

(See rule 114)

OA / ~~TA~~ / ~~RA~~ / ~~CP~~ / ~~MA~~ / ~~PT~~ 15/90 of 20.....

*Versus*

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B.C. Filled welded cylinder

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Signature of Deal. Hand

22/6/2016

(24)

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH AT LUCKNOW.

\*\*\*\*\*

Registration (O.A.) No. 15 of 1990 (L)

Nirdosh Kumar Srivastava                      ....                      Applicant.

Versus

Union of India & others                      ....                      Respondents.

\*\*\*\*\*

Hon'ble Justice K. Nath, V.C.

Hon'ble K.J. Raman, A.M.

This application, under Section 19 of the Administrative Tribunals Act, 1985, is for quashing the order dated 4.1.1990 (Annexure 'A-5') by which the applicant's services as ED BPM, Sarva Jalalpur were terminated with immediate effect.

2.        The applicant was appointed on 30.8.1988 by Annexure 'A-1' after the usual process of selection on being sponsored by the Employment Exchange. He joined the post on 13.9.1988. According to the counter affidavit, a complaint was lodged by one Bhagauti Singh to the Director of Postal Services, Lucknow Region, Lucknow and after investigation, into the complaint, the Director ordered on 22.12.1989 that the appointment of the applicant may be cancelled and Bhagauti Singh may be appointed instead. It is in pursuance of these directions that the impugned termination order dated 4.1.90 was passed.

3.        It is admitted that before termination of the services of the applicant, no opportunity to show-cause was given to him. A similar matter came up before us today in O.A. No. 6 of 1990, Dinesh Prasad Yadava v. Union of India & others. We have examined <sup>there</sup> the question of necessity of giving an opportunity to show-cause. The views recorded by us in that case (O.A. No.6 of 1990)

AS

-: 2 :-

are <sup>equally</sup> ~~entirely~~ applicable to the present case and, therefore, for reasons recorded therein we hold that the order of termination of the services of the applicant must be quashed.

4. The learned counsel for the parties indicate that the applicant, while holding the post, proceeded on leave and placed his substitute in his place and that his substitute is still working. It is not necessary to go into the legal aspects of the effect of termination on substitutes, but since admittedly Bhagauti Singh, who was required to be appointed, has not been appointed, there should be no difficulty in the applicant resuming his duties on the post of ED BPM in question.

5. In view of above, the petition is allowed and the impugned order of termination dated 4.1.1990, contained in Annexure 'A-5', is quashed. The applicant shall be allowed to work on the post in question with effect from the date he reports for duty. It will be, however, open to the respondents to re-examine the question in accordance with law and rules after giving an opportunity to the applicant, if they so desire.



MEMBER (A)



VICE-CHAIRMAN.

Dated: January 29, 1990.

PG.

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW .

.....

INDEX SHEETCAUSE TITLE O.A. 15 of 1990 (C)

Name of the parties \_\_\_\_\_

Nirdeesh Kumar Srivastava Applicant.

Versus.

Union of Indus Respondents.Part A.B.C.

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal  
Circuit Bench  
Date of Filing 15-1-90  
Date of Decision

Registration No. 15 of 1989 (C.L.)

Deputy Registrar(J)

APPLICANT(S) N. K. Srivastava  
RESPONDENT(S) U O J.

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent?	ys
2. a) Is the application in the prescribed form?	ys
b) Is the application in paper book form?	ys
c) Have six complete sets of the application been filed?	ys
3. a) Is the appeal in time?	ys
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 authorisation/ Vakalatnama been filed?	ys
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	ys
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	ys (by counsel)
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?	ys
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	ys
c) Are the documents referred to in (a) above neatly typed in double space?	ys
8. Has the index of documents been filed and paging done properly?	ys
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?	ys
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	NO

Particulars to be ExaminedEndorsement as to result of examination

- Are the application/duplicate copy/spare copies signed? *ys*
12. Are extra copies of the application with Annexures filed? *ys*
- a) Identical with the Original?
- b) Defective?
- c) Wanting in Annexures
- Ans. \_\_\_\_\_?
13. Have the file size envelopes bearing full addresses of the respondents been filed? *No*
14. Are the given address the registered address? *ys*
15. Do the names of the parties stated in the copies tally with those indicated in the application? *ys*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *NA*
17. Are the facts of the case mentioned in item no. 6 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? *ys*
19. Whether all the remedies have been exhausted? *ys*

signed/

15/90

:: 2 ::

AB

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
16/1/90	Hon. J.P. Sharma, J.M.  The notices have been taken in V.K. Choudhary for admission & Interim relief on 19.1.90  h 16/1  19.1.90  Hon. J.P. Sharma, J.M. Sri M. Dubey for the applicatn. for respn. in Choudhary but the reply has filed by the respn. in 16 days with for hearing on interim prayer on 31.1.90  later on the date is changed to 29.7.90  le	
		OR No reply filed. Case is not admitted Case is submitted for admission learn + much  L 15/1

forward copy  
to V.K. Ch  
D.S.C  
C/o Banishankar  
13-2-90

New copy  
of order  
dt 29/1/90  
M. Dubey  
1/2/90

Dinesh

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985

Central Administrative Tribunal  
Circuit Bench, Lucknow

Date of Filing 15-1-90

Date of Receipt by Post ...

GA 15/90 LG

Deputy Registrar(J)

Nirdosh Kumar Srivastava

... Applicant

Versus

Union of India and others

... Respondents

I N D E X

<u>S.No.</u>	<u>Description of documents relied upon</u>	<u>Pages</u>
<u>COMPLIATION NO. 1</u>		
1.	Application	1 to 9
2.	Annexure 5, true copy of termination order dated 4.1.98	10
3.	Vakalatnama.	
4.	Postal order for Rs. 50/-.	
<u>COMPLIATION NO. 2</u>		
5.	<u>Annexure No. 1</u> Photo copy of appointment order dated 30.8.88.	11
6.	<u>Annexure No. 2</u> , Photo copy of the charge report dated 13.9.88.	12
7.	<u>Annexure No. 3</u> , Photo copy of the charge list dated 13.9.88.	13
8.	<u>Annexure No. 4</u> , Photo copy of the SPOs Sitapur inspection report dated 13.12.89	14 to 17

Signature of applicant

For Use in Tribunal's Office

Date of Filing

Registration No.

for Registrar

Recd ngr for handouts  
Chandhar  
(V. Chandhar)  
Addl Secy  
16.1.90

mentioned in  
the court  
F.T.  
15/1/90

Noted on 16.1.90  
[Signature]



(A2)

Central Administrative Tribunal  
Date of Filing 15-1-90  
Date of Receipt 15-1-90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CENTRAL BENCH  
LUCKNOW

r h  
Deputy Registrar (J)

57A 15 of 1990(L)

Nirdosh Kumar Srivastava aged about 32 years s/o  
Shri Pyare Lal Srivastava, resident of Village &  
p.O. Serva Jalalpur, Distt. Sitapur, working as  
Extra-Departmental Branch Postmaster, Serva  
Jalalpur, Distt. Sitapur.

... Applicant

Versus

1. Union of India, through the Secretary to the  
Ministry of Communication, Government of India,  
Department (Post), New Delhi.
2. Director Postal Services, Lucknow Region, Lucknow.
3. Superintendent of Post Offices, Sitapur Division  
Sitapur.

... Respondents

- - - - -

Details of application :

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

Superintendent of Post Offices, Sitapur  
order no. H-174/E dated 4.1.90 (Annexure A-5).

2. Jurisdiction of the Tribunal :

The applicant declares that the subject  
matter of the order against which he wants redre-  
ssal is within the jurisdiction of the Tribunal.

3. Limitation :

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

91/19 30m

4. Facts of the case :

i) That the applicant had got his name registered in the Employment Exchange, Sitapur with a view to get some employment to earn his living. His name was sponsored by the Employment Exchange alongwith others in response to requisition made by the respondent no. 3 for appointment on the post of extra Departmental Branch Postmaster, herein after referred to as BPM at Surva Jalalpur, P.O. District Sitapur and the applicant having been adjudged to be the most suitable candidate amongst the applicants, was selected for the post and appointed to the post of ED BPM Surva Jalalpur by the respondent no. 2 vide his memo no. H-174 dated 30.8.88.

ii) That the applicant completed all the formalities including medical certificate of fitness and furnishing fidelity bond from the U.P. Postal Primary Co-operative Bank Ltd. Lucknow, income certificate from the Revenue Authority and certificate of his character and antecedents. His annual income was certified as to be Rs. 9600/-. The applicant was appointed against the vacant post on a regular basis. A photo copy of the order dated 30.8.88 is Annexure A-1.

iii) That Serva Jalalpur is a complete Village comprising of Serva and Jalalpur which though in two parts/contiguous with one Gram Sabha and including the hemlets of Sahnaiya, Shankarpur, Mahmadvpur, Lokipur, Bhathaipur and Rampurwa etc. Even in the revenue records the Village is named as Serva Jalalpur and it has one Gram Sabha and one Pradhan and the applicant belongs to Jalalpur

/are

19/8/88

and the Post Office is located in his house.

iv) That the applicant in terms of the appointment order dated 30.8.88 took charge of the Post Office on 13.9.88. Photo copies of the charge report dated 13.9.88 and the charge list of the same date are Annexure A-2 and A-3 respectively.

v) That the applicant has passed High School and his date of birth is 20.1.1958 and ever since his appointment as ED BPM Serva Jalalpur, his work and conduct have been satisfactory without any complaint or adverse remark whatsoever.

vi) That the work of the applicant in the P.O. Serva Jalalpur has been inspected by the Sub-Divisional Inspector, Sitapur (Central), Sitapur on 16.12.88 and by the Superintendent of Post Offices, Sitapur on 6.12.89 with satisfactory result. A photo copy of the inspection report, made by the Supdt. of Post Offices, dated 13.12.89 is Annexure A-4. This report clearly shows that the applicant is a regularly appointed ED BPM.

vii) That the respondent no. 3, abruptly has passed an order dated 4.1.90 terminating the services of the applicant with immediate effect in pursuance of DPS Lucknow Region, Lucknow No. RDL/Staff/C-41/88/3 dated 22.12.89. This order has not been passed by the respondent no. 3 in bonafide exercise of his powers and the respondent no. 2 cannot legally pressurise the respondent no. 3 to pass the said order dated 4.1.90, a true copy of which is Annexure A-5.

viii) That the impugned order dated 4.1.90

17/2/90 3m

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(Annexure A-5) does not disclose the rule under which the respondent no. 3 has sought to terminate the services of the applicant. It also does not disclose the circumstances under which the respondent no. 2 has pressurised the respondent no. 3 to terminate applicant's services. The respondent no. 2 appears to have acted on some extraneous considerations wrongly & prejudicially has been instrumental in compelling the respondent no. 3 to dislodge the applicant from his post. It may be stated that the services of the applicant can be terminated under Rule 6 of the EDA (Service & Conduct) Rule 1964, which reads as under :-

"The service of an employee who has not rendered more than three years continuous service from the date of his appointment shall be liable to termination by the appointing authority at any time without notice."

The service can be terminated by the appointing authority and not by any one else, but in the instant case the orders have been passed at the instance and direction of the DPS Lucknow, who is not the appointing authority. Moreover, although the said Rule 6 empowers the appointing authority to terminate the services of an ED employee, who has not already rendered 3 years continuous service without notice, but this power cannot be exercised arbitrarily or capriciously. There is no arbitrariness known to the Constitution of India. The master has to be

17/2/64 3mm

reasonable, just and fair to the servant. The services can be terminated under certain circumstances only, for instance on medical ground as laid down in DG P&T letter no. 43-23/80 Pen dated 20.2.80, on abolition of post vide DG P&T no. 18/165/Disc dated 3.9.1965 on coming back of the old incumbent or on the work of the employee being found unsatisfactory, but none of these conditions exist in the case of the applicant and the order of termination passed by the respondent no. 3 at the instance of the respondent no. 2 is wholly unjust, arbitrary, unwarranted, malicious, illegal and null & void.

ix) That the said order of termination dated 4.1.90 has not yet been served on the applicant. The applicant has been ill and on leave on medical ground w.e.f. 6.1.90 after providing Shri Dinesh Kumar Srivastava as his substitute under the rules. It has been learnt from Shri Dinesh Kumar Srivastava that the Postal Overseer came with the termination order on 9.1.90 when the applicant had gone to his attending physician and asked him to hand over the charge and on his pleading that he is only a substitute and the charge can be demanded from the applicant only, he (the Postal Overseer) took his statement in writing went back threatening that the applicant shall suffer the consequences.

x) That the applicant still holds charge of the Post Office and continues on the post of ED BPM Serva Jalalpur, but he is threatened with dire consequences and shall suffer irreparable loss unless restrained by this Hon'ble Tribunal.

17/2/94 35m

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xi) That the applicant is a workman under the Industrial Dispute Act 1947 and entitled to the provisions made therein. The applicant has put in more than 15 months of continuous service as ED BPM Serva Jalalpur and he cannot be dislodged from his post without notice as provided under section 25F and 25N of the Industrial Dispute Act. The action of the respondents in terminating applicant's services without following the procedure of I.D. Act and other labour laws is arbitrary, malicious, illegal and null & void.

xii) That in the circumstances, the applicant has no alternative except to approach this Hon'ble Tribunal and file this application for justice and redressal of his grievance.

5. Grounds for relief with legal provisions :

a) Because the applicant was appointed to a vacant post on a regular basis after notification and selection.

b) Because all formalities were observed and the applicant was found to be the best candidate to be appointed to the post.

c) Because the work and conduct of the applicant have been satisfactory.

d) Because there is no contingency to dislodge the applicant from his post.

e) Because under the terms of appointment, there is no occasion to uproot the applicant.

f) Because the order of termination is unwarranted, arbitrary, malicious, prejudicial,

निवेदन

A/3

malafide and null & void.

g) Because the applicant having already worked for more than 15 months continuously cannot be terminated without notice under section 25F and 25N of the I.D. Act 1947.

h) Because the appointing authority has not passed the order in the bonafide exercise of his power.

i) Because the impugned order has been passed on the pressure and initiation of the DPS Lucknow, which is incompetent besides being malicious.

6. Details of the remedies exhausted :

There is no departmental remedy against order of termination and as such the question of preferring departmental remedy does not arise.

The applicant has no alternative but to approach this Hon'ble Tribunal for justice.

7. Matters not previously filed or pending with any other 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 or any other authority or any other Bench of the ~~of the~~ Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought :

In view of the facts mentioned in para 4 above, the applicant prays for following reliefs:

i) That the impugned order dated 4.1.90

19/2/90 gmm

(Annexure A-5) be declared as unjust, unwarranted and illegal and the same be quashed.

~~ii) That the cost of the case be allowed in favour of the applicant as against the respondents.~~

iii) That the cost of the case be allowed in favour of the applicant as against the respondents.

iii) Any other relief deemed just and proper in the circumstances of the case be allowed in favour of the applicant.

9. Interim order, if any, prayed for :

Pending final decision on the application, the applicant seeks the following interim relief:

The operation of the impugned order dated 4.1.90 (Annexure A-5) be stayed and the respondents be restrained to take charge of the Post Office from the applicant.

10. That the applicant shall be presented by the applicant through his Counsel personally.

11. Particulars of Postal Order filed in respect of the application fee. :

No. of postal order : B 02/424921

Name of P.O. of Issue : Lucknow GPO

Date of issue : 13.1.90

Amount : Rs. 50.00

Post Office where payable : Allahabad GPO

12. List of enclosures :

Annexures A-1 to A-5 as detailed in the

Index.  
LUCKNOW

Dated : 15.1.90

M. Dubeey  
Adv.

Applicant

VERIFICATION

I, Nirdosh Kumar Srivastava s/o Shir Pyare Lal



AS

- 9 -

Srivastava, aged about 32 years working as ED  
BPM, Serva Jalalpur, District Sitapur do hereby  
verify that the contents of paras 1 to 4, 6, 7  
and 10 to 12 are true to my personal knowledge and  
those of paras 5, 8 and 9 are believed to be true  
on legal advice and that no material facts have  
been concealed.

LUCKNOW

Dated : 15.1.90

*[Signature]*  
Applicant

(10)  
MB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CENTRAL BENCH  
LUCKNOW

ANNEXURE - A5

Department of Posts

O/e The Supdt. of Post Offices, Sitapur DIN 261001

Memo No. H-174/E dated Sitapur the 4.1.90

Present orders of DPS Lucknow Regional Lucknow

No. RDL/Staff/C-41/88/3 dated 22.12.89. The

services of Sri Nirdosh Kumar ED BPM Sarva Jalalpur  
are hereby ordered to be terminated with immediate  
effect.

Sd. RsS. Gupta  
Supdt. of Post Offices  
Sitapur

Copy to :

1. Sri Nirdosh Kumar Srivastava, ED BPM  
Sarva Jalalpur.
2. The SDIP Central Sub DN Sitapur in duplicate  
for delivering one copy under receipt to  
Sri Nirdosh Kumar Srivastava EDBPM Sarva Jalalpur  
and getting him relieved by engaging Overseer  
atonce. He may return one receipted copy  
with his compliance report.
3. The Postmaster Sitapur.
4. 50/C & spare :

*17-2-90 M. D.*

*Attested  
True copy  
M. D. Singh  
SDO*

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ब अदालत भीमान CAT, Circuit Bench, Lucknow

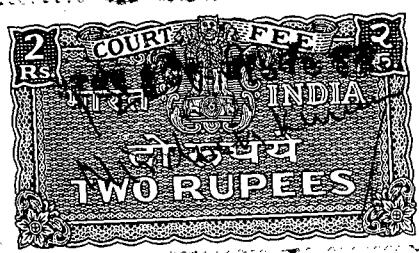
महोदय

[बादी अपोलान्ट]

Mirdosh Kumar Givernam

प्रतिवादी [रेस्पाडेन्ट]

का वकालतनामा



(अपोलान्ट)

Mirdosh Kumar Givernam

बनाम 409 Me

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री B. Solomon Advocate

M. Duley Advocate

वकील

महोदय

एडवोकेट

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकत

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपोल निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होबा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर... B. Solomon Advocate

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... 12 ... महीना ... 1 ... सन् १९०६ ई०

स्वीकृत

B. Solomon Adv.

M. Duley Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW  
O.A. No. of 1990

(A18)

Nirdosh Kumar Srivastava vs. Union of Indian & Others

ANNEXURE A-1

DEPARTMENT OF POSTS.

OFFICE OF THE SUPDT. OF POST OFFICES, SITAPUR DN. 261001

Memo No. H-174/E

Dated at STP the, 30.8.88

Shri. Nirdosh Kumar Srivastava <sup>son of Sri. Pyare Lal Srivastava</sup>  
is hereby appointed as ED. B.M. <sup>Soyu Talabpur</sup> ~~from~~  
~~immediate effect forenoon/afternoon.~~ He shall be p-  
such allowances as are admissible from time to time.

2- Shri. Nirdosh Kumar Srivastava <sup>should</sup> clearly understand  
that his employment as ED. B.M. <sup>Soyu Talabpur</sup> shall be in the nature of  
a contract liable to be terminated by him or by the undersigned  
by notifying the other in writing and that his conduct and  
service shall also be governed by the Posts and Telegraphs  
Extra Departmental Agents (Conduct and Service) Rules, 1964,  
as amended from time to time.

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

Supdt. of Post Offices,  
Sitapur Dn. 261001

Copy to:-

Recd

1- Sub Divisional Inspector (P.O.) Sitapur. . . . for in-  
formation. The charge may be given to Sri. . . . .  
after observing usual formalities as fitness etc., F.D. n  
and DPDC under information to this office.

- 2- Sri. Nirdosh Kumar Srivastava <sup>to Sri. Pyare Lal Srivastava</sup>  
<sup>810 Talabpur (Bhandia) Sitapur</sup>  
3- P.M. Sitapur for information and n/a.  
4- D/C.

R.B./-12588

Witnessed  
Time 2/11/88  
M. Duhang  
Bhaskar

In 2/11/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW  
O.A. No. of 1990

Nirdosh Kumar Srivastava vs. Union of Indian & Others

ANNEXURE A-2

ए.सो.जी.-61 भारतीय डाक-तार विभाग

A. C. G. -61 INDIAN POSTS AND TELEGRAPHS  
DEPARTMENT

दिखिए नियम 267. डाक-तार वित्त पुस्तिका खण्ड 1)  
(द्वितीय संस्करण)

See Rule 267. Posts and Telegraphs Financial Handbook  
Volume 1 (Second Edition)

चार्ज की वस्तु (वस्तु) चार्ज रिपोर्ट और नकदी और मोहरों  
की रसीद

Charge Report and Receipt for cash and stamps on transfer  
of charge

प्रमाणित किया जाता है कि

Certified that the charge of the office of

श्री राम कुमार शर्मा (नाम) ने 13/9/88 को  
was made over by (name)

(नाम) को श्री नरेश कुमार शर्मा (स्थान पर) को  
to (name) - श्री नरेश कुमार शर्मा (स्थान पर)

तारीख 13/9/88 को पूर्वानुमति में  
अपराह

on the (date) fore noon in accordance with  
after

सं. 174/E तारीख 30/8/88 के अनुसार दे दिया  
No. Date from

भारतमुक्त अधिकारी EXPT. 13/9/88  
Relieved Officer (Signature) (Date)  
श्री नरेश कुमार शर्मा 13/9/88  
13-9-88 U.F. (P.T.O.) 13-9-88

निर्देशक

Attested  
true  
M. D. Singh  
Adv

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW  
O.A. No. of 1990

Nirdosh Kumar Srivastava vs. Union of Indian & Others

ANNEXURE A-3

श्री १०३७३७७७ सरकारी जलपुल्ल डुल (नोडिया) सौताइल में मिले सोमन  
नो सुचि

- |       |                                      |   |
|-------|--------------------------------------|---|
| ✓ 1   | मोदी मोदी EXPTL P.O. 10226 एक्सप्रीट | ✓ |
| ✓ 2   | सौल मोदी                             | ✓ |
| ✓ 3   | जलपुल्ल                              | ✓ |
| ✓ 4   | रबर डुल                              | ✓ |
| ✓ 5   | सिन्हा                               | ✓ |
| ✓ 6   | सौल डुल                              | ✓ |
| ✓ 7   | मोदी मोदी                            | ✓ |
| ✓ 8   | मोदी F 3                             | ✓ |
| ✓ 9   | लेटर नोड - 26/3/88                   | ✓ |
| ✓ 10  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 11  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 12  | R.D नोड - 26/3/88                    | ✓ |
| ✓ 13  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 14  | डुल नोड                              | ✓ |
| ✓ 15  | डुल नोड                              | ✓ |
| ✓ 16  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 17  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 18  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 19  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 20  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 21  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 22  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 23  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 24  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 25  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 26  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 27  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 28  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 29  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 30  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 31  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 32  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 33  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 34  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 35  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 36  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 37  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 38  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 39  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 40  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 41  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 42  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 43  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 44  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 45  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 46  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 47  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 48  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 49  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 50  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 51  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 52  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 53  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 54  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 55  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 56  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 57  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 58  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 59  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 60  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 61  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 62  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 63  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 64  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 65  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 66  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 67  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 68  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 69  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 70  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 71  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 72  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 73  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 74  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 75  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 76  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 77  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 78  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 79  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 80  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 81  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 82  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 83  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 84  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 85  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 86  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 87  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 88  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 89  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 90  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 91  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 92  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 93  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 94  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 95  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 96  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 97  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 98  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 99  | डुल नोड - 26/3/88                    | ✓ |
| ✓ 100 | डुल नोड - 26/3/88                    | ✓ |

श्री १०३७३७७७ सरकारी जलपुल्ल डुल (नोडिया) सौताइल में मिले सोमन  
नो सुचि

निदेशि गुप्त

M. D. Singh  
M. D. Singh  
M. D. Singh

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW  
O.A. No. of 1990

Nirdosh Kumar Srivastava vs. Union of Indian & Others

ANNEXURE A-4

Visited EDBO Sarwa Jalalpur in account with Bhandia SO under Sita pur HO on 6.12.89 at 9.30 and stayed there upto 17.30 for carrying out its annual inspection. Its last inspection was carried out by Sri Tanveer Ahmad SDI(C) on 16.12.88. During this period Sri Nirdosh Kumar Srivastava worked as BPM. Sri Nirdosh Kumar Srivastava is a regularly appointed BPM vide SPO's Sitapur no.H-147/E dt. 30.8.88 and he has furnished secty. and is having income of Rs.9600/- approximately vide Tehsildar Sidhauri letter no.Nil dt.5.4.89 which is considered to be adequate. The BO is functioning in the Jalalpur village which is the PO village. The PO is opened on 26.3.88.

2. The sanctioned establishment of this BO with the name of the incumbents as under;

S.No.	Design- ation	Allowance	Name	D/B	Date of appointment
-------	------------------	-----------	------	-----	------------------------

- |    |      |       |                                 |         |         |
|----|------|-------|---------------------------------|---------|---------|
| 1. | BPM  | 397-  | Sri Nirdosh Kumar<br>Srivastava | 20.1.58 | 30.8.88 |
| 2. | EDMP | 363/- | Sri Rajendra Pd.<br>Srivastava  | 25.1.60 | 7.7.89  |

3. Verified cash and stamp balance of the BO with satisfactory result.

a) The BPM is keeping sufficient stock of postage stamps and has kept it properly.

b) Examined the contents of BO bag received today. The articles received in bag are shown in Annexure II.

c) The traffic of unregistered mail was compared with the ER and VR with satisfactory result.

4. There is nothing in deposit today.

5. Checked the balance of BO account for one day selected at random in each quarter since last inspection with reference to balance including P/S due on unpaid articles noted by the AO on BO slips with satisfactory result.

8.2.89, 13.5.89, 4.8.89, 6.11.89

6. Examined the BO account for one day in each month since last inspection to see that the BPM has not retained excess cash unjustifiably. The result was satisfactory. Although there were liabilities of MO payment on 23.2.89 and cash was retained for it but the liabilities were not entered in the remark column of BO account. BPM was instructed to avoid irregularity. Similar mistakes were found on 17.3.89, 23.11.89, 23.10.89.

7. Checked the arrangement of mail, cash with Account office with satisfactory result.

.....2

*[Signature]*

8. Checked 80 receipt book with the following observations;

i) receipt no.3 dt.3.1.89 for Rs.250/- to receipt no.12 dt.29.8.89 for Rs.41.60 were issued, no.13 to 100 blank. The extract of this para was forwarded to AO for verification and return.

ii) There is cutting in receipt no.8 and corrections have been made. This is not proper. BPM was instructed for future.

b) No VP has been received in this 80 since last inspection.

9. Efforts were made to collect the 80 receipt from the remitter but no receipt could be obtained.

10. The 80 bag was received in sound condition. The mail arrangement should be examined by the SDI and change the timings of receipt and dispatch of mails and hours of business of the office.

11. Checked SB-26 receipt book with the following observations;

i) From book no.171522 receipt no.24 dt. 5.1.89 for 900/- to 50 dt.1.4.89 for Rs.600/-, from book no.179521 receipt no.01 dt.8.4.89 for 1000/- to 32 dt.1.12.89 for 350/- were issued. receipt no.33 to 50 are blank. The extract of this para was forwarded to AO for verification and return.

ii) Receipt no.01 dt.8.4.89 PB has been delivered to the depositor after obtaining thumb impression but no identification has been taken. Similarly in respect of receipt no.24 dt.4.9.89 the PB has been delivered on thumb impression but no identifications has been obtained. BPM has been instructed. He should obtain identification on thumb impressions of the depositor.

iii) In some cases date of delivery of PB has not been noted by the depositors. BPM should ensure that the date ~~should~~ be noted on each receipt.

12. Examined specimen signature book of different type of accounts with the following observations;

i) The BPM is not noting account no. in the SS, he has also not noted account numbers of the account opened on 25.9.89 and 7.10.89.

13. Examined SB-28 receipt book. Book no. 69640 is in use, receipt no.01 dt.16.1.89 to 28 dt.1.12.89 has been issued, 29 to 50 are blank. i) Receipt no.19 dt.10.8.89, the PB has been delivered to the depositor on 23.8.89 on thumb impression without obtaining identification. Similar is the case with receipt no.16,9. BPM should obtain identification on thumb impressions

*Signature*



16  
P20

14. Checked the totals of transaction of 4 dates as under with satisfactory result. An extract of this para was forwarded to A.O. for verification and return.

Date	SB		RD		TD	
	D	W	D	W	D	W
13.2.89	450-	-	40.20	-	-	-
15.5.89	500-	100-	-	-	-	-
5.8.89	-	-	30-	-	150-	-
29.11.89	-	239-	40.20	-	-	-

15. Obtained the following PBs from the depositors and verified their balances with journal with the following results. An extract of this para be forwarded to PM Sitapur for verification and return and result should be put up to me.

A/C No.	DLT	D.	W/D	Balance
1405964	27.10.89	-	100-	220-
1405944	29.11.89	-	139-	20-90
1405764	31.10.89	400-	-	619-70
1405813	26.10.89	1320-	-	1370-

b) following TD/RD PBs were obtained from depositor and verified balances. An extract of this para be forwarded to PM for verification and return.

7162070 RD	30.11.89	150-	-	500-
290021 TD	1.12.89	350-	-	350-

16. The BO has not been authorised for NSC work independently. The BO is using NC-4(a), book no.84371 in use. Receipt no.01 for 100/- dt. 28.2.89 to 03 dt.5.10.89 were issued. receipt no. 4 to 50 are blank.

✓ b) The BPM is not sending original receipt after deliver of NSC to A.O. Receipt no.01 and 02 is lying in the receipt book. BPM should send these receipts to A.O.. In future BPM should send original and duplicate to AO.

i) In respect of receipt no.02 the BPM has delivered the KVP after obtaining thumb impression. No identification has been obtained by the BPM. He should obtain identification in future.

17. Examined the stock register. The following articles should be supplied to this BO. Record Box-1, Working hours board 9.30 to 10.00 and 12.30 to 15 hrs., NSC guard file-2, Letter Boxes-3 alongwith locks, Order book, One set of weight.

18. The error book has been maintained in the prescribed form but it was observed that the extract of errors has not been forwarded to SDI. BPM was instructed for future.

.....4

*[Handwritten signature]*

*[Handwritten note in Hindi]*

*[Handwritten note in Hindi]*

19. The complaint and suggestion book was found blank.

20. Compliance of last IR has been made by the BPM.

21. The quality of previous inspection done by the SDI is satisfactory.

22. Compliance of the above remarks should be submitted within 15 days to SDI(C).

( R.S.Gupta )  
Supdt.of Post Offices  
Sitapur Dn.261001.

No.IR/Sarwa Jalalpur/SP/89 dt. 13.12.89

*Resd*  
Copy to: 1. The BPM Sarwa Jalalpur (Bhandia)  
2. The SDI(C) Sitapur.  
3. O/C  
4. Spare

*Noted  
true copy  
M. Duhur  
Advocate*

*in 27/12/89*

(P2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

O.A No.15/90(L)

Nirdosh Kumar Srivastava

.. Applicant

-vs-

Union of India and others

.. Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS 1,283

I, R.S. Gupta, aged about 51 years, son of late Shri K.D. Gupta at present posted as Supdt. of Post offices, Sitapur Division, Sitapur do hereby solemnly affirm and state as under:-

1. That the deponent is Respondent No.3 in the above noted case and as such he is well conversant with the facts of the case and he has been authorised to file this counter affidavit on behalf of all the Respondents.

2. That before giving the parawise comments it is necessary to give brief history of the case as detailed below:

(a) That intimation regarding ~~selection for~~ opening of an Extra Departmental Branch Post office, Sarwa Jalapur was received from the Director of Postal Services, Lucknow Region, Lucknow vide his letter No.FDL/PLG/E-747/81/4 dated 21.4.84.

It was intimated in this letter that EDBPO Sarwa -



④  
28.1.90

Jabalpur has been selected for opening during the financial year 1984-85 and it was also instructed in this letter that the formalities regarding appointment of EDBPM etc. should be got completed so that the post office can be opened during the financial year. In response to this a general notice was issued vide letter No. HP/Sarwa Jalpur dated 19.5.84 inviting applications from eligible candidates for appointment as <sup>✓</sup>EDBPM Sarwa Jalalpur.

Copy of this notice was given to Employment officer Sitapur and Pradhan Gram Sabha Sarwa Jalalpur etc. In response to this Employment officer vide his letter No. 114/88/5605 dated 16.6.84 sent the names of three candidates viz. Sri Subhakaran Singh, R/o. Sarwa Jalalpur, Sri Shir Ram Yadav, R/o. Sahnaiya and Sri Bhagauti Singh R/o. Sarwa Jalapur. As per rules the bonafide of residence and availability of suitable safe accommodation for post office provided by each candidate was got verified by the S.D.I. concerned. To complete the formalities regarding appointment District Magistrate and Supdt Police were addressed to verify financial position and character etc. on 8.8.84. Sri Bhagauti Singh was also

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28.1.90

*[Signature]*

APB

addressed to send his original certificates for verification on 8.8.84. These formalities were completed and before appointment of EDBPM was made and Post office was opened, information was received that the Post office should not be opened. Therefore, no appointment was made and post office was not opened. Nothing done from 1984 till Feb.88. In March 88, sanction for opening of <sup>o</sup>Office Sarwa Jalalpur was received. Employment officer Sitapur was addressed to send the names of eligible candidates for consideration of appointment as EDBPM. In response to this employment officer 3 Sitapur vide his letter No.115/Dockpal/88/2964 dated 11.4.88 sent the names of Sri Bhagauti Singh R/o. Sarwa Jalalpur and Sri Nirdosh Kumar R/o. Sri Sarwa Jalalpur . Since at least three applications are needed to make an appointment as per rules a general notice was issued on 15.4.1988, calling for application from General public for appointment as EDBPM. In response to this applications of Sri Subhkaran Singh R/o. Jalapur Sahraiya, Sir Nirdosh Kumar Srivastava R/o. Jalalpur and Sri Bhagauti Singh R/o. Sarwa were received. Necessary formalities regarding character etc. were made and appointment of Sri Nirdosh Kumar- Srivastava , r/o. Jalalpur was made on the basis of rules on the subject on 30.8.1988 and appointment

28.1.90

*[Signature]*

PP-1

was issued. Sri Nirdosh Kumar ~~Took~~ charge as  
BPM on 13.9.88. Since then he was continued as  
BPM. A complaint was lodged by Sri Bhagauti Singh  
to the Director of Postal Service, Lucknow Region,  
Lucknow and his complaint was investigated and Director  
of Postal Service Lucknow Region, Lucknow vide his letter  
No. Nidal/Staff/C-41/88/3 dated 22.12.1989 ordered  
cancellation of appointment of Sri Nirdosh Kumar  
Srivastav and appointment of Sri Bhagauti Singh as  
EDBPM Sarwa Jalalpur. In pursuance of these orders  
the services of Sri Nirdosh Kumar were ordered to  
be terminated vide letter No. H.174/E dated 4.1.90.  
After receiving the termination letter, Sri Nirdosh  
Kumar Srivastav gave charge to one Sri Dinesh Singh.

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

4. That the contents of para 4(i) of the  
application needs no comment except that he was  
appointed as EDBPM.

5. That the contents of para 4(ii) to 4(vi)  
of the application needs no comment from the

answering Respondent. *except- That- Sarwa and Jalalpur  
are separately located one km away from each other  
and are not contiguous.*

6. That in reply to the contents of para 4(vii)  
of the application it is submitted that the termination  
order was passed in pursuance of Director of Postal

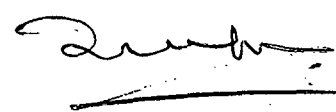
*[Signature]*

(125)

Service, Lucknow Region, Lucknow No.RDL/Staff/C-41/  
88/3 dated 22.12.89.

7. That in reply to the contents of para  
4(viii) of the application it is submitted that there  
is no need to disclose the rule in the order but the  
services were terminated under rule 6 of E.D.As (Conduct  
& R. Service) Rules 1964 by SPOs who is competent  
authority. The Director of Postal Services has powers  
to ~~xxxxxx~~ review and cancel appointment made  
by the answering Respondent vide DG P&T No. 4382/80 Pen  
17.4.80 dated 17.4.80. A copy of the said letter is  
being filed herewith as ~~Gxx~~ Annexure C-1 to this  
counter affidavit. Under the said letter the Director,  
Postal Services can direct the SPOs regarding all  
matters of appointment of EDBPM and review his work  
and it is the duty of the SPOs to follow the instructions  
of the Director of Postal Services and as such the  
contention of the applicant is not admitted, being  
false.

8. That in reply to the contents of para 4(ix) of  
the application it is submitted that the applicant  
received the order of termination himself and handed over  
charge of EDBPM Sarwa Jalalpur to Sri Dinesh Kumar when  
he knew about termination of his services. He is not



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-6 -

holding the post of EDBFM.

9. That in reply to the contents of para 4(x) of the application it is submitted that the applicant does not hold the charge of the office because he has handed over the charge and one Sri Dinesh Kumar is holding ~~the~~<sup>✓</sup> charge.

10. That in reply to the contents of para 4(xi) of the application it is submitted that it is incorrect, <sup>✓</sup> as per EDAs (Conduct & Service) Rules 1964 Services of an EDBFM can be terminated at any time without any ~~notice~~<sup>✓</sup> or ~~reason~~<sup>✓</sup> under rule 6 of the E.D.As (Conduct and Services) Rules 1964. Rule 6 of the E.D.As (Conduct & Services) Rules 1964 reads as follows:-

" The services of an employee who has not already rendered more than three years continuous services from the date of his appointment shall be liable to termination by the appointing authority at any time without notice." and in compliance to this rule services were terminated.

11. That the contents of para 4(xii) of the application needs no comment. Further it is stated that the applicant has not exhausted all departmental channels,



ADT

12. That the contents of para 5(a) to 5(c) of the application needs no comment.

13. That in reply to the contents of para 5(d) of the application it is submitted that the services of the applicant were terminated on receipt of a complaint regarding irregular appointment of the applicant.

14. That the contents of para 5(e) and (f) of the application needs no comment.

15. That in reply to the contents of para 5(g) of the application it is submitted that the services of the applicant were terminated under the provisions of rule 6 of EDAs (Conduct & Services) Rules, 1964, wherein ~~xxxxxx~~ the appointing authority has the power to terminate the services of an ED Agent without notice and without assigning any reason, <sup>if</sup> the services of the applicant is less than three years.

16. That ~~xxx~~ in reply to the contents of para 6 of the application it is stated that the applicant has not exhausted all the channels of the department before filing this application in the Hon'ble CAT.

M  
28.1.90

*[Signature]*

17. That the contents of para 7 of the application needs no comment.

18. That the relief sought by the applicant para-8 of the application, it is submitted that he in ~~this para~~, is not entitled to get any interim relief or other reliefs as the action taken by the answering Respondent is rightly done in pursuance of the existing rules/instructions, as stated in the foregoing paragraphs.

19. That in reply to the contents of para 9 of the application it is submitted that the answering Respondent is the appointing authority of the EDBPM including the applicant and he is also empowered to terminate the services of EDBPM(ED Agents) without notice and without assigning any reason if the services of the ED Agent is less than three years under Rule 6 of EDAs(Conduct & Services) Rules 1964.

20. That the contents of para 10 of the ~~application~~ application needs no comment.

21. That the contents of para 11 of the application needs no comment.

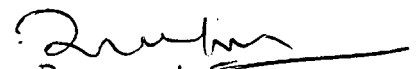
22. That the contents of para 12 of the application needs no comment.

Dr. M. S. Srinivasan

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23. That in view of the facts and circumstances stated above, the application filed by the applicant is liable to be dismissed with costs against the applicant.

  
Deponent.


Lucknow,

Dated: 28<sup>th</sup> January, 1990.

Verification.

I, the above deponent named above do hereby verify that the contents of paragraphs 1 to 22 are true to my personal knowledge and those of paragraphs 2 to 22 are believed to be true on the basis of perusal of office records as well as information gathered and those of paras

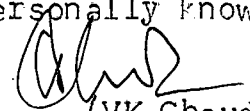
to 23 are believed to be true on the basis of legal advice. Nothing material fact has been concealed and no part of it is false.

  
(Rajendra)  
Deponent.

Lucknow

Dated 28<sup>th</sup> January, 1990.

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

  
(VK Chaudhari)

Advocate, High Court Lucknow Bench  
Addl Standing Counsel for Central Govt  
(Counsel for the Respondents)

Lucknow,

Dated: 28.1.90

Me 27  
Date 28.1.90

Annexure - 1

**DIRECTOR-GENERAL'S INSTRUCTIONS**

(1) Reference is invited to the Directorate's Letter No. 43-82/80-Pen., dated 23-4-80, containing instructions regarding making selection of EDAs by the Regional Director, Postal Services. The position has been reviewed. It has been decided, in supersession of the instructions contained in para.1 of the Letter, dated 23-4-80, to restore the *status quo ante*. The selection of EDAs will, henceforth, be made by the respective appointing authorities enumerated in the P. & T. Extra-Departmental Agents (Conduct & Service) Rules, 1964.

It has, however, been decided that the Regional Directors should carry out a scrutiny of 10% of appointments made to ED posts at the time of inspection. They will also have to ensure that 10% of the appointments made in respect of each Sub-Division are scrutinised.

[ D.G., P. & T., ND. No. 43-82/80-Pen., dated 4-11-80. ]

(2) The amendment under reference (*vide* Notification, dated 3rd September, 1983) has been made consequent upon the upgradation of five posts of SPOs/SSPs in the States of Nagaland, Manipur, Tripura and Union Territories of Mizoram and Arunachal Pradesh into Director, Postal Services, because the Director, Postal Services, has been asked to function as the Head of the Division as well.

[ D.G., P. & T., Letter No. 1073/83-Vig. III, dated the 17th April, 1984. ]

TC initiated  
[Signature]

[Signature]  
28-1-90

( V. K. Chandra )  
Mdl. Cen. Govt. Standing Council  
High Court, Lucknow Bench