

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

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

NAME OF THE PARTIES Bhagwati Dins Singh Applicant

Versus

V.O.L. 208 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.

Recheck on Dated ..14.9.11....

Counter Signed.....

Section Officer In charge

Signature of the
Dealing Assistant

21/3
balky per the
2 e

Order sheet

TA no 1070 of 87

A-1

BD Singh

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

21.3.1990

Hon. Mr. D.K. Agrawal, J.M.,
Hon. Mr. K. Obayya, A.M.

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.

List it for hearing on 25.7.1990.

A.M.

J.M.

sd.

25.7.90

Hon'ble Mr. Justice K. Narain V.C.
" K. Obayya, A.M.

Mr. P.S. Srinivasan files vakalatnama. Listed for hearing on 13th Aug 90.

(A.M.)

(V.C.)

Hon. Mr. P. Srinivasan, AM.
Hon. Mr. J. Sharma, JM

Applicant in person.
Mr. L.P. Shukla for respondent 2.
Shri. Ashok Motrotra, advocate present in court and states that this application may be heard along with another application which is yet to be transferred from the High Court. Petitioner pending in the High Court is writ petition is writ petition No. 4407/82 and is said to involve the same issue as here. Mr. Ashok Motrotra submits that he is moving the High Court for transfer of that writ petition.

This Writ No 3750/82 received on transfer from Lucknow bench of High Court in May '87 along with other writs.

On the date of transfer the case was ready for hearing.

Transfer notices issued by Ald office (b/c not received from Ald) but neither any reply nor any undelivered copies received back. Submitted for order.

Notice issued

24/7/90

OR

Notices were issued on 20.2.90. No unserved reply. Court has been return back.

S.P.O.

20/3

Case is ready for hearing.

8/8/90

Dinesh

In view of this, the application is posted for further orders on 23.10.90.

J.M.

13/8 AM

1070/87/0

9/12/91

Che not reached
app. to 11.3.91.

11/12/91.

11.3.92

Noting of D.B. app. to 28.3.92

28.3.92

Noting of D.B. app. to
4.4.92

4.4.92

Noting of D.B.
app. to 25.4.92

25.4.93

D.R.

This file has been traced
located during physical
verification.

Issue notice for 26.4.93

by U.A.C.

Noted for 26.4.93

~~26.4.93~~

Noted for 29.4.93

~~29.4.93~~

OK
noted
see
C.A.R.A.M.
23/4

(2)

(A-3)

KS

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Transferred Application No. 1070 of 1987

Bhagwati Din Singh Applicant

Versus

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, ~~he~~ 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 ^{no 2} was selected.

2. According to the applicant, he fulfils 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 person^{and was considered to be better than applicant}. The appointment was made as early as in the year 1982. There appears to be no good ground for

Contd..2/-

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- 2 -

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

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

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

14. Annexure No.11 (Order dated 2.8.82 passed by O.P.1) 35-38

Presented by:-

H.S. Gaur

ADVOCATE

Dated, Lucknow:

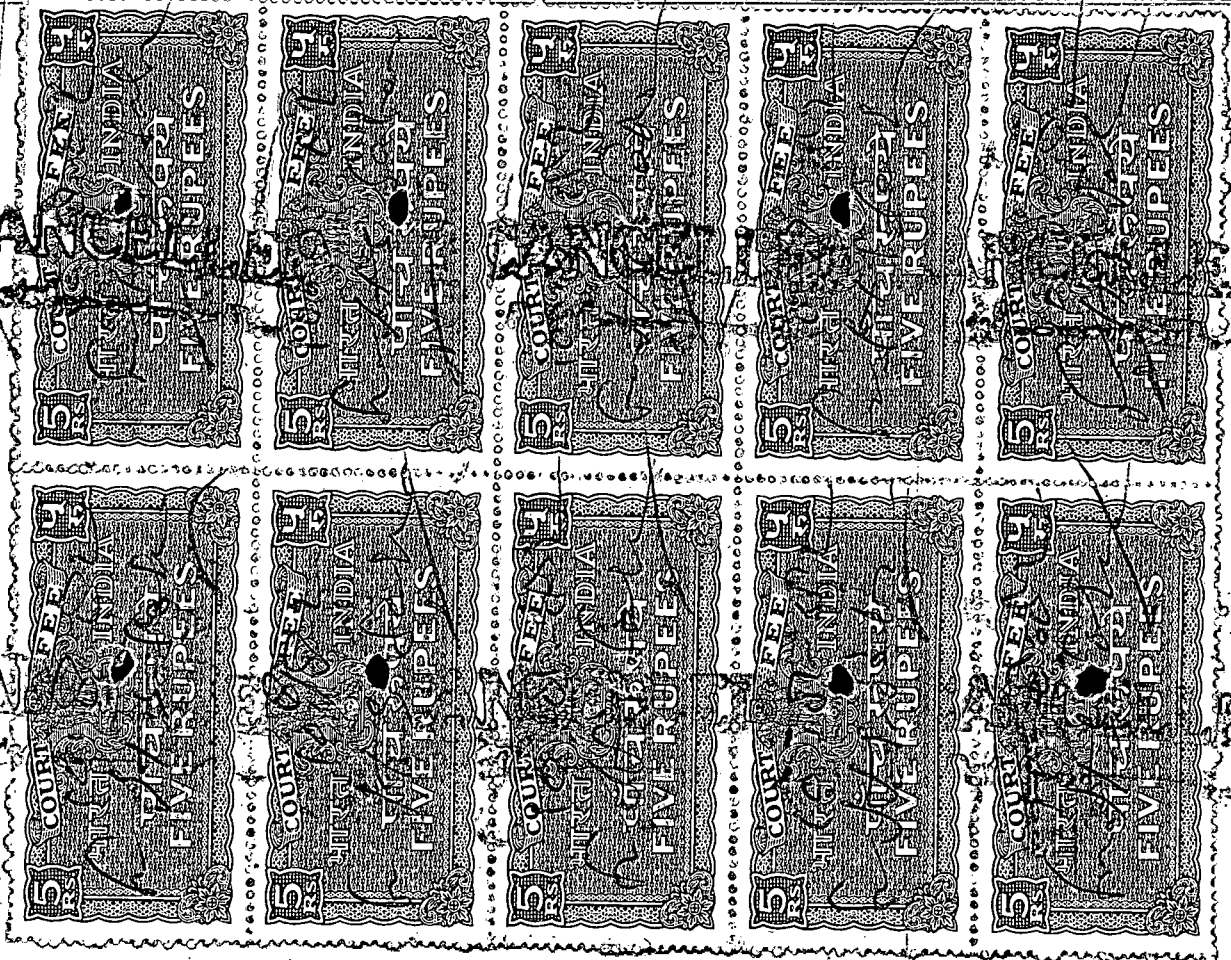
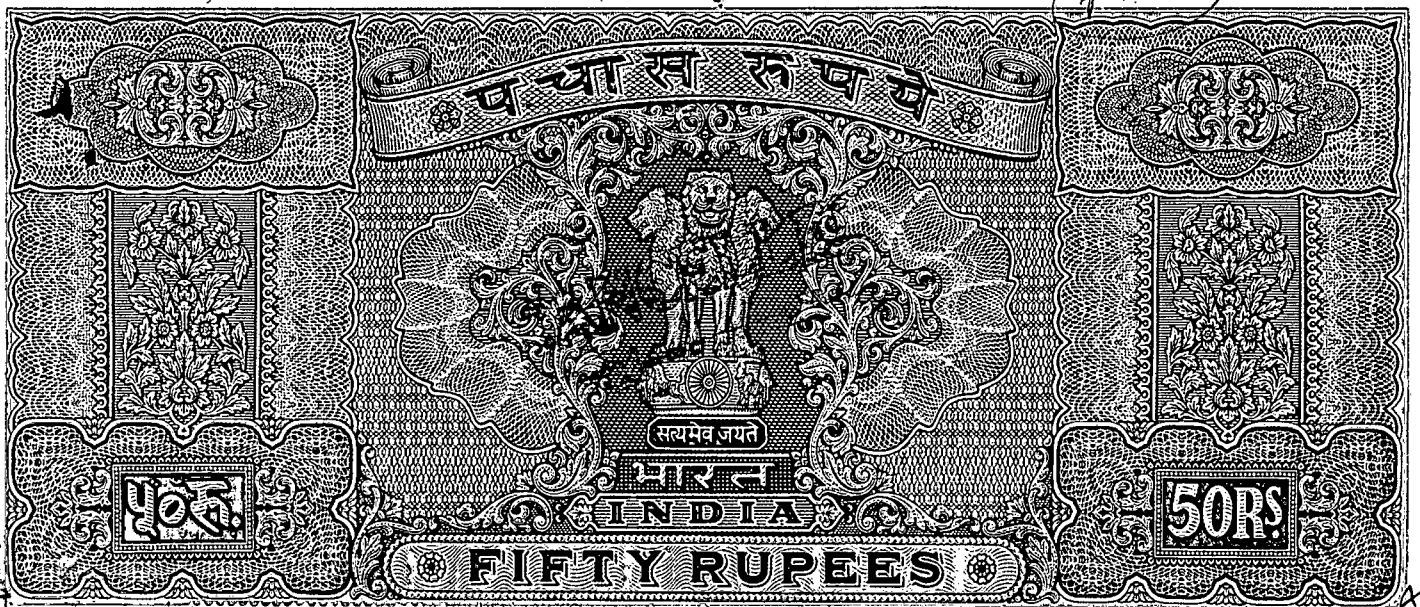
Counsel for the petitioner.

August 10, 1982.

INDIA COURT FEE

A-8

50 Rs.



Humble High Court of Judicature
at Allahabad Lucknow Bench

Lucknow

W.No 3750 of 1982

Bhagwati Devi Singh — Petitioner

13

Superintendent of Post
offices & apperties

AS per

(A. 2)

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.

A/
10

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. Nazam Bux Singh, son of Mata Din Singh,
resident of village and post office
Dehriyawan, pargana Isauli, tahsil
Musafirkhana, district Sultanpur.
3. Union of India through Secretary Ministry of Post and
.....OPPOSITE PARTIES.



Blings

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 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. A/12

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 does not function. It is reproduced as below:-

" During leave, every E.D. agent ~~must~~ should arrange for his work being carried on by substitute whom~~e~~ 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



Blings

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 ~~lx~~ 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



Blmgf

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



Blings

A-12

A/S

VIIIth standard , matriculation or equivalent may be preferred."

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

" According to para 5 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 VIIIth 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.



[Handwritten signature]

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, ~~Maths~~ Mathematics, Sanskrit, ~~Ar~~ Economics and Arts as subjects in the High School. English



[Handwritten signature]

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- 8 -

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TR

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 ~~xx~~ 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 on 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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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 Hony. 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

[Handwritten signature]

(A-18)

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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 ~~xxxxxx~~ 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



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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 ~~Sub Post~~ 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.

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A-28

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(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 ~~Post~~ 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 ~~pr~~ 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;

Its Sd/-

A-21

1/22

(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.

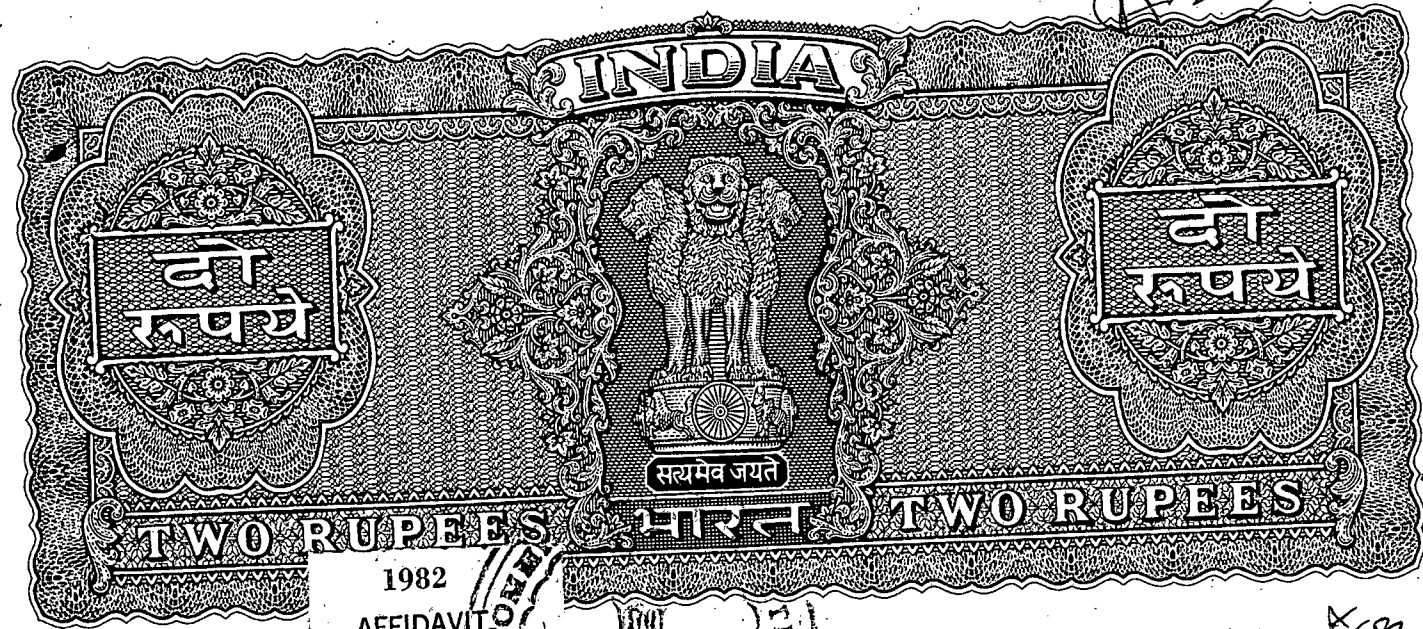
J. S. Gaur
ADVOCATE

Dated, Lucknow: Counsel for the petitioner.

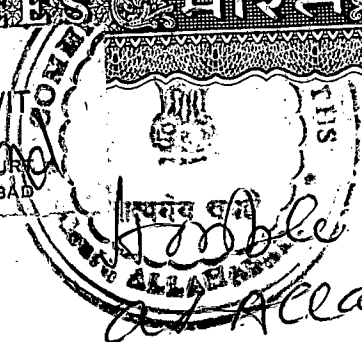
August , 1982

122

2RS



1982
AFFIDAVIT
3
HIGH COURT
ALLAHABAD



High Court of Allahabad
Allahabad District Bench

Writ No. 17982

Bhagwati Deen Singh - Petitioner

B

Superintendent of Post
Office 200 opposite



[Signature]

A-23

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

Writ Petition No. _____ of 1982

~~23~~
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24

Bhagwati Din Singh

...Petitioner

Versus

Superintendent of Post offices and another

.. Opp-parties.

A F F I D A V I T

I, Bhagwati Din Singh, aged about 48 years, son of Devi Bux Singh, resident of village and post office Dehriyawan, pargana Isauli, tahsil Musafirkhane, 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.

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- 2 -

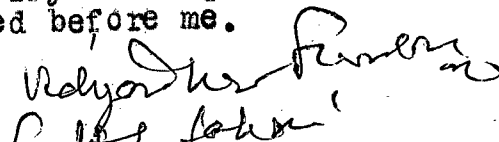
I, the abovenamed deponent do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed so help me God.


DEPONENT.

Dated, Lucknow:
August 10, 1982.

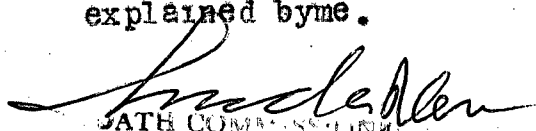


I identify the deponent who has signed before me.


ADVOCATE.

Solemnly affirmed before me on 10-8-1982
at 12-30 a.m./p.m. by Sri Bhagwati Datta Singh
the deponent who is identified by
Sri V D Sankar of Mr. H. S. Chandra
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.


JATH COMMISSIONER
High Court, Allahabad,
Lucknow Bench.
No. 3/90/
Date 10/8/82

16
A-25

इन दि वानरुल हाई कौर्ट आफ जूडिसियर एट इलाहाबाद
सिटिंग एट लखनऊ ।

रिट पिटीशन नं० वाफ १६८२
१७/१०

भगवती दीन सिंह

----- पिटीशनर

बनाम

हाक अधिकांक एण्ड जदसै

----- अपोजीट पार्टीज

सर्न-जर नं० १

सेवा में,

पोस्ट मास्टर,

सुलतानपुर ।

विषय : - बाज रिपोर्ट का प्रेषण

मान्यवर,

प्रार्थी ने दिनांक १-३-८२ से ३२-५-८२ तक का
बिना भत्ता का जवकाश लिया है और अपने उत्तरदायित्व पर
अपने अग्रज श्री भगवती दीन सिंह बाज दिया है । बाज रिपोर्ट
सेवा में प्रेषित है ।

प्रार्थी

ह० शिव शरण सिंह
ह०डी०बी०पी०एम०

बी०बी० हहरियावा

ता० २७-२-८२

तीन हस्ताक्षर श्री भगवती दीन सिंह
प्रतिलिपि स०डी०एम० बी०डी०राय

ह० भगवती दीन सिंह
ह० भगवती दीन सिंह
ह० भगवती दीन सिंह

सत्य प्रतिलिपि



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A-2 18

इन दिआनरूलु हाई कोर्ट ऑफ जूडिकियर स्ट इलाहाबाद
सिटिंग स्ट लखनऊ ।

8/8

रिट पिटीशन नं०

ऑफ १६८२.

मगवती दाम सिंह

--- पिटीशनर

बाम

हाक अधीक्षक एण्ड जदसी

----- अपॉपॉर्टिज

रन-जर नं० २

०-०-०-०-०-०-०-०

पुनर्दित

भारतीय डाक तार विभाग

(सूचना)

कायलिय डाक अधीक्षक सुल्तानपुर प्रखण्ड - २२०००६

सापन संख्या बी- ३।११० (डी) हैहरियावां

दिनांक १६-३-८२

विषय : - शाखा डाकघर हैहरियावां के लिये शाखा डाकपाल
की आवश्यकता



सबे साधारण को सूचित किया जाता है कि उपर्युक्त
शाखा डाकघर के लिये एक ज० विभागीय शाखा डाकपाल
की १३१-०० रु० पर आवश्यकता है । नियुक्ति अस्थाई
होगी ।

BSmgf

A-28

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:: २ ::

विवरण :-

४/११

- (१) आयु १८ वर्ष से कम तथा ८२ वर्ष से अधिक न हो (२) शैक्षिक योग्यता कक्षा ८ से कम न हो ।
 (३) अभ्यर्थी की व्यक्तिगत आय विभागीय वेतन । मत्तो की सिवा अन्य निजी स्रोतों से कम से कम ५०/- मासिक होनी आवश्यक है (४) अभ्यर्थी का निवास स्थान उसी गांव में होना चाहिये जहाँ के लिये हाकवर स्वीकृत है ।

इच्छुक व्यक्ति अपने प्रार्थना पत्र निजी लिखावट में हाक अधीक्षक, सुल्तानपुर प्रखण्ड को भेजें । प्रार्थना पत्र १८-४-८२ को इस कार्यालय में शाम ४-४५ तक आ जाना चाहिये । नियोजित अवधि के बाद प्राप्त एवं अधूरे किसी भी आवेदन पत्र पर विचार नहीं किया जायगा ।

आवेदन पत्र में निम्नलिखित बातों का क्रमिक उल्लेख होना आवश्यक है :-

- (१) अभ्यर्थी का पूरा नाम पिता का नाम जाति एवं पूरा पता (२) प्रार्थी का निवास स्थान तथा सम्बंधित हाकवर से दूरी (३) अभ्यर्थी की जन्म तिथि एवं शैक्षिक योग्यता (४) अभ्यर्थी की व्यक्तिगत आय का स्रोत एवं मासिक आय (५) क्या सम्बंधित हाक घर में प्रार्थी को कोई सम्बंधी या कुटुम्बी किसी पद पर नियुक्त है, यदि हाँ तो उसका नाम व पद (६) क्या आप-चल शाखा हाकपाल की हसियत से काम करने को तैयार हैं (७) क्या आप दुकानदार हैं (८) क्या हाकवर रखने के लिये आपके पास उपयुक्त कमरा है । (९) कमरा की लम्बाई तथा चौड़ाई ।



आवेदन पत्र के साथ निम्नलिखित प्रमाण पत्रों का

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होना आवश्यक है :-

- (१) जन्म तिथि एवं शैक्षिक योग्यता (२) निजी आय के श्रौत एवं मासिक आय का राजस्व विभाग द्वारा प्रमाण पत्र
- (३) अच्छे बाल बलन सम्बंधी डॉ प्रमाण पत्र (४) सम्बंधित डॉक्टर में यदि प्रार्थी का कोई रिश्तेदार या कुटुम्बी है तो उसके नाम व पद का प्रमाण पत्र (५) जाति प्रमाण पत्र यदि आप अनुसूचित जाति या अनुसूचित जनजाति के सम्बंधी हैं
- (६) प्राइमरी स्कूल का प्रमाण पत्र ।

नोट :-

हो अपलपि

हाक अधीक्षक

सुल्तानपुर प्रखण्ड २२०००२

प्रतिलिपि :- सूचना पट पर विपक्षन के लिये अग्रसारित है :-

- (१) ग्राम प्रधान हैहरियावा
- (२) प्रधानाध्यापक प्रा० पा० हैहरियावा
- (३) शाखा हाकपाल हैहरियावा (४) उपहाकपाल बाजार बल्दी राय

- (५) तहसीलदार
- (६) हाक निरीक्षक (उत्तरी) दक्षिण में दूर बन (मन्त्रिमन्त्रि) सुल्तानपुर

- (७) हाक सर्वेक्षक बाजार बल्दीराय (८) विकास खण्ड अधिकारी, बाजार बल्दीराय

सत्य प्रतिलिपि

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हम दि आनरैबल हाई कोर्ट ऑफ जूरीज एट अलाहाबाद
सिटिंग एट लखनऊ ।

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रिट पिटीशन नं० आफ १६८२

मगवती दीन सिंह

----- पिटीशनर

बनाम

हाक अधीक्षक एण्ड अदमी

--- अपॉपॉजिट

रजिस्टर नं० ३

सेवा में,

श्रीमान हाक अधीक्षक, महौदय,
सुलतानपुर प्रखण्ड ।

विषय :- हेहरियावां शाखा हाकघर के शाखा हाकपाल
की नियुक्ति के लिये आवेदन पत्र

मान्यवर,

आपके विज्ञापन पत्रों के बी-३ १११० (ए) हेहरियावां
दिनांक १६-३-८२ के द्वारा प्रार्थी ने निर्धारित प्रारूप पर
आवेदन पत्र प्रस्तुत कर वाशान्वित है, कि उसे सेवा का
उपयुक्त विषयक सुनवसर प्रदान करेंगे ।

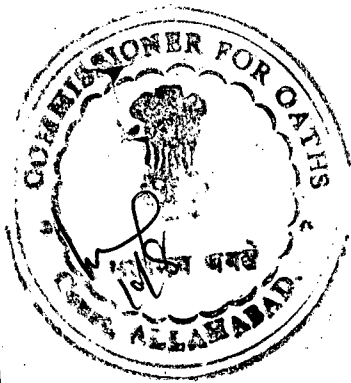
प्रार्थी,

हो मगवती दीन सिंह

दिनांक १४-४-८२

मगवती दीन सिंह (भूतपूर्व सुबेदार
आ० पेंशन)

ग्राम हेहरियावां पोस्ट हेहरियावां थाना बगार
बल्दीराय जिला सुलतानपुर (यूपी०)



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प्राथमिक पत्र के साथ प्रस्तुत कागजात

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- १- निर्धारित प्रारूप आवेदन पत्र
- २- हिन्दुस्तानी मिहिल स्कूल परीक्षा १९४६ ई० प्रतिलिपि प्रमाणित
- ३- पूरक हिन्दुस्तानी मिहिल स्कूल परीक्षा १९५१ ई० प्रतिलिपि प्रमाणित
- ४- जर्मी सर्टीफिकेट आफ स्कूलिंग फॉर क्लास प्रतिलिपि प्रमाणित
- ५- आय प्रमाण पत्र कृष्ण द्वारा
- ६- आय प्रमाण पत्र पैशन द्वारा
- ७- नकल खतौनी
- ८- टेस्टामोन्टियल फॉर सिविल सम्पलायमेंट प्रतिलिपि प्रमाणित
- ९- ही०जी० जर्मी कमान्डर (सं०जी०स०स्स०) प्रतिलिपि प्रमाणित
- १०- प्रमाण बानर्री कैप्टन प्रतिलिपि प्रमाणित
- ११- चरित्र प्रमाण पत्र प्रधान द्वारा
- १२- चरित्र प्रमाण पत्र सरपंच द्वारा (बाद में प्रस्तुत होगा)
- १३- चरित्र प्रमाण पत्र डॉक्टर द्वारा (मैडिकल आफिसर
इंजी पी०सब०सी० बेलदीराय)

ह० अपठनीय

हस्ताक्षर भगवती दीन सिंह

रिसीव्ड कापी एलांग विद

एलांग विद स्क्वायर

ह० अपठनीय

फॉर कायलिय हाऊ अर्धादाक

१४-४-८२

सुलतानपुर प्रखण्ड २२८००१

सत्य प्रतिलिपि

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इन दि बानरबुल हाई कोर्ट आफ न्यूडिक्वर स्ट इलाहाबाद
सिटिंग स्ट लखनऊ ।

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रिट पिटिशन नं०

आफ १६८२

मगवतीदान सिंह

----- पिटिशनर

बनाम

हाक अर्धाधिकरण अदालत

----- अपीलपट्टीज

संज्ञा नं० ४

सेवा में,

श्रीमान हाक अर्धाधिकरण महोदय,
सुलतानपुर प्रखण्ड ।



विषय :- शाखा हाक पाल हैहरियावा की नियुक्ति हेतु
प्रेषित आवेदन पत्र में संलग्न हेतु अतिरिक्त
कागजातों का प्रेषण ।

मान्यवर,

प्रार्थी ने शाखा हाकपाल हैहरियावा के पद पर
नियुक्ति हेतु आवेदन पत्र आपके कार्यालय में आवश्यक कागजातों
सहित दिनांक १४ अप्रैल ८२ को जमा किया था तदविषयक
कुछ अतिरिक्त कागजात सेवा में प्रेषित हैं । कृपया आवेदन
पत्र के साथ संलग्न करने का कष्ट करें, एवं आवेदन पत्र के साथ
इन कागजातों पर भी विचार कर सेवा को सुखकर प्रदान करें

प्रार्थी

ह० मगवतीदान सिंह

दिनांक १६ अप्रैल, १९८२

भूतपूर्व सूबेदार (आ०कैप्टन) मगवतीदान

ग्राम व पोस्ट - हैहरियावा
जिला सुलतानपुर ।

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संलग्नक :-

- १- सरपंच द्वारा प्रदत्त वरित्र प्रमाण पत्र
- २- ब्लॉक प्रमुख द्वारा प्रदत्त वरित्र प्रमाण पत्र
- ३- प्राथमरी स्कूल का स्थानान्तरण प्रमाण पत्र (द्वितीय प्रतिलिपि)
- ४- प्रेसीडेंट्स कमीशन पत्र की प्रमाणित प्रतिलिपि ।

ह० मगवतीदीन सिंह
(मगवती दीन सिंह)

रिसीव्ड एप्लीकेशन रजिस्ट्रार फौर
सकलौजरस

ह० अपठनीय

१७-४-८२

फौर कार्यालय हाक अधीक्षक

सुलतानपुर २२६००१

सत्य प्रतिलिपि



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इस दि जानरेहुल हाई कोर्ट आफ नूहोक्वैवर स्ट हलाहा बाद
सिटिंग स्ट ललनडा ।

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रिट पिटीशन नं०

आफ १६८२

मगवती दान सिंह

----- पिटीशर

बनाम

हाक अर्धादाक एण्ड अदसै

----- अपॉपार्टीज

सैन-जर् नं० ५

सेवा में,

श्रीमान हाक अर्धादाक महीदय,

सुलतानपुर प्रखण्ड ।

विषय :- शाखा हाकपाल हेहरियावा को नियुक्ति हेतु

मान-यवर,



प्राथी शाखा हाकपाल हेहरियावा के पद पर नियुक्त
हेतु आवेदन पत्र दिया है । उसकी सिद्धांत योग्यता के
सम्बन्ध में विदित हुआ है कि हिन्दुस्तानी मिडिल स्कूल
परीक्षा को कदा आठ को परीक्षा नहीं माना जा सकता
क्योंकि पुरानी सिद्धांत व्यवस्था में मिडिल स्कूल पुर्ण,
एस्तुम, हफतुम, तीन वर्षीय जैसी था जिसे दर्जा सात माना
जा सकता है । किन्तु ऐसा नहीं है । प्राथमरी परीक्षा
६ वर्षी के लड़कों की थी, दर्जा अल्लिफ, वे, की गणना
नहीं जा जाती थी जबकि कौसी दो वर्षी जा था । अबल

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सं गणना प्रारम्भ कर प्राथमरी की फाइनल परीक्षा वहाँ कहाँ पर होती थी। प्राथमरी परीक्षा ६ वर्षों पर और मिडिल परीक्षा ३ वर्षों पर होती थी। कुल ६ वर्षों की शिक्षा पर हिन्दुस्तानी मिडिल स्कूल परीक्षा होती थी जो कि एक फाइनल परीक्षा थी। प्रार्थी उस परीक्षा में प्रथम श्रेणी, और अंकगणित एवं विज्ञान गणित में विशेष योग्यता के साथ उत्तीर्ण हुआ है।

माध्यमिक शिक्षा बोर्ड के अध्याय बारह के विनियम २० (क) के अन्तर्गत आज की जूनियर हाई स्कूल परीक्षा हिन्दुस्तानी मिडिल स्कूल परीक्षा के समकक्ष है। वर्तमान समय में ५ (पाँच) वर्षों के बच्चे के बाद प्राथमरी परीक्षा पास की जाती है एवं तीन वर्षों के बाद जूनियर हाई स्कूल परीक्षा पास की जाती है। अतः जूनियर हाई स्कूल की परीक्षा आठ वर्षों की शिक्षा पर होती है।

उच्चतर माध्यमिक विद्यालयों एवं इण्टर कॉलेजों में होने वाली गृह परीक्षाओं में वहाँ आठ की परीक्षा पुराने मिडिल एवं आज के जूनियर हाई स्कूल परीक्षा के समकक्ष है।

इसके अतिरिक्त बोर्ड के विनियम २० (३) अध्याय बारह के अनुसार भारतीय सेना की फास्ट क्लास ऑफ़ सेन्योर परीक्षा भी कक्षा आठ के समकक्ष है।

प्रार्थी की शिक्षा के सम्बंध में एक महत्वपूर्ण बात यह है कि वह उर्दू, हिन्दी एवं अंग्रेजी की योग्यता के साथ साथ गणित में विशेष योग्य है। मिडिल स्कूल परीक्षा में उसको अच्छी जुबान उर्दू थी।



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१-३-८२ से कार्यवाहक शाखा हाकपाल के रूप में निष्ठा पूर्वक कार्यरत हूँ। अपने छोटें भाई के द्वारा बालू किये आर०डी० टी०डी० एवं सैकिंग जमा में निरन्तर अभिवृद्ध कर रहा हूँ।

प्रार्थी सेना में महत्वपूर्ण जिम्मेदारी के पदों पर कार्य कर चुका है। २८ वर्षों तक भारतीय सेना में कार्य कर आनररी कैप्टन पद का पेन्शनर है। मुझे कार्य करने का एवं शाखा हाकपाल का कार्य निष्ठा पूर्वक निभाने का शौक है।

यदि किसी कारणवश प्रार्थी का ब्यक्त न किया जायें तो हाई स्कूल द्वितीय श्रेणी अंग्रेजी विषय लेकन उत्तीर्ण प्रार्थी के पुत्र चन्द्र भानु सिंह का ब्यक्त किया जायें वैसे उसकी शैक्षिक योग्यता बी०ए० है। व्यक्तिगत सम्पत्ति में उसके पास दुकान है। यदि वह मान्य न हों तो एन०एस०सी० बथवा टी०डी० जमा कर दिया जायें।

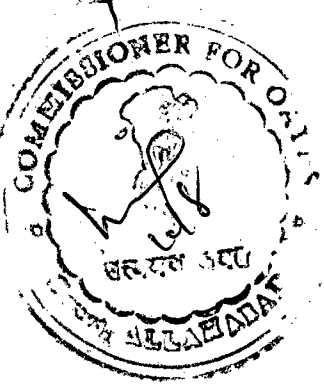
मान्यवर कृपया मामले पर गम्भीरता से विचार कर प्रार्थी को बथवा उसके पुत्र की शाखा हाकपाल देहरियावाँ का पद दिया जायें जिसे वह निष्ठापूर्वक कार्य करता रहे। और हाकवर का स्थानान्तरण न करना पड़े।

प्रार्थी

ह० भगवती दीन सिंह
ई०एण्ड बी०पी०एम०
(भगवती दीन सिंह)
भूतपूर्व सूबेदार आनररी कैप्टन
भारतीय स्थल सेना एवं कार्यवाह
ई०डी०बी०पी०एम०
बी०डी० देहरियावाँ
सुलतानपुर।

दिनांक २०-७-१९८२

रिसेव्ड कापी ह० उपर्युक्त २०-७-८२ मीहर



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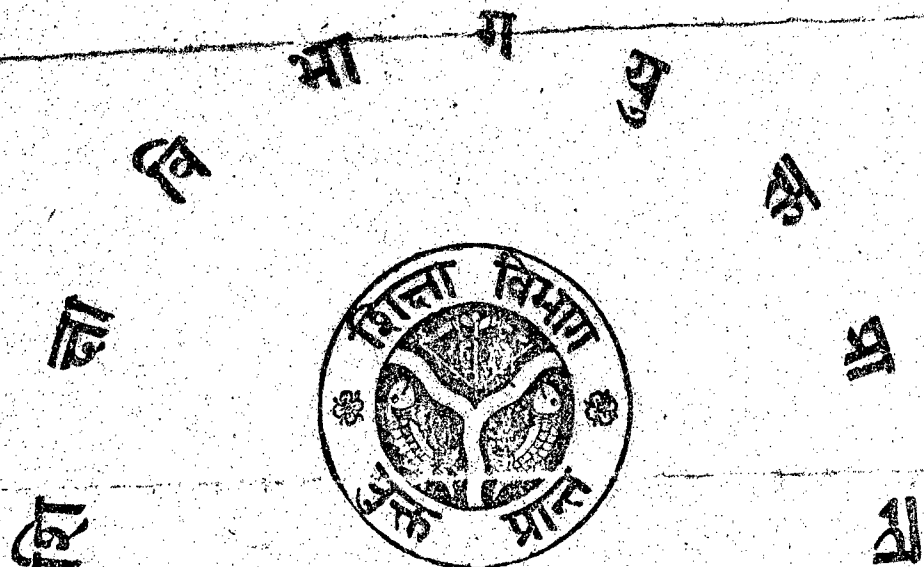
Superintendent of
Post Offices and operations

Ameswari 107

A/40



Bhagp



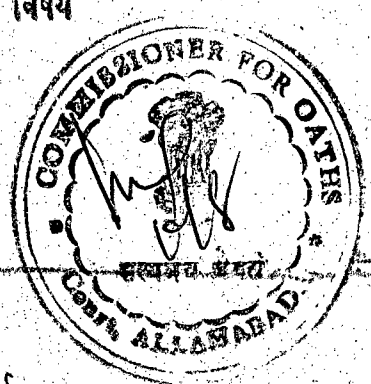
हिन्दुस्तानी मिडिल स्कूल परीक्षा, १९४६ ई०

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

क्रम-संख्या ५८७५६

प्रमाणित किया जाता है कि श्री मगवती दीन सिंह
 पुत्र श्रीयुत देवी बरुश सिंह जिनकी जन्म-
 तिथि १० सितम्बर १९३३ है, मार्च १९४६ ई० की हिन्दुस्तानी मिडिल स्कूल
 परीक्षा में सुल्तानपुर जिले से प्रथम श्रेणी में उत्तीर्ण हुए हैं
 और उन्होंने अंकगणित तथा विशेष गणित में विशेष योग्यता प्राप्त की है।
 यह निम्नलिखित विषयों में उत्तीर्ण हुए हैं:—

प्रारम्भिक विषय	शैक्षणिक विषय
प्रथम भाषा हिन्दी, उर्दू	गणित और शिल्प
प्रारम्भिक अङ्कगणित	विशेष गणित
सामाजिक विषय	सामान्य विज्ञान
	द्वितीय भाषा हिन्दी



इलाहाबाद:
१ जुलाई, १९४६ ई०

N. D. Soltan
 पत्र० ए०, पत्र० टा०,
 रजिस्ट्रार,
 डिपार्टमेंटल परीक्षाएं,
 युवा प्रान्त।

Honble High Court of Madras
at Allahabad Lucknow Bench

Ins. No. Lucknow B 79 82
Bhagnati Deen Singh - Petitioner

¹³
Superintendent of Post Office employees

Annexure 8
Ann. 8

TESTIMONIAL FOR CIVIL EMPLOYMENT

Certified that No. JC-463267 Rank 1st Lt Name SHARAD K. SINGH
Unit 2nd Battalion at 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 Full 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 abilities.

Station : Mhow (MP)

Dated : 26 Oct 79

(Signature of the Reporting Officer)

COUNTER SIGNATURE OF CO/
CENTRE/RECORD OFFICE

Col
Comdr Adm Wing
The Infantry School

Am
Honble High Court of Judicature
at Allahabad known Bench
known (32)

known known
Bhagwati Devi Singh - Addition
10
Superintendent of Post
Offices and op. parties

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4/3
Annexure no. 9



Blmof



सत्यमेव जयते

The President of India

To Bhagwati Din 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. N. G. V.
President of India

Honble ¹⁰ ~~High Court~~ of Indicatude
at Allahabad dwekora Bench
dwekora (34)

W.D.N.O. 1798

Bhagnati Deen Singh Petitioner

VS
Superintendent of Post
Offices & opparties



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

Ann 10

HEADQUARTERS
SOUTHERN COMMAND
PUNE

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1446/1/ANM

5 Feb 80

My dear Bhageotidin 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 & Hony Capt
Bhageotidin Singh (Retd)
C/O Records Rajput Regt
Fathagarh

Bhagnati

A-18 (35)

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

Writ Petition No. of 1982.

Bhagwan Deen Singh ... Petitioner

Versus

Daak Adhikchak & others ... Opp. parties.

Annexure No.11

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

Memo No. B-3/116-A/Dehariyawan Dated at Sultanpur
the, 2.8.82.

Shri Narain Bloe 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.



[Handwritten signature]

Sub
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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 services would be terminated of the previous incumbent is reinstated and he will have not 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.

Blmof

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

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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 clearly 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



[Handwritten signature]

ASO

U. S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

INVESTIGATION NO. 100-100000-100000

REPORT OF THE AGENT IN CHARGE AND OTHER

... ..

1. Identification ...1-13
2. Facts ... 14-18
3. Summary of ... (...)
4. ... No. 8-1 (...)
5. ... No. 2 (...)
6. ... No. 3 (...)
7. ... No. 4 (...)
8. ... No. 5 (...)
9. ... No. 6 (...)
10. ... No. 7 (...)

Locks: Do on lock on.

Testament No. of 1912

Under Article 226 of the Constitution of India

Deceased: Mr. Singh, aged about 43 years,
son of Dabi Ram Singh, resident of village
and post office Daryapur, pargana Isuli,
to all the persons, district Saltanpur.

.....

VERIFICATION

1. Subordinate Court Officer, Division, Saltanpur.
2. Mahant Hari Singh, son of Mata Jai Singh,
resident of village and post office
Daryapur, pargana Isuli, tahsil
Banskhamba, district Saltanpur.

3-Union of India Secretary

.....

AS2

Telegraph Extra Departmental Staff have been formed by the Central Government and which also provides A.D.A. Conduct and Service in ac. 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 (A.D.A.) has been defined and which means besides their persons also Branch Post Master.

6. That Rule 5(1)(2) provides the arrangement during leave vacancy or during the period when the A.D.A. agent is absent from office. It is reproduced as below:-

- * During leave, every A.D.A. agent should should or leave for his work being carried on by substitute whom should be a person approved by the authority competent to sanction leave in ac. Each approval should be obtained in writing."

Sub-section (3) provides:-

- (3) * The allowance normally payable to A.D.A. agent while during leave to be

ASB

qualified in all respects to be appointed as
Branch Post Master duly applied before the
competent authority, and by sending an application
on 14th April, 1932 also indicating his
requirements and the terms & conditions of the
appointment, which 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, 1932 a true copy of which is annexed
hereto as Annexure No. 4.

12. That the petitioner further supple-
mented his application by sending a detailed
report of his past post services and sent
application on 20th July, 1932 a true copy of
which is annexed hereto as Annexure No. 5.

13. That in question 2 of the
Conduct is also stated the method of recruitment
for the post of Branch Post Master is provided.
Section (2) provides as for educational
qualifications and the relevant section is
reproduced below:-

* A.D. sub-post master B.D. branch post
master and A.D. delivery agents

ASU

17. That said party no. 2 is about 24 years old and has only passed High School in English. He is a member of the Indian tribe and is not a member of the army, personnel or a government position. As such the petitioner has no information about any other party no. 8 in the matter of the court. He also should also be in reference to the petition.

18. That said three applicant is was put in the court by the petitioner, the other by the opposite party no. 2 and the third by Chandre Sasa Singh who is a Hind also High School in English. Although Chandre Sasa Singh is also a member of the Indian tribe and is a member of the army, personnel or a government position but as he has passed High School in English in Hind Division so 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 has offered to do, nothing with the court, as he is a member of the Indian tribe and is a member of the army, personnel or a government position but as he has passed High School in English in Hind Division so he is in a better position than opposite party no. 2 but not in a better position than the petitioner.

AST

good remarks by the military officials and the
the medal for civil employment and the
the petitioner also mentions that he has been
in the army and that he has been with responsibility.
A photostat copy of the testimonial of civil
employment is enclosed hereto as Annexure No. 2.

22. That the President of India appointed
the petitioner as a Junior Sub-Editor
in the regular army in the rank of Sub-Editor.
A photostat copy of the said appointment order
issued by the President of India is enclosed
hereto as Annexure No. 3.

23. That the petitioner was duly placed
as Deputy Sub-Editor by the President of India on the
12th day of May in the year 1980. A photostat copy
of the letter issued by the President of India, dated
12th February, 1980 is enclosed hereto as
Annexure No. 4.

24. That for the reasons set forth above
the petitioner is entitled to be considered for the
three positions which were applicants for the said
post and under the rules attached hereto above should
have been appointed without any delay but on the
contrary of the contrary rule appointed applicants

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and the writ petition will also become infructuous.

29. That aggrieved by the aforesaid order passed by the opposite party No.1 the petitioner has filed a writ petition on the following grounds:-

Grounds

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

(2) Because the petitioner being a Government pensioner and a army person he has a preferential claim against the opposite party No.2 and the petitioner also would have been considered for the post of British Post Master and the opposite party No.1 has committed manifest error of law in not appointing the petitioner to the post of Assistant British Post Master.

(3) Because the impugned order passed by the opposite party No.1 has not been made in accordance with the provisions of the Indian Telegraph Manual and the case is arbitrary.

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(iii) that by a writ, direction or order in the nature of mandamus the opposite party will be commanded not to give effect to the order dated 2nd August, 1962 contained in Annulment-11 and commanding the opposite party not to appoint the petitioner as Branch Post Master;

(iii) cost of the petition or application to the petitioner against the opposite party;

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

WJG:fm
D. G. Jucknes, Counsel for the petitioner.
August 1962

I, the abovesigned deponent do hereby verify that the contents of pages 1 and 2 of this affidavit are true to my own knowledge. No perjury is alleged and nothing has been concealed or held back.

Date of Deposition:

2-10-67.

August 1962.

I identify the deponent who has signed before me.

Notary Public.


Solemnly affirmed before me on

at a.m./p.m. by me

the deponent who is identified by

advocate, H. B. G. R., of the State.

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



एन दि बामरैकु एनै सौंटे एफा बुकिंगर स्ट (अहाजय
दिटिंग एड एजजु ।

ਦਿ ਪਿਛੀਨ ਸੋ ਗਾਏ ਹੋਰ

प्राप्तः कोस सिंह

— रिपोर्ट

1974-1975

६० वाणिज्य विभाग १०३ अ०

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~~CONFIDENTIAL~~

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प्रीति भास्कर

4-11-68

विषय : - सर्वे विपरीत का प्रमाण

47-411

प्राचीन में विनायक १-१-८२ से ११-५-८२ तक का
 "दिना" कलकत्ता का उपनाम दिया है जो, जहाँ कलकत्ता दिवस पर
 जहाँ एकादश की मनाया। यहाँ दिने पाई दिया है। साथ दिने
 देना में प्रेरित है।

५१७०

Do not forget this

1950年10月10日

Object of the Project

Q76 20-2-69

गोम हस्ताक्षर या कलकत्ता प्रेष वि०
प्रतिष्ठिपि २००८/०२/२० ए०जी०राय

५० नायकः धनं विपु
६० नायकः धनं विपु
७० नायकः धनं विपु

सूच्य प्रविष्टि

67

एव वि आसीदुःख काः नरे लोक सुखे नरु एव विहायक
किटिप एव उवाच ।

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नाक नरु

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एक दि आगरीक एकरे कीटो एकर बुझोईस एकर बहोहाभाव
किटिग एकर बहोहाभाव ।

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पौना बाव.स. है :-

- (१) अन्यद्विपि एवं द्विपि संख्या (२) निबो बाव है
- बाव एवं बा.सि बाव का राख्य विनाय द्वारा प्रमाण पत्र
- (३) बावो बाव पत्र बावो बाव प्रमाण पत्र (४) बावो बाव
- बावो बाव बाव बावो बाव बावो बाव बावो बाव बावो बाव
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प्रतिपि :- बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव

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- (७) बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव
- (८) बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव

- (९) बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव
- (१०) बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव
- (११) बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव
- (१२) बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव बाव

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A. 67



हिन्दुस्तानी मिडिल स्कूल परीक्षा, १९४६ ई०

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

कम-संख्या

प्रमाणित किया जाता है कि श्री मगवती दीन सिंह

सुपुत्र श्रीयुत देवी बरूच सिंह जिनकी जन्म-

दिधि १० सितम्बर १९३३ है, मार्च १९४६ ई० की हिन्दुस्तानी मिडिल स्कूल

परीक्षा में सुल्तानपुर जिले से प्रथम श्रेणी में उत्तीर्ण हुए हैं

और उन्होंने अंकगणित तथा विशेष गणित में विशेष योग्यता प्राप्त की है।

एवं निम्नलिखित विषयों में उत्तीर्ण हुए हैं:—

प्रथम भाषा हिन्दी उर्दू

प्रारम्भिक प्राकृतिक

सामाजिक विषय

द्वितीय भाषा

विशेष गणित

सामान्य विज्ञान

द्वितीय भाषा हिन्दी

M. D. G. S. S.

प्रमाणितः
१ जुलाई, १९४६ ई०

एम० ए०, एल० टी०,
रजिस्ट्रार,
डिपार्टमेंटल परीक्षा,
युवत प्रान्त।



10
Lt Gen A N Mathur, PVSM
General Officer Commanding-in-Chief

HEADQUARTERS
SOUTHERN COMMAND
PUNE

A-570

1446/1/ANM

5 Feb 80

My dear Bhagotidin 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 & Hony Capt
Bhagotidin Singh (Retd)
C/O Records Rajput Regt
Fathogah

A 743

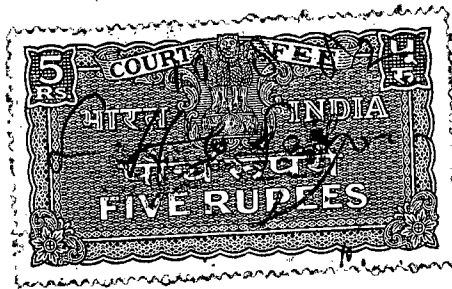
IN THE HON'BLE HIGHCOURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench Lucknow.

C.M.An.No. 7666 of 1982

for stay in

W.P.No. 375 of 1982



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

3. Union of India through Secretary Ministry of Home
Affairs

.....OPPOSITE PARTIES.

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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.

Dated, Lucknow:

August 10, 1982

ADVOCATE

Counsel for the petitioner.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

Indian Division Case No.

ASB

C. D. No. 10, of 1902

for entry in

No. of 1902

4/5

Shigeta Bin Singh son of Dabi Dux Singh,
resident of village of post office Dhriyawan,
paragah Insuli, taluk of Masfarkhane, District
of ...

...

...

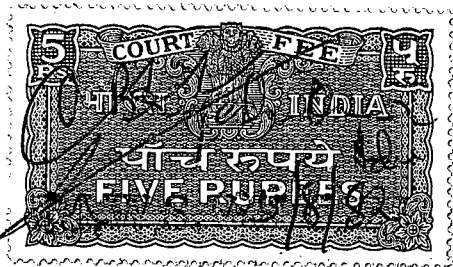
1. ... of post office, District
Division, ...

2. ... of Dabi Dux Singh, son of Dabi Dux Singh,
resident of village of post office Dhriyawan,
paragah Insuli, taluk of Masfarkhane, District
of ...

...

A-74

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



C.M.An.No.

8354(C)
of 1982.

Inre.

Writ petition no.3750 of 1982.

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:-

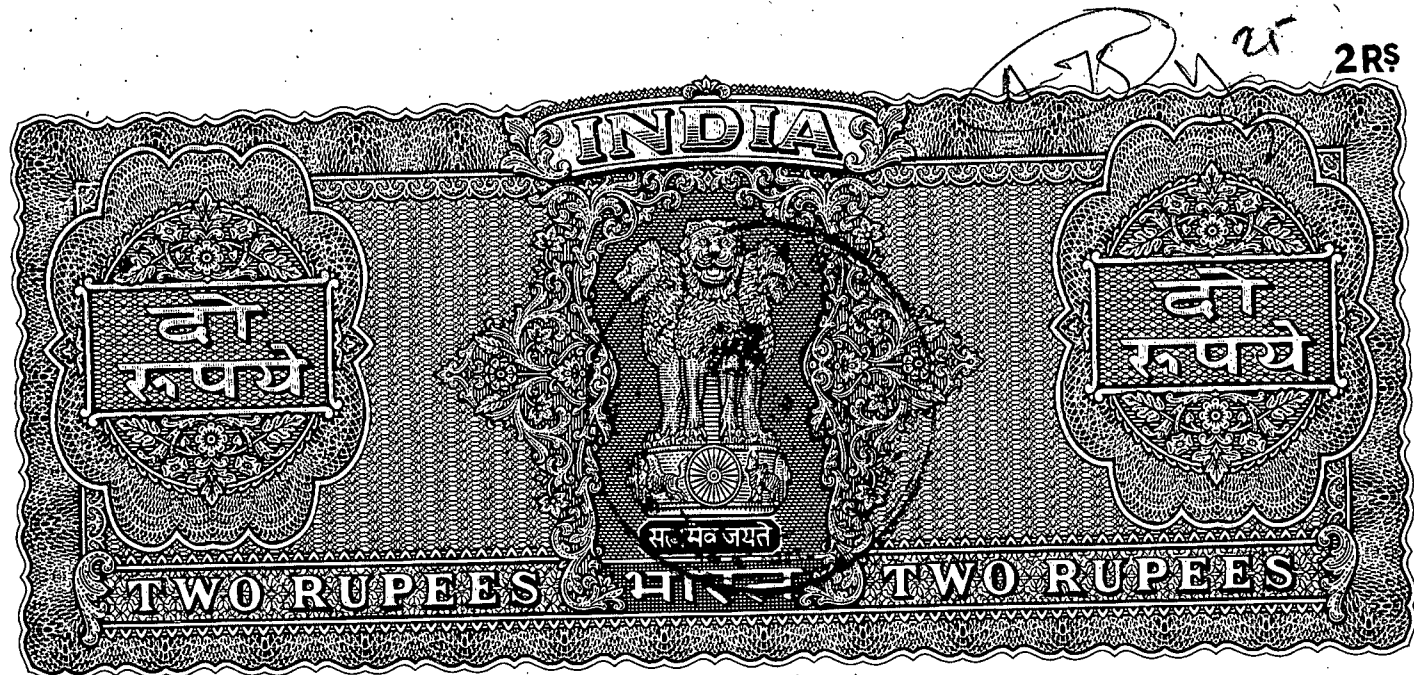
That for the facts stated and reasons
disclosed in the accompanying writ Counter Affidavit
it is respectfully prayed that the interim order
dated 11.8.82 may kindly be vacated.

Lucknow:Dated

24.8.1982.

Bijesh Kumar
Counsel for the opposite parties
no.1 and 3.

10732
14-8-82
25/8/82
1315



In the Hon'ble High Court of Judicature at
Allahabad

No. 3750 of 1902

Bhagwati Singh

Petitioner

Supd. of Post office Sulautpur — Opposite

(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 filling 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 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



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A-78

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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 ~~a cultivation~~ in his own name.

8. That so ~~the~~ 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 ~~a~~ interim mandamus can be issued permitting

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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

24.8.82

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 2 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 ~~xxx~~ nothing material has been concealed so, help me God.

Lucknow:Dated

23.8.1982.

Deponent.

I identify the deponent who has signed before me.

Vishu Dayal
Clerk of Sri B.K. Advocate

Solemnly affirm before me on 24.8.82 at 6.30 a.m./p.m by sri Khurshed Khan the deponent who is identified by sri Vishu Dayal the clerk of sri B.Kumar, Advocate High Court, Lucknow Bench.

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

OATH COMMISSIONER

High Court, Allahabad

Lucknow Bench

621383182

23/7

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.

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
~~xxxxxx~~ 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.

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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

Vill Standard (Matriculation or equivalent may be preferred. ~~VI~~)

VI standard (VIII Standard may be preferred.)

All other categories
of EDAS.

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).



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4. (1) The Extra Departmental Branch Postmaster EDSPMs must be ~~be~~ 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. A/62

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

(iii) E.D.As of other categories may as far as possible reside in or near the place of their 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 ~~Head~~ 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

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

6. Preferential Categories.

The last orders issued in this connection ^{X/a}
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 ~~x~~ 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, there 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



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this condition the candidate must be able to offer office space to serve as the agency premises for postal ~~map~~ 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 ~~m~~ such as shops etc. ~~8/10~~ 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 ~~to~~ 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 ~~7~~ 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)

hld

No. STA/A-67/80/81/10 Dated at Lucknow, the 19.2.1981.

Copy forwarded for information, ~~and necessary~~ 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/
Bareilly.
5. All officers/ASPOs/I, is in Circle Office.
6. The A.O.IC0(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 ~~xxxxxxxxxx~~ 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-67/3-74/5 dated 30.1.79, STA/A-67/1/9
75 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
Led

P.T.O.

4.7.

86 13

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

Copy ~~of~~ 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.

4/6

Superintendent Post Offices
Sultanpur.

True copy
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857
महोदय

Try Form no. 385

RECEIPT FOR PAYMENT TO GOVERNMENT

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

High Court of Judicature at
Place Allahabad Receipt No. 859625
Department and office 3/19/82 Date

Received from [Signature]
the sum of Rs. 30
on account of [Signature]

Signature of Government Servant
granting the receipt
Designation 3/19/82
Cashier or Accountant.

लतनामा

वादी (सुर्ह)

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० ३-६-१६८२ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

नाम अदालत
नं० मुकद्दमा
नाम फरीकस्त

Shri Ginesh Kumar Trivedi एडवोकेट
Advocate - High Court महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरो को मेजता रहूंगा अगर मुकद्दमा 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 प्रमाणित

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 3 महीना 9 १६ ई०

Accepted

The Joint Registrar
Hon.ble Allahabad
High Court Sitting
at Lucknow.

(488)

(647)
23
7/9/82

Coerced affidavit

In

W. P. No 3750 of 1982

8/8

Bhagwati Devi Singh — Petitioner
Versus

The Superintendent of Post Office — Opp. party

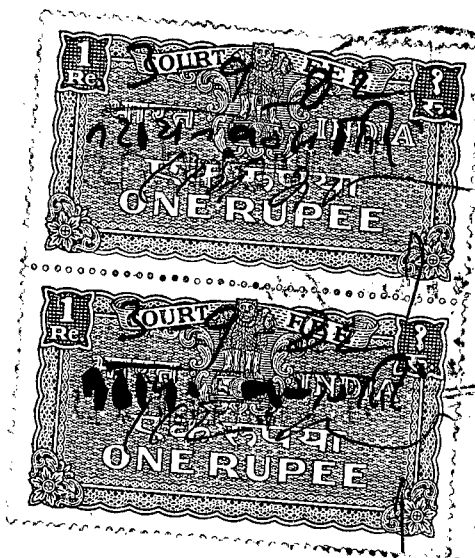
In the above noted case the

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

Lucknow - dated
6 - 9 - 1982

Counsel for opp.
party no 2 only

1/12/2007 09:02:11/82



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.

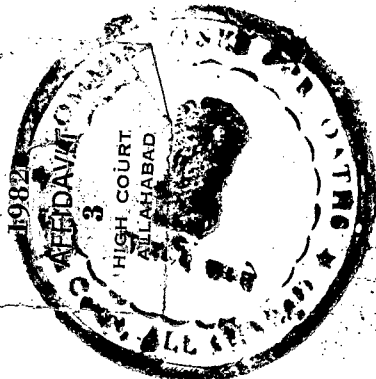
COUNTER AFFIDAVIT OF OPPOSITE PARTY No.2.

I, Narain Bux Singh, aged about 24 years, son of Sri Mata Din Singh, resident of village and post office Dehriyawan, 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



Handwritten signature and date: 12/11/82

or termination or reduction in rank. In fact, the present case relates to fresh ~~xxx~~ 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 ~~enq~~ 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 ~~writ~~ 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 ~~how~~ ^{did} 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.

369
12/11/82

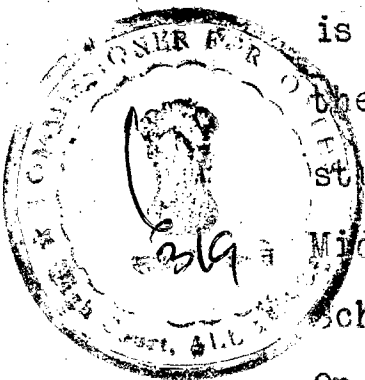
Ad

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. X/22

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.



नारायण अश्वोत्तरे

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.

AB

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 ~~petition~~ 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 ^{A Singh} is the son of the petitioner. However, Chandra Bhan Singh neither challenged the order of appointment of the deponent nor he ^{has been} 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

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(Handwritten initials)

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.

A/24

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 ~~ix~~ 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

(Handwritten signature)

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 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 ^{has been} 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 opposite 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 of brother and now under the garb of this Hon'ble

furnishing
Court's order he is working without any security. In fact the petitioner has started working in a leave vacancy of Sheo Saran Singh ~~(who is now in jail)~~ 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 ~~belief~~ ^{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.

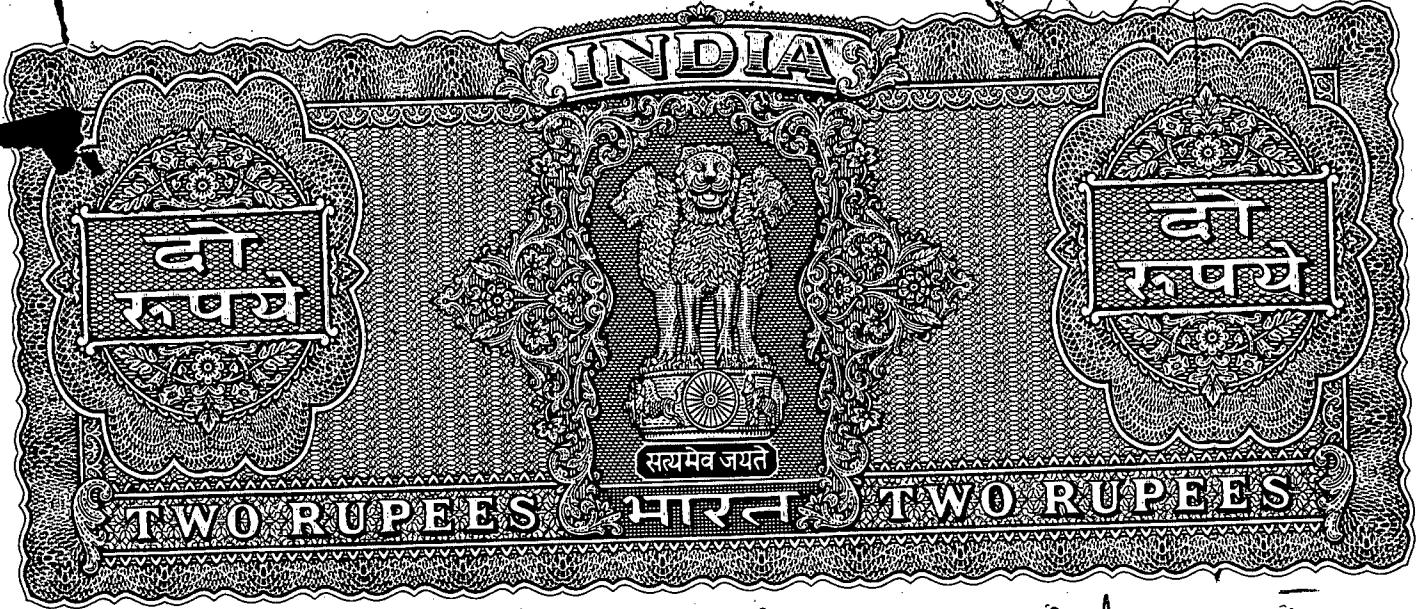
Deponent.

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.

Solemnly affirmed before me on
at a.m./p.m. by Sri Narain Bux
Singh, the deponent who is identified
by Sri Chanhoo Dayal Srivastava Clerk
to Sri D.A. 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



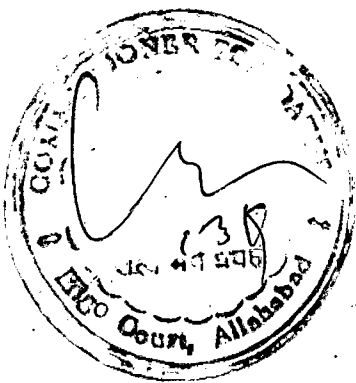
Hon.ble High Court of Judicature
at Allahabad Lucknow Bench
Lucknow

W. No 3750-82

4/70

Bhagwati Deen Singh

Superintendent Post & Telegraph



A-103/72

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

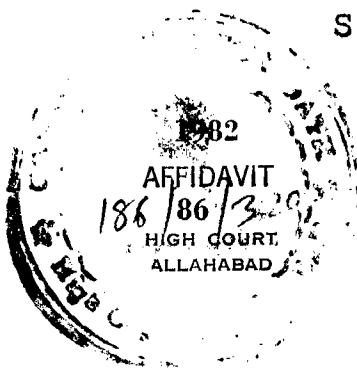
Inre:-

Bhagwati Din Singh Petitioner

Vs.

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

Writ Petition No.3750 of 1982



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

[Signature]

A-1000 7/3

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. A/28

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



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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-servicemen 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 EPM, and those who have passed VIII Standard should be given preference over those who have passed VI Standard for ED DAs, 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



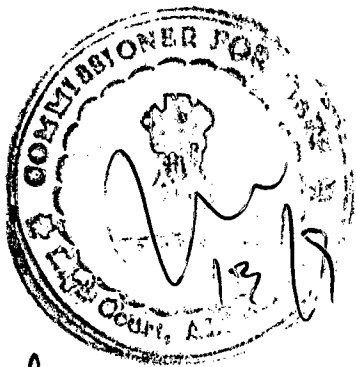
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minimum educational qualifications prescribed in this office letter No.5 9/72 E.D.Cell, dated the 18th August 1973, viz. VIII Standard for ED BPMS, VI Standard for ED DAS and ED SVs and working knowledge of the regional language and simple Arithmetic 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 Ist Class of the Army Examination and the photostat copy of the Army Certificate of education Ist 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 Ist Division, the said Ist Class Certificate of the Indian Army ~~is~~ has also been recognised as ~~equal~~ equivalent to Junior High School



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

11. 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 requisit 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 respect 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 shergage 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 Photostat 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 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 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



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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 contemplated 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 at the office copy for 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 Sheo Saran 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 Singh 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



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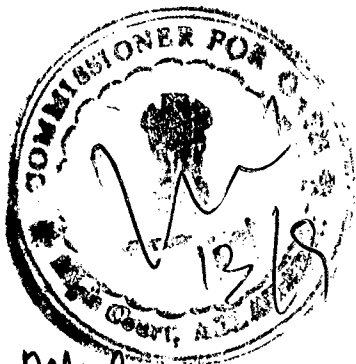
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inquiries into the antecedents of the substitutes as considered necessary and to ask the ED Agent to provide another substitute, if it is found that the one actually proposed by the ED Agent is not acceptable.

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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deponent to be his substitute in advance and on that account also the petitioner deponent 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 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 deponent 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. The deponent submits that even appraiser 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.



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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. on a surprise visit made by (Line Overseer) That/by the postal authorities/the work of the deponent was found quite satisfactory, vide the photostat copy of the report dated ^{20.8.1982} ~~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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A-118

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==: प्रमाण - पत्र :==
=====

प्रमाणित किया जाता है कि श्री भागवती दीन सिंह
आत्मज श्री देवी बख्श दीन सिंह हमारी गांव सभा के अस्थाई=
निवासी है। इनका घर डेहरियावां छास के मध्य इस प्रकार
स्थिति है, कि यहां से डेहरियावां डाकघर के सभी मजरे समान
दूरी पर है। वर्तमान डाक घर इन्ही के मकान पर है, शाखा
डाक पाल श्री शिव सरन सिंह इनके सगे छोटे भाई हैं। डाकघर
लगभग 20x10' का है। इसके अतिरिक्त भी इनके पास सार्वजनिक
उपयोग की दृष्टि से कई पक्के कमरे हैं।

शाखा डाकपाल के दैनिक पर जाने के पश्चात कार्यवाहक
शाखा डाक पाल का कार्य बड़ी लगन 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।

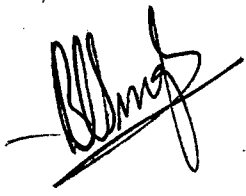
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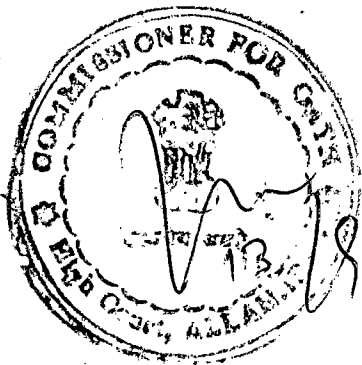
प्रधान: 12-4-82

गांव सभा डेहरियावां,

विकास क्षेत्र बल्दीराय,

॥ सील ॥ जिला- सुल्तानपुर 13090x





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पेंशन प्रमाण-पत्र

१०५

प्रमाणित किया जाता है कि श्री भगोती दीन सिंह, टी०यस० नम्बर 8422/5A 47, रेजीमेंट नम्बर 42236 को इस कोषागार से मुद्रा 497/- मूल पेंशन से 161/- रु० विक्रय करने के पश्चात् मूल पेंशन 336/- रु० व गैरगार्ड 273/- रु० कुल पेंशन मुद्रा 609/- रु० प्रतिमाह की दर से मुगतान किया जा रहा है।



[Signature]

कोषाधिकारी

रिजु मुलतानपुरा

13/8/1982

[Signature]



A-123 8/1

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

C.M.Appn. No. 10626 of 1982

Bhagauti Din Singh .. Applicant

Inre:



Bhagauti Din Singh.....Petitioner

Vs.

Superintendent, Post Offices & Ors..Opposite Parties

Writ Petition No.3750/1982

APPLICATION FOR SUMMONING THE RECORDS

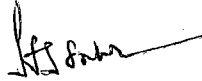
The applicant-petitioner respectfully begs to
submit:-

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

[Signature]

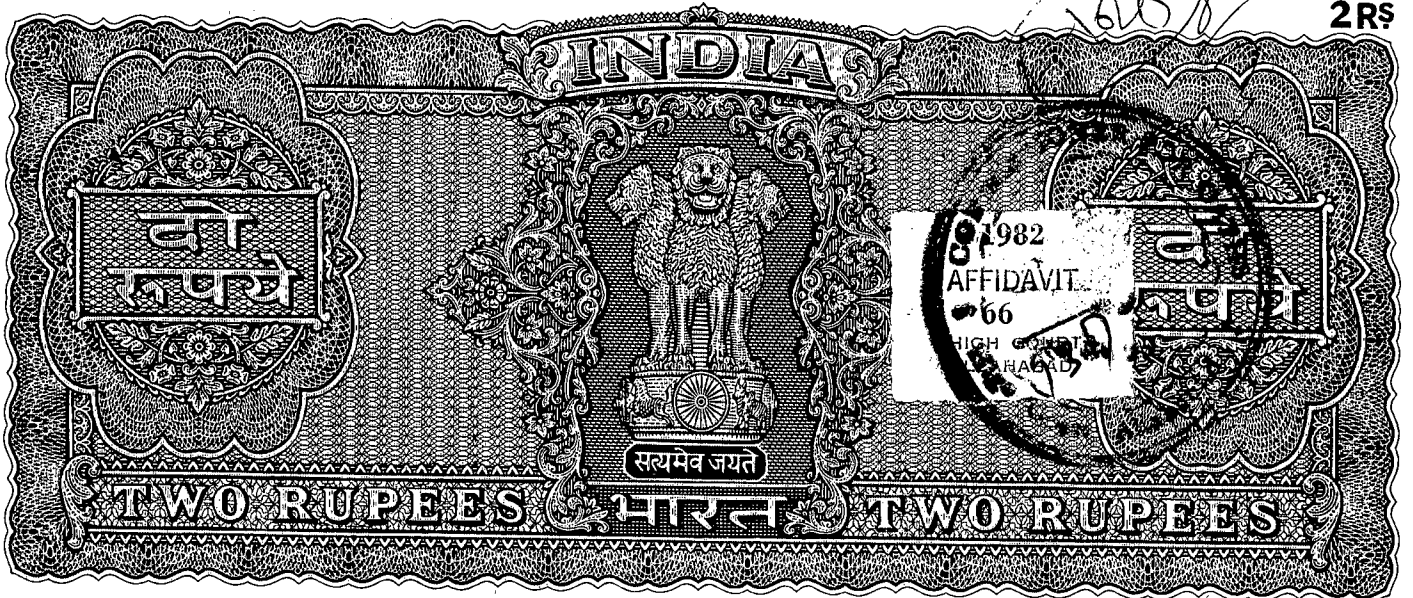
1-10/88
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petitioner respectfully prays that opposite party No.1 may kindly be directed to produce the original application form whereby the petitioner was nominated as 'substitute' by Sheo Saran Singh and also the other copy of the same application 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)
Advocate,

Counsel for the Applicant
Petitioner

Lko/Dated
October 6 ,1982



Honble High Court of Judicature
at Allahabad Lucknow Bench

Director
W.O. No. 37507/1982

Bhagnwati Deen Singh - Petitioner

VS
Supdt. Post. Offices owners & parties

8/9



B. Singh

8/11

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

C. M. Appn. No. of 1982

Bhagauti Din Singh Applicant

Inre:-

A/150

Bhagauti Din Singh Petitioner

Vs.

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

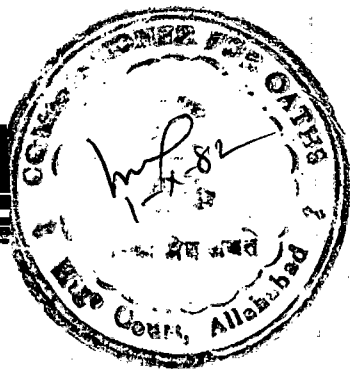
Writ Petition No.3750/1982

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~~ 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.



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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.

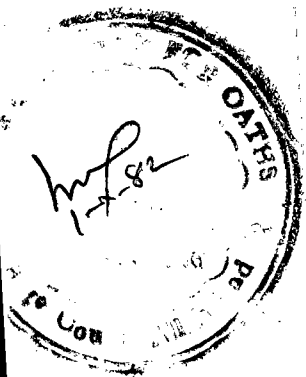
3. That opposite party No. 2 Narain Bux Singh has not filed any counter affidavit and a short counter affidavit has been filed by Sri Khursheed Ahmad, Superintendent, Post Office, Sultanpur.

A/101

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.

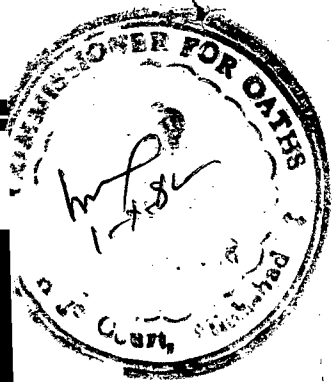
7. That as a matter of fact paragraph 5⁽²⁾ relating to leave as provided in Post & Telegraph Manual, the procedure for appointment of substitute, is reproduced below:-

"Application form is to be obtained in ~~qua~~-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 ^A/₁₆₂ 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.



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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.

12/3

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, ~~xxxxx~~ 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 ~~Inspector (Nahik)~~ Superintendent, Post Offices, Sultanpur is annexed as Annexure No. 16 to this affidavit.



Signature

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8/8

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 ~~X~~ precluded from making such inquiries in the antecedents of the substitute as considered necessary and asked the E.D. Agent to prove another substitute ~~for~~ if it is found that the one actual proposed by the E.D. Agent is not acceptable."

It will be a ^{good} working arrangement if substitute nominated by the E.D. Agent ^{are} and approved in advance by the competent authority so that there may be no difficulty in granting the leave ^{of absence at} ~~in advance~~ on short notice in cases of illness or ^{any} ~~in 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.

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



Blomfi

A-1780
8/9

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.

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.

[Signature]

Deponent

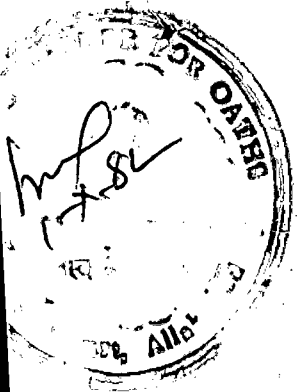
I, the deponent, named above, do hereby solemnly affirm and verify that the contents of paras 1 to 17 of this affidavit are true to my personal knowledge excepting paras 7 and 14 in part which are based on legal advice. Nothing material has been concealed or is untrue, so help me God. Annexure 16 is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

[Signature]

Deponent

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

Clerk



COMMISSIONER
(Lucknow Bench)

[Signature]

A-131

8/10

हम दि आनरेबुल हाई कोर्ट आफ जुडीकेचर एट इलाहाबाद

लखनऊ बेंच लखनऊ

रिट पिटीशन नम्बर 3750 आफ 1982

अगवती दीन सिंह

----- पिटीशनर

A/106

बनाम

सुप्रीटेन्डेन्ट पोस्ट आफिसेस

----- अपो० पार्टीज

अनेक्जर नम्बर

प्रेषक,

शिव शारणा सिंह -ई०डी०बी०पी०एम०-

शाखा डाकघर डेहरियावां

-वल्दीराय- सुलतानपुर-अवध-

सेवा में,

श्रीमान डाक निरीक्षक,

"उत्तरी"

सुलतानपुर -अवध-

विषय-

अदेय भत्ते के अवकाश की स्वीकृत हेतु

सविनय निवेदन है कि प्रार्थी को पोस्टमास्टर-जी०पी०ओ०

लखनऊ के मेमो नम्बर-पी०एफ०/ट्रेनिंग/पी०ए०/सी०एच० 11

डेटेड एट लखनऊ दि फेब्रुअरी 16-1982 के अनुसार पोस्टल एसिस्टेन्ट

432 8/11

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

अतः शाखा डाकपाल डेहरियावा का कार्यवाहन

8/107

डाकपाल में अपने सहोदर अग्रज भूतपूर्व आनरेरी कैप्टन श्री भगवती
दीन सिंह को मनोनीत किया है, उनके द्वारा किए गये समस्त
कार्यों का उत्तरदायित्व मुझ पर होगा, यह मनोनयन मैंने अपने
स्वयं के उत्तरदायित्व पर किया है।

श्रीमान जी की सेवा में निवेदन - पत्र प्रेषित कर कृतज्ञ हूँ
कि प्रार्थी को ट्रेनिंग 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

1- पी०एम०सुलतानपुर

2- सी०पी०एम०बाजार बन्दीराय

3- आफिस कापी

आपका अतीव आज्ञाकारी

शिवशरण सिंह शाखा

डाकपाल डेहरियावा

दिनांक 27-2-82



सत्य प्रतिलिपि

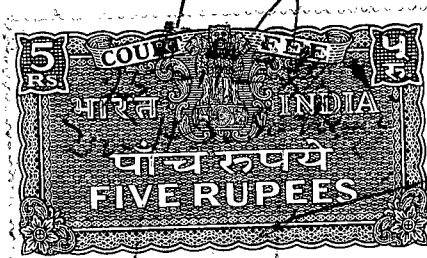
Blings

A-133 9

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

17527

C.M.An.No. 12265 CD of 1982
for condonation of delay in filing the
rejoinder-affidavit in W.P. NO. 3750 of 1982



CF

Bhagwati Din Singh

10/- = Rs 10/-
29/11/82

...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:

H. S. M.
ADVOCATE
Counsel for the petitioner.

November , 1982.

A-135 9/2

IN THE HON'BLE HIGHCOURT 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)

High Court Signature at
Receipt No. 630297
Allahabad (Lucknow Bench)
Date 25/11/82

Place

Department and office

Received from
the sum of Rupees

on account of

Signature of Government Servant
granting the receipt

Cashier or Accountant

Designation

1982

AFFIDAVIT

49

HIGH COURT
ALLAHABAD

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,

A136

9/3

- 2 -

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.

A/110

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.

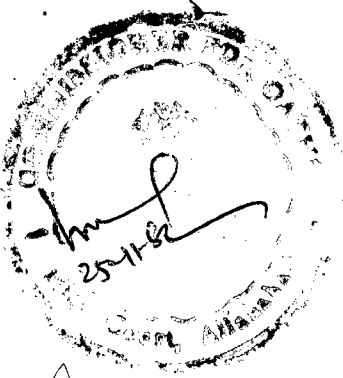
5. That the contents of para 4 of the counter-affidavit do not call for any reply since the facts stated in para 5 of the counter-affidavit are not being controverted.



Handwritten signature or initials.

6. That with respect to the contents of para 5 of the counter-affidavit the averments made in ~~para~~ 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



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A-138

9/5

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.

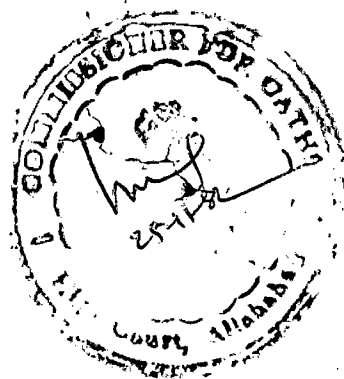
8/11/2

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



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A139

9/6

of the counter-affidavit as stated are denied and the averments made in paras 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.

4/13

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 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 ~~xxxx~~ was preferential candidate amongst all



[Signature]

A-120

27

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 ~~xxxxxx~~ 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 15 and 16 of the writ petition have not been controverted.

25-11-79

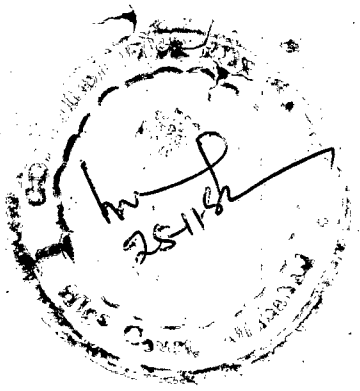
BM

A-1112

9/9

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 situate 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.

13. 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.



[Handwritten signature]

AUB 9/10

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 paras 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

28-11-87

28-11-87

2494

9/11

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

118

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 29 of the writ petition are reiterated. The deponent is advised to

25-11-82

BSingh

AMS

9/12

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. 8/12

27. That the contents of para 25 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 ~~causing~~ 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



[Handwritten signature]

dated 21.4.82 when the last date expired on 18.4.82. This was a special favour ~~of~~ ^{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 ~~Saran Singh~~ ^{la} Saran S ingh for several years



BB Singh

A-148

9/15

I identify the deponent who has
signed before me.

Vidya V. K. Srinivasan
Advocate.

A-122

Solemnly affirmed before me on 25-11-1977

at 120 a.m./p.m. by Sri Bhagwan. Din. Singh

the deponent who is identified by

Sri V D Gulekar of Mr. H.S. Sahasra Advoca-
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.

K. D. D. Srinivasan

25-11-1977

Singh

A-149
9/16

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

Writ Petition No. of 1982.

Bhagwandeem & others

... Petitioners

Versus

Suprntendent Post Offices

& others.

.... Opp. parties.

Annexure No. 16

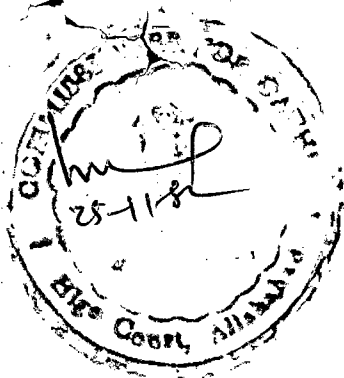
Copy of communication No. 43-312/78-Pen dt.
20th Jan, 79, from D.G. P&T New Delhi to All
Heads of Postal Circles.

Extra
Sub :- ~~EXTRA~~ 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 EDEPMs/ EDSMs undue preference is being given



AD Singh

4-150
9/17

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 EDEPMs/ EDSPMs weightage need ~~to~~ be given to educational qualifications above Matriculation or to large quantum of property or large private incomes. It should be ensured that EDAS who are posted as EDSPM/ EDEPMs/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 in force.

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.

25-11-79
[Signature]
[Circular Stamp]

[Signature]

:: 3 ::

A-151

9/18

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

4/125

for information, guidance and taking
necessary action.

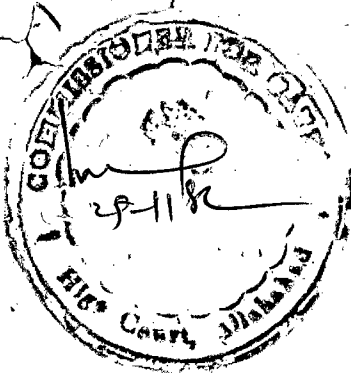
This may kindly be acknowledged.

Sd/- Illegible

from Postmaster-General , U.P.

Sd/- Illegible.

TRUE COPY



ASZ
9/19

~~A~~
126

DATE: _____

Asing

All SSPOs/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.

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

:: 2 ::

1455

9/20

A/PT

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.

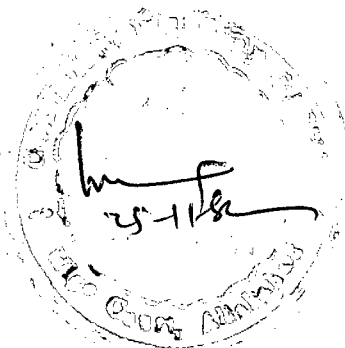
In the eighth line of the above
communication word "No" repeat "No" between the
words EDSPMs and weightage is printed faintly.
Some SPOs have sought for its clarification.

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



AD Singh

Office of the
Postmaster General
U.P.
Lucknow

IN THE HON'BLE HIGH COURT OF JU. IC. MR. J. L. R. S. L.
Lucknow Bench Lucknow.

4150

C.M.No. of 1982

for condonation of delay in filing the
rejoinder-affidavit in T.P. No. 3750 of 1982

Shagwan Din Singh

...petitioner

Verus

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

The petitioner, abovesigned, 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.

Dated, Lucknow:

November

, 1982.

ADVOCATE

Counsel for the petitioner.

4-156

6. That with respect to the contents of para 5 of the counter-affidavit the averments made in para 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. Even if 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 6 of the counter-affidavit as stated requires some clarification. However, the averments 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 12 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 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

4-158

16. That the averments made in para 16 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 6.3.82. The security of Rs.1000/- was deposited on 16.3.82, 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 respondent has come to know that Chandra Bhan Singh has also filed Writ Petition No.4467 of 1982 in the Hon'ble court challenging the order of appointment

14-00000
intended to the confidence of opposites
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 is
illegal nor is it in accordance with rules.

26. That the contents of para 24 of
the counter-affidavit are denied and the
averments made in para 29 of the writ petition
are reiterated. The deponent is advised to

AKG

state that the grounds taken in the writ petition were not getting rid of the order passed by the competent postal 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 doing 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

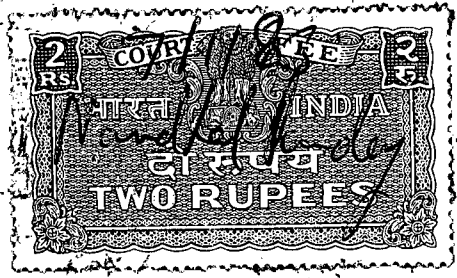
Handwritten notes at top right: "In the Hon'ble High Court of Judicature at Allahabad, Lucknow, 10.1.03" and a signature.

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

10.1.03
A circular stamp with the number 1718 inside.

Writ Petition No. 3760 of 1932.

1982
AFFIDAVIT
94
HIGH COURT
ALLAHABAD



A/128

Bhagwati Din SinghPetitioner.

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 Offices North Sub Division Sultanpur and
is well acquainted with the facts of the case

Handwritten signature: Nand Lal Pandey

A-184
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deposed herunder and has been authorized by
Superintendent Post Office sworn and file the
affidavit.

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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

Mano/Lal Pandey^{4.}

A-168
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Petition is not admitted.

5.

That the contents of Paragraph 6 of the writ Petition are not denied. It may further be stated that the petitioner had started functioning as a substitute without there being any ¹³⁰ approval by the competent authority to sanction the leave of the petitioner namely Superintendent of Post Offices, Sultanpur, ~~although~~ ^{as} although its 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 as a substitute of Sri Sheo Sagar Singh ^{Van} 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

Nemo Lal Pandey

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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 ~~legally~~ 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 31.6.82.

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 authority

16/10/32
A/132

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 Sheo 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 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.

Handal Lal Pandey

A-108
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10.

That in reply to Para 11 of the writ petition it is stated that the petitioner had not submitted his Primary school ~~exam~~ 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~~ that the last date for submission of application was 18.4.82. Submission of any further detailed application on 20.7.82 was ^{WM} wholly immaterial and it could not be taken into account. As a matter of ~~fact~~ ^{fact}, the selection was held on ^{8/2} 18.7.82 and the opposite Party no.2 was selected.

12.

That the contents of para 13 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

Manoj Lal Pandey

A-161
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1934

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-1 to the short counter affidavit dated 24.8.82 accompanied 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.

Harsh Lal Pandey

A-172

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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

Manoj Lal Pandey

A-171
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A/136

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

17.

That in reply to Para 18 of the writ petition it is stated ^{Bhan Singh} 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 Pucca house in which he has offered to provide space for running the Branch Post Office.

18.

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

Manohar Prasad

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for any particular language under the relevant Provision of recruitment for Extra Departmental Staff. Answering opposite Parties have ^{no} 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 ^{certified by} of Indian Army has been recognised equivalent to Junior High School by any authority much 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.

21.

That the contents of paras 22 and 23 of the

Manoh Lal Pandey

A-174
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A-139

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 Shree Saram 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 Shree Saram Singh had applied for leave and as such continuance of the petitioner as Extra Departmental Postmaster is against the rules. He cannot continue

Manoj Lal Pandey

17-175
10/13
A/140

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. ^{✓ and he is now B.P.M. at Lucknow} 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.

Nand Lal Pandey

776
10/14

A/141

No case is for issuing of writ is made out.

Lucknow dated:-

January 7, 1982.

Nand Lal Pandey
De Ponent.

Verification.

I, the de Ponent named above verify the contents of Para 1 to be true to my knowledge and those of Para 2, 5, 6 (Except bracketted 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~~ concealed No part of it is false. So help me God.

Lucknow dated:-

January 7, 1982.

Nand Lal Pandey
De Ponent.

I, Kedar Nath Registered Clerk of

Sri Hari Nath Tilhari Advocate

4-177
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142

(Addl Central Government Standing Counsel at Lucknow do hereby identify deponent Pand 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 Pand Lal Pandey.

Lucknow dated:-

January 7, 1983.

Kedar Nath
Registered Clerk to Sri Hari Nath
Tilhari, Advocate.

Solemnly affirmed before me on 2-1-83

at 10 a.m./P.m. by Pand Lal Pandey

the deponent who is identified by Sri Kedar Nath

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. Mulla

394/84

2-1-83

Mr. K.S. Varma J
Mr. K.N. Mishra J

Place on record.

10-1-1983

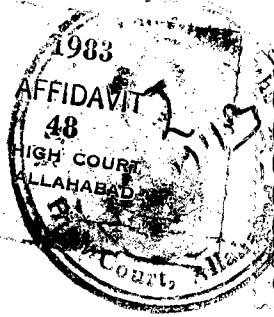
In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

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 Mushafirkhanna, 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 hereunder.

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



Blm

17/11/13

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

17/11/13

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

[Signature]

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 knowledge. Nothing material has been concealed or is untrue, so help me God.



I identify the deponent who has signed before me.

[Signature]
Sri H.S. Sahaik Adv.
Clerk/Adv.

[Signature]

Deponent

Solemnly affirmed before me on 10.1.13 at 8-15 am/pm 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.

[Signature]
17/11/13

SATISH CHANDRA SRIVASTAVA
OATH
No. 107/02
Date 10.1.13

A 181

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

5. That in paragraph 10 of the counter affidavit ~~xxxxxxxxxx~~ an incorrect averment has been made to the effect that the primary school certificate was not submitted by the petitioner. This fact is totally incorrect and is denied. The petitioners had filed primary school certificate 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.

Deponent

Clerk/Jdv.

Solemnly affirmed before me on _____ at _____ as/pm
by the deponent, who is identified by Sri V.D. Shukla, Clerk
to Sri H.S. Sahai Jdv. 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.

The District and Sessions
Magistrate Allahabad High
Court sitting at
Jadunau.

Counter Affidavit of E. M. No. of Amendments.

In
W.P. No 3750 of 82

Bhagwati Devi Singh —

Petitioner

Versus

The Superintendent of Post Office — Opponent

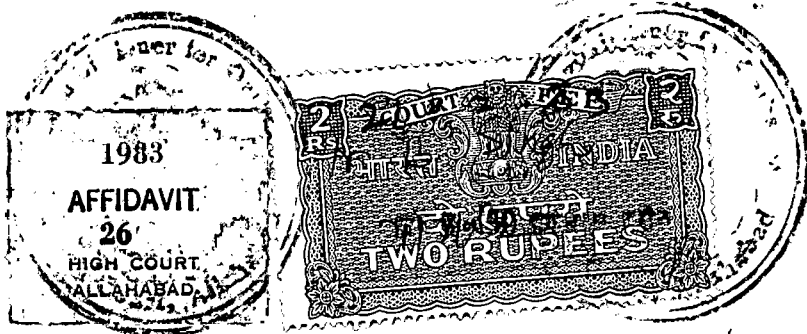
In the above noted case the
Counter Affidavit is filed herewith, the duplicate
is already served on the Counsel of
Applicant. This Counter is in time.

For O. Party

Jadunau. Dated

23.2.83.

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आम नए कल
आम नए कल
आम नए कल



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

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

In re:

C.M.Appln. 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 Dehriyawan, 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 ^{and the affidavit} and he has fully understood the same. *The deponent is well conversant with the facts deposed to hereunder.*

2. That the contents of para 1 of the affidavit filed in support of the ~~amendment~~ 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.

26/8/81

21/7/83

नारायण बख्शी सिंह
21/2

18/2

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 *Personals*
- 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 ^{enforceable} 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

11/24/79 वर. शा. सि. 21/2



12/3

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.

नारायण वरदशिव
Deponent.

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

Lucknow, Dated:
February 21, 1983.

नारायण वरदशिव
Deponent.

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

Shamboo 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 Shambhoo Dayal Srivastava Clerk to Sri D.K.Trivedi Advocate, High Court Allahabad. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read over and explained by me.

Shri Narain Bux Singh
SRIVASTAVA
OATH COMPLETION
High Court Allahabad;
Lucknow Bench,
No. 26 77833
Date 21.2.83

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

C.M.No. 3370 (M) of 83.



1 cf. 2 Rs. 7
10.3.83.

A/15

6186
In re:

Writ Pet.No. 3750 of 82

Bhagwati Din 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

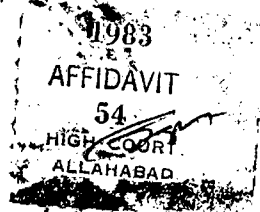
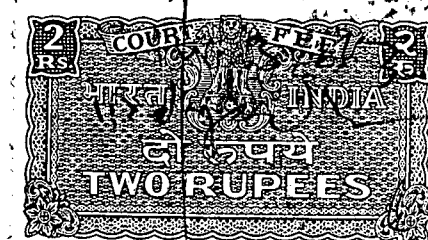
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Asan
Advocate for the petitioner.

13

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

C.M.An.No. of 1983.



A/ub

In re:

L. P. Singhwari, D. N. Singh

-----Petitioner.

Versus

Super Post offices

-----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 ~~pet~~ 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

V. Singh

14/3/83

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.

14/3

5. That the default ^{is} is not deliberate but occasional in the aforesaid circumstances.

Vijayendra

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.

Vijayendra

Lucknow, dated,
14.3.83

Deponent.

I identify the deponent who has signed before me.

Shankar

Advocate.

Solemnly affirmed before me on at 2.00 P.M. by *Sri. Vijayendra Shukla* the deponent who is identified by *Shri. Shankar Shukla* 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.

Shankar

NOTARY COMMISSIONER
High Court, Lucknow Bench
LUCKNOW

14/3/83



A/192/14
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In the Hon'ble High Court of Judicature at Allahabad,
sitting at Lucknow.

C.M.An.No. 3370 (W) of 83.

A/118

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. S. S. M.
Advocate for the petitioner.

14/12

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

17/9/83

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.

1/50

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

No.

3750

vs.

14
1982

Date

Note of progress of proceedings and routine orders

Dated of which case is adjourned

1

2

3

Mr K.S. U J
Mr S.S. AL d J

Admit

CM.A 7660(10)82

Notice .. 4 weeks

Sd. K.S. U.
Sd. S.S. AL d.

11. 8. 82

13.9.82 Fixed CM.A. 7660(10)82

Cl / An
Singh

13-9-82

Fixed for attendance 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.

®

17-8-82

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

vs.

of 198

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14
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Date	Note of progress of proceedings and route in orders	Dated. of which case is adjourned
1	2	3
	<p>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</p>	

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

No. _____

of 198

vs. _____

7-10-82
94
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Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p>card data is available the petitioner cannot be legally be permitted to continue to work in the adhoc capacity shall be considered on the next date i.e. on 13.9.82 on which date C.M. Apn no. 8354 and 7660 shall be listed for orders.</p> <p>13.9.82 PSS ✓</p>	15/3
13.9.82	<p>13.9.82. 13.9.82. In the C.M. 8354-82 & 7660-82 in order.</p> <p>In U.C.S.I.</p> <p>List it before Hon. C. Singhania Shrivastava J.</p> <p>13-9-82 ✓</p>	

13-9-82
S.S. KC

A-198/14

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
	Dehriyawan, 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.	
	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	

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____

of 198 _____

vs. _____

A-199
14
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Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	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.	

A-199
14
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The recruitment rules for the post

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

A-200
14/6

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

vs.


A-201

14

68

3750

Date	Note of progress of proceedings and routine order s	Dated of which case is adjourned
1	2	3
<u>H.2/82</u>	<p>for K.S.V.T</p> <p>for S.A.J</p>	
	<p>Mr. D.K. Trivedi learned Counsel for the respondent, prays 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.</p>	<p>14/12/82</p>


 H.K.S.
 1-12-82

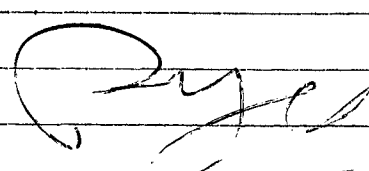
7-201
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ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. P. No. 3750

of 1982.

vs.

	Date	Note of progress of proceedings and routine order-s	Dated of which case is adjourned
	1	2	3
10/12	20-12-82	Both the writ 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 Ks 20-12-1983	
	10/1/83	10.1.83 BLC	
			
	10/1/83	<p>Impleaded in OP Subash Chandra (S. Chatterjee) Puri House 148 V2 House 148 M2</p> <p>List after ten days before this Bench for further hearing.</p>	
		Ks 10-1-1983	

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.

MDS.

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

A 205
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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 ^{by} ~~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.

Dr. H. S. Duman
24.3.1983

ब अदालत श्रीमान्... Cerebel Abdul Wahid Trabul महादय
huelun

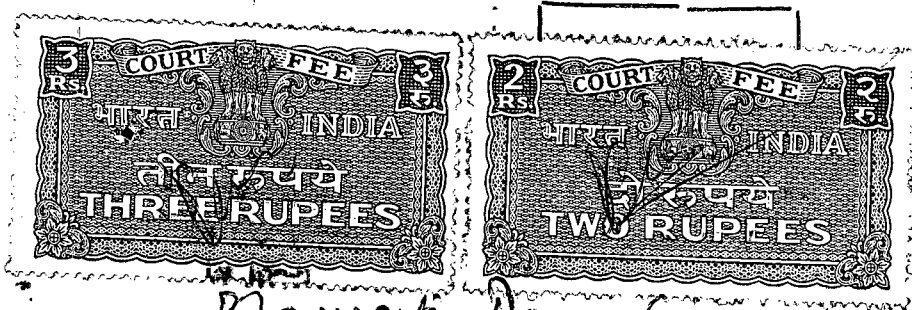
वादी अपीलान्त

Bhagwati Deen Singh का

वकालतनामा

प्रतिवादी रस्पान्डेन्ट

1/2



(वादी मुद्दई)

Bhagwati Deen Singh

बनाम

(Kripal Kaur) v. O. I

प्रतिवाद मुद्दाअलेह

नं० मुकद्दमा

सन् १६

पेशी की ता०

१० ई०

ऊपर लिखे मुकद्दमा 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 मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी
व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें
या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा
या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया
जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रुपया अपने
या हमारे हस्ताक्षर युक्त (दस्तखति) रसीद में 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
भेजता रहूंगा अगर मुकद्दमा 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 समय पर काम आवे।

हस्ताक्षर भगवती दीन सिंह

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/Ald/Transfer/34 8/70

Dated the 20/2/90

APPLICANT'S

VERSUS

RESPONDENT'S

- RESPONDENT'S
- ① B. D. Singh S/o O. B. Singh n/o village & Post
To Dehriyawan. Pargana Isaule, tahsil
musafer khana Distt - Sultanpur.
 - ② Subdt of Post office, Sultanpur. Division
Sultanpur.
 - ③ M. B. Singh S/o M. D. Singh n/o village & Post
office Dehriyawan. Pargana Isaule, tahsil

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

Write Petition No. 3756/82 The Tribunal has fixed date of
of 1990. of the Court of 21.3 1990. The hearing
H E L R O
arising out of order dated _____ of the matter.
_____ passed by _____ If no appearance is made on your
_____ behalf by your some one duly authorised
in _____ to Act and plead on your behalf.

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

dinsh

DEPUTY REGISTRAR

musafir Khana Distt Sultanpur

- (4) Union of India through Secretary Ministry of
Postal Telegraphs and Cables
- (5) Shri H. S. Sahai Adv. High Court Lko
- (6) Shri D. H. Bhandari Adv. High Court Lko