

TA. 43/88

Order sheet



Office Report

This is up no 2559/88 transferred
from the High Court - well now Bench
Luck now.

Notices were issued during 27.1.89
both the parties by Regd Post, office
copy attached on Record.

Notices has not received back after
Service, submitted for order.

Submitted
ML

AT 24

27. 4. 87

Hon'ble D. S. Mishra, AM

Hon'ble D. K. Agrawal, JM

Mr. P. L. Mishra for the
Appellant and Mr. K. C. Saha for
the respondents are present.

Heard. Arguments. Judgement Reserved.

AG
27/4

JM

AM

Recd copy
of order
by
clerk of court
on
9/5/87

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
A L L A H A B A D

T. ~~S.A.~~ No. 43/88 (TL) 1938(L)
~~S.A.~~

DATE OF DECISION 28-4-89

Satish Chandra Bajpai Petitioner

Shri L.P. Mishra Advocate for the Petitioner(s)

Versus

Union of India & ors Respondents

Shri K.C. Sinha Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. L.S. Misra, A.M.

The Hon'ble Mr. D.K. Agrawal, J.M.

- ✓ 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- ✓ 2. To be referred to the Reporter or not ?
- ✓ 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- ✓ 4. Whether to be circulated to other Benches ?

Dinesh/

D.K. Agrawal
28/4/89

(A) 1 S

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench at LUCKNOW

.....

Gandhi Nagar, Lucknow

APRIL 28, 1989

Registration T.A. No. 43/88

Satish Chandra Bajpai Petitioner

Vs.

Union of India & ors ... Respondents

Hon' Mr. D.S. Misra, A.M.

Hon' Mr. D.K. Agrawal, J.M.

(By Hon' Mr. D.K. Agrawal, J.M.)

The above application was registered consequent to the transfer of writ petition No. 2559 of 1985, from High Court of Judicature, Allahabad, Lucknow Bench, Lucknow, under the provision of section 29 of Administrative Tribunals Act, No. XIII of 1985.

2. The present writ petition was filed by the petitioner being aggrieved by the order of transfer dated 11-1-85 passed by Senior Supdt. of Post Offices, Railway Mail Service, Gorakhpur (Annexure-6 to the petition), transferring him from the post of SA, SRO, Sitapur to SA, SRO Balia, R.M.S. The grievance of the petitioner is that, it was not a simple transfer order, but was passed on by way of penalty. The interim order was granted ^{by High Court} to the petitioner on 18-6-1985, inasmuch as, the operation of the impugned order dated 11-1-1985 contained in (Annexure- 7 to the

Dr. Agrawal

...2/-

Krishna Chandra Sinha
Advocate
Additional Standing Counsel Govt. of India
High Court Allh.
Presenting Officer-Central Administrative
Tribunal Allahabad



Res. 55999
Off. 3531

Office : 20, A.D.A. Flats
Ashok Nagar, Allahabad
Res. : Shanti Niketan
786, Dariyabad Allahabad

Date 20.12.88

To

The Deputy Registrar(J)
Central Administrative Tribunal
Additional Bench,
Allahabad:

Subject: Registration T.A.No.43/88(T)
Shri S.C.Bajpayee...vs...Union of India

Dear Sir,

The aforesaid case has been transferred from the High Court of Judicature at Allahabad and in the aforesaid case, interim stay order was initially granted by the High Court sometime in the year 1986 and since then, the petitioners are enjoying the stay order. The case has not yet been listed for orders.

Kindly direct your office to list the aforesaid case as the respondents are suffering great irreparable loss due to the stay order, though counter-affidavit alongwith stay vacation application was filed which is lying undisposed of.

Yours faithfully,

(K. C. SINHA)

Sen KKS

ms
20/12/88

हाय कोर्ट एट गवर्नर
एट गवर्नर एट गवर्नर
20/12/88

Issue notice
to
for 27.1.

(A2/2) (6)

petition), was stayed. Thus, the petitioner continued to be posted as S.A., S.R.O., Sitapur because till the date, interim order dated 18-6-85 was passed, the transfer order had not been implemented.

3. The learned counsel for the petitioner has taken us to the various grounds set up in the petition. However, we do not consider it necessary to dilate open any of those grounds, because the reason is very simple. The petitioner has already completed about 4 years stay at Sitapur. The facts as disclosed in the petition, go to indicate that the petitioner was posted at Sitapur in May, 1984, therefore, it is up to the competent authority to transfer him or not to transfer him by way of a fresh order. We need not observe that transfer is necessary incident of the service. Somehow, or the other, the petitioner has succeeded in staying at Sitapur under the orders of the Court. Therefore, it will be open now to the competent authority to deal with his transfer, in the manner as it chooses to do so, in public interest, according to administrative exigencies.

4. The petitioner in the above circumstances, is not entitled to any relief from this Tribunal. The application is accordingly dismissed with no order as to cost.

Dr. G. S. Singh
28.4.89
MEMBER (J)

Sharma
MEMBER (A)

(sns)

Lucknow,

APRIL 28, 1989.

(A)

NO. IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH LUCKNOW.

WRIT, PETITION NO. 2559 of 1985.
Satish Chandra Bajpai,

...Petitioner.

Vs.

Post Master General U.P. and others,

.....Opp. Parties.

LUCKNOW DATED- 9-11-1987,
Hon'ble V.K. Mehrotra, J.
Hon'ble R. Singh, J.

Jointly pointed out by the learned counsel for the parties that record of this case be transmitted to the Central Tribunal forth with.

sd/- V.K. Mehrotra,

sd/- R. Singh,

9.11.1987,

S. R. Mehta
17-11-87

TRUE COPY

H. P. Upadhyay
18/12/87

Section Officer

Copying Department

High Court, Lucknow Bench
LUCKNOW,



No.
From,

h /Lucknow/Dated/December

11/1/89.

THE DEPUTY REGISTRAR,
High Court, Lucknow Bench,
LUCKNOW.

To,

THE DEPUTY REGISTRAR,
Central Administrative Tribunal,
23-A Thornhill Road, Allahabad.

Sub:- Transmission of the Paper Book of W.P. No. 2559 of
1985 (S.B.) Satish Chandra Bajpai Vs. Post Master
General, U.P. and others,

Sir,

I am directed to send herewith a copy of courts
order dated 9.11.87 passed in the above noted writ petition
alongwith its complete paper book for disposal.

Kindly acknowledge its receipts.

Yours faithfully,

Encl.

Reed
DEPUTY REGISTRAR,

1. Copy of Court's order
dt. 9.11.87.

2. Complete Paper Book in 150 Leaves of
W.P. No. 2559 of 85.



AS
2

In the Central Administrative Tribunal, Allahabad, Bench.

Sub: Application No.43 of 1988 (T)

S.C.Bajpai

... Applicant.

Vs.

Union of India and others... Respondent.

The above noted case was transferred from Lucknow High court to Administrative Tribunal, Allahabad, and a notice was received by the applicant requiring him to appear on 27.1.1989 at Allahabad.

That the applicant is a resident of Sitapur and is unable to bear the expenses to engage a counsel of Allahabad and to reach at Allahabad on each hearing.

Under the circumstances , it is requested that the above noted case may kindly be transferred to the Central Administrative Tribunal Lucknow.

Encl: 1

Allahabad; Dated

27.1.1989.

NOTICE IS SENT
to the parties and counsel
for respondent to Lko CB
31.3.89
AS

27/1/89

Satish Chandra Bajpai
Applicant.

(Satish Chandra Bajpai)
son of Ganga Prasad Bajpai.
r/o 222 Arya Nagar, Sitapur.

March

So (T)
for nra

(A6/2)

27/4/89

TA No 43/80 - WP 2559/85

Se. Vojpai us no.

S Ro staples to Bolha :- Ann. 7 - 11-1-85

Ann. 11 - P 39 - TNDall - school - retained
2-4-85 KNPandi - 3 - —

During a span of three years prior to the
issue of order dated 11-1-85 - The applicant
was transferred - eleven times

para ~~22~~ 42 -
Para 22 of counter reply - CA 6 to 11

7 (D)

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

Writ Petition No. 2554 to 25 Dated the &

A.No. 43 of 1988. (T)

S. C. Bajpai

Applicant's

Versus

Union of India & others Respondent's

To Satish Chand Bajpai, & Sri Ganga Prasad
Bajpai, R/o 222, Arya Nagar Sitapur.

① The Post Master General, U.P. Circle
Lucknow.

② Sri R. R. P. Singh, Assistant Post Master General
(Mail) office of the P.M.G. U.P. Hapur, Lucknow.
Whereas the marginally noted cases has been
transferred by High Court Lucknow under the provision
of the Administrative Tribunal Act (No.13 of 1985)
and registered in this Tribunal as above.

Agreed under
for registration

Writ Petition No. 2559

of 1988.

of the Court of 218h

arising out

of Order dated _____

passed by _____ in

the matter will be heard and decided in your absence.

The Tribunal has fixed date
of 27.1.1989. The
hearing of the matter.

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

Given under my hand seal of the Tribunal this

Dec day of 21.12.1988

③ Senior Superintendent, Railway
Mail Service, 'G' Division, Gorakhpur.

Maharudra
DEPUTY REGISTRAR

④ Sub Records officer Railways Mail
Service, Sitapur.

7/2 07/c

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Alia

ALLAHABAD BENCH, ~~ALLAHABAD~~ Lucknow

~~20-A, Gandhi Bhawan Road, Lucknow-226001~~

Gandhi Bhawan**** Lucknow.

No.CAT/Alld/Jud/

Dated the

Registration T.A.No. 43 of 1988 (T)

Satish Chandra Bajpai Applicant's

Versus

Union of India & others. Respondent's

To

Satish Chandra Bajpai, s/o Sri G.P. Bajpai,
R/o 222 Azga nagar Sitapur.

Sri H.C. Sinha ^{Govt} Advocate / for Respondent
CAT, Allahabad.

Whereas the marginally noted cases has been
Transferred by High Court Lucknow under the provision
of the Administrative Tribunal Act 13 of 1985 and registered
in this Tribunal as above.

Writ Petition No. 2559
of 1985

of the High Court-Lko
Court at High Court-Lko
of High Court-Lko
arising out of order dated High Court-Lko
passed by High Court-Lko
in High Court-Lko

The Tribunal has fixed date
of 31-3-89 1988,
For the hearing of the matter.
If no appearance is made
on your behalf by you or some
one duly authorised ~~in~~ Act

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

Given under my hand and seal of the Tribunal
this 27.1.89 day of 27.1.89 1988.

Chandra
DEPUTY REGISTRAR (J)

dinesh

Before the Central Administrative Tribunal
Delhi Bench

Satish Chandra Bajaj — Petitioner
vs.
Union of India — Respondent

D.F.R. 22/4/88

Application for direction to file
sejoinder affidavit

The petitioner above named
seeks to submit under

1. That the above noted
petition has been received ~~from~~ on
transfer from Maharashtra.

2. That on perusal of the
record it has been observed
that the sejoinder affidavit
could not be filed.

3. That filing of the sejoinder
affidavit is necessary in the
interest of justice.

It is therefore prayed
that short time be allowed for
filing the sejoinder affidavit.

Dr
22/4/88

Sd/-
Advocate
for the petitioner

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. No. 2559-85

Name of parties

Satish Chandra Bapna vs. P.M.G. U.P. & S.

Date of institution

31.5.85

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
	1.	Index	1-2		Rs. P.			
	2.	Memorandum of W.P. with Affidavit	3-46					
	3.	Annex. 1	47-50					
	4.	Annex. 2	51-52					
	5.	Annex. 3	53-54					
	6.	Annex. 4	55-58					
	7.	Annex. 5	59-60					
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	9.	Annex. 7	63-66					
	10.	Annex. 8	67-70					
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	12.	Annex. 10	75-78					
	13.	Annex. 11	79-80					
	14.	Annex. 12	81-82					
	15.	Power	83-84					
	16.	M. No. 6797(W) 85	85-88					
	17.	M. No. 9408(W) 85	89-90					
	18.	Annex. I	111-112					
	19.	Annex. 2	113-114					
	20.	Annex. 3, 4, 5, 6, 7, 8, 9, 10 & 11	115-124					
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I have this

21st day of

198

examined

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

Date.....

Munsarim

Clerk.

21/11/87

Ce. 200p A-15 (h)

4083-

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

Writ Petition No. 2559 of 1985

Satish Chandra Bajpai

Petitioner

Versus

Post Master General, U.P. and others ---

Opp. Parties

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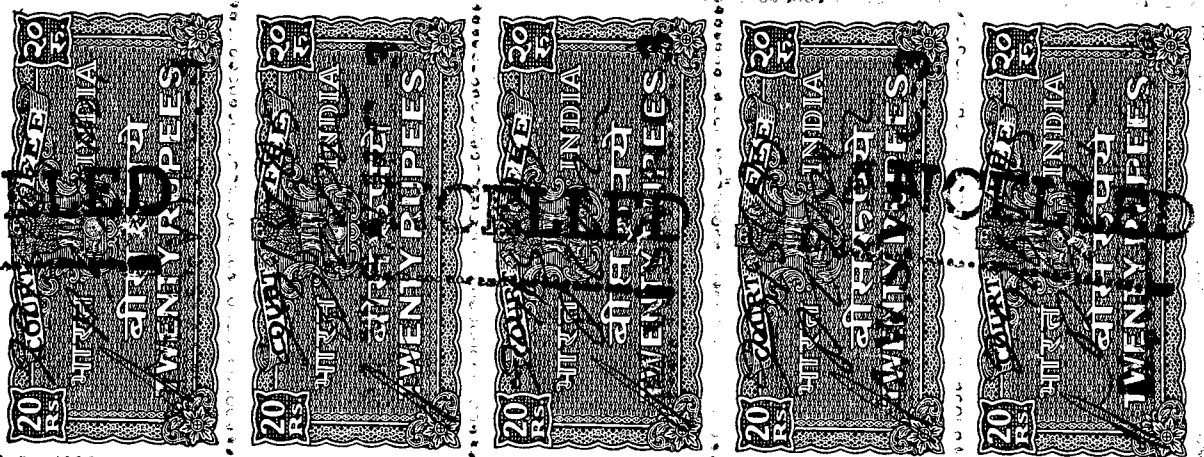
P.L. Misra
(P.L. Misra)
Advocate

COUNSEL FOR THE PETITIONER

Dated, Lucknow :
May, 22, 1985
29

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

Writ Petition No. 2589 of 1985



Dated.....

Sc 26/10/85
29/5/85

Satish Chand Bajpai, aged about 36 years, son of
Sri Ganga Prasad Bajpai, resident of 222, Arya Nagar,
Sitapur, Sorting Assistant (on leave) Office of the
Sub Records Officer, Railway Mail Service, Sitapur.

--- Petitioner

Versus

1. The Post Master General, U.P. Circle, Lucknow
2. Sri R.R.P. Singh, Assistant Post Master General (Mail)
Office of the P.M.G., U.P., Hazratganj, Lucknow.
3. Senior Superintendent, Railway Mail Service,
'G' Division, Gorakhpur.
4. Sub Records Officer, Railway Mail Service, Sitapur.

--- Opp. Parties

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

The petitioner above named most respectfully
submits as under :

1. That the petitioner joined the service of
the Railway Mail Service in 1966 as Mailman.



1-4. 01/5/85

He was promoted to the post of Sorting Assistant in the year 1976 which post he still holds and is presently posted as Sorting Assistant in the Sub Records Office of the Railway Mail Service at Sitapur.

2. That the petitioner joined as Sorting Assistant in the Sub Registrar Office of the R.M.S. at Sitapur on 5.5.1984 after having been transferred from the office of the Head Record Officer, Gorakhpur.
3. That the petitioner was discharging his duties efficiently and diligently to the entire satisfaction of his superiors and there had been no complaint about his work and conduct from any quarter.
4. That all of a sudden the petitioner surprised to receive a letter dated 8.8.1984 from the Opp. Party No.2 who was then working as Senior Superintendent R.M.S. 'G' Division, Gorakhpur, in which the petitioner was asked to explain "within a week" as to "why serious disciplinary action should not be taken against you besides being transferred to a remote place".
5. That in the said letter, without giving any specific instance or occasion, the petitioner was charged for creating indiscipline; not performing his duties properly and misbehaving with S.R.O., Head Sorter and other staff. A true copy of the said letter dated 8.8.1984 is being filed herewith as ANNEXURE NO.1 to this writ petition.



7/4/85

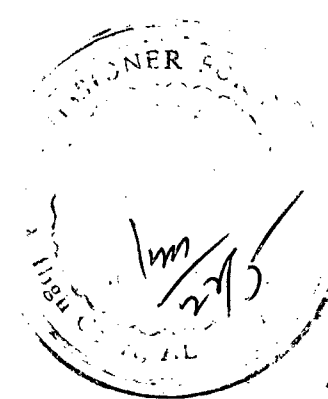
6. That it may be mentioned that the basis of his observation about the petitioner's work and conduct during the period of his visit has not been indicated in the said letter, nor has it been indicated what alleged acts of indiscipline, non-performance of duty, or misbehaviour with S.R.O. and others had been committed by the petitioner.

7. That the petitioner respectfully submits that he never committed any act of indiscipline, always performed his duties and responsibilities diligently and efficiently and never behaved rudely with any one, and there is no substance or even an iota of truth in the allegations maliciously made by the Opp. Party No.3 in Annexure No.1.

8. That the petitioner submitted his explanation within time to the said letter by means of his letter sent through proper channel, i.e. Sub Records Officer, Sitapur, dated 14.4.1984 explaining that in the absence of any specific instance, it was not possible to refute the allegations.

9. That with regard to the threatening given in the above letter to transfer the petitioner "to a remote place", the petitioner only requested the O.P.No.3 to consider sympathetically the question of the petitioner's future career and education. A true copy of the petitioner's application dated 14.8.1984 is being filed herewith as ANNEXURE NO.2 to this writ petition.

10. That thereafter the petitioner did not receive any communication in this behalf from O.P.No.3.

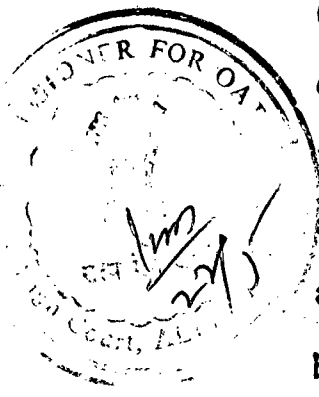


Ex-answ

11. That in the last week of November 1984, Sri Binda Lal, Sub Records Officer, R.M.S. Sitapur, proceeded on long leave with instructions to the petitioner to work in his place as Sub Records Officer till he returned from leave and the petitioner assumed charge of the post of S.R.O. RMS Sitapur relieving Sri Binda Lal on a fortnight's leave.

12. That on 4.12.1984 when the petitioner, in the capacity of officiating Sub Records Officer, had gone to attend a meeting of the S.R.Os. being held in the office of the Senior Superintendent of R.M.S. 'G' Division at Gorakhpur, a telegram was received at the S.R.O's office Sitapur in the absence of the petitioner, from the Senior Superintendent of Post Railway Mail Service 'G' Division Gorakhpur, directing the Sub Records Officer to hand over charge of the post of Sub Records Officer to one Hanuman Prasad Verma, immediately and to report compliance at once, till the arrival back from leave of Sri Binda Lal, regular Sub Records Officer. A true copy of the said telegram is being filed herewith as ANNEXURE No.3 to this writ petition.

13. That on return of the petitioner from Gorakhpur after availing restricted leave on 6.12.84, on 7.12.1984, he was informed about the said telegram to which the petitioner immediately complied and sent a Memo to Sri Hanuman Prasad Verma at his residential address which was available in the office, requesting him to come and join the post of S.R.O. during the leave arrangement of Sri Binda Lal as per instructions



23.12.84

of the Senior Superintendent RMS Gorakhpur.

14. That Sri Hanuman Prasad Verma was not found at the address given by him in the office and the Memo sent by the petitioner returned back with the remark that no such person was available. It was revealed that Sri Verma was living in Lucknow and was coming to Sitapur to attend duties in the night and returning back in the morning.

15. That the above facts were reported to Head Office and the returned Memo was sent to Senior Superintendent at Gorakhpur on that very date i.e. 7.12.1984.

16. That the petitioner had despatched the said Memo to Head Office at Gorakhpur, Sri Binda Lal returned back and informed the petitioner that he would join on 8.12.1984 and took charge from the petitioner. As such there was no occasion to implement the orders received from Senior Superintendent RMS Gorakhpur vide telegram (Annexure No.3) and this position was also explained to the Senior Superintendent Office Gorakhpur vide petitioner's letter dated 7.12.1984. A true copy of the petitioner's letter dated 7.12.1984 is being filed herewith as ANNEXURE No.4 to this writ petition.

17. That on 21.12.1984 the petitioner was informed by the S.R.O. Sitapur that vide letter dated 18.12.1984, the Senior Superintendent RMS had asked for explanation of the petitioner within



Original

three days "as to why charge of S.R.O.ship was not handed over to Sri H.P.Verma against instructions issued vide telegram (Annexure No.3). A true copy of the said letter of the Head Office dated 18.12.1984 is being filed herewith as ANNEXURE no.5.

18. That the petitioner by means of his letter dated 26.12.1984 explained the facts stated in paras 12, 12, 14 and 15 of this writ petition and also sent a copy of his earlier letter (Annexure No.4) by which the petitioner had already explained the position as to why telegraphic instructions sent by the Senior Superintendent RMS could not be implemented. A true copy of the said letter of the petitioner dated 26.12.1984 is being filed herewith as ANNEXURE No.6 to this writ petition.

19. That it may be mentioned that when the petitioner was attending the meeting of the S.R.Os at Gorakhpur on 4.12.1984, in which Senior Superintendent himself was present, he never made any mention about the said telegram (Annexure No.3) having been sent to the S.R.Os office At Sitapur.

20. That after the petitioner sent the above mentioned explanation to the Senior Superintendent RMS Gorakhpur, nothing was heard again from the Head Office and every thing went as usual.

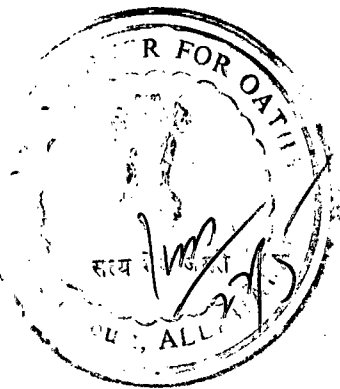
21. That the actions of the Opposite Party No.2/3 in (1) calling explanation of the petitioner on non-existing grounds and imaginary allegations;



15
threatening him with transfer "to a remote place" coupled with "serious disciplinary action"; (ii) sending sudden telegraphic orders for immediate replacement of the petitioner by Sri Hanuman Prasad Verma from the officiating charge on the post of Sub Records Officer without any rhyme or reason; and (iii) calling further explanation of the petitioner in the event of non-implementation of his telegraphic orders, even after the correct position was explained to him by the petitioner, are glaring indications of the evil intentions and ulterior motives of the U.P.No.2/3 to harm and harass the petitioner. These actions were part of his plan to throw out the petitioner on transfer to a remote place, as already threatened by him vide Annexure No.1.

22. That the above actions taken by the O.P.No.2/3 against the petitioner were uncalled for, unwarranted unjust and unfair, besides being malicious and arbitrary, which raised genuine apprehension in the mind of the petitioner that he can be transferred or harrassed in any other manner at the hands of O.P.No.2/3.

23. That the apprehensions of the petitioner came true when orders for his transfer to Ballia were passed by order dated 11.1.1984 issued by the Senior Superintendent RMS 'G' Division Gorakhpur, on the alleged grounds (administrative grounds). A true copy of the impugned transfer order dated 11.1.1984 passed by the Senior Superintendent of RMS G Division Gorakhpur is being filed herewith as ANNEXURE No.7.



Handwritten signature

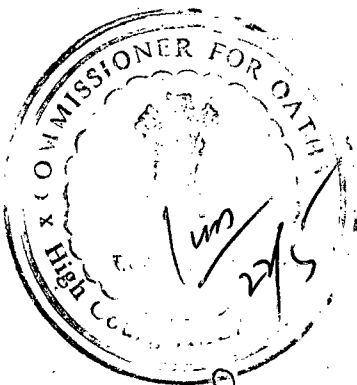
24. That the transfer of the petitioner within 7 months of his joining at Sitapur is purely malicious arbitrary and illegal. Besides it is punitive in nature for no fault of the petitioner.

25. That the petitioner's transfer is neither in public interest nor is based on cogent administrative grounds. It is in fact the result of the grudge, malice and bias of the O.P.No.2/3 against the petitioner. The annoyance of the O.P.No.2/3 was nothing but a hear-poisoning done to him by someone.

26. That petitioner's transfer in the mid of the education session of his school-going children, and much before his tenure, was the execution of the threatening given to the petitioner by the O.P.No.2/3 by means of Annexure No.1.

27. That having failed in his attempts to harm and harass the petitioner by calling flimzy, lame and baseless explanations, as referred hereinabove, the O.P.No.3 has come forward with the order of transfer of the petitioner without specifying the nature of the so-called administrative grounds resorted to by him.

28. That it may be mentioned here that the tenure of a Sorting Assistant at a particular station is 4 years and he should, in the normal course, not be transferred or disturbed earlier than after completing his tenure on that station without any cogent administrative grounds. The petitioner had only stayed for 7 months at Sitapur but he was being



Encl. 2

thrown away to Ballia just at the whim of the Senior Superintendent of RMS who was highly prejudiced and malicious against the petitioner, as would be evident from Annexures No.1, 3 and 7.

29. That the petitioner is advised to state that the petitioner's transfer in the mid of the educational session and without completing the minimum tenure, is arbitrary, mala fide and illegal besides being against the interest of service and administrative principles.

30. That in view of the petitioner's meritorious work and conduct, the Sub Records Officer resisted the petitioner's transfer, by means of his letter dated 15.1.1985 addressed to the Senior Superintendent RMS G Division Gorakhpur in which he requested the Senior Superintendent not to transfer the petitioner in the mid of his tenure in the interest of service, but no heed was paid to this by the Senior Superintendent RMS Gorakhpur. A true copy of the letter dated 15.1.1985 written by the Sub Record Officer Sitapur to the Senior Superintendent RMS 'G' Division Gorakhpur is being filed herewith as ANNEXURE No.8 to this writ petition.

31. That the petitioner moved a representation through proper channel to the Post Master General, U.P. Circle, Lucknow, O.P.No.1 requesting him to stay the petitioner's undue transfer, but nothing was done by him in this behalf. A true copy of the petitioner's



By order

representation addressed to the Post Master General, U.P. Lucknow, dated 7.2.1985 is being filed herewith as ANNEXURE NO.9 to this writ petition.

32. That the petitioner's wife, who was adversely affected on account of the petitioner's transfer at too short an interval and in the mid of his childrens' educational session, also made a representation to the P.M.G. but to no use. A true copy of the representation sent by petitioner's wife to the P.M.G. is being filed herewith as ANNEXURE No.10 to this writ petition.

39. That hurt and harassed at the hands of Opposite Parties by their torturing attitude, the petitioner ultimately fell ill and had to proceed on medical leave from 1.2.1985, and is still on leave.

40. That it may respectfully be mentioned that during the last 3-4 years, the petitioner was transferred from one place to another at too short intervals, as many as 11 times by means of various transfer orders issued every now and then which the petitioner duly complied.

41. That the petitioner was never allowed to stay at a station for more than two years at least and in some cases not more than a few months as well. This is indicative of the biased attitude of the Opposite Parties towards the petitioner for no fault of him.



Encl. 9/15/85

42. That the following statement will go to show that the petitioner had been transferred 11 times in a period of about 3 years to various places indicated against each order :

Sl. No.	Transfer Order No.	Dated	Issued by	Transferred	
				From	To
1.	B-19/Ch III/80-81	27.2.1981	S.S.R.M.S. Kanpur	Kanpur	Kheri
2.	B-7-5/Ch. IV	25.3.1981	S.S.R.M.S. Gorakhpur	Kanpur	Sitapur
3.	B-7-1/Ch III 80-81	29.4.81	S.S.R.M.S. Kanpur		
4.	B-7-1/VIII	12.10.82	S.S.R.M.S. Gorakhpur	Sitapur	Gorakhpur
5.	B7-1/Ch.VIII	27.11.82	-do-	Held in abeyance at Sitapur for one month.	
6.	Telegram	16.12.82	-do-	Sitapur	Gorakhpur
7.	B7-1/Ch.VIII	11.1.1983	-do-	Sitapur	Lucknow
8.	B7-1/Ch. IV	13.5.1983	-do-	Lucknow	Kheri
9.	B7-1/Ch. IX	18.1.1984	-do-	Kheri	Gorakhpur
10.	B7-7/Ch.VII	4.5.1984	-do-	Gorakhpur	Sitapur
11.	B7-1/Ch.XI	11.1.1985	-do-	Sitapur	Ballia

43. That the petitioner had been requesting the Opposite Party No.2/3 not to transfer him too frequently so that the education of his children may not suffer and the petitioner could be saved from maintaining double establishments at two places. He has, however, although been complying with the orders of his superiors even at the cost of his own inconvenience and hardships.

44. That it may be mentioned that the orders of transfer of Sri T.N.Lal and K.N.Pandey who were shown to have been transferred along with the petitioner

1/11/85

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by the same order dated 11.1.1985 (Annexure No.7) were subsequently cancelled by order dated 2.4.1985. A true copy of the order dated 2.4.1985 cancelling the transfer of these persons is being filed herewith as ANNEXURE NO.11 to this writ petition.

45. That the petitioner's transfer was not cancelled, nor stayed, even after repeated personal approaches and representations made by the petitioner and his wife. It appears that the above two persons i.e. Sri T.N.Lal and ~~Kan~~ K.N.Pandey were only shown to have been transferred along with the petitioner, so that it may appear that it was not only the petitioner who was being transferred but there were others also. There was no intention to transfer them and that is why their transfer were subsequently cancelled.

46. That it may also be mentioned that in the earlier transfer orders dated 11.1.1985 (Annexure No.7) the transfer of the above two persons was shown to have been made on administrative grounds, but now in the latest transfer order dated 2.4.1985 (Annexure No.12) their transfer was being cancelled in "service interest". It is not understood what were the administrative grounds of their transfer earlier and what is now "service interest" in cancelling their transfer and not cancelling the petitioner's transfer.

47. That it may be submitted that the petitioner ^{on 11.6.1984} was served with an adverse entry for the year 1983-84 to the effect that his three increments were stopped vide SSRM's order dated 29.3.1984; he failed to dispose of the articles time and misbehaved the HSA on 28.12.81.

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Ex-ansd

48. That the above entry is arbitrarily and malafide given to the petitioner, because the petitioner's appeal against the alleged stoppage of increments is pending with the Director of Postal Services. During the pendency of the petitioner's appeal with the Director of Postal Services, against the punishment awarded to him by the S.S.R.M., no adverse entry to that effect could be given. This action on the part of opposite parties is again a malicious and unfair act.

49. That the atrocities of the Opposite Parties do not end here. It may also be submitted for the information of this Hon'ble Court that by means of order dated 20.12.1984 the petitioner was allowed to draw his next increment in the time scale of Rs.260-480, from 1.11.1983, but the same has not far been given to the petitioner inspite of repeated requests and reminders.


50. That it may also be submitted that ever since his transfer orders and proceeding on leave due to illness, the petitioner is not being given his salary in time and is being unnecessarily harassed at the hands of opposite parties No.2 and 3.

51. That the petitioner was admitted in District Hospital Sitapur from 2.4.1985 to 7.4.1985 for treatment and he applied for medical treatment advance, but he was deliberately not sanctioned medical advance with the result that the petitioner was deprived of the right of medical treatment.

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Enclosure

52. That by means of letter No.13.4.1985 received by the petitioner on 17.5.1985, the petitioner has been required to submit his next medical certificate from Chief Medical Officer, district Hospital Sitapur, otherwise his leave will not be accepted. A true copy of the said letter is annexed herewith as ANNEXURE NO.12 to this writ petition.

53. That it may be submitted that the petitioner had already submitted medical certificate from his authorised medical attendant i.e. Superintendent of the District Hospital, Sitapur, which was of an equal rank of the Chief Medical Officer. The said certificates have althrough been accepted and leave granted to him by the department, but now the petitioner is required to produce a certificate from Chief Medical Officer, which is nothing but deliberate malicious act on the part of Opposite Party No.3 to harass the petitioner. The certificate from the Superintendent District Hospital is of no lesser value to that of the certificate from the C.M.O. Moreover, the petitioner had been under the treatement of the District Hospital and as such the question of obtaining a certificate from the Chief Medical Officer is unnecessary and uncalled for.



educational session and much before the tenure of his stay at Sitapur is unjust, unwarranted, uncalled for and against all rules and regulations. There was no material before the Opposite Parties warranting the petitioner's transfer, nor was there any administrative exigency for this transfer.

56. The petitioner's transfer has been made without any rhyme and reason or justification. It has been made just to punish the petitioner for no fault of his.

57. That the petitioner is on medical leave and his post is still vacant, as Sri T.N.Lal who was ordered to join at Sitapur in place of the petitioner, has not joined as his transfer orders were stayed by the S.S.R.M.

58. That in case the petitioner's transfer is not stayed during the pendency of this writ petition, the petitioner is likely to suffer irreparable loss and injury.

59. That feeling aggrieved against his illegal transfer made by the Opposite Parties, and having no alternative and efficacious remedy, the petitioner begs to prefer this writ petition on the following amongst other -

GROUNDS

I. Because the petitioner's transfer in the



mid of the educational session of his children, and much before completing his tenure of 4 years at Sitapur, arbitrary, malafide and against the provisions of law.

II. The transfer of the petitioner is the result of the malice, bias, prejudice and grudge of the Opposite Parties No.2 and 3 against the petitioner.

III. Because the Opp.Party No.2/3 had threatened the petitioner in writing that he would transfer him to remote places (vide Annexure No.1).

IV. Because the petitioner's transfer is the execution of the threatening given by the Opp.Party No.2/3.

V. Because the Opp.Party No.2/3 called the petitioner's explanation just to harass and humiliate him and not on any valid or cogent grounds, and when the petitioner submitted a suitable reply to his letter, the Opp.Party No.2/3 had to keep himself helpless. He, however, made another attempt to humiliate the petitioner by ordering ^{his} replacement by Hanuman Prasad Verma in the leave vacancy of Sri Binda Lal, S.R.O., but when Sri Binda Lal himself joined his duties, the Opp.Party No.2/3 failed to oblige Sri H.P.Verma and, in a mood of fury, he called for the explanation of the petitioner which was immediately given to him with facts. He was, therefore, again helpless to harm the petitioner.

[Signature]

- VI. Because it was clear from his above actions that he having having failed to harm the petitioner, has passed only transfer orders against the ~~pet~~ petitioner.
- VII. Because the Opp.Party No.2/3 had no authority to threaten the petitioner to transfer him to remote place.
- VIII. Because the O.P.No.2/3 had no jurisdiction to tranfer him without completing even a year at Sitapur and during the mid session of his children's education.
- IX. Because the petitioner was not responsible for non-compliance of his telegraphic orders to hand over charge to Sri Hanuman Prasad Verma in the leave vacancy of Sri Binda Lal, S.R.O.
- X. Because the petitioner has been punished by transferring to Ballia without any administrative grounds or complaint against him.
- XI. Because the letter written by the Sub Records Officer, Sitapur, to the Senior Superintendent RMS Gorakhpur, dated 15.1.1985 (Annexure No.8) to retain the petitioner at Sitapur was a clear proof that there was nothing against the petitioner at Sitapur and his work, behaviour, and discipline was quite satisfactory and his transfer was against the interest of service.
- XII. Because the Superintendent of RMS Gorakhpur

[Handwritten signature]

had wrongly and incorrectly stated in his letter (Annexure No.1) that the petitioner was found creating indiscipline, not doing his duties properly and misbehaving with SRO or other staff, without specifying any instance therefor.

XIII. Because the petitioner had been discharging his duties diligently and efficiently without any complaints whatsoever giving no administrative grounds for his transfer.

XIV. Because during a period of about 3 years the petitioner was transferred as many as at least 11 times and he always ~~complied~~ complied with the orders of his superiors.

XV. Because the minimum tenure of stay at a station of a Sorting Assistant was 4 years, but the petitioner was never allowed to stay for more than two years at any station.

XVI. Because the petitioner was forced to go on transfer to Kanpur, Lucknow, Sitapur, Kheri and Gorakhpur jeopardising his children's education and sustaining the expenses of double establishment for himself and his family.

39

XVIII. Because the entry communicated to the petitioner in respect of the punishment awarded to him by stoppage of his three years' increment, against which an appeal was pending with the Director of Postal Services, is arbitrary, malafide and illegal.

XIX. Because the petitioner has been illegally denied grant of medical advance depriving him of his legitimate right to take such advance for his treatment.

XX. Because the petitioner has not been paid his increments sanctioned to him.

XXI. Because the petitioner is further being harassed by not paying his salary etc. in time.

XXII. Because the Opposite Parties No.1 to 3 have failed to see reasons for the cancellation of the petitioner's transfer. The representations made by the petitioner and his wife to save his family and the children's education, have not been heeded to by the Opposite Parties.

XXIII. Because no administrative grounds exist justifying the petitioner's transfer.

XXIV. Because the transfer orders passed against the petitioner are arbitrary, malafide, illegal and against all rules and regulations, and are liable to be quashed.

[Signature]

PRAYER

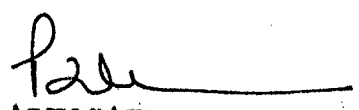
WHEREFORE it is most respectfully prayed
that this Hon'ble Court be pleased to -

(i) Issue a writ, order or direction
in the nature of certiorari quashing the impugned
transfer orders dated 11.1.1985 passed by the
Senior Superintendent of Post Railway Mail Service,
'G' Division Gorakhpur (contained in Annexure No.7);

(ii) Issue a writ, order or direction in
the nature of mandamus commanding opposite parties
not to transfer the petitioner outside Sitapur
at least before the expiry of four years tenure
otherwise than under due process of law.

(iii) This writ petition be allowed with costs, and

(iv) Such further writ, order or direction
be issued in favour of the petitioner as may be
deemed just and proper in the circumstances of the
case.


ADVOCATE
COUNSEL FOR THE PETITIONER

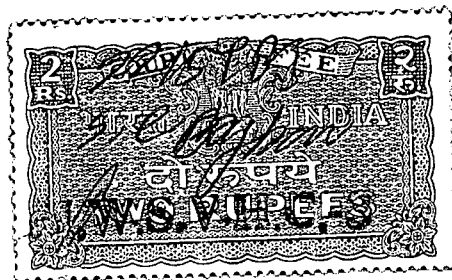
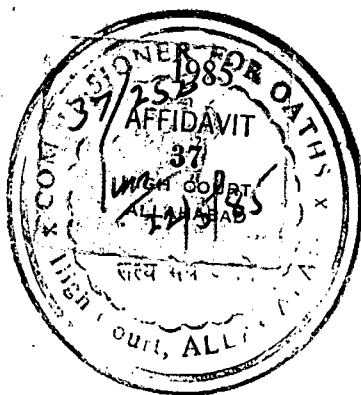
Dated, Lucknow :

22/5/1985

43

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

Writ Petition No. of 1985



Satish Chand Bajpai

Petitioner

Versus

Post Master General, U.P. and others

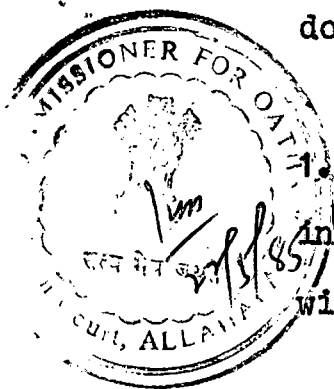
Respondents

AFFIDAVIT

I, Satish Chand Bajpai, aged about 36 years, son of Sri Ganga Prasad Bajpai, resident of 222, Arya Nagar, Sitapur, Sorting Assistant (on leave) Sub Records Office, Railway Mail Service, Sitapur, the deponent do hereby solemnly affirm and state as under :

1. That the deponent is the petitioner himself in the above-noted writ petition and he is conversant with the facts deposed to hereinafter.

2. That the contents of paras 1 to 5)



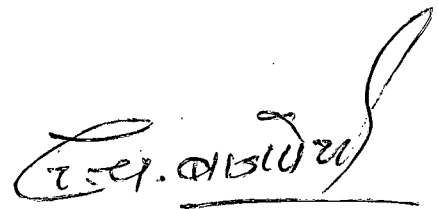
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of the above affidavit are true to my knowledge while those of paragraphs 58, 59 are believed by me to be true on the basis of legal advice received by the deponent.

3. That Annexures No. 1 to 12 to the accompanying writ petition are true/photostat copies of their originals and they have been compared and verified and have been found to be correct.

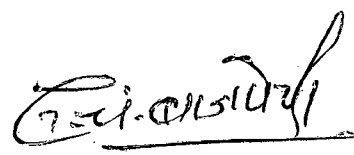
Dated, Lucknow :
May 22 1985


DEPONENT

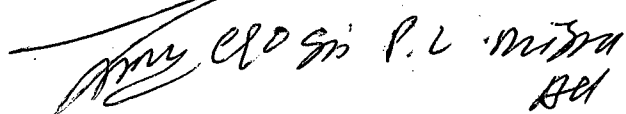
I the above named deponent do hereby verify that the contents of para 1 to 3 of this affidavit are true to my knowledge. No part of this affidavit is false and nothing material has been concealed. So help me God.

Signed and verified this 22nd day of May, 1985 in the High Court Compound at Lucknow

Dated Lucknow :
May 22, 1985


DEPONENT

I identify the deponent who has signed before me.


Bel

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

Writ Petition No. of 1985

Satish Chandra Bajpai ... Petitioner
Versus
Post Master General, U.P., ... Opp. Parties.
and others

(ANNEXURE NO. 1)

From
Sr. Superintendent RMS,
"G" Dn. Gorakhpur.

To
Sri Satish Chandra Bajpai
S. A.C/o SRO RMS 'G' DN.,
SITAPUR.

No. 55/Misc. dated at Gorakhpur: 8.8.84

During my recent visit the following
facts have come against you in my notice.

1. You are creating indiscipline in the office.
2. Not performing your duty properly.
3. You are misbehaving with SRO, Head
sorter and other staff.

22/8/84

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Please explain your conduct as to why serious disciplinary action should not be taken against you besides being transferred to a remote place.

Your explanation must reach within a week positively.

Sd.

Sr. Superintendent RMS

'G' Dn. Gorakhpur.

Copy to SRO RMS 'G' Dn. Sitapur. He will please watch over the above type of action of the official and submit report.



22/5/54

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

Writ Petition No. of 1985

Satish Chandra Bajpai ... Petitioner

V ersus

Post Master General, U.P.
and others ... Opp. Parties.

(ANNEXURE NO.2)

To

The Sr. Supdt. of R.M.S.
'G' Dn. Gerakhpur.

Through S.R.O. Sitapur.

Subject: Explanation of the undersigned.

Ref. - Your No. 55/ Misc. dated 8.8.84

Sir,

With due respect I beg to say following
in response to each para of your no. cited above for
kind consideration and justice.

Para 1.2 & 3- Since no any specific instance is given,
myself unable to explain. I may kindly
be given full opportunity to refute
the allegations pointed out in these
paras.

2. Regarding transfer to a remote place I
request you kindly to consider future of school going
children and kindly allow them to continue their
study without disturbances. Yours Faithfully,

Dt .14.8.84

TRUE COPY

(Sd.S.C.Bajpai)
Sorting Asstt., SRO SITAPUR.



Ex-13124

26 53
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW.

Writ Petition No. of 1985

Satish Chandra Bajpai

... Petitioner

Versus

Post Master General, U.P.

and others

... Opp. Parties.

Annexure No. 3)

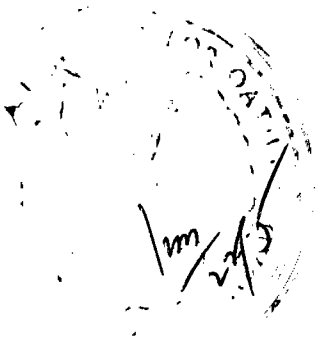
XP/1450/3

SRO SITAPUR

BI. PF AAA CHARGE SRO SHIPTO HANUMAN PD VERMA
TILL ARRIVAL BINDA LAL AAA REPORT COMPLIANCE AT
ONCE.. AAA MU SR SUPDT RMS 'G' DN. GORAKHPUR.

.....

TRUE COPY



Er. Anil Kumar

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माननीय उच्च न्यायालय न्याय पालिका लखनऊ

रिट याचिका संख्या वर्ष 1985

सतीश चन्द्र बाजपेयी

याचिकाकार

बनाम

पोस्ट मास्टर जनरल, उ०प० आदि

विपक्षी गण

॥ एनेक्जर नम्बर 4 ॥

श्रीमान आर०आर०पी० सिंह, एस०एस०आर०एम० "जी" गोरखपुर

विवक्षित : अस्थायी स्म से उ०अ०कार्यालय का भार ग्रहण ।

संदर्भ : आपके कार्यालय के तार दि० 03-12-84 जो कि 5-12-84 को उ०अ० कार्यालय को प्राप्त हुआ ।

मान्यवर महोदय,

आपको सूचित कर रहा हूँ कि उपरोक्त तार के आधार पर श्री एच०पी०वर्मा अस्थायी स्म से उ०अ०कार्यालय का चार्ज देने के आदेश थे, किन्तु दि० 07-12-84 को श्री वर्मा द्वारा दिये पते पर उपरोक्त कार्य के लिये "मेल मैन" द्वारा बुलाये जाने पर ज्ञात हुआ कि उनके द्वारा दिये गये पते पर उनका कोई पता नहीं चल पा रहा है । श्री वर्मा ने अपना पता "एच०पी०वर्मा, एल-बाग, सीतापुर" दिया है वह अपूर्ण है । श्री वर्मा रोज लखनऊ से आते जाते हैं उनका दिया हुआ पता असत्य है उनका सीतापुर में कोई निवास स्थान नहीं है अतः श्री वर्मा को चार्ज नहीं दिया जा सका है । श्री वृन्दा लाल जी उ०अ० अधि० जिनका अवकाश 8-12-84 को समाप्त हो रहा है आज कार्यालय में आये तथा सूचित किया कि वह स्वयं 8-12-84 को अपरान्ह भार ग्रहण करेंगे अतः श्री वर्मा को चार्ज देने की आवश्यकता नहीं रह जाती । दि० 26 सितम्बर 84 से मैं स्वयं सहायक उ० अधिकारी के पद पर श्री वृन्दा लाल जी के आदेशानुसार मैं कार्य कर रहा हूँ । अतः स्थायी उ०अ० अधिकारी के अवकाश लेने के पर सहायक के ही भार ग्रहण करना उचित है ।



27/12/84

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जी वर्रा द्वारा अपूर्ण पता होने के कारण आपके आदेश का
पालन नहीं हो सका । इसके लिये हम क्षमा प्रार्थी है ।

ह0 00व0 बाजपेयी

7-12-84

एस0आर0ओ0सीतापुर

दि07-12-84

सत्य प्रतिलिपि

हय. बाजपेयी



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

WRIT PETITION N O. OF 1985

Satish Chandra Bajpai ... Petitioner

Versus

Post Master General, U.P.
and others ... Opp. Parties.

(ANNEXURE NO. 5)

S.R.O.
R.M.S. 'G' DN.
SITAPUR.

No. B1/PF / Sri Bindra Lal / 84 Dt. GKP: 18/12/84

please obtain and submit the explanation of
Sri S. C. Bajpai as to why the charge of SRO Ship
was not handed over to Sri H.P. Verma, whereas the
construction has already been given by this office
vide XP/1440/3. The explanation must be reached
in this Office within 3 days.

Sd. U.S. Lal

SEAL

TRUE COPY



En-attached

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माननीय उच्च न्यायालय न्याय पालिका लखनऊ

रिट याचिका सं० /1985

सतीश चन्द्र बाजपेयी

याचिकाकार

बनाम

पोस्ट मास्टर जनरल उ०प० आदि

विपक्षी गण

॥ एनेक्जर नम्बर 6 ॥

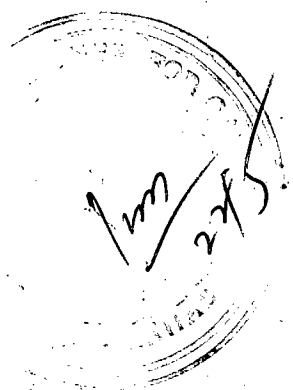
प्रतिलिपि स्पष्टीकरण दि० 26-12-84

कृपया आपके पत्र संख्या बी५१/पी०एफ०१०/श्री बिन्दा लाल/84 दि० 18-12-84 के संदर्भ में मेरा कथन इस प्रकार है ।

आपका 3/12/84 का तार यहाँ पर 5-12-84 को प्राप्त हुआ उस समय एस०आर०ओ० का काम श्री राम सिंह कर रहे थे गोरखपुर मीटिंग के संबंध में 4/12 तथा 5/12 को मैं विशेष आकस्मिक अवकाश पर था तथा 6/12/84 को प्रतिबन्धित अवकाश पर था, 7/12/84 को जब मैं एस०आर०ओ० के पद पर आया तो श्री वर्मा के द्वारा दिये हुये पते पर मेमो भेजा इसके बारे में पूर्ण विवरण मैंने एस०आर०ओ० सीतापुर के पत्र संख्या 1471/अस्थाई/उ०अ०अधि/84-85 दि० 07-12-84 को दे दिया है । जिसकी प्रतिलिपि साथ में संलग्न है ।

ह० अपठनीय

सत्य प्रतिलिपि प्रमाणित



27-12-84

31
63

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

Writ Petition No. of. 1985

Satish Chandra Bajpai ... Petitioner
Versus
Post Master General U.P.
and others ... Opp. Parties
(Annexure No.7)

Indian Posts & Telegraphs Department,
Office of the Senior Supdt. R.M.S. 'G' Dn.,
Gorakhpur Memo No.B7-1/Ch XI Dt.at Gorakhpur, 11.1.85

Subject: Transfers and Posting in S.A. Cadre.

The following transfers and postings are
hereby made on administrative grounds. The order
will take effect with immediate effect.

1. Sri K.N.Pandey, S. A., S.R.O. Ballia to be
S.A. Kheri R.M.S.
2. Sri S.C. Bajpai, S.A., S.R.O. SITAPUR to be
S.A. S.R.O. Ballia R.M.S.
3. Sri T.N. Lal, S.A. SRO Ballia to be SRO Sitapur
RMS.

Sd. R.R.P. Singh
Sr. Supdt. RMS 'G' Dn.,
GORAKH PUR.

32/68
-2-

Copy to 1-3 . Officials Concerned

4.6. SRO Sitapur/Ballia/ Kheri. They will
please relieve the officials at once
on receipt of this Memo with spare copy
of memo service upon Sri S.C.Bajpai

7-9. P.Fs of the officials.

10-11- H.R.O. / A.H.R.O. GORAKHPUR.

12-13. File No.B3/11/83-84 and BS/5/83-84 of
Divisional Office.

14- Office copy.

TRUE COPY ATTESTED

True copy



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माननीय उच्च न्यायालय न्याय पालिका लखनऊ

रिट याचिका सं०

/1985

सतीश चन्द्र बाजपेयी

याचिकाकार

बनाम

पोस्ट मास्टर जनरल उ०प० आदि

विपक्षी गण

॥ एनेक्जर नम्बर 8 ॥

भारतीय डा तार विभाग

पुष्क

सब रिकार्ड आफिस

आर०एम०एस०"जी" डिब्बीजन

सीतापुर -261001

सेवा में

श्रीमान प्रवर अधीक्षक रेल डाक व्यवस्था

"जी" प्रखण्ड गोरखपुर

संख्या 1809/प०अधी/84

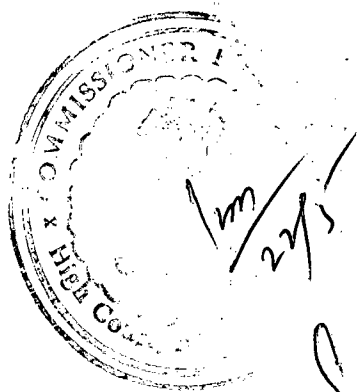
दिनांक 15-1-85

विषय :- आपके पत्रांक बी-7-1/च-भारह गोरखपुर दि० 11-1-85 श्री सतीश चन्द्र बाजपेयी स०पि० के स्थानान्तरण तुरन्त रिलीव करने के सम्बन्ध में ।

महोदय:

बड़े दुःख के साथ लिखना पड़ रहा है कि आपके उपरोक्त आदेश को तुरन्त प्रभावी नहीं किया जा पा रहा है क्योंकि कुछ प्रशासनिक कारण हैं तथा इस कार्यालय से अटैच स्टाफ ने ऐसा माहौल बना रखा है कि ऐसे माहौल में श्री सतीश चन्द्र बाजपेयी जो हमारे साथ सहायक उप अभिलेख अधिकारी है उनको तुरन्त रिलीव कर मैं इस सीट पर कार्य नहीं कर सकता हूँ । श्री टी०एन०लाल स०वि० को यहाँ शीघ्र भेजने की कृपा करें ताकि वे मुझे तथा श्री सतीश चन्द्र बाजपेयी स०पि० उप अभिलेख अधिकारी को साथ साथ भार मुक्त कर सकें ।

मैं आपका ध्यान इस ओर आकृष्ट करना चाहता हूँ दि० 4-1-85 को आपको तथा निरीक्षक "जी" द्वितीय महोदय को



सतीश चन्द्र बाजपेयी

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एक्स-पी तार दिया गया । तार का विषय था श्री टी०ए०ओ० स०वि० और श्री एस०एन० त्रिपाठी स०वि० क्रीकेट इनडिस्सीप्लीन जिस ओबे एण्ड जिस आर्डर उस तार पर न तो आपने ध्यान दिया और न ही निरीक्षक ॥जी॥ द्वितीय ने ही इसके बारे में सोचा । मुझे इस बात का दुःख है कि तार का जबाब में स्वयं मुझको परेशान किया गया गया ।

माननीय प्रवक्ता अधीक्षक महोदय मैं आपका ध्यान इस ओर भी आकृष्ट करना चाहूँगा आपके ही आदेशों का पालन हेतु स०उप अभिलेख अधिकारी, प्र०वि०पाली/ए०एव वी० लिखित एवं मौखिक रूप से समझाया जिसमें पूर्णतया सहायक उप अभिलेख अधिकारी ने उसका उत्तरदायित्व निभाया जिसे मान्यवर ने सीतापुर से हटाकर प्रशासनिक आधार पर बलिया भेज दिया जब इस तरह से मान्यवर परेशान किया जायेगा तो क्यों कोई सही काम करेगा । मान्यवर इस बात पर भी ध्यान दें ठाक कार्यालय में कार्य इतनी लापरवाही से हो रहा था तथा हो रहा है कोई सम्भावित बड़ी दुर्घटना हो सकती है , एक सज्जन श्री टी०ए०ओ० स०वि० का कहना है कि ऐसे आदेश बार बार आया जाया करते हैं ।

कृपया इस बात पर ध्यान दें कि न काम करने वाले, अफवाहे फैलाने वाले लोगों के बारे में विस्तृत विवरण भी भेजा जा चुका है बड़े दुःख की बात है कि उस पर भी ध्यान नहीं दिया गया जिससे न काम करने वाले तथा अफवाहे फैलाने वाले लोगों के हासिले और भी बुलन्द हो गये । मेरे साथ कोई अप्रिय घटना हो सकती है ।

पुनः अन्त में मैं आपसे निवेदन करता हूँ कि श्री टी०ए०ओ० स०वि० को यहाँ शीघ्र भेजकर मुझे भार मुक्त करवाने की कृपा करें ।

वी० लाल

15-1-85

सब रिकार्ड आफिस, आर०एम०ए

"जी" जिवीजन सीतापुर

261001

सत्य प्रतिलिपि
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सील



प्र. वा. जे. ए. ए.

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

Writ Petition No. of 1985.

Satish Chandra Bajpai ... Petitioner
Versus
Post Master General, U.P. & others ... Opp. Parties.

(ANNEXURE NO.9)

To

Sri D.S. Sakalkelo
Post Master General, U.P. Circle,
LUCKNOW 226001.

Through Proper Channel;

Subject: Cancellation of irregular transfer from
SRO Sitapur to SRO Ballia vide ~~SRO~~ SROAG'Dn
Memo No.B-7-1/Ch.XI dated 11.1.1985.

Respected Sir,

With due respect and humble submission I beg
to say following for your kind consideration and orders:-

1. That I am working as Sorting Assistant at SRO Sitapur w.e.f. 5.5.84 and performing my duties honestly. During my stay at Sitapur SRO there is no any type of happening relating to fraud or loss in which I may be involved.
2. That I was transferred at Sitapur SRO from Gorakhpur on my own request and cost vide SRO 'G' Gorakhpur Memo No.B-7-1/Ch-VII date 4.5.84 'sic' and that there-

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24.05.85

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was nothing against me upto 4.5.84 by virtue of which he would not have been posted at Sitapur.

3. That SSRM 'G' Dn. Gorakhpur was transferred him to Ballia SRO vide his Memo.No.B-7-1/Ch.XI dated 11.1.85.

4. That ~~hence~~ I have not complete my tenure at SRO Sitapur therefore I may not be transferred from this place.

5. That during mid session of academic session of education this transfer has an adverse effect on the future hope of my three school going daughters. Thus, the transfer order is unjustified.

I ~~would~~, therefore, request your honour, kindly to look into the matter personally and provide me justice by cancelling un-justified transfer orders issued by SSRM G Dn.Gorakhpur vide his Memo No.B-7-1/Ch.XI dated 11.1.85 posting me as Sorting Assistant Ballia on transfer from Sorting Assistant Sitapur RMS. I shall be ever grateful to you for this act of kindness.

Yours faithfully,

Dated: Sitapur
7.2.1985.

Sd.S.C. Bajpai
Sorting Assistant
SRO Sitapur.

Copy sent in advance to Sri D.S. Sakalkale, IPS
Post Master General, U.P., Circle, Lucknow-226001, for
information and necessary action.

TRUE COPY.

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Copy enclosed

37 28
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. of 1985.

Satish Chandra Bajpai ... Petitioner

Versus

Post Master Genl. U.P. & others ... Opp. Parties.

(Annexure No. 10)

To

Sri D.S. Sakalkele,
Postmaster General, U.P. Circle,
Lucknow-226001.

Subject: Cancellation of irregular transfer from SRO
Sitapur to SRO Ballia vide SSRM 'G' Dn. Memo
No. B-7-1/Ch. XI dated 11.1.1985.

Respected Sir,

With due respect and humble submission, I beg
to say following for your kind consideration and orders:-

1. That my husband Sri Satish Chandra Bajpai is working as Sorting Assistant at SRO Sitapur with effect from 5.5.84 and performing his duties honestly. During his stay at Sitapur SRO there is no any type of happening relating to fraud or loss in which he may be involved.
2. That he was transferred at Sitapur SRO from H.R.C. Gorakhpur on his own request and cost vide SSRM 'G' Dn. Gorakhpur Memo No. B7-1/Ch. VII dated 4.5.84 which proves that there was nothing against him upto 4.5.84 by virtue of which he would not have been posted at Sitapur.
3. That SSRM 'G' Dn. Gorakhpur has transferred him to Ballia SRO vide his Memo No. B-7-1/Ch. XI dt. 11.1.85.
- 1/11/85*
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Dr. Anisur

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4. That he (my husband) has not completed his tenure at SRO Sitapur, therefore, he may not be transferred from this place.

5. That during mid academic session of education this transfer has an adverse effect on the future hope of my three school going daughters. Thus, the transfer order is unjustified.

I, therefore, request your honour kindly to look into the matter personally and provide justice by cancelling unjustified transfer orders issued by SSRM 'G' Dn.Gorakhpur vide his Memo.No.B7-1/Ch.XI dated 11.1.85 posting my husband as Sorting Assistant Ballia on transfer from Sitapur RMS. I shall be ever grateful to you for this act of kineness.

Yours faithfully,

Smt.Gayatri Bajpai,

Wife of Sri S.C. Bajpai,
Sorting Assistant, S.R.O.,
Sitapur

Dated:Sitapur,
the 10.2.1985.

AT 222, Vijay Lakshmi Nagar,
Sitapur.

Copy to Hon'ble Dr.Sankata Prasad, M.P. for
his kind help in the matter please.

(Smt.Gayatri Bajpai)

[Handwritten signature]

[Circular stamp with handwritten text]

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

WRIT PETITION

Satish Chandra Bajpai

Petitioner

Versus

Post Master Genl. U.P., and others ... Opp. Parties.

(Annexure No. 11)

BHARTIYA DAK TAR VIBHAG

OFFICE OF THE SR. SUPDT. R.M.S. 'G' DN. GORAKHPUR.

MEMO NO. B7-1/Ch. XI Dt. at Gorakhpur, the 2.4.1985.

Subject: Transfer and posting in SA Cadre .

The following transfer and posting are hereby ordered to take immediate effect.

1. Sri T.N. Lal SA SRO Ballia, who stand transferred and posted to be SRO Sitapur RMS vide this office memo No. even dt. 11.1.85 is retained at Ballia and the order will remain held in abeyance.
2. -----
3. Sri K.N. Pandey SA SRO Ballia who stand transferred and posted to SRO Kheri vide this office memo even dt. 11.1.85 is hereby posted as SA SRO instead of Kheri in the interest of service.

Chargesheet should be submitted.

Sd. R.R.P. Singh,
SSRM - Gorakhpur.


TRUE COPY.

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

Writ Petition No. of 1985.

Satish Chandra Bajpai ... Petitioner
Versus
Post Master Genl. U.P. and others ... OPP. Parties.

(Annexure No.12)

INDIAN P & T DEPARTMENT

SENIOR SUPDT. RMS 'G' DIVISION GORAKHPUR-273012.

To Sri S.C. Bajpai, S.A. C/o SRO RMS 'G' Dn. Sitapur.

B-3/5/PF/ Dated 15.4.85.

Sub: Further submission -sic- Certificate from CMO
instead of other Sectors of Distt. Hospital Sitapur.

You are hereby directed to submit your next
medical certificate from C.M.O. Distt. Hospital Sitapur
otherwise your leave will not be accepted.

Sd.
Senior Supdt.
RMS 'G' DN. GORAKHPUR.

Copy to C.M.O. Distt. Hospital Sitapur for information.



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27/5

By. 015104

ब अदालत श्रीमान

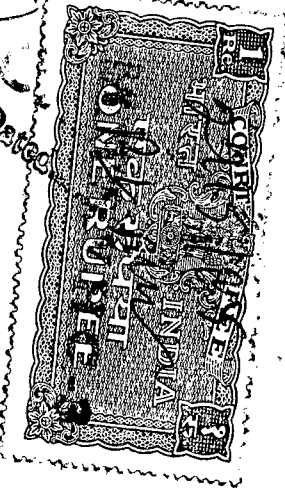
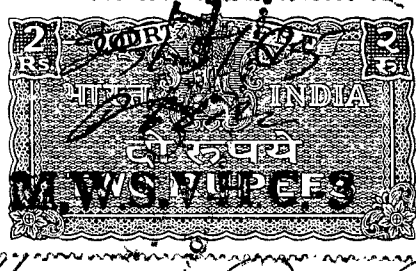
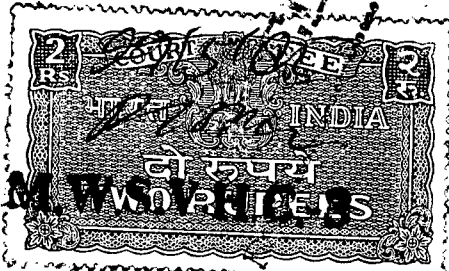
६१२ का ८ वल ७३ महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दे)

का

वकालतनामा

Date



३९२५५

सत्यवादी

वादी (मुद्दे)

बनाम

प्रतिवादी (मुद्दे)

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

एडवोकेट

श्री यु-लाल मिश्र २५/११/६३ महोदय
वकील

नाम अदालत	नाम फरीकन
नं० मुकद्दमा	

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकवाल दावा तथा अपोल व निगरानो हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

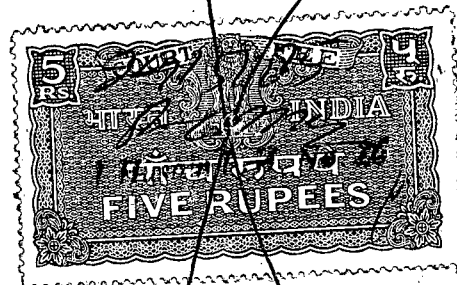
दिनांक २२/५/६३

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

— 6797(w)
C.M. Application No. of 1985

In re.

Writ Petition No. 2559 of 1985



Satish Chand Bajpai

Petitioner
Applicant

In re.

Satish Chand Bajpai

Petitioner

Versus

Post Master General, U.P.
and others

Opp. Parties

APPLICATION FOR INTERIM RELIEF

The petitioner applicant above named most respectfully submits as under :

That for the facts and circumstances stated in the accompanying writ petition and in the affidavit filed in support thereof, it is expedient and in the ends of justice that the petitioner's transfer to Ballia may be stayed during the pendency of this writ petition.

It is, therefore, most respectfully

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prayed that the execution of the impugned transfer orders dated 11.1.1985 passed by the Senior Superintendent Railway Mail Service, 'G' Division Gorakhpur, may kindly be stayed during the pendency of this writ petition.

Such further orders as may be deemed just and proper in the circumstances of the case also kindly passed in favour of the petitioner and against the opposite parties.

ADVOCATE
COUNSEL FOR THE PETITIONER

Dated, Lucknow :

may 22 1985
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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow bench, Lucknow.

(9)

C. Misc. Appn No 9408(u)-85

Union of India & Others

...Applicants

Inre :-

Writ Petition No. 2559 of 1985

Patish Chandra Bajpai

...Petitioner

Versus

Union of India & Others

..Opp. parties

10369

APPLICATION FOR VACATION OF STAY ORDER

The applicants above named beg to state as under :-

That for the facts and reasons stated
in the accompanying counter affidavit, it is most
respectfully prayed that the stay order granted by this
Hon'ble Court may kindly be vacated.

Lucknow dated

August 12, 1985
14.8.85

Counsel for the applicants

(RAKESH SHARMA)
Adv.

FOR
UNION OF INDIA

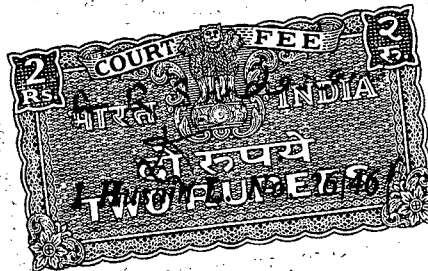
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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow bench, Lucknow.

1985
AFFIDAVIT
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HIGH COURT
ALLAHABAD



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Counter affidavit on behalf of
opp. parties.

In re :-

Writ Petition No. 2559 of 1985

Satish Chandra Bajpai

...Petitioner

Versus

Union of India & Others

...Opp. parties

R
I. A.R. Sunderani, aged about 56 years
S/O Sri Late Sri A.D. Sundhary Senior Superintendent,
R.N.S. Division, Gorakhpur, do hereby solemnly affirm and
state on oath as under :-

1. That the deponent is Sr. Superintendent
R.N.S. Division, Gorakhpur and as such he is fully conversant
with the facts of the case deposed to hereunder.

AA Sundhary
2. That the deponent has read the writ
petition filed by the petitioner and has understood the
contents thereof.

3. That the contents of paras 1 & 2 of the
writ petition are admitted.

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4. That the contents of para 3 of the
writ petition are denied. The work, conduct and performance
of the petitioner has always remained unsatisfactory.
There is sufficient adverse material in the personal file

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ANNEX.
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of the petitioner. Kindly, peruse Annexures No. 1 to 5 of this counter affidavit, which are the copies of the relevant documents, with the petitioner's work, conduct and performance is highly unsatisfactory. He does not bear good moral character. His integrity is also doubtful.

5. That the contents of para 4 of the writ petition as stated are not admitted. While visiting SRO Sitapur by the then Sri. Supdt. Sri R.V. Pandey had observed that Sri Bajpai, the petitioner was not performing his duties properly, creating indiscipline and misbehaving with SRO and Head Sorting Asstt. etc.

6. That the contents of para 5 of the petition are not admitted. On the basis of material available against the petitioner, the said letter was issued to the petitioner by his superior Officer. The explanation was rightly called on the petitioner. He was also allowed opportunity of hearing to let him meet his case properly.

Abundant

R
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7. That the contents of paras 6 & 7 of the writ petition are denied. The explanation was rightly called on 8.8.84 on the basis of sufficient material found against the petitioner. However, these contentions have no relevance to the subject matter and issue in this petition.

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3.

8. That the contents of para 8 of the writ petition are not admitted as stated. The petitioner had failed to submit an proper reply to the explanation called from him.

9. That the contents of paras 9 & 10 of the writ petition are denied. Infact, the petitioner was asked to behave properly and he was warned to perform his duties properly as provided in the Govt. servants conduct rules. The contention of the petitioner is wholly misconceived ~~xxxx~~ that he was ever given in threatening. It was a pure and simple explanation called during the routine official business of the department. It is relevant to mention that the petitioner's cooligues and the other members of the staff at his office at Sitapur submitted complaints against the petitioner. The petitioner was also asked to explain his conduct.

10. That the contents of para 11 of the writ petition are false and baseless. It is relevant to mention that the Brindalal was not the Competent Authority to post the petitioner as as Sub-recorder Officer R.M.S., Sitapur. The post of S.R.O. is a responsible post. Only senior Supdt., Gorakhpur can make administrative arrangement on the said post.

11. That the contents of para 12 of the writ petition are admitted.

12. That the contents of para 13 as stated are not admitted. The Sub-divisional Inspector was

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was directed to attend the Sub records Office at Sitapur and any arrange handing over charge of the office to sri Hanuman Prasad Verma, the statement of Hanuman Prasad verma is being enclosed herewith as Annexure No. 4 to this counter affidavit. It is relevant to mention that the petitioner was deliberately avavoiding ~~the~~ to handing over charge of post of S.R.O. to Sri Verma. The petitioner had ~~not~~ authority to hold the charge of post of S.R.O. nor sri Brindalal was competent to hand-over charge to a competent person against the Rules. The departmental enquiry is being conducted against Sri Brindalal.

ANNEXURE
4.

13. That the contents of paras 14, 15 & 16 of the writ petition are not admitted. It is relevant to mention that sri Hanuman Prasad informed that the charge of sub-record office Sitapur was not given to him by the petitioner. The petitioner was illegally holding the charge of the post ~~xx~~ without any authorities. The contention of the petitioner are false and baseless. The petitioner was allowed sufficient time to carry out the directions of the Superior officer. He was deliberately avoided to handing over charge to Sri Verma. However, this issue is irrelevant to subject matter of the case.

7-8-85

14. That the contents of para 17 of the writ petition are admitted.

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15. That the contents of paras 18 & 19 & 20 of the writ petition are misconceived and the same are denied. The petitioner was specifically directed to hand over the charge ~~of~~ to Sri Vema which he was deliberately avoiding he was not complying with the order of the superior authority.

16. That the contents of para 21 of the writ petition are wholly misconceived and the same are denied. The allegations are false and baseless. When a misconduct is done by an employee an explanation is called from him by the Competent Authority. It is categorically denied that the petitioner was ever threatening regarding his transfer to a remote place. The petitioner had no right to continue to hold the charge of S.R.O., for which he was not authorised. The petitioner was a shorter only getting payscale of Rs.260-480 only, while the post of S.R.O. as a Superior responsible post carrying pay scale of Rs.425-640, Senior Supdt., R.M.S. is the competent authority for making the promotions for the post of Shorter to the post of S.R.O. Sri Brinda Lal was not the appointing authority ^{promoting} authority for S.R.O. Meore illegally given the charge of post to a person who was not competent to hold the same does not create any right in favour of the petitioner. Explanation are always called for a ~~xxx~~ wrong, misconduct done by an employee.

17. That the contents of para 22 of the writ petition are denied. Explanation called by the opp. party 2/3 was called for, in the circumstances of the case

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it was just and fair in the circumstances of the case under fundamental ~~for~~ rules, an employee could be transferred from one place to another place. There is no in any of the conditions of the service or in any rules that the petitioner was to be kept at Sitapur for ever. Transfer is an incident of the service. The petitioner has spent ^{large} ~~about~~ 10 years at Sitapur since his entires into services in 1966.

18. That the contents of paras 23 to 25 of the writ petition are wholly misconceived and the same are denied. The petitioner's transfer order has been issued in public interest and in administrative interest. His continuance at Sitapur was not in the interest of administrative as well as petitioner's own individual interest. The order of transfer has been issued in public interest considering the administrative exigencies prevailing in the department.

19. That the contents of para 26 of the writ petition are misconceived. Now the Educational session has started the petitioner can join his new place of posting and can admit his new schoolgoing children at Balia, Balia has also good Education institution.

20. That the contents of paras 27 to 29 of the writ petition are false and baseless and the same are denied. As mentioned earlier large no. of the year of services spent at ~~xx~~ Sitapur. It is relevant to mention that December 1983, that in 4.5.84, the petitioner showed ^{mutual} transfer to Sitapur from

Gorakhpur was stayed for 3 months only. The petitioner's allegations against the Superintendent are false and baseless. There is nothing on record to substantiate these allegations.

21. That the contents of para 30 of the writ petition are misconceived and the same are not admitted. The then sub-record~~er~~ Officer Sri Brindalal was hand in glove to the petitioner. He has also been transferred in the public interest to Kathgodam. The said letter has no relevance to the subject matter and issue.

22. That the contents of paras 31 & 32 (there are no paras~~x~~ from 33 to 38 in the copy of the petition supplied to the opp. parties) 39, 40, 41, 42 & 43 are wholly misconceived and the same are denied. The petitioner has tried to confuse the issue. These transfer orders were issued at the request of the petitioner. Most of the transfer orders were issued at petitioner's own request for which no T.A./D.A. was allowed to the petitioner. *6 to 11 R*
Kindly, peruse Annexure No. 9 which proposed for the petitioner himself sought from his transfer to one place to another.

Annexure
ANNEXURES
6 TO 11

23. That the contents of paras 44 & 45 of the writ petition are misconceived and the same are not admitted as stated. These persons were not similarly placed. Their examples are not relevant

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to the subject matter and issue. The petitioner's continuation at Sitapur was not required in public and administrative interest.

24. That the contents of para 46 of the writ petition are misconceived and the same are denied. The petitioner has misinterpreted the words given in the orders. It is always open to the administration to consider and review in administrative decision.

25. That the contents of paras 47 and 48 of the writ petition are denied. The adverse entries were rightly awarded in the year, dated 29.3.84 was rightly passed against the petitioner. The allegations of malice etc are false and baseless.

26. That the contents of paras 49 & 50 of the writ petition are denied. The increments ~~xx~~ was given in routine manner.

27. That the contents of paras 51 to 54 of the writ petition are not admitted. The petitioner has not submitted proper applications alongwith the required certificates for allowing him leave. However, these facts are irrelevant to the subject matter and issue, these are unnecessarily details which has no consigning order of transfer.

28. That the contents of paras 55 to 57 of the writ petition are denied. These are mere repetitions of the earlier paras.

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29. That the contents of paras 58 and 59 of the writ petition are not admitted. The petitioner has failed to prove a prima-facie case. The balance of convenience is infavour of the petition.

30. That none of the grounds mentioned in ~~para~~ paras are tenable in the eye of law. The petitioner is not entitled for any of the reliefs claimed through this petition.

31. That the work, conduct and performance of the petitioner was highly unsatisfactory. Sri S.C. Bajpai is a resident of Sitapur and is very notorious character. He has associations with antisocial elements of Sitapur and with their contact, he tries harass the staff. The official does not bear a good moral character. There are numerous complaints against him from the staff of Sitapur RMS regarding his quallelsome nature misbehaving with Sub Record Officer, Head Sorting Asstt. & other staff, while visiting the office of S.R.O. Sitapur, the then Sr. Supdt. R.M.S. sri R.V. Pandey had asked his explanation for creating indiscipline, not performing duties properly and misbehaving with S.R.O., Head Sorting Assistant & other staff of Sitapur vide No. SS/Misc. dated 8.8.84 and the S.R.O., Sitapur was directed by the then SSIM to watch over his action and submit reports. The S.R.O. Sitapur has also reported against sri S.C. Bajpai and requested to take necessary action as his action was very harmful for administrative interest and smooth working. The service Union has also

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submitted complaint against him vide his No. NUR/CI.III /STP dated 1.12.84 regarding his notorious character. As such keeping in view the whole facts and circumstances and for smooth working of the office ~~at~~ his transfer from Sitapur was found necessary. There was no malafide intention [^] behind his transfer order. The order was passed in public / administrative interest the transfer is only an incident of service. The petitioner has been transferred in his cadre on the same post, rank and pay-scale.

32. That the petition is devoid of merits and the same is liable to be dismissed with costs.

Lucknow dated

August 7, 1985

M. Sundrani
Deponent

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1, 2 of this counter affidavit are true to my own knowledge, those of paras 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 are based on the information derived from the records, which I believed to be true and those of paras 29, 30, 31, 32 are based on the legal advice. No part of it is false and nothing material has been concealed, so help me God.

Lucknow dated

August 7, 1985

M. Sundrani
Deponent

I identify the deponent who has signed before me.

M. Sundrani
Advocate.

Solemnly affirmed before me on at 4.10 p.m. by *Anand Ram Sundrani* the deponent who is identified by sri *Rakesh Sharma* Clerk of the

High Court, Lucknow, I have satisfied myself by examining the deponent that he has understood the contents of this C/A which have been read out and explained by me.

No. 60/207
Date 7-8-85

In the Hon'ble High Court of Jua
W.P.M 8559 of 1985
S. C BAJPAI VS U.O. F11
Annex I

पञ्च-व्यवहार-22

Corr: 22

भारतीय डाक-तार विभाग 30/7
INDIAN POSTS AND TELEGRAPHS DEPTN

उत्तर देते समय कृपया

निम्न सूचना दें

In reply

Please quote

देवक

From

SUB-RECORD OFFICE

दिवा में

To

The J.P.M

Rm G

Pelable

कम संख्या

No. 633/misc/8485 Dated 25-7-84

दिनांक
Dated at

विषय
SUBJECT

Sub:- Non utilisation of Casual labour by
S.C. Bajpai.

Sir,

As per turn for engagement of out
The name of Sh. Ram Arjun is in the Set C
M.M. on 23.7.84. He came on duty at
me. But Sh. S.C. Bajpai who was working
told him on duty and asked him to go on
In this regard I beg to say that Sh.
started here his "DADA-GIRI". He always
labour to get his home and personal
is on duty. When by any reason the casual
to be excused for that work. Sh. Bajpai
behave with him adversely as he did
on 23.7.84.

Therefore it is highly requested
action to check it otherwise it may be
administrative interest and smooth work.

The live Complaints made by
to the S.S. and S.R. Suben are en-
for perusal and u/o.

AGBundran

रिट पिटोशन नं० - 8558

1. LS
नि. टोशन

ज्या० पा टी

एने पर नं०

नरानप हूनिफ हूनिफ देणी : रेणु अणु व्यवस्था शाखा, जिलापुर

शा. ग. मंत्री. एन. डी. आर. / शा. ग. 3/एन. डी. पी. दि. 1-12-34

माननीय प्रजपति महोदय,

और कार्यालय ने अधोपिनित प्रनियमनों के निवारण हेतु प्रस्ताव पारित किया गया :-

1- सरकारी राशन कार्डों के निट्टों के 30 लीटर हर मीने में दिया जाता है। डाक न्यायलय में प्रति महीना जाँच होता है। न्यायो कि पेन्शनेट्स जरादे पड़े हैं। श्री सतीश चन्द्र वाजपेयी ने कि एस० आर ७०० को निट्ट पर जायदा कार्य कर रहे हैं, यह इस निट्टों के रेश को देखा करके है।

2- जा मिले र डिंग 21-11-84 में श्री सचिव, पन्, जापवेयी ने स्वयं एस०आर०जी० की लोड
कर कार्य करके ए अफ स्व आर जी० के सेट में स्वयं 56 ऑवर आ टी व्यूटी दिया है जिनमें
स्वफ में किली 2 का 8 घण्टा भी जा जो ए नरी दिया गया है उस तरह से एस आर जी०
की लोड का उपरोक्त नर्वकारी ने सुसंयोज किया है। अतः आदेशानुसार एस आर जी० से उक्त
नर्वकारी को हटाया जाय तथा रिपोर्ट की निष्पदा जॉब को जावे।

उ- श्री वृन्दावल जो नि एस०आर० ओ० ने सीट पर पोस्टिंग होना जरूरी है दिया गया है क्योंकि सीटापट्टे ०००००० में कोई कर्मचारी उनसे सीनियर है। यहाँ पर भेला जा फेला व एस आर० ओ० नि उनसे सुपरवायरी पोस्ट बिना मिले। तिरि ता भाले जो है। जलः डी जो पी० आर० टी० से सुल्लर के फिलाप से भि उन सब पोस्ट पर पोस्टिंग लेथ और सर्विस के हिसाब से होनी चाहिए ।

4- श्री सतीशचन्द्र जाजपेयी सीतापुर में जेल में मरवाये गये तथा बहुत ही बदमाश था परन्तु
 जिसका नाम है कि उसने रिजर्व से भी पता लगाया जा सकता है डिप्टी डायरेक्टर में
 स्टाफ को गलतफहमी करने के लिए यह निष्कर्ष निकाल रहे रहते हैं जहाँ अभी अप्रैल में 1984 में

डिप्टी कमिश्नर पनोरामेंट में जाँचो रे० से सौरजपुरी लिए स्थानान्तरण किया गया था परन्तु फिर एक माह में ही नव. 1984 में अपना सौदा सगाँवर के सौजापुर में पोस्टिंग करा लिया है। केवल उनकी वजह से सौजापुर रे० आ० व्य० में एक से एक नये गलत कार्य हो रहे हैं।

हमने एसएसआरजी० के सीट पर एस एस आर एस आर फिस से जॉर्ज पोस्तिंग नहीं हैं लेकिन
मात्र भयभीत वयस से नहीं एसएसआरजी० वृद्धाश्रम जो एस एस आर जी० में लगा रखा है
जबकि सीतापुर में इनसे पूर्व निर्धारित सीट पर हैं उनमें नहीं लगाया जाता है इनके वयस से
सीतापुर रेजि० में रखा जाना जरूरी है जो रिकार्ड जो चेक दिया जाय वे अविलम्ब
हमने सीतापुर के स्वागत करें।

5- एस०आर०ओ० व ए०एस०आर०ओ० की पोस्ट जब भी कभी कैंट होती है एस०आर०ओ० श्री वृन्दा लाल जी के बल सतीश चन्द्र बाजपेयी व श्री राम सिंह सिंह को ही लगाते हैं जब कि उक्त दोनों कर्मचारी इस स्टेशन पर कार्यरत कर्मचारियों से काफी जूनियर हैं। जिसका नाजायज फायदा उक्त दोनों कर्मचारी उठाते हैं। अपनी हर तरह से मानमानी करते हैं जिससे सीनियर स्टाफ काफी क्षुब्ध हैं।

अतः आपसे विनम्र प्रार्थना है उक्त केस को अविलम्ब ठेकअप किया जाय जिससे तत्काल इस समय जो यह मामला मनमानी कर रहे हैं रोक जा सके अविलम्ब ध्वजित करने का कष्ट करे।

आपका :

सूर्यनारायण त्रिपाठी

रे०डि०व्य० नेशनल यूनिफ़ तृतीय श्रेणी

शाखा - सीतापुर

1-12-84

प्रतिसिद्धि :-

श्री आर० आर० पी० सिंह प्रवर अधीक्षक रेल डाक व्यवस्था
गोरखपुर

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78/85

इन का ऑनरऐबुल हाई कोर्ट आफ़ जूडिसियर ऐट इलाहाबाद ,
लखनऊ बेंच - लखनऊ

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रिट पिटिशन नं० 8559 आफ़ 1985

शतीश चन्द्र बाजपेई

पिटीशनर

वर्गान

यूनियन आफ़ इंडिया और अन्य

अपोज़िट पार्टी

ऐनेक्चर नं० 4

वर्गान श्री लुनान, प्रसाद वर्मा स० वि० उ० प० अ० का० सीतापुर जेल
रुपये 440/- लेखाकात 18 साल ।

श्रीमान जी,

मैं दिनांक 3-10-84 सीतापुर से मौजूद था तथा मेरी मौजूदगी
परिव 18 साल से गई श्री शतीश चन्द्र बाजपेई 31-10-84 को एस०आर०ओ०
तथा एस०आर०ओ० की जगह पर ओ०टी०ए० कर रहे थे मैं उनसे बहुत सी नियर
हूँ परन्तु बृद्धि प्राप्त के दुट्टी जाने पर मुझे नहीं लगाया तथा ओ०टी०ए० नहीं दिया
गया दिनांक 4-12-84 को प्र र अधिकांक का जर्ग प्राजंड गोरखपुर से तार
प्राप्त हुआ था कि एस०आर०ओ० का कार्य मुझे देने के लिए अदेश था मैं 5-12-84
को जाया श्री राम सिंह एस०आर०ओ० पद पर कार्य कर रहे थे मैं उनसे पूछा तो वह
पत्ताने से हटार कर दिया 6-12-84 फिर एस०आर०ओ० में जाकर पूछा लेकिन उन्होंने
तार को छिपा दिया और बताया नहीं श्री शतीश चन्द्र बाजपेई मुझे किसी प्रकार
से कार्य देने को तैयार नहीं हुए जब कि मैं मौजूदगी नियर हूँ

भी हो चुका है लेकिन उस प्रकार का व्यवहार मेरे साथ आदेश
होने पर भी तैनी आदिनियों ने निर कर दिया और मैं एस०आर०ओ० के पद पर
कार्य करने के तैयार हूँ अतः इस पर विचार लिया जाय ।

लुनान, प्रसाद वर्मा

एस०आर०ओ०

13/12/84

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Rigid

पत्रांक-22

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

उत्तर देते समय कृपया
विषय संदर्भ दें
In reply
Please quote

From निरीक्षक
10 अक्टूबर 2021 01
बीबीसी

To By Name

कम संख्या
No.

दिनांक
Dated at

SUBJECT

उप आभिलेख आधिकारी सी पी गुर की निष्काशन
पत्रांक 1-10-84

संदर्भ - आप का निर्देश दिनांक 4-10-84

आप के निर्देशानुसार नेशनल युनियन द्वारा जारी 3 अक्टूबर 1984 को जारी पत्रांक 1-10-84 के शिकायत पत्र और निष्काशन सी पी गुर के द्वारा की गयी अनियमितताओं के विरुद्ध है उसकी जांच दिनांक 12-10-84 एवं 13-10-84 को की गई थी तथा जो परिणाम सामने आया उसे कृपया वरान निम्न लिखित किया जा रहा है।

1- उप आभिलेख का मतलब सी पी गुर के निर्देश दिनांक के तहत के निर्देश 30-अक्टूबर 1984 का मतलब के अर्थों के तहत काइ नं. 943198 Valid upto 3-10-84 मालूम से ही बना हुआ है। उसके आखिरी शब्दों में 'आप' शब्द का मतलब है कि जोहू सितावर से लगातार रहा है। 15 या 20 नवंबर को शान से न रवरीव गया है जिसका उपयोग कापीकरण के कर के आधारे चलेगा जोसा 16 शिकायत पत्र में लिखा है वतनेक किया गया है।

2- शिकायत पत्र के पैरा नं. 3 में लिखा गया है कि श्री सतीश चन्द्र वाजपेई 07A पृष्ठ 25 10-84 से 31-11-84 में अनुचित ढंग से 07A किया है अतः जांच से यह पता चला कि श्री सतीश चन्द्र वाजपेई कुल 60 दिनों के अपने आप 1580 के पद जगह काय कर रहे हैं। दिनांक 26-10-84, 31-10-84, 12/11/84, 13-11-84, 14-11-84 को 580 के छुटी जाने की वजह से 1580 तथा 580 के पोस्ट पर करने हुई 4800 घण्टे का 07A स्थाप कर लिया और कि ओर कमचारी यही मौजूद थी। तथा तीन दिनों के पदों करके 3 580 के पद का उपयोग किया। और इस बात में ओर कमचारी को 07A नहीं का पार।

3- शिकायत पत्र के पैरा नं. 3 में लिखा है कि श्री वाजपेई की 580 के पद पर परफुल्ल लीगत तरीके से नहीं है इसीलिए यह स्थापित है कि श्री वाजपेई की पोस्टिंग 580 के पद से नहीं हुई है। यह पद कई कमचारी श्री वाजपेई से सौंपा है जिस में से बिना लिखित लिख इच्छा पत्र लिख अचानक आदेश कर दिया गया था कि श्री वाजपेई प्रसाद को जो कि Most Senior 580 है अपने पद से दिनांक 13-10-84 में लिखा है कि मैं 580 पद के लिए तैयार हूँ।

Twine ball

SRD - 2 + NSRD.1 (increased)

5m 01A - 35 ✓

— 13 - 35

Candles

SR0 - 5 ASRO

MO/A - 30. ०१/११/११

-1B-30

Rule Twine

590 — 1 kg

M/10/n — 3.500. वरदादिमागध.

104002 — 10 — 350

उप अभिलेख आधिकार केवल चक्र का अधिकार है उसे
निम्नलिखित सिद्धांतों की नीति है जो कि विस्तृत अनुचितता
दुपयोगी किया गया है।

A-SRO - Candles 541 T. ball in mouth - Sept 84
 " 341 " " " Oct. 84
 " 241 " " " Nov. 84

1550 के साथ किसी प्रकार की उपरोक्त सामग्री की स्वयंसेवक
हैनी की दिवाही जमान १६४ है अतः आपने यह कार्य पूरा है

प्रधान विभागों, विभाग ३५-४५ है। इनके अन्तर्गत २०/१२/७५ से
आपने दिया है कि ६५० पत्र रक्खी तथा जीसीग बाइस अनी ७५ से
पि के नली दे रहे हैं।

50) की जाना की संकेत पाया कि आठ मकड़ों में उड़ रक्खी
3. 3 kg प्रत्येक सेट को दिया गया था तथा वे लैंग 1111 दिया गया
था तथा Sealing wax भी 1111 दिया था तथा पत्तु
आज की 1111 सेट लैंग है कि आठ सेटों में 13. 800
1 kg Sealing wax भी की गयी थी तथा 20 kg Bag & Black chalk
गोरखपुर से प्राप्त हुयी एवं 20 kg Sealing wax सेट में
जारी गयी पत्तु 13. 800 Sealing wax का कोई पता नहीं

उपनाम 13-000. Scalping was जो कि गोपल का ही गयी है
उपनाम 81. हीमापुर ही जमैदार है। अतः खाचने काय नाम
कि मय उर यी

इस प्रकार हो. इन कायालयों लीना पूरा कर काय वीज
का से नहीं हो पा रहा है. अतः प्रतिमान ३२० को तुरन्त कर
बंदना दिया जाना तथा जेली सिनिधल कम जाने दे दिया गहरा
का। नै कर बंददेश दिया जाना।

۱۵

1- शिक्षा तथा मन्त्र आरक्षण मन्त्री ने २५ दिसंबर १९७८

2- वषान आ हनुमान प्रसाद वंगा 10.13/12

3- 10/16/80a fm 61/22-40/28

५० डा० ७० नं० ती० उप प्रत्यय
वी० ०१

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

Writ petition No. 8559 of 1985

123

Satish Chandra Sajpai Petitioner

Versus

Union Of India & others Opp. parties.

ANNEXURE NO. 6

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SENIOR SUPERINTENDENT RMS KP DN KANPUR

No. B 19/Ch. III/80-81, dated at Kanpur-208001, the 18.2.81

Sub:- Mutuel exchange under Rule 38 of P&T Man. Vol. IV.

In pursuance of the P&T U.P. Circle Lucknow memo No.
STA_309-XT/NE/8 dt. 11.2.81, Sri Ram Bahadur SA RMS 'G' Dn.
Kheri is hereby posted in SRC Aligarh 'KP' Dn.

Sri Satish Chandra Sajpai SA will be relived for 'G'
Dn. on receipt of the posting orders from the SSRM 'G' Dn. Gorakhpur.

No T.A. and transit is admissible to them.

Charge reports should be submitted to all concerned.

Sd/-

senior superintendent,
RMS KP DN. Kanpur.

Copy to:-

1. The P.H.G. U.P. Circle Lucknow for information.
2. SSRM 'G' Dn. Gorakhpur.
- 3-4. HRO & AHRO Kanpur, 5-6. HRO Gorakhpur.
7. SRC RMS 'G' DN. Dheri,
- 8-9. Officials concerne,
- 10.11. P. Fs, 12-15. Steno, STA, EA I & II,
16. Office copy.

(R.S.T.).

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

Writ petition No. 8559/ of 1985

Shafiq Chandra Bajpai

128
petitioner

Versus

Union Of India & others

Opp. parties.

ANNEXURE NO. 7...

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SENIOR SUPERINTENDENT RMS.KP DN. KANPUR.

Memo No. S 19/Ch.III/80-81, dated at Kanpur-208001, the 27.2.81.

In pursuance of P.M.G. U.P. Circle Lucknow memo No. STA/309-XT/KE/8 dated 11.2.81 and SSRM 'G'Dn. Gorakhpur memo No. S 7/45/Ch.IV dated 24.2.81 the following interdivisional mutual exchange transfers and posting orders under Rule 38 of P&T Man. Vol.IV are hereby issued to have immediate effect.

1. Sri Gathis Chand Bajpai Stg. Asst. attached to HRO Kanpur transferred and posted as Stg. Asstt. to RMS 'G'Dn. Kheri vice vice Sri Ram Bahadur Stg. Asstt.

The above transfer orders are subject of the following conditions.

1. The official will not be entitled to any T.A.&T.P.
2. The seniority of the official in the new unit of transfer will be fixed strictly in accordance with the provision of Rule 38 of P&T Man. Vol. IV.
3. The official will not be permitted for repatriation.
4. The question of posting of the official to a particular station does neither arise nor it can be considered.

Sd/-

(C.S. Verma)
Senior Superintendent ,
RMS KP DN. Kanpur.
dt. 28.7.8

Copy to:-

1. The P.M.G.U.P. Circle, Lucknow-226001, w/r to his letter mentioned above.
2. The SSRM 'G' Gorakhpur.
3. The H.R.O. RMS 'G' Dn. Gorakhpur. .
4. The S.R.O. RMS 'G' Dn. Kheri.
- 5.-6. HRO & AHRO RMS 'KP' Dn. Kanpur. HRO Please relieve official after clearing all dues.
- 7-8. S.D. & P.F. of the official.
9. Official Concerned.
- 10-13. Steno, STA, E.A.I & II.
14. Office copy.

(R.S.T.),

7-8-85

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

Writ petition No. 8559 of 1985

Sathis Chandra Bajpai

.....

127
Petitioner

Versus

Union of India & others

.....

Opp. parties.

ANNEXURE NO. 8

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SENIOR SUPERINTENDENT RMNKP DN KANPUR

No. S-19/CH-III/80-81, dated at Kanpur -208001 the 1.4.1981

Sub k- Inter Division transfer U/R 38 of P&T Man. Vol.IV.

In partial modification of this office letter of
even No. Dated 27-2-81 Shri Sathis Chandra Bajpai Stg.
Asstt. HRO is hereby ordered to be relieved for SRG 'G' Dn.
Sitapur instead of S.R.O. Kheri under the provision u/r 38
of P&T Man. Vol. IV.

Sd/-

(G.S.Verma)

Senior Superintendent
R.M.S. 'KP'DN Kanpur.

Copy to:-

1. The PMG UP Circle, Lucknow -226001, U/R to his
letter No. STA/309-KT/NE/8 dated 11.2.81.
2. SSRM 'G' Dn. Gorakhpur.
3. HRO 'G' Dn. Gorakhpur.
4. SRO 'G' Dn. Sitapur.
5. HRO 'KP'DN. Kanpur. please relieve the official
6-7. S.Book P.Rs. ce.
8. Official.
9-10. U/C and spare.

/SRK/.

2
9885

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

Writ petition No. 8559 of 1985

Sathis Chandra Bajpai

.....

129
Petitioner

Versus

Union of India & others

.....

Opp. Parties

ANNEXURE NO.

9
.....

BHARTIYADAK TAR VIBHAG
OFFICE OF THE SR. SUPERINTENDENT RMS 'G' DIVN. GORAKHPUR.

Memo. No. B 7-1/Ch. VIII Dated at GKP the 27th Nov' 82.

Transfer and posting order issued vide this
office letter No. even dated 12.10.82 is hereby,
held in abeyance for a period of one month.

The official Sri Sathish Chand Bajpai S.S .SRO
Sitapur is allowed one opportunity to mend himself.
He will clearly understand that even a solitary instance
reported against his behaviour will forfeit this
previlage and he will be transferred out of Sitapur.

ANB...

Sd/-

Sr. Superintendent, RMS.
O/C. 'G' Divn. Gorakhpur.

Copy to :-

1. -2. The HRO/AHRO A/C Gorakhpur.
3. The official concerned.
4. PF of the official.
5. The SRO Sitapur.
6. Office copy.

R
7-8-82

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

Writ petition No. 8559 of 1985

131

Sathis Chandra Bajpai

Petitioner.

Versus

Union of India & others

Opp. parties.

ANNEXURE NO. 10

HARTIYA DAK TAR VIBHAG
OFFICE OF THE SR. SUPERINTENDENT RMS 'G' DIVN. GORAKHPUR.
Memo. No. B7-1/Ch. VIII Dated at GKP the 11.1.83

.....

Sub:- Transfer and postings in S.A. Cadre.

In partial modification of this office memo. No. even dt. 12.11.82, 27.11.82 and orders contained in XXP/ Tel. dt. 14.12.82, file No. R/1/4/MA Sri sathish Chandra Bajpai, S.A. is hereby transferred and posted in G-9 section at his own request and cost without T.A. & T.P.

The official should clearly understand that if his performance are not found satisfactory he will have to go any where in the division at his own cost as promised by him in his application dt. 11.1.83.

Charge reports be submitted.

Am Sundaram

Sd/-

Sr. Superintendent RMS.
'G' Divn. Gorakhpur.

Copy to :-

- 1.-2. The HRO Gorakhpur.
3. The HRO Lucknow.
4. The SRO Sitapur.
5. The officials concerned.
6. Office copy/spare.

7-8-85

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

Writ petition No. 8559 of 1985

Sathis Chandra Bajpai

133
Petitioner.

Versus

Union of India & others

Opp. Parties.

ANNEXURE NO. 11....

BHARTIYA DAK TAR VIBHAG
OFFICE OF THE SR. SUPERINTENDENT RMS 'G' DIVN. GORAKHPUR.

Memo No. B7-7/Ch. VII dated at GKP the 4.5.84

.....

The following transfer and posting orders are
issued at their own request and cost with immediate effect :-

- (1) Sri S.C. Bajpai, Se.A. Bajpai, HRO Gorakhpur to
be S.A. SRO Sitapur.
- (2) Sri Ram Avadh Singh, SA SRO Sitapur, to be
S.A. HRO Gorakhpur.

Charge reports be submitted to all concerned.

Sd/-

Sr. Superintendent RMS
'G' Divn. Gorakhpur.

Copy To:-

- (1)-(2). The officials concerned.
- (3)- HRO Gorakhpur.
- (4) The S RO Sitapur.
- (5) FF of the officials concerned.
- (6)-(8) Office copy/Spare.

Mundran
7/8/85

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(Lucknow Bench)
LUCKNOW

138-

Writ Petition No 2559 of 1985

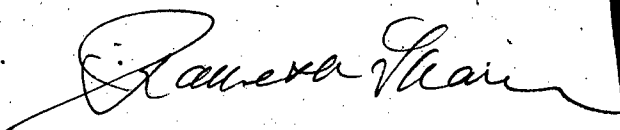
SATISH CHANDRA BAJPAI Petitioner

VERSUS

UNION OF INDIA. Respondents

Registrar,

I am appearing as the Central Government Standing Counsel on behalf of Petitioner.
Respondents/Opposite Parties.



(RAKESH SHARMA)
ADVOCATE

Additional Standing Counsel
Central Government
Allahabad High Court
(Lucknow Bench)
LUCKNOW

Dated

12-8-85

SERVICE
BENCH

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

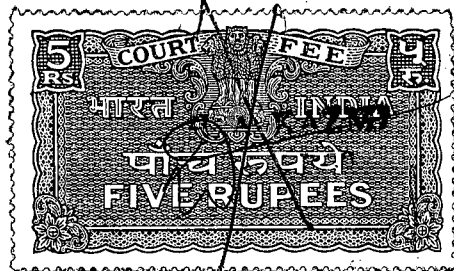
LUCKNOW BENCH, LUCKNOW.

C.M. Application No. 314 of 1987

In re: ~~W.P.~~ 2559 of 1985

Writ petition No. 2559 of 1985

108387
Satish Chandra Bajpai



137
Petitioner

Vs.

Union of India and Others

..... Opp. Parties.

Application for dismissing the writ petition
Under Section 29 of the Central Administrative
Tribunal Act

The opposite parties in the above-noted writ petition most respectfully beg to submit as under:-

430
That the opposite parties are filing the Annexed Affidavit giving detailed facts and submitting.

P R A Y E R

WHEREFORE, it is most respectfully prayed that the aforesaid writ petition may kindly be dismissed as non-maintainable and the same may be transferred to Central Administrative Tribunal at ^{Allahabad} ~~Bombay~~ along with its records. The interim order dated ~~7.1.87~~ may kindly be recalled.

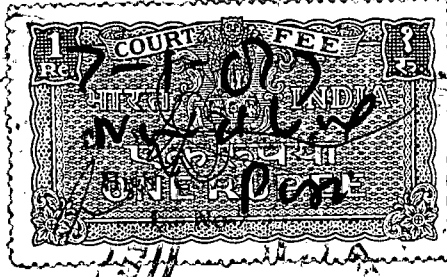
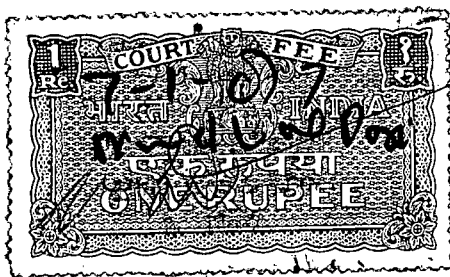


Dated : Lucknow

January 7, 1987

(RAKESH SHARMA)
ADVOCAT

Counsel for the opposite parties
UNION OF INDIA



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

Affidavit

in

Support of C.M. Application No. of 1987

inre:

Writ petition no. 2559 of 1985

Setish Ghandra Bajpai

..... Petitioner

Vs.

Union of India and Others

..... Opp. Parties.

AFFIDAVIT

I, Nand Lal Passi, aged 57 Years son of Sri Paltoo Ram, Senior Superintendent, R.M.S. Division, Gorakhpur, do heraby solemnly affirm and Set State on oath as under:-

1. That the deponent is Senior Superintendent R.M.S. Division, Gorakhpur and as such he is fully conversant with the facts of the case deposed to hereunder.
2. Taht the deponent has read the writ petition filed by the petitioner and has understood the contents therof.
3. That the present writ petition is directed against the transfer order passed against the petitioner . He is a Gentral Govt. employee working in



Ant

141

the Postal Department of the Govt. of India.

4.

That the relevant provisions contained in Section- 29 of the Central Administrative Tribunal Act. 1985, are as following:-

" 29 (1) Transfer of pending cases:

Every suit or other proceedings pending before any court or other authority immediately before the date of establishment of a Tribunal under this Act, being a suit or proceedings, the cause of action whereon it is based is such that it would have been, if it had arisen after such establishment within the Jurisdiction of such Tribunal shall stand transferred on that date to such Tribunal".

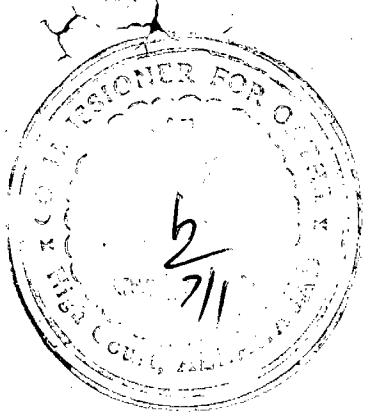
5.

That in view of the facts and circumstances stated hereinbefore it is expedient and necessary in the interest of justice that the aforesaid writ petition be transferred to any Tribunal as the same is not maintainable in this Hon'ble Court.

6.

That it may also be mentioned that this Hon'ble Court has been pleased to dismiss the following writ petition relating to the Central Government's employees on the ground of non-maintainability. Some of the cases are being given hereinbelow:

1. Writ petition no. 5081/83
Haraman Singh Vs. Union of India & others.



And

.... 3....

2. Writ petition no. 2094/85
R.A. Dixit Vs. Union of India
and others.

3. Writ petition no. 3189/85
SSL Srivastava Vs. Union of
India & others. 143

4. Writ petition no. 2747/84
Dr. S.A. KIDWAI Vs. Union
of India & others.

Orders for transfer in ^{one of} ~~all~~ the above writ
petitions have been passed by a Division Bench of this
Hon'ble Court.

The Writ petition liable to be dismissed
with Costs.

Dated : Lucknow
January, 7, 1987


Deponent

Verification

I, the above named deponent do hereby verify that
the contents of paras 1 to 2 of this affidavit
are true to my personal knowledge. Those of paras 2, 3, 4
to 5 of this affidavit are believed to be true on
the basis of records while the contents of paras 6 of
this affidavit are based on legal advice. No part of it
is wrong and nothing material has been concealed, so help
me God.

Dated: Lucknow
January, 7, 1987


Deponent.

.... 4....

.... 4

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I, identify the deponent who has signed before
me.


Advocate.

Solemnly affirmed before me on 7-1-87
at 9-40 am/pm. by the deponent *Q. Mandel la Sri*
who is identified by Sri R. Sharma .
Advocate, High Court, Lucknow Bench.
I have satisfied myself by examining the
deponent that he understands the contents
of this affidavit which have been read out
and explained by me to him.




OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 1532/8
Date 7/1/87

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

C.M. Application No. of 1987

In re:

Writ petition No. 2559 of 1985

Satish Chandra Bajpai Petitioner

Vs.

Union of India and Others Opp. Parties.

Application for dismissing the writ petition
Under Section 29 of the Central Administrative
Tribunal Act

The opposite parties in the above-noted writ
petition most respectfully beg to submit as under:-

That the opposite parties are filing the
Annexed Affidavit giving detailed facts and submitting.

P R A Y E R

WHEREFORE, it is most respectfully prayed that
the aforesaid writ petition may kindly be dismissed
as non-maintainable and the same may be transferred to
Central Administrative Tribunal at Allahabad alongwith
its records. The interim order dated 1.1.87 may kindly
be recalled.

Dated : Lucknow

January 7, 1987

(RAKESH SHARMA)
ADVOCAT

Counsel for the opposite parties

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

LUCKNOW BENCH, LUCKNOW.

Affidavit

in

Support of C.M. Application No. of 1987

inre:

Writ petition no. 2559 of 1985

Satish Chandra Bajpai

..... Petitioner

Vs.

Union of India and Others

..... Opp. Parties.

AFFIDAVIT

I, Nand Lal Passi, aged 57 Years son of Sri
Paltoo Ram, Senior Superintendent, R.M.S. Division,
Gorakhpur, do heraby solemnly affirm and Set State on
oath as under:-

1. That the deponent is Senior Superintendent
R.M.S. Division, Gorakhpur and as such he is
fully conversant with the facts of the case
deposed to hereunder.
2. That the deponent has read the writ petition
filed by the petitioner and has understood the
contents thereof.
3. That the present writ petition is directed agai-
nst the transfer order passed against the petition-
er . He is a Central Govt. employee working in

the Postal Department of the Govt. of India.

4.

That the relevant provisions contained in Section- 29 of the Central Administrative Tribunal Act. 1985, are as following:-

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Every suit or other proceedings pending before any court or other authority immediately before the date of establishment of a Tribunal under this Act, being a suit or proceedings, the cause of action whereon it is based is such that it would have been, if it had arisen after such establishment within the Jurisdiction of such Tribunal shall stand transferred on that date to such Tribunal".

5.

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Hanuman Singh Vs. Union of
India & others.

.... 3....

2. Writ petition no. 2094/85
R.A. Dixit Vs. Union of India
and others.

3. Writ petition no. 3189/85
SSL Srivastava Vs. Union of
India & others.

4. Writ petition no. 2747/84
Dr. S.A. Vs. Union
of India & others.

Orders for transfer in all the above writ
petitions have been passed by a Division Bench of this
Hon'ble Court.

The Writ petition liable to be dismissed
with Costs.

Dated : Lucknow

January, , 1987

Deponent

Verification

I, the above named deponent do hereby verify that
the contents of paras to of this affidavit
are true to my personal knowledge. Those of paras
to of this affidavit are believed to be true on
the basis of records while the contents of paras of
this affidavit are based on legal advice. No part of it
is wrong and nothing material has been concealed, so help
me God.

Dated: Lucknow

January, , 1987

Deponent.

.... 4....

.... 4

I, identify the deponent who has signed before
me.

Advocate.

Solemnly affirmed before me on
at am/p.m. by the deponent
who is identified by Sri
Advocate, High Court, Lucknow Bench.

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

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned	
1	2	3	
17/6/85	<i>[Signature]</i>		
18.6.85	Hon. S.S. Dhond, J.		
	<p>list after vacation in the month of August 1885.</p> <p>Until further orders of the Court, operation of impugned order dated 11.1.85 contained in Annexure-7, if it had not already been implemented, shall remain stayed.</p>		
R2		18.6.85	
17/8/85	<p>Hon. B. K. Kurvi</p> <p>Hon. A. B. J.</p> <p>stand out</p> <p>B. K.</p> <p>17/8/85</p>		<p>Mehar not</p> <p>recd</p> <p>16/8/85</p>
9.11.87	Hon. V. R. Mehrotra J.		
9.11.87	Hon. R. S. S. J.		
9.11.87	<p>jointly pointed out</p> <p>by the learned counsel</p> <p>for the parties that record</p> <p>of this case be Frank</p>		

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_____ Writ No. 2559 of 1983
_____ Vs. _____