

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH
OA/TA/RA/CP/MA/PT 323 of 200...

.....Alam Shah.....Applicant(S)

Versus

.....Union of India, & others..... Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1	check list	A1 - A2
2	order sheet	A3 - A4
3	final order	A5 - A7
4	Petition.	A8 - A24
5	Power	A25 ^b
6	Annexure	A26 - A31
7	C.A with Annexure	A32 - A57
8		

Certified that the file is complete in all respects.

B.C. Weeded out & destroyed
P 15/1/12

Signature of S.O. 151874

Signature of Deal. Hand

(A)

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 1989 90 (2)

Deputy Registrar (J)

Su
219

APPLICANT(s) Alam Shah

RESPONDENT(s) Union of India

Particulars to be examined

Endorsement as to result of examination

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 ?	yes
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.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 pagining done properly ?	only on Petition Note
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

(R.A.)

Particulars to be ExaminedEndorsement as to result of examination

1. Are the application/duplicate copy/spare copies signed ? only Mat and Bench Petition

2. Are extra copies of the application with Annexures filed ? yes

3. a) Identical with the Original ? yes

3. b) Defective ? yes

3. c) Wanting in Annexures +

3. Nos. _____ pages Nos. _____ ?

4. Have the file size envelopes bearing full addresses of the respondents been filed ? W.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 ? W.A.

17. Are the facts of the case mentioned in item no. 6 of the application ? given Now, according to new procedure

17. a) Concise ? yes

17. b) Under distinct heads ? yes

17. c) Numbered consecutively ? yes

17. 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

*Regd. No. 2
Rec'd per up
repaired
seen with
on 8/10/90
7/11/90*

*SSU
21/9.*

5231 90 (L)

(A/B)

8-1

No setting Ady to 7.11.90

7.11.90

Q

Hon. Mr. M.N. Pendkar A.M.
Hon. Mr. D.K. Agarwal J.M.

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

4.12.90

No setting Ady to 14.12.90

Q

B.O.C.

14/12/90

Hon. Mr. Justice K. P. Shah, I.C.
Hon. Mr. K. D. Bawa, A.M.

Connect with D.T. No. 322/90 if required.

Q

02
notleguessed

8/12/91

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

M

rc

(AM)

6-2-92D.R.

Both the parties
are present.

Applicant to file
Rejoinder by

29/4/92.

29-4-92D.R.

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

by 24/7/92.

24-7-92D.R.

Both the parties are absent.
Rejoinder has not been filed
till to day. Applicant is directed
file Rejoinder by 24/9/92

24-9-92D.R.

Both the parties are absent
Applicant to file Rejoinder
by 26-11-92

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 impunged order dated 13.8.1990 appointing Shé Jiya Lal, respondent no. 4 on the post of E.D.B.P.M. Chitoi 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. Chitoi 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/B)

- 2 -@@

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 @@ 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

(A)

- 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.

0.A. No. 323/90(4)

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

ALAM SHAH _____ APPLICANT.

VERSUS

UNION OF INDIA AND OTHERS _____ RESPONDENTS

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 -

21/9/90 211E
Signature of the
Applicant.

For use in Tribunal's Office

Noted 8-10-90
Ranvir Singh
21/9/90 Date of filing
or

Date of receipt by post

Registration No.

Signature
for Registrar

(a)

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

Deputy Registrar(J)

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL CIRCUIT BENCH LUCKNOW.

Alam Shah son of Sri Samsuddin resident of village
and Post Chitoi, Pargana and Tahsil Tanda District
Faizabad _____ APPLICANT

Versus

1. The Union of India through Secretary Department
of Communication, New Delhi.

2. The Senior Superintendent 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 Chitoi 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 Chitoi Sub-Office
Iltifatganj District Faizabad (hereinafter
referred to as the " E D B P M Chitoi"). A

complaint

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 .

concerning
(ii) That it is stated that in the Branch Post Office Chitoi, sub office Iltifatganj 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

3

and as such the applicant was appointed on the post of E D B P M chitoi 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 chitoi 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 Chitoi 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 persuant to the order dated 11.10.88 (Annexure No.3) and he has been allowed from time to time to work as such till 7.3.90.

Spinnall

(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 Chitoi 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 Chitoi 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

an illegal

possible to give him the appointment on the post of E D B P M Chitoi, 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 Chitoi 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 Chitoi. 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.

recommende

(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

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 pursuance 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

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 and 3.7.89 abovesaid 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 defendant 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 .

REMONSTRANCE
(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.

(xvii) That it is submitted that on the one hand although applicant as well as the other dependants of 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~~ than the respondent No.4 as the percentage of marks in the examination of High School of

RECORDED

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 then 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 then 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~~ fixed 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

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.

REASONABLE
(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 than the respondent No.4 in the facts and

DAQ

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 Chitoi 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 carves 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 alongwith his cousin namely Sri Rafiq Alam has filed an application before this Hon'ble Tribunal i.e. O.A. No.291/90 (L) 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

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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 Chitoi 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 Chitoi 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

AP-21

13

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-802466081

(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

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(3) 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 ~~impugned~~ 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 Chitoi 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

XXXXXX

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. A

Department of Posts India

O/o the Sr^t 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 admissible from
time to time.

2. Sri Jiya Lal should already understand that his
employment as E D B P M chitoi 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/-

Sri Supdt. of Post Officers
Faizabad Division Faizabad.

....2/

Ramnath Adw
Jul 1/90

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A 200

Hagd A/D

Copy issued for information and N/a to:-

1. Sri Jiya Lal son of Sri Bideshi resident village Chitoi post Chitoi 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 pleged 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 trainging 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

R. C. Attested
R. K. Bhavatia Adm
16/9/90

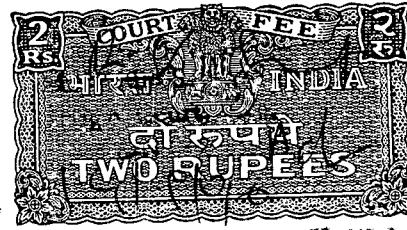
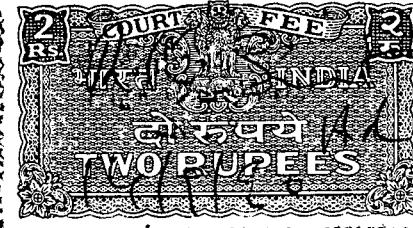
(A-25) 23

VAKALTNAMA

In the Hon'ble High Court of Judicature at Allahabad

LUCKNOW-BENCH LUCKNOW

in the Central Administrative Tribunal At Allahabad
No. C.C. Court Date (1976) of 19 P.S.



Alam Shah

Retidome

Versus

Union of India and others - opp-party

I/We the undersigned do hereby nominate 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 business is transferred in the above matter, and to sign and file petitions, Statements, accounts exhibits, compromises or other documents whatsoever, in connection with the said matter/arising there from, and also to apply for and receive all documents, or copies of documents, depositions, etc, etc, and to apply for issue summons 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 *ex parte*, the said advocate shall not be held responsible for the same, and all whatever my/our said advocate shall lawfully do I do here by agree to and shall in future ratify and confirm.

Witnessed by :

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

31/07/11
Signature.....

.....
.....

Accepted :

Rakesh Kumar Srivastava
(RAKESH KUMAR SRIVASTAVA)
Advocate

Lucknow—Dated

हन दि सैन्ट्रल एमिनिस्ट्रेश्न ट्रायबनल इलाहा बाद

पैर ऐट लखनऊ

A/26

अपलीक्षण नं

आफ 1990

आलमगाह ————— अपली काण्ट

बस्तीगा

एण्ड

यूनियन आफ इण्डया एण्ड अद्व ————— रेसपाण्डे ल

एनेक्यर नं० । A-2।

मौद्र

पुमाणित किया जाता है कि श्री पी. एम. चितौई का
यार्ज हिप्पचुहदीन बी०, पी०, एम०, चितौई द्वारा श्री आलमगाह
को दिनांक 7-9-88 को ^{बाह}पूर्णपूर्ण स्थान विताई में दिया गया ।

ह० बी०पी०एम०

रिलीजिंग आफ्गीसर

7-9-88

ह० आलमगाह

रिलीजिंग आफ्गीसर

7-9-88

मौद्र

सत्य प्रतिलिपि Attached

✓ RIC Warlam Adv
14/9/90

इन दि सेन्ट्रल एमिनिस्ट्रेशन फ्रिंचनल इलाहाबाद

स्पैस एंट लिमिटेड ।

अप्लीकेशन नं०

आफ 1990

बिलीन

आलमगाह ————— अप्लीकेशन

संस्कारण

एण्ड

यूनियन आफ इण्डिया एण्ड अर्स —— ऐसपाण्डैशन

एनैक्यर नं० १४-२४

मोहर- उपमण्डलीय निरीक्षक डाक्यर, अकबरपुर उत्तरी

अकबरपुर फैजाबाद २२४१२२

जापन नं०

ए/चितौर्ह

दिनांक ११-१०-८८

जैसा कि श्री हिमचूहदीन शाखा डाक्याल चितौर्ह इंडिया लिंग ऐजाबाद की दिनांक ८-१०-८८ को लम्बी बीमारी के कारण मृत्यु हो गई ।

सतहदारा श्री जैग बहादुर लाल ३०३००३०००० को शाखा डाक्याल चितौर्ह पद पर कार्य करने का आक्षेत्र दिया जाता है। यह आक्षेत्र पूर्णतया अव्याहृत है। प्रवर अधीक्षक डाक्यर-ऐजाबाद के अनुमोदन स्व शाखा डाक्याल पद पर सथाई निरुक्ति तक ही प्रभावी माना जायेगा ।

श्री जैग बहादुर लाल के स्थान पर उनकी पूर्ण जिमीदारी पर श्री आलमगाह पुत्र श्री शम्भुहदीन शाम पौ० चितौर्ह को ३०३००३००००० पद पर सक्षी के स्थान पर कार्य करने का आक्षेत्र दिया जाता है ।

इसकी चारे रिपोर्ट भेजित की जायें ।

८० अप्रैल १९९०

मोहर- उपमण्डलीय निरीक्षक डाक्यर
अकबरपुर उत्तरी, अकबरपुर फैजाबाद २२४१२२

प्रतिलिपि-

- १- सम्बीधित कर्मचारी
- २- पौर्त ट मार्ट टर अकबरपुर फैजाबाद
- ३- उपडाक्याल इलिट्स टेंगेल, फैजाबाद
- ४- प्रवर अधीक्षक डाक्यर फैजाबाद
कृपया इसका अनुमोदन किया जायें ।

सत्य प्रतिलिपि Attest

Ramdas Ram

18

ANNEXURE No-3
भारतीय डिल विभाग

प्रश्न :- यहार अटोमाट डिक्टेटर
भैराबाद बजार,
भैराबाद-224001

देवा हे, श्री आत्माशान १० श्री शाश्वती
ग्राम व पीरट - चितोई

पंजीकृत रक्खि - दी०५५०५० २४८ क्लजाक्षि ८९ दिनांक पंजाबद - ९-५-८९

विषय :- अतिरिक्त विद्यार्थीय शाखा अफिल के पद हेतु वयन

गिरी

..... हाथिया उपकार के अतिरिक्त विद्युतीय
हाथा डाक्याल के पद हेतु आप का नाम श्रीवंशीजन कायस्तिय फैजाबाद की सूची
में आया है । इस लिए फैजाबाद आवेदन पत्र नूर्ह आपके पास भेजा जारहा है । इस
नूर्ह को आप स्वयं अपने हाथा से भारकर दस्ता द्वारा दृश्य विद्युत
, तिलिपि के साथ एक प्रस्तावितु डाक्याल ध्वन/वनों का नाम भी सूची में ताकार
इस कायस्तिय में तारीख तक अवृत्त पहुँच जाना चाहिए ।
दिसी द्वितीय दृश्याण वत्र ही, तिलिपि न आने पर यह स्वयं के बाद दृष्ट छैमि वर
दृष्टना पत्र पर जोह विद्यार नहीं किया जायेगा ।

सं०- एक

नगर अद्विदिक - निर्देश
नगर अद्विदिक - निर्देश

✓ Ramvratna Ad
14/9/90

✓ 201

ANNEXURE No-8

सूत्राणा

इतिहास ४० : दी०५५०५०२४८

पुस्तक नं. २२४००१- १५-८९

इष्टन स० : दी०८५०५०२४८
नई साल की सूचित किया जाता है कि शारखाडकपाल चितोई पद
जो उपडाक्षार उलितपातोज नवपद के बाबू के अन्तर्गत है, के लिए
उच्चक वयक्ति नियमित रित पार्द पर उपना प्राप्ति की पत्र अपने लाला से भर कर लाया
है ताका र करके डाल अद्वैदास देव बाबू के पास इस प्रकार भेजे गए । २५-५-१९
तब अवैद्य प्राप्ति हो जाय । नियमित तिथि के बाबू पाप्त तरीके अपूर्ण प्राप्ति की पत्रों
पर विवार नहीं किया जायेगा ।

पर विद्यार नहीं किया जाएगा । निराकृत एवं जिस पर आवेदन करना है शास्त्र डाक्टरल एवं उम्मदक्षिण्डि इलिटफाटगोर के पास से दियुक्त इष्टत ही रहते हैं ।

अहं-तत्

अहं-तार

1. इंडियन दीमता :- अध्यर्थी की कम से कम १५ वर्षों से १. उत्तीर्ण होना चाहिए । हार्ड हैडूल पास को वरीयता दी जाएगी ।
2. जातु सीमा :- अध्यर्थी की आय २५ हजार हुताह । २५ की १८ वर्ष से कम २४
3. आय :- अध्यर्थी की असिक आय व व्यवस्थापन नियमी नाम की चल या असल ६० वर्ष से अधिक नहीं होनी चाहिए ।
4. आय :- अध्यर्थी की असिक आय व व्यवस्थापन नियमी नाम की चल या असल सफलताह ५०/- असिक के कम तरह होनी चाहिए । यह कम बन्दूक दे रखा राजस्व को लारी का ५०/- तक तालुक दरे ।
5. अन्य :- अध्यर्थी की उसी गाँव का निवासी होना चाहिए यहां पर ७ किलोमीटर सफूर हुआ हो ।
6. अवन :- अध्यर्थी को जनता के बारा चयन किए जाये किंतु जी यह पर असीम नहीं होना चाहिए एवं अदातित द्वारा दिल्ली की नहीं होना चाहिए
7. अवन :- इसका रखने के लिए उचित धरम होना चाहिए । धरान का जानियां चाहे ।

लोट :- सधी अवश्यक प्रवाण पत्रों को सत्यापित त्रिलिपियां बूल आईं।
पत्र है : सदा अवधि नहीं करें। 

ग्रन्थालय अधिकारी
ग्रन्थालय अधिकारी
ग्रन्थालय अधिकारी

तिलिपि दूधना घट पर विपक्षने तथा पुरार हेतु :

1) शाया ८००० अध्यक्षी को निः तुल्य बाटे

2) उन्डाल ८००० उल्लितफातगोज नितोइ केबांव

3) प्रदान ग्राम सह ८००० एव पोहट नितोइ नितोइ

4) नाल निराजक अव कंपुट उत्तरी पोहट नितोइ

5) इदालालयामुख ५१० ५१० नितोइ

६) तालुक और ५१०५१०

T. C. Atcheson
Alvarado Adm

ANNEKORE NO. 8

सूचना

ज्ञापन सं० : पी०स्क०८० २६८ निवास नं० २२४००१-०३-४-४९

पर्याप्त साक्षात्कार को सूचित किया जाता है कि शारताडाकपात निवासी राम श्री उडाक्कार उन्नितपातांज जनपद के जनतात है के लिए इच्छुक वयक्ति निधी रिति कार्य पर अपना प्राप्ति पत्र अपने हाथ से बर कर लिए हस्ताक्षर करके डाक अधीक्षक भैलबाब से पास इस प्रकार भेजे कि २०-४-४९ तक अवश्य प्राप्त हो जाय । निधीरित विधि वाद प्राप्त ताजा अपूर्ण प्राप्ति पत्र विवार नहीं किया जायेगा ।

निधीरित भार्या जिस पर आवेदन होता है शारताडाकपात निवासी राम श्री उडाक्कार उन्नितपातांज के पास से निःशुल्क प्राप्त हो सकते हैं ।

अहंतार

१. ग्रीष्मिक योग्यता : - अध्यर्थी को कम से कम रुपया ४ उत्तीर्ण होना चाहिए । शार्दूल पत्र की वरीयता दी जायेगी ।

२. गंदु सीबा : - अध्यर्थी की आय रुपया दुसाई १९ रुपये १८ वर्ष से कम तथा ६० वर्ष से अधिक नहीं होनी चाहिए ।

३. आय : - अध्यर्थी की मासिक आय वयस्तिहात नियोग वाम की चतु या अचल सम्पुत्ति से ५०/- मासिक से कम नहीं होनी चाहिए । इस सम्बन्ध में संबोध राजस्व आदिका री का प्रयोग पत्र रालगन करें ।

४. निवास रुपयान : - अध्यर्थी को उसी वर्ष का निवासी होना चाहिए जहाँ पर आवधर संबूर हुआ हो ।

५. अन्य : - अध्यर्थी की जनता के बारा वयन विर गये जिसी दी वष पर आसीन नहीं होना चाहिए एवं अदालत बारा दण्डित दी नहीं होना चाहिए ।

६. अवृत्त : - डाक्कार रखने के लिए उचित धरवन होना चाहिए । वर्जन का वानिक लगाये ।

नोट : - सभी आवश्यक प्रयोग पत्रों को सत्यपापित प्रतिलिपियां जूल प्राप्ति पत्र से संस्था अवृत्त नहीं करें ।

कैरियर अधीक्षक डाक्कार
प्रिमरात्रि अचल

८. प्रिलिपि जूलना पट पर विपालने तथा प्रचार है :-

१) शारताडाकपात निवासी राम श्री उडाक्कार

अध्यर्थी को निःशुल्क भेटि

२) उडाक्कार उन्नितपातांज निवासी राम श्री उडाक्कार

३) प्रधान ग्रामसभा निवासी राम श्री उडाक्कार

४) डाक अधीक्षक निवासी राम श्री उडाक्कार

५) प्रधान अध्यापक प्रयोग पत्र निवासी राम श्री उडाक्कार

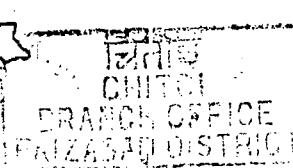
६) राजस्व आवधर विवर

T.C. Attested
R. M. Varadarajulu
(14/1/49)

24

(A 31)

ANNEKURENTO-A.7



पुस्तकालय काले जाले हैं और आजमार्ग नहीं नहीं राजधानी

निवासी शारव को चिट्ठी लाख सौ रुपया अनंत तो लाख तो नहीं है
 शारवा डाकधर चिट्ठी (रहत कालगंज) में शारवा डाक पाल की सुलू
 की प्रश्नाएँ ऐसी जिसमें दरी पर समय-२ परलगाज दीलहस्तीना
 लापेश्वरलार सुकृत शारवा डाकधर जे पूली जिसमें दरी व द्विग्रन दरी
 तथा सुन्चार कृपसे लैया है इनका काविसंलोग उक्त नहा तथा
 ये सुखक शारवा डाक पाल के सभी बोली जै हैं इनका परिवार सुखक शारवा
 डाकधर जै ने दीजी भकान में अग्राम, तो तेस साल से डाकधर का
 काविशर आर होता चला चारदा है जो आज भी फेरहा है।

हृषीगवदामु जाल आपवाहन
 शारवा डाक पाल चिट्ठी (सुखक शारवा)
 दिनांक १३-८-१०

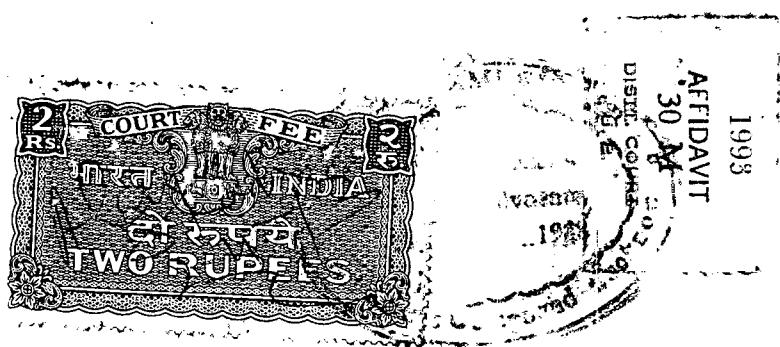


1. C-Attested
 R. N. Vaidya Ad.
 13-8-20

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

FT
2/4

REJOINDER AFFIDAVIT

AGAINST THE COUNTER AFFIDAVIT, FILED ON

BEHALF OF THE RESPONDENTS NO. 1 to 3.

31/07/2018

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.

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~~^{4 and 5} of the Counter Affidavit are not disputed.

6. That the contents of Para ~~6~~⁶ of the Counter Affidavit need no comments.

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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~~ were honourably acquitted of the charges levelled against them. The true copies of the ~~magx~~ judgment and order passed by the criminal courts, are being annexed herewith as Annexure No. R-1 to R-3 to this Affidavit.

anmol nallie

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

K35

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

(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

20/11/2018

✓

X3

Counter Affidavit are denied and in this regard
 this of it is submitted that the Original Appli-
 cation deserves to be allowed throughout with
 costs.

LUCKNOW

DATED: 2-4-93

(31/03/93)
 (DEPONENT)VERIFICATION

I, Alam Shah, the deponent, do hereby
 verify that the contents of Paras 1 to 23 of
 the affidavit are true to my personal knowledge
 and these of para 24 are believed to be true
 on the basis of legal advice and that I have not
 suppressed any material fact.

LUCKNOW

30 M. DATED: 2-4-93

(31/03/93)
 (DEPONENT)

I identify the deponent
 who has signed before me.

Alam Shah

D. K. Sengupta
 Handa
 M. S. S. S.
 21493

On the Central Administrative Tribunal Allahabad Estd at Lucknow
Alam Shah vs Union of India
O.A.D. 323 of 1990
Amicus Curiae R-1

A. 18

5/11/92
मुख्य अधिकारी कार्यालय

C.W. - 520

मुख्य अधिकारी कार्यालय - अधिकारी कार्यालय
मुख्य अधिकारी

S. T. No. 346 A/82

मुख्य अधिकारी

मुख्य अधिकारी

मुख्य अधिकारी कार्यालय

मुख्य अधिकारी कार्यालय दो 13/4/83

मुख्य अधिकारी

मार्ग - 147, 148, 323, 336, 307
149 S.P.E.

मुख्य अधिकारी



A 281

In the Court of II Addl. Sessions Judge Faizabad.

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

S. T. No. 346 A of 1982

State

versus Mufeed Alam and others.

and

S. T. No. 109 of 1983

State

versus

Ali Ahmad

Judgement

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

Accused: Mufeed Alam, Hafijur Rahman, Abdul

Rahman Ali Ahmad, Abdullah, Abdul Haque, Mohd.

Rahman Ali Ahmad, Ruknuzzaman, Zabiullah, Amiorullah, Sultan

Alam, Ruknuzzaman, Ruknuzzaman, Mohd. Hatim and abbo Saeed

Ahmad have been charged to stand trial under section

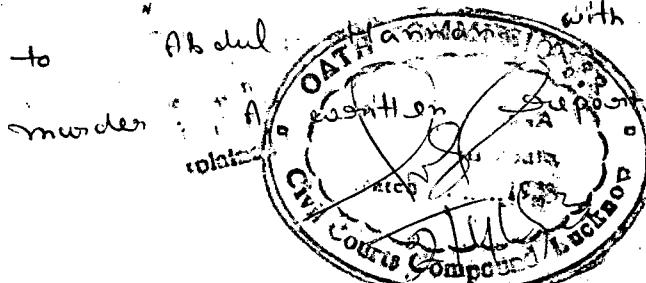
147/148/323/149/336/149/307/149 of the I.P.C.

It is alleged that on 4.6.77 at about 3.30 P. M. in village Chitwad, D.S. Ibrahimpur,

Faizabad, the aforesaid accused along with others

formed an unlawful assembly and caused

intention to commit murder. A complaint was lodged at P.S.



(2)

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

Prosecution had examined D.W. 1 Shabbir Ahmad and elased.

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

The prosecution witness D.W. 1 Shabbir Ahmad, did not support the prosecution of the accused. There was also a gross case of the incident, an earlier ended in acquittal. D.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 in throwing of the brick bats.

He was gross examination 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

AMNESTY
not proved against

(A.U)

(S)

the accused and they are entitled to acquittal.

ORDER

Accused Mufeed Alam, Haftijur Rahman, Abdul Rahman, Ali Ahmad, Abdullah, Abdul Haque, Mohd. Kamaluzzaman, Zabiullah, Amrullah, Sultan Alam, Rukhullah, Mohd. Hatim and abbas Saeed Ahmad, 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.

Sd. —

18. 4. 83

(A. S. Tripathi)

II Addl. Sessions Judge.

Faizabad,

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

Sd. —

विधि प्रतिलिपि 9/1/83 (A. S. Tripathi)

प्रदान प्रतिलिपि 9/1/83 II Addl. Sessions Judge,

Faizabad.

1. Copying by - Shankar Nath 2. Compared by - S. I. M. 3. Checked by -

Balram Ali

In the Central Administrative Tribunal Allahabad 8th July 1990
O.A. NO 323 of 1990

Alam Shah

vs

Union of India

Ar. 10

Annexure No. R-2

Made Urgent

U.A. 600

-9
30-10-92

मुख्यमंत्री राजनीति विभाग के द्वारा

S.T.H. 474/81

योग्यता - विवेद

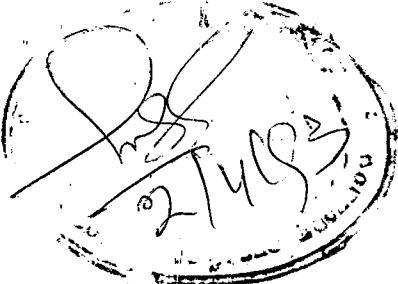
मित्र - 5-3-83

022912

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नियम दस यात्रा

4



Bottom line

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. Bedrul Hasan
3. Atiqur Rahman
4. Abdul Rahman
5. Tamheed Alam
6. Maboodur Rahman
7. Abdul Mannan
8. Aboo Shahma.
9. Abdul Haee
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. Jais
22. Shabbir Ahmad
23. Nabi Ullah.

JUDGEMENT

Accused Mazharul Haque, Bedrul Hasan, Atiqur Rahman, Abdul Rahman, Tamheed Alam, Maboodur Rahman, Abdul Mannan, Aboo Shahma, Abdul Haee, Faridul Haque, Anwarul Haque, Fazlur Rahman, Abdul Haque, Zahoor, Isratul Haque, Izharul Haque, Abulwafa, Noorullah, Iftaf, Abdul Hafeez, Mohd. Jais, 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 Distt. Faizabad the aforesaid accused had formed an unlawful assembly. They had caused hurt to Tahjeev Alam. They were armed with lathi and spears with

31/08/2018

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 Alem 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 ~~enmity~~ misunderstanding.

A cross case of the same incident was also tried 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 Alem 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.

21/10/83
21/10/83

RECORDED

032

ANS

ORDER

Accused Mazharul Haque, Badrul Hasan,
Atiqui Rahman, Abdul Rahman, Tamheed Alam,
Maboodur Rahman, Abdul Mannan, Abu Anuma,
Abdul Haee, Faridul Haque, Anwarul Haque,
Fazlur Rahman, Abdul Haque, Zahoor, Isratul
Haque, Izzarul Haque, Maha. Mabeesk, Noorullah,
Iltaf, Abdul Hafeez, Shemim, Shalbir 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,
Fazizabād.

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

لهم لعننا

1100

July. 1883

35-~~schl~~H

Abdu'l-Haqq

प्रत्यक्ष विविधा
प्राप्ति विविधा
प्राप्ति विविधा

On 11th Central Administration in the session
O.A.M 323/90 Alauddin vs. Union of India

Annexure No. R-3

(A-16)

W.A. 600

6/11/92
कानूनी वर्ग
कानूनी वर्ग

जी मान अदिवाल चेशन आ एंड फॉर्म्यूला

S.T. No - 346/12.

(प्रकार)

प्रमाण

ट्रांस्फर रहमान माद

भाल - दुर्गापुर

प्राप्त - 147, 140, 323, 149, 336,
149, 309, 149 I.P.C.

दूसरी दिन - दाकलगार्ड - 5-3-83

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

State -

vs -

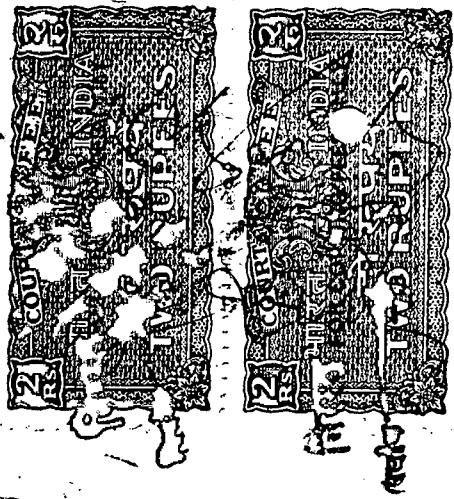
Hafizul Rahim and 42.

Others

4/5 - 147/140/323/149/336/149/
309/149 of the

Judgement

Accused - Abdul Haque, Makbool, Abdul Rahim, Mukhtar
Shanshul Haque, Khaliqur Rahim, Mohammed Munir, A.
Ahmed, Sababuddin, Motil Ahmed, Habibur Rahim, Iftiqa
Ahmed, Sagin Ahmed, Motil Yusuf, Ajad, Toophait Ahmed,
Nimayatullah, Rasim, Lallah, Usman Haque, Nareem Haque
Musthaq Ahmed, Zamir, Anjum, Phool Deep, Sathiar,



✓ 15/12

5-11-92 first total GK 70	9-11-92 first total GK 70	11-11-88 -m (4,2) 11-11-88
5-11-92 first total GK 70	9-11-92 first total GK 70	11-11-88 -m (4,2) 11-11-88

प्रिया 5/11/12
दिनांक
शतान हो
.....

4

ગુરુત્વ વિનિયોગ

३४८

Hassan, Phakruddin, Alam Shah, Hithajuddin, Raphi
Alam, Abdul Rahman, Alams Meen, Phasiel Haque, Alim
Rahman, Yer Mard, Matyoor Rahman, Abdulla, Alimul
Khan, Tahbaej Alam, Mard, Ali and Ruknuddin 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. the aforesaid accused had joined an unlawful assembly and had caused hurt to Abdul Hattah with intention to commit this murder.

A report was lodged at the police station.

Station Gibratimur at 11-30 p.m. the same night -

Boimn Ali

A-48

(3)

After investigation the chargesheet was submitted.

The accused pleaded not guilty and stated that they have been falsely implicated on account of mis-understanding. The prosecution had examined 3 witnesses - P.W.1 Abdul Hayeez is the injured person who stated that he could not identify the actual assailant. P.W.2 Abdul Hannan and P.W.3 Shabbir 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.

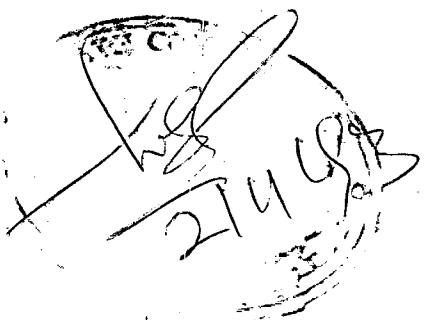
In this case P.W.1 Abdul Hayeez admitted that there was a mob of people of the village and the actual assailants could not be identified. Some body threw brick-bats injuring the complainant. He was not sure that any of the accused had participated in Marbat. 214 (G)

P.W.2 Abdul Hannan and P.W.3 Shabbir Ahmad stated that they could not see any Marbat. In the crowd nobody could be located and therefore, they were not sure as who had thrown the brick-bats. They also stated that which type of Army was in the hands of the accused. They could not

Ans 159

(4)

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



Bimnalal

(A-50)

Order

Accused Abdus 'Haque', Markhal, Abdul Rahman

Mukhtar, Shamshul 'Haque', Khalikur Rahman, Mohd.

Muher, Ali Ahmed, Shabuddin, Mohd - Ahmad, Idahuboo

Rahman, Gohijee Ahmed, Shabir Ahmed, Mohammed,

Yusef, Azad, Tojeet Ahmed, Himaqatullah Kasim,

Lallan, Wahajul 'Haque', Naseem Hasan, Mustaq,

Zameer, Ahjoom, Phir Deep, Schiru, Hasib, Phakhr

ddin, Areamgah, Hiphajuddin, Rayia' Aalam, Abdus Rah

Alam, Faisal 'Haque', Abdul Rahman, Yar Mohd, Hafiz

Rahman, Abdullah Alimuddin, Tahjeer 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

is bonds are discharged.

Sd/ The

5-3-03

(A. S. Tripathi).

II Addl. Sessions Judge


A. S. Tripathi

37/11/2018

AS

(G)

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

B

Set on

5-3-03

(A.S. Tripathi)

5-3-03

H. Addl. Sessions-Judge.
Fazabad

Copied by - H. Hafeez

Composed by - V.K. Sonthi

Reviewed

Examined by -

सत्य प्रतिलिपि
मध्य
प्रान्त प्रतिलिपि
जगह स्थायान्त्र
केवल

5-12-03



27/4/03

SEARCHED