

AJ

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Registration No. 535 of 1988

APPLICANT (s) Muknt Bihari Lal

RESPONDENT(s) UOS

**Particulars to be examined**

**Endorsement as to result of Examination**

1. Is the appeal competent ? yes
2. (a) Is the application in the prescribed form ? yes  
(b) Is the application in paper book form ? yes  
(c) Have six complete sets of the application been filed ? Form Sets only
3. (a) Is the appeal in time ? yes  
(b) If not, by how many days it is beyond time ? -  
(c) Has sufficient cause for not making the application in time, been filed ? -
4. Has the document of authorisation, Vakalat-nama been filed ? yes
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/- yes. G.P.O. no. DD 516451  
5 dt. 5.4.88
6. Has the certified copy/copies of the order (s) against which the application is made been filed ? yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? yes  
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? Attested by the Advocate

## ORDER SHEET

P3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

835/88

Mukut Behari ..... of 198

Rajendra Prasad et al vs. ....

No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
		O.R. Sri Notice are issued for 30.5.88 on 29th May 1988 25.5.88	
		O.R. Sri Notice for Intimation Relating to copy of order also sent for 12.5.88 25.4.88	
13/5/88		Hon. D.S. Misra AM Hon. G.S. Sharma JM On the request of learned counsel for the applicant, adjourned to 19th July for hearing	AM JM
13/5/88		Hon. D.S. Misra AM Hon. G.S. Sharma JM No reply has been filed on behalf of the respondents. He is allowed to file reply before 29th May, 88. Learned counsel for the applicant has filed an application for transfer of the same to Lucknow Bench. Registrar will look into the matter and pass suitable orders. AM	AM JM

AM

JM

P.W.

CA 535/100

23.9.88 D.R.

On the request of the applicant, the case is adjourned to 28-10-88 for R.A.

D.R.

28.10.88

In Md Aslam Khan  
Advocate present for  
applicant. He requested  
time for filing reponder  
by 23.12.88 for reponder  
Applicant's behalf.

Ellar  
28/10/88

23.12.88 D.R.

on the request of applicant's  
counsel, the case is adjourned to  
27.1.89 for reponder.

W  
23/12

D.R.

27/1/89 No sitting Adjourned to 24/2/89  
for R.A.

Rms

27/1

24-2-89 D.R.

counsel for applicant present. The  
case is adjourned to 11/4/89 for  
filing reponder.

D.R.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 535 of 1985.

APPELLANT  
APPLICANT

Mukut Bihari

VERSUS

DEFENDANT  
RESPONDENT

(U.O.S)

Number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
11.4.85	Rejoinder filed today. List before Court on 15.5.85 for hearing.	11/4/85 D.R.
25.5.85	<p><u>Hon. K. J. Raman - A.M</u></p> <p>Due to sudden of Sri Jagdish Swaroop, Ex-Solicitor General of India. The Lawyers have abstained from attending Court.</p> <p>The case is accordingly adjourned to 26.5.85 for order.</p> <p><i>DR</i> <i>A.M</i></p>	<p><u>OR</u></p> <p>Case is ready for final hearing. Submitted for hearing.</p> <p><i>h</i> <i>1255</i></p>
26-5-85	<p>No sitting: Adjourned to <u>13-7-85</u> for order.</p> <p><i>S.P.P</i> <i>B.O.C.</i></p>	<p><u>OR</u></p> <p>Case is submitted for hearing.</p> <p><i>1215</i></p>

Ab

55-1

16.1.91

No setting off to 18.3.91.

18.3.91

No setting off to 9.5.91.

Ge

Final copy of fragment-  
organ  
Rec.

5-6-91

(A7)

in P 506/91

4/

TA 535/88

6-11-91

Hon Mr Justice U.C.Srivastava, V.C  
Hon Mr. A. T. Gosh, A.M.

Learned Counsel for the  
applicant is not ready  
on merits. List on 21-1-92  
for hearing. Counter ~~of the~~ will  
also be shown whenever  
listed.

✓  
VC

✓  
A.M.

J

21.1.92

No Siting adj to 27.3.92

✓

27.3.92

No Siting of D.M. coll'n  
H.S. as

✓

11.5.92

No Siting of D.M.  
coll'n 13.7.92 as

✓

13-7-92

Hon. Mr Justice U.C.Srivastava, V.C  
Hon. Mr. K. Bhayya, A.M.

C.R.

Flag is not  
available  
case is S.F.H.

✓

14/9/92

List this Case again on 15-9-92  
for hearing showing the name  
of Shri P.N. Bagai as learned  
Counsel for the applicant.

✓

(4g) A.M.

✓  
V.C.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

(AP)

O.A. No. 535/88

Mukut Behari Lal

Applicant.

versus

Union of India & others

Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C.S., V.C.)

The applicant who was appointed as Extra Departmental Branch Post Master has challenged the order of termination by which his services were terminated after about 8 months. The applicant was duly appointed as Branch Post Master on 13.8.89 against a clear vacancy at Chhidwai Patti Post office District Kheri. As is usual the appointment initially is said to be temporary appointment. All of a sudden, his services were terminated.

2. From the counter it appears that his services were terminated because one Rajendra Prasad made representation that he was better candidate than the applicant who was selected, as such he should be appointed. The Director, to whom the application was made, sent it to the Superintendent of Post offices, who thereby recalled the earlier order and terminated the services of the applicant and appointed Rajendra Prasad. The grounds disclosed in the counter for the same are that the applicant was only 9th class pass while Rajendra Prasad was High School.

3. In the Rejoinder it has been stated that the

respondents concealed this fact that the said Rajendra Prasad was Graduate. Under the relevant rules minimum qualification for appointment of E.D.B.P.M. is upto 8th standard with the proviso that the Matriculation or equivalent may be preferred. Thereafter the administrative decision was taken on 13.3.84 that no weightage be given to the level above the Matric and it may that at the time of selection it came to light that the respondent was Graduate and that is why no weightage should have been given. In view of the above decision Superintendent Post Offices should have called upon the applicant and opportunity given as to why he should not have been terminated. The termination of services is violative of principles of natural justice. Accordingly this application is allowed to the extent that the respondents are directed to make an enquiry into the matter and decide the same in accordance with the relevant rules and in case it is found that the applicant was rightly appointed then termination order will be deemed to be quashed and he will be restored with continuity to the post again which on which he was appointed and subsequent appointment will be deemed to be non-existent. Let the compliance of this decision be made within 3 months of the communication of this order. Parties to bear their own costs.

*Mansoor*  
A.M.

*Liz*  
V.C.

Shakeel/

Lucknow Dated: 9.5.91.

CENTRAL ADMINISTRATIVE TRIBUNAL

A.YO

LUCKNOW BENCH

LUCKNOW

M.P. No. 506/91

in

O.A. No. 535/88

Mukut Behari Lal

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C. )

O.A. No. 535/88 was decided on 9.5.91. Thereafter  
by the applicant  
application was moved on the ground that the judgment was  
ex parte and subsequently he was impleaded as a party.

No notice was served on him and in fact no service  
was effected and thus he was not given opportunity.  
He may be heard again. We decided the case after  
taking into consideration the pleadings of the parties.

2. The case of the Rajendra Prasad, apart from  
setting aside the order in which no reply has been  
filed. We have gone through the record and we do not  
find that there are any good grounds for recalling our  
order and giving yet another judgment. We took into  
consideration that the Rajendra Prasad was better  
candidate and we allowed the application only on the  
ground that when the correction has already been made,

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AIY

-2-

and in the opinion of Director, Rajendra Prasad was better candidate and our judgment is in conformity with the Supreme Court judgment. We do not find any good ground to recall our order and judgment passed earlier on 9.5.91 in O.A. No. 535/88 and the same is confirmed. No order as to costs.

Ravinder Singh  
A.M.

lu

V.C.

Shakeel/-

Lucknow: Dated: 23.10.92.

REGISTERED

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

No. CAT/ALID/JUD/ 3672<sup>0</sup>

Dated/- 13/6

In re

Registration No. .... 535 of 1988

Mukut Behari Lal

APPLICANT(S).

Rajendra prasad koy Versus

RESPONDENT(S).

To Mukut Behari Lal Sodate Shri Brij Mohan  
① Sal. Branch Post Master Chhidiwai patti  
Distt. Kheri.  
B.P.M. Chhidiwai patti Distt. Kheri  
Vill. & P.O. Chhidiwai patti Distt. Kheri.

Please take notice that the applicant above  
named has presented an application, a copy whereof is  
enclosed herewith which has been registered in this  
Tribunal, and the Tribunal has fixed... 19.6.88.....  
day of .... 1988 for At. S.R.T....

Bench Bicknari.....  
.....

If no appearance is made on your behalf, you pleader  
or by someone duly authorised to act and plead on your  
behalf in the said application, it will be heard and  
decided in your absence.

Given under my hand and the seal of the Tribunal  
this ..... 13 ..... day of ... July ... 1988

FOR (DEPUTY REGISTRAR)

as

102  
A/5

Registered

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

\*\*\*

No. CAT/CB/LKO/

Dated : 7/8/38

Registration No. 535 of 1938

Munil Bhatia

Applicant

Versus

Ramendra Dile

Respondent's

To

Munil Bhatia

510 Lal Singh Byj. Mehan Lal

Vill. & Post Office Chhikwari Patti

Dist. Riasi

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 23 day of 9 1938 for rejoinder 11/8/38.

If no, appearance is made on your behalf by your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 7 day of 9 1938.

For DEPUTY REGISTRAR

dinesh

Enclosure of  
Counter affidavit

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

(Registration No. 535 of 1988)

Mukut Behari Vs Rajendra Prasad & ors.

Hon'ble D.S. Misra, Member (A)

Hon'ble G.S. Sharma, Member (J)

No reply has been filed on behalf of the respondents. He is allowed to file reply before 29th May, 1988. Learned counsel for the applicant has filed an application praying for transfer of the same to Lucknow Bench. Registrar will look into the matter and pass suitable orders.

sd/-  
Member (A)

sd/-  
Member (J)

Dt./- 13th May, 1988.

Hon'ble B.S. Misra, Member (A)

Hon'ble G.S. Sharma, Member (J)

Heard. Admit. Issue notice to the responder to file reply within a month. Rejoinder may thereafter be filed with two weeks before the D.M. (J). There is also a prayer for interim relief. Also issue notice to the respondents to file objection within fourteen days as to why the interim relief prayed for has not been granted. In the meantime, if any appointment is made, that will be subject to the decision of this petition.

sd/-  
Member (A)

sd/-  
Member (J)

Dt./- 24th April, 1988.

Before The Central Administrative Tribunal  
Aligarh

Ms Petition No. of 1988 <sup>1/2</sup>.

In

CA Rep No 535 of 1988

Application for the transfer of  
Case to Circuit Bench of LKO

The Applicant & the respondents  
both belong to Dist. Khirki (Gurdh  
Area of LKO) it is, therefore  
humbly prayed

PRAYER

that this case (No 535 of 1988)  
may kindly be transferred  
to CAT, Circuit Bench at Lucknow.

R. S. Jawa

Advocate for  
the applicant

13/5/88

105  
O/C.  
REGISTERED

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

No. 'CAT/ALLD/JUD/

Dated/-

In re

Registration No. 535..... of 1988

Mukul Behari Lal

APPLICANT(S).

Versus

Rajendra Prasad & Ors., RESPONDENT(S).

To Mukul Behari Lal 860 date Shri Briz

① Mahan Lal & Bhaiji Postmaster Chhidiwai  
patti Distt. Kheri.....  
B. P. M. Chhidiwai patti Distt. Kheri Mill & P.C.  
Chhidiwai patti Distt. Kheri.

Please take notice that the applicant above  
named has presented an application, a copy whereof is  
enclosed herewith which has been registered in this  
Tribunal, and the Tribunal has fixed 19th.....

day of July 1988 for At. C. A. T.

..... Benches.....

.....

If no appearance is made on your behalf, you pleader  
or by some one duly authorised to act and plead on your  
behalf in the said application, it will be heard and  
decided in your absence.

Given under my hand and the seal of the Tribunal  
this..... day of..... 1988

② Rajendra Prasad

C/o. Suptt. Posts Kheri

FOR (DEPUTY REGISTRAR)

③ as Director Postal Services  
Lucknow-7

dc  
REGISTERED

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

No. CAT/ALLD/JUD/

Dated/- 29/11/

In re

Registration No. .... of 198

APPLICANT(S).

Versus

RESPONDENT(S).

To

Through A. Mohideen.....  
CAT. No. ....

Please take notice that the applicant above named has presented an application, a copy whereof is enclosed herewith which has been registered in this Tribunal, and the Tribunal has fixed..... day of..... 198 for.....

If no appearance is made on your behalf, you pleader or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this,....., day of..... 198.

Received Copy

MacAll

Clarke to Sri Ashok Mohideen  
Alla Calle

FOR (DEPUTY REGISTRAR)

4/8/88

62  
X2  
1201  
REGISTERED

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

No. CAT/ALLD/JD/

Dated/-

In re

Registration No. 535 of 1988

Mukut Behasidal

APPLICANT(S).

Rajendra Prasad & Ors.

RESPONDENT(S).

To

Director postal Services, Lucknow-1

(3)

Please take notice that the applicant above  
named has presented an application, a copy whereof is  
enclosed herewith which has been registered in this  
Tribunal, and the Tribunal has fixed... 19th.....  
day of.... July.... 1988 for. Ret. C. R. T.  
Bench. Lucknow.....

If no appearance is made on your behalf, you pleader  
or by some one duly authorised to act and plead on your  
behalf in the said application, it will be heard and  
decided in your absence.

Given under my hand and the seal of the Tribunal  
this..... day of.... 1988

FOR (DEPUTY REGISTRAR)

62  
X2  
1201  
R. D. O. got intimation  
full particulars and  
of the case  
of 23/6/1988

CAT/All/1/2019/RN/053511988

लेखन-54 (छोटा)  
Lab-54 (Small)

10/11/2016  
22/10

भारतीय डाक विभाग  
DEPARTMENT OF POSTS INDIA

सेवा में/To

Deputy Registrar

Central Administrative Tribunal

Allahabad Bench  
23-4 Thornhill Road

मेषक/From  
Allahabad - 211 001



C 110

Before The Central Administrative Tribunal  
Almora.

Ms. Pdtm No. of 1988 Xy.

In

OA Refn No 535 of 1988

Application for the transfer of  
Case to Circuit Bench of CAT.

The Applicant & the respondents  
both belong to Almora (Gadh  
Area of Almora) it is, therefore  
humbly prayed.

PRAYER

that this case (No. 535 of 1988)  
may kindly be transferred  
to CAT, Circuit Bench at Lucknow.

Rakesh

Advocate for  
the Applicant

13/5/88

3106

In the High Court of Judicature at Allahabad

Rean - No. 535 of 1988

Srimurti Bihar v. India of India

Petitioner/s. Respondent/s Co. Parties.

Plaintiff/s. Defendant/s

Decree-Holder/s. Complainant/s. Judgment-Debtors Accused.

W<sup>s</sup> J. M. Simha, Subdt. Post office  
Nos. Khari Dvarka Kheri In the above matter hereby appoint and retain

ASHOK MOHILEY ADVOCATE HIGH COURT

to appear, act and plead for me/us in the above matter, and to conduct/prosecute and defend the same in all interlocutory or miscellaneous proceedings connected with the same or with any decree or orders passed therein, appeals and/or other proceedings therefrom and also in proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain return of any documents filed therein; or receive any money which may be payable to me/us.

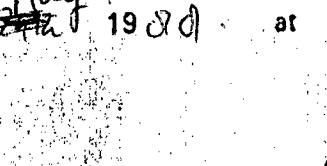
1. I/We further authorise him to appoint and instruct any other legal practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.

3. I/We hereby authorise him/them on my/our behalf to enter into a compromise in the above matter, to execute any decree/order therein, to appeal from any decree/order given and to appeal, to act and to plead in such appeal or in any appeal preferred by any other party from any decree/order therein.

4. I/We agree that if/we fail to pay the fees agreed upon or to give due instructions at all stages he/they is/are at liberty to retire from the case and recover all amounts due to him/them and retain all my/our monies till such dues are paid.

5. And I/We, the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my own acts, as if done by me/us to all intents and purposes.

Executed by me/us this 24<sup>th</sup> day of May 1988 at Khur

  
Signature/s of Post office

Executant/s are personally known to me he has / they have / signed before me

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate, blind or unacquainted with the language of Vakalat)

Certified that the contents were explained to the executant/s in my presence in the language known to him/them who appears perfectly to understand the same and has/have signed in my presence.

Accepted



Accepted

ASHOK MOHILEY  
Flat No. 3, Block No. 7  
Nagar Mahapalika Flats  
Hastings Road  
(Nyaya Marg) Allahabad. 211001  
Phone : 3046

(Hemans 88)

196

My Lord,

(38)

As I am not feeling well  
today, my case listed at

screening at 38 may kindly be  
stomped out from today's court list

Grace Lufkin

9-5-91

My dear

M.Y. Ansaw

Rehn.

Convene for the application.

C97

ASHOK MOHILEY

ADVOCATE HIGH COURT • FLAT NO. 4 BLOCK NO. 7, NAGAR MAHAPALIKA FLATS HASTINGS ROAD  
ADDL. STANDING COUNSEL, (C. S. P. Singh Marg) ALLAHABAD-211001 PHONE : 4295, 3571  
CENTRAL GOVERNMENT, PRESENTING OFFICER, CENTRAL GOVERNMENT,  
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

To

Date..... 9-11-90

The Bench Secretary,  
C.A.T. Circuit Bench, Lucknow,

8/6

I am engaged in the Hon'ble High Court Abd. in a Contempt matter and as such unable to come to Court on 9-11-90.

You are requested to kindly adjourn my case and fix some other date.



ASHOK MOHILEY

Advocate  
Presenting Officer  
Central Administrative Tribunal  
Allahabad Bench

41

535/88 M.B Cal vs U.O.F.

Before the Central Admnistrative Tribunal, Lucknow.

C 98

Registration <sup>TA</sup> No 535 of 1988.

XX

Mukut Behari —

Applicant

V/s

Rajendra Prasad —

Respondent

Application for Adjournment

The applicants' counsel, begs to submit as under:-

- 1 - That the instant case is fixed for today for hearing.
- 2 - That the counsel for the applicant is <sup>not</sup> well and is not in a position to conduct the case today. An alternative arrangement can be made in such a short time.

It is, therefore, prayed that this Hon'ble court may kindly be pleased to adjourned the instant

case for today.

Dated Lucknow

12-4-1990

M. Y. Ansari  
M. Y. Ansari  
Adv.  
Counsel for the applicant

90/4 The Central Administrative Tribunal, Allahabad

C.A. No. 3680/SC SSS of 1988

Ramit Kumar v/o DPS Lucknow & others

Application

Copy No.

Copy

Application u/s 19 of the Adminstrative Tribunal Act, 1985

Filed on 25-4-1988

Regn. No. of 1988

Signature of D.R.(J)

In The Central Administrative Tribunal, Allahabad-1

## Between

Mukut Behari Lal ..... Applicant

(1) Rajendra Singh A N D  
 (2) Supdt. Posts Kheri I I ..... Respondents  
 (3) D.P.S., Lucknow I

## INDEX

Sl. No.	Annexure Marked	Particulars of Documents	Page No.
1	-	Application	2 to 6
2	A I	Memo. No.A/Chhedwai Patti dt. 13-8-87 issued by Resp. No.1 Sufiyan 10th June	7
3	A II	Letter No. Nihal/Staff/R-25/87/3 dt.11-4-88 from Resp.No.2 to Hospi Sufiyan 6015 June	8

Rustawel

R. K. TEWARI

## Advocate.

134, Purshottam Nagar

(Khulabad)

Allahabad-16

2019-01-05

Central Administrative Tribunal

Additional Bench At Allahabad

Date of Filing... 25/4/88

Date of Receipt - 2 -

by Post

Details of Application

1. Particulars of the Applicant :-

(i) Name of the Applicant MUKUT BEHARI IAL  
(ii) Father's Name Late Shri Brij Mohan Ial  
(iii) Designation & Branch Postmaster  
Office in which employed Chhidwai Patti, Dist. Kheri

(iv) Office Address B.P.M. Chhidwai Patti Dist. Kheri

(v) Address for service Vill. & P.O. Chhidwai Patti Dist. Kheri

of all notices

2. Particulars of the Respondents :-

(i) Name &/Or Designation C) Rajendra Prasad  
Q) Supdt. Posts Kheri  
(ii) Official Address (2) Director Postal Services, Lucknow-1  
(iii) Address for service  
of all notices

3. Particulars of the order against which application is made :-

(i) Order No. Nihal/Staff/R-23/87/3 addressed to Supdt. Posts Kheri  
(ii) Date 11-4-88  
(iii) Passed by Director Postal Services, Lucknow  
(iv) Subject in brief Termination of Services by quashing the appointment Order.

At Page

4. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of the Tribunal.

5. Limitation

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the case

The facts of the case are given below :-

Rufiwas

33/2/88 (contd)

A13

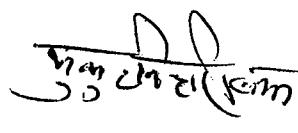
Filed today.  
Date of Admision  
Noted for 28-4-88  
Rufiwas  
25/4/88

P.M.

(i) The applicant was appointed as a Branch Postmaster Chhidwai Patti from 13/8/87 vide Supdt. Posts Kheri Memo. No. A/Chhidwai Patti dated 13-8-87 Ann. A I on Page 7. By this order the applicant was posted against a clear vacant Post of BPM Chhidwai Patti. After he had worked satisfactorily for 8 months his appointment order was quashed by the learned DPS Lucknow (Resp. No.2) vide his Memo. No. Nihal/Staff/R-25/87/3 dated 11-4-88 Ann. A II on Page 8. By this order the applicant will be thrown out of Job. He has, therefore, come with this application before the Hon'ble Tribunal

(ii) The service Rules for ED Staff in Postal Depptt do not provide any opportunity for making any representation against such order (of quashing the Appointment order). Rule 10 ibid is meant for making an appeal against an order imposing a penalty specified in Rule 7 while Rule 16 is meant for making a representation against any Enquiry or Disciplinary case. As such none of these rules provide an opportunity to the applicant for making any representation against an order which indirectly throws him out of employment, without giving him any opportunity for his say.

(iii) A perusal of the impugned order at Ann. A II on Page 8 will show that the learned DPS (resp. No.2) while passing the order of cancelling the Applicant's appointment order has through the same order directed the Appointing Authority viz. Supdt. Posts Kheri (Resp. No.1) to appoint Shri Rajendra Prasad vice the Applicant. By passing such an order the learned DPS (Resp. No.2) has

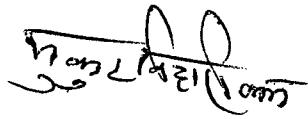
R. J. Sawant 

A/S

exceeded his jurisdiction and thereby he has rendered the impugned order void. It clearly shows that the learned DPS (Resp. No.2) was interested in accommodating Shri Rajendra Prasad as BPM Chhidwai Patti and therefore he has maliciously quashed the appointment order of the applicant without allowing the latter to say a word in his defence.

(iv) DG P&T New Delhi No.43-83/80-Pen dated 4-11-80 appearing as DG's Instruction No.1 below Rule 27 (on page 51) of Swamy's compilation of EDA (Conduct & Service Rules 1988 Edition clearly lays down that the proposal to authorise Regional Directors to make selections of EDAs has been dropped and they have been authorised to carry out a scrutiny of 10 % of appointments made on ED Posts. The power of making appointments on such posts remains in tact with the Superintendents & Inspectors exclusively as it had been. By nominating Shri Rajendra Prasad to replace the applicant the learned DPS has exceeded his jurisdiction and made the impugned order void. By nominating the name of Shri Rajendra Prasad to replace the applicant the learned DPS has made the motive of quashing the appointment order of the applicant quite clear.

  
R. S. Verma

  
A. S. Verma

#### 7. Reliefs Sought For :-

In view of the facts narrated in para 6 above the applicant prays for the following Reliefs -

- (i) that the Impugned order No. Nihal/Staff/R-25/87/3 dated 11-4-88 (on Page 8) being issued with an apparent malafied motive may kindly be set aside and the applicant may be allowed to continue working on his post of BPM Chhidwai Patti.
- (ii) The applicant may be allowed the cost of this suit together with any other relief deemed fit by the Hon'ble Tribunal.

#### 8. Interim Order If Any Prayed For :-

As the impugned order has not been served so far, as the applicant is still holding the charge of BPM Chhidwai Patti it is humbly prayed that the operation of the impugned order No. Nihal/Staff/R-25/87/3 dated 11-4-88 at Ann. A II has on Page 8, which is apparently been issued with a malafied motive of replacing the applicant by Shri Rajendra Prasad, may kindly be STAYED till the finalisation of this application.





XXXXXXXXXXXXXXXXXXXX

8- ~~Interim order, if prayed for by NCL~~

**9- Details of the remedies exhausted**

The applicant declares that he has availed of all the remedies available to him under relevant service rules—

There being no channel available to the applicant for making any appeal/Review he could not exhaust the Departmental Channel before coming to this Hon'ble Tribunal. It has been vividly explained in Para 5(ii).

**10- Matter not pending with any other court etc. :-**

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law, or any other authority or any other branch of the Tribunal.

**11- Particulars of the Postal Order in respect of the application see :-**

(i) No. of I. P. O DD5/516451

(ii) Name of Issuing P. O. Allahabad H.P.O.

(iii) Date 4-5-3-1988

(iv) P. O. at which payable

Allahabad H. P. O.

**12- Index- An Index of the documents to be relied upon is enclosed with each copy of this application**

**13- List of enclosures :-**

(i) Vakalatnama

(ii) one I. P. O. for Rs. 50/-

(iii) two documents to be relied upon

**In Verification**

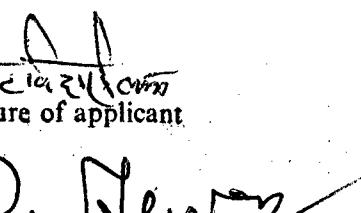
I, Mukut Behari Lal S/O Shri Shri Brij Mohan Lal aged 32 years R/O Vill. & P.O. Chhedwai Patti and working as BPM Chhedwai do hereby verify that the contents from 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material facts.

Place- Allahabad

Date 25/4/1988.

To

The Registrar, Central Adminstrative Tribunal,  
Allahabad—211001

  
Signature of applicant

R. K. TEWARI

Advocate

154, Purshottam Nagar

(K. T. Tewari)

Annexure A.I

Indian Posts & Telegraphs Department

(Letter of appointment)

Memo No. A.P.T. Chidawali dated at Kheri the 13-3-67

1. Sri Mukut Bahadur Lal is hereby provisionally appointed as ED BPM. He shall be paid such allowance as admissible from time to time.

2. Sri Mukut Bahadur Lal should clearly understand that his appointment as ED BPM shall be in the nature of contract liable to be terminated by him or the undersigned by notifying the other, in writing and he shall also be governed by the Posts and Telegraphs, Extra Departmental Agents (Conditions & Services) Rules, 1964 as amended from time to time.

3. Sri Mukut Bahadur Lal should also understand that his services can be terminated at any time if his previous incumbent is reinstated.

4. If these conditions are acceptable to him he should communicate his acceptance in the proforma enclosed.

Supt. of Postoffices,  
Kheri Division,  
Kheri

Copy to:-

1- Shri Mukut Bahadur Lal & Sri Basiz Khan  
2- The SPM Nighat V.P.O. Chidawali Pata  
3- The PM Kheri.

4- The SDI (N) Kheri. He will please get the charge transferred immediately and submit the following documents duly completed alongwith the charge report off the official.

- (1) Attestation form (in duplicate)
- (2) Letter of acceptance.
- (3) Descriptive particulars.
- (4) Declarations.
- (5) S. Bond.

TRUE COPY

R.K. Tewari

(R. K. Tewari Advo.)

Annexure A II

1819

भारतीय डाक विभाग

कायलिय नियेशक डाक तेपार्टमेंट, लखनऊ ईच्छा लखनऊ- 226007

तेपा भै.

श्री विष्णु राम

अधीक्षक डाकघर, लीरी प्रशासन

लीरी - 262701

घंडा :- नियाल/स्टाफ/आर-४५/८७/३ दिन लखनऊ - ४ ।। - ४ - १९८८

विवर :- विवर :- डाका डाक्याल छिदपई पतिया [लीरी] के नियुक्ति  
के सम्बन्ध में श्री राधेन्दु प्रसाद का प्रतिवेदन ।

सन्दर्भ :- आपका वश श्री छिदपई पतिया विनाश ५-४-८८ ।

प्राप्तिप्राप्ति नियेशक यदोदय ने श्री मुहुर्द विहारी लाल, नियुक्ति  
डाका डाक्याल छिदपई पतिया के नियुक्ति बो निरस्त बरते हुए, उस्व  
एव एव प्रतिवेदन कार्य श्री राधेन्दु प्रसाद लो नियुक्ति बरने का आवैद  
दिया है।

२० नियोगी डाकघर हारा डाकघर के स्थान है उम्बन्ड में ग्राम्य पर्वती  
की गई क्षेत्र सत्यापित लिखा गया। उन्में इस बिन्दु पर साधानी है  
देखा पाइए का इसके अन्तर्गत उन्होंने आद प्रमाण एवं वी फोटो प्रदि  
का सत्यापन किया। इस सम्बन्ध में उन्होंने ज्या जावी ली, यह अस्वाद है।  
यदि कि इस प्रमाण प्रम की मूल प्रति घटने से ही माफलीय लायतिय में उपस्थि  
त है। नियोगी डाक हारा को भास्तविय सिद्ध करने के लिए ज्या एव  
प्रयास किया गया, अस्पष्ट है।

अतः डाक नियोगी डाक विवरिति के प्रत्युष उत्तिर्कित अनिवार्यता परतने है  
कारण अनु० कार्यवाही वर और परिस्थिति से अवगत बराबर। ग्रामीण प्राप्ति  
श्री छिदपई पतिया २५। अधीक्षक लीज वास्तव है। लूप्या धावदी  
स्थीरता करें।

संहिता: धर्मोपाद

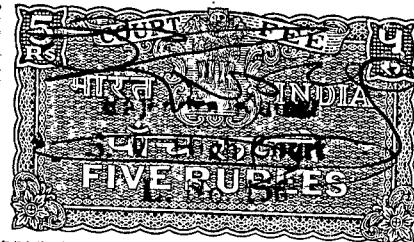
TRUE COPY

R. K. Tewari  
(R. K. Tewari, Advocate)

ज्या नियेशक

प्रतिरिक्षित - श्री राधेन्दु प्रसाद श्री एवं श्री छिदपई पतिया नियाल द्वितीय  
द्वितीय प्रतिवेदन १८ वर्ष २५-१०-८७ पर्याप्त में सुनाया ।

मुकुलीय



८०

## वकालतनामा

बअदालत The Central Administrative Tribunal

वकालतनामा

नम्बर मुकदमा

नम्बर इजारा

४१

Allahabad

सन् १९८८

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मुद्रा

Mukut-Bihari Lal बनाम Union of India अपीलान्ट  
& others. मुदालहे

मैं Mukut Bihari Lal & others रेस्पान्डेन्ट

मैं/हम Brij Mohan Lal aged 32 yrs.

निवासी No. 100, Chidwai Petha, Nalukhe kala  
Dalt Kheri

श्री R.K. Tewari, Advocate, 156 Purushottam Nagar  
Allahabad.

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का वचन देकर  
मैं / हम अपना वकील नियुक्त करता हूँ / करते हैं। उन वकील महोदय को मैं / हम  
यह अधिकार देता हूँ / देते हैं कि वह मुकदमे में मेरी ओर से पैरवी करें  
आवश्यक सवाल पूछें, जवाब दें और बहस करें दस्तावेज व कागजात अदालत  
में दाखिल करें, व वापस लेवें पंचनामा उपस्थित करें, पच नियुक्त करें यदि  
आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें, सुलहनामा दाखिल करें, दावा  
स्वीकार करें, उठा लेवें और डिग्रो प्राप्त हो जाय तो उसे जारी करावे, डिग्री का रूपया  
व खर्ची, हर्जीना का रूपया या किसी दूसरे तरह का रूपया व खर्ची जो अदालत से  
मुझे / हमें मिलने वाला हो वसूल करें मेरी / हमारी ओर से अदालत में दाखिल करें,  
कोर्टफीस व स्टाम्प देवें या वापिस लेवें रसीद ले लेवें व प्रमाणित करें, नकल प्राप्त करें,  
अदालत की अनुमति से मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा  
स्थापित करावें व इस मुकदमे के सम्बन्ध में दूसरे काम जो जरूरी समझे पैरवी के लिए  
अपनी ओर से कोई दूसरा वकील नियुक्त कर यदि आवश्यकता हो तो अपील या  
निगरानी दायर करें और अपील निगरानी की अदालत में पैरवी करें और यह भी  
वचन देता हूँ / देते हैं कि यदि मैं / हम पूरी फीस या खर्च न अदा करूँ / करें तो वकाल  
साहेब व उनके कलंक बहस व पैरवी के लिये बाध्य न होंगे।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो  
कुछ काम करेंगे वह सब अदालत में स्वयं मेरा/हमारा किया हुआ समझा जावेगा और  
वह मुझे हमें सदैव ही मेरे/हमारे किये के समान सवेचा मान्य होगा।

तारीख

२५- माह ४- १९८८

सन् १९८८ ई०

Accepted

स्वीकार है

R.K.Tewari

हस्ताक्षर

सन् १९८८

बनाम

अदालत  
मुकदमा नं

OK filed  
10/1/88  
Sukh  
26/8

In the Central Administrative Tribunal, Addl. Bench,  
Allahabad.

....

Counter-Affidavit  
In  
Registration No. 535 of 1988.

Mukut Behari Lal .. .. Petitioner

Versus.

Rajendra Prasad ..  
C/o-Superintendent of Post Office  
Kheri. .. Respondent.  
2. The Director, Postal Services, Lucknow.

Affidavit of Daya Ram,  
aged about 51 years, son  
of Sri. Bachu Ram.

Superintendent, Post Offices,  
Kheri Division, Kheri.

I, the deponent, abovenamed, do hereby  
solemnly affirm and state as under:-

1. That the deponent is working as  
Superintendent, Post Offices, Kheri Division, Kheri  
and has been authorised to file the present counter  
affidavit on behalf of the respondents. He is, as such,  
well acquainted with the facts of the case deposited  
to below.

2. That the deponent has read the contents

*Signature*

X92

.2.

of the petition and has fully understood the same. ~~xx~~

3. That before giving parawise reply to the petition filed under Section-19 of the Administrative Tribunal Act, 1985 it is necessary to set out brief facts of the case for understanding the controversy raised by means of the present petition.

4. That the applicant Sri Mukut Behari Lal was appointed provisionally as Extra Departmental Branch Post Master Chhidwai Patia(Kheri) vide Superintendent Post Offices, Kheri Division Memo no. A/Chhidwai Patia dated 13.8.1987.

5. That Sri Mukut Behari Lal joined as Extra Departmental Branch Post Master , Chhidwai Patia on 8.9.1987.

6. That one Sri Rajendra Prasad ,resident of village-Chhidwai Patia who was also a candidate for the post of Extra Departmental Branch Post Master submitted a complaint dated 25.9.1987 to Sri B.P. Singh, Director, Postal Services Lucknow Region, Lucknow regarding irregular appointment of Sri Mukut Behari Lal as Extra Departmental Branch Post Master ~~xx~~ Chhidwai Patia. True Copy of Complaint dated 25-9-87 is being filed as Annexure C-AI to this affidavit b

7. That the appointment file from the

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•3.

Superintendent Post Offices Kheri was called for and position of Sri Mukut Behari Lal and Sri Rajendra Prasad was as under:-

Name .	Educational qualification	Landed property	Suitable accommodation for keeping post-offices.
--------	---------------------------	-----------------	--

Sri Mukut Behari Lal. Class-IX 0.31 Acres Not available on the date of application.

Sri Rajendra Prasad. Intermediate 5.6 acres Suitable and separate accommodation for keeping post Office.

8. That on 1.8.1987 Sri Mukut Behari Lal,

applicant submitted ~~submitted~~ an affidavit of

one Sri Shiv Dush Chand for providing one of his room to Sri Mukut Behari Lal on the condition that only Postal records, etc. will be kept in the said room and Mukut Behari Lal will have to shift whenever accommodation becomes available

with him. True copy of the aforesaid affidavit is being filed as Annexure 2 to this affidavit.

9. That Sri Rajendra Prasad was not

appointed by the Superintendent, Post Offices Kheri because he had no landed property in his name separately.

10. That the Director, Postal Services, Lucknow

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found that Sri Rajendra Prasad was ~~supervisor~~ senior candidate in all respect. The Superintendent, Post Offices Kheri appointed Sri Mukut Behari Lal educated upto Class-IX while candidate having High School qualification should have been preferred. according to Rules.

11. That the Director, Postal Services Lucknow Region, Lucknow found ~~the~~ a complaint of Sri Rajendra Prasad genuine and took appropriate decision and communicated the same to the Superintendent Post Office, Kheri vide letter no. RDL/Staff/R-25/87-3 dated 11.4.88 to take necessary action at his end.

The Director, Postal Services set aside the appointment of the applicant Mukut Behari Lal and in his place directed the appointment of Sri Rajendra Prasad who was the complainant. True copy of afore said letter is being filed as Annexure CA 3 to this affidavit.

12. That on receipt of decision from Director Postal Services, Lucknow Region, Lucknow the services of Sri Mukut Behari Lal were terminated under Rule-6 of the Extra Departmental Agents (Conduct & Services) Rules, 1964 vide Supdt. Post Offices Kheri Memo no. A/Chhidwasi Patia dated 13.4.88 and the appointment of Sri Rajendra Prasad as Extra Departmental

Post Master Chhidwasi Patia was issued by the Supdt. Post Offices Kheri on 13.4.88. True copy of the aforesaid memo is being filed as Annexure CA 4 to this affidavit.

PJS

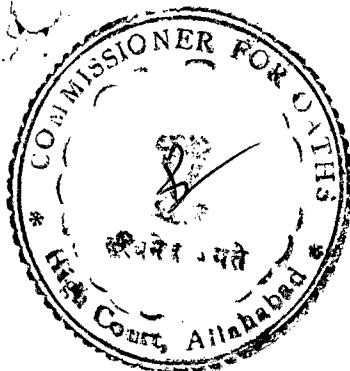
.6.

13. That the applicant Sri Mukut Behari Lal did not hand over the charge of Extra Departmental Branch Post Master ship to Sri Rajendra Prasad and proceeded on leave without obtaining the permission of leave sanctioning authority after giving charge to one Sri Suresh Chandra ~~xxx~~ at his own risk and responsibility.

14. That no charge ~~by~~ of the applicant Mukut Behari Lal, Extra Departmental Branch Post Officeship Chhidwai Patia was given to Sri Rajendra Prasad inspite of lodging of complaint with the police and he is ~~assuming~~ <sup>6b</sup> As such, a parallel Post office was opened by the Government and charge of Extra Departmental Branch Post Mastership was assumed by the said Sri Rajendra Prasad with effect from 2.5.1988 and he is working since then. A true copy of the report to station officer Police Station is filed as Annex 5(a) <sup>5(c)(4)(5)</sup> thus Affidavit. <sup>b</sup>

15. That in reply to the contents of para nos. 1, 2, 3, 4 and 5 of the petition it is submitted that same are matters of records and, as such, requires no reply by means of this affidavit.

16. That in reply to the contents of para no. 6(i) of the petition it is submitted that the applicant was appointed provisionally by the Superintendent Post Offices, Kheri vide his Memo. No. H/Chhidwai Patia dated 13.8.1987. The services



b

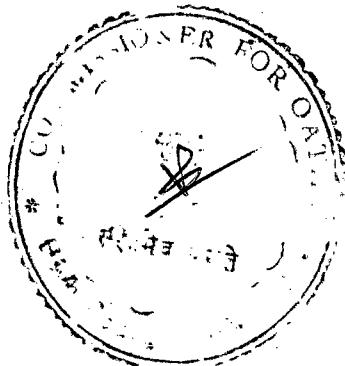
P28

.6.

of the applicant were terminated under Rule-6 of Extra Departmental Agents (Conduct & Services) Rules, 1964 vide Supdt. Post Offices Kheri Memo. No. A/Chhidwai Patia dated 18.4.1988. Director Postal Services, Lucknow Region, Lucknow vide his memo no. Nidal/Staff/ R-25/87/3 dated 11.4.1988 communicated the decision to terminate the services on complaint of Sri Rajendra Prasad.

17. That in reply to the contents of para no. 6(ii) of the petition it is stated that "The rule-16 is meant for making a representation against any enquiry or disciplinary cases. As such none of these rules provided for giving of opportunity to the applicant for making any representation against an order." The version of the applicant is not correct because any order made under these rules, i.e., Extra Departmental Agents (Conduct & Service) Rules, 1964 Central Government or the Head of the Circle or authority immediately superior to the authority passing an order may re-open the case on its motion or otherwise after making such enquiries as it considers necessary. The applicant can submit a petition against an order of termination of services as mentioned in Director General, Post & Telegraph letter no. 18/1-65 dated 4.5.1965 printed on page-19 of Swamy's Compilation of services Rules for Extra Departmental Staff.

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18. That in reply to the contents of para nos.6(iii)&(iv) of the petition it is submitted that it is true that the power relating to appointment of Extra Departmental Branch Post Master is vested with Supdt. Post Offices but the Director, Postal Services Lucknow who is superior authority than Superintendent Post Offices is entitled to decide the representation/petition made against any orders. In this case, Director, Postal Services decided the representation made by Sri Rajendra Prasad after making necessary enquiries.

19. That the contents of para no.7 under the heading Relief sought for are not admitted. It is submitted that the order dated 11.4.1988 passed by the Director, Postal Services Lucknow Region, Lucknow has not been issued with any mala fide motive but upon the consideration of relevant facts and circumstances and evaluating the pros and cons of both the candidates.

It is further submitted that question of petitioner's allowing to continue on the post of Extra Departmental Branch Post Master, Ohhiwai Patia is not tenable in view of the facts and circumstances disclosed in the present counter affidavit. It is submitted that the Director, Postal Services had taken a decision vide his Memo dated 11.4.1988 which was used by the applicant Mukut Behari Lal irregularly as the same was not addressed or

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endorsed to him.

20. That in reply to the contents of para no.8 of the petition under the heading interim order it is submitted that the applicant is not entitled to any interim relief as prayed for. The applicant Mukut Behari Lal had absconded and a report to this effect was lodged/~~at~~ with the police and new parallel Branch Post Office was opened by the Department and Sri Rajendra Prasad was working since then to the satisfaction of the department.

21. That the contents of paras nos.9,10,11, 12 and 13 of the petition are all matters of record and ,as such, requires no reply by means of this affidavit. The petition is devoid of merits and is liable to be rejected.

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

of this affidavit are true to my personal knowledge; those of paras nos... 3 to 21

of this affidavit are based on information received from perusal of the paper on record; those of

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paras nos...

of this affidavit are based on legal advice which all the deponent believes to be true; that no part of this affidavit is false and that nothing material has been concealed in it.

So help me God.

*[Signature]*  
Deponent.

I, R.C. Yadav, clerk to Sri Ashok Mohiley, Advocate, High Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be Sri Daya Ram is the same person who is personally known to me.

Clerk.

Solemnly affirmed before me on this  
*August*  
24<sup>th</sup> day of *July*, 1988 at 11:30 a.m. by the deponent  
who is identified by the aforesaid clerk.

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

Oath Commissioner

*[Signature]*

Commissioner	Ram Pal Singh
No.	15/659
Date	24/8/88

खेत में,

श्रीमान डाक अधीक्षक महोदय

खीरी प्रखन्द खीरी

224

प्रियजन:- व्यर्थ का मुद्दा पर आरोप लगाना ।

खेत में निवेदन है कि

॥1॥ 29-11-86 को शाहा डाकधर अपनी ५० छी० डी० ए० को निकालने के बाद बैग सील कर स्वर भी है दिया था जिसकी तब्दीर संलग्न है। बर्लीपुर गुप्ता की के यहाँ बैग पहुँचा रहा। १-१२-८६ को बैग पौलिया आया, जिसमें ज्ञा पर्वी एस० बी० व आर० डी० की निकलीं ब्रेवल ब्रेवल चिट्ठे नहीं निप्पते। वेतन चिट्ठे छेड़ापिस खीरी में नियंत्रण जो थी। ७-१२-८६ को दिसाब में लिए गये। इतने दिन वेतन चिट्ठे कहा रहे।

॥2॥ ५० छी० आर० बर्लीपुर डॉक नहीं लागा जिसकी सूचना डाक निरीक्षक महोदय को भेजी गयी। जिसकी उमेर कोई सूचना नहीं मिली। प्रतीतिलिपि संलग्न है।

॥3॥ ११-१२-८६ को ओपराईयर ने साधाया दिया। सम्पूर्ण नगर स्वर ने जाताया ५० ए० यस० पी० साधब समूर्जा नगर आये हैं, उम द्वीनो को पहाँ छुलाया है। ओपर ईयर ने छहा मेरे साथ चलो मैं आदेश करवा दुँगा। साथी मैं पहुँचने पर उन्होंने कहा २०००पये रुपये हाँ। मैंने छहा साथ मैं तो लाया नहीं, पहिलया मैं इन्तजाम कर्गा। मैं किसी तरह इन्तजाम कर २०० स्कूला इकट्ठा किया, साथ मैं सम्पूर्ण नगर गया। भूत पूर्व ओपराईयर भी साप नहीं थे। सम्पूर्ण नगर पहुँचने पर छात छुआ साधब बहुहों गये हैं उन्होंने कहा कि आप लोग यह जारी, मैं खुला पिला शर आदेश करा दूँगा। मैं वापस चला आया, अभी तब कोई आदेश नहीं आया। ऐसा क्यों?

॥4॥ ११-२-८७ को मुझे छुलते जै काट लिया था मैं पथ कराने मुश्किल गता था वापस तहाँ से आया तो देखा रनर डाक लक्ष्म के लिए वापस जा रहा है, मैंने आवाज दी तो उसी की अनुसन्धान कर दी। साथ मैं उत्तर प्रतीतिलिपि संलग्न है। तथा ५० छी० डी० ए० के लिए भी।

॥5॥ ओपर ईयर पलिया को घार्ज लेने के लिए डाक निरीक्षक महोदय ने आदेश दिये परहूँ ओपर ईयर ने घार्ज नहीं लिया। प्रतीतिलिपि संलग्न है।

॥6॥ १५-१-८७ को शारदा प्रसाद ५० छी० पी० ए० को घार्ज के लिए डाक निरीक्षक महोदय तै आदेश दिया। शारदा प्रसाद ने घार्ज न लेने के विषय मैं लिखित भेजा। जिसकी प्रतीतिलिपि आदेश सहित संलग्न है।

॥7॥ ३-१-८७ को डाक निरीक्षक महोदय से मैं पलिया मैं गिला उन्होंने ४-२-०७ को अपनी प्रेशी लखीमपुर बता कर लखीमपुर आने को फूटा। ३१-१-८७ को ही मैं जाफर ४-२-८७ व ५-२-८७ के लिए अवकाश प्रार्थना पत्र आर० स्ल० नं० १०४। ३-२-८७ को प्राप्ति दिया प्रतीतिलिपि संलग्न है।

॥८॥ ३-२-८७ को आर० स्ल० नं० १९ खीरी, जिसकी प्रतीतिलिपि शाहा डाकधर बल्लीपुर को दीर गयी जिसकी प्रतीतिलिपि संलग्न है। तब ४-२-८७ को सम्पूर्ण घार्ज ग्रहण कर आर० स्ल० नं० १०४। खेत में क्या, प्रेषित क्या। साथ मैं लिए हैं।

४९। फरवरी में नियुक्ति हेतु प्रार्थना पत्र मार्गे गये, मैंने अपना प्रार्थना पत्र पूर्ण करके सह पी० आपिस छोरी में रजिस्ट्रेशन नं० 1043/ 25-2-87 को प्रेसिडेंस कर दिया। साथ गै द्वेषन है।

५०। २६-८-८७ को मेरी पत्नी की तीव्रता ग्राहन का व्यादा खरा दी गयी। मैं छुट्टी का प्रार्थना पत्र दिया और अपनी जिम्मोदारी पर दूसरे आदेश को घार्ज दे कर मैं अपनी पत्नी का पूर्ण इलाज कराने चला गया। अवकाश प्रार्थना पत्र की प्रतिलिपि संलग्न है।

५१। मेरी छोरी की प्रकरति छोरी तो मैं ३१-८-८७ बैठे को घर आया तो वहाँ एक औवर रियर की छिट्ठी दिखाई गयी और बैलून छिट्ठा दिखाया गया, जिसे डाक अधीक्षक महोदय के आदेश पर एकट बिडारी लाल का नाम लिखा था। मैंने कहा कि मेरे लिए कोई किसी प्रश्न प्रकार का आदेश घार्ज फ्लैं के लिए नहीं दिया गया लोकम मैंने कह दिया कि यदि कोई आदेश लेफर आये तो घार्ज दी देना। मैंने ३१-८-८७ को परियोग से अपनी पात्र छोरी रुपये १७०४७०२ से १०००/- रुपये रिकाले और घर गये बदों कि इतना विश्वा शाखा डाक्यार मेरी नहीं रही एक खुलत प्रकरति थी।

५२। ९-९-८७ को मेरी पत्नी लाल छोरी गयी तो मैं घर चला आया घर आने पर मालूम हुआ कि नया डाक्याना खुल गया है। १०-९-८७ किंतु सोमवार को बाणार में यह स्नाउन्स ब्राथरी गया है कि तब छोरी एक पूर्ण प्रिश्वास हो गया। १५-९-८७ को मैं एक पी० आपिस लालीगढ़पुर गया और घार्ज के लिए लिखकर मैं आरामदाती अपनी तज़ कोई आदेश घार्ज दी दी लिए नहीं गिला था।

५३। आपकी एक रजिस्ट्रेशन १८-९-८७ के प्रार्थना हुई जिसको प्रतिलिपि संलग्न है, जो कि असत्य है। एकलीके एक से कोई घार्ज नहीं आया ही नहीं। इसके पहले सह पी० आपिस मेरी घार्ज के लिए लिखित है आया था। यह स्नानान्तर डाक्याना अपनी मर्जी से ही खुलवाया है। अतः आप से प्रार्थना है कि डाक निरीक्षक महोदय के पारा छुपार लगाये गये आरोप असत्य है तथा श्री एकट बिडारी लाल मेरी अपेक्षा कोई ऐसी विशेष योग्यता भी नहीं रखते हैं। अब

अतः निवेदन है कि एक ही वहाँ का शाखा डाक्याल का जार्य करने की अनुमति दिए रहा डाकीनरीकृष्ण महोदय के ताना शाही आदेश को निरस्त करने की कृपा करे। मैं पूर्ण रूपेष्व। निर्दोष हूँ।

अंत वृत्त होगी २५ जिन्हे पुरादु  
प्रार्थी

राजेन्द्र प्रसाद

ग्राम वा स्ट एक्युरिटी प्रीति

५४। श्री पी० सी० जोशी सुख्य सर्तका अधिकारी तदनीति, घर निवासा हो।

५५। श्री पी० सी० जोशी अधिकारी तदनीति, घर निवासा हो।

५६। श्री ली० पी० रामेश हास्त्रोदाता अधिकारी तदनीति, घर निवासा हो।

५७। श्री यस० पी० राय पौ० मातृ घररल लक्ष्मज

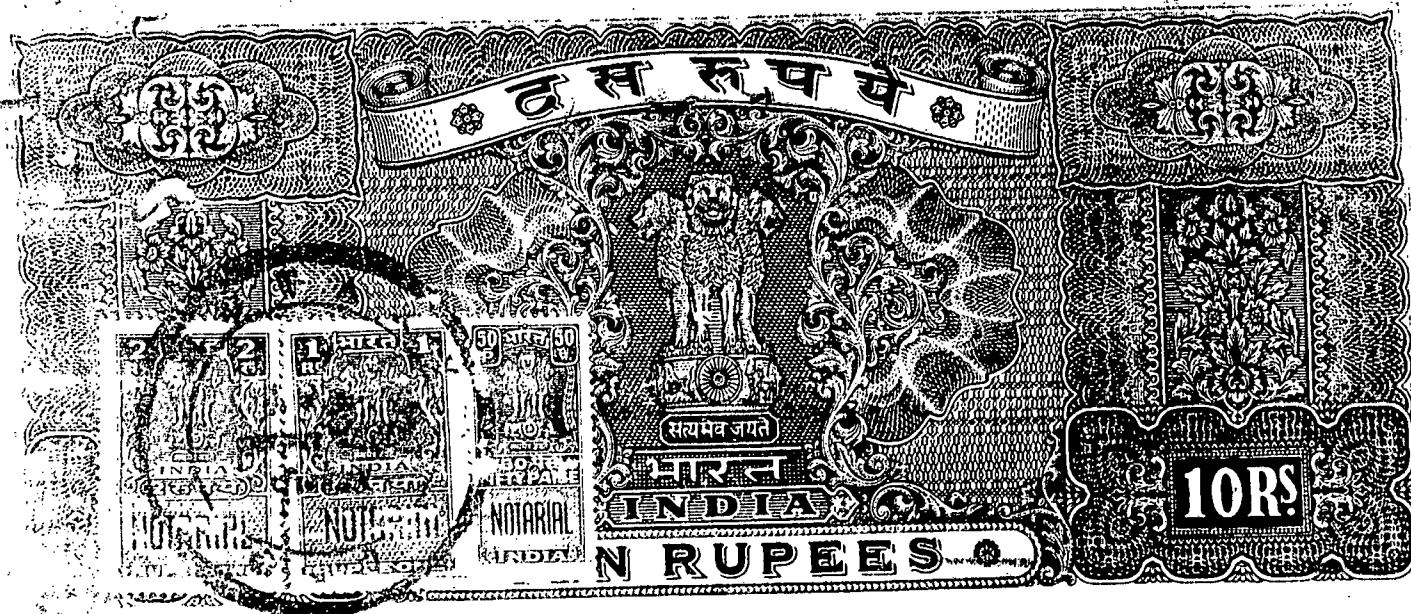
५८। श्री अर्जुन रामेश हास्त्रोदाता अधिकारी तदनीति, घर निवासा हो।

५९। श्री अर्जुन रामेश हास्त्रोदाता अधिकारी तदनीति, घर निवासा हो।

६०। श्री अर्जुन रामेश हास्त्रोदाता अधिकारी तदनीति, घर निवासा हो।

६१। श्री अर्जुन रामेश हास्त्रोदाता अधिकारी तदनीति, घर निवासा हो।

६२। श्री अर्जुन रामेश हास्त्रोदाता अधिकारी तदनीति, घर निवासा हो।



100  
3.5  
3.5

श्रीमान जिला डाक निरीक्षक महोदय,  
लखीमपुर-खीरी।

शमथकता मिनजानिव शिवदीश चन्द्र पुत्र श्री देवतादीन निं  
छेदुई पतिया परगना व तहोनिधासन जिला-खीरी।

NOTARY  
तहोनिधासन  
जिला-खीरी (उ०प्र०)  
गारा।-

धारा 2-

शमथकता शमथ पूर्वक वथन करता है कि -  
यह कि शमथकता शिवदीश चन्द्र पुत्र श्री देवतादीन निंछेदुई पतिया पर ०  
व तहोनिधासन जिला खीरी का है।

यह कि शमथकता अना बेठक का कमरा मुकुट बिहारी लाल पुत्र श्री बृज-  
मोहन लाल निवासी छेदुई पतिया परगना व तहोनिधासन जिला खीरी जो  
शमथकता के भाई हैं, को डाक सम्बन्धी सामान रखने के लिये स्वेच्छा से  
इच्छुकार दिया है कि बृकुट जब तक मुकुट बिहारी लाल अना कमरा  
नहीं बनवा लेते हैं तब तक शमथकता के कमरे में डाक सम्बन्धी सामान  
रखें।

यह कि मुकुट बिहारी लाल पुत्र श्री बृजमोहन लाल का कमरा बन जाने  
पर उक्त सामान को अने कमरे में रख लेंगे और शमथकता का कमरा  
खाली कर देंगे। इसमें शमथकता को कोई आपत्ति नहीं होगी।  
यह कि उपर्युक्त लिखी गयी बयान हस्ती पूर्ण स्पष्ट से सही सत्य है कोई भी  
बात बनावटी नहीं है।

शिवदीश  
शमथकता -

मैं इनको भली भाँति जानता व  
पहचानता हूँ इन्होंने मेरे सामने स्वयं  
हस्ताल्पार किये हैं।

Pharmacist

दिनांक - 1-8-87

शिवदीश चन्द्र पुत्र श्री देवता  
दीन  
निंग्राम- छेदुई पतिया  
पर ० तहोनिधासन  
जिला- खीरी।

श्रीमान जिला डाक निरीक्षक महोदय  
लखीमपुर-खीरी (उ०प्र०)  
गारा।-  
मेरे नाम सम्मत लगभग २००० रुपयः/साल  
मेरे नाम सम्मत लेकर यह स्वीकार किया  
कि इन दाख का विषय सत्य होता यथार्थ  
कि युक्त आस्ती नहीं है उपर्युक्त  
दाख व सम्बन्धी दिया।

श्रीमान जिला डाक निरीक्षक  
लखीमपुर-खीरी (उ०प्र०)  
गारा।-  
NOTARY- नोटरी  
लखीमपुर-खीरी (उ०प्र०)  
1-8-87

File No 15/659  
24/8/88

## भारतीय डाक विभाग

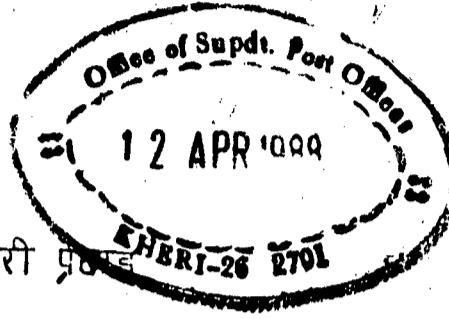
कार्यालय निदेशक डाक सेवायें, लखनऊ क्षेत्र लखनऊ- 226007

सेवा में,

श्री दया राम

अधीक्षक डाकघर, खोरी प्र० लखनऊ-26 २७०१

खोरी-262701



संख्या :- निडाल/स्टाफ़ आर-25/८७/३ ५० लखनऊ - २ ।। - ४ - १९८८

विषय: - विषय: - शाहा डाकमाल छिदवई पतिया श्रीरोही के नियुक्ति के सम्बन्ध में श्री राजेन्द्र प्रसाद का प्रतिवेदन।

सन्दर्भ :- आपका पत्र स/छिदवई पतिया दिनांक ५-४-८८

जांचोपरान्त निदेशक महाद्य ने श्री मुकुट विहारी लाल, नियुक्त शाहा डाकमाल छिदवई पतिया के नियुक्ति को निरस्त करते हुए, उक्त पद पर प्रतिवेदन कर्ता श्री राजेन्द्र प्रसाद को नियुक्ति करने का आदेश दिया है।

✓ २० निरीक्षक डाकघर द्वारा डाकघर के स्थान के सम्बन्ध में आख्या नहीं दी गई केवल सत्यापित लिखा गया। उन्हें इस बिन्दु पर सावधानी से देखना चाहिए था इसके अतिरिक्त उन्होंने आप प्रमाण पत्र की फोटो पति का सत्यापन किया। इस सम्बन्ध में उन्होंने क्या जांच की, यह अस्पष्ट है। जब तक इस प्रमाण पत्र की मूल प्रीत पट्टे से ही मण्डलीय कायलिय में उपलब्ध थी। निरीक्षक द्वारा इसको वास्तविक सिद्ध करने देते जांच करने का क्या प्रयास किया गया, अस्पष्ट है।

अतः डाक निरीक्षक के विरुद्ध उल्लंघित गोन्यमिता भरतके के कारण अनु० कार्यवाही करें और परिष्णाग से अवगत कराएं। आपकी पत्रापत्री स/छिदवई पतिया २६। क्रमांक सहित वापस है। कृपया पावती स्वीकार करें।

सलंगन: यथोपरी

अमर धेव योग्य  
जप निदेशक

प्रतीलिपि:- श्री राजेन्द्र प्रसाद ग्राम व पोस्ट छिदवई पतिया जिला खोरी को उनके प्रतिवेदन दिनांक 26-10-87 के संदर्भ में सूचनार्थ 15/659 ८/८८

268

भारतीय काफ विभाग

कार्यालय अधीक्षक काफर, छीरी मण्डल, छीरी-26270।

ज्ञापन संख्या-ए/छिद्रवई पटिया  
दिनांक, छीरी, 18.4.1988

-xx-

श्री मुकुट बिहारीलाल फी बियुकित, शाला डाफपाल  
छिद्रवई पटिया के पाद पर इस कार्यालय के ज्ञापन संख्या ए/छिद्रवई पटिया  
दिनांकित 13.8.87 द्वारा फी गई थी। श्री मुकुट बिहारीलाल फी  
सेवायें अंतिमिति अभिभावी अधिकार एवं सेवा। नियमावली 1964 के  
नियम 6 के अन्तर्गत समाचार किए जाने के अद्वेष्ट दिए जाते हैं। यह  
अद्वेष्ट तत्फल प्रमाणी हों। फार्यालय अधिकार अधिकार प्रेषित फी जाय।

अधीक्षक काफप्रर,  
छीरी मण्डल, छीरी-26270।

## प्रतिलिपि:-

- 1- श्री मुकुट बिहारी लाल, शाला डाफपाल छिद्रवई पटिया  
फी काफ बिरीक्षक, छीरी उत्तराधिकारी के माद्यम से।
- 2- काफ बिरीक्षक छीरी-उत्तर-वे रूपाया श्री मुकुट बिहारी  
लाल के से शाला डाफपाल छिद्रवई पटिया फी वार्ज  
हस्तांतरित कराफर अधिकार इस फार्यालय फी प्रेषित  
कराफर पावती इस फार्यालय फी में।
- 3- काफपाल छीरी
- 4- फार्यालय प्रति
- 5- अंतिमप्रति।

6/2

ben fal 8/8/88  
15/8/88  
24/8/88

श्रीगांगा यात्रा देश

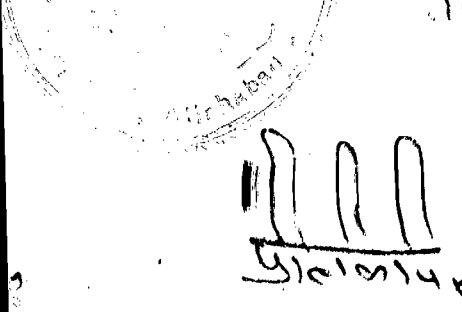
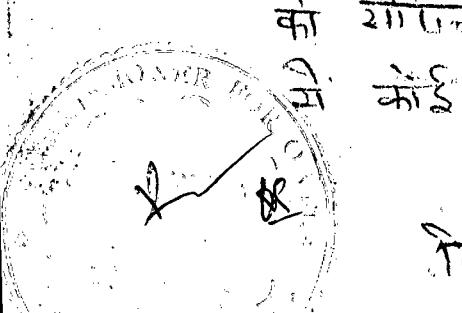
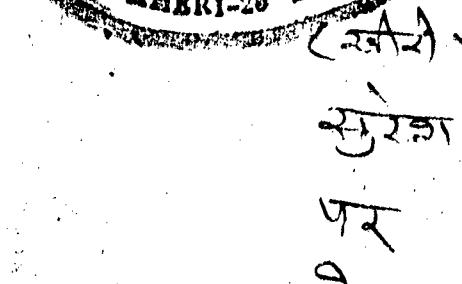
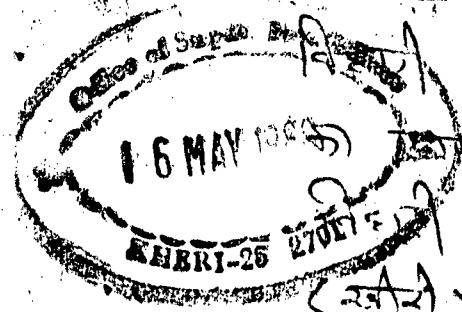
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श्रीगांगा यात्रा देश

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गोदावरी यात्रा देश देश देश



प्रम.

उप मण्डलीय निरीक्षक डाक्टर ।  
छोरी । उत्तरी । पीला ।

(300)

लेखा मे,

पानाध्यू,  
विज्ञान, छोरी ।

प्राप्ति अधिकारी पीला दिनांक: पीला: 27-5-88

महोस्य,

मूल्या निम्नलिखि प्राप्तियकी पिंडी को उपित धाराओं के  
के अन्तर्गत की अपेक्षा अनुसार भाक्षर छोरी मण्डल छोरी द्वारा समाप्त कर दी  
गयी है, तथा राष्ट्रीय प्रसार को उक्त पद पर कार्य करने के आदेश दिये  
गये । उक्त श्री मुकुट विहारी लाल ने संग लोड रेल अंडीश्च डाक्टर,  
छोरी के आदेश के उल्लंघन करके तथा द्वारा लोड रेल श्री राष्ट्रीय प्रसार  
के गार्ड में लाल छोरी मण्डल द्वारा द्वारा अनुसार अधिकारी पीला के पद का  
कार्यभार न सौंप द्वारा तथा उक्त डाक्टर की पीरतमीता अमे अधिकार  
में अपेक्षा लम्हे से रुद्ध छोड़ा के बिल्कुल भारप उक्त डाक्टर की लोड देवा  
निरन्तर बारीयत हो रही है तथा उक्त डाक्टर की पीरतमीता अपेक्षा  
सा के मुकुट विहारी लाल के लिये में अब भी पक्षी दूर्दि है बिल्कुल तरावर की  
सौपने के कारण इनकार द्वारा के बिल्कुल पूर्ण लम्हे से डत्तान्तरप द्वारा  
अनिवार्य है ।

प्रमाणीप,

१ मण्डलीय निरीक्षक  
उप मण्डलीय निरीक्षक डाक्टर ।  
छोरी । उत्तरी । पीला ।

प्रीतिलिपि-

१- मण्डलीय अधिकारी, छोरी मण्डल, छोरी

२- डाक्टर अधिकारी, छोरी मण्डल, छोरी ।

15/659

24/8/88



भारतीय STO विभाग

ਫੇਲਾ, ਅਗੀਲਾ ਤਾਕਧਰ

ਛੀ ਰੀ. ਮਣਡਲ, ਛੀ ਰੀ-26270।

खेवा में,

## पुलिस अधीक्षक

ਲੀ ਰੀ

पत्रांक:- ए/छिदवर्षीपटिया, दिवांग, अ. दी. ४. ६. १९८३।

**विस्तारः-** श्री मुकुट बिहारी लाल, मूँगुणाला पोस्टमास्टर, छिंदवाली टिया के विस्तर प्राथमिकी दर्ज व किए जाने के सम्बन्ध में।

10

महोदय

श्री मुकुट बिहारी लाल की सेवायें विरोध के अबुसार दिवांक 18.4.08 के आदेश से समाप्त हर दी गई तथा श्री राजेन्द्र प्रसाद को उक्त पद पर कार्य करने के आदेश दिए गए। उक्त श्री मुकुट बिहारी लाल के सक्रम लोक सेवक के आदेश फा उत्तंघन करने के तथा अन्य लोक सेवक श्री राजेन्द्र प्रसाद के कार्य में वासा डालते हुए आगा घोर्टमास्टर छिदवईपटिया के पद छा कार्यालय ब सौंधन डाकघर की परिसम्बन्धित अपने अधिकार में अपेक्षित से रख डोडा है। पिंड कारण उक्त डाकघर की लोक सेवा विरन्तर बाधित हो रही है। उक्त डाकघर की परिसम्बन्धित अपेक्षित से मुकुट बिहारी लाल के कर्जे में अब भी बही है, जिसे सरकार को सौंधने से वह इकार फर रदा है। इसका प्रभाव से हरताडतरण होना अविवार्य है।

ਭਾਰਤੀ ਸਮਾਜ ਮੌਲਿਕ ਵਿਰੀਕਣ ਕਾਨੂੰਨ-ਉਤਸ਼ਾਹੀ ਰੀ ਸੁਖੀ ਰੀ। ਸ਼੍ਰੀ ਮੁਖੀਹਰ ਲਾਲ ਹਾਰਾ ਥਾਨਾਈ ਵਿਖਾਇ ਕੇ ਅਧੇ ਸਮਝੂਲ ਕਾ ਪੁਸ਼ਟ ਦਿਨਾਂਕਿਤ 27.5.88 ਦੀ ਪ੍ਰਾਚਿਤ ਸ਼ੀਕਾਰ ਭਰਾਈ ਮਥੀ ਵਿਚਕੀ ਏਕ ਪ੍ਰਤਿ ਤਥ ਮੌਲਿਕ ਵਿਰੀਕਣ ਕਾਨੂੰਨ-ਉਤਸ਼ਾਹੀ ਰੀ ਵਾਰਾ ਪਾਪਕੇ ਸੀ ਪ੍ਰੇਰੀ ਮਥੀ ਹੈ।

याता प्रभारी बिधासन ने लिखित रूप में दिया है कि वृक्ष श्री मुकुटबिहारी लाल ने व्यायालय में वाद दायर कर दिया है अतः व्यायालय के बिस्तारण तक इसे पंजीकरण व्यायोपित बही जाव रक्ता है ।

इस सम्बन्ध में भ्रावश्यक फार्मवाही बरबे की रूपा हैं। तथा बूत फार्मवाही से भ्रवगतकरायें।

ਖੀਡੀ ਮਣਡਲ, ਖੀਡੀ - 262701

Ken Lal Siffel

A38

In the Central Administrative Tribunal, Additional Bench,  
Allahabad,.

Rejoinder Affidavit

In re;

Registration No.535 of 1988.



Mukut Behari Lal ... Petitioner.

Versus.

Rajendra Prasad, c/o Superintendent  
of Post Office Kheri and others. Respondents.

Rejoinder Affidavit on behalf of the  
Petitioner Mukut Behari Lal.

I, Mukut Behari Lal, aged about 32 years, son of Late Sri Brij Mohan Lal, Resident of village Chhidwai Patti, Post Office Chhidwai Patti, District Kheri, the deponent do hereby solemnly affirm and state on oath as under:

1. That the deponent is the petitioner in the above noted case and as such he is fully conversant with the facts and circumstances of the case.
2. That the contents of the Counter Affidavit has been read and explained to the deponent and he has understood the same well.

3. That the contents of para 1 to 9 of the Counter Affidavit need no reply ~~as~~ as stated.

4. That the contents of para 10 of the Counter Affidavit are denied as stated and is reply thereto. Respondent It is submitted that the ~~judgement~~ is educated upto B.A. and he has concealed his qualification before this Hon'ble court. He has passed his B.A. examination in the year 1977. The rules provided that the candidate passing High School Qualification should be preferred and not the highly qualified candidate. It is also admitted ~~case~~ of the respondent. The certificates issued by the Principal of the concerned college is being filed herewith as Annexure No.1 to this affidavit.

5. That the contents of para 11 to 14 need no reply.

6. That ~~the~~ in reply to para 15 of the Counter Affidavit, the contents of para 1,2,3,4, and 5 of the petition are reiterated to be correct.

7. That the contents of para 16 of the Counter Affidavit are denied as stated and in reply to the contents of para 6(i) are maintained to be correct.

8. That the contents of para 17 of the Counter Affidavit are denied as stated and in reply thereto, the contents of para 6(ii) of the petition are reiterated to be correct.

9. That the contents of para 18 of the Counter



P. 29

Affidavit are denied as stated and in reply thereto, the contents of para 6(iii) and (iv) are reiterated to be correct. It is further submitted that by ~~cancelling~~ petitioners appointment and directing for the appointment of respondent no.1, the Director Postal Services has ~~rendered~~ ordered the order void and as such he has exceeded his jurisdiction which is not ~~vested~~ in him. It is further submitted that by nominating the name of the respondent no.1 the ~~motive~~ of the Director Postal Services to appoint the respondent No.1 is clear.

10. That the contents of para 19 of the Counter Affidavit are denied as stated and in reply thereto the contents of para 7 of the petition are reiterated to be correct. It is further submitted that the petitioner is liable to be continued in service.

11. That the contents of para 20 of the Counter Affidavit are denied as stated and in reply thereto the contents of para 8 of the petition are reiterated to be correct. It is further submitted that the petitioner has never absconded as stated and no body demanded charge from him.

12. That in reply to contents of para 21 of the Counter Affidavit, the contents of para 9.10.11.12 and 13 of the petition are maintained to be correct.

13. That in view of the facts and circumstances stated above, it would be expedient and in the ends of justice that the instant petition be allowed with cost and the services of the petitioner are liable to be continued throughout.

Lucknow; Dated

23/12, 1988

Yogeshwar  
Deponent.

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 13 are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Lucknow; Dated

23/12, 1988

Yogeshwar  
Deponent.

I, identify the deponent who has signed before me.

*Yogeshwar*  
Solemnly affirmed before me on 23/12/1988  
at 10-15 A.M./P.M. by the deponent Mukut Behari Lal  
who has been identified by Sri M.Y. Ansari  
Advocate High Court Lucknow Bench Lucknow.

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

1. Advocate

2. High Court, Allahabad

3. Lucknow Bench

4. No. 61 Date 23/12/1988

5. 1709

To the central administration To whom: Additional funds  
Mr. Markham

Registration no 535 of 1988

Markt-fokussiert ————— Schwerpunkt

vis

Regionen präsentiert und auch — ausgeweitet.

Annemarie alop-7

**YUVARAJA D'ATTA COLLEGE**  
**LAKHIMPUR-KHERI**  
**TRANSFER CERTIFICATE**

Certificate No. .... University Enrolment No. ....

2290 Certified that Rajendra Prasad

born on 10/10/1960 son of Shiv Prasad

by caste Hindu (Maury) was student in the 75 year 77

He leaves (*reason*).

having passed the B.A.I.T. Examination of 77 or having

failed in the ..... Examination of 19..... in .....

his conduct, as far as known to me, was

He has paid all charges due from him to the College up end of the session

Dated 20 ) VIII 1908 ( 1

Ronnie  
Principal

ସାହିତ୍ୟ

*N. B. - The details regarding attendance are noted overleaf.*

13 b 7 59

743  
In the Central Administrative Tribunal, additional Bench,  
Allahabad,.

Rejoinder Affidavit

In re;

Registration No.535 of 1988.

Mukut Behari Lal ... Petitioner.

Versus.

Kajendra Prasad, c/o Superintendent  
of Post Office Kheri and others. Respondents.

Rejoinder Affidavit on behalf of the  
Petitioner Mukut Behari Lal.

I, Mukut Behari Lal, aged about 32 years,  
son of Late Sri Prij Mohan Lal, Resident of village  
Chhidwai Patti, Post Office Chhidwai Patti, District  
Kheri, the deponent do hereby solemnly affirm and state  
on oath as under:

1. That the deponent is the petitioner in the  
above noted case and as such he is fully conversant  
with the facts and circumstances of the case.
2. That the contents of the Counter affidavit  
has been read and explained to the deponent and he has  
understood the same well.

3. That the contents of para 1 to 9 of the Counter affidavit need no reply ~~as~~ as stated.
4. That the contents of para 10 of the Counter affidavit are denied as stated and is reply thereto.  
Respondent  
It is submitted that the ~~Respondent~~ is educated upto B.A. and he has concealed his qualification before this Hon'ble court. He has passed his B.A. examination in the year 1977. The rules provided that the candidate passing High School qualification should be preferred and not the highly qualified candidate. It is also admitted ~~case~~ of the respondent. The certificates issued by the Principal of the concerned college is being filed herewith as Annexure No.1 to this affidavit.
5. That the contents of para 11 to 14 need no reply.
6. That ~~the~~ in reply to para 15 of the Counter Affidavit, the contents of para 1,2,3,4, and 5 of the petition are reiterated to be correct.
7. That the contents of para 16 of the Counter Affidavit are denied as stated and in reply to the contents of para 6(i) are maintained to be correct.
8. That the contents of para 17 of the Counter Affidavit are denied as stated and in reply thereto, the contents of para 6(ii) of the petition are reiterated to be correct.
9. That the contents of para 18 of the Counter

affidavit are denied as stated and in reply thereto, the contents of para 6(iii) and (iv) are reiterated to be correct. It is further submitted that by concealing petitioner's appointment and directing for the appointment of ~~of respondent no.1~~, the Director Postal Services has ~~ordered~~ <sup>made</sup> the order void and as such he has exceeded his jurisdiction which is not ~~vested~~ in him. It is further submitted that by nominating the name of the respondent no.1 the ~~nature~~ of the Director Postal Services to appoint the respondent No.1 is clear.

10. That the contents of para 19 of the Counter Affidavit are denied as stated and in reply thereto the contents of para 7 of the petition are reiterated to be correct. It is further submitted that the petitioner is liable to be continued in service.

11. That the contents of para 20 of the Counter affidavit are denied as stated and in reply thereto the contents of para 8 of the petition are reiterated to be correct. It is further submitted that the petitioner has never absconded as stated and no body demanded charge from him.

12. That in reply to contents of para 21 of the Counter affidavit, the contents of para 9.10.11.12 and 13 of the petition are maintained to be correct.

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This affidavit which have been read over and explained

deponent that he understood with the contents of

I have satisfied myself by examining the

Advocate High Court Lucknow Benck Lucknow.

who has been identified by Sri

at A.H./P.1. by the deponent

Solemnly affirmed before me on

Advocate.

I, identify the deponent who has signed before me.

Deponent.

1988

Lucknow; Dated

20th.

nothing material has been concealed. So help me  
to my own knowledge. No part of it is false and  
verily that the contents of paras 1 to 13 are true

I, the above named deponent do hereby

Verification

Deponent.

1988

Lucknow; Dated

be contented that ought out.

cost and the services of the petitioner are liable to  
of justice that the instant petition be allowed with  
as stated above, it would be expedient and in the ends

13. What in view of the facts and circumstances

# YUVARAJA DATTĀ COLLEGE

LAKHIMPUR-KHERI

## TRANSFER CERTIFICATE

145

Certificate No. ....

University Enrolment No. ....

2290

Certified that Rajendra Prasad

born on ..... son of Bishnu Prasad

by caste Maurya was student in the 75 year 77

He leaves (reason) ..... /

having passed the B.A.I.T Examination of 77 or having

failed in the ..... Examination of 19 in .....

his conduct, as far as known to me, was good.

Dated 20 / XII / 1980

R. N. Mitra  
Principal

मासार्थ

N. B. - The details regarding attendance are noted overleaf.

प्रिन्सिपल  
मासार्थ

Awb

In the Central Administrative Tribunal  
Additional Bench, Allahabad  
Circuit Bench, Lucknow.

T. A. No. 535 of 1990 (L)  
Decided on 9.5.1991.

M. P. No. 506/91 (L)

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 28/8/90  
Date of Receipt 28/8/90  
711  
Opp. Party Registered  
Applicant

Mukut Behari Lal

versus

The Union of India & others ... Respondents.

Application for setting aside the ex parte  
Judgment.

The Opp. Party No. Rajendra Prasad  
respectfully begs to submit as under :-

1. That the above noted application has  
been filed by the application for setting the  
order of termination in which the applicant  
of this application was one of the Opp.  
Party. He was also effected person. The  
Judgment given by this Hon'ble Tribunal will  
effect the position of the applicant Rajendra  
Prasad.

2. That the notice send to the applicant  
Rajendra Prasad could not be served on the  
application and applicant and he could not  
contest the application of the applicant.  
The notices sent to the applicant Rajendra  
Prasad were not send on the correct address.

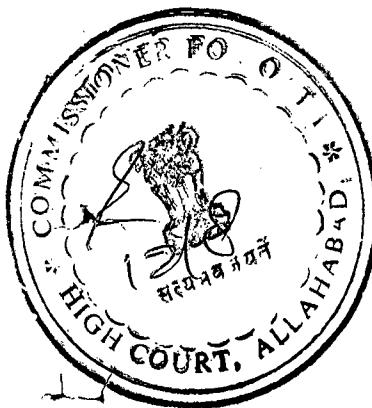


Filed today  
you  
28/8/90  
97034b

R.M

2.

3. That the notices send to the present applicatn were addressed through the Supdt. of post offices Kheri. Further on the envelop the C.M.O. was written. There was no question to reach the notice to the present applicant due to wrong address.
4. That the notice was received back unserved and is on the file. The postman has given his report that no one is available in ht (aspatal) of this name. It shows that the notice was given to the post man treating the applicant serving in the 'Aspatal'.
5. That tax on 26.8.88 on the order sheet it is mentioned that the reply has been filed by the Opp. Parties. In fact no reply has been filed by the applicant. In fact it appears that the services has been presumed on the applicant.
6. That the present applicant has no knowledge of the applicant filed by Sri Mukut Behari Lal. Thus the judgment of the Hon'ble Tribunal is ex parte.
7. That the Judgment passed by the Hon'ble Tribunal is ex parte. It is liable to be set aside.
8. That the Hon'ble Tribunal had given the Judgment on 9.5.1991 but its copy has not been send to the applicant (Rajendra Prasad) by this Hon'ble Tribunal or by the applicant Mukut Behalri Lal.
9. That the address of the present applicant was fully in the knowledge of the Mukut



Behari Lal but he had knowingly not given the correct address in the application due to obtaining the ~~correct address~~ <sup>ex parte</sup> judgment.

10. That the applicant Mukut Behari Lal spread the news five days before in the village that he will take the charge of the Post office from the present applicant. The news has come in the knowledge of the applicant then he contacted the office of the Opp. Party No. 2 then he has come to know that case was filed by Sri Mukut Behari Lal and he had obtain the judgment in his favour ~~in~~. This was confirmed on 5.8.91. The present applicant had come to ~~km~~ Lucknow and contacted the counsel who counsel who had inspected the file on 8.8.1991 then the facts noted above had come in the knowledge of the present applicant.

11. That the Judgment of the Tribunal is ~~exparte~~ against the applicant (Rajendra Prasad). It is liable to be set aside and the applicant is liable to be heard after filing the counter affidavit.

12. That the applicant (Rajendra Prasad) will suffer a great irreparable loss if the case will not be respored and the ~~exparte~~ judgment will not be set aside.

13. That the justice demands that the applicant rajendra Prasad may be given an opportunity to contest the case.



20/3/91

4.

14. That the judgment has been obtained by fraud by the Applicant Mukuat Behari Lal against the present applicant.

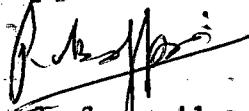
Wherefore it is prayed that the Judgment given in this application case may kindly be set aside and the applicant Rajendra Prasad may be given ~~time~~ an opportunity to defend the case-application on merits.

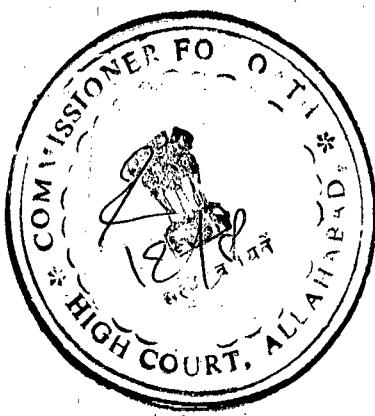
935 J-9713

Dated :- 8.1991

(Rajendra Prasad)

Applicant.

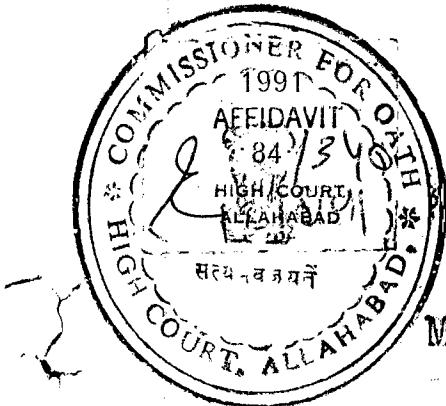
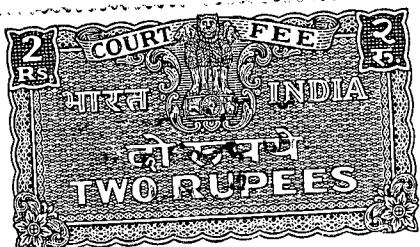
  
Counsel for the  
applicant.



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R<sup>60</sup>

In the Hon'ble Central Administrative  
Tribunal, Additional Bench,  
Allahabad, Circuit Bench,  
Lucknow.

T.A. No. 535 of 1988



Mukut Behari Lal

...

Applicant.

Versus

The Union of India & others .. Opp. Parties

Affidavit in support of the application for  
Setting aside the Ex parte  
Judgment.

I, Rajendra Prasad aged about 30 years  
son of Sri Shiv Prasad R/o Village and  
Post Chhidwai Patia Distt. Lakhimpur Kheri,  
do hereby solemnly affirm as under :-

1. That the deponent is filing herewith  
an application for setting aside the ex parte  
Judgment passed against him.
2. That the contents of para 1 to 6, 8,  
9, and 10 of the application are true to  
the knowledge of the deponent.
3. That the contents of paras 7, and 11  
to 14 of the petition are true to the  
belief of the deponent.

Dated :- 12.8.1991

Deponent.

Verification

I, the above named deponent do hereby

2.

verify that the contents of paras 1 and 2 of this affidavit are true to my knowledge and the contents of para 3 are true to my belief. Nothing has been concealed and no part of it is false so help me God.

Signed and verified today this day of August 1991 in the court compound at Lucknow,

*photograph*  
Deponent.

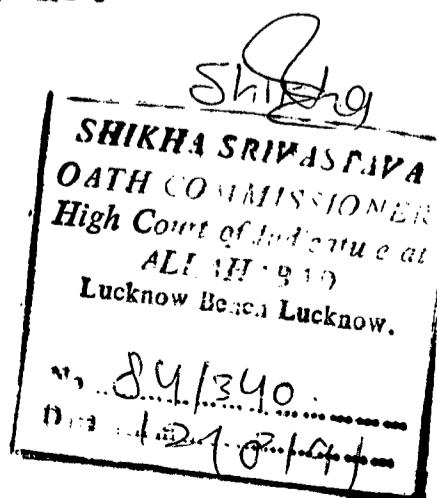


I identify the deponent who has ~~been~~ signed before me.

*P.N. Bajpai*  
(P.N. Bajpai)  
Advocate.  
•81991

Solemnly affirmed before me on 12.8.91 at 9.25 A.M. by Sri Rajendra Prasad the deponent who ~~understands the contents of this affidavit~~ is identified by Sri P.N. Bajpai, Advocate High Court Allahabad (Lucknow Bench), Lucknow.

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



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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIABAD  
CIRCUIT BENCH, LUCKNOW

O.A. No. 535/88

Mukut Behari I&J

Applicant,

versus

Union of India & others

Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C.S, V.C.)

The applicant who was appointed as Extra Departmental Branch Post Master has challenged the order of termination by which his services were terminated after about 8 months. The applicant was duly appointed as Branch Post Master on 13.8.89 against a clear vacancy at Chhidwai Patti Post office District Kheri. As is usual, the appointment initially is said to be temporary appointment. All of a sudden, his services were terminated.

2. From the counter it appears that his services were terminated because one Rajendra Prasad made representation that he was better candidate than the applicant who was selected, as such he should be appointed. The Director, to whom the application was made sent it to the Superintendent of Post offices, thereby recalled the earlier order and terminated the services of the applicant and appointed <sup>Adarsh</sup> Rajendra Prasad. The grounds disclosed in the counter for the same are that the applicant was only 9th class while Rajendra Prasad was High School. It is also stated that the

3. In the Rejoinder it has

Amended  
Xmas 1991  
H.M.B.  
20/10/89

respondents concealed this fact that the said Rajendra Prasad was Graduate. Under the relevant rules minimum qualification for appointment of E.D.B.P.M. is upto 8th standard with the proviso that the Matriculation or equivalent may be preferred. Thereafter the administrative decision was taken on 10.3.84 that no weightage be given to the level above the Matric and it may that at the time of selection it came to light that the respondent was Graduate and that is why no weightage should have been given. In view of the above decision Superintendent Post Offices should have called upon the applicant and opportunity given as to why he should not have been terminated. The

termination of services is violative of principles of natural justice. Accordingly this application is allowed to the extent that the respondents are directed to make an enquiry into the matter and decide the same in accordance with the relevant rules and in case it is found that the applicant was rightly appointed then termination order will be deemed to be quashed and he will be restored with continuity to the post again which on which he was appointed and subsequent appointment will be deemed to be non-existent. Let the compliance of this decision be made within 3 months of the communication of this order. Parties to bear their own costs.

Attested  
True copy

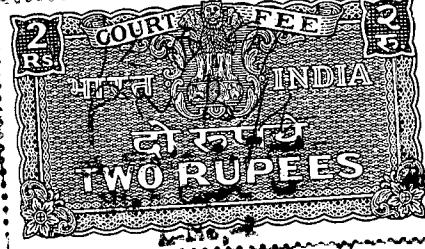
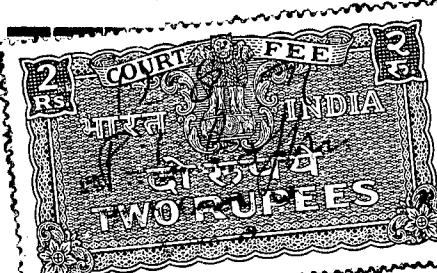
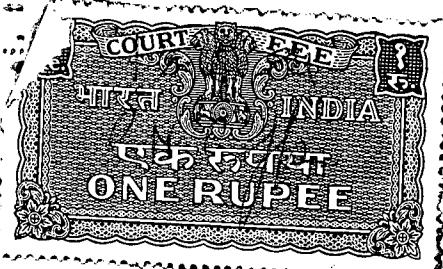
C.T.C. Section Officer  
Central Administration Board  
Circuit Penc.  
LUCKNOW  
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Attested  
True copy  
R.P.  
20/10

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व अदालत श्रीमान *On the Central Admnistrative Court, Thailand*  
Sode Beach Phuket (Jachin Beach) महोदय



*Mukut Bihari das*

*Applicant*

*The Union of India & others vs* *Respondents*

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री प्रयाग नारायण बाजपेई एडवोकेट

एवं श्री कातिकेय बाजपेई एडवोकेट भैरौ जी रोड, लखनऊ

*R. KUMAR ADVOCATE*

को अपना वकीन नियुक्त करके प्रतिज्ञा [ इकरार ] करता हूँ और लिखे देना हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें वा हमारी ओर से डिगरी जारी करावें और रूपया बचूल करें वा सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तपशीक करें या हमारी विपक्ष [ फरोक्षानी ] का दाखिल किया हुआ रूपया आने वा हमारे हस्ताक्षर युक्त [ दस्तखती ] रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे विलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया ताकि प्रमाण रहे और समय पर काम आये।

*Acc'd to  
12/8/01*

*12/8/01*

हस्ताक्षर

*Acc'd to  
12/8/01*

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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