

Central Administrative Tribunal

Lucknow Bench

Cause Title T. A. 188/92 (1993)

Parties Md. Akbar Khan Applicant.

U. O. & Order Respondents

Part A.P.C.

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3	Final Judgement <u>A-8 to A-10</u>	
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CENTRAL ADMINISTRATIVE TRIBUNAL

A-1

ALLAHABAD BENCH

T-A: 188/92 TC

23-ATRHORNHILL ROAD ****

ALLAHABAD U.P. ***

REGISTRATION No. 794 OF 1990

APPLICANT (S) Mohd. Ilias Khan

RESPONDENT (S) U.O. & others (Postal Deptt)

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO RESULT OF EXAMINATION.

- 1 * Is the appeal competent? :
- 2* (A) Is the application in the prescribed form?
- (B) Is the application in paper book form?
- (C) Have complete sets of the Application been filed?
- 3*(A) Is the appeal in time?
- (B) If not, by how many days it is beyond time?
- (C) Has sufficient case for not making the application in time, been filed?
- 4* Has the document of authentication: Vakalatnama been filed?
- 5* Is the application accompanied by:
B.D./Postal Order for Rs.50-- (Fifty).
- 6* Has the certified copy/copies of the order(s) against which the application is made been filed:
- 7* (A) Have the copies of the Documents/relied upon the applicant and mentioned in the application, been filed?
- (B) Have the documents referred to: in (a) above duly attested by a Gazetted officer and numbered accordingly?
- (C) Are the documents referred to in (a) above neatly typed in double space?

yes
yes
yes
yes
yes
—
—
yes
yes DD 514875 dt. 13⁸/₇₀
5 (50/-)
yes
yes
yes

(A-2)

PARTICULARS TO BE EXAMINED

* 2 *

ENDORSEMENT AS TO
RESULT OF EXAMINATION

- 8* Has the index of documents been filed and paging done properly?
- 9* Have the chronological details of representation made and the outcome of such representations been indicated in the application?
- 10* Is the matter raised in the application pending before any court of law of any other Bench of Tribunal?
- 11* Are the application/documpicate copy/ spare copies signed?
- 12* Are extra copies of the application with annexures filed?
(A) Indetical with the Original:
(B) Defactive?
(C) Wanting in Annexures?
NOS/PAGES NOS
- 13* Have file size envelopes bearing full addressed of the respondents been filed?
- 14* Are the given addresses, the registered addresses?
- 15* Do the names of the Parties in the copies tally with those indideted in the application?
- 16* Are the translations certified to be true or supported by an affidavit affirming that they are true?
- 17* Are the facts of the case mentioned in item No.5 of the application?
(A) Concise?
(B) Under distinct heads?
(C) Numbered consecutively?
(D) Typed in double space on one side of the paper?
- 18* Have the particulars for interim order prayed for indicated with reasons?
- 19* Whether all the remedies have been exhausted:
- 20* Classification of case:
- 21* Cause of Action :

yes
yes
No.
yes
yes
yes
—
—
NA
yes
yes
yes
NA
yes
yes
yes
yes
yes
yes
yes

Bench case
Forced Resignation

before court on 08.10.90

ANIL
15.6.90

Registers as O.A. & list

K 5/10
DR

4/1/90

(A3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

~~GA~~ NO. 799 OF 1990

Date	Office Report	Orders
28/1/91	<p>Hon. K. Obayya, Jm</p> <p>Hon. S. R. Sagar, Jm</p> <p>Due to Seal Loss of Pt. Kambh Pati Tripathi, Case is adjnto 28.1.91 for admission</p> <p style="text-align: right;"><u>Amit</u> Be</p> <p>Hon' Justice K. Nath, V.C.</p> <p>Hon' K. Obayya, A.M.</p>	
28/1/91		<p>Issue notice to the respondents to show cause as to why the petition be not admitted and list this case for admission on 4-3-91 when it would be disposed of finally. The respondents are directed to produce the record of the applicant's resignation letter and the orders by which the resignation was accepted.</p>
		<p>Shri K.C. Sinha counsel, accepts notice and on behalf of respondents. Let copies meant for the respondents be handed over to Shri Sinha alongwith copy of this order.</p> <p style="text-align: center;">A.M.</p> <p style="text-align: right;">V.C.</p>

Received copy of order
 Clerk ESK (H) 30/1/91
 Received copy of
 App. for respondents (H) (sns)
 Clerk K.C. Sinha
 A.M.
 29/1/91

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ORDER - SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD)

CA No. 794/90 OF 1991

VERSUS

Sl. No.	Date	OFFICE REPORT	ORDER
1	2	3	4
		<p><u>OR</u> CA has been filed and kept on record. p 25.10.91</p>	<p><u>DR(J)</u> 16.8.91 Seen the office report. CA not filed today. Let it be filed by 28.10.91 p</p>
		<p><u>SR</u> No R.A has been filed in fav. p 16/12/91</p>	<p><u>DR(J)</u> 28.10.91 Seen the office report. RA has not been filed today. It may be filed by 17.12.91 p</p>
			<p><u>DR(J)</u> 17.12.91 Seen office report. NO RA filed today. Let it be filed by 14.02.92 Counsel for the parties are present - p <u>DR(J)</u></p>

(A-5)

ORDER SHEET

T.A. 100/92 (T)

NO OF 19

VS

Sl No	Date	Office report	Orders
-------	------	---------------	--------

04/2/93

D.R.

Both the parties are absent. Applicant to file R.A. on the date fixed. List this case on 25/2/93. For F.H.

~

OR

Chhinnu R. S. S. S. S.

23/4/93

(A8)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW
.....

T.A. 188/92 TL

ORDER SHEET NO. _____

O.A./T.A. No. 794/90

OFFICE REPORT / DATE / ORDER

10.9.92
D.R.

Register the case as T.A. has been received after transfer from the C.A.T. Allahabad.

Issue Notice to both the parties for appearance and applicant to file rejoinder by 11-11-92

Noted for 11-11-92
@Del
Chakraborty K.C. Jyoti
Adm
13/11/92

11.11.92

D.R.

None present for the both of the parties. Applicant to file Rejoinder by 31-12-92

1.1.93

D.R.

Due to the winter vacation ~~case~~ file has not been placed on 31-12-92. Place this file on 4-2-93 for filing Rejoinder.

O.A. No.794/90

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~~A-10~~

25/2/93

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

Hon. Mr. K. Obayya, A.M.

As the pleadings are complete, the case is disposed of after hearing the Counsels for the parties. Judgement has been dictated in the open Court.

(tgk)


A.M.


V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH) ~~ALLAHABAD~~

188

Lucknow Bench, Lucknow

D.A. NO. 794/90
TA. NO. 188/92 (TL)

OF 1990

Date of decision--- 25/2/93

Mohd. Ilyas Khan Petitioner

R.K. Tiwari Advocate for the petitioner

Versus

U.O. 1 & others Respondent

Shri K. C. Sinha Advocate for the Respondents

XXXXXXXXXXXX

CORAM :-

The Hon'ble Mt. Justice U.C. Senastava, U.C.
The Hon'ble Mr. K. Obayya, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether to be circulated to all other Benches?

u

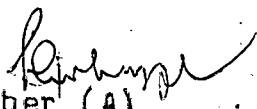
Signature

NAQVI

A-10
~~A-10~~

2. The respondents have filed the copy of the original resignation letter. According them, the applicant, on 28/4/84 voluntarily submitted his resignation on domestic ground. The application was in his own handwriting. Earlier also on 9/2/84 he submitted his resignation but the same is not available in the office. His resignation was accepted and the memo. of acceptance was sent to him. It is not correct that any forcible resignation was taken from him. He absented himself from duty without giving any information on 27-4-84 and thereafter he approached the authority concerned and tendered his resignation. The applicant did not file any F.I.R. against the said Inspector and did not take any prompt step in case it was a forced resignation.

3. The resignation was in applicant's handwriting. It has been disputed by the respondents that it is forced resignation. There is no ground in disbelieving the respondents' statement as the counter affidavit was accompanied by the letter of resignation of the applicant. As such the appellate authorities are right in dismissing the appeal filed by the applicant. Accordingly we do not find any ground in interfering with the decision of appellate authorities and as such this application is dismissed. No order as to the costs.


Member (A)


Vice-Chairman

Dated: 25th February, 1993, Lucknow.

(tgk)

A-11

Before The Central Administrative Tribunal, Allahabad-1
 O.A. Regn. No. 794 Of 1990
 Mohd. Illias versus Union Of India & Others

Sl. No.	Annexure Marked	Index to Date Of Documents	Part I	Page No.	
			Particulars Of Documents	From	To
1	-	10-9-90	Application	02	08
2	A-1	05-12-89	Impugned Appellate Order No. A-505/Nachana from Supdt. Posts SLN	09	

Index To Part II					
3	A-2	05-2-72	Appointment Letter	10	
4	A-3	10-5-84	Appeal to Supdt.	11	
5	A-4	22-5-84	I Reminder to Above	12	
6	A-5	22-6-85	II Reminder to Above	13	
7	A-6	18-10-86	III Reminder to Above	14	
8	A-7	08-12-87	IV Reminder to Above	15	16
9	A-8	18-12-87	No. A-505/Nachana from SPOs Sultanpur	17	
10	A-9	29-12-87	Reply to above	18	
11	A-10	15-10-88	V Reminder to Above	19	

Application under Section 19 of Administrative Tribunal Act, 1985

Filed on 10-9-1990

O.A. Registration No. 794 Of 1990

Signature Of Registrar

In The Central Administrative Tribunal, Additional Bench, Allahabad

Between

Mohd. Illias Khan Applicant

A N D

(1) Sub Divisional Inspector (Posts), Sultanpur North

(2) Supdt. Posts Sultanpur

(3) Union Of India Through Secretary, Ministry Of Communications, G.O.I., New-Delhi-1

(4) Shri Ram Briksh Pandey, ADPS Office of CPMG, UP Circle Lucknow-1

(5) Shri Nand Lal Pandey, Asstt. Supdt. Posts Office Of Supdt Posts Sultanpur

Respondents

श्री रम ब्रिक्श पण्डेय

(R.K. Tewari)
 Advocate
 154, Purushottamnagar,
 Allahabad-16

Filed today
Notice for 8/11/90

Recd
13/9/90

(2)

Central Administrative Tribunal
Additional Bench At Allahabad
Date of Filing..... 13.9.90

Date of Receipt
by Post

OR

By Registrar

Details of Application

A-Particulars of the Applicant :

- (i) Name of Applicant **MOHD. ILLIAS KHAN**
- (ii) Name of Father/~~XXXXXXXX~~ **Late Shri Abdul Rahim Khan**
- (iii) Age of Applicant **44 years**
- (iv) Designation & Particulars of Office **Ex BDMp Nachana, Kurebhar**
where employed or was last employed
- (v) Office Address **N I L**
- (vi) Address for service of Notice **Village Post Kurebhar Dist. Sultanpur**

1319
1390

B-Particulars of the Respondents :

- (1) Sub Divisional Inspector (Posts)
North Sub Dn. Sultanpur
- (i) Name &/or Designation (2) Supdt. Posts Sultanpur
- (ii) Official Address (3) Union Of India through Secretary,
Ministry Of Communications, New Delhi
- (iii) Address for service of all notices (4) R.B.Pandey, ADPS, Office Of CPMG
UP Circle, Lucknow-1
- (5) Nand Lal Pandey Asstt Supdt Posts
Office Of Supdt. Posts Sultanpur

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

- (i) Order No. **A-505/Nachana**
- (ii) Date **5-12-89**
- (iii) Passed by **Supdt Posts Sultanpur**
- (iv) Subject in brief **Removal from service**

Page 9

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 this Tribunal.

3-Limitation :

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

4-Facts of the case :

The facts of the case are given below.

Signature

Signature

A-13

- 3 -

4(i) This application is presented against the impugned appellate order No. A 505/Nachana dated 5-12-89 passed by Superintendent of Posts, Sultanpur (Respondent No. 2) vide copy ^{of} Annexure A-1 on page 9.

4(ii) The applicant was an Extra Departmental Mail Peon attached to Nachana Branch Post Office (B.O. in brief hereafter) in A/c with Kurebhar Sub Post Office under Sultanpur Postal Division. He was appointed as such by the Sub-Divisional Inspector (Posts) North Sub Division, Sultanpur (Respondent No. 1) (who was in those days called Inspector of Post Offices, East Sub Division, Sultanpur) vide his No. A/Nachana dated 5-2-72 copy at Annexure A-2 on page 10. He assumed charge of his new post on 20/2/72 and discharged duties of his post satisfactorily till 27-4-84.

4(iii) The applicant took leave on 27-4-84 and had gone to Sultanpur in connection with a private job entrusted to him by his Branch Post Master Nachana. On that very day the respondent No. 1 visited Nachana B.O. in connection with its inspection. Finding the applicant absent from duty the learned respondent No. 1 directed the Branch Post Master not to allow the applicant to be taken to duty.

4(iv) On his return on the same evening viz. 27-4-84 the applicant was informed by the BPM that the respondent No. 1 had forbidden the B.P.M. from taking the applicant to duty any more. As such the applicant again rushed to Sultanpur on 28-4-84 morning and contacted the respondent No. 1 there. The learned respondent No. 1 forcibly obtained resignation from the applicant and

R. S. Tewari

28/4/84

A-16

had been paid only upto 26-4-84. This clearly shows that the resignation letter was obtained by force.

5) GROUNDS FOR RELIEF SOUGHT FOR:

The resignation letter was obtained by force:

(a) Because the applicant was restrained from performing his duties much before the resignation was accepted.

(b) Because the language of the resignation letter tallies with the language of the Inspection Remarks recorded by the respondent No. 5 in various order books of Post Offices of his sub-division during the year 1984. This indicates that the resignation letter was forcibly got written by respondent No. ~~4~~

(c) Because the learned respondents No. 4 and 5 connived together in getting the applicant removed from his job the circumstantial evidences of which are as long as respondent No. 4 was holding charge of Supdt. Posts, Sultanpur all representations made by the applicant remained unattended. As soon as he was replaced by another ^{man} they received attention and were disposed of.

6) REMEDIES EXHAUSTED:

The applicant submitted an appeal (against his forced resignation) to the appellate authority the respondent No. 2 which he did on 10-5-1984 and kept on sending reminders till at last it was attended to and rejected vide his No. A 505/Nachana dated 5-12-89.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY COURT:

The applicant further declares that he had not previously filed any application writ petition or suit

P. Dewan

H. S. V. M. 20/1/89

regarding the matter in respect of which this application has been made before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

8) RELIEFS SOUGHT FOR:

The applicant prays:

(1) That the alleged resignation letter obtained forcibly by the respondent No. 1 from the applicant may kindly be set aside and the respondents may be directed to put the applicant back to duty from ~~the~~ retrospective effect.

(2) That he may be paid the cost of this suit.

9) There is no prayer for any Interim Relief.

R. Shrivastava

(Ho. of Muz. 2011)

8- Interim order—If Prayed for—NIL

9- Details of the remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under relevant service rules.

- 8 -
A-18
Deleted
R.K. Tewari
17A

10- Matters not previously filed or pending with any court :

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

11- If application is sent by Regd. Post, does the applicant desire to have oral hearing at the Admission stage if so he must attach a self addressed P. C.
NO

12- Particulars of the Postal Order in respect of the application :

- (i) No. of I. P. O. DD5/ 514875
- (ii) Name of Issuing P. O. Purushottamagar, Allahabad-16
- (iii) Date of Issue 13-8-90
- (iv) P. O. at which payable— Allahabad Head Post Office

13- List of enclosures :

- (i) Vakalatnama
- (ii) One I. P. O. for Rs. 50/-
- (iii) Ten documents to be relied upon

In verification

I, Mohd. Illiyas Khan Shri S/O Late Shri A.R. Khan aged 44 years R/O V&Post Kurebhar, Sultanpur and working as Ex ED MP Noida hereby verify that the contents from Paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place—Allahabad

Date 10-9-90

To

The Registrar, Central Administrative Tribunal, Allahabad - 211001

Signature of applicant

(R. K. Tewari)

Advocate

154, Purushottam Nagar,
Allahabad—16

A19

- 4 -

Before The Central Administrative
Tribunal, Allahabad-1
O.A. Regn. No. of 1990
Mohd. Illias v u.o. 9. & others

Annexure A-1

कोरो-7/Corr. 7 भारतीय डाक विभाग
DEPARTMENT OF POSTS INDIA
कार्यालय/Office of the **सेवा में**

बरील्लाह बाकपर
मुजताबपुर मण्डल
Supt. of Post Offices,
Sultampur Dn. 228001

श्री गुंठाली भासरा
श्री इंडी ०२ गी ०
शा. पो. कुरे मार
सुलतानपुर उध्याडा

तथ्यक : ए. 505 नचना । टिनांक
कुरे मार टिनांक सुलतानपुर 5/89
विधय : इंडी ० २ गी ० नचना के
पद से आपका त्याग पत्र

आप द्वारा उक्त पद
के लिए विभा. डा. मा. त्याग पत्र
सक्षम अधिकारी द्वारा स्वीकार
किया जा चुका है।

True Copy
R. K. TEWARI

R. K. TEWARI
Advocate
154, Purnottam Nagar
(Khuldahad)
Allahabad-16

बरील्लाह बाकपर
मुजताबपुर मण्डल
Supt. of Post Offices,
Sultampur Dn. 228001

मुं इमियाशरा

(पंजीकृत) A-26

Annexure A-10

खा मे .

श्री मान डाक अधीक्षक
सुल्तानपुर मन्डल -228001

विषय :- श्री 0 इलियात खाँ भूत पूर्व ई0डी0एम0पी0 नचना
इं प्रेभार इं जो सेवा रत करने के सम्बन्ध में ।

महोदय ,

प्रार्थी नचना इं प्रेभार इं शाखा डाकघर में 20.2.1972 से
27.4.84 तक लगातार ई0डी0एम0पी0 के पद पर कार्यरत रहा इतना
कार्य सन्तोषजनक एवं सराहनीय रहा । अप्रैल 1984 में तत्कालीन
डाक निरीक्षक श्री नन्दलाल पान्डेय द्वारा औद्योगिक मॉग पूर्ति न
हो पाने के कारण प्रार्थी से जबरदस्ती दि० 28.4.84 को इस्तीफा
लिखा गया । इस इस्तीफे के विरुद्ध प्रार्थी ने आप के कार्यालय को
प्राथमिक पत्र दि० 10.5.84 के माध्यम से लिखा था । प्रार्थी समय
समय पर पत्र भी दिया और अन्त में आप के पत्रांक 2-505/नचना दि०
2.12.87 के सम्बन्ध में भी दि० 29.12.87 को प्राथमिक पत्र लिखा
गया परन्तु आज तक कोई भी कार्यवाही न की गई ।

अतः श्री मान जी से- प्रार्थना है कि मेरे प्रार्थना पत्रों

पर विचार न किया गया तो मैं मजदूरन अदालत में जाने को बाध्य हो
जाऊंगा । कृपया इसे कि यह धीरा अन्तिम प्रार्थना पत्र है । अतः तब आप
इससे रत नाउ के अन्दर कोई कृपित कार्यवाही नली करते है तो

श्री मजदूरन अदालत का शरण लेना पड़ेगी । यह अन्तिम नोटिस जाना जाय

प्रार्थी

दि० 15-10-88

(श्री 0 इलियात खाँ)

[Handwritten Signature]

— Z. K. TEWARI
Advocate
336, Purshottam Nagar
(Khalidabad)
Allahabad -10

[Handwritten Signature]

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Annexure A-2

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पत्राचार 22
Corr.-22

भारतीय डाक-तार विभाग INDIAN POSTS AND TELEGRAPHS DEPARTMENT

उत्तर देते समय कृपया
निम्न संदर्भ दें
In reply
please quote

प्रेषक
From

INSPECTOR OF POST OFFICES
SULTANPUR EAST SUB. DIVN.

सेवा में
To

क्रम-संख्या
No.

A/Nach

दिनांक
Dated at

Sultanpur 5/2/77

विषय
SUBJECT

Shri Mohd Aliyas S/o Shri Hosham
Rahim uld and P.O. Kerakher is
appointed as F.D. Nachman.

It should be clearly understood
that his services are purely temporary
and can be terminated at any time
without assigning any reason.

INSPECTOR OF POST OFFICES
SULTANPUR EAST SUB. DIVN.

Copy to be sent to Sultanpur

✓ by Shri Mohd Aliyas S/o Hosham
uld and P.O. Kerakher Sultanpur

by Mr. M. S. Kerakher who will
obtain and submit necessary
health certificate.

M. S. Kerakher

Time copy
[Signature]

(15/2/77) [Signature]

R. TEWARI

Address

Xi, Purshottan Dasg.
(Khulabari)
Adalat - 10

- 11 -
Annexure A-3

A22

सेवा में,

श्रीमान् डाक अधीक्षक,
मुलतानपुर ।

विषय:- ई0 डी0 एम0 पी0 नवना के पद से बत पूर्वक इस्तीफा लिया जाना ।

महोदय,

सविनय निवेदन है कि प्रार्थी गो0 इलियास ई0 डी0 एम0 पी0 नवना के पद पर 5 मार्च 1972 को नियुक्त हुआ था अभी से कार्य सरकार बहुत ही ईमानदारी से करता आ रहा है । श्री नद लाल पाण्डेय डाक निरीक्षक, उत्तरी शाखा डाकघर नवना का गोआहवा करने के लिये अमानक आये । प्रार्थी ³⁶ कुछ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य में मुलतानपुर गया था । प्रार्थी के मुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जॉने के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बलपूर्वक डरवा धक्का पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाकपाल नवना को मिलाकर इस्तीफा लिखवा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जी भैरो दादा व पिता विभाग की सेवा ह्वे करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है किमेरा जर्बदस्ती अर्थात्

बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डियुटी पर लगाया जाय ।
सूचनाई सेवा में प्रेषित है:- प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि :-

- 1- पोस्ट मास्टर जनरल 30 90 लखनऊ ।
- 2- डायरेक्टर 34 पोस्ट 50 सावितन, झाहाबाद ।

दिनांक - 10-5-84 ई 0

R. K. Tewari
R. K. TEWARI
Advocate
254, Purshottam Nagar

प्रार्थी :-

Shamsher Ali

8 मो0 इलियास शां पुत्र अकबर 201

श्री रिटायर्ड मेल प्यून

ग्राम व पोस्ट- कुरेभार,
मुलतानपुर ।

10/5/84

Shamsher Ali

Annexure A-4

सेवा में,

श्रीमान् डाक अधीक्षक,
मुलतानपुर ।

विषय:- ई0 डी0 एम0 पी0 नयना के पद से बल पूर्वक इस्तीफा लिया जाना ।

महोदय,

सविनय निवेदन है कि प्रार्थी मो0 इलियास ई0 डी0 एम0 पी0, नयना के पद पर 5 मार्च 1972 को नियुक्त आया था तभी से कार्य सरकार बहुत ही ईमानदारी से करता आ रहा है । श्री नद लाल पाण्डेय डाक निरीक्षक, उत्तरी शाखा डाकपाल नयना का मोभाड़ा करने के लिये अमानक आये । प्रार्थी कुछ दिन डाकपाल कुरेभार छुट्टी लेकर उन्हीं के कार्य में मुलतानपुर गया था । प्रार्थी के मुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जॉन के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बलपूर्वक डरवा धमका पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाकपाल नयना को मिलाकर इस्तीफा लिखा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जी भैरो दादा व पिता विभाग की सेवा करने करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात्

बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डियुटी पर लगाया जाय ।
सूचनाई सेवा में प्रेषित है:- प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-

=====

1- पोस्ट मास्टर जनरल 30 प्र0
लखनऊ ।

डायरेक्टर स= पोस्ट, साविसेज,
आहाबाद ।

Ritwari
R. B. TEWARI
Advocate
30% Purshottam Nagar
(Kuldalao)
Aun...-16

प्रार्थी:-

मो इलियास ई0 डी0 एम0 पी0
मो0 इलियास खां पुत्र अब्दुल रहीम

या रिटायर्ड भ्रम प्यून

ग्राम व पोस्ट कुरेभार,
मुलतानपुर ।

22/9/84
मो इलियास खां

सेवा में,

श्रीमान् डाक अधीक्षक,
मुलतानपुर ।

विषय:- ई0 डी0 एम0 पी0 नयना के पद से बल पूर्वक इस्तीफा लिया जाना ।

महोदय,

सविनय निवेदन है कि प्रार्थी मो0 इलियास ई0 डी0 एम0 पी0, नयना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता आ रहा है । श्री नन्द लाल पाण्डेय डाक निरीक्षक, उत्तरी शाखा डाकघर नयना को मोआइना करने के लिये अवानक आये । प्रार्थी कुछ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य से मुलतानपुर गया था । प्रार्थी के मुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बल पूर्वक डबब डरवा धक्का कर पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाक पाल नयना को मिलाकर इस्तीफा लिखवा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जी मेरे दादा व पिता विभाग की सेवा करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डियुटी पर लगाया जाय । सुवनार्थ सेवा में प्रेषित है । प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-

1- पोस्ट मास्टर जनरल 30 प्र0,
लखनऊ ।

2- डायरेक्टर पोस्टल सविसेज,
आहाबाद ।

दिनांक- 29-6-85

R. K. Tewari

R. K. TEWARI
Advocate

154, Purshottam Nagar
(Khuldabad)
Allahabad-16

प्रार्थी:-
मो0 इलियास खां
मो0 इलियास खां पुत्र श्री अब्दुल
रहीम खां रिटायर्ड ग्रेज प्यून,
ग्राम व पोस्ट - कुरेभार,
मुलतानपुर ।

22-6-85

मो0 इलियास खां

सेवा में,

श्रीमान् डाक अधीक्षक,
सुलतानपुर ।

विषय:- ई0 डी0 एम0 पी0 नयना के पद से बल पूर्वक इस्तीफा लिया जाना ।

=====

महोदय,

सविनय निवेदन है कि प्रार्थी मो0 इलियास ई0 डी0 एम0 पी0, नयना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता रहा आ रहा है । श्री नन्द लाल पाण्डेय डाक निरीक्षक, उत्तरी शाखा डाकघर नयना को मोआइना करने के लिये अवानक आये । प्रार्थी कुछ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य से सुलतानपुर गया था । प्रार्थी के सुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बल पूर्वक डबव डरवा धमका कर पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाक पाल नयना को मिलाकर इस्तीफा लिखवा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जो मेरे दादा व पिता विभाग की सेवा करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः छुट्टी पर लगाया जाय । सुवनार्थ सेवा में प्रेषित है । प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-
=====

- 1- पोस्ट मास्टर जनरल 30 प्र0, लखनऊ ।
- 2- डायरेक्टर पोस्टल तद्विभाग, इलाहाबाद ।

दिनांक: 18-10-86

R. K. Tewari
R. K. Tewari

R. K. TEWARI
Advocate
184, Purshottam Nagar
(Khuldabad)
Allahabad-16

प्रार्थी:-

M. Ilyas
मो0 इलियास वी पुत्र श्री मकसुम
रहीम वी रिटायर्ड भेन च्यून,
ग्राम व पोस्ट - कुरेभार,
सुलतानपुर ।

18/10/86

M. Ilyas

Annexure A-7

मेवा है,

श्रीमान श्रीमान (2-1-72) गुजरात
(20/05)

विषय :- ई0पी0एम0पी0 नचना के पद से नल पूर्वक इस्तीफा
लिखा जाना :-

उपरोक्त,

सविनय निवेदन है कि प्राचीं मो0 इलियास ई0पी0एम0पी0 नचना के पद पर 5 मार्च 1972 ई0 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता चला आ रहा है। श्री नन्द लाल पाण्डेय तक निरीक्षक उच्चरी नचना शाखा काकार सालाना मुआइना करने के लिए उद्यानक भावे। प्राचीं उस दिन उक्त हाक पाल कूरेभार से मुहुरी के लेकर उन्ही के कार्य से मुक्तानपुर गया था। प्राचीं के मुक्तानपुर के वापस आने से पर मुझे पता चला कि हाक निरीक्षक श्री नन्द लाल पाण्डेय शाखा काकार नचना की हाक को ले जाने के लिए उद्योग विभाग है। और हाक दूसरा व्यक्ति ले जायेगा। परन्तु मुझे आज तक कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ है और 29-4-74 को इन्साफ निरीक्षक उच्चरी के सेफ कार्टर पर पिन्ने गया तो वहाँ पर मुझे बल पूर्वक इस्तीफा लिखा लिया। क्यों कि वहाँ पर दो बार आधमी थेरे थे और शाखा हाक पाल को भी पिना लिया था। मैं नर तथा अपना इस्तीफा लिख बैठा।

श्रीमान जी मेरे आदेश वाली मो0 या लिखापत्र की सेवा करने मेवा के उपरान्त उनका सर्वसाधक हो गया उसके पश्चात मेरे विभाग में बहुतसे रक्षीय वहाँ 25 नाल हाक सेवा की में उनका मुझे खीरे क विभाग के दौरे से ई0 पी0 एम0 पी0 नचना के पद पर 5 मार्च 1972 को नियुक्त हुआ था।

[Handwritten signature]

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[Handwritten signature]

SH. TEWARI

Ad. Officer

Public Information

(K. P. Lal)

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A-27

-16-

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मतः लोभान् जी मे निवेदन है कि हम शोर मचाए
 में तो बेगुनारी में गया है। मेरे सारे भूमे पर रहे हैं। मेरा
 * जबरदस्ती अर्थात् तल पृथक लिया गया हस्तिया निरस्त करके
 पुनः दूधेटी पर लगाया जाय। प्राथमिक आपका कटेक साभार
 रहेगा।

प्राथमिक
 श्री श्रीमान श्री
 श्री ० इन्डियास श्री मुल अद्वैत रीप श्री
 श्री ० श्री ० श्री ० श्री ० श्री ०
 श्री ० श्री ० श्री ० श्री ० श्री ०
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 जिला सुल्तानपुर।
 दिनांक ८-१२-८७

५/१०

श्रीमान श्रीमान श्रीमान श्रीमान श्रीमान
 श्रीमान श्रीमान श्रीमान श्रीमान

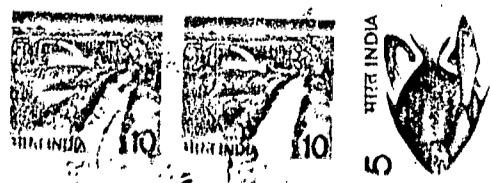
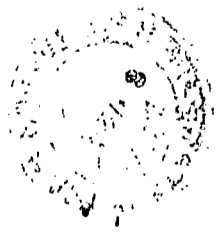
True Copy
R. K. Tewari

R. K. TEWARI
 Advocate
 184, Purshottam Nagar
 (Khuldabad)
 Allahabad-16

श्रीमान श्रीमान श्रीमान श्रीमान श्रीमान

(५००५)

८-१२-८७



श्रीमान श्रीमान श्रीमान

Before The Central Administrative Tribunal
Allahabad
CA Ref. No. of 1990

Annexure A-8

Order/Control

भारतीय डाक-तार विभाग/INDIAN P. & T. DEPARTMENT

Order/Control

Superintendent of Postoffice
Sultanpur Dn. - 228001

To,

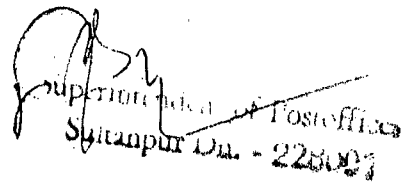
Shri Mohd. Ilyas Khan
Sr. SA NP (Nachna)
Vill & Post. Kumbhar
Sultanpur.

NO. A-505/Nachna dt. at Sultanpur
The 18.12.87

Sub: Regarding your resignation.

Ref: Your representation dt. 19.87

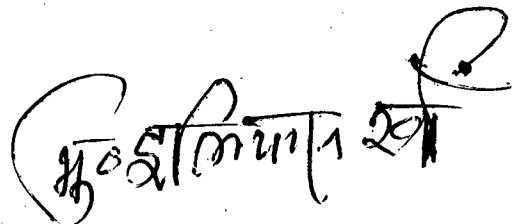
With reference to your representation
dt. 7.12.87, you are requested to
Send photo copy of first representation
made in this respect.


Superintendent of Postoffice
Sultanpur Dn. - 228001

True Copy
Rutis

R. K. TEWARI
Advocate

134, Purshottam Nagar
(Khuldabad)
Allahabad-16



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A 32

Details of Application

1—Particulars of the Applicant :

- (i) Name of Applicant **MOHD. ILLIAS KHAN**
- (ii) Name of Father/~~HOUSE~~ **Late Shri Abdul Rahim Khan**
- (iii) Age of Applicant **44 years**
- (iv) Designation & Particulars of Office **Ex. M.N.I., Washana, Kurukher**
where employed or was last employed
- (v) Office Address **N I L**
- (vi) Address for service of Notice **Village Post Kurukher Dist. Saltanpur**

2—Particulars of the Respondents :

- (1) **Sub Divisional Inspector (Posts) North Sub Div. Saltanpur**
- (i) Name &/or Designation **(2) Supt. Posts Saltanpur**
- (ii) Official Address **(3) Union Of India through Secretary, Ministry Of Communications, New Delhi**
- (iii) Address for service of all notices **(4) R.R.Pandey, A.P.S., Office Of C.M.S. UP Circle, Lucknow-1**
(5) Head Lal Pandey Asstt Supt Posts Office Of Supt. Posts Saltanpur

3—Particulars of the order against which application is made :

- (i) Order No. **A-505/Washana**
- (ii) Date **9-12-89**
- (iii) Passed by **Supt Posts Saltanpur**
- (iv) Subject in brief **Removal from service**

4—Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of this Tribunal.

5 - Limitation :

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

6—Facts of the case :

The facts of the case are given below.

[Handwritten signature]

A 33

4(i) This application is presented against the impugned appellate order No. A 505/Nachana dated 5-12-89 passed by Superintendent of Posts, Sultanpur (Respondent No. 2) vide copy ^{at} Annexure A-1 on page 4.

4(ii) The applicant was an Extra Departmental Mail Peon attached to Nachana Branch Post Office (B.O. in brief hereafter) in A/c with Kurebhar Sub Post Office under Sultanpur Postal Division. He was appointed as such by the Sub-Divisional Inspector (Posts) North Sub Division, Sultanpur (Respondent No. 1) (who was in those days called Inspector of Post Offices, East Sub Division, Sultanpur) vide his No. A/Nachana dated 5-2-72 copy at Annexure A-2 on page 10. He assumed charge of his new post on 20/2/72 and discharged duties of his post satisfactorily till 27-4-84.

4(iii) The applicant took leave on 27-4-84 and had gone to Sultanpur in connection with a private job entrusted to him by his Branch Post Master Nachana. On that very day the respondent No. 1 visited Nachana B.O. in connection with its inspection. Finding the applicant absent from duty the learned respondent No. 1 directed the Branch Post Master not to allow the applicant to be taken to duty.

4(iv) On his return on the same evening viz. 27-4-84 the applicant was informed by the BPM that the respondent No. 1 had forbidden the B.P.M. from taking the applicant to duty any more. As such the applicant again rushed to Sultanpur on 28-4-84 morning and contacted the respondent No. 1 there. The learned respondent No. 1 forcibly obtained resignation from the applicant and

A34

then allowed the applicant to go home. The learned respondent No. 1 gave nothing in writing to the applicant.

4(iv) The applicant tried his best to contact the learned Superintendent Posts, Sultanpur (Respondent No. 2) for narrating all that what had happened to him but he was not allowed to see the learned Supdt. (Respondent No. 2) on the plea that the Superintendent was out of station. The applicant returned home and submitted an appeal to the learned respondent No. 2 on 10-5-1984 vide copy of at Annexure A-3 on page 11 but the same remained unattended. He then continued sending reminders on 22-5-84, 22-6-85, 18-10-86, 8-12-87 vide copies at Annexures marked A-4, A-5, A-6 and A-7 on pages 12, 13, 14 & 15-16 and respectively, but they all remained unattended.

4(vi) In the meantime Shri Nand Lal Pandey the Inspector Post Offices, North Sub-Division, Sultanpur and Shri Ram Briksha Pandey the Superintendent, Posts, Sultanpur were both transferred from their respective posts. The new Supdt. paid immediate attention to the applicant's reminder. He asked for vide his No. A 505/Nachana dated 18-12-87 copy at Annexure A-8 on page 17, a copy of the applicant's original representation. The applicant immediately complied with vide his letter dated 29-12-87 copy at Annexure A-9 on page 18. In reply he received the impugned letter No. A-505/Nachana dated 5/12/89 intimating that as the applicant had submitted his resignation the same was accepted by the then Inspector Post Offices, North, Sultanpur.

A-35

4(vii) It has been reliably learnt that the learned respondent No. 4 had also illegally connived with the respondent No. 5 in getting the applicant removed from his post. This fact is also established from the circumstantial evidence that the learned respondent No. 4 continued to keep a complete deaf ear towards the various representations and reminders sent to him by the applicant which were all got suppressed by the respondent No. 5 who also did not allow the applicant to see the respondent No. 4 on the date of occurrence viz. the 28th April, 1984.

4(viii) The other circumstantial evidence of the case is the alleged resignation letter said to have been submitted by the applicant to respondent No. 5 on 24-4-84. The same may very kindly be asked for. Its perusal will give a clear idea that that was a letter dictated by respondent No. 5 and none-else. To have a still more accurate idea of this fact it is humbly requested that a few Inspection remarks ^{recorded} recorded by the learned respondent No. 5 during 1984 may also be called for and the language of these inspection remarks may be got compared with that of the resignation letter alleged to have been submitted by the applicant.

4(ix) One most important issue at the last is that the applicant is said to have submitted his resignation letter on 28-4-84 what made the learned respondent No. 5 to restrain him from performing his duties from 27-4-84 itself. In case of resignation the person resigning his post is relieved of his charge only after the resignation has been accepted and not from the moment he has tendered his resignation. Moreover the applicant

A-26

had been paid only upto 26-4-84. This clearly shows that the resignation letter was obtained by force.

5) GROUND FOR RELIEF SOUGHT FOR:

The resignation letter was obtained by force:

(a) Because the applicant was restrained from performing his duties much before the resignation was accepted.

(b) Because the language of the resignation letter tallies with the language of the Inspection Remarks recorded by the respondent No. 5 in various order books of Post Offices of his sub-division during the year 1984. This indicates that the resignation letter was forcibly got written by respondent No. 5.

(c) Because the learned respondents No. 4 and 5 connived together in getting the applicant removed from his job the circumstantial evidences of which are as long as respondent No. 4 was holding charge of Supdt. Posts, Sultanpur all representations made by the applicant remained unattended. As soon as he was replaced by another man they received attention and were disposed of.

6) REMEDIES EXHAUSTED:

The applicant submitted an appeal (against his forced resignation) to the appellate authority the respondent No. 2 which he did on 10-5-1984 and kept on sending reminders till at last it was attended to and rejected vide his No. A 505/Nachana dated 5-12-89.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY COURT:

The applicant further declares that he had not previously filed any application writ petition or suit

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regarding the matter in respect of which this application has been made before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

8) RELIEFS SOUGHT FOR:

The applicant prays:

(1) That the alleged resignation letter obtained forcibly by the respondent No. 1 from the applicant may kindly be set aside and the respondents may be directed to put the applicant back to duty from the retrospective effect.

(2) That he may be paid the cost of this suit.

9) There is no prayer for any Interim Relief.

8- Interim order—If Prayed for—NIL

9- Details of the remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under relevant service rules.

10- Matters not previously filed or pending with any court :

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

Dehata

11- If application is sent by Regd. Post, does the applicant desire to have oral hearing at the Admission stage if so he must attach a self addressed P. C.

NO

12- Particulars of the Postal Order in respect of the application :

- (i) No. of I. P. O. 105/ 514875
- (ii) Name of Issuing P. O. Purushottamnagar, Allahabad-16
- (iii) Date of Issue 13.8.99
- (iv) P. O. at which payable— Allahabad Head Post Office

13- List of enclosures :

- (i) Vakalatnama
- (ii) One I. P. O. for Rs. 50/-
- (iii) ~~Two~~ documents to be relied upon

In verification

I, ~~Shri R. K. Tewari~~ Shri ~~R. K. Tewari~~ aged 44 years R/O ~~154, Purushottam Nagar, Allahabad~~ and working as ~~Advocate~~ hereby verify that the contents from Paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place—Allahabad

Date 10.5.99

To

The Registrar, Central Administrative Tribunal, Allahabad -211001

Shri R. K. Tewari

Signature of applicant

R. K. Tewari
(R. K. Tewari)

Advocate

154, Purushottam Nagar,
Allahabad—16

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Before The Central Administrative Tribunal, Allahabad-1

O.A. No. of 1970

Mohd. Illias v U.O.S. & others

Annexure A-1

4070-7/Corr.

राष्ट्रीय डाक विभाग

DEPARTMENT OF POSTS INDIA

कार्यालय/Office of

सुल्तानपुर

अधीक्षक डाकघर

सुल्तानपुर मण्डल

Supdt. of Post Offices,

Sultanpur Dist. 228001

श्री सु० डी० भारखाँ

सु० डी० भारखाँ

सु० डी० भारखाँ

सु० डी० भारखाँ

दिनांक: 20.05.1970

सुल्तानपुर मण्डल

विषय: सु० डी० भारखाँ

पद से आगमन

आप द्वारा उक्त पद

से नियुक्ति प्राप्त

करने का अनुरोध

करा जाता है।

3/2/70

अधीक्षक डाकघर

सुल्तानपुर मण्डल

Supdt. of Post Offices,

Sultanpur Dist. 228001

- 10 -
Annexure A-2

110

त-व्यवहार 22
Form-22

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

उत्तर देते समय कृपया
निम्न संदर्भ दें
In reply
please quote

सेवा
From INSPECTOR OF POST OFFICES
SULTANPUR EAST SUB. DIVN.

सेवा में
To

क्रम-संख्या
No.

A/...

दिनांक
Dated at

Sultanpur 1/5

विषय
SUBJECT

Shri Mohd Aliyas s/o Shri Abdul
Rahman vill and Po. Kurekher is
appointed as A.D.M. Nacharwa.

It should be clearly understood
that his services are purely temporary
and can be terminated at any time
without assigning any reason.

INSPECTOR OF POST OFFICES
SULTANPUR EAST

copy to Mr. P.M. Sultanpur

✓ Shri Mohd Aliyas s/o Shri
vill and Po. Kurekher Sultanpur

✓ Mr. P.M. Kurekher he will
obtain and submit necessary
security, health certificate,
declaration and necessary security

✓ Mr. P.M. Kurekher

Annexure A-4

सेवा में

श्रीमान् डा. अयादा,
मुलतानपुर ।

विषय:- ई० डी० एम० नयना के पद से बत पूर्वक इस्तीफा लिया जाना ।

महोदय,

सविनय निवेदन है कि प्रार्थी मो० इलियास ई० डी० एम० एम०, नयना

के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही

ईमानदारी से करता चला आ रहा है । श्री नद लाल पाण्डेय डाक निरीक्षक,

उत्तरी शाखा डाकघर नयना का मोआइना करने के लिये अवाकआये । प्रार्थी

कुछ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य से मुलतानपुर गया था ।

प्रार्थी के मुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने

के लिये मना किया । और डाक व्यवस्था के लिये दूसरा व्यक्ति लगाया । परन्तु

आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84

को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बलपूर्वक डरवा धमका

पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाकपाल नयना को

मिलाकर इस्तीफा लिखा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जी भेरो दादा व पिता विभाग की सेवा करके हुए उनका

स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्जवस्ती अर्थात्

बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डिपुटी पर लगाया जाय ।

सुवनार्थ सेवा में प्रेषित है:- प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-

1- पोस्ट मास्टर जनरल 30 30

लखनऊ ।

2- डायरेक्टर स. पोस्टल सविसेज,
इलाहाबाद ।

दिनांक 20-5-84 ई 0

प्रार्थी:-

मो० इलियास ई. डी. एम.

मो० इलियास का पुत्र अब्दुल रहीम

बॉ रिटायर्ड भेल प्यून

ग्राम व पोस्ट- कुरेभार,
मुलतानपुर ।

22/5/84

श्रीमान्,

श्रीमान् डाक निरीक्षक,
मुलतानपुर ।

विषय:- ई0 डी0 एम0 पी0 नयना के पद में स पूर्वक इस्तीफा लिया जाना ।

महोदय,

सविनय निवेदन है कि प्रार्थी मो0 इलियास ई0 डी0 एम0 पी0, नयना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता चला आ रहा है । श्री नन्द लाल पाण्डेय डाक निरीक्षक, उत्तरी गाछा डाकघर नयना को मोआइना करने के लिये अवानक आये । प्रार्थी कुछ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य में मुलतानपुर गया था । प्रार्थी के मुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को, डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बल पूर्वक हमें डरवा धमका कर पुलिस की धमकी देकर व मारने पीटने की धमकी देकर गाछा डाक पाल नयना को मिलाकर इस्तीफा लिखा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जी मेरे दादा व पिता का भाग की सेवा करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डियुटी पर लगाया जाय । सूचनाई सेवा में प्रेषित है । प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-

- 1- पोस्ट मास्टर जनरल उ0 प्र0, लखनऊ ।
- 2- डायरेक्टर पोस्टल सविनय, अनाहाबाद ।

प्रार्थी:-
 मो0 इलियास खॉ पुत्र श्री अब्दुल
 रहीम खॉ रिटायर्ड मेन प्यून,
 ग्राम व पोस्ट - कुरेभार,
 मुलतानपुर ।

दिनांक- 22-6-85

22-6-85

AM

सेवा में

श्रीमान् डाक अधीक्षक,
मुलतानपुर ।

विषय:- ई० डी० एम० पी० नयना के पद से छल पूर्वक इस्तीफा लिया जाना ।

महोदय,

सविनय निवेदन है कि प्रार्थी मो० इलियास ई० डी० एम० पी०, नयना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता आ रहा है । श्री नन्द लाल पाण्डेय डाक निरीक्षक, उत्तारी शाखा डाकघर नयना को मोआहना करने के लिये अवानक आये । प्रार्थी कुछ दिन डाकघर पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य से मुलतानपुर गया था । प्रार्थी के मुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने कैसे के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने छल पूर्वक डरवा धमका कर पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाक पाल नयना को मिलाकर इस्तीफा लिखवा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जो मेरे दादा व पिता विभाग की सेवा करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् छलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डिप्युटी पर लगाया जाय । सुवनार्थ सेवा में प्रेषित है । प्रार्थी आपका सदैव आभारी रहेगा ।

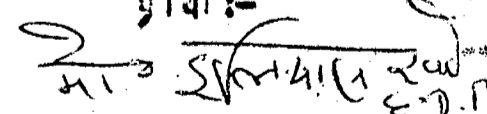
प्रतिलिपि :-

=====

- 1- पोस्ट मास्टर जनरल 30 प्र०, लखनऊ ।
- 2- डायरेक्टर पोस्टल सचिवालय, झांझाबाद ।

दिनांक: 18-10-86

प्रार्थी:-


 मो० इलियास खां पुत्र श्री अब्दुल
 रहीम खां रिटायर्ड मेन प्यून,
 ग्राम व पोस्ट - कुरेभार,
 मुलतानपुर ।

18/10/86

Annexure A-7

सेता में,

श्रीमान सुभाष चंद्र शर्मा
श्रीमान रजनीश शर्मा
(26/05)

विषय :- ई0पी0एम0पी0 नदना के पट से बलपूर्वक हस्तक्षेप

मिथा जाना :-

जाने,

सविनय निवेदन है कि प्राणी मो0 इलियास ई0पी0एम0पी0 नदना के पट पर 5 मार्च 1972 ई0 से नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता चला आ रहा है। श्री नन्द लाल पाण्डेय टाक निरीक्षक उत्तरी नदना शाखा काकर सालाना सुझाव आने के लिए अद्यतन आये। प्राणी उस दिन उक्त टाक पाल कुरेभार में मुहूर्त ले कर उक्त की के कार्य में मुहानपुर गया था। प्राणी के मुहानपुर के आगम आने से उस मुहानपुर का कि टाक निरीक्षक की पट पर पाण्डेय सालाना टाकर नदना की टाक को ले जाने के लिए आया था है। और टाक हमारा व्यक्तित्व में जायेगा। परन्तु मुझे आज तक कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ है और 29-4-84 को इलियास निरीक्षक उत्तरी के ले आकर पर मिलने गया तो वहां पर मुझे पल पूर्वक हस्तक्षेप लिखित मिथा। जहाँ कि वहां पर दो चार आदमी थे वे और शाखा टाक पाल को भी मिथा लिया था। मैं चंड लाल आजा हस्तक्षेप लिख देठा।

श्रीमान जी मेरे दादा लाली मो0 का मिथापन की लेख लिख सेता के उपरान्त उनका कर्मकाण्ड हो गया इसके पश्चात् मेरे पिता जी बहुत रक्षीय लीं उस साल टाक लेखा की में उनका पुत्र खड़ी की कर्मकाण्ड के दौर से ई0 पी0 एम0 पी0 नदना के पट पर 5 मार्च 1972 से नियुक्त हुआ था।

ALB

अतः श्रीमान जी से निवेदन है कि इस शोर गणगाई
 में तो बेमकाना तो गया है। मेरे कच्चे भूमे पर रहे हैं। मेरा
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 गुने पुनः दूधोती पर बनाया गया। प्रार्थना शान्त रहने का काम
 रहेगा।

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 श्रीमान जी से निवेदन है कि इस शोर गणगाई
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 गुने पुनः दूधोती पर बनाया गया। प्रार्थना शान्त रहने का काम
 रहेगा।

श्रीमान जी से निवेदन है कि इस शोर गणगाई

में तो बेमकाना तो गया है। मेरे कच्चे भूमे पर रहे हैं। मेरा

* करदाता ही मरिचक व पशु किया गया इतनीना विरक्त को

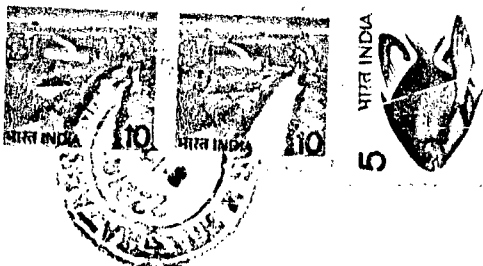
गुने पुनः दूधोती पर बनाया गया। प्रार्थना शान्त रहने का काम

रहेगा।

श्रीमान जी से निवेदन है कि इस शोर गणगाई

में तो बेमकाना तो गया है। मेरे कच्चे भूमे पर रहे हैं। मेरा

* करदाता ही मरिचक व पशु किया गया इतनीना विरक्त को



A-17

- 17 -

Before the Hon. Administrative Minister

Alakhad of 1990
O.A. Regn. No.

Am. No. A-8

Chief Post Office

INDIAN P. & T. DEPARTMENT

Chief Post Office

Superintendent of Postoffices
Sultanpur Dist. - 228001

To,

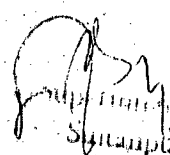
Shri Mohd. Ilyas Khan
Ex. S.D.M.P. (Nachna)
Vill & Post. Kurebhar
Sultanpur.

No. A-505/Nachna dt. at Sultanpur
The 18.12.87

Sub: Regarding your resignation

Ref: Your representation dt. 7.12.87

With reference to your representation
dt. 7.12.87, you are requested to
send back copy of first communication
made in this respect.


Superintendent of Postoffices
Sultanpur Dist. - 228001

- 18 -
Annexure A-9

A-18

संज्ञा

श्री/मानसिम अक्षय/अक्षय
अवकाश 22000/

श्री/मानसिम अक्षय/अक्षय A-505/अक्षय
दिनांक 18/12/18 अक्षय/अक्षय

अक्षय

उपरोक्त संज्ञा/अक्षय/अक्षय/अक्षय
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D.A. (2)

29/12/18

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

A-50

Misc. Application.....of 199

&

Counter Affidavit

On

behalf of Respondent No.....

In

O. A. No. 794 / 1990

Mohd Illias Khan.....Petitioner

Vs.

Union of India and Others.....Respondent


K. C. SINHA
Advocate

(51)

Row
6/5

S O. () to keep it with file
and put up before Hon'ble
Court for orders
on *on the date fixed*
D. R.
3/5

AS1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

.....

CIVIL MISC. APPLICATION NO. 857 /1991

ON BEHALF OF

UNION OF INDIA & OTHERS.

APPLICANTS/
RESPONDENTS

IN

O.A. NO. 794 /1991

Mohd. Illias Khan

.Applicant

Versus

Union of India & others.

.Respondents.

To

The Hon'ble The Vice Chairman and His
Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed

MOST RESPECTFULLY STATES AS UNDER :

- 1- That in view of facts and circumstances stated in the accompanying counter affidavit is in the interest of justice that the

Received
By
Advocate
2/5/91

(Signature)

AS2

2.

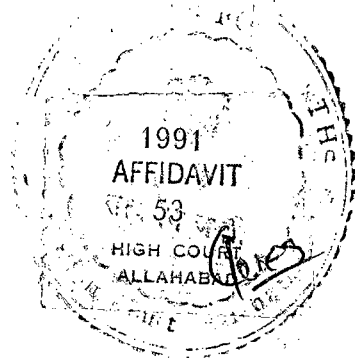
interim relief claimed by the petitioner is rejected by this Hon'ble Tribunal.

P R A Y E R

WHEREFORE, THIS Hon'ble Tribunal may graciously be pleased to reject the interim relief as prayed by this petitioner otherwise respondents would suffer irreparable loss.

Dt/3rd May , 1991.

(K.C. SENHA)
ADDL. STANDING COUNSEL
CENTRAL GOVT.
COUNSEL FOR THE RESPONDENTS.



A-3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH : ALLAHABAD.

.....

COUNTER AFFIDAVIT

ON BEHALF OF THE RESPONDENTS

IN

O.A. NO. 794 of 1990

Mohd. Illias Khan .applicant

Versus

Union of India & others. .Respondents.

Affidavit of O.P. Gupta
aged about 57 years, s/o Ram Ugrah Gupta
posted as Superintendent of Post
Offices, Sultanpur Division, Sultanpur.

(Deponent).



Gupta

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

- 1- That the deponent is Superintendent of
Post Offices, Sultanpur Division Sultanpur and

A-500

2.

has been deputed to file this counter affidavit on behalf of respondents and is well acquainted with the facts deposed to below.

2- That the deponent has read the petition and has understood the contents therein fully and is in a position to reply the same.

3- That before giving parawise reply to the petition, the following facts are being asserted in order to facilitate this Hon'ble Tribunal in administering justice :

a/- That the petitioner was appointed as Extra Departmental Mail Peon by means of an order dated 5th February 1972 and he is working on the post with effect from 20th February 1972.

b/- That on 28th April 1984, the petitioner submitted his resignation on domestic ground. A photostat copy of the application for resignation and endorsement of the recording of said resignation letter and also the report of the Inspector Post Offices, North Sub-Division Sultanpur is

enclosed herewith and marked as Annexure CA-1

Accepted



ASS

3.

to this affidavit.

c/- That in fact the aforesaid resignation was tendered by the petitioner in his own handwriting. It is further submitted that earlier also on 9th February 1984 the petitioner submitted his resignation to the Inspector of Post Offices, North Sub-division, Sultanpur through Branch Postmaster, Nachna but in fact the said resignation letter is not available with the office of Superintendent of Post Offices, Sultanpur and as such on 28th April 1984 he again tendered his resignation at his own will and he rightly stated that he will not seek any appointment nor any appeal.

d/- That on 28th April 1984, the said resignation was also accepted and acceptance memo was sent to the petitioner, which he has received on the same day. A photostat copy of acceptance memo is enclosed herewith and marked as Annexure CA-2 to this affidavit.

e/- That the petitioner did not agitate the

Annexure
FOR OATHS
[Signature]

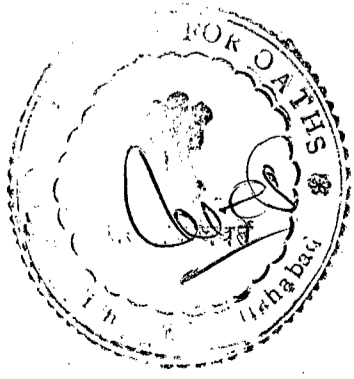
ASB

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matter earlier immediately after receipt of the acceptance memo dated 28th April 1984 that the resignation letter was urgent under threat or coercion, the pleading which has been taken by him before this Tribunal, neither the petitioner has lodged any F.I.R. that under threat the resignation was obtained.

f/- That the story of meeting with the Superintendent of Post Offices ~~is~~ wholly concocted and no such representation as referred in the petition~~er~~ has been filed. It is submitted being a member of Postal Staff, he could manage to obtain postal certificates, but the fact remains that he has neither agitated the matter nor filed any representation.

Accepted



4- That the contents of paragraphs 1, 2 and 3 of the petition need no comments.

5- That ~~the contents~~ contents of paragraphs 4(i) and 4(ii) of the petition are matter of record and as such need no comments.

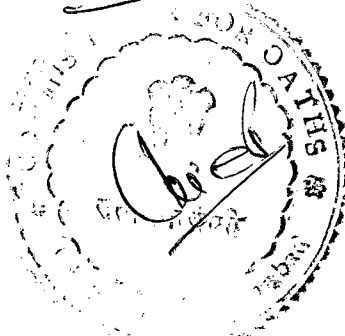
AS 7

5.

6- That the contents of paragraph 4(iii) of the petition are not correct and as such are denied. It is further submitted that the petitioner absented himself without any leave or information and he was found absent on the day of visit of Inspector of Post Offices, i.e. 27th April 1984.

7- That the contents of paragraph 4(iv) of the petition are not correct and as such are denied. As stated above, the petitioner himself approached the appointing authority and submitted resignation on domestic ground and the same was accepted. It is absolutely wrong to allege that authorities did not want to take work from the petitioner and no such contact was made with the respondent no.1 earlier. The story of having forcible resignation is a concocted one.

Deverle



8- That the contents of paragraphs 4(v) and 4(vi) of the petition are not correct and as such are denied. Even the issuance of letter dated 5th December, 1989 will not give period of limitation to the petitioner as the resignation

AS8

6.

was accepted on 28th April 1984 and copy of acceptance memo was received by the petitioner on 28th April 1984 and as such the petitioner can not agitate the cause of action of 1984 at such a belated stage.

9- That the contents of paragraphs 4(vii), 4(viii) and 4(ix) of the petition need no comments. It is further submitted that the petitioner was paid the allowances, which was admissible to him upto 26th April 1984, as on 27th April 1984 he was absent.

10- That in reply to contents of paragraph 5 of the petition, it is submitted that in view of facts and circumstances stated above, none of the grounds taken by the petitioner are sustainable in the eye of law.

Accepted



11- That the contents of paragraphs 6 and 7 of the petition need no comments.

12- That in reply to contents of paragraph 8 of the petition it is submitted that in view of

ASL

7.

facts and circumstances stated above, the petitioner is not entitled for any relief, as prayed in para under reply.

13- That in reply to contents of paragraph 9 of the petition, it is submitted that in view of facts and circumstances stated above, the petitioner has failed to make out any case for interference by this Hon'ble Tribunal and as such the interim relief is liable to be rejected.

14- That the contents of paragraphs 10, 11 and 12 of the petition need no comments.

That the contents of paragraphs 1 and 2 of this affidavit are true to my personal knowledge; those of paras 3 to 9, 11 and 14 are based on records and those of paras 10, 12 and 13 are based on legal advice, which all I believe to be true. No part of it is false and nothing material has been concealed in it.

Acceptable



SO HELP ME GOD.

Acceptable
DEPONENT.

160

8.

I, D.S. Chaubey, clerk to Shri K.C. Sinha

Advocate declare that the person making this affidavit and alleging himself to be the deponent is known to me personally.

Chaubey
IDENTIFIER.

Solemnly affirmed before me on this 16th day of ~~March~~ *April* 1991 at *4.30 P.M* ~~am~~ *pm* by the deponent, who is identified by aforesaid.

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.



Chaubey
1294/53
16.4.91

(37)

ANNEXURE NO. CA-2118

70

Director of Post Office
Sub Division North
SULTANPUR - 224001

(10)

No. A/Nachna Sultanpur 28484

The reply returned tendered
by Sri Mohd Shiyas E. M. Nachna
in A/c Kurebher SO Sultanpur
is hereby accepted w.e.f. 28484.

[Signature]

DIRECTOR OF POST OFFICE
SUB DIVISION NORTH
SULTANPUR - 224001

Copy to

1) Sri. Mohd Shiyas E. M. Nachna
Kurebher Sultanpur w.r to his
application dt 28484

2) The P.O. Sultanpur Ho.

3) The B.P.O. Nachna Kurebher
Sultanpur for pasting in
the order book.

[Signature]

Accepted

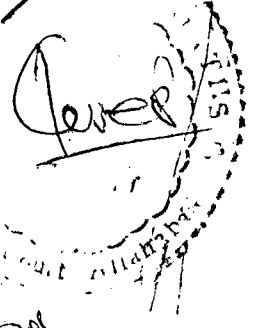
[Signature]

[Signature]

[Signature]

[Signature]

20/4/91



1294/53
16.4.91

AB

In the Central Administrative Tribunal Allahabad.

No 294 of 1996

Mohd Aliyas

Petitioners
Appellant
Applicant

VERSUS

U.O.I. etc

Respondent
Opposit Party

I, O.P. Gupta ^{Advocate} in the above matter hereby appoint and retain SHRI KRISHNA CHANDRA SINHA, Advocate High Court

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 _____

[Handwritten Signature]

Executant/s are personally known to me he has/they

have/signed

Signature of Justice
Super Lawyer
हाक अधीन

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

मुल्तानपुर प्रखण्ड २२५००१

(where the executant/s is/are illiterate blind or unacquainted 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

[Handwritten Signature]

K. C. SINHA
Advocate

High Court, Allahabad
Counsel for Applicant/Respondents
No.....

Before The Central Administrative Tribunal, Allahabad-1
 O.A. Regn. No. 794 Of 1990
 Mohd. Illias versus Union Of India & Others

(31)

Sl. No.	Annexure Marked	Index to Part I Marked Date Of Documents	Part I Particulars Of Documents	Page No. From To
1	-	10-9-90	Application	02 08
2	A-1	05-12-89	Impugned appellate Order No. A-505/Wachana from Supdt. Posts SN	09
Index to Part II				
3	A-2	05-2-72	Appointment Letter	10
4	A-3	10-5-84	Appeal to Supdt.	11
5	A-4	22-5-84	I Reminder to Above	12
6	A-5	22-6-85	II Reminder to Above	13
7	A-6	18-10-86	III Reminder to Above	14
8	A-7	08-12-87	IV Reminder to Above	15 16
9	A-8	18-12-87	No. A-505/Wachana from SPOs Sultanpur	17
10	A-9	29-12-87	Reply to above	18
11	A-10	15-10-88	V Reminder to Above	19

Application under Section 19 of Administrative Tribunal Act, 1985

Filed on 10-9-1990

O.A. Registration No. 794 Of 1990

Signature Of Registrar

In The Central Administrative Tribunal, Additional Bench, Allahabad

Between

Mohd. Illias Khan

Applicant

AND

(1) Sub Divisional Inspector (Posts), Sultanpur North

(2) Supdt. Posts Sultanpur

(3) Union Of India Through Secretary, Ministry Of Communications, G.O.I., New-Delhi-1

(4) Shri Ram Briksh Pandey, ADPS Office of CPMG, UP Circle Lucknow-1

(5) Shri Mand Lal Pandey, Assdt. Supdt. Posts Office Of Supdt Posts Sultanpur

Respondents

(R.K. Tewari)

Advocate

154, Purushottamagar, Allahabad-16

Central Admin
Additional Bench At Allahabad
Date of Filing... 13/12/89

OR
PC 1319
By Registrar

Details of Application

Date of Receipt
by Post

13/12/89

1—Particulars of the Applicant :

- (i) Name of Applicant **MOHD. ILLIAS KHAN**
- (ii) Name of Father/Husband **Late Shri Abdul Rahim Khan**
- (iii) Age of Applicant **44 years**
- (iv) Designation & Particulars of Office **Ex UMP Nachama, Kurebhar**
where employed or was last employed
- (v) Office Address **N I L**
- (vi) Address for service of Notice **Village Post Kurebhar Dist. Sultanpur**

2—Particulars of the Respondents :

- (1) Sub Divisional Inspector (Posts)
North Sub Da. Sultanpur
- (i) Name &/or Designation **(2) Supdt. Posts Sultanpur**
- (ii) Official Address **(3) Union Of India through Secretary,
Ministry Of Communications, New Delhi**
- (iii) Address for service of all notices **(4) R.B.Pandey, ADPS, Office Of CMO
UP Circle, Lucknow-1**
**(5) Nand Lal Pandey Asstt Supdt Posts
Office Of Supdt. Posts Sultanpur**

3—Particulars of the order against which application is made :

- (i) Order No. **A-505/Nachama**
- (ii) Date **5-12-89**
- (iii) Passed by **Supdt Posts Sultanpur**
- (iv) Subject in brief **Removal from service**

4—Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of this Tribunal.

5 - Limitation :

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

6—Facts of the case :

The facts of the case are given below.

R. Dewan

30/12/89

33

4(i) This application is presented against the impugned appellate order No. A 505/Nachana dated 5-12-89 passed by Superintendent of Posts, Sultanpur (Respondent No. 2) vide copy ^{at} Annexure A-1 on page 9.

4(ii) The applicant was an Extra Departmental Mail Peon attached to Nachana Branch Post Office (B.O. in brief hereafter) in A/c with Kurebhar Sub Post Office under Sultanpur Postal Division. He was appointed as such by the Sub-Divisional Inspector (Posts) North Sub Division, Sultanpur (Respondent No. 1) (who was in those days called Inspector of Post Offices, East Sub Division, Sultanpur) vide ~~his~~ his No. A/Nachana dated 5-2-72 copy at Annexure A-2 on page 10. He assumed charge of his new post on 20/2/72 and discharged duties of his post satisfactorily till 27-4-84.

4(iii) The applicant took leave on 27-4-84 and had gone to Sultanpur in connection with a private job entrusted to him by his Branch Post Master Nachana. On that very day the respondent No. 1 visited Nachana B.O. in connection with its inspection. Finding the applicant absent from duty the learned respondent No. 1 directed the Branch Post Master not to allow the applicant to be taken to duty.

4(iv) On his return on the same evening viz. 27-4-84 the applicant was informed by the BPM that the respondent No. 1 had forbidden the B.P.M. from taking the applicant to duty any more. As such the applicant again rushed to Sultanpur on 28-4-84 morning and contacted the respondent No. 1 there. The learned respondent No. 1 forcibly obtained resignation from the applicant and

R. J. Singh

(Handwritten initials)

then allowed the applicant to go home. The learned respondent No. 1 gave nothing in writing to the applicant.

4(iv) The applicant tried his best to contact the learned Superintendent Posts, Sultanpur (Respondent No. 2) for narrating all that what had happened to him but he was not allowed to see the learned Supdt. (Respondent No. 2) on the plea that the Superintendent was out of station. The applicant returned home and submitted an appeal to the learned respondent No. 2 on 10-5-1984 vide copy of at Annexure A-3 on page 11 but the same remained unattended. He then continued sending reminders on 22-5-84, 22-6-85, 18-10-86, 8-12-87 vide copies at Annexures marked A-4, A-5, A-6 and A-7 on pages 12, 13, 14 & 15-16 and respectively, but they all remained unattended.

(vi) In the meantime Shri Nand Lal Pandey the Inspector Post Offices, North Sub-Division, Sultanpur and Shri Ram Briksha Pandey the Superintendent, Posts, Sultanpur were both transferred from their respective posts. The new Supdt. paid immediate attention to the applicant's reminder. He asked for vide his No. A 505/Nachana dated 18-12-87 copy at Annexure A-8 on page 17, a copy of the applicant's original representation. The applicant immediately complied with vide his letter dated 29-12-87 copy at Annexure A-9 on page 18. In reply he received the impugned letter No. A-505/Nachana dated 5/12/89 intimating that as the applicant had submitted his resignation the same was accepted by the then Inspector Post Offices, North, Sultanpur.

(Handwritten signature)

BS

4(vii) It has been reliably learnt that the learned respondent No. 4 had also illegally connived with the respondent No. 5 in getting the applicant removed from his post. This fact is also established from the circumstantial evidence that the learned respondent No. 4 continued to keep a complete deaf ear towards the various representations and reminders sent to him by the applicant which were all got suppressed by the respondent No. 5 who also did not allow the applicant to see the respondent No. 4 on the date of occurrence viz. the 28th April, 1984.

4(viii) The other circumstantial evidence of the case is the alleged resignation letter said to have been submitted by the applicant to respondent No. 5 on 21-4-84. The same may very kindly be asked for. Its perusal will give a clear idea that that was a letter dictated by respondent No. 5 and none-else. To have a still more accurate idea of this fact it is humbly requested that a few inspection remarks recorded by the learned respondent No. 5 during 1984 may also be called for and the language of these inspection remarks may be got compared with that of the resignation letter alleged to have been submitted by the applicant.

4(ix) One most important issue at the last is that the applicant is said to have submitted his resignation letter on 28-4-84 what made the learned respondent No. 5 to restrain him from performing his duties from 27-4-84 itself. In case of resignation the person resigning his post is relieved of his charge only after the resignation has been accepted and not from the moment he has tendered his resignation. Moreover the applicant

R. J. [Signature]

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had been paid only upto 26-4-84. This clearly shows that the resignation letter was obtained by force.

5) GROUND FOR RELIEF SOUGHT FOR:

The resignation letter was obtained by force:

(a) Because the applicant was restrained from performing his duties much before the resignation was accepted.

(b) Because the language of the resignation letter tallies with the language of the Inspection Remarks recorded by the respondent No. 5 in various order books of Post Offices of his sub-division during the year 1984. This indicates that the resignation letter was forcibly got written by respondent No. 5.

(c) Because the learned respondents No. 4 and 5 connived together in getting the applicant removed from his job the circumstantial evidences of which are as long as respondent No. 4 was holding charge of Supdt. Posts, Sultanpur all representations made by the applicant remained unattended. As soon as he was replaced by another men they received attention and were disposed of.

6) REMEDIES EXHAUSTED:

The applicant submitted an appeal (against his forced resignation) to the appellate authority the respondent No. 2 which he did on 10-5-1984 and kept on sending reminders till at last it was attended to and rejected vide his No. A 505/Nachana dated 5-12-89.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY COURT:

The applicant further declares that he had not previously filed any application writ petition or suit

R. J. Kumar

7

-7-

regarding the matter in respect of which this application has been made before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

8) RELIEFS SOUGHT FOR:

The applicant prays:

(1) That the alleged resignation letter obtained forcibly by the respondent No. 1 from the applicant may kindly be set aside and the respondents may be directed to put the applicant back to duty from the retrospective effect.

(2) That he may be paid the cost of this suit.

9) There is no prayer for any Interim Relief.

R. S. S.

8- Interim order—If Prayed for—NIL

9—Details of the remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under relevant service rules.

10—Matters not previously filed or pending with any court :

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

11—If application is sent by Regd. Post, does the applicant desire to have oral hearing at the Admission stage if so he must attach a self addressed P. C.
NO

12—Particulars of the Postal Order in respect of the application :

- (i) No. of I. P. O. DD5/ 514875
(ii) Name of Issuing P. O. **Purushottamnagar, Allahabad-16**
(iii) Date of Issue **13-8-90**
(iv) P. O. at which payable— Allahabad Head Post Office

13—List of enclosures :

- (i) Vakalatnama
(ii) One I. P. O. for Rs. 50/-
(iii) ~~ten~~ documents to be relied upon

In verification

I, **Mohd. Illiyas Khan** Shri S/O Late Shri A.R.Khan aged 44 years R/O **Post Kursbar, Sultanpur** and working as **Cx BD MP Noida** hereby verify that the contents from Paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place—Allahabad

Date **10-9-90**

To

The Registrar, Central Administrative.
Tribunal, Allahabad -211001

Signature of applicant

(R. K. Tewari)

Advocate

154, Purushottam Nagar,
Allahabad—16

BA

- 9 -

Before The Central Administrative
Tribunal, Allahabad-1
O.A. Regn. No. of 1970
Mohd. Illias v. U.C.D. & others

Annexure A-1

कोर-7/Corr. 7 भारतीय डाक विभाग
DEPARTMENT OF POSTS INDIA
कार्यालय/Office of the ~~सेवा में~~

अधीक्षक डाकघर
सुलतानपुर मण्डल
Supdt. of Post Offices,
Sultanpur Dn. 228001

श्री सु० इलिमास सां
पूर्व ई०डी०ए०पी०
आ०पी० कूर भार
सुलतानपुर मण्डल

संबंधक : स. ड०डी० नचनना । टि० क
कूर भार टि० क सुलतानपुर ड०
विषय : ई०डी०ए०पी० नचनना के
पद से आपका त्यागपत्र

आप द्वारा उक्त पद
के लिए इतिहास में आपका त्याग पत्र
संक्रमण करीब तारीख द्वारा शीकास्त
किया जा चुका है।

R. K. Tewari

R. K. TEWARI
Advocate
154, Purshottam Nagar
(Khandabad)
Allahabad-16

[Signature]
अधीक्षक डाकघर
सुलतानपुर मण्डल
Supdt. of Post Offices,
Sultanpur Dn. 228001

- 11 -
Annexure A-3

B/C

सेवा में,

श्रीमान् डाक अधीक्षक,
मुलतानपुर ।

विषय:- ई० डी० एम० पी० नयना के पद से एक प्रतीक इस्तीफा लिया जाना ।
=====

गहोदय,

सविनय निवेदन है कि प्रार्थी गो० इलियास ई० डी० एम० पी० नयना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तथा से कार्य सरकार बहुत ही ईमानदारी से करता आ रहा है । श्री नद लाल बाण्डेय डाक निरीक्षक, उत्तरी शाखा डाकघर नयना का मोआइजा करने के लिये अवाकआये । प्रार्थी ^{उस} ~~कुछ~~ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य में मुलतानपुर गया था । प्रार्थी के मुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने क्लपूर्वक डरवा धम्का पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाकपाल नयना को मिलाकर इस्तीफा लिखवा लिया । मैं डर वश अपना इस्तीफा लिख बैठा । श्रीमान् जी भरो दादा व पिता विभाग की सेवा इन्वे करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्जदस्ती अर्थात् क्लपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डियुटी पर लगाया जाय ।
सुवनाथ सेवा में प्रेषित है:- प्रार्थी आपका सदैव जाभारी रहेगा ।

प्रतिलिपि:-

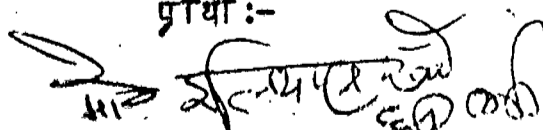
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1- पोस्ट मास्टर जनरल 30 प्र० लखनऊ ।

2- डायरेक्टर ~~डाक~~ पोस्टल सर्विसेज, इलाहाबाद ।

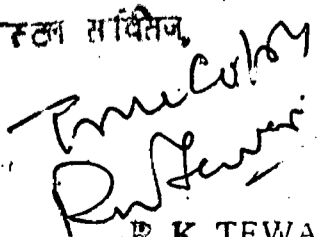
दिनांक - 10-5-84ई

प्रार्थी:-


गो० इलियास का पुत्र अब्दुल रहीम

श्री रिटायर्ड मेज एमन

ग्राम व पोस्ट- कुरेभार, मुलतानपुर ।

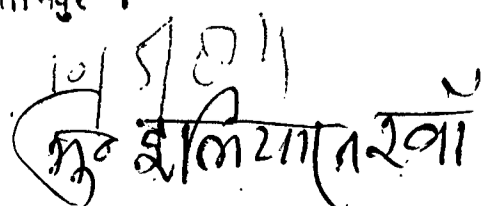


R. K. TEWARI
Advocate

234, Purshottam Nagar

(Khalilabad)

Allahabad-16



Annexure A-4

सेवा में

श्रीमान् डाक अधीक्षक,
सुलतानपुर ।

विषय:- ई० डी० एम० पी० नयना के पद से बल पूर्वक इस्तीफा लिया जाना ।

महोदय,

सविनय निवेदन है कि प्रार्थी मो० इलियास ई० डी० एम० पी०, नयना

के पद पर 5 मार्च 1972 को नियुक्त आया था तभी से कार्य सरकार बहुत ही

ईमानदारी से करता आ रहा है । श्री नर लाल पाण्डेय डाक निरीक्षक,

उत्तरी शाखा डाकपाल नयना का मोआइना करने के लिये अवानकआये । प्रार्थी

कुछ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य से सुलतानपुर गया था ।

प्रार्थी के सुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक से डाक न जॉन

के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु

आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84

को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बलपूर्वक डरवा धमका

पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाकपाल नयना को

मिलाकर इस्तीफा लिखवा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जी भरो दादा व पिता विभाग की सेवा करने करते हुए उनका

स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात्

बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डिपुटी पर लगाया जाय ।

सूचनार्थ सेवा में प्रेषित है:- प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-

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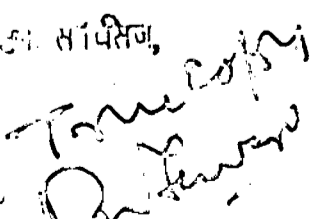
1- पोस्ट मास्टर जनरल 30 प्र०

लखनऊ ।

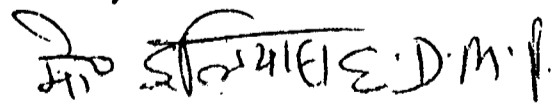
2- डायरेक्टर वर पोस्टल संपिंसन,

इलाहाबाद ।

दिनांक 20-5-84ई


R. K. TEWARI
Advocate
36% Purshottam Nagar
(Khuldabad)
Allahabad-16

प्रार्थी:-

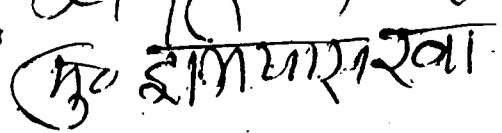


मो० इलियास खां पुत्र अब्दुल रहीम

यां रिटायर्ड मेल प्यून

ग्राम व पोस्ट- कुरेभार,
सुलतानपुर ।

22/5/84



मेरे पिता से,

श्रीमान् जी,
मुजतानपुर ।

विषय:- ई० डी० एम० पी० नयना के पद से अन पूर्वक इस्तीफा लिया जाता है ।

प्रोद्य,

सविनय निवेदन है कि प्रार्थी मो० इलियास ई० डी० एम० पी०, नयना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता चला आ रहा है । श्री नन्द लाल पाण्डेय डाक निरीक्षक, उत्तरी शाखा डाकघर नयना को मोआइना करने के लिये अवानक आये । प्रार्थी कुछ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य से मुजतानपुर गया था । प्रार्थी के मुजतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने अन पूर्वक इन्से इरवा धमकी कर पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाक पाल नयना को मिलाकर इस्तीफा लिखवा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जी मेरे दादा व पिता किभाग की सेवा करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् अन पूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डियुटी पर लगाया जाय । सूचना सेवामें प्रेषित है । प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-

- 1- पोस्ट मास्टर जनरल 30 प्र०,
लखनऊ ।
2- डायरेक्टर पोस्टल सविनय,
इलाहाबाद ।

दिनांक- 22-6-85

R. K. Tewari

R. K. TEWARI
Advocate
38, Purshottam Nagar
(Khuldaabad)
Allahabad-16

प्रार्थी:-
मो० इलियास खान
रहीम खान रिटायर्ड भल प्यून,
ग्राम व पोस्ट - कुरेभार,
मुजतानपुर ।

22-6-85
मो० इलियास खान

B.M.

सेवा में,

श्रीमान् डाक निरीक्षक,
सुलतानपुर ।

विषय:- ई० डी० एम० पी० नवना के पद से बल पूर्वक इस्तीफा लिया जाना ।

महोदय,

स्मिन्वय निवेदन है कि प्रार्थी मो० इलियास ई० डी० एम० पी०, नवना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता आ रहा है। श्री नन्द लाल पाण्डेय डाक निरीक्षक, जवाहीर शाखा डाकघर नवना को मोआइना करने के लिये अवानक आये। प्रार्थी कुछ दिन डाक पाल कुरेभार हुदडी लेकर उन्हीं के कार्य में सुलतानपुर गया था। प्रार्थी के सुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने कब के लिये मना किया। और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया। परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ। जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बल पूर्वक बखब हरवा धक्का कर पुलिस की धक्की देकर व मारने पीटने की धक्की देकर शाखा डाक पाल नवना को मिलाकर इस्तीफा लिखवा लिया। मैं डर वगैरे अपना इस्तीफा लिख बैठा।

श्रीमान् जो मेरे दादा व पिता विभाग की इस्तेफा करते हुए उनका स्वर्गवास हो गया। अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः नियुक्ति पर अग्रगण्य जाय। सुचना व सेवा में प्रेषित है। प्रार्थी आपका सौध आभारी रहेगा।

प्रतिलिपि:-

=====

- 1- पोस्ट मास्टर जनरल 30 प्र०, लखनऊ ।
- 2- डायरेक्टर पोस्टल तद्विभाग, अलाहाबाद ।

प्रार्थी:-

(Signature)
मो० इलियास वी० पुत्र श्री अब्दुल रहीम वी० रिटायर्ड भल प्यून, ग्राम व पोस्ट - कुरेभार, सुलतानपुर ।

दिनांक: 18-10-86

(Signature)
(Signature)

A. K. TEWARI
Advocate

126 Purshottam Nagar
(Khandabad)
Allahabad-16

18/10/86
(Signature)

B-15

Annexure A-7

सेवा में,

श्रीमान श्रीमान (श्रीमान) श्रीमान (श्रीमान) (श्रीमान)

विषय :- ई०पी०एम०पी० नदना के पद से बलपूर्वक इस्तीफा

लिया जाना :-

उपरोक्त,

सविनय निवेदन है कि प्राथी श्रीमान श्रीमान ई०पी०एम०पी० नदना के पद पर 5 मार्च 1972 ई० को नियुक्त हुआ था सभी से कार्य सरकार बहुत ही ईमानदारी से करता चला आ रहा है। श्री नन्दना पान्देय डाक निरीक्षक उत्तरी नदना शाखा डाकघर सालाना मुआइना करने के लिए अचानक आये। प्राथी उस दिन उक्त डाकपाल कृष्णभार से मुद्रा लेकर उनकी के कार्य से मुल्तानपुर गया था। प्राथी के मुल्तानपुर के वापस आने से पहले पता चला कि डाक निरीक्षक श्री नन्दना पान्देय शाखा डाकघर नदना की डाक को ले जाने के लिए पत्र लिखा है। और डाक घूसरा रकम भी जायेगा। परन्तु मुझे आज तक कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ है और 22-4-84 को श्री डाक निरीक्षक उत्तरी के हेड कार्टर पर मिलने गया तो वहाँ पर मुझे बलपूर्वक इस्तीफा लिखा गया। क्यों कि वहाँ पर दो बार आदमी बने थे और शाखा डाक पाल को भी पिला लिया था। मैं बलपूर्वक आना इस्तीफा लिख बैठा।

श्रीमान जी मेरे दादा श्रीमान श्रीमान के सेवा में सेवा के उपरान्त उनका स्वर्गवास हो गया उसके पश्चात् मेरे पिता जी अस्तु रकीम साँ 25 साल तक सेवा की तें उनका पुत्र श्री कृष्णार्द्र के दौर से ई० पी० एम० पी० नदना के पद पर 5 मार्च 1972 को नियुक्त हुआ था।

---2 श्रीमान (श्रीमान)

9/17

- 17 -

Before The Central Administrative Tribunal
New Delhi

Case No. A-8

Form-7, Cor-1

INDIAN P. & T. DEPARTMENT

Section 7, Cor-1

Superintendent of Postoffices

Sultanpur Dist. - 228001

To,

Shri. Mohd. Ilyas Khan

R. O. No. 10, Mahua

Post Office, Sultanpur

Sultanpur Dist.

No. A-505 / Mahua dt. at Sultanpur

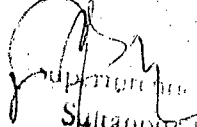
The 18.12.87

Subj: Re: your resignation.

Ref: your representation dated 7.12.87

With reference to your representation
dated 7.12.87, you are requested to

send photo copy of first representation
made in this respect.


Superintendent of Postoffices
Sultanpur Dist. - 228001

True Copy
R. K. Tewari

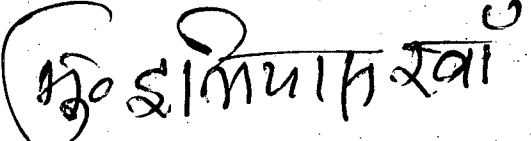
R. K. TEWARI

Advocate

254, Purshottam Nagar

(Khuldabad)

Allahabad-16



Annexure A-9

प्रमाणित - अनुसूची A-505 / 12/18
 दिनांक 18/12/18

प्रमाणित किया जाता है कि उपरोक्त अनुसूची में
 उल्लिखित सभी प्रमाणों का सत्यापन किया गया है
 और वे सही और सत्य हैं।

29/12/18

प्रमाणित
 दिनांक 29/12/18

D.A. (2)
 True Copy
 Retained

R. K. TEWARI
 Advocate
 104, Purshottam Nagar
 (Khuldabad)
 Allahabad-16

प्रमाणित

Alphabid-10
(Kshudhara)
Punjab Sahitya Akademi
Lahore

167 HmW/S 09
167

(ਸ਼੍ਰੀ ਸ਼੍ਰੀ ਸ਼੍ਰੀ ਸ਼੍ਰੀ)

88-10-88

ਮਿਤੀ

ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ

ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ

ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ

ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ

ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ
ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ

ਅੰਕੁਸ਼ A-10

ਮੇਰੇ ਪਿਤਾ ਜੀ ਨੂੰ ਲਿਖਣ ਵਾਲੇ ਪੱਤਰ ਦੇ ਖਾਤੇ 'ਤੇ

167

8-20

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

Misc. Application.....of 199

&

Counter Affidavit

On

behalf of Respondent No.....

In

: O. A. No. 794 / 1990

..... Mohd Illias Khan Petitioner

Vs.

Union of India and Others Respondent


K. C. SINHA
Advocate

to keep it
up before
Court orders
on *on the date of*
K 315
P

3/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

... ..

CIVIL MISC. APPLICATION NO. 857 /1991

ON BEHALF OF

UNION OF INDIA & OTHERS.

APPLICANTS /
RESPONDENTS

IN

O.A. NO. 794 /1990

Mohd. Illias Khan

.Applicant

Versus

Union of India & others.

.Respondents.

To

The Hon'ble The Vice Chairman and His
Companion Members of the aforesaid Tribunal.

The humble application of the abovenamed
MOST RESPECTFULLY STATES AS UNDER :

- 1- That in view of facts and circum-
stances stated in the accompanying counter
affidavit is in the interest of justice that the

(Handwritten signature)

BM


2.

interim relief claimed by the petitioner is rejected by this Hon'ble Tribunal.

P R A Y E R

WHEREFORE, THIS Hon'ble Tribunal may graciously be pleased to reject the interim relief as prayed by this petitioner otherwise respondents would suffer irreparable loss.

Dt/3rd/May, 1991.


(K.C. SINHA)
ADDL. STANDING COUNSEL
CENTRAL GOVT.
COUNSEL FOR THE RESPONDENTS.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH : ALLAHABAD.

.....

COUNTER AFFIDAVIT

ON BEHALF OF THE RESPONDENTS

IN

G.A. NO. 794 of 1990

Mohd. Illias Khan

applicant

Versus

Union of India & others.

Respondents.

Affidavit of O.P. Gupla

aged about 50 years, s/o Si Ram Vjyesh Gupla

posted as Superintendent of Post

Offices, Sultanpur Division, Sultanpur

(Deponent).

O.P. Gupla

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

- 1- That the deponent is Superintendent of
Post Offices, Sultanpur Division Sultanpur and

B-20

2.

has been deputed to file this counter affidavit on behalf of respondents and is well acquainted with the facts deposed to below.

2- That the deponent has read the petition and has understood the contents therein fully and is in a position to reply the same.

3- That before giving parawise reply to the petition, the following facts are being asserted in order to facilitate this Hon'ble Tribunal in administering justice :

a/- That the petitioner was appointed as Extra Departmental Mail Peon by means of an order dated 5th February 1972 and he is working on the post with effect from 20th February 1972.

b/- That on 28th April 1984, the petitioner submitted his resignation on domestic ground. A photostat copy of the application for resignation and endorsement of the recording of said resignation letter and also the report of the Inspector Post Offices, North Sub-Division Sultanpur is enclosed herewith and marked as Annexure CA-1

Complete

25

3.

to this affidavit.

c/- That in fact the aforesaid resignation was tendered by the petitioner in his own handwriting. It is further submitted that earlier also on 9th February 1984 the petitioner submitted his resignation to the Inspector of Postoffices, North Sub-division, Sultanpur through Branch Postmaster, Nachna but in fact the said resignation letter is not available with the office of Superintendent of Post Offices, Sultanpur and as such on 28th April 1984 he again tendered his resignation at his own will and he rightly stated that he will not seek any appointment nor any appeal.

d/- That on 28th April 1984, the said resignation was also accepted and acceptance memo was sent to the petitioner, which he has received on the same day. A photostat copy of acceptance memo is enclosed herewith and marked as Annexure CA-2 to this affidavit.

e/- That the petitioner did not agitate the

Accepted

BK

4.

matter earlier immediately after receipt of the acceptance memo dated 28th April 1984 that the resignation letter was urgent under threat or coercion, the pleading which has been taken by him before this Tribunal, neither the petitioner has lodged any F.I.R. that under threat the resignation was obtained.

f/- That the story of meeting with the Superintendent of Post Offices is wholly concocted and no such representation as referred in the petition has been filed. It is submitted being a member of Postal Staff, he could manage to obtain postal certificates, but the fact remains that he has neither agitated the matter nor filed any representation.

Complete

4- That the contents of paragraphs 1, 2 and 3 of the petition need no comments.

5- That ~~the~~ contents of paragraphs 4(i) and 4(ii) of the petition are matter of record and as such need no comments.

327

5.

6- That the contents of paragraph 4(iii) of the petition are not correct and as such are denied. It is further submitted that the petitioner absented himself without any leave or information and he was found absent on the day of visit of Inspector of Post Offices, i.e. 27th April 1984.

7- That the contents of paragraph 4(iv) of the petition are not correct and as such are denied. As stated above, the petitioner himself approached the appointing authority and submitted resignation on domestic ground and the same was accepted. It is absolutely wrong to allege that authorities did not want to take work from the petitioner and no such contact was made with the respondent no.1 earlier. The story of having forcible resignation is a concocted one.

Accepted

8- That the contents of paragraphs 4(v) and 4(vi) of the petition are not correct and as such are denied. Even the issuance of letter dated 5th December, 1989 will not give period of limitation to the petitioner as the resignation

BAS

6.

was accepted on 28th April 1984 and copy of acceptance memo was received by the petitioner on 28th April 1984 and as such the petitioner can not agitate the cause of action of 1984 at such a belated stage.

9- That the contents of paragraphs 4(vii), 4(viii) and 4(ix) of the petition need no comments. It is further submitted that the petitioner was paid the allowances, which was admissible to him upto 26th April 1984, as on 27th April 1984 he was absent.

10- That in reply to contents of paragraph 5 of the petition, it is submitted that in view of facts and circumstances stated above, none of the grounds taken by the petitioner are sustainable in the eye of law.

Opinion

11- That the contents of paragraphs 6 and 7 of the petition need no comments.

12- That in reply to contents of paragraph 8 of the petition it is submitted that in view of

B 2d

7.

facts and circumstances stated above, the petit
is not entitled for any relief, as prayed in para
under reply.

13- That in reply to contents of paragraph 9
of the petition, it is submitted that in view of
facts and circumstances stated above, the petitioner
has failed to make out any case for interference by
this Hon'ble Tribunal and as such the interim
relief is liable to be rejected.

14- That the contents of paragraphs 10, 11
and 12 of the petition need no comments.

That the contents of paragraphs 1 and 2
of this affidavit are true to my personal knowledge;
those of paras 3 to 9, 11 and 12 are based on
records and those of paras 10, 12 and 13 are based
on legal advice, which all I believe to be true. No
part of it is false and nothing material has been
concealed in it.

SO HELP ME GOD.

Opentlo
DEPONENT.

B-30

8.

I, D.S. Chaubey, clerk to Shri K.C. Sinha

Advocate declare that the person making this affidavit and alleging himself to be the deponent is known to me personally.

IDENTIFIER.

Solemnly affirmed before me on this 16/3 day of ~~March~~ April 1991 at 4:30 P.M. by the deponent, who is identified by aforesaid.

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.

(81)

(B-32)

To

Director of Post Office
Sub Division North
SALTANPUR - 220001

No. M Nachra Sultapur 28-4-84

ANNEXURE NO. CA-2

The new order tendered
by Sn. Mohd. Shiyas Es. MB Nachra
in All Kurebhas SO Sultapur
is hereby accepted w.e.f. 28-4-84.

[Signature]

Director of Post Office
Sub Division North
SALTANPUR - 220001

Copy to

1) Sn. Mohd. Shiyas Es. MB Nachra
Kurebhas Sultapur w.r to his
application dt 28-4-84

2) The P.O. Sultapur Jw.

3) The B.P.O. Nachra Kurebhas
Sultapur for pasting in
the order Book.

Accepted

[Signature]

Director of Post Office
Sub Division North
SALTANPUR - 220001

[Signature]

[Signature]
[Signature]
[Signature]

20/4/84

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

(CAV)

Regd. A/D

23-A Thornhill Road
Allahabad,
211001

Registration O.A. NO: 754/30 OF 19

30-1-91

Mohd Illias Khan

S/O - S/O
Vrs

APPLICANT.

RESPONDENT.


W.O.I. & Others
333

4. Shri Man Biksh Pandey, ADPS Office of CPWG, Wg UP Circle Lucknow-1
5. Shri Man Lal Pandey, Asstt. Supt. Posts Office of Supt. Posts Sultanpur.

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed the 13th Day of March 1991. For admission. Show cause as to why the petition be not admitted.

if, no appearance is made on your behalf or 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 30th Day of January 1990.


For Deputy Registrar
(Judicial)

120

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

O.A.NO. 74/90

Mohd Illias Khan-----Applicant.

Vs

U.O.I.&Others-----Respondents.

23.1.91.

Hon'Justice K.Nath, V.C.

Hon'K.Obay-ya, A.C.

Issue notice to the respondents to show cause as to why the petition be not admitted and list this case for admission on 4-3-91 when it would be disposed of finally. The respondents are directed to produce the record of the applicant's resignation letter and the orders by which the resignation was accepted.

Shri K.C.Sinha counsel, accepts notice on behalf of respondents. Let copies meant for the respondents be handed over to Shri Sinha alongwith copy of this order.

Sd/
A.P.

Sd/
V.B.

True copy

D. S. Sinha
30/1/91
(D. S. SINHA)

CENTRAL ADMINISTRATIVE TRIBUNAL

Allahabad.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

D# 28A1 (C)

No. CAT/CB/LKO/JUDL

DATE: _____

TA: 180/92 (TL) in O.A. 794/90

REGISTRATION NO. _____ OF 199 (L)

Moh. Illias Khan

Applicant(s)

V E R S U S

U. O. P.

Respondent(s)

① Sh. R. K. Tewari, Advocate, 154, Purushottam Nagar, Allahabad (Khandbad)

Please take notice that the applicant above name has presented an application a copy of X thereof is enclosed herewith which has been registered in the Tribunal and the Tribunal has fixed 11th day of Nov-92 to show cause as to why the Petition be not admitted. Counter may be filed within X weeks. Rejoinder, if any, to be filed within X weeks thereafter.

Before D.R.

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

20-10-92

FOR DEPUTY REGISTRAR

(M. Mehrotra)

Recd 22/2
Dt 04/03/91

384
21.2.91

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Regd. A/D
23-A Thornhill Road
Allahabad.
211001

Registration O.A.NO: **794/90** Of 19

30-1-91

Moh d Illias Khan

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Vrs

APPLICANT.

U.O.I. & Others

RESPONDENT.

- 4. Shri Ram Briksh Pandey, ADPS Office of CPMG, UP UP Circle Luckna
- 5. Shri Nand Lal Pandey, Asstt, Supdt, Posts Office of Supdt Posts Sultanpur.

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed **4th** **March** Day of **1991** . For **admission. Show cause as to why the petition be not admitted.**

if, no appearance is made on your behalf or 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 ~~30th~~ **30th** day of **January** 1990.

D. D. Dubey
For Deputy Registrar
(Judicial)

*Asstt. Secy.
22/2/91*

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Details of Application

1—Particulars of the Applicant :

- (i) Name of Applicant **MOHD. YELIAS KHAN**
- (ii) Name of Father/Husband **Late Shri Abdul Rabbil Khan**
- (iii) Age of Applicant **44 years**
- (iv) Designation & Particulars of Office **Sr. S.M.P. Noshana, Kurethar**
where employed or was last employed
- (v) Office Address **N I L**
- (vi) Address for service of Notice **Village Post Kurethar Dist. Sultanpur**

2—Particulars of the Respondents :

- (1) Sub Divisional Inspector (Posts)
North Sub Div. Sultanpur
- (i) Name &/or Designation **(2) Supdt. Posts Sultanpur**
- (ii) Official Address **(3) Union Of India through Secretary,
Ministry Of Communications, New Delhi.**
- (iii) Address for service of all notices **(4) R. D. Pandey, ADPS, Office Of CWSO
UP Circle, Lucknow-1**
**(5) Head Lal Pandey Asstt Supdt Posts
Office Of Supdt. Posts Sultanpur**

3—Particulars of the order against which application is made :

- (i) Order No. **L-505/Noshana**
- (ii) Date **1-12-89**
- (iii) Passed by **Supdt Posts Sultanpur**
- (iv) Subject in brief **Removal from service**

4—Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of this Tribunal.

5—Limitation :

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

6—Facts of the case :

The facts of the case are given below.

30 2/12/89

(18)

4(i) This application is presented against the impugned appellate order No. A 505/Nachana dated 5-12-89 passed by Superintendent of Posts, Sultanpur (Respondent No. 1) vide copy ^{at} Annexure A-1 on page 4.

4(ii) The applicant was an Extra Departmental Mail Peon attached to Nachana Branch Post Office (B.O. in brief hereafter) in A/c with Kurebhar Sub Post Office under Sultanpur Postal Division. He was appointed as such by the Sub-Divisional Inspector (Posts) North Sub Division, Sultanpur (Respondent No. 1) (who was in those days called Inspector of Post Offices, East Sub Division, Sultanpur) vide ~~his~~ his No. A/Nachana dated 5-2-72 copy at Annexure A-2 on page 10. He assumed charge of his new post on 20/2/72 and discharged duties of his post satisfactorily till 27-4-84.

4(iii) The applicant took leave on 27-4-84 and had gone to Sultanpur in connection with a private job entrusted to him by his Branch Post Master Nachana. On that very day the respondent No. 1 visited Nachana B.O. in connection with its inspection. Finding the applicant absent from duty the learned respondent No. 1 directed the Branch Post Master not to allow the applicant to be taken to duty.

4(iv) On his return on the same evening viz. 27-4-84 the applicant was informed by the BPM that the respondent No. 1 had forbidden the B.P.M. from taking the applicant to duty any more. As such the applicant again rushed to Sultanpur on 28-4-84 morning and contacted the respondent No. 1 there. The learned respondent No. 1 forcibly obtained resignation from the applicant and

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then allowed the applicant to go home. The learned respondent No. 1 gave nothing in writing to the applicant.

4(iv) The applicant tried his best to contact the learned Superintendent Posts, Sultanpur (Respondent No. 2) for narrating all that what had happened to him but he was not allowed to see the learned Supdt. (Respondent No. 2) on the plea that the Superintendent was out of station. The applicant returned home and submitted an appeal to the learned respondent No. 2 on 10-5-1984 vide copy of at Annexure A-3 on page 11 but the same remained unattended. He then continued sending reminders on 22-5-84, 22-6-85, 18-10-86, 8-12-87 vide copies at Annexures marked A-4, A-5, A-6 and A-7 on pages 12, 13, 14 & 15-16 and respectively, but they all remained unattended.

4(vi) In the meantime Shri Nand Lal Pandey the Inspector Post Offices, North Sub-Division, Sultanpur and Shri Ram Briksha Pandey the Superintendent, Posts, Sultanpur were both transferred from their respective posts. The new Supdt. paid immediate attention to the applicant's reminder. He asked for vide his No. A 505/Nachana dated 18-12-87 copy at Annexure A-8 on page 17, a copy of the applicant's original representation. The applicant immediately complied with vide his letter dated 29-12-87 copy at Annexure A-9 on page 18. In reply he received the impugned letter No. A-505/Nachana dated 5/12/89 intimating that as the applicant had submitted his resignation the same was accepted by the then Inspector Post Offices, North, Sultanpur.

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4(vii) It has been reliably learnt that the learned respondent No. 4 had also illegally connived with the respondent No. 5 in getting the applicant removed from his post. This fact is also established from the circumstantial evidence that the learned respondent No. 4 continued to keep a complete deaf ear towards the various representations and reminders sent to him by the applicant which were all got suppressed by the respondent No. 5 who also did not allow the applicant to see the respondent No. 4 on the date of occurrence viz. the 28th April, 1984.

4(viii) The other circumstantial evidence of the case is the alleged resignation letter said to have been submitted by the applicant to respondent No. 5 on 21-4-84. The same may very kindly be asked for. Its perusal will give a clear idea that that was a letter dictated by respondent No. 5 and none-else. To have a still more accurate idea of this fact it is humbly requested that a few Inspection remarks ^{recorded} recorded by the learned respondent No. 5 during 1984 may also be called for and the language of these inspection remarks may be got compared with that of the resignation letter alleged to have been submitted by the applicant.

4(ix) One most important issue at the last is that the applicant is said to have submitted his resignation letter on 28-4-84 what made the learned respondent No. 5 to restrain him from performing his duties from 27-4-84 itself. In case of resignation the person resigning his post is relieved of his charge only after the resignation has been accepted and not from the moment he has tendered his resignation. Moreover the applicant

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had been paid only upto 10-1-84. This clearly shows that the resignation letter was obtained by force.

5) GROUND FOR RELIEF SOUGHT FOR:

The resignation letter was obtained by force:

(a) Because the applicant was restrained from performing his duties much before the resignation was accepted.

(b) Because the language of the resignation letter tallies with the language of the Inspection Remarks recorded by the respondent No. 5 in various order books of Post Offices of his sub-division during the year 1984. This indicates that the resignation letter was forcibly got written by respondent No. 5.

(c) Because the learned respondents No. 4 and 5 connived together in getting the applicant removed from his job the circumstantial evidences of which are as long as respondent No. 4 was holding charge of Supdt. Posts, Sultanpur all representations made by the applicant remained unattended. As soon as he was replaced by another man they received attention and were disposed of.

6) REMEDIES EXHAUSTED:

The applicant submitted an appeal (against his forced resignation) to the appellate authority the respondent No. 2 which he did on 10-5-1984 and kept on sending reminders till at last it was attended to and rejected vide his No. A 505/Nachana dated 5-12-89.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY COURT:

The applicant further declares that he had not previously filed any application writ petition or suit

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regarding the matter in respect of which this application has been made before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

8) RELIEFS SOUGHT FOR:

The applicant prays:

(1) That the alleged resignation letter obtained forcibly by the respondent No. 1 from the applicant may kindly be set aside and the respondents may be directed to put the applicant back to duty from the retrospective effect.

(2) That he may be paid the cost of this suit.

9) There is no prayer for any Interim Relief.

(13)

8— Interim order—If Prayed for—NIL

9— Details of the remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under relevant service rules.

10—Matters not previously filed or pending with any court :

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

11—If application is sent by Regd. Post, does the applicant desire to have oral hearing at the Admission stage if so he must attach a self addressed P. C.

NO

12—Particulars of the Postal Order in respect of the application :

- (i) No. of I. P. O. **309/ 514875**
- (ii) Name of Issuing P. O. **Purushottamnagar, Allahabad-26**
- (iii) Date of Issue **17-8-90**
- (iv) P. O. at which payable— **Allahabad Head Post Office**

13—List of enclosures :

- (i) Vakalatnama
- (ii) One I. P. O. for Rs 50/-
- (iii) **Two** documents to be relied upon

In verification

I, **Shri S/O Late Shri A.P. Sharma** aged **44** years R/O **West Karolbagh, Delhi** and working as **...** do hereby verify that the contents from Paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place—Allahabad

Date **10-8-90**

To

The Registrar, Central Administrative Tribunal, Allahabad - 211001

Signature of applicant

(R. K. Tewari)

Advocate

154, Purushottam Nagar, Allahabad—16

(CM)

Before The Central Administrative Tribunal, Allahabad-1

O.A. Regn. No of 1990

Mohd. Illias v U.O. & others

Annexure A-1

भारतीय डाक विभाग DEPARTMENT OF POSTS INDIA

सुल्तानपुर/Office of the

सुल्तानपुर
Sultanpur Dist. 228001

श्री सुल्तानपुर
श्री सुल्तानपुर
श्री सुल्तानपुर

सम्बन्धित: श्री सुल्तानपुर
सुल्तानपुर
सुल्तानपुर

आप द्वारा उक्त पत्र
विषय में प्राप्त प्राप्त
सम्बन्धित कार्य द्वारा सुल्तानपुर
विषय में सुल्तानपुर

3/2/90
सुल्तानपुर
Supt. of Post Office,
Sultanpur Dist. 228001

CAS

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Annexure A-2

संख्या 22
प्र. 22

भारतीय डाक-तार विभाग
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

उत्तर देते समय कृपया
निम्न संदर्भ दें
In reply
please quote

प्रेषक:
From
INSPECTOR OF POST OFFICES
SULTANPUR EAST SUB. DIVN.

सेवा में
To

क्र. संख्या
No.

दिनांक
Dated at

Sultanpur. 4.5.52

विषय
SUBJECT

Shri Mohd Aliyas Sp. Shri Abdul
Rahman vill and Po. Kurekher is
appointed as a Postmaster.
It should clearly be stated
that his services are purely temporary
and can be terminated at any time
without assigning any reason.

INSPECTOR OF POST OFFICES
SULTANPUR EAST SUB. DIVN.

copy to
✓ by Shri Mohd Aliyas Sp. Shri Abdul
vill and Po. Kurekher Sultanpur
by the P.O. Kurekher he will
obtain and submit necessary
security, health certificate,
declaration and necessary security
by the P.O. Kurekher

(16)

- 11 -
Annexure A-3

सेवा में,

श्रीमान् डाक अधीक्षक,
गुलतानपुर ।

विषय:- ई0 डी0 एम0 पी0 नयना के पद से का पूर्णक इस्तीफा लिया जाना ।
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गहोदय,

सविनय निवेदन है कि प्रार्थी मो0 इलियास ई0 डी0 एम0 पी0, नयना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता आ रहा है । श्री नद लाल पाण्डेय डाक निरीक्षक, उत्तरी शाखा डाकघर नयना का मोआइना करने के लिये अमाना आये । प्रार्थी 36 दिनों तक डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य में गुलतानपुर गया था । प्रार्थी के गुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने अनपूर्वक डरवा धक्का पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाकपाल नयना को मिलाकर इस्तीफा लिखवा लिया । मैं डर वग अना इस्तीफा लिख बैठा ।

श्रीमान् जी मेरे दादा व पिता विभाग की सेवा करने करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् अनपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डिप्युटी पर लगाया जाए ।

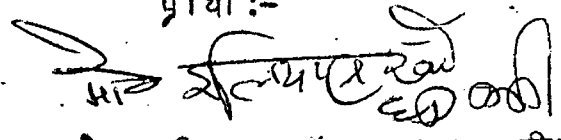
बुलावार्थ सेवा में प्रेषित है:- प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-

- 1- पोस्ट मास्टर जनरल 30 प्र0 लखनऊ ।
- 2- डायरेक्टर ~~का~~ पोस्टल सर्विस, इलाहाबाद ।

दिनांक - 10-5-84

प्रार्थी:-



मो0 इलियास यां पुत्र अब्दुल रहीम

वां रिटायर्ड मेल प्यून

ग्राम व पोस्ट- कुरेनार,
गुलतानपुर ।

10/5/84

Annexure A-4

(17)

सेवा में

श्रीमान् डाक अधीक्षक,
सुलतानपुर ।

विषय:- ई० डी० एम० पी० नयना के पद से बर्त पूर्वक इस्तीफा लिया जाना ।
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महोदय,

साधिय निवेदन है कि प्रार्थी मो० इलिशात ई० डी० एम० पी०, नयना

के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता चला आ रहा है । श्री नर लाल पाण्डेय डाक निरीक्षक, उत्तरी शाखा डाकघर नयना का मोआइजा करने के लिये अमानकआये । प्रार्थी कुछ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य से सुलतानपुर गया था । प्रार्थी के सुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बर्त पूर्वक डरवा धमका पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाकपाल नयना को मिलाकर इस्तीफा लिखवा लिया । मैं डर वग अमना इस्तीफा लिख बैठा ।

श्रीमान् जी मेरे दादा व पिता विभाग की सेवा कर रहे हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् बर्त पूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः डिपुटी पर लगाया जाय । सूचनार्थ सेवा में प्रेषित है:- प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-

1- पोस्ट मास्टर जनरल 30 प्र०

लखनऊ ।

2- डायरेक्टर इन्-पोस्टल सर्विसेज,
झाहाबाद ।

दिनांक 20-5-84ई

प्रार्थी:-

मो० इलिशात ई० डी० एम० पी०

मो० इलिशात डा० पुत्र अब्दुल रहीम

डा० रिटायर्ड मेन प्यून

ग्राम व पोस्ट- कुरेभार,
सुलतानपुर ।

22/5/84

श्रीमान्,

श्रीमान् डाक निरीक्षक,
मुलतानपुर ।

विषय:- ई0 डी0 एम0 पी0 नयना के पद से बल पूर्वक इस्तीफा लिया जाना ।

महोदय,

सविनय निवेदन है कि प्रार्थी मो0 इलियास ई0 डी0 एम0 पी0, नयना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता आ रहा है । श्री नन्द लाल पाण्डेय डाक निरीक्षक, उत्तरी शाखा डाकघर नयना को मोआइना करने के लिये अवानक आये । प्रार्थी कुछ दिन डाक पाल कुरेभार छुट्टी लेकर उन्हीं के कार्य से मुलतानपुर गया था । प्रार्थी के मुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षक ने डाक न जाने के लिये मना किया और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बल पूर्वक डरवा धमका कर पुलिस की धमकी देकर व मारने पीटने की धमकी देकर शाखा डाक पाल नयना को मिलाकर इस्तीफा लिखवा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जी मेरे दादा व पिता किभाग की सेवा करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः ड्युटी पर लगाया जाय । सूचना र्व सेवा में प्रेषित है । प्रार्थी आपका संदेव आभारी रहेगा ।

प्रतिलिपि:-

- 1- पोस्ट मास्टर जनरल 30 प्र0, लखनऊ ।
- 2- डायरेक्टर पोस्टल सविनय, झाहाबाद ।

दिनांक- 22-6-85

प्रार्थी:-

मो0 इलियास खान पुत्र श्री अब्दुल
रहीम खान रिटायर्ड भ्रम प्यून,
ग्राम व पोस्ट - कुरेभार,
मुलतानपुर ।

22-6-85



नवना भं.

श्रीमान् डाक निरीक्षक,
सुलतानपुर ।

विषय:- ई० डी० एम० पी० नवना के पद से बल पूर्वक इस्तीफा लिया जाना ।

महोदय,

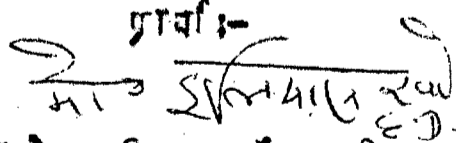
सविनय निवेदन है कि प्रार्थी मो० इलियास ई० डी० एम० पी०, नवना के पद पर 5 मार्च 1972 को नियुक्त हुआ था तभी से कार्य सरकार बहुत ही ईमानदारी से करता रहा आ रहा है । श्री नन्द लाल पाण्डेय डाक निरीक्षक, उत्तारी शाखा डाकघर नवना को मोआइना करने के लिये अवानक आये । प्रार्थी कुछ दिन डाकघर चाल कुरेभार छुट्टी लेकर उन्हीं के कार्य से सुलतानपुर गया था । प्रार्थी के सुलतानपुर वापस जाने पर पता चला कि डाक निरीक्षा के न डाक न जाने के लिये मना किया । और डाक व्यवस्था के लिए दूसरा व्यक्ति लगाया । परन्तु आज तक मुझे कोई आदेश लिखित तौर पर नहीं प्राप्त हुआ । जब हम 28-4-84 को डाक निरीक्षक के हेड क्वार्टर पर मिलने गया तो उन्होंने बल पूर्वक डरवा धमकी कर पुलिस की धमकी देकर व मारने की धमकी देकर शाखा डाकघर नवना को छोड़कर इस्तीफा लिखवा लिया । मैं डर वश अपना इस्तीफा लिख बैठा ।

श्रीमान् जो मेरे दादा व पिता विभाग की सेवा करते हुए उनका स्वर्गवास हो गया । अतः श्रीमान् जी से निवेदन है कि मेरा जर्बदस्ती अर्थात् बलपूर्वक लिया गया इस्तीफा निरस्त करके मुझे पुनः छुट्टी पर लगाया जाय । सूचनाय सेवा में प्रेषित है । प्रार्थी आपका सदैव आभारी रहेगा ।

प्रतिलिपि:-
=====

- 1- पोस्ट मास्टर जनरल 30 प्र०, लखनऊ ।
- 2- डायरेक्टर पोस्टल सर्विस, झांझाबाद ।

दिनांक: 18-10-86

प्रार्थी:-

 मो० इलियास खां पुत्र श्री अब्दुल रहीम खां रिटायर्ड फल प्यून,
 ग्राम व पोस्ट - कुरेभार,
 सुलतानपुर ।

18/10/86

(122)

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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Washington, D.C. 20535
Suzanne M. Du. - 22800

Mr.

Shri Mohd. Ilyas Khin
c/o SAIP
100, 101, 102, 103
Duffield St.

100-505 / Muzna at it submitted
to 18-12-87

With reference to your resignation.

and to your presentation dated 19.07

with reference to your resignation
dated 7.12.87 you are requested to

submit the necessary documents
within the stipulated time.

Yours faithfully,
Suzanne M. Du.

सं. नं. 1211

Annexure A-10

सेवा में,

श्री मान डाक अधीक्षक
मुम्बई नगर, पोस्टा - 200001

कार्य :- श्री मान डाक अधीक्षक को मुम्बई पोस्टा-ऑफिस में
श्री भूषणार प्रो. जी सेवा रद्द करने के सम्बन्ध में ।

महोदय,

प्रार्थी नवनाथ भू. भूषणार डाकघर में 20.2.1972 से
27.4.84 तक लगातार डीडी0एम0पी0 के पद पर कार्यरत रहा। इसका
कार्य सन्तोषजनक एवं सराहनीय रहा। अप्रैल 1984 में तत्कालीन
डाक अनरोडाक श्री नन्दलाल पान्डेय द्वारा औपचारिक भौग प्रार्थना
की जाने के कारण प्रार्थी से पत्रव्यवस्था दि० 28.4.84 को अखिर
लिखा गया। इस अखिर के पत्र प्रार्थी ने आप के कार्यालय को
प्रार्थना पत्र दि० 10.5.84 के माध्यम से लिखा था। प्रार्थी समय
समय पर पत्र भेजी दिया और अन्त में आप के पत्रांक ए-505/नवनाथ दि०
18.12.87 के उत्तर में भी दि० 29.12.87 को प्रार्थना पत्र, पेशित
दिया परन्तु आज तक कोई भी कार्यवाही नहीं की गई।

अतः श्री मान जी से प्रार्थना है कि मेरे प्रार्थना पत्रों
पर विचार न किया गया तो मुझे मजबूरन अदालत में जाने को माध्यम
जाऊंगा। आपसे रहे कि यह मेरा अन्तिम प्रार्थना पत्र है। इस लिये आप
द्वारा एक माह के अन्दर कोई समुचित कार्यवाही नहीं करते हैं तो
मुझे मजबूरन अदालत की शरण लेनी पड़ेगी। प्रह अन्तिम नोटित जाना जाय

दि० 15-10-88

प्रार्थी
(श्री. शक्तिप्रसाद शर्मा)