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CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

.... JUNE 1, 1990

Registration O.A. No. 87 of 1989(L)

Prakash Chandra Shukla ... Applicant

vs

Union of India and ors ... Respondents

Hon' Mr P.C. Jain, A.M.

Hon' Mr J.P. Sharma, J.M.

(By Hon' Mr P.C. Jain, A.M.)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant who was a candidate for the post of Extra Departmental Branch Post Master (in short E.D.B.P.M.), village Chahotar, district Rae Bareilly, has assailed the provisional selection and appointment of respondent no.4 to the above post (Annexure-A-5) and has prayed for quashing and setting aside the appointment of respondent no.4 and for a declaration that the applicant is best candidate in comparison to respondent no.4. and accordingly fit to be appointed on the said post.

2. The background of the case is ^{that} in response to an advertisement calling for applications for the post of E.D.B.P.M. village Chahotar, the applicant, respondent No.4 and 4 others had applied. On 12.5.88 the respondent no.2 selected and appointed respondent no.4 in preference to the applicant and 4 others. He assumed charge on 16-6-1988. The applicant challenged the appointment of respondent no.4 and his non selection in O.A. No. 35/88(L). The Tribunal in their

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order dated 7-10-1988 quashed the selection and appointment of respondent no.4 vide memo dated 12-5-1988, and the Superintendent of Rae Bareilly Division was directed to make a fresh selection confining the selection to the applicant and respondent no.4 only on the basis of the records already produced by them and such other reports as he may find necessary to collect in that behalf on or before 31.12.1988. However, till a fresh selection and appointment was made, respondent no.4 was permitted to function as E.D.B.P.M. of village Chahotar without any right in the fresh selection. The respondents again selected and appointed respondent no.4. The applicant filed a civil contempt petition (C.C.P.) bearing no.1/89(L) which was dismissed on 28-3-1989. An application for review of the orders passed in the C.C.P. was filed by the applicant, which was also dismissed on 18-5-1990.

3. The applicant's case is that the selection and appointment of respondent no.4 is in contravention of rules of recruitment; the order of appointment dated 29.12.1988 is based on un-lawful, malicious and defiant attitude of respondent no.2; is violative of Articles 14, 16 and 311 of the Constitution of India; and that the entire proceeding relating to appointment are illegal, invalid, void, unjust, un-lawful, discriminatory and against the principles of natural justice. It is asserted that the respondent no.4 is not a permanent resident of village Chahotar and also does not have any house or property in his name in that village. It is further contended that the applicant is the best suitable candidate for the appointment

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as he is the permanent resident and has property and house in his own name in that village.

4. The respondents nos. 1, 2, and 3 in their reply have contested the application. Respondent no. 4 has also filed a separate reply in which he has adopted the reply filed by respondents nos. 1, 2 and 3 and has also asserted that his appointment is fully in accordance with the rules and he was found to be a better candidate in comparison to the applicant.

5. We have perused the material on record and have also heard the learned counsel for the parties.

6. In accordance with the provisions of Posts and Telegraphs, Extra Departmental Agents (Conduct and Service) Rules, 1964 (hereinafter referred to as the Rules) which inter-alia govern the appointment to the post in question in this application, it is provided that the person who takes over the agency (E.D.S.P.M./ E.D.B.P.M.) must be one who has adequate source of livelihood and that he must be able to offer space to serve as the agency premises for Postal operations. He also must be a permanent resident of the village where the Post Office is located. Annexure-A5, which is a comparative analysis of the eligibility etc. of the applicant and respondent no.4, shows that applications of both these candidates were received within the prescribed time; (ii) both fulfil the age and the educational qualifications; (iii) both were found able to offer suitable space in the village to serve as the agency premises for Postal operations; (iv) and

Over.

both were found fulfilling the required conditions of character, solvancy, honesty etc. As regards income and source of income, it is stated that both the candidates had produced income certificate from the revenue authority and also the source of income and that this aspect on verification by the Departmental Officers was found satisfactory in regard to both the candidates. The respondent no.4 did not have property in his own name in village Chahotar, but he has property in his own name at village Bhojpur (Rae Bareli) and thus he has also source of income. As regards the residence, on the basis of character certificate issued by Gram Pradhan, village Chahotar, voter list of village Chahotar, certificate issued by Tahsildar, Lalganj, xxx, Rae Bareli and the inquiries made by the Departmental Officers, respondent no.4 was found a "native" of village Bhojpur (Rae Bareli), but a permanent resident of village Chahotar, and therefore, the condition of residence was found to be fulfilled by both the candidates. The respondents in their reply have stated that the respondent no.4 has secured 300 marks as against 232 marks secured by the applicant out of a total of 500 marks in the Matriculation examination and, therefore, respondent no.4 was considered a better candidate, the other conditions being met by both of them. It has also been stated that respondent no.4 since his ~~has~~ marriage with Smt Kamla Devi, a permanent resident of village Chahotar, has been a permanent resident of village Chahotar for more than 20 years. In support of this, they have relied on the character certificate and the residence certificate issued by Gram Pradhan village Chahotar, the non resident certificate issued

Clear.

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by Gram Pradhan Bhojpur, the voters list of 1975, 1979 and of 1988 of village Chahotar in which the respondent no.4 appears respectively at serial numbers 141, 640 and 112. He also offered the building in the name of his wife in which the Post Office Chahotar is now situated.

7. The learned counsel for the applicant vehemently argued that respondent no.4 was not born in village Chahotar and as such, he was not eligible for appointment to this post. He also argued that he has no property in village Chahotar in his own name and as such he does not fulfil the condition of being able to offer space for postal operation in that village. We are not impressed by these arguments. The rules nowhere prescribe that an applicant should be a 'native' of the village where he is to be appointed; what is prescribed is that he should be a resident of that village. The documents placed on record convincingly show that respondent no.4 has been a permanent resident of village Chahotar for 15 to 20 years. Similarly, the rules nowhere prescribe that the source ^{of} income of an applicant must originate in the village where the appointment is to be made; what is required is that, he must have an independent source of income apart from the agency commission. The documents filed by the respondents prove that respondent no.4 has satisfactory means of regular income from property in his own name. Again, it is nowhere prescribed in the rules that the applicant must be able to offer space for the Postal operations which is only in his own name. Of course he can offer only that space over which he has some control.

Cen.

Alo

The space offered by him is in the name of his wife with whom he has been living for long and in which in fact the Branch Post Office is now already located.

8. It would not be out of place to reproduce below the relevant observations by the Bench which had heard the civil contempt petition filed by the applicant:

" (3) The learned counsel for the petitioner laid great emphasis on the fact that Shri Vijai Shankar is not a permanent resident of the village and that he does not own any property and was therefore not eligible for appointment as EDBPM, Chahotar. In reply, it is explained that the wife of Shri Vijai Shanker, owns pucca house in village Chahotar and he has been living therewith his wife on a permanent basis. In addition to the property held by the wife of Shri Vijai Shanker, he also holds some properties in his own name in village Bhojpur, Tahsil Lalganj, district Rae-Bareilly. At present the Post office is functioning satisfactorily in a portion of the Pucca house owned by Smt. Kamla Devi wife of Shri Vijai Shanker. The method of recruitment of ED Agent is provided in section 2 of EDA (Conduct and Service) Rules, 1964, according to which a person, who is appointed as EDBPM must be one who has adequate means of livelihood and he must be able to offer space to serve as the Agency premises for postal operations. The person selected by the appointing authority fulfills all the qualifications for the post of EDBPM."

"(4) We have considered the matter and we are of the opinion that Shri Vijai Shanker, who has been selected by the opposite party no.1 as EDBPM, Chahotar is eligible for the post and there is no illegality in his selection and appointment as EDBPM, Chahotar Post Office. x" x x "

See

Att

9. In view of the above discussions^{at}, we find no merit in the application which is accordingly dismissed. The parties to bear their own costs.

For meee
MEMBER (J) 1/6/90

For me
MEMBER (A) 1/6/90

(sns)

June 1, 1990

Allahabad/Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 04 27 of 1981 of 198

APPELLANT
APPLICANT

P. C. Shukla

VERSUS

DEFENDANT
RESPONDENT

U. O. 12/5/89

Order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
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12/5/89

Hon'ble Justice K. Nath, J.S.

Due to indisposition of Hon'ble J. D. S. Mishra, A.M. the case can not be taken today. Case is re-listed for admission on 12-5-89.

Am
27/6

U.S.

OK
Case was adjourned to 12-5-89 for admission. Submitted for admission.

12/5/89

Hon' Mr. K.J. Raman, A.M.

Shri T.N. Tewari, learned counsel for the applicant is present. The case be listed for hearing on admission on 15-5-89.

Am
A.M.

OK
Case was adjourned to 15-5-89 for admission. Submitted for admission.

(sns)

15-5-89

Hon. K.J. Raman-AM

Due to Sudden death of Srs Jagdish Swaroop - Ex Solicitor General of India. The Lawyers have abstained from attending court.

The case is accordingly by Adjourned to 26-5-89 For Admission.

Am
AM

:: 87/09(C)

(44)

Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

1-12-47

No sitting Adj to 16-1-90
Both the counsel are present.

L
11/1/90

16-1-90

No sitting of D B / Adj to 6-3-90
Rejoinder filed today

L
B.O.C

No R.A. filed
submitted for
hearing

L
15/1/90

6-3-90

No sitting of Division Bench on 18-5-90
adjourn to 18-5-90

B.O.C

OR
Case is ready
for hearing
S.P.H

18-5-90

Case not reached
Adj. to 28/5.

B.O.C

28-5-90

Hon. Mr. P.C. Jain, A.M.
Hon. Mr. J.P. Sharma, J.M.

4/6/90

Shri T.N. Tiwari for Applicant
Shri D.S. Randhawa for respondents

Heard the arguments of
learned counsel for the applicant
Put up tomorrow for arguments
of counsel for the respondents.

J.M.

A.M.

Dinesh

ANNEXURE - B

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH - LUCKNOW.

Application No. _____ of 19
Transfer Application No _____ of 19
Old Writ Petition No. _____ of 19

C E R T I F I C A T E

Certified that no further action is required to
taken and that the case is fit for consignment to the record room
(Decided)

Date :

Countersigned

Signature of the
Dealing Assistant.

Section Officer/ Court Officer.

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In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench, Lucknow.

O.A. No. 87 of 1989. (L)

Prakash Chandra Shukla Applicant.

Vopius

Union of India & others Respondents.

X N D E X

Sl. No.	Description of documents relied upon.	Page No.	Remarks
1.	Application	1 - 11	
2.	Annexure A-1, copy of policy letter.	12 - 13	
3.	Annexure A-2, clarification of village Pradhan.	14 —	
4.	Annexure A-3, Application of Prakash Chandra Shukla.	15 —	
5.	Annexure A-4, copy of the Judgment dated 7-10-88.	16 - 20	
6.	Annexure A-5, Appointment No to Sheet.	21 - 22	
7.	Power	23 —	
8.	Postal Order	/	

Lucknow, dated,
April 19, 1989.

Pratibha Devi
(T. B. Tewari)
Advocate
counsel for the applicant.

To

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

प्रकाश चन्द्र शुक्ल

In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench, Lucknow.

O.A. No. 87 of 1989. (L)

R E T I R E E

Prakash Chandra Shukla aged about 35 years,
son of Sri Jagannath Prasad Shukla, resident
of village & Post Chahetar, Rao Baroli.

..... Applicant.

A N D

1. Union of India Ministry of Communication
through its Secretary, New Delhi.
 2. Superintendent of Post Offices Rao Baroli.
 3. Assistant Superintendent of Post Offices,
Rao Baroli.
 4. Vijai Shankar, major, son of Bishambhar Dayal,
resident of village & Post Bhogpur, Rao Baroli.
- Respondents.

Filed Today
& noted for
21-4-89

19-4-89

3. PARTICULARS OF ORDER AGAINST WHICH
APPLICATION IS MADE.

Application is made against the order
dated 23-12-1988 (Annexure A-5) passed by the

प्रकाश चंद्र शुक्ल

Superintendent of Post Offices Rao Bareli
there by appointed respondent no. 4 as E.D. R.P.L.
of Post village Chahotar who is not permanent
resident of the said village Chahotar, District
Rao Bareli.

4. JURISDICTION OF THE TRIBUNAL.

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

5. LIMITATION.

The applicant further declares that the
application is within the limitation prescribed
in Section 21 of the Administrative Tribunal
Act 1935.

6. FACTS OF THE CASE.

(a) The applicant is a permanent resident
of village Chahotar. His educational qualification
is Vidya Vachaspati which is equivalent to B.A. degree.

प्रकाश चन्द्र शुक्ल

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MS

(b) There is a Branch Post Office in village Chahotar and the post of Branch Post Master fell vacant after superannuation of the then B.P.M.

(c) By means of Munadi (dugri) the applications were invited. The last date of submission of application was 15-1-1988. Eligibility conditions were also simultaneously advertised together with the Munadi.

(d) Three candidates including the applicant applied for appointment as B.P.M. The applicant possessed of all the eligibility condition but he was ignored of being appointed as B.P.M. Chahotar while the respondent no.4 who was an outsider was considered to be suitable for B.P.M. and was accordingly appointed on recommendation of respondent no.3 who was entrusted to find out the suitable candidate from amongst the applicants.

(e) The eligibility condition and procedure for appointment of B.P.M. issued by the

प्रकाश चंद्र शुक्ल

office of the Director General Posts, New Delhi vide communication No. 41-295/87-P.S.II dated 27-3-1987. A copy of the said policy is annexed herewith as ANNEXURE A-1 to this application. The certificate given by Pradhan indicating permanent residence of respondent no.4 was also overlooked. A photocopy of it is filed as ANNEXURE A-2 and a photocopy of the application of the applicant is also filed as ANNEXURE A-3 to this application.

(1) That the applicant being aggrieved of the appointment of the respondent no.4 had filed an application being Q.A. No. 35/88 (L) P.C.Shukla versus Union of India & others, which was allowed and appointment order dated 12-5-1988 in respect of respondent no.4 was quashed with a direction to respondent no.2 to make a fresh selection confining the range between the applicant and respondent no.4 on the basis of the record already produced by them. A photostat copy of the Judgment dated 7-10-1988 is annexed herewith as ANNEXURE A-4 to this application.

(2) That the respondent no.2 again arbitrarily and wilfully in utter disregard

प्रकाश चन्द्र शुक्ल

and with defiant attitude appointed again the respondent no.4 ignoring the observations, directions of the Hon'ble Tribunal. A photostate copy of the Memo to Show appointing respondent no.4 vide order dated 29-12-1983 is annexed herewith as ANNEXURE A-5 to this application.

(h) That the applicant for the such an illegal act of respondent no. 2 filed a contempt application being SC No. 1/89 (L) P.C. Shukla versus M.J. Siddiqui and another which was dismissed on 23-3-1989 without any findings of the Hon'ble Tribunal and a review application against the said order dated 23-3-1989 had been filed which is pending disposal before this Hon'ble Tribunal.

(i) That it is very much pertinent to mention here that the respondent no.4 is permanent resident of village Bhoj Pur and he does not have any house or property in his name in the post village Chahotar.

(j) That it is further submitted that

प्रकाश चन्द्र शुक्ल

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the income certificate said to have been issued by Revenue Authority was also not verified before appointment which apparently is wrong and incorrect because revenue authority is empowered to issue income certificate only on the basis of revenue records and when respondent no.4 does not have any property in village chahotar, the so called certificate is baseless and illegal.

(k) That it will not be out of place to mention here that respondent no.4 has no house in his own name, therefore, the question of offering the space for running the post office is quite impossible in the eye of law.

(l) That as stated in appointment note-sheet the property in the name of his wife Smt. Kamla Devi never provides eligibility for his appointment because the same is contrary to existing policy (Annexure A-1) and Rules.

(m) That it is further submitted that the applicant in comparison to respondent no.4 is the best person because he is permanent

प्रकाश चन्द्र शुक्ल

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resident of post village . He has considerable property and pucca house in his own name , as such fulfilling all the eligibility conditions comparing to respondent no.4.

(m) That in the circumstances aforesaid the applicant is the best candidate for the appointment on the post of E.D. B.P.M. Chahotar.

7. DETAILS OF THE REMEDIES EXHAUSTED

The applicant declares that no other remedy except to file this application is available to the applicant under the relevant Service Rules.

8. That the applicant further declares that he had filed O.A. No. 35/88 (L) P.C. Shukla versus Union of India & others which was allowed on 7-10-1988 and on non-compliance of the order/observations/directions of the Hon'ble Tribunal , contempt application no. 1/88 (L).

प्रकाश चंद्र शुक्ल

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D.C. Shukla versus M.J. Siddiqui and another was filed which has been dismissed on 23-3-1989 without any findings and Revision application filed is pending disposal before this Hon'ble Tribunal. This all is relating to the same matter but fresh cause of action accrued on 29-12-1988, hence this application.

9. In view of the facts mentioned in para 6 above the applicant prays for the following Reliefs:

(1) That the order dated 29-12-1988 appointing respondent no.4 as E.D. B.F.L. Chahotar may be quashed and set aside and applicant may be declared best candidate in comparison to respondent no.4 and accordingly fit to be appointed on the said post.

The above relief is sought amongst other on the following

REASONS

(1) Because the appointment of respondent no.4 as E.D. B.F.L. Chahotar is in contravention of the prescribed Rules of recruitment and the policy itself laid down in Annexure A-1.

प्रकाशचन्द्र शुक्ल

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(b) Because the order dated 29-12-1988 is an outcome of partial inquiry conducted by respondent no. 3.

(c) Because the order dated 29-12-1988 is based on the unlawful, malicious and persistent with defiant attitudes of respondent no. 2 who has wilfully disregarded and disobeyed the order of the Hon'ble Tribunal.

(d) Because the respondent no. 4 is the permanent resident of village Bhojpur and not of post village and also does not have any house or property in his name in the post village.

(e) Because the applicant is the best suitable candidate for appointment being the permanent resident and having property and house in his own name in the post village.

(f) Because the appointment of the

प्रकाश चन्द्र शुक्ल

H.D. B.P.L. is strictly confined to be made from the permanent resident of the post village and respondent no.4 is not permanent resident of post village.

(c) Because the provisions of Articles 14, 16 and 311 of the Constitution of India have been violated causing miscarriage of justice.

(d) Because the entire proceedings relating to the appointment of H.D. B.P.L. Chahotar is illegal, invalid, void, unjust, unlawful, discriminatory and against the principles of natural justice not sustainable and is liable to be quashed.

10. Pending final decision on the application the applicant seeks to issue of the interim order to the effect that respondent no.2 be asked to take charge from respondent no.4 being disputed post of H.D. B.P.L. Chahotar.

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11. Not applicable.

12. PARTICULARS OF INDIAN POSTAL ORDER IN
RESPECT OF FEE.

Indian Postal Order Sl. No. ^{DD/827984} dated 19.4.89
issued from High Court Lk. post office for
Rs. fifty only (Rs. 50/-)

13. List of Enclosures. Nil.

Lucknow, dated;

April 19, 1989.

यकाश चन्द्र शुक्ल

Applicant.

Verification

I, P.C. Shukla, aged about 35 years,
resident of village & post Chahotar, Rae Bareilly,
do hereby verify that the contents of paras 1 to 8
are true to my personal knowledge and the contents
of paras 9 to 13 are believed by me to be true on the
basis of legal advice and that I have not suppressed any
material fact.

यकाश चन्द्र शुक्ल

Lucknow, dated;

April 19, 1989.

Applicant

To

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

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(124)

In The Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench at Lucknow.

O.A. No. of 1987 (L)
Prakash Chandra Shukla Applicant.
Versus
Union of India & others Respondents.

ANNEXURE A-1

Copy of Communication No. 41-235/87-PR.II dated
27-8-1987 from O/O of the D.G. Posts New Delhi.

Addressed to all Heads.

Subject: Non observance of Rules regarding appointment
of ~~EDP~~ in respect of residence, income, and
publicity etc. by the circles.

It has been observed that in many cases of
appointment of ~~EDP~~, the reports from the circles have
shown that persons who are not residents of post-
villages are being recruited on the ground that they
have additional sources of income or possesses properties.
Often the recruitment is being decided on the basis
on only one application. In case, no person is from the
post villages who has applied, has additional sources of
income the vacancy is required to be re-advertised of the
post village (but with income or property) can be done.
If the vacancies are re-advertised and no application
from the post village is received then only there are
adequate grounds to appoint an outsider as ~~EDP~~.
It is also seen that provisional appointments made
by S.Os of other lower functionaries are being
allowed to continue for a long period, in contravention
of Rules 7 (9) of Section (II) of RDAS (Conduct and

युक्त यंत्रणा

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services) Rules 1954. This state of affairs is highly objectionable. It is, therefore, necessary for the concerned officers to keep a vigilant eye on such cases in order to check such irregularities in appointment of EDAs and specially EDAs so that appointment of EDAs are made strictly in accordance with the Rules. All appointing authorities of EDAs may kindly be advised to go through the relevant rules for appointment of EDAs before appointments are made.

No. Staff A-67/24/25/5 dated at Lucknow the 7-2-1957

Copy forwarded to

The Adl. P.G. Kampur/Lucknow

and 7 other addressees

for information and necessary action and guidance please. Receipt of this letter may please be acknowledged.

sd/-

(U.E. Kapoor) APMG (staff)
for P.G. U.E.

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प्रकाश चन्द्र शुक्ल

श्रीमान अधीक्षक डाकघर
रायबरेली, प्रखण्ड
रायबरेली.

सतद् द्वारा मैं यह स्पष्ट करना चाहता हूँ,
कि श्री विजय शंकर मिश्री, जिन्होंने शाखा-उपपालक
पद के पद-पर निष्पत्ति हेतु आवेदन किया है,
इस गाँव के मूल निवासी नहीं हैं, भोजपुर (रायबरेली)
के मूल निवासी हैं। यहाँ पर उनकी ससुराल है,
मकान उनके नाम नहीं है, जब तक यहाँ
रहते हैं। इससे अन्वयार्थ श्री दिनेश चन्द्र
का लालन-पालन एवं पढ़ाई आदि भी
गति धल (महोका) में हुई है, कुछ
अगरसे से अपने पिता के पास आकर
यहाँ रहने लगे हैं। इति

शारदा प्रसाद शुक्ल
उपस्थित

प्रखण्ड अधिकारी
Liluvainpur
(T. N. Mishra)
Shrover

चौधरी
17-5-88
1988

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A24

Claim Petition No of 1988

Prakash Chandra Shukla Vs S.P.O. Rae Bareilly & Others

ANNEXURE No. 13

प्रार्थना पत्र



सेवा में,

अधीन: डाक्टर,

राय बरेली प्रखण्ड, राय बरेली

विषय:- अतिरिक्त विभागिय जाखा डाक्टर पदोतर, जिहा राय
राय बरेली प्रखण्ड (विभागिय जाखा)
माननीय महोदय,

तद्विषय निवेदन है कि मुझे ग्राम प्रधान सुनायी/पेटाकर प्राप्ति सुचना के
अनुसार नाम हुआ है कि अतिरिक्त विभागिय जाखा डाक्टर पदोतर जिहा राय बरेली
का स्थान दिनांक 24.12.87 के आदेश द्वारा विरक्त हो जाने से रिक्त हुआ है।
विभाग द्वारा मंत्री मया तभी बात आई है आधार पर मैं अपने आपको उक्त पद
पर नियुक्ति करने की प्रार्थना करता हूँ। मेरी योग्यता का विवरण निम्न है:-

1. नाम : प्रकाश चन्द्र शुक्ल
2. पिता का नाम : श्री 1. जन्माय प्रताप शुक्ल
3. पता : प्रकाश चन्द्र शुक्ल, ग्राम पोर पदोतर, जिहा राय बरेली
4. निवास जगह : जन्म से ग्राम पदोतर, जिहा राय बरेली
5. जन्मतिथि : 15.11.54 विन्ध्य नगर तन् पौवन
6. योग्यता :

परीक्षा	वर्ष	श्रेणी	प्राप्ति	नोट
डाई स्कूल परीक्षा 1973	द्वितीय	232/500	सहायक	
वेतन विचार परीक्षा 1973	द्वितीय	502/1000	विभागाध्यक्ष	प्रधान

7. न्याय विभागिय अन्य किसी संस्था का तदर्थ नहीं है।
 8. मासिक जाय: 540/- प्रतिमास, 6480/- प्रतिवर्ष
 9. डाक्टर के तदर्थ मेरी सेवा का रुख रखा है। तथा नतीजा के लिए उपयुक्त
स्थान उपलब्ध है।
 10. मेरी योग्यता का विवरण निम्न है।
- अतिरिक्त विभागिय जाखा डाक्टर पदोतर जिहा राय बरेली का स्थान दिनांक 24.12.87 के आदेश द्वारा विरक्त हो जाने से रिक्त हुआ है।
विभाग द्वारा मंत्री मया तभी बात आई है आधार पर मैं अपने आपको उक्त पद पर नियुक्ति करने की प्रार्थना करता हूँ। मेरी योग्यता का विवरण निम्न है:-

- प्रार्थी
प्रकाश चन्द्र शुक्ल
ग्राम पोर पदोतर, जिहा राय बरेली
- सहस्रनाम:-
1. डाई स्कूल का मासिक जाय
2. डाई स्कूल का प्रमाण पत्र
3. वेतन विचार परीक्षा 1973 का प्रमाण पत्र
4. पोर पदोतर प्रमाण पत्र
5. जाय का प्रमाण पत्र
6. ऊनीना का प्रमाण पत्र
1. डाई स्कूल का मासिक जाय
2. डाई स्कूल का प्रमाण पत्र
3. वेतन विचार परीक्षा 1973 का प्रमाण पत्र
4. पोर पदोतर प्रमाण पत्र
5. जाय का प्रमाण पत्र
6. ऊनीना का प्रमाण पत्र

प्रमाणित किया जाता है:- 17/12/88
प्रमाणित किया जाता है:- 17/12/88

In the Hon'ble Central Administrative Tribunal
Allahabad Bench, Allahabad
Lucknow Bench, Lucknow

O.A. No. _____ of 1988 (L)

PC Shukla vs Union of India & others

Annexure - "A-H"

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH AT L U C K N O W

Dated the 7th day of O c t o b e r, 1 9 8 8

Present

THE HON'BLE MR. JUSTICE K.S. PUTTASWAMY

VICE CHAIRMAN

THE HON'BLE MR. AJAY JOHRI

MEMBER (A)

O.A. NO. 35 OF 1988 (L)

Prakash Chandra Shukla

Applicant

-vs.-

Union of India and others

Respondents

This application coming on for hearing this day, Hon'ble Vice Chairman, made the following:

O_r_d_e_r

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 (Act).

2. In response to an advertisement issued by the Superintendent of Post Offices, Rae Bareilly Division (Superintendent), calling for applications for the post of an Extra Departmental Branch Post Master (EDBPM) of village Chahotar, Tahsil Lalgang, District Rae Bareilly, the applicant, respondent-4 and 4 others applied for selection. On 12-5-1988, the Superintendent had selected and appointed respondent-4 in

Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

Photostat Attached
Jitendra Kumar
(T.N. Mani)

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preference to the applicant and 4 others. In pursuance of the same, respondent-4 has reported for duty on 16-6-1988 and is working as EDBPM of Chahotar from that date. In this application made on 26-5-1988, the applicant has challenged the selection and appointment of respondent-4 and his non-selection.

3. Among others, the applicant had asserted that respondent-4 who was not a resident of the village, was not eligible for selection and that he was the most suitable person to be selected and appointed to the post of EDBPM of Chahotar.

4. In justification of the selection and appointment of respondent-4, respondents 1 to 3 have filed their reply. Respondent-4 has also filed a separate reply supporting respondent-3.

5. Shri T.N.Tiwari, learned Counsel for the applicant, contends that the selection and appointment of respondent-4 who was ineligible and unsuitable, was illegal and the applicant who was eligible and suitable in all respects, be selected and appointed in the place of respondent-4.

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

6. Shriyuths: V.K.Choudhry and R.P.Pandey, learned Counsel for respondents 1 to 3 and 4, respectively, sought to support the non-selection of the applicant and selection and appointment of respondent-4.

7. The

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7. The selection and appointments to the post of EDBFMs is regulated by the Posts and Telegraphs Extra Departmental Agents (Conduct and Service) Rules, 1964 (Rules).

8. In the Tabular Statement prepared by the Superintendent, he has found that the applicant and respondent-4 were eligibel for selection.

9. But the applicant disputes the eligibility of respondent-4 on the grounds that he is not a resident of Chahotar village and that he does not own any property and house in that village. From the records produced, it appears to us that the Superintendent had not rivetted his attention to these aspects and had not decided on any of them one way or the other.

10. Whether the assertions of the applicant against respondent-4 are true or not, has necessarily to be examined and decided by the Superintendent in the first instance. If the Superintendent finds that respondent-4 is not eligible for selection on any of the grounds urged by the applicant, then the question of his suitability for the post will not arise. Before adjudging on the suitability of respondent-4, it is for the Superintendent to ascertain on his eligibility under the Rules and then decide the matter. As the Superintendent had not addressed himself on the eligibility of respondent-4, we must necessarily quash his selection and direct a fresh selection.

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

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- 4 -

11. We find that the Superintendent had selected respondent-4 by stating only thus:

"ORDER"

(Ref.215-209/C)

Appointed candidate
at Sl.No.2, Shri Vijay-
Shanker.

Sd. M.J.Siddiqui,
Superintendent,
12-5-1988."

Except for this, the records do not disclose any other reasons for selecting respondent-4 and for not selecting the applicant also. From this, it is clear that the Superintendent had selected respondent-4 without really applying his mind and without finding as to who was the best person to the post. We are of the view that this order is plainly arbitrary and illegal and calls for our interference on that ground also.

12. We have earlier noticed that respondent-4 is functioning as EDEPM at Chahotar village, from 16-6-1988. Even though we have come to the conclusion that there should be a fresh selection, then also we consider it proper to permit respondent-4 to discharge the duties of the post in the public interest till a fresh selection is made. But, in making a fresh selection, the Superintendent shall not take into consideration the permission granted by us.

f Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

13. In the light of our above discussions, we make the following orders and directions:

Suburban

(1) We quash the selection and appointment of respondent-4 made by the Superintendent in Memo No.E-3/86 'B', dated 12-5-1988.

(11) We direct the Superintendent, Rae Bareilly Division, to make a fresh selection to the post of EDBPM of Chahotar village confining the range of selection to the applicant and respondent-4 only, on the basis of the records already produced by them and such other reports as he may find necessary to collect in that behalf with all such expedition as is possible in the circumstances of the case and in any event, on or before 31-12-1988. But till a fresh selection and appointment is made, respondent-4 is permitted to function as EDBPM of Chahotar, without any right in the fresh selection.

14. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

15. Let this order be communicated to all the parties, within a week from this day.

Sd/-
(AJAY JOHRI)
MEMBER (A).

TRUE COPY

Sd/-
(K.S. PUTTASWAMY)
VICE CHAIRMAN.

7/10/1988

Sd/-
Deputy Commissioner

Sd/-
Adv

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In The Hon'ble Central Administrative Tribunal
Allahabad Bench, Allahabad
Circuit Bench, Lucknow

O.A. NO. _____ of 1988 (L)

P.C. Shukla Vs Union of India & others.

Annexure "A-5"

" OFFICE NOTE-SHEET "

In compliance to the Hon'ble C.A.T. Allahabad bench at Lucknow Judgement dated 7.10.88 in O.A. NO-35 of 1988 (L) - Prakash Chandra Shukla V/S. Union of India and others, the fresh selection to the Post of EDBPM

of Chahotar Village confining the range of selection to Shri Prakash Chandra Shukla, the applicant of the above case, and the respondent NO-4 of the above case, Shri Vijay Shanker, the required suitability based on the records, produced by them at the time of original selection and further reports, as permitted by the Hon'ble Court in making the fresh selection and appointment. The condition of eligibilities in respect of both the candidates are discussed here - as -under :-

(1) Time limit:- The last date for receipt of the applications was fixed as 16.1.88. The application of Shri Vijay Shanker S/O Shri Bishambhar Dayal resident of V.P.O. Chahotar was received on 11.1.88 while of Shri-Prakash Chandra Shukla was received on 12.1.88.

Thus both the applications were received in time.

(2) Age:- As per records, on 16.1.88 both the candidates were within the required age limit as the D/B. of Shri Vijay Shanker is 25.10.53 and of Shri Prakash Chandra Shukla 15.11.54.

Thus the condition of age is fulfilled by both the candidates.

(3) Educational Qualifications:- S/Shri Vijay Shanker and Prakash Chandra Shukla both are High School passed the maximum educational qualification which is to be taken into consideration. But Shri Vijay Shanker has secured 314 marks out of 500 marks while Shri Prakash Chandra Shukla has obtained 232 marks out of 500 marks.

Thus, though both the candidates fulfill the condition of the eligibility in respect of educational qualification, yet the former ranks superior to the latter

(4) Income and source of Income:- Both the candidates, u/r. have produced income certificate from the revenue authority and also the source of income. This aspect on verification by Departmental Officers, was found satisfactory in r/o both the candidates. Of course, Shri Vijay Shanker does not own any property in his own name in the Village Chahotar but he has got property in his own name at Village Bhojpur (Raebareli) and thus he has also got source of income.

(5) Residence:- On the basis of character certificate issued by Gram Pradhan, Chahotar (77/C of file D-3/86-D) Voter list of Gram Chahotar (200/C), the certificate issued by Tahsil Dar, Lalganj (Raebareli (76/C ibid) and on the basis of enquiries made by Departmental Officers (209/C & 292/C). Shri Vijay Shanker S/O Shri Bishambhar Dayal is native of village Bhojpur (RBL) but due to his marriage, he has become permanent resident of Village Chahotar. Shri Prakash Chandra Shukla is also permanent resident of village chahotar.

Thus the condition of residence is fulfilled by both the candidates.

Contd.....2)

Photo Stat Attached

Signature

(T.N. Mishra)
Advocate

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(2)

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- 6- Ability to offer space for P.O. purposes :- Both the candidates, u/r, were found able to offer suitable space in the main P.O. village to serve as the agency premises for Postal operations.
- 7- Character, Solvency etc. :- Both the candidate, u/r, were found fulfilling the required conditions of Character, solvency, honesty etc.

As the selection / appointment is a Provisional one, the character and antecedents are to be verified through the Police and the income and source of income through the Collector (D.M.) of the Distt. for regular selection / appointment.

As discussed above, Shri Vijay Shanker has secured higher marks than Shri Prakash Chandra Shukla so, the former candidate stands superior to the latter one. And, therefore, Shri Vijay Shanker S/O Shri Dishambhar Dayal candidate at SL NO-2 of the list of the candidates (SL 133/C ibid) is provisionally selected and appointed as EDBPM Chahotar (Raebareilly).

2 other things being the same.

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C.A.T. A.C. 4. 1-1
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T.N. Prasad
Adarshi

In the Hon'ble Circuit Administration Tribunal
 Circuit Bench, Muzaffarpur
 बअदालत श्रीमान

वादी (मुद्देई)
 मुद्देई (मुद्दालेह)

का

वकालतनामा

O. A. No. 1989 (C)

Prakash Chandra Shukla & Son Jagannath P.
 No 112 P.O. Chahotar. Dum - Raebareilly. Shukla.

Union of India & others. प्रतिवादी (रेस्पान्डेन्ट)
 नं० मुद्दमा सन मेशी की ता० १९ ई०
 J. Prakash Chandra Shukla. T. N. Tiwari
 ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Advocate

वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानो) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर प्रकाश चन्द्रशुक्ल

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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Accepted. T. N. Tiwari
 Advocate.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL /
CIRCUIT BENCH LUCKNOW.

C.A. No. 87 of 1989

P.C. Shukla

....

Applicant

Versus

Union of India & others

....

Respondents

Counter Affidavit on behalf of
Respondents 1, 2 & 3.

I, P.N. Mishra, aged about 49 years son of Late Sri Kuber Nath Mishra resident of Post Office Building, Rae-Bareilly, hereinafter described as the deponent, do hereby solemnly affirm and state as under : -

1. That the deponent is the Supdt. of Post Offices, Rae-bareilly and as such he is competent to affirm this affidavit on behalf of opposite parties 1,2,3.
2. That the deponent has read and understood the contents of the claim petition and he is well conversant with the facts of the case deposed hereinafter.
3. That the contents of para 3 of the Application so far as they relate to the residence of the respondents No. 4 are not admitted. In fact respondent no.4 is a permanent resident of village Chahotar, District Raebareilly.
4. That the contents of paras 4 and 5 of the Application need no reply.

contd...P/2

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5. That before giving replies to various sub-paras of para 6 of the Application, it is necessary to state the following facts by way of brief background to the case : -

(i) That the applicant challenges the order dated 29.12. 1988 by which Respondent No. 4 has been provisionally selected and appointed as Extra Departmental Branch post master Chahotar, Rae-bareli. In this connection it is stated that six applications in response to the advertisement dated 17.12.1987 were received by the office of the Supdt. of Post offices Rae-bareli, who is Respondent No. 2 in the present claim Application.

Among the six applicants were the present applicant, Shri Prakash Chandra Shukla and Respondent No. 4 Shri Vijai Shanker.

(ii) That Shri Vijai Shanker and Shri Prakash Chandra Shukla both had passed High School Examination which is the maximum requisite qualification for the post. But Shri Vijai Shanker had secured 314 marks out of 500 marks while Shri Prakash Chandra Shukla had obtained 232 marks out of 500 marks. Thus both the candidates fulfilled the conditions of eligibility in respect of educational qualification. Yet the former was found superior to the latter in merit.

(iii) That both the candidates had produced Income Certificates from the Revenue Authority and



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also the source of income. This aspect on verification by Departmental Officers was found satisfactory in respect of both the candidates. Although Shri Vijai Shanker does not own any property in his own name in village Chahotar, yet he has got property in his own name in village Bhojpur and thus he has also got his own source of income from his own property. Further, his wife owns property in village Chahotar including the building in which now the post office Chahotar is situated. Accordingly, Shri Vijai Shanker has " An adequate means of livelihood " .

- (iv) That with regard to the residence of the Respondent No. 4, Shri Vijai Shanker, it is submitted that since his marriage with Smt. Kamla Devi (D/o Braj Raj) a permanent resident of village Chahotar for more than 20 years ago he has also been permanently residing in village Chahotar with his wife and thus he has become a permanent resident of village Chahotar. This is evident from the character certificate and the residence certificate issued by Gram Pradhan Chahotar, the non-residence issued by the Gram Pradhan, Bhojpur, the voter list of Gram Chahotar, the certificate issued by the Tahsildar of Tehsil lalganj as well as from the enquiries made by Departmental Officers.

Accordingly Shri Vijai Shanker is very well " able to attend to the post office work as required of him " . True copies of the aforesaid

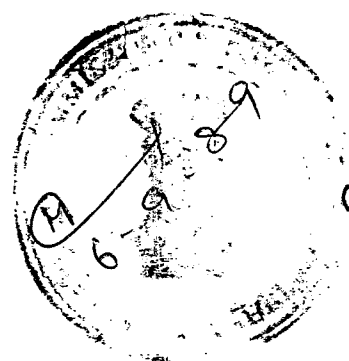
P29

three certificates dated 21.4.88 and 17.12.88 from the Gram Pradhan and ^{the Income Officer from} the Tahsildar as well as the Voters lists of gram Chahotar for the years 1975, 1979 & 1988 are filed herewith as Annexure No. C-1, C-2, C-3, C-4 & C-5 ^{this} may be added that the name of Shri Vijai Shanker appears at serial No. 141 in the voter list of 1975, at serial No. 640 of the voter list of 1979 and at serial No. 112 of 1988.

(v) That Shri Vijai Shanker was also found able to offer space in village Chahotar in the main Post Office village Chahotar to serve as the agency premises for postal operations. This space is sufficient enough for the post office functioning in the village.

(vi) That Shri Vijai Shanker was found a suitable candidate in all respects and as such he was appointed on the post of Extra Departmental Branch Post Master Chahotar vide office Memo dated 12.5.1988.

(vii) That the present applicant Shri P.C. Shukla earlier also filed an application in this Hon'ble Tribunal against the appointment order dated 12.5.1988 by which Shri Vijai Shanker had been appointed as Extra Departmental Branch Postmaster. This case was listed as O.A. No. 35 of 1988(L) (Prakash Chandra Shukla V. Union of India and others) and it was decided on 7.10.1988 by the Hon'ble Central administrative tribunal Additional Bench Allahabad sitting at Lucknow. By the aforesaid decision taken by the Hon'ble Tribunal the Supdt. of Post Offices Rae Bareilly



AMC

Div. Rae-Bareli was directed " to make a fresh selection to the post of EDBPM of Chahotar village confining the range of selection to the applicant and respondent 4 only, on the basis of the records already produced by them and such other reports as he may find necessary to collect in that behalf with all such expedition as is possible in the circumstances of the case and any event on or before 11.12.1988."

(viii) That the Supdt. of Post offices Rae-Bareli in perfect compliance of the above directions as contained in the judgment and order dated 7.10.1988 carefully reconsidered the case of both of the present applicant, Shri P.C. Shukla and respondent No. 4 Shri Vijai Shanker for their selection for the post of EDBPM Chahotar. But, again Shri Vijai Shanker was found superior to Shri P.C. Shukla and as such he was provisionally selected and appointed as EDBPM Chahotar (Rae-Bareli) vide SPO's Rae-Bareli Memo No. B-3, 86-B dated 29.12.1988.

6-9-89

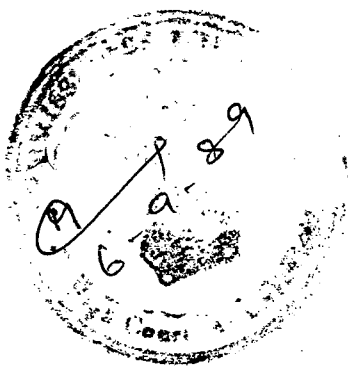
(ix) That the present applicant had also filed the contempt case against Shri M.J. Siddiqui who was the then Supdt. of Post Offices, Rae-Bareli Div. Rae-Bareli. This case was registered as contempt application No. 1 of 1989 (L) in OA No. 35 of 1988 (L) -- P.C. Shukla V. M.J. Siddiqui. This contempt case ultimately after hearing the arguments of the counsels for both the parties was dismissed on March 28, 1988. The contents

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of paras 3 and 4 of the aforesaid judgement of the Hon'ble Central Tribunal in the contempt case being also relevant for the purpose of the present claim application are reproduced as under : -

" (3) The learned counsel forth petitioner laid great emphasis on the fact that Shri Vijai Shanker is not a permanent resident of the village and that he does not own any property and was therefore not eligible for appointment as EDBPM, Chahotar. In reply, it is explained that the wife of Shri Vijai Shanker, owns pucca house in village Chahotar and he has been living therewith his wife on a permanent basis. In addition to the property held by the wife of Shri Vijai Shanker, he also holds some properties in his own name in village Bhojpur, Tahsil Lalganj, district Rae-Bareilly. At present the Post office is functioning satisfactorily in a portion of the Pucca house owned by Smt. Kamla Devi wife of Shri Vijai Shanker. The method of recruitment of ED Agent is provided in section 2 of EDA (Conduct & Service) Rules 1964 according to which a person, who is appointed as EDBPM must be one who has adequate means of livelihood and he must be able to offer space to serve as the Agency premises for postal operations. The person selected by the appointing authority fulfills all the qualifications for the post of EDBPM."



" (4) We have considered the matter and we are of the opinion that Shri Vijai Shanker, who has been selected by the opposite party No. 1 as EDBPM, Chahotar is eligible for the post and there is no

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- 7 -

illegality in his selection and appointment as EDBPM, Chahotar Post Office. We are also of the opinion that there is no merit in the allegation that opposite party No.1 has committed any disobedience of the order dated 7.10. 1988 in O.A. No. 35 of 1988 (L) passed by this Tribunal.

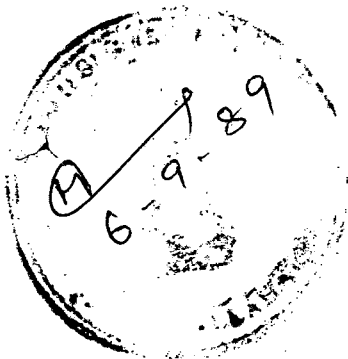
Accordingly we discharge the notice and dismiss the petition without any order as to costs."

In this regard it is significant to mention that the findings as given by the Hon'ble Tribunal in the above mentioned contempt case deserve serious consideration for the purpose of the present claim application also.

- (6) That in reply to the contents of sub-para (a) of para-6 of the application it is admitted that the applicant is a permanent resident of village Chahotar. However, the claim of the applicant that his educational qualification is "Vidya Vachaspati" which is equivalent to B.A. degree is denied. In fact the applicant's qualification is High School and no weightage could be given to him even if he had higher educational qualifications.

- (7) That the contents of sub-para (b) and (c) of para 6 of the application need no reply.

- (8) That in reply to the contents of sub para (d) of para 6 it is submitted that both the present applicant Shri P.C.Shukla and respondent No. 4 Shri Vijai Shanker were found eligible for




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appointment as EDBPM Chahotar. But, Shri Vijai Shanker was found more suitable as he was better in merit. Accordingly he was selected and appointed. In this connection the allegation of the applicant that Shri Vijai Shanker was "appointed on the recommendation of respondent No. 2 who was entrusted to find out the suitable candidate from amongst the applicants. is denied. Infact, the selection was made after careful consideration of the comparative merits of the candidates by the Appointing Authority, the Superintendent of Post Offices Rae-Bareilly, who is Respondent No.2 in present claim application. Further, the allegation that respondents No. 4, Shri Vijay Shanker was an "Outsider" is also strongly refuted. . The position regarding his permanent residence in village Chahotar has already been stated above in this Counter Affidavit.

(9)

That in reply to the contents of Sub-para (E) of para 6 of the application it is submitted that there is absolutely no violation of the Departmental instructions as contained in the communication dated 27.8. 1987 from the office of Director General Posts, New Delhi which has been filed as Annexure No. A-1 to the claim application. In the present case the candidate Shri Vijay Shanker has been the permanent resident of the post office village, Chahotar for about 20 years and he has "an adequate means of livelihood." Further in this connection it is



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stated that Shri Ram Kishore Shukla who is the present pradhan of the village, on 17.12. 1988 had rightly issued a certificate in favour of Shri Vijai Shanker certifying correctly that he had been permanently residing in village Chahotar for about 15 years till that time. In this connection now it is significant to mention that a clarificatory letter dated 17.5.1988 has issued by the Pradhan Shri Sharda Prasad Shukla is a result of manipulation made by applicant Shri P.C. Shukla who happens to be nephew of the Pradhan. At this Juncture it is very much relevant to mention that the same Pradhan, Shri Sharda Prasad Shukla had issued a Character Certificate to Shri Vijai Shanker on 21.4.1988, correctly certifying Shri Vijay Shanker as resident of Village Chahotar for the last fifteen years. Further it is stated that even according to the clarificatory letter dated 17.5.1988 addressed by the then Pradhan Shri Sharda Prasad Shukla to the Superintendent Post Offices, Rae-Bareli it has been simply stated that Shri Vijay Shanker " is not the original resident (Mool Nivasi) of this village ", and he is the original resident " (Mool Nivasi) of Bhojpur (Rae Bareli). As it has already been stated in Para-5 of the Counter affidavit, Shri Vijay Shanker, although original resident of Village Bhojpur has been permanently residing in village. Chahotar since his marriage in 1967 more than 20 years ago with Smt. Kamla Devi D/O Shri Brijraj a permanent resident of P.O. Village

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Chahotar. Three photostat copies of the certificates issued by the Pradhans of the village Chahotar and Bhojpur, the certificate issued by the Tehsildar Lalganj and the Voters Lists have already been annexed herewith.

(10) That the contents of Sub-Paras (F) of Para-6 of the application being the matter of record need no reply.

(11) That in reply to the contents of Sub Para (f) of Para-6 the allegation of " arbitrary & wilfully & with defiant attitude " ignoring the observations and directions of the Hon'ble Tribunal is totally denied. It is submitted that in this respect full obedience of the directions of the Hon'ble Tribunal as contained in its judgment dated 17.10.1988 the candidature of both Sri P.C.Shukla & Sri Vijai Shanke was carefully reconsidered. But even on reconsideration of the comparative merits of the two candidates Sri Vijai Shanker was found superior to Sri P.C.Shukla and as such he was selected for appointment as Extra Departmental BPM of Post Office Vill.Chahotar.

(12) That in reply to the contents of Sub Para (h) of para 6 of the application it is submitted that the contempt application was rightly dismissed on March 28, 1989 with all necessary findings, which are relevant even for the purpose of the Present Claim Application. Two paras of the Judgment Dated March, 28th 1989 as passed in the contempt case have been reproduced in para-5 of this

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Counter Affidavit. The findings given in those paras deserve consideration in support of the case of the Opposite Parties. In this connection, it is also emphatically stated that the mere pendency of a Review Application against the Judgement given in the Contempt case is of no consequence for the purpose of the present claim application.

(13) That in reply to the contents of Sub Para (i) of Para-6 of the application it is submitted as under : -

(i) That Sri Vijai Shanker who has been selected in a fresh selection as E.D.B.P.M. Chahotar, Tehsil Lalganj District Rae-Bareilly, is a permanent resident of Village Chahotar. Further, it is submitted that Sri Vijai Shanker S/o Late Vishambher Daysi a native of village Bhojpur Tehsil Lalganj was married to Kamla Devi daughter of Sri Brij Raj permanent R/o village Chahotar in 1967 and since then he has been permanently residing in this village. By the way it may also be mentioned that his wife Smt. Kamla Devi is the only daughter of Sri Brij Raj and being the only legal heir of her deceased father, has inherited all his movable and immovable property including the residential house in which the Post offices has been accommodated. Further, it is submitted that the fact of his being a permanent resident of village

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Chahotar is evident from the Income Certificate dated 8.1.1988 issued by the Tehsildar Lalganj District ~~Rara~~ Rae-Bareli as well as the character certificate dated 21.4.1988 issued by the Pradhan of the village Chahotar. True copies of the Income certificate and the character certificate have already been annexed with this Counter - Affidavit. It may be added that the name of ~~Shri~~ Vijai Shanker also appears in the voter lists of Gram Sabha Chahotar since 1975 as resident of village Chahotar. True photostat copies of voters lists of Gram Sabha, Chahotar for the year 1975, 1979 and the year 1988 have been annexed herewith as combined Annexure No. C-5

- (ii) That there is quite a handsome property including a big pucca House in village Chahotar in the name of his wife Smt. Kamla Devi. In addition to this property, Vijai Shanker has also some properties in his own name in village Bhojpur Tehsil Lalganj District Rae-Bareli. In this connection it is submitted that para -3 Sec.II (Method of Recruitment) of P&T EDA Conduct & Service) Rules, 1964, requires that the person who is appointed as EDBPM " Must be one who had an adequate means of livelihood" and he must be able to offer space to serve as the Agency premises for postal operations". In view of these requirements Sri Vijai Shanker has " adequate means of livelihood" and he has already offered accommodation of the Post office, located in village Chahotar, a portion of Pucca house which is in the name of his wife and in which he

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himself is also living with her . At present the Post Office is functioning satisfactorily in the same building. In this connection it is submitted further that Shri Vijai Shanker had secured 314 marks out of 500 marks, while Shri Prakash Chandra Shukla obtained only 232 marks out of 500 marks in the High School exam. Thus though both the candidates fulfilled conditions of eligibility yet Shri Vijai Shanker ranked superior to Shri P.C. Shukla in merit. accordingly he was found more suitable and was selected and appointed as EDBPM of the post office Chahotar.

(14) That the contents of sub para (j) of para - 6 of the application and the contentions raised thereⁱⁿ are denied and it is submitted that the Income certificate as issued by the Revenue Authority was duly verified. Further it is submitted that this certificate is perfectly a legal and [✓]valid public document and the allegation of its being baseless and illegal is entirely wrong.

(15) That in reply to the contents of Sub-para (k) of para -6 of the application, it is submitted that the relevant condition as contained in the Method of Recruitment, Sec-II of the EDAs (Conduct & Service) Rules, 1964, is that the Person selected for the post of EDBPM " must be able to offer space to serve as the agency premises for postal operations " . In this regard it is stated that Sri Vijai Shanker was very well able to offer space in the house which is owned by his wife Smt. Kamla Devi D/O Shri Brij Raj. It is significant to mention that since 15th June 1988 ED Branch Post Office has been regularly

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functioning in the space provided by Shri Vijai Shanker in the premises of the above mentioned house.

- (16) That in reply to the contents of sub para (1) of para-6 of the application it is submitted that Shri Vijai Shanker who was required to offer space for the post office has perfectly fulfilled the condition by offering space in the premises of the house which is owned by his wife and in which he himself has also been permanently residing for quite a long time. In view of this position, there is absolutely no violation of any rule of the EDA (Conduct & Service) Rules 1964, or the existing policy of the Department and the Government.
- (17) That in reply to the contents of sub para (m) and (n) of para-6 of the application, the claim of the applicant is denied and it is submitted that Shri Vijai Shanker, respondent No.4 in the present application being much better in merit was rightly selected for the post of ED BPM Chahotar.
- (18) That the contents of para-7 of the Application need no reply.
- (19) That the contents of para-8 of the application need no reply. However, the position as stated in this para may be subjected to judicial scrutiny.
- (20) That with reference to the contents of para-9 of the application, the deponent has been advised to state that the grounds as taken by the

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applicant are not sustainable in law and the allegation contained therein are entirely false and frivolous. There is no violation of any provision of law and the Constitution and the selection and appointment as made by the Respondent No. 2, the Supdt. of Post Offices Rae-Bareilly is perfectly legal, just and proper. Accordingly the Applicant is not entitled to any relief prayed for in the present claim application and as such this claim application is liable to be dismissed with costs.

Lucknow.

Dated: 6-9-89

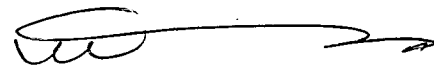

Deponent

Verification


I, the above named deponent do hereby verify that the contents of paras 1 & 2 of the affidavit are true to my own knowledge, the contents of para 3 to 19 are true to my knowledge derived from the official records and the contents of para 20 of the affidavit are believed by me to be true on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow:

Dated: 6-9-89


Deponent

Identified the deponent who is personally known to me and has signed before me.

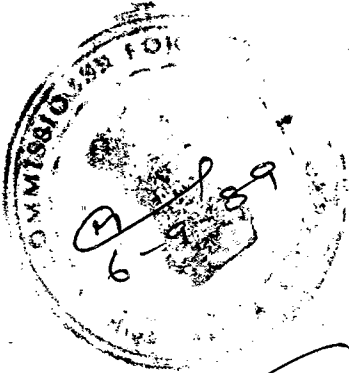

Advocate.



AS1

Solemnly affirmed before me on 6-9-89 at 3:30 PM
by the deponent P.N. Mishra who is
identified by Shri D.S. Randhawa Advocate High Court
Lucknow.

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

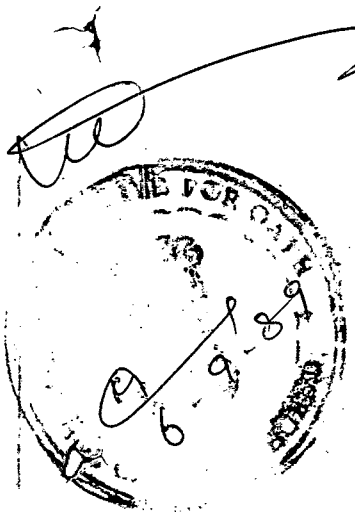
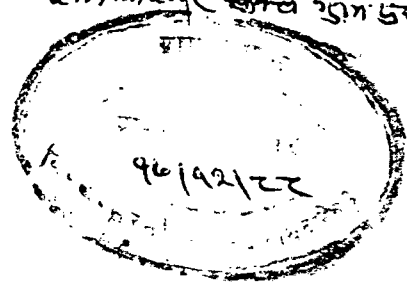


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High Court, Lucknow
6-9-89

Do
6-9-89

मैं रामकिशोर शुक्ला का प्रचार चहेतु जिला रायबरेली उम्मादि का है कि
 श्री उकाशचंद्र शुक्ल जाबकाय का केस चहेतु के मूल निकासी है उकाशकाय का काम
 चहेतु की गवाहता रखी गई १९८८ की काम संख्या २० पचास पा. कं. दि. है।
 श्री विजय शंकर शुक्ल विश्वम्भर दयाल का केस चहेतु जिला रायबरेली का काम
 चहेतु का काम की गवाहता रखी गई १९८८ के काम संख्या १९२ पा. कं. दि. है।
 जाबकारी के अनुसार श्री विजय शंकर शुक्ल विश्वम्भर दयाल का चहेतु में १२ वर्ष से
 रह रहे हैं। ~~विजय शंकर शुक्ल~~ विजय शंकर शुक्ल विश्वम्भर दयाल के साथी में सख्त के काम की
 लाली को चल व फायल सम्पत्ति दिने किताब का श्री काता देवी है श्री विजय शंकर शुक्ल
 विश्वम्भर दयाल का लाल देवी के प्रति है।
 रामकिशोर शुक्ल का प्रचार



In my presence
 17-12-00
 CI

Attested
 Supdt. of Post Offices
 Rae Bareilly Div. 229001

GA No. 87 of 1989

Applicant Annexure No C-3

P. C. Shukla
Union of India

वर्तमान में मिलन कुमार शर्मा

Respondent

गाम उमा गजपुर 20

मैं मिलन कुमार इच्छा के प्रधान गाम (समा) गजपुर
जिला राय बरेली तहसील बालगंज प्रमाणित
करता हूँ कि श्री विजय शंकर त्रिवेदी S/O
विश्वनाथ दयाल त्रिवेदी गाम नयाहर गजपुर
जिला राय बरेली में लगभग पन्द्रह सोलह
हजार से अधिक गजपुर में गड़ी रह रहे हैं।
वर्ष 1988 की गजपुर गाम समा की सूची
में उनका नाम गड़ी है।

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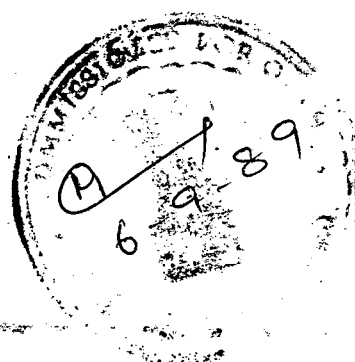
मिलन कुमार शर्मा
17/12/88

In my presence
Name

17/12/88
C

Attested

Supdt. of Post Offices
Raebareilly Div. 229001



P. C. S. Kulkarni - Applicant
Union of India versus Respondents
Annexure No C-4

आप प्रस्ताव-पत्र

प्रस्तावित विवाह द्वारा है कि वो निम्नानुसार ...
कारण को निम्नानुसार ...
वरणा ...
दी लसी ...
(अर्थात्) ...
सु ...

पदान-...

दिनांक-...

...

राष्ट्रीय ...

P. C. Shukla

Applicant *(50)*

Union of India - Respondents *15*

(पहला शिफ्ट - जनवरी, १९७५ के माध्यम पर पुनर्जीवित सूची)
१११ सरनी विधान सभा निर्वाचन क्षेत्र की निर्वाचक नामावली १९७५ भाग संपूर्ण १०९

विशेष क्षेत्र-सरेनी	तहसील-डलमऊ	परगना-सरेनी	लेखपाल क्षेत्र-चहोतर	ग्राम-चहोतर
विशेष क्षेत्र-सरेनी	ग्याय र्वायत-चहोतर		ग्राम सभा-चहोतर	
प्रमोदकर-रामदीन	प ५९	५१	प्यारे-बुनारे	प ५९
महकादेवी-प्रमोदकर	स ५९	५२	हृशंकर-प्यारेला	प ५९
कलावती-शारदाप्रसाद	स ५९	५३	विद्यावती-हृशंकर	स ५९
अयोध्याप्रसाद-प्रमोदकर	प २८	५४	मुखला-पुष्पक	प ५९
रामोदेवी-अधिकाप्रसाद	प ५५	५५	नन्दका-मुखला	स ५९
केदार-रामप्रसाद	प ५०	५५	रामदीन-मंगनी	प ५९
भगवानदेई-रामप्रसाद	स ५०	५६	पियारा-रामदीन	स ५९
हरीकृष्ण-कुंजविहारी	प ७२	५७	सधुवा-मंगनी	प ५९
भगवतीप्रसाद-रामप्रसाद	प ५२	५८	फूलदुलारी-पुष्पक	स ५९
जगदुलारी-भगवतीप्रसाद	प ५५	५९	मटक-मंगनी	प ५९
रामप्रसाद-रामप्रसाद	प ५५	६०	महदेई-मटक	प ५९
प्रमोदकर-हृशंकर	प ५२	६१	मुखला-चनन	प ५९
रानीदेवी-प्रमोदकर	स ५२	६२	भगना-मुखला	स ५९
शिवबालक-प्रयागवल	प ६२	६३	रानाराम-पुष्पक	प ५९
मन्दिशोर-प्रयागवल	प ६०	६४	चन्द्रवती-राजागाम	स ५९
फूलदुलारी-मन्दिशोर	स ५८	६५	चन्द्रिकाप्रसाद-राजागाम	प ५९
लज्जदेवी-मन्दिशोर	स ५२	६६	चक्रमिनदी-चन्द्रिकाप्रसाद	स ५९
राजकिशोर-हृशंकर	प ३०	६७	देवीप्रसाद-राजागाम	प ५९
राजकुमारी-राजकिशोर	स २८	६८	रामप्यारी-देवीप्रसाद	स ५९
शारदाप्रसाद-भ्यामलाल	स ५७	६९	गौरीशंकर-भगवतीप्रसाद	प ५९
बलीमुहम्मद-चन्द्र	प २९	७०	देवीदत्ता-रामदत्तार	प ५९
जैतून-बलीमुहम्मद	स २९	७१	कृष्णशंकर-रामदत्तार	प ५९
कालिम-भिलाड़ी	प २९	७२	लक्ष्मीदेवी-देवीदत्त	स ५९
नन्दमनिया-कालिम	स ३८	७३	फूलदुलारी-लक्ष्मीदेवी	स ५९
रमदा-प्याक बाली	स ३५	७४	रजऊ-प्रयोधाप्रसाद	प ५९
इमान-देवीदीन	स ३५	७५	लक्ष्मीशंकर-देवीदत्त	प ५९
रमजान-भिलाड़ी	प ४५	७६	प्रमोदकर-देवीदत्त	प ५९
इमानदीन-रमजान	प २७	७७	राधवती-प्रमोदकर	स ५९
नसीबा-रमजान	स ४४	७८	विटान-गौरीशंकर	स ५९
रामस्वरूप-बाबू	प २६	७९	द्वारिका-शिवदुलारी	प ५९
पियारा-रामकुमार	स ५५	८०	जगन्नाथ-शिवदुलारी	प ५९
रामकुमार-बाबू	प २८	८१	फूलदीदी-जगन्नाथ	स ५९
बाबूलाल-शिवरूठ	स २९	८२	गंगाशंकर-शिवदुलारी	प ५९
जोषित-इमामुद्दीन	स २५	८३	कुन्तादेवी-जगन्नाथ	स ५९
गंगादेवी-रामलाल	स ५२	८४	बाबू देवकी	प ५९
दगोप्रसाद-रमलाल	प ३३	८५	महदेई-बाबूलाल	प ५९
चिन्दरवती-प्रसाद	स ३२	८६	महका-देवकी	स ५९
गोबरधन-प्रयागवल	प ५०	८७	रामपियारा-शिवरूठ	स ५९
कृष्णदीदी-गोबरधन	स ४६	८८	शिवदीदी-मह	प ५९
चन्द्रमल-शिवमल	प ३०	८९	लाला-चनवती	स ५९
गंगादीदी-मजुप्रसाद	प ३५	९०	धाना-पुष्पक	स ५९
पुष्पप्रसाद-चन्द्रमल	प ३६	९१	महका-चनवती	स ५९
दगोप्रसाद-चन्द्रमल	प ३१	९२	रामदीन-चनवती	प ५९
गजराणी-देवीप्रसाद	स २८	९३	महका-चनवती	स ५९
रामदीन-दुलार	प ४२	९४	महका-चनवती	स ५९
महका-रामदीन	स ४५	९५	महका-चनवती	स ५९
महका-चनवती	प ४८	९६	महका-चनवती	स ५९
महका-चनवती	स ४८	९७	महका-चनवती	स ५९
महका-चनवती	स ४८	९८	महका-चनवती	स ५९
महका-चनवती	स ४८	९९	महका-चनवती	स ५९
महका-चनवती	स ४८	१००	महका-चनवती	स ५९

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(पहला विभाग - पदवी, १९७५ के पाठ्यक्रम पर प्रयोजित सूची)
१९९१ सरेनी विधान सभा निर्वाचन क्षेत्र की निर्वाचक नामावली १९७५ वाग, सरेनी

विभाग - रायवल्ली विभाग क्षेत्र - सरेनी	तहसील - इलमके	परमर्मा - सरेनी व्यापक पंचायत - चहोतर	लेखापाल क्षेत्र - चहोतर	वाम - चहोतर
प्रमर्माकर - रामदीन	प ५९	५९	प्यारे - पुलारे	प ५९
महकादेवी - प्रमर्माकर	स ५९	५९	हर्माकर - प्यारेलास	प ५९
कलावती - भारवाप्रसाद	स ५९	५९	मिठावती - हरीशंकर	स ५९
अयोध्याप्रसाद - प्रमर्माकर	प ५९	५९	मुलाल - नखिम	प ५९
रानीदेवी - भविकाप्रसाद	स ५९	५९	महका - मुलाल	प ५९
केवार - राममरीसे	प ५९	५९	रामदीन - मंगली	प ५९
भगवानदेई - राममरीसे	स ५९	५९	पियारा - रामदीन	स ५९
हरीकुल - कुंजविहारी	प ५९	५९	समुवा - मंगली	प ५९
भवतीप्रसाद - राममरीसे	प ५९	५९	कनदुवारी - समुवा	स ५९
जगदुलारी - भगवतीप्रसाद	स ५९	५९	मटर - मंगली	प ५९
रामशंकर - राममरीसे	प ५९	५९	महदेई - मटर	स ५९
प्रमर्माकर - हरीशंकर	प ५९	५९	मुलाल - नखिम	प ५९
रानीदेवी - प्रमर्माकर	स ५९	५९	मंगली - मुलाल	स ५९
गिबालक - प्रयागदत्त	प ५९	५९	राजाराम - गुरज	प ५९
नन्दकिशोर - प्रयागदत्त	स ५९	५९	चन्द्रवती - राजाराम	स ५९
कनदुवारी - नन्दकिशोर	प ५९	५९	चन्द्रिकाप्रसाद - राजाराम	प ५९
लज्जादेवी - लक्ष्मीशंकर	स ५९	५९	कमिनदेवी - चन्द्रिकाप्रसाद	स ५९
राजकिशोर - हरीकुल	प ५९	५९	देवीप्रसाद - राजाराम	प ५९
राजकुमारी - राजकिशोर	स ५९	५९	रामप्यारी - देवीप्रसाद	स ५९
गोवर्धनप्रसाद - भ्यामलाल	प ५९	५९	गोरीशंकर - भगवानदीन	प ५९
बलीमुहम्मद - चन्द्र	स ५९	५९	देवीप्रसाद - रामदुलारे	प ५९
जैतून - बलीमुहम्मद	प ५९	५९	कुशांकर - रामदुलारे	स ५९
कासिम - भिलारी	स ५९	५९	लक्ष्मीदेवी - देवीदत्त	प ५९
नरमनिया - कासिम	प ५९	५९	कलदुसारी - लक्ष्मीशंकर	स ५९
रत्ना - कासिम	स ५९	५९	रजक - अयोध्याप्रसाद	प ५९
इमान - देवीदीन	प ५९	५९	लक्ष्मीशंकर - देवीदत्त	स ५९
रमजान - भिलारी	स ५९	५९	प्रमर्माकर - देवीदत्त	प ५९
इमानदीन - रमजान	प ५९	५९	रामवती - प्रमर्माकर	स ५९
नसीबा - रमजान	स ५९	५९	विटान - गोरीशंकर	प ५९
रामस्वरूप - बाबू	प ५९	५९	हारिका - शिवदुलारी	स ५९
पियारा - रामकुमार	स ५९	५९	जगन्नाथ - शिवदुलारे	प ५९
रामकुमार - बाबू	प ५९	५९	कलदुलारी - जगन्नाथ	स ५९
बाबुलाल - शिवकठ	स ५९	५९	गंगाशंकर - शिवदुलारी	प ५९
जोषति - इमानदीन	प ५९	५९	कुन्तादेवी - गंगाशंकर	स ५९
गंगादेवी - रामलाल	स ५९	५९	बाबू - देवकली	प ५९
दुर्गाप्रसाद - रामलाल	प ५९	५९	स. ज. देई - बाबुलाल	स ५९
विन्देश्वरी - प्रसाद	स ५९	५९	महका - देवकली	प ५९
गोवर्धन - देवाशंकर	प ५९	५९	रामपियारा - शिवकठ	स ५९
कृष्णादेवी - गोवर्धन	स ५९	५९	शिवबालक - मट्ट	प ५९
चन्द्रमेल - शिवमेल	प ५९	५९	विटली - शिवबालक	स ५९
गायत्रीदेवी - चन्द्रमेल	स ५९	५९	वत्सारी - मट्ट	प ५९
मूर्तिप्रसाद - चन्द्रमेल	प ५९	५९	वत्सारी - वत्सारी	स ५९
देवीप्रसाद - चन्द्रमेल	स ५९	५९	भो. वती - पुमई	प ५९
राजराजी - देवीप्रसाद	प ५९	५९	महका - जगदी	स ५९
रामशोभा - दुलारे	स ५९	५९	चमरी - जगदी	प ५९
महदेई - रामशोभा	प ५९	५९	रामबिनायक - जगदी	स ५९
चन्द्रमेल - शिवमेल	स ५९	५९	रमदेई - रामबिनायक	प ५९
हरादेवी - चन्द्रमेल	प ५९	५९	भगवानदीन - चन्द्र	स ५९
ज. वी. - विन्द	स ५९	५९	मुन्दरिका - भगवानदीन	प ५९
गंगादेई - रामकुमार	प ५९	५९	गंगागुलाम - भगवानदीन	स ५९

विपिन सभा निर्वाचन क्षेत्र

(७)

साम-वर्गीकरण १०१

क्र.सं.	निर्वाचन क्षेत्र	साम-वर्गीकरण	सं.सं.
६०१	शिवनाथ-म.क.	१०८	६३१
६०२	शिवनाथ	१०९	६३२
६०३	पुष्परी-रघुवर	११०	६३३
६०४	केदार-पंचम	१११	६३४
६०५	मन्मथरा-केदार	११२	६३५
६०६	रामभद्र-केदार	११३	६३६
६०७	रामभद्र-कुलारे	११४	६३७
६०८	सिसाला-रामकुमार	११५	६३८
६०९	शिवनाथ-रामनाथ	११६	६३९
६१०	राजकुलारी-शिवनाथ	११७	६४०
६११	स.कठा-रामलाल	११८	६४१
६१२	मन्मथ-सकठा	११९	६४२
६१३	रामकुमार-शिवनाथ	१२०	६४३
६१४	करलू-चतुरी	१२१	६४४
६१५	जगली-गोरी	१२२	६४५
६१६	दरसाना-जगली	१२३	६४६
६१७	गनेश-जगली	१२४	६४७
६१८	सहमोना-मनेशी	१२५	६४८
६१९	चन्द्रिका-गोरी	१२६	६४९
६२०	सिताला-चन्द्रिका	१२७	६५०
६२१	भोला-चन्द्रिका	१२८	६५१
६२२	कूला-भोला	१२९	६५२
६२३	जगेश्वर-चन्द्रिका	१३०	६५३
६२४	शिवराजी-जगेश्वर	१३१	६५४
६२५	रामाजी-बुद्ध	१३२	६५५
६२६	अमोनादेवी-शिवशंकरलाल	१३३	६५६
६२७	राधेश्याम-शिवशंकर	१३४	६५७
६२८	मनोरमा-राधेश्याम	१३५	६५८
६२९	दुर्गाशंकर-शिवशंकर	१३६	६५९
६३०	सुशीला-नन्दकिशोर	१३७	६६०

प्रविष्टियों का क्रम यह है, क्रम संख्या, मकान नं० (या नाम), निवासीक का नाम, पिता/पति/मां का नाम, पुरुष या स्त्री.
१-१-७५ को अनुमानित आयु।

मनोज प्रिंटिंग प्रेस रायबरेली

६०१	११३	शिवनाथ-मं.कू.	प ३६	६३१	१३८	भागीरथ-नन्दकू.	प ३९
६०२		मिषनो-मिषनाथ	स ३५	६३२		भगविया-भागीरथ	प ४१
६०३	१३४	चतुरी-रघुवर	प ७५	६३३		केशकला-बर्मा	प ३८
६०४		केदार-बचान	प ३०	६३४	१३९	रामेश्वर-नन्दकिशोर	प २८
६०५		मन्तूरा-कैदार	स २५	६३५		महधीरा-रामेश्वर	प २७
६०६		रामभासरे-कैदार	प २५	६३६		दुर्गाप्रसाद-रामेश्वर	प २७
६०७		रामनरेश-दुलारे	प २५	६३७		कैलाश-राधेश्वर	प २१
६०८	१३४अ	मिसाला-रामकुमार	स २५	६३८	१४०	भोला-कैलाश	स २१
६०९		रोजनाथ-रामनाथ	प ४६	६३९		नन्दल-नन्दकू.	प २८
६१०		राजदुलारी-दोऊनाथ	स ४५	६४०	१४१	चिन्मय-कर-विजयभार	प २७
६११		संकटा-रामनाथ	प ४२	६४१		कमलादेवी-विजयभार	स २५
६१२		नन्दका-मकठा	स ४०	६४२	१४२अ	निन्दन-बन्वा	प २१
६१३		रामकुमार-रोजनाथ	प २८	६४३	१४२ब	वप-वा-निन्दन	स २७
६१४	१३४द	कल्लू-चतुर्ग	प ६०	६४४		मोतीना-र-गोपाल	प ३६
६१५	१३५	जंगली-गोरी	प ६५	६४५		मुन्नी-गोपाल	प ४१
६१६		दरसाना-जंगली	स ६०	६४६	१४१	चिन्नी-मुन्नी	प ३५
६१७		गनेश-जंगली	प ४०	६४७		रामनरेश-किशोरी	प २६
६१८		लक्ष्मीना-गनेरी	स ३२	६४८		मुन्दरि-रामादेवी	स २४
६१९	१३६	चन्द्रिका-गोरी	प ८७	६४९	१४२द	रामकिशोर-अमराव	प २५
६२०		सिताला-चन्द्रिका	प ६७	६५०		रामेश्वर-गोपू	प ३२
६२१		भोला-चन्द्रिका	प ४०	६५१		रामरिपारी-ररेश्वर	स २९
६२२		कुंला-भोला	स ३२	६५२		विधुना-भोपू	स ६२
६२३		जगेश्वर-चन्द्रिका	प २७	६५३	१४२	कहैसाखल-जिदगकर	प ४१
६२४		जिवराजी-जगेश्वर	स २५	६५४		विद्यान-चहैयाखल	स ३८
६२५	१३७	रामरती-मुकु	स ६०	६५५		मुक्तिप्रकाश-कहैयाखल	प २२
६२६		अमीनादेवी-शिवगंकरलाल	स ३३	६५६	१४३	मानो-मुक्तिप्रकाश	स २१
६२७		राधामाम-शिवगंकर	प ४०	६५७		रामनजी-चन्द्रिका	स २४
६२८		मनोरमा-राधेयाम	स ३३	६५८		किमुन-रामादेवी	प २७
६२९		दुर्गादेवी-शिवगंकर	प २६	६५९		मुन्नी-किशन	स २६
६३०		मुनीना-नन्दकिशोर	स २५				

मुशाली-नन्दकिशोर

प्रविष्टियों का क्रम यह है, कम मर्यादा, मर्यादा न० (या नाम), निर्वाचक का नाम, पिता/पति/माँ का नाम, पुरुष या स्त्री, १-१-७५ को अनुमानित आयु ।

समोज त्रिटिंग प्रेम रायवरेली

१-१-७५ को अनुमानित आयु ।

AGP

१	प्रेमशंकर	१६६	निरमलादेवी
२	हरीकृष्ण	२००	सुरेश
३	रामशंकर	२०१	विद्यावती
४	मिबबालक	२०२	मोहनीदेवी
५	नन्दकिशोर	२०३	चन्द्रप्रकाश
६	रामस्वरूप	२०४	गायत्रीदेवी
७	पियारा	२०५	गनेश
८	रामकुमार	२०६	नक्षमीना
९	बाबूनाथ	२०७	महेश
१०	जयति	२०८	भानुप्रकाश
११	गंगादेवी	२०९	चन्द्रवती
१२	गायत्रीदेवी	२१०	रामशंकर
१३	सूर्यप्रसाद	२११	सुशीलादेवी
१४	जयदेवी	२१२	निरजन
१५	रजज	२१३	प्रेमादेवी
१६	हारिका	२१४	आदित्य
१७	गंगासागर	२१५	रामधारी
१८	भगवानदीन	२१६	शारदाप्रसाद
१९	कालिकाप्रसाद	२१७	भास्कर
२०	जमुनादेई	२१८	लीलावती
२१	पारवती	२१९	जेरझली
२२	चन्द्रवती	२२०	रसीदा
२३	श्यामसुन्दर	२२१	फुलमाता
२४	दुर्दाशन	२२२	चिता
२५	शिवनारायण	२२३	छिन्नाह
२६	लक्ष्मीशंकर	२२४	दीन
२७	चन्द्रप्रकाश	२२५	हवीषमाह
२८	भानुप्रकाश	२२६	रसीदा
२९	फूलदुलारी	२२७	सहदेव
३०	रामसहाय	२२८	श्रीकृष्ण
३१	हरिजनलाल	२२९	रामधारी
३२	पारवती	२३०	रसीका
३३	मिबकरन	२३१	सूर्यदेवी
३४	लिवनी	२३२	जानकीदेवी
३५	चन्द्रवती	२३३	विष्णुदेवी
३६	मिहारी	२३४	सुनी
३७	जमुनन्दन	२३५	सुन्दरि
३८	विद्यादेवी	२३६	विष्णुनाथ
३९	गंगाधर	२३७	रामधारी
४०	कृष्णकुमारी	२३८	जयप्रसाद
४१	श्यामसुन्दर	२३९	आशादेवी
४२	विजयनन्दन	२४०	गुरुलाल
४३	सुता	२४१	इन्दुजी
४४	जयनन्दन	२४२	सुशीलादेवी
४५	उमिला	२४३	गहवोला
४६	दुर्दाशन	२४४	सुन्दरा
४७	शिवनारायण	२४५	मिहारी
४८	श्यामादेवी	२४६	बजर
४९	फुला	२४७	सुनीया
५०	लक्ष्मीशंकर	२४८	स्थाना

प्रतिष्ठितों का क्रम यह है नम सदा निर्विकल का नाम : (S.)

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अनुमानन मूल्या-१९७६

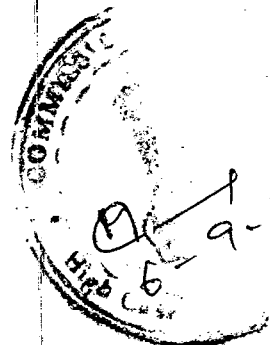
विधान सभा क्षेत्र-१११ सरनो

साम संख्या-१०३

पाम-वहोतर

३१४	नरायण	४१६	देवीपुत्राव
३१६	ब्याभकानी	४२६	हनुमानी
३२०	हीराबाल	४३३	मिराबाव
३२५	सरबुदास	४३७	रामकुमार
३२७	रामरतन	४३८	हुमदेवी
३३५	छुडीबाज	४४१	परमारी
३४१	ब्रह्मा	४४३	नरुका
३६३	पमन्दा	४४५	सीतल
३७५	रामरती	४६५	मूड
३७८	गुजन	४७१	सरदार
३८६	नरुका	४८२	दुर्जन
३९६	नरुकिशोर	४८३	महदेई
४०२	रुक्मिण	४८०	मीश
४०६	ईश्वरदेव	४८१	दयाल
४१६	रामनारायण	४८२	परधाना
४२०	नरुका	४८७	रामनरेश
४२४	देवीदीन	४९४	करलू
४२५	पारवती	४९६	दरगमा
४२६	सुखार	४९९	भगीरथ
४२८	विहारी	५०२	भगनिसा
४४१	गोवर्धन	५३३	केशकला
४५७	सूरजप्रताप	५३६	बडल
४६७	नरुकादेवी	५४०	बिजयगंकर
४७२	शिवराम	५४१	कमलादेवी
४८३	लालू	५४२	निरंजन
४८५	रामकली	५४३	बलना
४८९	कल्याणकर	५४४	गोतोनाल
४९३	जयराम	५४५	बुद्ध
४९४	सीताराम	५४६	मिन्की
४९८	लक्ष्मीदेवी	५५०	परमेश्वर
५००	सुशीलादेवी	५५१	रामपारी
५१०	बुलीलाल	५५२	विभुना
५११	राजेश्वरी	५५७	रामजली
५१७	बिहारीदेवी		

प्रतिष्ठियों का क्रम यह है प्रम सख्या निर्वाचक का नाम : (S.)



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विधान सभा क्षेत्र-१११ तरेवी

मुद्रि सूची-१६०६

मान संख्या १०३
शाय-पहोतर

४ अम्बिकाप्रसाद अदीप्ताप्रसाद अम्बिकाप्रसाद ३	२१४ पुष्पाणा	प	स	५
१२ प्रेमशंकर हरीशंकर हरेकृष्ण ४	३०६ सुर्गा	स	प	५
२४ रहमति महमदिया रहमति ३	३४४ महेश महेश्वर महेश ३			
२६ इमामन ४ ४म २	३४५ रामकभी महेश्वर महेश ४			
४७ चन्द्रशूषण चन्द्रमोहन चन्द्रशूषण ३	३५६ महदेई प स ५			
१०८ कुइरा स प ५	३६२ निरंजन चपरी चपरा ४			
१०३ जनाजा २० ६४ ६	४१२ ललग ललग ललग ३			
११८ छिटाता छटन महादेव ४	४२१ फुला प स ५			
१२२ रमाशंकर रामशंकर रमाशंकर ३	४४७ चम्पा ६४ ३८ ६			
१४१ मुन्नी मुन्नी मुन्नी ३	४५१ चन्द्रमुखी चन्द्रप्रसाद चन्द्रप्रसाद ४			
२२६ सती भगोले भगोले ४	४६६ चन्द्रभागा चन्द्रमान-प चन्द्रभागा-प ३,५			
२३० निवश्याल भगोले स भगोले प ४, ५	५१८ सगुनादेवी सुमनादेवी सगुनादेवी ३			
२३७ सोमेश्वर सोमेश्वरी-स सोमेश्वर-प ३, ५	५७८ सुखदेई सुखदेव-प सुखदेई-प ३, ५			
२३८ रामकली सोमेश्वरी सोमेश्वर ४	६०६ वैजनाथ रामनाथ रामनाथ ४			
२५५ मनोरमादेवी राममनोहर राममनोरम ४	६१८ लक्ष्मीना गनेयी गनेय ४			
२६८ निबकुमारी निबकुमार-प निबकुमारी-स ३, ५	६२८ आनमठी अमीनादेवी आनमठी ३			
२६९ रामकुमारी रामकुमार-प रामकुमारी-स ३, ५	६३० मुनीला नन्दकिशोर दुर्गाशंकर ४			
२८५ रानी मैफो मैफू ४	६३८ मोली केजब केजब ४			

प्रतिष्ठियों का क्रम यह है, क्रम संख्या, निर्वाचन का नाम, अनुदि प्रविष्टि, मुद्रि प्रविष्टि, स्टम्प

निम्न मुद्रि बाँटित है। (S.)

राज्य प्रेस, रायबरेली।

निर्वाचक रजिस्ट्रीकरण अधिकारी।

6-9-89

ग्राम समा चहोतर की मतदाता सूची-१९८८

ग्राम-चहोतर

भाग संख्या १२४/१

ACB

जिला रायबरेली	तहसील लालगंज	विकास क्षेत्र सरैनी	
पूरे छंगा चहोतर			
१ १ विजई-बाबूलाल	५२५	१७ ✓ शिवलोकनादेवी-प्रकाशचंद्र	५२०
२ सुन्दारा-विजई	५५५	उमाशंकर-गगनरायन	५७०
३ २ रामस्वरूप-विजई	५६०	१८/अ गणेशप्रसाद-विन्दाप्रसाद	५७४
४ बीकल-रामस्वरूप	५६०	रामकुमारी-गणेशप्रसाद	५७२
५ महदेई बीकल	५६०	तारामुन्दरी-शंकरदयाल	५४६
६ ३ शिवशंकर-परभू	५२५	जयदयाल-गणेशप्रसाद	५३८
७ नहुई शिवशंकर	५३०	बिदुन-जयदयाल	५३६
८ ५ ईश्वरवीन-हारिकाप्रसाद	५४०	सन्तोषकुमार-शंकरदयाल	५२१
९ महदेई-ईश्वरवीन	५३८	सतीशकुमार-शंकरदयाल	५१९
१० रामदुलारी-गंगासागर	५३०	सुधीरकुमार-शंकरदयाल	५१९
११ ६ रबीशंकर-परभू	५३५	१८/ब ज्ञानशंकर-सूर्यकुमार	५५२
१२ सुन्दारा-रबीशंकर	५३०	गोदादेवी-ज्ञानशंकर	५५०
१३ ७ परभू-छगा	५६५	उमिलादेवी-गयाशंकर	५४०
१४ शिवप्यारी-परभू	५६०	प्रेमचंकर-सूर्यकुमार	५४०
१५ बियावती-हरीशंकर	५२१	किरण-प्रेमशंकर	५३८
१६ ८ पुतोलाल-विदेई	५४०	मुशील-ज्ञानशंकर	५२४
१७ चन्द्रानी-पुतोलाल	५३८	सुनील-ज्ञानशंकर	५२२
१८ ९ बाबूलाल-विदेई	५५०	१९/अ रामरतन-शिवकुमार	५५५
१९ गुड्डादेवी-सुखलाल	५४०	दयावती-रामरतन	५५२
चहोतर		विनोदकुमार-रामरतन	५२४
२० १० सुनीलकुमार-महावीरप्रसाद	५३०	१९/ब माधुरी-प्रतापनरायन	५३५
२१ सुनीलदेवी-महावीरप्रसाद	५६०	२० श्रीधर-धर्माप्रसाद	५३६
२२ जगदीश-सुरेशकुमार	५४०	प्रताप-धर्माप्रसाद	५३५
२३ मोरदेवी-गिरिशकुमार	५२६	अम्बिकादेवी-गुनाप्रसाद	५२२
२४ ११/अ राधेश्याम-शिवशंकर	५४५	सन्तोषकुमार-दुर्गाप्रसाद	५२१
२५ मनोरमादेवी-राधेश्याम	५४३	अन्जु-सन्तोषकुमार	५२१
२६ मानादेवी-शिवशंकर	५७०	२१/ब रामकुमार-देवदत्त	५२६
२७ ११/ब दुर्गाशंकर-शिवशंकर	५३५	गुड्डन-रामकुमार	५२४
२८ सुशीला-दुर्गाशंकर	५३२	फूजदुलारी-देवदत्त	५५५
२९ १२ जगदीशप्रसाद-कृष्णदत्त	५४०	२२/अ जगदीशकुमार-कालीशंकर	५२३
३० अशोककुमार-जगदीशप्रसाद	५२५	चम्पा-कालीशंकर	५४२
३१ आशा-अशोककुमार	५२३	२२/ब मजाधर-रामप्रसाद	५३८
३२ कृष्ण-कृष्णदत्त	५८०	बिटान-मजाधर	५३६
३३ बिटला-कृष्णदत्त	५३५	रामकली-रामप्रसाद	५३६
३४ विनोदकुमार-जगदीशप्रसाद	५२२	२३ उमाचंकर-शिवराम	५३६
३५ १३/अ दुर्गाशंकर-काशीप्रसाद	५६२	शोभा-ऊमाशंकर	५५५
३६ रामदुलारी-दुर्गाशंकर	५६०	२४ राजरानी-मधुराप्रसाद	५५०
३७ १३/ब शशिशंकर-देवीसहाय	५४५	बिटान-गणेशप्रसाद	५३०
३८ रामजानकी-शशीशंकर	५४२	अम्बिकाप्रसाद-मवितानाथ	५५०
३९ रामप्यारी-देवीसहाय	५७८	रमनदेवी-अम्बिकाप्रसाद	५४०
४० रानी-देवीसहाय	५८०	तुलसादेवी-अम्बिकाप्रसाद	५४५
४१ ऊदयशंकर-देवीसहाय	५३२	२६/अ महावीर-हारिकाप्रसाद	५७०
४२ १४ दुर्गादेवी-काशीप्रसाद	५४५	मुसीदेवी-महावीर	५६८
४३ १५ प्यारेलाल-रामशंकर	५६०	रमाकांत-महावीर	५३०
४४ रुकमिन-प्यारेलाल	५५६	सन्तोषकुमारी-महावीर	५२८
४५ १६ ब्रन्दावन-शिवकुमार	५५८	सावित्री-शिवप्रसाद	५३०
४६ सुजीरानी-ब्रन्दावन	५५६	कृष्णदुलारी-शिवराम	५७०
४७ श्रीमो-चन्द्रभान	५२३	२७ हरिवंशलाल-रामशंकर	५५५
४८ १७ मुसीदेवी-सिद्धनाथ	५७२	२८ रामकली-हरिवंशलाल	५५४
४९ प्रकाशचंद्र-जगन्नाथ	५३५		

प्रविष्टियों का क्रम यह है, क्रम संख्या, मकान संख्या (या नाम), निर्वाचक का नाम, पिता/माता/पति का नाम, पुरुष या स्त्री, जन्मवरी, १९८८ की आयु।

१०१	११	बेनी-भरोसे	प ४०	३५१	९८	सियावती-राममोहन	स ३६
१०२		परवाता-बेनी	स ३८	३५२	९९	गजाधर-रामप्रसाद	प ४०
१०३		रामरती-भरोसे	स ७९	३५३		देविद्या-गजाधर	स ३८
१०४	११	निरंजन-शीतलादीन	प ५०	३५४		श्वाना-रामप्रसाद	स ८०
१०५		बसन्ता-निरंजन	स ४८	३५५	१००/अ	राधोलाल-रामशंकर	प ३०
१०६		शिवकरन-निरंजन	प २८	३५६		कला-राधोलाल	स २८
१०७	१३	चंदिका-गोपाली	प ७५	३५७		मोहनिया-रामशंकर	स ७०
१०८		अनन्ता-चंदिका	स ७४	३५८		गोविन्दनरायन-रामशंकर	प ५५
१०९		महाबली-गोपाली	स ५५	३५९	१००/ब	रामनरेश-उमाशंकर	प ३०
११०		गौरीशंकर-चंदिका	प ४०	३६०		रामरानी-रामनरेश	स २८
१११		विशुनदेई गौरीशंकर	स ३८	३६१		मन्नी-राजेंद्रप्रसाद	स २४
११२		शिवशंकर-चंदिका	प ३५	३६२		लल्लनप्रसाद-उमाशंकर	प ३५
११३		नन्हा-शिवशंकर	स ३४	३६३		अगदेई-लल्लनप्रसाद	स ३४
११४		देवीशंकर-चंदिका	प २२	३६४	१०१	कल्ल-शिलप्रसाद	प ३०
११५		निर्मला-देवीशंकर	स २१	३६५		मतिया-कल्ल	स २८
११६		राज्यती-चंदिका	स २८	३६६	१०२	मोहनलाल-बन्शीधर	प ४६
११७	१४/अ	रामस्वरूप-चंदिकाप्रसाद	प ४५	३६७		परभूदेई-मोहनलाल	स ४५
११८		शिवदुलारी-रामस्वरूप	स ४२	३६८	१०३	शम्भू-बन्शीधर	प ६०
११९		रमेश-रामस्वरूप	प २५	३६९		सुन्दारा-शम्भू	स ५८
१२०		लालती-रमेश	स २४	३७०		शांती-शंकरदयाल	स २५
१२१	१४/ब	राजागाम-अलोरीप्रसाद	प ४०	३७१		जयश्री-शम्भू	स २१
१२२		विद्यादेवी-राजाराम	स ३८	३७२		अशोककुमार-शम्भू	प १९
१२३		अशोककुमार-राजाराम	प २४	३७३	१०४	कन्वईलाल-बन्शीधर	प ६२
१२४	१४/स	सहदेव-कोदे	प ६०	३७४		केशाना-कन्वई	स ६०
१२५		श्रीदेई-सहदेव	स ५८	३७५		उदयराज-कन्वईलाल	प २४
१२६		शिवसागर-सहदेव	प ४०	३७६		सरोजनी-उदयराज	स २४
१२७		छोटी-शिवसागर	स ३८	३७७		देशराज-कन्वईलाल	प २०
१२८		रामसागर-सहदेव	प ३५	३७८	१०५	दुर्गाशंकर-रामेश्वर	प ३२
१२९		मुन्नीदेवी-रामसागर	स ३४	३७९		शिवरानी-दुर्गाशंकर	स ३०
१३०		प्रमसागर-सहदेव	प ३०	३८०		रामेश्वर-शिवलाल	प ६५
१३१		कमला-प्रमसागर	स २८	३८१		महबोरी-रामेश्वर	स ६२
१३२	१४/द	शीतलाप्रसाद-अलोरी	प २६	३८२	१०६	केशन-रामेश्वर	प ३०
१३३		विद्या-शीतलाप्रसाद	स २५	३८३		रामवनी-केशन	स २८
१३४		फुला-अलोरी	स ६२	३८४		सुरेश-राममोहन	प २५
१३५		देवीप्रसाद-अलोरी	प २१	३८५		शीलावती-सुरेश	स २४
१३६	१५	जगमोहन-पूरन	प ४०	३८६	१०७	शिवनाथ-मैक	प ४५
१३७		सुन्दरि-जगमोहन	स ३८	३८७		पद्मादेवी-शिवनाथ	स ४५
१३८		विजय-जगमोहन	प २४	३८८		मगाना-मैक	स ६५
१३९		अजय-जगमोहन	प २१	३८९	१०८	शन्तादेवी-उजागर	स ३५
१४०	१६	उमाशंकर-कालिकाप्रसाद	प ६४	३९०	१०९	सत्यनरायन-भैरवप्रसाद	प ६५
१४१		मुनेश्वर-उमाशंकर	प २१	३९१		मैका-सत्यनरायन	स ६३
१४२		रूपरानी-मुनेश्वर	स २१	३९२		रामेश्वर-सत्यनरायन	प २५
१४३		मुन्नू-गंगाविशुन	प २१	३९३		छेदना-रामेश्वर	स २४
१४४	१७	देवान-चन्दू	प ५६	३९४		उमाराणी-सत्यनरायन	स २३
१४५		पारवती-देवान	स ५४	३९५		सुरेश-सत्यनरायन	प २०
१४६		बिन्दादीन-देवान	प २१	३९६	११०	बुद्ध-जोषा	प ६८
१४७		छेदना-भगवानदास	स २५	३९७		बदल-बुद्ध	प २५
१४८		भगवानदास-रामदुलसे	प ३०	३९८		सुमिता-बदल	स २४
१४९	१८	भारत-भवानी	प ६०	३९९		चुन्नीलाल-बुद्ध	प २३
१५०		राममोहन-भारत	प ३८	४००		रामकली-चुन्नीलाल	स २२

प्रविष्टियों का क्रम यह है, क्रम संख्या, पकान संख्या (या नाम), निर्वाचक का नाम पिता/माता/पति का नाम, पुरुष या स्त्री, १ जनवरी, १९८८ को आयु।

रामस्वरूप मोर्य

IN The Hon'ble central Admin

अदालत श्रीमान Tribunal circuit Bench महोदय
Lucknow

वादी (मुद्दै)
मुद्दै (मुद्दालेह)

का

वकालतनामा

O.A. No 87 of 1989

P. C. Shukla

Applicant

Versus

Union of India & others बनाम

प्रतिवादी (रिस्पॉन्डेंट)
Respondents

O.A. No 87 नं० मुकद्दमा 1989 सन् पेशी की ता०

१९८९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

D. S. RANDHAWA
SENIOR STANDING COUNSEL,
CENTRAL GOVT.
ALLAHABAD HIGH COURT
LUCKNOW BENCH.

वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानो) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत

मुकद्दमा

काम फरीकन

Accepted
(D. S. Randhawa)
D.S. RANDHAWA
SENIOR STANDING COUNSEL,
CENTRAL GOVT.
ALLAHABAD HIGH COURT
LUCKNOW BENCH.

हस्ताक्षर
Sd/-
Post Office
Free Bareilly Div. 225001

साक्षी (गवाह)

साक्षी (गवाह)

6-9-1989

दिनांक

महीना

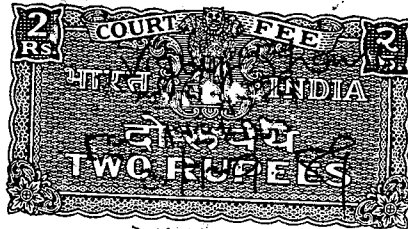
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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. NO. 87 OF 1989



P.C. Shukla

... Applicant

Versus

Union of India & Others

... Respondents.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 4.

I, Vijay Shanker, aged about 35 years, son of Shri Bishambhar Dayal, resident of Village Chahotar, Post Office Chahotar, Tehsil Lalganj, District Rae - Bareli, do hereby solemnly affirm and state as under :-

1. That the deponent is extra departmental Branch Post Master of Post Office Chahotar, Tehsil Lalganj District Raebareli. He is opposite Party No. 4 in the present claim application and he is well conversant with the facts of the case deposed hereinafter.
2. That the deponent is ^{entirely} in perfect agreement with the contents of the Counter Affidavit which has been prepared to be filed on behalf of opposite parties 1 to 3. The deponent hereby adopts the contents of that counter affidavit ^{entirely} for the purpose of his reply in this case. However it is necessary to

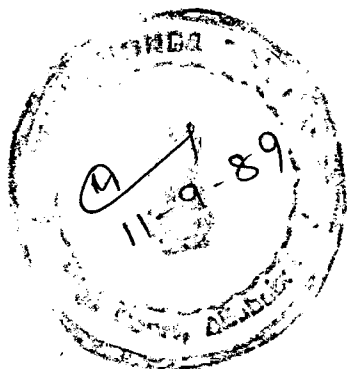
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-: 2 :-

give specific replies to those contents of the Claim Application which directly pertain to the deponent, respondent no. 4, and are important for the purpose of the case.

4. That the deponent being fully qualified and eligible to be selected and appointed as E.D. Branch Post Master was so selected and appointed earlier with effect from 12.5.1988 and again selected and appointed with effect from 29.12.1988. In this connection, it may be added that the deponent and Shri Prakash Chandra Shukla both had passed High School Examination which is the maximum requisite qualification for the post. But the deponent had secured 314 marks out of 500 marks, while Shri Prakash Chandra Shukla had obtained 232 marks out of 500 marks. Thus the deponent was found superior in merit to Shri Prakash Chandra Shukla. The deponent has been permanent resident of village Chahotar for more than 20 years since his marriage in the year 1967 with Smt. Kamla Devi daughter of Shri Brajraj of Village Chahotar and he has been residing since that time in the house owned by his wife Smt. Kamla Devi and in which Post Office Chahotar has been accommodated. It may be added that the deponent has landed property in Village Bhojpur, Tehsil Lalganj, District Raebareli, from which he has ^eout of source of ^eincome. Further the deponent's wife Smt. Kamla Devi has also landed property including the house in village Chahotar.



राजमहाराज

A circular postmark from St. Louis, Missouri. The text 'ST. LOUIS, MISSOURI' is arranged in a circle. In the center, there is a handwritten '1' and '89' with a diagonal line through them.

- १० जयशंकर

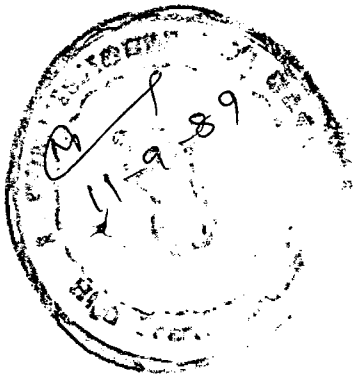
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-: 4 :-

In fact the selection was made after careful consideration of the comparative merits of the candidates by the Appointing Authority, the Superintendent of Post Offices Raebareli who is Respondent No. 2 in present Claim Application. Further, the allegation that ^{deponent}~~deponent~~/Respondent No. 4, the deponent was an "Outsider" is also strongly refuted. The position regarding his permanent residence in Village Chahotar has already been stated above in this Counter Affidavit.

5. That in reply to the contents of Sub-para (E) of para 6 the application it is submitted that there is absolutely no violation of the departmental instructions as contained in the communication dated 27.8.1987 from the office of Director General Posts, New Delhi which has been filed as Annexure No. 1 to the Claim application. In the present case the candidate/deponent has been the permanent resident of the Post Office Village Chahotar for about 20 years and he has "and adequate means of livelihood." Further in this connection it is stated that Shri Ram Kishore Shukla who is the present Pradhan of the village on 17.12.1988 had rightly issued a certificate in favour of deponent certifying correctly that he had been permanently residing in village Chahotar for about 15 years till that time. In this connection now it is significant to mention that a classificatory letter dt.17.5.88 has issued by the Pradhan Shri Sharda Pd. Shukla is a result of manipulation made by applicant

Contd..(5)..



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Shri P.C. Shukla who happens to be nephew of recent the Pradhan. At this Juncture it is very much relevant to mention that the same Pradhan Shri Sharda Prasad Shukla had issued a Character Certificate to the deponent on 21.4.1988, and correctly certifying deponent has been resident of village Chahotar for the last fifteen years. Further it is stated that even according to the clarificatory letter dated 17.5.1988 addressed by the then Pradhan Shri Sharda Prasad Shukla to the Superintendent Post Offices, Rae Bareilly it has been simply stated that the deponent ^{is} not the original resident (Mool Niwas) of this village and he is although original resident (Mool Niwasi) of Bhojpur (Raebareilly). As it has already been stated in para 5 of the Counter Affidavit of deponent, who originally resident of vill. Bhojpur has been permanently residing in village Chahotar since his marriage in 1967 more than 20 yrs. age with Smt. Kamla Devi D/O Shri Brijraj ^{and} ^{now} ^{living} ⁱⁿ ^{the} ^{same} ^{place} a permanent resident of P.O. Village Chahotar.

Three photostat copies of the Certificates issued by the Pradhans of the Village Chahotar and Bhojpur, the certificate issued by the Tehsildar, Lalganj and the Voters lists have already been annexed on behalf of the departmental opposite parties.

6. That in reply to the contents of ~~xxxx~~ sub-para (F) of para 6, the allegation of "arbitrary & wilfully & with defiant attitude" ignoring the observations and directions of the Hon'ble Tribunal is totally denied. It is submitted that in this

respect full obedience of the directions of the Hon'ble Tribunal as contained in its judgement dated 17.10.1988 the candidature of both Sri P.C.Shukla and deponent was carefully reconsidered. But even on reconsideration of the comparative merits of the two candidates deponent was found superior to Sri P.C.Shukla and as such he was selected for appointment as Extra Departmental BPM of Post Office Village-Chahotar.

7. That in reply to the contents of sub-para (I) of para 6 of the application it is submitted as under :-

- (i) That deponent who has been selected in a fresh selection as E.D.B.P.M.Chahotar, Tehsil Lalganj, District Rae-Bareilly, is a permanent resident of Village - Chahotar. Further, it is submitted that the deponent S/O Late Vishambhar Dayal a native of village Bhojpur Tehsil Lalganj was married to Kamla Devi daughter of Sri Brij Raj permanent R/O Village Chahotar in 1967 and since then he has been permanently residing in this village. By the way it may also be mentioned that his wife Smt.Kamla Devi is the only daughter of Sri Brij Raj and being the only legal heir of her deceased father, has inherited all his movable and immovable property including the residential house

: 7 :

in which the Post Offices has been accommodated. Further, it is submitted that the fact of his being a permanent resident of Village - Chahotar is evident from the Income Certificate dated 8.1.1988 issued by the Tehsildar Lalganj District Rae-Bareilly as well as the character certificate dated 21.4.1988 issued by the Pradhan of the Village Chahotar. True copies of the Income Certificate and the Character Certificate have already been annexed with this Counter-Affidavit ^{original of dependents Nos 1 to 3} It may be added that the name of deponent also appears in the voter lists of Gram Sabha Chahotar since 1975 as resident of village Chahotar. True photostat copies of Voters Lists of Gram Sabha, Chahotar for the year 1975, 1979 and the year 1988 have been annexed on behalf of the departmental opposite parties.

(ii)

That there is quite a handsome property including a big pucca House in village Chahotar in the name of his wife Smt. Kamla Devi. In addition to this property, the deponent has also some properties in his own name in village Bhojpur Tehsil Lalganj District Rae-Bareilly. In this connection it is submitted that para-3 Sec. II (Method of Recruitment) of P&T EDAs Conduct & Service) Rules 1964, requires that the person who is appointed as EDBPM "Must be one who had an adequate means of livelihood" and he must be able to offer space to serve as the Agency premises for postal

...8/-

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- 11-9-89

ॐ नमो भगवते वासुदेवाय ।

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(Conduct & Service) Rules, 1964, is that the Person selected for the post of EDEPM" must be able to offer space to serve as the agency premises for postal operations ". In this regard it is stated that the deponent was very well able to offer space in the house which is owned by his wife Smt. Kamla Devi D/O Shri Brij Raj. It is significant to mention that since 15th June, 1988 ED Branch Post Office has been regularly functioning in the space provided by the deponent in the premises of the above mentioned house.

10. That in reply to the contents of sub-para (L) of Para 6 of the claim application, ~~the deponent~~ ^{the deponent} ~~has been advised to state that~~ it is submitted that the deponent who was required to offer space for the post office has perfectly fulfilled the condition by offering space in the premises of the house which is owned by his wife and in which he himself has also been permanently residing for quite a long time. In view of this position., there is absolutely no violation of any Rule of the EDAs ^{EDAs} (Conduct & Service) Rules, 1964, or the existing policy of the Department and the Government.

11. That the deponent has been advised to state that in view of reason stated above in this Affidavit as well as in the Counter-Affidavit which is being filed on behalf of respondents

: 10 :

1 to 2, the applicant is not entitled to any relief in his Claim Application which is devoid of any merit and is liable to be dismissed, with costs.

Lucknow:

Dated: Sept. 5th, 1989

DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 and 2 of the affidavit are true to my own knowledge and the contents of para 3 to 10 of the affidavit are true to my knowledge derived from the official records and the contents of paras 11 are believed by me to be true, on the basis of legal advice. No part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow:

Dated: Sept. 5th, 1989

DEPONENT

Identified the deponent who is personally known to me and has signed before me.

ADVOCATE

Solemnly affirmed before me on 11-9-89 at 9.00 A.M.

by the deponent Vijay Shanker who is identified by Shri. D. S. Randhawa Advocate, High Court, Lucknow.

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

OATH CO
High Court Lucknow

11-9-89

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
 वकीलत श्रीमान महोदय

वादी (मुद्दई)
 मुद्दई (मुद्दालेह)

का

वकीलतनामा

Respondent No. 4 (Vijay Shanker)

P. C. Shukla

Union of India & others बनाम

प्रतिवादी (रेस्पान्डेन्ट)

O.A. No. 67

नं० मुकद्दमा

सन ८९ पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Rakha Pandey (Advocate)

वकील

29, Teachers' Colony, Sheri Jai
 Narain Degree College UKo,

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकीलतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत
 नं० मुकद्दमा
 नाम फरीकन

Accepted
 Rakha Pandey
 (Adv.)

2.9.89

विजय शंकर
 हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

2.9.89

महीना

सन् १९

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A77

In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench, Lucknow.

O.A. No. 87 of 1989 (L)

P.C.ShuklaApplicant.

Versus

Union of India & others ...Respondents.

Rejoinder Affidavit against the counter
affidavit filed by respondents 1 to 3.

1. That para 1 and 2 of the counter affidavit are formal and call for no reply.

2. That para 3 of the counter affidavit is denied and it is submitted that respondent no.4, as well evident from Annexure A-5, is permanent resident of village Bhojpur. He is married with one Smt. Kamla Devi of village Chahotar.

3. That para 4 of the counter affidavit is not disputed.

प्रकाश चन्द शुकल

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4. That para 5 of the counter affidavit as stated is denied except the relevant dates and the Hon'ble Tribunal's verdicts. It is also submitted that as well evident from Annexure CA-1 and CA-2 the respondent no.4 is not permanent resident of village Chahotar and does not own his house and property in the post village whereas the applicant is permanent resident of village Chahotar and he owns his house and property in that very village as such he was more suitable than that of respondent no.4. It will not be out of place to mention that Union of India under no circumstance can realize or recover the loss or damage caused by husband, from the property of wife, nor such the respondent no.2 has arbitrarily with defiant attitude has reappointed the respondent no.4 whereas his appointment on the same grounds was already quashed by the Hon'ble Tribunal vide order dated 7-10-1988 in O.A. No. 35/88 (L) P.C. Shukla vs. Union of India & others (Annexure A-4) to this application).

5. That para 6 of the counter affidavit is denied. The applicant having educational qualification of Vidya Vashaspati is in possession of certificates and higher education is always regarded.

पुनः चर्चा सुकल

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6. That para 7 of the counter affidavit is not disputed.

7. That para 8 of the counter affidavit is denied and it is submitted that the respondent no.2 has arbitrarily reappointed the respondent no.4 showing absolutely incorrect merit of both the candidates. Respondent no.4 was not a resident of the post village. Merely having a marriage and coming and staying in the said village, does not entitle a person to be the permanent resident of that village.

8. That para 9 of the counter affidavit is denied. The supporting documents annexed to prove the permanent residence of the respondent no.4 at village Chahotar however shows only for the last 15 years which is also wrong. The applicant was born and brought in the post village Chahotar as such the respondent no.4 could never be more suitable than the applicant. It is further submitted that when the correct position was explained by the Gram Pradhan that report was suppressed by respondent no.2 mainly to appoint the respondent no.4 because he made pleased the respondent no.2. The certificate earlier issued by Shri Sharda Prasad Shukla indicates only about his character and not the residence.

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9. That para 10 of the counter affidavit is not disputed.

10. That para 11 of the counter affidavit is denied and in reply the contents of para 6(f) of the original application are hereby reiterated. It is further submitted that respondent no.4 under no circumstance could be assessed more suitable than the applicant and as such his appointment is illegal.

11. That para 12 of the counter affidavit is denied and it is submitted that the Hon'ble Tribunal did not consider the contempt application on merit and there was an apparent error on the face of records and as such a review application was filed and 5-1-1990 is fixed for re-hearing.

12. That para 13 of the counter affidavit is denied and it is submitted that the property inherited by wife never entails the husband to use the same as sureties of his service. The respondents have made contradictory averments with regard to the residence. The income-certificate can be issued by the Tehsildar to a person only if he is having landed property in that very village.

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The respondent no.4 admittedly does not have landed property in village Chahotar as such the income certificate so issued is technically and legally incorrect. In fact the respondent no.4 is resident of village Bhojpur and his name appears in the voter list of village Bhojpur. With regards to offer of house it is submitted that as per the Indian Contract Act 1872, the offer can be possible if the individual owns that house but the respondent no.4 does not own the house in his name and as such the house in the name of wife can not be offered by husband for a legal requirement.

13. That para 14 of the counter affidavit is denied and in reply the contents of para 6(j) of the original application are hereby reiterated.

14. That para 15 of the counter affidavit is denied and in reply the contents of para 12 above stated with regards to the owning of house are hereby reiterated.

15. That in reply to para 16 of the counter affidavit it is submitted that as stated in

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para 12 and 14 above, The Rules of Recruitment have been fully violated by the respondents in appointing the respondent no.4.

16. That para 17 of the counter affidavit is denied and in reply the contents of para 6 (m) of the Original Application are hereby reiterated.

17. That para 18 and 19 of the counter affidavit are not disputed.

18. That in reply to para 20 of the counter affidavit the applicant is advised to state that the original application filed by the applicant

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is full of merits and grounds taken
by him are very cogent and as such
the application is liable to be allowed
and the same may kindly be allowed
in the interest of justice

Lucknow, dated;

December 01, 1939.

युक्ति वन्य शुभम्
Applicant

Verification

I, the above named applicant
hereby verify that the contents of paras
1 to 17 of the Rejoinder Affidavit are true
to my personal knowledge and the contents of
para 18 are believed by me to be true and
that I have not suppressed any material
fact.

Lucknow, dated;

December 01, 1939.

युक्ति वन्य शुभम्
Applicant

Identified Shri Prakash Chandra
Shukla who is personally
known to me and has
signed before me.

Subscribed
T.N. Tripathi
Subscribed
Anand Kumar

In the Hon'ble Central Administrative Tribunal
Additional Bench Allahabad,
Circuit Bench, Lucknow.

O.A. No. 87 of 1989 (L)

P.C. Shukla

...Applicant.

Versus

Union of India & others

...Respondents.

Rejoinder against counter affidavit
filed by respondent no.4.

1. That para 1 of the counter affidavit is formal and calls for no reply except the appointment of the respondent no.4 which was plainly arbitrary.

2. That in reply to para 2 of the counter affidavit it is submitted that respondent no.2 and 3 have collusion with respondent no.4 and have accordingly appointed him on the post under dispute.

3. That in reply to para 3 of the counter

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affidavit it is submitted that the earlier appointment dated 12-5-1983 was quashed by the Hon'ble Tribunal but respondent no.2 has arbitrarily, deliberately with disregard and with defiant attitude has re-appointed respondent no.4 showing wrongly prepared so called merit. The respondent no.4 is permanent resident of village Bhojpur district Rae Bareilly and was married with Smt. Kamla Devi of village Chahotar. He does not own any house in his name where as the applicant was born and brought up in village Chahotar and as such is permanent resident of that village. Therefore, the question of being more suitable of respondent no.4 than applicant does not arise.

4. That para 4 of the counter affidavit is denied and in reply the contents of para 6 (d) of the original application are hereby reiterated and it is further submitted that merit was not the ~~force~~ one but plainly arbitrary decision of respondent no.4.

5. That para 5 of the counter affidavit is denied and in reply the contents of para 6 (e) of the original application are hereby reiterated and it is further submitted that the no fresh certificate could be considered by the appointing authority in the light of the Hon'ble Tribunal's order dated 7-10-1983. The appointing authority

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had relied upon the certificate of Shri Sharda Prasad Shukla as domicile/residential certificate whereas respondent no. 4 himself has stated the same as Character certificate and the same was actual character certificate only as such whole decision is ultra vires and as such the appointment order dated 29-12-1939 is liable to be quashed and applicant is liable to be adjudged to be ~~more~~ suitable than the respondent no. 4. The authority competent to issue a domicile certificate is the D.M. of the district and no one else. But in the case of respondent no. 4 neither any certificate nor even verification was by the Hon'ble D.M. as such whole proceedings are null and have no legal sanctity.

6. That para 6 of the counter affidavit is denied and in reply the contents of para 6(f) of the original application are hereby reiterated. The comparative merit was wrongly prepared and counted for.

7. That para 7 of the counter affidavit is denied and in reply the contents of para 6 (f) of the original application are hereby reiterated and it is further submitted that as stated above the house and property of the wife under no circumstances could be counted for against the service of the husband.

पुनर्जा वर्य शुक्ल

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8. That in reply to para 8 of the counter affidavit the contents of para 6 (j) of the original application are hereby reiterated.

9. That in reply to para 9 and 10 of the counter affidavit the contents of para 6 (k) and (l) of the original application are hereby reiterated. The respondent no.2 has clearly violated the Recruitment Rules and has disobeyed the order dated 7-10-1939 of the Hon'ble Tribunal.

10. That in reply to para 11 of the counter affidavit the applicant is advised to state that in view of the facts stated in para 6 of the original application and the circumstances aforesaid the contents of counter affidavit filed by the respondent no.4 are wholly misconceived and the original application being full of merit and based on cogent grounds is liable to be allowed in the interest of justice and the same may graciously

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be allowed , otherwise the applicant shall be put to suffer irreparable loss and injury .

11. That in any case , the appointment of respondent no.4 is quite illegal and has been made against the Rules which is liable to be set aside ^{and quashed} by allowing the original ~~papers~~ ^{papers} Lucknow, dated;

December 12, 1989.

Applicant

Verification

I, P.C. Shukla , the applicant hereby verify that the contents of paras 1 to 9 of rejoinder affidavit are true to my personal knowledge and the contents of para 10 and 11 of the rejoinder affidavit are believed by me to be true on the basis of legal advice and that I have not suppressed any material fact.
Lucknow, dated; ^{14/12/89}

December 12, 1989.

Applicant.

Identified Shri P.C. Shukla who is personally known and has signed before me.

^{12/12/89}
T.N. Tiwari
Sd/-
Counsel for the Applicant

(29/4/89)

(Au)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Appointed
as E.D.BPM

Registration No. _____ of 1989

APPLICANT(S) Prakash Chandra Shukla

RESPONDENT(S) CD 2 others (Postal Deptt)

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 outcome 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

Six sets

yes

—

—

yes

yes

yes

yes

yes

yes

yes

NA

yes

DD 827984 dt 19.5.89
4 (50/-)

(A2)

<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 ?	Yes
a) Identical with the Original ?	Yes
b) Defective ?	—
c) Wanting in Annexures	—
Nos. _____ pages 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 ?	NA
17. Are the facts of the case mentioned in item no. 6 of the application ?	Yes
a) Concise ?	Yes
b) Under distinct heads ?	Yes
c) Numbered consecutively ?	Yes
d) Typed in double space on one side of the paper ?	Yes
18. Have the particulars for interim order prayed for indicated with reasons ?	Yes
19. Whether all the remedies have been exhausted.	NA

May be listed before Court on 21-4-89

dinesh/

19/4/89
S.O (5)