

Central Administrative Tribunal
Lucknow Bench

Cause Title O.A. 170/89 of 1993

Name of the Parties Jagdish Prasad Applicant

Versus

Union of India & Oth. Respondents.

Part A . B . C

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~~Suba copy of petition~~

A

31.7.89

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 178 of 1989 (L)

APPLICANT(S) Jagdish Prasad

RESPONDENT(S) Union of India & others

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent?	yes
2. a) Is the application in the prescribed form?	yes
b) Is the application in paper book form?	yes
c) Have six complete sets of the application been filed?	yes
3. a) Is the appeal in time?	yes
b) If not, by how many days it is beyond time?	N.A.
c) Has sufficient case for not making the application in time, been filed?	yes
4. Has the document of authorisation/ Vakalatnama been filed?	yes
5. Is the application accompanied by B.D./postal Order for Rs.50/-	yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?	yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	yes
c) Are the documents referred to in (a) above neatly typed in double space?	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

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 ? | N.A. |
| a) Identical with the Original ? | yes |
| b) Defective ? | NA |
| c) Wanting in Annexures
Nos. _____ pagesNos _____ ? | NA |
| 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 ? | yes |
| 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 |

dinesh/

(A3)

Hon' Mr Justice Kamleshwar Nath, V.C.

Hon' Mr. K. Obayva, A.M.

5/1/90

Shri Q. Hasan counsel for the applicant and Dr. Dinesh Chandra counsel for the respondents are present. Applicant's counsel files rejoinder. List this case for final hearing on 9-3-90.

Heard the learned counsel for the parties in C.M.A.No. 203/89(L) on the amendment application. The facts stated in this application concerns entirely new cause of action, and, therefore, cannot be incorporated in the present application by way of amendment. The amendment application is rejected; it will be open to the applicant to file a fresh petition, if, he so likes.

A.M.

R-
V.C.

(sns)

9-3-90

No. Silluq. Adl to 15-5-90

cm 227/90
filed by K. Obayva
allotment
S.F. L
14/4

11-4-90

Hon' J.S. Habeeb Mohd Am.
Hon' J.P. Sharma, J.M.

C.M application No. 227/90
has been filed by the applicant.
Adl. record be produced
on 15-5-90 as already
ordered

J.P. Sharma

M.L. Dora

OR
CA & RA have been
exchanged on behalf of
1 to 5.

No. RA filed to
the C.A. on behalf of
OP No. 8.
S. P. H.

L
14/5/90

178/89(L)

(AM)

18-5-90.

Hon. Mr. J. Raman. A.M.
Hon. Mr. D.K. Agrawal. J.M.

On the request of both
the parties case is adj to

31-1-90.

Dec
J.M.

OR

A.M.

31-10-90

Due to Holiday case is
Adjourned to 2.1.91.

2.1.91

No sitting Adj to 18.3.91.

18.3.91

No sitting Adj to 23.5.91

23.5.91

No sitting adj to 13.8.91

13.8.91

Honbl. Mr. Justice K.Nath. vs
Honbl. Mr. K. Obayya A.M.

On the request of
counsel for the appl. cont-
case is adjourn to 18.9.91
for final hearing

2

AM

OR

OR
CA/RA have been
exchanged on behalf
of Parties Nos. 1 & 2.

S F H. L

17/09/91

OR
case is ready for
hearing

16.9.91

(AS)

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. 178/89(L)

Jagdish Prasad

Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant has challenged Memo dated 26.6.89 & issued by Supr^eintendent of Post Offices, Barabanki of imputation of misconduct and Memo dated 11.12.88/containing three charges of misconduct and Memo dated 7.6.89 issued by the Sub-Divisional Inspector Post Office (East) Sub Division, Barabanki containing charge of political pressure during the pendency of appointment.

2. Respondent No. 2 was appointed Shri Satyanam on 26.6.89. The applicant was initially appointed on 30.6.76 by Sub Divisional Inspector (Mufassil), Lucknow which designation is now Sub Divisional Inspector (East) as Extra Departmental (Mail) Peon at branch post office, Grawan, Sub Post office Subena Tehsil Haidergarh, District Barabank. on a salary of Rs 75/- . On 25.3.88 a

AG

new branch post office was established at Zamin Husainabad sub post office Subeha and for this purpose the names were sponsored from Employment Exchange and the applicant also as required by the Superintendent of post offices, filled the proforma as he was serving the department for the last 13 years. The applicant's name alongwith two outsiders whose names were registered in the Employment Exchange were sponsored by the Employment Exchange. The applicant alleges that on verification the Pradhan of the village gave false report and the respondent No.5 Shri Satyanam was appointed. The post office was shifted from the house of applicant to the house of Satyanam on 5th July, 1989. The applicant filed representation to the Director, Postal Services, New Hyderabad, Lucknow against the same. Even before the appointment of respondent No. 2 had rejected the report of Sub Divisional Inspector and called for direct applications from the candidates for the post of Extra Departmental Branch Post Master from B.D.O. Incharge of P.S. Subeha and Pradhan of Zamin Husainabad. Verification was made by the Sub Divisional Inspector and according to the applicant the other two persons Lal Bahadur and Ram Achal who belong to the village Pure Misra, were recruited.

u

(A)

A charge sheet was issued to the applicant containing three charges. One is that he has acted malafide and he took no action in respect of money order of Mani Ram to one Ramesh Chandra Pasi and second charge against him is that he obtained money order but cash money was not paid, the third charge was that the applicant handed over money orders of Rs 300/- for delivery to Baijnath and gave money to Basant Ram. The applicant was discharged by the said authority by giving one warning but the respondent No. 4 on 7.6.89 issued a fresh charge sheet in the matter of appointment on the post of Extra Departmental Branch Post Master. The applicant refuted the charges. According to the applicant he has been working as Extra Departmental Mail Peon for the last 13 years and he is entitled to the superior post of Extra Departmental Branch Post Master and respondent No. 5 is only 8th pass while he is High School. So far as the charges are concerned, the applicant was not guilty.

3. The respondents have resisted the claim of the applicant. Respondent No. 5 pointed out regarding certain conduct and character of the applicant and foul play with dozen of money order cases, tampered the registered letters and burnt the letters, whereafter he was removed by the department and decided not to appoint him on the said post. The fresh applications were invited for and after necessary action the ~~was~~ respondent No. 5 was appointed on the said post. As a matter of fact, he is resident of that village. Only three names were forwarded from the Employment Exchange to fill up two vacancies of E.D.M.P. & B.P.M. and only other names were left by

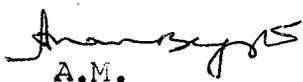
W

by the Employment Exchange because the applicant was active in playing foul game. Mr. Baij Nath was appointed out of three names, and only two names were left. Hence the appointment was held in abeyance.

So far as the appointment is concerned it has been stated that the S.D.I. (East) is not the appointing authority and he was appointed till new appointment was made.

4. The official respondents have stated that the applicant was not departmental candidate. There was no provision for such departmental candidate and for recruitment to the said post. While making appointment, it was found that the conduct and performance of the applicant as Extra Departmental Branch Post Master was not satisfactory and he was relieved of his charge and another person was engaged who carried on the work. The applicant was issued chargesheet for misconduct.

5. Thus, from the facts it is evident that so far as educational qualification is concerned, one appears 8th Pass and one is 10th fail. From the record and pleadings it appears that the respondent No. 5, who has been selected, was also resident of that village. Now, it was for the authorities to select whosoever was better. We accordingly, do not find anything wrong in the selection of respondent No. 5. We do not find any merit in the Application and accordingly the Application is dismissed with no order as to costs.


A.M.


V.C.

In the Hon'ble Central Administrative Tribunal, Addl. Bench,
Allahabad, Circuit Bench, Lucknow Deputy Registrar(J)

Application no.

178 of 1989 (H)

Jagdish Prasad Yadav

...Applicant

Versus

Union of India and others

...Respondents

I n d e x

Sl.no.	Documents' description	Pages
1.	Application	I-15
2.	Annexure-3 (Impugned order dt.26.6.89 of) appointment of respondent no.5	18
3.	Annexure-5 (Impugned Memo dt.11.12.88 and) charge sheet. issued by respondent no.4	22 & 26
6.	Annexure-8 (Impugned Memo dt.7.6.89 and its) charge sheet issued against the applicant	31 & 32
7.	Vakalatnama	
	Bank draft No. DD 795445 dated July 28, 1989 issued by G. P. Lucknow	

Hasan
(Qamrul Hasan)
Advocate

Place Lucknow

Counsel for the applicant

Dated : July 31, 1989

Filed today
noted for 7th Aug

Hasan

(A/c)

Before the Hon'ble Central Administrative Tribunal.
Addl. Bench, Allahabad, Circuit Bench, Lucknow.

Application No. 178 of 1989 (L)

Jagdish Prasad Yadav aged about 32 years,
s/o Sri Bal Yadav, r/o V.U. and Post
Zamin Husainabad, Sub-Post Office Subaha
Tahsil Haiderganj, Distt. Barabanki.

...Applicant

Vs.

- 1- Union of India through the Chief Post
Master General, U.P. Circle, Lucknow.
- 2- The Director, Postal Services, Lucknow
Region, Lucknow.
- 3- The Superintendent of Post Offices,
Barabanki.
- 4- Sub-Divisional Inspector (East), Sub-Division
Barabanki.
- 5- Satya Nam, Branch Post Master, Presently
posted in Branch Post Office, Zamin Husainabad,
Sub-Post Office Subaha, Tahsil Haiderganj,
Barabanki.

...Respondents.

जगदीश प्रसाद यादव

(A)

I- Particulars of Orders against
which the application is made

The application is made against
the following orders

- I- Order (A) Impugned Memo No. EPF-
II- Date I28 EDA/Zamin Husainabad dt.
III- Passed by 26.6.1989 issued respondent
no. 3 appointing respondent
no. 4 as Extra Departmental
Branch Post Master (Annexure-3)
to this application.
(B)- Memo dt. II/12/88 of
Imputation of misconduct along-
with charge-sheet containing
three charges (Annexure-5) and
Memo of misconduct dt. 7/6/89
issued alongwith the charge sheet
by Sub-Divisional Inspector Post
Offices (East) Sub-Division
Barabani containing charge of
political pressure during pendency
of appointment (Annexures. 8. and 4.)

IV)- Subject in Brief :-

Applicant seeks redressal for quashing of
Memo of appointment dt. 26/6/89 in favour of
Satyanam issued by respondent no. 2, Memo of imputa-
tion misconduct dt. II/12/88 alongwith the charge
sheet issued by Inspector of Post Offices as
contained in (Annexure. 5. and....) and Memo of
imputation of misconduct dt. 7/6/89 alongwith the

6/19/89 उक्त कार्य

(A12)

charge sheet as contained in Annexure-8 issued by Sub Divisional Inspector Post Offices(East) Barabanki. The applicant requests for the issue of directions to respondents to make appointment of the applicant being Extra Departmental Mail Peon of Garawan Branch Post Office, Sub Post Office Subeha District Barabanki as Extra Departmental Branch Post Master after cancelling appointment of the respondent no.5 on the basis of his outsider and having no better legal claim than the applicant. The entire action of the respondents nos.3 and 4 against the applicant is perfectly illegal, arbitrary, unreasonable, unjust, malafide, discriminatory, and violative of principle of natural justice.

2-Jurisdiction of the Tribunal.

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

3. Limitation

The applicant further declares the application is within limitation prescribed under Sec.21 of the Administrative Tribunal Act.1985.

4. Facts of the Case:-

That the applicant by means of this application seeks his appointment on the post of Extra Departmental Branch Post Master in Branch Post Office Zamin Husainbad, Sub Post Office Subena, Tansil Haidergarh as the the opp.party no.5 has been arbitrarily and illegally given appointment on the post of Extra Departmental Branch Post Master. The applicant

जवाहर लाल नेहरू

(A13)

4.

also challenged the validity of the charge sheets dated 11/12/88 and 7/6/89 issued by respondent no alongwith the Memo imputation of misconduct as contained in Annexures..8 ..

4-2 - That the applicant passed Junior High School Examination in the year 1972 but unfortunately, he couldnot succeed in the High School Examination. A photostat copy of Junior High School is filed as Annexure-I to this application.

4 - 3)- That the applicant was initially appointed on 30.6.76 by Sub Divisional Inspector (Mufassil) Lucknow which designation is now as sub-Divisional Inspector (East) as Extra Departmental (mail) peon at Branch post office Gerawan, Sub Post office Subena Tansil Haidergarh Distt. Barabanki. Total pay of the said post was Rs. 75/- . A true photostat copy of the certificate showing his appointment is annexed as Annexure-2 to this application.

4- 4 :- That on 25/3/80 a new branch post office was established at Zamia Husainabad Sub-Post Office Subena and for this purpose names were suponsored from Employment Exchange Barabanki where applicant name is registered as Registration No. II47/88.

4-5 :- That the applicant submits that Superintendant Post Offices, Barabanki required applications on an office Proforma and the applicant fulfilled the said proforma as required and sent the same by registerea post.

UP/1412/9115/2139

* 4-6:- That it may be stated that the applicant who has been serving the postal department for the last thirteen years, was the departmental candidate for the said post but the employment Exchange on demand by the Superintendent Post Offices sent applicant's name alongwith two outsiders namely Ram Singh and Baij-Nath on account of their registrations in Employment exchange.

4-7 :- That so far as the applicant knows that respondent no. ⁴ on 11/8/88 visited the village where he resides and he got verification done by one Ram Khelawan, Pradhan of the village Zamin Husainabad. This Pradhan gave wrong and false report against the applicant on the basis of animosity as his father had contested the Panchayat election of Pradhan.

4-8 :- That on account of newly illegal appointment of Sri Satyanam son of Jagdamba the Branch Post Office has been shifted from the house of applicant to the house of ~~at the~~ Satyanam on 5th July 1989.

4-9:- That aggrieved by the illegal order of appointment dt. 26.6.89, ^{as annexed as Annexure-3 to this petition,} the applicant made a representation 19.7.89 to Director, Postal Services New Hyderabad, Lucknow. (respondent no. 2) and copy of the same also endorsed to Superintendent of Post Offices Barabanki. (respondent no. 3). A true photostat copy of the representation is annexed.

जगदीश प्रसाद 20/8/89

AS ANNEXURE-3.A

(MS)

4-I0:- That at this stage, it is also necessary to point out that prior to the aforesaid appointment, the respondent no.2 had rejected the report of Sub-divisional Inspector (respondent no. 4) and called for direct applications from the candidates for the post of Extra Departmental Branch Post Master from B.D.O., Incharge P.S. Subena, and Pradhan of Zamin Husainabad.

4-II :- That the applicant against applied on 19.9.88 for the said post, a copy of acknowledgement receipt of the application is filed as Annexure-4 to this petition.

4- I2:- That in this connection, the Sub-Divisional Inspector again made verification about the house income, education, and character of the applicant including two other out-siders, namely Lal Bahadur and Ram Achal who do not belong to village Zamin Husainabad. In fact, they are the residents of Pure Misra and therefore, they did not come in the field of eligibility for recruitment to the said post.

4-I3:- That respondent no. ⁴ issued charge sheet dt. 11.12.88 to the applicant containing 3 charges against the applicant. 1st charge was that the applicant gave money order of Mani Ram Misra for to one Ramesh Chanara Pasi. The applicant submits that he has not acted mala fide and that is why immediately he took action and money order were taken back by him and thereafter they were exchanged correctly.

वडावाडा १७१५ २१८९

(110)

9.

4-20:- That the applicant is a laborious and an honest employee of the Postal Department and he never tried to put influence upon the concerning officers for his appointments.

4- 21:- That from the document annexed with the application, it will show that the Extra Departmental Mail Peon like him has put in 13 years service and on that basis, he was legally and bonafide entitled to be considered for the superior post of Extra Departmental Branch Post-Master of Zamin Husainabad, Sub -Post Office. The respondent no. 5 is VIII class pass while applicants is High School failed candidates.

4-22:- That there was no occasion for the concerning authorities to ignore his claim by taking the wrongful plea of disciplinary proceedings on the basis of the charge sheet, though he was not found guilty. ^a The charges made in charge-sheet dt. II/I2/88 and the second charge sheet dt. 7/6/89 ^a ~~are~~ based on frivolous and vexations grounds, which are liable to be set-aside.

4-23:- That Rule-I7 of Post and Telegraph Extra Departmental Agents (conduct & service) Rule 1964-Section II in respect of Method of recruitment have not been followed at all. It provides that it has been decided by Post Master General that working

जगदीश शर्मा यादव

(119)

10.

Extra Departmental Agents should be given priority over all other categories except retrenched Extra Departmental Agents for selection of services posts if they satisfy all the candidates prescribed in letter dt. 24.10.76. A certificate dt 22.7.89 issued by Pradhan regarding character is filed as Annexure-10.

5- Details of Remedies :

That the applicant made representation against the appointment of an outside candidate on 19/7/79 to the Director Postal Services Hyderabad , Lucknow , which order is unfair, unreasonable, arbitrary, illegal and is liable to be set aside (Annexure-3A).

6- Matters not Previously filed
or pending other courts.

The applicant further declares that he has not previously filed any application, writ petition or ~~suit~~ suit regarding matter in respect of which this present application has been made in any court of law or any other authority or any other Branch of the Tribunal and nor any such application writ ^a or ^a ~~suit~~ is pending before any one of them.

7- Reliefs Sought for :-

That the applicant in view of the about prays for the following reliefs:-

(a)- To quash impugned Memo dt. 11/12/88 alongwith the charge sheet annexed with it issued by Inspector

6/11/89 4/11/89 2/11/89

A22

.II.

of Post Offices(East)as contained in Annexure-5 and Memo dt.7/6/89 alongwith the chargesheet issued by the Sub Divisional Inspector Post Offices(East) as contained in Annexure-8, and also quash impugned Memo no.KPF-I28/EDA Zamin Husainbad dt.26.6.89 issued by the Superintendent Post Offices(respondent no.3)

(b)To issue order or directions to respondents to declare the appointment order of respondent no.5 as illegal,unjust,malafide and violative of principle of natural justice and thereafter the applicant be appointed on the newly created post of Extra Departmental Branch Post Master in Branch Post Office Zamin Husainabad, Sub Post Office Subeha Tahsil Haidergarh, Barabanki.

(c)To pass any other orders which this Hon'ble Tribunal deems just and proper in the circumstances of the case.

8. Grounds

(A) Because the respondents 3 and 4 have acted arbitrarily,malafide,discriminatory in not appointing the applicant on the post of Extra Departmental Branch Post Master

Contd.I2.

गदीश प्रसाद यादव

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13.

- F)- Because there is/was no justification for the respondent no. 4 to ignore right of priority of the applicant, because he had affiliated as Extra Departmental Branch Post Master as contained in Annexure-7-A- to this application.
- G)- Because in view of method of recruitment given in Section II of Post and Telegraph Extra Departmental Agents (conduct & services) Rules, the applicant ought to have been given preference order respondent no. 5 as the applicant possesses better qualification i.e. High School failed while he is VIII class. Matriculate are given preference in the matter of EDSPM/EDBPM posts.
- H)- Because the applicant is having long experience of service and he has been discharging duty as Extra Departmental (Mail) peon since the year 1976 and under these circumstances it cannot be said that he tried to put influence through M.L.As etc.
- I)- Because the IInd charge-sheet issued against the applicant contains wrong, false and baseless charge and, therefore the same is liable to be vitiated.
- G)- Because the verification in the case of the applicant has not been fairly done by the respondent no. 4.

जानकारी प्राप्त है

A23

14.

9. Interim order if any prayed for pending final decision of this application the applicant seeks for the following interim orders.

Interim order on the application may ~~xxxx~~ kindly be passed directing the respondents no. 2 ^{to} ~~and~~ ^{by} not to proceed in the matter of IInd chargesheet issued along with the Memo dt. 7/6/89 as contained

10- Particulars of the Indian Postal order in respect of the applicant.

- No. 1 - Indian Postal order no. DD 79 5445 dt. 28-7-89
- No. 2- Issue by... G.P.O. Dusham ⁴

II- List of Annexure-I

- Annexure - 1
- Annexure - 2
- Annexure - 3
- Annexure - 4
- Annexure - 5
- Annexure - 6
- Annexure - 7
- Annexure - 8
- Annexure - 9
- Annexure - 10

Verification

I, Jagdish Pd. Yadav above named working as Extra Departmental Postman at village Gerawan, ~~xxxx~~

जगदीश प्रदीप यादव ५१६९

(A24)

Sub-Post Office Subena, Barabanki do here by verify that the contents of paras. 1, 4-1 to 4-21, Parra 5, 6, 7, 9, 10are true to my personal knowledge, and contents of, 2, 3, 4-22 and 4-23, Parra 8 are believed by me to be true on legal advice and I have not suppressed any material facts.

Dated, 31-7-1989

Place Lucknow.

(Signature)
 Signature of the Applicant

(Signature)
 (Qamrul Hasan)
 Advocate

Counsel for the Applicant

(Signature)
 Jagdish Prasad Yadav

Application No. ...of 1989
Sri Jagdish Prasad ... Applicant
Vs.
Union of India & others ... Respondent
ANNEXURE NO. 3.....

A25

Indian Post and Telegraph Department

memo No. EPF - 128/Jamin Husainabad dated 26.6.89

1. Shri Satya Nam Singh is hereby appointed as EDSPM/BPM/EDMC (name of office) EDBPM office of Jamin Husainabad. He shall be paid such allowance as admissible, from time to time.
2. Shri Satyanam Singh should clearly understand that his employment as EDBPM shall be in the nature of a contract liable to be terminated by him or the undersigned by notifying the order in writing and that he shall also be governed by the P & T Department Agents (conduct and service) Rules 1964 as amended from time to time, Shri Satyanam Singh should clearly understand.
3. That he will have to provide a substitute on his risk and responsibility whenever he proceeds on leave after containing prior approval.
4. That he will have to provide accommodation to house the P.O. free of cost.
5. That he should furnish the required security of Rs. 2000/- before assumption of charge alongwith a fitness certificate from the registered Medical Practitioner not below the rank of M.B.B.S.
6. That his appointment is subject to satisfactory verification of his character antecedent income residence, qualification, as satisfactory health.
7. If these conditions are acceptable to him he should communicate his acceptance in the proforma enclosed.

Sd/-
Supdt. of Post Offices,
Barabanki Dn. Barabanki - 225001

Copy to :-

1. The Postmaster Barabanki H.O.
2. The S.D.I. POS S.D.I. (EAST) w.r.t. his letter no. dated for getting the charges transfer to the approved candidate after observing usual formalities and submission of letter of acceptance application of security bond descriptive particular health certificate, attestation from (in duplicate) etc. to this office.
3. Shri Satyanam Singh S/o S Jagdamba village . Pure Keraha (Jamin Husainabad) Post Husainabad, Via Subha Distt. Barabanki.

Sri Satyanam Singh
Attested
Date

Application No.
Sri Jagdish Prasad

...of 1989
... Applicant

Vs.
Union of India & others

... Respondent

ANNEXURE NO. 5

126

Inspector of Post Offices

East Sub Division

BARABANKI-225001

का. सं. सं.

(वीजीएल)

दि. 11-12-89

आपन सं. ए० पी० ए० 128/ ज० हुसैनबाद

अधोहस्ताक्षरी श्री जगदीश प्रसाद ... ए० पी० ए० ... श्री ... श्री ...

के विरुद्ध प्रतिरक्षा विभागीय ऐजेंट (सेवा एवं आवरण) नियमावली 1964 के नियम 8 के अंतर्गत कार्यवाही के लिए एक आंच करने का प्रस्ताव करते हैं। अवधार एवं कदाचार आरोपों के साथ जिसके अंतर्गत में आंच प्रस्तावित है। संलग्न उपरोक्त अनुच्छेदों के विवरण में किया गया है (अनुलग्न - 1) प्रत्येक आरोप- अनुच्छेद के तर्जुमा में अवधार एवं कदाचार के आरोपों का विवरण संलग्न है (अनुलग्न - 2) उन अभिलेखों की सूची तथा उन गवाहों की सूची जिसके आधार पर आरोप अनुच्छेदों को साबित करना प्रस्तावित है, भी संलग्न है (अनुलग्न 3 व 4)

2. श्री ... जगदीश प्रसाद ... को इस आपन की प्राप्ति के दस दिनों के भीतर अपना लिखित अभ्यावेदन प्रस्तुत करते और यह बताने का निर्देश दिया जाता है कि वे स्वयं बताना चाहते हैं।

3. श्री ... जगदीश प्रसाद ... को यह सूचित किया जाता है कि वे यदि उपरोक्त पैरा 2 में निर्धारित तिथि ... अथवा अन्य उपायों का परिपालना नहीं करेंगे या करते से इंकार करेंगे तथा आंच अधिकांश उनके विरुद्ध एकतरफा आंच कर सकते हैं।

4.4. उन्हें यह सूचित किया जाता है कि उन्हीं अनुच्छेदों के संबंध में आंच होगी जिन्हें अस्वीकार किया जाएगा। अतएव उन्हें वास्ट उा से आरोप अनुच्छेद आरोप को स्वीकारना अथवा अस्वीकार करना चाहिए।

5. श्री ... जगदीश प्रसाद ... का ध्यान इस पर भी आकृष्ट किया जाता है कि यदि कोई भी कर्मचारी सरकार के अधीन अपनी सेवा के संबंध में अपने काम के किसी राजनीतिक प्रभाव जो किसी विरुद्ध अधिकारी पर पड़ सकता है या लायेगा और न लाने का प्रयत्न करेगा, यदि किसी कार्यवाही में संलग्न किसी भी मामले पर इसके लिए किसी अन्य व्यक्ति से कोई संज्ञाति प्राप्त होती है तो वह जमा नोना कि श्री ... जगदीश प्रसाद ... इस संज्ञाति से अवगत है और उनके विरुद्ध तत्संबंधी विधम के अंतर्गत के लिए कार्यवाही की जायेगी।

Inspector Of Post Offices
East Sub Division
BARABANKI-225001

श्री ... जगदीश प्रसाद ... ए० पी० ए० ... श्री ... श्री ...

15/12/89
12/12/89
11/12/89

A29

बिफोर दि आनरेबुल सेंट्रल रीडमिनिस्ट्रेटिव ट्रिब्यूनल सिक्रेट बेंच, लखनऊ

अप्लीकेशन नम्बर

आफ १९८६

जगदीश प्रसाद

अप्लीकान्ट

कायम

यूनियन आफ इण्डिया रैण्ड अक्स

रिस्पान्डेन्ट्स

सनेकज़र नम्बर ()

अनुबन्ध - १

श्री जगदीश प्रसाद ई० डी० एम० पी० गैरावाँ डाकघर, बाराबंकी के विरुद्ध लगाए गए आरोपों की धाराएँ ।

आरोप सं० १

श्री जगदीश प्रसाद एक्स० डी०एम०पी० मेम्बर गैरावाँ डाकघर ने जमीन हुसैनाबाद, शाखा डाकघर में कार्यवाहक ब्रान्च पोस्ट मास्टर के पद पर कार्य करते हुए बसन्त बिहार डाकघर एमओ० नं० १३३१ दि० २०-६-८८ की मती ह० १००) - का भुगतान दि० २-७-८८ को ग़लत प्राप्त कर्ता को कर के शाखा डाकघर नियमावली (कूटा संस्करण १९७८) के नियम सं० १० तथा अति० निमा० अधिकारी (आचरण सर्व सेवा) नियमावली १९६४ के नियम १७ का उल्लंघन किया ।

आरोप सं० २

श्री जगदीश प्रसाद ~~एक्स०~~ डी०एम०पी० गैरावाँ ने कार्यवाहक ब्रान्च पोस्ट मास्टर जमीन हुसैनाबाद डाकघर, बाराबंकी के पद पर कार्य करने के दौरान हसी मिश्र पीओ० एमओ०नं० १३७४ व १३७५ दि० २५-६-८८ जो दि० ३०-६-८८ को प्राप्त हुआ का वितरण क्लिम्स दि० १२-७-८८ को कराया तथा ३०-६-८८ से ११-७-८८ तक वितरण में न दे कर शाखा डाकघर नियमावली (कूटा संस्करण १९७८) के नियम १०६ तथा अति० निमा० अधिकारी (आचरण) सर्व सेवा) नियमावली) १९६४ के नियम १७ का उल्लंघन किया ।

आरोप सं० -३

श्री जगदीश प्रसाद ~~एक्स०~~ डी०एम०पी० गैरावाँ डाकघर ने कार्यवाहक

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14/8/2017
Mishra
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वितरण न करवा कर शाखा डाकघर नियमावली (हटा संस्करण १९७८) के नियम १०६ व अति० विमा० अमि० (आचरण एवं सेवा) नियमावली १९६४ के नियम -१७ का उल्लंघन श्री जगदीश प्रसाद ने किया ।

आरोप सं० -३

श्री जगदीश प्रसाद ई० डीएमपी० गौरवा ने कार्यवाहक ब्रान्च पोस्ट मास्टर जमीन हुसनाबाद डाकघर के पद पर कार्य करते हुए दि० ११-५-८८ को भगत सिंह पी० जी० एम० नं० ०२३५ दि० ६-५-८८ र० ३००) - प्राप्त कर्ता श्री बलन्त राम यादव ग्राम रामपुर पी० जमीन हुसनाबाद बाराबंकी के पते पर ले कर से प्राप्त किया । इसे दि० १२-५-८८ को भुगतान हेतु श्री एमपी० जमीन हुसनाबाद को दिया । जिस ने उसी दिन बाद भुगतान वापस लिया । उसे श्री जगदीश प्रसाद ने शाखा डाकघर लेखा व दैनिक लेखा में र० ३००) - के स्थान पर र० २००) - से लिखाब में लिया । फलस्वरूप उस दिन के लिखाब में र० १००) - से नुकी बहनी चाहिए पर ऐसा न हो सका । इस प्रकार आरोपित है कि श्री जगदीश प्रसाद ने शाखा डाकघर नियमावली (हटा संस्करण १९७८) के नियम १७४ व १७५ तथा अति० विमा० अमि० (आचरण एवं सेवा) नियमावली १९६४ के नियम -१७ का खुला उल्लंघन किया ।

ह० - अठनीय

इन्स्पेक्टर आफ पोस्ट आफिस
ईस्ट सब डिवीज़न,
बाराबंकी - २२५००१

सुबन्ध- ३

उन अमितोहों की सूची जिन के द्वारा सुबन्ध-२ में दिए गए आरोपों को सिद्ध करने का प्रस्ताव है :-

- १- शाखा डाकघर जमीन हुसनाबाद का बी० जी० जनरल ११-५-८८ व १२-५-८८, ३०-६-८८ से १२-७-८८
- २- शाखा डाकघर जमीन हुसनाबाद बी० जी० एकाउन्ट १२-५-८८, २-७-८८ व ३०-६-८८ से १२-७-८८ ।

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- ३- कीर्ती० जमीन हुसैनाबाद डैनिक लेखा दि० १२-५-८८
 ४- बन्त बिहार डाकघर एमओ० नं० १३३१ दि० २०-६-८८ र० १००) - का
 का पैड वाउचर ।
 ५- श्री मणि राम मिश्र पुत्र जागेश्वर प्रसाद ग्राम पूरे मिथुर पो० हुसैनाबाद
 का लिखित बयान दि० ११-८-८८
 ६- भगत सिंह डाकघर एमओ० नं० ०२३५ दि० ६-५-८८ र० ३००) - का
 पैड वाउचर ।
 ७- सुबैहा डाकघर हरर एक्सट्रैक्ट ०५ दि० १३-५-८८, १० दि० ४-७-८८
 व दि० १२ दि० १३-७-८८ ।

ह० - अपठनीय

इन्स्पेक्टर आफ पोस्ट आफिसैज
 ईस्ट सब डिवीजन,
 बाराबंकी २२५००१

अनुबन्ध- ४

उन गवाहों की सूची जिन्हें के द्वारा श्री जगदीश प्रसाद के विरुद्ध अनुबन्ध-
 २ में लगाए गए आरोपों के सिद्ध किए जाने का प्रस्ताव है ।

- १- श्री आर० सी० मेहरोत्रा तत्कालीन सब पोस्ट मास्टर सुबैहा अब डाक
 सहायक हैदराबाद डाकघर ।
 २- श्री बंजाराथ हंडीरामि० जमीन हुसैनाबाद, बाराबंकी ।
 ३- ,, मणि राम मिश्र पुत्र जागेश्वर प्रसाद ग्राम पूरे मिथुर पो० जमीन
 हुसैनाबाद, बाराबंकी ।
 ४- ,, बन्त राम यादव पुत्र महाराज दीन ग्राम रामपुर पो० जमीन
 हुसैनाबाद, बाराबंकी ।

ह० - अपठनीय

इन्स्पेक्टर आफ पोस्ट आफिसैज
 ईस्ट सब डिवीजन,
 बाराबंकी २२५००१

जगदीश प्रसाद
 Meher
 Hasan

सत्य प्रतिलिपि

Application No. ... of 1989
Sri Jagdish Prasad ... Applicant
Vs.
Union of India & others ... Respondent
ANNEXURE NO. ...

A20

भारतीय डाक क्लब

कार्यालय अधीनस्थ अधिकारी विभागात् डाकघर (पूर्वी) वाराणसी
शासन सं० EPF-128/जमीन मुहानावाप वाराणसी दिनांक 7-6-89

कलकत्ता सरी श्री जगदीश प्रसाद व D.M.P. शेरवा डाकघर वाराणसी
के निरूप कार्यालय वाराणसी रजिस्ट (सेवा एवं कालखंडा) विभागात्
1964 के नियम 8 के अन्तर्गत कार्यालय के लिए सूचीबद्ध होने
का पताव कर रहे हैं। डाकघर एवं डाकघर कारीगरी के साधु
नियमों के अन्तर्गत अन्य पदाधिकारी के संलग्न अर्जों
के विवरणों के विभागात् है। (अनुलग्नक-1) प्रत्येक कारीगर
अनुलग्नक के अर्जों में डाकघर एवं डाकघर का विवरण
संलग्न है। (अनुलग्नक-2) कुल आधिकारियों की सूची तालिका
अन गवाहों की सूची जिनके आधार पर आरोप अनुसूची
को साबित करना प्रस्तावित है, भी संलग्न है। अनुलग्नक-3-4

2- श्री जगदीश प्रसाद को इस शासन की प्राप्ति के 10 दिनों (दस
दिनों) के भीतर अपना लिखित अभ्यावदन प्रस्तुत करने का
यदि अवसर का निर्दिष्ट किया जाता है कि वे स्वयं क्लब का

3- श्री जगदीश प्रसाद को यह स्पष्ट किया जाता है कि
वे यदि पैरा 2 के निर्धारित शर्तों के अन्तर्गत पहले अपना
लिखित आवेदन प्रस्तुत नहीं करते हैं/अधिकारियों
के समक्ष उपस्थित नहीं होंगे। अथवा अन्य निर्धारित प्रावधानों
का पालन नहीं करते या करते से अन्तर्गत अर्जों के अन्तर्गत
तो अन्य अधिकारी उनके विरुद्ध उचित कार्य
कर सकते हैं।

4- क्लब के अर्जों के अन्तर्गत जो अन्य लोगी क्लब के अधिकार
किया जाएगा। अतएव उन्हें उचित रूप से कारीगरी को
स्वीकारना या अस्वीकार करना चाहिए।

5- श्री जगदीश प्रसाद का ध्यान इस ओर भी आकृष्ट किया
जाता है कि क्लब बोर्ड भी कर्मचारी साक्षात् के अधिकारों को
सुवा के सम्बन्ध में अपने काम के लिए कोई राजीव कि प्रभाव
जो फिरी वीर अधिकारी पर प्रभाव है न जाएगा और
न होने का प्रयत्न करेगा। यदि क्लब कार्यालय से सम्बन्धित
नी अर्जों पर उनके लिए क्लब अन्तर्गत है कोई संस्तुति
प्राप्त होती है तो यह स्पष्ट जाएगा श्री श्री जगदीश
प्रसाद इस संस्तुति से अवगत हैं और उनके विरुद्ध तत्सम्बन्धित
नियमों के अन्तर्गत न क्लब कार्यालय की जाएगी।

जगदीश प्रसाद
D.M.P. शेरवा

श्री जगदीश प्रसाद
D.M.P. शेरवा
वाराणसी

एच. ए. ए. ए. ए. (डाकघर)
Sub Divisional Office
पूर्व 31 मंडल/East Sub Division
वाराणसी / Barabanki-225001

Copy to 3102 BSR with their no. M-124/EDA dt 17/5/89

File EPF-128/Jamine Amindar

Application No. ...of 1989
 Sri Jagdish Prasad ... Applicant
 Vs.
 Union of India & others ... Respondent

ANNEXURE NO.

A82

श्री जगदीश प्रसाद एसपी गैरवांगी जमखट वाराणसी के विरुद्ध
 लगाए गए आरोपों की द्वाारा

आरोप

श्री जगदीश प्रसाद एसपी गैरवांगी ने अपने पद
 पर कार्य करते हुए 29-4-89 को शारदा डक
 हारवांगी इस मामले में पद पर अपनी नियुक्ति
 को राजनीतिक प्रभाव डालकर अतिथित विभागीय
 आधिकारी (आचरण एवं सेवा) नियमालय 1964
 के नियम 25 का उल्लंघन किया।

—x—

अनुबन्ध- II

श्री जगदीश प्रसाद एसपी गैरवांगी के विरुद्ध लगाए
 गए आरोपों का विवरण

—x—

श्री जगदीश प्रसाद एसपी गैरवांगी को एसपी गैरवांगी
 के पद पर कार्य करने के लिए 29-4-89 को शारदा डक
 हारवांगी के पद पर अपनी नियुक्ति को राजनीतिक प्रभाव
 डालकर अतिथित विभागीय आधिकारी (आचरण एवं सेवा)
 नियमालय 1964 के नियम 25 का उल्लंघन किया है।

अनुबन्ध III

- श्री जगदीश प्रसाद एसपी गैरवांगी के विरुद्ध लगाए गए आरोपों का विवरण
- 1- श्री राजनारायण तिवारी प्रमुख श्रेणी सप्लिमेंटरी हेड गैरवांगी दिनांक 29/4/89
 - 2- " राजा राजीव कुमार सिंह विधापक दरियावांगी वाराणसी " 25/4/89
 - 3- " सुरेन्द्र नाथ अवस्थी सप्लिमेंटरी हेड गैरवांगी दिनांक 24/4/89

Sub Divisional Officer
 Lucknow

जगदीश प्रसाद 20/2/89

At-Allah
 Lucknow

Before Honble Central Administrative Tribunal
Addl Bench, Circuit Bench (A32)
Lucknow

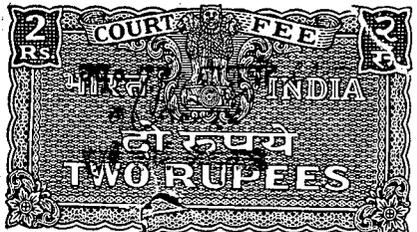
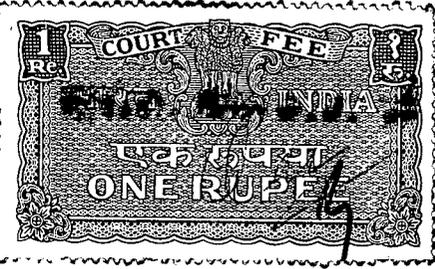
बअदालत श्रीमान

महोदय

वादी (मुद्दई)
मुद्दई (मुद्दालेह)

का

वकालतनामा



Application No. 41989
Jagdish Prasad Yadav - Applicant
Union of India and others Vs. Respondents
बनाम प्रतिवादी (रेस्पान्डेन्ट)

सन पेशी की ता० १९ ई०

मुद्दमा में अपनी ओर से श्री

RAMRUL HASAN वकील
Mohd. Fath Uddin एडवोकेट महोदय

मैं अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ 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 हूँ 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
न० मुकद्दमा
नाम फरीकस

Accepted
Rasam
27/7/89

Accepted
Mohd. Fath Uddin
27/7/89

हस्ताक्षर
Jagdish Prasad Yadav
Applicant

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १९ ई०

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

Application no. _____ of 1989

Jagdish Prasad Yadav Applicant

Versus

Union of India and others Respondents

Index

Sl.no.	Description of each documents	Pages
I.	Annexure-1 (Junior High School Certificate)	16
2.	Annexure-2 (Photostat copy of Certificate showing initial appointment on 30-6-76.)	17
3.	Annexure-3 (Impugned order of appointment dt. 26.6.98 of respondent no. 5)	18
4.	Annexure-3A (Representation dt. 19.7.89)	19 & 20
5.	Annexure-4 (Acknowledgment receipt of application dt. 19.9.88)	21
6.	Annexure-5 (Impugned Memo dt. 11.12.88 and its charge sheet)	22 & 26
7.	Annexure-6 (Letter dt. 13.5.88 of S.P.M)	27 & 28
8.	Annexure -8 (Defence statement dt. 25.7.89)	29
9.	Annexure-7-A (Charge report dt. 25.3.88) Annexure-8 (Impugned memo dt. 7.6.89 alongwith charge sheet)	30 31 & 32
10.	Annexure-9 (Reply to charge sheet dt. 20.6.89)	33
II.	Annexure-10 (Character Certificate of Pradhan dt. 22-6-89)	34

Qasim
(Qasim I Hasan)
Advocate

Lucknow dated:
, 1989

Counsel for the applicant

Before the Central Administrative Tribunal
Addl. Bench Allahabad
Circuit Bench Lucknow

Application No.
Sri Jagdish Prasad

Vs.

Union of India & others

...of 1989

... Applicant

... Respondent

ANNEXURE NO. /

A34

सं.सं.सं.

46220

शुविगर हार्ड स्कूल परीक्षा, १९७२

आवेदन सं. ११७२/१९८९

पुत्र/पुत्री

जर्मल, १९७२ की शुविगर हार्ड स्कूल

परिष्कारित परीक्षार्थी

जर्मल में उत्तीर्ण हुए/हुई

से विशेष योग्यता प्राप्त की।

आवेदन सं. ११७२/१९८९

शुविगर हार्ड स्कूल परीक्षा हेतु

आवेदन सं. ११७२/१९८९



शुविगारी शिक्षण तथा सम्बन्धित कक्षा:-

वैकल्पिक विषय :-

आवेदन सं. ११७२/१९८९

शुविगर हार्ड स्कूल परीक्षा १९७२

ABS

Before the Central Administrative Tribunal
Addl. Bench Allahabad
Circuit Bench Lucknow

Application No. ... of 1989
Sri Jagdish Prasad ... Applicant
Vs. ... Respondent
Union of India & others
ANNEXURE NO. 2

EXPTL.P.O.
U.P.-6966

पुत्रादिपत्र श्री जगदीश प्रसाद यादव के सेवा

काल के संबंध में

श्री श्री रम विद्या सिंह यादव का एक पालन से सेवा सुवर्धन
का प्रस्ताव किया जाता है श्री श्री जगदीश प्रसाद
यादव S/O श्री यादव यादव L-27711 के पद पर दिनांक 30-6-76
से रतन कार्यालय में उपलब्ध आ मिलनेवा के आदेशों
का रहे है

श्री यादव के द्वारा उप उपर्युक्त सुवर्धन से एक काल
देने वका एक का विचार किया जाता है श्री यादव
लागत 14 वर्षों में विद्यमान की सेवा से कोषों
है इनका कार्य सन्तुष्टि के लिए

जगदीश प्रसाद यादव

रिपोर्ट नमूना श्री जगदीश प्रसाद
के सेवा कार्य का प्रस्ताव किया जा रहा है
कोषों का प्रस्ताव पत्र संख्या 14/89
पुनर्विनिर्देश 8 PM
शुद्ध संख्या 21/7/89

EXPTL.P.O.
U.P.-6966
21/7/89

Application No. ... of 1989
Sri Jagdish Prasad ... Applicant
Vs.
Union of India & others ... Respondent

A36

ANNEXURE NO... S.A.....

सेवा में,

निदेशक,

डाक सेवाएं, लखनऊ,

कोड संख्या - 225009

द्वारा उचित माध्यम।

विषय :- जमीन जूनाबाद छात्रा डाकघर जनपद बाराबंकी में शाखा
डाकघरा के घर पर नियुक्ति हेतु प्रतिवेदन-पत्र।

महोदय,

निवेदन है कि प्राणेश जगदीश प्रसाद ए० डी० एम० पी० गैराबा
सुबेहा, जस बाराबंकी में पिछले दिनांक 30-6-76 से लगातार
कार्यरत है और निम्न निवेदन करता है :-

यह कि प्राणेश ने शाखा डाकघर जमीन जूनाबाद के घर
पर नियुक्ति हेतु आवेदन-पत्र दिया था।

यह कि जो आवेदन पत्र पर विभागीय समीक्षा कार्यवाही करा
ली गई थी शिवांग रावतला को जांच लागू में पुनिल जांच आदि।

यह कि प्राणेश शाखा डाकघर की नियुक्ति की सभी बातों
पूरी करता है। *यहाँ से पत्र 22.11.76 परसेज का नम्बर 2.10.76 है*

यह कि प्राणेश जमीन जूनाबाद का ही मूल निवासी है तथा
प्राणेश के घर पर उक्त डाकघर पिछले 16 महीने दिनांक 24-3-76
से 4-9-76 तक कार्यरत रहा है।

यह कि अतिरिक्त विभागीय अधिकारी (सेवा एवं आवरण)
नियमावली 1954 के नियुक्ति अनुभाग - 2 के नियम 19 के अनुसार
जिस में यह माफ़-बाफ़ लिखा है कि सर्वोच्च परिक्रमा की श्याम म
के मा संदर्भित अतिरिक्त विभागीय कार्यवाही की प्राथमिकता के
आधार पर नियुक्त किया जाएगा। जो: उपरोक्त के अनुसार पूर्ण
ही नियुक्ति मिलनी चाहिए। तब कि मैं विभाग में लगभग 18
महीने कार्यरत हूँ।

यह कि पूर्ण नियुक्ति न दे कर श्री सत्यनाथ सिंह को
नियुक्त करण अनियमित है और इस सम्बन्ध में प्रतिवेदन पत्र से
पकले ही विभागीय स्थानीय अधिकारियों को नौकरी में नियुक्त

53144/1/1989

A37

(2)

की धमकी से राजी है एवं जाप-जाप बतलाया जा रहा तथा उसे
पूर्वभूत जाप-जाप के साथ ही सम्बन्धित विषय के भी पुके हो पाये
गए हैं।

यह कि जो सत्त्वाम सिंह जमीन दुम्नाबाद के निवासी
न ही कर सितो ग्राम के एक फन्डर घर के छोटे से पुके पूरे किराने
के निवासी हैं।

यह कि डाकवा मशीन ग्राम में ही मीना नामक जहाँ की
बाबादी अधिकारी यहाँ कि यह कथित एवं कमीना का विभाग
के और कमीना के तात्पर्य से ही डाकवा देहात में होता जाता है
उक्त नियुक्ति में इस बात का ध्यान नहीं रखा गया।

आ: कस में जाग में कमीना कि कि श्रीमान् जी कपडे स्तर
से काफी की जांच करा जावे पूरा पत्रावली जाग कर जो सत्त्वाम
सिंह की नियुक्ति पर करी एवं पुके जाया सम्बन्धित जमीन दुम्नाबाद
शाहा डाकवा के पद पर नियुक्ति दिवाने के साथ-साथ ही साथ
हो रहे स्थानीय विभागीय अधिकारियों द्वारा बतवाचार की
समाप्त कार्य की पूरा करें। तबि कृपा की।

प्राणी

(भगदीश प्रसाद यादव)

डी० डी० एम० पी०
गैरेश्वर सुबेडा कपड बाराबंकी

दिनांक २२-७-६६

श्रीमान् डाक अधिकारी बाराबंकी की सूचना एवं
आवरणक कार्यवाही हेतु प्रेषित।

श्रीमान् का मण्डलीय निरीक्षक डाक (पुणे) कपड
बाराबंकी की सूचना।

भगदीश प्रसाद यादव
(भगदीश प्रसाद यादव)

Received
Fog
कार्यालय निरीक्षण
डाक सेक्टर बाराबंकी
संख्या-२२६००७

भगदीश प्रसाद यादव
BANKI-226007

उपरोक्त कार्यवाही

A38

Before the Central Administrative Tribunal
Addl. Bench Allahabad
Circuit Bench Lucknow

Application No. ...of 1989
Sri Jagdish Prasad ... Applicant
Vs.
Union of India & others ... Respondent
ANNEXURE NO...4.....

श्री जगदीश प्रसाद यादव
जबिना पत्र शारदा जक पाल जमीन हुसना कांड
(सुवेदा) कोरावनी
जबिना पत्र 1
प्रमाणपत्र निम्न दर स्थल 1 कोरावनी
श्री प्रमाणपत्र 2 कोरावनी
आयु प्रमाण पत्र 1
वैधान्त मानचित्र नकशा 1
कोरावनी

Received with 2 photocopies
18/05/1989
Sd/-
Joint Secretary, Lucknow

जगदीश प्रसाद यादव

बिफोर दि आनरेबल सेन्ट्रल हैडमिनिस्ट्रेटिव ट्रिब्यूनल, सर्किट बेंच, लखनऊ

अप्लीकेशन नम्बर आफ १६८६

जगदीश प्रसाद

अप्लीकान्ट

बनाम

यूनियन आफ इण्डिया ग्रैंड अदर्स---

अपोजिट पार्टीज़

सैक्यर नम्बर (6)

सब पोस्ट मास्टर

सुबेहा -२२७३०२

बाराबंकी

दु० बी० एम० ए० डेटेड १३-५-८८

शाखा डाक प्रालन,

जगदीश प्रसाद यादव

जमीन हुसैनाबाद,

बाराबंकी ।

आज दिनांक १३-५-८८ को शाखा डाकमाल जमीन हुसैनाबाद ने एक फादेश भगत सिंह मार्केट नं० २३५ दिनांक ६-५-८८ रु० ३००)- तीन सौ मात्र का बाटा जिसे प्राप्त कर्ता से तीन रु० कसूल पाया लिखाया गया परन्तु शाखा डाकमाल वापसी लेते समय और लेखा कायलिय मेजते समय भी ध्यान नहीं दिया ।

उपरोक्त फादेश शाखा डाक पाल ने अपने दैनिक लेखा में हिसाब में ३००)- दो सौ रु० मात्र दिखाया है । जिसे हिसाब में २००)- के स्थान पर तीन सौ रु० कर दिया गया है । परन्तु शाखा डाक पाल ने अविशेष में बैरंग १-०-० नं० २७७-४० स्टाम्प ६२-६० और रजिस्ट्री २६-८० कुल ३६७-०० दिखाया है । अविशेष विवरणानुसार रुपया उन के पास है । अगत है । अतः १००-०० एक सौ..... हिसाब दिखाया गया और त्रुटि पुस्तिका में नोट किया गया

(१) प्रतिलिपि शाखा डाकमाल जमीन हुसैनाबाद ।

शेष २ पर

७७५/२५७५५७६९

(2)

को इस आशय से कि फादेश २००) - के स्थान पर ३००) - करें और
..... में १००) - करें ।

(२) प्रतिलिपि छाक निरीदाक, पूर्वी प्रखण्ड, बाराबंकी,

(३) डाक अधीदाक, बाराबंकी प्रखण्ड, बाराबंकी

इन्कली० न० समझौ० ३५ डेटेड ६-५-८८ रुपये ३००) -

ह०। - अठनीय

१३-५-८८

सब पोस्ट मास्टर,

सुबैहा २२७३००१

बाराबंकी ।

सत्य प्रतिलिपि

Handwritten signature and text: (20/1/2) YMSME

Application No. ... of 1969
Sri Jagdish Prasad ... Applicant
Vs. ... Respondent
Union of India & others ... Respondent
ANNEXURE NO. ...

AM

सेवा में,

श्रीमान उप मण्डलीय निरीक्षक डाकघर,
पुष्पी उप गण्डल,
जनपद बाराबंकी 12250 001

विषय: आपन संख्या डी.पी.एफ./128 जमीन हुसेनाबाद, दिनांक
11.12.38 द्वारा दी गयी नियम 8 के अन्तर्गत कार्यवाही
एवं निर्णय की प्रतिलिपि जारी करने हेतु आवेदन पत्र ।

महोदय,

निवेदन है कि प्रार्थी को एक आपन संख्या उपरोक्त
अति० विभागीय एजेन्ट सेवा एवं आचरण। नियमावली 1964 के
नियम 8 के अन्तर्गत कार्यवाही करना प्रस्तावित किया गया था, जिस
सम्बन्ध में प्रार्थी ने अपना बख्श बजाय पत्र माननीय महोदय को दे
पुका है, जिसमें प्रार्थी ने सभी आरोपों को निराधार एवं निरर्थक
बताया है । उप मण्डलीय निरीक्षक जी सी.एल. वर्मा । उस समय कार्यरत।
ने मुझे मौखिक रूप से बताया था कि निर्णय की एक प्रतिलिपि प्रार्थी
विश्वेश्वर के नाम डाक द्वारा भेज दी गयी है एवं प्रार्थी के बचाव पत्र को
सही मांगते हुए भविष्य में ऐसी भूल करने की चेतावनी देकर मुक्त कर
दिया गया है, किन्तु निर्णय की प्रतिलिपि आज दिनांक तक प्रार्थी
को प्राप्त नहीं हुई है । अतः आप से अनुरोध है कि मुझे उपरोक्त निर्णय
की एक प्रतिलिपि आदि उपरोक्त के साथ देने की कृपा करें । अति
कृपा होगी ।

प्रार्थी,

जगदीश प्रसाद यादव
डी.पी.एफ.पी., गैरावा। सुपेडा।
बाराबंकी ।

प्रतिभाष श्रीमान डाक अधीक्षक महोदय, बाराबंकी को
सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित ।

दिनांक 25-7-69

जगदीश प्रसाद यादव
जगदीश प्रसाद यादव
डी.पी.एफ.पी., गैरावा। सुपेडा।
बाराबंकी ।

जगदीश प्रसाद यादव

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

Jagdish Prasad Application No. of 1989 Applicant

Union of India and others vs Opp. Parties

Amendment No. 7A.

राज रॉय

प्रमाणित किया जाता है कि श्री जगदीश प्रसाद यादव
ई. डी. एम. पी. गैरान ने आज दिनांक 25.3.88
को पूर्व कार्यवाही कराया डाक पाल जमानतुल्लेखा
बाद का कार्य मा ग्रहण कर लिया है आदेश
मुश्काल निरी सच डाक पाल सेवा कागवकी

प्रमाणित
द्वारा श्री देवतादीन
माल D/S
देवतादीन कागवकी
25-3-88

मा ग्राही अधिकारी
जगदीश प्रसाद यादव
25-3-88

जगदीश प्रसाद यादव

Before the Central Administrative Tribunal
Addl. Bench Allahabad
Circuit Bench Lucknow

Application No.
Sri Jagdish Prasad

... of 1989
... Applicant

Vs.
Union of India & others

... Respondent

ANNEXURE NO. 9

33

APB

सेवा मे

श्रीमान् उप मॉस्लीय निरीक्षक (डाक)

बाएबंदी रवी उप मॉस्ली

225001

द्वारा उप डाक पाल सुबेडा

महोदय

आपके फोन संख्यां E.P.F 1281 जमीन दुखेनाबाद
दिनांक 7-6-89 के संदर्भ में कृपया हे वि में इन अधियोगो
को अस्वीकार करता हूँ।

प्रार्थी

जगदीश प्रसाद

20. 6. 89

• एस पी गोरवा
बाएबंदी

Recd & copy
Sub: 227302

जगदीश प्रसाद चाँद

34
Ayu

Before the Central Administrative Tribunal
Addl. Bench Allahabad
Circuit Bench Lucknow

Application No. ...of 1989
Sri Jagdish Prasad ... Applicant
Vs. ...
Union of India & others ... Respondent
ANNEXURE NO. 10.....

घोरित्र प्रमाण-पत्र

प्रमाणित किया जाता है कि श्री जगदीश प्रसाद पुत्र श्री श्रीपाल यादव निवासी ग्राम व पोस्ट- जमीन हुसेनाबाद, परगना सुबेहा, तहसील हैदरगढ़ जिला बाराबंकी के मूल मालिक हैं। मैं इनके बहुत ही निकट से जानता - व पहचानता हूँ, यह एक कर्मठ एवं इमानदार व्यक्ति है तथा इनका घोरित्र अति उत्तम है।

मैं इनके उच्चतम भीष्य को कामना करता हूँ।

इसका प्रमाण



ग्राम प्रधान

दिनांक:- 22-6-88

हरनाथ अली, ग्राम लता जमीन हुसेनबाद, परगना सुबेहा जन्मद- बाराबंकी।

जगदीश प्रसाद यादव

AUS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH: LUCKNOW

MISC. APPLICATION NO. 319 OF 1989

APPLICATION FOR CONDONATION OF DELAY IN FILING
AFFIDAVIT ON BEHALF OF RESPONDENTS

Case No. OA178/89

Jagdish Prasad Yadav

... Applicant

Versus

Union of India & others

.... Respondents

The respondents respectfully beg to submit
as under :

1. That the counter-affidavit in the above case could not be filed within the time allotted by the Hon'ble Tribunal.
2. That there was delay in sending the para-wise comments ^{by the respondents} on the application filed by Sri Jagdish Prasad Yadav on account of administrative exigencies and hence the counter-affidavit which drafted by the counsel and later on vetted by the department was sworn in late.
3. That the counter-affidavit has not been sworn on and the same is filed without any further delay.
4. The delay in filing the counter affidavit is bonafide, not deliberate and is liable to be condoned.

WHEREFORE, it is prayed that the delay in filing the counter-affidavit may be condoned and the same may be brought on record.

Lucknow,
Dated:

(Signature)
(DR. DINESH CHANDRA)
COUNSEL FOR THE RESPONDENTS

R.T.
L
15/11/89

416

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

Registration No. O.A. 179 of 1989 (L)

Jagdish Prasad Applicant.
Versus.
Union of India & Others. Respondents.



COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS.

I, R.A. Verma, aged about 52 Years Son of Ramesh,
Ramesh Supdt. of Post Offices, Barabanki, do
hereby solemnly affirm and state as under :-

1. That the deponent is Supdt. of Post Offices, Barabanki and is well conversant with the facts of the case deposed hereinafter.
2. That the deponent has read the application filed by Shri Jagdish Prasad and has understood the contents thereof.
3. That the deponent is competent to swear this affidavit on behalf of all the Respondents.
4. That the contents of paras 1 to 3 need no comments.
5. That the contents of para 4.1 to 4.4 need no comments.
6. That the contents of para 4,5 are admitted.
7. That in reply to the contents of para 4.6 it is stated that the applicant was not a departmental candidate. His name was, however, sponsored by the Employment Exchange alongwith other candidates for the post of Extra Departmental Branch Post Master, hereinafter referred to as E.D.B.F.M.



R.A. Verma
15/11/89

A47

-: 2 :-

A photostat copy of the list of candidates sponsored by the Employment Exchange is being filed as Annexure R-1. There is no provision for inviting applications from departmental candidates.

8. That in reply to the contents of para 4.7 it is stated that the verification of the certificates and other details furnished by the candidates, including the applicant, were verified from independent sources.
9. That the contents of para 4.8 are admitted to the extent that the Branch Post office was shifted to the house of the newly appointed EDBPM. Rest of the contents are denied.
10. That the contents of para 4.9 need no comments.
11. That in reply to para 4.10 it is submitted that no candidate, out of the those sponsored by the Employment Exchange was found suitable for the post of EDBPM. Hence the vacancy was notified by public advertisement. A copy of the advertisement is being filed as Annexure R-2.
12. That the contents of para 4.11 and 4.12 are admitted.
13. That the contents of para 4.13 are admitted to the extent that the applicant was issued a charge-sheet dated 11.12.88 for the ~~for the~~ articles of charges indicated in the para. All the charges were admitted by the applicant in his statement dated 24.12.88, a photostat copy of which is being filed as Annexure R-3.
14. That the contents of para 4.14 of the application



14. That the contents of para 4.14 of the application
15/11/88

And

relates to the charge sheet dated 11.12.88 in respect of which the applicant had accepted the charge) in his letter dated 24.12.88 (Annexure R-3) as discussed in para 13 above.

15. That the contents of para 4.15 are admitted. It is, however, clarified that the defence statement dated 25.7.89 submitted by the applicant relates to the charge sheet dated 7.6.89. Annexure - 7 not filed.
16. That the contents of para 4.16 are denied. The decision in the disciplinary case referred to by the applicant was communicated to him vide deponent's office No. EPF-128/ ^{15/11/89} dated 13.3.89 (copy enclosed as Annexure R-4).
17. That the contents of para 4.17 are admitted to the extent that a charge sheet dated 7.6.89 was issued. Rest of the contents are denied.
18. That in reply to the contents of para 4.18 it is submitted that the applicant was allowed to work as EDBPM on 25.3.88 on a newly established Branch Post Office on the clear stipulation that "this arrangement is purely temporary and on adhoc basis till the regular arrangement is made." (Annexure R-5) His work and conduct were found unsatisfactory and so he was relieved of the charge on 5.7.88.
19. That in reply to the contents of para 4.19 of the application it is stated that the applicant has been served with a charge sheet dated 7.6.89 which is under enquiry. Annexure No. 9 not filed.
20. That the contents of para 4.20 are denied. The work



R.A. Singh
15/11/89

Aug

-: 4 :-

~~work~~ and conduct of the applicant was found unsatisfactory for which he was issued a warning under Memo No. EPF-128/*वर्क एग्रे अि* dated 13.3.89. Earlier also his performance was not found satisfactory on account of which the petitioner was relieved of his charge on 5.7.88 and another person was engaged who carried on work of EDBPM till the regular incumbent took over charge of the Branch Post Office.

21. That in reply to para 4.21 it is submitted that there is no provision in the Recruitment rules for giving weightage to the persons already working as Extra Departmental Agents.
22. That the contents of para 4.22 are denied. On the charges indicated in the charge sheet dated 11.12.88, the applicant was issued a warning. The second charge sheet dated 7.6.89 is under enquiry.
23. That in reply to para 4.23 it is stated that Rule 17 referred to in the para relates to transfer of E.D. Agent from one post to another." This Rule is not relevant to averments made in this para.
24. That in reply to the contents of para 5 of the application it is stated that no comments can be offered as the applicant has not filed Annexure -3-A.
25. That the contents of para 6 need no comments.
26. That in view of the submissions made in the above paragraphs, the applicant is not entitled to any relief as prayed for in paras 7 and 9 of the application.
27. That the grounds taken by the applicant in para 8 of the application are not tenable in fact and law. The application lacks merit and is liable to be dismissed with cost.



RA *h* *f*
5/11/89

..... 5...

28. That with reference to the Interim Relief prayed for in para 9 of the application it is submitted that the Enquiry has already started. It is, however, submitted that the main grievance of the applicant is related to recruitment of EDBPM and the matter of Interim Relief has no relevancy to it.
29. That para 10 needs no comments.
30. That with reference to para 11 of the application it is submitted that the applicant has filed only three Annexures, namely 3, 5 & 8.

Lucknow ;

Dated : 15/11/89

R.A. Verma
Deponent. 15/11/89

VERIFICATION

I, R.A. Verma, the deponent above named do hereby verify that the contents alleged in paragraphs 1 to 30 of the affidavit are true to my personal knowledge, that no part of it is false and nothing material has been concealed so help me God.

Signed and verified this the _____ day of _____ 1989 within the court compound at Lucknow.

Lucknow ;

Dated : 15/11/89

R.A. Verma
Deponent.

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

D. Gupta

Advocate.



(AS)

Solemnly affirmed before me on 15-11-80
at 11-5 A.M./P.M. by Shri R.A. Verma, the deponent
who is identified by Shri D. Chandra, Advocate,
High Court Allahabad sitting at Lucknow.

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

Oath Commissioner.



R.A. Verma
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 5125
Date 15-11-80

Case No. 128/85

ASD

Jyoti Pr Singh Jhansi

ANNEXURE एकस-82
- R-1

उत्तर प्रदेश शासन

प्रशिक्षण एवं सेवायोजन निदेशालय, उ० प्र०

श्रम विभाग

(99)

टेलीफोन नं. 209

जिला सेवायोजन कार्यालय
कोरासकी

संदर्भ संख्या 04/25/88

दिनांक 31-3-88 198

महोदय,

आपके पत्र संख्या रच श्री/जिजीन/इवेन/क/187/18-3-88 दिनांक 18-3-88 के संदर्भ में जो उत्तर प्रदेश शासन रिक्त पदों की सूचना के विषय में है, उस पत्र के साथ अनुयोग्य अभ्यर्थियों के नाम की तालिका (दो प्रतियां) संलग्न की जाती है जिसे आपके पास उपरोक्त पदों के चुनाव हेतु भेजा गया है। चुनाव करने के पश्चात् तालिका के कालम तथा मद संख्या एवं की पूर्ति करके इस कार्यालय को लौटाने का कष्ट करें। अभ्यर्थियों को सूचित करें कि आप अपने पत्र संख्या 04/25/88 की पूर्ति करके इस कार्यालय को वापस भेजने का कष्ट करें तथा चुनाव परिणाम भी सूचित करने का कष्ट करें।

संलग्न सूची तालिका में।

सेवा में अधीक्षक
डाक्टर प्रकाश
कोरासकी।



जिला सेवा योजन अधिकारी
कोरासकी

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

X-83

DEPARTMENT OF LABOUR

List of applicants submitted on 31-3-88
Sent under number of letter no. X82

To SECRETARY
Dated 21-3-88

Order 02/25/88
Dated 21-3-88

FOR EMPLOYER'S USE

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	1120/85-रामश्री के नाम पर रामश्री-श्रीमती सुशमा देवी-सुहास अग्रवाल	X02:10	S-S-SB VIII माह	—	—	—	
2	1147/88-श्रीमती सुशमा सुशमा देवी श्री सुहास अग्रवाल श्री-सुशमा सुशमा देवी श्री-सुहास अग्रवाल	X02:10	B-2-S7 VIII माह	B1C	—	—	
3	1252/88-श्रीमती सुशमा श्रीमती सुशमा देवी श्री श्री सुहास अग्रवाल	X01:10	11-8-64 HS II	B1C	—	—	
	श्री-3 (श्री) सुशमा देवी						



P.T.O

Case - 128/09

Inspector of Muzdar

ANNEXURE - R2

AS4

भारतीय डाक विभाग

कार्यालय अधीक्षक डाकघर वाराणसीमण्डल वाराणसी - 225001

आपन सं- H-124

खाल वाराणसी द्वांक .25.8.08

74

ग्राम ..जमीन. इ.ल.ग. 914.... जिला वाराणसी के अतिरिक्त विभागीय शाखा डाकघर के पद पर नियुक्ति हेतु इच्छुक अभ्यर्थियों से आवेदन पत्र मांगे जाते हैं। शाखा डाकघर को विभागीय नियम के अंतर्गत कुल रु 270/- + D.A. मिलेगा।

1. अभ्यर्थी की आयु 18 और 60 के मध्य होनी चाहिए।
2. अभ्यर्थी को हिन्दी और अंग्रेजी में काम करने की क्षमता होनी चाहिए तथा कम से कम कक्षा 8 पास होना चाहिए।
3. अभ्यर्थी को उसी ग्राम का मूल निवासी होना चाहिए।
4. अभ्यर्थी यदि कभी अवकाश पर जाता है तो अपने स्थान पर किसी ऐसे व्यक्ति को अपने दायित्व पर रखेगा जो कि नावालिग न हो लेकिन अवकाश पर जाने के पूर्व स्वीकृति सर्वम अधिकारी द्वारा नितांत आवश्यक है।
5. अभ्यर्थी पर ही कार्यालय के कामजात, राजकीय नकदी, स्टैम्प तथा बहुमूल्य वस्तुओं की सुरक्षा का पूर्ण दायित्व होगा जिसका प्रबंध वह स्वयं करेगा।
6. अभ्यर्थी के पास आय का कोई निजी साधन होना चाहिए।
7. अभ्यर्थी को 1000/- रु की जमानत नकदी या मान्यता प्राप्त सोसायटी द्वारा फ्रयडेलिटी बांड के सा में जमा करनी होगी।
8. अभ्यर्थी को किसी प्रकार का मकान का किराया नहीं दिया जायेगा।
9. अगर अभ्यर्थी का आवेदन पत्र किसी प्रकार से अधूरा पाया गया तो वह नियुक्ति के लिए विचारार्थ नहीं होगा।

अभ्यर्थी के आवेदन पत्र द्वांक. 24.9.08 तक इस कार्यालय को प्राप्त हो जाना चाहिए। आवेदन पत्र के साथ-लिखित तथ्यों की प्रतिलिपि होना आवश्यक है।

- अ- जन्म तिथि तथा शैक्षिक योग्यता प्रमाण पत्र की प्रतिलिपि +
- ब- दो व्यक्ति विशेष (समाज के प्रतिष्ठित) के द्वारा अधिकृत चरित्र प्रमाण पत्र होना।
- स- आय प्रमाण पत्र जो रेवेन्यू अथॉरिटी (जो तहसीलदार से कम न हो) द्वारा प्रमाणित हो तथा जिसमें व्यवसाय का भी उल्लेख हो।
- द- यदि अभ्यर्थी अनुसूचित जाति / जनजाति को हो तो जाति प्रमाणित पत्र अवश्य भेजना चाहिए।
- य- अभ्यर्थी जिस ग्राम में डाकघर खुल रहा हो उस ग्राम का मूल निवासी होना चाहिए साथ ही प्रमाण पत्र अवश्य भेजना चाहिए।

अधीक्षक डाकघर

वाराणसी मण्डल वाराणसी

225001

(क्रमश... 2)



सर्वोच्च न्यायालय
 नया दिल्ली - पत्र
 (सर्वोच्च न्यायालय के दफ्तरे)

- 1- अभ्यर्थी का नाम -
 - 2- अभ्यर्थी के पिता का नाम-
 - 3- जाति -
 - 4- स्थायी निवास (उस गाँव का नाम जहाँ अभ्यर्थी का निजी भवन है और वहाँ निवास करता है) -
 - 5- पूरा पता -
 - 1- गाँव का नाम-
 - 2- डाकघाते का नाम-
 - 3- थाने का नाम-
 - 4- तहसील का नाम-
 - 5- जिले का नाम-
 - 6- यदि अभ्यर्थी उस गाँव का रहने वाला नहीं है तो उसका निवास
 - 1- गाँव का नाम-
 - 2- डाकघाते का नाम-
 - 3- थाने का नाम-
 - 4- तहसील का नाम-
 - 5- जिले का नाम-
 - 7- पद जिसके लिए आवेदन किया जा रहा है -
 - 8- क्या संबंधित डाकघर में प्रार्थी का कोई रिश्तेदार नियुक्त है तो उसका नाम व पद
 - 9- शैक्षिक योग्यता (मूल प्रमाण पत्रों की प्रतिलिपि भी लगाना आवश्यक है) -
 - 10- जन्म तिथि (इसके प्रमाण में स्कूल प्रमाण पत्र की प्रतिलिपि जिसमें जन्म तिथि है) -
 - 11- आय प्रति वर्ष -
 - क) कृषि द्वारा -
 - ख- अन्य साधन द्वारा -
- (सर्वोच्च न्यायालय का प्रमाण पत्र लगाना आवश्यक है)
 यदि पेंशनर है तो मासिक पेंशन रिटायरमेंट की तिथि -



(६०५०३०)

Serial No. 178/25

Jyoti K. Kulkarni

ANNEXURE-R-5 ASS

Department of Posts - India

(27)

Office of the Inspector Post offices, East Sub Division, Barabanki -225001

Memo No: EPF-128/Z. Husainabad dt. 25-3-88

In pursuance of SPos, Barabanki memo no H/Zamin Husainabad dt. 16.3.88, Zamin Husainabad EDBO in account with Subeka P.O. Barabanki has been opened on 25-3-88 for now with the following establishment -

- EDBPM - one
- ESDA cum adme - one

Shri Jagdish Prasad Yadav EADMP Gerawan P.O. Police a willing candidate to work as ctyg. EDBPM Zamin Husainabad and who is the resident of Vill Zamin Husainabad proper is allowed to work as ctyg BPM Zamin Husainabad P.O. against the newly sanctioned post. Shri Jagdish Prasad should note that this arrangement is purely temporary and adhoc basis till the regular arrangement is made.

Shri Babulal EDR Islampur and a volunteer to work as ESDA cum adme Zamin Husainabad is engaged on the post till the further arrangement of the post is made by the undersigned.

Shri Jagdish Prasad and Shri Babulal will provide their substitute on their original posts on usual terms and conditions. They shall also note that they will enjoy no right for regular absorption on these posts and can be terminated at any time.

Inspector of Post Office
East Sub Division
BARABANKI-225001

Copy forwarded for information & n/a to -

1. SPos Barabanki.
2. Pm Police.
- 3-4. The officials concerned.
5. Spare.

Handwritten notes in left margin: "Bharat Bhandari" and "Bharat Bhandari" with a checkmark.



बिनादालत श्रीमान Central Administrative Tribunal महोदय
Central Bench, Lucknow

वादी (मुद्दई)
 मुद्दई (मुद्दालेह)

का

वकालतनामा

AS9

Jagdish Pd

बनाम Union of India प्रतिवादी (रेस्पान्डेन्ट)

नं० मुद्दमा 178

सन 1987 पेशी की ता० 14-11-99 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री J. Jagdish Chandra

वकील

Add. Gen. Secy, Standing Council,
Lucknow

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

नाम अदालत
 नं० मुकद्दमा
 नाम फरीकन

Accepted
J. Jagdish Chandra

R.A. Chandra
 हस्ताक्षर
 Supdt Post Offices,
 Barabanki Dist. Barabanki 225001

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना सन् १९ ई०

166

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

C.M. Application No. 310 of 1989. (L)

In re:

Registration O.A. No. 178 of 1989 (L)

Jagdish Prasad Yadav Applicant.

Versus

Union of India and others Respondents.

Application for condonation of delay in
filing counter affidavit by Respondent No.5.

The opposite party no. 5 begs to submit as under :

That for want of some information and papers relevant for preparing the counter affidavit, the same could not be prepared earlier.

That the counter affidavit has now been got prepared and is being filed along with this application and the delay occurred is bonafide and deserves to be condoned.

WHEREFORE it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to condone the delay in filing the counter affidavit and the same may be accepted.

G.S.L. Varma
(G.S.L. Varma)
Advocate,

Counsel for the Opp. Party No. 5.

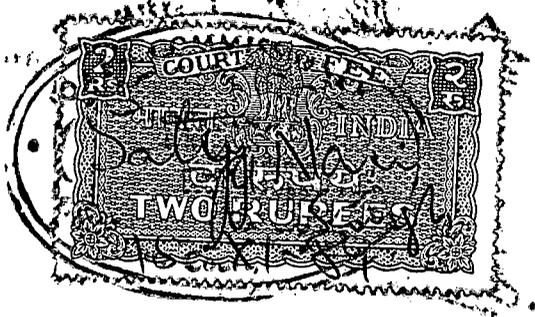
जगदीश प्रसाद यादव
जगदीश प्रसाद यादव
15/11/89
P-T
15/11/89

शरत चंद्र
O.P. No. 4/5/Applicant.

A82

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

Registration O.A. No. 178 of 1989 (L)



Jagdish Prasad Yadav Applicant.

Versus

Union of India and others Opposite Parties.

COUNTER AFFIDAVIT

Of Opposite Party No. 5.

I, Satya Nam @ Satya Nam Singh, aged about 32 years, son of Jagdamba Bux Singh, posted as Extra Departmental Branch Post Master in Branch Post Office Jamin Husainabad, sub-Post-Office Subeha, Tahsil Haidergarh, district Barabanki, the deponent do hereby solemnly affirm and state on oath as under :

1. That the deponent is the Opposite Party No. 5 in the above-noted claim petition and is well conversant with the facts of the case. The deponent has been read over and explained the contents of the Application which he has fully understood.



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as mentioned in para 7 of the application, is liable to be dismissed.

4. That the contents of para 3 of the application are with regard to limitation and are not controverted.

5. That the contents of para 4 of the application are misconceived and denied. In reply it is stated that the applicant was found unfit for the post of Extra-Departmental Branch Post Master since a charge sheet regarding severe misconduct was pending against him and he had no place for opening the Branch Post Office and to fulfil the requirements of running the ~~Branch~~ Extra-Departmental Branch Post Office. The applicant tried his best to befool the departmental authorities for over 15 months to get himself appointed as Branch Post Master by hook or crook with money and power. Also during the period from April 1987 to August 1988, he was officiating as Branch Post-Master, he had foul played with dozen of money order cases, tampered the registered letters and burnt the letters. Hence the Department took serious view of this and he was removed from the post and subsequently the department decided not to appoint him for the said post. Thus fresh applications were invited for and after necessary action the answering deponent was appointed on the said post.



5-2. That the contents of para 4-2 of the application are not controverted for want of knowledge.

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2. That the contents of para 1 of the application are misconceived and denied. In reply it is stated that the applicant is already in service of the postal department and a charge sheet has already been issued to him on the ground of severe misconduct. Therefore he has no right to seek the promotion on the post of Extra-Departmental Branch Post Master and the application is liable to be rejected.

It is submitted that since the applicant is ~~is~~ already in service of the Postal Department and the departmental proceedings against him are still pending. Therefore, during the pendency of the departmental proceedings, the applicant could not be appointed on the said post of Extra-Departmental Branch Post Master and the appointment of the answering deponent is wholly justified and in accordance with law.



3. That the contents of para 2 of the application are misconceived and denied. It is stated that the applicant has no right to be appointed on the post of Extra-Departmental Branch Post Master during the pendency of the charges levelled against him. As per provisions of the Administrative Tribunals Act there should be a separate claim petition for the separate issues. But in the present case the applicant, on one hand has challenged the charge-sheet issued to him and on the other hand is seeking appointment on the post of Extra-Departmental Branch Post Master in place of the deponent. Therefore, the present application with regard to the relief no. B

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as mentioned in para 7 of the application, is liable to be dismissed.

4. That the contents of para 3 of the application are with regard to limitation and are not controverted.

5. That the contents of para 4 of the application are misconceived and denied. In reply it is stated that the applicant was found unfit for the post of Extra-Departmental Branch Post Master since a charge sheet regarding severe misconduct was pending against him and he had no place for opening the Branch Post Office and to fulfil the requirements of running the ~~Branch~~ Extra-Departmental Branch Post Office. The applicant tried his best to befool the departmental authorities for over 15 months to get himself appointed as Branch Post Master by hook or crook with money and power. Also during the period from April 1987 to August 1988, he was officiating as Branch Post-Master, he had foul played with dozen of money order cases, tampered the registered letters and burnt the letters. Hence the Department took serious view of this and he was removed from the post and subsequently the department decided not to appoint him for the said post. Thus fresh applications were invited for and after necessary action the answering deponent was appointed on the said post.



Ex 5-2. That the contents of para 4-2 of the application are not controverted for want of knowledge.

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- 4 -

5-3. That the contents of para 4-3 of the application are not controverted. In addition ^u it is stated that the applicant has done a lot of forgery while holding charge of the post and that is why the charge sheet has already been issued to him and the enquiry is pending. During the ~~at~~ ^u pendency of enquiry, the applicant could not be ~~not~~ ^u appointed on the post of Extra-Departmental Branch Post Master on which the deponent has been given appointment after due consideration by the authorities concerned.

5-4. That the contents of para 4-4 of the application are not controverted. In addition it is stated that the decision for opening the new Extra-Departmental Branch Post Officer was taken by the authorities concerned and for the post of Extra-Departmental Branch Post Master the names from the Employment Exchange were called to fill the vacancy. The applicant being employed in the postal department, was not entitled to apply for the said post. In spite of this, the applicant got his name entered as an unemployed person in the Employment Exchange with mischievous intention without any permission of the departmental authorities.

5-5 That the contents of para 4-5 of the application are misconceived. In addition it is stated that the applicant being an employee in the Postal Department, had no right to make application for appointment on the post of Extra-Departmental Branch Post Master.



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5-6. That the contents of para 4-6 of the application are misconceived. It is stated that ~~that~~ the Superintendent of Post Offices has asked for the names from Employment Exchange to fill up two vacancies of E.D.M.P. and B.P.M. and only three names were forwarded leaving aside the other names by the Employment Exchange because the applicant was active in playing foul game. Mr. Baij Nath was appointed E.D.M.P. out of three names. Thus only two names were left for appointment as Branch Post Master which is contrary to rules of Posts & Telegraphs Department. Hence the appointment was kept in abeyance.

5-7. That the contents of para 4-7 of the application are misconceived. It is stated that the report given by the Pradhan Sri Ram Khelawan is very correct and true. He is keeping two wives, is a drunker and involved in many cheating cases. He has taken away the daughter of his neighbour Sri Mata Prasad and sold her for rupees sixteen hundred. Subsequently an F.I.R. was lodged against him in the Police Station Subeha, Distt. Barabanki and Shukul Bazar, Sultanpur in March 1983.



5-8. That the contents of para 4-8 of the application are misconceived and denied. In reply it is stated that the applicant does not know how to behave. ~~The~~ ^h ~~deponent~~ ^h belong to a respectable family and my name is Satyanam ^h Singh son of late Sri Jagdamba Bux Singh. ~~The deponent~~ ^h ~~But the~~ ^h ~~counsel and the~~ ^h applicant tried to misbehave and abuse

सत्यनम सिंह

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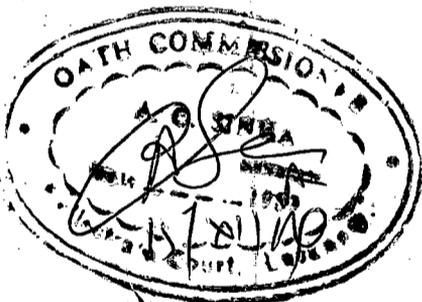
my late father name, knowing pretty well the names (through documents submitted by applicant) needs your attention please. The applicant does not belong to this village and Mauza. Originally they are from village Daflapur h/o Sarifabad. It was the answering deponent's father who gave him shelter and land for cultivation and today they are trying to hurt the feelings of the demised soul by calling "JAGDAMBA". Since I have been legally appointed by the Département, the post office work started functioning at my house with immediate effect, i.e. 5th July 1989.

5-9. That the contents of para 4-9 of the application are denied for want of knowledge.

5-10. That the contents of paras 4-10, 4-11 and 4-12 of the application are misconceived and denied, for want of knowledge. In addition it is stated that the deponent was appointed on the post of Extra-Departmental Branch Post Master after due consideration, on merit and other requirements for funning the Extra-Departmental Branch Post Office.

5-11. That the contents of paras 4-13, 4-14, 4-15, 4-16 and 4-17 of the application concern the Département. Therefore they need no reply from the answering deponent.

5-12, That with respect to the contents of para 4-18 of the application it is stated that the Respondent no. 4, S.D.I. (East) is not the appointing authority



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The applicant has been detained by the S.D.I. (East) being the Department E.D.M.P. to look after the post till the new appointment was made and he has never been appointed by the appointing authority or was asked to officiate. The applicant was proved to be fraudulent and mischievous during the four months Caretaker and thus he was removed from the post. Subsequently the charge sheets were issued to him and his candidature for the said post was also cancelled.

5-13. That the contents of para 4.19 of the application do not concern the answering opposite party.

5-14. That the contents of para 4.20 of the application are false, fabricated and denied. The charges levelled against the applicant are clearly evident that the applicant is a mischievous person and does not deserve to be retained in service of any Department of Government.

5-15. That the contents of para 4-21 of the application are false, fabricated and denied. In reply it is stated that the charges levelled against the applicant clearly show the conduct of the applicant. On the basis of charge sheet the applicant's services are liable to be dismissed from the Department, what to say about his promotion for which the question does not arise at all.



अल्पनामसिंह

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5-16. That the contents of para 4.22 of the application are false, fabricated and hence denied. The charge issued to the applicant clearly indicates the misconduct of the applicant. Therefore, he could not be considered for the post of Extra-Departmental Branch Post Master.

5-17. That the contents of para 4.23 of the application, as alleged in the application, are misconceived and hence denied. In reply it is stated that the person against whom the departmental misconduct proceedings have been initiated and the charge sheet has been issued, could not be considered for further appointment on the post of Extra Departmental Branch Post Master. That is why the applicant was rejected for the post and the answering opposite party was found suitable for the post and has been given appointment.



6. That the contents of para 5 of the application are denied for want of knowledge.

7. That the contents of para 6 of the application are not controverted.

8. That the applicant is not entitled for any of the reliefs claimed by him in the application and the present application is liable to be dismissed.

9. That the contents of para 8 of the application

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are misconceived and denied. In reply it is stated that none of the grounds, as mentioned in the application are sustainable in the eye of law and the present claim petition is liable to be dismissed.

10. That the contents of para 9 of the application are misconceived and denied. In reply it is stated that the ~~claim~~ applicant does not deserve any interim relief to be granted by this Hon'ble Tribunal.

Dated Lucknow:
Nov. 15th, 1989.

शतमन्त्रिण

Deponent.

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Verification.

शतमन्त्रिण
G.S.L. Verma

I, the deponent above named, do verify that the contents of paras 1 to 7 (including those of sub-paras 5-2 to 5-17) are true to my own knowledge and those of paras 8 to 10 are believed by me to be true. No part of it is false and nothing material has been concealed so help me God;

शतमन्त्रिण

Deponent.

Dated Lucknow:
Nov. 15th, 1989.

I identify the deponent who has signed before me.

G.S.L. Verma
Advocate.

10/11/89
शतमन्त्रिण
G.S.L. Verma
Advocate

(67)

(A71)

Before the Central Administrative Tribunal,
Allahabad Bench at Lucknow.

M. P. No. 101/92

O.A.No. 178(L) of 1989.

--

Jagdish Prasad. -----Applicant

Versus

Union of India & others. -----Opp-parties.

F.F.29.1.92

Application for permission
to file Affidavit.

The opposite party most respectfully
submit as under :-

1. That the facts stated in the accompanying affidavit
affidavit are material for disposal of the aforesaid
case.

Wherefore, it is most respectfully prayed
that this Hon'ble Tribunal be pleased to allow the
opposite party to file the same.

*Filed today
G.S.L.
29/1/92*

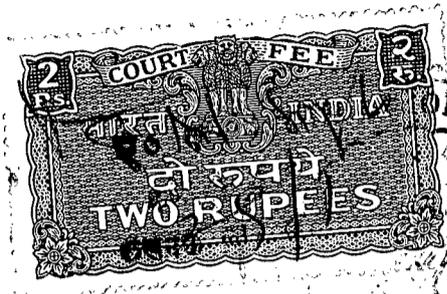
Lucknow, dated,
29.1.1992

G.S.L. Verma
(G.S.L. Verma)
Advocate.
Counsel for opposite party.

A72

Before the Central Administrative Tribunal,
Allahabad Bench at Lucknow.

O.A.No. 170⁶ of 1989.



Jagdish Prasad.

-----Applicant

Versus

Union of India & others.

-----Opp-parties.

A F F I D A V I T.

I, Satya Nam Singh, aged about 35 years, son of Jagdamba Bux Singh, resident of Village Pure Kerhaon, h/o Jamin Husainabad, District Barabanki, do hereby solemnly affirm as under :-

1. That the deponent is one of the opposite party in the aforesaid case, as such he is well conversant with the facts of the case.
2. That the applicant- Jagdish Prasad is at present working as Mail Runner at Garawan Branch Post Office, District Barabanki, since last five to six years. At new opening of Branch Post Office at Jamin Husainabad, he was ~~not~~ entrusted to official^{ly} as Branch Post Master till the regular appointment on the post of Branch Post Master is made. Due to irregularities he was removed from the post and other E.D.M.P. was entrusted



सत्यनाम सिंह

(A74)

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

Misc. Application No. 332 of 1990. (L)

APPLICATION FOR DISMISSAL

Union of India & Others Applicant/ Respondents.

In

Case No. C.A. 178 of 1989 (L)

Jagdish Prasad Yadav Applicant

Versus.

Union of India & Others Respondents.

To,

The Hon'ble Vice Chairman & His Companion
Members of the aforesaid Tribunal.

The application of the humble applicant most respectfully shows

1. That full facts have been given in the accompanying ~~Supplementary~~ Counter Reply *to Respondents affidavit*
2. That for the facts & circumstances stated in the accompanying ~~Supplementary~~ Counter Reply it is expedient in the interest of justice that the ~~same~~ ~~Supplementary~~ Counter Reply may be taken on record & the petition may be dismissed with costs.

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may be pleased to admit the accompanying ~~Supplementary~~ Counter Reply and to dismiss the petition with costs.

Lucknow ;

Dated : 14-5-90.

(Signature)
(Dr. Dinesh Chandra
Advocate,
Addl. Standing Counsel,
Counsel for the Respondents.

f.T.
SHP
15/5/90

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

SUPPLEMENTARY COUNTER REPLY to Rejoinder affidavit

In

D.A. 178 of 1989 (L)

Jagdish Prasad Yadav Applicant.

Versus.

Union of India & Others Respondents.

I, R. A. Verma, aged about 52 years son of Late Shri Ram Deo Verma, Supdt. of Post Offices, Barabanki, do hereby solemnly affirm and state as under :-

1. That the deponent has read the rejoinder affidavit filed by the petitioner and has understood the contents thereof.
2. That the petitioner has raised certain points which requires clarification in the interest of justice.
3. That the contents of para 1 to 3 need no comments.
4. That in reply to para 4 of the rejoinder affidavit it is stated that the applicant's name was sponsored by the Employment Exchange as a fresh candidate alongwith two other candidates. The applicant was not a departmental candidate for the post of Extra Departmental Post Master because there was no provisions for inviting candidates from the department for recruitment to the said post. While considering the candidature of the applicant for the post of EDBPM it was found that his conduct and performance as acting E.D.B.P.M. of

R.A. Verma

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Zamin Husainabad was not satisfactory for which he was issued a warning (Annexure R- 4).

The Petitioner also not acted the provisions of Rule 25 of the EDA (Conduct & Service) Rule, 1964 in as much as he brought political influence to bear upon the department in respect of his ~~xxxx~~ selection to the said post. A Photostat copies of letters received in this regard to the deponant are being filed as Annexure SR-1, SR-2 and Sr-3. It is further stated that the Respondent No. 5 is the resident of Kerhan Purwa which is a hamlet of Village Zamin Husainabad. This fact has been certified by the Police authorities, a copy of which is being filed as Annexure SR-4.

5. That the contents of para 6 are misconceived. The E.D. Branch Post ~~xxxx~~ office can be located in any hamlet situated within the parameter of the village Kerhan is a Purwa or hamlet of Village Zamin Husainabad
6. That in reply to para 7 the submissions made in para 10 of the Counter Affidavit are re-iterated.
7. That in reply to para 8 of the Rejoinder Affidavit it is stated that according to Rule 3 of P & T. Manual, Volume IV, the charecter and antecedent of E. D. Agent should be verified in ~~xxx~~ advance. As such the character of the petitioner as well as that of the Respondent No. 5 were got verified through Police. The antecedents of the petitioner was adversely reported by the Inspector of the department.

R.A. Veng

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8. That the contents of paras 9 and 10 need no comments.
Submissions made in para 12 to 16 of the Counter Affidavit are re-iterated.
9. That in reply to the Contents of para 11 it is submitted that the matter is a part of disciplinary proceedings which is under enquiry.
10. That the contents of para 12 of the Rejoinder Affidavit are admitted.
11. That in reply to contents of para 13 to 15, the submissions made in para 19 to 21 of the Counter Affidavit are re-iterated.
12. That in reply to para 16 it is submitted that the Inspector is the competent disciplinary authority of the petitioner who was E.D. Mail Peon.
13. That in reply to para 17 to 24, the submissions made in para 23 to 30 of the Counter Affidavit are re-iterated.

Lucknow ;

Dated : 14-5-70

R.A. Vemp
Respondent.

contd. 4.

A-79

2; 4 :-

Verification

I, the above named deponant/ Respondent do hereby verify that the contents of paras 12, 13 of this Counter reply are true to the best of my personal knowledge and those of paras 4, 13 are believed by me to be true based on records and as per legal advice of my counsel. That nothing material fact has been concealed and no part of it is false, so help me God.

Signed and verified this the 14th day of May, 1990

at Lucknow.

Lucknow ;

Dated : 14-5-90

R.A. V...
Respondent.

सुरेन्द्र नाथ अवस्थी
 नि:शांकां. सं०
 हैदराबाद- बाराबंकी।



जी०-४ पार्क रोड कारोनी
 लखनऊ।
 दिनांक-अप्रैल 24, 1989

श्री. प्रारणोवर्मा,
 डाक अधीक्षक, प्र सण्ड बाराबंकी।

प्रहोदय,

मेरे विधान सभा क्षेत्र हैदराबाद, जनपद- बाराबंकी के परगना-हुसेनाबाद की ग्राम-जमीन हुसेनाबाद के लिए फरवरी 1988 में एक शाखा डाकघर स्वीकृत हुआ था और दिनांक-25.3. 1988 से पूर्णतः समयबद्ध होकर कार्य कर रहा है।

उक्त संदर्भ में आपको अवगत कराना है कि श्री जगदीश प्रसाद यादव पुत्र श्री श्रीपाल यादव जो जमीन हुसेनाबाद के ही मूल निवासी हैं तथा विगत 14 वर्षों से शाखा डाकघर गेरावाँ में ई०सी० के पद पर कार्यरत हैं। इन्हें ज्ञान्च पोस्टमास्टर पद के कार्य का अग्रता अनुभव है। इनका नाम उपरोक्त शाखा डाकघर जमीन हुसेनाबाद में ज्ञान्च पोस्ट मास्टर पद पर नियुक्ति हेतु प्रस्तावित हो चुका है तथा फाईल आपके कार्यालय में पेन्डिंग में पड़ी हुई है। श्री जगदीश प्रसाद यादव ज्ञान्च पोस्ट मास्टर पद सम्पूर्ण वैधानिक कार्यवाही पूरी करते हैं तथा यह एक कर्मठ एवं परिश्रमी एवं ईमानदार व्यक्ति हैं।

मेरे संज्ञान में लाया गया है कि श्री जगदीश प्रसाद यादव की उपरोक्त शाखा डाकघर जमीन हुसेनाबाद बाराबंकी में ज्ञान्च पोस्ट मास्टर पद पर नियुक्ति हेतु सम्पूर्ण वैधानिक कार्यवाही पूरी होने के पश्चात आप द्वारा श्री यादव का नियुक्ति आदेश पत्र जारी करने में तिसम्ब किया जा रहा है, जो अनिहित में न्यायसंगत नहीं है।

अस्तु आपसे प्रेषणा करूँगा कि तत्कालिक प्रभाव से प्राथमिकता के आधार पर श्री यादव का नियुक्ति आदेश पत्र जारी करने का कष्ट करेंगे तथा कृत कार्यवाही से सुरे भी अधिकतम प्रयत्न करेंगे।

प्रतिलिपि:-

सधन्यवाद,

श्री बी.पी.सिंह, डाक निदेशक,

लखनऊ क्षेत्र, न्यू हैदराबाद लखनऊ

225007 को आवश्यक कार्यवाही हेतु।

भवदीय
 सुरेन्द्र नाथ अवस्थी
 नि:शांकां. सं०
 हैदराबाद, बाराबंकी।

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मनमोहन तिवारी

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आल इण्डिया स्कूल मैनेजर्स एसोसियेशन
- ★
- उपमंत्री
सांस्कृतिक आर्य प्रतिनिधि सभा
महाराज दयानन्द भवन रामलीला मैदान
नई दिल्ली-२
- ★
- मंत्री
उ० प्र० विद्यालय प्रबन्ध महासभा
- ★
- मंत्री
आर्य समाज लखनऊ
- ★
- सदस्य
बोर्ड सूत्रीय कार्यक्रम समिति लखनऊ
उ० प्र० व्यापारी सेल कांग्रेस (ई)
उ० प्र० खादी तथा ग्रामीणोद्योग बोर्ड लखनऊ
- ★
- भारत सेवक समाज उ० प्र०
- ★
- सहसंयोजक
उ० प्र० नागरिक परिषद 'लखनऊ मण्डल'
- ★
- संयोजक
युवा एवं विवाहा पेंशन
आर्य कांग्रेस कमेटी (ई) लखनऊ
- ★
- प्रबन्धक
डी०ए०वी० डिप्टी कानेज लखनऊ
- ★
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- ★
- आयुक्त विद्यालय इण्टर कानेज लखनऊ
- ★
- दयानन्द मिथ्या मंदिर लखनऊ
- ★
- आर्य समाज टेलरिंग स्कूल लखनऊ
- ★
- दयानन्द संगीत विद्या मंदिर लखनऊ
- ★
- दयानन्द रावि पाठशाला लखनऊ
- ★
- दयानन्द गिण्टी मंदिर लखनऊ
- ★
- उपाध्यक्ष
श्री अलसेन्द्र इण्टर कानेज, भिनगा,
बहराइच
- ★
- प्रधान सम्पादक
आर्य मित (मासिक)
- लखनऊ



निवास : 47032
 फोन : [कार्यालय : 46296, 47302
 लखनऊ : 47475, 45993
 दिल्ली-274771-260935

पुराना नपेशखाना,
 लखनऊ-226001

प्रतिष्ठा में,

माननीय श्री धीर बहादुर सिंहजी, **अप्रैल 24, 1989**
 संघार मंत्री, भारत सरकार,
 नई दिल्ली।

प्रिय महोदय,

सादर अनुरोध है कि विधान सभा क्षेत्र उदरगढ़, जनपद
 बाराबंकी की ग्रामसभा-जमीनहुतेनावादा, परगना-सूफेहा के लिए फरव
 1988 में एक शाखा डाकघर स्वीकृत हुआ था और दिनांक-25.3.8
 से पूर्णतः तमयबद्ध होकर कार्य कर रहा है।

उपरोक्त संदर्भ में आपको अवगत कराना है कि श्री सत्यजी
 प्रसाद यादव पुत्र श्री श्रीपाल यादव जो जमीन हुतेनावादा के ही मूल
 निवासी हैं तथा विका 14 धरों से 150डी0 के पद पर शाखा डाकघ
 गेराघों में कार्यरत हैं जिनका नाम उपरोक्त शाखा डाकघर जमीनहुते
 वादा में प्रान्थ पोस्टमास्टर पद हेतु प्रस्तावित हो चुका है तथा का
 श्री आर०ए०एम० डाकघर अधीक, बाराबंकी के कार्यालय में पेंसिबल में प
 हुई हैं। श्री जगदीश प्रसाद यादव प्रान्थ पोस्टमास्टर पद की सम्पूर्ण
 अर्हताएं पूरी करते हैं तथा एक कर्मठ एवं ईमानदार व्यक्ति हैं जिनका
 उपरोक्त क्षेत्र के विधायक ने भी प्रमाणित किया है।

मेरे संज्ञान में लाया गया है कि उपरोक्त व्यक्ति के स्था
 पर श्री सत्यनाम पुत्र श्री जगदम्मा की नियुक्ति करने के उद्देश्य से
 किसी व्यक्ति विशेष द्वारा अपने निजी स्वार्थपक्ष प्रार्थी श्री यादव
 य निरीक्षक डाकघर पूर्वी क्षेत्र बाराबंकी की शिकायत करने पर डाक
 अधीक बाराबंकी द्वारा प्रार्थी का नियुक्ति आदेश जारी करने में
 विवम्व किया जा रहा है जो अनिहित में उचित नहीं है जबकि श्री
 सत्यनाम पुत्र श्री जगदम्मा उनी ग्राम सभा के एक मात्र 15 धरों के
 पुरवा का निवासी है। ग्राम जमीन हुतेनावादा का मूल निवासी न
 है जबकि विभाग का नियम है कि शाखा डाकघर पद पर नियुक्ति
 हेतु उनी व्यक्ति की हो सकती है जो उनी ग्राम का मूल निवासी है
 जिस ग्राम के नाम डाकघर हुआ हो। शिकायत कर्ता द्वारा भी मध
 शिकायत पूर्णतः गलत एवं निजी स्वार्थपक्ष है।

अस्तु आपसे सादर अनुरोध है कि श्री यादव पुत्र श्री
 श्रीपाल यादव जिनका नाम उपरोक्त शाखा डाकघर जमीनहुतेनावादा
 बाराबंकी में प्रान्थ पोस्टमास्टर पद हेतु सम्पूर्ण वैधानिक कार्यवाही
 पूर्ण होने के पश्चात प्रस्तावित हो चुका है का नियुक्ति आदेश जारी
 करने हेतु श्री आर०ए०एम० डाकघर अधीक बाराबंकी को निर्दिष्टि क
 की कृपा करें।

शुभ कामनाओं सहित,
 आपका

मनमोहन तिवारी, 2...

ABZ

राजा राजीव कुमार सिंह
विधाक
धरियावाघ-बाराबंकी।०



संकेत पत्राची [नरदी]
संख्या
दिनांक - अगस्त 24, 1989

सेवा में,

श्री श्री०श्री० सिंह,
डाक विभाग,
संख्या क्षेत्र, पंच देहरावाघ संख्या-226007

आदरणीय महोदय,

साधर अुरोध है कि विधान सभा क्षेत्र देहरावाघ, जलपद-बाराबंकी परगना-
सुंखवा की ग्राम सभा-जमीन हुंनवावाघ के लिए करवरी 1988 में एक शाखा डाकघर
स्वीकृत हुआ था जो कि दिनांक-25.3.1988 से पूर्वतः समयबद्ध होकर कार्य कर रहा है।

उक्त संदर्भ में आपको अवगत कराना है कि श्री जगदीश प्रसाद यादव पुत्र श्री
श्रीपाल यादव जो जमीन हुंनवावाघ के ही मूल निवासी है तथा विगत 14 वर्षों से
श्री०श्री० के पद पर शाखा डाकघर गेरावाँ में कार्यरत है इसका नाम उपरोक्त डाकघर
जमीन हुंनवावाघ में प्रान्च पोस्टमास्टर पद हेतु प्रस्तावित हो चुका है तथा फार्मल
श्री आर०ए०बर्मा डाक अधीक्षक बाराबंकी के कार्यालय में पेंडिंग में रही हुई है। श्री
जगदीश प्रसाद यादव एक प्रान्च पोस्ट मास्टर पद की सम्पूर्ण अर्हताएं पूरी करते हैं तथा
एक समर्थ एवं ईमानदार व्यक्ति है।

भैर संज्ञान में लाया गया है कि उक्त व्यक्ति के स्थान पर श्री सत्यनाम
पुत्र श्री जगदम्मा की नियुक्ति करने के उद्देश्य से किसी व्यक्ति विशेष द्वारा अपने निजी
स्वार्थसंग प्राचीं श्री यादव व निरीक्षक डाकघर पूर्वी क्षेत्र [श्री आर०ए०बर्मा] बाराबंकी की
क्षिणागत करने पर डाक अधीक्षक बाराबंकी द्वारा प्राचीं का नियुक्ति आवेदन [पत्र] जारी
करने में बिलम्ब किया जा रहा है जो संघर्ष में उचित नहीं है, जबकि श्री सत्यनाम पुत्र
श्री जगदम्मा उसी ग्राम सभा के एक मात्र 15 वर्षों के दुरवा का निवासी है। ग्राम जमीन
हुंनवावाघ का मूल निवासी नहीं है, जबकि विधान का नियम है कि शाखा डाकघराल पद
पर नियुक्ति तभी व्यक्ति की हो सकती है जो उसी ग्राम का ही निवासी हो जिस
ग्राम के नाम डाकघर हुआ हो क्षिणागत कर्ता द्वारा की गयी क्षिणागत पूर्वतः मूलत एवं
निजी स्वार्थसंग है।

अस्तु आपसे साधर अुरोध है कि श्री जगदीश प्रसाद यादव पुत्र श्री श्रीपाल
यादव जिसका नाम उपरोक्त शाखा डाकघर जमीन हुंनवावाघ बाराबंकी में प्रान्च पोस्ट
मास्टर पद हेतु सम्पूर्ण वैधानिक कार्यवाही पूर्ण होने के पश्चात प्रस्तावित हो चुका है
का नियुक्ति आवेदन [पत्र] जारी करने हेतु श्री आर०ए०बर्मा डाक अधीक्षक बाराबंकी को
निर्देशित करने की कृपा करें।

प्रतिनिधि:- श्री आर०ए०बर्मा डाकघर [नरदी] राजा राजीव कुमार सिंह

ब अदालत श्रीमान
[वादी अपीलान्ट]
प्रतिवादी [रेस्पाडेंट]

Central Administration
Allahabad का वकालतनामा
Lucknow

O. A. No. 178 of 1989 (4)

Sagdish Prasad Yadav
विकट वादी (अपीलान्ट)
Union of India & Ors

बनाम

प्रतिवादी (रेस्पाडेंट)

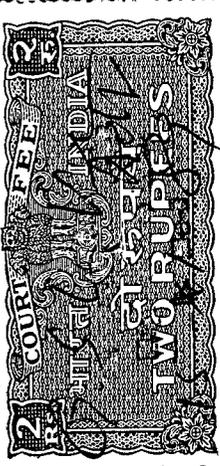
नं० मुकद्दमा

सन

पेशी की ता०

१९ ई०

उपर लिखे मुकद्दमा में अपनी ओर श्री
Advocate, 497/9 Babujanpuri
G. S. L. VARMAN
वकील महोदय एडवोकेट



नाम अदालत
मुकद्दमा नं०
नाम फरीक

मैं नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील रबी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल या हमारी ओर से डिगरी जारी करावें और रुपया वसूल नामा व इकबाल दावा तथा अपील निगरानी हमारी ओर देने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरोबी 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।

Acceptance
G. S. L. VARMAN

हस्ताक्षर

श्री ग. स. ल. वर्मान

(Opp. party No 2)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

14-11-89

महीना

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स्वीकृत

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Before the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

Rejoinder Affidavit to the
Counter Affidavit of Respondents

Inre:

O.A. No. 178 of 1989(L)

Jagdish Prasad Yadav ...Applicant

Vs.

Union of India & others ...Respondents.

I Jagdish Prasad aged about 33 years,
S/o Orripal Yadav, R/o Village and Post
Zamin Musainabad sub Post office Subeha,
Tehsil Moidargarh, District Barabanki,
do hereby solemnly affirm and state as
under:-

1- That the deponent is applicant in the
^{noted case}
above O.A. no. 178 of 1989 and has fully conversant
to the fact the post here inafter.

2- That the deponent has been read over
the contents of the Counter Affidavit filed by
the respondents and has understood the same.

8/11/90

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3. That the contents of para 1 to 6 of the Counter Affidavit do not call for any reply.

4. That the contents of para 7 of the Counter Affidavit are not admitted to be correct. ^{It} is submitted that the answering respondents have tried to mislead this Hon'ble Tribunal by annexing letter dt. 31/3/88 of the District Employment Exchange Barabanki along with the list containing three names sponsored by the Employment Exchange including the name of the deponent but an inference can not be drawn to the effect that he was not already working on the post of Extra Departmental Post (hereinafter referred to as EDP) and as such he was a departmental candidate. For the sake of clarification the deponent submits that the list had three names excluding the name of Sri Satyanam Singh (respondent No. 5). At that time he was fulfilling the required requisites as per section 2 of Post and Telegraph Extra, Departmental Staff Service Rules relating to method of recruitment, for example age, educational qualification and income and ownership of the property.

It may be stated that the said list was intentionally rejected by respondent no. 3 because of the fact that the name of the respondent no. 3 did not find place in the said list. In such circumstances the post of Extra Departmental Branch Post Master

जादीश प्रकाश 2029

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(hereinafter called as F.D.B.P.M.) was notified vide his order 25/8/80 for the branch post office of Zamin Husainabad, meaning thereby that the outsiders were also allowed to make application for the said post and in response so far as the deponent knows, these applications were received in the office of respondent no. 3 in which there was the application of the deponent. On this basis verification was made by the S.D.I, the details of which are noted in para 4-12.

That it is pertinent to mention that besides verification of the three applicants the separate verification of respondent No. 5 was made by the departmental authority in order to make his appointment while neither his name was sent from the Employment Exchange nor he belongs to Zamin Husainabad. In this connection the deponent craves indulgence of this honorable Tribunal to kindly have the character certificate of Satyana (respondent no. 5) which certificates were issued by Sri Raj Narain Tiwari (Block Ramukh Haidergarh) and health officer, Haidergarh.

5. That in reply to para 8 of the Counter Affidavit it is stated that it is incorrect to state that the verification of the candidates ^{was} ~~was~~ done fairly in respect of respondent no. 5. In this connection the contents of para 4-7 are again reiterated.

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6. That the contents of para 9~~2~~ are not admitted as stated. It may be stated that the Branch Post Office as alleged has been shifted to the Village of respondent no. 5. But the name of the Post Office is still in the name of Zamin Husainabad.

That it may be stated that for seeking employment as EDBPM, the candidate must be the permanent resident of the village as provided in Rule (II) of Sec. II where the Post Office is located. The respondent no. 5^{is} not the permanent resident of Zamin Husainabad. He actually belongs to the village Poorey Kevahan.

7. That the para 10 of the Counter Affidavit needs to reply.

8. That in reply to para II of the Counter Affidavit, the contents of para 4-10 of the application reiterated to be correct according to the statement to para under reply. It may be stated that after the notification of the sad vacancy vide Annexure -R-2 to the Counter Affidavit. The S.D.I. (East) Barabanki submitted his report to respondent no. 3 and on that basis the respondent no. 3 got the verification of the deponent done through police. And the police gave favourable report to the department, the appointment was not made on the Post of E-D B.P.M. It may be noted that he was caused prejudice by the respondent on the ground that at that time,

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the respondent no. 5 was not eligible candidate for the said post and in order to give him a room his separate verification was done by the Inspector.

9. That para -12 of the Counter Affidavit needs no reply.

10. That in reply to para I4,I5,& I6 of the Counter Affidavit, It is submitted that a first chargesheet dt. II.12.88, which contain three charges was issued . The details are already mentioned in para 4-13 of the deponent application. and the deponent does not dispute Annexure-R-5 to the Counter Affidavit.

11. That in reply to ~~contents of~~ para-17 of the Counter Affidavit, the contents of para 4-17 of the application are reiterated to be correct. It is ~~pertinent~~ to mention that 2nd charge sheet issued against the deponent is politically motivated as he never tried to approach the M.L.A of Haidergarh.

12. That the contents of para 18 of the Counter Affidavit are not admitted to be correct and correct facts are stated in para 4-18 of the application , It is denied that the deponent was not relieved on 5.7.88 but he was relieved on dt. 5.8.88.

गणेश ११/११/२०२१

I3. That the contents of para 18 are denied and the contents of para 19 of the application are reiterated as correct. The deponent has filed a copy of the reply to the charge sheet as Annexure-9 of the application.

I4. That the contents of para 20 of the counter affidavit are denied and in reply thereto the contents of para 2-20 of the application are reiterated to be correct. It is stated that there has been no complaint against the deponent regarding his behaviour conduct, and also regarding his work. He never acted against the interest of the Department. The details regarding the charges made in the first charge sheet are given in para 4-13 of the application, which may kindly be perused.

I5. That the contents of para 21 of the counter affidavit are denied as Rule 17 relating to recruitment as quoted, is perfectly applicable in applicant's case.

I6. That the contents of para 22 of the application are denied and the contents of para 4-22 are reiterated to be true. It may be stated that alongwith counter affidavit, a report given by the Inspector of Police Offices have been annexed as Annexure R-4 to the counter affidavit. From a perusal of Annexure-, it will indicate that instead of reporting to the Punishing Authority, he himself has ordered that Sri Jagdish Prasad was issued strict warning saying that if he again does the same work, he will be

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punished according to rule.

17. That in reply to para 23 of the counter affidavit, it is stated that Rule 17 has rightly been referred to in the deponent's case. It appears that in the Swamy's publication of 1987, the substance of Rule 17 has been quoted in Rule 15 at page 67. For the sake of convenience of this Hon'ble Tribunal, the applicant is filing an extract photostat copy of Rule 15 of Swamy's Book in reply to ~~as~~ Annexure 3-B to this application.

18. That ^{in reply to} the contents of para 24 of the counter affidavit, it is stated that Annexure 3-A has been annexed with the application. However, if the same has not been supplied to the Counsel for the respondents, the deponent is again filing true photostat copy of the same as Annexure- 3-C to this rejoinder affidavit.

19. That para 25 of the counter affidavit needs no reply.

20. That the assertion made in para 26 of the counter affidavit ~~is~~ denied and paras 7 and 9 of the application relating to relief sought for are reiterated to be correct and the balance of convenience is ~~his~~ in favour of the applicant.

21. That in reply to para 27 of the counter affidavit, the deponent is advised to state that the

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the grounds set out in the para⁸ of the application are tenable in law. It is strongly denied that there is no case of the applicant; the deponent has got prima facie case.

22. That the allegations made in para 28 of the counter affidavit are also denied on the ground that answering opp. parties are trying to twist the facts. In support of his case, the deponent submits with respect that on 9.12.89 on account of malicious and malafide attitude Sri H.N. Shukla, Enquiry Officer has appointed by Sri Katwaru Ram (O.P.no.6) has started enquiry which is politically motivated. It is reiterated that the deponent never contacted M.L. As. or Block Pramukh. It is ~~reiterated~~ submitted that the reliefs sought for has got clear connection with his appointment on the post of EDBPM because this charge has been made the basis for not appointing him on that post, hence contentions to the contrary are wrong, false, and incorrect.

23. That the contents of para 29 of the counter affidavit need no reply.

24. That in reply to para 30 of the counter affidavit, it is stated that the deponent has/complete filed copy of the application alongwith annexures; vague and general charge is being made in order to prejudice the court Tribunal.

Lucknow dated:


Deponent



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I, the above named deponent, do hereby
~~make~~ verify that the contents of paras 1, 2
~~4, 5, 6 parts, 8, 10, 11 to 14, 16, 19 and 24~~
----- are true to
my personal knowledge, those of paras -----

are true to my information based on documents,
and those of paras ~~3, 6 parts, 7, 9, 15, 17, 19 to 23,~~

are based on legal advice and belief, and nothing
material has been suppressed.

Lucknow dated:

5/14/21 5/15/21

Deponent

I identify the deponent who has
signed before me.

Rasan
Advocate

Solemnly affirmed before me on

at a.m/p.m by
the deponent who is identified by
Sri

Advocate, High Court, Lucknow Bench, Lucknow.
I have satisfied myself by examining the deponent
that he understands the contents of the affidavit
which has been read out and explained by me.

by ordinary post. This is always risky since complaints may come at a later date about non-receipt of the communication. Hence the appointing authorities may address all the candidates sponsored by the Employment Exchange by Registered Post with Acknowledgement due, enclosing a specimen application form with all details.

[P.M.G., Madras, Letter No. STC/13-390/84, dated the 24th April, 1984.]

(14) Giving alternate employment to ED Agents thrown out of employment for want of vacancy.—It has been brought to notice that post offices are being closed as a result of the instructions, but the ED Agents in those post offices are not being offered any alternative employment and are thus thrown out of their jobs. In this connection attention is invited to D.G., P. & T. Letters No. SPB 295-4/53, dated 8-8-1953 and 43-24/64-Pen., dated 12-4-65. This is to clarify that these orders will also be applicable in cases where ED Agents are deprived of their employment because a post office has to be closed down/downgraded on account of being considered unremunerative as per Rule 568-A of P. & T. Manual, Vol. IV. It is requested that these instructions may be brought to the notice of all concerned and implemented carefully.

[D.G., P. & T. Letter No. 27-3/77 (Pt.), dated the 19th August, 1978.]

It has been decided that the ED Agents, whose services are to be dispensed with on departmentalisation of their offices, may be provided for in other available extra-departmental posts if they are suitable and willing.

[D.G., P. & T. Letter No. 295-4/53, dated the 8th August, 1953.]

2. The matter has been examined and it has further been decided that if at the time of departmentalisation of a particular office, it is not possible to provide the discharged ED Agent in a vacancy in the vicinity/neighbourhood of his residence, his name may be kept on the waiting list and he be offered the vacancy that may arise subsequently in the vicinity/neighbourhood of the place of his residence. If, however, the discharged ED Agent refuses to avail himself of this opportunity, no preference for further vacancies may be given to such an Agent.

3. It may also be mentioned in this connection that while the policy should be to provide discharged ED Agents with alternative employment near their original office, it should be ascertained from them if they would be prepared to accept a job at some distance from their place of residence rather than waiting for a vacancy to occur near their home station.

[D.G., P. & T. Letter No. 43-24/64-Pen., dated the 12th April, 1965.]

(15) Selection and appointment of EDAs from those working.—The question whether a working ED Agent should be given priority over other applicants in the matter of selection for appointment in ED Posts and, if so, whether the past service of such ED Agents appointed

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O.A. Reg. No. 178 of 1989 (L)
Jagdish Prasad Yadav

1991

Applicant

Union of India vs

Opp. Parties

Annexure - 3B



Application No. ...of 1989
Sri Jagdish Prasad ... Applicant
Vs. ... Respondent
Union of India & others
ANNEXURE NO. 3. 6

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सेवा में,

निदेशक,

हाक सेवाएँ, लखनऊ,

पत्र संख्या - ११९०००

द्वारा उचित परामर्श।

विषय :- जमीन मुंजाबाद द्वारा हाकवर जनपद बाराबंकी में शाखा
हाक्यात के पद पर नियुक्ति हेतु प्रतिवेदन पत्र।

महोदय,

निकल है कि प्राणी जगदीश प्रसाद ए० ए० एम० पी० गैराबा
दुबेहा, जल बाराबंकी में पिछले दिनांक ३०-६-७६ से लगातार
कार्यरत है और निम्न निवेदन करता है :-

यह कि प्राणी में शाखा हाक पद पर जमाने मुंजाबाद के पद
पर नियुक्ति हेतु आवेदन-पत्र दिया गया।

यह कि वे आवेदन पत्र पर विभागध्य सभा कार्यवाही का
तो गरीबों शिक्षण संस्थानों को जानें और यह पुष्टि जानें जादि।

यह कि प्राणी शाखा हाक्यात की नियुक्ति को सभी अंतर्गत
पूरी कराया है। *जमीन मुंजाबाद, १९७६ का पत्र संख्या ११९०००*

यह कि प्राणी जमीन मुंजाबाद का ही मूल निवासी है तथा
प्राणी के घर पर उक्त हाक्यात विच्छेद १६ महीने दिनांक २५-३-८८
से ५-७-८६ तक कार्यरत रहा है।

यह कि जमिंदार विभागध्य अधिकारी (सेवा एवं आकर्षण)
निष्कर्षात् १९६४ के नियुक्ति अनुभाग - २ के नियम १७ के अनुसार
जिस में यह मापदंड-कारण निम्ना है कि सभी बरिक्का को ध्यान न
देना सेव्यरत अंतर्गत विभागध्य कार्यवाही की प्राथमिकता के
आधार पर नियुक्त किया जायगा। अतः उपरोक्त के अनुसार मुझे
ही नियुक्ति मिलना चाहिये। यदि कि में विभाग में लगभग १४
वर्षों से कार्यरत हूँ।

यह कि मुझे नियुक्ति न दे कर जो सरकारीप सिद्धि को
नियुक्त जमाने कतिपय है और जो मापदंड में प्रतिवेदन पत्र में
पकने ही विभागध्य स्थानोय अधिकारियों मुझे नौकरी से निष्काटी

01/02/1989
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की पंजीयन के तहत के सभी बाग-बगीचे सम्भाला जा रहा तथा एक
पुर्ववर्ती जलकर्म के तहत एक वाटरशॉट सिस्टम का मुहो दे गये हो
गए है।

यह कि जो सत्यनाम सिंह जमीन मुंजाबाद के निवासी
न ही कर रकी गाँव के एक पन्डित धर के छोटे से पुर्व पूर्ण सिस्टम
के निवासी है।

यह कि हाकवा मुरी गाँव में ही पौवा जाकर जहाँ का
बाबादो अधिक करी यहाँ कि यह जलित एवं जमीना का विभाग
है और जमीना के साक्षरों ने ही हाकवा देहात में लीजा जाता है
उक्त सिद्धि में हम बात का ध्यान रखें रखा गया।

अः कत में आप से अनुरोध है कि श्रीमान जी जहाँ रता
से माकम का कार्य करा जाये जो पत्रावली भेजा जा रहे सत्यनाम
सिंह की सम्पत्ति के तहत करी पूर्ण शर्तों पर काल पूर्व में मुंजाबाद
शाखा हाकवा के तहत पर नियुक्ति दिनांक के साथ-साथ में लीजा
जा रहे स्थानीय विभागीय अधिकारियों द्वारा सत्यापन के
समाप्त कार्य को पूरा करें। अति शुभा दीर्घ।

प्रमाणः

(जगदीश प्रसाद यादव)

डी० सी० एम० पी०
गैरीवा सुवेशा जलपद भाराबकी

श्रीमान् हाकवा जमीन भाराबकी की मुंजाबाद एवं
आवश्यक कार्यालय से प्रेषित। *
श्रीमान् एवं पण्डिताय गैरीवाक हाक (पूर्वी) जलपद
भाराबकी का मुंजाबाद।

(जगदीश प्रसाद यादव)

Received

Logo

कार्यालय (वि०/२०१९)
हाक मंडल, जलपद भाराबकी

दिनांक २६-७-२०१९

प्रतिभिमि - श्रीमान् हाकवा जमीन भाराबकी की मुंजाबाद एवं

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Before The Hon'ble Central Administrative Tribunal
Allahabad, Circuit-Bench, Lucknow.

Rejoinder Affidavit

to

the Counter Affidavit filed by ..O.P. No. 5

Inre:

Registration O.A. No. I78 of 1989 (L)

Jagdish Prasad Yadav ...Applicant

Vs.

Union of India and others ...Opp. Parties

I, Jagdish Prasad Yadav aged about 33 years, son of Shri Sripal Yadav , r/o Village and post Zamin Husainabad, Sub-Post Office, Subeha, Tahsil Haidergarh, District Barabanki, do hereby solemnly affirm and state as under;-

I- That the deponent is applicant in the above noted application and is fully conversant with the facts of the case.

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2. That the deponent has read the contents of the counter affidavit filed by O.P.No.-5 and has understood the same.

3. That para one of the Counter Affidavit needs no reply.

4. That the allegations made in para 2 of the counter affidavit are being ~~denied~~ as false and wrong. The deponent being the departmental candidate as EDMP has got bonafide claim to be considered for promotion on the post of extra Departmental Branch Post Master (hereinafter referred as EDBPM).. So for as the issuance of charge sheets are concerned, it may be stated that these charge sheets have been issued against the petitioner by the authority concerned with a malafide intention to cause harm to the deponent. It is quite incorrect to state that there should be separate claim petition as during the pendency of this application he was issued memo of misconduct- vide Annexure-8 by the Sub-Divisional Inspector (O.P. no. 4).

That it would not be out of place/mention that the memo of charge sheet dt. II/12/88 which is Annexure-5 to the application has already been finally disposed through which simple warning was given and as regards the second imputation of misconduct dt. 7/6/89, it may be stated

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that there existed no such charge sheet when the names were called for the ~~xxx~~ recruitment to the post of EDBPM and this second charge sheet only related to extending pressure~~s~~ from outside agencies for his appointment.

5. That the allegations contained in Annexure-3 to the counter affidavit are not admitted to be correct.

That the deponent is advised to state that the answering opp. party is put to strict proof that under which law the claim of a departmental candidate for appointment can not be taken into consideration during pendency of the disciplinary proceedings on the basis of wrong and false charge-sheet . It may be stated that the applicant being an aggrieved person can seek redressed before the Central Administrative Tribunal. The petition of the applicant has ^{rightly} ~~rxth~~ been moved by his counsel to get relief and there is prima facie case of the deponent against the answering opp. party.

6. That para 4 of the counter affidavit ~~it~~ needs no reply.

7. That in reply to para 5 of the counter affidavit, it is submitted that the answering opp. party has acted mischievously and in order to show himself as a legal appointee on the post of EDBPM. As a matter of fact the opp. party no. 4

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is twisting the fact in order to legalise his appointment . The irrelevant as well as baseless allegations have been made in the para under reply which have no connection with the deponent's working . The deponent was never removed from the post of EDMP. That ~~for~~ the post of EDBPM at Zamin Husainabad, the O.P. no. 5 was not in the field of eligibility because he is permanent resident of village Purey Kerahan and not Zamin Husainabad as well as his name was also not sponsored by the employment exchange District Barabanki.

8. That para 5- 2 of the counter affidavit needs no reply.

9. That the allegations made in para 5-3 of the counter affidavit are denied ~~xxxix~~ and the contents of para 4-3 of the application are reiterated . The O.P. no. -5 has given a false affidavit on the ground that he has made a defamatory charge against the deponent to the effect that the applicant has done a lot of forgery .

He may be asked for to prove that as on what occasions and where he committed forgery and the O.P. NO. 5 was directly connected with them.

It is submitted that on the post which the O.P. no.5 is holding, The deponent was to be appointed

From 12/12/2014

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being already officiating on the said post and he is the person who is permanent resident of Zamin Husainabad. The statement that the deponent got his name entered in Employment Exchange mischievously is quite wrong and false. That the contents of para 5-5 of the counter affidavit are denied and in reply there to the contents of para 4-5 of the applications ^{are} reiterated to be correct.

10. That the contents of para 5-6 of counter affidavit are denied being wrong and false and the contents of 4-6 of application are reiterated to be correct. It may be stated that there was two type of vacancy i.e. for the post of E.D.M.P a list of ~~of~~ candidate was sent by Employment Exchange while the Employment Exchange ^{had} sponsored only three candidates for the post of E.D.B.E.M but the name of O.P. no. 5 did not find place in any list and the name of deponent stands ~~the place~~ in both ~~of~~ the lists and the ^{assertion} ~~assertion~~ made to the contrary are denied.

11. That in reply to para 5-7 it is submitted that the answering O.P. no. 5 has used ^{vulgar} ~~unparliamentary~~ language by blaming the deponent to be a drunker and is involved in many cheating cases. The language used in the para under reply

5/11/21 9015 2115

8102

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may kindly be taken into consideration that he has attacked on deponent's immorality for which the deponent may be permitted to move a separate application for purgery in this Hon'ble Tribunal so that immediate action may be taken against him. The deponents submits with respect that he being a government servant can never imagin or think to take away the daughter of his neighbour and to sell her for alleged Rs. Sixteen hundred.

I2. That the allegations made in para 5 -8 are denied being wrong, false and vexatious ~~or~~ frivolous and are too general. The deponent craves the ^{indulgence} ~~to~~ indulgence of this Hon'ble Tribunal to kindly pay its kind attention to the sentence which is reproduced as under;-

" The applicant tried to misbehave and abuse my late father name knowing pretty well the names through documents submitted by applicants, needs your attention please. "

I3. That in reply to para 5-9 of the counter affidavit, the contents of para 4-9 of the application are reiterated to be correct.

6/11/21 9/11/21

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7.

I4. That para 5-I0 of the counter affidavit are denied and the contents of para 4-I0 to para 4-I2 are reiterated to be correct. It is quite incorrect to say that appointment of the O.P. no. 5 has been made after due consideration and on merit. The correct position is explained in the proceeding paragraphs.

I5. That para 5-II of the counter affidavit needs no reply.

I6. That para 5-I2 of the counter affidavit are not admitted to be correct. It may be stated that the deponent has officiated as E.D.B.P.M. and as he belongs to the village Zamin Husainabad, it is significant to note that the O.P. no. 5 who has actually concealed the true and real facts is making charge of fraudulent action against the deponent. In fact it is the Department which can make such statement against an employee and not the outsider who has illegally encroached upon the legal claim for the post of E.D.B.P.M.

I7. That para 5 - I3 of the counter affidavit needs no reply.

6/11/21 9019214

A104

8.

18. That in reply to para 5-14 of the counter affidavit, the contents of para 4-20 of the application are reiterated to be correct. The O.P. no. 5 has made statement against the deponent without the authority of law. It is the department which permits its employee to be retained in service.

19. That the allegations made in para 5-15 and para 5-16 of the counter affidavit are denied and in reply there to the statement made in paras 4-27 and 4-22 ~~are~~ reiterated to be correct. The O.P. no. 5 has sworn false affidavit denying the fact that the deponent has not served for 13 years as E.D.M.P and as such he is put to strict proof . He is also required to give proof as to how the disciplinary proceedings on the basis of the first charge sheet are still continuing.

20. That the allegations made in para 5-17 of the counter affidavit are denied in view of the assertions made in the preceding paragraphs. The O.P. no. 5 has not been appointed in accordance with law and the deponent claim has been ignored

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A105

for extraneous and irrelevant considerations.

He did not come in the field of eligibility.

21. That para 6 of the counter affidavit is not admitted to be correct.

22. That para 7 of the counter affidavit needs no reply.

23. That in reply to para 8 and 9 the deponent is advised to state that the deponent's case has good grounds and merits and as such he has got sanguine hope in his petition. The appointment of O.P. no. 5 has been made against the Rules and his appointment is liable to be sit aside.

24. That para 10 of the counter affidavit are denied and para 9 of the application is reiterated to be correct.

Lucknow: Dated
Jan., , 1989



[Handwritten Signature]
Deponent.

V E R I F I C A T I O N

I, the above named deponent do hereby verify that the contents of paras 4, 9, 10, 13, 14 to 16, 21.....

.....are true to my personal knowledge and those of paras 5, 6, 8, 11, 12, 15, 17 to 20, 22, 23 and 24

.. Contd. on Page 10.

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10.

to are believed by me to be true on the basis of the legal advice. No part of it is false and nothing material has been concealed. So help me God.

Lucknow: Dated

Jan., , 1989



Handwritten signature in Hindi
Deponent .

I identify the deponent who
has signed before me.

Handwritten signature of Advocate
Advocate.

Solemnly affirmed before me on

at a.,m/p.m by

the deponent who is identified by
Sri

Advocate, High Court, Lucknow Bench, Lucknow.

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

Before the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

1220

Application for summoning of Original record.

C.Misc.Application No. 227 of 1990 (L)

Inre:

Original Application no. I78 of 1989(L)

Jagdish Prasad Yadav - - - - - ...Applicant

Vs.

Union of India and others - - - - - ...Respondents

The applicant above named begs to state as under;-

1- That the applicant's petition is directed against the impugned Memo no. EPP-I28 ED/Zamin Husainabad dt. 26.6.89 issued by respondent no. 3 whereby the respondent no. 4 has been appointed as EDBPM vide Annexure-3 to the application.

2- As regards charge sheet (Annexure-5) it may be stated that decision by Inspector of Post Offices vide Annexure R-3 to the counter affidavit has already been taken considering long length of service of the applicant.

P. T.
S. P.
9/11/90

Summa
P. T. up a 11.4.90
10/9/1990

That as regards to the charge sheet dt.25.9.89 issued by the Sub Divisional Inspector which contains three charges, the applicant was served put off order dt.6.9.89. True photostat copies of charge sheet dt.25.9.89 and put off order dt.6.9.89 are filed herewith as Annexure A-1 and A-2 to this application.

That the applicant brings notice to this Hon'ble Tribunal that he has been taken back in service under the order of SDI (East) Barabanki and he is functioning his duty as ~~EDMP~~ EDMP Grewan Post Office since 3rd February, 1990.

3. That the applicant is annexing a photostat copy of certificate of Acting Pradhan of Zamin Husainabad showing that Satyanam Singh is permanent resident of Pure Krehan as Annexure A-3 to this application and copy of B.D.O's Certificate as Annexure A-4.

4. That the other true and real facts would come to the notice of the Tribunal for correct adjudication of the case if this Hon'ble Tribunal directs to Superintendent of Post Offices Barabanki to produce Original record relating to applicant, as in the Original record there are certain documents of verifications done by S.D.I. (East) namely Sri C.L. Verma. The said verification has been done thrice which is against procedure and is the result of malafide.

Wherefore it is respectfully prayed that this Hon'ble Tribunal may graciously be pleased to summon the Original record from the office of Superintendent of Post Offices, Barabanki so that just and correct judgment may be delivered by this Hon'ble Tribunal for which the applicant has got sanguine hope of success.

Verification

I, Jagdish Prasad Yadav, applicant, do hereby verify that contents of paras I to 4 are true to my personal knowledge and I have not suppressed any material fact.

Applicant
Basen
(Qamrul Haşan)
Advocate

20 - 3 - 1990

Counsel for the applicant

A-231

Sub Divisional Inspector (Post office)

पूर्वी उप मंडल/East Sub Division

(पंजीकृत)

बाराबंकी / Barabanki-225001

आपन सं. डी.पी.एफ-91 गैरवा 189-90

दि. 25-9-89.

अधोहस्तावरी

श्री जंगदीश प्रसाद यादव

के विरुद्ध अतिरिक्त विभागीय एजेंट (सहा एवं अधीक्षण) नियमावली 1964 के नियम 8

के अंतर्गत कार्यवाही के लिए एक जांच करने का प्रस्ताव करते हैं अवचार एवं कदाचार आरोपों के साथ जिनके संबंध में जांच प्रस्तावित है संलग्न उपरोक्त अनुच्छेदों के विवरण में किया गया है (अनुलग्न - 1) प्रत्येक आरोप-अनुच्छेद के समर्थन में अवचार एवं कदाचार के आरोपों का विवरण संलग्न है (अनुलग्न - 2) उक्त अभिलेखों की सूची तथा उक्त गवाहों की सूची जिनके आधार पर आरोप अनुच्छेदों को साबित करना प्रस्तावित है, भी संलग्न है (अनुलग्न 3 व 4)

2. श्री जंगदीश प्रसाद यादव को इस आपन की प्राप्ति के दस दिनों के भीतर अपना लिखित अभ्यावेदन प्रस्तुत करने और यह बताते का निर्देश दिया जाता है कि वे स्वयं बताना चाहते हैं।

3. श्री जंगदीश प्रसाद यादव को यह सूचित किया जाता है कि वे यदि उपरोक्त पैरा 2 में निर्धारित तिथि को अथवा पहले अपना लिखित बचाव प्रतिवेदन नहीं प्रस्तुत करेंगे अथवा जांच अधिकारी के समक्ष उपस्थित नहीं होंगे। अथवा अन्य निर्धारित प्रावधानों का परिपालन नहीं करेंगे या करने से इंकार करेंगे तथा जांच अधिकारी उनके विरुद्ध एकतरफा जांच कर सकते हैं।

4.4. उन्हें यह सूचित किया जाता है कि उन्हीं अनुच्छेदों के संबंध में जांच होगी जिन्हें स्वीकार किया जायेगा। अतएव उन्हें स्पष्ट रूप से आरोप अनुच्छेद आरोप को स्वीकारना अथवा स्वीकार करना चाहिए।

5. श्री जंगदीश प्रसाद यादव का ध्यान इस ओर भी आकृष्ट किया जाता है कि यदि कोई भी कर्म चारी सरकार के अधीन अपनी सेवा के संबंध में अपने काम के लिए कोई राजनैतिक प्रभाव जो किसी वरिष्ठ अधिकारी पर पड़ सकता है न लायेगा और न लाने का प्रयत्न करेगा। यदि किसी कार्यवाही से संबंधित किसी भी मामले पर उनके लिए किसी अन्य व्यक्ति से कोई संस्तुति प्राप्त होती है तो यह उचित होगा कि श्री जंगदीश प्रसाद यादव इस संस्तुति से अवगत है और उनके विरुद्ध तत्संबंधी विचार के उल्लंघन के लिए कार्यवाही की जायेगी।

6. इस आपन की जावती स्वीकार की जानी चाहिए।

श्री जंगदीश प्रसाद यादव
डी.पी.एफ.पी. गैरवा 189-90 सुवटा
जि. बाराबंकी.

Sub Divisional Inspector (Post office)
पूर्वी उप मंडल/East Sub Division
बाराबंकी / Barabanki-225001

अनुलग्नक - I

श्री जगदीश प्रसाद आतिथित विभागीय मेल पियुन
गैरावाँ के विरुद्ध लगाए गए आरोपों का विवरण-

आरोप सं- 1

श्री जगदीश प्रसाद यादव आतिथित विभागीय
मेल पियुन गैरावाँ के पद पर कार्य करते हुए दिनांक
5.9.88, 17.9.88, 19.9.88, 30.6.89 एवं 1-7-89
को बिना कोर्ड सूचना दिए हुए अपने कार्य से
अनधिकृत रूप से अनुपस्थित रहे। इस प्रकार उक्त
श्री जगदीश प्रसाद यादव ने आतिथित विभागीय
अभिकर्ता (आचरण एवं सेवा) नियमावली 1964 के
नियम 5 का उल्लंघन किया।

आरोप न०-2

श्री जगदीश प्रसाद यादव आतिथित विभागीय मेल पियुन
के पद पर कार्य करते हुए माह सितम्बर 1988 से लेकर
30.6.89 तक न तो गस्त पत्रिका का प्रयोग वितरण
क्षेत्र के गाँवों के समूह के प्रमाण में किया और नही
वितरण में प्राप्त हुयी वस्तुओं के निपटान का
रजिस्टर ही बनाया। इस प्रकार श्री जगदीश प्रसाद
ने उक्त नियमावली खण्ड VI भाग III के नियम
17, 135 एवं 136 का उल्लंघन किया।

आरोप न०-3

श्री जगदीश प्रसाद यादव आतिथित विभागीय
मेल पियुन गैरावाँ के पद पर कार्य करते हुए
निरीक्षक डाकघर पूर्वी कारा प्रेषित पंजीकृत पत्र
सं० 281 दिनांक 27.7.89 को लेने से इनकार दिया
इस प्रकार श्री जगदीश प्रसाद यादव ने आतिथित विभागीय
अभिकर्ता (आचरण एवं सेवा) नियमावली 1964 के
नियम 17 का उल्लंघन किया।

Inspector of Prisons
East S. Division
BARANPUR-25001

श्री जगदीश प्रसाद पादव के विरुद्ध
श्री जगदीश प्रसाद पादव अतिरिक्त विभागीय अधिकारी
(आचरण एवं सेवा) नियमावली 1964

अनुलग्नक - II

श्री जगदीश प्रसाद पादव अतिरिक्त विभागीय
मेल पिपुन गैरवा के विरुद्ध लगाए गए कदमों
एवं अन्याय का विवरण-

-x-

आरोप नं. 1

श्री जगदीश प्रसाद पादव अतिरिक्त विभागीय मेलपिपुन
गैरवा के पद पर कार्य करते हुए श्री ~~जगदीश प्रसाद पादव~~
दिनांक 1-7-89 को सुवेला डाकघर से गैरवा के लिए
शाखा डाकघर चला स्वयं न ले जाकर श्री श्रीवास्तव
ले जाने के लिए कहा और स्वयं कार्य से विमुख
रहे। अतः उस दिन शाखा डाकघर गैरवा एवं सुवेला के
बीच डाक का आदान प्रदान नियत व्यक्ति के द्वारा न
होकर एक अन्य व्यक्ति के द्वारा किया गया। इसी
प्रकार दिनांक 5-9-88, 17-9-88, 19-9-88 एवं 30-6-89
को भी बिना किसी सूचना के अचानक गैरवा से
कराये कार्य से अनुपस्थित रहे। इस प्रकार श्री
जगदीश प्रसाद पादव ने अतिरिक्त विभागीय
अधिकारी (आचरण एवं सेवा) नियमावली 1964 के नियम
5 का उल्लंघन किया।

आरोप नं. II

श्री जगदीश प्रसाद पादव अतिरिक्त विभागीय
मेल पिपुन गैरवा के पद पर कार्य करते हुए माह
सितम्बर 1988 से अपना गस्ती पुस्तक एवं पोस्टमैन
रजिस्टर 30-6-89 तक नहीं बनाया। वह जीपी
वस्तुएं प्राप्त किए वह बिना किसी लेवा गैरवा
के निपटान किए। गस्त पुस्तक न बनाकर उन्हीं
वितरण क्षेत्र में आने वाले गैरवा का प्रसंग किया
या नहीं इस तथ्य को छिपाए रखा। इस प्रकार
श्री जगदीश प्रसाद पादव ने डाक नियम पुस्तिकाखण्ड IV
भाग III के नियम 77, 135 एवं 136 का उल्लंघन किया।

Baboolal EDR
Ramesh Singh
Srivastava

① श्री शिव न. म.
S. M. Subedi

- ① Jagdish Prasad
- ② G. N. Singh
- ③ B. P. Singh
- ④ G. P. Singh
- ⑤ Anjan Singh
- ⑥ M. S. Singh

वितरण हेतु

Inspector
East S.D. Office
GARABANDI

(कुं. पृ. 30)
पृ. 2

आरोपन - 3

A233

श्री जगदीश प्रसाद पादव के नाम निरीक्षक डाक्टर
पूर्वी द्वारा पंजीकृत पत्र सं 281 दि 0 27-7-89 भेजा
गया जिसे उन्होंने जिन से इन्कार किया। इस प्रकार
श्री जगदीश प्रसाद पादव ने अपने नियुक्तों के द्वारा
प्रेषित पत्र को प्राप्त करने से इन्कार करने पर अपने
कर्तव्य को प्रति निष्ठावान नही रहे। अतः स्व उन्होंने
अतिरिक्त विभागीय अधिकारी (आयतन - स्व सेवा)
नियमावली 1964 के नियम 17 का उलंघन किया।

अनुलग्नक - III

Inspector of Post Offices
East Sikkim Division
GARABANK 725001

श्री जगदीश प्रसाद अतिरिक्त विभागीय मैल प्रिन्स गैरकों
के विरुद्ध लगाए गए आरोपों के समर्थन में अधिलेखों
की सूची -

- 1- श्री श्रीगण्य पादव कार्यालयक ड.एम.पी. गैरकों का वपान दिनांक
1-7-89 जो उन्होंने कक्षीयक डाक्टर वातवकी के सम्मुख दिआगए
- 2- श्री राजविजय सिंह शाखा डाकपाल गैरकों का दि 0 1-7-89 का
वपान जो उन्होंने कक्षीयक महीदथ के समक्ष दिया।
- 3- श्री कप्तान बलदुर डाक सहायक सुवेहा का दि 0 1-7-89
का वपान जो उन्होंने कक्षीयक डाक्टर वातवकी के समक्ष दिया।
4. कवर पंजीकृत पत्र सं 281 दि 0 27.7.89 जो श्री
जगदीश प्रसाद के नाम प्रेषित है और पोस्टमेंट के माध्यम
इन्कार वापस है कि रिपोर्ट के साथ है।
5. श्री जगदीश प्रसाद का वपान दि 0 31-8-89.

अनुलग्नक - IV

साक्षियों की सूची जिनके आधार पर श्री जगदीश प्रसाद
पादव के विरुद्ध लगाए गए आरोपों को सिद्ध करने का
प्रस्ताव है।

- 1- श्री श्रीगण्य पादव कार्यालयक ड.एम.पी. गैरकों वातवकी ✓
- 2- " 20 विजय सिंह शाखा डाकपाल गैरकों वातवकी ✓
- 3- " कप्तान बलदुर सिंह डाक सहायक सुवेहा वातवकी ✓
- 4- " बंजनार्थ ड.एम.पी. जमीन हुसैनगुदा वातवकी ✓

Inspector of Post Offices
East Sikkim Division
GARABANK 725001

U.S. Notary
Ram Saha

15/3

Annexure II

भारतीय डाक विभाग

कार्यालय उप प्रबन्धीय निरीक्षक डाक्टर श्री वाराणसी
समी नं० EPF-91/ गैरवां 188 दिनांक 6.9.89

श्री जगदीश प्रसाद भादव ई.टी. एम. पी. गैरवां के
विरुद्ध अतिरिक्त विभागीय (आचरण स्व सेवा नियमावली)
1964 के नियम 8 के अन्तर्गत अनुशासनात्मक कार्यवाही
विचाराधीन है। अतः अतिरिक्त विभागीय (आचरण स्व
सेवा नियमावली) 1964 के नियम 9 के अन्तर्गत
भादव को अपनी झूठी सफाई काफ़ि सिद्ध ज्ञात
श्री जगदीश प्रसाद को फुट काफ़ि झूठी के कारण
कोई भी भत्ता देय नहीं होगा।

(Handwritten Signature)
निरीक्षक (आ.वि.)
उप प्रबन्धीय निरीक्षक
भारतीय डाक विभाग

- प्रतिकृति: श्री जगदीश प्रसाद ई.टी. एम. पी. गैरवां को उन कार्रवाई के साथ कि वह अपना नाम शाखा प्रबन्धीय कार्यालय में दर्ज करवावे।
- 2- शाखा प्रबन्धीय गैरवां को जगदीश प्रसाद की प्रति के साथ में एक एक प्रति उन्हें विलीन का उनसे प्रकृत किले को अपनी निम्नदर्शी पर लिखी जायत को करावे।
 - 3- उप प्रबन्धीय सुवेदा को सूचना दे।
 - 4- मध्यमक जम्मा (जी.पी.)
 - 5- शाखा प्रबन्धीय कार्यालय

निरीक्षक (आ.वि.)
6/9/89

1255

-0 प्रमाण-पत्र 0-
=====

प्रमाणित किया जाता है कि श्री सत्यनाम सिंह
आत्मज श्री जगदम्बा बक्श सिंह, ग्राम-पूरे केरहन, परगना-सूबेहा,
तहसील-हैदरगढ़, जनपद-बाराबंकी के मूल निवासी है तथा यह
5.7.1989 पाँच जुलाई सन् 1989 से § शाखा डाकघर जमीन
हुसेनाबाद को अपने मूल निवास स्थान उपरोक्त §ग्राम-पूरे केरहन§
में छ रखें है जबकि शाखा डाकघर जमीन हुसेनाबाद में होना
चाहिए तथा जमीन हुसेनाबाद के ही नाम से भ्रू ही भारत
सरकार द्वारा स्वीकृत हुआ भ्रू है ।

जम्कलली

दिनांक- 20-12-28

ह0प्रधान
ग्राम-प्रधान §तभा§-जमीन हुसेनाबाद,
परगना-सूबेहा, तहसील-हैदरगढ़
जनपद-बाराबंकी ।

B236

प्रमाण पत्र
=====

प्रमाणित किया जाता है कि श्री मन्मथसिंह पुत्र श्री जगदम्बाबाबूशर्मा सिंह
ग्राम पूरे केरहन परगना सुन्हेहा तहसील हैदराबाद जिला बाराबंकी के मूल निवासी
हैं। मैं इनको जानता व पहचानता हूँ।

दिनांक

ग्राम के अधिकारी
मांझा दे।

सेना
काठियावाड़
देहात
30/12/88

विश्व

मो. नं. 22/12/88
रुप. 10

30/12/88
मुहर

जनकाली

2237

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

In Re:

Amendment application:

Misc. Application No. 203 of 1989. (L)

In re:

Application O.A. No. 173/1989 (L).

Jagdish Prasad Yadav aged about 32 years son
of Sri Sripal Yadav resident of village and
post Zamin Husainabad, Sub-post Office, Subeha,
Tahsil Haidargarh, Distt. Barabanki.

...Applicant

Versus

- 1- Union of India through Chief Post Master
General UP Circle, Lucknow.
- 2- The Director Postal Services, Lucknow
Region, Lucknow.
- 3- The Superintendent of Post Offices,
Barabanki.
- 4- Sub-Divisional Inspector (East), Sub-
Division, Barabanki.
- 5- Satya Nam, Branch Post Master, presently
posted in Branch Post Office, Zamin
Husainabad, Sub-Post Office Subeha Tahsil
Haidargarh, Barabanki.

...Respondents.

FF-14-11-01

Filed today

L
24/12

0230

The applicant above named most
humbly submits as under:-

For the facts, circumstances and
reasons stated in the accompanying Affidavit,
it is respectfully prayed that this Honourable
Central Tribunal may graciously be pleased to
allow the amendment application and to pass
orders for impleadment of Shri Katwaroo Ram
as respondent No. 6 in the present application
and the same may be taken on record in the
interest of justice.

(Jagdish Prasad Yadav)
Applicant.

Qamrul Hasan

(Qamrul Hasan)

Advocate
Counsel for the applicant.

Lucknow Dated:

October, 24 1989.

D23A

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDL. BENCH ALLAHABAD, CIRCUIT BENCH LUCKNOW.

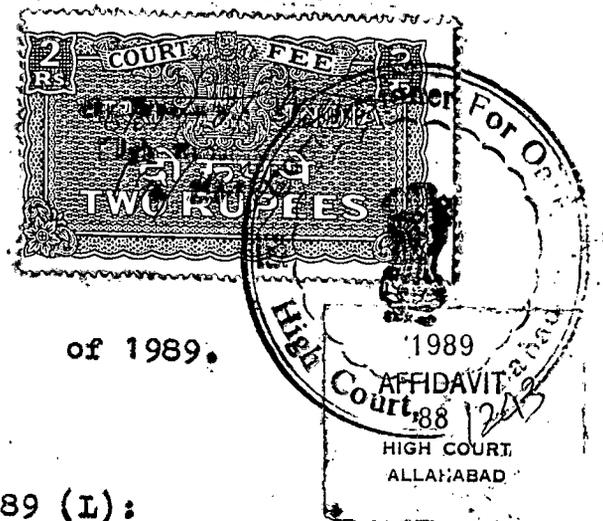
AFFIDAVIT

Amendment Application
Misc. Application No.

of 1989.

In re:

Application O.A No. 198/ 1989 (I):



Jagdish Prasad Yadav aged about 32^u years, s/o Sri
Sri Pal Yadav r/o Village & Post Jamin Husainabad
Sub-post Office, Subeha, Tahsil Haidargarh, Distt.
Barabanki. ... Applicant.

Versus

- 1- Union of India through the Chief Post
Master General, U.P. Circle, Lucknow.
- 2- The Director, Postal Service, Lucknow
Region, Lucknow.
- 3- The Superintendent of Post Offices,
Barabanki.
- 4- Sub-Divisional Inspector (East), Sub-
Division, Barabanki.
- 5- Satya Nam, Branch Post Master, presently
posted in Branch Post Office, Jamin Husai-
nabad, Sub-post Office Subeha Tahsil Haidar-
garh, Barabanki. ... Respondents.



I Jagdish Prasad, aged about 32 years son of Sri Sripal Yadav, resident of village and Post Zamin Husainabad, sub-post office Subeha, Tahsil Haidergarh, District Barabanki, the deponent do hereby solemnly affirm and state as under:-

1. That the deponent is applicant in the above noted case and is fully conversant with the facts deposed below.
2. That the applicant aggrieved by the impugned memo No. RPF/128/EDA/⁴Zamin Husainabad dated 26.6.89 issued by respondent No.2 appointing Sri Satya ^{Naras} Narsain Singh (Respondent No.4) as extra depart-^{mental} Branch Post Master vide Annexure 3 to the application. The applicant also challenged the validity of Annex. 5 - 8 of the application ^{containing} considering the charges against the applicant.
3. That on 22.8.89, this Hon'ble Tribunal after hearing the counsel for the applicant admitted the present application with the directions to Respondents to file counter affidavit within 6 weeks and rejoinder if any, within two weeks and further ordered for ¹hearing of the case on 14.11.89.
4. That after passing aforementioned order of the Hon'ble Tribunal, the Sub-Divisional Inspector (Sri Katwaru Ram) visited deponents Office on 6/7.9.89.



गुजिरी प्रसाद

A 24

and issued put off memo against the applicant and relieved him from the post of Extra Departmental Mail Peon(E. D.M.P).

5. That aggrieved by the action of the aforesaid Su-Divisional Inspector, the applicant filed supplementary affidavit dated 14.9.89 alongwith the application through his counsel Sri Qamrul Hssan, Advocate, a copy of which has already been sent to the counsel for the respondent.

6. That in such circumstances the applicant felt necessary to make amendment in his application for just and correct adjudication in his case; there is certain important and relevant material which is necessary to be on record.

7. That it would be in the interest of justice that the Hon'ble Tribunal may kindly permit the applicant to make the following amendment in the application.

8. That after para 4.23 of the application the following paras may be permitted to be substituted in his application:-

Para 4.24. That the respondent No. 2 while appointing the respondent No. 5 E. D.B.P.M. completely ignored the priority as well as the field of eligibility.

.....4



Handwritten signature in Devanagari script at the bottom left of the page.

0242

Para 4.25: That it may be noted that on 6.9.89, the applicant went to his office for discharging his duty as (E.D.M.P.). He was forced to sign on blank paper by Shri Katwaroo Ram who is respondent No. 4 but ~~but~~ he refused to put his signature.

Para 4.26: That due to the aforementioned action of the applicant the respondent No. ⁴ became annoyed with the applicant. He again visited on 7.9.89 the Post Office. He was served with a put off memo dated 6.9.89 and also passed relieving order dated 7.9.89. True photostat copy of the put off memo dated 6.9.89 and relieving order dated 7.9.89 are annexed herewith as Annexure 7(A) and 7(B).

Para 4.27: That it is pertinent to mention that the respondent No. 4 on account of filing of the application in the Honourable Tribunal started ~~of~~ having personal grudge against him and on 7.9.89 made the following remarks against him in the official application.



“ आप कोर्ट में जाइए और इल्मीनान से मुकदमा लीइए
हम आप की अपा इन्टिंग अथाई है चाहे आप को रूख
या निकालें। आप को मालूम नहीं है। सतनाम सिंह का
अपा इन्ट मन्ट डाइरेक्टर साहब का कस है। उनके आदि-
शानुसार हुआ है मैं तुम्हारी यह भी जाँकरी लालूंगा
कोर्ट में कया करेगा ”

जागदीश प्रताप 19/9/89

A-243

Para 4.28: That the respondent No. 4 did not satisfy by the aforesaid order in passing against the applicant and, therefore, in order to harass the applicant and to harm him from all corner, he issued a memo of charge sheet under Rule (8) E.D.A. Circular dated 25.9.89, copy of which is (Extra Departmental Act) annexed herewith as annexure 11(c) to the application.

Para 4.29: That on the receipt of the memo, the applicant submitted his reply by denying the charges made against him on ~~date~~ ^{date} 7-10-1989 to respondent No. 4 through Sub-post Master, Subeha which is annexed as Annexure 11(d).

9. That after relief(c) mentioned in para 7 of the application, the applicant submits that the following relief (d), which may be added:-

Relief (d) - To quash the put off memo dated 6.9.89 containing Annexure 7(A) and 7(B) and also quash impugned memo of charge sheet dated ^{issued} 25.9.89/by Sub-Divisional Inspector(East) Sub-Division Barabanki to applicant.



W-11912) YMG 211008

A244

10. That after ground (g), the following grounds as noted in para 8 of the application may be permitted to be substituted:-

Ground No.(h): Because the respondent No. 4 has acted arbitrarily, maliciously and against the provisions of law in issuing put off memo dated 6.9.89 and thereafter passing the relieving order dated 7.9.89 against the applicant, overlooking the fact that the petition of the applicant has been admitted by the Hon'ble Central Administrative Tribunal and the respondents were directed to file counter affidavit within 6 weeks but the same has not been done till date.

Ground No.(i): Because the respondent No.4 acted without jurisdiction as the charges framed for the period 5.9.88, 17.9.88 and 19.9.88 when he was not posted as S.D.I.(East) Barabanki, but he was posted at Lucknow. The charges framed against the applicant are wrong and false and they have been mischievously added in order to cause harm to the applicant.

.....7



6/11/4/2) 311411ES

A 245

Ground No.(j): Because it may be stated that there is no evidence against the applicant that due to his acts and commissions, the work of the Government has suffered.

Ground No.(k): Because the applicant never availed of leave knowingly and without prior information to the Sub-Post Master, Subeha.

11. That the applicant may be permitted to implead Shri Katwaroo Ram Sub-Divisional Inspector as respondent No. 6 by name in this application as there are personal mala-fide allegations against him. His full name and address is as under:-

"Shri Katwaroo Ram,
Sub-Divisional Inspector(East)
Sub-Division,
Barabanki."

Lucknow Dated:
Oct. 19th 1989.



जगदीश प्रसाद यादव
Deponent.
L-7-106
Deponent

VERIFICATION:

I above named deponent Jagdish Prasad son of Sri Sripal Yadav(Applicant) do hereby verify that the contents of paras 1 to 7, 4-25 to 4-29 of para 8 and 11 are true to my personal knowledge and those of paras 4-24 of para 8, para 9



जगदीश प्रसाद यादव

8246

are true to my belief and legal advice received from his counsel and nothing material has been suppressed by the applicant.

Lucknow Dated: October 19th 1989.

6019219714 2139

Deponent.



L-7-506 Deponent

I identify the deponent who has signed before me.

Hasan

Advocate.

Solemnly affirmed before me on ... 19.10.89

at 10.25 AM/PM by Sri Jagdish Prasad Yadav

Shri *Qasimul Hasan*

Advocate, High Court, Lucknow BENCH Lucknow



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

Veenu Ramani
OATH COMMISSIONER
High Court, Allahabad
Lucknow Branch

No. 80/243

Date 19.10.89

0207

Before the Central Administrative Tribunal
Lucknow.

O.A.. No. 178 (L)/89

Jagdish Prasad Yadav ...Applicant

Vs.

Union of India & Others ...Respondents

ANNEXURE NO. 7-A

भारतीय डाक विभाग-

कार्यालय उप प्रबन्धीय निरीक्षक डाक्टर प्रवीं वारावकी
ममी न० EPF-91/गैरवां 189 दिनांक 6.9.89

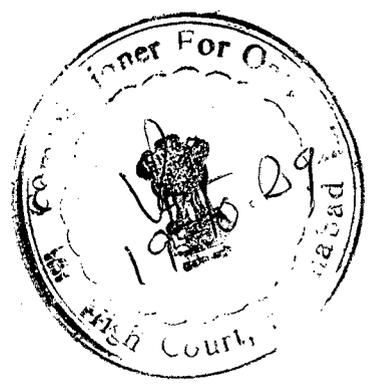
श्री जगदीश प्रसाद यादव ई.टी.एम.पी. गैरवां के
विरुद्ध आतिरिक्त विभागीय (आचरण-स्व सेवा नियंत्रावली)
1964 के नियम 8 के अन्तर्गत अनुशासनात्मक फाईल
विचाराधीन है। अतः आतिरिक्त विभागीय (आचरण-स्व
सेवा नियंत्रावली) 1964 के नियम 8 के अन्तर्गत
यादव को अपनी ड्यूटी से फुट काफ़ छिपा जाता है
श्री जगदीश प्रसाद को फुट काफ़ ड्यूटी के दौरान
कोई भी भत्ता देप नहीं होगा।



Inspector (Accounts)
BAH-25001

प्रतिक्रिया: श्री जगदीश प्रसाद ई.टी.एम.पी. गैरवां को उस कार्यालय के साथ कि वह अपना नाम शाखा उपजाक प्रशासनिक अधिकारी को दे दें।
2- शाखा उपजाक गैरवां को जगदीश प्रसाद की प्रति दे साथ कि वह एक पत्र उन्हें बिलीन भा. उनसे सुवती मिले और अपनी निम्नदर्शी पा फिली वाफ़्त को लगा दें।
3- उपजाकपाल सुवेदा को सुचाराय (4) महीना उपजाकपाल (5) पाठ्यकार्य वातावरण

र. गोकुलपति
8 PM
6/9/89



जगदीश प्रसाद यादव
M. Prasad
Chy

आपन सं. **ई.पी.एफ-91** / गैरोंका 189-90 दि. 25-9-89.

अधोहस्ताक्षरी

श्री जगदीश प्रसाद यादव **श्री एम.पी. गैरोंका**

के विरुद्ध अतिरिक्त विभागीय एजेंट (सहा एवं अधिष्ठाता) नियमावली 1964 के नियम

के अंतर्गत कार्यवाही के लिए एक जांच करने का प्रस्ताव करते हैं। अवचार एवं कदाचार आरोपों के साथ जिनके संबंध में जांच प्रस्तावित है संलग्न उपरोक्त अनुच्छेदों के विवरण में किया गया है (अनुलग्न - 1) प्रत्येक आरोप-अनुच्छेद के अर्थ में अवचार एवं कदाचार के आरोपों का विवरण संलग्न है (अनुलग्न - 2) उन अंगितेशों की सूची तथा उन गवाहों की सूची जिनके आधार पर आरोप अनुच्छेदों को साबित करना प्रस्तावित है, भी संलग्न है (अनुलग्न 3 व 4)

2. श्री **जगदीश प्रसाद यादव** को इस आपन की प्राप्ति के दस दिनों के भीतर अपना लिखित अभ्यावेदन प्रस्तुत करने और यह बताते का निर्देश दिया जाता है कि वे स्वयं बताना चाहते हैं।

3. श्री **जगदीश प्रसाद यादव** को यह सूचित किया जाता है कि वे यदि उपरोक्त पैरा 2 से निर्धारित तिथि को अथवा पहले अपना लिखित बचाव प्रतिवेदन नहीं प्रस्तुत करेंगे अथवा जांच अधिकारी के समक्ष उपस्थित नहीं होंगे। अथवा अन्य निर्धारित प्राविधानों का परिपालन नहीं करेंगे या करने से इंकार करेंगे तथा जांच अधिकारी उनके विरुद्ध एकतरफा जांच कर सकते हैं।

4.4. उन्हें यह सूचित किया जाता है कि उन्हीं अनुच्छेदों के संबंध में जांच होगी जिन्हें अस्वीकार किया जायेगा। अतएव उन्हें स्पष्ट रूप से आरोप अनुच्छेद आरोप को स्वीकारना अथवा अस्वीकार करना चाहिए।

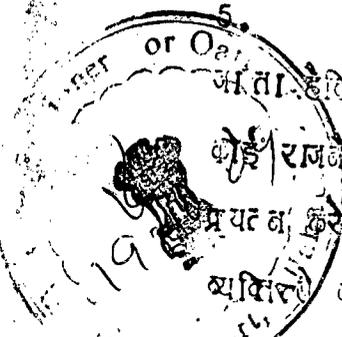
5. श्री **जगदीश प्रसाद यादव** का ध्यान इस ओर भी आकृष्ट किया जाता है कि यदि कोई भी कर्मचारी सरकार के अधीन अपनी सेवा के संबंध में अपने काम के लिए कोई राजनैतिक प्रभाव जो किसी वरिष्ठ अधिकारी पर पड़ सकता है न लायेगा और न लाने का प्रयत्न करेगा। यदि किसी कार्यवाही से संबंध किसी भी मामले पर उनके लिए किसी अन्य व्यक्ति को कोई संतुष्टि प्राप्त होती है तो यह जगता जोना कि श्री **जगदीश प्रसाद यादव** इस संतुष्टि से अवगत है और उनके विरुद्ध तत्संबंधी नियम के अंतर्गत के लिए कार्यवाही की जायेगी।

6. **रक्षणापन की प्राप्ति की स्वीकार की जानी चाहिए.**

श्री **जगदीश प्रसाद यादव**

ई.पी.एस.पी. गैरोंका **लै.काठ सुवटा**
जि. - बाराबंकी.

उप-विभागीय निरीक्षण अधिकारी
Sub Divisional Inspector (Post office)
पूर्वोत्तर मंडल/East Sub Division
बाराबंकी / Barabanki-225001



AD
/सोमेश्वर/
10883

जु 21/9/1989

अनुलग्नक - I

श्री जगदीश प्रसाद यादव अतिरिक्त विभागीय मैल पियुन
गैरवाँ के विरुद्ध लगाए गए आरोपों का विवरण-

आरोप सं- 1

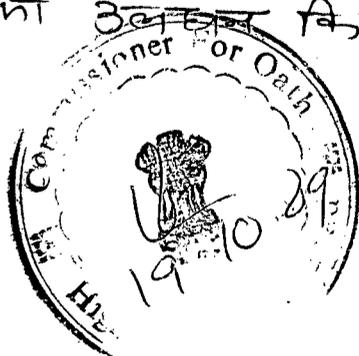
श्री जगदीश प्रसाद यादव अतिरिक्त विभागीय मैल पियुन गैरवाँ के पद पर कार्य करते हुए दिनांक 5.9.88, 17.9.88, 19.9.88, 30.6.89 एवं 1-7-89 को दिना क्रमांक सूचना दिए हुए अपने कार्य से अनधिकृत रूप से अनुपस्थित रहे। इस प्रकार उक्त श्री जगदीश प्रसाद यादव ने अतिरिक्त विभागीय अभिकर्ता (आचरण एवं सेवा) नियमावली 1964 के नियम 5 का उल्लंघन किया।

आरोप सं- 2

श्री जगदीश प्रसाद यादव अतिरिक्त विभागीय मैल पियुन के पद पर कार्य करते हुए माह सितम्बर 1988 से लेकर 30.6.89 तक न तो गस्त फुलिका का प्रयोग वितरण क्षेत्र के गाँवों के भ्रमण के प्रमाण प्रेषित किए और नही वितरण में प्राप्त हुयी वस्तुओं के निपटान का रजिस्टर ही बनाया। इस प्रकार श्री जगदीश प्रसाद ने उक्त नियमावली स्वच्छ VI भाग III के नियम 77, 135 एवं 136 का उल्लंघन किया।

आरोप सं- 3

श्री जगदीश प्रसाद यादव अतिरिक्त विभागीय मैल पियुन गैरवाँ के पद पर कार्य करते हुए निरीक्षण डाकघर पूर्वी कक्षा प्रेषित पंजीकृत पत्र सं० 281 दिनांक 27.7.89 को लेने से इनकार दिया इस प्रकार श्री जगदीश प्रसाद यादव ने अतिरिक्त विभागीय अभिकर्ता (आचरण एवं सेवा) नियमावली 1964 के नियम 17 का उल्लंघन किया।



Inspector of Post Offices
East Division
PARA. NO. 275001

A 251

अनुलग्नक - II पृष्ठ- 2

आरोपन- 3

श्री जगदीश प्रसाद यादव के नाम निरीक्षक जगद्वर
द्वारा पंजीकृत पत्र सं 281 दि 27-7-89 भेजा
गया जिसे उन्होंने जिन से इन्कार किया। बलप्रकार
श्री जगदीश प्रसाद यादव ने अपने नियुक्ता के द्वारा
प्रेषित पत्र को प्राप्त करने से इन्कार करने पर अपने
कार्य के प्रति निष्ठावान नही रहे। अतः स्व उन्होंने
क्रिमीयत विभागीय अधिकारी (आचार्य- स्व सेवा)
निर्देशावली 1964 के नियम 17 का उल्लंघन किया।

अनुलग्नक - III

Director of Post Offices
East Zone Division
PARANAGH, 25001

श्री जगदीश प्रसाद क्रिमीयत विभागीय प्रेषित निम्न गैरफॉ
के विरुद्ध लगाए गए आरोपों के समर्थन में अधिलेखों
की सूची-

- 1- श्री श्रीराम यादव कार्यालयक ड.एम.पी. गैरफॉ का बपान दिनांक
1-7-89 जो उन्होंने कक्षीयक जगद्वर वाचकी के सम्मुख दिशागत
- 2- श्री राजविजय सिंह शाखा जगद्वर गैरफॉ का दि 01-7-89 का
बपान जो उन्होंने कक्षीयक महोदय के सम्मुख दिया।
- 3- श्री कप्तान बलदुर जगद्वर सहायक सुबेडा का दि 01-7-89
का बपान जो उन्होंने कक्षीयक जगद्वर वाचकी के सम्मुख दिया।
- 4- कवर पंजीकृत पत्र सं 281 दि 27-7-89 जो श्री
जगदीश प्रसाद के नाम प्रेषित है को पोटमैक के द्वारा
इन्कार वापस दे के प्रेषित के साथ है।
- 5- श्री जगदीश प्रसाद का बपान दि 01-8-89

अनुलग्नक - IV

साक्षियों की सूची जिनके आधार पर श्री जगदीश प्रसाद
यादव के विरुद्ध लगाए गए आरोपों को सिद्ध करने का
प्रस्ताव है।

- 1- श्री श्रीराम यादव कार्यालयक ड.एम.पी. गैरफॉ वाचकी
- 2- " " राजविजय सिंह शाखा जगद्वर गैरफॉ वाचकी
- 3- " " कप्तान बलदुर सिंह जगद्वर सहायक सुबेडा वाचकी
- 4- " " वजनाराज ड.एम.पी. जमीन हुसैनगवादा वाचकी



जगदीश यादव

Director of Post Offices
East Zone Division
PARANAGH, 25001

10/2/89

अनुलग्नक न. II

श्री जगदीश प्रसाद पादव के विरुद्ध
अतिरिक्त विभागीय अधिकारी
(आचरण एवं सेवा) नियमावली 1964

अनुलग्नक - II

श्री जगदीश प्रसाद पादव अतिरिक्त विभागीय
मेल पिपुन गैरवाँ के विरुद्ध लगाए गए कदमों
एवं अन्याय का विवरण-

- 1 -

आरोप न. 1

श्री जगदीश प्रसाद पादव अतिरिक्त विभागीय मेल पिपुन गैरवाँ के पद पर कार्य करते हुए दिनांक 1-7-89 को सुवेदा डाकघर से गैरवाँ के लिए शाखा डाकघर परका स्वयं न ले जाकर श्री श्रीवास्तव के जाने के लिए कहा और स्वयं कार्य से विमुख रहे। अतः उस दिन शाखा डाकघर गैरवाँ एवं सुवेदा के बीच डाक का आदान प्रदान नियत व्यक्ति के द्वारा न होकर एक अन्य व्यक्ति के द्वारा किया गया। इसी प्रकार दिनांक 5-9-88, 17-9-88, 19-9-88 एवं 30-6-89 को भी बिना किसी सूचना के अचानक गैरवाँ का कार्य से अनुपस्थित रहे। इस प्रकार श्री जगदीश प्रसाद पादव ने अतिरिक्त विभागीय अधिकारी (आचरण एवं सेवा) नियमावली 1964 के नियम 5 का उल्लंघन किया।

आरोप न. II

श्री जगदीश प्रसाद पादव अतिरिक्त विभागीय मेल पिपुन गैरवाँ के पद पर कार्य करते हुए माह सितम्बर 1988 से अपना गस्ती पुस्तक एवं पोस्टमैन रजिस्टर 30-6-89 तक नहीं बनाया। वह जो भी वस्तुएं प्राप्त किए वह बिना किसी लेखा जोखा के निपटान किए। गस्त पूर्ति न बनाकर उन्होंने वितरण क्षेत्र में आने वाले गाँवों का क्रमबद्ध किया या नहीं इस तथ्य को दियाए रखा। इस प्रकार श्री जगदीश प्रसाद पादव ने डाक नियम पूर्ति का अध्याय भाग III के नियम 77, 135 एवं 136 का उल्लंघन किया।



वितरण हेतु

17/2/91 9/11/89

INSPECTOR East

(क. प. 3-1)

Before the Central Administrative Tribunal
Lucknow.

O.A. No. 178 (L)/89

Jagdish Prasad Yadav

...Applicant

Vs.

Union of India & Others

...Respondents

ANNEXURE NO. 11(d)

23

Ann 11(d)

सौता में

उपरोक्त विरोधक

Ann 11(d)

पूर्वी उपा मजदूर

कारखाने की।

द्वारा उपरोक्त मजदूर संघ के।

राज्य में

आपके कार्य लिए जापन संख्या 20 पाठ सं 10-91

गैरता/89-90 दिनांक 25-9-89

विषय - नियम 8 के अर्न्तगत कार्य नहीं।

गद्य द्य

मुझे आपके द्वारा जारी किये उपरोक्त सव्यमिति -

विषय के बारे में निश्चय करना है कि मैंने विरोध किया
गये सभी आरोप संख्या 9 तातीन निराधार रख जाते
हैं और मुझे कोई भी आरोप लागू नहीं है इतना सभी
आरोप अलग स्तर पर समाप्त करने की कृपा करें

धन्य तथ

प्रार्थना

दिनांक 7/10/89

जगदीश प्रसाद यादव

ई-डी. एम. पी. गैरता

(सुपेदा) वाराणसी

Handwritten signature

Sub 227302
Barabanki



जगदीश प्रसाद यादव