

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH
OA/TA/RA/CP/MA/PT. 218 of 20.....

S. R. More & Ors.Applicant(S)

Versus

V. S. S.Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

Signature of S.O.

B.C. file needed & destroy

Date
22/6/12

Signature of Deal. Hand

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

INDEX SHEET

CAUSE TITLE 0-17-218 of 199 C.L.L.

Name of the parties _____

S. R. ~~vs~~ Mawali _____ Applicant.

Versus.

Union of India _____ Respondents.

Part A.B.C.

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16.8.90

(1) (1) (H) No Siting Adjoined to 21.8.90

21.8.90

(2) (1) (H) No Siting adjourned to 12.9.90

(5)

12.9.1990

O.A.NO. 218/90(L)

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

Hon'ble Mr. M.M. Singh, A.M.

Admit. Dr. Dinesh Chandra makes appearance on behalf of respondents, 1 to 3 and accepts notice copies of the petition meant for respondents 1 to 3 shall be delivered to Dr. Dinesh Chandra. Issue notice to respondent NO.4 Counter may be filed with in four weeks to which the applicant may file rejoinder within two weeks thereafter. List for final hearing on 14.11.90.

Sd/

A.M.

Sd/

V.C.

Sd/

14/11/90
Hon. Mr Justice K. Nath, V.C.
Hon. Mr. M.M. Singh, A.M.

Dr. Dinesh Chandra files counter
whose copy has been delivered
to applicant's counsel. The
applicant may file rejoinder
within two weeks and the
case may be listed for
final hearing on 19/12/90.

by
AM.

VC

OR

Dr. D. Chandra accepts
notices on behalf of C.R.
No 1 to 3 on 25.8.90.
4 also files valemane
but no reply filed.
Notice was issued
O.P. No 4 on 24.9.90.
Neither reply nor
any endorsement resp case
has been return back
S.P.H

(5) b

19.12.90

No Siting Adi to 21.2.91.

(6)

21.2.91.

No Siting Adi to 26.3.91.

(7)

26.3.91

No Siting Adj to 31.5.91

(8)

31.5.91

No Siting Adj to 30.8.91

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CAIRN HED

5/1/91

12/11/90

(R2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW

Registration O.A.No. 218 of 1990(L)

Sewa Ram Maurya

Applicant

Vs.

Union of India & Others.....

Respondents

Hon'ble Mr.Justice U.C.Srivastava,V.C.,
Hon'ble Mr. A.B. Gorthi, Member(A)

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

The present dispute in respect of the Extra Departmental Branch Post Master, Jiwat Faizabad which fell vacant with the removal of service of in-^{term}_{ent} ^{AP} cumbent. The local employment exchange was asked to send the list of candidates to fill up the vacancy. 3 candidates were sponsored by the employment exchange including the applicant. Applications were called from the above candidates but only the applicant's application was received and the other two candidates did not send their applications. The respondents' who has been appointed was surplus Extra Departmental Delivery Agent of Lakhnupur which is situated at the distance of 15 Km from the village Jiwat. It appears that as he was surplus Extra Departmental Delivery Agent and that is why he was appointed vide an order dated 10.1.90. The applicant challenged the said appointment.

2. The respondents have tried to justify the said appointment on the ground that of course notwithstanding with the fact ^{but} the applicant fulfilled the requisite qualification and his application being the only application, the respondents have arrived to make an appointment from outsiders like those who have been declared surplus, and in this connection reference has been made to the Instruction 16 in the Method of Recruitment. Instruction no.16 provides that the waiting lists should be prepared on sub-divisional basis for all ED Agents and on Divisional basis for ED BPMs/ SPMs. The names in the waiting list should be arranged in order of total ED service rendered by the surplus/displaced ED Agent and alternative posts should be offered on the basis of seniority in the waiting list. The instruction 16 item no.(iv) further reads as under:

"In regard to itemno.(iv), the recruitment of outsiders to the post of ED Agents, other than ED BPMs/ED SPMs should not be made until all the surplus/displaced ED Agents on the waiting list are re-employed or they refuse the ^{order} of re-employment."

These rules indicates that priority and preference obviously is given to those who are surplus Extra Departmental Agents on all such posts, but the rules do not permit that this person should also be appointed as Extra Departmental Branch Post Master giving a go by to all the other instructions in the matter of appointment as to the residence and other qualification. It has also not been stated in the

(AU)

counter affidavit that in Lakhapur where he was posted in the same division or in the list of surplus staff he was at no.4 and that is why he was appointed. The selection and appointment of respondent no.1 who according to the respondents is working, while according to the applicant is not working and the post is lying vacant and was against the rules, and consequently the same cannot be allowed to stand. The appointment of respondent no.4 is accordingly quashed. Although prayer has been made on behalf of the applicant that he should be ^{given} appointment in view of the rules. Accordingly the respondents are directed to consider the case of the applicant for appointment, and in case he fulfilled all the requisite criteria, appointment may be given to him. Let a decision in this behalf ¹ be taken within a period of 1 month from the date of communication of this order. During this period one who is working or looking after the said post of Extra Departmental Branch Post Master will continue to look after the same. No order as to costs.

Shanay 25
VICE-CHAIRMAN.

9th December, Lucknow.

(sph)

(AC)

"FORM I"

Application under Section 19 of the Administrative Tribunals Act, 1985
Title of the Case - Appointment on the post of Extra Departmental
Branch Post Master at Jiwat, Distt. Paizabad.

I N D E X

S.N&	Description of the documents Relied upon.	Page No.
1.	Application	1-9
2.	Covering letter dated 12.4.89	10
3.	Registered Receipt dated 21.4.89	11
4.	Representation dated 10.7.89	12
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9.	Vakalatnama	17
10.	Postal Order	18

29/2/1990
Signature of the Applicant

16/7/90
FOR USE IN TRIBUNAL'S OFFICE

Date of Filing

or

Date of Receipt by post

O.A. Registration No.....

Signature

For Registrar

(45)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH AT ALLAHABAD
CIRCUIT BENCH AT LUCKNOW.

O.A. REGISTRATION NO. 218 OF 1990.(L)

S.M.

Sewa Ram Maurya, aged about 34 years son of Late Sri Devi
Prasad Maurya, Village & Post Jiwat, Distt. Faizabad.....

Applicant/Petitioner

Versus

1. Post Master General, Mahatma Gandhi Marg, Hazratganj, Lucknow.
2. Sr. Superintendent, Post Offices, Faizabad Division, Faizabad.
3. Regional Post Inspector, Akbarpur, Distt. Faizabad.
4. Ravindra Nath Tewari, Village & Post - Lakhapur, Distt. Faizabad. Respondents

Details of Application.

1. Particulars of the order against the application is made :-

It is most respectfully submitted that though the name of the applicant ~~is~~ was the only name to be considered for the post of Extra Departmental Branch Post Master (hereinafter mentioned as 'EDBPM') Jiwat, Faizabad in accordance with extra departmental Agents (Service & Conduct) Rules 1964 (hereinafter mentioned as 'Rules') ~~as~~ only his application was complete as per necessary requisites in accordance with Section III - MODE OF RECRUITMENT ~~OF THE~~ RULES. But the applicant came to know that the respondent No. 4 has been engaged as 'EDBPM' of Extra Departmental Branch Post Office, Jiwat, Faizabad, arbitrarily though he is the resident of village - Lakhapur

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which is situated at the distance of 15 Km. from the village Jiwat.

2. JURISDICTION OF THE TRIBUNAL :-

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

3. LIMITATION :-

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

4. FACTS OF THE CASE :-

It is most respectfully subitted as under :-

(i) That for filling the vacant post of 'EDBPM' in Extra Departmental Branch Post Office, Jiwat, the name was obtained by the respondent No.2 from the Employment Exchange and accordingly the information was given by the Employment Exchange. Thereafter a proforma alongwith covering letter was sent by the respondent No. 2 to the applicant and two other candidates Sri Sukhmangal and Sri Dhunmun Yadav, whose names were sent by the Employment Exchange for the same. The photostat copy of the covering letter no. PFA 382 dated Faizabad 12.4.89 of the applicant is being enclosed here as Encl.No.1.

(ii) That the applicant sent the application as required by the proforma as referred to herein above. The photostat copy of the receipt of the registered post is being enclosed here as Enclosure No. 2.

(iii) That the two other candidates could not be considered for the appointment on the post of EDBPM Jiwat as the petitioner / applicant has come to know that one of them Mr. Sukhmangal

24/12/2011

(P.S)

did not sent even the application while the application of the ~~other~~ other Mr. Dhunmun Yadav was incomplete. Only the application of the applicant/petitioner was fully complete as per requirement of the proforma as well as covering letter contained in enclosure No. 1.

(iv) That the applicant is a permanent resident of village Jiwat and he is the owner of movable ~~as~~ as well as immovable property. His house is beside the main road of Jalalpur to Baskhari. In these circumstances the applicant is only suitable candidate for the post of EDBPM Jiwat.

(v) That the respondent No. 3 had ~~inspected~~ inspected the place and having been satisfied he gave assurance that the appointment order will be issued in-favour of the applicant/petitioner on the post of EDBPM Jiwat as early possible.

(vi) That when the applicant met with the respondent No. 3 about appointment he was told that the name of Sri Ravendra Nath Tiwari i.e. respondent no.4 has been sent for the appointment.

(vii) That when the applicant inquired into the whereabouts of respondent No. 4 he came to know that the respondent No. 4 is neither the owner of immovable or movable property nor he is in position to arrange any building for the purposes of aforesaid post office. Moreover, he has neither submitted the application for the aforesaid post

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nor he is the resident of the village Jiwat instead he is inhabitant of the village Lakhampur which is located at a distance of about 15 K.M. from Jiwat.

(viii) That the appointment of Respondent no. 4 to the post of EDBPM Jiwat is ⁱⁿ violative to the rule 4 of section III of the Rules.

(ix) That it is not out of place to mention that neither the name of respondent no. 4 was recommended by the Employment Exchange nor the post was publically advertised again and thus this appointment has ^{been} done in violation of the letter of D.G.P&T letter no. 43-233/84 pen, dated May 1, 1986.

(x) That respondent No. 4, so illegally appointed, came in the village Jiwat in search of house for the purposes of post office but no body was inclined to have him as a tenant and as such he could not arrange a house for purposes of the post office. But the inhabitant of the village were discussing that at a tea stall he was saying amongst several persons as nothing will result adversely due to non availability of the house. He further added that as he has obtained the service against bribe of Rs. 10,000/- he will again spend one or two thousands rupees and he will obtain the permission to open the post office in his own village against the vacant post of EDBPM for village Jiwat. By giving the detailed ~~in~~ facts the representation and reminders were sent ^{by} the applicant/petitioner to the respondents nos. 1 & 2. The true copies of the representations and reminder and the photostat copy of the registered receipt are being enclosed as Enclosures Nos. 3, 4, 5, and 6.

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(xi) That though no reply was sent by the authorities concerned to his representations as well as reminders an officer came to the residence of the applicant/petitioner in the month of January 1990, claiming himself as the Enquiry Officer and asked the applicant to give his statement in writing and the same was accordingly given by the applicant. Thereafter that officer belonging to the same caste as of the respondent No. 4, ordered the applicant/petitioner to call the owner of the tea-stall whose reference was given in the representation of the applicant. When the applicant brought him, that officer asked the petitioner/applicant to leave that place for a ~~moment~~ moment saying that he will ask something to that person separately. Thereafter that officer talked to him and obtained his thumb impression on same papers. That persons could not know anything as he is illiterate.

(xii) That in a representation dated 12.2.90 the applicant/petitioner depicted that the aforesaid incident and requested to inquire into the afore mentioned conduct of the said enquiry ~~matter~~ ^{officer} and also to ascertain the reality and propriety by making detailed enquiry. The true/photo- stat copy of the representation dated 12.2.90 is being ~~annexed~~ ³ ~~is~~ enclosed as Encl. No. 7.

(xiii) That even after lapse of more than one year neither the post office at village Jiwat has been opened nor the respondent has started to work on the post of EDBPM as yet.

संवाद अभियान

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(xiv) That the said appointment of respondent no. 4 is violative to Rules, norms and procedure and is a glaring example of 'pick and choose' which is not tenable in the eyes of law.

(xv) That it has been observed by the Hon'ble Supreme Court of India in the case of B.S. Minhas v/s Indian Statistical Institute A.I.R. 1984 Supreme Court 363 that the act of not publicising the vacancies in accordance with Rules is ~~utter~~ utter violation of the Rules and the appointment, if any, made without following the aforementioned procedure, is illegal.

(xvi) That in the case of Smt. Jai Shree Bhattacharya alias Smt. Jai Shree Sen Mazoomdar V/s University through Vice chancellor and others 1976 (i) SLR 382 (D.B.) (Patna) Hon'ble ~~High~~ ^{High} Patna High Court has held that recruitment should be made only in [✓] prescribed manner.

(xvii) That [✓] for the facts and circumstances stated in instant application it is expedient and in the interest of justice that Hon'ble Tribunal may kindly be pleased to quash the appointment of respondent no. 4 and also to direct the respondents nos. 2 & 3 to appoint the applicant in accordance with the Rules.

5. GROUND FOR THE RELIEF WITH LEGAL PROVISIONS :

(i) Because the applicant is eligible for the appointment on the post of EBBPM Jiwat as [✓] prescribed under the Rules .

(ii) Because the appointment of respondent no. 4 on the post of EDBPM Jiwat is in violation of Rules and thus it is illegal.

24/7/2024

(iii) Because the said appointment of respondent no. 4 is violative to Rules, norms and procedure and is a glaring example of pick and choose which is not tenable in the eyes of law.

(iv) Because it has been observed by the Hon'ble Supreme Court of India in the case of B.S. Minhas v/s Indian Statistical Institute A.I.R. 1984 Supreme Court 363 that the act of not publicising the vacancies in accordance with Rules is utter violation of the Rules and the appointment, if any, made without following the aforesaid mentioned procedure, is illegal.

(v) That in the case of Smt. Jai Shree Bhattacharya alias Smt. Jai Shree Sen Mazoomdar v/s University through Vice Chancellor and others 1976 (i) SLR 382 (D.B.) (Patna) Hon'ble Patna High Court has held that recruitment should be made only in prescribed manner.

(vi) Because the appointment of respondent no. 4 on the post of ~~EDRPM~~ Jiwat is violative to the D.G. P&T letter no. 45-22/71 S.P. V.T/Pen, dated Sep. 4, 1982; D.G. P&T letter no. 43-233/84 pen, Dated May. 1, 1986 and D.O. Letter no. 41/295/87 P.E.-II dated Aug. 27, 1987.

6. DETAILS OF THE REMEDIES EXHAUSTED :

The applicant declares that he has availed of all the remedies available to him under the relevant service rules etc. A representation was sent by the ~~applicant~~ to the Senior Superintendent of Posts Faizabad Division Faizabad and Post Master General, Lucknow stating ~~that~~ about irregularities in the appointment and prayed the authorities concerned to make the enquiry and take necessary action.

7. MATTER PENDING WITH ANY OTHER COURT :

It is submitted that a writ petition no. 4590 of 1990 was filed in the Hon'ble Court of Judicature at Allahabad Lucknow Bench Lucknow which has not been entertained for want of alternative remedy by saying that the same involves disputed question of facts and is belated for the purposes of writ petition.

8. RELIEF'S SOUGHT :

In view of the facts mentioned in para 4 the above applicant prays for the following reliefs :-

It is most respectfully prayed that the Hon'ble Tribunal may kindly be pleased to quash the irregular and illegal appointment of the respondent No. 4 by summoning the same and also may kindly be pleased to direct the respondents Nos. 2 & 3 to consider the representation and make appointment of the applicant on the post of EDBPM Jiwat and also award the costs of the application.

9. INTERIM ORDER, IF ANY PRAYED FOR :

Pending final decision on the application, the applicant seeks the following interim reliefs :

That in the facts and circumstances stated in para 4 of the application the Hon'ble Tribunal may kindly be pleased to direct the respondents nos. 2 & 3 to issue the appointment letter in favour of the applicant on the post of EDBPM Jiwat provisionally.

10. PARTICULARS OF BANK DRAFT/POSTAL ORDER FILED IN RESPECT OF THE APPLICATION FEE :

Contd.....

AIW

11. LAST OF ENCLOSURES :

1. Covering letter dated 12.4.89
2. Registered Receipt dated 21.4.89
3. Representation dated 10.7.89
4. Registered Receipt dated 10.7.89
5. Reminder dated 16.8.89
6. Registered Receipt dated 16.8.89
7. Representation dated 12.2.90.
8. Vakiatnama
9. Postal Circular
~~EXPLANATION~~

VERIFICATION

I, Sewa Ram Maurya Son of ~~Smt~~ Late Sri Devi Prasad Maurya aged about 34 years resident of village and post Jiwat district Faizabad, do hereby verify that to contents of paras ~~(vii)~~^{(xiii), (xvi)} to ~~(x)~~^(xv) are true to my personal knowledge and paras ~~(vii)~~^(x) to ~~(x)~~^(xvi) believed to be true on legal advice and that I have not suppressed any material fact.

Dated : 9.7.90

SIGNATURE OF THE APPLICANT

Place : Lucknow.

३४१२३२ अ/१०

Central Bench at Lucknow
C. O. T. Registration No. of 1990
Applicant/Relatives
Kishan Maurya - - - - - Respondents Enclosed
and others - - - - -

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फ. नं. ३८२ दिनांक १२-४-८३

‘**महाराजा राजेन्द्र नारायण राजा** के पक्ष हेतु विवाह’

..... शाया बुद्धिवार के अतिरिक्त विद्यार्थी
में वे वे दो वान जो नहीं विद्यार्थी विद्यार्थी नहीं हों
। जो विद्यार्थी जो आवेदन करता है वह विद्यार्थी हो। वह
विद्यार्थी जो इस द्वारा दें भवानी विद्यार्थी विद्यार्थी हो जो उन्हें जानता
। विद्यार्थी जो भवानी भवानी/जानते वह विद्यार्थी विद्यार्थी हो। विद्यार्थी
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Atmospheric Teleology

1950s

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Supra Central Hellu sub judice Tribune (State bench Allahabad)
Circuit Bench at Lucknow
C. of Registration No. 1290
Smt. Kishoreya - - - - - of 1290
vs. M. P. General and others, - - - - - Appellant/Plaintiff
Respondents Enclosure No. 2 (P.A.T.O.)

397 157
7-20
Smt. Kishoreya
M. P. General and others
Smt. Kishoreya
5/4/1959
Attest to True Copy
Smt. Kishoreya

2. The Central Arbitration Tribunal (oldal branch Allahabad)

Crescent Beach at Lucknow

0-17 Registration No.

Sewa Raja Aditya - - - - - of 1590 Appellant/Defendant

412

THE SONG OF SONGS

କେବା ବାହୁ କରାନ୍ତି, କେବା ବାହୁ

प्र० :- पूर्ण, उप छात्र जीवत, जिन फैलावाद में छात्रावाल
की नियुक्ति में कोई गई अनियमितता औं में लंबाठी हो ।

卷之三

प्रभु निषेधम हीँ ग्राम जीवत शाश्वत आश्वर जीवत जीवा
आश्वर में आश्वाम का पद रिक्त है जिसे भरे जाने के लिए निम्नाम
आश्वर रोपनार भार्यालिय से नाम माँगा गया था और उसके आधार पर
१००० जीवत के तीन व्यापिलियों तर्वं भी धूमधूम पात्र एवं शुद्ध मंगल आश प्राप्त
के बाद आवेदन पत्र व प्रयत्न से भगवन्निया निर्देश मेले गये हैं। इनमें से शुद्ध मंगल
के प्रदर्शन कार्य का तो नहीं और धूमधूम पात्र आश प्राप्ति की नियुक्ति की
कोई भी विवर नहीं द्वारा दिया गया है। ज्ञाति प्राप्ति का फलमें संतुलनक तरिका, जो
प्राप्ति को लभी कर्ता लो पूरा करता है, समय के अन्दर जापके भावायात्र में
दिया जाता है। प्राप्ति ग्रा. जीवत का भूल निषाती है उसने भास्म के भाव
को छोड़ा, भगवन्निया व्यापिलियों का प्रतिप्रुमाण पत्र में दिया था लिम्नु
प्रभु लिरोदिल अश्वरपुर, फजाबाद ने उसा पद पर नियुक्ति के लिये भी रवै-प्र
वद्य लियारी के नाम की सन्तुति स्मरणों के बल पर भेज दी जप १८ वां विद्व
लियारी ग्रा. जीवत के न तो निषाती है, न उसे रोकनार भार्यायात्र में इनका
नाम भी भेजा गया था। इनका घर ग्रा. जीवत से १५ लि.गा. दूर लिम्नुप

ज्ञान: आपके पास पहुँच प्राप्ति पर्याप्त आवश्यक ते प्रेषित है तो आप उसके लिए जारी करो ते जो गई नियुक्ति की जरूरत उसके उपरित आवश्यक हो उसने जो उपरित करें। उपरा प्राप्ति की उपलब्धतार सुनियत करें।

474

દિનાંક 10-7-89

मेधाराम भाई,
ग्रा. जीवत, पा. जीवा, जिला फला

સાંઘિકીય । - દોષે માટે જાળ પાત્ર

Attested True Copy

13

48

Dr. G. C. Central Helpline, District-wise Tribunals (total bench Allahabad)

Crescent Beach at Lucknow)

0.1) Registration No. -

Set to a New Address - - - - - of 1990
Applicant/Retiring

R. P.-51 (.)

142 Stamps affixed except in case of unis- Ks. P.
tered letters or not more than the initial *Date-Stamp*
weight prescribed in the Post and Telegraph
Guide on which no acknowledgment is due.

Received a V. P. registered*
addressed to
.....

586

To be deleted (only when the article is to be inserted; otherwise to be crossed out by means of two diagonal lines.)

1. Amount for Rs. (In figures)

K. P.-51 (3)

1322 Stamps affixed except in case of uninserted letters of not more than the initial Date-Sign
postage prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Received 10/14/88. Registered
10/14/88 by *John G. Steiner*

56

to be filled in only when the article is to be used. Otherwise, to be crossed out by means of two diagonal lines.

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Attested True Copy

✓ 14011

(A/C)

In the Central Administrative Tribunal (Old Bench Allahabad)
 Circuit Bench at Lucknow
 O.P. Registration No. 1990
 Sewa Karm Akharya - - - - - of / 1990
 Post Master General and others, - - - - - Appellant/Plaintiff
 पुरातन अधिकारी, - - - - - Respondents Enclosure 1
 न्यायालय मण्डल, फैजाबाद । No. 5

विवर में

पुरातन अधिकारी,
 न्यायालय मण्डल, फैजाबाद ।

विवर :- शास्त्रीय बाबूपाल जीवत में डाकपाल के पद पर नियुक्ति में को गई अनियमितता और उसमें तमन्द में 10.7.89 को भेजे गये पत्र का अनुमारण ।

प्रतीक्षा

विवर निवेदन है कि ग्राम जीवत, गाँवा डाकपाल जीवत जिला फैजाबाद में ग्राम डाकपाल की नियुक्ति के तमन्द में ही अनियमितता और जानकारी दर्शकी 10 जुलाई 89 के पत्र द्वारा ही गई थी किन्तु आज तक उक्त तमन्द में अधिकारी को नहीं को गई है। अनियमित दंग से नव नियुक्त डाकपाल को अधिकारी द्वारा दिया गया था, डाकपाल के लायकिय द्वारा मकान तलाश रहे थे किन्तु दूसरे गवाही में कहीं भी मकान उन्हें नहीं मिला। अबोकनगर जीवत पौरहे पर दूसरे गवाही द्वारा मकान पर जहाँ प्राची भी उपरिधित था, वह रहे थे कि दूसरा पात्र द्वारा नीतीरी भी मिली तो सबता है कि मकान न मिलने से डाकपाल यहाँ नहीं रहे गए थे। यह रहे हैं डाक नियोक्त तो मिलेगे ग्राह जैसे ₹10,000/- वर्ष का है और यह रहे हैं दूसरे लोगों द्वारा स्वयं और खर्च करके उनको सहमति तो उपने गाँव में डाकपाल बनासने ।

आपके पात्र यह अनुमारण इस ग्राम ये देखित है कि आप अनुमारण 1990 के 15 दिन के अन्दर ही ड्राक्टायर की जांच दराके उचित कार्यपादी की ही रूपा करेंगे और तापामुखी प्राची को भी सूचित करेंगे अन्यथा यह मानव आप भी अधिकारी द्वारा ड्राक्टायर को नियुक्त करने के छद्म नहीं हैं, प्राची बाद यहीं अधिकारी की गरण लेगा जिसकी समूर्ण जिमीदारी आप एवं आपके अपनों द्वारा होनी ।

पुरातन 16.8.89

प्राची

४० नेवाराम मौर्य

पुरातन :- पौर बाहुदर जनरल, लखनऊ ।

Attested True Copy
 (Signature)

15

(P20)

In the Central Home Jurisdictional Tribunal (Civil Bench Allahabad
 Circuit Bench at Lucknow)

Case Registration No. - 1977 of 1990

Applicant/Relating
 to a Ram Narayan - - - - -
 Post Master General and others - - - - - Respondents Exclusion No 6

5.60

R. P.-51 (a)

1. P. **1977** Stamps affixed except in case of uninsured - Rs. P.
 red letters of not more than the initial Postage Stamp
 weight prescribed in the Post and Telegraph
 Guide on which no acknowledgment is due.

Received a V. P. registered*

addressed to.....

5.60

Write here 'letter', 'parcel' or 'railway receipt'
 of Receiving Officer with the word 'insured' before it when necessary.

To be filled in only when the article is to be insured; otherwise
 to be crossed out by means of two diagonal lines.

Insured for Rs. (in figures) (in words)

weights	rates
---------	-------

P (in words)

grams

1976 Stamps affixed except in case of uninsured - Rs. P.
 red letters of not more than the initial Postage Stamp
 weight prescribed in the Post and Telegraph
 Guide on which no acknowledgment is due.

Received a V. P. registered*

addressed to.....

5.60

Write here 'letter', 'parcel' or 'railway receipt'
 of Receiving Officer with the word 'insured' before it when necessary.

To be filled in only when the article is to be insured; otherwise
 to be crossed out by means of two diagonal lines.

Insured for Rs. (in figures) (in words)

weights	rates
---------	-------

P (in words)

grams

Attested True Copy

(Signature)

16
Court Bench at Bangalore
File Registration No. of 1990
S. L. Ram Ayyar v. - - - - - Appellant/Relator
State of Karnataka and others, - - - - - Respondents Enclosure No. 7

21/1/95.

File No. 3181/21/95.

11/1/95.

Information - 21/1/95. The following facts are given in the order
of 20/9/95. 1.

11/1/95.

11/1/95. The following facts are given in the order of 20/9/95.

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11/1/95. The following facts are given in the order of 20/9/95.

Attested Free Copy

(422)
10/10/91

In the Central Administrative Tribunal Addl. Bench Alld.
Circuit Bench at Lucknow.

C.L. Application No. 587 of 1991

In re:

O.A. No. 213 (L) of 1990

Sewa Ram Maurya Applicant
Versus.
P.I.G. & others Respondents.

APPLICATION FOR ENTERI. RELIEF

For the facts and circumstances stated in the accompanying affidavit as well as in the original application it is most respectfully prayed that the Hon'ble Tribunal may kindly be pleased to direct the respondents nos. 2 and 3 to take the work from the applicant and pay the emoluments thereof regularly.

(P. N. TAD)
Advocate,

Counsel for the applicant

Dated: 19.9.91

Lucknow.

19/9/91

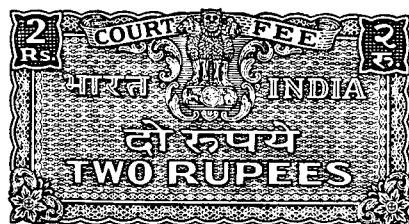
30/9/91

In the Central Administrative Tribunal, Addl. Bench

ALLAHABAD

Circuit Bench at Lucknow.

O.A. No. 218 (b) of 1990



1991
AFFIDAVIT
72
HIGH COURT
ALLAHABAD

Sewa Ram Maurya Applicant/deponent

Versus

P.M.G. & others Respondents.

SUPPLEMENTARY AFFIDAVIT

I, Sewa Ram Maurya, aged about 35 years, son of late Sri Devi Prasad Maurya, resident of village Jiwat, Post Office Jiwat (Kichhauchha), District Faizabad, the deponent do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the applicant in the above mentioned case and as such he is fully conversant with the facts of the case deposed to hereunder:-
2. That the abovementioned case has been filed by the applicant/deponent against the irregular and illegal appointment of the respondent no. 4, made by the respondent no. 2, against which the applicant represented to the respondent Nos. 1 and 2 but of no avail, then the applicant filed the abovementioned case.
3. That the counter affidavit filed on behalf of the respondents nos. 1 to 3 on 14th November 1990 and

contd. on ?

सेवा राम मार्या

P.W.D.

rejoinder affidavit too, to the counter affidavit, has also been filed by the applicant in the month of December 1990. No counter affidavit has been filed by the respondent No. 4 till date.

4. That the deponent has come to know that the respondent No. 3 issued a letter on 11.7.91 asking respondent no. 4 hand over the charge to Sri Raj Deo Yadav (E.D.M.P. Jiwat) and accordingly he handed over the charge on 16.7.91. It is worth-while to mention that the post of E.D.B.P.M. Jiwat, Faizabad has been lying vacant and previously too the respondent No. 4 had opened the office at Kichhauchha in lieu of Jiwat. As such the deponent is entitled to hold the post of E.D.B.P.M., Jiwat, Faizabad. The photostat copies of the order dated 11.7.91 issued by respondent No. 3 and charge list dated 16.7.91 is being enclosed as Inclosure 'a. S.A-1 and S.A-2.

5. That in the abovementioned circumstances the post of E.D.B.P.M., Jiwat, Faizabad being vacant, only the deponent is entitled to hold the post in question.

Deponent
6. That in the facts and circumstances stated in the instant supplementary affidavit, it is necessary and expedient in the interest of justice that the Honourable Tribunal may kindly be pleased to direct the respondents nos. 2 and 3 to take off the work from the applicant/deponent on the post of E.D.B.P.M., Jiwat, Faizabad and pay the emoluments thereof regularly.

Dated: 19.9.91

रायपाटी मैरा
Deponent

Lucknow.

(3)

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of paras 1 to 7 of the above affidavit are true to my personal knowledge and belief and information derived believed to be true. No part of it is false and nothing material has been concealed.

So help me God.

Signed and verified this 19th day of Sep 1991
in the Court compound at Lucknow.

Depon ent.

I identify the deponent who
has signed before me.

(Prahlad)
Advocate.

2000-01-01
-79 + 618
2000-01-01

in the Central Administrative Tribunal Bench - Bench of Madhya Pradesh
Circuit Bench at Lucknow

C. A. No 218 (L) of 1990

Sewa Ram Manya - - - - - Applicant A20

P.M.G and others - Enclosure No. 5A-1 - - Respondents

25 February

સાયનસી. ૩/ માનવસત્તુને નિર્ધારિત કરું. ૧૧.૭.૮૧

ଶ୍ରୀକାନ୍ତିର୍ଦ୍ଦେଵ ହାତୋର୍ମଲ୍ୟକ କରିପାରିବା, ୩୧, ଏବି-କ୍ଷର୍ମପାରିଷ-ଶ୍ରୀକାନ୍ତିର୍ଦ୍ଦେଵ

पाल लक्ष्मणपुर (लखारी) के शासनाम, तो लक्ष्मणपुर द्वारा कृष्णगढ़ द्वारा लिखा कैसालिक वराहा का नाम था यद्यपि वाराहा जो कृष्णी है तो कृष्णी है यह वाराहा ने गिरि द्वारा लालू रखा था।

શ્રી રામાંદુરાંનાથ તિળાલી પ્રદેશાંતર પદ્ધતિ કાર્યક્રમ કિનારે-બાળાદ
કાર્યક્રમ પરે કાળિશરમ હુદ્દુ કે કે | ગીતાનાનાંક સાંગ્રામ-બાળ-
બાળકુની આદ્યાત્મા તાત્ત્વ હીનું પ્રશ્નાનીં દેખાણા હુદ્દુ- શ્રીનાનીં હીનીં
બાળ વિનાનીં શ્રીનાનીં

मी ताके अद्यत द्वितीय वर्षीय वीना अपने ४२ वर्ष सुनारप प्रतीक्षित
दें। १४ लघु दो दिनों रात्रि वीना अपने ४२ वर्ष सुनारप प्रतीक्षित
दें। वीना द्वितीय वर्षीय वीना अपने ४२ वर्ष सुनारप प्रतीक्षित
दें। वीना द्वितीय वर्षीय वीना अपने ४२ वर्ष सुनारप प्रतीक्षित
दें। वीना द्वितीय वर्षीय वीना अपने ४२ वर्ष सुनारप प्रतीक्षित
दें।

ଶ୍ରୀମତୀ.

✓ 10. 46. 14

1-3 ~~infra~~ 9/11/1

6. *Dipteron* *annulat* *h* *chrysanthemum* *per* *h*
21 *201*

5. **ગ્રંથ નિબિદી સાચાં કરીને ખેલાંનો**

6. សាខាអាមេរិក (សាខាអាមេរិក)

2. 3118 1231

T.C
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in the Contd: Administrative Tribunal Allah. Bench at Allahabad
Circuit Bench at Lucknow

C. A. No. 218 (L) of 1990

Sewa Ram Maurya - - - - - vs. - - - - - Applicant (P)
P. M. G and others - Enclosure No. 5A - 2 - Respondents

ਇਸ ਵਿਆਹ ਵਿਖੇ ਤੁਹਾਨੂੰ | ਤੁਸੀਂ ਜੇਹੇ ਹੋਣੇ ਵਾਲੇ | ਤੁਹਾਨੂੰ
ਚੁਕੇਂ (੨) ਜੇਹੇ ਹੋਣੇ ਵਾਲੇ | ਜੇਹੇ ਹੋਣੇ ਵਾਲੇ |

महाराजा ।

३४५ विद्या विदी ।

• श्रीमद वाच - वृत्ति एवं शीलिका

1. ~~function~~ 1-~~function~~ 1 ~~sign~~ 1

11

३५४ लोकार्थी

1 fig. 15.1.10.12.4.5.9.38.6.10.62.70.11.3.3.0.7.11.3.4.6.6.5.13.2.6.3.5.7.6.5.0

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124-2-9076 1-6-91

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C-100C 18-1470-24391 RD 242-9070 19-9-9070

3-5-11 4.10.09, 5.16.09 to 10.1.90, 14.7.90 to 30.6.91, 7.5.91, 11.1.

2.5 09/10 21-5-90, 1-6-90 TO 3-6-90, 1-7-91 TO 16-7-91

199200 21.7-8470 1316190 14-6 9072 26.12.40.26577 17.11.1992

6-1-8970 0-0930 0-0910 TDS 90 25012907216771

1980 TO UNTIL 16.7.91 DATED

15. 1 ବ୍ୟକ୍ତି । ବ୍ୟକ୍ତି । ବ୍ୟକ୍ତି ।

2. May 91955 (Received) A. A. H. B.
1955

1. साधा एवं साधन

ଶ୍ରୀ କମଳ ପାତ୍ରମାନଙ୍କ

66.791
16.7 91
E 217...

ଆଜ୍ଞା ପାଇଁ ବାହୀ କାହାରେ କାହାରେ

R22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

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

In

O.A.No.218 of 1990(L)

22/01/01
Sewa Ram Maurya Applicant/Petition.

Versus

Union of India & Others Respondents.

I, *R.C. Misra* aged about 56 years, son of Shri *S. Misra* Senior Superintendent of Post Offices, Faizabad do hereby solemnly affirm and state as under :-

1. That the deponent has read the petition filed by Shri Sewa Ram Maurya & has understood the contents thereof. He is well conversant concernant with the facts of the case deposed hereinafter.
2. That it will be worth while to give a brief history of the case as under.

BRIEF HISTORY OF THE CASE

R.C. Misra The post of Extra Department Branch Post Master, Jeewat district Faizabad fell vacant due to "Removal from Service" of Sri Ravindra Nath. The local employment exchange was asked to send the list of the candidates to fill up the vacancy. Three candidates were sponsored by the employment exchange namely (1) Sri Dhunmun Yadav (2) Sri Shiv Mandal Prasad. (3) Sri Sewa Ram Maurya.

Contd...2/-

The applications were called for from the above candidates upto 01-5-89. Only the application of Sri Sewa Ram ~~Tiwari~~ was received. The applications of the other two candidates were not received. As per rules, minimum three candidates were necessary for the selection.

Shri Ravindra Nath who was a surplus Extra Department Delivery Agent of Lakhapur and was willing for appointment to the post of Extra Department Branch Post Master, Jeewat was appointed to the post vide Memo dt.10-1-90. He has managed a room for the Post Office in the main village Jeewat. Feeling aggrieved by this appointment the applicant has come before this Tribunal for relief.

PARAWISE COMMENTS

3. That the contents of paras 4(1) and 4(ii) of the application are admitted.

4. That in reply to para 4(iii) it is stated that the application of the applicant was received while the application of other two candidates sponsored by the Employment Exchange were not received.

5. That the contents of para 4(iv) are not in the knowledge of the deponent, hence no comments are offered.

6. That the contents of para 4(v) are denied. No assurance was given to the applicant.

7. That the contents of para 4(vi) are admitted. Shri Ravindra Nath Tiwari was a surplus Extra Department employee and had given his willingness for the post of E.D.B.P.M, Jeewat.

His application was forwarded for appointment to the post by the Sub Divisional Inspector, Akbarpur, district Faizabad, Respondent No.3 (Annexure R-1).

8. That in reply to para 4(vii) it is stated that Shri Ravindra Nath Tiwari is the resident of village Lakhapur and managed to provide a suitable room for the Post Office. His application for appointment was forwarded by the Sub-Divisional Inspector, Akbarpur, district Faizabad.

9. ^{4(viii) ✓} That in reply to para 4(ix) it is submitted that Shri Ravindra Nath Tiwari was rendered surplus. According to departmental instructions, for absorption of surplus Extra Department employees, it is not necessary that their names should be sponsored by Employment Exchanges. A surplus/retrenched employee is given preference over all the other candidates for the post.

10. That the contents of para 4(x) are not in the knowledge of deponent; hence denied. However, it is submitted that Shri Ravindra Nath Tiwari being surplus Extra Department Agent was absorbed on the post of E.D.B.P.M., Jeewat in compliance to the Director General, P&T letter No.43-4/77-Pen, dt. 23-2-1979. Regarding payment of bribe money of Rs.10,000/- by Shri Ravindra Nath Tiwari for his appointment as alleged in the answering para is denied. An enquiry was made into the complaint made by the applicant. The allegations were found to be false.

11. That the contents of para 4(xi) are admitted to the extent that an enquiry was made by the complaint Inspector

Contd... 4/-

R.C. Misra

X

of Faizabad division in the month of January 1990 but all the allegations made by the applicant in the complaint were found to be false. Rest of the contents are denied.

12. That in reply to para 4(xii) it is stated that no further action on the representation of the petitioner dated 12-2-90 was called for as on the post under dispute a surplus E.D. employee was being absorbed.

13. That the contents of para 4(xiii) are denied. Shri Ravindra Nath Tiwari who was appointed as E.D.B.P.M., Jeewat vide Memo dt. 10-1-90 took over charge of the Branch Post Office on 23-1-90 and has been working as such since then. Shri Ravindra Nath Tiwari has provided suitable accommodation for the post office in the house of Shri Jagdish Prasad Yadav of Jeewat.

14. That in reply to para 4(xiv) it is stated that the appointment of respondent No.4 on the post of E.D.B.P.M., Jeewat was made in accordance with Director General P&T letter dt. 23-2-79 referred to in para 10 above.

15. That in reply to para 4(xv) and 4(xvi) it is stated that in the present case Shri Ravindra Nath Tiwari was absorbed on the post E.D.B.P.M., Jeewat as he was surplus Extra Department Agent of Lakhnupur. His appointment was made in accordance with department's instructions. There was no violation of any rule whatsoever.

16. That in reply to para 4(xvii) it is stated that Shri Ravindra Nath Tiwari was appointed on the post of E.D.B.P.M.

in compliance of the departmental instructions referred to in para 10 above.

17. Para-wise comments on grounds of relief contained in para 5 of the application are furnished below:-

5(1):- Respondent No.4 belonged to preferential category and was, therefore, appointed.

5(ii) & 5(iii): Contents denied. Submissions made in reply to para 5(i) above are re-iterated.

5(iv) & 5(v): Contents not denied.

5(vi):- The appointment of respondent No.4 has been made in accordance with the instructions of the department on the subject and he has been thus absorbed on the post of E.D.B.P.M., Jeewat in compliance to D.G.P&T letter No.43-4/77-Pen. dated 23-2-79.

18. That the contents of paras 6 and 7 need no comments.

19. That in view of the submissions made in the above paragraphs, the relief sought for in para 8 and interim relief prayed for in para 9 of the application are not admissible.

20. That the contents of para 10 and 11 need no comments.

* R.C. Misra

(DEPONENT)

// 6 //

(A23)

-: VERIFICATION :-

I, the above named deponent do hereby verify that the contents of paras 1 of this affidavit are true to my personal knowledge and those of paras 5/- are believed by me to be true based on records and as per legal advise of my counsel. That nothing material facts has been concealed and no part of it is false, so help me God.

Signed and verified this the 14th day of Nov
1990 within the court compound at Lucknow.

Lucknow:

Dated : 14-11-90

(DEPONENT)

I identify the deponent who signed
before me.

J. L. (Lalji)
(ADVOCATE) 14/11/90

14/11/90
C. C. M. 14/11/90
C. C. M. 14/11/90

Sen. Ram Manohar of India & Obs.

ਸ੍ਰੀ ਮਾਨੁ ਪ੍ਰਵਰ ਡਾਕ ਅਧੀਕਾਰ ਪੈਜਾਬਾਦ ।

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श्रीमान् डाक निरीक्षक महोदय, अकबरपुर शूरीः।

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महोदय,

निवेदन है कि प्राथीं ग्राम व पोस्ट लखनपुर बस्खारी, फैजाबाद का छूल निवासी है, प्राथीं डाक निरीक्षक अफबरपुर पूर्वी के आदेश सं०स/लखनपुर दिनांक 18-1-84 के अनुसार ही०डी०डी०८० लखनपुर बस्खारी पद पर नियुक्त किया गया था। यह पद श्री दलसिंगार ही०डी०डी०८० के पुट आफ दियूठी होने=के फलस्तर्ला सिक्कत हुआ था। प्राथीं ने दिनांक 21-7-83 से 9-1-88 तक लगातार इस पद पर कार्य किया। श्री दलसिंगार के पुनः सेवा में बास आ जाने के कारण प्राथीं को इस पद से हटा पड़ा।

प्राथीं इस प्रकार नार वर्ष से अधिक सेवा कर लेने के बाद भी छठी शूदा हो गया प्राथीं जब बेरोजगार हो गया है। प्राथीं की जाएँ 30वर्ष से उमर हो जाने के कारण अन्यत्र वे सर्वेस नहीं मिल सकती हैं। अतः एकमात्र सहारा डांक विभाग से ही है।

पृथी अस्थाई रूप से जीवत डाक्यर के ई0डी0सगपी0 पद पर कार्य कर रहा है, लों दि यहाँ ई0डी0सगपी0 अन्यत्र आधा डाक्याल के पद पर कार्य कर रहा है। दस्तके वापस आने पर पृथी को पुनः पद छोड़ना पड़ेगा।

जैसा ब्रात है कि शाखा डॉक्याल जीवन का पद स्थाई रूप से खाली है, प्राथी घरह से डाक्यर से भात्र लगभग नौ किलोमीटर दूर है। इस पद पर प्राथी सुगमता से भौथ ले सकता है। शाखा डॉक्याल का शार्य करने वा अनुभव प्राप्त है। ये कि दिनांक 19-11-84 से 21-11-85 तक शाखा डॉक्याल लखनपुर जा कार्य वर चूका है। प्राथी इसके लिए उपित योग्यता भी रखता है।

अतः श्रीमान् जी से करकू प्रार्थना है कि प्रार्थी को शाखा डाक्याल
जीवत किंशुष्ठा पद पर स्थाई नियुक्ति देने की मुमा करें, ताकि प्रार्थी अपने परिवार
का भरण पोषण कर सकें, महान् मुमा होगी ।

नोट:- नियुक्ति लापन की जोरों स्ट्रेट प्रतिलिपि भी ऐस्थित है ।

7. C. Maria

Fatigue
15/4/029

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॥रवीन्द्र नाथ ॥

F 21-2-91
P 35

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

----- M. P. N. 14/41(L, 5)

O. A. No. 218 (L) of 1990

Sewa Ram Maurya Applicant
Versus.
Post Master General & others Respondents.

APPLICATION FOR CONDONATION OF DELAY

It is most respectfully submitted as under:-

1. That due to some unavoidable circumstances the undersigned could not file the rejoinder affidavit within time, but the delay is neither intentional nor deliberate and the case has not been adjourned due to such delay.

Prayer

Wherefore, it is most respectfully prayed that the Hon'ble Tribunal may kindly be pleased to condone the delay in filing rejoinder affidavit.

Dated: 31-1-91
Lucknow.

—, S. M.
(Prahлад)
Advocate,

Counsel for the Applicant/
petitioner.

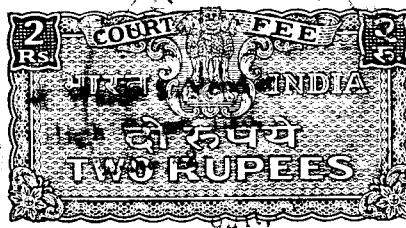
Delay
S. M.
6/1/91

(K)

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

O. A. Registration No. 213 (L) of 1990

1990
AFFIDAVIT
77/1019
HIGH COURT
ALLAHABAD



Sewa Ram Maurya

.....

Deponent/petitioner-
Applicant.

Versus.

Post Master General & others.... Respondents.

REJOINDER AFFIDAVIT, TO THE COUNTER AFFIDAVIT

OF PLAINTIFF NO. 1 TO 3, ON BEHALF OF THE

APPLICANT/PETITIONER.

I, Sewa Ram Maurya, aged about 34 years, son
of late Sri Devi Prasad Maurya, village & Post Jiwat,
district Faizabad, the deponent do hereby solemnly
affirm and state on oath as under:-

1. That the deponent is the petitioner-applicant
in the above-noted case and as such he is fully
conversant with the facts of the case deposed to
hereunder:-

2. That the contents of para 1 of the counter

contd. page... 2

affidavit (hereinafter mentioned as the counter) need no comments.

3. That the contents of para 2 of the counter including brief history as narrated in the counter are misconceived hence not admitted as stated. It is submitted that the ~~expenditure~~^{appointment} of Respondent no. 4 for extra departmental staff have deliberately been ignored by the authorities concerned. It is added that two different and different persons are named as Ravindra Nath, Ravindra Nath as referred to in the first sentence in the brief history is not the same person who has been given illegal appointment. As per instructions of D.G.P. & T. letter no. 43-233/84-Pen. dated 1.5.1986, the names of 3 candidates as referred to in the brief history as well as in para 4 (iii) of O.A. No. 218(L) of 1990 (hereinafter mentioned as the case) who were sent by the Employment Exchange. From the averments made in the counter it is obvious that the other 2 candidates were not willing for being appointed. In these circumstances it was incumbent upon the authorities concerned to appoint the deponent against the post in question. In case the authorities were anxious to make a show of selection then they were bound to adhere to the instructions dated 1.5.1986 as referred to hereinabove which provides that in scarcity of the candidates from the Employment Exchange the vacancy should be notified through

W.S. 112/140

public advertisements and while making the final selection, the comparative merit of all candidates i.e. who respond to the notification as also those sponsored by Employment Exchange should be taken into consideration. It is worth-while to mention that Avindra Nath i.e. Respondent no. 4 was not included in the names sent by Employment Exchange and no selection for the appointment on the post in question has been held as per rules till date. It is further added that Respondent no. 4 could not manage a room for the Post Office in village Jivat as yet.

4. That the contents of para 3 of the counter need no comments.

5. That the contents of para 4 of the counter are misconceived hence not admitted as stated. The contents of para 4(iii) of the case are re-iterated.

6. That the contents of paras 5 and 6 of the counter are wrong, false and misconceived hence denied. It is submitted that the address of the deponent was clearly mentioned in the application and during the enquiry the authority concerned visited the residence of the deponent too. It has not been mentioned in the counter anywhere as the deponent does not fulfil the eligibility criterian.

15/12/19

The contents of para 4(iv) of the case are re-iterated

7. That the contents of paras 7 to 9 of the counter are misconceived and not correct as stated hence not admitted as stated. It is submitted that the respondent no. 4 was not at all eligible for being appointed on the post in question. Even the rules regarding absorption of surplus E.D. agent on the waiting list do not provide the appointment of any such agent on the higher post. Regarding to D.P. & T. letter no. 43-4/77-Per dated 23.2.79 the recruitment from outsiders is made when surplus agents are not available. As it has been mentioned in the counter itself that the names were asked from Employment Exchange, it shows that no eligible person from the waiting list of surplus E.D. agent was available for being appointed on the post in question. The initiation of the process of the recruitment eliminates any chances of any preference for Ex. E.D. agent and that too of the lower status. The contents of paras 4(vi) to 4(ix) of the case are re-iterated.

8. That the contents of paras 10 and 11 of the counter are misconceived, not correct as stated and are contradictory to each other hence not admitted as stated. It is submitted that the applicant/deponent has not been served with any decision regarding his representations contained

in Annexures nos. 3, 5 and 7 to the case till date. The deponent has not been allowed even to listen the statement of the owner of tea-stall and he was not allowed to cross-examine him. It is worthwhile to mention that no enquiry report is on record to suffice the contention made in the counter. The contents of paras 4(x) and 4(xi) of the case are re-iterated.

9. That the contents of para 12 of the counter are misconceived and not correct as stated hence not admitted as stated. The contents of para 4(xii) of the case are re-iterated. In this regard the

contents of paras 3 and 7 of the instant rejoinder affidavit may also be perused.

10. That the contents of para 13 of the counter are false and misconceived hence denied. The contents of para 4(xiii) of the case are re-iterated.

11. That the contents of paras 14 to 16 of the counter are misconceived and not correct as stated. The contents of paras 4(xiv) to 4(xvi) of the case are re-iterated. In this regard the contents of paras 3 and 7 of the instant rejoinder affidavit may also be perused.

12. That the contents of para 17 of the counter

(JUL)

are misconceived and not correct as stated. The contents of para 5 of the case are re-iterated. In this regard the contents of paras 3 and 7 of the instant rejoinder affidavit may also be perused.

13. That the contents of para 19 of the counter need no comments.

14. That the contents of para 19 of the counter are wrong and misconceived hence denied. The contents of para 9 of the case are re-iterated.

15. That the contents of para 20 of the counter need no comments.

Dated: 9/12/90

Deponent.

Lucknow.

Verification

I, the above named deponent do hereby verify that the contents of paras..... of the above are true to my personal knowledge and belief while those of the paras..... are based on record and the 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 9th day of December 1990
in the court compound at Lucknow.

Deponent.

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

ADVOCATE:
Sh. S. A. Adv.

Solemnly affirmed before me on 9-12-90

at 5.00 PM, by the defendant Sri Srin Ram Mehta,

who is identified by Mr Pratilad Advocate
High Court, Allahabad Bench, Lucknow.

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

Vishwakar

Advocate in Law

High Court Allahabad

From 9.00

77/1019

9/12/90

VS
9/12/90