

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, *Lucknow* BENCHOA/TA/RA/CP/MA/PT *1971* of 20.....*E.K. Pandey*

Applicant(S)

Versus

M.C. F. Garg

Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

18/C舞弊案卷已销毁

Signature of S.O.

Signature of Deal. Hand

Annexure - A

CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE O. A. NO. 123/80 (C) OF 198

Name of the Parties S. K. Pandey

Versus

Union of India

Part A, B and C

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(A)

filed on
15/3/2018

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit ADDITIONAL BENCH, Lucknow

23-A, Thornhill Road, Allahabad-211001

Grandhi Bhawan - Lucknow

Registration No. 123 of 1986 (L)

APPLICANT (s) S. K. Pandey

RESPONDENT(s) Superintendent of Post Office, Lucknow Division

Lucknow 802

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 sets of application filed)

yes

3. (a) Is the appeal in time ?

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

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

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

yes

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

yes P.O. No. 5/06506604. 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) No (Photo copy of the order is submitted) above duly attested by a Gazetted Officer and numbered accordingly ?

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? *yes.*

8. Has the index of documents been filed and paging done properly ? *yes.*

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *yes.*

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *yes. No.*

11. Are the application/duplicate copy/spare copies signed ? *yes.*

12. Are extra copies of the application with Annexures filed ? *No*

(a) Identical with the original ?

(b) Defective ?

(c) Wanting in Annexures

Nos...../Pages Nos..... ?

13. Have file size envelopes bearing full addresses of the respondents been filed ? *NO*

14. Are the given addresses, the registered addresses ? *yes.*

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *NA*

17. Are the facts of the case mentioned in item No. 6 of the application ? *yes.*

(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 for indicated with reasons ? *nil*

19. Whether all the remedies have been exhausted. *yes.*

Let case be listed on 21.9.88
20/9/88

ORDER SHEET

O.D. 123 of 80(1)

SR PER

(1)

21.9.88

Hon. D. S. Misra A.M

Heard.

Admit.

Issue notices, One month for C.A. 15 days

Thereafter for R.A.

The prayer for interim relief is rejected.

Sd/-

A.M

msb

OR

Notices for respondents Nos. 1 to 3 received by Sri V.K. Chaudhary, Cont. Coun. & notice issued to respondent no 4 through Repd. Post. fixing 26.11.88 for hearing.

msb

24.10.88

OR Respt. No 4.

One undelivered regd. cover received return back with remarks "ant yeri eti set akrat eti"

msb
24/10/88

(2)

24.11.88

D.R. 21

Respondent No 4 not served as yet. Vide O.R. of 24.10.88 issue notice to the applicant for ~~providing the~~ filing 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 22.12.88. Put up with full & complete Office Report on the next date i.e. 22.12.88.

msb
DR 21

OR
Notice issued to the applicant to file true & complete address of respondent No 4 within 15 days. msb

Letter has been received from the applicant. He has written full & complete address of O.P. No 4. ~~Notice issued to respondent No 4.~~

(A4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

GD 123/88/57

REGISTRATION NO. 1 of 198

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

PERIOD Order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
20/4/89	<p>Hon' Mr. Justice K. Nath, V.C. Hon' Mr. D.S. Misra, A.M.</p> <p>It is presumed ^{reported} 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 style="text-align: center;">A.M. V.C.</p> <p style="text-align: center;">(sns)</p>	<p><u>OR</u> Notice on respondent No 4 has been issued under regd. cover on 11.10.88. Neither notice any or any any envelop even any reply has so far been received in the Office. Submitted for orders.</p> <p style="text-align: right;"><u>Ord</u> 19/5.</p>
19/5/89.	<p>No sitting Adjourmed to 4/8/89 for hearing.</p> <p>No Sitter of O.B. adj to 20.10.89</p>	<p><u>OR</u> No reply filed by the learned Counsel for the of o.p. Submitted for hearing.</p> <p><u>OR</u> No reply filed submitted for hearing.</p>

h
4/10

19/5

123/88(L).

(A5)

23/4/90.

Hon. Mr. D.K. Agarwal, T.M.

Hon. Mr. K. Obayya, A.M.

Shri D.K. Shukla, for the
applicant and Shri V.K. Chaudhary,
for the ^{opposite} party, heard. Judgment reserved.

A.M.

Dee
T.M.

Recd Cpy
judgment

Abdul
Joot
20/4/90
Santosh
Agarwal
20/4/90

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 EDSPM) 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

Filed today
AB
JMS
25/9/88

In the Central Administrative Tribunal

Additional Bench

at

Lucknow

Application u/s 19 of Administrative Tribunals

Act 1985.

SA 123/NO/L9

Shri Shrawan Kumar Pandey

.....Applicant.

Vs.

Suprintendent Post Offices Hardoi

Division Hardoi & others.

.....Opposite-Parties.

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Lucknow dated:-
September 19, 1988.

Hari Nath Tilhari

(Hari Nath Tilhari)

Advocate.

42, Astabal Charbagh, Lucknow
Counsel for the Applicant.

Note for 21.9.88
Hari Nath Tilhari
AT
20/9/88

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

गवर्नर योग्य

Hr. Yilmaz

(A)

In the Central Administrative Tribunal

Additional Bench - ALLAHABAD
(Circuit Bench)
at

Lucknow

6A- 123 of 88(L)

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 Nat. Knows.....resident of Motella.....
~~Post Master~~ Post Office Bawan Dist. Hardoi.....

B. Particulars of the order challenged

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

Hardoi

dated 8.9.88 passed by Superintendent of Post Offices

Hardoi Division Hardoi terminating the applicants'

*Hr. J. Khan
Attach*

7

(AIO)

-2-

appointment from the Post E.O. 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 within 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.O. 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 (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.

(b) That applicant got charge of the post of

Hr. Khan
Advocate

20/5/85

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

Gautam K. Verma

Hr. Verma

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 per se 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

the letter of appointment dated 23.8.85 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.

Photostat
The copy of letter i.e. Memo dated 8.9.88 is *has been*

for Govt. of India

term of service

on applicant ~~Praveen Singh~~ 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

प्रवीन सिंह

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

~~rendered~~

having/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. Reliefs/Reliefs Sought

That in view of the facts and circumstances

narrated in para 6 ~~the~~ above, the applicant prays

for the following reliefs being granted in

applicants favour:-

Harjeet Singh

(AIC)

-8-

(a) that order and direction be issued to opposite parties declaring the order dated 8.9.88 ~~dated~~ to the applicant in 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

/

Hamaynk 41054

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.

2007 05 12 4103
That the application fee of Rs.50/- is being paid by postal Order N.O.S.5 - DD 0 65066 issued by Chowk Post Office at Lucknow....

(AIO)

-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 23.8.85.

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.

Signature of Applicant.

Lucknow dated:-

September 19, 1988.

Hari Nath Tilhari

(Hari Nath Tilhari)
Advocate.

42, Astabal Charbagh, Lucknow
Counsel for the Applicant.

Hari Nath Tilhari

In the Court of Central Administrative Tribunal,
Additional Lucknow Bench,
Registration No. of 88

Sarwan Kumar Pandey Applicants
Versus
Superintendent Post Office, Hardoi (A) Opposite Parties.
and others

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, EDSPM, 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 EDSPM, 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. RDE/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.

Shri Shiv Lal
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 EDSPM, Bawan Hardoi. - *My/SLC*
4. O/C.
5. spare.

P.R.Y./88

Mash
for Lehani

Hardoi 241001

Sarwan Kumar Pandey Applicants
Superintendent Post Office, Hardoi
and others Versus R20
Opposite Parties.

2

Amendm. No 2 :-

लोट-7/Corr.-7

भारतीय डाक-तार विभाग/INDIAN P. & T. DEPARTMENT
कार्यालय/Office of the Superdtl of Post offices Hardoi
Dated Hardoi

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

Shri Shrawan Kumar Pandey
is here by engaged to work as EDS in
Bawali till regular arrangement
is made. His engagement is purely
on temporary bases.

Shri Shrawan Kumar Pandey
S/o Late Shri Gagan Singh Pandey
should also understand that his
engagement can be terminated at
any time if his previous incumbent
is reinstated or on permanent appointment
via absentee.

प्रधानक डाक विभाग द्वारा दिया गया
Super. of Post Offices Hardoi DD
P.T.O. No 241001

Copy to :-

1. Shri Shrawan Kumar Pandey
S/o Late Shri Gagan Singh Pandey Resident
of Village Bawali Dist. Hardoi
2. The P.M. Hardoi for information
and NIA
3. The Mail over Seer Hardoi I
for information offered he will be signified
the Charge to Shri Shrawan Kumar Pandey
under instructions to this office.

मान्यता दिया गया

अवृत्त फॉ (Photostat)
Mr. Ishaan

In the Court of Central Administrative Tribunal,
Additional Lucknow Bench,
Registration No. of 88

Sarwan Kumar Pandey

.....

Applicants

Superintendent Post Office, Hardoi
and others

Versus

.....

Opposite Parties.

(A2)

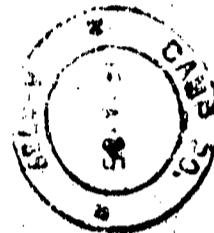
Carli fati, filed the charge of excess fine
was filed on behalf of Ram Kishan Singh of P.
S. SK. Pandey on 15/10/85 at Bawali before the
District Collector Mau - A-91/E Date 15/10/85

Case 232-41

Slab 56-70

R. Slab 14-60

Excess fine
1303-00



प्राप्तिकारिता

प्राप्तिकारिता

(बीरेंद्र नाथ मिश्र)

अनुभाग अधिकारी

प्राप्तिकारिता अनुभाग - 8

उत्तर प्रदेश अधिकारी

दिन 16/10/85 रिटार्ड दिन 15/10/85
— दिन 20/10/85 तारीख
वाले के अलेक्स

C. H. P. S. SK. Pandey

अलेक्स
H. S. Khan

अलेक्स

14

Sarwan Kumar Pandey

Applicant's

Superintendent Post Office, Hardoi
and others ..

• • • • •

Opposite Parties.

३

Annexure No 3

15/2/05
નોંધ અને નાની અસ્પેચ, રાલુ, ગુજરાત, મો
નોંધનાં ડિલોર્ટ (સ્લિન વેર્ટ) - રાન્ડ દી લોફ
ટો, ટ-ડાલ્ટ (ટો), ટુંડ્રા લોફટો (ટો) અને
લોફટો (ટો ૧૫) જો છીએ, જો ઉદ્દલ કાંચ (ટો)
નીડ દી, એસ્પેચ દી, બલોફાન્ડ (ટો), ગેન (ટો)
શુલો દી કાંચ (ટો), ટોની લોફ (ટો), ગાલી
ગોદરણ (ટો), તરણ ૨ (જો છીએ (ટો ૧૫);
ગાલી લોફ (ટો), T Pad (ટો) શિલેન્સ (ટો)
એસ્પેચ વાન્ડ (ટો) એલોફ્ટ (ટો) ૧૨૭ (જો ૨૦
સ્ન ૨ ૧૦૮૮મ | શુલો-યુ ૭૭૨ લીટ્સ કેલ્મ |
૨૬૮મ | ૧૦૮૮મ | શુલો-યુ ૭૭૨ લીટ્સ કેલ્મ |
PR સાન્ડા ૧૫૧૫ ટો ૧૧૭ ક્રીસ્ટ | સેન્ટર સાન્ડા ૧૫૦
૧૫૧૭૩૫, રાન્ડલ એસ્પેચ ૧૭૩૫ (ટો),
શિલેન્સ ક્રીસ્ટ પાંચેસ્પેચ રાન્ડલ ૬૬-૬૦
૧૫/૧૫/૦૫ - ૧૫/૧૫/૦૫

प्रसादित



कंदूर गणेश दयाल समसेता ।

मनुभाव
प्राचीनिका गार्इ अनुगमन
र० प्र० सचिवालय, लखनऊ

कुंबर गणेश दयाल सबसेना (कुंबर गणेश दयाल सबसेना)
बनुभाग निकारी,
प्राचीविद्यक लाला बनुभाग-2
३० प्र० सचिवालय, लखनऊ

Alfred
Star Lieben
Advocate

Shrawan Kumar Pandey

.....

Applicants

Superintendent Post Office, Hardoi
and others

versus

(A 23)

Opposite Parties.

Annexure (4)

INDIAN POSTS AND TELEGRAPH'S DEPARTMENT

LETTER OF APPOINTMENT

Memo No. A-91/E

Dated at Hardoi the 23.8.85

Shri. Shrawan Kumar Pandey

provisionally appointed as ~~EDPM/EDSPM~~ shall 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 ~~EDPM/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.

John
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. Bond prepared. Sri Gargi D.

Shri Shrawan Kumar Pandey
R/o VILL. Bawali, P.O. Bawali
Distt. Hardoi

3. SPM.....

4. P.M. Hardoi.

5. Line Overseer at Hardoi I.

6. O/C.

प्रमाणित

(कृत्तर गवेश प्रमाण संस्कार
अनुभवा विविधकारी,
प्राविधिक शिक्षण अनुभव-2
उप प्र. विविधकारी, लखनऊ

Hebat Ali Khan

वकालतनामा

माननीय उच्च न्यायालय उत्तर प्रदेश
इलाहाबाद-लखनऊ

या

वेद्य

न्यायालय श्रीमान् से नूल [उडीमी] नश्वेतिव द्राइव्युनल-इलाहाबाद विनान्दु सुरक्षा
प्रथम/द्वितीय अपील, स्टियाचिका/स्वेजन

निवाद/आवेदन पत्र/निष्पादन/प्रकरण Reg. संखा सन् १९८४
Shrawan Kumar Mandey बादी/प्रार्थी/अपीलार्थी
Sub-Postmaster प्रतिवाद/विपक्षी/प्रतिउत्तरदाता
तिथि पेशी

उपर्युक्त वाद में, मैं/हम अपनी ओर से श्री हरीनाथ मोतीलाल तिलहरी एडवोकेट,
१६२/४२, अस्तबल चारबाग लखनऊ

तथा श्री

लखनऊ प्रभारी सरकार द्वाने उत्तालैट विभा-
गी ब्रजेश श्रीष्ट एडवोकेट

को अपना अधिवक्ता नियुक्त करके प्रतिबन्ध करता हूं करते हैं कि आपको अधिकार है कि आप उपर्युक्त मुकदमे में हमारी ओर से स्वयं अथवा अन्य वकील द्वारा पैरबी व प्रश्नोत्तर व जवाब व बहस करें, सर्व प्रकार के वाद पत्र, अर्जी दावा व लिखित उत्तर सर्व प्रकार के प्रथना पत्र, निष्पादन पत्र व अन्य प्रकार की पत्राबदी, 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 नियन्य 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 करावें व डिग्री का रूपया व तत्सम्बन्धी व्यय या अन्य कोई धन जो मुझे/हमें प्राप्त होने को हो अपने हस्ताक्षरों से हमारी ओर से श्राप्त करें, हमारी ओर से रु. जमा करें या मेरे/हमारे या विपक्षी द्वारा जमा किया रु. अपने या हमारे हस्ताक्षरयुक्त रसीद से लेवें। कोर्टफीस, स्टाम्प, टलबाना व अन्य खर्च दाखिल करें व वापस लेवें व रसीद देवें और नकल लेवे, मुकदमे 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 टेक्स, सेल्स टैक्स व सर्व प्रकार के अन्य) आदि हमारी ओर से प्रस्तुत करें व तसदीक करें। आय व्यय का रिटैन प्रस्तुत करें व शपथ पत्र उपस्थित करें या मेरा/हमारा ओर से मौखिक बयान दें। मुकदमे से गवाह तलब करावें, अपनी ओर से कोई अन्य वकील नियुक्त करके मुकदमे 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 हूं/करते हैं और इकरार करता हूं/करते हैं कि जो कुछ भी कार्यवाही अधिवक्ता महोदय इस मुकदमे के सम्बन्ध में करेंगे मुझे/हमें सर्वाकार है और होंगा। और वह मेरा/हमारा किया हुआ समझा जावेगा मैं/हम यह भी प्रतिबन्ध करता हूं/करते हैं कि मुकदमे के दौरान जो भी परिव्यय मुकदमे को स्थगित करने या बाद पत्र अथवा लिखित उत्तर में संशोधन करवाने के कारण या अन्य किसी कारण से न्यायालय, प्राधिकारी, ट्रिब्युनल आदि द्वारा मेरे विपक्षी को, मुझे/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 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 पैरबी न करें और उनके द्वारा ऐसा करने पर वह किसी भी प्रकार के हर्जी खर्च के जिम्मेदार नहीं होगे।

हस्ताक्षर *Shrawan Kumar Mandey*

दिनांक १२-७-८८

साक्षी

स्वीकृति

Hari Nath Moti Lal Jethan *Advocate*

(हरीनाथ मोतीलाल तिलहरी)

एडवोकेट

D. S. Sikarwar
A

provisionally appointed vide office Memo No. A-91/E dated 23.8.85.

(C) That Shri Shiv Lal, EDSHM Bawan was removed from service vide Memo No. F-2/85-86 dated 30.12.87. He filed appeal against his removal orders. His appeal decided in his favour vide RD Memo No. RDL/STA/A-18/88-89 /3, dated 20.5.88. The SDI(Central) Hardoi was ordered vide this office Memo No. A-91/E dated 8.9.88 for getting the charge transferred to Shri Shiv Lal terminating the provisional arrangement made vide office Memo No. A-91/E dated 23.8.85.

4. That the contents of paras 1 to 5 of the application need no reply.

5. That the contents of para 6(a) of the application are incorrect, hence denied and in reply is submitted that the applicant was temporarily engaged to work as EDSHM Bawan till regular arrangement was made vide Memo No. A-91/E dated 15.5.85.

The applicant was provisionally appointed as EDSHM Bawan vide SPOs Hardoi Memo No. A-91/E dated 23.8.85. It is clearly mentioned in para 3 of the said Memo that Shri Shrawan Kumar Pandey, the applicant should

R. Pandey

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 terminated 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

R. Gopal

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 EDS PM 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

R. S. S.



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(0) 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. S. B.
10/12/88

Deponent

Lucknow,

Dated: 10/12/88

नवीन लाल विधान, हरदोई प्रखण्ड
Supdt. of Post Offices Hardoi Da.
फिल/पिन 241 002

432

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.



Deponent.

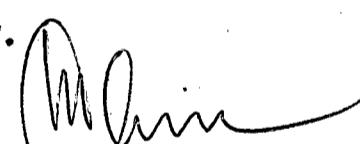
Lucknow,

Dated: 10/12/88

मालार गाँव तालुक, एकांक
Cmtd. of Post Offices Hardoi Dist.
Rm/Rm 241 002



I identify the deponent who has signed before me and is also personally known to me and signed on 10/12/88 at 5.55 pm at am/pm in the Court compound at Lucknow.

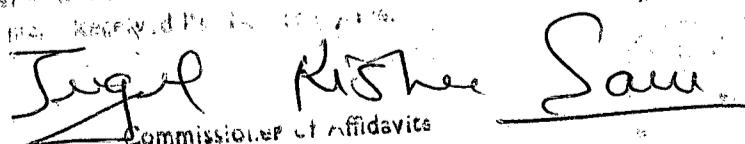


(VK CHAUDHARI)
Advocate, High Court
Counsel for Opp. Parties.

Lucknow,

Dated: 10/12/88

C/o 565/4 R.S. Khanroo
who is identified to be
S/o 572/1 Vik Chaudhari Adu.
I solemnly affirm before me in my office today
that the above mentioned affiant is the true and
deponent that he has signed the contents of
this affidavit before me on the 10th December 1988
Signed by me: Rakesh Kumar Date: 10/12/88


Commissioner of Affidavits
Court Compound, Lucknow

Date.....

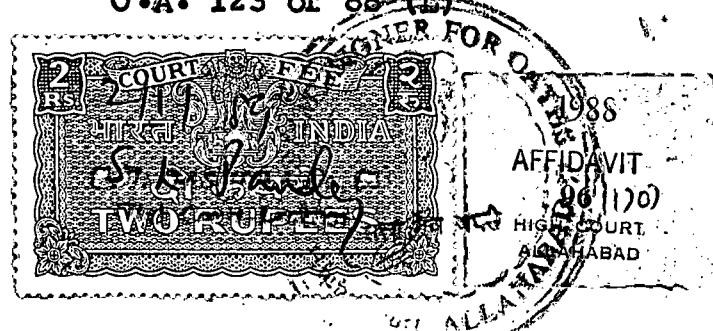
10/12/88

Filed today
27/11/09

AS

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. 123 of 88 (E)



Sharvan Kumar Pandey Applicant

Versus

Supdt 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



21/10/09 3/11/09 4/11/09

.....2

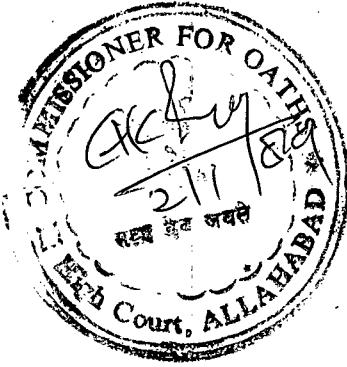
- 2 -

Can not
 Central 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 perview 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



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 ^{not} ~~not~~ 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



A31

- 5 -

termination of the deponent would not validate the charge if taken by Shiva Lal although the deponent has not been asked to handover charge till date.

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.

Lucknow

Dated : 21/1/89

Shiv Lal
Deponent

Verification

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.

Lucknow

Dated : 21/1/89

Shiv Lal
Deponent

I identify the deponent who has signed before me and is also personally known to me and signed on 21/1/89 at 10:25 am/pm in the Court Compound at Lucknow.

Lucknow :

Dated : 21/1/89

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



(A38)

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

No. CAT/Alld/

Dated Allahabad, the 1.12.87

OFFICE MEMO

Registration No. 293/671 of 198 .

B. Chishpal Singh

Applicant.

VERSUS

Superintendent 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.

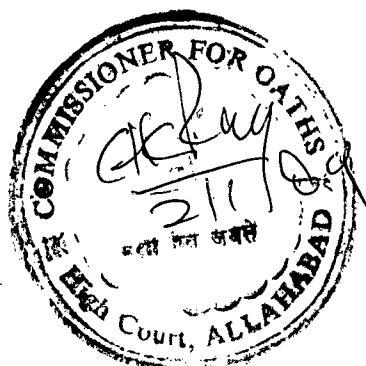
D. J. Dabir
Deputy Registrar

Enclosure: Copy of Order/Judgement Dated 27.11.87

To

Mr. M. Dabir, A/cy. 4th Lane, Mahavirji,
Gorakhpur, U.P.

Mr. K. C. Saini, A/cy. C.A.T. Alld.



2
RECEIVED ON 21/12/87

A39

S. N. Dubey
Advocate
4th Lane Mahaway
Gangulyganj
Lucknow.

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (T.A.) No. 213 of 1987

Shishupal Singh Petitioner-Applicant.

Versus

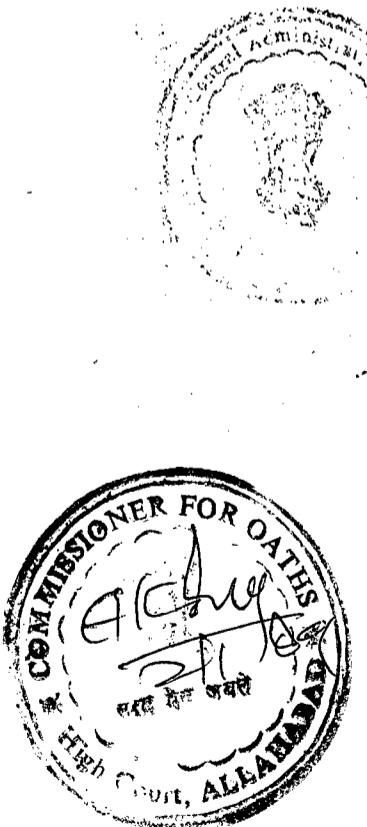
Superintendent of Post Offices,
Kheri Division, Kheri & another ... Respondents.

Hon'ble S. Zaheer Hasan, V.L.L.
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, Kheri Division. In this order his posting was not specified. He, therefore, represented against the same on 18.2.1978. On 6.3.1978 he was served with another order dated 21.2.1978 telling



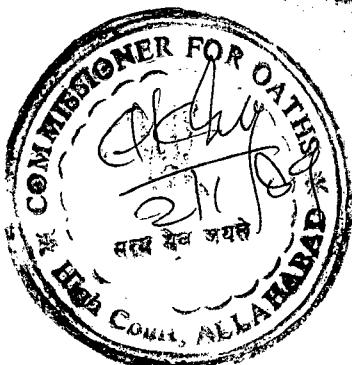
2000 21/3/1987

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- 12 -

him to hand over charge to Sripal 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 French Post Master at Soota Mau, according to him, Rule 6 does not apply to him and beyond Rule 6 there is no other power 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 'III' & '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 Sripal Singh was working as a Branch Post Master at Soota Mau, being involved in a murder case he was put off duty and a provisional stop-gap arrangement was made to let him



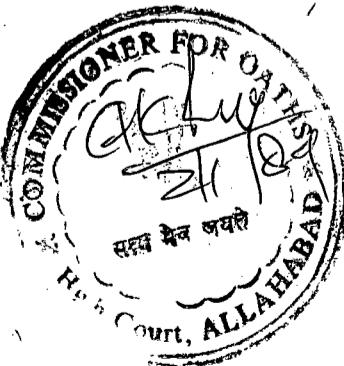
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the work in his place. Thereafter applications were invited for appointment to the post of Branch Post Master. The petitioner also applied and was appointed by the Superintendent of Post Offices on 13.2.1973. This appointment was on contract basis 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 any body 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



Editor Smta. Atosa

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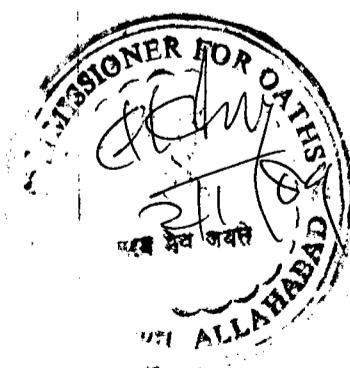
of the High Court of Judicature at Allahabad granted a stay and having continued till now the petitioner's appointment has become regular and he cannot be terminated by an order simpliciter. Sri P.C. Sinha, learned ^{Q-Counsel} for the respondents, admitted that the appointment letter was not ^{properly} 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 1981 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 read as follows :

"6. Termination of services."

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 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



EX-1012 EX-1059

- 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 ~~must or will~~ 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 1979 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



21/10/1988
COMMISSIONER FOR OATHS
High Court, ALLAHABAD

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appointed as E.D.B.P.M., Botta 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 23.2.1978 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 Botta 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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(Writ Petition No. 604 of 1978) as 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 Rohta 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 Sripal Singh, is rejected. Parties are directed to bear their own costs.

Sd/-
Vice-Chairman.

TRUE
COPY

Sd/-
Member (A).

Dated: November 27th, 1978.

D. S. DUBEY
SECTION OFFICER
Central Administrative Tribunal
Allahabad.



1901 9/11 1954

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.

(Handwritten Mark)

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.

(Handwritten Mark)

Appointing Authority.

Tu

Shri

(C)
X
X

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

Aathisha-
SUPPLEMENTARY ~~ANSWER~~ AFFIDAVIT

in re:

O.A.123 of 1988 (L)

Sharvan Kumar Pandey Applicant

versus

Supdt. 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 ^{Aathisha-} deponent 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 Supdt. 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 ~~fact of his~~ ~~none~~ of the scheduled caste had applied. From this

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-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

STATE OF UTTAR PRADESH
DEONENT Appheha

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

STATE OF UTTAR PRADESH
DEONENT Appheha

I identify the deponent who has signed
before me.

ADVOCATE.

Praveen
Ayal Kothari

४५८-३२

INDIAN POSTS AND TELEGRAPH DEPARTMENT



ਉਸ ਰਾਹੋਂ ਜਾਂ ਉਸ ਰਾਹਿਂ ਹੋ ਜਾਂ
ਨਿਤ ਸ਼ਾਹੀ ਹੈ।

ग्रन्थ संख्या
No. A. 91 / १०

प्रेस
From

सैदा मे
To

मित्र
Dated at ~~1~~ मार्च १८८८

**विषय
SUBJECT**

SUBJECT
Volunteers for the forest of E.D.S.W. program
in Ape with Harald H. H.

11 Fig. 12, 13

If the case be presented to the M.L.A. to obtain
approbation from the Sanction Committee
of village Balsam Takhal Maolvi Distt. B.
for appointment of Edispm and forwarded then
joined along with the approbation within
30 days first to this office. The condition
is that the M.L.A. encloses a copy of
the Sanction Committee's order.

After consulting with the eligible S.C. General
Wardens and others has forwarded to this office.
On date more explicit, in this form, a letter of demand
be given for non-delivery of office
letter S.C. General Warden.

John H. M. M. 1870

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(CB)

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-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

स्टेट कुमार पाठेय

— DEPOVENT Appled

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

स्टेट कुमार पाठेय

— DEPOVENT Appled

I identify the deponent who has signed before me.

Akshar
ADVOCATE.



22/12/2016

पात्रिका

राजा दी

सूर्य चाला दुर्गा राजा रामाराम गांधी
राजा दुर्गा रामाराम गांधी रामाराम
उल्लास रामाराम गांधी रामाराम

लालनाथ ।

No-CAT/CB/1/KD/540

Registration No. 1234/1988(C)

S.K. Pandey — Applicant (पात्र)

U.O.G. — Respondent (प्रतिवादी)

गांधी दुर्गा, नावदेव है कि आपके द्वाय प्राप्ति
राजीव द्वारा संवाद । १७०४ फ़िव़री २०१२-११ द्वारा वादी को
विद्युत दुर्गा है। वादी के क्षेत्र गांधी वादी नॉ ५
फ़ाज़ा द्वारा न दर्शक के लागत उसको न विवेतरण
किया जाता है।

गांधी दुर्गा गांधी नॉ ५ का सदा जना नियम है
“क्षेत्र वाला लुग-क्षेत्री वादी गांधी-बाबन
नॉ १०-११ द्वारा द्वारा लोगार जनापद द्वारा द्वारा
दाव द्वारा वाली”।

उत्तर गांधी द्वारा गांधी वादी नॉ ५ के द्वारा
परा आप के द्वारा द्वारा द्वारा द्वारा है। इसपर आप आगे न
कहा वादी नॉ ५ का द्वारा द्वारा है।

गांधी द्वारा द्वारा है।

वादी

धनांशु कुमार पाठेप
कुमार धनांशु गांधी द्वारा है।
गांधी द्वारा है।

CV B/S
Registered

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

No. CAT/CB/LKO/583

Dated : 11/11/1938

123

Registration No. 88 of 1938 (L.C.)

~~R S P~~ S K. Pandey Applicant

Versus

D O T & Sons

Respondent's

~~Mr. D. O. T. & Sons, Secretary, Tel~~

To

Sri Shiva Lal, S/o Not Known

S/o Mahalle - Bapdaid

V.I.I. & Post Office Bawan

Tehsil - Hardoi, Dist. - Hardoi

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 by your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

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

For DEPUTY REGISTRAR

dinesh/

CB

Registered

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

No. CAT/CB/LKO/ 383

Dated : 11/8/1938

123

Registration No. 88 of 1938 (C)

~~S. K. Pandey~~ S.K.Pandey Applicant

Versus

H. O. T & Ors

Respondent's

~~Through the Secretary, Tel~~

To

Sri Shiva Lal, S/O Not Known

S/O Mohalla - Bapda

Vill. & Post Office Bawan
Tehsil - Hardoi, Dist - Hardoi.

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 8 1938.

For DEPUTY REGISTRAR

dinesh/

General Admin. Dept. of the Tribunal
Lucknow Bench.

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Registered

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

No. CAT/CB/LKO/

5160

Dated :

11/12/88

Registration No. of 198

123

8(4)

S. K. Pandey

Applicant

Versus

Respondent's

To

Shrawan Kumar Pandey &/o Sri Gange Dev Pandey,

C.O. 8 P.M. - P.O. Bawali Hinda

&/o Village & P.O. Bawali District Hinda

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 1988 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 2 day of 12 1988.

For DEPUTY REGISTRAR

dinesh/

215
11
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 19881 (2)

S. K. Pandey : Applicant

Versus

Union of India and others Respondent's

TO

कृष्ण अग्रवाल यूनिट एफ

मानव अधिकार आयोग

पर्यावरण विभाग, राज्य लोक, नियन्त्रण विभाग

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 order before Deputy Registrar (Judicial)

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

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

For DEPUTY REGISTRAR

dinesh/

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow