

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE C.A 346 of 1989 (L)

Name of the parties

Harish Chanchai

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

S. No.	Description of documents	Page
1.	Pl. cl. list	A1 - A2
2.	Order Sheet	A3 - A4
3.	Judgment	A5 - A8
4.	Petition	A9 - A21
5.	Answer	A22 -
6.	Amendments	A23 - A30
7.	C. A.	A31 - A42
8.	R. A.	A43 - A53

Reback

Copy

A1 - A44

(

Copy

A1 - A2

17/6/11

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

checked

Recd check on  
03/07/12

100 50/50

(PS)

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

(A6)

- 2 -

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

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 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. Gondakvide his letter dated 30.10.1989 is acquashed and the respondent

Nos. 1 to 3 <sup>are</sup> directed to give the applicant his due seniority on the basis of his passing the examination for promotion to I.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.

*J. M. Singh*  
Member (A)

*J. M. Singh*  
Vice-Chairman

Dated: 9.12.1991  
(n.u.)

19/12/89

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Registration No. 346 of 1989 (L)

APPLICANT(s) Hanif Chander

RESPONDENT(s) CS

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	Yes
2. a) Is the application in the prescribed form ?	Yes
b) Is the application in paper book form ?	Yes
c) Have six complete sets of the application been filed ?	Yes
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time ?	
c) Has sufficient cause for not making the application in time, been filed ?	
4. Has the document of authorisation Vakalatnama been filed ?	Yes
5. Is the application accompanied by B.O./Postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes
c) Are the documents referred to in (a) above neatly typed in double space ?	
8. Has the index of documents been filed and pageing done properly ?	Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	No

Particulars to be ExaminedEndorsement as to result of examination

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

Y/S

12. Are extra copies of the application with Annexures filed ?

a) Identical with the Original ?

b) Defective ?

c) Wanting in Annexures

13. Are the file size envelopes bearing full addresses of the respondents been filed ?

N/O

14. Are the given address the registered address ?

Y/S

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

Y/S

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 ?

Y/S

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 ?

Y/S

19. Whether all the remedies have been exhausted.

Y/S

Ans/

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
22/12  See original order in main petition	<p><u>Hon Justice K. Nath V.C.</u></p> <p><u>Adm. 1.</u></p>	<p><u>OR</u> Dr D. Chandru lawer notices on behalf of all op's.</p> <p>No reply filed Submitted to order</p>
5/1/90.	<p><u>Hon Justice K. Nath, V.C.</u></p> <p><u>Hon. K. Obayya, Am.</u></p> <p>The learned counsel for the applicant is present and points out that despite opportunity no objection to the interim order dated 2-2-12-89 has been filed. In the circumstances, the interim order is made absolute. List the case for further orders on 5/2/90.</p> <p><u>A.M.</u> <u>Q.</u> <u>V.C.</u></p>	<p>4/1/90</p>
5/2/90	<p>No setting adj. to 21.3.90. He for the applicant.</p> <p><u>2</u></p>	<p><u>OR</u> No objection to the interim order has been filed. S. S. O. 20/3/90</p>

OA 346/89 L

13. 9. 91

Hon'ble Mr. Justice K. Math. V.  
Hon'ble Mr. K. obayya A.M

On the request of Counsel  
for the application case is adjourned  
to 19. 9. 91.

2

Am

Q.M  
V.

CR  
C.H / P.A have  
been exchanged  
S.P.H  
D  
13.9.

19. 9. 91

case not reached. Adj' to

9. 12. 91

Q.P  
20/XII/

D  
P. O. C.

Re: of

J. Gunda 2/1/92  
De

R.A

✓ Deputy Registrar(J)

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

346/1989

Harish Chandra ... ... Applicant

Versus

Union of India &amp; Others ... ... Respondents

I N D E X

S1. Description of documents relied upon	Page No.
	<u>COMPILATION - 1</u>
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/-	
	<u>COMPILATION - 2</u>
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

Part of before  
Court on 21/12/89  
admission  
Dec  
29/12  
PS

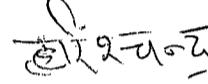
Noted  
22/12/89  
MS  
PS

contd...2

(P10)

-2-

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)	22 223
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.

(P)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

STA 346/1985

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. Cheif Postmaster General,  
U.P. Circle, Lucknow.
3. Superintendent of Post offices,  
Gonda Division, Gonda.
4. Shri D.N. Tewari, aged about 41 years,  
Asstt. 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 against which the application is made : STA/41 RH-186/7 dated 27.10.89 passed by the Chief Postmaster General, U.P. Circle and communicated by the SSPOS, Gonda under his letter No.B.79/Harish Chandra/Ch.II dated 30.10.89.

(Annexure A-7)  
contd...2

*Ex-2/205*

(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



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 165 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.

AIU

-4-

(vi) That the applicant was ~~asked~~ 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.

EM QM 3

contd...5

AI5

(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

EWG/MS

contd...6

Alb

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 ~~xx~~ 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, responses 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 reason.

EM 2-102

A17

(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.

*Ex-2013*

(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:-

contd...9

(I) 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~~s~~ seeks the following interim relief:-

That none of the respondents be promoted to higher ~~grades~~ 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 Ep. 0

(ii) Date of issue: 14.12.89

(iii) Number of the Postal order : 02 402149



contd...10

-10-

12. List of enclosures :

Annexures A-1 to A-11.

VERIFICATION

I, Harish Chandra, aged  $\frac{1}{2}$  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  
HdW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

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

ANNEXURE No. A-7

क्रमांक 7/Corr.-7 मार्तीय डाक विभाग  
DEPARTMENT OF POSTS INDIA

भारतीय विभाग/Office of the

To Shri Harish Chandra

Com. Dated  
Gondia-371001

APM  
Babu Ambedkar H.O.

No. B-75/Harish Chandra/Chit dt  
at Gondia 26.9.10.88

Sub. Representation on the date of fixation  
of Seniority in LSC Code

Codes followed in the

On the subject cited above communication  
dated under C.O. letter no. STAP/41/RU  
186/7 dt 27.10.88 is reproduced  
Bunder for your information.

"Representation of the official was  
examined in this office in its reference  
to the relevant records and nothing  
on the subject and no justification  
for revision of his seniority in LSC  
Code was found."

Chit dt 26.9.10.88  
BGPB-150 Post/87-23-7-87-20,00,000  
Gondia Division  
do Gondia-371001

Signature

Noted  
True copy  
M. Dikshit  
P.D.W.

ब अदालत अधीकार  
[वादी अपीलान्ट]  
प्रतिवादी [रेस्पोन्डेंट]

CAT Circuit Bench Lucknow

महोदय

श्री Harish Chandra

का वकालतनामा

122



वादी (अपीलान्ट)

Harish Chandra वनाम UO9100 प्रतिवादी (रेस्पोन्डेंट)

न० मुकदमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

B. Solomon, Advocate, High-  
Court Lucknow and M. Dilley, Adv.  
वर्कला नावाया  
Ganeshganj, Lucknow 226018 एडवोकेट

ब अदालत अधीकार  
न० मुकदमा करीकंत  
नाम मुकदमा करीकंत

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं 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 डिगरी जारी करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकदमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया 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 मी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा 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 सस्य पर काम आवे ।

हस्ताक्षर... द्वारा

साक्षी (गवाह) ... ... ... ... ... ... ... ... ... ... ... ...

दिवांक ... ... ... ... ... ... ... ... ... ... महीना — 12 — सन् १९४९ ई०

स्वीकृत

B. Solomon Adv.  
M. Dilley Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.  
BETWEEN

BETWEEN \*

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

ANNEXURE No. A-1

ANNEXURE No. A-1

Copy of communication No. 2975/79-DE, dt. 12th May-1979, from  
D.G. P&T, New Delhi, received to this office under P.M.G. IP  
endorsement No. Raet/6085/79-DE/II 04/05/1979.

Sub:- 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. the Quota of vacancies held on 10th Dec., 1928 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 Roll 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 Circles/ 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 Gondi 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. No.	Roll No.	Name	SL. No.	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. Yavava		
8. 367	✗ " V.N. Misra	16. 390	✓ " Harish Chandra		

Super. of Post Offices  
Gondia Division

7th Armored Division  
Clark Breyer 271001

Wester  
Time to sign  
M. Duberry  
Son

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. " B.L. Chauhan, APM LSG, Balrampur (Gonda).
- ✓ 4. " Sharda Bux Singh, Clerk (under suspension)  
VPO Kishundaspur, (Gonda).
- ✓ 5. " Ram Sughar Mishra, APM Gonda H.O.
- ✓ 6. Pateshwari Pd. Ojha Offg. L.S.G. SPM Tarahganj.
- ✓ 7. Shri Matsyendra Nath Offg. LSG SPM Belsar.
- ✓ 8. " Jagdish Pd. Gupta, Offg. LSG SPM Bus Station.
- ✓ 9. " Shri Ram Gupta, Clerk Bahraich H.O.
- ✓ 10. " Bhagwati Pd. Offg. LSG APM Bahraich H.O.
- ✓ 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. " Vindhya Chal Pd. Offg. LSG SPM Pachperwa.
- ✓ 17. " R.P. Maurya Offg. Accountant D.O. Gonda.
- ✓ 18. " Raj Deo SPM Mankapur (Gonda).
- ✓ 19. " Deokali Pd. Clerk Gonda H.O. X
- ✓ 20. " A.N. Shukla, Clerk Gonda H.O. \*
- ✓ 21. " Prayag Dutt Dwivedi, SPM J.P. Gram PO (Gonda).
- ✓ 22. " Ataur Rahman W.L.I. Gonda (E).
- ✓ 23. " Virendra Nath Mishra, Clerk D.O. Gonda.
- ✓ 24. " Ram Gopal Singh, Offg. Accountant Bahraich H.O.
- ✓ 25. " Subedar Singh, Clerk, Gonda H.O.
- ✓ 26. " Daksha Raj Singh, Clerk D.O. Gonda.
- ✓ 27. " V.P. Pathak, Clerk Gonda H.O.
- ✓ 28. " Raj Kumar Pandey, Clerk D.O. Gonda.
- ✓ 29. " L.C. Ram Yadava, Signaller Nawabganj, Gonda.
- ✓ 30. " Harish Chandra Signaller, Baghwaiganj, Gonda.

No. B-4/I.P.Os. (15/2)

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 20.3.80 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 Officer  
with Location & Office  
where working.

Attested. *Mr. A. M. Duleep*

Attested. *Mr. A. M. Duleep*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

BETWEEN  
Harish Chandra ... Applicant  
Versus ... Respondents  
Union of India and others ...  
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 Recd/G-85/79-80/2 Ch. II dated 15-3-81.

'General Line'

Sl. No. Roll No. Name & Designation

1. 519 S/Sri P.N. Tiwari Postal Signaller B.A. in Post Office.
2. 529 " Krishna Dayal Tiwari SPM Civil Lines INP in Post Office Gonda DEPARTMENT
3. P.I.C.C 1534, L 34721, " S/Sri P.N. Tripathi S.O/A.D.O.C. Gonda.
4. 536 " Deo Nath Tiwari P/A Gonda H.C.

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

'Accounts Line'

5. " UP/P.O. & R.M.S Acc/30/80 Sri Ram Dass Yadav office No. 5, 1st floor, Bazaar, Gonda, Bahraich.

These candidates have been declared successful for 1/3rd quota of vacancies for 1979-80 held on 15th February, 1981. Lucknow memo No. Recd/G-85/79-80/2 Ch. II dated 15-3-81.

21-10-81  
Supt. of Post Offices,  
Gonda, Gonda Division,  
Gonda-271001.

Copy to:-

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

Attested

Ex-Sub

M. D. Dikshit  
Addy

(15)

(16)

Annexure A-4

सेवा में

अधीक्षक डाकघर,  
गोण्डा मण्डल गोण्डा अध्य।

विषय ग्रेडेशन लिस्ट में वातिलम् ।

महोदय,

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

Pradesh Circle as on 31.12.85  
cadre in Uttar ~~खण्डक 2 क्षेत्र~~ 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 अनुस्य होगा ।  
यथा

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

अपरंय —

श्री डी०८०० 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 डी०८०० तिवारी का नाम अस्थाई/अस्थाई आरक्षित डाक सहायक कर्मचारियों की ग्रेडेशन लिस्ट के पैज-2 पर क्रम संख्या-3 पर दिखाया गया है जबकि मेरा नाम स्थाई तथा आरक्षित डाक तहायकों संघ लोकर सेलेक्शन ग्रेड कर्मचारियों की ग्रेडेशन लिस्ट के पैज-10 के क्रम संख्या-4 पर है। इस प्रकार वरिष्ठता क्रम में मुझे पहले होना चाहिये। सेवा विवरण के अनुसार भी मुझे श्री डी०८०० तिवारी से वरिष्ठता क्रम में आगे होना चाहिये। यथा मेरी जन्मतिथि 15.10.47, सेवा में प्रदेश 4.11.67 LSG परीक्षा उत्तीर्ण 1978, जबकि श्री डी०८०० तिवारी की जन्मतिथि 15.7.48 सेवा में प्रदेश 21.11.67

(16)

(A2)

तथा L.S.G. परीक्षा उत्तीर्ण 1980 है।

श्री डी०एन० तिवारी की छांक 1313 पर दिखाया गया है इसलिए  
मेरी स्थिति दर प्रकार से उनसे पहले होनी चाहिये। परिगणक की उक्त  
ग्रेडान लिस्ट में मेरी स्थिति 1272 और 1273 के मध्य ~~में~~ उठनी चाहिये।

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

भवदीय कृपाकांक्षी,

हरिहरन्द्र,

सहायक डाक्याल

बलरामपुर गोण्डा अवधि।

दिनांक 19.8.86

सत्य प्रतिलिपि प्रमाणित

M. Dikher  
Adw

मुमुक्षु



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.  
BETWEEN

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

ANNEXURE No. A-6

(18)

(A)

(6)

प्रेष्ठक : - हरिश्चन्द्र सहायक डाकपाल बलरामपुर - गोप्ता मण्डल ।

स्थान,

डाक महाध्यक्ष उत्तर प्रदेश पोर्टल लखनऊ ।

दारा - समूचित मायाम ।

विषय : - मण्डलीय स्व परिमण्डलीय स्तर पर मैदान लिस्ट में स्थार सम्बन्धी मामला ।

महोदय,

सानुस्य क्वैदन इस प्रकार है कि मण्डलीय स्व परिमण्डलीय स्तर पर विस्तृत कुम सूची में मेरी स्थिति सही नहीं दिखाई जा रही है इसविषय में मेरी मार्च १९८४ से आवैदन कर रहा हूं परन्तु अभी तक कोई सन्तोषजनक कार्यवाही नहीं की गई । अधीक्षक डाकघर गोप्ता मण्डल के पर्वांक बी ७६४ हरिश्चन्द्र दिनांक रु ४-४-८७ द्वारा मुझे यह सूचित किया गया था सम्बन्धित विषय में परिमण्डल कायलिय के निर्देश के बिना किसी प्रकार का परिवर्तन सम्भव नहीं है ।

इस सम्बन्ध में प्राप्तिना है कि परिमण्डल कायलिय लखनऊ द्वारा जारी list of Post Office staff in LSC cadre in UP circles ०५३३-१२८५

तथा मण्डल कायलिय गोप्ता द्वारा जारी Semi monthly list of LSC, Official in Scale of १५००-२३०० correct up to १-१०

का पुनरावलोकन करने की कृपा की जाये जिनमें मेरी स्थिति कुम्हराः कुमांक १३३६ तथा १७ पर दिखाई गई है जो सही नहीं है ।

इस सम्बन्ध में समूचित अधिकारीकार्यवाही की जारा है बुझ तथ्य प्रस्तुत है ।

१- मेरे एल० स्ल० जी० परीक्षा १९७८ में प्राप्त किया है और (१) श्री पी० स्न० त्तिरी (२) श्री कौ० दी० त्तिरी तथा (३) श्री दी० स्न० त्तिरी ने एल० स्ल० जी० परीक्षा १९८० में उपीण्ठ किया है परन्तु मैदान लिस्ट में उक्त तीनों व्यक्तियों को मुझसे विरुद्ध (परिमण्डल कायलिय द्वारा जारी सन्दर्भित सूची में हन्ते कुम्हराः कुमांक ६३०, १२४८ तथा १३१३ पर वार्ता मण्डलीय कायलिय गोप्ता द्वारा जारी सन्दर्भित सूची में कुम्हराः कुमांक ४, १३८८ १६ पर वार्ता दिखाया गया है क्योंकि मण्डल कायलिय गोप्ता की परीक्षा बी०-४१६० स्ल० जी०। एकामाह०-७६ दिनांक २१-६-७६ द्वारा वीषित १९७८ के परीक्षा-फल के अनुसार १६ सौल० व्यक्ति उपीण्ठ हुये जिनमें से इस समय गोप्ता मण्डल में (मुक्त सहित) मात्र ६ नों व्यक्ति स्ल० स्ल० जी० स्वर्ग में कार्यरत है तथा अन्य तीन व्यक्ति मण्डल कायलिय गोप्ता की परीक्षा बी०-४१६० स्ल० स्ल० जी० दिनांक १७-८-८० के अनुसार पर इस समय स्ल० स्ल० जी० में कार्यरत है इस

द्वारा

आवार पर मण्डल कायलिय की वरीयता सूची में मेरा नाम १५मार्च १२ पर होना चाहिए ।

२- मण्डल कायलिय गोणदा के पत्रांक बो-४। स्ल० एस० जी० दिनांक १७-३-८० बारा ३० कर्मचारियों से स्ल० एस० जी० मेरे परिमण्डलीय स्तर पर नियुक्ति हेतु छिक्केयरेखन मांगा गया था जिनका नाम वरीयता कम सूची में क्रियिष्य से पहले आना चाहिए ।

मण्डलीय कायलिय द्वारा जारी मेडेन लिस्ट दिनांक १५-३-८७ पत्रांक बो-४। स्ल० एस० जी०। एक्लोमा ७८-७६ दिनांक २१-६-८६ तथा बो-४। स्ल० एस० जी० दिनांक १७-३-८० का अलीकन करने पर यह सुस्पष्ट हो जाता है कि मेरा नाम मण्डलीय मेडेन लिस्ट में १५मार्च १२ पर बाना चाहिए ।

मण्डल कायलिय गोणदा के पत्रांक बो-४। स्ल० एस० जी०। एक्लोमा ७८-७६ दिनांक २१-६-८६, बो-४। स्ल० एस० जी० दिनांक १७-३-८० तथा बो-४ ७६। हरिश्वन्द दिनांक २८-६-८७ की फौटो स्टेट प्रतिपां संलग्न का जारहा है ।

इस विषय में आपसे सामुद्रोय प्राधीना है कि मण्डलीय स्तर पर मेरी सहा स्थिति दिलाने की व्यवस्था करने की कृपा की जाये तथा परिमण्डलीय स्तर पर समृच्छित सम्बोधन करने सम्बन्धी आकेश देने की कृपा की जाये ।

मवदोय कृपाकारात्मा

द्वितीय

हरिश्वन्द

सहाया छापाल

बुलरामपुर - गोणदा ।

३८२८-२

AL 1059 D1d (15.3.87)  
PM Brm M 879 D1d 13-3-87

Attested

Time ८.३०

M. Duleep

Adm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.  
BETWEEN

Harish Chandra ... ... Applicant  
Versus  
Union of India and others ... Respondents  
ANNEXURE No. A-8

ANNEXURE No. A-4

a 336

## Respondents

(43)

प्रेषक :- होखबन्द साहयक दावताल  
दलरा भुर गोण ला भुला

336

~~RC~~ 19.2-815

old 13'

0.

सेवा में: आक महाध्यक्ष उत्तर प्रदेश पारम्परा  
लखनऊ, १८ नवंबर २२६०।

प्रारा :- समुच्चत माध्यम।

विष्य :- पारम्पारिक एवं मान्यता पर एलोचना जीव सम्बन्ध में गेहेशन त्रिलोक में सुधार सम्बन्धों ना मिला।

नहादय,

सविनय निवेदन है कि मेरे जावेदन पत्र दिनांक 18-8-87 तथा पारम्परालोग  
कायाच्छ्वाय लखनऊ प्रारंभ जाप परेटिंग पर्सन स्टाफ इन एल० स० ज०० के द्वारा  
इन य०प० सरकिल ऐज आन 31-12-85 का पुनरावलोकन करने को छूटा की जाय।  
सन्दर्भित सूची में मेरी स्थिति क्रमांक 1337 पर दिखाई भई है जो सहोनहा है। मी  
वरायला ब्रम मैं व्यापक ब्रम का उल्लेख करते हुये तारोधम ऐसु समुचित जादेश देने की  
अनुरोध किया था परन्तु जबकि तक उत्तरियम में जोई वादधी हो तो भई प्रतोत  
नहो होतो। सर्वोक्ति विवरण निम्नलिखित है:-

- 1- श्री पा० एन० तिवारा, श्री केड० तिवारा तथा श्रा ड० एन० तिवारा जन्में एल० एस० जा० पराका १९८० में उत्तोष तिवा है उन्हें विभिन्न सूचा भै दुम्हा: दुम्हा० १३०, १२५८ तथा १३१३ पर दिवाया गया है, भै एल० एस० जा० पराका १९७३ में उत्तोष तिवा है जतरें भेरा नाम अर्थकृत कर्मितारखों जर्थाति कुमांक १३० से पहले आना चाहए।
- 2- माउलाय कायार्ल्म गोण्डा के पक्काक बा०-४/एल० एस० जा० दिनांक १७-३-८० द्वारा ३० रात कर्मितारखों ते एल० एस० जा० क्षेत्रग में पार माउलाय रत्न पराक्युक्ति देतु डिप्लोमेज नाम गया वा इनमें अर्थकृत श्री पा० एन० तिवारा, केड० तिवारा तथा ड० एन० तिवारा का नाम नहों है। इस आधार पर भा भेरा नाम अर्थकृत कर्मितारखों से पहले आनार्दित सद्य: सन्दर्भ देतु माउलाय कायार्ल्म गोण्डा पे पक्काक बा०-४/एल० एस० जा०/ एका न०/३-७९ दिनांक २१-६-७९ १९७८ के एल० एस० जा० पराका का पराक्यापन्न, बा०-४/एल० एस० जा० दिनांक १७-३-८० माउल कायार्ल्म गोण्डा द्वारा आगा गया छिप्ले रेता० तथा बा०-४ को एल० एम० जा० पराक्या का पराक्यापन्न को फोटो रेट्रैट सॉल्स है। इस त्रिभ्यु में आपके सामुरोध प्राथमि है कि माउलाय द्वारा पर वरोयता कुम में सूचा में भेरा सहो दियो तहु कुमांक १३० से पहले दबलाने, लदासुआर माउल कायार्ल्म गोण्डा को निर्देश देने तथा कृत कार्यधारों से अवगत कराने का व्यवस्था कराने को दृष्टा कायार्ल्म।

માનાય

enclosure (3)

धन उल्लास

दिनांक: 12.2.84

15-2-80

Interested  
me very  
M. Dubois  
Well

81248

१८८५

મારુ મુખ તીર, ગોત્ર મંદિ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.  
BETWEEN

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

ANNEXURE No. A-9

प्रैष्टकः- हरिष्वन्द तद्वायक इत्यात्मा,

169.007

## बलरामपुर गोष्ठी ।

तेजाम्

## ST के महात्म्यका,

੩੦੫੦ ਪਰਿਮਾਣ ਲਾਹੌਰ 22600।

पत्रः- सुचित गाध्यम -

फिल्म: - साहसराज़ी राज़ी में भ्रेत्तेवान निलट में संगोष्ठीन ।

મહોદ્ધ

सत्विनष्ट निवेदन है कि मेरे आवेदन फर्जो 18-6-87, 7-12-87,  
13-2-88 तथा पारमार्थिक अधारितारा जारी List of  
Post office staff in LSG cadre  
in UP circle as on 31-1285 का पुनरावलोकन  
करने का कृपा करे। संदिग्धता सूची मेरी विद्याति 1336 पर दिखाई  
गई है जो सही नहीं है मैंने वसायता सूचों मेरी विद्याति 1336 पर दिखाई  
हुये संवादानकाग्रुरोध किया था तंदिक्षिण विवरण निम्नवत है :-  
1- श्री पौरसन्तिवारी, प्रा. जैडौतिवारी तथा श्री डी०एन०तिवारी  
जिन्होंने सन०१९७० फर्ज 1980 मेरी उत्तीर्ण किया है उन्हें संदिग्ध  
करो क

सूखी मेरुमात्रा: १९३०, १२५८ तथा १३१३ मेरु दिलाया गया है जिसे एन०एस० जी० परीक्षा १९७८ मेरु डिटीएच० किया है अतएव गोरा नाम उपर्युक्त क्रमवालि-  
दे मेरु मेरु अधिकृत युवरिक०३० से पहले आना चाहिये ।

2- माइलाय कार्यालय गोरेंडो के प्रांग वी-4/एन.एस.जी दिनांक 17-3-  
80 द्वारा जिन कानूनात्मिकों से ए.प्रियतमो संसदी में पारिमांडलीय स्तर पर  
नियुक्ति हेतु डिपोरेशन मौगा या धा उन्होंने उपर्युक्त श्री पी.एन.  
तिवारी, के.ए.टी.प्रियतमा तथा डा.एन.तिवारी का नाम नहीं है इस आधार  
पर ना गेरा नाम उपर्युक्त कानूनात्मिकों ने पहले जाना पाइए ।

इस दिन ये जाप्ते लालुरोडा श्राव्यग्रह हैं जिनकी वरीयता श्रम सूक्ष्मी है वे जैरो तहीं विधाता श्रमिक १३० से पहले दिल्ली का १८५८ निवास देने की कृपा करें। तथा लालुरोडा से अवगत कराने का दृष्टा करें।

दिनांक १८-९-३३

मात्रादाय के पासी गत

9121-9

## हारथचन्द्र

सहायक डाक्याल  
एग्रपत्रियोग्य रामपुर  
गोप्या ।

Eliz. Borch

Merle C. M.  
M. Dubay  
P.W.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

BETWEEN

Harish Chandra ... ... Applicant

Versus

Union of India and others ... Respondents

ANNEXURE No. A-10

(22)

AB

मुद्दा:- होम-प्रैद राज्यपाल विवाह

कालानाम अनुसारी विवाह सुनिश्चित

मान्यता

श्रीगांड देव राज्यपाल १९८१ वर्ष ५६३८

कालानाम अनुसारी २२६००१

दर्शा:- अमरित राज्यपाल

तात्पर्य:- होम-प्रैद राज्यपाल विवाह सुनिश्चित  
का विवाह विवाह का विवाह

विवाह

श्रीगांड देव राज्यपाल विवाह विवाह

दर्शा दिनांक १६.९.८१ (राज्यपाल विवाह) विवाह  
कालानाम का विवाह विवाह विवाह विवाह

विवाह विवाह विवाह विवाह विवाह विवाह

३१.१२.८१ को एक विवाह विवाह विवाह विवाह

विवाह विवाह विवाह विवाह विवाह विवाह

पर विवाह विवाह विवाह विवाह विवाह विवाह

विवाह विवाह विवाह विवाह

१. श्री गांड देव राज्यपाल विवाह विवाह

(१/२ विवाह) विवाह विवाह विवाह विवाह

उक्त विवाह विवाह विवाह विवाह विवाह विवाह

विवाह विवाह विवाह विवाह विवाह विवाह

३१.१२.८१ को विवाह विवाह विवाह विवाह

विवाह विवाह विवाह

२. विवाह विवाह विवाह विवाह विवाह

देव

For कीर्तन द्वारा लिखा गया निवारण  
कानून द्वारा दिया गया विवरण  
के लिए दिल्ली दर्जे की दस्तावेज़ देता है।

23

234

दिल्ली दर्जे की दस्तावेज़ देता है।  
दिल्ली दर्जे की दस्तावेज़ देता है।  
दिल्ली दर्जे की दस्तावेज़ देता है।  
दिल्ली दर्जे की दस्तावेज़ देता है।

दिल्ली

Attested

True copy  
M. Dikshu

W.W.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

BETWEEN

Harish Chandra ... ... Applicant

Versus

Union of India and others ... Respondents

ANNEXURE No. 11

(24)

(AS)

प्रेषण :- होमेंट ग्राम्य उचित वरामान  
उपर्युक्त ग्राम्य ।

संवाद

श्रीमान् देव ग्राम्यान्त उत्तर प्रदेश

लोकपाल, ८१२०१-१३

द्वारा :- शमुचित ग्राम्य

प्रियजन :- होमेंट ग्राम्य उचित

उपर्युक्त ग्राम्य ग्राम्य के ग्राम्य  
वर्ग सुनी हो वित्त कम वित्ती ग्राम्य

संदर्भ

ग्राम्य उपर्युक्त दिनांक १-३-८९ ग्राम्य  
प्रियजन उपर्युक्त दिनांक

ग्राम्य

ग्राम्य दिवांग हैं जिन्हें उपर्युक्त  
ग्राम्य द्वारा जारी List of Post office  
staff in L.S.G cadre in u.p. circle as  
on 31-12-85 को, उपर्युक्त दिवांग की  
कृपा करें। उन सुनी हो ग्राम्य दिवांग  
दिवांग 1336 पर दिवांग हैं जो सदी  
नहीं हैं। आधिकारिक दिवांग हैं।

1- श्री पी. शर्मा दिवांग L.S.G.

( $\frac{1}{3}$  कोर्ट) परीक्षा 1980 वाली दिवांग  
है उनके उपर्युक्त दिवांग 930

पर दिवांग ग्राम्य है, जो की L.S.G.  
( $\frac{1}{2}$  कोर्ट) परीक्षा 1978 वाली दिवांग  
है उनके उपर्युक्त दिवांग 930 है  
पर दिवांग दिवांग है।

RTU

दिवांग

2- मानवीय अधिकार विभाग के दर्शाव

बी-4/L SG फिल्म 17.3-86 द्वारा दिए  
कोर्ट नामित थे L SG कंवर्स से लाइसेंस  
फिल्म निपुण हेतु फिल्म बना गया  
गाया था उसमें भी वे इन निवारी को  
नाम नहीं हैं। इस आदान पर वे  
मेरी निवारी क्रमांक 930 से पहले  
होती नहीं हैं।

3- डाल-लार फिल्म पुस्तक रखड़ ५ के लिए

32 E (a) (ii) "if the promotion in  
qualifying seniority should be fixed  
according to position of the official on  
The waiting list" के उल्लंघन का  
मेरे फिल्म 1980 में उत्तीर्ण कर्मचारी को  
क्षे पहले उत्तीर्ण क्रमांक 930 से पहले  
आती नहीं है।

अतः इस लिए मैं आपसे

अनुरोद हूँ कि अदानपत्र बुद्धिमत्ता लिए  
को पुनर्वाचन कर लें ताकि उनीं निवारी  
क्रमांक 930 से पहले 1978 में इतिह  
कर्मचारी के तर्फ से दिलाई ली जाए  
की उल्लंघन।

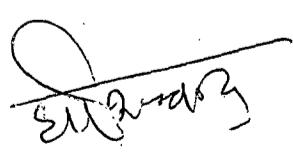
मराठी लूप का दी

हृषीकेश सदाचाल इमानी

कालांगड़ २००५/१०३/२०१०

दिनांक १८.७.८९

Mesled  
Me. M. B. Duley  
P.W.



(A32)

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

Registration No. O.A. 346 of 1989.

Harish Chandra .... ... Applicant.

Versus.

Union of India & Others ..... Respondents.

REPLY  
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 <sup>be</sup> ~~make~~ <sup>Counter aff.</sup> this 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 ~~this~~ gradation list of Gonda division in respect of which there is no dispute.

R.S. Singh

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 1973, 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 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.

*l.n.d.l.n.*  
Circle Seniority list corrected upto 31.12.85 was issued on 20.3.86 in which the seniority of the applicant and that of

*h.s.singh* the respondents No. 4, 5 & 6 was shown at serial No. 888xx 1336,

(RGA)

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.

BARAWISE 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. Regarding 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 gradation said 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 ~~extra~~ examination in 1976, 1978 & 1981 but could not be absorbed in the LSG cadre were arranged according to their seniority in the Circle Seniority List. On promotion to LSG Cadre their seniority was fixed accordingly.

*R. S. Singh*

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 cadre as mentioned in the Circle <sup>Seniority</sup> 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 para 5 (c) above.

*RS/SP* 13. That the contents of para 6 & 7 need no comments.

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. S. 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 16<sup>th</sup> day of March, 1990  
within the court compound at Lucknow.

Lucknow ;

Dated : 16-3-90

*R. S. Singh*  
Deponent.

I identify the deponent who has signed before me.

*J. S. D.*  
16/3  
Advocate.

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 affidavit which have been read over and explained to him.

Staff Circular

23/11/1990

Annex - R-1

AM2

Copy of letter No. 6/2/79-SPB-II dated 21 October 1981 from DG P&T, New Delhi. Addressed to the All Heads of Postal Circles and others.

Sub: LSG. Examination for promotion to 1/3 rd quota of the LSG vacancies in the cadre 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 /Distr. 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-NCG 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-SPB-II 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 IPS 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-SPB-II dated 18.8.80.

In The Central Administrative Tribunal,  
Circuit Bench, Lucknow.

Misce Application No 316 of 1990 (L)

In re-

6A No 346 of 1989 (L) K

Harish Chandra - - - - - Applicant

versus  
U.G.I 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 unavoidable 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. Dixey  
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 Mirzpur, 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

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

Haish Chandra

supercede the mandatory provisions as contained in Rule 32(E) of the P&T Man Vol. IV. Beside's these orders, ~~XXXXXX~~ cannot have retrospective effect. These orders, if at all, can take prospective effect to ~~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 Chaudhary* 7. That in reply to the contents of para 4(iv)

Aux

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 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 Chander

Adv

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

Harish Chandra

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 counter 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 hold 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.

19. 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

*Harish Chandra*

Deponent

Dated : 22.4.1990

I, identify the deponent who has signed before me.

*M. Dubey*  
(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/Sel/82/7 dated 23-1-84 and STA/12-XA/LSG/Sel/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/cadres. 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 Deo 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 internal seniority. Consequent upon issue of the above orders, the following transfers and postings are hereby ordered to take immediate effect.

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

(Contd. 2.)

62  
11. Sxt K.D.Tewari, SPM Civil Lines to be offg. LSG SPM  
Terabganj 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 PA and proceed to new place of  
posting.

*Dhande*  
(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/Bairampur  
23-29 SPMs Barragon/Colonelganj/Parpapur/Terabganj/Nawabganj/  
Civil Lines/ Wazirganj.

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 conse-  
quences shall be his liability. The relieved SPM shall  
also obtain certificate of possession by his successor.

*Dhande*  
Supdt. of Post Offices  
Gonda Division  
Gonda-271001

ANNEXURE A-13  
INDIAN POSTS AND TELEGRAPHS DEPARTMENT  
OFFICE OF SUPERINTENDENT OF POST OFFICES GONDA DIVISION GONDA  
Dated at Gonda the 28.11.78

Memo No. B-4/L.S.C./Exam.

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

Sl. No.	Name	Post	Office	Exam. No.
1.	U.P. Vinayak Chaturvedi	Postman	Mau	UP/P.O. 351/78
2.	" U.P. Gurjaya Clerk	Postman	Mau	UP/P.O. 352/78
3.	" U.P. Laxman Pd. Srivastava	Postman	Barnapur	UP/P.O. 353/78
4.	" Rama Ratal Misra	Postman	Barnapur	UP/P.O. 354/78
5.	" Laxmi Devi Yadav SPM	Postman	Barnapur	UP/P.O. 355/78
6.	" U.P. Laxmi Pd. Srivastava	Postman	Gonda	UP/P.O. 356/78
7.	" Rani Pd. Misra - Acct.	Postman	Bahraich	UP/P.O. 357/78
8.	" A.K. Vishwakarma Clerk	Postman	Bisherganj	UP/P.O. 358/78
9.	" J.P. Srivastava SPM	Postman	Bzr	UP/P.O. 359/78
10.	" A.A. Shukla SPM Mathur	Postman	Bzr	UP/P.O. 360/78
11.	" Rati Hit SPM Gajaria	Postman	Bzr	UP/P.O. 361/78
12.	" Kamta Pd. SPM Chhaoni	Postman	Bzr	UP/P.O. 362/78
13.	" P.C. Verma SPM Khargoo	Postman	Bzr	UP/P.O. 363/78
14.	" Ahmad Hussain SPM Sadu	Postman	Bzr	UP/P.O. 364/78
15.	" P.D. Divedi SPM Jaiprat	Postman	Bzr	UP/P.O. 365/78
16.	" Ataur Rehman W.L.I. Gonda	Postman	Bzr	UP/P.O. 366/78
17.	" Baboo Ram SPM Bahraich	Postman	Bzr	UP/P.O. 367/78
18.	" V.N. Misra W.L.I. Bahraich	Postman	Bzr	UP/P.O. 368/78
19.	" P.N. Tiwari Clerk Bus	Postman	Bzr	UP/P.O. 359/78
20.	" G.C. Das SPM Station Ro	Postman	Bzr	UP/P.O. 370/78
21.	" R.G. Singh Clerk D.O.C.	Postman	Bzr	UP/P.O. 371/78
22.	" R.S. Maurya SPM Bhagwati	Postman	Gonda	UP/P.O. 372/78
23.	" S.I. Tripathi Clerk D.O.	Postman	Gonda	UP/P.O. 373/78
24.	" Ram Phay SPM Qanoongopur	Postman	Gonda	UP/P.O. 374/78
25.	" Ram Bharat Verma SPM Kat	Postman	Gonda	UP/P.O. 375/78
26.	" Subedar Singh Clerk D.O.	Postman	Gonda	UP/P.O. 376/78
27.	" Kripa Ram Verma SPM Bzr	Postman	Gonda	UP/P.O. 377/78
28.	" Rani Das Yadav Clerk D.O.	Postman	Gonda	UP/P.O. 378/78
29.	" Bindra Rd Clerk Gonda HO	Postman	Gonda	UP/P.O. 379/78
30.	" D.L. Singh SPM Wazirganj	Postman	Gonda	UP/P.O. 380/78
31.	" C.B. Singh Clerk Gonda H.	Postman	Gonda	UP/P.O. 381/78
32.	" V.P. Pathak Clerk D.O. G	Postman	Gonda	UP/P.O. 382/78
33.	" Bachcha Misra SPM Civil L	Postman	Gonda	UP/P.O. 383/78
34.	" P.N. Tiwari Steno t SPOs	Postman	Gonda	UP/P.O. 384/78
35.	" Raj Kumar Pandey W.L.I. Gonda	Postman	Gonda	UP/P.O. 385/78
36.	" M.B. Tiwari SPM N.S.F.	Postman	Gonda	UP/P.O. 386/78
37.	" J.P. Misra Clerk Bahraich	Postman	Gonda	UP/P.O. 387/78
38.	" S.N. Mahendra Clerk Bahraich	Postman	Gonda	UP/P.O. 388/78
39.	" Apur Deo Ram SPM G.P. Colo	Postman	Gonda	UP/P.O. 389/78
40.	" L.C.R. Yadav Clerk Nawabga	Postman	Gonda	

Vishwakarma S.P. Bzr  
Rani Deo Ram SPM Gonda

Ex. P.O. 358/78  
UP/P.O. 391/78

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

1. Sri I.P. Pandey Clerk Maskanwa  
2. " Jag Pd. Pandey UIC SPCO Gonda  
3. " Rati Thirat  
4. " Sama Nath

Less than 10 years

-do-  
-do-  
-do-

Supt. of Post Offices  
Gonda Division  
Gonda-271001

Copy to:-

Regd. 1-42 Officials concerned along with their Hall permits  
43-58, SPMs Kharayat, S.P. Bzr, Barnapur, Gonda, 271001