

Central Administrative Tribunal
Lucknow Bench

INDEX SHEET

Cause Title 228/90 of 1993

Name of the Parties Mohd. Inshad Khan ---Applicant
Versus

S.O.T. Respondents

Part A.E.C.

| Sl. No. | Description of documents | Page |
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| 1 | check list | A ₁ to A ₅ |
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| 3 | Judgement 25-2-93 | A ₅ to A ₆ |
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1- order copy at 9.5.91/other paper 4.38 to A40. A29 to A37

B. file

Petition Annexure, B38 to B65
Deed/act/destroyed

Reply

B/ file

C file

Sol(5)

Office copy of notice

on

8

A

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 238 of 1989

APPLICANT(S) Malika Standard Kisan

RESPONDENT(S) S.C.G. (Postal)

| | <u>Particulars to be examined</u> | <u>Endorsement as to result of examination</u> |
|-----|--|--|
| 1. | Is the appeal competent ? | yes |
| 2. | a) Is the application in the prescribed form ? | yes |
| | b) Is the application in paper book form ? | yes |
| | c) Have six complete sets of the application been filed ? | yes |
| 3. | a) Is the appeal in time ? | yes |
| | b) If not, by how many days it is beyond time ? | N.A. |
| | c) Has sufficient cause for not making the application in time, been filed ? | yes |
| 4. | Has the document of authorisation/ Vakalatnama been filed ? | yes |
| 5. | Is the application accompanied by B.O./Postal Order for Rs.50/- | yes |
| 6. | Has the certified copy/copies of the order(s) against which the application is made been filed ? | yes |
| 7. | a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | yes |
| | b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? | yes |
| | c) Are the documents referred to in (a) above neatly typed in double space ? | yes |
| 8. | Has the index of documents been filed and paging done properly ? | yes |
| 9. | Have the chronological details of representation made and the outcome of such representation been indicated in the application ? | yes |
| 10. | Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ? | no |

A2

2

| | <u>Particulars to be Examined</u> | <u>Endorsement as to result of examination</u> |
|-----|---|--|
| 11. | Are the application/duplicate copy/spare copies signed ? | yes |
| 12. | Are extra copies of the application with Annexures filed ? a) Identical with the Original ? b) Defective ? c) Wanting in Annexures Nos. _____ pages Nos. _____ ? | yes yes X |
| 13. | Have the file size envelopes bearing full addresses of the respondents been filed ? | N.A. |
| 14. | Are the given address the registered address ? | yes |
| 15. | Do the names of the parties stated in the copies tally with those indicated in the application ? | yes |
| 16. | Are the translations certified to be true or supported by an Affidavit affirming that they are true ? | yes |
| 17. | Are the facts of the case mentioned in item no. 6 of the application ? a) Concise ? b) Under distinct heads ? c) Numbered consecutively ? d) Typed in double space on one side of the paper ? | yes |
| 18. | Have the particulars for interim order prayed for indicated with reasons ? | yes |
| 19. | Whether all the remedies have been exhausted. | yes |

dinesh/

22/8/90 (1)

143

31-7-90

No Setting Adj. to 17-8-90.

Rejs.

②

17-8-90

Hon Mr P. Srinivasan, A.M.

Hon Mr J. P. Sharma, J.M.

Learned Counsel for the applicant
Mr. M. V. S. Siddiqui heard.

Issue notice to the respondents,
returnable on 30.8.90 to show
cause why the application should
not be admitted, as also on the
of question of Interim relief.

Shri V. K. Chaudhary accepts
notice on behalf of respondents.
Meanwhile status quo shall
be maintained as of today.

Call on 30.8.90 for
admission and interim relief.

Done

J.M.

08/8/88

A.M.

③

30-8-90

Hon Mr. DR Agrawal J.M.

Hon Mr. K. Chaudhary A.M.
None for the applicant.

DR Dinesh Chandra for O.P. No. 2
The petition is defective in
as much as in the array of
O.P. No 1 is described as "Union
of India". Union of India is to be
implanted through Secretary of
particulars draft. Therefore, let
the petition be corrected by means
of amendment application within
2 weeks hereof. List for
orders on 25-9-90.

ER
S. V. K. Chaudhary
accepts notices on
behalf of the respondents
no 1 & 2. Receiving an
order sheet
No reply
Neither reply
any power has been
filed.

S.P.A

C.A. 10
28/10

28/10

26.2.92

No Siting adjm 26.2.92

A4

8

26.2.92

No Siting of D.B. adjm

8.4.92

8

8.4.92

No sitting adj to 3.7.92

8

1.3.7.92

No Siting adj to 15.5.92

8

O.R 15.5.92
No RA filed Case out-read off

10 3.12.92

9

S.F.O.

BAW

8

14/9/92

3.12.92

No Siting of D.B.
adjm to 15.1.93

8

15.1.93

No sitting of D.B. case is
adjourned to 23.2.93.

6th

SPT 23.2.93

23/2/93

23.2.93 in Brodick b.c. adjourned
23.2.93 in Leobaysa 8m

Plg - Up on 23.2.93

R
BAW

KA
K

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

D.A. NO 228/90 199 (L)

T.A. NO 199 (TL)

Date of Decession

Mr. J. N. Dixit

Petitioner

Advocate for the
Petitioner(s)

V E R S U S

Uttar B. Police

Respondent

Advocate for the
Respondents

C O R A M

Hon'ble Mr. *Justice I. C. S. Acharya*

Hon'ble Mr. *K. Bhagwan Das*

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

[Signature]
Vice-Chairman / Member

(AS)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 228/1990

Mohd. Irshad Khan

Applicant.

versus

Union of India & Others

Respondents.

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

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

The applicant was appointed as Extra Departmental Branch Post Master and he took charge of the ~~said~~ office Sursaini District Unnao. The appointment of the applicant was made in accordance with rules. The applicant worked upto 2.5.90 and his services were terminated. The order of termination was challenged in the Tribunal and the interim order was granted, by virtue of which he has been working.

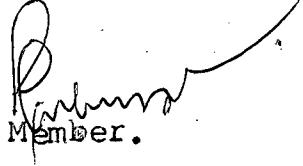
2. According to the respondents, the appointment order of the applicant was quashed on the complaint made by one Shri Abdul Jabbar after reviewing the matter. Shri Abdul Jabbar has filed affidavit stating that he did not file any complaint.

3. Even if there was no complaint, when the applicant was regularly appointed, his services could not have been terminated without giving him opportunity of hearing. No opportunity of hearing was given to him

W/

AC

and as such the order of termination is violative of principles of natural justice and deserves to be struck down. The order dated 2.5.90 is quashed. It will be open for the respondents to act according to law and in case there is no complaint he may be given appointment. While making enquiry, the applicant may be associated after giving opportunity of hearing to him.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated: 25.2.93.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
AT LUCKNOW (CIRCUIT BENCH).

Application No. 228 /1990. (2,
(DISTRICT UNNAO)

TITLE OF THE CASE

Mohd. Irshad Khan. .. Applicant.

versus

The Union of India & others. .. Respondents.

I N D E X

| <u>S/No.</u> | <u>Particulars.</u> | <u>Pages.</u> |
|--------------|-----------------------------------|---------------|
| 1. | Application. | 1-8 |
| 2. | Annexure -1 : Appointment. | 9 |
| 3. | Annexure-2 : Charge Report. | 10 |
| 4. | Annexure -3: Training Certificate | 11 |
| 5. | Annexure -4: Termination order. | 12 |
| 6. | Annexure -5: Medical Certificate. | 13 |

*Filed today
S.R.
23/7/90*
Noted for
31.7.90
W.M.
31.7.90

Lucknow
July 20th, 1990.

07/07/1990

Signature of the Applicant.

M.U.H. *Padigam*
Advocate

FOR USE IN TRIBUNAL'S OFFICE

Date of filing
or
Date of receipt by Post
Registration No.

Signature
for Registrar.

07/07/1990

(A2)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
AT LUCKNOW (CIRCUIT BENCH).

Application No. 228 /1990. (2)

(DISTRICT UNNAO)

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing ... 23/7...

Date of Receipt by Past.....

for 23/7
Deputy Registrar(J)
23/7

Mohammad Irshad Khan aged about 32 yrs. son of
Sri Suleman Khan resident of village and Post
Sursaini, P.S. Bangar Mau, District Unnao.

.. Applicant.

versus

- 1- Union of India.
- 2- The Superintendent of Post Office Kanpur (M)
Division, Kanpur-1.

.. Respondents.

1. DETAIL OF APPLICATION

Particulars of the order against which the
application is made :-

The application is being filed
against the termination order dated 2.5.90
by the respondent no.2 from the Post of
E.D.E.P.M. (Extra Department Branch Post
Master) which is contained in Annexure no.4.

9/02/1992

2..

2. JURISDICTION OF THE TRIBUNAL :

The applicant was performing his duty at village and P.O. Sursaini Distt. Unnao, at the time of the termination, the applicant declare that the subject matter of the application is within the jurisdiction of the Tribunal.

3. LIMITATION :

The applicant declare that the application is within limitation period prescribed in Section 21 of the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE :

1. That on 1.1.90 the applicant was appointed as E.D.B.P.M. (Extra Department Branch Post Master) by the ~~opp~~ respondent no.2 the Superintendent of Postoffices Kanpur (M) Division, Kanpur-1. The true photostat copy of the appointment letter is annexed as ANNEXURE -1 to this application.

2. That on 8.1.1990 the applicant took the charge of the office of E.D.B.P.M. village Sursaini District Unnao. A true photostat copy of the Charge report is annexed as ANNEXURE -2 to this application.

3..

103121201

3..

3. That after taking the charge the applicant has done his duties with honesty and hard-labour and no any complaint were lodged against the applicant to the higher authorities.

4. That the applicant has also joined the training of Daak-Paal from 19.2.90 to 20.2.90 at Bangar Mau Post office. A true photostat copy of the G Training Certificate is annexed as ANNEXURE-3 to this application.

5. That the respondent no.2 the Superintendent of Postoffices Kanpur appointed the applicant after verifying the character of the applicant through police authorities and Tehsil and found the applicant fully fit for the EDBPM job.

6. That the applicant has performed his duties in accordance with the rules, from 8.1.90 to 2.5.90 continuously but on 2.6.90 the respondent no.2 terminated the applicant's services illegally. The true copy of the termination order dated 2.6.90 is annexed as ANNEXURE-4 to this application.

7. That the respondent no.2 has not given any notice to the applicant prior to termination order and no enquiry was done in connection to termination of the applicant.

मेरी सेवा

4..

8. That the respondent no.2 wants to appoint his man in place of the applicant and so the respondent no.2 terminated the applicant illegally.

9. That the termination order dated 2.5.90 is against the prescribed rules, unjust, malafide, illegal and not maintainable in the eyes of law.

10. That the termination order dated 2.5.90 is against the Article 16 of the Constitution of India.

11. That the respondent no.2' order dated 2.5.90 for termination is against the natural justice having illegalities and irregularities and has manifest error of law.

12. That the applicant is a poor man, having good moral character and he has no means of livelihood in these days of hardship.

13. That the applicant is ill from 30.5.90 and the charge has not yet been taken by the respondent no.2. ~~Medical Certificate is annexed as ANNEXURE 5 to this application.~~

5..

20/3/2013

(AII)

5..

5. GROUNDS FOR RELIEF WITH PROVISIONS :

- a- Because the termination order dt. 2.5.90 passed by the respondent no.2 is against the prescribed rules, having illegalities and irregularities.
- b- Because the order dated 2.5.90 is malafide, against the natural justice and the order is unjust, wrong and is not maintainable in the law.
- c- Because the order dated 2.5.90 has manifest error of law and against the Article 16 of the Constitution of India.
- d- Because the respondent no.2 has not given any notice to the applicant prior to terminate the applicant.
- e- Because no enquiry was done by the respondent no.2 in connection to the termination of the applicant.
- f- Because no opportunity was provided to the applicant for defence, if any complaint against the applicant.
- g- Because the conduct and behaviour of the applicant from 8.1.90 to 2.5.90 was very good.

9/3/91/2/201

h- Because the respondent no.2 wants to appoint his man in place of the applicant.

i- Because in any view of the matter the termination order dated 2.5.90 is bad in law and is liable to be quashed by this Hon'ble Tribunal.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declare that there is no remedy provided against the illegal termination order of the termination dt.2.5.90 passed by the respondent no.2 and question of representation also does not arise, except the remedy before this Hon'ble Tribunal.

7. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicant further declares that he had not filed previously any application, writ petition or suit regarding the matter in respect of with this application has been made, before any court or any other authority or any other bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

90/2012

A13

In case the applicant had previously filed any such application, writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof).

8. RELIEFS SOUGHT :

In view of the facts mentioned in para 4 and grounds in para 5 the applicant pray for the following reliefs :-

- i. That this Hon'ble Tribunal be kind enough to quash the termination order dated 2.5.90 passed by respondent no.2 contained in Annexure-4.
- ii. That any other order or direction may kindly be passed against the respondents in favour of the applicant as this Hon'ble Tribunal deems fit and proper.
- iii. Cost of the application be awarded to the applicant against the respondents.

9. INTERIM ORDER, IF ANY, PRAYED FOR :

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

21/3/2011

(Anj)

That the termination order dated 2.5.90 passed by respondent no.2 contained in Annex-4 may kindly be stayed till the pendency of the application.

10. (Not applicable in the instant application)

11. PARTICULARS OF BANK DRAFT POSTAL ORDER FILED

IN RESPECT OF THE APPLICATION.

802 414730
dt. 28/7/90

12. LIST OF ENCLOSURES :

1. Appointment letter.
2. Charge Report.
3. C Training Certificate.
4. Termination order dt. 2.5.90.

VERIFICATION

I, Mohd. Irshad Khan a/about 32 yrs, s/o Sri Suleman Khan r/o village & P.O. Sursaini P.S. Bangar Mau Distt. Unnao do hereby verify that the contents of paras 1 to are true to my personal knowledge and paras is believed to be true on legal advice and that I have not suppressed any material facts.

Dated: 20.7.90
Lucknow

20.7.90

SIGNATURE OF THE APPLICANT.

10
AIS

Central Administrative Tribunal
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Circuit
• • • • • LUCKNOW BENCH LUCKNOW • • • • •

W. P. No. 10000 of 1990.

Mohd Irshad Khan Petitioner.

Versus.

The Union of India & another Opp. Parties

• • • • • ANNEXURE NO. 4 • • • • •

DEPARTMENT OF POSTS INDIA
OFFICE OF THE SUPDT. OF POST OFFICES
KANPUR (M) DN. KANPUR.

Memo No. A-4/EDA/Sursaini. Dated at KP-1, the, 2.5.90.

Services of Shri Mohd. Irshad Khan, EDBPM Sursaini
is hereby terminated under Rule-6 of EMA (C&S) Rules, 1964
with immediate effect.

Sd/-
Supdt. of post offices
Kanpur (M) Dn. Kanpur.

T. M. S. M.
M. S. M.
2000

Central Administrative Tribunal
 In the H.M. H.E. ~~High Court of Judicature at~~ ^{नवीन} महोदय
 ब अदालत श्रीमान (C.A.T. Circuit Bench ले) ^{नवीन} महोदय

[वादी] अपीलान्ट

श्री

प्रतिवादी [रेस्पान्डेन्ट]

Mohel Iskand Khan

का वकालतनामा

Mohel Iskand Khan

U.



वादी (अपीलान्ट)

The Union of India Lucknow

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकदमा

App. No - 90
Sift. Unnao

सन्

पेशी की तातो

१९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

M.U.H. Siddiqui, Advocate
Enrollment No १९७/७५

C-2569, Rajgir Chowk

वकील

महोदय

एडवोकेट

| | | | |
|-------|-----|------------|------|
| अदालत | नाम | मुकदमा नं० | वकील |
| | | | |

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं
 इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व
 जवाब देही व प्रश्नोत्तर करें या कोई कागल दाखिल करें या लौटावें या हमारी
 ओर से डिगरी जारी करावें और रूपया बसूल करें या सुलहनामा व इकदाल
 दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल
 करें और तसदीक करें मुकदमा उठावें या कोई रूपया जमा करें या हमारी
 विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपसे या हमारे हस्ताक्षर
 युक्त (दस्तखली) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की
 गई वह सब कार्यबाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार
 करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा
 अगर मुकदमां अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है
 उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिखे
 दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर... ३० अक्टूबर १९८०

साक्षी (गवाह) साक्षी (गवाह)

दिनांक २८ महीना सन् १९ ई०

स्वीकृत *(Signature)* ११०

9.
A17

Central Administrative Tribunal
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Circuit
:: LUCKNOW BENCH LUCKNOW ::

App. No. 228... of 1990. CL

Mohd Irshad Khan Petitioner.

Versus.

The Union of India & another Opp. Partie.

:: ANNEXURE NO. 1 ::

182

(A18)

Central Administrative Tribunal
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Circuit
LUCKNOW BENCH LUCKNOW

W.P. No. of 1990.

Mohd Irshad Khan petitioner.

Versus.

The Union of India & an other Opp. Parties.

:: ANNEXURE NO.2 ::

1261

central administrative tribunals by
hal-

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Circuit -
: : LUCKNOW BENCH LUCKNOW : :

App. No. of 1990.

Mohd Irshad Khan Petitioner.

Versus.

The Union of India & another Opp. Parties

: : ANNEXURE NO. 3 : :

प्रमाणित किया जाता है कि मोहम्मद-
इक्बाल रवी शाहवा डाकपात सुरक्षित
उड्डाव द्वे अवृत्तिशब्द डाक परमुद्रा
कानपुर के पत्राक - रा। रिंग। -
शाहवाडाक पात्र कानपुर दिनांक - १८-२-१९७० के इक्कले दो बुल्लार दिनांक
१९-२-१९७० के दिनांक २०-२-१९७० के
सांग रमुड़-डाकघर में प्रशिक्षण कीया-
गया है।

R.K. Khandi

20/2/1973
Post Master (E.S.6)
Barmera (Uttar)
PAN. 24160

True copy
28/11/

(A70)

IN THE CENTRAL ADMINISTERABLE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH LUCKNOW.

O.A. No. 228 of 1990(L)

Mohd. Irshad Khan. Applicant.

versus

Union of India & others. Opp. Parties.

APPLICATION FOR INTERIM RELIEF.

The applicant begs to submit as under :-

1. That the applicant has filed the above application O.A. No. 228/90(L) and on 17.8.90 the Hon'ble Tribunal was pleased to pass the order STATUS QUO MAINTAINED BY THE PARTIES.

2. That the applicant is working in the post concerned but the opp. parties have not paid the salary of the applicant since 7.5.90, inspite of repeated request and written representations dated 4.9.90 and 8.10.90 which are Annexures 1 and 2.

3. That the applicant is working honestly and with hard labour and never violated the rules as prescribed.

MO 28/11/90

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(A 21)

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4. That due to the non-payment of the salary the applicant is facing difficulties in these hard days and the opp. parties are bound to pay the salary to the applicant in the light of the stay order dated 17.8.90 passed by this Hon'ble Court.

5. That the action of the opp. party in respect of the non-payment of salary is illegal, unjust and against the rules.

6. That in the interest of natural justice the salary of the due period i.e. since 7.5.90 may be given to the applicant by the opp. parties.

Wherefore, it is prayed that the Hon'ble Tribunal may kindly be pleased to direct the opp. parties to pay the due salary since 7.5.90 till date and in future also, to the applicant.

Lucknow

dt/ 8/5/91

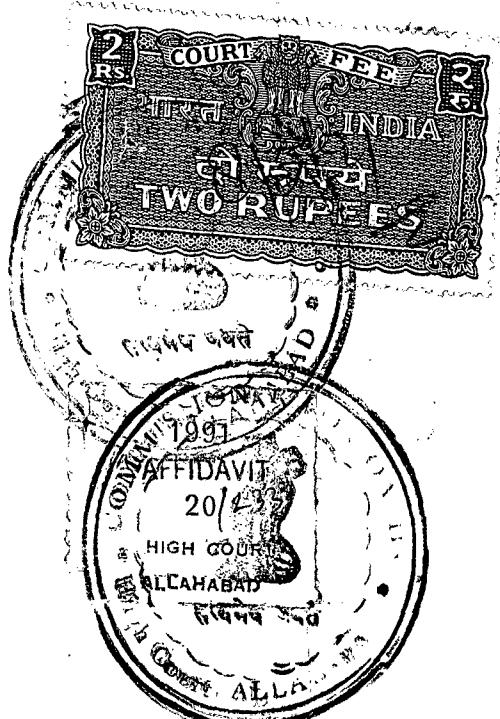
MOJ(21)2/91

Applicant.

(A22)

IN THE CENTRAL ADMINISTERABLE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH LUCKNOW.

O.A. NO. 228 of 1990(L)



Mohd. Irshad Khan, .. Applicant.

vs.

Union of India and others. .. Opp. Parties.

Affidavit

I, Mohd. Irshad Khan aged about 32 yrs.
son of Sri Suleman Khan r/o village and Post
Sursaini, District Unnao, do hereby solemnly
affirm and state on oath as under :-

1. That the deponent is applicant in the case, hence fully conversant with the facts of the case deposed as under :-
2. That the contents of paras 1 to 6 of the accompanying application are true to my own knowledge.
3. That Annexures 1 and 2 are the photostat copies of the original.

Lucknow:

dt: 8/5/91

8/5/91
L-79
F.P.S.I.M.L. Law
L-79
L-79
L-79

(A23)

2..

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 3 above are true to my own knowledge.

Signed and verified today in the court compound at Lucknow.

Lucknow

at/ 8/1/91

R.T.O.

8/3/91 (ad)

L.T.O.

Defponent

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on 8/15/91 at 5:10 am/pm by the deponent who is identified by Sri M. H. Seddiqui Adv. High Court Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me to him.

A. K. GUPTA

Advocate Court Commissioner

Allahabad High Court

Lucknow Bench Lucknow

Regd. No. 201233

Date

8/15/91



A24

मुमुक्षु दाक आदीपत्र महोदय।

(मुमुक्षु कानून)

मैत्री क्री

निवेदन है कि मेरी जाता दाक पात्र मी ०३८३३
राजा शाहता दाक द्वारा सुरक्षित, लाइंगम (उल्लास)
गुर्जे दिनांक १७/४/१९१० को H.A.T. में मैं निलाई
कर्त्ता दिनांक १८/४/१९१० को सुधर की दिए थे पर वापान
उपर वापान है क्योंकि उपर वापान है क्योंकि उपर वापान है
लाइंगम (उल्लास) उपर वापान है क्योंकि उपर वापान है
गुर्जे निलाई हैं। नाम सिर्फ S.O. L मालीपुर्लिंगम

द्वारा है।

द्वारा है। यही जाता ही को निवेदन है।
P.C.A. की जाता ही को जाता ही को जाता ही को
द्वारा है। यही जाता ही को जाता ही को

(मालीपुर्लिंगम)

Received by
S. O. L
4/4/90

मी ०३८३३ रवां श्रावण द्वारा
वापान दाक के पात्र सुरक्षित
लाइंगम

द्वारा है।
दिनांक १८/४/१९१०
की दिनांक १८/४/१९१०

मी ०३८३३ (पर्याप्त)

४/५/९१

ALL

(A25)

શ્રી રામ કાન્ક કાર્યાલય ગાંધીનગર

સાલ 1970 (અષ્ટુબ્રૂદ)

સ્વાસ્થ્ય

નિબદ્ધ હોય, કે શાસ્ત્રી કાન્ક પાલ
મોદેશ્વર કાન્ક મર્યાદા
દેશ લાંબા હાજર કાન્ક તાત, સેદિનાં
૧.૨.૧૦ કોર્ટ - ૨.૨.૧૦ સાથે ૧.૨.૧૦ કોર્ટ
કાન્ક કાન્ક મર્યાદાની સેદિના ઉમલા વિન
કાન્ક ૧૦. હોય મિલા હૈ

— કોર્ટ કે કાન્ક મર્યાદા
કાન્ક ૧.૨.૧૦ કોર્ટ - ૨.૨.૧૦ સાથે
કેન્દ્ર મિલા કે કાન્ક મર્યાદા
કોર્ટ કોર્ટ

કાન્ક. ૧૦. ૧૦. ૧૦

નિબદ્ધ

નિબદ્ધ ૧.૨.૧૦ કોર્ટ - ૨.૨.૧૦
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કોર્ટ - ૨.૨.૧૦

નિબદ્ધ ૧.૨.૧૦
કોર્ટ - ૨.૨.૧૦

નિબદ્ધ ૧.૨.૧૦
કોર્ટ - ૨.૨.૧૦

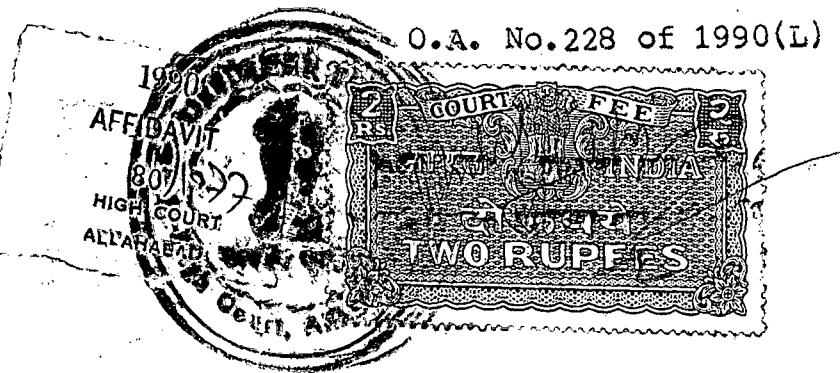


નિબદ્ધ ૧.૨.૧૦
કોર્ટ - ૨.૨.૧૦

IN THE CENTRAL ADMINISTERABLE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH LUCKNOW.

A 26

O.A. No. 228 of 1990(L)



Mohd. Irshad Khan.

Applicant.

versus

Union of India and others.

Opp. Parties.

Affidavit.

I, Abdul Jabbar aged about 35 yrs. son of Sri Abdul Sattar resident of Gram and Post Sursaini Distt. Unnao, do hereby solemnly affirm and state on oath as under :-

*filed today
SRI
17/4/91*

1. That the deponent has not filed any complaint in connection to the appointment of Mr. Mohd. Irshad Khan as Extra Departmental Branch Post Master (E.D.B.P.M.).
2. That the deponent has come to know that the respondents of the above case has mentioned in the reply that the deponent (Abdul Jabbar) has filed a complaint against the appointment of the applicant Mohd. Irshad Khan.



(A 27)

2..

3. That if there is any complaint on behalf of the deponent the same is frivolous, wrong and the deponent has not signed on it.

Lucknow

10.1.91
21.11.90.

Abduljabbar Khan
Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 3 above are true to my own knowledge. Nothing material has been concealed therein and no part thereof is false, so help me God.

Lucknow

10.1.91
21.11.90.

Abduljabbar Khan
Deponent.

I identify the deponent who has signed before me.

✓

Advocate.

Solemnly affirmed before me on 10.1.81
at 12.05 pm by the deponent Abduljabbar
who is identified by Sri M. U. H. Saldigni
Adv. High Court. I have satisfied myself by
examining the deponent that he understands the
contents of this affidavit which have been readout
and explained by me to him in Hindi.

Mukesh
Mukesh
DATE COMMISSIONER
High Court, Allahabad
Lucknow Bench

80/102

10/8

(A 28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

M.P. NO 538 OF 1990(L)

IN

O.A. NO 228 OF 1990(L)

F. F. 25-9-90

MOHD IRSHAD KHAN APPLICANT.

VERSUS

UNION OF INDIA & OTHERS RESPONDENTS.

TO

The Hon'ble Vice-Chairman & his other
companion members of the aforesaid tribunal.

The humble application on behalf of the
respondents most respectfully sheweth as under :-

1. That full facts and reasons have been set
out in the accompanying counter-affidavit.
2. That for the facts stated in the accompanying
affidavit, it is expedient in the interest of
justice that the application for interim relief
may be dismissed.

PRAYER

It is, therefore, most respectfully prayed
that this Hon'ble Tribunal may kindly be pleased
to admit the accompanying counter-Affidavit & to
dismiss the application for Interim relief with
costs.

(Signature)
Dated : 29-8-90.

(Signature)
(Dr. DINESH CHANDRA)

ADDL. CENTRAL GOVT. STANDING COUNSEL.

A29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH, LUCKNOW

REPLY OF BEHALF OF RESPONDENTS

IN

O.A. NO. 228 OF 1990 (L)

MOHD. IRSHAD KHAN APPLICANT

VERSUS

UNION OF INDIA & OTHERS RESPONDENTS

I, K.B.Sharma, Aged about 56 Years, Son of Late Shri S.B.Sharma, Supdt. of Post Offices Kanpur (M)Division, Kanpur do hereby respectfully state as under :-

1. That the Officer, above named, has read the petition filed by Shri Mohd. Irshad Khan and has understood the contents thereof. He is well conversant with the facts of the case deposed here in after.
2. That it will worth while to give a brief history of the case as under :-

BRIEF HISTORY OF THE CASE

With the opening of a new Extra Departmental Branch Post Office in village Surseni in Unnao District, under Accounts jurisdiction of Departmental Sub Office, Bangarmau in District-Unnao on 29.4.89, a requisition was sent to the Employment Exchange, Unnao to sponsor suitable candidates for the post of Extra Departmental Branch Post Master, Surseni E.D.Post Office. A list of ~~three~~ candidates were received from the Employment Exchange after due date thus applications were called from open market.

After observing due formalities, selection was made by the department for the said post. The applicant was found to be most suitable for the post and was accordingly appointed on the post of Extra Departmental Branch Post Master (E.D.B.P.M.) vide letter No. A-4/E.D.A./Surseni dt. 1.1.90 (Annexure-1 of the application).

The Post Master General, Kanpur, vide his letter No. Amla/34-12/90 dt. 26.2.90 called for appointment file relating to the above appointment on the complaint of Shri Abdul Jabbar. The appointment file was sent to the Postmaster General Kanpur on 27.2.90 where the appointment of the applicant was reviewed by the Director Postal Services Kanpur who found that while making appointment a better candidate was ignored. She ordered to quash the order of appointment of the applicant with immediate effect. Thus the services of the applicant were terminated under Rule 6 of the P & T / E.D.A. (Conduct and Service) Rules 1964 with immediate effect vide memo no. A-4/E.D.A./Surseni dt. 2.5.90 (Annexure-4 of the application). The applicant on receipt of the above order absented himself from duty and did not handover the charge.

PARA-WISE COMMENTS

3. That the contents of paras 1 to 3 of the application need no comments.
4. That the contents of paras 4(1) and 4(2) are admitted.

..3/--

5. That the contents of paras 4(3) are admitted to the extent that no complaint against the applicant was received Rest of the contents need no comments.
6. That the contents of paras 4(4) and 4(5) are admitted.
7. That in reply to the contents of paras 4(6) it is stated that the services of the applicant were terminated by the deponent under Rule 6 of the P & T E.D.A. (Conduct and Service) Rules 1964. The termination order was passed by the competent authority. It was indicated in the appointment memo dt. 1.1.90, that the applicant "should clearly understand that his employment as E.D.B.P.M. shall be in the nature of contract liable to be terminated by him or by the undersigned by notifying the other in writing and that his conduct and service shall also be governed by P & T E.D.A. (Conduct and Service) Rules 1964 as amended from time to time". Thus there was no illegality in his order of termination under Rule 6 of said Rules.
8. That the contents of paras 4(7) are admitted. It is, however, submitted that no enquiry or notice prior to termination is required when termination order is made under Rule 6 of the P & T E.D.A. (Conduct & Service) Rules 1964.
9. That the contents of paras 4(8) are denied. The allegations are uncalled for and mischievous.
10. That the contents of paras 4(9) are denied. Submission made in para 7 above are re-iterated.

Answer..4/--

..4/--

11. That the contents of paras 4(10) are denied Article 16 of the constitution of India is not attracted in the present case. There has been no discrimination against the applicant in respect of his appointment or termination from service.

12. That the contents of paras 4(11) are misconceived and hence denied. Submissions made in para 7 above are reiterated.

13. That in reply to para 12 of the application it is stated that it was a condition of appointment that the person who takes over the agency (EDSPM/EDBPM) must be one who has adequate means of livelihood, and the allowance given to him for the job is only subsidiary income. The applicant has himself admitted that he is a poor man and has no means of livelihood. Accordingly the applicant is no more qualified for the post of E.D.B.P.M.

14. That the contents of paras 4(13) are admitted to the extent that the charge of the Post Office could not be taken over as on receipt of the termination order, the applicant absented himself without handing over charge.

15. That the grounds indicated in various sub paragraphs of para 5 of the application have been adequately dealt with in the above paragraphs.

16. That in reply to paras 6 of the application it is stated that the applicant has not exhausted the departmental remedy available to him before coming to this Hon -Tribunal for relief. The order of termination can be reviewed within a period of six months under Rule 16 of the E.D.A. (Conduct & Service) Rules 1964.

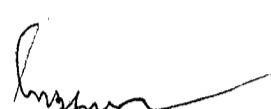
J.S.C. 5/--

A33

..5/-

17. That the contents of para 7 need no comments.

18. 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 the application filed by the applicant lacks merit is liable to be dismissed.


Respondents

VERIFICATION

I, K.B.Sharma Son of Late Shri S.B.Sharma, Supdt. of Post Offices Kanpur (M)Division, Kanpur do hereby verify that the contents of paras¹ are true to my personal knowledge and paras² are believed to be true on the basis of records and legal advice and that I have not suppressed any material fact.


Respondents

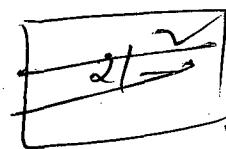
Dated : 23/

Through: (DR. DINESH CHANDRA)
Addl. Central Govt. Standing Counsel

AJY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH LUCKNOW.

O.A. No.228 of 1990(L)



Mohd. Irshad Khan.

.. Applicant.

versus

Union of India and others. .. Respondents.

FF 21.11.90.

Objections on behalf of the applicant against
the application dated 25.9.90 filed by the
respondent.

To

The Hon'ble Chairman and his
other companion Members of the
above Tribunal.

1. That the facts and reasons have been set
out in the accompanying affidavit.

2. That for the reasons and facts mentioned in
the Rejoinder Affidavit it is expedient in the
interest of justice that the application along with
the reply filed by the respondents may be rejected
and the above application i.e. O.A. No.228 of 1990(L)
may be allowed with costs.

21.11.90.
Lucknow

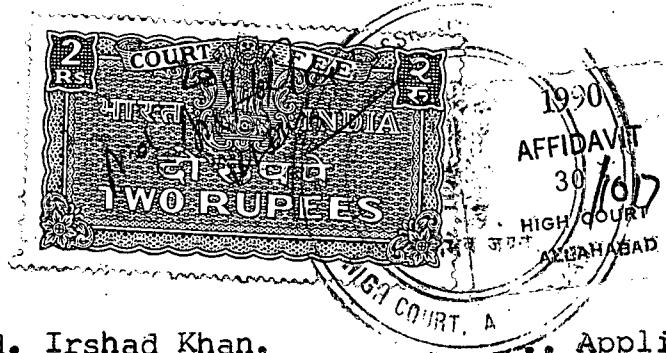
Applicant.

Mo. 22/11/90
(Mohd. Irshad Khan)

A35

IN THE CENTRAL ADMINISTERABLE TRIBUNAL AT
ALLAHABAD CIRCUIT BENCH LUCKNOW.

O.A. No. 228 of 1990(L)



Mohd. Irshad Khan. . . Applicant.

versus

Union of India and others. . . Respondents.

FF 21.11.90.

Affidavit.

I, Mohammad Irshad Khan aged about 32 yrs. son of Sri Suleman Khan resident of village and Post Sursaini P.S. Bangar Mau, District Unnao, do hereby solemnly affirm and state on oath as under :

1. That the respondent has filed the reply on 25.9.90 only and not filed the counter-affidavit as stated in the application dated 25.9.90 in paras 1 and 2.
2. That the brief history mentioned by the respondent in the reply admitted to the extent that the applications were called from open market for the post of E.D.B.P.M. and the deponent was found fit to be most suitable for the post and



A36

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was accordingly appointed and done his duty with hard labour and honesty.

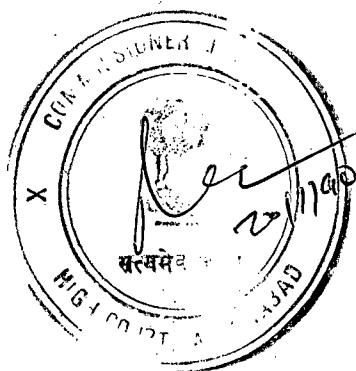
3. That it is denied that any complaint was filed by Sri Abdul Jabbar, ~~and~~ the termination - order of the deponent is illegal, unjust and liable to be quashed.

4. That it is also denied that the deponent absented from the duty, actually the deponent has done his duty upto [✓] 6.6.90 [✓] ~~was on leave and~~ [✓] and then [✓] became ill, the respondent has not taken the ~~himself~~ from. [✓] ~~the deponent~~ [✓]

5. That the facts and grounds as mentioned in the application filed by the deponent i.e.

O.A. No. 228 of 1990(L) are reiterated and the allegations, charges mentioned by the respondents in the reply from para 1 to 18 against the deponent are illegal, unjust, wrong and not maintainable in the eye of law.

6. That the termination order dated 2.5.90 is not maintainable, illegal, unjust and liable to be quashed as the respondent himself mentioned in the reply in the " brief history of the case " that the ~~ex~~ deponent was found to be most suitable for the post of Extra Departmental Branch Post-



मार्च 2013

(A37)

3..

Master (E.D.B.P.M.).

7. That in the light of the above mentioned facts, circumstances of the case and in the interest of justice, the application of the deponent may be allowed and the reply of the respondents may be rejected.

Lucknow

dt/ 20.11.90

Mohd Irshad Khan
20.11.90
Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 7 above are true to my own knowledge and belief. Nothing material has been concealed therein and no part thereof is false, so help me God.

Lucknow

dt/ 20.11.90

Mohd Irshad Khan
20.11.90
Deponent.

I identify the deponent who has signed before me.

M.U.H. Siddiqui
20.11.90
Advocate.

Solemly affirmed before me on 20.11.90
at 3.28 am / pm by the deponent Mohd Irshad Khan
who is identified by Sri. M.U.H. Siddiqui Adm
Adv. High Court. I have satisfied
myself by examining the deponent that he
understands the contents of this affidavit
which have been readout and explained by me
to him in Hindi.



20.11.90

Advocate
High Court Allahabad
Lucknow Branch Lucknow
30.11.90 20.11.90

Central Administrative Tribunal
Circuit Bench Lucknow.
O.A.NO. 228 of 1990 (L)

M.I.Khan Applicant
Versus
Union of India Respondents

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

Hon'ble Mr.A.B.Gorthi, A.M.

Dated: 9.5.91.

Applicant in person.

Dri Dinesh chandra for opposite parties
and requests for vacating interim order.
Interim will continue during the pendency of
application.

List for final hearing on 21.8.91.

Sd/- Sd/-
A.M. V.C.

AKOR
// True copy //

R.S.M.

AKOR
Section Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW

Cheered by

Central Administrative Tribunal
Circuit Bench Lucknow.
O.A. NO. 228 of 1990 (L)

M.I.Khan Applicant
Versus
Union of India Respondents

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

Hon'ble Mr.A.B.Gorthi, A.M.

Dated: 9.5.91.

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Dri Dinesh chandra for opposite parties
and requests for vacating interim order.
Interim will continue during the pendency of
application.

List for final hearing on 21.8.91.

Sd/-
A.M.

Sd/-
V.C.

// True copy //

R.S.M.

AKR
Section Officer
Central Administrative Tribunal
Circuit Bench
LUCKNOW

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39

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.228 of 1990 (L)

Mohd. Irshad Khan **Applicant.**
Versus
Union of India & Others **Respondents.**

17.8.1990 (Postal)

Hon'ble Mr. P. Srinivasan, A.M.

Hon'ble Mr. J.P. Sharma, J.M.

Learned counsel for the applicant, Mr. M.U.H.

Siddiqui heard.

Issue notice to the respondents, returnable on 30.8.1990 to show cause why the application should not be admitted, as also on the question of interim relief.

Shri V.K. Choudhary accepts notice on behalf of respondents. Meanwhile status quo shall be maintained as of today.

Call on 30.8.1990 for admission and interim relief.

Sd/-

J.M.

Sd/-

A.M.

checked
S.M.
17/8

11 True Copy 11

J. 17/8
Prof. P. Srinivasan 17/8
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

S.M.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.228 of 1990 (L)

Mohd. Irshad Khan **Applicant.**

versus

Union of India & Others **Respondents.**

17.8.1990 (Postal)

Hon'ble Mr. P. Srinivasan, A.M.

Hon'ble Mr. J.P. Sharma, J.M.

Learned counsel for the applicant, Mr. M.U.M. Siddiqui heard.

Issue notice to the respondents, returnable on 30.8.1990 to show cause why the application should not be admitted, as also on the question of interim relief.

Shri V.K. Choudhary accepts notice on behalf of respondents. Meanwhile status quo shall be maintained as of today.

Call on 30.8.1990 for admission and interim relief.

Sd/-

Sd/-

J.M.

A.M.

checked
S.M.
17/8

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xxm/

Date of APP 17/8. Deputy Registrar
Date of prepared 17/8 Central Administrative Tribunal
Date of issue 17/8 Lucknow Bench
2
S.M.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.228 of 1990 (L)

Mohd. Irshad Khan

.....

Applicant.

Versus

Union of India & Others

.....

Respondents.

17.8.1990

(Postal)

Hon'ble Mr. P. Srinivasan, A.M.

Hon'ble Mr. J.P. Sharma, J.M.

Learned counsel for the applicant, Mr. M.U.H. Siddiqui heard.

Issue notice to the respondents, returnable on 30.8.1990 to show cause why the application should not be admitted, as also on the question of interim relief.

Shri V.K. Choudhary accepts notice on behalf of respondents. Meanwhile status quo shall be maintained as of today.

Call on 30.8.1990 for admission and interim relief.

*checked
S.M.
17/8*

Sd/-

J.M.

Sd/-

A.M.

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Deputy Registrar
Central Administrative Tribunal
17/8 L CIRCUIT BENCH LUCKNOW

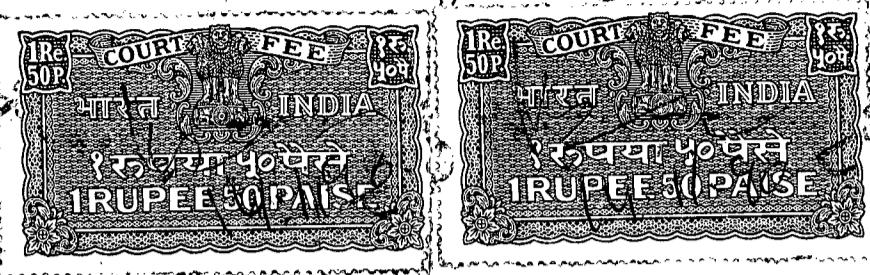
*Date of Appl-17/8
Date of Receipt-17/8 L CIRCUIT BENCH LUCKNOW
Date of Issue-17/8*

*S.M.
17/8*

In The Court of Central Administrative Tribunal
Circuit Bench Lucknow

745

O.A NO. 220 of 990 (L)



Mohd. Iskandar Khan - - - - - Plaintiff
versus

The Union of India - - - - - Respondent
ff. 14. 11. 90

Sir,

In the above noted case the applicant begs to submit as under:-

1. That the applicant is the counsel on behalf of the applicant petitioner and is unable to attend the court to day due to personal difficulties ~~as he~~ the applicant-counsel is suffering from viral infection.

2. That the case is fixed for today wherefore it is prayed that the Hon'ble court may kindly be pleased to adjourn the above case and may extend the day upto next date.

Dated 14.11.90



Counsel for the
applicant
M. U. H. Siddiqui
14.11.90
(M. U. H. Siddiqui)
Signature