

(P3)

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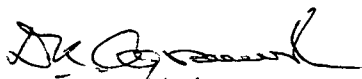
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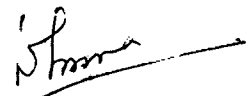
(By Hon. D.K. Agarwal, JM)

Dr. Agnew

112/2
2.
2.

2. In the circumstances, the petition is dismissed with an observation that the appointing authority should favourably consider the case of the applicant for appointment to the said post without any bias in mind to the effect that the applicant had moved this Tribunal challenging the decision of the appointing authority. There will be no order as to costs.


MEMBER (J)


MEMBER (A)

Dated: 14.3.1989
kkb.

14. $\frac{A1}{1}$

B/

7. of the Parties John L. ...

number of holes & others

Part A, 2 and 3.

۵

~~3~~
2-7-12-2011

Asklld. \$1 to
weeget.
Rgn

213.

File no 25828
21
258

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. CA. 103 of 19804

APPLICANT (s) Ram Kumar

RESPONDENT(s) U. O. Singh & Others

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	<u>Yes</u>
2. (a) Is the application in the prescribed form ?	<u>Yes</u>
(b) Is the application in paper book form ?	<u>Yes</u>
(c) Have six complete sets of the application been filed ?	<u>2 sets filed</u>
3. (a) Is the appeal in time ?	<u>Yes</u>
(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 ?	<u>Yes</u>
5. Is the application accompanied by B. D /Postal-Order for Rs. 50/-	<u>Yes</u>
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	<u>Yes</u>
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	<u>Yes</u>
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	<u>Yes (By Advocate)</u>

Ram Kunch vs. D.O.

UNDER SHEET

25/10/61

At 11.30 AM

At 10.30 AM

Admitted under notice

On motion for J.A. 13 days extension R.W.

For up to 22/11/61

Wg/-
J.M.

C.H.
A.M.

121
25/10/61

25/10/61

D.R.

NOTICE for Respondent No 1 to 3 received
of S. H. Chaudhary, Govt. Counsel & Respondent
no appearance filed yet.

121
25/10

22/11/61

D.R.

On the request of counsel
for respondents, he is allowed to
file reply by 24/11/61

h
22/11

D.R.

24/11/61

D.R.

Counter & Reply filed today.
Let this case before court for hearing
25/11/61 as proposed by counsel for
applicant

h
24/11

121
D.R.

(12/2) 2.11.19

24/2/09.

Hon. S. S. Sharma, Jm.

Hon. G. S. Sharma, Jm.

Sri T. N. Tiwari for the applicant
and Dr. Dinesh Chandra for the
respondents are present and
request for an adjournment
the case is adjourned to
9.3.09 for hearing.

Sri V. K. Chandel for
respondent No. 4 requests for
cancellation of his name as
the respondent No. 4 has expired.

Hon.

Jm.

Hon.

9/3/09.

Hon. Justice Kamleshwar Nath, Jc.

Hon. Ajay Dalmi, Jm.

Sri T. N. Tiwari for the applicant
Dr. Dinesh Chandra for the
respondents are present.

Supplementary Counter affidavit
has been filed - A copy of the
same has been delivered
to the learned counsel for
the applicant. List for
orders on 14-3-09.

Hon.

Jm.

Jc.

Registered

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

No. CAT/CB/LKO/

Dated :

OFFICE - MEMO

Registration No. O.A. of 193 T.A.

Applicant's

Versts

Respondent's

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

For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated

To.

(M. M. Banerjee)

Central Administrative Tribunal

dinesh/

(1)

In the Hon'ble Central Administrative Tribunal
Additional Bench Allahabad
(Circuit Bench Lucknow)

Claim Petition No. _____ of 1988.

Ram Kumar Applicant.

Versus

Union of India & others Respondents.

I N D E X

S.No.	Description of documents relied upon.	fr.	page no. to
1.	Application	1	7
2. X	Copy of communication no.41/595/87-PE.II dated 27-8-87.	---	---
3.	Clarification of village pradhan.	8	---
4.	Representation of applicant.	9	13
5.	Postal Order	---	---
6.	Vakalatnama.	14	---

Lucknow, dated;
August 25, 1988.

Applicant
(Signature)
(T.N. Thakur)
Counsel

for the applicant.

(Ar)
2

In the Central Administrative Tribunal,
Additional Bench Allahabad
(Circuit Bench Lucknow)

B E T W E E N

Ram Kumar aged about years, major,
son of late Shri Bhagwan Bakshi, resident
of village Diksari, post Diksari,
District Bara Banki.

. Applicant.

A N D

1. Union of India Ministry of Communication
through its Secretary, New Delhi.
2. Superintendent of Post Offices Bara Banki.
3. Inspector, Post Offices (Diksari area)
e/o S.P.O. Bara Banki.
4. Shri Gauri Shankar Tiwari son of Shri Shiv
Prasad, resident of village and post
Diksari Bara Banki.

. Respondents.

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

The application is against the order of
the Superintendent of Post Offices, Bara Banki
dated 31-5-1983 thereby appointing respondent no.4
as E.D.B.P.M. Post Office Diksari Bara Banki who
was ^{not} fulfilling the conditions of the recruitments
^

Ram Kumar

(A/3) 2

4. Jurisdiction of the Tribunal.

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

5. Limitation .

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

6. Facts of the case.

(a) That the applicant is a permanent resident of village Diksari , district Bara Banki having his own pucca built house beside land about 2 Bigha and 2 Biswas.

(b) That Superintendent Post Offices Bara Banki requested the District Employment Officer Bara Banki to sponsor certain names for the post of EDEPM Diksari. The District Employment Officer sponsored the following names :

1. Ram Kumar son of late Shri Bhagwan Baksh
2. Gauri Shankar son of Shri Shiv Prasad.
3. Ramesh Kumar son of Sri Ram Newaj.

(c) That out of above 3 candidates only two persons i.e. the applicant and respondent no.4 only have submitted their application #

Ram Kumar

Forms duly completed in all respects in time on 29-4-1988.

- (d) That respondent no.4 had no land in his own name and also does not possess any house in his own name. However, he had got registered some land from his father in his own name by means of sale deed only on 11-4-1988 and thereafter he submitted his application to S.P.O. Bara Banki in which the income certificate was attached which was issued on 25-4-1988.
- (e) That it is evident from the circumstance that once the land was registered on 11-4-1988, the question of income does not arise within a period of 2 weeks and no extract of Khatauni was attached.
- (f) That the respondent no. 4 had no other source of income except the said land of his father.
- (g) That his house is made of Kachcha and is unsuitable for post office. A certificate to that effect issued by Gram Panchayat is annexed herewith as ANNEXURE A1 to this application.
- (h) That in the aforesaid circumstances the appointment of respondent no.4 is illegal and is a dilution of mal practice of the respondent no.4 who is an employee of the

Ram Kumar

office of the respondent no.2.

(1) That the applicant had represented the matter before the concerned authorities vide his representation dated 11-7-1988 and 2-8-1988 but all in vain. True copies of both the representations are annexed herewith as ANNEXURE A2 and A3 to this application.

7. Details of the Remedies exhausted.

That the applicant has represented the matter to the concerned authorities as stated above but all ⁱⁿ vain.

8. Matters not previously filed or pending with any other court.

The applicant further desires that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

9. In view of the facts mentioned in para 8 above the applicant prays for the following reliefs:

(1) That the order dated 31-5-1988 appointing the respondent no.4 as ^{ED} B.P.M. Diksari Bara Banki may be quashed and set aside and the applicant may

Ran Kumar

(H4/6) 5-

be appointed as ^{ED}B.P.M. Diksari Bara Banki being the most suitable candidate permanently residing in the post village for the reasons :

(a) Because the appointment of respondent no.4 as ^{ED}B.P.M. Diksari is in contravention of the prescribed Rules of Recruitment and the policy itself laid down. ~~in ANNEXURE A1.~~

(b) Because the order dated 31-5-1988 is the outcome of partial inquiry conducted by the respondent no.2.

(c) Because the order dated 31-5-1988 is based on the unlawful and malicious inquiry made by respondent no.3 under the obligation of respondent no.4.

(d) Because the provision of Articles 14, 16 and 311 of the Constitution of India have been fully ignored causing miscarriage of principles of natural justice.

(e) Because the appointment of ^{ED}B.P.M. is strictly confined to be made from the residents of post village ~~and the respondent no.4 being an outsider has been appointed as such.~~ under the Rules.

(f) Because the entire proceedings relating

Ram Kumar

-8-

(24/2/6)

ED

to the appointment of B.P.M. Diksari is illegal, invalid, void, unjust, unlawful, discriminatory and against the principles of natural justice, are not sustainable and are liable to be quashed and set aside.

10. Not applicable.

11. Not applicable.

12. Particulars of B.D/Indian Postal Order in respect of the application fee:

CC 1202 243 for Rs. 40.00
u
B-41-976662 } for Rs. 10.00
To
B-41-976671 }
Total Rs. 50.00

13. List of Enclosures.

Nil

Ram Kumar

VERIFICATION

I, Ram Kumar, aged about years ,
resident of village Diksari, Post Diksari, district
Bara Banki do hereby verify that the contents
of paras 1 to 8 are true to my personal knowledge
and the contents of paras 9 to 13 are believed by
me to be true on legal advice and that I have not
suppressed any material fact.

Lucknow, dated;
August 25, 1988.

Ram Kumar
Applicant.

To

The Registrar,
Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench at Lucknow.

Application No. _____ of 1988
 RAM KUMAR Vs Union of India & Others.
 ***** ANNEXURE - A-1

प्रमाणित किया जाता है कि गौरी शंकर
 पुत्र श्री शिव प्रसाद जो कि सौर
 मारुत निरुक्त किये गये हैं इनका
 माकाज पोरु दर के काविल नही
 है इनका कमाए करीब १५ पिर लम्बा
 है पिर चौड़ा और बरछा बना हुआ
 है। गौरी शंकर को जलो दर और
 दारु गील जैसे भी रोग हैं इनका
 भाई उसी पोरु आपिस में होने के
 कारण इनकी निरुक्ति हो गई है।

सुजागा हूँ

प्रमाणित किया जाता है कि राम कुमार
 पुत्र श्री भगवान बरख राम डिगसरी
 में डिगसरी तहसील राम सेन की चारकी-
 काराकी थाना डारुआ के मूल निवासी हैं
 इनका माकाज पकावा है कमरे बड़े व
 पक्के हैं इनका अपनी जमीन पर
 सन् १९८३ से पूर्ण कृषि काब्जा है
 व इन्ही के अधिकार में है तथा शह रत्न
 रक्कश नागरिक हैं। जबकि गौरी शंकर
 पुत्र श्री शिव प्रसाद का घर कटवा
 और कागस भी कटवा व होय है। इनके
 शरीर में जलो दर व दारु गील जैसे
 भीरु रोग हैं। इनका बेगामा काभी उत्पन्न
 १९८८ में हुआ है तथा काब्जा अभी शिव प्रसाद
 का ही है। गौरी शंकर के कोई काय का साधन नहीं है।

प्रमाणित किया जाता है
 प्रमाणित किया जाता है
 प्रमाणित किया जाता है

गाँव राम डिगसरी
 राम सेन के व काब्जा
 जिला बरख

प्रधान राय प्रजा

Ram Kumar

(m)
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9

माननीय केन्द्रीय प्रशासकीय न्यायाधिकरण
अतिरिक्त छाण्ड पीठ इलाहाबाद
[सर्किट छाण्ड पीठ लखनऊ]

प्रार्थना पत्र संख्या-----

शाम कुमार

बनाम

यूनियन आफ इन्डिया आदि

अनेक्जर-----A-2-----

श्रीमान

1- छाक अधीक्षक, बाराबंकी ।

2- निदेशक, पोस्ट आफिस [उ०प्र०]

न्यू हैदराबाद,
लखनऊ

विषय:- शाम छिवसरी जनपद, बाराबंकी में छाकपाल पद पर
नामायज टंग से की गयी नियुक्ति के सम्बन्ध में ।

XXXX

श्रीमान जी,

सविनय निवेदन है कि प्रार्थी के माब में मार्च 1988 में नया शाखा
छाक घर छाोला गया और शाखा छाक पाल के पद पर नियुक्त हेतु
रोजगार कार्यालय बाराबंकी से लिस्ट मांगी गयी प्रार्थी का नाम सूची
में था प्रार्थी ने उक्त पद हेतु आवेदन पत्र सब तारे कामजात अधीक्षक छाकघर
बाराबंकी के कार्यालय में जमा कर दिया प्रार्थी अन्य सभी आवेदन कर्ताओं
से उपयुक्त था तथा नियुक्त के लिये सभी शर्तों को पूरा करता था परन्तु
छाक अधीक्षक बाराबंकी जिनका की रिटायरमेन्ट 31 मई को था श्री
राम किशोर तिवारी छाक सहायक बाराबंकी के छोटे भाई गोरी शंकर
तिवारी की नियुक्ति पूर्व सुनियोजित टंग से कर दिया तथा गांवि में सुनने
में आया है कि श्री तिवारी ने जिस दिन छाक छाना छुलने का आदेश
हुआ है उसी समय छाक अधीक्षक द्वारा बताये रास्ते पर चल कर रिटायरमेन्ट
के पूर्व नियुक्ति करा लिया है जिसका प्रमाण निम्नलिखित है:-

Ram Kishore

(PV)
11

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- 1- प्रार्थी एक बेराजगार युवक है जिसका कोई रिस्तेदार डाक सेवा में नहीं है जब कि श्री गौरी शंकर तिवारी के नव नियुक्ति शाखा डाक पंख ठिकसरी के भाई मुख्य डाकघर व अधीक्षक कार्यालय में पोस्ट है ।
- 2- प्रार्थी की योग्यता श्री गौरी शंकर की अपेक्षा अधिक है ।
- 3- प्रार्थी के पास पक्का भकान तथा डाकघर के लिये बड़ा कमरा एवं बरामदा है तथा गाँव वालों के लिये सुविधा जनक है जब कि श्री तिवारी के पास इसके विपरीत है ।
- 4- श्री तिवारी जल पोटर तथा आमवाद के मरीज हैं श्रीमान जी चाहें तो श्री तिवारी का स्वास्थ्य निरीक्षण करवा करके प्रार्थी की बात की पुष्टि कर सकते हैं या किसी निरीक्षक द्वारा करा सकते हैं बैसे श्री तिवारी क ने गाँव में आ करके कहा है कि मैंने डाक अधीक्षक के कहने से नियुक्ति के दिन स्वास्थ्य प्रमाण पत्र किसी डाक्टर से बनवाकर दे दिया है ग्राम प्रधान ठिकसरी ने इस आशय की रिपोर्ट भी की थी परन्तु डाक अधीक्षक ने उसे नजरदाज कर दिया जिसकी रिपोर्ट संलग्न है।
- 5- प्रार्थी के नाम पक्का ६।१३।५ का १/३ भाग जमीन है जिसको मूल प्रति छोटौनी संलग्न है जब कि श्री गौरी शंकर के नाम कोई जमीन नहीं है न ही कोई आय का साधन है।
- 6- श्री गौरी शंकर तिवारी ने जिनके भाई जिनके भाई अधीक्षक से मिले हुये थे राजगार कार्यालय से नाम निकलवाया है , के बाद इसके बाद अधीक्षक की सलाह से अपने पिता की जब का बैनामा अपने नाम दिनांक 11.4.88 को करवाया जब आवेदन पत्र प्रस्तुत करने की तिथि लगभग 29.4.88 थी इतने कम समय में बैनामा करवा करके उपरोक्त गौरी शंकर ने यह सबित करने का प्रयास किया है कि मेरे नाम जमी है बैनामा ली गयी जमीन पर आज भी इनके पिता का बिज दखाल है। गौरी शंकर के पास कोई आय का साधन नहीं है ।

अतः श्रीमान जी से निवेदन है कि उपरोक्त तथ्यों का गम्भीरता पूर्वक अवलोकन करने के बाद किसी सक्षम अधिकारी द्वारा जाँच करने की कृपा करें तथा प्रार्थी के साथ नियुक्ति में जो अन्याय तथा उपरोक्त पदपर नियुक्ति बाधायक है व योजना वह तरीके से की गयी है उसे न्यायहित में निरस्त करते हुये प्रार्थी का न्याय प्रदान करने की कृपा करें व प्रार्थी की नियुक्ति क की कृपा करें ।

दिनांक 11.7.88

प्रार्थी ह0

निवासी गजम

पोस्ट

जिला

Ram Kumar

for
duty
(TN. Tirun)
Sali

11
12

Application No. _____ of 1988

RAM KUMAR

Vs

Union of India & Others.

ANNEXURE - 'A-3'

सेवा में

श्रीमान निदेशक,
डाक सेवाएं, उत्तरप्रदेश,
सकल बरिष्ठ,
न्यू इलाहाबाद, सकल ।

बाराबंकी इकाई बाराबंकी

विषय :- ग्राम डिप्लरी, बरना-तुरपुर, तखीम राकमिहीपाद, कनक-बाराबंकी में 'माडा डाकघर'। ग्राम बाराबंकी के बंद पर नियुक्ति में की गई अनियमितताओं की शिकायत। आदि के सम्बन्ध में ।

महोदय,

आज्ञात किम्वद भिन्न है कि ग्राम तथा डिप्लरी कनक बाराबंकी में माडा डाकघर होने वाले हेतु आपके कार्यालय द्वारा स्वीकृति प्रदान की गई थी । उक्त बंद पर सकल हेतु सेवाबोधन कार्यालय, बाराबंकी से आंक अमीरुड डाक सेवाओं। बाराबंकी के नाम अभ्यर्थियों के नाम माने । सेवाबोधन कार्यालय, बाराबंकी से प्राप्त सूची में से अमीरुड डाक सेवाओं, बाराबंकी के दो अभ्यर्थियों को विधानीय प्रथम सेवा विधेय नियम की थी :-

- 111 अभ्यर्थी की शैक्षिक योग्यता हाईस्कूल होती चाहिए ।
- 121 अभ्यर्थी के पास उक्त तय्यारि-भूमि-सिद्धि-स्वाधिन में होनी चाहिए ।
- 131 डाकघर होने के लिए उचित एवं बर्तित करिया का उभरा होना चाहिए । आदि

माडा डाकघर के बंद पर सकल हेतु नियमितता दो अभ्यर्थी प्रस्तुत हुए :-

1. श्री मोती रंजित पुत्र श्री शिव प्रसाद, ग्राम-डिप्लरी, बाराबंकी ।
2. श्री राम कुमार पुत्र श्रीमान कनक, ग्राम-डिप्लरी, बाराबंकी ।

आज्ञात दोनों अभ्यर्थियों की तुलनात्मक सूची निम्नलिखित है :-

राम कुमार पुत्र श्रीमान कनक	मोतीरंजित पुत्र श्री शिव प्रसाद
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- | | |
|--|--|
| <ol style="list-style-type: none"> 1. शैक्षिक योग्यता हाईस्कूल-द्वितीय श्रेणी 50.6 प्रतिशत अंक 2. उक्त तय्यारि-भूमि योग्य भूमि, मजान बरफा एवं मान है की बिता की सुतु के उपरान्त प्राप्त हुई है और की 1983 से निजी स्वाधिन में है । बर्तित तय्यारि 2 वरिष्ठ 3 बिता एवं मान अलग से है । अतीत तय्यारि | <ol style="list-style-type: none"> 1. शैक्षिक योग्यता हाईस्कूल-द्वितीय श्रेणी 45 प्रतिशत अंक 2. उक्त तय्यारि कुछ नहीं है । बितागकी कामापुरी के लिए अपने ही बिता की बर्तित का बनाया 11-4-1988 को तय्यारि 2 बीटा । बिता का कराया जो इनके बिता की बर्तित का तय्यारि आध्या बिता है बर्तित के तीन भाई |
|--|--|

Photo Stail
Sivaram
dattin
(TN Miran)
Ad

Ram Kumar

----- 2 -----

इससे यह प्रतीत होता है कि इन्होंने अपने पिता की जमीन का बेनामा अपने नाम सरकारों को मुमराह करने के उद्देश्य से किया कराया है।

वहाँ यह इल्लेखनीय है कि जमीन के बेनामा की तैयारी 11-4-88 को केवल 90 दिनों के अवकाश एवं टाकिस-कारिय (कानूनी कब्जा) उसके बाद ही मिलता है। जब इन्होंने 11-4-88 को जमीन की रजिस्ट्री कराई और 29-4-88 को जमा करने की अन्तिम तिथि थी, तो इनका बहुत बड़ा अपराध तत्काल के आधार पर किया गया है।

3- ^{मेरी} बेटी वार्षिक आय ₹ 4800/- है जबकि तदनुसार कृषि क्षेत्र पर भरा कब्जा वर्ष 1983 से है और मैं उसमें सेती कर वसूलें प्राप्त करता हूँ।

3- श्री गौरीशंकर के पास पहले से कोई अपराध सम्पत्ति भूमि आदि। वहीं की और इन्होंने अपनी पिता की जमीन की रजिस्ट्री 11-4-88 को कराई। वह जमीन न तो अभी इनके कब्जे में है और न कोई कतल प्राप्त की है फिर इनकी वार्षिक आय ₹ 8,400/- थी हुई। अतः इनका आय प्रमाण-पत्र गलत है।

4- प्राणी का भ्रम, जो प्राणी द्वारा ही बनवाया गया एवं उसके कब्जे में है, पूर्णतः बरका एवं तदनुसार मिलने वाले तत्काल मान्य-कर स्थित एवं वर्गीकृत स्थान बताता है।

4- श्री गौरीशंकर के पास अपना कोई भ्रम नहीं है, पिता का भ्रम है कि वह तीनों भाइयों का कब्जा है और कब्जा बना हुआ है तथा यदि के अन्दर तदनुसार कतल में है। इस सम्बन्ध में इनके भ्रम की स्थिति ग्राम प्रधान द्वारा दिये गये प्रमाण पत्र में वर्णित है, जो संलग्न है।

5- प्राणी एक स्वस्थ व हूब-हूब नवयुवक है।

5- श्री गौरीशंकर शारीरिक रूप से अस्वस्थ इनके शरीर में कौटिल्य (अत्यधिक मोटापा) एवं भीषण साहसोत्तीर्ण है जिससे वे अपने किराने में असमर्थ हैं जिसकी वजह श्रीमानजी स्वयं करवा सकते हैं।

Shri Gaurishankar
(T.N. Sharma)
Sd/-

13/14

उपरोक्त के अतिरिक्त श्रीमान जी से यह भी निवेदन करना है कि श्री मोरीसंडर के भाई श्री राम किशोर प्रधान डाकघर, बाराबंकी में सलह के बंद वर कार्यरत हैं जिनके द्वारा अधिकांश तरीके से इनकी नियुक्ति करवा भी गई है। साथ ही यह भी निवेदन है कि तत्कालीन अमीर, डाक सेवा में से सेवाकात के अन्तिम दिन सेवानिवृत्त होते समय उन्हें नियुक्त कर मने से जो अधिकांश के इस सम्बन्ध में प्रार्थी के पूर्व में दिनांक 11 जुलाई, 1988 को भी एक प्रार्थना वन आवकी प्रेषित किया था जिस पर अभी तक सम्बन्ध: कोई कार्यवाही नहीं हो पाई है।

इस सम्बन्ध में श्रीमान से प्रार्थना है कि भेरे पूर्व वन एवं इस वन वर मोरनीय तरीके से किसी बरिष्ठ अधिकारी द्वारा तत्काली तत्कालों की कार्य कराने का कष्ट करें क्योंकि यदि श्री मोरीसंडर के भाई श्री राम किशोर जो प्रधान डाकघर बाराबंकी में कार्यरत हैं जो तत्काल मान्य होते हैं तो यह अपने प्रधान से कार्य नहीं होने देंगे क्योंकि वे पहले भी दूसरे अधिकारियों के पवन की दशा में डाकघर बन्द करवाने की धमकी दे चुके हैं।

अतः, अन्त में श्रीमान जी से पुनः निवेदन है कि उपरोक्त तत्कालों के दृष्टिगत प्रार्थी को न्याय प्रदान करते हुए उतकी नियुक्ति शाखा डाकघर के बंद वर करने की कृपा करें क्योंकि यह नियुक्ति किये नये श्री मोरीसंडर से प्रत्येक दृष्टि से उपयुक्त है।

आदर सहित।

प्रार्थी,

रामकुमार

दिनांक 2-7-1988

श्री राम कुमार ।
 पुत्र श्रीमान श्रीमान कर्म,
 ग्राम-डिपारी, पोस्ट-डिपारी,
 बाराबंकी।

इतिनिधि निम्नलिखित को तत्काल एवं आवश्यक कार्यवाही करते हुए तत्काल न्याय प्रदान किये जाने के सम्बन्ध में प्रेषित :-

- 111 माननीय श्री राजीव गांधी जी, प्रधानमंत्री, भारत सरकार, नई दिल्ली।
- 121 माननीय श्री बीरबहादुर सिंह जी, संघारमंत्री, भारत सरकार, नई दिल्ली।
- 131 महा प्रधान, डाक सेवा में सेवानिवृत्त मास्टर जनरल, उत्तर प्रदेश, महात्मागांधी मार्ग, लखनऊ।
- 141 अमीर, डाक सेवा में, बाराबंकी।
- 151 प्रिंटायर निवारण संलग्न, बाराबंकी ज्वाइ, बाराबंकी।

Photo furnished
delivered
(TN 12/2/88)
John

रामकुमार
 श्री राम कुमार ।
 पुत्र श्रीमान श्रीमान कर्म,
 ग्राम 11 पोस्ट- डिपारी,
 बाराबंकी।

Ram Kumar

Am

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

D.A. No. 103 of 1988

Ran Kumar

... Petitioner

Versus

Union of India and others .. Cop. Parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES

1, 2 & 3

1988
AFFIDAVIT
9/11

U.S.

I, R.A. Verma, aged about 51 years, son of Shri Ramdev Verma at present posted as Superintendent of Post Offices, Barabanki do hereby solemnly affirm and state as under:-

1. That the deponent is the Respondent No.2 and is posted as the Suptd. of Post Offices, Barabanki Division, Barabanki and has read the writ petition and supplementary affidavit filed by the petitioner and has understood the contents thereof and is fully conversant with the facts stated in this counter affidavit.

2. That before giving a para-wise reply to the averments made in the writ petition certain facts and circumstances which are relevant and have not been stated in the writ petition are being stated hereunder:-

3. That opening of Digbari P.D.O. District, Barabanki was sanctioned vide P.A.C. U.P., Circle

RA Verma

2-10-1988

(AS)

Lucknow Memo No. LG/M-1/105/87/1 dated 8.3.88
referring Post^d Directorate XII/1730/29 file No.
1-37/85-FRP/PT-II, the Post office was to be
opened positively by 31st March 88 vide DG posts
New Delhi No.1-37/85-FRP/PT-III and conveyed
vide TIG UP No.Planni g/M-1/105/87/1 dated 15.3.88.

(a) The following establishment of the PO Digsari was
sanctioned:-

1. E.D. Branch Postmaster .. One
2. EDDM. Cum EDMC .. One

(c) That Digsari EDDO was opened on 28.3.88 by
making officiating arrangement as the posts of
EDM M and EDDM. cum EDMC till the regular appointments
are made.

(d) That the District Employment Officer, Barabanki was
addressed to supply the list of suitable candidates of
Digsari village vide letter No.H-6/Digsari Dt. 15.3.88
for appointment on the post of EDDM Digsari Barabanki.
The District Employment Officer Barabanki supplied
the list of four candidates vide his letter No.CC/30/
88/880 dated. 31.3.88, In this list the names of
Shri Ram Kumar, s/o. Shri Bhagwan Bux were shown
at serial No.1 and serial no.4 with different
Registration numbers ie. 8159/85 and 1372/88 .

As the name of Shri Ram Kumar s/o. Bhagwan Bux was
Shown twice in the list clarification was sought from
the Distt. Employment officer Barabanki on 15.3.88

[Signature]

AS
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regarding this candidate. The District Employment officer Barabanki vide his letter No.CC/28/88/1325 dated 22.4.88 clarified that the name has been listed twice on account of availability of the name of the candidate in his records with two registration number mentioned above. It was also confirmed by him that these two names are related to one and the same person. Thus the Distt. employment exchange officer Barabanki had sent the names of only 3 candidates as noted below:-

1. Shri Ram Kumar , s/o. Shri Bhagwan Lux.
2. " Gauri Shanker, s/o. Shri Shiv Prasad
3. " Ramesh Kumar s/o. Shri Ram Newaj

All the above three candidates were supplied with blank application form for appointment on the post of FDBM Digsari vide office letter No.A.116/ED dated 14.4.88 and they were requested ~~to~~ ^{to} submit the applications alongwith certificate of testimonials/documents to the office of the deponent latest by 29.4.88. Two candidates namely Shri Gauri Shanker, s/o. Shri Sheo Prasad and Shri Ram Kumar s/o. Bhagwan Lux applied for appointment for the ED Digsari and applications of both the candidates were received in ~~the~~ ^{the} office of the deponent on 28.4.1988 ie. within the stipulated time. The applications of both candidates alongwith documents attached by them

Retained

15/4/88

(15/4)

were given to the SDI(F) South Barabanki for their verifications. ~~were given to~~ The SDI(F) South Barabanki returned the applications and documents after verification to the office of the deponent on 27.5.88 in which the room offered by Shri Gauri Shanker for keeping FO was shown to be more suitable, safer and easily approachable.

(e) Keeping in view the departmental rulings for comparative appointment of EDBM and making ~~competitxxx~~ examination of certificate documents supplied by both the candidates, the candidate Shri Gauri Shanker was found fit for the appointment of EDBM, Digsari and hence he was appointed by the Respondent No.2 on the post of EDBM Digsari on 30.5.88 vide office Memo No.H-116/EDM dated 30.5.88 . Shri Gauri Shanker took over the charge of office of EDBM , Digsari, Barabanki on 1.6.88 and he is continuously working on the said post since then.

4. That the contents of para 1 & 2 of the ~~with~~ petition, no reply is required.
5. That ~~the~~ in reply to para 3 of the application ~~xxxxxxxxxx~~ it is stated that the Respondent No.4 was appointed as EDBM. Digsari Distt. Barabanki on 30.5.88. It is incorrect to say that he was appointed on 31.5.88 as alleged. He ~~was~~ fulfilled all the conditions required for appointment as EDBM.

20/18
18/9/88

RA [Signature]

AS
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6. That the contents of para 4 of the application need no reply.

7. That the contents of para 5 of the application need no reply.

8. That in reply to the contents of para 6(A) of the application it is stated that the applicant has a pucca house as was intimated by Shri Brij Mohan Gram Pradhan Digsari Barabanki with recorded evidence, but the landed property held by Shri Ram Kumar, the applicant is under dispute.

9. That the contents of para 6(B) of the application are admitted.

10. That the contents of para 6(C) of the application are admitted and it is stated that the application of both the candidates were received in the office of the deponent on 22.4.88.

11. That in reply to the contents of para 6(D) of the application, it is submitted that the registration of land 2 bigha 17 Bishwas 8 Bishwanmi in the name of respondent number 4 on 11.4.88 by means of sale deed from his father and issue of income certificate by Thasildar Ram Sanehi Ghat, Barabanki on 25.4.88 is admitted but rest of the contents of this para are not admitted being false.

RA. Singh

HS
G

12. That in reply to the contents of para 6(E) of the application it is submitted that the land acquired by the Respondent No.4 by way of sale deed is an agricultural land and it is productive one hence the income shown in the income certificate by the Revenue Authority can be relied upon easily and there is no scope of doubt. The photostate copy of sale deed was attached by the defendant No.4 with his application for appointment in support of his income.

13. That the contents of para 6(F) of the application are not admitted being wrong because acquiring the land mentioned in para No.6(E) of the application by the respondent No.4 it became the personal landed property of his own and not of his father as alleged by the petitioner.

14. That in reply to the contents of para 6(G) of the application it is stated that the respondent No.4 is in possession of Kachcha house is correct. But it was found more suitable, safer and easily approachable during the course of verification by the SDI(P) South Darabanki. The suitability of a house/Room for keeping the post office is examined by the Department and not by the Gram Pradhan hence the rest of the para is not admitted.

Q32
T8/9/88

Ref: 2

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15. That in reply to the contents of para 6(H) of the application that the younger brother of respondent No.4 is an employee in postal department under subordination of respondent no.2 and rest of the contents of this para are not admitted being false.

16. That in reply to the contents of para 6(I) of the application it is submitted that the receipt of two representations dated 11.7.88 and 2.8.88 from the petitioner is admitted. These two representations are still pending for decision with appellate authority ie. Director Postal Services Lucknow Region, Lucknow hence rest portion of this para is not admitted. The petitioner has knocked the door of CAT without obtaining any decision from the appellate authority. Hence his petition is not admissible at all.

17. That the contents of para 7 of the application are not admitted because the decision of the appellate authority has yet to come and the petitioner has not exhausted

523
18/9/10
all the channels of appeals and petitioners to be made in the department.

18. That the contents of para 7 of the application need no reply by the answering opposite party no.2.

19. That in reply to the contents of para 9(i) of the application it is stated that the request made by the petitioner in which he did not observe to be appointed as

EDSA Digsari, Barabanki as he is inferior to Respondent no.4.

RA

15/8/83

20. That in reply to the contents of para 9(1)(A) of the application it is stated that the appointment of respondent no.4 as EDBM in accordance with the recruitment rules prescribed for the appointment of EDBM and the applicant could not be preferred in comparison with the person appointed.

21. That the contents of para 9(1)(B) of the application are not admitted. It is stated that the appointment order has been issued on 30.5.83 and it has been issued after careful scrutiny of documents and records and observing the prescribed rules.

22. That the contents of para 9(1)(C) of the application are wrong, hence denied.

23. That the contents of para 9(1)(D) of the application , needs no reply.

In reply to
24. That the contents of para 9(1)(E) of the application, it is submitted that Shri Gauri Shanker respondent no.4 has been appointed on the post of EDBM Digsari who is a permanent resident of Post & village Digsari, and no violation of rules has been done as alleged.

25. That the contents of para 9(1)(F) ~~xxx~~ of the application are wrong, hence denied.

26. That the contents of para 10, 11, 12 & 13 of the application needs no reply.

RAK

HS

27. That in view of the facts and circumstances as stated above, the application filed by the applicant is liable to be dismissed with costs.

[Signature]
Deponent.

Lucknow,
Dated: 15/15 Sept. 88

Verification.

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 36 are true to my personal knowledge, those of paragraphs 4 to 26 are believed to be true by me on the basis of records and information gathered and those of paragraphs 27 to 36 are also believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed. So help me God.

[Signature]
Deponent.

Lucknow,
Dated 15/15 Sept. 88

(2032) *[Signature]*
I identify the deponent who has signed before me and is also personally known to me.

(VK Chaudhari)
Advocate, H.C.

Solemnly affirmed before me on 18/9/88 at 5:30 am/pm by the deponent who is identified by Shri VK Chaudhari, Advocate, High Court, Lucknow Bench.

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

[Signature]
Oath Commissioner

Lucknow,
Dated: 18 Sept 88

Filed today
24/11

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW
O.A. No.103 of 1988

Ram Kumar

... Petitioner

Versus

Union of India and others .. Opp. parties.

COUNTER AFFIDAVIT ON BEHALF OF OPP. PARTY NO.4.

I, Gowri Shankar aged about 29 years, son of Shri Sheo Prasad at present posted as EDBM Digauri, DO in account with Ram Sauhighat, District Barabanki resident of village and Post Diagaauri Barabanki do hereby solemnly affirm and state as under:-

- 1988
AFFIDAVIT
TO THE
DISTRICT COURT
U. P.
1. That the deponent is the respondent no.4 and is posted as EDBM Disari DO Barabanki and has read the writ petition and supplementary affidavit filed by the petitioner and has understood the contents thereof and is fully conversant with the facts stated in this counter affidavit.
 2. That before giving verbatim reply to the averments made in the writ petition certain facts and circumstances which are relevant and have not been stated in the writ petition are being stated hereunder:-
 3. That the Director General (Posts) New Delhi is empowered to make rule for the appointment of an EDBM and under communication letter No.5-9/72-FL Cell dated 18.8.1973 and 43-312/78-1en. dated 20.1.78 has fixed the

27/11/88
श्री शंकर

following qualifications for the person to be appointed as EDBM.

- (a) For EDBM - VIII Standard (Matriculation or equivalent may be preferred).
- (b) Income and ownership of property The person who takes over the agency (EDSPM/EDBM) must be one who has an adequate means of livelihood. The person selected for the post of EDBM/EDBM must be able to offer space to serve as the agency premises for Postal operations.

The criterion to judge 'adequate means of livelihood' should be that in case he loses his main source of income he should be adjudged as incurring a disqualification to continue as EDBM/EDBM and allowances for his work as EDBM/EDBM must be just supplementary to his income.

(c) In the light of the above the total income as prescribed for whole-time departmental EDBM is Rs.950+ Rs.18%) = Rs.1121/- while the total income of the Respondent No.4 is Rs.6700+275+ 18% = Rs.1024.50 Paise which is just nearer to an adequate income of the departmental employee fixed by the Department, but the petitioner has an income of Rs.400/- from agricultural land and after adding the allowances for the post of EDBM his income would be Rs.400+275+ 18% i.e. Rs.724.50 which is much less than the adequate means of livelihood. Moreover the landed property on the basis of

गौरीशंकर

which the petitioner showed his income of Rs.400/- per month is in dispute between the petitioner and his Cousins for half of the share (The photostat copy of plaint and present position of the case is attached as Annexure C-1).

(d) That the disputed land and income is not correct with the rule of adequate means of livelihood.

(e) That the Respondent no.4 has been appointed as EDO M Digseri Branch Office, Barabanki by the Superintendent of Post Offices, Barabanki Divn, Respondent no.2 on 30.5.88 on the following grounds -

(i) As concerned with the educational qualification both the candidates i.e. petitioner and Respondent No.4 are matriculate.

(ii) The respondent no.4 has an adequate means of livelihood of Rs.1024.50 Paise on the basis of landed property 2 Bighas 17 Biswas 8 Biswasani while the petitioner has not an adequate means of livelihood as his income is Rs.724.50 Paise from disputed agricultural land of 2 Bighas 03 Biswas.

The landed property of the applicant is in dispute with his cousins in the Court of DM, Barasanchighat with the date of next date of hearing of the case ~~was~~ ^{is} fixed on 3.10.1988. After decision of the said case the income from the landed property, which ^{as monthly income,} would fetch only Rs.200/-/ie. the petitioner's share comes to only 1 Bigha & 1-1/2 Biswas, which is much below and less to the adequate income fixed by

गौरीशंकर

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the Department for departmental official and thus this is disqualification on the part of the petitioner. True copy of Plaint filed against the petitioner in the Court of SDM Ramsainhighat, Barabank and questionnaire showing the said plaint is pending, are being enclosed herewith as Annexure C-1 & C-2 to this affidavit. u L

(iii) That the both are the Resident of main village where the post office is functioning but the Respondent no.4 has got a house ~~outside~~ ^{within} of the village. ~~while the petitioner has got a house~~ This has been verified by the SDI(1) South Sub-Division, Barabanki and it seems that the premises of the ~~xxxxxxxxxxxx~~ Respondent no.4 was found more suitable u
so far and approachable for postal operation.

4. That the contents of paras 1 & 2 of the petition, no reply is required.

5. That in reply to para 3 of the petition it is stated that the Respondent no.4 was appointed as FDM Degsari Distt. Barabanki on 30.5.88. It is incorrect to say that he was appointed on 31.5.88 as alleged. The Respondent No.4 had fulfilled all the conditions required for appointment as FDM.

6. That the contents of para no.4 of the petition needs no comments.

7. That the contents of para no.5 of the application need no comments.

[Signature]

27/9/88

Ac-4

8. That in reply to the contents of para 6(a) of the petition it is stated that the petitioner has a pukka house as was indicated by Shri. Rij-Mohan, Gram radhan, Digsari, Barabanki is not denied but that is not suitable, safer and approachable. It is learnt that so many times theft took place in the house of the petitioner and FIR was also lodged by the brother of the petitioner Sri Ram Lakhan in PS, Asandhara. This landed property as stated by the petitioner in his petition is in dispute with his cousins.

9. That the contents of para 6(b) of the petition is not denied.

10. That the contents of para 6(c) of the petition are not denied and it is stated that the applications of both the candidates were received within the expiry of last date.

11. That the contents of para 6(D) of the petition is denied. It is submitted that the registration of land measuring 2 Bighas 17 biswas 8 biswas in the name of Respondent No. 4 on 1.4.88 by means of sale deed from his father and issue of income certificate by Tehsildar Ram Meheghat, Barabanki on 23.4.88 is not denied.

22/4/88

गौरीशंकर

(H/6)

Rest of the contents of para are denied being false.

12. In reply to the contents of para 6(E) of the petition it is submitted that the land acquired by the Respondent no.4 by means of sale-deed is an agricultural land and is productive one, hence the income shown in the income certificate by the revenue authority can be relied upon easily and there is no scope of doubt. The photostat copy of sale-deed ^{& Income Certificate were} attached with the application in support of income to the Respondent no.2 for appointment.

13. That the contents of para 6(F) of the petition are denied being baseless because acquiring the land mentioned in para 6(E) by the Respondent no.4, it became the personal landed property of the Respondent no.4 and not of his father as alleged by the petitioner.

14. That in reply to the contents of para 6(G) of the petition it is stated that the Respondent no.4 is in possession of a kachha house, is not denied, but there is no ruling for not suitability of kachcha house. Moreover it is more suitable, safer and easily approachable to the public being situated in the heart of the village. This has been verified by the CDI(F) South Garabanki the competent authority for the purpose, hence report of the Pradhan, Gram Sabha depending upon the local approaches are not admitted. The suitability of house for keeping post office is examined by the departmental authorities and Gram Pradhan has no role in this regard.

27/5/88
गौरीशंकर

16/2

15. That in reply to the contents of para 6(1) of the petition it is not denied that the younger brother of the Respondent no.4 is an employee in Postal department under subordination of the Respondent no.2 but rest of the contents of the para as alleged are denied being baseless and false.

16. That in reply to the contents of para no. 6(1) of the petition it is submitted that these are not in knowledge of the Respondent no.4, hence need no comments.

17. That in reply to the contents of para no.7 of the petition it is submitted that if the petitioner has moved the applications to the departmental higher authority he should wait the decision but as the petitioner has not awaited the decision and not exhausted all the channels of departmental appeal and petition hence denied.

18. That the contents of para 8 of the petition need no reply by the answering opposite party no.4.

19. That in reply to the contents of para no.9 of the petition it is submitted that the request made by the petitioner is not liable to be considered for the appointment of SD M Dissanayake, Branch Office, Kumbhanki as the petitioner is inferior to Respondent No.4 being in possession of less and inadequate means of livelihood less and dilapidated and old and unsafe, unsuitable house outside of the village.

गौरीशंकर

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20. That in reply to the contents of para 9(1)(a) of the petition it is stated that the appointment of Respondent no.4 as FD is in accordance with the rules and norms for the appointment of FDs. The petitioner could not be preferred as he was not found in possession of adequate means of livelihood, safer, approachable and suitable house for the postal operations and less landed property.

21. That the contents of para no.9(1)(b) of the petition need no comment as it is connected with Respondent no.2.

22. That the contents of para 9(1)(C) of the application are denied being wrong and false.

23. That the contents of para 9(1)(D) of the petition do not apply, on the petitioner hence he is not entitled for any relief under the provisions of the said article of the constitution.

24. That in reply to the para no.9(1)(E) of the petition it is submitted that the Respondent no.4 is also the resident of main village, Disari, has a suitable, safer and approachable house in the heart of the village and has adequate means of livelihood. This adequate means of livelihood is just for the FD which is not fit the petitioner, hence appointment of the Respondent no.4 is just and in accordance with the rules and norms of the department.

25. That in reply to the contents of para

गौरीशंकर

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(1)(F) of the petition it is submitted that the appointment of the Respondent no.4 is lawful, valid and just.

26. That the contents of para nos. 10, 11, 12 & 13 of the petition, require no comments.

27. That the persons to be served by the Branch office Disari have given an application for detention of the said appointed B.M. Respondent no.4 for his satisfactory working. A copy of the said letter is being annexed to this counter affidavit as Annexure C-2.

28. That in light of the facts and circumstances stated above, the petition filed by the petitioner is liable to be dismissed with costs.

गौरीशंकर
Deponent.

Lucknow,

Dated: 27 Sept. 1988.

Verification

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 26 are true to my personal knowledge, those of paragraphs ~~1 to 26~~ are believed to be true by me on the basis of records and information gathered and those of paragraphs 27 to 28 are also believed by me to be true on the basis of legal advice. No part of this affidavit is false and

गौरीशंकर

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nothing material has been concealed , So help me
God.

गैरिशंकर
Deponent.

Lucknow

Dated: 27 Sept 88

I identify the deponent who has signed
before me and is also personally known to me.

Advocate.

Solemnly affirmed before me on 27/9/88
at 7.45 am/pm by the deponent who is identified by
Shri V K Chaudhary, Notary Public
I have satisfied myself by examining the deponent
that he understands the contents of this affidavit
which have been read over and explained to him by me.

27/9/88
Oath Commissioner.

27/9/88

(A7)

In the Central Administrative Tribunal at Allahabad
Circuit Bench - Lucknow

Case No. 103/88 (L)

1989
AFFIDAVIT
37/69
HIGH COURT
ALLAHABAD

Between

Ram Kumar Applicant

A N D

Union of India & others Respondents

Supplementary Counter-Affidavit on behalf of Opposite
Parties No. 1,2 & 3

I, R.A. Verma, aged about 51 years, son of Shri Ram Dev Verma at present posted as Supdt. of Post Offices, Bara Banki do hereby solemnly affirm and state as under :-

That after the filing of the counter-affidavit on behalf of the opposite parties No. 1,2 & 3 in the above case, certain new and important facts have come to light which have direct bearing on the case. These facts are submitted below for consideration of the Tribunal.

1. That the applicant having felt aggrieved on the appointment of Shri Gauri Shanker, the respondent No. 4 in this case, as Extra Departmental Branch Post Master of Digsari Branch post office, approached this Hon'ble Tribunal for quashing the appointment order of Shri Gauri Shanker.

2. That Shri Gauri Shanker has since died on 5.10.88. His death certificate is being filed as Annexure-1&2.

3. That after the death of Shri Gauri Shanker whose appointment happened to be the main ground for the grievance, the application challenging the appointment has been

contd.....2.....

A-1
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become infructuous as under the present situation, the appointment ~~order~~ and appointment order have ceased to exist.

4. That it is submitted that the application of respondent No. 4 dated 26.4.88 was received in the deponent's office on 23.4.88. Along with the said application, the document certifying the landed property owned by him was also found duly enclosed at serial no. 12 of the enclosure.

5. That the applications of S/ Sri Gauri Shanker and Ram Kumar along with their enclosures including the property and income certificates were got verified through the SDI (P) South, Bara Banki. The verification report was received in the office of the deponent on 27.5.88.

6. That late Shri Gauri Shanker took over the charge as S D B P M., Digsari on 1.6.88 after submitting his health certificate from the prescribed Medical Officer.

7. That the property statement which was submitted by Sri Ram Kumar was in respect of the property which was and still is in joint ownership with his two elder brothers. This property is under litigation with his cousins. This fact has been certified by Sri Brij Mohan who is the Pradhan of the Village; a copy of this certificate is being Annexed as Annexure LR II. A copy of the court document indicating the property under dispute is also being filed as Annexure LR III.

8. That the applicant has not exhausted departmental remedies before coming to this Tribunal for relief.

9. That the Challenged appointment was not made for a fixed post and as such an application against it is not maintainable.

10. That the application is not tenable in law, it lacks merit and is liable to be dismissed with cost.

deponent
R.A. Karmacharya
9.3.89

(A)
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VERIFICATION

I, R.A. Verma the deponent do hereby verify that the contents of paras of 1-12 of the counter-affidavit are true to my own personal knowledge and the contents of paras 4, 5, 6 & 7 are based on record and the contents of paras 3, 9 & 10 are based on legal advice. No part of it is false and nothing material has concealed by me. So help me God.

Signed and verified this Counter-affidavit this day of 9th March 1989 within the court compound at Lucknow.

Lucknow:

Dated: 9-3-89

R.A. Verma
Deponent.

I identify the deponent who has signed before me and he is personally known to me.

J. Chandra
Advocate.

Solemnly affirmed before me on 9.3.89 at C.A.
at am/pm shri R.A. Verma

the deponent who has been identified by-----

Sri D. Chandra

I have satisfied myself by examining the deponent. that he understands the contents of the above counter-affidavit which has been read over and explained by me.

R. Sagar

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9.3.89

12

Before CAT. Civil Bench.
Lucknow

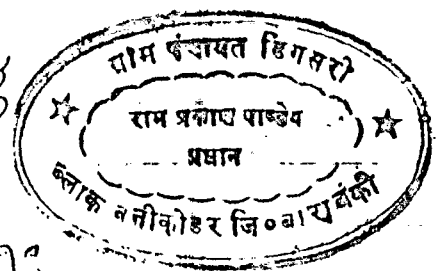
Case No. - 103/011

APPEAL - SRI.

Ram Kumar & Mingi-hu & Ors

मृत्यु प्रमाण पत्र

प्रमाणित किया जाता है कि श्री गौरीशंकर
आत्मज श्री शिवप्रसाद ग्राम ब पोस्ट डिगसरी तह
रामसनेहीघाट थाना अमन्दरा जिला बाराबंकी
का स्वर्गवास दिनोंक ५-१०-८८ (पाँच अक्टूबर
सन उन्नीस सौ अठ्ठासी) दिनों बुधवार को लगभग
१२ बजे दिन में इनके चैतक घर में हो गया
है। इनकी आयु लगभग २८ (उन्तीस) वर्ष
की थी।



राम प्रकाश पाण्डेय
प्रधान 29/10/88

9/10/88

A7/5

Before M.T. Court, Lucknow - 1
Annex - SR-II

Case No. 103/00

Ram Kumar vs. Union of India & Ors.

सेवा में
12/11/00
अधीनस्थ डाकघर
बारागंजी पुरखंड
बारागंजी मंडल
महोदय,
14/11/00

आपकी सूचना में यह
जानना पत दे रहा है कि शारदा डाकघर
डिगसरी दि० बारागंजी में शारदा डाकघर
पहले जो श्री रामकुमार दि० राम श्रिभगवान
पंरुश ने आवेदन किया है उनकी सगरत
अचल सम्पत्ति (भूमि) विवादित है जब
उसके प्रमाण में ओपी कावा की नकल इसके
संग संलग्न है।
प्रजामोहो

2/11/00

न्यायालय परमनाथिपारी रानजीपारा कानून बारांकी

क्र. 100 480/198/13/65
अन्तर्गत पारा 229 वी 2176 जमीनारी
स्थिति पारा 229 वी 2176 जमीनारी
परमनाथिपारा रानजीपारा कानून बारांकी

जगदीश प्रताप आदि

रामलखान आदि

तारखे पेजी 30-5-1988

नवल अर्जीवादा

राज्यालय श्रीमान परमनाथिपारी महोदय रामलखानेडीघाट बारांकी।

- जगदीश प्रताप : जगदीश प्रताप निवासी ग्राम डिगसारी
- रामलखान : सुपुर् तारा मनेडीघाट जिला बारांकी।
- कनू प्रताप : वादीगण

पनाम

- 1- रामलखान : सुपुर् भगवानबख्श निवासी ग्राम डिगसारी प०
2- रामलखान : सुपुर् तारा मनेडीघाट जिला बारांकी।
3- रामलखान : सुपुर् तारा मनेडीघाट जिला बारांकी।
4- रामलखान : सुपुर् तारा मनेडीघाट जिला बारांकी।
5- सरकार अन्तर प्रवेश तारा डिप्टी कमिशनर महोदय बारांकी।

प्रतिवादीगण

पार्श्व अन्तर्गत पारा 229 वी 2176 जमीनारी
स्थिति पारा 229 वी 2176 जमीनारी
ग्राम डिगसारी प० सुपुर्

श्रीमान जी,

वादीगण लिखित निवेदन करते हैं।

पारा 1- यह कि भूमि प्लॉट नं. 255/91 53.8, 261/58.8 -
269/15 - 277/61 53.8 कुल 4 प्लॉट 53.8 वार्षिक मालगुजारी
3/20/15 भूमि नं. 28-5/19 वार्षिक मालगुजारी 5/8 स्थित
ग्राम डिगसारी सुपुर् तारा मनेडीघाट जिला बारांकी तंतवबख्श
पिता पदवर्गीय के नाम दर्ज थी किन्तु तंतवबख्श पतिलिखिते
भुलाजमत परदेशा न्युक् भूत में रहते रहे और दौरान पदवर्गीय जितकी
को करीब 10-11 साल हुए तंतवबख्श पिता वादीबकी अनुपस्थिति में
पदवर्गीय प्रतिपत्तिपरिपों तंतवबख्श भगवान बख्श के नाम बड़े लिखित
भाई उषा मन्ने नाम लिखित की गई।
पारा 2- यह कि तंतवबख्श पिता वादीगण
जब अपने परिवार में गांधी लीट पर जाने को जाता था तब उषा
जब तंतवबख्श पिता वादीगण के नाम

1. वादीय भूमि के 1/2 भाग के तहसीलदार भूमिधर है।

2. यह कि डिग्री सर्वेक्षण बहक वादीगण विरुद्ध प्रतिवादीगण बहकर हिस्सा वादीगण 1/2 देने का कृपा की जाये तथा वादीगण का हिस्सा प्रतिवादीगण नस्तर। तब 3 से पुष्क करके जुदागाना कब्जा दिला दिया जाये।

3. यह कि डिग्री सर्वेक्षण व अन्य दादरेता बहक वादीगण विरुद्ध प्रतिवादीगण जो न्यायालय के समक्ष उचित हो देने को कृपा की जाये।

4. वादी जगदीश प्रसाद
पुत्र संतवक्ता प्रमाणित
करता हूँ कि धाव पत्र
की धारा 1 ता 5 मेरी
जानकारी में तथा धारा
6 ता 9 मेरे विषयात है
जाय है तथा धारा 9 के तहत
होने में वादी विषयात रखता है
भित्ति सत्यापन आज दिनांक
17-4-85 ई० को प्रमाणित 110
रामसनेहीमाट में किया।

हस्ताक्षर
जगदीश प्रसाद

वादीगण

- 1- जगदीश प्रसाद
 - 2- ओमप्रकाश
 - 3- पन्द्रपकश
- पुत्रगण संतवक्ता
निवासी गण ग्राम डिगरी परगना
तूरपूर तहसील रामसनेहीमाट जिला
धाराबंकी
दिनांक 17-4-85 ई०
22

ह०/५ ओमप्रकाशदुवे
नि०अ० प्रन्द्रपकश

ह०/- जगदीश प्रसाद

9/4/85
18-51
8/10/85
10/5/85

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H.3.

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24/11/89
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ADVISORY BOARD

GOVERNMENT ADVISORY BOARD

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Received Copy
24/11/89
Vik Chaudhary
Advocate
Counsel for Respondent

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8. That the contents of para 3 to 5 of the counter affidavit are not admitted.

9. That the contents of para 3 of the counter affidavit is not admitted to the extent of sponsoring the name and supplying the copy of bank application forms past affixations thereof are sealed and it is admitted that the application of the respondent duly completed and attached with required documents was only received by respondent no.2 on 21.4.2003. The application of the respondent no.4 was not supported with the form of the bank account, it was attached to the application much later than 21.4.2003 whereas his application in the office of the M.C. was received on 21.4.2003. As such verification report is false and fabricated. His application and a photostatic copy of the same of the respondent's name are annexed hereto as ANNEXURE 1, 2 and 3 to the affidavit.

10. That the contents of para 6 of the counter affidavit is denied and it is admitted that no comparative examination was carried out by respondent no.2 and as a result of his partial view respondent no.4 was appointed on 11.4.2003. It is admitted that any verification which was mandatory. In fact, the respondent no.4 was appointed vide order dated 20.4.2003.

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Whereas the appropriate verification reports of character and fitness were sent by Superintendent of Police and Native & Collector Bura Bura only on 07-01-00 and 04-02-00 respectively which are available for perusal that while of respondent no. 4 of respondent no. 4 to 198. As per appointment of respondent no. 4 was made against the Recruitment Rule 2 of Posts and Salaries Inter Departmental Agents (Domestic and Service) Rules 1954 herein after referred to as Service Rules

6. That over medical examination of the respondent no. 4 was conducted on 16-01-00 only for after the appointment, as such Recruitment Rule 3 of the Service Rules was violated, a photocopy of the Medical Fitness certificate of respondent no. 4 is annexed as 11.8 to this affidavit.

7. That the contents of para 6 of the counter affidavit are not disputed.

8. That in reply to the contents of para 6 of the counter affidavit it is submitted that the request was confirmed with the date of appointment as shown by one of the

Ran Kumar

12/4

official of the Respondent no. 8. As such
the appointment date is liable to be treated
as 20.12.1983 but under no circumstances the
Respondent no. 4 was liable to be held to have
fulfilled any of the conditions of appointment.

12. That the contents of para 5 and 7 of
the counter affidavit are not disputed.

13. That in reply to the contents of para 8
of the counter affidavit it is submitted that
property of Respondent is absolutely not disputed.
Except a portion not filed by one of the
members of the ^{family of the} Respondent for having
share in ancestral property which has no concern
with the property of the Respondent, no matter
in person or elsewhere.

14. That it is very much pertinent to
mention here that as per the contents of para
8 of the counter affidavit the Respondent
no. 8 at the time of appointing the Respondent
no. 4 had comparative examination of the rooms
only and not of the property which is not
after thought and misdealing. And in the
comparative examination a kachha room (12' x 12')

Ram Kumar

48/5

not over for the time of Respondent no. 4 was
found to be sufficient that the piece was
(1000000) for the name of the respondent.
(Annexure 14, 15 and 16).

12. That the contents of para 3 of the
counter affidavit were not disputed.

13. That the contents of para 11 of the
counter affidavit were denied and it is
submitted that the application of respondent
no. 4 was received by respondent no. 2
by hand through younger brother of respondent
no. 4 on 21-6-1981 and a copy of said deed
was attached later on which it is evident that
Annexure 14, 15.

14. That in reply to the contents of para 11
of the counter affidavit it is submitted that
only oral admissions of the respondent no. 4
was accepted by respondent no. 2 and there was
no any verification conducted before the
appellate order was issued.

Ram Kumar

118
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15. That the contents of para 12 of the counter affidavit are denied. The application of respondent No. 4 was not supported with the copy of sale deed and the same was attached with the said application much later than the date of his application. Moreover, merely a certificate appearing to have been issued by one authority, has no legal validity in place of the prescribed procedure which was mandatory to be observed.

16. That the contents of para 13 of the counter affidavit are denied and the contents para 6(1) of the application are hereby retracted.

17. That the contents of para 14 of the counter affidavit are denied and the contents of para 12 of his affidavit with regard to the mistake of name are hereby retracted.

18. That in reply to the contents of paras 15 and 16 of the counter affidavit the contents of para 6(1) of the application are hereby retracted and it is further submitted that the Deputes personally approached respondent

Ram Kumar

not to disclose the fate of his representation
to you to the United States Navy and Air Force.
The United States Navy and Air Force are
not to be disclosed to the United States Navy and Air Force.

That the contents of para 77 of the counter affidavit are denied and it is submitted that Dependent has exhausted all the remedies available to him and finding no justice, has approached the Hon'ble Tribunal for justice.

20. That the contents of para 12 of the counter affidavit are not disputed except the name of the application referred to therein.

21. That the contents of para 19 to 22 of the counter affidavit are denied and it is admitted that the respondent no.2 having been charged has illegally and arbitrarily appointed the respondent no.4 violating the prescribed procedure for appointment.

Ran/Curran

AS
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(3)

22. That in reply to the contents of para 22 of the counter affidavit it is submitted that the contents of para 2 (iii) of the application being not disputed by respondent are liable to be taken up as true and correct in favour of the applicant.

23. That in reply to the contents of para 24 of the counter affidavit it is submitted that the promised procedure for recruitment has been fully violated and the appointment of the respondent no. 6 was made under obligation being projected and having motive against the applicant.

24. That the contents of para 26 of the counter affidavit are denied and the contents of para 2 (iii) of the application are hereby confirmed.

25. That the contents of para 28 of the counter affidavit are not disputed.

26. That in reply to the contents of para 29 of the counter affidavit it is submitted that

Ram Kumar

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for the facts and circumstances stated in the
application and in this affidavit the application
of the Dependent is liable to be allowed.

2/ That in reply to the counter affidavit
filed by respondent no. 4 it is admitted that
the contents of the said counter affidavit to the
extent of the matter of record, affect, vacate
etc. so far they do not dispute the averments
made by the Dependent in the application are
only admitted and restatements thereof are
denied and the contents of the application and
of this affidavit stated above are hereby
reiterated.

Ram Kumar
Dependent

Verification

2/ The above named Dependent do hereby verify
that the contents of pages 1 to 4, Parly 5, 6 to 20,
22, 24, 25 and 27
are true to my personal knowledge and the contents
of pages Parly 5, 21, 23 and 26
are believed by me to be true on legal advice
and that I have not suppressed any material fact.
Witness, Dated

November 29, 1933.

Ram Kumar
Dependent

Identified by Sr. Ram Kumar
who has signed before
me.

Dilwan Adh
(T. H. Tiwari)
Advocate

Rajni Kumar V. Anand / Son

10

Annexure-RA-I

- 1- अर्थी का नाम - जीरीशकर
- 2- अर्थी के पिता का नाम - श्री - शिवप्रसाद
- 3- माता - हारमन (हिंदू)
- 4- स्थायी निवास (उस गाँव का नाम जहाँ अर्थी का निजी भवत है और वहाँ निवास करता है) - जाम - डिगरी

5- पूरा पता -

- 1- गाँव का नाम - डिगरी
- 2- डाकघाटे का नाम - डिगरी
- 3- थाने का नाम - असनदरा
- 4- तहसील का नाम - रामगुहेलीवाट
- 5- जिले का नाम - बाराबंकी

6- यदि अर्थी उस गाँव का रहने वाला नहीं है तो उसका निवास

- 1- गाँव का नाम -
- 2- डाकघाटे का नाम -
- 3- थाने का नाम -
- 4- तहसील का नाम -
- 5- जिले का नाम -

7- पद जिसके लिए अर्पण किया जा रहा है - बाराबंकी डाकघाट डिगरी

8- क्या संबंधित डाकघर में अर्थी का कोई रिश्तेदार नहीं है जो पद पर नियुक्त है तो उसका नाम व पद प्रधान डाकघर बाराबंकी में मेरे छोटे भाई के साथ है।

9- वैयक्तिक योग्यता (कूल प्रमाण पत्रों की प्रतिलिपि प्रमाणपत्रों की सत्य प्रतिलिपि आवश्यक है) - इन्टरमीडिएट (साधारण प्रमाणपत्रों की सत्य प्रतिलिपि आवश्यक है)

10- जन्म तिथि (इसके प्रमाण में कूल प्रमाण पत्र १५.०.५.५५.५५. पन्द्रह मुलाडि सन् १९२४ ई. की प्रतिलिपि जिसमें जन्म तिथि है) -

11- आय प्रति वर्ष - क) कृषि द्वारा - ८४०० रुपया वार्षिक (सालाना ३००० रुपया वार्षिक) से अधिक
ख- अन्य साधन द्वारा -

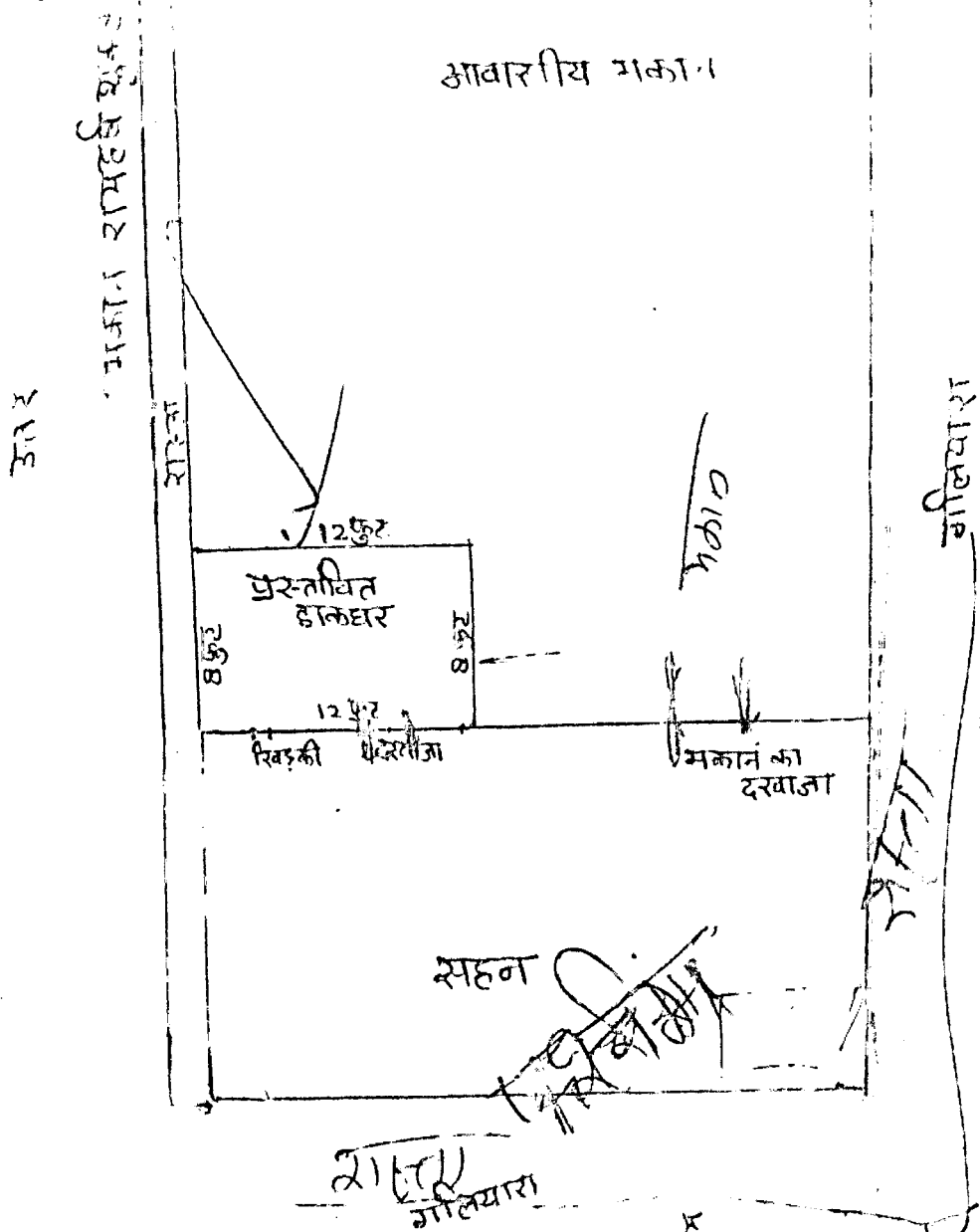
(सर्व अधिकारी का प्रमाण पत्र लगाना आवश्यक है) प्रमाण पत्र संलग्न है
यदि ऐसा नहीं है तो मासिक पेंशन
रिटायरमेंट की तिथि -

(२०५०३०)

Phdwar
Hindus
(T.N. Jindal)
Roh

पट्टा

मकान सिद्धाय तिवारी



मकान रामदेव शंकर

PHOTOGRAPHED
J. H. S. S. S.

Income Tax Department
C.B. Lucknow

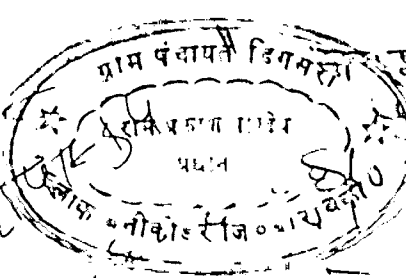
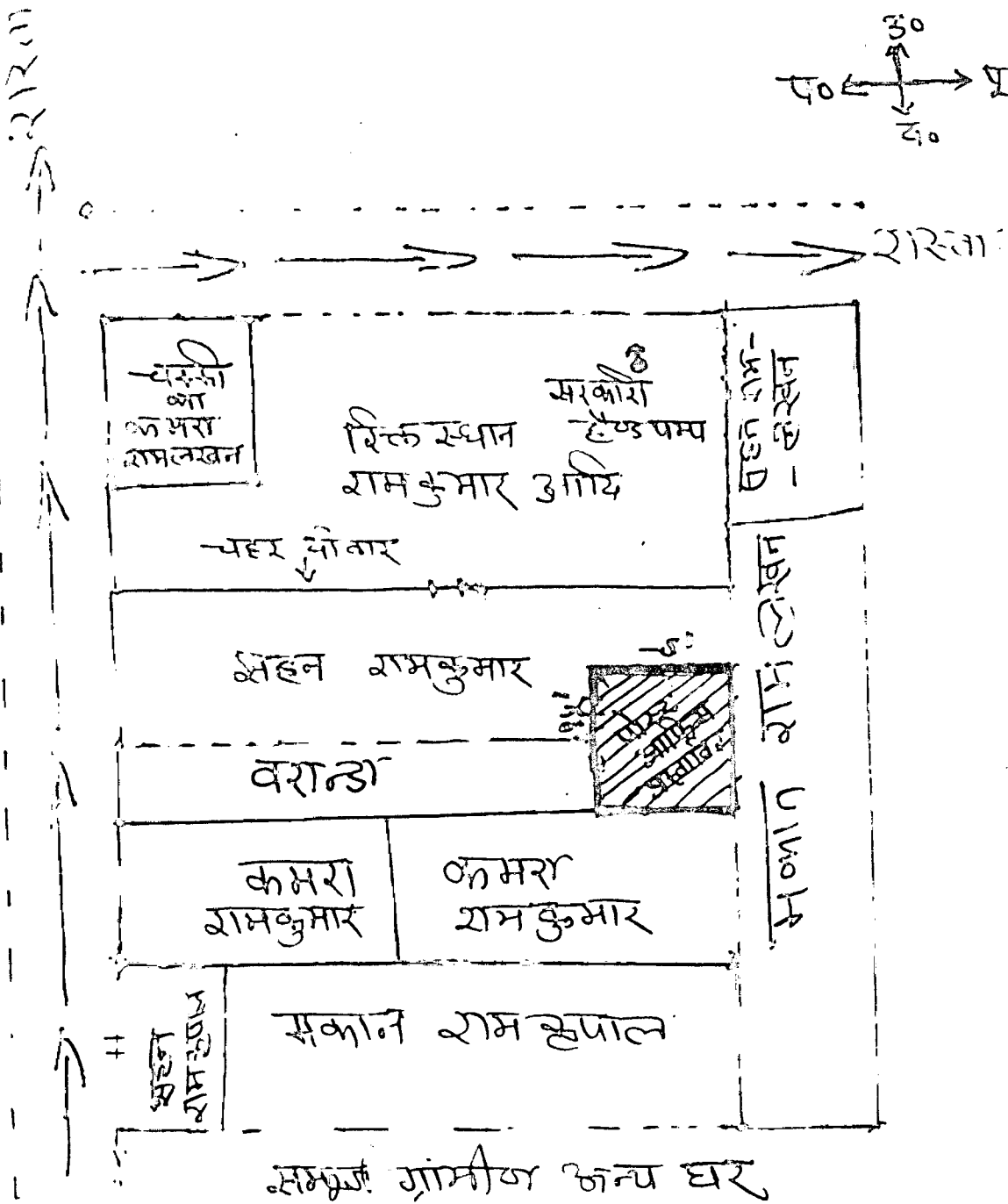
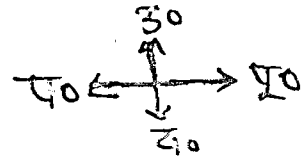
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0-41103188
Ramu Kumar Vs Union of India

Amended "RA-2"

"सबका नजरा"

13



शा नजरा मकान

राम कुमार

मोकार भगवान वक्य

गाम डिंगर

Protesta (T.N. Timar)

In the Central Administrative Tribunal
- P. Lucknow

O A 1103/85

AD
14

Ram Kumar vs Uma of Jharkhand

1st Certificate Annex - "RA-3"

I do hereby certify that I have examined Sri

Gauri Shankar S/o. Sri Sheo Prasad

S/o Sri

a candidate in the Indian Posts & Telegraphs Department and can not discover that he has any disease, communicable or otherwise, constitutional effectual or duly infirmity except. None

I do not consider this is a disqualification for employment in the office of Posts & Telegraphs. His age is according to his own stat. is about 20 yrs and by appearance is about 22 years years.

Signature

[Signature]

Signature of third person taken in my presence :

S. K. S. C.

Signature of candidate

Date,

[Signature]

1/6/85

D. C. S. C.

Deputy Director

/S. PRASAD/
S. S. 83

Attested
by
1/6/85

Attested
by
Kutubuddin
(T. N. Prasad)
S. C.

(A7)

Before the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad.
(Circuit Bench Lucknow)

O.A. No. 103/88 (L)

Ram Kumar Applicant.

Versus

Union of India & others Respondents.

DEFOINDER AFFIDAVIT

20

supplementary Affidavit filed by respondents no. 1. to 3.

I, Ram Kumar, aged about 30 years, son
of Shri Bhagwan Dutt, resident of village and Post
Dagsari, District Bara Banki, do hereby solemnly
affirm and state on oath as under :-

1. That the deponent is the applicant in the
instant case and as such he is fully conversant
with the facts of the case and with those deposed
here below.

2. That para 1 and 2 of the supplementary
affidavit are not disputed.

21/5/12

Ag
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3. That in reply to para 3 of the supplementary affidavit it is admitted that main challenge is against the illegal acts of respondents no. 1 to 3 by which the respondent no.4 was appointed. As such the instant application can never be infructuous till their illegal acts exist.

4. That para 4 of the supplementary affidavit is denied and it is submitted that certificate of landed property named as photo copy of Baimana was not enclosed along with other relevant papers. It was enclosed after quite some time as is evident from the facts ^{by face} of the photostate copy of his application annexed as R.A.1 to the Rejoinder affidavit filed by the deponent.

5. That para 5 of the supplementary affidavit is denied and it is submitted that except inquiry by respondent no.3 no proper verification was carried out before the appointment thereby recruitment rules have been fully violated. In fact, the verification regarding income and property was sought by respondent no.2 only on 20-7-1988 as such the appointment has been done against Rules and the same is void.

21/4/88

A-3

6. That in reply to para 6 of the supplementary affidavit it is submitted that the appointment order itself should have not been issued without completing all the requirements regarding the verification of property and income and , if the same is issued that is void and once the appointment itself is void the question of taking over charge does not arise at all. Moreover, the respondent no.4 was medically examined on 1-3-1988 at Bara Bankias evident from Annexure R.A.III then the question of taking over charge on the same day at a distance of about 25 km. away is absolutely impossible .

7. That in reply to para 7 of the supplementary affidavit it is submitted that joint ownership no where debar the candidate from his appointment . The litigation regarding partition of joint property in joint Hindu family is a natural course of action and that also has never been stated as disqualification for appointment as E.D. B.P.M. under Rules.

8. That para 8, 9 and 10 of the supplementary affidavit are denied and it is submitted

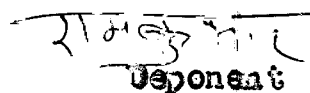
2149 H12

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that the applicant has already exhausted all the remedies available to him and then only he has filed the present application before this Hon'ble Tribunal. The application is full of merits and the same deserves to be allowed. All the averments made in the supplementary affidavit have already been stated in the counter affidavit except the information regarding the death of the respondent no.4 and which is also on records of the Hon'ble Tribunal in order sheet.

9. That in the circumstances aforesaid the supplementary affidavit filed by the respondent is wholly misconceived and is liable to be ignored and application of the deponent is liable to be allowed and the deponent deserves to be appointed as E.D. B.P.M. Digsari Bara Banki as the deponent/applicant was also found suitable for appointment as self contended by respondents in their counter affidavit and respondent no.4 appointed is already expired.

Lucknow, dated;
March 12, 1983.


Deponent

Dec 5

VERIFICATION

I, Ram Kumar, the deponent do hereby verify that the contents of para 1. of the rejoinder affidavit are true to my own knowledge and the contents of paras 2 to 9 are believed to be true on the basis of legal advice. No part of it is false and nothing material has been concealed by me, so help me God.

Signed and verified this the 13th day of March, 1989, within the court compound at Lucknow.

Lucknow, dated;

March 12, 1989.

[Signature]
Deponent

I identify the deponent who has signed before me and he is personally known to me.

[Signature]
(T. N. Mishra) 13/3/89
Advocate

Solemnly affirmed before me on

at a.m./p.m. by Shri

the deponent who has been identified by

. I have satisfied myself by examining the deponent that he understands the contents of above rejoinder affidavit which has been read over and explained by me.

[Signature]

31/12

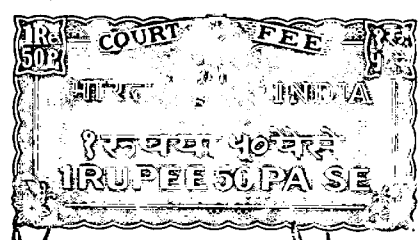
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ब अदालत श्रीमान महोदय

[बादी] अपीलान्ट

प्रतिवादी [रेस्पान्डेंट]

वकालतनामा



बादी (अपीलान्ट)

Ram Kumar

बनाम

प्रतिवादी (रेस्पान्डेंट) Shri

नं० मुकदमा सन् पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री J. N. Tiwari

...

वकील
महोदय
एडवोकेट

मुकदमा नं० मांम
करिका

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावें और रुपया वसूल करें या मुलहनामा व इकतफादा तथा अपील गिरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारे या किसी (फौजदारी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तुखली) रसीद लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई यह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए यह वकालत नामा लिख दिना प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर Ram Kumar

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महोना

सन १९

84

Ram Kumar S/o Late Shri. Bhagwan
Dikhan
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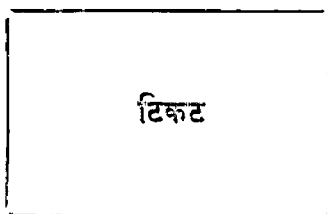
अदालत श्रीमान् Arvind Kumar Chandra, Advocate महोदय

(वादी) अपीलान्त

Criminal Bench, Lucknow

प्रतिवादी [रेस्पाडेंट]

वकालतनामा



टिकट

वादी (अपीलान्त)

बनाम

प्रतिवादी (रेस्पाडेंट)

नं० मुकद्दमा 103 / 4 से 1)

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Dr. Vinash Chandra

वकील

Adv. C. K. Singh, Jharkhand

महोदय
एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकान

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरबी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा या इकदाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जफा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पंरोकार को भेजता रहूंगा अगर मुकद्दमा उदम शरवी में एक तरफ मेरे खिलाफ फंसला हो जाता है उसकी खसोदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

R. A. Singh

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

ई०

Registered

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

No. CAT/CE/LKO/

Dated: _____

Registration No 103 of 1938 (C)

Ram Kumar

Applicant

Versus

V. O. S.

Respondent's

To

Sri. Gaur Shankar, I.C.S.

s/o Sri. Suresh Prasad,

s/o Village & Post Division

Prayagraj.

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 11 1938 for hearing in the morning one month for C.A.
for (Sri. Suresh Prasad) to appear.

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 21 day of 6 1938.

h
For DEPUTY REGISTRAR

dinesh/