

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA 1070/82  
CAUSE TITLE. W.P. NO. 3250/82 OF .....

NAME OF THE PARTIES ..... *Bhagwati Dass Singh* ..... Applicant

Versus

*W.O. E. Rao* ..... Respondent

Part A.

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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)

*This file received from record room without Post*

Rechecked on Dated 14.9.11.....

Counter Signed.....

*Key of 1915/11*

Section Officer/In charge

*Ans. on*  
Signature of the  
Dealing Assistant

Order Sheet

TA no 1070 of 87

A1

BD Singh. :: 2 :: vs. Supdt. Post Office

15/3

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
21/3 balti path 2	(1)	OK
21.3.1990	Hon. Mr. D.K. Agrawal, J.M., Hon. Mr. K. Obayya, A.M.	This W.H. no 3750/82 received on transfer from Lucknow bench of High Court in May 87 along with other W.H.s.
	Shri. V.S. Tripathi, for the petitioner and Shri. L.P. Shukla, for the respondent No. 2 are present. No one appears for the respondent No. 1. Pleadings are complete.	On the date of transfer, the case was ready for hearing.
	List it for hearing on 25.7.1990.	Transfers notices issued by Addl office (or not received from Addl) but neither any reply nor any undelivered copy received back.
sd.	A.M.	Subj. recd. for 25/7/90
25.7.90	Hon'ble Mr. Justice K. Nath V.C. " K. Obayya, A.M.	22 Notice filed 24/7/90
	Mr. P. Srinivasan files application for hearing on 13th Aug. 90.	OR
3	(A.M.)	Notices were issued on 20.2.90. No unexpired copy has been return back.
	Mr. P. Srinivasan, A.M. Hon. Mr. J.P. Sharma, J.M.	S.R.O.
	Applicant in person.	OK
	Mr. L.P. Shukla for respondent 2 Shri Agbool Patelwala, advocate present in court and states that the application may be heard along with another application which is yet to be transferred from the High Court. Petition pending in the High Court is with Petitioner no. 4407/82 and is said to involve the same issue as here. Mr. Patelwala submits that he is moving the High Court for transfer of that W.H. Petition.	Case is ready for hearing. 8/8/90
Dinesh	In view of this, the application is posted for further orders on 23.10.90.	13/8/90 AM

J.M.

1070/87/0

9/12/91

Case not reached  
app. to 11.391.

11/12/91

11.3.92

Noticing of D.B. - app to 28.3.92

28.3.92

Noticing of D.B. - app to  
4.4.92

d

4.4.92

Noticing of D.B.  
of 20.2.9.92

d

2.4.93

D.R.

This file has been traced  
condensed during physical  
verification.

Issue notice for 26.4.93

by U.P.C. ✓

Noted for 96  
AG  
26/4/93

Noted for  
26/4/93  
AG  
26/4/93

d  
polit  
sec  
csek atm

SM  
23/4

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Transferred Application No. 1070 of 1987

Superintendent of Post Offices,  
Sultanpur Division, Sultanpur and others . . . Respondents

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

Hon'ble Mr. V.K. Seth, Member (A)

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

Failing to get appointment as Extra Departmental Branch Post Master, which appointment was given to the respondent no. 2, the applicant filed a writ petition before the High Court and by operation of law, it has been transferred to this tribunal. It appears that the previous incumbent proceeded on leave and the applicant was appointed as Substitute in his place. The previous incumbent who was his real brother, ~~K~~ died on 6.11.1980. The applicant continued to work. The applications for the post were invited and the applicant who was also qualified submitted an application, but instead of selecting the applicant, the respondent <sup>no 2</sup> was selected.

2. According to the applicant, he fulfills all the requisite conditions and he has a Pakka House also and he has better place than the respondent, yet the respondent was ~~allowed~~ appointed

3. From the counter-affidavit, it appears that the respondent has passed B.A. Examination and he has been appointed in preference to the applicant who was an Ex-Army personnel ~~and was deemed to be better than applicant~~. The appointment was made as early as in the year 1982. There appears to be no good ground for

11. Annexure No.8 (Testimonial for civil -31  
employment/)

12. Annexure No.9 (Appointment letter duly 32-33  
signed by President of  
India)

13. Annexure No.10 (Letter issued by Lt. Gen. 34  
Mathur)

14. Annexure No.11 (Order dated 2.8.82 35-38  
passed by O.P.I)

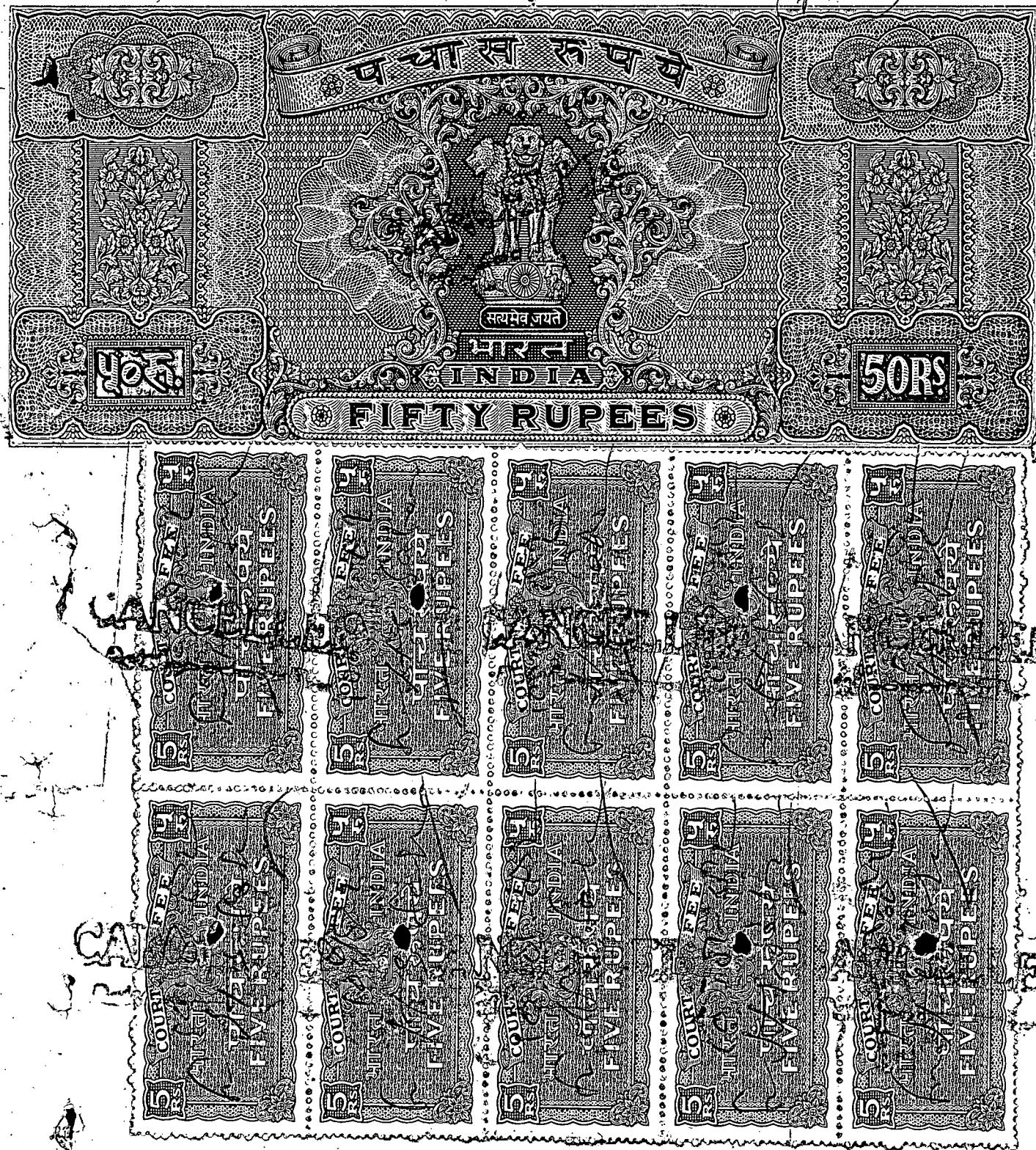
Presented by:-

*H.S. Gaur*

ADVOCATE

Dated, Lucknow: Counsel for the petitioner.

August 10, 1982.



Honble High Court of Judicature  
as Alcalahad Lucknow Bench  
Lucknow

Amount 3750/- 982

Bhagwati Deen Singh — Petitioner

13

Superintendent of Post  
offices ~~se~~ ~~opp~~ parties

AS Gaur

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
Lucknow Bench Lucknow.

Writ Petition No. 3750 of 1982  
Under Article 226 of the Constitution of India.

Bhagwati Din Singh, aged about 48 years,  
son of Debi Bux Singh, resident of village  
and post office Dehriyawan, pargana Isauli,  
tahsil Musafirkhana, district Sultanpur.

....Petitioner

VERSUS



1. Superintendent of Post Offices, Sultanpur Division, Sultanpur.
2. Nazaim Bux Singh, son of Mata Din Singh, resident of village and post office Dehriyawan, pargana Isauli, tahsil Musafirkhana, district Sultanpur.
3. Minor of India through Secretary Ministry of Post and ....OPPOSITE PARTIES.

Bhagwati

The petitioner, abovenamed, begs to state as under:-

~~✓~~

1. That the instant writ petition arises out against an order of appointment of Branch Post Master passed by the opposite party no.1 in favour of the opposite party no.2 by the order dated 2nd August, 1982.

2. That in village Dehriyawan in the district of Sultanpur there is a Branch Post office in existence since 1960. Sri Ram Bahadur Singh was the first Branch Post Master who was appointed in the year 1960 and he served till February, 1980. On ~~the~~ his death the real brother of the petitioner Sri Sheo Saran Singh was appointed since 6.11.80 as Branch Post Master of the said post office and was functioning as such.

3. That Sheo Saran Singh who was functioning as Branch Post Master of the said Post office was selected for training for the post of postal assistant in 1st March, 1982.

4. That service rules for Post and

*B. Singh*

Telegraph Extra Departmental Staff have been framed by the Central Government and which also provides E.D.A. Conduct and Service Rules. The post of a Branch Post Master is also a civil post and the appointment and removal of a Branch Post Master is therefore governed according to the said rules.

5. That under section 2 of Service Rules for Post and Telegraph Extra Departmental Staff, Extra Department Agent (E.D.A.) has been defined and which means besides other persons also Branch Post Master.

6. That Rule 5(1)(2) provides the arrangement during leave vacancy or during the period when the E.D.Agent is not function. It is reproduced as below:-

" During leave, every E.D.agent should arrange for his work being carried on by substitute whom should be a person approved by the authority competent to sanction leave to him. Such approval should be obtained in writing."

Sub-section (3) provides:-

(3) " The allowance normally payable to E.D.agent shall during leave be



*B. M. Singh*

AM

- 4 -

paid to the approved substitute provided by him."

✓

7. That Sri Sheo Saran Singh during his absence entrusted the work of the Branch Post Office to the petitioner who happened to be his ex real brother and also duly qualified to function at the said post. The petitioner, therefore, assumed the said office on 1.3.82 and started functioning since then. A true copy of the charge report is annexed hereto as Annexure No.1 and Annexure 1-A.

8. That the petitioner was approved since he was paid usual allowance by the opposite party no.1 and opposite party no.1 duly recognised the petitioner as Branch Post Master.

9. That opposite party no.1 notified the clear vacancy for the post of Branch Post Master for the Branch Post Office Dehriyawan by the notice dated 19th March, 1982 giving out the requisite qualification. A true copy of the said notice is annexed hereto as Annexure No.2.

10. That the petitioner who is fully



Blang

AB

qualified in all respects to be appointed as Branch Post Master duly applied before the opposite party no.1 by moving an application on 14th April, 1982 also indicating his requisite qualifications. A true copy of the application moved by the petitioner for appointment is annexed hereto as Annexure No.3.

11. That the petitioner further supplemented his application by enclosing necessary certificates by the application dated 16th April, 1982 a true copy of which is annexed hereto as Annexure No.4.

12. That the petitioner further supplemented his application by sending a detailed report of his past services and sent application on 20th July, 1982 a true copy of which is annexed hereto as Annexure No.5.

13. That in section 2 of the E.D.A. Conduct Service Rules the method of recruitment for the post of Branch Post Master is provided. Sub-section(2) provides as the educational qualifications and the relevant section is reproduced below:-

" E.D. sub-post master E.D. branch post master and E.D. delivery agents

Blngs



(A/M)

- 6 -

VS

VIIIth standard , matriculation or equivalent may be preferred."

14. That sub-section (3) of Section 6 provides :-

" According to para 6 which is office letter dated no.43-14/72-X dated 23rd March, 72 wherever possible 1st preference should be given to schedule caste/schedule tribes candidates apart from P & T and other government pensioners for appointment of E.D.agent. // It is also prescribed in para 7 of this letter no.59/72 E.D. dated 18th August, 1973 that matriculate should be given preference over those who had passed VIIIth standard as E.D. BFM and those who had passed VIIth standard should be given opportunity who had VIth standard or E.D. D.A etc."

15. That sub-section (6) of Section 6 further provides that the appointment of E.D. agents should be made strictly on merits.

16. That several other persons had also applied for the post of Branch Post Master including opposite party no.2.



(A15)

Xb

17. That opposite party no.2 is aged about 24 years and ~~has~~ only passed High School Examination in IIIrd Division and is neither a member of schedule caste or schedule tribes nor is an ex-army personnel or a government pensioner. As such the petitioner has preferential claim over opposite party no.2 in the matter of appointment. No other candidate also stands in preference to the petitioner.

18. That only three applications were put in for the said post one by the petitioner, the other by the opposite party no.2 and the third by Chandra Bhan Singh who is a IIInd class High School with English. Although Chandra Bhan Singh ~~is~~ also is neither a member of the Schedule caste or schedule tribes nor he has any experience of the postal work nor he is any retired government servant or ex-army personnel but since he has passed High School Examination with English in IIInd Division so in that respect he is in a better position than opposite party no.2 but not in a better position than the petitioner.



19. That opposite party no.2 had offered Hindi, English, Mathematics, Sanskrit, Economics and Arts as subjects in the High School. English

A handwritten signature in black ink, appearing to read "B. Singh".

AH

was not subject of opposite party no.2. The said Manual provides that the Inspector of Post Offices, should use simple language in correspondence so that it could be understood by every one. Accordingly it was also necessary that the candidate who should be appointed to the post of Branch Post Master should be fully conversant with the English language. The petitioner being an ex-army personnel ~~as~~ has good knowledge of English and the petitioner has also passed the first class of the Army Examination. The photostet copy of the Army certificate of education first class indicating that the petitioner had duly passed the said examination is annexed hereto as Annexure No.6.

20. That besides the fact that the petitioner has passed in the year 1949 the Middle School examination and was placed in first division the said first class certificate of the Indian Army has also been recognised as equivalent to the Junior High School as provided by the Board of High School and Intermediate Education, U.P. The Photostet copy of the Middle School Examination is annexed hereto as Annexure No.7.

21. That the petitioner received Extra-



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(A17)

- 9 -

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good remarks by the military officers and the testimonial for civil employment issued to the petitioner also indicates that the petitioner is fully competent to work with responsibility. A Photostet copy of the testimonial of civil employment is annexed hereto as Annexure No.8.

22. That the President of India appointed the petitioner as a Junior Commission Officer in the regular army in the rank of Naib Subedar. A photostet copy of the said appointment duly signed by the President of India is annexed hereto as Annexure No.9.

23. That the petitioner was duly placed as Hon. Captain by the President of India on the Republic Day in the year 1980. A photostet copy of the letter issued by the Lt. Gen. A. N. Mathur dated 5th February, 1980 is annexed hereto as Annexure No.10.



24. That for the reasons stated hereinabove the petitioner who was the first amongst the three candidates who were applicants for the said post and under the rules stated hereinabove should have been appointed was not appointed but on the contrary opposite party no.1 appointed opposite

(A18)

A/9

party no.2 as Branch Post Master by letter dated 2.8.82 a true copy of which is annexed hereto as Annexure No.11.

25. That the appointment of opposite party no.2 is contrary to law inasmuch as ~~xxxxxxxxxx~~ opposite party no.2 was not a fit and proper person to be appointed as against the petitioner who is a preferential candidate on merits as provided in the rules stated hereinabove.

26. That the appointment of opposite party no.2 is therefore arbitrary and contrary to law and therefore is liable to be quashed.

27. That in spite of the order of appointment of opposite party no.2 the petitioner who has already been functioning as Branch Post Master is still functioning and the charge has not been handed over by the petitioner and the opposite party no.2 has not yet joined or has assumed office of the Branch Post Master.

28. That in case the operation of the impugned order dated 2.8.82 is not stayed the petitioner will suffer manifest ~~xxx~~ injury

Blmof



(A11)

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JP

and the writ petition will also become infructuous.

29. That aggrieved by the aforesaid order passed by the opposite party no.1 the petitioner begs to prefer this writ petition on the following among other:-

GROUND S

(1) Because the impugned order of appointment contained in Annexure-11 to the writ petition is manifestly erroneous being contrary to law.

(2). Because the petitioner being a government pensioner and ex-army personnel has a preferential claim as against the opposite party no.2 and the petitioner alone should have been appointed for the post of Branch Post Master and the opposite party no.1 has committed manifest error of law in not appointing the petitioner to the post of ~~Emark~~ Branch Post Master.

(3) Because the impugned order passed by the opposite party no.1 has not been passed in accordance with the provisions contained in Post and Telegraph Manual and the same is arbitrary.

JFS GMR

*Alo*

*K/S*

- 12 -

(4) Because the impugned order contained in Annexure-11 to the writ petition besides being contrary to law is also opposed to the principles of natural justice.

(5) Because under the Post and Telegraph Manual the post of Bank Branch Post Master has been provided for such persons who are government pensioners or ex-army service personnel in order to provide maintenance to such pensioner and the opposite party no.1 in not ~~pxm~~ considering this aspect of the matter has committed manifest error of law in appointment opposite party no.2.

(6) Because the impugned order contained in Annexure-11 to the writ petition is no order in the eye of law and is manifestly erroneous.

#### P R A Y E R

The petitioner therefore prays as follows:-

(1) that by a writ, direction or order in the nature of certiorari the order dated 2nd August, 1982 contained in Annexure-11 to the writ petition may kindly be quashed;

*J.S.Shr*

(A21)

4/22

(ii) that by a writ, direction or order in the nature of mandamus the opposite party no.1 be commanded not to give effect to the order dated 2nd August, 1982 contained in Annexure-11 and commanding the opposite party no.1 to appoint the petitioner as Branch Post Master.;

(iii) cost of the writ petition be awarded to the petitioner against the opposite parties;

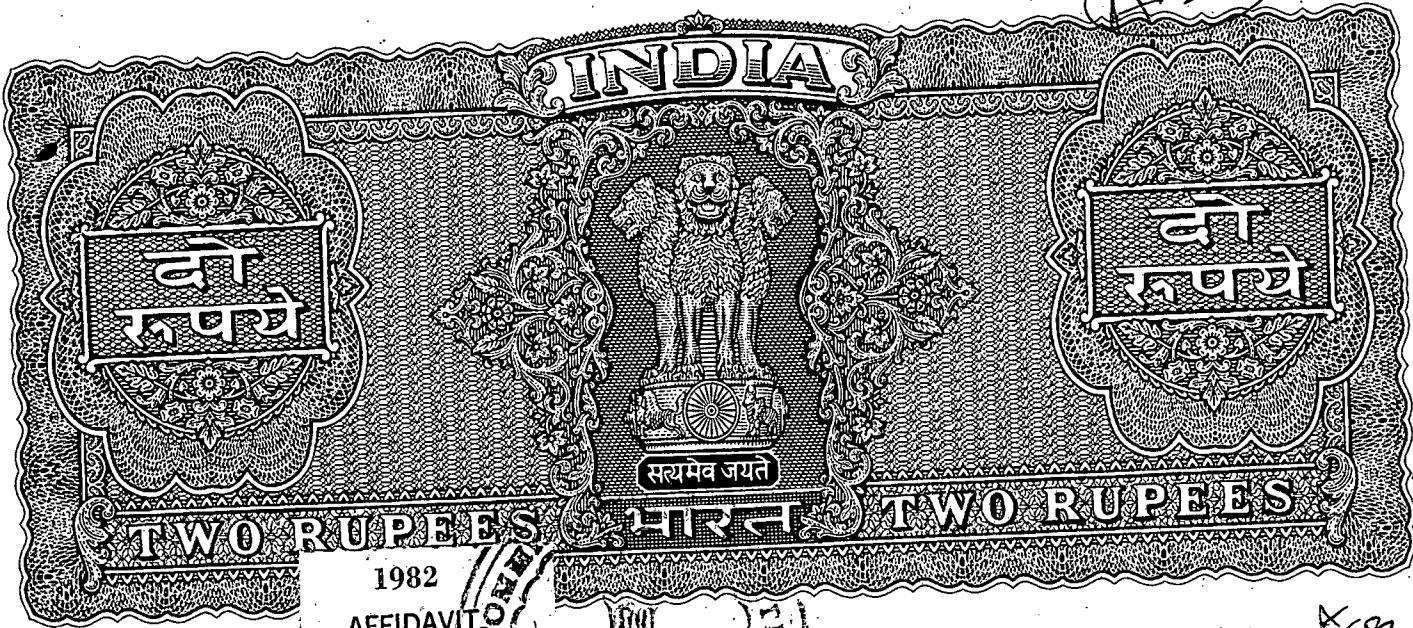
(iv) such other writ, direction or order be also kindly passed as the Hon'ble court may deem fit and proper.

*J. S. Gaur*

ADVOCATE

Dated, Lucknow: Counsel for the petitioner.

August , 1982



1982

AFFIDAVITO  
3  
HIGH COURT  
ALLAHABAD

सत्यमेव जयते

TWO RUPEES



veno.

of 1982

Bhagwati Deen Singh - Petitioner

B

Superintendent of Post  
offices zone - opposition





A-23

IN THE HON'BLE HIGHCOURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench Lucknow.

writ PetitionNo. of 1982

~~100~~  
A/24

Bhagwati Din Singh

...Petitioner

Versus

Superintendent of Post offices and another

.. Opp-parties.

AFFIDAVIT

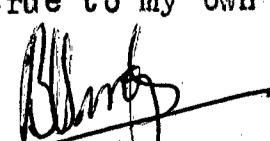
I, Bhagwati Din Singh, aged about 48 years, son of Devi Bux Singh, resident of village and post office Dehriawan, pargana Isauli, tehsil Musafirkhan, district Sultanpur, do hereby solemnly affirm and state as under:-

1. That the deponent is petitioner in the above writ petition and he is fully conversant with the facts deposed to hereunder.

2. That the contents of paras 1 to 28 of the accompanying writ petition are true to my own knowledge.

DATED: AUGUST 10, 1982

DEPONENT.



I, the abovenamed deponent do hereby verify that the contents of paras 1 and 2 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.

B. M. Singh  
DEPOVENT.



Dated, Lucknow:

August 10, 1982.

I identify the deponent who has signed before me.

Maloyartha Banerjee  
R. J. S. John  
ADVOCATE.

Solemnly affirmed before me on 10-8-1982  
at 12-30 a.m./p.m. by Sri Bhagwati D. S. S.  
the deponent who is identified by  
Sri V. D. Shukla & Dr. H. H. Behari  
Advocate, High Court, Allahabad.

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.

Macleod Allen  
JATH COMM. FOR  
High Court, Allahabad,  
Lucknow Bench.  
No. 3..... 90/  
Date: 10/8/1982

16

16  
A.925

इन दिन अनरुद्ध हाथे कीटी आफ जूही दिन वर एट खलाहा लाद  
सिटिंग एट लखनऊ ।

ਇਟ ਪਿੰਡੀਸ਼ ਨੰ ੧੦ ਲਾਫ ੧੯੮੨

## मनकर्ता दीरेन सिंह

पिटीशर

ଲେଖ

## ਉਕ ਅਧਿਕਾਰਿਕ ਸਿਫਾਰਸ਼

— ॐ पाटीज

सन्मिलन नं १

Chemical structure of a repeating unit of a polymer with a central carbon atom bonded to two oxygen atoms and two methyl groups.

संवा ३

पौस्ट मास्टर,  
सुलतानपुर ।

विषय : - चारि रिपोर्ट का प्रेषण

मूँन्यवर्,

प्राथी ने दिनांक १-३-८२ से ३८-५-८२ तक का दिना भूत्ता का जकड़ा लिया है और अपने उत्तरवा घित्व पर अपने अग्रज श्री मणकर्ता दोन दिन बाबी दिया है। बाबी रिपोर्ट सेवा में प्रेरित है । ८८

४०३

ਹ੦ ਸਿਵ ਸ਼ਾਰਣਾ ਜਿਵ  
ਈਂਡੀਂਵੀਂਵੀਂਵੀਂਵੀਂ  
ਵੀਂਵੀਂਵੀਂ ਛੁਹ ਰਿਧਾਵੀ

तां० २७-२-८८

तीन हस्तादार श्री भगवती दीन सिंह  
प्रति लिपि रसूली इरम ३० द०० राय

ह० मगवती दीन रिंह  
ह० मगवती दीन रिंह  
ह० मगवती दीन रिंह

## सत्य पृति लिपि

(A-2) 16

इन दिजानर्हेलुं छाई कौटी बाफा जूड़ीकैवर स्ट छलाहाबाद  
सिटिंग स्ट लखनऊ ।

रिट पिटोस्ट नं०

बाफा १८८२.

भगवती देवन सिंह

— पिटोस्टर

बाप

बाफा अधीकार स्टड लखनऊ

— अपौष्टियाटीज

स्टेजर नं० २

— ०-०-०-०-०-०-०-०

पंजीकृत

भारतीय टाक तार विभाग

(स्टेजर)

कायलिय टाक अधीकार सुलतानपुर प्रखण्ड - २२०००६

ज्ञापन संख्या बी-३११० (टी) हैरियावा

दिनांक १४-३-८२

विषय : - शासा टाकवर हैरियावा के लिये शासा टाक्याल

की आवश्यकता



सबै साधारण को सूचित किया जाता है कि उपर्युक्त शासा टाकवर के लिये सक अ० विभागीय शासा टाक्याल की १३१-०० रु० पर आवश्यकता है। नियुक्ति अस्थाई होगी ।

### लेखार्ड :-

29

- (१) आयु ६८ वर्ष से कम तथा ८२ वर्ष से अधिक न हो । (२) शैक्षिक योग्यता कदाचन से कम न हो । (३) अभ्यर्थी की व्यक्तिगत आय विभागीय वैतन । भत्ता के सिवा उन्हें निजी श्रैतां से कम से कम ५०० पा सिक होनी आवश्यक है । (४) अभ्यर्थी का निवास स्थान उसी गांव में होना चाहिये जहाँ के लिये डाकघर स्वीकृत है ।

इच्छुक व्यक्ति अपने प्राथेना पत्र निजी लिखावट में डाक अधिकारी, सुलतानपुर पुखण्ड जी में । प्राथीना पत्र ६८-४-८२ की हस कायालिय में शाम ४-४५ तक आ जाना चाहिये । निविदित जवाहि के बाद प्राप्त सर्व अधूरे किसी नो आवेदन पत्र पर विवार नहीं किया जाया ।

आवेदन पत्र में निम्नलिखित छाती का छोड़क  
उल्लेख होना आवश्यक है :-

- (१) अभ्यर्थी का पूरा नाम पिता का नाम जाति सर्व पूरा पता । (२) प्राथी का निवास स्थान तथा सम्बंधित डाकघर से दूरी । (३) अभ्यर्थी की जन्म तिथि एवं शैक्षिक योग्यता । (४) अभ्यर्थी को व्यक्तिगत आय का सूचित सर्व पा सिक आय । (५) क्या सम्बंधित डाक घर में प्राथी को कोई सम्बंधी या कुटुम्बी किसी पद पर नियुक्त है, यदि हो तो उसका नाम व पद । (६) क्या आप चल जास्ता डाकपाल की हसियत है काम करने को तैयार है । (७) क्या आप दुकानदार है । (८) क्या डाकघर रखने के लिये आपके पास उपकुर्त जमरा है । (९) कमरा की लम्बाई तथा चौड़ाई ।

आवेदन पत्र के साथ निम्नलिखित प्रमाण पत्रों का



Blng

११३१

होना आवश्यक है :-

- (१) जन्म तिथि एवं शैक्षिक योग्यता (२) निवासी आय की शैर्त एवं भारिक आय का राजस्व विभाग द्वारा प्रमाण पत्र (३) अचूर्ण वाल चलन सम्बर्धी दाँ प्रमाण पत्र (४) सम्बंधित हावधार में यदि प्राथी का कोई रिहैंडार या दुरुस्थी है तो उसके नाम व पद का प्रमाण पत्र (५) जाति प्रमाण पत्र यदि आप अनुसूचित जाति या अनुसूचित जनजाति के अस्थी हैं (६) प्रावृत्ति स्कूल का प्रमाण पत्र ।

नोट :-

ह० अपठनीय  
हाक अधीकार  
सुलतानपुर प्रखण्ड २२०००९

प्रतिलिपि :- सूचना पट पर चिपकाने के लिये अनुसारित है :-

- (१) ग्राम प्रधान हैहरियावा  
(२) प्रधानाध्यापक प्रा० पा० हैहरियावा  
(३) शास्ति हाकपाल हैहरियावा (४) उपहाकपाल बाजार बलदीराय  
(५) तहसीलदार  
(६) हाक निरीकार (उत्तरी) हिन्दूपर्वतीन्द्रस्वर्मन (सन्दर्भमें अन्तिम)  
सुलतानपुर  
(७) हाक सचिवाक बाजार बलदीराय (८) किंकास खण्ड  
अधिकारी, बाजार बलदीराय  
सत्य प्रतिलिपि

—०—०—०—०—०—०—



Bhupinder Singh

ਇਨ ਦਿ ਜਾਨਰੈਟਰ ਵਾਈ ਕੌਟੀ ਬਾਫ਼ ਜੂਡਿਕੈਵਰ ਏਟ ਲਾਹਾਕਾਦ  
ਸਿਟਿਂਗ ਏਟ ਲੱਕਿਆ ।

## रिट प्रिटीशन न०

ଆମ୍ବାକାର

## ਮणकर्तੀ ਦੀਨ ਸਿੰਘ

— १ — पिटौशनर

ଲେଖକ

ਛਾਕ ਅਧੀਕਾਕ ਏਹਹ ਅਦੱਸੀ

— ५०४ —

## संनीजिर नं० ३

संवाद १३

द्रौपदि छाक अधोद्वाक, महादय,  
सलतानपुर प्रखण्ड ।

विषय :- हैह्रियावांशाखा हाकघर की शाखा हाकपाल  
की नियन्त्रित की लिये लावजन पत्र



पात्र-यावद् ।

आपके विज्ञापन पत्रांक बी-३ । ११० (स) है रियावा  
दिनांक १६-३-८२ की दृवारा प्राथीने निधी रित प्रारूप पर  
आवेदन पत्र प्रस्तुत कर आशान्वित है, कि उसे सेवा का  
उपरान्त विद्युत सुविकार प्रदान करें ।

ધૂટથી

ਹਾਂ ਮਾਗਕਰਤੀ ਵੀਚ ਲਿਵੇ

दिनांक २४-४-८३

भगवती दीन सिंह (भूतपूर्व सूबेदार  
जी १८८०-१९५०)

हूम हरियाव पस्ट हरियाव धाना लावार  
वल्दीराय जिला सुलतानपुर (झूपी०)

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## प्राथीना पत्र के साथ प्रस्तुत कोणजात

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ੴ ਅਪਣੀ ਯ

## हस्ताक्षार भगवतीं दीन सिंह

## ਹਿੱਸੀਕੁਛ ਕਾਪੀ ਲੱਗਾਂ ਵਿਦ

## स्लोग्न विद स्नायुलैजरस

४० अपठनीय

फार कायलिय ढाक अर्धाक

१४-४-८२

سُلْطَانپُور پُرخَشْت ۲۲۸۰۰

## सत्य प्रतिलिपि



A32/23

इन दिन बानीदुल हाई कोर्ट आफ जूडीकंवर स्ट इलाहाबाद  
सिटीस्ट्रिंग स्ट लखनऊ ।

8/33

ट्रिट प्रिस्ट नं ३०८८

भगवतीदीन सिंह

— प्रिस्टर

ब्राम

डाक अधिकारीक स्टड अदसी

— अपौपाटीजि

स्टैम्प नं ४

— क्रन्तनननन

सेवा में,

श्रीभान डाक अधिकारी महोदय,  
सुलतानपुर प्रस्तु ।

विषय :- शास्त्र डाक पाल डैहरियावा की नियुक्ति हैतु  
प्रैषित आवेदन पत्र में संलग्न हैतु अतिरिक्त  
कागजाती का प्रेषण ।

मान्यवर,

प्रार्थी ने शास्त्र डाकपाल डैहरियावा के पद पर  
नियुक्त हैतु आवेदन पत्र आपके कायलिय में आवश्यक कागजात  
सहित दिनांक १४ अप्रैल ८२ की जमा किया था तदविजायक  
वृक्ष अतिरिक्त कागजात सेवा में प्रैषित है । कृपया आवेदन  
पत्र के साथ संलग्न करने का कष्ट करें, एव आवेदन पत्र के साथ  
इन कागजों पर मो विचार कर सेवा का सुअवसर प्रदान करें

प्रार्थी

ह० भगवतीदीन सिंह  
दिनांक १६ अप्रैल, १९८८ पूतपूर्वी सूबार (यो०क्षेत्र) भगवतीदीन  
ग्राम व पौस्ट - डैहरियावा  
जिला सुलतानपुर ।



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A33

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संलग्नक :-

- १- सरपंच इवारा प्रदत्त वरित्र प्रमाण पत्र
- २- लाक प्रमुख इवारा प्रदत्त वरित्र प्रमाण पत्र
- ३- प्रायमरी स्कूल का स्थानान्तरण प्रमाण पत्र (द्वितीय प्रतिलिपि)
- ४- प्रेसीडेंट्स कमीशन पत्र का प्रमाणित प्रतिलिपि ।

ह० भगवतीदीन सिंह  
(भगवती दीन सिंह)

त्रिसीठ स्प्लीकैशन एलांगविद फौर  
सनकलीजरस

ह० जपठीय

१७-४-८२

फौर का यालिय ढाक अधीक्षक

सुलतानपुर २२६००१

सत्य प्रतिलिपि

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BS  
msf

ਇਹ ਦਿ ਜਾਨੈਕੁਲੁ ਹਾਈ ਕੋਰਟੀ ਜਾਫ ਜੂਫੀਵੈਂਵਰ ਸਟ ਹਲਾਹਾ ਲਾਦ  
ਸਿਟਿਂਗ ਸਟ ਲਜ਼ਾਤ ।

रिट पिटोशन नं० जाक १६८२

ਮਗਵਰਤੀ ਦੌਨ ਸਿੰਹ

पिटीशनर

ଲକ୍ଷ୍ମୀ

## ਛਾਕ ਅਧੀਕਾਕ ਸ਼ਹਿ ਅਦਸੈ

— — — — — अपौर्याटीज

स्नैनजर नं० ५

सैवा मं,

श्रीमान हांडा जवाहिर क महादेव,

## सलतानपुर पृष्ठपट ।

विषय :- शास्त्रा उक्तपाल हैंहरियावा को नियुक्ति हैं

प्राची-यवरा.

पूर्थी शाखा छाक्याल हैरियावा के पद पर नियुक्त  
हैतु आवेन पत्र दिया है । उसकी शिक्षिक धौंगता की  
सम्बन्ध में विवित हुआ है कि हिन्दुस्तानी मिहिल स्कूल  
परीक्षा की कदां आठ का परीक्षा नहीं माना जाता तकता  
क्योंकि पुरानी शिक्षा व्यवस्था में मिहिल स्कूल पुरुष,  
रस्तुम, हफ्तुम, तीन बुद्धिय कौशि था जिसे दो जात माना  
जाता तकता है । जिन्हें ऐसा नहीं है । प्राइमरी परीक्षा  
दो बुद्धि के लाद हीती थी, दो अलिफ, दो, की गणना  
नहीं का जाता था जबकि कौशि दो बुद्धि जा था । अव्यल

A circular stamp with a decorative border. The outer ring contains the text "COMMISSIONER FOR OATHS" at the top and "GOVT. OF U.P." at the bottom. The inner circle features a profile of a man's head facing left, with the year "1900" at the bottom. The entire stamp is in black and white.

से गणना प्रारम्भ कर प्राईमरी की फाईल परीक्षा दर्जे वहाँ पर होती थी। प्राईमरी परीक्षा दर्जे पर दौर मिडिल परीक्षा इ वर्षे पर होती थी। दुल द वर्षे की रिक्ता पर हिन्दुस्तानी मिडिल स्कूल परीक्षा होती थी। जो कि इस फाईल परीक्षा थी। प्रार्थी उस परीक्षा में प्रथम श्रेणी, वैर वर्किंग गणित एवं विज्ञा गणित में विरेण्य योग्यता दी साथ उत्तीर्ण हुआ है।

प्रार्थमिक रिक्ता बौद्धि के विधय लारह दी विनियम ३० (३) के अन्तर्गत लाज की जूनियर हाई स्कूल परीक्षा हिन्दुस्तानी मिडिल स्कूल परीक्षा के समदर्दा है। कलमान समय में पूर्ण (पांच) वर्षे के नीसे के लाव प्राईमरी परीक्षा पास का जाता है एवं तीन वर्षे के लाव जूनियर हाई स्कूल परीक्षा पास का जाता है। अतः जूनियर हाई स्कूल की परीक्षा आठ वर्षे की रिक्ता पर होती है।

उच्चतर प्रार्थमिक विद्यालयों सर्वे इण्टर कालेज में हमें बालों मृह परीक्षाओं में दर्जे आठ की परीक्षा पुराने मिडिल सर्वे लाज के जूनियर हाई स्कूल परीक्षा के समदर्दा है।

इसके अतिरिक्त बौद्धि के विनियम ३० (३) अध्याय लारह के अनुसार मार्तीय सेता की फास्ट नलास वाफ एजुकेशन परीक्षा मी क्लास आठ के समदर्दा है।

प्रार्थी की रिक्ता के सम्बन्ध में एक महत्वपूर्ण बात यह है कि वह उद्दीप्ति, हिन्दी एवं अंग्रेजी का योग्यता दी साथ साथ गणित में विरेण्य योग्य है। मिडिल स्कूल परीक्षा में उत्तीर्ण अस्ति जुलान उद्दीप्ति थी।



*BB*  
B. B. Majumdar

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१-३-८२ से कायेवालक शासा हावपाल के रूप में  
निष्ठा पूर्वक कायैरत हूँ। उपर्युक्त माहि के इवारा वालू  
किये थार०ठी० ट००ठी० एवं सेविंग जमा में निरन्तर विभिन्न  
कार रहा हूँ।

प्रार्थी सेना में महत्वपूर्ण जिम्मेदारी के पदों पर कायै  
कर चुका है। २८ क्षणी तक भारतीय सेना में कायै कर  
जानेरी काप्टन पद का पैस्सनर है। मुक्ति कायै करने का एवं  
शासा हावक पाल का कायै निष्ठा पूर्वक निभाने का शीक है।

यदि किसी कारणवश प्रार्थी का वयन न किया जाये  
तो हाई स्कूल छित्रिय अंग्रेजी विद्याय लैक्स उत्तीर्ण  
प्रार्थी के पुत्र चन्द्र भानु सिंह का वयन किया जाये जैसे उसकी  
शिक्षिक्या योग्यता बी०स० है। व्यक्तिगत सम्पत्ति में उसके  
पास दुकान है। यदि वह भान्यन हो तो सन०स०स०स००  
लधवा टी०ठी० जमा कर दिया जाये।

मान्यवर कृपया मामले पर निम्नरता से विचार कर  
प्रार्थी को उथवा उसकी पुंज की शासा हावक पाल हेहरियावा  
का पद दिया जाये जिसे वह निष्ठा पूर्वक कायै करता रहे। जीर  
हावकवर का स्थानान्तरण न करना पड़े।

प्रार्थी

ह० मणवता दीन सिंह

३०स०४८ बी००प०००स००

(मणवता दीन सिंह)

मूलपूर्वी लूबेदार जानेरी काप्टन

भारतीय स्थल सेना एवं कायैवाह

३०ठी०ली०प००८००

बी०८०१० हेहरियावा

सुलतानपुर।

दिनांक २०-७-१९८२

रिहाइव लाप्ती ह० अपनीय २-७-८२ मौहर



Bhubaneswar  
20-7-1982

(A31)

(28)

Amble Singh Compt of Indenture  
at Allahabad Lucknow Beach  
Lucknow

WSDS - 2982

Bhagwati Deen Singh Petitioner

13

Superintendent of  
Post Offices and Agencies

Answered 7.

A/10



B. Singh

(30)

A-Note



# हिन्दुस्तानी मिडिल स्कूल परीक्षा, १९४६ ई०

(सरकारी आज्ञा-पत्र सं० ३१७-ए, ता० ११ सितम्बर, १९३७ ई० के अनुसार स्थापित)

क्रम-संख्या ५२७५८

प्रमाणित किया जाता है कि थों मगवती दीन सिंह सुपुत्र श्रीयुत देवी बरूरा सिंह जिनकी जन्म-विधि १० सितम्बर १९३८ है, मार्च १९४६ ई० की हिन्दुस्तानी मिडिल स्कूल परीक्षा में सुल्तानपुर जिले से प्रवेश श्रेणी में उत्तीर्ण हुए हैं और उन्होंने अंकगणित तथा विशेष योग्यता प्राप्त की है।

वह विभिन्नतिक्षित विषयों में उत्तीर्ण हुए हैं :—

प्रथम भाषा हिन्दी, उर्दू

ग्राम्यक शब्दालित

सामाजिक विषय

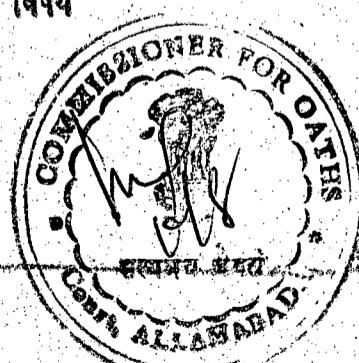
ग्रन्थालय विषय

लोगों और शिल्प

विशेष गणित

सामाजिक विज्ञान

द्वितीय भाषा हिन्दी



इलाहाबाद :

१ जुलाई, १९४६ ई०

एम० ए०, पल० ट०,  
रजिस्ट्रार,  
डिपार्टमेन्टल परीक्षाए०,  
युनिवर्सिटी।

(21)

Honble High Court of Judicature  
at Allahabad Lucknow Bench  
Ans. No. 87982  
Bhagwati Deen Singh - Petitioner  
Superintendent of Post Offices <sup>B</sup> opparties

Answered on 8th Jan. 8

TESTIMONIAL FOR CIVIL EMPLOYMENT

Sub: 8

Certified that No. JG-43367 Rank Very Lt Name WAGHAI M. S. S. H.  
Unit 14/14/14 att The Infantry School now proceeding on discharge has the  
attributes in respect of his character and personality recorded as under for the  
purpose of assessment of his suitability for Civil Employment :-

1. INTELLIGENCE	Highly intelligent
2. RELIABILITY	Extremely Reliable
3. KEENNESS AND ENERGY FOR WORK	Very keen and has the energy to work tirelessly
4. INITIATIVE AND SENSE OF RESPONSIBILITY	Ful of initiative and feels highly responsible for any work given to him
5. ORGANISING ABILITY	Has outstanding organisational ability.
6. SPECIAL TECHNICAL QUALIFICATIONS OR APPOINTMENTS HELD IN THE ARMY	(a) Security of persons, Equipment or buildings. (b) Management of men or stores.
7. SPORTS	Has the capacity and knowledge to organise any team game in Football, Hockey, Basket ball, Volley ball, Athletics.
8. ANY OTHER SPECIAL CHARACTERISTICS AND QUALITIES	He will be a great asset to any organisation where he works, because of his sound professional ability.

Station : Mhow (MP)

Dated : 26 Oct 79

(B. M. Suri)

Lt Col

(Signature of the Reporting Officer)

COUNTER SIGNATURE OF CO/  
CENTRE/RECORD OFFICE

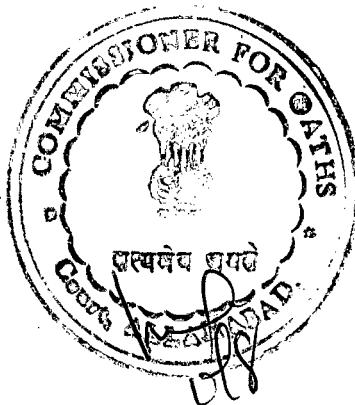
Col  
Comdr Admin Wing  
The Infantry School

A.M.

Handy High Court of Judicature  
at Allahabad Lucknow Bench  
Lucknow (32)

W.D. No. 1238  
Bhagwati Deen Singh, <sup>Editor</sup>  
Superintendent of Post  
Offices and <sup>13</sup> ~~Opparties~~

Annexure no- 9



Blowp



A.M.B.A.m'9

# The President of India

To Bhagwati Dhir Singh Greeting:

I, reposing special Trust and Confidence in your Fidelity, Courage, and good Conduct, do by these Presents Constitute and Appoint you to be a Junior Commissioned Officer in the Regular Army in the Rank of Naib-Subedar from the 7th day of July Nineteen hundred and Sixty six.

I, therefore, charge and command you carefully and diligently to discharge your Duty in that Rank or in any higher Rank to which you may from time to time hereafter be promoted or appointed, of which a notification will be made in the Gazette of India, and to obey such directions as from time to time you shall receive from me or any of your superior Officers and to observe and execute the Rules, Regulations and Orders for the Governance of the Regular Army. And, I do hereby charge and command the Officers and Men subordinate to you to conduct themselves with all due Respect and Obedience to you as their Superior Officer.

Given at New Delhi this 2nd day of August Nineteen hundred and Seventy one.

J. V. Jai

President of India

Horrible ~~seigh~~ <sup>12</sup> ~~cont~~ of Indicatice  
at Allahabad ~~duekonar~~ Beach  
duekonar 34

W. N. S.

87982

Bhagwati Deen Singh Petitioner

13  
Superintendent of Post  
Offices an opportunity



11  
Lt Gen A N Mathur, PVSM  
General Officer Commanding-in-Chief

Ann. 10

**HEADQUARTERS  
SOUTHERN COMMAND  
PUNB**

1446/I/ANM

5 Feb 80

My dear Bhagat Singh Sahab,

1. Please accept my heartiest congratulations on the grant of Honorary Rank to you by the President of India on the Republic Day.

With Best Wishes,

Yours Sincerely,

Dear Father:

Sub & Hon'ble Capt  
Bhagat Singh (Retd)  
C/O Records Rajput Regt  
Fatehgarh



John

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

Writ Petition No. of 1982.

Bhagwan Deen Singh

... Petitioner

versus

Daak Adhikchak & others

... Opp. parties.

Annexure No. 11

OFFICE OF THE SUPT. OF POST OFFICES  
SULTANPUR DIVISION -228001.

Memo No. B-3/116-A/Dehariyawan Dated at Sultanpur

the, 2.8.82.

Shri Narain B/o Singh S/o Shri Matadin Singh, r/o of vill. Dehariyawan P.O. Dehariyawan Distt. Sultanpur is hereby provisionally appointed as ED Branch Postmaster Dehariyawan ED BO.

His date of birth is 1.1.1958. He should be paid such allowances as admissible from time to time.



*Blangp*

36  
X/ur  
:: 2 ::

Sri Narain Bux Singh should clearly understand that his appointment as EDBPM shall be in the nature of contract liable to be terminated by him or the undersigned by notifying the other in writing and that he shall also be governed by the Posts and Telegraphs Extra Departmental Agent (conduct and service) Rules 1964 as amended from time to time and that this service would be terminated if the previous incumbent is reinstated and he will have no claim from the Department. He should also note that if any thing adverse is noticed against him relating to his passed conduct, he should be replaced forth with insert assigning any reason. He should also clearly understand that he will have to retain his existing property till he is in service. In case he sells or transfers his property to any one reducing his monthly income from other source below Rs.50/- his service will be terminated, if these conditions are acceptable to him, he should communicate his acceptance in the proforma reproduced below.



The security cash security of Rs. 1000/- (one thousand) pledged to the undersigned must be furnished by the candidate before taking over the charge of the post. He will also be responsible for the safety of Government Cash and valuables and others properties belonging to Govt.

*Blm/s*

:: 4 ::

AUS

38

2. The Postmaster Sultanpur for information.
3. The P/F of official. 4. The Candidate concerned.
5. The B.P.M. Dehraiyawan Sultanpur. A/49
6. The S.P.M, B.B.Rai, Sultanpur.

To

The Supdt. of Post Offices, Sultanpur-228001

I----- acknowledged the receipt of Memo No..... dated..... and hereby accept of appointment of EDBPM..... under the specific condition; that my appointment is in the nature of a contract liable to be terminated if the previous incumbent is reinstated and I will have no claim from the department.

I further declare that I have read the P & T EDAS (conduct- & Service) Rules 1964 and cleary understand that I became liable to the provision and penalties contained in these rules on being appointed as EDBPM -----B.O. in the P & T Department.

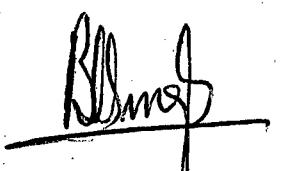
Signature of EDBPM

Name of B.O.

Dated. .....

TRUE COPY

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100% of the amount due is to be paid in advance.

Bank of Punjab, Lahore.

At. Larkana (D. 1982)

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32 T.S. - F.M.T.C. HIGH COURT OF JUDICATURE

ASJ

Locknow Do. on 14th Dec.

Entry in the Name of 1962

Ex parte RAJENDER SINGH & Constituents of his son

Plaintiff: Bir Singh, aged about 60 yrs re,  
son of Dabi Bir Singh, resident of village  
and post office Dabriyowal, pargana Julli,  
taluk Dabriyowal, district Saltanpur.

... 5.1.1962

VISITORS

1. The collector and assistant officers, 4th sub-division, Saltanpur.
2. Kanso Dasi Singh, son of Moti Lal Singh,  
resident of village and post office  
near village, pargana Julli, taluk  
Dabriyowal, district Saltanpur.
3. Union of India Security

... 5.1.1962

152

Telegraph Extra Departmental Staff have been  
named by the Central Government and which  
also provides A.D.L. Connect and Connect  
Extra. The post of a Branch Post Master is  
also a civil post and the appointment of  
General of a Branch Post Master is therefore  
governed according to the said rules.

5. Tax under section 8 of Service rules  
for Post and Telegraph Extra Departmental  
staff, Extra Departmental Agent (A.D.L.) has been  
reported and which reads basically that following  
rules Branch Post Masters.

6. Tax Rule 6(1)(a) provides the  
allowance during leave vacancy or during the  
period when the Agent is on a Concourse.  
It is reproduced as below:-

\* During leave, every Agent should  
make arrangements for his work being carried  
on by substitute Agent should be a  
person approved by the authority  
empowered to grant the leave. It is  
such approval should be obtained in  
writing.

#### Sub-section (3) provides

(3) \* the allowance normally payable to  
Agent shall during leave be

ASB

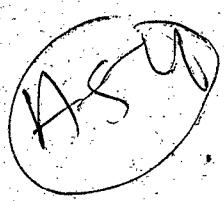
positioned in all targets to be suppressed or  
erased from system, duly explained before the  
apparatus party will be issued on 14-10-1982  
on 14th April, 1982 also indicating his  
representative at right time, a true copy of the  
application covered by the postmaster if  
applicable, to be issued before on 14th April, 1982.

11. That the postmaster further supplement his  
application by enclosing necessary  
or attaching by the application document  
14th April, 1982 a true copy of which is enclosed  
hereto as enclosure No.4.

12. That the postmaster further supplement his  
application by sending a detailed  
report of his past post services and sent  
on 14th April, or 10th July, 1982 to the postmaster  
of which the copies be sent to the postmaster.

13. That to question 8 of the Q.M.  
Conduct 14-1982 uses the method of recruitment  
for the post of French Post Master is provided  
in section(8) preceding as follows: -  
Qualifications and the relevant sections are  
reproduced below:-

\* A.M. - Sub-post master, P.M. - Post post  
master, and A.O. - delivery agents



27. That our wife Party No. 2 be and is her

28. present her only present High School

privileges in III and in any other in her

name in preference to any other tribe

or her to be entirely personnel of a corrective

or training school such the party No. 2

privileges claim her preference Party No. 8

29. A right of her own to be sent to

any tribe in preference to the party No. 2

30. That the party No. 2 be sent to

any tribe in preference to the party No. 2

31. That the party No. 2 be sent to

any tribe in preference to the party No. 2

32. That the party No. 2 be sent to

any tribe in preference to the party No. 2

33. That the party No. 2 be sent to

any tribe in preference to the party No. 2

34. That the party No. 2 be sent to

any tribe in preference to the party No. 2

35. That the party No. 2 be sent to

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36. That the party No. 2 be sent to

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any tribe in preference to the party No. 2

41. That the party No. 2 be sent to

any tribe in preference to the party No. 2

42. That the party No. 2 be sent to

any tribe in preference to the party No. 2

*ASJ*

good remarks by the military officials and the  
the proposal for civil employment was as follows:  
The petitioner also testifies that the petitioner  
is fully competent to work with responsibility.  
A photostat copy of the testimonial of civil  
employment is annexed hereto as EXHIBIT B.

22. That the President of India appointed  
the petitioner as a Junior Commissioned Officer  
in the Regular Army under the rank of Sub Lieutenant.  
A photostat copy of the said appointment duly  
signed by the President of India is annexed  
hereto as EXHIBIT C.

23. That the petition of the petitioner placed  
in New Delhi by the President of India on the  
20th of May in the year 1980. A photostat copy  
of the letter served by the 1st Com. Warrant  
dated 8th February, 1980 is annexed hereto as  
EXHIBIT NO. 10.

24. Not for the reasons set out hereto above  
the petitioner who was therefore compelled to sue  
the three defendants, were compelled to sue the said  
post, as under the rules stated hereinabove should  
have been apportioned except excused but on the  
contrary apportioned entirely to the petitioner

(ASB)

and the anti position will also become ineffective.

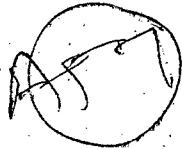
29. That aggrieved by the aforesaid order passed by the opposite party No. 1 the position of the party No. 2 took summarizing and following stand stance-

REASONS

(1) Because the impugned order of appointment No. 1 is in accordance with the anti position as manifestly erroneous being contrary to law.

(2) Because the party No. 1 being a committee speaker of chamber has every personnel has a preference to claim against the opposite party No. 2 and the party No. 2 under close watch have been selected for the post of Brundibar 1986 Master and the opposite party No. 1 has committed manifest error of law in not appointing the position to the post of chairman of Brundibar 1986 Master.

(3) Because the impugned order passed by the opposite party No. 1 is not passed in accordance with the provisions of the 81 to 89 and Telegraph K and the same is arbitrary.



(ii) that by a 11th direction or order  
in the nature of punishment or censure  
of any 11th commandant to give effect  
to the order dated 2nd August, 1962  
communicated to the opposite party by 11th  
appoint the 11th day of August 1962  
Bengal.

(iii) that within 11th day of August 1962  
the 11th commandant to the opposite  
party to give effect to the order  
dated 11th August 1962.

(iv) such other, additional or otherwise  
order by 11th commandant to the opposite  
party may deem fit and proper.

Date: 11th August, 1962  
for the party of  
August 11th, 1962

I, the undersigned deponent do hereby certify that the  
contents of page 1 and 2 of this affidavit are true  
to my best knowledge. I am not able to say  
nothing else, as I have been a soldier all my life

Date 1, October

D. K. L. M.

August 1, 1982.

I certify the above affidavit  
is true and is  
signed before me.

Honesty affirmed before me on

as S.A./Parole-12

the deponent states a statement by

as

Advocate, #2 in Court, 11th D.A.

I have read and signed by examining  
the document that the undersigned the contents  
of this affidavit which has been read out and  
explained by me.

AS

ਜਿ ਵਾਰੇਂਹੁ ਜਾਏ ਜੈਂਦੀ ਜਾਂਦਾ ਕੁਕੈਰ ਦਾ ਜਾਹਾਂ  
ਹਿਲਿ ਦਾ ਜ਼ਜ਼ਾ ।

ਹਿਟ ਪਿੰਡ ਨੰ. ਜਾਂਦਾ ਜ਼ੰਦਾ

ਜਾਂਦਾ। ਕੋਈ ਹਿੱਚ

— ਹਿਲਿ

ਜਾਂਦਾ

ਜਾਂਦਾ ਕਾਨੀਲੀ ਜ਼ਗਤ ਵੱਡੀ

— ਜਾਂਦਾ

ਹੈਂਦਾ ਹੈਂ ॥

ਜਾਂਦਾ ਜ਼ਗਤ ਜ਼ਗਤ

ਹੈਂਦਾ ਹੈ,

ਪੰਦਰ ਧਾਰੀ,

ਚੁਣੌਰਾਹੂ ।

ਹਿਲਿ : — ਹਾਰੀ ਹਿਲੈਂਦੀ ਜਾ ਕੁਝਾ

ਜਾਂਦਾ,

ਪ੍ਰਾਣੀ ਨੇ ਜਾਂਦਿ ੧੧-੧੨ ਵੀ ੧੨-੧੩ ਦੇ ਦਾ  
ਜਿਹੇ ਹਲੰਕ ਜਾ ਜ਼ਗਤ ਕਿਥਾ ਹੈ ਅੰਤੇ ਜਾਂਦੀ ਜ਼ਗਤ ਕਿਥਿ ਥਾਰ  
ਅਤੇ ਜ਼ਗਤ ਦੀ ਕਾਨੀਲੀ ਵੱਡੀ ਹਿੱਚ ਕਿਥਾ ਹੈ । ਹਾਰੀ ਹਿਲੈਂਦੀ  
ਹੈਂਦਾ ਹੈ ਪ੍ਰੇਤਿਹੂ ਹੈ ।

ਜਾਂਦੀ

੧੦ ਜਿ ਜ਼ਗਤ ਹਿੱਚ  
ਕੋਣੀ ਹਿੱਚ ਕੋਣੀ  
ਪ੍ਰੇਤੀ ਹਿੱਚ ਕੋਣੀ

ਹੈਂਦੀ ੧੧-੧੨-੧੩

ਪੈਂਦੇ ਹਲੰਕਾਰ ਹਾਂ ਜਾਂਦਾ ਹੈ ਕਿਥੇ ਹਿੱਚ  
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੧੦ ਕਾਨੀਲੀ ਵੱਡੀ ਹਿੱਚ  
੧੦ ਕਾਨੀਲੀ ਵੱਡੀ ਹਿੱਚ  
੧੦ ਕਾਨੀਲੀ ਵੱਡੀ ਹਿੱਚ

ਜ਼ਗਤ ਪ੍ਰਹਿਲਿਦਿ

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प्र० द्वितीय श्लोक

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## पर्माणु विद्युत के :-

- (१) बन्धु दियि दर्श छिन्नाउ करिया । (२) निको लाय है  
पीप दर्श या लिं छाय तो राख्य दियाए होरा उपाय दर्श  
(३) बच्छि बाट एज शाक्तो पाँ उपाय दर्श । (४) उपाय  
करिया नै बदि प्रायो तो जीर्ण दिल्लीरा तो जुम्हरी हि ती  
ठहरै याए ए दर्श तो उपाय दर्श । (५) उहि प्रसारा दर्श बदि  
ज्ञाय ज्ञान्युक्ति दायि तो ज्ञान्युक्ति जाए यि है उपर्युक्ति है  
(६) प्राप्त्युक्ति रक्तु तो उपाय दर्श ।

ॐ वेदान्त

प्राचीन वार्षिकीय

સાધુભૂત કાવ્યાનુભૂતિ

प्रति दिन :- शुक्रवार वट पर खिलाने के लिए उपयोग किया जाता है :-

- (१) श्रावण ग्रन्थालय ईर्ष्यालय  
 (२) श्रावण ग्रन्थालय के पूर्व भूमि ईर्ष्यालय  
 (३) श्रावण ग्रन्थालय ईर्ष्यालय (४) श्रावण ग्रन्थालय के पूर्व भूमि ईर्ष्यालय

(५) वाराणसी ईर्ष्यालय  
 (६) वाराणसी ईर्ष्यालय (उत्तराखण्ड संस्कृत एवं वेदान्त विद्यालय के विभाग)  
 वाराणसी ईर्ष्यालय  
 (७) वाराणसी ईर्ष्यालय वाराणसी ईर्ष्यालय (८) विज्ञान उच्च  
 विद्यालय, वाराणसी ईर्ष्यालय  
 वाराणसी ईर्ष्यालय

१८६७



## हिन्दुस्तानी लिखित संग्रहालय, १९४६ ई०

(सरकारी प्राज्ञा-पत्र सं० ३१७-ए, ता० ११ सितम्बर, १९७७ ई० के अनुसार स्थापित)

क्रम-संख्या

५२७५८

प्रमाणित किया जाता है कि श्री भगवती दीन सिंह  
सुपुत्र थीयुत देवी बरूरा सिंह जिनकी जन्म-  
तिथि १० सितम्बर १९२३ है, मार्च १९४६ ई० की हिन्दुस्तानी लिखित संग्रहालय से सुलानपुर द्विले से प्रचम श्रेणी में उत्तर्युरुए हैं।  
और उन्होंने अक्षराणि तथा विशेष गणित में विशेष योग्यता प्राप्त की है।  
एह विद्वान्विद्वित विषयों में उत्तीर्ण हुए हैं:-

गणित भाषा इत्येतर  
ग्राम्य भाषा इत्येतर  
सामाजिक विषय

लोला और द्विला  
विशेष गणित  
सामाजिक विज्ञान  
द्वितीय भाषा हिन्दी

N. D. S. O. T. C.

द्विला जूलाई, १९४६ ई०

ए० ए०, ए० टा०,  
ग्राम्यारा,  
डिपार्टमेन्टल परीक्षाएँ,  
युवत यात्रा।

पी० ए० द० ए० पी०—१७ घर० पी० ००—११४१—१६००

Br Gen A. N. Mathur, PVSM  
General Officer Commanding-in-Chief

HEADQUARTERS  
SOUTHERN COMMAND  
PUNE

*R-10*

1446/1/ANM

5 Feb 80

My dear B.Ragootidin Singh Sahab,

1. Please accept my heartiest congratulations on the grant of Honorary Rank to you by the President of India on the Republic Day.

With Best Wishes,

Yours sincerely,  
*A. N. Mathur*

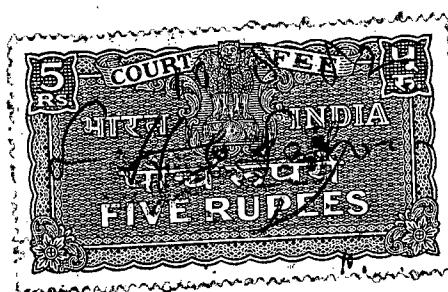
Sub & Many Capt  
Bhagootidin Singh (Retd)  
C/O Records Rajput Regt  
Fethagash

A 703

IN THE HON'BLE HIGHCOURT OF JUDICATURE AT ALLAH.BD  
Lucknow Bench Lucknow.

7666/CS  
C.M.An. No. of 1982

for stay in  
V.P.No. 375 of 1982



Bhagwati Din Singh son of Debi Bux Singh,  
resident of village and post office Dehriyawan,  
pargana Isauli, tahsil Musafirkhana, district  
Sultanpur.

....Petitioner

VERSUS

1. Superintendent of Post Offices, Sultanpur  
Division, Sultanpur.

2. Narain Bux Singh, son of Bhag Mata Din Singh,  
resident of village and post office Dehriyawan,  
pargana Isauli, tahsil Musafirkhana, district  
Sultanpur.

3. *Name of India Posts Secretary Ministry of Posts and  
Telegraphs*  
....OPPOSITE PARTIES.

J.S.B.

The petitioner, abovenamed, begs to state as  
under:-

1: That for the reasons stated in the accompanying writ petition the petitioner prays that pending disposal of the writ petition the operation of the impugned order dated 2nd August, 1982 contained in Annexure No.11 to the writ petition may kindly be stayed.

*HSR*  
ADVOCATE

Dated, Lucknow: Counsel for the petitioner.

August 10, 1982

IN THE CIVIL DIVISION OF THE U.S. DISTRICT COURT

Jackson, DeSoto, Mississippi

Case No. 10 of 1962

for stay in

Case No. 10 of 1962.

X/65

Bhagwati, the younger son of Bhaiji Bhagwati,  
President of Malwade, a post office subdistrict,  
Panvel Taluk, Taluka Nasik, that set  
up a shop.

Exhibit 11-25

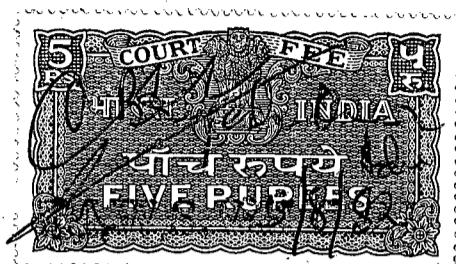
Exhibit 11-26

1. Bhagwati's claim of post office, Mill Road  
Division, Panvel.

2. A. S. Bhagwati, younger Bhagwati, a post  
office of Mill Road post office subdistrict,  
Panvel Taluk, Taluka Nasik, that set  
up a shop.

Exhibit 11-27

~~229~~ ~~10~~  
In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.



W  
C.M. An. No. of 1982.

Inre.

Writ petition no. 3750 of 1982.

107  
Bhagwati Din Singh. ... ... Petitioner.

Versus.

Supdt. of Post Offices, Sultanpur Divisions,  
Sultanpur and others. ... ..Opposite Parties.

Application for Vacation of  
Stay Order dated 11.8.82.

The opposite parties no. 1 and 3 respectfully  
begs to state as follows:-

~~Mr~~  
~~76/11~~  
That for the facts stated and reasons  
disclosed in the accompanying ~~xxix~~ Counter Affidavit  
it is respectfully prayed that the interim order  
dated 11.8.82 may kindly be vacated.

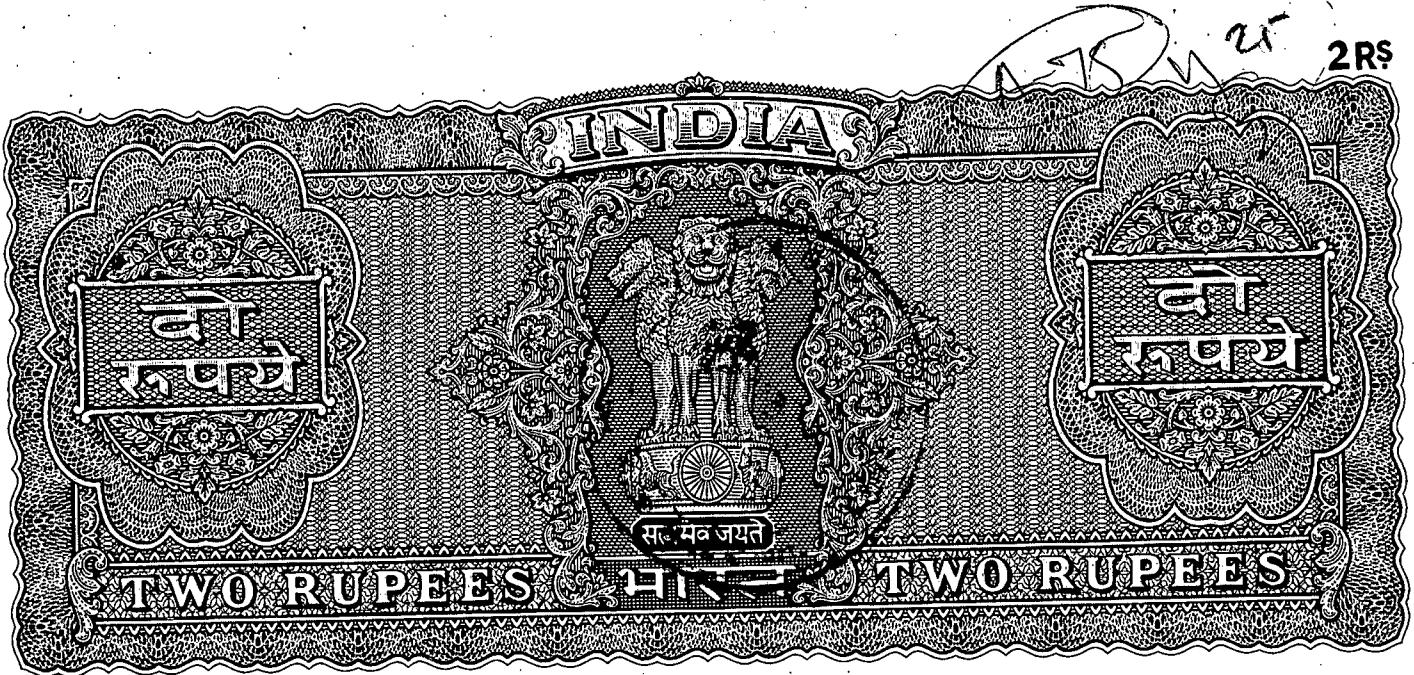
Lucknow: Dated

24.8.1982.

Counsel for the opposite parties  
no. 1 and 3.

Brijesh Kumar

By  
1319



In the Hon'ble High Court of Judicature at  
Allahabad on the 25th October 1902

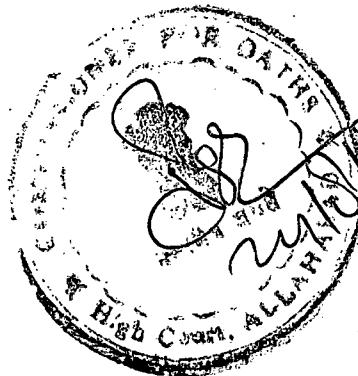
W.M. 3750 82902

Bhagwati Deo Singh —

October

Sup'd. of Posts at Sultanpur — affixes

(Affidavit)



A-77

2.

3. That rule for substitute in the leave vacancy has been quoted in para-6 of the writ petition according to which a substitute to be a person approved by the Authority competent to sanction leave to him, such approval has to be obtained in writing. Shri Shiv Saran Singh handed over charge to the petitioner without approval of the competent Authority.

4. That an advertisement was made for filing up the vacancies in response thereto, the petitioner, opposite party no.2 and Chandra Bhan Singh submitted applications.

5. That after due consideration of the applications, opposite party no.2 was selected and appointment letter was issued on 2.8.1982.

6. That the recruitment rules for EDBPM provides that the Educational Qualification should be VIII standard with preference to a matriculate. It also provides for that the person who takes over agency should have adequate means of livelihood and must be able to offer office space. A true copy of the said rules is being filed herewith as Anx.-A-1 to this affidavit.

7. That the petitioner has passed Hindustani Middle Examination in the year 1949 as per report of the Inspector student of class VII use to appear

A-78

3.

for Hindustani Middle ~~Examination~~ School Examination. Thus the petitioner has not passed VIII the standard in any case preference is to be given to a candidate who is High School. Opposite party no.2 is graduate having passed B.A. Examination. He also has pucca accomodation for the Post office which is more suitable and safe for running the post office. Opposite party no.2 has also adequate means of livelihood having sufficient ~~acultivation~~ in his own name.

8. That so far for the third candidate is concerned namely Chandra Bhan Singh he has not filed any writ petition. His source of livelihood was given out as a shop run by him but on enquiry it was not found to be in existence. The space offered by the petitioner and the third candidate was only kuccha construction.

9. That in view of the facts stated above the opposite party no.2 was considered to be most qualified for appointment as EDBPM.

10. That the petitioner has started working as substitute without approval of opposite party no.1 who is the competent authority to sanction leave. He has not been selected for appointment as EDBPM. The deponent is advised to state that in the above circumstances no interim order in the nature of ~~an~~ interim mandamus can be issued permitting

✓  
✓

4.

the petitioner to work as EDBPM being a person not selected for the post.

11. That the interim order dated 11.8.82 is liable to be vacated.

Lucknow:Dated

23.8.82

✓  
Deponent.

Verification.

I, the abovenamed deponent do hereby verify that contents of paragraphs 1 & 2 are true to my own knowledge and those of paragraphs 3 & 4 to 10 are based on the information derived from the records and those of para - 11 paragraphs are believed by me to be true on legal advice. No part of it is false and ~~now~~ nothing material has been concealed so, help me God.



Lucknow:Dated

23.8.1982.

✓  
Deponent.

I identify the deponent who has signed before me.

*Vishnu Doyal*  
Clerk of Sri B.K. Advocate

Solemnly affirm before me on 23.8.82 at 6.30 a.m./p.m. by sri ~~Khurshed Ali~~ the deponent who is identified by sri ~~Vishnu~~ Doyal the 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.

*Sohail  
(Sohail Shah)*

OATH COMMISSIONER

High Court, Allahabad

Lucknow Bench

621303102

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

C.M. An. No.

of 1982.

Inre.

Writ Petition No. 3750 of 1982.

Q/10

Bhagwati & Din Singh. ...

... Petitioner.

Versus.

Superintendent of Post Offices, Sultanpur  
Division, Sultanpur and others. ... Opposite Party.

Annexure-A-1

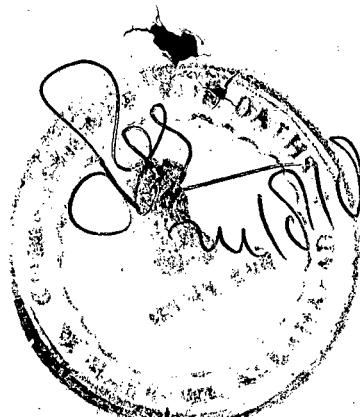
Copy of letter no. 43-84/80-Pen dated 30.1.1981

from Director General Posts & Telegraphs, New  
Delhi addressed to All Heads of Postal Circles,

.....

Sub:- Service Conditions of Extra Departmental  
Agents.

The question of consolidating various  
instructions issued from time to time governing  
the appointment and other service conditions of  
Extra Departmental Agents has been engaging the  
attention of this Directorate. After careful  
xxxxxi examination of All aspects of employment  
of E.D. Staff, it has been decided to observe  
the following instructions scrupulously while  
making selection of Extra Departmental Agents.



(81) 8

2.

may consider relaxation of this age limit in exceptional cases.

2. Educational Qualification:

ED Sub Postmasters, ED Branch Postmasters & ED Delivery Agents

ED Stamp Vendors

All other categories of EDAS.

VII Standard (Matriculation or equivalent may be preferred. ✓)

VI standard (VIII Standard may be preferred.

should have sufficient working knowledge of

the ~~the~~ regional language and simple arithmetic so as to be able to discharge their duties satisfactorily. Categories such as Ed Messengers should also have enough working knowledge of English.

3. Income and Ownership of Property

The person who takes over the agency (EDSPM/EDBPM) must be one who has in adequate means of livelihood.

The person selected for the post of EDSPM/EDBPM must be able to offer office space to serve as the agency premises for postal operations. The rent upto Rs.10/- payable heretofore under this Directorate letter no.14-15/62-PAP dated 21.1.63 will cease to be payable with immediate effect.

The premises must be such as will serve as a small postal office with provision for installation of even a PCO (Business premises, such as shops etc., may be preferred).

lnd

(82) 9

4. (1) The Extra Departmental Branch Postmaster EDSPMs must be ~~an~~ a permanent resident of the village where the post office is located. He should be able to attend to the post office work as required of him keeping in view ~~of~~ the time of receipt, despatch and delivery of mails which need not be adopted to suit his convenience or his main avocation.

(ii) ED Mail Carriers, Runners and Mail Peons should reside in the station of the ~~the~~ main post office or stage where from mails originate/terminate ~~is~~ i.e. they should be permanent residents of the delivery jurisdiction of the post office.

(iii) E.D.As of other catagories may as far as possible reside in or near the place of thier work. (letter no.5-9/72-ED Cell, dated 18.8.73 and 43-312/78 Pen dated 20.1.79 stand modified to this extent.).

### 5. Security

EDAs of all categories except EDDAs should furnish security of Rs.1,000/- subject to the condition that the amount of security should be increased/decreased so as to be equal to the amount of cash and valuables that is authorised to be entrusted to them under the orders of Divisional Supdt. or the ~~the~~ Head of the Circle as the case may be. In the case of EDAs who have furnished security in the form of security bond, the above

L.L.D

4.

decision may be given effect to on the expiry  
of the current term of the bond (letter no. 15-1/72  
-Ex Coll, dated 18.8.73 stands superceded).

## 6. Preferential Categories.

The last orders issued in this connection  
under letter no.43-191/79 Pen dated 22.6.79 fixing  
the four preferential categories according to  
the earlier orders issued vide this Directorate  
in letter no.43-14/72-Pen dated 2.3.72, no.43-246/77-  
Pen dated 8.3.78 to Scheduled Caste and Scheduled  
Tribes candidates and no.43-231/78-Pen dated  
17.2.79 (regarding Ex-Army Postal ~~and~~ Service  
Personnel), No.43-312/78-Pen dated 20.1.79 (regarding  
Backward classes and weaker sections of society)  
and to the educated unemployed persons, it is  
clarified that the above preference should be a  
subject to first and foremost ~~consideration~~ condition  
that the candidate selected should have ~~been~~ an  
adequate means of livelihood, which though already  
~~prescribed~~ prescribed, seems to have been ignored  
for time past especially in view those preferential  
categories being introduced in the above orders  
The criterion to judge "adequate means of livelihood"  
should be that in case he loses his main source  
of income, he should be adjudged as incurring a  
disqualification to continue as EDBPM/EDSPM. In  
other words, those must be absolute insistence on  
the adequate source of income of the EDBPM/EDSPM  
and the allowing for his work as EDBPM/EDSPM must  
be just supplementary to his income. To ensure

5.

SM 11

this condition the candidate must be able to offer office space to serve as the agency premises for postal ~~way~~ operations as well as a public call office (there being now no provision for paying any amount as rent for the premises) and as such business premises ~~in~~ such as shops etc. must be preferred, regardless of the various categories of preference mentioned above.

The preference earlier given to backward classes and weaker sections of society stipulated under this Directorate ~~in~~ letter no. 43-312/78 Pen dated 20.1.79 should be dispensed with as no such categories have been defined on an All India Basis.

For the B.L. posts other than those of EDBPM/EDSPMs preferences to scheduled caste/tribe candidates may still be given in order to ensure the minimum fixed percentage on laid down for group 'C' and 'D' cadres in these communities in respect of employment of E.D staff of those categories as laid down in letter no. 43-117/80-Pen dated 8.10.80.

7. Hindi version will follow.

Sd/-

(S.P.RAI)  
Director(ETP)

No. STA/A-67/80/81/10 Dated at Lucknow, the 19.2.1981.  
Copy forwarded for information, ~~and~~ guidance and necessary action to:-

6.

1. The Director Postal Services Lucknow/Kanpur/Dehradun/Varansi Regions and Director Postal Services (H.Q.) C.O.
2. All SSPOs/SSRMS/SPOs/SRMs in U.P. Circle.
3. The Postmasters Lucknow/Kanpur.
4. The Supdt.P.S.D. Aligarh/Lucknow/Varansi/Saharanpur/Breilly.
5. All officers/ASPOs/I, is in Circle Office.
6. The A.O.ICO(SB) Lucknow/Agra/Varansi/Dehradun.
7. All the postmasters in H.P.Os in U.P. Circle.
8. VID/RECTT Planning sections, C.C.

All the ~~recruiting~~ recruiting units should take a complete note of the orders above and comply with those before making any appointment in E.D. cadre hence forward.

All the communications referred to in D.G's letter under circulation were endorsed vide this office endst. Nos. STA/A-67/Corr/13/5 dated 10.10.73, STA/A-67/13-74/5 dated 30.1.79, STA/A-67/13-74/5 dated 21.1.79, STA/A-67/71/5 dated 11.3.72, STA/A-67/73-74/5 dated 18.4.78, STA/A-67/79/5 dated 9.3.79 and STA/A-67/80/10 dated 3.1.80.

The receipt of this letter may please to acknowledged.

(R.P.SINGH)

Asstt. Postmaster General (Sta)

True copy

Red

P.T.O.

4.7.

86

13

Endt. No. A. Rig. dt. at Sul. the 3.3.81

Copy ~~is~~ forwarded for information as necessary  
action.

1. SPM M.Khana/Kanpur/Amethi
2. P.M.Sul.
3. AsPos.(S) Sul.
4. I.Pos.West/East/Amethi/North (Sul)
5. Spare.

Superintendent Post Offices

Sultanpur.

True copy

hd



96 982)

(P)

Try Form no. 385  
RECEIPT FOR PAYMENT TO GOVERNMENT

(Form no. 1, Chapter III, Paragraph 26 Financial  
Handbook, Volume V, Part I)

375  
High Court of Judicature at  
Allahabad  
Place  
Department and office

Received No. 319/82  
Date

Received from  
the sum of Rs.  
on account of  
Stamp and Registration fees  
15/-  
Cashier or Accountant.

Signature of Government Serv.

Granting the receipt

319/82

72

बाबू, Sitting at Lucknow  
महोदय बाबू (का)

लतनामा

5  
1

वादी (सुरई)

प्रतिवादी (मुद्दालेह)

नं० मुकदमा सन् १६ पेशी की ताह० ३-८१६२२६०  
ऊपर लिखे मुकदमा में अपनी ओर से श्री

श्री श्रीनेश कुमार त्रिवेदी एडवोकेट  
महोदय  
Advocate - High Court 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 डिग्री  
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]  
रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की  
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह  
स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरो  
को मेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे  
खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर  
न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण  
रहे और समय पर काम आवे।

हस्ताक्षर अप्र० मणि वरदास्थ०

साक्षी (गवाह) \_\_\_\_\_ साक्षी (गवाह) \_\_\_\_\_

दिनांक ३ महीना ९

१६/१२/२०१०

(KJS)

The Joint Registrar  
Haveli Allahabad  
High Court Session  
at Juckerow.

647.

7/9/82

Counter affidavit

In

W.P.No 3750 of 1982

8/8

Bhagwati Dain Singh — Petitioner  
Versus  
The Superintendent of post office — oppositee

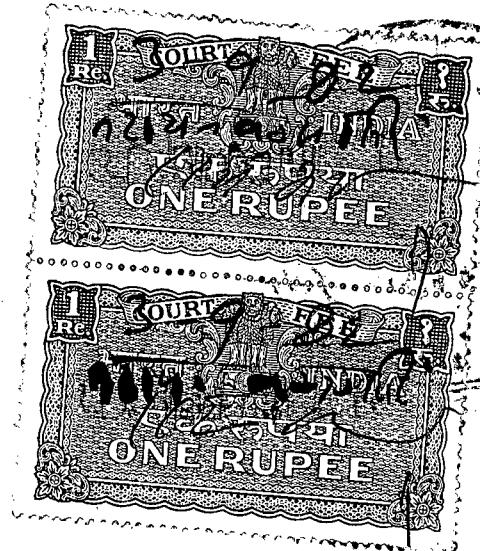
In the above noted case the

Counter affidavit is filed here  
with, the duplicate is already served  
on the Counsel of petitioner. The Counter  
affidavit is in time. The power of opp.  
party no 2 is filed on 3/9/82.

Juckerow - dated  
6 - 9 - 1982

Counter affidavit  
party no 2 only

11/12/82/1982



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

Writ Petition No. 3750 of 1982.

Bhagwati Din Singh - - - - - Petitioner.

Versus

The Superintendent of Post Offices,  
Sultanpur Division, Sultanpur and another. Opp. Parties.

COUNTER AFFIDAVIT OF OPPOSITE PARTY No. 2.

I, Narain Bux Singh, aged about 24 years, son of Sri Mata Din Singh, resident of village and post office Dehriawan, district Sultanpur, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is opposite party in the abovenoted petition and is well-conversant with the facts of the case.
2. That the contents of paras 1 to 3 of the writ petition need no reply.
3. That regarding the contents of para 4 of the writ petition it is stated that the present case is not a case of any punishment, viz. removal, dismissal

2

or termination or reduction in rank. In fact, the present case relates to fresh ~~selection~~ selection and non-selection of petitioner for the post of Extra Departmental Branch Post Master.

4. That the contents of para 5 of the writ petition need no reply.
5. That regarding the contents of para 6 of the writ petition it is stated that the deponent made an enquiry from the office of the Superintendent of Post Offices and he was informed that the petitioner had started working as substitute without any approval of the Superintendent of Post Offices which is necessary for the working of a substitute.
6. That regarding the contents of para 7 of the writ petition it is stated that one Sri Sheo Saran Singh handed over the charge of the Branch Post Office to the petitioner on 27.2.82 as is evident from the Annexure 1 to the <sup>writ</sup> petition and not on 1.3.82 as alleged in para under reply. It is submitted that if Sri Sheo Saran Singh had applied for leave with effect from 1.3.82 then <sup>did</sup> he hand over the charge to the petitioner on 27.2.82.
7. That regarding the contents of para 8 of the writ petition it is stated that the deponent made an enquiry from the office of the Superintendent of Post Offices and he was informed that no approval or sanction of any kind was granted to the petitioner by the Supd of Post Offices.
- 2
- BLQ
- RECORDED

✓ ad ✓

8. That the contents of para 9 of the writ petition need no reply.
9. That the contents of para 10 of the writ petition are denied as framed, and only this much is admitted that the petitioner was also one of the applicants for the post. ✓ ✓
10. That regarding the contents of paras 11 and 12 of the writ petition it is stated that the last date for submission of application forms was 18.4.82 and therefore submission of any further detailed application on 20.7.82 was wholly immaterial and it could not be taken into account.
11. That regarding the contents of para 13 of the writ petition it is stated that under the rule quoted in the para itself it is clear that the persons who were matriculate passed would get preference over the candidates who have passed VIII class. The petitioner is only Hindustani Middle School passed in 1949 and the deponent is advised to state that in the year 1949 students of class VII used to appear in the Hindustani Middle School Examination and the Hindustani Middle School Examination is equivalent to class VII only. On the other hand the deponent is B.A. pass and therefore he is admittedly a preferential candidate to the petitioner.
12. That regarding the contents of para 14 of the writ petition it is stated that neither the petitioner nor the deponent belong to the Scheduled Castes or the Scheduled Tribes.
- RECORDED*

*MAB*

13. That the contents of paras 15 and 16 of the writ petition need no reply.

14. That the contents of para 17 of the writ ~~is~~ petition are incorrect, hence denied. The deponent is B.A. pass and is fully qualified for the selection of the post and he was selected by the opposite party no.1. On receipt of appointment letter from the opposite party no.1 the deponent deposited Rs. 1000/- as security before the Superintendent of Post Offices. On the other hand the petitioner does not even fulfil the required minimum educational qualification.

15. That the contents of para 18 of the writ petition as framed are denied. Sri Chandra Bhan <sup>A Singh</sup> is the son of the petitioner. However, Chandra Bhan Singh neither challenged the order of appointment of the <sup>has been</sup> deponent nor he/made a party in this case. It is further stated that the deponent has a Pucca house and he has offered to provide space for running a post office in his house and therefore in comparison to the petitioner's offer of space, the space offered by the deponent is too good.

16. That the contents of para 19 of the writ petition are denied. There is no preference or necessity for any particular language, specially English. However, the petitioner is B.I. and he understands and speaks English also. However, the deponent has no knowledge about the petitioner passing of Military Examination, hence the allegation is denied.

17. That the contents of para 20 of the writ

*REKHA KUMARI*

✓  
✓

petition are denied. The deponent is advised to state that there is nothing to substantiate the allegation that the certificate of the Army has been recognised as equivalent to Junior High School.

✓  
✓

18. That the contents of para 21 of the writ petition are not relevant for the purpose of the present writ petition. The selection has been made in accordance with Rules and the deponent was appointed as he was more suitable than the petitioner.

19. That the contents of paras 22 and 23 of the writ petition are not relevant for decision of the present writ petition.

20. That the contents of para 24 of the writ petition are denied as stated. However, the deponent is has been found suitable for the post and so he was selected by the opposite party no.1.

21. That the contents of para 25 of the writ petition are denied. It is incorrect to say that the opp. party no.2 (the deponent) was not a fit and proper person to be appointed. In fact, the deponent was suitable and preferential candidate and the petitioner was not suitable and proper candidate.

22. That the contents of para 26 of the writ petition are denied as being incorrect.

23. That regarding the contents of para 27 of the writ petition it is stated that the petitioner illegally and without any authority has started working in place of his brother and now under the garb of this Hon'ble

REDACTED

13. That the contents of para 15 and 16 of the writ petition need no reply.

14. That the contents of para 17 of the writ petition are incorrect, hence denied. The deponent is B.A. pass and is fully qualified for the selection of the post and he was selected by the opposite party no.1. On receipt of appointment letter from the opposite party no.1 the deponent deposited Rs. 1000/- as security before the Superintendent of Post Offices. On the other hand the petitioner does not even fulfil the required minimum educational qualification.

15. That the contents of para 18 of the writ petition as framed are denied. Sri Chandra Bhan Singh is the son of the petitioner. However, Chandra Bhan Singh neither challenged the order of appointment of the deponent nor he/made a Party in this case. It is further stated that the deponent has a Pucca house and he has offered to provide space for running a post office in his house and therefore in comparison to the petitioner's offer of space, the space offered by the deponent is too good.

16. That the contents of para 19 of the writ petition are denied. There is no preference or necessity for any particular language, specially English. However, the petitioner is B.A. and he understands and speaks English also. However, the deponent has no knowledge about the petitioner passing of Military Examination, hence the allegation is denied.

17. That the contents of para 20 of the writ

petition are denied. The deponent is advised to state that there is nothing to substantiate the allegation that the certificate of the Army has been recognised as equivalent to Junior High School.

18. That the contents of para 21 of the writ petition are not relevant for the purpose of the present writ petition. The selection has been made in accordance with rules and the deponent was appointed as he was more suitable than the petitioner.

19. That the contents of paras 22 and 23 of the writ petition are not relevant for decision of the present writ petition.

20. That the contents of para 24 of the writ petition are denied as stated. However, the deponent has been found suitable for the post and so he was selected by the opposite party no.1.

21. That the contents of para 25 of the writ petition are denied. It is incorrect to say that the opp. party no.2 (the deponent) was not a fit and proper person to be appointed. In fact, the deponent was suitable and preferential candidate and the petitioner was not suitable and proper candidate.

22. That the contents of para 26 of the writ petition are denied as being incorrect.

23. That regarding the contents of para 27 of the petition it is stated that the petitioner illegally without any authority has started working in place brother and now under the garb of this Hon'ble

Court's order he is working without ~~any security~~ furnishing ~~any security~~. In fact the petitioner has started working in a leave vacancy of Sheo Narain Singh (~~is now~~) as a Postal Assistant in G.P.O. Lucknow. He is now no more an Extra Departmental Branch Post Master nor he has been on leave after 31.5.82.

24. That the contents of para 29 of the writ petition are denied and it is stated that the petitioner has no right to maintain the present writ petition which has no merit and is liable to be dismissed.

25. That the deponent has already received an appointment letter and he is suffering great loss and injury as his appointment is stayed by the stay order which is liable to be vacated.

Lucknow, Dated:  
September, 1982.

Deponent.

I, the deponent named above, do hereby verify that the contents of paras 1, 2 & 3 of this affidavit are true to my ~~own~~ knowledge and those of Paras 24 & 25 are true to my ~~knowledge~~ based on receipt of legal advice; that no part of it is false and that nothing material has been concealed. So help me God.

Lucknow, Dated:  
September, 1982.

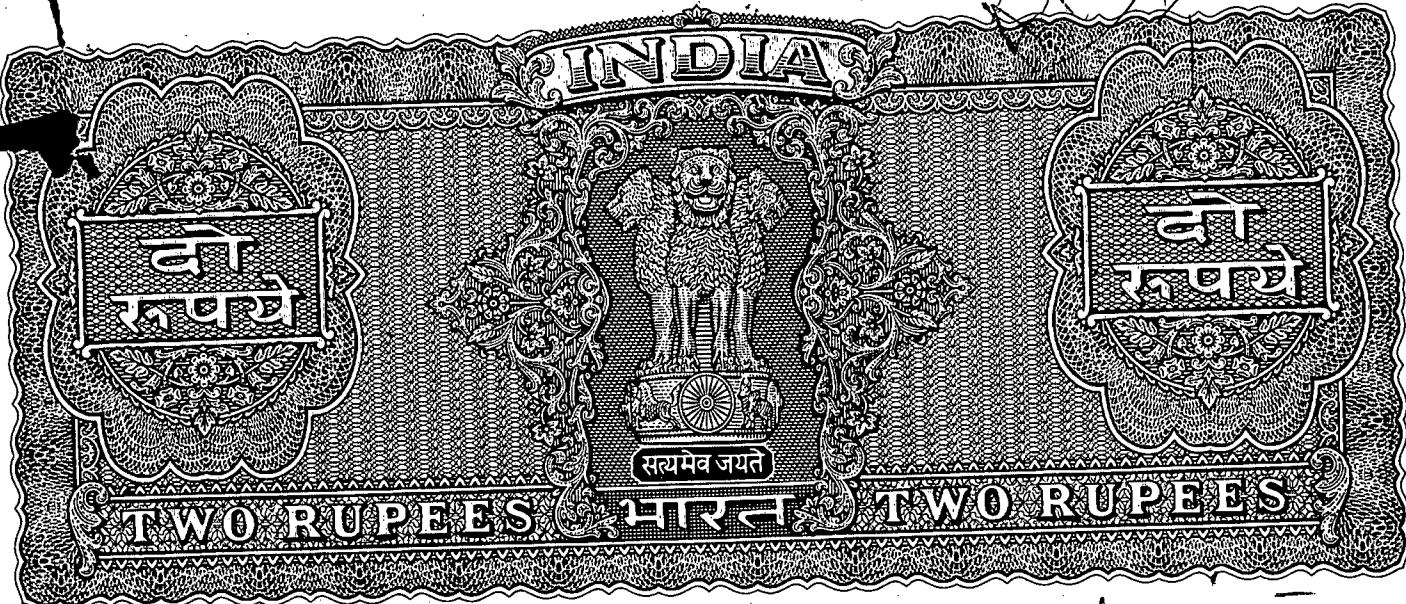
Deponent.

I identify the deponent on the basis of the papers produced by him. He has signed before me.

Clerk to Sri D.A. Trivedi Advocate.

Colemally affirmed before me on  
at a.m./p.m. by Sri Narain Bux  
Singh, the deponent who is identified  
by Sri Chambhoo Rayal Srivastava Clerk  
to Sri D.K. Trivedi Advocate, High Court  
Allahabad. I have satisfied myself by  
examining the deponent that he under-  
stands the contents of this affidavit  
which have been read over and explained  
by me.

2RS



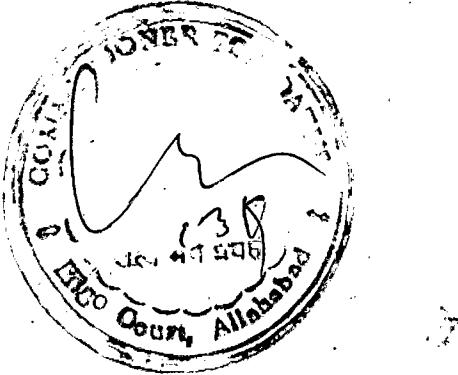
Hon'ble High Court of Judicature  
of Maharashtra & Goa  
Mumbai

w. A. No. 3750 - 82

K/8

Bhagwati Deen Singh

Superintendent Post & Telegraph



AB/N

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

Lucknow Bench, Lucknow.

REJOINDER AFFIDAVIT ON BEHALF OF THE  
P E T I T I O N E R

Inre:-

Bhagwati Din Singh .. .. .. Petitioner

Vs.

Supdt. Post Offices & Ors.....Opp. Parties

Writ Petition No. 3750 of 1982

186/86/3  
AFFIDAVIT  
HIGH COURT  
ALLAHABAD

I, Bhagwati Din Singh, aged about 48 years,  
son of Sri Devi Bux Singh, resident of Village and  
Post Office Dehariyawan, Pergana Isauli, Tahsil  
Mushafirkhana, District Sultanpur, do hereby solemnly  
affirm and state on oath as under:-

1. That the deponent is the petitioner  
in the above noted writ petition and is fully conver-  
sant with the facts of the case deposed to hereunder.

2. That the contents of the accompanying

7/10/82

counter affidavit to the above noted writ petition have been read over and explained to the deponent, who has fully understood the same.

3. That the contents of paragraph 1 of the counter affidavit are admitted.

4. That the contents of paragraph 2 of the counter affidavit are admitted.

5. That with respect to the contents of paragraph 3 of the counter affidavit it is not denied that Shiva Baran Singh handed over charge to the petitioner but the fact that there was no approval of the competent authority is denied.

6. That with respect to the contents of paragraph 4 of the counter affidavit, it is not denied that the advertisement was made for filling up the vacancy but not only the petitioner applied for the said post, but opposite party No. 2 and also one Chandra Bhanu Singh submitted their applications.

7. That with respect to the contents of paragraph 5 of the counter affidavit, it is not denied that the opposite party No. 2 was appointed by the impugned order of appointment dated 2.8.1982. It is, however, denied that selection was made according to law and the appointment of opposite party No. 2 was made



*Alamgir*

in accordance with the rules and so he cannot be said to be duly selected and appointed candidate.

8. That with respect to the contents of paragraph 6 of the counter affidavit, it is stated that Annexure No. A1 is not a complete copy of the rules and the relevant portion of the said rule have not been reproduced in Annexure No. A1. The conditions required will be apparent from a perusal of Rule 6 of Chapter II which provides the method of recruitment as contained in the Posts & Telegraph Manual. Rule 6 (2) which has been reproduced in Annexure A1, has not provided sub-rules (2), (3) (4), (5), (6) and onwards. Sub-rule (2) of Rule 6 is reproduced below:-

**"(2) Employment of disabled ex-service personnel.**

The Minister has desired that particular attention of all Heads of Circles and Administrative Offices should be drawn to the recent public pronouncement by the Prime Minister regarding our responsibility for rehabilitating disabled ex-servicemen, particularly those who have been casualties in the recent hostilities with Pakistan

2. As a general rule, where any discretion is vested in an authority, other things being equal, a disabled ex-serviceman should be preferred. In particular, claims of disabled ex-servicemen may be prominently kept in mind in the -

- (i) appointment of ED BPMs, ED Stamps Vendors and other classes of ED Agents;



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(ii) issue of licences for sale of postage stamps; and

(iii) appointment of contingency and work-charged staff.

3. It should, however, be ensured in each case that the disability suffered by the Ex-servicemen will not stand in the efficient discharge of his duties.

(3) Giving Preference to S.C. and S.T. in appointments- According to Para 5 of this office Letter No.13-14/72-Pen, dated the 2nd March, 1972, wherever possible first preference should be given to Scheduled Caste/Scheduled Tribe candidates, apart from P & T and other Government Pensioners, for appointment as ED Agents. It is also prescribed in para 3 of this office letter No.5-9/72-E.D.Cell dated the 18th August, 1973 that matriculates should be given preference over those who have passed VII standard for appointment as ED BPM, and those who have passed VIII Standard should be given preference over those who have passed VI Standard for ED DMS, etc.

2. It is observed that, in several circles, the orders for giving preference to Scheduled Caste/Scheduled Tribes, in the appointment of ED Agents, are being interpreted in different ways.

3. It is hereby clarified that candidates belonging to the Scheduled Castes /Scheduled Tribes with the



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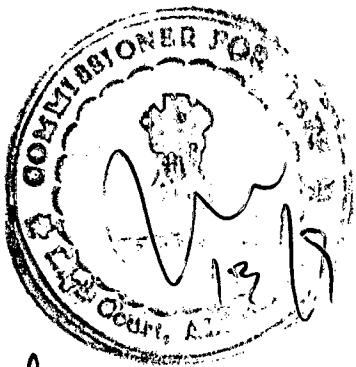
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X

minimum educational qualifications prescribed in this office letter No.5 9/72 E.D.Cell, dated the 18th August 1973, viz. VIII Standard for ED BPMS, VI Standard for ED DAs and ED SVs and working knowledge of the regional language and simple Arithmetic for other EDAs ( and working knowledge of English for ED Messengers) should be given preference over the candidates belonging to other communities, even if the latter are educationally better qualified, provided that the candidates belonging to Scheduled Casts/Scheduled Tribes are otherwise eligible for the post.

9. That the contents of para 7 of the counter affidavit as stated are denied. It seems that the Inspector who had obviously a motive to favour opposite party No.2 made representations in the matter of appointments. As has already been stated in paragraphs 19 and 20 of the writ petition, the petitioner had passed the 1st Class of the Army Examination and the photostat copy of the Army Certificate of education 1st Class had been annexed as Annexure No.6 to the writ petition.

10. That besides the fact that the petitioner had passed in the year 1949 the middle School Examination and was placed in 1st Division, the said 1st Class Certificate of the Indian Army is also recognised as ~~equivalent~~ equivalent to Junior High School



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as provided by the Board of High School & Intermediate Education Board, U. P.

ll. That as provided in the Madhyamic Siksha Parisad, U.P. the U.P. Education Board has recognized Junior High School, 1st Class Education of Indian Army to be equivalent to VIII Standard and also Hindustani Middle School Examination to be equivalent to VIII standard. Accordingly the contention of opposite parties 1 to 3 to the effect that the petitioner did not possess the requisite qualification is totally incorrect. On the contrary opposite party No. 2 not having offered English either in the High School or Intermediate Classes and having failed in English in Class VIII, has no knowledge of English and in all respects the petitioner stands in a better footing than opposite party No. 2. It is also denied that the petitioner has no Pucca accommodation for the Post Office which place may be suitable. On the contrary the Post Office which is being run for the last several years at the same place where and where it is being run now by the petitioner, never any report was sent that the place was not suitable. The deponent has also annexed a certificate from Pradhan clearly indicating that the accommodation with the petitioner is quite suitable and also there is no shortage of accommodation. A true copy of the certificate



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issued by the Pradhan is annexed as Annexure No.12 to the rejoinder affidavit.

12- That a copy of Annexure No.12 was also furnished to opposite party No.1 along with the application.

13. That so far as the means of livelihood is concerned, in that aspect of the matter also the petitioner has preferential place. The petitioner is drawing a net amount of Rs.609/- after necessary deductions as Pension being an Ex-serviceman of Army. A photo-stat copy of certificate of pension issued by the Treasury Officer, Sultanpur is annexed as Annexure No.13 to the rejoinder affidavit.

14. That an income certificate issued by the Tahsildar concerned also indicates that from the agricultural sources the petitioner has an income of 1800/- per annum. A photo-stat copy of the said income certificate issued by the Tahsildar is annexed as Annexure No.14 to the rejoinder affidavit.

15. That it is surprising that the aforesaid documents mainly Annexures 13 and 14 and also the educational qualifications were not considered by the authorities and on a wrong report of the Inspector the appointment was made in favour of opp. party No.2.

16. That with respect to the contents of para



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8 of the counter affidavit, the deponent has no knowledge about the filing of the writ petition by Chandra Bhanu Singh but it is totally incorrect that he has no shop or that he had no suitable Pucca accommodation where the post office may be opened. It is also incorrect that the place offered by the petitioner was Kachcha construction. This is contrary to the reports and documents annexed to the writ petition and the rejoinder affidavit. The petitioner has a big house and it is a Pucca house and there are five rooms accessible from outside where the post office can be opened and the place is also conspicuous and the constructions are not Kachcha and the averments made in the paragraph under reply are, therefore, not based on correct information.

17. That the contents of para 9 of the counter affidavit are denied and the selection of opp. party No. 2 was contrary to the rules and also contrary to the materials on record.

18. That the contents of para 10 of the counter affidavit in so far as the working of the deponent is concerned, is not denied but it is totally incorrect that there was no approval with respect to the continuance of the deponent. It is true that the petitioner was not selected for appointment but the said selection not having been based according to

law and rather on incorrect and biased report of the Inspector, Post Offices; the impugned order of appointment dated 2.8. 1982 is, therefore, contrary to law. It is also denied that the interim order could not be passed in the circumstances of the case permitting the petitioner to continue.

19. That the contents of para 11 of the counter affidavit are denied and the interim order dated 11th August, 1982 is not liable to be vacated.

20. That the provisions contained for grant of leave to ED Agents and appointment of substitute has been provided at page 231 and onwards in the Post & Telegraphs Manual, Volume III. Sub-rule (2) of Rule 1 is reproduced below:-

"Application form is to be obtained in quadruplicate from the ED Agent proceeding on leave and after the sanctioning authority has passed the orders on the application, one copy should be handed over to the ED Agent and another to the substitute, the third copy being retained as the office copy after the file of the sanctioning authority. A copy should be given to the concerned drawing officer ( Head Postmaster) for drawing the allowances to the substitute provided by the ED Agent."

21. That when the Branch Post Master Sri Shekhar Singh was to proceed on leave, as provided in



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the aforesaid rule, the application forms were filled in quadruplicate as provided and were sent to the Inspector, Post Offices, North, Sultanpur, to be forwarded to the Superintendent Post Offices, Sultanpur Division, Sultanpur.

22. That the deponent took over the charge on 27th February, 1982 and has been regularly getting the allowances and it is not possible that the Drawing Officer ( Head Post Master ) could pay the allowances to the deponent without the sanction of the Superintendent Post Offices.

This fact has not been denied in the counter affidavit that the petitioner is not receiving the allowances.

23. That so far as the approval is concerned, the petitioner was not to be indicated with respect to approval. If the arrangement made by Sri Shiva Saran Si was not approved by the Superintendent Post Offices, the ultimate result would have been that the petitioner would have been served with a notice to quit the office and there would have been no question of payment of allowances regularly to the deponent and in lieu of the services rendered by him.

24. That the question of approval, therefore, lies with the postal authorities and the deponent cannot produce any document since the deponent cannot get the records and it was on the postal authorities to place before the Hon'ble Court as to what orders were passed the substitute arrangement when the application was



received by the Head Post Master and by the Supdt, Post Offices. No sanction of payment of allowances can be possible or is possible without approval. At any rate the deponent states that the approval was duly made by the Supdt, Post Offices who also sanctioned the payment of allowances to the deponent and the averment made by opposite parties 1 and 3 to the contrary, therefore, is without any basis and does not deserve to be considered

25. That sub-rule (3) of Rule 1 of the Post & Telegraphs Manual, relating to the appointment of substitute, is reproduced below:-

" 3. Approval of the Substitute in place of ED Agents proceeding on leave -

At present, it appears that the choice of the substitute is left to the ED Agent himself. In most cases, this arrangement appears to have worked satisfactorily. There are, however, a few cases where the substitutes appointed later claim regular appointment as ED Agents and are not prepared to quit when required.

It is provided in the latest instructions that the substitutes should be approved by the appointing authorities. It is not the intention that there should be any elaborate procedure to be followed for according such approval. In cases where leave is not sanctioned in advance, we may not even insist upon prior approval of the substitute but the department should not be precluded from making such



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inquiries into the antecedents of the substitutes as considered necessary and to ask the ED Agent to provide another substitute, if it is found that the one actually proposed by the ED Agent is not acceptable.

It will be a good working arrangement if substitutes nominated by the ED Agent are approved in advance by the competent authority so that there may be no difficulty in granting leave of absence at a short notice in cases of illness or any unforeseen circumstances affecting the ED Agent.

The order sanctioning leave should also specifically convey the approval of the appointing authority to the substitute working in place of the ED Agent on leave and should also make it clear that the substitute may be discharged by the appointing authority at any time without assigning any reason. It is also necessary for the appointing authority to ensure that such a substitute is not allowed to work indefinitely. If the absence from duty of the regular ED Agent is likely to last indefinitely, the Appointing Authority should take immediate steps to make a regular appointment and the person so appointed need not necessarily be the substitute."

26. That as a matter of fact the deponent was nominated as substitute at the time of the appointment of Sri Shiva Saran Singh by Sri Shiva Saran Singh himself. As a matter of fact Shiva Saran Singh had nominated the



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dependent to be his substitute in advance and on that account also the petitioner dependent stands approved inasmuch as the said nomination was never turned down by the Postal Authorities at any point of time.

27. That a perusal of the aforesaid rule will also indicate that the question of approval is a mere formality and not an essential requirement. At any rate the petitioner having been approved the averments made by opp. parties to the contrary, therefore, are without any basis and are totally denied and are incorrect.

28. That as a matter of fact that the Postal Authorities were so interested in the appointment of opp. party No. 2 that the Inspector, Post Offices not only submitted incorrect reports with respect to the dependent and also with respect to opp. party No. 2, even the application submitted by opp. party No. 2 was not complete in all respects and was liable to be rejected, yet the Postal Authorities went ahead in accepting and in demanding the various required certificates from opp. party No. 2 which were essential to be furnished along with the application submitted by opp. party No. 2 not being complete in all respects and not providing the essential requirements was liable to be rejected.

The dependent submits that even though the application submitted by opp. party No. 2 not being



*B. B. Singh*

As such, the candidature of opposite party No. 2 should not have been considered. In this connection it is significant that by registered letter No.898, dated 21st April., 1982 the Suptdt. Post Offices demanded the income certificate and thus tried to patch up the lacunas in the application moved by opp. party No. 2, when the application moved by opp. party No. 2 did not prove so and was liable to be rejected.

29. That the postal authorities are so much interested in opp. party No. 2 that in spite of the order of this Hon'ble Court staying the operation of the impugned order, dated 2nd August, 1982 and the copy of the said order having been furnished on 13th Aug, 1982 to Supdt., Post Offices, yet opp. party No. 2 was permitted to deposit the security on 16th August, 1982.

30. That by the postal authorities, the work of the deponent was found quite satisfactory, vide the photostat copy of the report dated 8.9.1982, which is annexed as Annexure No. 15 to the rejoinder affidavit.

31. That the deponent who is functioning as Branch Post-master, the deponent will suffer substantial and manifest injury in case the stay order is vacated.

32. That on the facts and circumstances of the case and also in the interest of justice it will be expedient that the application for vacating the stay



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—: प्रमाण - पत्र :—  
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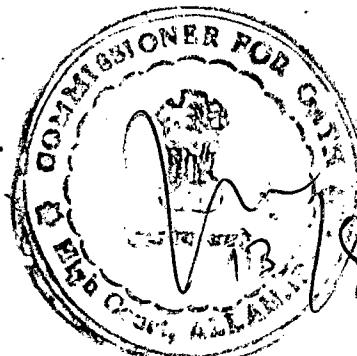
प्रमाणित किया जाता है कि श्री भाष्वती दीन सिंह आत्मज श्री देवी बछा दीन सिंह हमारी गांव सभा के बस्ताई-निवासी है। इनका दार डेहरियावा छास के मध्य इस प्रकार स्थानित है, कि यहाँ से डेहरियावा डाकघार के सभी मजरे समान दूरी पर है। वर्तमान दाक दार इन्ही के मकान पर है, शाला डाक पाल श्री शिव सरन सिंह इनके सो छोटे भाई हैं। डाकघार लाभाग 20x10' का है। इसके अतिरिक्त भी इनके पास सार्वजनिक उपयोग की दृष्टि से कई पक्के कमरे हैं।

शाला डाकपाल के देना पर जाने के पश्चात् कार्यवाहक शाला डाक पाल का कार्य बड़ी लान व निष्ठा से कर रहे हैं। इनकी चाल चलन अति उत्तम है। किसी भी सरकारी कार्य को बड़ी जिम्मेदारी से निभाने की इनमें पूर्ण क्षमता है।  
मैं इनके उज्ज्वल भविष्य की मनोकामना करता हूँ।

४० अपठनीय

प्रदान: १२-४-८२

गांव सभा डेहरियावा,  
विकास छोत्र बल्दीराय,  
सील जिला - सुल्तानपुर १५०५०५



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प्र० ११५ न० १०-८०

प्राप्ति दिया गया है तो यह विवेद

प्र०, २९०२१२१० न० ८४२२/१८४४७, रोटीकूट

प्र० ४२२३६ के दस रुपयों से ५०.४९/-

मूल पेशन से १६१/- का विषय करने के बड़वात

मूल पेशन ३३६/- का अंश २७३/- का

पेशन ५०.६०/- का प्रतिविवेद वा ५२ से मुकाबल

दिया गया है।

कोषत्वकारी

कोषत्वात्मक

१३/८/१९८२

*Signature*



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

Lucknow Bench, Lucknow.

—  
1696 (C)  
C.M. Appn. No. of 1982

Bhagauti Din Singh .....

Applicant

Inre: 4



Bhagauti Din Singh.....Petitioner

V.S.

Superintendent, Post Offices & Ors..Opposite Parties

Writ Petition No.3750/1982

APPLICATION FOR SUMMONING THE RECORDS

The applicant-petitioner respectfully begs to submit:-

That for the reasons stated in the accompanying affidavit and on the facts and circumstances of the case and also in the interest of justice, the

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petitioner respectfully prays that opposite party  
No.1 may kindly be directed to produce the original  
application form whereby the petitioner was nominated  
as 'substitute' by Sheo Saran Singh and also the  
other copy of the same application form which was  
approved by the Superintendent, Post Offices and  
order for payment of allowances to the 'substitute'  
namely, the petitioner, passed by the postal  
authorities and also the personal file of Sheo Saran  
Singh.

*H.S.Sahai*  
( H.S.Sahai )  
Advocate,

Place/Dated  
October 6, 1982

Counsel for the Applicatt  
Petitioner

2RS



Hon'ble High Court of Judicature  
at Allahabad Lucknow Branch

Mr. No. 37500 1982

Bhagwati Deen Singh - Petitioner

B  
Supdt. Post. offices owners of parties



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

C. M. Appn. No. of 1982

Bhagauti Din Singh .. Applicant

Inre:-

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Bhagauti Din Singh .. Petitioner

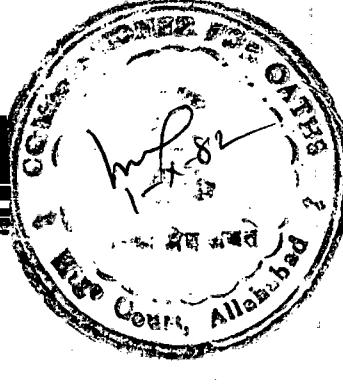
Vs.

Superintendent, Post Offices & Ors.....Opp. Parties

Writ Petition No. 3750/1982

A F F I D A V I T

(In support of the application for summoning the record)

  
I, Bhagwati Din Singh, aged about 48 years,  
son of Devi Bux Singh, resident of village &  
Post Office Dehriyawan, Pergana Risauli, Tahsil  
Mushafirkhana, District Sultanpur, do hereby solemnly  
affirm and state on oath as under:-

-   
1. That the deponent is petitioner in the  
above noted writ petition and is fully conversant with  
the facts of the case deposed to hereunder.

2. That the writ petition has been admitted and is pending in the Hon'ble Court and the interim order has also been passed staying the operation of the impugned order contained in Annexure No.11 dated 2.8.1982 and also taking over charge from the deponent.

3. That opposite party No.2 Narain Bux Singh has not filed any counter affidavit and a short counter affidavit has been filed by Sri Khursheed Ahmad, Superintendent, Post Office, Sultanpur.

4. That the said matter came up on 3.9.1982 when the Hon'ble Court was pleased to direct that the petitioner should file the approval whereby he may have been permitted to work.

5. That the deponent made all efforts to get the copy of the order of approval but Sri Khursheed Ahmad, Superintendent, Post Offices, who is personally interested in opposite party No.2 did not provide the copy of the order. Deponent also moved an application for obtaining copy of the order on 6.9.1982 but the Superintendent, Post Offices was pleased to observe that the copy cannot be given.

6. That as a matter of fact the truth will come out in case the personal file of the former Branch Post Master Shiva Saran Singh is summoned or opposite party No.1 is directed to produce the same. It will also be necessary that the application form nominating the deponent as 'substitute' by Shiva Saran Singh may also be produced

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before the Hon'ble Court for perusal.

(2)

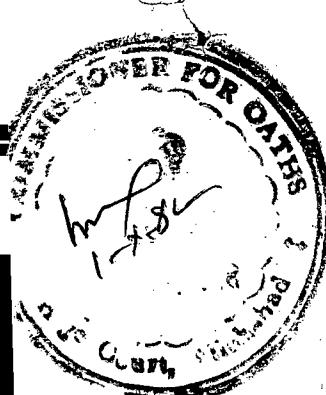
7. That as a matter of fact paragraph 5/relating to leave as provided in Post & Telegraph Manual, the procedure for appointment of substitute, is reproduced below:-

"Application form is to be obtained in ~~quu~~-duplicate from E.D.Agent proceeding on leave and after the sanctioning authority has passed the orders on the application, one copy should be handed over to the E.D.Agent and another to the substitute, the third copy being retained as the office copy for the file of the sanctioning authority. A copy should be given to the concerned Drawing Officer (Head Post-Master ) for drawing the allowances to the substitute provided by the E.D.Agent. "

7. That the deponent was not provided any copy as provided under rules.

8. That it is not possible that unless approval is made the deponent will start receiving the allowances since without the approval, no allowances can be paid, to the deponent, namely, the substitute who has been nominated by the former Branch Post Master.

9. That the deponent who was nominated as substitute, by Shiva Saran Singh, full compliance of the said rule was made and the application forms as provided under rules were forwarded.





X-198

10. That the deponent who started functioning since 1.3.1982 as Branch Post Master is regularly getting allowances by the Head Postmaster, Sultanpur which is obvious from the fact that in the absence of any approval by the competent authority no payment of allowances can be made to the deponent, the substitute.

11. That it seems that the Superintendent Post Offices, Sultanpur who is highly interested in opp. party No.2, is not providing the copy of the order of approval and is not producing the same before the Hon'ble Court.

X-103

12. That the relevant records are in custody and in possession of opp. party No.1 and the petitioner who is not able to get the copy, ~~xxxxxx~~ in spite of all efforts the truth of the matter can be verified if opp. party No.1 is directed to produce the personal file of Shiva Saran Singh as well as the application form appointing the deponent as substitute.

13. That it is also relevant to state that the application moved by Sheo Saran Singh dated 27.2.82 intimating that he was proceeding on training which was to commence since 1.3.82 and also indicating that he was nominating the petitioner as his substitute and also taking the responsibility of the said nomination, will also be relevant and the original application may also be summoned. A true copy of the said application moved by Sheo Saran Singh dated 27.2.82 addressed to the ~~Superintendent~~ <sup>✓ Inspector (N.H.K.)</sup> Post Offices, Sultanpur is annexed as Annexure No.16 to this affidavit.

B. B. Singh



14. That as a matter of fact as paragraph 5 (3) of the Post & Telegraph Manual also provides that the substitute should be nominated in advance. The relevant portion is reproduced below:-

"It is provided in the latest instructions that the substitute should be approved by the appointing authority. It is not the intention that there should be such any elaborate procedure to be followed for according / approval. In cases where leave is not got sanctioned in advance we may even insist upon prior approval of the substitute but the Department should not be ~~be~~ precluded from making such inquiries in the antecedents of the substitute as considered necessary and asked the E.D. Agent to prove another substitute ~~fax~~ if it is found that the one ~~actual~~ proposed by the E.D. Agent is not acceptable."

*good*  
It will be a working arrangement if substitute nominated ~~are~~ by the E.D. Agent and approved in advance by the competent authority so that there may be no difficulty in granting the leave ~~in advance~~ <sup>"of absence at"</sup> on short notice in cases of illness or ~~in~~ <sup>"any"</sup> the unforeseen circumstances affecting the E.D. Agent."

15. That the deponent respectfully prays that opp. party No. 2 should not take advantage of his own conduct and should not suppress the necessary documents which are in his possession and the copies of which the deponent is not able to get.

*Blomf*  
16. That the personal file of former Branch Postmaster Sheo Saran Singh and also requisite forms of leave and appointment for the substitute and also the order

A.N.B. 89

of approval and also the payments of the allowances to the deponent, if brought on record or are produced for the perusal of the Hon. Court, the truth of the matter will come out and the technical plea taken by opp. party No. 2 may not prevail.

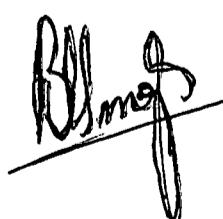
165

17. That for the reasons stated hereinabove and on the facts and circumstances of the case and also in the interest of justice it will be expedient that the personal file of Sheo Saran Singh and also the forms of leave and nominating the deponent as substitute and also the relevant orders passed by the authorities approving the deponent to work as substitute, also sanctioning the payment of allowances to the deponent may be summoned from opposite party No. 1 or opposite party No. 1 may be directed to produce the said documents before the Hon'ble Court.

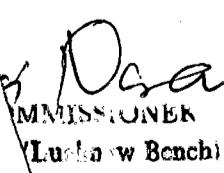


Deponent

I, the deponent, named above, do hereby solemnly affirm and verify that the contents of paras 1 to 17 of this affidavit are true to my personal knowledge excepting paras 7 and 14 in part which are based on legal advice. Nothing material has been concealed or is untrue, so help me God. Annexure 16 is true copy of its original.



Deponent

  
COMMISSIONER  
(Ludhiana Bench)  
K.N.C.W.

I identify the deponent, who has verified and signed before me.

Clerk

A-131

8/  
10

ਇਨ ਦਿ ਆਨਰੇਬੁਲ ਹਾਈ ਕੋਰਟ ਆਫ ਜੁਡੀਕੇਵਰ ਏਟ ਹਲਾਹਾਬਾਦ  
ਲਖਨਾਤ ਬੈਂਚ ਲਖਨਾਤ

ਰਿਟ ਪਿਟੀਸ਼ਾਨ ਨਮੰਬਰ 3750 ਆਫ 1982

ਸ਼ਾਗਕਤੀ ਦੌਨ ਸਿੰਹ

----- ਪਿਟੀਸ਼ਾਨਰ

8/106

ਬਨਾਮ

ਸੁਪੈਰੈਟੈਂਡੇਨਟ ਪੋਸਟ ਜਾਫਿਸੇਸ

----- ਅਧੋ 0 ਪਾਰਿਜ

ਅਨੇਕਾਰ ਨਮੰਬਰ

ਪ੍ਰੈ਷ਕ,

ਸਿਵਾ ਇਕਾਣਾ ਸਿੰਹ - ਈੰਡੀਓਬੀਓਪੀਓਐਮ੦-  
ਸ਼ਾਖਾ ਡਾਕਘਰ ਡੇਵਰਿਯਾਵਾਂ  
-ਕਲਦੀਰਾਯ- ਸੁਲਤਾਨਪੁਰ-ਅਕਧ-

ਸੇਵਾ ਮੈਂ,

ਸ਼੍ਰੀਮਾਨ ਡਾਕ ਨਿਰੀਕਥਕ,  
"ਉਤਤਰੀ"  
ਸੁਲਤਾਨਪੁਰ - ਅਕਧ-

ਵਿ਷ਯ-

ਅਦੇਵ ਮੱਤ੍ਰੀ ਕੇ ਅਕਾਸ਼ ਲੀ ਸ਼ਕੀਕੂਤ ਹੇਤੁ

ਸਕਿਨਿ ਨਿਵੇਦਨ ਹੈ ਕਿ ਪ੍ਰਾਈ ਕੋ ਪੋਸਟਮਾਸਟਰ-ਜੀਓਪੀਓਐਂਡ

ਲਖਨਾਤ ਕੇ ਮੈਮੋ ਨਮੰਬਰ-ਪੀਓਐਂਡ੦/ਟ੍ਰੈਨਿੰਗ/ਪੀਓਐਂਡ੦/ਸੀਓਐਂਡ੦ ।।

ਭੇਟੇਡ ਏਟ ਲਖਨਾਤ ਦਿ ਫੇਬਰੂਅਰੀ 16-1982 ਕੇ ਅਨੁਸਾਰ ਪੋਸਟਲ ਏਸਿਸਟੇਂਟ

की द्रेनिंग हेतु सहारनपुर में दिनांक 1-3-82 से शुरू होने वाले  
केडर नम्बर 210 में सम्मिलित होना है।

अतः शाखा डाकपाल डेहरियावा का कार्यवाहन

डाकपाल में अपने सहोदर अग्रज भूतपूर्व आनन्दरो कैटन श्री गगवती  
दीन सिंह को मनोनीत किया है, उनके ब्दारा किए गये समस्त  
कार्यों का उत्तरदायित्व मुझ पर होगा, यह मनोन्यन मैने अपने  
स्वयं के उत्तरदायित्व पर किया है।

श्रीमान जी को सेवा में निवेदन -पत्र प्रेषित कर कृतज्ञ हूँ

कि प्रार्थी को द्रेनिंग काल 1-3-82 से 31-3-82 तक का अवकाश  
प्रदान करने की कृपा की जाय। चार्ज रिपोर्ट प्रार्थना पत्र के साथ  
संलग्न है।

#### प्रतिलिपि सेवार्थ

- पौष्टम्य सुलतानपुर
- सी०पौ०एम०बाजार बन्दीराय
- आफिस कापरी

आपका अतीव आज्ञाकारी  
शिवशारण सिंह शाखा  
डाकपाल डेहरियावा  
दिनांक 27-2-82

सत्य प्रतिलिपि

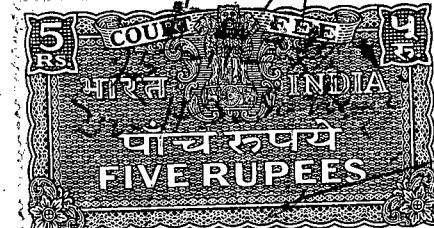


97

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
Lucknow Bench Lucknow.

C.M. An. No. 12365 (CD)  
of 1982

for condonation of delay in filing the  
rejoinder-affidavit in W.P. NO. 3750 of 1982



A/108

10/- = Rs 5/-

29/11/82

Bhagwati Din Singh

...Petitioner

Versus

Superintendent Post offices and others...Opp.-parties.

The petitioner, abovenamed, begs to state  
as under:-

20/11/82  
1. That for the reasons stated in the  
accompanying rejoinder-affidavit the petitioner prays  
that the delay in filing rejoinder-affidavit may  
kindly be condoned and the same be accepted and  
taken on record.

*B Singh*

Dated, Lucknow: *J. Singh*  
ADVOCATE  
Counsel for the petitioner.

November 1982.

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

Writ Petition No. 3750 of 1982

Try. Form No. 385

RECEIPT FOR PAYMENT TO GOVERNMENT

(Form No. I, Chapter III, Paragraph 26, Financial  
Handbook Volume V, Part I)

Place

High Court of Judicature at  
Receipt No. 630297 (Date 25/11/82)

Department and office

1982

AFFIDAVIT  
49 (1)  
HIGH COURT  
ALLAHABAD

Received from  
the sum of Rupees  
on account of

Designation

Cashier or Accountant

Signature of Government Servant  
granting the receipt

Bhagwati Din Singh

...Petitioner.

Versus

Superintendent of Post office and others

..Opp. parties.

Rejoinder-affidavit to the counter-

affidavit of opposite party no. 2.

I, Bhagwati Din Singh, aged about 48 years,  
son of Devi Bux Singh, resident of village  
and post office Dehriyawana, pargana Isoli,  
tahsil Musafirkhana, district Sultanpur,

*Bhagwati*

do hereby solemnly affirm and state as under:-

1. That the deponent is petitioner in the above writ petition and he is fully conversant with the facts deposed to hereunder.
2. That the contents of the counter-affidavit have been read over and explained to the deponent who has understood the same.
3. That the contents of paras 1 and 2 of the counter-affidavit do not call for any reply.
4. That with respect to the contents of para 3 of the counter-affidavit the fact that the instant writ petition relates with respect to an order passed by the opposite party no.1 contrary to law and accordingly is subject to writ jurisdiction of the Hon'ble court.
5. That the contents of para 4 of the counter-affidavit do not call for any reply since the facts stated in para 5 of the counter-affidavit are not being controverted.



A handwritten signature.

6. That with respect to the contents of para 5 of the counter-affidavit the averments made in ~~xxx~~ the paragraph under reply are denied and it is specifically stated that the deponent had been working as a substitute with the approval of the Superintendent of Post Offices. The relevant rules have been reproduced in para 6 of the writ petition and also in the rejoinder-affidavit filed against the counter-affidavit of the State. The deponent has also been receiving salary which could not be paid to the deponent in the absence of any approval. Besides the approval does not require any technical procedure and on the forms sent for the appointment of substitute that the salary and allowances are provided which ~~xx~~ itself amounts to approval. The approval may be expressed or implied. The opposite party no.1 has not produced any document to establish a fact that there was no approval. Application for summoning the relevant records indicating approval has already been moved which has been ordered to come up for orders.

7. That the contents of para 6 of the counter-affidavit as stated requires some clarification. However, the averments made in



*Bhagat*

para 7 of the writ petition are reiterated. As a matter of fact 28th February, 1982 was Sunday and so the charge was handed over on 27.2.82 in the afternoon since Sri Sheo Saran Singh was to proceed on leave with effect from 1.3.82. The surprise expressed by opposite party no.2 is therefore unwarranted. 8/2

8. That the averments made in para 7 of the counter-affidavit are denied and the averments made in para 8 of the writ petition are reiterated. With respect to the approval it has already been stated in reply to para 5 of the rejoinder-affidavit.

9. That the contents of para 8 of the counter-affidavit do not call for any reply since the averments made in para 9 of the writ petition have not been controverted.

10. That the averments made in para 9 of the counter-affidavit are denied and the averments made in para 10 of the writ petition are reiterated.

11. That the averments made in para 10



A handwritten signature in black ink, appearing to be "B. Singh".

of the counter-affidavit as stated are denied and the averments made in para's 11 and 12 of the writ petition are reiterated. An application was moved well within time by the deponent and if any clarification was sought by the postal authorities the same was done which does not mean that the submission of the reply to the clarification made by the postal authorities will not amount to submission of the form beyond time. Likewise opposite party no.2 also replied to the clarification made by the postal authorities.

12. That the averments made in para 11 of the counter-affidavit are denied and the averments made in para 13 of the writ petition are reiterated. As a matter of fact the educational qualification is not only preferential ground but the ex-service men of military will be preferred to the other candidates. Merely because opposite party no.2 happens to be a graduate will not be only criterian to get any preference as against the petitioner. If that be so, the other candidate Chandra Bhan-Singh also is a graduate and he has better academic qualification than opposite party no.2. Accordingly opposite party no.2 cannot maintain to say that he was preferential candidate amongst all



*Chand*

who applied for the post.

13. That the Director General Post and Telegraph, New Delhi has also issued order dated 20.1.79 to all the heads of postal ~~exxexxx~~ circles clarifying that no weightage need be given to educational qualification above matriculation and also to large quantum of property and large private income. A true copy of the aforesaid letter dated 20.1.79 issued by the Director General Post and Telegraph, New Delhi is annexed hereto as Annexures nos. 16 and 17.

14. That the averments made in para 12 of the counter-affidavit are not denied but the averments made in para 14 of the writ petition are reiterated. There is no question of belonging to schedule caste and schedule tribes. Relevant rule was quoted in para 14 of the writ petition only to indicate that the Government pensioner will have preference.

15. That the contents of para 13 of the counter-affidavit do not call for any reply since the averments made in para's 15 and 16 of the writ petition have not been controverted.

B. B. B.

of opposite party no.2 and the writ petition has also been admitted. It is totally incorrect to say that the space offered by the petitioner was not sufficient comparatively as offered by opposite party no.2. On the contrary the space offered by the petitioner is more sufficient and spacious and also suitable for running post office inasmuch as the house of the petitioner is situated in the Centre of the abadi easily accessible to the public at large. A report of the Pradhan to that effect has already been annexed as Annexure -12 along with the rejoinder-affidavit filed in reply to the counter-affidavit filed by opposite party no.1.

18. That the contents of para 16 of the counter-affidavit are denied and the averments made in para 19 of the writ petition are reiterated. The petitioner has already annexed certificates of the Army Annexure-6 and also Annexure-7 and the Board has approved that a person having passed the examination of the 1st class will be treated as having the equivalent qualification of Hindustani Middle School. The petitioner being in military service is well acquainted with the knowledge of English, reading and writing.

*25/1/68*

19. That the contents of para 17 of the counter-affidavit are denied and the averments made in para 20 of the writ petition are reiterated. The recognition will appear from the regulation framed by the Board of High School and Intermediate Education, U.P. The averments made in para 20 of the writ petition are reiterated.

20. That the averments made in para 18 of the counter-affidavit are denied and the averments made in para 21 of the writ petition are reiterated.

21. That the contents of para 19 of the counter-affidavit are denied and the averments made in para 22 and 23 of the writ petition are reiterated.

22. That the averments made in para 20 of the counter-affidavit are denied and the averments made in para 24 of the writ petition are reiterated. The selection of opposite party no.2 is contrary to the rules and regulations of the postal department and the opposite party no.2 has been selected because of the fact that the postal authorities

*28-1-87*

*2/25/9*

including Superintendent Post Offices were highly interested in the candidature of opposite party no.2.

X/18

23. That the contents of para 21 of the counter-affidavit are denied and the averments made in para 25 of the writ petition are reiterated.

24. That the contents of para 22 of the counter-affidavit are denied and the averments made in para 26 of the writ petition are reiterated.

25. That the contents of para 23 of the counter-affidavit are denied and the averments made in para 27 of the writ petition are reiterated. The continuance of the deponent's functioning as Branch Post Master was not illegal nor contrary to rules.

26. That the contents of para 24 of the counter-affidavit are denied and the averments made in para 28 of the writ petition are reiterated. The deponent is advised to

OBH  
25/11/81

state that the grounds taken in the writ petition warrant setting aside the order passed by the Superintendent Post offices making the selection of opposite party no.2 for the post of Branch Post Master.

27. That the contents of para 26 of the counter-affidavit are denied and since the appointment of opposite party no. 2 is under challenge and the deponent has already been functioning as Branch Post Master there can be no question of ~~fixing~~ any injury to opposite party no.2.

28. That the application moved by the opposite party no.2 was not in compliance of the requirement inasmuch as the application moved by opposite party no.2 did not provide the necessary requirements and the application having been submitted in complete and without providing the requirements was accordingly no application in the eye of law and as such the application ought to have been rejected straightaway. On the contrary the postal authorities in order to favour opposite party no.2 demanded the certificate from the revenue authorities with respect to the income by registered letter

*Abdul*



dated 21.4.82 when the last date expired on 18.4.82. This was a special favour ~~given~~ to opposite party no.2 made by the postal authorities and even the furnishing of the income certificate which ought to have been furnished along with the application not having been furnished the application was liable to be rejected.

29. That a perusal of the appointment file will clearly indicate that the extreme favour which has been shown by to opposite party no.2 and that will also establish the fact that how the Superintendent Post Offices after influencing the Inspector of Post Offices submitted the requisite report contrary to the rules and regulations of the postal department.

30. That the Central Government has also recognised Army Grade -I certificate as equivalent to Class-VIII and the Central Government has also provided that concession should be allowed to ex-servicemen. It is also relevant that opposite party no.2 ~~was~~ was also a candidate against Sheo Saran Singh but he was not selected for appointment. The place where the post office was running by Sheo ~~Singh~~ <sup>Shankar</sup> Saran Singh for several years

*W. Singh*

*Amritsar*  
9/15  
I identify the deponent who has  
signed before me.

*Vijay and his son  
Gurpreet Singh*  
ADVOCATE.

8/22

Solemnly affirmed before me on 25-11-1982

at 11.20 a.m./p.m. by Sri Bhaqueh Singh  
the deponent who is identified by  
Sri V D Shukla & Shri H S. Sohan Advocate—  
Advocate, High Court, Allahabad.

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.

*India Waran*  
1971  
25-11-1982

*B. Singh*

X 14/2  
A.Y/16

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

Writ Petition No. of 1982.

Bhagwadeen & others

... Petitioners

versus

Suprانتendent Post Offices

& others.

.... Opp. parties.

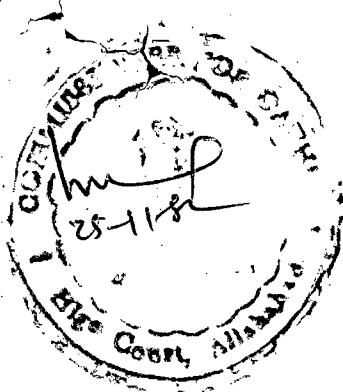
Annexure No. 16

Copy of communication No. 43-312/78-Pen dt.  
20th Jan, 79, from D.G. P&T New Delhi to All  
Heads of Postal Circles.

-----  
Extra  
Sub :- EXIMX Departmental Agents- Conditions for  
appointment - review of .

Sir,

I am directed to refer to this office  
letter No. 5-9/72-ED Cell dated 18.8.73 as  
modified by letter No. 43-17/75 -Pen dated  
28.2.75 and to say that the conditions for  
appointment as Extra Departmental - Sub- Post  
master have been reviewed. It has been  
observed that in making selection to the posts  
of EDBPMs/ EDSMs undue preference is being given



to those with higher educational qualifications and also those who are having large private incomes/ properties. It is hereby clarified that in making selection to the posts of EDSPMs/ EDSPMs weightage need to be given to educational qualifications above MATERIEULATION or to large quantum of property or large private incomes. It should be ensured that EDAS who are posted as EDSPM/ EDBPMs/ EDSVs and other posts are permanent residents of the villages where they are appointed, Due consideration should be given to backward classes and weaker sections of society. In the case of Scheduled Castes/ Scheduled Tribes the orders issued vide this office letter No. 43-246/77- Pen dated 8.3.78 will continue to be inforce.

-----

25-11-78  
No. STA/A -67/73-74/5 Dated at Lw, the 30.1.79

Copy forwarded to : -

- 1, All SSPOs/ SPOs/ SSRMs/ SRMs/ PMs Grade 'A' in U.P. Circle.
  2. All officers /ASPOs/ LLs/ H.Cs in Circle office.
- PP Singh*

2157  
a/s  
125  
:: 3 ::

3. VID/STC/ Planing Section G.O.,  
Lucknow.

for information, guidance and taking  
necessary action.

This may kindly be acknowledged.

Sd/- Illegible

from Postmaster-General , U.P.

Sd/- Illegible.

TRUE COPY



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

Writ Petition No. 1982.

Bhagwatideen & others .... Petitioners

Versus

Superintendent Post Offices  
& others .... Opp. parties.

Annexure No. 17

INDIAN POSTS & TELEGRAPHS DEPARTMENT

From

Postmaster General,  
U.P. Circle,  
Lucknow.

To,

All SSP0s/SPOs/PMs Grade A/SSRMs/  
SRMs, in U.P. Circle,  
All Officers/ASPOs/IIs/HCs in Circle  
Office,  
VID/STC/Planning Sections C.O. Lucknow.

No. STA/A-67/79/5 Dated at 9.3.79.

Sub:- Extra Departmental Agents-Conditions for  
appointment - review of :

2153  
9/20  
X/X  
:: 2 ::

Attention is invited to DG P& T  
Communication no. 43- 312/78- Pen dated 20.1.79  
circulated under this office no. STA/A-67/73-74/5  
dated 30.1.79.

In the eighth line of the above  
communication word "No" repeat "No" between the  
words EDSPMs and weightage is printed faintly.  
Some SPOs have sought for its clarification.

In order to avoid any confusion it is  
notified that word between the words EDSPMs and  
weightage in the eighth line of DG's commu.  
mentioned above is "no".

This may be please acknowledged.

Sd/- S.B.Srivastava  
For Postmaster General U.P.

TRUE COPY



*DD Singh*

25-1-78  
POST OFFICE  
POSTMASTER GENERAL U.P.

IN THE HIGH COURT OF JUDICATURE AT LUCKNOW  
Lucky v. Beni Lal Singh.

DIS

C.H.A. No. of 1982  
for condonation of delay in filing the  
rejoinder-affidavit in I.C. No. 3780 of 1982

Bhagwati Dhan Singh

...petitioner

Versus

Superintendent Post office and others, appellees.

The petitioner, aforesaid, begs to state  
as under:-

1. That for the reasons stated in the  
accompanying rejoinder-affidavit the petitioner prays  
that the delay in filing rejoinder-affidavit may  
kindly be condoned and the same be accepted and  
taken on record.

Adv. G. T.  
Dated, Lucknow, Counsel for the petitioner.  
November, 1982.

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6. That with respect to the contents of para 8 of the counter-affidavit, the statements made in para the paragraph under reply are denied and it is specifically stated that the deponent has been working as a substitute with the approval of the Superintendent of Post Offices. The relevant rules have been reproduced in para 6 of the writ petition and also in the rejoinder-affidavit filed against the counter-affidavit of the state. The deponent has also been receiving salary which could not be paid to the deponent in the absence of any approval. Besides the approval does not require any technical procedure and on the forms sent for the appointment of substitute that the salary and allowances are provided which in itself amounts to approval. The approval may be expressed or implied. The opposite party no.1 has not produced any document to establish a fact that there was no approval. Application for summoning the relevant records indicating approval has already been moved which has been ordered to come up for orders.

7. That the contents of para 9 of the counter-affidavit as stated requires some clarification. However, the statements made in



of the counter-affidavit as stated are denied and the averments made in para 11 and 12 of the writ petition are reiterated. An application was moved well within time by the deponent and if any clarification was sought by the postal authorities the same was done which does not mean that the submission of the reply to the clarification made by the postal authorities will not amount to submission of the form beyond time. Likewise opposite party no.2 also replied to the clarification made by the postal authorities.

12. That the averments made in para 11 of the counter-affidavit are denied and the averments made in para 13 of the writ petition are reiterated. As a matter of fact the educational qualification is not only preferential ground but the ex-service men of military will be preferred to the other candidates. Merely because opposite party no.2 happens to be a graduate will not be only criterion to get any preference as against the petitioner. If that be so, the other candidate Chandra Bhawan Singh also is a graduate and he has better academic qualification than opposite party no.2. Accordingly opposite party no.2 cannot maintain to say that he was a preferential candidate amongst all

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16. That the averments made in para 10 of the counter-affidavit are denied and the averments made in para 17 of the writ petition are reiterated. With respect to the deposit of security the same was not deposited within time. According to the terms and condition provided in the appointment letter opposite party no.2 had to deposit a sum of Rs.1000/- within a week of the receipt of the appointment letter and was also to take charge. Neither the security was deposited within time nor the charge was taken within a week as provided in the appointment letter itself. The appointment letter was received by opposite party no.2 on 6.8.82. The security of Rs.1000/- was deposited on 16.8.82, accordingly the terms and conditions provided in the appointment letter not having been complied with opposite party no.2 is not entitled to be appointed as such.

17. That the averments made in para 18 of the counter-affidavit are denied and the averments made in para 19 of the writ petition are reiterated. As a matter of fact the deponent has come to know that Chandra Bhaw Singh has also filed Writ Petition No.4407 of 1982 in the High Court challenging the order of appointment

23. That the contents of para 21 of the  
counter-affidavit are denied and the averments  
made in para 26 of the writ petition are  
reiterated.

24. That the contents of para 22 of the  
counter-affidavit are denied and the averments  
made in para 26 of the writ petition are  
reiterated.

25. That the contents of para 23 of the  
counter-affidavit are denied and the averments  
made in para 27 of the writ petition are  
reiterated. The continuance of the deposit's  
functioning as Branch Post Master ~~was~~ <sup>is</sup> not  
illegal nor contrary to rules.

26. That the contents of para 24 of  
the counter-affidavit are denied and the  
averments made in para 28 of the writ petition  
are reiterated. The deposit is advised to

AKO

state that the grounds taken in the writ ~~application~~

warrant setting aside the order passed by the ~~Department~~ <sup>Post</sup> offices making the selection of opposite party no.2 for the post of Branch Post Master.

27. That the contents of para 20 of the counter-affidavit are denied and since the appointment of opposite party no. 2 is under challenge and the defendant has already been functioning as Branch Post Master there can be no question of inflicting any injury to opposite party no.2.

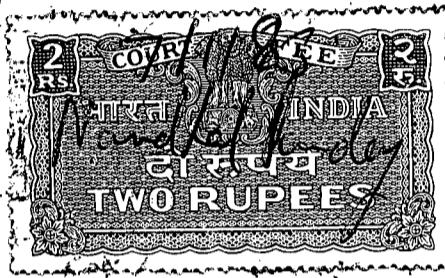
28. That the application moved by the opposite party no.2 was not in compliance of the requirement inasmuch as the application moved by opposite party no.3 did not provide the necessary requirements and the application having been submitted in complete and without providing the requirements was accordingly no application in the eye of law and as such the application ought to have been rejected straightaway. On the contrary the postal authorities in order to favour opposite party no.2 demanded the certificate from the revenue authorities with respect to the income by registered letter.

10.1.83  
10.1.83  
Placed on record  
T. K. N. Singh  
10.1.83

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

Lucknow.

Writ Petition No. 3750 of 1982.



1982  
AFFIDAVIT  
94  
HIGH COURT  
ALLAHABAD

Bhagwati Din Singh . . . . . . . . . Petitioner.

Versus.

Superintendent Post Office, Sultanpur

Division, Sultanpur and others. . . . Opp. parties.

Counter Affidavit on behalf of

Opposite party 1 and 3.

I, Nand Lal Pandey aged about 40 years,  
son of Sri May Ram Pandey Sub Divisional  
Inspector Post Office North Sultanpur  
Division, Sultanpur do hereby solemnly  
affirm and state on oath as under:-

1. That the deponent is Sub Divisional Inspector Post Office's North Sub Division Sultanpur and is well acquainted with the facts of the case

Nand Lal Pandey

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deposed herander and has been authorised by  
Superintendent Post Office sworn and file the  
affidavit.

X  
129

2. That paras 1 to 3 of the writ petition  
need no reply.

3. That the contents of para 4 of the writ  
petition are not denied. However, it may be  
stated that the Extra Departmental Staff  
holds Civil Post only for Purposes of  
Article 311(2) of the Constitution of  
India i.e. to say, before inflicting any  
Punishment compliance of Article 311(2) of  
Constitution of India has to be made. The  
Extra Departmental staff only get allowance  
and does not get any salary. It may also  
be clarified that the present case is not a  
case of any Punishment, namely, removal,  
dismissal or reduction in rank of the  
petitioner. This case, as a matter of fact  
relates to non-selection of the petitioner  
for the Post of Extra Departmental branch  
Post Master.

That the contents of para 5 of the writ

Hans Lal Panigrahi

16/10/3

petition is not admitted.

5. That the contents of Paragraph 6 of the writ petition are not denied. It may further be admitted that the petitioner had started functioning as substitute without there being any ~~no~~ approval by the competent authority to sanction the leave of the petitioner namely Superintendent of Post Offices, Sultanpur, ~~although~~ <sup>as</sup> although provision is very specific and provides that sanction should be obtained in writing.

6. That as to the contents of Para 7 of the writ petition, only this much is admitted that the petitioner started working as Extra Departmental Branch Postmaster <sup>as</sup> ~~as~~ a substitute of Sri Sheo <sup>yan</sup> Sah Singh when he had proceeded for training. The rest of the allegations contained in Para under reply are not admitted. As stated in the earlier Paragraph, it is reiterated that no prior approval, much less in writing, was obtained from

Nanakpanchay

the Superintendent of Post Offices, Sultanpur before the petitioner started working as substitute of Sri Sheo Saran Singh. Sheo Saran Singh had handed over charge to the petitioner on 27.2.1982 afternoon as is evident from annexure 1 to the writ Petition and not 1.3.1982 as alleged in the Para under reply. Sheo Saran Singh had applied for leave from 1.3.82 (In view of this he could not in any case ~~lawfully~~ legally hand over charge on 27.2.82. He had not applied for leave from 27.2.82 or 28.2.82. In this view of the matter also, assumption of charge by the petitioner is illegal) Sri Sheo Saran Singh did not apply for extension of leave for the period after 31.5.82.

7. That in reply to Para 8 of the writ petition it is stated that payment of allowance was made to the petitioner but it does not mean his approval as substitute of Sri Sheo Saran Singh. The allowance is paid and has been paid by the Post Master, Sultanpur. The competent authori-

Superintendent of Post Offices and not the Post Master. In view of the above facts, no inference of approval could legally be drawn merely by the fact that allowance was paid to the petitioner.

8. That the contents of para 9 of the writ petition are not denied. However, it may be stated that since Shao Saran Singh who was the Extra Departmental branch Postmaster, was selected as Postal Assistant and had gone for training, so this Post had fallen vacant. Thus it was advertised for being filled up regularly in accordance with the rules for recruitment of the Extra Departmental Staff.

9. That as to the contents of para 10 of the writ petition, only this much is admitted that the petitioner applied for ~~the~~ his selection for the Post of Extra Departmental Branch Postmaster which had fallen vacant on account of selection of Sri Sheo Saran Singh as Postal assistant. It is not admitted that the petitioner was fully qualified as alleged.

*Han Lal Parsley*

10. That in reply to Para 11 of the writ petition it is stated that the petitioner had not submitted his primary school certificate as required in the advertisement a copy of which has been annexed as Annexure 3 to the writ petition.
11. That in reply to the contents of Para 12 of the writ Petition, it is stated that the last date for submission of application was 18.4.82. Submission of any further detailed application on 20.7.82 was wholly immaterial and it could not be taken into account. As a matter of fact, the selection was held on 18.7.82 and the opposite Party no. 2 was selected.
12. That the contents of para 16 of the writ petition are admitted. It may be emphasised that preference of Matriculate is provided for over a candidate who has passed only VIII class. The petitioner is Hindustani Middle School

Mano Lal Pantry

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Pass of the year 1949. So far as Opposite Party no.2 is concerned, he is a graduate. According to the rules preference is to be given to a candidate who is matriculate or has passed some other equivalent examination.

13. That of Para 14 of the writ petition is not denied. However, it is stated that the petitioner was not a scheduled caste or scheduled tribe candidate. However, the circular No.43-14/72-X dated 23.3.72 stands modified by the Director General of Post and Telegraphs Department, New Delhi vide letter No.43-14/82-X dated 30.1.81 a true copy of which has already been filed as Annexure A-I to the short counter affidavit dated 24.8.82 accompanying with the application for vacation of the stay order.
14. That the contents of Paragraph 15 of the writ petition are not denied that it is stated that the opposite Party no.2 has been selected on merits.

Manohar Lal Panigrahi

~~18/10~~

15. That the contents of para 16 of the writ petition are admitted.

16. That in reply to para 17 of the writ petition it is stated that a candidate aged 24 years is eligible for consideration for selection to the Post of Extra Departmental Branch Postmaster. Opposite Party no.2 is a graduate having passed B.A. He has not claimed any preference on account for being a member of scheduled caste or scheduled tribe nor as an ex-army personnel or as a Government Pensioner. However, it is not understandable how the petitioner claims preference over opposite party no.2. A matriculate is to be preferred over a candidate who has passed VIII. So far as petitioner is concerned according to the annexure A-I to the Short Counter Affidavit dated 24.8.82, the preference is to be given to the ex-army postal service personnel. It is not extended to any or all ex-army personnel. The petitioner has

Manohar Lal Pantry

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nowhereverred that he is an ex-army postal ser-  
service personnel, hence the claim of preference  
is baseless.

17. That in reply to Para 18 of the writ petition  
Bhan M  
it is stated Chandra Singh is none else than  
the son of the petitioner. It may also be  
mentioned that the case of Chandra Bhan Singh  
was also considered but it was found, after  
enquiry that he had no independent source of  
livelihood which is one of the essential  
requirement before other qualifications  
should be taken into consideration. This fact  
has been made very clear in the Director  
general's Post and Telegraph's letter  
dated 30.1.81 (Annexure A-1 to the short  
counter affidavit dated 24.8.82. It was  
also taken in account that opposite Party  
no.2 had better space for the Post Office.  
In comparison to the space offered by the  
petitioner and his son Chandra Bhan Singh.  
Opposite Party no.2 has a Bungalow in  
which he has offered to provide space for  
running the Branch Post Office.

18.

*Manohar J. Joshi*

That Para 19 of the writ petition is not  
admitted. There is no preference provided

- 10 -

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~~132~~

for any particular language under the relevant provision of recruitment for Extra District

Departmental Staff. Answering opposite  
Parties have <sup>no</sup> knowledge about the Petitioner  
Passing ~~any~~ any military examination, hence  
the allegations to that effect are not  
admitted.

19. That the contents of Para 20 of the writ petition are not admitted as stated. There is nothing to substantiate the allegation that the certificate <sup>Certify</sup> of Indian Army has been recognised equivalent to Junior High School by any authority ~~middle~~ less, by the Postal Department Annexure 7 is only a Photostat copy of the middle school certificate.

20. That the contents of Para 21 of the writ petition has no relevant for the purposes of decision of the present writ petition. The selection has been made in accordance with relevant rules on the subject and letters issued by the Director General P & T.

That the contents of paras 22 and 23 of the

Monol Salt Parsley

writ petition are denied as incorrect.

25. That in reply to the contents of Para 27 and 28 of the writ petition it is stated that the petitioner has been continuing to function as Extra Departmental Branch Postmaster in view of the stay order passed by this Hon'ble Court which has been vacated by this Hon'ble Court on 7.10.82. The petitioner only Hindustani Middle School Pass of the year 1949 whereas opposite Party no. 2 is graduate and has better and Pucca space for running the Branch Post Office. Considering all the relevant facts he was considered most suitable for the job. The petitioner had started functioning as a substitute of Sheo Saran Singh without any approval by the Superintendent of Post Offices as promoted under the rules. He had taken over charge as Extra Departmental branch Postmaster as it appears from Annexure 2 to the writ petition, on 27.2.82 even before Sri Sheo Saran Singh had applied for leave and as such continuance of the petitioner as Extra Departmental Postmaster is against the rules. He cannot continue

Manohar Lal Pantry

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10/13

as substitute of Sheo Saran Singh. He had applied for his regular recruitment and was not found suitable for selection. There is no case for his continuance as Extra Departmental ~~Branch Post Master~~. The petitioner is working without any security as he had started working illegally as a substitute. A substitute works on the security of the person in whose place he works but Sheo Saran Singh did not apply for his leave after 31.5.82 and thereafter he has joined as Postal Assistant in G.P.O. Lucknow. ~~He is no more Extra Departmental Branch Postmaster. In the above circumstances the petitioner is working without any security and his continuance is open to risk.~~

26. That in reply to para 29 of the writ petition it is stated that the petitioner has no right to maintain the writ petition nor it has any merit and is liable to be dismissed with costs.
27. That grounds 1 to 6 taken by the petitioner are not tenable in law and have no substance.

*Narod Lal Pantay*

No case is for issuing of writ is made out.

Lucknow dated:-

January 7, 1982.

Name/Naresh Panigrahi  
Deponent.

Verification.

I, the deponent named above verify the contents of Para 1 to be true to my knowledge and those of Para 2,

5, 6 (Except bracketed portion there-to) and 8 to 19 and 22 to 25 are verified by me to be true and correct on the basis of record and those of Para 3, 4 the bracketed portion of Para 6, 7, 20, 21 26, 27 are verified to be correct on the basis of legal advice which is believed to be true and correct. Nothing material has been concealed No part of it is false. So help me God.

Lucknow dated:-

January 7, 1983.

Name/Naresh Panigrahi  
Deponent.

I, Kedar Nath Registered Clerk of

Sri Kuri Nath Tihari Advocate

(Addl Central Government Standing Counsel at  
Lucknow do hereby identify deponent R and Lal  
Pandey who has signed and verify the affidavit  
in my presence on the basis of letter of  
authority and record produced by him on behalf  
of opposite party no. 1 and 3 that the deponent  
is Sri R and Lal Pandey.

Lucknow dated:-

January 7, 1983. *Kedarkarath*  
Registered Clerk to Sri Hari Nath  
Tilhari, Advocate.

solemnly affirmed before me on 7.1.83  
at 10 a.m./p.m. by R and Lal Pandey  
the deponent who is identified by Sri Kedarkarath  
Clerk to Sri Hari Nath Tilhari, Advocate High Court  
at Lucknow.

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.

G. S. Mukherjee

354/54  
7.1.18.83

Mr. ICS Vasse J  
Mr. K. N. Mitra

Place on record.

Jan 18

10-1-1983

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

Bhagauti Din Singh.....Petitioner

VS.

Superintendent, Post Offices, & Ors.....Opp. Parties

W.P. No. 3750 of 1982

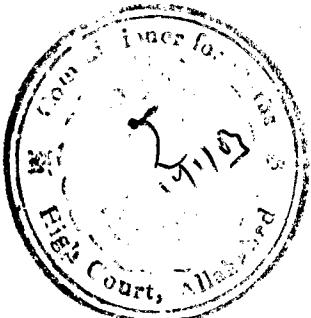


#### REJOINDER AFFIDAVIT

( on behalf of the petitioner to the counter affidavit  
on behalf of opp. parties 1 and 3.

I, Bhagauti Din, aged about 48 years, son of Devi Lal Singh, r/o Village and Post Office Dehariyawan, Pergana Isauli, Tahsil Mushafirkhana, District Sultanpur, do hereby solemnly affirm and state on oath as under:-

1. That the ~~petitioner~~ deponent is the petitioner in the above noted writ petition and is fully conversant with the facts of the case deposed to hersunder.
2. That the contents of the counter affidavit filed on behalf of the opp. parties 1 and 3 have been read over and explained to the deponent, who has fully understood the same.
3. That the deponent denies the averments made in the counter affidavit contrary to the facts stated in the writ petition and reiterates the averments made in the writ petition.
4. That the deponent also adopts the rejoinder affidavit already filed against the short counter affidavit filed by opposite parties 1 and 3 and also adopts the rejoinder affidavit filed in reply to the counter



*[Signature]*

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affidavit filed on behalf of opposite parties Nos.1  
and 2.

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5. That in paragraph 10 of the counter affidavit  
theXXXXXX an incorrect averment has been made to  
the effect that the primary school certificate was not sub-  
mitted by the petitioner. This fact is totally incorrect  
and is denied. The petitioners had filed primary school certi-  
ficate as will be indicated by a perusal of annexure 4 to  
the writ petition.



Deponent

I, the deponent, named above, do hereby  
solemnly affirm and verify that the  
contents of paragraphs 1 to 5 of this  
affidavit are true to my personal know-  
ledge. Nothing material has been concealed  
or is untrue, so help me God.



I identify the deponent  
who has signed before me.

V.D. Shukla  
H.S. Sahaik Adv.  
Clerk/Adv.



Deponent

SATISH CHANDRA	
SRIVASTAVA	
ORIGINATOR	
High Court, Lucknow	
He. No. 101-53	
Date	16-1-53
No.	101-53

Solemnly affirmed before me on 16-1-53 at 8-15 am/pa  
by the deponent, who is identified by Sri V.D. Shukla, Clerk  
to Sri H.S. Sahaik Adv. High Court, Lucknow Bench, Lucknow.

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

26-1-53

AS/81

affidavit filed on behalf of opposite parties Nos. 1  
and 2.

5. That in paragraph 10 of the counter affidavit  
the deponent has made an incorrect averment has been made to  
the effect that the primary school certificate was not sub-  
mitted by the petitioner. This fact is totally incorrect  
and is denied. The petitioners had filed primary school certi-  
ficate as will be indicated by a perusal of annexure 4 to  
the writ petition.

Deponent

I, the deponent, naked above, do hereby

solemnly affirm and verify that the  
contents of paragraphs 1 to 5 of this  
affidavit are true to my personal know-  
ledge. Nothing material has been concealed  
or is untrue, so help me God.

I identify the deponent  
who has signed before us.

Deponent

Clerk/Adv.

Solemnly affirmed before me on ..... at ..... as/ps  
by the deponent, who is identified by Sri V.D. Shukla, Clerk  
to Sri K.S. Shah, Adv. High Court, Lucknow Bench, Lucknow.

I have got myself satisfied by examining the depon-  
t that he fully understands the contents of this affidavit  
which are read over and explained by me to him.

The Addl. and Registrar  
High Court of Allahabad  
Court Sitter at  
Jadeedan. 18

Counter Affidavit of C.M. Am. of Amendment.

8<sup>th</sup>  
W.P.M 3750 of 82

Bhagwati Deo Singh — Petitioner  
Vesas

The Superintendent of Post office — off. parties

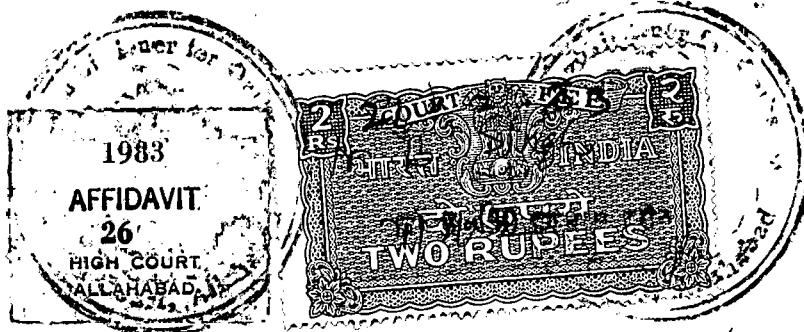
In the above noted case the  
Counter affidavit is filed herewith, the affidavit  
is already served on the cause of  
applicant. This Counter is in terms.

For the O.P. Party  
Counter

Jadeedan: dated

23. 2. 83.

Amrit Singh  
O.P. Party  
Counter  
G.T. 83  
AB



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12

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

COUNTER AFFIDAVIT ON BEHALF OF OPP.PARTY NO.2.

In re:

C.M.Appn. No. .... (W) of 1983 for Amendment.

Filed in

Writ Petition No. 3750 of 1982.

Bhagwati Din Singh - - - - - Petitioner-  
Applicant.

Versus

The Superintendent of post Offices, Sultanpur  
and another - - - - - Opp. Parties.

I, Narain Bux Singh, aged about 24 years, son of Sri Mata Din Singh, resident of village and post office Dehriawan, district Sultanpur, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is opposite party no.2 in the abovenoted petition. The deponent has been read over and explained the contents of amendment application <sup>and the deponent has fully understood the same. The deponent is well conversant with the facts deposed to hereinbefore.</sup> and he

2. That the contents of para 1 of the affidavit filed in support of the ~~xxxxxx~~ amendment application are not within the knowledge of the deponent. The petitioner has not filed any document in support of the allegations, hence the contents of the para under reply are not admitted.

3. That the contents of para 2 of the affidavit as framed are denied. It is denied that the petitioner alleging himself to be a retired Govt. servant comes under preferential category for the post of Branch Post Master. It is stated that by the letter no. 43-191/79.

26/81

21/78

Allahabad

43-191/79

21/2

18/2  
2/2

Pen, dated 22.6.79 the four preferential categories have been fixed and they are as under :-

- I. Scheduled Castes and Scheduled Tribes candidates.
- II. Ex-Army Postal Service Persons.
- III. Backward Classes and Weaker Sections of Society.
- IV. Educated Unemployed Persons.

4. That the contents of para 3 of the affidavit as framed are denied. It is stated that the petitioner has not claimed his appointment on the ground of Govt. Pensioners in the body of the writ petition and no facts regarding the same have been alleged nor any document has been filed in this respect.

5. That the contents of para 4 of the affidavit are denied. It is stated that by this amendment the petitioner is trying to set up an entirely new case which he never canvassed before the authority concerned nor before this Hon'ble Court and the same is not tenable because of the letter no. 43-191/79-Pen dated 22.6.79 by which the aforesaid four preferential categories have been fixed which does not refer to the Govt. pensioners and therefore the amendment is not at all required.

6. That the contents of para 5 of the affidavit as framed are denied. It is stated that the Annexure 11-A annexed with the affidavit is no more operative and enforceable in view of the latest orders issued by the authorities concerned by the letter no. 43/191/79-Pen dated 22.6.1979.

7. That the deponent is advised to state that by his ~~this~~ amendment application the petitioner is trying to plead a new and entirely different case. The deponent is further advised to state that the Annexure 11-A does not fix the preferential categories. It only says that

11-140791-21/2  
2/2

the school teachers should not be appointed as Extra Departmental Agents. The said Annexure neither supports the petitioner's contention nor confers any right on the petitioner to claim preference. The petitioner is also advised to state that the application for amendment is misconceived and is liable to be rejected.

Lucknow, Dated:  
February 21, 1983.

7/2/83  
Deponent.

I, the deponent named above, do hereby verify that the contents of paras 1 to 8 of this affidavit are true to my own knowledge, <sup>and the contents of para 7 are believed to be true</sup> and that no part of it is false and that nothing material has been concealed, so help me God.

Lucknow, Dated:  
February 21, 1983.

7/2/83  
Deponent.

I identify the deponent on the basis of the papers produced by him. He has signed before me.

*Shambhu Dayal Srivastava*

Clerk, to Sri D.K.Trivedi Advocate.

21/2/83

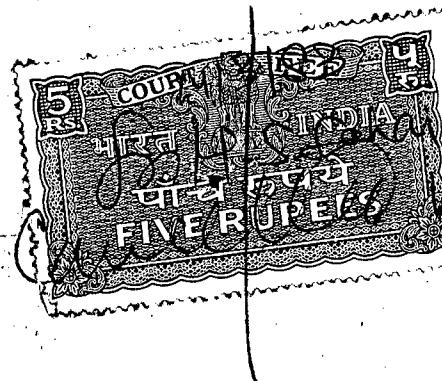
Solemnly affirmed before me on 21.2.83  
at 9.20 a.m./p.m. by Sri Narain Bux  
Singh, the deponent who is identified by  
Sri Shambhu Dayal Srivastava Clerk to  
Sri D.K.Trivedi Advocate, High Court  
Allahabad. I have satisfied myself by  
examining the deponent that he under-  
stands the contents of this affidavit  
which have been read over and explained  
by me.

*Shambhu Dayal Srivastava*

OATH COMMISSIONER	
High Court, Allahabad;	
Lucknow Bench,	
No. 26	7/2/83
Date 21.2.83	

13  
In the Hon'ble High Court of Judicature at Allahabad,  
sitting at Lucknow.

C.M.A. No. 2370 (L) of 83.



Ref. 2 Rs. 5/-  
16.3.83.

AWS

6186

In re:

Writ Pet. No. 3750 of 83

Phagwati Dern Singh

---Petitioner.

Versus

Superintendent of Post offices ---Opp.-parties.

Application for recalling  
dismissal order dated 14.3.83.

For the reasons given in the accompanying  
affidavit it is respectfully prayed that the Hon'ble  
court be pleased to recall the order of dismissal  
and may restore the case.

DC  
14/3/83  
Lucknow, dated,  
14.3.83

Advocate for the petitioner.

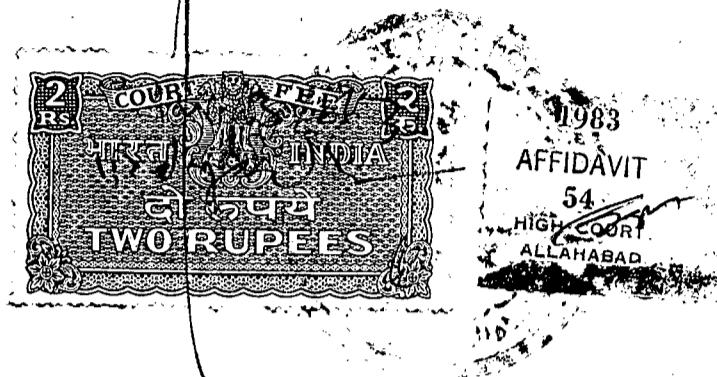
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HSB

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

C.M. An.No.

of 1983.



In re:

Lal Singh

-----Petitioner.

Versus

Superior Post Office

-----Opp.-parties.

Affidavit.

In re:

Application for recalling the  
dismissal order.

I, Vidyadhar Shukla, aged about 49 years,  
son of Sri Rajit Ram, Clerk to Sri Hari Shanker  
Sahai, Advocate, Lucknow, do hereby solemnly affirm  
as under:-

1. That the deponent is the clerk of the ~~part~~ counsel  
for the petitioner and is well conversant with the  
facts of the case.
2. That when the case was taken up the counsel  
was arguing a case in court no. 6, which took sometime  
and so the counsel of the applicant could not reach at  
the time when the case was taken up in the said court.
3. That inadvertently engagement slip was not left  
by the counsel since it was expected that the counse

✓✓✓

will reach in time when the case will be taken up.

4. That in case the order of dismissal is not recalled substantial injury will occasion <sup>to</sup> the applicant.

✓✓✓

5. That the default <sup>is</sup> not deliberate but occasional in the aforesaid circumstances.

*Vidyadhar*

Lucknow, dated,  
14.3.83

Deponent.

I, the deponent abovenamed verify that the contents of paras 1 to 5 are true to my knowledge and no part of it is false and nothing material has been concealed so help me God.

*Vidyadhar*

Lucknow, dated,  
14.3.83

Deponent.

I identify the deponent who has signed before me.

*J.S.S.*  
Advocate.

Solemnly affirmed before me on 14/3/83  
at 2.00 P.M. by *Shri Vidyadhar Shukla*  
the deponent who is identified by *Shri Hare Shankar Shah*  
Clerk to *Shri 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 and explained by me.

*Ano*  
14/3/83  
UATTA COMMISSIONER  
High Court (Delhi) Bar  
LUCKNOW

*14/3/83*

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

C.M.An.No. 3329 (W) of 83.

In re:

Writ Pet.No.3750 of 82.

Bhagwati Din Singh -----Petitioner.

Versus

superintendent of Post Offices, etc.----Opp-parties.

Application for recalling  
dismissal order dated 14.3.83.

For the reasons given in the accompanying  
affidavit it is respectfully prayed that the Hon'ble  
Court be pleased to recall the order of dismissal  
and may restore the case.

Lucknow, dated,  
14.3.83

*H.Singh*  
Advocate for the petitioner.

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

In re;

Bhagwati Din Singh

----Petitioner.

Versus

Supdt. Post Offices etc.

----Opp-parties.

Affidavit.

In re:  
Application for recalling the  
dismissal order.

I, Vidyadhar Shukla, aged about 49 years,  
son of Sri Rajit Ram, Clerk to Sri Hari Shanker  
Sahai, Advocate, Lucknow, do hereby solemnly affirm  
as under:-

1. That the deponent is the clerk of the counsel  
for the petitioner and is well conversant with the  
facts of the case.
2. That when the case was taken up the counsel  
was arguing a case in court no. 6, which took sometime  
and so the counsel of the applicant could not reach at  
the time when the case was taken up in the said court.
3. That inadvertently engagement slip was not left  
by the counsel since it was expected that the counsel

*1/1*

will reach in time when the case will be taken up.

4. That in case the order of dismissal is not recalled substantial injury will occasion to the applicant.
5. That the default is not deliberate but occasional in the aforesaid circumstances.

Lucknow, dated,  
14.3.83

Deponent.

I, the deponent abovenamed verify that the contents of paras 1 to 5 are true to my knowledge and no part of it is false and nothing material has been concealed so help me God.

Lucknow, dated,  
14.3.83

Deponent.

I identify the deponent who has signed before.

Advocate.

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

3750

M 1982

vs.

S 14  
Adjourned

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p>Mr. K.S.U.J Mr. S.S.A.L.d.s</p> <p><u>Admit</u></p>	
	<p>CM.A. 7660(10)82</p> <p>Notice ... 4 weeks</p>	
	<p>Sd. K.S.U. Sd. S.S.A.L.d.s</p> <p>11.8.82</p>	
13.9.82	<p>Fixed for appearance and for filing C.A. in W.P. and C.M.A. No. 7660(10)82 N, 1 to O.P. No 2 by R.P.</p>	CM.A. Singh
13-9-82	<p>Fixed for appearance and for filing C.A. in W.P. and C.M.A. No. 7660(10)82 N, 1 to O.P. No 2 by R.P.</p> <p>(B)</p>	
	<p>17-8-82</p>	

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

vs.

of 198

14

2

Dated of  
which  
case is  
adjourned

3

Date	Note of progress of proceedings and routine orders	
1	2	3

have filed a short counter affidavit in which it has been specified that the opposite party no. 2 has been duly selected as Extra Departmental Post Master and since a regular selected candidate is available, the interim order passed by this court should not be allowed to continue so as to deprive the opposite party no 2 of the office to which he has been appointed. It has also been pointed out in the counter affidavit that the petitioner had started working as substitute ~~as~~ Extra Departmental Post Master without the approval of opposite party no 1 who was competent authority to sanction leave. This approval has to be in writing in view of rule 5(1)(B) quoted in para 6 of the



**ORDER SHEET**  
**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

-No.

-of 198

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p>Dehriyawam, District Sultanpur. Sri Shiv Saran Singh, who is the brother of the petitioner, was the Branch Post Master and when he proceeded to join his training for the post of Postal Assistant in March, 1982 he handed over charge of the said post office to his brother, the petitioner. It has been mentioned in para-6 of the writ petition that every Extra Departmental Agent according to Rule 5(1)(2) has to arrange for his work being carried on by a substitute who should be a person approved by the authority competent to sanction leave. It has been further stated in para-6 of the writ petition that such approval is to be obtained in writing.</p> <p>By notice dated 19-3-1982, the post of EDBPM was notified to be vacant and in response to that notification, the petitioner as also the opposite party no.2 applied for being appointed to that post. At the selection, which was held subsequently, the opposite party no.2 was selected and by an order contained in annexure 11 he has been</p>	X/4

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

X-198

vs.

X-198  
X-199

Dated of  
which  
case is  
adjourned

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p>behalf of opposite party no.1 which incidentally has been sworn by the Superintendent, Post Offices, Sultanpur that Sri Shiv Saran Singh (brother of the petitioner) had handed over charge of the office of the EDBPM to his brother, the petitioner, without the approval of the competent authority. It has been further stated in para-10 of the said counter affidavit that the petitioner started working as substitute without the approval of opposite party No. 1, i.e. Superintendent of Post Offices who was the authority competent to sanction leave. The Superintendent of Post Offices in his counter affidavit further stated that an advertisement was made for filling up the vacancy in the post of EDBPM and in response to the aforesaid advertisement, the petitioner as also the opposite party no.2 submitted their applications and after due consideration of the applications, opposite party No.2 was selected and the appointment letter was issued on 2.8.1982.</p>	X-198 X-199

The recruitment rules for the post

A290 14/6

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

of 198

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	as a substitute without the sanction of the competent authority and who has already been rejected at a regular selection, should be allowed to continue to function during the pendency of the writ petition.	
	The petitioner, in order to show that he was working as a substitute under a valid and proper sanction of opposite party No.1 has filed an application today for summoning certain documents from the possession of opposite party No.1. In my opinion, this application at this stage does not call for any orders.	
	Since the petitioner, in any case, even if the sanction was accorded to him to work as a substitute, has ultimately to be displaced by a duly selected candidate and since the petitioner, even if the writ petition is ultimately allowed would not stand automatically appointed to the post in question, it would, in my opinion, better serve the interest of justice if the opposite party No.2 who, prima facie, is a duly selected candidate is allowed to work as the EDBPM during the pendency of the writ	

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

of 198

A 20  
14

2750

v/s.

Date	Note of progress of proceedings and routine order s	Dated of which case is adjourned
1	2	3

Mr. R. S. V. T

Mr. S. A. T

~~H. D. M.~~

Mr. D. K. Trivedi  
Learned Counsel for  
the respondent, pays for  
and is allowed time  
to file counter-affidavit  
by 14th December 1982.

Rejoinder-affidavit,  
if any, may be filed  
by 17th December, 1982.

list this petition for  
hearing on 20th December,

1982. This date  
has been fixed with  
the consent of the learned  
Counsel for the parties.

S. K. M.  
14/12/82

(200)

14/6

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 3750 of 1982.

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned		
		1	2	3
20-12-82	Both the merit petitions shall come up for peremptory hearing on 10th January, 1983. It is, however, clarified that the two cases shall not be adjourned on the request of any of the parties.			
				L K
				20-12-1983
10/1/83	10.1.83 BLC			
				Dycd
10/1/83	Proposed in C.P. S. (S. Sahai & S. T. Khan) for Month Dec 1982 Month Jan 1983			
				List after ten days before this Bench for further hearing
				Kew K
				10-1-1983



20/3/15

C.M. Application no. 3370 (w) of 1983

in

Writ Petition no. 3750 of 1982

Bhagwati Din Singh

--Petitioner

versus

Superintendent of Post Offices  
and others

--Opp-parties

Hon'ble T.S.Misra, J.

Hon'ble D.N.Jha, J.

Sri H.N.Tilhari learned counsel for the Union of India and the Superintendent of Post Offices states that there is no need to file objections to this application. Sri Sharma, brief holder for Sri D.K.Trivedi, states that opposite-party no.2 shall not file any objection to this application.

M.D.S.

24.3.1983

This application for recalling the order of dismissal in default is supported by an affidavit of the clerk of the counsel for the petitioner. It has been stated in the affidavit that the counsel for the petitioner was arguing in court no. 6 when this case was taken up in this court. He has admitted that no engagement slip was sent by the counsel indicating that the counsel was busy in court no.6 at the moment. The petitioner has, however, filed the application on the same day when the case was dismissed in default. It was expected of the counsel for the petitioner

125/15  
4/160

that he should have sent his engagement slip if he was busy in another court. However, since the application has not been opposed by the opposite parties and the learned counsel for the opposite parties have stated ~~that~~ today that they do not want to file any objection nor have they raised any objection orally also before us against the instant application, we recall the order dated 14.3.1983 in the interest of justice. The said order is accordingly restored and the petition is restored.

MDS.

D.K. Datta  
24.3.1983

ब अदालत श्रीमान्... Central Adalat Shri M. A. Deo, Deo, महोदय  
महोदय

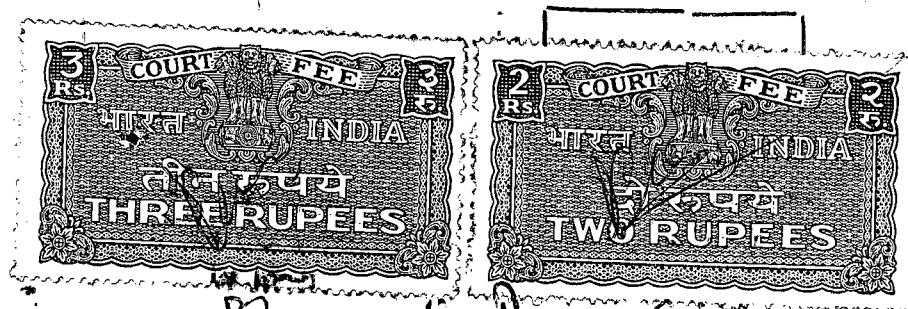
वादी अपीलान्ट

Bhopal Deo का

वकालतनामा

प्रतिवादी रस्पान्डेन्ट

४५/



(वादी मुद्रा)

(Seipdt 107/16) V. O. T

प्रतिवाद मुद्राअलेह

नं० मुकदमा

सन् १९

पेशी की ता०

१० इ०

ऊपर लिखे मुकदमा में अपनी ओर से श्री पी० के० श्रीवास्तव, एडवोकेट  
एम० एस०-१५१, सेक्टर-डी, अलीगंज विस्तार, लखनऊ महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं  
इस मुकदमा से 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 रूपया वसूल करें या सुलहनामा  
या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने  
हस्ताक्षर से दाखिल करें और तसीक करें या मुकदमा उठावें या कोई रूपया  
जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रूपया अपने  
या हमारे हस्ताक्षर युक्त (दस्तखति) रसीद से लेवें या पंच नियुक्त करें वकील  
महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं  
यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को  
मेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो  
जाता है जिसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा  
लिख दिया कि प्रमाण रहे और ससय पर काम आवे।

हस्ताक्षर मारवाडी देवी देवी

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH  
Gandhi Bhawan, Opp. Residency, Lucknow

\*\*\* TA 1970/87

No. CAT/Alld/Transfer/348720 Dated the 20/2/90  
3494

B. D. Singh APPLICANT'S

169

VERSUS

Union of India

RESPONDENT'S

- ① B. D. Singh 310 D. B. Singh 310 village & Post  
To Dehrigawar, Pargana Jaisakhi, tahsil  
Musafir Khana, Dist - Sultanpur.
- ② Subdt of Post office, Sultanpur. Division  
Sultanpur.
- ③ M. B. Singh 310 M. D. Singh 310 village & Post  
office Dehrigawan, Pargana Jaisakhi, tahsil

Whereas the marginally noted cases has been transferred  
by H C 110 under the provision of the Administrative  
Tribunal Act XIII of 1985, and registered in this Tribunal as above.

Writ Petition No. 3750/82 The Tribunal has fixed date of  
of 1990, of the Court of 21.3 1990. The hearing  
H C 110 of the matter.

arising out of order dated If no appearance is made on your  
passed by behalf by your some one duly authorised  
to Acts and plead on your behalf.  
in

The matter will be heard and decided in your absence,  
given under my hand seal of the Tribunal this 12  
day of 1 1990.

dinesh/

JL  
DEPUTY REGISTRAR

Musafir Khana Dist - Sultanpur.

④ Union of India through Secretary Ministry of  
Postal Telegraph, New Delhi

⑤ Shri H. S. Sahai Adm. High Court LKO

⑥ Shri D. D. Deodhar Adm. High Court LKO