

1A1

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

23-A, Thornhill Road, Allahabad-211001

Registration No. 535 of 1988

APPLICANT (s) Mukht Bahari Lal

RESPONDENT(s) U O 9

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent?
2. (a) Is the application in the prescribed form?  
(b) Is the application in paper book form?  
(c) Have six complete sets of the application been filed?
3. (a) Is the appeal in time?  
(b) If not, by how many days it is beyond time?  
(c) Has sufficient case for not making the application in time, been filed?
4. Has the document of authorisation, Vakalat-nama been filed?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?  
  
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?

yes.

yes.

yes.

Four sets only

yes.

-

-

yes.

yes. G.P.O. no. DD 516451  
5 dt. 5.4.88

yes.

yes.

Attested by the Advocate.

173

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD 835/88

Murkut Behari .....of 198 .

Rajendra Prasad and others .....Vs.....

No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
		<p>O/R. In notice and order for 30.5.88 on 29.5.88 O/R. In notice for interim relief and copy of orders also sent for 12.5.88 on 29.5.88</p> <p>Hon. D.S. Misra AM Hon. G.S. Sharma JM</p> <p>On the request of learned counsel for the applicant, adjourn to 19th July for hearing</p> <p>AM JM</p>	
13/88		<p>Hon. D.S. Misra AM Hon. G.S. Sharma JM</p> <p>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 praying for transfer of the case to Lucknow Bench. Registrar will look into the matter and pass suitable orders.</p> <p>AM JM</p>	

535/00

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 rejoinder. The 23.12-88 for rejoinder. Applicant's also present.

28/10/88

23.12.88

D.R.

On the request of applicant's counsel, the case is adjourned to 27.1.89 for rejoinder.

27/1/89

NO sitting for R.A.

Ad Joun-d to

24/2/89

24-2-89

D.R.

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

27/1/89

D.R.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 535 of 1988.

APPELLANT  
APPLICANT

Mukut Bihari

VERSUS

DEFENDANT  
RESPONDENT

U.O.

Sl. No. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
11.4.89		Rejoinder filed today. List before Court on 15.5.89 for hearing. 11/4/89 J.D.R.
5.5.89	Hon. K.J. Raman - AM  Due to Sudden of Sri Jagdish Swaroop, Ex-Solicitor General of India. The Lawyers have abstained from attending Court.  The case is accordingly by Adjourned to 26.5.89 for order.  KJR Am	OR Case is ready for final hearing. Submitted to Court h 12/5-
26-5-89	No sitting. Adjourned to 13-7-89 for order.  SPR B.C.C.	OR Case is submitted for hearing. 12/5

Ab

16.1.91

No setting up to 18.3.91

18.3.91

No setting up to 9.5.91  
Jc

Revised copy of fragment  
on page  
Gen.  
5-6-91

(A7)

m P 506/91

W

TA 535/88

6-11-91

Hon Mr Justice U.C. Sinastana, VC  
Hon Mr. A. D. G. W., AM

learned counsel for the  
applicant is not ready  
on merits. list for 21-1-92  
for hearing. Court of the will  
also be shown when not  
listed.

J  
AM

VC

J

21.1.92

No Siding adj 27-3-92  
J

27-3-92

No Siding adj 11.5.92  
J

11-8-92

No Siding adj 13.7.92  
a

13-7-92

Hon. Mr Justice U.C. Sinastana, VC  
Hon. Mr. K. Obayya, AM.

O.R

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

J  
14/9/92

(4g)

AM.

list this case again on 15-9-92  
for hearing showing the name  
of Shri P.N. Bajpai as learned  
counsel for the applicant.

VC

(1)

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW

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.

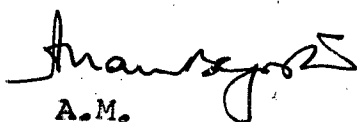
(Hon. Mr. Justice U.C.S, V C.)


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 a 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 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.

  
A.M.

  
V.C.

Shakeel/

Lucknow Dated: 9.5.91.



A10

CENTRAL ADMINISTRATIVE TRIBUNAL

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  
exparte 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.

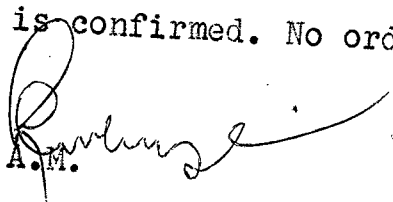
2. The case of the Rajendra Prasad, apart from  
setting aside the order in which no reply has been  
filed. We have gone through the record and we do not  
find that there are any good grounds for recalling our  
order and giving yet another judgment. We took into  
consideration that the Rajendra Prasad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

lu

ATL

-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.

  
A.M.

  
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/ 3072<sup>0</sup>

Dated/- 13/6

In re

Registration No. .... 535 ..... of 1988

Mukut Behari Lal

APPLICANT(S).

Versus

Rajendra Prasad & ors.

RESPONDENT(S).

To Mukut Behari Lal Elodati Shree Brig Mohan  
① Lal, Branch post Master Chhidwai Patti  
Distt. Khari.  
B.P.M. Chhidwai Patti Distt. Khari  
Will. & P.O. Chhidwai Patti Distt. Khari.

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... 19.06. ....  
day of... July... 1988 for... A.C.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... 13.6. .... day of... June... 1988

FOR (DEPUTY REGISTRAR)

*[Signature]*



C102  
A/ST

Registered

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

245

No. CAT/CB/LKO/

Dated: 7/9/ur

Registration No. 535 of 1988.

Mural Behara

Applicant

Versus

Rajendra K. S.

Respondent's

To

Mural Behara Esq

S/o Late Sri Brij Mohan Lal

Vill. & Post Office Chhidwari Patti  
Dist 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 23 day of 9 1988 for  
rejoinder

If no, appearance is made on your behalf, 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 1988.

h  
For DEPUTY REGISTRAR

dinesh/

Encl copy of  
Counter affidavit

C 123  
1/88

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.R.(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 be not 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  
Allahabad.

Ms Petition no of 1988

8/5

In

OA Refn no 535 of 1988

Application for the transfer of  
Case to Circuit Bench at Lucknow

The Applicant & the respondents  
both belong to Dist Khir (Gudh  
Area of Dist) it is, therefore  
humbly prayed

PRAYER

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

13/5/88

Rustam  
Advocate for  
the Applicant

105  
O/C  
REGISTERED

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

No. CAT/ALD/JUD/

Dated/-

In re

Registration No. 535 of 1988

Mukut Behari Lal

APPLICANT(S).

Versus

Rajendra prasad Gores

RESPONDENT(S).

To

Mukut Behari Lal Gledati Shri Baig

①

Maharaj Lal Bichari postmaster Chhidwai  
patti Distt. Kheri.....

B. P. M. Chhidwai patti Distt. Kheri Vill. & P.O.  
Chhidwai 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 A. C. A. T.....  
... Bench... Ind. Kheri.....  
.....

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... 2nd..... day of... July..... 1988

②

Rajendra prasad  
C/o. Supdt. Posts Kheri

FOR (DEPUTY REGISTRAR)

③

as Director Postal Services,  
Lucknow-7.

REGISTERED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

23-A, Thornhill Road, Allahabad- 211 001

No. CAT/ALID/JUD/

Dated/-

In re

Registration No. .... of 198

APPLICANT(S).

Versus

RESPONDENT(S).

To

Through A Mohalee  
CA T. B. 10/01

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

M. A. A.

FOR (DEPUTY REGISTRAR)

4/8/88  
Close to Smt. Ashok Mohila  
Advocate



REGISTERED

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

No. CAT/ALLD/JED/

Dated/-

In re

Registration No. 535 of 1988

Mukut Beharidial

APPLICANT(S).

Versus

Rajendra Prasad & Co.

RESPONDENT(S).

To

Director postal Services, Lucknow-1

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... at... 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... 23rd... day of... June... 1988

FOR (DEPUTY REGISTRAR)

R.O. for intimat  
full particulars  
of the case and  
copy. 23/6/88

CA 1 All d / Stud / R No 535/1988

लेब-54 (छोटा)  
Lab-54 (Small)



प्रेषक/From

नमूना  
ग्रा/८

सेवा में/To

भारतीय डाक विभाग  
DEPARTMENT OF POSTS INDIA

Deputy Registrar

Central Administrative Tribunal

Allahabad Bench

23-14 Thornhill Road

Allahabad-211 001

Before The Central Administrative Tribunal  
Allahabad.

My Petition no of 1988 X/y.

In

GA Refr no 535 of 1988

Application for the transfer of  
Case to Circuit Bench at Lko.

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

PRAYER

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

13/5/88

Rustam  
Advocate for  
the Applicant

2106

(A) 37

# In the High Court of Judicature at Allahabad

Ream - No. 535 of 1988  
Srimant Bihari Indar of India  
Petitioner/s. Respondent/s Cop. Parties.  
Plaintiff/s. Defendant/s  
Decree-Holder/s. Complainant/s. Judgment-Debtor/s Accused.

I, J. M. Sinha, Supdt. Post office  
Nos. Khari Divn Khari 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/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.

2/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 therein 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.

3/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.

4/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 act, as if done by me/us to all intents and purposes.

Executed by me/us this 24th day of May 1988 at Khari

Signature/s

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 appear/s perfectly to understand the contents 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

(Hinders slip) 196

My lords,

(38)

As I am not feeling well

Today, my case listed at-

Serial no 38 may kindly be

stayed out from today's court list

M. Y. Ansari

M. Y. Ansari

Adv.

cannot further applicant.

Jai Lal Lucknow

9-5-91

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

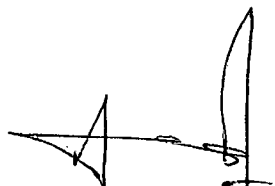
Date..... 9-11-90

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

8/5

I am engaged in the Honorable High Court Addl. 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

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535/88 M.B. Cal vs Uo P.

Before the Central Administrative Tribunal, Lucknow.

C98

Registration<sup>T.A.</sup> No 535 of 1988.

✓

Mukesh Behari ——— Applicant-

V/S

Rajendra prasad Yadav ——— Respondent

Application for Adjournment

The applicant's 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 Honble court may kindly be pleased to adjourn the instant case for today.

Prateel Lucknow

12-4-1990

M. Y. Ansari

M. Y. Ansari

Adv.

Counsel for the applicant

08/4

The Central Administrative Tribunal, Allahabad

C.A. Regd. No. 535 of 1988

Retired Police Sub v/o OPS Inkhaw : Another

Application

Copy No.

1

Stay



A12

Application u/s 19 of the Administrative 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) <sup>A N D</sup>  
*Cy Rajendra Prasad*  
(1) Supdt. Posts Kheri I  
I ..... Respondents  
(2) D.P.S., Lucknow I

I N D E X

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 <i>Supdt. Posts Kheri</i>	7
3	A II	Letter No. Nihal/Staff/R-25/87/3 dt. 11-4-88 from Resp. No. 2 to <del>No. 1</del> <i>Supdt. Posts Kheri</i>	8

*R. K. Tewari*

R. K. TEWARI

Advocate

154, Purnashram Nagar

(Khujabad)

Allahabad-16

*Handwritten signature and date 21/4/88*

Central Administrative Tribunal  
Additional Bench At Allahabad  
Date of Filing...

Date of Receipt  
by Post

- 2 -

Register.  
**Details of Application**

Filed today.  
Date of Admission  
Noted for 28-4-88  
28-4-88  
R. Tewari  
25/4/88

**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 *90* Rajendra Prasad 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.

**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 :-

R. Tewari

33/4/88

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- (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. Kumar

30/04/88

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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. K. Sharma

13/11/80

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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 <sup>has</sup> 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.

R. Tewari

3/5/88 (10/11)

XXXXXXXXXXXXXXXXXXXXX  
8- ~~interim order, if prayed for~~ NKML

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 bench of the Tribunal.

11- Particulars of the Postal Order in respect of the application fee :-

- (i) No. of I. P. ODD5/516451
- (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 Chhedwaids hereby verify that the contents Dist. Kheri Patti, Kheri 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 Administrative Tribunal,  
Allahabad-211001

Signature of applicant



R. K. TEWARI

Advocate

154, Purshottam Nagar

# Annex A I

Indian Postal & Telegraphs Department

(Letter of appointment)

Memo No. A-6981 dated at Khari the 13-8-87

Sri Mukund Bhatnagar is, hereby provisionally appointed as ED BPM. He shall be paid such allowance as admissible from time to time.

2. Sri M. K. Das should clearly understand that his appointment as EDBPM in the nature of contract 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 (Conduct & Service) Rules, 1964 as amended from time to time.

3. Sri Mukut Bahari 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,  
K h e r i.

Copy to:-

- 1- Shri Mukut Bahari Lal Nigahala V.P.O. Chidambaram  
2- The SPM Nigahala  
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. Band.

**TRUE COPY**  
*R. K. Tewari*  
(R. K. Tewari Advo.)

532 1931/11/10

- 8 -

Annexure A II

भारतीय डाक विभाग

कार्यालय निदेशक डाक सेवाएँ, लखनऊ क्षेत्र लखनऊ- 226007

सेवा में,

श्री क्या राम

अधीक्षक डाकघर, श्रीरी प्रखण्ड

श्रीरी - 262701

संख्या :- नि.लाल/स्टाफ आर-25/87/3 दि. लखनऊ - 8 11-4-1988

विषय :- विषय :- छात्रा छात्रास छिदवाई पतिया [श्रीरी] के निरुद्धि के सम्बन्ध में श्री राजेन्द्र प्रसाद का प्रतिवेदन ।

सन्दर्भ :- आपका पत्र 8/छिदवाई पतिया दिनांक 5-4-88 ।

जायोपरान्त निदेशक महोदय ने श्री सुब्रह्म बिहारी लाल, निरुद्धि छात्रा छात्रास छिदवाई पतिया के निरुद्धि को निरस्त करते हुए, उक्त पत्र पर प्रतिवेदन का श्री राजेन्द्र प्रसाद को निरुद्धि करने का आदेश दिया है।

2. निरीक्षक डाकघर द्वारा डाकघर के स्थान के एम्बन्ध में आक्यों मही की गई केवल सत्यापित लिखा गया। उन्हे इस बिन्दु पर सावधानी से देखना चाहिए कि इतकेतिरिक्त उन्हे आब प्रमाण पत्र की फोटो प्रति का सत्यापन किया। इस सम्बन्ध में उन्हे क्या जांच की, यह अस्पष्ट है। जब कि इस प्रमाण पत्र की मूल प्रति पहले से ही मध्यस्थ कार्यालय में उपस्थित है। निरीक्षक द्वारा इतको वास्तविक सिद्ध करने हेतु जांच करने का एवम प्रयास किया गया, अस्पष्ट है।

अतः डाक निरीक्षक के विरुद्ध उचितरित अनियमितता परतने के कारण अनुप कार्यवाही कर और परित्याग से अलग करार है। आपकी पत्रावली 8/छिदवाई पतिया 25, प्रमाण सील प्राप्त है। कृपया पावती स्वीकार करें।

संलग्न: यथोपरि

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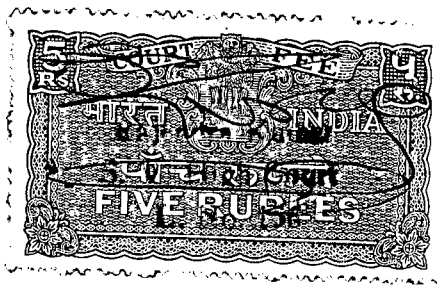
R. K. Tewari Advor

अमर देव-यदव

उप निदेशक

प्रतिनिधि- श्री राजेन्द्र प्रसाद राम व पोस्ट छिदवाई पतिया निरुद्धि श्रीरी को उनके प्रतिवेदन दिनांक 25-10-87 के संदर्भ में सुनार्य ।





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## वकालतनामा

बअदालत. The Central Administrative Tribunal

नम्बर मुकदमा

नम्बर इजारा

Allahabad  
OA Regn. No. of 1988

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सन् १९

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मुद्दै

Mukut-Bihari  
Lalबनाम Union of India  
& others.

अपीलान्ट

मुद्दालैह

मैं Mukut Bihari Lal 40 Lakh Paise

रेस्पान्डेन्ट

मैं/हम

Brij Mohan Lal 32 Paise.

निवासी

No. 118, Chhidwai Patia, Bakhwa Kela  
Dist. Khariश्री R. K. Tewari, Advocate, 154 Prashottamnagar  
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, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें, सुलहनामा दाखिल करें, दावा स्वीकार करें, उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावे, डिग्री का रुपया व खर्चा, हर्जाना का रुपया या किसी दूसरे तरह का रुपया व खर्चा 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 समझें 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 क्लर्क 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 सवंधा मान्य होगा।

तारीख

25- माह 4- 1988

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Accepted

स्वीकार है

R. K. Tewari

हस्ताक्षर

हस्ताक्षर

Union of India

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बनाम

अदालत  
मुकदमा नं०

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CA filed  
12/12/88  
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. Bachi Ram.

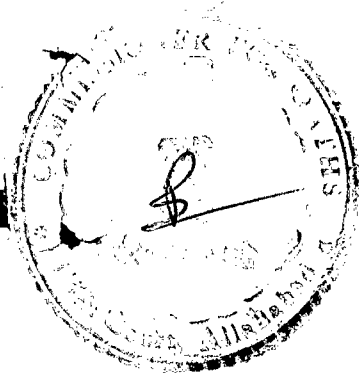
Superintendent, Post Offices,  
Kheri Division, Kheri.

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 deposed  
to below.

2. That the deponent has read the contents

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of the petition and has fully understood the same. Ra

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 as Chhidwai Patia. *True Copy of Complaint dated 25-9-87 is being filed as Annexure C/AI to this affidavit*

7. That the appointment file from the

Sd/-

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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 Dish 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

*G. B.*

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found that Sri Rajendra Prasad was <sup>superior</sup> ~~supervisory~~ <sup>senior</sup> 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 a <sup>to</sup> 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. <sup>to</sup> 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/Chhidwari Patia dated 18.4.88 and the appointment of Sri Rajendra Prasad as Extra Departmental ~~Postal~~ Post Master Chhidwai Patia was issued by the Supdt. Post Offices Kheri on 18.4.88. True copy of the aforesaid <sup>memo</sup> ~~memo~~ is being filed as Annexure CA 4 to this affidavit. filed

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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 ~~and~~ at his own risk and responsibility.

14. That no charge ~~by~~ 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 ~~as according to~~ <sup>according to</sup> ~~as according to~~ <sup>as</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>to this</sup> 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



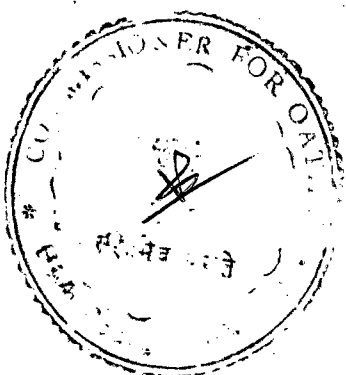
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of the applicant were terminated under Rule-6 of Extra Departmental Agents (Conduct & Services) Rules, 1964 vide Supdt. Post Offices Kheri Memo. No. A/Chhidwai Patia dated 18.4.1988. Director Postal Services, Lucknow Region, Lucknow vide his memo no. 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.



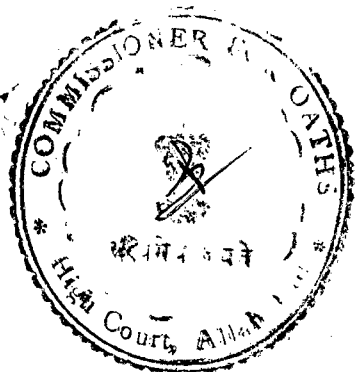
Sd/-

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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, Chhiwai 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 "al 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 <sup>with</sup> ~~at~~ 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.

  
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.

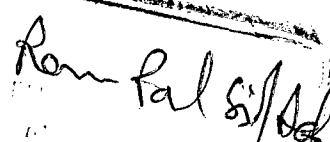
Clerk.

Solemnly affirmed before me on this <sup>August</sup> 24<sup>th</sup> day of ~~July~~, 1988 at 11:30 a.m. / ~~p.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

  
No 15/659  
Date 24/8/88

सेवा में,

श्रीमान डाक अधीक्षक महोदय

खीरी प्रखण्ड खीरी

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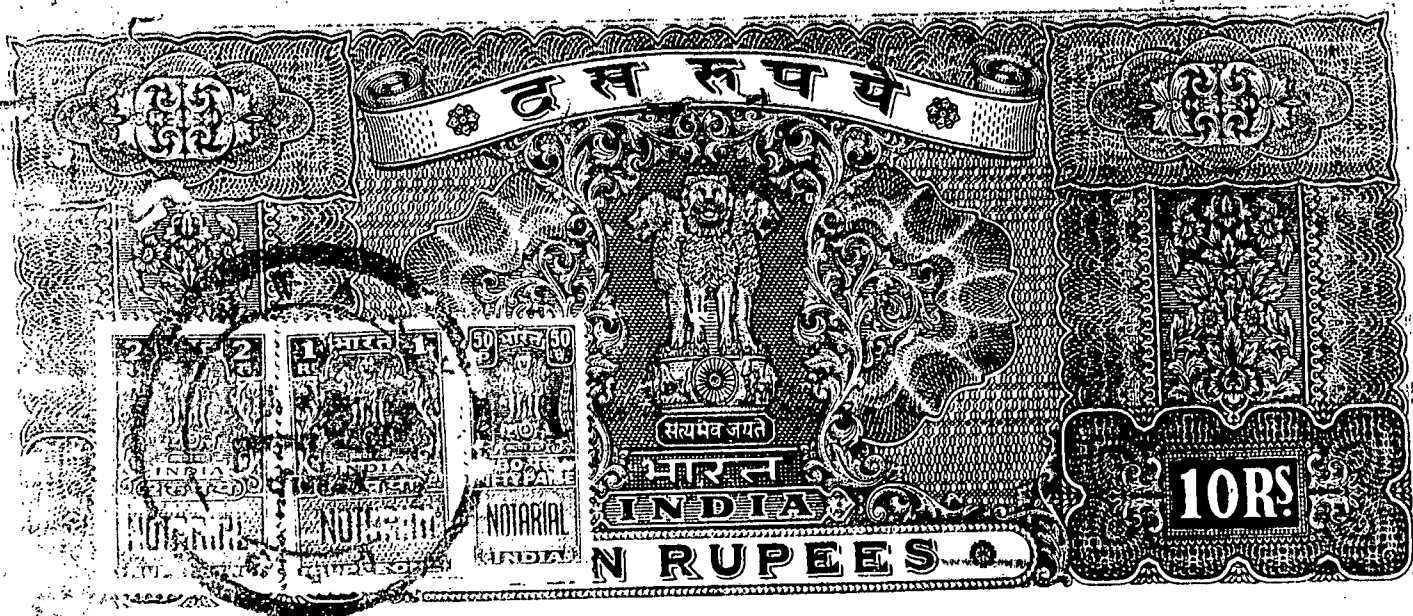
विषय :- चार्ज का सूत्र पर आरोप लगाना

निवेदन है कि

- 11] 29-11-86 को शाखा डाकघर अपनी ई० डी० डी० ए० को निकालने के बाद बैग सील कर रनर को दे दिया था जिसकी तहरीर संलग्न है। बल्लीपुर गुप्ता जी के यहां बैग पड़ा रहा। 1-12-86 को बैग पालिया आया, जिसमें जमा पर्ची सप्त बी० व आर० डी० की निकलीं जेबल में लपेटे नहीं निकले। वेतन विद्वे हेड आफिस खीरी में निकल जा कि 17-12-86 को हिसाब में लिये गये। इतने दिन वेतन घिड़ो कहां रहे ?
- 12] ई० डी० आर० बल्लीपुर डाक नहीं लाया जिसकी सूचना डाक निरीक्षक महोदय को भेजी गयी। जिसकी हमें कोई सूचना नहीं मिली। प्रतीलीप संलग्न है।
- 13] 11-12-86 को ओवरसियर ने सुनायना किया। सम्पूर्ण नगर रनर ने बताया कि ए० एस० पी० साहब सम्पूर्ण नगर आये हैं, हम दोनों को यहां बुलाया है। ओवर सियर ने कहा मेरे साथ चलने में आदेश करवा लूंगा। रास्ते में पहुंचने पर उन्होंने कहा 200 रुपये सर्व हॉने। मैंने कहा साथ में तो लाया नहीं, पहिल्या में इन्तजाम करूंगा। मैं किसी तरह इन्तजाम कर 200 रुपये इकट्ठा किया, साथ में सम्पूर्ण नगर गया। भूत पूर्व ओवरसियर भी साथ में थे। सम्पूर्ण नगर पहुंचने पर बात हुआ साहब बरही गये हैं उन्होंने कहा कि आप लोग घर जायें, मैं खिला पिला कर आदेश करा दूंगा। मैं वापस चला आया, अभी तक कोई आदेश नहीं आया। ऐसा क्यों ?
- 14] 11-2-87 को सुने कुत्ते ने काट लिया था मैं दवा कराने मजबूर गया था वापस वहां से आया तो देखा रनर डाक लम्फ लेकर वापस जा रहा है, मैंने आवाज दी तो उसने मुझे की अलुकी कर दी। साथ में उत्तर प्रतीलीप संलग्न है। तथा ई० डी० डी० ए० के ब्यान भी।
- 15] ओवर सियर पालिया को चार्ज लेने के लिए डाक निरीक्षक महोदय ने आदेश दिये पर ओवर सियर ने चार्ज नहीं लिया। प्रतीलीप संलग्न है।
- 16] 14-1-87 को शारदा प्रसाद ई० डी० पी० ए० को चार्ज के लिए डाक निरीक्षक महोदय ने आदेश दिया। शारदा प्रसाद ने चार्ज न लेने के विषय में लिखित भेजा। जिसकी प्रतीलीप आदेश सहित संलग्न है।
- 17] 31-1-87 को डाक निरीक्षक महोदय से मैं पालिया में मिला उन्होंने 4-2-87 को अपने मेशी लखीमपुर बता कर लखीमपुर आने को कहा। 31-1-87 को ही मैं जाकर 4-2-87 व 5-2-87 के लिए अवकाश प्रार्थना पत्र आर० स्ल० नं० 1041/3-2-87 को प्राप्त किया प्रतीलीप संलग्न है।
- 18] 3-2-87 को आर० स्ल० नं० 19 खीरी, जिसकी प्रतीलीप शाखा डाकघर बल्लीपुर को दी गयी जिसकी प्रतीलीप संलग्न है। तब 4-2-87 को सम्पूर्ण चार्ज ग्रहण कर आर० स्ल० नं० 1041 सेवा में भेज, प्रेषित किया। साथ में संलग्न है।

(कु. प. 35)

कुल प्रपत्र प्रार्थना पत्र सहित 22 है ।



श्रीमान जिला डाक निरीक्षक महोदय,  
लखीमपुर-खीरी।

शमथकर्ता मिनजानिव शिवदीश चन्द्र पुत्र श्री देवतादीन नि०  
छेदुई पतिया परगना व तह० निघासन जिला-खीरी।

NOTARY-  
तहसील निघासन  
जिला खीरी (उ०प्र०)  
1-8-87

धारा 1-

शमथकर्ता शमथ पूर्वक कथन करता है कि -

यह कि शमथकर्ता शिवदीश चन्द्र पुत्र श्री देवतादीन नि० छेदुई पतिया पर०  
व तह० निघासन जिला खीरी का हैं।

धारा 2-

यह कि शमथकर्ता अपना बैठक का कमरा मुकुट बिहारी लाल पुत्र श्री बृज-  
मोहन लाल निवासी छेदुई पतिया परगना व तह० निघासन जिला खीरी जो  
शमथकर्ता के भाई हैं, को डाक सम्बन्धी सामान रखने के लिये स्वेच्छा से  
इस प्रकार दिया है कि मुकुट जब तक मुकुट बिहारी लाल अपना कमरा  
नहीं बनवा लेते है तब तक मे शमथकर्ता के कमरे में डाक सम्बन्धी सामान  
रखेगे।

धारा 3-

यह कि मुकुट बिहारी लाल पुत्र श्री बृजमोहन लाल का कमरा बन जाने  
पर उक्त सामान को अपने कमरे में रख लेगे और शमथकर्ता का कमरा  
खाली कर देगे। इसमें शमथकर्ता को कोई आपत्ति नहीं होगी।

धारा 4-

यह कि उपर्युक्त लिखी गयी बयान हल्की पूर्ण रूप से सही सत्य है कोई भी  
बात बनावटी नहीं है।

शिवदीश चन्द्र  
शमथकर्ता -

मे इनको भली भाँति जानता व  
पहचानता हूँ इन्होने मेरे सामने स्वयं  
हस्ताक्षर किये हैं।

Rajesh (Pharmacist)

दिनांक - 1-8-87

शिवदीश चन्द्र पुत्र श्री देवता  
दीन

नि० ग्राम- छेदुई पतिया  
पर० तह० निघासन  
जिला- खीरी।

मार्ग - किता जाना है कि जो/मार्ग

मार्ग - किता जाना है कि जो/मार्ग

मार्ग - किता जाना है कि जो/मार्ग

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मार्ग - किता जाना है कि जो/मार्ग

शमथकर्ता  
NOTARY-  
तहसील निघासन, जिला खीरी (उ०प्र०)  
1-8-87

18/8/87  
24/8/88

Annexure m CA-3

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भारतीय डाक विभाग

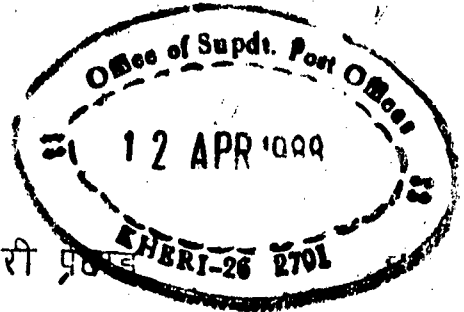
कार्यालय निदेशक डाक सेवायें, लखनऊ क्षेत्र लखनऊ- 226007

सेवा में,

श्री दया राम

अधीक्षक डाकघर, खीरी प्रखण्ड

खीरी - 262701



संख्या :- निडाल/स्टाफ आर-25/87/3 दि० लखनऊ - 2 11-4-1988

विषय :- विषय:- शाखा डाकमाल छिदवाई पतिया (खीरी) के नियुक्ति के सम्बन्ध में श्री राजेन्द्र प्रसाद का प्रतिवेदन ।

सन्दर्भ :- आपका पत्र ए/छिदवाई पतिया दिनांक 5-4-88 .

जांचोपरान्त निदेशक महोदय ने श्री मुकुट बिहारी लाल , नियुक्त शाखा डाकमाल छिदवाई पतिया के नियुक्ति को निरस्त करते हुए, उक्त पद पर प्रतिवेदन की श्री राजेन्द्र प्रसाद को नियुक्ति करने का आदेश दिया है।

2. 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 आय प्रमाण पत्र की फोटो प्रति का सत्यापन किया। इस सम्बन्ध में उन्होंने क्या जांच की , यह अस्पष्ट है। जब कि इस प्रमाण पत्र की मूल प्रति पहले से ही मण्डलीय कार्यालय में उपलब्ध थी। निरीक्षक द्वारा इसको वास्तविक सिद्ध करने हेतु जांच करने का क्या प्रयास किया गया , अस्पष्ट है।

अतः डाक निरीक्षक के विरुद्ध उल्लिखित अनियमितता बरतने के कारण अनु० कार्यवाही करें और परिणाम से अवगत कराएं। आपकी पत्रावली ए/छिदवाई पतिया 261 क्रमांक सीखित वापस है। कृपया पावती स्वीकार करें।

सलग्न: यथोपरि

अमर देव यादव

उप निदेशक

प्रतिलिपि:- श्री राजेन्द्र प्रसाद ग्राम व पोस्ट छिदवाई पतिया जिला खीरी को उनके प्रतिवेदन दिनांक 26-10-87 के संदर्भ में सूचना 12/11/88

भारतीय डाक विभाग

कार्यालय अधीक्षक डाकघर, बी.सी. मण्डल, बी.सी.-26270।

ज्ञापन संख्या-ए/छिदवई पटिया  
दिनांक, बी.सी., 18.4.1988

-xx-

श्री मुकुट बिहारी लाल की नियुक्ति, शाखा डाकपाल  
छिदवई पटिया के पद पर इस कार्यालय के ज्ञापन संख्या ए/छिदवई पटिया  
दिनांकित 13.8.87 द्वारा की गई थी। श्री मुकुट बिहारी लाल की  
सेवाएं अतिविभागीय अधिकारी आवरण एवं सेवा नियमावली 1964 के  
नियम 6 के अंतर्गत समाप्त किए जाने के आदेश दिए जाते हैं। यह  
आदेश तत्काल प्रभावी होंगे। कार्यभार आठवा आचलम्ब प्रेषित की जाय।

अधीक्षक डाकघर,

बी.सी. मण्डल, बी.सी.-26270।

प्रतिलिपि:-

- 1- श्री मुकुट बिहारी लाल, शाखा डाकपाल छिदवई पटिया  
को डाक निरीक्षक, बी.सी. उत्तर पटिया के माध्यम से।
- 2- डाक निरीक्षक बी.सी.-उत्तर-वे कृपया श्री मुकुट बिहारी  
लाल को से शाखा डाकपाल छिदवई पटिया का कार्य  
हस्तांतरित कराकर आठवा इस कार्यालय को प्रेषित  
करें। एक प्रति श्री मुकुट बिहारी लाल को प्राप्त  
कराकर वावती इस कार्यालय को भेजें।
- 3- डाकपाल बी.सी.
- 4- कार्यालय प्रति
- 5- अतिप्रति।

*ble*

*82*

*Ken Lal*  
*15/8/89*  
*24/8/88*

सेवा में

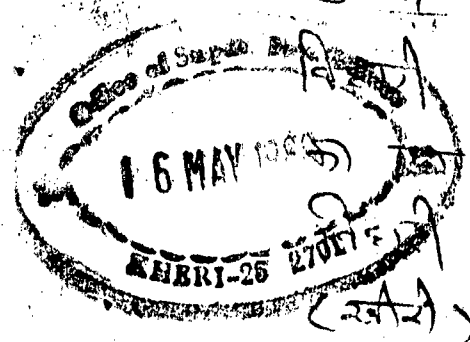
श्रीमान श्रीमान श्रीमान

श्रीमान श्रीमान (जीसी)

(284)

आदेश

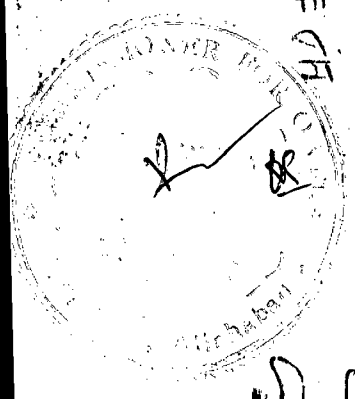
निवेदन यह है कि हिंदनई जिला  
डाकघर से पते शंखा पोस्ट मास्टर के पद  
पर श्री सुकुट निहारी लाल कारीगर से। डाकघर  
डाकघर श्री से ज्ञापन सं. १। हिंदनई जिला  
दि. १८. ५. ८० द्वारा श्री सुकुट निहारी लाल  
सेनापति समाप्त कर दी गई है और शंखा  
पोस्ट मास्टर हिंदनई जिला के पद पर श्री राजेन्द्र  
प्रसाद की नियुक्ति कर दी गई है। श्री सुकुट  
लाल कारीगर पूर्णतः पद देकर एवं डाकघर  
चार्ज श्री सुरेश चंद पुत्र श्री राम  
लाल निहारी ज्ञापन पोस्ट हिंदनई जिला  
(जीसी) को सौंप कर बाहर चले गए। श्री  
सुरेश चंद द्वारा डाकघर का चार्ज सौंप देने  
पर दूसरा अमानतर डाकघर स्थल पर शंखा  
पोस्ट मास्टर का कार्य गोर २/५/८० से श्री  
राजेन्द्र प्रसाद को सौंप दिया है। उस समय  
डाकघर का पूरा अमानत कमलेश दानराज  
क २५६.९८ श्री सुरेश चंद कैंप से अपने  
कार्यभार में लिया हुआ है।



अतः आपसे अनुमति है कि कार्यालय में  
श्री सुरेश चंद से लिया कर श्री राजेन्द्र पुत्र  
को सौंपने का कार्य कर, ताकि डाकघर के कार्य  
में कोई बाधा न पड़े।

मनदीप

दिनांक ११.५.८०



प्रतिभा

डाकघर का कार्य श्री राजेन्द्र पुत्र को सौंप दिया है।



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(300)

प्रश्न, उप मण्डलीय निरीक्षक डाक्टर  
खीरी । उत्तरी । पोलिया ।

सेवा में, धानाध्यक्ष,  
निवासी, खीरी ।

पत्रांक अधिवर्ष पीट्या

दिनांक: पीट्या : 27-5-88

महोदय,

कृपया निम्नीलीकृत प्राथमिकी विधी को जीपत धाराओं के  
के अन्तर्गत वर्ग करके एक प्रति भारत सरकार के प्रयोगार्थ भेजें तथा विवेचना  
के परिणाम से अवगत करावें ।

श्री मुकुट बिहारी लाल पुत्र श्री जम मोहन लाल निवासी अधिवर्ष-  
पीट्या की सेवाय विधी के अनुसार दिनांक 18-04-1988 के अधिसू से  
लक्ष्म अधिकारी अधिक डाक्टर खीरी मण्डल खीरी द्वारा समाप्त कर दी  
गयी है, तथा राजेन्द्र प्रसाद को उक्त पद पर कार्य करने के अधिकार दिये  
गये । उक्त श्री मुकुट बिहारी लाल ने लक्ष्म लोक सेवा अधीन डाक्टर,  
खीरी के आदेश का उत्तर देते हुए लक्ष्म लोक सेवा श्री राजेन्द्र प्रसाद  
के कार्य में लगे हुए होने का ज्ञापन देकर निवासी पीट्या के पद का  
कार्यभार न लीज कर तथा उक्त डाक्टर की पौरसम्पत्ति अपने अधिकार  
में अधिसू से रह छोड़ा है जिसके कारण उक्त डाक्टर की लोक सेवा  
निरन्तर बाधित हो रही है तथा उक्त डाक्टर की पौरसम्पत्ति अधिसू  
से श्री मुकुट बिहारी लाल के कब्जे में अब भी पड़ी हुई है जिससे सरकार को  
तोषने से यह इन्कार कर रहा है इसका पूर्ण समा से हस्तान्तरण होना  
अनिवार्य है ।

भवदीय,

मनीष लाल  
उप मण्डलीय निरीक्षक डाक्टर  
खीरी । उत्तरी । पीट्या ।

प्रतीतिप-

1- पुलिस अधिकारी, खीरी जनपद, खीरी

2- डाक अधिकारी, खीरी मण्डल, खीरी

15/859  
24/8/88



भारतीय डाक विभाग

प्रेषक, अधीक्षक डाकघर  
खीरी मण्डल, खीरी-262701  
सेवा में,

पुलिस अधीक्षक  
खीरी

पत्रांक:- ए/छिदवईपटिया, दिनांक, खीरी, 8.6.1988

विषय:- श्री मुकुट बिहारी लाल, मूकबुधभाषा पोस्टमास्टर, छिदवईपटिया  
के विरुद्ध प्राथमिकी दर्ज न किए जाने के सम्बन्ध में।

x-x

महोदय,

श्री मुकुट बिहारी लाल की सेवायें विधि के अनुसार दिनांक 18.4.88 के आदेश से समाप्त कर दी गई तथा श्री राजेन्द्र प्रसाद को उक्त पद पर कार्य करने के आदेश दिए गए। उक्त श्री मुकुट बिहारी लाल ने सक्षम लोक सेवक के आदेश का उल्लंघन करके तथा अन्य लोक सेवक श्री राजेन्द्र प्रसाद के कार्य में बाधा डालते हुए साक्षात् पोस्टमास्टर छिदवईपटिया के पद का कार्यभार न सौंपकर उक्त डाकघर की परिसम्पत्ति अपने अधिकार में अवैध रूप से रख छोड़ा है। जिसके कारण उक्त डाकघर की लोक सेवा निरन्तर बाधित हो रही है। उक्त डाकघर की परिसम्पत्ति अवैध रूप से मुकुट बिहारी लाल के कब्जे में अब भी पड़ी है, जिसे सरकार को सौंपने से वह इन्कार कर रहा है। इसका पूर्णरूप से हस्तान्तरण होना अनिवार्य है।

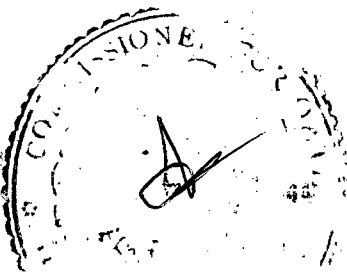
उपरोक्त सम्बन्ध में उप मण्डलीय निरीक्षक डाकघर-उत्तर। खीरी। श्री मुन्नाहर लाल द्वारा आनायायन निघासन को अपने समसंबन्धक पत्र दिनांकित 27.5.88 की प्राप्ति स्वीकार करायी गयी जिसकी एक प्रति उप मण्डलीय निरीक्षक डाकघर। उत्तर। खीरी द्वारा आपको भी भेजी गयी है।

आनायायन निघासन ने लिखित रूप में दिया है कि वृत्ति श्री मुकुटबिहारी लाल ने न्यायालय में वाद दायर कर दिया है अतः न्यायालय के विस्तारण तक इसे पंजीकरण न्यायोचित नहीं माना जाता है।

इस सम्बन्ध में आवश्यक कार्यवाही करने की कृपा करें। तथा कृत कार्यवाही से अवगतकरायें।

अधीक्षक डाकघर  
खीरी मण्डल, खीरी-262701

Rem Lal Singh  
15/6/88  
24/8/88



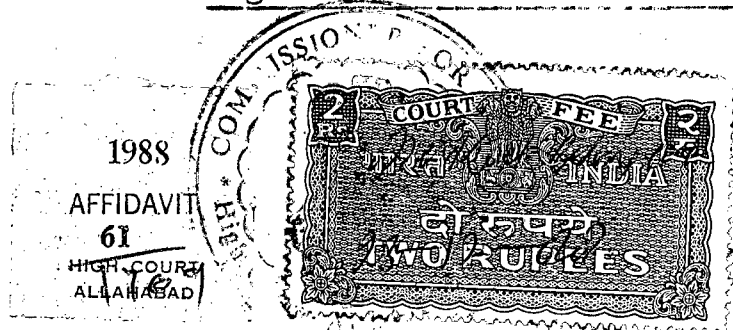
A20

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. Respondent s.

Rejoinder Affidavit on behalf of the  
Petitioner Mukut Behari Lal.

I, Mukut Behari Lal, aged about <sup>32</sup> 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.



33/12/88

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

4. That the contents of para 10 of the Counter Affidavit are denied as stated and is reply thereto. <sup>Respondent</sup> It is submitted that the ~~inquiry~~ 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 <sup>Case</sup> 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~~ inreply 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 inreply 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



23/12/87  
23/12/87

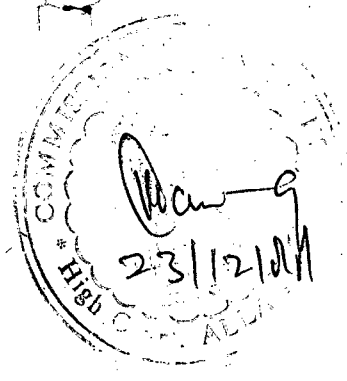
440

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~~<sup>rendered</sup> petitioner's appointment and directing for the appointment of respondent no.1, the Director Postal Services has ~~ordered~~ the order void and as such he has exceeded his jurisdiction which is not ~~vested~~<sup>vested</sup> in him. It is further submitted that by nominating the name of the respondent no.1 the ~~motion~~<sup>motion</sup> 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 there to 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.



33/12/2011

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

*[Signature]*  
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

*[Signature]*  
Deponent.

I, identify the deponent who has signed before me.

Solemnly affirmed before me on 23/12/88

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.



*[Signature]*  
Advocate

JOINT COMMISSIONER  
High Court, Allahabad  
Lucknow Bench

No. 61 Date 23/12/88

1709

In the central administration Tribunal, Additional Bench  
Allahabad

442

Registration No 535 of 1980

Mr. K. Behari Lal —————

vs.

Rajendra Prasad and others ————— respondents,

Annexure A-1

**YUVARAJA DATTA COLLEGE**  
**LAKHIMPUR-KHERI**  
**TRANSFER CERTIFICATE**

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

2290

Certified that

that

Rajendra Prasad

born on ..... son of

Shiv Prasad

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

He leaves (reason) /

having passed the B.A. II Examination of 77 or having

failed in the / Examination of 19 in /

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

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

Dated 20 XII 1980

R. Prasad  
Principal

प्राचार्य

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

अवकाश दत्त महाविद्यालय

लखिमु-खैरी

GUPIA Printing Press Lakhimpur-Kheri

अवकाश दत्त महाविद्यालय

743  
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.



Am

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

4. That the contents of para 10 of the Counter affidavit are denied as stated and is reply thereto. It is submitted that the <sup>Respondent</sup> ~~judgment~~ 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 ~~can~~ 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 ~~xxx~~ inreply 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 inreply 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

A43

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 ~~canceling~~ <sup>rescind</sup> petitioner's appointment and directing for the appointment of ~~respondent~~ <sup>respondent</sup> no.1, the Director Postal Services has ~~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~~ <sup>nature</sup> 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 them to 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 there to 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 , 1988

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

, 1988

Deponent.

I, identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on

at A.M./P.M. by the deponent

who has been identified by Sri

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.

# YUVARAJA DATTA COLLEGE

LAKHIMPUR-KHERI

## TRANSFER CERTIFICATE

Certificate No. 2290

University Enrolment No.

2290

Certified

that

Rajendra Prasad

born on

son of

Shiv Prasad

by caste

Hindu (Maurya)

was student in the

75

year

77

He leaves (reason)

1

having passed the

B.A. II

Examination of

77

or having

failed in the

Examination of 19

in

his conduct, as far as known to me, was

good

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

end of the session

Dated

20 XII 1980

R. N. Misra  
Principal

प्राचार्य

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

विषय वचन प्रमाणित

विषय वचन - विषय

यह

A46

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

T. A. No. 535 of 1988 (1)  
Decided on 9.5.1991.

M. P. No. 586/91 (2)

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 28/8/91  
Date of Receipt by Registrar 28/8/91  
Applicant

Mukut Behari Lal

Versus

The Union of India & others ... Respondants.

Application for setting aside the exparte  
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 postition of the applicant Raj endr Prasad .

2. That the notice send to the applicant Rajendra Prass d could not be served on the ~~application~~ applicant and he could not contest the application of the applicant. The notices sent to the appcliant Rajendra Parasd were not send on the correft address.



Filed today  
28/8/91

2.

3. That the notices send to the present applicatn were addressed through the <sup>1</sup>up Supdt. of post offices Kheri. Further on the ~~x~~ 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 ~~xx~~ (asptal) of this name. It shows that the notice was given to the post man treating the applicant serving in the 'Asptal'.

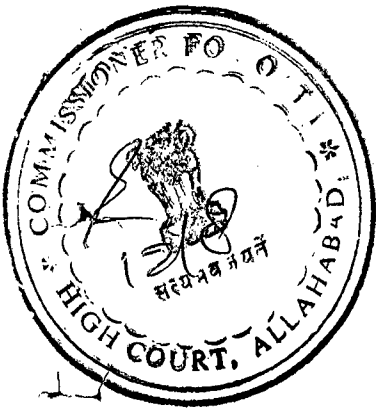
5. That ~~that~~ on 26.8.88 on the order sheet it is mentioned that the reply has been filed by the Opp. Parties. In fact no reply has been filed by the applicant. In fact it appears that the services has been presumed on the applicant.

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 exparte.

7. That the Judgment passed by the Hon'ble Tribunal is exparte. It is liable to be ~~set aside~~ 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 Behari 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~~ ex parte 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 obtained the judgment in his favour ~~at~~. This was confirmed on 5.8.91. The present applicant had come to 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 ex parte 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 restored and the ex parte 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.



9/8/91

4.

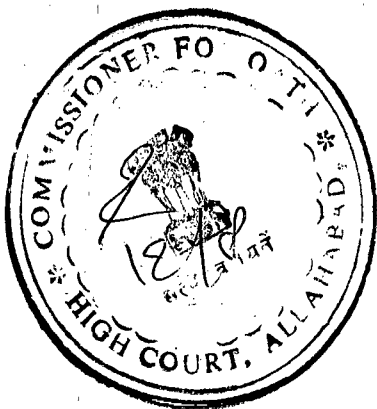
14. That the Judgmeny has been obtained by fraud by the Applicant Mukuat Behari Lal against the present applicant.

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.

Dated :- .8.1991

955 J 27/14  
(Rajendera Prasad)  
Applicant.

*R. K. Prasad*  
Counsel for the  
applicant.

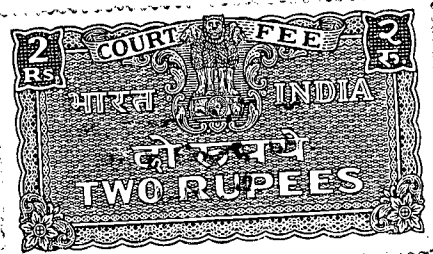
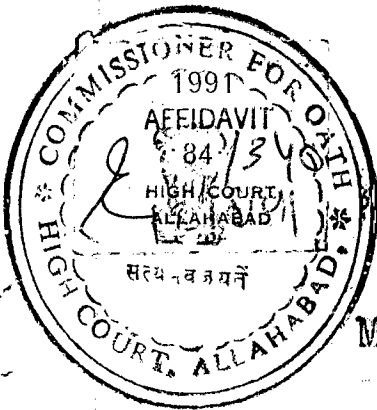




5  
A50

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 Exparte  
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 :-

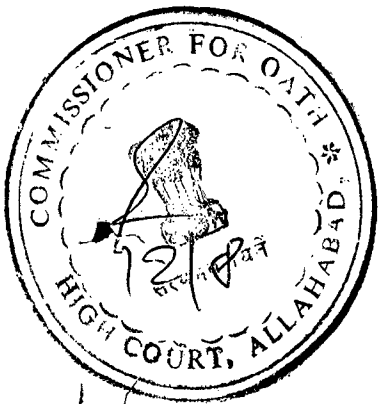
1. That the deponent is filing herewith  
an application for setting aside the exparte  
Judgment passed against him.
2. That the contents of para 1 to 6, 8,  
9, and 10 of the application are true to  
the knowledge of the deponent.
3. That the contents of paras 7, and 11  
to 14 of the petition are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

Dated :- 2.8.1991

Rajendra Prasad  
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,

*[Signature]*  
Deponent.

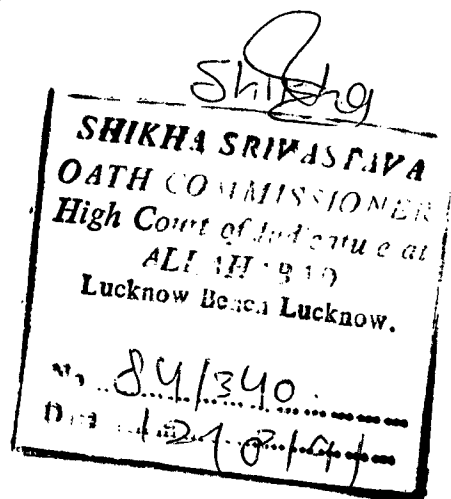


I identify the deponent who has ~~been~~<sup>2</sup> signed before me.

*[Signature]*  
(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.



7  
AS2

CENTRAL ADMINISTRATIVE TRIBUNAL, ALI AHABAD  
CIRCUIT BENCH, LUCKNOW

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 Bheri. 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 while Rajendra Prasad was High School.

3. In the rejoinder it has been stated that the

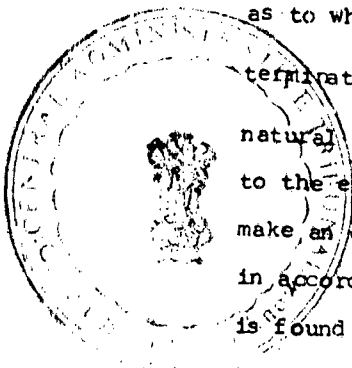
Attested  
True copy  
20/8/89

8

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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 13.3.04 that no weightage be given to the level above the Matric and it may be 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.

Section Officer  
Central Administrative Tribunal  
Civilt Post  
LUCKNOW

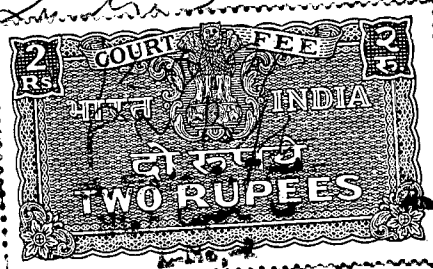
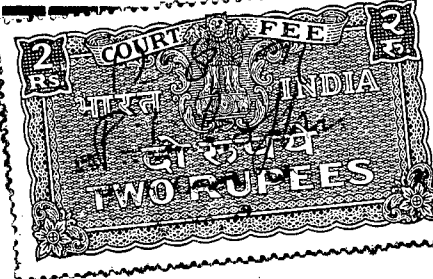
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व अदालत श्रीमान In the Central Administration Tribunal महोदय  
Addl. Bench Allahabad (District Bench)



Mukant Bhusan Das

Applicant

The Union of India & others

Respondents

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

एवं श्री कार्तिकेय बाजपेई एडवोकेट भैरौ जी रोड, लखनऊ

महोदय R. KUMAR ADVOCATE

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 कोई कागज दाखिल करें या लौटावें वा हमारी ओर से डिगरी जारी करावें और रुपया बचूल करें वा सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या हमारी विपत्ति [ फरोकसानो ] का दाखिल किया हुआ रुपया 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 हूं कि मैं हर पेशी पर स्वयं या पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया ताकि प्रमाण रहे और समय पर काम आये।

Accepted  
12-8-41

Accepted  
R. Kumar  
12/8

हस्ताक्षर

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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