

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ... O.A. 231 ... OF ... 29 ...

NAME OF THE PARTIES ... Heeradul Kureel ... Applicant

Versus

U.O.I. ... Respondent

Part A.

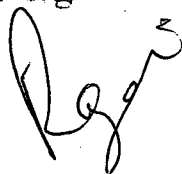
Sl.No.	Description of documents	Page
1	Check list	1 to 2
2	Order sheet	3 to 6
3	Petition along with Power	7 to 20
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CERTIFICATE

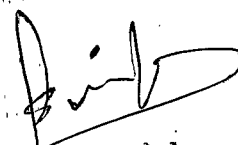
Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated ... 08-6-11 ...

Counter Signed.....



Section Officer/In charge



Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

31/8/1989

Registration No. 231 of 1989(L)

APPLICANT(S) Heera Lal Kureel

RESPONDENT(S) Union of India & others

Particulars to be examined

Endorsement as to result of examination

Is the appeal competent ?

yes

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 ?

Two sets filed

a) Is the appeal in time ?

yes

b) If not, by how many days it is beyond time?

—

c) Has sufficient case for not making the application in time, been filed?

—

Has the document of authorisation/relatnama been filed ?

yes

Is the application accompanied by P.O./Postal Order for Rs.50/-

yes

Is the certified copy/copies of the order(s) against which the application is made been filed?

yes

Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?

yes

Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

yes

Are the documents referred to in (a) above neatly typed in double space ?

yes

Is the index of documents been prepared and pagging done properly ?

yes

Are the chronological details of representation made and the source of such representation indicated in the application?

yes

Is the matter raised in the application pending before any court of law or any other Bench of Tribunal?

No

Particulars to be Examined

Endorsement as to result of examination

- | | |
|---|-----|
| 11. Are the application/duplicate copy/spare copies signed ? | yes |
| 12. Are extra copies of the application with Annexures filed ? | No |
| a) Identical with the Original ? | No |
| b) Defective ? | No |
| c) Wanting in Annexures | No |
| Nos. _____ pages Nos _____ ? | |
| 13. Have the file size envelopes bearing full addresses of the respondents been filed ? | No |
| 14. Are the given address the registered address ? | yes |
| 15. Do the names of the parties stated in the copies tally with those indicated in the application ? | yes |
| 16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? | — |
| 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 |

nesht

may be placed before the Hon'ble Court on 4-9-05

Prasanna

31/0/05

P.S. to Hon. VC.

4-9-89

Hon'ble Justice K. Nath, V.C.

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

Heard.

Issue notice to the respondents to show-cause by 26-9-89 as to why the petition be not admitted.

List this case for admission on 26-9-89.

A.M.

V.C.

rrm/

26-9-89

Hon'ble Justice K. Nath, V.C.

Hon'ble K. Obayya, A.M.

Opposite parties 1 & 3 to 5 have been served. Notice issue to opposite party No.2 has been returned by postal authorities with the remarks that none was available on the address given. The applicant will furnish better particulars of the address of opposite party No.2 within two weeks and then issue notice to opposite parties No.2.

Admit.

Request has been made on behalf of Shri V.K.Chaudhary for time as Shri Chaudhary is out of station. Counter may be filed within four weeks to which the applicant may file rejoinder within two weeks thereafter. List for orders on 7-11-1989.

The applicant's learned counsel also files supplementary affidavit keep on record.

A.M.

V.C.

rrm/

See original order made on petition

OK

After the use of 26.04.89 applicant had applied P. No 2. The court order of O. V.K. Chaudhary filed on behalf of P. No. 2 submitted.

Hon'ble M. D.K. Agrawal, J.M.
Hon'ble M. K. Chayya, J.M.

7-11-89

None appears for the parties.
vide order dated 26-9-89 the applicant
was required to take the steps for service
on Off. P. 2. The applicant has failed
to take steps.

On the other hand Shri V.K. Chaudhary
counsel for the respondents has failed
to file counter reply as permitted on the
last date. Therefore, list this case on
14-12-89 for hearing on admission.

Meanwhile, the applicant will take
steps so that office may be able to
serve notice to Off. Party No. 2.
Respondents will file counter reply as
already ordered on the last date.

[Signature]
J.M.

[Signature]
J.M.

(SNS)

14-12-09

No sitting Adj. to 11.1.90
Both the counsel are present
Counter filed today.

Dinesh

14/12

OK
The applicant's
counsel filed today
fresh address of the
respdt. no 2 today.
7/11

OK
Notice issued
the OP-2 on the date
given by the applicant
counsel utilizing
paper book, which
received back under

OK
Notice issued
4/12/89

CA 231/89

17.9.90

Pls - up before Hon. B. Bench on
12.11.90

J

JB

CA/RA have been
exchanged.

S. P. H.

12.11.90

Hon. Justice K. Neth, VC

Hon. Mr. M. V. Pralbar, AM

On the adjournment application
on behalf of the applicant,
Case is ~~adjourned~~^{listed} to 17.12.90
before D.R. for fixing a date.

Li

AM

V.C

17.12.90

28.1.91 - No sitting adj. to 18.2.91.

18.2.91 - No sitting adj. to 19.3.91.

1.3.91 - No sitting adj. to 8.4.91.

8.4.91 - No sitting adj. to 10.5.91.

10.5.91

Applicant
is not present to
Respondent's side
present. In this case
C.A. / R.A. have been
exchanged Hence,
case is fixed

before the Hon. Bench
on 28/11/91 for orders.

Hon. Mr. Justice V.C. Jeyaraj - re
Hon. Mr. P.B. Gounder AM

On the request of counsel
for respondents case is adjourned
to 14.8.91 for trial

9/11/91

J
AM

W
ve

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

36

No. 231 OF 1989.

Vs. _____

Sl.No.	Date	Office Report	Orders
		4892.	Hon. L.N. Prasad (J.M.)
<p>CH, RA have been exchanged S.D.H. 22/5</p>			<p>Since the matter involved in the case, require consideration by Division Bench, put up before Division Bench. on 25/8/92.</p> <p><u>J.M.</u></p>
<p>C.R.</p> <p>Case is ready for f.H.</p> <p>S.F.O.</p> <p>25/8/92</p>		<p>25.8.92</p> <p>Case not reached yet on 20.7.92</p> <p>None</p> <p>20.7.92</p> <p>No Stamp of D.B. till 26.8.92</p>	

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 31/8/1989.

Date of Receipt by Post...

Deputy Registrar (J.)
Deputy Registrar (J.)

O.A. No. 231/89(L)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH ALLAHABAD.

CIRCUIT BENCH, LUCKNOW.

...
O.A.No. 231 of 1989(L)

Heera Lal Kureel ... Applicant

Versus

Union of India through Director
General Postal Department and
others. ... Respondents

COMPILATION-A

COMPILATION-B

Dated:

Vivek Lal
Counsel for the Applicant

Address:

*Noted for
4.9.89
mentioned in
the court.
Dated
31/10/89*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD
CIRCUIT BENCH, LUCKNOW.

....
O.A.No. 23/ of 1989(L)

Heera Lal Kureel

Applicant

Versus

Union of India through Director
General Postal Department and
others.

Respondents

COMPILATION - A

Sl.No. Description of documents relied upon Page No.

1. Application U/s.19 of Central Administrative Tribunal Act, 1985. (to/o.

2. Impugned order

LUCKNOW DATED:

JULY ,1989.

Heera Lal Kureel
APPLICANT

Advocate.
Counsel for the Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
 ADDITIONAL BENCH ALLAHABAD.
 CIRCUIT BENCH, LUCKNOW.

....

O.A.No. 28) of 1989(L)

PARTIES NAME

Heera Lal Kureel aged about 49 years, son of
 Sheo Narain employed as Postal Assistant
 G.P.O.Lucknow. ... Applicant

Versus

1. The Union of India through the Director
 General Postal Department, Dak Tar Bhawan
 New Delhi.
2. The Secretary Postal Services Selection Board
 New Delhi.
3. The Post Master General, U.P. Circle P.M.G.
 Office Lucknow.
4. The Chief Post Master, G.P.O.Lucknow.
5. The Senior Superintendent Post Office
 Chowk Branch Lucknow Division... Respondents

Dated:

Counsel for the Applicant.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
 ADDITIONAL BENCH ALLAHABAD
 CIRCUIT BENCH LUCKNOW.

....

O.A.No. 231 of 1989(L)

Heera Lal Kureel aged about 49 years, son of
 Sheo Narain employed as Postal Assistant
 G.P.O. Lucknow. ... Applicant

Versus

1. The Union of India through the Director
 General, Postal Department, Dak Tar Bhawan,
 Lucknow, New Delhi.
2. The Secretary, Postal Services Selection
 Board, New Delhi.
3. The Post Master, ~~General, U.P.~~
 Circle, P.M.G. Office, Lucknow.
4. The Chief Post Master, G.P.O. Lucknow.
5. The Senior Superintendent, Post Office,
 Chowk Branch, Lucknow Division. ... Respondents

1. Details of the application.
2. Particulars of the applicant.
3. Name of the applicant: Heera Lal Kureel.
- (b) Name of Father: Sheo Narain
- (c) Designation and Office: Postal Assistant, G.P.O. Lucknow

Heera Lal

(d) Office Address: G.P.O. Lucknow.

(e) Address of Service of all notices. Heera Lal Kussel
Postal Assistant G.P.O., Lko.

(ii) JURISDICTION OF THE TRIBUNAL

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

(iii) LIMITATION

The applicant further declares that the application is within the limitation prescribed in the section 21 of the Administrative Tribunal Act, 1985.

(iv) FACTS

The facts of the case are given below.

(1) That the applicant was appointed on post of permanent Packer (Class IV Services) on 19th July 1960 in the department of post and Telegraph.

2. That the applicant after joining the services passed the High School Examination from U.P. Board Allahabad in June 1962. A copy of High School certificate is annexed as Annexure No. 1.

3. That in the year 1962 after completing the High School the applicant applied for promotion for Class III service in the department. But after a gap of 10 years the department gave a negative reply.

that the applicant is not eligible. In the meantime the applicant sent several reminders regarding the same. A photostat copy of the rejection letter dated 26.6.72 is annexed as Annexure No.2.

4. That on 3.7.75 the department gave a positive reply that his case was examined and he was found eligible for promotion in clerical cadre on the basis of High School Examination. A photostat copy of aforesaid order is annexed as Annexure No.3.

5. That the applicant despite his best efforts and getting a clearance for promotion from the department could not be considered for promotion till today on the basis of passing the High School Examination.

6. That the applicant appeared in the All India competition of postal department for the posts of class III in the year 2nd. August 1970. There were 8 vacancies reserved for schedule caste candidates.

7. That the result of aforesaid examination was declared on 15.3.71 and the name of the applicant was missing in the list of successful ~~and~~ candidates.

8. That the applicant stunned by this unfortunate incident ask for the copy of the marks sheet from the department which has been supplied to the applicant on

-4-

24.5.72. A copy of mark sheet annexed as Annexure No.4.

9. That the applicant in all received 41% of marks and as per the rules existing in the year 1963-64 the ~~qualifying~~ qualifying marks for the S.C. candidates were 35% and in 1971 it was 33%. The case of the applicant is of 1970, when the qualifying marks were 35% and applicant got 41% but still he was considered unfit for the reasons best, known to the department. The department ~~filled~~ filled only 2 vacancies out of 8 and 6 vacancies are still lying vacant. Aggrieved by such discrimination the applicant gave several representations to the officers concerned. A photostat copy of representation is annexed as Annexure Nos.5 and 6.

10. That on 11.12.73 Deputy Post Master Lucknow intimated the applicant that concession granted in the year 1964 was withdrawn and his case was not entitled for any concession. A photostat copy of aforesaid order is annexed as Annexure No.7.

11. That while deciding the representation of applicant and communicating him after a lapse of more than 8 years that relaxation/concessions for S.C./S.T. Candidates granted in the year 1964, have been withdrawn vide D.G.'s letter No.35/4/62-SPB II 9.12.66 and as such he was not enti-

Dinal

3

Lincoln

13. That the Ministry of Home Affairs issued O.M. No.1/1/70 Est.(SCT) dated 25th. July 1970 to all ministries regarding relaxation of standard of Schedule caste/Tribes candidates regarding departmental examination which clearly states that reservation and relaxation standards were in force when the applicant appeared in the examination of clerks. Similarly Department of Personnel issued O.M.No.8/12/60 Est. 23 December 1970 relaxation standards of SC/ST candidates. A photostat copy of aforesaid O.M.No. is annexed to this application as Annexure No.10.

-6-

14. That the postal department without taking any pains summarily rejected the prayer of the applicant. The case of the applicant ~~was~~ is governed by O.N.No. 8/12/69 Est. 23rd. December 1970 but the department overlooked this order and avoided the applicant's claim. Having aggrieved by this conduct of the department the applicant asked for the qualifying marks/standards for the exams held in 1970. But the official concerned of the postal Department deleberately did not send any reply to the same despite the several reminders representations sent by the applicant. A photostat copy of aforesaid representation is annexed herewith as Annexure No.11.

15. That the applicant represented his case to the commissioner for SC/ST. Government of India through various representation. But the case of the applicant could not be considered on merits and it took 8 years to the department to gave reply.

16. That the applicant similarly seriously represented his case through various representation but till to-day the department had not given the criteria of qualifying standard of marks nor they applied their mind to O.M. dated 23rd. December 1970. (Annexure No.10).

Hiralal

17. That the applicant has been harassed by the department and tormented the department took the case of the applicant lightly without giving any anxious considerations.

18. That in the year 1977 the applicant appeared again in the department. All India Examination bearing that he will become overage and was declared selected in 1979, on the post of Postal assistant G.P.O. Lucknow.

19. That after getting selected on the aforesaid post, the department took lackadaidical attitude and told applicant that since he is selected to the post there is no need to fight for the case accrued in 1970. By such refusal the applicants seniority will be seriously affected. Had he been selected in 1970 he would have been working today on the post of Assistant Post Master in L.S.G. cadre. At present the applicant is getting the pay scale of Rs. 975-1660 while the pay scale of L.S.G. Officials is Rs. 1400-2300.

20. That the applicant after getting selected second time in 1979 did not stop his correspondence with the department and on regular intervals represented/reminded the official concerned till to-day. The cause of action is still continuing as the department did not give any positive reply to queries of the

applicant. The application is within the limitation of the Hon'ble Tribunal as the last representation sent by the applicant is on 20.1.89. A photostat copy of such representation is annexed as Annexure No. 17.

V-Details of remedy exhausted.

The applicant declares that he has availed all the remedies available to him under the relevant service rules, etc.

VI. Matter not previously filed or pending in any court.

VII: Reliefs sought.

In view of the facts mentioned in para 6 of above the applicant prays for the following reliefs.

(a) to issue order or direction to the opposite parties to declare the applicant selected in the All India departmental examination for the post of clerk held in August 1970 and also fix the applicant's seniority according to the examination held in the year 1970.

(b) to give all consequential financial benefits arising from 1970 to 1989.

(c) to issue any other order of direction which this Hon'ble Tribunal may deem think fit under the circumstances of the case.

(d) to allow the application in favour of the applicant with all costs.

10. No relief for interim order called for.

11. Particulars of B/D. or Postal order.

1. Number P.O.
2. Name of issuing Post Office.
3. Date of Issue.
4. Where payable.

Dated:

Hira Lal
Applicant

VERIFICATION

I, Hira Lal Kureel s/o Sri Sheo Narain aged about 49 years, working as Postal Assistant in the office of G.P.O. Lucknow r/o do hereby verify that the contents of paragraphs are true to my personal knowledge and belief and that I have not suppressed any material facts.

Lucknow Dated:

July ,1989.

Hira Lal
Signature of Applicant.

Hira Lal

Before Central Admin. Tribunal, Lucknow Bench (11)

O.A No.

of 1987

19

Hiralal

vs. Union of India & others

IMPUGNED ORDER

Gram : RECASTRIBES

सं./No 1/(2)/2/87-Genl. Tel. No. 71084

भारत सरकार/GOVERNMENT OF INDIA

अनुसूचित जाति तथा अनुसूचित जनजाति आयोग

COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

कार्यालय निदेशक एवं पदेन उपायुक्त अनुसूचित जाति तथा अनुसूचित जनजाति

OFFICE OF THE DIRECTOR & EX. OFFICIO DY. COMMISSIONER FOR
SCHEDULED CASTES AND SCHEDULED TRIBES

द्वितीय तल, मीना बाजार,
कपूरथला कॉम्प्लेक्स
अलीगंज, लखनऊ-२२६०२०

2nd Floor, Meena Bazar Building,
Kapurthala Complex
Lucknow-226020

दिनांक/Dated.....

To

Shri Hiralal Kureel
Postal Guide- I
G.P.O.
Lucknow

Sub: Reg. Promotion.

Sir,

I am to refer to your representation dated 3-8-87 on the subject noted above. In this connection the Asstt. Director General (SPN) New Delhi has informed this office that you appeared in the departmental promotion examination in the year 1970 for promotion to Clerical Cadre but you could not attain the prescribed qualifying standards in accordance with the standing instructions at that time and accordingly you were not promoted to clerical cadre. However, you qualified in the DPE held in 1977 and promoted to clerical cadre. In view of the above, your claim for promotion to clerical cadre on the basis of DPE held in 1970 is not feasible.

Yours faithfully,

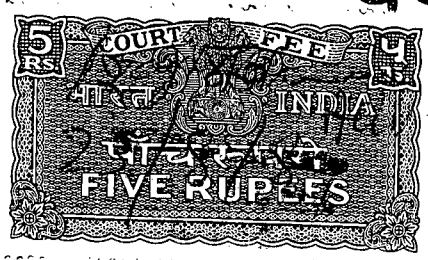
(R.N. SAXENA)
RESEARCH OFFICER

बअदालत श्रीमान

वादी (मुद्दै)
मुद्दै (मुद्दालेह)

का

वकालतनामा



HIRALAL KURBEL

Director Gen. P & T. New Delhi

बनाम 8 others प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा सन पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री RAZA ZAHED

ANAND MOHAN - S. B. VERMA वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (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।

Ed.
Zahed
Adv.

हस्ताक्षर Hiralal

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक
[Signature]

महीना १ सन् १९८९ ई०

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O. A. NO

231/88

199

(L)

T.A. NO

Date of Decision

H. L. Kasal

PETITIONER.

Shri. Ravi Zaver,

Advocate for the Petitioner(S)

V E R E U S

Union of India & others

RESPONDENT

Shri R. K. Bhandari

Advocate for the RESPONSIBLE

CORAM

The Honble. Mr. Justice D. C. Srinivasan, J.C.

The Hon'ble. Mr. K. B. Ganguly, Adm. Memsr

1. Whether Reporter of local papers may be allowed to see the Judgment?
2. To be referred to the reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether to be circulated to other benches ?

Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 231 of 1989

H.L. Kureel

Applicant

versus

Union of India & others

Respondents.

ShriRaza Zaheer

Counsel for Applicant

Shri V.K. Chaudhary

Counsel for Respondents.

CORAM

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

Hon. Mr. K. Obayya, Adm. Member.

The applicant entered the Postal department in the year 1960 and passed the High School Examination in the year 1962. Thereafter, he applied for promotion in class III. But after a gap of 10 years the applicant was given a negative reply by the department that he was not eligible under the revised incentive scheme. The applicant appeared in the All India Competitive Examination for postal department in the month of August, 1970. There were 8 vacancies reserved for scheduled caste candidates. The result was declared on 15.3.71 but the applicant's name was not shown in the list of successful candidates, although, according to the applicant the qualifying marks were 35% in the year 1963-64 and in 1971

W

it was 33% and the applicant secured 41% marks and still he was not considered. The applicant filed the representation against the same claiming the benefit of O.M. of 25.7.70. After rejection of the representation he has approached the Tribunal and prayed that he may be given appointment claiming 19 years of seniority to be fixed with consequential benefits. The O.M. of 25.7.70 provides that the number of vacancies reserved for Scheduled Castes and Scheduled Tribes cannot be filled on the basis of the general standard candidates belonging to these communities, will, as at present, be taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/posts in question.

2. The respondents have opposed the application and have stated that relaxed standards were applied in the year 1970 and that is why the benefit was ^{not} given to him. They have also pointed out that the standard was reduced by the department vide letter dated 17.7.71 and as such the benefit was not admissible to him. He appeared in the Exam, in August, 1970 when the qualifying standard marks for each paper was 35% and aggregate was 45%. They have also stated that the copy of the letter No. 35/462 SPB II dated 9.12.66 from the DG P&T addressed to all heads of circle etc. quashed all the previous percentages of marks obtained in examination in respect of SC/ST and O.C.


3. The contention on behalf of the applicant is that

W

he should have been deemed to be promoted from 1970 and not from 1971. In view of the relaxation standard imposed in 1971 and not in 1970 he did not secure the same and the rules were not relaxed then. There appears to be a little gap when the applicant appeared and when the rules were relaxed. Although, the applicant is not entitled to any relief, but it is a case in which the grievance of the applicant may be considered. The respondents may consider the case of the applicant again and given him promotion with effect from the date others were given promotion, in view of the fact that there is difference of a few days.

4. The application stands disposed of as above, with no order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/

Lucknow: Dated 26.8.92

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD
CIRCUIT BENCH LUCKNOW

O.A.No. of 1989(L)

Heera Lal Kureel Applicant
Versus
Union of India through Secretary
and others. Respondents

COMPILATION-B

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Before The Central Administrative Tribunal, Lucknow

Bench, Lucknow

O. A No

of 1989

Heeralal vs

Union of India & others

ANNEXURE NO. 1

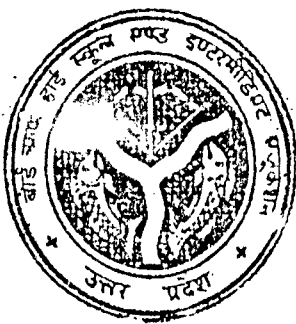
अनुक्रमांक 242693

नाम-संख्या

103009

आफ हाई स्कूल एण्ड इण्टरमीडिएट

पुनर्केंशन, उत्तर प्रदेश



नं०

हाई स्कूल परीक्षा, १९६२

प्रश्न

प्रमाणित किया जाता है कि होरा लाल
आत्मज/आत्मजा श्री शिवनारायण मार्च/अप्रैल, १९६२ की
हाई स्कूल परीक्षा में श्री कान्ध कुब्ज वाकेशनल इन्स्टीट्यूट
लखनऊ के केन्द्रीय से तृतीय श्रेणी में उत्तीर्ण
हुए/हुई और
योग्यता प्राप्त की।
उनकी जन्म-तिथि तीस जुलाई उन्नीस सौ चालीस (20-7-1960)
परीक्षा विषय :-
१-हिन्दी कवि रामानन्द बिहान
२-अंग्रेजी आर्थर शोपस
३-गणित/गृह-विज्ञान

(धोनिवासाक्षर);

एम० ए० (अंग्रेजी), एम० ए० (राजनीति), पी० एच०,
लेफ्टररी।

३०-१२-६२

हस्ताक्षर :

दिनांक १९ जून, १९६२ ई०।

Heeralal
Heralal
Ravi

O. A. No. of 1987 (L)
H. C. S. Lal vs. Union of India & others

2

26

ANNEXURE NO-2

Copy of the PM & UP Circle Lr
Letter No. STC/M-134/Incentive
dated 26-6-73 addressed
to the undersigned.

Sub-Promotion of departmental
lower grade officials to the
cadre of clerks and postmen
under the Revised incentive Scheme.

An application dated 26-3-72
from Sh. Hira Lal postman is
sent h/w for disposal and
direct reply to the official.

The official entered in the department
in the year 1960 and passed
H.S. Examination in the year 1962
i.e. before completing 3 yrs
service. As such the official is
not eligible for promotion under
the Revised incentive Scheme.

Memo No B-5/26 Lr dated 8-8-7

Copy to Sh. Hira Lal postman for
information with reference to his application.

Sh. Hira Lal
Postman
B-5/26

By: [Signature]
[Name]

Before the Central Administrative Tribunal, Lucknow Bench, Lucknow

O.A. No. of 1989
Heeralal vs. Union of India & others

ANNEXURE No. 3

22

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

प्रति सम्बन्धित

प्रति सम्बन्धित

In reply

Please quote

From

From

Post Master

G.P.O. Lucknow 226001

Regd

प्रति सम्बन्धित
To

Shri. Hiralal Kures

80 d. Shri. Hiralal Kures

Postman, Lucknow

Dated at

3-7-75

No. B-5/26

SUBJECT

Promotion of Sepil lower grade official
bri clerical code under revised new
scheme, eligible as on 31.12.73

As directed by Mr. P.M.B. also
you are hereby informed that your
case was examined but you have
been found eligible for promotion
bri clerical code under revised new
scheme.

The High School Certificate
and Worksheet are also herewith

By. Post Master (G.O.)

Lucknow G.P.O.

H-2
Hiralal
Attached
Room
B-5/26

Before the Central Administrative Tribunal
Lucknow Bench, Lucknow

O.A. No. of 1989

28

Heera Lal vs. Union of India & others.

ANNEXURE No. 4

ANNEXURE No. 4

INDIAN POSTS AND TELEGRAMS DEPARTMENT

From

The Postmaster-General,
U.P. Circle, Lucknow.

To,

Shri Heera Lal Kumar
Postman, Lucknow

No. STC/11-157/1/1/1/1 Dated at Lucknow-1 the 24 5-1972

Subject:- EXAMINATION FOR PROMOTION TO THE CADRE OF Postman

HELD ON

2.8.70

Ref:- Your application ***** Dated _____

.....
You have secured the following marks in the above
mentioned examination.

Roll Number of candidate.

11-1357/AE

Mark obtained

I	II	III	IV	V	VI	VII
20	23	28				

For Postmaster-General, U.P.

LPE
12/4/71

ANNEXURE-5

29

सेवा में,

श्रीमान. असिस्टेंट डाइरेक्टर जनरल। एसपीएस-1।

भारत सरकार डाक भवन पालिकामेंट स्ट्रीट

नई दिल्ली-110001

उचित माध्यम द्वारा

विषय:- प्राथम पत्र विभागीय परीक्षा पदोन्नति दिनांक 2-9-1970
रोल नं० 239/80 एसपीएस, लखनऊ डिवाजन से पोस्ट में
के पद से पोस्टल लिपिक हेतु।

सन्दर्भ:- नं० 60. 117/85/एसपीएस-1 दि० 9 जनवरी, 1986 के
साखन्य में।

महोदय,

निवेदन करना है कि मैं आपका ध्यान पुनः 9 जनवरी, 1986
पत्र के साखन्य में आकर्षित कराना चाहता हूँ जो कि क्लिफर आदेश
नहीं है। प्रतिलिपि संलग्न है।

① श्रीमान जी मे अनुसूचित जाति का हूँ अस्त 1970 की परीक्षा
में निम्न अंक प्राप्त किये हैं।

पुथम पेपर	द्वितीय पेपर	तृतीय पेपर	टोटल
20/50	23/50	33/100	81/200

② श्रीमान जी निम्न पद लखनऊ डिवाजन में रिक्त थे।

	जनरल	अनुसूचित जाति	अनुसूचित जनजाति
पोलिक्लपास	23	8	2
कन्डीडेट	22	2	1
शेष रिक्त पद	1	6	1
जो कि नहीं भरे गए थे:---			

③ श्रीमान जी रिजल्ट 15-3-1971 को लॉन्च किया गया था।

④ श्रीमान जी मिनिस्टरी आफ होम सप्लाय ऑफिस नं० 1/12/
67 एसपीएस टी०।सी०।। जुलाई 1968 में रिजर्वेशन पदोन्नति में
सरकार का आदेश है।

⑤ श्रीमान जी अनुसूचित जाति की विभागीय परीक्षा में
रिजर्वेशन मिनिस्टरी आफ होम सप्लाय ऑफिस नं० 1/1/70 एसपीएस टी०।
एसपीएस टी०। दिनांक 25 जुलाई 1970 में आदेश है नियम की
प्रतिलिपि संलग्न है।

11211

⑥ श्रीमान जी आपके पत्र से स्पष्ट है क्वाली परहंग मार्क 354 की दि० 6-12-1966 को नियम समाप्त कर दिया गया था फिर 1971 में 33 प्रतिशत नियम लागू किया गया है।

⑦ श्रीमान जी 1966 और 1971 के मध्य 1970 में मेरी परीक्षा हुई है आपके पत्र से कालम 6 से स्पष्ट है कि मेरे मार्क अधिक है जो कि 41 प्रतिशत है और मैं पदोन्नति के पात्र हूँ।

अतः आपसे कष्टपूर्वक प्रार्थना करता हूँ कि आप कृपया पुनः मेरे पदोन्नति केश को कन्सीडर करने का आदेश प्रदान करने का प्लेटफॉर्म इसके लिए मैं आपका जीवन भर आभारी रहूँगा आपकी महान कृपा होगी आपके हस्ताक्षर के लिए मुझे आशा और विश्वास है।

प्राथी:

हीरा लाल।

गाइड प्रथम,

जी०पी०ओ०लखनऊ

Record Delivery

देतु प्रेषित:-

1. डाक महाध्याय, उ०प्र०परि मंडल, लखनऊ

2. हर सचिव-भारत सरकार-नई दिल्ली

3. जयिप गांधी जी, भारत सरकार-नई दिल्ली

श्रीमान जी

डा. क. म. द. म. म.

उ० प्र० परि मंडल

लखनऊ

हीरा लाल

हीरालाल।

गाइड प्रथम,

जी०पी०ओ०लखनऊ।

14-1-1985



21120
Hira Lal
14/1
1985

Before the central Admin. Tribunal U.S. Bench, Cko.
O.A. NO. 1989
Hazard Lail
ANNEXURE NO-6
Union of India Govt.

31

To,

The Director General,
P & T.,
NEW DELHI.

Through:- PROPER CHANNEL.

Subject :- Promotion of lower Grade Staff to Cadre
of clerks held on 2-8-1970. Roll No 2389/MS
Lucknow DIVISION
Reference:- Secretary P & T Service Selection Board,
New Delhi, File No. 4/1/71/55 BD dt/-
22-2-71 and P.M.G.U.P. File No. Stc/ M-75/
70/5/3rd dt/- 19-4-75.

Respected Sir,

Being aggrieved with the long silence of
the P.M.G., U.P. Circle, Lucknow over my representation
dated 15-3-75 for promotion to the Clerical cadre, I
beg to represent to your goodself for justice and
equity from your kind hands :

GROUNDS OF REPRESENTATION.

- (1) That I appeared as a S/C candidate in the
departmental examination of 2-8-1970 and 8 Scheduled
caste vacancies were declared by the P.M.G., U.P. Circle
Lucknow.
- (2) That I secured an aggregate of 41% marks in
total and in Ist Paper I secured 40%, in IInd 46%, and
in the third paper 38% marks. Thus I qualified the
examination and was eligible for selection and promotion
to the clerical cadre.
- (3) That out of 8 vacancies declared for S/C
only 2 were filled in and the rest were filled from
surplus qualified candidates.
- (4) That I represented to the P.M.G., U.P. Circle
Lucknow to the effect that I have been illegally
deprived of my legitimate promotion which I was
entitled.
- (5) That the P.M.G., U.P. Circle did not

convincing reply with the result I have suffered a lot in my service career.

(6) That I have not qualified the promotion examination held in 1977 and appointed as clerk in 1979.

(7) That in case I would have been given my legitimate claim in the year 1970, I would have ranked senior to many officials. Apart from this I have suffered heavy financial loss of money, due to nondrawl of increments during this period of 7 years.

PRAYER

WHEREFORE, it is prayed that I may kindly be allowed full benefits of pay, increments and seniority with effect from 1970-71 due to lapse on the part of the department and I should not be made to suffer for the fault of the administration.

For this act of kindness I shall be grateful to you.

Yours faithfully,

Hira Lal Kural

(HIRA LAL KURAL)
Postal Assistant,
Lucknow G.P.O.,
Lucknow.

Lucknow:

Dated: July 7, 1981.

9/7/81
copy to Post Master
Lucknow & Co.
To the P.M.G. in Circle
LKO

Sl. No.

150

Amount of Stamp affixed
Received a Registered
Addressed to

Insured by (in words)

Insurance of (Weight)

Name and Address of sender

Signature of Receiver and
Signature of Sender

Signature of Receiver

Hira Lal Kural
Post Master
LKO

ANNEXURE NO. 7 CPA

33

पत्र-संख्या-22

Corr.-22

भारतीय डाक-तार विभाग

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

उत्तर देने समय कृपया

निम्न संदर्भ दें

In reply

Please quote

प्रेषक

From

Post Master,

Lucknow, G.P.O.-226001.

संवा में

To

Shri Hiralal Kurel

870 Shri Shree Narain

दिनांक

Dated at

Postman, Lucknow-226001

Lucknow 11-12-75

क्रम-संख्या

No.

B-5/26

विषय

SUBJECT

Examination for promotion of lower grade
Moff below cadre of clerks held on 2.8.70

Ref: your representation dt- 16.7.71 - (2nd)
Subsequent reminder dt. 26.8.71 -

I am directed to inform you that
the concession for S/C S/T candidates
contained in D.G.'s letter No. 62/11/62-SPT
dt- (16.3.74) was withdrawn in his No 357
4/62-SPT II dt. 9.12.66. As such your
case was disposed of under latter orders
correctly.

Postman

Dy. Post Master, (Retired)
Lucknow, G. P. O.-226001.

Hiralal
Attended
Shri

ANNEXURE NO. 8

34

148

Ministry of Home Affairs O.M. No. 8468 Estt(C)
dated the 8th February, 1968 to all Ministries etc.

Subject:—Reservation in Services for Scheduled Castes and Scheduled Tribes—Orders regarding—

The undersigned is directed to refer to Note (2) below para 3 of the Brochure issued with this Ministry's Office Memorandum No. 1/2/61-SCT(1), dated 27th April, 1962 and to say that the said Note has been revised as follows so as to conform to the instructions on the subject, vide Sub-para IV of Appendix 'A' to this Ministry's Office Memorandum No. 42/2/49-NGS dated 25th January, 1952:—

"(2) If a post is to be filled by direct recruitment the reservation orders will apply even if a person already serving under Government is appointed to that post for which he has applied and has been selected as a direct recruit."

Ministry of Home Affairs O.M. No. 161767 Estt(C)
dated 8th February, 1968 to all Ministries etc.

Subject:—Reservations for Scheduled Castes and Scheduled Tribes in Services—Minimum standard in examinations for recruitment.

Para 19(a) of the Brochure issued with this Ministry's Office Memorandum No. 1/2/61-SCT(1), dated 27th April 1962 provided that in direct recruitment by examination if according to their normal positions in the competition or selection, candidates belonging to Scheduled Castes and Scheduled Tribes obtained less vacancies than the number reserved for them, the number of such candidates who had secured lower positions but who had qualified at such examinations might be selected by the appointing authority to make up the deficiency. In connection with the recommendation No. 221 of the Commissioner for Scheduled Castes and Scheduled Tribes in his Report for the year 1965-66 to the effect that it would facilitate matters if minimum standards are prescribed by the Government of India in the case of examinations held by the various Departments for recruitment to posts and services under them, the Ministries etc., were requested in this Ministry's Office Memorandum No. 16102/65-Estt(C), dated 20th July, 1965 that minimum qualifying standard should be fixed in respect of each examination if it had not already been done in pursuance of the instructions in para 19(a) of the Brochure and if in any particular case, it was not found feasible to prescribe a minimum qualifying standard, the instructions in paras 4 and 19(a) of the Brochure should be strictly followed.

2. Para 19(a) of the Brochure referred to above has since been revised so as to conform to the instructions in para 1 of this Ministry's Office Memorandum No. 2/11/55-RPS, dated 7-5-1955 vide this Ministry's Office Memorandum No. 8/10/66-Estt(C), dated 15th May 1967. The revised para 19(a) of the Brochure reads as follows:—

"(9a) Direct recruitment by examination.—If according to their normal positions in the examination, candidates belonging to Scheduled Castes and Scheduled Tribes obtained less vacancies than the number reserved for them, the number of such candidates who had secured lower positions but who had qualified at such examinations might be selected by the appointing authority to make up the deficiency. In connection with the recommendation No. 221 of the Commissioner for Scheduled Castes and Scheduled Tribes in his Report for the year 1965-66 to the effect that it would facilitate matters if minimum standards are prescribed by the Government of India in the case of examinations held by the various Departments for recruitment to posts and services under them, the Ministries etc., were requested in this Ministry's Office Memorandum No. 16102/65-Estt(C), dated 20th July, 1965 that minimum qualifying standard should be fixed in respect of each examination if it had not already been done in pursuance of the instructions in para 19(a) of the Brochure and if in any particular case, it was not found feasible to prescribe a minimum qualifying standard, the instructions in paras 4 and 19(a) of the Brochure should be strictly followed."

received for their use. The Union Public Service Commission or other recruiting authority will have full discretion in order to make up the deficiency to recommend Scheduled Castes and Scheduled Tribes candidates who may obtain a low place in the examination, except where such authority considers that the minimum standard necessary for the maintenance of efficiency of administration has not been reached.

Consequent on the revision of para 19(a) of the Brochure as above, the instructions in this Ministry's Office Memorandum No. 16/1(2)/65-Estt(C), dated 20th July 1965 referred to in para 1 above have been reviewed and the following revised instructions are issued in this regard.

3. In the case of direct recruitment through competitive examination the candidates are arranged in the order of merit as disclosed by the aggregate marks securing autonomy in the examination and in that order so many candidates as are finally awarded to each service, post and in that order so many candidates as are found by the Commission or the recruiting authority concerned to be qualified by the examination to be recommended for appointment. The instructions in the revised para 19(a) of the Brochure, however, give full discretion to the Union Public Service Commission or the recruiting authority concerned to recommend candidates belonging to Scheduled Castes or Scheduled Tribes who may obtain a low place in the order of merit in the examination, provided such candidates are considered to have come up to the minimum standard necessary for the maintenance of the efficiency of administration. These instructions should be strictly followed in making direct recruitment through competitive examinations.

4. In the case of direct recruitment through a qualifying examination a minimum standard is generally fixed and candidates attaining that standard are placed on the select list for appointment against vacancies occurring from time to time. In such cases, therefore, a lower minimum qualifying standard should be fixed for candidates belonging to Scheduled Castes and Scheduled Tribes taking into account the minimum standard necessary for maintenance of efficiency of administration. If the minimum qualifying standard for general candidates is reviewed at a later date, the lower minimum qualifying standard applicable to Scheduled Castes and Scheduled Tribes should also be reviewed.

5. Ministries etc. may please bring the above instructions to the notice of the appointing authorities under them.

Ministry of Home Affairs O.M. No. 27468 Estt(C)
dated 12th March, 1968 to all Ministries etc.

Subject:—Reservation of vacancies for Scheduled Castes and Scheduled Tribes.—Recommendation No. 16 of the Working Group set up under the Chairmanship of Shri M.R. Jaykar, Additional Secretary, Ministry of Home Affairs to study progress of measures for land allotment to Scheduled Castes and their representation in services.

The undersigned is directed to say that a Working Group was set up under the Chairmanship of Shri M.R. Jaykar, Additional Secretary, Ministry

A-S

Heardal vs. Union of India & Ors.

Before the Central Admin Tribunal, C/o Bench, C/o.

O.A. No.

of 1989

35

Heeralal

vs.

Union of India & others.

ANNEXURE NO. 9.

ANNEXURE NO. 9

Phone : 351378

FEDERATION OF NATIONAL POSTAL ORGANISATIONS

T-24, Atul Grove,
New Delhi-110001

Dated 11.9.1987

No. 77-1/SC/T

To,

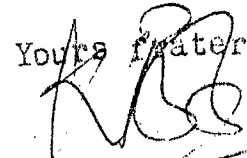
Shri Hira Lal Guvoli I,
Postal Assistant,
Lucknow GPO.

Dear Colleague,

Your Postcard dated 6.7.87. The delay in reply is due to oversight. There is in force the usual quota of reservation for SC/ST candidates. The qualifying marks are 33% in each paper and 38% in the aggregate.

With best wishes,

Yours fraternally,



(K. RAMAMURTI)
Secretary General

Hira Lal
Guvoli
11/9/87

ANNEXURE No. 10

ANNEXURE

Ministry of Home Affairs O.M. No. 1/1/70-Est. (SCT) dated 25th July, 1970
to all Ministries etc.

Subject.—Election of Scheduled Castes/Scheduled Tribes candidates against reserved vacancies—Relaxation of standards.

According to the instructions in this Ministry's Office Memorandum No. 8/10/66-Est (C) dated the 15th May, 1967 read with Office Memorandum No. 16/11/67-Est(C), dated the 8th February, 1968, if Scheduled Caste/Tribe candidates obtained, according to their normal position in the examination for direct recruitment, less vacancies than the number reserved for them, the selecting authorities have to select candidates belonging to Scheduled Caste/Tribe communities who may have obtained a low place in the examination, provided that such authorities are satisfied that the minimum standard necessary for maintenance of efficiency of administration has been reached in their cases. Similarly, in direct recruitment otherwise than by examination, if Scheduled Castes/Tribes candidates obtain, on the basis of the general standard, less vacancies than the number reserved for them, the selecting authorities can, in order to make up the deficiency, select Scheduled Caste/Tribe candidates who may be of a lower standard than candidates of other communities, provided such candidates satisfy the minimum standard necessary for maintenance of efficiency of administration. The extent of relaxation of standard, while judging the suitability of Scheduled Caste/Tribe candidates, both in direct recruitment by examination and otherwise than by examination, is thus at present decided by the selecting authority in the case of each category of post or posts. It has now been decided that, in the case of direct recruitment, whether by examination or otherwise, if sufficient number of Scheduled Caste/Tribe candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities may be selected to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for Scheduled Castes and Scheduled Tribes cannot be filled on the basis of the general standard, candidates belonging to these communities will, as at present, be taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/posts in question.

2. Ministry of Finance etc. are requested to bring the above instructions to the notice of all appointing authorities under them including public sector undertakings and statutory, Semi-Government and autonomous bodies.

Department of Personnel O.M. No 8/12/69 EST
December, 1970 to all Ministries

Subject.—Relaxation of standards in favour of Scheduled Tribes candidates in departmental competitive examinations for promotion and in departmental confirmation examinations.

Attention of the Ministry of Finance etc. is invited to Ministry of Home Affairs O.M. No. 1/1/70-Est. (SCT) dated the 25th July, 1970, in which it has been provided that in the case of direct recruitment, whether by examination or otherwise, if sufficient number of Scheduled Castes/Scheduled Tribes candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities may be selected to fill up the remaining vacancies reserved for them provided they are not found unfit for appointment to such post or posts. A question has been raised whether relaxations in the qualifying standards could be granted to Scheduled Castes/Scheduled Tribes candidates on the same basis in promotions, made through departmental competitive examinations and in departmental confirmation examinations where such examinations are prescribed to determine the suitability of candidates for confirmation. The matter has been carefully considered and it has been decided that in promotions/confirmations made through such examinations, Scheduled Castes/Scheduled Tribes candidates who have not acquired the general qualifying standard in such examinations could also be considered for promotions/confirmations provided they are not found unfit for such promotions/confirmations. In other words, the qualifying standards in these examinations could be relaxed in favour of Scheduled Castes/Scheduled Tribes candidates in keeping with the above criterion.

Dated 23rd

Heera Lal
Appointed
23/12/70
R.V.

Hearable

no.

Union of India v. Union of India

ANNEXURE NO. II

37

रिमाइन्डर पत्रिका

20-1-1989

सेवा में

श्री मान आर. राज. सेविका

रिमाइन्डर पत्रिका

मन. सूचित जात तथा अनु. जन जात

आ. भाग, द्वितीय तल माना बाजार

कपूर मल्ल का मल्ल, डाला गंज

ला 24 न 3

निषेध

पदाजात हेतु

संज्ञा

आपका पत्र संख्या नं. 1/(2)/2/87

सामान दिनांक 21-12-1988 के

संज्ञा में

अज्ञात

आप हमारे पुनः संज्ञा पत्र संख्या

तथा राज. पत्र. 1072 दिनांक 2-1-1989 की

और अनिलित कराना चाहता हूँ।

श्रीमान जी दिनांक 2-8-1970

में SC और ST के लिए निम्नलिखित

परीक्षा में प्रश्न पत्र के लिए Prescribed

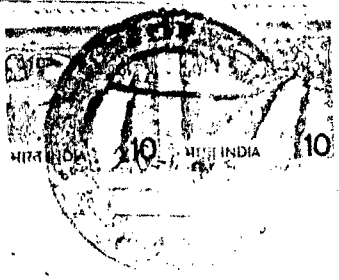
qualifying marks की प्रतिलिपि

सहायक निदेशक जनरल (S.F.N)

को दिवली से भेजने के लिए शीघ्र

आदेश पदान करने का कष्ट करें

आप की आज्ञा लुप्त होगी।



प्राप्ति

हीरा लाल

गाइड पत्रिका

ला 24 न 3

जी. पी. को

Handwritten signature and text at the bottom left corner.

ANNEXURE NO. 12

14

38

श्री जगदीश

श्री जगदीश आर. एन. सक्सेना
रि. स. च. आर. स. र.
अनु. सूचित जाति व जाति अनु. सूचित
जन जाति, आमाग, द्वितीय तल
जाना वाजार कपुर भल्ला कां. प. ल.

विषय :-

संदर्भ :-

पदाब्जात है
आपका पत्र संख्या 1/(2)/2/87-
सं. आ. नं. और सं. दा. ग. ल. नि. दे. ग. ल.
जनरल (S.F.N) नई दिल्ली पत्र
जं. 60. 117/85/S.P.B-1 dt 9 जनवरी 86
के संबंध में।

अर्थात्

निवेदन है कि दिनांक 10 अगस्त
1970 में अनु. सूचित जाति के लिए
प्राप्त कलक है कि आमाग पदाब्जा
में Prescribed Qualifying Mark

(मार्क) कमाये

अतः आप से कलक प्राप्त
करना है कि आप कलक प्राप्त
सं. दा. ग. ल. नि. दे. ग. ल. जनरल (S.F.N)
नई दिल्ली में Prescribed
Qualifying Mark की प्राप्ति
मार्क के लिए आर. एन. सक्सेना
करना का कलक है आप की
अर्थात् आप दी गी।

प्रार्थी

द्वारा लाल
गोड्ड प्रार्थी
लखनऊ
2-1-1989

Heeralal
Affidavit
2-1-1989

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW
 C.M. An. No 340/09(1)
 O.A No.231 of 1989.

Heeralal Kureel

... Applicant

-vs-

Union of India and others

... Respondents

APPLICATION FOR ~~ADJOURNMENT~~

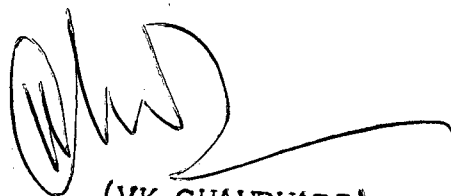
taking the CA on Record

The Respondents beg to submit as under:-

1. That due to some unforeseen circumstances the counter affidavit could not filed. Now the counter affidavit is ready ~~now~~ for filing.

2. That it is expedient in the interest of justice that the counter affidavit be very kindly taken on record and decide the case on merit.

It is therefore most humbly prayed that accompanying counter affidavit be taken on record and decide the case on merits.



(VK CHAUDHARI)

Addl Standing Counsel for Central Govt
 Counsel for Respondents.

Lucknow,

Dated: 14-12-89.

40

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No.231 of 1989.

Heeralal Kureel

... Applicant

-vs-

Union of India & others

.. Respondents.

COUNTER AFFIDAVIT ON BEHALF OF O.P. PARTIES.

I, O.P. TRIPATHI

aged about 53 years, son of Late Shri Raghunath Pd
at present posted as Chief Postmaster, General Post
Office, Lucknow do hereby solemnly affirm and state
as under:-

1. That the deponent is the Respondent no. 4 in the
above noted application and has been authorised to file
this counter affidavit on behalf of respondents
and as such he is well acquainted with the facts of
the case deposed to hereunder:
2. That the deponent has read and understood the
application of the applicant as also its enclosures
in support of the above noted application and has
understood their contents.
3. That before giving the peravise of the application
it is necessary to give the certain facts which is
essential for the just and proper disposal of

this application, as under:-

~~xxxx~~ That the applicant was recruited as Class-IV employee and posted as packer, Lucknow GPO on 11.9.1961. He passed his high school Exam held during March/April 1962 and he applied for promotion under incentive scheme for which he was not eligible, he appeared in the examination for promotion to clerical cadre held in August 1970. The applicant could not qualify in the said examination on the prescribed standard. The standard was reduced by the department vide Government of India letter No.63/10/71-SPE-I dated 17.7.71. The benefit he claimed is not admissible to him. He appeared in the Exam, in August 1970 when the qualifying standard marks for each paper was 35% and aggregate was 45%.

4. That the contents of para (i) to (iii) of the application are formal as such needs no comments.

5. That the contents of para (iv)(1) of the application are incorrect as stated, hence denied and in reply it is submitted that the date of ~~appointment~~ appointment differs as per records. The actual date of appointment is 11.9.61 in the capacity of Class-IV.

~~xxxxxxx~~
6. That the contents of para (iv) (2) of the application ~~xxxxxxx~~ needs no reply.

7. That in reply to the contents of para (iv) (3) of the application it is submitted that as soon as U.P. Circle Lucknow letter no. JTC/K-134/Genl/7 dated 15.3.72 was received the Postmaster Lucknow GPO conveyed on 26.6.1972 under office letter No.35/26 that he was

not eligible for the appointment as clerk under the incentive scheme as he entered in the department on 11.9.61 and passed the high school examination in March/April 7 62 without completing the gap of 2 years. Annexure -2 referred in para 3 is of 26.5.73 and not of that date 26.6.72.

8. That the contents of para (iv) (4) of the application are incorrect as stated and in reply it is submitted that the originality of the Annexure-3 appears to be forged. No such positive reply was communicated to him. xx

9. That the contents of para (iv) (5) of the application are incorrect as stated, hence denied.

10. That in reply to the contents of para (iv) (6) of the application it is submitted that the first sentence of the this para is admitted but he has got no concern with the working of second sentence (8 vacancies reserved for SC candidate) for the reason the candidate could not even qualify the examination.

11. That the contents of para (iv) (7) of the application are incorrect hence denied and in reply it is stated that the candidate could not qualify the examination ⁱⁿ 1970.

12. That the contents of para (iv) (8) of the application are incorrect as stated and in reply it is submitted that the result of successful candidates are communicated and not otherwise.

13. That the contents of para (iv) (9) of the

application are incorrect, hence denied and in reply it is submitted that the copy of letter no.35/462 SPB II dated 9.12.66 from the DG E&T addressed to all heads of circle etc. quashed all the previous percentages of marks obtained in examination in respect of SC/ST and O.G.

14. That in reply to the contents of para (iv) (10) of the application it is submitted that the date mentioned in this para differs with date of Annexure 7 referred to.

15. That the contents of para (iv)(11) of the application are incorrect as stated, hence denied and in reply it is submitted that the communication No.4-1/74 85 BRD dated 9.5.75 of DG E&T New Delhi communicated by FMG UI Circle Lucknow vide his letter No.STC/M-73/70/5/Ch.III dated 21.5.75 and copy of letter no.62./26/76-SPB-I dated 30.4.77 from DG E&T New Delhi communicated by the FMG UI Circle Lucknow No.STC/M-75/70/5/Ch.I. dt.17.5.77 are speaking the position completely clear that the standard percentage of marks to be obtained by the qualifying candidate was 33% on or after 17.7.71 and not earlier.

16. That the contents of para (iv) (12) of the application are incorrect, hence denied and in reply it is submitted that the qualifying standard was made 33% as and after 17.7.71 not before this.

17. That the contents of para (iv) (13) of the application are incorrect as stated and in reply it is submitted that the annexure 10 is itself silent about the qualifying standard marks to be obtained by the candidate for declaring successful.

44

-5 -

18. That the contents of para (iv) (14) of the application are incorrect, hence denied and in reply it is submitted that the applicant never applied for qualifying marks and standard marks should be obtained by the successful candidates. The Annexure no.11 enclosed is also evident that the candidate asked for the qualifying marks/standard marks from Shri B.N. Saxena, Research Officer, SC/ST Ayog 2nd Floor Meena Bazar Kapoor Thala Complex Daliganj, Lucknow and not from the Postmaster Lucknow.

19. That the contents of para (iv) (15) of the application are incorrect, as stated, hence denied and in reply it is submitted that the applicant made representation to the commission for SC/ST Govt of India which does not relate to this department.

20. That the contents of para (iv) (16) of the application are incorrect, hence denied and in reply it is submitted that the OM dated 23/2.1970 is totally silent on the point of qualifying standard of marks.

21. That the contents of para (iv) (17) of the application are incorrect, hence denied and in reply it is submitted that no harassment was made by the department because it is purely a case of departmental examination.

22. That the contents of para (iv) (18) of the application need no reply.

23. That the contents of para (iv) 19 of the application are incorrect, hence denied and in reply it is submitted that the applicant only get success in departmental examination held in 1977.

45

24. That the contents of para (iv) (2+0) of the application ~~xxxxxx~~ are incorrect as stated and in reply it is submitted that the selection was made only on the basis of result declared against the examination held in 1977.

25. That in view of the facts, reasons and circumstances stated above, the application filed by the applicant is liable to be dismissed with costs to the Respondents.

Deponent.

Lucknow, 3/11/89
Dated: 3-11 Oct. 1989.

Signature 121

Verification.

I, the above named deponent do hereby declare that the contents of para to are true to my personal knowledge, those of paras to are based on perusal of record and information gathered and those of paraas to are based on legal advice, which all I believe to be true, no part of it is false and nothing material has been concealed.

Deponent.

Lucknow, 3/11/89
Dated 3-11 Oct. 1989.

Signature 121

Signature
G. 306m
ON Input
V.C. Chaudhary
Sgt. Kumar Sanyal

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

Signature 3/11/89
(VK CHAUDHARY)
Addl. Standing Counsel for Central Govt
Counsel for the Opp. parties/Respondents

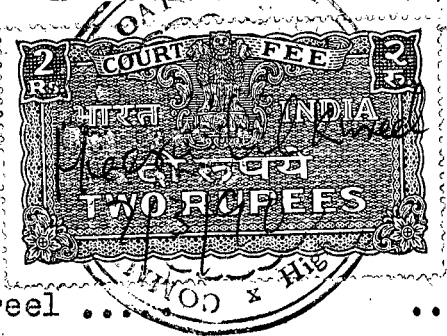
By/Comp. Date 3/11/89

46

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH AT ALIABABAD CIRCUIT BENCH
LUCKNOW



O.A. No 231 of 1989 (L)



Heera Lal Kureel Applicant

Versus

Union of India and others.... ...Respondent

REJOINDER AFFIDAVIT ON BEHALF OF THE
APPLICANT

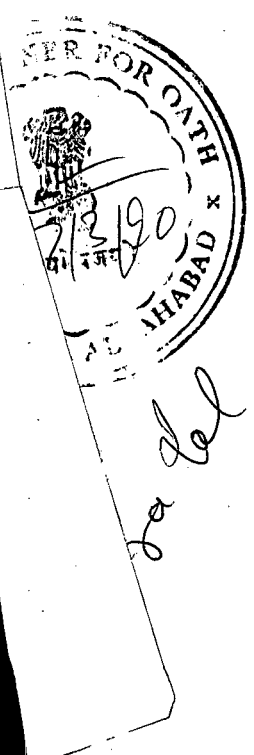
R. J. 26/7

I, Heera Lal , aged about 49 Years son of
Sri Shiv Narain resident of Matkheea Alam bagh ,
Lucknow , the deponent do hereby solemnly affirm
and state as under:-

1. That the contents of para 1 and 2 of
counter affidavit (C A) are formal and need no reply.

2. That the contents of para 3 of Counter
affidavit are not correct and are denied. In fact the
applicant was appointed on the post of Packed on
19 July 1060 and his services were approached
on 11.9.1961 . The applicant applied for promotion
under the incentive scheme in the year 1962 but
he was not considered in the aforesaid year. The
applicant again applied in the year 1983 and
since then he is applying for the promotion on
under the incentive scheme but the opposite party

....



2.

after a 10 year gap replied in negative in the year 1973 . That through a reference letter No. 57/6/67- S P B I dated the 26th september 1968 the applicant was entitled for promotion under the incentive Scheme. A copy of the aforesaid letter is annexed here with as Annexure No R-I .The applicant was always eligible for promotion under the incentive scheme but he was deliberately denied the opportunity of promotion by the opposite parties. The qualifying standard of marks for each paper was 35% and aggregate was 45% is a sweet say of the department and it is not clearly stated in the counter affidavit that the qualifying standard was fixed for S T₁ SC on per general candidate and the same qualifying standard prescribed in the counter affidavit is also not supported by any documentary evidence.

3. That para 4 of the counter affidavit need no reply.

4. That the contents of para 5 of counter affidavit are denied. The applicant appointed on 19 July 1960 and was appointed on 11.9.61.

5. That para 6 of the counter affidavit need no reply.

6. That the contents of para 7 of the



48

3.

counter affidavit are ~~denied~~ admitted but it is denied that the applicant after completing his high school examination in 1962 applied for the promotion in the incentive scheme since 1962 onwards till 1972 but the department even in the year 1973 did not consider the applicant and was repeating the old ~~stx~~ storey of not ~~applicant~~ completing the two years.

7. That the contents of para 8 of the counter affidavit are in correct wrongly and vehemently denied. In fact annexure No 3 is a genuine document and has been based though a registered letter to the applicant and has also a signature of the officer concerned. The posted department ~~just~~ just to shring off their responsibility of accepting the ~~trux~~ truth has now taken that the document is a forged one

8. That the contents of para 8 of the counter affidavit are not accepted and the facts mentioned in the writ petition are mentioned in this para 7 of the counter affidavit ~~asxwxat~~ was the qualifying standard in the year 1970. quite correct.

9. That the contents of para 10 of the counter affidavit are incorrect and denied. The applicant has got every concern for the 8



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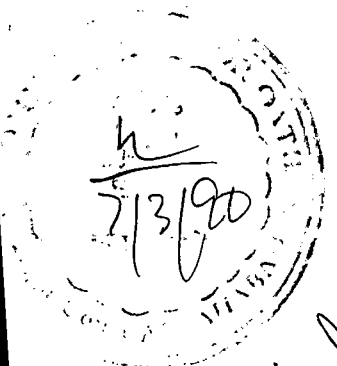
4.

~~RESERVED~~ reserved vacancies in the year 1970 for counter affidavit. As there was reservation for these 8 counter affidavit vacancies that there should also be relaxation in qualifying standard as out of 8 S C vacancies 2 vacancies had already been filled. The relaxation standard can be verified by getting the qualifying standard of making of these 2 S C appointments.

10. That the contents of para 11 and 12 of the counter affidavit are in correct denied.

11. That the contents of para 13 of the counter affidavit needs an explanation. from the opposite parties that after the issuance of letter dated 9.12.66 from the D G P and T that what kind of qualifying relaxation standard were fixed for S C/ST candidates. The opposite parties are put to strict proof to prove by cogent evidence that was the qualifying standard in the year 1970 out of SC vacancies resumed in 1970, 2 S C candidates had been appointed when there is a reservation for these 8 posts then there should also be a relation standard be fixed for them.

12. That in reply to the para 14 of the counter affidavit the date mention is in adventently be a typing mistake and date mentioned in annexure 7 that is 11.12.75 to correct and is to be real as



Diya Lal

5.

11.12.75 instead of 11.12.73.

13. That the contents of para 15 of counter affidavit are in correct and the facts mentioned in the main petition one correct and applicable in the case of the applicant as that OM No mentioned in the main petition in this para was applicable till 1970 and the applicant is ⁿgroundⁿ genuned by that on letter of 1968 . It is pertinent to mention here that ~~year~~ against it is not mentioned in this para 7 of counter as what was the qualifying standard in the year 1970.

14. That the contents of para 16 of the counter affidavit are denied . It is again not mentioned in this para of counter affidavit that what 90 of marks were fixed before 1971 and there is no documentary proof ⁿ ⁿ ~~ha~~ leveled by the opposite party to sustain their claim 7 any kind.

15. That the contents of para 17 of the counter affidavit are in correct and denied the annexure No. 10 of main petition although it did not mention the qualifying standard mark but in compiroller and Auditor general of India V S K.S. Jagannathan 1986 (1) A T C I (SC) 1982 (2) S LT I (SC) it was held that the qualifying standard of marks for S C was 36 of marks.

h
7/3/90

Handwritten signature

51

6.

26. That the contents of para 18 of the counter are incorrect and denied and the facts mentioned in main petition are correct.

17. That the contents of para 19 of counter affidavit are in correct and denied .It is submitted that the case of the applicant fell on the deaf-ear the postal department. He made representation to the commissioner of SC/ST who after cancelling the postal department gave reply after 8 years.

18. That the contents of para 20 of counter affidavit are incorrect and denied and the answer replied in the para 14 of rejoinder affidavit has already been explained .

19. That the contents of para 21 of counter affidavit are incorrect and denied.

20. That the contents of para 22 of the counter affidavit need no reply.

21. That the contents of para 22 of counter affidavit ~~need not~~ are in correct and denied.

22. That the contents of para 23 of counter affidavit are in correct denied ~~the~~ and position explained in the main petition of the applicant is quite clear.



De Lal

32

7.

It is also pointed here that there is no refusal on the part of the opposite parties that they have not received any representation ^u ⁿ ~~for~~ from the applicant.

23. That the contents of para 25 of the counter affidavit in correct and the application filed by the applicant is deserved to be allowed in toto with all consequential benefits.

Lucknow
Dated 7-3-90

[Signature]
Deponent

Verification

I, the above named do here verify that the contents of para 1 to of this affidavit are true o my own knowlodge no part of it is false and nothing material has been concealed .So help me God.

Lucknow
Dated 7-3-90

[Signature]
Deponent


I identify the deponent who has singed before me.

[Signature]
Advocate.

Solemnly affirmed before me on 7-3-90 at 10.00am/pm by who has been identified by Sri *Raza Laheer* Advocate High Court Lucinow Bench? Luckow.

I have satisfied myself by examining the deponent that he understands contents of this affidavit which are read out and ^u ⁿ ~~exap~~lained to him by me.

OATH COMMISSIONER


[Signature]
OATH COMMISSIONER
Lucknow
No. 05757
Date 7-3-90

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE C.C.P. 55 OF 93

NAME OF THE PARTIES Heera Lal Applicant

Versus

S.K. Partha Shastri Respondent

Part A.

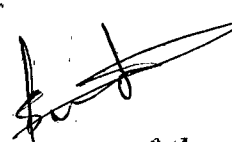
Sl.No.	Description of documents	Page
1	A Order sheet	1 to 6
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4	A C.A.	31 to 45
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13		
14		
15		
16		
17		
18		

CERTIFICATE

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

Dated 22-6-11

Counter Signed.....


Signature of the
Dealing Assistant

Section Officer/In charge

C.C.A 55-21993

21. 4. 93

②

Hon. Mr. Justice C. Srinivasana, C.
 Hon. Mr. V.K. Sesh, B.A.

→ seen Notice to the Respondent
Calling upon him to file
reply ~~soon~~ⁱⁿ to enable us
to consider as to why
the Content of Proceedings
is necessary against him or
not. List this Case as
7.7.93 per orders. L

Ans -

 \sqrt{c} 

on
notice is received
Back of

1.1.83

Case no. reached after to
20.12.83

me

20-12-73

How Mr SM Bore V J M
How Mr V K Selk M

OR
PA filed
OP 3-1-21
SPB
6/11 L

~~None reports on either
of the parties. Invt Oct 9-289.
Any appointment made on the first
held by the applicant shall be
subject to order/decision in the
case.~~

Am

Jan

173

O.A.No.231/89

Hon. Mr. B. K. Singh, A.M.

The applicant is present in person. The operative portion of the order is not very clear in the sense that cut of per centage has been fixed for all the candidates who appeared in that particular examination and relaxing in favour of a particular candidate will open a Pandora's box. Power has been filed in this case by Shri Ramesh Gulati who is brief-holder for the learned Counsel Dr. Dinesh Chandra. C.A. may be filed within two weeks and R.A. within one week thereafter. List this case on 10-8-93.

A.M.

(tgk)

10-893

No. sitting of D. B.
Adjourn to 13-9-93
R

R
B. e. c

His copy of D-mag
on 22-953

1200

22/9/83

140 Mr. S.N. Prasad, J.M.
140 Mr. V.K. Seth, A.M.

The applicant is present in person. Dr. Chandra leand Counsel for the respondents is also present & has filed CA. The applicant sees adjournment. List this case on 11/11/88 for orders.

W. S.
A. D.

5m

John Samuelson
 Cottage No. 102.
 A.D. attached. No
 reply filed.

#0
D/OB 10/8

PR
content note 2 served 13-9-53

reply filed

SPO

at

al

Taken no 12 km left h/b

R not filed

SP

SP

21/9/53

OK
enter in no
reply filed
SPW
Oat's

(46)

Sl.No.	Date	Office Report	Orders
		<u>30/9/94</u>	<u>Hon'ble Mr. D.C. Verma, J.M.</u> Judgment pronounced in Open Court under Rule 106 of Procedure Rules by the Bench consisting of Hon'ble Mr. V.K. Seth, A.M. & Hon'ble Mr. D.C. Verma, J.M. Pronounced by Hon'ble Mr. D.C. Verma, J.M. J.M.
		<u>30/9/94</u>	<u>Hon'ble Mr. D.C. Verma, J.M.</u> Order of the Bench consisting of Hon'ble Mr. V.K. Seth, A.M. & Hon'ble Mr. D.C. Verma, J.M. was pron- ounced in Open Court by the Bench consisting of Hon'ble Mr. D.C. Verma, J.M. J.M.

87

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW
.....

Contempt Petition No. 55 of 1993

IN

Original Application No. 231 of 1989

this the 30 day of September, 1994

HON'BLE MR. V.K. SETH, ADMN. MEMBER
HON'BLE MR. D.C. VERMA, JUDICIAL MEMBER

Heera Lal Kureel aged about 53 years, son of Sri Sheo
Narain, employed as Postal Assistant, G.P.O., Lucknow.

Applicant

By Advocate : None

Versus

S.K. Partha Sarthi, Director General, Postal Department
Dak Tar Vibhag, New Delhi.

2. Shiv Prasad Rai, Post Master General, U.P. Circle
P.M.G. Office, Lucknow.

Respondents

By Advocate : Dr. D. Chandra

O R D E R

D.C. VERMA, MEMBER (J)

The applicant Heera Lal Kureel an employee of Postal department claimed his promotion in class-III w.e.f. 1970 instead of 1971; as the claim of the applicant was not accepted by the department, the applicant filed O.A. No. 231/89 H.L. Kureel Vs. Union of India & others. While deciding the said O.A. the Tribunal its order dated 28.8.1992 disposed of O.A. as below :

"Although, the applicant is not entitled to any relief, but it is a case in which the grievance of the applicant may be considered. The respondents may consider

8

the case of the applicant again and given him promotion with effect from the date others were given promotion, in view of the fact that there is difference of a few days.

The application stands disposed of as above, with no order as to costs".

2. Now this C.C.P. has been filed with the prayer to draw the contempt proceedings against two opposite parties for non-compliance of the order given by the Tribunal.

3. The main grievance of the applicant is that the respondents should have given him promotion w.e.f. the date others were given promotion i.e. 1970 instead of 1971. This point has already been considered by the Bench while deciding the O.A. The Tribunal found that the relaxed standard was given effect to w.e.f. the date of order i.e. 17.7.71 and hence the applicant, who could not secure the minimum standard of marks, in the examination held on 2.8.70, not has been given the benefit of the relaxation. In its order the Bench of the Tribunal has clearly held that the applicant is not entitled to any relief the fact however, directed the respondents to consider the case of the applicant again and give him promotion w.e.f. the date others were given promotion; as there appears to be little gap when the applicant appeared and when rules were relaxed. Thus, the Tribunal merely directed the respondents to re-consider the claim of the applicant and there was no positive direction to promote him, though the applicant was not found eligible. In the absence of any such specific direction the contention of the applicant that he should be deemed

to have been promoted w.e.f. 1970, has no legs to stand.

4. The respondents re-considered the claim of the applicant and passed a reasoned order on 30.7.93 ~~xx~~ (Annexure R-1 to the C.A.). The learned counsel for the respondents has submitted that in case the applicant is given promotion it will have far reaching effect on the employees placed in the similar circumstances in various Postal Circles on All India basis and this may amount to discrimination on natural justice against the employees who failed to agitate their cases in court.

5. In the instant case the question is whether the order of the Tribunal has been complied with or not and whether there is any wilful default and violation of the order by the respondents. Considering the circumstances of the case, we find that the respondents have re-considered the case of the applicant as per directions of the Tribunal and has passed ~~the~~ a reasoned order. The direction given by the Tribunal is in two part, first part is that the respondents may consider the case of the applicant again and that has been done. In case after consideration the authorities found the case of the applicant to grant relief that would have been w.e.f. the date others were given promotion. As the respondent -a, after re-consideration, have rejected the claim of the applicant, The second part of the order is not required to be followed.

6. Considering all the facts and circumstances of the case we come to the conclusion that there is no wilful, default or negligence on the part of the respondents in complying the order of this Tribunal. The contempt petition

A10

is liable to be rejected and is rejected. The notices issued to the respondents are hereby discharged.


MEMBER (J)


MEMBER (A)

LUCKNOW: DATED: 30.9.94
GIRISH/-

A11

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

C.C. NO. 55 (C) OF 1993

O.A. 231/89
Central Administrative Tribunal
Circuit Bench Lucknow
Date of filing 16/4/93
Date of Receipt Post.....

Deputy Registrar(U)

Meera Lal Kureel aged about 53 years,
son of Sri Sheo Narain, employed as Postal
Assistant, G.P.O., Lucknow.

..... APPLICANT..

VERSUS

- SHRI S.K. PARTHA SARTHI*
1. Director General, Postal Department,
Dak Tar Vibhag, New Delhi.
SHRI SHIV PRASAD RAI
2. Post Master General, U.P. Circle,
P.M.G. Office, Lucknow.

..... RESPONDENTS.

CONTEMPT APPLICATION U/S 17 OF
CENTRAL ADMINISTRATIVE TRIBUNAL, 1985.

That for the facts, reasons and
circumstances stated in the accompanying affidavit,
it is most respectfully prayed that this Hon'ble
Section 17 Tribunal may kindly be pleased to summon
the opposite parties and punish them in accordance
with law for committing the deliberate and wilful
contempt of this Hon'ble Tribunal's order dated

..... 2/-

[Signature]

26-8-1992 passed in O.A. No. 231 of 1989 or
to pass any other order or direction, which this
Hon'ble Tribunal may deems fit, proper and
judicious under the circumstances of the case.

Raza Latheer

S.B. Kermag

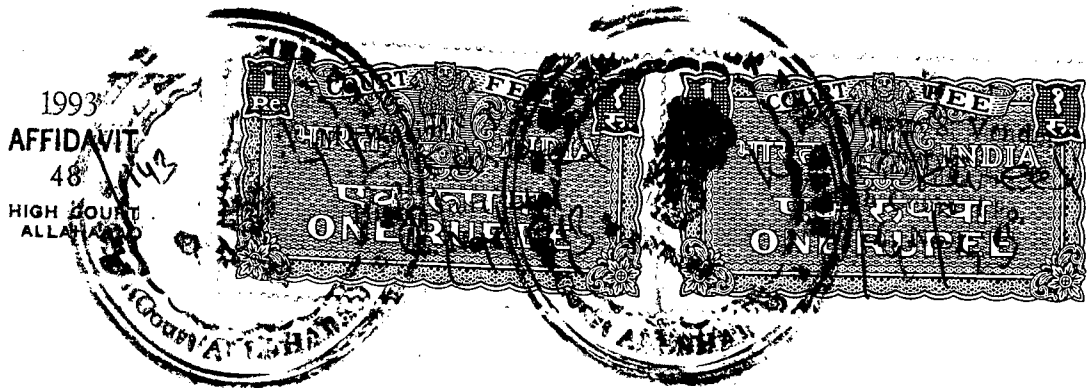
Arund Mohan

LUCKNOW
DATED:-

COUNSEL FOR THE APPLICANT.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

C.C. NO. 55 (C) OF 1993



✓ MEERA LAL KUREEL APPLICANT.

VERSUS

DIRECTOR GENERAL, POSTAL
DEPARTMENT, DAK TAR VIBHAG,
NEW DELHI AND ANOTHER.

..... RESPONDENTS.

A F F I D A V I T

I, ✓ Meera ✓ Lal Kureel aged about 53 years,
son of Sri Sheo Narain, employed as Postal
Assistant, G.P.O., Lucknow, the deponent do hereby
solemnly affirm and state on oath as under :-

1. That the deponent is the applicant
himself and as such, he is fully acquainted and
well conversant with the facts and circumstances
of the case deposed to hereunder.

2. That the applicant was earlier
appeared in the All India Competition of Postal
Department for the post of Class-III on 2-8-1970.
At that time, there were eight vacancies reserved
for Scheduled Caste candidates and there was also

..... 2/-



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- 2 -

a fixed percentage i.e. 35% and aggregate 40%.

3. That the result of the aforesaid competitive examination was declared on 15-3-1971 and the name of the applicant was found missing as list of successful candidates. The applicant asked for the copy of marksheets from the respondents, which was supplied to the applicant on ~~25~~ 24-5-1972. As per the marksheet, the applicant in aggregate received 41% marks and as per the reservation policy prevailing in the year 1970, he was entitled to be appointed for the said post. Aggrieved by such discrimination, the applicant preferred various representations to the respondents and after a gap of so many years, the respondents rejected the representations of the applicant in 1989 and aggrieved by the contact of the respondents, the applicant preferred a O.A. No. 231 of 1989 before the Central Administrative Tribunal, Lucknow.

4. That thereafter, the exchange of affidavits, the O.A. No. 231 of 1989 was finally disposed of on 26-8-1992 and the Bench consisting of Hon'ble Mr. Justice U.C. Srivastava and K. Obayya heard the case of the applicant and has directed the respondents that they may consider the case of the applicant again and give him promotion with effect from the date others

..... 3/-



AM

were given promotion. A photocopy of the order dated 26-8-1992 is being annexed herewith as ANNEXURE NO. 1 to this Affidavit.

5. That the applicant vide registered letter dated 18-11-1992 served the copy of the judgement of this Hon'ble Tribunal dated 26-8-1992 to the Respondent No. 1 and also served the copy to the Respondent No. 2 in his office on 26-11-1992. A photocopy of the representation is being annexed herewith as ANNEXURE NO. 2 to this Affidavit.

6. That similarly, the applicant vide his registered letter dated 20-12-1992 and letter dated 12-12-1992 to the Respondent No. 2 sent reminders to the respondents and similarly the applicant vide his letter dated 18-1-1993 sent another reminder to the Respondent No. 2 for the effective compliance of the Hon'ble Tribunal order dated 26-8-1992. A copy of representations dated 20-12-1992 and 18-1-1993 are being annexed herewith as ANNEXURE NOS. 3 and 4 respectively.

7. That the contemners are in genuine receipt of the order dated 26-8-1992 passed by this Hon'ble Tribunal and despite of specific



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- 4 -

direction given in the judgement dated 26-8-1992, the contemners have not passed any order in compliance to the Hon'ble Tribunal's direction and are adamant to bye-pass the directions given by this Hon'ble Tribunal and in this way, they had deliberately with full knowledge of the directions given by this Hon'ble Tribunal have committed a contempt of this Hon'ble Tribunal.

8. That the applicant has met personally with the Contemner No. 2 and prayed to him that the directions given by the Hon'ble Tribunal may kindly be complied with, but the Contemner No. 2 has said that since the Tribunal has not allowed your petition, we are not going to obey it, on which the applicant has cited the specific directions given to the respondents that they may consider the case of the applicant again and give him promotion with effect from the date others were given promotion, but the Contemner No. 2 said that it is not a mandatory direction so he will not complied with the order of this Hon'ble Tribunal.

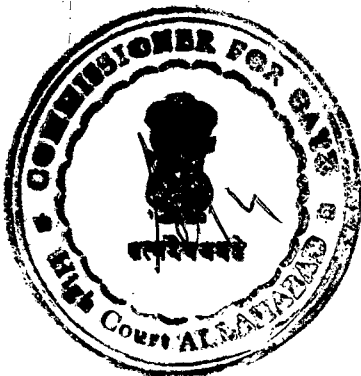
9. That the act and conduct of the contemners clearly indicates that they have scant respect and honour for the orders passed by this Hon'ble Tribunal and they have wilfully,



..... 5/-

deliberately and sheer violation of all judicial norms have flagrantly abuses the directions of this Hon'ble Tribunal and in this way, they have committed the contempt of this Hon'ble Tribunal.

10. That the contemnners have filed a wrong averments in their counter affidavit, in which they have falsely implicated that in August, 1970, there was no reservation for the scheduled caste/scheduled tribe and there was no fixed qualifying standard of marks and the Hon'ble Tribunal has relied on their false statement and decided the case. The applicant, thereafter, searched for the copy of communication No. 66/10/71-SPB-1 dated 17-7-1971 issued by the D.G.P & T, New Delhi, in which it has been specifically mentioned that the qualifying standard for scheduled caste/scheduled tribe candidates were lowered from 35% to 33% in each paper and from 40% to 38% total aggregate and according to the aforesaid letter, the case of the applicant is fully covered and he is entitled to be selected in the year 1970 on the basis of of the letter dated 17-7-1971. The applicant has also served the copy of the aforesaid letter dated 17-7-1971 alongwith his representations to the contemnners. A copy of the letter dated 17-7-1971 is being annexed herewith as ANNEXURE NO. 5.



LUCKNOW
DATED:- 8/4/93

DEPONENT6/-

A17

- 6 -

VERIFICATION

I, the abovenamed deponent, do hereby verify that the contents of paras 1 to 10 of this Affidavit are true to my personal knowledge and belief. No part of it is false and nothing material has been concealed by me. So, help me God.

Signed and verified this 04th day of month April, 1993.

LUCKNOW
DATED:- 04/4/93

H. Radel
DEPONENT.

I identify the deponent, who has signed before me

ADVOCATE.



2.30
At Lucknow, on 04/4/93, before me, the undersigned, a Magistrate, M. by the deponent
that *H. L. Kureed*
who is identified by *Mohd. Ismail C/o*
Advocate High Court, Allahabad *in Raza Zabeer*
I have satisfied by examining
the deponent that he understands
the contents of this affidavit which
have been read out and explained
to him.

A.R. Khanam
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench. L.C.
No. 48/143
Date 04/4/93

Before the Central Administrative Tribunal Lucknow. 7
Bench Lucknow
Heeradal Kureel - C.C. No. - 55 - (C) 1993
D.G. Postal Dept. & Another - v/s - - - - - Applicant
Respondents
A18
ANNEXURE NO: 1

30

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 231 of 1989

H.L. Kureel

Applicant

versus

Union of India & others

Respondents.

Shri Raza Zaheer

Counsel for Applicant

Shri V.K. Chaudhary

Counsel for Respondents.

CORAM

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

The applicant entered the Postal department in the year 1960 and passed the High School Examination in the year 1962. Thereafter, he applied for promotion in class III. But after a gap of 10 years the applicant was given a negative reply by the department that he was not eligible under the revised incentive scheme. The applicant appeared in the All India Competitive Examination for postal department in the month of August, 1970. There were 8 vacancies reserved for scheduled caste candidates. The result was declared on 15.3.71 but the applicant's name was not shown in the list of successful candidates, although, according to the applicant the qualifying marks were 35% in the year 1963-64 and in 1971



it was 33% and the applicant secured 41% marks and still he was not considered. The applicant filed the representation against the same claiming the benefit of O.M. of 25.7.70. After rejection of the representation he has approached the Tribunal and prayed that he may be given appointment claiming 19 years of seniority to be fixed with consequential benefits. The O.M. of 25.7.70 provides that the number of vacancies reserved for Scheduled Castes and Scheduled Tribes cannot be filled on the basis of the general standard candidates belonging to these communities, will, as at present, be taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/posts in question.

2. The respondents have opposed the application and have stated that relaxed standards were applied in the year 1970 and that is why the benefit was ^{not} given to him. They have also pointed out that the standard was reduced by the department vide letter dated 17.7.71 and as such the benefit was not admissible to him. He appeared in the Exam. in August, 1970 when the qualifying standard marks for each papers was 35% and aggregate was 45%. They have also stated that the copy of the letter No. 35/462 SPE II dated 9.12.66 from the DG P&T addressed to all heads of circle etc. quashed all the previous percentages of marks obtained in examination in respect of SC/SI and O.G.

3. The contention on behalf of the applicant is that



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AN

he should have been deemed to be promoted from 1970 and not from 1971. In view of the relaxation standard imposed in 1971 and not in 1970 he did not secure the same and the rules were not relaxed then. There appears to be a little gap when the applicant appeared and when the rules were relaxed. Although, the applicant is not entitled to any relief, but it is a case in which the grievance of the applicant may be considered. The respondents may consider the case of the applicant again and given him promotion with effect from the date others were given promotion, in view of the fact that there is difference of a few days.

4. The application stands disposed of as above, with no order as to costs.

Adm. Member.

Vice Chairman.

Shakeel/

Lucknow: Dated 26.8.92

Shakeel



Before the Central Administrative Tribunal Lucknow
Bench Lucknow

10

C.C. NO - 55 - (C) 1993
Heeralal Kureel - v/s - - - - - Applicant
D.G. Postal Dept. & Another - - - - - Respondents

ANNEXURE NO: 2

To,
The Director General Postal Department
Jag Tar Bhawan, New Delhi.
through Proper Channel (J.P.M. Lko. G.P.O)

Subject:- (to implement central Administrative
Tribunal Lucknow's order dated 26.8.1992
in C.A. No. 231 of 1989).

Sir,

The applicant submits the following points
for your honour's kind consideration:-

1. That the applicant appeared in the All India Competition of postal department for the post of class III on 2.8.1970 as a schedule caste candidate. The result of the case was announced on 15.3.1971 and the name of the applicant was missing from the list of successful candidates. The applicant was confident to be succeeded but was shocked to found his name missing.
2. That applicant immediately applied for the copy of marksheet which was supplied to the applicant on 24.5.1972.
3. That the applicant in all received 41% of marks and as per the rules existing in the year 1963-64 the qualifying marks for the S.C. candidates were 35% and in 1971 it was 33%. The case of the applicant is of 1970 when the qualifying marks were 35% and applicant got 41% but still he was considered



(Contd...2)

A22

unfit for the reasons best, known to the department. The department filed only 2 vacancies out of 8 and 6 vacancies are still lying vacant. Aggrieved also by such discrimination the applicant gave several representations to the officers concerned. A copy of the letter is

4. That the applicant had given several representation in the past asking for the qualifying standards prevailing in the year 1970 for Sc/St candidates but the applicant had not yet been provided with any satisfactory reply and was told that the reservation relaxation standards for the Sc/St candidates were withdrawn in the year 9.12.1966.

5. That aggrieved by the rejection of the applicants representation the applicant filed a O.A. No. 231/89 before C.A.T. Lucknow and the aforesaid application was finally disposed on 26.8.1992 with the observation that respondents may consider the case of the applicant again and given him the date others were given promotion in view of the fact that there is difference of few days. A photo copy of the order is annexed herewith.

6. That P. and T. Boards letter No. 62/1964 dated 16.3.1964 the syllabus as well as well percentage of 33% was fixed and in the 1977 the syllabus vide aforesaid letter was the same.

(Contd...3)



it is evident from letter No.....staff C/M. 75-70/7..... Had there been changed the letter No..... 62/11/62 SPB-7 should also be changed but it remain unchanged in the year 1970 which clearly means that 33% was prevalent in the year 1970. A copy of the letter is annexed herewith for your kind perusal. That the applicant kindly prays that in case if there is any letter of order which indicates that 33% was recalled and 45% was prevalent in the year 1970 a copy of which may kindly be provided to the applicant so that the applicant may satisfy himself.

7. That the applicant entered the postal department in the year 1960 and passed ^{The} High School Examination in the year 1962. Thereafter he applied for promotion in class III. But after a gap of 10 years the applicant was given a negative reply by the department and in this way the applicant is also entitled for promotion and the basis of revised incentive Scheme.

That in the light of the C.A.T's order the applicant be entitled for all consequential reliefs. Therefore your honour may kindly be pleased to give promotion to the applicant from the year 1970 onwards and my seniority be fixed.

dt 18-11-92

Enclosures:- attached

- 1-Photo copy Judgement
- 2-Syllabus
- 3-No STC/M-134/Incentive 17/17
- 4-Syllabus 16-3-67

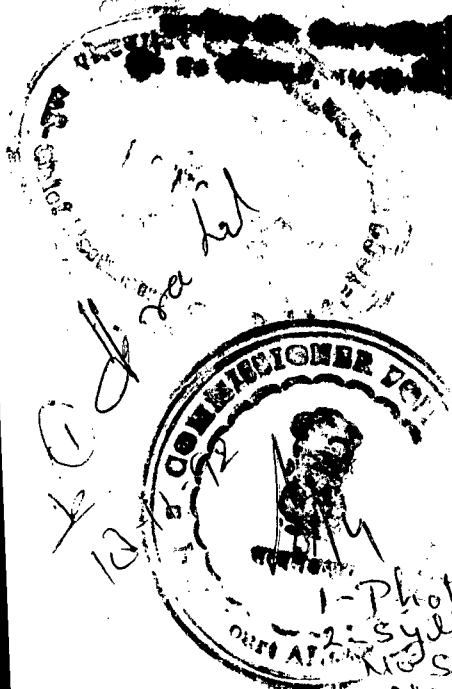
Postal Assistant, Lucknow
(G.P.O.P)

(Applicant)

Heera Lal

Copy to ch. m. l. k. care to look up for information and upa.

① Rul with Rul
1/1/92
28/1/92



A24

NOT INSURED

आयाये गये डाक टिकटों का मूल्य रु० ९ प०
Amount of Stamps affixed Rs. 9 P.

क्रमांक/No.

0601

आदि मोहर
Date Stamp

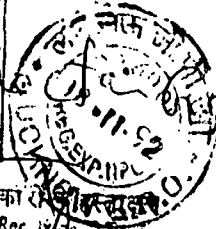
प्राप्त किया

Received & Registered

पानवा का नाम

Addressed to

पानवाले अधिकारी के
Signature of Rec. in



आदि मोहर (रसीद) RECEIVED

3846

* एक रसीद पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

* Received & Registered Letter/Postcard/Packet/Parcel

आने वाले का नाम
Addressed to (name)

To The Director General
Postal Department
Dak Tar Bhawan New Delhi

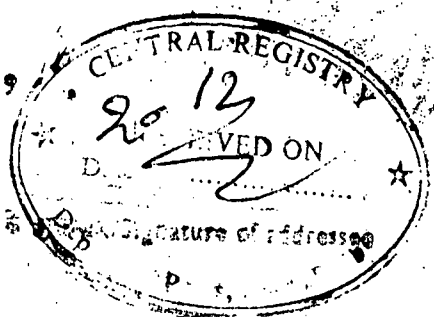
रसीद का मूल्य (रुपयों में)
Insured for Rupees

विवरण की तारीख/Date of delivery

* अनावश्यक को काट दिया जाए।
* Score out the matter not required.

विशेष कीमत आमुओं के लिए
For insured articles only

आने वाले के
Signature of addressee



applied for promotion in class...
a step of 10 years...
negative reply...
very the...
and the basis of...



14

Before the Central Administrative Tribunal Lucknow
Bench Lucknow

Heeralal Kureel - C.C. NO. - 55 - (C) 1993 Applicant
D.G. Postal Dept. & Another - v/s - Respondents

ANNEXURE NO. 3

Reminder

To,

The Director General
Postal Department
Dak Tar Bhawan,
New Delhi.

Through
Through Proper Channel (CFM Lucknow G.P.O.)

(To Implement Central Administrative Tribunal, Lucknow's
Order dt. 26-8-92 in C. A. No. 231 of 1989).

Sub:- Promotion of Lower Grade Staff to Clerical Cadre
Examination held on 02-08-1970 in Lucknow Division,
Lucknow.

Ref:- My representation dt. 18-11-92 on the subject
mentioned above.

Sir,

A kind reference is invited to words correspondence
resting with my letter even dt. 18-11-92. Sent under Lucknow
G.P.O. RL No. 060 dated 18-11-92 on the subject noted above.
My representation is lying pending at your end. An early
action in the matter is solicited.

In the light of the Central Administrative Tribunal's
order the applicant be entitled for all consequential relief.

Therefore, your honour may kindly be pleased to give
promotion to the applicant from the year 1970 onwards & my
seniority be re-fixed.

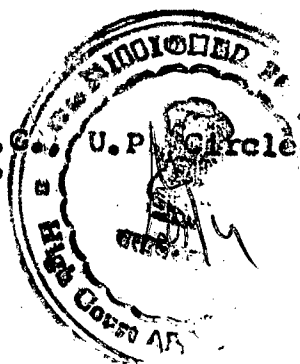
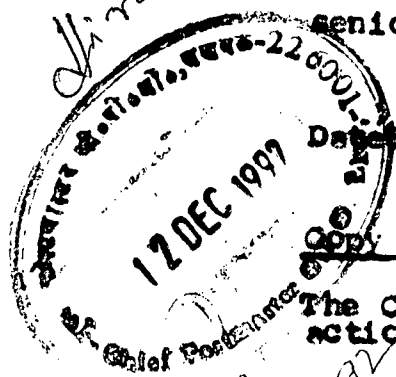
Yours faithfully,

Heeralal
(Heera Lal)
Postal Assistant,
Lucknow G.P.O.

Date: 12-12-1992

Copy to:

The Chief P.M.C., U.P. Circle, Lucknow for favour of necessary
action please.



A26

बीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य Rs. 8 P. 8
Amount of Stamp affixed + Ad

एक रजिस्ट्री
Received a Registered

पानेवाले का नाम

Addressed to

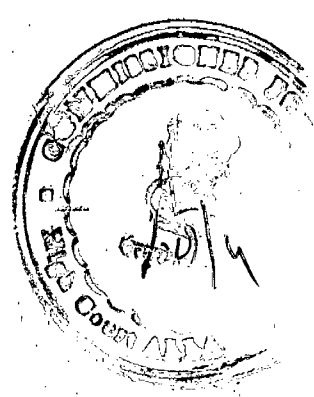
प्राप्त किया
Director General
Postal Department
Dak Tar, Bhowan
New Delhi

क्रमांक/No.

38461
तारीख मोहर
Date Stamp

पानेवाले अधिकारी की हस्ताक्षर
Signature of Receiving Officer

Dr. Lal



Before the Central Administrative Tribunal Lucknow.
Bench Lucknow

Heerada/Kureel - C.C. NO - 55 - (C) 1993

D.G. Postal Dept. & Another

Applicant

Respondents

ANNEXURE NO: 4

A27

REMINDER II

To.

Shri K.C. Srivastava,
Chief Postmaster
Lucknow G.P.O.

Sub. Promotion of Lower Grade Staff to clerical cadre examination held on 2.8.1970 in Lucknow Dn. and to implement C.A.T's order dt. 26.8.82 92 in C.A. No. 231 of 1989.

Kindly refer to my representation dated 18.11.92 on the subject cited above. I am very sorry to say that nothing has been heard in my case even after issue of reminder dated 12.12.92.

You are therefore requested to very kindly settle my case at an early date. I shall be very thankful for this kindness.

Dated at LH.18 -1-1993.

Yours faithfully

Heera Lal
(Heera Lal)

P.A. Lucknow G.P.O.

Copy to:-

1. The Chief Postmaster General, U.P. Circle Lucknow for information and necessary action.
2. The Director General (Posts) Dak Bhawan New Delhi-11 for information and necessary action.



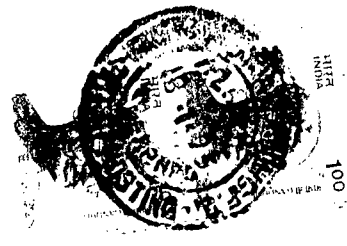
(Heera Lal)

A 28

UPC
The Chief Post Master General
UP Circle Luck Now

② To The Director General
(Posts), Dak Bhawan
New Delhi - 11000

Sh. Sahel



Before the Central Administrative Tribunal Lucknow
Bench Lucknow

Heeralal Kureel - C.C. NO. - 55 - (C) 1993 - Applicant
D.G. Postal Dept. & Another - v/s - Respondents

ANNEXURE NO. 5

COPIED FROM GONDA DIVISION JULING FILE NO. B.Rlg/2

Copy of communication no. 63/10/71-SPB-1 dated 17-7-71 from the ~~XXE~~ D.G. P&T New Delhi to All Heads of the Circle and others.

.....

Subject:- Relaxation of standards in Favour Scheduled Castes and Scheduled Tribes Candidates in departmental competitive examination for promotion and in departmental confirmation examinations.

Sir,

I am directed to forward herewith a copy of department of personnel O.P. No. 8-12/69-Estt(SCT) dated 23rd. December 1970 on the subject referred to above. A copy of the O.P. No. 1-1/70-Estt(SCT) dated 25th. July 1970, referred to therein has already been forwarded with this office Circular letter no. 26-25/70-SPB.1 dated 19-9-70.

The position indicated in this office circular letter no. 26-25/70-SPB.1 dated 19-9-70 has been reviewed in the light of the instructions of the department of personnel and it has been decided that lower qualifying standard should be fixed for SC and ST in the departmental competitive/confirmation/examinations.

It has been decided that for SC and ST candidates, the qualifying standard in each paper should be only 33% whatever may be the qualifying standard in each paper for the other community candidates. In some cases in addition to the qualifying standard in each paper a higher standard in aggregate marks has also been prescribed. In such cases, the qualifying standard in aggregate marks for SC and ST candidates would be 33% plus the extent of increase in percentage prescribed in each paper for the other community candidates. In other words, if the 35% is the qualifying standard in each paper and 40% the Qualifying standard in aggregate marks for other communities it should be 33% in each paper and 38% in the aggregate marks for the Schedule Castes and Scheduled Tribes.

These orders will be effective for the examinations to be held hereafter.

.....

No. 55/70-55/70

Dated at Lucknow the

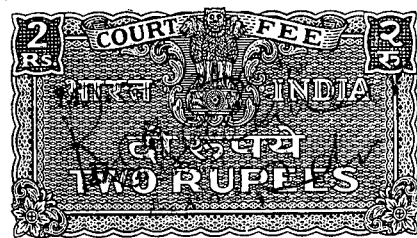
16-8-1971.

Sd/- For PPG UP Lucknow.

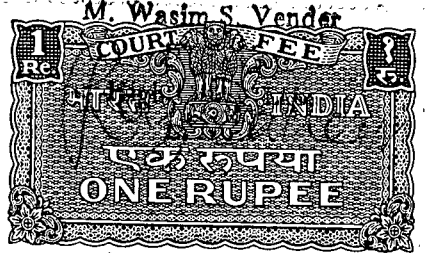
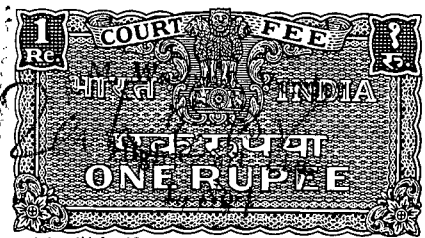
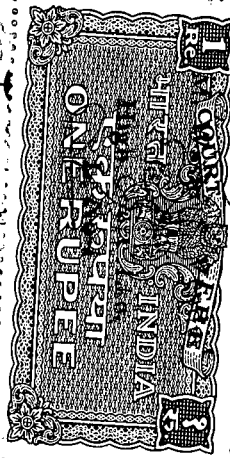


Before the Central Administrative Tribunal 19

In the



sitting at Lucknow



HEERA LAL KUREEL

VERSUS

SARI S. K. PARTHI SARTHI & ANOTHER

A30

C.C. No. 55/93

of 1993

I/we the undersigned do hereby nominate and appoint Shri. RAZA ZAHEER
and Shri. ANAND MOHAN & SHRI S. B. VERMA

.....Advocate, to
be counsel in the above matter and for me/us and on my/our behalf to appear, plead, act
and answer in the above Court or any appellate Court or any Court to which the business
is transfer in the above matter, and to sign and file petitions, statements accounts, exhibits
compromises or other documents whatsoever, in connection with the said matter arising
there from and also to apply for and receive all documents or copies of documents, depo-
sitions, etc etc and to apply for issue of summons and other writes or subpoena and to
apply for and get issued any arrest, attachment or other execution warrant or order and
to conduct any proceeding that may arise thereout and to apply for and receive payment
of any or all sums or submit the above matter to arbitration:

Provided, however, that, if any part of the Advocate's fee remains unpaid before
the first hearing of the case or if any hearing of the case be fixed beyond the limits of the
town; then, and in such an event my our said Advocate shall not be bound to appear be-
fore the court and if my/our said advocate deeth appear in the said case he shall be enti-
tled to an out station fee and other expenses of travelling, lodging etc. Provided ALSO
that if the case be dismissed by default, or if it be proceedee exparte, the said advocate (s)
shall not be held responsible for the same. And all whatever my/our said advocate (s)
shall lawfully do, I do here by agree to and shall in future ratify and confirm.

ACCEPTED :-

1. [Signature] Advocate

2. Raza Zaheer Advocate

3. S. B. Verma
[Signature]

Signature of Client.. Heera Lal

A 31

13-9-93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH,

M.P. NO. _____ OF 1993.

APPLICATION FOR DISCHARGE OF CONTEMPT NOTICE.

By Respondent No.1.

In

CONTEMPT NO.55 of 1993.

H.L.Kurasi Applicant.

Versus

1. Shri S.K.Parthasarathy.
2. Shri Shiv Prasad Rai Respondents.

The respondent above named most respectfully submits as under :-

That for the facts and circumstances mentioned in the accompanying Counter-affidavit the Contempt Notice is liable to be discharged.

-; P R A Y E R ;-

Wherefore, it is respectfully prayed that for the facts and circumstances indicated in the accompanying affidavit the Hon'ble Tribunal may graciously be pleased to discharge the Contempt Notice for which act of kindness the respondent shall ever remain grateful

LUCKNOW.

DATED:- 13-9-93



(DR.DINESH CHANDRA),

Counsel for Respondent No.1.

AT
Jink

B2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH

COUNTER-REPLY BY RESPONDENT NO.1.

In

CONTEMPT NO. 55 OF 1993

(O.A. NO. 231 of 1989)

H.L. Kureel Applicant.

Versus

1. Shri S.K. Parthasarathy.

2. Shri Shiv Prasad Rai Respondents.

. . .

I, S.K. Parthasarathy, Secretary to Government of India and Director General, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi do hereby solemnly affirm and state as under:-

1. That the deponent is respondent No. 1 in the above Contempt application and is well conversent with the facts of the case.
2. That the deponent has read the Contempt application filed by Shri H.L. Kureel and has understood the contents thereof.
3. That the Hon'ble Tribunal vide its judgement and order dated 26.8.92 disposed of O.A. No. 231 of 1989 filed by the applicant with the following observations and directions:-

" The contention on behalf of the applicant is
that he should have been deemed to be promoted

from 1970 and not from 1971. In view of the relaxation standard imposed in 1971 and not in 1970 he did not secure the same and the rules were not relaxed then. There appears to be a little gap when the applicant appeared and when the rules were relaxed. Although, the applicant is not entitled to any relief, but it is a case in which the grievance of the applicant may be considered. The respondents may consider the case of the applicant again and give him promotion with effect from the date others were given promotion, in view of the fact that there is difference of a few days."

4.(i) That in compliance of the above directions of the Hon'ble Tribunal the case of the applicant was examined afresh. The applicant sat for Lower Grade Official examination held on 2.8.70 but he could not pass it as he failed to secure the prescribed qualifying marks of 35% in each paper and 45% in the aggregate. Though he secured qualifying marks in each paper yet he failed to secure 45% in aggregate. Thus, he was not eligible for promotion to Postal clerk (now re-designated as Postal Assistant).

(ii) It may be appreciated that whenever any decision is taken in Government, the date of its applicability is determined

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from the date of the said decision unless the same is made applicable with retrospective effect. In the present case the relaxed standards were made applicable from the examination to be held after the issue of the orders dated 17.7.71.

(iii) In view of the foregoing, the Director General, after carefully considering the case of the official, has come to the conclusion that no benefit can be given to the official on the basis of the relaxed standards introduced in 1971. *The applicant was informed accordingly (Annex 2)*

5. That the contents of paras 1 & 2 of the affidavit need no comments except that the prescribed qualifying standards applicable for the examination under consideration have been indicated in para 4(i) of this reply.

6. That in reply to para 3 of the affidavit it is stated that the relaxation in standard for S.C. and S.T. candidates was made effective from the examination to be held after issue of the order dated 17.7.71. The said orders were not applicable to the examination held in 1970.

7. That the contents of paras 4 to 6 need no comments.

8. That in reply to paras 7, 8 & 9 it is stated that in compliance of the Hon'ble Tribunal's judgement & order dated 26.8.92, the case of the applicant was examined afresh and it was not found desirable to interfere in the decision already taken and no benefit can be given to the applicant on the basis of relaxed standards introduced in 1971 as has been explained at length in para 4(ii) above.

Handwritten signature

9. That the contents of para 10 are not relevant for the present Contempt petition. The jurisdiction of the Contempt petition is restricted to the compliance of the courts order in the case. Correct factual position has been indicated in para 4(i) of this reply.

10. That in view of the submissions made in the above paragraphs, there has been no disobedience of the Hon'ble Tribunal's orders/directions in O.A. No. 231 of 1989 in any manner whatsoever. The Contempt Notice is, therefore, liable to be discharged.

11. That the deponent has highest regard for the orders and directions of the Hon'ble Tribunal and cannot even think of disobeying them in any manner whatsoever.


(DEPONENT)

VERIFICATION

I, the deponent above named, do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge and those of paras 3 to 11 are based on records and legal advice which I believe to be true. No part of it is false and nothing material has been suppressed.


(DEPONENT)

Annexure A-1

AZL

No.16-19/93-SPE-I
Government of India
Ministry of Communications
Department of Posts
Dak Bhavan, Sansad Marg,
New Delhi - 110 001.

Dated : 30.7.93

The Central Administrative Tribunal in its judgement dated 26-8-92 in CA No.231 of 1989 Shri H.L. KUREEL, Postal Assistant, Lucknow GPO Vs Union of India, has observed that the contention of the applicant is that he should have been deemed to be promoted from 1970, and not from 1971. In 1970 he did not secure the minimum marks fixed for passing the LGOs Examination at that time. The standards were relaxed in 1971 and not in 1970. The CAT mentioned that there appears to be a little gap between the time when the applicant sat for the examination and when the rules were relaxed. The CAT further observed that although the applicant is not entitled to any relief, it is a case in which the grievance of the applicant may be considered. The CAT directed that the respondents may consider the case of the applicant again and give him promotion with effect from the date others were given promotion in view of the fact that there is a difference of just a few days between the two.

2. The applicant sat for the LGO examination held on 2-8-70, but he got plucked because he did not secure the marks as per the prescribed standards at that time, that is, ~~with~~ 35% in each paper and 45% in the aggregate. Vide DG's communication No.63-10/71-SPB-I dated 17-7-71, the standards for qualifying the LGOs examination in respect of SC/ST candidates were reduced to 33% in each paper and 38% in the aggregate. These orders were to be effective from the examination to be held thereafter 17-7-71. Thus the applicant was not eligible for this advantage in the previous examination held in 1970. However, though the CAT has itself admitted that the applicant is not entitled to any relief it has still directed the respondents to consider the case and give him promotion with effect from the date the others were given in view of the fact that there is difference of only a few days between the two dates.

3. The case has been examined afresh. It is seen that the official did not qualify as per the standards fixed at the time when the examination in question was held. It has to be appreciated that whenever any decisions are taken in the Government a date of effect is determined

(Contd....2/-)

and it is not possible for the competent authority to change the date of effect of an order for or against any particular individual. In this particular case the relaxed standards were made effective for and from the examinations to be held after the issue of orders dated 17-7-71. It may be noted that the LGO examination is held through out the country and there may be similar cases in other circles of the Postal Department. It would not be judicious to make any change in the date of effect of the order dated 17-7-71. Such a change would be discriminatory against natural justice, and against the interests of other candidates who sat for the examination in 1970 in U.P. Circle and other circles in the country.

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4. In view of the foregoing, the Director General, after carefully considering the case of the official has come to the conclusion that there are no valid grounds to interfere in the decision already taken and no benefit can be given to the official on the basis of the relaxed standards introduced in 1971.

5. This order issues with the approval of the Director General, Department of Posts, the first respondent in CCP 55 of 1993 in OA No.231 of 1989.

AD(R)
Urgent action
21/8
A.K. KAUSHAL)
Asstt. Dir. General (SPN)

Shri HEERA LAL KUREEL
Postal Assistant,
LUCKNOW GPO.

(THROUGH CHIEF POSTMASTER GENERAL, U.P. CIRCLE, LUCKNOW)

Copy forwarded to L Shri KAMALESHWAR PRASAD, DPS., O/o the Chief Postmaster General, LUCKNOW with the request that the original order enclosed herewith may kindly be got delivered to the official and his dated acknowledged ment kept on record and a photocopy thereof be sent to the Directorate. It is further requested that a counter may be filed on behalf of Shri S.K. Parthasarathy, Director General, Department of posts stating that a Speaking Order has been given to the applicant taking into account the judgement of the CAT Lucknow Bench. The Hon'ble CAT may be prayed to discharge the contempt notice against the Director General and, suitably worded showing no disrespect whatever to the CAT's orders is to be prepared through the Government Counsel and filed on behalf of the DG (Posts).

A.K. KAUSHAL
Asstt. Dir. General (SPN)

बख्शालत श्रीमान

CAT

महोदय

A28

वादी (मुद्दई)

मुद्दई (मुद्दालेह)

Lucknow Bench

का

वकालतनामा

H. L. Kureel

बनाम S. K. Parthasarathy वित्तादी (रेस्पान्डेन्ट)

नं० मुकद्दमा 55

सन 1993 पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री D. Jyoti Chandra

Adv. An. S. Ch. Standing Counsel, Lucknow

वकील

एडवोकेट

महोदय

को अपना वकील नियुक्त करके (इफरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसाद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा। 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

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

हस्ताक्षर

S. K. Parthasarathy

Secretary to Govt. of P. & M. Deptt.

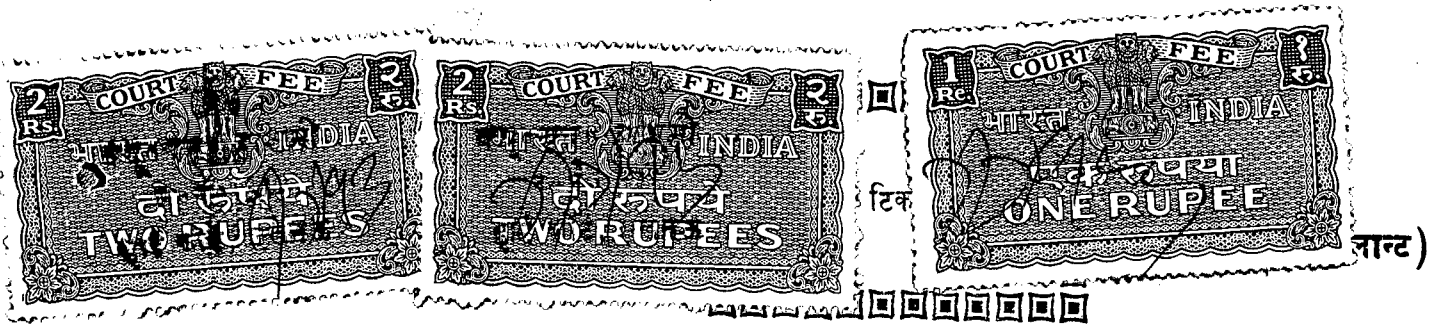
of P. & M. New Delhi.

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ब अदालत श्रीमान् In the CAT महोदय
Lucknow Bench

[वादी अपीलान्त]
प्रतिवादी [रेस्पाडेंट]

वकालतनामा



142. Kuneel vs S.K. Pathak बनाम
(प्रतिवादी रेस्पाडेंट)

नं. मुकद्दमा 14-55 सन् 1983 पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Dr. Jyoti Chandra
Adv. Gen. Secy. Secy. Secy. Secy. Secy. वकील
महोदय
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर [Signature]

साक्षी (गवाह) [Signature] (गवाह)

दिनांक [Signature] महीना [Signature] सन् १९ ई०

स्वीकृत

10-8-93
13-9-93

140

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH.

M.P.NO. _____ OF 1993.

APPLICATION FOR DISCHARGE OF CONTEMPT NOTICE.

By Respondent No.2.

In

CONTEMPT NO.55 of 1993.

H.L.Kureel Applicant.

Versus

1. Shri S.K.Parthasarathi.
2. Shri Shiv Prasad Rai..... Respondents.

The respondent above named most respectfully submit, as
under :-

That for the facts and circumstances mentioned in the
accompanying Counter-affidavit the Contempt Notice is liable to be
discharged.

-; PRAYER ;-

Wherefore, it is respectfully prayed that for the facts
and circumstances indicated in the accompanying affidavit the
Hon'ble Tribunal may graciously be pleased to discharge the
Contempt Notice for which act of kindness the respondent shall
ever remain grateful.

LUCKNOW.

DATED;- 7-2-93

13-9-93

J. Chandra
(DR.DINESH CHANDRA),

Counsel for Respondent No.2.

A41

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH.

COUNTER-AFFIDAVIT BY RESPONDENT NO.2.

In

CONTEMPT NO.55 of 1993.

(O.A.NO.231 of 1989)

H.L.Kureel Applicant.

Versus

1. Shri S.K.Parthasarathi.
2. Shri Shiv Prasad Rai. Respondents.

I, SHIV PRASAD RAI, Chief Postmaster General, U.P.Circle,
Lucknow do hereby solemnly affirm and state as under ;-

1. That the deponent has read the Contempt application filed by Shri H.L.Kureel and has understood the contents thereof.
2. That the deponent is respondent No.2 in the above case and is well conversant of the facts as deposed hereinafter.
3. That in reply to paras 2 and 3 of the Contempt application the Hon'ble Tribunal after having considered all the facts indicated in the answering paragraph was pleased to hold that " the applicant is not entitled to any relief but it is a case in which the grievance of the applicant may be considered. The respondents may consider the case of the applicant again and

Contd...2/-

// 2 //

give him promotion with effect from the date others were given promotion in view of the fact that there is difference of a few days."

4. That in compliance of the above direction the case of the applicant was considered by the deponent, keeping in view the Hon'ble Tribunal's observations but on the basis of the relaxation of standards in favour of Scheduled Castes and Scheduled Tribes candidates for departmental competitive examinations for promotion contained in D.G.(P&T) Memo dt.17-7-71, no benefit of the same could be given to the applicant. The said instructions were made applicable for the examinations to be held after 17-7-71.

5. That ^{instructed} ~~matrix~~ date for the said relaxation in standard was for the examinations to be held thereafter was 17-7-71.

6. That the said relaxation in standard was not made applicable from retrospective effect.

7. That it was not within the competence of the deponent to ignore the above instructions from the Govt. and accordingly the case has been referred to the Director General, New Delhi with necessary comments.

8. That so far the deponent is concerned, the matter has been considered in its true prospective and a report in this regard has been sent to the Director General for final decision in the matter.

Contd...3/-

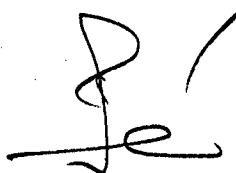
A43

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9. That the applicant has been duly informed about the action taken by the department in compliance of the Hon'ble Tribunals directions in O.A. No.231/89 (Annexure R-1).

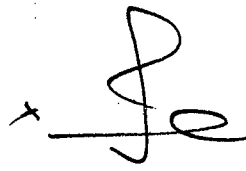
10. That in view of the above submissions the contempt application is liable to be dismissed.

11. That the deponent has highest regard for the orders and directions of the Hon'ble Tribunal and cannot even think of disobeying them in any manner whatsoever.

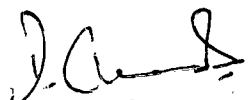

(DEPONENT)

-; VERIFICATION ;-

I, the deponent above named, do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge and those of paras 3 to 11 are based on records and legal advice which I believe to be true. No part of it is false and nothing material has been suppressed. ~~So help me God.~~


(DEPONENT)

I certify the deponent who has signed before me


Abbas

Dep. P. 1786

Amr 2-1

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL UP CIRCLE LUCKNOW.

A44

To

Shri Hira Lal Kureel
P.A. Lucknow GPO.

No. Rectt/G-39/Rep-9/92/5

Dtd. at Lw, the 2.7.93.

Sub: Examination for promotion to lower grade staff to the cadre of clerks held on 2.8.70 -- implementation of Central Administrative Tribunal, Lucknow order dtd. 26.8.92 in O.A. No. 231/89.

Ref: Your application dtd. 3.4.93.

Your case regarding declaration of your result of the examination held in August 70 was examined in the light of CAT judgement received thereon by Chief PMG UP Circle Lucknow.

I have been directed to convey you that it could not be finalised keeping in view the Dte. commn. No. 63/10/71-SPB-I dtd. 17.7.71 and it has been decided to refer the case to Dte. for onward decision and suitable direction. ^{on the basis of CAT decision}
The case stands referred to Dte.

J. Singh
(Jagdamba Singh)
ADPS (Rectt.)
for Chief PMG UP Circle
Lucknow.

VAKALATNAMA
In The Central Administrative Tribunal
Lucknow Bench
Appellate / Original Jurisdiction

445

Appeal / Petition

Contingent No. 55 of 1993

BETWEEN :

Hira Lal Kureel

APPELLANT

PETITIONER.

AND

S. P. Rai

DEFENDANT

RESPONDENT

I / We Shiv Pooasad Rai

Chief P.M. G. W. P. Lucha Lucha Plaintiff (s) /

Appellant (s) / Petitioner(s) / Respondent (s) in the above suit / Appeal / Petition / Reference do hereby appoint and retain SHRI

Court, Additional Standing Counsel Govt. of India

to act and appear for me/us in the above Suit/Appeal/Petition/Reference and on my/our behalf to conduct prosecute (or defend) and compromise the same in proceedings that may be taken in respect of my application connected with the same or any decree or order passed there in, including proceedings in execution and application for Review, to file and obtain return of documents, and to deposit and receive money on my/our behalf in the said Suit/Appeal/Petition/Reference and in application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

I/We appoint the said lawyer(s) with the above-mentioned authorities after settling the fee and agree that whatever shall be done by the said lawyer(s) in connection with the said proceeding shall be binding on me/us.

Dated this the of 19

Signed: S. P. Rai

ACCEPTED

J. S. Rai

Counsel for Petitioner / Appellant / Revision / Opposite Party

ACL

(O.A. NO. 231 OF 1989)

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some other extraneous consideration, which are ^{alien} ~~align~~ to the facts of the case. The syllabus for the exam clearly shows that in the year ~~19~~ 1970, the prescribed qualifying standard for the scheduled caste and scheduled tribe was 35% and 40% for the general candidate. The applicant has got 41% marks in the examination conducted by the opposite parties and inspite of this fact, the opposite parties have deliberately despite the knowledge of the aforesaid syllabus has again failed to consider effectively the case of the applicant and have decided the ~~representation~~ hurriedly without application of mind. Photocopies of the syllabus dated 6.3.1970 and 16.3.1964 are being annexed herewith as ANNEXURE NOS. R-1 & R-2.

4. That the contents of paras 5 and 6 of the Counter Affidavit are not admitted, hence denied. The reservation policy for the scheduled caste and scheduled tribe was in existence in the year 1970 and the qualifying standard for the scheduled caste and scheduled tribe was 35%, as it could be evident from the Annexure Nos. R-1 and R-2. The opposite parties despite the knowledge of the syllabus, which was unchanged since 1964 to 1970.

5. That the contents of para 7 of the Counter Affidavit needs no reply.

Disputed

6. That the averments made in paras 8 to 11 of the Counter Affidavit are false, frivolous and misleading, hence vehemently denied. The opposite parties have not effectively considered the case of the applicant in the light of the directions of this Hon'ble Tribunal in O.A. No. 231 of 1989. The opposite parties have got no evidence, on which they can stake their claim that in the year 1970, the qualifying standard was 45%. It is only the w sweet-say of the opposite parties. The applicant in his defence has already annexed Annexure Nbs. R-1 and R-2. It is pertinent to mention here that the 'syllabus' word 'qualifying' was used and not the aggregate in each paper or otherwise have been used. The opposite parties for their own interpretation are insisting that the aggregate should be 45%, which is in itself misnomer. The opposite parties have failed to show a reasonable cause, so that the contempt proceedings may be discharged against them. The opposite parties have flagrantly and deliberately violated the orders passed by this Hon'ble Tribunal and they have also concealed the material facts in their counter affidavit and have also sworn a false affidavit concealing material evidence. Therefore, the opposite parties may be punished for committing the contempt of this Hon'ble Tribunal.

LUCKNOW

DATED:-

DEPONENT.

VERIFICATION

I, H.L. Kureel, the deponent, do hereby verify that the contents of paras of this Rejoinder are true to my personal knowledge and also believed to be true by me on the basis of information gathered from records, while paras are based on legal advice. No part of it is false and nothing material has been concealed. So, help me God.

Signed and verified this day of month
September, 1994, at Lucknow.

LUCKNOW

DATED:-

H. L. Kureel
DEPONENT.

I identify the deponent, who has signed before me.

S. B. Verma

ADVOCATE

1212141

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INDIAN POSTS AND TELEGRAPHS DEPARTMENT

The Postmaster General
U.P. Circle

All SSPOs/ SPOs
All DEST/DESP
All SSTT
All Officers I/C OTOs & DTOs
Manager R.L.O Lucknow
Supdt Postal Stores Forms & Seals Aligarh
Supdt Postal Stores Depot Lucknow
Officer I/C Army Postal Service Kamptee
Staff A Sec Circle Office Lucknow.

No. ST C/M-75/62-70/7 Dated at Lucknow the 6 - 3 - 1970

Subj:- Examination for promotion of lower grade departmental officials to the cadres of Clerks/ Sorters in Sub ordinate offices.

It is hereby notified for general information that the next examination for promotion of departmental lower grade officials to the cadres of Clerks and sorters, in sub ordinate offices will be held during June 1970. The syllabus will be as laid down in P&T Board's letter no 62/11/62-SPB-1 dated 16.3.64 endorsed under this office endst. No STAFF UP Rec-112/RIF/11/2 dated 31.3.64. The syllabus for postal forms and Seals Stores Aligarh will be as laid down in DG P&T New Delhi letter no STAFF C/R-20/9 dt 16.3.67.

2. The above examination will be for the vacancies for the year 1970. The particulars of vacancies will be announced later on.

3. The final results of the examination held in March 1969 have not yet announced in certain Units on account of Court cases or for other reasons. The eligible candidates of these Units should also apply for the above examination within the prescribed date. When the final results of March 1969 examination are announced the successful candidates of the examination may then withdraw their applications for June 1970 examination. This should be made clear to all concerned.

Only permanent and quasi-Permanent officials in the lower grade will be eligible to appear in the above examination. Further, the candidates covered by the orders issued in DG P&T New Delhi letter no 201/37/64-STB dt 3.6.64, 201/66/64-STB dt 18.7.64 and 201/37/64-STB-1 dated 23.4.65 will also be eligible to take the examination. It may be ensured that only those officials will be eligible to sit for the examination who are permanent or quasi-permanent on or before the 1st date of receipt of applications. The permanency or quasi-permanency certificates must be issued to the eligible officials before 25th March 1970. The divisional heads will be held responsible for the delay in this respect if any.

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comm. No. 62/11/62-SPB-I, dt. 16.3.64, from the D.G. (P&T Board), New Delhi, to All Heads of Circles, etc.

1. Examination for promotion of departmental grade officials to the cadres of clerks and sorters in subordinate offices - Revision of syllabus.

I am directed to refer to para 2(v) of this office letter No. 63/11/61-SPB-I, dt. the 26.6.63, in which it had been indicated that a proposal for revision of the syllabus of the promotion examination which would combine the syllabus of the promotion and confirmation examination was under consideration and necessary orders in the matter were expected to be issued in the near future. It has now been decided that henceforth the departmental examination for promotion of lower grade officials to the cadres of clerks and sorters in subordinate offices of this Department will be conducted on the basis of the enclosed revised syllabus.

2. The examination will consist of three papers. Papers I and II will be answered without the aid of books. Both the papers will carry 50 marks each and will be of 1½ hours duration. These will be common to all the branches i.e. Postal, Railway Mail Service, Foreign Post, Returned Letter Offices, and Telegraph Engineering, Tele-Traffic, Telephone Revenue Accounts Officers and the Stores & Accounts Organisations. The candidates will answer these papers in English only. The third paper will be answered with the aid of books and will carry 100 marks and will be of 3 hours duration. A major portion of the questions in this paper will have a practical bias and will relate to the day to day duties of a clerk, sorter etc. The questions having a practical bias will carry 60% of the marks and theoretical questions based on the Manuals will carry 40% marks.

3. The minimum qualifying percentage of this examination will be 40% in each paper for other communities and 35% for candidates belonging to Scheduled Castes and Scheduled Tribes.

4. The officials who will be promoted through this examination will not be required to pass the confirmation examination before confirmation in these cadres.

5. It has also been decided that this examination will be conducted by the P&T Services Selection Board. Further instructions regarding holding of the examination will be issued by the P&T Services Selection Board.

SYLLABUS (All questions are to be answered in English only)

Paper I - (English) Time 1½ hours - Marks 50.

This paper will be intended to test primarily the capability of the candidates to perform their day to day work in English. It will consist of an essay or composition on any general subject not necessarily a departmental one. A choice of subjects will be offered.

Paper II (Arithmetic) Time 1½ hrs. - Marks 50.

This paper will be designed to test the candidates' knowledge of the four simple rules of addition, subtraction, multiplication and division as also of "average". Questions on money tables, weights and measures and decimal fractions will also be included. Tables of weights and measures will be supplied.

P.T.O.

Paper III - (With the aid of books) Time 3
Marks 100

(111) This will be different for different branches of the Department as indicated below. Greater emphasis will be laid on the practical side of the working of the various branches. The candidates for categories (a) to (d) below will be required to fill up forms such as preparation of T.M.O. advice, preparation of mail, registered or parcel lists and abstracts, preparation of daily report, H.O. Summary, S.O. Summary, B.O. Summary, Letter postage account, S.B. Memo, and S.B. Journal etc. With the question papers, specimen forms will be supplied to the candidates and they will be required to fill them up. The questions will contain a description of the nature of the transaction and the candidates will have to pick out the appropriate form for making the necessary entries.

N.B. Questions having a practical bias will carry 60 marks and theoretical questions based on the Manuals will carry 40 marks.

(a) Post Office (including Postal Divisional Offices).

- (i) P&T Manual, Vol.V, - Chapters 1,2,4 and Appendix.
- (ii) P&T Manual, Vol. VI -
Part I - Chapters 1,3,4,5,6,7 and Appendices.
Part II - Chapters 8,9 and 9A.
Part III - Chapters 10,11,12,13 and Appendices.
- (iii) Post Office Guide - Parts I and II and III and
- (iv) Telegraph Guide, Vol. I.

(b) R.L.O.s.

- (i) P&T Manual, Vol.V - Chapters 1,2 and Appendix.
- (ii) P&T Man. Vol. VI -
Part I - Chapters 1,2,3,4,5,6 and Appendix A.
- (iii) P&T Manual, Vol. VIII - Chapter 9.
- (iv) Post Office Guide: Part I - Sections I,II,III,IV, XI, XII, XIII and XIV.
Part II - Tables I,II, III and V.

(c) R.M.S.

- (i) P&T Manual, Vol. V - Whole.
- (ii) P&T Manual, Vol. VII - Whole.
- (iii) Post Office Guide - Part I Sections I,II,III,IV, XI, XII and XIII.
- (iv) Foreign post - Chapters V,VI, VII, XII, XVII, XVIII and XIX only for RMS Div having mail offices dealing with Foreign Air Mails and Parcels.

(d) Foreign Post.

- (i) P&T Man. Vol. V - Chapter 3 only.
- (ii) P&T Manual, Vol. VI - Part I - Rules 52,65,99, 137,148 to 152, 159, 163, 182, 189, 193, 200, 201, 209, 218, 232, 233, 311 to 322, 361 to 370.
- (iii) P&T Man. Vol. VII - Rules 2,8,41,95, 127 and Appendices A and B.
- (iv) Post Office Guide - Part I - Sections III,IV, V, XI, XII, XIII, XIV and XV.
Part II - Whole.

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Foreign Post Manual - Chapters I, II, III, IV, VIII, IX, X, XI, XIII, XIV, XV, XVI, XX, XXI, XXII, XXIII, C, D, E, F, G and H.

Services.

(e) Telegraph Engineering and Wireless.

- (i) P&T Man. Vol. X - Chapters I, III, IV and VII.
- (ii) P&T F.H.B. Vol. I - Chapters II and III.
- (iii) P&T F.H.B. Vol. III (Pt. I) - Chapters I, II, III, IV, VI & VII.
- (iv) P&T I.A.C. Vol. II - Chapters IV, V and VIII.
- (v) P&T Man. Vol. IV - Chapters I to IV, X, XI, XIV and XV.
- (vi) F.R. and S.R. - Revised Leave Rules, 1933.
- (vii) P&T Man. Vol. XII - Chapters I to III.

(f) Accounts Offices (Stores and Workshops).

- (i) Posts & Telegraphs Initial Account Code Vol. II - Chapter X (Cash A/c portion only).
- (ii) Posts & Telegraphs Financial Hand Book, Vol. I (2nd Edition - Chapters II, IV, V, VI (Section B only), VIII to XI, XIII to XV, XVII, XVIII and Appendix 13.
- (iii) Memorandum of Hollerith Instructions.
- (iv) Memorandum of Stores and Workshops Accounts Offices' Office Procedure Part I.

(g) Stores Depots:

- (i) P&T Initial Account Code, Vol. II - Chapter IV.
- (ii) P&T F.H.B. Vol. I (2nd edition) - Chapters I, II, VIII to XI and XIII.
- (iii) I&T Manual, Vol. X (P.I) - Chapters I, II, IV and VII.
- (iv) P&T Man. Vol. II - Chapter XXXI, XXXII and XXXIII. (Portion dealing with stationery and forms).

(h) Offices in Technical and Development Circle.

- (i) P&T financial Hand Book, Volume I - Chapters II and III.
- (ii) P&T Manual Vol. X (P.I) Chapters III, V and Appendix No.2.
- (iii) Schedule of Financial Powers - Schedule relating to the Divisional Engineer Telegraphs.
- (iv) P&T Financial Hand Book, Vol. III, Part I, Chapter V.
- (v) P&T Man. Vol. II - Chapters I, II, VI (Rules 269, 269A, 269B, 269C, 271, 272, 336, to 343, and 357 to 362) and XI.
- (vi) P&T Man. Vol. III - Schedule I-4 and 12.
- (vii) P&T Man. Vol. IV - Chapters I, II (Rules 33 to 50), III, X (Rules 426 to 428 and 472 to 477) and XIV.

(i) T.R. & O.s.

The syllabus for the written examination may be as follows :-

- (i) Telephone Directory (Portion dealing with general information only).
- (ii) P&T F.H.B. Vol. I (2nd edition) - Chapters II, IV, V, VII (Rules 195 to 206 only), VIII, IX, X, XI, XII and Appendix - 13.
- (iii) Posts & Telegraphs Manual Vol. XII - (Whole).
- (iv) P&T Man. Vol. XIV (Whole).
- (v) Financial Hand Book, Vol. V - (Whole).
- (vi) Indian Telegraph Rules - Rules for Telephones.

(Contd).

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Telegraph Office

(1) P&T Man. Vol. XI- Part I, Chapter II, Part II, Chapters I, II, VI, VII, X, XIII, XVII and XX, Part III - Appendices I to 3, 5, 6, 16, 19 and 21, and Part IV - Whole except Chapters 3, 4, 15, 23 and 24

(11) Telegraph Guide Volume I.

No. Staff-C/ Rec.112/Rlg/II/2 Dated at Lucknow-1, the 3/3.

Copy forwarded for information to :-

- 1). All S.S.P.Os, S.P.Os,
- 2). All Sr. S.R.Ms/ S.R.Ms,
- 3). All D.Es.T./ D.Es.F.
- 4). All S.I/c CTOs and D.T.Os,
- 5). Manager, R.L.O. Lucknow,
- 6). Accounts Officer, Telephone Revenue, U.P. Lucknow.
- 7). File STC/26 XE/Rlg/Ch.VI/8.
- 8). Staff-A/Sec, CO Lucknow.
- 9). Staff-B Sec, C.O. Lucknow.

For Postmaster General, U.P.

Copy to A.D. (Rec) for information.

No-E-48/ch XIV/161 Dated at Lucknow 24 April 64.

Copy to:-

Notice Board.

S. L.

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