

19

सूचना ANNEXURE N-42

ज्ञापन सं० : बी०एच०२०२४८ १-५-८९

सर्व साधारण को सूचित किया जाता है कि शाखा डाकपाल चितोई पद जो उपडाकपाल इन्तिफातगेज नमूने के अनुसार के अन्तर्गत है के लिए अधिक व्यक्ति निर्धारित फार्म पर अपना प्रार्थना पत्र अपने हाथ से भर कर तथा हस्ताक्षर करके डाक अधीनस्थ फेजाबाद के पास इस प्रकार भेजे कि २५-५-८९ तक अवश्य प्राप्त हो जाय। निर्धारित तिथि के बाद प्राप्त तथा अपूर्ण प्रार्थना पत्रों पर विचार नहीं किया जायेगा।

निर्धारित फार्म जिस पर आवेदन करना है शाखा डाकपाल चितोई एवं उपडाकपाल इन्तिफातगेज के पास से निःशुल्क प्राप्त हो सकते हैं।

अर्हताएं

1. शैक्षिक योग्यता :- अध्यर्थी को कम से कम कक्षा ८ उत्तीर्ण होना चाहिए। हाई स्कूल पास की योग्यता की जायेगी।
2. आयु सीमा :- अध्यर्थी की आयु प्रधान हुआई १८ को १८ वर्ष से कम तथा ६० वर्ष से अधिक नहीं होनी चाहिए।
3. आय :- अध्यर्थी की वार्षिक आय व्यक्तिगत निजी नाम की चल या अचल सम्पत्ति से ५०/- प्रतिशत से कम नहीं होनी चाहिए। इस सम्बन्ध में शाखा राजस्व अधीकारी का प्रमाण पत्र जलाना पड़े।
4. निवास स्थान :- अध्यर्थी को उसी गाँव का निवासी होना चाहिए जहाँ पर डाकघर खोला हुआ हो।
5. अन्य :- अध्यर्थी को जनता के द्वारा चयन किए जाये किसी भी पद पर आश्रीत नहीं होना चाहिए एवं अनामत द्वारा कर्जित भी नहीं होना चाहिए।
6. धर्म :- डाकघर रखने के लिए उचित धर्म होना चाहिए। धर्म का मानकित लगावे।

नोट :- सभी आवश्यक प्रमाण पत्रों को सत्यापित श्री तैलियियां मूल प्रार्थना पत्र से साथ अवश्य नटो करे।

डाकघर अधीक्षक  
फेजाबाद

तैलियि सूचना पट पर विपक्षाने तथा प्रचार हेतु :-

- 1) शाखा डाकपाल चितोई
- 2) उपडाकपाल इन्तिफातगेज
- 3) प्रधान ग्राम सचिव एवं पोस्ट चितोई
- 4) डाक निरीक्षक आर. म. उतरी पोस्ट चितोई
- 5) प्रधानाध्यापक ५१०-५१० चितोई
- 6) डाकघर अधीक्षक फेजाबाद

True photo copy attested  
22/9/90

20/15

सूचना

A HIN D X O R E - 1 - 3

कामन सं० : पी०२५०२० २१११ दिनांक २२४००१- ०३-५-८९

वर्ष साधारण को सूचित किया जाता है कि आगामी वर्ष के लिए जो उपायकार उचित समझा जाता है उसका फैसला के अनुसार बहुत व्यक्ति निर्धारित फार्म पर अपना प्रार्थना पत्र अपने हाथों से भर कर तथा हरताहर करके डाक अधीनस्थ के माध्यम से प्राप्त करने के लिए २०-५-८९ तक अवकाश प्राप्त हो जाय। निर्धारित विधि के बावजूद प्राप्त तथा अपूर्ण प्रार्थना पत्रों पर विचार नहीं किया जायेगा।

निर्धारित फार्म जिस पर आवेदन करना है शाखा डायरेक्टर के पास उपलब्ध है। उचित समझा जाता है के माध्यम से निःशुल्क प्राप्त हो सकते हैं।

#### अर्ह-ताएँ

1. वैदिक योग्यता :- अध्यधी को कम से कम कक्षा ८ उत्तीर्ण होना चाहिए। हाई स्कूल पास की परीक्षा दी जायेगी।
2. आयु सीमा :- अध्यधी की आयु १८ वर्ष से १९ वर्ष की १८ वर्ष से कम तथा ६० वर्ष से अधिक नहीं होनी चाहिए।
3. आय :- अध्यधी की वार्षिक आय वयस्कता निजी आय की कमाई या अचल सम्पत्ति से ५०/- प्रतिशत से कम नहीं होनी चाहिए। इस सम्बन्ध में सहायक राज्य अधिकारी का प्रमाण पत्र संलग्न करें।
4. निवास स्थान :- अध्यधी को उसी गाँव का निवासी होना चाहिए जहाँ पर अफसर नियुक्त हुआ हो।
5. अन्य :- अध्यधी को जनता के द्वारा चयन किए गये किसी भी पद पर आसीन नहीं होना चाहिए, एवं अदालत द्वारा बन्धित भी नहीं होना चाहिए।
6. भवन :- डाक्टर रहने के लिए उचित भवन होना चाहिए। भवन का वास्तुशिल्प लगावे।

नोट :- सभी आवश्यक प्रमाण पत्रों को सत्यापित प्रतिलिपियाँ पूरा प्रार्थना पत्र के साथ अवश्य नत्थी करें।

Konkur

अधीनस्थ अधिकारी  
पेसादाव कन्डल

प्रतिलिपि सूचना पत्र पर विचाराने तथा प्रचार हेतु :-

- 1) शाखा डायरेक्टर निम्नांकित :-  
अध्यधी को निःशुल्क भेटे
- 2) उपायकार निम्नांकित :-
- 3) प्रधान ग्राम प्रधान निम्नांकित :-
- 4) जिला निरीक्षक निम्नांकित :-
- 5) प्रधानाध्यापक प्र० प्र० निम्नांकित :-
- 6) जिला अधिकारी निम्नांकित :-

True photo stat- copy attested  
Rajivashan Ashi  
21/9/90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O.A. NO. 322 of 1990(L)

P.F. 14-10-91

Rafique Alam

.. Applicant

-versus-

Union of India and others .. Respondents.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2

1 & 2.

R.C. Mishra

I, ~~R.C. Mishra~~, aged about 57 years, son of

Shri S. Misra at present posted as Sr. Supdt

of Post Offices, ~~Sitapur~~ FAIZABAD Division, ~~Sitapur~~ FAIZABAD do

hereby solemnly affirm and state as under:-

1. That the deponent is respondent no.2 in the above mentioned application and he has been authorised to file this counter affidavit on his behalf and on behalf of respondent no.1.

2. That the deponent has read and understood the contents of the application and he is well conversant with the facts of the case as well as the facts deposed to herein under in reply thereof.

3. That before giving parawise comments it is pertinent to give brief facts of the case as detailed below:

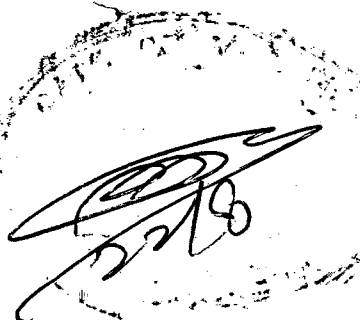
R.C. Mishra  
Sr. Supdt. of Post Offices  
Faizabad Division  
FAIZABAD. 224001

Filed today

17/9/93

(a) That the post of ED Branch Postmaster, Chitol fell vacant due to death of the incumbent Shri Hifazuddin on 9.10.1988. An application from widow Hawmul Nishan and other dependents was received for the appointment of Sri Alam Shah (cousin) on the post of ED BPM Chittoi. The widow and sons of late Shri Hifazuddin were not willing for the appointment on compassionate ground, because they were involved in their business in Bombay.

(b) That later on, the employment exchange Faizabad was asked to sponsor the name of local candidates upto 11.5.1989. A list of five candidates was ~~askedxxxxxx~~ received from employment exchange on 2.5.1989. Among five candidates only two candidates were local. Hence direct ~~gi~~ vigyapati was issued on 9.5.89 and the applications from suitable candidates were called for upto 25.5.1989. Only two applications were received from the village Chittoi. As per departmental rule at least three applications are essential for the appointment. Hence, again direct vigyapti was issued on 3.7.1989 and applications from eligible candidates were called for upto 20.7.1989. Four applications were received

  
R.C. Misra  
Sr. Supt. of Post Offices  
Faizabad Division  
FAIZABAD. 224001

from the local candidates. Including all, five applications from the following candidates were found for the appointment ~~for~~ of the said post:

1. Shri Jameel Ahmed
2. Shri Firdaus Alam
3. Shri Jang Bahadur Lal
4. Akhri Alam Shah
5. Shri Jiya Lal.

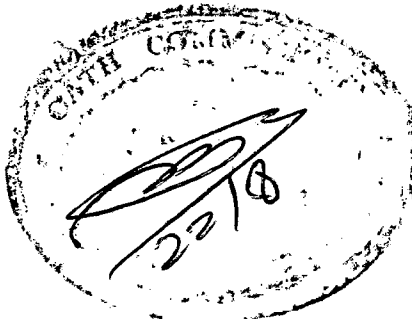
(c) That as per departmental rules, the genuineness of the documents and locality etc. were got verified and Shri Jiya Lal was found suitable being a S.C. candidate, among all the candidates, mentioned above. Consequently, he was appointed as Branch Postmaster, Chitoidi vide office letter No. PFA-248 dated 13.8.1990.

The police verification report of Shri Alam Shah shows that he is of criminal nature and not fit for Government service.

4.

~~xxx~~ That the contents of para 1 to 3 of the application are formal as such need no comments.

5. That the contents of para 4(i) of the



R.C. Misra.  
Sr. Supt. of Post Offices  
Faizabad Division  
FAIZABAD. 224001

application needs no comments.

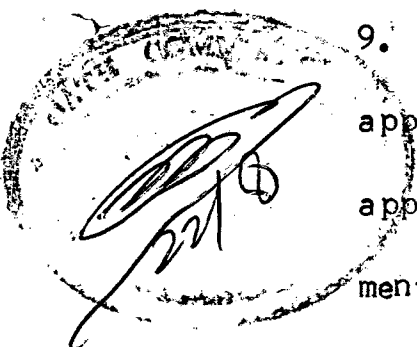
6. That the contents of para 4(ii) of the application are admitted to the extent that Shri Hifazuddin was working on the post of ED BPM, Chittoi.

7. That in reply to the contents of para 4(iii) of the application it is submitted that the applicant was engaged as a substitute by Shri Hifazuddin (Ex-BPM Chittoi) on his responsibility from 7.9.88 to 11.10.88. He was not appointed on the post of as alleged.

8. That the contents of para 4 (iii) of the application are admitted to the extent that he worked from 7.9.1988 to 11.10.88 only as a substitute.

9. That the contents of para 4(iv) of the application are admitted to the extent that the applicant was ordered to work as Extra Departmental D.A. The applicant was engaged as ED D.A by the appointing Extra Departmental Delivery Agent in the place of the appointed EDDA Shri Jang Bahadur Lal.

10. That the contents of para 4(v) of the

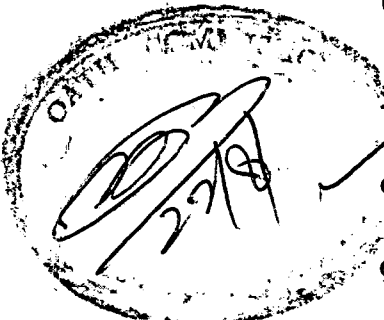
  
Q.C. Misra,  
Sr. Supdt. of Post Offices  
Faizabad Division  
FAIZABAD. 224001

of the application are not disputed.

11. That in reply to the contents of para 4(vi) of the application it is submitted that the applicant does not come under family as such he is not dependent. More over the applicant's police verification report showed that he is not fit for Government job as there are several cases against him under section 147, 148, 336, 308, 323 DPC 82/77 and so many in 83/77, 120/77 etc. ✓

12. That in reply to the contents of para 4(vii) of the application it is submitted that the application for compassionate appointment was not considered justified, hence not appointed.

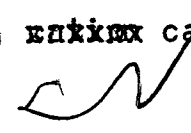
13. That ~~in reply~~ the contents of para 4(viii) of the application are not disputed.



14. That in reply to the contents of para 4(ix) of the application it is submitted that the appointment on compassionate ground was not found justified as described in para 12 above, as his request was not acceded.

*R.C. Mehta*, 15. That the contents of para 4(x) of the appli-

Sr. Supdt. of Post Offices ~~in reply~~ cation needs no comments.  
Fazladd Division  
FAIZABAD. 224001



2/6

16. That in reply to the contents of para 4(xi) of the application it is submitted that the case of the applicant was not considered due to not being found justified. There was no question of dispute.

17. That the contents of para 4(xii) of the application are admitted to the extent that the applicant was applied for the post.

18. That the contents of para 4(xiii) <sup>& (xiv)</sup> of the application are ~~incorrect~~ as stated, hence ~~denied~~ admitted.

19. That the contents of para 4(xv) of the application are incorrect as stated, hence denied.

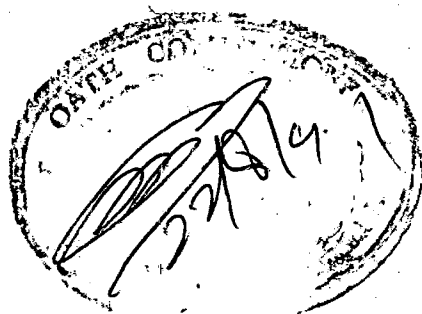
20. That the contents of para 4(xvi) of the application are admitted to the extent that there is no departmental provision for interview.

21. That the contents of para 4(vii) of the application are incorrect as stated, hence denied.

22. That the contents of para 4(xviii) of the application are incorrect as stated, hence denied.

23. That in reply to the contents of para 4(xix) of the application it is submitted that the applicant was not fit for appointment on the ground in para 11 above.

24. That in reply to the contents of para 4(xx)



R.C. Misra,  
Sr. Supdt. of Post Office,  
Faizabad Division  
FAIZABAD. 224001



of the application it is submitted that the order has been implemented and Shri Jiya Lal taken over charge of Extra Departmental Branch Postmaster Chittoi.

25. That the grounds taken by the applicant are not tenable in the eyes of law in view of the facts stated above.

26. That the contents of para 6 & 7 of the application need no reply.

27. That the reliefs sought by the applicant in para 8 & 9 of the application are not entitled in view of the facts and circumstances stated in the preceeding paragraphs.

28. That in view of the facts, reasons and circumstances stated in the foregoing paragraphs, the application filed by the applicant is not entitled to get any relief from this Hon'ble Tribunal and is liable to be dismissed with costs to the Respondent No.1 & 2.

Lucknow,

Dated: 22 August 1991.

  
R.C. Misra.  
Deponent,  
Sr. Supt. of Post Offices  
Faizabad Division  
FAIZABAD. 224001

u

Verification.

I, the above named deponent do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge,, those of paragraphs 3 to 24 & 26 of the affidavit are believed to be true on the basis of records and information gathered and those of paragraphs 25 & 27 of the affidavit are also believed to be true on the basis of legal advice. No part of this affidavit are false and nothing material fact has been concealed.

Lucknow,

Dated: 22 August 1991.

*P. C. Mishra*  
Deponent.

Sr. Supt. of Post Offices  
Faizabad Division  
FAIZABAD. 224001

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

*VK Chaudhari*  
(VK Chaudhari)

Addl. Standing Counsel for Central Government  
(Counsel for the Respondent No.1 & 2)

Lucknow,

Dated:

*26/8/91*  
*11/3/91*

*Legal Issue, Lucknow*  
*22/8/91*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

C.A. NO. 222 of 1990(L)

F.F. 14.10.91

Rafique Alam

... Applicant.

-versus-

Union of India and others ... Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS. ~~Page 3.~~ Page 3.

.....

1991  
AFFIDAVIT  
25 IM  
DIST. COURT  
U. P.

I, P.N. Singh aged about 48 years,  
son of Shri Jagwar Singh, Sub Divisional Inspector,  
Akbarpur North, District Faizabad do hereby  
solemnly affirm and state as under:-

1. That the deponent is Respondent no.3  
in the above noted application and he has been  
authorised to file this counter affidavit on  
his behalf and on behalf of all other Respondents.
2. That the deponent has read and understood  
the contents of the application and he is fully  
conversant with the facts of the case as well as the  
facts deposed to herein under in reply thereof.
3. That before giving parawise comments  
it is pertinent to give brief history of the case  
as detailed below:

P.N. Singh



(a) That the post of ED Branch Postmaster, Chitol fell vacant due to death of the incumbent Shri Hifazuddin on 9.10.1988. An application from widow Hawmul Nishan and other dependents was received for the appointment of Sri Alam Shah (cousin) on the post of ED BPM Chitoli. The widow & sons of late Shri Hifazuddin were not willing for the appointment on compassionate ground, because they were involved in their business in Bombay. Later on, the employment exchange Faizabad was asked to sponsor the name of local candidates upto 11.5.1989. A list of five candidates was received from employment exchange on 2.5.89. Among five candidates only two candidates were local. Hence direct vigyapati was issued on 9.5. 89 and the applications from suitable candidates were called for upto 25.5.1989. Only two applications were received from the village Chitoli. As per departmental rule at least three applications are essential for the appointment. Hence again direct vigyapti was issued on 3.7.89 and applications from eligible candidates were called for upto 20.7.89. Four

PN Singh



applications were received from the local candidates. Including all, five applications from the following candidates were found for the appointment of the said post.

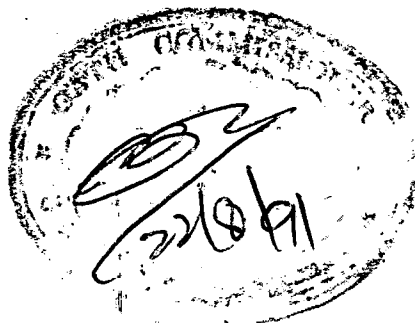
1. Shri Jameel Ahmed
2. Shri Firdaus Alam
3. Shri Jang Bahadur Lal
4. Shri Alam Shah
5. Shri Jiya Lal.

(b) That as per departmental rules, the genuineness of the documents and localaity etc. were got verified and Shri Jiya Lal was found suitable being a S.C. candidate, among all the candidates, mentioned above. Consequently, he was appointed as Branch Postmaster, Chitoi vide office letter No. PFA-248 dated 13.8.90. The police verification report of Shri Alam Shah shows that he is of criminal nature and not fit for Government service.

4. That the contents of para 1 to 3 of the application are formal as such needs no comments.

5. That the contents of para 4(i) of the application needs no comments.

B.M. Singh



6. That the contents of para 4(ii) of the application are admitted to the extent that Shri Hifazuddin was working on the post of ED BPM, Chitoi.

7. That in reply to the contents of para 4(iii) of the application it is submitted that the applicant was engaged as a substitute by Sri Hifazuddin (Ex BPM Chitoi) on his responsibility from 7.9.88 to 11.10.88. He was not appointed on the post as alleged.

8. That the contents of para 4(iii) of the application are admitted to the extent that he worked from 7.9.88 to 11.10.88 only as a substitute.

9. That the contents of para 4(iv) of the application are admitted to the extent that the applicant was ordered to work as Extra Departmental Branch ~~xxxxxx~~ D.A. The applicant was engaged as ED DA by the appointed Extra Departmental Delivery Agent in the place of the appointed EDDA Shri Jang Bahadur Lal.

10. That the contents of para 4(v) of the application are not disputed.

11. That in reply to the contents of para 4(vi) of the application it is submitted that the applicant does not come under family as such he is not

PN Singh

not dependent. More over the applicant 's police verification report showed that he is not fit for Government job as there are several cases against him u/s. 147, 148, 336, 308, 323 @ I.P.C. 82/77 and so many in 83/77, 120/77 etc.

12. That in reply to the contents of para 4(vii) of the application it is submitted that the application for compassionate p appointment was not considered justified, hence not appointed.

13. That the contents of para 4(viii) of the application are not disputed.

14. That ~~the~~ in reply to the contents of para 4(ix) of the application it is submitted that the appointment on compassionate ground was not found justified as described in para 12 above, as his request was not acceded.

15. That the contents of para 4(x) of the appkication needs no comments.

16. That in reply to the contents of para 4(xi) of the application it is submitted that the case of the applicant was not considered due to not being

*P.N. Singh* found justified. There was no question of dispute.

17. That the contents of para 4(xii) of the application are admitted to the extent that the applicant has applied for the post.

18. That the contents of para 4(xiii) & (xiv) of the application are admitted.

19. That the contents of para 4(xv) of the application are incorrect as stated, hence denied.

~~and in reply~~

20. That the contents of para 4(xvi) of the application are admitted to the extent that there is no departmental provision for interview.

21. That the contents of para 4(vii) of the application are incorrect as stated, hence denied.

22. That the contents of para 4(xviii) of the application are incorrect as stated, hence denied.

23. That in reply to the contents of para 4(xix) of the application ~~it is submitted~~ that the applicant was not fit for appointment on the ground mentioned in para 11 above.

24. That in reply to the contents of para 4(xx) of the application it is submitted that the order has

22/8/91  
B. L. Singh



been implemented and Shri Jiya Lal taken over charge of Extra Departmental Branch Postmaster Chittoi.

25. That the grounds taken by the applicant are not tenable in the eyes of law in view of the facts stated above.

26. That the contents of para 6 & 7 of the application need no reply.

27. That the reliefs sought by the applicant in paras 8 & 9 of the application are not entitled in view of the facts and circumstances stated in the preceeding paragraphs.

28. That in view of the ~~para~~ facts, reasons and circumstances stated in the foregoing paragraphs, the application filed by the applicant is not entitled to get any relief from this Hon'ble Tribunal and is liable to be dismissed with costs to the Respondents.

RAN Singh  
Deponent.

Lucknow,

Dated: 22 - August, 1991.

Verification.

I, the above named deponent do hereby verify that the contents of para 1 & 2 of the affidavit are true to my personal knowledge,

RAN Singh

those of paragraphs 3 to 24 & 26a of the affidavit are believed to be true on the basis of records and information gathered and those of paragraphs 25, 27 & 28 are also believed to be true on the basis of legal advice. No part of this affidavit are ~~are~~ false and nothing material fact has been concealed.

R.N. Singh  
Deponent.

Lucknow, ✓  
Dated: 22 - Aug. 1991.

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

VK Chaudhari,  
Addl. Standing Counsel for Central Govt  
(Counsel for the Respondents)

Lucknow,

Dated: 22-8-1991

25/8/91  
5-30 PM  
V.K. Chaudhary  
Adv

Type Kundan  
22/8/91

घ अदालत श्रीमान

[वादी] अपीलान्त

श्री- Rubandur का बकालतनामा

प्रतिवादी

महोदय

A 31

(टिकट)

वादी (अपीलान्त)

Rafiq Alami

बनाम

Union of India (प्रतिवादी (रेस्पान्डेंट))

मुकदमा नं० 322 सन् 90 पेशी की ता० 14.10 91 ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री बी० के० चौधरी एडवोकेट हाईकोर्ट  
ऊपर स्थायी अधिवक्ता भारत सरकार लखनऊ वेन्य, निवास- 98/628  
बरफखाना, नईबस्ती अलंकार सिनेमा के पास लखनऊ टेली. न. 238656  
हाईकोर्ट चेम्बर न. 98 टेली. न. 280609

(नाम अदालत .....)  
(मुकदमा नं० नाम .....)  
(फरीकन ..... बनाम .....)

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

स्वीकृत  
(बी० के० चौधरी)  
एडवोकेट हाईकोर्ट

हस्ताक्षर D. C. M. 2806  
Sr. Supd. of Post Office  
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FAIZABAD. 224001

साक्षी (गवाह) ..... साक्षी (गवाह) .....

दिनांक 16 महीना 9 सन् 91 ई०