

TA. 174/92 T.L.

Central Administrative tribunal.

Lucknow Bench

CA. No. 477/90

Serial file No. 4

1993

Banshi Dhar Pandey Petitioner.

Union of India & others Respondents

Part A, B, C

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Dt. 01-8-94 File B/C checked and forwarded.

RECORDED AT 10 AM
27.8.93

SO (5)

27.8.93

Registration No. 475 of 70

Rajkumar

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
23-A, THORNHILL Road, Allahabad.

APPLICANT(S) Banarsi Khan Pandit

RESPONDENT(S) Union of India

Particulars of the application

Endorsement as to
recuit of examination.

- | | |
|--|-------------------|
| 1. Is the appeal complete? : | Ys |
| 2. (a) Is the application in the prescribed form? : | Ys |
| 3. (b) Is the application in paper back form? : | Ys |
| 4. (c) Have sufficient sets of the application been filed? : | Ys (5 sets filed) |
| 5. (a) Is the appeal in time? : | Ys |
| 6. (b) If not, by how many days is it beyond time? : | — |
| 7. (c) Has sufficient time, for not making the application in time, been filed? : | — |
| 8. Has the document of authorisation (Akashvani) been filed? : | Ys |
| 9. Is the application accompanied by: D.O./Rec'd Order for Rs.5/- (Fifty) | Yes, DD 514595 |
| 10. Has the certified copy/copies of the order(s) against which the application is made been filed? : | 5 for 50/- |
| 11. (a) Have the copies of the documents/rollied upon the application, and mentioned in the application, been filed? : | Ys |
| 12. (b) Are the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? : | Ys |
| 13. (c) Are the documents referred to in (a) above neatly typed in double space? : | Ys |
| 14. Has the index of documents been filed and paging done properly? : | Ys |
| 15. Have the chronological details of representation made and the date of other representations been indicated in the application? : | Ys |

P.T.O.

<u>Particulars to be Examined</u>	<u>Endorsement as to result of Examination.</u>
10. Is the matter raised in the application pending before any Court of law or any other Bench or Tribunal?	✓
11. Are the application/documents/extra copies signed?	✓ (2 copies signed)
12. Are extra copies of the application with annexures filed? (a) Identical with the Original: (b) Defective? (c) Wanting in Annexures?	✓ ✓ ✓
Yes.....(Pages Nos.....?)	
13. Have file size envelopes bearing full addresses of the respondents been filed?	✓
14. Are the given addresses, the registrars addresses?	✓
15. Do the names of the Parties in the copies tally with those indicated in the application?	✓
16. Are the signatures certified to be true & supported by an Affidavit affirming that they are true?	N.A.
17. Are the facts of the case mentioned in item No. 5 of the application? (a) Correct? (b) Under different heads? (c) Narrated successively? (d) Typed in double space on one side of the paper?	✓ ✓ ✓ ✓
18. Are the particulars for interim order prayed for indicated with reasons?	✓
19. Whether all the remedies have been exhausted?	✓
20. Classification of case	Bench & J.
21. Cause of Action	Registration

Revised/
5.2.50

Sr. No.	Date	Orders
	<u>Sl.no 2</u>	<p>Hon' Mr Justice K. Nath, V.C. <u>Hon' Mr K. Obayya, A.M.</u></p>
16/7/90		<p>Shri Anupam Shukla learned counsel for the applicant is present.</p> <p>Issue notice to the respondents as to why the application be not admitted.</p> <p>In the matter of interim relief also, issue notice to the respondents to show cause as to why the interim relief asked for be not granted. List this case for orders on <u>6-8-90</u>, till that date the respondents shall not put off or cease the applicant from the post of E.D.M.P. at Post Office Kuchhmuchh district Sultanpur.</p> <p>A copy of this order be given to the counsel for the applicant within 24 hours.</p> <p>The applicant is given opportunity to serve this ^{interim} order on the respondent nos. 2 and 3 out-side the Court alongwith the notice of this case and submit a service report on the date fixed.</p> <p><i>A.M.</i> <i>V.C.</i></p> <p>(sns)</p> <p><u>6/8/90</u></p> <p><u>Hon'ble Mr K. Nath, V.C.</u> <u>Hon'ble Mr K.J. Raman, A.M.</u></p> <p>Shri K.C. Sinha, on behalf of the respondent says that he has not received notice of the case. The applicant was given opportunity to serve. Counsel for the applicant to furnish all notices to Shri K. C. Sinha within three days. Respondants may file a reply by the date fixed and list it for admission on <u>23.8.90</u>.</p> <p><i>A.M.</i> <i>V.C.</i></p> <p><i>ITD</i></p>

CAT/J/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

C.A./ T.A. No. 477 1989

Applicant(s)

Versus

Respondent(s)

Sr. No.	DATE	Orders
	23.9.90	<p>Hon'ble D.K. Agrawal, J.M. Hon'ble K. Obayya, A.M.</p> <p>Sri A. Shukla for the applicant and Sri K.C. Sinha for the O.P. Sri Sinha files C.A. Rejoinder. Let R.A. be filed within one week hereaf. Put up this case for administration hearing on 13.9.90. The file of OA No. 406/86 Devi Pd. v. U.O.I. decided on 29.11.89 shall also be mentioned for that date for convenience.</p> <p style="text-align: center;">(AM.)</p>
	13/9/90	<p>Hon'ble Mr D.K. Agrawal, J.M. Hon'ble Mr K. Obayya, A.M.</p> <p>Shri Anupam Shukla counsel for the applicant and Shri K.C. Sinha counsel for the respondent are present. Counsel for the applicant wants time to file rejoinder. Let rejoinder be filed within 3 weeks and list this case before DR(J) on 8-11-90 for completion of pleadings. Shri K.C. Sinha states that one stay order is operating in the case. Therefore, put up on 1-9-90 for disposal of interim matter.</p> <p style="text-align: center;">(sns)</p>

C.A.T., ALLAHABAD/
Amit/

J.M.

DR

RJ

No R.A has been filed
so far. DR(T)

Ans 16.8.91
13/8/91

Seen the office report.

R.A not filed inspite of
several times. Keep
this case in the file
~~do~~ die list.

P

DR(T)

The ~~case~~ case relates to deposite
Jurisdiction of Lucknow Bench, now
is being transferred to Lucknow
Bench via Hon. V.C's order dated
18.12.1992.

SO(T)

20.7.92
D. R.

Register the case at T.A.

This case has been received
after transfer to this Bench
from C.A.T. A.Md. Give
notice both to the counsel to
the parties. Case is listed
for filing Ry. Order &c.

28/8/92 R

of
Notice issued
on 8/8/92
R

Central Administrative Tribunal
Lucknow Bench, Lucknow.

ORDER SHEET

C.A./T.A. No. 677/90

Date / Office Report / Order

28-9-92 - (d) Counsel to Appellants
does not want to
file rejoinder till he is
present today.

Please fix
case to before the
Hon'ble Bench on 2-10-92
on 18-9-92.

Abhishek

14-10-92

No sitting of D. on 20-9-92
21-9-92

d

20-9-92

21-9-92

Mr. M. K. Raygar - 2 PM

Mr. M. S. N. Prasad - 5 PM

22-9-92

On the basis of both the
objection, the case is adjourned
to 23-9-92 at 11 AM for hearing.

23-9-92

11

MANISH/-

PM.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

D.A. NO 477/90 199 (L)

T.A. NO

Date of Decision 19-11-92

Banji Dhar Pandey

Petitioner.

Shri Anup Singh Shukla

Advocate for the
Petitioner(s)

VERSUS

Union of India & others

Respondent.

Shri K.C. Sinha

Advocate for the
Respondents

C O R A M

The Hon'ble Mr. Justice L.C. Sinha, V-C

The Hon'ble Mr. K. Obayya, A.M.

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

VICE-CHAIRMAN/MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A. No. 477 of 1990.

Banshi Dhar Pandey Applicant.

Versus

Union of India & others Respondents.

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

Hon'ble Mr. K. Chavva, A.M.

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

This is a second original application filed by the applicant. The earlier one was allowed by the tribunal but as the applicant was again replaced by another person, he has approached the tribunal praying relief against the same.

2. The applicant was engaged as a substitute Extra Departmental Mail Peon in the month of July, 1987 on adhoc basis pending selection and appointment of a candidate drawn from the Employment Exchange on regular basis. A requisition was sent to the Employment Exchange and thereafter names of six candidates were sponsored and the candidates were required to submit their proforma which they did. According to the applicant his application was wrongly withheld and was delivered to the Assistant Superintendent of Post Offices after due date and a fraud was committed with the result that a charge-sheet was given to another person. One Devi Prasad Dubey was wrongly appointed at the instance of Secretary of Bhartiya Dak Karamchari Union. As the applicant was earlier appointed but aforesaid D.P. Dubey was treated to be appointed. On giving charge to him, the applicant approached the tribunal and the tribunal found the applicant's appointment valid. According to the applicant, notwithstanding the fact that he is going to the office daily but the work was not given

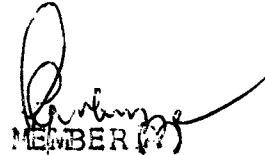
W/

to him in collusion with others and that is why he is contending that the order passed by this tribunal has not been complied with..

3. It is not necessary to refer the past history. But the case of the respondents is that the applicant was allowed to assume the charge of Extra Departmental Mail Peon on 25.10.89 but he did not perform the work and he himself gave the news in Amethi Samachar that he did not perform the work of Extra Departmental Mail Peon, Kuchmuchi. Since the regular incumbent Shri Gaya Prasad Gupta, who was looking after the charge of Extra Departmental Mail Peon, Kuchmuchi against the vacancy which was caused due to order of put off, had made several applications for his coming back to the post of E.D.M.P which post the applicant was holding temporarily and on 20.3.90, the Director Postal Services agreed with the request of Gaya Prasad Gupta and directed to the Superintendent of Post Offices i.e. the respondent no.3 to cancel the appointment of the appointment of the applicant and allow Gaya Prasad Gupta to continue on the said post and he was consequently allowed to join and at that time, Shri Devi Prasad Dubey was working as a Substitute from whom he took the charge. It is true that applicant's appointment was earlier held valid but the facts, as stated above, disclose that as a matter of fact the post was not vacant. As the previous incumbent was still claiming the post and the department was interested in removing the applicant, that is why the previous incumbent was asked to come back and when the previous incumbent had taken over later on, in natural course, the applicant should go down and that is why his appointment was made temporary. Accordingly, the respondents are directed to consider the case of the applicant

✓

for appointment as and when the vacancy occurs and he shall be given preference and priority in view of the fact that he was appointed and he worked on adhoc basis. With these observations, the applicant stands disposed of. No order as to costs.


Member (V)


VICE CHAIRMAN.

DATED : NOVEMBER 19, 1992
(ug)

APPLICATION No. 1
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH, ALLAHABAD.

APPLICATION No. 477 of 1990.

(Under Section 19 A.T. Act , 1985)

Banshi Dhar Pandey. -----Applicant.

Versus

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

Sl. No. Description of papers. 0 Pages.

- | | | |
|----|---|--------|
| 1. | Application. | 1 to 9 |
| 2. | Appointment order 14/10/1989. (s. h-1)
Annexure A1 | |
| 3. | Vaklatnama. | 12 |

Anubhav
(Anupam Shukla)
Counsel for the applicant.

Central Administrative Tribunal
Additional Bench A, Allahabad
Date of Filing 23-5-90
CR

Date of Receipt
23-5-90

PK 23/5/90
By Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH, ALLAHABAD.

APPLICATION No. 477 OF 1990.

(Under Section 19 A.T. Act, 1985)

1. PARTICULARS OF THE APPLICANT.

Banshi Dhar Pandey, s/o Sri Ram Karan Pandey,
employed as E.O.M.P. in Post Office Kuchhmuchh,
district Sultanpur.

Versus

(2). PARTICULARS OF THE RESPONDENTS.

- Filed to-day
dated for
31-5-90*
- (1) Union of India through Ministry of Communication, Delhi.
(2) Assistant Superintendent, Post Offices, South Sub-Division,
District Sultanpur.
(3) Superintendent, Post Offices Sultanpur Division, Sultanpur.

- Ans*
23-5-90
- (3). Particulars and the subject matter of the
order against which application is made.

(4). JURISDICTION OF THE TRIBUNAL.

The applicant declare that the subject
matter of the order against which
he wants redressal is within the
jurisdiction of the Tribunal.

Ans

(5). LIMITATION.

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

(6). FACTS OF THE CASE.

(i) That the applicant has been appointed on the post of Extra Departmental Male Peon (in short E.D.M.P.) in accordance with extra Departmental Service and Conduct Rules, 1964 (in short E.D. Rules) by the respondent no.2 on a clearly-vacancy after dispensing with the substitute arrangement on the aforesaid post and the applicant has been duly selected after his name/including six other names is being sponsored by the concern employment Exchange. It is also pointed out that his appointment is not for a specified period as such it can be treated as regular and permanent appointment on the aforementioned post. A true copy of the appointment letter dated 14-10-1989 issued by the respondent is attached herewith and marked as Annexure A to this application.

Ans

- (ii) That in pursuance of the aforesaid appointment order the applicant took charge of the aforesaid Post Office on 25-10-1989 and ever since he is performing his duties to the best satisfaction of his superiors.
- (iii) That it is relevant to mention here that at the time of the notification of vacancy as well as at the time of the appointment order dated 14-10-1989 Shri Bechan Jan held the charge of Assistant S.P.O. South Sub-Division Sultanpur and it was he who responsible for giving the charge of the Post Office Kuchhmuchh, District Sultanpur on 25-10-1989.
- (iv). That, however, on 27-10-1989 Shri Bechan Jan had been transferred and his place one Sri Paras Nath Pandey took the charge of the aforesaid office on 27-10-1989.
- (v). That one Devi Prasad Dubey was earlier engaged as stop gap arrangement pending regular appointment on the post of E.D.M.P. prior to the appointment of the applicant .
- (vi). That it may be mentioned here that Shri Devi Prasad Dubey was appointed due to the

Ans

influence of Shri Nam Milan Pandey who is the Divisional Secretary of Bhartiya Dak Karachari Sangh of Extra Departmental Agent's Sultanpur and a clear relation of Shri Devi Prasad Dubey and Shri Paras Nath Pandey, the A.S.P.O. is real brother-in-law of Shri Nam Milan Pandey as such Shri Devi Prasad Dubey was being misguided by Shri Paras Nath Pandey the A.S.P.O. of relevant division as such Shri Devi Prasad Dubey challenged the ~~appointment~~ appointment of the applicant before the Hon'ble Tribunal, Allahabad by means of Application No.906 of 1989, however, the Hon'ble Tribunal found the appointment of the applicant valid and regular by its order dated ^{29.11.89} ~~21.11.1989~~. A true copy of the order of Hon'ble Tribunal, Allahabad is attached herewith and marked as Annexure-2 ^A to this application.

(vii). That after brief interference due to the application filed by Shri Devi Prasad Dubey before the Central Administrative Tribunal, Allahabad (in short CAT) the applicant is going daily to his office on each and every working day and he is performing his duties assigned to his office but so far he has not been paid salary and other allowances since 25-10-1989 from the date he took charge of the aforementioned office.

(viii). That being aggrieved by the non-payment

of salary and other allowances since 25-10-1989 the petitioner made representation to the ~~xxx~~ relevant authorities for the payment of ~~xxx~~ salary and other allowances. True copies of the representation dated 16-1-~~1989~~ 1990 to the A.S.P.O. Sub-Division(south) Sultanpur and to the respondent no.3 dated 14/2/1990 are attached herewith and marked as Annexures 3 and 4 to this application and the aforesaid representation are still pending.

(ix). That the applicant has come to know that the respondent no.2 with the connivance of Shri Dan Lal Pandey the Secretary of Extra Departmental Agents of Sultanpur would very soon interfere with the functioning of the applicant by appointing some other person in his place for the time being and thereafter they are ~~px~~ planning to appoint Shri Devi Prasad Dubey the then substitute in the aforementioned ~~farm~~ of the office by taking advantage of the ~~appointment~~ order, however, the applicant's appointment is made on clear vacancy and his appointment is regular and valid. The form of appointment may be provisional but since it has not been made for a specific period as such his appointment should be treated as permanent since 25-10-1989, had his appointment been a provisional appointment then it should have been given in Annexure-4 ~~xx~~ of E.D. rules 1964 and also there was no need

Anu

to appoint the applicant provisionally after dispensing with the stop gap arrangement of Shri Devi Prasad Dubey.

(x). That the applicant is preferring this application under section 19 inter-alia on the following grounds:-

OUR SONGS.

Because

(1). Since the applicant's appointment dated 14-10-1989 has been held regular and valid as such any proposed interference with the service of the applicant by the respondents is malafide, arbitrary and discriminatory and violative of Article 14 and 16 of the Constitution of India.

(2). ~~Thus~~ because the appointment is not given in the form of Annexure A of E.D. Rules 1961 as such the appointment of the applicant should be treated as regular and permanent as there is no specific limit has been given in the appointment order dated 14-10-1989 as such it should continue till superannuation.

(3). Because the Respondents have not followed the order of the Hon'ble Tribunal, Allahabad dated 21-11-1989 by not paying the salary and allowances as such the respondents conduct speaks of arbitrariness.

(4). because the applicant is not paid salary since 25-10-1989 till today.

7. RELIEF.

That it is, therefore, most respectfully prayed that the ~~respondent~~ Hon'ble Tribunal be pleased to direct the respondents:

(a) to treat the applicant in the as E.O.M.P. in the post office of Kuchhmuichh since 25/10/1989 and allow him to continue on the said post till superannuation.

(b). to pay the applicant the salary and other allowances since 25-10-1989.

(c). to pass such other and further order as may be deemed necessary in the circumstances of the case.

RECOMMENDATION.

That in view of the facts narrated above the Hon'ble Tribunal may be pleased to direct the respondents not to interfere with the functioning of the applicant till the pendency of application and pass such other and further orders as may be deemed necessary in the circumstances of the case.

(~~Amritpal Singh~~)
~~Conseal for the applicant.~~

Amritpal Singh

Am

9. DETAILS OF THE REASON EXHAUSTED...

- ✓ (1) The representation dtd 16-1-90
(2) The representation dtd 14-2-90

10. MATTER NOT PENDING WITH ANY OTHER COURT.

That applicant further declares that the matter regarding which this application has been made is not pending before any court of law of any other authority or any other bench of the Tribunal.

11. PARTICULARS OF THE ENCLOSURES.

Particulars of Bank Draft/Postal order filed in respect of the application fee.

DD 514595

5

12. LIST OF ENCLOSURES.

(i) True copy of the appointment letter dated 14/10/1989.

(ii) True copy of the order of Tribunal 21/11/1989.

(iii) True copy of the representation dated 16-1-1990.

(iv) True copy of the representation dated 14/2/1990.

VERIFICATION

I, Manshi Dhar Pandey, aged about 33 years, son of Sri Ram Karan Pandey, resident of village Madhopur Kuchhmuichh, post Kuchhmuichh, district

Surat

Am

A.2.2

-9-

district Sultanpur working as E.D.M.P. do hereby verify that the contents of paragraph nos. [fC] 10 to are true to my personal knowledge, and that those of paragraph nos. [fC] are based on perusal of the record and that those of paragraph nos. [fC] are based on legal advice, which I believe to be true, that no part of it is false and nothing material has been suppressed.

अमृत सिंह
Signature of the applicant.

Dated.

Ans

10
A23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
AND
THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

ANNUAL REC. I

IN

Banshi Char - - - - - Petitioner.

VS.

Union of India - - - - - Respondents.

GOVT. OF INDIA

- etc of post.

1/0

Memo No. a/ Kuchmucha dated at sol. the 14.10.89.

Whereas the post of L.M.P. Kuchmucha Sultanpur has been fallen vacant the U/s has decided to make provisional appointment for the said post.

Sri Banshi Char Pantey son of Sri Ram Karan Pantey all Hainpur P.O. Kuchmucha is appointed as L.M.P. Kuchmucha purely on temporary measurement subject to satisfaction police verification report.

He shall be paid such allowance as admissible for time to time his date of birth is 27.5.1957.

Sri Banshi Char Pantey should clearly understand that his appointment is provisional and can be terminated at any time without assign any notice or reason. The appointing authority reserves the right to terminate provisional appointment at any time.

He will be governed by EDAs conduct and

-2-

service rules 1964 as amended from time to time and all other rules and orders applicable to E.M.S.

He should note that if any thing advise notice against him relating to his post conduct and other things. A small replacement rothwith without assigning any notice.

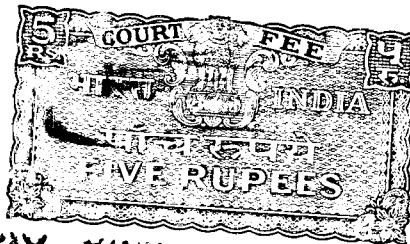
In the above conditions are accept & should sign the duplicate copy of them and return the same to the U/s.

COPY TO :-

1. Sri Bawali Mohan Panney with ~~Amritkarma~~ Amritkarma, Bawali P.O. Kuchamuchh Saltanpur.
2. D.P.M. Kuchamuchh
3. Postmaster Saltanpur
4. O/S Souta (Sri P.N. Dubey) should close transferred and obtain S.B. orders Rs.2000/- contiascate L.P: declaration rothwith.

to the copy
after this

Sister -
and (Advocate)



ठाईकु^२ ट इलाहाबाद
इलाहाबाद

मुकदमा

रियर अपील

नम्बर

सन् १९

जिला

निगरानी

Bawali Dhan Pandey

वादी प्रतिवादी

मुकदमा

मुकदमा

वराम

अपीलान्द

Union of India a/c others

वादी प्रतिवादी

Bawali Dhan Pandey &/o Ramkaran Pandey

रेस्पान्डेंट

हम इसके उपरान्त अपनी ओर के पक्ष समर्थन हेतु
उपरोक्त प्रकरण — अपनी ओर के पक्ष समर्थन हेतु
हम

श्री

Amrapali Shukla, एडवोकेट
Jishnu Chandra Dev, P. J.
N.D.

को उपरोक्त मुकदमे की पैरवो के लिए मेहबाबा अशा करने का वचन देकर मैं अपना वकील नियुक्त करता हूँ/करते हैं उक्त वकील महोदय को मैं/हम यह अधिकार देता हूँ/होते हैं कि इस मुकदमे में वह मेरी ओर से पैरवी आवश्यक सवाल पूछें जावा दें, और बहस हरें। दस्तावेज का कागज अदालत में दाखिल करें व वापिस ले। पंचामा उपस्थित करें पंच नियुक्त करें यदि आवश्यक हो तो पंच के निर्णय का लिखित विरोध करे सुलहनामा दाखिल करें दावा स्वीकार करें या उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावें, डिग्री का रूपया व खर्चाव का रूपया व किसी तरह का रूपया जो अदालत से मुझे/हमें मिलने वाला हो तो वसूल करें। मेरी/हमारी ओर से अदालत में दाखिल करें। कोर्ट फीस व स्टाम्प देवें या वापिस लेवें रसीद लेवें व प्रमाणित करें। नकल प्राप्त करें अदालत की अनुमति से मिसिल का मुआद्दना करें आवश्यकता होने पर मुकदमा स्थापित करावें व मुकदमे के सम्बन्ध में दूसरे काम काज जो जल्दी समझे करें पैरवो के लिए अपनी ओर से कोई दूसरा वकील नियुक्त करें यदि आवश्यकता हो तो अपील या निपरानी दायर करें और अपील या निगरानी अदालत में पैरवो करें।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं मेरा/हमारा किया हुआ समझा जायेगा और वह मुझे/हमें अपने ही किये के समान/सर्वथा मान्य होगा।

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स्वीकार है।

COMPLIATION No. 2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH, ALLAHABAD.

APPLICATION No. 477 OF 1990.

(Under Section 19 A.T. Act, 1985).

Banshi Dhar Pandey. -----Applicant.

Versus

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

Sl. No. Description of papers. 0 Pages.

- | | | |
|----|---|-------|
| 1. | The order of the Tribunal dated 21/11/1989. | 13+18 |
| | Annexure No. A2 | |
| 2. | The representation dated 16-1-1990. | 18-19 |
| | Annexure No. A3 | |
| 3. | The representation dated 14-2-1990. | 20-21 |
| | Annexure No. A4 | |

AS
(Anupam Shukla)
Counsel for the applicant.

INTERIM GENERAL ADMINISTRATION FOR BANGLA U.P.

IN ALL AMB. AD.

ANNEXURE II

LA

CIVIL NO. 11-2000 of 1990.

(District:

Bansdiner Farley - - - - - Applicant

Versus.

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

GENERAL ADML. & REVENUE & FINANCIAL ADMINISTRATION

BANGLA, ALL AMB. AD.

CIVIL NO. 906 of 1989

Dayi Khan - - - - - - - - - - - Applicant.

Versus.

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

Santhosh N. N. J. 1989-1, etc.

and others. N. J. 1989-1, etc.

1. 1. 1988

(Hon'ble P. L. Dnyan, I.A.)

L. M. applied for the vacant Devi Prasad
seeks to set aside the order dated 14.10.87
of the Superintendent under which Mr. K. D. Dnyan
and others appointed to the post of Head of Department of
Mail Room, Measuring, Dispatch, Telegraph.

2. Referring to the facts of the case, it is noted
that application of the said L. M. was received on 27.8.87
Department of Mail Room, Kharagpur on 2.7.87
the appointment was placed ad hoc, pending selection
and appointment of a candidate drawn from the
employees in accordance on regular basis. Application
was made to the Employment Exchange, Kharagpur,
to furnish names of suitable candidates for this
post. The Employment Exchange sponsored 6 candid-
ates including the applicant who was registered
in the Employment Exchange.

3. On 1.11.87 dated 1.9.89, the Assistant
Superintendent of Post Officer sent a proforma

- 10 -

to these candidates asking them to submit their applications in the proper form duly filled in, so as to reach him on or before 11.9.89, and sent his application on 7.9.89 by road and post. His application however, was delivered to the Assistant Superintendent of Post Office on 14.9.89 after the due date i.e. 11.9.89. The applications received by 11.9.89 were tabulated and on first 10 marks of the candidates on Bansi Dutt Pandey was selected and appointed as Extra Departmental Clerk, Kuchmukh.

4. It is alleged by the application that one Arivineni Mr. S. Pandey who is related to Bansali Dutt Pandey, besides being a Secretary of Mr. Departmental and several Union, in collusion with an initial driver and a Clerk was responsible for wilfully delaying his application and delivering it as late as on 14.9.89 and thus a fraud was

- 4 -

committee to deprive him of the opportunity
to be considered for the Post.

5. On behalf of respondents, it is contended
that the Registered letter submitted by the
applicant on 7.9.89 from Phakravali Branch Office
was received at Sultanpur and delivered to Assistant
Superintendent Post Office on 14.9.89 and that
Pravin Prasad Pandey and the Clerk Anantlal Srivastava
who were alleged to have withheld the application ~~and~~ are
not responsible for the processing of the appli-
cations or candidates to be considered for appointment.
The applications received in time were considered
by the appointing authority and after evaluation
particulars of the candidates a decision was taken
on merits.

6. We have considered the arguments advanced
on both sides and carefully perused the documents.
It was doubtedly the responsibility of the appli-
cant, It is not for the appointing authority to
ensure that these applications are received in time

No malafides are alleged against the appointing authority. as a matter of facts the applicant was given opportunity in that application form was sent to be duly filed

on or before due date i.e. 11.9.89.

7. The appointing authority proceeded to consider application received in time, and after considering relative merits appointed a candidate Bansli Dhar Pandey. We find no irregularity committed by the appointing authority i.e. Assistant Superintendent of Post Offices and the facts that the application in the instant case reached the appointing authority on 14.9.89.

8. ~~Not~~ We see no reason to interfere with the orders of appointing authority. Accordingly the petition is rejected with no order as to costs.

NUMBER(J)

29.11.89.

Nov. 29. 1989.

All allowed.

0 TRUE COPY

Appended _____
Answer (Answer) Chaitanya Patel

18 अ
४३१

ज्ञ दी सेन्ट्रल ट्रिब्युनल एमीमीसीय इनामाद

सने ज्ञर नं० ३१

ज्ञ

बंगाली धार पाण्डेय

अप्लिकैट

बनाम

यूनियन शफ इण्डिया

अपौर्पार्ट

सेवा में,

श्रीनान लडायक अधीक्षाल हाक्कार
सुलतानपुर दहिणी उप डाक्ट
सुलतानपुर ।

दिग्गजः लृत लार्य के परिव्रीक्ष के सम्बन्ध में ही इसी एन पी कुमारुप
ने पद के भातो के सम्बन्ध में १४ -

महोदय,

सेवा में सवित्र निवेदन है कि श्रीनान जी के नियुक्ति प्रव्र
त्यंच्या- एक कुमारुप दिनांक १४.१०.८९ के अनुपातमें प्राथी है ही विषय
पीड़ित के पद ला लार्य भार दिनांक २५.१०.८९ को पूर्णित
दिग्गजा गया और तब से प्राथी तगतातर उपरोक्ति दे रहा है तथा
यथा निदिष्ट लार्य स्थानित करे रहा है किन्तु प्राथी लो आर्य तल
कोई वेतन भाता नहीं दिया गया । प्राथी की नियुक्ति ने पिरक्ष
दानित याचिका रंच्या १०५/१९८ नामनीय केंद्रीय प्रशासनिक

[2]

न्यायादिकरण इताबाद व्हारा दिनांक 29.11.87 के आदेश से जारैज
की गा हुई है। आपके पार उसी प्रमाणित प्रति प्रस्तुत की जा रही है।

आपके विवेदन के लिए प्राप्त को दिनांक 25.10.87 से लेतन व अत्ते
का शुगतान लगाने की हृपा लें।

प्राप्ति

दिनांक 16.10.87

बंगाल पाण्डेय
की हरीसमन परीक्षा मुमुक्षु
हुतानपुर।

प्रतिपिः- उन्नित कार्यकारी संविधान हैं :

- १। कानूनी पोस्ट बास्टर हुतानपुर
- २। नान अधीन वाल हाल हुतानपुर
- ३। गोल निदेशाल वाल हेवा इताबाद नियुक्ति पर्याय रिपोर्ट
हुतान नियंत्रित की प्रति के साथ।
- ४। अधीन आरतीय रक्षारी संघ पोस्ट मैल चतुर्थ श्रेणी संव
ही ही सम हुतानपुर।

[राजप्रतिपिः]

लोकी वर अंडेली

भारत

Anus (Anus)

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132

इन दो भेंटों के बिच इन स्वमित्रों के बीच व्यापार

बने रहे नं ४१

इन

दंशा धार पाण्डेय

अपरिषेद

बनाम

यूनियन एफ इण्डिया

अपोलोपार्ट्स

सेवा में,

माननीय ओ०पी० गुप्ता,
अटीला लाक्ष्मार सुतानपुर,
प्रांग सुतानपुर - 223001

महोदय,

प्राथी की निमुक्ति इही० सम० पी० कुमुक शाखा लाक्ष्मार
सुतानपुर के पद पर होई है। और प्राथी अपना लार्ड भार दिनांक 25.10.
1985 ले ग्रहण किया। प्राथी का ऐसा अभी तक नहीं दिया गया जिसके
कारण प्राथी अधिक किसाई के लारण दरेतान है। ऐसा रोतने का कारण
प्राथी को लोई का शहेता बताया गया जब ते उसे लोई ने लिभित
कूला नहीं दी गई। नवायरिय का लैसा नहीं डो चुका है परन्तु फिर शीर्ष
प्राथी को यात लैगात तथा लाल निरी इक के धार सरलारी लार्ड के
अतिरिक्त दौरे गारी पद रही है और उनकी देगारी करनी पड़ी रही है।
और उसी लार्ड का ऐसा जो तक प्राप्त नहीं हुआ।

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अतः गैनकाली से नियोजन है ~ प्रा ८० से छा० जा रही
 छा० छा० छा० छा० की मारें । .. त उसे धारा आमित लेन का
 भुगतान भवित्व करने की क्षमा व जाप नियोजने प्रा८० अनी जीतन
 राजा कर स्ते ।

प्रा८०

दिनांक: 14.2.७० ८०

१. दंगी धार पाण्डेय
 ई० ह०० सम० वी० कुमुक
 हार धार सुलतानपुर

प्रौद्योगिकी:-

१. दाक निदेशाल दाक सेवां द तात्त्वाद लोद द तात्वाद
 २. चीफ पोस्ट मास्टर बनर उप्र० चैक्यन तान्त्र

प्रा८०

दिनांक: 14.2.७० ८०

१. दंगी धार पाण्डेय
 ई० ह०० सम० वी० कुमुक
 हार धार सुलतानपुर

प्रौद्योगिकी

नं० १२०८८१

Am (Adrode)
 8/8/81
 Am (Adrode)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD REICH

— 10 —

CIVIL L.I.S.C. STAY V.C.W.I.C. APPLICATION NO.74 OF 1990

On behalf of the respondents

12

Registration C.I. No. 477 of 1990

Banshi Dhar Pandey .. Applicant

VS

Union of India and others .. Respondents

10

The Hon'ble The Vice Chairman and His
other companion Hon'ble Member of this Hon'ble
Tribunal.

The humble application of the abovenamed
applicant do hereby states as under:

1. THAT the humble applicant has already disclosed the facts of the case in the accompanying counter affidavit filed on behalf of the respondents.

2. THAT in view of the facts and circumstances explained in the accompanying counter affidavit, it is expedient in the interest of justice, that this 'online' Tribunal may be pleased to vacate the interim relief.

King

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P R A Y E R

It is, therefore, Most Respectfully
Prayed that this Hon'ble Tribunal may graciously
be pleased to that in view of the facts and
circumstances explained in the accompanying
counter affidavit, it is expedient in the
interest of justice that the interim relief
may kindly be vacated; or this Hon'ble Tribunal
may be pleased to pass a suitable order or
direction which this Hon'ble Tribunal may deem
fit and proper.


(K.G. Sinha)
Addl Standing Counsel
Central Govt.
COUNSEL FOR THE APPLIC. &
RESPONDENTS



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

...

COUNTER AFFIDAVIT

On behalf of the respondents

In

Registration C.A. No. 477 of 1990

Banshi Dhar Pandey ... Applicant

vs

Union of India and others ... Respondents

AFFIDAVIT OF Sri C. P. (H.M.)
aged about 15 years, son of
Shri K. M. Singh, Son of
Gulab Singh, Bawali, Etawah.

(Deponent)

I, the deponent as above named, do hereby solemnly affirm on oath and state as under:

1. THAT the deponent is a Sub-Officer in the Office of the respondents and he has been authorised to file this counter affidavit on behalf of the respondents and as such the deponent is fully conversant with the facts of the case referred to hereinafter.

:: 2 ::

2. THAT the deponent has read over and understood the contents of the application filed by the applicant and he is in a position to reply the same.

3. THAT before giving parewise reply to the contents of the aforesaid application, the following facts are being asserted in order to facilitate this Hon'ble Tribunal in administering justice.

4. THAT consequent upon the order of put off duty of regular Extra Departmental Branch Post Master Shri Rama Shankar Dubey, Kuchmucha, the Extra Departmental Mail Peon was asked to look after the work of Extra Departmental Branch Post Master (in short E.D.B.P.) and the respondent no.2 has issued an order on 14-10-89, through which the petitioner was given an appointment on purely temporary measurement.

5. THAT the applicant was allowed to assume the charge of Extra Departmental Mail Peon (in short E.D.M.P.) on 25-10-89, but in fact, he did not perform the work

of E.D.M.P. as per the report of the respondent no.2 dated 18-12-89 and 19-3-1990.

6. THAT in fact the petitioner has himself given a publication in the fortnightly news paper i.e. 'Amethi Samachar' from 1-5-90 to 15-5-1990 under the Column 'Chitti Patti' where he himself has stated that he did not performed the work of EDMP Kuchmuchi. In his application dated 27-1-89 he has also admitted this fact that he was not allowed to have the charge. A photostat copy of the publication in the news paper as well as, the letter dated 27-1-89 are being annexed herewith and marked as Annexures-CA1 and CA-2 to this affidavit.

7. THAT since the regular incumbent Shri Ganga Prasad Gupta who was looking after the charge of EDMP Kuchmuchi against the vacancy which was caused due to order of put off had made several applications for his coming back to the post of EDMP which post the petitioner was holding temporarily and on 20-3-90 the Director Postal Services agreed with the request of Shri Ganga Prasad Gupta and directed to the Superintendent of Post Offices i.e. Respondent No.3 to

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cancel the appointment of the petitioner
and allow the Ganga Prasad Gupta to
continue on his regular post of EDMP
Kuchmucha. A photostat copy of the application
of Shri Ganga Prasad Gupta dated 21.1.87
and the order dated 27-3-90 issued by the
Directorate Postal Services is being annexed
herewith and marked as Annexure-CA-3 ~~xxx~~
and Annexure-CA-4 to this affidavit.

ANNEXURE -CA-3 & 4

8. THAT in view of the aforesaid
fact the permanent incumbent Shri Ganga
Prasad Gupta ~~xxx~~ was allowed to join his
original post of EDMP w.e.f. 22-3-90 and
the applicant's temporary appointment was
dispensed with. On 22-3-90 Shri Ganga Prasad
Gupta has taken over charge from Shri
Dev Prasad Dubey who was working as EDMP
as substitute. A photostat copy of the
charge report ~~xxx~~ is annexed herewith and
marked as Annexure-CA- 5 to this affidavit.

ANNEXURE - CA- 5

PARAVERSE REPLY

9. THAT the contents of paragraphs nos.
1, 2, 3, 4 and 5 of the application ~~xxx~~ need
clarification no comment.

RECORDED

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:: 5 ::

10. THAT the contents of paragraph 6 (i) of the application are admitted to the extent that by means of order dated 14-10-89, the applicant was given an appointment temporally and as stated above, it was only against the vacancy which was temporarily caused due to working of Geeta Prasad Srivastava as a S.C.B.P.M. for short while against a temporary vacancy.

11. THAT in reply to the contents of paragraph 6(ii) of the application, it is submitted that the petitioner did not actually performed the work of ECPM as per the report of Superintendent of Post Offices dated 17-12-89 and 19-3-90. A photostat copy of the report is annexed herewith and marked as Annexure-C-6 to this affidavit.

12. THAT the contents of paragraph 6(iii), 6(iv) and 6(v) of the application are matter of record, as such need no comment. In reply it is further submitted that the ~~box~~ except that Sri Devi Prasad Dubey was engaged as substitute on the responsibility of permanent incumbent on the post.

:: 5 ::

13. THAT in reply to the contents of paragraph 6(vi) of the application, it is submitted that this Hon'ble Tribunal did not find any reason to interfere with the orders of the appointing authority in case No.OA. 906 of 1989 filed by Shri Govi Prasad Dubey. It is further submitted that the petitioner was allowed to assume duty on 25-10-89, but he did not perform the work of the post as detailed in comment of foregoing paragraph. Moreover, the permanent incumbent of the post of EDMP Kuchmukh Sri Ganga Prasad Gupta has joined the post under order of the higher authorities as his recurst was accepted. A detailed in this regard has already been narrated above.

14. THAT the contents of paragraph 6(vii) and 6(viii) of the application are incorrect as stated and hence are denied. A reply has been submitted in the foregoing paragraph, hence need not repeat again.

15. THAT the contents of paragraph 6(ix) of the application are incorrect and hence are denied. The plea of malafide has been raised against one Shri Ram Milan Pandey who

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is not arrayed as a party. Moreover, Sri Ram Milan Pandey has not to do anything in the matter and as such the plea of malafide is not tenable in this matter. The appointment of the applicant was purely temporary and provisional, since the permanent incumbent has joined the post and as such it is the applicant who ought to make room.

16. THAT the contents of paragraph 6 (x) of the application are not correct as stated. In reply it is submitted that none of the grounds taken by the applicant are sustainable in the eye of law and the petition is devoid of merit, hence it is liable to be rejected.

17. THAT in reply to the contents of paragraph 7 of the aforesaid application it is submitted that averments made above, and in view of the facts and circumstances mentioned above, the application is not maintainable. ~~Ex~~ It is further submitted that since Sri Ganga Prasad Gupta has already taken over charge of E.O.M.P. from

A/C

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Shri Devi Prasad Dubey on 22-3-1990 and
as such the question of granting any
interim order in the present case does
not arise.

I, the deponent above named do
hereby verify and declare that the
contents of paragraph nos. 1, 2 and 3

_____ of this affidavit are
true to my personal knowledge and those
paragraph nos. 4 to 17 _____

_____ of this affidavit are based
on the information received from the record,
and the contents of paragraph nos. _____

_____ of this affidavit are based
on legal advice, to which all the ~~applicant~~
xxxxxxx deponent believes to be true and
that no part of this affidavit is false and
nothing material has been concealed in it.

So help me God.

(Signature)
(Deponent)

7/1/75
7/1/75

Arneithi Scandachay 1 May 1985 May 90

Amesans - C-A - 1

Ac¹

चिट्ठी पत्री!

डाक विभाग सुलतानपुर की कहानी

ब्रीमान् सम्पोदक महोदय,
अमेठी समाचार, गैरीगंज
मान्वयर,

प्राणी निम्न निवेदन करता है, कृपया आप अपने अखबार अमेठी सभाचार में इसे प्रकाशित कराने की कृपया करें तथा सुलतानपुर भंडल के डाक विभाग में हो रहे अन्यायों का भंडाफोड़ करें।

मैं वंशीधर पाण्डेय पुत्र रामकरन पाण्डेय हूँ, डी.एम.पी. कुछमुछ सुलतानपुर हूँ। मेरी नियुक्ति मेमो नं. ल/कुछमुछ दिनांक १४.१०.८९ के अनुसार हूँ, डी.एम.पी. कुछमुछ के पद पर सहायक डाक अधीक्षक (दक्षिणी) सुलतानपुर द्वारा नियम गया था। २५.१०.८९ को चार्ज रिपोर्ट भी पूर्वान्वयन बना कर मैं इयूटी करने लगा। डाक सर्वेक्षक श्री प्रसिद्ध नरायण दुबे ने मुझसे उसी दिन कहा कि तुम्हें भत्ता मिलेगा; चाहे घर में मेरे काम करो या डाकघर में मैं कभी-कभी डाकघर से उनके घर थान आदि काटने जाने लगा।

ता. २६.९०.८९ को श्री पारसनाथ पाण्डेय सहायक डाक अधीक्षक दक्षिणी सुलतानपुर के पद पर कर्त्तव्यमार ग्रहण किया जो अपी छ: माह पहले सुलतानपुर से स्थानान्तरित होकर केराक्त जैनपुर गये थे। इस वर्ष वे लगातार तीसरी बार सुलतानपुर आये हैं वे हैं ई.डी.एम.पी. के घर का दौका बरतन कपड़ा साफ़ करना, तथा डाक सर्वेक्षक श्री प्रसिद्ध नारायण के पारहत आदि जोतता रहा। जब मैं इस दोहरी बैगारी से उबा और अपना भत्ता मांगा तो श्री पारस नाथ तथा श्री प्रसिद्ध नारायण मुझे काफी डाटे और कहा कि जब तक हम को पांच-पांच हजार,

कुछमुळ श्री दंशी धर पाण्डेय से कहा कि
तुम मेरे धर पर ही कार्य करो पैसा मैं
दूंगा। मैं स.डा. अशीक्षक तथा डाक
सर्वेक्षक के धर पर कार्य करने लगा। मेरे
स्थान पर मुझसे पहले वाले ई.डी.एम.पी.
श्री देवी प्रसाद से कार्य ई.डी.एम.पी.
कुछमुळ का लेते रहे।

इसी समय सहायक डाक अधीक्षक श्री पारसनाथ पाण्डेय तथा डाक सर्वेक्षक श्री प्रसिद्ध नारायण दुबे ने मेरे पहले के ई.डी.एम.पी. जो मात्र जिम्मेदारी पर लगा था। मेरी नियुक्ति के खिलाफ सी.ए.टी. इलाहाबाद में केश नं. १०६/१९८९ देवी प्रसाद बनाम यूनियन आफ इण्डिया के नाम दायर करा दिय। दिनांक २१.११.८९ को सी.ए.टी. ने मेरी नियुक्ति उचित ठहराया तथा जजमेन्ट दे दिय। परन्तु उक्त अधिकारी मेरे पद पर उसी से काम लेते रहे और मुझसे अपने घर पर काम लेते रहे तथा मेरा भत्ता भी मुझे नहीं दिया प्रार्थी श्री पारसनाथ पाण्डेय

के घर का चौका बरतन कपड़ा साफ़ करना, तथा डाक सर्वेक्षक श्री प्रसिद्ध नारायण के परहत आदि जोतता रहा। जब मैं इस दोहरी बैंगरी से ऊबा और अपना भत्ता मांगा तो श्री पारस नाथ तथा श्री प्रसिद्ध नारायण मुझे काफी हाटे और कहा कि जब तक हम को पांच-पांच हजार रुपये

रुपया सहायक डाक अधीक्षक तथा डाक सर्वेक्षक को नहीं दोगे तब तक डाक घर में कार्य नहीं करने दिया जाएगा। प्रार्थी अपनी गरीबी तथा मजबूरी के कारण उक्त अधिकारियों की पांच-चः माह खूब सेवा किया तथा मेरे स्थान पर कोर्ट से निकाले गये हैं। ई.एम.पी. से कार्य कराया जाता रहा। पुनः बीच-बीच में दोनों अधिकारी अपने पैसे की मांग करते तथा कहते कि यदि पैसा नहीं दोगे तो नौकरी से निकाल देंगा।

जनरल लखनऊ, डाइरेक्टर आफ पोस्टल सर्विसेज इलाहाबाद तथा डाक अधीक्षक सुलतानपुर को दिनांक १६.१.९० तथा १२.२.९० को प्रार्थनापत्र दिया। परन्तु आज तक न भत्ता पिला न डाकघर का कार्य। सहायक डाक अधीक्षक दक्षिणी तथा डाक सर्वेक्षक पी.एन. दुबे के प्रश्नाव केकारण डाकघर के अधिकारियों ने न कोई विचार किया न कोई कार्यवाही ही की गई।

प्रार्थी,
दंशीष्ठर पाण्डेय पुत्र श्री रामकरन
पाण्डेय
ई.डी.एम.पी. कुछमुछ
सुलतानपुर

74.750
24.0 | 90

A circular library stamp with the text "FOR CATH" around the top edge and a signature in the center. The stamp is partially obscured by a large, dark, handwritten signature that reads "CATH".

A46

Annexure C 4-2

रोता में

महोदय

पंडी मान सहायक डाक अधीक्षक

डाकघर दाकियों (मुलानुग्रह

निवेदन है कि प्रार्थी की नियुक्ति E.D.M.P. कुमुदकी पद पर आपके शास्त्र संख्या A/कुमुद ३ दि. १४-१०-२६ की दोरा की गयी है। प्रार्थी E.D.M.P. पर आर ग्रहण कर आयी करने लगा। प्रार्थी विषय २६-१०-२६ की कार्यालय। उस में दि. २६-१०-२६ की रात्रि डाक पाल से डाक ले आने वेत्रे मांगने लगा तो उद्दीपने ने लहा ली नहीं मांगाया डाक अधीक्षक पंडी वाई दी चीरी आदेश अपैलोग तो भी उद्दीपने कार्य द्वारा / भी दैन भा कुमुदकी डाकघर में फैला रहा, किन्तु मुझसे जाकर को कोई कार्य नहीं लिया / भी लिया गया तो उद्दीपने दैन से इनकार किया।

उपर निवेदन है कि उमा E.D.M.P. कुमुदकी प्रार्थी के द्वारा डाक पाल कुमुदकी की आदेश दिये गए

130 २९-१०-२२
प्रार्थी का दाक पाल कुमुदकी
E.D.M.P. कुमुदकी
मुलानुग्रह

प्रणिती अधीक्षक डाकघर मुलानुग्रह की प्रतिक्रिया है।

पंडी मान जी निवेदन है कि शास्त्र डाक पाल कुमुदकी की नियुक्ति आप की वे मुख्यमानी E.D.M.P. का वाकी बाराये। वैसों की वे नियमों के अनुरूप गुप्तसे कार्य नहीं हो रहे हैं।

शास्त्र डाक पाल कुमुदकी की नियमों का वे गुप्तसे की कोई सुझाव नहीं दिया गया है।

प्रार्थी - ब्रह्मदर वाई E.D.M.P. कुमुदकी
मुलानुग्रह

74-1750

27/10/24

Annexure A-3 (A4)

• सैना जी

श्री मान उक्त अधीक्षक भवेद्दुप
सुलतानपुर प्रबण्ड २२८००।

गान्धी

प्राची शारदा उक्त पाल कुद्दुद के पद पर,
जी रमा शोक द्वाये कामे पूर्यक होने के बाद की जापरत है।
प्राची की शारदा उक्त पाल पद पर काम करत हुए गंगा
पार वर्ष हुए परन्तु मौत मात्र १५५-०० रुपयों से भवालिस कर्यम
मत्ते में बुद्ध होने हैं जिससे प्राची के पीछाए पर बुरा असर
पड़ रहा है प्राची की शारदा उक्त पाल के पद पर किसी प्रकार
को काम करने की तैयार नहीं है।

अतः श्री मान जी के लिवदन है कि

प्राची की शारदा उक्त पाल पद के मार कुक्ता करा कर छाने
पहले वाले स्थान पर (डॉडी सम्पौर्ण कुद्दुद) काम करने
की उम्मीद पुष्टाज लरने की कृपा कीजिए।

प्राची +

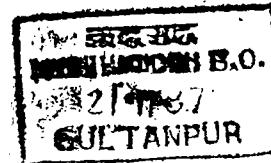
गंगा प्रसाद कुला

शारदा उक्त पाल कुद्दुद

सुलतानपुर
दिनांक २१-११-४७

सातालियप

१. श्री मान सदापक उक्त अधीक्षक
दाक्षिण्य सुलतानपुर ।
२२८००।



Ch

21-11-47
22-11-47



पृष्ठी राज कुमार
D. R. Kumar
DIRECTOR

प्राप्ति सं. संकेतक / D.O. NO. _____
 निदेशक दफ्तर सेवा ८८/८/७-९/९
 लालाहाबाद, उत्तर प्रदेश-२११००१
 DIRECTOR POSTAL SERVICES
 ALLAHABAD REGION, ALLAHABAD 211001.

Amherst C. A. 2
A. J. S.

अतः यह स्पष्ट कर देना चाहूँगा कि इस बिलम्ब के कारण कोई भी वैक्सी प्रकार की वैधानिक वा अन्व व्यवधान उत्पन्न होता है तो उसके लिए आप जिम्मेदार होगें। पूरे भारत के अबको-कन से यह स्पष्ट होता है कि श्री गंगा प्रसाद गुप्त ईंडो०८८०पी० कृष्णमृष्ट ने अपने पद से इस्तीफा नहीं दिया और उनके शाखा डाक्याल के पद कृष्णमृष्ट का वार्ष अस्थायी तौर पर दिया गया। श्री गंगा प्रसाद गुप्त ने अपने स्थान पर श्री देवी प्रसाद द्वारे को अपनी जिम्मेदारी पर रखने के तौर पर लगा रखा है। इससे यह स्पष्ट है कि ईंडो०८८०पी० कृष्णमृष्ट का पद खाली नहीं धा क्योंकि श्री गंगा प्रसाद गुप्ता ने न तो इस पद से त्याग पत्र दिया और न ही उन्हें इस पद से हटाया गया। अतः ईंडो०८८०पी० कृष्णमृष्ट के पद पर नियुक्ति करना वैधानिक अनियमित है। अगर इस पद पर नियुक्ति की गई है तो उसको तुरन्त निरस्त करके श्री गंगा प्रसाद गुप्ता को उसके भौतिक पद पर अविलम्ब लगाया जाय। जिस अधिकारी ने इस पद पर नियुक्ति की है उसका स्पष्टीकरण लेकर इस कार्यालय को वापसी डाक से भेजे।

त्पट्टीकरण में यह त्पट्ट करवा लियां जाय कि इस ₹०८०००००००००० की जगह रिक्त ही नहीं है तो इस पद पर नियुक्ति क्यों कर दी गई तथा अतीरिक्त शाखा टाक्याल क्षमता के पद पर नियुक्ति नियमानुसार क्यों नहीं की गई ।

अतः ऐ यह घाहूँगा कि यथा निर्दिष्ट आवश्यक कार्यवाही करके अपश्री आज्ञा तरन्त दैरे कार्यालय को भें ।

श्री जौ०पी० गुप्त
अधीक्षक डाकघर
सुल्तानपुर

~~741750~~ 741750
22/09/44 *Chile*

प्राप्ति रिपोर्ट

प्राप्ति रिपोर्ट के लिए हिंदू देवी घर-पर्यावरण विभाग के द्वारा दिया गया है।

कुलकुल का नाम श्री देवी प्राप्ति रिपोर्ट से उत्तरांश है।

- प्राप्ति रिपोर्ट के साथपूर्व इसके लिए दर्शकों के द्वारा दिया गया है।
दर्शक संख्या ८८/कुलकुल दिनांक २२-३-९० के बारे में
दर्शक ने कहा कि कुलकुल के लिए विवरण

प्राप्ति रिपोर्ट लिए गए विवरण-

श्री देवी प्राप्ति रिपोर्ट

हिंदू देवी घर-पर्यावरण विभाग

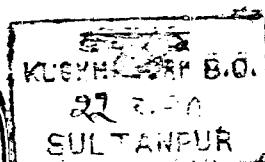
दिनांक - २२-३-९०

लिए गए विवरणों का लिखा-

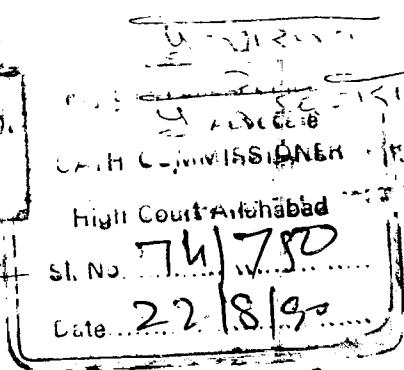
हिंदू प्राप्ति रिपोर्ट

E.O. नं. कुलकुल

दिनांक - २२-३-९०



लिपि लिखा गया
22-3-90



भारतीय डाक विभाग

प्रेषक,

सहायक अधीक्षक डाकघर
दक्षिणी उप मण्डल,
सुलतानपुर।

सेवामें,

अधीक्षक डाकघर
सुलतानपुर।

पत्रांक: ए/कुछमुछ /सुलतानपुर दिनांक 18.12.89.

विषय: ई डी एम पी कुछमुछ की नियुक्ति के सम्बन्ध में।

सन्दर्भ: आपका पत्रांक ए/कुछमुछ दिनांक 27.10.89.

मामले की जांच श्री उमाशंकर श्रीवास्तव औवर सियर दक्षिणी से कराई गई। शाखा डाक्याल कुछमुछ ने अपने दिनांक 10.11.89 के बयान में बताया कि उसके पास एक दुबला पतला आदमी आया था जिसने बताया कि वह इस डी आई उत्तरी का जमादार है। पुनः 25.10.89 को वह व्यक्ति आया और कहा कि वह सादी चार्ज रिपोर्ट लिये हैं उसने उसे अटेस्ट करने को कहा और कहा कि ऐसानहीं करोगे तो आपके खिलाफ कार्यवाही होगी जिसके डर से उसने सादी चार्ज रिपोर्ट को प्रमाणित कर दिया और मुहर लगा दी। उसने वह भी कहा कि वह दिनांक 25.10.89 से शाखा डाक्याल के साथ ई डी एम पी का भी कार्य कर रहा था क्योंकि श्री देवी प्रसाद दुबे ई डी एम पी ने दिनांक 24.10.89 को मेडिकल दे दिया था। वह पुनः 7.11.89 को फिटनेस देकर पुनः ई डी एम पी के पद पर कार्य कर रहे हैं।

सूचनार्थी रिपोर्ट प्रेषित है।

टॉ-

सहायक अधीक्षक डाकघर
दक्षिणी उप मण्डल
सुलतानपुर- 228 001.

सत्य प्रतीतिपूर्वक प्रमाणित।

Deputy Commissioner

Deputy

7/11/89
9मंगलवार

Amne 1987

Department of Posts India

From,

Asstt. Supdt. of post offices,
South Sub Division,
Sultanpur- 228001.

To

The Supdt. of post offices,
Sultanpur.

No. A/Kuchmucch Dated at Sultanpur the 19.3.90.

Sub: Drawal of allowance of Shri Bansidhar Pandey ,EDMP
Kuchmucch.

Ref: Your no. B-3/206.A/Kuchmucch/Ch.II Dated 13.3.90.

A reference is invited towards this office letter no. even dated 18.12.89 in which detail report has already been furnished . Shri Devi Prasad Dubey worked upto 24.10.89 and was on medical from 25.10.89 to 6.11.89 and again joined from 7.11.89 . Therefore he was allowed to draw his allowance from 1.10.89 to 24.10.89 . Shri Ganga Prasad Gupta has informed that he worked as EDMP from 25.10.89 to 6.11.89 in addition to his duty as B.P.M..

I have already informed your honour that Shri Ganga Prasad Gupta working BPM is not in opinion for transferring the charge of EDMP. He has applied for his return to his original post of EDMP as he has not resigned from his post. He has furnished several application to you but nothing has been decided in his case . Kindly see your file in which all the facts are available . But the BPM has not been informed with your decision so far. He is also taking meeting with you and discussed this issue from the platform of Union. Even though your honour is pressing to the undersigned for this purpose. I have several time informed that BPM has created nuisance in transferring charge of EDMP but nothing has been heard by you nor BPM has been asked for transferring charge by you. Your honour is competent to take suitable notice against BPM . I therefore again request you kindly to take action against BPM so that charge of EDMP may be easily transferred to Shri Bansidhar Pandey .

SD/-

Asstt. Supdt. of post offices
South Sub Division,
Sultanpur-228001.

True copy attested.

Signature

Official

14.5.90
22.8.90

Court Officer/Court Master
of Court **I**
to place it with the file for
perusal of the Hon'ble Court.

1319
D. R.

IN THE CENTRAL ADMINISTRATIVE TRIBURAL

ALLAHABAD BENCH

...
CIVIL MISC. APPLICATION NO **243/9** OF 1990

On behalf of the
Union of India and others Applicants/Respondent

In
Registration C.A. No. 677 of 1990
Banshi Dhar Pandey ... Applicant

versus
Union of India and others ... Respondents

To
The Hon'ble the Vice Chairman and His
companion Hon'ble Members of this Hon'ble Tribunal.

The humble application of the above
named applicants Most Respectfully Showeth:

1. THAT on 20-8-90 when the case was taken
up a counter affidavit was filed on behalf of
the respondents contesting the aforesaid petition.

2. THAT certain facts could not be brought
on the record and certain queries were made by

W.C.

28 2 88

Hon'ble Court with the deponent.

3. THAT in order to give a clear picture of the case a brief history of the case of the respondents is narrated below, which may be read as part of the record in addition to parawise reply given from the paragraph 9 of the counter affidavit.

4. THAT paragraphs 4 to 8 of the counter affidavit may not be read and in its place the accompanying supplementary counter affidavit may be read which will give a clear chronological picture of the case.

5. THAT in the interest of justice this Hon'ble Tribunal may be pleased that the accompanying supplementary counter affidavit may be made as part of the record.

P R A Y E R

It is, therefore, Most Respectfully Prayed that this Hon'ble Court may graciously be pleased that the paragraph nos. 4, 5, 6, 7 and 8 of the counter affidavit may be deleted and in place the supplementary counter affidavit may be read

On

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AS/

as part of the counter affidavit; AND
or may pass such suitable & orders/directions
which this Hon'ble Court may deem fit and
proper in the circumstances of the case.

September 3, 1990.

(K.C. SINHA)
ADDL. STANDING COUNSEL

CENTRAL GOVT.
COUNSEL FOR THE RESPONDENTS/APPLICANTS

1990

AFFIDAVIT

11/243

HIGH COURT
ALLAHABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

.....

SUPPLEMENTARY COUNTER AFFIDAVIT

In

Registration O.A. No. 477 of 1990

Banshi Dhar Pandey ... Applicant

versus

Union of India and others ... Respondents

Affidavit of Shri C.P. Gupta

aged about 49 years, son of

Shri Ram Ugrach Gupta, Superintendent
of Post Offices, Sultanpur.

(Deponent)

I, the deponent dx above named do
hereby solemnly affirm on oath and state as
under:

Copy to the
J. THAT the deponent is the Superintendent
of Post Offices, Sultanpur in the Office of the
Respondents and he has been authorised to file
the supplementary counter affidavit and to make

AS

he is fully conversant with the facts of the case deposed to hereinafter.

2. THAT one regular Extra Departmental Branch Post Master Rama Shankar Dubey , Kuchmuchi, was ordered to be put off duty on 25-7-83. and one Sri Ganga Prasad Gupta who was working as Extra Departmental Mail Peon in the said Post Office was ordered to work on the post of Extra Departmental Branch Post Master and he has accordingly taken over charge of the Branch Post Master on 30-11-83. In fact no appointment order was issued in favour of the Ganga Prasad Gupta appointing him as E.D.B.P.M. but only at the direction of Assistant Superintendent of Post Offices, Sultanpur, the charge of EDBPM Kuchmuchi was given to Shri Ganga Prasad Gupta.

3. THAT a decision was taken that the post of Ganga Prasad Gupta should be filled up by way of making a substitute arrangement on the responsibility of certain employees of the

Exe. H.R.

postal Department as Ganga Prasad Gupta was not very much willing to work as EDBPM and he was representing his case that he should be allowed to work as E.D. Mail Peon, Kuchmuchi.

4. THAT accordingly one Sri Devi Prasad Daubey was allowed to work as E.D. Mail Peon as substitute on the responsibility of Sri Ganga Prasad Gupta.

5. THAT on 11-9-85 Sri Ganga Prasad Gupta was given provisional appointment also on the Post of E.D.B.P.M.

6. THAT as stated earlier Shri Ganga Prasad Gupta was not satisfied with the job of EDBPM Kuchmuchi as such, he made several representations that he may be allowed to work as E.D. Mail Peon Kuchmuchi and one of the application is being filed as Annexure-3 to the counter affidavit which is dated 21.11.1987.

(Signature)



7. THAT it is also pertinent to mention here that in view of the appointment of Ganga Prasad Gupta on the post of Branch Post Master, Kuchmukh on 11-9-83. The steps were taken to make a ~~regular~~ ^{provisional} appointment on the post of E.D. Mail Peon vice Ganga Prasad and the applicant was given the said appointment on 14-10-89.

8. THAT though the applicant was allowed to resume charge of E.D. Mail Peon on 25-10-89, but the reason best known to him, he did not report for duty as evident from the report of respondent no. 2 dated 18-12-89 and 19-3-90. A photostat copy of the reports are annexed herewith and marked as Annexures-SCA-I and II to this supplementary counter affidavit.

9. THAT on 7-6-90 when the petitioner did not join his services, the original appointment of the petitioner was cancelled on the post of Extra Departmental Mail Peon. A photostat copy of the order dated 7-6-90

Exhibit

ASG

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As being annexed herewith and marked

ANNEXURE SCA-III as Annexure SCA-III to this supplementary counter affidavit.

10. THAT as stated earlier Shri Ganga Prasad was not happy with this appointment as E.D. Brnshh Post Master and he requested for his original post of E.D.M.P. and ultimately his request was acceded to by the Director, Postal Services, Allahabad by means of an order dated 20-3-90. A true copy of the said order has been filed as Annexure-SCA-IV to this supplementary counter affidavit.

ANNEXURE SCA-IV

11. THAT since the applicant did not work ~~as a Peon~~ by virtue of his appointment dated 14-10-89, the substitute arrangement i.e. Devi Prasad Douby was continuing on his post as a substitute i.e. on the post of E.D. Mail Peon vice to Shri Ganga Prasad Gupta.

(Signature)

12. THAT in fact the petitioner has himself given a publication in the fortnightly

news paper i.e. 'Amethi Samachar' from 1-5-90 to 15-5-1990 under the Column 'Chitti Petti' where he himself has stated that he did not performed the work of EDMP Kuchmukh. In his application dated 27-10-89 he has also admitted this fact that he was not allowed to have the charge. A photostat copy of the same is annexed with the counter affidavit and marked as Annexure-CA-1 & 2.

13. THAT SINCE THE regular incumbent Shri Ganga Prasad Gupta who was looking after the charge of EDBPM Kuchmukh against the vacancy which was caused due to order of put off had made several applications for his coming back to the post of EDMP which post the petitioner was holding temporarily and on 20-3-90 the Director Postal Services agreed with the request of Shri Ganga Prasad Gupta and directed to the Superintendent of Post Offices, i.e. Respondent No.3 to cancel the appointment of the petitioner and allow the

Recd. At

A6)

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Ganga Prasad Gupta to continue on his regular post of H.E.M.P. Kuchnauch. A photostat copy of the application of Shri Ganga Prasad Gupta dated 21.11.87 and the order dated 20.3.90 issued by the Director Postal Services is already annexed as Annexures-CA-3 & 4 with the counter affidavit.

14. THAT in view of the aforesaid fact the permanent incumbent Shri Ganga Prasad Gupta was allowed to join his original post of H.E.M.P w.e.f. 22.3.90 and the applicant's temporary appointment was dispensed with. On 22.3.90 Shri Ganga Prasad Gupta has taken over charge from Shri Devi Prasad Dubey who was working as H.E.M.P as substitute. A photostat copy of the charge report is already annexed as annexure-CA5 to the counter affidavit.

[Signature]

15. THAT in view of the aforesaid facts and circumstances stated above, since the applicant has not assumed the charge by virtue of his appointment order dated 14.10.89

[Signature]

A62

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and ultimately his appointment was cancelled by means of an order dated 7-6-90 and as such no relief can be granted to the petitioner.

16. THAT it is well settled law that unless the appointment order is given effect and the incumbent ~~a~~ has joined his duty not right is accrued to him.

I, the deponent above named do hereby verify and declare that the ~~deponent~~ contents of paragraph nos.

of this affidavit are true to my personal knowledge and those paragraph nos.

of this affidavit are based on perusal of record and the contents of paragraph nos.

of this affidavit are abased on legal advice, to which in all, the deponent believes to be true and that no part of this affidavit is false and nothing material has

been concealed in it.

Deponent So help me God.

(Deponent)

163

88 12 8:

I, D.S. Chauhan, Clerk to Shri K.C. Sinha

Advocate, declare that the person making this
~~presently~~
affidavit is known to me from the perusal of
record in his possession and I am satisfied
that he is the deponent.

(10) ✓
Clerk

Solemnly affirmed before me on this 13th
day of September, 1990 at 12.00 p.m. by the
deponent, who is identified by the aforesaid
Clerk.

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

— OATH COMMISSIONER.

S. S. —

11/843

13/9/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW
OPP. RESIDENCY, GANDHI BHAWAN, LUCKNOW.

NO. CAT/LKO/JUDL/

DATED

8-7-92

REGISTRATION NO. C.A. 174/92 (154) * 199 (L)

in O.A. 477/90

Sri ~~Subhedar Pandey~~

APPLICANTS

VERSUS

Union of India & Ors.

RESPONDENTS.

- 1- Sri K.C. Sinha, Advocate, Central Administrative Tribunal,
C.A.T. Bar Association, 23-A, Thornhill Road, Allahabad.
2- Sri Anupam Shukla, Advocate

Bar Association
C.A.T. Allahabad
23-A, Thornhill Rd.

Please take notice that the applicant above named has presented an application a copy thereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 28th day of August 1992 for fitting hearing.

Received
by Mr. Anupam
for Anupam
6/8/92

If, no appearance is made on your behalf, your pleader or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence. Given my hand and the seal of the Tribunal this 29th day of July 1992.

FOR DEPUTY REGISTRAR

(RN)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Regd. A/D

23-A Tharhill Road

Allahabad. 211001

C/18

Registration O.A.No. 477 Of 1990
No. CAT/Alld/Jud.

Deviji Devi Parashry

APPLICANT.

Wrs

Union of India & Others

RESPONDENT.

- (1) Union of India through V/C Communication, Delhi. *By Registered*
- (2) Collector, Superintendent, Post & Police, South Sub-Divisional
District Collector. *Delhi*
- (3) Superintendent, Post Office, Sultanpur Division, Sultanpur. *Delhi*

Please take notice that the applicant above named has presented an Application a copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed

6th Day of August 1990. For:-
Orders, in the matter of Interim
relief, to be given to said cause as to why the interim relief
asked for is not granted, as to why the ~~above~~ application be
not granted.
If, no appearance is made on your behalf, your pleader or by
someone duly authorised to Act and plead on your behalf in the
said application, it will be heard and decided in your absence.
Given under my hand and the seal of the Tribunal this Day
of August 1990.

[Signature]
For Deputy Registrar
(Judicial)

C 119

In the Central Administrative Tribunal Allahabad.

No. 177 of 19.... 90

..... Banarsi Lal Ramay Petitioners

Appellant

Applicant

VERSUS

..... Union of India & others Respondent
Opposit Party

I, W. B. Gupta in the above matter hereby appoint and retain
SHRI KRISHNA CHANDRA SINHA, Advocate High Court Allahabad
to appear, act and plead for me/us in the above matter and to conduct/prosecute and defend
the same in all interlocutory or miscellaneous proceedings connected with the same or with
any decree or order passed therein, appeals and or other proceedings there from and also in
proceedings for review of judgment and for leave to appeal to Supreme Court and to obtain
return of any documents filed therein, or receive any money which may be payable to me/us.

2. I/We further authorise him to appoint and instruct any other legal practitioner
authorising him to exercise the powers and authorities hereby conferred upon the Advocate
whenever he may think fit to do so.

3. I/We hereby authorised him/them on my/our behalf to enter into a compromise in the
above matter, to execute any decree order therein, to appeal from any decree/order therein
and to appeal, to act, and to plead in such appeal or in any appeal preferred by any other
party from any decree/order therein.

4. I/We agree that if/we fail to pay the fees agreed upon or to give due instruction at
all stages he/they is are at liberty to retire from the case and recover all amounts due to
him/them and retain all my/our monies till such are paid.

5. And I/we, the understand do hereby agree to ratify and confirm all acts done by
the Advocate or his substitute in the matter as my own acts, as if done by me/us to all
intents and purposes.

Executed by me/us this day of 19 at

executed
Signature

Executant/s are personally known to me he has/they have/signed before me

Satisfied as to the identity of executant/s signature/s.

(where the executant/s is/are illiterate blind or unaquainted with the language of
vakalat)

Certified that the content were explained to the executant/s in my presence
in the language known to him/them who appear/s perfectly to
understand the same and has/have signed in my presence.

Accepted

K. C. Sinha
K. C. SINHA

Advocate

High Court, Allahabad
Counsel for Applicant/Respondents
No.

AGY

मुद्रा राज्य संग्रहालय
ग्रन्थालय - अधिकारी 3/1/40
ग्रन्थालय - 228001

०/०

Memorandum

A - Kuchmukh dated about 7-6-90

The appointments of the Banshidhar
Pandey made by this office numerous
were dated 14.10.89 to hereby cancel

copy to L.

मुद्रा राज्य संग्रहालय
ग्रन्थालय - अधिकारी 3/1/40
ग्रन्थालय - 228001

(ग्रन्थालय)

1. The Banshidhar Pandey &
Sh. Ran Kanta Pandey &
Mathewapur P.D. Kuchmukh
Hstly. Sultanpur for information
2. S.P. of Sultanpur w/r to the
mob. of 206 A/1 Kuchmukh
dated 12.4.90
3. - P. m. - Sultanpur
4. ०/० - Sultanpur

11/243

3/91/20