

(See rule 114)

OA/TA/RA/CP/MA/PT of 20.....

.....Applicant(S)

Versus

..... Respondent(S)

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7	CA.	A25 to A32.
8	RA.	A33 to A46.
9	Supplementary affidavit	A47 to A58.

Certified that the file is complete in all respects.

Signature of S.0

Signature of Deal. Hand

Annexure - A

CAT- 02

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE O.A. No. 123/00 (D) OF 190

Name of the Parties S.K. Pandey

Versus

Union of India

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
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filed on
12/3
2018

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit **ADDITIONAL BENCH, Lucknow**

23-A, Thornhill Road, Allahabad-211001

Grandhi Bhawan - Lucknow

Registration No.

123

of 198 00(L)

APPLICANT (s)

S.K. Pandey

RESPONDENT(s)

Superintendent of Post Office Haridwar Division

Haridwar & Ore

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent?

yes

2. (a) Is the application in the prescribed form?

yes

(b) Is the application in paper book form?

yes

(c) Have six complete sets of the application been filed?

(only two set applications filed)

3. (a) Is the appeal in time?

yes

(b) If not, by how many days it is beyond time?

-

(c) Has sufficient case for not making the application in time, been filed?

-

4. Has the document of authorisation, Vakalat-nama been filed?

yes

5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-

yes P.O. No. $\frac{DD}{5}$ 065066 dt. 17-9-08

6. Has the certified copy/copies of the order (s) against which the application is made been filed?

yes

7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?

yes

(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?

No (Photo static copy of the orders submitted)

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) *yes*
above neatly typed in double space?
8. Has the index of documents been filed and *yes*
paging done properly?
9. Have the chronological details of repres- *yes*
entation made and the outcome of such rep-
resentations been indicated in the application?
10. Is the matter raised in the application pending *yes* *No*
before any Court of law or any other Bench of
Tribunal?
11. Are the application/duplicate copy/spare cop- *yes*
ies signed?
12. Are extra copies of the application with Ann- *No*
exures filed?
- (a) Identical with the original?
- (b) Defective?
- (c) Wanting in Annxures
- Nos...../Pages Nos.....?
13. Have file size envelopes bearing full add- *No*
resses, of the respondents been filed?
14. Are the given addresses, the registered *yes*
addresses?
15. Do the names of the parties stated in the
copies tally with those indicated in the appli-
cation?
16. Are the translations certified to be true or *NA*
supported by an Affidavit affirming that they
are true?
17. Are the facts of the case mentioned in item *yes*
No. 6 of the application?
- (a) Concise?
- (b) Under distinct heads?
- (c) Numbered consecutively?
- (d) Typed in double space on one side of the
paper?
18. Have the particulars for interim order prayed *Nil*
for indicated with reasons?
19. Whether all the remedies have been exhausted. *yes*

let case be listed on 21.9.014

20/9/88

ORDER SHEET

O.D. 123 of 80 (C)

ORDER

(1) 21.9.00

Hon. D.S. Mishra, A.M.

Heard.

Admit.

Issue notices, One month for C.A. 18 days

Hereafter for R.A.

The prayer for interim relief is rejected.

Insb

Sd/-

A.M.

OR

Notices for respondents Nos. 1 to 3 received by Sri V.K. Chaudhary, Cont. Coun & notice issued to respondent no 4 through Regd. Post fixing 24.11.00 for hearing.

Insb

24.11.00

OB Resd. No 4.

One undelivered regd. cover received return back with remarks "अंतर पता सही नहीं चलता है।"

Insb
24/11/00

(2)

24.11.00

D.R.

Respondent No 4 not served as yet. Vide O.D. dt. 24.11.00 issue notice to the applicant for furnishing full and complete address of Respondent No 4 within 15 days.

On the request of Sri V.K. Chaudhary counsel for Respondent No 1 to 3 the is adjourned to 22-12-00. Put up with full & complete O.D. Report on the next date i.e. 22-12-00.

Insb

D.R.

OR

Letter has been received from the applicant. he has written full & complete address of O.P. No 4.

~~Notice issued to Respondent No 4~~

11/12/00
OB
Notice issued to the applicant to file fresh & complete address of Respondent No 4 within 15 days.
Insb
11/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

GR 123/88

REGISTRATION No. _____ of 198 .

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Post order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<p>20/4/89</p>	<p>Hon' Mr. Justice K. Nath, V.C. Hon' Mr. D.S. Misra, A.M.</p> <p><i>reported</i> It is presumed that the notice sent to opposite parties No. 4, by registered post on 11-12-88 has not been received back. Neither appearance has been made, nor counter affidavit has been filed on behalf of the Opp. Parties.</p> <p>The applicant files a supplementary affidavit with photo copy of a letter whose copy has been given to the learned counsel for the Opp. Parties Nos. 2 and 3. This case be listed for hearing on <u>19-5-89</u>. The Opp. Parties may file a reply within two weeks.</p> <p><i>[Signature]</i> A.M. <i>[Signature]</i> V.C.</p> <p>(sns)</p>	<p><i>GR</i> Notice on respondent No. 4 has been issued under regd. cover on 11.10.88. Neither notice any or any undelivered envelope nor any reply has so far been received in the office. Submitted for orders.</p> <p><i>And</i> 19/5</p> <p><i>OR</i> No reply filed by the learned Counsel for the O.P. Submitted for hearing.</p>
<p>19/5/89.</p> <p>4.0.0</p>	<p>No sitting Adjournd to 4/8/89 For hearing.</p> <p>No Sitting of O.B. Adj to <u>20.10.89</u></p>	<p><i>OR</i> No reply filed submitted for hearing.</p> <p><i>OR</i> No reply filed submitted for order.</p>

4/10

19/5


123/88(L).

(A5)

23/4/90

Hon. Mr. D.K. Agarwal. J.M.
Hon. Mr. K. O. Bhatia. J.M.

Shri A.K. Shukla, for the
applicant and Shri V.K. Chaudhary
for the op^{are} heard. Judgment reserved.


A.M.

Dec
J.M.

Recd copy
Jodhpur

Whs
26/4/90

गौतम २४/४/९०
१५/४/९०

Reserved

Central Administrative Tribunal, Allahabad.
Circuit Bench, Lucknow.

.....

Registration O.A.No. 123 of 1988 (L)

Shrawan Kumar Pandey Applicant
Vs.

Superintendent Post Offices
Hardoi Division Hardoi and
others Respondents.

Hon. D.K.Agrawal, JM
Hon. K.Obayya, AM

(By Hon. D.K.Agrawal, JM)

This Application u/s.19 of the Administrative Tribunals Act XIII of 1985 has been filed by the abovenamed Applicant (hereinafter referred to as the Petitioner) aggrieved with the order of termination dated 8.9.1988, annexure 1 to the Petition.

2. Briefly, the facts are that one Shiv Lal working as Extra Departmental Sub Post Master (for short EDSM) was put off duty vide order dated 18.4.1985 passed by Superintendent of Post Offices. The post thus fell vacant. The Petitioner, namely, Shrawan Kumar Pandey, meanwhile applied for appointment in his place. The authority competent to appoint him passed an order dated 15.5.1985, annexure 2 to the petition. It clearly mentions that the appointment was an appointment as substitute. The Opposite Parties in the Counter Affidavit have also clearly stated that the appointment was provisional. As chance would have it, Sri Shive Lal was exonerated of the charge of removal from service by the appellate authority vide order dated 20.5.1988. Consequently the Petitioner, namely, Shrawan Kumar Pandey, was ordered

DK Agrawal

Filed today
AB
12/3
20/9

In the Central Administrative Tribunal

Additional Bench

at

Lucknow.

Application u/s 19 of Administrative Tribunals
Act 1985.

GA 123/10069

Shri Shrawan Kumar Pandey

.....Applicant.

Vs.

Suprintendent Post Offices Hardoi

Division Hardoi & others.

.....Opposite-Parties.

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3.	Annexure-II-Order dated 15.5.85 issued under the signatures Supdt. Post Office Hardoi.	12 to 13
4.	Annexure-III-Charge Certificate dt. 15.5.85.	14
5.	Annexure-IV- Letter of appointment dt.23.8.85.	15
6.	Vakalatnama.	16

Lucknow dated:-

September 19, 1988.

Hari Nath Tilhari

(Hari Nath Tilhari)

Advocate.

42, Astabal Charbagh, Lucknow

Counsel for the Applicant.

Noted for 21.9.88
H.N. Tilhari
Adv.
20/9/88

H.N. Tilhari
Adv.

Ann

-3-

E.D.S.P.M. Basawan on 15.5.85. The certificate of charge having been given to applicant is Annexure III and has continued to work as such since then without break till this day.

- (c) That by Memo A 91/E dated 23.8.85 was given served with an order giving clear cut appointment, which though is mentioned in the order as provisional appointment as E.D.S.P.M. but in view of what is being stated hereinafter as per advice from counsel and understanding of applicant has been of regular nature.

The copy of letter of appointment dated 23.8.85 is being annexed herewith as Annexure no.4 to this application.

- (d) That Section 2- Rule 9 dealing with Provisional of E.D. Agents and Forms of letter of appointment Prescribed are given as Annexure 'A'. and Annexure B after para 9 of Section II Post and Telegraph Extra Departmental Agents Conduct and Service Rules at page 39 and 40 are very specific with reference to Provisional appointments and require that a letter of Provisional appointment should be in very Specific terms and should be indicative of its nature and so if provisional appointment is

एवम् अन्तर्गत

Mr. J. L. M. S.

(AA)

In the Central Administrative Tribunal

Additional Bench-ALLAHABAD
(Circuit Bench)
at

Lucknow.

CA- 123 of 08(2)

Shri Shrawan Kumar Pandey

.....Applicant.

Versus.

Superintendent of Post Offices Hardoi Division

Hardoi and others.

.....Opposite-parties.

Details of Applicant.

Shrawan Kumar Pandey son of Sri Gargi Din Pandey E.D.S.P.M.-P.O.

Bawan Hardoi resident of village and P.O. Bawan District Hardoi.

Particulars of the Respondent.

1. Superintendent Post Office Hardoi Division, Hardoi.

2. Post Master Hardoi.

3. S.D.I.(C) Hardoi.

4. Shiva Lal son of Sri Not Known.....resident of Mohalla.....
Bagda Post office Bawan Distt Hardoi.....

B. Particulars of the order challenged

This application is against Order Memo no.A-91/E

dated 8.9.88 passed by Superintendent of Post Offices

Hardoi Division Hardoi terminating the applicants'

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(A10)

-2-

appointment from the Post E.D. Sub Post Master Bawan Hardoi a copy of which annexed as Annexure no. I.

4. Jurisdiction of Tribunal The applicant declares that the subject matter of order against which the applicant wants redressal and relief is with in the jurisdiction of this Tribunal.
5. Limitation That the applicant further declares that application is within limitation Prescribed under Section 21 of the Administrative Tribunal's Act 1985.
6. Facts of the case That the facts of the case are as have been give herein after :-

(a) That in the matter of appointment of E.D.

Agents, Prescribed after following due Procedure by order contained in Memo No. - A91/E dated at Hardoi dated 15.5.1985 issued under the signatures Superintendent of Post of Post Offices Hardoi Division Hardoi the applicant ~~appointment~~ appointed and Engaged to work as Extra Departmental Sub Post Master Master (E.D.S.P.M.) Bawan Hardoi.

The copy of order dated 15.5.1985 issued under the signatures Superintendent Post Offices Hardoi Division is Annexed as Annexure No.2.

22/07/85 41034

H. V. Tilhari
Advocate

(b) That applicant got charge of the post of

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E.D.S.P.M. Basawan on 15.5.85. The certificate of charge having been given to applicant is Annexure III and has continued to work as such since then without break till this day.

- (c) That by Memo A 91/E dated 23.8.85 was given served with an order giving clear cut appointment, which though is mentioned in the order as provisional appointment as E.D.S.P.M. but in view of what is being stated hereinafter as per advice from counsel and understanding of applicant has been of regular nature.

The copy of letter of appointment dated 23.8.85 is being annexed herewith as Annexure no.4 to this application.

- (d) That Section 2- Rule 9 dealing with Provisional of E.D. Agents and Forms of letter of appointment Prescribed are given as Annexure 'A'. and Annexure B after para 9 of Section II Post and Telegraph Extra Departmental Agents Conduct and Service Rules at page 39 and 40 are very specific with reference to Provisional appointments and require that a letter of Provisional appointment should be in very Specific terms and should be indicative of its nature and so if provisional appointment is

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Mr. J. L. Haru

A12

one covered by sub para ii then letter of appointment should in Form 'A' and specify the period etc. but if the provisional appointment is cause due to or on account of an E.D.Agent being put off duty due to pending departmental or judicial proceedings. The offer of appointment is to be in form 'B'.

- (e) That it must disclose the name of E.D.Agent against whom departmental or Judicial proceedings are pending and he has been put off duty and a provisional appointment has got to be made and then should state that the Provisional appointment is tenable till proceeding against Sri S.O. are finally disposed off and are Terminable.....if it is decided to take back the E.D.particular E.D.Agent who has been put off the duty etc.
- (f) That the order dated 15.5.85 and 23.8.85 perse are not in the nature of Provisional Appointment letters the applicant has been advised to State in light of Rule 9 of Section II of E.D.Agents Rules and Forms printed at pages 39 and 40 of the book, instead it is a regular appointment letter.
- (g) That it is very specifically provided in the

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A13

-5-

the letter of appointment dated 23.8.35 that the appointee (E.D. & P.M.) i.e. applicant shall also be governed by Post and Telegraphs Extra Departmental Agents (Conduct and Service) Rules 1964 as amended from time to time.

(h) That applicants Emoluments under Section IV bearing title "Calculation of Consolidated Allowance" vide para 21 thereof Printed at Page no. 80/81 it is provided that "The Basic allowance payable to an E.D. Sub Post Master/Sorter/Sub Record Clerk will be subject to a minimum of Rs.385/- (Rupees Three Hundred and Eighty five) only P.M. and a maximum of Rs.620/- (Rupees Six hundred twenty) P.M. only.

(i) That the applicant as present has been getting a total sum of Rs. 454/-..... p.m.

(j) That vide Memo A- 91/E dated 8.9.1988 issued by and under the signatures of Superintendent of Post Offices Hardoi Division Hardoi the applicant has been informed that the applicants appointment from the post of E.D.S.P.M. Bawan is being terminated thereby to make room for some Shri Shiv L

The ^{photostat} copy of letter i.e. Memo dated 8.9.88 ^{has been} sent

एफ.ए.एम. 4/8/84

issued for service
(on applicant *from 14 Sept 85* is Annexure I to
this application)

(k) That petitioner applicant is has been in
continuous service as E.D.S.P.M. Baswan from
15.5.85, the date of his appointment letter
Annexure 2 fallowed by letter dated 23.8.85 and
has rendered service for a period more than
three years and as such the applicants service
is not terminable under rule 6 of E.D.Agents
conduct and Service Rule 1964 as the same is
in applicable.

(l) That Rule 6 of E.D.Agents (Conduct & Service)

Rules 1964 reads as under

"6 Termination of Service

The service of an Employee, who has
not already rendered more than three year's
continuous service from the date of his
appointment shall be liable to termination
by the appointing authority at any time without
notice."

(M) That neither original order of appointment

dated 15.5.85 nor order dated 23.8.85 did
mention that ~~application~~ applicant was being

१९९५ मार्च ४

(A/S)

-7-

appointed in place of Sri Shiv Lal on Shiv Lal's being put off the duty etc and as such applicants appointment was not provisional in its nature and subsequently on applicants having ^{rendered} continuous service for a period of three years and four months as E.D.S.P.M. Bawan Hardoi, the applicants service has not been liable to termination as rule '6' is not applicable the applicant has been advised to state and he believing the advise to be correct does so state.

(N) That an E.D. Agent is entitled to be continued in service till he attains the age of 65 years under the rules and instruction thereunder and charge of post is yet with applicant.

(O) That order of termination Annexure I has got the tendency of causing irreparable loss and injury to applicant.

7. Remarks/Reliefs Sought

That in view of the facts and circumstances narrated in para 6 ~~ix~~ above, the applicant prays for the following reliefs being granted in applicants favour:-

Govt. 17/5/54

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- (a) that order and direction be issued to opposite parties declaring ~~the~~ the order dated 8.9.88 ~~issued~~ ~~on~~ the applicant on particular the last part (sentence) thereof which says that "The provisional arrangement made by Memo No.-9/E dated 23.8.1985 is hereby terminated"- to be illegal null, void and inoperative and quash the same.
- (b) to direct the opposite parties not to remove the petitioner from the post of E.D.S.P.M. Bawan as well to treat the ~~applicant~~ applicant to be continuing as E.D.S.P.M Bawan and not to interfere with applicants' working as such as well as to pay the Emolument of the post.
- (c) to allow the claim with cost.
- (d) to grant such further and other relief against the opposite parties as this Hon'ble Tribunal deems fit.

8.

Interim Relief Prayed for.

That in view of the above facts contained in para 6, the applicant, prays the pending the final decision of this application of applicant, the applicant seeks that the following Interim Relief

श्री अमर नर 4/10/84

and prays that an interim order of stay may kindly be issued in applicants favour staying the operation of termination order dated 8.9.1988 as well as directing the opposite parties not to removing the applicant from the charge of the Post of E.D.S.P.M. Basawan and to further direct them to allow the applicant to work as such and to pay the applicants Emplements and pay of the post of E.D.S.P.M. otherwise applicant will be subjected to irreparable loss and injury by being rendered jobless.

9. Alternative Remedy if any.

That the applicant declares that no alternative or other remedy is available to the applicant under Rule 10 or 16 of P and T. E.D. Agents (Conduct and Service) Rules 1964 against the order impugned i.e. order of termination.

10. Matters not pending with any other court.

The applicant further declares that no matter relating the subject of this application is pending in any court of law or any other Tribunal or any other Bench of this Tribunal.

11.

That the application fee of Rs.50/- is being paid by postal Order N.O.5 - DD 0 65066 issued by Chowk Post Office at Lucknow.....

2/07/89 41054

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-10-

12. That an Index in duplicate containing details of documents of documents to be relied upon is enclosed.

13. List of Enclosures:-

1. Annexure-I- Order of Memo no. A-91/E dated 8.9.88.
2. Annexure-II-Order dt. 15.5.1985 issued under the signatures Supdt. Post Office Hardoi
3. Annexure-III-Charge Certificate dated 15.5.85.
4. Annexure-IV- Letter of appointment dated 25.8.85.

I Shrawan Kumar Pandey son of Gargi Din Pandey working as E.D.S.P.M. Bawan Hardoi resident of village and Post Office Bawan District Hardoi do hereby verify the contents of paras 1 to 13 of the application are true to my personal knowledge and belief and that I have not suppressed any material facts.

Lucknow Dated:-
September 19, 1988.

शिव कुमार पाण्डेय
Signature of Applicant.

Lucknow dated:-
September 19, 1988.

Hari Nath Tilhari
(Hari Nath Tilhari)
Advocate.
42, Astabal Charbagh, Lucknow
Counsel for the Applicant.

शिव कुमार पाण्डेय

Sarwan Kumar Pandey

Versus

Applicants

Superintendent Post Office, Hardoi
and others

Opposite Parties.

Annexure I

Government of India
Department of Posts

O/O The Supdt. of Post Offices Hardoi Dn. Hardoi.

Memo No.A-91/E

Dated at Hardoi, the 8.9.88

Shri Shiv Lal, EDSFM, Bawan, who was removed from Service vide this office memo no.F-2/85-86, dated 28/30.12.87, is ordered to put back in service as EDSFM, Bawan with immediate effect as his appeal to Director Postal Services Lucknow Region Lucknow, against his removal orders has been decided in his favour vide RO memo no. RDL/STA/A-18/88-89/3 dated 20.5.88. The provisional arrangement made vide this office memo no.A-91/E dated 23.8.85 is hereby terminated.

Supdt. of Post Offices

Hardoi Dn. Hardoi-241001

Copy to:-

1.The SDI(C) Hardoi for information and getting the charge transferred to Shri Shiv Lal.

2.The P.M.Hardoi for n/a

3.Shri Shravan Kumar Pandey EDSFM, Bawan Hardoi. - my h sxc.

4.O/C.

5.spare.

P.R.Y./88

Attest
Dr. Lohan

श्री शिव लाल

Sarwan Kumar Pandey

.....
Versus

Applicants

Superintendent Post Office, Hardoi
and others

.....

Opposite Parties.

2

Amexure No 2

सौर-7/Corr.-7

भारतीय डाक-तार विभाग/INDIAN P. & T. DEPARTMENT

कार्यालय/Office of the Supdt. of Post Offices Hardoi
On Hardoi

Memo No - A-911E dt at Hardoi
the 15.5.85.

Shri Shrawan Kumar Pandey
is here by engaged to work as EDST
Bawan till regular arrangement
is made. His engagement is purely
on temporary basis.

Shri Shrawan Kumar Pandey
S/o Late Shri Gargi din Pandey
should also understand that his
engagement can be terminated at
any time if his previous incumbent
is promoted or on provisional appointment
vice absentee.

भारतीय डाक विभाग
Supdt. of Post Offices Hardoi Do
Pin Pin 241 001

प्रमाणित

(वीरेंद्र प्रसाद)
अनुभाग अधिकारी
ग्राम्य विकास अनुभाग - 8
उत्तर प्रदेश सचिवालय

Copy to.

1. Shri Shrawan Kumar Pandey
S/o Late Shri Gargi din Pandey Resident
of Village Bawan Dist. Hardoi
2. The P.M. Hardoi for information
and N/A
3. The Mail Overseer Hardoi I
for information and he will be liable
the change to Shri Shrawan Kumar Pandey
under intimation to this office.

MGIPAH-74P & T/83-237-83-20,00,000 Page

श्री शिव प्रसाद

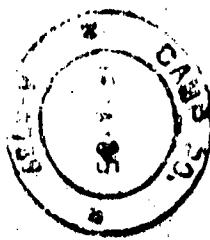
अनुम. 72 (Photostat)
An. Lahan

Applicants

.....

Opposite Parties.

ॐ नमो भगवते वासुदेवाय



129188

(वीरेन्द्र नाथ मिश्र)

अनुभाम अधिकारी

ग्राम्य विकास अनुभाग - ४

उत्तर प्रदेश सचिवालय

15/5/85

११
दलपति पाठना
मालिका.

Opposite Parties.

Attest
Hon. J. L. L. L.
Advocate

Shrawan Kumar Pandey

Versus

Applicants

Superintendent Post Office, HarDOI
and others

Opposite Parties.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

LETTER OF APPOINTMENT

Memo No. A-91/E

Dated at HarDOI the 23.8.85

Shri. Shrawan Kumar Pandey

provisionally appointed as SPM/EDSPM. It will be paid such allowances as admissible from time to time this appointment is subject to satisfactory police report & health certificate

2. Shri Shrawan Kumar Pandey should clearly understand that his appointment as SPM/EDSPM shall be in the nature of a contract liable to be terminated by him or the undersigned by notifying the other in writing and he shall also be governed by the posts and telegraphs Extra Departmental Agents (Conduct and Services) Rules, 1964 as amended from time to time.

3. Shri. Shrawan Kumar Pandey should also understand that his services can be terminated at any time if his previous incumbent is reinstated.

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

Supdt. of Post Offices
HarDOI Division HarDOI

Copy to:-

1. The SDI Central HarDOI charge may be transferred to Shri. Shrawan Kumar Pandey under intimation to this office after observing usual formalities. CR should be submitted and D. Form prepared. Sri. Gargi Das
2. Shri. Shrawan Kumar Pandey O. Shri. Shrawan Kumar Pandey R/O. V. L. Bawan P.O. Bawan Distt. HarDOI
3. SPM
4. P.M. HarDOI
5. Line Overseer HarDOI
6. O/C.

Shrawan Kumar Pandey

प्रमाणित
(कुंवर गणेश प्रसाद सहाय)
अनुभाग अधिकारी,
प्राविधिक शिक्षा अनुभाग-2
उ. प्र. सचिवालय, लखनऊ

Attest An. Sharma

वकालतनामा

माननीय उच्च न्यायालय उत्तर प्रदेश

इलाहाबाद-लखनऊ

या

न्यायालय श्रीमान् सेनूल एडमिनिस्ट्रेटिव ट्राइब्युनल - इलाहाबाद (विन. ४८/८८)

प्रथम/द्वितीय अपील, रिट/याचिका/स्वीकृति

निःवाद/आवेदन पत्र/निष्पादन/प्रकीर्ण

Reg. संख्या

सन् १९८८

बादो/प्राथी/अपीलार्थी

प्रतिवाद/विपक्षी/प्रतिउत्तरदाता

तिथि पेशी

Shardwan Kumar Pandey

उपर्युक्त वाद में, मैं/हम अपनी ओर से श्री हरीनाथ मोतीलाल तिलहरी एडवोकेट,

१६२/४२, अस्तबल चारबाग लखनऊ

तथा श्री ~~श्री राजेश कुमार एडवोकेट~~ ~~श्री राजेश कुमार एडवोकेट~~ ~~श्री राजेश कुमार एडवोकेट~~

को अपना अधिवक्ता नियुक्त करके प्रतिबन्ध करता हूँ/करते हैं कि आपको अधिकार है कि आप उपर्युक्त मुकदमे में हमारी ओर से स्वयम् अथवा अन्य वकील द्वारा पैरवी व प्रश्नोत्तर व जवाब व बहस करें, सर्व प्रकार के बाद पत्र, अर्जी दावा व लिखित उत्तर सर्व प्रकार के प्रार्थना पत्र, निष्पादन पत्र व अन्य प्रकार की पत्रावली, दस्तावेज व अन्न लेख व दस्तावेज व कागज अपने हस्ताक्षर से हमारी ओर से प्रस्तुत करें व वापस लेवें, पंच नियुक्त करें व पंचनामा व पंच निर्णय के विरोध से कारण उपस्थित करें। अपने या हमारे हस्ताक्षरों से हमारी ओर से सुलहनामा स्वीकृति पत्र उपस्थित करें एवं दावा स्वीकार करें या उठावें, डिग्री हो जाने पर उसे कार्य रूप में परिणित करानें व डिग्री का रुपया व तत्सम्बन्धी व्यय या अन्य कोई धन जो मुझे/हमें प्राप्त होने को हो अपने हस्ताक्षरों से हमारी ओर से प्राप्त करें, हमारी ओर से रु० जमा करें या मेरे/हमारे या विपक्षी द्वारा जमा किया रु० अपने या हमारे हस्ताक्षरयुक्त रसीद से लेवें। कोर्टफीस, स्टाम्प, तलवाना व अन्य खर्च दाखिल करें व वापस लेवें व रसीद देवें और नकल लेवें, मुकदमें की पत्रावली का निरीक्षण करें, मुकदमा पुनरीक्षण स्थगित करावें। रिट, अपील, बाद, चुनाव याचिका या अन्य कोई भी प्रार्थना पत्र स्वहस्ताक्षरों से किसी भी न्यायालय, दीवानी, फौजदारी, माल उच्च न्यायालय, ट्रिब्युनल, प्राधिकारी (इनकम टैक्स, सेल्स टैक्स व सर्व प्रकार के अन्य) आदि हमारी ओर से प्रस्तुत करें व तसदीक करें। आय व्यय का रिटर्न प्रस्तुत करें व शपथ पत्र उपस्थित करें या मेरा/हमारा ओर से मौखिक बयान दें। मुकदमें से गवाह तलब करावें, अपनी ओर से कोई अन्य वकील नियुक्त करके मुकदमें की सब कार्यवाही करावें व उक्त मुकदमा सम्बन्धी जो अन्य आवश्यक कार्य हो करें।

मैं/हम उक्त वकील साहब को उनका शुल्क निश्चित करने के पश्चात उपरोक्त अधिकार देते हुए अपना नकील नियुक्त करता हूँ/करते हैं और इकरार करता हूँ/करते हैं कि जो कुछ भी कार्यवाही अधिवक्ता महोदय इस मुकदमे के सम्बन्ध में करेंगे मुझ/हमें स्वीकार है और होगा और वह मेरा/हमारा किया हुआ समझा जावेगा मैं/हम यह भी प्रतिबन्ध करता हूँ/करते हैं कि मुकदमे के दौरान जो भी परिव्यय मुकदमे को स्थगित कराने या बाद पत्र अथवा लिखित उत्तर में संशोधन करवाने के कारण या अन्य किसी कारण से न्यायालय, प्राधिकारी, ट्रिब्युनल आदि द्वारा मेरे विपक्षी को, मुझ/हमें देने को, आज्ञा दी जायेगी वह सब परिव्यय आय अधिवक्ता महोदय पाने व स्वयं रखने के अधिकारी होंगे। यदि मेरी/हमारी अथवा मेरे/हमारे वकील की गैर मौजूदगी में कोई हुकम मेरे/हमारे विरुद्ध हो जाय तो उसकी कोई जिम्मेदारी अधिवक्ता पर नहीं होगी। यदि मैं/हम अधिवक्ता महोदय का निश्चित शुल्क न देवें तो उन्हें पूर्ण अधिकार है कि वे हमारे मुकदमे की पैरवी न करें और उनके द्वारा ऐसा करने पर वह किसी भी प्रकार के हर्जा खर्चा के जिम्मेदार नहीं होंगे।

हस्ताक्षर

श्री राजेश कुमार एडवोकेट

दिनांक १२-७-८८

साक्षी

स्वीकृति

Hari Nath Motilal Tildhari

(हरीनाथ मोतीलाल तिलहरी)

एडवोकेट

Shardwan Kumar

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5.

BATH COMMISSIONER

K. SALT

appl

6/12

Service Tasmania

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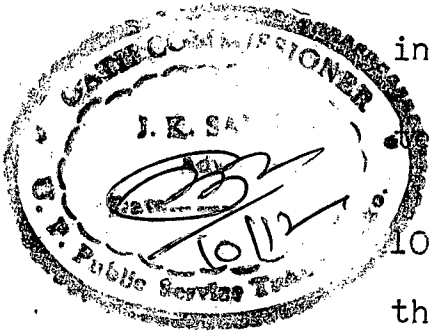
R. G. B. —

A29

-5-

8. That the contents of para 6(f) of the application are not correct as stated and in reply it is submitted that it is not regular appointment letter but it is purely temporary, provisional and conditional appointment letter.

9. That in reply to the contents of para 6(g) of the application it is submitted that the appointment of the applicant was in the nature of a contract liable to be terminated at any time, which is clearly indicated in paras 2 and 3 of the appointment letter and it should be read together and para 2 should not be read in isolation. Before re-instatement of Shri Shiv Lal any of the parties could give a notice as mentioned in para 2 of the appointment letter, but in case the original incumbent is re-instated the department can terminate the services without any notice.



10. That the contents of para 6(h) & (i) of the application needs no comment as it is a matter of record.

11. That the contents of para 6(j) of the application are incorrect as stated and in reply it is submitted that Shri Shiv Lal is a permanent SDBEM in whose put off duty arrangement

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the applicant was provisionally appointed.

12. That the contents of para 6(k) of the application are matter of records.

13. That the contents of para 6(l) of the application are incorrect as stated and in reply it is submitted that the services of the petitioner has not been terminated under rule 6 of the ED Agents (Conduct & Services) Rules 1964. On-reinstatement of Shri Shiv Lal only provisional arrangement made vide office Memo No.A-91/E dated 23.8.85 was terminated vide SFOs Hardoi Memo No.A-91/F dated 8.9.1988.

13. That the contents of para 6(m) of the application are incorrect as stated and in reply it is submitted that the applicant was appointed as a stop gap basis when Shri Shiv Lal was put off duty with specific conditions that his services would be terminated at any time, if the previous incumbent is re-instated. Shiv Lal(his previous and permanent incumbent) was ordered to put back in service as EDSM Bawan vide SFOs Hardoi Memo No.A-91/E dated 8.9.88. terminating the provisional arrangement made in favour of applicant on 23.8.88.

14. That the contents of para 6(n) of the application are incorrect, hence denied and in

RFM



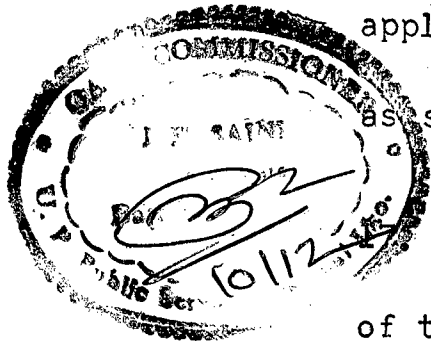
A31

-7-

reply it is submitted that the conditions laid down in the provisional appointment letter charge of post has been got transferred to Shri Shiv Lal on 3.10.88.

15. That the contents of para 6(O) of the application are not admitted and in reply it is submitted that the order of termination does not suffer from any legal infirmity. Neither justice nor law has suffered and the applicant was also in knowledge of this condition of the very time of his provisional appointment. Therefore, there is no question of causing any loss or injury to the applicant.

16. That the applicant are not entitled to get any relief as sought in para 7 to 18 of the application in view of the facts and circumstances as stated above in previous paragraphs.



In view of the facts and circumstances of the case the application filed by the applicant is liable to be dismissed with cost to the opposite parties.

R. B. Sub 10/12/88

Deponent

Lucknow,

Dated: 10/12/88

प्रदीपक डाक विभाग, हरदोई प्रखण्ड
Supt. of Post Offices Hardoi Dn.
पिन/Pin 241 001

A32

Verification.

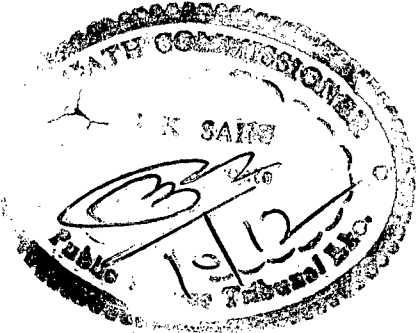
I, the above named deponent do hereby
verified that the contents of paragraphs
1 & 2 are true to my personal knowledge and
those of paragraphs ✓ to ✓
are believed to be true on the basis of
official records and information gathered and
those of paragraphs ✓ to ✓ are
believed to be true on the basis of legal advice.

R. S. Khanna
Deponent.

Lucknow,

Dated: 10/12/88

प्रवाहक डाक विभाग, हरदोई
Supt. of Post Offices Hardoi Dn
Rn/Pin 241 604



I identify the deponent who has
signed before me and is also personally known to
me and signed on 10/12/88
at 5:05 pm at am/pm in
the Court compound at Lucknow.

M. Chaudhary
(VK CHAUDHARI)
Advocate, High Court
Counsel for Opp. Parties.

Lucknow,

Dated: 10/12/88

C-0
572u
I solemnly affirm before me in my office today
5:05 pm R. S. Khanna
who is identified by Vik Chaudhary
Clerk to Court
I have read the contents of the
deponent's affidavit and the contents of
this affidavit are true and correct and
signed by me. Witnessed by me.

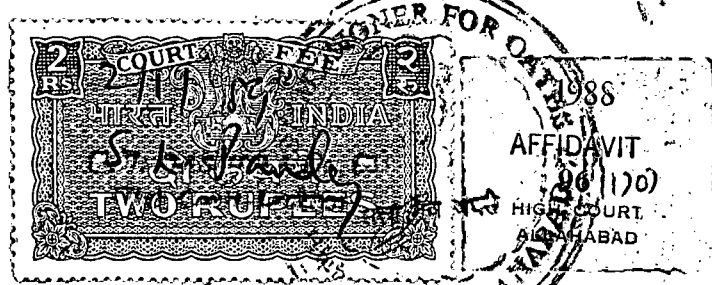
Jugal Kishore Sam
Commissioner of Affidavits
Court Compound, Lucknow.
Date: 10/12/88

Filed today
27/11/09

A32

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. 123 of 88 (1)



Sharvan Kumar Pandey Applicant

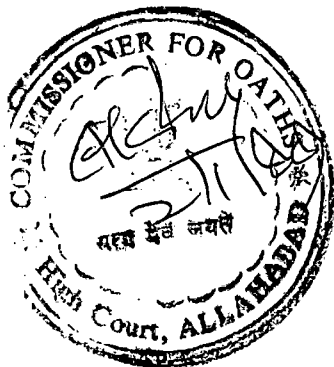
Versus

Suptd of Post Offices Hardoi & Others. Opposite Parties

REJOINDER AFFIDAVIT

I Sharvan Kumar Pandey aged about 25 years son of Late Gargidin Pandey Resident of Village & P.O. Bawan District - Hardoi.

1. That the deponent is himself the applicant in the above noted case and as such he is fully conversant with the facts deposed to herein.
2. That the deponent has read the contents of the Counter Affidavit which has been explained to him by his Counsel and accordingly is furnishing his reply as under.
3. That the contents of paras 1 and 2 of the Counter Affidavit all for no reply.
4. That the contents of para 3, 3(a), 3(b) and 3 (c) of the Counter Affidavit it is submitted that the appointment letter which was issued to the deponent was not in the format as provided in Annexure B of Extra Departmental Agents (Conduct and Service) Rules 1964. and as such the opposite parties



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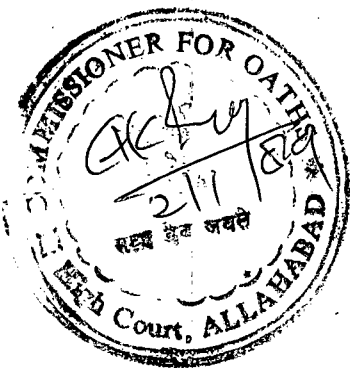
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General be permitted to take the stand that the deponent was appointed in place of one Shri Shiva Lal who was placed under put off duty. Neither the appointment letter discloses this fact thus the appointment of the deponent will be deemed to have been made under Annexure A of the Post and Telegraph Extra Department Agent (Conduct and Service) Rules 1964. However the opening sentence of para 3 and the contents of para 3 C of the Counter Affidavit are not with the knowledge of deponent.

5. That the contents of para 4 of the Counter Affidavit call for no reply.
6. That the contents of para 5 of the Counter Affidavit are not admitted as stated and the contents of para 6(a) of the petition are reiterated to be true. It may be again clarified that from a letter of appointment prescribed are given in Annexure A and Annexure B that the assertion of the answering opposite parties that it was provisional appointment loses its significance. Moreover the order of termination does not come under the pervuew of Rule 6 of EDA (Service and Conduct Rules) which runs as ;

Termination of Service

"The service of an employee who has not already rendered more than three years continuous service from the date of his appointment shall be liable to termination by the appointing authority at any time without any notice! In this connection it may be stated here that right from May 1985 to upto September 1988 the deponent had put in more than 3 years in service continuously. Moreover it was not



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only be according to law and since Rule 6 of the Post and Telegraphs Extra Departmental Agents (Service and Conduct) Rules does not apply to those who have been in continuous service for more than 3 years the termination under this rule if any is bad in law. As under this rule the services of an employee who has already not rendered more than 3 years continuous service from the date of his appointment could be terminated without notice for only those reasons i.e. for generally unsatisfactory work or on any administrative ground not connected with his conduct. ^{The} This issuance of notice prior to termination was necessary.

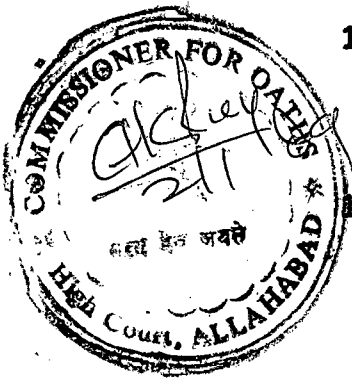
12. That the contents of para 10 of the Counter Affidavit (be read as para 11) call for no reply.

13. That the contents of para 11 (be read as para 12) of the Counter Affidavit are not admitted as stated. However it is submitted that the deponent was not given ^{at} any point of time that his appointment was in place one Mr. Shiv Lal who had been put off. This was never disclosed to the deponent that on reinstatement of Shiva Lal his services will automatically will cease.

14. That the contents of para 12 (be read para 13 to the Counter Affidavit) call for no reply.

15. That the contents of para 13 of the Counter Affidavit (be read as para 14 and 15 to the Counter Affidavit) are not admitted as stated. In this connection kindly see once more the para 6 of this Affidavit.

16. That in reply to the contents of para 14 (be read as para 15) it is submitted that illegal order of



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17. That the contents of paras 15 to 17 of the Counter Affidavit (be read as paras 16 to 18) are not admitted as stated. It is submitted that in view of the illegal order of termination the deponent is entitled to be reinstated with all benefits and the petition is liable to be allowed with cost and termination order cannot be sustained in the eyes of law.

Dated

5.2.1.29

Deponent

I, the above named deponent do hereby verify that
the contents of paragraphs are true to my
personal knowledge and those of paragraphs to
are believed to be true on the basis of official records
and information gathered and those of paragraphs to
are believed to be true on the basis of legal advice,
so help me God.

Dated

21189

Deponent

I identify the deponent who has signed
before me and is also personally known to me and signed
on 21/1/89 at 10¹² 5 am/pm in the Court Compound
at Lucknow.

Dated

21/89

(A.K. Shukla)
Advocate
Counsel for the Deponent



A38

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
23-A, Thornhill Road, Allahabad.

No. CAT/Alld/

Dated Allahabad, the 1.12.87

OFFICE MEMO

Registration No. 292/87(I) of 198 .

B. Shishupal Singh

Applicant.

VERSUS

Super. Post office.

Respondent.

A copy of the Tribunal's Order/Judgement dated 27.11.87
in the above noted case is forwarded for necessary action.

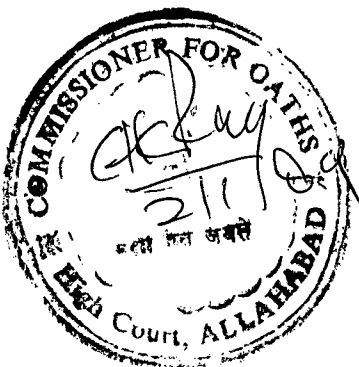
J. D. D. D.
Deputy Registrar

Enclosure: Copy of Order/Judgement Dated 27.11.87.

To

M. S. M. Dabey, Dely. 4th Lane, Mahuranga,
Gra. N. D. G. L. K.

© Sri K. C. Sankar, Adv. C. A. T. Alld.



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S. M. Dubey
Advocate
4th Lane Mahawaya
Gandhinagar
Lucknow.

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (T.A.) No. ²¹³ of 1987

Shishupal Singh Petitioner-Applicant.

Versus

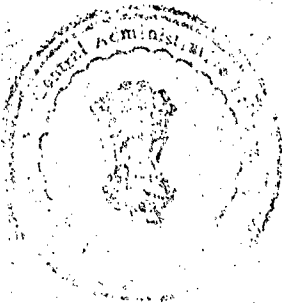
Superintendent of Post Offices,
Mheri Division, Mheri & another ... Respondents.

Hon'ble S. Zaheer Hasan, V.C.
Hon'ble Ajay Johri, A.M.

(Delivered by Hon. Ajay Johri, A.M.)

This is a writ petition which has been received on transfer under section 29 of the Administrative Tribunals Act XIII of 1987 from the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.

2. The brief facts of the case are that the petitioner, Shishupal Singh, was appointed provisionally as an Extra Departmental Agent on 1.2.1973 and was posted as Branch Post Master, Lota Mau, district Hardoi. The appointment was made by the Superintendent of Post Offices, Sitapur Division. According to him he was thereafter regularly appointed on 13.3.1974 and has been continuously working as Extra Departmental Agent (EDA) at this Branch Office. On 11.2.1978 he received an order dated 6.2.1978 directing him to hand-over the charge to Sripal Singh. This order was issued by the Superintendent of Post Offices, Mheri Division. In this order his posting was not specified. He, thereon represented against the same on 18.2.1978. On 6.3.1978 he was served with another order dated 28.2.1978 telling



2000/2/11/213

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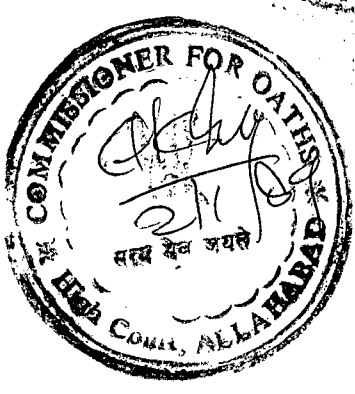
- 12 -

him to hand over charge to Gopal Singh and that his services would stand terminated. According to the petitioner, his services being governed by the Post and Telegraphs Extra Departmental Agents (Conduct and Service) Rules, 1964 the powers to terminate the services are limited and can be exercised only with respect to employees who have not rendered more than three years' continuous service. Since he had done more than three years and has been continuously working as Branch Post Master at Boots Mau, according to him, Rule 6 does not apply to him and beyond Rule 6 there is no other bar to terminate the services. He has alleged that before issuing the termination order no proceedings whatsoever were drawn against him nor was he afforded any opportunity to show cause against the termination of his services. Therefore, according to him, the orders of termination have not been passed by bona fide exercise of power and are arbitrary and illegal. He has, therefore, prayed for the issue of a writ in the nature of certiorari quashing the orders dated 6.2.1978 and 25.2.1978 (Annexures 'II' & 'IV' to the petition) and for the issue of a mandamus commanding the respondents not to remove him from his post as Branch Post Master.



3.

In their reply to this petition the respondents have denied that the petitioner was ever regularly appointed. According to them he was appointed on a clear understanding that his appointment is terminable at any time. They have further said that Gopal Singh was working as a Branch Post Master at Boots Mau, being involved in a murder case, he was put off duty and a provisional stop-gap arrangement was made to look after



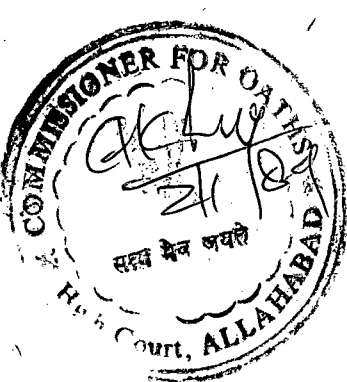
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- 3 -

the work in his place. Thereafter applications were invited for appointment to the post of Branch Post Master. The petitioner also applied and was appointed by the Superintendent of Post Offices on 13.2.1973. This appointment was on contract basis terminable at any time. Before the petitioner was appointed a stop-gap arrangement was made by the Inspector of Post Offices, Hardoi but since he was not competent to make any arrangement the petitioner was appointed on a provisional basis and he replaced the stop-gap appointee. Sripal Singh was acquitted by the court and he represented to the Post Master General about being taken back to duty. His representation was accepted and he was taken back on his old post and an order dated 6.2.1978 was issued and in accordance with Rule 6 the services of the petitioner were terminated on administrative grounds unconnected with his conduct. In view of his terms of appointment the length of service was irrelevant and his termination still being under Rule 6.

We have heard the learned counsel for the parties. Sri M. Dubey, learned counsel for the petitioner submitted that the petitioner was still working and that termination could only be according to law and since Rule 6 of the Post and Telegraphs Extra Departmental Agents (Service and Conduct) Rules does not apply to those who have been in continuous service for more than three years the termination under this rule is bad in law. He further contended that the appointment letter did not lay down any condition that the petitioner would have to give place to anybody else. There is no doubt that it was on contract basis but having worked for more than five years upto 1978 when the Lucknow Bench



प्रतिवादी द्वारा धारित

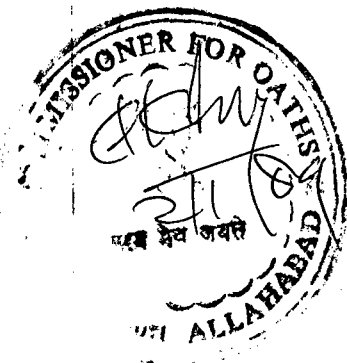
of the High Court of Judicature at Allahabad granted a stay and having continued till now the petitioner's appointment has become regular and he cannot be terminated by an order simpliciter. Sri M.C. Sinha, learned counsel for the respondents, admitted that the appointment letter was not happily worded but maintained that it was not a regular appointment, since no regular post was lying vacant. This was challenged by the learned counsel for the petitioner on the ground that the recruitment procedure was introduced only in 1961 and before that the appointments were/made as in the case of the petitioner and these were for all practical purposes regular appointments. Nothing else was pressed before us.

5. Rule 6 of the Post and Telegraphs Extra Departmental Staff Service Rules prior to the amendment made in 1982 reads as follows :

"6. Termination of services :

The services of an employee who has not already rendered more than three years' continuous service from the date of his appointment shall be liable to termination by the appointing authority at any time without notice for generally unsatisfactory work or on any administrative ground not connected with his conduct."

Under this rule ~~the services~~ of an employee who has not already rendered more than three years' continuous service from the date of his appointment could be terminated without notice only for those reasons, i.e. for generally unsatisfactory work or any administrative ground not connected with his conduct. Therefore, the application of this rule in the petitioner's case as



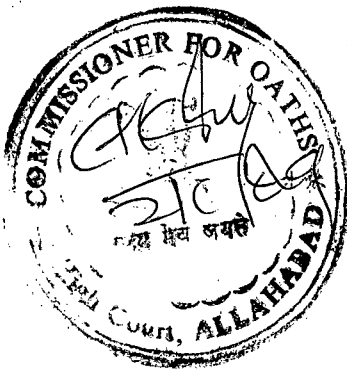
प्रमाणित किया जाता है

443

- 5 -

averred by the respondents is not correct.

6. The department has been issuing various instructions from time to time regarding appointment and other service conditions of the E.D. Agents. The appointment letter that has been given to the petitioner ^{more or less} is in accordance with the proforma laid down in the Chapter on Methods of Recruitment which in para 2 says that the employment shall be in the nature of a contract liable to be terminated by him or by the appointing authority by notifying the other in writing and that the appointee shall be governed by the E.D.A. Rules, 1964 as amended from time to time. Subsequently in 1975 in respect of provisional appointment of E.D. Agents detailed instructions were issued by the Director General, Post & Telegraphs. These instructions lay down different proforma for making provisional appointments and they also lay down that provisional appointment should be made only for specific periods and the appointed persons should be given to understand that the appointment will be terminated on expiry with the specified period. In cases where an E.D. agent is put off duty pending proceedings against him and it is not possible to ascertain the period by which the proceedings will be finalised a provisional appointment has to be made in form of Annexure 'A' which clearly indicates the details of the person against whose vacancy is being made and that the services are liable to be terminated on the return of the person. These rules came into existence subsequently. However, the fact remains that even in the appointment order of the petitioner it was mentioned that he was provisionally

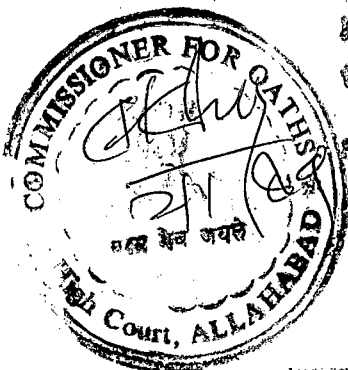


21/10/75

appointed as E.D.B.P.M., Boota Mau. When the original incumbent of the post Sripal Singh was acquitted and posted against this post the petitioner represented and he was replied on 25.2.1970 that he was appointed in place of Sripal Singh and as the said Sripal Singh has now been acquitted by the court the termination of his service has no more effect and he has, therefore, been reinstated and the petitioner was advised to hand-over the charge and his services would be considered as terminated from that date. He was, however, also told that alternative appointment may be considered in his case if available at or near about Boota Mau. It was this order which was stayed by the Lucknow Bench on 8.3.1978 and the petitioner has been working on this post since then. It is not known as to whether Sripal Singh has been accommodated. Thus the petitioner has been working as an E.D.B.P.M. from the date of his provisional appointment in 1973 till now, i.e. for a period of about 14 years.



7. The original appointment order of the petitioner though mentioning that the appointment was provisional did not mention the facts that he was appointed in place of Sripal Singh who had been put off duty. The appointment was also made by following the proper procedure of calling for applications etc. though no papers in this connection have been submitted by the respondents. There is nothing to show that the appointment in any case was not within the procedure prescribed for the same. In view of this we feel that the petitioner has a case.



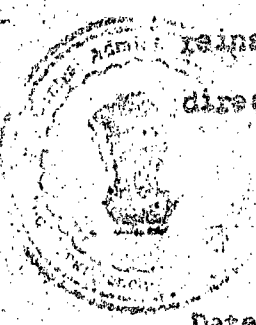
Under the circumstances the application

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P45

- 7 -

(Writ Petition No. 604 of 1978) is allowed in part. The order dated 25.2.1978 (Annexure 'IV' to the writ petition) is hereby quashed. The respondents are directed not to remove the petitioner from the post of Branch Post Master at Bonta Mau. The prayer of the petitioner to quash the order dated 6.2.1978 (Annexure 'II' to the writ petition), which is the order reinstating Arpal Singh, is rejected. Parties are directed to bear their own costs.



Sd/-
Vice-Chairman.

TRUE
COPY

Sd/-
Member (A).

Dated: November 27th, 1978

PG.
27/11/78

D. S. PUBEY
(D. S. PUBEY)
SECTION OFFICER
Central Administrative Tribunal
Allahabad.



एवम कानून मालूम

the period mentioned in para. 1 above without notice and without assigning any reason.

4. Shri..... will be governed by the Extra-Departmental Agents (Conduct and Service) Rules, 1964 as amended from time to time and all other rules and orders applicable to Extra-Departmental Agents.

5. In case the above conditions are acceptable to Shri.....
(Name of the selected candidate) he should sign the duplicate copy of this memo. and return the same to the undersigned, immediately.

Appointing Authority.

To

Shri

ANNEXURE B

[In Duplicate]

Whereas Shri..... (Name & Designation of the ED Agent who has been put off duty/removed/dismissed) has been put off duty pending finalisation of disciplinary proceedings and judicial proceedings against him/has been removed/dismissed from service and the need has arisen to engage a person to look after the work of.....
(Name of post) the undersigned (appointing authority) has decided to make a provisional appointment to the said post.

2. The provisional appointment is tenable till the disciplinary proceedings against Shri..... are finally disposed of and he has exhausted all channels of departmental and judicial appeals and petition, etc., (this clause may be deleted if the vacancy was caused by the dismissal/removal of an EDA) and in case it is finally decided not to take Shri..... (name of the ED Agent who has been put off removed/dismissed) back into service till regular appointment is made.

3. Shri..... (name and address of the selected candidate) is offered the provisional appointment to the post of..... (name of post). Shri..... (name of the selected candidate) should clearly understand that if ever it is decided to take Shri..... (name of the ED Agent who has been put off removed/dismissed) back into service, the provisional appointment will be terminated without notice.

4. The..... (appointing authority) reserves the right to terminate the provisional appointment any time before the period mentioned in Para. 2 above without notice and without assigning any reason.

METHOD OF RECRUITMENT

5. Shri..... (name of the selected candidate) shall be governed by the Extra-Departmental Agents (Conduct and Service) Rules, 1964 and all other rules and orders applicable to Extra-Departmental Agents.

In case the above conditions are acceptable to Shri.....
(name of the selected candidate) he should sign the duplicate copy of this memo. and return the same to the undersigned, immediately.

Appointing Authority

To

Shri

(C1) K/AY

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

Applicant-
SUPPLEMENTARY AFFIDAVIT

in re:

O.A.123 of 1988 (L)

Sharvan Kumar Pandey ... Applicant
versus
Suptd. of Post Offices, Hardoi
and Others ... Opposite Parties

I, Sharvan Kumar Pandey, aged about 25 years son of late Sri Gargidin Pandey, resident of Village & P.O. Bawan District Hardoi, the deponent do hereby solemnly affirm on oath and state as under:-

1. That the deponent ^{Applicant} is himself the applicant in the above noted case and as such he is fully conversant with the facts deposed to hereunder.
2. That the respondent No. 1 namely the Suptdt. of Post Offices, Hardoi Division had sent a letter dated 18.5.85 to the Employment Officer, Hardoi asking him to obtain application from the suitable candidates of the village Bawan including those of scheduled caste candidates and in case none applies from scheduled caste a remark was required to be sent. It may be stated here that ^{एवम} none of the scheduled caste had applied. From this

contd....2

(C2)

4/6

-2-

letter it would be clear that this does not indicate that the post in question was provisional. Had it been so the respondent No. 1 would have indicated in the said letter. A photo copy of the said letter is being annexed as Annexure -C to this affidavit.

Lucknow :

Dated : 19.4.1989

श्री अशोक कुमार
DEPONENT
Applicant

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 and 2 of this Supplementary Affidavit are true to my personal knowledge.

Signed and verified this the 19th day of April 1989
at Lucknow.

Lucknow :

Dated : 19.4.1989

श्री अशोक कुमार
DEPONENT
Applicant

I identify the deponent who has signed
before me.

ADVOCATE.

Tru
A. K. K.

CB CB 49 (CB)

पत्र संख्या 12

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT



उत्तर देते समय कृपया
निम्न संदर्भ दें
In reply
Please quote

सेवा से
From

सेवा में
To

दिनांक
Dated at

पत्र संख्या
No.

A. 91 / 12

विषय
SUBJECT

Volunteers for the post of E.D.S.M. Baram
in A.P. with Hasdolli.

Dear Sir,

You are requested kindly to obtain applications from the suitable candidates of village Baram Taluk Hasdolli District for appointment of E.D.S.M. and forward their names along with the applications within 30 days to this office. The conditions are shown in the enclosed annexure.

Applications from eligible S.C. Candidates may please also be forwarded to this office. In case more applications for the post are received, the order for availability of applications will be given to the S.C. candidates.

Yours faithfully

18/5/55

श्रीमान सुभाष चरण

(CB)

18/5

-2-

letter it would be clear that this does not indicate that the post in question was provisional. Had it been so the respondent No. 1 would have indicated in the said letter. A photo copy of the said letter is being annexed as Annexure -C to this affidavit.

Lucknow :

Dated : 19.4.1989

एवाण कुनार पाण्डे
DEPONENT *Applicant*

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 and 2 of this Supplementary Affidavit are true to my personal knowledge.

Signed and verified this the 19th day of April 1989 at Lucknow.

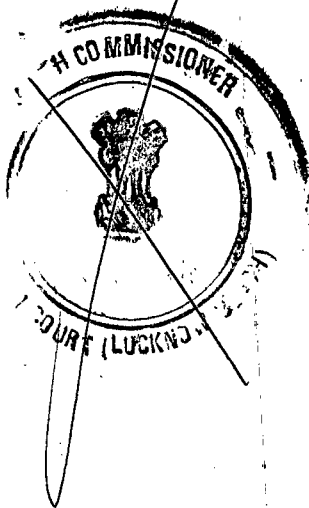
Lucknow :

Dated : 19.4.1989

एवाण कुनार पाण्डे
DEPONENT *App*

I identify the deponent who has signed before me.

Akshay
ADVOCATE.



पत्र व्यवहार-२२
Co. 22

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT



प्रेषक
From

उत्तर देते समय कृपया
निम्न संदर्भ दें
In reply
Please quote

सेवा में
To

The Employment Officer -
Employment Exchange, Haridwar

दिनांक
Dated at

Haridwar 12/11/57

रजि. संख्या
No.

A. 91/E

विषय
SUBJECT

SUBJECT

Volunteers for the post of E.D.S.M. Bawam
in A.C. with Haridwar

Dear Sir,

You are requested kindly to obtain
applications from the suitable candidates
of village Bawam Tahsil Haridwar District
for appointment of E.D.S.M. and forward their
names along with the applications with in
envelopes to this office. The conditions
are shown in the enclosed annexure.

Applications from eligible S.C. Candidates
may also be forwarded to this office.
In case more applications for the post are received
it is given for non-availability of applications
from S.C. Candidates.

Yours faithfully

18/5/58

श्री १०१ कुतार पाठ्य

all the
The com
Shankar

22/12/11 पंजीकृत (९)

सेवा में

श्री गंगा इंग्लिश हाई स्कूल गद्दोदय
सैफुल्लाह इमाम-शिरीफ प्रिन्सिपल
इलाहाबाद रॉकेट लॉन्ग गौरी गंजन

लखनऊ।

No-CAT/CB/LKO/540

Registration No- 1234/1988(C)

S.K. Pandey — Applicant (वादी)

U.O.G. — Respondent's (प्रतिवादी)

गद्दोदय जी, निवेदन है कि आप के डाय वॉलेट
रजिस्ट्री पर संख्या 170 फ़ॉर्म 2-12-88 द्वारा जारी की
गई है। कि वॉलेट के क्लेस में प्राप्ति वॉलेट नं०
का फल हीन न होने के कारण उसके निःसंचित
न हो सका है।

गद्दोदय जी प्राप्ति वॉलेट नं० का सही फल निम्न है
"श्री शिवलाल पुत्र श्री बंसी गंग-बाबन
ओ०-बगदादगाना लोन्गर जवाफ़ दरदोई रम
डाक घर-वाकन"।

अतः गद्दोदय जी प्राप्ति वॉलेट नं० का सही
फल आप की सेवा में प्रेषित है। कृपया आप आगे
कार्य वाही करने का कृप्य करें।

गद्दोदय जी को धन्यवाद।

वादी

— शिवलाल पुत्र श्री बंसी गंग-बाबन
ओ०-बगदादगाना लोन्गर जवाफ़ दरदोई रम
डाक घर-वाकन

(C12) 8/5

Registered

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

No. CAT/CB/LKO/S 83

Dated : 11/2/1938

123
Registration No. ~~828~~ of 1938 (C12)

~~R. S. Pandey~~ SK. Pandey Applicant

Versus

B. O. 2 & os Respondent's

~~By the Secretary, Tele~~

To

Sr. Shiva Lal, s/o not known

s/o Mahalla - Bapda

Vill. & Post Office Banan
Tehsil - Haridwar, Dist. Haridwar.

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 24 day of 11 1938 for hearing to file Counter affidavit within one month

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

Given under my hand and the seal of the Tribunal
this 11 day of 2 1938.

For DEPUTY REGISTRAR

dinesh/

Registered

C13

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

No. CAT/CB/LKO/ 303

Dated: 11/2/38

Registration No. 123 of 1938 (ALL)

~~R. S. Pat~~ S.K. Pandey Applicant

Versus

H. O. 2 & os

Respondent's

~~By the Secretary, Tele~~

To

Sri Shiva Lal, S/O Not Known

S/o Mohalla - Bapdael

Vill. & Post Office Bawan

Tehsil - Haridwar, Distt - Haridwar.

Please take notice that the applicant above
named has presented an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and the
Tribunal has fixed 24 day of 4 1938 for hearing.
To file Counter affidavit within one month.

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

Given under my hand and the seal of the Tribunal
this 11 day of 2 1938.

For DEPUTY REGISTRAR

Central Administrative Tribunal

Circuit Bench,

LUCKNOW

dinesh/

010
C14

Registered

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

1/58

No. CAT/CB/LKO/

560

Dated :

11/2/49

Registration No.

123

of 1938

P(4)

~~S. K. Pandey~~

Applicant

Versus

~~Govt.~~

Respondent's

To

~~Shrawan Kumar Pandey~~ 2/0 In Gange Den Pandey,
~~P.O. S. P. M. - P.O. Bawan Handor~~
~~2/0 Village - P.O. Bawan District Handor~~

Please take notice that the applicant above
named has presented an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and the
Tribunal has fixed 22 day of 12 1938 for

~~The respondent No 4 was sent a notice on the address given~~
~~on the petition but he remains unserved. You are therefore~~
~~directed to supply the fresh & complete address of respondent no 4.~~
If no, appearance is made on your behalf, your within 15 days
pleader or by some one duly authorised to Act and plead on
your in the said application, it will be heard and decided in
your absence.

Given under my hand and the seal of the, Tribunal
this 1 day of 2 1938.

For DEPUTY REGISTRAR

dinesh/

215

Registered

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

No. CAT/CB/LKO/

Dated : 9.2.89

Registration No. 123 of 1989 (2)

S. K. Pandey Applicant

Versus

Union of Gachia and others Respondent's

To

श्री शिवलाल कुंज श्री वर्मा
ग्राम बवन, मोहल्ला बगदाद,
पोस्ट आम्बिस बवन, बाना लोकर, गतपद,
हरदोई

Please take notice that the applicant above
named has presented an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and the
Tribunal has fixed 20 day of 2 1989 for
before Deputy Registrar (Judicial)

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

Given under my hand and the seal of the Tribunal
this 10 day of 2 1989.

For DEPUTY REGISTRAR

dinesh/

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow