

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

✓ O.A./I.A./R.A./C.C.P./ No. 577-1986
Ram Balibos vs - U.O.g. 80r

P A R T - I

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DY. Registrar

Supervising Officer

Dealing Clerk 19/12/92

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Dealing Clerk

Recheck
on 21-2-12
pm

Report
22/12/2012
S.O.S.

V.K. Mishra

File B/C destroyed on 9-5-12

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

1993 (L)

APPLICANT'S

VERSUS

RESPONDENTS

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PART (A)

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6 Six Extra Copies
for Opp. PartyCalcutta 2014/1
8/12/93

19.10.93

(RN)

26/10

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

(2)

Registration No.

577 of 1986

APPLICANT (s) ... Ram Bala & 5 others.

RESPONDENT(s) ... Union of India through Divisional Railway Manager

Northern Railway Lucknow & another

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent?	Yes
2. (a) Is the application in the prescribed form?	No
(b) Is the application in paper book form?	Yes
(c) Have six complete sets of the application been filed?	Yes, 7 sets filed.
3. (a) Is the appeal in time?	Yes
(b) If not, by how many days it is beyond time?	—
(c) Has sufficient cause for not making the application in time, been filed?	—
4. Has the document of authorisation/Vakalat-nama been filed?	Yes
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed?	No.
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	Yes

26/10

A

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

68

Registration No. 577 of 1986

APPLICANT (s) Ram Bali & 5 others

RESPONDENT(s) Union of India through Divisional Railway Manager

Northern Railway, Lucknow & another

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	No
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Yes [7 sets filed]
3. (a) Is the appeal in time ?	Yes
(b) If not, by how many days it is beyond time ?	-
(c) Has sufficient cause for not making the application in time, been filed ?	-
4. Has the document of authorisation/Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	No
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes

A14

Reg. No. 577 of 1986

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALLAHABAD.

Central Administrative Tribunal

Additional Bench

Office No. 101, D/PATNA, Allahabad

Date of filing 6.10.86

Date of Receipt by Post

OA No. 577/06

BETWEEN.

P. Chander
Deputy Registrar.

1. Ram Bali aged about 35 years Son of Balak Ram
2. Ram Dayal aged about 35 years Son of Chhedi
3. Liyakat Ali aged about 35 years Son of Mustafa
4. Ram Khelawan Yadav aged about 35 years Son of Phakeer Lal
5. Sri Dhani Ram aged about 35 years Son of Ram Udit.
6. Ram Bahore aged about 30 years Son of Sri Balak Ram

All resident of Patwaganj Post Newti P.S. Rudauli
District Barabanki.

..Applicants.

Versus.

1. Union of India through D.R.M. Hazratganj

N.R. Lucknow.

2. Assistant Engineer N.R. Faizabad.

..Opposite Parties.

The petitioners beg to submit as under:-

1. That the petitioners were working in the beginning as casual labour and then the petitioners were substitutes because each of the petitioner had worked for a period necessary to become a substitute.

2. The petitioners used to get leave as employees and they had been issued a service cards. The opposite parties No. 2 took away these cards promising that the cards and the service would remain intact. The petitioners

S.L. NO. of order	Date of Order	ORDER WITH SIGNATURE	Office notes as action (if any) taken on order
(3)	16/2/87	<p><u>Deputy Registrar</u></p> <p>On the request of counsel for applicant he is allowed to file R.A. within one month, counsel for respdt. has no objection</p> <p>Put up for final hearing on 25/3/87 before court.</p> <p style="text-align: right;">DR 16/2/87</p>	<p><u>OR</u> Case was adjourned to 16.2.87 for hearing on the request of applicant's counsel submitted for hearing.</p> <p><u>DR</u></p> <p><u>OR</u> Time granted for filing R.A has exp but no R.A has so been filed by the for applicant</p> <p><u>DR</u> Case is subm. for hearing on 25. by DR.</p> <p><u>DR</u> 25/3</p>
(4)	25/3/87	<p><u>Deputy Registrar</u></p> <p>Rejoinder affidavit has not been filed today. Counter-Rejoinder exchange Put up for final hearing before court on 15/4/87.</p> <p>Rejoinder can be filed within that period</p> <p style="text-align: right;">DR 25/3</p>	<p><u>OR</u> Case is subm. for final hearing on 15/4/87 by DR</p> <p><u>DR</u> 15/4</p>
(5)	15.4.87	<p>On 8/4/87 adj. to 25.5.87</p> <p style="text-align: right;">DR</p>	
(6)	25.5.87	<p>On 8/4/87 adj to 25.6.87</p> <p style="text-align: right;">DR</p>	

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

ADDITIONAL BENCH ALLAHABAD

No. 577 of 1986.

VS

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
① 25.6.87	As the cases of Shri Srivastava are adjourned, list this case on 1-9-87. DR (J)	AV 1-9-87
② 1-9-87	Hon. D. S. Misra - AM Hon. G. S. Sharma - JM None is present for the applicant - Shri A. V. Srivastava. for the respondents a is present. Heard the arguments. It is reserved. AM - JM.	CR As per directions the DR (J) is to be listed on instead of 1-9-87 Date for S.P. has been fixed in this regard Date 25.7.87 H. 25.7.87

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

.....O.A.....No.....577.....of 1986

Ram Bali vs. Union of India

Sl. No. of order	Date of order	ORDERS WITH SIGNATURE	Office Note to action taken on or
15		<p><u>Office Report</u></p> <p>An application has been filed in this Tribunal for transferring the case No. 577 of 1986 to the Circuit Bench Lucknow.</p> <p>If approved August 26, 1988 be fixed for hearing at Circuit Bench Lucknow. In this regard the notices may be sent to the parties. Counsel.</p> <p style="text-align: right;">DRJ 16/8/88</p>	
16	16.8.88	<p><u>DRJ</u></p> <p>List this Case before Circuit Bench on 26/01/89 for hearing.</p> <p style="text-align: right;">DRJ 16/8/88</p> <p style="text-align: right;">DRJ SD (5)</p>	

order sheet

OA 577-06

-9-

(15) A)

(20) 5.10.88

Put up this case for hearing
on 7.10.88.

J. S. Chauhan
5.10

B. R. C.

(21) 7.10.88

VC/AM

Sir G. H. Naqvi for applicant
Sri A. V. Srivastava for respondents.

On the request of both the counsel,
the case is adjourned to 24.11.88
for hearing.

J. S. Chauhan
7.10.

(A. Johri)
AM

(K. S. Puttaswamy)
NL

(22)

24-11-88

Hon. D. S. Misra, AM
Hon. G. S. Sharma, JM

On the request of the
Counsel for the respondents
Sri A. V. Srivastava &
Case is adjourned to
25-1-89.

25-1-89:

J. M.

A. M.

AM

(23)

25.1.89 25.1.88
ver2

Hon. D. S. Misra, AM
Hon. G. S. Sharma, JM

No one is present to the applicant.
The case is adjourned to 23.2.1989 for
hearing.

J. M.

✓

AM

25.1.1989

Ver2

11-57-08

88

18

No Siting adj to 27.8.91

Ch

27.8.91

No Siting adj to 25.10.91

Ch

25.10.91

Applicant (Shri Ram Bah) present
in person

None for the Respondents

As prayed for by the Applicant, may
be listed for hearing on 8/1/92.

(S. N. Prasad)

Member (Jud.)

(Kanshal Kumar)

Vice Chairman

8.1.92

No Siting adj to 17.2.92

Ch

17.2.92

No Siting adj to 16.4.92

Ch

16.4.92

Cse not ready adj to

21.5.92

Ch

Boar

Submitted
Purushottam
S. S. S.
19/1

21.5.92 Thanks Mr. Bishen L. S. Srivastava
from Mr. K. Dayal A.M.

On the 20/05/92
In resp. on Cse not adjourned
to 27.5.92

27.5.92
Cse are ready for
17.7.92 meet

16

P9

17.7.92 - case not reached adj to
5.8.92

OR
C.A, P.A have
been filed.
S.F.H.

S.8.92

Case not reached adj to
28.8.92

B. o.c.

B
u/8/92

Mol

28.8.92

Case not reached.
Adjourned to 2/9/92.

OR

2.9.92

No Siting of D.B. adj to
15.10.92

d

15.10.92

No Siting of D.M. adj
to 22.10.92

d

case is

S.F.H.

21/10/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

D.A. NO 577/86 199 (L)

T.A. NO

Date of Decision

Ram Balaji & others

Petitioner.

Advocate for the
Petitioner(s)

VERSUS

Union of India & others

Respondent.

Advocate for the
Respondents

C O R A M

The Hon'ble Mr. Justice *W C Sivastava, V*

The Hon'ble Mr. *K. Gagge, A.M.*

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

W
VICE-CHAIRMAN/MEMBER

(P)
20
P/10

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 577/86

Ram Bali and others

Applicants.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

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

The above applicants who are six in number, have been working as casual labour in the Railways from before 1978 and were discharged in the month of March, 1983 on the ground of no work. According to the applicant the discharge order was passed in violation of principles of natural justice and violative of Industrial Disputes Act, in as much as the juniors were retained. The applicants have given their names. Some of the applicants represented to the department but of no result and that is why they filed the present O.A.

2. The respondents have opposed the application and doubted the identity of the persons stating that there are no person engaged as Ram Khelawan Yadav son of Phakeerlal and Shri Ram Bharosey and there is engagement of one Ram Khelawan son of Phakeerey. There is no difference between Phakeere and Phakeerlal. The case of the applicant would have been considered. According to the

respondents, who vaguely stated that the provisions of Industrial Disputes Act have been complied with and as such the applicant cannot be appointed. Their substantial case is that vide letters dated 1.6.84, 25.6.84 and 27.4.84 of the Railway Board, a project casual labour will acquire temporary status when he has completed 360 days of continuous service and the applicants did not complete the required period ~~and the applicant approached the board~~. The applicants have disputed this fact. According to them they have been working from much before and their entire service period should have been calculated. Various protections have been given to the casual labours by the department itself. The dispute came up before the Supreme Court in the case of Inderpal Yadav vs. Union of India (1985 2, S.C.C. 648) and gave certain directions. In pursuance of the directions of the Supreme Court the Railway Board laid down a particular scheme in respect of those who entered the service prior to 1980. The applicants were also engaged prior to 1980. There appears to be no reason why the benefit of the same be not given to them.

3. The respondents are directed to consider the case of the applicant for regularisation in accordance with law, and scheme framed by the Railway Board, in pursuance of the Judgment of Inderpal Yadav and if any junior has been allowed to continue and has been working, the

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

A/23
AB

ADDITIONAL BENCH, ALLAHABAD.

BETWEEN.

Ram Bali and others. .. Applicants

Versus.

Union of India and others. .. Opposite parties.

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4.	Annexure No. 3.	10.
5.	Power.	

M. Naqvi
Counsel for the Petitioners

(G.H. Naqvi)

October 6, 1986

Advocate.

Central Administrative Tribunal
Additional Bench
Date 6.10.86

Date 6.10.86

Abdul
Abdul

were since 1973 under P.W.I. Rudauli and D.S.E. II.

Lucknow Eivision.

3. That after working for the days mentioned in Annexure 1. , the petitioners were discharged with effect from March 1983 on the ground that there was no work. It is amusing to note that officers with big emoluments are more in number but the fourth class employees like the petitioners are being thrown out without any legality being considered

4. That the petitioners are entitled for engagement in service . The petitioners continuously approach the authorities and the Labour Commissioner , but the petitioners did not get justice from any where.

5. That the petitioners attended the office of P.W.I and opposite party No.2 almost daily but the petitioners could

not get any service inspite of their claim. The Union had to give notice for a strike on 22.6. 1985. The petitioners

however insisted that the strike may not adversely effect the case of the petitioners. It may be mentioned that

Ram Tirath, Baldev, Bishambhar and many others who are

junior to the petitioners have been retained and the petitioners are sitting idle since 1983.

6. That the petitioners submitted representation to the

D.R.M. on 1. 12. 1985, the copy of the representation is

filed herewith as Annexure No.2. The copy was also submitted

to the opposite party No.2 , but without any result . The

petitioners were allowed track work by contractors.

It was against rules. The contractors did not take the work. The petitioners were running from pilor to post and even the D.R.M. Allahabad was not having a soft corner for the hungry petitioners. The photostat copy of the note of D.R.M. Allahabad dated 19.3.1985 is Annexure 3.

7. That the petitioners had attained the status of a temporary servant, but the petitioners have been laid off and retrenched with effect from 14.3.1983 without any prior permission of the prescribed authority. The petitioners have not been paid their wages nor any compensation for a period from 15.3.83 to this date.

8. That the petitioners retrenchment by the opposite party No.2 without issuing of prior notice of one month in writing makes the entire order illegal, unconstitutional and improper.

9. That the petitioners have been retrenched and junior employees have been retain and this is against the principles of fundamental rights.

10. That the retrenchment of the petitioners is against the principles laid down in Article 14 and 16 of the Constitution of India.

11. That the petitioners seek the following remedy. They should be taken back in service as temporary employees. The petitioners be given the benefit of temporary servants that is railway passes, house rent, provident fund etc.,

12. That the petitioners have not filed any claim in the High Court and the petitioners simply seek the remedy as early as possible ~~to~~ ^{from} this Tribunal.

13. That the postal order of Rs. 50/- is here enclosed.
No-~~DD~~ 453019-
5

14. That there are three annuxures only.

Lucknow :Dated.

30.9. 1986

Q/H C/
Petitioners.

Verification.

We, Ram Bali Ram Dayal, Liyakat Ali, Ram Khelawan, Dhani Ram, Ram Bahore of Petuwaganj Post Newti ,P.S. Rudauli , District Barabanki do hereby verify that the contents of paras 1 to 14 of this petition are true to our personal knowledge and belief and that we have not suppressed any material fact.

1. Ram Bali.

2. Ram Dayal.

3. Liyakat Ali

4. Ram Khelawan Yadav

5. Dhani Ram.

6. Ram Bahore.

Lucknow.

The Registrar,
Central Administrative Tribunal,
Allahabad.

Signed & Seal Marked
Before me Verified

Adil
6/10/86

A/27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD.

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Annex I

Ram Bali and others.

... Petitioners

Versus.

Union of India through D.R.M and others ... Opp. Parties.

Extract from the list of Substitutes and their
working days:-

Sl. No.	Name/ Father's name.	Date of apptt.	Working period	Days.
1.	Ram Bali S/O Balak Ram	22.3.75	22.3.75-15.3.82 15.3.82-14.5.83	1124 days (One thousandone hundred twenty four days.)
2.	Ram Dayal S/O Sri Chhedi	13.1.73 XXXXXX	13.1.73-13-3-73 14.3.73-12-5-73 16.11.73-14-1-74 30.10.76- 1.11.78 20.12.78- 6.1.79 16.2. 79- 14.3.79 1.11.80 - 14.2.81 15.2.82- 14.5.82 15.3.82- 14-6.82 15.8.82- 14.5.83	60 60 60 30 18 27 106 88 92 273 814 Days.
3.	Liyakat Ali S/O Sri Mustafa	4.4.75	4.4.75 - 3.6.75 23.2.79 - 6.3.79 1.11.80- 14.11. 80 15.11.80 - 14.12.80	61 12 14 30

(Eight hundred fourteen days).

3.	Liyakat Ali S/O Sri Mustafa	4.4.75	4.4.75 - 3.6.75 23.2.79 - 6.3.79 1.11.80- 14.11. 80 15.11.80 - 14.12.80	61 12 14 30
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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ADDITIONAL BENCH, ALLAHABAD

Ram Bali and others.

.. Applicants

Versus.

Union of India and others.

.. Opposite Parties.

Annexure No.2.

To,

The Divisional Railway Manager,
Hazratganj, Lucknow.

Sub:- Discharge of casual Labours.

Respected Sir,

We the poor casual labours beg your attention to the facts stated below for kind consideration and justice:

1. That we had been working since 1973 under P.W. I/Rudauli DSE II Lucknow Division, after working for the days as mentioned below against our names, We have been discharged w.e.f March 1983 since there was no work. As per rules the casual labours who have worked prior to 1.6.78 are entitled for engagement. Since 1983, we are continuously approaching the authorities, DRM/Lko and Labour Commissioner,
J.J. Hall (Lko)
R.M. 2000
3. 10/2/03/13701
4. 21/2/03/13702
4- अन्तिम दिन
and we did not get justice from any where.

That the DSE II/Lko Division N.Rly has allowed track work by contractors from 14.2.85 against the decision by the General Manager in its PNM vide item

No. 369 held on 3/4/1984 that while swiftlings over to contractors agency for Track, it will be ensured that no casual labour, presently working is retrenched. Madam,-

In this case contractor has been employed on 14.2.85 against

2.

PNM decision given by General Manager N.Railway.

3. That we had attained the status of temporary staff and were working under PW I/Rudauli, Northern Railway Lucknow Division. We have been laid off and retrenched with effect from 14.3.83 illegally without obtaining prior permission of the prescribed authority without issue of any prior notice, and without assigning any reason. The condition and circumstances did not warrant for a lay off, but they have been arbitrarily laid off.

4. That we have been daily attending the place of work for the duties since 14.3.83 and always ready to work, yet we have not been given duty despite the repeated request. We have neither been paid our wages nor any compensation for the period from 15.3.1983/this date.

5. That we have been retrenched by DSE II/LKo N.Rly without issue of prior notice of one month in writing as required under section 25F of I.D.Act 1947.

our laying off without sufficient cause, and proper permission of the prescribed authority appointed by the appropriate Government with condition. Warranting the lay off is illegal and not sustainable, retrenching without any prior notice of one month and without payment of wages in lieu of such notice for the period of notice is also illegal and in contravention of Section 25 F of Industrial dispute Act 1947. Engaging a contractor

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A22

ignoring the legal and valid claim of their workmen with full benefit of their wages night from 15.3.83 the date of their laid off and retrenchment to the date of actually given duty is also illegal and against the provision of Industrial Dispute Act. 1947. The changing of their service condition by superstanding them through a contract affecting thereby their claim of wages as well as deprived them of their facility of privilege passes has also caused unrest and great prjudice to them.

7. The DRM/LKO with whom the Divisional Secretary N.R.M.U. discussed this issue for 15 days, accepted the cause of the workmen as genuine and their claim is justified in principle, but he expressed his inability to settle the dispute as its involved heavy payment.

Under the above facts we therefore request your honour
that the contract at R.D.L be cancelled and we may be employed.

We are Your Casual Labour.

1. Ram Bali Son of Balak Ram
2. Ram Dayal Son of Chhedi.
3. Liyakat Ali Son of Mustafa.
4. Ram Khelawan Yadav Son of Phakeer Lal.
5. Sri Dhani Ram Son of Ram Udit.
6. Ram Bahore Son of Balak Ram. All Residents of Petuwaganj Post Newtip.S. Reudauli. Distt. Barabanki.

In the central Administration Tribunal.
Additional Bench, Allahabad.

Ram Balaji comes as citizen of India comes

Annexure 3

A23

S.N. - 301.82-2,00,000 P.D.

जीव एस. 1944 C.L. 19-A

बनरज 99 टोटा Cent. 99 Small

उत्तर प्रदेश/NORTHERN RAILWAY
संख्या 163/85

From: - PWD-NR-RDL To

PWD-Manda

Re: - Absorption of casual labour.

As discussed by DSE-II-LKO with
me and
not require
any labour
on site at present sitting idle and were
to present appointed prior to 1.6.78 to work

Received yours

16/3/85
If you find any difficulty
then please talk to DSE-II
and also please inform me
for how much and the way
casual labour should work
to you.

~~DSE-II/LD~~

for the piece

16/3/85
DSE-II/LD

16/3/85
Supplemental note
before my next
debate 8/1/86

A 2. 21/1/86

11.30

Entered in 2nd time in this office

In the Central Administrative Tribunal,
Additional Bench, Allahabad

ब अदालत श्रीमान

महोदय

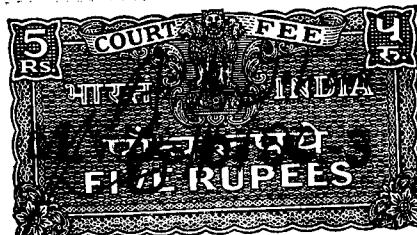
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वादी (मुद्रा)

प्रतिवादी (मुद्रालेह)

का वकालतनामा

Ram Balaji & others v. Union of India & others



म

वादी (मुद्रा)

प्रतिवादी (मुद्रालेह)

नं० मुकदमा सन् १९ पेशी की ता० १९ ई० ५/५/१९८६
उपर लिखे मुकदमा में अपनी ओर से श्री

4. H. Naqvi
A. H. Siddiqui
A. K. Johari

एडवोकेट

वकील

महोदय

अदालतनामा	मुकदमा नं०	फरीदनामा
-----------	------------	----------

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और
लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से दिगरी
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें
या कोई रुपया जमा करें या हमारी या विपद्ध (फरीकसानी) का
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)
रसोद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी
में एक तरफा मेरे खिलाफ फँसला हो जाता है उसकी जिम्मे-
दारी मेरी वकील पर लग जाएगी। इसलिए मैं वकालतनामा
लिख दिया कि प्रमाण स्वेच्छा समय पर काम आवेदन करें।

राम भला लिपालत अलू

साक्षी (गवाह)..... साक्षी (गवाह).....
दिनांक १०/१०/८६ महीमा सन्.....

दाना नाम

A25

Before the Central Administrative Tribunal additional
Bench at Allahabad.

R E P L Y

On behalf of the Respondents.

IN

Registration No. 577 of 1986

Ram Bali and 5 others Applicants.

versus

Union of India and another Respondents.

(District : LUCKNOW)

I, G.R. Srivastava aged about 52 years, son of
Sri Late Shri Jagdambika Prasad, presently posted
as Assistant Engineer, Northern Railway, Faizabad,
do hereby solemnly affirm and state as under:-

1. That I am presently posted as Assistant
Engineer in the office of Northern Railway, Faizabad and
is respondent no. 2 in the instant application and has been
duly authorised to file the instant reply on behalf of the
respondent no. 1 also. I have carefully perused the relevant
records relating to the instant case and is thus fully
acquainted with the facts of the case deposed to below.

APR
A. E. N. FD

2. That I have carefully gone through the contents of the application filed by the applicants under section 19 of the Central Administrative Tribunal Act of 1985 and the annexures accompanying it and has understood the contents thereof.

3. That before giving parawise reply to the application the answering respondents craves the leave of this Hon'ble Court to mention certain relevant facts which are necessary and essential to assess the controversy involved in the instant petition. They are as under:-

(i) that there were direction of the Railway Board that no casual labours should be engaged on and after 1.6.78. The applicant nos.1, 2, 3 and 5 were engaged prior to 1.6.78. In the record there is no person engaged in the name of Ram Khelawan Yadav son of Phakeer Lal and also there is no person engaged in the name of Ram Bharosey. The applicants nos.4 and 6 are put to strict proof regarding their engagement. In the records there is an engagement of one Ram Khelawan son of Phakeerey. That a copy of the complete chart showing the engagement of applicants 1, 2, 3, and 5 on various units from time to

DRW
A. E. N. FD

to time subject to availability of work is enclosed herewith and marked as ANNEXURE * C.A.-1 *

(ii) that from the annexure C.A.-1 to this reply it is apparent that the applicants were employed from time to time when needed by the Administration in different units and from 14.4.1982 to 14.5.1983 were appointed as Casual Labours in the work charged Project Work of conversion of short welded rail to long welded rail.

(iii) that as per Railway Board's letter no. E(NG) II/ 84/CL/41 dated 1.6.84, 25.6.84 and 27.4.84 a project casual labour will acquire temporary status when he has completed 360 days of continuous services. In the instant case as will be apparent from annexure C.A.-1. Since the applicants did not work continuously for 360 days as project casual labour. The question of giving temporary status (C.P.C. Scale) does not arise. Any allegations to the contrary being against rules and on incorrect facts are not admitted and are denied.

(iv) that as per ~~instant~~ ^{extant} rules whenever a casual labour is engaged on project against work charged post labour cum pay sheet is prepared separately of each labour

and as such the applicants are not entitled for any reliefs claimed. The grounds ~~are~~ put forth by the applicants are imaginary, misconceived and devoid of any merits and on this score alone the entire petition is liable to be dismissed.

9. That in reply to paragraph 12 of the petition it is submitted that the applicants are put to strict proof regarding the averments made therein. However it is further submitted that ~~any~~ ~~a~~ in view of the section 20 and 21 of the Central Administrative Act 1985 the instant petition is not maintainable and is liable to be dismissed.

10. That paragraphs 13 and 14 of the application being matter of records needs no comments.

I, G.R. Srivastava above named do hereby verify that the contents of para 1 are true to my personal knowledge and those of paras 2, 3, (i), (ii), (iii), (iv), (v), (vi), (vii), 4, 5, 6, 7, 8, 9 and 10 are based ~~on~~ from the perusal of relevant record of the case which all

ORW
E.N., FD

in which the period of engagement and discharge is mentioned. The said is acknowledged by the casual labours by affixing their left thumb impressions against their names and the same is kept by them on which they enter their attendance and submitted the same periodically for payment. After the said submission another labour cum pay sheet is issued on identical nature.

(v) that in the instant case as the applicants were engaged on 14.4.82 against a work charged post on project labour cum pay sheet were issued with respect to each of the applicants as per extant rules referred to sub para (iv) supra in which the period of the engagement and discharge was clearly mentioned and the applicants duly acknowledge the said condition by affixing their L.I.I. in their respective sheet.

(vi) that on completion of the aforesaid project work, on 14.5.83 the applicants as per extant rules were discharged from the said work after complying with the provisions of Section 25 F of the Industrial Dispute Act 1947. This retrenchment was done as per seniority list and any allegations to the contrary are not admitted and are denied.

5.

A29

(vii) that as in the labour cum pay sheet the period of the engagement and discharge were mentioned and the applicants agreed to this condition in view of ~~✓ of the Industrial Disputes Act 1947 ✓~~ section 25 F (a) proviso no notice was required if the retrenchment is under an agreement which specifies the date of services. Although as per period of working ~~✓ of the Industrial Disputes Act 1947 ✓~~ in compliance of section 25 F (b) 15 days average pay ~~✓ work~~ paid to each of the applicants. Any allegations to the contrary are misconceived and baseless and are emphatically denied.

4. That the contents of paras 1, 2 and 3 of the application are not admitted and are denied in the form they stand. In reply thereof the contents of paragraph 3 of this reply are reiterated.

5. That ~~the~~ in reply to paragraph 4 of the application it is submitted that as the applicants did not acquire temporary status. Their re-engagement depends upon the availability of the work after obtaining prior sanction of the competent authority.

DAN
As E.N. FD

However regarding the assertion about ~~appropriating~~ ^{representing} various authorities in this behalf as the applicants have not given the details of their representation it is not possible to give any definite reply and the applicants are put to strict ~~x~~ proof regarding the averments made therein.

6. That except for retention of Ram Teerath, Baldeo and Vishambhar, the rest of the contents of para 5 of the application are not admitted and denied for want of knowledge. In reply thereof it is submitted that the said Ram Teerath, Baldeo and Vishambhar were not only senior to the applicants but had acquired temporary status as per extant rules and ~~maxx~~ as such they have been retained. Ram Teerath is working as a Black-smith and Baldeo and Vishambhar as Gangman, any allegations to the contrary are not admitted and are denied.

7. That in reply to paragraph 6 ~~x~~ it is submitted that the applicants case were sympathetically considered, ^{Since} ~~as~~ their re-engagement depended upon the

availability of work with the sanction of the competent authority, as they have not acquired temporary status, their case~~s~~ was referred to D.S.E. Allahabad for their re-engagement if there is any requirements. As there was no requirements they were accordingly informed, any allegations to the contrary are baseless, misconceiveve~~d~~ and are denied.

8. That the contents of paragraphs 7, 8, 9, 10 and 11 of the application are not admitted and are emphatically denied. In reply thereof the contents of paragraphs 3, 6 and 7 of the instant reply are reiterated. However it is further submitted that there had been no violation of any rules and the principles of natural justice in the instant case and the petitioners have not been metted out with any discrimination and as such the provision of Articles 14 and 16 have not been violated and any allegations to the contrary are denied. Whatever that was legally due to the applicants have been paid to them as per condition of their services and they have been discharged after complying with the provision of section 25 F of the Industrial Dispute Act 1947,

A33

9.

I verily believe to be true; nothing material has been concealed. No part of this reply is ~~fact~~ false.

Verified this 8th day of December
1986, at Faizabad. ^{Faizabad}, district Allahabad.

~~DRM~~
~~AEN, FL~~

A34

SL
No.

Name

Father's
nameDate of Inspector
of original
appointment.Details of spell of working
& total no. of days put inDate of
Inspector of last
Yer trenchment

1. Ram Boli

Balak Ram

9.6.75
PHI-RDL

9.6.75 to 6.9.75 = 88 days

24.12.75 to 21.1.76 = 29 "

14.5.83-
PHI-RDL

1.4.76 to 4.5.76 = 34 "

28.10.76 to 11.11.76 = 15 "

22.2.77 to 10.3.77 = 17 "

19.3.77 to 2.5.77 = 45 "

15.5.77 to 29.6.77 = 15 "

15.7.78 to 13.8.78 = 30 "

16.8.78 to 18.9.78 = 34 "

5.11.78 to 14.11.78 = 10 "

16.11.78 to 14.12.78 = 29 "

16.2.79 to 14.3.79 = 27 "

16.3.79 to 14.4.79 = 30 "

16.4.79 to 13.5.79 = 26 "

27.8.79 to 14.9.79 = 19 "

15.9.79 to 14.10.79 = 30 "

15.2.80 to 14.3.80 = 29 "

1.11.80 to 14.11.80 = 14 "

15.11.80 to 14.12.80 = 30 "

15.12.80 to 14.1.81 = 31 "

15.1.81 to 14.2.81 = 31 "

15.12.81 to 14.3.82 = 85 "

OPEN

A 35

2. Ramdayal - Khedi - 13-1-73.

$$\begin{aligned} 15.3.82 \text{ to } 14.5.82 &= 61 \text{ days} \\ 15.5.82 \text{ to } 14.6.82 &= 31 " \\ 15.6.82 \text{ to } 14.5.83 &= 334 " \end{aligned}$$

$$\text{Total} = 1124 \text{ days}$$

$$13.1.73 - 13.3.73 = 60 \text{ days}$$

$$14.3.73 - 12.5.73 = 60 "$$

$$16.11.73 - 14.1.74 = 60 "$$

$$3.10.78 - 1.11.78 = 30 "$$

$$20.12.78 - 6.1.79 = 18 "$$

$$16.2.79 - 14.3.79 = 27 "$$

$$1.11.80 - 14.12.80 = 14 "$$

$$15.12.80 - 14.1.81 = 31 "$$

$$15.1.81 - 14.2.81 = 31 "$$

$$15.12.81 - 14.3.82 = 88 "$$

$$15.3.82 - 14.5.82 = 61 "$$

$$15.5.82 - 14.6.82 = 31 "$$

$$15.8.82 - 14.5.83 = 273 "$$

$$\text{Total} = 814 \text{ days}$$

35
GEN. E

5. Ligaguet Mu - Mustafe - 44.75 - PH1-RDL - 44.75 to 3.6.75 = 61 14.2.83
 A36
 $23.2.79 - 6.3.79 = 12$ - PH1-RDL
 $1.11.80 - 14.11.80 = 14$
 $18.11.80 - 14.12.80 = 30$
 $15.12.80 - 14.1.81 = 31$
 $15.1.81 - 14.2.81 = 31$
 $1.1.82 - 14.3.82 = 73$
 $15.8.82 - 14.3.83 = 273$
total = 225 days

4. Ramdhan - Ramudit - 44.75 - PH1-RDL - 44.75 - 3.6.75 = 61
 $15.11.80 - 14.12.80 = 30$ 14.5.83
 $18.12.80 - 14.1.81 = 31$ - PH1-RDL
 $15.1.81 - 14.2.81 = 31$
 $1.1.82 - 14.3.82 = 73$
 $15.8.82 - 14.3.83 = 273$
499 days ~~225~~

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH AT ALLAHABAD

IN
REGISTRATION NO. 577 of 1986

Ram Bali and 5 others ... Applicants.

Versus.

Union of India and another ... Respondents.

(District : Lucknow)

REJOINDER REPLY

The petitioners Ram Bali, Ram Dayal, Liyakat Ali, Ram Khelawan Yadav, Dhani Ram and Ram Bahore beg to submit as under in reply to the reply filed by Sri G.R.Srivastava, The reply is dated 8-12-86 but it was given to the petitioner counsel on 26-2-87.

2. The facts from para 1 to 10 of the reply of Sri G.R. Srivastava are denied so far as the same are contrary to the stand taken by the petitioners.

3. That Ram Bahore and Ram Khelawan applicants were in service as casual labour in 1975 and the pay sheet of the PWI of Dec. 1975 and Jan. 1976 were in Ram Bali is also mentioned may be summoned and same would prove that the petitioners Ram Bahore and Ram Khelawan were working since 1975 and they have not been taken in service only after 1-6-78.

L.T.O. Ram Dayal
L.T.O. Liyakat Ali

L.T.O. Ram Khelawan

L.T.O. Ram Bahore

It is wrongly alleged by Sri Srivastava that Ram Bahore and Ram Khelawan jointed as casual labour after 1-6-1978. The fact is that these two unfortunate IV class employees were deprived of the service card prior to 1-6-1978 and hence the claim in the petition is not correct but the same is based on the actual position on 1-6-1978. Others who were junior to Ram Bahore and Ram Khelawan were issued service card but, for reasons, Ram Khelawan and Ram Bahore were not issued service cards.

4. That Ram Bahore has sworn the affidavit and so also Ram Khelawan as also prepared an affidavit. The two affidavit are also being filed with this reply for perusal and necessary orders.

5. That Krishna son of Ganga Dutt were taken in but Ram Khelawan and Ram Bahore were too poor obliged the concerned officer.

6. That Chhedan, Chhedi, Ram Lal who were on the roll of PWI Rudauli have been allowed to work because they were also turned down and in this Tribunal, it is heard that the subs- succeeded the details would be submitted if and when necessary documents are available.

L.T.D. Ram Bahore

7. That Sri Srivastava has been saying that the Board

El. 10/12/79

21/10/79

L.T.D. Ram Bahore

L.T.D. Ram Bahore

L.T.D. Ram Bahore

letter prohibited the recruitment but the details have been withheld with the result that proper reply did not possible. Reengagement was not on compassionate grounds. The petitioners were taken in as of right.

8. That the petitioners could not be removed from service without being heard and the order is against the principles of natural justice.

Lucknow:Dated:

March 23, 1987

1. Ram Bali

L.T.D. Ram Dayal

2. Ram Dayal

L.T.D. Liyakat Ali

3. Liyakat Ali

4. Ram Khelawan Yadav

L.T.D. Ram Khelawan

5. Ram Dhani

6. Ram Bahore

Petitioners

VERIFICATION

We the above named the petitioners do hereby verify that the contents of paras 1 to 8 and the accompanying affidavit are true to our knowledge.

No part of its wrong and nothing have been concealed.

L.T.D. Ram Dayal

I identified the petitioners
who have signed before me.

L.T.D. Ram Bahore

Lucknow:Dated:
March 23, 1987

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH AT ALLAHABAD

on behalf of the Respondents.

A40

IN

Registration No. 577 of 1986

... Applicants

1987

AFFIDAVIT

22

HIGH COURT
ALLAHABAD



Ram Bali and 5 others

versus

Union of India and another

... Respondents.

(District : Lucknow)

REJOINDER AFFIDAVIT

I, Ram Bahore aged about 33 years, son of Sri Balak Ram, resident of Patuwaganj, Post Newti, P.S. Rudauli, District, Barabanki, do hereby solemnly affirm and state as under :-

1. That the deponent is one of the petitioners in the above noted case and he has been explained the reply of Sri G.R.Srivastava, dated 8-12-86. This was given to the counsel on 16-2-87. The detailed reply will be available when the matter of all the petitioners is detailed for perusal.
2. That the reply of Sri Srivastava is not correct when he says that the deponent was taken after 1-6-. The fact is that P.W.I Rudauli Sri P.T. Singh has



contd.....2

Ram Bahore

not shown the deponent in the card of service. He has done so because he wanted to help Krishna son of Ganga Dutt and others and they have been issued card for this 1975 also. Such persons whom PWI and authorities wanted have been treated temporary servants and the deponent was not given any documents to show that he worked continuously from 9-6-75. In fact the deponent was in the welding plant in 1975-76 also. To prove this the deponent would satisfy the Tribunal if the muster Roll and pay sheet for the Dec. 1975 to 21-1-76 are summoned from the PWI Rudauli which would show that Ram Bali and the deponent were all working in 1975.

3. That the deponent was thrown out from service without giving him an opportunity of being heard. The deponent worked and the pay sheet from 24-12-75 to 21-1-76 from the P.W.I., Rudauli, Barabanki would bear out that the deponent was in service long before 1-6-1978. (The ^{204 94} ~~xxx~~ pay sheet may kindly be summoned)
4. That the deponent has worked for more than 360 days and his removal from service is without jurisdiction illegal and unconstitutional.
5. That Mr. Srivastava in his reply has not mentioned the number of the Board's order, nor a copy of the same has been filed. Proper reply is not possible.



L.T.D. Ram Bahadur

6. That it is not clear as to how after 1-6-1978
the deponent was employed again. The General Manager
of the Board did not cancel earlier order.

That Mr. Srivastava has, it appears, taken advantage
that the deponent has been removed and hence he would
not be heard by the Tribunal. The deponent is extremely
poor and he is on the verge of starvation. The
removal from service can not be justified.

LUCKNOW:DATED :
MARCH 23, 1987

DEPONENT : *L-T 2 Ram Bahadur*

VERIFICATION

I, the above named deponent do hereby verify that
the contents of paras 1 to 7 of this Rejoinder Affidavit are
true to my knowledge. No part of it is false and nothing
material has been concealed. So help me God.

LUCKNOW:DATED :
MARCH 23, 1987

24.3.87

DEPONENT : *L-T 2 Ram Bahadur*

I identify the deponent who has signed before me.

Q.00 Solemnly affirmed before me on 24.3.87 at
am/pm by the deponent who
is identified by Shri...A.N. NAGVI
Advocate, High Court, Lucknow.

I have satisfied by examining the deponent who
understands its contents which have been read-
out and explained by me.

Mohd Zamir, Hafiz

OATH COMMISSIONER	
High Court, Allahabad	
Lucknow, India	
No.	23/2412.....
Date.....	24.3.87.....

AY3

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH AT ALLAHABAD

On behalf of the Respondents.

IN

Registration No. 577 of 1986

1987

AFFIDAVIT

23

HIGH COURT

ALLAHABAD

24/3/87

Ram Bali and 5 others

... Applicants.

versus

Union of India and another

... Respondents.

(District : Lucknow)

REJOINDER AFFIDAVIT

I, Ram Khelawan Yadav aged about 35 years son of

Phakeer Lal, resident of Patuwaganj, Post Newti. P.S.

Rudauli, District, Barabanki, do hereby solemnly affirm

and state as under :-

*Recd Com
C. L. S.
16/2/87.*

1. That the deponent is one of the petitioners in the above noted case and he has been explained the reply of Sri G.R. Srivastava, dated 8-12-86. This was given to the counsel on 16-2-87. The detailed reply will be available when the matter of all the petitioners is detailed for perusal.

2. That the reply of Sri Srivastava is not correct when he says that the deponent was taken after 1-6. The fact is that P.W.I Rudauli Sri P.T. Singh has



not shown the deponent in the card of service. He has done so because he wanted to help Krishna son of Ganga Dutt and others and they have been issued card for this 1975 also. Such persons whom PWI and authority wanted ties have been treated temporary servants and the deponent was not given any documents to show that he worked continuously from 9-6-75. In fact the deponent was in the welding plant in 1975-76 also. To prove this the deponent would be satisfied if he shows the muster Roll and pay sheet for the Dec. 1975 to 21-1-76 are summoned from the PWI Rudauli which would show that Ram Bali and the deponent were all working in 1975.

3. That the deponent was thrown out from service without giving him an opportunity of being heard. The deponent worked and the pay sheet from 24-12-75 to 21-1-76 from the P.W.I., Rudauli, Barabanki would bear out that the deponent was in service long before 1-6-1978. (The pay sheet may kindly be summoned)

4. That the deponent has worked for more than 360 days and his removal from service is without jurisdiction illegal and unconstitutional.

5. That Mr. Srivastava in his reply has not record of the Board's the number of the ~~order~~ ^{order} and nor a copy of the same has been filed. Proper reply is not possible.



L.T.O. Ram Chelawat Yadav

6. ²⁴ That it is not clear as to how after 1-6-78 the deponent was employed again. The General Manager of the Board did not cancel earlier order.

7. That Mr. Srivastava has, it appears, taken advantage that the deponent has been removed and hence he would not be heard by the Tribunal. The deponent is extremely poor and he is on the verge of starvation. The removal from service can not be justified.



LUCKNOW:DATED:
MARCH 23, 1987

DEPONENT
L.T.I. (An Khelawas
Yadav)

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 7 of this affidavit are true to my knowledge. No part of it is false and nothing material has been concealed. So help me God.

LUCKNOW:DATED:
MARCH 23, 1987
24-3-87

DEPONENT
L.T.I. (An Khelawas
Yadav)

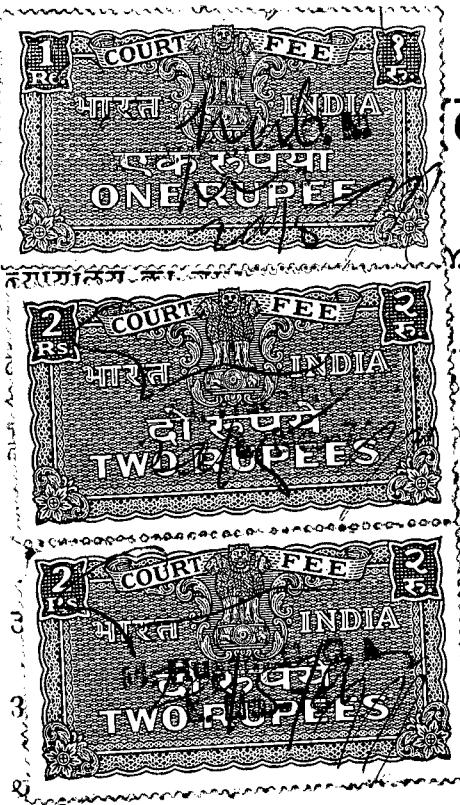
²⁴ I identify the deponent who has ²⁴ / ²⁴ signed before me. ²⁴

9-24 Solemnly affirmed before me on 24.3.87 at am/pm _____ by the deponent who is identified by Shri. A. H. Naqvi Adv. Advocate, High Court, Lucknow.

I have satisfied by examining the deponent who understands its contents which have been read-out and explained by me.

Mohd Zameer Hasan

OATH COMMISSIONER
High Court, Allahabad
Lucknow, Bauch
No. 23/1413.....
Date.....24.3.87



उत्तराभ्यामा

A46
O.A. No 577/85 Allah
FF - 27-5-92

Central Administrative Tribunal Lucknow

सन्

Ram Bahadur vs. Attorney of India (all W)

किस्म दावा

SHABIHUL HASNA IN Adm

ए मैं हम् दावा दावा दावा

निवासी

सन् १९

नाम न्यायालय
वाद सं०

को अपना वकील नियुक्त करता हूँ / करते हैं। आपको अधिकार है कि आप इस मुकदमे में हमारी ओर से पैरवी व सवाल जवाब बहस करें व दस्ताबेज व अन्य कागज उपस्थित करे व वापस लेवे। पंच नियुक्त करे व पंचनामा व पच निर्णय के विरोध में कारण उपस्थित करें सुलहनामा व स्वीकृतपत्र उपस्थितकर दावा स्वीकार करें या उठा लेवे। डिग्री हो जाने पर उसे कार्य रूप में परिणित करावें, डिग्री का रूपया तत्सम्बन्धी व्यय या अन्य कोई धन जो हमें प्राप्त होने को है प्राप्त करें कोर्ट फीस स्टाम्पस व अन्य खर्च दाखिल करे व वापसी लेवे व नकल लेवे। मिसिल निरीक्षण करे व मुकदमा स्थगित करावे व अर्जी दावा व लिखित बयान उपस्थित करे व अपील या अन्य कोई प्रार्थना पत्र उपस्थित करें या शपथ पत्र उपस्थित करे या हमारी ओर से मौखिक बयान दे। मुकदमे में बवाह तलब करावे या अपनी ओर से अन्य वकील नियुक्त करके मुकदमे की सब कार्यवाही करावे या अन्य उक्त मुकदमा सम्बन्धी जो आवश्यक कार्य हो करे।

मैं / हम उक्त वकील साहब को उनकी फीस निश्चित करने के बाद उपरोक्त अधिकार देते हुए अपना वकील नियुक्त करता हूँ / करते हैं, और इकरार करता हूँ कि जो कुछ कार्य वकील साहब इस मुकदमे के सम्बन्ध में करेगे वह हमारा किया हुआ समझा जायगा और हमें स्वीकार होगा।

हस्ताक्षर प्रार्थी

साक्षी

*(Signature)
R.D.*

साक्षी

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