

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, .....BENCH

OA/TA/RA/CP/MA/PT .218/90..of 20.....

S. R. Moorthy Applicant(S)

Versus

G. O. S. Respondent(S)

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Certified that the file is complete in all respects.

B.C. file checked & disapproved  
Signature of S.O. [Signature]

[Signature]  
22/6/12  
Signature of Deal. Hand

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW .

.....

INDEX SHEET

CAUSE TITLE C.A. 218 of 1990 (U)

Name of the parties \_\_\_\_\_  
S. R. ~~San~~ Maurya Applicant.

- Versus.

Union of India Respondents.

Part A.B.C.

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16.12.90

21.8.90

(3)

12.9.1990

No sitting adjourned to 21.8.90

No sitting adjourned to 12.9.90

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 respondents 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/

Vakalatnama filed

23.9.90, notice issued on behalf of Rpt. No 1-3.

J. Nath

Dates 23/9/90

Notice issued Res. No. 24-9-90

OR

Dr. D. Chandra accepts notices on behalf of O.P. No 1 to 3 on 23.9.90. 4 also files vakalatnama but no reply filed. Notice was issued O.P. No 4 on 24.9.90. Neither reply nor any counsel repd case has been return back. S.P.H

12/11/90

CA/RA filed

07/11/91

See original order on main petition

14/11/90

Hon. Mr Justice K. Nath, VC  
Hon. Mr. M.Y. Pralhar, AM.

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.

AM.

V.C.

(5) b

19.12.90

(6)

21.2.91

(7)

26.3.91

(8)

31.5.91

No sitting adj to 21.2.91.

No sitting adj to 26.3.91.

No sitting adj to 31.5.91

No sitting adj to 30.8.91

(A2)

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<sup>in</sup> in respect of the Extra Departmental Branch Post Master, Jiwat Faizabad which fell vacant with the removal<sup>from</sup> of service of in-cumbent<sup>the</sup>. 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<sup>who</sup> who has been appointed was surplus Extra Departmental Delivery Agent of Lakhanpur which is situated at the distance<sup>of</sup> 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/ried to justify the said appointment on the ground that of course notwithstanding <sup>but</sup> with the fact, 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 item no.(iv), the recruitment of outsiders to the post of ED Agents, other than ED BPMs/ED SMPs should not be made until all the surplus/displaced ED Agents on the waiting list are re-employed or they refuse the <sup>other</sup> ~~order~~ of re-employment."

These rules indicate 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

(144)

counter affidavit that in Lakhanpur 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 case 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 <sup>given</sup> <sup>2</sup> 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 <sup>1</sup> ~~may~~ 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.

  
MEMBER (A)

  
VICE-CHAIRMAN.

9th December, Lucknow.

(sph)

AS

"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. Faizabad.

I N D E X

1.1.....	.....	
S.No.	Description of the documents Relied upon.	Page No.
1.	Application	1-9
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Noted for 16.7.90

Signature of the Applicant

FOR USE IN TRIBUNAL'S OFFICE

Date of Filing .....  
or  
Date of Receipt.by.post .....  
O.A. Registration No.....

Signature  
For Registrar

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

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

SME

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 - Lakhanpur,  
Distt. Faizabad. .... Respondents

Details of Application.

1. Particulars of the order against <sup>which</sup> 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')  
was only his application was complete as per necessary  
requisites in accordance with Section III - MODE OF  
RECRUITMENT <sup>of the</sup> ~~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 - Lakhanpur

Contd.....2.

सेवा राम मौर्य



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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

29/12/2011

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 ~~ins~~ 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<sup>posi</sup>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 Lakhanpur which is located ~~at~~<sup>✓</sup> a distance of about 15 K.M. from Jiwat.

- (viii) That the appointment of Respondent no. 4 to the post of EDBPM Jiwat is <sup>o<sup>2</sup></sup>vilative <sub>k</sub> 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 <sup>been</sup> <sub>k</sub> done in <sup>9</sup>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 <sup>2</sup>inclined ~~to~~ to have him as a tenant and as such he could not arrange a house for purposes of the post office. But the <sup>2</sup>inhabitant of the village were discussing that at a tea stall he was saying amongst several persons as nothing will result adversaly 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~~<sup>3</sup> 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~~<sup>by</sup> facts the representation and <sup>2</sup>reminders were sent <sub>k</sub> the <sup>2</sup>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~~ <sup>officer</sup> 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 ~~attached~~ <sup>attached</sup> enclosed as Encl.No.7.
- (xiii) That evenafter 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 EDBFM as yet.

Contd.....6.

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- JH
- (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<sup>6</sup> 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 ~~is~~ 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~~ Patna High Court has held that recruitment should be made only in <sup>2</sup>prescribed manner.
- (xvii) That <sup>9</sup>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 <sup>2</sup>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.

सुप्रीम कोर्ट

- (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<sup>ble</sup> 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 aforementioned 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 (1) 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 <sup>V</sup>EDPM 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~~ 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 <sup>applicant</sup> to the Senior Superintendant 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.

(A13)

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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<sup>th</sup> 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.....

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Aiu

11. LIST 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. Vakalatnama
9. Postal Order

VERIFICATION

VERIFICATION

I, Sewa Ram Maurya Son of ~~Sri~~ 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 (i) to (vii) <sup>(xiii), (xiv)</sup> are true to my  
personal knowledge and paras <sup>(xiv) to (xvi)</sup> (viii) to (x) 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.

सेवा राम यादव



... Tribune (that bench Alkabad)

Personal Bench at Lucknow

C. of Registration No.

8/ 1290

Rev. Rm. Murray - - - - -

not material and others -

Enclosure No 1

A15

117.14 - 117.15

Page 2

SECRET

4-11-70

62-117400-4001

पेनाशम मीर

ਪ੍ਰੀਤਵੀ ਪੁਲਾੜ ਮੰਚ

3111 + 910 - 51 11

पं. साख्यद

382 दिनांक फेब्रुवारी - 12-4-83

5/1/21

जीवन..... ज्ञाना - प्रकाश के अतिरिक्त निराला

॥ श्री गुरुभ्यो नमः ॥

1. 24. 11. 58 સો.સા. આયોજન ની નીચે આપેલે નામ ચેરમ પાડવા છે ।

[illegible][illegible]

01-5-89

.....

... ..

‘‘तुम जल्द ही फिर लौटो।’’

10-5

30/11/1971

1000

10-10-68

Attest: *Thelma J. [Signature]*

~~SECRET~~

\_\_\_\_\_

Central Administrative Tribunal Head Bench Allahabad  
Circuit Bench at Lucknow

CRT Registration No.

of 1990

Smt. K. K. Sharma

Applicant/Plaintiff

vs. Secy. to Govt. of U.P.

Respondents

Enclosure No. 2

ATG

397  
7-20  
1990  
11/4/52

Attested True copy  
[Signature]

Central Administrative Tribunal (H.A. Bench Allahabad)  
 Circuit Bench at Lucknow  
 O.A. Registration No. of 1990  
 Sewa Ram Sharma - - - - - Applicant/Petitioner  
 Post Master General and others - - - - - Respondents Enclosure No. 2

(AIX)

प्रति श्री. जिला हाकदार,  
 फैजाबाद मजिस्ट्रेट, फैजाबाद

विषय :- श्री. जीवत, उप हाकदार जीवत, जिला फैजाबाद में हाकपान  
 की नियुक्ति में की गई अनियमितताओं में काबजाही हेतु।

महोदय,

मनमोह निवेदन है कि ग्राम जीवत गाँव हाकदार जीवत जिला  
 फैजाबाद में हाकपान का पद रिक्त है जिसे भरे जाने के लिए विनाम  
 सेवा रोजगार कार्यालय से नाम माँगा गया था और उसके आधार पर  
 15.06.90 जीवत के तीन व्यक्तियों सर्व श्री दुमभुम यादव एवं सुब्र मंगल और श्री  
 के नाम आवेदन पत्र व पत्रों से सम्बन्धित निर्देश भेजे गये थे। इनमें से सुब्र मंगल  
 ने प्रवेश कार्य करा ही नहीं और दुमभुम यादव हाकपान पद की नियुक्ति की  
 जा रही है। जबकि प्रार्थी का पत्र तत्काल तैयार हो  
 नियुक्ति का सभी कर्तों को पूरा करता है, समय के अन्दर आपके कार्यालय में  
 भेजा जाय। प्रार्थी श्री. जीवत का भूल निवासी है उसने फार्म के साथ  
 प्रमाण पत्र, सम्बन्धित व्यक्तियों का पत्र प्रमाण पत्र भेज दिया था किन्तु  
 15.06.90 दिनांक अकबरपुर, फैजाबाद ने उक्त पद पर नियुक्ति के लिये श्री रवीन्द्र  
 प्रसाद सिन्हा के नाम की सन्तुष्टि स्मरणों के चल पर भेज दी जब कि श्री रवीन्द्र  
 सिन्हा श्री. जीवत के न तो निवासी है, न ही रोजगार कार्यालय में उनका  
 नाम ही रखा गया था। इनका घर श्री. जीवत से 15 कि.मी. दूर मजिस्ट्रेट  
 है।

अतः आपके पास यह प्रार्थना पत्र हस्त आशय से प्रेषित है कि आप  
 कृपया तुरंत लौटते ही की गई नियुक्ति की जाँच करके उचित कार्यवाही करने की  
 कृपया करें। तथा प्रार्थी की तत्पुनरावृत्ति सुचित करें।

प्रार्थी

दिनांक 10-7-89

आवेदक

श्री. जीवत, पो. जीवत, जिला फैजाबाद

1- पोस्ट मस्टर जनरल, जिला फैजाबाद

Attested True Copy  
 (Signature)

AB

Dr. B. C. Central Administrative Tribunal ( Allahabad Bench Allahabad )

Allahabad Bench at Lucknow

O.P. Registration No.

Smt. K. R. Sharma

of 1990

Applicant / Petitioner

vs. Manager General and others

Respondents

Enclosure No. 1

R. P.-51 (a)

1321

Stamps affixed except in case of unisu- Rs. P.  
red letters of 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 .....

..... \*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) .....

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

R. P.-51 (a)

1322

Stamps affixed except in case of unisu- Rs. P.  
red letters of 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 .....

..... \*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) .....

(In words)

Attested True Copy  


14

In the Central Administrative Tribunal (Addl Bench Allahabad)  
Circuit Bench at Lucknow  
O.P. Registration No. 1990

Sewa Ram Morya - - - - - Applicant/Petitioner  
Post Master General and Others - - - - - Respondents

Enclosure  
No. 5

देवा में,

प्रवर डाक अफिस,  
फैजाबाद मण्डल, फैजाबाद ।

विषय :- गाथा डाकघर जीवत में डाकपाल के पद पर नियुक्ति में की गई  
अनियमितताओं के सम्बन्ध में 10.7.89 को भेजे गये पत्र का अनुस्मारक ।

=====

सतींद्र,

विनम्र निवेदन है कि ग्राम जीवत, गाथा डाकघर जीवत जिला फैजाबाद  
में गाथा डाकपाल की नियुक्ति के सम्बन्ध में हुई अनियमितताओं की जानकारी  
आपकी 10 जुलाई 89 के पत्र द्वारा दी गई थी किन्तु आज तक उक्त सम्बन्ध में  
कोई कार्यवाही नहीं की गई है । अनियमित ढंग से नव नियुक्त डाकपाल  
की नियुक्तियों की जाँच, डाकघर के कार्यालय हेतु मकान तलाश रहे थे किन्तु  
जहाँ जहाँ भी मकान उन्हें नहीं मिला । अशोकनगर जीवत पौरदे पर  
एक मकान की दुकान पर जहाँ ग्राहकों भी उपस्थित था, कह रहे थे कि छूत पात  
के कारण मकान की माली तो समझते हैं कि भवन न मिलने से डाकघर यहाँ नहीं  
सुन पायेगा । अब रहे हैं डाक निरीक्षक से मिलेंगे और जैसे ₹10,000/- खर्च  
करेंगे उसे वह दो हजार रुपया और खर्च करेंगे उनको सहमति से अपने गाँव में  
डाकघर चलाएंगे ।

आपके पास यह अनुस्मारक हस्त आगत है प्रेषित है कि आप अनुस्मारक  
आपके 15 दिन के अन्दर ही झूठाचार की जाँच कराके उचित कार्यवाही  
की जायेगी और तत्पश्चात् ग्राहकों को भी सूचित करेंगे अन्यथा यह मानकर  
कि आप भी झूठाचार हस्त झूठाचार को निर्मूल करने के इच्छुक नहीं हैं, ग्राहकों का धन  
आपके अवाधायक की शरणा लेता जिसकी सम्पूर्ण जिम्मेदारी आप एवं आपके  
विभाग पर होगी ।

दिनांक 16.8.89

ग्राहक

हो तेवारा मौर्य

प्रतिनिधि :- पोस्ट मास्टर जनरल, लखनऊ ।


Attested True Copy  
(Signature)

A20


In the Central Administrative Tribunal ( Trial Bench Allahabad )  
Circuit Bench at Lucknow  
O.A. Registration No. 8/1990  
Smta Ksm. ~~Manjya~~ - - - - - Applicant / Petitioner  
Post Master General and Others - - - - - Respondents Enclosure No 6


5.60

R. P.-51 (a)  
1977 Stamps affixed except in case of unusu- Rs. P.  
red letters of 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..... Post Master General   
.....  
\* 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) .....  
weight | rates  
P ..... (in words) | grams

5.60 R. P.-51 (a)  
1976 Stamps affixed except in case of unusu- Rs. P.  
red letters of 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..... Post Master General   
.....  
\* 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) .....  
weight | rates  
P ..... (in words) | grams

Attested True Copy  


45.115

1222  
1224

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

C.A. Application No. 587 of 1991 / 12,

In re:

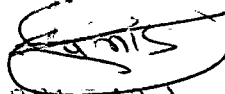
O.A. No. 213 (L) of 1990

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

APPLICATION FOR INTERIM 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.

Dated: 19.9.91  
Lucknow.

  
( PRALAD )  
Advocate,

Counsel for the applicant

Filed today

19/9/91

20/9/91



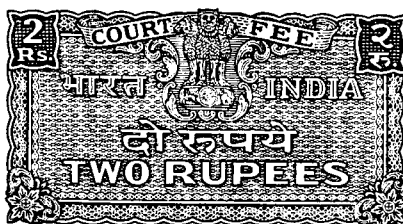
(1723) (1723)

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 .... 2

सेवा राम मौर्या

1824

rejoinder/<sup>affidavit</sup> 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. Jivat) and accordingly he handed over the charge on 16.7.91. It is worth-while to mention that the post of E.D.D.P.M. Jivat, Faizabad has been lying vacant and previously too the respondent No. 4 had opened the office at Kichhauchha in lieu of Jivat. As such the deponent is entitled to hold the post of E.D.D.P.M., Jivat, 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 Enclosure No. S.A-1 and S.A-2.

5. That in the above mentioned circumstances the post of E.D.D.P.M., Jivat, Faizabad being vacant, only the deponent is entitled to hold the post in question.

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 Hon'ble Tribunal may kindly be pleased to direct the respondents nos. 2 and 3 to take the work from the applicant/deponent on the post of E.D.D.P.M., Jivat, Faizabad and pay the emoluments thereof regularly.

Dated: 19.9.91

Lucknow.

देवराज मेह  
Deponent

## VERIFICATION

So help me God.

सेवाराज मोहन  
Deponent.

(Prahlaad)  
Advocate.

*[Handwritten signatures and stamps are visible over the typed text.]*

7261



in the Central Administrative Tribunal High Bench at Allahabad  
Circuit Bench at Lucknow

C.A No 218 (L) of 1990

Sewa Ram Maurya - - - - - Applicant

P.M.G and others - Respondents  
Enclosure No. SA-2

127

1. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत  
2. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत  
3. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत  
4. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

5. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत  
6. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत  
7. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत  
8. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

9. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत  
10. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

11. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत  
12. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

13. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत  
14. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

15. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

16. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

17. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

18. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

19. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

20. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

21. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

22. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

23. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

24. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

25. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

26. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

27. राज्य सरकार द्वारा 11/1/1980 के आदेश के अन्तर्गत

16/7/91

16/7/91

16/7/91

16/7/91

(228)

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)

Sewa Ram Maurya ..... Applicant/Petition.

Versus

Union of India & Others ..... Respondents.

\*\*\*\*\*

I, *R.C. Misra* ..... aged about *56* years, son of *S.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 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 <sup>hannaygi</sup> ~~Verma~~ 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 Lakhanpur 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 Lakhanpur 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. That in reply to para <sup>4(viii)</sup> 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/retrrenched 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 answer-  
ing 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/-

D.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 Lakhanpur. His appointment was made in accordance with department 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 2/3 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 14<sup>th</sup> day of June 1990 within the court compound at Lucknow.

Lucknow:

Dated : 14-6-90

R.C. Mishra  
( DEPONENT )

I identify the deponent who signed before me.

(Signature) 14/6/90  
( ADVOCATE )

(Signature)  
14/6/90  
An  
Remun  
(Signature)  
14/6/90

Sens. Ram Mauney of his &amp; his - Am

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श्रीमान् प्रवर डाक अधीक्षक फैजाबाद ।

द्वारा

श्रीमान् डाक निरीक्षक महोदय, अकबरपुर पूर्वी।

महोदय,

निवेदन है कि प्राथी ग्राम व पोस्ट लखनपुर बसखारी, फैजाबाद का मूल निवासी है, प्राथी डाक निरीक्षक अकबरपुर पूर्वी के आदेश सं० ए/लखनपुर दिनांक 18-1-84 के अनुसार ई०डी०डी०ए० लखनपुर बसखारी पद पर नियुक्त किया गया था। यह पद श्री दलसिंगार ई०डी०डी०ए० के पुट आफ डियूटी होने के फलस्वरूप रिक्त हुआ था। प्राथी ने दिनांक 21-7-83 से 9-1-88 तक लगातार इस पद पर कार्य किया। श्री दलसिंगार के पुनः सेवा में वापस आ जाने के कारण प्राथी को इस पद से हटा पड़ा।

प्राथी इस प्रकार बार वर्ष से अधिक सेवा कर लेने के बाद भी छत्ती शूदा हो गया प्राथी अब बेरोजगार हो गया है। प्राथी की आयु 30 वर्ष से ऊपर हो जाने के कारण अन्यत्र जहाँ सार्विस नहीं मिल सकती है। अतः एकमात्र सहारा डाक विभाग से ही है।

प्राथी अस्थाई रूप से जीवत डाकघर के ई०डी०ए०पी० पद पर कार्य कर रहा है, जहाँ कि यहाँ <sup>कार्ड</sup> ई०डी०ए०पी० अन्यत्र शाखा डाकघर के पद पर कार्य कर रहा है। इसके वापस आने पर प्राथी को पुनः पद छोड़ना पड़ेगा।

जैसा ज्ञात है कि शाखा डाकघर जीवत का पद स्थाई रूप से खाली है, प्राथी घर से डाकघर से मात्र लगभग नौ किलोमीटर दूर है। इस पद पर प्राथी सुगमता से कार्य कर सकता है। शाखा डाकघर का कार्य करने का अनुभव प्राप्त है। ज्यों कि दिनांक 19-11-84 से 21-11-85 तक शाखा डाकघर लखनपुर का कार्य कर चुका है। प्राथी इसके लिए उचित योग्यता भी रखता है।

अतः श्रीमान् जी से करवद प्रार्थना है कि प्राथी को शाखा डाकघर जीवत किछौछा पद पर स्थाई नियुक्ति देने की कृपा करें, ताकि प्राथी अपने परिवार का भरण पोषण कर सकें, महान कृपा होगी।

नोट:- नियुक्ति आपन की फोटों स्टेट प्रतिलिपि भी प्रेषित है।

Q. C. Mauney

14/1/89

दिनांक  
15/1/89प्राथी  
रवीन्द्र नाथरवीन्द्र नाथ  
भू०पू० ई०डी०डी०ए० लखनपुर

F/F 21/11/91  
A-32

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

----- M. P. No. 14/91 (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.

P r a y e r

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

Dated: 21/11/91  
Lucknow.

( Prahlad )  
Advocate,

Counsel for the Applicant/  
petitioner.

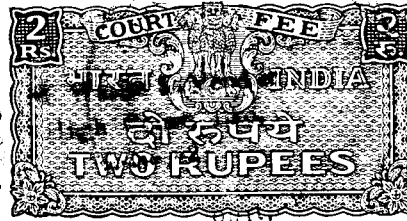
Received  
5/11/91

(K-36)

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

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

1990  
AFIDAVIT  
77/10/9  
HIGH COURT  
ALLAHABAD



Sewa Ram Maurya

Deponent/petitioner-  
Applicant.

Versus.

Post Master General & others.... Respondents.

RESOLVER AFFIDAVIT, TO THE COUNTER AFFIDAVIT  
OF RESPONDENT 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 Jivat,  
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 <sup>appointment</sup> ~~representation~~ 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

KS  
9/12/90

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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 Ravindra 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 <sup>any</sup> where as the deponent does not fulfil the eligibility criterion.

contd. page... 4

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21/12/90



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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 S.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-Pen dated 28.2.79 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 S.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. S.D. agent and that too of the lower status. The contents of paras 4(vi) to 4(ix) of the case are re-iterated.

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9/11/2 19\*

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

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- 5 -

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(xvii) 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

contd. page... 6

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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 know him.

ADVOCATE:

*(Signature)* Adv.

*(Signature)* 9/12/90

1. Solemnly affirmed before me on 9-12-90  
at 5.00/ PM/PM. by the deponent Sri Siva Ram Murge,  
who is identified by Mr. Pratulad Advocate  
High Court, Bench. Allahabad.  
I do know.

I have satisfied my self by examining  
that the deponent that he understands the  
Content of this affidavits. which have been  
Explained and read over to him by me.

KS  
9/12/90

V Shukla

Notary Public, Allahabad

High Court, Allahabad

77/10/90

9/12/90