

FORM NO. 21

(See rule 114)

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

OA/TA/RA/CP/MA/PT 323 of 2010

Alam Shah Applicant(S)

Versus

Union of India & others Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B.C. Upadhyay  
Signature of S.O. 15/1/12

Signature of Deal. Hand  
13/6/12

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal  
Circuit Bench, Lucknow  
Date of Filing ..... 21/9/90  
Date of Receipt by Post.....

Registration No. 323 of 1988/90 (2)

Deputy Registrar (J)

Sd/-  
21/9

APPLICANT(S) Alam Shah

RESPONDENT(S) Union of India

Particulars to be examined

Endorsement as to result of examination

- | <u>Particulars to be examined</u>  | <u>Endorsement as to result of examination</u> |
|--|--|
| 1. Is the <del>appeal</del> <sup>application</sup> 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 <del>appeal</del> <sup>application</sup> in time?   | yes  |
| b) If not, by how many days it is beyond time?   | yes  |
| c) Has sufficient case 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.D./Postal Order for Rs.50/-   | yes Postal order 50/-                          |
| 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?   | only in Petition Not in                        |
| 9. Have the chronological details of representation made and the outcome of such representation been indicated in the application? | Annexure                                       |
| 10. Is the matter raised in the application pending before any court of law or any other Bench of Tribunal?                        | yes  |
|  | NO   |

Endorsement as to result of examination

Revised  
Per up  
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hon'ble  
on 8/10/90  
Bever  
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la  
21-9.90

yes

$$\frac{54u}{21/9}$$

323/90 (L)

(AB)

No sitting day to 7.11.90

2

8-1

7.11.90

Hon. Mr. M.V. Perkar AM.  
Hon. Mr. D.K. Agwal JM

Due to resolution of Bar Association case is adjourned to 4.12.90.

4.12.90

No sitting day to 14.12.90

W  
B.O.C.

14/12/90

Hon. Mr. Justice K. S. L. C.  
Hon. Mr. K. D. Bhat, Jm

Connect with DA No. 322/90 of 14.12.90

Am

RC

on  
notologues  
8  
11/2/91

M

25.3.91  
D.R.

Both the parties are absent today. Counter has not been filed. Notices have been issued on 11.2.91. Respondent to file counter by 25.4.91

O.A. 333/90.

Am

6.2.92

D.R.

Both the parties  
are present.

Applicant to file  
Rejoinder by

29/4/92.

29.4.92

D.R.

Counsel for O.P.'s side  
is present. Applicant  
to file Rejoinder

by 24/7/92.

24-7-92

D.R.

Both the parties are absent.

Rejoinder has not been filed  
till to day. Applicant is directed  
to file Rejoinder by 24/9/92

24-9-92

D.R.

Both the parties are absent.

Applicant to file rejoinder

by 26-11-92

45

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

...

Registration O.A. No. 323 of 1990 (L)

Alam Shah ... .. Applicant.

Versus

Union of India  
and others ... .. Respondents.

Connected With

Registration O.A. No. 322 of 1990 (L)

Rafique Alam ... .. Applicant.

Versus

Union of India  
and others ... .. Respondents.

...

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

By means of these two applications, the applicants have prayed that the impugned order dated 13.8.1990 appointing Shri Jiya Lal, respondent no. 4 on the post of E.D.B.P.M. Chittoi District Faizabad may kindly be set aside and further the respondents may be directed to make the appointment on the post of E.D.B.P.M. Chittoi District Faizabad either of Alam Shah or of Rafique Alam whichever is fit on the compassionate ground.

2. The respondents have stated that after considering the cases of all the applicants, on merits, the respondent Jiya Lal was found to be the better candidate in comparison to other applicants and that is why he was given appointment and also because he was member of Schedule Caste Community. Both the applicants, who were earlier

(A/G)

- 2 - 00

fighting with each other for the said post latter on stated that ofcourse it can be either given to Alam Shah or to Rafique Alam. The case of Rafique Alam has been considered on merits and it was found that he has got no better claim in comparison to Jiya Lal and that is why his case was rejected, and the case of Alam Shah was rejected on the ground that there was police report against him and a criminal case under Sections 107/323 was pending against him and that is why, he was not a fit person to be appointed on the said post.

3. On behalf of Alam Shah, rejoinder affidavit has been filed in which it has been stated that the criminal cases pending against him have already been decided in the year 1983 and in 1989 the applicant was acquitted of the charges levelled against him. The police report was given in the year 1989 that is why on the police verification report on which the respondents have acted was not correct. In view of the fact, no criminal case was pending against the applicant Alam Shah, as such, the respondents are directed to consider the case of Alam Shah on merits along with the case of Jiya Lal and in case from the totality of the circumstances, it is found that the Alam Shah is a better candidate and the post is also not for the Schedule Caste candidate, he can be given appointment and the respondent no. 4 Jiya Lal can be shifted elsewhere. Let this consideration be done within a period of 4 months from the date of receipt of the certified copy

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- 3 -

of this judgment in that event his appointment will be deemed to have been quashed and in his place Alam Shah will be appointed. This applications are disposed of with the above terms. No order as to the costs.



Vice-Chairman

Dated: 2.4.1993

(n.u.)



IN THE CENTRAL ADMINISTRATIVE

TRIBUNAL CIRCUIT BENCH LUCKNOW.

O.A. No. 323/90(L)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT, 1985.

ALAM SHAH \_\_\_\_\_ APPLICANT.

VERSUS

UNION OF INDIA AND OTHERS \_\_\_\_\_ RESPONDENTS

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I N D E X

SL. No.	DESCRIPTION OF DOCUMENTS RELIED UPON	PAGE NO.
1-	Application.	1-14
2-	Annexure No.A1	15-16
3-	Annexure No.A2	-17-
4-	Annexure No.A3	-18-
5-	Annexure No.A4	-19-
6-	Annexure No.A5	-20-
7-	Annexure No.A6	-21-
8-	Annexure No.A7	-22-
9-	Power.	-23-

Filed today  
21/9/90

आमन सिंह  
Signature of the  
Applicant.

For use in Tribunal's Office

21/09/90

Noted 8-10-90  
21/9/90

Date of filing  
or

Date of receipt by post

Registration No.

Signature  
for Registrar

Deputy Registrar(J)

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL CIRCUIT BENCH LUCKNOW.

Sd/-  
21/9

Alam Shah son of Sri Samsuddin resident of village  
and Post Chittoi, Pargana and Tahsil Tanda District  
Faizabad \_\_\_\_\_ APPLICANT

Versus

1. The Union of India through Secretary Department  
of Communication, New Delhi.
2. The Senior Superintendant of Post Offices  
Faizabad Division Faizabad.
3. The Sub-Divisional Inspector Akbarpur, North,  
District Faizabad.
4. Sri Jiyalal son of Sri Bideshi resident of  
village and Post Chittoi Pargana and Tahsil  
Tanda District Faizabad. \_\_\_\_\_ RESPONDENTS

DETAILS OF APPLICATION:

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

The application is made against the order  
No. PFA-248, Faizabad, dated 13.8.90 passed  
by respondent No.2 appointing the respondent  
No.4 on the post of Extra Departmental  
Branch Post Master Branch Chittoi Sub-Office  
Iltifatganj District Faizabad(hereinafter  
referred to as the " E D B P M Chittoi"). A

21/9/90

true attested copy of the impugned order dated 13.8.90 abovesaid is being filed herewith as Annexure No. A1 to the application.

2. Jurisdiction of the Tribunal :

The applicant 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 declared that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case:

(i) That the dispute in the instant application pertains to the appointment on the post of E D B P M Chitoi .

(ii) That it is stated that in the Branch Post Office Chitoi, sub office Ittifatganj District Faizabad one Sri Hifazuddin the real uncle of applicant was working on the post of E D B P M Chitoi having been appointed as such.

(iii) That the above named Sri Hifazuddin fallen ill on 7.9.88 consequently he proceeded on medical leave w.e.f. 7.9.88

21/08/21/88

3.

and as such the applicant was appointed on the post of E D B P M chitai as substitute who has taken charge of the post w.e.f. 7.9.88 which is evident from the charge report dated 7.9.88, a true attested copy of which is being filed herewith as Annexure No.A2 to the application.

(iv) That in continuation to 7.9.88 applicant was allowed to continue to work on the post of E D B P M chitai as substitute but on 8.10.88 the aforementioned Sri Hifazuddin expired and as such Sri Jang Bahadur Lal extra Departmental delivery Agent (hereinafter referred to as "the E D D A") was ordered to work temporarily on the post of E D B P M Chitai vide order dated 11.10.88 passed by respondent No.3 and by the means of the same the applicant was ordered to work on the post of E D D A as substitute of Sri Jang Bahadur Lal named above. A true attested copy of the order dated 11.10.88 passed by respondent No.3 mentioned above is being filed herewith as Annexure A3 to the application.

(v) That in view of the above the applicant taken charge of the post of E D D A w.e.f.11.10.88 pursuant to the order dated 11.10.88( Annexure NoA3) and he has been allowed from time to time to work as such till 7.3.90.

31/07/2015

(vi) That it is pertinent to mention here that the applicant is the son of Sri Hifazuddin's real brother namely Samsuddin and since father of the applicant has expired much earlier and as such he being dependent of Sri Hifazuddin abovesaid is living jointly with the family of his uncle.

(vii) That on the death of his father having been fully fit and eligible Sri Rafiq Alam son of Sri Hifazuddin moved a representation in the month of Oct. 1988 before respondent No. 2 and 3 for appointing him as E D B P M Chitai on the compassionate ground in the place of his father who was expired while in service leaving the family in indigent circumstances.

(viii) That in addition to the above noted written representation, the above named Sri Rafiq Alam also meted out several times personally to the respondent No. 2 and 3 and represented his case vehemently for getting the appointment on the post of E D B P M Chitai on the compassionate ground.

(ix) That when nothing was done in his case then the above named Sri Rafiq Alam has made a request before the respondent No. 2 and 3 that in any case if it was not

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possible to give him the appointment on the post of E D B P M Chittoi, his cousin namely Sri Alam Shah (applicant) may be appointed on the post in dispute as a dependent of Sri Hifazuddin as Sri Alam Shah (applicant) is also one of the dependants of Sri Hifazuddin who is living jointly with him.

(x) That the above mentioned request was made by the above named Rafiq Alam on the pretext that the applicant, as substitute of Sri Hifazuddin, has worked on the post of E D B P M Chittoi for above mentioned period and was engaged in service too as E D D A in the same branch and has acquired experience of working on the post of E D B P M Chittoi. It would not be out of place to mention here that the applicant himself has also represented his case vehemently for getting the appointment on the disputed post on the compassionate ground before the respondent No.2 as well as respondent No.3 through various representations written as well as oral but nothing was done by any of the respondent No.2 & 3 .

(xi) That so far as the other dependants of Sri Hifazuddin e.g. the mother and brothers of the above named Rafiq Alam are concerned they also consented that in case the appointment of Sri Rafiq Alam is not possible due to any reason then the applicant may be appointed

30/03/2018

as E D B P M Chitoi as a dependant of Sri Hifazuddin and there is no dispute for the disputed post amongst the dependants of Sri Hifazuddin.

(xii) That inspite of the above nothing was done by the respondent No.2 and 3 neither the applicant nor Sri Rafiq Alam above named was appointed and without considering the rights of the dependants of Sri Hifazuddin including the applicant pertaining to the appointment on the compassionate ground on the disputed post the respondents No.2 and 3 has decided to fill the vacancy aforesaid through direct recruitment owing to their arbitrariness and high handedness and for such purpose the names of the eligible candidates were requisitioned from the employment exchange by the respondents No.2 and 3 and in persuance of which the name of the applicant was also sent from the employment exchange Faizabad and as such the applicant was required to submit the relevant requirement till 22.5.89 vide letter No. PFA 248 dated Faizabad 9.5.89 of the respondent No.3, a true attested photostate copy of which is being filed herewith as Annexure No. A4 to the application

(xiii) That in addition to the above the post was also advertised twice vide advertisements No. PFM 248 dated Faizabad 224001 dated 9.5.89 and 3.7.89 consecutively and the

3/10/2018

(A-15)

applications were invited from the public at large for the appointment on the post of E D B P M Chitoi. The true attested photostat copies of the advertisements dated 9.5.89 <sup>and 3-7-89</sup> above said are being filed herewith as Annexure No. A5 & A6 to the application respectively.

(xiv) That in pursuance of the above mentioned letter dated 9.5.89 (Annexure No. A4) the applicant submitted all the required materials and the respondent No.4 has also applied in pursuance of the advertisement dated 3.7.89 for the appointment on the post of E D B P M Chitoi.

(xv) That although it was incumbent upon the respondents No.2 and 3 to appoint Sri Rafiq Alam above named or the applicant of the instant application on the disputed post on the compassionate ground as a dependant of Sri Hifazuddin yet owing to the arbitrariness and high handedness the respondents No.2 and 3 have invited the application for making the appointment on the disputed post .

(xvi) That it is pointed out that no interview was taken place but the respondent No.2 has passed the impugned order dated, 13.8.90 appointing the respondent No.4 on the disputed post arbitrarily in a most illegal manner against all the norms of law.

3/10/2012



(xvii) That it is submitted that on the one hand although applicant as well as the other dependantsof Sri Hifazuddin were to be considered for appointment on the disputed post first yet the respondents No.2 and 3 in a most arbitrary and illegal manner have not done so and without considering the right of the applicant on the compassionate ground as dependant of Sri Hifazuddin they have decided to make the direct recruitment but on the other the respondents No.2 has arbitrarily in his own manner due to his malafide intention has passed the impugned order against all the norms of law while making out direct recruitment too for filling the vacancy on the disputed post.

(xviii) That the respondent No.4 cannot be appointed against the vacancy arising out from the death of Sri Hifazuddin the E D B P M Chitoi when the applicant as well as the above named Rafiq Alam are claiming his appointment on the compassionate ground.

(xix) That even otherwise assuming but without admitting that the appointment can be made inspite of the facts what has been stated above on the disputed post through direct recruitment then in that case the applicant was most suitable candidate ~~applicant~~ then the respondent No.4 as the percentage of marks in the examination of High School of

applicant is 54% while that of respondent No.4 is 46% only and the income described in the income certificate given by District Magistrate in the case of applicant is Rs. 750/- whereas in case of respondent No.4 it is described as Rs. 350/- only.

It is also submitted that the applicant owned a Pucca house capable of offering a much better space for post office than the respondent No.4 who has only a Kuchcha House where no place of establishing any post office is existing. Moreover the applicant is an experienced person who has worked in the same branch of post office and has the experience and as such the respondent No.4 cannot be more fit and eligible candidate than the applicant. A true attested photostate copy of the experience certificate given by the E D B P M Chitoi dated 13.8.90 is being filed herewith as Annexure No. A7 to the application.

(iii) That

(xx) That the impugned order dated 13.8.90 ~~is being~~ ~~filed herewith as Annexure~~ appointing the respondent No.4 has not been implemented so far and in case the operation of the same is not stayed by this Hon'ble Tribunal with the immediate effect the applicants shall suffer with an irreparable loss and injury which cannot be compensated afterwards.

5. Grounds for relief with legal provisions:

(a) Because the applicant being dependant of

3/10/21/12

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Sri Hifazuddin who has been expired while working on the post of E D B P M Chitoi District Faizabad has a legal right of being appointed on the disputed post against vacancy arising out from the death of the abovenamed Sri Hifazuddin on the compassionate grounds.

- (b) Because the actions adopted by respondents No.2 and 3 in not appointing of the applicant on the disputed post on the compassionate ground are illegal,arbitrary,malafide and discriminatory and is violative of Article 14 and 16 of the constitution of India.
- (c) Because without considering the case of the applicant on the disputed post on compassionate ground the respondents have exercised their jurisdiction wrongly in inviting the application for the appointment from the public at large.
- (d) Because in view of the above and in view of the facts and circumstances of the case the appointment of the respondent No.4 on the disputed post is illegal,arbitrary,malafide discriminatory and not tenable under law.
- (e) Because even otherwise assuming but without admitting that what has been stated above,in any case, is not acceptable and the appointment on the disputed post was to be made through the direct recruitment then in that case,the applicant was most suitable candidate then the respondent No.4 in the facts and

3/10/11/2

A19

circumstances obtaining in the instant case and in the place of respondent No.4 the applicant deserves to be appointed as such.

6. Details of the remedies exhausted :

The applicant declared that he has availed all the remedies available to him under the relevant service rules, etc. as he has represented his case for appointment on the post of E D B P M Chitai before the respondents no.2 and 3 vehemently through various representations written as well as oral. It is submitted that unfortunately the applicant could not procure the copies of the representations moved by him in writing and as such the same is not being filed hereto but the applicant craves the indulgence of this Hon'ble Tribunal to call the same from the respondents No.2 and 3 for perusal.

7. Matters not previously filed or pending in the any other court:

That the applicant further declared that he had not previously filed any application or writ petition regarding the matter in respect of which his application has been made before any court of law or any other authority or any other bench of the Tribunal except one that he along with his cousin namely Sri Rafiq Alam has filed an application before this Hon'ble Tribunal i.e. O.A. No.291/90 (b) namely Rafiq Alam and another Versus Union of India and others which has been withdrawn by him with liberty to file it afresh vide order dated 12.9.90

annex 2118

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passed by this Hon'ble Tribunal.

8. Reliefs sought :

In view of the facts mentioned in para 4 above the applicant prays for the following relief(s):-

(i) That

(i) That the impugned order dated 13.8.90 appointing the respondent No.4 on the post of E D B P M Chittoi District Faizabad contained in Annexure No. A1 to this application may kindly be set aside.

(ii) That a direction may kindly be issued directing the respondent No.2 and 3 to make the appointment on the post of E D B P M Chittoi District Faizabad of the applicant with immediate effect in the place of respondent No.4. ✓

(iii) Such other order or direction which may be deemed just and warranted may also be passed.

(iv) The costs of the application may also be awarded to the applicant against the respondents. ( All the grounds mentioned in above para 5 of the application are being pressed for the aforementioned reliefs)

9. Interim order if any prayed for:

Pending final decision on the application, the

21/08/2012

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applicant seeks the following interim relief:-

That for the facts, circumstances, and reasons mentioned in paragraph No. 4 and 5 of the application it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to stay the operation and implementation of impugned order dated 13.8.90 passed by respondent/opposite party No.2 contained in Annexure No. A1 to this application

10. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self addressed post Card or Inland letter at which intimation regarding the date of hearing could be sent to him. - Not applicable

11. Particulars of Bank Draft/Postal order in respect of the applicant fee.

(a) Number of Indian Postal order-802465081

(b) Name of the issuing post Office-G.P.O. Lucknow.

(c) Date of issue of postal order-13.9.90

(d) Post office at which payable-Allahabad.

12. List of Enclosures:

- (1) a true copy of the impugned order dated 13-8-90
- (2) a true copy of charge report dated 7.9.88

2/10/90

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- (2) a true copy of order dated 11.10.88
- (4) a true copy of the letter dated 9.5.89
- (5) a true copy of the advertisement dated 9.5.89
- (6) a true copy of advertisement dated 3.7.89
- (8) a true copy of ~~imposed~~ order dated 12.8.90
- (7) a true copy of the experience certificate dated  
12.8.90
- (8) Vakalatnama.

VERIFICATION.

I, Alam Shah son of Sri Samsuddin aged about 42 years resident of village and post Chittoi Pargana and Tahsil Tanda District Faizabad do hereby verify that the contents of para 1 to 4, 6 and 7 are true to my personal knowledge and those of para 5 of application are believed to be true on the basis of legal advice and that I have not suppressed any material fact.

Dated:

Place: Lucknow

31/08/90

Signature of applicant.

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A-23  
~~XXXXXXXXXX~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD,  
CIRCUIT BENCH LUCKNOW.

APPLICATION NO.

OF 1990

...

BETWEEN

Alamshah \_\_\_\_\_ Applicant.

~~XXXXXX~~

AND

Union of India and others \_\_\_\_\_ Respondents.

ANNEXURE NO. A1

Department of Posta India

O/o the S<sup>r</sup>i Supdt of post officers Faizabad Division  
Faizabad.

ORDER OF APPOINTMENT

No P F A 248 date at Faizabad the 13.8.90, Sri JIYALAL SON  
of Sri Bideshi is hereby appointed as E D B P M CHITOI  
Faizabad with effect from taking over the charge he  
shall be paid such allowance as are a-dismissible from  
time to time.

2. Sri Jiya Lal should already under stand that his  
employment as E D B P M chittoi shall be in the nature of  
a contract liable to be terminated by his or by the  
undersigned by notifying the order writing and that his  
conduct and service shall also be governed by the posts and  
telegraphs Extra Departmental agents( conduct and service)  
Rules 1964, as amended from time to time.

3. If these conditions are acceptable to him he should  
communicate his acceptance in the enclosed proforma.

Sd/-

Sfi Supdt. of Post Officers  
Faizabad Division Faizabad.

....2/

Riyasat Adh  
14/9/90



18  
Ar-24

Hagd A/D

Copy issued for information and N/a to:-

1. Sri Jiya Lal son of Sri Bideshi  
resident village Chittoi post Chittoi  
Faizabad . He will please furnish declaration  
descriptive pa- setocutars, health certificate,  
security of Rs. 200/- preferably is the sehap of  
S B S D account pledged to the president of India  
through S S P O Faizabad and submit the pass  
book to this office through the S D I concerned.  
To authority letter is enclosed.
2. That S D I Akbarpur North Faizabad. He will please  
arrange to import necessary training to the newly  
appointed person and transfer the charge after  
success as full training he will conflect the  
documents mentioned above and submit to this office  
duly verified.
3. The post master Akbarpur Faizabad.
4. The S P M Iltifatganj Faizabad.
5. O C

T. T. Attested  
R. K. Vankar  
14/9/90

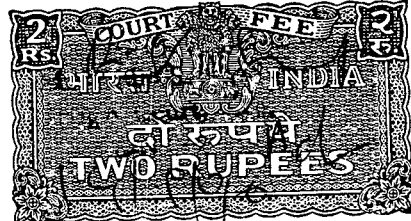
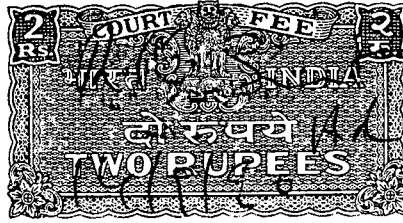
ADS 23

# VAKALTNAMA

In the Hon'ble High Court of Judicature at Allahabad

LUCKNOW-BENCH LUCKNOW

In the Central Administrative Tribunal at Allahabad  
No. Cer/Cert Bench Lucknow of 19 Ps



Alam Shah

Retd. J. M. S.

Versus

Union of India and other opposite party

I/We the undersigned do hereby nominated and appoint **SRI RAKESH KUMAR SRIVASTAVA** Advocate, Avadh Bar Association, High Court, Lko. be counsel in the above matter, for me/us and behalf appear plead act and answer in the above Court or any Appellate Court or any Court to which the bussiness is transferred in the above matter, and to sign and file petitions, Statments, accounts exhibits, compromises or other documents whatsoever, in connection with the said matter/arising there from, and also to apply for and eceive all documents, or copies of documents, depositions, etc, etc, and to apply for issue summ- ons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution, warrant or order and to contact any proceeding that may arise thereout, and apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town, and in such an event my/our said advocate shall not be bound to appear before the Court, Provided ALSO that if the case be dismissed by default, or if it be proceeded exparte, the said advocate shall not be held responsible for the same, and all whatever my/our said advocate shall lawfully do I/We here by agree to and shall in future ractify and confirm.

Witnessed by :

1.....  
2.....

Signature.....  
.....  
.....

Accepted :

Rakesh Kumar Srivastava

(RAKESH KUMAR SRIVASTAVA)

Advocate

Lucknow—Dated

इन दि सैन्यल एडमिनिस्ट्रेटिव लुबनल इलाहाबाद  
द्वि रेट लखनऊ

A 21

अप्लीकेशन नं

आफ 1990

आलमगाह ----- अप्ली काण्ट

बसक्या

एण्ड

यूनियन आफ इण्डिया एण्ड अदर्स ----- रैसपाण्डें ल

एनेकर नं० ११२१

मोहर

प्रमाणित किया जाता है कि श्री पी. एम्. चित्तौड़ का  
चार्ज हिफजुद्दीन बी०, पी०, एम्, चित्तौड़ द्वारा श्री आलमगाह  
को दिनांक 7-9-88 को <sup>बाह</sup> दीपहर स्थान चित्तौड़ में दिया गया ।

हो बी०पी०एम्

रिलीजिंग आफिसर

7-9-88

हो आलमगाह

रिलीजिंग आफिसर

7-9-88

मोहर

सत्य प्रतिलिपि Attached

✓ RCM/Anilam Adv  
14/9/90

इन दि सैन्यल सहमिस्त्रिस्त्रि ट्रिबुनल इलाहाबाद

केय रेट लखनऊ ।

अप्लीकेशन नं०

आफ 1990

बिम्बिन

आलम्माह ----- अप्लीकाण्ट

सम्बन्ध

एण्ड

यूनियन आफ इण्डिया एण्ड अर्म्स ----- रैसमाण्डेन्स

एनैकर नं० ॥A-2॥

मौहर- उपमंडलीय निरीक्षक डाक्टर, अकबरपुर उत्तरी

अकबरपुर पैजाबाद ॥ 224122

जापन नं०

र/चित्तौड़

दिनांक 11-10-88

जैसा कि श्री हिप्पुबुद्दीन शाखा डाकपाल चित्तौड़ ॥इस्तिफा लर्गज॥  
पैजाबाद की दिनांक 8-10-88 को लम्बी बीमारी के कारण  
मृत्यु हो गई ।

एतद्वारा श्री जंग बहादुर लाल इंडी०डी०ए० को शाखा डाकपाल  
चित्तौड़ पद पर कार्य करने का आदेश दिया जाता है। यह आदेश  
पूर्णतया अस्थाई है। पुर्वर अधीक्षक डाक्टर-पैजाबाद के अनुमोदन एवं शाखा  
डाकपाल पद पर तथार्थ नियुक्ति तक ही प्रभावी माना जायेगा ।

श्री जंग बहादुर लाल के स्थान पर उनकी पूर्ण ज़िम्मेदारी पर  
श्री आलम्माह पुत्र श्री शम्सुद्दीन ग्राम पो० चित्तौड़ को इंडी०डी०ए०  
पद पर एक्की के रूप में कार्य करने का आदेश दिया जाता है ।

इसकी चार्ज रिपोर्ट प्रेषित की जाये।

ह० अष्टनीय

मौहर- उपमंडलीय निरीक्षक डाक्टर  
अकबरपुर उत्तरी, अकबरपुर पैजाबाद ॥

224122

प्रतिलिपि-

- 1- सम्बंधित कर्मचारी
- 2- पोस्ट मास्टर अकबरपुर पैजाबाद
- 3- उपडाकपाल इस्तिफा लर्गज, पैजाबाद
- 4- पुर्वर अधीक्षक डाक्टर पैजाबाद  
कृपया इसका अनुमोदन किया जाये।

सत्य प्रतिलिपि Attested

*Kennaslan Adw*

18

ANNEXURE No-3

भारतीय डाक विभाग

प्रेमक :- प्रवर अष्टीनाथ डाकघर  
पेजाबाद मण्डल,  
पेजाबाद-224001

365

प्रेमक से, श्री आत्मा शाह 8/0 श्री शाशुदीन  
ग्राम व पोस्ट - चित्तौड़  
पेजाबाद

पंजीकृत संख्या - पी०एफ०ए० 248 दिनांक पेजाबाद - 9-5-89

विषय :- अतिरिक्त विभागीय शाखा डाकघर के पद हेतु चयन

चित्तौड़

..... शाखा डाकघर के अतिरिक्त विभागीय  
शाखा डाकघर के पद हेतु आप का नाम सेवायोजन कार्यलय पेजाबाद की सूची  
में आया है। इस लिए संलग्न आवेदन पत्र साथ आपके पास भेजा जा रहा है। इस  
पत्र को आप स्वयं अपने हाथ से भरकर तथा सभी प्रमाण पत्रों को सत्यापित  
प्रतिलिपि के साथ एक प्रस्तावित डाकघर ध्वन/कमरे का संख्या भी साथ में लगाकर  
इस कार्यलय में तारीख ..... तक अवश्य पहुंचाना चाहिए।  
किसी भी प्रमाण पत्र की प्रतिलिपि न आने पर या समय के बावजूद होने पर  
प्रार्थना पत्र पर कोई विचार नहीं लिया जाएगा।

सं० - एक

365

प्रवर अष्टीनाथ डाकघर  
पेजाबाद मण्डल

14/9/90

A 22

ANNEXURE No-8

सूचना

डाक नं० : 0054000248

दिनांक मेरठ-224001- 9-5-89

सर्व साधारण को सूचित किया जाता है कि शाखा डाकपाल चितोई पद जो उपडाकपाल इन्तिफातगोज नमपद के माध्यम से अन्तर्गत है के लिए निम्नलिखित व्यक्ति निर्धारित फार्म पर अपना प्रार्थना पत्र अपने हाथ से भर कर तथा इस तारीख तक डाक अद्वीप मेरठ के पास इस प्रकार भेजे कि 25-5-89 तक अवश्य प्राप्त हो जाय। निर्धारित तिथि के बाद प्राप्त तथा अपूर्ण प्रार्थना पत्रों पर विचार नहीं किया जायेगा।

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

अर्ह-तार

1. शैक्षिक योग्यता :- अध्यर्थी को कम से कम कक्षा 8 उत्तीर्ण होना चाहिए। हाई स्कूल पास को वरीयता दी जायेगी।
2. आयु सीमा :- अध्यर्थी की आयु प्रधान हुताई 1983 से 18 वर्ष से कम तथा 60 वर्ष से अधिक नहीं होनी चाहिए।
3. आय :- अध्यर्थी की मासिक आय व्यक्तिगत निजी भाग की धन या अचल सम्पत्ति से 50/- अधिक से कम नहीं होनी चाहिए। उस सम्पत्ति के साथ ही राजस्व अधिकारी का प्रमाण पत्र जमा करने।
4. निवास स्थान :- अध्यर्थी को उसी गाँव का निवासी होना चाहिए जहाँ पर एक घर खड़ा हुआ हो।
5. अन्य :- अध्यर्थी को जनता के द्वारा चयन किए गये किसी भी पद पर आसिन नहीं होना चाहिए एवं अनामत द्वारा वन्दित भी नहीं होना चाहिए।
6. ध्वन :- डाकपाल रखने के लिए उचित ध्वन होना चाहिए। ध्वन का मानक तय है।

नोट :- सभी आवश्यक प्रमाण पत्रों को सत्यापित श्री तिलिपिया मूल प्रार्थना पत्र से सत्या अवश्य नक्की करें।

डाकपाल अधिकारी  
मेरठ

तिलिपि सूचना पट पर विपणन तथा प्रचार हेतु :-

1) शाखा डाकपाल चितोई

अध्यर्थी को निःशुल्क बाटे

2) उपडाकपाल

इन्तिफातगोज

3) प्रधान ग्राम सभा

एवं

पोस्ट

चितोई

मेरठ

4) डाक निरीक्षक

आमरपुर

उत्तरी

पोस्ट

चितोई

मेरठ

5) प्रधानाध्यापक

910-910

चितोई

पोस्ट

चितोई

मेरठ

6) डाकपाल अधिकारी

मेरठ

T.C. Attached  
M. Madhava Adu

## ANNEXURE No. 8

सूचना

संयोजन सं० : पी००२५००० २५८० दिनांक : २२/४/८९

सर्व साधारण को सूचित किया जाता है कि आरक्षण प्राप्त निताई एवं जो उपडाक्टर उचितपाताग नमपद फेलाबाद के अन्तर्गत है के लिए इच्छुक व्यक्ति निर्धारित फार्म पर अपना प्रार्थना पत्र अपने हाथ से भर कर तब तक भेजना चाहिए कि २०-४-८९ तक अवश्य प्राप्त हो जाय । निर्धारित विधि के बाव प्रान्त तथा अपूर्ण प्रार्थना पत्रों पर विचार नहीं किया जायेगा ।

निर्धारित फार्म जिस पर आवेदन करना है शीर्षक डॉक्टर निताई एवं उपडाक्टर उचितपाताग के पास से निःशुल्क प्राप्त हो सकते हैं ।

अर्ह-तार

1. शैक्षिक योग्यता :- अभ्यर्थी को कम से कम कक्षा 8 उत्तीर्ण होना चाहिए । हाई स्कूल पास की परीक्षा की जायेगी ।
2. आयु सीमा :- अभ्यर्थी की आयु प्रधान हुताई 1988 की 18 वर्ष से कम तथा 60 वर्ष से अधिक नहीं होनी चाहिए ।
3. आय :- अभ्यर्थी की मासिक आय व्यक्तिगत निजी नाम की चल या अचल सम्पत्ति से 50/- मासिक से कम नहीं होनी चाहिए । इस सम्बन्ध में सहाय राश्वर्य अधिकांसी का प्रमाण पत्र संलग्न करें ।
4. निवास स्थान :- अभ्यर्थी को उसी गाँव का निवासी होना चाहिए जहाँ पर डाक्टर बसुर हुआ हो ।
5. अन्य :- अभ्यर्थी को जनता के द्वारा चयन किए गये किसी भी पद पर आसीन नहीं होना चाहिए एवं अदालत द्वारा वन्दित भी नहीं होना चाहिए ।
6. भवन :- डाक्टर रहने के लिए उचित भवन होना चाहिए । भवन का वास्तविक लगावे ।

नोट :- सभी आवश्यक प्रमाण पत्रों को सत्यापित प्रतिलिपियां मूल प्रार्थना पत्र के साथ अवश्य नटखी करें ।

Konnur

डाक्टर अधीक्षक उचितपाताग  
निताई

प्रतिलिपि सूचना पट पर विभागाध्यक्ष तथा प्रचार हेतु :-

- 1) गाँव डाक्टर निताई
- 2) उपडाक्टर उचितपाताग
- 3) प्रधान ग्राम सभा निताई पोस्ट निताई फेलाबाद
- 4) डाक्टर निरीक्षक उचितपाताग (उत्तरी) निताई फेलाबाद
- 5) प्रधानाध्यापक प्र० प्र० निताई पोस्ट निताई फेलाबाद
- 6) ताईस मोहन निताई

T.C. Attached  
Vemvaran  
14/9/90

24

A 31



ANNEXURE NO- A7

प्रमाणित किया जाता है कि आलमशाह पुत्र श्री श्यामशुद्धेय  
निवासी ग्राम व को. चितौड़ तहसील थाना अनूपद को. लखवादा ने  
शारवा डाकधर चितौड़ (इलतकातागंज) में शारवा डाकपाल की मृत्यु  
के पश्चात् मेरी जिम्मेदारी पर समय-2 पर लगभग दोलहसहीना  
कोपे सरकार प्रकृत शारवा डाकधर से पूर्ण जिम्मेदारी व इमानदारी  
लगा सुन्चार रूपसे किया है इनका कोई संतोष जुटाकर रहा तथा  
ये मृतक शारवा डाकपाल के सगे भैंहीजै हैं। इनका परिवार साक्षात्कार  
और इन्हीं ने निजी भवन में लगभग दो दस साल से डाकधर का  
कोपेसर कर होता चला आ रहा है। कोई काज भी दे रहा है।

ह. जगबहादुर लाल कोपेवाहक  
शारवा डाकपाल चितौड़ (इलतकातागंज)  
लखवादा

दिनांक 13-8-90



T. C. - Attested  
14/9/90

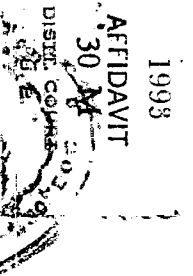
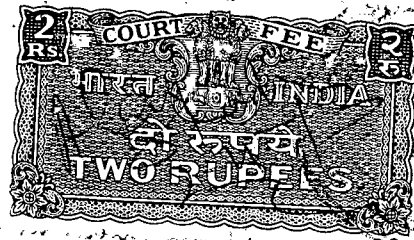


A-32

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW BENCH, LUCKNOW

O. A. NO.: 323 Of 1990



Alam Shah

...

Applicant

Vs.

Union of India & others ...

Respondents

REJOINDER AFFIDAVIT

AGAINST THE COUNTER AFFIDAVIT, FILED ON

BEHALF OF THE RESPONDENTS NO. 1 to 3.

I, Alam Shah, aged about 43 years, son of Sri Shamshuddin, resident of village & post Chitoi, Pargana & Tehsil Tanda, district Faizabad, the deponent, do hereby solemnly affirm and state on oath as under:

1. That the deponent himself is the petitioner in the above-noted Original Application and, as

2.

83

such, he is well conversant with the facts and circumstances, deposed hereinafter.

2. That the deponent has received a copy of the Counter Affidavit, filed on behalf of the respondents no. 1 to 3(hereinafter referred as 'Counter Affidavit') who has understood the entire contents of the case with the help of his counsel and, as such, he is giving parawise reply thereof as below:

3. That the contents of Paras 1 & 2 of the Counter Affidavit, as alleged, are not disputed.

4. That the contents of Paras 2(a) and 2(b) of the Counter Affidavit, as alleged, are not admitted. In this regard, it is submitted ~~xx~~ here that the answering opposite parties have acted in illegal manner against all the norms of law in order to make the appointment of their own choice i.e. the respondent no. 4.



5. That the contents of Paras ~~4(x)~~ 4 and 5 of the Counter Affidavit are not disputed.

6. That the contents of Para ~~4(xix)~~ 6 of the Counter Affidavit need no comments.

21/11/83

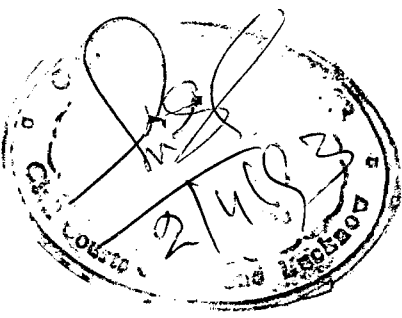
(gu)

7. That in reply to Paras 7 & 8 of the Counter Affidavit, the contents of Para-4(iii) of the Original Application are reiterated to be correct.

8. That in reply to Para- 9 of the Counter Affidavit, the contents of Para 4(iv) of the Original Application are reiterated to be correct.

9. That the contents of Para-10 of the Counter Affidavit need no comments.

10. That the contents of Para- 11 of the Counter Affidavit, as alleged, are vehemently denied and in this regard the contents of Para-4(vi) of the Original Application are reiterated to be correct. It would not be out of place to mention here that the criminal cases mentioned in the answering para registered at case crime no. 82/77, 83/77 and 120/77 have already been finally decided in the year 1983 and in which the accused were honourably acquitted of the charges levelled against them. The true copies of the ~~wax~~ judgment and order passed by the criminal courts, are being annexed herewith as Annexure No. R-1 to R-3 to this Affidavit.



2/4/83

11. That the contents of Para- 12 of the Counter

Affidavit, as alleged, are not admitted. In this regard, those of para-4(vii) of the Original Application are reiterated to be correct.

12. That the contents of Para- 13 of the Counter Affidavit need no reply.

13. That the contents of Para- 14 of the Counter Affidavit, as alleged, are not admitted. In this regard those of Para- 4(ix) of the Original Application are reiterated to be correct.

14. That the contents of Para- 15 of the Counter Affidavit need no reply.

15. That the contents of Para- 16, as alleged, are not admitted and in this regard those of para-4(xi) of the Original Application are reiterated to be correct.

16. That in reply to Para- 17 of the Counter Affidavit those of Para-4(xii) of the Original Application are reiterated to be correct.

17. That the contents of Para- 18 of the Counter Affidavit need no comments.

18. That the contents of Para- 19 to 23 of the



21/11/2012

A36

5.

Counter Affidavit, as alleged, are not admitted and in this regard those of paragraphs 4(xv to xix) of the Original Application are reiterated to be correct.

19. That in reply to Paragraph- 24 of the Counter Affidavit, it is stated that the appointment of the respondent no. 5 is illegal and not sustainable under law.

20. That in reply to the contents of Para-25 of the Counter Affidavit, it is submitted that each and every ground taken in the Original Application are tenable under law.

21. That the contents of Paragraph-26 of the Counter Affidavit are not disputed.

22. That the contents of Para- 27 of the Counter Affidavit, as alleged, are not admitted.

23. That the contents of Para- 28 of the

2/4/23

3/1/2023

Δ



2



A circular stamp, possibly a library or archival mark, containing the handwritten date '2/4/53' and the name 'PUGH' in a stylized script. The stamp is crossed out with a large 'X' made of two diagonal lines.

LUCKNOW

2

1235

Mr. Ham Shah  
R. K. Sonasthara  
Advocate  
H.S. Sarda  
M. S. S. S.  
G.M. Commission  
21493

In the Central Administrative Tribunal Allahabad at Lucknow  
OAND-323 of 1990

Alam Shah

VS

Udwang Indore

Amex use No R-1

(A-18)

5/11/92

वकील प्रसाद नारायण

WA-520

आचार्य

श्रीमान विनीत कुमार - जल - धारणीय  
- फलानाद

S. T. No. 346 A/82

अप्रकार

बनाम

उद्देश आलम आद

नल नारायण आदेश दि 13/4/83

भान - रक्षा सिंगर

प्राप्त - 147, 148, 323, 336, 307  
148 S. R. E.

आलम शाह



A38

In the Court of II Addl. Sessions Judge Faizabad.

Present : Sri A. S. Tripathi H. J. S.

S. T. No. 346 A of 1982

State

Versus Mufeed Alam and others.

State

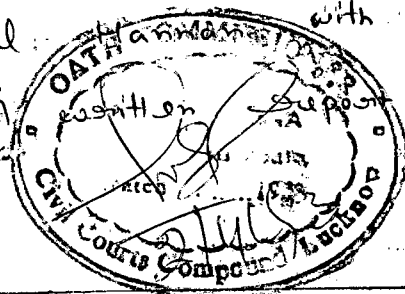
and  
S. T. No. 109 of 1983  
versus Ali Ahmad

### Judgement

There two sessions trials relate to the same occurrence. They were consolidated together. S. T. No. 346 A of 1982 was the leading case.

Accused Mufeed Alam, Hafizur Rahman, Abdul Rahman Ali Ahmad, Abdullah, Abdul Haque, Mohd. Alam, Kamruzzaman, Zabiullah, Amirullah, Sultan Ahmad, Ruhoolah, Mohd. Hatim and abboo Saeed have been charged to stand trial under section 147/148/323/149/336/149/307/149 of the I. P. C.

It is alleged that on 4.6.77 at about 3.30 P. M. in village Chitwal P. S. Ibrahimpur, Faizabad, the aforesaid accused along with others formed an unlawful assembly and caused to Abdul with intention to commit murder. A report was lodged at P. S.



20/06/2018



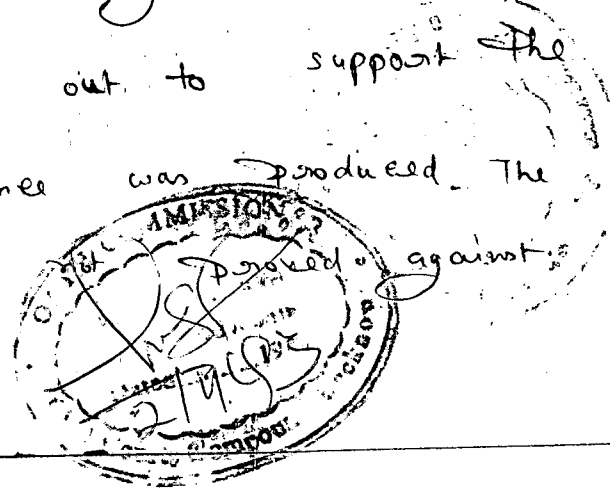
(2)

Ibrahimpur at about 11.30 P.m. the same night. After investigation chargesheet was submitted.

Prosecution had examined P.W. 1 Shabbir Ahmad and closed.

Accused denied the charges and stated that they were falsely implicated on account of enmity.

The prosecution witness P.W. 1 Shabbir Ahmad did not support the prosecution case. There was also a cross case of the incident, and earlier ended in acquittal. P.W. 1 Shabbir Ahmad stated that he had not seen any of the accused participating in the incident. It was huge mob in which brick bats were thrown injuring the complainant. This witness admitted that he had not seen any of the accused participating in throwing of the brick bats. He was cross examined by the prosecution of declaring hostile but nothing could come out to support the charges. No other evidence was produced. The charges, therefore, are



Am

(3)

the accused and they are entitled to acquittal.

ORDER

Accused Mufsed Alam, Hafizur Rahman, Abdul Rahman, Ali Ahmad, Abdullah, Abdul Haque, Mohd. Alam, Kamruzzaman, Zabiullah, Amirullah, Sultan Ahmad, Ruhoolah, Mohd. Hatim and abboo Saeed are acquitted of the charges on which they were tried. They are on bail. They need not surrender. Their bail bonds and surety bonds are discharged. Let a copy of this judgement be placed on the file a connected case.

18. 4. 83

sd. —

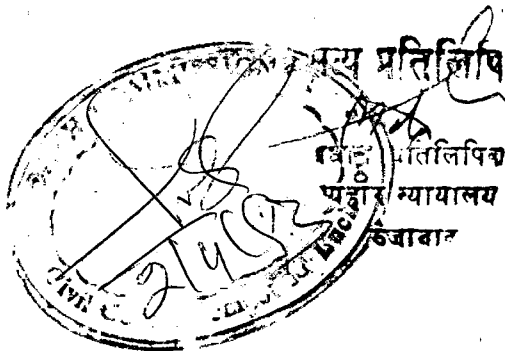
(A. S. Tripathi)

II Addl. Sessions Judge.

Faizabad.

Judgment signed, dated and pronounced in open court in presence of the accused.

18. 4. 83



sd. —

(A. S. Tripathi)

II Addl. Sessions Judge,

Faizabad.

1. Copying by - Shaukat Bhatt 3. Compare by - S. H. M. 3. Checked by -

Shaukat Bhatt

In the Central Administrative Tribunal Allahabad & J. and  
O A NO 323 8/990

Alam Shah \_\_\_\_\_ is \_\_\_\_\_ among others

(A-10)

Amex use No. R-2

Made Urgent

W. A. 600

30-10-92

मानव संसाधन विभाग, जिला जल नदीय प्रशासन

S. T. H. 474/81

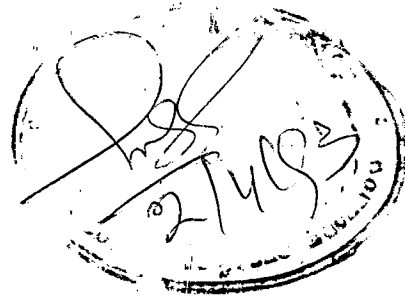
प्रति निवेदन - जोड़ना

प्र. क्र. - 5-3-83

स्थान

वर्ग

नजदीक एक जोड़



आमन सिंह

IN THE COURT OF II ADDL. SESSIONS JUDGE FAIZABAD.

PRESENT : SRI A. STRIPATHI H.J.S.

SESSION TRIAL NO. 474 of 1981

State

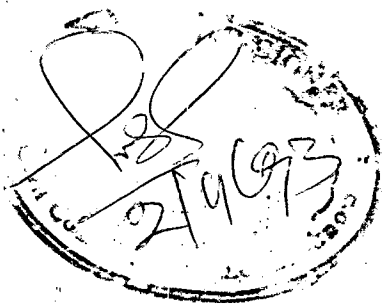
versus

1. Mazharul Haque
2. Badrul Hasan
3. Atiqur Rahman
4. Abdul Rahman
5. Tamheed Alam
6. Maboodur Rahman
7. Abdul Mannan
8. Aboo Shahma.
9. Abdul Haeq
10. Faridul Haque
11. Anwarul Haque
12. Fazlur Rahman
13. Abdul Haque
14. Zahoor
15. Isratul Haque
16. Izharul Haque
17. Abulwafa
18. Noorullah
19. Iftaf
20. Abdul Hafeez
21. Mohd. Jaish
22. Shabbir Ahmad
23. Nabi Ullah.

JUDGEMENT

Accused Mazharul Haque, Badrul Hasan, Atiqur Rahman, Abdul Rahman, Tamheed Alam, Maboodur Rahman, Abdul Mannan, Aboo Shahma, Abdul Haeq, Faridul Haque, Anwarul Haque, Fazlur Rahman, Abdul Haque, Zahoor, Isratul Haque, Izharul Haque, Abulwafa, Noorullah, Iftaf, Abdul Hafeez, Mohd. Jaish, Shabbir Ahmad and Nabi Ullah have been charged to stand trial under section 147/148/323/336/149 and 307/149 of the I.P.C.

It is alleged that on 4.6.77 at about 4 p.m. in village Chitwai P.S. Ibrahim Pur Dist. Faizabad the aforesaid accused had formed an unlawful assembly. They had caused hurt to Tahjeev Alam. They were armed with lathi and spears with



21/6/77

Amu

intention to commit his murder. They started beating the complainant Tahjeev Alam and others.

A report was lodged at P.S. Ibrahim Pur at 10.30 p.m. the same day.

After investigation the chargesheet was submitted against the accused. Accused pleaded not guilty and claimed to be tried.

The prosecution had examined 4 witnesses.

P.W.1 Alam Sah, did not support the prosecution case.

P.W.2 Tahjeev Alam also admitted that he could not exactly locate the assailants. P.W.3 Abdul Rahman and P.W.4 Hathphul Rahman also did not support the prosecution case. They were declared hostile.

Accused denied the charges and stated that they have been falsely implicated in account of ~~xxxxx~~ misunderstanding.

A cross case of the same incident was also tied simultaneously as S.T.No. 346 of 1982.

~~In this case P.W.2 Tahjeev Alam himself stated~~  
that he was injured in incident but he could not say who was the assailants in the mob. He also stated that there was no intention to commit his murder. He could not identify the actual persons who had assaulted him. He stated that he was not sure about any of the accused whether he participated in the incident or not. It was huge gathering of people. Therefore, he could not locate the persons who had assaulted him. Other P.W.1 Alam Sah, P.W.3 Abdul Rahman and P.W.4 Hathful Rahman stated that they had not seen any body assaulting Tahjeev Alam. They also did not support the prosecution case. As such I find that there is no evidence on record to substantiate any of the charges. The accused are entitled to acquittal.

2/4/83

Remain all E

A-19

ORDER

Accused Mazharul Haque, Badrul Hasan,  
 Atiqur Rahman, Abdul Rahman, Tamheed Alam,  
 Meboodur Rahman, Abdul Mannan, Abu Anuma,  
 Abdul Haase, Faridul Haque, Anwarul Haque,  
 Fazlur Rahman, Abdul Haque, Zahoor, Isratul  
 Haque, Izharul Haque, Mohd. Hameesh, Noorullah,  
 Iltaf, Abdul Hafeez, Shamim, Shabbir Ahmad  
 and Nabi Ullah are acquitted of the charges  
 on which they were tried. They are on bail.  
 They need not surrender. Their bail bonds and  
 surety bonds are discharged.



(A. S. Tripathi)

II Addl. Sessions Judge,  
Faizabad.

5.3.83

Judgement signed, dated and pronounced  
 in open court in the presence of

(A. S. Tripathi)

II Addl. Sessions Judge,  
Faizabad.

5.3.83

Handwritten notes in Urdu script on the left margin, including names like "Mazharul Haque", "Badrul Hasan", and "Atiqur Rahman".

البرقا

5.3.83

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5.3.83

21/11/2374 HK

3/11/83

Abul Haque

Handwritten signatures and stamps at the bottom, including a large signature and a circular stamp.

21/11/83

Handwritten text at the bottom center, possibly a date or reference number.

Handwritten text and stamps on the bottom right, including a circular stamp.

21/11/83

A-46

W.A. 600

6  
5-11-92  
वर्ष आदमी लागे

जीमान अफिजल अंशन अंग जंगर फेजावाट

S.T. No - 346/82

(पंका)

पनाम

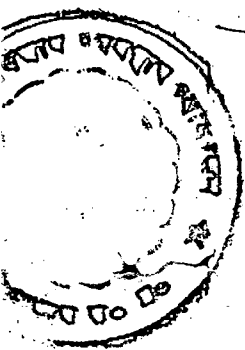
हफीजुल रहमान आद

भाना - इनामियु

पाना - 147, 140, 323, 149, 336,

149, 307, 149 I.P.C.

जाती लिपि - जाकल गारेश - 5-3-83



In the Court of II Addl. Sessions Judge Faizabad  
Present - Sri. A.S. Tripathi

State

vs

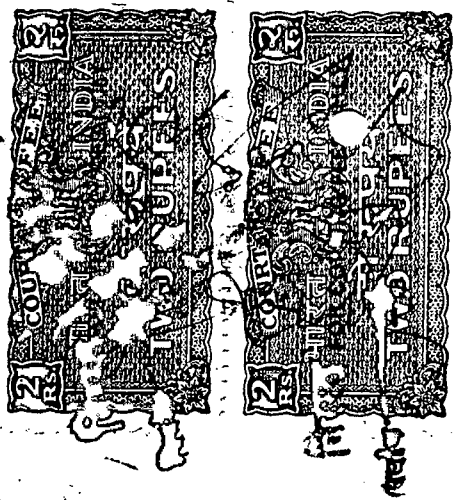
Hafizul Rahman and 42  
Others

u/s - 147/140/323/149/336/149/  
307/149 of the I.P.C.

Judgement

Accused: Abdul Haque, Marboor, Abdul Rahman, Mukhtar  
Shanshur Haque, Khaliqur Rahman, Mohammed Muneeb, A.  
Ahmed, Sahabuddin, Mohd. Ahmed, Habibur Rahman, Jashiga  
Ahmad, Sagin Ahmad, Mohd. Usuf, Azad, Toorbaat Ahmad  
Pimayat Ullah, Rasim, Lattan, Uchagul Haque, Nareem Hase  
Mushkate Ahmad, Zameed, Anjeem, Phin Deep, Sahirau,

सोतमशाह



A-47

गुजरात के अतिरिक्त	अमरावती जिला	अमरावती जिला	हैदराबाद
5-11-92 पंच गजरात नि. लखनऊ	9-11-92 जो गजरात नि. लखनऊ	11-11-92 महाराष्ट्र लखनऊ	11/11/92

दिनांक 5/11/92  
अलग हो

सूचना  
दिनांक  
अलग हो

Hasan, Phakruddin, Alam Shah, Hibaajuddin, Rabbia  
Alam, Abdul Rahman, Alam Meer, Phasiur Hagar, Abdul  
Rahman, Yashahd, Matijoor Rahman, Abdulla, Alimul  
uddin, Tahbeer Alam, Mohd. Ali and Ruknuddin have been  
Charged to stand trial under section 147/148/323/149/  
336/149/307/149 by the I.P.C.

It is alleged that on 4-6-77 at about 3-30  
P.M. the aforesaid accused had formed an unlawful  
assembly and had caused hurt to Abdul Hussian with  
intention to commit this murder.

A report was lodged at the police  
Station Jbrahinpur at 11-30 P.M. the same night.



After investigation the chargesheet was submitted.

The accused pleaded not guilty and stated that they have been falsely implicated on account of misunderstanding. The prosecution had examined 3 witnesses - P.W. 1 Abdul Hayeez is the injured person who stated that he could not identify the actual assailants. P.W. 2 Abdul Hannan and P.W. 3 Shabbeer Ahmad did not support the prosecution case and turned hostile.

The accused claimed the charges and stated that they have been falsely implicated on account of mis-understanding.

A cross-case of the same incident was tried simultaneously as S. T. No - 494 of 1981.

In this case P.W. 1 Abdul Hayeez admitted that there was a mob of people of the village and the actual assailants could not be identified. Some body threw brick bats injuring the complainant. He was not sure that any of the accused had participated in Marpud.

P.W. 2 Abdul Hannan and P.W. 3 Shabbeer Ahmad stated that they could not see any Marpud. In the crowd no body could be located and therefore, they were not sure as who had threw the brick bats. They also stated that which type of arm was in the hands of the accused. They could not

A-109

(4)

be identified the accused in the mob. In this case there is no evidence on record to show that any of the accused ~~by any evidence~~ had assaulted the complainant. In absence of any evidence the charge could be substantiated and they are entitled to acquittal.

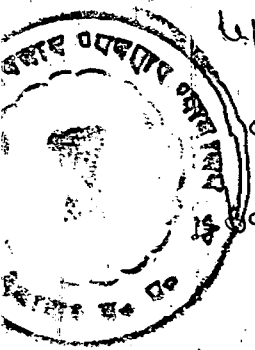


214/91B

A-50

Order

Accused Abdul Haque, Marhoal, Abdul Rahman, Mukhtar, Shambul Haque, Khalikur Rahman, Mohd. Muner, Ali Ahmed, Shabuddin, Mohd - Ahmad; Habuboo Rahman; Ishtiyac Ahmed, Shabir Ahmad, Mahammed, Yusuf, Azad, Toqat Ahmad, Himaytullah Kasim, Lalan, Wahajul Haque. Nareem Hasan, Mustae, Zameed, Anjoom, Phir Deep, Sahir, Hasin, Phakhrudin, Alam Sah, Hiphajuddin, Rayia Alam, Abdul Rak Alam, Fajal Haque, Abdul Rahman Yar Mohd, Hatij Rahman, Abdullah Adimuddin, Tahirjeev Alam, Mohd. Ali and Ruknuddin are acquitted of the charges on which they were tried, They are on bail. They need not surrender. Their bail bonds and surety bonds are discharged.



5-3-03.

Sd/-

5-3-03.

(A.S. Tripathi).

II Addl. Session Judge.

2/4/03  
Faizabadi

A51

(G)

Judgement signed, dated and pronounced  
in open court in presence of the accused

B

Sd/-

5-3-83

(A.S. Tripathi)

5-3-83

II Addl. Sessions Judge.  
Faizabad

Copied by - H. Hadeeg

Compared by - V. J. J. J.

Examin

Examined by -

सत्य प्रतिलिपि

प्रधान प्रतिलिपि  
प्रमाण न्यायालय  
फैजाबाद

9-12-83



2144(B)

3/1/84