

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW .

INDEX SHEET

CAUSE TITLE C A 346 of 1989 (C)

Name of the parties _____

Harish Chandra

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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6.	Annexures	A23 - ABC
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~~Bench~~

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~~A1 -~~

~~A44~~

~~C1 -~~

~~C2~~

Certified that no further action is required to be taken and that the case is fit for case is fit for Court judgment to the record room (D)

7/6/11
checked

Rechecked on
03/12/12

20/5/12

(AS)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

....

Registration O.A. No. 346 of 1989

Harish Chandra Applicant.

Versus

Union of India and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, VC)

The applicant and Shri D.N. Tewari, respondent no. 4 came to Gonda Division under Rule 38 of the P & T Manual Volume IV from different Units. The applicant came in January 1977 and the respondent no. 4 in June, 1977. In the gradation list of 1978, the name of the applicant was at Serial No. 35 against the 49 posts of temporary clerks while the name of respondent no. 4 was shown at Serial No. 10 of 17 temporary clerks on deputation vacancies. The applicant appeared in the examination of 1978 held for the vacancies of 1977-78 for promotion to the higher grade and he was declared successful by the D.G. P & T vide his letter dated 12th May, 1979. The applicant was required to submit his willingness if he was willing to work in L.S.G. cadre on promotion on circle basis and ready to accept transfer in U.P. Circle and in response thereto, the applicant furnished his willingness in the prescribed proforma on 22.3.1980. The respondent nos. 4, 5 & 6 also appeared against 1/3rd quota of vacancies for 1979-80 and they were declared successful vide P.M.G. U.P. Circle Lucknow Memo Dt. 15.10.1981 as communicated by the S.P.Os. Gonda in his Memo dt. 21.10.1981. These three persons were also not appointed because of the non-availability of the

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vacancies. According to the applicant, in view of the Rule, 32 E (a) (ii) of P & T Manual Vol. IV lays down,

" If the promotion is qualifying seniority should be fixed according to position of the official on the waiting list." In view of this, the applicant who passed the examination for promotion to L.S.G. in May, 1979 is entitled to be senior to the respondent Nos. 4 to 6 who passed the examination in October, 1981. The applicant having passed the examination of 1978 and having been brought on the approved list much earlier than Sri D.N. Tewari, K.D. Tewari and P.N. Tiwari is senior to them as they passed the examination subsequently in 1981 and their names were brought on the approved list much after the applicant. The applicant submitted representation dated 19.8.1986 followed by reminders dated 10.3.1987 and 20.4.1987 to the S.P.Os., Gonda for showing his name in the gradation list of post office staff in L.S.G. cadre at a proper place to the senior to Shri D.N. Tewari but the S.P.Os. Gonda did not consider the said representation of the applicant objectively and replied by his letter dt. 28.4.1987 that the representation had been sent to the circle office by his letter dt. 20.11.1986, that the seniority at the divisional level was fixed on the basis of circle gradation list and no change was possible unless the circle office issued any such instruction. The applicant, thereafter preferred a representation dated 18.8.1987 to the Postmaster General, U.P. Circle, Lucknow through proper channel for correction in the circle as well as in the Divisional Gradation list and showing the applicant senior to respondent Nos. 4, 5 & 6 who passed the L.S.G. examination much after the applicant and were

Contd ... 3p/-

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- 3 -

brought on the approved list subsequent after about 2 years.

2. The respondents have stated in their counter affidavit that the applicant passed the qualifying examination held on 10.12.1979 for promotion to L.S.G. cadre 1/3 quota but he could not be absorbed in the said cadre for want of vacancy. Thereafter, 1/3rd L.S.G. quota examination was declared competitive examination instead of qualifying examination. It was also decided that qualified but unabsorbed candidates of earlier examinations held in 1978, 1976 and February, 1981 will be no more in the list. For their promotion to L.S.G. cadre either they have to wait for their turn on the basis of seniority-cum-fitness against 2/3rd quota vacancies or they have to appear in the competitive examination again; qualified candidates will, however, not be restrained from appearing in the competitive examination. Accordingly, all the qualified but unabsorbed candidates were arranged according to their Circle seniority irrespective of the year in which they had passed the qualifying test. The respondents again stated that the representation of the applicant in respect of Seniority list dt. 31.12.1985 issued by the Post Master General, Lucknow was forwarded to the P.M.G. Lucknow and the same was rejected by him.

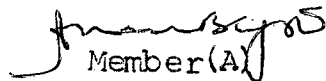
3. Accordingly, we order that the applicant will not suffer ^{by} the mistake which was committed by the administration regarding his promotion and fixation of seniority and this application is allowed and the order dated 27.10.1989 as communicated by S.P.Os. Gond ^{vide} his letter dated 30.10.1989 is ~~is~~ quashed and the respondent


Contd ...4p/

AS

- 4 -

Nos. 1 to 3 ^{are} ~~is~~ directed to give the applicant his due seniority on the basis of his passing the examination for promotion to L.S.G. cadre in 1979 over the respondent Nos. 4 to 6 who passed the examination in 1981 with all consequential benefits. Let it be done within 2 months from the date of receipt of the copy of this judgment. The application is disposed of with the above terms. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 9.12.1991

(n.u).

19/12/89

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 346 of 1989 (C)

APPLICANT(S)

Hanish Chandra

RESPONDENT(S)

CR

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ?
2. a) Is the application in the prescribed form ?
b) Is the application in paper book form ?
c) Have six complete sets of the application been filed ?
3. a) Is the appeal in time ?
b) If not, by how many days it is beyond time ?
c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation/ Vakalatnama been filed ?
5. Is the application accompanied by B.D./postal Order for Rs.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?
c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the out come of such representation been indicated in the application ?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

yes

(12)

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed?	Yes
12. Are extra copies of the application with Annexures filed?	
a) Identical with the Original?	
b) Defective?	
c) Wanting in Annexures	
Where _____ process Nos. _____?	
13. Have the file size envelopes bearing full addresses of the respondents been filed?	No
14. Are the given address the registered address?	Yes
15. Do the names of the parties stated in the copies tally with those indicated in the application?	Yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true?	N/A
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?	Yes
19. Whether all the remedies have been exhausted.	Yes

cinashy


Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<p>22/12</p> <p>See original order in main petition</p>	<p>Hon Justice K. Nath VC</p> <p><u>Admin:</u></p>	<p>OR</p> <p>Dr D. Chandra</p> <p>Issues notices on behalf of all ops.</p> <p>No reply filed</p> <p>Submitted for order</p>
<p>5/1/90</p>	<p>Hon Justice K. Nath, VC</p> <p>Hon K. Obayya, J.</p> <p>The learned counsel for the applicant is present and points out that despite opportunity no objection to the interim order dated 2.2.12-09 has been filed. In the circumstances, the interim order is made absolute. List the case for further orders on 5/2/90.</p> <p><i>[Signature]</i></p> <p><i>[Signature]</i></p> <p>VC</p>	<p>4/1/9</p>
<p>5.2.90</p>	<p>No sitting Adj. to 21.3.90.</p> <p>He for the applicant is present</p> <p><i>[Signature]</i></p>	<p>OR</p> <p>No objection to the interim order has been filed.</p> <p>S. P. O.</p> <p>20/3/90</p>

13.8.91

Honbl. Mr. Justice K. Nallu V
Honbl. Mr. K. Chayya AM

On the request of Counsel
for the appell. case is adjourn
to 19.9.91

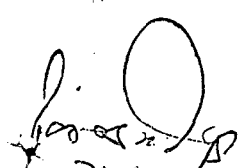

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C.A / P.A have
been exchange
S.P.H
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19.9.91-

case not reached Ady to
9.12.91


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B. O. C.

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J. G. G. 2/1/92
be

Deputy Registrar(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

Harish Chandra

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Applicant

Versus

Union of India & Others

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Respondents

I N D E X

S1. No.	Description of documents relied upon	Page No.
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COMPILATION - 1

- | | | |
|----|--|---------|
| 1. | Application | 1 to 10 |
| 2. | True copy of order dated 27.10.89 passed by P.M.G., U.P. Circle, Lucknow and communicated by SPOs, Gonda letter dated 30.10.89. (Annexure A-7) | 11 |

VAKALATNAMA

Postal Order for Rs.50/-

COMPILATION - 2

- | | | |
|----|--|---------|
| 3. | True copy of SPOs, Gonda endt. dated 21.6.89. (Annexure A-1) | 12 |
| 4. | True copy of SPOs, Gonda letter dated 17.3.80 with true copy of declaration dated 22.3.80 submitted by the applicant. (Annexure A-2) | 13 |
| 5. | True copy of SPOs, Gonda letter dated 21.10.81. (Annexure A-3) | 14 |
| 6. | True copy of representation dated 19.8.86 (Annexure A-4) | 15 & 16 |
| 7. | True copy of SPOs, Gonda letter dated 28.4.87 (Annexure A-5) | 17 |
| 8. | True copy of representation dated 18.8.87 (Annexure A-6) | 18 & 19 |
| 9. | True copy of representation dated 13.2.88 (Annexure A-8) | 20 |

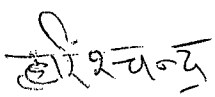
Put up before
Hon'ble. Court
on 22/12 for
admission.
Recd
19/12
PS.

Malek M
22.12.89
M. D. Singh
Dy. Secy

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Sl. No.	Description of documents relied upon	Page No.
10.	True copy of representation dated 16.9.88. (Annexure A-9)	21
11.	True copy of representation dated 1.3.89. (Annexure A-10)	22-23
12.	True copy of representation dated 18.7.89. (Annexure A-11)	24-25


Signature of the applicant

For use in the Tribunal's office

Date of filing

Registration No.

Signature
For Registrar.

(111)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

CA 346 / WLS
BETWEEN

Harish Chandra, aged about 42 years

S/O Shri Ram Deo, resident of

village Mirzapur, P.O. Maltari

via Sagari, District Azamgarh

working as Asstt. Postmaster,

Balrampur P.O., Distt. Gonda Applicant

versus

1. Union of India, through the Secretary,
to the Ministry of Communications,
Department of Posts, New Delhi.
2. Chief Postmaster General,
U.P. Circle, Lucknow.
3. Superintendent of Post offices,
Gonda Division, Gonda.
4. Shri D.N. Tewari, aged about 41 years,
Asst. Postmaster, Gonda Head Office,
Gonda.
5. Shri K.D. Tewari, Sub-postmaster,
Nawabganj, Distt. Gonda.
6. Shri P.N. Tewari, Asstt. Postmaster,
Head Post Office, Faizabad. Respondents

DETAILS OF APPLICATION

- (1) Particulars of the order : STA/41 RH-186/7 dated
against which the application 27.10.89 passed by the
is made Chief Postmaster
General, U.P. Circle
and communicated by th
SSPOs, Gonda under his
letter No.B.79/Harish
Chandra/Ch.II dated
30.10.89.

(Annexure A-7)
contd...2

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A12

(2) Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal was passed at Lucknow and communicated at Balrampur, District Gonda, is within the jurisdiction of the Tribunal.

(3) Limitation :

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

(4) Facts of the case :

(i) That the applicant and Shri D.N. Tewari, respondent No. 4 came to Gonda Division under Rule 38 of the P&T Manual Volume IV from different units. The applicant came in January 1977 and Shri D.N. Tewari in June 1977. In the gradation list of 1978, the name of the applicant was shown at serial No. 35 against the 49 posts of temporary clerks while the name of Shri D.N. Tewari was shown at serial 10 of 17 temporary clerks on deputation vacancies. Thus the applicant was 24 steps senior to Shri D.N. Tewari vide gradation list of 1978.

(ii) That in the gradation list of 1983, the name of the applicant found place at serial 4 of the 17 posts of L.R. Postal Assistants while the name of Shri D.N. Tewari did not find place in said gradation list at all and a note was given in the aforesaid list that "Gradation list of temporary postal assistants will be issued when position of those who came under rule 38

EN 20-4

A13

of P&T Manual Volume IV is refixed vide order of D.P.S. Thus Shri D.N. Tewari was far junior to the applicant as his name was neither amongst 17 posts of L.R. Postal Assistants nor amongst 8 posts of T.L.R. Postal Assistants shown thereunder.

- (iii) That the name of the applicant appeared at serial 142 of the 155 of the posts of permanent Postal Assistants while the name of Shri D.N. Tewari appeared thereafter at serial 4 of the 17 posts of Postal Assistants, in the gradation list of 1986.
- (iv) That the applicant always has been senior to the respondent No. 4, Shri D.N. Tewari in the clerical cadre. He was, however, junior to S/S K.D. Tewari and P.N. Tewari, respondents Nos. 5 and 6 respectively in the clerical cadre.
- (v) That the applicant appeared in the examination of 1978 held for the vacancies for 1977-78 for promotion to the higher grade and he was declared successful by the D.G. P&T vide his letter dated 12th May 1979 endorsed under P.M.G., U.P. endst. No. Rectt/G-85/78 Ch. II dated 24.5.79 and communicated by the SPOs, Gonda under his No. B-4/LSG/Exam/78-79 dated 21.6.79. A photo copy of this communication is Annexure A-1.

EM 2059

Amu

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- (vi) That the applicant was ~~xxxxxx~~ asked by the SPOs, Gonda vide his letter B-4/LSG dated 17.3.80, to submit his willingness if he was willing to work in L.S.G. cadre on promotion on circle basis and ready to accept transfer in U.P. circle and in response thereto the applicant furnished his willingness in the prescribed proforma on 22.3.80. A photo copy of the letter dated 17.3.80 alongwith willingness is Annexure A-2.
- (vii) That S/S D.N. Tewari, K.D. Tewari and P.N. Tewari, respondents Nos. 4, 5 and 6 appeared against 1/3rd quota of vacancies for 1979-80 held in February 1981 and they were declared successful vide P.M.G. U.P. Circle Lucknow memo No. Rectt/G-85/79-80/2 Ch.II dated 15.10.81 as communicated by the SPOs, Gonda in his memo No. B-1/LSG/Exam dated 21.10.1981. A true copy of this memo dated 21.10.1981 is Annexure A-3. The said S/S D.N. Tewari, K.D. Tewari and P.N. Tewari did not either appear in the examination of 1978, or they did not pass the examination of 1978. The applicant having passed the examination of 1978 and having been brought on the approved list much earlier than S/S D.N. Tewari, K.D. Tewari and P.N. Tewari is senior to them as they passed the examination subsequently in 1981 and their names were brought on the approved list much after the applicant.

EN 2473

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-5-

(viii) That the applicant submitted representation dated 19.8.86 followed by reminder dated 10.3.87 and 20.4.87 to the SPOs, Gonda for showing his name in the gradation list of Post Office staff in L.S.G. cadre at a proper place to be senior to Shri D.N. Tewari, but the SPOs, Gonda did not consider the said representation objectively and replied by his letter No. B.79/Harish Chandra dated 28.4.87 that the representation had been sent to the Circle Office by his letter dated 20.11.86, that the seniority at the divisional level was fixed on the basis of the Circle Gradation List and no change was possible unless the Circle Office issued any such instruction. A true copy of the representation dated 19.8.86 is Annexure A-4 and a true copy of the reply dated 28.4.87 is Annexure A-5.

(ix) That the applicant, thereupon, preferred a representation dated 18.8.87 to the Postmaster General, U.P. Circle, Lucknow through proper channel for correction in the circle as well as in the divisional gradation list and showing the applicant senior to respondents Nos. 4, 5 and 6, who passed the L.S.G. examination much after the applicant and were brought on the approved list subsequent after about 2 years. A true copy of the representation dated 18.8.87 is Annexure A-6. The applicant submitted reminders dated 7.12.87, 13.2.88, 16.9.88, 1.3.89, 18.7.89 and 16.9.89 and then only he could get a reply from the SPOs, Gonda

contd...6

21/3

through his letter dated 30.10.89 communicating the decision of the P.M.G., U.P. Circle, Lucknow vide his letter No. STA/41 RH/186/7 dated 27.10.89 that the representation of the applicant was examined in his office with reference to the relative records and ruling on the subject and no justification for revision of his seniority in L.S.G. cadre was found. A true copy of the SPOs, Gonda letter dated 31.10.89 is Annexure A-7 to this application. True copies of the reminders/representations ~~xxx~~ dated 13.2.88, 16.9.88, 1.3.89 and 18.9.89 are Annexures A-8 to A-11 respectively to this application.

- (x) That the P.M.G., U.P. Circle, Lucknow did not consider the fact that the applicant had all along been senior to Shri D.N. Tewari and he had passed the examination for promotion to the L.S.G. cadre much earlier than S/S D.N. Tewari K.D. Tewari and P.N. Tewari and he having been approved and his name having been brought on the approved list for appointment to L.S.G. grade much earlier, he was/is entitled to be senior to all the aforesaid three officials, respondents Nos. 4, 5 and 6. The P.M.G., U.P. wrongly and arbitrarily adjudged by a non-speaking order dated 27.10.89 (Annexure A-7) that no justification was found for revision of applicant's seniority, without citing any specific ruling.

Encl. 2-10-89

Air

- (xi) That the applicant being aggrieved by the P.M.G's order dated 27.10.89, communicated by SPOs, Gonda vide his letter dated 30.10.89, prefers this application before this Hon'ble Tribunal to seek justice in regard to his seniority over respondents nos. 4 to 6.

5. Grounds for relief with legal provisions:

- (a) Because the applicant has all along been senior to Shri D.N. Tewari, respondent No. 4.
- (b) Because the applicant passed the examination for the vacancies of 1978-78 held on 10.12.78 in May '79 (Annexure A-1) while the respondents Nos. 4, 5 and 6 passed the examination for the vacancies of 1979-80 held on 15.2.1980 in October 1981 (Annexure A-3).
- (c) Because the applicant's name was brought on the approved list for appointment to the LSG cadre much earlier than the respondents Nos. 4, 5 and 6.
- (d) Because Rule 32E(a)(ii) of P&T Manual Vol. IV lays down, "If the promotion is qualifying seniority should be fixed according to position of the official on the waiting list". In view of this the applicant who passed the examination for promotion to LSG in May '79 is entitled to be senior to the respondents Nos. 4 to 6 who passed the examination in October, 1981.

21/2/83

A10

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- (e) Because the applicant was asked to give his declaration for promotion to LSGcadre vide SPOs letter dated 17.3.80 when none of the respondents from 4 to 6 were given this option of declaration.
- (f) Because the order passed by the P.M.G., U.P. Circle is arbitrary, indiscrete, unreasonable, cryptic and unsustainable. (Annexure A-7).

6. Details of the remedies exhausted :

The applicant submitted representations to the SPOs, Gonda and P.M.G., U.P. Circle, Lucknow as detailed in paras 4(viii) and 4(ix) above but his grievance was not remedied. So he has no remedy but to prefer his application before this Hon'ble Tribunal.

7. Matters not previously filed or pending with any other court:

The applicant further declares 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 or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought :

In view of the facts mentioned in para 4 above—the applicant prays for the following reliefs:-

Signature

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- (1) That this Hon'ble Tribunal be pleased to quash the order dated 27.10.89 as communicated by SPOs, Gonda vide his letter dated 30.10.89 (Annexure A-7) and command the respondents Nos. 1 to 3 to give the applicant his due seniority on the basis of his passing the examination for promotion to LSG cadre in 1979 over the respondents Nos. 4 to 6 who passed the examination in 1981 and fix his seniority over the respondents nos. 4 to 6 in the circle as well as in the divisional gradation lists accordingly with consequential benefits.
- (II) That the cost of the case be awarded in favour of the applicant as against the respondents.
- (III) Any other relief deemed just and proper in the circumstances of the case be allowed in favour of the applicant.

9. Interim order, if any, prayed for :

Pending final decision on the application, the applicant seeks the following interim relief:-

That none of the respondents be promoted to higher ~~grade~~ cadre in violation of the applicant's claim.

10. The application shall be presented personally through the applicant's counsel.

11. Particulars of Postal order filed in respect of the application fee:

- (i) Name of the P.O. of issue : Lucknow GPO
(ii) Date of issue: 14-12-89
(iii) Number of the Postal order : 02/402149

[Handwritten signature]

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A20

-10-

12. List of enclosures :

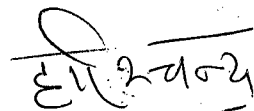
Annexures A-1 to A-11.

VERIFICATION

I, Harish Chandra, aged ~~4~~ about 42 years, son of Shri Ram Deo, working as Asstt. Postmaster, Balrampur P.O., Distt. Gonda, resident of Village Mirzapur, P.O. Maltari (via Sagari) Distt. Azamgarh, do hereby verify that the contents of paras 1 to 4, 6, 7, 10 to 12 are true to my knowledge and those of paras 5, 8 and 9 are believed by me to be true on legal advice. I have not suppressed any material fact.

Lucknow :

Dated : 17.12.1989



Signature of applicant.

M. Dubey
Adv

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Harish Chandra ... Applicant
Versus ...
Union of India and others ... Respondents

ANNEXURE No. A-7

Sl. No. 7/Corr. 7

भारतीय डाक विभाग

DEPARTMENT OF POSTS INDIA

कार्यालय/Office of the

To Sh. Harish Chandra

APM

Bahadurpur Ho.

No. B. 75/Harish Chandra/Chit alt
at Gonda 26.10.88
S. S. Representation on regarding fixation
of Seniority in LSG Office

Order/Order let on
On the subject cited above communication
dated under C.O. letter no STAF/HR
186/7 dt 27.10.88 is reproduced
under for your information.

"Representation of the official was
examined in this office with reference
to the relative records and finding
on the subject and no justification
for revision of his seniority in LSG
Office was found."

BCFAB-150 Post/87-21.7.87-20,04,300 P22

Post Office

Gonda Division

Gonda-271001

सुराज

Attested
True copy
M. D. ...
H. D.

ब अदालत श्रीमान

[वादी अपीलान्ट]

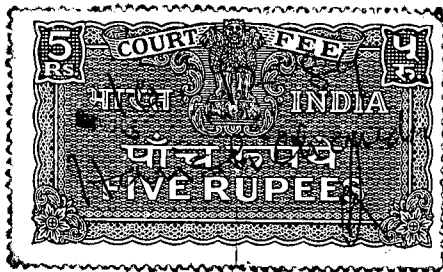
प्रतिवादी [रेस्पॉण्डेंट]

CAT Circuit Bench Lucknow

महोदय

श्री Harish Chandra

का वकालतनामा



वादी (अपीलान्ट)

Harish Chandra बनाम Uo9dth प्रतिवादी (रेस्पॉण्डेंट)

नं० मुकद्दमा

सन

पेशी की ता०

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उपर लिखे मुकद्दमा में अपनी ओर से श्री

B. Solomon, Advocate High-

Court Lucknow and M. Duley, Adv. Naini

व Gameshgarj, Lucknow 22018

महोदय
एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और खपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई खपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ खपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होमा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और ससय पर काम आवे ।

हस्ताक्षर... *Harish Chandra*

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... १० ... महीना — १२ — सन् १९४९ ई०

स्वीकृत

B. Solomon
M. Duley

BH 346/141

(12)

A23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

BETWEEN

Harish Chandra ... Applicant

Versus

Union of India and others ... Respondents

ANNEXURE No. A-1

Copy of communication No. 25/78-DM, dt. 12th May-1979, from D.G. P&T, New Delhi, received to this office under P.M.G. UP endorsement No. Rectt/6-85/78-0-11 dated 2-5-79.

Subj:- Result of the Higher Grade Examination for Quota of vacancies for 1977-78 held on 10th Dec., 1978.

The list of officials who have passed in the qualifying examination for the Higher Grade of (1) Postal (2) RMS etc. and Quota of vacancies held on 10th Dec., 1978 is enclosed. The names of the qualified candidates are neither arranged according to their inter-se-seniority nor merit in the above examination but the list merely denotes the fact that these candidates have qualified in the examination.

2. In respect of candidates, if any, who were not eligible to take the examination for any reasons or whose admission to the examination was Provisional, the results are subject to cancellation or the final decision regarding their eligibility. ~~As the case may be, the mere inclusion of their names in the list will not entitle them to any advantage in case they are finally found to be ineligible for the examination.~~

3. The names of the candidates against the Roll Number concerned have been shown as furnished by the Circless/Supervising officers/APS authority. It, however, any mistakes in the names of the candidates are noticed, the same may please be corrected and the corrections intimated to this office also.

No. B-4/L.S.G./Exam/78-79

Dated at Gonda the 21-6-79.

Copy to:-

- 1-16 The officials concerned.
- 17-32 P.F.s of the officials.
- 33-34 The P.Ms Gonda/Bahraich.
- 35. Spare.

POST OFFICE		U.P. POSTAL CIRCLE	
SL. Roll No.	Name	SL. Roll No.	Name
1. 352	✓ Sri Ram Prasad Maurya	9. 369	✓ Sri Ram Gopal Singh
2. 355	✓ " Raj Deo Yadava	10. 372	✓ " S.L. Tripathi
3. 356	✓ " Deo Kali Prasad (SC)	11. 375	✓ " Subedar Singh
4. 359	✓ " A.N. Shukla	12. 379	✓ " Daksha Raj Singh
5. 363	✓ " Ahmad Hussain	13. 381	✓ " Ved Prakash Pathak
6. 364	✓ " P.D. Dwivedi	14. 384	✓ " Raj Kumar Pandey
7. 365	✓ " Ataur Rehman	15. 389	✓ " L.C.R. Yadava
8. 367	✓ " V.N. Misra	16. 390	✓ " Harish Chandra

Supdt. of Post Offices
Gonda Division

Gonda-271001

Chon Bhaywargod

Singh

*True copy
M. Dubey*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

BETWEEN

Harish Chandra ... Applicant
Versus
Union of India and others ... Respondents

ANNEXURE No. A-2

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

From,
The Superintendent of Post Offices,
Gonda Division, Gonda-271001.

- To,
1. Shri B.K. Srivastava, Offg. LSG SPM Paraspur.
 2. ✓ " O.S. Pandey, Offg. LSG SPM Nawabganj.
 3. x " B.L. Chauhan, APM LSG, Balrampur (Gonda).
 4. y " Sharda Bux Singh, Clerk (under suspension)
VPO Kishundaspur, (Gonda).
 5. x " Ram Sughar Mishra, APM Gonda H.O.
 6. y Pateshwari Pd. Ojha Offg. L.S.G. SPM Tarabganj.
 7. Shri Matsyendra Nath Offg. LSG SPM Balpur.
 8. " Jagdish Pd. Gupta, Offg. LSG SPM Bus Station.
 9. " Shri Ram Gupta, Clerk Bahraich HO.
 10. " Bhagwati Pd. Offg. LSG APM Bahraich HO.
 11. " Samai Din Offg. LSG SPM Balpur.
 12. " Babu Lal Offg. LSG SPM Colonelganj.
 13. " Vishwanath Pd. Offg. LSG SPM Sadullanagar.
 14. ✓ " Raghurai Pd. Offg. LSG SPM Khorasa.
 15. " Dhaneshwar Pd. LSG SPM Risia (Bahraich).
 16. ✓ " Vindhyachal Pd. Offg. LSG SPM Pachperwa.
 17. ✓ " R.P. Maurya Offg. Accountant D.O. Gonda.
 18. ✓ " Raj Deo SPM Mankapur (Gonda).
 19. x " Deokali Pd. Clerk Gonda H.O.
 20. x " A.N. Shukla, Clerk Gonda H.O.
 21. ✓ " Prayag Dutt Dwivedi, SPM J.P. Gram PO (Gonda).
 22. x " Ataur Rahman W.L.I. Gonda (E).
 23. x " Virendra Nath Mishra, Clerk D.O. Gonda.
 24. ✓ " Ram Gopal Singh, Offg. Accountant Bahraich HO.
 25. ✓ " Subedar Singh, Clerk, Gonda H.O.
 26. ✓ " Daksha Raj Singh, Clerk D.O. Gonda.
 27. ✓ " V.P. Pathak, Clerk Gonda H.O.
 28. ✓ " H. Raj Kumar Pandey, Clerk D.O. Gonda.
 29. x " L.C. Ram Yadava, Signaller Nawabganj, Gonda.
 30. ✓ " Harish Chandra Signaller, Bahwatiganj, Gonda.

No. B-4/H.P.Os. LSG Dt. at Gonda the 17.3.80.

Sub:- Selection of officials for L.S.G. Postal
General Line Cadre against 2/3rd and 1/3rd.
quota.

Please submit your willingness if you are willing
to work in LSG Cadre on promotion on Circle Basis and ready
to accept transfer any where in U.P. Circle. Your willingness
or otherwise must reach this office by 28.3.80 positively
in the enclosed form duly attested by the Head of the Office.
This is urgent.

Superintendent of Post Offices,
Gonda Division.

(PROFORMA OF DECLARATION)

I.....
(Name and designation) do hereby declare that I am willing/
~~not willing~~ to work in LSG Cadre on promotion on Circle Basis
and accept/~~not accept~~ transfer anywhere in U.P. Circle,

Date.. 22/3/80

Signature of the Official
with Location & Office
where working.

Attested.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Harish Chandra

BETWEEN

Versus

Union of India and others

Applicant

Respondents

ANNEXURE No. A-3

14

A25

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPDT. OF POST OFFICES GONDA DIVISION
GONDA-271001.

Memo No B-4/LSG/Exam. dated at Gonda the 21-10-81

As a result of lower selection grade examination
1/3rd quota of vacancies for 1979-80 held on 15th February,
1981. The following candidates of this Division have been
declared successful vide Post Master General UP Circle
Lucknow memo No Rectt/G-86/79-80/2 Ch II dated 15-3-81.

'General Line'

Sl. No.	Roll No.	Name & Designation
1.	519	S/Sri P.N. Tiwari Postal Signaller Bar... Post Office.
2.	529	" Krishna Dayal Tiwari SPM Civil Lines Gonda.
3.	534	P.N. Tripathi S/O A.D.O. Gonda.
4.	536	Deo Nath Tiwari P/A Gonda H.O.

'Accounts Line'

5.	UP/P.O.&R.M.S. Acc/30/80	Sri Ram Dass Yadav offg. M.O. Bahraich.
----	--------------------------	--

Supdt. of Post Offices,
Gonda Division,
Gonda-271001.

Copy to:-

- 1-5. The Official concerned.
- 6-10 P.F. of the Official
- 11-13 The PM Gonda/Bahraich/Balrampur alongwith spare copies
for S/Book of the Official.
14. The SPOs Bahraich for information. The official at
serial No 5 is working under him.
15. ✓ D.O. File B-4/LSG
16. D.O. File B-3/accit.
17. Accountant D.O. Gonda.
- 18-25 Spare.

Ex-100

Attended

M. D. J. A.S.

सेवा में

अधीक्षक डाकघर,
गोण्डा मण्डल गोण्डा अवध ।विषय- ग्रेडेशन लिस्ट में वातिक्रम ।

महोदय,

सानुनय निवेदन है कि डाक महाध्यक्ष उत्तर प्रदेशा परिमण्डल
लखनऊ द्वारा जारी "Gradation list of Post Office staff in LSG

Pradesh Circle as on 31.12.85
cadre in Uttar Pradesh as on 31.12.85 में हमारी स्थिति क्रमांक 1336 पर
दिखाई गई है जो सही नहीं है। मेरी स्थिति क्रमांक 1272 तथा 1273 के मध्य
होनी चाहिये जो Director (Staff/G- Post New Delhi के पत्रांक
6-19/82- SPB II दिनांक 7.3.86 (C.O. letter Staff/A.21/
Ch.IV/7 दिनांक 15.4.86 के पैरा 2 (11) के अनुसम होगा ।

यथा

1272	Sri K.K. Mishra	10-7-46	9-10-67	1.7.73	Allahabad
	U.C.				
-	Sri HarishChandra	15-10-47	4.11.62	1.3.83	Gonda
	U.C.				
1273	Sri U.S.Nath	16.9.48	2.2.68	1.2.73	Faizabad
	U.C.				

अप्रत्यक्ष -

श्री डी०एन० तिवारी जिन्हें उक्त ग्रेडेशन लिस्ट में क्रम संख्या
1313 पर दिखाया गया है जबकि सेवा विवरण के अनुसार वरिष्ठता क्रम में
मेरा नाम उनसे पहले होना चाहिये । क्योंकि गोण्डा मण्डल की ग्रेडेशन
लिस्ट को आधार मानने पर भी मैं उनसे वरिष्ठ हूँ । यथा गोण्डा मण्डल
के 1983 की ग्रेडेशन लिस्ट के जो अधीक्षक डाक घर गोण्डा मण्डल का पत्रांक
बी-2/38 दिनांक 11.3.84 द्वारा जारी की गई है के अनुसार श्री डी०एन०
तिवारी का नाम अस्थाई /अस्थाई आरक्षित डाक सहायक कर्मचारियों की
ग्रेडेशन लिस्ट के पेज -2 पर क्रम संख्या-3 पर दिखाया गया है जबकि मेरा
नाम स्थाई तथा आरक्षित डाक सहायकों एवं लोवर सेलेक्शन ग्रेड कर्मचारियों
की ग्रेडेशन लिस्ट के पेज -10 के क्रम संख्या -4 पर है। इस प्रकार वरिष्ठता
क्रम में मुझे पहले होना चाहिये। सेवा विवरण के अनुसार भी मुझे श्री डी०एन०-
तिवारी से वरिष्ठता क्रम में आगे होना चाहिये। यथा मेरी जन्मतिथि
15.10.47, सेवा में प्रवेश 4.11.67 LSG परीक्षा उत्तीर्ण 1978 ,
जबकि श्री डी०एन० तिवारी की जन्मतिथि 15.7.48 सेवा में प्रवेश 21.11.67

सुप्रभा

तथा L.S.G. परीक्षा उत्तीर्ण 1980 है।

श्री डी०एन० तिवारी की क्रमांक 1313 पर दिखाया गया है इसलिए मेरी स्थिति हर प्रकार से उनसे पहले होनी चाहिये। परिगण्डल की उक्त ग्रेडेशन लिस्ट में मेरी स्थिति 1272 और 1273 के मध्य ऊँच उठनी चाहिये।

अतएव इस विषय में आपसे अनुरोध है कि वरिष्ठता क्रम सूची में मेरी सही स्थिति दिलाने की व्यवस्था करावे।

भवदीय कृपाकांक्षी,

हरिचन्द्र,

सहायक डाकपाल

बलरामपुर गोण्डा अन्ध ।

दिनांक 19.8.86

हरिचन्द्र

सत्य प्रतिलिपि प्रमाणित

M. Dubeey
Adv

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

(17)
A28

Harish Chandra ...

BETWEEN

Applicant

Versus

Union of India and others ...

Respondents

ANNEXURE No. A-5

(5)

आदेश/Order of the

जुज/Justice

गोन्डा-डिवीजन/Goonda-Division

Supdt.

Goonda-Division-Goonda-71001

श्री हरिश्चन्द्र

सहायक चार यस्टर

वल्गुपुर- गोन्डा

पतांक- वी-79/हरिश्चन्द्र दिनांक 20.4.81
विषय- निम्न चक्रा का कार्य-चारिजे के
वारिष्ठता-सुपरवा/मे व्याक्तिने

आपके पत्र दिनांक

10.2.81 व 20.4.81 के अंग
मे आपकी सूचित किया जा रहा है
कि आपका उक्त विषयक प्रतिक्रिया
अधिकृत रिप्लायी के साथ-साथ
सूचना के समासस्थान पत्र
दिनांक 20.11.86 का परिणाम
कार्यालय को भेजा जा चुका है।
परिणाम का कार्य लय से जारी
वाहकता का सूची संबंधित दिनांक
85 के अनुसार ही प्रणाली स्तर पर
वाहकता का निर्धारण किया गया
है तथा उसने तब तक कोई सिफारिश
/परिणाम समन्वय नहीं है जो कि
परिणाम का कार्य लय बर कर निर्धारित
न है।

वे.राज

गोन्डा-डिवीजन/Goonda-Division
Supdt. of ...
Goonda-Division-Goonda-71001

हरिश्चन्द्र

Attested
True
M. D. Singh
ADW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

BETWEEN

Harish Chandra

Versus

Union of India and others

Applicant

Respondents

ANNEXURE No. A-6

18

18

6

प्रेषक :- हरिश्चन्द्र सहायक डाकपोस्ट बलरामपुर - गौण्डा मण्डल ।
स्वा. में,

डाक महोदय का उत्तर प्रदेश परिमण्डल लखनऊ ।

द्वारा - समुचित माध्यम ।

विषय :- मण्डलीय स्व परिमण्डलीय स्तर पर प्रोमोशन लिस्ट में सुधार सम्बन्धी
माफ़ी ।

महोदय,

सानुस्य निवेदन इस प्रकार है कि मण्डलीय स्व परिमण्डलीय स्तरों
पर वरिष्ठता क्रम सूची में मेरी स्थिति सेही नहीं दिखाई जा रही है इसविषय
में मे मार्च १९८४ से आवेदन कर रहा हूँ परन्तु अभी तक कोई सन्तोषजनक कार्य-
वाही नहीं की गई । अभी डाक डाकवार गौण्डा मण्डल के पत्रांक बी ७६। हरिश्चन्द्र
दिनांक २८-८-८७ द्वारा मुझे यह सूचित किया गया कि सम्बन्धित विषय में
परिमण्डल कार्यालय के निर्देश के बिना किसी प्रकार का परिवर्तन सम्भव नहीं है ।

इस सम्बन्ध में प्राथमिकता है कि परिमण्डल कार्यालय लखनऊ द्वारा जारी
list of post office staff in LSG cache in up circles on 31-12-84
तथा मण्डल कार्यालय गौण्डा द्वारा जारी *Semi-official list of LSG*
official in scale of 1400-2300 connected upto 1-10
का पुनरावलोकन करने की कृपा की जाये जिनमें मेरी स्थिति क्रमांक १३३६
तथा १७ पर दिखाई गई है जो सही नहीं है ।

इस सम्बन्ध में समुचित औचित्य कार्यवाही की जाया से कुछ तथ्य
प्रस्तुत है ।

१- मेरे एल० एस० जी० परीक्षा १९७८ में पास किया है और (१) श्री
पी० एन० तिवारी (२) श्री पी० डी० तिवारी तथा (३) श्री डी० एन० तिवारी
ने एल० एस० जी० परीक्षा १९८० में उतीर्ण किया है परन्तु प्रोमोशन लिस्ट में
उक्त तीनों व्यक्तियों को मुझसे वरिष्ठ (परिमण्डल कार्यालय द्वारा
जारी सन्दर्भित सूची में हैं क्रमांक ६३०, १२५८ तथा १३१३ पर और
मण्डलीय कार्यालय गौण्डा द्वारा जारी सन्दर्भित सूची में क्रमांक ४, १३ तथा
१६ पर ३ दिखाया गया है जबकि मण्डल कार्यालय गौण्डा के पत्रांक बी-४। एल०
एस० जी०। एकांमा ७८-७९ दिनांक २१-६-७९ द्वारा घोषित १९७८ के परीक्षा-
फल के अनुसार १६ सौलख व्यक्ति उतीर्ण हुये जिनमें से इस समय गौण्डा मण्डल
में (मुफ्त सहित) मात्र ६ ही व्यक्ति एल० एस० जी० स्तर में कार्यरत है तथा
अन्य तीन व्यक्ति मण्डल कार्यालय गौण्डा के पत्रांक बी-४। एल० एस० जी०
दिनांक १७-३-८० के आधार पर इस समय एल० एस० जी० में कार्यरत है इस

आधार पर मण्डल कार्यालय की वरीयता सूची में मेरा नाम क्रमांक १२ पर होना चाहिए ।

२- मण्डल कार्यालय गीण्डा के पत्रांक बी-४।स्ल० एस्को जी० दिनांक १७-३-८० द्वारा ३० कर्मचारियों से स्ल० एस्को जी० में परिमण्डलीय स्तर पर नियुक्ति हेतु डिक्लैरेशन मांगा गया था जिसका नाम वरीयता क्रम सूची में निम्नलिखित रूप से पहले जाना चाहिए ।

मण्डलीय कार्यालय द्वारा जारी मेशन लिस्ट दिनांक १-१-८७ पत्रांक बी-४।स्ल० एस्को जी०।एक्जाम।७८-७९ दिनांक २१-६-७९ तथा बी-४।स्ल० एस्को जी० दिनांक १७-३-८० का अलोकन करने पर यह सुस्पष्ट हो जाता है कि मेरा नाम मण्डलीय मेशन लिस्ट में क्रमांक १२ पर जाना चाहिए ।

मण्डल कार्यालय गीण्डा के पत्रांक बी-४।स्ल० एस्को जी०।एक्जाम।७८-७९ दिनांक २१-६-७९, बी०-४।स्ल० एस्को जी० दिनांक १७-३-८० तथा बी० ७६।हरिश्चन्द्र दिनांक २८-६-८७ की फाँटी स्टेट प्रतियाँ संलग्न की जा रही हैं ।

इस विषय में आपसे सानुरोध प्रार्थना है कि मण्डलीय स्तर पर मेरी सही स्थिति दिखाने की व्यवस्था कराने की कृपा की जाये तथा परिमण्डलीय स्तर पर समुचित सन्शोधन करने सम्बन्धी आदेश देने की कृपा की जाये ।

भवदीय कृपाका लागि

हरिश्चन्द्र

हरिश्चन्द्र

सहायक डाकपाल

बलरामपुर - गीण्डा ।

दिनांक : 10-0-07

हरिश्चन्द्र

AL 1059 Dtd (12-0-07)
PM Bm m 879 Dtd (12-0-07)

Attested
True
M. Duley
Adv

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Harish Chandra

Versus

Union of India and others

Applicant

Respondents

ANNEXURE No. A-8

RL 336
Dt-13-2-89

प्रेषक :- हाशचन्द्र सहायक डाकमाल
बलरा मुर गोण्डा मण्डल

सेवा में: डाक महाध्यक्ष, उत्तर प्रदेश पारमण्डल,
लखनऊ, पिन 226001

द्वारा :- समुचित माध्यम

विषय :- पारमण्डलाय एवं मण्डलाय स्तरों पर एल० एस० जी० सवर्ग में गैरेश्वर लिस्ट
में सुधार सम्बन्धी मामला।

महोदय,

सावनय निवेदन है कि मेरे आवेदन पत्र दिनांक 18-8-87 तथा पारमण्डलाय
कायास्थ लखनऊ द्वारा जारी "लिस्ट आफ पोस्टग्राफर्स स्टाफ इन एल० एस० जी० कैटर
इन यू० पी० सरकिल ऐज आन 31-12-85" का पुनरावलोकन करने की कृपा की जाय।
सन्दर्भित सूची में मेरी स्थिति क्रमांक 1337 पर दिखाई गई है जो सही नहीं है। मेरी
वरीयता क्रम में व्यतिक्रम का उल्लेख करते हुये तशरीफ देतु समुचित जादेश देने की
अनुरोध किया था परन्तु अभी तक उक्त विषय में कोई कार्यवाही नहीं हुई।
नहीं होती। सौदाप्त विवरण निम्नवत् है :-

- 1- श्री पी० एन० तिवारा, श्री के० डी० तिवारा तथा श्री डी० एम० तिवारा जिनको
एल० एस० जी० पराक्षा 1980 में उत्तीर्ण किया है उन्हें सन्दर्भित सूची में क्रमांक क्रमांक
930, 1258 तथा 1313 पर दिखाया गया है, मेरी एल० एस० जी० पराक्षा 1978 में
उत्तीर्ण किया है अतएव मेरा नाम अयुक्त कर्मचारियों अर्थात् क्रमांक 930 से पहले
जाना चाहिए।
- 2- मण्डलाय कायास्थ गोण्डा के पत्रांक बी०-4/एल० एस० जी० दिनांक 17-3-80 द्वारा 30 रात
कर्मचारियों से एल० एस० जी० सवर्ग में पारमण्डलाय स्तर परीनयुक्ति हेतु डिप्लोमेट नाम
गया था जिसमें अयुक्त श्री पी० एन० तिवारा, के० डी० तिवारा तथा डी० एम० तिवारा
का नाम नहीं है। इस आधार पर भी मेरा नाम अयुक्त कर्मचारियों से पहले जाना चाहिए।
संदर्भित हेतु मण्डलाय कायास्थ गोण्डा के पत्रांक बी०-4/एल० एस० जी०/
एकनाम/73-79 दिनांक 21-6-79 1978 के एल० एस० जी० पराक्षा का पराक्षाफल,
बी०-4/एल० एस० जी० दिनांक 17-3-80 मण्डल कायास्थ गोण्डा द्वारा नामा गमा डिप्लो
मेट तथा बी०-4 की एल० एस० जी० पराक्षा का पराक्षाफल की फोटो स्टैट्यूट सॉलन है।
इस विषय में आपसे सानुरोध प्रार्थना है कि मण्डलाय स्तर पर वरीयताक्रम में
सूची में मेरी सही स्थिति क्रमांक 930 से पहले दिखाने, तदनुसार मण्डल कायास्थ गोण्डा
को निर्देश देने तथा कृत कार्यवाही से अवगत कराने का व्यवस्था कराने की कृपा की जाय।

भवति,

enclose ③

आन बलरा मुरा

दिनांक:

13-2-89

हाशचन्द्र

Attested
me
M. D. Dubey

हाशचन्द्र

हाशचन्द्र सहायक डाकमाल,
बलरा मुर गोण्डा मण्डल

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

BETWEEN

Harish Chandra ...

Applicant

Versus

Union of India and others ...

Respondents

ANNEXURE No. A-9

प्रेक्षक:- हरिश्चन्द्र सहायक डाकपाल,

16-9-88

बनरामपुर गोण्डा ।

सेवामे,

डाक महाअधक्ष,

3090 परिमण्डल गठानु 226001

द्वारा:- सयुचित माध्यम -

विषय:- एन०एस०जी संख्या में प्रेषण निरुद्ध में संशोधन ।

महोदय,

सविनय निवेदन है कि मेरे आवेदन पत्रों 18-8-87, 7-12-87, 13-2-88 तथा पारमण्वीय न्यायालय द्वारा जारी List of Post office staff in LSG cadre in up circle as on 31-12-85 का पुनरावलोकन करने का कृपा करे । संशोधित सूची में मेरी स्थिति 1336 पर दिखाई गई है जो सही नहीं है मैं वरीयता सूची में वर्गीकरण का उल्लेख करते हुये संशोधन का अनुरोध किया था संक्षिप्त विवरण निम्नवत है :-

1- श्री पी०एस०तिवारी, श्री के०डी०तिवारी तथा श्री डी०एस०तिवारी जिनहोंने एन०एस०जी० परीक्षा 1980 में उत्तीर्ण किया है उन्हें संशोधित सूची में क्रमांक 930, 1258 तथा 1313 पर दिखाया गया है वे एन०एस०जी० परीक्षा 1978 में उत्तीर्ण किया है अतएव मेरा नाम उपर्युक्त कर्मचारियों में पहले क्रमांक 930 से पहले आना चाहिए ।

2- मण्डलीय न्यायालय गोण्डा के फॉर्म बी-4/एन.एस.जी दिनांक 17-3-80 द्वारा जिन कर्मचारियों से एन०एस०जी० संख्या में पारमण्वीय स्तर पर नियुक्ति हेतु डिप्लोमेशन मांगा गया था उनसे उपर्युक्त श्री पी.एस. तिवारी, के.डी. तिवारी तथा डी.एस. तिवारी का नाम नहीं है इस आधार पर भी मेरा नाम उपर्युक्त कर्मचारियों से पहले आना चाहिए ।

इस विषय में आपसे अनुरोध प्रार्थना है कि वरीयता क्रम सूची में मेरी सही स्थिति क्रमांक 930 से पहले संशोधित निवेदन देने की कृपा करे । तथा संशोधन से अग्रत कराने का कृपा करे ।

दिनांक 16-9-88

सहायक कृपा कांक्षी

हरिश्चन्द्र

सहायक डाकपाल

एन०एस०जी० बनरामपुर

गोण्डा ।

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

BETWEEN
Harish Chandra ... Applicant
Versus
Union of India and others ... Respondents

ANNEXURE No. A-10

22
A33

प्रतिवादी :- हरिश्चन्द्र अधिकारी
बाराबंसी प्रशासनिक सेवा आयोग

संबन्धित
श्रीमान डा. अ. १५४१ अ. २६२१
बाराबंसी तारीख २२/०५/८५

द्वारा :- अभिहित आयोग
विषय :- हरिश्चन्द्र अधिकारी डा. अ. १५४१ अ. २६२१
के संबंध में आयोग के निर्णय

आवेदन निम्न है कि मैंने आयोग
को दिनांक १६/११/८४ (एच. १५४१ अ. २६२१) पर
बाराबंसी कार्यालय द्वारा जारी List of Post office
Staff in L.S.C. Circle in up circle at
31-12-85 का पुनर्विचार करने की कृपा करें
संदर्भित सूची में मेरी स्थिति क्रमांक 1336
पर दिखाई गई है जो गलत है। शेष
विवरण निम्नवत है।

1. श्री पी. एन. तिवारी दिनांक ८-९-८४
(१/२ कैंटा) पदोन्नति के लिये किताब में
उक्त सूची में क्रमांक १३० पर दिखाया गया है।
मेरी L.S.C. (१/२ कैंटा) पदोन्नति १९७८ में दर्ज किया
है और यह बात जान क्रमांक १३० में दर्ज
होना चाहिए।

2. गणेशजी कार्यालय आयोग के पत्रांक -
बी. ५/८४ आ. ३ दिनांक १७-३-८० द्वारा निम्न
क्रम-सूची में श्री एन. एन. जी. तिवारी को निम्न
आर. पर नियुक्ति हेतु विदेशीकरण आयोग
का उद्देश्य श्री जी. पी. एन. तिवारी का नाम
नहीं है। इस आयोग का कोई भी पत्रांक
क्रमांक १३० में दर्ज नहीं है।
इस विषय में आयोग के निर्णय

हरिश्चन्द्र

23

A34

कि वीरवार वृत्त सुदी ११ अश्विनी
राशे विमान काल १२० रा. १५० विमान
संलग्न विमान वृत्त की वीरवार काल
की वृत्त काल

संलग्न विमान काल

हैरान

हैरान विमान काल

विमान काल

विमान ११-३-८९

हैरान

Attested

True CK

M. Duhaf

WV

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

BETWEEN

Harish Chandra ...

Versus

Union of India and others ...

Applicant

Respondents

ANNEXURE No. A-11

पैषातः :- हरिश्चन्द्र सहायक डाकपाल वलारगपुर
गौण्डा मण्डल ।

सेवागः

श्रीमान डाक महाधक्ष उत्तर प्रदेश

पौरमण्डल लखनऊ

द्वारा :- समुचित माध्यम

विषय :- हरिश्चन्द्र सहायक डाकपाल
वलारगपुर गौण्डा मण्डल के वरीयता
वर्ग सूची में व्यक्ति क्रम संबंधी गामत

सन्दर्भ :- तदविषयक दिनांक 1-3-89 तथा
पूर्ववर्ती आलेखन पत्र .

महोदय,

श्रीमान निवेदन है कि पौरमण्डल
कार्यालय द्वारा जारी List of Post office
Staff in L 54 cadre in u.p. circle as
on 31-12-85 का पुनरावलोकन करने की
कृपा करें। उक्त सूची में गरी गणित
क्रमिक 1336 पर चिह्नित गई है जो सही
नहीं है। संबंधित लिखत निम्नवत है।

- 1- श्री पी. एम. तिलारी जिन्होंने L 54
($\frac{1}{3}$ कोटा) परीक्षा 1980 में उत्तीर्ण किया
है उन्हें उक्त सूची में क्रमांक 930
पर चिह्नित किया गया है, जो कि L 54
($\frac{1}{3}$ कोटा) परीक्षा 1978 में ही प्राप्त किया
है अतः उक्त गरी गणित क्रमांक 930 में
पहले जानी चाहिए।

हरिश्चन्द्र

RT-0

बी-५/L ५६ दिनांक 17.3-80 द्वारा दिन
कर-चाँपो से L ५६ अंक में लिखित
रूप पर निपुक्ति हेतु डिक्लेरेशन गांवा
गवा या उपांग भी की रत तिथारी का
नाम नहीं है। शा आदाम पर भी
मेरी लिखित क्रमांक १३० से पक्ष
होती नहीं है।

32 E (a) (ii) If The Promotion is
qualifying seniority should be fixed
according to position of the official on
The waiting list के अनुसार ही
मेरे पत्रित 1980 में इन्टीर कर्मचारियों
से पहले अर्थात् क्रमांक 930 से पहले
आती चाहिए ।

अतः इस निष्पत्ति में आप से
अज्ञेय है मर्यादित गैर-निष्पत्ति
का पुनरावलोकन करने के लिए गैर-निष्पत्ति
कृपाक 930 से पहले 1978 में इतीज
कर्म-निष्पत्ति के तर्ज में दिलावे की कृपा
की आप ।

गवदीय कृपा का की
होशनात सदभावक प्रकाश
वाराणसी मे ७५४ गणक
दिनांक १८-७-८९

Addressed to
 me M. D. D.

1934

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

Registration No. D.A. 346 of 1989.

Harish Chandra Applicant.

Versus.

Union of India & Others Respondents.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS No. 1, 2 AND 3 :

I, R.S. Singh, aged about 47 years, son of Shri Raj Bahadur Singh, Supdt. of Post Offices, Gonda, do hereby solemnly affirm and state as under :-

1. That the deponent is the Supdt. of Post Offices, Gonda Division, Gonda and is well conversant with the facts of the case deposed hereinafter.
2. That the deponent has read the application filed by Shri Harish Chandra and has understood the contents of thereof.
3. That the deponent is competent to ^{be} ~~swear~~ ^{confirm} this ~~affidavit~~ ^{affidavit} on behalf of all the respondents.
4. That it would be worthwhile to give a brief history of the case as under.

BRIEF HISTORY OF THE CASE

The applicant joined Gonda division on 25.1.1987 on transfer from Pauri division and Shri Deo Nath Tewari on 16.9.1977 on transfer from Saharanpur division. Their seniority was fixed in the gradation list of Gonda division in respect of which there is no dispute.

R.S. Singh

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The applicant passed the qualifying examination held on 10.12.79 for promotion to L.S.G. cadre 1/3 quota but he could not be absorbed in the said cadre for want of vacancy. Respondents No. 4, 5 and 6 namely S/Shri D.N. Tewari, K.D. Tiwari and P.N. Tewari also passed the qualifying examination for the L.S.G. 1/3 Cadre held on 15.2.81 but could not be promoted due to want of vacancy.

Thereafter the 1/3rd LSG quota examination was declared competitive examination instead of qualifying examination. It was also decided that qualified but unabsorbed candidates of earlier examinations held in 1975, 1976 and 1978 and Feb. 1981 will be no more on the list. For their promotion to L.S.G. Cadre, either they have to wait for their turn on the basis of Seniority-cum-fitness against 2/3 quota vacancies or they have to appear in the competitive examination again; qualified candidates will ^{have} not been ^{restrained} ~~mentioned~~ from appearing in the competitive examination. (Annexure - R-1). Accordingly, all the qualified but unabsorbed candidates were arranged according to their Circle seniority irrespective of the year in which they had passed the qualifying test.

Respondent No. 4 namely Shri D.N. Tiwari was confirmed w.e.f. 1.3.76, Respondent No. 6 (Shri P.N. Tiwari) was confirmed w.e.f. 1.3.68 and Respondent No. 5 (Shri K.D. Tewari) was confirmed w.e.f. 1.12.71. Shri Harish Chandra (the petitioner) was confirmed w.e.f. 1.3.83. When the applicant ~~joined~~ joined Gonda division, he was not confirmed whereas all the above three respondents were already confirmed. Accordingly in the circle Seniority, all the three respondents viz. S/Shri P.N. Tewari, K.D. Tewari and D.N. Tewari were senior to the applicant, though they had passed the qualifying test much later i.e. in 1981 whereas the applicant had passed the test in 1978.

^{Gonda}
Circle ~~(Seniority)~~ list corrected upto 31.12.85 was issued

on 20.3.86 in which the seniority of the applicant and that of the respondents No. 4, 5 & 6 was shown at serial No. ~~1332~~ 1336,

Assured

1313, 1258 and 930 respectively. The applicant made representation against his seniority which was rejected by the Post Master General, U.P. Circle, Lucknow on 27.10.89.

PARAWISE COMMENTS

5. That the contents of para 1 to 3 need no comments.
6. That the contents of paras 4 (i) to 4 (iii) are admitted. It is, however, clarified that the gradation list mentioned in the paras relates to seniority of the staff of Gonda division.
7. That the contents of para 4 (iv) are admitted, with regard to the seniority position in the divisional seniority list but in the U.P. Circle he is junior ^{to} all the three respondents.
8. That the contents of para 4 (v) to 4 (vii) are admitted except that the seniority in the Circle was determined on the basis of date of confirmation in the clerical cadre. Shri P.N. Tiwari, was confirmed w.e.f. 1.3.68 while the applicant was confirmed on 1.3.83.
9. That the contents of para 4 (viii) & 4 (ix) are admitted. ~~Reason~~ Representation of the applicant in respect of Seniority list as on 31.12.85, issued by the Post Master General, Lucknow was forwarded to the P.M.G. Lucknow and the same was rejected by him. The deponent was not empowered to make any correction in the said ^{gradation} seniority list. The claim of the petitioner was also not admissible under rules.
10. That in reply to para 4 (x) it is stated that in pursuance of the Director General's orders which is filed as Annexure R-1, all the candidates who had passed the 1/3 LSG ~~examination~~ examination in 1976, 1978 & 1981 but could not be absorbed in the LSG cadre were arranged according to their seniority in the Circle ^{gradation} Seniority List. On promotion to LSG Cadre their seniority was fixed accordingly.

R. S. Singh

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11. That the contents of para 4 (xi), need no comments.
12. That para-wise comments in respect of para 5 are furnished below :-

Para - 5 (a) :-

Shri D.N. Tewari was senior to the applicant in the Division Seniority list of Gonda Division but not in the circle Seniority list.

Para - 5 (b) :-

Admitted. It is ~~now~~ clarified that absorption of the qualified candidate was subject to his seniority-cum-fitness in the Circle.

Para - 5 (c) :-

According to the Director General instructions (filed as Annexure - R-1) all the qualified but un-absorbed candidates of examinations held in 1975, 1976, 1978 and 1981 were not required to be on the list and their promotion will be according to their seniority in clerical cadres mentioned in the Circle ^{Seniority} List.

Para - 5 (d) :-

In view of the Director General's instruction referred to in Para 5 (c), Rule 32E of P. & T. Manual Vol. II is not applicable in the present case.

Para - 5 (e) :-

Admitted.

Para - 5 (f) :-

Denied. Orders passed by the P.M.G. U.P. Circle on his representation were based on the D.G's instruction referred to ~~from~~ in para 5 (c) above.

Resub

Aut

-: 5 :-

14. That in view of the submissions made in the above paragraphs the relief sought for in para 8 and the interim relief prayed for in Para 9 are not admissible.
15. That the contents of para 10, 11 and 12 need no comments.
16. That in view of the submissions made in the forefoing paragraphs the application filed by Shri Harish Chandra is not tenable in law & facts; it lacks merit & is liable to be dismissed with costs.

Lucknow ;

Dated : 16-3-90

R. Singh
Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this Counter Affidavit are true to my personal knowledge and those of paras 4 to 16 are believed by me to be true. That nothing material fact has been concealed and no Part of it is false, so help me God.

Signed and verified this the 16th day of March, 1990 within the court compound at Lucknow.

Lucknow ;

Dated : 16-3-90

R. Singh
Deponent.

I identify the deponent who has signed before me.

D. Singh
Advocate. 16/3

Solemnly affirmed by the deponent at a.m./p.m. who has been identified by Shri , Advocate, High Court of Lucknow Bench.

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

Case No. 346 of 1990
23/11
Annex - R-1
(42)

Copy of letter No. 6/2/79-SPB-II dated 21 October 1981 from
PG Pat. New Delhi. Addressed to the All Heads of Postal & Tele-
graphs.

Sub: LSG. Examination for promotion to 1/3 rd quota of
the LSG vacancies in the cadres of (i) Monitors
(ii) Technicians (Higher Grades) (iii) Telegraph
Masters (iv) LSG Clerks / Sorters in POs/RMS offices
(v) Head Clerks in SBCO and pairing units; and
(vi) LSG Clerks in Circle / Distt. offices,

Sir,

I am directed to invite a reference to the instructions
issued in this office letters referred to below regarding
avenues of promotion for clerks etc. and related matters :-

1. No. 6/26/73-SPB-II dated. 6.8.74.
2. No. 27/47/74-ROG dated. 6.9.74.
3. No. 6/26/73-SPB-II II dated. 28.1.75.
4. No. 6/120/75-SPB-II dated. 6.10.75.
5. No. 6/141/75-SPB-II dated 22.12.75.
6. No. 6/40/76-SPB-II dated. 12.5.76 ✓
7. No. 6/56/77-SPB-II dated. 4.10.77. ✓
8. No. 6/40/76-SPB-II dated. 8.3.78. ✓
9. No. 29/2/80-DE dated. 18.8.80-

2. As indicated in para 2 of this office letter No.
6/56/77-SPB-II dated 4.10.77, initially out of the vacancies
in the LSG cadre arising upto 31.12.74, 90% and 10% vacancies
were required to be filled on the basis of seniority
cum-fitness and selection by merit respectively. Subsequently
it was decided that all vacancies arising upto 31-12-74 would
be filled on the basis of seniority-cum-fitness
and afterwards, 2/3rd of the vacancies are to be filled
up on seniority cum-fitness basis and 1/3rd through a
qualifying examination subject to the selection by the DPC
on the basis of assessment of Cus. The number of candidates
eligible for appearing at the examination was restricted to
10 times the number of vacancies. It was clarified that once
an official has qualified in the examination he will always
be taken as qualified and will not be required to appear
again in order to become eligible for consideration for
selection by the DPC. Subsequently, mode of selection was
modified in 1977 according to which 1/3rd selection quota
vacancies were ordered to be filled on the basis of qualifying
examination and in order to seniority from among those who
actually qualified in the examination. Prior scrutiny of service
records was made necessary for grant of permission to appear
in the examination.

3. The whole matter has again been reviewed and it has
been decided by the Government in modification of the
instructions referred to above that from 1981 onwards 1/3rd
quota LSG examination will be competitive instead of qualifying
as at present, as already announced in para 13 of this office
letter No. 29/2/80-DE dated . 18.8.80.

P.T.O...2/-

(AV3)

In The Central Administrative Tribunal,
Circuit Bench, Lucknow

Misce Application No 316 of 1990 (2)

In re -

BA No 346 of 1989 (L)

Harish Chandra - - - - - Applicant

Versus

U.O. 9 and others - - - - - Respondents

FF. 13.9.90

Application for condonation of delay.

The humble applicant respectfully
states as under:-

- (1) That the rejoinder affidavit in the above
noted case could not be filed in time
due to personal and ^{un-}avoidable reasons
of the applicant's counsel.
- (2) That the rejoinder affidavit is now being
filed, which is to be taken on record
after condoning the delay in the interest
of justice.

It is, therefore, most respectfully
prayed that the delay in filing the
rejoinder affidavit be very graciously
condoned and the rejoinder affidavit be
taken on record.

Lucknow
1.5.1990.

M. Duleep
Adv
Counsel For Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH

LUCKNOW
C.M. No. 316 of 1990 (L)
Registration No. DA 346 of 1989(L)

Harish Chandra ... Applicant

Versus

Union of India and others ... Respondents

F.F. 13.9.90

REJOINDER AFFIDAVIT

I, Harish Chandra, aged about 42 years, son of Shri Ram Deo, working as Asstt. Postmaster, Balrampur, Post Office, District Gonda and resident of Village Mirzapur, P.O. Maltari (via Sagari) District Azamgarh, do hereby state on oath as under :-

1. That the deponent is the applicant in the above noted case and he is fully conversant with the facts deposed to in this rejoinder affidavit. The deponent has read and understood the counter affidavit, filed by the respondents and is replying to the same.
2. That in reply to the contents of para 1 of the counter affidavit, it is not disputed that respondent no. 3 is the Supdt. of Post Offices, Gonda, It is however, pointed out that he cannot hold any brief for the respondent no. 2 whose orders have also been challenged in the application.
3. That para 2 of the counter needs no reply.

Harish Chandra

AMS

4. That the contents of para 3 of the counter are denied as stated. The respondent no. 3 has not filed any authority empowering him to file counter affidavit on behalf of respondents no. 1 & 2 also.

5. That para 4(1) of the counter needs no reply.

ii) That in reply to para 4(ii) of the counter, it is stated that it is not correct to say that the deponent passed the examination held on 10.12.79 for promotion to LSG Cadre against 1/3rd quota. He passed the examination held on 10.12.78 and respondents no. 4, 5, and 6 passed the qualifying examination for the LSG 1/3 quota, held on 15.2.81. The deponent passed the examination earlier, he was brought on the approved list for promotion to the LSG Cadre much earlier and consequently he became senior to the respondents no. 4, 5 and 6. The deponent was asked to submit his willingness (vide Annexure 2 to the application) for his transfer and posting anywhere in U.P. which inter-alia suggests that there were vacancies for 1/3rd quota. It may also be pointed out that the examination for promotion is held on the basis of existing any estimated vacancies and it is wrong to say that the deponent could not be absorbed for want of vacancy. In any case, his seniority with regard to the date of passing the examination could not be disturbed and the seniority was to be maintained in terms of Rule 32(E) of P&T Manual Vol. IV.

6... That in reply to the contents of para 4(iii) it is stated that the orders contained in Annexure R-1 are administrative orders and they cannot

Hanish Chandra

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supercede the mandatory provisions as contained in Rule 32(E) of the P&T Man Vol. IV. Beside's these orders, ~~XXXXXXXXXX~~ cannot have retrospective effect. These orders, if at all, can take prospective effect to ^{be} ~~the~~ effective from 21.10.1981, the date of its issue and they cannot affect the persons who had already passed the prescribed examination for promotion to LSG quota of 1/3rd. It may further be stated that the said order dated 21.10.1981 contained in Annexure R-1 remained ineffective because no action was taken on the basis of the examination held subsequent to it on 2.5.1982 in which the deponent also appeared but the result was never declared or made out and no examination was held thereafter. From 30.11.83, timebound promotion was ordered to be made and those who had satisfactory service of 16 years were promoted irrespective of any examination, to LSG. The order dated 21.10.1981 became non-existent and it was never given effect. The deponent was actually promoted against 1/3rd quota to LSG as would appear from the order dated 10.2.84 a true copy of which is annexed as Annexure A-12 but wrongly and maliciously he was shown junior to respondents no. 5 and 4. Respondent no. 6 was not then promoted. It may also be pointed out that the respondent no. 6, was permitted to appear in the examination held on 10.12.78 but either he did not appear or he did not pass as his name was not there in the list of successful candidates. A true copy of the permission list is Annexure A-13 and a true copy of the list of successful candidates has already been filed as Annexure A-1 to the application.

Hanish Chandra

7.

That in reply to the contents of para 4(iv)

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of the counter, it is stated that as the deponent passed the examination for promotion to the LSG cadre much earlier than the respondents no. 4, 5 and 6, he is entitled to be senior to them in terms of Rule 32(E) of the P&T Manual Vol. IV as stated in the pre-para and his seniority in the LSG cadre has wrongly been shown in the circle gradation list which needs to be revised.

8. That in reply to the contents of para 4(v) of the counter, it is stated that the deponent having passed the examination for promotion to the LSG cadre much earlier is entitled to be senior to the respondents no. 4, 5 and 6 and his name is required to be shown between serial 929 and 930 in the circle gradation list while his name has been wrongly shown at serial no. 1336. His representation was wrongly rejected by the PMG U.P. Circle by his letter dated 27.10.88 (Annexure A-7 to the application), which is not a speaking order.

8. That para 5 of the counter needs no reply.

9. That in reply to the contents of para 6 of the counter, it is stated that the applicant was/is senior to the respondent no. 4 Shri D.N. Tiwari, in all respects having longer length of service in the Department and he was always shown senior to Shri D.N. Tiwari in the seniority gradation list upto 1986.

10. That the contents of para 6 are denied as stated. The deponent is senior to the respondents nos. 4 to 6 both on Divisional basis as well as on circle basis, having passed the examination earlier, in terms of Rule 32(E) of the P&T Manual Vol. IV.

Harish Chandra

Act 8

11. That in reply to the contents of para 7 of the counter, it is denied that the deponent is junior to all the respondents nos. 4, 5 and 6 in the circle gradation list. It is stated that the deponent having passed the examination much earlier is entitled to be senior to these respondents in the circle gradation list as stated above in paras 5, 6, 7, 8 and 10.

12. That in reply to the contents of para 8 it is stated that seniority in clerical cadre is to be fixed on the basis of length of service irrespective of date of confirmation and in the lower selection grade on the basis of passing the examination for promotion against 1/3rd quota and as the deponent passed this examination much earlier he is entitled to be senior to respondents no. 4, 5 and 6 in the cadre of Lower Selection Grade.

13. That in reply to the contents of para 9, it is stated that the representation of the deponent was wrongly rejected by the PMG without passing any cogent and speaking order. It is denied that the claim of the deponent was also not admissible under the rules. It is pointed out that the representation was rejected by the PMG who has not filed any counter and the respondent no. 3 cannot hold any brief for the PMG. The contents of paras 4(viii) and 4(ix) of the application are re-asserted.

14. That in reply to the contents of para 10, the deponent re-asserts the contents of para 4(x) of his application and re-iterates the averments made in paras 5 and 6 above. It is stated that the seniority on circle basis was fixed by the PMG UP who did not pass speaking order vide his letter dated 27.10.89

Hanish Chaudhary

AM

(An-nexure A-7 to the application) and the respondent no. 3 is not competent to reply on his behalf.

15. That para 11 of the counters needs no reply.

16. That the contents of para 12 of the counter are denied to the extent they are contrary to the contents of para 5(a), 5(b), 5(c), 5(d), 5(e) and 5(f) which are re-iterated. It is further stated that no reply has been furnished by the PMG UP Circle who rejected the deponent's representation by a non-speaking order and the respondent no. 3 cannot held any brief for him.

17. That para 13 of the counter needs no reply.

18. That the contents of para 14 of the counter are denied. The averments made in the application and also in this rejoinder affidavit fully establish that the deponent has a prima facie and sound case and he is entitled to the reliefs and interim reliefs as claimed for by him in para 8 and 9 of the application.

18. That para 15 of the counter needs no reply.

20. That the contents of para 16 of the counter are denied. The averments made in the preceding paragraphs of the rejoinder affidavit justify that the application preferred by the deponent is based on sound footing, is cogent and sustainable on facts and law both and is liable to be allowed with costs.

Harish Chandra

LUCKNOW

Deponent

Dated : 22.4.1990

VERIFICATION

I, the abovenamed deponent do hereby verify

that the contents of paras 1 to 15, 17, and 19 are true to his knowledge and the contents of paras 16, 18 and 20 are believed to be true. Nothing material has been suppressed or concealed and no part of it is false. So help me GOD.

Signed and verified this 22nd day of April,
1990 at Lucknow.

LUCKNOW

Dated : 22.4.1990

Harish Chandra

Deponent

I, identify the deponent who has signed before me.

(M. Dubey)
Advocate

Annexure A-12.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUPDT. OF POST OFFICES GONDA DIVISION
GONDA-271001

Memo No B-4/LSG Dated at Gonda-271001 the 10-2-84

In pursuance of PMG UP Circle Lucknow Memo No. STA/12-XA/Sol/82/7 dated 23-1-84 and STA/12-XA/LSG/Sol/82/7 dated 28-1-84, the following postal Assets of Gonda Dn. have been selected for promotion to 20% LSG cadre against vacancies of 1982 on purely temporary and on adhoc basis and conferring on them no right to regular absorption or continued officiating in the LSG cadre and subject to the condition that such of the officials as are not provided in purely supervisory cadre/posts in LSG on seniority basis will work in LSG operative post/cadre. The order for their promotion takes effect from 30-11-83 and they should be deemed to have been promoted to LSG cadre w.e.f. 30-11-1983.

2/3rd quota of 1982

1. ✓ Sri Jai Doo Singh,
2. ✓ Sri Vishwanath Prasad,
3. ✓ Shashi Kant Verma.

1/3rd quota of 1982

1. Sri K.D. Tewari
2. Sri V.P. Pathak
3. Sri R.K. Pandey
4. Sri D.N. Tewari
5. Sri Harish Chandra.

The names are mentioned in order of their inter-cadre seniority. Subsequent upon issue of the above orders, the following transfers and postings are hereby ordered to take immediate effect.

1. ✓ Shri Bhagwati Prasad APM Gonda HQ to be SPM, Barghona on administrative grounds relieving Sri U.R. Mishra.
2. ✓ Sri O.S. Pandiya, APM Gonda HQ to be SPM Paraspur, on completion of office tenure, on administrative grounds. The official may however, continue to work as APM Gonda HQ till the end of the current academic session i.e. 31-5-84.
3. Sri Subodh Singh APM Bolrampur designate and offg. APM Gonda HQ will continue as APM Gonda HQ.
4. Shri Vishwanath Prasad offg. APM Gonda HQ on local basis will continue to officiate on the same post.
5. ✓ Sri Ved Prakash Pathak Acctt. Gonda HQ to be offg. APM Gonda HQ vico Serial No. 1.
6. ✓ Sri R.K. Pandey O.A.D.O. Gonda to be offg. APM Gonda HQ vico Shri A.P. Shrivastava.
7. Shri J.D. Singh SPM B.Boiria to be offg. APM Gonda HQ vico No.2.
8. Shri S.K. Verma SPM Wazirganj to be offg. LSG SPM Coloniganj relieving Sri B.R. Srivastava.
9. ✓ Sri Harish Chandra RC Gonda Dn and offg. P.A. Nawabganj to be offg. APM Bolrampur HQ against vacancy post terminating local arrangement.
10. Sri D.N. Tewari W.L.I. Gonda is promoted to officiate in LSG. However, continue to work as WLI Gonda without special pay, in addition to LSG pay, at his own request. It is certified that he would have continued to officiate as WLI in the basic cadre upto 30-4-86, but for his promotion to LSG cadre.

(Contd. 2.)

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11. Sri K.D. Tewari, SPM Civil Line to be offg. LSG SPM
Terabgonj relieving Shri M.M. Srivastava.

Orders regarding posting of the officials being relieved
of the LSG posts as ordered above, and against the T.S. posts
vacated by the officials being promoted to LSG are being issued
separately.

Officials at serial 1, 2, 5, 6, and 9 shall be relieved locally
without awaiting substitutes. Official at Serial 8 shall hand
over charge to the senior most DA and proceed to new place of
posting.

(D.D. Pandey)
Supdt. of Post Offices
Gonda Division
Gonda-271001

Copy forwarded to:-

- 1-10 The official concerned.
- 11-20 PF of the officials
- 21-22 Postmaster Gonda/Balrampur.
- 23-29 SPMs, Bargan/Colonalganj/Paraspur/Terabgonj/Nawabgonj/
Civil Lines/Wazirgonj.

Officials taking over as SPM will take over charge of all
the records, articles of Stocks and documents properly.
Where residence is provided the relieving SPM will certify
within seven days of taking over the charge of residence
has been received from predecessor failing which consequ-
ences shall be his liability. The relieved SPM shall
also obtain certificate of possession by his successor.

(D.D. Pandey)
Supdt. of Post Offices
Gonda Division
Gonda-271001

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF SUPD. OF POST OFFICES GONDA DIVISION GONDA

Dated at Gonda the 28.11.78

MemoNo. B-4/L.S.G./Exam.

The following officials have been permitted to appear in the examination for promotion to the L.S.G. 1/3rd quota to be held on 10.12.78 (Sat. Day) at U.P. Gonda at 10 a.m.

1. Sri Vinod Chandra Pd. A. Pd. Muzaffarpur	UP/P.O. 351/78
2. " " " " " " " "	UP/P.O. 352/78
3. " " " " " " " "	UP/P.O. 353/78
4. " " " " " " " "	UP/P.O. 354/78
5. " " " " " " " "	UP/P.O. 355/78
6. " " " " " " " "	UP/P.O. 356/78
7. " " " " " " " "	UP/P.O. 357/78
8. " " " " " " " "	UP/P.O. 358/78
9. " " " " " " " "	UP/P.O. 359/78
10. " " " " " " " "	UP/P.O. 360/78
11. " " " " " " " "	UP/P.O. 361/78
12. " " " " " " " "	UP/P.O. 362/78
13. " " " " " " " "	UP/P.O. 363/78
14. " " " " " " " "	UP/P.O. 364/78
15. " " " " " " " "	UP/P.O. 365/78
16. " " " " " " " "	UP/P.O. 366/78
17. " " " " " " " "	UP/P.O. 367/78
18. " " " " " " " "	UP/P.O. 368/78
19. " " " " " " " "	UP/P.O. 369/78
20. " " " " " " " "	UP/P.O. 370/78
21. " " " " " " " "	UP/P.O. 371/78
22. " " " " " " " "	UP/P.O. 372/78
23. " " " " " " " "	UP/P.O. 373/78
24. " " " " " " " "	UP/P.O. 374/78
25. " " " " " " " "	UP/P.O. 375/78
26. " " " " " " " "	UP/P.O. 376/78
27. " " " " " " " "	UP/P.O. 377/78
28. " " " " " " " "	UP/P.O. 378/78
29. " " " " " " " "	UP/P.O. 379/78
30. " " " " " " " "	UP/P.O. 380/78
31. " " " " " " " "	UP/P.O. 381/78
32. " " " " " " " "	UP/P.O. 382/78
33. " " " " " " " "	UP/P.O. 383/78
34. " " " " " " " "	UP/P.O. 384/78
35. " " " " " " " "	UP/P.O. 385/78
36. " " " " " " " "	UP/P.O. 386/78
37. " " " " " " " "	UP/P.O. 387/78
38. " " " " " " " "	UP/P.O. 388/78
39. " " " " " " " "	UP/P.O. 389/78
40. " " " " " " " "	UP/P.O. 390/78

The following officials have not been permitted for the reasons noted against their names.

1. Sri I.P. Pandey Clerk Maskanwa	Less than 10 years
2. " " " " " " " "	-do-
3. " " " " " " " "	-do-
4. " " " " " " " "	-do-

Supdt. of Post Offices
Gonda Division
Gonda-271001

Copy to:-

Regd. 1-42 Officials concerned alongwith their Hall permits
43-58 SPMs concerned alongwith their Hall permits
Barranpur Gonda