under the procedure prescribed under the instructions issued by the Director General, P&T, New Delhi, for appearing in the written test.

8. That the persons who are much junior to the petitioner have already been called for appearing in the written test but the petitioner has been excluded.

9. That the petitioner is the Secretary of a registered union of Extra Departmental Agents known as National Union of Extra Departmental Agents, bahrain Division. This union is recognised by the Post Master General of Uttar Pradesh.

✓ 20/4/83

10. That the maximum age limit for absorbing the candidates of the Extra Departmental Agents as regular departmental employees is 42 years and the petitioner is to complete 40 years of age as his date of birth as mentioned in his Service Record is 16.9.43. The said examination for absorbing the Extra Departmental Agents as regular departmental postal employees was held 3 years before. It is only because of the earlier, the putting the petitioner in the ~~waist~~ ^{the} duty, which ~~waist~~ is imposed in the ~~waist~~, the petitioner has not ~~waist~~ that being aggrieved and having no alternative been called to appear in the ~~waist~~ written test.

Omarnath Shukla

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A/99

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

Dated Lucknow:

Oct. 20 1983.

Omkar Nath Shukla

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:

Oct. 20 1983.

Omkar Nath Shukla

Deponent

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

M. M. Rahman
Advocate's clerk

Solemnly affirmed before me on 20-10-83
at 10 a.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.

01/01/1983
(M. M. Rahman)
JUDICIAL COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 1029/23
Date 20/10/1983

8/10
A/100

इन दो आनंदेशुल हाई बोर्ड जाफ जुड़िके घर ऐट इलाहाबाद

स्टोरेंज ऐट लद्दनऊ ।

स्टोरेंज ऐट लद्दनऊ । जाफ । 983

ओंकार नाथ शुक्ला

--- प्रीटोशनर

दनाम

यूनियन जाफ इंडिया जादि

--- अपौरो पार्टीज

जनेश्वर नं० ।

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य० प० स०

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श्रीमान डॉ अच्युत साहव महोदय

वहराइच मठल,

वहराइच ।

मुहर

दारा ०

ओंकार नाथ शुक्ला

शाला डाक्याल भाष्योपुर

जनपद- वहराइच

दि० ४-८-८३

Chittormath Shukla

मितिलिपि

10/10

पीड़ थेन वर्ष में :- पदोन्नीत हेतु परोक्ष के लिए आवेदन पत्र

A/101

1- धर्मधारो का नाम, पद तथा - डॉक्टर नाथ शुल शास्त्री डॉक्टरल
पार्श्वालय का नाम - वार्षीपुर, शास्त्रा इन्स्थर वार्षीपुर ।

2- जन्म तिथि - 16-9-43

3- लगतार नीकरो की तिथि - 18 वर्ष 15 दिन

4- दिनांक 1-7-82 की दुल जाय - 39 वर्ष 18 महीना 15 दिन

5- दिनांक 1-7-82 की दुल लगतार सैका - 18 वर्ष 15 दिन

6- जाति अनुसूचित, जनताति (जन्य जाति) - वाहमप

7- डॉक्टर नाथ शुल
धर्मधारो के इस्तम्भ
दिनांक 4-8-83

Om dasrath shukla

इन दो आनंदपुल फाई कौर्ट आफ नुडीकी घर ऐट इलाहाबाद

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सीटींग ऐट लक्जर्स ।

रिट प्रोटीशन नं० आफ । 98 3

ओंकार नाथ शुक्ला

--- प्रोटीशनर

एनाथ

यूनियन आफ इंडिया गार्ड

--- अपोर्ट पार्टीज

अन्नपूर्ण नं० 2

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यू० पी० फी०

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श्रीमान डॉ अद्वेष्ट क साहब महोदय

यहराइघ मउल,

यहराइघ ।

मुहर डाक

८ दिसं ०

ओंकार नाथ शुक्ला

साथा डाकपाल मौजौपुर

जनपद- यहराइघ

त१० ४-८-८३

Omkar Nath Shukla

कर्ता द - परीक्षा के लिये जावेदन पत्र

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103

1- कर्मचारी का नाम-पद तथा जैकार नाथ शुला
कार्यालय का नाम - शहदी डल पाल मालापुर
पट्टरपुर- बहराइच ।

2- जन्म तिथि - 16-9-1943

3- लगातार नीकरो दीह तिथि - 18 वर्ष 15 दिन

4- दिनांक 10-7-82 की दुल आयु - 39 महिना 10 दिन

10 15

5- दिनांक 1-7-82 की दुल लगातार सेवा - 15 दिन 18 वर्ष

6- जाति जनुसूचित, जनजाति (अन्य जाति) - ब्राह्मण

70 जैकार नाथ शुला
कर्मचारी के हस्ताक्षर
दिनांक 4-8-83

नियुक्त अधिकारी द्वारा संकुलित

Mr. S. M. Shukla

इन दो जानेरेतुल फाई कौट आफ मुठिबे घर ऐट इलाहाबाद

सेटींग ऐट लड्डनऊ ।

रिट पोटेशन नं० ० आफ । ०८ ३

जोंकार नाथ शुला

--- पीटीसनर

एनव

यूनियन आफ इन्डिया आदि

--- अपो० पार्टीज

अन्नजर नं० ३

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श्रीयान छुट अद्येता महोदय, डल तार प्रियग

दहराइच, प्रद्यु- दहराइच ।

मान्यवर,

सीधा धैः-

निधेदन है कि प्रार्थी को पता छला है कि पीस्ट भेन का भैं परेज्जा
हेतु पुण लौगीं से ज्ञम तेथि जैर तातार कर्य करने पर प्रमाण पत्र मांगा गया है ।

भेने भी परेज्जा के लिए जावेदन पत्र भेजा था परन्तु आश्वर्य है कि मेरा इस लिस्ट में
नाम नहीं है ।

अतः निधेदन है कि मेरा नाम थो इस लिस्ट में सामिल किया जाय ।

प्रार्थना पत्र की एक प्रतिलिपि भैं पुनः संलग्न कर रक्षा है । एसके लिए कही कृपा होगी ।
यदि मेरा नाम सामिल नहीं किया जया तो भैं जगली परेज्जा में ओवर ऐज हो जाने
की घगह से दौघित हो जाऊंगा । अतः मेरे इस प्रार्थना पत्र पर विशेष ध्यान देने की
कृपा की जावे । मझन कृपा होगी ।

प्रार्थी
४० जोंकार नाथ शुला
(जोंकार नाथ शुला)
शाहा डायल मायवपुर दहराइच ।
दिनांक । २०। ०८ ३

Charnath Shukla

C A - 1
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,

Circuit LUCKNOW BENCH, LUCKNOW.

..... W.P. No. 893 of 1982

T.A. No. 1028 - 87(1)

(25)

4
108

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 Respondent 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. Respondent.

LUCKNOW : DATED :

26.4. 1988.



(V. K. CHAUDHARI)
Advocate

Counsel for Respondent

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.....

१०/१३
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105
इन की आनंदपुल फाई पोर्ट आरु गुडिके घर ऐट इलाहाबाद

सोटींग ऐट लघनऊ ।

रिट फोटोशॉन नं० ० गाफ । ९८ ३

जौंकार नाथ मुला

--- पोटोश्नष्ट

धनाद

यूनियन आरु इंडिया गार्ड

--- अप०० पार्टी

जनजर नं० ४

श्रीमान डॉ जयेन्द्र महोदय, डॉ तार किशन, वहराइच मछड-वहराइच ।

मात्यवर,

सेवा में :-

निषेद्धन है कि मार्थी को पता चला है कि बींदू परीक्षा हेतु कुछ

लोगों से ज्या तिथि और लगतार कार्य करने का प्रमाण पत्र आंगन गया है। भैने
की परीक्षा के लिए आवेदन पत्र भेजा था परन्तु आवध्य है कि भेरा इस लिस्ट में नाम
नहीं है।

जतः निषेद्धन है कि भेरा नाम भी इस लिस्ट में सामिल हिया जाय ।

मार्थना पत्र को एक प्रतिलिपि में पुनः संलग्न कर रहा है। इसके लिए दो कृपा होंगी ।

यदि भेरा नाम सामिल नहीं हिया जाया तो भै अगली परीक्षा में औवर ऐज हो जाने की
वजह से बीचत हो जाएगा। अतः मेरे इस मार्थना पत्र पर क्षेत्र ध्यान देने की कृपा
की जाए । महान कृपा होगी ।

ग्राही

४० जौंकार नाथ मुला
(जौंकार नाथ मुला)

शास्त्र डाकपाल मायवपुर वहराइच ।

दिनांक । २०। ०८। ३५०

Parasuramakrishna

High Court of Judicature at Allahabad
ब यद्वालत श्रीमान लिंग नदेश्वर महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दा बोहा)

का वकालतनामा



Chukar Nalhi Shukla

वादी (मुद्दे)

बनाम

Union of India vs

प्रतिवादी (मुद्दा बोहा)

106

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री Mr. A. F. Musa

R. H. Sarker

एडवोकेट

महोदय
वकील

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

Chukar Nalhi Shukla

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

१९ ई०

B3

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

TA/1028/87

S AF 107

O.N. Shukla

- VS - Union of India & others

APPLICATION FOR DISPOSAL OF THE CASE.

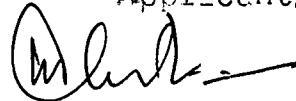
The Respondents/Applicants beg to submit as under:-

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'Applicant,

Lucknow,

Dated: 23 Jan 1988.

A2

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

Memo No. A-319/Madhopur/03-04 Dt. at Brh the, 3-1-84 109

copy attested
D. P. S.
Q. V.

Shri Unkar Nath Shukla ED BPM 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 Unkar 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 (Allahabad Bench)

23-A Theophilus Road, Allahabad 211001.
Gandhi Bhawan, Lucknow

(B2)

A To 9

REGD.

LKO
No./CAT/ALD/

Dated 198

Transfer Application No. 1020

of 1987 (T)

Omkar Nath Shukla APPLICANT

VERS VS

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

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

Adv. P. No. 893 of 1982
of the Court of High Court

arising out of the order dated

The Tribunal has fixed the

date of 10/7/1987 for filing Reply

the hearing of the matter.

If no appearance is made on your

behalf by yourself, your pleader
or by some one duly authorised to
act and plead on your behalf,

the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal on
the 27 day of 5 1987

DEPUTY REGISTRAR

Central

26/8