

(5)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

O.A. No. 496 of 1989  
~~Ex. No.~~

DATE OF DECISION 6.4.1992

Shri Khusilal Keta & Ors. Petitioner

Shri R.K. Mishra Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

- (6)
1. Khusilal Keta
  2. Narottam Jiblu
  3. Dutia Murali
  4. Gaurav Biswanath
  5. Babu Lal Duria
  6. Bishnu Maina
  7. Karna Lobo
  8. Chekra Kamar
  9. Keshaba Ramghunath
  10. Shakarnand Jani
  11. Nathu Dhanesaro
  12. Sansara Madhava
  13. Lakhan Rutu
  14. Ulasa Bhagwath
  15. Vaidi Dharmu
  16. Harabati Chakra
  17. Mukta Kishan
  18. Gaitri Dhaneswar
  19. Champa Manjit
  20. Sumati Kiso
  21. Akura Sundar Sahai
  22. Shyam Kumar Aneshwar
  23. Lal Mohan Gansiram
  24. Prabha Kalindru
  25. Aneshwar Dhan Singh
  26. Ghanav Ugare
  27. Gokul Gopal
  28. Alrek Diraju
  29. Rajendra Kumar
  30. Durga Alekhram
  31. Jay Surdhan
  32. Sadmani Madhu
  33. Padumati Manhar
  34. Sumitra
  35. Mungta Bono
  36. Tirasao
  37. Supara Kadul
  38. Revti Bhakt
  39. Champa Kailash
  40. Lalita
  41. Vimla
  42. Savita Balaji
  43. Urmila Chamara
  44. Girdhari Arjun
  45. Suresh Mangal
  46. Gopal Budhan
  47. Rama Shankar Parveshrai
  48. Shambu Prasad Arjun
  49. Makran Banmali
  50. Rupaben Dhoba
  51. Ulav Atmaram
  52. Pano Arjun
  53. Sushila Arjun
  54. Vimla Kobi
  55. Linebati Arjun
- ..... Applicants.

Gangmen, CPWI, Western Railway,  
Bharuch,  
C/o. H.J. Gupta, Sant Kabir Nagar,  
Akota, Nr.Rly Line, Baroda.

(Advocate: Mr.R.K. Mishra)

Versus.

- 1) The Union of India, through  
Divisional Railway Manager,  
Western Railway, Baroda.

- 2. Sr. Divisional Engineer-I,  
Western Railway,  
Pratapnagar,  
Baroda.
- 3. Chief Public Works Inspector (CPWI)  
Western Railway,  
Bharuch.

(Advocate : Shri N.S. Shevde)

O R A L - O R D E R

O.A. No.496 of 1989

Date :- 6.4.1992..

Per : Hon'ble Shri R.C. Bhatt : Member (J)

None is present for the applicants. Shri N.S. Shevde, learned advocate of the respondents is present. This application is filed by 55 applicants seeking relief that the action of respondent in transferring the applicant from Bhavnagar to Maliya Miana or elsewhere is violative of service condition as provided in para 2501 of the Railway Establishment Manual, and hence the transfer orders be quashed and set aside. An order was passed by this Bench on 22.11.1989 by which the respondents were asked to maintain 'Status Quo' which continues till today. The respondents have filed reply contending that the applicants have not produced any orders which are sought to be impugned and they are not entitled to any relief. The respondents have also not produced any writtent order of transfer to the applicants.

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2. As none is present for the applicants, it is necessary to consider the averments made in the application of the applicants and the documents produced by them. It is the case of the applicants that they had filed Special Civil Application No. 4023 of 1989 before the High Court of Gujarat for order <sup>obtaining</sup> that they should not <sup>be</sup> transferred from the present place where they are working and notice was issued by the High Court of Gujarat, produced at annexure A/1. Thereafter, the application was admitted after hearing the parties and the interim relief was continued. Ultimately the applicants approached this Tribunal. It is the case of the applicants that they are Casual Labourers and that the transfer is not the service condition as per para 2501 of Railway Establishment Manual, and hence, the respondents have no legal right to transfer the applicants. Learned advocate for the respondents submitted that though the respondents have not produced the order under challenge, according to him, it was deployment order offering work to the applicants at Maliya Miyana, <sup>but</sup>, due to the order of 'Status Quo' by this Tribunal, the respondents have not implemented that order and the respondents will not implement that order. In view of this statement before the Tribunal, by learned advocate for the respondents the following order is passed:-

O R D E R

In view of the statement of learned

res

advocate for the respondents, Mr. N.S. Shevde, that the respondents shall not implement the order of deployment of applicants to Maliya Miyana, referred <sup>to</sup> in their reply, the application ~~does~~ not survive any more. This application is disposed of without any further order on the basis that the respondents will not implement the order of deployment referred to in their reply. The application is disposed of with the observation that in case the respondents want to transfer or deploy the applicants elsewhere from the Station where they are working at present, it would be open to the applicants to move this Tribunal. No order as to costs.



(R.C. Bhatt)  
Member (J)

\*Ani.

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD.

Submitted ;

C.A.T./JUDICIAL  
SECTION.

Original Petition No.: 496 of 89.

Miscellaneous Petition No. - of -.

Shri Khusida Kefa & Co Petitioner(s).

Versus.

Union of India & Co Respondent(s).

This application has been submitted to the Tribunal by Shri A K Mishra under Section 19 of the Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application <sup>has</sup> is not been found in order for the ~~same~~ reasons indicated in the check list. The applicant may be advised to rectify the same within 21 days/Draft letter is placed below for signature.

✓ 1 ✓ para 1 & 2, 10.

2 Application is not signed by all the party.

✓ 3 ✓ Document or not certified in true copy.

✓ 4 ✓ Thumb impression not identified in true copy

✓ 5 ✓ Copy of CA not served to other side.

20/11

Ans

Document are not properly marked as A-A1 - Column 29. before any court not mentioned.

We may

matter pending accordingly.

(on leave)  
20/11


[Signature]  
21/11/89

Adv has complied obj except of no & so put up for  
order

2  
21/11  
Ans  
20  
over

Adv. for applicant has removed  
office ~~obj.~~ & underlating given  
recy. signature of the applicants.

We may now put-up for  
admission on 22/11/88 as per  
direction <sup>on</sup> urgent vale.

  
A. P. S. D. S. 27/11/88.  
24/11/88

CENTRAL ADMINISTRATIVE TRIBUNALAHMEDABAD BENCH

APPLICANT (S)

Khwaital Ketai & Co

RESPONDENT(S)

Union of India & OrsPARTICULARS TO BE EXAMINEDENDORSEMENT AS TO  
RESULT OF  
EXAMINATION.

- |    |   |                  |
|----|---|------------------|
| 1. | Is the application competent ?  | Y                |
| 2. | (A) Is the application in the prescribed form?  | Y                |
|    | (B) Is the application in paper book form ?   | Y                |
|    | (C) Have prescribed number complete sets of the application been filed ?  | Y                |
| 3. | Is the application in time ?  | Y                |
|    | If not, by how many days is it beyond time ?  | -                |
|    | Has sufficient cause for not making the application in time stated ?  | -                |
| 4. | Has the document of authorisation/ Vakalat Nama been filed.?  | Y                |
| 5. | Is the application accompanied by B.D./I.P.O. for Rs.50/-? Number of B.D./I.P.O. to be recorded.                | 6 194260         |
| 6. | Has the copy/copies of the order(s) against which the application is made, been filed ?                         | 100 (Coal order) |
| 7. | (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed ? | Y                |
|    | (b) Have the documents referred to in (a) above duly attested and numbered accordingly ?                        | Y                |
|    | (c) Are the documents referred to in(a) above neatly typed in double space ?                                    | Y                |
| 8. | Has the index of documents has been filed and has the paging been done properly ?                               | Y                |

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO BE RESULT OF EXAMINATION.

- 9. Have the chronological details of representations made and the outcome of such representation been indicated in the application? Y
- 10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal? not mentioned
- 11. Are the application/duplicate copy/spare copies signed? Y
- 12. Are extra copies of the application with annexures filed. Y
  - (a) Identical with the original.
  - (b) Defective.
  - (c) Wanting in Annexures  
No. \_\_\_\_\_ Page Nos. . \_\_\_\_\_ ?
  - (d) Distinctly Typed ?
- 13. Have full size envelopes bearing full address of the Respondents been filed? M
- 14. Are the given addressed, the registered addressed? Y
- 15. Do the names of the parties stated in the copies, tally with those indicated in the application? Y
- 16. Are the transactions certified to be true or supported by an affidavit affirming that they are true? Y
- 17. Are the facts for the cases mentioned under item No.6 of the application. Y
  - (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, stated with reasons? Y

Y  
checked:  
MPLA  
21/11/88

Kansibhai Sathur  
v/s

union of India

O.A 497 89

As the Common Cause of

petition of all the applicant are the  
same so please a common application  
may please be all

?

For R.K. Mishra

A. D. Kumar

R. K. Mishra

[Advocate]

## URGENT NOTE

To  
The Registrar  
High Court of Gujarat,  
Ahmedabad. *CAT*

Sir,

*O.A*

Subject :

Be pleased to direct the office to place the matter above mentioned before the Court for admission on 21-11-85 as I want to obtain stay / in junction/bail order. I personally undertake to remove all the office objections including Court fee stamp.

*if any, Sir kindly circulate the matter for urgent orders on 21-11-85*

Thanking you,

Ahmedabad.

Yours faithfully,

*Since Interim Relief granted expires on 24-11-85 & orders of the Hon'ble Court, have been commuted thereupon so kindly oblige by circulating the matter on Board for orders*

Date *20-11-85*

Advocate for the (Petitioner)

Ado after verification by  
office it be placed as  
per rules & procedure  
Office

20/1/88

5150 5331/89  
20/11/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH AT AHMEDABAD

DIST : BARODA.

ORIGINAL APPLICATION NO. 496 OF 1989.

Khusilal Keta & Ors. ... Applicants.

V/s

Western Rly ... Respondents

Advance copy  
sent on Mr Advance  
for Respondents

INDEX

Annex	Particulars	Pages
-	Memo of Application	1 to 12
A1	Copy of <sup>order</sup> judgement of the Hon'ble Gujarat High Court in Spl.C.A.No. 4023 of 1989.	13
A2	Copy of judgement dated 10.11.1989 in Misc.C.A. No.1053 of 1989.	14

DD 6/11/89  
560

RKM  
2+3

Place : Ahmedabad.  
Dated : 20 11.1989

( R.K.Mishra )  
Advocate  
for the applicants

I undertake to obtain signature of  
All applicants within reasonable  
time

38. Revti Bhakt  
39. Champa Kailash  
40. Lalita  
41. Vimla  
42. Savita Balaji  
43. Urmila Chamara  
44. Girdhari Arjun  
45. Suresh Mangal  
46. Gopal Budhan  
47. Rama Shankar Parveshrai  
48. Shambu Prasad Arjun  
49. Makran Banmali  
50. Rupaben Dhoba  
51. Ulav Atmaram  
52. Pano Arjun  
53. Sushila Arjun  
54. Vimla Kobi  
55. Linebati Arjun
- ... APPLICANTS

V/s

*The Union of India thru*

1. Divisional Rly Manager,  
Western Rly., Pratapnagar,  
Baroda.
  2. Sr.Divisional Engineer-I,  
Western Rly, Pratapnagar,  
Baroda.
  3. ~~Divisional Rly Manager,~~ *R.K. Mishra*  
~~WR, Pratapnagar, Baroda.~~ *for P-2-2444*
  4. Chief Public Works Inspector(CPWI),  
WR, Bharuch.
- ... RESPONDENTS

TO

THE HON'BLE THE VICE CHAIRMAN  
AND OTHER HON'BLE MEMBERS OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL  
AT AHMEDABAD.

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Details of Application :

1. Particulars of the Applicants :

- i) Names of the applicants : As shown in the cause title.
- ii) Designation & office- in which employed : Gangmen CPWI, WR, Bharuch.
- iii) Office address : As above.
- iv) Address for service of all notices : All C/o H.J.Gupta, Sant Kabir Nagar, Akota, Nr.Rly Line, Baroda.

2. Particulars of the respondents :

- i) Name and/or designation of the respondents : As shown in the cause title.
- ii) Office address of the respondents : -do-
- iii) Address for service of all notices : -do-

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

- i) Order No. )
- ii) Date )
- iii) Passed by )
- iv) Subject in brief : The applicants have been orally communicated by the respondent No.4 herein to report for duty on transfer

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- 4 -

to Maliya Miana during the pendency and final disposal of Original Application No.561/1988 and OA/562/88, wherein, orders of transfers have been stayed by this Hon'ble Tribunal. When this oral order was not complied, the applicants were not given the work, constrained of which they had to approach the Hon'ble High Court of Gujarat at Ahmedabad by way of Spl. Civil Application No. 4023 of 1989.

4. The applicants declare that subject matter of this application falls within the jurisdiction of this Hon'ble Tribunal.

5. It is declared that this Hon'ble Tribunal has the jurisdiction prescribed under Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case :

1) Before stating the facts, it is respectfully submitted that the applicants herein have approached the Hon'ble Gujarat High Court by way of Spl. Civil Application No. 4023 of 1989 for the orders that they be not transferred from the present place where they are working and further that they should be given the work and be not disturbed in performance of their duties. The Division Bench of the Hon'ble High Court has been pleased

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Annex-'A1'.

at the notice stage to pass the order, a copy whereof is annexed hereto and marked as Annex-'A1' and thereafter the respondent Railway administration has filed the reply. On hearing both the sides, the Division Bench of the Hon'ble High Court has been pleased to admit the said petition by granting the interim relief to continue till further orders. The applicants had to approach the Hon'ble High Court because at the relevant time this Hon'ble Tribunal because of the controversy of jurisdiction with regard to the casual labourers has not been pleased to entertain the petition for the reasons that the controversy was to be resolved by the main bench at Delhi comprised of 3 judges. Several such petitions were admitted by the Hon'ble High Court and the Hon'ble Court on 3.10.1989 has been pleased to dispose of all such matters by a common judgement holding that this Hon'ble Tribunal has the exclusive jurisdiction and has been pleased to concede to the request of extending the interim relief for six weeks. That interim relief was to expire on 14.11.1989. The applicants have approached the Hon'ble High Court by way of Misc. C.A. No.1043 of 1989 for extension of time to approach this Hon'ble Tribunal. The order of the Hon'ble High Court dated 10.11.1989 (Coram - Hon'ble Mr. Justice R.A.Mehta and Hon'ble Mr. Justice N.B.Patel) has been pleased to extend the relief granted earlier till 24.11.1989. A copy of the said judgement is annexed hereto and marked as Annexure-'A2'.

Annex-'A2'.

ii) It is respectfully submitted that the

applicants from Sr.No. 1 to 43 have approached this Hon'ble Tribunal by way of OA/561/88 and remaining ones have approached by way of OA/562/88 and the Division Bench comprised of their Lordships Hon'ble Mr. Justice P.H. Trivedi and Hon'ble Mr. Justice P.M. Joshi to pass the orders on 6.1.1988 granting the ad-interim relief in terms of maintaining the status-quo. However, the said status-quo order was construed in different way by the respondent railway administration, which was clarified by this Hon'ble Tribunal vide order dated 26.10.1988 and thereafter the applicants were allowed to work and were paid their salaries regularly without any disturbance of any nature whatsoever. However, during the month of May, 1989, these applicants were not given the work and were orally communicated by the respondent No.4 that they have to go on transfer to Maliya Miyana, to which they have said that there is stay of this Hon'ble Tribunal and, therefore, authorities cannot pass orders. However, the applicants had filed the contempt of court proceedings, which are pending before this Hon'ble Tribunal. But, for the reasons of controversy with regard to jurisdiction this Hon'ble Tribunal could not take up the contempt of court proceedings. However, since different orders which could be a plea of the other side that they have again passed the orders, the applicants were not in a position to get the work for about 45 days from 25.5.1989 and they remained without salaries. At present, however,

the applicants are provided the work and are being paid the salaries.

iii) It is respectfully submitted that the applicants have joined the services with the respondent railway administration in the year 1981 and 1983. They are far most senior persons in Bharuch. There are hundreds of junior persons with the 4th respondent, who are kept in employment at Bharuch and are given the work regularly. It is further submitted that the Rly administration employs such casual workers through the contractors to get the similar work and also the Rly administration has not prepared the seniority-list for the entire Division of Baroda despite there are specific orders of the Hon'ble Supreme Court in the case of INDRA PAL YADAV Vs. UNION OF INDIA, reported in 1985 (2) SCC 648. Despite these directions, the seniority list is not prepared with the oblique motive of depriving the employees of their rights of getting themselves screened and getting permanent absorption in the Rly administration.

iv) It is further submitted that the transfer is not a service condition of the casual workers as is the provision of law provided under Chapter 25 (para 2501) of the Railway Establishment Manual, which is reproduced below :

"2501(a)-Casual labour refers to labour whose employment is seasonal, intermittent, sporadic or extends over short periods. Labour of

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this kind is normally recruited from the nearest available sources. It is not liable to transfer, and the conditions applicable to permanent and temporary staff do not apply to such labour."

Since the transfer is not service condition, the employee whose names are given in the cause title cannot be transferred to elsewhere than the local place wherein they are rendering their services and if they do so that will be in the breach of the aforesaid provisions of law and it will be violative of Section 9A of the Industrial Disputes Act, 1947. Not preparing the seniority list Division-wise is with the oblique motive of picking up the casual labourers and shunting them out from one place to another and when sent to such places such casual labourers are again sent back from the posted places to the original place on the ground that they do not have the work to provide. Months and years pass on like this such workers because of such practices are kept out of employment. This is done by not preparing the seniority list which otherwise cannot be done because the action would be a glaring example of arbitrariness.

v) It is further respectfully submitted that the junior persons are kept in the employment with the PWI (BG) WR, Bharuch, and are the recruits of 1985 and afterwards, who are junior to the applicants whose names are given

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in the cause title is violative of Articles 14 and 16 of the Constitution this being the pick and choose practice, which the law does not permit. It is further submitted that there is a job of the duration of lasting ever with the respondent authorities since the Railway administration has to keep the trains running on the tracks, tracks are required to be repaired, stones are to be laid on tracks, fish plates to be kept intact, tracks are to be changed and sleepers are to be replaced and such other work, which is a continuous process in order to run the trains on tracks smoothly. So there cannot be the ground that there is no work at the present place of work. It is worthwhile to bring to the notice of this Hon'ble Tribunal that thousands of workers are employed through the contractors by the Rly administration through whom the work is being taken, which is against the provisions of law because the workers have put up long years of services and they are required to be made permanent. In order to deprive them of that benefit they are being shifted from one place to another so that they should not get seniority at one particular place and thereafter get the benefit of getting screened and permanent absorption in the Rly administration. This application is preferred by these helpless poor casual labourers before this Hon'ble Tribunal on the ground that ~~the controversy with~~ the controversy with regard to jurisdiction has now been resolved by the Principal Bench, CAT, Delhi.

7. Reliefs sought for -

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(I) YOUR LORDSHIPS may be pleased to declare the action of transferring the applicants from Bharuch to Maliya Miyana or elsewhere being the violative of service conditions as provided in para-2501 of the Railway Establishment Manual and further being violative of Section 9A of the Industrial Disputes Act, 1947.

(II) YOUR LORDSHIPS may be pleased to call upon the respondent authorities to produce the transfer orders in respect of the applicants and be pleased to quash and set aside the same by declaring them to be illegal, unconstitutional, contrary to the provisions of law, null and void.

(III) YOUR LORDSHIPS may be pleased to declare that the casual labourers are not transferable not being the service condition.

8. Interim relief :

During the pendency, hearing and final disposal of this application, your lordships may be pleased to restrain the respondent authorities from transferring the applicants from the present place of work i.e. at Bharuch and be further pleased to direct the respondent authorities to allow them to perform their duties and not to cause any intervention of any nature whatsoever in the execution and performance of their duties

9. Applicants have exhausted of all remedies available to them.

10. *Matter not pending before any Hon'ble Court*

10. Particulars of the Postal Order in respect of the Application fee :

i) No(s) and amount : *DP 192260*  
of IPO(s)

ii) Name of issuing : *Chc No.*  
Post Office

iii) Date of issue of : *20.11.89*  
IPO

iv) Post Office at :  
which payable

12. Details of Index -

An index in duplicate containing the details of the documents (annexures) is also attached to this application.

13. List of enclosures -

All the enclosures mentioned in the Index are enclosed -

Place : Ahmedabad

Dated : *20*.11.1989

*R.K. Mishra*  
( R.K. Mishra )

Advocate

for the applicants

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VERIFICATION

I, Gurchar Arora,

the applicant No. 44 herein, do hereby verify that what is contained in the application from paragraph 1 to 13 are true to my personal knowledge and that I have not suppressed any material facts.

Verified today, this 20th day of November, 1989.

DEPONENT.

Identify the above deponent  
*[Signature]*

Filed by Mr. P. C. Mittal  
Learned Advocate for Petitioners  
with second set & 3 copies  
copies copy served/not served to  
other side )

*[Signature]*  
Dt. 20/11/89 Dy. Registrar C.A.T (J)  
A'bad Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

C. A. NO. 496 OF 1989

Khushilal Keta & Ors.... ... Applicants

V/s

~~Union of India & Ors~~

Divisional Railway Manager,  
Western Railway, Baroda & Ors..... Respondents

WRITTEN STATEMENT ON  
BEHALF OF RESPONDENT  
NO.1, 2, 43

The respondent No.1 humbly begs to file written statement to the application as under:-

1. That the present application filed by more than one applicant is not maintainable at law and under the rules. It is submitted that the applicants have not obtained permission to file this common application as required by rule 4 of the Central Administrative Tribunal (Procedure) Rules, 1987 and no permission has been obtained by the applicants. Hence, the present application is liable to be dismissed on this ground alone.
2. The present application is liable to be dismissed for want of necessary and proper parties.

ABC

I shall serve  
copy on the  
other side  
HK  
10.2.89

The applicants have not joined the Union of India as a party respondent in the present application and as such the present application is bad in law and deserves to be dismissed.

3. Contents of para 1 need no reply.

4. Regarding para 2, it is submitted that the applicants have joined Divisional Railway Manager, Western Railway, Pratāpnagar, Baroda as respondent No.1 as well as Respondent No.3 in the cause title.

It is submitted that there is no authority as Chief Public Works Inspector (CPWI), Western Railway, Broach, who is shown as respondent No.4 in the cause title.

The authority under whom the applicants were working is Chief Permanent Way Inspector (CPWI) (PQRS),

Western Railway, Broach and not under the Chief Public Works Inspector, Western Railway, Broach.

5. Regarding para 3 of the application, it is submitted that the applicants have not produced any orders against which the present application has been filed by them. It is denied that the applicants were orally informed by the respondent No.4 to report for duty on transfer to Maliya Miyana during the pendency of O.A.NO.561/88 and 562/88 wherein orders of transfer were stayed by this Hon'ble Tribunal. It is denied that when the said oral order was not complied with the applicants were not given the work and they were constrained to approach the Hon'ble

: 3 :

High Court of Gujarat by way of Special Civil Application No.4023 of 1989. It is not disputed at the time of filing the O.A.NO.496/89, O.A.Nos. 561/88 & 562/88 were pending and interim orders were passed by the Hon'ble Tribunal in the said matters. The applicants have not produced the copies of interim orders passed in the said applications along with the present application. The respondents rely on the said orders as and when produced. It is ~~not~~ stated ~~disputed~~ that Paschim Railway Karmachari Parishad through its Joint Secretary Harishanker J.Gupta & Another had filed Special Civil Application No.4023/89 in the Hon'ble High Court of Gujarat.

6. Contents of paras 4 & 5 need no reply.
7. Regarding para 6(i), the respondents rely on the orders passed by the Hon'ble High Court in Special Civil Application No.4023/89 and M.C.A. No.1043/89 in S.C.A.No.4023/89. The said writ petition S.C.A.No.4023/89 has been dismissed by the Hon'ble High Court as stated by the applicants on the ground of jurisdiction.
8. Regarding para 6(ii), the respondents rely on the interim order passed by this Hon'ble Tribunal in O.A.NO.561/88 & 562/88. The applicants' averments with regard to other interim applications in the said two O.As.Nos.561/88/562/88 are not relevant for the purpose of the present application.

It is submitted that interim orders passed in the said two Original Applications were honoured and implemented by the Railway Administration. It is denied that during the month of <sup>May</sup> 1989 the present applicants were not given the work and were orally communicated by the respondent No.4 that they have to go on transfer to Maliya Miyana. It is denied that whereupon the present applicants said that there is stay of this Hon'ble Tribunal and therefore authority cannot pass orders. It is submitted that the Contempt Applications filed by the applicants in O.A.NO.561/88 & 562/88 have since been disposed of. It is submitted that the said two Contempt Applications are dismissed by the Hon'ble Tribunal and Notice issued on the respondents has been discharged. The respondents rely on the said orders in contempt matters as and when produced. It is denied that ~~the~~ because of fresh orders passed by the respondents the applicants were not in a position to get the work for about 45 days from 25.5.89 and as such they remained without salary. However, it is submitted that the applicants admit that they are provided with work at the time of filing the application and they were being paid their salaries. It is submitted that the applicants never communicated any oral orders

of transfer by respondent No.4. It is submitted that O.A.No.561/88 has since been dismissed by the Hon'ble Tribunal and O.A.562/88 is pending for hearing. It is submitted that in view of the observations made by the Hon'ble Tribunal in the aforesaid two original applications individual deployment orders were issued on 25.5.89, which were accepted by some of the employees and were not accepted by some of the other employees. The employees who refused to accept the deployment order then remained absent without permission and thereafter approached the Hon'ble High Court by way of Special Civil Application Nos.4023/89 & 3749/89 and resumed on 23/24.6.89 after obtaining interim orders from the Hon'ble High Court. The present applicants did not accept deployment orders and have approached this Hon'ble Tribunal after disposal of Special C.A.Nos.4023/89.

9. Regarding para 6(iii), the respondents rely on the service particulars of the applicants regarding the dates of appointments, etc. It is denied that hundreds of junior persons working under respondent No.4 are kept in employment at Broach and are given work regularly. It is denied that the railway administration employees such casual labours through the contractors to get

similar work as alleged. It is denied that the railway administration has not prepared a seniority list for the entire Division of Baroda despite specific orders of the Hon'ble Supreme Court in the case of Indarpal Yadav V/s Union of India reported in 1985(2) SCC 648. It is denied that such a seniority list is not prepared with oblique motive of depriving the employees of their rights of getting themselves screened and getting permanent absorption in the railway administration. It is submitted that the work under CPWI(PQRS), Broach has since been completed and the entire labour working under him was either required to be retrenched or shifted at other places where work of similar nature is available to avoid starvation. Accordingly the applicants were also issued deployment orders offering them work at Maliya Miyana. A specimen copy of deployment order of one of the applicants is produced herewith as Annexure R/1.

Annex R/1

No juniors to the applicants were retained by the respondent No.4 CPWI(PQRS), Broach. As a matter of fact, the Unit of Respondent No.4 at Broach was to be closed down for want of work on deploying/shifting the entire labour working under him. No casual labours of railway are employed through contractors. The railway has a right to award contracts for any work and the applicants cannot

: 7 :

force the railway administration to continue the applicants at Broach. It is submitted that the Unit of CPWI (PQRS), Broach, is a work-charged posts Unit and is required to be closed down on completion of work for which it is created. However, it is submitted that in view of interim orders obtained by the applicants casual labours, the said Unit was required to be continued. The said Unit of respondent No.4 has over-lived its existence without any remunerative results. It is submitted that the Divisionwise seniority list of Project Casual Labours has been prepared and notified by the Baroda Division long back. It is submitted that the seniority list of Open Line & Project Casual Labours are different. The railway administration conducts screening of casual labours as per rules for the assessed vacancies. The project casual labours are also called for screening as per rules according to their turns. The originating Division of the project casual labours has to screen~~ing~~ them for absorption.

10. Contents of para 6(iv) are not true and are denied. It is denied that transfer is not a condition of service of casual workers as per the provision of the law provided under Chapter XXV of Indian Railway Establishment Manual. The respondents rely on true and proper interpretation

of para 2501(a) of IREM, which defines casual labour.

The applicants are not governed by the said definition

of casual labour since they have acquired temporary

status. It is submitted that casual labours with

temporary status are transferrable. The casual labours

with temporary status enjoy better rights and have

more privileges than mere casual labours, who are

without temporary status. The casual labours with

temporary status are entitled to scale rate of pay,

increment, leave, medical, passes, etc., and the

benefits of Discipline & Appeal Rules. the daily-

rated casual labours are not entitled to any of

those benefits & privileges. It is denied that

the transfer of casual labours with temporary

status would violate section 9A of the Industrial

Disputes Act, 1947. It is denied that Division-

wise seniority list is not prepared with an oblique

motive to pick up the casual labours and shunt them

from ~~at~~ one place ~~and~~ to another. It is denied

that the applicants casual labours are kept out

of employment by shunting them from one place to

another. It is submitted that the seniority list

has nothing to do with deployment/shifting from

one place to another due to completion of work or

reduction of work. Normally, entire gang is deployed/

shifted from one place to another. There is no

arbitrariness in deploying/shifting casual labours

: 9 :

from Broach to Maliya Miyana when the work at Broach is completed.

11. Contents of para 6(v) are not fully true and are not admitted. It is submitted that the Units of Permanent Way Inspector (BG), Broach and PWI(PQRS), Broach are different Units and the applicants cannot compare their case with casual labours working under PWI(BG), Broach. It is submitted PWI(BG), Broach is a Unit of Open Line. It is denied that continuing casual labours working under PWI(BG), Broach is violative of Articles 14 & 16 of the Constitution of India. There is no pick and choose practice in deploying/shifting the applicants. It is denied that there is a job of duration of lasting ever with the respondent authorities as the Railway Administration has to keep the trains running on tracks, the tracks are required to be repaired, the fish plates are required to be kept intact, tracks and sleepers are to be replaced, etc., as alleged. It is submitted that after construction of projects, they are handed over to ~~the Open~~ the Open Line for maintenance. The Project Casual Labours like the applicants are to be absorbed by their originating Division as per rules. In the present case the applicants are not retrenched but are deployed/shifted from one place to another and as such

the averments of the applicants regarding awarding of contracts to the contractors by the railway administration are without any merits. There is no illegality in awarding contracts to the contractors. It is submitted that the applicants have not given any specific details regarding contracts awarded to the contractors by the railway administration at Broach and hence it is not possible to offer any remarks to the vague averments made by the applicants. The railway administration has not employed labours through the contractors but the labour employed by the contractor is his own labour. It is denied that taking the work from the contractors is against provision of law. The said averments are also vague. It is denied that with a view to deprive the applicants of benefit of permanency they are shifted from one place to another and with a view that the applicants should not get seniority at one particular place as alleged. It is submitted that the respondents do not have any intention to deprive the applicants of their right of screening and absorption in any manner whatsoever. It is ~~is~~ submitted that the applicants do not carry out the orders of deployment/shifting, the respondents will have no other alternative but to retrench the applicants. ~~after~~

: 11 :

12. The applicants are not entitled to any of the reliefs claimed in para 7 of the application.

13. The applicants are not entitled to any interim order as prayed for in para 8 of the application.

14. Contents of paras 9 to 13 need no reply.

In view of what is stated above, the application may be dismissed with costs.

VERIFICATION

I, B.N.Meena, age about 34 years, son of Shri R.N.Meena, working as Divisional Personnel Officer, Western Railway, Baroda and residing at Baroda, do hereby state that what is stated above is true to my knowledge and information received from the record of the case and I believe the same to be true. I have not suppressed any material facts.

Baroda



Dated: .1.1992

8.2.92

Divisional Personnel Officer,  
Western Railway, Baroda.

Filed 10.2.92

~~Copy/Registered/written submissions~~  
filed by Mr. N.S. Shevde...  
learned advocate for petitioner/  
Respondent with second set  
Copy served/... & other side

Di. 10 / 2 / 92. Dy. Secy. C.A.T. (J)  
Albad Bench

**VAKALATNAMA**  
**IN THE HIGH COURT OF GUJARAT**  
**CAT**

First/Second Appeal  
Spl. Civil Revision Application

No.

of 19

Baroda Dist :

Cirdhari Arjun & ors

**APPELLANTS**

**PETITIONERS**

VERSUS

Union of India

**RESPONDENTS**

**OPPONENTS**

I/We undersigned do hereby appoint and retain **Shri R. K. MISHRA ADVOCATE**, to act, appear and plead for me/us in the above matter and in all proceedings that may be taken in respect of any application connected with the same or any application for Review to, file and obtain return of documents, to accept the process of Court and to desposit and receive money on my/our behalf in the said matter and in the applications including that for Review and to compromise settle and/or withdraw or to agree to the withdrawal of the said matter or any proceeding arising therein. to represent me/us and to take all necessary steps on my/our behalf in the above matter, to ask another Advocate to hold this brief and to appear and plead on my/our behalf if required and to do all things incidental to such acting for me/us. I/We agree to ratify all acts done by the aforementioned **ADVOCATE** in pursuance of this authority.

Dated this the

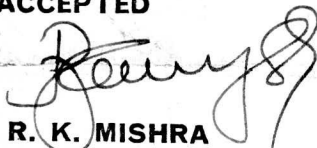
20th

day

NOV

19 89




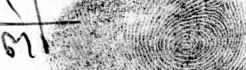
**ACCEPTED**





















**R. K. MISHRA**  
**LL. M. (ADVOCATE)**

Laxmi Society,  
Near Ashapuri Mata Temple,  
Jivraj Park, Ahmedabad-380 051.  
Phone : 41 78 58

APPELLANTS (S) PETITIONERS (S)  
RESPONDENT (S) OPPONENT (S)

- (1) श्री. खुशीलाल - के. डी. 
- (2) श्री. नरोत्तम - जीवजू 
- (3) श्री. अंकुश - सुंदर साय 
- (4) श्री. तुलीया - मरोली 

- (5) श्री गौरव विश्वनाथ 
- (6) श्री बाबुलाल कुरीया 
- (7) श्री विश्वू मेना 
- (8) श्री चकरा कमल 
- (9) श्री मकरनन्द जावी 
- (10) श्री संभारो माधव 
- (11) श्री कैसबा रघुनाथ 
- (12) श्री नाथू धनेश्वर 
- (13) श्री फरनो जावी 
- (14) श्री लखन रूद्र 
- (15) श्रीमती उलासा भागमल 
- (16) श्रीमती वैदी धरमू 
- (17) श्री हरावती चकरो 
- (18) श्री मुक्ता विशान 
- (19) श्री गापती धनेश्वर 
- (20) श्री चम्पा मन्जीत 
- (21) श्री सुमती केसो 
- (22) श्रीमती माया हिरा 

**VAKALATNAMA**  
**IN THE HIGH COURT OF GUJARAT**  
CAT

First/Second Appeal  
Spl. Civil Revision Application

No.

of 1989

Baroda

Dist :

Girdhari Arjun Das

APPELLANTS

PETITIONERS

VERSUS

Union of India

RESPONDENTS

OPPONENTS

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Dated this the

20th

day

NOV

19 89

**ACCEPTED**



**R. K. MISHRA**  
LL. M. (ADVOCATE)

Laxmi Society,  
Near Ashapuri Mata Temple,  
Jivraj Park, Ahmedabad-380 051.  
Phone : 41 78 58

APPELLANTS (S) PETITIONERS (S)  
RESPONDENT (S) OPPONENT (S)

(1) Girdhari Arjun -

(2) Rama Shankar  
Parbhans Rai

(3) Gopal Boelhan

(4) Suresh Mangal

**VAKALATNAMA**  
**IN THE HIGH COURT OF GUJARAT**  
C.A.T.

First/Second Appeal  
Spl. Civil Revision Application

No.

of 1989

Baroda Dist :

Shyam Kumar

APPELLANTS

PETITIONERS

VERSUS

RESPONDENTS

Union of Ind

OPPONENTS

I/We undersigned do hereby appoint and retain **Shri R. K. MISHRA ADVOCATE**, to act, appear and plead for me/us in the above matter and in all proceedings that may be taken in respect of any application connected with the same or any application for Review to, file and obtain return of documents, to accept the process of Court and to desposit and receive money on my/our behalf in the said matter and in the applications including that for Review and to compromise settle and/or withdraw or to agree to the withdrawal of the said matter or any proceeding arising therein. to represent me/us and to take all necessary steps on my/our behalf in the above matter, to ask another Advocate to hold this brief and to appear and plead on my/our behalf if required and to do all things incidental to such acting for me/us. I/We agree to ratify all acts done by the aforementioned **ADVOCATE** in pursuance of this authority.

Dated this the 20 day NOV 1989

ACCEPTED

R. K. Mishra  
**R. K. MISHRA**  
LL. M. (ADVOCATE)

Laxmi Society,  
Near Ashapuri Mata Temple,  
Jivraj Park, Ahmedabad-380 051.  
Phone : 41 78 58



















APPELLANTS (S) PETITIONERS (S)  
RESPONDENT (S) OPPONENT (S)

1 Shri-SHYAMKUMA Ameshwar

2 Shri-Lalman, Ghasi ram,

3 Shri-Prabha, Kalyan,

4 Shri-Ameshwar, Dhansingh

- 5 Shri-Rajin KUMAR. 
- 6 Shri-Ghano Vegare. 
- 7 Shri-Alekh Dirju. 
- 8 Shri.Gokul. Gopal. 
- 9 SMT.Sajman. Madho. 
- 10 SMT-Sumitra Sahdev. 
- 11 SMT-Suporo. Kamdul. 
- 12 SMT-Niraso. Dhaniram. 
- 13 SMT-Rebati. Bhakta. 
- 14 SMT-PaduBatti Manohar. 
- 15 SMT. Bimla. Sahdev. 
- 16 SMT. Lalita. Trilochan. 
- 17 SMT. Champa. Karlash. 
- 18 SMT- Muggana. Bano. 
- 19 SMT - Savita. Balaji. 
- 20 SMT. Hermila. Chandra. 
- 21 Shri. Jaya. Sureshan. 
- 22 Shri-Dhurghe. Olekham. 

All the thumb impressions are identified by me Reushir

In the High Court of Gujarat at Ahmedabad.  
Special Civil Application No.4023 of 1989.

Paschim Rly. Karmachari Parishad (through Joint Secretary Harishanker J. Gupta and anr.) Petitioners.

Versus.

Union of India and others. Respondents.

To,

1. Union of India, notice to be served through General Manager Western Railway, Churchgate, Bombay.
2. Divisional Railway Manager, Western Railway, Pratapnagar Baroda.
3. Assistant Engineer II, Western Railway, Bharuch.

Whereas the abovesaid petitioners have presented to this High Court of Gujarat at Ahmedabad, petition praying to grant interim relief as prayed for in terms of para 8 etc... as stated in accompanying copy of the petition.

And upon hearing Mr. R.K. Mishra, Advocate for petitioners, the court passes the following order;

"Notice to the Respondents returnable on 29/6/1989. Ad interim relief restraining the respondents from transferring the casual labourers whose names are listed at Annexure A from the place of their working. They are further restrained from disturbing these casual labourers from discharging their duties till 29/6/89. Direct service permitted, to Resp. Nos. 2 and 3 only."

It is hereby accordingly ordered that you, your servants and agents be and are hereby ~~also~~ restrained from transferring the casual labourers whose names are listed at Annexure A to the petition from the place of their working and further you, your servants and agents be and are hereby restrained from disturbing these casual labourers from discharging their duties till 29/6/1989 by this court.

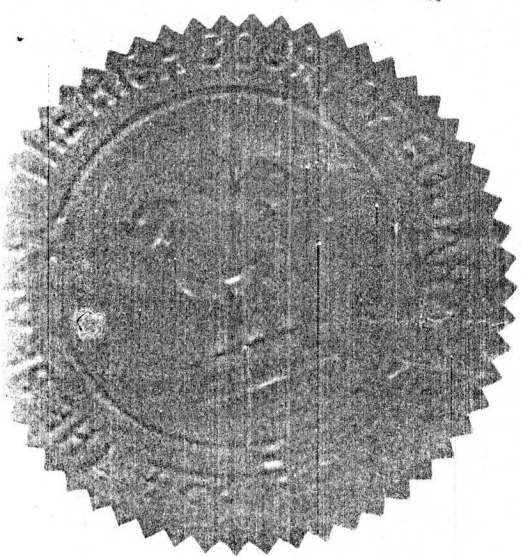
Witness Puliyanugudi Ramaiya Pillai Gokulakrishnan, Esquire Chief Justice at Ahmedabad, aforesaid this 21st day of June, 1989.

By the Court,  
*[Signature]*

Assistant Registrar,  
The 21st day of June 1989.

True Copy

*[Signature]*  
Assistant Registrar.



Received on 26/6/89  
Date .....  
for Divisional Railway Manager  
*[Signature]*

CTC  
*[Signature]* Two Copies  
for R. K. Mishra

U.NO. 10890 /89 (Fls. 3 )

TYPED BY : G.U.PRABHU.

READ BY : *[Signature]*

EXAM BY : *[Signature]*

Copy applied on : 15/11/89  
Copy ready on :  
Copy delivered on : Copying and Comparing charges

Rs. P.  
1280  
1280

Total Rs.

SECTION OFFICER.  
DECREE DEPARTMENT.  
15/11/1989.

Regd. *[Signature]*  
Assistant.

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.  
ORDER PASSED BY THE HIGH COURT IN THE CASE OF :-

1. Paschim Railway Karamchhari Parishad,  
(through its Joint Secretary  
Shri Harishankar J. Gupta,  
Sant Kabir Nagar, Akota, near  
Railway Line, Baroda.
2. Shri Khusilal Keta, Mate,  
C/o. Shri Harishankar J. Gupta,  
Sant Kabir Nagar, Akota, Near  
Railway Line, Baroda. ....Petitioners.

vs.

1. Union of India  
(Notice to be served through the  
General Manager, Western Railway  
Church Gate, Bombay).
2. Divisional Railway Manager,  
Western Railway, Pratapnagar,  
Baroda.
3. Assistant Engineer II  
Western Railway, Bharuch. ....Respondents.

BEING ~~XXXXX~~ CIVIL APPLICATION NO. 1053 OF 1989.  
IN

SPECIAL CIVIL APPLICATION NO. 4023 OF 1989.

Mr.R.K. Mishra, advocate for the petitioners.

COURT'S ORDER :-

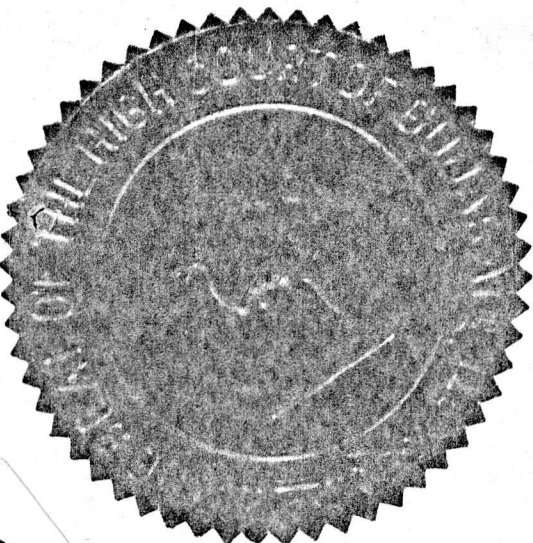
Other side is served a copy. Stay is extended  
upto 24-11-89. No further extension.

M.C.A. disposed of.

Sd/- R.A. Mehta, J.  
10-11-1989.

TRUE COPY

*[Signature]*  
FOR DEPUTY REGISTRAR.  
THE 15th DAY OF NOVEMBER, 1989.



*[Signature]*  
Two Copy  
R-K Mishra



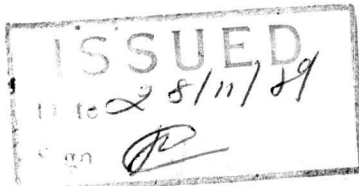
Should you wish to argue anything against the admission of the application or issue of interim order, you are at liberty to do so on the date fixed, or any other date to which the case may be adjourned, either in person or through an advocate.

Also take notice that in default of your appearance on the date fixed, the case will be heard/ proceeded ex-parte.

Date : 27.11.89

Ch 27/11

DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD



o/c  
B/S/W  
27/11/89

Order passed on dtd. 22.11.89

Heard Mr. R. K. Mishra, the learned advocate for the applicants on the question of admission and interim relief in continuation of the stay extended by the Gujarat High Court upto 24.11.1989. He vehemently pressed for admission and interim relief on the highly compassionate ground that the applicants are very poor people and liable to be left in very indigent circumstances if interim relief and admission is not granted. Mr. N. S. Shevde, the learned advocate for the respondents only says that he has to obtain instructions from the department as he is not conversant with the case in the Gujarat High Court and he will be able to argue in the matter only after that. Shri Shevde says that he may give about ten days' time for obtaining instructions. He has nothing to say about the question of further extending the stay which is granted by the Gujarat High Court upto 24.11.1989.

To begin with, concern should be expressed about the flaws in the application. Its index page has not been signed by the advocate for the applicants. The number of applicants is 55 according to the application. But their number in Vakalatnames adds upto 56. Some of the names which figure in the application are not traceable in the Vakalatnama. About some of the applicants, merely their first name is mentioned, neither father's nor husband's name is mentioned. An application was moved purportedly on behalf of the advocate for urgent hearing. The application is grossly incomplete in the sense its last sentence has not been completed. It is advisable for the advocate for the applicants to take care about these details.

3. The mere ground that the High Court of Gujarat has extended stay upto 24.11.1989 in Misc. Civil Application No. 1053 of 1989 in Special Civil Application No. 8023 of 1989 which was filed in the High Court as early as in June, 1989 and stay granted by the High Court apparently extended from time to time upto 24.11.1989, I deem it proper to extend the stay by ten days after 24.11.1989.

4. The respondents are hereby directed to maintain the status quo in terms of the order of the High Court of Gujarat for a period of ten days immediately after 24.11.1989. During this period of the stay, the respondents should submit their reply both on interim relief and on merits.

CA/446/19/5-12-59 22112

# प्राप्ति स्विकृति (रसीद) ACKNOWLEDGEMENT पहाँच

● एक रजिस्ट्री / पत्र / पोस्टकार्ड / पैकेट / पार्सल प्राप्त हुआ  
बोला

● अथवा रजिस्टर्ड वॉलेट / पोस्टकार्ड / पैकेट / पार्सल मालुमु / माली.  
दीमा उतरावेल

● RECEIVED A REGISTERED / LETTER / POSTCARD / PACKET / PARCLE  
INSURED

क्रमांक :

नंबर :

NO. :

1063

पानेवाले का नाम

प्राप्तकर्ता का नाम

ADDRESSED TO (NAME)

The Union of India, The  
Divisional Manager, Supply Branch,

† बीमेका मूल्य रुपयों में † उतरावेल दीमा

† INSURED FOR RUPEES अणियां।

वितरणकी तारीख

वितरणकी तारीख

DATE OF DELIVERY

.....19

पानेवाले के हस्ताक्षर

SIGNATURE OF ADDRESSEE

प्राप्तकर्ता हस्ताक्षर

Baroda

● अनावश्यक को काट दिया जाए

● SCORE OUT THE MATTER NOT REQUIRED

● कुरी न होय अं आगत छोडी नांजा

† केवल बीमा वस्तुओं के लिए

† FOR INSURED ARTICLES ONLY

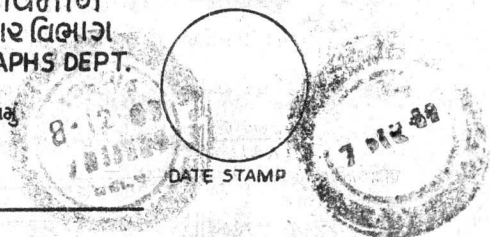
† केवल दीमा उतरावेल वस्तुओं आटे

आर.पी.५४  
आर.पी. ५४  
R. P. 54

भारतीय डाक-तार विभाग  
भारतीय टपाल अर्ने तार विभाग  
INDIAN POSTS AND TELEGRAPHS DEPT.

तारीख-मोठेर  
तारीख-सिडके

SENDER'S ADDRESS मोंडलनारनु सरनामु  
भेजनेवालेका पता



DATE STAMP

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*Despatcher,*  
**Central Administrative Tribunal**  
**Ahmedabad Bench**

---

**S.D. Patel House, Navjivan Pool**  
**Ahmedabad**

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पिन/पिन/PIN 

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NOTICE BEFORE ADMISSION

JUDL-I

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD

B.D.PATEL HOUSE,  
NR. SARDAR PATEL COLONY,  
P.O. NAVJIVAN,  
AHMEDABAD-380 014.

Issued on the \_\_\_\_\_ day of \_\_\_\_\_ 198 .

REGN. No.O.A. 5th December 9  
198  
496 9

Shri Khusilal Keta & Ors.

APPLICANT (S)  
ADV. MR.

V/s.

P.K.Handa

Union of India & Ors.

RESPONDENT (S)  
ADV. MR.

To,

N .S.Shevde

01. The Union of India through  
Divisional Manager, Western Railway, Pratapnagar, Baroda.
02. Sr. Divisional Engineer-I, Western Railway, Pratapnagar, Baroda.
03. Chief Public Works Inspector (CPWI) WR, Bharuch.

Whereas Shri khūsīlāl keta & ors, applicant has made an application under section 19 of the Administrative Tribunals Act, 1985, to this Tribunal, bearing OA No. 496/89 stated above and whereas the above matter is put up for hearing on 05.12.89. The Hon'ble Tribunal 496 has passed the order as mentioned below. \* 05.12.89

Whereas the said application has been again fixed for admission/interim orders on 22.12.89 at 10.30 A.M., a copy of the application along with the relevant annexures is attached bearing Regn. No. as OA No. 496/89.

You are requested to produce the record(s) noted below on the aforesaid date of hearing for the perusal of the Hon'ble Bench of the Tribunal.

(I)

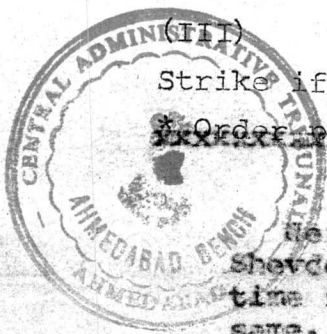
(II)

Strike if not applicable.

Order passed on ~~22.11.89~~ In continuation of notice dtd. 22.11.89  
dtd. 05.12.89.

Neither applicant nor his advocate present. Mr. N.S. Shevde learned advocate for the respondents requests for time filing the reply. He is allowed 15 days time for the same. The case be posted for admission accordingly. Interim relief to continue.

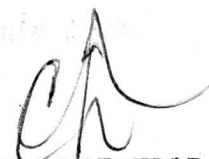
(Now the case be posted on 22.12.89 For Admission)



Should you wish to argue anything against the admission of the application or issue of interim order, you are at liberty to do so on the date fixed, or any other date to which the case may be adjourned, either in person or through an advocate.

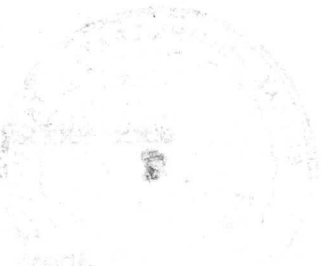
Also take notice that in default of your appearance on the date fixed, the case will be heard/proceeded ex-parte.

Date : 06/12/89

  
DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD

*o/c*  
*BTsh*  
*7/12/89*  
*06/12/89*

ISSUED  
Date *7/12/89*  
Sign. *[Signature]*



0. 1496/M/22-12-59

# प्राप्ति स्विकृति (रसीद) ACKNOWLEDGEMENT पहाँथ

• एक रजिस्ट्री / पत्र / पोस्टकार्ड / पैकेट / पार्सल प्राप्त हुआ  
बीमा

• अथवा रजिस्ट्री / पत्र / पोस्टकार्ड / पैकेट / पार्सल माल / मालगो.  
बीमा उत्तरावेल

• RECEIVED A REGISTERED / LETTER / POSTCARD / PACKET / PARCLE  
INSURED

प्राप्तकर्ता का नाम

प्राप्तकर्ता का नाम

ADDRESSED TO (NAME)

† बीमा का मूल्य रुपये में † उत्तरावेल बीमा

† INSURED FOR RUPEES † अथवा

विलंबता की तारीख

विलंबता की तारीख

DATE OF DELIVERY

\_\_\_\_\_ 19

प्राप्तकर्ता की हस्ताक्षर

SIGNATURE OF ADDRESSEE

प्राप्तकर्ता की हस्ताक्षर

क्रमांक:

नंबर:

NO.:

1091

*To Mr. M. D. Singh, District  
Manager, ...*

*Banda*

• अनावश्यक कर्तव्य काट दिया जाए

• SCORE OUT THE MATTER NOT REQUIRED

• अक्षरों में होय अथवा अक्षरों में

† केवल बीमा वस्तुओं के लिए

† FOR INSURED ARTICLES ONLY

† केवल बीमा उत्तरावेल वस्तुओं के लिए

आर.पी.५४  
आर पी. ५४  
R. P. 54

भारतीय डाक-तार विभाग  
भारतीय टपाल अर्ने तार विभाग  
INDIAN POSTS AND TELEGRAPHS DEPT.

तारीख-मोहर  
तारीख-सिफ्टी

SENDER'S ADDRESS **मॉडल नं० अरबादा**  
**मैजनेवालेका पता**



DATE STAMP

*Despatcher,*  
**Central Administrative Tribunal**  
**Ahmedabad Bench**  
**S.D. Patel House, Navjivan Posh**  
**Ahmedabad**

पिन/पिन/PIN

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1A/496/14/22-12-89

प्राप्त स्वीकृति (रसीद)

ACKNOWLEDGEMENT

पक्षीय

\* एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

\* अंक बीमा रुपय 22 करोड़  
वीमो उत्तरावेध

330/14  
N.G.K. 14  
1988

मांक  
नं  
No. 1115

\* Received a Registered /Letter/Postcard/Packet/Parcel

Insured

पानेवालेका नाम  
प्राप्तकर्तानु नाम  
Addressed to (name)

The Sr. Divisional Engineer D.

+ बीमे का मूल्य रुपयों में

W.P.P. Prakash Singh  
उत्तरावेध

Insured for Rupees बीमो रुपयों में

Baroda

वितरण की तारीख

वितरण की तारीख /Date of delivery ..... 198

\* अनावश्यक को काट दिया जाय  
Score out the matter not required.

जरूरी न होय अे बाबत छोडी नाभो

+ केवल बीमा वस्तुओके लिए  
for Insured articles only.

डेवण वीमो उत्तरावेध वस्तुओ माटे

पानेवालेके हस्ताक्षर/Signature of addressee  
प्राप्त कर्तानु हस्ताक्षर

आर.पी. ५४  
आर.फ़ी. 54  
R.P. 54

# भारतीय डाक विभाग

भारतीय टपाल विभाग

DEPARTMENT OF POSTS, INDIA

तारीख-मोहर  
नाम-संकेत

प्रेषक डाकघर की  
नाम-मोहर  
भेजने वाले का पता  
Sender's address  
मोहलानरनु सरनामु  
Office of Posting

Date-stamp

*Central Administrative Tribunal*

*Ahmedabad Bench*

*S.D. Patel House, Navjivan Road*

*Ahmedabad*

पीन/पीन/Pin

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आर.पी. ५४  
आर .पी. 54  
R.P. 54

भारतीय डाक विभाग  
भारतीय टपाल विभाग  
DEPARTMENT OF POSTS, INDIA



प्रेषक डाकघर की  
नाम-मोहर  
Name-stamp of  
Office of Posting  
भेजने वाले का पता  
Sender's address  
मोहल-नारनु सर-नामु  
Office of Posting

[Redacted area]

Date-stamp

*Signature*  
Central Administrative  
Ahmedabad Bench  
S.D. Patel House, Navjivan  
Ahmedabad

पीन/पिन/Pin

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Jagat Ahm d - 30Lacs - 8/89

NOTICE AFTER ADMISSION  
WITH INTERIM RELIEF  
JUDL-I

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD.

B.D. PATEL HOUSE,  
NR. SARDAR PATEL COLONY,  
P.O. NAVJIVAN,  
AHMEDABAD- 380 014.

Issued on the 22nd day of December 1989  
REGN. NO. O.A/ 496 / 19 89

Shri Khusilal Keta and Ors.

APPLICANT (S)  
ADV. MR. R.K. Mishra

V/s.

Union of India and Ors.

RESPONDENT (S)  
ADV. MR. N.S. Shevda

TO,

01. The Union of India through  
Divisional Railway Manager, Western Railway, Pratapnagar,  
Baroda.
02. Sr. Divisional Engineer-I-, Western Railway, Pratapnagar,  
Baroda.
03. Chief Public Works Inspector (CPWI), WR, Bharuch.

Whereas Shri Khusilal Keta and Ors. *Khusilal Keta and Ors.*, applicant,  
had made an application under Section 19 of the Administrative  
Tribunals Act, 1985, to this Tribunal. And also prayed for  
interim relief (~~Copy alongwith relevant annexures enclosed~~)  
hearing Regn. No. OA/ 496/1989 .. and whereas the  
same matter is put up for hearing on 22-12-89. The  
Hon'ble Tribunal has passed the order as mentioned below.\*

Whereas the Tribunal is of opinion that a reply of  
the application is called for :

That you, Respondent No. 1, 2 & 3 do file three complete  
sets of the duly verified reply to the application,  
alongwith documents in a paper-book from by \_\_\_\_\_

That you should simultaneously endorse a copy of the  
reply alongwith documents as mentioned at S.No. (1)  
above to the application.

3.

You are also directed to produce the record(s) noted  
below for the perusal of the Hon'ble Bench of the Tribuna  
on the date fixed for hearing.



- (I) -
- (II) -
- (III) -

4. The above application has been fixed for hearing on 30.01.90 at 10.30 A.M. However, the application for interim relief has been fixed for hearing on 30.01.90 at 10.30 A.M. Should you wish to argue anything against the issue of interim order, you are at liberty to do so on 30.01.90 or so any other date to which the case may be adjourned, either in person, or through an advocate appointed by you for this purpose. Also take notice that in default of your appearance on the date fixed, the case will be heard ex-parte.

5. A copy of the order Dated 22.12.89 passed by the Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad is typed overleaf for immediate compliance/information/necessary action.

WITNESS the Hon'ble Vice Chairman, Central Administrative Tribunal, Ahmedabad Bench, Ahmedabad this 22nd day of December in the year 19 89.

DATE : 26.12.89

*o/c*  
*Patel*  
*26/12/89*  
*26/12/89*

DEPUTY REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD

*CH 26/12/89*

**ISSUED**  
Date *27/12/89*  
*[Signature]*

In continuation of notice dtd. 05.12.89  
Order passed on dtd. 22.12.89



Mr. R.K. Mishra, learned advocate for the applicant present. The reply which the respondents undertook to file has not so far been filed. Mr. N.S. Shovde learned advocate for the respondents argues that the impugned order involves mere deployment to another place and not transfer. The application seems to have merits for consideration and is accordingly admitted. The respondents are free to file reply on merits within one month from the date of this order to which the applicant may file rejoinder if they so choose. Interim relief is continued. Registry to post the case accordingly.

( Now the case be posted on 30.01.90 For Further Direction )

CA/546/SH/30-1-90

2

प्राप्त स्वीकृति (रसीद)

ACKNOWLEDGEMENT

पक्षीय

\* एक रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

क्रमांक

No. 1209

बीमा रजिस्टर करेव / पत्र/पोस्टकार्ड/पैकेट/पार्सल मध्य/मध्यो

बीमो उत्तरवेव



Received a Registered /Letter/Postcard/Packet/Parcel

Insured

The Br. Divisional Eng-I.

पानेवालेका नाम  
आम्हाद्वारे नाम

Addressed to (name)

W/mt. Pratapnagar

वस्तु का मूल्य रूपयों में

उत्तरवेव

Insured for Rupees

बीमो रूय्याम

Baroda

वितरण की तारीख

वितरणी तारीख/Date of delivery ..... 1989 DEC 1989

\* अनावश्यक को काट दिया जाय

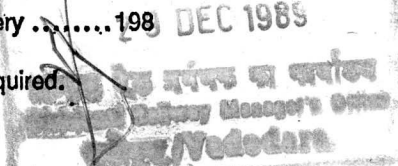
Score out the matter not required.

जरूरीन होय अे भागत छोडी नाभो

+ केवल बीमा वस्तुओके लिए

for Insured articles only.

केवल बीमो उत्तरवेव वस्तुओ माटे



पानेवालेके हस्ताक्षर/Signature of addressee

प्राप्त कर्ताना हस्ताक्षर

आर.पी. ५४  
आर.पी. 54  
R.P. 54

भारतीय डाक विभाग  
भारतीय टपाल विभाग  
DEPARTMENT OF POSTS, INDIA

तारीख-मोहर  
तारीख-सिक्को



Date-stamp

प्रेषक डाकघर की  
नाम-मोहर  
Name-stamp of  
Office of Posting



*[Signature]*

Central Administrative insert  
Ahmedabad Bench

I.D. Patel House, Navjivan Post  
Ahmedabad.

भेजने वाले का पता  
Sender's address  
मोहल-नगर/सुर-नाम

पीन/पीन/Pin

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Jagat Ahmd - 30Lacs - 8/89

CA/496/24/30-1-90

प्राप्त स्वीकृति (रसीद)

ACKNOWLEDGEMENT

पक्षीय

5



क रजिस्ट्री पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

क्रमांक  
न  
No.

1208

बीमा २००२२ रुपये / पत्र/पोस्टकार्ड/पैकेट/पार्सल मध्य/मध्य

बीमो उत्तरवेध

Received a Registered /Letter/Postcard/Packet/Parcel

Insured

व्यक्ति का नाम

प्राप्तकर्ता का नाम

Addressed to (name)

The Chief Public works

Inspector (C.P.W.) W.R.

+ बीमों का मूल्य रूपयों में

उत्तरवेध

Insured for Rupees

बीमो रूपायामें

Bharuch

वितरण की तारीख

वितरण की तारीख/Date of delivery .....198

\* अनावश्यक को काट दिया जाय

Score out the matter not required.

शुद्धीन होय अे भागत छोडी नाओ

+ केवल बीमा वस्तुओंके लिए

for Insured articles only.

केवल बीमो उत्तरवेध वस्तुओं माटे

for

M. Desai 29-12-90

पु. र. प. नि. (ब. ला.) मरुच प. र.

PWI (BG) BHARUCH W.R.

पानेवालेके हस्ताक्षर/Signature of addressee

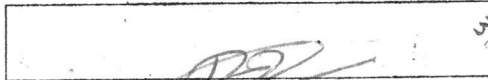
प्राप्त कर्ता का हस्ताक्षर

आर.पी. ५४  
आर .पी. 54  
R.P. 54

**भारतीय डाक विभाग**  
भारतीय टपाल विभाग  
DEPARTMENT OF POSTS, INDIA

तारीख-मोहर  
तारीख-सिक्की

प्रेषक डाकघर की  
नाम-मोहर  
Name-stamp of  
Office of Posting  
भेजने वाले का पता  
Sender's address  
मोहल्ले-नगर-संस्था  
Office of Posting



Date-stamp

*Central Administrative Tribunal*  
*Ahmedabad Bench*

*S.D. Patel House, Navjivan Post*  
*Ahmedabad.*

पीन/पिन/Pin

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Jagat Ahmd - 30Lacs - 8/89