

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

INDEX SHEET

CAUSE TITLE ... *O.A. 166* OF ... *1989*

NAME OF THE PARTIES ... *Madhuri Devi* Applicant

Versus

..... *Union of Indis* Respondent

Part A.

Sl.No.	Description of documents	Page
1	<i>check list</i>	<i>A 1 to 2</i> ✓
2	<i>order sheet</i>	<i>A 3 to 5</i> ✓
3	<i>Judgement copy. Date 11-4-90</i>	<i>A 6 to 7</i> ✓
4	<i>Petition</i>	<i>A-8 to 15</i> ✓
5	<i>Annexure</i>	<i>A 16 to 20</i> ✓
6	<i>Power</i>	<i>A 21</i> ✓
7	<i>Counter</i>	<i>A 22 to 41</i> ✓
8	<i>Rejoinder</i>	<i>A 42 to 49</i> ✓
9	<i>Application for vacation of stay</i>	<i>A 50 to 58</i> ✓
10	<i>Rejoinder</i>	<i>A 59 to 65</i> ✓
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CERTIFICATE

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

Dated ... *14/6/2011*

B/c destroyed on 9-5-12

Counter Signed.....

*Reheer
on 4/11/12*



Section Officer/In charge


Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW .

.....

INDEX SHEET

CAUSE TITLE _____ of 199

Name of the parties _____

Applicant.

Versus.

Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Receipt

Registration No. 166 of 1989 (L)

APPLICANT(S) Madhuni Devi

RESPONDENT(S) UOI & others (Postal Deptt)

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	yes
2. a) Is the application in the prescribed form ?	yes
b) Is the application in paper book form ?	yes
c) Have six complete sets of the application been filed ?	Six sets only
3. a) Is the appeal in time ?	yes
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 ?	yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	yes DD 782442 dt. 13-7-89 4 (50/-)
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes
c) Are the documents referred to in (a) above neatly typed in double space ?	yes
8. Has the index of documents been filed and paging done properly ?	yes
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?	yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	No

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Particulars to be Examined

Endorsement as to result of examination

- 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? *yes*

Submitted

dinesh/

Register as D.A. &

13/7/89

put up before court on 17-7-89

13/7/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

93

REGISTRATION No. 166 of 1989 (C)

APPELLANT
APPLICANT

M. Devi

DEFENDANT
RESPONDENT

UOL VERSUS

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
17.7.49.	No sitting. Adj. to 20.7.49 for admission.	
20/7	No sitting. Adj. to 27.7.49. ^h BOC.	
27/7	No sitting. Adj. to 28.7.49. ^h 20/7	
28.7.89.	<p><u>Hon'ble Justice K. Nath, V.C.,</u></p> <p>Admit.</p> <p>Issue notice to Opposite parties to file reply within four weeks to which the applicant may file rejoinder within two weeks thereafter.</p> <p>In the matter of interim relief issue notices and list for orders on 14.8.89. Till that date the opposite parties shall not make any appointment to the post of Extra Departmental, Branch Postmaster Hakami, Barabanki on the basis of the list referred to in Annexure-A.2 the learned counsel for the applicant under takes to serve the opposite parties out of Court. The Office will furnish Dasti notices along with the copies of the orders to the learned counsel for the applicant within twentyfour hours for the purpose; the applicant will file an affidavit of service on the date fixed.</p> <p style="text-align: right;">Sd/- V.C.</p>	<p>CB Dasti summons were issued to the learned Counsel for the applicant on 20.7.49 under the court's order of 20.7.49. Counsel for applicant has not submitted the Acknowledgement along with an affidavit as required under CAT Procedure Rule 1986. Respondent has not filed any reply against the notice. Submitter made ^h copy</p>

Recd order
 Subm. ser
 R. A. G. 22/5/90
 D. Chandra 1/3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

PM

ORDER SHEET

REGISTRATION No. O.A. no. 166/89(L)
of 198

APPELLANT
APPLICANT

Madhuri Devi

VERSUS

DEFENDANT
RESPONDENT

Union of India & ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
14/8/89	<p><u>Hon' Mr. D.K. Agrawal, J.M.</u></p> <p>Shri T.N. Tewari learned counsel for the applicant and Shri Dinesh Chandra learned counsel on behalf of respondents are present. A reply in respect of interim prayer made by the applicant has been filed today by the learned counsel for respondents. Let the rejoinder affidavit as desired by the applicant be filed within a week hereof and list this case in the last week of this month before a division bench, if available, otherwise the case be listed for orders before Single Judge. on <u>31/8/89</u>.</p> <p style="text-align: right;">Jeo J.M.</p> <p>(sns)</p>	<p>OR Application for reply appeal & rejoinder filed today</p>
11/8/89	<p><u>Hon. Justice K. Nath, J.C.</u></p> <p>Dr. Dinesh Chandra files vakalatnama on behalf of opposite party No. 4. I have heard the learned counsel for the parties on the question of interim relief.</p> <p>The main point raised by the applicant is that according to 12 of the applicable Recruitment only a permanent resident of the place where the post office is situated can be considered for appointment and that under the</p>	<p>OR In com's Court's order has been filed by the counsel for submitted</p>

not my order
filed by
J.M.
reg. for hearing
7/9

P.T.O.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. OA 166 of 1989. (U)

AS

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
8/9/89	<p>Hon. Justice K. Nath, VC. Hon. K. J. Ramani, J.</p> <p>The applicant's learned Counsel Shri T. N. Tiwari requests for and is allowed two weeks time to file rejoinder. Dis to for final hearing on 8-11-89.</p> <p><i>[Signature]</i> VC. Am.</p>	<p>OR No rejoinder filed admitted for hearing</p>
8-11-89	<p>Hon. Mr. D. K. Agrawal - JM Hon. Mr. K. Obayya - AM</p> <p>Mr. T. N. Tiwari Counsel for applicant files rejoinder. Shri D. Chandra Counsel for respondent. On the request of both the counsel the case is adjourned to 07/02/90 for hearing.</p> <p><i>[Signature]</i> JM AM</p>	<p>C.A. filed today L 15/11/89</p>

(AL)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

O.A. 166/89 (L)

Madhuri Devi

..Applicant.

versus

UNION OF INDIA & ORS.

...Respondents.

Hon. P.S. Habib Mohammad, A.M.

Hon. J.P. Sharma, J.M.

(Hon. J.P. Sharma, J.M.)

The applicant in this application ^{4/3/89 of the A.T. Act} ~~did~~ ^{ed in} not mention ^{about} in column No. 1 ^{of} the order dated 19.6.89 (Annexure -2⁷ of the application) addressed to one Shri Ram Sagar Singh ^{her father in law} and not to the applicant.

2. The applicant wants to assail the appointment of respondent No. 4 Shri Omkar Singh and in the relief claimed in the application a direction was sought that fresh requisition be sought from Employment Exchange for sponsoring the name of E.D.B.P.M. of post office village Hakani.

2. The respondents are represented by Shri D. Chandra including a private respondent.

3. The applicant is not present today. Her counsel Shri T.N. Tiwari has reported no instructions.

3. The learned counsel for the respondents Shri D. Chandra pointed out that the question of sponsoring the name of the applicant for the said post of E.D.B.P.M. did not arise, as the applicant got herself registered in Employment Exchange in the month of June, 89 while the names were already sent to the respondents by 10th of May, 1989. Considering all these facts and further

AT

that the applicant is not interested in pressing her application, the applicant is not entitled to the relief sought. The application is therefore, dismissed. However, with no order as to costs.

Joel
J.M.

PS
A.M. 11/4/90

Dated the 11th of ^{April} ~~March~~, 90.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE

TRIBUNAL ACT 1985

18

TITLE OF THE CASE

O.A. 166 of 1989 (L)

Madhuri Devi Applicant

Versus

Union of India & Others Respondent

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Madhuri Devi

Signature of the Applicant

For use in Tribunal Office

Through

Date of filing.....

T.N. Tiwari
(T.N. Tiwari)
Advocate

Registration No.....

Counsel for the Applicant.

Signature for Registrar

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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDL. BENCH ALLAHABAD

(LUCKNOW BENCH)

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 13.7.89

Date of Receipt by Post.....

List before court on 17.7.89

Deputy Registrar 13/7/89

O.A. No. 166 of 1989 (L)

Madhuri Singh^{Devi} aged about 23 years

w/o Shri Ved Prakash Singh,

R/o Village & Post- Hakami

Tehsil- Ram Sanehi Ghat, Distt.

Bara Banki.

....

Applicant

Versus.

1. Union of India Ministry of
Communication through its Secretary
New Delhi.

2. Superintendent of Post Officer
Bara Banki, U.P.

3. Director Postal Services Lucknow
Lucknow Region.

4. Shri Onkar Singh, S/o Shri Kamta Singh,

R/o- V & R/o Hakami, Barabanki

....

Respondents

Filed today
noted for
14.7.89

Signature
13/7/89

माधुरी देवी

Details of Application:-

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

That the present application is made against the order of respondent No.2 vide his letter No. H-737/SDA dated 19.6.1989(Annexure 2 to this application).

2. Jurisdiction of the Tribunal:-

That the applicant declares that subject matter of the order against which he wants redressed ~~is~~ is within the jurisdiction of the Tribunal.

3. Limitation:-

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

4. Facts of the case:-

- (a) That as per the policy of the Govt. of India and orders of the Authorities concerned a New Extra Departmental Branch Post Office has been opened in the village Makami, Tehsil-Ram Sanehi Ghat, District, Bara Banki and the applicant is permanent resident of that village.

माधुरी देवी

- (b) That just after getting the information about opening of the Branch Post Office, the village Pradhan in collusion with the respondent No.2 conspired and somehow managed to get sponsored 3 names of the persons resident of different villages and not of the village Hakami in the name of which the post office has been sanctioned.
- (c) That the Employment Exchange, Barabanki on the requisition of respondent no.2, sponsored the following three names:-
- (i) Onkar Singh S/o Kamta Singh R/o Garhi
(H) Hakami, Barabanki.
 - (ii) Surendra Singh^{S/o} Udham Singh R/o Sirsa, P/o
Sidhaur, Barabanki.
 - (iii) Mahangoo Lal S/o Sri Poodan R/o other
than village Hakami
- (d) That the facts came in the light only when the Post Office was opened and required Forms were sent to Shri Onkar Singh who is not permanent resident of Main village Hakami and is an unsuitable candidate whereas there are so many other most suitable candidates deliberately deprived of opportunity for the said Post Office even after fulfilling all the eligibility conditions.

श्री धरो देवी

A12

- (e) That being aggrieved of such illegal acts of the village Pradhan and respondent No.2 the effected villagers represented the matter to the respondents vide representation dated 15.6.1989 which resulted nothing and was replied negative vide respondent no.2 letter dated 19.6.1989. The copies of the representation dated 15.6.1989 and rply thereof dated 19.6.1989 are Annexed herewith as Annexure A-I and A-2 to this application.
- (f) That as per the Rule 12 of Post and Telegraphs Extra Departmental Agents~~sk~~ (conduct and service) Rules 1964 minimum three names of the eligible candidates must be sponsored and in case the Employment Exchange fails to do so, the vacancies should be notified through Public Advertisements. But in the instant case nothing has been done by the respondents.
- (g) That in the circumstances aforesaid it is very much expedient in the interest of fair selection that the respondent no.2 be directed to send a fresh requisition for sponsoring the names of minimum three eligible candidates of the village Hakami failing which the vacancies must be notified by

माधुरी देवी

Public Advertisements.

5. Grounds for relief with Legal Provisions:-

That the respondent No.2^{is} deliberately violating the provision of the Rule 12 of Recruitment Rules discriminating the applicant as well as other eligible candidates of the Post Village Hakami. The applicant being aggrieved seeks reliefs amongst on the following:-

GROUNDS

- (i) Because the petitioner is the only suitable candidate for the appointment on the post of E.D.B.P.M. Hakami.
- (ii) Because only one name has been sponsored by the Employment Exchange.
- (iii) Because the respondent No. 4 is not fulfilling the conditions of recruitment.
- (iv) Because the respondent No.2 wants to appoint his pet candidate.
- (v) Because the provisions of Art. 14,16,33 & 41 of the Constitution of India have been deliberately violated by respondent No.2
- (vi) Because the provisions of Rule 12 of recruitment Rule of E.D.B.P.M. have been fully violated.

साधुरी देवी

6
KAM

6. Details of the remedies exhausted:-

The applicant's Father-in-Law collectively represented the matter vide application dated 15.6.1989 which has been replied in negative.

7. Matter not previously filed or pending with any other Court.

That the applicant further declares that he had not previously filed any application Writ Petition or suit regarding the matter in respect of with this application has been made, before any court or other ~~Authority~~ Authority or any other Bench of the Tribunal nor any such application, Writ Petition or suit is pending before any of them.

8. Relief(s) sought.

That in view of the facts mentioned in para 4 above the applicants prays for the following relief(s):-

(a) That the Hon'ble Tribunal may graciously be pleased to direct the respondent No.2 to send a fresh Requisition to Employment Exchange for sponsoring the names of three eligible candidates permanent resident of Post village Hakami and in case the Employment Exchange fails the vacancy be notified through Public advertisements.

साधुरी देवी

7
ALS

9. Interim Order if any prayed for:-

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

(a) That the Hon'ble Tribunal may graciously be pleased to stay the appointment on the post of E.D.B.P.M. Hakami in the interest of justice otherwise the applicant shall suffer irreparable loss and injury.

10. N/A

11. Postal Order Sl. No. 782442 Dated 13.7.89 for Rs. 50/- issued from Post Office is enclosed. GPO

12. List of enclosers.

Nil

माधुरी देवी
Applicant

Verification

I, Smt. Madhuri Devi W/o Shri Ved Prakash Singh aged about 23 years resident of village & Post Hakami, Distt. Barabanki do hereby verify that the contents of paras 1 to 4 2 6 TO 11 are true to my personal knowledge and paras 5 to believed to be true on legal advice and that I have not suppressed any material fact.

Date: 12 July, 1989

Place: Lucknow

माधुरी देवी
Signature of the
Applicant

Identified Smt Madhuri Devi, W/o Shri Ved Prakash Singh who is personally known to me before me Intimate

In The Honble Central Administrative Tribunal,
Addl Bench, Allahabad
C.B. Muknow

O.A No _____ of 1989.

Madhuri Devi

Vs Union of India & others

"ANNEXURE - A 1"

अवामें,

श्रीमान् डाक अधीक्षक महोदय,
प्रधान डाकघर, वाराणसी

विषय - प्रार्थनापत्र लाकर डाकघर

खोलने जाने ग्राम व पौर-टुकामा
तहसील रामसनेही घाट, वाराणसी

के सम्बन्ध में जांच एवं उचित
कार्यवाही हेतु

महोदय,

प्रार्थी गणों का निम्न लिखित
विनम्र निवेदन करना है :-

धारा १ - यह कि शासन द्वारा ग्रामीण
क्षेत्रों में डाकघर खोलने जाने की
मौलाना के अन्तर्गत प्रार्थी गण के
गांव में भी डाकघर खोला गया
है। उसमें नियुक्ति आदि में धार
अनिर्णयता में बरती गयी है।

धारा २ - यह कि प्रार्थी गणों को उक्त
डाकघर खोलने की जानकारी

माधुरी देवी १३/६/८७ को डाकघर खोलने पर
है। उक्त डाकघर में नियुक्ति

TC Attention
Submissor

- 2 -

हेतु आवेदन पत्र देने की
अन्तिम तिथि 25-5-95 रू. थी
परन्तु गाम प्रधान ने साजिस
करके उक्त डाकघर खुलने
पूर्व निमुक्ति सम्बन्धी सूचना को
अत्यन्त गोपनीय रखा तथा गाम
सदस्यों को सूचित नहीं किया
केवल अपना अभ्यर्थी जो प्रधान
का खास नजदीकी है का प्रार्थना
पत्र दिलवाया जब कि गाँव में
अन्य कई योग्य अभ्यर्थी महिला
सर्व हरिजन अभ्यर्थी सूचना
से वाचित होने के कारण
आवेदन नहीं भर सके जिससे
योग्य अभ्यर्थियों के मौलिक
अधिकारों का हनन हुआ है।

धारा 3 - यह कि जहाँ जहाँ को
जानकारी हुई है कि माज रम
आवेदन पत्र निमुक्ति हेतु श्री
ओंकार सिंह 3/0 पी कामल
सिंह रत्नाम (गढी) इकामी का
दिया गया है जिनकी शैथिल्य
माधुरे देवी

V.C. Sharma
dtkumar@sa

योग्यता ही आवश्यक है तथा
उनका व्यवहार अन्याय खराब
है। उनमें नियुक्ति ~~हो~~ हो जाने
पर काम सभा के सदस्यों को
आगे दिन समरयाओं का सामना
करना पड़ेगा।

धारा ४ - यह कि केवल एक अभ्यर्थी
का आवेदन होने के कारण किसी
अन्य योग्य अभ्यर्थी का चयन
होना सम्भव नहीं है। इस
कारण एक अभ्यर्थी के चुनाव
में दोर अनियमितता एवं विभागीय
निगम एवं निर्देशों का सुल्लभ
सुल्लभा उलंघन होगा।

अतः श्रीमान जी से
प्रार्थना है कि एक आवेदन
अभ्यर्थी का आवेदन पत्र
निरस्त करके हुए नियमानुसार
दुबारा आवेदन पत्र आमंत्रित

माधुरी देवी
Attested
Incharge Secy

- 8 -

~~निम्न~~ कर नियुक्ति करने की
कृपा की जावे ताकि गाँव
के यौवम ^{हरिजन} एवं महिला अभ्याथियों
को उचित अवसर मिल सके
महान दया होगी ।

दिनांक - १५-६-४७
प्रार्थी गण
रामसागर सिंह सिं
अध्यक्ष गणतंत्रसभा

प्रतिनिधि: सूचनार्थ एवं आवश्यक
कार्यवाही हेतु प्रेषित

- 1- निदेशक डाक सेवा, उज्जैन
लखनऊ
- 2- डाक महानिदेशक भारत
सरकार नई दिल्ली

॥ स्वयं प्रतिनिधि ॥
साधुशेखरी देवी

HC Atkher
Anil Kumar Seh

In The Honble Central Administrative Tribunal,
Addl Bench, Allahabad
C-B the know

1989

O.A NO _____ of 1989.

Madhuri Devi

VS Union of India & others

"ANNEXURE - A - 2"

नॉर-7/ऑर-7

दस्तावेज

भारतीय डाक विभाग/DEPARTMENT OF POSTS INDIA

दफ्तर/Office of the

श्री राजा राम सिंह

प्रमुख डाकघर वाराणसी कानून

जिसमें एक प्रतिलिपि प्रेषित

सुप्रीम कोर्ट ऑफ इंडिया

दफ्तर नं० 10/1989/आ.सं.सं.

दस्तावेज नं० 225/89

आ-127/EDA कागज नं० 140/14/89

विषय:- शाखा - जयपुर दफ्तर नं० 1
निष्पत्ति के कारण से।

सं-दर्भ. शाखा नं० 150/15-681.

आज्ञा 20/11/87 के अन्तर्गत
शाखा नं० 150/15-681 कागज नं० 140/14/89
की निष्पत्ति हेतु गैरजमान्त कार्यवाही से जो
हकी शाखा नं० 150/15-681 कागज नं० 140/14/89
जयपुर दफ्तर नं० 150/15-681 की निष्पत्ति की जायेगी।

प्रमुख डाकघर वाराणसी कानून
Sudt Post Offices Varanasi U.P.
VARANASI-225 001

MGIPAh.-150 Posts/87-23-7-87-20,00,000 Pds.

माधुरी देवी

The Applicant
Madhuri Devi

In the Honble C.A.T.
बअदालत श्रीमान Admr Bevel Shrivastava महोदय
C.B. kelkar

वादी (मुद्दई)
मुद्दई (मुद्दालेह)

का

वकालतनामा

at 3 of 189



Madhuri Devi
vs
W/o Shri Lal Bahar

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा सन पेशी की ता० १९ ई०
Madhuri Devi, T.N. Tiwari
उपर लिखे मुकद्दमा में अपनी ओर से श्री

Advocate

वकील

एडवोकेट महोदय

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

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 वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

माधुरी देवी

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

12/7

सन १९८९ ई०

Accepted by
T.N. Tiwari
Advocate

In the Central Administrative Tribunal at Allahabad,

Circuit Bench, Lucknow.

Misc. Application No. ³⁰² - - - - of 1989.

Union of India & Others Applicant.

Case No. 166 of 1989

Madhuri Devi Applicant.

Versus.

Union of India & Others Respondents.

Application for Condonation of Delay in filing

Counter Affidavit on behalf of Respondent Nos. 1 to 3.

The applicant above named most respectfully ^{by} submits as under :-

1. That the ~~xxx~~ affidavit could not be filed within the time allotted by the Hon'ble Tribunal in view of the fact that though the affidavit was duly sworn in and a copy of the same had been served upon the Counsel on 31.8.89 the same was misplaced.
2. That now the said affidavit has been traced and the same is being filed.
3. That the delay in filing the Counter affidavit is bonafide, not deleberate and is liable to be condoned.

Wherefore, it is, respectfully prayed that this Hon'ble Tribunal may be pleased to condone the delay in filing the Counter affidavit and the same may be brought on record.

Lucknow ;

Dated : 8-11-89

D. Chandra

(Dr. Dinesh Chandra)
Addl. Cen. Govt. Standing Counsel,
Counsel for the Applicant.

*Filed today
L
0/4*

A23

IN THE CENTRAL
CIRCUIT BENCH: LUG. TRIBUNAL AT ALLAHABAD

Registration No. 166 of 1989()

Madhuri Devi Applicant

Versus

Union of India & others. Respondants

COUNTER-AFFIDAVIT ON BEHALF OF RESPONDENTS NO.1 to 3.

I, R.A. Verma, aged about 51 years son of Sri Ramdev Verma, Suptd. of Post Offices, Bara Banki, do hereby solemnly affirm and state as under.

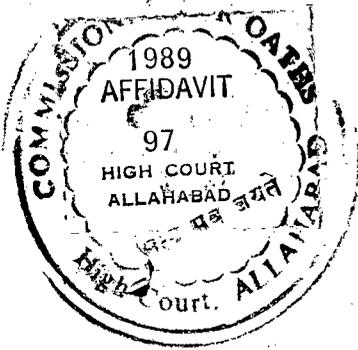
1. That the deponent is Suptd. of Post Offices, Barabanki and is well conversant with the facts of the case deposed hereinafter.

2. That the deponent is competent to swear this this affidavit on behalf of all the respondents No.1 to 3.

3. That in reply to the contents of para 1 of the application it is stated that the letter referred to in the petition and against which the petition has been filed is not addressed to the applicant and neither its contents have any concern with the applicant as the applicant was not a candidate for the post which happens to be the subject matter of the said letter. As such the applicant has not suffered any legal grievance or wrongfully affected her title to the appointment especially when she was not a candidate for the post in dispute under these circumstances. The Hon'ble Tribunal may not like to take cognizance of the application and may dismiss it summarily.

Cont....2.

R.A. Verma



A24

4. That the contents of paras ~~to~~ 2 to 4(a) of the application need no comments.

5. That in reply to the contents of para 4(b) of the application it is stated that the Employment Exchange, Bara Banki, sponsored the names of ~~these~~ ^{three} candidates (Annexure-II), in response to the deponents letter dated 20.4.89 filed as Annexure-I. Rest of the contents are denied.

6. That the contents of para 4(c) are admitted ^{but the} address mentioned in the application ^{is not correct and hence denied!}

7. That in reply to the contents of para 4(d) it is submitted that on receipt of the names of the candidates application forms were sent to all the three candidates by registered post. On receipt of the application from Sri Onkar Singh, further action was initiated and it was found that Sri Onkar Singh is the permanent resident of village Hakami and owns landed property in the same village as has been certified by the Pradhan of Village Hakauni and verified by departmental officer. Photo state copies of the said certificate and the report of the Inspector are being filed as Annexure III and IV respectively. Sri Onkar Singh fulfils all the requisite qualification and requirements for the post.

8. That in view of the facts indicated in the foregoing paras, the contents of para 4(e) of the application need no comments. The Tribunal is not the proper forum for making allegations against the Pradhan of a Village.

RA Venup

Cont.....3.



425

9. That the contents of para 4(f) of the application are denied. Rule 12 of the posts and Telegraphs Extra Departmental Agents (Conduct and Service) Rules, 1964 relate to "Form and Contents of appeal" which is not relevant to the subject matter of the present petition.

10. That the contents of para 4 (g) are not admitted. In view of the facts and circumstances explained in paras 5 and 7 above, there is no need for making fresh requisition to the Employment Exchange. As the Employment Exchange had already sponsored the name of three candidates of Village Hakauni, there is no necessity to make a fresh requisition. The suitability from the post about a candidate was to be ascertained by the deponent from amongst the applicants of these candidates only. As Sri Onkar Singh was the only candidate amongst three candidates sponsored by the Employment Exchange, his application was processed for appointment. There has been no abuse in the process for recruitment.

11. That in view of the facts and circumstances mentioned in the preceding paragraphs, the grounds taken by the applicant are not tenable in law, the application lacks merit and is liable to be dismissed with cost.

12. That the applicant has not exhausted the departmental remedies available to her. Appeal against the order of Respondent No.2 lies with the Respondent No.3, but the applicant in this case did make any represent against so called irregularity in the method of recruitment adopted by Respondent No.2.



RA. [Signature]

Cont....4.

A26

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

14. That in reply to the contents of para 8 of the application it is submitted that the proper procedure for recruitment as detailed in the preceding paragraphs has been adopted. As such no fresh ^{registration} registration to the employment exchange is necessary.

15. That in view of the above facts, the interim relief granted by the Hon'ble Tribunal has been sought to be ~~rejected~~ vacated through an application already filed before the Tribunal.

16. That in view of the facts and circumstances mentioned in the above paragraphs, the application is not tenable in law, it lacks merit and is liable to be dismissed with cost.

31-8/1989

R. A. Verma
DEPONENT

VERIFICATION

I, the deponent abovenamed do hereby verify that the contents of para 1 to 16 are true to my personal knowledge and those of para are true to my belief and I have not suppressed any material fact.

31-8/1989

R. A. Verma
DEPONENT

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

(Signature)
ADVOCATE

Solemnly affirmed before me on 31-8-89 at 11-3 am/pm by the deponent *R. A. Verma* who has been identified by Dr. Dinesh Chandra, Advocate, High Court, Lucknow Bench, Lucknow.

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



R. A. Verma
COMMISSIONER
HIGH COURT, LUCKNOW BENCH

NO. *07/107*
DATE *31-8-89*

ADP

Form to be used when calling for application from employees exchange for permanent or temporary vacancies.

1- Office, Dept. and address. *Dept of Post Office, Barabanki*

2- Name & Designation of identifying officer. *do*

3- Name & designation of the officer to whom applicants should report. *do*

Date, time and place of interview. *10-5-89 10:30 at this office*

4-A. Designation of the post to be filled a/w description of duties. *ED. B.P.M. Hakawi*

B. Scale of pay/allowances. *Rs 275/-*

C. Place of work. *village of Post Hakawi*

- 6-A. No. of posts to be filled;
 - i) Reserved for SC : Priority- Non priority *NO*
 - ii) Reserved for ST : Priority- Non priority *NO*
 - iii) Unreserved : Priority- Non priority *NO*
 - iv) Reserved for Ex-servicemen: *NO*
 - v) Reserved for physically handicapped persons. *NO*

B. Duration of vacancies:

Permanent	Temporary, less than 3 months.	Temporary, between 3 months and 1 year.	Temporary likely to continue beyond 1yr.
1	2	3	4

Approved

7- Qualifications required (including age limits): *High School, 18 yrs to boys*

A. Priority candidates: I. Essential- *NO*, II. Desirable- *NO*

B. Non priority : I. Essential- *High School, High School general*, II. Desirable- *do*

8- Whether willing to wait and consider applicant from other exchange areas, in case local applicants are not available. *no, applicant to accept village of Hakawi*

9- Any other information consider relevant. *Pl. See Annexure A.*

10- Whether women are eligible. *Yes*

Certified that while placing this demand the instructions connected with the orders on communal representation in the services have been strictly followed with regard to the roster maintained in accordance with these orders.

[Signature]
Supt. of Post Offices,
Barabanki, Dist. Barabanki-225001.

अनुलक्षक 'क'

- 1- अभ्यर्थी की आयु 18 और 60 वर्ष के मध्य होती चाहिए ।
- 2- अभ्यर्थी को अंग्रेजी और हिन्दी में काम करने की क्षमता होनी चाहिए ।
- 3- अभ्यर्थी को डाकघर रखते हेतु सुरक्षित कमरे को उपलब्ध कराया होगा तथा उसे डाकघर के अर्थात् में रहना होगा ।
- 4- अभ्यर्थी अगर कभी अवकाश पर जाता है तो अपने स्थान पर अपने दायित्व पर किसी ऐसे व्यक्ति को रखेगा जो कि बायामिग न हो लेकिन अवकाश पर जाने के पूर्व संतुष्टि सभ्य अधिकारी के द्वारा होना अनिवार्य है ।
- 5- अभ्यर्थी पर ही कार्यालय के कामनात राजकीय नकदी तथा बहुमूल्य वस्तुओं की सुरक्षा का पूर्ण दायित्व होगा जिसका प्रवक्ष वह स्वयं करेगा ।
- 6- अभ्यर्थी के पास आय का कोई निजी साधन होना चाहिए तथा निजी अचल सम्पत्ति हो ।
- 7- अभ्यर्थी को 9000/- रु की जमानत नकदी या मान्यता सोसाइटी द्वारा फाइडेनरिटी बॉन्ड के स्तर में जमा करनी होगी ।
- 8- अभ्यर्थी को किसी प्रकार का किराया विभाग से नहीं मिलेगा ।

अधीक डाकघर

महाराजगंज मण्डल वाराणसी

225001

शकील /
761988

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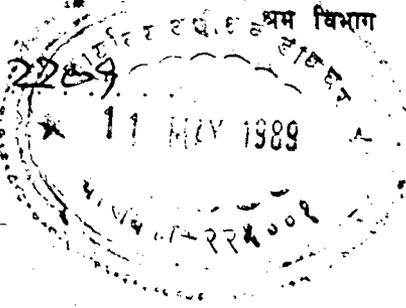
A29

उत्तर प्रदेश शासन

प्रशिक्षण एवं सेवायोजन निदेशालय, उ० प्र०

श्रम विभाग

टेलीफोन नं०



जिला

सेवायोजन कार्यालय

बरेली

संदर्भ संख्या ७८/21/89/103C

दिनांक 7-5-89

10

महोदय,

आपके पत्र संख्या रुच-437/CDA, दिनांक 20-4-89 के संदर्भ में 3 का रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उन योग्य अभ्यर्थियों के नाम की तालिका (प्रतियां) संलग्न की जाती है ~~जिन्हें आपके पास रिक्त पदों के चुनाव हेतु भेजा गया है।~~ चुनाव करने के पश्चात् तालिका के कालम 1 तथा मद संख्या 1 एवं 2 की पूर्ति करके इस कार्यालय को लौटाने का कष्ट करें। ~~कार्यालय को लौटाने के लिए तालिका में उक्त प्रकार के रिक्त पदों के लिए प्राप्त हो सकने वाले उम्मीदवारों की सूची पर अवती स्वीकार कर लीजिए।~~ आपकी सूचना पर अवती स्वीकार कर लीजिए।

संलग्न रुच-437/CDA

सेवायोजन अधिकारी,
जिला सेवायोजन कार्यालय, बरेली

सेवा में रुच-437/CDA
रुच-437/CDA
रुच-437/CDA

5 (A3)

जाय प्रमाण -पत्र

(17)

ANNEXURE - III

हैं - एक निरोक्षक को जाय आख्या दिनांक 23-5-89 के आधार पर प्रमाणित किया जाता है कि श्री ओंकार नाथ सिंह पुत्र श्री कामतासिंह निवासी ग्राम हकामो परगना हूँपुर तहसील रामसनेहीघाट जिला बाराबंकी को मासिक आय समस्त स्रोतों को मिलाकर कुल रु 500/- वार्षिक आय 6000/- छह हजार रुपये है।

दिनांक :

श्री. लाला लखन सिंह
श्री. लाला लखन सिंह
श्री. लाला लखन सिंह
डाक घर
बाराबंकी-222008

तहसीलदार
रामसनेहीघाट
बाराबंकी

A32

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प्रेषक

परिवाद निरोधक
डाक घर
गा. सं. नं. - २२५००१

सेवा में

अधीकृत अधिकृत
गा. सं. नं. - २२५००१

सं. सामान्य/सत्यापन दिनांक ०१/०७/२०१३, १३.७.८१
 विषय. गा. सं. नं. 'अकशिल' हकामों के पट नं. नि. सं. नं.
 सं. नं. सं. नं. संख्या एच-१३७/EDM दि. ७.६.८१.
 मंडल के कार्यालय उक्त सं. नं. के कार्यालय
 में श्री कौशाल नाथ सिंह पुत्र कामता सिंह, जो केवल
 एक ही उम्मीदवार हैं के अभिलेखों का सत्यापन किया
 गे अभिलेख जो आठ कम में हैं जिनमें से एक के नाम
 वापस किये जा रहे हैं। श्री कौशाल सिंह स्वामी
 उम्मीदवार हैं मकान गा. सं. नं. के पश्चिम उत्तर हैं। पृथान
 के घर के पास हैं। योग्यता हाई स्कूल पास (50%) हैं।
 जन्मतिथि 10.7-51 है। अधिप्रेषण 22 मं. ती. वंश का है।
 निस्वा. वा. सं. नि. सं. नं. है जिससे 50% पते मा. का. सं.
 प्रमाणित है। पृथान 55% या (अ. प्रमाण) का. सं. नं. है।
 तथा पृथान नं. उक्त प्रमाणित व्यक्त 71-व. सं. नं. है।
 यद्यपि मकान लच्छा है कि भी डा. सं. नं. के लिए
 एक पक्के काम का निर्माण करा है जो 11' x 8' है।
 ए. वा. सं. नं. त. सं. नं. पूर्ण योग्य में है। अन्य
 Demarcation निम्नवत है:

पुर्व सड़क

उत्तर सड़क

पश्चिम सड़क

दक्षिण - 5' ए. वा. सं. नं. श्री कौशाल सिंह पृथान

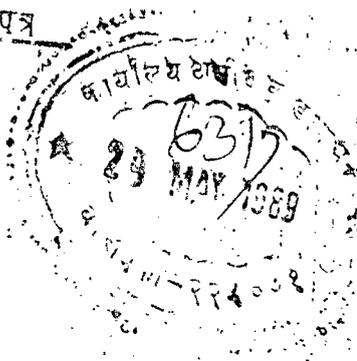
सभी सं. नं. पूर्ण हैं।

अधीकृत अधिकृत

परिवाद निरोधक
डाक घर
गा. सं. नं. - २२५००१

Accepted by hand A33
 26
 Annexure IV (Part 2) 29/7/80

आवेदन पत्र - पत्र



- 1- अभ्यर्थी का नाम - ओम्कारनाथ सिंह
- 2- अभ्यर्थी के पिता का नाम - श्री कामवासिठ
- 3- जाति - हरिजन
- 4- स्थायी निवास (उस गाँव का नाम जहाँ अभ्यर्थी का निजी भवन है और वहाँ निवास करता है) - जयनाग
- 5- पूरा पता -

- 1- गाँव का नाम - हकामो
- 2- डाकघरे का नाम - सूर्यपुर
- 3- थाने का नाम - असन्दरा
- 4- तहसील का नाम - राम मैनेली धार
- 5- जिले का नाम - थारवाकी

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

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

7- पद जिसके लिए आवेदन किया जा रहा है - शारदा डाकपाल

8- क्या संबंधित डाकघर में प्रार्थी का कोई रिश्तेदार किसी पद पर नियुक्त है तो उसका नाम व पद

होई स्कूल

9- शैक्षिक योग्यता (मूल प्रमाण पत्रों की प्रतिलिपि लगाना आवश्यक है) -

10- जन्म तिथि (इसके प्रमाण में स्कूल प्रमाण पत्र की प्रतिलिपि जिसमें जन्म तिथि है) - 90/29

दस जुलाई से उच्चोत्तरी समावन

11- आय प्रति वर्ष - क) कृषि द्वारा - लगभग पाँच सौ रुपये
 ख- अन्य साधन द्वारा -

(सबसे अधिकारी का प्रमाण पत्र लगाना आवश्यक है)
 यदि पेंशनर है तो मासिक पेंशन रिटायरमेंट की तिथि -

A34

In the Central Administrative Tribunal at Allahabad,

Circuit Bench, Lucknow.

Misc. Application No. -309- of 1989

Onkar Nath Singh Applicant.

Case No. 166 of 1989.

Madhuri Devi Applicant

Versus.

Union of India & Others Respondents.

Application for condonation of Delay in filing the

Counter Affidavit by Respondent No. 4.

The applicant respectfully begs to submit as under :-

1. That the Counter affidavit could not be filed within the time allotted by the Hon'ble Tribunal as the wife of the applicant had been very seriously ill in the village and the applicant being the only male member in the family could not leave her alone.
2. That the affidavit has since been drafted and sworn in and being filed without any further delay.
3. That the delay in filing the counter affidavit is genuine, and not deliberate and is liable to be condoned.

Wherefore, it is, prayed that the Hon'ble Tribunal may be pleased to condone the delay in filing the Counter Affidavit and the same may be brought on record.

Lucknow ;

Dated : 8.11.89

(Signature)

(Dr. Dinesh Chandra)

Counsel for the Applicant (Respondent No.4)

AT
L
14

A35

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH: LUCKNOW.
REGISTRATION NO. 166 of 1989 (L)

Madhuri Devi Appellant.

Versus

Union of India & others Respondents.

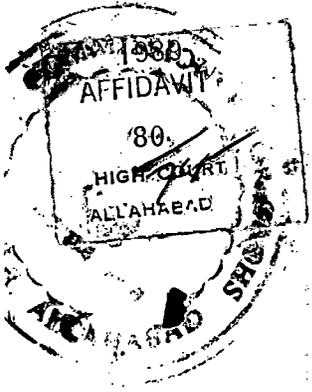
COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO.4.

I, Onkar Nath Singh, aged about 38 years, son of Sri Kanta Singh, resident of Village and Post Hakauni, Tehsil Ram Sanahi Ghat, Distt. Bara-Banki do hereby solemnly affirm and state as under :-

1. That in order that Hon'ble Tribunal may appreciate the averments made by the deponent in their true prospective the following facts are mentioned :

- a) Letter No. H-137/E.D.A. dt. 12.5.1989 from the Suptd. of Post Offices, Bara-Banki was received by the deponent in which it was indicated that the deponent ~~'s name had been~~ sponsored by the Bara Banki Employment Exchange for the post of Extra Departmental Branch, Post Master of Hakimi Branch Post Office. An application form was also enclosed with the said letter.
- b) That the deponent was asked to send the application in the said form so as to reach the office by 29.5.1989.
- c) That the deponent sent the application form duly filled -in to the Suptd. of Post Offices, Bara Banki.

Contd....2/-



ओंकारनाथसिंह

d) That the deponent fulfils the qualification and all the conditions required for the said post.

e) That Smt. Madhuri Devi's name was not registered in the Employment Exchange, Bara Banki till the date of sending the names of eligible candidates by the Bara Banki Employment Exchange.

f) That Smt. Madhuri Devi is not the person aggrieved in this case and is not the person who has suffered any legal grievance of the appointment ^{had} wrongfully affected her title to something. It is learnt that Smt. Madhuri Devi was registered in the Bara Banki Employment Exchange on 16.6.89 when the name of the eligible candidates were sent by the Employment Exchange on 9/10.5.89.

g) That ~~in~~ view of the above facts, the application filed by Smt. Madhuri Devi is not maintainable and is liable to be rejected with cost.

2. That in reply to the contents of para 1 of the application it is submitted that the impugned letter was not addressed ^{to} the applicant ^{and} or she is not entitled to file the present petition.

3. That the contents of para 2,3 and 4 (a) to 4(c) do not relate to deponent. However, it is clarified that there is no hamlet by the name of Garhi in Hakami. The deponent is the resident of Village Hakami. It is stated that the other two persons namely Sri Surendra Singh and Shri Mahngoo Lal also belong to village Hakami. The fact has been certified by Tehsildar, Ram Sanahi Ghat. (Annexure-^R2 and ^R3).

4. That the contents of para 4(d) are denied. The deponent is permanent resident of the Village Hakami.

Contd..3.



श्रीकारनाथ सिंह

AB7

A photostat copy of the certificate from the Village Pradhan is being filed as Annexure-^{RI}

5. That the contents of para 4(e) and 4(f) of the application relate to Respondent No.2.

6. That the contents of para 6(g) of the application relate to respondent No.2. It is however submitted that the deponent satisfies all the requisite qualification ^{for} from the post of E.D. Branch Post Master as indicated below :-

1. Educational Qualification- High School.
2. Owner of agricultural land - 3 Bigha 2 Biswa.
3. Monthly income - About Rs. 500/- per month.
4. Date of Birth - 10.7.51

The deponent is a respected person and has never taken part in any activity subversive of law and order.

7. That in view of the averments made in the above paragraphs, the appointment of the deponent on the post of E.D. Branch Post Master will be within the framework of legal provisions, without any element of arbitrariness, discrimination, nepotism or favouritism. The present petition has been filed ^{by the applicant} to put uncalled for obstacle in the performance of lawful obligations of Respondent No.2 and to cause harassment to the deponent.



" P R A Y E R "

It is respectfully prayed that the Hon'ble Tribunal may be gracious enough dismiss the application filed by Smt. Madhuri Devi and issue necessary directions

आकार नाव रिह

Contd..4.

A38

to Respondent no.2 to appoint me on the post of E.D. B.M. of Hakami Post Office for which act of kindness the deponent shall ever remain grateful as in duty bound.

आकाशनाथ सिंह
DEPONENT.

VERIFICATION

I the above named deponent do hereby verify that the contents of paras 1 to 7 are true to my personal knowledge and those of paras to be true on legal advise and paras belief to be true on records. No part of it is false and nothing material has been concealed.

Signed and verified 8TH day of November, 1989 .

आकाशनाथ सिंह
DEPONENT.

I identify the deponent who has signed before me *personally in Lucknow*

J. (Signature)
ADVOCATE.

Solemnly affirmed before me on 8-11-89 at 10-20 Am/PM by the deponent *o. n. Singh* who is identified by Sri D. *enawan* advocate, High Court, Lucknow bench, Lucknow.

I have fully satisfied that he understands the facts of the case and also explained by me to him.



Commission for Appointment of Post Office Staff
Allahabad

8112-8

8-11-89

A39

॥ राभीव गांधी जिन्दाबाद ॥

ANNEXURE-1
॥ इन्दिरा गांधी अमर रहे ॥

बृजनाथ सिंह
प्रधान



ग्राम सभा पो०-हकामी
तह० रामसनेही घाट,
जिला वाराणसी।



पत्रांक.....

दिनांक 24-2-78

मैं बृजनाथ सिंह पुत्र श. राजबल्लभ सिंह प्रधान ग्राम सभा
हकामी तह प्रमाणित करता हूँ कि श्री आकाश सिंह
पुत्र श्री काशनाथ सिंह हमारे गाँव हकामी के
निवासी हैं। मैं यह भी प्रमाणित करता हूँ कि
हमारे गाँव हकामी में कोई भी मजरा गद्दी
नाम का नहीं है।

बृजनाथ सिंह
(प्रधान)



Delhi Council Administration Tribunal & Electoral, Lucknow Board Lucknow

Case No. 166 of 1989

Madhuvi Devi vs. Manoj Kumar & others
आय प्रमाण - पत्र

ANNEXURE - R-2

11/10

259

2.9.89

भू - लेख निरोधक को जांच आख्या दिनांक 6.9.89 के आधार

पर प्रमाणित किया जाता है कि श्री ~~महेश्वर~~ महेश्वर मंहगलाल पुत्र पूदन निवासी
ग्राम हकामी परगना सूर्यपुर तहसील रामसेनहोघाट जनपद बाराबंकी के स्थायी
निवासी हैं इनको मासिक आय समस्त श्रोत्रों से कुल मु० 300/- वार्षिक
3600/- तीन हजार छह सौ रुपये है ।

दिनांक :



तहसीलदार
रामसेनहोघाट
बाराबंकी

In the Central Administrative Tribunal - Lucknow Bench, Lucknow

Case No. 166 of 1989

Madhusudan Jais vs Union of India & Ors.

ANNEXURE - R-3

आय प्रमाण - पत्र

36/

719124

शु - लख निरोक्षक की जांच आख्या दिनांक 6.9.89 के आधार

पर प्रमाणित किया जाता है कि श्री सुरेन्द्र सिंह पुत्र ज्योति सिंह निवासी
ग्राम हकामो परगना सूर्यपुर तहसील रामसेहीघाट जनपद बाराबंकी के
स्थायी निवासी हैं इनकी मासिक आय समस्त श्रोत्रों से मिलाकर कुल मु०
400/- वार्षिक 4800/- चार हजार आठ सौ रुपये है।

दिनांक :



तहसीलदार
रामसेहीघाट
बाराबंकी

32

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

412

O.A. No. 166 of 1989 (L)

Madhuri Devi Applicant
Versus
Union of India & others Respondents

REJOINDER - AFFIDAVIT

Against the Counter Affidavit and Supplementary
Counter Affidavit filed by Respondent 1 to 3

I, Madhur Devi aged about 23 years W/o. Shri
Ved Prakash Singh Resident of Village & Post-Hakami,
District-Bara Banki, do hereby solemnly affirm and state
on oath as under:

1. That the deponent is the applicant in the Instant Original Application and as such she is fully conversant with the facts and with those deposed here under.
2. That para 1 & 2 of the counter affidavit are formal and call for no reply.
3. That in reply to para 3 of the counter affidavit it is submitted that the applicant has suffered a lot because she herself wanted to apply for the said post having all the eligibility conditions, but Respondent No. 2 was adamant in collusion with the Gram Pradhan to appoint their pet candidate respondent no. 4. There was no other way to check such in-justice and arbitrary actions of the Respondent No. 2.
4. That para 4 of the counter affidavit is not disputed.

Handwritten signature: माधुरी देवी

Handwritten notes on the left margin: Raml, D. Chandra, 28/1/89

5. That in reply to para 5 of the counter affidavit it is submitted that it was manipulation of Respondent No. 2 in collusion with the Gram Pradhan Hakami to get the names of candidates of different villages falsely quoting their addresses as resident of Hakami and it was obligatory duty of Respondent No. 2 to verify that the candidates are having proper domicile/revenue certificates of being ~~permanent~~ permanent resident of village Hakami.

6. That in reply to para 6 of the counter affidavit it is submitted that the addresses of the candidates mentioned in para 4 (c) of the Original Application only are correct.

7. That in reply to para 7 of the counter affidavit it is submitted that the Gram Pradhan is not the competent authority to verify the permanent residence of the incumbent. As per the postal and revenue records the village Garhi and Hakami are two different and separate villages having their own status. On receiving the only one application by Respondent No. 4, the Respondent No. 2 was bound to give due publicity of the post of EDBPM Hakami through Public Advertisement.

8. That para 8 of the counter affidavit is denied and it is submitted that this Hon'ble Tribunal is the only competent to entertain, try and dispose of the matter regarding Postal Department and even for any type of disputed post of such department.

जायरी देवी

AMU

9. That para 9 of the counter affidavit is denied and it is submitted that the Rule 12 means the rule regarding recruitment contemplated in the E.D. (Conduct and Services) Rules 1964.

10. That para 10 of the Counter Affidavit is denied and it is submitted that as per the recruitment Rules when only 1 application is received, the recruiting authority is bound to send another requisition and when employment exchange fails, the post is ought to have notified through public advertisement and respondent No.2 has arbitrarily violated all the Rules of Recruitment.

11. That para 11 of the counter affidavit is denied and it is submitted that the grounds taken by the applicant are very much cogent and tenable in the eye of law and the application based on the same deserves to be allowed.

12. That para 12 of the counter affidavit is denied and it is submitted that the applicant had already exhausted all the remedies available to her and there was no other way except to approach this Hon'ble Tribunal for proper judicial intervention.

13. That para 13 of the counter affidavit is not disputed.

14. That para 14 of the counter affidavit is denied and it is submitted that to have a fair selection it is essentially needed and is warranted to be sponsored minimum three names of the eligible candidates and that is also permanent resident of Village- Hakami.

जायरी देव

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15. That para 15 of 16 of the counter affidavit are denied and it is submitted that in the circumstances as stated above and in para 4 of the original application, the instant application merits to be allowed and the same may kindly be allowed.

16. That para 1 & 2 of the supplementary counter affidavit filed by Respondents (herein after referred to as S.A. by Respondents) are formal and call for no reply.

17. That in reply to para 3 to 10 of the S.A. filed by respondents, the contents of para 3 to 15 of this affidavit are hereby reiterated.

18. That in the circumstances aforesaid the original application filed by the applicant before this Hon'ble Tribunal being full of merits and based on the cogent grounds is liable to be allowed and the same may kindly be allowed in the interest of justice otherwise the applicant shall suffer irreparable loss and injury.

माधुरी देवी
(DEPONENT)

Lucknow : Dated:

September 08, 1989.

Verification

I, the abovenamed deponent, do hereby verify that the contents of paragraphs No. 1 to 7, 9, 10, 12, 13, 16, 17 are true to my personal knowledge and those of paras no. 8, 11, 14, 15 and 18 are based on legal advice, which all I believe to be true. That nothing material has been concealed and no part of it is false. SO HELP ME GOD.

माधुरी देवी
(DEPONENT)

Lucknow : Dated:

September 08, 1989.

Identified Sr. Minister
Madhuri Devi, who has
signed before me
Dhawan

AMK

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

Supplementary affidavit in support of

C.M.Application No. of 1989)1)
Union of India & others Applica



In re
Registration No. O.A.166 of 1989(1)

Madhuri Devi ... Applicant

Versus

Union of India & others. Respondants

I, R.A. Verma, aged about 51 years, son of Shri. Ram dev Verma, Suptd. of Post Offices, Bara Banki, do hereby by solemnly affirm and state as under :-

1. That the deponent is the Suptd. of post offices, Bara Banki and is well conversant with the facts of the case deposed hereinafter.
2. That the deponent is competent to swear this affidavit on behalf of ~~all~~ the respondents No. 1 to 3.
3. That the contents of paras 1 to 3 of the Rejoinder affidavit need no comments.
4. That in reply to para 4 of the said affidavit it is stated that all the necessary requirements for the post in question were duly indicated in the requisition letter sent to Bara Banki Employment Exchange in the prescribed proforma (Annexure R-I of original affidavit

R.A. Verma



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5. That in reply to para 5 Of the affidavit it is stated that the addresses given in the list furnished by the Employment Exchange, Bara Banki clearly indicated that all candidates sponsored by them were the residents of village Hakami. (Annexure-R-II of the original affidavit). All the three sponsored candidates were sent the prescribed application forms by registered post for making them returning the same ~~for~~ duly filled in.

6 That the contents of para 6 of the affidavit are denied. Application forms were sent to all the three sponsored candidates under registered covers. Photo-state copies of the Registration Receipts are being filed as Annexure-III.

7. That the contents of para 7 of the affidavit are misconceived and denied. The Respondant No. 2. was required to make a fresh requisition only in the event of the inability ~~to sponsor~~ of the Employment Exchange to sponsor three candidates.

8. That in reply to para 8 of the affidavit it is submitted that Smt. Madhuri Devi has no legal right to be considered for the appointment for which she had not been a candidate and she has in no way been deprived of any constitutional right accruing to her in the present case.

9. That the contents of para 9 of the affidavit are denied Smt. Madhuri Davis's name was not sponsored by the Employment Exchange, presumably because she might not have been registered with them when the names were asked from them.

10. That in view of the facts mentioned above the stay granted by the Hon. Tribunal is liable to be vacated.

[Signature]

[Signature]
Deponant



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Verification

I, the deponant above named do hereby verify that the contents of paras 1 to 9 are true to my personal knowledge and are believed by me to be true on the basis of legal advice and that i havenot suppressed any material fact. So help me God.

R. A. Verma
Deponant

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

D. Chandra
Advocate

Solemnly affirmed before me on 31-8-29 at 10.45 am/pm by the deponant *R. A. Verma* who has been identified by dr. Dinesh Chandra; Advocate, High Court, Lucknow.

I have satisfied myself by examining the deponant that he understands the contents of this affidavit which has been read over to and explained to him/



R. A. Verma
(Raj) Kumar Verma
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 95112-5
Date 31-8-29

बोला नहीं NOT INSURED

11-137/ROH P.O. No. 11/3707

लगाये गये डाक टिकटों का मूल्य रु० प०
Amount of Stamp affixed Rs. P.S.

146

तारीख माहूर
Date Stamp

11/9

एक रजिस्ट्री* प्राप्त किया

Received a Registered*

पानेवाले का नाम

Addressed to

Signature of Receiving Officer

बोला नहीं NOT INSURED

11-137/ROH P.O. No. 11/3707

लगाये गये डाक टिकटों का मूल्य रु० प०
Amount of Stamp affixed Rs. P.S.

147

तारीख मोहूर
Date Stamp

एक रजिस्ट्री* प्राप्त किया

Received a Registered*

पानेवाले का नाम

Addressed to

Signature of Receiving Officer

बोला नहीं NOT INSURED

11-137/ROH P.O. No. 11/3707

लगाये गये डाक टिकटों का मूल्य रु० प०
Amount of Stamp affixed Rs. P.S.

148

तारीख माहूर
Date Stamp

एक रजिस्ट्री* प्राप्त किया

Received a Registered*

पानेवाले का नाम

Addressed to

Signature of Receiving Officer
COMMISSIONER FOR OATHS
COURT AILAHARAD

RA. Singh

15/10

In the Central Administrative Tribunal at Allahabad
Circuit Bench, Lucknow

Misc. Application No. 1989

Union of India & others. ... Applicant

In

Registration No. 166 of 1989 (L)

Madhuri Devi ... Petitioner

Versus

Union of India & others. .. Respondants

Application for Vaaction of Stay Order.

The applicants above named most respectfully
beg to state as under:-

That for the facts and circumstances stated
in the accompany affidavit it is most respectfully
prayed that this Hon!ble Court may be graciously pleased
to vacate the stay order and reject the prayer for
Interim Relief made by the applicant and permit the
applicants to carry on the process of making appoint-
ment to the post of Extra Departmental Branch Postmaster,
Hakami, on the basis of the list furnished by the
Employment Exchange Bara Banki, and for which act of
kindness the applicants shall ever pray as in duty bound.

D. D. Chandra
(Dr. Dinesh Chandra)

Addl. Cen. Govt. Standing Counsel
Counsel for the Applicants

Lucknow, 14/11/89

ASI

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

Affidavit in Support of Application for vacation of Stay
Order.

Registration No. 166 of 1989(L)

Madhuri Devi... Applicant
Versus
Union of India & others ... Respondants



I, ~~Bara~~ *R.A. Verma* aged about 52 years, son
of *late Mr. Ram Desai* Suptd. of Post Offices, Bara Banki
do hereby solemnly affirm and state as under :-

1. That the deponent is the Suptd. of Post Offices,
Bara Banki and is well conversant with the facts of the
case deposed hereinafter.

2. That the applicant has filed the present petition
praying, inter alia, that this Hon. Tribunal may be pleased
to direct the Respondant No. 2 to send a fresh requisition
to Employment Exchange for sponsoring the names of three
eligible candidates failing which the vacancy be notified
through public advertisement.

3. That the applicant has by way of interim relief
prayed that the Tribunal may be pleased to stay the appoint-
ment for the post of E.D.B.P.M. Hakami.



R.A. Verma

AS2

4. That the Hon. Tribunal was pleased to admit the application on 28.7.89 and granted stay till 14.8.89. The case has been listed for orders on 14.8.89 in the matter of interim relief.

5. That on receipt of sanction for opening a E.D. Post Office at village Hukami in Bara Banki District, a requisition^s, in the prescribed proforma, was sent by the deponant on 24.4.89 to the Employment Exchange, Bara Banki for sponsoring candidates for the post of E.D.S.P.M. (Annexure-R-I).

6. That in response to the above requisition^s, the District Employment Officer, Bara Banki, had sent a list of three candidates of village Hukami. (Annexure-R-II).

7. That all the three candidates were asked under Regd. letters to submit their applications for the said post in the prescribed proforma.

8. That only one candidate namely Shri. Onkar Singh had sent his application while no application was received from the other two candidates.

9. That the applicant Shri. Onkar Singh satisfied all the requisite qualifications and the conditions for the post of a EDBPM ^{and as such}, there was no necessity for sending another requisition^s to the Employment Exchange. and the of ~~it~~ examining his case for the appointment had been initiated by the deponant.

10. That in this connection it will be pertinent to submit that the applicant is not the 'person aggrieved' in this case and has no locus standi to file this petition



R.A. 62-1

ACS

11. That the applicant has not exhausted the departmental remedies available to her.

12. That in view of the facts stated above the stay order passed by the Hon. Tribunal ~~is~~ is liable to be vacated. ~~10/11~~

Dated; 14-~~11~~

R.A. Verma
Deponent

Verification

I, R.A. Verma, the deponent above named, do hereby verify that the contents of paras 01 to 04 are true to my personal knowledge and paras 05 to 09 are based on records and paras 10 to 12 are believed to be true on legal advice and that I have not suppressed any material fact. So help me God.

R.A. Verma
Deponent

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

J. Chand
Advocate.



Ref: Verma
R.A. Verma
JATI COMMISSIONER
H. B. S. ALLEHABAD
10/11/22

02/12/22
74-879

Solely affirmed before me on 14th April 2022 at Lucknow by Sr. R.A. Verma who is an advocate by Sr. Jitendra Chandra, Advocate, High Court, Lucknow.

I have satisfied myself that the deponent understands the contents of the affidavit which has been explained to him by me.

ASU

Application form to be used when calling for application from
Employees Exchange for recruitment to Central Govt. vacancies.

1- Office, Post, and address. *Supdt of Post Offices, Barabanki*

2- Name & Designation of identifying officer. *do*

3- Name & Designation of the officer to whom
applicant should report. *do*

Date, time and place of interview. *10-5-89 10-30 at his office*

5-A. Designation of the post to be filled
and description of duties. *ED, B.P.M. Hakami*

B. Scale of pay/allowances. *Rs 275/-*

C. Place of work. *village of Post Hakami*

- 6-A. No. of posts to be filled;
- i) Reserved for SC : Priority- Non priority *NO*
 - ii) Reserved for ST : Priority- Non priority *NO*
 - iii) Unreserved : Priority- Non priority *NO*
 - iv) Reserved for Ex-servicemen: *NO*
 - v) Reserved for physically handicapped persons. *NO*

B. Duration of vacancies:

Permanent	Temporary, less than 3 months.	Temporary, between 3 months and 1 year.	Temporary likely to continue beyond 1 yr.
1	2	3	4

Provisional

7- Qualifications required (including age limits): *High School, 18 yrs to boys*

A. Priority candidates: I. Essential- *NO*
II. Desirable- *NO*

B. Non priority : I. Essential- *High School, High School gen*
II. Desirable- *Ex-servicemen*

8- Whether willing to wait and consider applicant from other exchange areas, in case local applicants are not available. *no, applicant to capr*

9- Any other information consider relevant. *village of Hakami*

10- Whether women are eligible. *See Annexure A. YES*

Certified that while placing this demand the instructions connected with the orders on communal representation in the services have been strictly followed with regard to the roster maintained in accordance with these orders.

20/4/89
Supdt. of Post Offices,
Barabanki, Dist. Barabanki-225001.

verma/21388 *RA/HP*



अनुसूचक 'क'

- 1- अभ्यर्थी की आयु 18 और 60 वर्ष के मध्य होती चाहिए ।
- 2- अभ्यर्थी को अंग्रेजी और हिन्दी में काम करने की क्षमता होनी चाहिए ।
- 3- अभ्यर्थी को डाकघर रखने हेतु सुरक्षित कमरे को उपलब्ध कराया होगा तथा उसे डाकघर के अहाते में रहना होगा ।
- 4- अभ्यर्थी अगर कभी अवकाश पर जाता है तो अपने स्थान पर अपने दायित्व पर किसी ऐसे व्यक्ति को रखेगा जो कि नायातिम न हो लेकिन अवकाश पर जाने के पूर्व संसुति सचिव अधिकारी के द्वारा होना अनिवार्य है ।
- 5- अभ्यर्थी पर ही कार्यालय के कामनात राजकीय जकदी तथा बहुमूल्य वस्तुओं की सुरक्षा का पूर्ण दायित्व होगा जिसका प्रवन्ध वह स्वयं करेगा ।
- 6- अभ्यर्थी के पास आय का कोई निजी साधन होना चाहिए तथा निजी अचल सम्पत्ति हो ।
- 7- अभ्यर्थी को १,०००/- रु की जमानत नकदी या मान्यता सोसाइटी द्वारा फाइडेसिटी वाण्ड के रूप में जमा करनी होगी ।
- 8- अभ्यर्थी को किसी प्रकार का किराया विषय से तही मिलेगा ।

शकील /
761988

अधीकृत डाकघर
वाराणसी सडल वाराणसी
225001



ANNEXURE- 2 II (b-1)

एक्स-82

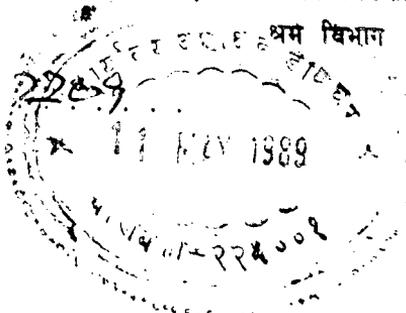
AS6

उत्तर प्रदेश शासन

प्रशिक्षण एवं सेवायोजन निदेशालय, उ० प्र०

श्रम विभाग

टेलीफोन नं०



जिला

सेवायोजन कार्यालय

काशी

संदर्भ संख्या 07/21/89/103C

दिनांक 7-5-89 198

10

महोदय,

आपके पत्र संख्या 2289 (CDA) दिनांक 20-4-89 के संदर्भ में 3 जा रिक्त पदों की सूचना के विषय में है, इस पत्र के साथ उन्मु योग्य अभ्यर्थियों के नाम की तालिका (प्रतियां) संलग्न की जाती है ~~पिछे~~ आपके ~~सम~~ रिक्त पदों के ~~सूचक~~ हेतु भेजा गया है। चनाप करने के पश्चात् तालिका के

कालम 1 तथा मद संख्या 1 एवं 2 की पूर्ति करके इस कार्यालय को लौटाने का कृष्ट

करें। कामगारों को लाने के लिए सभी आवश्यकताएं पूरा करने के लिए शाहीकार को लेना होगा और उचित प्रदान की भवदीय है इस लिए 10000 को लाने पर परवाही नको कर लीजिए इसी कारण से आपका पत्र संख्या 2289 का प्रतियां भेजा गया है।

संलग्न प्रतियां

सेवायोजन अधिकारी
जिला सेवायोजन अधिकारी

सेवा में ...
...
...

पी०एस०यू०पी०-एल० 3 सेवायोजन (610)-1983-2.50.000

...



ANNEXURE - II (Part-2)

GOVERNMENT OF UTTAR PRADESH
 DIRECTORATE OF TRAINING AND EMPLOYMENT, U.P.
 DEPARTMENT OF LABOUR

FOR EMPLOYER'S USE

List of applicants submitted on 9-5-89
 sent under cover of letter no. X02

To: SECRETARY
 Dated: 21/5/89

Order: 0121/89
 Dated: 9-5-89

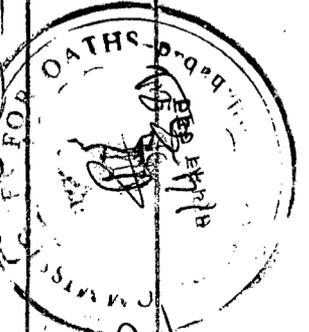
उत्तर प्रदेश

आयोग के सदस्यों के नाम

FOR OFFICE USE

Serial no.	Registration number and name of applicant (with father's name if necessary)	O. cl. Code no.	Particulars of applicant (age, qualification, experience, etc.)	Priority category (if any)	If engaged, kindly state pay, if not, please give reasons	
1		3	4	5	6	7
1-	1082/89 श्री उद्योगिक शिक्षण संस्थान, अजमेर	X01-10	I-1-S6HS-III			
2-	1095/89 श्री उद्योगिक शिक्षण संस्थान, अजमेर	X01-10	10-7-S1HS-पूरक			
3-	1301/89 श्री उद्योगिक शिक्षण संस्थान, अजमेर	X02-10	20-10-62-VIII परा			

उत्तर प्रदेश (राज्य) अजमेर का



निदेश एवं आदेश अधिकार
 कार्यवाही

ASB

ब अदालत श्रीमान्
[वादी अपीलान्त]
प्रतिवादी [रिस्पाडेन्ट]

महोदय

Carlisle Albert... T...
का
Council-Bend & Lucken

वकालतनामा

टिकट

वादी (अपीलान्त)

Machum Der

बनाम *M. J. ... & ...* प्रतिवादी (रिस्पाडेन्ट)

नं० मुकद्दमा 166 सन् 1989(2) पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री... *Dr. J. ...* ...

... *Adv. ...* ... वकील
महोदय
एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकैन
बनाम

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

Accepted
J. G. ...
Mumukh

RA Khan
हस्ताक्षर...

साक्षी (गवाह) ... साक्षी (गवाह) ...

दत्तांक ... महीना ... सन् १६ ई०

स्वीकृत

AS4

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

C.M. Application No. of 1989 (L)

Madhuri Devi ... Applicant.

VERSUS

In re:
Madhuri Devi O.A. No. 166 of 1989 (L) ... Applicant.

Versus

Union of India & others ... Respondents.

P.T.
2/16

Application for Rejecting application
filed by respondents to vacate stay order.

To

The Hon'ble the Vice Chairman
And other Members of the
aforesaid Tribunal.

The applicant named above most
respectfully begs to submit as follows :-

- 1. That for the facts, reasons and
circumstances stated in the accompanying
Rejoinder/affidavit it is very much expedient

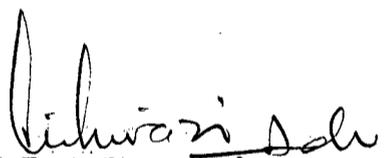
460

that this Hon'ble Tribunal is pleased to reject the application filed by respondents to vacate the stay order .

PRAYER

Wherefore, it is most respectfully prayed that the Hon'ble Tribunal may graciously be pleased to reject the application filed by respondents to vacate the stay order in the interest of justice, otherwise the applicant shall suffer irreparable loss and injury.

Lucknow, dated;
August 22, 1989.


(T.H. Tiwari)
Advocate
counsel for the applicant.

(A61)

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

Rejoinder/Affidavit in support of

C.M. Application No. of 1989 (L)
Madhuri Devi Applicant.

In re:

O.A. No. 166 of 1989 (L)
Madhuri Devi ... Applicant.
Versus
Union of India & others Respondents.

I (Smt), Madhuri Devi aged about 23 years, wife of Sri Ved Prakash Singh, resident of village & P.O. Hakami, district Bara Banki, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the applicant in the above noted application and as such she is fully conversant with the facts of the case and with those deposed here below.

माधुरी देवी

AK2

2. That para 1 of the affidavit filed in support of the stay vacation application (herein after referred to as affidavit only) is formal and calls for no reply.

3. That para 2, 3 and 4 of the affidavit are not disputed.

4. That para 5 of the affidavit is denied and it is submitted that proper requisition specifically stating the eligibility/condition with regards to residence and property at village Hakami (where the Post office is located) was not placed as is well evident from the Annexure R-1 filed by respondents.

5. That para 6 of the affidavit is denied and it is submitted that out of three names only one candidate (i.e. respondent no.4) is from village Garhi hamlet of Hakami, as such none of the candidates were eligible for the disputed post, resultantly the post ought to have been notified through public

मायुरी देवी

advertisement or a fresh requisition for sponsoring the names of eligible candidates only.

6. That para 7 and 8 of the affidavit are denied and it is submitted that only one registered letter addressed to respondent no.4 was sent and nothing else; as such only 1 application was received from respondent no.4 only.

7. That para 9 of the affidavit is denied and it is submitted that as per the Recruitment Rules where the only one eligible candidate was sponsored, it was mandatory on the part of respondent no.2 to place fresh requisition to Employment Exchange or notify the vacancy through public advertisement but nothing had been done because of only plain arbitrariness of respondent no.2.

8. That para 10 of the affidavit is denied and it is submitted that the deponent/applicant is very much aggrieved of such illegal acts of respondent no.2 by which the applicant has been deprived of her constitutional

माधुरी देवी

1264

rights of employment. Accordingly, the application has been rightly filed before this Hon'ble Tribunal.

9. That para 11 of the affidavit is denied and it is submitted that the applicant had exhausted all the remedies available to her and on getting negative reply (Annexure A-2) has approached this Hon'ble Tribunal for proper judicial intervention through the instant application.

10. That in the circumstances aforesaid the application filed by respondents to vacate the stay order is wholly misconceived and is liable to be rejected and the stay order granted by this Hon'ble Tribunal may kindly be continued till disposal of the Original Application.

Lucknow, dated;

August 29, 1989.

साधुश्री देवी
Deponent

AGS

VERIFICATION

I (Smt), Madhuri Devi wife of Sri Ved Prakash Singh, resident of village and Post Office Hakami, district Bara Banki, do hereby verify that the contents of paras 1 to 6 are true to my personal knowledge and the contents of paras 7 to 10 are believed by me to be true on the basis of legal advice and that I have not suppressed any material fact.

Lucknow, dated;
August 19, 1989.

माधुरी देवी
Deponent

Identified Smt
Madhur Devi who
has signed before
me.

(T.N. Tiwari)
Sahrai
Cannockfa...
Sahrai