

Central Administrative Tribunal
Lucknow Bench

Cause Title O.A. 178/89 of 1993

Name of the Parties Jagdish Prasad Applicant

Versus

Union of India & Oth. Respondents.

Part A . P.C.

Sl. No.

Description of documents

Page

1.	Check List	A1 - A2
2.	Order Sheet.	A3 - A4
3.	Judgement. dt. 1.5.92	A4, A8
4.	Petition Copy	A9 - A31
5.	Annexure	A33 - A
6.	Power	A32 - A44
7.	Counter Affidavit.	A45 - A50
8.	Defender Affidavit.	A60 - A70
	M.P. 101/92	A71 - A73
	Mine appn	A74 - A83
	File	A84 -
	P.O. A	A85 - A96
	R.A.	A97 - A106
	M. 227/96	A228 - A236
	M. 203/01	A237 - A253
	B 107 - B 227	

C - File

~~C 254 - C 255~~

~~Suba copy of Petition~~

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

31.7.89

Registration No. 178 of 1989 (L)

APPLICANT(S) Jagdish Prasad

RESPONDENT(S) Union of India & others

Particulars to be examined	Endorsement as to result of examination
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

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	yes
12. Are extra copies of the application with Annexures filed ?	N.A.
a) Identical with the Original ?	yes
b) Defective ?	N.A.
c) Wanting in Annexures Nos. _____ pagesNos _____ ?	N.A.
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/

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.

V.C.

(sns)

9.3.90

No. 227/90 to 15-5-90

CM 227/90 to
filed by 4th law
allotment
S.F.O L
14/4

11.4.90

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

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

Jm

ML
Am

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. F. H.

14/5/90

178/89(L)

Am

13-5-90.

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

On the request of both
the parties case is adj. to
31-X-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
J

13.8.91

Hon. Mr. Justice K. N. Lakshmi
Hon. Mr. K. Obayya A.M.

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

J

AM

OR
Vc

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

S F H

L
17/06/91

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
1 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 appoicant 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

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 along with 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 Zamia 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.

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 played 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 ~~xxx~~ 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

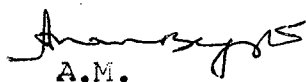
by the Employment Exchange because the applicant was active in playing foul game. Mr. Baij Nath was appointed out of three names, and only two names were left. Hence the appointment was held in abeyance.

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.

Shakeel/

Lucknow: Dated: 6/11/92

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

Application no.

178 of 1989 (L)

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.II.12.88 and) charge sheet. issued by respondent no.4	22 to 26
6.	Annexure-8 (Impugned Memo dt.7.6.89 and its) charge sheet issued against the applicant	31 to 32
7.	Vakalatnama	

Bank draft No. DD 795445

dated July 28, 1989

issued by G. P. O. Lucknow

(Qamrul Hasan)

Advocate

Place Lucknow

Counsel for the applicant

Dated : July 31, 1989

Filed today
noted for 7th Aug

Chauhan

(A^o)

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 Superintendant 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

2.

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
Barabanki 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

आदेशाविरुद्ध याचक

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 Amin 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

जगदीश प्रसाद यादव

(A13)

4.

also challenged the validity of the charge sheets dated II/12/88 and 7/6/89 issued by respondent no 4 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 Zamin Hasainabad 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 registered post.

उपदिष्टा १५१५२३९

* 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 as

जगदीश प्रसाद २०८९

88 ANNEXURE-3.A

(MS)

4-Io:- 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 Chandra 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.

उत्तराखण्ड सरकार
श्री १७१५ ५१८९

(A/b)

આદિત્ય પાટીલ

4-I5 :- That in reply to the charge sheet, the applicant submitted defence statement dt. 25.7.89 to respondent no. 4. A true photostat copy of the same is filed herewith as Annexure-7 to this application.

4-I6:- That the applicant has reliably learned that he has been discharged from charges by giving him a warning but it is strange enough that the authority concerned kept the decision secret instead of intimating the incumbent of the proceedings conducted against him.

4-I7 :- That despite the above, the respondent no. 4 on 7.6.89 has issued a fresh charge-sheet in order to cause injury to the applicant in the matter of appointment on post of Extra Departmental Branch Post - Master against which Sri Satyanam an outsider has been appointed without bonafide and legal claim.

4-I8:- That it is to be noted that the applicant has already officiated on the post on which Sri Satyanam has been appointed by Respondent no. 4. A true copy of charge report dt. 25.3.88 showing officiation on the post is filed ~~4-I8xxxx4x~~ as Annexure-7-A.

4-I9:- That in this charge sheet, the respondent no. 4 has made wrong and false charge to the effect that he ^{applicant} tried to pressurise by two M.L.As and Block Parmuekh. In this connection, the applicant sent a reply dt. 20.6.89 denying allegation of pressurization. A true photostat copy of the Memo dt. 7.6.89 along with the charge sheet is filed herewith as Annexure-8 and reply dt. 20.6.89 as Annexure-9 to this application.

जगदीश प्रताप यादव

4-20:- That the applicant is a laborious and an honest employee of the Postal Department~~xx~~ 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/12/88 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 प्रताप यादव

(11A)

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

(A2)

.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

(A21)

12.

and recruiting an out-sider (respondent no. 5) who did not ^{be} ~~into~~ come in the field of eligibility and was not having any better legal claim than the applicant.

B)- Because the verification ^{was} ~~was~~ not properly done by the Sub- Divisional Inspector who contacted Pradhan of the village against whom applicants' father had contested the Panchayat election in the past and he did not apply his independent mind on the fact that Satyanam does not belong to Zamin Husainabad. He is actually the resident of Purey ~~Kachan~~.

C)- Because the order of appointment passed in favour of the respondent no. 5 is liable to be set aside as there is violation of Article 14 and 16 of the constitution.

D)- Because from the facts and circumstances bias and prejudice ^{is} ~~acts~~ on respondent no. 5 is obvious, hence the applicant has been caused prejudice in the matter of appointment for the post of Extra Department 1 Branch Post Master.

E)- Because the respondent no. 3 and 4 have not followed rule ¹⁷ ~~of~~ Post and Telegraph Extra Departmental Agents (conduct & service) Rule 1964.

प्राप्त १२/१०/६४

(122)

- 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 & service) Rules, the applicant ought to have been given preference over 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 11th 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.

जगदीश यादव यादव

(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 4} and 4 not to proceed in the matter of IInd chargesheet issued along with the Memo dt. 7/6/89 as contained

I6- 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. Lucknow 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 प्रताप यादव

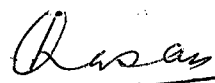
(A24)

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, 10 are 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 of the Applicant


(Qamrul Hasan)
Advocate

Counsel for the Applicant
~~per se~~

अगदीश प्रताप यादव

Application No.
Sri Jagdish Prasad

...of 1989
... Applicant

Vs.

Union of India & others

... Respondent

ANNEXURE NO. 3.....

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.

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.

Application No.
Sri Jagdish Prasad

...of 1989
... Applicant

Vs.
Union of India & others

... Respondent

ANNEXURE NO. 5

22

Inspector of Post Office

East Sub Division

आवेदन

BARABANKI-225001

(वर्गीकृत)

आपन सं. ६०५५-१२४/ ज० हुसैनबाद

दि. ११-१२-८०

अधोहस्ताक्षरी श्री जगदीश प्रसाद ... ६०५५-१२४/ ज० हुसैनबाद ...

के विस्तृत विवरण विभागीय ऐजेंट (रोका एवं आवरण) नियमावली १९६४ के नियम ८ के अंतर्गत कार्यवाही के लिए एक आदेश करने का प्रस्ताव करते हैं। अवधार एवं कदाचार आरोपों के साथ निम्न के अंतर्गत में आदेश प्रस्तावित है। संलग्न उपरोक्त अनुच्छेदों के विवरण में किया गया है (अनुलग्न - १) प्रत्येक आरोप-अनुच्छेद के तर्जुमा में अवधार एवं कदाचार के आरोपों का विवरण संलग्न है (अनुलग्न - २) उन अभिलेखों की सूची तथा उन गवाहों की सूची निम्न के आधार पर आरोप अनुच्छेदों को साबित करना प्रस्तावित है, भी संलग्न है (अनुलग्न ३ व ४)।

२. 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।

३. श्री ... जगदीश प्रसाद ... को यह सूचित किया जाता है कि वे यदि उपरोक्त पैरा २ में निर्धारित तिथि ... या प्रस्तावित अपना लिखित अभ्यावेदन नहीं प्रस्तुत करेंगे अथवा यदि अभिप्रायों के अभाव में उपस्थित नहीं होंगे अथवा अन्य निर्धारित प्रतिक्रियाओं का परिपालन नहीं करेंगे या करने से इंकार करेंगे तथा यदि आपका ही उनके विस्तृत एकांतरण आदेश कर सकते हैं।

४.४. उन्हें यह सूचित किया जाता है कि उन्हीं अनुच्छेदों के संबंध में आदेश होनी जिन्हें अस्वीकार किया जाएगा। अतएव उन्हें स्पष्ट आदेश है आरोप अनुच्छेद आरोप को स्वीकारना अथवा अस्वीकार करना चाहिए।

५. श्री ... जगदीश प्रसाद ... का ध्यान इस ओर भी आकृष्ट किया जाता है कि यदि कोई भी कर्मचारी सरकार के अधीन अपनी सेवा के दौरान से अपने काम के दि-
कोई राजनैतिक प्रभाव जो किसी वरिष्ठ अधिकारी पर पड़ सकता है या लायेगा और न लाये का प्रयत्न करेगा, यदि किसी कार्यवाही में निरवधान्य किसी भी मामले पर उनके लिए किसी अन्य व्यक्ति से कोई संतुष्टि प्राप्त होती है तो वह जगता जोना कि श्री ... जगदीश प्रसाद ... इस संतुष्टि से अवगत है और उनके विस्तृत तत्संबंधी नियम के अंतर्गत के लिए कार्यवाही की जायेगी।

Inspector of Post Office
East Sub Division
BARABANKI-225001

श्री जगदीश प्रसाद ...
६०५५-१२४/ ज० हुसैनबाद ...

बिफोर दि बानरैबुल सेंट्रल ऐडमिनिस्ट्रेटिव ट्रिब्यूनल सिक्रेट बेंच, लखनऊ

अप्लीकेशन नम्बर

आफ १६८६

जगदीश प्रसाद

अप्लीकान्ट

कायम

यूनियन आफ इण्डिया ऐण्ड अदर्स

रिस्पान्डेन्ट्स

सैक्रेट नम्बर ()

अनुबन्ध - १

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

आरोप सं० १

श्री जगदीश प्रसाद, ए० डी० एम० पी० मैस्टर गैरावाँ डाकघर ने जमीन हुसैनाबाद, शाखा डाकघर में कार्यवाहक ब्रान्च पोस्ट मास्टर के पद पर कार्य करते हुए बसन्त बिहार डाकघर एम० 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 १६७८) के नियम सं० १० तथा अति० निमा० अधिकारी (आचरण सर्व सेवा) नियमावली १६६४ के नियम १७ का उल्लंघन किया ।

आरोप सं० २

श्री जगदीश प्रसाद ई० डी० एम० पी० गैरावाँ ने कार्यवाहक ब्रान्च पोस्ट मास्टर जमीन हुसैनाबाद डाकघर, बाराबंकी के पद पर कार्य करने के दौरान हसी मिश्र पी० नं० एम० नं० १३७४ व १३७५ दि० २५-६-८८ जो दि० ३०-६-८८ को प्राप्त हुआ का वितरण क्लिप्स 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 १६७८) के नियम १०६ तथा अति० निमा० अधिकारी (आचरण) सर्व सेवा) नियमावली) १६६४ के नियम १७ का उल्लंघन किया ।

आरोप सं० - ३

श्री जगदीश प्रसाद ई० डी० एम० पी० गैरावाँ डाकघर ने कार्यवाहक

-- २ पर

14/8/2017
Mishra
Assan

(२)

Ar

ब्रान्च पोस्ट मास्टर जमीन हुसैनाबाद, डाकघर बाराबंकी के पद पर कार्य
रत हुए भगत सिंह पीओ० समओ० नं० ०२३५ दिनांक ६-५-८८ रु० ३००)-
का दि० १२-५-८८ को ई०डीएमपी० जमीन हुसैनाबाद बाराबंकी द्वारा
लिख गए भुगतान को लेखा में रु० २००)- बै कर शाखा डाकघर नियमावली
(हटा संस्करण १९७८) के नियम १७४ व १७५ तथा अति० वि० अमि०
(आचरण सर्व सेवा नियमावली १९६४ के नियम १७ का उल्लंघन किया।

ह०। - अपठनीय

इन्स्पेक्टर आफ पोस्ट आफिस

इस्ट सब डिवीजन,

बाराबंकी - २२६००१

अनुबन्ध- २

श्री जगदीश प्रसाद ई० डीएमपी० गैरावा के विरुद्ध लगाए गए आरोपों का
विवरण

आरोप - १

बसन्त बिहार पीओ० समओ० नं० १३३१ दि० २०-६-८८ रु० १००)-
प्राप्त कर्ता श्री रमेश पुत्र सवलिया पासो ग्राम पूरे दुर्जन दुबे पी० जमीन
हुसैनाबाद (सुबेहा) बाराबंकी दि० २८-६-८८ को जमीन हुसैनाबाद डाक
घर में प्राप्त हुआ, जिस का भुगतान दि० २-७-८८ को श्री जगदीश प्रसाद
कार्यवाहक ब्रान्च पोस्ट मास्टर ने श्री मी राम मिश्र ग्राम पूरे मिश्र पी०
जमीन हुसैनाबाद को किया। इस प्रकार उन्होंने शाखा डाकघर नियमावली
(हटा संस्करण १९७८) के नियम १० व अति० विमा० अमि० (आचरण
सर्व सेवा) नियमावली १९६४ के नियम - १७ के प्राविधानों का उल्लंघन
किया।

आरोप सं२

शाखा डाकघर जमीन हुसैनाबाद में दि० ३०-६-८८ को ली मिश्र पी
ओ० समओ० नम्बर १३७४ व १३७५ प्रत्येक दि० २५-६-८८ रु० २००)- प्राप्त
हुए। पर श्री जगदीश प्रसाद कार्यवाहक ब्रान्च पी० मा० जमीन हुसैनाबाद
ने उन का भुगतान दि० १२-७-८८ को ही ई० डीएमपी० द्वारा कराया।
जब कि ३०-६-८८ व ११-७-८८ के दौरान नदी उपलब्ध रही। इस प्रकार
श्री जगदीश प्रसाद ने ३०-६-८८ से ११-७-८८ के मध्य इन धादेशों का

11/12/2019
Ar
Ar

(3)

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 गौरावा 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 रु० ३००)- प्राप्त कर्ता श्री बलन्त राम यादव ग्राम रामपुर पो० जमीन हुसनाबाद बाराबंकी के पते पर ले कर से प्राप्त किया। इसे दि० १२-५-८८ को भुगतान हेतु ई० डीएमपी० जमीन हुसनाबाद को दिया। जिस ने उसी दिन बाद भुगतान वापस लिया। उसे श्री जगदीश प्रसाद ने शाखा डाकघर लेखा व दैनिक लेखा में रु० ३००)- के स्थान पर रु० २००)- से लिखाब में लिया। फलस्वरूप उस दिन के लिखाब में रु० १००)- से नुकी बङ्गी 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 अमितौरों 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।

पृष्ठ ४ पर

6/11/2014 11:45
Muted
Aman

A30

(७)

- ३- बी.सी० जमीन हुसैनाबाद दैनिक लेखा दि० १२-५-८८
 ४- बन्त बिहार डाकघर एमओ० नं० १३३१ दि० २०-६-८८ र० ३००) - 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 एक्स्ट्रैक्ट 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 डिवीज़न,

बाराबंकी २२५००१

सुबन्ध- 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 बंजनाथ हंडीरमणि० 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 डिवीज़न,

बाराबंकी २२५००१

जगदीश प्रसाद
 Meher
 Chandra

सत्य प्रतिलिपि

... Respondent

ANNEXURE NO.

भारतीय डाक क्लब

शायन सं० EPF-128 | जमीन पुर्तगावापर वाशकरी दिनांक 7-6-89

5. श्री अगदीश प्रसाद का ध्यान उस और श्री भावुक विद्या
प्राप्त है कि श्री और श्री कर्मचारों साक्षात् के अधीन अपनी
सेवा के सम्बन्ध में अपने काम के लिए जोई रागों कि प्रभाव
जो फिरी की तरह भावकारी पर प्रभाव है न जाएगा और
न होने का प्रयत्न करेगा। यदि किसी कार्यवाही से सम्बन्धित
श्री मसल पर उनके लिए किसी अन्य अवसर से कोई संस्तुति
प्राप्त होती है तो यह सम्झा जाएगा श्री श्री अगदीश
प्राप्त इस संस्तुति से अवगत है और उनके लिए तत्सम्बन्धित
विषय के उत्तरों में लिए कार्यवाही की जाएगी।

Sub Divisional Engineer (Water Supply)
पूर्वी उप-मंडल/ East Sub Division
बाराबंकी / Barabanki - 225001

copy to Slos BKR with their no. H-124 | EDA ch 17/5708

① File EPF-128 / Janine Schneider

$$\begin{array}{r} 12131145 \\ \hline 5115121 \\ \hline 51715 \end{array}$$
 21129
 11/12/2023
 11/12/2023

Application No.
Sri Jagdish Prasad

...of 1989
... Applicant

Vs.
Union of India & others

... Respondent

ANNEXURE NO.

32

A32

श्री जगदीश प्रसाद दामोदर जैराव गजधर वाराणसी के विरुद्ध
लगाए गए आरोपों की द्वाारा

आरोप

श्री जगदीश प्रसाद दामोदर जैराव ने अपने पद
पर कार्य करते हुए दामोदर जैराव शाखा डाक
हाउस में इस प्रकार के पद पर अपनी नियुक्ति
होने का राजनैतिक प्रभाव डालकर अतिथित विभागीय
अभिकर्ता (आवरण एवं सेवा) नियमालय 1964
के नियम 25 का उल्लंघन किया।

—x—

अनुबन्ध- II

श्री जगदीश प्रसाद दामोदर जैराव के विरुद्ध लगाए
गए आरोपों का विवरण

—x—

श्री जगदीश प्रसाद दामोदर जैराव ने दामोदर
जैराव शाखा डाक हाउस में कार्य करते हुए अतिथित विभागीय
अभिकर्ता के पद पर कार्य किया। श्री जगदीश प्रसाद
नियुक्ति के लिए भी आवेदन पत्र दिया। श्री
नियुक्ति का आदेश विचारणीय हो है कि श्री
जगदीश प्रसाद ने श्री राजनारायण तिवारी प्रमुख
क्षेत्र समिति हेदर गढ़ के पत्र दिनांक 29-4-89, श्री राजा
राजीव कुमार सिंह विधायक दरियाबाद वाराणसी
के पत्र दिनांक 24-4-89 एवं श्री सुरेन्द्र नाथ अवस्थी
सदस्य विधान सभा हेदर गढ़ वाराणसी के पत्र दिनांक
24-4-89 के द्वारा उपरोक्त शाखा डाक हाउस
के पद पर होने वाले नियुक्ति के मामले में
राजनैतिक प्रभाव डालने की कोशिश की है।
इस तरह श्री जगदीश प्रसाद ने अतिथित विभागीय
अभिकर्ता (आवरण एवं सेवा) नियमालय 1964 के
नियम 25 का उल्लंघन किया है।

अनुबन्ध- III

- अभिकर्ता की सूची में श्री जगदीश प्रसाद का नाम
दिए गए आरोपों के सिद्ध करने का प्रस्ताव है।
- 1- श्री राजनारायण तिवारी प्रमुख क्षेत्र समिति हेदर गढ़ का पत्र दिनांक 29/4/89
 - 2- " राजा राजीव कुमार सिंह विधायक दरियाबाद वाराणसी " 24/4/89
 - 3- " सुरेन्द्र नाथ अवस्थी सदस्य विधान सभा हेदर गढ़ वाराणसी " 24/4/89

Sub Divisional Officer
Lucknow

जगदीश प्रसाद

Attest
Signature

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

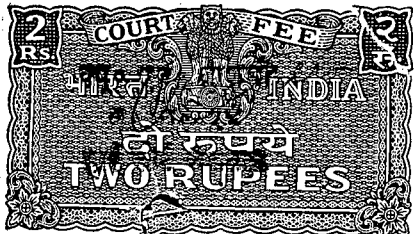
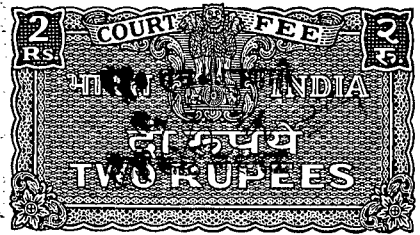
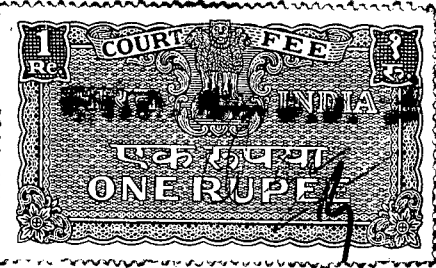
बअदालत श्रीमान

महोदय

वादी (मुद्दई)
मुद्दई (मुद्दालेह)

का

वकालतनामा



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

सन पेशी की ता०

१९ ई०

मुद्दमा में अपनी ओर से श्री

RAMRUL HASAN
Mohd. Fath Uddin

वकील

एडवोकेट महोदय

मैं अपना वकील नियुक्त करके (इकरार) करता हूं 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 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
न० मुकद्दमा
नाम फरीकन

Accepted
27/7/89

साक्षी (गवाह)

Accepted
27/7/89

साक्षी (गवाह)

हस्ताक्षर
Tajdesh Prasad Yadav
Applicant

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-I (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

(Qamul 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. /

16

46220

बुनियाद हार्ड स्कूल परीक्षा, १९७२

आवेदन संख्या: १९७२/१६२

पुनः/पुनः

मार्च, १९७२ को बुनियाद हार्ड स्कूल

/पुनः/पुनः परीक्षाओं

में भाग लेने का हक/हकीकत

में विशेष योग्यता प्राप्त थी।

आवेदन संख्या: १९७२/१६२

बुनियाद हार्ड स्कूल परीक्षा में

आवेदन संख्या: १९७२/१६२

आवेदन संख्या: १९७२/१६२

आवेदन संख्या: १९७२/१६२

आवेदन संख्या: १९७२/१६२

आवेदन संख्या: १९७२/१६२

आवेदन संख्या: १९७२/१६२

आवेदन संख्या: १९७२/१६२

आवेदन संख्या: १९७२/१६२



बुनियादी शिक्षण तथा सम्बन्धित कक्षा:—

वैकल्पिक विषय:—

बुनियादी शिक्षण परीक्षा

१९७२/१६२ पुनः/पुनः

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. 6266

प्रमाण पत्र श्री जगदीश प्रसाद यादव के सेवा
काल के संबंध में

मे. श्री रम बिजय सिंह यादव को एक पत्र के द्वारा सूचना
दिया जा रहा है की श्री जगदीश प्रसाद
यादव 8/6 श्री गुरु प्रसाद 12/11 के पद पर दिनांक 30-6-76
से रत कामोत्तरा को उपलब्ध अभिलेखों के अनुसार
का रहे है

श्री यादव के द्वारा उप उपलब्ध सूचना से एक काल
देने तथा एक का निष्पत्ति किया जा रहा है श्री यादव
लागू 14 वर्षों से बिजय यादव की सेवा को कोषित
है इनका काम निम्नलिखित है

जगदीश प्रसाद यादव

रिजिस्ट्रार श्री जगदीश प्रसाद
के सेवा कार्य का प्रमाण पत्र
कोषित प्रमाण पत्र
पुनर्विजरी 8 PM
आपका एक कार्य
21/7/89

EXPTL.P.O.
U.P. 6266
21/7/89

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

A36

सेवा में,

निदेशक,

डाक सेवाएं, नसीक,

पत्र संख्या - २२६००७

द्वारा उचित माध्यम।

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

महोदय,

निवेदन है कि प्राणी जगदीश प्रसाद ८० डी० एम० पी० गैराबा
सुबेहा, कस बाराबंकी में पिछले दिनांक ३०-६-७६ से लगातार
कार्यरत है और निम्न निवेदन करता है :-

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

यह कि जो आवेदन पत्र पर विभागीय सभी कार्यवाही करा
ली गई थी शिवांग रायचल को जांच लागू में पुनर्जांच आदि।

यह कि प्राणी शाखा डाकघर की नियुक्ति की सभी बातों
पूरी करता है। *जमीन जूनाबाद डाकघर के घर पर नियुक्ति हेतु आवेदन-पत्र*

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

यह कि अतिरिक्त विभागीय अधिकारी (सेवा एवं आवरण)
नियमावली १९६४ के नियुक्ति अनुभाग -२ के नियम १७ के अनुसार
जिस में यह माफ़-माफ़ लिखा है कि सर्वोपरि अधिकारी को ध्यान में
रखा जावेगा अतिरिक्त विभागीय कार्यवाही की प्राथमिकता के
आधार पर नियुक्त किया जाएगा। अतः उपरोक्त के अनुसार पूर्ण
ही नियुक्ति मिलनी चाहिए। तब कि मैं विभाग में लगभग १४
महीने कार्यरत हूँ।

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

जगदीश प्रसाद

(A37)

(2)

की धमकी है ताकि वे अपने जंगल-जंगल बचवाये जा सकें तथा एक
पूर्वभूत कार्य के सहित एक सम्पत्ति विभाग के भी भुक्त हो पा सकें
गए हैं।

यह कि जो सत्त्वाम सिंह जमीन दुम्नाबाद के निवासी
न ही कर सितो ग्राम के एक फन्दर घर के कोटे से पूर्व पुरे किरण
के निवासी हैं।

यह कि डाकवा मंत्री ग्राम में ही मीना नामक जहाँ की
बाबादी अधिक हो चली कि यह जलित एवं जलवा का विभाग
है और जलवा के तात्पर्य में ही डाकवा देहात में होता जाता है
उक्त नियुक्ति में इस बात का ध्यान नहीं रखा गया।

आ: कस में जाग में जंगल के कि प्रोमान् जो जलने स्तर
से वाक्य की जांच करा जावे एक पत्रावली जंगल का जो सत्त्वाम
सिंह की नियुक्ति पर करी एवं भुक्त जाता सम्पत्ति जमीन दुम्नाबाद
शाहा डाकवा के पद पर नियुक्ति दिवान के साथ-साथ भी साथ
हो रहे स्थानीय विभागीय अधिकारियों द्वारा बरखाबार की
समाप्त बागमें की भुक्त करें। तबि भुक्त की।

प्रमाण:

(जगदीश प्रसाद यादव)

ई० सी० एम० पी०
गैरिया सुबेडा जलपद बाराबंकी

दिनांक १६-७-६६

प्रतिनिधि - श्रीमान् डाक प्रयोदाक बाराबंकी की सूचना एवं
आवरणक कार्यवाही केतु प्रेषित।
श्रीमान् जल मण्डलीय निरीक्षक डाक (पुणे) जलपद
बागबंकी की सूचना।

जगदीश प्रसाद यादव
(जगदीश प्रसाद यादव)

Received
Fog
कार्यालय निरीक्षण
डाक सेक्टर जलपद क्षेत्र
संलग्नक-२२६००७

जगदीश प्रसाद यादव
जलपद क्षेत्र

138

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...4.....

श्री जगदीश प्रसाद यादव
जबर्ना पत्र शाखा जक पाल जमीन हुसना
(खुबदा) कोरा नौकी

जबर्ना पत्र 1
प्रमाण पत्र निम्न दार्द स्थल 1 कोरेस्टे
भीत प्रमाण पत्र 2 कोटी स्टेट
आपु प्रमाण पत्र 1
बोकात मानचित्र नकशा 1
खुबदा नौकी

Received with Enclosure
18/05/89
Jagdish Prasad

Jagdish Prasad

बिक्री के दि. आनरेबल सेंट्रल हैंडमिनिस्ट्रेटिव ट्रिब्यूनल, सर्विंट बैन्च, लखनऊ

अप्लीकेशन नम्बर

आफ १६८६

जगदीश प्रसाद

अप्लीकान्ट

बनाम

यूनिथन आफ इण्डिया ग्रुप अदर्स---

अपोजिट पार्टीज

सैक्यर नम्बर (6)

सब पोस्ट मास्टर

सुबहा - २२७३०२

बाराबंकी

हो बी० सम० ५ 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 स सौ मात्र का बाँटा जिसे प्राप्त कर्ता से तीन रु० कूल 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 । अवगत है । अतः १००-०० एक सौ हिसाब दिखाया गया और त्रुटि पुस्तिका में नोट किया गया

(१) प्रतिलिपि शाखा डाकमाल जमीन हुसैनाबाद ।

पृष्ठ २ पर

जगदीश प्रसाद यादव

(२)

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

(२) प्रतिलिपि साक निरीक्षाक, पूर्वी प्रखण्ड, बाराबंकी,

(३) डाक अधीक्षाक, बाराबंकी प्रखण्ड, बाराबंकी

इन्कला ० नं० समझौ ३५ डेटेड ६-५-८८ रुपये ३००) -

ह० - अठनीय

१३-५-८८

सब पोस्ट मास्टर,

सुबैहा २२७३००१

बाराबंकी ।

सत्य प्रतिलिपि

५/११/९१ ५५५५५५

Application No.
Sri Jagdish Prasad

... of 1967
... Applicant
Vs.
... Respondent

(Am)

Union of India & others

ANNEXURE NO.

सेवा में,

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

विषय: आपन संख्या डी.पी.एफ./128 जमीन हुसनाबाद, 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 एजेंट सेवा एवं आचरण। नियमावली 1964 के
नियम 8 के अन्तर्गत कार्यवाही करना प्रस्तावित किया गया था, जिस
सम्बन्ध में प्रार्थी ने अपना बयान आप माननीय महोदय को दे
पुका है, जिसमें प्रार्थी ने सभी आरोपों को निराधार एवं निरर्थक
बताया है । उष मण्डलीय निरीक्षक डाकघर सी.एल. वार्ड। 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 बयान पत्र को
सही मानते 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 आस्था के साथ देने की कृपा करें । अति
कृपा होगी ।

प्रार्थी,

जगदीश प्रसाद यादव।
डी.पी.एफ./128, गैरावा। तृषेहा।
बाराबंकी ।

प्रतिभाप श्रीमान डाक अधीक्षक महोदय, बाराबंकी को
तुमनाथ एवं आवश्यक कार्यवाही हेतु प्रेषित ।

दिनांक 25-7-67

जगदीश प्रसाद यादव,
जगदीश प्रसाद यादव।
डी.पी.एफ./128, गैरावा। तृषेहा।
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 राय

प्रमाणित किया जाता है कि श्री जगदीश प्रसाद यादव
ई. डी. एम. पी. गैरान ने आज दिनांक 25.3.88
को सर्वेक्षण कार्य वाहक शारदा डक पाल जर्मन हुसेन
बाद का कार्य मा. ग्रहण कर लिया है आदेश
मुश्काल निरीक्षण डक पाल सर्वेक्षण कार्य

प्रमाणित
शारदा डक पाल
माल D/S
हेदर गद वाहकी
25.3.88

मा. गृही 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

143

सेवामे

श्रीमान उप मंडलीय निरीक्षक (डाक)

बाएबंदी २वीं उप मंडल
225001

द्वारा उप डाक पाल सुबेह

महोदय

आपके जे.संख्यां E.P.F. 128/ जमीन दुखेनाबाद
दिनांक 7.6.89 के सन्दर्भ में कृता है कि मैं इन अभियोगों
को अस्वीकार करता हूँ।

प्रार्थी

जगदीश प्रसाद

20.6.89

• एस.पी. गोरवा
बाएबंदी

Recd & copy
Sub: 227302

जगदीश प्रसाद चांद

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. 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 उज्ज्वल भविष्य को कामना करता हूँ।

इसकाफती

ग्राम प्रधान

दिनांक:- 22-6-88

हरनाथ अली, ग्राम लता जमीन
हुसेनाबाद, परगना सुबेहा
जनपद- 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. 0A178/89

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:

J. Chandra
(DR. DINESH CHANDRA)
COUNSEL FOR THE RESPONDENTS

P.T.
L
15/11/89

446

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

Registration No. O.A. 178 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.

contd. 2...

A47

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



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/ *महाराष्ट्र शासन* 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
15-12-89

Aug

-: 4 :-

~~work~~ and conduct of the applicant was found unsatisfactory for which he was issued a warning under Memo No. EPF-128/~~with the~~ 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~~ 571MP

..... 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. Chandra

Advocate.



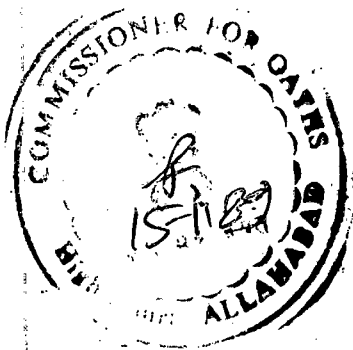
(AS)

--: 6 :--

Solemnly affirmed before me on 15-11-82
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 15-11-82

600 No 128/85

ASD

Jyoti Pr Singh

ANNEXURE एकस-82
- R-1

उत्तर प्रदेश शासन

प्रशिक्षण एवं सेवायोजन निदेशालय, उ० प्र०

श्रम विभाग

(99)

टेलीफोन नं० 207

जिला

सेवायोजन कार्यालय
कोरासकी

संदर्भ संख्या 04/25/88

दिनांक 31-3-88 198

महोदय,

आपके पत्र संख्या ~~रख श्री/जगन उदयन/87/1~~ दिनांक 18-3-88 के संदर्भ में जो ~~उत्तर प्रदेश शासन~~ रिक्त पदों की सूचना के विषय में है, उस पत्र के साथ उक्त योग्य 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 7 तथा मद संख्या 1 एवं 2 की पूर्ति करके इस कार्यालय को लौटाने का कष्ट करें। ~~अभ्यर्थियों को सूचित कर (श्री)~~ ~~औपचारिक रूप से सूचित करें।~~ ~~तत्पश्चात् आसक्त न करें।~~ ~~स्वीकृत करने के तत्पश्चात् सूची को एक प्रतिलिपि~~ ~~स्वीकार कर श्री प्रमुख कार्यालय को वापस भेजने की कृपा करें~~ ~~तथा चुनाव परिणाम भी सूचित करने का कष्ट करें।~~

संलग्न सूची तालिका के साथ।

सेवा में अधीक्षक
डाक्टर प्रकाश
कोरासकी।

जिला सेवा नियम अधिकारी
कसबा
ONLY FOR PATHS
ALLAHABAD

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

DEPARTMENT OF LABOUR

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

To 31-3-88
Dated 31-3-88

Order 00125/88
Dated 31-3-88

FOR EMPLOYERS USE

FOR OFFICE USE

31-3-88
31-3-88

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	1120/88 रानीसिंह शर्मा पिता श्री रानीसिंह शर्मा पिता-सुरेश चंद्र शर्मा	X02:10	S-S-SB VII मा	—	—	
2	1147/88 रानीसिंह शर्मा पिता श्री रानीसिंह शर्मा पिता-सुरेश चंद्र शर्मा	X02:10	B-2-S7 VII मा	B1C	—	
3	1252/88 रानीसिंह शर्मा पिता श्री रानीसिंह शर्मा पिता-सुरेश चंद्र शर्मा	X01:10	11-B-64 HS II	B1C	—	
	कुल-3 (तीन) अभ्यर्थी					



P.T.O.

Imperial & Co. Pvt. Ltd.

Annexure - R2

भारतीय डाक विभाग

कार्यालय अधीक्षक डाकघर वाराणसीमण्डल वाराणसी - 225001

आपन सं- H-124

स्वात वाराणसी दिनांक 25.8.89

74

ग्राम .. जमीन .. इ. ल. ग. .. 916 ... 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 रु 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 कागजात, 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 जमाबत नकदी या मान्यता प्राप्त सोसायटी द्वारा फायडेलिटी 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 दिनांक 24.8.89 तक इस कार्यालय को प्राप्त हो जाना चाहिए। आवेदन पत्र के साथ निम्नलिखित तथ्यों की प्रतिलिपि होना आवश्यक है।

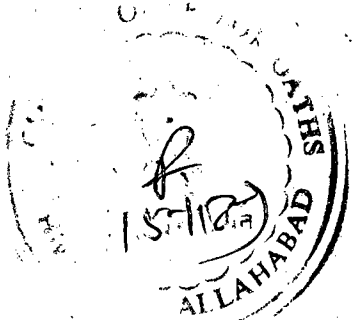
- अ- जन्म तिथि तथा शैक्षिक योग्यता प्रमाण पत्र की प्रतिलिपि +
- ब- दो व्यक्ति विशेष (समाज के प्रतिष्ठित) के द्वारा अधिकृत चरित्र प्रमाण पत्र होना।
- स- आय प्रमाण पत्र जो रेवेन्यू अधारिटीस (जो तहसीलदार से कम न हो) द्वारा प्रमाणित हो तथा जिसमें व्यवसाय का भी उल्लेख हो।
- द- यदि अभ्यर्थी अनुसूचित जाति / 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

(क्रमशः ... 2)



आवेदन पत्र
 (इस पत्र में निम्नलिखित जानकारी देनी है) - पत्र

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



(004030)

Case No-128/88

ANNEXURE-R-3

(ASB)

सेवा में

श्रीमान डाक निरीक्षण महादय देवी जगन्

भारत

महाराष्ट्र शासन उच्चपाल गेराना काराबंदी

विषय:- आपन सं. E.P.F. 128/जमीन हुसैनगढ़
दिनांक 11.12.88 के आदेश में:-

महादय

विनम्र निवेदन यह है पार्थी से कार्यवाही शाखा
उच्चपाल जमीन हुसैनगढ़ के पद पर कार्य करते
हुए बिनागीर कार्य में लगे हुए हैं होगी
हैं पार्थी उनके लिए समायाहिराई
रखा भविष्य में पार्थी से करों की ऐसी
गलतियां नहीं होने पाएगी।
उत्तर:- श्रीमान जी से सानुसंधा पार्थी है
की पार्थी को समा करने की दया करने की
कृपा करें। श्रीमान जी की महान दया
होगी।

पार्थी

जगदश जगदश २०६९

E.P.F. गेराना

(सुवेहा) भारत

२५/१२/८८

सत्यापित
२५-१२-८८



Annexure - R-4

ASST
129

कोषाध्यक्ष - निरीक्षण अधिकारी, श्री उमरगुला, बारांकी - 133/85
सं. एफ.ए. - 128/ जमोतुल्लेबाद
बारांकी दि. 133/85

श्री जगदीश प्रताप एडम्प गैरांग डम्पर, सुवेहा,
बारांकी को अति कोषाध्यक्ष के समक्ष पत्र दि. 11-12-88 को आते
विमां कामि (आचरण रख लेता) निम्नलिखित 1964 के निमां-8 के अन्तर्गत
अध्यात्मिक कार्यवाही अस्तित्व की गयी जो तथा निम्न आरोप लागू
गये हैं।

आरोप सं. 1

“ वास्तविकता Po Mo No. 133/ दि. 20-6-88 क. 100/- आत्मिक
श्री रमेश गे. संवादीया पासो डम्प - डूरे डूरे डूरे दो. जमोतुल्लेबाद बारांकी
दि. 20-6-88 को जमोतुल्लेबाद डम्पर में आता हुआ/ रिफ्लेक्शन दि. 2-7-88
को श्री जगदीश प्रताप कोषाध्यक्ष के समक्ष श्री जमोतुल्लेबाद, श्री रमेश गे. दो. कामि
द्वारा आता कोषाध्यक्ष डम्पर के अन्तर्गत निमां-8 (दृष्टांत-क/1778)
के निमां-10 व आरोप विमां-8 कामि (आचरण रख लेता) निम्नलिखित 1964 के निमां-17
के अन्तर्गत को उल्लेख किया।

आरोप सं. 2

आस्था डम्पर जमोतुल्लेबाद में दि. 30-6-88 को निमां-8 में आता Po
Mo No. 1374 व 1375 अन्तर्गत दि. 25-6-88 क. 200/- आता हुआ पर श्री जगदीश प्रताप
कोषाध्यक्ष के समक्ष निमां-8 आता दि. 12-7-88 को ही डम्पर द्वारा कराया। जबकि
30-6-88 व 11-7-88 के दौरान एकदो अन्तर्गत रही। अतः श्री जगदीश प्रताप ने
30-6-88 से 11-7-88 के मध्य इन धमाके को ना विचार कर आस्था डम्पर
निमां-8 को (दृष्टांत-क/1778) के निमां 106 व आरोप विमां-8 कामि (आचरण रख
लेता) निमां-8 को 1964 के निमां 17 को उल्लेख श्री जगदीश प्रताप ने किया।

आरोप सं. 3

श्री जगदीश प्रताप एडम्प गैरांग ने कोषाध्यक्ष के समक्ष जमोतुल्लेबाद
डम्पर के पद पर कार्य करते हुए दि. 11-5-88 को भगवत सिंह Po Mo No. 0235 दि.
6-5-88 क. 300/- आत्मिक श्री वास्तविकता गायन आ-रामपुर दो. जमोतुल्लेबाद
बारांकी के पद पर लेता है आस्था डम्पर में दि. 12-5-88 को आता हुआ
जमोतुल्लेबाद कोषाध्यक्ष के समक्ष अतः दि. 12-5-88 को आता हुआ डम्पर
ने आस्था डम्पर द्वारा व देविक लेख में क. 300/- के मध्य पर क. 200/- से दिमां में लिया।
अतः श्री जगदीश प्रताप ने आस्था डम्पर निमां-8 को (दृष्टांत-क/1778)
1964 के निमां 17 का उल्लेख किया।

अन्त आरोप सं. 4 श्री जगदीश प्रताप को दि. 15-12-88 को

आता हुआ तथा अतः अथवा अन्तर्गत आता दि. 24-12-88 को आता। अतः
श्री जगदीश प्रताप ने अन्तर्गत आरोप को स्वीकार किया है तथा धमाका बना-बैठा
कि अन्तर्गत आता अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः
अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः
पर अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः
निरीक्षण डम्पर द्वारा अन्तर्गत, बारांकी अतः अतः अतः अतः अतः अतः अतः अतः
दि अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः
किर मामले को अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः अतः



Serial. 178/25

Jyoti R. K. Jaiswal

ANNEXURE-R-5 ASS

Department of Posts - India

(27)

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

Memo No: EPF-128/Z. Husainabad Date: 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
EADA cum adme - one

Shri Jagdish Prasad Yadav EDBP Gerawan P.O. Barabanki a willing candidate to work as cftg. EDBPM Zamin Husainabad and who is the resident of Vill Zamin Husainabad proper is allowed to work as cftg. 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 EADA 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 Barabanki.
- 3-4. The officials concerned.
5. Spare.



अदालत श्रीमान

Central Administrative Tribunal
Genl. Secy., Lucknow

महोदय

वादी (मुद्दई)
मुद्दई (मुदालेह)

का

वकालतनामा

AS9

Jagdish Pr

बनाम Union Bank of India प्रतिवादी (रिस्पान्डेन्ट)

नं० मुकद्दमा 178

सन 1987 पेशी की ता० 14-11-99 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Jagdish Pr

Adv. Gen. Secy., Standing Counsel वकील
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

Acceptance
J. Q. Pr
D. Pr

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् 99

ई०

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

(Abe)

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.

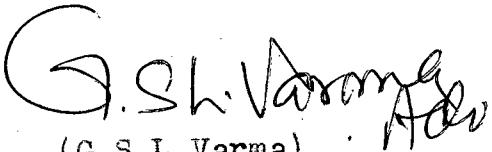
Application for condonation of delay in
filing counter affidavit by Respondent No.5.

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)
Advocate,

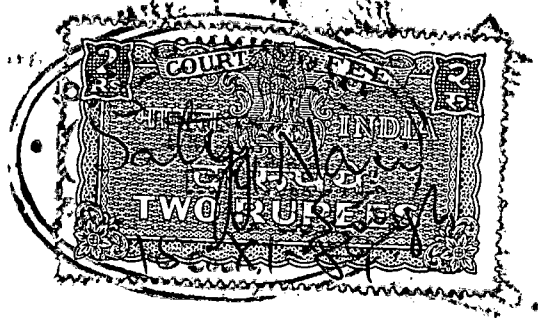
Counsel for the Opp. Party No. 5.

जादव प्रसाद यादव
जादव प्रसाद यादव
15/11/89
P-T
15/11/89
श्रीमान यादव
O.P. No. 5/5/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.

सत्य नाम सिंह

सत्य नाम सिंह

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.

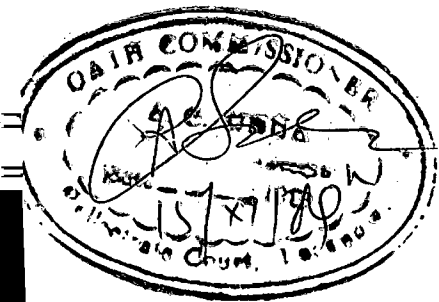


रतन प्रसाद

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



सत्य जागरूक

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.



रत्नमाला

5-3. That the contents of para 4-3 of the application are not controverted. In addition ^h 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 ~~pt~~ ^h pendency of enquiry, the applicant could not be ~~pt~~ ^h 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.



अंतराज्यीय

5-6. That the contents of para 4-6 of the application are misconceived. It is stated that ^hthe 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. ^hThe

^hdeponent belong to a respectable family and my name is Satyanam ^hSingh son of late Sri Jagdamba Bux Singh. ^hThe ^hdeponent But the ^hcounsel and the applicant tried to misbehave and abuse

सत्यनमसि

A657

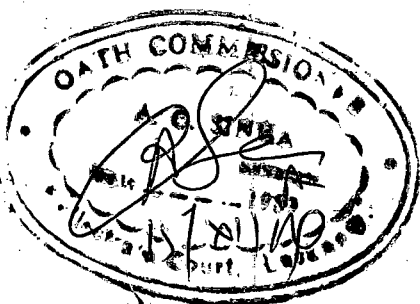
my late father name, knowing pretty well the names (through documents submitted by applicant) needs your attention please. The applicant does not belong to this village and Mauza. Originally they are from village Daflapur h/o Sarifabad. It was the answering deponent's father who gave him shelter and 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



शतपणमासि

168

- 7 -

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

469

- 8 -

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

सत्यमेव जयते

A70

- 9 -

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.

शतयजमान
Deponent.

Verification.

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;

Dated Lucknow:
Nov. 15th, 1989.

शतयजमान
Deponent.

I identify the deponent who has signed before me.

G.S. Verman
Advocate.

67
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 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.

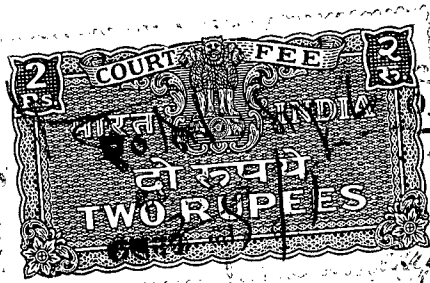
Lucknow, dated,
29.1.1992

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

Filed today
29/1/92

Before the Central Administrative Tribunal,
Allahabad Bench at Lucknow.

O.A.No. 170⁴ of 1989.



1991
AFFIDAVIT
3/5/89
HIGH COURT
ALLAHABAD

Jagdish Prasad.

-----Applicant

Versus

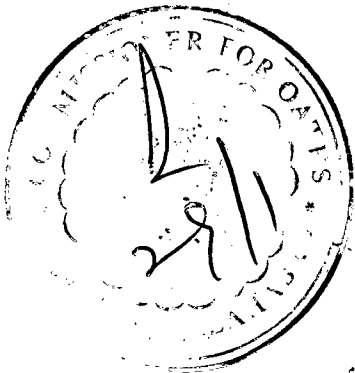
Union of India & others.

-----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[✓] 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

with the job from whom the deponent had taken the charge after his regular appointment on the post of Branch Post Master, Jamini Husainabad, District Barabanki.

Lucknow, dated,
29.1.1992

सत्यनाम सिंह
Deponent.

Verification.

I, the deponent abovenamed do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed so help me God.

Signed and verified this 29 day of January, 1992 at Lucknow.

सत्यनाम सिंह
Deponent.

I identify the deponent who has signed before me.

G.S.C. Varma
Advocate.

29/1/92
1055 A.M. 29/1/92
Satya Nam Singh
A.S.L. Verma
I, the undersigned, being a Magistrate, do hereby certify that the deponent has been examined and the contents of the affidavit which have been read out to him have been explained to him.

A.N. KHANAM
OATH COMMISSIONER

High Court, Lucknow
Lucknow Bench Lucknow

No. 3/5-9-9

Date 29/1/92

(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 shd

1. That full facts have been given in the accompanying ~~Supplemental~~
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 ~~Bank 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.

(Dr. Dinesh Chandra
Advocate,
Addl. Standing Counsel,
Counsel for the Respondent.

f.T.
SHP
15/5/90

(278)

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

SUPPLEMENTARY COUNTER REPLY to Respondent's 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

276

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 deponent 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 ~~xxxxxx~~ 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 character 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

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-99
3; 4 :-

Verification

I, the above named deponent/ 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. Singh
Respondent.

सुरेन्द्र नाथ अवस्थी
विभागाध्यक्ष, ई०
हैदराबाद-बाराबंकी।



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

श्री. प्रारोचवर्मा,
डाक अधीक्षक, ग्र. खण्ड बाराबंकी।

प्रहोदय,

मेरे विधान सभा क्षेत्र हैदराबाद, जनपद- बाराबंकी के परगना-हुसनाबाद की ग्राम
जमीन हुसनाबाद के लिए फरवरी 1988 में एक शाखा डाकघर स्वीकृत हुआ था और
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 हुसनाबाद के ही मूल निवासी हैं तथा विगत 14 वर्षों से
शाखा डाकघर मेरावाँ में ई०पी० के पद पर कार्यरत हैं। इन्हें ग्रान्व पोस्टमास्टर पद
के कार्य का अच्छा अनुभव है। इनका नाम उपरोक्त शाखा डाकघर जमीन हुसनाबाद
में ग्रान्व पोस्ट मास्टर पद पर नियुक्ति हेतु प्रस्तावित हो चुका है तथा फाईल आपके
कार्यालय में पेन्डिंग में पड़ी हुई है। श्री जगदीश प्रसाद यादव ग्रान्व पोस्ट मास्टर पद
सम्पूर्ण अर्हताएं पूरी करते हैं तथा वह एक कर्मठ एवं परिश्रमी एवं ईमानदार व्यक्ति हैं।

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

अस्तु आपसे प्रेषणा करेंगा 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 अवगत करायेंगे।

प्रतिलिपि:-

सधन्यवाद,

श्री बी.पी.सिंह, डाक निदेशक,

लखनऊ क्षेत्र, न्यू हैदराबाद लखनऊ

225007 को आवश्यक कार्यवाही हेतु।

भवदीय
सुरेन्द्र नाथ अवस्थी
हैदराबाद, बाराबंकी

881

मनमोहन तिवारी

निवास : 47032
 कोन : [कार्यालय : 46296, 47302
 नयनऊ : 47475, 45993
 दिल्ली-274771-260935

पुराना नपेशगंज,
 नयनऊ-226001

मंत्री

आर्य प्रतिनिधि सभा उ० प्र०
 ५ मीराबाई मार्ग लखनऊ-१

★

महामंत्री

आल इण्डिया स्कूल मैनेजर्स एसोसियेशन

★

उपमंत्री

सांख्यिक आर्थिक प्रतिनिधि सभा
 महात्मा जयानन्द भवन रामलीला मैदान
 नई दिल्ली-२

★

मंत्री

उ० प्र० विद्यालय प्रबन्ध महासभा

★

मंत्री

आर्य समाज नयनऊ

★

महामंत्री

बोस सूत्रीय कार्यक्रम समिति लखनऊ
 उ० प्र० व्यापारी सेल कांग्रेस (ई)
 उ० प्र० खादी तथा ग्रामीण बोर्ड लखनऊ

★

भारत सेवक समाज उ० प्र०

★

सहसंयोजक

उ० प्र० नागरिक परिषद 'लखनऊ मण्डल'

★

संयोजक

बुद्ध एवं विद्या भवन
 गुरु कांग्रेस कमेटी (ई) नयनऊ

★

प्रबन्धक

डी०ए०वी० डिभी कानेज लखनऊ

★

डी०ए०वी० इण्टर कानेज लखनऊ

★

आल इण्डिया स्कूल मैनेजर्स एसोसियेशन

★

जयानन्द मित्रा मंदिर लखनऊ

★

आर्य समाज टेलेविज स्कूल लखनऊ

★

जयानन्द संगीत विद्या मंदिर लखनऊ

★

जयानन्द रावि पाठशाला लखनऊ

★

जयानन्द गुरु मंदिर लखनऊ

★

उपाध्यक्ष

श्री अलसेन्द्र इण्टर कानेज, भिनगा,
 बहराइच

★

प्रधान सम्पादक

आर्य मित (मासाहिक)

नयनऊ

प्रतिष्ठा में,

उ

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

दिनांक.....

प्रिय महोदय,

सादर अनुरोध है कि विधान सभा क्षेत्र हैदराबाद, जनपद
 बाराबंकी की ग्रामसभा-जमीन हुसैनानाबाद, परगना-सूफेहा के लिए फरवरी
 1988 में एक शाखा डाकघर स्वीकृत हुआ था और दिनांक-25.3.88
 से पूर्णतः समयबद्ध होकर कार्य कर रहा है।

उक्त संदर्भ में आपको अवगत कराना है कि श्री सत्यनाम
 प्रसाद यादव पुत्र श्री श्रीपाल यादव जो जमीन हुसैनानाबाद के ही मूल
 निवासी हैं तथा फिगत 14 वर्षों से ई0डी0 के पद पर शाखा शाखा
 भेरावा में कार्यरत हैं जिनका नाम उपरोक्त शाखा डाकघर जमीनहुसैनानाबाद
 शाखा में ग्राम्य पोस्टमास्टर पद हेतु प्रस्तावित हो चुका है तथा का
 श्री आर0ए0एम0 डाकघर शाखा, बाराबंकी के कार्यालय में पेंसिंग में प
 हुई हैं। श्री जगदीश प्रसाद यादव ग्राम्य पोस्टमास्टर पद की सम्पूर्ण
 अर्हताएं पूरी करते हैं तथा एक कर्मठ एवं ईमानदार व्यक्ति हैं जिनका
 उक्त क्षेत्र के विधायक ने भी प्रमाणित किया है।

मेरे संज्ञान में लाया गया है कि उक्त व्यक्ति के स्था
 पर श्री सत्यनाम पुत्र श्री जगदम्मा की नियुक्ति करने के उद्देश्य से
 जिस व्यक्ति विशेष द्वारा अपने निजी स्वार्थपक्ष प्रार्थी श्री यादव
 य निरीक्षक डाकघर पूर्वी क्षेत्र बाराबंकी की शिकायत करने पर डाक
 अधीक्षक बाराबंकी द्वारा प्रार्थी का नियुक्ति आदेश जारी करने में
 बिगड़ किया जा रहा है जो अन्याय में उचित नहीं है जबकि श्री
 सत्यनाम पुत्र श्री जगदम्मा उनी ग्राम सभा के एक मान्य 15 वर्षों के
 पुरवा का निवासी है। ग्राम जमीन हुसैनानाबाद 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 यह
 शिकायत पूर्णतः गलत एवं निजी स्वार्थपक्ष है।

अस्तु आपसे सादर अनुरोध है कि श्री यादव पुत्र श्री
 श्रीपाल यादव जिनका नाम उपरोक्त शाखा डाकघर जमीनहुसैनानाबाद
 बाराबंकी में ग्राम्य पोस्टमास्टर पद हेतु सम्पूर्ण वैधानिक कार्यवाही
 पूर्ण होने के पश्चात प्रस्तावित हो चुका है का नियुक्ति आदेश जारी
 करने हेतु श्री आर0ए0एम0 डाकघर अधीक्षक बाराबंकी को निर्देशित क
 की कृपा करें।

सुख कामनाओं सहित, सलामत
 आपका

आर्य मनमोहन तिवारी, 2...

राजा राजीव कुमार सिंह
विधायक
परिपालावा-बाराबंकी।



संकेत पत्राची [नरदी]

तलमक
दिनांक - अगस्त 24, 1989

सेवा में,

श्री श्री 00000 सिंह,

डाक विभाग,

तलमक क्षेत्र, पंच परिपालावा तलमक-226007

आदरणीय महोदय,

सादर अनुरोध है कि विधान सभा क्षेत्र परिपालावा, तलमक-बाराबंकी परगना-सुंहेवा की ग्राम सभा-जमीन हुसनाबाद के लिए करबरी 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 हुसनाबाद के ही मूल निवासी है तथा विगत 14 वर्षों से श्री 00000 के पद पर शाखा डाकघर गेरावों में कार्यरत है इसका नाम उपरोक्त डाकघर जमीन हुसनाबाद में ग्राम्य पोस्टमास्टर पद हेतु प्रस्तावित हो चुका है तथा फार्मल श्री आर०ए०बर्मा डाक अधीक्षक बाराबंकी के कार्यालय में पेंडिंग में पड़ी हुई है। श्री जगदीश प्रसाद यादव एक ग्राम्य पोस्ट मास्टर पद की सम्पूर्ण अर्हताएं पूरी करते हैं तथा एक कर्मठ एवं ईमानदार व्यक्ति है।

भेद 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 स्वार्थमय प्रार्थना श्री यादव व निरीक्षक डाकघर पूर्वी क्षेत्र [श्री 00000बर्मा] बाराबंकी की सिफारिश करने पर डाक अधीक्षक बाराबंकी द्वारा प्रार्थना का निशुचित आवेदन [पत्र] जारी करने में विलम्ब किया जा रहा है जो क्षेत्र में उचित नहीं है, क्योंकि श्री सत्यनाम पुत्र श्री जगदम्मा उसी ग्राम सभा के एक मात्र 15 वर्षों के बच्चा का निवासी है। ग्राम जमीन हुसनाबाद का मूल निवासी नहीं है, जबकि विधान का नियम है कि शाखा डाकघर पद पर नियुक्ति उसी व्यक्ति की हो सकती है जो उसी ग्राम का ही निवासी हो जिस ग्राम के नाम डाकघर हुआ हो सिफारिशकर्ता द्वारा की गयी सिफारिश पूर्वतः मूलतः एवं निजी स्वार्थमय है।

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

प्रतिनिधि:- श्री आर०ए०बर्मा डाक अधीक्षक बाराबंकी राजा राजीव कुमार सिंह

2/1/89

विषय - C.R. 266/89 के अन्तर्गत निम्नलिखित
अ) आदेशों के अन्तर्गत नि. के. के. के. के. के.
4/1/1989 के अन्तर्गत नि. के. के. के. के. के.
आदेश में जॉन कारवा

C.R. 266/89

2/6 महाद्व.

निम्नलिखित कि की संख्या आदेशों में नि.
आदेशों के अन्तर्गत नि. के. के. के. के. के.
आ. नि. के. के. के. के. के. के. के. के. के. के.
नि. के. के. के. के. के. के. के. के. के. के.
गरी, आ. के. के. के. के. के. के. के. के. के. के.
आ. के. के. के. के. के. के. के. के. के. के.
आ. के. के. के. के. के. के. के. के. के. के.
आ. के. के. के. के. के. के. के. के. के. के.
आ. के. के. के. के. के. के. के. के. के. के.
आ. के. के. के. के. के. के. के. के. के. के.

विषय नि. के. के. के. के. के.

C.R. 266/89

23/1/89

विषय नि. के. के. के. के. के.

आ. के. के. के. के. के.

महाद्व.

1/6/89

Signature 23/1/89

3/5/89

1/6/89

1/6/89

1/6/89

ब अदालत श्रीमान
[वादी अपीलान्ट]
प्रतिवादी [रेस्पाडेंट]

Central Adm'n Strickland
Allahabad Court
Lucknow
वकालतनामा

O. A. No. 1787/89 (4)

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

बनाम

प्रतिवादी (रेस्पाडेंट)

नं० मुकद्दमा

सन

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर श्री

Advocate, 497/9 Babuganj Lucknow
वकील
महोदय
एडवोकेट



नाम अदालत
मुकद्दमा नं०
नाम फरीक

न नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील स्वी 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) रसोद 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 पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Acceptance
G. S. L. Varma

हस्ताक्षर

गुल्लु आजी सिंह

(Opp. party No 2)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

14-11-89

महीना

सन १६

ई०

स्वीकृत

983

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 Orisal Yadav, R/o Village and Post
Zamin Musainabad sub Post office Subeha,
Tehsil Maidargarh, 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

6/11/90 2739

Ade

2.

3. That the contents of para I 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 returned to EDMP) 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 कुमार २०२९

407

3.

(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, there 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 hon'ble Tribunal to kindly have the character certificate of Satyanam (respondent no. 5) which certificates were issued by Sri Raj Narain Tiwari (Block Parmukh 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 .

0
6/11/81/9/14/2029

4.

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,

6/11/21 9/11/21 2/12/21

5.

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 14,15,& 16 of the Counter Affidavit, It is submitted that a first chargesheet dt. 11.12.88, 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.

गजराज/ गजराज 2729

I3. That the contents of para 19 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

6/11/21 9/11/21 21/11/21

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 the 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 ~~in~~ in favour of the applicant.

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

6/11/82 9/11/82 2/89

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 submitted Pramukh. It is ~~reiterated~~ 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 ^{filed} complete copy of the application alongwith annexures; vague and general charge is being made in order to prejudice the court Tribunal.

Lucknow dated:


Deponent



493

I, the above named deponent, do hereby
~~make~~ verify that the contents of paras 1, 2
4, 5, 6 partly, 8, 10, 11 to 14, 16, 18 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 partly, 7, 9, 15, 17, 19 to 23,

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

Lucknow dated:

5/11/21 5/11/21 21/21
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

219615223

[Handwritten signature]

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

Agg

Applicant

Union of India ^{vs} exrs

Opp. Parties

Annexure - 3B



Application No.
Sri Jagdish Prasad

...of 1989

... Applicant

Vs.

Union of India & others

... Respondent

ANNEXURE NO. 3

19
PAG

सेवा में,

निदेशक,

हाऊसिंग, लोकनगर,

लखनऊ - 226002

द्वारा - उचित माध्यम।

विषय :- जमीन मुनाबाद द्वारा हाऊसिंग कंपनी द्वारा जारी की गई
हाऊसिंग के घर पर नियुक्ति हेतु प्रतिक्रिया।

महोदय,

निकल है कि प्राणी मुनाबाद द्वारा 10 400 रुम 10 100 गैरवा
तुवेहा, हाऊसिंग कंपनी में पिछले दिनांक 30-5-78 से लगातार
कार्यरत है और निम्न निवेदन करता है :-

यह कि प्राणी ने शाखा हाऊसिंग कंपनी मुनाबाद के घर
पर नियुक्ति हेतु आवेदन-पत्र भेजा था।

यह कि जो आवेदन पत्र पर विभाग में सभी कार्यवाही का
तो गरीबों सिपाई गरीबता को जानें और यह पुष्टि जानें जादि।

यह कि प्राणी शाखा हाऊसिंग की नियुक्ति की सभी अर्थात्
पूरी करता है।

यह कि प्राणी जमीन मुनाबाद का ही मूल निवासी है तथा
प्राणी के घर पर उक्त हाऊसिंग पिछले 15 महीने दिनांक 24-3-78
से 15-3-78 तक कार्यरत रहा है।

यह कि जमिंदार विभाग में अधिकांश (सेवा एवं आवेदन)
निर्माणवादी 1978 के नियुक्ति अनुभाग - 2 के नियम 13 के अनुसार
जिस में यह मापदंड है कि सभी बरिक्का की ध्यान न
दे जा सेवागत अधिकांश विभाग में कार्यवाही की प्राथमिकता के
आधार पर नियुक्ति किया जाएगा। अतः उपरोक्त के अनुसार मुझे
ही नियुक्ति मिलना चाहिए। यदि कि मैं विभाग में लगभग 18
महीने से कार्यरत हूँ।

यह कि मुझे नियुक्ति न दे जा जो सरकारी सिद्धि की
नियुक्ति अगर किया जाता है और जो मापदंड में प्रतिक्रिया पत्र से
पक्के ही विभाग में स्थानीय अधिकांश में मुझे नौकरी से निकाली

01/12/97
PAG

(२)

A96

की धमकी दे रक्की है एवं जंग-बार बमकाया जा रहा तथा एक
पुष्पक जहाज के सहित एक लापरवाह विमान का मुहो दे मारा
गई है।

यह कि जो सत्त्वाम सिंह जमीन मुम्ताबाद के निवासी
नहीं कर रक्की ग्राम के एक पन्द्रह घर के छोटे से पुर्ब पूर्ब निवासी
के निवासी हैं।

यह कि हाकवा एगरे ग्राम में ही जमीन जाहिल जमीन का
बाबाको अधिकारी नहीं कि यह जमीन एवं जमीन का विभाग
है और जमीन के लापरवाही की हाकवा देहात में होता जाता है
उक्त विधुक्ति में हम बात का ध्यान नहीं रक्की गया।

आ: कस में जमीन में जमीन के विधुक्ति जो जमीन रक्की
में हाकवा का जमीन का जमीन का जमीन का जमीन का जमीन का
सिंह की जमीन का जमीन का जमीन का जमीन का जमीन का
हाकवा हाकवा के जमीन का जमीन का जमीन का जमीन का जमीन का
नहीं रक्की जमीन का जमीन का जमीन का जमीन का जमीन का
समाप्त जमीन का जमीन का जमीन का जमीन का जमीन का

ग्राम:

(जगदीश प्रसाद यादव)

१० वी ० एम ० पी ०
गरीबा सुवेश जमीन का जमीन का

दिनांक १६-७-६

१-७-७६ तिथि - जमीन का जमीन का जमीन का जमीन का जमीन का
आवश्यक जमीन का जमीन का जमीन का जमीन का जमीन का

जमीन का जमीन का जमीन का जमीन का जमीन का
जमीन का जमीन का जमीन का जमीन का जमीन का

(जगदीश प्रसाद यादव)

Received

Signature

कार्यालय निरीक्षण
हाक प्रसाद जमीन का

संख्या-२२६००७

Signature

गरीबा जमीन का
Signature

A-27

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 Haider-
garh, 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.

ET-
h
8/11/9

9
5/11/21 9615 21748

2.

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 far 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 to 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

Agg

601412/9615 2728

Page

3.

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~~x~~ 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} ~~xxxx~~ 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

6/11/21 9h15 47 EF

AW

4.

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 ~~xxxx~~ 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

6/11/12/5014 2125

5.

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.

II. 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 9/11/21 21/11/21

6.

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 ^{indulgence} craves the ~~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

4103

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 ~~at~~ 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.

8
5114(2) 5014124

8.

18. That in reply to para 5-I4 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-I5 and para 5-I6 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-I7 of the counter affidavit are denied in view of the assertions made in the preceeding paragraphs. The O.P. no. 5 has not been appointed in accordance with law and the deponent claim has been ignored

501412150152118

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



LT
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 1, 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.

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

W. S. J. S. M. S.
Deponent .

I identify the deponent who
has signed before me.

R. S. S.
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.

P220

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:-

I- 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.
8/11/90
9/11/90

Sumit
Put up at 11.490
10/9/90

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 Haasan)
Advocate

20 - 3 - 1990

Counsel for the applicant

Ann 11(c)

Ann 11(c)

231

Sub Divisional Inspector (Post office)

पुर्वी उप मंडल/East Sub Division

(पंजीकृत)

बाराबंकी / Barabanki-225001

आपन सं. डी.पी.एफ-91 / गिरावा 189-90 दि. 25-9-89.

अधोहस्ताक्षरी

श्री जंगदीश प्रसाद यादव

के विरुद्ध अतिरिक्त विभागीय एजेंट (संबा एवं अचरण) 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) 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 बतावे 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 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 संबंधित किसी भी मामले पर उनके लिए किसी अन्य व्यक्ति से कोई संस्तुति प्राप्ति होती है तो यह उचित माना जायेगा कि श्री जंगदीश प्रसाद यादव इस संस्तुति से अवगत है और उनके विरुद्ध तत्पक्षी विचार के उत्पन्न के लिए कार्यवाही की जायेगी।

6. इस आपन की जावती स्वीकार की जानी चाहिए।

श्री जंगदीश प्रसाद यादव

डी.पी.एस. पी. गिरावा लिंका सुवटा
जि. बाराबंकी.

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

883

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
निर्णय 5 का उलंघन किया।

आरोप सं- 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 पुलिसका का प्रयोग वितरण
क्षेत्र के गाँवों के भ्रमण 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 निर्णय
77.135 एवं 136 का उलंघन किया।

आरोप सं- 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 होने से इन्कार दिया
इस प्रकार श्री जगदीश प्रसाद यादव ने आतिथित विभागीय
अभिकर्ता (आचरण एवं सेवा) नियमावली 1964 के
निर्णय 17 का उलंघन किया।

Inspector of Prisons
East S. Division
CARABAN-2 5001

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-

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 लाया
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 पोरटमैन
रजिस्टर 30-6-89 तक नहीं बनाया। वह जैनी
वस्तुएं प्राप्त किए वह बिना किसी लेखा जोखा
के निपटान किए। गस्त पुस्तक न बनाकर उन्होंने
वितरण क्षेत्र में आने वाले गैरवा का अमण किया
या नहीं इस तथ्य को छिपाए रखा। इस प्रकार
श्री जगदीश प्रसाद पादव ने डाक नियम पुस्तिका खण्ड IV
भाग III के नियम 77, 135 एवं 136 का उल्लंघन किया।

INSPECTOR
East S. D. O.
BARABANKI

(कृ० पृ० 30)
पृ० 2

Baboo Lal
Ramesh Singh
Jain

① J. Shiv N. m.
J. m. Subela

- ① Jagdish Prasad
- ② G. N. Singh
- ③ B. P. Singh
- ④ G. P. Singh
- ⑤ Arjun Singh
- ⑥ Mahesh Singh

आरोपन - 3

A233

श्री जगदीश प्रसाद पादव के नाम निरीक्षक डाक्टर
पूर्वी द्वारा पंजीकृत पत्र सं 281 दि 08-7-89 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 पूरी निष्ठावान नहीं रहे। अतः स्व उन्होंने
अतिरिक्त विभागीय अधिकारी (आचार्य-स्व सेवा)
निम्नमावली 1964 के नियम 17 का उल्लंघन किया।

अनुलग्नक - III

Inspector of Post Offices
East Sikkim Division
PARABANK 25001

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

- 1- श्री श्रीगण पादव कार्यालयक ड.एम.पी. गैरखों का वपान दि 08-7-89 जो उन्होंने अक्षीकृत डाक्टर वाचकों के सम्मुख दिआ।
- 2- श्री राजविजय सिंह शाखा डाक्टरपाल गैरखा का दि 01-7-89 का वपान जो उन्होंने अक्षीकृत महीदर के समक्ष दिया।
- 3- श्री कलानचलदुर डाक्टरसहायक सुवेडा का दि 01-7-89 का वपान जो उन्होंने अक्षीकृत डाक्टर वाचकों के समक्ष दिया।
4. कवर पंजीकृत पत्र सं 281 दि 27-7-89 जो श्री जगदीश प्रसाद के नाम प्रेषित है और पोस्टमैन के द्वारा इन्कार वापस दिये गये हैं।
5. श्री जगदीश प्रसाद का वपान दि 01-8-89।

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 श्रीगण पादव कार्यालयक ड.एम.पी. गैरखों वाचकों ✓
- 2- " राजविजय सिंह शाखा डाक्टरपाल गैरखा वाचकों ✓
- 3- " कलानचलदुर सिंह डाक्टरसहायक सुवेडा वाचकों ✓
- 4- " बलनाथ ड.एम.पी. जमीन हुसैनगुदा वाचकों ✓

Inspector of Post Offices
East Sikkim Division
PARABANK 25001

Annexure II

भारतीय डाक विभाग

कार्यालय उप प्रबन्धीय निरीक्षक डाकघर प्रवी वारावकी
मैमो नं० EPF-91/गैरवां 188 दिनांक 6.9.89.

श्री जगदीश प्रसाद यादव 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 8 के अन्तर्गत श्री जगदीश प्रसाद
यादव को अपनी ड्यूटी से हटका दिया जाय।
श्री जगदीश प्रसाद को हटका ड्यूटी के दौरान
कोई भी भत्ता दिए नहीं होगा।

- प्रतिलिपि : श्री जगदीश प्रसाद ई.टी. एम. पी. (उप प्रबन्धीय निरीक्षक डाकघर प्रवी वारावकी)
- 1- गैरवां को इस आदेश के साथ कि वह अपना नाम शाखा अधिकृत कार्यालय में दर्ज करवावे।
 - 2- शाखा अधिकृत गैरवां को जगदीश प्रसाद की प्रति के साथ कि वह एक पत्र उन्हें बिलीक का उनसे छुट्टी मिले और अपनी निम्नदर्शी पर किसी व्यक्ति को लगा दे।
 - 3- उपशाखा सुवेदा को सूचना दे।
 - 4- मध्यम डाकघर (वांवां) को सूचना दे।
 - 5- शाखा अधिकृत कार्यालय को सूचना दे।

निवेदन
6/9/89

8255
-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 § रखें है जबकि शाखा डाकघर जमीन हुसेनाबाद में होना
चाहिए तथा जमीन हुसेनाबाद के ही नाम से § ही भारत
सरकार द्वारा स्वीकृत हुआ § है ।

जमकलली

दिनांक- 20-12-28

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

B236

प्रमाण पत्र
=====

प्रमाणित किया जाता है कि श्री मल्लमाम सिंह पुत्र श्री जगदम्बा लक्ष्मण सिंह
ग्राम पूरे केरहन परगना सुन्नेहा तहसील हैदराबाद जिला बाराबंकी के मूल निवासी
हैं। मैं इनको जानता व पहचानता हूँ।

दिनांक

ग्राम के अधिकारी
मालूम है।

सेना
लक्ष्मण
देव
30 12 87

विश्व

मल्लमाम
सुन्नेहा 22/12/88

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. 283 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
24/2

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)
Advocate
Counsel for the applicant.

Lucknow Dated:
October, 24 1989.

D234

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

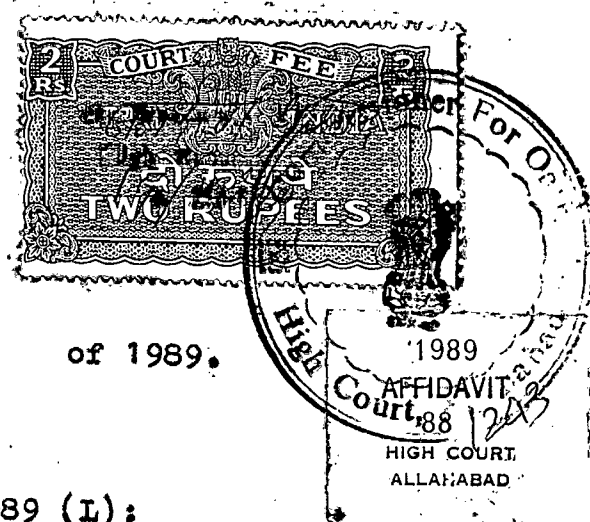
AFFIDAVIT

Amendment Application
Misc. Application No.

of 1989.

In re:

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



Jagdish Prasad Yadav aged about 32^{1/2} 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/^YZamin Husainabad dated 26.6.89 issued by respondent No.2 appointing Sri Satya ^{Narain} ~~Narain~~ 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.



6/11/89 11:47:59

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 Hassan, 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



6/10/89

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 अपाइन्टिंग भयाई है चाहे आप को रखें
या निकालें। आप को मालूम नहीं है। सतनाम सिंह का
अपाइन्टमेंट डाइरेक्टर साहब का कैस है। उनके भाई-
शानुसार हुआ है मैं तुम्हारी यह भी जाँकरी ले लूंगा
कोर्ट में क्या करेगा ”



A-243

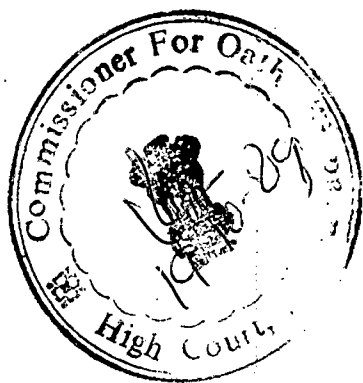
Para 4.28: That the respondent No. 4 did not satisfy by the aforesaid order in passing against the applicant and, therefore, in order to harass the applicant and to harm him from all corner, he issued a memo of charge sheet under Rule (8) E.D.A. Circular dated 25.9.89, copy of which is (Extra Departmental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

.....6



W-119121 YMG 211008

7244

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



6/12/4/2/3/4/1/ES

225

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.



Deponent.

गंगाधर प्रसाद यादव
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

गंगाधर 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.

6019197142139

Deponent.

L-7-506
Deponent

I identify the deponent who has
signed before me.

Rasou

Advocate.

Solemnly affirmed before me on19.10.89

at 10.25 AM/PM by *Shri 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

0247

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

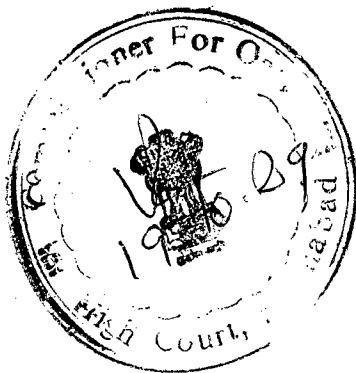
भारतीय डाक विभाग-

कार्यालय उप प्रवर्गीय निरीक्षक डाकघर पूर्वी वाराणसी
मैमो नं० EPF-91/गैरवां 189 दिनांक 6.9.89

श्री जगदीश प्रसाद यादव ई.टी.एम.पी. गैरवां के
विरुद्ध अतिरिक्त विभागीय (आचरण-स्व सेवा नियमावली)
1964 के नियम 8 के अन्तर्गत अनुशासनात्मक फाईल
विचाराधीन है। अतः अतिरिक्त विभागीय (आचरण-स्व
सेवा नियमावली) 1964 के नियम 9 के अन्तर्गत
यादव को अपनी ड्यूटी से फुट काफ़ छिपा जाता है
श्री जगदीश प्रसाद को फुट काफ़ ड्यूटी के दौरान
जोई भी भत्ता दिए नहीं होगा।

प्रतिकृति: श्री जगदीश प्रसाद ई.टी.एम.पी. गैरवां को जल कार्यालय के साथ कि वह अपना नाम शाखा उपप्रमुख पर
लगाए गए व्यक्ति को दें।
2- शाखा उपप्रमुख गैरवां को जगदीश प्रसाद की प्रति के साथ कि
वह एक पत्र उन्हें बिलीत आ उनसे सुवर्ती मिले और अपनी
निर्देशों पर किसी व्यक्ति को लगाए।
3- उपप्रमुख सुवेदा को सूचनाएं (4) मैमो नं० जगदीश प्रसाद (5) गैरवां

रजिस्ट्रार
6/9/89



जगदीश प्रसाद यादव
M. Prasad
Chy

8748

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-B

EXP. 10-01-89
J.P. 6966

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT
(विधि नियम 267, डाक-तार वित्त पुस्तिका, खण्ड 1, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I, Second Edition)

चार्ज की प्रवृत्ति पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद
Charge Report and Receipt for cash and stamps on transfer of charge
प्रमाणित किया जाता है कि १०० रुपये का E.D.M. रसीद
Certified that the charge of the office of

चार्ज..... (नाम) ने श्री जगदीश प्रसाद यादव
was made over by (name) E.D.M.

(नाम) को B.P.M.
to (name)

स्थान १०० रुपये
at (place) राख देना

तारीख १०/११/८९ को अवरान्त
on the (date) १०/११/८९ fore noon in accordance with
3rd 3rd Memo No E.P.F 91/11/1989 after
No. Dated के अनुसार दे दिया।
from

भारमुक्त अधिकारी
Relieved Officer

भारमुक्त अधिकारी
Relieving Officer

(रूपमा पत्र रसीद)
(P.T.O.)

19/10/89

जगदीश प्रसाद यादव
Mistaken
by

आपन सं. डी.पी.एफ.-91 / गैरोंना 189-90 दि. 25-9-89.

अधोहस्ताक्षरी

श्री जगदीश प्रसाद यादव vs. श्री एस. पी. गैरोंना

के विरुद्ध अतिरिक्त विभागीय ऐजेंट (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 उनके 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) उन अभिलेखों की सूची तथा उन गवाहों की सूची उनके 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 को 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 ज्ञात होना चाहिए कि श्री जगदीश प्रसाद यादव इस संतुष्टि से अवगत है और उनके विरुद्ध तत्पश्चात् नियम के उल्लंघन के लिए कार्यवाही की जायेगी।

6. इस आपन की जावती भी स्वीकार की जानी चाहिए.

श्री जगदीश प्रसाद यादव

डी.पी.एस. पी. गैरोंना लिंकाड सुबटा
जि०- बाराबंकी.

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

अनुलग्नक - I

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

आरोप सं- 1

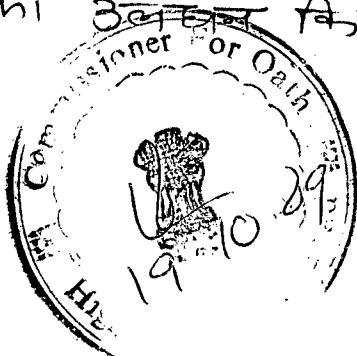
श्री जगदीश प्रसाद यादव आतिरिक्त विभागीय
मेल पियुन गैरावाँ के पद पर कार्य करते हुए दिनांक
5.9.88, 17.9.88, 19.9.88, 30.6.89 एवं 1-7-89
को दिनांक बोर्ड सूचना दिए हुए अपने कार्य से
अनधिकृत रूप से अनुपस्थित रहे। इस प्रकार उक्त
श्री जगदीश प्रसाद यादव ने आतिरिक्त विभागीय
अभिकर्ता (आचरण एवं सेवा) नियमावली 1964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

आरोप सं- 2

श्री जगदीश प्रसाद यादव आतिरिक्त विभागीय मेल पियुन
के पद पर कार्य करते हुए माह सितम्बर 1988 से लेकर
30.6.89 तक न तो गस्त पुलिसका का प्रयोग वितरण
क्षेत्र के गांवों के भ्रमण के प्रमाण प्रे 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 II के नियम
17, 135 एवं 136 का उलंघन किया।

आरोप सं- 3

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



Inspector of Police
East Division
225001

अनुलग्नक - II पृष्ठ- 2

आरोपन- 3

श्री जगदीश प्रसाद यादव के नाम निरोक्षक जगह पर पंजीकृत पत्र सं 281 दि 01-7-89 भेजा गया जिसे उन्होंने जेने से इन्कार किया। बलप्रकार श्री जगदीश प्रसाद यादव ने अपने नियुक्ता के द्वारा प्रेषित पत्र को प्राप्त करने से इन्कार करने पर अपने कर्तव्य के प्रति निष्ठावान नही रहे। अतः स्व उन्होंने कतिपय विभागीय अधिकारी (आचार्य- स्व सेवा) नियमावली 1964 के नियम 17 का उल्लंघन किया।

अनुलग्नक - III

Joint Secretary to Government
East Zone, Lucknow
PARANAM, 25001

श्री जगदीश प्रसाद कतिपय विभागीय मैल मित्रुन गैरफॉ के विरुद्ध लगाए गए आरोपों के समर्थन में अधिलेखों की सूची-

- 1- श्री श्रीमान यादव कार्यालयक ड.एम.पी. गैरफॉ का बपान दि 01-7-89 जो उन्होंने कतिपय जगह वापसी के सम्बन्ध में आचार्य
- 2- श्री राजविजय सिंह शाखा जगह वापसी का दि 01-7-89 का बपान जो उन्होंने कतिपय महीन के समक्ष दिया।
- 3- श्री कप्तान बलदुर जगह सहायक सुबेडर का दि 01-7-89 का बपान जो उन्होंने कतिपय जगह वापसी के समक्ष दिया।
- 4- कवर पंजीकृत पत्र सं 281 दि 27-7-89 जो श्री जगदीश प्रसाद के नाम प्रेषित है और पौष्टिक के आचार्य के द्वारा वापस 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 श्रीमान यादव कार्यालयक ड.एम.पी. गैरफॉ वापसी
- 2- " राजविजय सिंह शाखा जगह वापसी
- 3- " कप्तान बलदुर सिंह जगह सहायक सुबेडर वापसी
- 4- " बलनाथ ड.एम.पी. जमीन हुसैनबाद वापसी

अनुलग्नक नं. II

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

अनुलग्नक - II

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

- ४ -

आरोप नं. 1

श्री जगदीश प्रसाद पादव अतिरिक्त विभागीय मेल पिपुन गैरवा के पद पर कार्य करते हुए दिनांक 1-7-89 को सुवेला डाकघर से गैरवा के लिए शाखा डाकघर पर एक स्वयं न ले जाकर श्री श्रीवास्तव के 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 अवकाशकाशस्वीकृत करीये कार्य से अनुपस्थित रहे। इस प्रकार श्री जगदीश प्रसाद पादव ने अतिरिक्त विभागीय अधिकारी (आचारण 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 जो भी वस्तुएं प्राप्त किए वह बिना किसी लेखा जोखा के निपटान किए। गस्त पूर्ति न बनाकर उन्होंने वितरण क्षेत्र में आने वाले गांवों का क्रमबद्ध किया या नहीं इस तथ्य को दिया नहीं रखा। इस प्रकार श्री जगदीश प्रसाद पादव ने डाक नियम पुस्तिका के भाग III के नियम 77, 135 एवं 136 का उल्लंघन किया।

वितरण हेतु

17/12/91 19/1/92

INSPECTOR

East

(क. प्र. 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)

Ann 11(v)

सौता में

उपमहोदय निरोद्धक

Ann 11(d)

पूर्वी उपा मन्त्र

कोरान की।

द्वारा उपमहोदय महोदय सुवेदा

राज्य में

आपके कार्यालय जाणन संख्या ई० पी० एम०-१।
गैरला/४३-१० दिनांक २५-१-८९

विषय : नियम ४ के अर्न्तगत कार्यवाही।

महोदय

मुझे आपके द्वारा जारी किये उपरोक्त सन्दर्भित -

विषय के बारे में निवेदन करना है कि मैंने निरुद्ध लगा
गये सभी आरोप संख्या १ तात्पर्य निराधार स्त ज्ञात
है और मुझे कोई भी आरोप लागू नहीं है बात सभी
आरोप अर्न्तगत स्तर पर समाप्त करने की कृपा करें।

धन्यवाद

प्रार्थी

दिनांक 7/10/89

जगदीश प्रसाद यादव

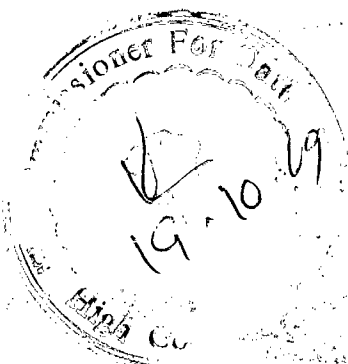
ई-डी. एम. पी. गैरला

(सुवेदा), वाराणसी

[Signature]

[Signature]

Sub 227302
Barabanki



जगदीश प्रसाद यादव