

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ... O.A. 231 ..... OF 89 .....

NAME OF THE PARTIES ... Hemendra Kumar ..... Applicant

Versus

U.O.T. ..... Respondent

Part A.

Sl.No.	Description of documents	Page
1	<u>Check list</u>	14 to 2
2	<u>Order sheet</u>	3 to 6
3	<u>Petition along with Power</u>	7 to 20
4	<u>Judgment</u>	21 to 23
5	<u>Annexure</u>	24 to 38
6	<u>C.A.</u>	39 to 45
7	<u>R.A.</u>	46 to
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

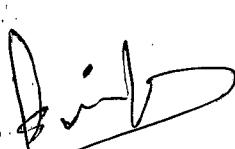
Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated ..... 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) Heeda Lal Kumar

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

d) Is the appeal in time ?

Yes

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

7

f) Has sufficient cause for not making the application in time, been filed ?

7

Has the document of authorisation / jalatnama been filed ?

Yes

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

Yes

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 led and pagning done properly ?

Yes

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

Yes

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

No

Particulars to be ExaminedEndorsement 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

8. Have the particulars for interim order prayed for indicated with reasons ? Not

9. Whether all the remedies have been exhausted. Yes

nesh/

May be placed before the  
Hon'ble Court. on 1-4-89 ~~as~~  
~~dated~~

R. Bhambhani  
31/10/89  
P.S. 10th. V.C.

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/

OR  
A.M.  
He is  
26 of  
plaintiff  
et al  
P. No 2  
Notice cou  
and of O.  
V.K. Cha  
filed a  
behalf  
P.S.  
submitted

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

Adj

7-11-89

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

On the other hand Shri V.K. Chaudhary  
counsel for the respondent 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  
issue notice to Opp. Party No. 2.  
Respondent will file counter reply as  
already ordered on the last date.

Adj  
7.11.

(SNS)

14-12-89

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

Adj

Dinesh

OK  
The applicant's  
counsel filed today  
fresh address of the  
respt. no 2 today.

7/11

OR  
Notice issued  
the OP. 2 on the date  
given by the applicant  
counsel utilizing  
paper book, which  
received back undel-

or  
Marked crossed  
4/12/89

OA 231/89

17.9.90

Plt - Up before Hon. L. Bench on  
12.11.90

J

8B

CA/R.A have been  
exchanged.

S. P. H.

11/11/89

12.11.90

Hon. Justice K. Nalini, VC

Hon. Mr. M. V. Prabhu, AM

On the adjournment application

on behalf of the applicant,

Case is adjourned to 17.12.90

before D.R. for taking on date.

J

AM

V.C.

17.12.90

Application

28.1.91. - No sitting adj. to 18.2.91.

18.2.91. - No sitting adj. to 19.3.91.

P is not present to

9.3.91. - No sitting adj. to 8.4.91.

P respondent's side  
present. In this ca

8.4.91. - No sitting adj. to 10.5.91

P C.A./R.A. have been  
exchanged. Hence,  
case is fixed

3.5.91

Hon Mr. Justice V.C. Devasthawa - re  
Hon Mr. P. B. Gorthw AM

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

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

on 14.8.91

J  
AM

W  
VC

ORDER SHEET

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

No.

231

OF 1989.

Vs.

Sl.No.	Date	Office Report	Orders
		4892.	Hon. L. N. Prasatt (J.M) Since the matter involved in the case require consideration by Division Bench, put up before Division Bench on 25/8/92. ✓ J.M.
		25.8.92	Case not reached office 30.7.92 Date
O.R.		30.7.92	No. 8111 of 17.12.81 to 26.8.92
Cafe is ready for f.m.			
S.F.O.			
25/8/92			

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing 31/8/1989  
Date of Receipt by Post.....

*Ramnath*  
Deputy Registrar (J)

7  
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

COMPIRATION-A

COMPIRATION-B

*Heera Lal*  
Counsel for the Applicant  
Address:

Dated:

Noted for  
4.9.89  
Mentioned in  
the court  
Date  
31/8/89.

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

COMPIILATION-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*  
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.

2  
10

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, G.P.O. Lucknow 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.

(a) Name of the applicant: Heera Lal Kureel.

(b) Name of Father: Sheo Narain

(c) Designation and Office: Postal Assistant, G.P.O. Lucknow

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

(e) Address of Service of all notices. *Heera Lal Kusrel*  
*Postal Assistant G.P.O., Lucknow.*

**(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.

*U.P. Govt.*  
(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 ~~qualifexx~~ 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 ~~fixed~~ 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 ~~and communicating him~~ applicant 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-

-5-

tiled to claim the above concession for the said post, during the departmental examination held in 1970, the authorities concerned of the department completely overlook and knowingly ignored that there exists the clear order of concession in selection of the candidates belonging to S.C. and S.T. which was issued by ministry of Home Affairs vide O.M.No.16/17/67 Estt.(c) dated February 8th, 1968 to all Ministries etc. The photostat copy of the above order is being filed herewith as Annexure No.8.

12. That the applicant wrote a letter to the postal Union asking therein the qualifying standard for the year 1970. The Union gave 33% reservation. A copy of aforesaid letter is annexed as Annexure No.9.

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 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 deliberately 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 give 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).

-7-

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 lackadaisical 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

-8-

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.12.

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.

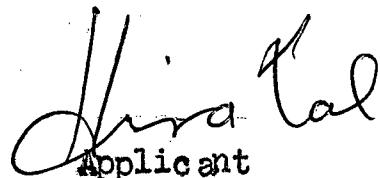
(d) to allow the application in favour of the applicant with all costs.

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.

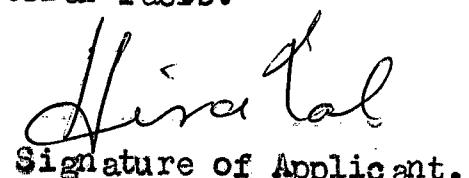
Dated:

  
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.

  
Hira Lal  
Lucknow Dated:  
July , 1989.

  
Signature of Applicant.

Before Central Adm. Tribunal, Lucknow Bench (II)

O.A No. of 1989 19

Hiralal

vs. Union of India & Others

## IMPUGNED ORDER

Gram: RECASTRIES

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,  
कपुरथला काम्पलेक्स  
अलीगढ़, 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: Re. 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.

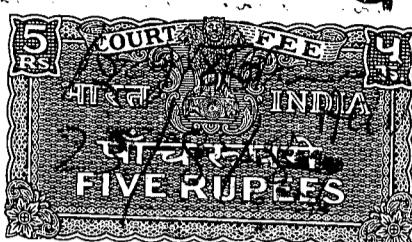
Yours faithfully,

(R.N. SAKSENA)  
RESEARCH OFFICER

Central Administrative Tribunal  
Delhi Bench का महोदय

बेअदालत श्रोमान

वादी (मुद्दङ्ग)  
मुद्दङ्ग (मुद्दालेह)



वकालतनामा

HIRALAL KURESHI

Director Gen. P.T. New Delhi

बनाम ८ औत्सु प्रतिवादी (रेस्पान्डेन्ट)

नं० मुद्दमा

सन

पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

RAZA ZAHIBER

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 रूपया 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 रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अशालत  
नं० मुकद्दमा  
नाम फरीकेन

R. Laleh  
Rehman

Hiralal  
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

टिक्का  
Rehman  
Rehman

महीना ७ सन् १९८७ ई०

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW

O.A. NO

231/89

199 (L)

T.A. NO

Date of Decision

H. L. Kural

PETITIONER

Smt. Razia Zahoor

Advocate for the Petitioner(s)

VERSUS

Union of India & others

RESPONDENT

Smt. K. Sandhya

Advocate for the Respondent

CORAM

The Hon'ble Mr. Justice V. C. Srivastava, R.C.

The Hon'ble Mr. K. Garg, Adm. Memb

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 &amp; 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

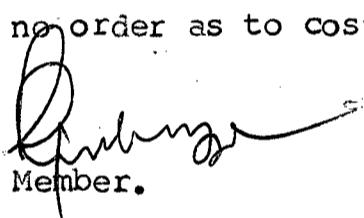
it was 33% and the applicant secured 41% marks and still he was not considered. The applicant filed the representation against the same claiming the benefit of O.M. of 25.7.70. After rejection of the representation he has approached the Tribunal and prayed that he may be given appointment claiming 19 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~~ 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 <sup>not</sup> 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 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

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

  
Adm. Member.

  
Vice Chairman.

Shakeel/

Lucknow: Dated 26.8.92

24

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

Sl.No. List of enclosures/Annexures ... Page No.

1.	Annexure No.1	1
2.	Annexure No.2	2
3.	Annexure No.3	3
4.	Annexure No.4	4
5.	Annexure No.5	5,6
6.	Annexure No.6	7,8
7.	Annexure No.7	9
8.	Annexure No.8	10
9.	Annexure No.9	11
10.	Annexure No.10	12
11.	Annexure No.11	13
12.	Annexure No.12	14

Before The Central Administrative Tribunal, Lucknow  
Bench, CECCKNOW.  
O. A No 07929

O. A. 110

821929

Heeralal 45

union of India following

25

## ANNEXURE NO. 1

अनुक्रमांक २५२ ६९३

103009

कान्त-संख्या



## हाई स्कूल परीक्षा, १९६२

प्रमाणित किया जाता है कि होरा लाल  
 आत्मज / आत्मजा श्री शिव नारायण मार्च / अप्रैल, १९६२ की  
 हाई स्कूल परीक्षा में श्री कामल कुमार लोकेश्वर इन्हीं की दो दिन  
 लखनऊ के एक विद्यालय में उत्तीर्णी थे जो उत्तीर्णी

दुर्दिन गर  
दोषपता प्राप्त की ।

इनकी जन्म-तिथि तीस  
पदीज्ञा विषय :-

- १—दिनदी
- २—अंग्रेजी.
- ३—गणित/गृह्य-विज्ञान

~~8. May 1877. - 1878. - 1879.~~

(3.0-6-1056)

( श्रीनिवास शास्त्री )

एम० ७० (अंसेजी), एम० ८० (राधार्पीति), धी० ८०, सिफेटरी।

एकाहायादः ११

O. A. No. of 1987 (L)  
Henzalal vs. Union of India & others

(2)

26

ANNEXURE NO-2

Copy of the PM & U.P Circle law  
letter No. STC/Pm-134/Incentive  
dated 26-6-73 addressed  
to the undersigned:-

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

An application dated 26-3-72  
from S/o 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.

Mem. No. 13-5/26 law dated 8-8-77

Copy to S/o Hira Lal postman for  
information with reference to his application d/s

Dr. P. K. Lohani  
Lokayukta

affixed  
copy

O.A. No.

of 1989

Hiralal vs. Union of India (Letters)

ANNEXURE No. 3

Page 22

RECORDED

INDIAN POSTS AND TELEGRAPH DEPARTMENT

RECEIVED  
From  
In reply  
Please quote

TO  
From

Post Master  
G.P.O. Lucknow 226001

Regd

No. B-5/26

Shri. Hiralal Kure  
810-A, Neo "village  
Postman, Lucknow

Date 3-7-75

RECEIVED  
SUBJECT

Promotion of Depil lower grade official  
to the Clerical Code under revised/ new  
Scheme, eligible as on 31.12.73

Re-Directed by Mr. Park,  
You are hereby informed that your  
Case was examined but your Name  
was found eligible for promotion  
to the Clerical Code under revised/ new  
Scheme.

The High Speed Certificate  
and Worksheet are well having

DT-2

RECEIVED

By Post Master (GPO)  
Date 30.6.75

RECORDED  
RECORDED  
RECORDED

Before the Central Administrative Tribunal  
Delhi Bench, Lucknow

O.A. No. of 1980

28

v. Hira Lal vs. Union of India & others.

ANNEXURE No. 4

ANNEXURE 4

INDIAN POSTS AND TELEGRAMS DEPARTMENT

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

To, Shri Hira Lal Kumal  
Postman

No. STC/11-15/Mark/17 Dated at Lucknow on the 24.5.1971  
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.	Mark obtained
	I II III IV V VI VII
111-1389/AT	7.0 7.3. 38

For Postmaster-General, U.P.

LPK  
17.5.71

ANNEXURE NO. 5

29

वैधा में

श्रीमान अमिताल डाकेटर नरल। रस्पी०८न-।।

भरत सरकार डाक भवन पालियामेन्ट ट्रीट  
नड दिल्ली-।।०००।

उचित माध्यम द्वारा

विषय:- प्राध्या पत्र विभागीय परीक्षा पटोन्नति फिरांक २-३-१९७०  
रोल नं० २३९/८०रस्पी०, लान्ड, डिवीजन से पोस्ट में  
के पट ते पोस्टल लिपिक हैं।

सन्दर्भ:- नं० ६०. ।।७/९५/रस्पी०८ी० फिर ९ जनवरी, १९८६ वे  
सम्बन्ध में।

महात्मा,

निवेदन करना है कि मैं आपका ध्यान पूँः ९ जनवरी, १९८६  
पत्र के सामन्य में आवृत्ति कराना चाहता हूँ जो कि वित्तियर आदेत  
नहीं है। प्रतिलिपि संग्रह है।

① श्रीमान जी मैमुश्यित जाति का हूँ आत्म १९७० की परीक्षा  
में निम्न अंक प्राप्त किये हैं।

प्रथम पैपर	द्वितीय पैपर	तृतीय पैपर	टोटा
२०/५०	२३/५०	३३/१००	८१/२००

② श्रीमान जी निम्न पट लखनऊ डिवीजन में रिवत है।

जनरल	मुश्यित जाति	मुश्यित जनजाति
लॉकल पात्र	२३	१
कॉडीडेट	२२	१
शैक्षिक रिवत पट	१	१
के कि नहीं	---	---
भै गर थे:-	---	---

③ श्रीमान जी फिरल १५-३-१९७१ के लॉक्टि किया गया था।

④ श्रीमान जी गिनिस्टरी आफ हौम रपियत अ०८८० नं०।/१२/६७ ड०रस० टी०। जुलाई १९६८ में रिजिस्ट्रेशन पटोन्नति है।  
सरकार का आदेत है।

⑤ श्रीमान जी अमुश्यित जाति की विभागीय परीक्षा में  
रिजिस्ट्रेशन गिनिस्टरी आफ हौम रपियत अ०८८० नं०।/१७० ड०रस० टी०।  
। रस्पी०८०। फिरांक २५ जुलाई १९७० में आदेत है मियम जी  
प्रतिलिपि संग्रह है।

Heera Lal  
Almora  
Post Box

300

112 13

⑥ भ्रीगान जी आपके पत्र से स्पष्ट है क्षात्री पराहंग मार्फ 35/ छी दिन 6-12-1966 को नियम समाचार करदिया गया था फिर 1971 में 33 प्रतिशत नियम लागू किया गया है।

⑦ भ्रीगान जी 1966 और 1971 के मध्य 1970 में मेरी परीक्षा द्वारा देखी है आपके पत्र से लालम 6 से स्पष्ट है कि मेरे मार्फ अटिक है जो कि 41 प्रतिशत है और मैं पटोन्नति के पात्र हूँ।

आः आपसे क्षमदपार्था करता हूँ कि आप कृपया पुनः मेरे पटोन्नति के लासीडर करने का बाटेवा प्रदान करने का एक दृष्टकर्ता हस्तके लिए मैं आपका बौद्धिन भर आभारी रहूँगा आपकी महान कृति इसके लिए हमारे लिए गुणे आशा और विश्वास है।

प्राथीः

ਇੰਦੀਰਾ ਮਤਲਬੀ

ग्रन्थ पुस्तक

ଜୀମ୍ବୀରାମୀଲାଲାନ୍ତୁ

## Record of Delivery

### ऐत वृक्षाः-

ડાટ મહાયદુલ્લાય રિમેન, લાખાન્દુ

## ह. द्वार सिंहर-भारत सरकार-नई दिल्ली

१८८१ अगस्त

॥ दीराला ॥

## गाहू पृथम,

## जीपी०ओ०स्ट्रास्ट०

14-1-1985

A circular stamp with the number 14-1-33 in the center.

Before the central Adam. To: General Mr. Beach, C.R.O.  
Headed Lala  
O.A. NO. 31  
Date 1989  
Annexure No. 6  
To, 31  
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/AS  
Reference:- Lucknow DIVISION  
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 :

#### GROUND 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 1st Paper I secured 40%, in 2nd 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 been 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.

① copy to Postmaster  
Underwood & Co  
② To the P.M.C. in Peirce  
DKO

### Lucknow:

Dated: July 7, 1981.

Yours faithfully,

Hirakal Kwey

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

36-1935/No.

四

पात्रेनार्थं अस्तु यज्ञे  
प्रियम् अस्तु यज्ञे

ANNEXURE NO. 7 (EPA)

33

पद-व्यवस्था-22

Cur. 22 INDIAN POSTS AND TELEGRAPH DEPARTMENT

दूसरे देते समय कृपया

प्रेषक

निम्न संदर्भ दें

From

Post Master,

In reply

Lucknow, C.P.O.-226001.

Please quote

संवाद में

To

Shri Hirachal Kuncel

क्रम संख्या

No. B-5/26

87, Old Shad Nagan

दिनांक

Dated at Lucknow, U.P. 11-12-75

Lucknow-226001

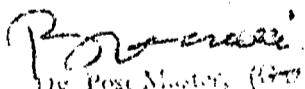
दिनांक

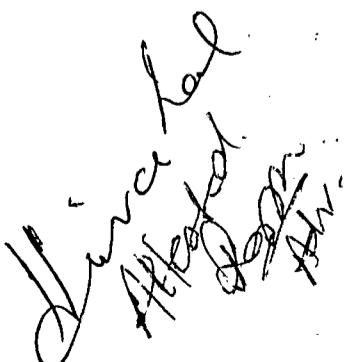
**SUBJECT**  
Examination for promotion of lower grade  
Mofl lower cadre of clerks held on 2.8.75

Ref: Your representation dt. 16.3.75 - retd  
Subsequent reminder D. 26.8.75 -

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-SPB I

dt (16.3.74) was withdrawn in his No 357  
6/62-SPB II dt. 9.12.66. As such your  
case was disposed of under latter orders  
correctly.

  
By Post Master, (Retired)  
Lucknow, C.P.O.-226001.

  
Hirachal  
Kuncel

Recorded. w. Union of India & others

ANNEXURE NO. 8

34

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. 42/2/149-NGS dated 26th January, 1952:—

Note : (2) If the post is to be filled by direct recruitment the reservation of 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 examination or selection, candidates belonging to Scheduled Castes and Scheduled Tribes obtained less vacancies than the number reserved for them, i.e. cases of such castes or tribes 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 1962-63 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. 161767 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. 2/1155-RPS, dated 7-5-1955 vide this Ministry's Office Memorandum No. 81066-Estt(C), dated 15th May, 1957. The revised para 19(a) of the Brochure reads as follows:—

"(a) Direct recruitment by examination.—If according to their normal positions in the examination, candidates belonging to Scheduled Castes and Scheduled Tribes obtain less vacancies than the number

reserved for them, the Union Public Service Commission or other recruiting authority, will have full discretion in order to make up the deficiency to recruit and 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. 161767 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.

5. In the case of direct recruitment through competitive examination the candidates are arranged in the Union Public Service Commission or other recruiting authority in the order of merit as disclosed by the aggregate marks finally awarded to each candidate and in that order so many candidates as are found by the Commissioner 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 and Scheduled Tribes who may obtain low place in the order of merit in the examination. Provided such candidates are considered to have come upto the 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 revised 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 Smt. M.R. Yardi, Additional Secretary, Ministry of Home Affairs to study progress of measures for implementation 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 Smt. M.R. Yardi, Additional Secretary, Ministry

Do. 2/2/68

Before the Central Adjudicating Tribunal, U.K. Bench, U.K.  
O.A. No. of 1989

35

Heeralal vs. Union of India & others.

## ANEXURE NO. 9.

ANEXURE 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,

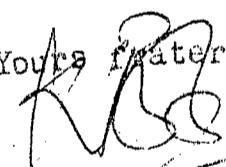
Shri Hira Lal Guvoli I,  
Postal Assistant,  
Lucknow GPO.

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  
Heeralal  
K. Ramamurti  
Secretary General

Before the Central Adm. Tribunal, Ch. Bench, L.K.O.  
O.A. No. of 1989

36

Heera Lal vs. Union of India & others

## 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:- Selection 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. 16/17/67-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, in order to make up the deficiency, to select candidates belonging to other 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 are obtained that 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, 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

Dated 23rd

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 promotional 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. In other words, the qualifying standards for such promotions/confirmations provided they are not found unfit for such promotions/confirmations. In other words, the Scheduled Castes/Scheduled Tribes candidates in keeping with the above criterion.

Vira Lal  
Affected  
by examination  
Date:

Before the Central Admin. Tribunal, (K. Bench) Lucknow  
O.A. No. 91989 13

Hearal v. Union of India

ANNEXURE NO. II

37

रेमाइंडर पुस्तक

20-1-1989

संवाद की

श्री मान आरोहन यानि. संवादका  
प्रक्रिया विवरण

मृत्यु स्थान विवरण वार्ता अनुसार यात्रा  
मार्ग, रुक्षता व तेज का विवरण  
विवरण वार्ता वार्ता विवरण, दूरी वार्ता

प्राप्ति - ५ बाजार दूरी

संदर्भ - गोपनीय पत्र संख्या नं. 1/(2)/2/87  
सारांश किया गया 21-12-1988 को  
संदर्भ की।

विवरण

आनंद देव यानि. संवादका वार्ता संदर्भ  
तथा राजायनि. 107.2 दूरी 2-1-1989 को

मृत्यु विवरण वार्ता वार्ता की।

श्री मान यानि. 2-8-1970

ग्रीष्मीय संदर्भ ST का दूरी विवरण  
परीक्षा विवरण वार्ता वार्ता वार्ता  
qualifying marks की विवरण

संदर्भ का दूरी विवरण (S.f. N)

जहां दूरी की संवादका वार्ता वार्ता वार्ता

आवश्यक पुरुष वार्ता वार्ता वार्ता वार्ता

आप की वार्ता वार्ता वार्ता।



प्राप्ति  
टीरा वार्ता  
वार्ता वार्ता

0729 513  
070 512 301

विवरण  
विवरण  
विवरण

Before the Central Admin. Tribunal, U.K. Bench, U.K.  
O. A. No. 1989

Heeralal vs. Union of India & others

(14)

ANNEXURE NO. 12

38

21150-पत्र

प्राप्ति

प्राप्ति अनुसार निम्नलिखित विवरों

परिवर्तन निम्नलिखित

प्राप्ति संस्कृत विवरों का विवरण

प्राप्ति अनुसार विवरण 1/2/87

प्राप्ति अनुसार विवरण 2/2/87

प्राप्ति अनुसार विवरण 3/2/87

प्राप्ति अनुसार विवरण 4/2/87

प्राप्ति अनुसार विवरण 5/2/87

प्राप्ति अनुसार विवरण

प्राप्ति अनुसार विवरण

प्राप्ति अनुसार विवरण

प्राप्ति अनुसार विवरण

(प्राप्ति अनुसार विवरण)

प्राप्ति अनुसार विवरण

Vira Lal  
Affidavit

## BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

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

Heeralal Kureel

... Applicant

-vs-

Union of India and others ... Respondents

APPLICATION FOR ADJOURNMENT.

Taking the Case Referred

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 OPP. PARTIES.

I, O.P. TRIPATHI

aged about 53 years, son of late Shri Raghbir Singh 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 authorized to file

this counter affidavit on behalf of respondents  
and as such he is well acquainted with the facts of  
the case deposed to hereinbelow:

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 parawise 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:-

1. ~~xxx~~That the applicant was recruited as Class-IV employee and posted as packer, Lucknow GPO on 11.9.1961.

2. 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-SHE-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 ~~xxx~~ appointment differs as per records. The actual date of appointment is 11.9.61 in the capacity of Class-IV.

6. That the contents of para (iv) (2) of the application ~~xxx~~ 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. 3TC/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 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 <sup>in</sup> 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

- 4 -

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 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.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 SPB dated 9.5.75 of DG P&T New Delhi communicated by PMG UP Circle Lucknow vide his letter No. STC/M-75/70/5/Ch. III dated 21.5.75 and copy of letter no.62./26/76-SPB-I dated 30.4.77 from DG P&T New Delhi communicated by the PMG UP 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.

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 R.N. Saxena, Research Officer, SC/ST Ayod 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.

- 6 -

24. That the contents of para (iv) (20) 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,

Dated:

3/11

~~Oct. 1989.~~

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,

Dated 3-11 ~~Oct. 1989.~~

On behalf of           I identify the deponent who has signed before

VK Chaudhary

Legal counsel for

Addl. Standing Counsel for Central Govt

Counsel for the Opp. parties/Respondents

Court/Compt. No.         
Date       

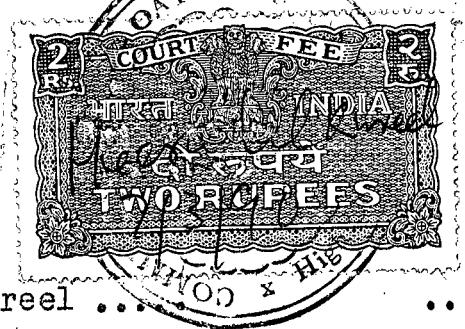
3/11/89

46  
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL

BENCH AT ALLABABAD CIRCUIT BENCH  
LUCKNOW



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



Heera Lal Kureel ... OD x His ... Applicant

Versus

Union of India and others... Respondent

REJOINDER AFFIDAVIT ON BEHALF OF THE  
APPLICANT

RJ/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 1960 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



Heera Lal Kureel

47

2.

after a 10 year gape replied in negative in the year 1973 . That through a refence 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 standered 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 standered was fixed for S T $\frac{1}{4}$  SC on per general candidate and the same qualifying standered 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



*Hababu*

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 story 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 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 8 of the counter affidavit as what 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



*W. J. S. Gal*

4.

KEYAKSAK reserved vacancies in the year 1970 for counter affidavit. As there was reservation for these 8 counter affidavit vacancies that there should <sup>also</sup> be relaxation in qualifying standard except of a ~~similar~~ affidavit 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 un relaxation standered were fixed for S C/ST candidates . The opposite parties are put to strict proof to prove by cogent evidence that was the qualifying standared 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 standared be fixed for them.

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

5.

11.12.75 instead of 11.12.73.

13. That the contents of para 15 of counter affidavit are incorrect 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 <sup>now</sup> ~~now~~ 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 <sup>now</sup> ~~now~~ leved 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 controller and Auditor general of India V S K.S. Jagannathan 1986 (i) 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.

2/3/90

SI

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 concelling the postal department game 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 rejeinder affidavit has already been exaplined .

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

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

21. That the contents of para 22 of counter affidavit <sup>need</sup> ~~need~~ <sup>now</sup> are in correct and denied.

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



*Atma Lal*  
*Atma Lal*

52

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 <sup>u u</sup> 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

Verification

*Harish Lal*  
Deponent

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

Lucknow  
Dated 7-3-90

*Harish Lal*  
Deponent

I identify the deponent who has singed before me.

*Raze Laheer*  
Advocate.

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

I have satisfied myself by examining the deponent that he understands contents of this affidavit which are read out and <sup>u u</sup> explained to him by me.

*OATH COMMISSIONER*

*DR. PRATAP SINGH*  
OATH COMMISSIONER  
High Court, Allahabad.  
Lal Bahadur Singh  
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
2	A Judgment 30-9-94	7 to 10
3	A Petition along with Power	11 to 30
4	A C.A.	31 to 45
5	A R.A.	46 to 54
6		
7		
8		
9		
10		
11		
12		
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 20-6-11

Counter Signed.....

  
Signature of the  
Dealing Assistant

Section Officer/In charge

C.C.A.S.S. dt 1993

21.4.93

(A1)

Hon. Mr. Justice Mr. Srivastava, etc.  
Hon. Mr. V.K. Singh, etc.

→ See Notice to the Respondent  
Calling upon him to file  
rebuttal ~~statement~~ to enable us  
to consider as to why  
the content of proceedings  
is necessary against him or  
not. List this case on  
7.7.93 for orders.

W.S.  
Ans.

V.C.

(u)

Q.P.  
Notice received  
Bench  
Dated 10/4/93

1.1.93 Case ready before  
20.12.93  
R.P.

20.12.93 Hon. Mr. SM Basu & others  
Hon. Mr. V.K. Singh, etc.

Q.P.  
C.P. file 1/1993  
\* D.P. file 1/2  
S.P. file 1/2  
T.D. 1

None appears on either

of the parties. List on 9-2-94.

Any appearance made on the first  
date by the applicant shall be  
subject to orders/decision on the  
case.

Am

Jm

Am

(P3)

C.C. No.55/93

in

O.A.No.231/89

7/7/93

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

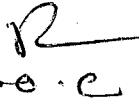
The applicant is present in person. The operative portion of the order is not very clear in the sense that cut of per centage has been fixed for all the candidates who appeared in that particular examination and relaxing in favor of a particular candidate will open a pandora's box. Power has been filed 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.

(tgk)

  
A.M.

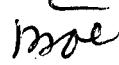
10-8-93

No sitting of D.B.  
Adjourned to 13-8-93

  
B.O.C.

13-8-93

No sitting of D.B. only  
on 22-8-93

  
B.O.C.

22/8/93

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

The applicant is present in person. Dr. Chandra learned counsel for the respondent is also present & his filed C.A. The applicant sees adjournment. List this case on 1/11/93 for orders

  
A.P.

  
J.M.

(A6)

Sl.No.	Date	Office Report	Orders
		<u>30/9/94</u>	<p><u>Hon'ble Mr. D.C. Verma, J.M.</u></p> <p>Judgment pronounced in open court under Rule 106 of Procedure Rules by the Bench consisting of Hon'ble Mr. V.K. Seth, A.M. &amp; Hon'ble Mr. D.C. Verma, J.M.</p> <p>Bronounced by Hon'ble Mr. D.C. Verma, J.M.</p> <p>J.M.</p>
		<u>30/9/94</u>	<p><u>Hon'ble Mr. D.C. Verma, J.M.</u></p> <p>Order of the Bench consisting of Hon'ble Mr V.K. Seth, A.M. &amp; Hon'ble Mr. D.C. Verma, J.M. was pronounced in open court by the Bench consisting of Hon'ble Mr. D.C. Verma, J.M.</p> <p>J.M.</p>

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 Setember, 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

ORDER

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 26.8.1992 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

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

P.M.

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

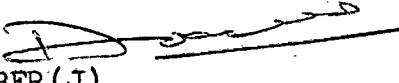
4. The respondents re-considered the claim of the applicant and passed a reasoned order on 30.7.93 ~~xx~~ (Annexure R-1 to the C.A.). The learned counsel for the respondents has submitted that in case the applicant is given promotion it will have far reaching effect on the employees placed in the similar 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.

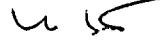
5. In the instant case the question is whether the order of the Tribunal has been complied with or not and whether there is any wilful default and violation of the order by the respondents. Considering the circumstances of the case, we find that the respondents have re-considered the case of the applicant as per directions of the Tribunal and has passed ~~xx~~ a reasoned order. The direction given by the Tribunal is in two parts, 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 respondents ~~xx~~, 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

8/10

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/-

All

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 Recd. 20/4/93

Deputy Registrar(J)

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  
[redacted] 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/-

8/12

- 2 -

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 Saheer

S. B. Verma

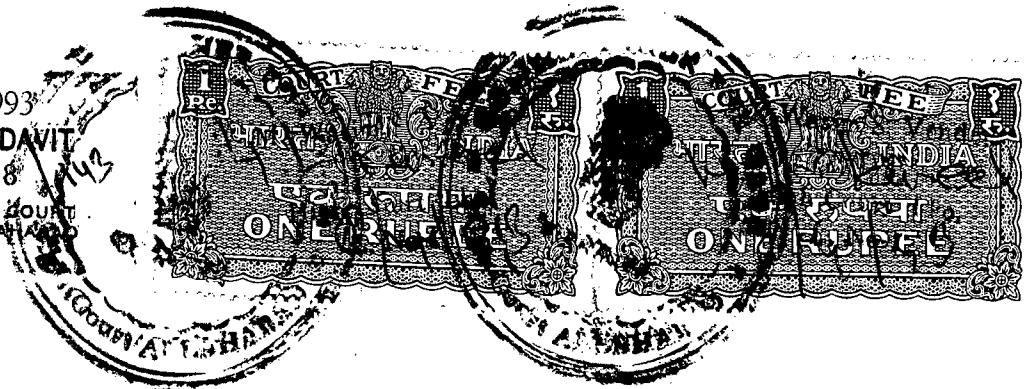
Arand Mehta  
COUNSEL FOR THE APPLICANT.

LUCKNOW  
DATED:-

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

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

1993  
AFFIDAVIT  
48  
HIGH COURT  
ALLAHABAD



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



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 28 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



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.

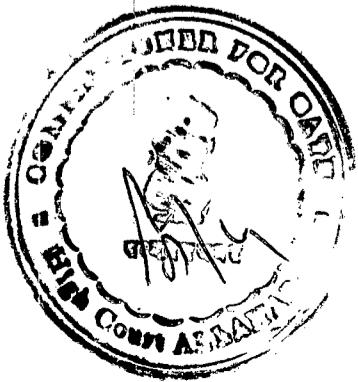
7. That the contemners are in genuine receipt of the order dated 26-8-1992 passed by this Hon'ble Tribunal and despite of specific



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,

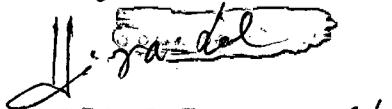


deliberately and sheer violation of all judicial norms have flagrantly abuses the directions of this Hon'ble Tribunal and in this way, they have committed the contempt of this Hon'ble Tribunal.

10. That the contemners 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 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 [redacted] contemners. A copy of the letter dated 17-7-1971 is being annexed herewith as ANNEXURE NO. 5.



LUCKNOW  
DATED:- 8/4/93

  
DEPONENT. ...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 8th day of month April , 1993.

LUCKNOW  
DATED:- 8/4/93

*H. R. A. del*

DEPONENT .

I identify the deponent, who has signed before me

ADVOCATE .



8/4/93  
2-30 A.M. P.M. by the Commissioner

..... H. R. A. del  
..... I have verified  
..... who is identified by Name.... Mohd. Ismail C/o  
..... Advocate High Court, Allahabad in Raja Zameeruddin

..... 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  
No. .... 18 ... 143  
Date ..... 8/4/93

Before the Central Administrative Tribunal, Lucknow 7

Bench Lucknow

C.C. No. 55-(C) 1993

Heeralal Kureel - V/S - - - - - Appellant  
D.G. Postal Dept. & Another - - - - - Respondents

A18

ANNEXURE NO: 1

38

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 231 of 1989

H.L. Kureel

Applicant

versus

Union of India & others

Respondents.

Sri Raza Zaheer

Counsel for Applicant

Shri V.K. Chaudhary

Counsel for Respondents.

CO-RAM

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/post 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 <sup>not</sup> 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/ST and O.G.

3. The contention on behalf of the applicant is that



9  
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 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. The application stands disposed of as above, with no order as to costs.

Adm. Member.

Vice Chairman.

Shakeel/

Lucknow: Dated 26.6.92



Heeralal kureel - V/S - Applicant  
D.G. Postal Deptt. & Another - Respondents

ANNEXURE NO: 2

To,

The Director General Postal Department

Dak Tar Bhawan, New Delhi.

through Proper Channel (S.P.M. Lko. G.F.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 officer 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 marks sheet 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



A22

-2-

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 photocopy of the letter is as follows:

4. That the applicant had given several representations in the past asking for the reservation of 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 due others were given promotion in view of the fact that there is difference of few days. A photo copy of the orders is annexed herewith. O.A. 116 order

6. That P. and T. Board's letter No. 62/1 dated 16.3.1964 relieved the applicants from the syllabus as well as the need to give previous examination. The applicant whose well percentage of 33% was fixed and in the 1970 examination the maximum marks in the syllabus vide aforesaid letter was the same.

(Contd. 3)



PL  
A23

-3-

it is evident from letter No..... staff C/M. 75-72/71..... 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.

Dt-26-11-82  
Copy to Ch. Om C. B.  
Circular letter was for  
information and info.  
(1) Pls with  
Rmd.  
[L.T.A]  
26/11/82

7. That the applicant entered the postal department in the year 1960 and passed 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 regard 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

(Applicant)

Heera Lal

(Heera Lal)

Postal Assistant, Lucknow

(G.P.O.P)

Enclosures:- attached

1- Photo copy Judgment

2- Syllabus

3- Staff C/M-75/70/74/76/77

4- No. S.T.C/M-134/Incentive/71/7

5- Syllabus 11-19-74



Before the Central Administrative Tribunal, Lucknow Bench, Lucknow

## Bench bucknaw

Heeralal/kureel - C.C.NO - 55 - (C) 1993  
D.G. Postal Dept. & Another - 1/5 - - - - - Applicant A25  
D.G. Postal Dept. & Another - - - - - Respondents

ANNEXURE NO. 3

## Reminder

To,

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

Through  
Through Proper Channel (CPM 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,**

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

— 1 —

Six.

A kind reference is invited to words correspondence resting with my letter even dt. 18-11-92. Sent under Ludhiana G.P.C. 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 Tribunals 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 refixed.

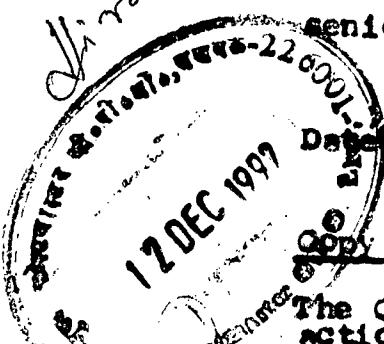
Yours faithfully,

Hiralal  
( Hira Lal )  
Postal Assistant,  
Lucknow C.P.O.

Date: 12-12-1992

Copy to:

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



A26

बोमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० १०/- P.  
Amount of Stamp affixedएक रजिस्ट्रीड प्राप्त किया  
Received a RegisteredDirector General  
Postal Departmentपानेवाले का नाम  
Addressee toD.G.O. T.O. Bhowan  
Neev Kothi

क्रमांक/No.

3846  
तारीख महीने  
Date Stamp

G.P.O.

पानेवाले अधिकारी की इकाई  
Signature of Receiving Officer

Before the Central Administrative Tribunal Lucknow.

Bench Lucknow

C.C. NO - 55 - (C) 1993

Heeralal/kureel - V/s - - - - - Applicant  
D.G. Postal Dept. & Another - - - - - Respondents

ANNEXURE NO: 4

A27

REMINDED 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. 26.8.92 92 in C.A. No. 231 of 1992.

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.

*B/11a3*  
Dated at L.H. 18 -1-1993.

Yours faithfully

*Heeralal*  
(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.

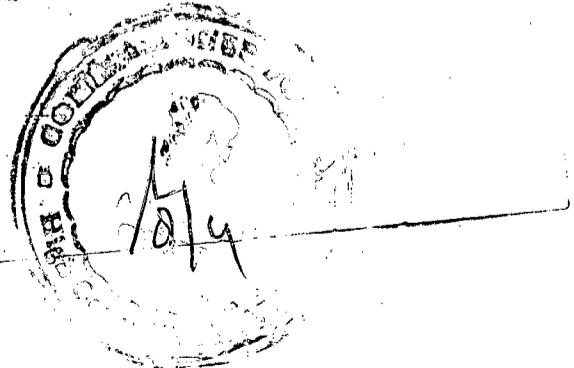


(Heera Lal)

A 28

U.P.C  
 The Chief Post Master General  
 U.P. Circle Lucknow

② To The Director General  
 (Posts) Dak Bhawan  
 New Delhi - 110001



Before the Central Administrative Tribunal Lucknow  
Bench Lucknow

C.C. NO. - 55 - (C) 1993

Heeralal Kurral - V/S - - - - - Applicant  
D.G. Postal Deptt. & Another - - - - - Respondents

ANNEXURE NO: 5

10  
A29

COPIED FROM GONDA DIVISION RULING FILE NO. B.RIG/2

Copy of communication no. 63/10/71-SPB-1 dated 17-7-71  
from the M&TE L.G. P&T New Delhi to All Heads of the Circles  
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.M. No. 8-12/69-EStt(SCT) dated 23rd. December 1970 on the subject referred to above. A copy of the O.M. 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 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. - 0001/25/70

Dated at Lucknow the

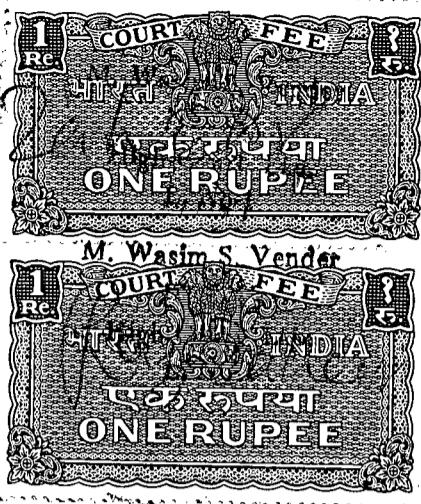
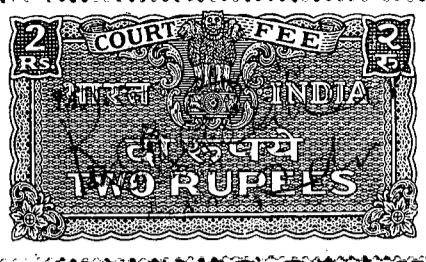
16-8-1971.

Sd/- For PMG UP Lucknow.



Before the Central Administrative Tribunal 19

In the



HEERA HAL KUREEL

VERSUS

SARI S. K. PARTHI SARTHI & ANOTHER

A 30

C.C. No. 55/93

of 1993

I/we the undersigned do hereby nominate and appoint Shri. RAZA XASHEER 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 whatsover, in connection with the said matter arising there from and also to apply for and receive all documents or copies of documents, depositions, 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 before the court and if my/our said advocate doth appear in the said case he shall be entitled 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 ex parte, 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. Abdul Majeed Advocate
2. Raza Xasheer Advocate
3. S. B. Verma Advocate

Signature of Client..

Heera Hal

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.Kureel ..... 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 accom-  
panying 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.

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 )

## 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

• • • 2

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

*Naresh*

ABH

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. affidavit is informal according to Annexure 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.

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.

*N. K. Jaiswal*  
( 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.

*N. K. Jaiswal*  
( DEPONENT )

Annexure A-1

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

A/S  
Dated : 30.7.93

The Central Administrative Tribunal in its judgement dated 26-8-92 in OA 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, ~~wide~~ 35% in each paper and 45% in the aggregate. Vd DG's communication No.63-19/71-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 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/-)

ABY

328  
 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 throughout 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.

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.

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

URGENT ACTION  
 1/10  
 Shri HEERA LAL KUREEL  
 Postal Assistant,  
 LUCKNOW GPO.

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

Copy forwarded to 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 acknowledgement 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 )

बुद्धालत श्रीमान

CAT

महोदय

बाटी (मुद्र्दा)  
मुद्र्दा (मुद्रालेह)

Lucken Bench

का

वकालतनामा

H.L. Kurel

बनाम S.K. Purkho <sup>प्रतिवादी</sup> (रेस्पान्डेन्ट)

नं० मुकद्दमा ५५

सन १९८३ पेशी की ता०

१९ रु०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री J. J. Mehta (Lender)

Adv. Cm. S. C. Standing lunel, Lucken

वकील  
एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ  
इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ  
पैशवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल  
करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया  
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 रूपया जमा करें या हमारी या  
विपक्ष (फरीकसानी) का दाखिल किया रूपया 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 स्थिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे  
वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण  
रहे और समय पर काम आवे।

बुद्धालत  
नं० मुकद्दमा  
नाम फरीकसानी

साक्षी (गवाह)  
दिनांक

साक्षी (गवाह)

महीना

हस्ताक्षर  
(S.K. Purkho <sup>प्रतिवादी</sup>)  
Secretary to Shri J. J. Mehta  
of Prabhodinagar Delhi  
सन १९ रु० १० रु०  
१९८३ New Delhi.

[ वादी अपीलान्ट ]

.....

## प्रतिवादी [रेस्पाडेट]

## पकालतनामा



142. Kureel vs Dr. S. K. Panthawarthy & anb

## (प्रतिवादी रेस्पारेन्ट)

नं. मुकद्दमा ४८-७५ सन् १९९३ पेशी की तां

၁၁၁၀

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री *Dr. Jyoti Patel*

वकील Add: C. S. & Co., 10, Chhatrapati Shivaji Marg, New Delhi 110001

वकील

१०८

एडवोकेट

ताम अदालत ..... मुकदमा नं० ताम फरीकैन

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 जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा 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 ।

1

हस्ताख्यर..

साक्षी (गवाह)..... (गवाह).....

दिनांक.....महीना.....सत्र ०१

स्वीकृत

10-8-93  
13-9-93

AMO

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.Parthasarthi.  
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.

-; 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:- 1-2-93

13-9-93

J. D. (DR. DINESH CHANDRA),

Counsel for Respondent No.2.

A41

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH.

225  
COUNTER-ANSWER 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.Parthasarthi.

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

// 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 ~~marked~~ 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.

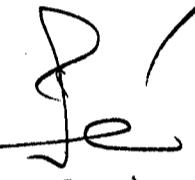
A43

// 3 //

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 applicable 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

  
J. Chaudhary  
Witness

1000 P.M. 28/8/86

Box 21

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

AM

To

Shri Hira Lal Kureel  
P.A. Lucknow GPO.

No. Rectt/Q-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. 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**

Appeal / Petition

A45  
Case No. 55 of 1993

BETWEEN :

Hira Lal Kureel

APPELLANT

PETITIONER

AND

S. P. Rae

DEFENDANT

RESPONDENT

I / We Shiv Poojad Rae

Chief P.M. A. I. D. Lucknow 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/Appel/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. Rae

ACCEPTED

J. S. D.  
Rae

Counsel for Petitioner / Appellant / Revision / Opposite Party

A/C

(18)

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

(378)

CONTEMPT PETITION NO. 55 OF 1993  
(O.A. NO. 231 OF 1989)

H.L. Kureel . . . . . Applicant.

Versus

Shri S.K. Parthasarathy  
& Another. . . . . Respondents.

*DR*

REJOINDER

I, H.L. Kureel aged about 53 years,  
son of Sri Shiv Narain, employed as Postal Assistant,  
Lucknow G.P.O., do hereby solemnly affirm and state  
as under : -

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

2. That the contents of paras 1 to 3 of the  
Counter Affidavit need no reply.

3. That the averments made in para 4(i)  
to 4(iii) of the Counter Affidavit are misleading,  
false, frivolous and vehemently denied. The  
opposite parties have not considered effectively  
the directions of this Hon'ble Tribunal dated  
26.8.1992 and have decided the representation on

*26/12/92*  
A 311079 23  
20/12/92  
26/8/92  
26/12/92  
*DR*

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 ~~to~~ 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.



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 sweet-say of the opposite parties. The applicant in his defence has already annexed Annexure Nos. 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 swared 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:-

DEPONENT.

I identify the deponent, who has signed before me.

S. B. Verma

ADVOCATE

1970

ASO

1970

INDIAN POSTS AND TELEGRAPH DEPARTMENT

The Postmaster General  
U.P. Circle

All SSP's/ SPOS

All DES/ DESP

All SSTT

All Officers I/C OTOS & DTOS

Manager R.L.O Lucknow

Supdt Postal Stores Posts & Seals Aligarh

Supdt Postal Stores Depot Lucknow

Officer I/C Army Postal Service Kemptyee

Staff A Sec Circle Office Lucknow.

No. St. T C/M-75/63-70/7

Dated at Lucknow the 6-3-

1970

Sub:-

Examination for promotion of lower grade departmental officials to the cadres of Clerks/ Sorters in Subordinate 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 Jp Rec-112/RIF/II/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, 201/66/61 STB dt 18.7.64 and 201/37/64-STB-1 dated P3.4.65 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 last 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.

P.T.O.

2nd a. 1970

~~TOP SECRET~~ 115 ASI

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.

Examination for promotion of departmental lower 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 Offices 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 55% 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 generally subject not necessarily a departmental one. A choice of subjects will be offered.

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

*Revised*  
This paper will be designed to test the candidate's 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.

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

Marks 100

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 I.
- (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, XV and XIX only for RMS Div having mail offices deal 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.

P.T.O.

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

(e) Telegraph Engineering and Wireless.

- (1) F&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).

- (1) 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 :

- (1) 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 XXV, XXVI and XXVII. (Portion dealing with stationery and forms).

(h) Offices in Technical and Development Circle.

- (1) 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-A and 12.
- (vi/1) 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 :-

- (1) 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 - 30. / 3.
- (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).

Verdict

(3)

Telegraph Office

(i) 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.

(ii) Telegraph Guide Volume I.

No. Steff-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. (hac) for information.

hac

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

Copy to:-

Police Board.

S. Sec.

del

V. 20