

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA. 1066/87
WP. No 355/82 OF

NAME OF THE PARTIES ... Kajshna Kumar Singh Applicant

Versus

..... V.P.S. Sars. Respondent

Part A.

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CERTIFICATE

Certified that no further action is required to take and that the case is fit for consignment to the record room (decided)
to this file removed from record room without Botes

Checked by Dated 03/10/11.....

Counter Signed.....

[Handwritten Signature]
11/10/11

Section Officer/In charge

[Handwritten Signature]
Signature of the
Doping Assistant

ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE 1066/88(D) of 1988(L)

NAME OF THE PARTIES _____

Shri K. K. Singh Applicant

Versus

Union of India & RespondentPart A, B & C

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CIVIL
 CRIMINAL SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 3551-82

Name of parties..... Koushna Kumar Singh

Date of institution..... 30-7-82

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
					Rs. P.			
	1-	W.P. with Annexes and affidavit	18-	-	102-00			
	2-	Power	1-	-	5-00			
	3-	Contn. 717064 of 82 for Shy	2-	-	5-00			
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	6-	order sheet	2-	-	-			
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I have this

day of

198

examined

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

Date.....

Munsarim
 Clerk

(13)

23.5.88.

Hon. Ajay Johri, Am
Hon. G. S. Sharma, JM

Sri G. S. Tewari for the applicant
and Sri V.K. Choudhary for the Union of
India are present. Sri Choudhary wants
some more time to produce certain
papers (enquiry proceedings) which he
has not been able to procure today.
This case be listed for final hearing
on 19.7.1988.

~~3~~

Am

JM

23.5.88

very

(14)

19-7-88

Hon. Ajay Johri, Am.

Sri G. S. Tewari for applicant.

Let this case for 22-7-88
for final hearing.

Am

~~3~~

Am

(15)

22-7-88.

Hon. Ajay Johri, Am.

On the request of the learned
counsel for the parties the
case is adjourned to

20-9-88.

Am

~~3~~

Am

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10.9.00

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No sitting. On the request of the parties
the case is adjourned upto 25-11-00
for hearing.

7

25-11-00.

Hon. D. S. Mishra, Jm.
Hon. G. S. Sharma, Jm.

Sri C. S. Tewari for applicant
Sri V. K. Chaudhary for respondents.

Arguments heard.

Judgment reserved.

Jm.

Jm.

8

By 30/11/09

Hon. D. S. Mishra - Jm.
Hon. G. S. Sharma - Jm.

It seems necessary to
re-hear the arguments of the
parties. List this case for
rehearing after one month at
Lucknow after due notice to
the learned counsel for the
parties.

Jm.

Jm.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

A/4 3

REGISTRATION No. 1066/87(T) of 198 .

APPELLANT
APPLICANT

K.K. Sinbh

VERSUS

DEFENDANT
RESPONDENT

Union of India & ors

A/5

Sl number of order and date	Brief-Order, Mentioning Reference if necessary	How complied with and date of compliance
<p>9 29/6/89</p>	<p><u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>Shri C.S. Tewari, learned counsel for the applicant and Shri V.K. Chaudhary, learned counsel for the respondents are present. The case be listed for <u>rehearing on 11-8-89.</u></p> <p style="text-align: center;">A.M.</p> <p>(sns)</p> <p>No Subj. Adj. to 6.11.09. Both the Counsel are present.</p> <p style="text-align: right;">L B.O.C</p>	<p>OR - Case is submitted for rehearing 15/8</p>
<p>11 6/7/89</p>	<p>Hon' Mr. D.K. Agrawal, J.M. Hon' Mr. K. Chayya, AM.</p> <p>Shri R.E. Saxena counsel for the applicant requests for adjournment. List this case on <u>30-7-90</u> for hearing.</p> <p style="text-align: center;">A.M. J.M.</p>	<p>OR - Submitted for hearing L 3/4</p>
<p>12 20.1.90</p>	<p>(SINS)</p> <p>Case not needed. Adj. to 16.2.90</p> <p style="text-align: right;">L B.O.C</p>	

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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH AT
LUCKNOW

....

Registration T.A. No. 1066 of 1987 (L)

Krishna Kumar Singh ... Petitioner

versus

Union of India and another ... Respondents

Hon'ble Justice U.C. Srivastava, V.C.

Hon'ble Mr A.B. Gorthi, A.M.

..

(By Hon'ble Justice U.C. Srivastava, V.C.)

This writ petition No. 3551 of 1982 filed in the High Court of Judicature at Allahabad (Lucknow Bench) Lucknow, received on transfer under section 29 of the Administrative Tribunals Act, 1985.

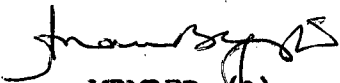
2. Briefly, the facts are that the applicant was appointed as Extra Departmental Sub Post Master in Post Office, Behat Biram District Sitapur on ad-hoc basis as a temporary arrangement vide order dated 26-6-1982. The respondents have cancelled the earlier order dated 26-6-1982, by the impugned order dated 16-7-1982 on the ground that the petitioner was an elected member of Gaon Sabha, as such, he was not eligible for the post on which he was appointed. The petitioner approached the High Court and the High Court on his stay application directed the opposite parties to make fresh selection but they shall not declare the result of the selection and shall not make any appointment on the basis of that selection till further orders of the Court.

3. The main grievance of the applicant is that he was not associated with any such inquiry

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as such, without giving him any opportunity of hearing, this order has been passed. From the counter affidavit it appears that some Inspector was deputed for the purpose and he made an inquiry and submitted his report in writing, that the applicant should have been associated, as the applicant obviously had no right to ~~xxxxxxx~~ post, in view of the fact the nature of the appointment which was made, but any how ^{once} his name was declared he should have associated with the inquiry.

Consequently the respondents ^{are} directed to make an inquiry to find out whether in fact ^{the applicant} a person ~~who~~ had already filed nomination paper before he had applied for the appointment and whether in fact he had tendered his resignation before the appointment, that has to be seen in the light of applicants' own letter Annexure-A-2 to the writ petition. We are of the view that let an inquiry be made associating ~~with~~ the petitioner and the matter be finalised within a period of two months from the date of communication of a copy of this order. The petition is disposed of finally. We make no order as to costs.


MEMBER (A)



VICE CHAIRMAN

(sns)

May 7, 1991.

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

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Writ Petition No. 3551 of 1982.

Krishna Kumar Singh.....Petitioner

Versus

Union of, India and another.....Opposite-Parties.

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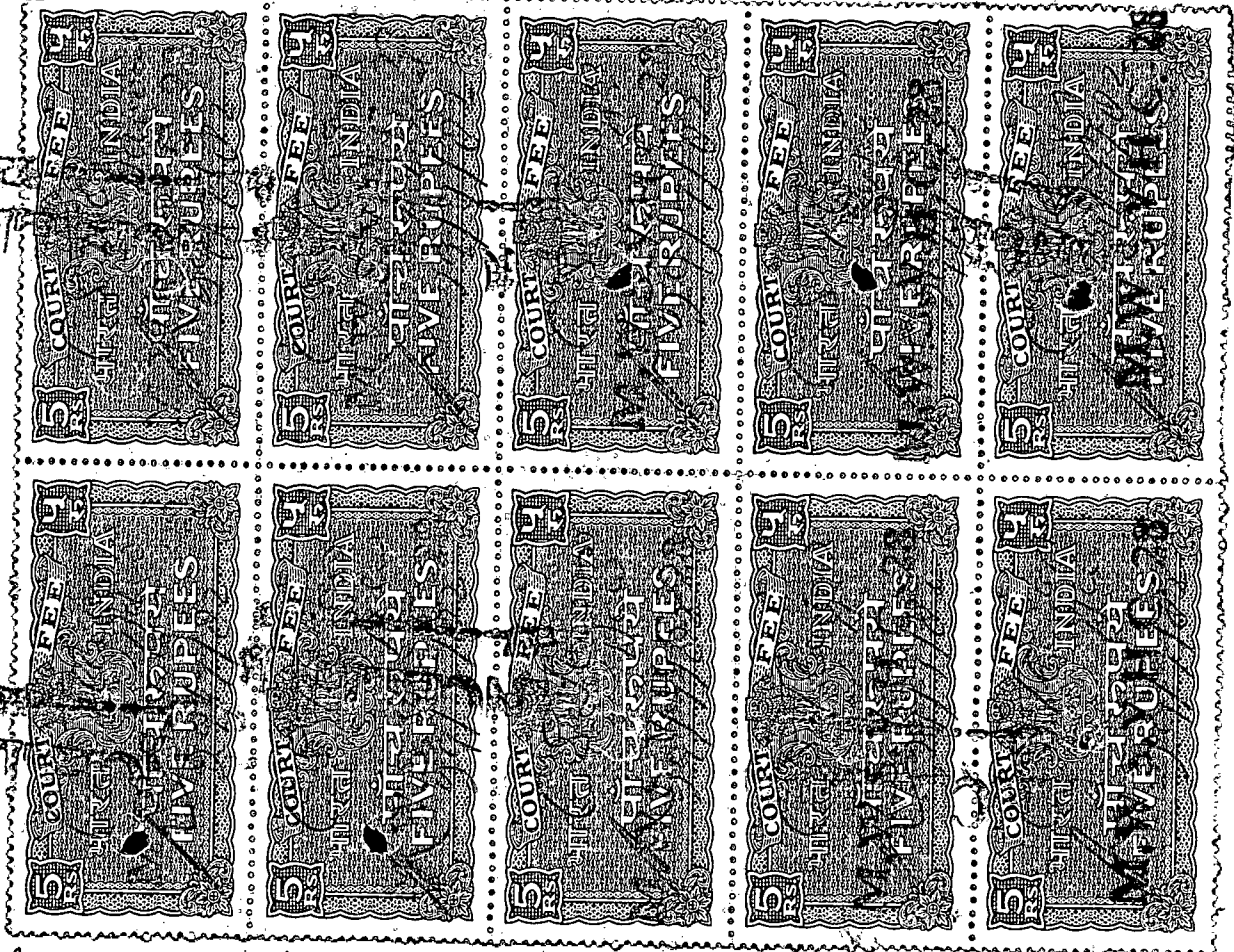
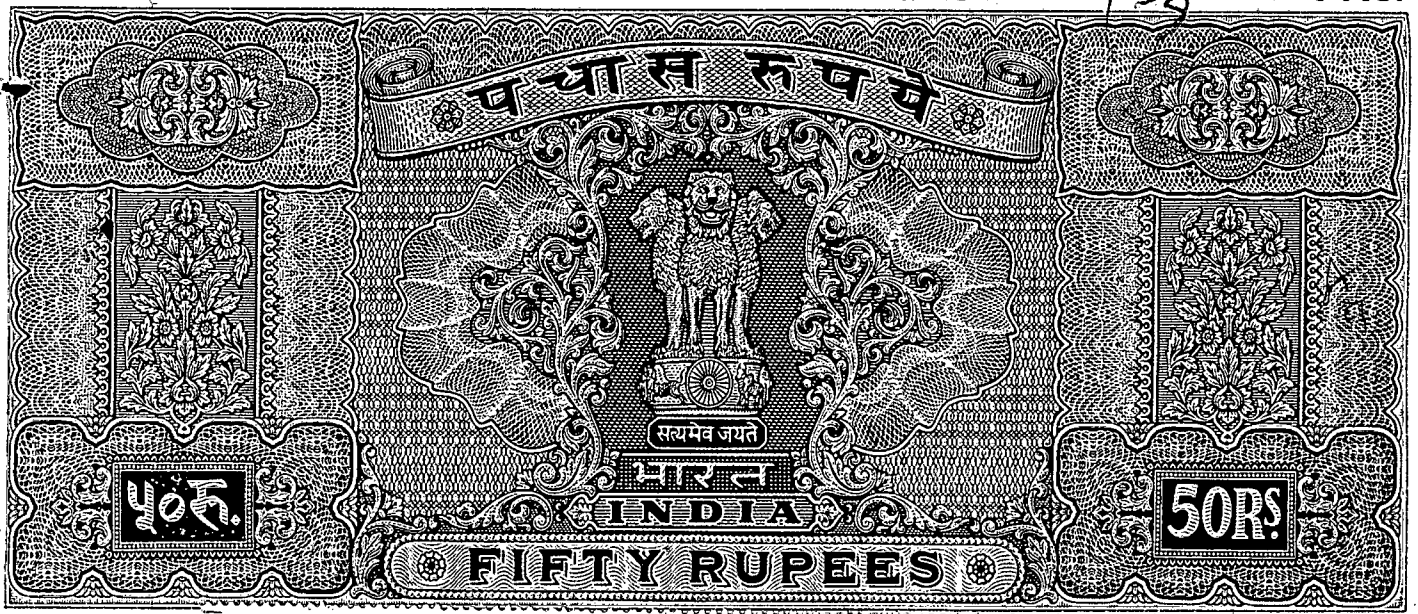
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Lucknow Dated:-

July 30 , 1982.

P. Dewan
Advocate
Counsel for the Petitioner.

श्री 3551/82



In the Hon'ble High Court of Judicature at
 Allahabad Dec 27/1982
 Bench Allahabad
 writ petition No. 1982

Krishna Kumar Singh Petitioner
 Verses
 Union of India & another Oppor

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(A/9)

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

Writ Petition No. 3556 of 1982.

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Krishna Kumar Singh aged about 27 years S/O. Sri Ram Singh resident of Village Bihat Biram Pargana Macherehta Tahsil Misrikh District Sitapur...

.....Petitioner

Versus

1. Union of India through Secretary to Government Post and Telegraph Department, New Delhi.
2. Superintendent of Post Offices, Sitapur Division, Sitapur.

.....Opposite-parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.



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

- (1) That the present Writ Petition is directed against the order dated 16.7.82 passed by opposite party No. 2 cancelling his earlier order dated 26.6.1982 appointing the petitioner in clear vacancy on the post of Extra Departmental Sub-Master in

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Post Office, Behat Biram, District Sitapur solely on the ground that the petitioner was a elected member of Geon Sabha on the date he applied for the post.

A True Copy of the impugned order dated 16.7.82 passed by opposite party No. 2 is filed herewith as Annexure No. 1 to this Writ petition.

(2) That the petitioner's educational qualification is Intermediate from the U.P. Board of High School and Intermediate Education, Allahabad. The minimum qualification for the post in question is Class VIII only.

(3) That in the month of May 1982, the opposite party No. 2 invited applications to fill up the post of Extra Departmental Sub-Post Master (hereinafter referred to as "EDSPM") Behat Biram District Sitapur which was to fall vacant due to retirement of one Sri Raghvendra Singh. The last date for submitting the application was 30.5.1982. Sri Raghvendra Singh retired on 22.5.82 as such the post of EDSPM Behat Biram became vacant in clear vacancy.

(4) That the petitioner on 29.5.82 applied for the said post of EDSPM Behat Biram. He fulfilled all the minimum qualification and was fully eligible for being appointed on the said post. He is resident of village Behat Biram, District Sitapur and his monthly income from cultivation is more than Rs. 100/- per month. He possess immoveable property worth Rs. 5000/-.

(5) That the opposite party No. 2 selected the



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petitioner for the post of Extra Departmental Sub-Post Master Behat Biram and appointed him on the said post vide order dated 26.6.82. The result of the selection and appointment of the petitioner on the said post was displayed on the notice board in the office of opposite party No. 2. and a copy of the appointment letter was sent to the petitioner through Registered Post on 29.6.82 at his village address.

(6) That the petitioner went to the post office Behat Biram and requested Sri Tuls Ram Overseer who was looking after the work in the said post office to deliver the appointment letter sent through Registered Post to him. Sri Tuls Ram inspite of the petitioner's application dated 9.7.1982 in this regard did not deliver the said letter of appointment to the petitioner.

(7) That the petitioner on further enquiry came to know that some unknown person from the village has complained that the petitioner is a member of Gaon Sabha and is not eligible for appointment.

(8) That the opposite party No. 2 without giving any opportunity to the petitioner and allowing him to explain his position passed the impugned order dated 16.7.82 contained in Annexure No. 1 cancelling his earlier order dated 26.6.82 appointing the petitioner on the post of EDSPM Behat Biram District Sitapur. The impugned order dated 16.7.82 was send to the petitioner through Registered Post which the petitioner received on 26.7.82.

(9) That from the perusal of the impugned order contained in Annexure No. 1 it is clear that the petitioner's appointment has been cancelled solley



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on the ground that he was a elected member of Gaon Sabha on the date he applied for the post which fact, it is respectfully submitted, is incorrect.

(10) That the petitioner filed his nomination for the office of the member of the Gaon Panchayat on 3.6.82 and the petitioner was declared elected on 6.6.82. The petitioner on 22.6.82 submitted his resignation from the office of elected member of Gaon Panchayat, as provided under Section 12-F of the Panchayat Raj Act.

A True Copy of the resignation letter dated 22.6.82 is filed herewith as Annexure No. 2 to this Writ Petition.

(11) That the petitioner never held any office as elected member of Gaon Sabha or Gaon Panchayat as alleged in the impugned order. The petitioner did not took oath of the office as required U/S. 12-E of the Panchayat Raj Act nor he took charge of the same.

(12) That though the elections of the Gaon Panchayat village Behat Biram, were held on 3.6.82 and results were declared on 6.6.82. Yet upto now no oath ceremony of the Elected members of the Gaon Panchayat "Pradhan" or "Up Pradhan" has taken place U/S. 12-E of the Panchayat Raj Act and no notification regarding constitution of Gaon Panchayat Behat Biram has been made by the District Magistrate as per rule 19-j-j of the U.P. Panchayat Raj Rules.

(13) That the petitioner when came to know about the complaint made by some villager he on 5.7.82 filed his affidavit before the opposite



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party No. 2 giving the dates on which he was declared elected and the date on which he resigned from the said office.

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A True Copy of the said affidavit dated 5.7.82 duly sworn before Notary Public is filed herewith as Annexure No. 3 to this Writ Petition.

(14) That it is not irrelevant here to submit that the petitioner is neither associated with any political party or any organisation which takes part in politics. He has also not taken part in any political movement.

(15) That the elections of Gaon Sabha and Gaon Panchayat are not held on political party basis but are contested in individual capacity. The petitioner by contesting the election of Gaon Panchayat prior to his appointment on the post in question did not render himself disqualified for the post of EDSPM.

(16) That the appointment and conditions of Services of Extra-Departmental-Sub-Post Master are governed by the Posts and Telegraph Extra Departmental Agents (Conduct and Service) Rules 1964 published vide Notification No. 6/63/60 Disc. dated 10.9.64.

(17) That so far as the petitioner could know there is no provision under the Post and Telegraph Extra Departmental Agents (Conduct and Service) Rules 1964 or under any executive instructions having the force of law which renders the persons ineligible for being appointed as EDSPM in case prior to his appointment he contested the election of Gaon



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Sabha and resigned from the said elected office.

(18) That the petitioner on 3.6.82 when he contested the election of Gaon Sabha and was declared elected on 6.6.82 was not an employee under the opposite parties.

(19) That the petitioner was also not elected member of Gaon Sabha on 29.5.82 when he applied for the post of EDSPM and on 26.6.82 when he was appointed on the said post by the opposite party No. 2. It is again submitted that the petitioner even did not take oath of the office of elected member of Gaon Sabha and resigned from the office on 22.6.82 vide Annexure No. 2.

(20) That the opposite party No. 2 has readvertised the post of EDSPM Behat Biram, and invited the applications latest by 4th. August 1982 in order to fill up the post against which the petitioner has been selected and appointed and which appointment later ^{is} ~~on~~ has been illegally cancelled by the impugned order. ^{is} Selection for the post of EDSPM is proposed to be held on 5th. Aug. 1982. ^{is}



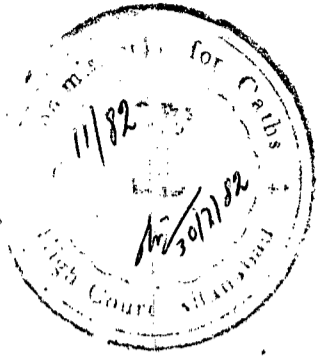
A True Copy of the fresh advertisement letter dated 16.7.82 issued by the opposite party No. 2 is filed herewith as Annexure No. 4 to this Writ Petition.

(21) That in case the impugned order contained in Annexure No. 1 and the fresh selection vide advertisement letter contained in Annexure No. 4 is not stayed, the petitioner would suffer irreparable loss and injury. The work of the village Post Office Behat Biram is looked after by Sri Tulsī Ram, the

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Overseer, an employee under the opposite party No. 2. (and no prejudice will be caused to opposite parties in case selection/appointment on the said post vide advertisement letter contained in Annexure No. 4 is stayed.)

The petitioner feeling aggrieved and having no other alternative efficacious remedy prefers this Writ Petition on the following amongst other

- GROUNDS -

(I) Because the petitioner did not held the office of the elected member of the Gaon Sabha on the date he applied for the post and the impugned order cancelling his appointment is based on mistaken belief in existence of non-existing fact amounting to abuse of power.

(II) Because the impugned order cancelling the appointment causes penal consequences and the same could not have been passed without complying with the principles of natural justice and giving proper opportunity to the petitioner.

(III) Because the Gaon Panchayat has not yet been constituted as no notification under Rule 19-j.j. of the U.P. Panchayat Raj Rules, has been issued and the elected members have not yet taken oath of the office as required under Section 12-E of the U.P. Panchayat Raj Act.

(IV) Because there is no provision under the Post and Telegraph Extra-Departmental Agents (Conduct and Service) Rules 1964 or under any executive instructions having the force of law

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which renders the person inelegible for appointment in case he, prior to his appointment, has contested the election of Gaon Sabha and resigned from the same.

(V) Because the petitioner was not an employee under the opposite parties when he contested the election, declared elected and submitted his resignation from the office of elected member of Gaon Sabha.

(VI) Because the opposite party No. 2 is not competent and empowered to cancel the appointment on the ground on which ^{§ and in the manner in which} he has done.

(VII) Because the petitioner ful-fills all minimum qualifications for the post of EDSPM and the impugned order cancelling his appointment is wholly unjustified, arbitrary and without jurisdiction.

(VIII) *Because the impugned order in effect amounted to removal from service without complying with the provisions of Art. 311(2) of the Constitution of India and Rule 8 of the Rules.*

WHEREFORE, it is most respectfully prayed that

the Hon'ble Court may graciously be pleased to:-

(A) issue a Writ, direction or order in the nature of certiorari quashing the impugned order dated 16.7.82 passed by opposite party No. 2 and contained in Annexure No. 1 to the Writ Petition after commanding the opposite parties to produce the original of the same.

(B) issue Writ, direction or order in the nature of mandamus commanding the opposite parties to give effect to the order dated 26.6.82 appointing the petitioner as EDSPM, Behat Biram directing them to produce the original of the same.

(C) issue Writ, direction or order in the nature

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of mandamus commanding the opposite parties not to hold the fresh selection for the post of EDSPM, Behat Biram, District Sitapur vide advertisement letter dated 16.7.82 contained in Annexure No. 4 to this Writ petition.

Lucknow Dated:-

July 30, 1982.

(C.S.Tewari)
Advocate,
Counsel for the Petitioner.

The requisite notice for 14 days may kindly be waived due to urgency of matter.

Lucknow Dated:-

July 30, 1982.

Counsel for the petitioner.

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

Writ Petition No..... of 1982.

Krishna Kumar Singh.....Petitioner
Versus
Union of India and another.....Opposite-Parties.

ANNEXURE NO. 1.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.
Office of the Supdt. of Post Offices, Sitapur Dn.
Memo No. A-45/E,
Dated at Sitapur the 16.7.1982.

Shri Krishna Kumar Singh S/O. Shri Ram Singh
VPO Bihat Biram Distt. Sitapur who was ordered to
work as EDSPM, Bihat Biram was selected member of
Gram Sabha on the date he applied for the post and
thus he is not eligible for the post.

Therefore the orders issued under this
office memo no. even dated 26.6.82 are hereby
cancelled.

Sd/- Illegible
Supdt. of Post Offices,
Sitapur Division.

Copy to:-

1. The IPO's (South) Sitapur for n/a.
2. The P.M. Sitapur for n/a.
3. The O/S, Aurangabad Distt. Sitapur for information
4. Shri Krishna Kumar Singh s/o. Shri Ram Singh
VPO Bihat Biram Sitapur.

[Handwritten signature]

True Copy
[Handwritten signature]
Advocate



-2-

इबारात तस्दीक

मैं शपथकर्ता कृष्ण कुमार सिंह इस शपथ-पत्र की धारा १ व ३ को अपने निजी ज्ञान से सच व सही होना प्रमाणित करता हूँ।

शपथी
हो- कृष्ण कुमार सिंह
(कृष्ण कुमार सिंह)

स्थान तस्दीक: कलेक्ट्री कचेहरी सीतापुर

दिनांक तस्दीक: ५-७-८२ ई०।

द: कृष्ण कुमार सिंह

क्रमशः स्टाम्प की ०५० पैसा

संलग्न है ३ है।

Krishna Kumar Singh is personally known to me. He has signed before me.

Sd/- Illegible
Advocate.
5.7.82.

Solemnly affirmed on 5.7.82
at 15.10 hours by Krishna Kumar Singh
the deponent has been identified by
Sri S.B.Singh Advocate, Sitapur.

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.

Sd/-Kushi Prasad Shukla
Notary

Date: 5.7.82.

Sitapur (Phone: 2323)



TRUE COPY

Kushi Prasad Shukla

इन दि आनरेबुल हाई कोर्ट आफ जुडीकेचर सेट इलाहाबाद
लखनऊ बेन्द, लखनऊ ।

रिट पिटीशन नं० आफ १६८२
कृष्ण कुमार सिंह --- पिटीशनर
बनाम
यूनियन आफ इण्डिया ऐण्ड अदर्स --- अपोपार्टीज़

अनेकजर नं० ४

भारतीय डाकतार बिभाग

पत्र संख्या: ए-४५।ई० दिनांक सीतापुर ७८-१६-७-८२
बिषय:- अतिरिक्त बिभागीय उप डाकघर बीहट बीरम के लिए
अतिरिक्त बिभागीय उप डाकपाल की आवश्यकता ।

सर्व साधारण को सूचित किया जाता है कि उपर्युक्त
अ०बि० उप डाकघर के लिए एक अस्थायी अतिरिक्त बिभागीय उप डाक
पाल की रु० १८८- मासिक पर आवश्यकता है ।

- अर्हताएं:- १- आयु को १८ वर्ष से कम तथा ६२ वर्ष से अधिक न हो ।
२- शैक्षिक योग्यता कदा आठ से कम न हो लेकिन हाई स्कूल
एवं इससे अधिक को प्राथमिकता दी जायेगी ।
३- अभ्यर्थी को व्यक्तिगत आय बिभागीय बतन भत्तों के
अलावा अन्य श्रोतों से कम से कम १०० रुपया मासिक हो ।
४- अभ्यर्थी को निवास-स्थान उसी ग्राम में हो जहाँ डाकघर
स्वीकृत स्थित है ।
५- अभ्यर्थी अपने नाम से कम से कम ५०००/- रुपया की अच्छ
सम्पत्ति रखता हो । साफ़दारी की सम्पत्ति मान्य नहीं है ।

इच्छुक व्यक्ति प्रार्थना- पत्र अपनी निजी लिखावट में इस
कार्यालय की सूचना की तिथि से २० दिन के अन्दर रजिस्ट्री पत्र द्वारा
सीधे भेजे । निश्चित अवधि के उपरान्त प्राप्त या अन्य किसी माध्यम
से भेजे गये किसी भी आवेदन-पत्र पर बिचार नहीं किया जायेगा ।
आवेदन-पत्र में निम्नलिखित बातों का उल्लेख अवश्य होना चाहिए:-



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- १- अभ्यर्थी का पूरा नाम, पिता का नाम जाति एवं पूरा पता थाना एवं तहसील सहित ।
- २- अभ्यर्थी की व्यक्तिगत आय का श्रोत एवं मासिक आय ।
- ३- अभ्यर्थी की जन्म तिथि शैक्षिक योग्यता (शिक्षा प्रमाण-पत्र में दर्ज)
- ४- आवेदन पत्र के साथ निम्नलिखित प्रमाण-पत्रों की सत्य प्रतिलिपि संलग्न होना आवश्यक है ।
- १- जन्म तिथि एवं शैक्षिक योग्यता, २- निजी आय का श्रोत एवं मासिक आय । ३- अचल सम्पत्ति का विवरण, ४- चरित्र का प्रमाण-पत्र (दो सम्मान्त व्यक्तियों द्वारा उनके पूरे पते सहित ।

कृपया अपना आवेदन-पत्र उपर्युक्त कागजातों के साथ रजिस्टर्ड पत्र द्वारा सीधे इस कार्यालय को भेजें । किसी दूसरे माध्यम से भेजने पर या किसी प्रकार की कमी होने पर आवेदन-पत्र बगैर किसी सूचना दिए रद्द कर दिया जायेगा । किसी भी प्रकार की सिफारिश या दबाव अभ्यर्थी की अयोग्यता समझी जायेगी ।

अधीक्षक डाक विभाग

सीतापुर, प्रखण्ड-२६१००१



प्रतिलिपि सूचनार्थ एवं सूचनापट पर चिपकाने हेतु:-
व्यवस्था-----

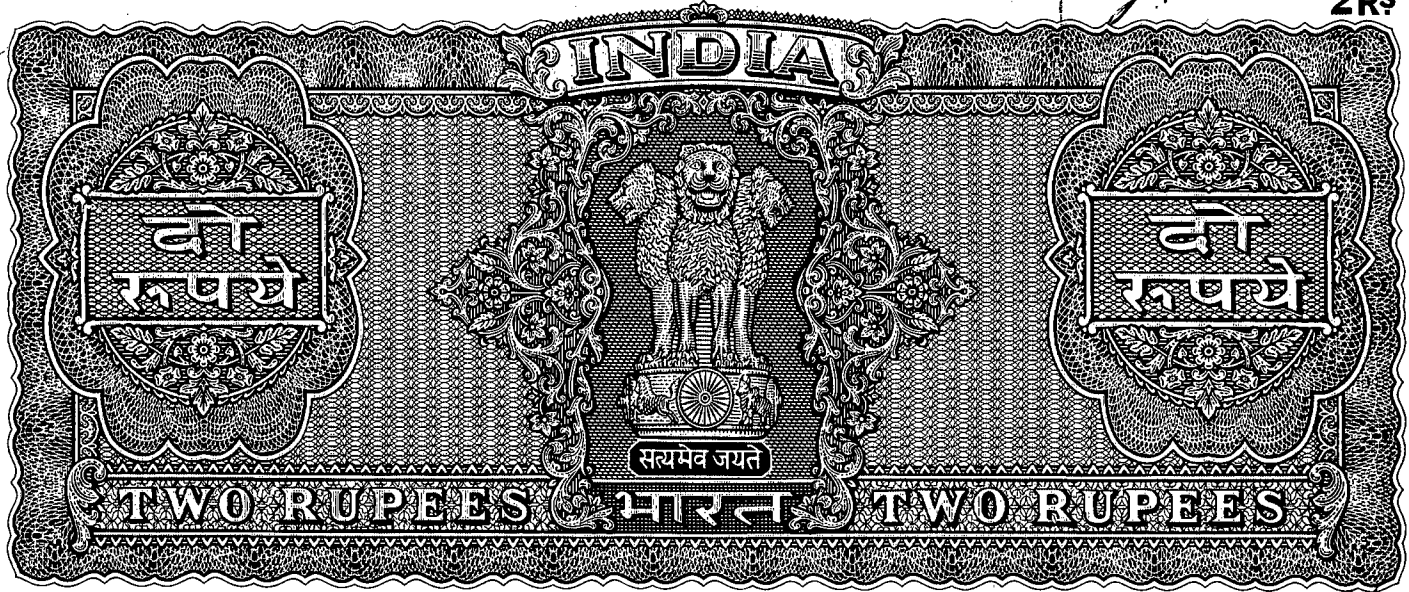
- १- डाक निरीक्षक, सीतापुर दक्षिण सीतापुर ।
- २- उप डाकपाल महरहेटा जिला सीतापुर ।
- ३- ग्राम प्रधान बीहट बीरम जिला सीतापुर ।
- ४- तहसीलदार मिश्रिख जिला सीतापुर ।
- ५- खण्ड बिकास अधिकारी, महरहेटा जिला सीतापुर ।
- ६- प्रधानाचार्य प्रा०भा० बीहट बीरम जिला सीतापुर ।
- ७- थानाध्यक्ष, महरहेटा जिला सीतापुर ।
- ८- डाक अधीक्षक औरंगाबाद को इस आशय से कि सम्बन्धित ग्राम में डुग्गी द्वारा भी यह सूचना प्रसारित करें और उसका प्रमाण-पत्र प्रधान से लिखाकर भेजें ।

अधीक्षक डाक विभाग

सीतापुर प्रखण्ड-२६१००१

सत्य-प्रतिलिपि

(Handwritten signature)



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

Writ Petition No. 71982

Krishna Kumar Singh Petitioner

verses

Union of India & another

Opp parties

Affidavit



(Handwritten signature)

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

Writ Petition No..... of 1982.



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Krishna Kumar Singh.....Petitioner

Versus

Union of India and another.....Opposite-parties.

AFFIDAVIT IN SUPPORT OF
WRIT PETITION

I Krishna Kumar Singh aged about 27 years S/o. Sri Ram Singh resident of Village Bihat Biram Pargana Macherehta Tahsil Misrikh District Sitapur do hereby solemnly affirm as under:-



(1) That the deponent is petitioner in the above noted Writ Petition and is fully conversent with the facts deposed hereunder.

(2) That the contents of paras 1 to 21 except bracketed portions of para 21 of the Writ petition are true to my own knowledge.

Lucknow Dated:-
July 30, 1982.

[Signature]
Deponent.

Verification.

[Signature]

I the above named deponent do hereby verify that the

contents of paras 1 and 2 of the affidavit are true to my own knowledge. No part of it is false and nothing material concealed, So help me God.

Lucknow Dated:-
July 30, 1982.

[Signature]
Deponent.

Solemnly affirmed before me on 30.7.1982 at 8:15 a.m./p.m. by Sri Krishna Kumar Singh, the deponent; who is identified by Sri C.S. Tewari Advocate, High Court, Allahabad.

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



[Signature]
30/7/82
G. S. TEWARI
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
No. 11/82
Date 30.7.1982

I identify the deponent who has signed before me.

[Signature]
Advocate
Allahabad

19 (A) 91

ब अदालत श्रीमान

Hon'ble High Court of Judicature
at Allahabad महोदय
Sukumar Bench
Ducker

वादी (मुद्दे)
प्रतिवादी (मुद्देअलेह)

का वकालतनामा



29/7/82

Krishna Kumar Singh

वादी (मुद्दे)

वनाम

Union of India v. ... प्रतिवादी (मुद्देअलेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

C. S. Tewari

एडवोकेट

500/183-A Kuldip Singh, Dabhoi महोदय
वकील L. C. D. Chow

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद 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।

नाम अदालत
नं० मुकद्दमा
नाम फरीकसानी

Accepted
Palwan
Advocate

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 29 महीना 7 १६८३ ई०

IN THE HONORABLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH) LUCKNOW.

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7/82

Writ Petition No..... of 1982.

Krishna Kumar Singh.....Petitioner

Versus

Union of India and another.....Opposite-Parties.

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Lucknow Dated:-

July 30, 1982.

Counsel for the Petitioner

T.C.
Chowhan

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

5/0

Writ Petition No..... of 1982.

Krishna Kumar Singh aged about 27 years S/O. Sri Ram Singh resident of Village Bihat Biresa Pargana Machherenta Tahsil Mirikh District Sitapur...

.....Petitioner

Versus

1. Union of India through Secretary to Government Post and Telegraph Department, New Delhi.
2. Superintendent of Post Offices, Sitapur Division, Sitapur.

.....Opposite-parties.

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

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

- (1) That the present Writ Petition is directed against the order dated 16.7.82 passed by opposite party No. 2 cancelling his earlier order dated 26.6.1982 appointing the petitioner in clear vacancy on the post of Extra Departmental Sub-Master in

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Post Office, Behat Biram, District Sitapur solely on the ground that the petitioner was a elected member of Geon Sabha on the date he applied for the post.

A True Copy of the impugned order dated 16.7.82 passed by opposite party No. 2 is filed herewith as Annexure No. 1 to this Writ petition.

(2) That the petitioner's educational qualification is Intermediate from the U.P. Board of High School and Intermediate Education, Allahabad. The minimum qualification for the post in question is Class VIII only.

(3) That in the month of May 1982, the opposite party No. 2 invited applications to fill up the post of Extra Departmental Sub-Post Master (hereinafter referred to as "EDSPM") Behat Biram District Sitapur which was to fall vacant due to retirement of one Sri Raghvendra Singh. The last date for submitting the application was 30.5.1982. Sri Raghvendra Singh retired on 22.5.82 as such the post of EDSPM Behat Biram became vacant in clear vacancy.

(4) That the petitioner on 29.5.82 applied for the said post of EDSPM Behat Biram. He fulfilled all the minimum qualification and was fully eligible for being appointed on the said post. He is resident of village Behat Biram, District Sitapur and his monthly income from cultivation is more than Rs. 100/- per month. He possess immoveable property worth Rs. 5000/-.

(5) That the opposite party No. 2 selected the

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petitioner for the post of Extra Departmental Sub-Post Master Behat Biram and appointed him on the said post vide order dated 26.6.82. The result of the selection and appointment of the petitioner on the said post was displayed on the notice board in the office of opposite party No. 2, and a copy of the appointment letter was sent to the petitioner through Registered Post on 29.6.82 at his village address.

(6) That the petitioner went to the post office Behat Biram and requested Sri Tulsiram Overseer who was looking after the work in the said post office to deliver the appointment letter sent through Registered Post to him. Sri Tulsiram in spite of the petitioner's application dated 9.7.1982 in this regard did not deliver the said letter of appointment to the petitioner.

(7) That the petitioner on further enquiry came to know that some unknown person from the village has complained that the petitioner is a member of Sach Sabha and is not eligible for appointment.

(8) That the opposite party No. 2 without giving any opportunity to the petitioner and allowing him to explain his position passed the impugned order dated 16.7.82 contained in Annexure No. 1 cancelling his earlier order dated 26.6.82 appointing the petitioner on the post of SDSPM Behat Biram District Sitapur. The impugned order dated 16.7.82 was sent to the petitioner through Registered Post which the petitioner received on 26.7.82.

(9) That from the perusal of the impugned order contained in Annexure No. 1 it is clear that the petitioner's appointment has been cancelled solely

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on the ground that he was a elected member of Gaon Sabha on the date he applied for the post which fact, it is respectfully submitted, is incorrect.

(10) That the petitioner filed his nomination for the office of the member of the Gaon Panchayat on 3.6.82 and the petitioner was declared elected on 6.6.82. The petitioner on 22.6.82 submitted his resignation from the office of elected member of Gaon Panchayat, as provided under section 12-F of the Panchayat Raj Act.

A True Copy of the resignation letter dated 22.6.82 is filed herewith as Annexure No. 2 to this writ Petition.

(11) That the petitioner never held any office as elected member of Gaon Sabha or Gaon Panchayat as alleged in the impugned order. The petitioner did not took oath of the office as required U/S. 12-G of the Panchayat Raj Act nor he took charge of the same.

(12) That though the elections of the Gaon Panchayat village Behat Biram, were held on 3.6.82 and results were declared on 6.6.82. Yet upto now no oath ceremony of the elected members of the Gaon Panchayat "Pradhan" or "Up Pradhan" has taken place U/S. 12-E of the Panchayat Raj Act and no notification regarding constitution of Gaon Panchayat Behat Biram has been made by the District Magistrate as per rule 19-j-j of the U.P. Panchayat Raj Rules.

(13) That the petitioner when came to know about the complaint made by some villager he on 5.7.82 filed his affidavit before the opposite

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party No. 2 giving the dates on which he was declared elected and the date on which he resigned from the said office.

A True Copy of the said affidavit dated 5.7.82 duly sworn before Notary Public is filed herewith as Annexure No. 3 to this writ petition.

(14) That it is not irrelevant here to submit that the petitioner is neither associated with any political party or any organisation which takes part in politics. He has also not taken part in any political movement.

(15) That the elections of Gaon Labha and Gaon Panchayat are not held on political party basis but are contested in individual capacity. The petitioner by contesting the election of Gaon Panchayat prior to his appointment on the post in question did not render himself disqualified for the post of SDSPM.

(16) That the appointment and conditions of Services of Extra-Departmental-Sub-Post Master are governed by the Posts and Telegraph Extra Departmental Agents (Conduct and Service) Rules 1964 published vide Notification No. 6/63/60 Disc. dated 10.9.64.

(17) That so far as the petitioner could know there is no provision under the Post and Telegraph Extra Departmental Agents (Conduct and Service) Rules 1964 or under any executive instructions having the force of law which renders the persons ineligible for being appointed as SDSPM in case prior to his appointment he contested the election of Gaon

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Sabha and resigned from the said elected offices.

(18) That the petitioner on 3.6.82 when he contested the election of Gaon Sabha and was declared elected on 6.6.82 was not an employee under the opposite parties.

(19) That the petitioner was also not elected member of Gaon Sabha on 29.5.82 when he applied for the post of MDCPM and on 26.6.82 when he was appointed on the said post by the opposite party No. 2. It is again submitted that the petitioner even did not take oath of the office of elected member of Gaon Sabha and resigned from the office on 22.6.82 vide Annexure No. 2.

(20) That the opposite party No. 2 has readvertised the post of MDCPM Behat Biram, and invited the applications latest by 4th August 1982 in order to fill up the post against which the petitioner has been selected and appointed and which appointment later on has been illegally cancelled by the impugned order.

A True Copy of the fresh advertisement letter dated 16.7.82 issued by the opposite party No. 2 is filed herewith as Annexure No. 4 to this writ Petition.

(21) That in case the impugned order contained in Annexure No. 1 and the fresh selection vide advertisement letter contained in Annexure No. 4 is not stayed, the petitioner would suffer irreparable loss and injury. The work of the village Post Office Behat Biram is looked after by Sri Tulsi Ram, the

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Overseer, an employee under the opposite party No. 2. (and no prejudice will be caused to opposite parties in case selection/appointment on the said post vide advertisement letter contained in Annexure No. 4 is stayed.

The petitioner feeling aggrieved and having no other alternative efficacious remedy prefers this writ petition on the following amongst other

- GROUNDS -

(I) Because the petitioner did not held the office of the elected member of the Gaon Sabha on the date he applied for the post and the impugned order cancelling his appointment is based on mistaken belief in existence of non-existing fact amounting to abuse of power.

(II) Because the impugned order cancelling the appointment causes penal consequences and the same could not have been passed without complying with the principles of natural justice and giving proper opportunity to the petitioner.

(III) Because the Gaon Panchayat has not yet been constituted as no notification under Rule 19-J.J. of the U.P. Panchayat Raj Rules, has been issued and the elected members have not yet taken oath of the office as required under Section 12-E of the U.P. Panchayat Raj Act.

(IV) Because there is no provision under the Post and Telegraph Extra-Departmental Agents (Conduct and Service) Rules 1964 or under any executive instructions having the force of law

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which renders the person ineligible for appointment in case he, prior to his appointment, has contested the election of Gaon Sabha and resigned from the same.

(V) Because the petitioner was not an employee under the opposite parties when he contested the election, declared elected and submitted his resignation from the office of elected member of Gaon Sabha.

(VI) Because the opposite party No. 2 is not competent and empowered to cancel the appointment on the ground on which he has done.

(VII) Because the petitioner ful-fills all minimum qualifications for the post of EDSPM and the impugned order cancelling his appointment is wholly unjustified, arbitrary and without jurisdiction.

WHEREFORE, it is most respectfully prayed that the Hon'ble Court may graciously be pleased to:-

(A) Issue a writ, direction or order in the nature of certiorari quashing the impugned order dated 16.7.82 passed by opposite party No. 2 and contained in Annexure No. 1 to the writ Petition after commanding the opposite parties to produce the original of the same.

(B) Issue writ, direction or order in the nature of mandamus commanding the opposite parties to give effect to the order dated 26.6.82 appointing the petitioner as EDSPM, Behat Biram directing them to produce the original of the same.

(C) Issue writ, direction or order in the nature

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of mandamus commanding the opposite parties not to hold the fresh selection for the post of BPSM, Bahat Bira, District Sitapur vide advertisement letter dated 16.7.82 contained in Annexure No. 4 to this writ petition.

Lucknow Dated:-

July , 1982.

(C.S.Tewari)
Advocate,
Counsel for the Petitioner.

The requisite notice for 14 days may kindly be waived due to urgency of matter.

Lucknow Dated:-

July , 1982.

Counsel for the petitioner.

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

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Writ Petition No..... of 1982.

Krishna Kumar Singh.....Petitioner

Versus

Union of India and another.....Opposite-Parties.

ANNEXURE NO. 1.

INDIAN POSTS AND TELEGRAPHIC DEPARTMENT.

Office of the Supdt. of Post Offices, Sitapur Dn.

Memo No. A-45/E,

Dated at Sitapur the 16.7.1982.

Shri Krishna Kumar Singh s/o. Shri Ram Singh
VPO Bihat Birem Distt. Sitapur who was ordered to
work as SDSPM, Bihat Birem was selected member of
Gram Sabha on the date he applied for the post and
thus he is not eligible for the post.

Therefore the orders issued under this
office memo no. even dated 26.6.82 are hereby
cancelled.

Sd/- Illegible
Supdt. of Post Offices,
Sitapur Division.

Copy to:-

1. The IPO's (South) Sitapur for n/a.
2. The P.M. Sitapur for n/a.
3. The O/S, Aurangabad Distt. Sitapur for information
4. Shri Krishna Kumar Singh s/o. Shri Ram Singh
VPO Bihat Birem Sitapur.

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एन पि बानसुठ हाई कोर्ट बाफ कुडोकेचर रेट हलाहाबाद
उत्तरका बेन्च, उत्तरका।

रिट पिटीशन नं०	बाफ १६८२	
कृष्ण कुमार सिंह	---	पिटीशनर
	कनाम	
युनियन बाफ इन्डिया एण्ड बवर्स	---	अपोजीटिज

बेन्च नं० २

सेवा में,

श्रीमान सण्ड विकास अधिकारी,
महराष्ट्रा, सीतापुर।

महोदय,

निवेदन है कि दिनांक ६-६-८२ को पौषित होने वाले
ग्राम सभा चुनाव में मैं ग्राम सभा बीस्ट वीरम का सदस्य निर्वाचित हुआ
हूँ। परन्तु कुछ अपनी निजी परिस्थितियों के कारण उक्त पद पर कार्य
महीं करना चाहता हूँ और उससे त्याग-पत्र देता हूँ।

अतः आपसे कृपया निवेदन यह है कि मेरा न्यायालय
द्वारा स्वीकार करने की कृपा करें।

प्राप्त
ह.स.अपठनीय
महराष्ट्रा
२२-६-८२

दः कृष्ण कुमार सिंह
२२-६-८२।

प्रतियोगी-कृष्ण कुमार सिंह
दः कृष्ण कुमार सिंह
ग्राम बीस्ट वीरम
महराष्ट्रा सीतापुर

सत्य-प्रतिष्ठिपि

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इन दि वानोके हाई कोर्ट बाफ़ बुडोकेवर स्टै स्टाहावाव
उसलका वेन्च, ठसलका ।

पिटीशन नं० बाफ़ १६८२
कृष्ण कुमार सिंह बनाम
मुनियम बाफ़ इण्डिया स्पेड लडाई अर्थात् अर्थात्

अर्थात् नं० ३

श्रीमान् डाक अर्थात् महाप्य, सीतापुर

अपय-अत्र पि० कृष्ण कुमार सिंह

मैं कृष्ण कुमार सिंह पुत्र श्रीराम सिंह निवासी ग्राम
बीहट बीरम पोस्ट बीहट बीरम परगना महोस्टा तहसील मिश्रिक बिहा
सीतापुर का हूं बाकि अपय-अत्र बािगत करता हूं कि उक्त अपय-अत्र
में जो भी लिखा गया है सब सब सही है कुछ भी फूट नहीं है न
कोई बात श्रीमान् जी से लिखाई गई है । ईश्वर बेरी सहायता करे ।

धारा १:- यहाँक अपय-अर्थात् दिनांक ६-६-८२ ई० को बािगत होने
बाहे र्थायत चुनाव में ग्राम सभा बीहट बीरम में सदस्य
के पद पर निर्वाचित होना था ।

धारा २:- यहाँक अपय-अर्थात् ने पद धार गृहण करने के पछे ही दिनांक
२२-६-८२ ई० को सदस्यता पद से त्याग-अत्र दे दिया है ।

धारा ३:- यहाँक अपय-अर्थात् की नियुक्ति उक्त डाकपाठ बीहट बीरम
के पद पर होगई है जब तक अपय-अर्थात् उधरौक्त पद पर कार्य
करता रहेगा किसी भी प्रकार की राजनीतिक गतिविधियों
में भाग नहीं लेना ।

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALAMBAD
(LUCKNOW BENCH) LUCKNOW.

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Writ Petition No..... of 1982.

Krishna Kumer Singh.....Petitioner

Versus

Union of India and another.....Opposite-parties.

AFFIDAVIT IN SUPPORT OF
WRIT PETITION

I Krishna Kumer Singh aged about 27 years S/O. Sri
Ram Singh resident of Village Bihat Biram Pargana
Machheranta Tehsil Misrikh District Sitapur do hereby
solemnly affirm as under:-

- (1) That the deponent is petitioner in the
above noted writ petition and is fully conversant
with the facts deposed hereunder.
- (2) That the contents of paras 1 to 21 except
bracketed portions of para 21 of the writ petition
are true to my own knowledge.

Lucknow Dated:-

July , 1982.

Deponent.

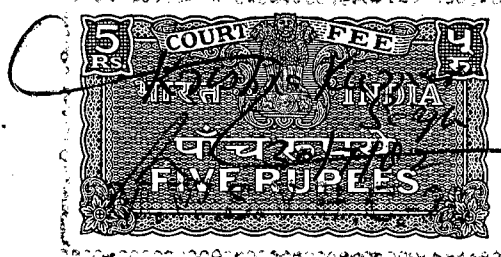
Verification.

I the above named deponent do hereby verify that the

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

Civil Miscellaneous Application No. 7179 (W) of 1982.



Krishna Kumar Singh aged about 27 years S/o. Sri Ram Singh R/o. Village Bihat Biram Pargana Macherehta Tahsil Misrikh District Sitapur

.....Applicant

Versus

1. Union of India through Secretary to Government Post and Telegraph Department, New Delhi.
2. Superintendent of Post Offices, Sitapur Division, Sitapur.

.....Opposite-Parties.

In Re:

Writ Petition No..... of 1982.

Krishna Kumar Singh.....Petitioner

Versus

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

APPLICATION FOR STAY

The applicant respectfully submits as under :-

That for the detailed facts and reasons stated in the accompanying Writ Petition supported

Pawan Acharya

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

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Civil Miscellaneous Application No.....(W) of 1982.

Krishna Kumar Singh age about 27 years s/o. Sri Ram
Singh R/O. Village Biha Birem Pargana Machherenta
Tansil Mirikh District Sitapur

.....Applicant

vs

1. Union of India through Secretary to Government
Post and Telegraph Department New Delhi.

2. Superintendent of Post Office, Sitapur Division,
Sitapur.

..... Opposite-Parties.

In Re:

Writ Petition No..... of 1982.

Krishna Kumar Singh.....Petitioner

VERSUS

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

APPLICATION FOR STAY

The applicant respectfully submits as
under :-

That for the detailed facts and circumstances
stated in the accompanying writ petition

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by an affidavit it is most respectfully prayed that the Hon'ble Court may graciously be pleased to stay the operation of the impugned order dated 16.7.82 passed by opposite party No. 2 contained in Annexure No. 1 and the fresh selection/appointment on the post of Extra-Departmental Sub-Post Master Bihat Biram, District Sitapur vide advertisement letter dated 16.7.82 contained in Annexure No. 4 to this Writ petition during the pendency of the case and an ad-interim order to that effect may be passed.

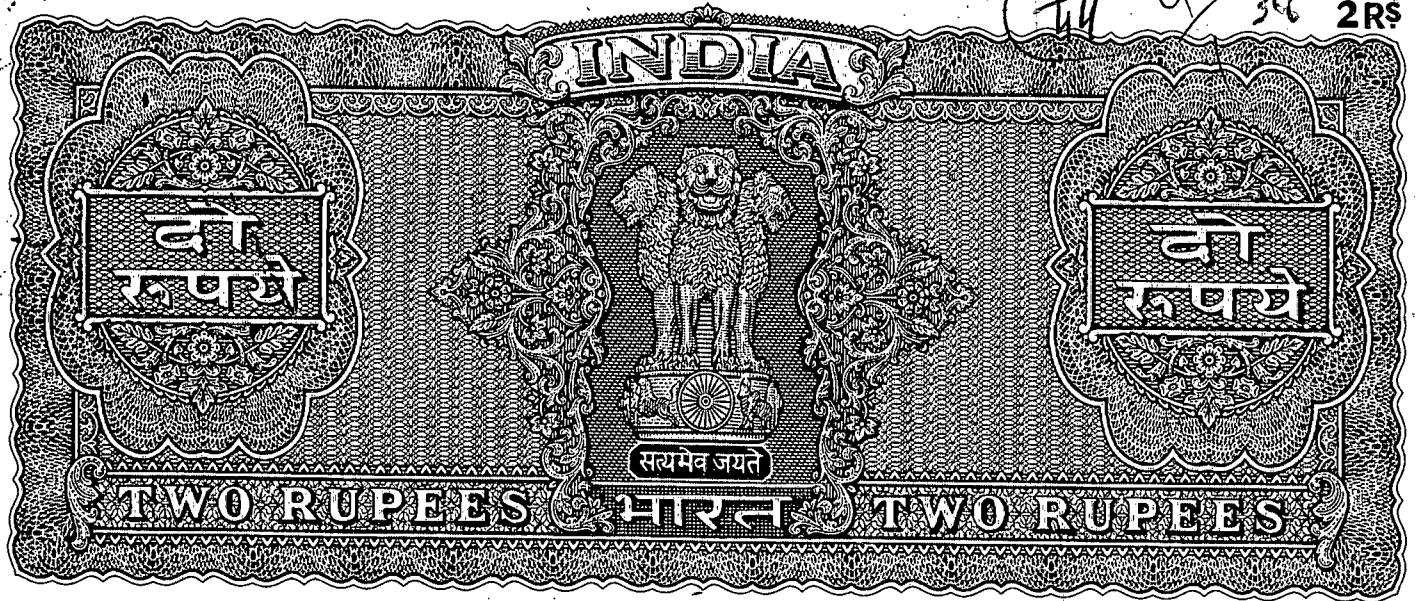
Lucknow Dated:-

July 30, 1982.

(C.S.Tewari)

Advocate,
Counsel for the Applicant.

T.P.
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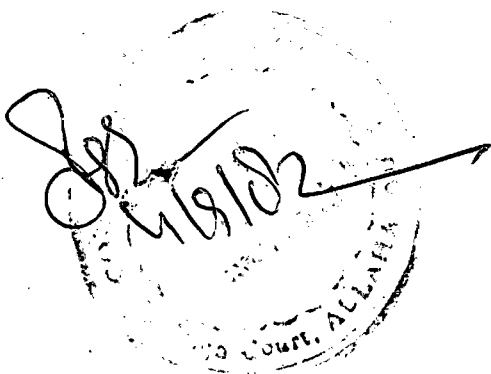
In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow

Writ Petition no 355 of 1982

Krishna Kumar Singh ----- Petitioner.
versus

Union of India and others ----- Opposite Parties

Council Affelt



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

1982
AFFIDAVIT
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HIGH COURT
ALLAHABAD
2/19/82

Writ Petition No. 3551 of 1982.

Krishan Kumar Singh. Petitioner.

Versus.

Union of India and others. Opposite Parties.

Counter Affidavit on behalf
of opposite party no.1 & 2.

I, Tufail Ahmad aged about 52 years son of Shri ~~Alleg~~ Mohammed working as Superintendent of Post Offices, Sitapur Division, Sitapur do hereby solemnly affirm and state as oath as under:-

2/19/82

1. That the deponent is Superintendent of Post Offices, Sitapur Division, Sitapur and is well acquainted with the facts of the case deposed hereunder.

2. That in reply to para 1 of the writ petition only this much is admitted that the deponent had cancelled the order of appointment of the petitioner. The rest of the contents relates to Anx.-1 which has been filed by the petitioner.

Humat

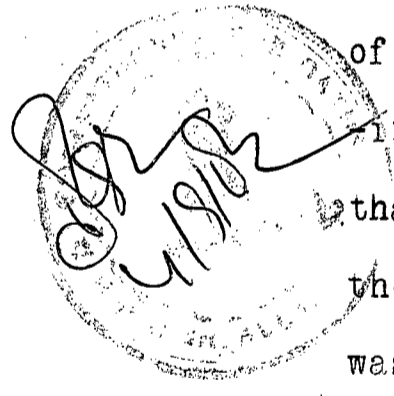
3. That para 2 and 3 of the writ petition are not denied.

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4. That in reply to para 4 of the writ petition it is not admitted that the petitioner was eligible for being appointed as EDSPM as he holds an elected office of member of Gaon Sabna.

5. That in reply to para 5 of the writ petition it is stated that the petitioner was selected for appointment and was approved for the same as a result of which an order was passed approving the petitioner and ~~appointment~~ appointing him on adhoc basis as a temporary arrangement. A true copy of the order dated 26.6.82 is being filed herewith as Anx.-A-1. The letter of regular appointment is issued later on after verification etc. as indicated in the order Anx.-1. No order of regular appointment had yet been passed-appointing the petitioner substantively. It is incorrect that the order dated 26.6.82 was displayed on the notice board. No doubt the order dated 26.6.82 was despatched by Registered A.D. post to the petitioner but it was not delivered to him as on getting the information that the petitioner is an elected member of the Gaon Sabna enquiry into the matter was started. The petitioner suppressed the fact that he was elected as member of the Gaon Sabna.



Warrant

6. That in reply to para 6 of the writ petition it is admitted that the letter dated 26.6.82 was

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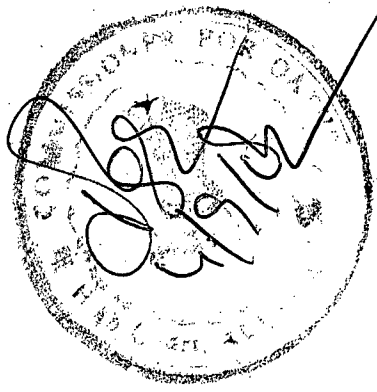
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not delivered to the petitioner.

7. That in reply to para / of the writ petition it is stated that Pradhan of village Behat Biram had informed about the ineligibility of the petitioner by means of letter dated 26.5.82. A photostat copy of the same is being filed herewith as Anx.-A-2 to this affidavit. On receiving this letter the deponent ordered to the Inspector of Post Offices to enquire into the matter giving an opportunity to the petitioner to explain about the letter written by the Pradhan. The order of the deponent on the letter of the Pradhan is also contained in the margin of Anx.A-2.



8. That para 8 of the writ petition is not admitted. In pursuance of the order passed by the deponent on the letter of the Pradhan Anx.A-2 Shri S.D.Kureel Inspector of Post Offices made enquiries from the petitioner who gave it in his own hand writing on 2.7.1982 that he is elected member of the Gaon Sabha. A photostat copy of the same is being filed herewith as Anx.A-3 to this affidavit.

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9. That in reply to para 9 of the writ petition it is ~~stated~~ stated that the petitioner was not eligible for appointment, hence the letter dated 26.6.82 was cancelled. The petitioner had filed

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his nomination paper for election on 14.5.82, the elections were held on 3.6.1982 and he was declared ^{Deleted &} on 6.6.1982. The petitioner has applied for his appointment as EDSPM on 29.5.82 that is after he had filed his nomination paper which fact he had suppressed. On being asked ADO(P) Machretta furnished information in writing about the date of filing of the nomination, election and declaration of the result. A photostat copy of the letter dated 5.8.82 is being filed herewith as Anx.A-4 to this affidavit.

10. That para 10 of the writ petition is ~~denied~~ as incorrect and in this connection Anx.A-4 may kindly also be perused. The allegation of submission of resignation of petitioner on 22.6.82 on the fact of it is ~~this fact~~ ^{an after thought. He did not mention this fact} in his statement in writing dated 2.7.82, which has been filed ~~as~~ ^{as} Anx.A-3 to this affidavit. The alleged resignation letter was also not submitted to the proper authority and in accordance with Rule 60 of the Panchayat Raj Rules. The letter of resignation according to Rule 60 of the Panchayat Raj Rules should have been presented to the District Panchayat Raj Officer in person or by Registered Post. But from the letter of resignation annexed with the writ petition it is clear that it was addressed to the BDO, Machretta who is not the competent under the rules. It is incorrect that the letter of resig-

5/19/82
COMMISSIONER
PANCHAYAT RAJ

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-nation was submitted to the Prescribed Authority as provided under section 12-F of Panchayat Raj Act. On enquiry being made the District Panchayat Raj Officer by means of letter dated 6.8.82 informed that the letter of resignation was not in conformity with rule 60 of Panchayat Raj Rules and the same was returned to be BDO. It has also been intimated that the petitioner is an elected member of the Panchayat. A photostat copy issued by the District Panchayat Raj Officer dated 6.8.82 is being filed herewith as Anx.A-5 to this affidavit.

11. That para 11 of the writ petition is not admitted and in this connection the reply submitted to para-10 of the writ petition may also be perused.

12. That the deponent had no knowledge about the assertions made in para-12 of the writ petition and hence the same are denied.

13. That in reply to para 13 of the writ petition it is not denied that the petitioner gave an affidavit on 5.7.82, but the petitioner had himself given in writing earlier that he is elected member of Gaon Sabha.

[Handwritten signature]
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Warrant

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14. That paras~~ix~~ 14 and 15 of the writ petition are not within the knowledge of the deponent hence not admitted. However, it can reasonably be inferred that a person contesting election in a Gaon Sabha is certainly involved *J* in the local politics. Rule 12 of the E.D. conduct and service rules clearly provides that an employee shall not take part in election to any local authority. (The deponent is advised to state that a person who has been elected to an office of a local authority no more remains qualified to hold the post.)

15. That para 16 of the writ petition is admitted.

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18 and 19 J

16. That para 17 of the writ petition is not admitted as stated. Sub-rule(4) of Rule 18 of EDA conduct and service rules clearly prohibits an employee from taking part in any election. (The deponent is advised to state that simply because a person has contested the election and elected before ~~the~~ his appointment does not mean that he is eligible to hold the post.) In the present case the petitioner filed his nomination on 14.5.82 i.e. he took part in the election on that date. He applied for the present post on 29.5.82 suppressing the facts that he was taking part in the elections. Even after the declaration of the result he did not inform of the same to the authorities

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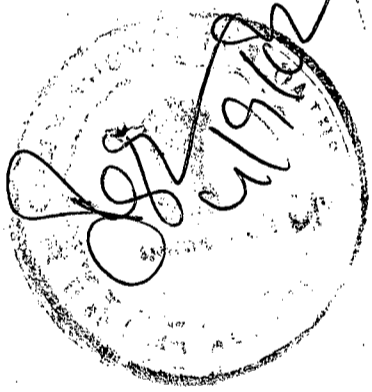
concerned. After having given himself in writing on 2.7.82 that he is an elected member he shifts his stand and has come up with a different story that he had submitted his resignation on 22.6.82. The resignation too was not submitted to the prescribed authority. As a matter of fact no order of regular appointment has yet been passed. The letter of provisional adhoc appointment was not delivered to him as in the meantime the disqualification of the petitioner was brought to the notice and the matter was being enquired into.

18. That in reply to ¶ para 21 of the writ petition it is stated that even the letter of provisional adhoc appointment dated 26.6.82 was not delivered to the petitioner. ¶ Hence his position remains only that of a selected candidate. Hence he has no right to maintain the writ petition.

In the above circumstances there is no justification for withholding the appointment on the basis of the advertisement dated 16.7.82 and the interim order of stay is liable to be vacated.

It may also be stated that the petitioner has again applied on 4.8.82 against the advertisement dated 16.7.82

19. That grounds 1 to 8 taken by the petitioner have no merit in view of the facts stated in this counter affidavit and the writ petition is liable to be dismissed with costs.



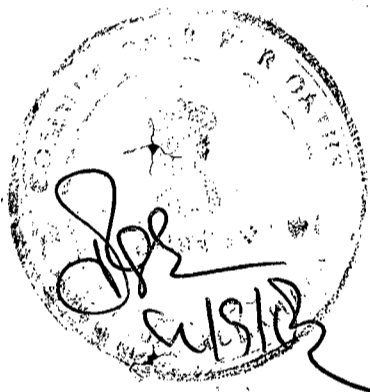
Lucknow: Dated
Sep. 4, 1982.

Kumar
Deponent.

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Verification.

I, the abovenamed deponent do hereby verify that contents of paragraphs 1, 3, 11, 12, 15 of this affidavit are true to my knowledge and those of paragraphs 2, 4 to 10, 13, 14 except bracket, 16 except bracket, 17 & 18 are based on the information derived from the record and those of paragraphs 4 bracketted, 16 bracketted, 19 are believed by me to be true on legal advice. No part of it is false and nothing material has been concealed. So help me God.



Lucknow: Dated
Sep. 4, 1982.

Ramesh Kumar Nigam
Deponent.

I identify the deponent who has signed before me.

Ramesh Kumar Nigam
Clerk of Sri. B. Kumar, Advocate.

Solemnly affirmed before me on 4-9-82
at 5.35 a.m./p.m. by Sri *Ramesh Kumar Nigam*
the deponent who is identified by Sri *Ramesh Kumar Nigam*
~~Clerk of Sri B. Kumar~~ Advocate High Court,
Lucknow Bench.

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



Shahid Hussain
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
6/3/82
4-9-82

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

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W.P. No 3551 of 1982.

4/41

Prishna Anwar Singh

--- Petitioner

vs.

Union of India & ors

--- Opp Parties

Annexure - A-1



Annexure

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A-1

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INDIAN POSTS AND TELEGRAPHS DEPARTMENT

OFFICE OF THE SUPDT. OF POST OFFICES SITAPUR DIVISION

MEMO No. A-45/E
Dated at Sitapur the, 26-6-1982

Shri. Krishna Kumar Singh Goswami
is approved to officiate as UDPM - Behat Baran
in account with Sitapur Distt. Sitapur on
purely temporary and adhoc basis subject to the satisfactory
verification etc, required for such appointment. He will
be disengaged from this temporary arrangement at any
time without assigning any reason till a formal order
for his appointment is issued by this office and he will
have no claim on this post of UDPM - Behat Baran
Distt. Sitapur.

Sol

अधीक्षक डाक विभाग
सीतापुर प्रखण्ड - 261001

- Copy to;
1. The Sub Divisional Inspector (South) Sitapur
information. The charge may be given to Sri. Krishna Kumar
Singh under intimation to this office.
 2. Shri. Krishna Kumar Singh Goswami
Behat Baran Distt. Sitapur
 3. The PM Sitapur for information and n/a.
 4. The O/S Sitapur Aurayabat Distt. Sitapur
 5. O/C

Sinha/-

(T AHMAD)
Supdt. of Post Offices
Sitapur - 261001



In the Hon'ble High Court of Judicature at Allahabad,
Indraw Bench, Indraw.
WP No 3551 of 1982.

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Krishna Kumar Singh

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Petitioner

Union of India & ors

Opp-Parties

Annexure A-2.

A-3

19/12

श्री श्री कृष्ण उमा प्रतिष्ठान की स्थापना
वि. सं. 1912 के अधिनियम 133 के अन्तर्गत 1972

अतः कृष्ण उमा प्रतिष्ठान की स्थापना
इसी नाम के मेरी स्थापना के अन्तर्गत
मेरे पास जो कुछ भी है वह सब मैं
कृष्ण उमा प्रतिष्ठान को दे देता हूँ।
इसके अलावा मैं अपने परिवार के
सभी सदस्यों को भी इस प्रतिष्ठान में
सहायता करने के लिए प्रार्थना करता हूँ।
इसके अलावा मैं अपने परिवार के
सभी सदस्यों को भी इस प्रतिष्ठान में
सहायता करने के लिए प्रार्थना करता हूँ।
इसके अलावा मैं अपने परिवार के
सभी सदस्यों को भी इस प्रतिष्ठान में
सहायता करने के लिए प्रार्थना करता हूँ।

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K. S. D. S. S.
Prasad
K. S. D. S. S.
2/7/08
K. S. D. S. S.

श्री कृष्ण उमा प्रतिष्ठान
प्रधानाचार्य
ग्राम. क. सीता-द्वारा
दि. 2-2-22

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

W.P. No 3551 of 1982

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Krishna Kumar Singh

----- Petitioner

v3

Union of India for

----- Opp-Parties

Case - A-3.

SS

In the Honble High Court of Judicature at Madras, —
Indraw Bench, Indraw

W.P. No 3551 of 1982

(A)
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Bhishma Kumar Singh

Petitioner

vs.

Union of India & ors

Opp-Parties

Doc A-4

See

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

W.P. No 3551 of 1982

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Devendra Kumar Singh --- Petitioner

vs

Union of India & ors --- Opp-Parties

Incare - A-5

for
4/5/82

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

Writ Petition No 3551 of 1982

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20/9/82

Krishna Kumar Singh
vs

Petitioner

Union of India & others

Opposite

Rejoinder-affidavit

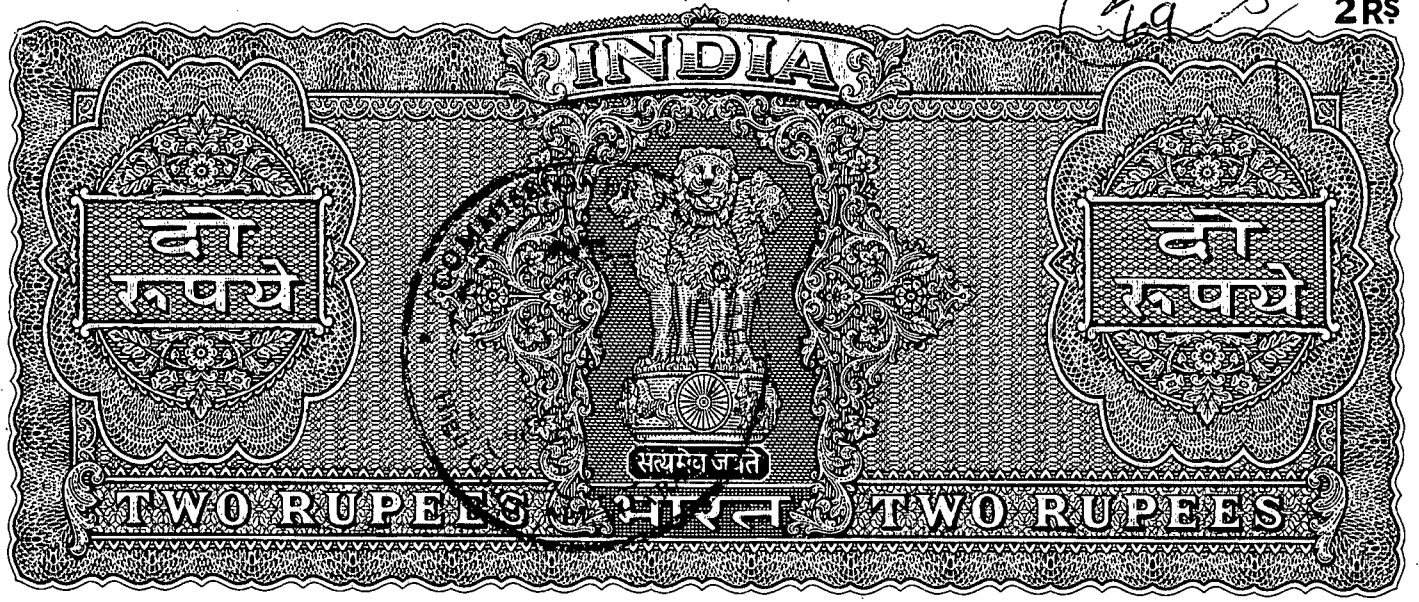
This is to certify that the above noted
Rejoinder-affidavit is within time

29/9/82

Lucknow
dt-20/9/82

Prakash
Advocate
for the petitioner.

195 2RS



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

Writ Petition 3551 of 1982

49

Krishna Kumar Singh Petitioner
Verses
Union of India & others Offf parties

Rejoinder-affidavit

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

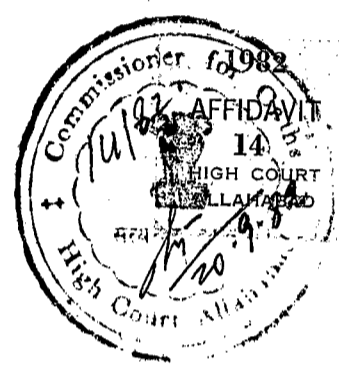
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Writ Petition No. 3551 of 1982.

Krishna Kumar Singh.....Petitioner

Versus

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



REJOINDER AFFIDAVIT IN WRIT PETITION

I Krishna Kumar Singh aged about 27 years S/O. Sri Ram Singh Resident of Village Behat Biram Pargana Macherehta Tahsil Misrikh District Sitapur do hereby solemnly affirm as under:-

(1) That the deponent is petitioner in the above noted case and is fully conversent with the facts deposed hereunder. The deponent understands the contents of Counter-Affidavit under reply which have been read over and explained to him.

(2) That the contents of paras 1, 2 and 3 of the Counter-Affidavit needs no reply.

(3) That the contents of para 4 of the Counter-Affidavit are denied and those of para 4 of the Writ Petition are re-affirmed. The deponent was fully eligible for being appointed on the post of Extra-



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Departmental Sub-Post Master (hereinafter referred to as "E.D.S.P.M.") and he did not held an elected office of member of Gaon Sabha as till then no oath as per section 12-E of Panchayat Raj Act had taken place.

(4) That with reference to the contents of para 5 of the Counter-Affidavit, the deponent re-affirms the contents of para 5 of the Writ Petition. The result of the Selection and appointment of the deponent was displayed on the notice board in the office of opposite party No. 2. The deponent never held the office of elected member of Gaon Sabha. The deponent neither took oath of the office of elected member of Gaon Sabha nor he took charge of the same. The deponent when applied for the post was not an elected member of Gaon Sabha. The opposite party No.2 cancelled the appointment of the deponent on non-existent ground i.e. he was elected member of Gaon Sabha on the date he applied for the post, before the deponent could have joined the post of E.D.S.P.M. The appointment letter dated 26.6.82 contained in Annexure No. 1-A to the Counter-Affidavit specifically directs the Sub-Divisional Inspector (South) Sitapur to give charge for the post of E.D.S.P.M. Behat Biram to the deponent.

(5) That the contents of para 6 of the Counter-Affidavit needs no reply.

(6) That with reference to the contents of para 7 of the Counter-Affidavit it is submitted that the deponent did not held the office of elected member of Gaon Sabha when the letter contained in Annexure No. A-2 to the Counter-Affidavit was written. The

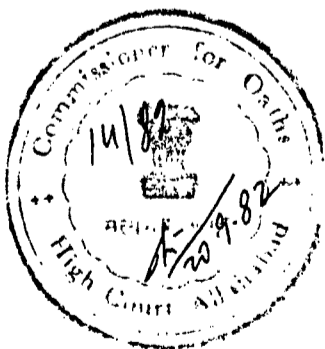


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election of Gaon Sabha was held on 3.6.82 and result was declared on 6.6.82. The oath of the office of elected member of Gaon Sabha took place on 24.8.82. As the deponent had resigned vide letter dated 22.6.82 contained in Annexure No. 2 to the Writ Petition, he did not take oath of the office of elected member of Gaon Sabha held on 24.8.82. Sri Surya Prakash Singh who wrote the letter contained in Annexure No. A-2 to Counter-Affidavit did not have the charge for the post of Pradhan Gaon Sabha when he maliciously wrote the said letter describing himself as 'Pradhan'. Surya Prakash Singh took oath of the office of Pradhan Gaon Sabha on 16.8.82. The deponent was not offered proper opportunity to explain his matter before passing the impugned order.

(7) That the contents of para 8 of the Counter-Affidavit as stated are denied. On 2.7.82 Sri S.D. Kureel met the deponent and enquired from him about his name and adoption. The deponent told him that his name is Krishna Kumar Singh S/O. Ram Singh and the same is recorded in School Records and Gaon Sabha Records. He also told that by the said name he has contested the election of Gaon Sabha. The questions which were put to the deponent by Sri S.D. Kureel related to the name of the deponent. Sri S.D. Kureel then asked the deponent to give in writing that his name is Krishna Kumar Singh S/O. Ram Singh and is recorded as such in School Records and Gaon Sabha records. The deponent was not ~~not~~ informed about the real matter of enquiry by Sri S.D. Kureel. The deponent was neither shown the letter written by Sri Surya Prakash Singh contained in Annexure No. A-2 to Counter-Affidavit nor was informed any thing about the same. The next day the deponent

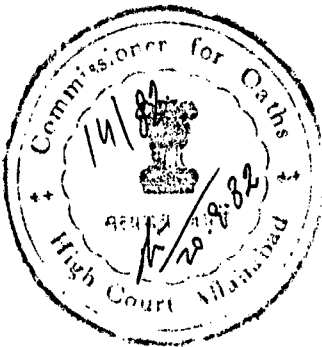


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went to office of opposite party No. 2 and then on enquiry came to know that some village people has made a complaint that he was holding an elected office of Gaon Sabha. The deponent then filed an affidavit showing the date of election and resignation submitted by him a True Copy of which forms part of Writ Petition as Annexure No. 3. The deponent has not been given any opportunity to show cause or explain the matter in respect of the proposed action.

(8) That with reference to the contents of para 9 of the Counter-Affidavit it is denied that the deponent was not eligible for appointment. The deponent fulfilled all necessary qualification and was duly selected for appointment. His appointment has been cancelled vide Annexure No. 1 to the Writ Petition solely on the ground that he was an elected member of Gaon Sabha on the date he applied for the post which is factually incorrect. The dates on which nomination was filed, election was held, result was declared and application for appointment was submitted given in para under reply are correct. The writing contained in Annexure No. A-4 to the Counter-Affidavit has been obtained on 5.8.82 after the passing of the impugned order. The deponent did not suppress any material fact in his application for appointment. He mentioned all the necessary facts and information which were required to be mentioned vide advertisement letter issued by opposite party No. 2. inviting applications for the post. The candidates were not required to mention that they have also filed nomination for election of Gaon Sabha. A similar advertisement letter forms part as Annexure No. 4 to the Writ Petition.



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(9) That with reference to the contents of para 10 of the Counter-Affidavit the deponent re-affirms the contents of para 10 of the Writ Petition. The deponent vide letter dated 22.6.82 contained in Annexure No. 2 to the Writ Petition in his own handwriting submitted his resignation to B.D.O. Macherehta. The resignation was addressed to B.D.O. Macherehta because the village Behat Biram fell under his territorial jurisdiction and he was the incharge of and intrusted with the job of compleating the election in Block Macherehta. The said resignation dated 22.6.82, as is clear from the contents of para under reply as well as from Annexure No. A-5, was send by B.D.O. Macherehta to District panchayat Raj Officer, Sitapur who insted of accepting the same returned back to B.D.O. Macherehta for necessary action. It is denied that B.D.O. Macherehta was not competent authority U/S. 12-~~F~~^H of the Panchayat Raj Act to accept the resignation. The deponent did not mention the fact of giving resignation in his writing dated 2.7.82. Annexure No. A-3 because the questions which were put to him by Sri S.D.Kureel Inspector Post Offices (South) related to the name of the deponent. He did not inform the deponent about the real matter of enquiry. The letter dated 6.8.82 contained in Annexure No. A-5 is written by District Panchayat Raj Officer in reply to some letter written by Inspector Post Offices (South). It is wrong and denied that the deponent would be deemed to have continued to hold the office of elected member of Gaon Sabha till his resignation was not accepted. In fact the deponent never held the office of elected member of Gaon Sabha. He did not take oath of the office. The oath of the office of elected member of Gaon Sabha was held on 24.8.82



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in which the deponent did not participate. The resignation of the deponent has been accepted by the District Panchayat Raj Officer on 20.8.82. Re-election for the said vacant office of elected member of Gaon Sabha of village Behat Biram is going to be held on 27.9.82 and the last date for filing nomination was 16.9.82.

(10) That the contents of para 11 of the Counter-Affidavit are denied and those of para 11 of the Writ Petition are re-affirmed. The deponent neither took oath ~~oath~~ of the office of elected member of Gaon Sabha nor took charge for the same. The oath ceremony of the elected member of Gaon Sabha was held on 24.8.82 in which the deponent did not participate. Section 12-E of the Panchayat Raj Act and Rule 86 of the Rules are quoted hereunder for ready reference.

"12-E. Oath of Office- (1) Every member of Gaon Sabha shall, before entering upon any office referred to in Sections 11-A, 12, 43 and 44, make and subscribe before such authority as may be prescribed on oath or affirmation in the form to be prescribed.

(2) Any member who declines or otherwise refuses to make and subscribe such oath of affirmation as aforesaid shall be deemed to have vacated the office forthwith."



"Rule 86. Oath of office (1) Every Pradhan (Up Pradhan) and member of a Gaon Panchayat and every Panch (Sahayak Sarpanch and Sarpanch) of a Naya Panchayat shall as soon as may be after the constitution of Gaon Panchayat or Naya Panchayat as the case

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may be, take oath of office before and at the place and time which may be fixed for the purpose by the Block Development Officer, Assistant Development Officer, Assistant District Panchayat Officer, Panchayat Inspector, Tahsildar, Naib-Tahsildar or any other officer or officers appointed by the District Magistrate in this behalf. The oath so administered will be in the following manners."

It is noteworthy that the deponent submitted his resignation prior to taking oath of office to the Block Development Officer who was the highest officer amongst the officers mentioned in Rule 86 above authorised to administer oath. The deponent declined to take oath by submitting resignation.

(11) That the contents of para 12 of the Counter-Affidavit are denied and those of para 12 of the Writ Petition are re-affirmed as correct. The oath of the elected member of Gaon Sabha has been held on 24.8.82 and of Pradhan 16.8.82. The Gaon Panchayat Behat Biram was not even constituted till the filing of Writ Petition and no notification under Rule 19-jj of the Panchayat Raj Rules till then had issued. The deponent for ready reference quotes Rule 19-jj of the Panchayat Raj Rules.



"19-jj. Constitution of Gaon Panchayat (1) As soon as at least two thirds of the seats of members of Gaon Panchayat and the office of the Pradhan have been filled up, the District Magistrate shall notify that the Gaon Panchayat has been duly constituted.

(2) The notification under sub-rule (1) shall contain the names of the members and of Pradhan. It

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shall be published by affixing a copy thereof at the office of Assistant Development Officer (Panchayat) A copy shall also be sent to the Secretary of Gaon Sabha concerned."

(12) That with reference to the contents of para 13 of the Counter-Affidavit it is submitted that the deponent by his writing dated 2.7.82 contained in the Annexure No. A-3 to the Counter-Affidavit actually wanted to say that his name is Krishna Kumar Singh and he has contested the election of Gaon Sabha in that name. (The deponent could not have become member of Gaon Panchayat Behat Biram prior to taking of oath U/S. 12-E of the Panchayat Raj Act and prior to its constitution by notification under Rule 19-jj of the Panchayat Raj Rules). The deponent re-affirms the contents of para 13 of the Writ Petition which have not been denied.

(13) That the contents of para 14 of the Counter-Affidavit are denied and those of para 14 and 15 of the Writ Petition are re-affirmed. The election of Gaon Sabha are not contested on Political party basis. The deponent was not an employee under opposite party No. 2 when he contested the election of Gaon Sabha on 3.6.82 (The P & T Extra Departmental Agents (C & S) Rules 1964 do not provide that the person by contesting the election of Gaon Sabha prior to his appointment under opposite party No. 2, renders himself disqualified for appointment as E.D.S.P.M.)

(14) That the contents of para 15 of the Counter-Affidavit needs no reply.



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(15) That with reference to the contents of para 16 of the Counter-Affidavit it is submitted that the opposite parties have not specifically denied the contents of para 17, 18 and 19 of the Writ Petition.

(B) (Sub-Rule (4) of Rule 18 of P.& T. E.D.A. (C & S) Rules 1964, no doubt prohibits an employee to take part in an election to legislative or local authority. Neither this nor any other Rule under the Rules 1964 renders a person ineligible for appointment in case prior to entering in service he has contested the election to any local authority. Rule 17 to Rule 25 of P & T. E.D.A. (C & S) Rules 1964 provides code of conduct. for its employees i.e. Extra-Departmental Agents. An employee who contests the election or otherwise acts in disregard to any provisions contained in Rule 17 to 25 renders himself liable for disciplinary action U/R. 7 by adopting the procedure prescribed U/R. 8 and 9 of the Rules. But those persons who in past before entering in service as E.D.Agent have acted in disregard of or contrary to the provisions contained in Rule 17 to 25 would not be rendered themselves ineligible or disqualified for the appointment.)



(C) The deponent did not suppress any material fact in his application for appointment. He mentioned all the necessary facts and information which were required to be mentioned vide advertisement letter issued by the opposite party No. 2 inviting applications for the post in question. The candidates were not required to mention that they have or have not filed the nomination for election of Gaon Sabha. A similar advertisement letter forms part of this Writ Petition as Annexure No. 4.

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(D) The deponent by his writing dated 2.7.82 contained in Annexure No. A-3 to Counter-Affidavit simply wanted to say that his name is Krishna Kumar Singh and he has contested the election of Gaon Sabha in that name. Sri S.D.Kureel did not inform the deponent about the real matter of enquiry. The questions put to the deponent by Sri S.D.Kureel related to his name. Contents of paras 7 and 12 of this affidavit may kindly be perused in this regard. The fact of submitting resignation on 22.6.82 finds place in the deponent's affidavit dated 5.7.82 Annexure No. 3 to the Writ petition which was filed before the opposite party No. 2.

(E) The deponent was not disqualified (and his appointment could not have been cancelled on the non-existent ground that he was an elected member of Gaon Sabha when he applied for the post which fact is totally incorrect.)

(16) That with reference to the contents of para 18 of the Counter-Affidavit, it is submitted that the deponent was dully selected/appointed on the post of E.D.S.P.M. Behat Biram by the opposite party No. 2 and the result of selection/appointment of the petitioner was displayed in the notice board in the office of opposite party No. 2. Copies of the appointment letter were issued to the deponent, as well as to the Sub-Divisional Inspector, P.M.Sitapur and D.S. Aurangabad. The Sub-Divisional Inspector (South) Sitapur was specifically directed to give charge of the post to the deponent. It is denied that the appointment was provisional one. It is also denied that the deponent has no right to maintain this Writ Petition. The deponent due to precaution has re-



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applied for the post against the advertisement dated 16.7.82. The deponent has neither waived nor has intention to wave his right accrued to him by appointment order dated 26.6.82. The opposite party No. 2 by the impugned order contained in Annexure No. 1 has cancelled the appointment order without giving any opportunity to the deponent and on a non-existent fact and ground.

Lucknow Dated:-
September 20th, 1982.

[Signature]
Deponent.

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 16 except bracketed portions of paras 12, 13 and 15 are true to my own knowledge and bracketed portions of paras 12, 13 and 15 are believed by me to be true.

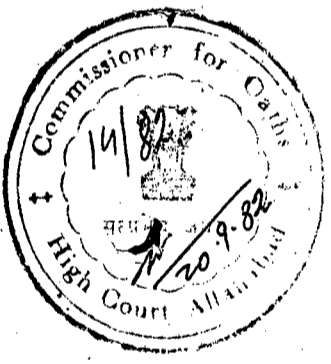
No part of it is false and nothing material cancelled. So help me God.

Lucknow Dated:-
September 20th, 1982.

[Signature]
Deponent.

Solemnly affirmed before me on...20.9.82.....at
9.45....a.m./p.m. by Sri. Krishna Kumar Singh., the
deponent, who is identified by Sri. C. S. Tewari.....
Advocate, High Court, Allahabad.

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



I know the deponent who kept signed before me.
[Signature]
Advocate

[Signature]
20.9.82.
G. S. TEWARI
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
No. 14/82
Date 20.9.82

Before the Central Administrative Tribunal
(Deeknow Bench) Lucknow
P.A. NO. 1066/87/T. C
137

Krishna Kumar Singh Applicant
vs.
Union of India & another respondent

F.F. 6.11.89

Application for Adjourment

It is respectfully submitted as under:-

- (1) That due to illness, the counsel for the applicant could not prepare the case and is not in a position to argue the above noted case today.
- (2) That in the interest of justice it is expedient to adjourn the case today.

Wherefore it is most respectfully prayed that the above noted case may kindly be adjourned today for some future date.

Deeknow
Dt 6th Nov. 1989

P. L. Wani
Counsel for the
applicant

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

No. CAT/Alld/Jud/ 38045 To 4 B

Dated the : _____

T.A 1066/87

K. K. Singh

APPLICANT'S

VERSUS

U. O. India & Ors

RESPONDENT'S

To 1- Sr C. S. Tewari, Advocate, 500/183-A
Kulabpur Dalganj - Lucknow.

2- Sr V. K. Chaudhary, Advocate
Central Government Standing Counsel
High Court, Lucknow Bench.

Whereas the marginally noted cases has been transferred by High Court LKO Under Section the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Writ Petition No. 3551-82
of 198

of the Court of High Court

LKO arising out of order

dated _____

passed by _____ in

The Tribunal has fixed date
of 27.6.89 1989. The
hearing of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

6 day of 5 1989.

dinesh/

D. S. D. Singh
DEPUTY REGISTRAR

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

wp No. 3557 of 1982
TA No. ~~863~~ - 87 (T)
1066

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K.K. Singh

PETITIONERS/APPLICANTS
APPELLANTS

Versus,

Union of India

OPPOSITE-PARTY/PARTIES
RESPONDANTS

FIXED FOR... 26.4.85

MEMORANDUM OF APPEARANCE

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

LUCKNOW : DATED :

198 .

(V. K. CHAUDHARI)
Advocate

Counsel for... Respondents

Additional Standing Counsel
for Central Govt.

R/O 14/629, Barakhana, Nai-Basti
Udaiganj, Lucknow.

Tel. Nos. 34986 (Residence)

33640 (Cham. - High Court)

RECEIPT OF MEMO

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

Bench Secy. Court No.....

Sec. officer.....

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CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH)
(ALLAHABAD)

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23-A, Thornhill Road, Allahabad.

215

No. CAT/ALLD. 29547/87 Reg. No. 1000 /1987(T) 198
T.A. No 4066 /1987

DATED 15.4.88

Krishna Kumar Singh

APPLICANT

VERSUS

Union of India and others.

RESPONDENTS

To

1. C.S. Tewari, Advocate, 500/183-A Kulubpur Daliganj, Lucknow.
V.K. Chaudhary Central Govt. Standing Counsel
2. Sri ~~Ramesh Kumar~~ Advocate, High Court, Lucknow Bench
Lucknow.

WHEREAS the marginally noted case has been transferred
by H.C.Lks.

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

Writ Petition No. 3551 of 1982 19
of the Court of _____
arising out of the order dated _____
passed by _____
in _____

26/4/88

The Tribunal has fixed the date of 28/4/88 1988 for the hearing of the matter.

If no appearance is made on your behalf by yourself, your pleader or by someone duly authorised to

act on plead on your behalf, the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal

this 15th dat of April 1988. 198

DEPUTY REGISTRAR.