

Before the Administrative Tribunal
(Circuit Bench), Lucknow.

TA No 607 - 86 - (T) A/107

Y.O
Sl. No. 13.

Bhagwati Prasad Misra — Applicant
vs.

Union of India — Opposite
Parties.
and others.

Application for Adjournment

It is respectfully submitted
as under:

1. That as I shall remain out
of Station from tomorrow i.e.
25.5.1988, I shall not be
able to conduct cases listed
before this Tribunal.

It is therefore, prayed
that the hearing of the above
noted case may kindly be
adjourned to some other date
after vacation.

~~Deputy
Advocate
Counsel for Applicant~~

Lucknow 24-5-88
Dated 25-5-88.

Before the Central Administrative Tribunal
(Delhi Bench), dated 20.

S No 3

TA NO NO 607-86 (T) 18

25/5

B. P. Misra — applicant

vs

Union of India — op's.

F. F. 26/8

Application for Adjournment fixing
the case in the week commencing
from 23.5.1988.

It is respectfully submitted

as noted —

1 - Not in the above noted case
I am the counsel engaged by
the applicant to argue the above
noted case,

2 - that since I am not fully
well today it is not possible for
me to argue the above case
today.

3 - that it is expedient in
the interest of justice that the
above noted case may be adjourned
today and be fixed in the week
commencing from 23.5.88.

If it is therefore found
that the above noted case may
be adjourned today and the same
may be fixed in the week
commencing from 23.5.88.


Duggal
Adv.

250
F. F. 26/4/88

Counsel for Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A, Thornhill Road, Allahabad 211 001

No. CAT/Alld/ 9960 - 9971

Dated 19-9-86

In re

Registration No. 607 of 1986 (T)

Bhagwati Prasad Misra

APPLICANT

Versus

Union of India and others

RESPONDENTS

To (1) Bhagwati Prasad Misra S/o B.G. Misra R/o 558/17 Sunder Nagar
Alambagh Lucknow
(2) Union of India through General Manager Northern Railway Baroda
New Delhi
(3) General Manager (P) Northern Railway Baroda House New Delhi
(4) Deputy Controller of Stores Northern Railway Alambagh
Lucknow

WHEREAS the marginally noted case has been transferred by Munsif Lucknow
under the provisions of the Administrative Tribunals

Act (No. 13 of 1985) and registered in this Tribunal as above.

O.S. No. 262 of 1982
of the Court of Munsif Lucknow
arising out of the order dated _____
passed by _____
in _____

The Tribunal has fixed the date of 21-10-

1986 for the hearing of the
matter.

If no appearance is made on your
behalf by yourself, your pleader or by
someone duly authorised to act and plead
on your behalf, the matter will be heard

and decided in your absence.

Given under my hand and the seal of the Tribunal this 5th day
September 1986

DEPUTY REGISTRAR

Chahne
5/9

O/C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
Court (ALLAHABAD BENCH)

23-A Thanhill Road, Allahabad-211001.

NO. CAT/AL/100

Gandhi Bhawan, Lucknow

DATED

11/5/1980

Transfer Application No.

26/00 (TL)

607/06(1) of 1980

(T)

Bhagwati Rd. Muzra

APPLICANT

Versus

Union of India (G.M.N.R&L) & Ors

RESPONDENTS

To

Sri G.P. Agarwal, Advocate
C A T
Allahabad

WHEREAS the marginally noted case has been transferred
by High Court, Lucknow under the provisions of
the Administrative Tribunal Act (No. 13 of 1985) and registered in
this Tribunal as above.

Cat No 5790 of 1980
of the Court of High Court, Lucknow
arising out of the order dated —

The Tribunal has fixed the
date of 25/5/1980
for the hearing of the
matter.

Passed by _____
in _____
If no appearance is
made on your behalf by your
self, your pleader or by
someone duly authorised to
act and plead on your behalf, the matter will be heard and
decided in your absence.

Given under my hand and seal of the Tribunal this 11
day of 5 1980

O/C DEPUTY REGISTRAR

11/5/1980

11/5/1980
D.R.
R.K.T.
P.M.

Before the Central Administration Board
Akhada.

R.S. 540262 - 82

607(5)/86
UR

Bhagwati Board Misra — Plaintiff
vs.
Union of India

Expedite Application

It is submitted as under:

1. That the above noted case has been transferred to this Board Pursuance of the Act and is a old case.
2. That the W.S. has already been filed by the Respondent in the case.
3. That it is expedient in the interest of justice that the hearing of the case may be expedited and the Plaintiff may be furnished to comply with the procedure as laid down o/s 19 of the Act.

Sri Nakunda

8/8

It is therefore, for that the above noted may be listed before Court on 21.10.86 a date one another listed.
Note (my decision on record)

Delhi
Dt. 8.8.86.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A, Thornhill Road, Allahabad-211 001

9
A/13
CAT/Alld/Jud/29/83 to W32 1988
Dated the 8

A.No. P.A.C.B. 07/83
of 198 .(T)
X/13/83

Chamail Pd. No. 20.

Applicant's

Man of India and others
Versus

Respondent

To.

1. Adv. R.C. Sharma, Advocate, Right and Justice Law Office
2. Adv. R. P. Singh, Advocate, C.A.T. Allahabad

Whereas the marginally noted cases has been transferred by D. O. M. No. under the provision of the Administrative Tribunal Act (No.13 of 1985) and registered in this Tribunal as above.

Write Petition No. 00000000000000000000000000000000
of 198 00000000000000000000000000000000
of the Court of D. O. M. No.
arising out
of Order dated 00000000000000000000000000000000
passed by 00000000000000000000000000000000 in 00000000000000000000000000000000

26-4-88
The Tribunal has fixed date
of 00000000000000000000000000000000 1988. The
hearing of the matter.

If no appearance is made on your behalf by your some one duly authorised to

Act and pled on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
day of 00000000000000000000000000000000 198 00000000000000000000000000000000

DEPUTY REGISTRAR

Dk

या जाना चाहिए
ion factor 2.

हस्ताक्षर
of Operator

से कम अवधि की

तम्ब शुल्क संदेशों
में, परियात और
लघु से स्वायोनित
अवधि शामिल

such as disposal of
duties, traffic and
etc., is fully justi-
fied than 15 minutes

क्षर और पद
signature
visor

28-316/68-MI
9-10/68-T2

0131/A

53 LUCKNOW A 11 40

REGISTRAR CENTRAL

का से
tiplied by

का

for

9:58 A.M.

Signature
of the

REGISTRATION NO 607-86 (T) BHAJAN PRASAD MISRA
AND REGISTRATION NO 260-86 (O) R P SRI IVASTAVA FIXED

ADJOURNMENT PRAYED R C SAXENA ADVOCATE

मोर्स का
बेतार में
Morse
W/T M

से मोर्स रहित
Meal relief from
(2) गैर-परिचालित ड्यूटियों की
particulars of non-operative

पर्यवेक्षक स्टाफ का प्रमाण-
Certificate of Supervisory st

1. कि आपरेटर द्वा
कोई अवधि शा
That the stopp
period of less t
2. गैर-परिचालन
और देवनागरी
दूरमुद्रक पर्यवेक्ष
और सही है अै.
नहीं है।
That the total period
late fee messages and
teleprinter supervisor
fied and correct and
duration.

MGIPAh-276 P. & T./62-30-8-82-7,00,0

Saxen May 11/1968

27/11/68

14/8

2/9

14

Before the Central Administrative Tribunal, Allahabad Bench,

Registration No. 607 of 1986(T)

Misc. Affl. No. 75-B-T/87

Bhagwati Prasad Misra aged about 62 years son of
Sri Bans Gopal Misra, resident of 568/17, Sunder
Nagar, Alambagh, Lucknow.

..... Petitioner.

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. General Manager(P) Northern Railway,
Baroda House, New Delhi.
3. Deputy Controller of Stores, Northern
Railway, Alambagh, Lucknow.

..... Opp. Parties
Dismissed in default on 3rd/87

Application for restoration of the case

It is respectfully submitted as under :-

That the above noted case was listed for hearing on 8.7.1987
before this Tribunal.

DR(J)
14/8/87

That the counsel for the applicant Sri R.C. Saxena, was not
feeling well on 8.7.1987 as such a telegram praying adjournment
of the case was sent to the Tribunal on the basis of which the
case was adjourned on 8.7.1987.

Replies pending

3. That the applicant and his counsel Sri R.C. Saxena resides at
Lucknow.
4. That the applicant is an old man retired from service and has
no sufficient funds as well as physical strength to reach to

Allahabad to attend the case on each date of hearing.

5- That the applicant and his counsel Sri R.C.Saxena since 9.7.1987 had been waiting for intimation about the next date fixed by the Tribunal on 8.7.1987 but no intimation about the date 30.7.1987 was ever given to any one of them.

6- That due to omission on the part of the Tribunal to give intimation about the date fixed for hearing the counsel for the applicant could not appear before the Tribunal on 30.7.1987 as a result of which the case was dismissed in default.

7- That the applicant from 15.7.1987 till 10.8.1987 remained confined to bed due to fever as a result of which he could not arrange to enquire about the date from the Tribunal.

8- That the applicant on 11.8.1987 reached Allahabad to know about the date fixed in the case and on enquiry learnt that his case was dismissed in default.

Arjun Singh

9- That the applicant has every intention to prosecute his case and omission to appear before the Tribunal on 30.7.1987 is only due to the reasons stated above.

Lucknow, dated
13-8-1987

R. C. Saxena
Applicant. *R. C. Saxena*

Verification

I the above named applicant do hereby verify that the contents of paras 1 to 9 of this application are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated
13-8-1987.

R. C. Saxena
Applicant.

PRAYER

Wherefore it is most respectfully prayed that the Tribunal may be pleased to recall the order dated 30.7.1987 and restore the case at its number for decision on merits.

Lucknow, dated
13-8-1987.


(R.C. Saxena)
Advocate
Counsel for Applicant.

Before the Central Administrative Tribunal, Allahabad Bench,
File No. 75-B/T/87
Registration No. 607 of 1986(T)

Durgati Prasad Misra aged about 62 years son of
Sri Dno Gopal Misra, resident of 568/17, Sandar
Khera, Alambagh, Lucknow.

..... Petitioner.

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. General Manager(P) Northern Railway,
Baroda House, New Delhi.
3. Deputy Controller of Stores, Northern
Railway, Alambagh, Lucknow.

..... Opp. Parties.

Application for restoration of the case

It is respectfully submitted as under :-

1. That the above noted case was listed for hearing on 8.7.1987
before this Tribunal.
2. That the counsel for the applicant Sri R.C. Saxena, was not
feeling well on 8.7.1987 as such a telegram praying adjournment
of the case was sent to the Tribunal on the basis of which the
case was adjourned on 8.7.1987.
3. That the applicant and his counsel Sri R.C. Saxena resides at
Lucknow.
4. That the applicant is an old man retired from service and has
no sufficient funds as well as physical strength to reach to

T.C.
Deputy
Advocate

~~2~~

Aligarhabad to attend the case on each date of hearing.

5- That the applicant and his counsel Sri R. C. Soni since 9.7.1987 had been waiting for intimation about the next date fixed by the Tribunal on 8.7.1987 but no intimation about the date 30.7.1987 was ever given to any one of them.

6- That due to omission on the part of the Tribunal to give intimation about the date fixed for hearing the counsel for the applicant could not appear before the Tribunal on 30.7.1987 as a result of which the case was dismissed in default.

7- That the applicant from 15.7.1987 till 10.8.1987 remained confined to bed due to fever as a result of which he could not arrange to enquire about the date from the Tribunal.

8- That the applicant on 11.8.1987 reached Aligarhabad to know about the date fixed in the case and on enquiry learnt that his case was dismissed in default.

T.C.
Dinesh
Srivastava

9- That the applicant has every intention to prosecute his case and omission to appear before the Tribunal on 30.7.1987 is only due to the reasons stated above.

Lucknow, dated
13-8-1987

Applicant. Bop

Verification

I the above named applicant do hereby verify that the contents of paras 1 to 9 of this application are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated
13-8-1987.

Applicant.

PRAYER

Wherefore it is most respectfully prayed that the Tribunal may be pleased to recall the order dated 30.7.1987 and restore the case at its number for decision on merits.

Lucknow, dated
13-8-1987.

(R. C. Sahoo)
Advocate
Counsel for Applicant.

T.C.
Rakesh G
Advocate

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

Regn NO..... 607 (T) OF 1986

Bhagwati P. Misra vs. 1109 (CMNRly) Case.

SL NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
		<p>11-2-87 Motn D S Misra - AM Hm G S Starman - AM</p> <p>On the appeal petition of the plaintiff, the case is referred to Smti. S. S. for hearing.</p> <p>AM Hm</p>	<p>Office report - 1. OS No. 262/82 received on transfer from DJ Lucknow 2. Cause of action - Claim for difference of pay 3. Position at the stage of transfer - (i) WS filed (ii) Pending for Issues. 4. Notice issued by regd. post to both the parties. 5. No undelivered regd. cover recd. back so far. Submitted for orders.</p> <p><i>M. S. 17/10/86</i></p>

Before the Central Tribunal circuit Bench
Lucknow,

SL No 20

T.A. NO 607 (T) 86

Bhagwati Prasad Misra — Applicant
vs.

Union of India & others — Respondents

Application for Adjournment

It is most respectfully
submitted as under:

1. That due to cold, fever and
Psychosis I have not been
feeling well as yet and I sent
illness slip for adjournment of
the above noted case yesterday
while the same was listed before
this Tribunal.

2. That I have been informed
that the Regd. Bench ordered the
case to be listed for today i.e.
26.8.1988.

3. That as already stated
due to illness I am unable to
argue the case even today and
requests for its adjournment to
some other date.

It is therefore most
respectfully prayed that the
above noted case may
kindly be adjourned to some
other date.


Advocate

Lucknow

Dated 26.8.88

Counsel for Applicant

Before Central Administrative Tribunal,
Civil-Bench (Lucknow)

Hon'ble Bench at ~~Green~~-Lucknow.

I am busy at allahabad in
other cases and personal
work, so I am unable to
attend - see Court on 23, 24 & 25
Jan. 1989. I request that only
cases be adjourned and fix some
other dates.

G. P. Kapoor
102
23.1.89

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH
OA/TA/RA/CP/MA/PTof 20..... TA NO 607/86
Bhagwati Prasad Mishra : R.S.NO. 262/82
.....Applicant(S)

Versus
curia of judicis facti: Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1	order sheets	A1 to A6
2	judgement order dt. 25-10-89	A7 to A15
3	Index Sheets	A16 to A17
4	copy of Petition	A18 to A38
5	CIVIL Court order sheets	A39 to A48
6	CIVIL Procedure Code	A49 to A52
7	Notices CIVIL Court / Applications Power	A53 to A72
8	Affidavit / Applications of D. Applications Power	A73 to A96
9	Power / Applications dt 24-10-85	A97 to A99
10	Index sheet for associate 19 C restoration appli. order sheet	A100 to A106
11	other Power / Notices Power from 1980-75-6-7-82	A107 to

Certified that the file is complete in all respects.

B.C. all ready corrected out of distress.

on

Signature of S.O.

...
Rajan
16/02/2014

Signature of Deal. Hand

आदेश पत्रक
ORDER SHEET

अपील
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application
Appeal Register

T.A. 607/86

अपील अनिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

वकाम

प्रत्यधी

Appellant
Applicant

Vs.

Respondent

प्रत्यधी द्वारा
Respondent

आदेश की क्रम संख्या
और तारीख
No. number of
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessary

पालन के से हुआ और पालन
करने की तारीख
How complied with and
date of compliance

Miss Restoration Application 75-6-9-47

29.6.87

No filing R.C. 1610-87

OR

Miss Restoration
Application has been filed
by S/o R.C. Sircar
Advocate for 9/1/87
against the order
of 30.7.87 passed
by Hon'ble A. J. Subi

16.10.87

Regd

list is appropriate
Court on 27-11-87 for
order

Regd
27/10/87

Heard the learned counsel. There is no
counter version. Case is restored to original
Court. List of first hearing.

Regd
27/10/87

SL. NO. of Order	Date of Order	ORDER WITH SIGNATURE	Office notes as to action (if any) taken on order
23.4.87		<p>No Ruling. On the request of counsel for both the parties, the case is adjourned to 8.7.87</p> <p>l.m.s. brc</p>	
<u>21/7/87</u>		<p>Hon. D.S. Misra A.M. Hon. G.S. Sharma J.P.</p> <p>No one is present for the plaintiff. The case is adjourned to 30/7/87 for hearing.</p> <p>l.m.s. brc</p>	
<u>30/7/87</u>		<p>Hon. A. Johri, A.M.</p> <p>This case was adjourned on 8.7.87 as nobody was present for the plaintiff. The case was listed for 30.7.87, i.e., today and even today none is present on behalf of the plaintiff. Sri S.P. Agarwal is present on behalf of the respondents.</p> <p>This case is accordingly disposed in default.</p> <p>30 A.M.</p> <p>Present the case</p>	<p>Dismissed Court 30/7</p>

R/V

ORDER SHEET

OFFICE REPORT

An application has been filed in this Tribunal for transferring the case No. 607/86(T) of 19 — to the Circuit Bench Lucknow.

If approved, 26th April 1988 may kindly be fixed for hearing at Circuit Bench Lucknow. In this regard the notices may be sent to the parties concerned.

DSW
List this Case on 26th April
1988 before Circuit Bench Lucknow for hearing.

DR.
DR.

Circuit Bench at Lucknow

26-4-88

Hon. S. Zuberi, M.C.

Hon. Ajay Johnri, M.C.

Due to illness of the learned Counsel for the applicant Shri R.C. Saxena the case is adjourned to

25-5-88. Inform

Sri G.P. Aparwal, Advocate
for respondents at Allahabad.

25-5-88

V.C.

Am

25.5.88 Notice issued through, D.R.U
CAT District

25.5.1988

Hon. Ajay Johnri, M.C.
Hon. G.S. Sharma, M.C.

None do present for the respondent.
The petitioner wants time and the
case is adjourned to 25.5.1988 for
hearing.

25-5-88
Am

25-5-88
JM

25.5.88

Am

25.5.88 Fixed for Hearing

B/S

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

C.A./T.A. No. 607, 1986 (T)

B. P. Misra

Applicant(s)

Versus

W.O. & ORS

Respondent(s)

Sr.No.	Date	Orders
	24. X. 86	<u>Hon. D.S. Misra, A.M</u> On the request of counsel for applicant Case is adjourned for hearing on 24.11.86. <i>Dish M.D.</i>
	24.11.86	<u>Hon. D.S. Misra; A.M</u> <u>Hon. T.S. Sharma, J.M.</u> Scri. R.C. Saxena for applicant. A request for an adjournment has been made on behalf of Scri. B.P. Misra for respondents. The case is adjourned to 23-12-86. <i>23 J.M.</i>
	23/12/86	No sitting, Adjourned to 24/11/86 for Hearing. <i>R.M.</i>
	24.1.87	<u>Hon. D.S. Misra, A.M.</u> <u>Hon. T.S. Sharma, J.M.</u> Scri. R.C. Saxena for the applicant On the request of the court for the case adjourned to 2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. TA 602 of 1986

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Trial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
31/8/09	<p>From Justice K. Nath, V.C.</p> <p>Opposite parties' learned counsel Shri Ajim Bhowmik says that by mistake he sought instructions from a department which was not concerned with the matter. He requests for two weeks time. In the interest of justice the case is directed to be listed for final hearing on 19-9-09 as agreed by the learned counsel for both the parties.</p>	

15/8/09
Receiving Intimation
on behalf of
PC Secretary

Mr
V.C.

16/8

21/8/09

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
Circuit Bench at Lucknow.

Registration T.A. No.607 of 1986
(R.S. No.262 of 1982 of the Court of Munsif)
(Hawalli, Lucknow)

Shagwati Prasad Misra Plaintiff/Applicant
Versus

Union of India and Others Defendants/Opposite
Parties.

Hon. Justice Kamleshwar Nath, V.C.

The regular Civil Suit referred to above has been received by transfer for disposal by this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985. The applicant has sought a mandatory injunction to direct the defendants-opposite parties to fix the applicant's salary on the post of Clerk Grade II with effect from 24.12.62 in accordance with the provisions of para 2018-B of the Indian Railway Establishment Code Volume II and also refix the applicant's pay in consequence thereof on the post of Ward Keeper with effect from 1.9.76 and on the post of Assistant Store Keeper with effect from 8.5.1979.

2. The facts are not in dispute. The applicant in the course of his employment with the opposite parties was holding the post of Store Delivery Clerk in the scale of Rs. 130 - 280 at a salary of Rs.155/- per month. He was promoted on 31.12.62 as Clerk Grade II in the scale of Rs.130-300. The applicant's case is that at the time of his promotion as Clerk Grade II, his pay

should have been fixed in accordance with para 2018-B of the Railway Establishment Code, Volume II (for short the Code). It is admitted that if that was correct, the applicant's pay on the post of Clerk Grade II should have been fixed by initially giving him the benefit of one increment in the scale of Rs.130 - 280 and then by finally fixing him at the next stage available in the scale of Rs.130 - 300.

3. The applicant was promoted to the post of ^{on 1.9.76} Ward Keeper in the scale of Rs. 425 - 600 and lastly to the post of Assistant Store Keeper in the scale of Rs. 425 - 700 on 8.5.79. Again with effect from 1.4.82 he was promoted to the post of Depot Store Keeper Grade II in the scale of Rs.550 - 750. The applicant's grievance is that since the applicant's pay was not correctly fixed on the post of Clerk Grade II, his pay on the post of Ward Keeper and Assistant Store Keeper was also fixed at lower stage.

4. The applicant further says that although the benefit of para 2018-B of the Code was given to one H.S. Khare who was junior to him, he was subjected to hostile discrimination by refusing to give him similar benefit.

5. The applicant made representations to the concerned authorities on 25.4.79, 12.6.80, 9.9.80 and 10.9.81 and ~~that~~ the Deputy Controller of Stores practically admitted the applicant's claim in his letter dated 11.4.81 but awaited orders from superior authorities. Having received no redress, the applicant filed this Suit in the Munsif's Court on 19.5.82.

6. The case of the defendants/opposite parties is that the posts of Store Delivery Clerk in the scale of Rs.130 - 280 and of Clerk Grade II in the scale of Rs.130 -300 were treated as carrying equal responsibility and did not involve promotion hence para 2018-B of the Code was not applicable. It was next said that in 1972 the Railway Administration decided to give benefit of para 2018-B with retrospective effect to such of the employees who had opted for Clerk grade II from non ministerial post of Store Delivery Clerk and since the applicant gave a conditional offer, the applicant was not entitled to the benefit of the para. On the contrary, Shri H.S. Khare had given an unconditional offer and therefore had been given benefit of the said para.

7. I have heard the learned counsel for the parties and have gone through the material on the record. It is clear from para 5 of the written statement that although the opposite parties alleged that the posts of Store Delivery Clerk and Clerk Grade II carried equal responsibilities , they admitted that the post of Store Delivery Clerk was a non ministerial post in the lower scale of Rs.130 - 280 whereas the post of Clerk Grade II was a ministerial post in the higher scale of Rs.130 - 300 . Prima facie there was not only change in the class of the post i.e. from non ministerial post to ministerial post but also the increase in ^{maximum of 15} the scale of pay and therefore appointment of the clerk grade II must be treated to be on promotion from the post of Store

Delivery Clerk. It is not the case of any of the parties that the scale of Rs. 130 - 300 for the post of Clerk grade II is only a selection scale for the holders of the post of Store Delivery Clerk. Ordinarily in selection scales of a particular grade, the posts in the higher scale are not treated to carry ^{h1} higher responsibilities, but that would not apply to post of a different class carrying a scale whose maximum is higher than that of the other class. The learned counsel for the opposite parties has not been able to establish that the post of the clerk grade II did not carry higher responsibilities than the post of Store Delivery Clerk. On the contrary, the learned counsel for the applicant has correctly relied upon the letter dated 11.4.81 of the Deputy Controller of Stores which unmistakably mentions that in terms of the General Manager letter dated 16.10.71, the grades of Senior Clerk (namely Clerk grade II) in the scale of Rs. 130 - 300 was treated to be higher to that of Store Delivery Clerk in the scale of Rs. 130 - 280 and accordingly benefit of Rule 2018-B was allowed to the senior clerks who were routed through the post of Stores Delivery Clerk. In this situation, I hold that para 2018-B of the Code was applicable to the case of the applicant.

8. However, it does appear that Clerks grade I who were promoted from the post of Stores Delivery Clerk were required to exercise option for their retention as clerk grade II, but that option seems to have been invited sometime in 1973. The learned

counsel for the opposite parties has placed before me a letter dated 19.4.73 of the General Manager, Northern Railway HQrs., New Delhi in which the question of fixation of pay of senior clerks in the scale of Rs.130 - 300 from the post of Stores Delivery Clerk was considered. A decision was taken that such Stores Delivery Clerks who were put to officiate as senior clerks (i.e. Clerk grade II) without exercising option should be asked to give option for the purpose of their future advancement as to whether they would like to go towards the ministerial ^{side} ~~or~~ or towards non-
= ministerial side and if they opted for the ministerial side within one month, they may be given the benefit of one increment while fixing the pay as Senior Clerk in the scale of Rs. 130 - 300. The learned counsel for the opposite parties has also produced a copy of the applicant's letter dated 15.4.73 in the matter of exercise of option. In this letter, the applicant said that he opted for the ministerial group. However, he went on to add that he would not be entitled to promotion to non ministerial group till there was no change in the decision but if there be any further decision to grant benefit of one increment to both opting ministerial and non ministerial group then the applicant reserved his right to change his option. According to the opposite parties, this exercise of option was conditional and therefore could not be accepted. On the contrary, the letter of option of H.S.Khare dated 20.4.73 produced by the learned counsel for the opposite parties is wholly unconditional. He

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said that he opted for the ministerial side for his promotion and that he understood that he would not be eligible for promotion to future vacancies in non ministerial group.

9. The reply of the applicant in the replication is that even if the applicant's option was conditional, it could have been refused and the applicant should not have been allowed to continue in the post of clerk grade II. It is urged that since the applicant was admittedly confirmed on the post of clerk grade II by order dated 4.3.70, he could not have been denied the benefit of the provisions of para 2018-B of the Code.

10. There would have been some worth in the stand of the opposite parties if it could be shown that the benefit of para 2018.B of the Code was given only to those persons who had opted from non ministerial to the ministerial line. Letter dated 19.4.73 of the General Manager, Northern Railway HQrs., New Delhi would show that the ministerial line ~~concerns~~ consisted of Head Clerks whereas the non ministerial ^{line} ~~concerns~~ concerns Ward Keepers. The letter dated 11.4.81 of the Deputy Controller of Stores referred to above mentions that Senior Clerks were to seek their avenue of promotion on the ministerial side, namely Head Clerks, Assistant Supdt. and Office Supdt. whereas the Store Delivery Clerks had to go in non ministerial side i.e. Ward Keeper, Assistant Store Keeper and Depot Store Keeper. It

is the admitted case of the opposite parties, however, that H.S. Khare promoted as Senior Clerk on 18.1.63 from the post of Store Delivery Clerk had nevertheless been posted as Ward Keeper on 15.12.77 and further on the post of Assistant Store Keeper on 8.5.79 although he had given option for the ministerial ~~line~~. In other words, the benefit of para 2018-B of the Code had been given to H.S. Khare even though he was promoted in the line of non ministerial cadre despite his option for the ministerial cadre. The option of the applicant was invalid inasmuch as it was conditional. Nevertheless, he had held the post of Clerk grade II in the ministerial cadre on which he had been confirmed on 4.3.70 and yet when he was promoted in the non ministerial line to the post of Ward Keeper on 1.9.76 and again to the post of Assistant Store Keeper on 8.5.79 he had been refused the benefit of para 2018-B.

11. It is also noticeable that since the applicant was promoted to the post of clerk grade II on 31.12.62, para 2018-B of the Code came into operation; it did not beg to await for the exercise of options as late as in the year 1973 or near abouts. In the absence of any Rule to the contrary, the applicant was entitled to the benefit of para 2018-B of the Code on 31.12.62.

12. The only other point heard by the learned counsel for the opposite parties is that the applicant's claim is barred by limitation. *Prima facie* it may appear that a claim for revision of pay on the post of Clerk grade II as far back as 24.12.62 and the

consequential benefits of revised pay for the higher posts of Ward Keeper with effect from 1.9.76 and the post of Assistant Store Keeper with effect from 8.5.79 were barred by time when the Suit was filed on 7.8.82. The learned counsel for the applicant says that the failure of the Department to give the benefit of para 2018-B of the Code on 31.12.62 renders the Department's entire action to be invalid and therefore the applicant is entitled to lay claim to it even now. There is a distinction between an invalid direction and an action which is void ab initio. Perhaps only in the latter case, the action may be treated to be non est and therefore a party in default may be required to act even as late as in this case. But ~~anywhere~~ ^{an} action is invalid for reason of its being erroneous, as in the present case, the cause of action accrued at the time of the invalid action and the claim to set it right must be brought within the prescribed period of limitation. In this case, the invalid action of the opposite parties was a result of erroneous application of the scheme of option and therefore the cause of action had arisen on the dates on which the respective orders of appointment of the applicant with fixation of his pay had been passed. It is not disputed that if that was the cause of action, the period of limitation would have been three years before the filing of the Suit.

13. Even so, there is no reason why the applicant should not get benefit of a notional refixation of his pay at all appropriate stages with an

actual financial benefit ~~from~~ ^{for} a period within three years immediately preceding the filing of the Suit. In this case, the suit was also preceded by a notice under Section 80 of the Code of Civil Procedure. The period of notice would also have to be credited to the three years period of limitation.

14. The application is partly allowed. The opposite parties are directed to refix the pay of the applicant as on 31.12.62 on the post of Clerk grade II in the scale of Rs. 130-300. In consequence of such refixation, the opposite parties shall also refix the pay of the applicant on the post of Ward Keeper with effect from 1.9.76 and on the post of Assistant Store Keeper on 8.5.79. The applicant shall not be entitled to any financial benefit of the above refixation prior to 8.5.79; but he shall get all the financial benefits of refixation of salary on the post of Assistant Store Keeper with effect from 8.5.79 and all consequential benefits thereof for the subsequent period. Parties shall bear their costs. The opposite parties shall carry out this direction within a period of three months from the date of the receipt of the copy of this order.

— J.
Vice Chairman

Dated the 25 October, 1989.

RKM

26/270

In the case of 16 statements

Dev

No 24/81

Q. SAV. 262/82

85

BS Laywala & D. M. R.

Plain D.P.

Union of India Vision defects

Kothari

28/10 St. 108/82 - 1 - 17.8.82

28/10 28/82 9/10.9/82 - 6 ✓ 5 = 22.50 - 3

29/10 A 3. Dantwadi - 14.5.82 - 3

29/10 W.E.C. Regd Address - 1 ✓ - 3

29/10 G.S. Pavan - 1 ✓ 3 = 1.50 - 3

29/10 C.G. Deka - 1 ✓ - 3

29/10 A.T. Mittal - 24 ✓ - 3

29/10 - 22/10/82 - 2 ✓ -

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13/11/83

12/11/84

31-1-84

22/3/84

22/4/84

19-7-84

10/10/84

15/9/84

29/11/84

or 2)

सामान्य सूची (अध्याय 4, नियम 4)

In the Court of the Addl. Munsif, Lico.
23/12/1922

पं 197 ' Reg C/ No 262/82 याना

प्रात्मक भेषजा न्द्रि, जाति

नियासी (Union घासी) Index जिला

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त्रिपैद वा विनांक

अध्याय 12 नियम 1 के बहुसार पद्धावली का प्रकार

पर्याप्ति संख्या	पर्याप्ति का प्रकार	नत्पी (फ) या नत्पी (घ)	सम्मिलित किये गये पर्याप्ति के पत्रों की संख्या	टिकटों (स्टाम्पों) की संख्या	मूल्य	पर्याप्ति को पत्राली में सम्मिलित किये जाने का दिनांक	अन्युक्ति
1	2	3	4	5	6	7	8
1-21	1	✓	1	-	-	11.2.1955	
2-22	2	✓	6	2	2/-	✓	
3-23	3	✓	1	-	-	19.2.1955	
4-24	4	✓	1	-	-	11.3.1955	
5-25	5	✓	1	-	-	24.3.1955	
6-26	6	✓	5	-	-	✓	
7-27	7	✓	1	3	1.50	0.5.1955	
8-28	8	✓	9	-	-	✓	
A-29	9	✓	
A-30	10	✓	
C-31	11	✓	
C-32	12	✓	.	.	.	9.4.1955	
D-33	13	✓	.	.	.	24/X/1955	
A-34	14	✓	.	.	.	21/12/1955	
A-35	15	✓	.	.	.	21/12/1955	
C-36	16	✓	.	.	.	—	

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In the Court of Munsif Hawali, Lucknow.

R.S. No. of 1982

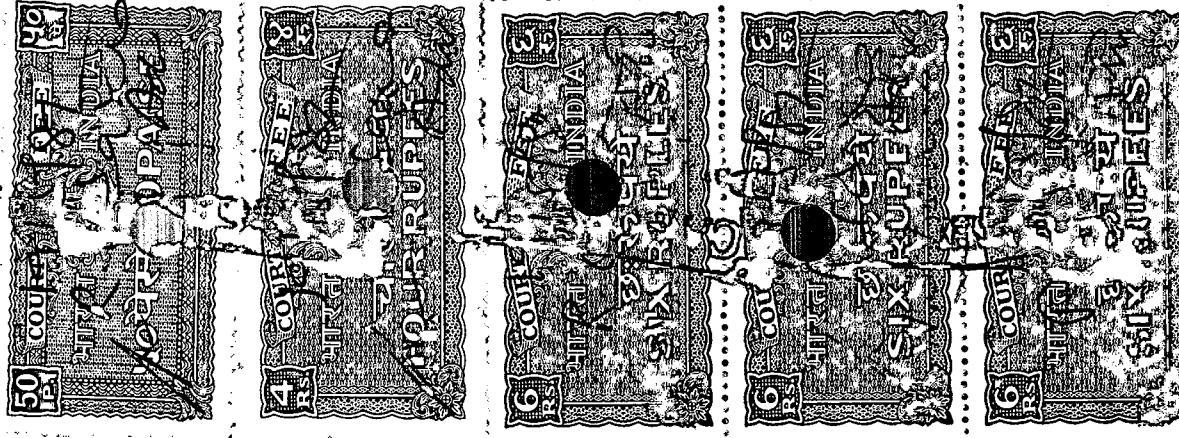
... Plaintiff.

Bhagwati Prasad Misra Versus
Union of India and others

... Defendants.

In the Court of Munsif Hawali, Lucknow.

R.S. No. 262 of 1982



Bhagwati Prasad Misra, aged about 55 years,
S/o Sri Bans Gopal Misra, R/o 558/17, Sunder
Nagar, Alambagh, Lucknow.

... Plaintiff.

VERSUS

1. Union of India through the General
Manager, Northern Railway, Baroda House,
New Delhi.

2. General Manager (P) Northern Railway,
Baroda House, New Delhi.

3. Deputy Controller of Stores, Northern
Railway, Alambagh, Lucknow.

... Defendants.

.....

Nature of Suit = Mandatory Injunction

Valuation = Rs.1000/-

Court fee paid = Rs. 22.50

The plaintiff above named submits as under:-

1. That the plaintiff at present is holding the post of Depot. Store Keeper II in scale Rs.550-750 under the Defendant No. 3.
2. That the plaintiff was initially appointed as Junior Clerk, Grade Rs.55-130 (AS) on 18.1.1949.
3. That the plaintiff was thereafter promoted to the post of Store Delivery Clerk, Grade Rs.130-280 (A.S.) on 27.3.1961.

4. That vide order No. E-395 dated 31.12.62 issued for and on behalf of District Controller of Stores, Northern Railway, Alambagh, Lucknow, plaintiff was promoted and appointed as Clerk II (Senior Clerk) Grade Rs.130-300 (A.S.) and was posted in the Central Receipt Section under the Office of the District Controller of Stores, Northern Railway, Alambagh, Lucknow. The promotion of the plaintiff on the post of Clerk Grade II (Senior Clerk) was given effect to w.e.f. 24.12.1962.

5. That while the plaintiff was promoted from the post of Store Delivery Clerk, Grade Rs.130-280 (A.S.) to the post of Clerk Grade II (Senior Clerk) Grade Rs.130-300 (A.S.) in pursuance of Order No. E/395 dated 31.12.1962 referred to in the preceding paragraph, his fixation of pay ought to have been made in accordance with the provisions of para 2018-B (F.R. 22.C) of the Indian Railway Establishment Code Volume II by notionally fixing his pay at the lower post by granting one increment in the pay scale of that post and then fixing his pay on the higher post at the stage next above the pay notionally so fixed.

6. That the provisions of para 2018-B of the Indian Railway Establishment Code Vol. II were not applied while fixing the pay of the plaintiff at the time when he was promoted from the post of Store Delivery Clerk to the post of Clerk Grade II (Senior Clerk) though the said para 2018-B was applied in fixing the pay on promotion of several other employees similarly placed and circumstanced, one of such being Sri H.S. Khare.

Abdullah

7. That the plaintiff at the time of his promotion to the post of Clerk Grade II, was getting the basic pay

of Rs.155/- on the post of Store Delivery Clerk. According to para 2018-B referred to above, his notional pay on the post of Store Delivery Clerk should have been $Rs.155 + 5 = 160$ and on promotion to the post of Clerk Grade II his pay should have been fixed at the stage of Rs.168/- per month. The defendants fixed pay on promotion only $Rs.155 + 5 = 160/-$ per month and did not extend the benefit provided under para 2018-B of the Indian Railway Establishment Code Vol. II.

8. That the plaintiff on 1.9.76 was promoted to the post of Ward Keeper in the scale of Rs.425-600 and on 8.5.1979 to the post of Assistant Store Keeper in the scale of Rs.425-700. He has further been promoted to the post of Depot. Store Keeper II in scale of Rs.550-750 w.e.f. 1.4.1982.

9. That due to the mistake committed in fixing the pay on promotion to the post of Clerk Grade II (Senior Clerk) as stated in para 6 and 7 above, the pay of the plaintiff on promotion to the post of Ward Keeper and Assistant Store Keeper too was fixed at a lower stage affecting the plaintiff adversely.

10. That the plaintiff on 25.4.79 represented the matter to the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow requesting him to fix his pay by giving him benefit of para 2018-B of Indian Railway Establishment Code Vol. II as the same has been given to similar other employees, specifically to Sri H.S. Khare. Similar representations regarding fixation of pay were given to the defendant No. 2 on 12.6.1980, 9.9.1980 and 10.9.1981.

11. That vide letter dated 15.10.1980 and 3.11.81 the Deputy Controller of Stores, Northern Railway,

Arpan Singh

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Alambagh, Lucknow intimated the plaintiff that his matter regarding the fixation of pay will be decided soon after receiving orders from General Manager (P) Northern Railway New Delhi to whom the matter was referred.

12. That the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow vide letter No. 260-E dated 11.4.81 addressed to S.A.O. (W), Northern Railway, Alambagh, Lucknow practically admitted the Claim of the plaintiff regarding his fixation of pay by giving him benefit of para 2018-B of the Indian Railway Establishment Code Vol. II.

13. That inspite of all that the plaintiff's case regarding fixation of pay has not yet been finally decided by the authorities described above and the plaintiff is suffering concurrent pecuniary loss due to

aforesaid reasons. The plaintiff through his counsel Sri R.C. Sarker, Advocate, sent a letter to S.A.O. C.P.C. to the defendants through registered post on 3.3.1982 stating wherein all the requisite facts had the same remained unexplained and un replied though more than two months have

7. from service till 14.
delivery.

That Sri H.S. Khare who was initially appointed as Junior Clerk on 15.7.1949, promoted to the post of Store Delivery Clerk on 18.8.1961, on the post of Senior Clerk on 18.1.63, on the post of Ward Keeper on 15.12.77 and lastly on the post of Assistant Store Keeper on 8.5.79 is getting more pay than the plaintiff though he is junior in service to the plaintiff and was promoted to the post of Store Delivery Clerk, Senior Clerk, and Ward Keeper much after the promotion of the plaintiff. The reason for such anomaly in the pay of the plaintiff and Sri H.S. Khare is that the defendants extended the benefit of para 2018-B of the Indian Railway Establishment Code. Vol. II to Sri H.S. Khare when he was promoted to the post of Senior Clerk while denied the same to the plaintiff without any just and valid reason.

Amended
July 1982
27/10/85
S. C. Sarker
27/10/85

Abdullah

(A.W) A 215

15. That the cause(s) of action initially accrued to the plaintiff on 24.12.1962 when he was promoted from the post of Store Delivery Clerk to the post of Clerk by Deputy Controller of Stores, Northern Railway Almora, Grade II and his pay was wrongly fixed and subsequently on each day upto this date when his pay at the lesser rate is being paid to him and subsequently on 25.4.73, 12.6.80, 9.9.80 and on 10.9.81 when the plaintiff made representations to the defendants described above and the matter remained undecided within the jurisdiction of this Hon'ble Court at Lucknow.

16. That the valuation of the suit for the purposes of jurisdiction and court fees is Rs.1000/- on which a fixed court fees of Rs.22.50 is being paid herewith.

17. That the plaintiff seeks the following reliefs:-

(a) That a mandatory injunction directing the defendants to fix the plaintiff's pay by extending the benefit of para 2018-B of the Indian Railway Establishment Code Vol. II on the post of Clerk Grade II w.e.f. 24.12.1962 and as a consequence thereof refix the pay on the post of Ward Keeper and Assistant Store Keeper w.e.f. 1.9.1976 and 8.5.1979 respectively and pay the arrears thus accrued to him by fixing the salary.

(b) That the suit may be allowed with costs against the defendants.

Lucknow:

D. D. Singh
Plaintiff.

B. S. Singh

Dated: May 19 1982.

(Contd. on page 6..)

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Verification

I, the plaintiff named above, do hereby verify that the contents of paras 1 to 14 of the suit are true to my own knowledge and those of paras 15 and 16 are believed by me to be true.

Signed and verified this 19 day of May, 1982, at in the Civil Court Compound, Lucknow.

V Lucknow:

Dated: May 19, 1982.

D. S. S. S.
Plaintiff.

D. S. S. S.
Advocate

26-1

In the Court of VI Additional Munsif Lucknow

R.S.No. 262 of 1982

Bhagwati Prasad Misra

Plaintiff

Versus

Union of India and others

Defendants.

WRITTEN STATEMENT OF DEFENCE UNDER RULE 1 of ORDER VIII

C.P.C. on behalf of the defendant no.1- Union of India

Para 1: Not disputed.

Para 2: Not disputed.

Para 3: Not disputed.

Para 4: Not disputed.

Para 5: Not admitted. It is submitted that for the purpose of Rule 2017 (FR22) the scale of Rs. 130-280 & Rs. 130-

300 were to be treated as carrying equal responsibilities.

On 31.12.62 the designation ~~Store~~ Delivery

Clerk and clerk grade II were identical, with the

only difference that the designation Store Delivery

Clerk was treated as non-ministrual, while the

designation Clerk Grade II was treated as ministerial.

In short there was no promotion in the strict sense

and did not attract the provisions of para 2018

(FR22) of the Indian Railway Establishment Code

Volume II. It is denied that there was any case

of nominally fixing the pay and then fixing the

pay on the higher grade.

Para 6: Not admitted, in the way stated. It is submitted in 1972

that the administration decided to grant proforma

fixation of pay in accordance with provisions of

para 2018(B)R-II (FR22C) with retrospective effect in the cases of such employees who had opted for

the Clerical Grade II from the non-ministrual post

Silakam

of Store Delivery Clerk grade 130-280(AS). It is submitted that the plaintiff made a conditional offer to the administration which did not make him eligible to the aforesaid offer. While Shri H.S.Khare opted for offer unconditional and he became eligible for the offer and was given due increment under para 2018 (B)R-II(FR22C).

Para 7:That the contents of paragraph 7 are not admitted.

It is submitted that the pay of the plaintiff was correctly fixed , as he was not entitled to fixation under para 2018 (B)-R-II(FR22C), as already explained in para 6 above.

Para 8:Not disputed.

Para 9:Denied. It is submitted that there was no mistake in fixing the pay of the plaintiff. The pay was correctly fixed when he ^{was} Ward Keeper and Assistant Store Keeper respectively.

Para 10:In reply to the contents of paragraph 10 of the plaint, it is submitted that the plaintiff was not eligible for the benefit as he did not submit unconditional option, as was submitted by shri H.S. Khare. It is further submitted that in view of the submission of qualified option, representations submitted were of no avail.

Para 11:In reply, it is submitted that for correct appraisal of the allegation, the original letters referred to may be referred. It is further submitted that the representations made are always forwarded to higher authorities for their directions, and guidance. It is also submitted that the plaintiff cannot reap any profit out of the internal correspondance.

Para 12:In reply to the contents of paragraph 12 of the plaint, it is submitted that the plaintiff cannot

Silakar

as non-ministrial, while the designation Clerk Grade II

take any benefit out of the internal correspondence of the administration. Even otherwise, it cannot be treated as recommendation, but only the putting of existing situation and seeking clarification. No such letter of admission was issued to the plaintiff. It is still maintained that the plaintiff was not entitled to claim benefit of the para 2018(B)-R-II (ER22C) of the Indian Establishment Code Vol. II as ^{he} did not opt unconditionally to the offer made to him and others.

Para 13: In reply to the contents of paragraph 13 of the plaintiff, ^{it is submitted} that no further decision was required, as his pay was correctly fixed at every stage and there was ^{no} wrong fixation.

Para 14: The allegations made are incorrect and denied. Pay fixation in the matter of shri H. S. Katre is correct and there is no such case of denial of any benefit to the plaintiff. The plaintiff was given benefit as and where he was entitled to.

Para 15: Denied. No cause of action arose to the plaintiff to file the present suit. The jurisdiction of the Court to try the suit is not admitted.

Para 16: Not admitted. The suit is undervalued and court fee paid is insufficient.

Para 17: Denied. The plaintiff is not entitled to any relief claimed and the suit is liable to be dismissed with costs.

ADDITIONAL PLEAS

18. That on 31.12.'62 the designation Store Delivery Clerk and clerk Grade II were identical, with the only difference that the designation Store Delivery Clerk was treated

take any benefit out of the internal correspondance of the adminstration. Even otherwise, it cannot be treated as recommendation, but only the putting of existing situation and seeking clarification. No such letter of admission was issued to the plaintiff. It is still maintained that the plaintiff was not entitled to claim benefit of the para 2018(B)-R-II (ER220) of the Indian Establishment Code Vol. II as ^{he} did not opt unconditionally to the offer made to him and others.

Para 13: In reply to the contents of paragraph 13 of the ^{it is submitted} plaintiff, that no further decision was required, as his pay was correctly fixed at every stage and ^{no} there was wrong fixation.

Para 14: The allegation made are incorrect and denied. Pay fixation in the matter of shri H.S.Khare is correct and there is no such case of denial of any benefit to the plaintiff. The plaintiff was given benefit as and where he was entitled to.

Para 15: Denied. No cause of action arose to the plaintiff to file the present suit. The jurisdiction of the Court to try the suit is not admitted.

Para 16: Not admitted. The suit is undervalued and court fee paid is insufficient.

Para 17: Denied. The plaintiff is not entitled to any relief claimed and the suit is liable to be dismissed with costs.

ADDITIONAL PLEAS

18. That on 31.12.'62 the designation Store Delivery Clerk and clerk Grade II were identical, with the only difference that the designation Store Delivery Clerk was treated

as non-ministrial , while the designation Clerk Grade II was treated as ministrial. Both the scales of s. 130-280 and s. 130-300 were to be treated as carrying equal responsibilities for the purpose of Rule 2017 (ER22).

19. That the pay of the plaintiff was fixed applying Rule 2017(ER22) to his case.

20. That Rule 2018 (B)R-II (ER220) was not at all applicable to the plaintiff, when his grade was fixed in the scale of Rs. 130-300(AS)

21. That in the year 1972, the administration decided to grant proforma fixation of pay with retrospective effect in accordance with para 2018(B) R-II(ER220) in the cases of such employees who had opted for the clerical grade II from the non-ministrial post of Store Delivery Clerk 130-280 (AS).

22. That instead of giving a clear option for the ministrial side and declaring that he will not be entitled and eligible for promotion to future vacancies in non-ministrial group, the plaintiff gave a conditional option as is evidenced by his letter of option dated 15.4.'73.

23. That in view of the conditional exercise of the option, the plaintiff was not entitled to the benefit of para 2018 (B) R-II (ER220).

24. That Shri H. S.Khare became entitled to and was extended the benefit of para 2018 (B)-R-II (ER220), as he had submitted an unqualified acceptance of option vide his letter of option dated 20.4.'73.

25. That as such there was no discrimination between the plaintiff and Shri H. S. Khare , as alleged by the plaintiff.

26. That thus the pay in the case of the plaintiff was correctly fixed and there was no case for revision or re-fixation of his pay already fixed.

27. That the suit is barred by law of limitation.

28. That the relief claimed in the suit is in the nature of mandatory injunction and is thus a consequential relief. The consequential relief in such a case would be the amount which the plaintiff may be entitled to after calculation according to him.

29. That the plaintiff should have valued the suit for further relief and pay advalorem court fee on the same.

30. That the defendant no. 2 and 3 being non-juristic persons, the suit is not maintainable against them and no relief can be granted against them.

31. That the suit is barred under the provisions of section 41(h) of the Specific Relief Act.

32. That the suit for mere injunction is not maintainable.

33. That the suit is statutory barred u/s 80 C.P.C. ^{and 2}
Neither the plaintiff discloses much police or its service then ap.

34. That the suit filed by the plaintiff is liable to be dismissed with costs and special costs.

dated: 2.4.'85

Sikandar A.P.S. ^{Advocate}
For and on behalf of
Union of India.

VERIFICATION.

I, Aka Ram A.P.O. Stores Alambagh Lucknow
in the administration of Northern Railway do hereby verify
that the contents of paras 1 to 14, 18 to 24, are based
on information derived from record which is believed to be
true and those of paras 15 to 17, 25 to 34 are based on
advice from the counsel which is believed to be true.
Signed and verified this 2nd. day of April '85 within
court compound Lucknow.

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Thru
Qur Poon
Av
214/85

(Sikandar)

25/2/1963

X

In the Court of VI Additional Munsif, Lucknow.

R.S.No. 262 of 82.

Bhagwati Prasad Misra

----Plaintiff.

Versus

Union of India and others

----Defendants.

Replication on behalf of the plaintiff
against the written statement filed on
behalf of defendant no.1.

Verdict

1. That the contents of para 5 of the written statement are denied and in reply the contents of para 5 of the plaint are reaffirmed as correct. The plaintiff was promoted from the post of Store Delivery Clerk, Grade Rs 130-280 to the post of Clerk Grade II (Senior Clerk) Grade Rs 130-300 in pursuance to order No.E-595 dated 31.12.62, and this fact having been already admitted by the defendants in para 4 of the written statement cannot be disputed by them. For all purposes the plaintiff's case is covered by the provisions of para 2018-B (22-C) of the Indian Railway Establishment Code Volume I and his pay on promotion ought to have been fixed in accordance with the provisions of the said Rule. The assertions made in para 5 of the written statement contrary to para 5 of the plaint and para 1 of the replication are false and denied.

2. That with reference to the contents of para 6 of the written statement it is stated that the provisions of para 2018-B(F.R.22-C) are mandatory and ought to have been applied in the case of the plaintiff) as the same was applied with reference to the case of Sri H.S.Khare and others.

So far as the question of option is concerned even if it was conditional at the most it could have been refused to be accepted and the plaintiff should not have been allowed to continue on the post of Clerk Grade II (Senior Clerk). But once the plaintiff was promoted to the said post, allowed to work continuously on it and was also ultimately confirmed against the said post vide order No.E66 dated 4.3.70 there remains no way to deny his fixation of pay as per provisions of para 2018-B (F.R.22-C) of the Indian Railway Establishment Code Volume II. The reason for not extending the benefits of para 2018-B(F.R.22-C) in the plaintiff's case given by the defendants is (wholly unsustainable in law) and is actually a dishonest device to deprive the plaintiff from the said benefits. The plaintiff should have also been treated at par with Sri H.S.Khare and he should have been given due increment from the due date alike him.

3. That the contents of para 7 of the U.S. are emphatically denied and those of para 7 of the plaint are reaffirmed as correct. His pay was not fixed correctly as stated in para 7 of the plaint as per provisions of para 2018-B (F.R.22-C)

of the Indian Railway Establishment Code, Volume II, which were fully applicable in the case.

4. That the contents of para 9 of the written statement are wrong and denied and averments made in para 9 of the plaint are reaffirmed as correct. As the pay of the plaintiff was wrongly fixed while he was promoted to the post of clerk (Grade II - Senior Clerk) Scale Rs 130-300, the mistake continued and on subsequent promotions too his pay could not be fixed correctly.

W. S. Knare
5. That the contents of para 10 of the W.S. are denied in view of the submissions already made in para 2 above and in reply the contents of para 10 of the suit are reaffirmed as correct. The plaintiff was fully eligible for fixation of his pay as per provisions of para 2018-B(F.R.22-7) of the I.R.E.C. Volume II and his case being similar to that of Sri H. S. Knare, he could not have been discriminated for any reason whatsoever.

6. That with reference to the contents of para 11 of the W.S. it is stated that the original letters dated 15.10.80 and 3.11.81 referred to in para 11 of the suit prove the case of the plaintiff. The allegation that the plaintiff cannot reap any profit out of internal correspondence is a vague statement of the defendants having no relevance in the present case.

7. That with reference to the contents of para 12 of the w.s. it is stated that the contention of the defendants that the plaintiff cannot take any benefit out of internal correspondence is a vague statement and has no relevance in the present case. It is further stated that the plaintiff is fully entitled and justified in proving his case by any letters which are neither privileged nor confidential. The letter dated 11.4.81, referred to in para 12 of the plaint proves the averments made by the plaintiff in the said para and the defendants are also bound in law to the extent of its contents in so far as it admits the claim of the plaintiff for fixation of his pay as per provisions of para 2018-B(F.R.22-C) of the I.R.E.C. Volume II. The other contentions raised on behalf of the defendants are wholly misconceived and being contrary to law are denied.

8. That the contents of paras 13 and 14 of the w.s. are denied and those of paras 13 and 14 of the plaint are reaffirmed as correct. The plaintiff's pay was wrongly fixed while he was promoted to the post of Clerk Grade II (Senior Clerk) and also when he was further promoted to the higher posts. The provisions of para 2018-B(F.R.22-C) are fully applicable in plaintiff's case. The pay of the plaintiff cannot be fixed at a lower stage and lesser in any case from the pay of a person who is junior in service i.e. Sri n.S.Khare. The defendants were duty bound to decide the representations of the plaintiff and it is quite wrong to say that no decision was required to be taken.)

9. That the contents of para 15 of the W.S. are denied and those of para 15 of the plaint are reaffirmed as correct.

10. That the contents of para 16 of the W.S. are vague and denied and those of para 16 of the plaint are reaffirmed as correct. The suit is neither under valued nor the court-fees paid is insufficient.

11. That the contents of para 17 of the W.S. are denied and it is stated that the ~~xxix~~ plaintiff is liable to be allowed and the plaintiff is entitled for the relief claimed in the plaint.

12. That the contents of para 18 of the W.S. are wrong and denied and in reply it is stated that the post of Clerk Grade II (Senior Clerk) was a promotional post and on promotion to the said post the provisions of Para 2018-5(F.R.22-C) were fully applicable as the same were applied in the case of Sri H.S. Khare and other employees. The defendants hence themselves admitted in para 4 of their W.S. the fact of promotion of the plaintiff to the post of Clerk Grade II (Senior Clerk) scale is 150-300 and now they cannot be allowed to maintain that the plaintiff will not be entitled for fixation of his pay in accordance with the provisions of para 2018-B of the I.R.E.C. Volume II, The word "Promotion" has been defined in para 209 of Chapter II of the Indian Railway Establishment Manual, i.e. Rules governing the promotion of the

15. That with reference to the contents of paras 24 and 25 of the w.s. it is stated that the contents of para 2 of the replication may be perused in this regard. However, it is further stated that even on a conditional option when the defendants permitted the plaintiff to continue to work on the promoted post and ultimately confirmed him also vide order No. E66 dated 4.5.70 against the said post he will be entitled for fixation of his pay as per para 2018 of the I.R.E.C. Volume II.)

16. That with reference to the contents of paras 24 and 25 of the w.s. it is stated that the reason for discrimination given by the defendants to the plaintiff with Sri H.S. Knare is wholly unsustainable and wrong. At the most the defendants could have reverted the plaintiff from the post of Clerk Grade II (Senior Clerk) to the post of Store Delivery Clerk from which he was promoted but having been not done so they cannot deprive the plaintiff from the benefit of para 2018-B which was made applicable with reference to Sri H.S. Knare. The defendants have practised discrimination and fixed the pay of the plaintiff illegally in an arbitrary manner according to the provisions of para 2017(F.R.22) which were not applicable.)

17. That the contents of para 26 of the w.s. are denied and it is stated that the pay of the

plaintiff is required to be reafixed in view of para 2018-B(F.R.24-C) of the I.R.E.C. volume II.

18. That the contents of para 27 of the w.s. are denied, specifically when the defendants have not disputed the facts that the plaintiff preferred various representations, they were duly recommended and forwarded and even the claim of the plaintiff was admitted and was never rejected or refused by the defendants.

19. That the contents of para 28 of the w.s. are denied and it is stated that the relief claimed can be granted.

20. That the contents of para 29 of the w.s. are denied and it is re-affirmed that the valuation and court-fees paid are correct.

to J. D. vs

21. That the contents of para 30 of the w.s. are misconceived and wrong and are denied. The relief against them can be granted.

22. That the contents of para 31 of the w.s. are denied and there is no bar u/s 41 of the Specific Relief Act.

23. That the contents of para 32 of the w.s. are denied and the plaint is maintainable.

24. That the contents of paras 33 and 34 of the

w.s. are wrong and denied and it is maintained that the plaintiff is liable to be allowed with costs against the defendants

Lucknow, dated,
8.5.85

Lucknow
Plaintiff.

Verification.

I, the plaintiff named above do hereby verify that the contents of paras 1 to 24, except bracketed portions in para 6, 7, 8, 13, 15, 16 are true to my own knowledge.

Signed and verified this the 8th day of May, 1985, in Civil Court's compound, Lucknow.

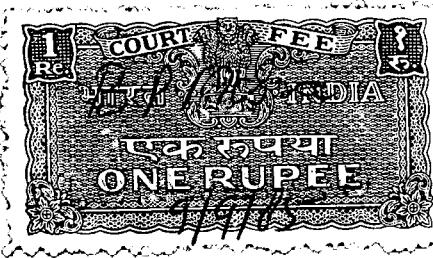
Lucknow
Plaintiff.

I identify the plaintiff, who has signed in my presence.

R.C. Saxena
(R.C. Saxena)
Advocate.

A30

In the Court of Additional Judge VI, Lucknow.



Bhagwati Prasad Misra, aged about 62 years, S/o Sri Bans Gopal Misra, R/o 558/17, Sunder Nagar, Alambagh, Lucknow.

... Plaintiff (Applicant).

Versus

Union of India through General Manager, N.Rly., Baroda House, New Delhi & Others.

... Defendants (Opp. Parties)

Application U/s 6 Rule 17 C.P.C. for
Amendment of Plaintiff.

The plaintiff/applicant above named most respectfully begs to state as under:-

1. That the counsel for the plaintiff while preparing the case for issues noticed that an averment regarding service of Notice U/s 80 C.P.C. has been inadvertently left to be incorporated in the plaint.
2. That the plaintiff alongwith the plaint has filed the copy of notice sent to the defendants U/s 80 C.P.C., postal receipts dated 3.3.82 and Acknowledgement receipts showing the date of service of the said notices.
3. That the omission to state the fact regarding service of notices U/s 80 C.P.C. in plaint is due to

In the Court of Additional Judge VI, Lucknow
Reg. Suit No. 262 of 1982
Plaintiff vs. Defendants

A/S
X

inadvertant mistake and is liable to be cured by amendment.

4. That the proposed amendment is necessary for the purpose of determining the real questions in controversy.

5. That the plaintiff proposes the below noted amendment in plaint:-

(I) That in para 13 of plaint below noted be added after the word 'reasons':-

"The plaintiff through his counsel Sri R.C. Saxena, Advocate, sent notices U/s 80 C.P.C. to the defendants through registered post on 3.3.82 stating therein all the requisite facts but the same remained uncomplied and unrepplied though more than two months have passed since their delivery."

WHEREFORE, it is most respectfully prayed that the Court may graciously be pleased to allow the aforesaid amendment in plaint.

Lucknow:

Dated: September 8, 1985.

178

Plaintiff
Plaintiff/Applicant.

Advocate
Counsel for the Plaintiff.

Verification

I the above named plaintiff do hereby verify that the contents of paras 1 to 5 including the contents of proposed amendment are true to my own knowledge.

Signed and verified this 8th day of September, 1985 at the residence of my counsel at Lucknow.

Lucknow:

Dated: September 8, 1985.

17

Plaintiff
Plaintiff/Applicant.

In the Court of Mysore ^{A3}
Date ^{10/10/82} ^T

R. S.O. No. 262/82

Plaintiff P. A. Mohan vs Plaintiff D.

Union of India vs Sydth

16.8.82

17.8.82 Date of Instt = 18/8/82

Nature of suit, Mandatory suit

Valuation = Rs 100/-

C-2 power = Rs 22.50/-

Counsel for the Plaintiff = Mr. R. C. Saxon
Adm

23237

23-
90

" " " " deft =

Plaint with consideration upon
is being put up for order

order

Adm. Reptr. The case is

transferred to the Court of D. I. T.
Mysore.

M. S. Haralal
Lia

R-S int. 262/82. 840 A 3/2

19-2-03 प्राचीन ग्रन्थों का अध्ययन करने की अनुमति दिया गया।

22-2-83 यह कराड गांव के अधिकृत है।
पाद F.O. से दु फिल्म 2-3-83 की है।

2-3-83 ~~मिर्जान विद्यालय नगरी~~
लालभाटा विद्यालय नगरी 23-4-83
का दो दो W
25, 35, 35

23.4.13

1st. fair diffusion
2nd. complete steps of diffusion
3rd. complete steps of diffusion
of oxygen

5112 | four ③. 13
913 final 24.5.03
alt 9161 (27.5.03) 125
4921

24-5-83 No objection filed. Perhaps on
the date fixed. ✓

VII Abb. 1, m. g.
M. S.

27.5. M

Rev. 2.20.26.2/82

A₁₁ A^{3/3}

17.9.13

22.10.23

PC 5 ext 10-22-83



26.11.13

first found. More

responsible for the Dept. Invent.
on Charter

Today, lawyers are on shorter

for x 13-18-13 for w5 and 18

hannah

✓
m/s

18

13-12-23

संक्षिप्त-

R. S. no. 262/82

A3
8/2

27.4.14

Case called out
None found for the hearing
C-14 is an application
by DR. R. S.

Put up on 19.5.14

for objection & disposal

DR. R. S.

19.5.14

Case called out
Counsel & one
parties part.
Hear on C-14.

C-14 is allowed on
receipt of cost Rs 10/-
Ex parte order date 5.4.14
is set aside. DR. R. S. 19.5.14
for W.S. & 18th.

DR. R. S.

19.5.14

Case called out.
Pett in absent. Counsel
for defendant in front. No
target ad. None in
front. No appeal

C-15 is allowed
on 30.5.14 for W.S. &
Issues

DR. R. S.

DR. R. S.
DR. R. S.
19.5.14

कार्यालय

(मुद्रा 100)

26/1/81

A 3
5

मानव विवरण विभाग

60

पार

प्रत्येक वर्ष में	प्रत्येक वर्षीय प्रायोगिक हो सके कार्यालय का	प्रियेश उत्त प्रायोगिक ना- प्य अपयोग पढ़ा जा सकता पर वृत्त प्रायोग किया जाया	प्रायोग के प्रतिपालन दी किये यद्ये प्रतिवेदन जी संलग्न तथा विवाच जा निर्देश
2	3	4	5
	<p>opposed. Several opportunities has been given to the wt. to file wt. it appears that defendant is interested in delay of the case. However in the interest of justice one more opportunity is being given to the op. party wt. if defendant fails to file wt. judgment will be given wt. will proceed under order 21(1)(b) C.P.C.</p> <p><u>8</u> above the in the light of the observations appear to be allowed on present court - Rs. 10/- fine 20.12.1981 to wt. & 188m</p> <p><u>M</u></p>		

20.12.1981

Court called up
Non responsive party

Non - party - D-19 - an
application to be made
by defendant - Non
party to oppose

आदेश का
दिनांक

आदेश अध्यक्षीन न्यायाधीश के संक्षिप्त
हस्ताक्षर सहित

पा. दा. 26/1/2

निर्देश उस प्रार्थना-
पत्र द्वारा पत्र का
जिस पर मूल आदेश
लिखा गया हो

आदेश के प्रतिपालन
में किये गये प्रतिवेदन
की संतात दिनांक
का निर्देश

1/1/2015 A 3/6

30.1.15

मेरी अपील का अधिकार अस्वीकृत
में एक नियम द्वारा अस्वीकृत
माना गया है। इसका अस्वीकृत
कारण नियम है।

मेरी अपील का अधिकार अस्वीकृत
माना गया है। इसका अस्वीकृत
कारण नियम है। इसका अस्वीकृत
माना गया है। इसका अस्वीकृत
कारण नियम है। इसका अस्वीकृत
माना गया है। इसका अस्वीकृत
कारण है।

अपील का अधिकार अस्वीकृत
माना गया है।

5

Order Transfer to the court
of the Social Justice Model

It is an old 30 days notice and
direct to appear before the
Social Justice Model -

11.2.2015

Case received by transfer from the
Court of the Social Justice Model
order

Register, case called out. Plaintiff
presently goes - Now responded for default
affidavit filed by plly. keep of record.

Issue Court notice to the defendant.

एक पांच हजार रुपयों का न्यायालय - 4-11-80 - (2574)-1006-1000000 (प्र०)
के द्वारा दिया गया है। इसका अधिकार अस्वीकृत
किया गया है। इसका अस्वीकृत
कारण नियम है। इसका अस्वीकृत
कारण है।

3/1/2015
1572/88

11.2.2015
प्र०

In the court of the Addl. Munsif, Kozhikode,
Report No. प्रेपन्न सख्या - 2 262/012
आदेश-पत्र अ
(अध्याय 5, नियम 143)

प्रारम्भिक वाद संख्या सामला

Bhagwati Rd. at Union Jharpur

सन् १९

बनाम

अभिलेख

અધ્યાત્મ

आदेश की संख्या	आदेश का दिनांक	आदेश, अधिकारीन व्यायाधीश के संक्षिप्त हस्ताक्षर सहित	लिंगेश उद्ध प्रायं न पत्र प्रथम पत्र व जिस पर भूत आदेश लिखा गया
1	2	3	4
	<u>20.1.2015</u> 11.3.2015-	Declared holiday on 20.1.2015 - on account of general election. Case taken up today & called out. → Counsel for plaintiff present. None pl for defendant. For 2.4.2015 for object & disposal.	11 A.M.
	<u>2.4.2015</u>	Case called out. Plaintiff present. Present counsel for defendant.	
		A-26- Written statement filed by defendant along with condonation of delay. Allowed. Keep on record. Plaintiff wants to file replication. Fixing 9.4.2015 for replication.	
17	<u>9.4.2015</u> 29/4	case called out. Present counsel for defendant. None for plaintiff. No replication filed. Fixing 19.4.2015 for	2.4.2015

Quinton J.
P.M.

issues.

visit
9-4-85

प्रपत्र संख्या—2
आदेश-पत्र
(अध्याय 5, नियम 143)

In the Court of Adelabad No. 607
Bhargava vs. M. S. D.

Ch. No. 19
C. O. 1

₹ 0

प्रारम्भिक वाद
संलग्न
भास्त्र
घनाम

मात्र

आदेश का दिनांक	आदेश, अध्यासीत व्यायाधीश के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्रार्थना-पत्र अथवा पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपादन में किये गये प्रतिवेदन की संलग्न तथा दिनांक का निर्देश
2	3	4	5
17.9.85	<p>Re put up today, but in restored to the file on 27. 26.7.85. Signed in Misc Case. No. 17 C.P.C. order</p> <p>Register to the original number. Fix 9. X. 85 for objection and disposal of objection A 28 filed by Plaintiff 1/10 of file 12 C.P.C.</p> <p>Addl. Regd. 11</p>	<p>Drop 20th</p> <p>9</p> <p>10</p> <p>9/11</p>	
9.10.85	<p>Case called out. Present Sh. R. C. Saxena, counsel for plaintiff and Sh. Arjun Bhargava, counsel for defendant.</p> <p>A-30 - This is an application u/s 6 rule 17 C.P.C., moved by the plaintiff regarding certain amendment in the plaint which has been inadvertently left out.</p>		

The main objection of

A 34

In the Court of Addl. Mofl. H.
R. S. N. 262 of 1932

Bhagat Passad. M. Soc. G. C. O. I.

प्रदेश प्र भारत	प्रदेश विधायिका परिषद प्रस्ताव परिषद	प्रदेश एवं प्रारंभना- ता अपेक्षा बढ़ जा न्ति पर मूल शावेश स्थिति पर्याप्त	प्रावेश एवं प्रतिपालन दी प्रिय वये प्रतिवेदन जी उल्लंग तथा विनाश जा निर्देश
2	3	4	5
6/12/85	Present:- Counsel for both No time left. ad	Fix 21.12.85 for P.O. Addl. Mofl. H.	P.O 30/12/85
21/12/85	Present Counsel for both No time left ad	Fix 30.1.86 for P.O. Addl. Mofl. H.	P.O 30/12/85
30/12/85	Court could not fix date to hearing of lawyers. ad	Fix 6.3.86 for P.O. Addl. Mofl. H.	6/3/86
6/3/86.	Present:- Party in person and Counsel for defendant. ad	Fix 19.4.86 for P.O. Addl. Mofl. H.	19/4/86

वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

आदेश १३, नियम ९

न्यायालय मुनिफाली स्थान द्वारा दीक्षित जिला दीक्षित

वृत्त संख्या १८०- दिन १९ अगस्त १९८२ ई० वादी

Bhagwati Prasad मिशन बनाम प्रतिवादी

भासी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को १०.८.८२ ते भाज स १९८२ ई० के ५-८-८२ के १९ दिवस को पेश किया।

१	२	३	४
क्रम सं	दस्तावेज का वर्णन और उसकी तारीख यदि कोई हो।	कागज क्या हुआ	टिप्पणी
1-	copy of notice u/s 80 EPC dated 3-3-82	यदि वाद के विविच्य के पश्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाका में बन्द किया गया तो लिफाका में बन्द करने की तारीख	
2-	Registration Receipt No 1460, 1459, 1458.		
3-	Acknowledgement Receipts		
4-	Officer Order No E/395 dated 31-12-62 appointing Plaintiff a Clerk Grade II		
5-	Representation Dated 25-4-79		
6-	Representation dated 12-6-80 alongwith Registration Receipt No 407 dt. 12-6-80		
7-	Representation dt 9-9-80 alongwith Registration Receipt No - 0908 dated 10-9-80.		
8-	Representation dt. 10-9-81		
9-	order No 360 E/1 dated 15-10-82		
10-	order No 316 E dated 3-11-81		
11-	copy of letter No 360 E dated 11-4-81		

सूची पेश करने वाले पक्षकार या विभिन्नता के दस्तावेज

Council for

न्यायालय का नाम—
वाद संख्या—
पक्षकारों का नाम—

4/10

7

三三三

4883 The prospective plaintiff was thereafter
presented to the post of Post Office Clerk,
Branch 43300234 (....) on 37.3.1961.

131

During the year ended March 31, 1920, the
Company paid out of those salaries,
including those of the General Manager,
Branch Manager, and the General
Sales Manager, £10,000, or 10 per cent of
the amount of the gross sales of
£100,000, in proportion of £100 to £1000 stated
above, and £1000,000 to the preceding para-
graph, and the Company did not expect to have been
entitled to receive £100,000 in proportion of
£100 to £1000,000 of the British
and Colonial and South African
subsidiaries, and as the recoverable
amount of £100,000, or £1000,000, would
not exceed £100,000, and as the
subsidiaries did not receive any payment
from the Company, it is clear that the
subsidiaries did not receive the pay-
ment mentioned above the year ended March 31, 1920.

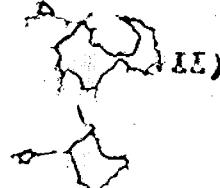
31

the 2nd edition, described above, CAD has
only 31 1/2 chapters of text and 100
illustrations, including 20 in full color. Volume 1A
in addition to the 100 pp. of Ch. 1, contains 100 pages
of Ch. 2A, 100 pp. of Ch. 3A, 100 pp. of Ch. 4A, and 100
of Ch. 5A. Recovery tables for the parts of Ch. 2A
through 5A, however, do not appear in the 2nd edition.
The 2nd edition has references to several other
works, and the following chapter and subsections,
one of which is not included.

二

*Die ersten
Sommer*

17/9
P.G.



LL)

That the prospective plaintiff on 1.9.76 was promoted to the post of "ord Keeper in the scale of L.425-600 and on 8.5.1979 to the post of "Assistant Stores Keeper in the scale of L.425-700.

VIII)

That due to the mistake committed in fixing the pay on promotion to the post of Clerk Grade II (Senior Clerk) as stated in para V and VI above, the pay of the prospective plaintiff on promotion to the post of "ord Keeper and "Assistant Stores Keeper too was fixed at a lower stage affecting the prospective plaintiff adversely.

64)

That the prospective plaintiff on 25.4.79 represented the matter to the Deputy Controller of Stores, Northern Railway, Almora, Lucknow requesting him to fix his pay by giving him benefit of para 2010-B of Indian Railway Establishment Code Volume II as the same has been given to similar other employees, specifically to Mr. J. S. Ahluwalia. Similar representations regarding fixation of pay were given to the authorities described above on 12.6.1980, 9.9.1980 and 10.9.1981.

5)

That vide letter dated 15.10.1980 and 3.11.1981 the Deputy Controller of Stores, Northern Railway, Almora, Lucknow intimated the prospective plaintiff that his matter regarding the fixation of pay will be decided soon after receiving orders from General Manager (P) Northern Railway, New Delhi to whom the matter was referred.

41)

That the Deputy Controller of Stores, Northern Railway, Almora, Lucknow vide letter No. 260 dated 11.4.81 addressed to S.A.O. (), Northern Railway, Almora, Lucknow practically admitted the claim of the prospective plaintiff regarding his fixation of pay by giving him benefit of para 2010-B of the Indian Railway Establishment Code Volume II.

411)

That in spite of all that the prospective plaintiff's case regarding fixation of pay has not yet been finally decided by the authorities described above and the prospective plaintiff is suffering concurrent pecuniary loss due to aforesaid reasons.

4111)

That Mr. J. S. Ahluwalia who was initially appointed as junior Clerk on 15.7.1949, promoted to the post of "Store Delivery Clerk on 10.8.1961, on the post of "Junior Clerk on 10.1.63, on the post of "ord Keeper on 15.12.77 and lastly on the post of "Assistant Stores Keeper on 8.5.1979 is getting more pay than the prospective plaintiff though he is junior in service to the prospective plaintiff and was promoted to the post of "Stores Delivery Clerk, "Junior Clerk, and "ord Keeper -

*Original
Attachment*

7/16



such after the promotion of the prospective plaintiff. The reason for such anomaly in the pay of the prospective plaintiff and Shri M. S. Shinde is that the authorities extended the benefit of para 2010 B of the Indian Railways Establishment Code Volume II to Shri M. S. Shinde when he was promoted to the post of Senior Clerk while denied the same to the prospective plaintiff without any just and valid reason.

28V)

That the cause of action initially accrued to the prospective plaintiff on 24.12.1962 when he was promoted from the post of Store Veterinary Clerk to the post of Clerk Grade II and his pay was wrongly fixed and subsequently on each day upto this date when his pay at the lesser rate is being paid to him and subsequently on 25.4.77, 13.6.80, 9.9.80 and on 10.9.81 when the prospective plaintiff made representations to the authorities described above and the matter remained undecided with in the jurisdiction of this Court at Lucknow.

4. That the prospective plaintiff proposes to -
claim the below-noted reliefs :-

(a) Mandatory injunction directing the authorities described above, to fix the prospective plaintiff's pay by extending the benefit of para 2010-B of the Indian Railways Establishment Code Volume II on the post of Clerk Grade II w.e.f. 24.12.1962 and on a consequence thereof to fix the pay on the post of Ward Cooper and Assistant Store Cooper w.e.f. 1.9.1976 and 1.3.1979 respectively and pay the arrears thus accrued to him by fixing the salary.

(b) Any other relief which may be incidental or consequential to the aforesaid demands.

Yours faithfully,

Shri M. S. Shinde
Advocate

For and on behalf of Shri Shinde
Prasad Misra.....

*Advocate
Shri Shinde
31/3/82*

In the Court of Munsif Hawali, Amritsar.
R.S.-No. of 1982

87
S

Pragwati Bagad Misa - - - Plaintiff
vs.
man of India and others - - Defendants

Copy of notice v/s 80 CrPc
Dated 3.3.82

D. S. G. A. S.
Advocate

In the Court of Munsif Hawali, Andheri.
R.S. NO. of 1982

153

Bhagwati Basad Misra Plaintiff
vs.
Union of India and others defendants.

Registration Receipt No 1460, 1459 and 1458

R. P. 15 (a)

1460 Stamps affixed except in case of uninsured. Rs. 1.00
for letters of not more than the initial Date 3/4/66
weight prescribed in the Post and Telegraph
Guide on which no acknowledgment is due.

Received a V. P. registered

Address to Gram N. P. Rly.

Write here "letter", "parcel" or "railway receipt"
Nature of Receiving Officer with the word "insured" before it when necessary

to be filled in only when the article is to be insured ; otherwise
to be crossed out by means of two diagonal lines
Insured for Rs. (in figures) (in words)

weight	rates
grams	grams

R. P. 15 (a)

1459 Stamps affixed except in case of uninsured. Rs. 1.00
for letters of not more than the initial Date 3/4/66
weight prescribed in the Post and Telegraph
Guide on which no acknowledgment is due.

Received a V. P. registered

Address to Gram N. P. Rly.

Write here "letter", "parcel" or "railway receipt"
Nature of Receiving Officer with the word "insured" before it when necessary

to be filled in only when the article is to be insured ; otherwise
to be crossed out by means of two diagonal lines
Insured for Rs. (in figures) (in words)

weight	rates
grams	grams

R. P. 15 (a)

1458 Stamps affixed except in case of uninsured. Rs. 1.00
for letters of not more than the initial Date 3/4/66
weight prescribed in the Post and Telegraph
Guide on which no acknowledgment is due.

Received a V. P. registered

Address to 1502/82/1 M/31/66 (21)

Write here "letter", "parcel" or "railway receipt"
Nature of Receiving Officer with the word "insured" before it when necessary

to be filled in only when the article is to be insured ; otherwise
to be crossed out by means of two diagonal lines
Insured for Rs. (in figures) (in words)

weight	rates
grams	grams

Placed
Received

In the court of Munsif Hawali Section,
R.S.-N.O. of 1982

Bhagwati Basad Misra — Plaintiff
vs.

Union of India & others — Defendants.

Acknowledgement Receipts

प्राप्त स्वीकृति (रसीद) ACKNOWLEDGMENT 7/9.

*एक रजिस्टर्ड पत्र/पोस्टकार्ड/पेटेट/पार्सेल प्राप्त हुआ {क्रमांक
बीमा नं. No.

*Received a Registered Letter/Postcard/Packet/Parcel

पाने वाले का नाम — } The General Manager

Addressed to (name) } Northern Railways,
बीमा का मूल्य (रुपयों में) 13 Barode House, New Delhi
Insured for Rupees

दिनांक की संगीत 3 MARCH 1982 पाने वाले के हस्ताक्षर/Signature of addressee

*अनावश्यक को काट दिया गए *Score out the latter not required.

जिवाल बीमा बालूओं के लिए †For insured articles only.

प्राप्त स्वीकृति (रसीद) ACKNOWLEDGMENT 7/10.

*एक रजिस्टर्ड पत्र/पोस्टकार्ड/पेटेट/पार्सेल प्राप्त हुआ {क्रमांक
बीमा No.

*Received a Registered Letter/Postcard/Packet/Parcel

पाने वाले का नाम — } General Manager (P)

Addressed to (name) } Northern Railways,
बीमा का मूल्य (रुपयों में) 13 Barode House, New Delhi
Insured for Rupees

दिनांक की संगीत 1 APRIL 1982

पाने वाले के हस्ताक्षर/Signature of addressee

*अनावश्यक को काट दिया गए *Score out the latter not required.

जिवाल बीमा बालूओं के लिए †For insured articles only.

प्राप्त स्वीकृति (रसीद) ACKNOWLEDGMENT 7/11.

*एक रजिस्टर्ड पत्र/पोस्टकार्ड/पेटेट/पार्सेल प्राप्त हुआ {क्रमांक
बीमा No.

*Received a Registered Letter/Postcard/Packet/Parcel

पाने वाले का नाम — } Deputy Controller of Stores

Addressed to (name) } Northern Railways,
बीमा का मूल्य (रुपयों में) Alambagh, Lucknow
Insured for Rupees

दिनांक की संगीत 197

पाने वाले के हस्ताक्षर/Signature of addressee

*अनावश्यक को काट दिया गए *Score out the latter not required.

जिवाल बीमा बालूओं के लिए †For insured articles only.

W.S. Khandwala

The following arrangements are ordered w.e.f. 24.12.1952

- 1). M. Mukerjee and A.B.Lal offg. Clerk Gr.II TPP/AMV. are transferred to C.B. depot and posted there against upgraded posts of Gr.II.
- 2). Sri Bhagwati Pd. Misra offg. S.D.Clerk is appointed to officiate as Clerk Gr.II on pay Rs. 155/- + 5/- (O.P) p.m. in scale Rs.130-300 and posted in GRS against an upgraded post of Clerk Gr.II.
- 3). Sri Hira Singh offg. SDClerk is appointed to officiate as Clerk Gr.II on pay Rs. 130/- + 4/- (OP) p.m. in scale Rs. 130-300 and posted in GRS against an upgraded post of Clerk Gr.II of CRS.
- 4). Sri D.D. Gurnani, offg. S.D.Clerk is appointed to officiate as Clerk Gr.II on pay Rs. 155/- + 5/- (OP) p.m. in scale Rs.130-300 and posted in Led/TC Sec, against an upgraded post of Clerk Gr.II.
- 5). Sri S.K. Chatterjee, offg. S.D.Clerk is appointed to officiate as Clerk Gr.II on pay Rs. 159/- + 9/- (OP) p.m. in scale Rs. 130-300 and posted in TPP/AMV. vice Sri A.M. Mukerjee.
- 6). Sri B.S.Tomar offg. S.D.Clerk is appointed to officiate as Clerk Gr.II on pay Rs. 155/- + 5/- (OP) p.m. in scale Rs. 130-300 and posted in TPP/AMV. vice Sri A.B.Lall.
- 7). Sri M.P.Misra Clerk Gr.III GD Sec, is appointed to officiate as S.D.Clerk on pay Rs. 147/- + 13/- p.m. in scale Rs. 130-280 and retained in G.D.Section vice No.(2).
- 8). Sri Mahattam Rai, Clerk Gr.III is appointed to officiate as S.D.Clerk on pay Rs. 155/- + 5/- (OP) p.m. in scale Rs. 130-280 and posted in G.D.Section vice No.(3) above.
- 9). Sri N.C.Mukerjee, Clerk Gr.III C.B. depot is transferred to AMV.depo and appointed to officiate as S.D.Clerk on pay Rs.155/- + 5/- (OP) p.m in scale Rs.130-280 and posted in G.D.Sec vice No.(4) above.
- 10). Sri B.Haldar Clerk Gr.III Chasing Sect on is transferred to AMV. depot and appointed to officiate as S.D.Clerk on pay Rs.147/- + 8/- (O.P) p.m. in scale Rs. 130-280. He is posted in G.D.Sec.vice No.(5) above.
- 11). Sri Pearey Singh Clerk Gr.III GRS is appointed to officiate as S.D.Clerk on pay Rs. 143/- + 7/- (O.P) p.m. in scale Rs.130-280 and posted in G.D.Section vice No.(3) above.
- 12). Sri S.N. Verma, Clerk Gr.III Led. NC Sec. is posted in G.D. Section vice No.(7) above.

J. Narain
DISTT. CONTROLLER OF STORES
ALAMBAGH, LUCKNOW.

Copy to the following for information :-

- 1). WAO/AMV.
- 2). ACOS/CB.
- 3). Asstt. Foreman, TPP/AMV.
- 4). DSK/L.
- 5). ASK/CRS.
- 6). ASK/GD.
- 7). Hd. Clerk Chasing/CCC.
- 8). Bill Clerk,
- 9). AS(G).
- 10). Parties concerned.

In the Court of Munnif Shewali书记官
RS. no. of 1982

X/20 A 7/12

Bhagwati Basad Misa - - - Plaintiff
vs.

Ministry of India & others - - - defendants

Office order No E/395 Dated 31.12.62
appointing the plaintiff as Clerk Grade I

Dec 20 1982
Shewali

In the Court of Munsif Hawali, Lucknow.
R.S. No. of 1982

10

1. Bhagwati Basad Misra — Plaintiff
vs.
2. widow of Gandhi & others. — Defendants.

Representation dated 25.4.1979

Dharmendra
Rathore

To

The Dy. Controller of Stores,
N.Hly./Alambagh/Lucknow.

Sir,

Respectfully I beg to lay the following noted few lines for your consideration and favourable action.

1. That Shri Hari Shanker Khare has been promoted as a Ward Keeper and posted at Charbagh Depot on 15.12.77 and his pay was fixed @ Rs 580-00 Per month.
2. That I was promoted as a Ward Keeper on 1.9.75, posted at the Charbagh Depot and my pay was fixed @ 545-00 per month.
3. That at the time of the promotion of Shri Hari Shanker Khare i.e. on 15.12.77 he was fixed on Rs 580-00 P.M. where I was drawing Rs 560-00 P.M.
4. That the channel of promotion of Shri Hari Shanker Khare and my channel of promotion is same i.e. from Store Delivery Clerk to Grade I Clerk and from grade I Clerk to Ward Keeper.
5. That Shri Hari Shanker Khare and myself have opted from grade I clerk for non-ministerial side for further promotion.
6. That Shri Hari Shanker Khare is junior to me and he is drawing at present Rs 600-00 P.M. where as my pay is Rs 580-00.

In view of that facts ~~enumerated~~ ^{enumerated} above I request your honour to step up my pay on Rs 600-00 P.M. equal to the pay of Shri Hari Shanker Khare and pass orders for the payment of arrears of my pay from 15.12.77.. I shall be very much ~~t~~ ^{thankful} to your goodself for this act of kindness.

Yours faithfully,

B.P. Misra
(B.P. Misra)
Ward Keeper / Charbagh,
Lucknow

Dated 25-4-1979.

In the Court of Session of Hawali Lucknow.
R.S.No. of 1982

Ex

Bhagwati Basad Misra — Plaintiff
vs.
Union of India & others. — Defendants.

Representation dated 12-6-80

alongwith Registration receipt
No 407 dated 12-6-80.

*D. Nagarkar
Advocate*

A7/6

The Dy. Controller of Stores,
N.Rly., Alambagh, Lucknow.

Seg:- Step up my Pay equal to Shri Hari Shanker Khare,
DSK/III of Charbagh depot.

Ref:- My application dt. 25.4.79 followed by reminders on
19.5.79, 28.11.79 and 20.12.79.

.....

Sir,

Respectfully I beg to lay the following few lines for your consideration and favourable action.

1. That I was promoted as Ward Keeper from grade I Clerk on 1.9.76 and posted at Charbagh depot and my pay was fixed Rs. 545/-
2. That Shri Hari Shanker Khare has been promoted as a Ward-Keeper from Grade I Clerk and posted at Charbagh depot on 15.12.77 and his pay was fixed Rs. 580/- at that time I was drawing Rs. 560/- (RS).
3. That the Channel of promotion of Shri Hari Shanker Khare and mine is the same i.e. from Store Delivery Clerk to Grade I Clerk to Ward-keeper.
4. That I and Shri Hari Shanker Khare have opted from Grade I Clerk for Non-Ministerial side for further promotion.
5. That Shri H.S. Khare is junior to me and at present he is drawing Rs. 660/- whereas my pay is Rs. 640/- in the Grade Rs. 455-700 (RS).

In view of the facts enunciated above I would request your honour to step up my pay from Rs. 640/- to Rs. 660/- equal to the pay of Shri Hari Shanker Khare and pass orders for the payment of arrear from 15.12.77 where the pay to Shri H.S. Khare exceeded to my pay. I shall be much thankful for this act of kindness.

Yours faithfully,

Dated: 12, June 1980.

(BHAGWATI PD. MISRA),
Depot Store-Keeper/III,
N.Rly., Stores depot,
Charbagh, Lucknow.

Advance copy forwarded to General Manager (P)/N.Rly., Hd. Qrs. Office, Baroda House, New Delhi in reference to Dy. Controller of Stores, N.Rly., Alambagh, Lucknow letter No. 360-E of 8.2.80 to review my case and ask Dy. Controller of Stores, N.Rly., Alambagh, Lucknow to step up my pay equal to the pay of Shri Hari Shanker Khare.

W. Bhagwati
72 (BHAGWATI PD. MISRA).

In the Court of Mysore Hawali dated
L.S. No. of 1982

161

Bhagwati Basad Misra — Plaintiff
vs.
Union of India & others — Defendants
—

Representation dated 9-9-80 along with
Registration receipt No, 0988 Dated

10-9-80

*Deshkumar
Adwale*

To

The Dy. Controller of stores,
N.R., Alambagh, Lucknow.

7/19
A

Reg:- Stepping up my pay equal to Shri Hari Shanker
Khare DSK-III of Charbagh Depot.

Ref:- My application dated 25.4.79 forwarded by G.S. Dhuminders
on 19.5.79, 28.11.79, 20.12.79 and 12.6.80.

.....

Sir,

Respectfully I beg to say that the following few lines
for your consideration and favourable action.

- 1) That I was promoted as a Ward Keeper from Grade I on 1.9.76 and posted at Charbagh Depot and my pay was fixed Rs. 545.00
- 2) That Sri Hari Shanker Khare has been promoted as Ward Keeper from Grade I clerk and posted at Charbagh Depot on 15.12.79 and his pay was fixed as Rs. 580.00 at that time I was getting Rs. 560.00.
- 3) That the channel of promotion of Shri Hari Shanker Khare and mine as the same i.e. from Store Delivery Clerk to Grade I Clerk and to Ward Keeper.
- 4) That I and Shri Hari Shanker Khare ~~have~~ have opted ~~from~~ from Grade I Clerk for non-ministerial side for further promotion
- 5) That Shri Hari Shanker Khare is Junior to me and at present he is drawing Rs. 660-00 where as my pay is Rs. 640-00 P.M. in the grade Rs. 455-700(RS).

In view of the fact ~~announced~~ annunciated above I would request your honour to step up my pay from Rs. 640-00 P.M. to Rs. 660-00 P.M. equal to the pay of Shri Hari Shanker Khare and pass orders for the payment of arrears from 15.12.79 where the pay of Shri Shanker Khare exceeded to my pay. I shall be much thankful for the act of kindness.

Dated: 9.9.80

Yours faithfully,

(BHAGWATI PRASAD MISRA)
DSK-III/N.Rly., Stores,
Charbagh Depot, Lucknow.

Advance copy forwarded to General Manager(P)/N.R./Baroda House/
New Delhi in reference to Dy. Controller of Stores/N.R./Alambagh/
Lucknow letter No. 360-E of 8.2.80 to review my case and ask
Dy. Controller of Stores, N.R., Alambagh, Lucknow to step up my pay
equal to the pay of Shri Hari Shanker Khare.

Dated: 9.9.80

(BHAGWATI PRASAD MISRA).

True copy

In the Court of Munsif Bhawati, Lucknow.
R.S. No. of 1982

48

Bhagwati Prasad Misra — Plaintiff
vs.
Union of India & others. — Defendants.
--

Representation dated 10-9-1981

*D. S. Adarsh
Advocate*

The Dy. Controller of Stores,
N.Rly., Alambagh, Lucknow.

A 7/20

Reg:- Stepping up my Pay equal to Shri Hari Shanker Khare,
DSK/III of Charbagh Depot.

Ref:- My application dt. 25.4.79 followed by reminders dt.
19.5.79, 28.11.79, 20.12.79, 9.9.80.

Sir,

Respectfully I beg to lay the following few lines for your consideration and favourable action.

1. That I was promoted as Ward-Keeper from grade I Clerk on 1.9.76 and posted at Charbagh depot and my pay was fixed Rs. 545/-.
2. That Shri Hari Shanker Khare has been promoted as a Ward-Keeper from Grade I Clerk and posted at Charbagh depot on 15.12.77 and his pay was fixed Rs. 580/- at that time I was drawing Rs. 560/- (RS).
3. That the Channel of promotion of Shri Hari Shanker Khare and mine is the same i.e. from Store Delivery Clerk to Grade I Clerk to Ward-Keeper.
4. That I and Shri Hari Shanker Khare have opted from Grade I Clerk for Non-Ministerial side for further promotion.
5. That Shri H.S. Khare is junior to me and at present he is drawing Rs. 600/- where as my pay is Rs. 600/- in the Grade Rs. 455.700 (RS).

In view of the facts enunciated above I would request your honour to step up my pay from Rs. 600/- to Rs. 660/- equal to the pay of Shri Hari Shanker Khare and pass orders for the payment of arrear from 15.12.77 where the pay to Shri H.S. Khare exceeded to my pay. I shall be much thankful for this act of kindness.

Yours faithfully,

Dated: 10 Sept. '81.

Sd/-

(BHAGWATI PD. MISRA),
Depot Store-Keeper/III,
N.Rly., Stores depot,
Charbagh, Lucknow.

Advance copy forwarded to General Manager (P)/N.Rly., Hd. Qrs. Office, Baroda House, New Delhi in reference to Dy. Controller of Stores, N.Rly., Alambagh, Lucknow letter No. 360E of 8.2.80 to review my case and ask Dy. Controller of Stores, N.Rly., Alambagh, Lucknow to step up my pay equal to the pay of Shri Hari Shanker Khare.

R. Bhagwati
q.c. (BHAGWATI PD MISRA).

In the Court of Munsif Hawali Dukewar.
R.S.-No. of 1982

1/66

Bhegawati Basad Misra Plaintiff
vs

Union of India & others Defendant

Order No 360 E/1 Dated 15-10-80

7/27

मी.एल. 19/G.L. 19
जरनल 99 छोटा/Genl. 99 Small.

No 360 E/1 Dated 15-10-1980

To Sri Bhegawati Pd Misra
DSU III SLOWS (CB/UKO.)

Sub: Fraction of Pay.

Ref: Your application dt. 9/80

The matter is under reference
with G.M.C.P., N.O.U. and on
receipt of orders action
will be taken accordingly.

For Controller of Stores
Northern Railway
11-10-80

Durgapal
A/

In the Court of Mysore State of India
of 1982

File No

16

Shagnath Prasad Misra — Plaintiff
vs.
Union of India & others — Defendants

Copy of letter No 360-E dated 11.4.81

Original
Signature

On the Court of Mysore State, Mysore.
R.S. No. of 1982

Bhagwati Prasad Misra — Plaintiff
vs.
Union of India & others — Defendants

Order No 416 E dated 3.11.81

N.H.—2079/17—July, 1980—2,00,000 P.

लो. एल. 19-8/G.L. 19-A
जनरल 99 छाटा Genl. 99 Small

N.A.

उत्तर रेलवे NORTHERN RAILWAY

7/22

No. ~~5000~~ 416 E

Date 3-11-1981

From
Dy. Com/Am/Co

To Shri Bhagwati Prasad Misra,
S/o Mr. C.B. Lalwani

Sub: Benefit of stepping up of Pay

Ref: Your application dated 10/3/81

The matter is under
reference with Adm. Off's Office and
a decision when received will be
intimated to you.

Fr. Dy. Com/Am/Co
Dear, Lalwani

A 7/23

MEMORANDUM

MINISTRY OF DEFENCE, CHIEF GUARD OF WORDS/ARMED DIVISION.

No. 3006

Dated 11.4.81
28-4-1981.

Shri. A. D. O. (D.O.),
SAC, Lambagh, Lucknow.

1. 1. 1- Count of increment to staff under I.M.R.

1. 1. 2- Accounts of Mr. & D.O. Lett. No. 093/Genl/79-80 dated 12/2/1981.

In terms of Col. (1) of Letter No. 522-1/300/43 (SAC) dated 10/10/71 (copy enclosed) the grades of Mr. Clerk viz. S. 130-300 (1) was treated to a increment to that of D.O. Clerk Gr. 2. 130-200 (1) and accordingly the benefit of one increment as admissible under Rule 213 (1) of R.C. R.M. was allowed to Mr. Clerks who started through the post of D.O. from the date of their posting as D.O. Clerk.

The above benefit of one increment was however not extended to such of the "W. Clerks" now's given below who though posted from the post of D.O. Clerk, were promoted to D.O. Clerks as per Col. (1) of Letter No. 522-1/300/43 (SAC) dated 21.7.72 (copy enclosed) as the "W. Clerks" Gr. No. 120-300 posted from the post of "W.C." were to such their continuo & promotion on ministerial size i.e. Head Clerk, W.C. and S. 130-300 it's to go in non-ministerial size 130-300, S. 130-300.

- ✓ 1. Mr. N. D. Singh, Privateswara.
- ✓ 2. " " D. D. Bhambhani.
- ✓ 3. " " Jagdish Singh.
- ✓ 4. " " Bishabd Ahmed.
- ✓ 5. " " D. P. Dugar.
- ✓ 6. " " D. Singh.
- 7. " " D. D. Singh (since revised)

The average of promotion of Clerks size 12 was subsequently changed as per decision conveyed in Col. (1) (P)/1011 Letter No. 047/1 (SAC) dated 20/3/76 in 19/3/1976 (copy enclosed) in terms of which both D.O. Clerk & D.O. Clerk were eligible for promotion in ministerial size i.e. of Head Clerk and non-ministerial size i.e. W.C. and W.M. on the combined seniority of Clerks Gr. 2. 130-300.

With the change in the channel of promotion in terms of Col. (1) 2. 1. 1. 1- It is desired to obtain the provision in this connection that on promotion of D.O. Clerk to D.O. Clerks, the juniors get higher pay than seniors in the channel of promotion as they are representing for fixation of pay of the other juniors in the same category of Head Clerk. The seniors mentioned in 1. 1. 1. 1-7 above are working as Head Clerks in Gr. No. 130-300 (1) and the existing rates pay of the same from promotion of D.O. Clerk after receipt of the revised channel of promotion from Col. (1) (P) is also benefit of one increment as shown to them, as pointed out in para 2 above. The same involved the presentation of fixation of their pay at the rate of their juniors, which is not allowed, due to revised channel of promotion not being sufficient ground in their claim.

2. 1. 2- The Union have very ranked the above as the point. Kindly

7/24
7/24
-8(2)4-

... have been requested to fix them at par with juniors
(as no fault of employ. is, with views of A.O(U)/Aldershot.

Therefore, on the whole case in the light of facts
stated above, I let this office know at a very early date, if
the senior members as mentioned from 1.11.1 to 7. in previous
para who are working as Head Teachers and SC can be allowed
fixation of pay with reference to their juniors, working in the
same category and grade, keeping in view the anomaly arisen
in the circuit of promotion, so that action to fix them
accordingly be taken by this office.

Date- As above.

DISCRETE L P M 1914,
12/1914/1914.

C-3

In the Court of Munsif Hawali, Lucknow.

R.S. No. 61 of 1982.

R/X

Bhagwati Prasad Misra

... Plaintiff.

Versus

Union of India and others

... Defendants.

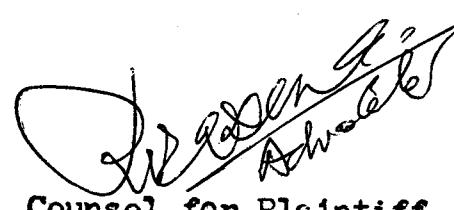
REGISTERED ADDRESS OF PLAINTIFF

" MUKTI

" BHAGWATI PRASAD MISRA
S/o SRI BANS GOPAL MISRA
558/17, SUNDER NAGAR
ALAMBAGH
LUCKNOW. "

Lucknow:

Dated: May 19, 1982.


Dr. Rakesh Agarwal

Counsel for Plaintiff.

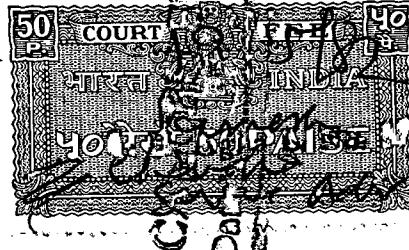
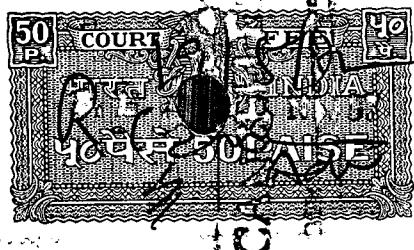
In the Court of Munsif Hawali, Lucknow.

ब अदालत श्रीमान

महोदय ८५

वादी(मुद्द्दे)

प्रतिवादी (मुद्दालेह)



का वकालतनामा

3/15
S/15
Bhagwati Prasad Misra

वादी (मुद्द्दे)

बनाम
Union of India and others. प्रतिवादी (मुद्दालेह)

R.S.

अदालत	मुकदमा	फरीदन
नाम	नं०	नाम

नं० मुकदमा सन् १९८२ पेशी की ता० १६ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री

Sri Ramish Chandra Saxena, Advocate महोदय
वकील

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 डिगरी
जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल
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 विपक्षी [फरीकसानी] का
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती]
रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए
यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर
काम आवे।

हस्ताक्षर १२/८८८८८

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक १९

महीना

५

१९८८८०

व भुदात्ति श्रीमात् श्री. Ade. Heng. .. द्वारा.

Mapoak Pond

વાદી ॥ અપીલન્ટ ॥

ब्रह्म

प्रृतिवादी ॥ रेसपाठ्केन्ट ॥

सं० मङ्गलम् ।

262 संक्ष 1982

ਪੰਜਾਬੀ ਫੀ ਤਾਂਤਰਿਕ 19

22/1878

कुपर बुद्धमा में अपब्दि और से श्री . ARUN . B.HANGAL .

एकवोकेट/वकील महोदय को अपना वकील बिहुत फरके ॥ इकरार ॥ फरता हूँ और लिखे हैं कि मुकदमा में वकील महोदय स्वयं अध्यवा बून्ह वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रबन्धोत्तर फरे या फोई फार्ज दाखिल फरे या लौटावें या हमारी ओर से डिगरों जारा फरादें और रूपया वसूल फरे या सुलहकामा या इक्वाल द्वावा तथा अपील व बिवरानी हमारी ओर से हारे या अपेक्षे हस्ताखर से दाखिल फरे और तसदीक रक या मुकदमा डठावें या फोई रूपयां जमा फरे या हमारी विपक्षी ॥ फरीकसानी ॥ फा दाखिल किया हुआ रूपया अपेक्षे या हमारे हस्ताखर मुक्त ॥ हस्ताखर सीधे से लेके फा पैद्य बिहुत फरे ॥ ॥ ॥ वकील महोदय द्वारा फी बह वह सब फार्यवाही हमारे सर्वथा सर्वीकार है और होगी इसलिये यह वकीलतनामा पिख दिया कि पूर्णाण रहे और समय पर फाम आवे ॥

हस्ताख्यर. . . . Dr. Controller of Stores
लखनऊ LUCKNOW

सार्वी गवाह
महीला
संग 19 १०

Accepted
by [Signature]
Date
22/11/15

In the Court of VII Addl. Mys. M.



Suit No 262/82

Bhagwati Rd. Mysore

M: o →

VS

Sr,

application Upto RT CPC. Readmission

Sect 151 CPC

In the above noted Suit, it is submitted that due to inadvertence of the cause, the date 5/4/84 was not noted in his diary. As such no appearance could be made on that date either by him himself or by the defendants' panche. As the defendant was absent, the Hon'ble Court passed an order on 5/4/84 to proceed ex parte and today is fixed for ex parte hearing.

That the absence of the defendant and its cause was not deliberate but due to unavoidable circumstances. In these circumstances, in order to 5/4/84 is liable to be recalled.

Whereupon it is prayed in this order of 5/4/84 to proceed ex parte may be recalled for hearing and a date may be fixed for filing written statement.

Regd. Office.

Conc. Judge

27/4/84

22/1
25

In the court of the Munsif Hawali, Lucknow.

Reg. suit No. 262 of 1982

1985
AFFIDAVIT
8 M
DISTT. COURT
U. P.



Bagwati Prasad Misra Plaintiff.

Versus

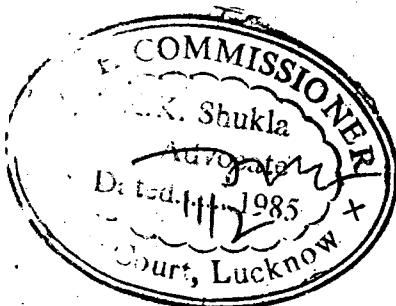
Union of India & others Defendants.

Fixed for _____.

AFFIDAVIT

I, Bhagwati Prasad, Misra aged about 55 years, son of Sri Bans Gopal Misra, resident of 558/17 Sunder Nagar Alambagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the plaintiff in the above noted case and as such he is well conversent with the facts deposed in this affidavit.
2. That the deponent at present is holding the post of Depot Store Keeper II in scale Rs. 550-750 under the defendant no. 3.
3. That the deponent was initially appointed as Junior clerk Grade Rs. 55-130 (AS) on 18.1.1949.
4. That the deponent was thereafter promoted to the post of Store Delivery Clerk grade Rs. 130-280.

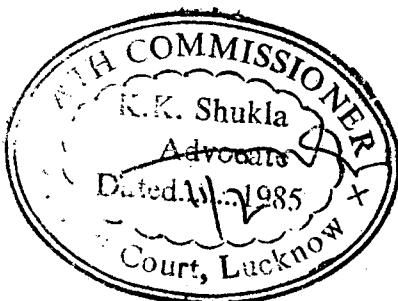


(2)

(A. S.) on 27.3.1961.

5. That vide order No. E-395 dated 31.12.62 issued for and on behalf of District Controller of Stores Northern Railway Alambagh, Lucknow, the deponent was promoted and appointed as clerk II, (Senior clerk) grade Rs. 130-300 (A. S.) and was posted in the Central Receipt Section under the Office of the District Controller of Stores, Northern Railway, Alambagh, Lucknow. The promotion of the deponent on the post of clerk Grade II (Senior clerk) was given effect to w. e. f. 24.12.1962.

6. That while the deponent was promoted from the post of Store Delivery Clerk, Grade Rs.130-280 (A. S.) to the post of clerk Grade II (Senior clerk) Grade Rs. 130-300 (A. S. in pursuance of order No. E/395 dated 31.12.1962 referred to in the preceding Paragraphs, his fixation of pay ought to have been made in accordance with the provisions of para 2018-B (F. R. 22-C) of the Indian Railway Establishment Code volume II by the nationally fixing his pay/the lower post by granting one increment in the pay scale of that post and then fixing his pay on the higher post at the stage next above the pay nationally so fixed.

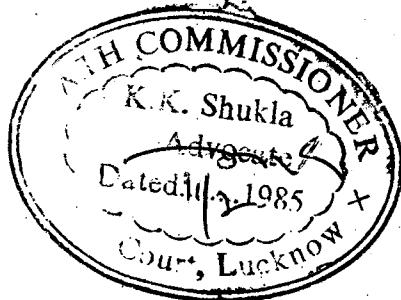


7. That the provisions of para 2018-B of the Indian Railway Establishment Code Vol. II were not applied while fixing the pay of the deponent

at the time when he was promoted from the post of store Deliver clerk to the post of clerk Grade II (Senior clerk) though the said para 2018-B was applied in fixing the pay on promotion of several other employees similarly placed and circumstanced one of such being Shri H. S. Khare.

8. That the deponent at the time of his promotion to the post of clerk Grade II, was getting the Basic pay of Rs. 155/- on the post of store Delivery clerk. According to para 2018-B referred to above, his national pay on the post of Store Delivery clerk should have been Rs. 155 + 5 = 160 and on promotion to the post of clerk grade II his pay should have been fixed at the stage of Rs. 168/- per month. The defendants fixed pay on promotion only Rs. 155 + 5 = 160/- per month and did not extend the benefit provided under para 2018-B of the Indian Railway Establishment Code Vol. II.

9. That the deponent on 1.9.1976 was promoted to the post of Ward Keeper in the scale IIx. of Rs. 425-600 and on 8.5.1979 to the post of Assistant store Keeper in the scale of Rs. 425-700. He was further been promoted to the post of Depot. Store Keeper II in scale of Rs. 550-750 w.e. f. 1.4.1982.



10. That due to the mistake committed in fixing the pay on promotion to the post of clerk Grade (II)

Prabhakar

772/4
A/2

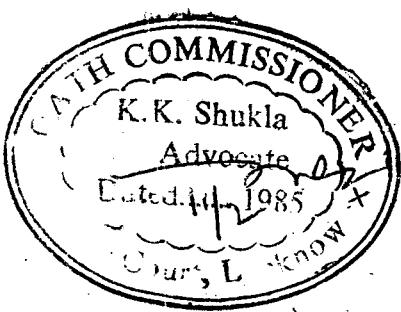
(Senior Clerk) as stated in para 7 and 8 above, the pay of the deponent on promotion to the post of Ward keeper and Assistant store Keeper too was fixed at a lower stage affecting the deponent adversely.

11. That the deponent on 25.4.1979 represented the matter to the Deputy Controller of Stores Northern Railway, Alambagh, Lucknow requesting him to fix his pay by giving him benefit of para 2018-B of Indian Railway Establishment Code Vol. II as the same has been given to Similar other employees, specifically to Shri H. S. Khare Similar representations regarding fixation of pay were given to the defendant no. 2 on 12.6.1980 9.9.1980 and 10.9.1981.

12. That vide letter dated 15.10.1980 and 3.11.81 the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow intimated the deponent that his matter regarding the fixation of pay will be decided soon after receiving orders from General Manager (P) Northern Railway New Delhi to whom the matter was referred.

13. That the deputy Control of Stores, Northern Railway Alambagh, Lucknow vide letter no. 260-E dated 11.4.81, addressed to S. A. O. (W) Northern Railway, Alambagh, Lucknow ~~xxx~~ practically admitted the claim of the deponent regarding his fixation of pay by giving him benefit of para 2018-B of the Indian Railway Establishment Code Vol.II.

ppd/wis/m



14. That inspite of all that the deponent's case regarding fixation of pay has not yet been finally decided by the authorities described above and the deponent is suffering concurrent pecuniary loss due to aforesaid reasons.

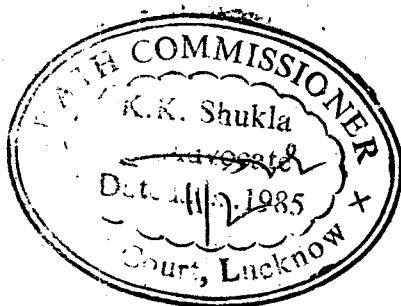
15. That Sri H. S. Khare who was initially appointed as Junior clerk on 15.7.1949, promoted to the post of Store Delivery Clerk on 18.8.1961 on the post of Senior clerk on 18.1.63, on the post of Ward Keeper on 15.12.77 and lastly on the post of Assistant Store Keeper on 8.5.1979 is getting more pay than the deponent though he is junior in service to the deponent and was promoted to the post of Store Delivery Clerk, Senior clerk, and Ward keeper much after the promotion of the deponent. The reason for such anomaly in the pay of the deponent and Shri H. S. Khare is that the defendants extended the benefit of para 2018-B of the Indian Railway Establishment Code Vol. II to Sri H. S. Khare when he was promoted to the post of Senior clerk while denied the same to the deponent without any just and valid reason.

16. That for the facts stated in above para the deponent is entitled for the relief claimed for in the plaint.

Lucknow.

Dated 11.12.85.

Submissd
Deponent.

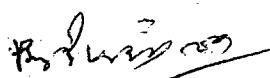


Verification :-

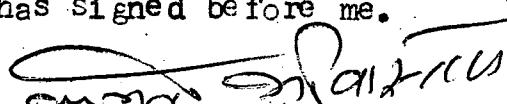
I, the above named deponent do hereby verify that the contents of paras 1 to 15 of this affidavit are true to my knowledge and those of paras 16 to X are believed by me to be true.

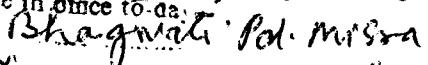
Signed and verified this 11th day of February, 1985 in Civil Courts Compound at Lucknow.

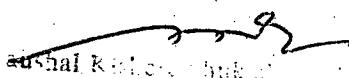



Deponent.

I, identify the deponent who has signed before me.


(Kamal Srivastava)
Licensed Typist
Civil Court, Lucknow.


Bhagwati Pat. Misra
Kamal Srivastava's licensed Typist
Civil Court, Lucknow


(Aushal Kishore Shukla)
Oath Commissioner
Civil Court, Lucknow
Date 11/2/1985

In the Court of VI Additional Munsif Lucknow

R.S.No. 262 of 1983

Bhagwati Prasad Misra

Plaintiff

Versus

Union of India and others

Defendants.

Application under section 148 C.P.C. read with section
151 C.P.C.

In the above noted case, the defendant No.1 Union of India respectfully submits as under:-

1. That in the above suit, it was ordered by this Hon'ble Court that the written statement be filed by 11. 2. 85 else the case will proceed under order 8 rule 10 C.P.C.
2. That during the fixed time the written statement could not be filed due to the fact that the records could not be traced out, the suit cause of action relating back to 1962.
3. That the written statement is now ready and is filed along with this application.
4. That the delay in filing the written statement was beyond the control of the defendant and the delay is liable to be condoned.
5. That in case the written statement filed herewith is not taken on record and the ~~defendant is unknown~~ case is proceeded under order 8 rule 10 C.P.C. it will cause failure of justice and also will injur the interest of the defendant.
6. That in the circumstances it is in the interest of equity and justice that the time fixed for filing of written statement is extended and the written statement filed herewith is allowed to be brought on recird.

Wherefore it is respectfully prayed that this Hon'ble Court may be pleased to extend time under section 148 C.P.C. for filing of the written statement and the written statement filed herewith is allowed to be taken on record. It is also further prayed that the Hon'ble Court may be pleased to condone the delay in filing the written statement and the same be taken on record.

Dated: 3, 4, '85

~~Counsel for defendant.~~

In the Court of Additional Munsif VII Daccau

R.S. NO 262 of 1982

C-37

23/4

~~12~~

S. B. P. Misra

Plaintiff

vs.

~~12~~

lalita of Andis & others — Defendants.

F. F.

[18/2/83 W.S.
22/2/83 issues.

7/9

I am filing herewith the
aforesaid duplicate copies of plaint
with notices and envelope duly stamped for
service of notices by both ways on the
opposite parties.

~~12/2/83
R.C. Saxena
Advocate~~

Dulal Ray
24.1.83

~~Dulal Ray
Advocate~~

(R.C. Saxena)
Advocate
Counsel for Plaintiff

In the Court of VII Additional M.R.
District.

R.S.M.R. 262 of 1982

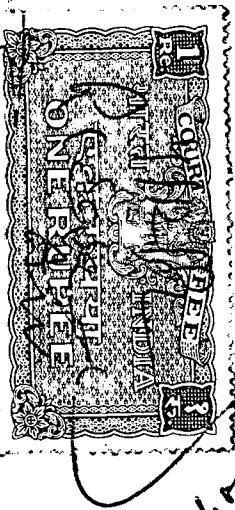
C-36

F

Shagnath Roasad Misra — Plaintiff
vs.

Union of India & others — O.P.S.

Decay Application



13/12

4/12

1. That in the above noted case the plaintiff requires the below noted information, the case was fixed for 19.9.82 for W.S. and 22.9.82 for issues. Thereafter it was adjourned to 14.10.82. The case has come to this court on transfer from Muzaffarpur, prior to above noted dates.

Question No 1- Whether the case Yes,
is pending?

2- What date if any, 6-12-82
is fixed?

Sub- clerk to reply.

by 6.12.82.

Sub
6.12.82

Answer
Reader

4/12/82

D. Chakrabarty
4.12.82

Debashish Ghosh
4.12.82

Counsel for Plaintiff

Handed by S. R. Saxon,
Ad�al

Sustained
5-7-8
on 5/18

2nd Indictment
January
8/1988

Set - E

AS

In the Court of VII Additional Munsif Lucknow

Suit No. 262 of 1982

Bhagwati Prasad

Plaintiff

Versus

Union of India and others

Defendants

Sir,

In the above noted case, it is respectfully submitted that the defence of the case has been entrusted to me.

The detailed parawise comments have not yet been received by me from the administration, for drafting the w.s. It may also be mentioned that the time at the disposal of the defendant ^{was} too short to enable them to prepare the w.s.

Wherefore it is respectfully prayed that one month time be allowed for filing of written statement.

dated: 22.10.'83

Key Moh
Counsel for the defendants.

Oct-70

In the Case of VII Addl. Hq. Ch.

Sum No 26282

Bhagwati Pd

Minister of Justice

VS

Sr.

In the above noted suit, it is respectfully submitted that the following documents have not been received from the administrator for the drafting of W.S. In these circumstances, the W.S. can be prepared & filed in this Court.

Whereupon it is prayed that one month be allowed before W.S.

0.
Received
On 12.11.83
by Adv. Bhagwati
W.S. to be prepared
within 1 month
Date 13/12/83
G. P. P. M.

Opp. Counsel
An
Court of A.O

9V

Tat - 11

Shri Govt of Mysore Addl. Secy. in Lieu
of

RS no 262/82

Bhagwati Od

Murad ^{ns} Dide

Sir;

In the above noted Smt. it is
respectfully submitted that full modulus
& canons have and been received
from the administration for drafting of
Ms. Reminds has been sent for the
ministers and they are awarded.

whence it is prayed that
one more be allowed for place.

Department
Addy

Canal for dep

①

Secy.
For 31.1.74
In. W.S. 9 1/84

On
12/1/74.

22-92

In the Court of III Addl. Mys. Ct.

From No 262/84

Bhagwati Rd. Mysore

Attm. of Andra

Sir, In the above ruled but, it is
respectfully submitted to the Hon'ble Court
Comments have been received from the
Administration, the W.S. could not
be drafted for being filed in the Ct due
to counsel's preoccupation with his
personal work. It will take some
time ^{in drafting} ~~before~~ the W.S. & getting it
signed before it is filed in the Ct.

Whereupon it is prayed to
be allowed for
filing W.S.

Opn. Boms
Can. for deft.

9/31/84

CT-93
In the Court of Munsif VII Lucknow

Art No 262/82

Bhagwati Parsad

Plaintiff

Versus

Union of India

Defendant

Sir,

FF. 22.3.1984

In the abovenoted case, it is submitted that the counsel for the defendant will be out of the city and will not be able to come back to attend the case fixed on 22.3.'84.

Wherefore it is prayed that the date fixed may kindly be adjourned to some date, allowing time of ^{month} one/further time to file written statement.

for [unclear]
Counsel for defendant

No objection
dated 20.3.'84

dated: 20.3.'84

*See my
mts. v/s
22/3/84*

Arre 22/3/84

Set-15

See in Court of VII Addre Punjab Koo. ¹⁰⁰
Suit No 262 of 82

Bhagwati Rd. Hoshi
rs

Alma d. Dr. H.

Sw.

In re above noted case, it
is believed that the mistreatment
& concerning the has not been
received as yet from the administration
for dragging the WS. As such the
WS could not be freed.

It is therefore prayed that
one month's time be allowed
for filing WS.

Open Poos

Dr
Case for defe

8/19/83

7/1-16

In the Court of VII App. Hsy Uo

Ent 10 26/82

Bhagwati Rd. Mumbai

vs

Ministry of Env.

Sir,

On the above notice, it is
believed that full information has
not been received from the Administrations.
In absence of full information, this letter
cannot not be forwarded.

It is thus far prayed that
one month be allowed for full info.

Opp. Dept.

Opp. Dept

Opp. Dept

Opp. Dept

Opp. Dept

to 17

5

See the Court of Adm. Plef 27 October

42

Sum No 8

Bhagwali Brass

vs

Union of Ind.

Sri

In the above order but, it is
believed that respects of my
information to the administrative contact
could not be established with them.
It appears that the information given
by you has not reached them.
As such instructions can not be
meant for drafting of W.S.

It is therefore prayed that
some further time be allowed for
finishing up.

Copy to
Dr
Candy Ward

15/9/83
15/9/83
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15/9/83
15/9/83

9V

m/18

✓ In the Court of 7th Dec. 1982
Smt no 262 of 82

Bhagwati Prasad
or
Union of India.

Sir,

In the above order, it
is respectfully submitted that free
witnesses have not been received
for preparation of the witness
statement. As such the witness
statement could not be filed
on the date fixed.

Whereupon it is prayed
that 2 months further time be
allowed for filing the same.

~~Chaitanya
Chatterjee
Deputy
Commissioner
28/11/82~~

28/11/82

Dec 10/82
Dr
Cmpt dep



Shri. C. V. Raman
Chairman of the III duck

26/2/82

19
Am

Bhagwati Rd

vs

Minister of India

Sir,

As per the above news from U.S. it is believed that I have to go to Australia in the early hours. As such it will not be possible to attend the III duck on the 19th Feb.

His Excellency's prayers be on the 19th Feb. may be advanced obtaining leave of one month for filing W.S.

Yours sincerely

Adoor
Came for dep

By 19/2/82

2
Keep on file
2 Put up on file
Date 19/2/82
19/2/82

32

A/5

Sub Comd Dr. H. S. H. Lecen

Enc No. of

Bhagwati - Pd

rs

Muand due

for

In the above notice sent, it
is submitted that nothing done has
not been received as yet along with
paramiss reply for submission in
Ch. As such it is being
sent by this.

It is therefore prayed herein
15 days hence be allowed for
filing of.

affidavit

D. J. S.
21/1/83

23/1/83

Opposition
for
Bench 609

D 2-3

In the Cart of ~~W~~ ~~W~~ Wool My Lasses

Sub No 262/82

for state

Bhagwati Ad Miss

Lemma of order ^{vs}.

In the above solid fact, it is
believe fair to this class & concerning
can has not been receive as yet
from the administration. As such WS
can not be find.

wherever it is prayed for
one month will be allowed
to pass.

Lynn Poos
Dr
Conf dep

9/19/2183 —

strongly
opposed

Dickens
~~1870~~

1912 (825)

On the Court of Munsif W.H. Andrews

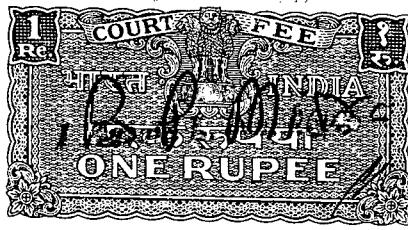
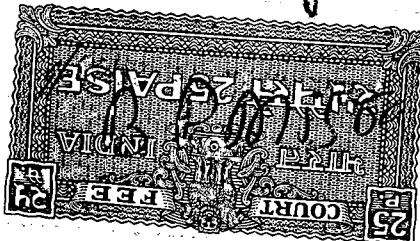
ब अदालत श्रीमान

महोदय

वादी (मुद्रा)
प्रतिवादी (मुद्रालेह)

का वकालतनामा

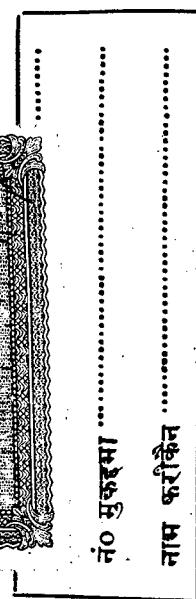
Bhagwati, President Munsif



वादी (मुद्रा)
प्रतिवादी (मुद्रालेह)

नं० मुकदमा सन् १६ पेशी की त० १६ ई०
उप लिखे मुकदमा में अपनी ओर से श्री

C. S. Puri
Advocate, High Court महोदय
बकील



को अपना वीकल नियुक्त करके प्रतिज्ञा (इकरार) करता है और लिखे देता हैं 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 डिगरी जारी करावें और रुपया दस्तूर करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और सदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (रीक्सानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युष्ट (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की इ वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मै यह भी स्वीकार करता हूँ कि मै हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फँसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted
C. S. Puri

सांझी (गवाह)..... सांझी (गवाह).....
दिनांक १७ महीना ९ - ८५

हस्ताक्षर

In the Court of Additional Munsif & Lucknow

Rep. Suit No. 2629/1982

8/2
88

Bhagwati Prasad Mora - - Plaintiff
45

Union of India & others - - Defendants
F.T. 9.10.85

Receipt

Received rupees Ten only from the
plaintiff as cost vide order of
Df 9.10.85.

Lucknow
Df 9.10.85.

Patm
Counsel for Defendants

D-33
8/9

In the Court of VI Additional Munsif Lucknow.

Suit No. of

Bhagwati Praad

Versus

Union of India

In the above noted suit, it is most respectfully submitted that the additional written statement could not be drafted and sent to the department for their signatures on account of the preoccupation of the counsel in his personal urgent work. The same has been drafted and is being sent to the department for signatures. It will take some time before it is filed in the Court.

Wherefore it is prayed that this Hon'ble Court may be pleased to grant 15 days time for filing the additional written statement.

Arora
Arora
dated: 24.10.85

Arora
Counsel for defendant.

24/10/85

In the Court of Additional Municipal Judge Lucknow

Rep. Suit No. 2629/1982

8/2
88

Bhagwati Prasad Mora - - Plaintiff
48

Union of India & others - - Defendants
F.T. 9.10.85

Receipt

Received rupees Ten only from the
plaintiff as cost vide Court's order
Df 9.10.85.

Lucknow
Df 9.10.85.

~~Joint
Commissioner for Defendants~~

D-27
A/9

In the Court of VI Additional Munsif Lucknow.

Suit No. of

Bhagwati Praad

Versus

Union of India

In the above noted suit, it is most respectfully submitted that the additional written statement could not be drafted and sent to the department for their signatures on account of the preoccupation of the counsel in his personal urgent work. The same has been drafted and is being sent to the department for signatures. It will take some time before it is filed in the Court.

Wherefore it is prayed that this Hon'ble Court may be pleased to grant 15 days time for filing the additional written statement.

dated: 24.10.85

Counsel for defendant.

*W.P.
P.C.
24/10/85*

11/20/62, 10:42
Mine, coal no. 100
method of measurement

11/20/62 1 - - - -
11/20/62 1 - - - -
11/20/62 1 - 3 - 1.50 - - -
11/20/62 2 - 1 - 2.00 - - -
11/20/62 1 - - - -

6 - 4 - 3.50 - - -

total weight 4.50
6.50 - 4.00 = 2.50

1/2
1/2

In the court of the Addams of the
The miseries of the poor
Bhagat Singh, M. S. P.
XO

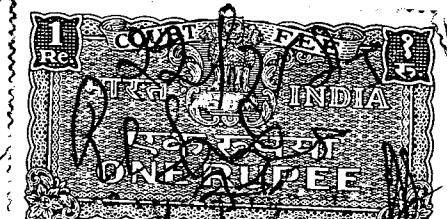
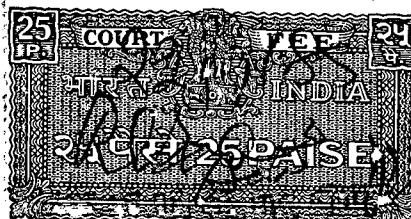
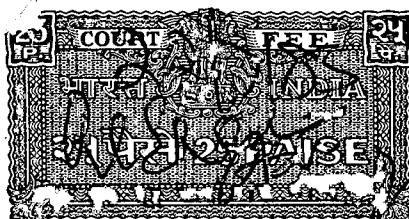
Die 13/18

Q 10 17
9

This is an application u/o 9 rule 9 C.P.C by the applicant for restoration of suit dismissed in default. The opposite party has no objection to it. Heard.

3/8/85
In the Court of VIth Additional Munsif, Lucknow.

Misc. Case No. 17C of 1985
70v



Bhagwati Prasad Misra, aged about 59 years,
S/o Sri Bans Gopal Misra, R/o 558/17, Sunder
Nagarp Alambagh, Lucknow.

... Applicant (Plaintiff)

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. General Manager (P) Northern Railway, Baroda
House, New Delhi.
3. Deputy Controller of Stores, Northern Railway,
Alambagh, Lucknow.

... Opp. Parties (Defendants).

Inre:

R.S. No. 262 of 1982

Bhagwati Prasad Misra

... Plaintiff.

Versus

Union of India & Others.

... Defendants.

Application for Restoration under Order 9
Rule 9 C.P.C.

That for the detailed facts and the reasons stated
in the accompanying Affidavit it is most respectfully
prayed that the Hon'ble Court may be graciously pleased
to recall the order dated 18.7.85 dismissing the suit in
default of the plaintiff, restore the suit at its original
number for decision on merits.

I have no objection
J.W.B.
27/7/85
Ar
27/7/85

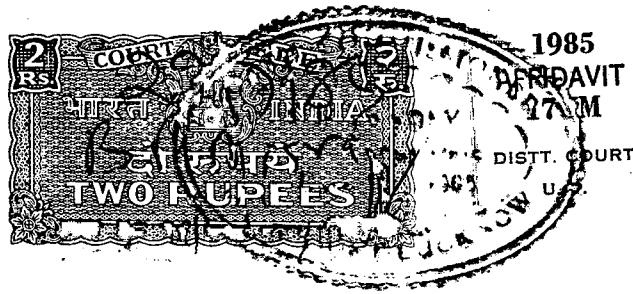
Lucknow:

Dated: July 22, 1985.

John William Burchell
Counsel for Plaintiff/Applicant.

In the Court of Vth Additional Munsif, Lucknow.

R.S. No. 262 of 1982



Bhagwati Prasad Misra

... Plaintiff.

Versus

Union of India & Others.

... Defendants.

Affidavit in support of Application
for Restoration

I, Bhagwati Prasad Misra, aged about 59 years, S/o Sri Bans Gopal Misra, R/o 558/17, Sjnder Nagar, Alambagh, Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is Plaintiff/Applicant in the above noted case and is well conversant with the facts deposed to hereunder.
2. That the above noted suit was listed for issues on 18.7.85 which on that date was dismissed in default for non appearance of the plaintiff and his counsel.
3. That the deponent from 15.7.85 was suffering from acquite form of dysentry as such he could not appear in the Court on 18.7.85.
4. That the counsel for the deponent due to urgent piece of work had gone out of Station as result of which he also could not appear on the date fixed.
5. That the deponent being confined to the bed also could not contact his counsel in connection with his case any time after 15.7.85 and onwards till 20th July 1985.
6. That the deponent when met his counse... oame

pydms

to know that the case has been dismissed in default.

7. That the deponent has every intention to prosecute the case and the non appearance on the date fixed is due to the reasons stated above. X
104

8. That in the interest of justice the case is liable to be restored.

Lucknow: Dated:

July 22, 1985.

Deponent.

Verification

I, the deponent named above, do hereby verify that the contents of paras 1 to 8 of this Affidavit are true to my own knowledge.

Signed and verified this 22nd day of July, 1985, at Lucknow.

Deponent.

I identify the deponent who has signed before me.

Advocate. Advocate

14M
Date 22.7.85
At 11.30 A.M. B. P. DASRA
who is a Clerk
Clerk of the Court
is the witness of
deponent and he has been aware of
his absence which has been put out
Explained by
Shri Advocate
Signature
Date 22.7.85
Oath Commissioner
and Commissioner.

In the Court of VIth Additional Munsif
MISC. Case No. 8 of 1985
J

D Bhagwati Basad Misra - - - - - Applicant
Sir - RE. A/105

के समक्ष

R.S. No 262 - 82

Bhagwati Basad Misra - - Plaintiff
VS

Union of India - - - - - Defendant,
and others

→ Registered Address

Bhagwati Basad Misra
son of Sri Bans Gopal MISC
558/17, Sunder Nager
Alamkagh, Lucknow
LUCKNOW.

dated
22/2/85

Dwarka
Adv.
R.C. Sarker
Advocate
cause for

100

Before Central Administrative Tribunal
Court Bench Lucknow,

① T. Reg No. 1202/87 Nitajul Hay
fixed 18/9/89 ^{rs} 1.

② T. Reg No. 607/86 B. P. Muniyappa v. Dr.
fixed 19/9/87

③ on Reg. No. 925/87 A. M. Srinivas
fixed 28/9/89

~~Dear~~, Respondent submits as under:-
That on -ice above dates

I am busy at Mathaband and
unable to attend at Lucknow. So
it is requested to adjourn on
-ice above dates and fixe 24.10.89
as I shall be present at Lucknow
on 24.10.89 and oblige me.

G. P. Agarwal
Advocate
24/9/89