

CENTRAL ADMINISTRATIVE TRIBUNAL

~~PRINCIPAL BENCH DEEINK~~

AHMEDABAD BENCH.

O.A No. 557 of 1993~~128~~

~~KAKAN~~

DATE OF DECISION 21.03.1994.

Shri Jayant Hirabhai Prajapati and Petitioner
others.

Shri P.K.Handa

Advocate for the Petitioner (s)

Versus

Union of India and ors.

Respondent

Shri N.S.Shevde

Advocate for the Respondent(s)

CORAM .

The Hon'ble Mr. N.B.Patel : Vice Chairman

The Hon'ble Mr. K.Ramamoorthy : Member (A)

JUDGMENT

: 2 :

1. Jayant Hirabhai Prajapati,
2. Mukesh Ramjibhai Patel
3. Umesh Natwarlal Adhyrau
4. Mahendra Sanabhai Parmar
5. Manubhai Keshavbhai Prajapati
6. Nissar Nizamuddin Sheik
7. Nasir Nizamuddin Sheik
8. Sufiyankhan Ahmedkhan Pathan
9. Riyazahmed Mohemedkhnn Pathan
10. Harunrashid "llarakha Khatri
11. Dinesh Rupabhai Veria
12. Bhavesh Chasndrakant Bhatt
13. Vivek Arunkumar Pagedar
14. Ajay Chimanrao Marathe
15. Kamlesh Sudhakar Dhadankar
16. Vijay B. Chunawala
17. Gopalbhai S. Bhaor
18. Bejoy Mathews
19. Mohabatsingh P. Chauhan
20. Vijay V. Vispute
21. Arjunbhai Hirlal Dhabhi
22. Masoodulhasan Samiulhasan Kazi
23. Pradeepbhai Ishwarbhai Prajapati
24. Pillai Ranesh Kumar Ponnam
25. Thakorbhai M. Gohil
26. Patel Salim Y.
27. Parekh Memant B.

...Applicants.

(Advocate : Mr.P.K.Handa)

Versus

1. Union of India,
Ministry of Railways,
owning and represented by
General Manager,
Western Railway,
Bombay-400 020.
2. Divisional Rly. Manager (E),
Western Railway,
Baroda-390 004.

.. Respondents.

(Advocate: Mr.N.S.Shevde)

ORAL JUDGMENT

O.A. NO. 557 OF 1993.

Dated : 21st March, 1994.

Per : Hon'ble Mr.N.B.Patel : Vice Chairman

In view of the modification of the interim
relief granted in O.A./302/92, Mr.P.K.Handa, seeks

: 3 :

permission to withdraw this O.A. Permission granted.
O.A. stands disposed of as withdrawn. ~~No~~ No order as
to costs.

(K.Ramamoorthy)
Member (A)

(N.B.Patel)
Vice Chairman

ait.

CENTRAL ADMINISTRATIVE TRIBU
Ahmedabad Bench

Application No. 04/557/93 of 19

Transfer Application No. _____ Old W. Pett No. _____

CERTIFICATE

Certified that no further action is required to be taken and the case is fit for consignment to the Record Room (Decided)

Dated : 08/04/94

Countersigned :

Anil Patel
Section Officer/Court officer

ccclap
Signature of the Dealing Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT ~~NEW DELHI~~ AHMEDABAD

INDEX SHEET

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NAMES OF THE PARTIES..... MR. J. N. Pegapch & Co. **VERSUS**

VERSUS

U. S. I. & O.

PART A B & C

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3.	0.9. d161 21/03/97	

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD

Submitted :

C.A.T./Judicial Section.

Original Petition No 557/93

of _____

Miscellaneous Petition No _____

of _____

Shri J N Pragjyoti 2005 Petitioner(s)

versus

110/2005

Respondent (s)

This application has been submitted to the Tribunal by
Shri PK Sharda.

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 Tribunal 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 has not been found in order for the reasons indicated in the check list. The applicant advocate may be asked to rectify the same within 14 days/draft letter is placed below for signature. Co. Court no 11 has asked to circulate the matter on 28/9/93. Club attached for perusal.
ASSTT. The matter, if approved, will be handled over to the concerned for necessary action.

S.O.(f) 27/9/93.

Pratap
27/9/93

D.R.(J)

Pratap
27-9-93

Court-I

Court-II

THE CENTRAL ADMINISTRATIVE TRIBUNAL AT SHIMEDABAD.

O.A. NO: 557 OF 1989
J.H. Prajapati
Sri/Asst. C.R.A.
and other

APPLICANTS

VS

UNION OF INDIA
AND OTHERS

RESPONDENTS

Application under Rule 5 (a) of the central
administrative tribunal (Procedure Rule, 1997).

The applicants abovenamed most respectfully submit as
under:-

1. That the cause of action and, nature of relief
prayed for is the same and have a common interest in the
O.A. filed today by the applicants, and therefore, all the
applicants are required to join together in a single petition.

2. In view of the above circumstances, the applicants
most respectfully prays that:-

Be pleased to permit the applicants to join together
and to file a signal application in the interest
of justice.

And for this Act of kindness and justice, the
applicants shall as in duty bound for ever pray.

1. J.H. Prajapati

2. M.R.P.

3. Umesh Patel

4. M.S. Kumar

5. M.K. Prajapati

6. H. S. Shrivastava



7 - Hassan Sheikh
8 - S Rathan
9 - Rm Rathan
10 - N A Khatri
11 - J R Vedia
12 - Bhavesh C Bhatt
13 - V A Fazdar
14 - D C Marathe
15 - K S Sondkar
16 - V B Chumawala
17 - G S Bhabar
18 - B Marathi S
19 - V N Upadhyay V.V
20 - M P Chembur
21 - S H Durg
22 - M S Kazi
23 - P J Prayapati
24 - R K Dillan
25 - Sambhul
26 - Salim
27 - J C B Parekh

Court

Court-II

535/93

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

ORIGINAL APPLICATION NO. 5571993

Between

JAYANT HIRABHAI PRAJAPATI & OTHERS

Filed by Mr. P.K.S. Handa
Learned Advocate for Petitioners
with second set & 2 copies copy served/not served to
other side

27/9/93
Dy. Registrar C.A.T.O.
Ahmedabad Bench

: APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

: RESPONDENTS

I N D E X

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A3	DRM(E) BRC's No.E/ELT/890/4/TRS/Pt.III dt.20.6.89- fresh notification.	13.
A4.	Appointment letter issued by DRM(E) BRC vide no.E/ELT/891/4dt.24.1.92	14
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A6	Judgement in OA/302/92(I/Order dt.23.7.92	16
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DATE: 27.9.93

PLACE: Baroda

P.K.S. Handa

SIGNATURE OF APPLICANTS' ADVOCATE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

ORIGINAL APPLICATION NO. 1993

Application under Section 19 of the Administrative Tribunals Act, 1985.

Appellants:

Between

1. Jayant Hirabhai Prajapati
2. Mukesh Ramjibhai Patel
3. Umesh Natwarlal Adhyaru
4. Mahendra Sanabhai Parmar
5. Manubhai Keshavbhai Prajapati
6. Nissar Nizamuddin Sheik
7. Nasir Nizamuddin Sheik
8. Sufiyankhan Ahmedkhan Pathan
9. Riyazahmed Mohamedkhn Pathan
10. Harunrashid Allarakha Khatri
11. Dinesh Rupabhai Veria
12. Bhavesh Chasndrakant Bhatt
13. Vivek Arunkumar Pagedar
14. Ajay Chimanrao Marathe
15. Kamlesh Sudhakar Dhadankar
16. Vijay B. Chunawala
17. Gopalbhai S. Bhabhor
18. Bejoy Mathews
19. Mohabatsingh P. Chauhan
20. Vijay V. Vispute
21. Arjunbhai Hiralal Dhabhi
22. Masdoodulhasan Samiulhasan Kazi
23. Pradeepbhai Ishwarbhai Prajapati
24. Pillai Ramesh Kumar Ponnan
25. Thakorbhai M. Gohil
26. Patel Salim Y
27. Parekh Hemant B. : APPLICANTS

Versus

1. Union of India, Ministry of Railways,
owning and represented by General Manager
Western Railway,
Bombay-400 020.

2. Divisional Rly. Manager (E)
Western Railway,
Baroda-390 004

: RESPONDENTS

DETAILS OF APPLICATION

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

1. Order No. 1. :E/ELT/891/4 dt.12.11.92

2. E/ELT/89/4 dt.20.1.92

Passed by: : Divl.Rly.Manager(E)
Baroda.

2. Jurisdiction:

The applicants declare that the subject matter of the order against which they want redressal is within the jurisdiction of the tribunal.

3. Limitation:

The applicants further declare that the order challenged is dated 12.11.92 and as such the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case:

(1) The applicants submit that they have applied for the post of App. Electric Fitter Gr.III in scaleRs.950-1500(RP) in Electrical deptt. (TRS, TRD, Power) of Baroda Division in response to the notification by DRM(E) Baroda vide No.E/ELT/890/4/TRS Pt.III as dt. 4.12.86 as shown at Annexure A2, in which 141 posts were advertised. Out of 141 posts, 16 for SC and 19 for ST and 14 for Ex-servicemen were reserved. But due to representation by Trade Union, the selection was postponed and reviewed and a fresh notification was issued by DRM(E) Baroda vide No.E/ELT/890/4/TRS Pt.III dt. 20.6.89 shown at Annexure A3 in reference to GM(E) Churchgate's letter No.E(R&T)/890/25/Vol.III dt.25.4.88

...3..

In the Notification shown at Annexure A3, 64 vacancies were notified to be filled up by Open market candidate against 25% quota, out of which 7 for SC and 9 for ST were reserved. Accordingly selection was held and all eligible candidates were examined by selection committee. Panel was formed, placing 48 general candidates vide No.E/ELT/891/4 dt.20.1.92 shown at Annexure A1. Accordingly the applicants were appointed as App.ELF in Scale Rs.950-1500(RP) vide letter of appointment No.E/ELT/891/4 dt.24.1.92 as shown at annexure A4.

(2) The applicants submit that all eligible candidates already working in the Railways have also applied and were considered for the above posts, names of such employees are as under:-

1. Umesh A.R ~~Ad~~
2. Vijay V.Vispute
3. Dharmendra Gir' K. Goswami
4. Nilesh H Benni
5. Mukesh R.Patel
6. Jeetendrakumar M.Darji
7. Rafikmohmed A.Painter and
8. Shailendra Singh A.Thakkar

The applicants submit that they were sent for 6 months training vide DRM(E) Baroda's letter No.E/ELT/839/8/2/4/TRS Pt.I as shown at annexure A5 and on completion of training period, they have been declared passed in the Trade test conducted. Since then they are working against the regular posts, but the regular appointment letter is held up as some of the employees who have not applied and not placed on the panel have approached

the Hon'ble Tribunal vide OA 302/92 with the Prayer that they should be considered for appointment against direct quota in preference to the persons empanelled as they have requisite qualification for the said post.

(3) The applicants submit that the Hon'ble Bench has passed Interim Relief in OA 302/92 as shown at Annexure A6, directing the respondent to maintain status quo as on the date of the Interim Order passed, in regard to further appointment if any of the persons mentioned in the list Annex.A, shall be maintained by the respondent till the next date of hearing which is fixed on 19.8.92. The Interim order was passed on 23.7.92

(4) The applicants submit that the next hearing as fixed on 19.8.92 has not taken place for one reason or the other, inspite of the fact that the respondent have filed 2 Misc. applications viz. MA 71/93 on 2.2.93 and MA 233/93 on 2.4.93 requesting the Hon'ble Bench to modify the interim Order passed in OA 302/92. Both the applications are still pending. In the meantime, the applicants also filed Misc. application vide No. MA 402/93 in OA 302/92 for joining as affected parties with the respondents and the same was allowed by the Hon'ble Bench. The matter was placed on board for final hearing on 7.10.93 with the consent of the Advocate.

(5) The applicants rely on the Judgement of Principal Bench which has held percentage promotion, direct quota - applicants demand promotions against direct quota because they are duly qualified - Held this is not permissible,

they may be appeared for recruitment if eligible SLJ IX 1992 (3) 102 PB New Delhi.

(6) The applicants submit that the applicants of OA 302/92 had filed Special Civil Application N.953/92 in the High Court of Gujarat challenging the impugned order dt.20.1.92, but the Hon'ble High Court has rejected the SCA on merits by its judgement dt. 8.4.92 shown at Annexure A7 stating that rule 159o IREM is not contravened and there is no substance in the petition, hence rejected. This fact was not brought to the notice of Hon'ble Tribunal in OA 302/92 and there is res judicata.

(7) It is apprehended by the applicants that their services are likely to be terminated by 30.9.93 as no decision is taken for modifying the Interim Order passed in OA 302/92. As such the applicants have no other alternative but to approach the Hon'ble Tribunal for natural justice.

5. Grounds for relief with legal provisions:

By granting Interim Order by the Tribunal in OA 302/92, the applicants have been deprived of their right for appointment against direct quota which is arbitrary and violative of Article 14 and 16 of Constitution of India. It is also violative of Para 159 of IREM.

6. Details of remedies exhausted:

The applicants submit that there is no alternative remedies available to them under relevant service rules.

7. Matters not previously filed or pending with any other court:

The applicants declare that they 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 Tribunal, nor any such application, writ petition or suit is pending before any of them.

8. Relief sought:

In view of the facts mentioned in para 4 above, the applicants pray to the Hon'ble Bench to issue regular appointment order as they have already completed the training and passed the necessary trade Test as shown in Annexure A2.

The respondent may also be directed to consider the appointment of the applicants from the date they have completed the training duly trade tested.

b) any other reliefs which the Hon'ble Tribunal deems fit.

c) Cost of the suit be awarded.

9. Interim order if any prayed for:

Pending finalisation and final disposal of the application, the Hon'ble bench is requested to grant ad-interim relief, directing the respondent to issue provisional Appointment letter till the finalisation of this application or the respondent maybe restrained from issue of termination order till finalisation of OA 302/92.

10. Application submitted by the get person.

11. Particulars of Postal Order:

- 1) Number of Postal Order : 918766 of 25/9/93
- 2) Name of post office issued Gondi gate P.O. Baroda
Postal Order:
3. Name of Post Office at which *Hawangpur P.O.*
payable. *Ahmedabad.*

12. List of documents: As per Index.

VERIFICATION

We JAYANT HIRABHAI PRAJAPATI, MUKESH RAMJIBHAI PATEL
UMESH NATWARLL ADHYARU, MAHENDRA SANABHAI PARMAR,
MANUBHAI KESHAVBHAI PRAJAPATI, NISSAR NIZAMUDDIN
SHEIK, NASIR NIZAMUDDIN SHEIK, SUFIYANKHAN AHMEDKHAN
PATHAN, RIYAZAHMED MOHAMEDKHAN PATHAN, HARUNRASHID
ALLARAKHA KHATRI, DINESH RUPABHAI VERIA, BHAVESH
CHANDRAKANT BHATT, VIVAK ARUNKUMAR PAGEDAR, AJAY
CHIMANRAO MARATHE, KAMLESHSUDHAKAR DHADANKAR, VIJAY
B. CHUNAVALA, GOPALBHAI S BHABHOR, BEJOY MATHEWS,
VIJAY V. VISPUTE, MOHABATSINGH P. CHAUHAN, ARJUNBHAI
HIALAL DHOBI, MASOODOOLHASAN SAMIULHASAN KAZI,
PRADEEPBHAI ISHWARBHAI PRAJAPATI, PILLAI RAMESHKUMAR
PONNAN, THAKORBHAI M.GOHIL, PATEL SALIM Y., PAREKH
HEMANT B. all aged adult, resident of Vadodara,
do hereby verify that contents of para 1 to 12
are true to our personal knowledge and paras 1 to
12 are believed to be true on legal advice and
we have not suppressed any material facts.

DATE: 27.9.93

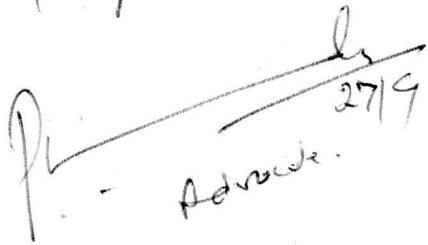
PLACE: Baroda

SIGNATURE OF APPLICANTS

- 1 J.H.Prajpatti
- 2 Patel
- 3 Umesh

- 4 mgParmar
- 5 M.K.PraJupati
- 6 H.H. Shinde
- 7 Major K. Shinde
- 8 SBPathan
- 9 RmPathan
- 10 ND Lehtari
- 11 D.R. Velinga
- 12 Bhavesh & Bhatt
- 13 V.K. Raghav
- 14 ACM Rathore
- 15 K.G. Jandekar
- 16 V.B. Chinnaswamy
- 17 G.S. Bhambhani
- 18 Somethan
- 19 V. S. V. V. V. V.
- 20 M. Chauhan
- 21 S. K. Zargi
- 22 M. Shazi
- 23 P. S. Rayapati
- 24 R. K. Kallai
- 25 T. M. Golik
- 26 S. Salim
- 27 H. B. Patel

Signed of applicat.


27/9
Advocate.

पश्चिम रेलवे
WESTERN RAILWAY

No. E/FLT/891/4
મોહાલી 891/5

Memorandum

મંડલ ફાયરાલિય, બડોદરા
Divisional Office,
Baroda,
Dated: 12-11-1992

(13)

8

Sub: Trade test for the post of ELF Gr.III
scale Rs.950-1500(RP) - Elect.(TRD) Deptt. -
against 25% quota of open market.

Ref: This office memorandum of even No. dated
11-11-91, 24-3-92, 17-6-92 and 23-9-92.

The result of trade test for the post of ELF Gr.III scale Rs.950-1500(RP) is notified for information to the staff concerned.

Sr.No. Name Design. Scale Working Result
S/Shri under

1.	Umesh A.Rao	App.ELF	950-1500	-	Passed
2.	Vijay V.Vispute	"	"	-	Passed
3.	D.K. Goswamy	"	"	-	Passed
4.	Nilesh N.Benami	"	"	-	Passed
5.	Bijoy Mathews	"	"	-	Passed
6.	Vijay V.Chunavala	"	"	-	Passed
7.	Jitendra M.Darji	"	"	-	Passed
8.	Mohbatsingh Chauhan	"	"	-	Passed
9.	Vivek Arun Pagedar	"	"	-	Passed
10.	Ajambhai S.Rathwa	"	"	-	Passed
11.	Gopalbhai S.	"	"	-	Passed
12.	Harendra H.Oriwala	"	"	-	Passed
13.	Surjit J.Ratnaji	"	"	-	Will follow
					Will follow

for Sr. DEE (TRD)(E) BRC

Copy forwarded for information and no action:

ATFO (S) VS GDA ATFO(PSI) VS TFO(RC) PRTN
CTFO (QHE) TRD I & II VS
Sr. DEE(TRD) BRC DEE(TRD) BRC AEE(TRD) BRC GDA
Divl. Secretary, WREU / WRMS BRC

विषय :- 25% कोटा के समान वा हर से मती किए गए बिजली पिटर रु.3-3 वे.मा.रु.950-1500 [संदेश] के लिए दस्तावेज परीक्षा-बिजली। दी आर्की। धिमा ग ।

ਸਨ ਦਰਮ੍ ਦੀ ਇਸ ਕਾਨੂੰਨ ਦਾ ਵਿ. ।।-।।-੧੨, 24-3-੧੨, 17-6-੧੨ ਅਤੇ 23-9-੧੨ ਦਾ ਸਮਾਂਧ ਕ ਸਾਹਮਨੇ ।

ਫੀਦੇ 25% ਮਰਗੇ ਕਿਥਾਤੀ ਫਿਲਟਰ ਵੇ. ਮਾ. ਰ. 950-1500 (ਸੁਵੇ) ਕੇ ਤਿਏ ਤੀਂ ਗੱਡੇ ਵਾਤਕਾ ਰੀ ਪੰਨੀ ਕਾ ਪੰਨੀ ਸੰਧਿਅਤ ਕੁਰੰਗਾ ਰਿਧਾ ਫੀਦੇ ਸੂਵਕਾ ਅਣਿਆ ਸੁਚਿਤ ਕਿਅ ਜਾਤਾ ਹੈ।

ਕੁਤੇ ਵਰਿਮੰਡਿੰਗੀ ॥ ਟੀ ਆਂਡੀ ॥
॥ ਦਥਾ ॥ -ਵਡੇ ਫਰਾ

True City ✓ ✓ Ad.

NOTE

9
14

The following App. Engs who were under training and waiting of regular posting orders, are posted in the following section till their regular orders are issued by E branch.

<u>Sr. No.</u>	<u>Name & Shri</u>	<u>Section allotted</u>	<u>Remarks</u>
01.	Manibhai Prasopati	M4	
02.	Umash Kumar	M4	
03.	Shakthi Rizor	M4	
04.	Shivash	M4 HR	
05.	Jayant Prasopati	Computer PFILE	
06.	Rakesh Patel	Computer PFILE	
07.	R.N. Pathan	Inspection	
08.	N. Chondro Dasmuk	M5 ISI	
09.	H.A. Khetri	M5	For repairs of all shed instruments.
10.	Dinash R.	M4	
11.	Sufian Khan	Inspection	
12.	R. A. Rainval	M5 HR	

The above App. Engs who are presently attached to different sections should be relieved immediately to the nominated sections.

(No. ETR/1/1978/14 Vol 1
Dated: 6.11.92)

Manu
/ Sr. DES/TEC/ENGR

TRS

TO

SIES M. M4-HR, M4-HR, M5-HR, PFILE, Inspection,
JETR M4-HR M5-HR

Amrit Singh
P

No. E/ELT/391/4.

RECRUITMENT MEMORANDUM

Divisional office,
BARODA.
Date: 20-1-92

9

10

Sub: Recruitment of Apprentice Fitters Scale
Rs. 950-1500(RP) (against 25% quota open
market) Electrical Department (Power/TRS/TRD)
Baroda Division.

Ref: This office Memorandum of ~~exam~~ number dated
No. E/ELT/390/4 /TRS/Pt. III dt. 20.6.99.

....

The Selection Board was convened from 12th to 14th December, 1991 to draw up a panel of suitable candidates for the post of Apprentice Fitter Scale Rs. 950-1500(RP) and the following candidates are placed on the provisional panel:

Sr.No.	Names	Roll No.	Name
✓ 1.		1504	S/ Shri Umesh A. Rao,
2.		1522	Sureshkumar D. Brahmabhatt
3.		565	Govindbhai A. Prajapati
4.		1519	Nayankumar D. Patel
5.		1232	Vijay V. Vispute.
✓ 6.		1061	Dharmendragir K. Goswami
✓ 7.		1317	Nilesh H. Denani
8.		625	Pradipbhai I. Prajapati
9.		954	Masdulhussain S. Kazi.
10.		1550	Ajay Chimanrao Marathe.
11.		1100	Harulrashid A. Khatri
12.		440	Rameshkumar P. Pillai
13.		630	Ravindran Unnithan S.
14.		1622	Thakorbhai M. Gohil
15.		1515	Nassarahmad N. Shaikh
✓ 16.		1343	Dinesh R. Variya.
17.		1475	Javedakhatar Abdul Sattar Sujela
18.		1516	Nissarahmad Nizamuddin Shaikh.
19.		729	Sunilkumar H. Bhavsar
20.		1116	Chetankumar N. Raval.
21.		1433	Naushadali Hussain alamkhan
22.		1379	Parashkumar R. Rana

.....
25/1/92

PRO

<u>S.No.</u>	<u>Roll No.</u>	<u>Name</u> <u>& Shri</u>
23.	651	Nrupeshkumar H. Shah
24.	313	Arjunbhai H. Dhobi
25.	576	Mohmadi Abdulhussain Pitolwakat.
26.	1614	Salim Y. Patel
27.	1627	Remantkumar D. Parekh
✓28.	1154	Umeshkumar Natwarlal Adhyaru.
✓29.	1257	Mukesh R. Patel
30.	1617	Safiyakhan Ahmadkhan Pathan.
31.	1630	Riyazahmad Mohmadkhan Pathan.
32.	1237	Dejoy Mathews.
33.	1327	Vijay B. Chunawala.
34.	1092	Hirabhai Dahyabhai Parmar (SC)
✓35.	366	Jitendrakumar Manubhai Darji.
✓36.	1732	Mohabatsingh P. Chauhan.
✓37.	572	Rafikmohmad Abdulkiyam Mohmad Painter.
38.	1307	Harendrakumar Udesingh Oriwala.
39.	1590	Jayantkumar H. Prajapati.
40.	711	Prakash Manubhai Jadhav.
41.	929	Manubhai K. Prajapati.
42.	932	Mahendrasingh S. Parmar.
43.	1439	Rajeev Vihnpant Sonar.
44.	1252	Vivek Arunkumar Pagedar.
45.	733	Kamlesh S. Dhandenkar.
46.	1132	Shailendrasingh Amarsingh Thakur.
47.	1029	Dhavesh Chandrakant Dhatt.
48.	1445	Ranjitsingh Ganpat Singh Raulji.

ANM/20/1191
For DRM (E)/BRC

Copy to Sr. DEE(P)-BRC/ Sr. DEE(TRD), sr. DEE(TRS)-BRC.

+Divl. Secy. WREU/WRMS-BRC.

CC/SC-ST Cell/ Copy for concerned file.

NOTICE BOARD.

(2)

12

દેશાધિકાર

પ્રાચ્યમ રેલ્વે

ઈ/દેશાધિકાર/૧૯૦/૪/ટી ચાર રેસ/પીટીડ

નોટીઝ કેરણ

વર્ષ ૩ સ્ટાફની ભરતી એપ્રેન્ટિસ ફીટર એટ પગાર ધારણું રૂ. ૮૫૦-૧૫૦૦ (આર) ઇલેક્ટ્રોિકલ ટીપાર્ટમેન્ટ હેઠળ (ટી. ચાર. એસ. /ડી. ચાર. ટી. /પાવર) વહેદાર તીવીજન.
શીનીપર ટીઝિથ (ટી. ચાર એસ) બી. ચારસી વાપ, સીનિપર ટીઝિથ ચાર ટી. બી. ચારસી અને સીનિ. ટી. ઈ. ઈ (પાવર) હેઠળ ઇલેક્ટ્રોિકલ એપ્રેન્ટમેન્ટ માટે પગાર ધારણું રૂ. ૮૫૦-૧૫૦૦ (આર) માં એપ્રેન્ટિસ રેલ્વે ૩ ની જયાંનો ભરવા માટે અરજીનો માંગવામાં આવે છે.
૧. રેલ્વેલા ઉમેદવારોને પદ્ધતિમ રેલ્વેના વહેદાર તીવીજનમાં નોકરી ર મૂક્યા સંભવ છે. ૧૪૧ જયાંનોમાંથી ૧૬ જયાંનો રેસ સી એનામત છે., + ૧૮ જયાંનો રેસ. ટી. ઉમેદવારો માટે ચાનામત અને ૧૪ જયાંનો રેક્સ-સર્વીસમેન (માઝ સીનિકો) માટે ચાનામત છે.
૨. જે ઉમેદવારો નીચેની શરેદારી પૂરી કરી શકતા હેઠળ દેખોન ચારજ વા પોત્ય છે.
૩. શૈક્ષિક લાયકાતો (મેટ્રિક્યુલેશન રેટને કે ૧૦ મું ધારણું ગાસ)

૪. ટેકનોલોજીલ લાયકાતો : ચાર્ટ. ટી. ચાર્થ. બે. વર્ધના વિવસાયા નેવા કે (૧) ઇલેક્ટ્રોિકલ (૨) વાપરમેન (૩) ફીટર (૪) ઇન્સ્ટ્રો. મેન્ટ મીકેનીકસ (૫) મીકેનીક રેલિયા અને ટી. બી. (૬) ઇલેક્ટ્રોનિક્સ મીકેનીકસ (૭) મિનિપ અને મોટર રીવાઈન્ફિં (૮) વોય અને ઇલેક્ટ રીપેર (૯) (૧૦) મથીનીસ્ટ (૧૧) ટુલ અને ડાયમેકર (૧૨) કોન્સ્યુલ (૧૩) એપ્રેન્ટર અને પ્રોગ્રામર (૧૪) મીકેનીકલ ડાફ્ટસમેન (૧૫) ટી.જિ.લ (૧૬) રેફ્રિજિનેશન અને એરકન્ડીશનીંગ મીકેનીક (૧૭) રેફ્રિજિનેશન (૧૮) એન્ટરન્ટર.

૫. અનુભવ : ચાર્ટ. ટી. ચાર્થ. સટિફિકેટ પછી ૨/૩ વર્ષના વિવાહાર અનુભવ ધરવતા ઉમેદવારો પસંદગીપાત્ર અનુભવનું સટિફિકેટ અરજ કરવાનું મોકલવું.

૬. ઉમર : ઉમેદવાર તા. ૧-૧૨-૧૯૮૬ ના રોજ ૧૮ વર્ષથી ઓછી ઉમરનો અને રાય વર્ષ કરતાં વધુ ઉમરનો હોવો ન જરૂરી. વધુ મર્યાદમાં છૂટછાટ રેલ્વે એડમિનિસ્ટ્રેશનના નિયમોની મર્યાદમાં રહી રહેલે ક્રમચારીઓ/કેન્યુનાલ લેબરના કિસામાં આપવામાં ચાવશે. (૨) રેસ સી/એસ. ટી. ઉમેદવારોની બાબતમાં વધુ મર્યાદમાં છૂટછાટ પાંચ વર્ષ સુધી આપશે. નેમણે નીચે આપેલા પ્રેફેન્સ "બી" માં જાતિનું પ્રમાણપત્ર નીચે દર્શાવેલા જાપિયારીઓમાંથી કોઈ એકની થોળ રીતે જરી સીકા સાથે રજુ કરવું પડશે.

(૩) રીસ્ટ્રોકટ મેઝસ્ટ્રોટે/એડીશનલ ટીસ્ટ્રોકટ મેઝસ્ટ્રોટે/ક્લેકટર/ટેચ્યુટી કમિશનર/એડીશનલ ટેચ્યુટી કમિશનર/ટેચ્યુટી ક્લેકટર/ફસ્ટ ક્લાસ સ્ટાઇલેન્ડરી/મેઝસ્ટ્રોટે/સબ-નીવીજનલ મેઝસ્ટ્રોટે/તાલુકા મેઝસ્ટ્રોટે/એકનીકુટ્યુટીવ મેઝસ્ટ્રોટે/રેક્સ્ટ્રોડ્રા નાસિસ્ટન્ટ કમિશનર/ફસ્ટ ક્લાસ સ્ટાઇલેન્ડરી મેઝસ્ટ્રોટના દર-જાણી નીચે નાની હોવા.

(૪) ચીફ રેસીન્સી મેઝસ્ટ્રોટે/એડીશનલ ચીફ મેઝસ્ટ્રોટે/પ્રેસીન્સી મેઝસ્ટ્રોટે.

(૫) તહેસીલદારના દરજાનથી નીચે નહી હોવા રેવન્યુ ઓફિસર. પરાના દાવાના ટેકામાં નેમની અરજીનો સાથે મોકલવાનાં છે.

૭. તાલીમનો સમય : પસંદ થયેલા ઉમેદવારોને છ માસ માટે તાલીમ આપશે.

૮. સ્ટાઇલેન્ડર : છ માસની તાલીમ જમય દરમિયાન નેમને વખતો-વખતના મોંથવારી ભથ્થા સહિત રૂ. ૮૫૦/ ના દરે સ્ટાઇલેન્ડર નાયાશે.

૯. ઉમેદવારોને પોતાનાને વિવસાયો માટે વેપિત પરીક્ષા આપવી યાદે. પ્રશ્નપત્ર અંગ્રેજિન્ડીમાં કાઢવામાં આવશે. ચાને ને બાદ બ્યાંગતંગત મુલાકાત હેવાશે. છ માસની તાલીમ સંખાતાપૂર્વક પૂરી કર્યા બાદ નેમના વિવસાય સંબંધી કસ્તોરી થયે ચાને વિવસાય કસ્તોરી પસાર કર્યા બાદ નેમના પગાર ધારણું રૂ. ૮૫૦/-૧૫૦૦ (આર) માં નેકરીમાં સમાવેશ કરવામાં આવશે.

૧૦. જે ઉમેદવારો તાલીમ માટે છૂટા ધરાવતા નહી હોય ચાથવા છ માસની તાલીમ પૂરી કર્યા બાદ આખરી પરીક્ષામાં નિષ્ફળ નશે તેણો છૂટા કરવાને પાત્ર ગણાશે.

૧૧. એપ્રેન્ટિસ ફીટર તરીકે નિમણુંકું પહેલાં શારીરિક હોળયતા માટે પસંદ થયેલા ઉમેદવારોને તાલીમી પરીક્ષા પાસ કરવી પડશે.

૧૨. અરજીઓ, નિયત થયેલા પ્રેફેન્સ "રે" માં તમામ લીગનો સહિત પૂરેપૂરી ઉમેદવારોના પોતાના હસ્તાક્ષરોમાં લખાયેલી, ચાને સ્કૂલ લીગના સાટિફિકેટ, ચાઈ. ટી. ચાઈ. સાટિફિકેટ ને બીજાં ને કોઈ સાટિફિકેટ હોય ને શાયે જોગાયેલાં દોય તે રીતે તા. ૫-૧-૧૯૮૭ ના રોજ કે ને પહેલાં આ ઓફિસરને મળી જાય તે રીતે મોકલવી જોઈશે.

૧૩. અરજીઓ નીચેના સરનામે મોકલવી.
આસિસ્ટન્ટ પરોનિલ ઓફિસર (૩)
વેસ્ટરન રેલ્વે, પ્રતાપનગર,
વહેદાર. -૮૮૦ ૦૦૪.

૧૪. અરજીની નીચે મુજબ પરબિયા ઉપર લખી નેમને મોકલવી.
"ઇલેક્ટ્રોિક ખાતા હેઠળ એપ્રેન્ટિસ ફીટરની જયા માટેની આરજી"

૧૫. સ્થાનિક ઉમેદવારો આરજીનો નાસિસ્ટન્ટ પરોનિલ ઓફિસર (૩)
શીવીજનલ રેલ્વે મેનેજરની એપ્રેન્સ, પ્રતાપનગર, વહેદાર. -૮૮૦ ૦૦૪ ની
ચેમબરની બહાર. ચાને હેતુ માટે રખાયેલા બોક્સમાં એપ્રેન્સ સમય દર-
મિયાન સાવારે ૧૦-૦૦ થી સાંજના ૬-૦૦ સુધીન નાખી શકે છે.

૧૬. ભરતી સાથે સંબંધીત એવી કોઈ પણ બાબતોની જોગ પત્રયાંદાર કરવી નહીં.

(ક્ષમા) નાબાદ્ય
શીવીજનલ રેલ્વે મેનેજર
(એપ્રેન્ટિસ લાયકાત)
પદ્ધતિમ રેલ્વે, પ્રતાપનગર,
વહેદાર.

True copy
R. d
p. d

To,
All subordinates of BRC Division.

V. A. Pagedar
Roll no - 1252

Sub: Recruitment of Class III Staff - Apprentice ELF
scale Rs. 900-1500 (10) - Elect. (Power/ TRS/TRD) Dptt.
BRC Division.

Ref: DR(E)CCG's letter No. E(R&T)890/25 Vol.III dated
25.4.88.

--X--

1) There are 64 vacancies to be filled up from open market
candidates against 25% quota for filling up vacancies in
Electrical (Power/ TRS/TRD) Organisation of Baroda Division in
the following trades :-

1. Electrical 2. Wireman 3. Fitter 4. Instt. Mechanic
5. Radio & T.V. Mechanic 6. (Electronic Mechanics)
7. Armature & Motor Rewinding 8. Watch & Clock Repairer
9. Welder 10. Diesel Mechanic 11. Refrigeration & Air
Conditioning Mechanic 12. Air Conditioning 13. Painter

2) The reservation of SC/ST is as under :-

SC: 7 ST : 9

3) The minimum qualification for the above post will be SSC
with I.T.I. qualified 2 years from recognised institution run
by Govt or course completed Act Apprentice in the requisite
trades as above.

4) The age limit should be from 18 to 25 years as on 25.7.89
and relaxation of age limit to SC/ST candidates is admissible
upto five years.

5) While reference have been made to Employment Exchange
concerned (the wards of the Railway Employees) having requisite
qualification and eligibility as above may directly apply to
this office for the above requirements duly superscribed on the
envelope cover as below:

"APPLICATION FOR THE POST OF APPRENTICE ELECTRICAL FITTER"

6) Those who will be selected will have to undergo six months
training and have to pass the trade test before absorption in the
respective vacancies. All applications should be submitted so as to
reach this office on or before 25.7.89. No application received
thereafter will be entertained.

7) This may be brought to the notice of all working under them
and also placed a copy on the Notice Board.

Encl: One proforma
of application.

Yours

for DR(E)-BRC

C/- Sr. DEE(TRS) (TRD) Power & (C)-BRC, AEE(TRD), (Power), DEE(TRS),
Div. Secy. WREU/WMS-BRC for information.

Acc. 150089

True Copy
J. D.

44/1252

Roll No. 1252

~~ANX AM~~

(14)

(10)

Western Railway

1992/11/24/1992

Divisional Office,
Vadodara.

24/11/1992.

LETTER OF APPOINTMENT :

To, Veveli Arunkumar Pagedar

Sub: Employment to Railway Service - Class
III staff - App: Fitter Scale 950-1500-
Elec. Department - Baroda Division.
(Against 25% quota open line).

You are hereby offered an appointment as a Apprentice Fitter in Scale Rs.950-1500/RP on Rs.950/- pm. plus compensatory allowance, House Rent Allowance and Dearness Allowance as under the rules,

2. The appointment offered to you is temporary and your services are liable to be terminated on 30 days notice of pay in lieu thereof. You will be considered for appointment in a permanent post on completion of the prescribed period of probation.

3. Your appointment is subject to declaration that you are not serving elsewhere at the time of your joining the Railway or that if you are already employed, your employer has permitted you to take up another employment and has released you.

4. Even though you are recruited for this division, your initial posting as well as subsequent promotions will normally be on this Division. You, however, remain liable in the exigencies of service to be transferred anywhere on this Railway.

5. Your services are liable to be terminated for any act of indiscipline, misconduct etc. on giving 24 hrs written notice.

6. You have to conform to all rules and regulations applicable to Govt. Railway employees.

7. You will have to fill in a declaration to the effect that you have not more than one wife as to have more than one wife disqualifies a man for Railway employment.

8. You will have to take an oath/make a solemn affirmation of allegiance to India and to the Constitution of India.

9. You will have to report to this office on or before 20.2.92 failing which, the order will be deemed as cancelled or communicated within 7 days on the date of receipt of this letter or your acceptance not received within a specific period, of the offer shall be treated as cancelled.

10. You will be governed by Pension Rules promulgated by Ministry of Railways with effect from 16.11.1957.

11. You are required to produce Character certificate in duplicate from the Head of Educational Institution last attended by you and similar certificate from your employer, if any, and same duly attended by Gazetted Officer as per certificate attached.

Address & Name of the Candidate

Veveli Arunkumar Pagedar,
Baranpura, Tarsaud Mhada
Bardedar.

C W M
for DRM(E) Baroda.

True copy

R. -

WESTERN RAILWAYS

No.E/ELT/839/8/2/4/TRS Pt.I

Divisional Office,
Baroda,
Dated: 24-3-1992.

Memorandum

Sub: Filling up of vacancies of App.Fitter
scale Rs.950-1500(RP) against 25% quota
open market - Elct.TRS Deptt. - BRC Divn.

Ref: This office letter No.E/ELT/891/4 dated
20-1-92.

The following candidates are selected for the post of Apprentice Fitter scale Rs.950-1500(RP) and allotted to Traction Department under Sr.DEE(TRS) BRCY. They are hereby directed to report to Sr.DEE(TRS) BRCY Office for training for a period of six months. During the training period they will be paid Rs.900/- + dearness allowance as admissible under the rules.

Sr.No. Name

1.	Shri Govindbhai A.Prajapati
2.	" Harulrashid A. Khatri
3.	" Dinesh R.Variya
4.	" Nissarshahmed Nizamuddin Shaikh
5.	" Pareshkumar R.Rana
6.	" Umeshkumar Natwarlal Adharu
7.	" Mukesh R.Patel
8.	" Riyazahmad Mohammad Khan Pathan
9.	" Rafiamohmad A.Painter
10.	" Jagantkumar H.Prajapati
11.	" Manubhai K.Prajapati
12.	" Bhavesh Chandrakant Bhatt

The candidates should report duty on or before
28/3/92 without fail.

for DRM (E) BRCY

Copy forwarded for information
and n/action to:

SEF(M) BRCY

Principal ZETS BRCY
Sr.DEE(TRS) BRCY DEE(TRO) PRTN for information.

True copy
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ADT 86

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O.A. 302/92.

Date	Office Report	ORDER
(8) 23-7-1992.		<p>Present: Mr. K.K. Shah, Adv/Apt.</p> <p>Heard. The first applicant is Paschim Railway Karmachari Parishad, the second applicant is member of that association. Application has been filed seeking permission to represent, ^{the} the Union in this matter. Application is allowed.</p> <p>2. Heard. The application is admitted. Issue notice to the respondents to file reply within 5 weeks. The applicant to file rejoinder if any within 2 weeks thereafter. Placed before Registrar for completion of pleadings on 24th September, 1992.</p> <p>3. The applicant has prayed for interim relief mentioned in para 10. We would like to heard the respondents in this regard. The Applicants' counsel undertakes to effect service on respondent No. 3 & 4 who are concerned to the matter regarding interim relief, is permitted. The matter regarding interim relief will be taken up for consideration on 19th August, 1992.</p> <p>4. Till that date, status quo from today in regard to further appointment, if any, of the persons mentioned in the Annexure A list shall be maintained ^{by} to the respondents till the next date of appearing.</p> <p>SD/-</p> <p>(R.C.Bhatt) Member (J)</p> <p>SD/-</p> <p>(N.V.Krishnan) Vice Chairman</p> <p>TRUE COPY</p> <p>18/7/92</p> <p>R.C.Bhatt Section Officer Central Admin. & Civil Tribunals Ahmedabad Bench.</p>

Copyng and comparing charges. (Rs. P.) 1-00
Total Rs... 1-80
Decree Department 8/1/92.

In the High Court of Gujarat at Ahmedabad.

Order passed by the High Court in the case of-

Pashchim Railway Karnachari Parishad
Represented by their Joint Divl.-
Secretary Shri H.J.Gupta,
having their office at
A-49, Sant Kalmagar,
Akota, Vadodara.

...Petitioners.

Vs.

1. Union of India, Notice to be
served through General Manager,
Western Railway, Churchgate,
Bombay 400 020.

2. The Divisional Personnel Officer,
Divisional Office, Western Railway,
Pratapnagar, Vadodara.

3. Divisional RRB Railway Manager (E)
Divisional Office, Western Railway,
Pratapnagar, Vadodara.

4. Assistant Labour Commissioner (Central)
Shrim Bhuvan, Khanpur,
Opp. Gun House, Ahmedabad.

...Respondents.

Being Special Civil Application No. 953 of 1992.

Mr. K.K. Shah, advocate for the Petitioner.

Mr. J.C. Sheth, advocate for the Respondent nos. 1 to 3.

Court's order

"There is nothing to indicate that the provisions of rule 159 of Indian Railway Establishment Manual is contravened inasmuch as from the record of the petition it is not possible to come to the conclusion that panel, prepared vide order dated January 21, 1992, produced at Annexure 'A', for the suitable candidates for the post of Apprentice Fitter scale 950-1500 (Rs) is in excess of the

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quota prescribed under Rule 159. It is not correct to say that order Annexure 'A' is in violations of the conditions of service of the petitioner. There is no substance in the petition, hence rejected. Notice discharged.

3.4.92.

Sd/-A. P. Ravani, J.
Sd/-K. R. Vyas, J.

(True Copy)

For Deputy Registrar
The 6th day of April, 92.

8741.92

True Copy
d/s

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

O. A. NO. 557 OF 1993

J.H.Prajapati & Ors..... ... Applicants

v/s

Union of India & Anr.... ... Respondents

REPLY ON BEHALF OF
RESPONDENTS.

The respondents humbly beg to file a reply

to the present application opposing admission as under:-

1. The present common application filed by the applicants is not amintainable at law and under the rules. The applicants have no common cause to file this joint application. The application is, therefore, liable to be dismissed.

2. Regarding para 1 of the application, it is stated that Annexure A dated 12.11.92 is a Memorandum declaring the result of trade test for the post of electrical fitter Grade III in the scale of Rs.950-1500(RP) (Electrical (IRD) Department) against 25% quota of open market. It is stated that Annexure A dated 20.1.92 is a provisional panel of Apprentice.

Presented by the
Reyes. Adm. Rep.

M. S. Shende
today 24-2-84
before the horrible
event

2007. Journal
24/2/84 Coastal Point

fitters scale Rs.950-1500(RP) against 25% quota open market. The respondents rely on the said Annexures for their contents. It is stated that the applicants have in fact no cause to challenge the aforesaid two documents in the present application. The application is, therefore, liable to be dismissed.

3. The applicants have prayed for an order to issue regular appointment orders to the applicants on the ground that they have already completed the training & passed the necessary trade test as shown in Annexure A/2 with the application and for a direction to the respondents to consider the appointment of the applicants from the date they have completed the training duly trade-tested. The applicants have also prayed for interim order directing the respondents to issue provisional appointment letter ~~till~~ ~~finalisation of the present case or in the alternative~~ restraining the respondents from issuing termination orders till finalisation of O.A.NO.302/92. The applicants are not entitled to any of the reliefs claimed by them in paras 8 & 9 of the application for the reasons stated herein below.

4. The respondents submit that Pashchim Railway Karmachari Parishad and one another who is member of the said Association have filed O.A.NO.302/92 in this Hon'ble Tribunal challenging the order dated 20.1.92 as illegal and against the provisions of para 159 of the Indian Railway Establishment Manual and violating the Articles

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quashing and setting aside the said Memorandum and also for a direction to the respondents to consider the case of the applicants and other similarly situated employees by holding that they should also be considered for the post of apprentice fitters/field artisans in the scale of Rs.950-1500(RP) from the date of their appointment for at least from 20.1.92 with consequential benefits. The said applicants have also prayed for interim relief for staying further operation and implementation of the order dated 20.1.92. It is submitted that the said application O.A. No.302/92 came up for the admission on 23.7.92 when the Hon'ble Tribunal was pleased to admit the same and direct the respondents to maintain status quo as on the date of order in regard to further appointment, if any, of the persons mentioned in Annexure A list till the next date of hearing as shown in Annexure A/6 with the application. The said interim order was then continued from time to time. The respondents have filed written statement to the said application contesting the same. The respondents have also filed an application M.A. NO.233/93 for permission for modification of interim relief/vacating interim relief and for permission to give posting to the selected candidates who have completed their training successfully atleast subject to final outcome of O.A. No.302/92. The said applications are pending for hearing

and final disposal.

5. The respondents submit that the applicants have no right to regular appointment immediately on completion of training and passing the trade test or their empanelment against 25% quota of open market. Even otherwise there is interim relief in O.A.NO.302/92 against the app regular appointments of the candidates mentioned in order dated 20.1.92. So far the respondents have not taken any decision to terminate the services of the applicants as the application filed by the respondents for vacating/modifying the interim order is still pending before this Hon'ble Tribunal. The applicants are not entitled to directions for the regular appointment because of their placement on the original panel. Since there is no order for termination passed by the respondents, the applicants have no cause to file the present original application.

6. The applicants are not entitled to any of the reliefs claimed in para 8 of the application.

7. The applicants are not entitled to any interim order as prayed for in para 9 of the application. In fact the present application is without any cause and is premature.

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

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VERIFICATION

I, B.N.Meena, age about 36 years, son of
Shri R.N.Meena, working as Senior 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: 15.4.1994

File 24.294

Senior Divisional Personnel Officer,
Western Railway, Baroda.

Meena
Sh. J. Meena