

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BENCH
 OA/TA/RA/CP/MA/PT of 20..... T.A. No. 797/86 (J)
 Baij Nath Applicant(S) W.P. No. 348/83

Versus

..... U.O.F. Serl. Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1-	Index sheets.	A1 to A2.
2-	order sheets.	A3 to A7.
3-	judgement dt. 16-11-92	A8 to A11
④	Civil order sheets.	A12 to A17
⑤	copy of petition / annexure Notice under section 80 CPC power	A18 to A55
⑥	objection / written statement	A56 to A65
⑦	Rejoinder of fidori F.M.P. No. 176/91	A66 to A75
⑧	Application for amendment MP. 175/91	A76 to A76.
⑨	power / others paper	A77 to A84.

• Certified that the file is complete in all respects.

B/ File complete & correct / checked.

Signature of S.O.

[Handwritten Signature]
16/12/12

Signature of Deal. Hand

[Handwritten Signature]
17/12/12

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

Registration NO. 797(T) OF 1986

Baij Nath vs. Union of India and another

SL NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	<p>9-X-86</p>	<p>Hon. D.S. Misra - AM. Hon. G.S. Sharma - JM.</p> <p>The plaintiff in person and as A.K. Gaur Advocate for defendant and present written statement has not been filed. This should be filed by within a month.</p> <p>Parties are allowed a month's time to file full copies of their documents in accordance with the provisions of Administrative Tribunal Act.</p> <p>List 1 - for hearing on 13-12-86.</p> <p>Member (A) Member (J)</p>	<p><u>Office Report</u></p> <p>1- Rs No. 348/83 received on transfer from Munstf, Lucknow.</p> <p>2- <u>Cause of Action</u></p> <p><u>Promotion</u></p> <p>3- <u>Position at the stage of transfer</u></p> <p>WS not filed.</p> <p>4- Notice issued to both the parties by Regd. post.</p> <p>5- No undelivered Regd. copies returned back so far.</p> <p>Submitted for order</p> <p>12/10/86</p> <p>In compliance with Hon. Tribunal's order dt. 9/1/86 no WS and copy of document has been filed so far.</p> <p>Submitted</p>
<p>22</p>	<p>15-12-86</p>	<p>No entry found to 11-2-87 as requested by the L.C. of Plaintiff. Sr. Deepak Singh who sent his verbal name today</p> <p>(CW)</p>	<p>12/12/86</p>

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 ADDITIONAL BENCH ALLAHABAD

.....No.....747... (S.) of 1986

.....VS.....

(A/L)

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned.
1	2	3

5-27 Hon. D.S. Misra - Am.
 Hon. G.S. Sharma - Jm

ws pl

None is present for the applicant and Sr. G.P. Agrawal for the respondents is present and files written statement today. Fix 20/8/87 for final hearing.

Am. /

Jm

SH

18/87

DR

As the cases of Sri AK Gaur are adjourned, list this case on 29/9/87 as requested by counsel for applicant.

lee
 DR (J)

22/9/87

no entry lawyers on strike
 A.O. to 10.12.87

Committee

10.7.09

No sitting - Adj. to 29.8.09
for order/hearing.

h
B.O.

29.0.09

No sitting of D/B. Adj. to 24.11.09.
Applicant is present.

OR
No rejoinder filed
submitted for
hearing.

h
B.O.C

h
20/9

27.11.09

No sitting - Adj. to ~~27.11.09~~
5.2.90.

h
27/11

24.11.09 was
holiday (election)

5.2.90

No sitting - Adj. to 21.3.90

h

No RA filed
S.P.H.
h
25/11

21.3.90

Hon. D.K. Agrawal, J.M.
Hon. K.Obayya, A.M.

Applicant in person.
Shri A. Bhargava for defendant No. 2.
Written statement has already been filed.
There is no right to file an ~~application~~ replication
under C.P.C. However, since the case has
been transferred to the Tribunal, we afford
an opportunity to the applicant to file
rejoinder within 3 weeks hereof. List it for
hearing on 24.7.90.

DR
J.M.

Shakeel/

A.M.

24.7.90

On the request of both the
parties. Case is adj. to 25/9/90

OR

No RA filed
S.P.H.

DR
B.O.C.

h
20/11

28.9.90

No sitting Adj to 30.11.90

DR

30.11.90

No sitting Adj to 1.1.91.

1.1.91

No sitting Adjourned to 20.3.91

DR

20.3.91

No sitting Adj to 5.4.91

DR

No RA filed
S.P.H.
h
4/4

25-4-91

Hon Mr D.P. Agrawal Jm
Hon Mr K. Chagga, AM

Shri D.B. Singh, Chief
holder of A.C. 8 tickets
for Applicant: Shri D.P. Singh
Bhargava for abs.

M.P. 175/91, taken up
This is an application
for amendment of
the application, copy of
which has not been
served to the opposite
parties. Let objections,
if any be filed within
3 weeks hereof.

Wait for orders
on 15-7-91


Dm.


Jm.

7-7/86 (D)

5-4-91
D. R.

Applicant's side is
present. He files rejoinder
along with an application
M.P. No. 175/91K, as Amend-
ment, Hence, this case
is listed on 25-4-91
for orders before the
Hon. Bench.

OR

No objection filed

S. Fo

5/8/91
D. R.

Both the parties
are present today.
objection has not been
filed by Respondent
till today. He is Order
to file it, by 5/8/91.


5/8/91

Central Administrative Tribunal
Lucknow Bench, Lucknow.

ORDER SHEET

797/86(T)
O.A./T.A. No. (W.P. 348/83)

Date / Office Report / Order

24.8.92
D.R.

File ^{was not received} ~~has not been received~~ from the office on the date fixed. Objection has not been filed by Respondents till to day. It is a writ petition of the year, 1983 List for final hearing before the Honble Bench on 17.9.92.

D.R.
Objection
has not been
filed.

S.F.O.

16/9/92

17.9.92

Hon. Mr. Justice G.E. Srivastava, Jc.
Hon. Mr. K. Chawla, AM

List this case on 2.11.92 showing the name of Shri Baidre Habib as the Counsel for the Applicant.

A.M.

V.T.

2.11.92

D.R.

No objection
has been filed

No signing of D.M. adj
on 16.11.92

MANISH/-
11/11/92

A/c

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Transfer Application No. 797 of 1986

Baij Nath Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava,V.C.)

This application has been ^{received} under section 29 of the Administrative Tribunals Act, 1985. The applicant filed a suit in the Court of Munsif Hawali, Lucknow which has been transferred to this tribunal by operation of law. He prayed that a decree declaring him entitled to promotion on the post of Charge-man Grade 'B' in clear vacancy caused by the retirement of one Sri Ganga Prasad in March, 1983 and for a mandatory injunction by way of consequential relief directing them to promote him on the post of Charge-man Grade 'B' on the said vacancy. According to the applicant, who after passing the requisite trade test was promoted as highly skilled grade II w.e.f. 25.1.1976. He became entitled to the promotional post because as a result of Minya Bhai award, the said Ganga Prasad Mistry was promoted as Charge-man Grade 'B' in the scale of Rs. 425-700(R.S.), and the applicant being a member of the Schedule Caste community was entitled to be promoted as Mistry w.e.f. 31.5.1976 according to his roster point but one Bhupendra Singh was promoted in his place instead of applicant who made a representation against the same. Again another vacancy fell vacant in January, 1977 of Charge-man 'A' due to long leave granted to one Sri P.C. Chatterjee, the applicant's claim that it was he who was to be allowed to officiate vide one

Contd..2/-

(A/C)

:: 2 ::

Behari Lal, Charge-man Grade 'B', but again he was deprived of the said promotion. He made a representation against the same. In the month of October, 1979 again one post of Charge-man Grade 'B' fell vacant due to long leave granted to one Behari Lal, but even then the applicant, though, according to him, he was entitled to, was not promoted. This happened again in November, 1979. The said Ganga Prasad was reverted from the post of Charge-man Grade 'B' and thereafter, the applicant was also reverted to the post of Highly Skilled Fitter Grade. Although instead of applicant a non-schedule caste person should have been promoted. On 29.5.1980, the applicant was allowed to continue on the post of Mistry, but yet again another order was passed on 29.5.1980 reverting him to the post of Highly Skilled Fitter Grade-II. After the retirement of said Ganga Prasad on March, 1983. According to the applicant, it was a clear case for his promotion, but he was not promoted. Ultimately, ^{this} led him to file the suit.

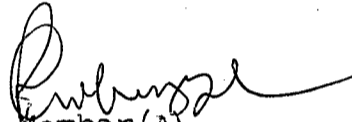
2. The respondents disputed the factual position stated by the applicant, ^{and} have pointed out that Ganga Prasad was promoted in terms of roster. In terms of printed Serial No. 5022 if there are two vacancies to be filled in a particular year, not more than one may be treated as reserved and if there be only one vacancy, it should be treated as unreserved. On this account a reserve point, ^{to be} treated as unreserved, the reservation may be carried forward to the subsequent three recruitment

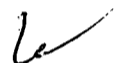
Contd..3/-



:: 4 ::

case was not to operate in the way of the respondents to promote the applicant whenever his turn according to seniority/roster. Although, the relief which have been claimed by the applicant can not be granted, but the respondents are directed to consider the case of the applicant for promotion and promote him to the post, claimed by him, if his turn has come ~~and if his turn has come~~ earlier, he will be promoted to the said post w.e.f. that date, may it be notionally. With these observations, the application is disposed of finally. No order as to the cost.


Member (A)


Vice-Chairman

Lucknow Dated 16.11.1992

(RKA)

A/D

:: 3 ::


years. Since it was only one vacancy for leave arrangement for 48 days the senior most among the reserved group Sri Bhupendra Singh T.T.-6 was promoted as Mistry w.e.f.31.5.76. The applicant had not passed the requisite trade test for the post of Mistry till 23.2.1977 and that's why he was not promoted and he was promoted as Mistry after passing the trade test w.e.f. 23.2.1977, and has not been senior most person that's why short term vacancy regarding which he has made a complaint. He was not allowed to officiate the charge-man grade 'B' as the recruitment quota was already filled after completion of training. The applicant was promoted as a Charge-man 'B' against the roster point from 23.1.79, but subsequently as roster point fell for general candidates, hence the applicant could not be promoted against the vacancy falling with effect from 15.10.79. The confirmations were made according to trade wise and the applicant being Mistry Fitter he could have been promoted in his trade and not in other trade. After the retirement of Ganga Prasad the applicant was not promoted. as far as the roster point is concerned for this short term vacancy, the applicant's turn has not come and that's why the promotion were given to other persons and the applicant can not claim it is not correct to state that he was a senior person and that 's why he wanted the promotional post. It appears that because of the pendency of this case, the subsequent promotion was not given to the applicant. The pendency of this


Contd..4/-

11

:: 4 ::

case was not to operate in the way of the respondents to promote the applicant whenever his turn according to seniority/roster. Although, the relief which have been claimed by the applicant can not be granted, but the respondents are directed to consider the case of the applicant for promotion and promote him to the post, claimed by him, if his turn has come ~~and if his turn has come~~ earlier, he will be promoted to the said post w.e.f. that date, may it be notionally. With these observations, the application is disposed of finally. No order as to the cost.


Member (A)


Vice-Chairman

Lucknow Dated 16.11.1992

(RKA)

ਅੰਗਰੇਜ਼ੀ ਅਤੇ ਹਿੰਦੀ ਸ਼ਾਬਦਕ ਦੀ ਸੂਚੀ

ਕ 1	ਸ਼ਾਬਦਕ	1	6.10.83
ਕ 2	ਸ਼ਾਬਦਕ	1	
ਕ 3	ਸ਼ਾਬਦਕ	1	4-12-83
ਕ 4	ਸ਼ਾਬਦਕ	1	
ਕ 5	ਸ਼ਾਬਦਕ	1	
ਕ 6	ਸ਼ਾਬਦਕ	1	
ਕ 7	4	1	
ਕ 8	ਸ਼ਾਬਦਕ	1	
ਕ 9	4	1	
ਕ 10	ਸ਼ਾਬਦਕ	1	
ਕ 11	ਸ਼ਾਬਦਕ	1	2-180
ਕ 12	ਸ਼ਾਬਦਕ	2	3 = 9.1.84
ਕ 13	ਸ਼ਾਬਦਕ	1	16/1/84
ਕ 14	ਸ਼ਾਬਦਕ	1	22/1/84
ਕ 15	ਸ਼ਾਬਦਕ	1	29-3/84
ਕ 16	ਸ਼ਾਬਦਕ	1	29/3/84
ਕ 17	ਸ਼ਾਬਦਕ	1	19/1/80
ਕ 18	ਸ਼ਾਬਦਕ	1	14/5/80
ਕ 19	ਸ਼ਾਬਦਕ	1	14/5/80
ਕ 20	ਸ਼ਾਬਦਕ	1	34/5/80
ਕ 21	ਸ਼ਾਬਦਕ	1	18/1/85
ਕ 22	ਸ਼ਾਬਦਕ	1	7/1/85
ਕ 23	ਸ਼ਾਬਦਕ	2	

ਕੁਲ 84 - 2 - 25/80

Certified that the file is correct and complete stamped on 39/100 in eight ticks with 40 pages.

9/3/87

एक नाम वगैरे इतिहास उक्तान् इतिहास इति

द्वारा प्राप्तिका दिनांक — 6.10.03

द्वारा मायामा — दिनांक 21/11/03

महाराज द्वारा — 307 — 4

महाराज द्वारा — 357 — 4

6-10-03

Placix is being fresh up with
Mansari report to date.

As
Admin. Dept. I have
forwarded to defunct
7/11/03 to no. and 14/11/03
to me.

my H.

7.11.03

Can called our name
from the defunct.
Name not sufficient.

as

Put up on the date
now etc. 14.11.03 N.P.O.

14.11.03

द्वारा प्राप्तिका दिनांक 307
द्वारा प्राप्तिका दिनांक 357

महाराज

द्वारा प्राप्तिका दिनांक 2-1-84
द्वारा प्राप्तिका दिनांक 9-1-84
द्वारा प्राप्तिका दिनांक 1-1-84
द्वारा प्राप्तिका दिनांक 1-1-84

9/8

महाराज
1970

R. S. No. 348/82

23
7
A
12

वेज नगर n पूनपत आम इतिम -

29.3.84
Awaiting
16
4

जन्मपत्र प्रमाणपत्राणि, कावेरि ह्यां हाजि
डी। एचि कावेरि पुर तामीली नगरसु वही असे

आदेश
दि 16-4-84 नये वाडन्तजर एममा
पेश हो

16.4.84
सुवादी
अ.स.
A/H
29/3/84

क)

तयोमान्क ग 94 एचि कावेरि नो ओ से

पेश हो आदेश

दि 16/4/84 नये मा आदेश हे
पेश हो

क)

14/4/84 Cox put up today court.
busy - in session of J.S.

दि 12/5/84 नये हो

12/5
A/H

12/5/84 Cox put up today from
14.5.84 the purpose of the it appears
that steps incomplete.

दि 1.8.84 नये नये 10 days
दि 1.8.84 नये नये 8.8.84
नये नये

पेश हो

M. H. 100 -

R.S. No. 348/84

23/2

27/10/84 ~~उत्तरा उत्तरा~~

(13)

~~उत्तरा~~

~~उत्तरा~~

~~उत्तरा~~

दि 27-10-84

पर दि 31-10-84

पर तक

पर

पर

पर

27/10/84

Case put up today. No W.S. after P.O. on leave.

only

Put up on the date fixed to 31-10-84.

पर

7/11

31.10.84

पर

पर

पर

पर

पर 7.11.84

पर
Adv.
पर
31/10/84

पर 7-11-84 पर

पर

पर

19.1.05

मुमुक्षु सेवा संघ.

परिषद अधिवेशन 77
उत्पत्ती की ओर से
प्रमाण 0.9.12.7 का
पत्रिका.

Math
19/1/85

C/7 by
0-1-19/5/85
19/5/85
20/3/85
14

अपेक्षा

19.3.85 का अपेक्षा एवं
20/3/85 का निवारण
हस्ताक्षर 76.0.11

19/3
20/3

13/10/85 No. 10/11/85

19/3/05 No objection filed

pick up on 20/3/05

mm

20/3/85

मुमुक्षु सेवा संघ.

परिषद अधिवेशन (कानून मुमुक्षु
के अंतरिम सत्र की वजह से)

अपेक्षा

दि. 14.5.85 का निवारण

हस्ताक्षर

14
15
16/3/85

सहायक
ताम्रिली परीक्षा के प्रयोग उत्पत्ती
गणना एवं उत्पत्ती के
आदेशों का W.S. लकी मार्किंग
उत्तर.

14.5.85

मुमुक्षु सेवा संघ. परिषद
अधिवेशन. 79 का उत्पत्ती का प्रमाण
की ओर से पत्रिका का प्रमाण एवं
वा लक्षण

चपरासी का रजिस्टर

R.N. 340/83

23/16

क्रम-संख्या	पत्र-संख्या और तारीख या पत्र का अन्य विवरण	किसको भेजा गया	पाने वाले के लघु-हस्ताक्षर और तारीख	टिप्पणी
1	2	3	4	5
31	8-85	गुजरात	गुजरात	
	D. 20	गुजरात का पत्र	[Signature]	
	[Signature]	[Signature]	[Signature]	
6/9	10	Allowed as in	Costs of Rs 207	
9/9		Fix 6.9.85 for	WS. → 10.9.85	
		for issues.		
			[Signature]	
		WS not pd.		
		Pump now done		
			[Signature]	
			[Signature]	
10/10	10.9.85	गुजरात गुजरात	गुजरात	
		गुजरात गुजरात	गुजरात	
		गुजरात	10.10.85	
		[Signature]	[Signature]	
			[Signature]	



क्र 914 340/03

23/11

16

आदेश का संख्या	आदेश का दिनांक	आदेश, अध्यासीन न्यायाधीश के सक्षिप्त हस्ताक्षर सहित	निर्देश उस प्रार्थना-पत्र अथवा पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपालन में किए गए प्रतिवेदन की संख्या तथा दिनांक का निर्देश
1	2	3	4	5
	18.10	85	<p>व्यवस्थागत आदेश D-21. 5/11/85 को जारी किया गया प्रार्थनापत्र आदेश को अंतिम-पत्रों के अंतर्गत के अंतर्गत 5/11/85 को अंतिम-पत्रों के अंतर्गत अंतिम-पत्रों के अंतर्गत 28/11/85 को आदेश के अंतर्गत 15 दिनों का समय प्रार्थनापत्र है। आदेश। D-21 विचार किया जाता है कि WS दिनांक 5/11/85 को बनाया। दिनांक 7/11/85 को प्रेषित है।</p>	<p>3 1910</p>
		5/11/85	<p>WS no. 11/85 पुस्तक - 11/85</p>	
		7/11/85	<p>Can Call edat D-22 Application. On behalf of- default for the State of proceedings On the grounds that with sanction of Administrative Tribunal this Court has ceased to have jurisdiction. to</p>	

18/10/85

18/10/85

WS no. 11/85
पुस्तक - 11/85

11/85

पी० ए० ए० पी० ए० पी० 02 उच्च न्यायालय-15-82-6-889-1984-1000,000(प्र०) टास्क 1
decide this Court. Default-Cant
is directed to show the relevant provision
after lunch at 11:15 AM

28
11

7/11/85

3 11/85

क्रमबद्ध आदेश-पत्र

(अध्याय 4, नियम 3)

स्थान

स्थान

भाषण संख्या

31.10.86 मन् 19 इ०

संकाय

Bain & Co vs N.O. 9 मन्

विवरण

दिनांक	विवरण	आदेश अथवा आदेश का संक्षेप	संकाय सं. हस्ताक्षर	दिनांक
31.10.86		Transferred to B.A. on Vaidya's order.		
2-2-86		Received by Registrar. Lawyers on strike. Purs up on 10.3.86 for F.O.	XIII Bm M.A. on	
10-3-86		Case called on. Present Counsel for parties only. Fix 0-5-86 for F.O.	M.A. on	
19.3-86		In compliance with the court circular letter No. 191 VII 9-238 dated 30.11-85. and central Administrative Tribunal letter No. 10-11/144/5 dated 13-2-86, the case be sent to the Deputy Registrar of the Tribunal in accordance with according to law.	M.A. on	

8
5
06
AMM
14/3/86

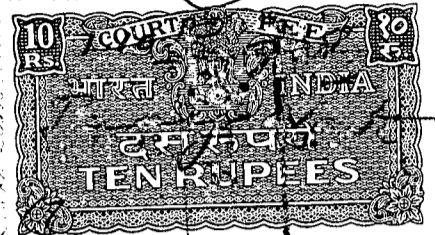
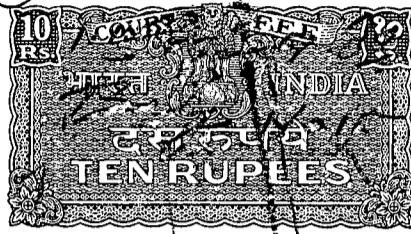
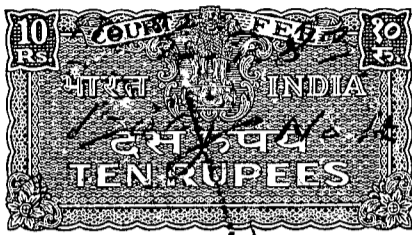
53
/

IN THE COURT OF THE MUNSIF HAWALI, LUCKNOW.

R.S. NO. 340 OF 1983.

297

297



Baij Nath aged about 45 years Son of Sri Gaya Prasad resident of Village Mangalsi, Post Office Mangalsi, Tehsil and District Faizabad, at present employed as Mistry in the T.T. Shop of the Loco Work-shop, Northern Railway, Charbagh, Lucknow.

... Plaintiffs

Versus

297

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Deputy Chief Mechanical Engineer (W) , Northern Railway, Charbagh, Lucknow.

... Defendants

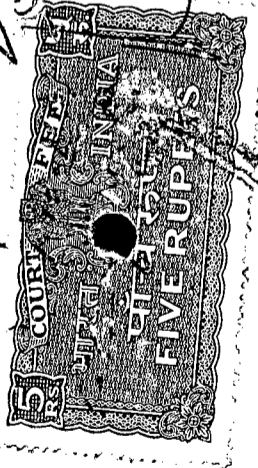
SUIT FOR DECLARATION WITH A CONSEQUENTIAL RELIEF OF MANDATORY INJUNCTION.

The Plaintiff named above begs to submit as under :-

1.

That the Plaintiff was initially appointed as skilled fitter in Grade Rs. 60-130 (now revised Scale Rs. 260-400) in the T.T. Shop under the defendant No. 2 with effect from 11.9.1958 by the then Works Manager now designated as Deputy Chief Mechanical Engineer.

Contd..... 2



*The Plaintiff Mangalsi, Lucknow
Baij Nath
Sri. Gaya Prasad
P.O. Mangalsi - no. 283.*

Baij Nath

13
2

2. That there-after the Plaintiff having passed the requisite trade test was promoted as highly skelled Grade II in the Scale of Rs. 230-480 (R.S.) w.e.f. 25.1.1976.
3. That as a consequence of the award of "MIAN BHAI TRIBUNAL " appointed by the Railway Administration, one Sri Ganga Prasad Mistry T.No. M/38 was promoted as Charge-man Grade 'B' in scale of Rs. 425-700 (R.S.) w.e.f. 31.5.1976 and as such his post of Mistry fell vacant from the said date.
4. That the Plaintiff being a member of the schedule caste community (PASI) was entitled to be promoted as Mistry in Grade Rs. 380-560 w.e.f. 31.5.1976 according to his roaster point vice the said Sri Ganga Prasad Mistry promoted as Charge-man Grade 'B' .
5. That in dis-regard of the departmental rules the Defendant No. 2 promoted one Sri Bhupendra Singh T.No. T.T/6 (highly skilled Grade II) as Mistry Grade Rs. 380-560 vice the said Sri Ganga Prasad Mistry promoted as Charge-man Grade 'B' and the Plaintiff was thus deprived of his right of promotion as Mistry w.e.f. 31.5.1976.
6. That against the aforesaid injustice the Plaintiff made several representations to the Defendant No.2 and other concerned authorities.
7. That in pursuance of the aforesaid representations

.....3

Plaintiff being a member of the schedule caste community (PASI) was entitled to be promoted as Mistry in Grade Rs. 380-560 w.e.f. 31.5.1976 according to his roaster point vice the said Sri Ganga Prasad Mistry promoted as Charge-man Grade 'B' .

23/1/76



promoted to officiate as Chargeman Grade 'A' vice Sri P.C. Chatterjee, but the Defendant No. 2 again deprived the Plaintiff of his aforesaid right.

12. That against the aforesaid injustice the Plaintiff moved several representations to the Defendant No. 2 and claimed his promotion to officiate as Chargeman Grade 'B', but the Defendant No. 2 maintained complete silence over the matter and thereby deprived the Plaintiff of his bonafide right to officiate on higher post.

13. That pursuant to the aforesaid representations the defendant No. 2 in order to console the Plaintiff promoted him to officiate vice Sri Nanak Chand, Chargeman vide office order No. 108 dated 30.1.1979.

14. That there-after the Defendant No. 2 by his letter No. 50 E / 1(M)II dated 12.7.1979 *from the post of Chargeman Grade "B" with effect from 13.7.1979.*

15. That while reverting the Plaintiff from the Post of Chargeman Grade 'B' the non-schedule caste candidate was allowed to officiate as Chargeman Grade 'B'. According to the rules of the department the Plaintiff should not have been reverted from the post of Chargeman Grade 'B' and the reversion should have been made of non-schedule caste candidate.

16. That in the month of October, 1979 one post of Chargeman Grade 'B' had fallen vacant under the defendant No. 2 w.e.f. 15.10.1979 due to long leave granted to

Handwritten notes in a box on the left margin:
The name of the Plaintiff is Sri P.C. Chatterjee.
P.S. No. 7/5. No. 7/83.

Handwritten notes at the bottom left corner:
edp

473
5
A/B

one Sri Behari Lal, Chargeman Grade 'A' and vice him one Sri Sheo Shanker Pandey, T.No. E/5 (Chargeman Grade 'B') was promoted to officiate as Chargeman Grade 'A' .

17. That the Plaintiff was entitled to be promoted to officiate as Chargeman Grade 'B' w.e.f. 15.10.1979 Vice Sri Sheo Shanker Pandey.
18. That in violation of the departmental rules the Defendant No. 2 promoted one Sri Hazari Lal T.No. TT/183 (highly skilled Grade I).
19. That against the said injustice also the Plaintiff moved several representations to the Defendant No. 2 and requested for his promotion to officiate as Chargeman Grade 'B', but no result came out.
20. That again in November, 1979 one post of Chargeman Grade 'B' fell vacant under the Defendant No. 2 w.e.f. 17.11.1979 due to long leave granted to one Sri Bhola Nath Banerjee, Chargeman Grade 'B' and the Plaintiff according to the Departmental Rules was entitled to be promoted ~~the~~ to officiate as Chargeman Grade 'B' vice Sri Bhola Nath Banerjee.
21. That again in utter dis-regard of the departmental rules the Defendant No. 2 promoted one Hazari Lal , T.No. TT/183 (highly skilled grade I) to officiate as Chargeman Grade 'B' vice the said Sri Bhola Banarjee.

Contd,.... 6

The name of Plaintiff is Hazari Lal T.No. TT/183

Nath

53/6
A
2/3

Handwritten notes in a box:
Sri Ganga Prasad
7-5-80

22. That in March, 1980 one Sri Ganga Prasad was reverted from the post of Chageman Grade 'B' and therefore the Defendant No. 2 by his order dated 31.3.1980 S.O. No. 267 reverted the Plaintiff to the post of highly skilled fitter Grade II although instead of the Plaintiff the non-schedule caste persons should have been reverted.

23. That by order dated 29.5.1980, the Plaintiff was allowed to continue on the post of Mistry but on the same day the Defendant No. 2 passed another order S.O. NO. 260 dated 29.5.1980 whereby he again reverted the Plaintiff to the post of highly skilled fitter Grade II.

24. That in March, 1983 Sri Ganga Prasad , Chageman Grade 'B' retired . The Plaintiff was entitled to be promoted on the said post, which fell vacant due to the retirement of Sri Ganga Prasad, but the Defendant No. 2 again failed to promote the Plaintiff dis-regarding the relevant rules.

25. That the Defendant No. 2, while promoting the non-schedule caste candidates to higher posts has ignored the relevant rules relating to the promotion of schedule caste candidates and the roster point of reservation was not taken into consideration while giving promotions.

26. That the Defendant No. 2 also confirmed the persons

Contd.....7

Handwritten signature/initials at the bottom left.

53
7
(A)

junior to the Plaintiff namely S/Sri B.N. Lal T. No. M/37, Ramesh Prashad Misra T.No. M/39, Sarju Prashad T.No. M/40 and Suraj Bhan Singh T.No. M/36 as Mistry.

27. That the aforesaid acts of the Defendant No. 2 of not promoting the Plaintiff as Mistry from his due date, not promoting him to officiate on higher posts in leave arrangements, not confirming him on the post of Mistry over his juniors and the order of his reversion on the post of Chargeman Grade 'B' are all malafide, illegal and unconstitutional being in violation of Articles 14 and 16 of the Constitution of India. The Plaintiff is thus

entitled to seek a declaration to the said effect.

28.

That the plaintiff sent the registered A.D notices 480 C.E to the defendant's office vide post office receipts nos 1639 and 1640 of High Court Bench post office, Lucknow which were served on the defendants on 30.5.83 and 31.5.83 respectively.

29.

That the cause of action accrued to the Plaintiff against the defendants at Charbagh within the jurisdiction of this Hon'ble Court on 31.3.1983 when the defendants failed to promote the Plaintiff on post of Chargeman Grade 'B' in clear vacancy caused by the retirement of Sri Ganga Prasad in March, 1983. The claim for other reliefs has become time barred and as such they are not claimed.

30.

That the valuation of suit for the purposes of jurisdiction and Court fee is Rs. 300/- on which the requisite court fee of Rs. 35.00 U/S 7 Sub-Section (iv) (a) of U.P. Court Fees Act has been paid. The relief being incapable of valuation, the Plaintiff has given his own valuation.

Handwritten notes in the left margin:
S.S. 7-5-80
The plaintiff...

Handwritten signature: B. K. S.

23
D
(Handwritten marks)

36. The Plaintiff prays for the following reliefs :-

- (a) That a decree declaring the Plaintiff entitled to promotion on the post of Chargeman Grade 'B' in clear vacancy caused by the retirement of Sri Ganga Prasad in March, 1983 be passed in favour of the Plaintiff and against the defendants.
- (b) That a decree of mandatory injunction by way of consequential relief directing the defendants to promote the Plaintiff on the post of Chargeman Grade 'B' in clear vacancy caused by the retirement of Sri Ganga Prasad w.e.f. 31.3.1983 be passed in favour of the Plaintiff and against the Defendants.
- (c) That costs of the suit and any other relief, which this Hon'ble Court deems fit and proper in the circumstances of the case be also awarded to the Plaintiff against the Defendants.

Handwritten notes in a box: "The Plaintiff is..." "7.5.83" "283"

LUCKNOW:

DATED : AUGUST 25, 1983.

Bhath
PLAINTIFF

1-10-83 VERIFICATION

Be... Singh Advocate

I, the abovenamed Plaintiff do hereby verify that the the contents of paras 1 to 7, parts of paras 8,9 (Facts), para 10, Part of para 11 (Facts), Paras 12, 13, 14, part of para 15 (Facts), paras 16, 17, part of para 18 (Facts), para 19, part of paras 20, 21 (Facts), paras 22, 23 , part of Para 24 (Facts) and paras 26 are true to my knowledge and those of parts of paras 8, 9, 11, 15, 18, 20, 21, 24, (Laws), paras 25 to 30 are correct to my belief.

Signed and verified this 25th day of August, 1983 within the Civil Court Premises at Lucknow.

LUCKNOW:

DATED : AUGUST 25, 1983.

Bhath
PLAINTIFF



वादी प्रतिवादी द्वारा किये गए दस्तावेजों की सूची

न्यायालय The Municipal Court आदेश क्र. 18 नियम 8
 स्थान ... जिला ...
 वाद संख्या 5. Baij Nath सन 1983 ई०
 वादी ... प्रतिवादी ...
 बन्धम ...
 वादी / प्रतिवादी की ओर से किये गये दस्तावेजों की सूची

प्रथम सनवाई के समय

इस सूची का Baij Nath ने आज सन 1983 ई० के 25 के दिवस को पेश किया गया।

क्र०	दस्तावेज का अभिवर्णन और उसकी तारीख यदि कोई हो।	कागज क्या हुआ	दिनांक
1.	Copy of notice u/s-800 P.C. for plaintiffs 23/28.5.83 to dependents	यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उस पर डाला गया। यदि नामजद हुआ तो पदाकार को लौटाये जाने की तारीख और पदाकार या उसके अभिवक्ता के हस्ताक्षर सको कागज लौटाया।	1.10.83
2.	Final postal receipt of paper NO. 1. (NO. 163987-28.5.83 to dependent NO. 1, Nandalki)	यदि वाद विनिश्चय के पश्चात कागज अभिलेख में रह जाय और अध्याय 3 नियम 28 के अधीन लिफाफा में बन्द करने की तारीख	
3.	Final postal receipt of paper NO. 1. (NO. 164087-28.5.83 to dependent NO. 2, Luni)		
4.	ACKNOWLEDGMENT of paper NO. 1. (G.M. Delhi 87-30.5.83)		
5.	ACKNOWLEDGMENT of paper NO. 1. (The D. Chig Eng. Sec 31.5.83)		

न्यायालय का नाम - ...
 वाद संख्या - ...
 पदाकारों का नाम ...

Baij Nath

सूची पेश करने वाले पदाकार या अभिवक्ता के हस्ताक्षर

1
2

Recd. with A/D

Badre Habib Siddiqui,
Advocate

55, Astabal Charbagh,

Lucknow.

Dated. 23rd May 1983.

28

80

Notice under section ~~80~~ 80 C.P.C.

Notice is hereby given by Badre Habib Siddiqui Advocate, 55- Astabal Charbagh, Lucknow on behalf of Shri Baij Nath Mistry (Prospective Plaintiff) fully described below, pursuant to provision of section 80 C.P.C. Act. V 1908 call-ing upon the Union of India through the General Manager, Northern Railway, Baroda House, New Delhi (Prospective defendant no. 1) and the Deputy Chief Mechanical Engineer (W), Northern Railway, Charbagh, Lucknow (Prospective defendant no. 2) to pass an order declaring the said prospective plaintiff entitled to officiate as Mistry with effect from 31.5.1976 vice Shri Ganga Prasad, Mistry promoted as Chargeman 'B' as a consequence of award of Mian Bhai Tribunal and to officiate as Chargeman grade 'B' with effect from 2.1.1977, 27.7.1977, 15.10.1979 and 17.11.1979 in the leave officiating arrangements and that the order of his reversion from the post of chargeman 'B' dated 12.7.1979 passed by the prospective defendant no. 2 and the orders dated 31.3.1980 and 29.5.1980 from the post of Mistry fitter are illegal, unconstitutional and void and that further the prospective plaintiff is entitled to his confirmation on the post of Mistry over and above S/Shri B.N. Lal, T. No. M/37, Ramesh Prasad Misra, T.No. M/39, Sarjoo Prasad T No. M/40, and Sur Bhan Singh T No. M/36, who are junior to him and also to give the said prospective plaintiff his due ser

over and above the said persons and that such other reliefs as are shown hereinafter to be claimed by him, within two months next after this notice has been delivered.

The informations required by the Union of India in accordance with the provisions of section 80 C.P.C. aforesaid are hereunder given:-

I- NAME OF THE PROSPECTIVE PLAINTIFF.

Shri Baij Nath

II- DESCRIPTION OF THE PROSPECTIVE PLAINTIFF.

A/S

Shri Baij Nath, aged about 45 years, son of Shri Gaya Prasad, resident of Village and Post Office Mangalsi, Tahsil and District Faizabad at present employed as Mistry in the T.T. Shop of the Loco Workshop, Northern Railway, Charbagh, Lucknow.

III- F A C T S

(1) That the said Shri Baij Nath, Prospective plaintiff to be hereinafter called the plaintiff, was initially appointed as a Skilled Fitter grade Rs.60-130 (now revised scale Rs.260-400) in the T.T. Shop under the prospective defendant no.2 with effect from 11.9.1958.

5/9

1/19

(7) That in pursuance of the aforesaid representations, the prospective defendant no.2 promoted the plaintiff as Mistry grade Rs.380-560 (RS) with effect from 23.2.1977 but not from 31.5.1976 vice Shri Ganga Prasad Mistry promoted as Chargeman Grade 'B'.

(8) That in the month of January 1977, one post of Chargeman grade 'B' scale Rs.425-700 (RS) had fallen vacant under the prospective defendant no.2 due to long leave granted to one Shri P.C. Chatterji, Chargeman 'B' and the plaintiff, according to departmental rules, was entitled to officiate as Chargeman grade 'B' vice the said Shri P.C. Chatterji.

(9) That in violation of the departmental rules and instructions issued by the Railway Board, the prospective defendant no.2 promoted one Shri Hazari Lal, T.No. TT/183 (highly Skilled grade I) to officiate as Chargeman grade 'B' vice the said Shri P.C. Chatterji, with effect from 2.1.1977 instead of the plaintiff.

(10) That against the aforesaid ^{injustice} ~~injunction~~, the plaintiff moved several representations to the prospective defendant no.2 and requested for his promotion to officiate as Chargeman grade 'B' but he did not do so.

(11) That again in the month of July 1977, one post of Chargeman grade 'A' fell vacant with effect from 27.7.1977 due to long leave granted to

one Shri P. C. Chatterji, Chargeman grade 'A' and the plaintiff, according to departmental rules, was entitled to officiate as Chargeman in the leave arrangement, which ought to have been done by the prospective defendant no.2. It may be mentioned that by the aforesaid date, the said Shri P. C. Chatterji had been promoted as Chargeman grade 'A'.

(12) That against the aforesaid injustice, the plaintiff moved several representations to the prospective defendant no.2 and claimed his promotion to officiate as Chargeman Grade 'B' but the prospective defendant no.2 maintained complete silence over the matter and thereby deprived the prospective plaintiff of his bonafide right to officiate on higher post.

(13) That in pursuance of the aforesaid representations, the prospective defendant no.2, in order to console the plaintiff, promoted the plaintiff as Chargeman grade 'B' to officiate vice Shri Nanak Chand, Chargeman vice Officer Order No. 108 dated 30.1.1979.

(14) That thereafter, the prospective defendant no.2 by his letter no. 50E/1(M)II dated 12.7.1979, reverted the plaintiff from the post of Chargeman grade 'B' with effect from 13.7.1979.

(15) That while reverting the plaintiff from the post of Chargeman grade 'B' non-scheduled caste candidate was allowed to officiate as Chargeman grade 'B' according to rules of the department, the plaintiff should have not been reverted from post

departmental rules, was entitled to be promoted to officiate as Chargeman grade 'B' vice the said Shri Bhola Banerji, Chargeman proceeded on long leave.

(21) That, again in disregard of the departmental rules, the prospective defendant no.2 promoted one Shri Hazari Lal, T.No. TT/183 (highly skilled grade I) to officiate as Chargeman grade 'B' vice the said Shri Bhola Banerji Chargeman proceeded to long leave.

(22) That in March 1982 Shri Ganga Prasad was reverted from the post of Chargeman Grade 'B' and thus the prospective defendant no.2 by his order dated. 31.3.1980 S.O. NO.267, reverted the prospective plaintiff to the post of Highly skilled fitter II although non-schedule caste persons should have been reverted.

(23) That by order dated 29.5.1980 the prospective plaintiff was allowed to continue on the post of Mistry but on the same day the prospective defendant no.2 passed another order S.O. No.460 Dated 29.5.1980 whereby he again reverted the prospective plaintiff to the post of Highly skilled II fitter.

(24) That in March 1983 Shri Ganga Prasad Chargeman Grade 'B' retired. The prospective plaintiff was entitled to be promoted on the said post which fell vacant due to retirement of Ganga Prasad but the prospective defendant no.2 again failed to promote the prospective plaintiff dis-regarding the relevant rules.

75
8

(25) That the prospective defendant no.2, while promoting the non scheduled caste candidates to officiate on higher posts in leave vacancies, has ignored rules relating to the promotions of scheduled caste candidates in respect of their promotion to officiate on higher posts in leave vacancies and roster point of reservations was not taken into consideration while making such arrangements.

(26) That the prospective defendant no.2 also confirmed junior namely S/Shri B.N. Lal, T. No. M/37, Ramesh Prasad Misra T.No.ii/39, Sarjoo Prasad T.No.M/40, and Suraj Khan Singh T.No.M/36 as Mistry although the plaintiff is senior to all the aforesaid persons.

(27) That the aforesaid acts of the prospective defendant no.2 not promoting the plaintiff as Mistry from his cue date, not promoting him to officiate on higher posts in leave arrangements, not confirming him on the post of Mistry over his junior and the order of his reversion from the post of Charginan grade 'B' all are illegal, unconstitutional and in violation of articles 14 and 16 of the Constitution of India.

(28) That the cause of action accrued to the plaintiff and against the prospective defendants on 31.5.1976 when he was not promoted as Mistry vice Shri Ganga Prasad, Mistry promoted as Charginan grade 'B' on 2.1.1977 when he was not put to officiate as Charginan grade 'B' vice Sri P.C. Chatterji, Charginan

55
9

DL
17

proceeded on long leave, on 27.7.1977 when he was not put to officiate as Chargeman as a consequence of leave granted to Shri P.C. Chatterji Chargeman grade 'A' on 23.1.1979 when he was put to officiate vice Shri Narak Chand, Chargeman, on 13.7.1979, when he was reverted from the post of Chargeman grade 'B' on 15.10.1979 when he was not promoted and put to officiate as Chargeman grade 'B' vice Shri Shiv Shankar Pandey, Chargeman grade 'B' promoted and put to officiate as Chargeman grade 'A' vice Shri Behari Lal, Chargeman grade 'A', on 17.11.1979 when he was not promoted as Chargeman and put to officiate as Chargeman grade 'B' vice Shri Bhola Banerji, Chargeman grade 'B' proceeded on long leave on 31.3.1980 when he was reverted from the post of Mistry and on 29.5.1980 when he was again reverted from the post of Mistry and after 31.3.1983 when the prospective defendant no.2 failed to promote the prospective plaintiff on the post of Chargeman Grade 'B' as a result of that retirement of Shri Ganga Prasad, and on the various dates when mistries junior to the plaintiff were confirmed on the post of Mistry and the plaintiff was not confirmed.

IV- RELIEF CLAIMED BY THE PLAINTIFF.

If within two months next after the service of this notice, the prospective defendants do not pass an order declaring the plaintiff entitled to his promotion as Mistry with effect from

175
10

-10-

175

31.5.1976 vice Shri Ganga Prasad Mastry promoted as Chargeman grade 'B' and further entitling him to officiate as Chargeman grade 'B' in leave vacancies falling vacant on 2.1.1977, 27.7.1977, 15.10.1979 and 17.11.1979 and on clear vacancy falling vacant on the retirement of Ganga Prasad in March 1983, and further do not pass an order declaring him as confirmed Mastry over his junior and also if they do not pass an order declaring the orders dated 12.7.1979, 31.3.1980 and 29.5.1980 of the plaintiff's reversion as illegal, unconstitutional and void, he shall file a suit in the competent court of Law for the said reliefs and shall also claim arrears of pay and damages as a consequence of the impugned orders. Hence this notice.

Lucknow,

Dated. 23rd May 1983.

28

Eadre Habib Siddiqui
28/5/83
(Eadre Habib Siddiqui)
Advocate.

55, Astabal Charbagh,
Molviganj, Lucknow.

T. C.
T. C. Mastry

[Handwritten scribbles]

In the hand of the original holder.

Beign No 11 _____
in the hand of _____
By sent no 283.

2

283

The original holder
Beign No 11
sent no 283

2

बीमा नहीं NOT INSURED 395T क्रमांक/No. 76

लगाये गये डाक टिकटों का मूल्य रु. ५०

Amount of Stamps affixed Rs. 50

एक रजिस्ट्री* प्राप्त किया

Received a Registered letter

पाने वाले का नाम M. N. P. S.

Addressed to M. N. P. S.

पाने वाले अधिकारी क हस्ताक्षर

Signature of Receiving Officer

क्रमांक/No. 1639

Date Stamp 28-5-83

In the Court of the Magistrate

Pranj Nath _____ Plaintiff
vs. _____ Defendant
G.S. No. 283.

1/28
3/8

3

380 or 500
The ...

3 बीमा नहीं NOT INSURED
लगाये गये डाक टिकटों का मूल्य रु 3 95
Amount of Stamps affixed Rs. P. 1640 (71)
एक रजिस्ट्री * Reg. Cont. प्राप्ति किया
Received Registered..... N. Pr.
पाने वाले का नाम
Addressed to.....
पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

In the court of the ...

Brij Mohan

Chit ...

... 7. S. No. 283.

4

1/39

4

710

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

रजिस्ट्री/पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

क्रमांक No.

Received a Registered Insured

Letter Postcard/Packet/Parcel

पाने वाले का नाम

Delivery of ... through Mr

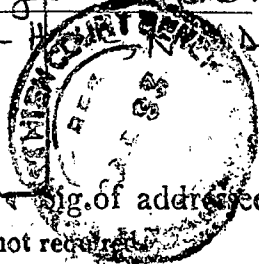
Addressed to (name)

General Manager Southern Railway ... Delhi

शुल्क का मूल्य (रुपयों में) Insured for Rupees

वितरण की तारीख Date of delivery

197



पाने वाले के हस्ताक्षर Sig. of addressee

अनावश्यक को काट दिया जाय † Score out the matter not required † For insured articles only.

Handwritten notes in the left margin, including '7. S. No. 283' and other illegible scribbles.

In the name of the undersigned
Rajni Walia
Rajni Walia
By S.H.O. 283

40

5

5

29

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

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

क्रमांक
No.

*Received a Registered / Letter-Postcard/Packet/Parsel
insured

पाने वाले का नाम

The Deputy Chief Mechanical Engineer
Northern Railway, Chorbhagh,
Lucknow.

Addressed to (name)

† बीमे का मूल्य (रुपयों में)

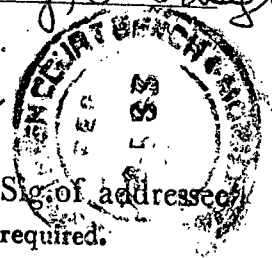
† Insured in Rupees

वितरण की तारीख } 197

Date of delivery } पाने वाले के हस्ताक्षर Sig. of addressee

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

† डेपक्ष की ग वस्तुओं के लिए † For insured articles only.



Rajni Walia
Rajni Walia
By S.H.O. 283

J. The Court - of the my Handi, ...

9710

Sr. Baij No 15 _____ Plaintiff

vs. _____ Defendants
By. Court No 9/1983

Registered address of Plaintiff

BAIJNATH SON OF GAYA PRASAD
R/O VILLAGE MANGALSI POST OFFICE
MANGALSI, TAHSIL AND DISTRICT
FAIZABAD, EMPLOYED AT LOCO
WORKSHOP, LUCKNOW.

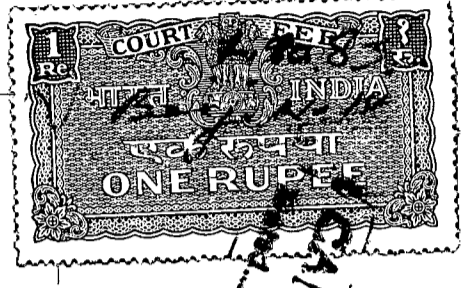
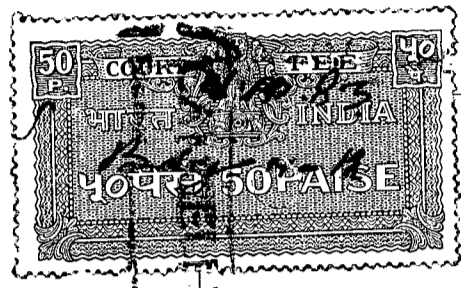
Date - 1.10.83. Plaintiff
B. N. K.

TE of ...
S: Baij No 15
Mangalsi
17. 9. 83

ब अदालत श्रीमान The Mung Handi, Lko महोदय

वादी अपीलान्त Plaintiff का प्रतिवादी रेस्पान्डेंट

वकालतनामा



22180
Over
5/10/83

S. Saij N. K.

RECEIVED
वादी (मुद्दी)

बनाम

Mung Handi + Lko
प्रतिवादी (मुद्दाअलेह)

7 न० मुकद्दमा सन १९८३ पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री BADRE HABIB SIDDIQUI, Admt

and S. SADRE HABIB SIDDIQUI, Admt
Admt to the 55. Noto Lal ch...
एडवोकेट महोदय वकील

नाम अदालत
न० मुकद्दमा
नाम फरीकन

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

Accepted
Admt
8.83

हताक्षर J. K. H.

साक्षी (गवाह) साक्षी [गवाह]
Admt 25/8 महिना August सन १९८३

Admt
8.83
R. K. Srivastava
S. V. High Court, Lko.

In the County of Murray, State of Illinois

1194

11/13

Beig Nath _____ plaintiff
vs
Union of India + others _____ defendants

Report no 34 01/10/03

PP 2-3-04

The defendants do/2 respectfully submit as under
(1) that the defendants do/1 & 2 have done back
accused the summons do/1

(2) that for preparation of written statement
relevant record is to be collected & provided
to the counsel for that purpose.

(3) that a month's time is needed in the
above circumstances for filing W.S.

(4) that the cause & interest of the defend-
ants will be prejudiced in case a month's
time is not given

Put up on the time to file W.S. and given
date as above.

Wherefore it is prayed &
11/13 that the defendants do/1 & 2 be allowed
29/10/03 one month's time to file W.S.

28304

Counsel for
defendants
Beig Nath

794

व अदालत श्री माज मुसक हवाली लखनऊ महोदय
वकील अपीलान्त श्री न. १ व न २ का वकालत नामा
प्रतिवादी रेस्पान्डेन्ट

वेकनाथ बजाम वादी अपीलान्त

प्रीतिन आरु उडिया व अ-य प्रतिवादी रेस्पान्डेन्ट

सं० मुकदमा Regulation No 348 of 1933
सं० 19 पेशी की ता० 22-3-84

ऊपर मुकदमा में अपनी ओर से श्री प्रेसिडेंट रजिस्ट्रार

प्रीतिन आरु उडिया एडवोकेट / वकील महोदय को अपना वकील नियुक्त करके इकरारा करता हूँ

और लिखे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब दे ही व प्रश्नोत्तर करे या कोई कागज दाखिल करें या लाँटावें या हमारी ओर से डिमरी जारी करावें और रूपया उबूल करें या मुतहमा त नामा या इक्वाल दावा तथा अपील व प्रियराजी हाजिरी और हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी विपक्षी प्यरीकवाजी का दाखिलकिया हुआ रूपया अपने या हमारे हस्ताक्षर प्रकृत दस्तखती रसीद से लेवें का बीच नियुक्त करें..... वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इधतिये यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवें।

Dy. C. ... Engineer (हस्ताक्षर.....)

श्री मवाह ... Chandigarh : Lucknow ... Addl. C.M.E., Lko

दिनांक- 22 ... महीना 3 ... वर्ष 1984 ... N. Rly. CB., Lko

for Union of India
opposite party No. 1

नाम अदालत	_____
सं० मुकदमा	_____
नाम फरीकन	_____ बजाम

मुकदमा
मुकत/

Handwritten signature

77-88-23-2-88-111

In the County of Middlesex, London

5117

Barghathi vs Plaintiff

The Union of Friends

Refuted 24/12/85
PR. 1 & 1.85

Application of (Order) of
The defendant respect fully in London
under

1) That the counsel for the defendant in the
such a work connected to note the date
20.12.84 in the above noted case.

2) That due to the mentioned unbroken
court commission no case could be presented
in 20.12.84 in the above noted case

3) That the absence on 20/12/84 was due
to sufficient cause as stated above

4) That the order dated 20/12/84 but
disproceed a part is not recalled
Set aside, the defendant shall
be put to irreparable loss

5) That disclosure made under
Manual Commission WS also included
be filed

Wherefore it is prayed
that the order dated 20/12/84 but
disproceed a part be recalled + set
aside + a date for WS be given
19.1.85 Counsel for defendant

Heard
19/3/85
20/3/85
19/3/85
20/3/85

20/12/85
19/11/85

5/19

1/16

वै. जनाब _____ दादी

अपना

पुनिक काम सुटिका - उरुवादी

उपरोक्त वाद में उरुवादी साक्ष्य सिद्ध प्रमाण
कारण है:-

1) यह कि उरुवादी के अधिसूचक एकादेश
ही का कानूनी कानून सिद्धी के कारण सम्पत्ति
वास्तविक दायित्व नहीं कर सकें।

2) यह कि उपरोक्त कानून उपरोक्त वाद में
वास्तविक दायित्व कानून के तहत सम्पत्ति
उपरोक्त यह उरुवादी का वास्तविक दायित्व
कानून ही सम्पत्ति ही दिनाम्ना के अनुसार
का उरुवादी का है।

इस अर्थ में कि उरुवादी के लिए उपरोक्त
वाद में वास्तविक दायित्व ही सम्पत्ति
का सम्पत्ति उरुवादी

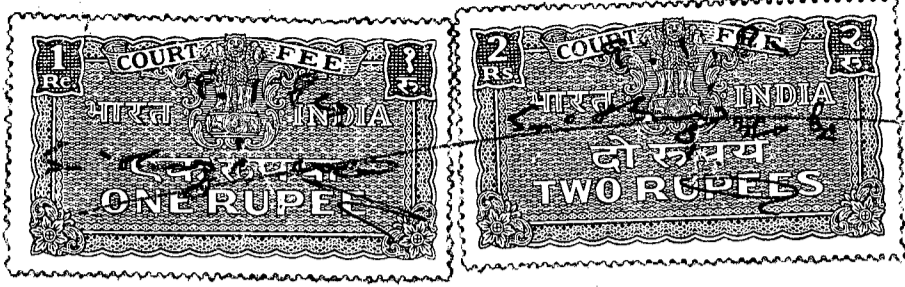
[Signature]

दिनांक 14/5/85

उरुवादी डा. उरुवादी

[Handwritten notes in left margin]
Alto
30/1/85
14/5/85

[Handwritten notes at bottom left]
मुझे इतराज है
14/5/85



D₂ 12

9/1/84

S: Baijnath
ami of India

Plaintiff
Defendant
Reg. suit. no. 348 of 1983.
F.F. 9.1.84.

The applicant-plaintiff begs to state
as under:-

1. That due to indisposition of the applicant, the applicant did not contact his counsel.
2. That in the above circumstances it is expedient that the applicant be granted 10 days time to file the steps.
Wherefore it is prayed that 10 days time be granted to file the steps.

8-2-84 WS.
15-2-84-28500

Date L: - 9.1.84.

Baijnath
Plaintiff-applicant

Handwritten signature/initials

In The Court of the Hon'ble Mr. Justice
Lachar

D13

8/8

Sr. Baij Nath

Union - of India

Plaintiff
vs
Defendant

Reg. Suit No. 348 of 83

F.F. 8. 2. 84.

F.F. 15. 2. 84.

Process fee, summons, copies of plaint
and postal charges are filed herewith

1. Process fee :- Rs 2.00.

2. Summons :- ~~Rs~~ 2.

3. Copies of Plaint :- ~~Rs~~ 2.

4. Postal charges :- (a) Envelopes with Postage
Stamps Rs. 3.60.

(b) Acknowledgment

Lachar Habib Rishi
Advocate

Dated: - 16.1.1984. Counsel for Plaintiff

(6)

Handwritten notes in a box:
S. Baij Nath vs. Union of India
S. No. 348 of 83

F.P. 11-203 No. 2 14-11-23 3
 सामन व रत कर दी उमर तकी श. कलब (आडर) कायदा २ व ५)
 नम्बर मुकदमा 340 985 The ...
 बख्तालत

To, The Deputy Chief Mechanical Engineer,
 Charbhai Laxman ...
 नमाम वादत कर दी उमर तकी श. कलब (आडर) कायदा २ व ५)
 नम्बर मुकदमा 340 985 The ...
 बख्तालत

हरगाह न आपके नाम एक
 दायर की है, लिहाजा आपकी
 हकम हीता है कि आप बताराव माह सन् १९८५ ई० बवकल/०

वही दिन के अखालत या मार्फत वकील के जो मुकदमा के हालत
 से वाकिक किया गया है जो उमरात अम मतालिफता मुकदमा का
 दवाब दूसरे या जिसके पास कोह और शरस ही जो जवाब से सवालान
 का द सु... हाजिर है आ नवाबदही दवा का करे और आपकी लाजिम है
 कि उस... रोज अमला दरतादनात मश करे जिन पर आप बतारहद अपनी
 दवाबदही... दरतदलात करना चाहते हैं।
 आपकी हाजिरा की जाती है कि आप ब्राज मजहर आप हाजिर न हीं
 तां मुकदमा कर हाजिरि आपके असमूज और फसल हीगा।
 कसल मरे दरतखत और मुहर अदालत के आज बतारिख माह
 सन १९८५ ई० जारी किया गया।

सन १९८५ ई० जारी किया गया।
 हरिता
 ज

(१) अगर आपकी यह अदालत है कि आपके गवाह अपनी... हाजिर न
 हां तो आप अदालत हाजिरा... सामन करे मुराद जारी करे... हाजिर न
 जो गवाह हाजिर न है वह नवरन हाजिर कराया जाय और... हाजिर
 दरतखत जो किसी गवाह से पूरा कराने का आप दरतखतका रखते है वह
 उससे पूरा कराव जाय बशत कि आप बशत कि आप बशत कि आप बशत कि आप
 बस अम की दारखस्त नुसार है।
 (२) अगर आप मतालका मुहर... कसलीम करते है तो आपकी लाजिम है
 कि रूपया मय बचाना लिख अदालत में दाखिल करे ताकि शारव ही हजराय
 हजराय डिग्री की जो आपकी जान या माल या दानी पर है,
 करना न पड़े।

F.P. 11-203 No. 2 14-11-23 3
 सामन वादत कर दी उमर तकी श. कलब (आडर) कायदा २ व ५)
 नम्बर मुकदमा 340 985 The ...
 बख्तालत

To, The Deputy Chief Mechanical Engineer,
 Charbhai Laxman ...
 नमाम वादत कर दी उमर तकी श. कलब (आडर) कायदा २ व ५)
 नम्बर मुकदमा 340 985 The ...
 बख्तालत

हरगाह न आपके नाम एक
 दायर की है, लिहाजा
 आपकी हकम हीता है कि आप बतारिख माह सन् १९८५ ई० बवकल/१०

वही दिन के अखालत या मार्फत वकील के जो मुकदमा
 के हालत से करारावाक वतिके किया गया है और उमरात अम
 मतालिफता मुकदमा का जवाद है सके या जिसके पास भी और शरस ही
 कि जो जवाब से सवालान का है सके, हाजिर ही और जवाबदही
 दवा का करे और आपकी लाजिम है कि उस... रोज अमला दरतादनात मश
 करे जिन पर आप बतारहद अपनी जवाबदही क इतदलात करना चाहते हैं।
 आपकी हाजिरा दी जाती है कि आप ब्राज मजहर आप हाजिर
 न हीं तां मुकदमा कर हाजिरि आपके असमूज और फसल हीगा।
 कसल मरे दरतखत और मुहर अदालत के आज बतारिख माह
 सन १९८५ ई० जारी किया गया।

सन १९८५ ई० जारी किया गया।
 हरिता
 ज

(१) अगर आपकी यह अदालत है कि आपके गवाह अपनी... हाजिर न
 हां तो आप अदालत हाजिरा... सामन करे मुराद जारी करे... हाजिर न
 जो गवाह हाजिर न है वह नवरन हाजिर कराया जाय और... हाजिर
 दरतखत जो किसी गवाह से पूरा कराने का आप दरतखतका रखते है वह
 उससे पूरा कराव जाय बशत कि आप बशत कि आप बशत कि आप बशत कि आप
 बस अम की दारखस्त नुसार है।
 (२) अगर आप मतालका मुहर... कसलीम करते है तो आपकी लाजिम है
 कि रूपया मय बचाना लिख अदालत में दाखिल करे ताकि शारव ही हजराय
 डिग्री की जो आपकी जान या माल या दानी पर है,
 करना न पड़े।

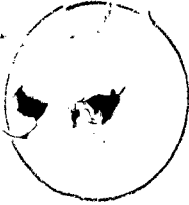
आर०पी०-54
R.P.-54

भारतीय डाक-तार विभाग

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

प्रेषक डाकघर की नाम-बोहर
Name-stamp of office of posting

तारीख-मोहर



Date-stamp

प्रेषक-पते का पता/Sender's address

*Office of the Manager, Hawali,
S. Baij Nath - New Lucknow
Reg. Serial 3482-83.*

MGIPAh.—604 P. & T. 77—28-2-76—39,06,500. F.F. B. 84.
F.F. 15.2.84.

From
Office of the MUNSI F HAWAII,
LICKENOW.

S: Baij No II
Wing. J. J. J.

By. Sent No. 348 of 83.

F. F. 8.2.84.

F. F. 15.2.84.

PN 11-2-104 W

सदस्य कार्यालय और ... 15-2-104 3

आर् ...

To The Secretary Chief ...

आपके नाम एक नालिश बाबत ...

आपकी इच्छा दी जाती है कि अगर ...

बदस्त भी दस्तखत और ...

(1) अगर आपकी यह इच्छा है कि आपका ...

PN 11-2-104 W

सदस्य कार्यालय और ... 15-2-104 3

आर् ...

To The Secretary Chief ...

आपके नाम एक नालिश बाबत ...

आपकी इच्छा दी जाती है कि अगर ...

बदस्त भी दस्तखत और ...

(1) अगर आपकी यह इच्छा है कि आपका ...

(2) अगर आप मुतालबामुहक ...

In the Court of the Hon'ble Judge
Lucknow

D19

Baij Nath _____ Plaintiff

vs. _____ Defendant

Reg. Suit - No. 348 of 1983

F.F. 22.3.84.

F.F. 29.3.84.

The plaintiff-applicant has filed the steps on 16.1.84. but the office has not issued the steps i.e. Regd A.D for defendant No. 1 which is on the record. (Envelope with postal stamps of Rs 3.60. Summons and copy of plaint.)

Now the steps for the defendant No 2 is filed here with.

1. Envelope with postal stamps of Rs 3.60.
2. Summons :- 1.
3. Acknowledgment :- 1.
copy of plaint returned unrecd is already on the record.

Sd/- M. K. S. S. S.
Advocate.

Date :- 22.2.1984. sent for Plaintiff

(1)

The name of the defendant is
Baij Nath vs. _____
M.S. No. 348 of 83.

In the County of XIII Mad Lud

1/5

D-

Baig Nath vs Plaintiff

The Union of India vs Defendant

Registration 340983

PP 31805

The defendant respectfully submits as

(1) That the ~~Comptroller~~ Clerk concerned Sr. G.S. Srivastava had to go to Delhi & perform official duties

(2) That due to above mentioned reason the said Sr. G.S. Srivastava could not attend the Counsel & could not provide documents to the Counsel to prepare the W.S.

(3) That due to above mentioned reason the defendant is unable to file the W.S. today

(4) That the defendant will definitely file its W.S. by 15.9.85.

(5) That the cause & interest of the defendant will be highly prejudiced in case W.S. upto 15.9.85 is not allowed to file.

Wherefore it is prayed that the defendant be allowed to file W.S. on 15.9.85

Sd/-

Counsel for defn

Opposed
Rath
31/8/85
Edi at A

0
meed on
17/8
6/9/85
10/9/85

3
2/8

31/10/85
Rath
31/8

ಪುಸ್ತಕದ ಹೆಸರು ಹೀಗೆ ಇರಬೇಕು. 1957 ರಲ್ಲಿ

2/57

ದಿನ ಮುಂದುವರಿದು

ಇದರ ಮೇಲೆ ಬರೆಯುವುದು

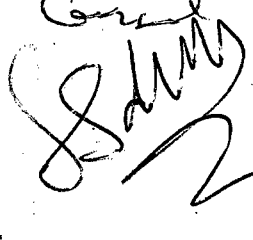
Ref no 340 103
10/12/57

ಇದರಲ್ಲಿ ಅದು ಕೂಡ ಇರುವುದು ದೃಢೀಕರಿಸುತ್ತೇನೆ

1. ಹೆಸರು ಇದೆ	ಇದರಲ್ಲಿ ಯಾವುದೇ ಅಂಶವೂ (ವಿ. ಆರ್. ಸಿ. ಅಥವಾ ಇತರೆ)
" "	ನಿರ್ದೇಶಿಸಲಾಗಿದೆ ಮತ್ತು ಇದರಲ್ಲಿ ಯಾವುದೇ ಅಂಶವೂ
2. ಹೆಸರು ಇದೆ	ಇದರಲ್ಲಿ ಯಾವುದೇ ಅಂಶವೂ ಇರುವುದಿಲ್ಲ ಮತ್ತು
ಇದರಲ್ಲಿ ಯಾವುದೇ	ಅಂಶವೂ ಇರುವುದಿಲ್ಲ ಮತ್ತು
ಇದರಲ್ಲಿ ಯಾವುದೇ	ಅಂಶವೂ ಇರುವುದಿಲ್ಲ ಮತ್ತು

19. 11. 57

ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ



1/5

Barg Nath vs Plaintiff
The Union of Hindu Jethal vs Defendant

Registered No 340903
pp 19 x 05

The defendants respectfully submit as follows

- (1) That the relief or redress needed to prepare written statement ~~was~~ ^{cannot} be provided to the counsel as the staff concerned was engaged in official duty at Kampan
 - (2) That the relief ~~needed~~ ^{with} ~~concern~~ ^{concern} with ~~concern~~ ^{concern} with the provided to the counsel within 15 days
 - (3) That the filing of written statement is essential in the case
 - (4) That the cause & interest of the defendants ~~will~~ ^{will} be highly prejudiced in case 15 days time to file was ~~is~~ ^{is} not allowed as a last opportunity
- wherefore it is prayed that the defendants be given 15 days time to file

Wxds
18

Counsel for defts

In the Court of XIII Additional Members

1/8

Bai Nath _____ Plaintiff

The Union of India + others

_____ depts

Reg No 390 203

dt 7. XI. 85

The defendants respectfully Subscribed as under

(1) That the above noted suit is in regard to the service matter of the employee of the Central Government

(2) That the Administrative Tribunal for the Central Government employees has started functioning at Allahabad.

(3) That under the provisions of the Administrative Tribunal Act, all the cases relating to service matter stands transferred and the suit is said to have ceased as jurisdiction in this said matter and proceedings shall be stayed.

(4) That in the above circumstances the defendants are unable to file the written statement proposed filed in this Honourable Court.

(5) That in the above circumstances and need an adjournment otherwise cause + interest of defendant will be prejudiced.

Wherefore it is

Attested

Nath

7/11/85

depts for

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

Registration No. 797 of 1986 (T)

Baij Nath Vs. Union of India

Objection/Written Statement on behalf of
Union of India is as under:-

- 1- That in the contents of para 1 of the plaint it is only admitted that the plaintiff was appointed as skilled Fitter in grade 60-130 (AS) in T.T. Shop w.e.f. 11.9.58: rest of the contents are denied.
- 2- That the contents of para 2 of the plaint are not admitted. The petitioner was promoted as HSK Grade II Fitter w.e.f. 22.1.1976.
- 3- That the contents of para 3 of the plaint needs no comment.
- 4- That in the contents of paras 4 and 5 of the plaint only this much is admitted that the plaintiff is a member of SC community, rest of the contents are denied. The true fact is that due to promotion of Shri Ganga Prasad M-38 as Chargeman w.e.f. 31-5-76, it was first point reserved for SC community according to roaster. In terms of printed Serial No.5022 if there are two vacancies to be filled in a particular year, not more than one may be treated as reserved and if there be only one vacancy, it should be treated as unreserved. On this account a reserve point treated as unreserved, the reservation may be carried forward to the subsequent three recruitment years. Since it was only one vacancy for leave arrangement for 48 days the senior most among the reserved group Sri Bhupendra Singh TT-6 was promoted as Mistry w.e.f. 31-5-1976 taking into consideration of P.S. 5022 and Sri Baij Nath TT-20 was not promoted on this post.
- 5- That the contents of para 6 of the plaint are not admitted.
- 6- That the contents of para 7 of the plaint are denied. Since the plaintiff had not passed the requisite trade test for the post of Mistry till 23-2-77.

Received - CA
Deepak Singh
11/5/87

23/4/07

he was not promoted w.e.f. 31-5-76, he was promoted as Mistry after passing the trade test w.e.f. 23-2-77.

7. That the contents of para 8 and 9 of the plaint are denied. Since it was only a short term vacancy the senior most man was promoted as per extent rules.
8. That the contents of para 10 of the plaint are not admitted. The plaintiff was informed about the facts for his baseless claim.
9. That the contents of para 11 of the plaint are denied. Shri Baij Nath was not entitled to claim to officiate as Chargeman Grade 'B' when an incumbent from Apprentice Mechanic against direct recruitment quota was already available after completion of training, thus the plaintiff was accordingly posted as C/Man 'B' in the chain of Sri P.C.Chatterjee.
10. That the contents of para 12 of the plaint are denied. Since a qualified hand was available to the Railway administration for posting as Chargeman 'B' Question of posting amongst Mistry/HSK Grade I to Chargeman 'B' does not arise.
11. That the contents of para 13 of the plaint are admitted.
12. That the contents of para 14 and 15 of the plaint are not admitted. An apprentice Mechanic of T/M trade reported for this posting, hence Sri Baij Nath, juniormost and non-selected Chargeman was reverted. Shri Baij Nath was working on ad-hoc arrangement, so the question of continuity as Chargeman 'B' does not arise.
13. That the contents of para 16 of the plaint are not admitted.
14. That the contents of para 17 and 18 of the plaint are not admitted. Shri Baij Nath was already promoted as C/Man 'B' against the roaster point from 23-1-79 but subsequently as roaster point fell for general candidate, hence the plaintiff (S/C) could not be promoted against the vacancy filling with effect from 15.10.79.

15. That the contents of para 19 of the plaint are not admitted. The true fact is that the representation have been considered by the respondent No.2 but the case of the plaintiff was not found tenable and informed accordingly.

16. That the contents of paras 20 and 21 of the plaint are not admitted. Since the vacancy fell for general candidate alongwith Roaster point, accordingly Sri Hazari Lal (a general candidate) was promoted.

17. That the contents of para 22 of the plaint are only admitted that the plaintiff was promoted as Mistry vide Sri Ganga Prasad on adhoc basis, due to reversion in higher grade, the full chain of arrangement was ceased to operate, rest of the contents are denied.

18. That the contents of Para 23 of the plaint are admitted. As and when the chain of Sri Ganga Prasad was disturbed the plaintiff was also reverted.

19. That the contents of para 24 of the plaint are not admitted. The plaintiff was not entitled for promotion in accordance with the Rules with the retirement of Ganga Prasad on 31.3.83, the plaintiff got the regular post of Mistry. The question of promotion of the plaintiff as C/Man 'B' did not arise. Allegations to the contrary are wrong and denied.

20. That the contents of para 25 of the plaint are denied. The post of SC & ST are reserved according to 40 point Roaster and S/C Point once utilised cannot be taken as unutilised on the reversion in a particular trade. The plaintiff's chain for S/C point does not come within the rules prescribed. The S/C's are to be considered against the reserved point on their turns.

21. That the contents of para 26 of the plaint are not admitted. The true fact is that the confirmation are made strictly on trade wise basis. Shri B.N. Lal M/3 and Shri Suraj Bhan Singh M/36 belong to Mistry (Grinder),

Ramesh Prasad Misra M-39 belongs to Mistry (Miller) and Sarjoo Prasad Misra M-40 belong to Mistry (Die Sinking) whereas the plaintiff belongs to Mistry (Fitter). All the mistries are having their separate seniority groups. The plaintiff can only be confirmed as and when he will be due for his confirmation in Mistry (Fitting) Group.

22. That the contents of Para 27 of the plaint are denied.

23. That the contents of para 28 of the plaint need no comment.

24. That the contents of paras 29 and 30 needs no comments.

25. That the contents of para 31 of the plaint are not admitted. The plaintiff is not entitled to any reliefs claimed.

Additional Pleas.

26. That the suit as filed is not maintainable and it has already become infructuous. Since the plaintiff did not qualify, hence he was not promoted.

27. That the plaintiff is not entitled to the reliefs claimed.

28. That the suit be dismissed with costs and Special Costs.

I, SAKEEL AHMED, Dy. Chief Mech. Engr. (W) Loco Shop, Charbagh, Lucknow.

Northern Railway, Addl. Chief Mechanical Engineer (W) Office, Loco Workshop Charbagh, Lucknow, do hereby verify that the contents of para 1 to 28 are the objection/Written Statement are true to best of my knowledge derived from official records and on legal advice which I believe to be true. Signed and verified on this 22nd day of April 1987 at Lucknow.

Opposite Party
Dy Chief Mech Engr (W)
Loco Shop, Charbagh, Lucknow.

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION NO. 797/86, (T) BAIJ NATH V/S UNION OF INDIA

Written Statement.

~~WRIT~~ PETITION ON BEHALF OF DEFENDANTS.

- 1- The Contents in Para 1 of the Plaint, it is admitted that the plaintiff was appointed as Skilled Fitter Grade Rs.60-130 (R.S) in T.T. Shop w.e.f. 11.9.58 rest of the contents are denied.
- 2- That the contents of Para 2,3,4,5,6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,22,23, 24, 25, 26, 27, 28, 29 30 & 31 as stand is not admissible. Kindly peruse the Additional please.
- 3- That it is true that the plaintiff belong to Schedule Caste Community.
- 4 4- That Ganga Pd. M-38 was promoted on 31.5.1976 as per roster. In terms of P.S. 5022, if there are two vacancies to be filled in a particular year, not more than one may be treated as reserved and if there be only one vacancy, it should be treated as unreserved. On this account a reserve point treated as unreserved The reservation may be carry farwarded to the subsequent three recruitment years. Since it was only vacancy for leave arrangement for 48 days the senior most, among the reserved group Shri Bhupendra Singh TT-6 was promoted as Mistry w.e.f. 31.5.1976 taking into consideration of P.S. 5022 and Shri Baij Nath TT-20 was not promoted on the post.
- 5- That Shri Baij Nath has not passed requisite trade test for the post of Mistry till 23.2.1977, hence he was not promoted w.e.f. 31.5.1976, he was promoted as Mistry

- after passing the trade test w.e.f. 23.2.1977.
- 6- That Shri Baij Nath was not seniormost, so the seniormost person was promoted on short term vacancy.
 - 7- That Shri Baij Nath was not allowed to officiate as Chargeman Grade 'B' when an incumbent from Apprentice Mechanic against direct recruitment quota was already available after completion of training, so ~~Shri~~ posting Sh. Baij Nath ~~was posted~~ as C/man 'A' does not arise.
 - 8- That since the Applicant was junior most and non selected Chargeman and he was working on adhoc arrangement, he was reverted on the availability of qualified hand.
 - 9- That Shri Baij Nath was promoted as Chargeman 'B' against the roster point on 23.1.1979 but subsequently when he roster point fall for general candidate Shri Baij Nath (S.C) could not be promoted against the vacancy filling w.e.f. 15.10.79.
 - 10- That confirmation are made strictly on tradewise Shri B.N. Lal M-37 and Shri Suraj Bhan Singh M-36 belong to Mistry (Grinder), Shri Ramesh Pd. Misra M-39 belong to Mistry (Miller) and Sarjoo Prasad M-40 belong to Mistry (Die Sinking), where as the applicant belong to Mistry (Fitter). All the Mistries are having their separate seniority Group. The applicant can only be confirmed as and when he will be due for his confirmation in Mistry fitting Group.

1/2

-3-

- 11 - That Shri Ganga Pd. retired on 31.3.83 and Shri Baij Nath was not promoted to the post on date as Shri Baij Nath had already to attain full chain of promotion to claim his right in the petition.
- 12- That the suit is bad for non Joinder of party.
- 13- That the suit is bad for want of Notice U/S 80 C.P.C and liable to be dismissed.

Handwritten signature/initials

I Babu Ram Tiwari, Asstt:
Personnel Officer, N.Rly. Loco Workshop,
Lucknow verify that the contents of of the
witten statement are ^{believed to be} true to my knowledge
derived from the Official records.

Signed and verified this 24th
day of February, 1987 at Lucknow.

Handwritten signature
DEFENDANTS

To Court.

8/3

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.
REGISTRATION NO. 797/86, BALJ NATH V/S UNION OF INDIA

Not to state count
~~WRIT PETITION~~ ON BEHALF OF DEFENDANTS.

- 1- The Contents in Para 1 of the Plaint, it is admitted that the plaintiff was appointed as Skilled Fitter Grade Rs. 60-130 (R.S) in T.T. Shop w.e.f. 11.9.58 rest of the contents are denied.
- 2- That the contents of Para 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 & 31 as stand is not admissible. Kindly peruse the Additional please.
- 3- That it is true that the plaintiff belong to Schedule Caste Community.
- 4 4- That Ganga Pd. N-38 was promoted on 31.5.1976 as per roster. In terms of P.S. 5022, if there are two vacancies to be filled in a particular year, not more than one may be treated as reserved and if there be only one vacancy, it should be treated as unreserved. On this account a reserve point treated as unreserved The reservation may be carry forwarded to the subsequent three recruitment years. Since it was only vacancy for leave arrangement for 40 days the senior most, among the reserved group Shri Hupendra Singh TT-6 was promoted as Mistry w.e.f. 31.5.1976 taking into consideration of P.S. 5022 and Shri Balj Nath TT-20 was not promoted on the post.
- 5- That Shri Balj Nath has not passed requisite trade test for the post of Mistry till 23.2.1977, hence he was not promoted w.e.f. 31.5.1976, he was promoted as Mistry

104

after passing the trade test w.e.f. 23.2.1977.

- 6- That Shri Baij Nath was not seniormost, so the seniormost person was promoted on short term vacancy.
- 7- That Shri Baij Nath was not allowed to officiate as Chargeman Grade 'B' when an incumbent from Apprentice Mechanic against direct recruitment quota was already available after completion of training, so ~~short~~ posting Sh. Baij Nath ~~was posted~~ as C/man 'A' does not arise.
- 8- That since the Applicant was junior most and non selected Chargeman and he was working on adhoc arrangement, he was reverted on the availability of qualified hand.
- 9- That Shri Baij Nath was promoted as Chargeman 'B' against the roster point on 23.1.1979 but subsequently when he roster point fall for general candidate Shri Baij Nath (S.C) could not be promoted against the vacancy filling w.e.f. 15.10.79.
- 10- That confirmation are made strictly on tradewise Shri S.N. Lal M-37 and Shri Suraj Bhan Singh M-36 belong to Mistry (Grinder), Shri Ramesh Pd. Misra M-39 belong to Mistry (Miller) and Sarjoo Prasad M-40 belong to Mistry (Die Sinking), where as the applicant belong to Mistry (Fitter). All the Mistris are having ~~the~~ their separate seniority Group. The applicant can only be confirmed as and when he will be due for his confirmation in Mistry filling Group.

Contd.....3

1/5

-3-

- 11 - That Shri Ganga Pi. retired on 31.3.83 and Shri Baij Nath was not promoted to the post on date as Shri Baij Nath had already to obtain full chain of promotion to claim his right in the petition.
- 12- That the suit is bad for non Joinder of party.
- 13- That the suit is bad for want of Notice U/S 80 C.P.C and liable to be dismissed.

I Babu Ram Tiwari, Asstt:
Personnel Officer, N.Rly. Loco Workshop,
Lucknow verify that the contents of of the
written statement are ^{believed to be} true to my knowledge
derived from the Official records.

Signed and verified this 24th₂
day of February, 1987 at Lucknow.


DEFENDANTS

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD CENTRAL BENCH, LUCKNOW.

M. P. No. 176/91/86

Registration No. 797/1986.

Baij Nath

--- Plaintiff.

Vs.

Union of India and another ... Defendants.

Application for condonation of delay in filing
Rejoinder Affidavit.

That in the abovenoted case rejoinder affidavit could not be filed within time due to some unavoidable circumstances which is being filed herewith.

Wherefore, it is prayed that delay in filing rejoinder affidavit be condone and same may be brought on record.

Lucknow: Dated:
5th April, 1991.

AK Shukla
(A.K. Shukla),
Advocate.

Counsel for the Plaintiff.

R
Filed today
AK
Shukla

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALA HABAD

CENTRAL BENCH, LUCKNOW

REGISTRATION NO. 797/ 1986

Baij Nath, aged about 45 years,
son of Sri. Gaya Prasad, resident
of Village, Managalsi, P.O. Managalsi
Tahsil and District Faizabad, at
present employed as Mistry in the T.T.
Shop of the Loco Workshop, Northern
Railway, Charbagh, Lucknow.

Verus.

1. Union of India, through the General
Manager, Northern Railway, Baroda
House, New Delhi,
2. The Deputy Chief Mechanical Engineer,
(W) Northern Railway, Charbagh, Lucknow.

Defendants.

Rejoinder on behalf of the Petitioner.

1. That the contents of paragraphs 1 to 3 of
the written Statement call for no reply as the contents
of paragraphs 1 and 2 of petitioner's . Petition has
been admitted bearing the date of promotion which
the petitioner accepts to be true as this error ^{caused} ~~caused~~

contd..2. .

...2...

is due to typing mistake.

2. That the contents of paragraphs 4 & 5 of the written statement are not admitted as stated. It is submitted that Bhupendra Singh had also not passed the trade test and he was on some footing like the petitioner however the petitioner was in more advantageous position being the Scheduled Caste Candidate. It is further submitted that by Board's letter No. 74 E(SCT) 15/20 dated 9 th July 1975, it was provided that even if there remains a single vacancy that should be filled by a person belonging to reserved quota on a recruitment year. In the subsequent year the first vacancy were though it might be single vacancy in that year shall be treated as reserved in favour of the S.C/ST. this from the above it becomes quite clear that an sanstova Singh was promoted on ~~30.9.75~~ 30.9.75 when Sohan Lal retired was over when Ganga Prasad was promoted to the post of Chargman, Grade 13 then the petitioner should have been promoted in his place in terms of the Board's letter and as such the action of the opposite parties is not promoting the petitioner was hostile discriminatory, arbitrary and mala fide. A True copy showing

contd...3..

....3....

approval of Railway Board's letter No. 74 E(SCT) 15/20 dated 9 th July , 1975 is being filed herewith as Annexure No. A-1.

3. That in reply to the contents of paragraphs 5 of the Written statement it is submitted that answering opposite party has very simply denied the contents of para 6 of the petitioner's main petition however the petition reasseits the contents of paras 6 as true.

4. That in reply to the contents of para 6 of the written statement it is submitted that one Bhiupender singh , who had also not passed the trade test was promoted as Mistry whereas this was denied to the petitioner. It may be submitted in order to give maximum harm to the petitioner the department did not take test up- to May, 1977, However the test was taken in the Month of May, 1977 but the petitioner was deemed to have been promoted from Febuary, 1977. Moreover there are instances that persons like Ganga Prasad, Tajendra Singh, Pheol Singh did not pass the requiste trade test but they were promoted. Since there was great violation by the department, and as such the petitioner is legally entitled to all benifits ~~Written~~ W.E.F. 31.5.76.

5. That the contents of para 7 of the Written state- ment are denied and the contents of paragraphs 8 and 9 of the petition are reiterated to true . It is further submitted that by Railway Board's Letter

contd...4...

2/1/76

...4....

No.E(SCT) 68 CM 15/12 dated. 10th December, 1971 it has been provided that in the case of adhoc promotions pending selection, the duration of which is for 45 days or more, the reserved vacancies may be filled by senior most suitable scheduled Caste Scheduled Tribe and since the petitioner was the senior most in category and as such his appointment promotions should have been done in accordance with Railway Board's letter referred to hereinabove.

6. That the contents of paragraphs 8 & 9 of the written statement are vehemently denied. The answering opposite parties has not filed any document in support of the allegation and as such the same is denied and the petitioner reaffirms that he was never informed about the fate of his representation till date.

7. That the contents of paragraphs 9 of the written statement are denied for the simple reason that the petitioner being the reserved category, he should have been promoted as per notifications.

8. That the contents of paragraphs 10 of written statement are not admitted as stated. It may be submitted that the petitioner was also qualified to be promoted and moreover the purpose of various circulars specially Annexure A-1 will be deemed to be a waste

contd...5...

V
201014

A/27

....5... .

paper unless the authorities strictly acts or acted upon it.

9. That the contents of paragraphs 11 of written statement need no comments . However it may be submitted when the petitioner was promoted the question of qualified, as stated in preceeding paragraphs no.10 written statement loses its significance as When the petitioner was promoted on 30.1.79 he could have been promoted earlier keeping in view of the Railway Board's circulars.

10. That the contents of paragraphs 12 of written statement are denied and the contents of paras 14 and 15 of the main petition are reiterated to be true . Suitable reply will be given at the time of hearing by placing facts and Law on the point . In this connection answering respondents be asked to produce the original appointment/ promotion letter showing the requirements the as alleged.

11. That the contents of paragraphs 13 of written statement are denied and the contents of paragraphs 16 of the point are reiterated to be true . The answering respondents be asked to produce the leave record of Shri Bahadur Lal, Chargman Grade A and promotion of Shri Sheo Shanker Pandey T- No.E/5 (Chargman grade B) who was promoted to chargman grade A. The

contd..6..

25/7/79

record will itself prove the mala fide action of the opposite parties as everytime the promitions were made on basis pick and choose policy by ignoring the just claim of the plaintiff.

12. That the contents of paragraphs 14 of written statement are not admitted as stated and the contents of paras 17 and 18 of the plaint are reiterated to be true. Moreover the answering opposite parties have not filed any documents in support of their contintions and as such no proper reply can be given. However they should be asked to produce the same in order to verify their reply.

13. That the contents of parggraphs 15 of the written statement are denied and the contents off paras 19 of the plaint are reitratred to be true. The ansering respondents have not annexed any document or order to show that the plainiff was informed about his representation. Moreover the plaintiff spece fically asserts that he was not informed about the ~~xxxxxx~~ decesi on on his representation.

14. That the contents of paragraphs 16 of the written statement are not admitted as stated and the contents of paras 20 and 21 of the plaint are reiterated to be true. It is further submitted that the respondents be strictly put to prove the allegation of filing relevant record.

4
अनुगत

15. That the contents of paragraph 17 of the written statement are denied as stated. The plaintiff being the Scheduled Caste Candidate, he should have not been reverted.

16. That the contents of paragraph 18 of the written statement are vehemently denied for the simple reason that in any case the plaintiff could not and should not have been reverted as the process was against the Railway Board's letter and was against the spirit of implement of policy of the Government for weaker section of the society .

17. That in reply to the contents of paragraph 19 of the written statement it becomes quite clear that different stand is being taken rather hide and seek policy has been adopted by the respondents in not giving a proper reply to the contents of para 24 of the plaint. No reason has been assigned as to why it was not possible for respondents to promote the plaintiff. Moreover the respondents have admitted in this para that the plaintiff was appointed as regular Mistry, then there was no occasion or justification for further reverting him to the post of Highly skilled Grade II.

18. That the contents of paragraph 20 of written statement are not admitted as stated and the contents of paragraph 25 of the plaint are reiterated to be true.

1
S. N. M. T. M.

A
74

...3...

19. That the contents of paragraph 21 of written statement are not admitted as stated while the contents of paragraph 26 of the plaint are reiterated to be true. It may be further submitted that one Gutta Mistry turner and another person namely sarjoo were promoted belonging to general filed having no specific trade and the answering respondents be asked to produce their service record and also the appointees of prior to Gutta Mistry which may prove holleness on the part of the respondents.

20. That in reply to the contents of paragraph 22 to 25 are admitted subject to anything contrary are denied and those of paras 27 to 31 be true on the basis of averments made in para 27 to 31 of the plaint.

21. That the contents of paragraph 26 to 28 of the written statement are denied as no reasons or valid justification has been made out for the dismissal of the suit. Further the claim of the plaintiff is fit to be allowed with a prayer that the respondents be put to heavy costs because the plaintiff has been suffering irreparable injury on the part of that slackness of the respondents, had the respondents done it earlier there was no occasion for the plaintiff to get its redresses from the Court.

contd...9...

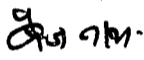
4
Chaitan

22. That the ~~wrote~~ rote reply given by the respondents it appear that the reply to each para is misconceived and against the evidence on record and the same is against the Railway Board letters and sprit etc.

23. That in any case the plaintiff is entitled to have been confirmed on the post of Mistry w.e.f. 31.5.76 with all consequential benefits.

Lucknow:

Dated: ~~23rd May, 1989~~
5th April 1991


Applicant.

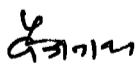
VERIFICATION

I, the plaintiff, named above do hereby verify that the contents of paragraphs 1 to 23 are true to my own knowledge and that the contents of paragraphs 1 to 23 are verified on information received and believed to be true.

Signed and verified this the day 23 of May, 1989 at Lucknow.

Lucknow :

Dated: ~~May 21 1989~~
5th April 1991


Applicant/ plaintiff.

X/20

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CENTRAL BENCH, LUCKNOW.

M. P. No. 175/91/K

REGISTRATION No. 797/1988

Baij Nath --- Petitioner

Versus

Union of India & another .. Respondent

Application for amendment

At 18-7-89

The petitioner in the above noted case respectfully submits:-

1. That owing to inadvertance certain facts and relief could not be typed which necessitates the petitioner to bring those facts by way of amending his claim in the following manner.

2. (f) That after para 7 the following para 7(a) be ordered to be added.

7a. That the petitioner has been holding the post of Mistry since 1977 and on 29.5.80 two orders were passed reverting the petitioner from Chargman Group B to Mistry and on very that day from Mistry to highly skilled fitter Grade II.

7b. That the ~~reversion~~ ^{reversion} of the petitioner to the lower rank is causing great injury to the petitioner as his confirmation

R
filed today
23/7/89
S/1/91

Atq

10

on the post of Mistry has also been jeopardised by orders dated 29.5.80 and the petitioner is loosing day by day his seniority and monitary loss and cause of action is accurate every day as one Phool Singh junior to the petitioner was promoted in June, 1988.

3. That in relief clause the following clause (d) be permitted to be added.

That ^{or} ~~a decree~~ ^{is} on the nature of declaration that the petitioner be treated as confirmed Mistry w.e.f. 31.5.76 when junior to the petitioner were promoted and are still being promoted, ^{with all consequential benefits}

Wherefore the petitioner prays that the above amendments be ordered to be permitted on record in the ends of justice as prayed.

Lucknow

Dated- 22-5-89

Ok. Singh

Counsel for the petitioner

VERIFICATION

Baij

I, ~~Kshaka~~ Nath aged about 52 years s/o Late Sri

Gaya Prasad R/o 1166-D Rest Camp Colony, Charbagh, Lucknow

do hereby verify that the contents of para 1 to 3 of the application are believed by me to be true. ^{Verified at}

^{the residence of the Counsel Charbagh Lucknow}

Lucknow

Dated- 22-5-89

Applicant

Nath

I identify the applicant who has signed before me.

Ok. Singh

Advocate.

Ok. Singh

In the Central Administration Tribunal Allahabad
बअदालत श्रीमान *Uo Gaur* **महोदय**

वादी (मुद्दई)
 मुद्दई (मुद्दालेह)

का



Berij Nath

Union of India

बनाम

प्रतिवादी (रेस्पॉन्डेन्ट)

Registrar T.P.

नं० मुकद्दमा 797

सन 0 पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री *Ak. Shukla*

D. B. Singh

P. K. Srivastava वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही 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 तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (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। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत
 नं० मुकद्दमा
 नाम फरीकान

Ak. Shukla
 5/4/91
 साक्षी (गवाह)

(7-30 PM)

Accepted
P. K. Srivastava
 5/4/91

Berij Nath
 हस्ताक्षर

दिनांक

साक्षी (गवाह)

महीना सन् १९ ई०



24

In the Central Administrative Tribunal
Allahabad Bench.

आभिभावक पत्र (वफालतनामा)

हाईकोर्ट आफ जूडीकेचर, इलाहाबाद

ज० रेज० न० ७९७
O.S. No 348 of 83
Baij Nath

सन १९७६ (T)

वादी प्रतिवादी

अपीलान्ट

बनाम

Union of India & others

वादी प्रतिवादी

रेस्पान्डेन्ट

मैं/हम कि

Baij Nath

S/o Gayal Mishri in the T.T. Shop Loco workshop
Northern Railway Chorbag Lucknow

उपरोक्त प्रकरण में/हम अपनी ओर के पक्ष समर्थन के हेतु

श्री Deepak Singh

एडवोकेट हाईकोर्ट इलाहाबाद

को कानूनी निश्चित शुल्क (मेहनताना) नियत करके अपना अभिभावक वकील (वकील) नियत करता हूँ/करते हैं। वह स्वीकार करता है/करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अजीदाबा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद पत्र पुनर्वलोकन एवं पुनर्नियुक्त प्रार्थना पत्र (दरखास्त) शापथिक कथन (हलफनामा) प्रवर्तन पत्र (दरखवास्त इजराय) मूजघात अपील, निगरोनी इत्यादि हर प्रकार के अन्य प्रार्थना वादि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुश्टीकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्रायधन को अपने हस्ताक्षरी पावती देकर प्राप्त करें हमारी ओर से किसी को यध्य पत्र तथा साक्षी (गवाह) मानें और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावे, छोड़े अथवा समझौता करें तथा मुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना पत्र पर दाखिल करके उसका समर्थन करें अर्थात् प्रकरण में सम्बन्ध रखने वाली कुल कार्यवाही डिप्री भर पाई होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भांति हमको/हमको स्वतः स्वीकार होगी अगर मैं/हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दें तो उनका अधिकार होगा कि वह हमारी ओर से मुकदमा की रीथी न करे। उपरोक्त दशा में सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभावक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

वफालतनामा मन्जूर है

तिथि

माह

सं०

Baij Nath

हस्ताक्षर

हस्ताक्षर

हस्ताक्षर

साक्षी

साक्षी

सैवामे,

(संख्या)

श्रीमान निबन्धक

केन्द्रीय प्रशासनिक न्यायालय
इलाहाबाद

मुकदमा नं०-797/86(T)

बेजनाथ वनाम भारत सरकार

विषय:- लखनऊ ट्रिब्यूनल में ट्रांसफर
हेतु।

for transfer
Lko C.B. on 25/11/89

Mohd. Iqbal
Lko C.B. on 27.12.88
and filed
Main on 25/11/89

✓

सादर अनुरोध है कि मुझे मुकदमा बावत में
बार बार इलाहाबाद आने में असुविधा होती है
और मुकदमे की सही परी सुचारु रूप से नही
कर पा रहा हूँ। वही अब ट्रिब्यूनल लखनऊ
में भी खुल चुका है। अतः लखनऊ में
सही सादर अनुरोध है कि जैसा मुकदमा -
लखनऊ में ट्रांसफर करने की महान
कृपा की जावे।

धन्यवाद

प्राथमिक

बेजनाथ

दि० 27/12/88

दि० नं० 11-38
मिस्त्री टी० टी० सुख
जोका वकिलाप उर्रे
चारबाग लखनऊ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

23-A, Thornhill Road, Allahabad 211 001

15/9/86

No. CAT/Alld/ 9424/86 9426

Dated 15/9/86

In re

Registration No. 797 of 1986 (T)

Bajj Nath

APPLICANT

Versus

Union of India and another

RESPONDENTS

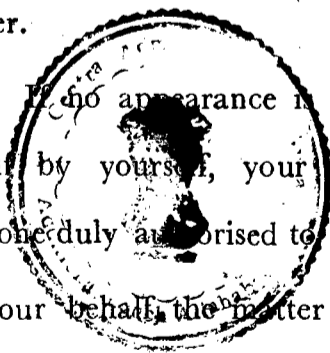
- To
- ① Bajj Nath S/o Gaya Prasad R/o Village Mangalsi Post Mangalsi Tehsil & Distt Faizabad at Present Employed as Miss Misty in the T.T. Shop of the Loco workshop Northern Railway Charbagh Lucknow
 - ② Union of India through General Manager N.R. Baroda House No. 12
 - ③ Deputy Chief Mechanical Engineer (W) N.R. Charbagh 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. No.	348 of 1985
of the Court of	<u>Munsif Lucknow</u>
arising out of the order dated	
passed by	
in	

The Tribunal has fixed the date of 9.10 1986 for the hearing of the matter.

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 4th day of September 1986.

DEPUTY REGISTRAR

Jahmy
4/9

clcl

SL 10024

File
9/1/86

Central Administrative Tribunal MP

व अदालत श्रीमान महोदय

797/86

वादी (मुद्दई)

प्रतिवादी (मुद्दालेह) का वकालतनामा

Pravin Mehta

VS
W. W.

वादी (मुद्दई)

वनाम

प्रतिवादी (मुद्दालेह)

नं० मुकदमा सन् 19 पेशी की ता० 19 ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Ganga Prasad Patel एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिष्ठा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रकृत करेया अन्य कोई लागन दाखिल करे या लाँटा वैया हमारी ओर डेडिमरी जारी करावे और रुपया वसूल करेया सुलहनामा तथा इकबाल दावा तथा आी ल व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करे और तसदीक करे या मुकदमा खतमें या नोई कागजा जमा करे या हमारी या विपक्षा (करीबसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तुनाती) रसीद से लेवेया पंच नियुक्त करे वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी । इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर *आनंद सायन*
6/1/86

साक्षी (गवाह) - - - - -

साक्षी (गवाह) - - - - -

दिनांक - - - - - महीना

Accepted
at
9-x-86

वाम अदालत-
नं० मुकदमा
वा म करिव

सरकारी कार्य हेतु

न्यायालय सी. ए. टी. इलाहाबाद।

रीजि. नं. 6-86 सरू च द (T)

लावन 31 (X)

बैज नाथ
कानूनी

भूमिगत आपर डंडिच आदि

महोदय,

उप शिर्षक वाद में

व्याजगत मामा दायित्व (बिप्रा डा
रहा है) व्याजगत दायित्व व्यभि
क प्रति वाद-पत्र ^{करना} कहुत ही
आवश्यक है।

अतएव निवेदन है कि

प्रतिवाद्-पत्र क व्याजगत

दायित्व व्यभि हेतु एक माह

व्या समय सुदान बिप्रा जावे।

9.10.86

Anil Kumar Advocate
(ए. ए. ए. गोड)
इलाहाबाद ए. ए. ए.

वे अदालत श्री मातृ के-द्वितीय प्रशासनिक-व्याधिमरण खण्डकोट लखनऊ

महोदय

वादी अपीलान्त श्री

वर्णनात् नामा

प्रतिवादी रेस्पान्डेन्ट। अनिमन हाफ इंडिया

24/5

बैजनाथ

बनाम

वादी अपीलान्त।

सं० मुकदमा 797/86 प्रिमियु हाफ इंडिया प्रतिवादी रेस्पान्डेन्ट।
सन् 1984 पेशी की तारीख 1984 ई०

ऊपर मुकदमा में अपनी ओर से श्री राजकुमार शर्मा

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ और लिखे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेशी व जवाब दे ही व प्रश्नोत्तर करे य कोई कामज दाखिल करे या लौटाये या हमारी ओर से डिमरी जारी करावे आर रूपया सबूत करे या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हाजिरी आर हमारे या अपने हस्ताक्षर से दाखिल करे आर तसदीक करे य मुकदमा उठावे या कोई रूपया जमा करे या हमारे विपक्षी प्यरीकसाती का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर मुक्त इस्तफती रसूदी से लेवे का पत्र नियुक्त करे वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है आर होगी इसलिए यह वकालत नाम लिख दिया कि प्रमाण रहे आर समय पर काम आवे ।

हस्ताक्षर.....

साक्षी गवाह.....

दिनांक.....महीना.....सन् 19...ई०

नाम अदालत

सं० मुकदमा

नाम पेशी केन.....बनाम.....

मुकदमा/21488

Accepted
[Signature]

56-25-4-88
100

For Govt. use.

व अदातत श्री मातृ देशीय प्रशासनिक सम्पादन इलाहाबाद
वकील अपीला नट श्री डि.पी. चौधरी मे.के.नकल इ-जि.पि.ए. इलाहाबाद
प्रतिवादी रेस्पान्डेन्ट सु.प.रेलवे लखनऊ
वकील अपीला नट

भारत संघ व अ-च

प्रतिवादी रेस्पान्डेन्ट

Reg

सं० मुकदमा 797 सब 19 86 पेशी की ता० 09.12.1986 ई०

ऊपर मुकदमा में अपनी ओर से श्री

डि.पी. चौधरी इलाहाबाद सु.प.रेलवे लखनऊ
एडवोकेट / वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ

और निवेदित हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब दे ही व प्रजोत्तर करे या कोई कागज दाखिल करे या बौटावे या हमारी ओर से डिमरी जारी करावे और रूपया सबूत करे या मुलहमा गजामा या इक्वात दावा तथा अपील व जिमराजी हाजिरी और हमारे या अपने हस्ताक्षर से दाखिल करे और तबदीक करे या मुकदमा उठावे या कोई रूपया जमा करे या हमारी विपक्षी प्यरीकषाजी का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर प्रकृत दस्तबती रसीद से लेवे उन चीज नियुक्त करें.....
वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकारे है और होगी इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवें।

डि.पी. चौधरी

हस्ताक्षर प्रार मुकदमा नं० 797 सब 19 86
डि.पी. चौधरी मे.के.नकल इ-जि.पि.ए. इलाहाबाद
सु.प.रेलवे लखनऊ

साक्षी गवाह
दिनांक- महीना

नाम अदातत
सं० मुकदमा
नाम फरीदैन नाम

मुफ्त/

11/11 23-8-86-0860